

Audit & Risk Subcommittee Agenda

14 October 2021



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

Members:

Cr Hilary Calvert, Chair
Mr Andrew Douglas (Independent Member)
Cr Kevin Malcolm
Cr Andrew Noone
Cr Kate Wilson

Senior Officer: Sarah Gardner, Chief Executive

Meeting Support: Dianne Railton, Governance Support

14 October 2021 01:00 PM

Agenda Topic	Page
1. APOLOGIES No apologies were received prior to publication of the agenda.	
2. PUBLIC FORUM No requests from members of the public to address the Audit and Risk Subcommittee were received prior to publication of the agenda.	
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. CONFIRMATION OF MINUTES The Subcommittee will consider minutes of the previous meeting as a true and accurate record, with or without changes.	3
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8.	RESOLUTION TO EXCLUDE THE PUBLIC	101
	That the public be excluded from the following items under LGOIMA 48(1)(a):	
	- Minutes of the 13 May 2021 public-excluded Audit & Risk Subcommittee meeting	
	- 3.1 Annual Report for the year ended 30 June 2021 and Audit Management Letter - 7(2)(c)(i)	
	- 3.2 Long-Term Plan 2021-31 Audit Management Letter - 7(2)(c)(i)	
	- 3.3 Managed Fund Report – June 2021 - 7(2)(b)(ii); 7(2)(c)(i); 7(2)(h)	
	- 3.4 Risk Report - 7(2)(e); 7(2)(j)	
	- 3.5 Fraud Risk - Assessment and Actions - 7(2)(e); 7(2)(j)	
	- 3.6 Insurance Disclosure Update - 7(2)(b)(ii); 7(2)(e); 7(2)(h)	
	- 3.7 Wilding Conifer Contract Management - 7(2)(g); 7(2)(e); 7(2)(h)	
8.1	Public Excluded Reason and Grounds	101
9.	CLOSURE	



Minutes of a meeting of the Audit and Risk Subcommittee held in
the Council Chamber on Thursday 13 May 2021, commencing at
1:00 PM

Membership

Cr Hilary Calvert	<i>(Chairperson)</i>
Mr Andrew Douglas	<i>(Independent Member)</i>
Cr Kevin Malcolm	
Cr Andrew Noone	
Cr Kate Wilson	

Welcome

Chairperson Hilary Calvert welcomed Councillors, members of the public and staff to the meeting at 1:06pm. Staff present included Sarah Gardner (Chief Executive), Nick Donnelly (GM Corporate Services), Gavin Palmer (GM Operations), Richard Saunders (GM Regulatory and Communications), Amanda Vercoe (GM Governance, Culture and Customer), Liz Spector (Governance Support), Nicole Ross, Rebecca Webster, Peter Kelliher, and Sarah Munro. Also present were Deloitte auditors Heidi Rautjoki and Aveshin Govender.

For our future

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1. APOLOGIES

Resolution

That the apologies for Cr Wilson be accepted.

Moved: Cr Malcolm

Seconded: Cr Noone

CARRIED

2. PUBLIC FORUM

No public forum was held.

3. CONFIRMATION OF AGENDA

Cr Calvert requested that the Safety and Wellbeing report be considered first, then the meeting move into public excluded to accommodate the external auditors who were present.

She then said all public-excluded reports would be considered prior to moving back into public session for consideration of the remainder of the agenda.

4. CONFLICT OF INTEREST

No conflicts of interest were advised.

5. CONFIRMATION OF MINUTES

Resolution

That the minutes of the (public portion of the) meeting held on 17 February 2021 be received and confirmed as a true and accurate record.

Moved: Cr Noone

Seconded: Cr Malcolm

CARRIED

6. ACTIONS (STATUS OF COMMITTEE RESOLUTIONS)

There are no outstanding Actions of public Audit and Risk Subcommittee resolutions.

7. MATTERS FOR CONSIDERATION

7.1. Safety and Wellbeing

This report was provided to summarise progress towards the Safety and Wellbeing Team's key strategic priorities and safety performance indicators for the period January 2021 – March 2021 (Quarter 3, FY 20/21) and key areas of focus for the Safety and Wellbeing team for the 2020/21 financial year and beyond. Rebecca Webster (Safety and Wellbeing Partner) and Nicole Ross (Manager People and Safety) were present to speak to the report and respond to questions.

Main points of discussion surrounded types of training that was provided to ORC staff related to dealing with aggression from members of the public as well as for vehicle use. Ms Webster detailed training undertaken by over sixty staff on de-escalation, awareness, and safe exit strategies. She also detailed several vehicle safety trainings required for drivers. Mrs Gardner noted that all ORC vehicles utilise the Smartrak GPS tracking system which alerts the fleet

team to unsafe driving. Chairperson Calvert asked if ELT members have Smartrack installed on their vehicles, which are have personal use. Mrs Gardner said they can opt out of having this installed. After a discussion, Cr Calvert then moved:

Resolution

That the Subcommittee:

- 1) **Requests** the Chief Executive to investigate how other entities monitor personal vehicle usage and what are best practices.

Moved: Cr Calvert
Seconded: Cr Malcolm
CARRIED

There was no further discussion of the report and Mr Douglas moved its receipt.

Resolution

That the Subcommittee:

- 1) **Receives** this report.

Moved: Andrew Douglas
Seconded: Cr Noone
CARRIED

8. RESOLUTION TO EXCLUDE THE PUBLIC

Resolution

That the public be excluded from the following parts of the proceedings of this meeting, namely:

- *Minutes of the 17 February 2021 public-excluded Audit & Risk Subcommittee meeting*
- *3.1 Insurance Renewal*
- *3.2 Council Insurance*
- *3.3 Managed Fund Report – March 2021*
- *3.4 Risk Report*
- *3.5 Deloitte ORC Audit Plan*

I also move that Heidi Rautjoki and Aveshin Govender be permitted to remain at this meeting, after the public has been excluded, because of their knowledge of the Deloitte ORC Audit Plan. This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because they represent Deloitte.

Moved: Cr Calvert
Seconded: Cr Noone
CARRIED

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under [section 48\(1\)](#) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
<i>Minutes of 17 Feb 2021 Audit & Risk Subcommittee public excluded meeting</i>	<p>To protect the privacy of natural persons, including that of deceased natural persons – Section 7(2)(a);</p> <p>To protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information— would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied – Section 7(2)(c)(i);</p> <p>To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities – Section 7(2)(h),</p> <p>To enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) – Section 7(2)(i)</p>	
<i>3.1 Insurance Renewal</i>	<p>To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities – Section 7(2)(h)</p> <p>To enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) – Section 7(2)(i)</p>	<p>Section 48(1)(a);</p> <p>Subject to subsection (3), a local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on 1 or more of the following grounds:</p> <p>(a) that the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</p>
<i>3.2 Council</i>	To protect information which is subject	Section 48(1)(a);

<p><i>Insurance Disclosures</i></p>	<p>to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information— would be likely otherwise to damage the public interest – Section 7(2)(c)(ii); To avoid prejudice to measures that prevent or mitigate material loss to members of the public – Section 7(2)(e); To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities – Section 7(2)(h)</p>	<p>Subject to subsection (3), a local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on 1 or more of the following grounds: (a) that the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</p>
<p><i>3.3 Managed Fund Report – March 2021</i></p>	<p>To protect information where the making available of the information— would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information – Section 7(2)(b)(ii); To protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information— would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied – Section 7(2)(c)(i); To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities – Section 7(2)(h)</p>	<p>Section 48(1)(a); Subject to subsection (3), a local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on 1 or more of the following grounds: (a) that the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</p>
<p><i>3.4 Risk Report</i></p>	<p>To protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information— would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information</p>	<p>Section 48(1)(a); Subject to subsection (3), a local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on 1 or more of the following grounds: (a) that the public conduct of the whole or the relevant</p>

	<p>should continue to be supplied – Section 7(2)(c)(i);</p> <p>To protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information— would be likely otherwise to damage the public interest – Section 7(2)(c)(ii)</p>	<p>part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</p>
<p>3.5 Deloitte ORC Audit Plan</p>	<p>To protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information— would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied – Section 7(2)(c)(i);</p> <p>To protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information— would be likely otherwise to damage the public interest – Section 7(2)(c)(ii)</p>	<p>Section 48(1)(a);</p> <p>Subject to subsection (3), a local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on 1 or more of the following grounds:</p> <p>(a) that the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</p>

Resolution

That the meeting resume in public session at 3:42 p.m.

Moved: Cr Calvert

Seconded: Cr Noone

CARRIED

7.2. Annual Report timetable and matters under consideration

This report was provided to outline the Annual Report adoption timetable and changes in accounting standards for Council's Annual Report and Financial Statements for the year ending 30 June 2021. Sarah Munro (Manager Finance - Reporting) and Nick Donnelly (GM Corporate Services) were present to speak to the report and respond to questions. Mr Donnelly said no changes to this timetable or any key accounting standard changes were anticipated. He noted the date of audit finalisation has been pushed into October due to a delay by the Port Otago auditors.

There were no questions and Chairperson Calvert asked for a motion to receive the report.

Resolution

That the Audit and Risk Subcommittee:

- 1) **Receives** this report.

Moved: Andrew Douglas

Seconded: Cr Noone

CARRIED

7.3. Risk Review Update

This report was provided to update the Subcommittee on progress made on the review of the Risk Register as of the 3 June 2020 Audit and Risk Subcommittee meeting. Nick Donnelly (GM Corporate Services) was present to speak to the report and respond to questions.

Mr Donnelly said Navigatus Consulting has been selected to perform the risk review and work is underway, noting meetings between Navigatus and members of ELT, Chair Calvert and Andrew Douglas. He said a revised list of risks identified during the work will be collated and presented to the next Audit and Risk Subcommittee meeting as the refreshed risk register.

Cr Calvert then asked to discuss areas of non-compliance as identified by the Warrant of Fitness and Mandatory Documents Register during the previous Audit and Risk Subcommittee meeting. After a discussion, Cr Calvert moved:

Resolution

- 1) **That** documents or items marked as non-compliant be tracked through an additional column in the mandatory documents register and/or the legislative warrant of fitness.
- 2) **That** when an external review is completed for the Council with recommendations, that the Subcommittee receive a report detailing where actions have been taken to address recommendations of the review and tracking until the action has been fully completed.

Moved: Cr Calvert

Seconded: Andrew Douglas

CARRIED

Cr Calvert then asked for a motion to receive the report.

Resolution

That the Audit and Risk Subcommittee:

- 1) **Receives** this report.

Moved: Cr Noone

Seconded: Cr Malcolm

CARRIED

7.4. LGFA Funding Proposal

At the 17 February 2021 meeting the Audit and Risk Subcommittee received a report on the process and merits of joining the Local Government Funding Agency (LGFA). At that time, the Subcommittee endorsed the ORC joining the LGFA and recommended the process of initiating it to Council. Council subsequently confirmed the process at its 24 February 2021 meeting. This report provides an update to the Subcommittee on steps taken to date to join the LGFA. Nick Donnelly (GM Corporate Services) was present to speak to the report and respond to questions.

Mr Donnelly said Bancorp and a legal advisor are working through the steps to prepare the proposal document and the consultation document that sits alongside. He then proposed an extra Council Meeting in June to consider next steps. Mr Douglas asked that he be invited to the Council Meeting when this report is considered. After further discussion Chairperson Calvert asked for a motion.

Resolution

That the Audit and Risk Subcommittee:

- 1) **Receives** this report.
- 2) **Notes** the progress made in the LGFA process and endorses the Statement of Proposal and consultation material being presented directly to an upcoming or extra Council meeting for approval.

Moved: Cr Malcolm

Seconded: Cr Noone

CARRIED

9. CLOSURE

There was no further business and Chairperson Calvert declared the meeting closed at 04:02 pm.

Chairperson

Date

ACTION REGISTER – OUTSTANDING RESOLUTIONS OF THE AUDIT & RISK SUBCOMMITTEE MEETINGS AT 14 OCTOBER 2021

Meeting Date	Item	Status	Action Required	Assignee/s	Action Taken	Due Date
13/05/2021	Safety and Wellbeing	In Progress	Investigate how other entities monitor personal vehicle usage and report back on best practice. Res AR21-101	General Manager Corporate Services and CFO	29/07/2021 General Manager Corporate Services and CFO This will be reported to the 11 November A&R meeting	11/11/2021
13/05/2021	Risk Review Update	In Progress	Track documents/items marked as non-compliant as identified in the Warrant of Fitness and/or Mandatory Documents Register by adding an additional column in the register. RES AR21-104	General Manager Corporate Services and CFO, Legal Counsel	28/07/2021 Legal Counsel An additional column to track non-compliant documents/items will be added to the Annual Legislative Warrant of Fitness and Mandatory Documents Register which will be presented to the Audit & Risk Sub-Committee early 2022.	28/02/2022

7.1. Safety and Wellbeing

Prepared for:	Audit and Risk Subcommittee
Report No.	A&R2104
Activity:	Governance Report
Author:	Rebecca Webster, Safety and Wellbeing Partner
Endorsed by:	Amanda Vercoe, General Manager Governance, Culture and Customer
Date:	14 October 2021

PURPOSE

- [1] This report summarises progress towards the Safety and Wellbeing Team’s key strategic priorities and safety performance indicators for the period April 2021 – June 2021 (Quarter 4, FY 20/21). The report also summarises key areas of focus for the Safety and Wellbeing team for the 2020/21 financial year and beyond.
- [2] Refer to Attachment 1 for a “Summary Table of Key Strategic Initiatives” which provides additional detail on key activities discussed in this report, and the expected targets/outcomes. Refer Attachment 2 for the “Safety and Wellbeing Dashboard” covering information on ORC’s lag and lead performance indicators for Quarter 4, FY 20/21 and Attachment 3 for the “Safety and Wellbeing Dashboard” for the full year 20/21.

EXECUTIVE SUMMARY

- [3] ORC’s approach to Health and Safety is continuing to deepen and strengthen, evidenced by increases in incident reporting (due to increased visibility and engagement with safety and wellbeing at ORC, awareness built for staff to report safety matters, and the centralisation of contractor incident reporting), and increasing staff engagement through the Health and Safety Committee and other sharing safety and wellbeing initiatives. Training participation is also high for both staff and leaders, demonstrating a positive commitment in this space. There is still work to do, but the organisation is on a positive trajectory.

RECOMMENDATION

That the Subcommittee:

- 1) **Receives** this report.

LEADERSHIP DEVELOPMENT COMMITMENT

- [4] Support is being provided to the Executive Leadership Team (ELT) to continue to execute their due diligence responsibilities under the health and safety legislation and understand the key critical risks in their work areas. A particular upcoming focus for this work at ELT’s request will be to support the Executive to demonstrate visible leadership to further integrate safety and wellbeing into the culture of ORC.
- [5] The safety component of the “People and Safety 101” series has started with positive feedback following a pilot programme. The series provides ongoing knowledge to

Managers on their health and safety responsibilities and will be completed in February 2022, with ongoing training available for new starters.

EMPLOYEE ENGAGEMENT AND PARTICIPATION

- [6] The Health and Safety Committee (HSC) meets quarterly to discuss health and safety risks in their work areas and ideas for improvement. The group have provided valuable feedback on procedures for managing aggressive customers and ideas to promote safe driving. They are also playing a positive role in promoting wellbeing initiatives in their work areas.
- [7] Overall staff engagement on health, safety and wellbeing has improved during the year with regular “sharing safety” news posts on our staff intranet (Jostle) and in the ORC newsletter “home team”. The increased awareness is contributing to good participation rates at wellbeing sessions

SYSTEM AND PROCESS DEVELOPMENT

- [8] Policy and procedure updates continue with a focus on critical risks. Recently updated policies/procedures include Fatigue Management; Lone, Remote and Isolated Workers and Occupational Violence and Aggression (OVA).
- [9] SHE Software has been selected as the vendor for our online safety management system. Work has commenced building the system which has been named “Haumarū” (te Reo Maori for “safe/risk free”), a name discussed with Aukaha and the HSC. A staged roll-out starting with hazard, incident and near miss reporting is on track to commence in November 2021.

RISK MANAGEMENT

- [10] Several projects are underway to address critical risks. Refer to Attachment 1 for a “Summary Table of Key Strategic Initiatives” which provides additional detail on key activities.
- [11] Of note is the hazardous substance project, where all corrective actions following an independent audit in August 2020 have now been completed. Improved risk controls are now in place for hazardous substances (predominantly agricultural sprays) and all sites have significantly reduced substance amounts.

CONTRACTOR SAFETY

- [12] Contractor safety is a key focus for the Safety and Wellbeing team. Since implementing our revised policy and procedure for health and safety of contractors and subcontractors in November 2020, significant efforts are being made to ensure all contractors meet our health and safety requirements. Improvements are being shown during monthly checks of contractor health and safety status. The Team are also working with staff responsible for contractor engagement to ensure all contractors are pre-approved from a safety perspective prior to commencing work.

TRAINING AND DEVELOPMENT

- [13] There were a total of 156 training participants in Quarter 4, which is a significant number due to new courses being introduced and catching up following delays in training due to Covid-19 restrictions. Of note were 4WD safety, de-escalation training to manage customer aggression and hazardous substances awareness.

STAFF WELLBEING

- [14] The Fit for Future wellbeing programme launched in January, and the People and Safety Team in partnership Health and Safety Representatives have facilitated several initiatives in line with the programme objective for 2021: *‘Create a healthy and resilient workforce by enabling and supporting our people to build healthy habits’*. Wellbeing at ORC is viewed holistically and uses the following dimensions as a lens: physical (tinana), community (whanaungatanga), financial (hinengaro), and mental (pūtea). The wellbeing dashboard has been updated to include the completed and projected campaigns. Refer also to “Attachment 1 - Summary Table of Key Strategic Initiatives”.
- [15] In Quarter 4, the community wellbeing (taha Whanaungatanga) focus included campaigns aimed at enhancing community wellbeing (social connections, community, good relationships, cultural and spiritual). Key initiatives included world smoke free day, spotlight on health: education sessions aimed at men’s and women’s health and blood drives through the NZ Blood Service. The annual Wellbeing Programme continues to receive positive feedback and strong engagement from ORC staff.

SAFETY AND WELLBEING PERFORMANCE REPORTING

- [16] Refer Attachment 2 for the “Safety and Wellbeing Dashboard” covering information on ORC’s lag and lead performance indicators for Quarter 4, FY 20/21. Refer also to Attachment 3 for the “Safety and Wellbeing Dashboard” for the full year 20/21. The full year results show that overall reporting has increased which was an expected outcome as we continue to build staff awareness of the importance of reporting safety incidents.
- [17] Overall event numbers increased in FY 2020/21 to 93 total reports, more than double the number of reports (41) in FY 2019/20. This was an expected outcome due to the increased visibility and engagement with safety and wellbeing at ORC, awareness built for staff to report safety matters, and the centralisation of contractor incident reporting and increase in staff numbers. Further increases in reporting are expected with the introduction of the new online safety management system (up to double current numbers).
- [18] ORC staff incidents - all incidents and near misses that have resulted in an injury or potential for injury have been investigated with corrective actions implemented as needed. In Quarter 4 there were 19 staff events comprising of 3 hazard reports, 5 incidents and 11 near misses. The most common incident/near miss types were vehicle related (5, however 2 were due to behaviour of other road users); slips/trips and strains (4); equipment related (4) and customer aggression (2).
- [19] Contractor incidents – there were a total of 15 incidents and 2 near misses for contractors in Quarter 4. Most were public transport related (12) which included 7 incidents of customer aggression. There were 2 incidents in the wallaby eradication programme and 2 in the wilding conifer programme.
- [20] Table 2) Key Definitions for Incident/Near Miss Reporting

Equipment	All reported near miss or incidents relating to any equipment used in the workplace.
Vehicles	All reported near miss or incidents relating to vehicles or their use.
Field Activities	All reported near miss or incidents relating to activities undertaken in the field.

Chairs/Desks	All reported near miss or incidents relating to chairs, desks or workstation ergonomics.
Slips, Trips and Strains	All reported near miss or incidents relating to slipping, tripping or strain injuries in the workplace (field or office).
Environmental	All reported near miss or incidents relating to the work environment, for example appropriate temperatures, or the psychological environment.

COVID-19 INTERNAL RESPONSE

- [21] In addition to business as usual Health and Safety activity, the Safety and Wellbeing team have worked with Council's Continuity Management Team (CMT) on the internal response to COVID-19. ORC has operated in line with Central Government advice and requirements for management of risks relating to COVID-19, having taken a cautious and humanistic approach through all COVID19 Alert Levels.
- [22] The CMT continues to review the Safety Plan for the organisation in line with advice from Central Government.

ATTACHMENTS

1. Appendix 1. Summary Table of Key Strategic Initiatives for Safety and Wellbeing [**7.1.1** - 8 pages]
2. Appendix 2. Safety and Wellbeing Dashboard Q 4 FY 2020 - 21 [**7.1.2** - 1 page]
3. Appendix 3. Safety and Wellbeing Dashboard - FY 2020 - 21 [**7.1.3** - 1 page]

Appendix 1) Summary of Key Strategic Initiatives for Safety and Wellbeing

Date reviewed: 27 Sept 2021

1: Upskill leadership to support legislative compliance and build capacity to lead safety and wellbeing				
Activity		Target/Outcome	Status	Expected Completion Date
1.1	ELT workshop provided by Dr Philip Voss from 'Leading Safety' covering due diligence	ELT awareness & understanding of due diligence responsibilities	Completed	March 2021
1.2	Follow up ELT workshop planned to be provided by Dr Philip Voss from 'Leading Safety' to discuss key learnings since first session and further opportunities for improvement	ELT awareness & understanding of due diligence responsibilities	Not started	Nov 2021
1.3	"People and Safety 101" sessions for managers to be developed and implemented	Pilot session completed with positive feedback. Modules 1 & 2 booked in for Oct and Nov 2021, Modules 3 & 4 to take place Dec 2021 – Feb 2022 Target of 100% participation of managers in the programme, awareness and understanding of safety responsibilities	In Progress	July 2021 (and ongoing)

2: Build employee engagement and participation				
Activity		Target/Outcome	Status	Expected Completion Date
2.1	Continue to support Health and Safety Representatives (HSR's) with annual training and development	All HSR's to be formally trained and understand their role as an HSR. All 16 HSR's have completed initial training and are eligible for annual training for ongoing development	In progress	Ongoing activity

2.2	Support the Health and Safety Committee (HSC) which allows for consultation and communication with work groups on safety and wellbeing issues	Maintain the HSC on a quarterly basis	In progress	Ongoing activity
2.3	Implementation of an HSR recognition program	To provide recognition and reward for HSR's that contribute positively to their work groups	In progress	Ongoing activity
2.4	Promote safety and wellbeing initiatives via a variety of methods including "sharing safety" communications on Jostle, hosting "lunch and learns" and "info sessions" on topics of interest New initiative includes "safety and wellbeing insights" where staff can report positive safety actions and behaviours	To increase staff awareness of the importance of safety and wellbeing across ORC, focus on positive safety behaviour and maximise participation at events	In progress	Ongoing activity

3: Improve systems, tools, and processes to manage health, safety, and wellbeing more effectively				
Activity		Target/Outcome	Status	Expected Completion Date
3.1	Procure an online safety management solution	SHE Software has been selected as the vendor for the online system	Completed	Aug 2021
3.2	Implement online safety management solution	"Go live" with online safety management system covering incident and hazard management	Not started	Nov 2021
3.3	Implement online safety management solution	"Go live" with online safety management system additional components in a staged approach (risk management, audit, training)	Not started	Ongoing until Dec 2023
3.4	Internal audit of all policies/procedures (note that this is subject to ongoing continuous improvement)	Internal audit of all policies/procedures complete with a priority list of new documents to be created	Completed	June 2021
3.5	Revision/update of all required health and safety policies/procedures (note that this is subject to ongoing continuous improvement and based on risk)	New/revised policies completed and released	In Progress	July 2022

4: Improve risk management with a focus on critical risks				
Activity		Target/Outcome	Status	Expected Completion Date
4.1	<u>Hazardous Substances Management</u>			
	Independent site audits to be completed	Site audits completed	Completed	Aug 2020
		All corrective actions from the audit have been completed	Completed	Sept 2021
	Hazardous Substances policy/procedure	Policy/procedure finalised and released	Completed	April 2021
	Staff training programme	Hazardous substances awareness training completed for all relevant staff (32 staff)	Completed	May 2021
	Site internal audit programme	Internal audit/site check programme in place	In progress	Ongoing activity
	Strategy towards elimination of hazardous substances for ORC staff	To continue to support staff with steps towards elimination and outsourcing to contractors, to be reviewed at end of 2021	In progress	Dec 2021
4.2	<u>Pump Station Safety</u>			
	Initial site audits/review on selected pump stations (focus on falls prevention)	Independent review/audit completed	Completed	Jan 2021
	Implement revised systems for fall protection (harness system, training, safe work procedures)	Compliant fall protection systems in place at each pump station. Waipori (Taieri), and Kaitangata (Clutha) will be fitted first to ensure this is to systems are fit for purpose before the remaining sites are fitted out. Staff training, and SOPS to be completed	In progress	Feb 2022

	Longer term goal to engineer out manual clearing of weed screens	Use excavators where possible, re-engineer pump stations to remove requirement to manually clear weed screens (e.g. automated weed clearance)	In progress	TBC
	Confined space external audit August 2021	Support engineering team with independent review of confined/restricted entry spaces	Completed	August 2021
		Support engineering team with implementing recommendations from independent audit (such as SOPs)	In progress	Feb 2022
4.3	<u>Emergency Management</u>			
	Fire evacuation procedures for all sites to be updated in line with current Regulations	Compliant fire evacuation procedures in place, fire warden training completed for all sites. All sites completed apart from awaiting completion for Ngapara and warden training pending for Jutland and Halsey St.	In progress	Oct 2021
	Emergency procedures in place for all sites covering other emergencies (earthquake, lockdown)	Updated procedures for other emergencies to be put in place, with communication and training provided to staff as required	In progress	Dec 2021
	Creation of an emergency warden working group to track projects and support staff engagement	Emergency warden working group set up to meet quarterly, first meeting in March 2021	In progress	Ongoing activity
4.4	<u>Occupational Violence and Aggression (OVA)</u>			
	OVA policy, procedure to be finalised	Finalisation and release of policy/procedure	Completed	June 2021
	Pilot training programme in de-escalation and tactical communication to be completed	Successful pilot completed with positive feedback	Completed	Sept 2020
	Training programme in de-escalation and tactical communication to be rolled out to relevant staff	Successful completion of training for all front-line staff who are at risk of exposure to OVA (approx.90). 77 staff have completed training thus far	In progress	Nov 2021

4.5	<u>Fatigue Management</u>			
	Policy for fatigue management and supporting guidance to be finalised	Fatigue policy and toolbox finalised and released	Completed	May 2021
	Staff education session on personal fatigue management (run by EAP Services)	Approx. 70 attendees in the online session on 8/6/2021 with positive feedback	Completed	June 2021
	Manager/team leader info sessions on fatigue management policy	Good attendance at 2 x info sessions with attendance from 30 managers/team leaders	Completed	June 2021
	“At risk” hours reporting to be created for manager oversight on trends for staff working hours	Manager use of “at-risk hours” report to ensure that risk factors for staff fatigue are identified and managed	In progress	TBC
4.6	<u>Lone, Remote and Isolated Workers</u>			
	Lone, remote, and isolated worker policy updated	Finalisation and release of updated lone worker policy	Completed	June 2021
	Exploring options for new technology to assist with lone worker management	Business case to be enhanced to include a risk assessment, needs analysis and project plan with overall budget. To be reviewed by ELT	In progress	TBC
4.7	<u>Mental Health</u>			
	Mental health to form a key component of the wellbeing programme	Quarter one FY 21/22 to focus on mental wellbeing with staff education sessions	In progress	Sept 2021
	Communication to staff about staying mentally health and well, including CE updates, promotion of mental health awareness week, availability of EAP	Staff to remain informed on the importance of maintaining good mental health and provided access to information and support	In progress	Ongoing activity
	Supporting staff to achieve a work life balance to support mental health and wellbeing	Ongoing support of agile/flexible working arrangements for staff	In progress	Ongoing activity

	Plans for manager/team leader mental health first aid training	All managers to be trained in mental health first aid	Not started	TBC
4.8	<p><u>Operation of a Vehicle</u></p> <p>Advanced/defensive driver training completed for all relevant staff (e.g. field workers)</p> <p>Safe driving policy to be created focussed on safe driver behaviour</p> <p>Overspeed reports available to managers to identify staff who are speeding, exploring options for improved reporting (note that this requires a review of providers of vehicle monitoring)</p> <p>Exploring options for speed warning devices in vehicles</p>	<p>All field staff skilled in defensive driving and 4WD as required, to be refreshed every 3 years.</p> <p>Safe driving policy to be finalised and released</p> <p>Managers to review overspeed reports and address any speeding behaviours directly with staff involved</p> <p>To source in-vehicle options to warn staff of speeding behaviours, with the aim of improving safe driver behaviour</p> <p>Update that there are no helpful options available via the existing provider (Smartrack) and a review of alternative providers is recommended</p>	<p>In progress</p> <p>In progress</p> <p>In progress</p> <p>Completed</p>	<p>Ongoing Activity</p> <p>Oct 2021</p> <p>Ongoing Activity</p> <p>August 2021</p>
4.9	<p><u>Health Monitoring Programme</u></p> <p>Health and exposure monitoring programme and policy being developed to support legislative requirements</p>	<p>Exploring health monitoring needs with field-based work groups</p> <p>Health monitoring policy to be finalised and communicated</p>	<p>In progress</p> <p>Not started</p>	<p>Ongoing Activity</p> <p>June 2022</p>

	Required health testing to be completed for staff exposed to specific hazards and risks	Field workers exposed to hazardous substances now subject to annual lung function and respirator fit testing	In progress	Ongoing Activity
		Environmental Implementation staff using firearms now subject to annual hearing and vision checks	In progress	Ongoing Activity

5: Improve Contractor Safety				
Activity		Target/Outcome	Status	Expected Completion Date
5.1	Contractor health and safety policy/procedure to be revised	New policy/procedure finalised and released	Completed	Nov 2020
5.2	Staff training/communication regarding contractor safety process	Safety incorporated into "Contracts 101" sessions hosted by the legal team	Completed	June 2021
5.3	Internal audit of adherence to policy/procedure, contractor spot H&S assurance checks	Monthly audits on contractor H&S approval status. Aim for 100% adherence to contractor H&S pre-qualification requirements	In Progress	Ongoing activity

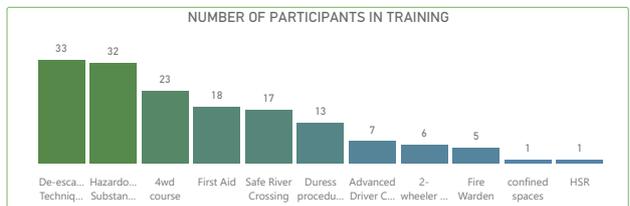
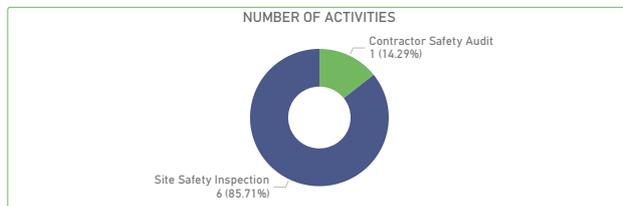
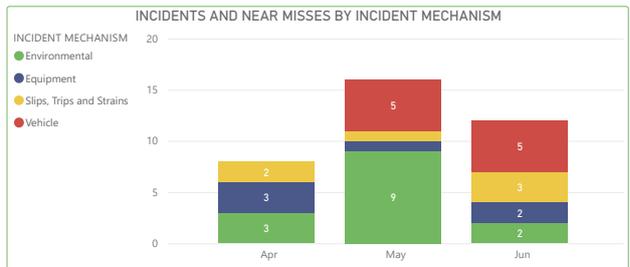
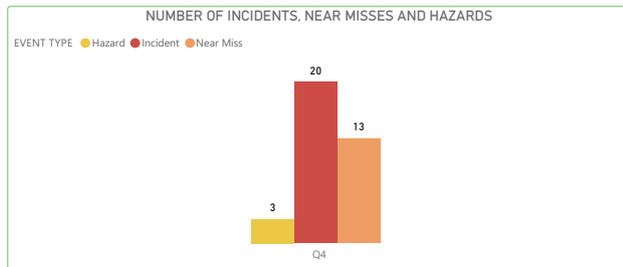
6. Improve Staff Learning and Development				
Activity		Target/Outcome	Status	Expected Completion Date
6.1	Health and Safety Representatives (HSR's) training	All HSR's formally trained (2-day course)	Completed (and ongoing)	Oct 2020

6.2	Key health and safety training requirements for staff to be determined (note this is subject to continuous improvement)	High level Health and Safety training calendar completed	Completed	June 2021
6.3	Training needs analysis (TNA) to be undertaken	TNA to be completed for field-based roles to determine training requirements	In progress	June 2022

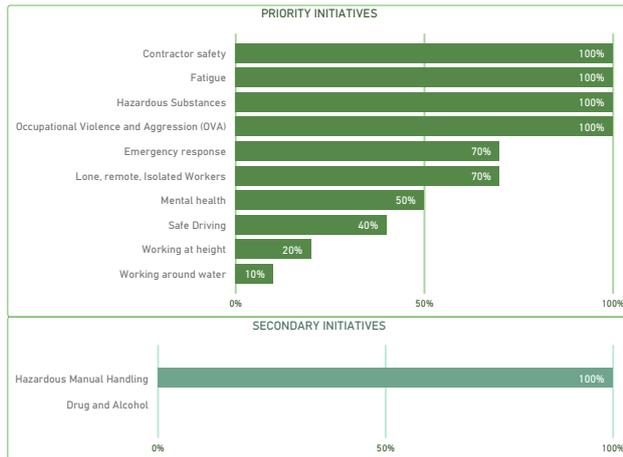
7: Implement a Staff Wellbeing Programme				
Activity		Target/Outcome	Status	Expected Completion Date
7.1	Create a wellbeing policy	Wellbeing policy finalised and released	Completed	Sept 2020
7.2	“Fit for Future” wellbeing programme for 2021 created	Programme launch completed	Completed	Dec 2020
7.3	Wellbeing programme to be implemented with quarterly themes	Maximise participation in wellbeing activities (attendance to be monitored)	In progress	Dec 2021
7.4	Review/evaluation of programme	Formal review of programme success with recommendations for next year completed	Not started	Dec 2021

ORC SAFETY AND WELLBEING DASHBOARD

2018-19		2019-20		2020-21	
Q1	Q2	Q3	Q4		
Contractor		ORC Staff Member		Other	



Progress on Risk Management Activities



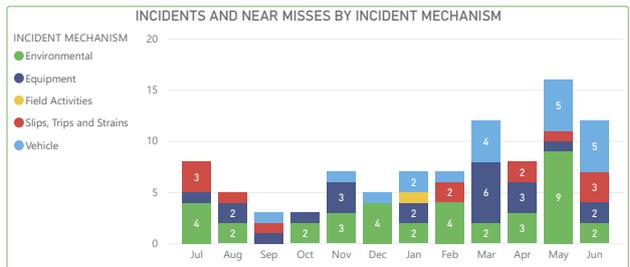
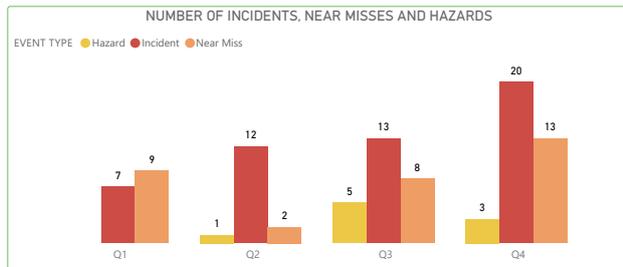
Key	Explanation
0-20%	Early stages of planning (e.g. audits of requirements, staff surveys, data collection)
20-40%	Development has started (creation of policies, procedures, supporting tools such as risk assessments; reviewing control measures)
40-60%	Development in progress and on track (consultation has commenced on policies, procedures supporting tools/resources, recommended control measures; establishing staff training needs)
60-80%	Development in final stages of consultation and refinement
80-100%	Completed (Risk management process finalised, communication to staff complete, training plans & mechanisms for review in place)

Wellbeing Initiatives

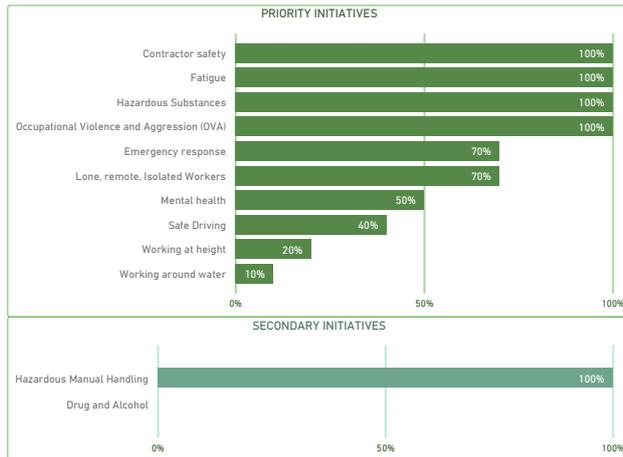
Initiative	Completion Date
Sleep and Fatigue Info Session	June 2021
Pink Shirt Day	May 2021
Lunch'n'learn - NZ Blood	April 2021
Influenza vaccination programme	April 2021

ORC SAFETY AND WELLBEING DASHBOARD

2018-19	2019-20	2020-21	2021-22
Q1	Q2	Q3	Q4
Contractor		member of public	ORC Staff Member



Progress on Risk Management Activities



Key	Explanation
0-20%	Early stages of planning (e.g. audits of requirements, staff surveys, data collection)
20-40%	Development has started (creation of policies, procedures, supporting tools such as risk assessments; reviewing control measures)
40-60%	Development in progress and on track (consultation has commenced on policies, procedures supporting tools/resources, recommended control measures; establishing staff training needs)
60-80%	Development in final stages of consultation and refinement
80-100%	Completed (Risk management process finalised, communication to staff complete, training plans & mechanisms for review in place)

Wellbeing Initiatives

Initiative	Completion Date
Money Week	August 2021
Mental Wellbeing: Resilience Workshops	August 2021
Spotlight on Health: Men's & Women's Health Seminars	July 2021
Sleep and Fatigue Info Session	June 2021
Pink Shirt Day	May 2021
Lunch'n'learn - NZ Blood	April 2021

7.2. CS2137 Corporate Policy Overview

Prepared for:	Audit and Risk Subcommittee
Report No.	CS2137
Activity:	Governance Report
Author:	Nick Donnelly, General Manager Corporate Services
Endorsed by:	Nick Donnelly, General Manager Corporate Services
Date:	14 October 2021

PURPOSE

- [1] To bring an overview of Council's organisational policies to the Audit and Risk Subcommittee.

RECOMMENDATION

That the Audit and Risk Subcommittee:

- 1) Receives this report.**

BACKGROUND

- [2] At the 26 November 2020 Audit and Risk Subcommittee meeting:
"Cr Calvert asked that policy reviews come back to the Audit and Risk Subcommittee, including a Whistle-blower Policy".
- [3] Internally, Council has a Policy Review Group (PRG) that maintains oversight of Council's organisational policies.
- [4] The PRG was established in October 2020. Prior to this all policies (new or amendment) went through ELT. Over time this had led to a proliferation of policies, many of which duplicated and overlapped each other. As a result, there were multiple policy formats being used and a policy owner and review timelines were not always stated.
- [5] Over the last 12 months the PRG has been through a process of standardising, simplifying and amalgamating these policies, approving new policies and identifying where policy gaps existed.
- [6] The attached policy table shows the policies Council currently has in place and their status. The policies are shown in two categories:
- Internal – organisational policies that mainly relate to how staff undertake their day-to-day activities and are approved by the Chief Executive.
 - Council – policies that specifically relate to Councillors and the Council and are approved by Council itself. These are generally policies that Council is required to have under the Local Government Act (2002).
- [7] Internal policies are sub-grouped into functional areas. Those shown in green have been through the PRG review process. Notes are included on other policies that are intended to be reviewed in the near future or are to be developed. This may include merger/amalgamation of policies in some instances.
-

WHISTE-BLOWER POLICY

- [8] The Protected Disclosures (Whistle-blower) Policy was specifically requested to be brought to the Audit and Risk Subcommittee and has been attached as requested.
- [9] This policy was reviewed at the November 2020 PRG meeting and was circulated to the Chair of Audit and Risk and independent member, Mr Douglas, around that time.
- [10] There was comment whether this policy should include protected disclosures being made to a member or members of the Audit and Risk Subcommittee. The policy does not incorporate that process as an independent agency is contracted to receive all complaints in the first instance. The policy does include a requirement to report a summary of complaints laid under this policy to be reported to Audit and Risk on a six-monthly basis.
- [11] The Policy and how to report on any serious wrongdoing via Incident Response Solutions has been communicated to staff with the attached flyer displayed in Council staff rooms and on the staff intranet.

CONSIDERATIONS**Strategic Framework and Policy Considerations**

- [12] There are no strategic framework or policy considerations.

Financial Considerations

- [13] There are no financial considerations.

Significance and Engagement Considerations

- [14] There are no significance and engagement considerations.

Legislative and Risk Considerations

- [15] There are no legislative or risk considerations.

Climate Change Considerations

- [16] There are no climate change considerations.

Communications Considerations

- [17] There are no communications considerations.

ATTACHMENTS

1. ORC Policy Table October 2021 [7.2.1 - 3 pages]
2. ORC Protected Disclosures (Whistle-blower) Policy Dec-2020 [7.2.2 - 7 pages]
3. ORC Whistle-blower Flyer Feb-2021 [7.2.3 - 1 page]

INTERNAL POLICIES										
CORPORATE	Title	Description	Last Reviewed	Person Responsible	Status / Notes	Review Period	Next Review Date	To ELT	Where published	Reformatted
Legal	Official Information Policy and Procedure	Sets out ORC's approach to managing information held by the ORC to ensure compliance with the Local Government Official Information and Meetings Act 1987 (LGOIMA or Act).	Nov-20 PRG	Peter	Approved	Triennially	Dec-23	✓	Jostie_Crs, Website	✓
	Official Information Proactive Release Policy	To set out the high-level principles and guidelines for how the ORC can proactively publish official information online, including any responses to requests under the Local Government Official Information and Meetings Act 1987 (LGOIMA).	Nov-20 PRG	Peter	Approved	Triennially	Dec-23	✓	Jostie	✓
	Protected Disclosures Policy	This policy outlines the procedures to be followed in relation to protected disclosures under the terms of the Protected Disclosures Act 2000 (the Act).	Nov-20 PRG	Peter	Approved	Biennially	Dec-22	✓	Jostie	✓
	Trespass Policy	The purpose of this policy is to set out guidance on the types of trespass and the procedure for considering and issuing trespass notices on behalf of the Otago Regional Council ("Council").	Nov-20 PRG	Peter	Approved	Triennially	Dec-23	✓	Jostie	✓
	Customer Privacy Policy	For the control of our collection, use and disclosure of your personal information (as defined in the Privacy Act 2020).	Nov-20 PRG	Peter	Approved	Biennially	Dec-22	✓	Website, Jostie	✓
	Inhouse Privacy Policy	Part A: to outline the procedures that Council staff must follow to ensure its responsibilities under Council's Inhouse Privacy Policy and the Privacy Act 2020 ("the Act") are complied with. Part B: to provide a reference to staff on key considerations when carrying out the Council's internal procedure for notifiable privacy breaches.	Apr-21 PRG	Peter	Approved	Triennially	May-24	✓	Website, Jostie	✓
	Copyright Policy		NEW	Peter	In creation (Aug-2021)					
Finance	Sensitive Expenditure Policy	This document sets out Council's policy around controlling 'sensitive expenditure'. 'Sensitive expenditure' in the context of this policy is expenditure which may provide, or has the potential to provide, or may be perceived as providing, a private benefit to an elected member or staff member.	Apr-21 PRG	Sarah	Approved	Annually	Apr-22		Jostie	
	Travel Policy	This document sets out Council's policy in relation to travel.	Apr-21 PRG	Sarah	Approved	Biennially	Apr-23	✓	Jostie	✓
	Procurement Policy	Sets out the core framework for the procurement of goods and service within ORC.	Jun-20	Sarah	Approved	Biennially	Jun-24		Jostie	✓
	Fraud Policy	To identify what processes are in place to deal with fraudulent behaviour by anyone employed by, or elected to, the Otago Regional Council.	Jan-11	Sarah	Review Nov-2021 (Aug-2021)				Jostie	
	IT Policy	Provides guidelines for the use of technology and outlines expected behaviours when using IT systems.	Dec-14	Sarah	Review Nov-2021 (Aug-2021)				Jostie	
	Mobile Phone Policy	Outlines the principles for mobile phone usage, security, and hardware that ORC staff agree to when using and mobile phone services provided by ORC.	Apr-16	Sarah	- Merge with IT Policy above				Jostie	
	Vehicle Policy	To provide a clear framework for the use of Council vehicles and personal vehicles, for business use, including the required processes, procedures and general expectations.	Aug-16	Sarah	Review Nov-2021 (Aug-2021)				Jostie	
	Vehicle Use Policy	To promote a safe driving culture by encouraging sensible and safe use of ORC vehicles, thereby eliminating or reducing the number of motor vehicle incidents and injuries.	May-15	Sarah	- Merge with Vehicle Policy above				Jostie	
	Smarttrak Vehicle Policy	The Health & Safety in Employment Act recognises company (Council) vehicles as a place of work. Smarttrak introduces another control to help ensure the safety of staff by enabling vehicles to be tracked to a location for prompt incident response. It also provides for the monitoring of driver behaviour which is outside the law and therefore potentially unsafe.	Jan-15	Sarah	- Merge with Vehicle Policy above				Jostie	
PEOPLE & CULTURE	Title	Description	Last Reviewed	Person Responsible	Status / Notes	Review Period	Next Review Date	To ELT	Where published	Reformatted
Employee Conduct and Welfare	Good Employer Policy Statement	We will ensure all employees understand why those affected by family violence may need to avail themselves of the entitlements provided by the Family Violence Act 2018 and acknowledge the reasons for providing support.	Mar-21 PRG	Nicole	Approved	Biennially	Mar-23	✓	Jostie	N/A
	Health, Safety and Wellbeing Policy Statement	The Otago Regional Council (ORC) sees health, safety and wellbeing as a cornerstone of how we do business. We are committed to providing a safe and healthy environment for all employees, contractors, volunteers and visitors who may take part in, or be impacted by our work.	Mar-21 PRG	Nicole	Approved	Biennially	Mar-23		Jostie	N/A
	Code of Conduct Policy	The purpose of this policy is to set out guidance on the types of trespass and the procedure for considering and issuing trespass notices on behalf of the Otago Regional Council ("Council").	Jun-21 PRG	Nicole	Approved	Biennially	Jun-23	✓	Jostie	✗
	Family Violence Policy	We will ensure all employees understand why those affected by family violence may need to avail themselves of the entitlements provided by the Family Violence Act 2018 and acknowledge the reasons for providing support.	Jun-21 PRG	Nicole	Approved	Biennially	Jun-23	✓	Jostie	✓
	Performance Management and Disciplinary Policy	The purpose of this policy is to ensure all employees and managers are aware of their entitlements and obligations in relation to legislated rest and meal breaks. It should be noted that the breaks outlined below are the minimum legislative entitlements, and ORC provisions are in some cases more generous than those in the legislation.	Jun-21 PRG	Nicole	Approved	Biennially	Jun-23	✓	Jostie	✓
	Storage of Employee Records Policy		NEW	Nicole	In creation					
	Transition to Retirement Policy		NEW	Nicole	In creation					
	Conflict of Interest and Gift Policy	This policy is created to avoid or successfully manage conflicts of interest occurring and to clarify the circumstances where activities, including secondary employment would be incompatible with employment at the Council.	Oct-19	Nicole	Approved	Biennially	Oct-21	✓	Jostie	
	Equal Employment Opportunities Policy	The purpose of this policy is to outline the ORC's commitment to equal employment opportunity, diversity and inclusion.	?	Nicole	To be superseded by Diversity and Inclusion Policy?			✓	Jostie	✗
	Staff Consultation Policy	Otago Regional Council is committed to consulting with staff on matters that may have a substantial impact on their working conditions. This document sets out the requirements of the consultation processes to be followed.	Jan-17		To be reviewed - TBC	Biennially	Jan-19		Jostie	
	Working Better Together Policy	Provides guiding principles to ensure that the workplace is free from fear and judgement, enables open communication and values diversity across our workplace and with all those we interact with.	Nov-18	Nicole	To be reviewed - TBC	Biennially	Nov-20	✓	Jostie	✗
Leave and Timesheeting	Fair and Reasonable Sick and Wellbeing Leave Policy	Council recognises that a cornerstone of an engaged and productive workforce is to have healthy and 'well' employees. The purpose of the Fair and Reasonable Sick and Wellbeing Leave Policy is to support employment agreement commitments, provide pathways for employees to access additional sick leave should the need arise, outline clear parameters for employees applying for the leave, and for managers when considering such applications.	Nov-20 ELT	Nicole	Approved	Biennially	Nov-22	✓	Jostie (Nov 2020)	✗
	Leave Management Policy	Taking time for rest and recreation is key to maintaining a healthy 'work/life' balance, supports employee wellbeing, and contributes to an engaged and productive workforce.	Apr-21 PRG Jun-21 PRG	Nicole	Approved	Biennially	Jun-23	✓	Jostie	✓
	Rest and Meal Breaks Policy	Ensure all employees and managers are aware of their entitlements and obligations in relation to legislated rest and meal breaks.	Apr-21 PRG	Nicole	Approved	Biennially	Apr-23	✓	Jostie	✓
	Allowances for Stand-by Rosters and Call Out	Sets out a framework on allowances for staff on Stand-by rosters and for call outs.	Apr-20	Nicole	Approved	Annually	Apr-21	✓	Jostie	

PEOPLE & CULTURE	Title	Description	Last Reviewed	Person Responsible	Status / Notes	Review Period	Next Review Date	To ELT	Where published	Reformatted
Remuneration	Flexible Working Policy	Our Flexible Work Policy sets out the avenues and process for those who wish to request flexibility in their work, as well as examples of common arrangements, and guidance on the decision-making and approval process for people leaders. The purpose of this policy is to ensure Parental Leave is managed in a manner supportive to the employee and in accordance with the applicable legislation, taking into account both the needs of the family and of the organisation.	Nov-20 ELT	Nicole	Approved	Biennially	Nov-22	✓	Jostle (Nov 2020)	✗
	Parental Leave Policy	The purpose of this policy is to ensure Parental Leave is managed in a manner supportive to the employee and in accordance with the applicable legislation, taking into account both the needs of the family and of the organisation.	Nov-20 PRG	Nicole	Approved	Biennially	Dec-22	✓	Jostle	✓
	Training, Learning and Development Policy	The purpose of this policy is to provide guidelines for managers and employees to ensure consistency in eligibility, planning and delivery of the various aspects of employee learning and development.	Jun-21 PRG	Nicole	Approved	Biennially		✗		
	Remuneration Policy	To ensure that the ORC attracts and retains employees through effective remuneration and reward practices, in line with Council remuneration objectives and principles.	Dec-19	Nicole	Approved	Biennially	Dec-21	✓	Jostle	
	Superannuation Schemes Policy	The Council offers staff three schemes for superannuation savings - ASB Master Trust, Civic SuperEasy and Kiwisaver.	Apr-19	Nicole	Approved	Biennially	Apr-21	✓	Jostle	
	Financial Assistance Policy - Education, Relocation		NEW	Nicole	In creation					
	Recognition of Service / Reward Policy		NEW	Nicole	Basic SOP complete, full Policy not started					
Safety and Wellbeing	Policy & Procedure for H&S of Contractors and Subcontractors	This policy aims to support ORC comply with obligations under the MSHA in language that is easy to understand for the end user. The procedure covers the end-to-end process of contractor management from selection, pre-approval, entering into the contract and ongoing monitoring and review. Additional supporting documents are also provided as listed below.	Nov-20 PRG	Nicole	Approved	Annually	Nov-21	✓	Jostle (Nov 2020)	N/A?
	Fatigue Management Policy & Toolbox	As prescribed by the Health and Safety at Work Act (2015), Otago Regional Council must ensure, so far as reasonably practicable, the health and safety of its workers, and that others are not put at risk by their work. ORC must eliminate risks that arise from their work so far as reasonably practicable. If a risk can't be eliminated, it must be minimised so far as is reasonably practicable. Fatigue has been identified as a risk by ORC, and as such it is good practice to develop and adopt a fit for purpose fatigue management policy which supports us to manage the risks that arise from fatigue.	Mar-21 PRG	Nicole	Approved	Annually	Mar-22	✓	Jostle	✓
	First Aid Policy	The Purpose of this policy is to: a) set out the Otago Regional Council's commitment to and arrangements for the provision of first aid, and b) set out responsibilities with respect to the provision of qualified first aid personnel and equipment.	Mar-21 PRG	Nicole	Approved	Annually	Mar-22	✓	Jostle	✓
	Hazardous Manual Handling Policy	The purpose of this document is to provide instruction to Otago Regional Council (ORC) about how to comply with its duties under the Health and Safety at Work Act 2015 and Health and Safety at Work (General Risk and Workplace Management) Regulations 2016 in relation to managing the risks associated with hazardous manual handling. ORC must eliminate risks associated with hazardous manual handling. If the risk cannot be eliminated it must be minimized as far as is reasonably practicable.	Mar-21 PRG	Nicole	Approved	Annually	Mar-22	✓	Jostle	✓
	Hazardous Substances Policy & Procedure	The purpose of this document is to provide instruction to Otago Regional Council (ORC) about how to comply with its duties under the legislation regarding hazardous substances. ORC must eliminate risks associated with hazardous substances. If the risk cannot be eliminated it must be minimized as far as is reasonably practicable. ORC's current strategy regarding hazardous substances is to reduce their use and work towards elimination where possible.	Mar-21 PRG	Nicole	Approved	Annually	Mar-22	✓	Jostle	✓
	Lone Worker & Out of Office Travel Policy	The purpose of this document is to provide instruction to Otago Regional Council (ORC) about how to comply with its duties under legislation in relation to managing the health and safety risks of lone, remote, and isolated work.	Jun-21 PRG	Nicole	Approved	Annually	Jun-22	✓	Jostle	✓
	Occupational Violence and Aggression (OVA) Policy	The purpose of this document is to provide instruction to Otago Regional Council (ORC) about how to comply with its duties under legislation in relation to managing the health and safety risks associated with Occupational Aggression and Violence (OVA).	Jun-21 PRG	Nicole	Approved	Annually	Jun-22	✓	Jostle	✓
	Smoke and Vape Free Policy	In line with the Otago Regional Council Wellbeing Policy, the organisation commits to promoting a safe and healthy environment for all employees, contractors and visitors, which includes a smoke and vape free working environment. As part of its wider role in promoting health and wellbeing, Otago Regional Council has a responsibility to encourage and support employees and their families/whānau to become Smokefree.	Mar-21 PRG	Nicole	Approved	Annually	Mar-22	✓	Jostle	✓
	Safe Driving Policy		NEW	Nicole	In creation (Aug-2021)					
	Drug and Alcohol Policy		NEW	Amanda	In creation (Aug-2021)					
	Illness and Injury at Work Policy	The purpose of this policy is to provide a framework which applies to all staff so they can recover and return to work from injury or illness. Included also are guidelines to follow if a staff member falls ill at work.	Jan-17	Nicole	Nicole to bring info to November PRG meeting		Nov-17		Jostle	
	Personal Locator Beacons	Provides a framework for the use of PLBs by council staff. PLBs have been installed in the glove box of all Council vehicles to provide for an enhanced level of personal safety for our staff.	Aug-15	Nicole	Review - policy and required?				Jostle	
	Worker Health Monitoring Policy	Outlines the health monitoring processes that the Otago Regional Council uses to monitor the adequacy and effectiveness of precautions taken to protect staff health from occupational and environmental hazards. The basis of monitoring is to assess exposure to those hazards and, where necessary, the health effects to staff that may have been exposed. This guideline includes requirements and rationale for pre-employment, task and exit assessments.	Aug-20	Nicole	Approved	Annually	Aug-21		Jostle	
	Personal Protective Equipment Guide (PPE)	The Purpose of this policy is to: a) set out the Otago Regional Council's commitment to and arrangements for the provision of personal protection equipment, and b) set out responsibilities with respect to the provision of personal protective equipment.	Aug-20	Nicole	Approved	Annually	Aug-21		Jostle	
COMMS/CUSTOMER	Title	Description	Last Reviewed	Person Responsible	Status / Notes	Review Period	Next Review Date	To ELT	Where published	Reformatted
	Media Policy	Outlines the ORCs position on speaking to the media, news releases and internal communication and is applicable to all staff.	Apr-16	Eleanor	To be reviewed - TBC					
	Sending of Bulk Correspondence	To ensure correspondence from Otago Regional Council accurately reflects the values of the organisation.	Aug-16	Eleanor	To be reviewed - TBC				Jostle	

COUNCIL POLICIES										
GOVERNANCE	Title	Description	Last Reviewed	Person Responsible	Status / Notes	Review Period	Next Review Date	To ELT	Where published	Requirement
	Standing Orders	Standing orders contain rules for the conduct of the proceedings of local authorities, committees, subcommittees and subordinate decision-making bodies. Their purpose is to enable local authorities to exercise their decision-making responsibilities in a transparent, inclusive and lawful manner.	May-21	Amanda	Approved	Triennially	Oct-22			Sch7, clause 27
	Code of Conduct	The Code of Conduct (the Code) sets out the standards of behaviour expected from elected members in the exercise of their duties.	Nov-19	Amanda	Approved	Triennially	Oct-22			Sch7, clause 15(1)
	Local Governance Statement	The information found in this document includes details about what we do, what legislation we work under and the responsibilities we have under that legislation, how we consult and what our management processes are.	Jul-21	Amanda	Approved	Triennially	Jan-23			S40
	Remuneration Authority Determination	Not a Council Policy but the Determination sets the remuneration pool for Council and this must be fully allocated by Council.	Aug-21	Amanda	Approved	Annually	Aug-22			
	Councillor Expenses, Allowances and Reimbursement Policy	The expenses regime for elected members of the Otago Regional Council.	Aug-21	Amanda	Approved	Annually	Aug-22			
	ORC Recruitment Policy – Governance	The Otago Regional Council is committed to a fair and transparent recruitment and selection process, with appointments based on merit in order to attract and retain appropriately skilled and qualified appointees.	Mar-21	Amanda	Approved	Triennially	May-23	✓		
	Port Otago Constitution	Sets out the rights, powers and duties of the company (the Port), board, directors and the shareholder (Council).	Mar-21	Nick	Approved	N/a	N/a			
	Significance and Engagement Policy	This policy provides guidelines for determining the significance of proposals and decisions in relation to issues, assets or other matters affecting the Otago region, people likely to be affected, and the council's capability to perform.	Feb-21	Richard	Currently under review					S76AA
	Revenue and Financing Policy	Sets out the sources of funding Council will use for each activity, including the use of rates, fees, subsidies, reserves or other funding tools and gives consideration to who will benefit from each activity and how much they benefit.	Jun-21	Nick	Approved	Triennially	Jun-24			S102, 103
	Treasury Management Policy	The Local Government Act 2002 requires local authorities to adopt a Liability Management Policy and an Investment Policy. The Otago Regional Council's prepared policies have been combined into one document called the Treasury Management Policy.	Jun-21	Nick	Approved	Triennially	Jun-24			S102, 104, 105
	Statement of Investment Policies and Objectives	Provides the framework for Council to effectively supervise, monitor and evaluate the management of Council's investment activities.	Jun-21	Nick	Approved	Annually	Jun-22			S102, 105
	Rates Remission & Postponement Policy	The Otago Regional Council carries out its rating function in accordance with the requirements of the Local Government (Rating) Act 2002, and the Local Government Act 2002. This document provides the policy framework for granting remissions and postponing the payment of rates.	Feb-21	Sarah H	Approved	Triennially	Mar-24			S109
	Policy on Remission and Postponement of Rates on Maori Freehold Land	The Council has recognised that certain Maori freehold land have particular conditions, ownership structures or other circumstances which make it appropriate to remit or postpone rates for defined periods of time.	Feb-21	Sarah H	Approved	Triennially	Mar-24			S102, 108
	Financial Strategy	Sets out how the Otago Regional Council will manage its finances over the next 10 years including rating, borrowing and investments.	Jun-21	Nick	Approved	Triennially	Jun-24			S101A
	Infrastructure Strategy	Provides Council and the Otago community with information about what significant issues the flood protection and drainage infrastructure face over the next 30 years and beyond, and identifies the principal options for managing those challenges, including the implications of those options, before presenting the most likely scenarios for each issue and when any significant decisions will need to be made.	Jun-21	Gavin	Approved	Triennially	Jun-24			S101B
	Risk Management Framework	This aims to allow the organisation to exploit the opportunities and minimise the threats presented by the risks inherent in the organisations activities.	Sep-19	Nick	Currently under review					



Otago Regional Council Protected Disclosures (Whistle-blower) Policy

December 2020

	Document Name: ORC Protected Disclosures (Whistle-blower) Policy
	Document Owner: Legal Team
	Authorised By: Chief Executive
	Implementation Date: December 2020
	Review Period: Triennially
	Last Reviewed: N/A
	Next Review: December 2023

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1. PURPOSE

This policy outlines the procedures to be followed in relation to **protected disclosures** under the terms of the Protected Disclosures Act 2000 (**the Act**).

The purpose of the Act is to promote the public interest:

- by facilitating the disclosure and investigation of matters of **serious wrongdoing** in or by an organisation, and
- by protecting employees (refer definition below) who, in accordance with the Act, make disclosures of information about serious wrongdoing in or by an organisation

The Act requires organisations such as the Otago Regional Council (“Council”) to have internal procedures for receiving and dealing with information about serious wrongdoing in or by the organisation.

The Act also provides that no civil, criminal, or disciplinary proceedings can be taken against a person for making a protected disclosure, or for referring one to an appropriate authority.

In addition, the Act provides that an employee who suffers **retaliatory action** by their employer for making a protected disclosure can take personal grievance proceedings under the Employment Relations Act 2000.

It is unlawful under the Human Rights Act to treat whistle-blowers or potential whistle-blowers less favourably than others in the same or similar circumstances. If a whistle-blower is victimised in this way the legal remedies under the Human Rights Act may be available to them ([Ombudsman’s Office Protected Disclosures Guides](#))

2. SCOPE

All **employees** of the **Otago Regional Council**.

3. DEFINITIONS

Term	Definition
Act	Protected Disclosures Act 2000
Employee	<ul style="list-style-type: none"> • Staff currently employed by the Council • A person seconded to the Council • A contractor to the Council • A person concerned in the management of the Council i.e. Councillor • A former employee • A volunteer
Corrupt	Refers to the abuse of entrusted power for private gain (e.g. soliciting or receiving gifts or other gratuities to perform part of an official function, or omit to perform an official duty).

	<p>It includes dishonest activity in which a manager, staff member or contractor of the Council acts contrary to the interests of the Council and abuses their position of trust in order to achieve some personal gain or advantage for him or herself or for another person or entity.</p>
Serious Wrongdoing	<p>Includes:</p> <ul style="list-style-type: none"> • An unlawful, corrupt or irregular use of public funds; • An act, omission or course of conduct that constitutes a serious risk to public health or public safety or the environment; or • An act, omission or course of conduct that constitutes a serious risk to the maintenance of law, including the prevention, investigation and detection of offences and the right to a fair trial; or • An act, omission, or course of conduct that constitutes an offence; or • An act, omission, or course of conduct by a public official that is oppressive, improper, discriminatory or grossly negligent, or that constitutes gross mismanagement.
Fraudulent activity	<p>is an intentional and dishonest act involving deception or misrepresentation, to obtain or potentially obtain an advantage for themselves or any other person</p> <p>It includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose of the Council or the improper use of information or position whether or not for personal benefit</p>
Information	<p>refers to information about serious wrongdoing in or by the Council that the employee believes, on reasonable grounds, is true or likely to be true</p>
Appropriate Authority	<p>Has the meaning given in the Act and includes:</p> <ul style="list-style-type: none"> • the head of every public sector organisation; • the Commissioner of Police; • the Director of the Serious Fraud Office; • an Ombudsman

	but does not include Ministers of the Crown or members of Parliament
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4. POLICY CONTENT

1. To ensure the confidentiality and anonymity of the process, Council has appointed an independent third-party entity, **Incident Response Solutions**, to be the first point of contact, for employees to make protected disclosures to.
2. An **employee** may disclose **information** under this procedure if the following criteria are met:
 - a. the information is about serious wrongdoing in or by the Council and the employee believes on reasonable grounds that it is true or likely to be true, and
 - b. the employee wishes to disclose the information about serious wrongdoing so that it can be investigated and wishes the disclosure to be protected.
3. There is no requirement for an employee making a disclosure to refer expressly to this policy or the Act when the disclosure is made.
4. Any employee who wishes to make a protected disclosure can do so directly to Incident Response Solutions via any of the following means:
 - Phone: 0800 TIPOFF (0800 847 633).
 - Email: orc@whistleblowers.co.nz
 - Web Form: <https://whistleblowers.co.nz/orc>
 - Post: Whistleblowers Service, Incident Response Solutions Limited, P O Box 1946, Shortland St, Auckland, 1140.
5. Incident Response Solutions will within 20 working days from the date of disclosure notify the employee in writing, acknowledgement of their disclosure and how the matter has been dealt with. Provided that
 - written notification can only be undertaken by Incident Response Services, if the employee has supplied a valid email and/or postal address.
 In the absence of such provision, then the discloser should contact the Whistleblowing line to seek the feedback.
6. An employee who becomes aware of information about serious wrongdoing may choose to report it to an **appropriate authority** if either:
 - a. reporting to an appropriate authority is justified due to the urgency of the matter or other exceptional circumstances, or
 - b. General Manager Corporate Services/CFO or the Chief Executive may be involved in the alleged serious wrongdoing.
 - c. there has been no action or recommended action on the matter to which the disclosure relates within 20 working days after the date on which the disclosure was made.

7. Incident Response Solutions will advise the General Manager Corporate Services/CFO of the nature of the disclosure. General Manager Corporate Services/CFO will consider whether or not the alleged serious wrongdoing should be investigated or whether any further action should be taken.
8. Should the General Manager Corporate Services/CFO be involved in the alleged serious wrongdoing, Incident Response Solutions will advise the Chief Executive of the nature of the disclosure. The Chief Executive will then consider whether or not the alleged serious wrongdoing should be investigated or whether any further action should be taken. Should both the Chief Executive and General Manager Corporate Services/CFO be involved in the alleged serious wrongdoing, the employee may report it to an appropriate authority in accordance with clause 6 of this policy.
9. A decision not to investigate alleged serious wrongdoing must be recorded in writing and does not prevent the Council from taking further action in relation to matters raised in the protected disclosure, as appropriate.
10. General Manager Corporate Services/CFO (or the Chief Executive) may direct another person or entity to make preliminary inquiries or gather evidence on their behalf or perform any other work as necessary to assist General Manager Corporate Services/CFO (or the Chief Executive) in making their decision.
11. General Manager Corporate Services/CFO (or the Chief Executive) will notify Incident Response Solutions within 18 working days from the date of the disclosure of their decision whether or not the alleged serious wrongdoing is to be investigated. Incident Response Solutions will advise the employee (refer clause 5).
12. Where a decision is made to investigate the alleged serious wrongdoing, the Chairperson of the Otago Regional Council will be advised.
13. A summary of complaints will be reported to the Council's Audit and Risk Sub-committee on a six monthly basis.

4.1. Related procedures

Confidentiality

As a general rule, the identity of an employee who makes a protected disclosure must be kept confidential. The person to whom a protected disclosure is made or referred must use his or her best endeavours not to disclose information that might identify the employee.

Exceptions

There are exceptions to this general rule which are:

- a. where the employee consents in writing to the disclosure of their identity;
- b. the person who has acquired knowledge of the protected disclosure reasonably believes that disclosure of identifying information;
 1. is essential to the effective investigation of the allegations in the protected disclosure;

2. is essential to prevent serious risk to public health or public safety or the environment; or
3. is essential having regard to the principles of natural justice

4.2. Further disclosure

An employee may choose to disclose information about serious wrongdoing to a Minister of the Crown or an Ombudsman where (1) they have already made substantially the same disclosure in accordance with these procedures and (2) they believe on reasonable grounds that the disclosure is true or likely to be true, and either:

- a. the person or the appropriate authority to whom the disclosure was made has either decided not to investigate the matter or has not made progress with the investigation within a reasonable time, or
- b. the person or the appropriate authority to whom the disclosure was made has investigated the matter but has not taken any action in respect of the matter

5. RELATED DOCUMENTS

- Protected Disclosures Act 2000
- Employment Relations Act 2000
- Ombudsman's Office Protected Disclosures Guides
- Human Rights Act 1993



There's now a dedicated external service available for anyone to blow the whistle on serious wrongdoing at the Otago Regional Council.

Under our Protected Disclosures (Whistle-blower) Policy, all ORC staff or contractors—at any level—are encouraged to report serious wrongdoing through the Whistleblowers platform here:

CALL: 0800 TIPOFF (0800 847 633)

EMAIL: orc@whistleblowers.co.nz

ONLINE: whistleblowers.co.nz/orc
(fill in the web form, login with this password: ORC)

POST: Whistleblowers Service
Incident Response Solutions Limited
PO Box 1946, Shortland St
Auckland 1140

The external Whistleblowers team will facilitate the process.

If you have any questions about what constitutes 'serious wrongdoing', check the Whistleblower and Protected Disclosures Policy in the Jostle library.

7.3. GOV2130 External Review Actions Update

Prepared for:	Audit and Risk Subcommittee
Report No.	GOV2130
Activity:	Governance Report
Author:	Nick Donnelly, General Manager Corporate Services
Endorsed by:	Nick Donnelly, General Manager Corporate Services
Date:	14 October 2021

PURPOSE

- [1] To provide a report to the Audit and Risk Subcommittee detailing any actions taken that address recommendations of external reviews.

RECOMMENDATION

That the Audit and Risk Subcommittee:

- 1) **Receives** this report.

BACKGROUND

- [2] At the Audit and Risk Subcommittee meeting on 13 May 2021 the Subcommittee resolved:
“That when an external review is completed for the Council with recommendations, that the Subcommittee receive a report detailing where actions have been taken to address recommendations of the review and tracking until the action has been fully completed”.
 Resolution AR21-105
- [3] This report covers the two significant external reviews that have been undertaken being the Section 24A RMA Investigation (the Skelton Review) and Consents Review.

SECTION 24A RMA – SKELTON REVIEW

- [4] In May 2019, Minister Parker, under section 24A of the RMA engaged Honorary Professor Peter Skelton to investigate whether the ORC was on track to adequately perform its functions under section 30(1) of the RMA in relation to freshwater management and allocation of resources.
- [5] The Minister wrote to Council in November 2019 setting out several recommendations regarding the development of a fit for purpose planning framework for Otago. This letter included a requirement for Council to formally on progress every six months.
- [6] Reports outlining Council’s actions have been reported to Council as follows:
- Extraordinary Council Meeting – 27 November 2019
 Outlined suggested work programme to achieve the planning framework changes recommended by Minister Parker (attached).
 - Council Meeting – 22 April 2020
 First six-monthly progress report to the Minister.
 - Council Meeting – 28 October 2020

Second six-monthly progress report to the Minister.

- Council Meeting – 21 March 2021
Third six-monthly progress report to the Minister (attached).
- Council Meeting – 29 September 2021
Fourth six-monthly progress report to the Minister.

CONSENTS REVIEW

- [7] A review of Council's consents function was commissioned in late 2018. This was initiated by the Chief Executive and endorsed by Council decision to provide reassurance that Council was utilising current best possible practice in providing an efficient and cost-effective resource consenting service to the Otago region.
- [8] The review was released in 2019. It was undertaken by Philip Maw, the National Managing Partner of the law firm Wynn Williams, and Stephen Daysh, Planner, and founding director of Mitchell Daysh Limited. A public excluded session was held with all Councillors in April 2019 when the review was released. This session included staff comments on the review and feedback from the report authors.
- [9] The review aimed to prepare Council's consents function for the future, including consideration of any potential legislative changes, changes to Council's own RMA plans, and managing the volume of consents into the future.
- [10] The focus of the review was purely on operational matters and to ensure that the functions of the Consents Team were aligned with best practice. Key focus areas of the review were:
- systems and processes;
 - application of planning instruments;
 - delegations;
 - fees and charges;
 - budget;
 - capacity and capability;
 - communication;
 - customer focus; and
 - the future consenting landscape.
- [11] The function review asked a series of questions based on the above operational areas and then provided recommendations for each area. In total there were 43 recommendations split across these areas. Recommendations were generally based around changes that needed to be made to systems, processes, staff training and budgets. The focus area with the most recommendations was capacity and capability.
- [12] All 43 of the recommendations were actioned. Progress on implementing the recommendations of the review was reported through to the Regulatory Committee. This is in accordance with the terms of reference for that Committee. Where significant changes have been made these have been communicated to Councillors outside of the meeting cycle.
- [13] The process of improving systems, services, and the focus to operate at best practice has not stopped at the completion of the report recommendations and is ongoing for the

consents team. These process and operational improvements have been reported in the Regulatory quarterly reports and this will continue.

CONSIDERATIONS

Strategic Framework and Policy Considerations

[14] There are no strategic framework or policy considerations.

Financial Considerations

[15] There are no financial considerations.

Significance and Engagement

[16] There are no significance and engagement considerations.

Legislative and Risk Considerations

[17] There are no legislative or risk considerations.

Climate Change Considerations

[18] There are no climate change considerations.

Communications Considerations

[19] There are no communications considerations.

ATTACHMENTS

1. Response to Section 24 A RMA Investigation Report 27.11.19 [7.3.1 - 10 pages]
2. Update 1 RMA s 27 Six Monthly Report to the Minister 22.04.20 [7.3.2 - 8 pages]
3. Update 2 RMA s 27 Six Monthly Report to the Minister 28.10.20 [7.3.3 - 12 pages]
4. Update 3 RMA s 27 Six Monthly Report to the Minister 21.03.21 [7.3.4 - 13 pages]
5. Update 4 RMA s 27 Six Monthly Report to the Minister 29.09.21 [7.3.5 - 16 pages]

Extraordinary Council Meeting Agenda 27 November 2019 - MATTERS FOR COUNCIL DECISION

9.1. Response to Section 24A RMA Investigation Report

Prepared for: Council
Report No. P&S1809
Activity: Governance Report
Author: Peter Constantine, Consultant Planner
Endorsed by: Gwyneth Elsum, General Manager Strategy, Policy and Science
Date: 21 November 2019

PURPOSE

- [1] The purpose of this report is to outline a suggested work programme to achieve the planning framework changes recommended by Minister Parker as a result of the section 24A review into ORC. The focus is on a plan change to manage deemed permit renewals (the Water Permit plan change) which is supported by additional plan changes, including Plan Change 6AA which is underway, and the Omnibus Plan Change, as well as the MAC catchment workstream.

EXECUTIVE SUMMARY

- [2] Minister Parker, under section 24A of the Resource Management Act 1991, has made three recommendations to Council. Implementing each of these will contribute to Council having in place a fit for purpose planning regime that is compliant with all legislative requirements.
- [3] The recommendations require a staged approach to the establishment of this planning regime.
- Stage 1 comprises a plan change that would establish a framework for the processing of applications to replace deemed permits and existing water permits while a reviewed comprehensive planning regime is developed.
 - Stage 2 requires a full update of the Regional Policy Statement and its inclusion in the new planning standard framework.
 - Stage 3 requires a full review of the Water Plan, work on which has already commenced.
- [4] Council is required to respond to the Minister by 24 December 2019. This paper sets out the key elements of that response for approval by Council.

RECOMMENDATION

That the Council:

- 1) **Notes the following:**
- a. *The community engagement and consultation outlined in paragraph 17*
 - b. *The overall timeline for achieving a fit for purpose freshwater planning regime set out in Appendix 1*
 - c. *Council approved a full review of the Water Plan on 31 October 2018*
-

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- 2) **Approves** the following:
- a. *Development of a Water Permits plan change in accordance with the principles outlined in paragraph 13*
 - b. *The timeline set out in Appendix 2 for the Water Permits plan change*
 - c. *Review of the Regional Policy Statement for Otago*
- 3) **Requests** that staff prepare a formal response to Minister Parker's letter, for consideration at the Council Meeting on 11 December 2019

BACKGROUND

- [5] By letter dated 16 May 2019, Minister Parker, in accordance with his powers under section 24A of the RMA, engaged Honorary Professor Peter Skelton to investigate whether the Otago Regional Council is on track to adequately perform its functions under section 30(1) of the RMA, in relation to freshwater management and allocation of resources. The focus of the investigation was on whether the Council has, or will have, an appropriate planning framework in place that gives effect to the relevant National Policy Statement for Freshwater Management¹ in time to consider all applications for new water permits before deemed permits expire².
- [6] On 1 October 2019 Professor Skelton reported the results of his investigation to Minister Parker, which included several recommendations.
- [7] Minister Parker wrote to the Council on 18 November 2019, setting out his recommendations (made under section 24A of the RMA) comprising one key finding, three recommendations and a request. These are:

Finding – the Otago region does not have a fit for purpose planning framework in place

Recommendations – that ORC:

- Take all necessary steps to develop a fit for purpose freshwater management planning regime that gives effect to the relevant national instruments and sets a coherent framework for assessing all water consent applications, including those that are to replace any deemed permits;
- Develop and adopt a programme of work to achieve the following:
 - By November 2020, a complete review of the current RPS that is publicly notified, with the intention that it be made operative before the review of the LWRP is notified
 - By December 2023, a new LWRP for Otago that includes region-wide objectives, strategic policies, region-wide activity policies, and provisions for each Freshwater Management Unit, covering all the catchments within the region

¹ At the time of the investigation, the relevant NPSFM was the 2014, amended 2017 version. While this is still the current NPSFM, a new NPSFM 2019 has been proposed.

² When the RMA came into force it provided for the mining privilege water takes as deemed permits – as distinct from standard RMA water and discharge permits. The genesis of the mining privilege water is a regime established in 1858 to give gold-miners access to water and adjacent land for sluicing purposes.

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- Prepare a plan change by 31 March 2020 that will provide an adequate interim planning and consenting framework to manage freshwater up until the time that new discharge and allocation limits are set in ORC's planning framework, in line with the requirements in the National Policy Statement for Freshwater Management

Request – that Council formally respond to the recommendations by 24 December 2019, including an outline of how it is intended that the planning framework changes will be achieved.

Response to Minister's Recommendations

- [8] There are a few key matters that underpin the response to Minister Parker's recommendations:
- The current Water Plan does not contain an adequate framework for assessing applications for new water permits in a number of catchments, and more particularly, those applications to replace deemed permits;
 - Deemed permits are due to expire on 1 October 2021;
 - There is a hierarchy of planning instruments and these should be prepared and made operative in the correct sequence, if the outcome of an integrated and fit for purpose suite of instruments is to be achieved;
 - The RPS, which sets the integrated resource management package at a region-wide level and which directs particular environmental outcomes to be achieved in subordinate plans, is first in the sequence;
 - Interim fixes to the current Water Plan³ can be achieved relatively quickly but these cannot overcome the criticism of the Council not having a fit for purpose planning regime; and
 - The demands of the Minister's recommended timeline are not insignificant, but they are achievable provided a disciplined approach to plan making is adopted.
- [9] Staff have considered the Minister's report and prepared a work programme that delivers on the requirements necessary to satisfy the report. The proposed work programme is set out as Attachment 1. The work programme aligns with the programme presented by staff during the Council induction sessions, with some adjustment to meet particular timeframes set out in the Ministers letter.

Policy Considerations*Plan Change 6AA & Omnibus*

- [10] These plan changes are linked. Plan change 6AA defers the implementation of some water quality provisions in the Water Plan. The omnibus plan change introduces into the Water Plan a suite of provisions designed to immediately remedy the deficiencies in the Water Plan in respect of water quality management and to achieve water quality improvement outcomes. They are a substitute for the existing provisions that have been found wanting. The omnibus plan change is to be notified by 31 March 2020, in line with the comments made on page 36 of the Skelton report to Minister Parker.

³ Plan Change 6AA; the Omnibus plan change; the interim water permits plan change – all changes to the current Water Plan

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- [11] Plan Change 6AA has already been notified and is currently in the further submissions phase of the process. An Independent Hearing Commissioner has been appointed to hear the plan change, and the hearing has been set down for 18 – 20 December 2019.

Water Permits Plan Change

- [12] Minister Parker has recommended that Council prepare a new plan change by 31 March 2020 that will provide an adequate interim planning and consenting framework to manage freshwater up until the time that new discharge and allocation limits are set through ORC's yet to be prepared RPS and Water Plan review. The focus of this plan change is to be the processing of water permits (including those to replace deemed permits).
- [13] There are a number of key principles that should inform this work:
- a. The focus must remain on the bigger picture – the Water Plan review – the Water Permit plan change should be as concise as required to achieve a fit for purpose management regime.
 - b. Water allocation should be based on water use not paper allocation.
 - c. Consideration of potential impacts on existing water abstractors, and existing priorities in deemed permits.
 - d. Efficiency of time and cost for both Council applicants and other parties.
 - e. Opportunities for data gathering that will inform the Water Plan review should be pursued.
- [14] These principles give rise to a number of plan change content outcomes, including:
- a. All water permit applications – replacement of deemed permits and replacements of existing water permits – must be included.
 - b. The term of any renewal should be no more than 5 years, during which time the new RPS and reviewed Land and Water Plan will be operative.
 - c. The maximum allocation permitted should be based on an average (yet to be determined) of water actually used over the preceding irrigation seasons (this is different in most cases to allocations on paper).
 - d. Application data requirements must be clearly spelt out.
 - e. Policies must clearly spell out the essential elements of consent term and water volume.
- [15] In addition, the plan change should clearly spell out that this is an interim water management regime that signals the beginning of the journey towards new water management provisions to be included in the new Land and Water Plan.
- [16] Implementation will be facilitated by Council taking a pro-active approach to the processing of these applications for interim consents. This could include clear direction in the plan change regarding application requirements, streamlined application processing and a minimal cost regime.
- [17] Facilitating community engagement with this plan making process is essential but must be tailored such that it allows Council to achieve the Minister's recommended timeframe. To this end there will be an opportunity prior to Christmas 2019 for the public to provide its thoughts on the possible content of the plan change. This will be

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done online. All consultation following Council's December 2019 report to Minister Parker will be in accordance with the requirements of the Resource Management Act.

- [18] It is important for the Council to focus on getting the right planning framework in place, rather than putting its resources into consent processing. The new plan change sought by Minister Parker provides the necessary time and opportunity for preparing and consulting on a comprehensive, wholistic regime for water management within Otago that is fit for purpose and meets the requirements of all relevant national direction. It also allows for our community to focus on the Water Plan as the vehicle to make process rather than each application for resource consent to replace an existing water permit.

MAC Catchments

- [19] It is proposed that the "MAC Catchments" – Manuhereki⁴, Arrow and Cardrona – proceed with their current work programme, but that the resultant plan provisions are inserted directly into the reviewed Land and Water Plan rather than a separate plan change in 2020 as is currently planned. This will allow a process that is more efficient in terms of community engagement, resources required, and planning outcome. However, good communication with the community will be required to mitigate any perception of delays in updating the plan provisions.
- [20] It is proposed that the current work programme to include all elements necessary to be NPSFM compliant, complete by December 2020, and to include the resultant plan provisions directly into the reviewed Land and Water Plan to be notified by December 2023.

CONSIDERATIONS**Financial Considerations**

- [21] Some of the work programme set out in this paper is covered by existing budgets.
- [22] Council has budgeted for a full Water Plan review. Plan changes 6AA, Omnibus and now this new plan change are largely unbudgeted. Appeals are unbudgeted.
- [23] The required review of the Regional Policy Statement is not budgeted
- [24] Any necessary budget adjustments to complete the work programme set out in this paper will form part of the annual plan discussion at the December 2019 Council Meeting.

Significance and Engagement

- [25] Council is required to follow the processes set out in Schedule 1 to the Resource Management Act 1991. Doing so will satisfy the requirements of the Significance and Engagement Policy.

⁴ The NZ Geographic Board spelling of Manuhereki River is Manuherikia, however Ngai Tahu have advised that the correct spelling should be Manuhereki.

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Legislative Considerations

- [26] The work programme set out in this paper is a result of a section 24 RMA recommendation from Minister Parker. Giving effect to the Minister's recommendations will occur within the constraints of the Resource Management Act 1991.

Risk Considerations

- [27] Preparation and notification of the 'deemed permits' plan change has a number of risks associated with it. Of note is the opportunity for holders of deemed permits to lodge consent applications prior to the Water Permit plan change being notified in February. The net effect of this would be Council having to process applications to replace deemed permits in a less than ideal policy framework.
- [28] There are also risks associated with drafting a new Regional Policy Statement, particularly in terms of the requirement to include content from proposed National direction. At this stage, we are aware of, and have submitted on the proposed NPS for Highly Productive Land, the proposed NPS for Urban Development and the proposed NPS Freshwater 2019. Staff are also aware that a proposed NPS on Indigenous Biodiversity is intended for release before the end of 2019. It will be important that ORC is able to have some certainty around content of the national direction to ensure appropriate RPS provisions can be drafted.

NEXT STEPS

- [29] Refer Appendix 1 and 2.

ATTACHMENTS

Nil

Extraordinary Council Meeting Agenda 27 November 2019 - MATTERS FOR COUNCIL DECISION

Appendix 1

**Preparation of Fit for Purpose Planning Regime for Otago
Overall Timeline**

Plan Changes to Regional Plan Water for Otago	Water Plan Review
<p>PC6AA</p> <ul style="list-style-type: none"> December 2019 - Hearing January 2020 - Decision <p>Water Permits Plan Change</p> <ul style="list-style-type: none"> February 2020 - Notify 30 November – Operative <p>Omnibus Plan Change</p> <ul style="list-style-type: none"> 31 March 2020 - Notify June 2021 - Decision 	<p>Regional Policy Statement</p> <ul style="list-style-type: none"> November 2020 - Notify January 2023 - Operative <p>Land & Water Regional Plan</p> <ul style="list-style-type: none"> December 2023 – Notify December 2025 - Operative <p><u>Draft FMU Development Plan:</u></p> <ul style="list-style-type: none"> Arrow & Cardrona 2019 – June 2020 Manuherekia: 2019 – December 2020 Taieri & Catlins: June 2020 - March 2021 North Otago & Dunedin Coast: April 2021 – February 2022 Clutha (main stem followed by rohe): March 2022 – April 2023 Upper Lakes Roxburgh Dunstan Lower Clutha

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Appendix 2

**Interim Provisions Plan Changes
Content & Timeline**

Water Permits

- Content driven by consent processing requirements
- Policy establishing outcomes, information requirements, support existing Water Plan
- Term of consent – tied to plan programme
- Efficiency – both take and use
- Activity classification dependent upon volume surrendered
- Provision for water user group
- Minimum/residual flow
- Maximum volume and need for flow variability

Omnibus

- Strengthen effluent management rules
- Strengthen the control of sediment runoff from new developments
- Clarify and improve consenting policies for discharge consent applications (both “rural” and “urban” discharges)
- Define “regionally important infrastructure” in relation to the protection of regionally significant wetlands
- Encourage good farming practices (depending on what ends up in the proposed National Environmental Standards), including:
 - Enabling the installation and maintenance of sediment traps
 - Strengthening stock exclusion rules
 - Developing policies or rules for better rural management practices
- Reviewing the current permission to use waste oil on roads as a dust suppressant
- Clarifying the links between Waste Plan’s and Water Plan’s rules
- Developing specific policies for the consenting of landfills

Timeline Water Permits

7 January 2020
Council Workshop on draft provisions

16 – 22 January 2020
Clause 3 consultation

30 January – 5 February 2020
Clause 4A consultation

19 February 2020
Council approval to notify

26 February 2020
Public notification

Note:
Water permits plan change process likely to be direct referral to Environment Court

Timeline Omnibus

29 January 2020
Council Workshop on draft provisions

17 – 28 February 2020
Clause 3 consultation

4 - 13 March 2020
Clause 4A consultation

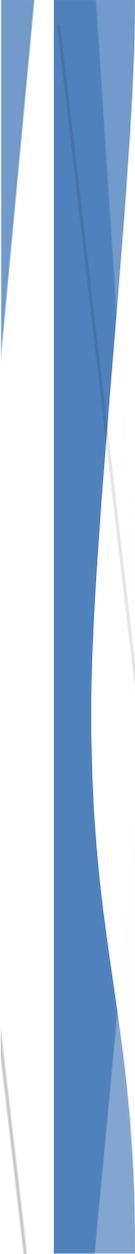
25 March 2020
Council approval to notify

31 March 2020
Public notification

Note:
Omnibus plan change normal First Schedule process

Extraordinary Council Meeting Agenda 27 November 2019 - MATTERS FOR COUNCIL DECISION

Regional Policy Statement



Rewrite and publicly notify Regional Policy Statement in National Planning Standards format and make compliant with all current national directions

To have RPS operative sufficiently in advance of notification of regional plan in December 2023 it will be necessary for there to be a "single hearing" pathway available to Council (eg direct referral to Environment Court or Board of Enquiry or access to Freshwater hearing panel, or similar)

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Regional Plan: Land & Water for Otago

Regional Plan: Land & Water for Otago
Architecture

- Region-wide objectives
- Strategic policies
- Region-wide activity policies
- FMU Sections – specific intervention only
 - Clutha/Mata-au
 - Dunstan
 - Upper Lakes
 - Manuherekia
 - Roxburgh
 - Lower Clutha
 - Taieri
 - North Otago
 - Upper Lakes
 - Catlins
 - Dunedin Coast
- Schedules

Council Meeting 22 April 2020 - MATTERS FOR NOTING

9.1. Progress report to Minister Parker

Prepared for: Council
Report No. P&S1843
Activity: Governance Report
Author: Anita Dawe, Acting Planning Manager
Endorsed by: Gwyneth Elsum, General Manager Strategy, Policy and Science
Date: 14 April 2020

PURPOSE

- [1] To present, for adoption by Council, the first progress report to the Minister for the Environment, Hon David Parker, in accordance with section 27 of the Resource Management Act 1991, in relation to the recommendations made under section 24A of the Resource Management Act 1991.

EXECUTIVE SUMMARY

- [2] The Minister for the Environment wrote to the Otago Regional Council on 18 November 2019, setting out several recommendations regarding the development of a fit for purpose planning framework for Otago. Part of that letter requires a formal report, every six months, on progress against three measures. The first report is due with the Minister by 30 April 2020.

RECOMMENDATION

That the Council:

- 1) **Receives** this report.
- 2) **Approves** the report to the Minister for the Environment (included as Appendix 1) reporting on progress against the recommendations contained in his letter of 18 November 2019; and
- 3) **Notes** that the next report will be required to be provided by 31 October 2020.

BACKGROUND

- [3] By letter dated 16 May 2019, the Minister for the Environment appointed Professor Peter Skelton to review the planning and consenting functions at the Otago Regional Council. The culmination of that review was a series of three recommendations, which were contained in a letter from the Minister, and received by the Council on 18 November 2019.
- [4] Those recommendations were to:
1. *Take all necessary steps to develop a fit for purpose freshwater management planning regime that gives effect to the relevant national instruments and sets a*

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Council Meeting 22 April 2020 - MATTERS FOR NOTING

coherent framework for assessing all water consent applications, including those that are to replace any deemed permits;

2. *Develop and adopt a programme of work to achieve the following*
 - i. *By November 2020, a complete review of the current RPS that is publicly notified, with the intention that it is made operative before the review of its LWRP is notified;*
 - ii. *By 31 December 2023, a new LWRP for Otago that includes region wide objectives, strategic policies, region-wide activity policies, and provisions for each of the Freshwater Management Units, covering all catchments within the region.*
 3. *Prepare a Plan Change by 31 March 2020 that will provide an adequate interim planning and consenting framework to manage freshwater up until the time that new discharge and allocation limits are set, in line with the requirements in the National Policy Statement for Freshwater Management.*
- [5] The Minister also formally requested, under section 27, that the ORC provides him with six-monthly update reports in relation to the following matters:
- *Progress made in developing science, planning, consenting, monitoring and enforcement, and land management organisational capability and capacity;*
 - *Progress in achieving the [above] recommendations 1, 2 and 3; and*
 - *A summary of freshwater resource consenting activity for the reporting period.*
- [6] The first report is due by 30 April 2020 and is the basis for this paper.

ISSUE and DISCUSSION

- [7] Since receiving the Ministers' report in November, and formally accepting the recommendations at the December Council meeting, staff have been working to implement the recommendations.
- [8] A full report is appended but in summary, against the formal request above, the following has been undertaken:
- Significant progress has been made in developing organisational capacity and capability across planning, science, environmental monitoring, consents and compliance monitoring. A new manager is in place in land management area (Rural Liaison and Biosecurity).
 - Considerable progress has been made against recommendations 1,2 and 3 in relation to the planning framework. In particular, plan change 6AA is ready to be made operative, Plan Change 7 to manage water permits, including deemed permits, was adopted by Council and publicly notified in March this year. The Omnibus Plan Change, which is intended to address policy gaps in the Regional Plan: Water in light of Plan Change 6AA, has been developed to the point of notification. Both Plan Change 7 and the Omnibus Plan Change are now subject to call-in Directions by the Minister.
 - In addition, a comprehensive work programme to review the current Regional Policy Statement has commenced. The review of the current RPS has been completed, and staff are now working on developing policy papers to address all domain areas as outlined in the National Planning Standards.

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- Work has continued in the Manuherehia Freshwater Management Unit (FMU) with governance, process and approaches for the delivery of the development of the full review of the Water Plan also underway. This includes the development of a co-governance structure with Ngāi Tahu for delivery of the full review of the Land and Water Plan for notification in 2023.
- A summary of freshwater consenting has been prepared and is included in the attached report.

CONSIDERATIONS**Policy Considerations**

- [9] There are no particular policy considerations as a result of this paper. The policy considerations relate to the planning work programme and will be considered on a case by case basis, as the work programme is implemented.

Financial Considerations

- [10] There are no particular financial considerations in relation to this paper. The report to the Minister can be accommodated within existing budgets.

Significance and Engagement

- [11] This paper does not trigger the Significance and Engagement Threshold.

Legislative Considerations

- [12] The Minister has requested a formal response under section 27 of the Resource Management Act 1991. Section 27 *Minister May Require Local Authorities to Provide Certain Information* outlines the circumstances under which he may request information and the criteria for local authorities to provide it. There are no particular additional legislative requirements to consider in relation to this reporting.

Risk Considerations

- [13] There are no particular risks associated with the report.

NEXT STEPS

- [14] The next steps are to continue to implement the work programme and prepare for the report due 31 October 2020.

ATTACHMENTS

1. Report to Minister 30 April 2020 - Final [9.1.1 - 5 pages]

Council Meeting 22 April 2020 - MATTERS FOR NOTING

Hon David Parker
Minister for the Environment
Private Bag 18041
Parliament Buildings
Wellington 6160

22 April 2020

BY EMAIL

Dear Minister Parker

Report under Section 27 of the Resource Management Act 1991

In accordance with your letter of 18 November 2019, the following comprises the Otago Regional Councils' first report back to you, in accordance with Section 27 of the Resource Management Act 1991(the Act) and your recommendations pursuant to Section 24 of the Act as contained in the above-mentioned letter.

This report will address the following:

- *Progress made in developing science, planning, consenting, monitoring and enforcement, and land management organisational capability and capacity; and*
- *Progress in achieving the [above] recommendations 1, 2 and 3 (copied below for ease of reference):*
 1. *Take all necessary steps to develop a fit for purpose freshwater management planning regime that gives effect to the relevant national instruments and sets a coherent framework for assessing all water consent applications, including those that are to replace any deemed permits;*
 2. *Develop and adopt a programme of work to achieve the following*
 - i. *By November 2020, a complete review of the current RPS that is publicly notified, with the intention that it is made operative before the review of its LWRP is notified;*
 - ii. *By 31 December 2023, a new LWRP for Otago that includes region wide objectives, strategic policies, region-wide activity policies, and provisions for each of the Freshwater Management Units, covering all catchments within the region.*
 3. *Prepare a Plan Change by 31 March 2020 that will provide an adequate interim planning and consenting framework to manage freshwater up until the time that new discharge and allocation limits are set, in line with the requirements in the National Policy Statement for Freshwater Management; and;*
- *A summary of freshwater resource consenting activity for the reporting period.*

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Council Meeting 22 April 2020 - MATTERS FOR NOTING

Progress Made in Developing Science, Planning, Consenting, Monitoring and Enforcement, and Land Management Organisational Capability and Capacity

The following table outlines the particular improvements in each of the areas specifically identified in your report.

Area	Capacity	Capability	Other
Science	<p>Completed consultation on proposed restructures in both Science and Environmental Monitoring teams to reflect contemporary requirements and enable improvements in cross team collaboration and resource allocation.</p> <p>Temporary utilisation of consultants for consent work to enable existing staff to respond to planning work.</p>	<p>Additional Coastal Scientist on staff.</p> <p>Additional Freshwater Ecologist on staff.</p> <p>Created and recruiting new position for land management/agricultural scientist.</p> <p>Created new positions in science and monitoring teams for biodiversity (terrestrial ecology, ecosystems & wetlands).</p>	<p>Implementation underway on a new environmental data management system at a commitment of over \$1 million (including staff time).</p> <p>Created new position for air monitoring in Environmental Monitoring team.</p>
Planning	<p>Specialist freshwater and policy planning consultants engaged to assist with the Omnibus Plan Change and RPS Review.</p> <p>Added positions to the planning team.</p>	<p>Oversight role of planning work by experienced consultant engaged in Principal Planner role to upskill & mentor.</p> <p>Specialised legal support is being provided through leading resource management law firms.</p>	<p>Two current offers of employment active to fill vacancies in the Freshwater & Land, and RPS, Air & Coast teams respectively.</p> <p>An economist has been employed by the ORC to support, among other things, the planning development work being undertaken.</p>
Consenting	<p>Since November 2019 6 extra consents staff employed (one Senior Consents Officer; 4 Consents Officers and one Consent Support Officer).</p> <p>A Team Leader (Coastal) has been employed on a short-term contract basis.</p> <p>Two additional consultants engaged to</p>	<p>Internal staff training programmes in place, utilising a range of sources.</p> <p>Training provided on operating under notified and operative plans; Plan Change 7 to the Water Plan and general case law updates that affect practice.</p>	<p>All resource consent forms and application information have been reviewed and updated as necessary. This includes the development of a help sheet for water permit applicants (in development).</p>

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	assist with capacity and to ensure statutory timeframes are met.		
Monitoring & Enforcement	<p>Since November 2019 4 extra staff employed in the System and Administration team to undertake water use reviews and data analysis for water take consents.</p> <p>An additional 4 staff appointed to compliance to assist with on the ground inspections of consents and permits.</p>	<p>Compliance staff have been recruited based on their specialist knowledge dealing with wastewater treatment plants.</p> <p>Compliance will develop functional leads for activities such as water permits and water consents to help develop improved capability.</p>	<p>New processes are being developed for water data reviews alongside the implementation of the new data management system.</p> <p>Development of process documents for compliance work associated with water consents and permits</p>
Land Management		<p>Focus of rural liaison team moving toward providing on farm advice.</p> <p>Dedicated \$200k (2020/21) in funding for catchment group work, to assist with on farm improvements and increased understanding.</p> <p>Created, recruited and filled position to work in contract management and assist ORC to work with catchment groups.</p>	<p>New manager position created, recruited and filled for Rural Liaison and Biosecurity teams.</p>

Progress in Achieving the specified recommendations

The particular recommendations as outlined in the original letter, and ORC's response, to date, is detailed below:

Action	Response
Take all necessary steps to develop a fit for purpose freshwater management planning regime that gives effect to the relevant national instruments and sets a coherent framework for assessing all water consent applications,	<p>This action is ORC's medium-term work programme, to implement the NPSFM.</p> <p>The development of Plan Change 6AA and the Omnibus Plan Change were the first steps in this programme. Both recognise existing gaps in the policy framework for managing water quality and provide short term solutions to better manage</p>

Council Meeting 22 April 2020 - MATTERS FOR NOTING

including those that are to replace any deemed permits.	water quality until a full review of the Regional Plan: Water for Otago (RPW) has been undertaken. Plan Change 6AA will be made operative on 16 May 2020. The Omnibus Plan Change has been developed to the point of notification by staff and has now officially been called-in by the Minister.
Develop & adopt a programme of work to achieve the following: <i>By November 2020, a complete review of the current RPS that is publicly notified, with the intention that it be made operative before the review of the LWRP is notified</i>	The review of the current RPS has been completed, and staff are now working on developing policy papers to address all domain areas as outlined in the National Planning Standards. The review of the RPS has highlighted policy gaps and weaknesses with the current RPS which provides a useful starting point for the review. Consultants with policy development experience, and experience working on developing the National Planning Standards, have been engaged to assist staff. These consultants have also been assisting ORC through managing appeals to the Queenstown Lakes District Plan and so have particular experience with implementing ORC's current RPS. A work programme to enable notification of the RPS by November 2020 was agreed by Council in January 2020. Since that time, the COVID-19 pandemic has meant that the work programme is being revised for approval by Council at its meeting of 22 April 2020. <i>This action point is partially completed and will be reported on in the next six monthly update.</i>
<i>By 31 December 2023, a new LWRP for Otago that includes objectives, strategic policies, region-wide activity policies, & provisions for each of the FMU's, covering all catchments within the region</i>	Staff are currently are developing an approach to manage the region-wide activity direction which will build on the existing Regional Plan Water, incorporate relevant outstanding provisions from the Regional Plan: Waste, and be drafted to comply with the National Planning Standards. Staff are also working with iwi to develop appropriate governance structures to ensure region wide activities and provisions for each FMUs are managed effectively throughout the development of the LWRP. Five FMU's were approved by Council in April 2019, as outlined in the Progressive Implementation Programme adopted in October 2018. Work on the Manuherekia, Arrow and Cardrona FMUs continues. <i>This action point is partially completed and will be reported on in the next six monthly update.</i>
Prepare a Plan Change by 31 March 2020 that will provide an adequate interim planning &	Plan Change 7 (Water Permits) was adopted by Council on 11 March 2020 and publicly notified on 18 March. Due to the impact of Covid19, the period for receiving submissions has

Council Meeting 22 April 2020 - MATTERS FOR NOTING

<p>consenting framework to manage freshwater up until the time that new discharge and allocation limits are set, in line with requirements in the NPSFM.</p>	<p>been extended until 4 May 2020, and Plan Change 7 has now officially been called-in by the Minister.</p> <p>The Water Permits Plan Change has been designed to provide a short-term planning framework for all surface water and hydraulically connected groundwater consents that were coming up for renewal between the date of notification and 31 December 2025.</p> <p><i>While this action point is now considered fully satisfied, ORC will continue to report on the progress of the plan change until it is made operative.</i></p>
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Summary of Freshwater Resource Consenting Activity – for the period 1 November 2019 – 9 April 2020

The following is a summary of the freshwater resource consenting activity for the reporting period:

- Between 1 November 2019 and 9 April 2020 the Otago Regional Council received 51 applications for water take consents. These applications are being processed as 70 separate resource consents, with 18 for taking groundwater and 52 for taking surface water. Of the 51 applications, 15 relate to the replacement of Deemed Permits.
- From the 51 applications lodged between 1 November 2019 and 9 April 2020 the Council issued 16 resource consents, 11 for taking groundwater and 5 for taking surface water. The remaining 54 resource consents are currently being processed. The Council also issued a further 8 resource consents relating to applications lodged before 1 November 2019. These include 1 resource consent for taking groundwater and 7 for taking surface water. Of the 24 resource consents issued, 3 related to the replacement of Deemed Permits.
- In total, the Council is currently processing 80 applications for water take consents. These applications are being processed as 113 Resource Consents, with 8 for taking groundwater and 105 for taking surface water. Of the 80 Applications, 29 relate to the replacement of Deemed Permits.
- Between 1 November 2019 and 9 April 2020 no applications relating to taking water were publicly notified, and 7 applications were limited notified.
- There are currently 340 active Deemed Permits in the Otago Region.

Next Steps

ORC will continue to progress its RPS review and the development of the LWRP and will next report progress back to you by 31 October 2020.

In the interim, if you have any questions or need further clarification, please don't hesitate to get in touch with Anita Dawe (anita.dawe@orc.govt.nz; or 021 445 993).

Yours sincerely,

Sarah Gardner

Council Meeting Agenda - 28 October 2020 - MATTERS FOR COUNCIL DECISION

9.1. RMA s27 Six-monthly Report to Minister for the Environment

Prepared for:	Council
Report No.	P&S1877
Activity:	Governance Report
Author:	Anita Dawe, Policy and Planning Manager
Endorsed by:	Gwyneth Elsum, General Manager Strategy, Policy and Science
Date:	28 October 2020

PURPOSE

- [1] To present, for adoption by Council, the second progress report to the Minister for the Environment, in accordance with section 27 of the Resource Management Act 1991, in relation to the recommendations made under section 24A of the Resource Management Act 1991.

EXECUTIVE SUMMARY

- [2] The Minister for the Environment wrote to the Otago Regional Council on 18 November 2019, setting out several recommendations regarding the development of a fit for purpose planning framework for Otago. One of the requirements outlined in the letter was a formal report, every six months, on progress against three measures. The first report was due and delivered to the Minister by 30 April 2020, and this second report is due by 31 October 2020.

RECOMMENDATION

That the Council:

- 1) **Receives** this report.
- 2) **Approves** the report to the Minister for the Environment reporting on progress against the recommendations contained in his letter of 18 November 2019; and
- 3) **Notes** that the next report will be required to be provided by 30 April 2021.

BACKGROUND

- [3] In December 2019, ORC agreed to the work programme as set out by the Minister, in response to the Skelton Review under Section 24A of the Resource Management Act. Part of that work programme requires 6-monthly progress reports.
- [4] The first progress report was approved by Council on 22 April 2020 and provided to the Minister by 30 April. The report addresses the recommendations of the Minister, which are to:
1. *Take all necessary steps to develop a fit for purpose freshwater management planning regime that gives effect to the relevant national instruments and sets a*

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coherent framework for assessing all water consent applications, including those that are to replace any deemed permits;

2. *Develop and adopt a programme of work to achieve the following*
 - i. *By November 2020, a complete review of the current RPS that is publicly notified, with the intention that it is made operative before the review of its LWRP is notified;*
 - ii. *By 31 December 2023, a new LWRP for Otago that includes region wide objectives, strategic policies, region-wide activity policies, and provisions for each of the Freshwater Management Units, covering all catchments within the region.*
 3. *Prepare a Plan Change by 31 March 2020 that will provide an adequate interim planning and consenting framework to manage freshwater up until the time that new discharge and allocation limits are set, in line with the requirements in the National Policy Statement for Freshwater Management.*
- [5] In addition, the following matters were to be included as part of the 6-monthly updates:
- *Progress made in developing science, planning, consenting, monitoring and enforcement, and land management organisational capability and capacity;*
 - *Progress in achieving the [above] recommendations 1, 2 and 3; and*
 - *A summary of freshwater resource consenting activity for the reporting period.*
- [6] The second report is due by 31 October 2020 and is the basis for this paper.

ISSUE and DISCUSSION

- [7] Since the first report in April, staff have continued to work to implement the agreed work programme.
- [8] A full report is appended but in summary, against the formal request above, the following has been undertaken:
- Significant progress in developing organisational capacity and capability across planning, science, environmental monitoring, consents and compliance monitoring has continued since April. This includes reorganisation of the Science and Environmental Monitoring teams, and new roles created to address both capacity and capability, with those roles filled, or recruitment well underway.
 - As a direct result of the NPSFM 2020, the regulatory team has had 16 new FTEs approved for consents and compliance work, and recruitment for those roles is partially completed, with new staff starting in November. The responsiveness of Governance to this new challenge has assisted ORC to react quickly to the need for additional capacity.
 - Considerable progress has been made against the recommendations in relation to the planning framework. Plan Change 6AA is operative, and Plan Changes 7 and 8 to the Regional Plan: Water and Plan Change 1 to the Regional Plan: Waste were called in and the Further Submissions period closed on Friday 2 October. In addition, ORC staff authored the Key Issues Reports required under section 149K of the Act for the called-in plan changes, and they were filed with the Environment Court on Friday 9 October.
 - The review of the partially operative 2019 Regional Policy Statement is considerably advanced, complies with the National Planning Standards and by notification, will give effect to all National Direction.

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- Of particular note with regard to the RPS, the freshwater vision work required to comply with the NPSFM 2020 has already commenced and will continue through November. The freshwater visions will be included when the RPS is notified in June 2021, in accordance with the Minister's extension approved in September 2020.
- Work has continued in the Arrow, Cardrona and Manuherekia Freshwater Management Unit (FMU).
- Governance, process and approaches for the delivery of the development of the full review of the operative Water Plan is also underway. This includes the development of a co-governance structure with Ngāi Tahu for delivery of the full review of the operative Water Plan and the proposed Land and Water Plan, for notification in 2023.
- A summary of freshwater consenting has been prepared and is included in the attached report.

CONSIDERATIONS**Policy Considerations**

- [9] There are no particular policy considerations as a result of this paper. The policy considerations relate to the planning work programme and will be considered on a case by case basis, as the work programme is implemented.

Financial Considerations

- [10] There are no particular financial considerations in relation to this paper. The report to the Minister can be accommodated within existing budgets and/or approved budget variations.

Significance and Engagement

- [11] This paper does not trigger the Significance and Engagement Threshold.

Legislative Considerations

- [12] The Minister has requested a formal response under section 27 of the Resource Management Act 1991. Section 27 *Minister May Require Local Authorities to Provide Certain Information* outlines the circumstances under which the Minister may request information and the criteria for local authorities to provide it. There are no particular additional legislative requirements to consider in relation to this reporting.

Risk Considerations

- [13] There are no particular risks associated with the report.

NEXT STEPS

- [14] The next steps are to continue to implement the work programme and prepare for the report due 30 April 2021.

ATTACHMENTS

1. Report to Minister 31 October 2020 draft [9.1.1 - 9 pages]

Council Meeting Agenda - 28 October 2020 - MATTERS FOR COUNCIL DECISION

Minister for the Environment
Private Bag 18041
Parliament Buildings
Wellington 6160

28 October 2020

BY EMAIL

Dear Minister

Report under Section 27 of the Resource Management Act 1991

In accordance with your letter of 18 November 2019 and following on from our first report back on 22 April, the following comprises the Otago Regional Councils' second report, in accordance with Section 27 of the Resource Management Act 1991(the Act) and the recommendations pursuant to Section 24 of the Act.

This report will address the following:

- *Progress made in developing science, planning, consenting, monitoring and enforcement, and land management organisational capability and capacity; and*
- *Progress in achieving the [above] recommendations 1, 2 and 3 (copied below for ease of reference):*
 1. *Take all necessary steps to develop a fit for purpose freshwater management planning regime that gives effect to the relevant national instruments and sets a coherent framework for assessing all water consent applications, including those that are to replace any deemed permits;*
 2. *Develop and adopt a programme of work to achieve the following*
 - i. *By November 2020, a complete review of the current RPS that is publicly notified, with the intention that it is made operative before the review of its LWRP is notified;*
 - ii. *By 31 December 2023, a new LWRP for Otago that includes region wide objectives, strategic policies, region-wide activity policies, and provisions for each of the Freshwater Management Units, covering all catchments within the region.*
 3. *Prepare a Plan Change by 31 March 2020 that will provide an adequate interim planning and consenting framework to manage freshwater up until the time that new discharge and allocation limits are set, in line with the requirements in the National Policy Statement for Freshwater Management; and;*
- *A summary of freshwater resource consenting activity for the reporting period.*

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Council Meeting Agenda - 28 October 2020 - MATTERS FOR COUNCIL DECISION

Progress Made in Developing Science, Planning, Consenting, Monitoring and Enforcement, and Land Management Organisational Capability and Capacity

The following table outlines the particular improvements in each of the areas specifically identified in your report.

Area	What we advised in April	Latest update
Science	<p>Restructures in the Science and Environmental Monitoring teams was undertaken to improve capability and capacity.</p> <p>Consents support was provided by consultants to enable science staff to respond to planning work.</p> <p>The Coastal Scientist and Freshwater Ecologist started (new roles).</p> <p>Created and recruited new position for land management/agricultural scientist.</p> <p>Created new positions in science and monitoring teams for biodiversity (terrestrial ecology, ecosystems & wetlands).</p> <p>Implementation underway on a new environmental data management system at a commitment of over \$1 million (including staff time).</p> <p>Created new position for air monitoring in Environmental Monitoring team.</p>	<p>In Science, Team Leader roles have been created to enable three teams – Land, Freshwater, and Biodiversity. All roles have been filled.</p> <p>Recruiting is almost complete for a number of new technical roles in the Science Team, with a particular focus on land management roles.</p> <p>A Manager, Environmental Monitoring has been as well as additional monitoring staff, including dedicated air and biodiversity monitoring role.</p> <p>The Environmental Monitoring team also now has a larger number of people based in Central Otago.</p> <p>Our new environmental data management system is due to 'go live' in November 2020.</p>
Planning	<p>Specialist freshwater and policy planning consultants engaged to assist with the Omnibus Plan Change and RPS Review.</p> <p>Added two new positions to the planning. Oversight role of planning work by experienced consultant engaged in Principal Planner role to upskill & mentor.</p> <p>Specialised legal support is being provided through leading resource management law firms.</p> <p>Two current offers of employment active to fill vacancies in the Freshwater & Land, and RPS, Air & Coast teams</p>	<p>Plan Changes 7 & 8 to the Regional Plan: Water and Plan Change 1 to the Regional Plan: Waste were prepared, and then called in. The Key Issues Reports as directed by section 149 of the Act have been filed with the Environment Court.</p> <p>Senior analysts in the RPS, Air and Coast team, and the Freshwater and Land team are now on board, and recruitment for a graduate role is underway. ORC has also recruited a new member of staff to lead external engagement for the Land and Water Regional Plan and to support a cross-organisational approach to delivery.</p>

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	<p>respectively (vacancies created by new positions developed).</p> <p>An economist has been employed by the ORC to support, among other things, the planning development work being undertaken (this is a new position created).</p>	
Consenting	<p>Internal staff training programmes in place, utilising a range of sources.</p> <p>Training provided on operating under notified and operative plans; Plan Change 7 to the Water Plan and general case law updates that affect practice.</p> <p>All resource consent forms and application information have been reviewed and updated as necessary. This includes the development of a help sheet for water permit applicants (in development).</p>	<p>Sixteen new positions are currently being recruited across the consents, compliance and consents data teams to enable better responses to the NPSFM 2020. The first six staff will start in November 2020.</p> <p>Staff training has been held on the new NPS and NES and how these relate to water takes.</p> <p>Development of five practice notes to be shared with external technical professionals and resource management consultants. These practice notes are to outline our expectations on certain topics and our interpretation of provisions.</p> <p>Update of report templates based on feedback from stakeholders.</p> <p>Establishment of a project team to handle the processing of the deemed and water permits in the Manuherehia has occurred. Pre-application meetings have been held with the various schemes and a site visit is planned for late 2020.</p> <p>Since the Essential Freshwater package landed, ORC staff have attended approximately 12 roadshows throughout Otago to discuss the new National Environmental Standards and Plan Change 8 rules with the farming community. The roadshows were hosted by a mixture of industry groups and catchment groups and aimed to provide information to assist farmers in meeting the new regulatory requirements. A number</p>

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		of these sessions had a particular focus on intensive winter grazing and the new rules to manage this activity. The roadshows were well received by the farming community and staff will continue to attend similar sessions as required.
Monitoring & Enforcement	<p>Since November 2019 4 extra staff employed in the System and Administration team to undertake water use reviews and data analysis for water take consents. This takes the total staff count to 7.</p> <p>An additional 4 staff appointed to compliance to assist with on the ground inspections of consents and permits. Compliance staff have been recruited based on their specialist knowledge dealing with wastewater treatment plants.</p> <p>Compliance will develop functional leads for activities such as water permits and water consents to help develop improved capability. New processes are being developed for water data reviews alongside the implementation of the new data management system.</p> <p>Development of process documents for compliance work associated with water consents and permits have been completed.</p>	<p>Training has been held on the new NPS and NES and how these relate to water takes.</p> <p>A review of our business support function across the regulatory group who assist in the delivery of our day to day operations to ensure we meet our statutory responsibilities is complete. Additional staff for business support and water take data have been appointed.</p> <p>Compliance Manager position recruited and filled.</p> <p>Development of a Compliance Plan to prioritise the compliance, monitoring and enforcement activities that we will focus our resources on over 2020-22 was approved by the Regulatory Committee in October 2020. Key priority is to monitor deemed permits and work proactively with permit holders to replace deemed permits.</p>
Land Management	<p>Focus of rural liaison team moving toward providing on farm advice. Dedicated \$200k (2020/21) in funding for catchment group work, to assist with on farm improvements and increased understanding. Created, recruited and filled position to work in contract management and assist ORC to work with catchment groups. New manager position created, recruited and filled for Rural Liaison and Biosecurity teams.</p>	<p>The ORC has strengthened strategic linkages with Catchment Groups over the past 10 months. ORC established a Catchment Support Advisory Group and worked with representatives from the region's groups to determine how best to support their water quality objectives. ORC agreed to fund the establishment of an umbrella entity that will support the sustainability and 'on ground' efforts of existing groups and create new catchment groups where there is a need.</p>

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		<p>The newly formed Biosecurity and Rural Liaison Team has recruited four new staff since the last update and are now recruiting three additional environmental officers. Further strategic work to define Council's non-regulatory role in land management is underway, supported by 'business as usual' good management practice advice and partnerships with industry.</p>
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Progress in Achieving the specified recommendations

The particular recommendations as outlined in the original letter, and ORC's response, to date, is detailed below:

Action	What we advised in April	Latest Update
<p>Take all necessary steps to develop a fit for purpose freshwater management planning regime that gives effect to the relevant national instruments and sets a coherent framework for assessing all water consent applications, including those that are to replace any deemed permits.</p>	<p>This action is ORC's medium-term work programme, to implement the NPSFM.</p> <p>The development of Plan Change 6AA and the Omnibus Plan Change were the first steps in this programme. Both recognise existing gaps in the policy framework for managing water quality and provide short term solutions to better manage water quality until a full review of the Regional Plan: Water for Otago (RPW) has been undertaken.</p> <p>Plan Change 6AA will be made operative on 16 May 2020. The Omnibus Plan Change has been developed by staff to the point of notification and has now officially been called-in by the Minister.</p>	<p>Plan Change 6AA is operative, and Plan Changes 7 & 8 to the Regional Plan: Water and Plan Change 1 to the Regional Plan: Waste have completed the further submissions process with the Environmental Protection Authority. In October 2020, the Environmental Protection Agency advised that the plan changes have now been handed over to the Environment Court. Further submissions closed on 2 October and hearing scheduling is anticipated to be undertaken between November 2020 and February 2021.</p> <p>Staff have completed Key Issues Reports as directed by Section 149 of the Act. ORC have, at the request of the Environment Court, engaged two hearings administrators to directly support the hearings. One of these administration resources is a consultant, with direct experience of working for the EPA, and the second is a planner from the Consents Team.</p> <p>A review of the Waste and Water Plan is also now underway, as part of reviewing the existing planning framework to support the development of the proposed Land and Water Regional Plan.</p>
<p>Develop & adopt a programme of work to achieve the following:</p>		

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<p><i>By November 2020, a complete review of the current RPS that is publicly notified, with the intention that it be made operative before the review of the LWPR is notified</i></p>	<p>The review of the current RPS has been completed, and staff are now working on developing policy papers to address all domain areas as outlined in the National Planning Standards. The review of the RPS has highlighted policy gaps and weaknesses with the current RPS which provides a useful starting point for the review.</p> <p>Consultants with policy development experience, and experience working on developing the National Planning Standards, have been engaged to assist staff. These consultants have also been assisting ORC through managing appeals to the Queenstown Lakes District Plan and so have particular experience with implementing ORC's current RPS.</p> <p>A work programme to enable notification of the RPS by November 2020 was agreed by Council in January 2020. Since that time, the COVID-19 pandemic has meant that a revised work programme was adopted by Council at its meeting of 22 April 2020. The work programme still meets the original November notification timeframes but now includes Stakeholder Reference Group engagement,</p> <p><i>This action point is partially completed and</i></p>	<p>The RPS programme is on track, and a draft RPS is nearly complete. The notification has been delayed until June 2021, with Ministerial approval, in order to allow development of FMU scale freshwater visions introduced with the Essential Freshwater Package.</p> <p>The Stakeholder Reference Groups met in June and July this year. These groups were extremely successful, and the requirement for online sessions due to COVID-19 meant that we were able to attract and engage with people that wouldn't normally be able to participate, including from all around the country.</p> <p>The Freshwater Visions programme is developed, with some consultation having occurred this month and the remainder in November.</p>
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	will be reported on in the next six-monthly update.	
<p><i>By 31 December 2023, a new LWRP for Otago that includes objectives, strategic policies, region-wide activity policies, & provisions for each of the FMU's, covering all catchments within the region</i></p>	<p>Staff are currently are developing an approach to manage the region-wide activity direction which will build on the existing Regional Plan Water, incorporate relevant outstanding provisions from the Regional Plan: Waste, and be drafted to comply with the National Planning Standards.</p> <p>Staff are also working with iwi to develop appropriate governance structures to ensure region wide activities and provisions for each FMUs are managed effectively throughout the development of the LWRP.</p> <p>Five FMU's were approved by Council in April 2019, as outlined in the Progressive Implementation Programme adopted in October 2018. Work on the Manuherekia, Arrow and Cardrona FMUs continues.</p> <p><i>This action point is partially completed and will be reported on in the next six-monthly update.</i></p>	<p>As noted above, the review of both the Water and the Waste Plan have commenced. An internal working group has been established to work through issues with the existing plan framework and identify gaps.</p> <p>A new governance structure has been approved by Council and put in place for the delivery of the Land and Water Regional Plan. This governance structure supports a partnership approach with iwi representation from governance and officer level.</p> <p>The extent and scope of the land component of the Land and Water Regional Plan is being refined with the LWRP Governance Group.</p>
<p>Prepare a Plan Change by 31 March 2020 that will provide an adequate interim planning & consenting framework to manage freshwater up until the time that new discharge and allocation limits are set, in line with</p>	<p>Plan Change 7 (Water Permits) was adopted by Council on 11 March 2020 and publicly notified on 18 March. Due to the impact of Covid19, the period for receiving submissions has been extended until 4 May 2020, and Plan Change 7 has now officially been called-in by the Minister.</p> <p>The Water Permits Plan Change has been designed</p>	<p>As noted above, Plan Change 7 has completed the submissions process with the Environmental Protection Authority and is now with the Environment Court. Further submissions closed on 2 October and scheduling of hearings dates and evidence exchange is expected soon.</p>

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<p>requirements in the NPSFM.</p>	<p>to provide a short-term planning framework for all surface water and hydraulically connected groundwater consents that were coming up for renewal between the date of notification and 31 December 2025.</p> <p><i>While this action point is now considered fully satisfied, ORC will continue to report on the progress of the plan change until it is made operative.</i></p>	
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Summary of Freshwater Resource Consenting Activity – for the period 10 April – 30 September

The following is a summary of the freshwater resource consenting activity for the reporting period:

- Between 10 April 2020 and 30 September 2020, the Otago Regional Council received 45 applications for water take consents. These applications are being processed as 55 separate resource consents, with 26 for taking groundwater and 29 for taking surface water. Of the 45 applications, 7 relate to the replacement of Deemed Permits.
- From the 45 applications lodged between 10 April 2020 and 30 September 2020 Council issued 13 resource consents, 8 for taking groundwater and 5 for taking surface water. Of the remaining 42 resource consents, 24 are currently being processed and 18 have been rejected or withdrawn. The Council also issued a further 22 resource consents relating to applications lodged before 10 April 2020. These include 5 resource consent for taking groundwater and 17 for taking surface water. Of the 22 resource consents issued, 11 related to the replacement of 24 Deemed Permits.
- In total, the Council is currently processing 69 applications for water take consents. These applications are being processed as 126 Resource Consents, with 1 for taking groundwater and 125 for taking surface water. Of the 69 Applications, 33 relate to the replacement of Deemed Permits.
- Between 10 April 2020 and 30 September 2020 one application relating to taking water was publicly notified, and 8 applications were limited notified.
- There are currently 337 active Deemed Permits in the Otago Region including 17 that have been replaced but not surrendered.
- One appeal, to a decision on an application for a new water permit relating to a deemed permit, has been lodged with the Environment Court.

Next Steps

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ORC will continue to progress its RPS review and the development of the LWRP and will next report progress back to you by 30 April 2021.

In the interim, if you have any questions or need further clarification, please don't hesitate to get in touch with Anita Dawe (anita.dawe@orc.govt.nz; or 021 445 993). In addition, ORC is happy to provide a draft Regional Policy Statement to you if it would assist you to understand the progress of that component of the work programme.

Yours sincerely

Sarah Gardner

AGENDA Council Meeting 2020.10.28

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7.3. RMA s27 Six Monthly Report to the Minister

Prepared for:	Council
Report No.	SPS2115
Activity:	Governance Report
Author:	Anita Dawe, Policy and Planning Manager
Endorsed by:	Gwyneth Elsum, General Manager Strategy, Policy and Science
Date:	12 March 2021

PURPOSE

- [1] To present, for adoption by Council, the third progress report to the Minister for the Environment, in accordance with section 27 of the Resource Management Act 1991 in relation to the recommendations made under section 24A of the Resource Management Act 1991.

EXECUTIVE SUMMARY

- [2] The Minister for the Environment wrote to the Otago Regional Council on 18 November 2019, setting out several recommendations regarding the development of a fit for purpose planning framework for Otago. One of the requirements outlined in the letter was a formal report, every six months, on progress against three measures. The first two reports were provided to the Minister by 30 April and 31 October 2020 respectively.

RECOMMENDATION

That the Council:

- 1) **Receives** this report.
- 2) **Approves** the third report to the Minister for the Environment, that reports on progress against the recommendations contained in his letter of 18 November 2019; and
- 3) **Notes** that the next report will be required to be provided by 30 September 2021.

BACKGROUND

- [3] In December 2019, ORC agreed to the work programme as set out by the Minister, in response to the Skelton Review under Section 24A of the Resource Management Act. Part of that work programme requires 6-monthly progress reports.
- [4] The first two progress reports were approved and provided to the Minister, in April and October last year. The reports address the recommendations of the Minister, which are to:
1. *Take all necessary steps to develop a fit for purpose freshwater management planning regime that gives effect to the relevant national instruments and sets a coherent framework for assessing all water consent applications, including those that are to replace any deemed permits;*
 2. *Develop and adopt a programme of work to achieve the following*

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- i. *By November 2020, a complete review of the current RPS that is publicly notified, with the intention that it is made operative before the review of its LWRP is notified;*
 - ii. *By 31 December 2023, a new LWRP for Otago that includes region wide objectives, strategic policies, region-wide activity policies, and provisions for each of the Freshwater Management Units, covering all catchments within the region.*
3. *Prepare a Plan Change by 31 March 2020 that will provide an adequate interim planning and consenting framework to manage freshwater up until the time that new discharge and allocation limits are set, in line with the requirements in the National Policy Statement for Freshwater Management.*
- [5] In addition, the following matters were to be included as part of the 6-monthly updates:
- *Progress made in developing science, planning, consenting, monitoring and enforcement, and land management organisational capability and capacity;*
 - *Progress in achieving the [above] recommendations 1, 2 and 3; and*
 - *A summary of freshwater resource consenting activity for the reporting period.*
- [6] The third report is due by 30 April 2021 however due to Council meeting schedules, is presented to you today.

ISSUE and DISCUSSION

- [7] Since the first two reports last year, staff have continued to work to implement the agreed work programme.
- [8] A full report is appended but in summary, against the formal request above, the following has been undertaken:
- Progress continues to be made across the organisation to develop and improve organisational capacity and capability across planning, science, environmental monitoring, consents and compliance monitoring. This includes appointments to the newly restructured Science and Environmental Monitoring teams, recruitment to fill the new roles created in those teams, and additional recruitment ongoing. New staff have been employed in the Regulatory Team, including six new Consent Officers.
 - Training sessions have been held for staff in the Regulatory Group on the provisions in the NES-FW and how to implement the new NPS in decision making. To support this resource to support consent applicants has been developed.
 - Consideration of Plan Change 7 continues in decision making on deemed and water permits, with some applications proceeding to hearings during this reporting period.
 - Progress on development of a fit for purpose planning framework is still moving ahead. Plan Change 7 hearings commenced on 8 March 2021, and mediation on Plan Change 8 to the Water Plan and Plan Change 1 to the Waste Plan is set to run concurrently with Plan Change 7 hearings.
 - The proposed RPS 2021 (pRPS 2021) is in formal pre notification consultation, with the Clause 3 consultation due to close on 12 March 2021. Notification is on track for late June 2021.
 - The pRPS 2021 will include Freshwater Visions for each Freshwater Management Unit, and rohe, as required by the NPSFM 2020. This has been a significant piece of

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work with iwi, and communities and will provide a good foundation for the Land and Water Regional Plan.

- Work has continued in the Arrow, Cardrona and Manuherekia Freshwater Management Unit (FMU) and community meetings to present limits for Arrow and Cardrona are scheduled for late March. Consultation on the Manuherekia flow and allocation preferences is scheduled to occur shortly after.
- A summary of freshwater consenting has been prepared and is included in the attached report.

CONSIDERATIONS**Policy Considerations**

- [9] There are no particular policy considerations as a result of this paper. The policy considerations relate to the planning work programme and will be considered on a case by case basis, as the work programme is implemented.

Financial Considerations

- [10] There are no particular financial considerations in relation to this paper. The report to the Minister can be accommodated within existing budgets and/or approved budget variations.

Significance and Engagement

- [11] This paper does not trigger the Significance and Engagement threshold.

Legislative Considerations

- [12] The Minister has requested a formal response under section 27 of the Resource Management Act 1991. Section 27 *Minister May Require Local Authorities to Provide Certain Information* outlines the circumstances under which the Minister may request information and the criteria for local authorities to provide it. There are no particular additional legislative requirements to consider in relation to this reporting.

Risk Considerations

- [13] There are no particular risks associated with the report.

NEXT STEPS

- [14] The next steps are to continue to implement the work programme and prepare for the report due 30 September 2021.

ATTACHMENTS

1. Report to Minister for the Environment - 12 March 2021 - final draft [7.3.1 - 10 pages]

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12 March 2021

Minister for the Environment
Private Bag 18041
Parliament Buildings
Wellington 6160

BY EMAIL

Dear Minister

Report under Section 27 of the Resource Management Act 1991

In accordance with your letter of 18 November 2019 and following on from our first two reports in April and October 2020, the following comprises the Otago Regional Council's third report, in accordance with Section 27 of the Resource Management Act 1991 (the Act) and the recommendations pursuant to Section 24 of the Act.

This report will address the following:

- *Progress made in developing science, planning, consenting, monitoring and enforcement, and land management organisational capability and capacity; and*
- *Progress in achieving the [above] recommendations 1, 2 and 3 (copied below for ease of reference):*
 1. *Take all necessary steps to develop a fit for purpose freshwater management planning regime that gives effect to the relevant national instruments and sets a coherent framework for assessing all water consent applications, including those that are to replace any deemed permits;*
 2. *Develop and adopt a programme of work to achieve the following*
 - i. *By November 2020, a complete review of the current RPS that is publicly notified, with the intention that it is made operative before the review of its LWRP is notified;*
 - ii. *By 31 December 2023, a new LWRP for Otago that includes region wide objectives, strategic policies, region-wide activity policies, and provisions for each of the Freshwater Management Units, covering all catchments within the region.*
 3. *Prepare a Plan Change by 31 March 2020 that will provide an adequate interim planning and consenting framework to manage freshwater up until the time that new discharge and allocation limits are set, in line with the requirements in the National Policy Statement for Freshwater Management; and;*
- *A summary of freshwater resource consenting activity for the reporting period.*

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Progress Made in Developing Science, Planning, Consenting, Monitoring and Enforcement, and Land Management Organisational Capability and Capacity

The following table outlines the particular improvements in each of the areas specifically identified in your report.

Area	What we advised in October	Latest Update
Science	<p>In Science, Team Leader roles have been created to enable three teams – Land, Freshwater, and Biodiversity. All roles have been filled.</p> <p>Recruiting is almost complete for a number of new technical roles in the Science Team, with a particular focus on land management roles.</p> <p>A Manager, Environmental Monitoring has been recruited as well as additional monitoring staff, including dedicated air and biodiversity monitoring role.</p> <p>The Environmental Monitoring team also now has a larger number of people based in Central Otago.</p> <p>Our new environmental data management system is due to 'go live' in November 2020.</p>	<p>The new team structure has been implemented, with all new Team Leaders now on board.</p> <p>Key roles in Catchment Hydrology and Terrestrial Biodiversity now filled. Vacancies in hydrology and land management/agriculture are proving hard to fill.</p> <p>The Environmental Monitoring Manager is in place, with new roles filled in Dunedin and Alexandra.</p> <p>The new environmental data management system is now due to go live in early April 2021.</p>
Planning	<p>Plan Changes 7 & 8 to the Regional Plan: Water and Plan Change 1 to the Regional Plan: Waste were prepared, and then called in. The Key Issues Reports as directed by section 149 of the Act have been filed with the Environment Court.</p> <p>Senior analysts in the RPS, Air and Coast team, and the Freshwater and Land team are now on board, and recruitment for a graduate role is underway. ORC has also recruited a new member of staff to lead external engagement for the Land and Water Regional Plan and to support a cross-organisational approach to delivery.</p>	<p>Prior to Plan Change 7 hearings commencing in March 2021, training (including holding a mock hearing) was provided to staff involved.</p> <p>A principal advisory role for the planning team has been formalised out to 2023. This specifically includes mentoring less experienced staff.</p> <p>Recruitment for a new Senior Analyst in the Urban Development team has been completed. A graduate role has been filled with a permanent policy analyst, and a second junior analyst to support completion of the RPS including the new requirement for freshwater visions.</p> <p>The Policy and Planning Team have also commenced sharing their experiences of developing the latest RPS with other regional councils. Of particular interest so far has been Otago's experience as the first RPS to Nelson City Council, and Environment Canterbury.</p>

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<p>Consenting</p>	<p>Sixteen new positions are currently being recruited across the consents, compliance and consents data teams to enable better responses to the NPSFM 2020. The first six staff will start in November 2020.</p> <p>Staff training has been held on the new NPS and NES and how these relate to water takes.</p> <p>Development of five practice notes to be shared with external technical professionals and resource management consultants. These practice notes are to outline our expectations on certain topics and our interpretation of provisions.</p> <p>Update of report templates based on feedback from stakeholders.</p> <p>Establishment of a project team to handle the processing of the deemed and water permits in the Manuherekia has occurred. Pre-application meetings have been held with the various schemes and a site visit is planned for late 2020.</p> <p>Since the Essential Freshwater package landed, ORC staff have attended approximately 12 roadshows throughout Otago to discuss the new National Environmental Standards and Plan Change 8 rules with the farming community. The roadshows were hosted by a mixture of industry groups and catchment groups and aimed to provide information to assist farmers in meeting the new regulatory requirements. A number of these sessions had a particular focus on intensive winter grazing and the new rules to manage this activity. The roadshows were well received by the farming community and staff will continue to attend similar sessions as required.</p>	<p>Six new Consents Officers have started since November 2020. These Officers are spread throughout Otago to ensure that we are able to support the community. The new staff are in Oamaru (x2), Balclutha (x1), Queenstown (x1) and Dunedin.</p> <p>An additional Public Enquiries Consents Officer has started in the team. The focus of this role is on providing advice and support to consent applicants. Workload consists of responding to question about deemed and water permits, the requirements of the NES-FW and also Plan Change 8.</p> <p>Further training has been held on the NPS and NES-FW. The focus has been on intensive winter grazing, wetlands and intensification. As part of this work and training links with other Regional Councils have been established and used.</p> <p>Stakeholders have been provided with copies of the 'standard' conditions that are used for permits under the NES and when any large updates are made to the conditions. This is to ensure they are aware of the conditions to be used and are supportive of them.</p> <p>Work on the Manuherekia consents has continued by the project team set up to process the permits. Work to date includes the development of practices notes (supplied to consultants and stakeholders and up on our website), pre-application reviews of documents and now consideration of the applications.</p> <p>Practice notes have been uploaded to the website about our interpretation of matters relating to water permits and also the NES-FW. Work continues on developing other ones relating to topics such as wetlands and winter grazing. The practice notes are largely for practitioners and are supported by the development of a regular newsletter from the Regulatory Group.</p>
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		<p>Work has been undertaken on being as prepared as possible for any consents required for intensive winter grazing. This work has included the preparation of draft application forms, conditions and reports. Work preparing these has been supported by stakeholders and other regional councils. This material will be revisited and finalised once any changes to the NES-FW are made.</p> <p>Staff have attended another 4 catchment group meetings to discuss the new National Environmental Standards and Plan Change 8 rules with the farming community. A number of these sessions had a particular focus on intensive winter grazing and the new rules to manage this activity. The meetings were well received by the farming community.</p>
<p>Monitoring & Enforcement</p>	<p>Training has been held on the new NPS and NES and how these relate to water takes.</p> <p>A review of our business support function across the regulatory group who assist in the delivery of our day to day operations to ensure we meet our statutory responsibilities is complete. Additional staff for business support and water take data have been appointed.</p> <p>Compliance Manager position recruited and filled.</p> <p>Development of a Compliance Plan to prioritise the compliance, monitoring and enforcement activities that we will focus our resources on over 2020-22 was approved by the Regulatory Committee in October 2020. Key priority is to monitor deemed permits and work proactively with permit holders to replace deemed permits.</p>	<p>Two new Environmental Officers have been recruited, based in Oamaru and Balclutha.</p> <p>Further training has been held on the NPSFM and NES-FW. The focus has been on intensive winter grazing, wetlands, and intensification. As part of this work training links with other regional councils have been established and used, such as collaboration on wetland definition. Compliance staff have attended community and stakeholder group meetings with consents staff.</p> <p>The 2020/21 dairy project has had a particular focus on the storage of effluent pond solids and stone trap clearings, the distances that these have been kept away from waterways and monitoring their potential to discharge to the environment through ponding and overland flow. Emphasis has also been placed on the monitoring of silage leachate ponding and the lack of silage leachate collection facilities on many farms. There has also been a strong focus on providing awareness and engaging with farmers on the new requirements with the NES for Freshwater, the Stock Exclusion</p>

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		<p>Regulations, Water Measuring Regulations and Plan Changes 7 and 8.</p> <p>A flyover of the North and South Otago regions in December 2020 identified a number of sites of interest. All have been followed up and where non-compliance was identified, appropriate action has been taken.</p> <p>The ORC Compliance Plan 2020-22 was endorsed by the Regulatory Committee in October 2020. The Compliance Plan sets out the priorities for compliance activities across the Otago region and supports a responsive and risk-based approach to the allocation of resources for proactive compliance monitoring as well as reactive response to environmental incidents. The Compliance Plan is consistent with the principles of the Regional Sector.</p> <p>Strategic Compliance Framework 2019-24 and the MfE Best Practice Guidelines.</p> <p>Ongoing work is to monitor deemed permits and work proactively with permit holders to replace deemed permits.</p>
<p>Land Management</p>	<p>The ORC has strengthened strategic linkages with Catchment Groups over the past 10 months. ORC established a Catchment Support Advisory Group and worked with representatives from the region's groups to determine how best to support their water quality objectives. ORC agreed to fund the establishment of an umbrella entity that will support the sustainability and 'on ground' efforts of existing groups and create new catchment groups where there is a need.</p> <p>The newly formed Biosecurity and Rural Liaison Team has recruited four new staff since the last update and are now recruiting three additional environmental officers. Further strategic work to define Council's non-regulatory role in land management is underway, supported by 'business as</p>	<p>ORC has funded and supported the establishment of a new incorporated society, Otago Catchment Communities. This umbrella organisation has a vision to "create and support an Otago wide network of catchment groups that are addressing environmental issues now and for generations to come."</p> <p>The Otago Catchment Community aims to encourage a thriving Catchment Group network by:</p> <ol style="list-style-type: none"> 1. Providing organisational support for Catchment Groups and volunteers. 2. Assisting with the formation and direction setting of new and emerging groups. 3. Assisting individual groups with identifying funding sources and writing applications. 4. Providing administration support to help create and run groups.

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	<p>usual' good management practice advice and partnerships with industry.</p>	<ol style="list-style-type: none"> 5. Providing communication support to help design, write and distribute information. 6. Facilitating access to experts, information, and technology. 7. Establishing enduring funding pipelines to support changing needs. 8. Acting as a conduit between government, regional authorities, and stakeholders. <p>In addition to the above, ORC land management staff (Rural Liaison Team) are currently developing options for implementing non-regulatory approaches to best practice land management. This involves a mix of passive educational information and active one-on-one/group engagement and advice with landowners on good management practices on areas such as nutrient management, soil health, land drainage, greenhouse gas emissions and more.</p> <p>Staff are due to participate in specialist training including:</p> <ul style="list-style-type: none"> • Land resource inventory - Inventory of physical factors (e.g. rock, soil, slope, erosion type and severity, and vegetation). The inventory is the basis of assessing land resources. • Land use capability (suitability for productive use or uses after considering the physical limitations of the land) to inform catchment and farm scale planning. • Sustainable nutrient management (assessment of nutrient requirements of a range of agricultural systems, including a consideration of best practices) for environmental protection. <p>These expertise development opportunities will enable the team to provide landowners with specific expertise and advice and a wider range of options when considering land use capabilities and best practice land management. This supports the deliberate shift to ORC staff taking a</p>
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		<p>more proactive approach to providing advice on intervention methods.</p> <p>Further information is available here: https://www.orc.govt.nz/media/9638/agenda-implementation-20210310.pdf</p>
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Progress in Achieving the specified recommendations

The particular recommendations as outlined in the original letter, and ORC’s response, to date, is detailed below:

Action	What we advised in October 2020	Latest Update
<p>Take all necessary steps to develop a fit for purpose freshwater management planning regime that gives effect to the relevant national instruments and sets a coherent framework for assessing all water consent applications, including those that are to replace any deemed permits.</p>	<p>Plan Change 6AA is operative, and Plan Changes 7 & 8 to the Regional Plan: Water and Plan Change 1 to the Regional Plan: Waste have completed the further submissions process with the Environmental Protection Authority. In October 2020, the Environmental Protection Agency advised that the plan changes have now been handed over to the Environment Court. Further submissions closed on 2 October and hearing scheduling is anticipated to be undertaken between November 2020 and February 2021.</p> <p>Staff have completed Key Issues Reports as directed by Section 149 of the Act. ORC have, at the request of the Environment Court, engaged two hearings administrators to directly support the hearings. One of these administration resources is a consultant, with direct experience of working for the EPA, and the second is a planner from the Consents Team.</p> <p>A review of the Waste and Water Plan is also now underway, as part of reviewing the existing planning framework to support the development of the proposed Land and Water Regional Plan.</p>	<p>Plan Change 7 hearings commenced on Monday 8 March 2021, with around 8 weeks set down across Dunedin and Cromwell.</p> <p>Mediation is due to run concurrently with the hearings on PC7, for Plan Change 8 to the Regional Plan: Water, and Plan Change 1 to the Regional Plan: Waste. Any matters not suitable for mediation, or unable to be mediated will be set down for hearing immediately following the hearing for Plan Change 7.</p> <p>The review of the Waste Plan is now complete, and the review of the Water Plan is significantly completed.</p>
<p><i>By November 2020, a complete review of the current RPS that is publicly notified, with</i></p>	<p>The RPS programme is on track, and a draft RPS is nearly complete. The notification has been delayed until June 2021, with Ministerial approval, in order to allow development of FMU scale freshwater visions introduced with the Essential Freshwater Package.</p>	<p>The first phase of pre-notification consultation (Clause 3 consultation) for the proposed Otago Regional Policy Statement 2021 (pORPS 2021) has been completed. This consultation finished on 12 March 2021 and as well as involving the mandatory parties, has</p>

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<p><i>the intention that it be made operative before the review of the LWRP is notified</i></p>	<p>The Stakeholder Reference Groups met in June and July this year. These groups were extremely successful, and the requirement for online sessions due to COVID-19 meant that we were able to attract and engage with people that wouldn't normally be able to participate, including from all around the country.</p> <p>The Freshwater Visions programme is developed, with some consultation having occurred this month and the remainder in November.</p>	<p>included all members of the 2020 Stakeholder Reference Groups, and a wide range of key stakeholders.</p> <p>The 2020 Reference Groups reconvened during the Clause 3 consultation to discuss the chapter that they were involved in. Bringing these groups back together has been incredibly valuable and resulted in a positive engagement and improvements to the provisions in the pORPS 2021.</p> <p>Clause 4 consultation with iwi is set down for April 2021.</p> <p>ORC intends to ask that the RPS, as a whole, be heard by the newly created Freshwater Hearing Panel (FHP), as we consider it to be a freshwater planning instrument. In order to be heard by the FHP, ORC is required to nominate two (2) Commissioners to sit and hear and make recommendations on the pORPS 2021. Staff have commenced an Expression of Interest process to identify suitable Commissioners, with a formal recommendation for two Commissioners to go to Council in May 2021.</p> <p>The ORC will be asked to formally approve the section 32 for the pOPRS 2021 and approve the document for notification at a Council meeting in June 2021.</p> <p>As advised last time, the Freshwater Visions workshop were held across October and November 2020, with 23 workshops across 18 locations throughout the region. In addition, an online survey was also available for people to respond to, either in lieu of attending a workshop, or as well as attending.</p> <p>In addition to progressing the draft RPS 2021, Council has approved making more of the 2019 partially operative RPS, operative from 15 March 2021. The only outstanding provisions are those relating to the appeal on Ports, which is set down to be heard by the</p>
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		Court of Appeal, in Wellington, in July 2021.
<p><i>By 31 December 2023, a new LWRP for Otago that includes objectives, strategic policies, region-wide activity policies, & provisions for each of the FMU's, covering all catchments within the region</i></p>	<p>As noted above, the review of both the Water and the Waste Plan have commenced. An internal working group has been established to work through issues with the existing plan framework and identify gaps.</p> <p>A new governance structure has been approved by Council and put in place for the delivery of the Land and Water Regional Plan. This governance structure supports a partnership approach with iwi representation from governance and officer level.</p> <p>The extent and scope of the land component of the Land and Water Regional Plan is being refined with the LWRP Governance Group.</p>	<p>The Waste Plan review is now complete. Water Plan review is significantly advanced and is expected to be complete by June 2021.</p> <p>The RPS process of establishing freshwater visions for each FMU and rohe has provided the outcomes for each FMU. This will direct the proposed Land and Water Regional Plan. Work on the FMU's will commence in the middle of this year, once the Manuherekia, Arrow and Cardrona are completed.</p> <p>Work has continued in the Arrow, Cardrona and Manuherekia catchments, with community meetings to present quantity limits for Arrow and Cardrona scheduled for late March 2021. Consultation on the Manuherekia flow and allocation preferences is scheduled to occur shortly after.</p>
<p>Prepare a Plan Change by 31 March 2020 that will provide an adequate interim planning & consenting framework to manage freshwater up until the time that new discharge and allocation limits are set, in line with requirements in the NPSFM.</p>	<p>As noted above, Plan Change 7 has completed the submissions process with the Environmental Protection Authority and is now with the Environment Court. Further submissions closed on 2 October and scheduling of hearings dates and evidence exchange is expected soon.</p>	<p>As noted above, Plan Change 7 hearings commenced on Monday 8 March 2021.</p>

Council Meeting Agenda - 24 March 2021 - MATTERS FOR COUNCIL CONSIDERATION

Summary of Freshwater Resource Consenting Activity – for the period 1 October 2020 – 8 March 2021

The following is a summary of the freshwater resource consenting activity for the reporting period:

- Between 1 October 2020 and 8 March 2021, the Otago Regional Council received 71 applications for water take consents. These applications are being processed as 107 separate resource consents, with 20 for taking groundwater and 87 for taking surface water. Of the 71 applications, 29 relate to the replacement of Deemed Permits.
- From the 45 applications lodged between 1 October 2020 and 8 March 2021, Council issued 13 resource consents, 8 for taking groundwater and 5 for taking surface water. Of the remaining 42 resource consents, 24 are currently being processed and 18 have been rejected or withdrawn. The Council also issued a further 22 resource consents relating to applications lodged before 1 October 2020. These include 5 resource consent for taking groundwater and 17 for taking surface water. Of the 22 resource consents issued, 11 related to the replacement of 24 Deemed Permits.
- In total, the Council is currently processing 113 applications for water take consents. These applications are being processed as 202 Resource Consents, with 15 for taking groundwater and 187 for taking surface water. Of the 113 Applications, 62 relate to the replacement of Deemed Permits.
- Between 1 October 2020 and 8 March 2021 one application relating to taking water was publicly notified, and 8 applications were limited notified.
- There are currently 332 active Deemed Permits in the Otago Region including 18 that have been replaced but not surrendered.
- One appeal, to a decision on an application for a new water permit relating to a deemed permit, has been lodged with the Environment Court.

Next Steps

ORC will continue with pre-notification consultation on the proposed RPS 2021 and seek notification in June 2021. The development of the LWRP will also continue. Our next report back to you will be by 30 September 2021.

In the interim, if you have any questions or need further clarification, please don't hesitate to get in touch with Anita Dawe (anita.dawe@orc.govt.nz; or 021 445 993).

Yours sincerely

Sarah Gardner
Chief Executive Officer

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7.1. Update #4 to the Minister

Prepared for:	Council
Report No.	SPS2152
Activity:	Governance Report
Author:	Anita Dawe, Manager, Policy and Planning
Endorsed by:	Gwyneth Ellum, General Manager Strategy, Policy and Science
Date:	29 September 2021

PURPOSE

- [1] To present, for adoption by Council, the fourth progress report to the Minister for the Environment, in accordance with section 27 of the Resource Management Act 1991 in relation to the recommendations made under section 24A of the Resource Management Act 1991.

EXECUTIVE SUMMARY

- [2] The Minister for the Environment wrote to the Otago Regional Council on 18 November 2019, setting out several recommendations regarding the development of a fit for purpose planning framework for Otago. One of the requirements outlined in the letter was a formal report, every six months, on progress against three measures. The first two reports were provided in 2020, and the third was approved by Council in March this year.
- [3] Over the past two years, considerable progress has been made against all the recommendations, including capacity and capability, as well as delivering against the agreed work programme.

RECOMMENDATION

That the Council:

- 1) **Receives** this report.
- 2) **Approves** the fourth report to the Minister for the Environment, that reports on progress against the recommendations contained in his letter of 18 November 2019.
- 3) **Notes** that the next report will be required to be provided by 31 March 2022.

BACKGROUND

- [4] In December 2019, ORC agreed to the work programme as set out by the Minister, in response to the Skelton Review under Section 24A of the Resource Management Act. As part of the response to the Minister, six monthly progress reports are required, demonstrating progress in meeting the recommendations.
- [5] Two progress reports were sent to the Minister in 2020, and the third report was provided in March this year. Each report addresses the recommendations of the Minister and includes an update from the previous report. The Ministers' recommendations are to:

1. *Take all necessary steps to develop a fit for purpose freshwater management planning regime that gives effect to the relevant national instruments and sets a coherent framework for assessing all water consent applications, including those that are to replace any deemed permits.*
 2. *Develop and adopt a programme of work to achieve the following:*
 - (i) *By November 2020, a complete review of the current RPS that is publicly notified, with the intention that it is made operative before the review of its LWRP is notified;*
 - (ii) *By 31 December 2023, a new LWRP for Otago that includes region wide objectives, strategic policies, region-wide activity policies, and provisions for each of the Freshwater Management Units, covering all catchments within the region.*
 3. *Prepare a Plan Change by 31 March 2020 that will provide an adequate interim planning and consenting framework to manage freshwater up until the time that new discharge and allocation limits are set, in line with the requirements in the National Policy Statement for Freshwater Management.*
- [6] In addition, the following matters were to be included as part of the six-monthly updates:
- a. *Progress made in developing science, planning, consenting, monitoring and enforcement, and land management organisational capability and capacity;*
 - b. *Progress in achieving the [above] recommendations 1, 2 and 3; and*
 - c. *A summary of freshwater resource consenting activity for the reporting period.*
- [7] The third report was due in April 2021 but provided a month early due to the timing of Council meetings, and the fourth report is now presented for your approval today.

DISCUSSION

- [8] As outlined in the first three reports, staff have continued to implement the agreed work programme, and develop capacity and capability across the organisation.
- [9] A full report is appended but in summary of activity in the last six months, against the detail in the recommendations, is set out below:
- Both capacity and capability continue to be addressed across the organisation, but in particular in planning, science, environmental monitoring, consents and compliance monitoring. An Environmental Implementation Team has been established and is currently being recruited. A new Principal Consents Officer role has been established, to provide continued and ongoing support to the wider team.
 - ORC's new environmental data management system (Aquarius) went live in May 2021 providing enhanced quality assurance and significant custom configuration designed to improve the Council's monitoring of water metering and sampling data relating to resource consents.
 - Hearings on Plan Change 7 have concluded, with a decision due out in mid-October.
 - Mediation on the rural provisions of Plan Change 8 has been successful, with a hearing set down for early November 2021. Mediation on dust suppressants which form part of Plan Change 1 has also been successful. Mediation for the balance of Plan Change 1 and 8 is either set down for later in the year, or to be rescheduled (affected by the August Covid-19 lockdown).

- The proposed RPS 2021 (pRPS 2021) was notified on 26 June 2021 and submissions closed on 3 September 2021. Staff are now working on the Summary of Decisions Requested document, which will be notified for Further Submissions in due course. ORC nominations for the Freshwater Hearings Panel have also been made.
- As a result of Forest & Bird challenging ORC decision notify the pRPS21 as a freshwater instrument in its entirety. In September 2021, ORC lodged joint proceedings to the High Court to determine whether the pRPS21 is a freshwater instrument in its entirety.
- Work to set minimum flows and allocation limits in the Arrow and Cardrona Rivers is complete with Council noting the this in April 2021. Staff also presented minimum flows for the Manuhereka River and its tributaries to Council in August 2021. Council has requested the Technical Advisory Group report to the Strategy & Planning Committee on science undertaken on the Manuhereka.
- Work on the Upper Lakes rohe, and the Catlins Freshwater Management Unit is now commencing, with the first round of consultation with the community scheduled for November 2021.
- A programme of science has been established to support the development of the Land and Water Plan ahead of notification in 2023 and was noted by Council in June 2021.
- The RMA Compliance and Enforcement Policy was adopted by the Regulatory Committee in March 2021. ORC's Regulatory Committee approved an operational compliance programme for the 2021/22 year. There has been a delay in some on-site audits due to Covid-19 Alert Level restrictions.
- A summary of freshwater consenting has been prepared and is included in the attached report.

OPTIONS

- [10] Council has committed to six monthly reporting to the Minister, and this paper implements that Council direction. To not report would be in breach of Council's commitment to the Minister.

CONSIDERATIONS

Strategic Framework and Policy Considerations

- [11] There are no particular policy considerations as a result of this paper. The policy considerations relate to the planning work programme and will be considered on a case-by-case basis, as the work programme is implemented.
- [12] The implementation of the work programme satisfies several of the Strategic Directions and addresses the concerns of the Minister.

Financial Considerations

- [13] The report to the Minister is accommodated within existing budgets. There are no direct financial implications resulting from this paper.

Significance and Engagement

- [14] The paper does not trigger the Significance and Engagement Policy requirements.

Legislative and Risk Considerations

- [15] The Minister has requested a formal response under section 27 of the Resource Management Act 1991. Section 27 *Minister May Require Local Authorities to Provide*

Certain Information outlines the circumstances under which the Minister may request information and the criteria for local authorities to provide it.

Climate Change Considerations

[16] This is not a relevant consideration for this paper.

Communications Considerations

[17] There are no particular communications considerations resulting from this paper. The paper is discussed in a public Council meeting and any person who has a particular interest is able to review the report.

NEXT STEPS

[18] Staff will continue to deliver the work programme and will prepare the fifth report to the Minister in March 2022.

ATTACHMENTS

1. 7.1.1 September 2021 Report to the Minister attachment (final) [7.1.1 - 12 pages]

Minister for the
Environment Private Bag
18041 Parliament Buildings
Wellington 6160

September 2021

BY EMAIL

Dear Minister

Report under Section 27 of the Resource Management Act 1991

In accordance with your letter of 18 November 2019 and following on from our first two reports in 2020, and the third report in March this year, the following comprises the Otago Regional Councils' fourth report, in accordance with Section 27 of the Resource Management Act 1991 (the Act) and the recommendations pursuant to Section 24 of the Act.

This report will address the following:

- *Progress made in developing science, planning, consenting, monitoring and enforcement, and land management organisational capability and capacity; and*
- *Progress in achieving the [above] recommendations 1, 2 and 3 (copied below for ease of reference):*
 1. *Take all necessary steps to develop a fit for purpose freshwater management planning regime that gives effect to the relevant national instruments and sets a coherent framework for assessing all water consent applications, including those that are to replace any deemed permits;*
 2. *Develop and adopt a programme of work to achieve the following*
 - i. *By November 2020¹, a complete review of the current RPS that is publicly notified, with the intention that it is made operative before the review of its LWRP is notified;*
 - ii. *By 31 December 2023, a new LWRP for Otago that includes region wide objectives, strategic policies, region-wide activity policies, and provisions for each of the Freshwater Management Units, covering all catchments within the region.*
 3. *Prepare a Plan Change by 31 March 2020 that will provide an adequate interim planning and consenting framework to manage freshwater up until the time that new discharge and allocation limits are set, in line with the requirements in the National Policy Statement for Freshwater Management; and;*
- *A summary of freshwater resource consenting activity for the reporting period.*

¹ Please note an extension of this date to 30 June 2021 as per your letter to ORC of 11 September 2020.

Progress Made in Developing Science, Planning, Consenting, Monitoring and Enforcement, and Land Management Organisational Capability and Capacity

The following table outlines the particular improvements in each of the areas specifically identified in your report.

Area	What we advised in March 2021	Latest Update
Science	<p>The new team structure has been implemented, with all new Team Leaders now on board.</p> <p>Key roles in Catchment Hydrology and Terrestrial Biodiversity now filled. Vacancies in hydrology and land management/agriculture are proving hard to fill.</p> <p>The Environmental Monitoring Manager is in place, with new roles filled in Dunedin and Alexandra.</p> <p>The new environmental data management system is now due to go live in early April 2021.</p>	<p>The Science Team is in place and developing and implementing programmes for biodiversity, land and water. An experienced team of mentors have also been engaged to support the Science Team deliver the programme of work for the new Land and Water Plan.</p> <p>The Manager Science position is vacant and under recruitment. Two vacancies in the science team continue to prove hard to fill in a competitive market. In these circumstances ORC is reliant on consultants to carry out work.</p> <p>A new team leader role in the Environmental Monitoring Team is being recruited.</p> <p>In May 2021 ORC completed the move from Hilltop to Aquarius, our new Environmental Monitoring System. Aquarius is now providing greater quality assurance of environmental data. Focus is now on developing a web interface to provide enhanced access to environmental water data for customers, stakeholders and the public.</p>
Planning	<p>Prior to Plan Change 7 hearings commencing in March, training (including holding a mock hearing) was provided to staff involved.</p> <p>A principal advisory role for the planning team has been formalised out to 2023. This specifically includes mentoring less experienced staff.</p> <p>Recruitment for a new Senior Analyst in the Urban Development team has been completed. A</p>	<p>A full governance model for the delivery of the new Land and Water Plan is now in place including project management and engagement expertise to support the delivery team. The governance arrangements also provide for partnership with Ngai Tahu at every level of decision making. The Land and Water Regional Plan Governance Group is co-chaired by ORC’s Chairman Andrew Noone, and Ngai Tahu kaumatua Edward Ellison. Membership also includes Hoani</p>

	<p>graduate role has been filled with a permanent policy analyst, and a second junior analyst to support completion of the RPS including the new requirement for freshwater visions.</p> <p>The Policy and Planning Team have also commenced sharing their experiences of developing the latest RPS with other regional councils. Of particular interest so far has been Otago's experience as the first RPS to Nelson City Council, and Environment Canterbury.</p>	<p>Langsbury for Ngai Tahu, and Councillor Gretchen Robertson. In addition, other councillors and Ngai Tahu representatives attend meetings to provide addition input on specific FMU's as required.</p> <p>ORC's Long-Term Plan provides for 3 fixed term (3 year) roles in the Land and Freshwater team. All three of these roles have been filled with a range of graduate planners and planners, with commencement dates ranging from September through November 2021.</p> <p>There are also two senior vacancies in the Land and Freshwater team and one vacancy in the urban team, which are all being recruited.</p> <p>Members of the Land and Freshwater team are continuing to be involved in work on the implementation of Plan Change 8 provisions and supporting the Essential Freshwater package</p>
<p>Consenting</p>	<p>Six new Consents Officers have started since November 2020. These Officers are spread throughout Otago to ensure that we are able to support the community. The new staff are in Oamaru (x2), Balclutha (x1), Queenstown (x1) and Dunedin. An additional Public Enquiries Consents Officer has started in the team. The focus of this role is on providing advice and support to consent applicants. Workload consists of responding to question about deemed and water permits, the requirements of the NES-FW and also Plan Change 8.</p> <p>Further training has been held on the NPS and NES-FW. The focus has been on intensive winter grazing, wetlands and intensification. As part of this work and training links with other Regional Councils have been established and used. Stakeholders have been provided with copies of the 'standard' conditions that are</p>	<p>Staffing levels remain in line with those indicated in the previous report and support is continued to be provided by contractors for overflow processing. An additional FTE is now budgeted for the next financial year at the Principal level to support the wider team.</p> <p>Work on the Manuherekia consents has continued by the project team set up to process the permits. These applications are 'on hold', at the request of the consent holders, waiting for a decision on Plan Change 7. The applications are being processed by an external consultant, with internal project leadership.</p> <p>Applications for permits relating to deemed and water permits that expire on 1 October have continued to be lodged. Most of these are 'on hold' pending a decision on Plan Change 7. This will be a bubble of work for the team when a decision</p>

	<p>used for permits under the NES and when any large updates are made to the conditions. This is to ensure they are aware of the conditions to be used and are supportive of them.</p> <p>Work on the Manuherekia consents has continued by the project team set up to process the permits. Work to date includes the development of practice notes (supplied to consultants and stakeholders and up on our website), pre-application reviews of documents and now consideration of the applications.</p> <p>Practice notes have been uploaded to the website about our interpretation of matters relating to water permits and also the NES-FW. Work continues on developing other ones relating to topics such as wetlands and winter grazing. The practice notes are largely for practitioners and are supported by the development of a regular newsletter from the Regulatory Group.</p> <p>Work has been undertaken on being as prepared as possible for any consents required for intensive winter grazing. This work has included the preparation of draft application forms, conditions and reports. Work preparing these has been supported by stakeholders and other regional councils. This material will be revisited and finalised once any changes to the NES-FW are made.</p> <p>Staff have attended another 4 catchment group meetings to discuss the new National Environmental Standards and Plan Change 8 rules with the farming community. A number of these sessions had a particular focus on intensive winter grazing and the new rules to manage this activity.</p>	<p>is released, but it is manageable with the resources in place. Staff are in regular communication with these applicants. At the time of writing 9 days before 1 October, applications were still being submitted.</p> <p>Preparation work is being undertaken to be ready for a decision on Plan Change 7. This includes drafting new application forms, updating report templates, drafting practice notes and updating conditions. These cannot be finalised until there is a decision and are in outline form at present. Legal advice is also being sought about the implications of the decision on PC7 for existing applications. This is to ensure we provide clear advice to applicants and process consents in line with the RMA and best practice.</p>
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	The meetings were well received by the farming community.	
Monitoring & Enforcement	<p>Two new Environmental Officers have been recruited, based in Oamaru and Balclutha.</p> <p>Further training has been held on the NPSFM and NES-FW. The focus has been on intensive winter grazing, wetlands and intensification. As part of this work, training links with other Regional Councils have been established and used, such as collaboration on wetland definition. Compliance staff have attended community and stakeholder group meetings with consents staff.</p> <p>The 2020/21 dairy project has had a particular focus on the storage of effluent pond solids and stone trap clearings, the distances that these have been kept away from waterways and monitoring their potential to discharge to the environment through ponding and overland flow. Emphasis has also been placed on the monitoring of silage leachate ponding and the lack of silage leachate collection facilities on many farms. There has also been a strong focus on providing awareness and engaging with farmers on the new requirements with the NES for Freshwater, the Stock Exclusion Regulations, Water Measuring Regulations and Plan Changes 7 and 8.</p> <p>A flyover of the North and South Otago regions in December 2020 identified a number of sites of interest. All have been followed up and where non-compliance was identified, appropriate action has been taken.</p> <p>The ORC Compliance Plan 2020-22 was endorsed by the Regulatory Committee in October 2020. The Compliance Plan sets out the</p>	<p>Staffing levels remain in line with those indicated in the previous report. Two additional FTE are budgeted for the 2021/22 year to support delivery of the ORC Compliance Plan 2020-22 and new regulations in place.</p> <p>The ORC Regulatory Committee approved an operational compliance programme for the 2021/22 year. There has been a delay in some on-site audits due to Covid-19 Alert Level restrictions, but it is expected that targets will be met by year end.</p> <p>The RMA Compliance and Enforcement Policy was adopted by the Regulatory Committee in March 2021. The Policy is consistent with the principles of the Regional Sector Strategic Compliance Framework 2019-24 and the MfE Best Practice Guidelines. There have been significant improvements made to the enforcement process and framework.</p> <p>Ongoing training for staff continues to ensure understanding of the rules and a consistent approach is taken to compliance monitoring and enforcement.</p> <p>Aquarius, ORC's new Environmental Monitoring System includes significant custom configuration designed to improve the Council's monitoring of water metering and sampling data relating to resource consents.</p> <p>Two additional FTE are budgeted for the 2021/22 year in the Council's Regulatory Data and Systems Team. One will support the technical management of the new system, the other will increase the resource dedicated to data monitoring from 3 to 4 FTE.</p>

	<p>priorities for compliance activities across the Otago region and supports a responsive and risk-based approach to the allocation of resources for proactive compliance monitoring as well as reactive response to environmental incidents. The Compliance Plan is consistent with the principles of the Regional Sector Strategic Compliance Framework 2019-24 and the MfE Best Practice Guidelines.</p> <p>Ongoing work is to monitor deemed permits and work proactively with permit holders to replace deemed permits</p>	
<p>Land Management</p>	<p>ORC has funded and supported the establishment of a new incorporated society, Otago Catchment Communities. This umbrella organisation has a vision to “create and support an Otago wide network of catchment groups that are addressing environmental issues now and for generations to come.”</p> <p>The Otago Catchment Community aims to encourage a thriving Catchment Group network by:</p> <ol style="list-style-type: none"> 1. Providing organisational support for Catchment Groups and volunteers. 2. Assisting with the formation and direction setting of new and emerging groups. 3. Assisting individual groups with identifying funding sources and writing applications. 4. Providing administration support to help create the run groups. 5. Providing communication support to help design, write and distribute information. 6. Facilitating access to experts, information, and technology. 7. Establishing enduring funding pipelines to support changing needs. 8. Acting as a conduit between government, regional authorities, and stakeholders. 	<p>As of 9 July 2021, a new Environmental Implementation Team has been established (previously referred to as the Biosecurity and Rural Liaison Team). The team comprises a range of roles and specialist areas of focus aimed at better supporting the delivery of Council’s biosecurity, biodiversity, and freshwater operational work. Additional funding from the 2021-2031 Long-Term Plan, has enabled the revision and creation of new roles and supports an increase in staff numbers.</p> <p>The new team comprises additional ‘on the ground’ community facing roles, as well as specialist operational advisory and environmental project management delivery roles, spatial analysis capabilities and quality assurance functions. In addition to its traditional core responsibilities (biosecurity compliance, land management and development of partnerships), the team will also facilitate the design and implement Council’s new integrated catchment approach (as adopted through the Long-Term Plan), deliver the non-regulatory Land and Water Regional Plan actions and design and deliver, with others, locally specific targeted</p>

	<p>In addition to the above, ORC land management staff (Rural Liaison Team) are currently developing options for implementing non-regulatory approaches to best practice land management. This involves a mix of passive educational information and active on-on-one/group engagement and advice with landowners on good management practices and on areas such as nutrient management, soil health, land drainage, greenhouse gas emissions and more.</p> <p>Staff are due to participate in specialist training including:</p> <ul style="list-style-type: none"> • Land resource inventory – Inventory of physical factors (e.g. rock, soil, slope, erosion type and severity, and vegetation). The inventory is the basis of assessing land resources. • Land use capability (suitability for productive use or uses after considering the physical limitations of the land) to inform catchment and farm scale planning. • Sustainable nutrient management (assessment of nutrient requirements of a range of agricultural systems, including a consideration of best practices) for environmental protection. <p>These expertise development opportunities will enable the team to provide landowners with specific expertise and advice and a wider range of options when considering land use capabilities and best practice land management. This supports the deliberate shift to ORC staff taking a more proactive approach to providing advice on intervention methods.</p> <p>Further information is available here: https://www.orc.govt.nz/media/9638/agenda-implementation-20210310.pdf</p>	<p>environmental action plans.</p> <p>The 2021-2031 Long-Term Plan provides for 27 full time equivalents (FTEs) in Y1 (2021/22), 34 FTEs in Y2 and 37 FTEs in Y3. The team currently has a headcount of 19 staff.</p>
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Progress in Achieving the specified recommendations

The particular recommendations as outlined in the original letter, and ORC’s response, to date, is detailed below:

Action	What we advised in March 2021	Latest Update
<i>Take all necessary steps to develop a fit for purpose freshwater management planning regime that gives effect to the relevant national instruments and sets a coherent framework for assessing all water consent applications, including those that are to replace any deemed permits.</i>	<p>Plan Change 7 hearings commenced on Monday 8th March, with around 8 weeks set down across Dunedin and Cromwell.</p> <p>Mediation is due to run concurrently with the hearings on PC7, for Plan Change 8 to the Regional Plan: Water, and Plan Change 1 to the Regional Plan: Waste. Any matters not suitable for mediation, or unable to be mediated will be set down for hearing immediately following the hearing for Plan Change 7.</p> <p>The review of the Waste Plan is now complete, and the review of the Water Plan is significantly completed.</p>	<p>Mediation on the rural provisions of Plan Change 8 has been undertaken and all provisions were agreed. Given the call-in is a first instance hearing, the provisions have been set down to be heard by the Environment Court in the week of 1 November 2021. The hearing is uncontested and several of the submitters are preparing evidence for or to support ORC.</p> <p>Mediation on dust suppressants which is part of Plan Change 1 occurred on 6 September 2021, however the mediation on Landfills (PC1) and Regionally Significant Infrastructure (PC8) that was scheduled for 7 September was vacated due to the Covid-19 lockdown and some parties unable to participate fully.</p> <p>Mediation on the urban provisions of PC8 is set down for 4 and 5 October 2021. Staff are anticipating that hearings will be required, irrespective of the mediation outcome, for the balance of PC8 and for PC1 and they are likely to occur in early 2022.</p> <p>See below for update on Plan Change 7.</p>
<i>By November 2020, a complete review of the current RPS that is publicly notified, with the intention that it be made operative before the review of the LWRP is notified</i>	The first phase of pre-notification consultation (Clause 3 consultation) for the proposed Otago Regional Policy Statement 2021 (pORPS 2021) has been completed. This consultation finished on 12 March and as well as involving the mandatory parties, has included all members of the 2020 Stakeholder Reference Groups, and a wide range of key	The proposed RPS21 was publicly notified, as a freshwater instrument, on 26 June 2021. The period for making submissions closed on 3 September, and an approximate total of around 1500 submissions have been received. More than 1000 of those do not have any contact details on them and will need to be considered by the Hearing Panel to determine

	<p>stakeholders.</p> <p>The 2020 Reference Groups reconvened during the Clause 3 consultation to discuss the chapter that they were involved in. Bringing these groups back together has been incredibly valuable and resulted in a positive engagement and improvements to the provisions in the pORPS 2021.</p> <p>Clause 4 consultation with iwi is set down for April.</p> <p>ORC intends to ask that the RPS, as a whole, be heard by the newly created Freshwater Hearing Panel, as we consider it to be a freshwater planning instrument. In order to be heard by the FHP, ORC is required to nominate two (2) Commissioners to sit and hear and make recommendations on the pORPS 2021. Staff have commenced an Expression of Interest process to identify suitable Commissioners, with a formal recommendation for two Commissioners to go to Council in May.</p> <p>The ORC will be asked to formally approve the section 32 for the pOPRS 2021 and approve the document for notification at a Council meeting in June.</p> <p>As advised last time, the Freshwater Visions workshop were held across October and November with 23 workshops across 18 locations throughout the region. In addition, an online survey was also available for people to respond to, either in lieu of attending a workshop, or as well as attending.</p> <p>In addition to progressing the draft RPS 2021, Council has approved making more of the 2019 partially operative RPS, operative from 15 March 2021.</p>	<p>their validity.</p> <p>ORC provided a submission period was 50 working days, rather than the statutory minimum of 40 working days. The submission period coincided with the August 2021 Covid-19 Level 4 lockdown and ORC received requests to extend the submission period. ORC did not extend the period for submissions but did advise parties that it would not oppose the receipt of late submissions.</p> <p>In July 2021 the Royal Forest and Bird Protection Society (F&B) wrote to ORC questioning the decision of Council that the pRPS21 is a freshwater instrument in its entirety. On Friday 3 September, ORC lodged joint proceedings to the High Court to determine whether the pRPS21 is a freshwater instrument in its entirety. ORC is plaintiff in the Statement of Claim and F&B is the other party to the proceedings. Due to the nature of the High Court claim, ORC has sought directions that all submitters to the pRPS21 are served notice of the proceedings. Directions from the High Court have been issued, and a hearing date set down to consider this matter on 8th and 9th February 2022.</p> <p>While the High Court proceedings are underway, staff continues to progress the proposed RPS process, and prepare the documents required to be provided to the Chief Freshwater Commissioner in December 2021. Staff are working to summarise the decisions requested and make the summary available, as soon as practically possible.</p> <p>ORC is having ongoing discussions with the Chief Freshwater Commissioner in terms of both</p>
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<p><i>By 31 December 2023, a new LWRP for Otago that includes objectives, strategic policies, region-wide activity policies, & provisions for each of the FMU's, covering all catchments within the region</i></p>	<p>The Waste Plan review is now complete. Water Plan review is significantly advanced and is expected to be complete by June 2021.</p> <p>The RPS process of establishing freshwater visions for each FMU and rohe has provided the outcomes for each FMU. This will direct the proposed Land and Water Regional Plan. Work on the FMU's will commence in the middle of this year, once the Manuherehia, Arrow and Cardrona are completed.</p> <p>Work has continued in the Arrow, Cardrona and Manuherehia catchments, with community meetings to present quantity limits for Arrow and Cardrona scheduled for late March. Consultation on the Manuherehia flow and allocation preferences is scheduled to occur shortly after</p> <p>Work has continued in the Arrow, Cardrona and Manuherehia catchments, with community meetings to present quantity limits for Arrow and Cardrona scheduled for late March. Consultation on the Manuherehia flow and allocation preferences is scheduled to occur shortly after.</p>	<p>The Water Plan review is now being finalised.</p> <p>In June 2021, Council noted the proposed broad scale regional approach to be taken by the ORC Science Team to underpin the Land and Water Regional Plan development. This paper to Council outlined the high-level science work programme now being implemented. The programme has workstreams covering water quantity, surface water quality, groundwater, land use, soil attributes, wetlands, estuaries, biodiversity, ecological habitats and fish passage. The link to the 23 June 2021 Council Agenda – 7.7 Science Programme to Inform the Land and Water Plan is: https://www.orc.govt.nz/media/10015/agenda-council-20210623.pdf</p> <p>Staff have commenced work in the Upper Lakes rohe, and the Catlins FMU, and community consultation sessions in those two areas are scheduled for November this year. Staff are also working on an online consultation platform that will enable consultation to continue, should another lockdown occur. The Arrow and Cardrona minimum flows and allocation, as recommended by staff, have been</p>

		<p>formally noted by Council. No additional work is proposed on flows and allocation in these rivers and the noted numbers will be included in the proposed Land and Water Regional Plan in 2023.</p> <p>In accordance with the approach to the LWRP adopted by Council in July 2020, staff recommended that Council note their advice on Manuherehia rohe minimum flows at the August 26 Council meeting. Staff are now implementing Council's resolution that requests reports from the Technical Advisory Group established in 2019 to advise ORC with regard to the Manuherehia rohe on further science to be completed for the catchment. The full resolution is:</p> <p>Resolution CM21-140: Cr Noone Moved, Cr Calvert Seconded That the Council: 1) Requests that the Technical Advisory Group (TAG) be requested to provide regular reports to the Strategy and Planning Committee on progress towards finalising the required science for the Manuherehia catchment.</p>
<p><i>Prepare a Plan Change by 31 March 2020 that will provide an adequate interim planning & consenting framework to manage freshwater up until the time that new discharge and allocation limits are set, in line with requirements in the NPSFM.</i></p>	<p>As noted above, Plan Change 7 hearings commenced on Monday 8th March.</p>	<p>Plan Change 7 has now concluded the substantive hearings (over more than 10 hearing weeks) across Dunedin and Cromwell. The Environment Court also undertook a helicopter site visit across the Upper Taieri and Manuherehia valleys, and a 4WD trip across Alexandra, Clyde, and Cromwell. A decision is due in mid- October (delayed from September due to the latest Covid-19 lockdown). The latest communication from the Environment Court is a Minute at the start of September to confirm the status of the proposed RPS.</p>

Summary of Freshwater Resource Consenting Activity – for the period 9 March – 10 September 2021

The following is a summary of the freshwater resource consenting activity for the reporting period:

- Between 9 March 2021 and 10 September 2021, the Otago Regional Council received 95 applications for water take consents. These applications are being processed as 124 separate resource consents, with 22 for taking groundwater and 102 for taking surface water. Of the 95 applications, 41 relate to the replacement of Deemed Permits.
- From the 95 applications lodged between 9 March 2021 and 10 September 2021, Council issued 25 resource consents, 8 for taking groundwater and 17 for taking surface water. Of the remaining 99 resource consents, 88 are currently being processed and 11 have been rejected or withdrawn.
- The Council also issued a further 12 resource consents relating to applications lodged before 9 March 2021. These include 3 resource consent for taking groundwater and 9 for taking surface water. Of the 12 resource consents issued, 2 related to the replacement of 2 Deemed Permits.
- In total, the Council is currently processing 151 applications for water take consents. These applications are being processed as 253 Resource Consents, with 19 for taking groundwater and 234 for taking surface water. Of the 151 Applications, 90 relate to the replacement of Deemed Permits.
- Between 9 March 2021 and 10 September 2021 no applications relating to taking water were publicly notified, and 4 applications were limited notified.
- There are currently 326 active Deemed Permits in the Otago Region including 37 that have been replaced but not surrendered.
- One appeal, to a decision on an application for a new water permit relating to a deemed permit, has been lodged with the Environment Court. In this case the appeal has come from one of the submitters, not the applicant.

Next Steps

ORC will continue progressing the Catlins FMU and the Upper Lakes rohe and continue with processing submissions on the proposed RPS21. Our next report back to you will be in April 2022.

In the interim, if you have any questions or need further clarification, please don't hesitate to get in touch with Anita Dawe (anita.dawe@orc.govt.nz; or 021 445 993).

Yours sincerely

Sarah Gardner
Chief Executive Officer

Council Meeting 2021.09.29

Audit and Risk Subcommittee 2021.10.14

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under [section 48\(1\)](#) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
<p><i>Minutes of the 13 May 2021 Audit & Risk Subcommittee Public Excluded</i></p>	<p>To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities – Section 7(2)(h)</p> <p>To enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) – Section 7(2)(i)</p> <p>To protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information—would be likely otherwise to damage the public interest – Section 7(2)(c)(ii);</p> <p>To avoid prejudice to measures that prevent or mitigate material loss to members of the public – Section 7(2)(e);</p> <p>To protect information where the making available of the information— would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information – Section 7(2)(b)(ii);</p> <p>To protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information—would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied – Section 7(2)(c)(i);</p>	

	To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities – Section 7(2)(h)	
<i>3.1 Annual Report for the year ended 30 June 2021 and Audit Management Letter</i>	To protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information—would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied – Section 7(2)(c)(i)	Section 48(1)(a); Subject to subsection (3), a local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on 1 or more of the following grounds: (a) that the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.
<i>3.2 Long-Term Plan 2021-31 Audit Management Letter</i>	To protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information—would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied – Section 7(2)(c)(i)	Section 48(1)(a); Subject to subsection (3), a local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on 1 or more of the following grounds: (a) that the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.
<i>3.3 Managed Fund – June 2021 Report</i>	To protect information where the making available of the information— would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information – Section 7(2)(b)(ii); To protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the	Section 48(1)(a); Subject to subsection (3), a local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on 1 or more of the following grounds: (a) that the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of

	<p>information—would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied – Section 7(2)(c)(i);</p> <p>To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities – Section 7(2)(h)</p>	<p>information for which good reason for withholding would exist.</p>
<p><i>3.4 Risk Report</i></p>	<p>To avoid prejudice to measures that prevent or mitigate material loss to members of the public – Section 7(2)(e);</p> <p>To prevent the disclosure or use of official information for improper gain or improper advantage – Section 7(2)(j)</p>	<p>Section 48(1)(a);</p> <p>Subject to subsection (3), a local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on 1 or more of the following grounds:</p> <p>(a) that the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</p>
<p><i>3.5 Fraud Risk – Assessment and Actions</i></p>	<p>To avoid prejudice to measures that prevent or mitigate material loss to members of the public – Section 7(2)(e);</p> <p>To prevent the disclosure or use of official information for improper gain or improper advantage – Section 7(2)(j)</p>	<p>Section 48(1)(a);</p> <p>Subject to subsection (3), a local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on 1 or more of the following grounds:</p> <p>(a) that the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</p>
<p><i>Insurance Disclosure - Update</i></p>	<p>To protect information where the making available of the information— would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information – Section</p>	<p>Section 48(1)(a);</p> <p>Subject to subsection (3), a local authority may by resolution exclude the public from the whole or any part of the proceedings of any</p>

	<p>7(2)(b)(ii); To avoid prejudice to measures that prevent or mitigate material loss to members of the public – Section 7(2)(e); To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities – Section 7(2)(h)</p>	<p>meeting only on 1 or more of the following grounds: (a) that the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</p>
<p><i>Wilding Conifer Contract Management</i></p>	<p>To maintain legal professional privilege – Section 7(2)(g); To avoid prejudice to measures that prevent or mitigate material loss to members of the public – Section 7(2)(e); To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities – Section 7(2)(h)</p>	<p>Section 48(1)(a); Subject to subsection (3), a local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on 1 or more of the following grounds: (a) that the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</p>

This resolution is made in reliance on [section 48\(1\)\(a\)](#) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by [section 6](#) or [section 7](#) of that Act or [section 6](#) or [section 7](#) or [section 9](#) of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public.