

OTAGO REGIONAL COUNCIL

Agenda for a meeting of the Policy Committee to be held in the Council Chamber, 70 Stafford Street, Dunedin on Wednesday 29 January 2014 following the Finance and Corporate Committee meeting

Membership:

Cr Gretchen Robertson (Chairperson)
 Cr Michael Deaker (Deputy Chairperson)
 Cr Graeme Bell
 Cr Doug Brown
 Cr Louise Croot MNZM
 Cr Gerrard Eckhoff
 Cr Gary Kelliher
 Cr Trevor Kempton
 Cr Sam Neill
 Cr Bryan Scott
 Cr David Shepherd
 Cr Stephen Woodhead

Apologies:

Leave of absence:

In attendance:

Please note that there is an embargo on agenda items until 8.30 am on Monday 27 January.

CONFIRMATION OF AGENDA

PUBLIC FORUM

MINUTES

The minutes of the meeting held on 20 November 2013, having been circulated, for adoption

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Matters arising from minutes

ITEMS FOR NOTING

- Item 1
2013/1233 **Proposed Amendments to the National Policy Statement for Freshwater Management 2011.** MP, 20/12/13 11 - 12
- Presenting for consideration a draft submission on an amendment proposed by the Ministry for the Environment to the National Policy Statement for Freshwater Management.
- Item 2
2013/1152 **Director's Report on Progress.** DPPRP, 20/12/13 13 - 17
- The report gives an overview of significant activities undertaken by the Policy section.

OTAGO REGIONAL COUNCIL

Minutes of a meeting of the Policy Committee held in the Council Chamber, 70 Stafford Street, Dunedin on Wednesday 20 November 2013 commencing at 11.43 am

Present:

Cr Gretchen Robertson (Chairperson)
Cr Michael Deaker (Deputy Chairperson)
Cr Graeme Bell
Cr Doug Brown
Cr Louise Croot MNZM
Cr Gerrard Eckhoff
Cr Gary Kelliher
Cr Sam Neill
Cr Bryan Scott
Cr David Shepherd
Cr Stephen Woodhead

Leave of absence: **Cr Trevor Kempton**

In attendance:

Peter Bodeker
Wayne Scott
Jeff Donaldson
Fraser McRae
Gavin Palmer
John Threlfall
Peter Taylor
Jane Turnbull
Janet Favel

CONFIRMATION OF AGENDA

There were no changes to the agenda.

PART A - RECOMMENDATIONS

Item 1
 2013/0998 **Proposed Plan Change 4B (Groundwater Allocation) - consultation.**
 DPRP, 7/11/13

The report introduced a proposal to change the Regional Plan: Water to improve implementation of the Plan in relation to groundwater, and presented a review of groundwater provisions. The Section 35 Report

(Appendix 1), Consultation Draft (Appendix 2), and Section 32 Report (Appendix 3) were circulated separately with the agenda.

Mr McRae explained that the purpose of the plan change was to simplify and streamline the Plan to remove provisions not needed under changes to the RMA. Also, he noted changes to clauses 6.4.10A and 6.4.10A2 to clarify how expiring consents could be replaced. Minor wording modifications had also been made to rules relating to the taking of groundwater to align with surface water provisions in Plan Change 1C to provide consistency.

Cr Deaker moved
Cr Croot seconded

That:

- (i) The Section 35(2)(b) report on groundwater be received.*
- (ii) The attached draft of Proposed Plan Change 4B (Groundwater allocation) be released for consultation in terms of clause 3, Schedule 1, RMA.*

It was felt that the plan change did not clearly state that taking of water from fully allocated aquifers was prohibited, and Mr McRae agreed that this clarification should be made.

It was queried whether clause 6.4.10A2 (allowing a consent to be granted to an existing consent holder to take water from a fully allocated aquifer provided the consent was for no greater volume than was already being taken) was clear from a legal perspective. Mr McRae explained that the provision paralleled surface water takes in Plan Change 1C. He noted that with the installation of water meters, landowners would know how much water they were taking.

Clause 6.4.10A2 relating to provision for 'growth that is reasonably anticipated' for community drinking water supply was queried. Mr McRae advised that this was based on the growth projected by TLAs in their asset management plans and district plans.

Disappointment was expressed that the Section 32 report discussed ecological, hydrological and social justification for Plan Change 4B but did not quantify economic impacts. Mr McRae commented that some economic impacts could be assessed in words but not in dollars.

The motion was then put and carried

Item 2

2013/1154 **Harbourside walkway/cycleway: bridging Water of Leith.**
DPRP, 6/11/13

Michael Harrison and Evan Matheson, Transport Engineers, DCC, and Jane Turnbull, Manager Transport, ORC, were present for this item.

The report explained that Otago Regional Land Transport Strategy 2011 sought greater provision for walking and cycling facilities. There was an opportunity for Council to fund a walking and cycling bridge over the Water of Leith as a commemorative project for the centenary of World War I being marked in 2014.

Cr Deaker supported this extension to the existing portion of the harbour-side walk/cycle way. However he considered it was too soon to commit to funding the project, and suggested that recommendation (a) be amended to read 'investigate funding'. Cr Deaker did not support making the bridge a commemoration of World War 1 project, noting that there were many commemorative structures throughout Otago.

Cr Deaker moved
Cr Brown seconded

That recommendation (a) be amended to read

(a) *investigate funding of ~~fund~~ the construction of a standalone bridge over Water of Leith, to enhance the harbourside walkway/cycleway,*

Cr Shepherd was concerned that Councillors had not been aware that this report was coming and had discussed neither the project nor its funding. He proposed an amendment to recommendation (a):

(a) *investigate options and funding requirements the Council may consider as part of a commemorative project to recognise the contribution of Otago citizens in the Great War 1914-18.*

Cr Shepherd noted that any proposal would have to go through the Annual Plan process. He also noted that the project did not have to be completed by 2014. Cr Shepherd considered that recommendation (b) was unnecessary at this stage.

Mr Bodeker commented that the bridge would provide useful walk/cycle access to the city. He noted that there would be a financial contribution from central government for WW1 commemorative projects, and for this reason supported inclusion of the reference to the commemorative aspect. Cr Shepherd was concerned that if the commemorative activity was not mentioned in the resolution, the Council could be committing funds to an activity that other organisations should be funding.

Councillors agreed that the project should be open to public consultation through the Annual Plan process. It was suggested it was too early to 'appoint a small group to scope and decide the architectural design of

the bridge’ as in recommendation (b), but it would be appropriate for a small group to have overview of the project.

In response to a question Mr Bodeker explained that the tight timeline for the work was necessary because of the timeframe to receive the subsidy from government, and the national celebrations scheduled for 2014. Dr Turnbull explained that the subsidy, which was about 10% of the total cost, did not relate to the bridge itself but to the commemorative aspects.

Cr Deaker’s amendment was then put and carried

Cr Shepherd withdrew his amendment.

Cr Deaker moved

Cr Robertson seconded

That the Committee recommend to Council that it:

- (a) *investigate funding of the construction of a standalone bridge over Water of Leith, to enhance the harbourside walkway/cycleway, and*
- (b) *appoint a small group (including the Chief Executive and at least one councillor) to have overview of the project.*

Motion carried

Item 3

2013/1066 **Investing In Dunedin public transport: the strategic case.**

DPRP, 5/11/13

The report sought Council’s endorsement of the strategic case for optimising and improving Dunedin’s public transport network. The strategic case was the first step towards preparing both the 2015-21 regional land transport plan and the transport component of Council’s 2015-18 long term plan. The document *Dunedin Public Transport Improvements Strategic Case* was circulated separately with the agenda.

Mr McRae explained that changes in legislation meant that a business case had to be prepared for proposed projects, they could not be rolled over, as had been the procedure in the past.

Cr Deaker congratulated staff on the business case, however he considered further discussion by Councillors was needed before the Strategic Case could be endorsed.

Cr Deaker moved
Cr Shepherd seconded

That the recommendation be amended to read *That Council ~~note and discuss~~ ~~endorse~~ the strategic case for optimising and improving Dunedin's public transport and forward it to the Transport Agency for endorsement, to enable work to continue on developing the programme business case and regional public transport plan.*

Mr McRae pointed out that the four stages of business case preparation required by the Transport Agency (listed in Part B of the document) showed that the process could not be rushed through, which was a concern expressed by Councillors.

Comment was made that noting and discussing the document did not give staff direction for ongoing work, and the point was made that the process was not about spending more money but about doing better with existing resources. Mr McRae confirmed that a Council workshop could be held within the timeframe to allow for full discussion by Councillors.

Cr Deaker moved
Cr Shepherd seconded

That the amendment be amended to read
That Council receive ~~note and discuss~~ ~~endorse~~ the strategic case for optimising and improving Dunedin's public transport and forward it to the Transport Agency for endorsement, to enable work to continue on developing the programme business case and regional public transport plan.

Concern was raised about possible future government changes. Mr McRae commented that there were time constraints around the expiry of existing contracts, and the legislative requirement to put PTOM into place.

The amendment was then put and carried

The amendment became the motion, and
Cr Deaker moved
Cr Shepherd seconded

That Council receive the strategic case for optimising and improving Dunedin's public transport and forward it to the Transport Agency for endorsement, to enable work to continue on developing the programme business case and regional public transport plan.

Motion carried

Item 4

2013/1163 **Appointment to Otago Marine Protection Planning Forum.**
DPRP, 8/11/13

The Minister of Conservation invited nominations to the Otago Marine Protection Planning Forum. The Forum would represent various interest groups, and be tasked with recommending the location and types of marine protected areas to be established in the Otago Region.

Cr Croot moved
Cr Deaker seconded

That Council nominate the Director of Policy and Resource Management for appointment to the Otago Marine Protection Planning Forum by the Minister of Conservation.

There was some discussion over whether representation should be by a Councillor or a staff member. Mr Bodeker confirmed that a staff member would represent the Council's view, not their own, and Cr Robertson considered it was worthwhile having as the Council's representative someone who was an expert in marine protection policy.

It was noted that the Minister had asked for nominations, and there was no guarantee that the person nominated would be approved for the planning forum. The request came from LGNZ, and it was felt that the nomination of the Director Policy and Resource Management was appropriate.

The motion was then put and carried

PART B: REPORTS FOR NOTING

Item 5

2013/1152 **Director's Report on Progress.** DPRP, 7/11/13

The report gave an overview of significant activities undertaken by the Policy and Transport Units.

Mr McRae noted the following:

- The Water Conservation (Kawarau) Order had been amended to ban any damming or diversion of the Nevis River.
- Appeals to Plan Change 6A – mediation with appellants was close to completion, and a Court pre-hearing conference was to be held in December. The timeframe for the hearing had been extended and as a result of mediation it was possible that a hearing would not be needed.
- Design of bus routes – DCC and ORC were working together on design of bus routes.

In response to a question about a date for the next RPS workshop, Mr McRae advised that more than one meeting would be arranged prior to Christmas to facilitate attendance of councillors and staff.

Cr Croot moved
Cr Neill seconded

That the report be noted.

Motion carried

The meeting closed at 12.49 pm

Chairperson

REPORT

Document Id: A589381

Report No: 2013/1233

Prepared For: Policy Committee

Prepared By: Manager Policy Dale Meredith

Date: 20/12/2013

Subject: Proposed Amendments to the National Policy Statement for Freshwater Management 2011

1. Précis

The Ministry for the Environment (MfE) has prepared a proposed amendment to the National Policy Statement for Freshwater Management (NPSFM). This report presents a draft submission on that proposal.

2. Background

The NPSFM came into effect in 2011, in response to the work of the Land and Water Forum and giving effect to government's expectations relating to freshwater management.

Since that time, the Council has amended its Regional Plan: Water for Otago as required to ensure compliance with the NPSFM. It has also introduced Plan Change 6A (Water Quality) which sets water limits and targets, and sets rules for managing general non-point source contaminants discharged to water. This plan change is now in the final stages of appeal resolution.

3. Proposed Amendments

There are seven main proposals:

- Accounting for water quantity and quality
- National Objectives Framework
- Compulsory values
- National bottom lines
- Exceptions to national bottom lines
- Tangata whenu values
- Monitoring

The full documents may be viewed on the MfE website. Submissions close on Monday 4 February 2014.

4. Submission

A submission is being prepared, and will be tabled. One of the key points for Otago is that any amendment should allow more stringent water quality rules to be set in a regional plan.

5. Recommendation

That the report is received.

PP 

Fraser McRae

Director of Policy Planning and Resource Management

REPORT

Document Id: A558588

Report No: 2014/0602

Prepared For: Policy Committee

Prepared By: Director Policy and Resource Planning

Date: 20 December 2013

Subject: Director's Report on Progress

1. Policy

1.1 Responses – National Policies, Strategies and Plans

In the six weeks ending 20 December 2013, the following were received:

Document	Number Received	Details
Central Government Proposals	2	<ul style="list-style-type: none"> • MfE Guidelines on section 32 RMA evaluation report • Proposed regulations for exploratory drilling for oil and gas under EEZA

Submissions are being prepared on both these proposals.

A submission is also being prepared on the proposed amendments to the National Policy Statement for Freshwater Management, and is presented under a separate report to the Policy Committee. Submissions are due by Monday 4 February 2014.

Appeals – Kawarau Falls Bridge - provision for walking and cycling

Council resolved this matter with the applicant, NZ Transport Agency, and withdrew from the appeal as did the other parties to the appeal. The Court then issued a decision on the designation without the need for a hearing. The Transport Agency has agreed to design the new bridge sufficiently wide to ensure safe provision can be made for those walking and cycling across it. The Transport Agency will also consult with ORC during preparation of the Master Plan, at which stage Council can ensure its policy on active transport is being applied.

When the current bridge is no longer required for highway traffic, it is likely to remain available for pedestrians and cyclists. The Transport Agency is working closely with Queenstown Lakes District Council to seek a secure future for the structure and has undertaken to ensure the pedestrian and cycle facilities on the existing bridge will be suitable for both recreational and commuting cyclists, as requested by ORC.

The Transport Agency will now include the detailed design and construction of the new bridge in its 10-year State highway plan. The construction programme must then go to the Otago Regional Transport Committee for inclusion in the 2015-2018 Regional Land Transport Programme, and then through the Transport Agency's national prioritisation

process for funding consideration. If construction funding is approved, work on the new bridge may start some time after 2016 and is expected to take about two years to build.

Appeals – DCC Harbourside Designation - provision for walking and cycling

Council has agreed an approach with the DCC and is to withdraw from the appeal. The DCC is to look at ways to lower traffic speeds and improve walking and cycling safety at the intersection of Anzac Avenue and the new arterial. NZ Transport Agency has undertaken to look at improving walking and cycling safety near the intersection of Ravensbourne Road and the new arterial by realigning the crossing points there.

Appeals – Invermark Investments Limited

Invermark applied for consent to subdivide a coastal block of land in Waitati and establish multiple residential building platforms. Council submitted in opposition due to natural hazard related risks. On reviewing the applicant's technical evidence, Council's position is that the applicant has still not provided sufficient information for the level of risk at the site to be understood. Council is awaiting a response from the applicant if updated information is to be provided before determining its position further.

1.2 Responses - Territorial Authority and Regional Authority Plan Changes and Resource Consent Applications

In the six weeks ending 20 December 2013, the following were received:

Document	Number Received	Details
Consent Applications	2	Queenstown Lakes District Council
	1	Dunedin City Council
	1	Central Otago District Council

The following responses were made over the 13 week period:

Proposal	Response Type	Issues
Foodstuffs : Proposed retail development in industrial area of Frankton.	Submission in support	Support of proposed stormwater management for the subject site allowing Council to reinforce expectations of ongoing management and maintenance of the system.
Cross Roads : Retail development in the area Foodstuffs wish to develop	Submission in support	Submission in support of the proposed stormwater management for this site too, allowing Council to reinforce expectations of ongoing management and maintenance of the system.
KE & AMJ Barnett: Subdivision and building platform	Submission in opposition	Further information being required to evaluate site risk from active alluvial fan.
QLDC: Strategic Chapter for District Plan	Feedback	General support for QLDC's proposed strategic chapter was given. Comments on various policies. Key message: align the strategy and RPS.

2. Resource Management Act: Policy Plans and Strategies

2.1 Review of Regional Policy Statement for Otago

The third region-wide workshops for Otago territorial authority mayors and councillors were held in Queenstown on Wednesday 18 December 2013 and Dunedin on Thursday 19 December 2013. About 60 councillors and staff attended the workshops, with representation from all of the city and district councils.

The workshops provided a brief background to the review process, and then discussions were facilitated around issues that underpin many resource management decisions: what are matters of regional significance; how to give regard to proposals of regional or national significance and local effects; cumulative effects and shock events; private property rights; and risk and liability management.

A regional hui is proposed for March 2014, and the next Council-wide workshops will follow soon after, prior to consulting with the regional community on issues and options for the RPS.

2.2 Regional Plan: Water for Otago

Appeals: Proposed Plan Change 6A (Water Quality)

Council received 21 appeals on Proposed Plan Change 6A (Water Quality). In total, 35 Section 274 party notices were lodged, of whom 20 were already appellants.

Following two rounds of Court-assisted mediation, a pre-hearing conference was held in Dunedin on Monday 9 December 2013, which identified one outstanding issue. Since then, all matters of appeal are now resolved in principle and a Consent Order has been prepared for signing by all parties.

Once all parties have signed that Order, the Environment Court will sign off the appeals. The plan change will then be presented to Council for approval, sealing and making operative.

Consultation Draft Proposed Plan Change 4B (Groundwater Management)

The consultation draft was released in November 2013, and comments close on 31 January 2014.

Consultation Draft Proposed Plan Change 7A (Change of Water Use Location)

The consultation draft for this plan change is presented as a separate report to this Policy Committee.

2.3 Minimum flow and aquifer allocation proposals

An ambitious programme of community consultation is proposed for early 2014, to ensure that minimum flow and allocation regimes are in place so that those taking water under mining privileges are able to prepare for new resource consents before expiry of those permits in 2021. This will affect the following rivers and aquifers:

- Cardrona River and Wanaka Basin Cardrona Aquifer
- Lindis River and connected aquifers
- Bengier Burn and Ettrick Basin aquifer
- Waikouaiti River
- Waiwera River
- Pomahaka River and connected aquifer

For the Manuherikia River catchment, a first workshop on identifying community values will be organised once the Manuherikia Water Strategy group have indicated that they are ready to meet with the wider community, sometime in the New Year.

2.3 Regional Plan: Air for Otago

A review has been made of Air Plan provisions in relation to giving effect to the National Environmental Standard for Air Quality (NESAQ). The scope of a plan change to give effect to the NESAQ will be determined through the internal review of the Air Strategy and its implementation programme.

3. Transport Planning

3.1 Governance of Dunedin public transport

The Chief Executive and I, plus Managers of Transport Policy and Planning and Support Services had further meetings with DCC counterparts to prepare material that will allow both councils to consider future arrangements.

3.2 Timetable planning for contracts expiring mid-2014

Council received an excellent response to the request for feedback on proposed changes to the services for these Harbourside and City Routes#1 contracts. We placed six survey forms online seeking feedback on services in specific parts of the network and, for two areas where cutbacks were proposed, delivered survey forms to letter boxes along the route. In total, we received 486 survey responses plus four general submissions. Eighty nine percent of responses were online.

For each survey we received the following number of responses:

Garden Village:	143
Peninsula	89
Roslyn	82
Ravensbourne / Port Chalmers	66
Kew / Murray, Lockerbie, Skibo Streets	55
Waverley	48

The value of surveys was evident in that, in several instances, the dominant view expressed in the surveys differed from that expressed in complaints to Council and in letters to local newspapers. An example is that a route change requested by people responding to surveys was not supported by complaints to Council. Staff are using the responses to finalise proposed timetables.

3.3 Transport Strategy

Government Policy Statement on Land Transport (GPS)

This document is issued by the Minister of Transport every three years, and sets out the Government's priorities for expenditure across the land transport system for at least the next 10 years. The Ministry of Transport has written to Council advising it intends to formally engage on the next Draft GPS in March 2014 and inviting feedback on what the GPS objectives and priorities should be. Staff of Otago-Southland local authorities are collaborating on preparation of a response, to be discussed at the Regional Transport Committee at its first meeting (13 February).

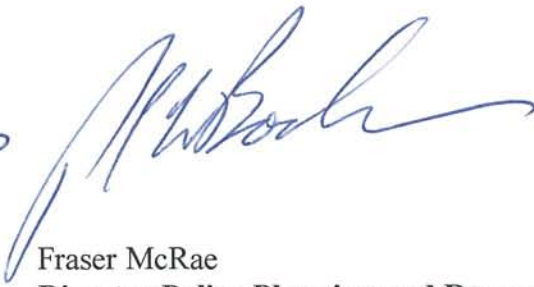
The GPS is government's main lever to direct Crown transport funding of around \$3 billion per annum, allocating ranges within which the National Land Transport Programme funds types of activities such as local road maintenance, State highway construction, and public transport. The GPS does not allocate funding directly to specific projects, however; decisions at the project level are made through the National Land Transport Programme.

Queenstown Lakes

The district council, ORC and NZ Transport Agency are collaborating on the preparation of a transport strategy for the district.

4. Recommendation

That this report is noted.

PP 

Fraser McRae

Director Policy Planning and Resource Management