

# Council Meeting Agenda - 26 August 2020

Meeting is held in the Council Chamber, Level 2, Philip Laing House  
144 Rattray Street, Dunedin



## Members:

Cr Andrew Noone, Chairperson	Cr Carmen Hope
Cr Michael Laws, Deputy Chairperson	Cr Gary Kelliher
Cr Hilary Calvert	Cr Kevin Malcolm
Cr Michael Deaker	Cr Gretchen Robertson
Cr Alexa Forbes	Cr Bryan Scott
Hon Cr Marian Hobbs	Cr Kate Wilson

Senior Officer: Sarah Gardner, Chief Executive

Meeting Support: Liz Spector, Committee Secretary

26 August 2020 01:00 PM

## Agenda Topic

## Page

### 1. APOLOGIES

No apologies were received prior to publication of the agenda.

### 2. ATTENDANCE

Staff present will be identified.

### 3. CONFIRMATION OF AGENDA

Note: Any additions must be approved by resolution with an explanation as to why they cannot be delayed until a future meeting.

### 4. CONFLICT OF INTEREST

Members are reminded of the need to stand aside from decision-making when a conflict arises between their role as an elected representative and any private or other external interest they might have.

### 5. PUBLIC FORUM

Members of the public may request to speak to the Council.

- 5.1 Duncan Faulkner representing the Guardians of Lake Dunstan (GoLD) will speak to Councillors about a lake management plan for Lake Dunstan.

### 6. PRESENTATIONS

- 6.1 QE II National Trust Chief Executive Dan Coup and Regional Representative (Coastal Otago) Robin Thomas will present to the Council.

### 7. CONFIRMATION OF MINUTES

The Council will consider minutes of the 12 August 2020 Council Meeting as a true and accurate record, with or without changes.

- 7.1 [Minutes of the 12 August 2020 Council Meeting](#)

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10.1	<b>GOVERNANCE: REVIEW OF ORC DECISION MAKING STRUCTURE</b>	16
	This report is provided to review the ORC committee structure and membership of those committees, as agreed when the decision-making structure was adopted on 13 November 2019. Consideration of a new structure is proposed.	
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10.2	<b>QUEENSTOWN TRANSPORT MODE SHIFT</b>	46
	This report seeks Council endorsement of the proposed Queenstown Lakes Mode Shift Plan - Better Ways to Go.	
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10.3	<b>TRANSFER OF MARITIME RESPONSIBILITIES AND NAVIGATION SAFETY BYLAW</b>	83
	This report seeks approval to transfer maritime responsibilities from Central Otago District Council to Otago Regional Council and adopt proposed amendments to the Otago Regional Council Navigation Safety Bylaw 2019.	
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10.4	<b>ELECTORAL SYSTEM FOR 2022 AND 2025 LOCAL BODY ELECTIONS</b>	145
	This report is provided to fulfil obligations under the Local Electoral Act 2001 and consider voting systems for the 2022 local body elections.	
10.5	<b>ACTION FOR HEALTHY WATERWAYS</b>	150
	This report is provided to give an overview of the new regulations for freshwater management and outline the key implications of the new regulations for the Otago Regional Council.	
10.5.1	Attachment 1: Regulatory Resource Needs to respond to the NES-FW	162
10.6	<b>NPSFM IMPLICATIONS FOR RPS</b>	165
	This report is provided to give Council an overview of the implications the new NPSFM for the RPS programme and to outline implications for the notification timeframes.	
11.	<b>MATTERS FOR NOTING</b>	175

11.1 [SUBMISSION ON PLAN CHANGE 8](#) 175

This report is to inform Council on the Otago Regional Council staff submission lodged on Proposed Plan Change 8 to the Regional Plan: Water for Otago.

11.1.1 [Attachment 1: Submission on ORC Omnibus Plan Change](#) 178

11.2 [RESOURCE MANAGEMENT REVIEW REPORT](#) 185

This report will provide Council with an overview of the outcomes from the Resource Management review.

11.3 [DOCUMENTS SIGNED UNDER COUNCIL SEAL](#) 193

This report informs Council of delegations requiring application of the Council Seal during the period 1 April 2020 through 26 August 2020.

12. REPORT BACK FROM COUNCILLORS

Councillors may update the Council about meetings and events they have attended since the previous Council Meeting.

13. CLOSURE



Minutes of an ordinary meeting of Council held in the  
Council Chamber on  
Wednesday 12 August 2020 at 10:00 am

**Membership**

Cr Andrew Noone	<i>(Chairperson)</i>
Cr Michael Laws	<i>(Deputy Chairperson)</i>
Cr Hilary Calvert	
Cr Alexa Forbes	
Cr Michael Deaker	
Hon Cr Marian Hobbs	
Cr Carmen Hope	
Cr Gary Kelliher	
Cr Kevin Malcolm	
Cr Gretchen Robertson	
Cr Bryan Scott	
Cr Kate Wilson	

**Welcome**

Chairperson Noone welcomed Councillors, members of the public and staff to the meeting at 10 a.m.

*For our future*

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## 1. APOLOGIES

There were no apologies. Cr Calvert was present via audio/video link.

## 2. ATTENDANCE

Sarah Gardner (Chief Executive)  
Nick Donnelly (General Manager Corporate Services and CFO)  
Gavin Palmer (General Manager Operations)  
Richard Saunders (General Manager Regulatory)  
Gwyneth Elsum (General Manager Strategy, Policy & Science)  
Amanda Vercoe (Executive Advisor)  
Liz Spector (via A/V (Committee Secretary)  
link)

Also present were Garry Maloney (Manager Transport), Eleanor Ross (Manager Communications Channels), Ryan Tippet (Media Communications Lead).

## 3. CONFIRMATION OF AGENDA

Chairperson Noone noted that a late paper from Councillor Laws and consideration of creation of a Working Party for COVID-19 funding opportunities would be added to the agenda. Cr Noone asked for a motion to add both items to the agenda.

### Resolution

*That the late paper discussing the draft submission to the Commerce Commission about Aurora rates increases and consideration of a COVID-19 Funding Opportunities Working group be added to the agenda.*

Moved: Cr Noone  
Seconded: Cr Hope  
CARRIED

## 4. CONFLICT OF INTEREST

No conflicts of interest were advised.

## 5. PUBLIC FORUM

Ilka Beekhuis spoke to the Council about placement of bus shelters and their impact on local tourism businesses, specifically, proposed bus stop changes on Macandrew Road. The Councillors had several questions for Ms Beekhuis and then thanked her for her presentation.

## 6. CONFIRMATION OF MINUTES

Cr Kelliher requested that specific detail be included in future minutes where previous minutes were corrected and adopted by resolution.

### Resolution

*That the minutes of the Council meeting held 22 July 2020 be received and confirmed as a true and accurate record.*

Moved: Cr Hope  
Seconded: Cr Laws  
CARRIED

## **7. MATTERS FOR COUNCIL DECISION**

### **7.1. Hearing Panel Recommendation on Interim Trial Simplified Dunedin Fares Consultation**

Garry Maloney (Manager Transport) and Dr Gavin Palmer (GM Operations) were available to speak to the report. Councillors had several questions related to the potential revenue shortfall caused by the proposed reduction in fares during the trial period. Dr Palmer noted the shortfall would be approximately \$9,000 per month, being a relatively minor portion of usual fare revenue received, and that the primary driver for the change was to minimise the implementation risk of the new tag on/tag off system.

Cr Hobbs said she understood Dunedin City Councillors had indicated their willingness to contribute financially to reduce bus fares for the community and asked if Mr Maloney was working with DCC towards this end. He stated he was. Cr Forbes mentioned the email that had been sent from Dunedin Mayor Aaron Hawkins the previous evening which indicated he still had concerns with the plan proposals. He said he felt the hearings panel's recommendations didn't go far enough towards reducing fares for the most vulnerable residents, children and people with disabilities. Cr Noone said he had spoken with Mayor Hawkins who said DCC was keen to continue a move towards a cross-subsidy role on bus fares, but wanted to resolve some of these issues first. Cr Noone said the commitment from the City was there and will remain.

Cr Hope said she had some concerns over how the tag off penalty would be communicated to the public, and why the penalty would be \$3. Mr Maloney said details of the changes would be included in printed FAQs and posted to the website. He said staff were being as transparent as possible to ensure the changes were being clearly communicated. Cr Forbes suggested the tag off penalty be posted inside buses as an additional reminder to patrons.

Cr Malcolm noted that the trial was set up to simplify implementation of the new ticketing system and was not intended to be the final result. He said there will be options provided for consideration after the trial period.

Cr Forbes said the hearings panel made a recommendation they felt best addressed the concerns of submitters and that she wants assurance ORC will work with DCC on bus fare issues, at both staff and political levels. Cr Calvert said it will be important to know what DCC thinks of the outcome and what they would like to happen. She suggested the process should include DCC at an appropriate time, prior to making any final decisions.

Cr Noone said Mayor Hawkins noted in their conversation that the City has mandated making public transport more affordable and although Mayor Hawkins said he did not have the ability to deal with some of his concerns currently, he will go back to the Dunedin City Council for approval.

There were no further questions and Cr Noone moved the staff recommendation.

### **Resolution**

*That the Council:*

- 1) **Receives** this report.
- 2) **Approves** the Hearings Panel recommendation that:
  - a. The proposed Dunedin flat fare system be introduced;
  - b. The Dunedin fare for children be lowered to \$1.20; and
  - c. The charge for forgetting to tag-off in Dunedin be reduced to \$3.00.
- 3) **Requests** staff prepare a further report to enable Council to further consider options for what happens following the end of the trial.

Moved: Cr Noone

Seconded: Cr Forbes

CARRIED

### **7.2. Submission to Commerce Commission on Aurora Energy Proposal**

*At its May 2020 Council Meeting, Council approved a resolution that Cr Laws draft a submission to the Commerce Commission on an Aurora proposal to increase regional electricity supply prices between 16% and 23%. Cr Laws submitted his draft proposal to the Councillors for approval via email for discussion and approval at this meeting.*

Cr Laws noted the final consultation workshop on the Aurora proposal was held in Cromwell the previous day. The Councilors reviewed the draft submission and Cr Deaker suggested some additional wording be added to indicate the submission was a request, rather than a statement. Cr Forbes expressed concern that the submission was merely opinion and wondered that staff should be given the opportunity to provide input and add details. Cr Laws said this was merely an initial submission to get the Council into the consultation process which was due by 17 August. He said the Commerce Commission will generate a particular view after reviewing all submissions and then come back to the submitters. He indicated there would be time to write an additional submission.

There was no further discussion and Cr Noone put the motion.

### **Resolution**

*That the Council:*

- 1) **Approves** the submission to the Commerce Commission on the Aurora Proposal to Increase Regional electricity supply prices.

Moved: Cr Laws

Seconded: Cr Kelliher

CARRIED

Cr Noone requested his abstention be recorded in the minutes.

Cr Hobbs requested her abstention be recorded in the minutes.

### **7.3. Working Party for COVID-19 Funding Opportunities**

Chairperson Noone introduced the second late item, which was a request to create a COVID-19 Recovery/Jobs for Nature working party and to appoint Councillors to the group. Cr Scott moved that Cr Robertson, Cr Wilson, Cr Forbes and himself be nominated as members of the group.



## Outstanding Actions from Resolutions of the Council Meeting

REPORT TITLE	MEETING DATE	RESOLUTION	STATUS	UPDATE
9.1 Decision Making Structure	13 Nov 2019	That a review of the committee structure including membership be reviewed at 6-months.	COMPLETE – Governance	Report on 26 August Council agenda for decision.
10.3 Ratifying Otago Local Authorities Triennial Agmt	29 January 2020	That issues for potential consideration by the Mayoral Forum be considered at the next Strategy and Planning meeting.	IN PROGRESS – Governance	Report will be included in an upcoming Strategy and Planning Committee Agenda.
GOV1921 COVID-19 Recovery Framework	27 May 2020	Develop a structure that sits below Council with iwi and governors from each ward to work on strategic priorities.	IN PROGRESS – Operations	COVID-19 Recovery/Jobs for Nature Working Group established on 12 August 2020. Terms of Reference being developed and will be brought to Council for approval.
OPS1006 February 2020 Flood Recovery - Progress and Estimated Costs	27 May 2020	Develop options for addressing flood scheme reserve deficits, including use of the ORC Emergency Response Fund and the Kuriwao Fund for consideration by Council.	ASSIGNED – Operations	Update: Awaiting formal, direct advice from government on ORC's applications for funding contribution.
Notice of Motion - Commerce Commission	27 May 2020	Cr Laws to prepare a submission to the Commerce Commission on the proposal by Aurora Energy to	COMPLETE – Cr Laws	Update: The submission was approved at the 12 August Council Meeting and

Submission on Aurora Energy price increase		increase regional electricity supply prices between 16% and 23% and circulate draft to Councillors prior to submission.		submitted to the Commerce Commission on 17 August.
PWC Strategic Asset Review	24 June 2020	Cr Malcolm to alert the Port Otago Board Chair of ORC desire to discuss various ownership strategies between Port Otago and ORC in the near future.	COMPLETE – Cr Malcolm	Update: Port Otago Board attended Finance Committee meeting on 24 June 2020 and current position and strategies were discussed.
Procurement Policy Update	24 June 2020	Circulate the updated Procurement Policy post edits discussed at the meeting.	COMPLETE – Nick Donnelly, Corporate Services	Emailed to Councillors.
Port Otago Director appointment	24 June 2020 (PE meeting)	The Chief Executive produce a policy covering governance appointments within the next two months.	IN PROGRESS – Governance	Guidelines almost complete. Will be brought to Council for consideration on 30 September 2020.
Hearings Panel recommendations on interim trial simplified bus fares	12 August 2020	Produce a report to enable Council to further consider options for what happens following the end of the simplified bus fare trial.	ASSIGNED – Operations (Transport)	

### 9.1. Chairperson's Report

**Prepared for:** Council

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**Activity:** Governance Report

**Author:** Andrew Noone, Chairperson

**Date:** 20 August 2020

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#### OTAGO MAYORAL FORUM

- [1] Eugenie Sage, Minister for Conservation and Associate Minister for the Environment, addressed the Forum regarding waste. She encouraged Councils to work together on waste infrastructure and suggested joint applications to the Waste Minimisation Fund would be viewed favourably.
- [2] The Mayoral Forum also met via Zoom in response to government announcements on Three Waters stimulus funding. It was noted regions need to agree by the end of September 2020 how to distribute the regional component of the stimulus funding. The current view is that a portion of the funding could be used to support a coordinated response to the reforms, with the remainder distributed to districts using the government's population/area-based formula.

#### MEETINGS HELD

- [3] Treaty Partners, with Edward Ellison – statutory responsibilities/protocols
- [4] Queenstown Lakes District Council, with Cr Forbes and Cr Wilson – Regional Passenger Transport Plan review and general discussion
- [5] Waitaki District Council, with Cr Forbes, Cr Malcolm and Cr Wilson – Regional Passenger Transport Plan review and general discussion.
- [6] Cr Forbes and I met with members of the Friends of Lake Hayes, then separately with representatives from the Wakatipu and Central Otago Wilding Conifer Control Group.
- [7] I attended a number of community meetings focused on Plan Change 8, the National Policy Statement for Freshwater Management and National Environmental Standards for Freshwater Management in Tapanui, Balclutha and Clinton.
- [8] I met with the Central Otago Environmental Society in Oturehua.
- [9] I had a guided tour of the lower reaches of the Mātukituki River with Chris Arbuckle (Aspiring Environmental) and Randall Aspinall (Wanaka Catchment Group/Mt Aspiring Station).
- [10] I met with Ian Hadland, CEO of Fish & Game.

#### UPCOMING SCHEDULED MEETINGS

- [11] Mana to Mana, 31 August 2020
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[12] Regional Sector Group, 28 August 2020

[13] Dunedin City Council, Regional Passenger Transport Review, 8 September 2020

[14] Mayoral Forum, 25 September 2020

#### **UPCOMING MEETINGS TO BE SCHEDULED**

[15] Forest & Bird

[16] Chamber of Commerce

[17] Guardians of Lake Wanaka

[18] Disabled Persons Assembly

[19] Federated Farmers

#### **RECOMMENDATION**

*That the Council:*

1) ***Receives this report.***



## 9.2. Chief Executive's Report

**Prepared for:** Council  
**Activity:** Governance Report  
**Author:** Sarah Gardner, Chief Executive  
**Date:** 21 August 2020

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### KEY MEETINGS ATTENDED

- [1] 24 July – Catch-up meeting with Chair Andrew Noone and Cr Hilary Calvert
  - [2] 28 July – Meeting on update of Strategic Directions
  - [3] 29 July – Government Three Waters Workshop held at the DCC
  - [4] 31 July – Otago Mayoral Forum, and Joint Committee meeting attended by Minister Eugenie Sage and Sarah Stuart-Black
  - [5] 5 August – CEEF Forum
  - [6] 5 August – Phone meeting with Barbara McKerrow, Chief Executive of Wellington City Council
  - [7] 7 August – Catch-up meeting with Chair Andrew Noone and Cr Hilary Calvert
  - [8] 7 August – Meeting with Chair Andrew Noone, Cr Gretchen Robertson, Cr Michael Laws and staff to discuss the Governance Structure Review
  - [9] 7 August – Pre-Council catch-up meeting with Chair Andrew Noone
  - [10] 11 August – Meeting on Three Waters: regional approach
  - [11] 12 August – Councillor/CE alone time, Council meeting, Workshops
  - [12] 13 August – LTP current state briefings (workshop 1)
  - [13] 17 August – Joint Committee meeting
  - [14] 17 August – Initial meeting of Otago Regional Leadership Group (an amalgamation of CEG and Joint Committee members)
  - [15] 18 August – Catch-up meeting with Andrew Rodwell from North Otago Irrigation Company
  - [16] 18 August – Meet and greet CEO of FieldForce4
  - [17] 19 August – LTP current state briefings (workshop 2)
  - [18] 20 August – PSA bargaining
  - [19] 20 August – Meeting with Decipher Group
  - [20] 21 August – Catch-up meeting with Ravensdown
  - [21] 21 August – Meeting with Otago CEO's: Recovery Stats Tracker
  - [22] 21 August – Otago & Southland Mayoral Forums: Three waters
  - [23] 24 August – Meeting with Cr Hilary Calvert, Andrew Douglas and Nick Donnelly re the Audit & Risk agenda
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- [24] 24 August – Chair’s pre-Council catch-up
- [25] 25 August – Update on Southern Lakes Sanctuary Project

## **RECOMMENDATION**

*That the Council:*

- 1) **Receives this report.**

## **DISCUSSION**

### **COVID-19 Response**

- [26] The resurgence of COVID-19 in the Auckland community saw Otago back in Level 2 restrictions. For Otago Regional Council this has increased the amount of work required by Emergency Management Otago on the pandemic as they exercise a watching brief. Level 2 measures mean that operationally 50% of Council staff are working from home, restrictions on travel, and restrictions on bringing external contacts into our buildings for meetings.
- [27] Given the previous lockdown, Council is well prepared, and our staff are able to work from home. Mask wearing has been the added complexity inside the organisation and Council has issued masks to those who cannot effectively socially distance while carrying out their duties, e.g. our Customer Experience Team.
- [28] A Joint Committee meeting of the Emergency Management Otago Group Mayors and Chair was held on 17 August to assist with planning in the event that COVID-19 is transmitted through communities locally and we change alert levels. The Committee decided to appoint four Group Controllers to augment the Group Controllers and alternates available for delivering Council’s Emergency Management responsibilities. Those Controllers are Matthew Alley, acting Director Emergency Management Otago, who will be the lead Controller for the group, Gavin Palmer, Steve Rushbrook and myself. Taking this action now will ensure we are well organised in the event we need to go back to Level 3 or higher and ramp up our response. Foreign national welfare issues are no longer our responsibility and are being managed in the Queenstown Community with the assistance of the Department of Internal Affairs.
- [29] The Regional Liaison Group has also been stood up for Otago. This group is comprised of the Joint Committee Chair, Chair of the Mayoral Forum, emergency service representatives, Jason Tibble of the Ministry of Social Development, iwi partners and me. It is intended to support the Government’s Caring for Communities programme during COVID-19.
- [30] Weekly briefings for the various groups are planned over coming weeks.

### **Three Waters**

- [31] Work continues on the Otago/Southland approach to three waters. Presently much of this is around the decisions of individual territorial authorities to take up or not recent government opportunities for funding infrastructure improvement.

- [32] In addition, the Otago/Southland Mayoral Forums and Chief Executives are working to design a structure and arrangements for responding to reform in a collaborative manner that is supported by strategic and technical advice.
- [33] Separately I have now been appointed to sit on the Three Waters Reform Steering Committee for Local Government that is working directly with the Department of Internal Affairs to progress the co design of three waters for New Zealand.

**ATTACHMENTS**

Nil

### 10.1. Governance: Review of ORC Decision Making Structure

**Prepared for:** Council  
**Report No.** GOV1918  
**Activity:** Governance Report  
**Author:** Amanda Vercoe, Executive Advisor  
**Endorsed by:** Cr Andrew Noone, Chairperson  
**Date:** 21 August 2020

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#### PURPOSE

- [1] To review the ORC committee structure and membership of those committees, as agreed when the decision-making structure was adopted on 13 November 2019.

#### EXECUTIVE SUMMARY

- [2] Following local body elections in October 2019, the Otago Regional Council adopted a decision-making structure for the 2019-2022 triennium and agreed to review it within six months.
- [3] Following workshop discussions between May and August 2020, this paper recommends changes to that structure to promote efficiency and effectiveness of its committees and associated memberships.
- [4] A schedule of council meetings for the remainder of 2020 and 2021 has also been prepared for consideration.

#### RECOMMENDATION

*That the Council:*

- 1) **Receives** this report.
- 2) **Agrees** to establish the following Committees: State of the Environment/Data and Information, Implementation, and Governance, Communications and Engagement.
- 3) **Agrees** to disestablish the Infrastructure Committee.
- 4) **Agrees** to appoint Cr Michael Deaker as an alternate representative to the Joint Transport Committee.
- 5) **Agrees** that in the interests of maintaining flexibility, rather than setting out specific portfolios to be filled, councillors will continue to be engaged for specific roles in areas of interest and expertise, as needs and opportunities arise.
- 6) **Agrees** to disestablish the Portfolio Action Working Group as a result of recommendation 5.
- 7) **Agrees** to disestablish the Communications Working Group based on having a Committee for Governance, Communications and Engagement.
- 8) **Notes** the agreed freshwater management unit and rohe liaisons will slot into the governance process for the Land and Water Regional Plan.
- 9) **Agrees** to add Councillors Alexa Forbes and Carmen Hope to Mana to Mana membership.
- 10) **Agrees** to appoint Councillor Michael Deaker to the Tertiary Precinct Planning Group.
- 11) **Agrees** to appoint Councillor Kate Wilson to the Dunedin Tracks Network Trust

- 12) **Agrees** to adopt the updated *Terms of Reference for the new committee structure, outlined in the attached "Committee Structure, Membership Representation" booklet.*
- 13) **Agrees** to adopt the attached *Schedule of Council and Committee Meetings 2020/21.*

## BACKGROUND

- [5] The Local Government Act 2002 gives local authorities the power to appoint committees, subcommittees and other subordinate decision-making bodies that it considers appropriate (Section 30, Schedule 7). At its meeting on 13 November 2019, the Council adopted a decision-making structure and agreed to review it within six months.

## DISCUSSION

- [6] Since adopting its committee structure at the start of the triennium, subsequent amendments have included:
  - a. establishing a delegation for appointments and objections to any two of the Chairpersons on the Regulatory Committee and the General Manager Regulatory, nullifying the need for the Subcommittee on Commissioner Appointments and Objections,
  - b. establishing a Communications Working Party, a Catchments Working Group, a COVID-19 Recovery/Jobs for Nature Working Group and,
  - c. establishing a Port Liaison Working Group.

### Committee structure

- [7] The first nine months of the triennium have seen considerable activity, dominated by water planning matters (three plan changes) in response to Minister Parker's S24A investigation recommendations, annual plan preparations and the review of the Regional Policy Statement. Much of this activity has taken place in **Council** meetings, for efficiency purposes (decisions made by Committees need to be endorsed by Council, despite being committees of the whole). While it was anticipated that Council would meet monthly, due to the volume of work and deadlines set by Minister Parker, fortnightly Council meetings have been the norm since the start of the year.
- [8] Bi-monthly **Strategy and Planning Committee** meetings have focused on ORC's Strategic Direction, Regional Policy Statement review, and Otago's air quality. The Committee adopted an overall process for the development of the Land and Water Regional Plan. The Committee is benefitting from the membership of Mr Edward Ellison and Dr Lyn Carter.
- [9] Quarterly **Finance Committee** meetings have focused on the 20/21 annual plan process, Port Otago matters, and regular financial and activity reporting. The Audit and Risk Subcommittee has established its forward work programme and has completed the appointment of an independent member. The **Regulatory Committee** has committed to a forward programme of work, and the **Employment Committee** met in June to undertake the performance review of the Chief Executive.

### New committees

- [10] The quarterly **Infrastructure Committee** has proven narrow in its scope and terms of reference, and meetings have not necessarily coincided with the need for governance decisions in these spaces. This has resulted in issues being diverted straight to Council

(most recently in the case of February flooding cost updates in May and the transfer of building functions to Environment Canterbury in April). Agendas for these committees have subsequently been light. Councillors have also expressed a will to see more science, data and information presented to council, from across the organisation's functions.

- [11] As a result, the new structure proposes adding a **State of the Environment Committee/Data and Information Committee**, and an **Implementation Committee**, and disestablishing the Infrastructure Committee.
- [12] The **State of the Environment Committee/Data and Information Committee** would receive data, information and analysis from across the ORC's business, including environmental, economic, cultural and social and would refer issues to other committees if required.
- [13] The **Implementation Committee** would monitor and oversee what the ORC delivers and how we deliver against existing strategies and plans, alongside our non-regulatory programme of work.
- [14] The existing terms of reference for the Infrastructure Committee have been distributed across the new committees, and reference to ORC's climate change work programme has been highlighted within each committee so that the work is visible.
- [15] The new structure also proposes establishing a formal **Governance, Communications and Engagement Committee** to take the place of the more informal Communications Working Party. This committee would monitor and oversee governance, communications and engagement activity at strategic level.

#### *Portfolio structure*

- [16] The portfolio list adopted in November 2019 was initially structured around the programme of upcoming National Policy Statements and other predicted priority work. In practice, different work priorities have arisen, and councillors have focussed on their areas of interest and expertise and become involved in specific council initiatives and working groups. Examples include the Catchments Working Group, the Regional Policy Reference Groups, the Strategic Directions working group, biosecurity work, the Communications Working Party, attendance at Field Days, judging the Ballance Farm Awards and attendance at conferences.
- [17] To maintain this flexibility and responsiveness for the remainder of the triennium, it is proposed to move away from setting out specific portfolios to be filled and instead continue to seek councillor engagement on specific areas of work as they arise, for the purposes of championing the issues around the council table, engaging with the community and providing governance input.
- [18] As a result, it is proposed that the portfolios and the Portfolio Action Working Group be disestablished.

#### *Freshwater Management and rohe liaisons*

- [19] The governance model adopted on 27 May 2020 for the development of the Land and Water Regional Plan includes two councillors permanently on the LWRP Governance

Group, and two rotating councillors as nominated Freshwater Management Unit liaisons. The nominated FMU liaisons from the initial Council decision-making structure have been updated in the attached Committee Structure, Membership and Representation booklet. These councillors will slot into the agreed process, as and when the rohe come up for review.

#### *Council Appointments as Representatives*

- [20] It is proposed to expand the membership of Mana to Mana to include Councillor Alexa Forbes and Councillor Carmen Hope.
- [21] It is proposed to nominate Councillor Michael Deaker to the Tertiary Precinct Planning Group. This group includes DCC Councillors, and a range of staff from DCC, Otago University, Otago Polytech, the Southern District Health Board and the Otago Museum. Cr Deaker was the ORC's representative from the last triennium.
- [22] It is proposed to nominate Councillor Kate Wilson to the Dunedin Tracks Network Trust, which is focussed on developing a "world class network of tracks for Dunedin".

#### **Schedule of Council and Committee meetings – 2020/2021**

- [23] A proposed schedule of council and committee meetings has also been attached for consideration and adoption, based on the proposed committee structure.
- [24] The schedule proposes a four-week meeting cycle, with a workshop day allocated after each council/committee meeting day, to allow more time for consideration and discussion of issues.
- [25] As agreed in November 2019, a meeting in each ward once a year has been scheduled (noting that planned meetings for Queenstown and Oamaru in 2020 were thwarted by COVID).

#### **OPTIONS**

- [26] It is up to Council to agree to its own decision-making structure. Options including keeping the status-quo, adopting the recommended changes as discussed above, or adopting alternative changes to the decision-making structure as per any motions that may be tabled. Ultimately having a streamlined, efficient council decision-making structure is in the best interests of councillors, and members of the public.

#### **CONSIDERATIONS**

##### **Policy Considerations**

- [27] The proposed operating model for the committee structure does not match the organisational structure of the ORC. While the organisation will adapt, it may take a bit of time.

##### **Financial Considerations**

- [28] There are financial implications for making changes to the committee structure. Two additional formal committees will mean more advertising costs, and more staff costs in terms of preparing more papers and servicing the committees in terms of agendas and minutes.

**Significance and Engagement**

[29] Nil

**Legislative Considerations**

[30] The changes proposed remain within the Local Government Act 2002.

**Risk Considerations**

[31] As discussed above in the policy considerations.

**NEXT STEPS**

[32] The next steps are to implement any changes agreed by council.

**ATTACHMENTS**

1. UNCONFIRMED Committee Structure Membership and Representation 2019 2022 20 August 2020 [**10.1.1** - 24 pages]
2. Unconfirmed 2020.2021 Council Calendar - 19 August 2020 [**10.1.2** - 1 page]



Last updated 20 August 2020



# **Committee Structure, Membership and Representation**

**2019 - 2022 Triennium**

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## Otago Regional Council Committee Memberships

<b>Finance Committee</b>	<b>Strategy and Planning Committee</b>	<b>State of the Environment / Data and Information Committee</b>
Cr Hilary Calvert: Co-Chair Cr Kevin Malcolm: Co-Chair All Councillors	Cr Gretchen Robertson: Co-Chair Cr Kate Wilson: Co-Chair All Councillors Iwi representatives: Mr Edward Ellison Dr Lyn Carter	Cr Alexa Forbes: Co-Chair Hon Marian Hobbs: Co-Chair All Councillors

<b>Regulatory Committee</b>	<b>Implementation Committee</b>	<b>Governance, Communications and Engagement Committee</b>
Cr Gary Kelliher: Co-Chair Cr Andrew Noone: Co-Chair All Councillors	Cr Bryan Scott: Co-Chair Cr Carmen Hope: Co-Chair All Councillors	Cr Michael Laws: Co-Chair Cr Michael Deaker: Co-Chair All Councillors

<b>Audit and Risk Subcommittee (of Finance Committee)</b>	<b>Chief Executive Performance Review Committee</b>
Cr Hilary Calvert (Chair) Cr Kevin Malcolm Cr Andrew Noone Cr Kate Wilson Mr Andrew Douglas	Cr Andrew Noone (Chair) Cr Michael Deaker Cr Alexa Forbes Hon Marian Hobbs

<b>Regional Transport Committee</b>	<b>Otago Civil Defence and Emergency Management Group Joint Committee</b>
Cr Alexa Forbes (Chair) Cr Kate Wilson (Deputy Chair) Cr Jim O'Malley (DCC) Cr Bruce Graham (CDC) Cr Stuart Duncan (CODC) Cr Quentin Smith (QLDC) Cr Guy Percival (WDC) Jim Harland (NZTA)  Alternates: Cr David Benson-Pope (DCC) Graeme Hall (NZTA) Cr Bill Kingam (WDC) Cr Michael Deaker (ORC)	Cr Andrew Noone (Deputy Chair) Otago Region Mayors

## Terms of Reference 2019-2022

### Finance Committee

#### Purpose

To guide and monitor the Council's financial, commercial and administrative affairs, including the Port shareholding and operational performance, Long Term Plan, Annual Plans and implementation of the Local Government Act 2002.

#### Reporting

The Finance Committee reports to Council.

#### Membership

Co-Chair – Cr Hilary Calvert

Co-Chair – Cr Kevin Malcolm

The Finance Committee shall have a membership of all elected Councillors.

A quorum of the Finance Committee shall be six members.

The Chief Executive and General Manager Corporate Services are to attend meetings.

#### Meetings

The Finance Committee will have ordinary meetings at quarterly intervals and will otherwise meet as required. When preparing business items for an agenda the General Manager Corporate Services should consult the Co-Chairs.

#### Key Responsibilities

The Finance Committee has the following key responsibilities:

- Monitor and review Council's operational performance against the agreed levels of service and target measures outlined in the Long-Term and Annual Plans
- Review quarterly and annual financial statements including the statement of comprehensive income, balance sheet and treasury report
- Oversee the Long Term and Annual Plan process including consultation and hearings and make recommendations to Council for adoption
- Oversee all financial policies including the Financial Strategy and Revenue and Financing Policy
- Review and make recommendation on rates, fees, charges, royalties and rentals
- Review the Statement of Corporate Intent and receive the six month and annual reports of Port Otago Limited
- Review and make recommendations concerning any commercial activities, trading activities or investments held by the Council
- Maintain an overview of Councils assets, leases and financial reserves
- Maintain oversight of Council's financial risk and management of that risk
- Endorse submission in relation to the Local Government Act 2002.

#### Delegations

The Finance and Committee shall have the following delegations:

- To award or approve contracts and tenders in excess of staff delegations and to a maximum of \$2million.

- To approve the Draft Annual Plan-and Draft Long-Term Plan and associated policies, and to conduct all consultation and hearings with the public concerning them.
- To consider matters of financial impact other than as provided for in the Annual Plan.
- To endorse submissions in relation to the Local Government Act 2002.
- The Finance Committee shall carry out any other function or duty delegated to it by the Council.
- The Finance Committee may appoint subcommittees or working parties as appropriate provided they are limited to a time duration consistent with performance of their specified tasks.

**Way of working**

Issues for decision, and information for noting will generally be presented in papers.

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## Strategy and Planning Committee

### Purpose

Assist the Council set the organisation's mission, vision and strategic direction (the 'strategic plan'). Monitor performance against the strategic plan. Develop and recommend to Council strategies, policies and plans that enable the ORC to deliver on its strategic plan and its legislative requirements. Assess the effectiveness of strategies, policies and plans.

### Reporting

The Strategy & Planning Committee reports to the Council.

### Membership

Co-Chair - Cr Gretchen Robertson

Co-Chair - Cr Kate Wilson

The Strategy & Planning Committee shall have a membership of all elected Councillors plus two Iwi representatives with full voting rights.

A quorum of the Strategy & Planning Committee shall be eight members.

### Meetings

The Strategy & Planning Committee will have:

- Meetings twice a quarter;
- Three to five half day workshops per annum; and
- Other meetings or workshops as required.

When preparing business items for an agenda the General Manager Strategy, Policy and Science should consult the Co-Chairs.

### Key Responsibilities

The Strategy & Planning Committee will:

- Periodically review and make recommendations to Council in relation to ORC's mission, vision, strategic initiatives, major programmes and services
- Review the strategic plan and recommend updates as needed based on changes in the ORC's external operating environment
- Monitor and report on the organisation's performance against its strategic plan
- Identify critical strategic issues facing the organisation and make recommendations on options to address these
- Provide policy guidance and direction in respect of the preparation or amendment of **any** strategies, policies and plans over which it has oversight (*list includes, but is not limited to, Resource Management Act Plans, the Regional Passenger Transport Plan, the Pest Plan etc*)
- Have oversight of ORC's programme of work on **climate change**, including adaptation and mitigation and provide guidance on programme direction
- Periodically review and make recommendations to Council in relation to strategies, policies and plans for specific ORC's functions particularly those that arise from legislative requirements
- Make submissions to other authorities and government
- Monitor and report on the effectiveness of ORC's strategies, policies and plans
- Maintain oversight of risks associated with strategy and planning functions
- Receive updates of progress on the above.

**Delegations**

- The Strategy & Planning Committee has delegations from the Council to make submissions and representations on matters within its statement of purpose on Otago councils' district plans and neighbouring councils' regional plans to ensure consistency.
- The Strategy & Planning Committee may, where consistent with all relevant statutes, approve public consultation and call for submissions on this Council's draft, proposed, and indicative policies, plans and strategies. This delegation does not include formal notification of Council's proposed plans.
- The Strategy & Planning Committee may endorse submissions or appeals concerning district planning and consents within Otago; submissions on legislation and regulations (including submissions to Parliamentary Select Committees), and submissions on crown agency and parliamentary discussion documents.
- The Strategy and Planning Committee shall carry out any other function or duty delegated to it by the Council.
- The Strategy and Planning Committee may appoint subcommittees or working parties as appropriate provided they are limited to a time duration consistent with performance of their specified tasks.

**Way of working**

Issues for decision, and information for noting will generally be presented in papers. Presentations will also be used. Workshops will be used to provide input in development of policies, plans and strategies.

## Regulatory Committee

### Purpose

To oversee Council's consenting and compliance functions under the Resource Management Act, Biosecurity Act and Building Act, as well as any functions carried out by the Harbourmaster.

### Reporting

The Regulatory Committee reports to the Council.

### Membership

Co-Chair – Cr Gary Kelliher  
Co-Chair - Cr Andrew Noone

The Regulatory Committee shall have a membership of all elected Councillors.

A quorum of the Regulatory Committee shall be six members.

### Meetings

The Regulatory Committee will have ordinary meetings at quarterly intervals and will otherwise meet as required. When preparing business items for an agenda the General Manager Regulatory should consult the Co-Chairs.

### Key Responsibilities

The Regulatory Committee shall take an overview of and report on:

- Consents processes, including RMA, Building Act and Bylaws
- The monitoring of compliance with council issued consents, and any follow up actions or enforcement action required
- The monitoring of compliance with council's plans, and any follow up actions or enforcement action required
- The effectiveness of council plans in meeting Council objectives and associated recommendations to Council
- Changes in council's external operating environment which will affect the delivery of consenting and compliance functions
- The delivery of the Harbourmaster functions and associated Navigational Safety Bylaw;
- The monitoring of compliance and enforcement activity under **any** Act and any follow up actions required
- Risks associated with council delivering its consenting and compliance functions, and harbourmaster functions.

### Delegations

- The Regulatory Committee may recommend to Council the approval of functional strategies, project concepts and implementation plans.
- The Regulatory Committee may appoint subcommittees or working parties as appropriate provided they are limited to a time duration consistent with performance of their specified tasks.
- The Regulatory Committee shall carry out any other function or duty delegated to it by the Council.

### Way of working

Issues for decision, and information for noting will generally be presented in papers.



## State of Environment /Data and Information Committee

**Purpose:** To receive data, information and analysis on environmental, economic, cultural and social matters pertaining to ORC's functions. Refer issues to other committees, if required.

### Reporting

The State of the Environment / Data and Information Committee reports to Council

### Membership

Hon Marian Hobbs - Co-Chair

Cr Alexa Forbes – Co-Chair

The State of the Environment /Data and Information Committee shall have a membership of all elected Councillors.

A quorum of the State of the Environment /Data and Information Committee shall be six members.

### Meetings

The State of the Environment / Data and Information Committee will have ordinary meetings at quarterly intervals and will otherwise meet as required. When preparing business items for an agenda the General Manager Strategy, Policy and Science should consult the Co-Chairs.

### Key responsibilities

- Oversight of the environmental monitoring programme to ensure it supports ORC's strategies, policies and plans
- Oversight of the development and implementation of the environmental monitoring network
- Oversight of the data governance and systems
- Oversight of the development of analysis that informs the development of ORC's strategies, policies and plans
- Oversight of the development of evidence that informs the development of ORC's strategies, policies and plans
- Review of the State of the Environment monitoring, analysis and reporting
- Receive data, information and analysis on Otago's natural and built environment
- Receive economic data, information and analysis
- Receive social and cultural data, information and analysis
- Receive information, data and science on natural hazards and **climate change**
- Identification of natural hazard risks in Otago and key future drivers in managing them (e.g. land use change and **climate change**).

### Delegations

- Receive information, presentations and reports.

### Way of Working

Information presented to the Committee will be a mix of presentations, papers and guest speakers.

## Implementation Committee

### Purpose

To monitor and oversee what the ORC delivers, and how we deliver against existing strategies and plans, alongside our non-regulatory programme of work.

### Reporting

The Implementation Committee reports to Council.

### Membership

Cr Bryan Scott - Co-Chair

Cr Carmen Hope - Co-Chair

The Implementation Committee shall have a membership of all elected Councillors.

A quorum of the Implementation Committee shall be six members.

### Meetings

The Implementation Committee will have ordinary meetings at quarterly intervals and will otherwise meet as required. When preparing business items for an agenda the General Manager Operations should consult the Co-Chairs.

### Key Responsibilities

The Implementation Committee will receive updates on, and have oversight on the following matters:

- All non-regulatory implementation activities, including (but not limited to):
  - ORC work with catchment groups
  - Biodiversity strategy implementation
  - Biosecurity strategy/operational plan implementation (rabbits, etc)
  - Air Strategy implementation
- Provision of transport services
- The development and delivery of programmes for managing natural hazards risks
- The establishment and review of levels of service for waterway management, flood control and land drainage
- Monitoring the condition and performance of council's river management, flood control and land drainage schemes
- Assisting in developing programmes for improving the condition and performance of council's river management, flood control and land drainage schemes and reducing service delivery risks
- Monitoring the effectiveness and reliability of natural hazards monitoring and warning systems and processes
- The ECO Fund

### Delegations

- The Implementation Committee may appoint subcommittees or working parties as appropriate provided they are limited to a time duration consistent with performance of their specified tasks.
- The Implementation Committee shall carry out any other function or duty delegated to it by the Council.

### Way of Working

Information presented to the Committee will be a mix of presentations, staff report backs and some papers.

## **Governance, Communications and Engagement Committee**

### **Purpose**

To monitor and oversee governance, communications and engagement at the Council.

### **Reporting**

The Governance, Communications and Engagement Committee reports to Council.

### **Membership**

Cr Michael Laws: Co- Chair

Cr Michael Deaker: Co-Chair

The Governance, Communications and Engagement shall have a membership of all elected Councillors.

A quorum of the Governance, Communications and Engagement Committee shall be six members.

### **Meetings**

The Governance, Communications and Engagement Committee will have ordinary meetings at quarterly intervals and will otherwise meet as required. When preparing business items for an agenda the Executive Advisor should consult the Co-Chairs.

### **Key Responsibilities**

The Governance, Communications and Engagement Committee will:

- Overview and provide strategic support to the Council's public and stakeholder engagement
- Community engagement on natural hazards risks and council's river management programme, flood control and land drainage schemes
- Support elected members in their roles
- Overview Rural Liaison/Urban Liaison/Youth engagement activities
- Consider any governance matters, including Standing Orders, Code of Conduct, Remuneration and Allowance, Committee Structure

### **Delegations**

- The Governance, Communications and Engagement Committee may appoint subcommittees or working parties as appropriate provided they are limited to a time duration consistent with performance of their specified tasks.
- The Governance, Communications and Engagement Committee shall carry out any other function or duty delegated to it by the Council.

### **Way of Working**

Information presented to the Committee will be a mix of presentations and papers.

### **Chief Executive Performance Review Committee**

**Purpose**

To undertake performance assessments, negotiate any matters relating to the Chief Executive's employment contract and agree and review key result areas.

**Membership**

Cr Andrew Noone (Chair)

Cr Michael Deaker

Cr Alexa Forbes

Hon Marian Hobbs

A quorum of the Chief Executive Performance Review Committee shall be three members.

**Meeting frequency**

Routinely twice a year, once in December and once in June or at the discretion of the Chair

The Chief Executive Performance Review Committee will report to Council.

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## **Audit and Risk Subcommittee**

### **Purpose**

To assist the ORC in fulfilling governance responsibilities relating to its financial, reporting, legislative, health and risk management practices.

### **Reporting**

The Audit and Risk Subcommittee reports to the Finance Committee.

### **Membership**

Cr Hilary Calvert, Chair  
Cr Andrew Noone  
Cr Kate Wilson  
Cr Kevin Malcolm  
Mr Andrew Douglas (independent member)

The Subcommittee has the ability to co-opt other Councillors.

Other Councillors are encouraged to attend and participate in meetings of the Subcommittee.

A quorum of the Audit and Risk Subcommittee shall be three members.

### **Meetings**

The Audit and Risk Subcommittee will have ordinary meetings at quarterly intervals and will otherwise meet as required. When preparing business items for an agenda the General Manager Corporate Services should consult the Co-Chairs.

### **Attendance at Meetings**

- The Chief Executive and the General Manager Corporate Services are to attend meetings.
- Other external parties may be invited to attend by the Subcommittee as required.
- There shall be at least one meeting per year where the external Auditors shall attend.

### **Key Responsibilities**

The Audit and Risk Subcommittee has the following key responsibilities:

#### ***Audit and Reporting***

- Review the external Auditor's audit plan, audit management letter and management response to any issues raised during the external audit.
- Oversee any internal audit functions or reviews and consider any matters referred to it by that function.
- Oversee internal control processes and procedures including financial policies, delegations and sensitive expenditure.
- Consider changes in accounting policies, standards or reporting requirements and make recommendations for Council adoption.
- Review the draft Annual Report including the Statement of Service and Performance and Financial Statements and make recommendation for Council adoption.

#### ***Risk Management***

- Ensure a corporate risk management framework is in place and review risk reports.
- Review Council's insurance matters and annual renewal process.
- Review Council's business continuity and disaster recovery matters.

**Health and Safety**

- Review Council's adherence to the Health and Safety at Work Act 2015 including monitoring health and safety performance, incidents and response.

**Investments**

- Review the performance of Council's investment portfolio including the long-term managed fund.
- Oversee the performance of Council's investment manager including compliance of the managed fund with the Statement of Investment Policies and Objectives (SIPO).
- Review the Treasury Management Policy and SIPO and recommend changes to Council as required.
- Oversee the Investment Manager appointment process and make recommendations to Council on that appointment.

**Legal Compliance**

- Receive and consider updates on legislation that Council is required to operate under and/or enact.
- Review Council's adherence to legislation that affects Council.

**Other**

- Review any other financial matters referred to the Subcommittee by Council or the Finance Committee.

**Reporting**

- The Subcommittee shall conduct an annual review of its work and the Chairperson shall report to Council at the end of each financial year.

**Delegations**

The Audit and Risk Subcommittee shall have the following delegations:

- Review matters within its terms of reference and make recommendations to Council or the Finance Committee on those matters.
- Seek information it requires from the Chief Executive. The Chief Executive is required to cooperate with any requests unless excused by the Chair of the Otago Regional Council.
- Request access to outside legal or independent professional advice should it consider this necessary.

The Audit and Risk Subcommittee may not delegate any of its responsibilities, duties or powers.

**Way of working**

Issues for decision, and information for noting will generally be presented in papers. Presentations will also be used.

## **Otago Civil Defence Emergency Management Group (Joint Committee)**

### **Constitution**

Pursuant to section 12 of the Civil Defence Emergency Management Act 2002, the Otago Civil Defence Emergency Management Group is constituted as a joint standing committee under section 114S of the Local Government Act 1974 (a joint committee under section 30 of Schedule 7 of the Local Government Act 2002) by resolutions adopted by:

- Central Otago District Council
- Clutha District Council
- Dunedin City Council
- Otago Regional Council
- Queenstown Lakes District Council
- Waitaki District Council

### **Membership**

Each local authority listed above is a member of the Otago Civil Defence Emergency Management Group. Each member is represented on the joint committee by the Mayor/ Chairperson, or by an elected person from that authority who has delegated authority to act for the member.

### **Chairperson**

The Otago Civil Defence Emergency Management Group shall appoint one of the representatives of its members as chairperson, and one of its members as deputy chairperson. Each will hold office for such period as agreed by the Group, but only so long as those persons remain a representative of a member of the Group.

### **Purpose**

The Otago Civil Defence Emergency Management Group has the purpose and all of the functions, powers and obligations of a civil defence emergency management group as defined by the Civil Defence Emergency Management Act 2002 and subsequent amendments. Section 17 of the Civil Defence Emergency Management Act 2002 defines the function of a group and each of its members that, in summary, require it to:

- Identify, assess and manage relevant hazards and risks;
- Ensure provision of trained and competent personnel, an appropriate organisational structure and the necessary services and resources for effective civil defence emergency management in its area;
- Respond to and manage the adverse effects of emergencies;
- Carry out recovery activities;
- Assist other civil defence emergency management groups when requested;
- Promote public awareness of and compliance with the Civil Defence Emergency Management Act and legislative provisions relevant to the purpose of the Act;
- Develop, approve, implement, monitor and review a civil defence emergency management group plan;
- Participate in the development of the national civil defence emergency management strategy and the national civil defence emergency management plan.
- Promote civil defence emergency management in its area that is consistent with the purpose of the Civil Defence Emergency Management Act 2002.

**Meetings**

The Otago Civil Defence Emergency Management Group shall meet quarterly and as required with the location for meetings rotating among member authorities.

**Quorum**

The quorum of the Otago Civil Defence Emergency Management Group shall be three members.

**Delegations**

The Otago Civil Defence Emergency Management Group shall have all the delegated authorities that may be given by each member Council, including authority to fulfil the powers, obligations and functions of the Group as specified in the Civil Defence Emergency Management Act 2002, authority to appoint subcommittees, and authority to sub-delegate any authority able by law to be delegated.

**Subcommittee**

A subcommittee of all members of the Otago Civil Defence Emergency Management Group may be formed and given full delegated authority to carry out the functions, obligations and powers of the Group under the Civil Defence Emergency Management Act 2002 pursuant to section 114P(2) of the Local Government Act 1974 and section 30(2) schedule 7 of the Local Government Act 2002. Any meeting will transact routine business and not commit members to any major financial expenditure.

**Standing Orders**

The current Standing Orders of the Otago Regional Council shall govern the conduct of the meetings, except that order papers and agenda papers shall be sent to every member no less than five working days before the meeting. Notwithstanding anything in the Civil Defence Emergency Management Act or Standing Orders, adequate notice shall be given of all matters to be discussed at a meeting of the Group. Where a matter of significance is to be considered, where practicable, prior written notice of the background to that matter must be given in sufficient time to allow for consultation with each member.

**Administering Authority**

The Otago Regional Council as the administering authority shall provide administrative and leadership of the Group.

**Reporting**

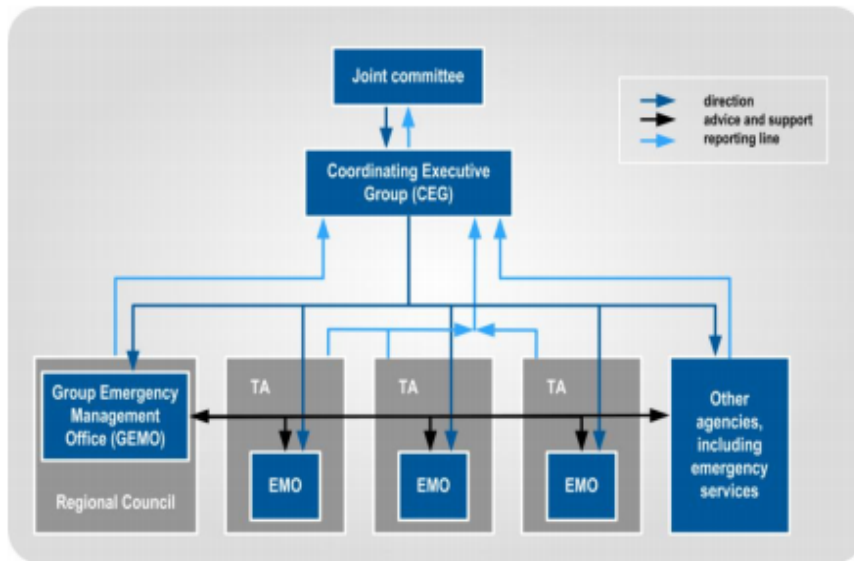
The Group will report to each member.

**Continuance of Joint Standing Committee**

The Otago Civil Defence Emergency Management Group shall not be discharged by a triennial election but appointments of representatives of members shall be confirmed or new appointments made by each council following each election.



### Otago CDEM Group Governance Structure



The **Otago CDEM Group Joint Committee**, made up of all the mayors from the five districts and the chairperson of the Regional Council, has overall governance responsibility for CDEM in the Otago area. The Chair is Mayor Aaron Hawkins, Dunedin City Council and the Deputy Chair is Councillor Andrew Noone, Chairperson, Otago Regional Council.

Operational management is supported by the **Coordinating Executive Group (CEG)**, made up of the Chief Executives of the six councils (or persons acting on their behalf), plus senior representatives from the NZ Police, Fire and Emergency NZ, St John, Southern District Health Board, Ngāi Tahu and the Ministry of Social Development. The CEG provides advice to the JC and ensures its decisions are implemented. The Chair is the Chief Executive of the Otago Regional Council.

**Otago CDEM Group Management Office** is a shared service across all six local authorities of Otago. Otago Regional Council is the Administering Authority for the CDEM Group. It:

- Employs all staff of Otago CDEM Group and is responsible for all employment-related matters including health and safety, wellbeing, welfare, operational policies, and conduct.
- Provides administrative and related services to the Group, such as preparing agendas, arranging meetings, and taking and disseminating minutes from meetings.
- Provides financial management for the CDEM Group, including budgeting and reporting.

In addition to the funding collected by the Regional Council through the targeted rate to resource the Otago CDEM Group and its activities.

Each **local authority member** of the Group is operationally and financially responsible for its **own local arrangements**. Each council also contributes skills, expertise and mutual support to the Group on an ‘as available’ basis.

For more information please see: <https://www.otagocdem.govt.nz/media/1417/otago-cdem-group-plan-2018-28-print-version.pdf>

## Otago Regional Transport Committee

### Objective

To undertake the functions as prescribed by the *Land Transport Management Act 2003 and subsequent amendments*.

### Membership

The Regional Transport Committee for Otago (RTC) comprises:

- two regional council representatives (Chair and Deputy Chair);
- one representative from the Waka Kotahi NZ Transport Agency;
- one district council representative from each of the:
  - Central Otago District Council
  - Clutha District Council
  - Dunedin City Council
  - Queenstown Lakes District Council
  - Waitaki District Council

Total membership of the Otago committee equals eight. This is dictated by Section 105 of the *Land Transport Management Act 2003 (LTMA)*.

Representatives are appointed by the Regional Council on the nomination of NZ Transport Agency and each of the territorial local authorities.

### Members for 2019 – 2022:

Otago Regional Council, Cr Alexa Forbes (Chair)  
Otago Regional Council, Cr Kate Wilson  
Waka Kotahi NZ Transport Agency, Mr Jim Harland  
Central Otago District Council, Cr Stuart Duncan  
Clutha District Council, Cr Bruce Graham  
Dunedin City Council, Cr Jim O'Malley  
Queenstown Lakes District Council, Cr Quentin Smith  
Waitaki District Council, Cr Guy Percival

### Meeting Schedule

The RTC normally meets at least three times a year but may meet more regularly depending on the work to be undertaken or the issues to be addressed. Where possible, members will be advised, in advance, of the meeting schedule for the year.

### Role and Functions

The role and functions of the Regional Transport Committee are as follows:

1. To undertake the statutory requirements of the *Land Transport Management Act 2003*;
2. To prepare the Regional Land Transport Plan (RLTP) in co-operation with the Otago Regional Transport Committee, to prepare any applications to vary the RLTP and to process any applications to vary the RLTP (*LTMA Section 106(1)(a)*);
3. To prepare and adopt a policy that determines significance in respect of:
  - a) any variations made to the RLTP;
  - b) activities included in the RLTP (*LTMA Section 106(2)*).

4. To provide any advice and assistance the regional council may request on its transport responsibilities generally (*LTMA Section 106(1)(b)*);
5. To undertake monitoring to assess implementation of the Regional Land Transport Plan including monitoring of the performance of activities (*LTMA Section 16(3)(f) and 16(6)(e)*), in co-operation with the Otago Regional Transport Committee;
6. To consult on a draft RLTP for the region in accordance with the consultation principles specified in Section 18 and 18A of the *Land Transport Management Act 2003*, in co-operation with the Otago Regional Transport Committee;
7. To complete a review of the RLTP during the six-month period immediately before the expiry of the third year of the Plan (*LTMA Section 18CA*) in co-operation with the Otago Regional Transport Committee;
8. To advise the Council on any significant legislative changes, programmes, plans or reports relating to the region's transport system;
9. To prepare and implement regional transportation planning studies, or pan-regional studies with the Otago Regional Transport Committee, when necessary;
10. To represent and advocate for transport interests of regional and/or pan-regional Otago Southland concern;
11. To consider and submit on transport-related policies, plans and consultation documents issued by the Ministry of Transport, Waka Kotahi NZ Transport Agency, regional/district councils, and other relevant organisations as considered appropriate, including submitting jointly with the Otago Regional Transport Committee, when appropriate;
12. To liaise with the Ministry of Transport, Waka Kotahi NZ Transport Agency, Commissioner of Police, regional/district councils, KiwiRail, the Department of Conservation and other interested parties on transport matters, and advise the Council on any appropriate new initiatives as considered appropriate;
13. To operate in a collaborate manner in the combined meetings of the Otago and Southland regional transport committees and to engage with other regional transport committees and working parties, which from time-to-time may be established;
14. To consider advice and recommendations from the Otago Southland Regional Technical Advisory Group.

**Members' responsibilities for reporting back to the organisation they represent**

Each member of the Regional Transport Committee is expected to report back to their own organisations following each Regional Transport Committee meeting or workshop on matters discussed at those Committee meetings, and with particular reference to the RLTP. A briefing paper will be produced by the Regional Council for distribution to stakeholders and to assist members with their report back responsibilities.

**Terms of Membership**

Should a vacancy occur in the membership of the RTC, the Committee Secretary shall report this to the next meeting of the Council, which shall then invite the nominating organisation to nominate a replacement.

**Quorum and Voting Rights**

An Otago RTC meeting cannot proceed unless five committee members are present, at least one of whom must be representative of the regional council and no more than one to be an alternate representative.

No voting will occur unless there is a quorum of committee members from those organisations allowed to vote on these matters.

The Chairperson has a deliberative vote and in the case of an equality of votes does not have a casting vote. Clause 24 of the 7<sup>th</sup> Schedule of the Local Government Act otherwise applies to voting.

The purpose of encouraging each organisation to have alternates is to ensure that each of the organisations involved in the RTC (the TAs, Waka Kotahi NZ Transport Agency and the regional council) is able to bring their organisation's view to the table and to report back the outcome to their organisation.

Each organisation (i.e. the regional council, Waka Kotahi NZ Transport Agency and each district/city council) is therefore encouraged to have alternative representatives to act as a replacement should the appointed representative be absent from a meeting.

Alternates will count towards a quorum but do not have voting rights.

**Delegated Authority – Power to Act**

The Regional Transport Committee:

1. Does have the ability to appoint a panel to hear RLTP, submissions, working parties, advisory groups and, where there is urgency or special circumstances, a sub-committee to deal with any matters of responsibility within the Committee's Terms of Reference and areas of responsibility, and to make recommendations to the Committee on such matters, provided that a sub-committee does not have power to act other than by a resolution of the committee with specific limitations;
2. Does have the ability to make decisions in accordance with the Terms of Reference and the *Land Transport Management Act 2003*.

**Power to Act (for the information of Council)**

The Regional Transport Committee has the power to:

1. monitor any transport activities of the regional council, territorial authorities and New Zealand Transport Agency in order to report on progress on the Regional Land Transport Plan;
2. prepare and recommend variations to the Regional Land Transport Plan that trigger the RTC's significance policy;
3. consider and recommend transportation planning studies and associated outcomes;
4. provide recommendations to relevant government agencies on transport priorities for the region and the allocation of national or regional transport funds.

### **Council Established Working Groups**

#### **ECO Fund Decision Panel Chair**

- Cr Michael Deaker

#### **Port Otago Liaison Working Group**

*Purpose - to liaise with Port Otago Chair and Chief Executive and report to Council.*

- Chair, Kevin Malcolm
- Council Chair, Cr Andrew Noone
- Finance Co-Chair, Cr Hilary Calvert
- Hon Marian Hobbs
- Chief Executive

#### **Catchment Support Advisory Group**

- Chair, Councillor Bryan Scott
- Cr Marian Hobbs

#### **COVID-19 Recovery/Jobs for Nature Working Group**

- Chair, Councillor Bryan Scott
- Cr Alexa Forbes
- Cr Gretchen Robertson
- Cr Kate Wilson

UNCONFIRMED

## Appointments as Representatives of Council

### *Mana to Mana*

*Purpose – to manage the relationship between Otago Regional Council and Rūnanga in Otago.*

- Council Chairperson – Cr Andrew Noone
- Council Deputy Chairperson – Cr Michael Laws
- Cr Michael Deaker
- Cr Gretchen Robertson
- Cr Alexa Forbes
- Cr Carmen Hope

### *Local Government New Zealand Regional Sector Group and Zone 6 Group*

- Council Chairperson – Cr Andrew Noone
- Council Deputy Chairperson – Cr Michael Laws

### *Otago Mayoral Forum / CDEM Joint Committee*

- Council Chair – Cr Andrew Noone
- Council Chief Executive

### *Manuherehia Reference Group*

- Cr Andrew Noone

### *Connecting Dunedin*

- Chair, Cr Andrew Noone
- Cr Alexa Forbes
- Cr Michael Deaker

### *Way to Go*

- Chair, Cr Andrew Noone
- Cr Alexa Forbes
- Cr Michael Laws

### *Lower Waitaki River Scheme Liaison*

- Cr Kevin Malcolm

### *Dunedin Hospital Liaison and Tertiary Precinct Planning Group*

- Cr Michael Deaker

### *Dunedin Tracks Network Trust (DnTNT)*

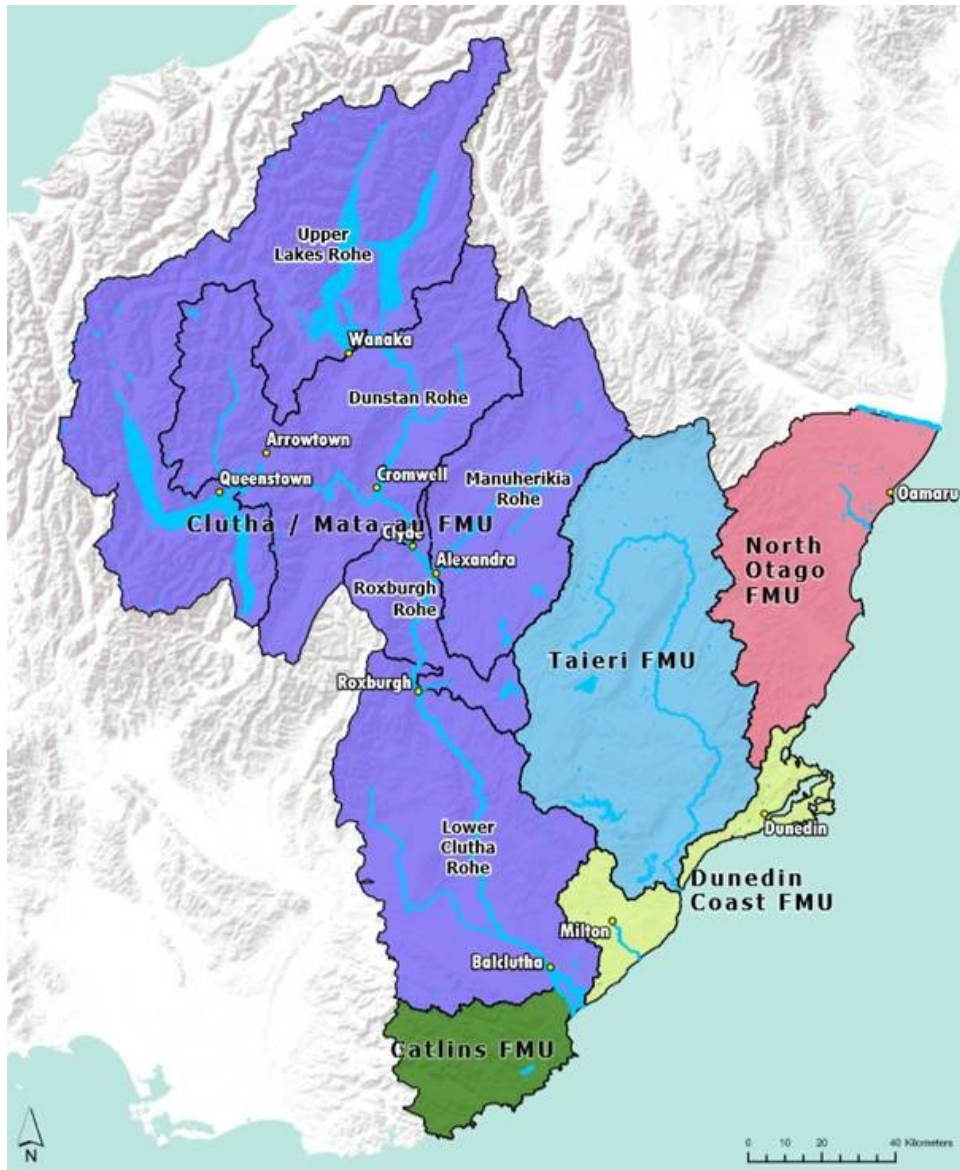
- Cr Kate Wilson

### **Freshwater Management Unit (FMU) and rohe Liaisons**

The governance model adopted on 27 May 2020 for the development of the Land and Water Regional Plan includes two councillors permanently on the LWRP Governance Group (Councillor Andrew Noone and Councillor Gretchen Robertson), and two rotating councillors as nominated Freshwater Management Unit liaisons. The nominated FMU liaisons are below. These councillors will slot into the agreed process, as and when the rohe come up for review.

Upper Lakes Rohe	Cr Gary Kelliher
Dunstan	Crs Alexa Forbes and Michael Laws
Manuherekia	Cr Andrew Noone
Lower Clutha	Cr Gretchen Robertson
Taieri	Cr Carmen Hope
Dunedin Coast	Crs Bryan Scott and Hilary Calvert
North Otago	Cr Kevin Malcolm
Catlins	Cr Kate Wilson
Roxburgh	Crs Alexa Forbes and Michael Laws
Clutha (main stem)	Crs Marian Hobbs and Michael Deaker
Arrow and Cardrona	Cr Bryan Scott

### Freshwater Management Unit (FMU) Map





Council Meeting Agenda - 26 August 2020 - MATTERS FOR COUNCIL DECISION

Unconfirmed ORC Council Calendar - Last updated 19 August 2020

2020				2021											
September	October	November	December	January	February	March	April	May	June	July	August	September	October	November	December
Mon		2				1	1		3		2		4 <sup>14 School</sup> holidays	1	
Tue	1		3	1		2	2		4	1		3		5	2
Wed	2		4	2		3	3		5	2		4	1	6	3
Thur	3	1 School Holidays	5	3 CEPR		4	4	1	6	3	1	5	2	7	4
Fri	4	2	6	4	1 NY	5	5	2 Good Friday	7	4	2	6	3	8	5
Sat	5	3	7	5	2	6	6	3	8	5	3	7	4	9	6
Sun	6	4	8	6	3	7	7	4	9	6	4	8	5	10	7
Mon	7	5	9	7	4 ORC closed	8 Waitangi Day	8	5 Easter Mon	10	7 Queens Bday	5	9	6	11	8
Tue	8	6	10	8	5 School holidays	9	9	6 ORC observes Otago Anni	11	8	6	10	7	12	9
Wed	9 S&P, GCE	7	11 S&P	9 Council - Cromwell	6	10 S&P, GCE	10 REG, SOE, IMP	7	12 S&P, GCE	9 REG, SOE, IMP	7 S&P	11 S&P, GCE	8 REG, SOE, IMP	13 S&P	10 S&P, GCE
Thur	10	8	12	10 CDEM JC	7	11	11	8	13	10	8	12	9	14	11
Fri	11	9	13	11 Mayoral F	8	12	12	9	14	11	9	13	10	15	12
Sat	12	10	14	12	9	13	13	10	15	12	10	14	11	16	13
Sun	13	11	15	13	10	14	14	11	16	13	11	15	12	17	14
Mon	14	12	16	14	11	15	15	12	17	14	12 School holidays	16	13	18	15
Tue	15	13	17	15	12	16	16	13	18	15	13	17	14	19	16
Wed	16	14 REG, SOE, IMP	18	16	13	17	17	14 S&P, GCE	19	16	14	18	15	20	17
Thur	17	15	19	17	14	18	18	15	20	17 CEPR	15	19	16	21	18
Fri	18	16 Zone 5/6	20	18	15	19	19	16	21	18	16	20	17	22	19
Sat	19 NZ Election	17	21	19	16	20	20	17	22	19	17 LGNZ AGM Blenheim	21	18	23	20
Sun	20	18	22	20	17	21	21	18	23	20	18	22	19	24	21
Mon	21	19	23	21	18	22	22	19 School holidays	24	21	19	23	20	25 Labour Day	22
Tue	22	20	24	22	19	23	23	20	25	22	20	24	21	26	23
Wed	23 A&R (Annual Report)	21	25 FIN, Council	23	20	24 FIN, Council	24 Council - Oamaru	21	26 FIN, Council (Q'town)	23 Council (LTP adopt)	21	25 FIN - Council	22 A&R (Annual Report)	27 Council - Balclutha	24 FIN - Council
Thur	24 CDEM JC	22	26 A&R	24	21	25 A&R	25	22	27 A&R	24	22	26	23	28	25A&R
Fri	25 Mayoral F	23	27 RTC/RSG	25 Xmas	22	26	26	23	28	25	23	27	24	29	26
Sat	26	24	28	26	23	27	27	24	29	26	24	28	25	30	27
Sun	27	25	29	27	24	28	28	25	30	27	25	29	26	31	28
Mon	28 School holidays	26 Labour Day	30	28	25	29	29	26 ANZAC	31	28	26	30	27	31	29
Tue	29	27	31	29	26	30	30	27	31	28	27	31	28	30	28
Wed	30 Council - Balclutha	28 Council	30	27	27	31	28	30	31	28	28	30	27	31	29
Thur	29 RTC workshop	31	28	28	28	31	29	30	31	28	29	30	27	31	30
Fri	30	31	29	29	29	31	30	31	31	29	30	31	28	30	31
Sat	31	31	30	30	30	31	31	31	31	31	31	31	31	31	31
Sun					31										

Monthly	2020 ( Sep-Dec)	2021 (Jan-Dec)
Council	4	9
Workshop day	6	15
2xquarter		
S&P: Strategy and Planning	2	7
Quarterly:		
Regulatory: REG	1	4
SOE: State of the Environment	1	4
IMP: Implementation	1	4
FIN: Finance	1	4
A&R: Audit and Risk	2	4
GCE: Governance, Communicati	1	4
Biannual		
CEPR: CE Performance Review Co	1	2

## 10.2. Queenstown Transport Mode Shift

**Prepared for:** Council  
**Report No.** PT1911  
**Activity:** Transport: Public Passenger Transport  
**Author:** Letitia McRadden, Public Transport Planner  
**Endorsed by:** Gavin Palmer, General Manager Operations  
**Date:** 31 July 2020

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### PURPOSE

- [1] The purpose of this report is to seek Council endorsement of the proposed Queenstown Lakes Mode Shift Plan - Better Ways to Go. This plan outlines how the Way to Go partnership will achieve a shift away from the private car as the dominant mode of transport for key journeys across the Queenstown Lakes District with an emphasis on the Wakatipu Basin.

### EXECUTIVE SUMMARY

- [2] In September 2019, the Minister of Transport released the national mode shift plan, which set out a national plan of action for achieving modal shifts across New Zealand. Included in the plan was an action to develop a similar mode shift<sup>1</sup> plan for each high growth urban area. Queenstown Lakes District is one of those.
- [3] The purpose of mode shift plans is to deliver on social, environmental and economic outcomes by growing the proportion of travel by shared and active modes.
- [4] Developed with input from the Way to Go (W2G) partners, the appended document, Better Ways to Go, is the proposed mode shift plan for the Queenstown Lakes District.
- [5] The proposed mode shift plan proposes a range of interventions to be delivered by W2G partners to support a more efficient and effective future transport network encompassing:
- shaping urban form;
  - making shared and active modes more attractive (investing in new infrastructure by partners will be key to getting better efficiency from current and further investments in bus services); and
  - influencing travel demand and transport choices.
- [6] Many of the initiatives outlined in the Plan for Council to implement sit in current work programmes (e.g. marketing and promotional campaigns) or will be subject to consideration in future Long-Term Plan/Annual Plan and National Land Transport Programme processes.

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<sup>1</sup> Increasing the total share of travel by public transport, walking and cycling modes over cars is known as mode shift

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## RECOMMENDATION

*That the Council:*

- 1) **Receives** this report.
- 2) **Endorses** the *Queenstown Lakes Mode Shift Plan - Better Ways to Go*.

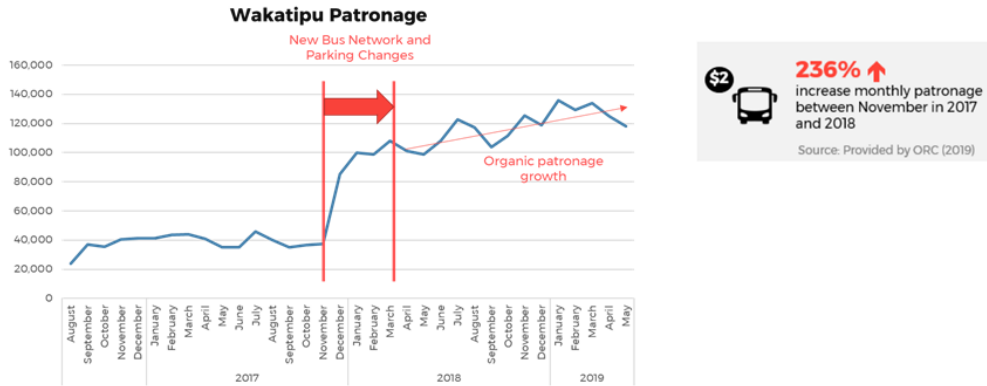
## BACKGROUND

- [7] In September 2019 Minister of Transport, the Hon. Phil Twyford, released the national mode shift plan “Keeping Cities Moving” which set out a national plan of action for achieving modal shifts across New Zealand. Included in the plan was an action to develop a similar mode shift plan for each high growth urban area. Queenstown Lakes District is one of those high growth areas where increasing resident and visitor numbers, in combination with the disconnected nature of residential developments and a constrained transport network, are leading to high levels of car dependency.
- [8] Mode shift away from private vehicles and towards active and shared modes will contribute to the country’s environmental, economic and safety targets. For towns and cities to thrive people need to be able to move around easily and have a range of choices for how and when they travel. Modern transport systems deliver on this by providing a mix of safe, reliable transport options enabling people to choose alternative modes as their preferred option.
- [9] Prepared by the Waka Kotahi NZ Transport Agency (NZTA) with input from across the W2G partners (a collaboration between NZTA, Otago Regional Council and the Queenstown Lakes District Council), the appended document, *Better Ways to Go*, is the proposed mode shift plan for the Queenstown Lakes District.
- [10] Staff from the NZTA will be in attendance to answer questions about the Plan.

## DISCUSSION

- [11] New Zealanders are increasingly reliant on private vehicles to meet their travel needs. High volumes of private vehicles lead to congestion, unreliable travel times and increased carbon emissions.
- [12] Mode shift is a cost-effective way of reducing congestion, increasing health and safety, improving access, protecting the natural environment, providing resilience against climate change and managing demand on the transport network.

- [13] In November 2017 the Otago Regional Council launched a new bus network in the Wakatipu Basin under the Orbus brand. The network improved the public transport offering through regular routes, increased frequency and a simplified fare structure. The network changes corresponded with Queenstown Lakes District Council increasing



parking fares. The combined effect of these changes was a 236% increase in bus patronage over the first 12 months with steady growth since.

- [14] Current challenges in the Wakatipu Basin include high levels of car dependency on a geographically constrained network. Disconnected satellite residential centres mean people are required to travel to reach places of employment and education as well as recreational activities and essential services. The topography of the area means that as the network reaches capacity there are limited opportunities to increase capacity via new infrastructure.
- [15] The proposed mode shift plan proposes a range of interventions to be delivered by W2G partners to support a more efficient and effective future transport network. Those approaches are in the form of a range of initiatives:

- **Shaping urban form** supports land use interventions now and into the future that are integrated with transport infrastructure and to support a choice of travel options. The Queenstown Lakes District Spatial Plan aims to support travel choices by looking at where and how we live and stay, and how those places are connected. Influencing where we live and stay and improving a range of connections will increase choice and relieve pressure on the roading network.

The initiative for Council under this approach is to amend its Regional Policy Statement to give effect to the Queenstown Lakes District Spatial Plan as well as the National Policy Statement on Urban Development.

- **Making shared and active modes more attractive** by optimising and enhancing existing infrastructure, investing in new infrastructure to support these modes and improved service delivery to encourage uptake. Investing in new infrastructure by partners is key to getting better efficiency from current and further investments in bus services. Initiatives for Council under this approach include:

- Frankton and Queenstown Town Centre bus hubs;
- business cases to plan for the proposed increases in public transport services forecast for 2024 and 2027; and
- trial ferry service and bus service enhancement and improvements.
- **Influencing travel demand and transport choices** through travel behaviour change initiatives. Initiatives for Council under this approach include:
  - improving the current real time passenger information system so that it can be accessed on mobile devices; and
  - marketing and promotional campaigns.

[16] The initiatives outlined in the current Plan will be further refined to reflect final outputs from the current Queenstown Town Centre and Frankton to Queenstown business case. This business case will be presented to Council in Quarter 2 of the 2020/21 financial year.

[17] Staff recommend Council endorse the Plan.

## **CONSIDERATIONS**

### **Policy Considerations**

- [18] The Queenstown Lakes Mode Shift Plan is not a statutory document. It has however, been developed as part of a national plan of action to achieve mode shift through the national mode shift plan “Keeping Cities Moving”.
- [19] The Draft Government Policy Statement on Land Transport 2021/22–30/31 made explicit mention of Mode Shift Plans as a means to achieve the strategic priority of Better Travel Options.
- [20] The final GPS, due in August 2020, is likely to place a similar emphasis on the need for proposed investments in the upcoming Regional and National Land Transport Programme development processes to demonstrate strategic alignment with their relevant Mode Shift Plan and the GPS.

### **Financial Considerations**

- [21] Many of the initiatives outlined above sit in current work programmes (e.g. marketing and promotional campaigns) or will be subject to consideration in future Long-Term Plan/Annual Plan and National Land Transport Programme processes.
- [22] Those initiatives that are supported for Council investment should also be included in the Regional Land Transport Plan for prioritisation and funding consideration in the National Land Transport Plan.

### **Risk Considerations**

- [23] The COVID-19 pandemic has had a significant impact on the Queenstown Lakes District. It is currently expected that previous growth rates will return within three to five years, however the impacts of the pandemic could be felt for much longer. The speed at which

growth and visitor levels return will have implications regarding the timing of initiatives needed and the level of financial commitment available to implement them.

**NEXT STEPS**

- [24] If the Plan is endorsed by Council, its next step will be to determine the timing and scale of any future investment to be reflected in the next Long-Term Plan and land transport programme (potentially for inclusion in the Regional Land Transport Plan).
- [25] As indicated, a range of the other initiatives (e.g. trial of the Lake Wakatipu Ferry service), will be implemented from current work programmes.

**ATTACHMENTS**

- 1. Queenstown Lakes Mode Shift Plan 2020 24 final draft [**10.2.1** - 32 pages]

Cover page

**BETTER WAYS TO GO** (working title)

**More people walking, cycling and using public transport in the Queenstown Lakes**

AUGUST 2020

Images (land use, walking, cycling, public transport)

Logos (W2G, NZTA, ORC, QLDC)

**Final Draft**



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DRAFT



### **A Message from the Way to Go Partners**

Welcome to Better Ways to Go – a mode shift plan for the Queenstown Lakes District. This document has been prepared by the Way To Go partners as a response to the Minister for Transport’s request that each high growth urban area in New Zealand has a plan setting out how it will get more people walking, cycling and using public transport. Achieving such a shift has many benefits and these are set out in following pages.

With an emphasis on the Wakatipu Basin but cognisant of the wider Queenstown Lakes District, this document pulls together all the spatial and transport planning and investigation work completed since 2018 and even earlier, that identifies how the district and its transport system can develop in the years to come to achieve the multiple outcomes sought by local communities. Our investigations have included widespread community engagement and our plan reflects a broadly held desire to embrace a safer more sustainable and attractive transport system that serves the community and the local economy in the years to come, with mode shift at its centre.

Prior to March 2020, Queenstown Lakes District had one of the fastest growing populations and economies in New Zealand, and in common with other growing urban areas of New Zealand, transport infrastructure for all modes was struggling to keep up. With the arrival of Covid-19 and the ongoing worldwide pandemic, our local economy has contracted rapidly, reliant as it is on domestic and international tourism. Whilst our current focus must be on supporting the economy and community through this challenging period, we also have a brief opportunity to close the gap in travel options as well as reduce the need to travel, so that when population, housing, tourism and economic growth returns, as it will, we are better placed to embrace and benefit from it.

The strategic approach to transport investment presented in this plan places a strong emphasis on accommodating future travel demands and avoiding gridlock by getting more locals and visitors walking, cycling and particularly public transport, as well as by reducing the need to travel. But achieving this significant mode shift will be easier said than done.

It will require:

- collaboration across the Way To Go partners, local communities, business and stakeholders
- enabling and where possible ensuring sustainable land use development
- investing in new and improved infrastructure and services, and
- pro-actively influencing people’s travel choices

With a small resident rating base relative to the infrastructure challenges ahead, and a need to ease the financial pressure on local communities and businesses in this period of recovery, innovative approaches are needed to fund the transport investments we need to make. The pre-Covid-19 announcement of the New Zealand Upgrade Programme has already provided some certainty for investment in the State Highway network in and around Frankton and Queenstown, whilst an economic stimulus package for Queenstown town centre also provides funding outside of the constrained National Land Transport Fund. These investments are significant, but they do not fund all the work required. Accordingly, this document serves as a signpost for ratepayers and decision makers on upcoming district and regional council Long Term Plans and the National Land Transport Programme, setting out the priorities for transport investment in the Queenstown Lakes District in the coming three-year timeframe and beyond.

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## EXECUTIVE SUMMARY

This mode shift plan for the Queenstown Lakes District sets out how Queenstown Lakes District Council, Otago Regional Council and Waka Kotahi NZ Transport Agency will work together and with others to increase the share of travel made on foot, by bike and bus. It is a “live document” and will be updated from time to time to reflect decision making, progress and new information as it comes to hand. Its purpose for now is to signal the nature and timing of future investment needed in shared and active transport modes (walking, cycling and public transport) so that it can be factored into various funding plans being developed towards June 2021.

Prior to the global pandemic taking hold in February 2020, Queenstown Lakes District had enjoyed high rates of sustained population, visitor and economic growth, especially in the Wakatipu Basin and Wānaka. Whilst mostly positive for residents and businesses, the wider district, the region and New Zealand; the downside of high traffic volumes led to growing travel delays and unreliable travel times, safety issues, declining amenity and environmental concerns. Increasingly, vehicular demands on the transport network were outstripping capacity, with investment in the network, whilst significant in places, unable to keep up with this growth. Through the Way to Go partnership as well as collaboration on the development of a Queenstown Lakes District Spatial Plan<sup>1</sup>, there has been considerable planning undertaken to develop and align future urban form and transport plans to address these issues. Through these approaches, achieving shifts to active and shared modes of travel have been confirmed as essential to accommodating forecast future growth whilst preserving the quality of life and attraction of the area to residents and visitors alike. As the focus of the Partners now turns to putting these plans into action, the coming three to five years of expected lower demand on the transport system provides an opportunity to address existing issues, prepare for the return to growth seen prior to February 2020, as well as proactively use this investment to create employment options and stimulate the local economy.

This plan has a three-pronged approach of shaping urban form, improving active and shared modes and influencing people’s travel choices. Initiatives to reshape existing urban form and locate new urban development will be delivered via an agreement on the Queenstown Lakes District Spatial Plan in the first instance and then implemented through a range of measures including changes to the Otago Regional Policy Statement, the Queenstown Lakes District Plan, master plans, sub-division planning and resource consenting processes. The new National Policy Statement on Urban Development will also drive change in the way land is developed. Whilst the draft Spatial Plan is in its formative stages and subject to future public consultation, its focus is likely to be on accommodating growth within and around the existing towns of Queenstown, Wānaka, Hawea and Cromwell, to increase density in these locations and best serve growth with mainly existing infrastructure and services. Active travel is also a focus across the district but has an emphasis on completing and enhancing existing routes and providing new routes in and around the Wakatipu Basin and integrating them with the growing Queenstown Cycle Trails Trust network.

The greatest contribution however to mode shift will come from a significant investment in public transport infrastructure and services in the Wakatipu Basin. This will continue recent successes achieved in public transport, where patronage has grown by over 60,000 trips per month following improvements in late 2017. Central government, via the New Zealand Upgrade Programme, has already committed \$90m for Waka Kotahi NZ Transport Agency to deliver public transport priority and facilities on State Highways 6 and 6A and these will be complemented by an additional Government Covid-19 economic stimulus infrastructure package of \$85m for the town centre, which alongside additional Queenstown Lakes District Council funding and potential further National Land Transport Fund contributions, will deliver a more pedestrian and cycle friendly town centre as well as a new bus hub, integrated with a new civic facility and adjacent public spaces. Over time, as infrastructure builds

<sup>1</sup> Currently in draft form and subject to future public consultation.

are complete and travel demand returns, investment in additional public transport services will be ramped up by Otago Regional Council, ensure bus routing, passenger capacity, frequency, speed, reliability, vehicles and service quality are all of the standard necessary to achieve a significant growth in public transport use by residents and visitors alike.

Influencing travel choices, also known as travel demand management, will be the glue that binds together efforts to shape urban form and make active and shared travel more attractive. Awareness raising and promotion of active and shared mode options will be delivered through an integrated suite of marketing and communication channels targeted in schools, communities and workplaces and timed to complement the roll out of new facilities and services. Parking management at key centres will also be managed to work with and not against investments made in active and shared transport options, so that residents and visitors have both “push” and “pull” factors influencing their travel choices.

Implementation of the plan will require ongoing support from the public, business and commercial sectors as proposals are developed in detail and consultation is undertaken. As this is done the plan will be updated periodically and kept “live” to ensure it reflects up to date information and progress. For now, this plan provides a signal to upcoming funding decisions in 2021 by the Partners in their Long Term Plans, the Regional Land Transport Plan and the National Land Transport Programme.

<<photo>>

## 1. BACKGROUND

Prior to the onset of Covid-19, Queenstown Lakes District was New Zealand's fastest growing high growth urban area, having seen an average 6.8% growth in population each year since 2013<sup>2</sup>. Alongside Auckland, Tauranga, Hamilton, Wellington and Christchurch, high growth urban areas provide the greatest opportunity to create a change in the way people get around by addressing the causes of car dependency. Better approaches to land use development, transport infrastructure and service provision; as well as influencing the travel choices people make, each play a role in how well growth supports the wellbeing of urban New Zealanders.

Getting more people walking, cycling and using public transport instead of the car is an important objective shared by central and local government. It achieves important economic, access, environmental, safety and resilience goals. The unique character of Queenstown Lakes District, its economy and its offering to residents and visitors stands to benefit from a significant rebalancing of the demand for different travel modes into the future, so that the forecast future growth in travel demand across the district is not entirely taken up by private vehicles.

In September 2019 transport minister Hon. Phil Twyford released the national mode shift plan "Keeping Cities Moving" which set out a national plan of action for achieving modal shifts across New Zealand. Included in the plan was an action to develop a similar mode shift plan for each high growth urban area. This document is the mode shift plan for the Queenstown Lakes District.

It has been developed by the **Way to Go**<sup>3</sup> partnership, a collaboration between Waka Kotahi New Zealand Transport Agency, Otago Regional Council and the Queenstown Lakes District Council. Development of the plan has benefitted from the extensive planning and research undertaken by the partners in recent years. This has included many transport planning investigations and business cases undertaken since 2017 and even earlier, as well as more recent work on the Queenstown Lakes District Spatial Plan under the auspices of the Queenstown Partnership Project.

This plan represents the culmination of that work, which continues to be refined towards its conclusion at the end of 2020, and presents for the first time in a single document the overarching approach the Way to Go partners will take to delivering a transformation in the transport system over the next decade as the Queenstown Lakes District recovers from the effects of Covid-19 and grows into the future.

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<sup>2</sup> Statistics New Zealand. Census 2018.

<sup>3</sup> Way to Go is a partnership between the transport authorities responsible for the Queenstown Lakes District, being Otago Regional Council (regulation and provision of public transport), Queenstown Lakes District Council (provision and regulation of transport infrastructure) and Waka Kotahi New Zealand Transport Agency (provision of State Highways and co-funder of public transport and transport infrastructure).

## 2. INTRODUCTION

This document, **Better Ways to Go**, takes its name from the 'Way to Go' partnership established to manage the transport effects of the rapid growth taking place across the Queenstown Lakes District. There is no single entity responsible for transport in the district with Waka Kotahi New Zealand Transport Agency, the Otago Regional Council and Queenstown Lakes District Council working together to deliver a land transport system. These organisations work together to deliver state highway and local roads, footpaths, cycleways, public transport (buses and ferries), car parks, as well as set the framework for future development across the district, including residential and commercial. This provides the partners with all the levers needed to influence future travel choices. There are also other organisations that have a role in delivering an integrated transport system. Queenstown Trails Trust work towards delivering a recreational cycle trail network around Queenstown; primary, secondary and tertiary education providers have considerable influence on how their staff and students choose to get to their sites, and business control large amounts of off-street parking and can influence how staff travel to and from work and whilst on business.

**Better Ways to Go** is a mode shift plan for the Queenstown Lakes District. It sets out how the partners will achieve a gradual but enduring, and ultimately significant shift away from the private car for key journeys across the district. Its focus is on the Wakatipu Basin, being the area with the largest proportion of urban and visitor growth forecast into the future and along with it the greatest challenge in terms of managing traffic volumes. What follows is the context for Queenstown District's rapid growth, its unique characteristics and its plans for the future. The plan then sets out the future transport challenges the district will face if pre-Covid 19 trends re-emerge as expected, how mode shift can complement the future district people want to see, and how the Way to Go partners will work towards delivering it.

An implementation plan is at the end of the document. This will be refined over time and is structured, as are earlier sections, on the three-pronged approach of shaping urban form, investing in infrastructure and services, and influencing people's travel choices. This mirrors the structure of the national mode shift plan, *Keeping Cities Moving*<sup>4</sup>, and reflects the ways in which the partners will tackle mode shift over time.

The plan is intended to help inform the content of the Otago-Southland Regional Land Transport Plan (RLTP) 2021/31, which will be developed towards April 2021. This and subsequent RLTP's are a key step in securing the funding needed to deliver the activities outlined in this plan, in addition to those already funded through recent Government crown funding announcements. The plan will need to be updated periodically to reflect progress and new information as ongoing spatial planning and business case work concludes. An improved understanding of the impacts of Covid-19 will also emerge over time and may have a bearing on what and when interventions take place.

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<sup>4</sup> See <https://www.nzta.govt.nz/walking-cycling-and-public-transport/keeping-cities-moving/>

### 3. CONTEXT

#### 3.1. National and regional context

Queenstown sits at the edge of glacial Lake Wakatipu and is framed by jagged mountain peaks including the Remarkables. Queenstown's dramatic scenery is unrivalled and is considered by many to be the 'Crown Jewel' of New Zealand's tourism industry, and central to national tourism success. Being one of the country's major tourism destinations, it is highly significant in terms of economic activity in a national context. It plays a critical role in New Zealand's current and future prosperity.

The District, shown in figure x below, is an international tourism destination that supports economic growth across the southern part of the South Island. Located in a nationally-significant landscape, the area draws in a large amount of investment (both local and international) in homes, services and visitor-related activities.

International tourists visiting Queenstown spend three times more in the rest of the South Island than tourists that have not visited Queenstown. Consequently, New Zealand as a whole benefits from the Queenstown visitor experience. Visitors who come to New Zealand because of Queenstown spend a total of \$1.44-\$1.74 billion per annum nationally. This spending contributes \$1.3-\$1.6 billion to New Zealand's overall GDP and 13,700-17,000 jobs nationally.

There is a strong association between the Queenstown and New Zealand's brands. It is therefore imperative that the quality of experiences are maintained, and that New Zealand's reputation as an international destination is protected, as these regional and national economic benefits will be compromised if Queenstown isn't able to maintain the international visitor experience and sustain tourism growth.



Fig 1 – Geographical scope of *Better Ways to Go*

### 3.2. Queenstown Lakes District over the years

Evidence of Maori presence has been found dating back around 700 years. Maori used the area as a summer hunting ground for the huge, flightless moa and the treasured pounamu, or greenstone, which was found there. The first Europeans to settle here were sheep farmers, but after gold was discovered on the banks of the Shotover River in 1862, a deluge of prospectors followed. The area quickly turned into a shanty town and within a few months there were more than 1,500 miners. As the gold ran out and the miners left, Chinese miners were brought in to work the Wakatipu Basin. About 5,000 Chinese workers settled in Otago in the late 1800s. By the early 1900s, the gold was mostly gone, as were the miners, and the Chinese had either returned to China or gone to other parts of the country. The population of thousands dropped to less than 200.

The area continued as farmland, particularly sheep stations, and as a summer holiday destination. Infrastructure put in place during the gold rush made it easier for tourists to get to Queenstown. Hotels were built at Kinloch and Glenorchy in the mid-1870s and the Dunedin to Kingston railway was established shortly afterward. Bushwalking and tramping were available nearby e.g. the Milford, Routeburn and Hollyford Tracks. With the establishment of Coronet Peak Ski Field in the mid 1900s, Queenstown began its rise as one of New Zealand's favourite holiday destinations. Access and accommodation improved; as more people came from overseas and the tourist industry boomed.

In 1981 Queenstown's resident population was still less than 3,500. Since then, tourist numbers increased rapidly – in winter as well as summer. Today this small lakeside town has well over 200 adventure tourism activities on offer, amidst a setting of unparalleled natural beauty, and has international acclaim as an environmental and adventure tourism resort.

### 3.3. Queenstown Lakes today

Until the Covid-19 pandemic, the district was the fastest growing in the country. It has an urban resident population of 15,850 (June 2018) and is the second-largest urban area in Otago, behind Dunedin. The resident population is projected to nearly double between 2018 and 2048, increasing from an average day-time population of over 64,000 (comprising residents and visitors) to approximately 113,002. The highest rate of residential growth was projected over the next 10 to 15 years, and while Covid has impacted these projections in the short term, including limiting tourism and migration, in the long term the attractiveness of Queenstown and the drivers of recent and projected future growth remain in place. On top of this, Queenstown attracted more than two million visitors per year, with visitor numbers exceeding the usually resident population by as many as 34 visitors to each resident. Current forecasts suggest a return to pre-Covid growth rates within 2-5 years and then continue to increase in line with their previous trajectory. The significant levels of population growth seen in previous years will in time lead to increased demand for residential and commercial land, land use change and increased volumes of traffic, placing the transport system and natural environment under even more pressure and approach a tipping point that impacts the attributes people are attracted to in the first place.

The commercial environment has traditionally been focused around the Queenstown central business district. However, since the early 2000s, new commercial centres have arisen and developed, most notably Frankton, which has a mixed use (commercial and residential) function. The regulatory platform does not take a hierarchical approach to the way centres are managed; rather it builds on existing strengths. The commercial land use differs significantly between Queenstown's CBD and Frankton. Whilst Queenstown's CBD caters to smaller retailers and the hospitality scene, the Frankton area caters to big-box developments. The development strategy is based on strong commercial and residential cores in Central Queenstown and Frankton. There are several small satellite residential areas which are currently not self-sufficient in terms of employment and are largely disconnected from other centres, resulting in high car dependency.



The high growth in Queenstown provides a range of opportunities and makes it an exciting place to live and invest and brings prosperity. However, Queenstown's economy is more concentrated and reliant on a few industries compared with most other regions and is the reason Covid has had a particularly profound impact compared to other parts of New Zealand. While the visitor economy has until recently been a strength, its dominance means that the District is one of the least diversified economies in New Zealand. Queenstown Lakes has experienced very strong economic (GDP) growth over the last decade (over double the New Zealand average), with population and visitor growth providing the main stimulus. Visitor and lifestyle-related industries (accommodation, food services, rental services and recreation services) and property and service industries (construction and construction services, general professional services, health services, real estate) have grown strongly. GDP per capita has not grown as fast. Employment has grown very strongly but estimated labour productivity in the District is well below the national level and earnings from salaries and wages are relatively low. Median income from all sources is, however, relatively high, likely reflecting that a high proportion of income is from investment and self-employment.

Domestic and international tourism has been the city's main economic driver, contributing \$2.08 billion in the 12 months to 2016. International tourism made up the majority of this spend, contributing twice that of domestic tourism. The majority of these international tourists were visitors from Australia, whilst visitors from the Auckland region are the most frequent domestic tourists. The types of tourists that are visiting Queenstown also have significant impacts on its economic development. The type of visitor that Queenstown attracts is highly variable, with a mix of visitors from backpackers through to high value tourists. The high-value segment of the tourism market is an element that Queenstown is looking to develop. This could be achieved by promoting wine and golf tourism and visitors for business. The other main driver of economic growth in Queenstown is the construction industry which is fuelled by resident and visitor growth and the increasing house prices.

The value placed on natural landscapes and their geography also imposes constraints on development. For instance, the distance of Queenstown and Wānaka from other South Island urban centres gives rise to higher costs and lower levels of productivity relative to other district economies in New Zealand. Limited flat developable land imposes constraints on development, infrastructure and connectivity, and raises costs for all uses especially land extensive uses like industry and puts pressures on lowland productive use. This together with the small size of the local, 'permanent' market and size of the labour force limits the opportunities for growth and development and the diversity of employment.

The majority of Queenstown's residential housing is typified by traditional suburban densities (450-1000 square metre sections) and housing typologies (single storey standalone homes). Higher density properties are less prevalent and are typically located in and around the Queenstown town centre and used as visitor accommodation. The QLDC Proposed District Plan has introduced development controls (e.g. higher densities higher permissible building heights, a more enabling business mixed use zone) to facilitate the supply of housing (as one means of addressing housing affordability); and to encourage more compact and diverse (townhouses, duplexes, terrace housing) housing typologies. Housing affordability is a major concern in Queenstown. Housing affordability in Queenstown is 14.8 times average earnings, significantly higher than the New Zealand average of 8.8. Housing affordability may be a constraint on the local economy, restricting how businesses can attract and retain new staff given high housing costs. Although building more homes may be perceived as the answer to the housing affordability issue in Queenstown, new greenfield developments may not address the fundamental problems that the town is facing. According to 2018 census data roughly 40% of Queenstown's homes were unoccupied, a rate significantly higher than the New Zealand average of 11%. Many home owners choose to offer short term rentals, and return over the peak periods, placing greater strain on the housing stock over these periods. This shortage of rental accommodation leads to higher rental costs which has a significant impact on workers servicing the tourism industry but also increasingly occupations with relatively fixed incomes such as teachers and health workers. An example of this is the trend in some of Queenstown's workforce to

move to nearby towns, including Cromwell, Kingston and Glenorchy to escape high living costs even though the commute is longer. This additional vehicle travel has impacts on the environment in terms of emissions, air quality and human health as well as travel delays and safety. Long commuting times can also adversely affect people's quality of life and living costs.

### 3.4. The Future

Looking beyond the year 2050, the vision work – titled 'A Unique Place. An Inspiring Future. He Wāhi Tūhāhā. He Āmua Whakaohooho' – outlines how the people of Queenstown want to live, work and play in the future.

Queenstown Lakes has formed a partnership with Kāi Tahu, central and local government to develop a spatial plan. The overarching goal of the partnership and the spatial plan is to 'Grow Well' or 'Whaiora'. The plan sets out the principles and outcomes that will guide sustainable growth across the Queenstown Lakes. The plan responds directly to the statements in Vision Beyond 2050 - 'A Unique Place. An Inspiring Future. He Wāhi Tūhāhā. He Āmua Whakaohooho.

Whaiora is at the heart of the spatial plan and is underpinned by three key principles, these being Hauora (wellbeing), Aumangea (resilience) and Whakauka (sustainability). These three principles have informed the five spatial outcomes and guide the direction of the spatial plan to 'Grow Well'. The five outcomes are:

- Consolidated future growth and more housing choice
- Public transport, walking and cycling are everyone's first travel choice
- A sustainable tourism system
- Well-designed neighbourhoods that provide for everyday needs
- A diverse economy where everyone can thrive

Extensive early public engagement to help build a draft Spatial Plan was completed in late 2019 and early 2020. A draft Plan is now underdevelopment, with formal public consultation and hearings scheduled for later in 2020.

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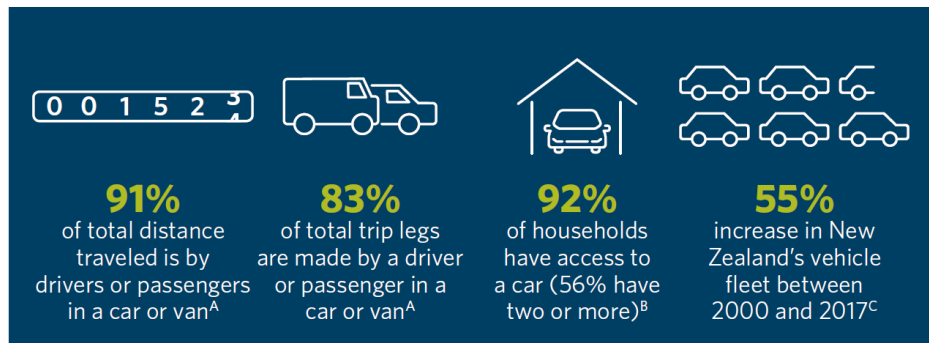
## 4. THE IMPORTANCE OF MODE SHIFT

### 4.1. Mode shift defined

The dominant form of transport for the movement of people in New Zealand today is the private car. In 2018, 91% of all household travel was by drivers or passengers in a car or van, with 92% of all households having access to at least one car. The Wakatipu Basin, home to most of Queenstown Lakes urban residents, is no different. In 2018 two-thirds of all workers and over a third of all students travelled to their place of work or study by car, either as a driver or passenger<sup>5</sup>.

This has been typical for many decades in New Zealand's main cities, driven by the improved affordability and accessibility of private cars, along with expanded and dispersed urban environments to enable population growth and preferred housing types. These trends have combined to make walking, cycling and public transport travel less convenient and impractical for most trips, with dispersed populations making fast and reliable public transport services very hard to provide cost-effectively and walking and cycling impractical for medium to long distance trips.

Reversing this trend – to achieve a “mode shift” in travel choices - has been a focus in the transport sector for many years, yet it has been an ongoing and significant challenge with only some progress made in the largest cities of Auckland and Wellington. In Queenstown, the challenge remains to develop a sustainable land use pattern as it grows, invest more in walking, cycling and public transport, and help people make better travel choices.



### 4.2. Benefits of mode shift

The consequences of an over-reliance on car travel can be tangible, as well as more subtle. Outlined below are the key drivers of the desire to see more travel on foot, by bike or public transport.

**Cost effectiveness** - Roads are expensive and slow to plan and build. As traffic volumes grow it becomes less practical and more expensive to add capacity. Walking, cycling and public transport trips are inherently more efficient travel modes as they take up less space on roads and can increase the movement of people without increasing the number of vehicles. Queenstown is in a unique situation where the number of visitors in peak season outstrips residents 34 to 1, so it is not practical or equitable for ratepayers to fund their share of the infrastructure necessary to support this.

**Congestion** – Roads have a finite capacity and as demand approaches this, delay increases exponentially, with an economic cost to individuals and society. By slowing the growth in traffic volume by increasing active and shared use the onset of severe congestion and delay can be delayed or avoided, to the benefit of essential trips made by motor vehicle.

<sup>5</sup> 2018 census. Statistical areas immediately surrounding Queenstown and Frankton.

**Health and safety** – Whilst road safety measures can reduce the severity of crashes, increasing traffic volumes generally result in increased crashes and injuries due to the increase in vehicle movements and conflicts. By limiting the growth in traffic volumes through mode shift, users of the network can enjoy a transport system increasingly free from the risks of death and serious injury. Walking, cycling and public transport also offer an easy way to add physical activity into everyday life, reducing sedentary lifestyles and increasing levels of obesity and related chronic disease.

**Access** – Enhancing access for modes other than private vehicles creates a more equitable transport system, where everyone, regardless of income, is able access work, education, shops, leisure and other activities. The ownership and operation of a private vehicle can account for a significant share of monthly household outgoings, especially with fuel prices continuing to grow relative to income levels.

**Natural Environment** – By-products of fossil fuel combustion linger in the air and enter surface water systems, effecting human and ecosystem health. Alongside the uptake of new vehicle technology, mode shift can halt and even reverse the growth in emissions to air and water.

**Climate Change** – Road transport is responsible for 25% of New Zealand’s net CO<sub>2</sub> emissions<sup>6</sup> and its reduction is a priority for the country to meet its climate change obligations under the Paris Agreement. Emissions in the Queenstown Lakes District accounts for approximately 1.8% of these CO<sub>2</sub> emissions (264,430 TCO<sub>2</sub>e in 2017<sup>7</sup>) and reductions in road transport emissions are a key plank of the Queenstown Lakes District Council’s Climate Action Plan. Mode shift can help contribute towards 2050 net zero goals for greenhouse gas emissions.

4.2.1 Integrating mode shift benefits into planning

Mode shift fits within a demand management approach towards achieving sustainable and affordable transport outcomes that has replaced the traditional “predict and provide” approach to transport planning. Known as the “intervention hierarchy”, this approach recognises the four key approaches to meeting transport capacity needs, starting with consideration of low cost, non-infrastructure solutions such as land use planning and demand management that reduces the need to travel by car, followed by optimisation of existing capacity and only finally the consideration of the highest cost, most complex and slowest option to provide new roading infrastructure. Mode shift in general, and this plan in particular, focusses on the integrated planning and demand management boxes in the figure below, as well as public transport service optimisation shown in the yellow box. These correspond with the approaches to shaping urban form (integrated planning), making shared and active modes more attractive and influencing people’s travel choices (demand management). Optimised levels of service on the road network are only identified in this plan where it supports or enables an active or shared mode improvement.

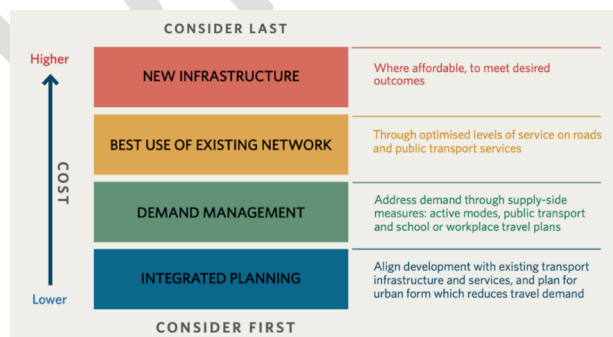


Fig 2 – Intervention hierarchy for meeting transport demand

<sup>6</sup> Ministry for the Environment, 2017.

<sup>7</sup> QLDC commissioned greenhouse gas emission inventory report by Tonkin and Taylor Ltd. See <https://www.qldc.govt.nz/your-council/our-vision-mission/climate-action-plan>

## 5. QUEENSTOWN LAKES TRANSPORT CHALLENGES

### 5.1. Current transport problems

#### 5.1.1. Wakatipu Basin

The Wakatipu Basin<sup>8</sup> is the main urban area in the Queenstown Lakes District and is consequentially the main centre of traffic movement and where the greatest benefits can be achieved from mode shift. In the 2018 census the area was home to over 25,000 people, however in peak visitor season this can swell, with surveys suggesting for every local there are over 34 visitors in and around Queenstown. Of residents, around 16,000 are in some form of full or part-time work<sup>9</sup> and two-thirds of these get to work either as a driver or a passenger of a vehicle. Fourteen percent of workers walked to work (mainly those living in the town centre) with 5% taking the bus and 3% cycling.

Bus patronage has improved significantly since late 2017, with the introduction of an improved network of services, parking changes and a \$2 flat fare structure, making it simpler to understand and more competitive with private vehicle journeys. This growth indicates a strong latent demand for, and willingness to use, quality affordable public transport.

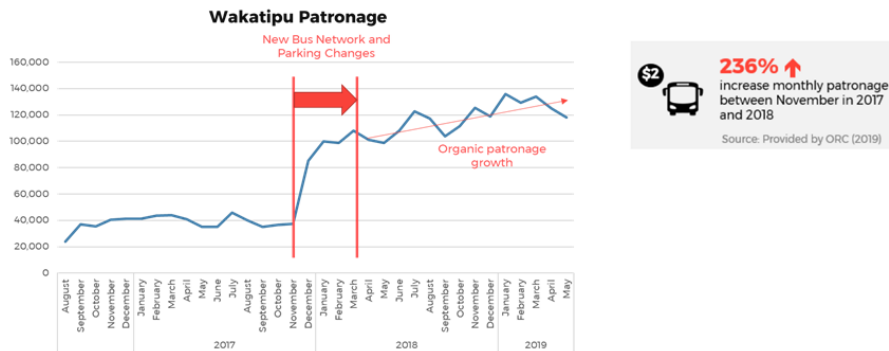


Fig 3 – Wakatipu Basin public transport patronage growth following 2017 improvements

The current form and function of land use in the Wakatipu Basin contributes to current transport challenges. Frankton and the Queenstown CBD both serve as residential and commercial cores and key destinations. These two areas are linked by SH6A which is nearing capacity with limited ability to increase due to property and topographical constraints. Satellite residential areas such as Arthurs Point, Arrowtown, Shotover Country/Lakes Hayes Estate, and Jacks Point/Hanley Farms are geographically separated from these commercial cores by significant river crossings. All these satellite residential areas, except for Arrowtown, have limited or no employment and commercial activity.

The challenge presented by the two-thirds who travel by car is that these trips typically focus on just a few routes that link residential suburbs to and from the main employment centres at Frankton and Queenstown town centre. These include the State Highways SH6 (Frankton–Ladies Mile Highway and Kawarau Road), SH6A Frankton Road and the local roads that link to these in the town centre and Frankton, notably Grant Road, Hawthorne Drive, Stalker Road, Howards Drive and Gorge Road. Journeys on these routes can be significantly delayed at peak times in both directions as there is no dominant direction of travel due to the relatively distributed residential development either sides of both Frankton and Queenstown. Driving as a proportion of all trips is particularly high out of the suburbs of Sunshine Bay, Arrowtown, Frankton, Lake Hayes Estate and Shotover Country.

The Wakatipu Basin has an estimated school roll of around 3,500 students at the 7 schools in the area and an additional 1,000 students in some form of full or part-time study at the various pre-school

<sup>8</sup> The 17 statistical areas in and around Queenstown and Frankton as defined by Stats NZ.

<sup>9</sup> Over 2,800 worked from home on census day 2018.

and tertiary institutions. Of these, around 30% get to their place of education as a passenger in a vehicle, with around 1 in 5 catching a school or scheduled bus, 16% walking (mainly in Arrowtown, Shotover Country and Lake Hayes Estate to the local schools) and 6% cycling<sup>10</sup>. In real terms, the effect of these travel decisions is nearly 14,000 vehicles on the Wakatipu Basin road network in peak periods servicing the journey to work and education needs of just 16,000 residents, a typical vehicle occupancy rate of only 1.1. Only around 27% (or around 6,000 trips) of all travel to work and education is made by foot, bike or bus (20% to work, 44% to education). This is a key statistic that this mode shift plan seeks to change over time. Car ownership levels are well above the national average and have grown progressively over time from 1.7 vehicles per household in 2001 to over 1.8 in 2018.

Outside of peak periods the Wakatipu Basin sees visitor travel come to the fore. There is limited available evidence to be certain on current mode shares among visitors to the Wakatipu Basin at any given time, however it is well understood that around Queenstown airport are the greatest number of available vehicles for hire anywhere in New Zealand. International visitor insight research conducted in the 2018/19 year also helps shed some light on international visitor travel behaviours, indicating that 67% of all international visitors interviewed in Queenstown chose to self-drive, with only 26% travelling in tour groups or using independent forms of travel. It can be assumed a similar if not higher proportion of domestic visitors, especially from the north island, also fly in to Queenstown and hire a vehicle for their stay. This is a key challenge given domestic and international visitations were growing significantly prior to Covid-19 with a 39% increase in visitor nights from 2013 to 2018. In 2018 there were 4.69 million visitor nights spent in commercial Queenstown accommodation, and 2.92 million visitor nights in private accommodation. In the year to June 2019, 2.3 million passengers passed through the airport.

#### 5.1.2. Wānaka / Upper Clutha

The Wānaka / Upper Clutha area includes the Wānaka, Hawea and Luggate townships and their surrounds. This area was also subject to pre-Covid growth rates beginning to put pressure on transport infrastructure with traffic counts showing sustained growth on the State Highway network and cycle counts growing, with an average of 600 cyclists per day on Lakeside Drive. Currently there are limited transport options on the Wānaka transport network and this is leading to over-reliance on limited routes and travel modes, creating barriers to access social and economic opportunities.

Key issues in this area include:

- Severance caused by major roads, with limited safe crossing points
- Poor connectivity between residential areas, the town centre and key trip generators, including schools, with few active travel facilities and no public transport
- Narrow, disjointed footpaths and cycleways
- Perceived safety issues at numerous intersections
- Perceived safety risks to vulnerable users

These problems will be exacerbated by an increase in demand from continued visitor and residential growth and a possible expansion to Wānaka Airport and/or the development of a new airport at Tarras in the long term. This needs to be managed in a planned way moving forward through the provision of active mode improvements in the short term and land use development over time that supports an eventual provision of public transport services.

## 5.2. Growth forecasts and future pressure points

### 5.2.1. Impacts of Covid-19

Waka Kotahi recently commissioned research<sup>11</sup> to help understand the potential impacts of Covid-19 on land transport. The full report is comprehensive and considers the international effects of the pandemic and how these translate to impacts on the domestic economy and the land transport

<sup>10</sup> Over 400 studied from home on census day 2018.

<sup>11</sup> <https://www.nzta.govt.nz/planning-and-investment/planning/arataki/>

system. The following sections present a summary of the findings for the Otago region and Queenstown in particular.

Queenstown Lakes will be the hardest hit district in New Zealand over the long-term due to its reliance on international tourism (domestic tourism will not make up for the shortfall), high proportion of migrant workers relative to labour force and reliance on net migration for population growth:

- Otago is forecast to be the region most heavily affected by the pandemic and associated economic downturn due to tourism impacts felt in and around Queenstown.
- Otago region has the second highest tourism spend in the country, with 55% of total spend from international visitors (rising to 63% in Queenstown Lakes District). The ability to off-set these losses through domestic tourism is challenged by the cost of travel from major population centres.
- Otago has the highest proportion of temporary migrant workers of any region (5.2% of labour force) and is highly reliant on net migration for population growth. An expected reduction in immigration would slow growth and negatively impact the construction sector, particularly in and around Queenstown.

Treasury believes the most likely recovery scenario is a “slower” recovery with the effects on Queenstown Lakes lasting well into the next decade. However, this is highly dependent on the timing and rate at which international visitors are able and willing to travel to New Zealand, and the capacity of the tourism sector to recover from its losses in the short and medium term.

- The Otago region’s forecast fall in employment to 2021 (relative to BAU) is -10.2%, significantly higher than the national average of -6.7%.
- Queenstown Lakes (-21.5%) and Central Otago Districts (-9.1%) are the hardest hit, reflecting their reliance on the tourism sector.
- This is likely to result in a severe loss of capacity across the tourism sector, that will not be quickly recovered. Total employment in Queenstown Lakes will remain below pre-COVID levels until at least 2025 and will be 16% below BAU in 2031.
- Employment in Central Otago District is forecast to be 12% below BAU in 2031
- Elsewhere in the region, employment levels are forecast to be near BAU levels by 2025.
- Population growth expected to slow, at least in the short to medium term, given the region’s reliance on net migration.

Māori and Pasifika, and youth are likely to experience the greatest impacts, particularly those in tourism centres like Queenstown Lakes. An increase in youth not in employment, education or training (NEETs) is expected.

The report concludes with a summary of the effects on the land transport system:

- Transport needs to play its part in supporting the recovery of the tourism industry. Pre-existing growth pressures in Queenstown also need to be addressed.
- However, the current situation provides an opportunity to re-evaluate what is required and where, and the scale and sequencing of growth and investment to achieve objectives in the Queenstown spatial plan.
- There will be an on-going need for transport services to support COVID recovery by improving access to employment and essential services for vulnerable communities.
- There will be on-going pressure on transport revenue as a result of the COVID lockdown.

As local and central Government continues to build an understanding of these impacts on the local economy, and responds to what continues to be an evolving situation with regard to international visitors from countries with reciprocal “bubbles”, some degree of investment in the land transport



system is likely to be delayed as a result of resources being focussed on more direct support for local communities and businesses that carry a higher priority in the immediate term.

Nevertheless, recent funding announcements (NZUP, economic stimulus funding and supporting local share) do provide confidence that the land transport system can be developed in a manner close to the trajectory envisaged pre-Covid, so that the key transport challenges set out below, when they return, can be addressed through improved walking, cycling and public transport facilities.

Recent traffic volume monitoring provides a snapshot of where traffic demands sit relative to the pre-Covid situation. Whilst not comprehensive or reflective of the wider network, it suggests light vehicle volumes are returning to something close to pre-Covid levels, with volumes close to those seen at a similar time last year. By contrast heavy vehicle<sup>12</sup> volumes have only recovered to some 80% of levels seen at a similar time last year, reflective of reduced freight movements and tourist coaches.

#### 5.2.2. Wakatipu Basin

Transport modelling completed in late-2018 provides the best estimate of future travel conditions in the Wakatipu Basin area. This modelling took into account likely future growth in population, jobs, housing, school rolls and visitors to forecast effects on the road network at future years of 2028 and 2048. Whilst the effects of Covid-19 will have a lasting impact on visitor numbers and work travel, delaying the onset of the identified growth effects; and land use development into the future may take a slightly different form as a result of the ongoing Spatial Plan work, the modelling does provide a useful insight into where pressure points will emerge in the transport system as a result of growth.

A key feature of the transport modelling findings was the effect of employment and household growth in Queenstown Town Centre and Frankton. A clear relationship between these two centres is emphasised over time, with traffic flows growing to a level shortly after 2028 where four-laning of Frankton SH6A would become necessary just to maintain a functional road network. Investigations into this option completed since then have shown such a move is not feasible given the geology of the area and the costs involved, preferring instead to pursue a strong mode shift strategy that will require 40% of all trips to be made by bus (and other modes) along this corridor, and 60% by 2048.

Beyond Frankton Road, a similar story unfolds along Kawarau Road and the Frankton-Ladies Mile Highway (State Highway 6). The modelling suggests these sections of road also require four-laning post-2028, here as a result of airport growth, growth south of the Kawarau River (Hanley Farms and Jacks Point) and employment growth in Frankton East and household growth along Ladies Mile. As for Frankton Road, four-laning for general traffic in these locations is not the preferred approach, where instead a strong public transport emphasis is envisaged as part of a wider Wakatipu Basin public transport approach involving dedicated priority facilities for buses (as a minimum) along State Highway 6 and virtual bus priority<sup>13</sup> along State Highway 6A Frankton Road.

#### 5.2.3. Wānaka / Upper Clutha

Wānaka is undergoing rapid change. More people are living and working in Wānaka than ever before, and it is increasingly popular with domestic and international visitors. As shown in figure 4 below, the rate of growth began to accelerate around 2016. Increasing growth is beginning to lead to undesirable outcomes that detract from the experience of visiting Wānaka, including traffic congestion, increased parking demand caused by reliance on private vehicles for key journeys, and limited route options. The community has a strong desire to enhance the place function of the town centre; Ardmore Street forms the heart of the public realm but also is used as a through route, eroding the amenity of the town centre.

<sup>12</sup> Vehicles over 11 metres in length.

<sup>13</sup> Virtual bus priority on SH6A involves upstream control of traffic volumes to maintain free flow traffic on Frankton Road, with occasional bus priority lanes where space allows and is cost-effective. See section 6.2.



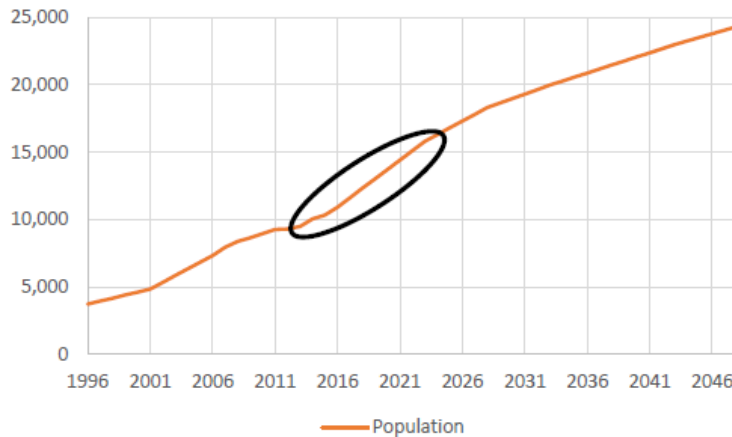


Figure 4 – Historic and projected population of the Wānaka ward 1996-2048

The most significant issue in Wānaka is accessibility, which has been confirmed by community feedback. The main destinations are not well connected to residential areas, and this is true for all modes. There are limited route choices which is leading to a poor level of service on the routes that are available along with an increase in related severance. There are conflicts in the town centre that create a high personal safety risk. Two new centres are emerging at Three Parks and Northlake, of a different format and character to the Wānaka town centre. The location and land use within these centres has been primarily developer led, and transport and land use planning are not comprehensively integrated across the wider network. These new centres will be destinations for all residents; they will require enhanced connectivity with Wānaka’s residential areas to improve access. In addition, a decision on the future of Wānaka Airport is expected in the near future, with operation of scheduled commercial flights being considered. The operation of commercial flights out of Wānaka will change land use and travel demands around the airport and on the SH6/SH84 corridor.

Traffic modelling indicates a number of intersections currently operating at Level of Service D and E will by 2028 be operating at Level of Service E and F; and by 2048 numerous intersections and corridors will be operating at Level of Service E or F.

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## 6. MODE SHIFT PLAN

### 6.1. Shaping urban form

Where, how and when urban development<sup>14</sup> takes place can have an enduring impact on the ways people choose to meet their travel needs. Development has frequently been developer led, via plan changes and ad hoc resource consents, often resulting in land use development that is not always integrated with existing or planned transport infrastructure. The proximity of households to the places we regularly go for work, school, shopping and recreation can be a key determinant of whether we choose to walk, bike, bus or drive.

The Queenstown Lakes Spatial Plan “Grow Well Whaioira” is a collaborative planning process currently underway between local communities, Kāi Tahu, Queenstown Lakes District Council and Government agencies. Its purpose is to plan for future growth in an integrated way by identifying locations for future urban development that best balance community aspirations with future demand and infrastructure provision, including transport.

The development of the draft Spatial Plan is ongoing and will be subject to public consultation later in 2020, prior to being presented for adoption to the Partners. In the meantime, planning for mode shift continues to focus on the key existing settlements where opportunities to support changes in travel choices in the short and medium term are most clear and reflected in recent planning and investments by central and local government.

The National Policy Statement on Urban Development is another means by which urban form will influence mode choice over time. A key objective of the NPS-UD is to ensure Councils provide sufficient development capacity to meet demand. However, the NPS-UD also contains a number of policies that can assist with shifting mode from the private vehicle to public transport, walking and cycling modes. These include:

1. Ensuing planning decisions contribute to well-functioning urban environments that have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport and support reductions in greenhouse gas emissions
2. Regional policy statements and district plans enable heights and density of urban form commensurate with the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services
3. District Plans are prohibited from setting minimum car parking rates and are strongly encouraged to manage the effects associated with the supply and demand of car parking through comprehensive parking management plans.
4. Develop Future Development Strategies (e.g. Queenstown Spatial Plan) that has a purpose to assist the integration of planning decisions with infrastructure planning and funding decisions

### 6.2. Improving infrastructure and services

#### 6.2.1. Wakatipu Basin

The focus for improving active and shared modes infrastructure and services in the short and medium term is in the Wakatipu Basin. This area has by far the greatest concentration of population in the district and has until recently been growing rapidly. As the district recovers from the effects of Covid-19, it will remain the pre-eminent location for new urban development and along with it a return to pre-Covid levels of travel demand and congestion as domestic and international visitor numbers increase and the resident population grows. Existing walking, cycling and public transport infrastructure

<sup>14</sup> Urban development here is used to mean the collective effects of demand for residential, community and commercial development brought about by population and economic growth.

shortfalls will be addressed and the Covid related downturn provides an opportunity to get ahead and lay the foundation for more sustainable growth into the future.

The approach to achieving mode shift across the Wakatipu Basin has been informed by several years work on a comprehensive range of masterplans and business cases. Masterplans have focussed on Frankton and the Queenstown Town Centre, whilst business cases have used the masterplans as inputs to geographically and modally focussed activity level business cases covering the whole Basin area. Emerging from the planning is a key conclusion that, as a result of trip distances and the volumes of people involved, public transport has the greatest role to play in achieving the mode shifts necessary in the next twenty to thirty years if gridlock is to be avoided. Transport modelling<sup>15</sup> shows that 40% of all trips along Frankton Road (SH6A) by 2028 and 60% by 2048 need to be by active and shared modes for the town centre network to remain functional and reliable access maintained.

Whilst much of this planning work is now complete and moving into detailed design and delivery, a number are ongoing due to their complexity and the disruption caused by Covid-19, in terms of both the time lost to lockdown and the need to re-evaluate the underlying assumptions of the work. Nevertheless, at the time of going to print the emerging preferred package for the Wakatipu Basin is largely clear, and supported by pre and post-Covid Government funding announcements:

- On 26 June the Prime Minister announced a Covid-19 infrastructure package to support the local economy and jobs comprising \$35m to deliver streetscaping, walking and cycling improvements in the town centre, supported by \$22m of matching funding from QLDC.
- In addition to this, \$50m to develop Melbourne Street and Henry Street into a replacement arterial road for the town centre section of Stanley Street (State Highway 6A), allowing it to be re-prioritised for public transport and pedestrians to support the development of a new dedicated bus hub and the adjacent Project Manawa development and associated public realm improvements ,worth \$120m, to be delivered by QLDC.
- On 29 January the Prime Minister announced \$90m of Government funding for Queenstown as part of the New Zealand Upgrade Programme<sup>16</sup>. This pre-Covid investment will stimulate the local economy and create jobs whilst delivering public transport improvements to Frankton Road (State Highway 6A) in the form of virtual bus priority, and to Kawarau Road and the Frankton-Ladies Mile Highway (State Highway 6) in the form of dedicated priority lanes, as envisioned under the emerging preferred package.

These funding announcements provide funding certainty for a significant proportion of the emerging preferred package coming through from the business cases, however further improvements will also be necessary to successfully achieve the desired mode shift. These will be subject to future funding decisions made as part of annual plans, long term plans and the National Land Transport Programme.

#### Public Transport

Public transport service coverage and frequency on the most popular routes and to support new urban growth will need to be enhanced over time to attract new users as the visitor economy and population recovers from the impacts of Covid-19. The trajectory for this recovery is not well understood, but as discussed in section 5.2.1, any return to the levels of travel demand seen up to February 2020 are likely to be some years away. Nevertheless, during this time there remains the opportunity to optimise the service offering, as has been seen recently with the introduction of the Lake Hayes Estate direct service to the town centre of Queenstown.

An increase in public transport capacity is envisaged from 2024 when the currently planned public transport infrastructure enhancements are complete. These will provide for faster more reliable services via new bus lanes on SH6 and 6A, as well as better passenger waiting facilities thanks to a

<sup>15</sup> Transport modelling without any assumptions on Covid-19 impacts.

<sup>16</sup> <https://www.nzta.govt.nz/planning-and-investment/nz-upgrade/overview/>

new town centre bus hub, a new Frankton bus hub and improved airport facilities. With these facilities in place, it becomes the ideal time to introduce improved frequency and routing of services so that the overall offering is a compelling one. A detailed business case will need to develop the detail of these future services as well as take account of the degree of demand that exists at that time post-Covid. Current thinking is that the current peak period seated capacity of 360 seats per hour will need to increase to 873 seats per hour. This will correlate with a significant improvement in frequencies on key routes to and from Queenstown and Frankton, as well as a small increase in the total number of buses needed to achieve this.

And as part of this, park and ride could also be needed at key locations to provide a public transport option for commuters living in areas where it is not feasible to provide a direct bus service. Park and ride is currently under investigation, with initial findings suggesting sites on Ladies Mile and south of the Kawarau River bridge offer the greatest potential to provide a convenient and attractive alternative for car drivers from the eastern and southern parts of the Wakatipu Basin and beyond, where the provision of a direct high frequency bus service is unlikely to be cost-effective in the short to medium term.

A second and more significant jump in public transport service provision is envisaged to coincide with new contracts starting in 2027. This will be characterised by further frequency enhancements, further routing changes and depending upon demand, the introduction higher capacity vehicles to accommodate demand on core routes. This step change would see capacity increase to as much as 1,400 seats per hour using 35 vehicles.

Further changes are anticipated in 2030 (up to 1,670 seats per hour) and towards the end of that decade (up to 2,500 seats per hour) as passenger demand approaches the capacity of the system and additional services are required to the point where vehicles delay each other and drive the need for even higher capacity vehicles such as bi-articulated buses or even offline solutions such as a gondola. The potential ultimate public transport service network for the Wakatipu Basin is shown in figure 5 below.

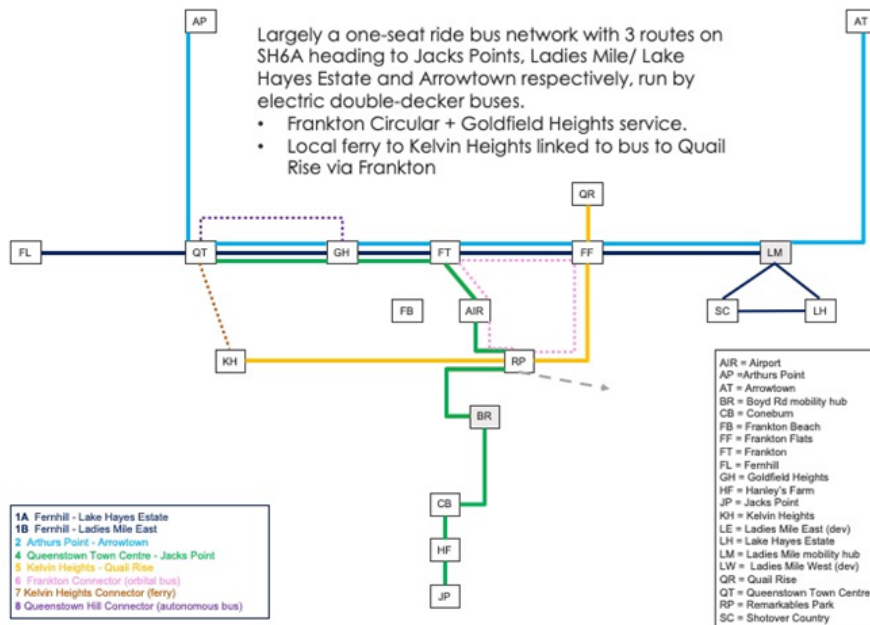


Fig 5 – Potential long-term bus network for the Wakatipu Basin

Active Travel

Public transport aside, stage 1 of an active travel network across the Wakatipu Basin has already been endorsed by the Way to Go partners through the Wakatipu Active Travel Network business case. A phased approach to delivery of the network is already underway, with initial routes currently in detailed design and due for construction from 2021. Subsequent tranches are anticipated to follow in the 2021-24 investment period. The delivery of this network has been integrated with the ongoing work of the Queenstown Trails Trust<sup>17</sup>.

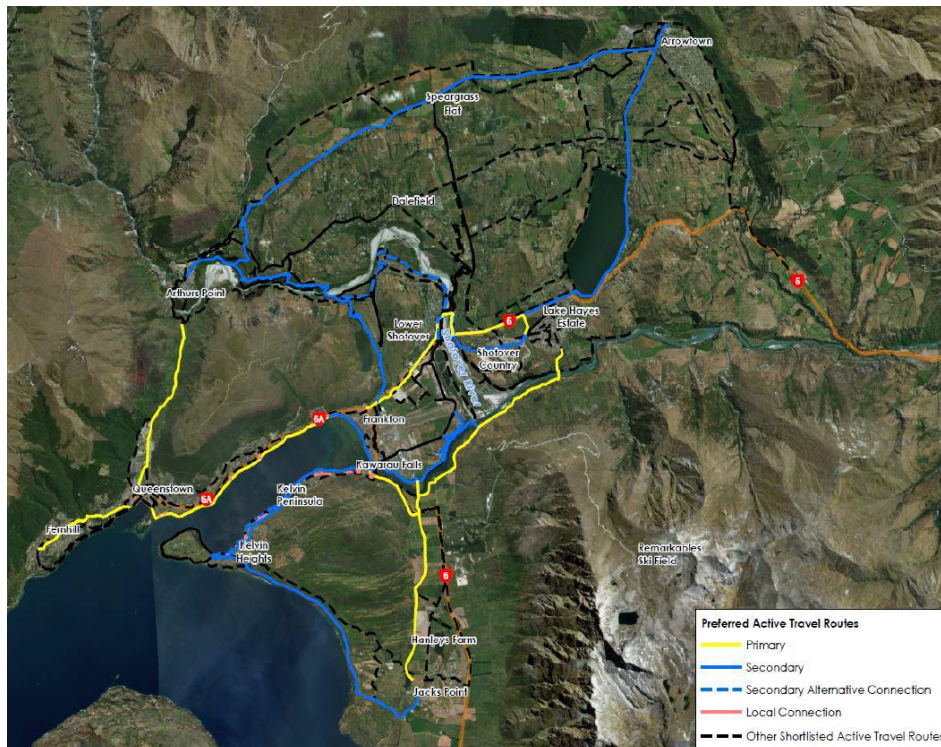


Figure 6 – Preferred Wakatipu Basin Active Travel Network

6.2.2. Wānaka / Upper Clutha

In the short-term investigation work is needed to understand the future transport requirements in Wānaka. A Network Optimisation and Mode Shift Single Stage Business Case is planned to look into this. The business case will focus on delivering the overarching transport elements within the town centre and surrounds to maximise efficiency and effectiveness of the network. It will provide a multi-modal approach to managing transport supply and demand and will include the following:

- Define and develop walking and cycling networks as part of an integrated package of works. Routes will be prioritised and phased. High priority routes will be developed to a scheme design level, with low priority routes developed to a concept level.

<sup>17</sup> <https://queenstowntrail.co.nz/maps-and-trails/>



- Pedestrian safety and access improvements, including enhancement of the place function of the town centre, footpath widening, shared spaces, speed limits and lighting improvements
- Assess and develop improvements to the road network, including intersection upgrades to improve safety, active travel and capacity; traffic flow changes in the town centre; protection of future public transport corridors
- Wayfinding improvements
- Assess and develop the requirement and phasing of an inner bypass
- Modelling to inform assessments, comprising strategic and intersection level modelling of shortlist options, with provision made for a micro-simulation model of the town centre intersections

An integrated Parking Strategy will also be developed. The parking strategy will provide direction and measures to manage demand and optimise parking supply in support of mode shift. It will be future focussed and provide for all users, including visitors, commuters, freight and public transport.

### **6.3. Influencing the way people choose to travel**

#### **6.3.1. Wakatipu Basin**

Along with the significant planned improvements in infrastructure and bus services described above and set out in more detail in the following sections, behaviour change and travel demand management initiatives are also planned to encourage people to make travel decisions that fit with the overall strategic aim of mode shift. In the Wakatipu Basin travel behaviour change initiatives will take the form of school and workplace travel planning assistance offered to schools and businesses, particularly across Queenstown town centre and Frankton where the greatest gains are to be made in mode shift and where attractive alternatives for travel by cycle and bus will be developed over time. When implemented alongside the significant improvements to active and shared mode offerings, evidence suggests these behaviour change initiatives will in 70% of cases can achieve an additional 10% reduction in car use<sup>18</sup> over and above that achieved through the infrastructure alone.

The supply of public parking (location, cost and type) will also be controlled appropriately over time to support mode shift goals, with an emphasis on serving the demand for short term parking in Queenstown and Frankton and discouraging long term commuter parking, where high quality public transport, walking and cycling alternatives will be provided. This dual approach of both positive and negative incentives, along with travel planning, will result in greater uptake of walking, cycling and public transport than by just providing the improvements alone.

Linked to this, implementation of the National Policy Statement on Urban Development 2020 by local authorities will support mode shift. By February 2022 any minimum parking requirements set in the District Plan will need to be removed. In addition, intensification policies will be introduced to the District Plan which will, over time, increase density within existing and proposed urban areas commensurate with their level of public transport accessibility.

#### **6.3.2. Wānaka / Upper Clutha**

The next steps in Wānaka for influencing travel behaviour are in the short term to undertake a parking strategy that will provide direction and measures to manage demand and optimise parking supply to support a shift towards walking, cycling and in time; when feasible, public transport. It will be future focussed and provide for all users, including visitors, commuters, freight and public transport.

There may also be value in investigating school travel plan opportunities alongside walking and cycling improvements in the short term, so that more children are walking and cycling to school and reducing morning peak hour traffic.

<sup>18</sup> <https://www.nzta.govt.nz/resources/research/reports/661>

## 7. IMPLEMENTATION

A full picture of implementation is still emerging for mode shift activities across the district, however much is already known, and significant decisions have already made around the funding of key components. Nevertheless this plan will remain a live document, updated periodically to reflect new information. In time the draft Queenstown Lakes District Spatial Plan, subject to public consultation, will be approved and its direction, alongside NPSUD requirements, implemented through the District Plan and other land use instruments. Likewise, the Frankton to Queenstown, Queenstown Town Centre and related business case work is ongoing but in time will confirm the interventions in these locations not already signalled by the New Zealand Upgrade Programme (NZUP) or the economic stimulus package (ESP). Currently envisaged components of the package are included below.

Scheduled business cases for Wānaka will also identify future interventions there.

The tables below outline the priority actions for mode shift to be taken in the next two NLTP periods. The activities are categorised into the three-pronged approach described earlier. The tables identify key initiatives to the level of detail available at the current time and which in due course will be confirmed or not as investigations are completed and investment decisions made. The responsibility column indicates who will lead the initiative. This does not necessarily indicate who will be the funder of the initiative.

### 7.1. Priority actions – next steps, timing and responsibilities

Approach	Initiative / next step	Timing	Responsibility (Lead)
Shaping urban form	Agree Queenstown Lakes District Spatial Plan to direct future development and shape urban form to support active and shared mode use	2021	MHUD, NZTA, QLDC
	Amend Regional Policy Statement to give effect to the Queenstown Lakes District Spatial Plan	2021	ORC
	Amend Queenstown Lakes District Plan to give effect to the Queenstown Lakes District Spatial Plan	2021-24	QLDC
	Implement requirements of the NPS-UD around intensification, housing bottom lines and car parking	2022-23	ORC, QLDC
	Masterplan for Ladies Mile	By 2021	QLDC, developer
	Frankton Masterplan	2020-21	QLDC
	Wānaka Masterplan	2021	QLDC, NZTA
	Walking & cycling infrastructure		
	Queenstown Town Centre streetscape upgrades – Brecon, Beach, Rees, Park (\$35m ESP)	By 2022	QLDC
	Edith Cavell Bridge (Arthurs Point Shotover River Bridge) Single Stage Business Case and Detailed Design consider cycle facilities and improved PT service reliability)	By 2022	QLDC

Making shared and active modes more attractive	Edith Cavell Bridge (Arthurs Point Shotover River Bridge) replacement (subject to SSBC findings)	By 2024	QLDC
	A2 – Shotover bridge to State Highway 6 A3/A4 – State Highway 6 to Frankton track A5/A7 – Jacks Point to Frankton track Q1 – Arrowtown to Arthurs Point	By 2021	NZTA / QLDC
	A8 – Lake Hayes Estate to Frankton B2 – Fernhill to Queenstown B3 – Frankton track improvements Q2 – Arthurs Point to Tuckers Beach C5 – Arthurs Point to Queenstown improvements C7 – Lake Hayes Estate to Shotover River	By 2024	NZTA
	C1 – Rees Street C2 – Brecon Street C3 – Park Street C4 – Upper and Lower Beach Street (subject to development timing) C6 – Arthurs Point to Tucker Beach D1 – Kelvin Heights to Frankton D2 – Tucker Beach to Frankton D3 – Arrowtown to Lake Hayes track D4 – Lake Hayes North to Shotover Street E1 – Arrowtown to Arthurs Point F1 – Jacks Point to Kelvin Heights	Consider by 2024	QLDC / NZTA
	Wānaka Network Optimisation SSBC	By 2021	QLDC
	Wānaka walking and cycling improvements (LCLR)	By 2024	QLDC
	Public transport infrastructure and services		
	Park 'n' Ride Single Stage Business Case	By 2021	QLDC
	Park 'n' Ride sites detailed design and construction (subject to SSBC)	By 2024	QLDC
	SH6 BP Roundabout Intersection Upgrade (\$90m NZUP package)	By 2024	NZTA
	SH6 Bus Priority and Facilities (Kawarau Road to Shotover River) (\$90m NZUP package)	By 2024	NZTA
	SH6 Bus Priority and Facilities (Frankton Road to Kawarau River Bridge) (\$90m NZUP package)	By 2024	NZTA
	SH6 Bus Priority and Facilities (Ladies Mile) (part \$90m NZUP package)	By 2024	NZTA
	Frankton Bus Hub Improvements (\$90m NZUP package)	By 2024	NZTA / ORC / QLDC
	SH6A Frankton Road Bus Priority and Facilities (\$90m NZUP package)	By 2024	NZTA
Frankton Bus Hub Replacement Facility	By 2027	NZTA / ORC / QLDC	
Stanley Street Bus Hub and street works (Melbourne to Shotover)	By 2024	NZTA / ORC / QLDC	
Arterial Stage 1 Melbourne – Henry (Stanley to Gorge) – supporting Stanley Street bus hub (\$50 ESP)	By 2024	QLDC	



	Humphrey Street Extension (PT airport access)	By 2027	QLDC
	Wakatipu Basin Public Transport Services 2024 Single Stage Business Case	By 2023	ORC
	Wakatipu Basin Public Transport Services 2027 Single Stage Business Case	By 2026	ORC
	Annual public transport service level review	From 2021	ORC
	Lake Wakatipu Frankton Arm trial ferry service	2020-21	ORC
	Public transport service enhancements 20/21	By 2021	ORC
	Public transport service frequency improvements 2024	By 2024	ORC
	Public transport frequency improvements 2027	By 2027	ORC
Influencing demand and transport choices	Travel behaviour change initiatives		
	Real time passenger information system mobile platform enhancement	From 2021	ORC
	Orbus marketing and promotion campaign	From 2022	ORC
	Travel Demand Management Single Stage Business Case Lite	By 2022	QLDC
	Way to Go Marketing and Promotion Campaign	From 2022	ORC / NZTA / QLDC
	Queenstown travel management association establishment and initiatives	By 2022	QLDC / NZTA
	Workplace travel plan programme	From 2023	QLDC
	School travel plan programme	From 2022	QLDC
	Physical and digital wayfinding programme	From 2021	NZTA / QLDC
	Transport policy initiatives		
	Queenstown town centre parking management to support mode shift	From 2024	QLDC
	District Plan transport chapter review and amendments (as required)	From 2021	QLDC
	Wānaka Parking Strategy Single Stage Business Case	By 2021	QLDC

## 7.2. Funding

Funding for activities in this plan will come from a range of sources. In some cases, a single entity will fund an activity, whereas for others two or more may contribute in line with established cost share arrangements or by some other agreement. The New Zealand Upgrade Programme group of activities (as noted above) in the Wakatipu Basin is already funded by the Crown<sup>19</sup> and Waka Kotahi NZ Transport Agency will lead delivery of these activities. The Economic Stimulus Package for Queenstown town centre funds a further range of activities and are a mix of Queenstown Lakes District Council led activities and Waka Kotahi NZ Transport Agency led activities.

All remaining activities (for NZTA, ORC and QLDC) will be subject to funding confirmation through the development of QLDC and ORD Long Term Plans 2021-31 by June 2021, the Otago Southland Regional Land Transport Programme 2021-24 by April 2021 and the subsequent announcement of the National Land Transport Programme 2021-24 by the Waka Kotahi NZ Transport Agency Board by June 2021.

## 7.3. Ensuring community support

As projects progress through business cases and into detailed design, a range of opportunities are made available for the community and other stakeholders to learn about proposals and express their views on them. This can take place as part of shaping ideas in the formative stages of business cases through to formal consultation on detailed proposals for implementation. Communities and stakeholders also have the opportunity to get involved in parallel consultations on annual plans, long term plans and the regional land transport programme. These are broader conversations on funding priorities across a range of wellbeing's and include but are not limited to transport matters.

As noted earlier consultation will also occur on a draft Queenstown Lakes District Spatial Plan. This will determine the future location, size, shape and form of future development and it will be critical to achieve widespread public engagement in this process so that proposals reflect the inter-generational needs and desires of communities.

Business case work is drawing to a close across the Wakatipu Basin and a final round of public consultation is underway, largely reflecting the activities proposed by this plan. The next phase of consultation for the Wakatipu Basin after this will primarily be on detailed proposals for implementation in the years ahead towards 2024 and then beyond to 2027 when a significant shift in public transport capacity is envisaged. It will be important to co-ordinate these consultations as a lot of activity is programmed in that period, especially in relation to the active travel network, the NZUP programme of activities and the economic stimulus package projects in the town centre. Aside from consultation, community support and a degree of patience will also be needed in the next three to four years as road works accelerate. Co-ordination between the transport organisations will be extremely important to co-ordinate works and maintain safe and reliable journeys.

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<sup>19</sup> Crown funding comes directly from central Government and is not from the National Land Transport Fund.

## 8. OUTCOMES AND REPORTING

In the next three to four years reporting will focus on the delivery of the extensive programme of works envisaged under this plan. With the programme scheduled to be largely complete by 2024, outcome reporting will commence in earnest at that time.

Outcome reporting will measure and report to the Way to Go partners on key metrics that reflect the objectives of the investment being undertaken. This will include reporting against yet to be developed mode shift targets, which will be established as part of finalising business cases. District wide mode shift targets will not be appropriate for this plan because the District is diverse, with a mix of urban, peri-urban and rural communities that will have a range of opportunities to access active and shared modes. Accordingly, targets will be developed over time for distinct parts of the district as set out in earlier sections of this Plan, primarily related to the Wakatipu Basin and Wānaka. This will happen as our knowledge of post-Covid recovery trajectory is improved, spatial planning is completed and transport interventions are planned and delivered.

For the Wakatipu Basin, targets will include walking, cycling and public transport patronage counts as well as mode shares at key points in the network such as SH6A Frankton Road, where mode shares can be readily monitored at more frequent intervals than the five-yearly census. It will also be important to keep a view of levels of service for users of different modes to ensure they remain consistent with the aim of increasing active and shared mode usage as travel demand grows post-Covid. These might include pedestrian wait times at crossings, cycle path surface quality and lighting and bus passenger journey time and service reliability. Data that indicates levels of service are falling short of what is required provides a signal to investors that more work may be required to catalyse further changes in travel choices by residents and visitors.

As a minimum it is anticipated the following measures will be used to monitor and report progress in the Wakatipu Basin. Some of these measures may also eventually be used for Wānaka and the Upper Clutha as appropriate. This will be done once a clearer picture of future travel demands emerge and mode shift interventions are confirmed. Some data is already available from the 2018 census and other sources and this is shown below in the baseline column.

### **Potential Wakatipu Basin Mode Shift Performance Measures**

Wakatipu Basin performance measure	Source, frequency	Baseline (2018 uno)
Public transport reliability	Orbus real time information, monthly	TBD
Public transport spatial coverage – households within 500m	ORC/QLDC GIS, annually	TBD
Number of pedestrians	Manual counts at key sites, annually	TBD
Number of cyclists	Manual counts at key sites, annually	TBD
Number of public transport boardings	Orbus ticketing data, monthly	TBD
Perception of safety and ease of walking	User survey, annually	TBD
Perception of safety and ease of cycling	User survey, annually	TBD
Pedestrian time lost due to intersection delay	Manual survey, annually	TBD

Percentage travel on cycle network classified as complying with defined level of service (facility type)	Manual survey, annually	TBD
Mode shares at key sites	Manual counts at key sites, annually	TBD
Single occupant vehicle mode share for journey to work	Census, 2018, 2023, 2028	59%
Multiple occupant vehicle mode share for journey to work	Census, 2018, 2023, 2028	7%
Work from home mode share	Census, 2018, 2023, 2028	14%
Public transport mode share for journey to work	Census, 2018, 2023, 2028	5%
Cycling mode share for journey to work	Census, 2018, 2023, 2028	3%
Walking mode share for journey to work	Census, 2018, 2023, 2028	12%
Public transport <sup>20</sup> mode share for journey to education	Census, 2018, 2023, 2028	22%
Cycling mode share for journey to education	Census, 2018, 2023, 2028	6%
Walking mode share for journey to education	Census, 2018, 2023, 2028	16%
Transport CO <sub>2</sub> emissions	QLDC, annually	264,430 TCO <sub>2</sub> e (2017)

<sup>20</sup> Includes trips on school buses and scheduled bus services

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### 10.3. Transfer of Maritime Responsibilities and Navigation Safety Bylaw

<b>Prepared for:</b>	Council
<b>Report No.</b>	EMO1879
<b>Activity:</b>	Environmental: Rivers & Waterway Management
<b>Author:</b>	Richard Saunders, General Manager Regulatory
<b>Endorsed by:</b>	Richard Saunders, General Manager Regulatory
<b>Date:</b>	7 August 2020

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#### PURPOSE

- [1] To approve the transfer of maritime responsibilities from Central Otago District Council to Otago Regional Council and adopt proposed amendments to the Otago Regional Council Navigation Safety Bylaw 2019

#### EXECUTIVE SUMMARY

- [2] In 2006, the Otago Regional Council (ORC) transferred to the Central Otago District Council (CODC) all functions, powers, and duties for maritime responsibilities in respect to all the waters of the Clutha River and tributaries that form Lake Dunstan and being upstream of the Clyde Dam.
- [3] On 20 August 2019, CODC initiated a reversal of the transfer. If the transfer is approved by the ORC, the current Otago Regional Council Navigation Bylaw 2019 will require amendment to provide for Lake Dunstan. The Bylaw is also being amended to incorporate provision for future infringement fees and additional Bylaw rules for the Otago region (excluding Queenstown Lakes District) to further provided for maritime safety.
- [4] Council can only approve the transfer of maritime responsibilities if it is satisfied, after consultation in accordance with section 82 of the Local Government Act 2002 that the benefits of the proposed transfer to the Otago region will outweigh any negative impacts of the proposal.
- [5] Following a consultative process, including a public hearing, Council approval is sought for (1) the transfer of maritime responsibilities from CODC to the ORC and (2) amendments to the Otago Regional Council Navigation Safety Bylaw 2019.

#### RECOMMENDATION

*That the Council:*

- 1) **Receives** this report.
- 2) **Agrees that** the benefits of the proposed transfer of maritime responsibilities from CODC to ORC outweigh any negative impacts of the proposal.
- 3) **Approves** the transfer of maritime responsibilities from CODC to ORC, as recommended by the Hearing Panel.

- 4) **Approves** the affixing of the common seal to the transfer agreement, with a commencement date of 1 September 2020. This resolution is subject to Central Otago District Council executing the Transfer Deed.
- 5) **Approves** the proposed amendments to the Otago Regional Council Navigation Safety Bylaw 2019, as recommended by the Hearings Panel, with a commencement date of 1 September 2020. This resolution is subject to Central Otago District Council executing the Transfer Deed.
- 6) **Approves** the affixing of the common seal to the amended Otago Regional Council Navigation Safety Bylaw 2019. This resolution is subject to Central Otago District Council executing the Transfer Deed.

## BACKGROUND

- [6] In 2006 the Otago Regional Council transferred to the Central Otago District Council all functions, powers and duties for maritime responsibilities in respect to all waters of the Clutha River and tributaries that form Lake Dunstan and being upstream of the Clyde Dam.
- [7] On 20 August 2019, CODC initiated a reversal of the transfer. If the transfer is approved by the ORC, the current Otago Regional Council Navigations Bylaw 2019 will require amendment to provide for the waters of Lake Dunstan.
- [8] The ORC Navigation Bylaw 2019 is also being amended to incorporate provision future infringement fees and additional Bylaw rules for the Otago region (excluding Queenstown Lake District) to future provide for maritime safety.
- [9] On 26 February 2020, Council approved the proposed statement of proposal for the amended Otago Regional Council Navigation Bylaw 2019 for public consultation and the Proposal to Reverse the Transfer of Powers for public consultation.
- [10] Consultation has been undertaken in accordance with the special consultative procedure within the Local Government Act 2002.
- [11] CODC and ORC have notified the Minister of Local Government and the Minister of Transport of the proposed transfer (section 17(5) of the Local Government Act 2002 and the Maritime Transport Act 1994).

## DISCUSSION

- [12] Three submissions were received by members of the public during the consultation process. These submissions were considered by staff and recommendations were made to the Hearings panel. The staff recommendations are included in Attachment 1.
- [13] The Hearings panel was convened on 1<sup>st</sup> July 2020. The panel members were Councillor Robertson, Councillor Kelliher and Southland Harbourmaster Mr Lyndon Cleaver.
- [14] Following consideration of the submissions by the Hearings panel no changes were recommended to the proposed Bylaw following consultation. The proposed Bylaw is Attachment 2.



- [15] The proposed Bylaw seeks to incorporate:
- a. All the water of the Clutha River and Tributaries that form Lake Dunstan (and being upstream of the Clyde Dam)
  - b. Specific rules for the Lake Dunstan area
  - c. Provision for future infringement fees and
  - d. Additional Bylaws for the Otago region (excluding Queenstown Lakes District)
- [16] The proposed Bylaw does not limit the Harbourmaster's general powers under section 33F of the Maritime Transport Act 1994, which can be used for ensuring maritime safety or enforcing navigation bylaws within the jurisdiction of the Bylaw.
- [17] The Hearing panel also considered the transfer of maritime responsibilities from CODC to ORC.
- [18] The transfer will provide more consistency with navigation rules across the region, particularly across Central Otago where there are currently two navigation safety bylaws in place, one for Lake Dunstan and the other for the balance of the Central Otago district.
- [19] The transfer will also result in a greater level of service for the Lake Dunstan water users. CODC employs an education and enforcement officer over the summer months, who fulfils many of the harbourmaster roles on Lake Dunstan, but in a part-time capacity. The ORC Harbourmasters will provide harbourmaster expertise for Lake Dunstan throughout the year and will be available 24/7.
- [20] The Hearing Panel was satisfied that the benefits of the proposed transfer to the Otago region outweigh any negative impacts of the proposal. A copy of the Hearing Panels' deliberation report is included as Attachment 3.
- [21] The terms of the transfer of maritime responsibilities will be recorded on the Deed, the terms of which have been agreed with CODC. A copy of the Transfer Deed is included as Attachment 4.
- [22] Under the Transfer Deed, CODC transfer to ORC all of its various functions, powers, duties and responsibilities under Part 3A of the Maritime Transport Act 1994 in relation to all of the waters of the Clutha River and tributaries that form the lake known as Lake Dunstan and being located upstream of the Clyde Dam.
- [23] The Deed of also records the transfer in ownership of the assets listed in Schedule 1 of the Deed for the sum of \$1.
- [24] Resolutions numbered (e) - (g) (inclusive) of this report are subject to the CODC executing the Transfer Deed, as the ORC cannot take responsibility for Lake Dunstan waters nor incorporate those waters into its Bylaw until it has jurisdiction to do so.

## **OPTIONS**

- [25] The recommended option is to accept the recommendations of the Hearing Panel for Council to adopt the proposed navigation bylaw as per the consultation document and agree to the transfer of maritime responsibilities from CODC.
- [26] An alternative option is not to approve the Hearing Panel's recommendations. This option would have implications for maritime safety for Lake Dunstan for the 2020/2021 summer period.

## **CONSIDERATIONS**

### **Policy Considerations**

- [27] The amendment to the proposed Bylaw is consistent with the policy direction established by Council through the development of the draft Bylaw.

### **Financial Considerations**

- [28] There are no new financial considerations arising from the adoption of the proposed amendment to the Bylaw. Council has provided for the expected implementation of the Bylaw in the Annual Plan. Any further changes will be incorporated through the upcoming Long Term Plan process.
- [29] There will be some direct costs associated with the transfer, being the cost of purchasing and installing new signage, buoys and uplift signage where required.

### **Significance and Engagement**

- [30] Consultation has been carried out in accordance with the Local Government Act 2002

### **Legislative Considerations**

- [31] The Council has met its obligations under the Local Government Act 2002 and Maritime Transport Act 1994.

### **Risk Considerations**

- [32] If the transfer is approved by Council, the current Bylaw must be amended to give effect to the transfer. Without an amendment to the Bylaw the Harbourmaster will not be able to fulfil his function.
- [33] The proposed Bylaw included amendments to give effect to the transfer.

## **NEXT STEPS**

- [34] If the recommendations are approved:
  - a. The Harbourmaster will commence the implementation plan, including changes to signage, public information, building awareness and undertaking on the water monitoring and enforcement activities including those on Lake Dunstan: and

- b. Staff will prepare a paper for Council to commence the process for creating infringement regulations; and
- c. Staff will arrange for the Transfer Deed to be executed by Central Otago District Council.

**ATTACHMENTS**

- 1. Navigation Safety Bylaw Consultation assessment of Responses [**10.3.1** - 2 pages]
- 2. ORC Amended Navigational Safety Bylaw 2019 10 March 2020 1 [**10.3.2** - 46 pages]
- 3. Navigation Bylaw and Transfer of Maritime responsibilities Hearing Panel Deliberation report [**10.3.3** - 4 pages]
- 4. CODC ORC Transfer Document 30 July 2020 [**10.3.4** - 5 pages]

**ORC – CODC navigational Bylaw Merger 2020**

**Navigational Bylaw Consultation Assessment of Responses**

Respondee	Feedback	HM Comments	Actions/Options
<p><b>Mr Roger Gibson</b></p>	<p>I am in full support of the current laws for Lake Dunstan changing back to something more like was previously held and to be consistent with the rest o NZ and Otago and for the delegation from CODC to be reversed. I submitted in opposition to the changes and also spoke at the hearing in 2017. I am a long term (30 years plus) resident of the area and live beside the lake I actively recreate by sailing dinghy, kayak and swimming I am a member of lake Dunstan Boat Club committee, a yachting/kayak instructor at the Aquatic centre and I am also a commercial skipper (SRL holder). I felt at the time (2017) the changes were misguided and intended only to make the job of policing easier not to achieve a higher standard of safety. Specifically the complete elimination of the 5knot rule within any distance of the shore in the Clutha arm was a mistake and is now causing a much greater risk to users of the lake. Currently it means for example 16 year olds can and do travel at any speed (over 100km/hr) along the lake edge where swimmers and other users may be recreating - someone travelling at 100km an hour will not see a swimmer in time the 50m rule is useless in this situation... The so called safe swim areas are incredibly restrictive and inadequate and kids and family's will and do recreate all around the lake. I am in agreement water skiers etc must be catered for and possibly new ski lanes added but these activities and speeds must they must be controlled and managed - people will die if not - I have personally observed many near misses. Loss of water ski areas has partially happened as freedom camping has been allowed adjacent to existing areas essentially making beach access impossible. Speed management is also required under the Cromwell bridge and around the town. there needs to be a better enforcement presence over busy times, better education, signage and publicity that rules do exist and will be enforced. better maintenance of marks and buoys also needs to occur. The current inconsistency with most of the rest of NZ only creates confusion...</p>	<p><b>Since spending more time at Lake Dunstan we have noted the issues raised by Mr Gibson and agree there are some speeding issues. To note we have not had any reported incidents in recent times. We continue to upgrade the navigational marks and take every opportunity to educate users in this area.</b></p> <p><b>New signage buoys and a continued uplift in presence will help.</b></p>	<p><b>No change to current bylaw, continue educating and improving signage, buoyage and education.</b></p> <p><b>Ski lanes and swim areas can be better marked and placed as we see the need going forward.</b></p> <p><b>We should also consider a traffic separation zone from the bridge to Old Cromwell as we get more familiar with the area. This will improve safety in this area.</b></p> <p><b>No current changes to the proposed bylaw at this time.</b></p>

<p><b>Brendan O’Neill</b></p>	<p>There is significant difficulty keeping kayakers safe on Otago harbour. Enforcement of the current navigation and speed limit rules is of considerable help. In particular kayakers on the Ravensbourne side of the harbour need to share the resource with several rowing clubs. There are two significant problems. 1 Rowing boats can travel and high speed sometimes over 20km/hr and have very poor forward visibility, they are a significant vessel 12+ m long and 5+ m wide. Contact with kayakers represents serious injury to the kayaker and possible drowning if contact injury is serious enough. 2 Rowing coach boats are small power boats that keep up with racing rowing boats and occasionally travel at even higher speeds between separate rowing boats which they are supervising. The coach boats break several of the harbour rules for both speed and proximity and produce a wake which is hazardous to kayaks. It is a large harbour and if the harbour rules are obeyed there should rarely be any issues. However kayakers in the Ravensbourne area have no option but to run the gauntlet of racing and training rowing boats. My negotiation with the rowing clubs has resulted in them asking kayakers to avoid the rowers in front of the Ravensbourne clubs, and paddle north next to the deep channel which is up to 200m from the shore. This represents a safety hazard for kayakers. My request is that a 25m section of water next to the harbour wall between the marina and the Ravensbourne wharf is kept free of rowing boats and coach boats except to enter and exit the water so that kayakers have a dedicated area to keep out of the way of rowers training and racing in front of their clubrooms. In my negotiation with rowing representatives they have agreed to consider this request but there has been no response either positive or negative over the last 24 months. Incidents occur on a regular basis where rowing boats and rowing coach boats but kayakers at risk and I have documented most of these incidents with the Harbour Master.</p>	<p><b>We have been working with the rowers to highlight areas on the harbour where rowing is predominantly undertaken and how to best socialise this , Kayaking is in a similar area and I suggest that a discussion with Brendan is the first step. With a view to having this issue formatted into HM directions for the Harbour</b></p>	<p><b>Arrange meeting with Mr O’Neill – 25<sup>th</sup> May.</b></p> <p><b>Following the discussion with Mr O’Neill he decided that he no longer required to be heard at a hearing.</b></p> <p><b>HM to action designated areas into HM Direction format and merge with rowing charts.</b></p> <p><b>No changes to bylaws required</b></p>
<p><b>John Lister</b></p>	<p>Vessels to be Identified. It should be compulsory for all trailer boats to display the registration number of the trailer on the boat. That way owners can be easily identified using an existing data base (National vehicle register) This would mean no new database needed and no expense.</p> <p>What we had before was not effective. On the rare occasions when there was a harbour master on Lake Dunstan I watched as he sailed past boats towing skiers rotating in the wrong direction and jet skis with no lifejackets. He did not even stop on his return journey. New management can not be any worse!</p>	<p><b>This is already in the ORC version and aligns with ECan. So essentially having this already in satisfies the comments.</b></p> <p><b>Note: We are having more presence than before and continue to improve marks, safety and education in this area.</b></p>	<p><b>This bylaw is proposed in the new merger. No further action required.</b></p> <p><b>No changes to bylaws required</b></p>

# **OTAGO REGIONAL COUNCIL NAVIGATION SAFETY BYLAW 2019**



That pursuant to section 33M of the Maritime Transport Act 1994 and the Local Government Act 2002, the Otago Regional Council resolves that the Navigation Safety Bylaw 2019 adopted on XXXXXXXX, is hereby confirmed, and shall come into force on XXXXXXXX.

The common seal of the Otago Regional Council was hereunto affixed on XXXXXXXX in the presence of:

\_\_\_\_\_  
Councillor

\_\_\_\_\_  
Councillor

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## Part 1. Preliminary Provisions

### 1. Title and commencement

- 1) This Bylaw is the Otago Regional Council Navigation Safety Bylaw 2019.
- 2) This Bylaw comes into force on 01 May 2019.

### 2. Application

- 1) This Bylaw applies to all waters in the Otago Region including the territorial sea and all inland waters apart from:
  - (a) The navigable waters in the Queenstown Lakes District Council area, which are administered by that council as shown in Appendix A.
  - (b) ~~Lake Dunstan and the Kawarau River which are administered by Central Otago District Council as shown in Appendix B.~~

### 3. Interpretation

- 1) In this Bylaw, unless the context otherwise requires:

“**Accident**” means an occurrence that involves a vessel and in which

  - a) a person is seriously harmed as a result of -
    - i. being on the vessel or
    - ii. direct contact with any part of the vessel, including any part that has become detached from the vessel, or
    - iii. direct exposure to the was of the vessel or interaction (other than direct contact) between two vessels; or
    - iv. being involved in the salvage of any vessel, except where the injuries are self-inflicted or inflicted by other persons, or when injuries are to stowaways hiding outside areas normally available to passengers and crew: or
  - b) the vessel sustains damage or structural failure that: -
    - i. adversely affects the structural strength, performance, or seaworthiness of the vessel or
    - ii. would normally require major repair or replacement of the affected component; or
    - iii. poses a threat to the safety of people on board the vessel or
  - c) there is a complete or partial failure of machinery or equipment that affects the seaworthiness of the vessel:
  - d) there is a loss of, or damage to, or movement of, or change in the state of the cargo if the vessel which poses a risk to the vessel or other vessels or
  - e) there is a significant loss of, or significant damage to, property (not being the cargo carried by the vessel) or the property of any person (whether or not on board the vessel), whether or not the loss or damage arises from an interaction between two vessels or
  - f) there is a loss or escape of any substance or thing that
    - i. may result or has resulted in serious harm to any person or
    - ii. may pose a risk, or has resulted in damage to the vessel or other vessels or

- iii. may pose a risk, or has resulted in any damage to any property (whether or not on board the vessel): or
- g) a person is lost overboard (whether or not subsequently found), or is missing or
- h) the vessel is foundering, capsizing or being abandoned, stranded or been in a collision, or has a minor fire on board

“**Act**” means the Maritime Transport Act 1994.

“**Access Lane**” means an area declared as an access lane under clause 20.

“**Anchoring**” means the temporary securing of a vessel to the bed of the waterway by means of an anchor, cable or other device, that is normally retrieved from the water and stored on the vessel on departure.

“**Beacon**” means an aid to navigation identified with a beacon symbol as shown on Land Information New Zealand Chart 6612 Otago Harbour. Beacon numbers are as shown on Chart 6612.

“**Council**” means the Otago Regional Council.

“**Commercial Port Area**” means areas defined as a Coastal Development Area or a Coastal Harbourside Area in the Regional Coastal Plan for the Otago and Oamaru Harbours as shown in the maps in Appendix B and [Appendix G](#).

“**Competent Person**” when used in relation to the inspection and/or maintenance of moorings means a person or organisation who has demonstrated to the satisfaction of the Harbourmaster that they are suitably experienced and/or qualified to undertake inspections and/or maintenance of moorings.

“**Enforcement Officer**” means a person appointed by Council under section 33G of the Act.

“**Flag A**” means flag A of the International Code of Signals (the divers flag) being a swallow tailed flag, or a rigid equivalent, coloured in white and blue with white to the mast, of not less than 600mm by 600mm.

“**Flag B**” means the flag B of the International Code of Signals being a swallow tailed flag, or a rigid equivalent, coloured in red of not less than 600mm by 600mm.

“**Dunedin Wharves**” means the Commercial Port Area of Otago Harbour at Dunedin located west of beacon 67.

“**Halfway Islands Safety Zone**” means the area identified in Appendix F.

“**Harbour Area**” means Otago Harbour or Oamaru Harbour.

“**Harbour Control**” means the Otago Harbour vessel traffic control centre operated by Port Otago Limited.

*Explanatory note: Harbour Control is staffed at all times and may be contacted on VHF Channel 14. Alternative contact information for Harbour Control; Telephone: 472 9882; Email: [harbourcontrol@portotago.co.nz](mailto:harbourcontrol@portotago.co.nz).*

“**Harbourmaster**” has the same meaning as in [section 2](#) of the Act.

“**Incident**” means any occurrence, other than an accident, that is associated with the operation of a vessel and affects or could affect the safety of operation.

“**Lake Waiholo**” means the lake area shown in [Appendix H](#)

**“Landing Place”** means a wharf, jetty, dock, quay, landing, pile mooring, pier, pontoon, boat ramp, slipway or other facility, where vessels can be or may be moored, launched or retrieved, but does not include a mooring.

**“Large Vessel”** means any vessel 40 metres or greater in Length Overall, or 500 gross tonnage or greater. If a tug and tow or composite vessel, gross tonnage shall be the sum of gross tonnage for all of the connected vessels.

**“Length Overall”** has the same meaning as ‘length overall’ as defined in Maritime Rule Part 40C. If a tug and tow, Length Overall shall be the combination of the tug and object(s) towed but not the length of the towing medium.

*Explanatory note: Maritime Rule Part 40C defines length overall as “the length of the ship measured from the foreside of the head of the stem to the aftermost part of the transom or stern of the ship. Fittings (such as beltings, bowsprits, platforms, gantries, trim tabs, jet and outboard drive units) projecting beyond these terminal points must not be included in the length overall. Structures (such as bulbous bows, deckhouses, free flooding bait tanks and buoyancy tubing) projecting beyond these terminal points must be included in the length overall ...”.*

*Explanatory note: The Advisory Circular to Maritime Rule Part 40A has further guidance and interpretation of this definition.*

**“Local Notice to Mariners”** means a notice related to maritime safety in Otago which is available to the public from the Council website.

**“Marine Mammal”** has the same meaning as in Section 2 of the Marine Mammal Protection Act.

**“Manoeuvre”** means actions that change the direction of a vessel.

**“Master”** means any person (except a pilot) having command or charge of any ship.

**“Medium Vessel”** means any vessel more than 15 metres but less than 40 metres in Length Overall and under 500 gross tonnage.

**“Mishap”** means an event that—

- (a) causes any person to be harmed; or
- (b) in different circumstances, might have caused any person to be harmed.

**“Mooring”** means any weight or article placed in or on the foreshore or seabed or the bed of a water body for the purpose of securing a vessel, raft, aircraft, or floating structure, and includes any wire, rope, buoy, or other device attached or connected to the weight, but does not include an anchor that is normally removed with the vessel, raft, aircraft, or floating structure when it leaves the site or anchorage.

**“Mooring Area”** means an area, where vessel moorings may be placed, identified by the Council as a mooring area in the Regional Coastal Plan.

**“Moving Prohibited Zone (MPZ)”** means the space of water in the Otago Harbour Shipping Channel extending:

- a) For a Large Vessel, 100 metres astern and 100 metres to each side of the vessel, and continued at such width to 1,000 metres ahead when that vessel is underway.
- b) For a tug in attendance of a large vessel, 100 metres all around the tug, in addition to the MPZ around the large vessel.

**“Navigable”** means able to be navigated by a vessel on, through, over or under the water.

**“Navigational Channel”** means the Otago Harbour Shipping Channel, or the principal access to any other harbour area, or the principal navigational channel of an inland water.

“**Oamaru Harbour**” means the Commercial Port Area located at Oamaru as shown in [Appendix G](#)

“**Otago Harbour**” means the area comprising all waters enclosed by a line from Trig at Heyward Point then bearing 20 degrees for three nautical miles then bearing 126 degrees for 1.75 nautical miles then bearing 200 degrees for 3 nautical miles to Howletts Point, as published in the New Zealand Gazette Vol II July 1930 p.2233 and p.2234.

“**Otago Harbour Shipping Channel (OHSC)**” means the marked channel extending through Otago Harbour from the Fairway Beacon at the Channel Entrance through the gap between the Halfway Islands (Goat Island and Quarantine Island) to a line extending due south of Beacon 67 at the Dunedin Wharves [as shown in Appendix C](#).

“**Otago Region**” means the area to which this Bylaw applies as listed in clause 2 of this Bylaw and shown in Part [886](#) (the map).

“**Owner**”:

- (a) when used in relation to any vessel, has the same meaning as in the Act
- (b) when used in relation to any landing place, means the person holding a coastal permit under the Resource Management Act 1991 for the landing place and shall include a lessee of the landing place
- (c) when used in relation to Port Areas of Otago Harbour means Port Otago Limited
- [\(d\)](#) when used in relation to Commercial Port Areas of Oamaru Harbour means the Waitaki District Council, or a port company established by the Waitaki District Council.

[“Parasailing” “Parakiting” or “Paragliding” means any flying or gliding by use of a parachute or kite when being towed by a vessel](#)

“**Personal Flotation Device**” means any serviceable buoyancy aid that is designed to be worn on the body and that is certified by a recognised authority as meeting

- (a) type 401, 402, 403, 404, 405, or 408 in NZ Standard 5823:1989 or NZ Standard 5823:2001 or type 401, 402, 403, 404, 405 or 406 in NZ Standard 5823:2005; or
- (b) a national or international standard that the Director is satisfied substantially complies with types 401, 402, 403, 404, 405, or 408 of the NZ Standard 5823:1989 or NZ Standard 5823:2001 or type 401, 402, 403, 404, 405 or 406 in NZ Standard 5823:2005:

“**Personal Water Craft**” means a power-driven vessel that—

- (a) has a fully enclosed hull; and
- (b) does not take on water if capsized; and
- (c) is designed to be operated by a person standing, sitting astride, or kneeling on it, but not seated within it

“**Pilot**” means any person, not being the master or a member of the crew of the ship, who has the conduct of the ship.

“**Pleasure Craft**” means

- (a) a vessel that is not offered or used for hire or reward, and is used exclusively for—
  - (i) the owner’s pleasure or as the owner’s residence; or
  - (ii) recreational purposes by—

- (A) the members of a club that owns the vessel:
  - (B) the beneficiaries of a trust that owns the vessel:
  - (C) the members of an incorporated society that owns the vessel; but
- (b) excludes a vessel that is—
- (i) provided for transport, sport, or recreation by, or on behalf of, an institution, hotel, motel, place of entertainment, or other establishment or business:
  - (ii) used on a voyage for pleasure if the vessel is normally used, or intended to be normally used, as a fishing vessel or for the carriage of passengers or cargo for hire or reward:
  - (iii) operated or provided by—
    - (A) a club, incorporated society, or trust for non-recreational purposes; or
    - (B) a business

**“Port Company”** has the same meaning as “port company” in the Port Companies Act 1988.

**“Power-driven vessel”** means any vessel propelled by machinery.

**“Regional Coastal Plan”** means the Council’s Regional Plan: Coast for Otago.

**“Reserved Area”** means an area declared as being reserved for a specified maritime safety purpose under Maritime Rules Part 91 or clauses [20](#) and [31](#) of this Bylaw.

*Explanatory note: For the avoidance of doubt the only reserved areas in the Otago Region having legal status are those authorised under this Bylaw. All reserved areas authorised by previous bylaws, rules, or regulations made under any act have been revoked by this bylaw (or a previous bylaw) and have no effect or legal status.*

**“Restricted Visibility”** means any condition in which visibility is restricted by fog, mist, falling snow, heavy rainstorms, sandstorms, or other similar causes.

**“River”** includes a stream and any natural, modified or artificial watercourse; but does not include any part of a river within the ebb and flow of the tide at ordinary spring tides:

**“Sailboard”** means any type of board including a windsurfer or kiteboard that is propelled by any type of sail and intended to be navigated by a person standing upright on the board.

**“Ship”** has the same meaning as Vessel.

**“Shore”** when referring to distance from shore, means distance from the water’s edge.

**“Speed”** means

- (a) On the sea or lakes the speed through the water; or
- (b) On rivers and estuaries, the speed through the water if travelling with the current, or speed over the ground if travelling against the current.

**“Small Vessel”** means any vessel 15 metres or less in Length Overall.

**“Special Speed Zone (SSZ)”** means an area of water where the speed limit has been set under clause 19 or [clause 32](#) of this Bylaw.

*Explanatory note: Under Maritime Rule Part 91 speed limits are generally 5 knots within 200m of shore or a structure, and within 50m of a person in the water.*

“**Specified MPZ**” means a Moving Prohibited Zone specified for any vessel by the Harbourmaster in accordance with clause 285(4) of this bylaw.

“**Support Vessel**” means any vessel used for coaching, marshalling and rescue attendance for training, regattas and competitions.

*Explanatory note: For the sake of clarity, this definition relates to recreational and sporting activities and does not include port company vessels engaged in normal port operations.*

“**Surfboard**” means any type of board that is used for surf riding.

“**Territorial Sea**” means the territorial sea of New Zealand which comprises those areas of the sea having, as their inner limits, the baseline described in sections 5 and 6 and 6A of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977 and, as their outer limits, a line measured seaward from that baseline, every point of which line is distant 12 nautical miles from the nearest point of the baseline.

“**Underway**” means a vessel not at anchor, or made fast to the shore, or aground.

“**Unseaworthy**” means, in the opinion of the Harbourmaster not being in a fit condition or readiness to navigate safely on the water.

“**Vessel**” means every description of ship, boat or craft used in navigation, whether or not it has any means of propulsion; and includes—

- a) a barge, lighter, or other like vessel:
- b) a hovercraft or other thing deriving full or partial support in the atmosphere from the reaction of air against the surface of the water over which it operates:
- c) a submarine or other submersible:
- d) a seaplane while it is on the surface of the water.
- e) and shall include but is not limited to, a sledge, surfboard, sailboard, stand-up paddle board, raft, personal water craft or any other object intended or used to carry or support a person in or on the water.

“**VHF**” means maritime very high frequency two-way radio on channels in the frequency range between 30 MHz and 300 MHz.

“**Waters**” means

- (a) all the sea area including in estuaries, inlets or harbours and coastal waters, the outer boundary being the seaward limit of the territorial sea and the inner boundary being the water’s edge; and
- (b) all inland navigable waters of the Region.

*Explanatory note: The seaward limit of the territorial sea is approximately 12 nautical miles from shore, the exact limits may be found on the Land Information New Zealand (LINZ) website. Inland waters includes all rivers lakes and ponds regardless of whether or not they are accessible to the general public.*

“**Water Skiing**” means being towed barefoot or on an object of any kind other than a vessel.

NOTE

To avoid doubt, compliance with this Bylaw does not remove the need to comply with all other applicable Acts, regulations, bylaws, Maritime Rules, rules in any District or Regional Plan and rules of law.

Unless the context requires another meaning, a term or expression that is defined in the Act or a Maritime Rule and used in this Bylaw, but not defined, has the meaning given by the Act or Maritime Rule.

Any explanatory notes are for information purposes only and do not form part of this Bylaw, and may be made, amended and revoked without formality.

#### **4. Revocation**

- (1) This Bylaw revokes all existing speed uplifts or increases and restricted areas in the Otago Region previously authorised by the Otago Regional Council or its predecessors.



## Part 2. General Navigation Safety Requirements

### 5. Notification of maritime accidents, incidents and mishaps

- 1) The person owning or having responsibility for, or in charge of, or having conduct of any vessel, Port Company property, other maritime facility, structure or object that:
  - a) has been involved in any accident, incident, or mishap involving a vessel; or
  - b) in any manner gives rise to a navigational hazard;

Shall, as well as complying with any accident reporting requirements of Maritime Rules and the Act, immediately report the occurrence to the Harbourmaster.

- 2) For accidents incidents or mishaps in Otago Harbour the Harbourmaster shall be notified by a VHF radio call to Harbour Control immediately, where VHF communication is available after the incident.
- 3) For other accidents incidents or mishaps the Harbourmaster shall be contacted within 24 hours of the incident by phone call or by email.

*Explanatory note: Harbourmaster email address is [harbourmaster@orc.govt.nz](mailto:harbourmaster@orc.govt.nz)*

- 4) Persons reporting accidents under the Maritime Rules and the Maritime Transport Act should provide to the Harbourmaster a copy of the appropriate Maritime New Zealand report form within 24 hours of submission to Maritime New Zealand.  
<https://services.maritimenz.govt.nz/incident/>
- 5) The Harbourmaster may contact the owner of any vessel or property involved in any such accident, incident or mishap.

### **5.6. Person in charge of the vessel**

- 1) The person in charge of a vessel is responsible for the safety and wellbeing of every person on board and for the safe operation of the vessel.
- 2) No vessel owner shall permit the vessel to leave the shore or any anchorage or mooring unless a person in charge of the vessel has been nominated.
- 3) Any person in charge of a vessel fitted with a kill cord must ensure that the kill cord is fitted correctly at all times whilst underway.

### **6.7. Carriage of personal flotation devices**

- 1) A person in charge of a pleasure craft must not operate it unless there are sufficient personal flotation devices for each person on board at all times that the vessel is underway.
- 2) Personal flotation devices must be:
  - a) in a readily accessible location on board the vessel;
  - b) of an appropriate size for each person on board;
  - c) an appropriate type for the activity being undertaken; and
  - d) in good operative condition.

## **7.8. Exemptions to the compulsory carriage of personal flotation devices**

- 1) Clause 76 does not apply to:
  - (a) any person on a surfboard or stand up paddle board when the board is attached to the person by means of a tether;
  - (b) any sailboard activity, if a wetsuit is worn at all times;
  - (c) a diver on a vessel of 6 metres length or less that is used for recreational diving within five nautical miles of shore, when a full body wetsuit is worn at all times;
  - (d) a person training for or participating in a sporting event, if the training or the event is supervised in accordance with a safety system approved by the Harbourmaster.

*Explanatory note: The Harbourmaster may approve a sporting organisation if that organisation has in place a safety system that the Harbourmaster is satisfied provides an equivalent level of safety to the carriage or wearing of personal flotation devices.*

- (e) a sporting event, training activity, ceremonial or other authorised customary event if:
  - (i) a support vessel that is capable of providing adequate assistance in the event of an emergency remains in the immediate vicinity of the vessel and the vessel and support vessel in combination carry personal flotation devices or buoyancy aids of an appropriate type and size for every person on board in the event of any danger to the health and safety of occupants of the vessel; or
  - (ii) the Harbourmaster has approved a prior written exemption.

*Explanatory note: The Harbourmaster may approve an exemption for a specified period if satisfied that adequate safety precautions are made for rescuing any person participating in the event or activity.*

### **8.9. Wearing of personal flotation devices on vessels**

- 1) Every person on board vessels 6 metres or less length overall must wear a properly secured personal flotation device of an appropriate size for that person at all times.
- 2) Subclause 9(1) does not apply if the person in charge of the vessel, after assessing all circumstances and determining there would be no reduction in safety, expressly authorises any person on board to not wear a personal flotation device.
- 3) Subclause 9(1) does not apply to a person who is below deck of the vessel unless expressly instructed to wear a personal flotation device by the person in charge of the vessel.
- 4) Subclause 9(1) does not apply to a person training or participating in or for any trick water skiing/wake boarding element of a sporting event supervised in accordance with the safety system of a national sporting organisation approved by the Director of Maritime New Zealand pursuant to part 91 of the Maritime Rules.

3)5) All persons must wear a properly secured personal flotation device of an appropriate size for that person when:

- (a) in circumstances where tides, river flows, visibility, rough seas, adverse weather, when crossing a bar, in emergencies, or other situations that may cause danger or a risk to the safety of persons on board, or;
- (b) being towed by a vessel.

Explanatory note: circumstances and activities that could result in people inadvertently being in the water includes the activity being undertaken by a person, the type of vessel, the activity the vessel is engaged in, adverse weather or sea conditions, and other nearby vessel activity that could result in collision. A person must wear and secure a suitable personal flotation device whilst on a vessel if instructed to do so by the Harbourmaster.

### **9.10. Minimum age for operating power-driven vessels**

- 1) No person under the age of 15 years shall be in charge of, or navigate, a power-driven vessel that is capable of a speed exceeding 10 knots unless he or she is under the direct supervision of a person over the age of 15 years who is in immediate reach of the controls.
- 2) The person in charge of a power-driven vessel that is capable of a speed exceeding 10 knots must not allow any person who is under the age of 15 years to navigate that vessel in contravention of subclause 10(1).
- 3) Subclause 10(1) does not apply to any person who has a written approval from the Harbourmaster. Written approvals may be given for training, competitions or other sporting events, and the Harbourmaster, when considering whether or not to grant such an approval, shall have regard to the competence of the person, the level of supervision, and awareness of other relevant navigation safety matters.

### **10.11. Navigation on rivers**

- 1) A person in charge of a vessel on a river must:
  - a) Ensure that the vessel keeps to the starboard side of the navigable channel where safe and practicable; and

- b) When going upstream, give way to any vessel coming downstream; and
- c) Not navigate the vessel unless it is safe to do so and weather conditions are considered to permit safe navigation of the vessel; and
- d) Not exceed a speed of 5 knots on any river unless in an area designated as a SSZ, or a Reserved Area or an Access Lane.

*Explanatory note for subclause 1)c): For example, not navigate immediately downstream of dams that are spilling.*

#### **11.12. Fishing or swimming or diving around landing places**

- 1) No person shall fish, jump, dive or swim:
  - a) From, or within 50 metres from, a landing place in a manner that interferes with the berthing or departure of any vessel, or
  - b) In Commercial Port Areas without the permission of the owner and shall comply with all conditions of that permission, or
- 2) Subclause 12(1) does not apply to activities conducted by, on behalf of, or approved by a marine facility owner within the relevant Commercial Port Area.

#### **12.13. Obstructions that may constitute or become a danger to maritime safety**

- 1) No person may place any obstruction, including any fishing apparatus, in any waters that is likely to—
  - (a) restrict navigation; or
  - (b) cause injury or death to any person; or
  - (c) cause damage to any vessel or any property.

#### ~~13.14. Vessels to be adequately secured~~

- ~~1) The person in charge of a vessel must ensure that it is securely anchored or moored, and secured while left unattended.~~
- ~~2) In securing the vessel, the person in charge of the vessel must only use rope, chain or other means of anchoring or mooring a vessel that is fit for purpose.~~
- ~~3) No person shall secure a vessel to any post, wharf, ring, fender, buoy or any other structure not fit for that purpose.~~
- ~~4) No person shall leave any vessel or other property in a place where it may create a navigation hazard or nuisance where it may interfere with the normal use of the waters by other persons.~~
- ~~5) No person shall set a vessel adrift or interfere with her moorings or fastening.~~

#### **14.15. Vessels to be seaworthy**

- 1) No person shall navigate any vessel in circumstances where the vessel is unseaworthy, except to remove the vessel from the water or to move it to a safe area.

~~4)2)~~ No person shall operate any vessel in circumstances where persons on board have been advised by the Harbourmaster or an enforcement officer that the vessel is unseaworthy, except to comply with the directions of the Harbourmaster or enforcement officer to proceed to a safe area.

### ~~15.16.~~ **Vessels to be identified**

- 1) No person shall navigate a ~~Personal Water Craft or other craft 6m or more length overall~~ Vessel unless it displays an identifying name or number displayed above the waterline on each side of the vessel.
- 2) The identifying name or number shall;
  - (a) consist of letters of the Roman alphabet or numbers that are not the vessel's brand, make or model; and
  - (b) be unique to that vessel; and
  - (c) unless complying with the requirements of an organisation listed in subclause 15(2)(a), be a minimum height of 90 millimetres and be readable to the naked eye by day from a distance of at least 50 metres.
- 3) The identifying name or number referred to in subclause 15(1) shall be:
  - a) a registration or identification approved by and conforming to the requirements of:
    - (i) Maritime New Zealand (MNZ) or an equivalent foreign authority (e.g. a MNZ number or vessel's registered name); or
    - (ii) A sporting body as may be approved from time to time by the Harbourmaster and listed on the Council's website; or
  - b) the vessel's radio call sign; or
  - c) for any trailer borne vessel without a registration or identification listed in subclauses (a) or (b), the registration number of its trailer; or
  - d) for non-trailer borne vessels, an identifying name or number otherwise complying with the requirements of subclause 15(1), or
  - e) for sail vessels the identifying name or number may be the vessel's sail number.
- 4) Other vessels under 6m length shall be marked with the current owner's name and contact details somewhere on the vessel.
- 5) Subject to subclause (4), subclauses (1), (2) and (3) do not apply to:
  - (a) non-powered vessels of six metres or less in length;
  - (b) paddle craft;
  - (c) vessels powered solely by oars;
  - (d) a vessel which is temporarily being operated on Otago waters and which displays markings which meet an identification requirement within the Navigation Safety Bylaws of the region in which the vessel normally operates.

*Explanatory note: For the sake of clarity, "trailer borne vessel" refers to a vessel transported on a road-going trailer that is, or is required to be, registered. It does not include vessels stored on/launched from haul-out trailers – such vessels fall into the "non-trailer borne vessel" category.*

~~16.~~17. **Navigational aids**

- 1) No person shall erect, maintain or display any sign, beacon, light, mark, buoy or other device that has the characteristics of a navigational aid and/or which may be used or mistaken as a navigational aid or warning, without the prior written approval from the Harbourmaster.
- 2) No person shall tie a vessel to any beacon, navigation marker, navigation buoy, light or other navigation structure, without the prior written permission of:
  - (a) The Harbourmaster if it is operated by the Council; or
  - (b) The Director of Maritime New Zealand if it is operated by Maritime New Zealand.

*Explanatory note: Approval from the Director of Maritime New Zealand may be required as well.*

### Part 3. Speed Limits, Reserved Areas and Access Lanes

#### ~~17.18.~~ General speed limits

- 1) No person may, without reasonable excuse, propel or navigate a vessel (including a vessel towing a person or an object) at a speed exceeding 5 knots:
  - a) within 50 metres of any other vessel, raft, or person in the water; or
  - b) within 200 metres of the shore or of any structure; or
  - c) within 200 metres of any vessel or raft that is flying Flag A of the International Code of Signals (divers flag).
- 2) No person may propel or navigate a powered vessel at a speed exceeding 5 knots while any person has any portion of his or her body extending over the fore part, bow, or side of that vessel.
- 3) No person may cause himself or herself to be towed by a vessel (whether or not on a water ski, aquaplane, or other similar object) at a speed exceeding 5 knots in any circumstances specified in subclause [17\(1\)](#).

~~4) No person in charge of a vessel may permit the vessel to continue onwards, after any person being towed by that vessel has dropped (whether accidentally or otherwise) any water ski or similar object which may cause danger to any other person or vessel, without first taking appropriate action to immediately recover that water ski or similar object, unless the person has taken measures adequate to ensure that the dropped ski or similar object is clearly visible to other water users.~~

~~5)4) Subclause [17\(1\)](#) (a) shall not apply to:~~

- a) a vessel over 500 gross tonnage, if the vessel cannot be safely navigated in compliance with this subclause; or
- b) any vessels while participating in a yacht race or training administered by—
  - (i) a club affiliated to Yachting New Zealand; or
  - (ii) a non profit organisation involved in sail training or racing; or
- c) a craft training for or participating in competitive rowing or paddling; or
- d) a tug, pilot vessel, harbourmaster vessel, emergency response craft or police vessel, if the vessel's duties cannot be performed in compliance with this clause; or
- e) a vessel operating in accordance with a Special Speed Zone established under Clause 19 [or clause 32](#) of this Bylaw.

~~6)5) Subclause [17\(1\)](#)(b) shall not apply to:~~

- a) a vessel operating in an access lane or a reserved area for the purpose for which the access lane or reserved area was declared, unless, in the case of a reserved area, a navigation bylaw provides otherwise; or
- b) a vessel operating in accordance with Special Speed Zone established under Clause 19 [or clause 32](#) of this Bylaw, or
- c) a vessel over 500 gross tonnage, if the vessel cannot be safely navigated in compliance with this clause; or

- d) a craft training for or participating in competitive rowing or paddling; or
- e) a tug, pilot vessel, harbourmaster vessel, emergency response craft or police vessel when the vessel's duties cannot be performed in compliance with this clause.

*Exemption:*

~~7)6)~~ Vessels shall be exempt from compliance with the general speed limit specified in Clause 18 (1)b) provided that navigation is conducted in a safe manner and is authorised by

- a) an approval to use SSZs pursuant to clause 19 (2) [or clause 32](#) of this Bylaw provided that the vessel speed does not exceed the specified maximum speed for the vessel concerned in that SSZ; or
- b) a Reserved Area or Access Lane pursuant to clause 20 [or Part 6](#) of this Bylaw; or
- c) the Harbourmaster for specific vessels.

*Requirement for safe and considerate navigation:*

~~8)7)~~ No person is permitted by any provision of this Bylaw or any Maritime Rule to navigate a vessel in a manner that is likely to endanger any person or vessel.

*Wake and Drawoff:*

~~9)8)~~ No person may operate a power-driven vessel at a speed or in a manner that any wake or draw-off endangers persons or property.

*Speed over bars*

~~40)9)~~ The person in charge of a vessel may navigate a vessel at any speed required to enable the safe crossing of a river mouth bar.

## ~~18.19.~~ **Special Speed Zone (SSZ)**

- 1) Each of the waters shown in [Appendix D \(clause 32\) and Appendix E](#) is declared under this bylaw as a Special Speed Zone (SSZ).
- 2) An approval to use an SSZ identified in any controls specified by the Harbourmaster under this Bylaw, is approved for all persons from the date of commencement of the Bylaw for the period in which the Bylaw remains in force except where approval is restricted or revoked under either subclause [18\(3\)](#) or subclause [18\(4\)](#).

*Ability to restrict or revoke approval to use SSZs*

- 3) The Harbourmaster may at any time restrict or revoke an approval given under subclause (2) in relation to any person if that person is, in the opinion of the Harbourmaster:
  - a) Using the SSZs in an unsafe manner;
  - b) In breach of the Bylaw in a manner that justifies restriction or revocation of the person's approval to use the SSZs.

*Harbourmaster may restrict use of SSZ*

- 4) The Harbourmaster may at any time restrict the use of an SSZ to any degree the Harbourmaster sees fit, for a period of up to one year, if the Harbourmaster is of the opinion that the SSZ is not safe or that such restriction is necessary for a special event.

*Explanatory note: Changes to the extent and permitted use of any SSZ will be posted on the ORC website in advance of any change.*



## **19.20. Reserved Areas and Access Lanes**

- 1) Locations of Reserved Areas and Access Lanes are identified in [Appendix D](#), Appendix F and [Appendix H](#).
- 2) Any other waters may be reserved for an Access Lane or other specified maritime safety purpose or activity either:
  - a) by the Council issuing a written approval; or
  - b) by the Harbourmaster,
- 3) The Harbourmaster may specify controls and suspension of the use of the Reserved Area by issue of a Local Notice to Mariners.

*Explanatory note: The controls made under the Otago Regional Council Navigation Safety Bylaw 2019 contain maps showing areas of navigable water permanently reserved by Council for specified purposes and use. Local Notices to Mariners will be posted on the Council web site.*

- 4) No person may operate a vessel in a reserved area other than in accordance with any condition imposed by the Harbourmaster for the reserved area.
- 5) No person may enter a reserved area for any other purpose than that specified by the Harbourmaster.
- 6) While a reserved area is in use for the purpose specified by the Harbourmaster, no person may obstruct that use, or be in the specified area for any other purpose without prior approval of the Harbourmaster.

## **21. Water Skiing, Parasailing, Paragliding and Towing**

### 1) Speed of Towed Object or Watercraft

(a) No person, (whether or not on a water ski, aquaplane, or similar object), shall cause or allow themselves to be towed by a vessel at a proper speed exceeding 5 knots in any circumstances specified in clause 17.1 (a) and (c). (Note that speed limits for water skiing may be uplifted in reserved areas).

### 2) Dropping of Skis or Other Objects

(a) No person in charge of a vessel shall permit the vessel to continue onwards, after any person being towed by that vessel has dropped, whether accidentally or otherwise, any water ski or similar object that may cause danger to any other person or vessel, without taking immediate action to recover that water ski or similar floating object, unless the person has taken measures to ensure that the dropped ski or similar object is clearly visible to other water users.

### 3) Lookouts Required on Vessels used for Water Skiing and Towing

(a) No person in charge of a vessel shall use it or allow it to be used to tow any person on a vessel, surfboard, windsurfer, sailboard, water ski or skis, toboggan, aquaplane, wakeboard or other object, at a speed exceeding 5 knots, unless there is on the towing vessel, in addition to the person in charge, at least one other person aged 10 years or over who is acting as a lookout for immediately notifying the person in charge of the towing vessel of any loss of control, letting go, or any other mishap that occurs to the person who is being towed.

(b) No person, whether on a vessel, water ski or skis or other objects or not, shall cause or allow themselves to be towed by any vessel, at a speed exceeding 5 knots, unless

there is on the towing vessel, in addition to the person in charge, at least one other person aged 10 years or over who is acting as a lookout for immediately notifying the person in charge of the towing vessel of any loss of control, letting go, or any other mishap that occurs to the person who is being towed.

4. No Water Skiing at Night

(a) No person may operate a vessel that is towing any person on a water ski or skis, an aquaplane, toboggan, surfboard, windsurfer, sailboard or similar object, or who is barefoot skiing, between sunset and sunrise.

(b) No person on a water ski or skis, and aquaplane, toboggan, surfboard, windsurfer, sailboard or similar object, or who is barefoot skiing, shall cause or allow themselves to be towed by any vessel between sunset and sunrise.

**22. Divers to Display Flag Alpha (A)**

- 1) The Master of every vessel from which underwater dive operations are in progress must ensure that Flag A of the International Code of Signals is displayed in such a manner that it can be clearly identified from another vessel at a distance in excess of 200 metres.
- 4)2) Every person diving from a vessel or independent of a vessel must ensure that Flag A is displayed in such a manner that it can be clearly identified from another vessel at a distance in excess of 200 metres.

**20-23. Special events**

- 1) A person that intends to conduct a sporting event, training activity, ceremonial or customary event or any other organised water activity on navigable water must obtain approval from the Harbourmaster if the activity is likely to affect normal operation of another vessel or any other user of the water, or:
  - a) requires temporary suspension of the relevant speed clause(s) and any other relevant clause of the Maritime Rules or this Bylaw;
  - b) requires an area to be temporarily reserved for a specific area for the purpose of the event; or
  - c) requires the temporary suspension of a reserved area or access lane; or
  - d) requires temporary installation of course markers or similar such structures in the water.
- 2) An application to temporarily reserve an area of navigable water may be approved or refused at the discretion of the Harbourmaster, upon such terms and conditions as the Harbourmaster thinks fit. Such conditions may include temporary suspension of use of defined waters by all other users, if reasonably required for maritime safety purposes in the opinion of the Harbourmaster.

*Explanatory note: Temporary Reservations will be published by Local Notice to Mariners on the Council's website.*

**21.24. Conduct near marine mammals**

- 1) In the vicinity of marine mammals, the person in charge of each vessel shall;
  - a) travel no faster than idle or 'no wake' speed within 300m of any marine mammal
  - b) approach whales and dolphins from behind and to the side
  - c) not circle them, obstruct their path or cut through any group.
  - d) keep at least 50m from whales (or 200m from any large whale mother and calf or calves).
  - e) idle slowly away. Speeds may be gradually increased to out-distance dolphins and should not exceed 10 knots within 300m of any dolphin.

*Explanatory note: the presence of marine mammals tends to attract vessels into a small area of water for viewing purposes. It is important for maritime safety that vessels operate in a consistent and predictable manner.*

- 2) Masters of large vessels are not obliged to comply with Clause [23 \(1\)](#) if necessary for navigational safety reasons.

*Explanatory note: Masters of Large Vessels should slow down as much as conditions allow while keeping sufficient speed for control of the vessel to maintain navigational safety within the confines of the navigable waters*

## Part 4. Anchoring and Mooring

### 22.25. Anchoring

- 1) No small or medium vessel shall anchor in a Navigational Channel without approval from the Harbourmaster. A large vessel may anchor in a Navigational Channel at the direction of the Pilot.
- 2) No vessel shall anchor in a manner that obstructs moorings or moored vessels.
- 3) No vessel shall remain anchored within the same or proximate location for longer than 14 ~~consecutive~~ days in any six month period without the prior approval of the Harbourmaster.
- 4) An anchored vessel may not be left unattended for more than 24 hours without the owner, or their representative checking that the vessel remains secure.
- 5) Vessels are permitted to anchor in Oamaru Harbour in the area shown in Appendix G provided that clauses (2) to (4) above are complied with.

### 23.26. Vessels to be adequately secured

- 6) The person in charge of a vessel must ensure that it is securely anchored or moored, and secured while left unattended.
- 7) In securing the vessel, the person in charge of the vessel must only use rope, chain or other means of anchoring or mooring a vessel that is fit for purpose.
- 8) No person shall secure a vessel to any post, wharf, ring, fender, buoy or any other structure not fit for that purpose.
- 9) No person shall leave any vessel or other property in a place where it may create a navigation hazard or nuisance where it may interfere with the normal use of the waters by other persons.
- 10) No person shall set a vessel adrift or interfere with her moorings or fastening.

### 24.27. Moorings

- 1) No person shall lay, or move, a mooring unless:
  - a) that person holds a coastal permit for that mooring from Council; or
  - b) the mooring is a permitted activity in the Regional Coastal Plan.
- 2) No person shall secure a vessel to a mooring that exceeds the length, displacement, or draught specified in the coastal permit or in licencing arrangements with the coastal permit owner.
- 3) If at in any time in the opinion of the Harbourmaster any mooring is or may be in an insufficient state of repair the Harbourmaster may require the mooring to be:
  - (a) inspected by a competent person approved by the Harbourmaster; and
  - (b) repaired to a standard specified by the Harbourmaster.within a period specified by the Harbourmaster.

## Part 5. Special ~~Controls~~ Provisions on Activities in Otago Harbour

### 25-28. Communication requirements for vessels in the Otago Harbour Shipping Channel

- 1) All vessels over 6m in length shall carry an operational marine VHF radio and maintain a radio watch on Channel 14 whilst navigating along the Otago Harbour Shipping Channel.
- 2) Between sunset and sunrise, or in conditions of restricted visibility, all vessels shall contact Harbour Control before entering or transiting along the Otago Harbour Shipping Channel.
- 3) The person in charge of all Medium Vessels and Large Vessels must contact Harbour Control before navigating along the Otago Harbour Shipping Channel.

### 26-29. Moving Prohibited Zone (MPZ)

- 1) No person shall navigate a vessel so as to be within an MPZ without the approval of the Harbourmaster.
- 2) Subclause 28(1) shall not apply to tugs or pilot vessels while they are carrying out towage or pilotage duties in relation to a vessel for which a MPZ applies.

*Explanatory note: The MPZ is defined to only apply to waters within the Otago Harbour Shipping Channel. Small and Medium Vessels may pass a Large Vessel transiting the Otago Harbour Shipping Channel provided that they pass outside the channel. Provided it is safe to do so, Small and Medium vessels travelling inbound may need to cross to the port-hand side to bypass an MPZ outside of the marked channel, where the waters to starboard of the channel lie within 200m of shore.*

- 3) Subclauses 28(1) and 28(2) shall not apply where the approval of the Harbourmaster has been obtained for a vessel to be within a MPZ or to pass another vessel in the Otago Harbour Shipping Channel.
- 4) A Specified MPZ may be declared by the Harbourmaster by Local Notice to Mariners to apply to any vessel for such times and duration as the Harbourmaster considers necessary.

### 27-30. Vessel movements in proximity to ships

- 1) Vessels may come within 200 metres of a berthed tanker showing Flag B when necessary to navigate past provided they maintain the largest separation that can be safely achieved.

*Explanatory note: There is insufficient room for vessels using the Otago Harbour Shipping Channel to maintain the minimum 200m separation required under Maritime Rules for tankers berthed at the Dunedin Oil Jetty or LPG terminal.*

- 2) A master must not cause any vessel to manoeuvre within 200 metres of a berthed tanker flying Flag B unless required to by the operation of the tanker.

*Explanatory note: refer to Interpretation section for definition of manoeuvre.*

- 3) No vessel may berth or come alongside within 100 metres of a berthed tanker flying Flag B.
- 4) No vessel shall approach or manoeuvre within 25 metres of a large vessel without the prior permission of the large vessel or the Harbourmaster.

*Explanatory note: Being in the vicinity of a Large Vessel will be unsafe at times due to the lack of visibility of vessels in close and due to activities such as cargo loading, release of mooring lines, and operation of the ship's propulsion systems.*

**28.31. Fishing in Otago Harbour Shipping Channel**

1) Drift fishing and trolling using handheld rods or lines, either held in hand or placed in rod holders is permitted in the Otago Harbour Shipping Channel except when an MPZ applies in accordance with clause 29. Special restrictions apply in the vicinity of Halfway Islands in accordance with subclause 30(2).

4)2) The Halfway Islands Safety Zone is established as a Reserved Area for the area shown in [Appendix F](#). The person in charge of any vessel that is fishing in the Halfway Islands Safety Zone must:

- a) if intending to fish in the Halfway Islands Safety Zone, call Harbour Control on VHF Channel 14 prior to entry into the Zone, and
- b) call Harbour Control on VHF Channel 14 upon exit from the Halfway Islands Safety Zone, or upon the cessation of fishing activity, and
- c) maintain a radio watch on VHF Channel 14 while fishing in the Halfway Islands Safety Zone and immediately vacate the channel if:
  - (i) a large vessel approaches the Safety Zone; or
  - (ii) a long blast is given from a ship's whistle; or
  - (iii) the vessel indicates that it requires sea room by means of 5 short blasts on the ship's whistle, or a light signal of 5 rapid flashes, or call via VHF; or
  - (iv) if advised by Harbour Control; or
  - (v) if directed by the Harbourmaster.

## Part 6. Special Provisions for Lake Dunstan Area~~Maritime Safety Administrative Matters~~

### ~~29. Notification of maritime accidents, incidents and mishaps~~

- ~~1) The person owning or having responsibility for, or in charge of, or having conduct of any vessel, Port Company property, other maritime facility, structure or object that:
  - a) has been involved in any accident, incident, or mishap involving a vessel; or
  - b) in any manner gives rise to a navigational hazard;Shall, as well as complying with any accident reporting requirements of Maritime Rules and the Act, immediately report the occurrence to the Harbourmaster.~~
- ~~2) For accidents incidents or mishaps in Otago Harbour the Harbourmaster shall be notified by a VHF radio call to Harbour Control immediately, where VHF communication is available after the incident.~~
- ~~3) For other accidents incidents or mishaps the Harbourmaster shall be contacted within 24 hours of the incident by phone call or by email.~~

*Explanatory note: Harbourmaster email address is harbourmaster@orc.govt.nz*

- ~~4) Persons reporting accidents under the Maritime Rules and the Maritime Transport Act should provide to the Harbourmaster a copy of the appropriate Maritime New Zealand report form within 24 hours of submission to Maritime New Zealand.  
<https://services.maritimenz.govt.nz/incident/>~~
- ~~5) The Harbourmaster may contact the owner of any vessel or property involved in any such accident, incident or mishap.~~

Note:

The following access lanes are specified in accordance with Clause 19 for the purpose of landing or launching vessels and landing or launching persons towed by those vessels on water skis or other objects:

No areas currently identified.

The following reserved areas are specified under Clause 19. Notwithstanding the reservation of areas for a particular purpose or type of vessel, the safety of the vessel, toboggan, windsurfer, sailboard and its occupants, or any person being towed, when operating within or in the vicinity of any reserved area is the responsibility of the master of the vessel, toboggan, windsurfer or sailboard.

The following areas are set out on the map of Lake Dunstan in [Appendix D](#)

### 32. Lake Dunstan - Reserved Areas

- 1) All watersports prohibited except use by anglers or waterfowl hunters–

Bendigo Wildlife Area being the area shown as shaded on the map in [Appendix DH](#) being the area north of a line extending across Lake Dunstan from Rocky Point and marked by black posts with white horizontal bands.

- 2) Areas reserved for swimming and within which no person shall navigate a powered vessel –

[Weatherall Creek](#)

[Dairy Creek Swimming Area](#)

[Sander's Inlet](#)

[Bannockburn Inlet \(Part\)](#)

[Lowburn Inlet \(Part\)](#)

[Lowburn Raft](#)

[Pisa Moorings](#)

[Old Cromwell](#)

[Fernbrook area](#)

[Deadmans Point to first pier of Bridge \(True Right side of lake\)](#)

[The areas are marked by black posts with white horizontal bands and yellow buoys and are bound by lines extending from the shore as marked by the posts and buoys at the positions denoted on the map in Appendix D](#)

- 3) [Areas reserved for wildlife and within which no person shall navigate a powered vessel –](#)

[Pisa Moorings](#)

[The areas are marked by black posts with white horizontal bands and yellow buoys and are bound by lines extending from the shore as marked by the posts and buoys at the positions denoted on the map in Appendix D.](#)

## **32. Lake Dunstan Area – Special Speed Zones**

- 1) [For the following areas the speed limits specified in Clause 17.1\(a\) and Clause 20.1\(a\) shall not apply, and subject to Clause 31, the following proper speed limits shall apply –](#)
- a) [Clutha Arm - From Deadmans Bridge to northern point of Pisa Moorings – 5 knots within 50 metres of any vessel, raft or person in the water other wise no speed limit.](#)
  - b) [Dunstan Arm – 5 knots within 50 metres of any vessel, raft or person in the water other wise no speed limit.](#)
  - c) [Kawarau Arm – 5 knots within 50m of any other vessel, raft or person in the water other wise no speed limit.](#)
  - d) [Kawarau River – no speed limit upstream of footbridge at Goldfields Mining Centre for 4,100 metres.](#)
  - e) [From the northern point of Pisa Moorings to the Bendigo Wildlife area 5 knots within 200 metres of shore.](#)



f) That part of the Lowburn Inlet that does not comprise the area within which no person shall operate a powered vessel as set out in Clause 9.1 – 5 knots.

g) Bendigo Wildlife Area – 5 knots within the reserve being the area shown as shaded on the map in Schedule 1 being the area north of a line extending across Lake Dunstan from Rocky Point and marked by black posts with white horizontal bands. Notwithstanding the stated speed limit of 5 knots in this area vessels may access the Clutha River via the main river channel at a speed greater than 5 knots subject only to any other provision of this bylaw stipulating a maximum speed.

h) McNulty Inlet – 5 knots.

The areas are marked with black posts with white horizontal bands.

These areas are set out on the map of Lake Dunstan in Appendix D.

## Part 7. Maritime Safety Administrative Matters

### 30-33. Written approvals

- 1) Any person may make application to the Harbourmaster for written approval as allowed under this bylaw. Applications must be:
  - (a) in a form and manner prescribed by the Harbourmaster; and
  - (b) be accompanied by any required fee.
- 2) Written approval may be granted or refused and if granted subject to conditions.
- 3) Any written approval required by this Bylaw shall be displayed as required by its terms and conditions and must be produced forthwith on request by the Harbourmaster, an Enforcement Officer or a Constable.
- 4) No written approval, required by this Bylaw shall have effect until any fee required for it has been paid.

### 31-34. Offences and penalties

- ~~1) It is an offence under section 33N of the Act to contravene this Bylaw.~~

~~It is an offence under the Act to, without reasonable excuse, fail to comply with a direction or requirement given or imposed by a Harbourmaster under section 33F of the Act.~~

#### Offences

- ~~1) Every person commits an offence against this bylaw who contravenes or permits a contravention of this bylaw.~~

#### Penalties

- ~~2) Every person who:~~

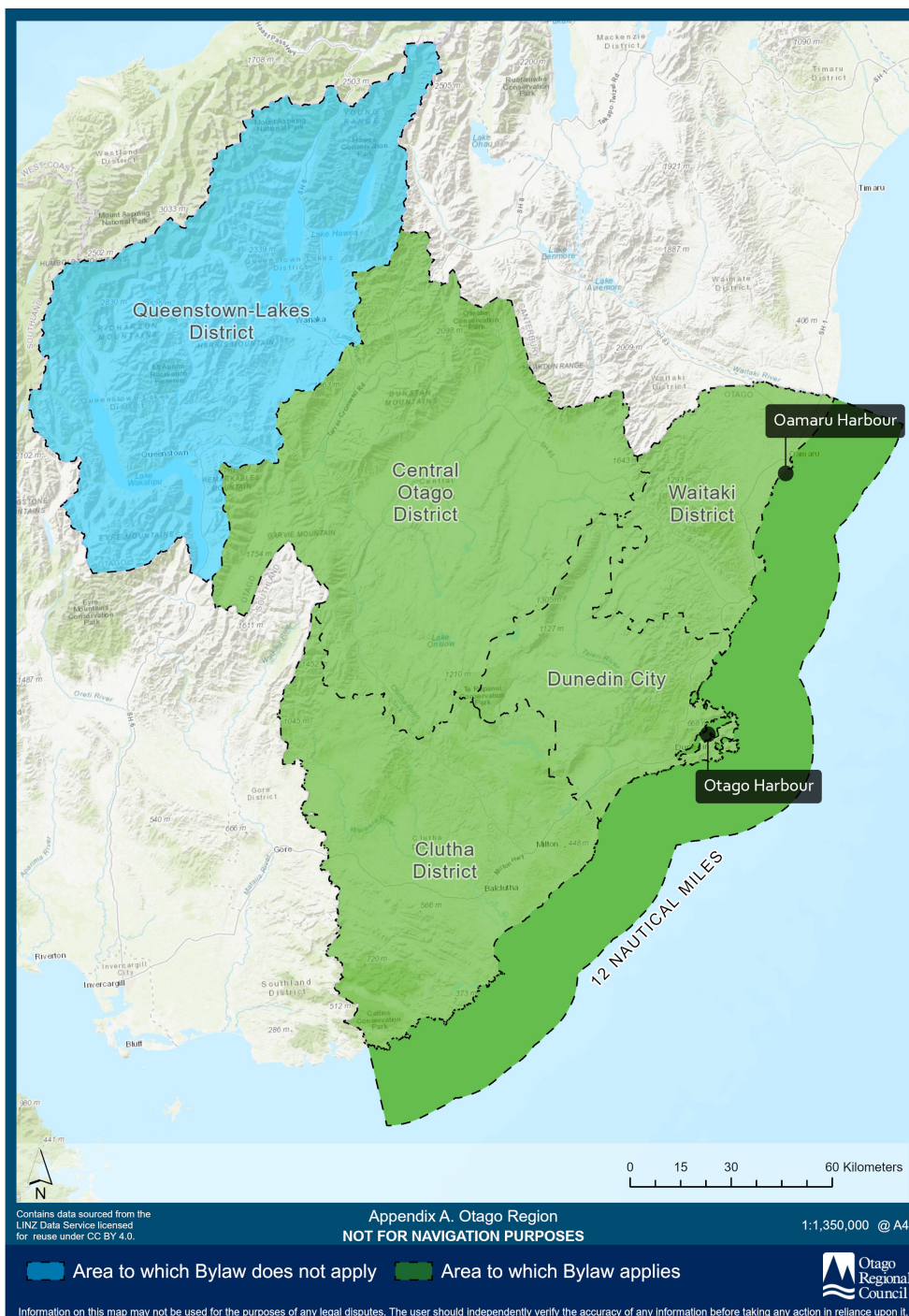
~~(a) commits an offence against this bylaw will be liable under the Act;~~

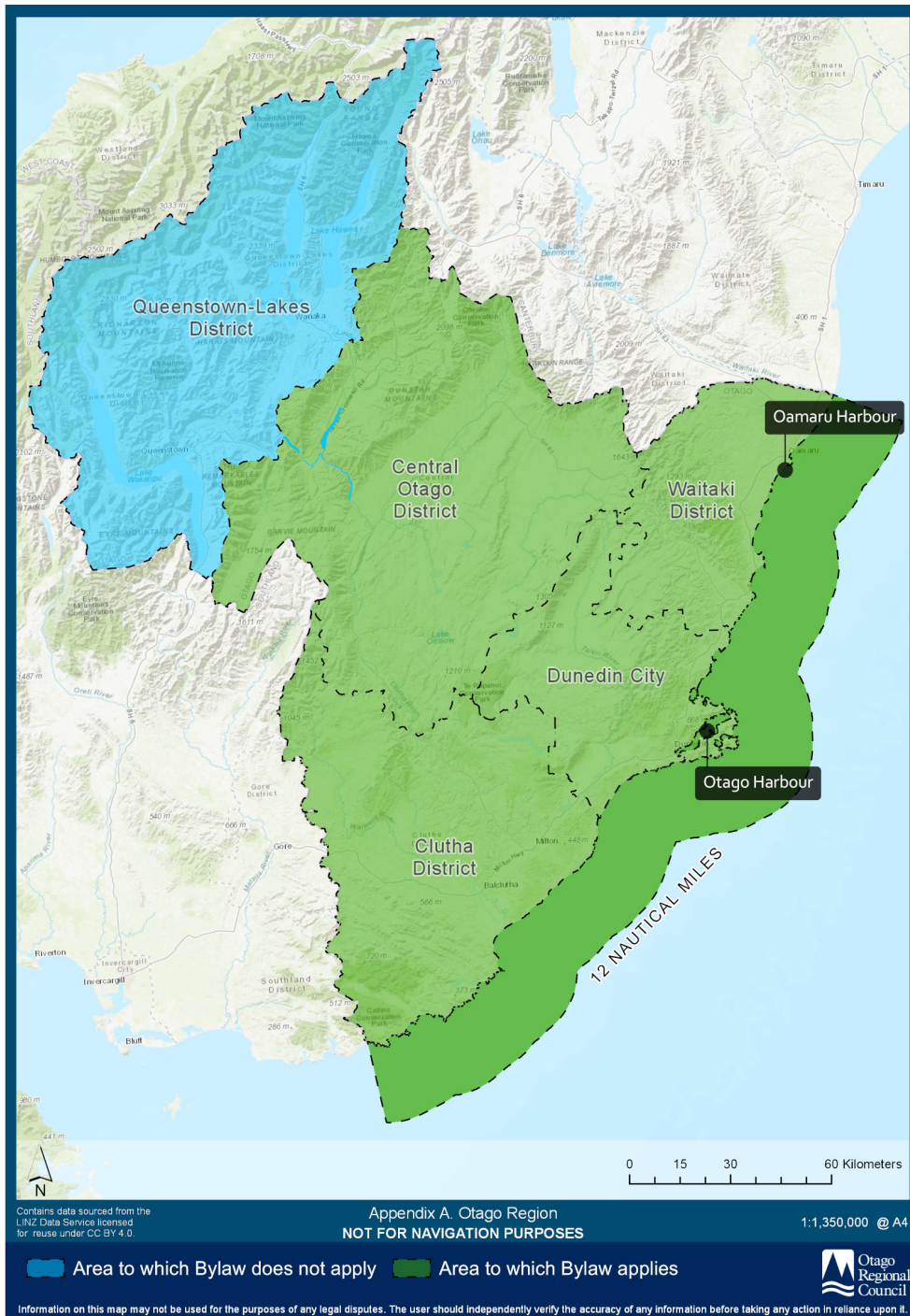
~~(b) commits an infringement offence, set out in any applicable -regulations created under the Act is liable to an infringement fee prescribed in the regulations made under the Act.~~

~~Part 7.~~Part 8. **Appendices**

|

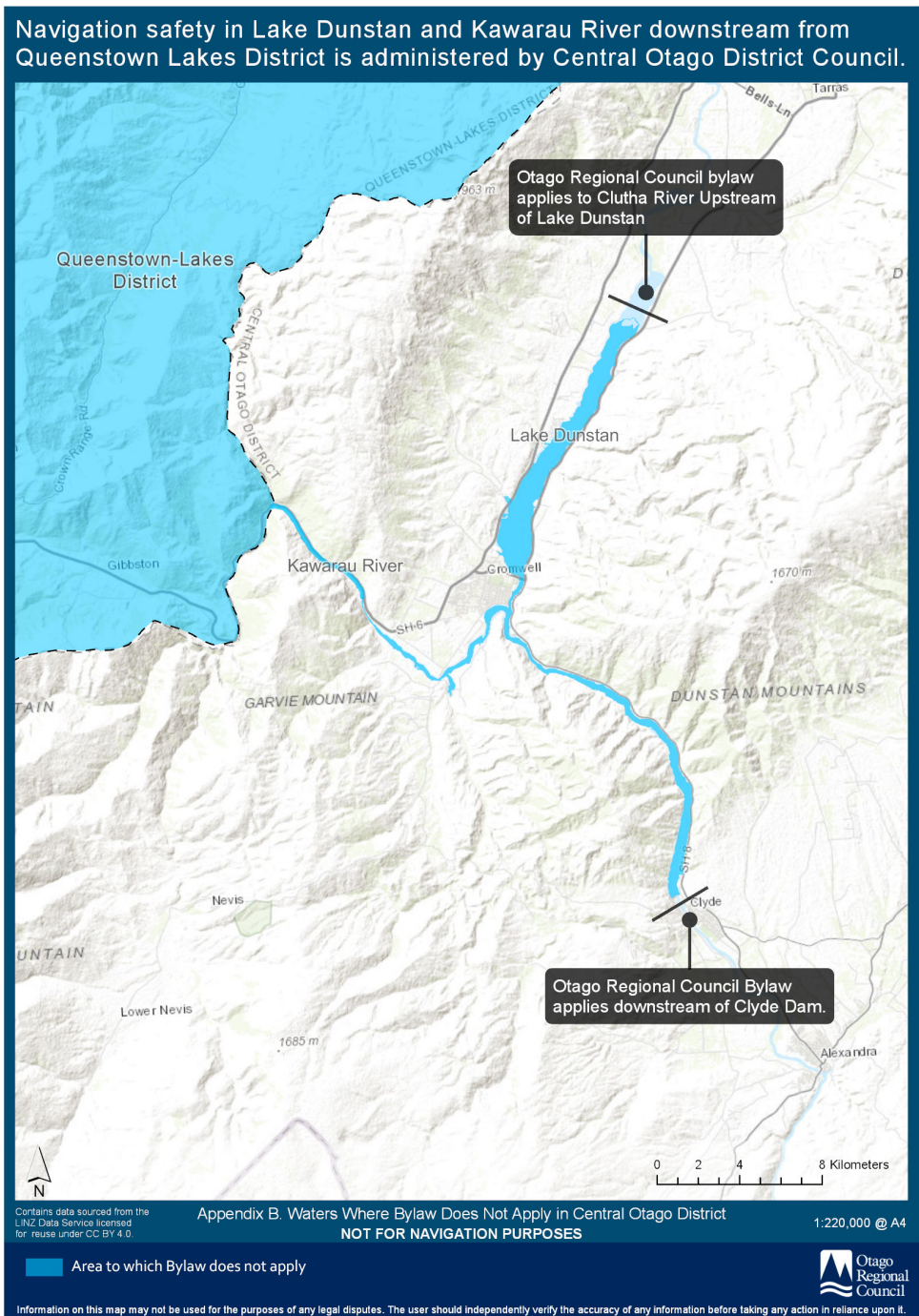
### Appendix A. Otago Region



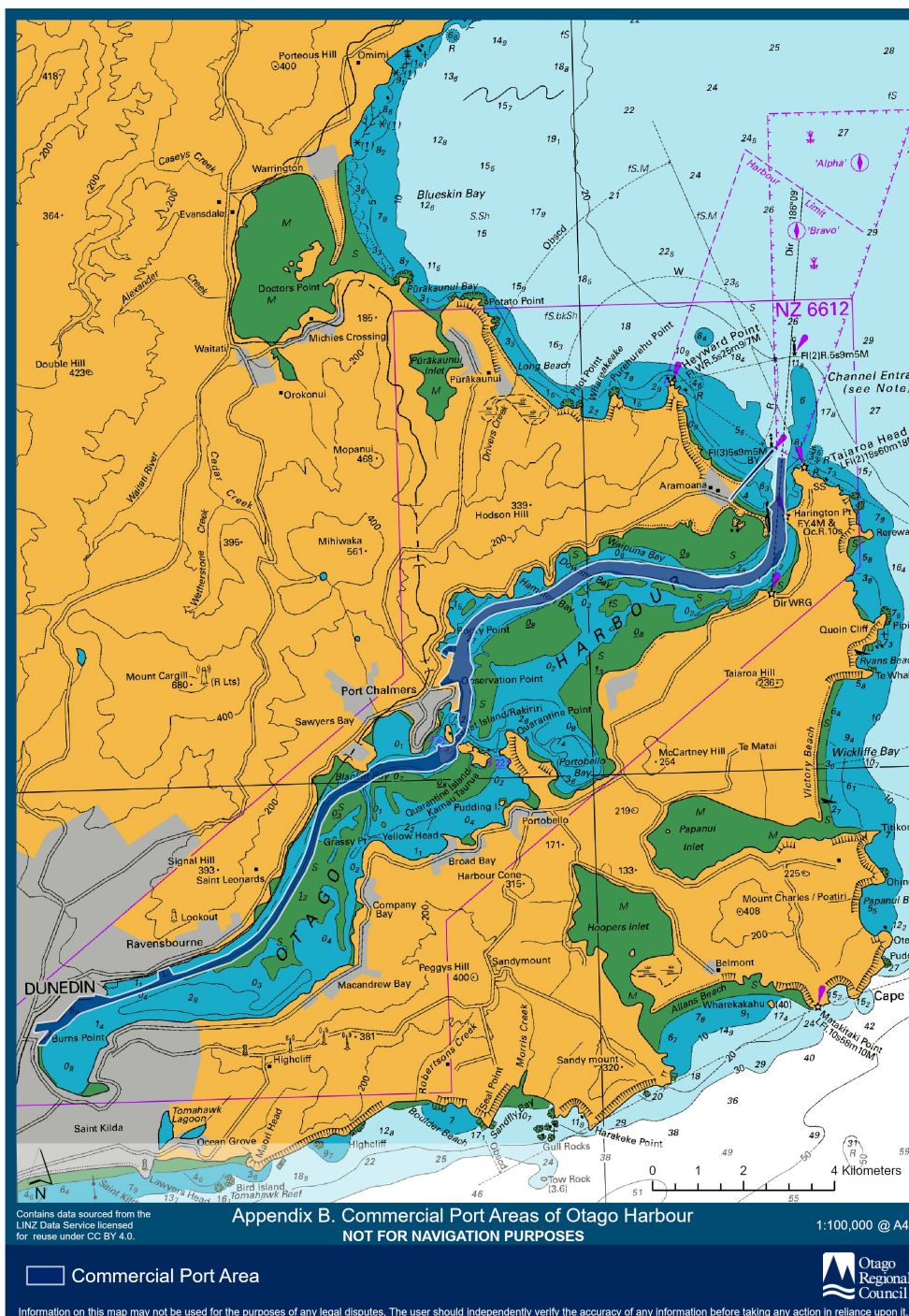




## Appendix B. Waters Where Bylaw Does Not Apply in Central Otago District

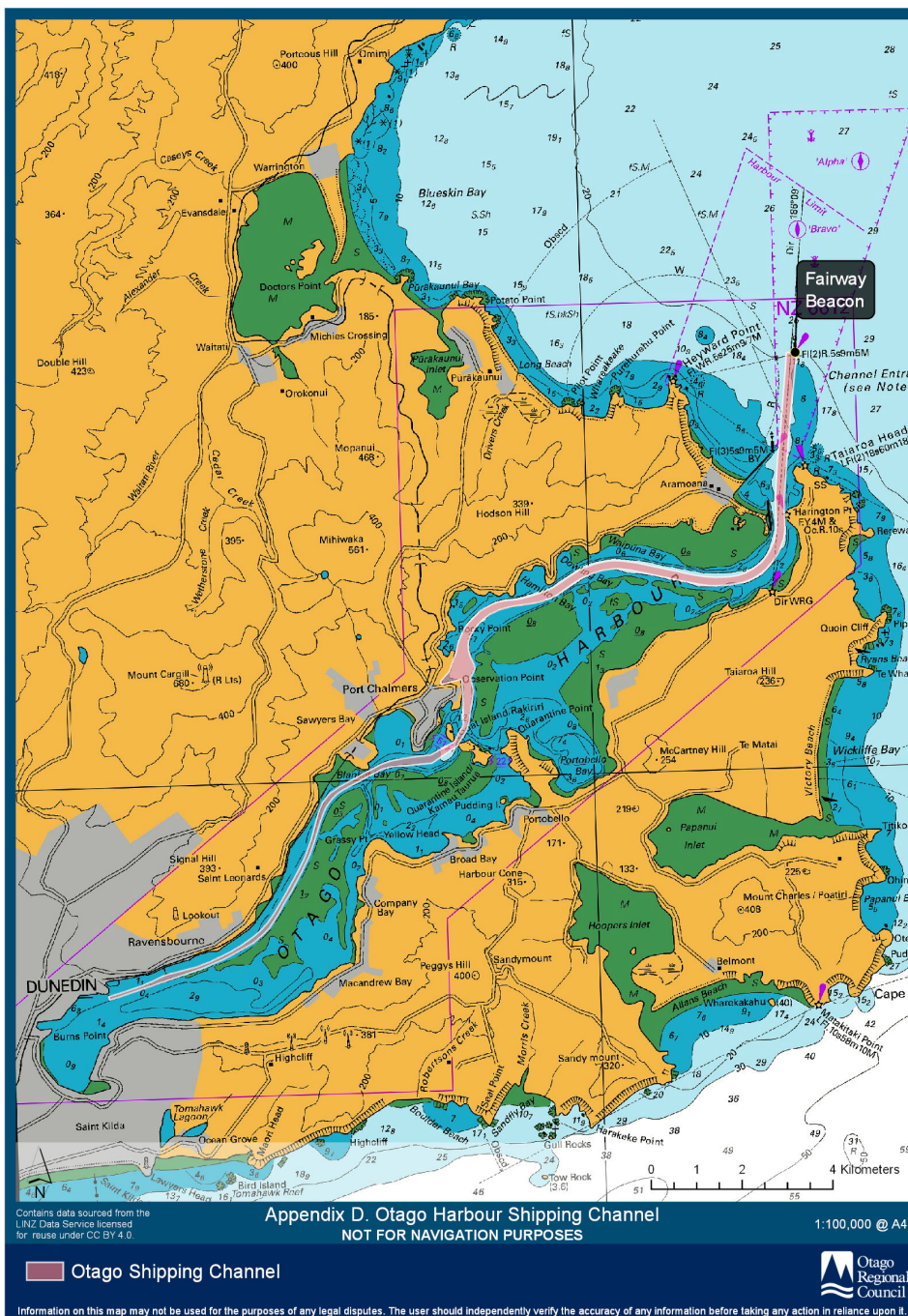


## Appendix B. Commercial Port Areas of Otago Harbour



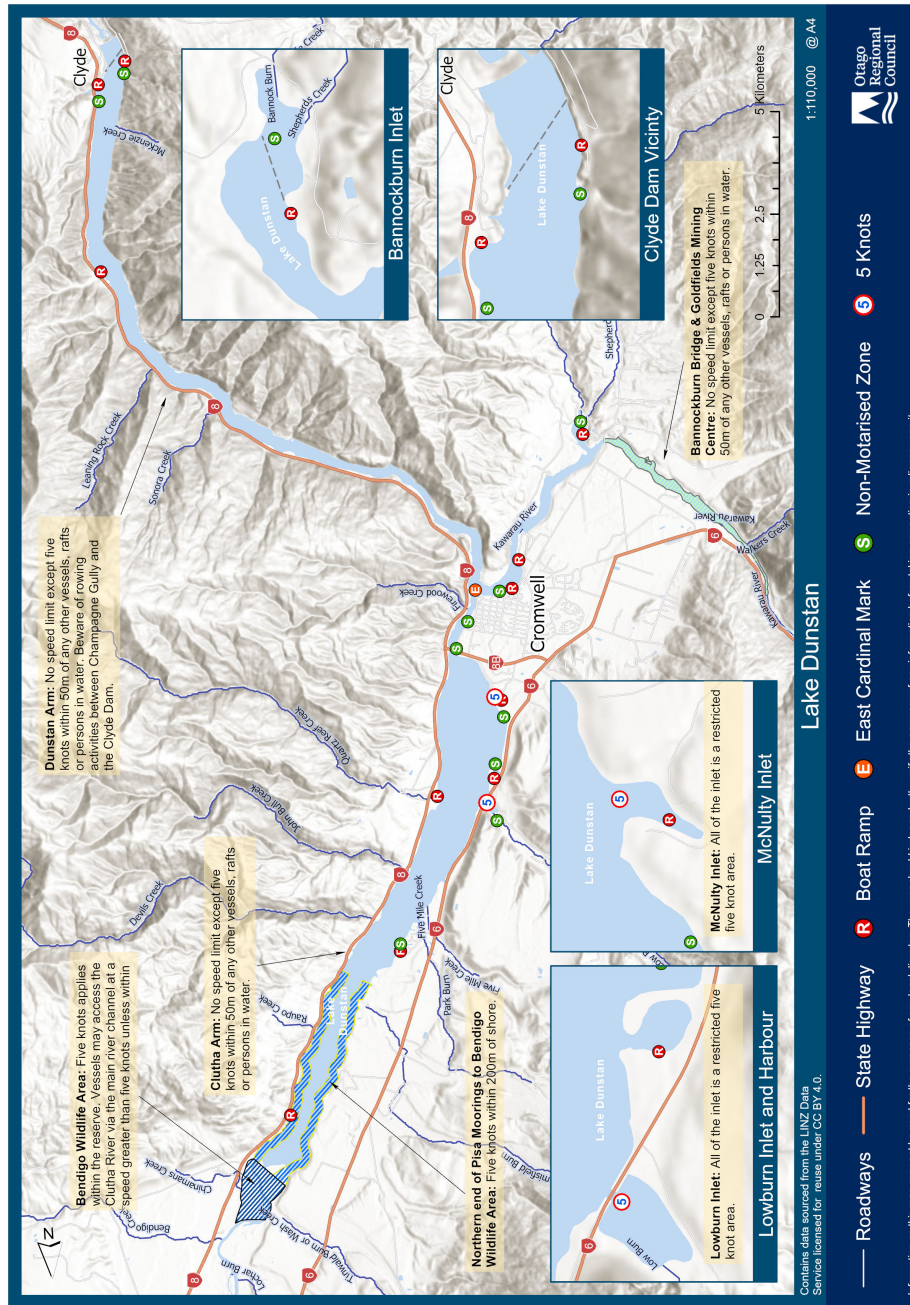


### Appendix C. Otago Harbour Shipping Channel



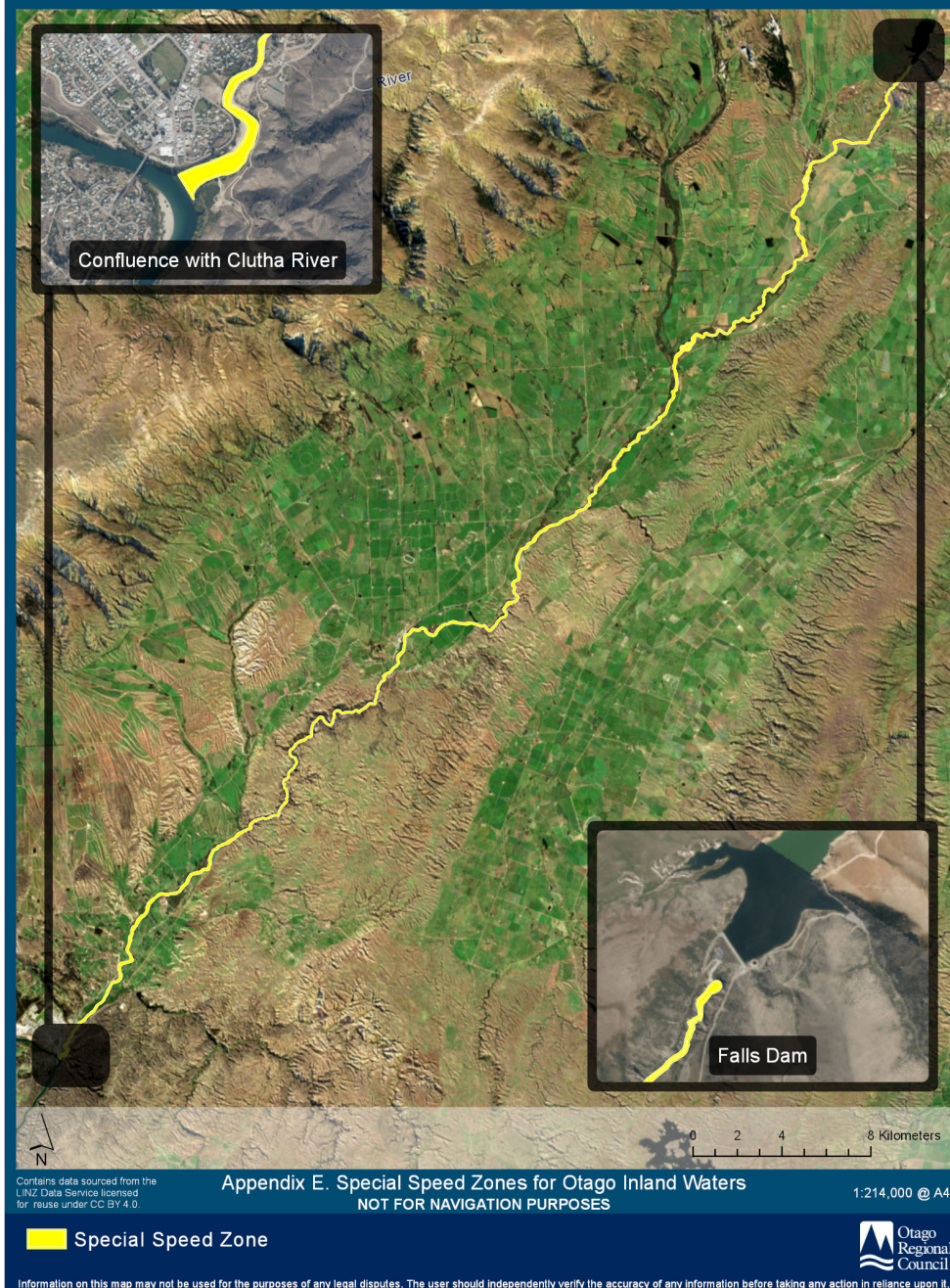


## Appendix D Lake Dunstan and Reserved Areas

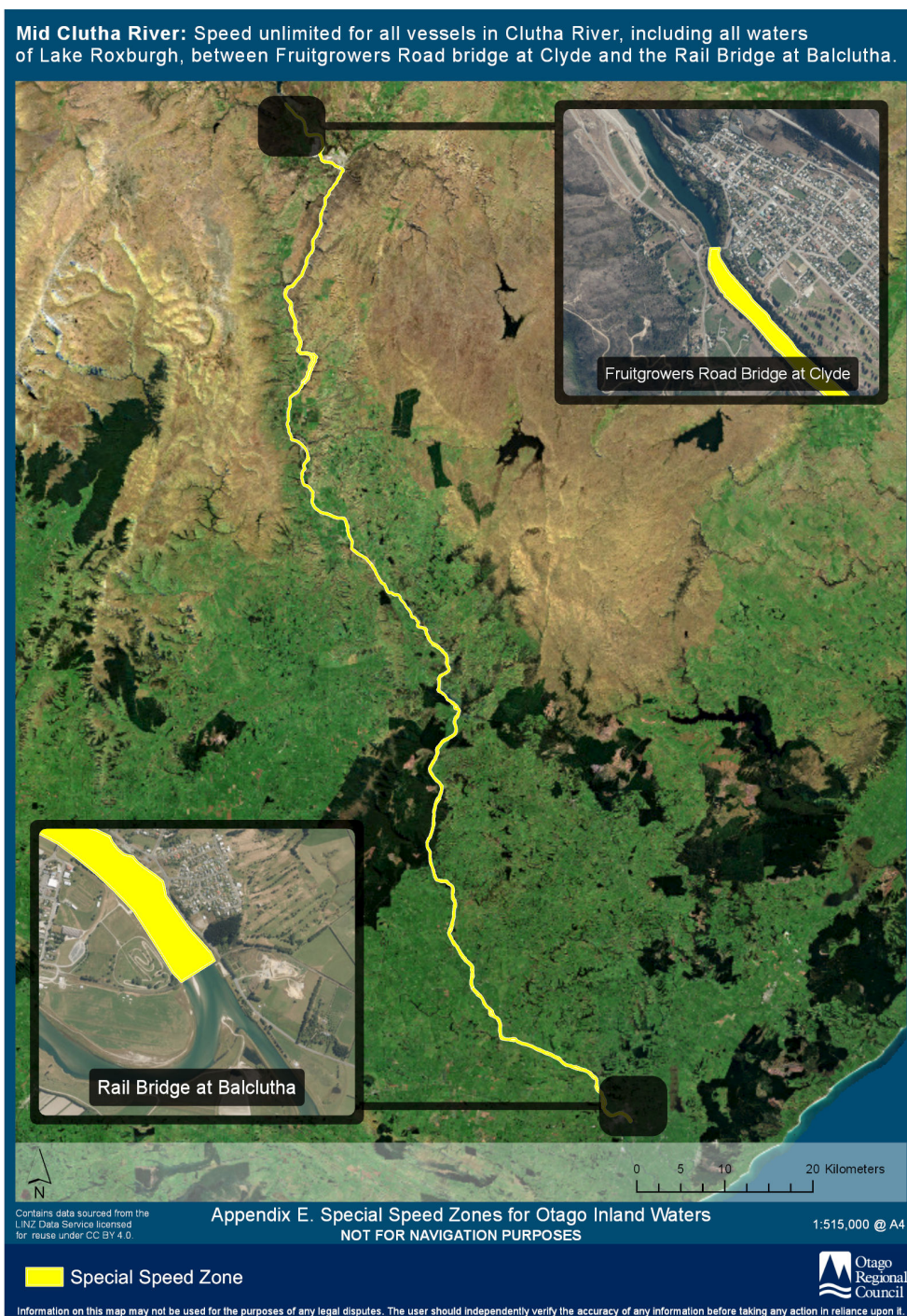


## Appendix E Special Speed Zones for Otago Inland Waters

**Manuherikia River:** The Manuherikia River from the confluence with the Clutha River to the Falls Dam in St Bathans, between August and September when the flow is between 10 cumecs and 45 cumecs as measured at the Ophir gauge.

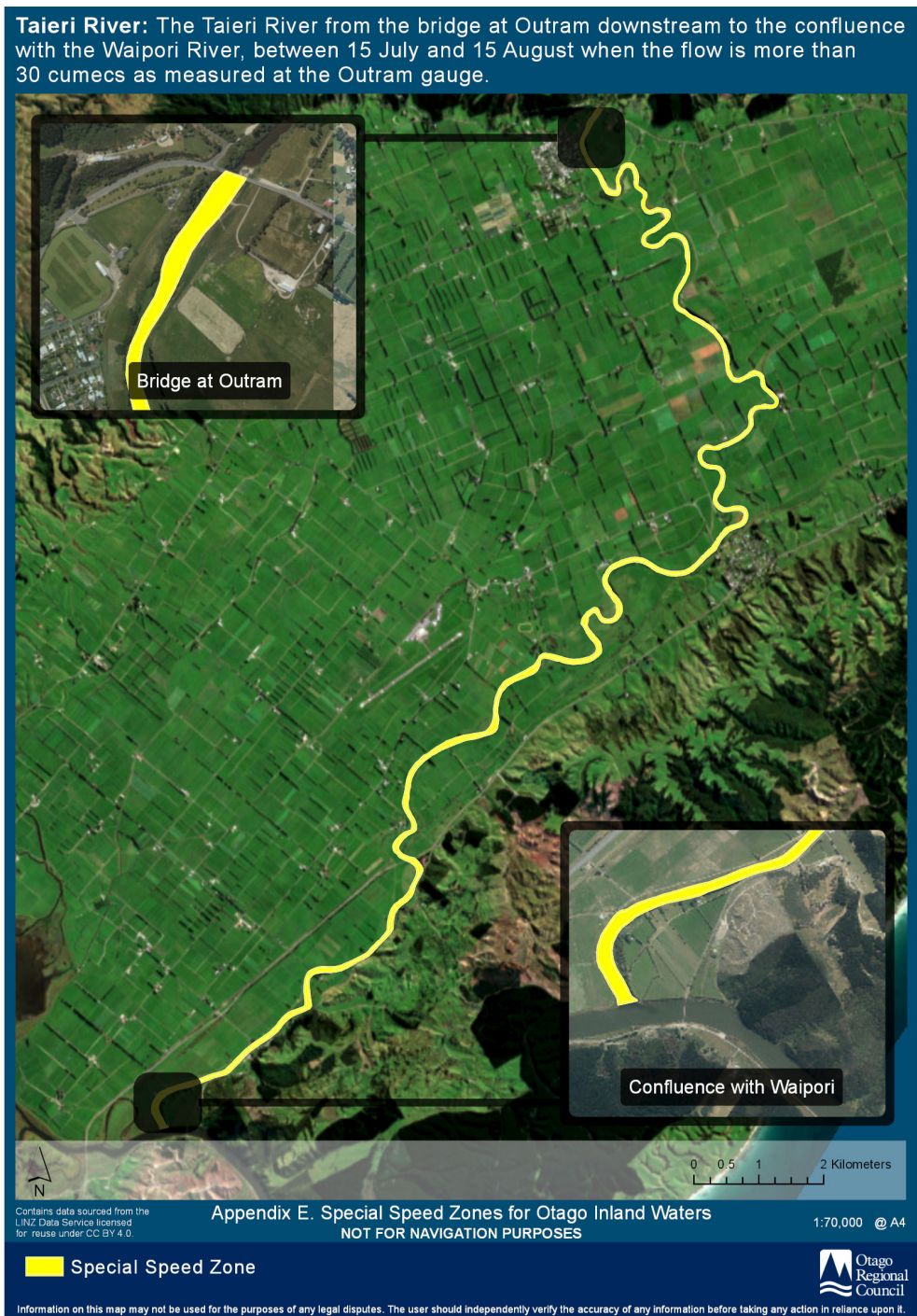




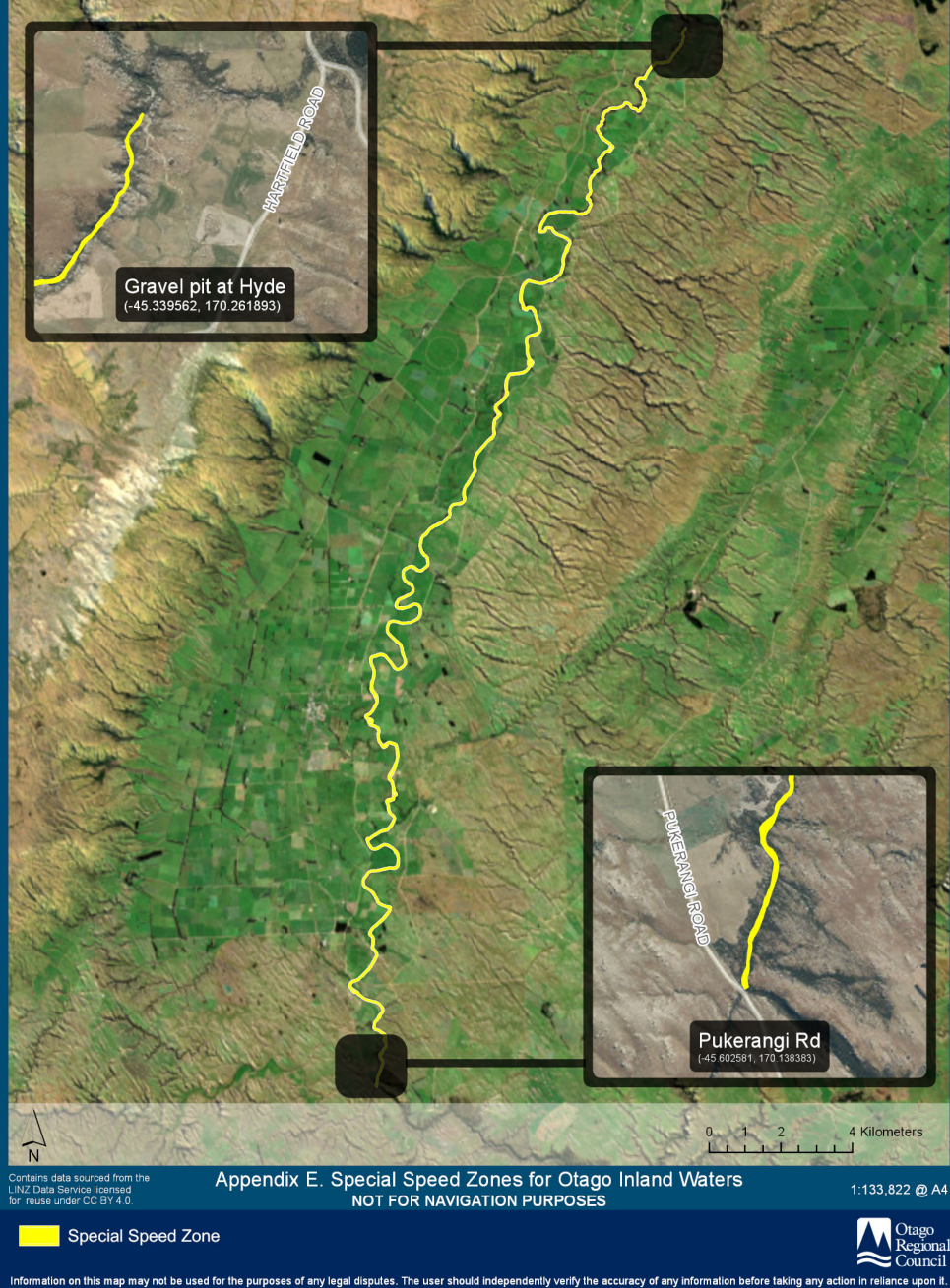


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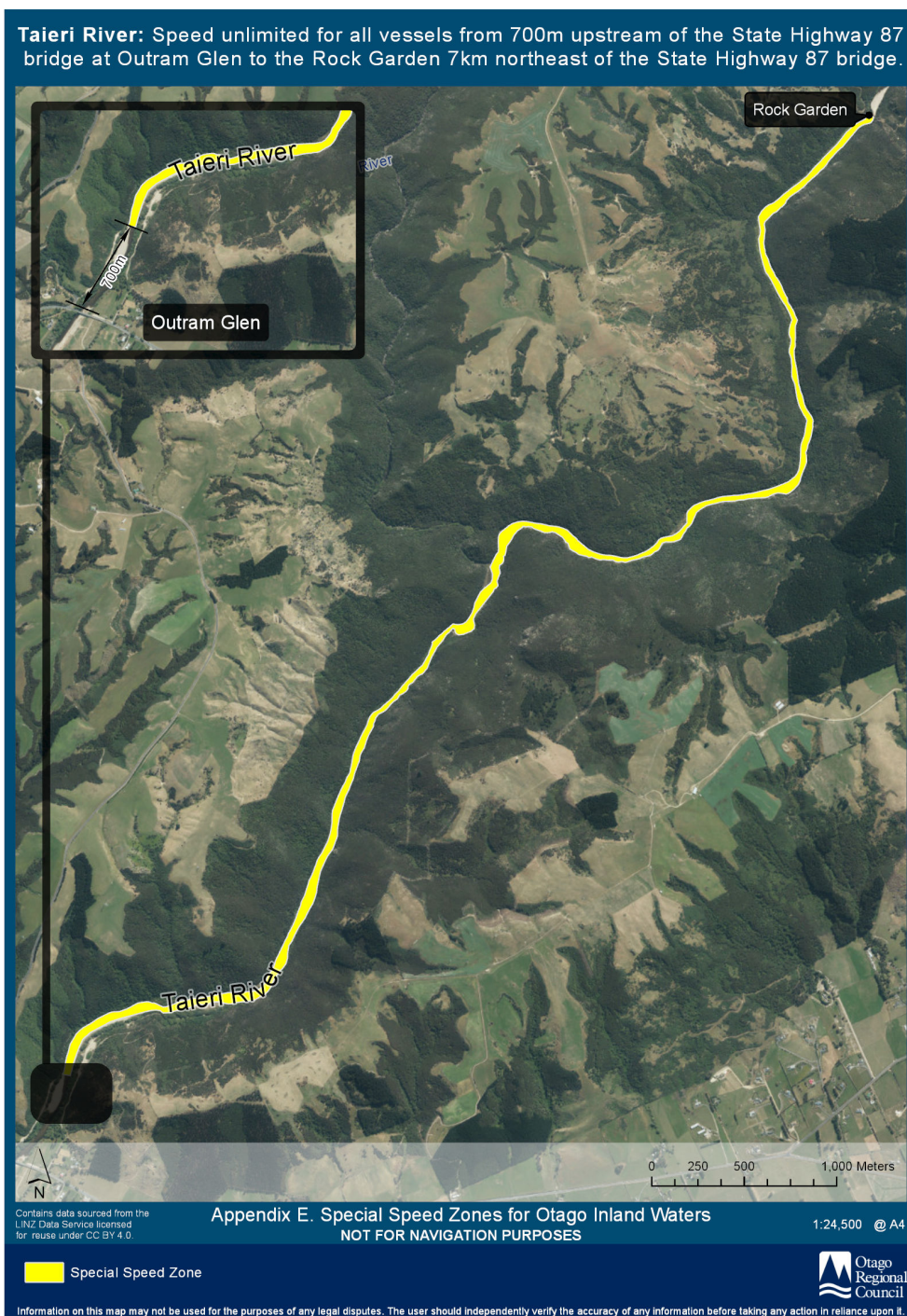




**Taieri River:** The Taieri River from the Gravel Pit at Hyde downstream to the Pukerangi Road Bridge in Pukerangi, between August and September when the flow is more than 20 cumecs as measured at the Waipiata gauge.



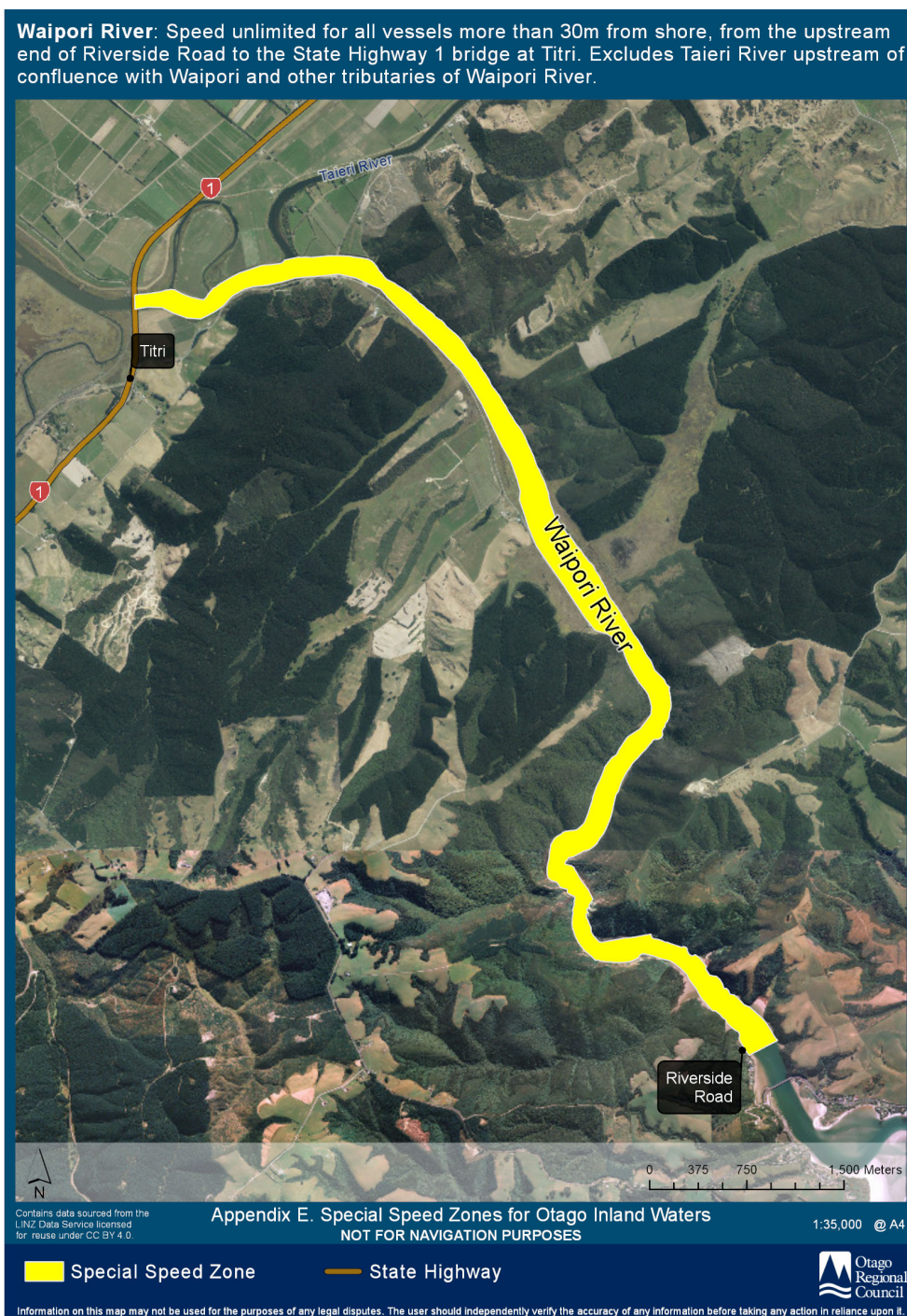








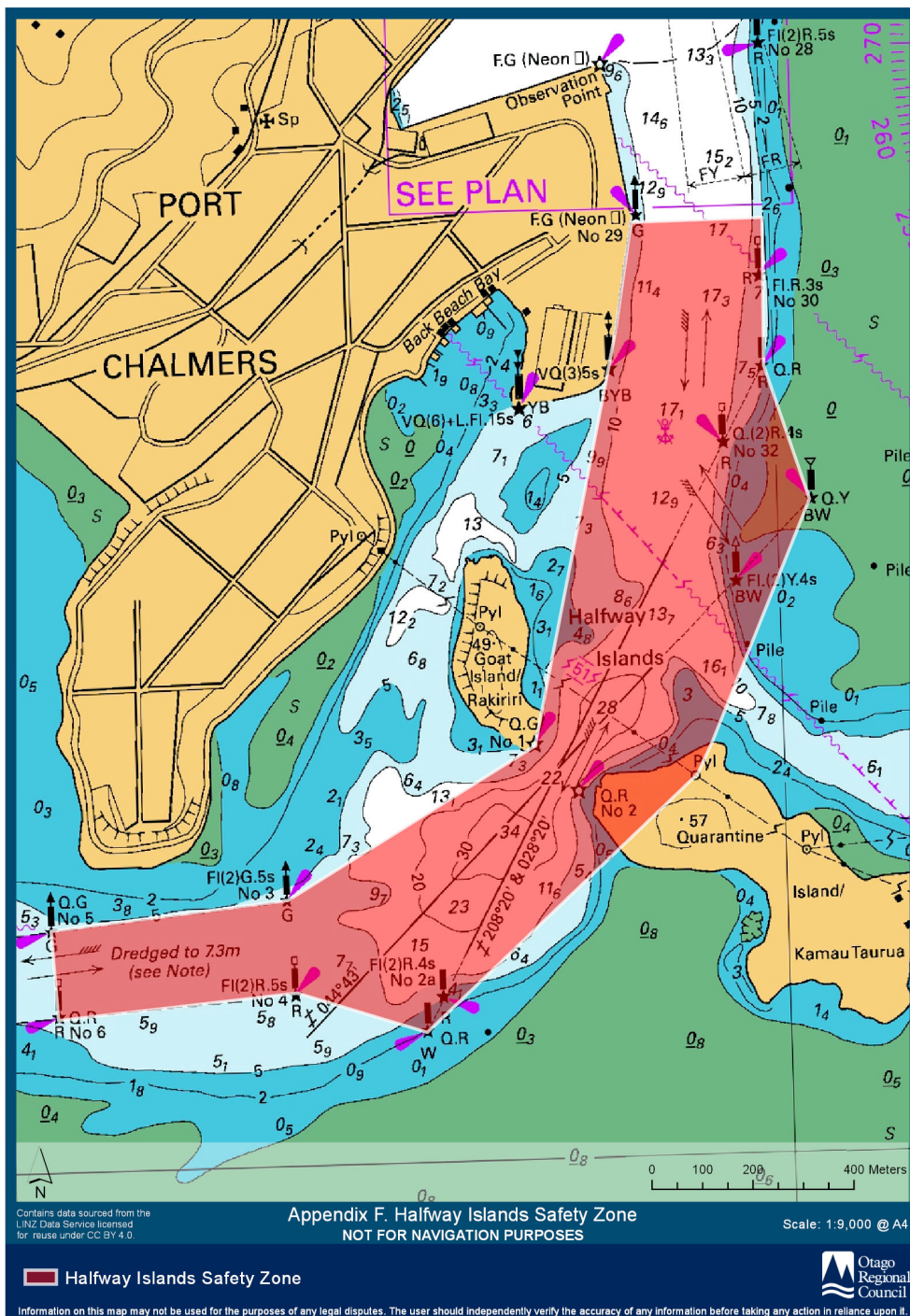




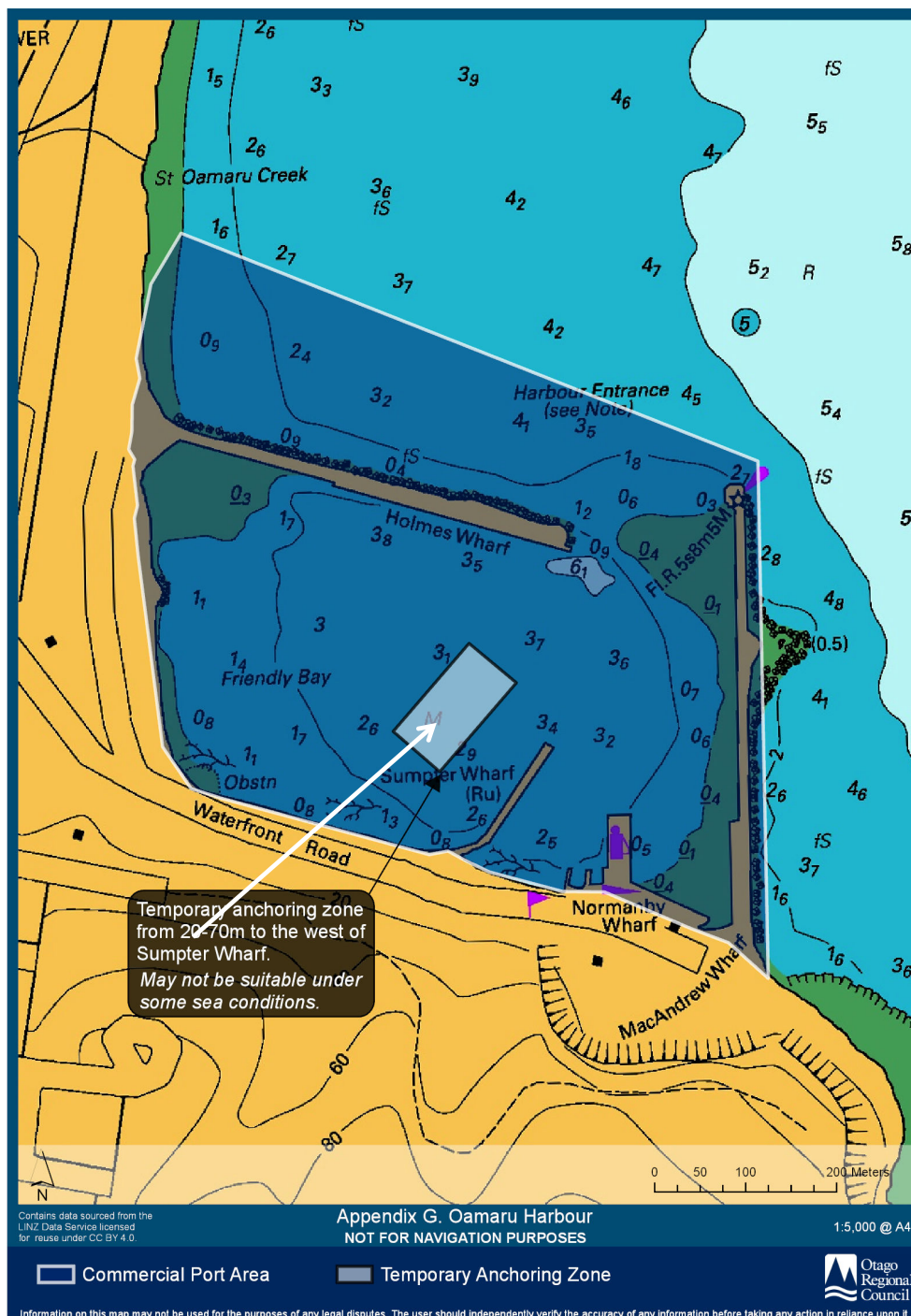


Pukerangi Road Bridge  
(-45.602581°, 170.138383°)

### Appendix F Halfway Islands Safety Zone

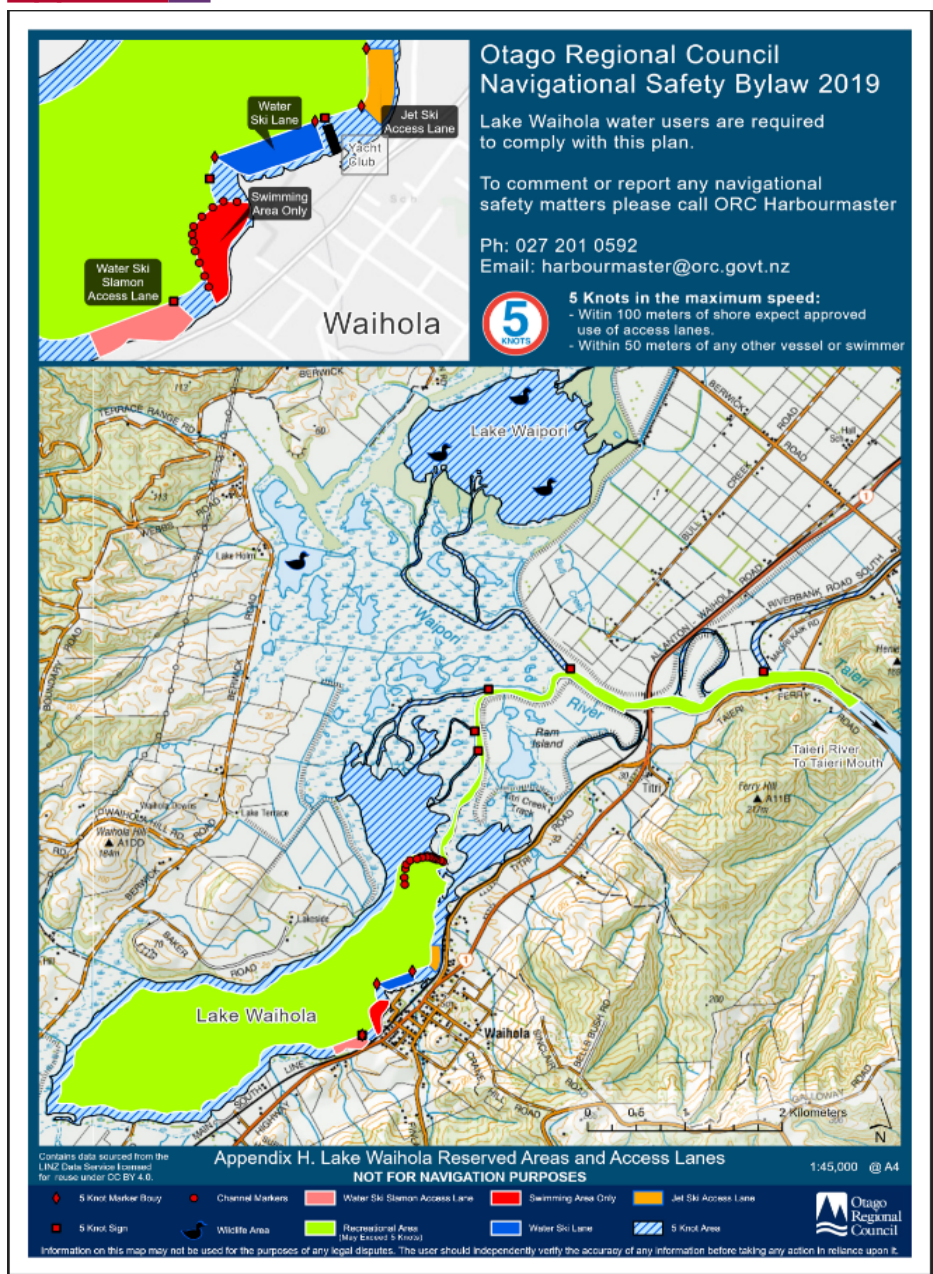


## Appendix G Oamaru Harbour





## Appendix H Lake Waihola Reserved Areas and Access Lanes



## **Navigation Bylaw and Transfer of Maritime Responsibilities Hearing Panel - Deliberation Report**

### **BACKGROUND**

- The Otago Regional Council has undertaken consultation on an amendment to the Otago Regional Council Navigation Safety Bylaw 2019 and the Transfer of Maritime Responsibilities for Lake Dunstan from Central Otago District Council to the Otago Regional Council.
- Consultation has been undertaken in accordance with the special consultative procedure in the Local Government Act 2002.
- The Otago Regional Council received three submissions, of which one person requested to be heard at the hearing.
- The hearing panel was convened on the 1<sup>st</sup> July 2020. Members of this panel were Cr Gretchen Robertson (Panel Chairperson), Cr Gary Kelliher, Mr. Lyndon Cleaver (Harbour Master Environment Southland).
- Proceedings were recorded. The hearing was live streamed on YouTube.
- No submitters were heard, one submitter that had requested to present to the panel had advised that they no longer wished to be heard.
- Mr. Steve Rushbrook (Harbour Master Otago Regional Council) presented to the panel. He summarized the scope of the Changes to the Bylaw and the proposed transfer of Lake Dunstan maritime responsibilities from Central Otago District Council to the Otago Regional Council. Mr. Rushbrook also presented the Otago Regional Council Harbour Master Team's assessment of the submissions. He noted that Port Otago's navigational safety experts had also assessed relevant submissions. Mr. Rushbrook considered that no amendment to the proposed bylaw was required. A copy of

this assessment had been provided to the hearing panel in advance of the hearing.

- The Panel carefully considered the 3 submissions received. They found the following key matters in contention.
  - Mr. Roger Gibson promoted a speed restriction for the lake edge, around Cromwell town and bridge.
  - Mr. Brendan O'Neill raised concerns regarding the safety of kayakers on Otago Harbour. Specific reference was given to the Ravensbourne side of the Harbour where kayakers and rowers share the channel. Mr. O'Neill submitted on safety concerns should higher speed rowing boats collide with kayaks given their speed and poor forward visibility. The submitter requested a 25m area adjacent to the Harbour wall between the marina and Ravensbourne wharf is kept free of rowing boats.
  - Mr. John Lister submitted that all vessels should be identified and recorded in a database.
  - Mr. John Lister felt that improvement was needed in frequency of presence of the Harbour Master into the future and also with compliance with existing rules in Lake Dunstan.
- The panel considered the above submission points as well as the assessment of these by the Otago Regional Council Harbour Master. The panel made the following findings.
  - With regard to speed restrictions around Lake Dunstan, the panel agreed with the assessment of Mr. Steve Rushbrook. Mr. Rushbrook noted his team's desire for more presence in the area and time to understand the exact nature of the issues. The panel considered the 'adaptive management' approach, possible through use of the Harbour Master's existing powers of direction, to be the most effective way to address key safety issues as they arise. This could include additional navigational safety marks, signage, and speed zones if required. The panel also thought that existing new signage, buoys and uplift in presence would help. The panel found that no change to the proposed bylaw was required.
  - With regard to the safety of kayakers in the Otago Harbour, the panel found that no changes to the

proposed bylaw were necessary. The panel felt that the most appropriate way to address the issue is again through the flexibility available under the Harbour Master's existing powers of direction. Mr. Steve Rushbrook noted his desire to action the suggestion for designated areas. This approach will allow review to ensure it is meeting the needs of all users.

- With regard to the need to identify boats. This is already in the ORC's Bylaw and no further change is required to satisfy this submission point.
- With regard to the comment on presence and compliance. These are matters of implementation rather than the Bylaw itself. The panel noted the desire of the ORC's Harbour Master team to increase presence and use of a spectrum of available compliance tools. No change needed.

#### **DISCUSSION**

- Following the consultation and hearing process, the panel is satisfied that no further changes to the consulted document are required.
- The adoption of the proposed bylaw will provide a consistent approach for people using Otago's waterways.
- Some sections of the proposed bylaw have been moved within the document to improve its readability.
- Part 6 – Special Provisions for Lake Dunstan have been added, these provisions reflect the existing Central Otago District Council navigation bylaw and requires no changes.
- The Harbour Master can make "Harbourmasters' Directions" under the Maritime Transport Act 1994. This provides the Harbour Master the ability to make navigational safety decisions and promulgate them outside of the Bylaw process with specific issues and locations in mind.
- The panel is satisfied that the benefits of the proposed transfer to the Otago region outweigh any negative impacts of the proposal.

**RECOMMENDATION**

The hearing panel recommends that Council:

1. Adopt the proposed navigation bylaw as per the consultation document;  
and
2. Agree to the transfer of maritime responsibilities from Central Otago District Council to the Otago Regional Council.

Hearing Panel – Cr Gretchen Robertson (Chair)  
Cr Gary Kelliher  
Mr. Lyndon Cleaver – Harbour Master Southland

Signed on behalf of the hearing panel:

A handwritten signature in black ink, appearing to be 'Lyndon Cleaver', written in a cursive style.

Date: 30 July 2020





- I. On 24 February 2020, the Parties notified the Minister of Local Government and the Minister of Transport of the proposed transfer (section 17(5) of the Local Government Act 2002 and section 33X(4) of the Maritime Transport Act 1994).
- J. The Parties have used the special consultative procedure in accordance with the Local Government Act 2002.
- K. The Parties are independently satisfied that the benefits of the proposed transfer outweigh any negative impacts of the proposal.
- L. The Parties have agreed to reverse the transfer of functions, powers and duties transferred in the 16 June 2006 Deed on the terms of this Deed.
- M. The commencement date for this Deed is 1 September 2020 ("Commencement Date").

**AGREEMENT**

- 1. The ORC has agreed with the CODC to transfer to ORC all of its various functions, powers, duties and responsibilities under Part 3A of the Maritime Transport Act 1994 in relation to all the waters of the Clutha River and tributaries that form the lake known as Lake Dunstan and being located upstream of the Clyde Dam on the Commencement Date.
- 2. The ORC accepts the transfer of powers and responsibilities as provided in clause 1.
- 3. The transfer is on the terms and conditions in this Deed and is subject to Part 3A of the Maritime Transport Act 1994, the Local Government Act 2002 and any other enactment.
- 4. The ORC shall have all the functions, powers and duties vested in the CODC pursuant to the Deed dated 16 June 2006.
- 5. The ownership of the assets listed in Schedule 1 transfers from CODC to ORC on the Commencement Date. The ORC shall pay CODC the Total Sum for these assets as provided in Schedule 1 if demanded.
- 6. ORC shall have no right to call upon the CODC for any contribution to costs incurred by it in accepting the transfer and exercising the responsibilities, powers and duties transferred.
- 7. If there is a requirement for any variation of the terms of this Deed, the Parties shall consult with each other and the provisions of section 33X of the Maritime Transport Act 1994 shall apply.

This Deed was executed on the date appearing at the head of the Deed.

The Common Seal of CENTRAL OTAGO DISTRICT COUNCIL was affixed in the presence of:

.....

.....

The Common Seal of OTAGO REGIONAL COUNCIL was affixed in the presence of:

.....

.....

**SCHEDULE 1 – ASSETS TRANSFERRED FROM CODC TO ORC****Kawarau River**

<b>Asset</b>	<b>Number</b>	<b>Size</b>	<b>Type of mark</b>	<b>Owner</b>
<b><u>Bannockburn inlet to Butchers Road</u></b>				
Red buoys	x1	Small can	Shoal	Transfer
Red buoys	x1	small can	Pipe line	Transfer
Yellow Buoy	x1	Small can	shoal	Transfer
<b><u>Butchers road</u></b>				
Yellow small	x1	Small round	shallow water	Transfer
Red buoys	x1	Small can	shallow water	Transfer
Red buoys	x2	Small round	Unsure	Transfer
Yellow buoys	x5	Small can	Keep Right	Transfer
East cardinal mark	x1	Large		Transfer
<b><u>Cromwell to Clyde dam</u></b>				
<b><u>Champagne Gully</u></b>				
Ski lane	x1	Small rounds	Water ski lane	Transfer
Ski access lane buoy	x1	small can red	Ski lane	Transfer
Ski access lane poles	x1	Black and orange	shoal	Transfer
<b><u>Highway 1 area</u></b>				
Yellow small	x3	Small cans	No markings	Transfer
<b><u>Rowing club area</u></b>				
Signage	x2	No motor craft	Sign	Transfer
Yellow Buoys	x3	Small cans	Swim only	Transfer
<b><u>Lake Dunstan from cardinal mark</u></b>				
<b><u>Cardinal Mark to bridge</u></b>				
Yellow buoys	x4	Small cans	Swim only	Transfer
Signage	x4		Beware swimmers	Transfer
yellow buoys	x3	small round	Unsure	Transfer
Random round buoys	x2	Medium round	Sailing/racing mark?	Transfer
<b><u>Boat club area</u></b>				
Yellow buoys	x6	Small cans	5kts	Transfer
Yellow buoys	x5	Small cans	Swim only	Transfer
<b><u>Lowburn</u></b>				
Yellow buoys	x8	Small round	Swimming only?	Transfer
<b><u>Lowburn harbour</u></b>				
Yellow buoys	x1	Small cans	5kts	Transfer
Yellow buoys	x1	Small cans	Keep right	Transfer

**Lowburn bridge**

Signage	x2		5Kts	Transfer
Yellow buoys	x1	Small cans	5Kts	Transfer
Yellow buoys	x3	small round	No markings	Transfer

**Lake Dunstan Pisa moorings**

Yellow buoys	x2	Small cans	5Kts	Transfer
Yellow buoys	x4	small round	No markings	Transfer
Yellow buoys	x7	Small round	No markings	Transfer
Yellow buoys	x6	Small cans	No markings	Transfer

**Bannockburn Inlet**

Red buoys	x3	Small round	Shoal	Transfer
Yellow Buoy	x2	Small Can	Channel markers	Transfer
Ski lane	Numerous	various floats		Transfer
Yellow Buoy	x3	Small Cans	Keep right	Transfer
Yellow Buoy	X1	Small Can	5kts	Transfer
Yellow small	x14	Small round		Transfer

**TOTAL SUM FOR TRANSFERRED ASSETS: \$1 Including Goods and Services Tax**

#### 10.4. Electoral System for 2022 and 2025 Local Body Elections

**Prepared for:** Council  
**Report No.** GOV1937  
**Activity:** Community - Governance and Democracy  
**Author:** Amanda Vercoe, Executive Advisor  
**Endorsed by:** Sarah Gardner, Chief Executive  
**Date:** 17 August 2020

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#### PURPOSE

- [1] To fulfil obligations under the Local Electoral Act 2001 and consider voting systems for the 2022 local body elections.

#### EXECUTIVE SUMMARY

- [2] Under the Local Electoral Act 2001, a decision is required by 12 September 2020 should the Council wish to change its voting system for the 2022 and 2025 local body elections. The Council currently uses First Past the Post (FPP), the alternative is Single Transferable Vote (STV).
- [3] The Council does not have to make a decision however, as the current system will continue to apply unless changed as a result of a poll of electors or a further resolution<sup>1</sup>.
- [4] Regardless, the Council must give public notice by 19 September 2020 of the right to demand a poll on the electoral system used at triennial elections. The notice must include any resolution of the Council on the system to be used.
- [5] The Council can also decide by 21 February 2021 to hold a poll on the voting system.

#### RECOMMENDATION

*That the Council:*

- 1) **Receives** this report.
- 2) **Agrees** to retain FPP for the 2022 election; or
- 3) **Resolves** to change voting systems to Single Transferable Vote for the 2022 and 2025 local body elections; or
- 4) **Agrees** to not make a decision, in which case the current system of First Past the Post would continue to apply; or
- 5) **Agrees** to signal an intention to hold a poll, and revisit this prior to 21 February 2021.
- 6) **Notes** a public notice will be made prior to 19 September 2020 advising of the right of electors to demand a poll on the electoral system for the 2022 and 2025 elections.

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<sup>1</sup> section 27(2)(b)(i) of the Local Electoral Act 2001

## BACKGROUND

- [6] The Local Electoral Act 2001 is the legislation under which local elections and polls are held. This legislation sets out the voting systems that may be used, and the processes under which a local authority may change its systems.
- [7] The Otago Regional Council last considered the issue of voting systems in 2017. At that time the Council resolved to retain FPP for the 2019 election.

## DISCUSSION

- [8] Section 27 of the Local Electoral Act 2001 requires local authorities to make a decision no later than 12 September 2020, if they wish to change the electoral system for the 2022 and 2025 triennial elections. Council does not have to make a decision however, and where no decision is made, the current system will continue to apply (unless changed as a result of a poll of electors or by a further resolution<sup>2</sup>). Council can also resolve by 21 February 2021 to hold a poll on the issue.
- [9] Regardless of any decision by Council on the system to be used, the Council must give public notice, by 19 September 2020, of the decision made (if any) and the right of electors to demand a poll on the electoral system to be used at the next two triennial general elections of that Council, i.e. 2022 and 2025.

### Electoral Systems

- [10] Two electoral systems are available for use in the local government elections, First Past the Post and Single Transferable Vote. An explanation of each system is provided below:

[11] **First Past the Post (FPP)**

For local electoral purposes, the First Past the Post electoral system,—

- (a) in the case of an election, has the following features:
- i) voters may cast as many votes as there are positions to be filled:
  - (ii) where a single position is to be filled, the candidate who receives the highest number of votes is elected:
  - (iii) where more than 1 position is to be filled, the candidates equal to the number of positions who receive the highest number of votes are elected:
- (b) in the case of a poll, has the features specified in paragraph (a) as if, with all necessary modifications, every reference to a candidate were a reference to the matter or matters that are the subject of the poll.

[12] **Single Transferable Vote (STV)**

For local electoral purposes, the Single Transferable Voting electoral system,—

- (a) in the case of an election for multi-member vacancies, has the following features:
- (i) voters express a first preference for 1 candidate and may express second and further preferences for other candidates:

---

<sup>2</sup> section 27(2)(b)(i) of the Local Electoral Act 2001

- (ii) a quota for election is calculated from the number of votes and positions to be filled:
  - (iii) the first preferences are counted and any candidate whose first preference votes equal or exceed the quota is elected:
  - (iv) if insufficient candidates are elected under subparagraph (iii), the proportion of an elected candidate's votes above the quota is redistributed according to voters' further preferences, and—
    - (A) candidates who then reach the quota are elected; and
    - (B) the candidate with the fewest votes is excluded:
  - (v) the excluded candidate's votes are redistributed according to voters' further preferences:
  - (vi) if insufficient candidates are elected under subparagraphs (iv) and (v), the steps described in subparagraphs (iv) and (v) are repeated until all positions are filled:
- (b) in the case of an election for a mayoral or single member vacancy, has the following features:
- (i) voters express a first preference for 1 candidate and may express second and further preferences for other candidates:
  - (ii) an absolute majority of votes for election is calculated from the number of votes and positions to be filled:
  - (iii) the first preferences are counted and, if a candidate's first preference votes equal or exceed the absolute majority of votes, that candidate is elected:
  - (iv) if no candidate is elected under subparagraph (iii), the candidate with the fewest votes is excluded and that candidate's votes are redistributed according to voters' further preferences:
  - (v) if no candidate is elected under subparagraph (iv), the steps described in subparagraph (iv) are repeated until a candidate is elected:
- (c) in the case of a poll, has the features specified in paragraphs (a) and (b) as if, with all necessary modifications, every reference to a candidate were a reference to the matter or matters that are the subject of the poll.

[13] For information, a comparison of systems used by Otago authorities is shown in the table below. District Health Boards use STV.

Otago Councils	System used
Central Otago District	FPP
Clutha District	FPP
Dunedin City Council	STV
Queenstown Lakes District	FPP
Waitaki District	FPP

### Changing the Voting System

[14] There are three ways in which the electoral system used by a local authority may change, and these are as follows:

#### **By a Resolution of Council:**

[15] Section 27 of the Local Electoral Act 2001 provides that a council **may** resolve to change its system, with the resolution having to be made by 12 September 2020. If council does

resolve to change the system from FPP to STV, then that system would be in place for two elections, i.e. 2022 and 2025.

**Elector Demand for Poll:**

- [16] Section 28 of the Act provides that a council **must** give public notice no later than 19 September 2020 of the right of electors to demand a poll on the electoral system to be used, whether or not a resolution under Section 27 has been passed.
- [17] If a resolution has been passed to change the voting system, the public notice must include notice of the resolution, the electoral system to be used and that a valid demand for a poll would be required to countermand the resolution made by Council
- [18] To be successful, a demand for a poll must be signed by at least 5 percent of the electors enrolled to vote at the previous triennial election. If a valid demand is received prior to 21 February 2021 the poll must be held by 21 May 2021 and the results of the poll will be valid for the next two elections, being 2022 and 2025.
- [19] If a valid demand is received after 21 February 2021 the poll must be held after 21 May 2021. The results of the poll would then be effective for the 2025 and 2028 elections.

**Poll Held on Initiative of Council:**

- [20] Council may resolve that a poll be held on a proposal that a specified electoral system be used for its next two triennial elections. Such a resolution must be made no later than 21 February 2021 and the poll must be held by 21 May 2021. The costs associated with holding a poll would be unbudgeted expenditure.

**Summary of timeframes**

<b>Date</b>	<b>Acting</b>
12 September 2020 (or earlier)	Local authority <b>may</b> make a resolution on electoral system (S27)
19 September 2020 (or earlier)	Local authority <b>must</b> make a public notice on electoral system (S28)
21 February 2021	Last date to receive valid demand for poll on electoral systems for the 2022 elections (S30)
21 February 2021	Last date by which local authority <b>may</b> resolve to hold a poll (S31)
21 May 2021	Last date to conduct poll on electoral system for the 2022 elections (S33)

**OPTIONS**

- [21] **Option 1** Council could resolve to either retain FPP or change to STV by 12 September 2020. A public notice by 19 September 2020 advising of the decision and the right of electors to hold a poll will still be necessary.
- [22] **Option 2** Council could express the intention of holding a poll, but defer any decision on this until later, ensuring that such a resolution is made any time prior to 21 February 2021. A public notice by 19 September 2020 advising the right of electors to hold a poll will still be necessary.



- [23] **Option 3** Council could choose not to make a decision and give public notice by 19 September 2020 that electors have the right to demand a poll on the electoral system to be used for the next two elections. If no demand for a poll is received by 21 February 2021, FPP continues to be used for the 2022 election.

## **CONSIDERATIONS**

### **Policy Considerations**

- [24] N/A

### **Financial Considerations**

- [25] The costs for holding a poll have not been budgeted for in the 2020/21 Annual Plan.

### **Significance and Engagement**

- [26] N/A

### **Legislative Considerations**

- [27] The Local Electoral Act sets out the legislative requirements for the options available to Council.

### **Risk Considerations**

- [28] N/A

## **NEXT STEPS**

- [29] The next step is for public notice to be given of the decision and of the right to demand a poll.

## **ATTACHMENTS**

Nil

### 10.5. Action for Healthy Waterways

**Prepared for:** Council  
**Report No.** P&S1865  
**Activity:** Environmental: Water  
**Author:** Tom De Pelsemaeker, Team Leader Freshwater and Land  
**Endorsed by:** Gwyneth Elsum, General Manager Strategy, Policy and Science  
**Date:** 20 August 2020

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#### PURPOSE

- [1] The purpose of this report is to provide an overview of the new regulations for freshwater management and outline the key implications of these new regulations for the Otago Regional Council (ORC).

#### EXECUTIVE SUMMARY

- [2] On 5 August a new regulatory reform package with national direction on freshwater management was gazetted. These reforms, which will come into force on 3 September 2020, include:
- A new National Policy Statement for Freshwater Management 2020 (NPS-FM), replacing the current NPS-FM 2014 (amended 2017),
  - New National Environmental Standards for Freshwater (NES-FW),
  - New stock exclusion regulations under section 360 of the Resource Management Act 1991 (RMA); and
  - An amendment to the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010.
- [3] The new rules and regulations seek to stop further degradation of New Zealand's waterways, reverse past damage and bring New Zealand's freshwater resources and its ecosystems back to a healthy state, within a generation.
- [4] ORC is responsible for the implementation and enforcement of the NES-FW, RMA s360 stock exclusion regulations and water metering and reporting requirements within the Otago region. Council must also ensure that it gives effect to the new NPS-FM through the review of its regional policy statement and regional plans.

#### RECOMMENDATION

*That the Council:*

- 1) **Notes this report.**

#### BACKGROUND

- [5] In September 2019, the New Zealand Government announced the 'Action for Healthy Waterways' (AHW) action plan to stop the degradation of waterways and clean up New Zealand's rivers and lakes within a generation. The legislative and regulatory changes announced in the reform package included:
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- amendments to the Resource Management Act 1991 (RMA) to provide an accelerated freshwater plan-making process,
- new stock exclusion regulations under section 360 of the RMA,
- a draft proposal for a new National Policy Statement for Freshwater Management (NPS-FM), and
- draft proposals for a National Environmental Standard for Freshwater (NES-FW) and National Environmental Standard for Wastewater Discharges and Overflows.<sup>1</sup>

[6] The proposals were aimed at:

- strengthening Te Mana o Te Wai as the framework for freshwater management,
- better providing for ecosystem health (water, fish and plant life),
- better protecting wetlands and estuaries,
- better managing stormwater and wastewater,
- better protecting sources of drinking water,
- controlling high-risk farming activities and agricultural intensification, and
- improving farm management practices.

[7] Consultation on the AHW package closed on 31 October 2019 and nationwide over 17,500 submissions were made on the proposals. ORC submitted in support of the proposed reforms and welcomed the clarity in direction and expectations provided in the proposals. However, in its submission, ORC also noted that the cost to meet the proposed new requirements in terms of plan development, monitoring and reporting is likely to be significant. ORC therefore asked for the reform package to include practical and effective environmental management practices and implementation timeframes in order to lessen the economic and financial impacts on our communities.<sup>2</sup>

[8] On 28 May 2020, the Government released the cabinet paper “*Action for healthy waterways – Decisions on national direction and regulations for freshwater management*”. The cabinet paper outlined key directions, following the public consultation process, for the new national regulations. In general terms, the cabinet paper indicated that the overall policy intent of the new regulations would be retained from those originally consulted on in 2019. However, some changes were made to the original proposals as a result of the consultation feedback and input from an Independent Advisory Panel, as well as in response to the COVID-19 crisis.<sup>3</sup> The cabinet paper also signalled the introduction of compulsory freshwater modules for farm plans to be progressed via an amendment to the RMA and a \$700m commitment from the Government to assist farmers, iwi/Māori, local government, and communities to implement the reform measures.

## ISSUE

[9] On 5 August 2020 four key components of the regulatory reform package were gazetted:

- The new NPS-FM;
- The NES-FW;

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<sup>1</sup> The Action for healthy waterways package does not include the Three Waters Review which is a related by separate work programme being undertaken by the Government.

<sup>2</sup> The submission can be seen at <https://www.orc.govt.nz/media/7504/submission-to-mfes-action-for-healthy-waterways.pdf>

<sup>3</sup> The full Cabinet paper can be found at <https://www.mfe.govt.nz/cabinet-papers/action-healthy-waterways>

- Stock exclusion regulations under section 360 of the RMA; and
- An amendment to the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010.

[10] These national directions and regulations on freshwater management will all come into force on 3 September 2020.

[11] The sections below provide an overview of key aspects of each of these four components of the national directions and regulations and outline the key implications of these regulations for ORC's policy/plan development, consents/consents administration, science, environmental monitoring, and compliance functions.

## **DISCUSSION – NATIONAL POLICY STATEMENT FOR FRESHWATER MANAGEMENT 2020**

### **Overview of key concepts and requirements**

[12] The NPS-FM 2020 (NPS-FM) requires everyone to plan now for changes across the next 30 years and beyond. It sets out what regional councils must do to manage all freshwater and receiving environments (including estuaries and the wider coastal marine area) when they prepare regional policy statements and regional water plans under the RMA.

### *Te Mana o te Wai*

[13] The concept of Te Mana o te Wai has been strengthened and clarified as the fundamental basis for all freshwater management (not just aspects of freshwater management referred to in the new NPS-FM). It establishes a set of six guiding principles relating to the roles of tangata whenua, decision-makers and all of New Zealand's communities in the management of freshwater and a hierarchy of obligations that prioritises:

- First, the health and well-being of water bodies and freshwater ecosystems;
- Second, the health needs of people (such as drinking water); and
- Third, the ability of people and communities to provide for their social, economic and cultural well-being, now and in the future.

### *Updated Objective and policy framework*

[14] The objective and policy framework in the NPS-FM has been updated to ensure that freshwater is managed in an integrated and proactive way and in accordance with the above hierarchy of obligations. The policy framework has also been strengthened to ensure:

- Tangata whenua are involved in freshwater management; and
- Overallocation (both water quality and quantity) is avoided, existing overallocation is phased out and deteriorating trends are reversed in order to achieve the national targets for water quality; and
- Further loss of wetlands and extent of rivers is avoided, and the habitat of freshwater species is protected; and
- Freshwater is allocated and used efficiently.

### *New compulsory values*

[15] The NPS-FM introduces "threatened species" and "mahinga kai" as two new compulsory values that apply to every Freshwater Management Unit (FMU), in addition to the

existing compulsory values of ecosystem health and human contact. The threatened species compulsory value refers to the extent to which an FMU (or part thereof) has the critical habitats and conditions necessary to support the presence, abundance, survival and recovery of threatened species present within that FMU. The mahinga kai compulsory value relates to the condition of desired mahinga kai species whereby these are plentiful and safe to harvest and eat, and the ability of iwi to exercise customary practices to the extent desired.

*An expanded National Objectives Framework*

- [16] The NPS-FM requires regional councils to work towards specific outcomes for ecosystem health and other values by undertaking a process, referred to as the National Objectives Framework (NOF). The NOF process requires regional council, through engagement with tangata whenua and communities, to carry out the following activities (in accordance with the order set out below):
- Identify FMU's in the region;
  - Identify values for each FMU;
  - Set environmental outcomes for each value, as objectives, in a regional plan (including an objective for each of the 5 components of ecosystem health)<sup>4</sup>;
  - Identify attributes for each value and set baseline states for each value; and
  - Set target attribute states (including environmental flows and levels), limits and rules and prepare action plans to achieve the environmental outcomes.

*Holistic approach to managing ecosystem health*

- [17] The ecosystem health compulsory value has been clarified through the identification of five biophysical components that must be managed for: water quality, water quantity, habitat, aquatic life and ecological processes.
- [18] Regional councils are required to set and work towards more specific outcomes for measures of ecosystem health and other values. The NPS-FM identifies 22 attributes or indicators of freshwater health, 13 of which are new, compared to the NPS-FM 2014 (amended 2017). Ten attributes are required to be managed for through the setting of limits and regional plan rules, while the remaining attributes must be managed through adaptive action plans for achieving the target attribute states within a specified timeframe. These action plans may include both regulatory and non-regulatory measures.
- [19] A minimum standard, or national bottom line, is set for most of these attributes. Regional councils can choose to set limits that are higher (or more stringent) than the national bottom lines and can also add additional attributes. Regional councils are only allowed to set attribute states below national bottom lines to provide for the following:

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<sup>4</sup> The NPS-FM identifies 5 biophysical components that contribute to freshwater ecosystem health:

1. Water quality – the physical and chemical measures of the water, such as temperature, dissolved oxygen, pH, suspended sediment, nutrients and toxicants
2. Water quantity – the extent and variability in the level or flow of water
3. Habitat – the physical form, structure, and extent of the water body, its bed, banks and margins; its riparian vegetation; and its connections to the floodplain and to groundwater
4. Aquatic life – the abundance and diversity of biota including microbes, invertebrates, plants, fish and birds
5. Ecological processes – the interactions among biota and their physical and chemical environment such as primary production, decomposition, nutrient cycling and trophic connectivity.

- The operation of 5 hydro-electricity generation schemes (including Clutha/Mata-Au scheme);
- Naturally occurring process; and
- Specified vegetable growing areas (Horowhenua and Pukekohe)

[20] No national bottom lines for dissolved inorganic nitrogen (DIN) or dissolved reactive phosphorus (DRP) are set, but there is a requirement to manage these attributes as they relate to periphyton and other ecosystem health attributes, and to provide for the health of downstream ecosystems.

*Clarifying provisions*

[21] The NPS-FM provides greater direction for councils by clarifying key requirements, considerations and approaches for:

- Developing freshwater accounting systems;
- Setting limits on resource use (land use, input and/or output controls);
- Preparing action plans;
- Setting environmental flows/levels; and
- Setting take limits for the taking, diversion and damming of water.

**Key implications for ORC**

*Providing for Maori involvement in freshwater management*

[22] The NPS-FM requires regional councils to actively involve tangata whenua in freshwater management, including in:

- Decision-making processes;
- The identification of long-term visions for freshwater at an FMU scale, at least;
- The identification of Maori freshwater values, environmental outcomes and all other aspects of implementing the national objectives framework; and
- Developing and implementing mātauranga māori and other monitoring.

*No further deterioration allowed*

[23] Under the NPS-FM, target attribute states for identified values must be set at or above the baseline state for that attribute (except for the value human contact, where the target attribute state must be set above the baseline state, unless this state is already within the A band).<sup>5</sup> This means that water quality is no longer able to decline within a band and the requirement will be to maintain water quality based on state.

*Introducing an effects management hierarchy for managing activities in wetlands and rivers*

[24] The NPS-FM requires both decision-makers and applicants to apply an effects management hierarchy to managing the effects of proposed activities on the extent or values of wetlands or rivers. This means that:

- i. adverse effects are to be avoided where practicable;
- ii. where adverse effects cannot be avoided, they are to be minimised where practicable;
- iii. where adverse effects cannot be minimised, they are to be remedied where practicable;
- iv. where more than minor residual adverse effects cannot be avoided, minimised, or remedied, aquatic offsetting is to be provided where possible;

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<sup>5</sup> For ORC the baseline state is defined under the NPS-FM as the state on 7 September 2017.

- v. if aquatic offsetting of more than minor residual adverse effects is not possible, aquatic compensation is to be provided;
- vi. if aquatic compensation is not appropriate, the activity itself must be avoided.

*Identifying natural inland wetlands, primary contact sites and instream structures*

- [25] Regional councils must identify and map, within the next 10 years, every natural wetland that is 0.05 ha in size or greater, and smaller wetlands that are known to contain threatened species (except when located in public conservation land or water). All wetlands mapped must be included in an inventory and monitored in accordance with a monitoring plan.
- [26] In addition to this, regional councils must also identify primary contact sites and undertake regular monitoring at representative monitoring sites for each of these primary contact sites over a time period during which these are or would be regular used for recreational activities.
- [27] Finally, regional councils must prepare action plans that provide for the identification of instream structures, the assessment of the risks these structures pose in terms of their effects on fish passage, remediation measures to improve fish passage and monitoring of the performance of remedied structures.

*Regular reporting and monitoring*

- [28] Regional councils are required to assess regularly and report on whether freshwater has been maintained and progress is being made on achieving the desired outcomes established through the NOF framework.

*Specific requirements for regional policy statement*

- [29] The NPS-FM requires regional policy statements to include:
  - Provisions that provide for the integrated management of the effects of the use and development of land on freshwater; and the use and development of land and freshwater on receiving environments;
  - An objective that describes how the management of freshwater in the region will give effect to Te Mana o te Wai; and
  - Objectives developed through engagement with communities and tangata whenua, that set out long-term visions for freshwater in the region set at FMU, part of an FMU or catchment level.

*Specific requirements for regional plans*

- [30] The NPS-FM requires regional plan(s) to include:
  - Policies to avoid the loss of extent of natural inland wetlands, river extent and their associated values (exceptions apply); and
  - An objective requiring fish passage of fish to be maintained, or improved, except where it is desirable to manage species interactions.
- [31] In addition to this, the NPS-FM also requires that regional plans are made or changed to:
  - Ensure that resource consents applications resulting in the loss of river extent, extent of wetland, or their associated values are not granted unless the effects are management in accordance with the effects management strategy;
  - Include objectives, policies, and methods to provide for and promote the restoration of natural inland wetlands;

- Include policies that identify desirable and undesirable fish species and where passage for the latter should not be provided for;
- Give regard to fish passage requirements when considering resource consent applications relating to instream structures; and
- Promote the remediation of existing structures and the provision of fish passage (other than for undesirable fish species) where practicable.

*Timeframe for giving effect to the NPS-FM*

- [32] The draft NPS-FM proposal released in September 2019 required councils to notify NPS-FM compliant plans by the end of 2023. However, the new NPS-FM does not set a deadline for local authorities to give effect to the NPS-FM. It only requires authorities to give effect to the NPS-FM as soon as reasonably practicable.
- [33] ORC has already agreed with Minister Parker to a work programme that includes notification of a new RPS by November 2020 and a new Land and Water Regional Plan before the end of 2023.

**DISCUSSION – NATIONAL ENVIRONMENTAL STANDARD FOR FRESHWATER 2020**

**Overview of key requirements**

- [34] The NES-FW sets out requirements for carrying out certain activities that have the potential to impact on freshwater, by setting out standards to be met and identifying when resource consents will be required. Anyone carrying out these activities will need to comply with these standards.
- [35] Where regional council rules, or resource consent conditions are more stringent than NES-FW regulations, the regional rule or resource consent prevails over the latter.
- [36] Although local authorities can set more stringent rules in their plans or impose more stringent resource conditions, they are generally not allowed to set more lenient standards through their plan making or consenting process. The exceptions to this rule are standards for fish passage to protect threatened species and activities that are authorised under the NES for Plantation Forestry.

*Feedlots and stockholding areas other than feedlots*

- [37] All feedlots and, from 1 July 2021 onwards, all other stockholding areas will need to have resource consents and must meet specified standards relating to minimum permeability for sealed base areas, the collection, storage and disposal of effluent and setback distances from waterbodies, water abstraction bores, drainage ditches and coastal marine areas. Exceptions to the requirement to obtain resource consent apply when the feedlot or stockholding area holds cattle no more than four months old or 120 kilograms in weight; or where the holding of cattle is undertaken in accordance with a certified freshwater plan and meets the standards outlined above.

*Agricultural intensification*

- [38] Until 31 December 2024, resource consent will be required for any of the following:
- Land use change of more than 10 hectares where the land use changes from forestry or woody vegetation to pastoral farming;
  - Land use change of more than 10 hectares from any other land use to dairy;



- Increase of the area under irrigation on an existing dairy farm by more than 10 hectares;
- Any increase of dairy support land above the maximum area of land used as dairy support land in the period 1 July 2014 to 30 June 2019; and
- Increase of intensive winter grazing land above the highest annual amount in the period 1 July 2014 to 30 June 2019.

Resource consents for these activities are only able to be granted if the activity will not lead to a deterioration in the health and wellbeing of the relevant water body and must be for a term that ends before 2031.

*Intensive winter grazing*

- [39] From 1 May 2021, intensive winter grazing will only be a permitted activity if all the following conditions are met:
- The mean slope of the paddock is less than 10-degrees; and
  - The grazed area is either less than 50 ha or 10 per cent of the farm, whichever is the larger; and
  - The crop is set back more than 5 metres from a waterway; and
  - Pugging is to be no deeper than 20 cm and covers less than 50 per cent of the paddock; and
  - The paddock is re-sown as soon as practicable, but in any event no later than 1 November.

Where intensive winter grazing is not carried out in accordance with these thresholds, a resource consent must be applied for, and may be declined.

*Cap on synthetic nitrogen fertiliser*

- [40] From 1 July 2021, a national cap on synthetic nitrogen fertiliser input will apply, requiring pastoral farmers to keep synthetic nitrogen fertiliser use at or below 190 kg N/ha/year. Where synthetic nitrogen fertiliser input exceeds the cap, resource consent is required, and if consent is granted, it must not be for a term exceeding 5 years. The cap does not apply to arable or horticultural crops. Dairy farmers will also have to report on their levels of nitrogen fertiliser use to ORC.

*Protecting natural wetlands*

- [41] Resource consent is required for the clearance of vegetation and earthworks within, or within 10 m of, any natural wetland, and for the drainage or taking, damming or diverting water from within, or within 100 m setback from these water bodies. These resource consents for can only be granted subject to conditions to minimise and offset damage or a restoration plan.
- [42] Exceptions to the requirement to apply for resource consent for these activities are provided where the activity is for the purpose of scientific research, the maintenance and operation of utility structures or infrastructure, or carrying out natural hazard works. In all these cases, activities are only permitted activities as long as specific conditions aimed at minimising the impacts on these wetlands are met.
- [43] Sustainable sphagnum harvesting in wetlands, and some cultural and restoration activities in wetlands are also permitted activities, subject to conditions that the effects are no more than minor.

*Protecting rivers and providing for fish passage*

- [44] Resource consents are required for structures in rivers that do not comply with permitted activity standards for fish passage. Resource consents are required for reclaiming rivers, and applications must demonstrate there is no other option.

**Key implications for ORC**

- [45] Regional councils are responsible for the implementation (including making decisions on resource consents and setting clearly defined conditions on consented activities), compliance monitoring and enforcement of the NES-FW regulations.
- [46] The NES-FW will be regulating various activities that were previously unregulated within an Otago context, by requiring landholders to comply with permitted activity standards or, where these cannot be met, to apply for resource consent. In doing so the NES-FW is likely to have significant impacts on ORC processes and staff resources by increasing the number consent applications, the need for compliance monitoring, and the need for support and engagement with rural landholders and other stakeholders.
- [47] In response to the findings of the Skelton review, the review of the Consents Function and work in the Regulatory Group to review processes, ORC has already taken steps towards building greater capacity and capability across teams (including consents, policy, science and compliance). These steps involved the initiation of projects, such as the review of our environmental management data management systems, staff training and development of guidance materials.
- [48] With the new NES-FW regulations now being gazetted and more detail being available around the specific standards set by these regulations, staff are evaluating the impacts of the NES-FW on internal resourcing needs. There will be significant needs, especially within the Regulatory Group, as even with increased capability and process efficiencies there is a large volume of work coming that will need to be included in the current work programme.<sup>6</sup>

**DISCUSSION – RMA SECTION 360 STOCK EXCLUSION REGULATIONS**

**Overview of key requirements**

- [49] From 1 July 2023 the following applies:
- All dairy cattle (except dairy support cattle) and pigs must be excluded from lakes and rivers more than a metre wide, regardless of land slope.
  - All cattle and deer that are intensively grazed must be excluded from lakes and rivers more than a metre wide, where land is used for fodder-cropping, break-feeding or grazing on irrigated pasture, regardless of land slope.<sup>7</sup>
  - All wetlands already identified in a regional or district plan must have beef cattle, dairy cattle, dairy support cattle, deer, and pigs excluded.

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<sup>6</sup> There are further national regulations to come addressing the introduction of compulsory freshwater modules for farm plans (FW-FP). These FW-FPs will play a critical role in farm management and may, provided certain conditions are met, act as an alternative to the requirement to obtain resource consent for some activities.

<sup>7</sup> Section 3 of the NES-FW defines intensive winter grazing as follows: The grazing livestock on an annual forage crop at any time in the period that begins on 1 May and ends with the close of 30 September of the same year.

- [50] From 1 July 2025 the following applies:
- All dairy support cattle must be excluded from lakes and rivers more than a metre wide, regardless of land slope.
  - On land less than 10-degrees slope, beef cattle and deer must be excluded from lakes and rivers more than a metre wide.
  - All wetlands with threatened species and on low slope must have beef cattle, dairy cattle, dairy support cattle, deer, and pigs excluded.
- [51] For all stock exclusion, there must be a minimum setback of 3 metres from the edge of the water body, except where an existing permanent fence or existing riparian planting already effectively excludes stock.
- [52] The regulations will not apply to smaller streams (less than one metre wide), sheep, lower-intensity, hill country farming, or where stock exclusion is impractical due to the physical characteristics of the land or where there are natural barriers keeping stock out of waterways.
- [53] Where regional council rules are more stringent than the RMA s360 regulations the more stringent regional plan rules prevail.
- [54] In the case of Plan Change 8, the rules are more/less stringent and so will /won't prevail until a decision is made through the Environment Court on the rules.

**Key implications for ORC**

- [55] The Regional Council is responsible for the implementation, compliance monitoring and enforcement of the RMA S360 stock exclusion regulations.
- [56] Like the NES-FW, the RMA S360 stock exclusion regulations will set standards for activities that were previously largely unregulated within an Otago context. With the exact detail around the stock exclusion regulations (and when these will be phased in) now being available staff are evaluating the impacts of the regulations on the need for additional internal resourcing. There will be an increased number of consents needed and Compliance work around the permitted activities and any consented activities.

## **DISCUSSION – AMENDMENT TO THE RESOURCE MANAGEMENT (MEASUREMENT AND REPORTING OF WATER TAKES) 2010**

### **Overview of key requirements**

- [57] The Resource Management (Measuring and Reporting of Water Takes) Regulations 2010 have been amended to require holders of consent to take between 5 and more than 20 litres of water a second to:
- Measure their water use every 15 minutes,
  - Store their records, and
  - Electronically submit their records to their council every day.
- [58] The amendments seek to introduce these requirements in accordance with a staged timeline. Depending on the rate at which water may be taken under a permit, consent holders need to comply with the amended provisions as follows:
- 3 September 2022 if the rate is  $\geq 20$  litres/second:
  - 3 September 2024 if the rate is  $\geq 10$  but  $< 20$  litres/second:
  - 3 September 2026 if the rate is  $\geq 5$  but  $< 10$  litres/second.

### **Key implications for ORC**

- [59] The Regional Council is responsible for the implementation, compliance monitoring and enforcement of Resource Management (Measurement and Reporting of Water Takes) Regulations 2010.
- [60] Staff are still in the process of evaluating the impacts of the 2020 amendments to the Resource Management (Measurement and Reporting of Water Takes) Regulations on internal resourcing, but overall, the amendments are unlikely to pose any significant implementation challenges for ORC.
- [61] While relevant staff (e.g. staff in the Consents Systems and Administration and Compliance teams) will need to be educated about the changes to the water metering regulations and ORC guidance and forms for water permit holders and applicants will need to be updated to reflect these changes, the amendments are likely to have a positive impact on ORC's ability to carry out its role and responsibilities under the RMA. This is by improving access to the most recent water take data, enabling more reactive Compliance monitoring, and furthering our understanding of fresh water use in Otago and furthering our understanding of fresh water use in Otago.

## **CONSIDERATIONS**

### **Policy Considerations**

- [62] Regional Council is responsible for implementing the new regulations and notifying new or updated regional policy statements and plans that set out how the region will implement the new NPS-FM. ORC has committed to a work programme with the Minister for the Environment which includes notifying a new RPS by November 2020, and a new LWRP by December 2023.
- [63] Following the May 2020 release of the cabinet paper *“Action for healthy waterways – Decisions on national direction and regulations for freshwater management”* staff prepared an implementation plan to manage the regulatory reforms. This

implementation plan, as well as a timeline of tasks required for the next six months that illustrates how ORC will give effect to the reforms package while implementing current plan changes to the Regional Plan: Water for Otago, was attached to Report no P&S1856 *Action for healthy waterways – Decisions on national direction and regulations for freshwater management*, presented to the ORC's Strategy and Planning Committee during its meeting on 8 July 2020.<sup>8</sup> After the gazettal of the NES-FW, s360 stock exclusion regulations and amendments to the water metering requirements staff have progressed the development of more detailed implementation programmes for the compliance and consents teams and a communication and engagement plan. These plans are due to be completed soon and will be presented to Council once developed.

#### **Financial Considerations**

[64] Staff are currently evaluating the impacts of the implementation requirements on staff resources and council budgets across teams. This process will inform the ongoing Long-Term Plan 2021-2031 discussions. In addition to this, staff is currently also preparing a report to be presented to Council ahead of LTP discussions, outlining resource requirements to respond to the increased requirements on regulatory teams.

#### **Significance and Engagement**

[65] This consideration is not relevant to this report.

#### **Legislative Considerations**

[66] Once these regulations become law, ORC will be required to give effect to them.

#### **Risk Considerations**

[67] There are legal risks associated with not giving effect to the regulations.

[68] There are also risks associated with the implementation of the new central government regulations, as meeting, monitoring and enforcing these regulations will often require significant effort and financial investment from rural land holders and ORC. The development of implementation and communication and engagement plans will ensure that these efforts and investments are adequate and cost-effective.

#### **NEXT STEPS**

[69] The next steps are to:

- Give effect to the NPS-FM through the development of a new Regional Policy Statement and Land and Water Regional Plan; and
- Implement the NES-FW, RMA s360 stock exclusion regulations and new water metering and reporting requirements in accordance with relevant implementation plans.

#### **ATTACHMENTS**

Nil

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<sup>8</sup> The report is available on the ORC website <https://www.orc.govt.nz/media/8727/agenda-strategy-planning-20200708.pdf>. (

Attachment 1 for Item 10.5

Immediate Resource Needs to respond to the National Environmental Standards for Freshwater

From: Richard Saunders, General Manager Regulatory

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### **Executive Summary**

- [1] The purpose of this paper is to provide an overview of immediate resourcing implications of the new regulations for freshwater management for the Regulatory Group of the Otago Regional Council (ORC) and to seek approval for unbudgeted recruitment of staff.
- [2] To enable ORC to respond to the National Environmental Standards for Freshwater (NES-FW) and provide a high level of service to our rural community, immediate recruitment of consents staff is recommended. Further discussions on the long-term resource implications of the freshwater package will occur as part of Long Term Plan discussions.

### **Background**

- [3] On 5 August a new regulatory reform package with national direction on freshwater management was gazetted. This package includes measures such as the new NES-FW which introduces new consent requirements. The ORC is responsible for the implementation and enforcement of these requirements within the Otago region.
- [4] These new regulations introduce new consent requirements. Initial assessment of the new rules and potential resource consent numbers within the region show there is a significant and immediate unplanned resourcing need within the Regulatory Group, in particular the Consents Team.

### **Discussion**

- [5] The NES-FW sets out requirements for carrying out certain activities that have the potential to impact on freshwater, by setting out standards to be met and identifying when resource consents will be required. Anyone carrying out these activities will need to comply with these standards.
- [6] The Consents Team currently consists of 16.6 full-time employees (FTEs) spread over three sites in Otago. This resource is supported by external consultants to process resource consents during times of peak demand, or where ORC is an applicant. The Consents team currently process 450 consents per year, of which 130 relate to water takes.
- [7] Not all aspects of the Action Plan for Healthy Water will have an immediate resource need for the Consents Team. However, the NES will have an immediate effect on workload. The new rules in the NES that will have the greatest impact on consent numbers are:
  - a. Intensive Winter Grazing
  - b. Feedlots and stockholding areas other than feedlots
  - c. Agricultural Intensification
  - d. Cap on synthetic nitrogen fertiliser

*Likely Application Numbers*

- [8] There are some limitations to being able to confidently determine how many staff will be needed in the Consents Team to deal with the effects of the NES-FW. This is because we, do not as an organisation have a clear understanding of how land is used in Otago and what activities occur on farms. However, information gathered from a variety of sources indicates that farm numbers in Otago are approximately:
- Beef – 550
  - Dairy – 480
  - Sheep – 1,230
  - Sheep and Beef 1,085
  - Total – 3,345
- [9] Through discussions with industry groups staff are aware that most farmers are being advised to apply for a resource consent for the upcoming winter season (2021) due to uncertainty around the ability to comply with the new rules. In particular the intensive winter grazing rules will be very difficult to comply with due to the requirement to replant no later than 1 November. This is particularly relevant to the resourcing discussions as planning for the 2021 winter season is well under way and applications for this activity will be received as soon as the rules become operative on the 3<sup>rd</sup> of September.
- [10] In order for ORC to give effect to the NES we will need to be in a position to receive and process these new consent applications. Additionally, providing an efficient service to the rural community will provide them with some certainty for their farm operations for the 2021 winter and beyond.

*Resource Request*

- [11] An additional 16 permanent FTEs are requested to deal with the immediate impacts of the NES in Otago. This includes the following:
- a. 10x consents staff
  - b. 4x consent administration staff
  - c. 2x business support administration staff
- [12] These additional resources provide 19,500 hours of processing time and the associated administration time to receive, issue and set up for compliance monitoring. The new appointments will be spread throughout Otago, including the North and South Otago areas where the majority of farms are located.
- [13] In addition to the added resources, staff are working to develop a streamlined process to improve efficiencies for both applicants and ORC. This process must still meet the tests of the RMA but can be designed in a way which enables farmers to complete applications forms themselves, and staff to assess and make decisions on site in the appropriate circumstances. This will result in quicker processing times and reduced costs.

*Considerations*

- [14] Regional councils have a responsibility for implementing the new regulations. These increased resources, coupled with improved processes, will enable us to give effect to the new rules and give a degree of certainty to our rural community.
- [15] These additional resources are currently unbudgeted. They were excluded from the recent Annual Plan process as the details of the NES were unknown. Overall the consents team is operating at close to 50% cost recovery, which is an increase of approximately 10% on previous years. Over time this number will continue to increase as staff become more experienced and continuous process improvements are made.
- [16] The costs of these additional resources are estimated to be approximately \$500,000 for the balance of the 2020/21 year, assuming that all resources are in place by 1 January, and \$1m annually thereafter.

**Recommendation:**

That the Council:

- 1) **Receives** this report.
- 2) **Approves** the recruitment of an additional 16 full-time employees into the Regulatory group in response to the National Environmental Standards for Freshwater.
- 3) **Notes** that the additional full-time employees are not included in the 2020/21 budget.
- 4) **Notes** that staff will present a further assessment of the long term requirements for resourcing as part of the Long Term Plan process.



## 10.6. NPSFM Implications for RPS

<b>Prepared for:</b>	Council
<b>Report No.</b>	P&S1866
<b>Activity:</b>	Regulatory: Policy Development
<b>Author:</b>	Lisa Hawkins, Team Leader RPS, Air and Coast
<b>Endorsed by:</b>	Gwyneth Elsum, General Manager Strategy, Policy and Science
<b>Date:</b>	26 August 2020

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### PURPOSE

- [1] To provide Council with an overview of the implications the new NPSFM for the RPS programme, and to outline implications for the current work programme.

### EXECUTIVE SUMMARY

- [2] On 5 August 2020, the Government released the new National Policy Statement for Freshwater Management 2020 (NPSFM). The NPSFM has been gazetted and will take effect from 3 September 2020. It will require all Regional Policy Statements (RPS) to address some aspects of freshwater management at a regional level and will then require further detail to be inserted into Regional and District Plans. Most of the requirements for the RPS contained within the NPSFM are already being considered as part of the RPS Review 2020 and align with the draft NPSFM 2019. However, one significant change from the draft NPSFM will have implications for the current programme of work.
- [3] The draft NPSFM 2019 detailed a requirement for the development of a single long-term freshwater vision for the region. That requirement has changed in the NPSFM to the requirement for a long-term freshwater vision for each freshwater management unit (FMU), part of an FMU or catchment. The freshwater visions are to be developed in consultation with iwi and the relevant communities, and to be included as objectives in the RPS.
- [4] Staff are mindful of the commitment made to the Minister to complete the review of the current RPS and notify a new fit for purpose RPS in November 2020. Staff also understand that councillors will be discussing the implications of the new NPSFM on ORC's RPS work programme with Minister Parker prior to deliberating the contents of this paper. Given this, staff have outlined a number of options in this paper and are seeking direction from Council as to how to progress with the RPS programme, in light of the new NPSFM requirements and discussions with Minister Parker.

### RECOMMENDATION

*That the Council:*

- 1) **Receives** this report.

- 2) **Notes** the new and additional requirements for Regional Policy Statements to develop freshwater visions for each FMU (or part of FMU) in conjunction with tangata whenua and the community.
- 3) **Provides direction** to staff to reconcile the work programme and the Ministers' recommendation with the new NPSFM requirements; and
- 4) **Directs** staff to either:
  - a. update the Minister as a direct result of the direction in (3); or
  - b. Include Council's direction on the RPS Programme in the next scheduled update report to the Minister due in September 2020.

## BACKGROUND

- [5] The NPSFM, which comes into force on 3 September 2020, establishes a revised and updated approach to freshwater management in New Zealand. The Resource Management Act 1991 requires Council's Regional Policy Statement to give effect to the NPSFM.
- [6] Some requirements in the NPSFM can be implemented at either the RPS or Regional Plan level. However, there are some requirements which only apply at an RPS level and must be included in the RPS as soon as practicable and are required for the notification of a NPSFM compliant RPS from 3 September. These requirements are to:
1. Include an objective which describes how the management of freshwater in the region will give effect to Te Mana o te Wai<sup>1</sup>;
  2. Develop long-term visions for freshwater at an FMU, part of an FMU, or catchment level; and include them as objectives<sup>2</sup>; and
  3. Provide for integrated management of the effects of the use and development of land on freshwater; and the use and development of land and freshwater on receiving environments<sup>3</sup>.
- [7] Requirements 1 (Section 3.1) and 3 (Section 3.5) above have already been considered through the RPS Review and are part of our current drafting processes. They have been appropriately developed and align with the NPSFM. They will be achieved as part of the current RPS programme.
- [8] While the draft NPSFM 2019 signalled a requirement for a regional freshwater vision, the NPSFM now requires regional councils to go further, and develop freshwater visions with tangata whenua at multiple levels, and through a community consultation process. While work has progressed well on a freshwater vision for the region, this is now not sufficient to comply with the NPSFM.

## ISSUE

### *NPSFM 2020 Requirements*

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<sup>1</sup> Section 3.2 NPSFM

<sup>2</sup> Section 3.3 NPSFM

<sup>3</sup> Section 3.5 NPSFM

- [9] The NPSFM<sup>4</sup> sets out a process for councils to follow in relation to both the content of a long-term freshwater vision, and the process by which it is developed. Section 3.3 contains both aspects, as set out below:

*Section 3.3*

*A long-term vision:*

- a) May be set at FMU, part of an FMU, or catchment level; and*
- b) Must set goals that are ambitious but reasonable (that is, difficult to achieve but not impossible); and*
- c) Identify a timeframe to achieve those goals that is both ambitious and reasonable.<sup>5</sup>*

*Each long-term vision must:*

- a) Be developed through engagement with communities and tangata whenua about their long-term wishes for the water bodies and freshwater ecosystems in the region; and*
- b) Be informed by an understanding of the history of, and environmental pressures on, the FMU, part of the FMU, or catchment; and*
- c) Express what communities and tangata whenua want the FMU, part of the FMU, or catchment to be like in the future<sup>6</sup>.*

- [10] While there is currently no requirement for freshwater visions to be prepared at an FMU level, either in an RPS or Regional Plan, discussions with the community and tangata whenua at an FMU level are part of the current Land and Water Regional Plan (LWRP) programme. This engagement focuses on the identification of values, freshwater objectives and limit setting. To meet the requirements of Section 3.3 of the NPSFM and establish a freshwater vision for each FMU (or rohe or catchment), community conversations will need to be undertaken, and the process will need to involve tangata whenua. The results of those community conversations would then form part of the RPS and used as the starting point for the development of freshwater objectives and limit setting for the Land and Water Regional Plan.

## **DISCUSSION**

### *RPS Programme Update*

- [11] Absent this new requirement, staff are on track to notify the RPS by November 2020. The drafting of provisions and documentation is substantially underway, with focus currently on disseminating the wealth of information received from the reference groups. The eleven reference groups have been completed and staff are pleased with the value they have added to the process. Staff have also received positive feedback from many of the participants about their involvement in the process.
- [12] The current programme will seek Council approval to notify the RPS 2020 by the end of November 2020. Key milestones between now and then include:
1. In September, an update to the Strategy & Planning Committee on the input received from the RPS Reference Groups and an overview of draft policy direction for the RPS will be provided;

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<sup>4</sup> NPSFM 2020 – Section 3.3 Long term visions for freshwater

<sup>5</sup> NPSFM 3.3(2)

<sup>6</sup> NPSFM 3.3(3)

2. Commence a technical (internal) and legal review of the RPS and section 32 report;
3. Undertake pre-notification consultation as required by the Resource Management Act.<sup>7</sup> Clause 3, Schedule 1 consultation must be undertaken with Ministers, Territorial authorities, customary marine title holders and iwi, and may be undertaken with any other person. Clause 4A, Schedule 1 consultation is with iwi. The current timelines in the programme allow only a very short window for consultation;
4. Updates to the RPS and section 32 report prior to seeking Council decision to notify; and
5. Completion of the section 32 report once the Clause 3 and Clause 4A consultation has been undertaken.

[13] The programme has been developed to achieve the work programme agreed with Council on 22 April 2020, and as such any additional tasks will need to be alternatively resourced.

*Work required to develop Freshwater Visions*

[14] As identified above, staff and iwi have progressed the development of a freshwater vision for Otago, in line with the draft NPSFM. The NPSFM 2020 now requires those visions to be at a scale smaller than a regional vision.

[15] Staff have considered how much time might be required to develop long-term freshwater visions for at least each FMU, with the community and tangata whenua involvement as required by Section 3.3. Initial indications are that a robust engagement process is likely to take approximately 4-5 months of relatively intensive work to cover all current FMU and rohes. If it is identified that further delineation is required, and additional visions are required, at for example a catchment scale, this time would be longer.

[16] Some of the work already undertaken as part of the RPS, LWRP and Strategic Plan consultation may provide background detail to assist with the development of the visions. An engagement process would likely involve the following key tasks to develop the visions and achieve compliance with the NPSFM requirements:

- Collation of the information from recent consultations to assist in preparing directions for the long-term freshwater visions.
- Preparation of engagement method and material to seek community and iwi input.
- Facilitation of engagement activities across the region. This will need to be able to respond to any Covid19 restrictions that may apply.
- Finalising drafting of the freshwater visions following analysis of material received from engagement.
- Providing the draft freshwater visions for comment and feedback via some mechanism, such as an online survey; and
- Finalisation of RPS provision drafting and appropriate section 32 assessment.

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<sup>7</sup> Schedule 1 clauses (3) and (4a).

- [17] This process would also see staff work with iwi to discuss how their involvement in the development of the long-term freshwater visions can be provided in partnership with Council.

## OPTIONS

### *Option A – notified RPS with FMU freshwater visions in November 2020*

- [18] As set out above, the requirement in the NPSFM is to develop these visions through engagement with communities and tangata whenua. Although it would not be good practice, it is possible to undertake a form of limited high-level consultation across Otago to inform the development of freshwater visions.
- [19] To still meet the RPS notification deadline of November, there is a 3 to 4 week window from 26 August where a minimal online consultation process could be undertaken at the same time as the draft RPS is being finalised. Further updates to the RPS are likely to be required at a later stage following the more detailed work on FMUs through the LWRP programme. The consultation process would involve the following tasks:
- *Prepare consultation material.* Utilising existing information on the environmental pressures and information from recent consultations identify a series of values and goals for each FMU that could form part of a freshwater vision and identify timeframe options to achieve these goals. Prepare an online questionnaire using the information collated. This process would need to be completed in approximately 5 working days.
  - *Prepare an online consultation platform.* An online consultation programme would be launched seeking feedback across the community on the goals and timeframes identified for each FMU for a period of up to 7-10 days. A comprehensive advertising campaign utilising a range of channels including social media, print media and radio announcements would be required to support the programme.
  - *Finalise freshwater visions.* Following the consultation period, the information received would be collated for each FMU and freshwater visions prepared for inclusion into the draft RPS. This would occur over a period of 5 working days.
- [20] This approach needs to be **completed prior to the end of September** if the visions are to be incorporated into the draft RPS in time for the Clause 3, Schedule 1 consultation to begin.
- [21] While this process might result in a draft RPS for November notification that includes some form of freshwater visions for each FMU, there are significant risks that must be noted:
- By not including the FMU scale long-term freshwater visions developed through a full engagement process in the notified RPS, the RPS may fail to give effect to the requirements of the NPSFM 2020. This is a risk as it was one of the major outcomes identified in the 2019 Skelton review. It also has an associated risk of judicial review and a community perception risk that ORC has failed to meet the minimum statutory requirements.
  - There is a significant reputational risk of notifying an RPS knowing it may not be compliant with the NPSFM.
  - The approaches don't meet the Ministers recommendations as they may not provide an appropriate and lawful and fit for purpose framework to enable the development of the LWRP.

- The method outlined above is unlikely to achieve best practice and therefore may not fulfil the engagement requirements of the NPSFM for the development of the long-term freshwater visions.
- The process is not as comprehensive as set out in the 'Discussion' section of this report and may be met with criticism from iwi partners, the community and stakeholders. This may result in challenges to the land and water chapter of the RPS through the submissions and hearing process.
- Any delay of the tasks above would result in notification in November not being achieved.
- The outcome intended by the Minister in recommending a review of the RPS, being the provision of a fit for purpose framework for the LWRP, is not achieved because the methodology of preparing the visions is not sufficient.

[22] It is important to note that staff have a level of discomfort about the quality of result that might be delivered under this option.

[23] Alternative forms of consultation, such as by post, are not feasible as the short consultation timeframes do not adequately allow for New Zealand postage and delivery times.

[24] There is no in-house capacity to undertake this task. The existing RPS team is fully committed to completing the existing programme, this task would need to be undertaken entirely by an external party. The cost to deliver this option is expected to be an additional \$75,000 - 80,000 of unbudgeted expenditure.

[25] As a consequence of the limited time within the current RPS programme and to address the risks of undertaking a short consultation programme, staff have also considered alternative approaches to progress the RPS programme.

*Options B and C – Notified RPS in November with subsequent variations to insert good practice FMU Freshwater Visions*

[26] There are two approaches that will achieve a more robust engagement process and notification of an RPS in 2020 that are technically available, but these too carry significant risk to Council and the RPS process. These approaches are:

1. Option B: Notify the RPS in 2020 (with visions developed under Option A visions or with the Regional Vision only), while continuing to work on the FMU long-term visions and introduce these by way of variation<sup>8</sup> in mid-2021, or
2. Option C: Notify the RPS in 2020 (with visions developed under Option A visions or with the Regional Vision only). The RPS would be subject to a plan change later, in line with the LWRP, to introduce the FMU scale visions.

[27] The risks associated with these two approaches are set out below:

1. By not including the FMU scale long-term freshwater visions developed through a full engagement process in the notified RPS, the RPS may fail to give effect to the requirements of the NPSFM 2020. This is a risk as it was one of the major outcomes identified in the 2019 Skelton review. It also has an associated risk of judicial review

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<sup>8</sup> Variations follow the same development, notification and hearing process as plan changes

and a community perception risk that ORC has failed to meet the minimum statutory requirements.

2. There is a significant reputational risk of notifying an RPS knowing it may not be compliant with the NPSFM.
3. The approaches don't meet the Ministers recommendations as they may not provide an appropriate and lawful and fit for purpose framework to enable the development of the LWRP.
4. The importance and integrity of the Land and Water Chapter in achieving integrated management and its prominence within the RPS will be undermined.
5. Stakeholder and community dissatisfaction with ORC processes and potential consultation fatigue as the visions are dealt with as a separate process. Option B and C would also require two submission processes (in quick succession in the case of Option B), potentially leading to confusion and will unnecessarily complicate and duplicate the process.
6. Process to determine visions takes longer than anticipated and runs into the LWRP programme and causes complications in the programme to deliver the LWRP.

[28] A benefit of Options B and C is that the community have an opportunity to engage in a more meaningful engagement process to develop freshwater visions.

*Option D – complete full engagement process for FMU Freshwater Visions, and seek Minister's approval to delay notification of the RPS*

[29] Staff have considered what an extended timeline for notification might look like, in order to assist Council in their deliberations. This would involve continuing with the current RPS work programme and complete a draft of the RPS this year utilising the existing RPS team and existing consultants. Notification, however, would be delayed until the long-term freshwater visions for each FMU have been developed. Consideration of this approach must be undertaken in the knowledge that an extension is not due to staff being unable to deliver on the Ministers existing recommendations but is entirely a response to additional requirements coming into effect very late in the RPS programme.

[30] Because the RPS team is fully committed in the current process, additional resources would be required to run a parallel freshwater vision programme for each FMU. Recruitment is currently underway for a person with engagement expertise within ORC to work on the LWRP; the appointee to the role would lead the engagement with the community. An engagement approach would be developed with tangata whenua, and the work to undertake the vision development programme across Otago would largely be done in-house. The RPS team would be able to provide some assistance by providing planning advice, but not lead the process. The consultation programme would be developed and completed to enable the notification of the RPS to be completed by end of June 2021. The unbudgeted cost of this approach is expected to be approximately \$10,000 - \$15,000.

[31] The risks associated with this approach include:

1. The commitment to the Minister to notify an RPS by November 2020 is not achieved.

2. Public perception that ORC has failed to deliver on its commitments to the Minister and caused the delay.

[32] The benefits of this option are:

1. Meaningful engagement with the community and tangata whenua to develop the long-term freshwater visions;
2. Notification of a complete RPS, giving full effect to the NPSFM 2020 and fully compliant with the RMA;
3. Achievement of the overall intent of the Minister's recommendations which seek to ensure a fit for purpose and fully compliant RPS that provides an appropriate framework for the LWRP;
4. Through the amended timeline, allow stakeholders to take more time to complete their pre-notification consultation feedback, and allow consideration for the Clause 3 consultation to be extended beyond the mandatory parties;
5. Better integrity of the RPS and the integrated nature of the land and water chapter;
6. An approach to plan development that will complement the LWRP programme because the long-term freshwater visions would have already been developed, leaving the conversations with the community through the LWRP to turn to the implementation of those visions;
7. A clear post notification process for the community and stakeholders as they will participate in only one submission and hearing process for the RPS;
8. Reputational risks would be minimised.

*Option E – complete full engagement process for FMU Freshwater Visions, and delay notification of the RPS without the Minister's approval*

[33] Should the Minister not agree to a delay in notification for the sole purpose of being able to complete a full engagement process in accordance with the new NPSFM requirements, Council does have the option to delay notification without the Minister's approval.

[34] This option is high risk, including:

1. Notification of the RPS in November 2020 is not achieved and therefore does not meet the standing commitment of Council to the Minister;
2. Public perception that ORC has failed to deliver on its commitments to the Minister and caused the delay; and
3. Potential consequences of the Minister deciding to exercise his intervention powers further.

## **CONSIDERATIONS**

### **Policy Considerations**

[35] The RPS sets the framework for the review of the ORC Regional Plans, including the Regional Plan Water, Regional Plan Coast and Regional Plan Air, as well as territorial authority plans.



- [36] The RPS will need to provide an appropriate framework to allow the proposed LWRP to be notified by the end of 2023. The timely delivery of an RPS that gives effect to the NPSFM is required to achieve this. Whilst the approach to include the freshwater visions in the RPS may result in the delay to the notification of the RPS, it is unlikely to cause a delay in the delivery of the LWRP. The work undertaken through this approach in the RPS will provide a platform for the LWRP to build from in conversations with the community on freshwater objectives and limit setting. It is likely that without this base, the LWRP will need to have similar conversations with the community in any regard.

#### **Financial Considerations**

- [37] The additional work required by the NPSFM to develop long-term freshwater visions could not be foreseen and therefore it was not included in the budget for the 20/21 year. Additional resources and budget will be required to implement the NPSFM requirements as set out in the body of the report.

#### **Significance and Engagement**

- [38] The engagement that will be undertaken as part of the long-term freshwater vision will be done in a manner consistent with the Significance and Engagement Policy and will incorporate input from a range of stakeholders and community as relevant to each FMU.

#### **Legislative Considerations**

- [39] The Act requires that, at all times, regional councils must have an RPS in place; Sections 59-62 of the Act set out the requirements for and process by which Regional Councils must prepare an RPS, and the First Schedule of the Act sets out the process for the preparation, change and review of policy statements and plans.
- [40] Section 62(3) requires that regional policy statements give effect to national policy statements. The approach to include the work to develop the freshwater visions as part of the current RPS programme (with extension of timeframes to notification to June 2021) will achieve this requirement.

#### **Risk Considerations**

- [41] The Minister's expectations, informed by the Skelton Review and Report, direct that before a new Land and Water Regional Plan can be developed, Council must have an updated operative RPS in place. This direction also requires Council to be consistent with higher order documents such as the NPS. This properly reflects the hierarchy in the RMA.
- [42] Although incorporating the Freshwater visions within the RPS now, through a robust consultation process, will result in the Ministers timing requirements for a new RPS not being met, the visions will provide a good platform for which the LWRP work can continue, and will ultimately reduce the risk to the LWRP by providing a legal and robust framework.

#### **NEXT STEPS**

- [43] The next steps are pending Councils direction; staff will implement the chosen direction.

**ATTACHMENTS**

Nil

### 11.1. Submission on Plan Change 8

<b>Prepared for:</b>	Council
<b>Report No.</b>	P&S1864
<b>Activity:</b>	Governance Report
<b>Author:</b>	Dolina Lee, Policy Analyst; Tom De Pelsemaeker, Team Leader Freshwater and Land
<b>Endorsed by:</b>	Gwyneth Elsum, General Manager Strategy, Policy and Science
<b>Date:</b>	20 August 2020

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#### PURPOSE

- [1] This report is to inform Council on the Otago Regional Council staff submission lodged on Proposed Plan Change 8 to the Regional Plan: Water for Otago.

#### EXECUTIVE SUMMARY

- [2] On Monday 6 July 2020, the Environmental Protection Authority (EPA) notified Proposed Water Permits Plan Change - Plan Change 7 and Proposed Plan Change 8 to the Regional Plan Water for Otago and Proposed Plan Change 1 to the Regional Plan: Waste for Otago. The submission period closed on Monday 17 August 2020.
- [3] As part of the proposed Action for Healthy Waterways regulatory reform package, a new NES for Freshwater, new NPS-FM 2020, new Resource Management (Stock Exclusion) Regulations 2020 and amendments to the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010 were gazetted on 5 August 2020. These national directions and regulations will take effect on 3 September 2020.
- [4] ORC staff have prepared a submission on Plan Change 8 requesting amendments to specific provisions of the plan change proposal to improve the clarity of the proposed provisions, and to avoid duplication and ensure greater alignment with relevant national directions and regulations.

#### RECOMMENDATION

*That the Council:*

- 1) **Notes** the attached staff submission to Proposed Plan Change 8 to the Regional Plan: Water for Otago.

#### BACKGROUND

- [5] On 9 April 2020, ORC was advised that the Minister for the Environment, the Hon. David Parker, had resolved to “call in” under section 142(2) of the Resource Management Act 1991 (RMA) the following plan changes:
- Proposed Water Permits Plan Change (PC7) to the Regional Plan: Water for Otago;
  - Plan Change 8 (PC8) to the Regional Plan: Water for Otago; and
  - Plan Change 1 (PC1) to the Regional Plan: Waste for Otago.
-

- [6] PC7 seeks to establish an interim regulatory framework for the assessment of applications to renew deemed permits and other water permits expiring prior to 31 December 2025, the date by which the new Regional Land and Water Plan (LWRP) is expected to be operative. PC8 and PC 1 were developed to address specific activities known to be, or likely to be, contributing to water quality issues in parts of Otago.
- [7] As a result of the “call in”, the Environmental Protection Agency (EPA) notified the three plan changes on 6 July 2020 by issuing a Notice of Direction.<sup>1</sup>
- [8] The period for lodging submissions with EPA on these plan changes closed on Monday 17 August 2020. Once the submissions and further submissions period has ended, the plan change will be passed to the Environment Court and set down for hearings.
- [9] ORC staff have and will continue to provide support to the EPA throughout the process. ORC also engaged a “Friend of the Submitter” to help the members of the public with how to lodge a submission to the EPA. The friend of the submitter could be contacted free of charge, to help anyone with questions about the submission process.
- [10] During the submission period staff have also responded to questions regarding these plan changes and have attended several public meetings and organised an on-line Q&A session on PC8 and PC1.

#### **ISSUE**

- [11] Under Clause 6(2) of the First Schedule of the RMA, local authorities can make a submission on their own plan change proposals.

#### **DISCUSSION**

- [12] As a result of some of the feedback received at the public meetings and Q&A session, ORC staff have prepared a technical submission proposing amendments to some of the provisions in Plan Change 8 in order to provide more clarity and certainty to Plan users. The submission, which was lodged with the EPA before the end of the submission period, is attached to this report as Attachment 1.
- [13] The NES for Freshwater includes regulations that address intensive winter grazing, while the Resource Management (Stock Exclusion) Regulations 2020 seek to gradually roll-out new rules controlling stock access to water ways. In the submission staff have requested that:
- The specific provisions of PC8 that address intensive grazing and stock exclusion from water bodies are deleted to avoid duplication and confusion with national regulations, and
  - Advice notes are added to the Water Plan to direct plan users to the relevant regulations in the NES and Resource Management (Stock Exclusion) Regulations.

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<sup>1</sup> PC7 was effectively re-notified by the EPA, as the plan change had been notified previously by ORC on 18 March 2020. By the end of this initial submission period, which closed on 17 April 2020, 256 submissions were received by ORC. All submissions on PC7 received during this initial submission process have been passed on to the EPA to be included as part of the Summary of Submissions that is prepared once the EPA submission process closes.

- [14] No ORC staff submissions have been lodged with EPA on PC7 to the Regional Plan: Water for Otago or on PC1 to the Regional Plan: Waste for Otago.
- [15] The staff submission on PC8 has been made publicly available on the ORC website. ORC stakeholders were also made aware of ORC's intent to make a submission through a special OnStream edition.

## **CONSIDERATIONS**

### **Policy Considerations**

- [16] The proposed plan changes will contribute to achieving the outcomes sought by the new NPS-FM.

### **Financial Considerations**

- [17] The proposed plan changes involve staff time and legal consultant support however these costs are within anticipated budgets.
- [18] The requested amendments are likely to improve the clarity of the proposed provisions and ensure greater alignment with national directions and regulations. This in turn will assist with reducing the number of issues to be addressed through the Environment Court hearing process and will thus result in time and cost savings for all parties involved.

### **Significance and Engagement**

- [19] Not applicable to this report.

### **Legislative Considerations**

- [20] The amendments requested seek to further align the provisions of the PC8 with relevant national directions and regulations.

### **Risk Considerations**

- [21] There are no substantial risks associated with the ORC staff submission.

## **NEXT STEPS**

- [22] After the submission period closes, EPA will produce a summary of all the submissions received. The summary will be publicly notified, including information about where the submissions can be viewed, and a 10-working-day period for further submissions will be provided.
- [23] All submissions and further submissions will then be provided to the Environment Court who will then set down the matters for a hearing.

## **ATTACHMENTS**

1. Submission on Otago Regional Council Omnibus Plan Change [**11.1.1** - 7 pages]

**Form 5**  
**Submission on notified proposal for policy statement or plan, change or variation**

**To: The Environmental Protection Authority**

**Name of Submitter: Otago Regional Council (ORC)**

1. This is a staff submission on proposed Plan Change 8 (Water Quality) to the Regional Plan: Water for Otago.
2. Otago Regional Council is not a person who could gain an advantage in trade competition through this submission
3. The specific parts of proposed Plan Change 8, the decisions sought and the reasons for the submission are set out in the table attached as Appendix One.



.....  
Signed on behalf of the Otago Regional Council

Address for Service:  
Otago Regional Council  
Private Bag 1954  
Dunedin 9054  
Phone: 0800 474 082  
Contact person:  
Richard Pettinger  
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**Submission on Otago Regional Council Omnibus Plan Change – Plan Change 8 (Water Quality) to the Regional Plan: Water for Otago  
Appendix One**

Provision	Support / Oppose	Decision requested	Reasons
Policy 7.D.7(b)(ii)	Support in part	Amend 7.D.7(b)(ii) as follows:  Include contingency measures to prevent discharges <u>of effluent to a water body, an artificial watercourse, or the coastal marine area, either directly or indirectly to water</u> in the case of equipment or system failure;	Proposed Policy 7.D.7 provides guidance for the operation and management of animal waste systems, along with proposed Rules 14.7.1.1 and 14.7.2.1 which require management plans with contingency measures to prevent direct or indirect discharges of effluent to a surface water body, an artificial watercourse, or the coastal marine area.  The amendment of proposed Policy 7.D.7(b)(ii) clarifies that it is discharges of effluent that are the issue and provides consistency with Rule 14.7.1.1.
Policy 7.D.7(b)	Support	Amend 7.D.7(b)(ii) as follows:  <del>(ii)</del> (iii) Are operated in accordance with an operational management plan for the system that is based on best practice guidelines and inspected regularly;	There is an error in the numbering of proposed Policy 7.D.7 resulting in two subclauses (ii).
Policy 7.D.7(c)	Support in part	Amend 7.D.7(c) as follows:  Avoiding the discharge of animal waste to: <u>(i) water bodies, artificial watercourses, bores and soak holes, the coastal marine area; and</u> <u>(ii) saturated land in a manner that results in ponding or overland flow to water, including to frozen land; and</u>	i The policy does not include bores and soak holes which are listed in prohibited activity Rule 12.C.0.4, that gives effect to this policy.

Provision	Support / Oppose	Decision requested	Reasons
		<p><u>(iii) land when the soil moisture exceeds field capacity;</u> and</p>	<p>ii The wording in the policy direction to avoid discharges to saturated land is a narrower scope than the subsequent prohibited activity Rule 12.C.0.4 which prohibits any discharges to land that result in ponding or overland flow to water, including to frozen land.</p> <p>iii “Field Capacity” is an understood term that measures the amount of soil moisture held in the soil after excess water has drained away.</p> <p>The amendments to proposed Policy 7.D.7(c) will provide greater clarity and better align the wording of the proposed policy with proposed Rule 12.C.0.4.</p>
Rule 12.C.0.4	Oppose in part	<p>Amend 12.C.0.4 as follows:                      The discharge of animal waste from an animal waste system <u>to</u>:</p> <ul style="list-style-type: none"> <li>(i) <del>To a</del>Any lake, river or Regionally Significant Wetland; or</li> <li>(ii) <del>To a</del>Any drain or water race that goes to a lake, river, Regionally Significant Wetland or coastal marine area; or</li> <li>(iii) <del>To</del>The bed of any lake, river or Regionally Significant Wetland; or</li> <li>(iv) <del>To</del>Any bore or soak hole; or</li> <li>(v) <del>To</del>Land within 50 metres of:                             <ul style="list-style-type: none"> <li>(a) Any lake, river or Regionally Significant Wetland; or</li> <li>(b) Any bore or soak hole; or</li> </ul> </li> </ul>	<p>The amendments will provide greater clarity and align the wording of the proposed Rule with amendments requested for proposed Policy 7.D.7(c) and proposed Rule 12.C.1.4.</p> <p>Subclause (vii) is unnecessary because subclauses (i), (ii) and (vi) prohibit discharges to:</p>



Provision	Support / Oppose	Decision requested	Reasons
		<p>(vi) <del>To</del> Land in a manner that results in ponding or overland flow to water, including to frozen land; or</p> <p><u>(viii) Land when the soil moisture exceeds field capacity</u></p> <p><del>(vii) That results in any of the following effects in receiving waters, after reasonable mixing:</del></p> <p><del>(a) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials; or</del></p> <p><del>(b) any conspicuous change in the colour or visual clarity; or</del></p> <p><del>(c) any emission of objectionable odour; or</del></p> <p><del>(d) the rendering of fresh water unsuitable for consumption by farm animals; or</del></p> <p><del>(e) any significant adverse effects on aquatic life;</del></p> <p>is a <b>prohibited</b> activity</p>	<ul style="list-style-type: none"> <li>any lake, river, or Regionally Significant Wetland;</li> <li>any drain or water race that go to any of the above waterbodies;</li> <li>land in a manner that results in overland flow to water.</li> </ul> <p>The deletion of 12.C.0.4(vii) will provide more clarity and certainty for plan users.</p>
Rule 12.C.1.4	Support in part	<p>Add a new clause (d):</p> <p><u>(d) There is no discharge to frozen land or to land when the soil moisture exceeds field capacity.</u></p>	<p>The amendment will provide greater clarity and align the wording of the proposed Rule with the amendments requested for proposed Policy 7.D.7(c) and proposed Rule 12.C.0.4.</p>
Rule 12.C.2.5(a)	Support in part	<p>Amend 12.C.2.5(a) as follows:</p> <p>The discharge is not prohibited under Rule 12.C.0.4<del>2A</del></p>	<p>Rule 12.C.2.5(a) incorrectly refers to Rule 12.C.0.2A. It should refer to Rule 12.C.0.4.</p>
Rule 14.7.1.1 Rule 14.7.1.2 Rule 14.7.2.1 Rule 14.7.3.1	Support in part	<p>Amend 14.7.1.1, 14.7.1.2, 14.7.2.1, 14.7.3.1 as follows:</p> <p>The use of land for the use and maintenance of an animal waste system <del>(including storage pond(s) and ancillary structures) ...</del></p>	<p>The words “(including storage pond(s) and ancillary structures)” are unnecessary because the definition of animal waste system includes “the collection, conveyance, storage, treatment, disposal or application of liquid or solid animal waste”.</p>

Provision	Support / Oppose	Decision requested	Reasons
Rule 14.7.1.1(c)(i)	Support in part	Amend 14.7.1.1(c)(i) as follows:  Pond drop tests of the storage pond(s) every three years, <u>where (b) (i), (ii) or (iv) applies;</u>	Pond drop tests cannot be carried out on above ground tanks.
Footnotes 1 and 2 to Rule 14.7.2.1(c)	Support in part	<u>Amend the web address as follows:</u>  1 Available from Otago Regional Council's website at <a href="https://www.orc.govt.nz/media/8233/ipenz-practice-note-21-farm-dairy-effluent-ponds.pdf">https://www.orc.govt.nz/media/8233/ipenz-practice-note-21-farm-dairy-effluent-ponds.pdf</a> 2 Available from Otago Regional Council's website at <a href="https://www.orc.govt.nz/media/8234/ipenz-practice-note-27-dairy-farm-infrastructure.pdf">https://www.orc.govt.nz/media/8234/ipenz-practice-note-27-dairy-farm-infrastructure.pdf</a>	The web address needs to be updated to link to the IPENZ practice notes.
New Definition		<u>Add a new definition:</u>  <u>Field capacity: means the moisture content of soil when the addition of further water would result in saturation or drainage from the soil.</u>	A definition of Field Capacity will provide clarity and certainty for plan users.
New Definition		<u>Add a new definition:</u>  <u>Animal waste storage means the storage of liquid or solid animal waste, but excludes any ancillary structures for the collection, conveyance, treatment, disposal or application of liquid or solid animal waste, such as sumps, stone traps, weeping walls.</u>	A definition of Animal Waste Storage will provide clarity and certainty for plan users.
New Definition		<u>Add a new definition:</u>  <u>Low-rate effluent application means a method of applying effluent or animal waste to land at a rate of no more than ten millimetres per hour.</u>	A definition of Low-rate effluent application will provide clarity and certainty for plan users.
Definition of Dairy Effluent Storage Calculator	Support in part	Amend the web address in the definition as follows:  Available from <del>Otago Regional Council's website at <a href="http://www.orc.govt.nz">http://www.orc.govt.nz</a></del> <a href="https://www.dairynz.co.nz/environment/effluent/effluent-storage/dairy-effluent-storage-calculator-desc/">https://www.dairynz.co.nz/environment/effluent/effluent-storage/dairy-effluent-storage-calculator-desc/</a>	The web address is to the ORC website and needs to be amended to link to the DairyNZ website.

Provision	Support / Oppose	Decision requested	Reasons
Rule 13.5.1.8A(b)	Oppose	<p>Delete the amendments to Rule 13.5.1.8A relating to stock exclusion from waterways.</p> <p>Add an advice note to section 13.5 of the Regional Plan: Water for Otago as follows:</p> <p><a href="#">For regulations on stock exclusion from waterways refer to the Resource Management (Stock Exclusion) Regulations 2020</a></p>	<p>Now that the Essential Freshwater package of regulations has been gazetted, some of the provisions of Plan Change 8 are out of step with the Resource Management (Stock Exclusion) Regulations 2020.</p> <p>ORC requests that the proposed changes in Plan Change 8 that are covered in the Stock Exclusion Regulations are deleted to avoid duplication and confusion, and an advice note that directs Plan users to the Stock Exclusion Regulations is added.</p>
<p>Rule 14.6.1.1</p> <p>Rule 14.6.1.2</p> <p>Definition: Intensive grazing</p>	Oppose	<p>Delete proposed Rules 14.6.1.1 and 14.6.1.2 and the definition of Intensive grazing.</p> <p>Add an advice note to section 14 of the Regional Plan: Water for Otago as follows:</p> <p><a href="#">For rules applying to the use of land on a farm for intensive winter grazing refer to the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 Subpart 3.</a></p>	<p>Now that the Essential Freshwater package of regulations has been gazetted, some of the provisions of proposed Plan Change 8 are out of step with the NES for Freshwater 2020.</p> <p>ORC requests that the specific provisions of Plan Change 8 that are covered in the NES for Freshwater are deleted to avoid duplication and confusion, and an advice note that directs plan users to the NES is added.</p>
Note 2 under 14.5	Support in part	Amend note 2 as follows:	The requested amendment ensures that discharges from

Provision	Support / Oppose	Decision requested	Reasons
Earthworks for residential development		<i>Discharges resulting from earthworks <u>for residential development</u> are addressed only through rules in section 14.5.</i>	earthworks associated with activities other than residential development are still subject to the rule framework in other sections of the Water Plan, including section 12.C.

## 11.2. Resource Management Review Report

<b>Prepared for:</b>	Council
<b>Report No.</b>	P&S1867
<b>Activity:</b>	Governance Report
<b>Author:</b>	Anita Dawe, Manager, Policy and Planning
<b>Endorsed by:</b>	Gwyneth Elsum, General Manager Strategy, Policy and Science
<b>Date:</b>	17 August 2020

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### PURPOSE

- [1] To provide Council with an overview of the outcomes from the Resource Management review.

### EXECUTIVE SUMMARY

- [2] In July 2019, the Minister for the Environment, Hon. David Parker, initiated a review of the Resource Management system. The Resource Management Act (RMA) was introduced in 1991, and was at the time, a sea change for resource management. Since that time, it has been subject to numerous changes – some significant and many minor - that has resulted in a lengthy and complex approach to managing natural and physical resources.
- [3] The Resource Management review was led by retired Appeal Court Judge, Tony Randerson, supported by Rachel Brooking, Dean Kimpton, Raewyn Peart, Kevin Prime and Amelia Linzey. In November 2019, recommendations from the Panel were released for public comment, culminating in the final recommendations released on 29 July 2020.

### RECOMMENDATION

*That the Council:*

- 1) **Notes** this report.
- 2) **Notes** that any changes as a result of the review will require significant investment by all local authorities

### BACKGROUND

- [4] When the RMA was introduced in 1991 it was considered to be a revolutionary change to the way resources were managed. It contained a number of valuable principles which are still important, including the principle of sustainability to ensure the needs of future generations are taken into account.
- [5] However, in the ensuing 20-year period, the RMA has been subjected to numerous amendments that aimed to improve environmental outcomes but ultimately resulted in a lengthy and complex piece of legislation that at times fails to deliver on its intended goals.

## ISSUE

- [6] The key concerns identified by the Resource Management Review Panel<sup>1</sup> as being drivers of the review include:
- An acknowledgement that New Zealand's natural environment is under significant pressure. The use of land and water is not sustainable, the quality of ecosystems is in serious decline and there are issues with the quality of our freshwater, coastal water and marine environments, while biodiversity is continuing to be lost.
  - Our growing towns and cities are under pressure and due to the sheer pace, strategic planning to manage population growth has not been done. This has compounded issues including increasing difficulty in providing affordable housing, worsening traffic congestion, greater pollution, and reduced productivity.
  - An awareness of, and acknowledgement of the need to, reduce carbon emissions and adapt to climate change. New Zealand is particularly vulnerable to the impacts of climate change due to the location of our population bases in the coastal environments. The impacts of climate change are already affecting where people live and how we use our environment. Serious investment in climate change mitigations are required, and in order to respond to those needs appropriately, there needs to be a legislative framework developed with this in mind, rather than attempting to modify the existing system to shoehorn it in. That system also needs to support New Zealand's commitments to reduce greenhouse gas emissions.
  - The need to ensure that the involvement of Māori is consistent with the principles of Te Tiriti o Waitangi. This will ensure the role of Māori is effective and provides opportunities for shared management of the environment. The intention of the Act in 1991 was to do this, however in practice this has been difficult to realise, resulting in Māori being marginalised in many decision-making processes.
  - The need for significant improvements in system efficient and effectiveness, eroded through the frequent and disjointed changes that have occurred over the 29 years since the RMA's enactment. Significant criticisms of the RMA have been its increasing complexity, cost and delay caused by its processes, uncertainty, and lack of responsiveness to changing circumstances and demands.

## DISCUSSION

- [7] In June 2020 the Report *New Directions for Resource Management in New Zealand* was released by the Resource Management Review Panel.<sup>2</sup>
- [8] The key conclusion made by the Review Panel, after considering the intent and purpose of the RMA, and the changing needs of land and resource users, is that, rather than attempting to amend the existing Act, it is more appropriate that the RMA be repealed, and replaced with new legislation, led by the Natural and Built Environments Act (NBEA). The NBEA would be complemented by a Strategic Planning Act (SPA), and a Managed Retreat and Climate Change Adaptation Act.

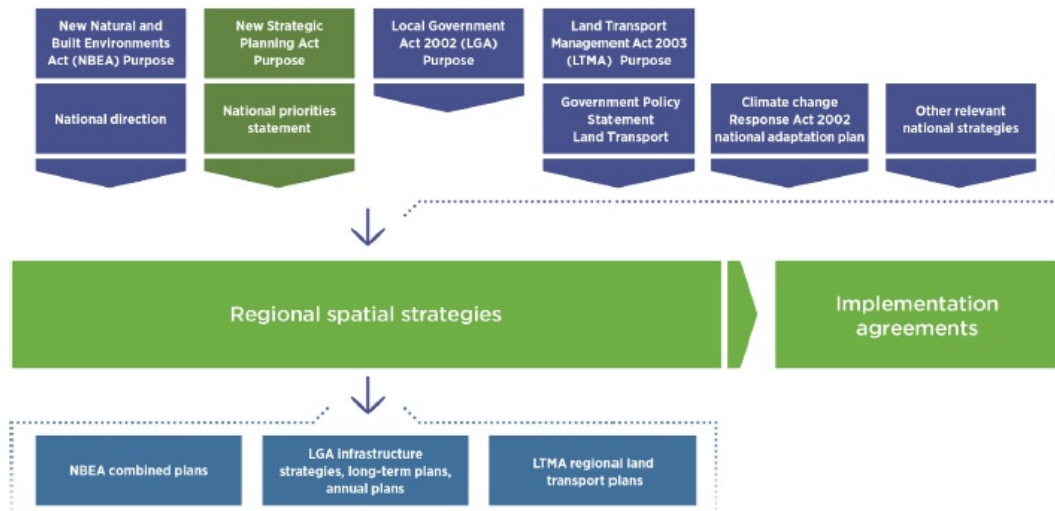
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<sup>1</sup> These key concerns were identified by the Resource Management Review Panels through engagement with stakeholders, iwi/Māori and members of the public in and presented in their November 2019 *Issues and Options Report*

<sup>2</sup> <https://www.mfe.govt.nz/sites/default/files/media/RMA/rm-panel-review-report-web.pdf>

- [9] Figure 1 below shows the legislative structure recommended by the review panel and the linkages between the structure's various components.

**Figure 1: system linkages within recommended legislative structure**



***Natural and Built Environment Act***

- [10] The Panel has recommended that the primary resource management legislation would be the NBEA. It would have a substantially different approach from the RMA whilst still incorporating some of the key principles that remain relevant. Its aim would be to establish more enduring solutions and bring to an end the constant interventions that have resulted in the current situation. The paragraphs below outline key outcomes the NBEA seeks to achieve.

***Regional spatial planning***

- [11] The review panel heard strongly of the need for greater use of spatial planning to identify areas suitable for development as well as areas or features it is important to protect. This is especially important when dealing with complex hazardscapes in areas with population pressures.
- [12] The NBEA would enable spatial strategies developed at regional level, encompassing land and the coastal marine area and concentrating on the major strategic issues and opportunities for a region, including significant anticipated changes in land use, environmental management and major infrastructure.<sup>3</sup> The regional spatial strategies, developed jointly by central and local government and mana whenua, would play a critical part in delivering the outcomes intended for the resource management system by having a long-term focus and providing local authorities with clear guidance and broad direction but still allowing them to apply some flexibility when translating spatial strategies into detailed land use rules.

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<sup>3</sup> The review panel considered the regional spatial strategies should not attempt to comprehensively address all resource management or infrastructure issues, because less significant or non-spatial issues can still be planned for under Natural and Built Environments Act, LGA and LTMA processes.

*Giving effect to the principles of Te Tiriti o Waitangi*

- [13] The review panel has also recommended a significant shift in how Māori involvement is provided for. The RMA currently requires the principles of Te Tiriti o Waitangi to be taken into account, and the proposal under the NBEA would be that the principles would be given effect to. This would be done through national direction, acknowledging that 'to give effect to' requires active consideration and implementation.

*Revised purpose and principles for the NBEA*

- [14] One criticism of the purpose of the RMA has been its focus on managing the adverse effects of activities on the environment rather than promoting more positive outcomes. In order to address this, the panel has recommended a new purpose that has a positive focus, that purpose would be enhancing the quality of the environment to support the wellbeing of present and future generations.
- [15] The intention is that the purpose applies to the natural and built environments and will be achieved by promoting positive outcomes ensuring the development, protection and use of resources occurs within prescribed environmental limits.
- [16] The NBEA would also have an additional purpose, intended to encapsulate the concepts already contained in section 5(2)(b) of the RMA. That is to recognise the concept of Te Mana o te Taiao - an expression describing the importance of maintaining the health of air, water, soil and ecosystems and their capacity to sustain life.
- [17] The NBEA would continue to capture the four well beings that are also ascribed in the LGA and the definition of environment would be broad enough to capture both the natural and the built environment, both urban and rural.
- [18] The new legislation would also require setting targets to achieve ongoing improvement of the quality of both the natural and built environments, and mandatory environmental limits (sometimes referred to as bottom lines) for biophysical aspects of the environment including freshwater, coastal water, air, soil and habitats for indigenous species. This concept is similar to that already embedded into the National Policy Statement for Freshwater Management 2014 (amended 2017) and the newly gazetted NPS-FM 2020.
- [19] The NBEA would recognise an expanded range of outcomes - those relating to the natural environment include many of the features recognised under the RMA such as the protection of the coastal environment, wetlands, lakes and rivers, outstanding natural landscapes, improving the health of ecosystems and avoiding further loss of biological diversity.
- [20] The purpose and principles would also provide for specific outcomes for the built environment, including the availability of development capacity for housing and business purposes to meet expected demands, and the strategic integration of infrastructure with land use.
- [21] In addition to new national policy statements - including one to identify natural features of national significance - a greater use of economic instruments and, through the Strategic Planning Act, integration of legislation to achieve positive outcomes.



- [22] Additional outcomes proposed in the NBEA include reduced risks from natural hazards, improved resilience, reduced greenhouse gas emissions, promotion of activities that mitigate emissions or sequester carbon and increased use of renewable energy.

*Achieving system efficiency and effectiveness*

- [23] The panel's report highlights the deficiencies in the current resource management system, including undue complexity and inefficient processes leading to unnecessary expense and delay. In addition to this, the Panel also expressed concern about the tendency of the current provisions of the RMA to favour the status quo and their inadequacy to respond to change.
- [24] To address the efficiency and effectiveness issues that characterise the current resource management system, the panel has recommended a range of mechanisms, including the following:
- The use of combined plans, which would bring together the plans prepared by regional councils and territorial authorities in each region<sup>4</sup>;
  - A more streamlined process for the preparation and change of plans;
  - A much greater focus on the quality of plans which is expected to provide clearer guidance and a reduction in the time and effort spent on individual resource consent processes;
  - Providing greater clarity about notification of resource consent applications;
  - An alternative process to deal with resource consents raising localised issues such as boundary issues between neighbours;
  - An improved ability to have more serious disputes over consents referred directly to the Environment Court;
  - Improvements in the designation process including extending the default lapse period to better protect opportunities for the provision of public infrastructure;
  - A wider range of mechanisms guided by specified principles to allocate resources such as freshwater and the use of coastal space;
  - Stronger focus on the use of economic instruments to complement regulatory land use controls;
  - Enhancing the ability of regional councils to modify or extinguish resource consents for natural resources such as discharges into freshwater where environmental limits are threatened;
  - Giving territorial authorities the ability to change land use consents in narrowly defined circumstances, such as where necessary to implement a managed retreat process as part of adapting to climate change;
  - Improving enforcement under the resource management system, including the use of regional hubs to co-ordinate enforcement effort in each region and introducing stronger penalties for offences; and

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<sup>4</sup> The use of combined plans is discussed in greater detail in paragraphs 26-28 of this report.

- Improving monitoring and oversight of the resource management system, including through a new national environmental monitoring system and an enhanced audit and reporting function for the Parliamentary Commissioner for the Environment.

#### **Strategic Planning Act**

- [25] In addition to the NBEA, a Strategic Planning Act (SPA) would be developed, whose purpose would be to set long-term strategic goals and facilitate the integration of legislative functions across the NBEA, the Local Government Act 2002 (LGA), and Land Transport Management Act 2003 (LTMA), and the Climate Change Response Act 2002 (CCRA). In turn this would better enable for integration across resources and align the provision of infrastructure with funding and investment cycles.
- [26] Under the SPA, the preparation and approval of spatial strategies would be the responsibility of a joint committee comprising representatives of central and local government as well as mana whenua.
- [27] The intention would be that spatial strategies prepared on a regional basis under the Strategic Planning Act would identify areas suitable for urban growth (as well as areas not suitable for development) and would also facilitate the provision of infrastructure necessary to support growth. Effective ways to achieve this integration have been a missing element of the resource management system to date.

#### **Managed Retreat and Climate Change Adaptation Act**

- [28] The Managed Retreat and Climate Change Adaptation Act (MRCCA) would establish an adaptation fund to enable central and local government to support necessary steps to address the effects of climate change and would also deal with the many complex legal and technical issues involved in the process of managed retreat. The review panel anticipates this recommended approach to result in a much improved and better co-ordinated response to these challenges.

#### **Combined Plans**

- [29] The Panel has suggested that, to replace the more than 100 regional policy statements, regional plans and district plans across the country, mandatory combined plans would be introduced in each region.<sup>5</sup>
- [30] Preparation of these combined plans would be undertaken by a joint committee comprising representatives of the regional council, the constituent territorial authorities in the region along with representatives of mana whenua. The Ministry for the Environment would have an auditing role to ensure quality and consistency.
- [31] An independent panel, chaired by a sitting Environment Judge, would hear submissions, review the combined plan and make recommendations on its provisions. Decisions would then be made by the joint committee, and a streamlined appeal process would follow based on the model recently used for the Auckland Unitary Plan.

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<sup>5</sup> A total of 14 combined plans would be created, as Tasman, Nelson and Marlborough would combine their current plans into one regional plan

- [32] The review panel anticipates significant benefits for the plan making proposals, including:
- a simplified and more efficient process;
  - better quality plans;
  - the resolution of uncertainty arising from overlapping functions of regional councils and territorial authorities;
  - greater clarity in plans including by minimising potential conflicts between the outcomes specified in the purpose and principles of the NBEA; and
  - fewer resource consent applications as a result of clearer guidance in plans.

### **Mana Whenua involvement**

- [33] The Panel has also recommended the creation of a National Māori Advisory Board to advise central and local government on resource management from the perspective of mana whenua and the creation of an integrated partnership process between mana whenua and local government to address resource management issues at local government level.
- [34] To ensure Māori have an effective role in decision-making on resource management issues at a strategic level the Panel recommends that mana whenua should participate in decision-making for the proposed regional spatial strategies and in the making of combined plans at local government level.

### **OPTIONS**

- [35] This is not relevant for this a paper for noting.

### **CONSIDERATIONS**

#### **Policy Considerations**

- [29] The Resource Management Review Panel has suggested significant and wide-ranging changes to the resource management framework in New Zealand. Any changes will require an organisational response and may also require a regional response.

#### **Financial Considerations**

- [30] There are no financial considerations as a result of this paper however if the changes are progressed, they would have significant implications for all aspects of regional council business.

#### **Significance and Engagement**

- [31] This paper does not trigger the Significance and Engagement Policy.

#### **Legislative Considerations**

- [32] At this stage there are no legislative considerations however, as above, if the changes were actioned, there would be significant and wide-ranging legislative considerations.

#### **Risk Considerations**

- [33] The proposed changes will significantly change the way resource management is undertaken. There are risks associated with such a significant shift away from the

current framework that would need to be assessed and managed at all levels of government.

**NEXT STEPS**

- [34] The next steps are for the report to be taken to Cabinet for consideration. Cabinet has already indicated that a broad, open process of public consultation would follow its considerations of the Panel's proposals.

**ATTACHMENTS**

Nil

**11.3. Documents signed under Council Seal**

<b>Prepared for:</b>	Council
<b>Report No.</b>	GOV1936
<b>Activity:</b>	Governance Report
<b>Author:</b>	Liz Spector, Committee Secretary
<b>Endorsed by:</b>	Amanda Vercoe, Executive Advisor
<b>Date:</b>	20 August 2020

**PURPOSE**

- [1] To inform the Council of delegations which have been exercised during the period 1 April 2020 through 26 August 2020.

**DOCUMENTS**

<b>Date Signed</b>	<b>Document Description</b>
6/05/2020	Plan Change 6AA to the Regional Plan: Water for Otago, 16 May 2020
6/05/2020	Regional Plan: Water for Otago, 16 May 2020
22/7/2020	Certificate under S. 417 of the RMA 1991, Use and maintain 3260B (mining priv WR8335). Patrick Gerald Kinney and Kirsty Kinney, 8682 State Hwy 87, RD 3, Hyde
6/05/2020	Plan Change 6AA to the Regional Plan: Water for Otago, 16 May 2020
6/05/2020	Regional Plan: Water for Otago, 16 May 2020
22/7/2020	Certificate under S. 417 of the RMA 1991, Use and maintain 3260B (mining privilege WR8335). Patrick Gerald Kinney and Kirsty Kinney, 8682 State Hwy 87, RD 3, Hyde
19/8/2020	Deed – Conservation Covenant, Kuriwao S327: Sale & Purchase agreement G R Pearce, S K Pearce and HGW Trustees Limited
19/8/2020	Deed – Conservation Covenant, Kuriwao S328: Sale & Purchase agreement T M Morris and C M Morris, trustees of Blue Cliff Trust.
19/8/2020	Deed of Lease – 14 Halsey St, Dunedin (Harbourmaster/storage)

**RECOMMENDATION**

*That the Council:*

- 1) **Receives** this report.

**ATTACHMENTS**

Nil