

Council Meeting - 22 February 2023

Meeting will be held in the Council Chamber at Level 2, Philip Laing House
144 Rattray Street, Dunedin
[ORC YouTube Livestream](#)



Members:

Cr Cr Gretchen Robertson, Chairperson	Cr Tim Mephram
Cr Lloyd McCall, Deputy Chairperson	Cr Andrew Noone
Cr Alexa Forbes	Cr Bryan Scott
Cr Gary Kelliher	Cr Alan Somerville
Cr Michael Laws	Cr Elliot Weir
Cr Kevin Malcolm	Cr Kate Wilson

Senior Officer: Pim Borren, Interim Chief Executive

Meeting Support: Liz Spector, Governance Support Officer

22 February 2023 01:00 PM

Agenda Topic

Page

1. WELCOME

2. APOLOGIES

Cr Bryan Scott has submitted apologies for this meeting.

3. PUBLIC FORUM

Requests to speak should be made to the Governance Support team on 0800 474 082 or to governance@orc.govt.nz at least 24 hours prior to the meeting, however, this requirement may be waived by the Chairperson at the time of the meeting.

Pierre Marasti representing Extinction Rebellion has requested to speak during Public Forum for this meeting.

4. 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.

5. DECLARATION OF INTERESTS

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. [The ORC Councillor Register of Interests is published to the website.](#)

6. [OPEN ACTIONS FROM RESOLUTIONS OF 2022 - 2025 COUNCIL MEETINGS](#)

4

The status of actions from resolutions made by Council in the current triennium will be reviewed.

7. CONFIRMATION OF MINUTES

8

The Council will consider minutes of previous Council Meetings as a true and accurate record, with or without changes.

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	This report enables Council to achieve a draft position for adjustments to the financial forecasts and work programme contained in the Otago Regional Council Long-Term Plan 2021-31 (LTP).	
8.2	RPS FRESHWATER PLANNING INSTRUMENT PARTS - ADVICE TO CHIEF FRESHWATER COMMISSIONER	35
	To seek Council approval to provide two nominations as Otago Regional Council nominees to sit, hear, and make recommendations on the freshwater parts of the proposed Otago Regional Policy Statement 2021.	
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8.4	RATIFYING THE OTAGO LOCAL AUTHORITIES' TRIENNIAL AGREEMENT 2023 - 2025	58
	This report is provided to seek a decision on ratification of the Otago Local Authorities' Triennial Agreement for 2023 - 2025.	
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8.5	GOVERNANCE AND COMMUNITY ENGAGEMENT ON DUNEDIN CITY COUNCIL'S FUTURE DEVELOPMENT STRATEGY	68
	This report seeks confirmation of Council's preferred governance arrangements for stage one of DCC's FDS and notes the proposed engagement approach.	
8.6	CONFIRMATION OF QUEENSTOWN LAKES DISTRICT COUNCIL NOMINATION TO THE REGIONAL TRANSPORT COMMITTEE	74
	This report seeks confirmation of final member of the Otago Regional Transport Committee for the 2022 - 2025 triennium.	
8.7	DOCUMENTS SIGNED UNDER COUNCIL SEAL	76
	This report is provided to inform Council of delegations requiring application of the Council Seal exercised during the period 29 Sept 2022 through 1 February 2023.	
8.8	REVIEW OF OPEN ACTIONS (PUBLIC) FROM 2019-2022 MEETINGS	80
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	Recommendations made by the Committee at the 2 February 2023 meeting are presented for adoption by Council.	

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11.	RESOLUTION TO EXCLUDE THE PUBLIC	101
	That the Council excludes the public from the following part of the proceedings of this meeting (pursuant to the provisions of the Local Government Official Information and Meetings Act 1987), namely:	
	<ul style="list-style-type: none">- Confidential minutes of the 24 November, 5 December, 7 December, and 12 December 2022 Council Meetings- Whare Rūnaka / Head Office Update- Review of Open Actions (confidential) of 2019-2022 meetings	
11.1	Public Exclusion Table	101
12.	CLOSURE	

Action Register

Search Criteria

Showing Completed Items: Yes

Include Items Completed From: 05/12/2022

Applied Filters

Start Meeting Date: 26th Oct 2022

Meeting Types: Council Meeting

Generated By: Liz Spector

Generated On: 15/02/2023 at 1:40pm

Document	Item	Status	Action Required	Assignee/s	Action Taken	Due Date
Council Meeting 2022.12.07	GOV2278 Review of Open Actions (Public) from 2019-2022 Meetings	Completed	The Chief Executive will provide detailed commentary on the open actions from the 2019-2022 triennium to the 22 Feb 2023 Council Meeting alongside the quarterly report. Res CM22-297	General Manager Regulatory and Communications, Interim Chief Executive	13/02/2023 Governance Support Officer A report on open actions from the 2019 - 2022 triennium was provided to Council with the 22 February 2023 agenda.	22/02/2023
Council Meeting 2022.12.07	STG2207 Otago Lakes Management Review report	Completed	Draft, scope, and investigate the internal and external resourcing required to develop an Otago Lakes Strategic Plan to inform the 2024-2034 LTP. Res CM22-298	General Manager Governance, Culture and Customer, Manager Executive Advice, Senior Strategic Analyst	13/02/2023 General Manager Governance, Culture and Customer Linked to STG2207 and the Councillor/CE working group that has been established to develop a Lakes Strategy, so will report against that action and close this one off.	30/06/2023
Council Meeting 2022.12.07	SPS2255 Update on Consultations for Natural and Built Environment Bill, Spatial Planning Bill, and Review into the Future for Local Government	Completed	The CE to coordinate and submit appropriate submissions to the Environmental Select Committee on the NBE Bill, and the Spatial Planning Bill by 30 January 2023. Res CM22-302	General Manager Policy and Science, Interim Chief Executive	11/01/2023 Governance Support Officer Working group met on 9 January 2023. 14/02/2023 EA to CE & Chair: Submissions were lodged on 3 February 2023.	30/01/2023
Council Meeting 2022.12.07	SPS2255 Update on Consultations for Natural and Built Environment Bill, Spatial Planning Bill, and Review into the Future for Local Government	Completed	Deliver a Council workshop to inform a submission on the Review into the Future for Local Government by early Feb which will inform the submission coming to Council for approval on 22 Feb 2023. Res CM22-302	General Manager Governance, Culture and Customer, Manager Executive Advice	13/02/2023 General Manager Governance, Culture and Customer Workshop took place on 2nd February.	02/02/2023

Document	Item	Status	Action Required	Assignee/s	Action Taken	Due Date
Council Meeting 2022.12.07	GOV2277 Consideration of terms of reference for committee structure adopted on 9 Nov 2022	In Progress	Initiate and lead discussions between ORC, DCC, QLDC and Waka Kotahi on establishment of a joint-member subcommittee(s) of the Public and Active Transport Committee by 28 February 2023. Res CM22-289	Chairperson, General Manager Regulatory and Communications, Interim Chief Executive	14/02/2023 EA to CE & Chair: An update will be provided at the 28 Feb 2023 meeting.	23/02/2023
Council Meeting 2022.12.07	GOV2277 Consideration of terms of reference for committee structure adopted on 9 Nov 2022	In Progress	Provide a report to the Public and Active Transport Committee (PATC) on possible development of a regional public and active transport connectivity strategy by 30 April 2023. Res CM22-290	Interim Chief Executive, Manager Transport	14/02/2023 EA to CE and Chair: This action is progressing.	30/04/2023
Council Meeting 2022.12.07	STG2207 Otago Lakes Management Review report	In Progress	The Chair and CE shall establish a working group to advance a Lakes Strategy for the region, engaging with all relevant stakeholders, and report progress to the 22 March 2023 Council Meeting. Res CM22-298	Chairperson, General Manager Governance, Culture and Customer, General Manager Regulatory and Communications, Interim Chief Executive	11/01/2023 Governance Support Officer Meeting of working group organised for 24 January 2023. 13/02/2023 General Manager Governance, Culture and Customer The Working Group met on 24 January 2023 to determine scope and priorities. The Group is currently considering membership and finalising formal terms of reference. 14/02/2023 EA to CE & Chair: ToR has been drafted. Update will be provided at the 22 March 2023 meeting.	22/03/2023

Document	Item	Status	Action Required	Assignee/s	Action Taken	Due Date
Council Meeting 2022.12.07	COMS2204 Otago Regional Council Community Survey Results 2022	In Progress	Provide progress reports on the Community Survey Action Plan to the Regional Leadership Committee during the 2023 financial year. Res CM22-300	General Manager Regulatory and Communications, Manager Communications and Marketing	01/02/2023 GM Regulatory and Comms R Saunders: A report will be prepared for the 10 May 2023 Regional Leadership Committee agenda.	31/12/2023



Council MINUTES

Minutes of an ordinary meeting of the Otago Regional Council held in the Dunstan Meeting Room at Otago Regional Council, 70 Stafford Street, Dunedin on Monday 5 December 2022, commencing at 1:00 PM.

PRESENT

Cr Gretchen Robertson *(Chairperson)*
Cr Lloyd McCall *(Deputy Chairperson)* (remote attendance)
Cr Alexa Forbes
Cr Gary Kelliher (remote attendance)
Cr Tim Mepham
Cr Andrew Noone
Cr Bryan Scott
Cr Alan Somerville

IN ATTENDANCE

Chairperson Gretchen Robertson opened the Council Meeting at 1:05pm. Staff present included Amanda Vercoe (GM Governance, Culture and Customer). Also present electronically was Doug Craig, RDC Group.

1. APOLOGIES

Resolution: Cr Forbes Moved, Cr Noone Seconded:

That the apologies for Cr Laws, Cr Malcolm, Cr Weir, Cr Wilson be accepted.

MOTION CARRIED

2. CONFIRMATION OF AGENDA

The agenda was confirmed as presented.

3. CONFLICT OF INTEREST

No conflicts of interest were advised.

4. RESOLUTION TO EXCLUDE THE PUBLIC

Resolution: Cr Noone Moved, Cr Forbes Seconded:

That the Council moves to exclude the public under LGOIMA 48(1)(a), Sec 7(2)(a) for consideration of next steps in the Chief Executive recruitment process.

It is further moved that Doug Craig of RDC Group be permitted to remain at this meeting electronically, after the public has been excluded, because of their knowledge of the chief executive recruitment process. This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because they have been contracted to manage the process.

MOTION CARRIED

5. CLOSURE

There was no further business and Chairperson Robertson declared the meeting closed at 1:05pm.

Chairperson

Date



Council Meeting MINUTES

Minutes of an ordinary meeting of the Otago Regional Council held in the Council Chamber, Level 2 Philip Laing House, 144 Rattray St, Dunedin on 7 December 2022 commencing at 11AM.

PRESENT

Cr Gretchen Robertson *(Chairperson)*
Cr Lloyd McCall *(Deputy Chairperson)*
Cr Alexa Forbes
Cr Gary Kelliher
Cr Michael Laws *(Joined the meeting at 1pm)*
Cr Kevin Malcolm
Cr Tim Mephram
Cr Andrew Noone
Cr Bryan Scott
Cr Alan Somerville
Cr Elliot Weir
Cr Kate Wilson

Welcome

Chairperson Gretchen Robertson welcomed Councillors, members of the public and staff to the meeting at 11:06 am. Staff present included Pim Borren, (interim Chief Executive), Nick Donnelly (GM Corporate Services), Anita Dawe (GM Policy and Science), Richard Saunders (GM Regulatory and Communications), Amanda Vercoe (GM Governance, Culture and Customer), Liz Spector (Governance Support), Andrea Howard (interim Manager Strategy), James Adams (Sr Strategic Analyst), Sarah Munro (Manager - Finance), Jasmin Lamorie (Corporate Planning Business Partner), and Fleur Mathews (interim Manager Policy and Planning).

1. APOLOGIES

Resolution: Cr Wilson Moved, Cr McCall Seconded:

That the apologies for lateness for Cr Laws be accepted.

MOTION CARRIED

2. PUBLIC FORUM

Mr David Bainbridge-Zafar spoke about free public buses and responded to questions from Councillors.

Mr Pierre Marasti, representing the group Extinction Rebellion, spoke about recent developments of the climate emergency and responded to questions from Councillors.

3. CONFIRMATION OF AGENDA

The agenda was confirmed as published.

4. DECLARATION OF INTERESTS

No conflicts of interest were advised.

5. CONFIRMATION OF MINUTES

Resolution: Cr Noone Moved, Cr Wilson Seconded

That the minutes of the (public portion of the) Council meeting held on 9 November 2022 be confirmed as a true and accurate record.

MOTION CARRIED

Resolution: Cr Noone Moved, Cr Wilson Seconded

That minutes of the 24 November 2022 Council Meeting be confirmed as a true and correct record.

MOTION CARRIED

6. MATTERS FOR CONSIDERATION

6.1. Consideration of terms of reference for committee structure adopted on 9 Nov 2022

The report was provided for Council's consideration of the draft Terms of Reference and Delegations for the 2022-2025 Committee Structure for the ORC and to allow consideration of membership on various working groups, various internal and external groups, and approval of external member nominations to the Regional Transport Committee.

Chairperson Robertson introduced the report and noted several suggestions made by Councillors. Following consideration of several changes, the following was resolved:

Resolution CM22-287: Cr Somerville Moved, Cr McCall Seconded

That the Council:

- 1) **Notes this report.**

MOTION CARRIED

Resolution CM22-288: Cr Scott Moved, Cr Weir Seconded

That the Council:

- 1) **Adopts** the Terms of Reference and Delegations for the Committees as included in the agenda, with the following amendments:
 - a. *The Chair of the Regional Transport Committee is Cr Kate Wilson, and the Deputy Chair is Cr Alexa Forbes*
 - b. *The ORC Chairperson will be considered an ex officio member on all working groups and the Audit and Risk Subcommittee*
 - c. *Delete the word "financial" from the risks in the Audit and Risk description.*
 - d. *Add "creation of plans" to the biodiversity description in the Policy and Science Committee*

MOTION CARRIED

Resolution CM22-289: Cr Noone Moved, Cr Weir Seconded

That the Council:

- 1) **Agrees** that the ORC Chair, CE, and Co-Chairs of the Public and Active Transport Committee take a lead in discussions with DCC and QLDC (Mayors and CEs) as well as Waka Kotahi, on the establishment of joint-member subcommittee/s under ORC's Public and Active Transport Committee by 28 February 2023.

MOTION CARRIED

Resolution CM22-290: Cr Wilson Moved, Cr Weir Seconded

That the Council:

- 1) **Agrees** that a paper be brought to the Public and Active Transport Committee by 30 April 2023 addressing the opportunity to develop a regional public and active transport connectivity strategy.

MOTION CARRIED

Resolution CM22-291: Cr Robertson Moved, Cr Weir Seconded

That the Council:

- 1) **Approves** the list of Council Working Groups and membership of those groups, with the following amendment:
 - a) *Membership on the Integrated Catchment Management Working Group changed to Chair: Deputy Chair Lloyd McCall, and Deputy Chair: Cr Kate Wilson (FMU Catlins Councillor).*

MOTION CARRIED

Cr Malcolm requested his vote against this motion be recorded in the minutes.

Resolution CM22-292: Cr Mepham Moved, Cr Noone Seconded

That the Council:

- 1) **Approves** the list of Council appointments as included in the agenda.

MOTION CARRIED

Resolution CM22-293: Cr Kelliher Moved, Cr Malcolm Seconded

That the Council:

- 1) **Confirms** the Territorial Authority nominations to the Regional Transport Committee as follows:
 - Central Otago District Council: Cr Stuart Duncan
 - Clutha District Council: Cr Bruce Graham
 - Dunedin City Council: Cr Jim O'Malley (Cr Kevin Gilbert, alternate)
 - Queenstown Lakes District Council: To be named on 15 December
 - Waitaki District Council: Cr Jim Thomson (Cr Guy Percival, alternate)
 - Waka Kotahi/NZTA: Mr James Caygill

MOTION CARRIED

Resolution CM22-294: Cr Noone Moved, Cr Somerville Seconded

That the Council:

- 1) **Agrees** to change the name of the Public Transport Committee to the Public and Active Transport Committee

MOTION CARRIED

Resolution CM22-295: Cr Wilson Moved, Cr Forbes Seconded

That the Council:

- 1) **Agrees** to change the name of the Environmental Policy and Science Committee to the "Environmental Science and Policy Committee."

MOTION CARRIED

Cr McCall requested his vote against the motion be recorded in the minutes.

Motion: Cr Noone Moved, Cr Wilson Seconded

That the Council:

- 1) **Agrees** to change the name of the Environmental Implementation Committee to the Environmental Community Collaboration Committee.

MOTION FAILED

A division was called by Cr Robertson:

Vote

For: Cr Kelliher, Cr Mepham, Cr Noone, Cr Scott and Cr Wilson

Against: Cr Forbes, Cr Malcolm, Cr McCall, Cr Robertson, Cr Somerville and Cr Weir

Abstained: Nil

At 12:22pm Chairperson Robertson then suggested the meeting adjourn for a short break. Cr Forbes moved that the meeting adjourn, the motion was seconded by Cr Kelliher, and the motion passed.

Chairperson Robertson called the meeting back to order at 12:45pm.

6.2. Consideration of Meeting Schedule for 2023

The report was provided to allow Council's consideration of the proposed meeting schedule for 2023. Following a discussion of the draft calendar and noting a change of the 26 October Finance Committee meeting to 23 November, it was resolved:

Resolution CM22-296: Cr Malcolm Moved, Cr Noone Seconded

That the Council:

- 1) **Notes** this report with draft meeting schedule.
- 2) **Adopts** the meeting schedule for 2023, changing the 26 October 2022 Finance Committee meeting to 23 November 2022.

MOTION CARRIED

6.3. Review of Open Actions (Public) from 2019-2022 Meetings

The report was provided to review open actions from resolutions made during the 2019 - 2022 triennium. Amanda Vercoe, GM Governance, Culture and Customer, was present to speak to the report and respond to questions.

Following a discussion of the actions, it was agreed the actions would be reviewed quarterly by Council starting with the 22 February 2023 Council Meeting with the interim Chief Executive providing additional information on the outstanding items as requested.

Resolution CM22-297: Cr Kelliher Moved, Cr Forbes Seconded

That the Council:

- 1) **Notes** this report.
- 2) **Notes** the progress against outstanding 2019-2022 actions.
- 3) **Agrees** to receive quarterly reporting against these 2019-2022 actions.

MOTION CARRIED

Councillor Laws joined the meeting at 1pm.

6.4. Otago Lakes Management Review report

The report was provided to deliver the Otago Lakes Management Review report, prepared for the Council by Landpro Ltd and to summarise linkages with current and planned work addressing several of the report's recommendations, outline where future initiatives need to be pursued, and seek approval to proceed to the next stage of the scoping process. Andrea Howard (acting Manager Strategy) and James Adams (Senior Strategic Analyst) were present to speak to the report and respond to questions.

Interim Chief Executive Pim Borren mentioned a letter from Simon Upton, Parliamentary Commissioner for the Environment, which expressed concern of the health of Otago's deep water lakes. Dr Borren suggested the ORC could consider taking a leadership role in this issue by creating a working group to consider management of the Alpine lakes and work with iwi and other agencies to progress monitoring of the lakes. Chair Robertson noted it was important to spotlight this issue, and said the report speaks to several initiatives focussed on this space, some funded by the ORC.

Cr Laws said Integrated Catchment Management plans had been promoted as a way to address concerns over specific water bodies and he asked when those plans were anticipated to be completed. Dr Borren said the process is expected to roll out over a number of years and said a

governance group to specifically address deep water alpine lakes was a way to keep this issue in focus.

Cr Kelliher suggested the ORC could work collaboratively with other regional councils such as Environment Southland and Environment Canterbury to share expertise in this area. Anita Dawe (GM Policy and Science) stated ECan has a water management strategy in place and said she thought ES had one in place as well. Chair Robertson said there is support from other councils to lift the profile of southern lakes.

Following further discussion of the report, it was moved:

Resolution CM22-298: Cr Laws Moved, Cr Malcolm Seconded

That the Council:

- 1) **Notes** the attached Otago Lakes Management Review report.
- 2) **Notes** the range of complementary business as usual work underway or planned that will address many of the recommendations contained in the Otago Lakes Management Review report.
- 3) **Notes** that recommendations not currently under active consideration (through current or planned work programmes) will be reviewed, prioritised, and costed as part of the 2024-2034 Long-Term Plan process.
- 4) **Approves** proceeding to Stage 2 of the scoping study, namely, to make recommendations on the scope of an Otago Lakes Strategic Plan.
- 5) **Directs** staff to draft, scope, and investigate the internal and external resourcing required to develop an Otago Lakes Strategic Plan to inform the 2024-2034 Long-Term Plan process.
- 6) **Considers** the additional level of medium-term investment Council is willing to support to implement an Otago Lakes Strategic Plan, so that any additional funding required can be considered as part of the 2024-2034 Long-Term Plan process.
- 7) **Directs** the Chair and Chief Executive to establish a working group tasked with providing an overall plan for Council consideration to advance a Lakes Strategy for the Region – and include authorisation to engage with all relevant stakeholders and report progress to the 22 March 2023 Council Meeting.

MOTION CARRIED

6.5. Quarterly Financial Report – 30 September 2022

This report provided financial and non-financial performance information for the major aspects of service delivery as outlined in the Long-term Plan 2021-31 for the first quarter of the 2023 Financial Year. Nick Donnelly (GM Corporate Services and CFO), Sarah Munro (Manager Finance - Reporting) and Jasmin Lamorie (Corporate Services Business Partner) were present to speak to the report and respond to questions.

Following a discussion of the report, it was moved:

Resolution CM22-299: Cr Noone Moved, Cr McCall Seconded

That the Council:

- 1) **Notes** this paper and the Activity and Financial Performance Reports for the period 1 July 2022 to 30 September 2022 (quarter 1 of the 2022-23 financial year).

MOTION CARRIED

6.6. Otago Regional Council Community Survey Results 2022

This report presented results of the Otago Regional Council Community Survey 2022. Richard Saunders (GM Regulatory and Communications), Vicki Roach (Team Leader Marketing and Brand) and Natalie Richards from Versus Research were present to speak to the report and respond to questions.

Ms Richards shared a PowerPoint detailing results from the 2022 survey and responded to questions from Councillors. Cr Scott suggested communications related to State of the Environment work should be improved. Cr Noone suggested learnings could be made from other regional councils on ways to get information on plans and initiatives into the public arena. Ms Richards said this would link into development of the ORC brand which would help with engagement and consistency of messaging.

Following further discussions, it was moved:

Resolution CM22-300: Cr McCall Moved, Cr Forbes Seconded

That the Council:

- 1) **Notes** this report.
- 2) **Approves** the ORC Community Survey Action Plan 2022.
- 3) **Notes** that the Otago Regional Council Community Survey will be carried out again in 2023 and reported to Council before the end of that calendar year.
- 4) **Notes** that progress reports on the Community Survey Action Plan will be reported to the Regional Leadership Committee during the 2023 year.

MOTION CARRIED

6.7. Future Development Strategy for Dunedin City – Scope and Focus

The National Policy Statement on Urban Development 2020 (NPS-UD) requires the Dunedin City Council (DCC) and Otago Regional Council (ORC) to jointly prepare a Future Development Strategy (FDS) for Dunedin by mid-2024. The purpose of this report is to seek approval for the scope and overall focus for the Future Development Strategy for Dunedin which is being prepared by DCC and ORC in partnership with mana whenua.

Anita Dawe (GM Policy and Science), Fleur Mathews (Manager Policy), and Dr Anna Johnson (DCC Principal Planner) were present to speak to the report and respond to questions. Nathan Stocker (DCC Team Leader Research and Monitoring) was also present to respond to questions.

Following a discussion of the report, it was resolved:

Resolution CM22-301: Cr Wilson Moved, Cr Noone Seconded

That the Council:

- 1) **Notes** this report.
- 2) **Notes** the updated Housing Capacity Assessment;
- 3) **Notes** the publication of the Business Land Capacity Assessment and further business land assessment work being undertaken;
- 4) **Agrees** to using a medium growth scenario and recommended scope that includes the identified focus areas (Option One);
- 5) **Notes** that Dunedin City Council will be considering this matter on 13 December;
- 6) **Agrees** that, if Dunedin City Council agrees to a different scope option, the FDS Executive Steering Group meets to discuss and determine a way forward.

MOTION CARRIED

6.8. Update on Consultations for Natural and Built Environment Bill, Spatial Planning Bill, and Review into the Future for Local Government

The report provided an update and options to Council on three consultations open for submission - the Natural and Built Environment Bill (NBE Bill), the Spatial Planning Bill (SP Bill), and the Review into the Future for Local Government.

Following a discussion, it was resolved:

Resolution CM22-302: Cr Wilson Moved, Cr Somerville Seconded

That the Council:

- 1) **Notes** this report.
- 2) **Approves** and directs the Chief Executive along with the Submissions Working Party to coordinate and submit appropriate submission(s) to the Environmental Select Committee on the Natural and Built Environment Bill, and the Spatial Planning Bill by 30 January 2023.
- 3) **Notes** consultation on the draft report, *He mata whāriki, he matawhanui, Review into the Future for Local Government*, is open for public consultation until 28 February 2023.
- 4) **Notes** that a Council workshop to inform a submission on the Review into the Future for Local Government to be held in early February 2023, with the final submission coming to Council for approval in late February.

MOTION CARRIED

7. CHAIRPERSON'S AND CHIEF EXECUTIVE'S REPORTS

7.1. Chairperson's Report

Resolution: Cr Scott Moved, Cr McCall Seconded

That the Chairperson's report be received.

Motion Carried

7.2. Chief Executive's Report

Resolution: Cr Somerville Moved, Cr Weir Seconded

That the Chief Executive's report be received.

Motion Carried

8. RESOLUTION TO EXCLUDE THE PUBLIC

Resolution: Cr Forbes Moved, Cr Noone Seconded:

I move that the public be excluded from the following parts of this meeting, namely:

- Confidential minutes of the 9 November 2022 Council Meeting
- Review of Open Actions (confidential) of 2019-2022 meetings
- Amendments to Non-Freshwater Hearings Panel Appointment - pORPS Sch 1 Process
- Port Otago Resolution In Lieu of Annual Shareholders Meeting
- Appointment of Independent Member to Audit and Risk Subcommittee

MOTION 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
Confidential minutes of the 9 November 2022 Council Meeting	<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 maintain legal professional privilege – Section 7(2)(g)</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>	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>Review of Open Actions (Confidential) from resolutions of 2019-2022 Council and Committees</i>	<p>To protect the privacy of natural persons, including that of deceased natural persons – Section 7(2)(a)</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 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,</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>negotiations (including commercial and industrial negotiations) – Section 7(2)(i)</p> <p>To prevent the disclosure or use of official information for improper gain or improper advantage – Section 7(2)(j)</p>	
<p><i>Amendments to Non-Freshwater Hearings Panel Appointment - pORPS Sch 1 Process</i></p>	<p>To protect the privacy of natural persons, including that of deceased natural persons – Section 7(2)(a)</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>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>Port Otago Resolution in Lieu of Annual Shareholders Meeting</i></p>	<p>To protect the privacy of natural persons, including that of deceased natural persons – Section 7(2)(a)</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>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>Appointment of independent member of Audit and Risk Subcommittee</i></p>	<p>To protect the privacy of natural persons, including that of deceased natural persons – Section 7(2)(a)</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</p>

		the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.
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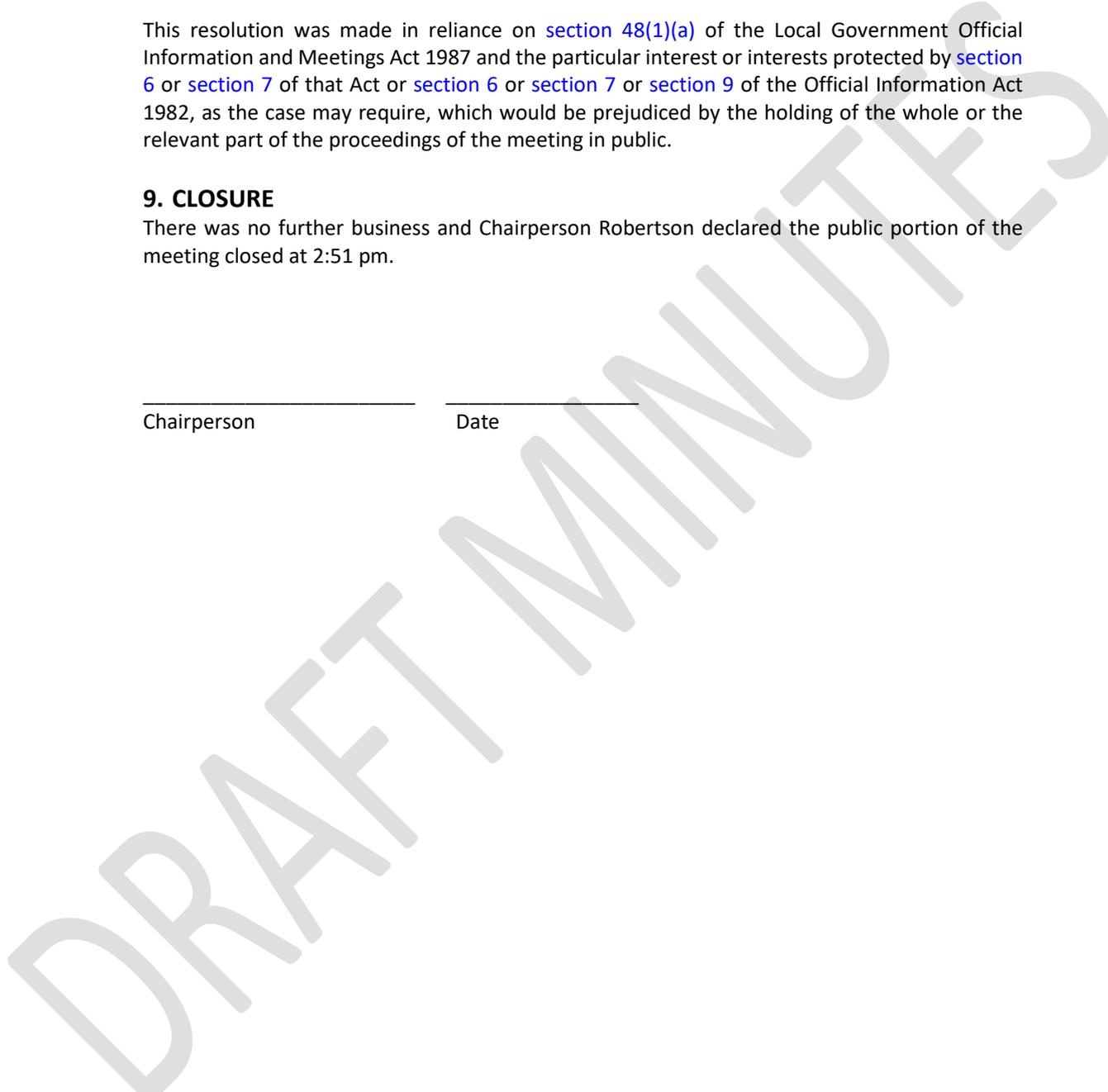
This resolution was made in reliance on [section 48\(1\)\(a\)](#) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by [section 6](#) or [section 7](#) of that Act or [section 6](#) or [section 7](#) or [section 9](#) of the Official 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.

9. CLOSURE

There was no further business and Chairperson Robertson declared the public portion of the meeting closed at 2:51 pm.

Chairperson

Date





Council MINUTES

Minutes of an ordinary meeting of the Otago Regional Council held at the offices of Anderson Lloyd – Dunedin, Otago House 12/477 Moray Place, Dunedin on Monday, 12 December 2022.

PRESENT

Cr Gretchen Robertson *(Chairperson)*
Cr Lloyd McCall *(Deputy Chairperson)* (remote attendance)
Cr Alexa Forbes
Cr Gary Kelliher (remote attendance)
Cr Tim Mepham
Cr Andrew Noone
Cr Bryan Scott
Cr Alan Somerville

IN ATTENDANCE

Chairperson Gretchen Robertson opened the Council Meeting at 1:05pm. Staff present included Amanda Vercoe (GM Governance, Culture and Customer). Also present electronically was Doug Craig, RDC Group.

1. APOLOGIES

Resolution: Cr Forbes Moved, Cr Noone Seconded:

That the apologies for Cr Laws, Cr Malcolm, Cr Weir, Cr Wilson be accepted.

MOTION CARRIED

2. CONFIRMATION OF AGENDA

The agenda was confirmed as presented.

3. CONFLICT OF INTEREST

No conflicts of interest were advised.

4. RESOLUTION TO EXCLUDE THE PUBLIC

Resolution: Cr Noone Moved, Cr Forbes Seconded:

That the Council moves to exclude the public under LGOIMA 48(1)(a), Sec 7(2)(a) for consideration of next steps in the Chief Executive recruitment process.

It is further moved that Doug Craig of RDC Group be permitted to remain at this meeting electronically, after the public has been excluded, because of their knowledge of the chief executive recruitment process. This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because they have been contracted to manage the process.

MOTION CARRIED

5. CLOSURE

There was no further business and Chairperson Robertson declared the meeting closed.

Chairperson

Date

8.1. Annual Plan 2023/24

Prepared for: Council
Report No. CS2304
Activity: Governance Report
Author: Mike Roesler, Manager Corporate Planning
Endorsed by: Nick Donnelly, General Manager Corporate Services
Date: 22 February 2023

PURPOSE

- [1] This report enables Council to achieve a draft position for adjustments to the financial forecasts and work programme contained in the Otago Regional Council Long-Term Plan 2021-31 (LTP). Doing so provides a basis for finalising the Annual Plan 2023-24 (AP). On the back of Council agreeing a draft position on changes to the LTP, this report also presents options for finalising the process, including adoption and rating resolution prior to 1 July 2023.

EXECUTIVE SUMMARY

- [2] Council has progressed to a stage in the AP process where it needs to decide a draft position for adjustments to the financial forecasts and associated activity contained in Year 3 (2023-24) of the LTP. The discussion section shows the impact of the refinements staff have made to the financial estimates to achieve a rating increase that reflects the Year 3 LTP increase adjusted to reflect the increase in actual inflation.
- [3] Deciding a draft position provides all those associated with the process, including external parties, certainty around the scope of proposed adjustments to the LTP. The timing of the recommendations in this report also provides Council with more options in how it decides to engage with the community, including the upcoming long term plan process.
- [4] Given that the proposed adjustments to the LTP are not 'significant' and do not include substantive changes to Council activity, the legal requirement to formally consult does not apply.
- [5] Nonetheless, Council staff are recommending an engagement option that both communicates Council's service intentions for 2023-24 and enables community to provide feedback about the proposed rates increase.
- [6] While feedback would be reported to Council under the preferred option 1, it will not be within a formal submission and hearing process. The advantages of doing this are listed in the report and include providing more focus at both a Council and community level on the new Long-term Plan process.

RECOMMENDATION

That the Council:

- 1) **Notes** the position on proposed expenditure adjustments to associated work programmes in year 3 Long-Term Plan 2021-31 as presented in ‘Discussion’ section of this report.
- 2) **Notes** the funding impacts of the proposed adjustments to year 3 Long-Term Plan 2021-31 as presented in ‘Discussion’ section of this report
- 3) **Notes** that approving the proposed adjustments to year 3 Long-Term Plan 2021-31 revises the adopted financial estimates and establishes a draft position for the Annual Plan 2023-24.
- 4) **Approves** the proposed adjustments to year 3 Long-Term Plan 2021-31 that establishes a draft position for the Annual Plan 2023-24.
- 5) **Approves** proposed changes to the Otago Regional Council ‘Schedule of Fees and Charges’ for inclusion in communications material provided for community feedback.
- 6) **Notes** the draft position for the Annual Plan 2023-24 provides the basis for communicating or consulting on the Council’s intentions for year 3 Long-Term Plan and for Council to consider any final ‘non-material’ adjustments leading into adoption of the Annual Plan.
- 7) **Agrees** the adjustments as summarised in the discussion section of this report do not represent significant or material changes to year 3 Long-Term Plan 2021-31.
- 8) **Notes** the options presented in this report for the approach to finalising the Annual Plan 2023-24.
- 9) **Approves** Option 1 being ‘Communicate Council’s Intentions for the Annual Plan 2023-24’.
- 10) **Directs** the Chief Executive to prepare the supporting information for Council’s preferred option for finalising the Annual Plan 2023-24.

BACKGROUND

- [7] This Annual Plan process reviews the adopted Long-term Plan (LTP) year 3 financial estimates and associated activity. The table 1 shows the adopted LTP rate increases for years 1 to 3.

Table 1: Adopted LTP Rate Increases

Average Total Rate Increase	LTP Estimates	Annual Plan 2022/23	Draft AP 2023/24
Year 1: 2021/22	48.5%		
Year 2: 2022/23	18.0%	18.0%	
Year 3: 2023/24	12.0%		18.8%

- [8] Overall direction in service provision was maintained in year 2 via the Annual Plan 2022-23 with Council absorbing the initial inflationary impacts and keeping within the planned average rate funding envelope of 18%.

- [9] During this AP process Council has received and considered information about the LTP work programme and associated financial estimates. Meetings and workshops included:
- a. 25 August 2022 Finance Committee – endorsed steps and timeline. This report also provided background about legislation associated with decision-making. For example, how the decision-making process should reflect the significance of change to the adopted Long-Term Plan.
 - b. 9 November 2022 Council workshop [Cromwell] – staff presentation including:
 - i. Helicopter view on direction, priorities and current state
 - ii. Key points to note from Year 2 considerations [ie options to decrease expenditure and rates; 10 May 2022 presentation]
 - iii. Operational deficits [reference to 'Deficits Report' to 21 September 2022 Audit and Risk Committee]
 - iv. Year 3 work programme and financial estimates [including reserves where relevant]
 - v. Councillor discussion included topics of: Climate Change; Catchment Plans; Lakes Strategy; Funding Policy; Financial Strategy; Programme Performance
 - vi. Staff were directed to report back in more detail on the first two topics and the Land and Water Policy programme.
 - c. 8 December 2022 Council Workshop – staff presented the results of the 'Identify' phase where staff reviewed the LTP estimates. Revised level of service, expenditure and funding impacts were provided.
 - d. 1 and 8 February 2023 Council Workshops – staff presented the results of the 'Build' step from completing detailed financial modelling following the 8 December Council workshop.

[10] The result of the process to date is that Council is maintaining the direction and work programme as per our publicly- consulted plan. Where adjustments have occurred to the planned work programme, this reflects new information and the changing work environment. Some changes have also been made that are fully funded by non-rates revenue, predominately central government grants.

[11] Council is needing to manage inflationary impacts, which have put upward pressure on our previously adopted year 3 LTP expenditure and rating estimates. While Council absorbed inflationary pressure, such as staff wages and costs, in year 2 the ongoing impact will be more difficult to absorb without impacting rates. Not increasing expenditure and rates in year 2 has also exacerbated the inflationary impact in year 3 and it will not be possible to deliver the agreed year 3 work program and levels of service within the LTP year 3 estimated rates increase. This is a situation faced by many following material inflationary pressures in the national economy.

DISCUSSION

Adjustments to Yr3 Long-term Plan

[12] The key expenditure items and funding impacts have been communicated in the Council Workshops listed above. Table 2 summarises of those key adjustments.

Table 2: Adjustments from LTP Year 2 to Annual Plan 2023-24

Adjustments: LTP Year 2 to AP2023/24	Total Expenditure	Rates General	Rates Targeted	Other Income	Reserves
LTP Year 2	106,172	23,113	24,128	50,930	8,000
P1 RPS - consultant / hearing cost	500	500			
R1 Consents - 1 FTE	150	43		107	
W3 ICM - 3 FTE	500	500			
W3 Land & Water Implementation - 2 FTE	300	75	225		
L1 Biodiversity Fund	300	300			
T1-T5 Transport	2,000	100	1,700	1,500	(1,300)
F1-M8 Flood & Rivers	(506)	(74)	514	(501)	(446)
W3 Lake Hayes	(409)				(409)
L2 Biosecurity	222		617	5	(400)
Other	925	459	697	849	(1,080)
LTP Year 3	110,154	25,016	27,882	52,891	4,365
G8 Governance - 2 FTE lwi/exec support (added in AP22/23)	300	300			
P1 Response to Issues - consultants/legal	400	400			
R1 Consents - reduce Science FTE	(500)			(500)	
R1 Consents - reduce 3 FTE	(450)	(195)		(255)	
I1 Incidents - consultants/legal (prosecutions)	350	350			
A4 Air - additional Policy staff (added in AP22/23)	300	300			
L2 Biosecurity - MPI Wallabies, J4N Maintain the gain	1,700			1,700	
W2 L&W Science - staff time from R1 Consents	500	500			
W3 Water Quality - J4N - Te Hakaupupu	350			350	
E1 Emergency Mgt - 3 FTE (added in AP22/23)	400		200		200
F3 & F6 Flood - additional opex	750	150		(400)	1,000
N3 Climate Change - additional Hazards staff	150	150			
T1-T5 Transport	(2,100)			(1,100)	(1,000)
L7 Biosecurity - MPI Wilding Pines decrease	(930)			(930)	
W3 Environmental Freshwater Fund - 2 FTE's	300			300	
W3 Hill Country Erosion	154			154	
W3 Lake Hayes	500				500
T4 Dunedin PT - real time information	460			(400)	860
T5 Wakatipu PT - real time information	180			(200)	380
Staff cost (inflationary adjustment)	1,445	1,445			
Other	(674)	(67)	(320)	(547)	260
Annual Plan 2023-24 DRAFT	113,738	28,349	27,762	51,062	6,565

[14] The net impact of these changes in expenditure equates to a total average rate requirement of 18.8% (compared to the 12.0% LTP year 3 estimates). Table 3 shows the general and targeted rate components of the proposed average rate requirement.

Table 3: Impact on Rates

Average Increase	LTP Year 3	Draft AP 2023/24
General Rates	9.1%	22.6%
Targeted Rates	14.8%	15.2%
Total Rates	12.0%	18.8%

Draft Estimates

[15] This section relates to recommendations 4 of this report.

[16] Table 4 provides the proposed draft expenditure estimates at activity level. It totals \$113.7 million compared to the \$110.1 million as consulted and agreed with the community for the LTP year 3. The proposed total expenditure represents an increase of \$3.584 million compared to the year 3 LTP estimate. Most of this increase is comprised of external grant funded work that does not impact rates.

Table 4: Expenditure Summary

EXPENDITURE SUMMARY	Actual 21/22	Annual Plan 22/23	LTP 23/34 Year 3	AP 23/34 Year 3	AP vs LTP Mvt \$
Governance & Community	6,881	7,775	7,598	8,487	888
Regional Planning	2,748	2,293	2,751	3,065	315
Regulatory	12,829	13,477	14,427	14,187	(240)
Regional Leadership	22,458	23,545	24,776	25,739	963
Land & Water	14,157	18,937	18,552	20,400	1,847
Biodiversity & Biosecurity	10,587	11,460	9,824	10,499	675
Air	650	810	786	966	180
Environment	25,394	31,206	29,162	31,865	2,703
Climate Change & Hazards	2,273	3,413	3,551	3,600	50
Emergency Mgt	2,657	3,336	2,960	3,484	523
Flood & Rivers	10,033	12,540	11,894	12,939	1,045
Safety & Resilience	14,963	19,289	18,405	20,023	1,618
Transport	30,150	34,762	37,811	36,111	(1,700)
TOTAL EXPENDITURE	92,965	108,801	110,154	113,738	3,584

[17] The proposed sources of revenue budgeted to cover the cost of Council activity are shown in Table 5.

Table 5: Funding Summary

FUNDING SUMMARY	Annual Plan 22/23	LTP 23/34 Year 3	Mvt %	AP 23/34 Year 3	Mvt %	AP vs LTP Mvt \$
General Rates	23,127	25,226	9.1%	28,349	22.6%	3,123
Targeted Rates	24,101	27,672	14.8%	27,762	15.2%	90
Total Rates	47,228	52,898	12.0%	56,110	18.8%	3,212
Grants	22,102	17,760	-19.6%	20,495	-7.3%	2,735
Fees & Charges	6,861	7,451	8.6%	6,167	-10.1%	(1,284)
Bus Fares	5,506	8,667	57.4%	6,100	10.8%	(2,567)
Other Income	3,003	3,086	2.8%	2,373	-21.0%	(713)
Dividends	14,000	15,000	7.1%	15,000	7.1%	
Interest & Investment Income	928	928	0.0%	928	0.0%	
Reserves - SRD	6,499	2,496	-61.6%	4,723	-27.3%	2,227
Reserves	2,675	1,870	-30.1%	1,842	-31.1%	(27)
Total Non Rates	61,574	57,256	-7.0%	57,628	-6.4%	372
TOTAL REVENUE	108,801	110,154	1.2%	113,738	4.5%	3,584

[18] The proposed total rating revenue (general and targeted) is \$56.1 million. Compared to the LTP Yr3 the proposed total rates have increased by \$3.2 million (6.8%). The proposed increase is comprised of \$3.1 million general rates, and \$90,000 targeted rates. The additional general rate increase includes \$1.4 million for inflationary impacts on staff costs. Other costs have also been increased to reflect inflationary and

general market increases to services Council requires to complete the agreed work program and levels of service.

[19] The targeted rates increase from Year 2 to Year 3 in the LTP included the phasing of rates increases across the LTP period. That means some activities having higher reserves funding in early years, decreased as targeted rates increased in future years. This included:

- a. Emergency Management
- b. Pest management
- c. Drainage and flood protection
- d. Public Transport

[20] Importantly, this proposed AP2023-24 rating requirement includes a dividend 'offset' from Port Otago of \$15 million. Dividends increased from \$10 million in 2020-21 to \$13 million year 1 of the LTP, \$14 million in year 2 and \$15 million in year 3. This reduces rating impacts on the region's ratepayers.

[21] The impact on average rates is shown Table 6.

Table 6: Average Rates

Rate Units 120,989	Annual Plan 22/23	LTP 23/34 Year 3	Mvt	AP 23/34 Year 3	Mvt	AP vs LTP
General Rates (\$'000)	23,127	25,226	2,099	28,349	5,222	3,123
- Average	\$ 219.82	\$ 239.77	\$ 19.95	\$ 269.45	\$ 49.63	\$ 29.68
Targeted Rates (\$'000)	24,101	27,672	3,571	27,762	3,661	90
- Average	\$ 229.08	\$ 263.02	\$ 33.94	\$ 263.87	\$ 34.80	\$ 0.85
Total Rates (\$'000)	47,228	52,898	5,670	56,110	8,883	3,212
- Average	\$ 448.90	\$ 502.79	\$ 53.89	\$ 533.33	\$ 84.43	\$ 30.53

[22] The LTP estimated an average rates increase of \$53.89 in year 3 to \$502.79. This has now increased in the Annual Plan 2023-24 by \$30.53 to \$533.33.

[23] The proposed estimates (expenditure and funding) reflect some key assumptions and uncertainties relating to:

- a. Regional planning cost and hearings
- b. Central government direction and funding
- c. Bus fares

Balancing the Budget

[24] Council is required to ensure that estimated revenue is sufficient to cover estimated operating costs. Council can however set its revenue at a different level, if Council resolves that it is financially prudent to do so. Table 7 shows the operating surplus / deficit position for Annual Plan 2023-24.

Table 7: Surplus / Deficit Summary

Statement of Comprehensive Revenue and Expense	22/23 AP \$000	23/24 LTP \$000	23/24 AP \$000
Rates revenue	47,228	52,898	56,110
Grant revenue	22,102	17,760	20,495
Other revenue	10,406	17,241	10,704
Dividends	14,000	15,000	15,000
Interest & Investments	750	750	750
Other revenue	5,583	5,583	4,531
Total Revenue	100,069	109,231	107,590
Employee Benefits	32,692	33,174	35,823
Depreciation	4,356	4,442	4,511
Finance Costs	250	262	300
Operating Expenses	66,022	68,962	70,287
Total Expenditure	103,320	106,841	110,921
Other Gains/Losses	1,064	1,006	1,028
Surplus/(Deficit)	(2,186)	3,396	(2,303)

[25] It is estimated that for the 2023-24 financial year, revenue will not cover estimated operating costs and there is an estimated operating deficit \$2.3 million. The LTP assumed a surplus in year 3 mainly due to property sales (Birch / Kitchener Street and Stafford Street) being included in that year. These sales are now expected to occur in 2024-25 and have been removed from the AP 2023-24.

[26] The deficit has also increased as the assumption around bus fare revenue has also been amended to reflect the continuation of \$2 fares rather than the higher pre Covid fares assumed in the LTP. This has resulted in a decrease in operating revenue of \$1.9 million.

Fees and Charges

[27] Table 8 below lists the proposed changes to Council’s ‘Schedule of Fees and Charges’. Recommendation 5 of this report seeks Council’s approval of these proposed changes and will direct Council staff to include a revised schedule in the Annual Plan 2023-24 that will be presented for adoption in May or June 2023.

Table 8: Proposed Changes to Fees and Charges

	Current	Proposed
Staff Time per Hr:		
Management	205	215
Team Leader/Principal	185	195
Senior Technical	165	175
Technical	145	150
Field Staff	145	150
Administration	110	115
Specialist Expert Services (i.e. Science, Hazards or Engineering)	165	175
	Current	Proposed
Disbursements	Actual	Actual
Additional site notice	Actual	Actual
Advertisements	Actual	Actual
Vehicle use per KM	0.70	IRD Published Rates
Harbourmaster vessel per hr	375	395
Travel and Accom.	Actual	Actual
Testing Charges	Actual	Actual
Consultants	Actual	Actual
Commissioners	Actual	Actual
Councillor Hearing fees per Hour		
Chairperson	100	
Member	80	
Expenses	Actual	
Fixed Fees	Current	Proposed
Single Bore	750	1,365
Intensive Winter Grazing Consent	NEW	1,600

[28] A 5% increase in staff time component of fees is based on the inflationary uplift to wage rates from last year.

OPTIONS

Finalising Annual Plan – Process and Options

[29] Council consideration and discussion about material presented at AP workshops has indicated no significant or material change to the LTP. This report enables Council to formalise this understanding and provide certainty about the process choices for finalising the AP. The ‘Considerations’ section ‘Significance and Engagement’ references the relevant report recommendation to achieve this.

[30] Assuming ‘no significant change’, Council has greater flexibility about its’ process for finalising the AP. It can either:

- a. Open the adopted LTP year 3 for public consideration and feedback via a consultation procedure; or,
- b. Communicate its year 3 programme to the community with no consultation, but the ability to provide feedback about the reasons for change to the adopted LTP.

[31] The above choice is reflected in the following two options with recommendation 9 of this report seeking Council approval on the preferred option 1.

[32] **Option 1: Communicate Council’s intentions [Preferred]**. This option involves:

- a. Content
 - i. High level messaging around maintaining direction, associated work, absorbing inflationary impacts and up-coming Long-term Plan engagement opportunities. Refers to ORC website.
 - ii. Summary of year 3 work programme [with a geographic perspective]
- b. Channels
 - iii. Council website
 - iv. All standard printed and digital media channels
 - v. Letters to previous submitters [ie where ORC has e-mail contacts]
 - vi. No hard copy hand delivered communication material proposed
- c. Feedback – high level messaging will signal ‘feedback’ is possible via the ‘Yoursay’ digital platform. Feedback will not be managed and reported as submissions along with no Hearings.
- d. Timing
 - vii. Council staff will target 10 March for completing above

[33] Table X: Option 1 Advantages and Disadvantages

Advantages	Disadvantages
<ul style="list-style-type: none"> • Focuses partners and the community on arguably the more important Long-term Plan conversation. <p>Avoids the perception of duplication of effort and cost that may arise in some minds if formal consultation options are used for <u>both the annual plan and the LTP conversation.</u></p> <ul style="list-style-type: none"> • Regional Councillors can potentially engage in the Long-term Plan process earlier and better manage productive energies. 	<ul style="list-style-type: none"> • Some in the community may interpret this option as signalling a lack of empathy for those who are experiencing financial hardship. • Some in the community may be concerned that options for providing feedback are limited to an online and paper form, eg being able to verbally submit to Council. • Council may miss an opportunity to consider various matters that would otherwise have been raised in person.

<ul style="list-style-type: none"> • Staff time redeployed to delivering the Long-term Plan process and associated business improvement tasks. • Sends a realistic message to the community about the Council’s intentions regarding the LTP • Feedback is possible for those that wish to communicate to Council. 	
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- [34] **Option 2: Special Consultative Procedure (SCP).** This approach involves:
- a. Communicating Council’s intentions through media channels including inviting submissions on changes to the LTP.
 - b. Communication material developed to support above with a submission form available online or on request.
 - c. Formal Hearings held with an opportunity to all those requesting ‘to be heard’.
 - d. Reporting a summary of submissions and associated staff recommendations.
 - e. Council Deliberation on submissions and final decisions on adjustments to the LTP.

[35] **Table X: Option 2 Advantages and Disadvantages**

Advantages	Disadvantages
<ul style="list-style-type: none"> • Meets the expectations of a small portion of the community wanting a full submission, hearing and deliberation process. 	<ul style="list-style-type: none"> • The SCP is more appropriate for significant proposals i.e. of scale. • Opportunity cost associated with Councillor and staff time associated with managing submissions, attending and administering Hearings. Especially given the work still required delivering the Land and Water Plan in Otago. • Less flexibility for decision-makers resulting in reduced time for decision-making. • Could send confusing signals to the community about the Council’s intentions regarding change to LTP year3

CONSIDERATIONS

Strategic Framework and Policy Considerations

- [36] Specific resolutions of Council made during the LTP process are also embodied in the AP process. They include:
- a. Revenue and financing Policy considerations are to report back on options around an independent review of the existing rating basis for all flood protection and drainage schemes; and develop a region-wide methodology for water improvement funding for 2022/23 annual plan.
 - b. Establishment and funding of a scoping study for an Otago Lakes Strategic Plan.
 - c. Establishment of an Otago Harbour Facilities and Management Plan.

Financial Considerations

- [37] The information provided in this report is based on detailed financial modelling. Staff are seeking approval from this Committee to 'lock down' the model and establish a draft position. At that point more accurate calculations can be completed that show for example, the impact of decisions at a property or rating unit level.

Significance and Engagement Considerations

- [38] Adjustments to the LTP as reported in the AP process to date have been considered in reference to the Council's Significance and Engagement Policy/He Mahi Rua Rika. Recommendation 7 of this report seeks Council agreement, that the proposed adjustments to the Long-term Plan 2021-2031 as identified in the process to date and summarised in this report do not represent a significant or material change.

Legislative and Risk Considerations

- [39] The process outlined in this report is consistent with the relevant planning requirements under the Local Government Act 2002.

Climate Change Considerations

- [40] The preferred community engagement option places an emphasis on using Council's digital platform to communicate and enable feedback. Hard copy printed material is minimised which results in a lower expenditure and reduced greenhouse gas emissions.

Communications Considerations

- [41] This has been covered in the 'options' section of this report.

NEXT STEPS

- [42] Assuming the Committee agrees the recommendations of this report the next steps include:
- a. Council staff completing communication content [ie 10 March deadline] about the Council's work programme and the funding impacts for the community.
 - b. Community feedback reported to Council
 - c. Council staff complete any fine tuning adjustments to the planned work programme between now and adoption of the Annual Plan. Any final adjustments will be reported to Council and unless directed, will not increase proposed funding requirements.
 - d. Adoption of the Annual Plan 2023/24 (May 2023 Council meeting).

ATTACHMENTS

Nil

8.2. RPS Freshwater Planning Instrument Parts - Advice to Chief Freshwater Commissioner

Prepared for:	Council
Report No.	SPS2256
Activity:	Governance Report
Author:	Peter Constantine, Acting Principal Planner
Endorsed by:	Anita Dawe, General Manager Science, Environmental Monitoring and Policy
Date:	22 February 2023

PURPOSE

- [1] To seek Council's approval to provide two nominations to the Chief Freshwater Commissioner, as the Otago Regional Council's nominees to sit, hear, and make recommendations on the freshwater parts of the proposed Otago Regional Policy Statement 2021 (the freshwater planning instrument, or FPI).

EXECUTIVE SUMMARY

- [2] The High Court decided in July 2022 that the PORPS could not be considered a freshwater planning instrument in its entirety. The Court directed Council to re-notify those parts of the PORPS it considers to be a freshwater planning instrument, and to continue with the process for the remainder (the 'non-freshwater' parts) of the PORPS through the Resource Management Act 1991 (the Act), Schedule 1 hearing process.
- [3] A consequence of the High Court Decision is that the Freshwater Hearings Panel that had been appointed to the original process no longer exists. In addition, legal advice has been received that confirms the decision of the High Court also means that the previous resolution of Council regarding its two nominees for appointment to the Freshwater Hearing Panel no longer has any effect.
- [4] Council has appointed a panel to hear the non-freshwater parts of the POPRS, and hearings on that part of the PORPS commenced on 23 January this year.
- [5] The freshwater parts of the PORPS have progressed to the stage where Council is now required to nominate two hearing commissioners to the Chief Freshwater Commissioner who, in turn, will appoint a hearing panel to hear those freshwater planning instrument parts of the PORPS.
- [6] Staff consider there are significant benefits in nominating two of the hearing commissioners that are currently sitting on the Non-Freshwater Hearing process, and who are also the same two commissioners that ORC recommended in 2022 following an extensive recruitment process to sit on the FPI panel. Those Panel members are already familiar with the PORPS and the issues and responses it is grappling with. Further, they are experienced commissioners across a range of resource management issues, not just freshwater.

RECOMMENDATION

That the Council:

- [1] **Notes** this report.
- [2] **Approves** the nominations of Allan Cubitt and Bianca Sullivan as Otago Regional Council's nominees to sit, hear and make recommendations on the freshwater planning instrument parts of the proposed Otago Regional Policy Statement 2021.
- [3] **Notes** that the Chief Freshwater Commissioner will be formally advised of ORC's two nominees in accordance with the requirements of the RMA.

BACKGROUND

- [7] On 26 June 2021 Council notified a new PORPS having resolved that the whole of this instrument was a freshwater planning instrument and making it subject to the freshwater planning process. Two days prior to that notification, the Royal Forest and Bird Protection Society of New Zealand Incorporated (F&B) put Council on notice that in its view only part of the PORPS was legitimately able to be considered a freshwater instrument. Subsequently, and in parallel with the notification process, Council and F&B sought declarations from the High Court about whether the whole PORPS could be considered a freshwater planning instrument.
- [8] The Court declared that Council's determination that the whole of the PORPS was a freshwater planning instrument was in error and required Council to satisfy itself as to which parts of the PORPS relate to freshwater and so constitute a freshwater planning instrument, through giving effect to the National Policy Statement for Freshwater Management 2020 (NPSFM) or otherwise relating to freshwater. Once that was done, those identified freshwater planning instrument parts were required to be renotified.
- [9] For completeness, the High Court determined that the balance of the PORPS could continue through the normal Part 1 of Schedule 1 Resource Management Act process without renotification. Hearings on the non-freshwater parts of the PORPS are now underway and are expected to conclude in May 2023. Following the conclusion of the hearings, the Council appointed hearing panel will consider all the material it has received and prepare its recommendations to Council.
- [10] At its meeting on 15 September 2022, Council considered how to split the PORPS into freshwater, and non-freshwater parts, with the following resolutions made:

Affirms that those parts of the Proposed Otago Regional Policy Statement 2021 set out in Attachment 4 directly relate to the maintenance or enhancement of the quality or quantity of freshwater as defined in Section 80A (2) of the Resource Management Act 1991 and therefore comprise a freshwater planning instrument

Adopts that freshwater planning instrument and the Evaluation Report (Attachment 6) prepared pursuant to Section 32 of the Resource Management Act 1991.

Approves the freshwater planning instrument and the Evaluation Report prepared pursuant to Section 32 of the Resource Management Act 1991 for

public notification on Friday 30 September 2022, for a period of 40 working days.

- [11] Those parts of the PORPS determined by Council to comprise a freshwater planning instrument in accordance with the High Court decision are required to be progressed using the procedures set out in Section 80A of the Resource Management Act 1991 (the freshwater planning process).
- [12] Section 80A of the Act was inserted through the Resource Management Amendment Act 2020 to provide a streamlined mechanism for managing freshwater planning instruments. The freshwater planning process is set out in Annexure 1 to this paper.
- [13] Importantly, in the context of this paper, the process includes the establishment of a Freshwater Hearing Panel who will sit, hear, and make recommendations on the freshwater planning instrument. The freshwater hearing panel must comprise 5 members as follows:
- two freshwater commissioners, appointed by the Chief Freshwater Commissioner
 - two nominees from the relevant regional council, and
 - one person with an understanding of tikanga Māori and mātauranga Māori who is nominated by local tangata whenua
- Further detail on the composition of a freshwater hearing panel can be found at Clause 59 of Schedule 1 to the Resource Management Act 1991.

- [14] The freshwater planning process with respect of the freshwater parts of the PORPS has undergone the following steps so far:
- Freshwater planning instrument parts of PORPS were publicly notified on 30 September 2022;
 - The Summary of Decisions Requested (SoDR) was notified on 21 January 2023¹;
 - The Further Submissions period closed on 3 February 2023 for most parties. Two minor corrections to the SoDR were made during the further submissions period which provided parties more time in response to those.

- [15] The next significant steps in this process are Council's advice to the Chief Freshwater Commissioner (CFC) of its two nominees for membership of the freshwater hearings panel; Council advising the CFC of the tangata whenua nominee; and provision to the CFC of the 'required documents'. To achieve the timelines set out in s80A of the RMA Council must submit to the CFC the 'required documents' not later than 30 March 2023 (being 6 months after notification of the freshwater planning instrument). At least 20 working days prior to that, Council must advise the CFC of its and tangata whenua's nominees for the hearing panel, and its intention to submit the required documents, which in effect means the nominations must be provided by the end of February.

¹ The Summary of Decisions Requested (SODR) is the document that is prepared once submissions have been received. Its intent is to summarise each decision that has been requested by a submitter, and it is then made publicly available for a second round of submissions, called Further Submissions.

- [16] It is the role of the Chief Freshwater Commissioner to confirm all appointments to the freshwater hearing panel. Administration of the hearing, however, lies with Council, in consultation with the CFC.
- [17] At this time, it is anticipated that the freshwater hearing panel will commence hearings into the freshwater parts of the PORPS in August 2023. The recommendations of that panel are expected to be received by Council in November 2023. These timelines, however, are not within the control of the Council and could change depending on the composition and availability of the Panel.

HEARING PANEL MEMBERSHIP DISCUSSION

- [18] Section 80A of the Resource Management Act 1991 requires a hearing panel be convened to hear submissions and make recommendations on the freshwater planning instrument. The hearings on the non-freshwater parts of the PORPS have commenced. Council appointed a panel of 4 Commissioners, who were all originally appointed in 2022 to the Freshwater Panel when the PORPS was being considered as one integrated document.
- [19] For efficiency, and to assist with integrating the two parts of the RPS back together, staff are recommending the same two nominees from 2022 be nominated again to the CFC. The original recruitment for Commissioners in 2022 was extensive, with an Expression of Interest process, followed by interviews. Finding candidates considered suitable was challenging.
- [20] Given the time constraints, and the efficiencies of recommending the same two Commissioners, combined with the benefits to the process and the document from having as many of the same panel members as possible, staff consider nominating the same two Commissioners from 2022 to be appropriate.
- [21] As previously noted, Council has engaged a four-member panel to hear and make recommendations on the non-freshwater parts of the PORPS. One means by which the full integration of the document might be retained, despite it having to be split across two separately convened hearing panels, is for there to be common membership between the two panels. This has not been tested before, because the s80A process is still in its infancy. There are, however, no impediments to Council nominees to the Chief Freshwater Commissioner being the same as those it appointed to the Schedule 1 hearing panel.
- [22] In a similar vein, Council understands that tangata whenua are also likely to nominate the same person whose appointment they endorsed to the non-freshwater hearing panel.
- [23] That would then leave two positions on the freshwater hearing panel to be directly appointed by the CFC. Again, one of those who was appointed to the now defunct freshwater hearing panel, is currently Chair of Council's non-freshwater hearing panel – Mr Ron Crosby. If he too is appointed by the CFC to the freshwater hearing panel, then many of the difficulties for achieving a coherent and integrated regional policy statement that could arise from two very separate and different panels would be obviated.

- [24] It is against this background that two preferred candidates are being recommended to Council. They are Allan Cubitt and Bianca Sullivan. Both are accredited Resource Management Act Commissioners, and both were nominees of the previous Council to the CFC to sit on the freshwater hearing panel. Their CVs are attached.
- [25] Mr Cubitt has extensive experience as a Hearing Commissioner, including experience chairing panels and/or sitting as a sole Commissioner. Of relevance to this process, Mr Cubitt was the Chair of the Hearing Panel that heard submissions and made decisions on the Southland Regional Policy Statement in 2015. He also has extensive knowledge and experience of Territorial Authority roles and functions, extensive knowledge of consent processes, and is based in Dunedin so has excellent knowledge and understanding of the Otago area, and the resource management issues to be managed.
- [26] Ms Sullivan has a range of background experience, including roles with the Department of Conservation, Greater Wellington Regional Council, and extensive experience with Environment Canterbury. She has been involved in policy work on the West Coast RPS, and the Canterbury Land and Water Plan, as well as managing the review of 90 consents in Canterbury. Ms Sullivan has knowledge and understanding of the rural sector through her policy and consenting work.
- [27] Both candidates are considered able to represent and understand ORC's interests and have relevant knowledge and experience to assist with hearing submissions on the freshwater parts of the PORPS.
- [28] In addition, both preferred candidates have been appointed by Council to sit on the non-freshwater parts of the PORPS hearing panel, which has recently commenced hearing submissions on the non-freshwater parts of the PORPS. That experience will be invaluable to the freshwater hearing panel to be appointed by the Chief Freshwater Commissioner.

OPTIONS

- [29] Regional councils must provide the Chief Freshwater Commissioner the nominations of appointees to the Freshwater Hearings Panel for freshwater planning instruments. This is required to be done by the end of February this year. If Council considers the two nominees are not suitable, then staff will develop an alternative recruitment process and get that underway. That would mean failing to comply with the timeframes as set out in the RMA, and result in further delays to the freshwater parts of the PORPS.
- [30] Clause 37(2)(a) of Part 4, First Schedule states that a regional council must provide the Chief Freshwater Commissioner the nominations of appointees to the Freshwater Hearings Panel that are required by Clause 59(1)(b) and (c). Clause 59(1) requires the panel must be 5 persons, and two of those must be nominated by the relevant regional council.
- [31] Staff recommend that the above two Commissioners are nominated to the Chief Freshwater Commissioner, to be ORC's representatives on the Freshwater Hearings Panel.

CONSIDERATIONS

Strategic Framework and Policy Considerations

[32] The nominations for the Freshwater Planning process are not directly relevant to the Strategic Directions, except to the extent that the Freshwater Hearings Panel will be considering the freshwater parts of the PORPS, which is relevant to delivering the Strategic Directions.

[33] Nominating two accredited commissioners is consistent with the expectations in the Act for hearing a freshwater planning instrument. This paper represents the next step in the process of nominating Commissioners to the Chief Freshwater Commissioner.

Financial Considerations

[34] The budget for hearing the proposed RPS was set in Year 1 of the current LTP. There is no allocated budget in Years 2 or 3, and currently the project budget is overspent. It is likely there will be an overspend in Year 3 as well, which will be partially offset by staff vacancies while the roles are filled.

Significance and Engagement Considerations

[35] This paper does not trigger the Significance and Engagement Policy, but the PORPS is a matter that is relevant. The freshwater parts of the pORPS21 have been through a public participation process through submissions and so is consistent with the Significance and Engagement Policy.

Legislative and Risk Considerations

[36] The nomination of Commissioners to hear and make recommendations on the PORPS is consistent with the provisions in relation to the Freshwater Planning process as set out in Section 80A of the Act.

Climate Change Considerations

[37] This is not relevant to this paper.

Communications Considerations

[38] This is not relevant to this paper however there is ongoing involvement from the Communications Team on the process to make the PORPS operative and this will continue.

NEXT STEPS

[39] The following is an outline of the next steps:

- Letter to Chief Freshwater Commissioner advising documents to be submitted – 27 February 2023 – Section 80A(4)(d) RMA – this letter must include Council and iwi nominations for appointment to Freshwater Hearing Panel
- Documents to Chief Freshwater Commissioner - 30 March 2023 – Clause 37 Subpart 1 of Schedule 1 to the RMA.

[40] Following forwarding of the required documents to the Chief Freshwater Commissioner, the process is largely out of Council's hands. Council will be, however, required to provide logistical assistance to the CFC concerning arrangements for and management of the hearing.

ATTACHMENTS

1. B Sullivan CV short 20220805 [**8.2.1** - 2 pages]
2. Cubitt Consulting Practice Info 2022 0 E- Es Nam-ki G 0 k Y Ltz 2 Vcg [**8.2.2** - 7 pages]

Annexure 1 - Freshwater hearing process

- [1] For a freshwater planning instrument, once notified, the procedural steps are as follows:
 - a. Period for making submissions (in this case 40 working days)
 - b. Summarising of decisions requested
 - c. Notification of the availability of a summary of decisions requested and a period for making further submissions (the statutory 10 working days)

 - [2] Not later than 6 months after public notification Council is required to submit the following documents to the Chief Freshwater Commissioner:
 - a. That part of the PORPS 2021 which is a FPI.
 - b. the Section 32 Evaluation Report.
 - c. the submissions on the freshwater planning instrument received by the closing date for submissions.
 - d. the regional council's summary of the decisions requested by submitters.
 - e. any further submissions on the freshwater planning instrument received by the closing date for further submissions.
 - f. any submissions received after the closing date for submissions or further submissions.
 - g. any information about when the submissions described in paragraph (f) were received.
 - h. the planning documents that are recognised by an iwi authority and lodged with the regional council.
 - i. any other relevant information.

 - [3] At least 20 working days prior to submitting these documents Council must advise the Chief Freshwater Commissioner of its intention to submit them.

 - [4] As soon as practicable after receiving the documents described above, the Chief Freshwater Commissioner must convene a freshwater hearings panel. The function of the hearings panel is to hear submissions on the freshwater planning instrument, and to make recommendations to Council following the conclusion of the hearing.

 - [5] Council attendance at the hearing is compulsory to assist the panel in one or more of the following ways:
 - a. to clarify or discuss matters in the FPI.
 - b. to give evidence.
 - c. to speak to submissions or address issues raised by them.
 - d. to provide any other relevant information as requested by the panel.

 - [6] The freshwater hearings panel must provide its recommendations to the Council in one or more written reports. Each report must include:
 - a. the panel's recommendations on the provisions of the freshwater planning instrument covered by the report and identify any recommendations that are out of scope of the submissions made in respect of those provisions.
-

- b. the panel's recommendations on the provisions and matters raised in submissions made in respect of the provisions covered by the report.
 - c. the panel's reasons for accepting or rejecting submissions and, for this purpose, may address the submissions by grouping them according to:
 - (i) the provisions of the freshwater planning instrument to which they relate; or
 - (ii) the matters to which they relate.
- [7] Recommendations must be received by Council no later than 40 working days before the expiry of 2 years after public notification of the FPI.
- [8] When it receives the recommendations of the freshwater hearings panel, Council must:
- a. decide whether to accept or reject each recommendation of the freshwater hearings panel.
 - b. for each rejected recommendation that is within the scope of submissions, decide an alternative solution, which:
 - (i) may or may not include elements of both the freshwater planning instrument as notified and the freshwater hearings panel's recommendation in respect of that part of the freshwater planning instrument but
 - (ii) must be within the scope of the submissions.
 - c. for each rejected recommendation that is outside the scope of submissions, decide an alternative solution, which may be within or outside the scope of submissions.
 - d. include an assessment of each alternative solution to a rejected recommendation in the further evaluation report required under section 32AA.
- [9] ORC must publicly notify its decisions within 40 working days of receipt of the panel's recommendations
- [10] Appeals on the merits may be made to the Environment Court if the Council rejects a recommendation that is outside the scope of submissions. Appeals on questions of law may be made to the High Court if the Council accepts a recommendation outside the scope of submissions.
- [11] The standard Part 1 of Schedule 1 to the RMA process has the following basic steps:
- a. Public notification, submissions, further submissions.
 - b. Hearings.
 - c. Decisions of Council – no later than 2 years after public notification.
 - d. Appeals to the Environment Court.
- [12] For completeness, step 11a above is already complete, a hearing panel has been appointed by Council, Council's s42A Report has been published, evidence exchanged, and hearings (step 11b above) are currently underway.

Bianca Sullivan

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Professional Experience

October 2017 – present: Director, Enviser Limited

- Planning advice and drafting amendments to West Coast Regional Policy Statement and Regional Land and Water Plan to implement the National Policy Statement for Freshwater Management (for West Coast Regional Council).
- Project leader for catchment water permit reviews for Environment Canterbury and Environment Southland.
- Environmental policy and planning advice to private clients, including submissions on planning processes, consent application advice and preparation, and strategic planning advice.
- Hearing Commissioner work for resource consent applications and objections.

March 2008 – October 2017: Principal Consents Advisor, Environment Canterbury

- Resource consent decision making under delegated authority.
- Environment Canterbury representative on Whakaraupō Catchment Management Partnership Project Working Group
- Leading large or contentious consenting projects, such as Lyttelton Port's redevelopments, Mackenzie Basin irrigation developments, the Hurunui Water Project and Te Waihora consenting. This included managing staff and contractors, overseeing the preparation of reports, negotiating Court appeals and liaising with Zone Committees and submitters.
- Providing input into council planning processes and national legislation, regulations and strategies, and leading their implementation.
- Leading iwi liaison activities and supporting staff to ensure tangata whenua values were incorporated in consent processing.

March 2016 – April 2017: Project Manager Whakaraupō Catchment Management Partnership (internal secondment)

- Managing the establishment of the partnership, including developing project budgets, project planning, community engagement planning, and developing the partnership framework.
- Reporting to the project's Governance Group and Partners' Working Group, presenting to community engagement workshops, the Banks Peninsula Zone Committee and community interest groups.
- Establishing and co-ordinating a Science Advisory Group.

August 2014 – August 2015: Technical / Planning Lead, Lyttelton Port Recovery Plan (internal secondment)

- Successfully managed technical and planning input into the LPRP project and led the submissions and public hearing processes. This included amendments to the Canterbury Regional Policy Statement, Coastal Environment Plan, Land and Water Plan and Air Regional Plan.
- Liaised with staff from partner agencies and CERA and ensured they were well informed and had opportunities to provide input.
- Presented to community meetings, key stakeholder groups and governance groups.

February 2006 – March 2008: Principal Consents Officer, Environment Canterbury

- Project Leader for the 200+ publicly notified consent applications in the Waitaki Catchment that arose from Ministerial call-ins. This included Meridian Energy Limited's North Bank Tunnel Proposal and Hunter Downs Irrigation Scheme (with South Canterbury Irrigation Company), and large irrigation proposals in the Mackenzie Basin.

May 2004 – February 2006: Senior Environmental Planner, Kingett Mitchell Limited

- Environmental planning, policy and project management work for government departments, regional councils, territorial authorities and private clients.
- Staff management and business development responsibilities.

August 2003 – May 2004: Conservancy Planner, Department of Conservation

- Involvement in planning and policy processes at council and Environment Court levels.

April 2001 – August 2003: Consents Investigating Officer / Senior Consents Investigating Officer, Environment Canterbury

- Processing resource consent applications, training and mentoring staff members.
- Assisting with the development of regional plans.

January – April 2001: Interpretation Planner, Christchurch City Council

- Research, consultation and preparation of interpretive panels and interpretation strategies; contribution to Waterways and Wetlands Design Guide.

September 1999 – June 2000: Environmental Scientist, Environmental Research and Assessment and British Antarctic Survey, Cambridge, UK

- Research and preparation of management plans for terrestrial and marine Antarctic Specially Protected Areas in the Antarctic Peninsula Region.

February 1998 – September 1999: Policy Advisor, Wellington Regional Council

- Responsible for advancing the Regional Coastal Plan through the statutory process under the RMA and providing input into the Proposed Regional Freshwater Plan and Proposed Regional Landscape Plan.
- Wider policy and programme management work, focusing on coasts and wetlands.

March 1996 – January 1998: Environmental Scientist at UNEP/GRID-Christchurch and the International Centre for Antarctic Information and Research (ICAIR) (part time)

- Preparation of management plans for Antarctic Protected Areas in the Ross Sea Region in line with the Protocol on Environmental Protection to the Antarctic Treaty.
- Contributor to United Nations State of the Environment Reports for Antarctica.

Education

1995 – 1998 Master of Applied Science (Honours) Environmental Management, Lincoln University

- Thesis: 'Public perceptions of wetlands: implications for conservation and management'.

1992 - 1994 Bachelor of Science (University of Canterbury, New Zealand)

Major studies in Ecology, Microbiology, Botany, and Plant and Microbial Biotechnology.

Other

Ministry for the Environment Making Good Decisions certificate holder (Chair endorsement).

Associate member New Zealand Planning Institute

Member Resource Management Law Association

Allan Cubitt – Cubitt Consulting Ltd.

1. **Practice Structure**

Name:	Cubitt Consulting Ltd
Expertise:	Certified Hearings Commissioner (Chair Endorsed), Resource Management Planning and Policy Consultants
Principal:	Allan Cubitt, B.A. LLB, Affl. NZPI
Location of Office:	Dunedin
Clientele:	<p>Cubitt Consulting provides comprehensive assistance on all aspects of resource management, planning and policy development to a broad range of clientele including local authorities and private clients. These include the following:</p> <ul style="list-style-type: none">• Clutha District Council• Southland District Council• Dunedin City Council• Waitaki District Council• Timaru District Council• Hurunui District Council• Grey District Council• Otago Regional Council• Southland Regional Council• Westland Regional Council• North Otago Irrigation Company• Benmore Irrigation Company Ltd• Mainland Civil Ltd• New Zealand China Town Ltd• Waitaki River Protection Trust• Otago Peninsula Trust• Otago Racing Club• Bright Wood New Zealand Ltd• Windpower Otago Limited• Maitaura Industrial Estate Limited• Maitaura Power Limited• Tasman Farms Ltd• Dairy Holdings Ltd• Otago Consultants Ltd

- City Forests Ltd
- NZ Wood Mouldings Co Ltd
- Pan Pac Forests Products Ltd
- Summerset Retirement Villages Ltd
- McKeown Group Limited
- Otago Cricket
- Palmers and Son Ltd
- Logan Point Quarry
- New Zealand Growing Media Ltd
- Danmount Properties Ltd
- Clan Construction Ltd
- G.J Gardner Homes
- JJ Ltd
- Maple Properties Ltd
- Atom Holdings Ltd
- Trapezium Investments Limited
- Ngai Tahu Forestry Limited
- Wee Nippers Ltd
- Mini Thinkers Ltd
- Glenelg Gospel Trust
- Prista Apartments Ltd
- New Zealand Deer Ltd
- Harborough Properties Ltd
- Ross Family Trust

2. **Relevant Experience and Track Record**

Cubitt Consulting Ltd is very active in resource management work throughout the South Island. Cubitt Consulting Ltd's main experience lies in the following areas:

- Acting as a **Hearings Commissioner** on resource consent applications and Plan Changes for the Dunedin City Council, Southland District Council, Waitaki District Council, Timaru District Council, Hurunui District Council, Waimakariri District Council, Grey District Council, Invercargill City Council, Southland Regional Council, Otago Regional Council and the Westland Regional Council.
- **Planning Consultant** to the Clutha District Council
- **Preparation and filing of resource consent applications** including attendance at hearings thereon for private clients.
- **Reporting** on and attending hearing and resource consent application for local authority clients.
- Appearance at **Environment Court Hearings** as an expert witness.
- **Preparation of policy documents** including District Plans, Reserve Management Plans and Bylaws.
- **Evaluation and advice** on planning policy documents for private clients.
- **Due diligence** reporting for statutory compliance.
- **Analysing legislation** and preparation of reports and submissions thereon.

The following is a brief outline of relevant projects:

1. **Hearings Commissioner for the Dunedin City Council, Southland District Council, Waitaki District Council, Timaru District Council, Hurunui District Council, Waimakariri District Council, Grey District Council, Queenstown Lakes District Council, Invercargill City Council, West Coast Regional Council, Otago Regional Council and Southland Regional Council**

I have recently acted for the **Southland District Council** as Hearings Commissioner in relation to the following matters:

- Coastal protection works at three locations on Stewart Island, being Horseshoe Bay, Oban Foreshore and Lonnekers Beach
- Plan Change No. 2 (Stewart Island) to the Southland District Plan
- 'Coaldale' coal mine development, north west of the Nightcaps Township
- Manapouri Airport Designation
- Foveaux Estates Subdivision for the Extension of Colac Bay
- RBL Wickham and South West Helicopters subdivision and land use consent for heliport
- Edendale/Wyndham Waste Water Treatment Plant
- Lake Manapouri Foreshore consents
- Wilson Contracting Quarry Operation
- Horseshoe Bay coastal protection works
- Department of Conservation, Cleddau Village redevelopment Milford Sound
- Colac Bay coastal subdivision
- JAE Dier Trust subdivision
- Southern Freeriders Ltd consent is for Motorbike Park.
- South Catlins Charitable Trust Heritage Centre Resource Consent
- NZTA NoR, Edendale
- RD Petroleum, Lumsden
- AB Lime Landfill, Winton
- Fulton Hogan Quarry, Fairlight
- Fiordland Trails Trust, Multi Use Trail, Te Anau
- Bromoore Gold Limited gold mine, Waikaia
- Whyte Subdivision, Riverton

I also act regularly for the **Dunedin City Council** as an independent Commissioner hearing resource consent applications, Plan Changes and objections under other legislation. Recent hearings have included:

- St Clair/St Kilda Beach coastal protection works (joint hearing with Otago Regional Council)
- Portobello Road Widening (coastal consents) resource consents (joint hearing with Otago Regional Council)

- Harbourside Arterial Link NoR
- Ryman Health Care retirement complex
- Wall Street Retail Complex, George Street Dunedin
- The redevelopment of Shell service station site, Stuart Street Dunedin
- Plan Change 2: Inner City Noise
- Various Notice of Requirement hearings for the development of the city's infrastructure
- Dunedin Botanical Gardens re-development resource consents
- Lovelock Avenue realigned resource consent
- Logan Park Art Gallery and University Oval re-development
- Early Settlers Museum redevelopment
- Mosgiel Velodrome development
- Emerson Brewery development
- Ngai Tahu Student Hostel development, Logan Park
- Objections under Section 181 and Clause 1(d) of Schedule 12 of the Local Government Act 2002

I also act regularly for the **Timaru District Council** as an independent Commissioner hearing resource consent applications, Plan Changes and other planning related matters. Recent hearings and projects have included:

- Plan Change 14 – Washdyke Industrial Expansion
- Plan Change 15 –Industrial Zone L Expansion
- Plan Change 17 – Geraldine Downs
- Plan Change 20 - Rural Living (Brookfield Road) zone
- Plan Change 21 – Broughs Gully
- Fraser Road Quarry expansion
- Gleniti Golf Club redevelopment
- Various rural-residential subdivisions
- Redevelopment of the Hydro Grand site in Timaru
- Four Peaks Transport Limited yard
- Shirtcliff non-complying rural subdivision.
- Greenridge Farms development, Gleniti
- Anstar Ltd, Digital Billboard proposal
- Various resource consent cost and other s357 objections
- Planning Department review
- Investigations of complaints made against the Planning Department
- Numerous non-notified resource applications

Recent **Waitaki District Council** hearings I have conducted include the following:

- Topflite Limited land use consent to increase their seed-based bird food business
- Cormorants on Waterfront Harbour basin apartment development
- Whitestone Holdings Ltd redevelopment proposal.
- Euroclass Holdings industrial development

- Waianakarua Camping Ground Consent
- Notice of Requirement for KiwiRail (Holcim (New Zealand) Limited branch line)
- Network Waitaki Ltd Storage yard complex
- S&L Simmons, dwelling in an Outstanding Landscape.

I have also acted for the **Invercargill City Council** on the recent resource consent applications and Plan Changes:

- Private Plan Change 1:Te Puawai Residential Development
- 181 Crinan Street multi-unit development, Invercargill.
- 58 Green Point Road accommodation development, Bluff.

I was the **Chair of the Hearings Panel** considering and determining the submissions on the **Proposed Hurunui District Plan**.

I was the **Chair of the Hearings Panel** considering and determining the submissions on **Proposed Plan Change 1 of the Westland Regional Councils Land and Water Plan**.

I have recently acted for the **Gey District Council** in relation to resource consents to remove two Category 2 Heritage buildings in Greymouth

I was the Hearing Commissioner for **Environment Southland** on the following:

- Chair of **Regional Policy Statement** hearings panel
- Facilitated cross Council meetings for RPS and Southland District Plan development, including Iwi liaison
- Facilitated pre-hearing meetings for Plan Changes 13, 14 and 15.
- AB Lime Landfill consent applications
- Fulton Hogan Quarry, Fairlight
- Horseshoe Bay coastal protection works
- Restoration works on the Mararoa River
- Meridians high flow trials consent at the Manapouri Power Station.
- Department of Conservation, Cleddau Flood Protection Works Milford Sound
- Takitimu Coal Limited to take water, divert and discharge groundwater and stormwater, and to discharge contaminants to air from a mining activity
- White Waters dairy conversion
- Miller Trust dairy conversion
- Kapuka dairy conversion
- Cashmere Bay Dairy Limited, dairy farm expansion
- Titipua Limited Partnership, dairy farm expansion
- Gore District Council waste water plant upgrade

I have recently sat on the hearings Panel for the **Otago Regional Council** in relation to the deemed permits renewal for Criffel Water Limited; Luggate Irrigation Company Limited; and Lake McKay Station Ltd. I was recently the Commissioner for 45 South Mining Limited suction dredging gold mining operation for the **Otago Regional Council**.

I also consider and determine non-notified Resource Consent and Bylaw applications for the **Otago Regional Council**.

I have recently been appointed to the Hearing's Panel to consider the submissions on **the proposed Waimakariri District Plan**.

2. ***Preparation of the Big River Dairy Factory Resource Consent Application***
3. ***Preparation of Pan Pac Forests Products Ltd Resource Consent Application for Air and Water Discharges***
4. ***Preparation of Summersets Retirement Villages Ltd Resource Consent Application for Dunedin Village***
5. ***Preparation of Plan Changes for Clutha District on Energy, Biodiversity, Natural Hazards, Infrastructure, Earthworks, Financial Contributions and various zone changes***
6. ***Preparation of applications for Hope & Sons for land use consents and for a permit to discharge contaminants to air from a Cremator***
7. ***Preparation of applications to redevelop former Mainland Cheese Site, Dunedin***
8. ***Processing of TrustPowers Lake Mahinerangi Enhancement Projects (for Dunedin City Council); Mahinerangi Windfarm Proposal (for Clutha District Council) and Kaiwera Windfarm Proposal (for Gore District Council)***
9. ***Preparation of resource consents for Mataura Industrial Estate Hydro Development, Mataura River***
10. ***Preparation of resource consents for Bright Wood New Zealand Wood Processing Plant - Milburn, South Otago***
11. ***Preparation of resource consents for City Forests Ltd Wood Processing Plant - Milburn, South Otago***
12. ***Preparation of the Cromwell Motorsport Park Application***

13. ***Preparation of Resource consent application for the redevelopment of the University Oval on behalf of Otago Cricket.***
14. ***Preparation of the Orokanui Ecosantuary Visitor Centre Resource Consent Applications for Orokanui Ecosantuary Visitor Centre, Royal Albatross Centre, Otago Peninsula.***
15. ***Flat Hill wind farm development, Bluff***
16. ***Preparation of Central Otago, Southland, and Clutha District Plans***

The Principal of Cubitt Consulting Ltd, Mr Allan Cubitt was heavily involved in the preparation of the Central Otago, Southland, and Clutha District Plans during his time with his previous employer. This involved all preliminary work including development of discussion documents and the consultation process; drafting the plan provisions; preparing recommendations and decisions; attending hearings thereon; and negotiating resolutions to references.

8.3. Proposal for Participating in a Regional Sector Shared Services Council Controlled Organisation

Prepared for: Council
Report No. GOV2274
Activity: Governance Report
Author: Andrea Howard, Manager Executive Advice
Endorsed by: Nick Donnelly, General Manager Corporate Services
Date: 22 February 2023

PURPOSE

- [1] To seek approval for Otago Regional Council to become a shareholder in a regional sector shared services organisation (RSHL – Regional Software Holdings Limited).

EXECUTIVE SUMMARY

- [2] The regional sector, through the regional Chief Executive Forum, is proposing to establish a new Regional Sector Shared Services Organisation (RSSSO) to consolidate existing collaboration programmes and put in place a fit for purpose structure to enable the sector to respond quickly to shared issues and opportunities while sharing cost and resources. It will also provide a platform for future strategic regional sector shared services initiatives.
- [3] At the Regional Chief Executives Group meeting on 3 August 2021, the business case for the creation of a RSSSO was tabled for approval. The creation of such an entity was considered as a step forward for the sector, and an important foundational building block for future collaboration and delivery of shared services and initiatives.
- [4] If ORC becomes a shareholder in the RSSSO, Council will continue to decide which projects and services it participates in, as it does today. Costs, benefits, and risks for each RSSSO project or service are shared by the participating councils by way of contractual agreements. The costs and risks are not carried by the non-participating shareholders of the RSSSO entity.
- [5] A request to consult on joining the proposed RSSSO was originally presented to Council on 9 December 2021. Council requested more information around risks to ORC and shareholder exposure to cost overruns in projects undertaken by the CCO. This information was provided to Council on 23 February 2022.
- [6] The public consultation approach and related public information material was approved by Council on 9 November 2022. Consultation commenced on 14 November 2022 and closed on 9 December 2022.

RECOMMENDATION

That the Council:

- 1) **Notes** the sole submission received during the consultation process.
-

- 2) **Approves** ORC becoming a shareholder in the regional sector shared services organisation, Regional Software Holdings Limited (RSHL).
- 3) **Delegates** authority to the Interim Chief Executive to take the necessary steps to become a shareholder in RSHL including signing a deed of Accession.

DISCUSSION

- [7] RSHL is an existing Council Controlled Organisation (CCO) created to facilitate collaboration and cost sharing for various initiatives. It was created over ten years ago primarily to support development of IRIS (Integrated Regional Information System).
- [8] The shareholders of RSHL are the six original IRIS councils (Northland, Waikato, Taranaki, Horizons, West Coast, Southland). Three further Councils (Bay of Plenty, Hawkes Bay, Gisborne DC) have completed their consultation processes and joined as shareholders in late 2022. Nelson, like ORC, is progressing their decision-making process.
- [9] Over time, the remit of RSHL has expanded to provide additional shared services for regional and unitary authorities. This includes financial management of sector shared projects (LAWA, Sector Group Office, and shared funding projects) and delivery of shared technology projects (Wells, LIDAR programme management, IRIS NextGen, Integrated National Farm Data Platform).
- [10] ORC is an active participant in many of these projects. Participating agencies fund each project through contractual agreements which share cost, benefit, and risk across participants. The six shareholders of RSHL are not exposed to project costs or risks for projects they are not participating in. Approval for ORC's contribution to individual projects would be sought, and consulted on, on a case-by-case basis through existing Long-term and Annual Plan processes.
- [11] At the Regional Chief Executives Group meeting on 3 August 2021, the business case¹ for the creation of a Regional Sector Shared Services Organisation was approved. The creation of a Regional Sector Shared Services Organisation (RSSSO) was considered as a step forward for the sector, and an important foundational building block for future collaboration and delivery of shared services and initiatives.
- [12] ORC would continue to decide which projects and services it participates in, as it does today. Costs, benefits, and risks for each RSSSO project or service are shared by the participating councils by way of contractual agreements. The costs and risks are not carried by the non-participating shareholders of the RSSSO entity.
- [13] A request to consult on joining the proposed RSSSO was originally presented to Council on 9 December 2021². Council requested more information around risks to ORC and shareholder exposure to cost overruns in projects undertaken by the CCO. This information was provided to Council on 23 February 2022³. A consultation proposal was approved by Council on 9 November 2022 and consultation commenced on 14 November 2022 and closed on 9 December 2022. Councillors Wilson and Weir were nominated for the Hearings Panel.

¹ The business case document can be viewed as part of the 9 December 2021 meeting papers linked below.

² <https://www.orc.govt.nz/news-and-events/events/2021/december/council-meeting-9-december/>

³ <https://www.orc.govt.nz/news-and-events/events/2022/february/council-meeting-23-february/>

- [14] The consultation proposal was presented on Council's *Your Say* engagement platform⁴. In addition, a public notice directing people to the *Your Say* page was placed in the Otago Daily Times on Saturday 12 November. Information was also disseminated to our communities via Council's *On Stream* newsletter.
- [15] One submission was received by the due date of 5pm, Friday 9 December. The submitter was not in support of Council participating in a regional sector shared services Council-Controlled Organisation (see Attachment 1 for the full submission). They did not wish to present their submission in person.

CONSIDERATIONS

Strategic Framework and Policy Considerations

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

Financial Considerations

- [17] There are no financial considerations of becoming a shareholder of the proposed CCO as all costs of that entity are fully reimbursed and indemnified by ORC participating in various work streams. However, there may be costs and/or savings as a result of participation in shared work programmes delivered by the entity.

Significance and Engagement

- [18] Under s.56 of the Local Government Act 2002 (LGA 2002) consultation is required via a special consultative process (s.82 of the LGA 2002) before ORC can establish or become a shareholder in a CCO or CCTO.

Legislative and Risk Considerations

- [19] There are legislative requirements around becoming a shareholder in a CCTO as outlined above.

Climate Change Considerations

- [20] There are no climate change considerations.

Communications Considerations

- [21] The decision of Council will be communicated via the public engagement *Your Say* page.

NEXT STEPS

- [22] If approved, Council will sign a deed to Accession to become a shareholder.

ATTACHMENTS

1. Submission on proposal to join RSSCCO [8.3.1 - 2 pages]

⁴ <https://yoursay.orc.govt.nz/cco>

From: Otago Regional Council <notifications@engagementhq.com>
Sent: Friday, 18 November 2022 9:20 a.m.
To: Lynda McLea <Lynda.McLea@orc.govt.nz>; Andrea Howard <Andrea.Howard@orc.govt.nz>; Henry Jian <Henry.Jian@orc.govt.nz>
Subject: Anonymous User completed Council Controlled Organisation Online Submission Form

Anonymous User just submitted the survey Council Controlled Organisation Online Submission Form with the responses below.

Do you support Otago Regional Council participating in a regional sector shared services Council-Controlled Organisation (CCO)?

No

Please give your reasons (optional).

How can rate payers make a CCO accountable ? The CCO would appear to be further removed from the rate payer and from the elected members of the ORC. Is this a staff initiative ? Why not present this to the Councillors for them to make a decision ? After all we have recently endorsed them as our representatives to make decisions on policy ! I don't have enough information to make a decision in favour , I therefore would leave this matter to the Councillors .

Do you wish to present your submission to the Regional Council at a hearing in February 2023?

No

Are you submitting on behalf of an organisation?

No

First name:

Please ! This is my Christian name. John

Last name:

Again this is my surname ! (Name removed from attachment to protect privacy)

Address:

(Address removed from attachment to protect privacy)

Email:

(Email removed from attachment to protect privacy)

8.4. Ratifying the Otago Local Authorities' Triennial Agreement 2023-25

Prepared for: Council
Report No. GOV2288
Activity: Community - Governance and Democracy
Author: Andrea Howard, Manager Executive Advice
Endorsed by: Amanda Vercoe, General Manager Governance, Culture and Customer
Date: 22 February 2023

PURPOSE

- [1] This paper invites Council to ratify the Otago Local Authorities' Triennial Agreement (the Agreement) 2023–25.
- [2] The Agreement formalises how Otago's local authorities communicate and co-ordinate with one another.

EXECUTIVE SUMMARY

- [3] The Triennial Agreement mandates the work of the Otago Mayoral Forum, Otago Chief Executives Forum, and cross-council working groups.
- [4] The parties to the Agreement are the six local authorities of Otago: Queenstown Lakes District Council, Central Otago District Council, Waitaki District Council, Dunedin City Council, Clutha District Council, and the Otago Regional Council.
- [5] To comply with the Local Government Act 2002, all councils are required to ratify the Agreement no later than 1 March 2023.

RECOMMENDATION

That the Council:

- 1) **Approves** the attached Otago Local Authorities' Triennial Agreement 2023–25; and
- 2) **Authorises** the Chair to sign the Otago Local Authorities' Triennial Agreement 2023–25 on behalf of Otago Regional Council.

BACKGROUND

Local Government Act Requirements

- [6] Section 15 of the Local Government Act 2002 (the Act) requires all local authorities within a region to enter into a triennial agreement not later than 1 March after each triennial election of members.
- [7] The purpose of a triennial agreement is to ensure that appropriate levels of communication, co-ordination and collaboration are maintained between local authorities within the region. Agreements must include:

- a. protocols for communication and co-ordination between local authorities,
- b. the process by which local authorities will comply with section 16 of the Act, which applies to significant new activities proposed by regional councils, and
- c. processes and protocols through which all councils can participate in identifying, delivering and funding facilities and services of significance to more than one district.

[8] Triennial agreements may also include commitments to establish joint governance arrangements to give better effect to the matters set out in paragraph 7 above.

[9] A triennial agreement may be varied by agreement between all the local authorities within a region and remains in force until local authorities ratify a new agreement.

Preparation

[10] The attached Agreement was prepared by the Otago Mayoral Forum Secretariat.

[11] Whereas the 2020-22 Agreement borrowed heavily from the Canterbury Mayoral Forum equivalent, the Agreement for 2023-25 draws on recent practice among Otago authorities, as well as a facilitated Otago Mayoral Forum review session held in September 2022. It makes use of language and content from the review session and from letters subsequently circulated to members by the Otago Chief Executive Forum Chair and outgoing Otago Mayoral Forum Chair.

[12] The proposed Agreement is more concise than previous iterations and written in plain English where possible. There is no longer a separate Terms of Reference for the Mayoral Forum, with these details captured in the body of the Agreement alongside arrangements for the Otago Chief Executives Forum and cross-council staff working groups.

[13] The draft Agreement was reviewed and amended by the Otago Policy and Strategy Managers' Group and the Otago Chief Executive Forum.

[14] Otago Regional Council's Legal Counsel has reviewed the Agreement and assessed that it complies with the requirements of Section 15 of the Act. This includes, in particular, the statement attached as Annexure A which pertains to Section 16 of the Act.

[15] The Otago Mayoral Forum agreed on December 9, 2022 to refer the attached Agreement to councils for ratification.

DISCUSSION

[16] A clear and succinct Triennial Agreement will provide a foundation for working together across the region. The Agreement affirms Otago local authorities' commitment to work together for the benefit of Otago's communities and natural environment. It promotes relationships, advocacy and collaboration as complementary objectives.

[17] Under *Relationships and Advocacy* the Agreement affirms the importance of strong relationships, and the benefit of 'speaking with one voice' to advocate for our region. Parties to the Agreement commit to giving early advice of any major initiative or proposal that may have implications for other parties.

- [18] Under *Collaboration* the Agreement recognises that working together can create efficiencies, as well as new ideas and solutions not available to councils in isolation. It is noted that Central Government encourages collaboration among councils and in more recent times has required councils to work together to implement policy change or to access funding.
- [19] The Otago Mayoral Forum is the primary mechanism to implement the Agreement. Accordingly, the Mayoral Forum has a mandate to advocate for Otago as a region and receive and consider advice from the Otago Chief Executives Forum on strategic issues and opportunities for collaboration.
- [20] The Agreement affirms that the Mayoral Forum's collective leadership can be a powerful influence that benefits Otago and all its districts. The Forum can provide this leadership without impinging on the right for each of Otago's local authorities to decide policy, agree resourcing and govern its own area as appropriate.
- [21] The Agreement positions the Otago Chief Executives Forum as a key complement and advisor to the Otago Mayoral Forum. The Chief Executives Forum is an established point of connection for Otago's local authorities, with responsibility for identifying strategic issues and opportunities for collaboration, and for delivering on regional actions, work programmes or collaborative projects.
- [22] In many instances, this work is developed and supported by cross-council staff working groups. The Agreement includes new expectations for these groups, including that each will have a terms of reference defining their purpose, membership, key objectives and outcomes.
- [23] Finally, the Agreement includes commitment to a formal relationship between the Papatipu Rūnaka and the local authorities of Otago through Te Rōpū Taiao Otago. This arrangement operates under a separate Governance Charter.

OPTIONS

- [24] Council is invited to approve the attached Otago Local Authorities' Triennial Agreement 2023-25, which has been prepared as set out in this report.
- [25] Council can choose not to approve the Agreement in its current form. It is not proposed that individual councils modify the Agreement as part of the ratification process.

CONSIDERATIONS

Strategic Framework and Policy Considerations

- [26] The Triennial Agreement supports Council's strategic framework, and in particular its regional leadership objectives. Otago Regional Council can use the Triennial Agreement to bring forward issues of importance to the Mayoral Forum.

Financial Considerations

- [27] There are no new financial implications from signing this Agreement.

Significance and Engagement Considerations

[28] Adopting and ratifying a triennial agreement as required by the Local Government Act 2002 section 15 is unlikely to trigger Significance and Engagement Policies as adopted by councils to comply with section 76AA of the Local Government Act 2002.

Legislative and Risk Considerations

[29] The Agreement complies with requirements in section 15 of the Local Government Act 2002.

[30] The Agreement needs to be ratified by the parties to the agreement – the five territorial authorities in Otago and the regional council – no later than 1 March 2023.

Climate Change Considerations

[31] Signing this Agreement does not prompt climate change considerations.

Communications Considerations

[32] The signed agreement will be available on request from the Otago Mayoral Forum Secretariat. No public communication is planned.

NEXT STEPS

[33] If Council agrees, the Chair will sign the Agreement on behalf of the Otago Regional Council.

[34] Council may choose to communicate to the other Parties its support, priorities and other considerations associated with working together in Otago.

[35] Once all member councils have ratified the Agreement, the Otago Mayoral Forum Secretariat will arrange for the Agreement to be signed by the remaining Forum members.

ATTACHMENTS

1. FINAL Otago triennial agreement 2023 25 [8.4.1 - 6 pages]

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Otago Local Authorities' Triennial Agreement 2023–25

Preliminaries

1. The parties to the Agreement are Queenstown Lakes District Council, Central Otago District Council, Waitaki District Council, Dunedin City Council, Clutha District Council, and the Otago Regional Council (the Parties).
2. Section 15 of the Local Government Act 2002 (the Act) requires local authorities in a region to enter into a Triennial Agreement (the Agreement) by 1 March following local body elections.
3. The purpose of the Agreement is to ensure appropriate levels of communication, co-ordination and collaboration between local authorities within the region. It must include:
 - protocols for communication and co-ordination among the local authorities;
 - the process by which the local authorities will comply with section 16 of the Act, in respect of proposals for new regional council activities; and
 - processes and protocols through which all local authorities can participate in identifying, delivering and funding facilities and services of significance to more than one district.
4. The Agreement may also provide for joint governance arrangements. For Otago, these arrangements include the Otago Mayoral Forum, the Otago Chief Executives Forum, Te Rōpū Taiao Otago, and cross-council working groups.

Working together for Otago

5. This agreement provides a basis for the Parties to work together in good faith for the benefit of the Otago region, to resolve issues, and promote opportunities of significance for all communities of Otago and its natural environment.

Relationships and Advocacy

6. The Parties recognise that strong relationships, shared objectives and a collective voice can better serve Otago's communities and environment.
7. The governance and leadership mechanisms outlined in this Agreement enable Otago's local authorities to build relationships with one another, and to identify, prioritise and work towards shared positions on issues and opportunities for the Otago region.
8. When a Party is considering a major policy initiative or proposal that may have implications for other Parties, and unless such disclosure is inconsistent with the Local Government Official Information and Meetings Act 1987 or commercial confidences precludes such disclosure, that Party will give early advice to the affected Parties and share the information with the Otago Mayoral Forum, the Otago Chief Executives Forum, and any appropriate cross-council working groups.
9. The statement of the process by which the local authorities will comply with section 16 of the Act is attached as Annexure A.

Collaboration

10. The Parties recognise that working together can bring efficiencies, including through reduced duplication of effort and practical solutions such as shared services and facilities. The Parties acknowledge that collaboration on issues and opportunities can generate value to the districts and communities of Otago that would otherwise not be achieved by the parties working alone.
11. Central Government has in recent years encouraged collaboration among local authorities, including as a condition of funding in some instances or to implement policy changes.
12. It is beneficial for Otago to have governance and leadership mechanisms in place to explore regional issues and opportunities, and as a complement to the work of each local authority in the region.
13. Under these mechanisms, the Parties may pursue shared outcomes through a joint work programme, co-commissioning of studies, policy development and other agreed work. The parties may explore options to identify, deliver and fund facilities and services of significance to more than one district, as envisaged by the Act.

Governance and Leadership

14. The Otago Mayoral Forum is the primary mechanism to implement the Agreement. The Mayoral Forum is supported by the Otago Chief Executives Forum and various cross-council working groups.
15. Te Rōpū Taiao Otago is the formal structure underpinning the relationship between Kāi Tahu ki Otago and Otago local authorities.
16. The Otago Regional Council hosts a permanent secretariat to support and advise the above groups and facilitate collaboration across Otago's local authorities as needed. The secretariat also holds a small discretionary budget to facilitate the Forums' work.

Otago Mayoral Forum

17. The Otago Mayoral Forum brings together Otago's Mayors (or Chairperson in the case of Otago Regional Council), supported by their Chief Executives, to provide leadership, co-ordination and advocacy for the Otago region.
18. Each Mayor, through election and under the Local Government Act 2002, is provided with a mandate to represent and provide leadership on the things that matter to their communities and areas. The Otago Mayoral Forum connects these mandates to provide collective leadership on issues that matter across Otago.
19. Such collective leadership can be a powerful influence that benefits Otago and all its districts. The Otago Mayoral Forum can provide this leadership without impinging on the right for each of Otago's local authorities to decide policy, agree resourcing and govern its own area as appropriate.
20. The Otago Mayoral Forum may formalise shared positions through letters of support, submissions and/or public statements as appropriate.
21. The Otago Mayoral Forum shall receive and consider advice from the Otago Chief Executives Forum on strategic issues and opportunities for collaboration. It will also receive reports from the Otago Chief Executives Forum on the delivery of regional actions, work programmes or collaborative projects.
22. On occasions where the Mayor or Chair cannot attend, a council may be represented by its Deputy Mayor or Chair or delegate).
23. The Otago Mayoral Forum shall select a Chairperson at the first meeting immediately following the Triennial Elections. This appointment may be reviewed after a period of 18 months, and a new Chairperson elected. The Chairperson will preside at all meetings of the Otago Mayoral Forum.
24. Meetings shall be held at a frequency and location to be agreed among members.
25. A quorum shall be four members.
26. Otago Mayoral Forum communications such as meeting summaries will be prepared, and it will be up to each local authority to choose how to use the materials according to their needs and processes.



Otago Chief Executives Forum

27. The Otago Chief Executives Forum is an established, collegial partnership across Otago's local authorities. It is a key enabler for the Otago Mayoral Forum and for wider regional collaboration.
28. The Otago Chief Executives Forum will identify and escalate to the Otago Mayoral Forum strategic issues and opportunities for collaboration. It will also report to the Otago Mayoral Forum on the delivery of regional actions, work programmes or collaborative projects.
29. The Otago Chief Executives Forum shall select a Chairperson from among its members.

30. Where possible, meetings of the Otago Chief Executives Forum shall take place two to four weeks prior to each Otago Mayoral Forum, at a location to be agreed among members.
31. A quorum shall be four members.

Cross-council working groups

32. Local authority staff across Otago are encouraged to discuss issues of shared interest or concern with one another.
33. Local authority staff may identify strategic issues and opportunities for collaboration, and/or provide advice to the Otago Chief Executives Forum, Otago Mayoral Forum and/or other regional fora. This may include the formation of cross-council working groups in support of regional actions, work programmes or collaborative projects.
34. All cross-council working groups will have a terms of reference defining their purpose, membership, key objectives and outcomes. The terms of reference will be reviewed periodically by the Chief Executives Forum and not less than every 18 months. Participation in such working groups is made possible with the support of participants' employers.

Mana Whenua Partnership

35. Te Rōpū Taiao Otago is the formal structure underpinning the relationship between Kāi Tahu ki Otago and Otago local authorities. The Parties recognise the significant value in engaging and developing regional relationships through Te Rōpū Taiao Otago, in addition to various bilateral commitments.
36. Te Rōpū Taiao Otago is comprised of Otago's Mayors, the Otago Regional Council Chair and representatives from Otago's Rūnaka, and meets in accordance with its Governance Charter. Meetings are usually scheduled alongside those of the Otago Mayoral Forum.
37. Through meetings of Te Rōpū Taiao, the Parties aim to agree shared priorities for the triennium and identify where joint working may take place between the Otago Mayoral Forum and Kāi Tahu ki Otago.

Formalities

38. This Agreement does not prevent the Parties from entering into other agreements among themselves or outside the Otago region. Any other such agreement should not, however, be contrary to this Agreement.
39. A triennial agreement may be varied by agreement between all the local authorities within the region and remains in force until local authorities ratify a new agreement. The Otago Mayoral Forum will review the Agreement no later than the final meeting before triennial local body elections and recommend any changes to the incoming councils.

40. This Otago Local Authorities' Triennial Agreement 2023–25 is signed by the following on behalf of their respective authorities:

COUNCIL	SIGNATURE	DATE
Central Otago District Council Mayor Tim Cadogan		
Clutha District Council Mayor Bryan Cadogan		
Dunedin City Council Mayor Jules Radich		
Queenstown Lakes District Council Mayor Glyn Lewers		
Otago Regional Council Chair Gretchen Robertson		
Waitaki District Council Mayor Gary Kircher		

Annexure A

Section 15(2)(b) of the Local Government Act 2002 (the Act) requires the Triennial Agreement to include a statement of the process local authorities in a region will undertake to comply with section 16 of the Act in respect of proposals for new regional council activities. The following statement fulfils this requirement for local authorities in Otago.

1. If a regional council or a regional council-controlled organisation proposes to undertake a significant new activity AND one or more territorial authority is/are already undertaking the significant new activity or have notified their intention to do so in their long-term plans;
2. THEN the regional council— must advise all the territorial authorities of the proposal and the reasons for it;
3. The territorial authority MAY object;
4. Agreement may be reached;
5. If after considering objections raised by the affected territorial authorities agreement is NOT reached and the regional council indicates that it intends to continue with the Proposal, then either the regional council or one or more of the affected territorial authorities may submit the matter to Mediation;
6. MEDIATION must be by a mediator, or a mediation process agreed to by the relevant local authorities; or in the absence of an agreement, as specified by the Minister;
7. If mediation is unsuccessful, either the regional council or 1 or more affected territorial authorities may ask the MINISTER to make a binding decision on the proposal;

New activity does not include an activity authorised by or under an enactment.

Section 16 does not apply to a proposal by a regional council to establish, own, or operate a park for the benefit of its region; or a proposal to transfer responsibilities; or a proposal to transfer bylaw-making powers; or a reorganisation under Schedule 3 being Reorganisation of local authorities; or a proposal to undertake an activity or enter into an undertaking jointly with the Crown.

8.5. Governance and Community Engagement on Dunedin City Council's Future Development Strategy

Prepared for: Council

Report No. SPS2257

Activity: Governance Report

Author: Patricia McLean, Senior Policy Analyst Urban Growth and Development

Endorsed by: Anita Dawe, General Manager Policy and Science

Date: 22 February 2023

PURPOSE

- [1] The purpose of this report is to discuss and confirm Council's preferred governance arrangements for stage one of the Dunedin City Council Future Development Strategy (FDS) work.
- [2] This report also notes the DCC's proposed approach to engaging key stakeholders and communities during the preparation of the FDS. There are no decisions required at this point concerning stakeholder engagement and community consultations.

EXECUTIVE SUMMARY

- [1] On 8 February 2023, the Dunedin City Council (DCC) hosted a joint workshop with Otago Regional Council (ORC) to update Councillors on the FDS process, to explain and discuss governance options, and to present a proposed approach to community engagement.
- [2] The three stages of the FDS process are:
 - a. Stage one – preparing and approving the draft FDS for public notification
 - b. Stage two – making decisions on public submissions and adoption of the FDS
 - c. Stage three – developing an FDS implementation plan
- [3] In relation to stage one, the DCC presented two options for governance arrangements:
 - a. Existing Council committees are delegated to undertake FDS governance and decision making; or
 - b. A new joint ORC/DCC committee is established, that would also have mana whenua representation.
- [4] The DCC will consider these options at its full Council meeting on 28 February 2023, with Option 1 signalled by DCC staff as the preferred option. The outcome of discussions at this ORC meeting on 22 February will be forwarded to the DCC for their information and consideration on 28 February.

RECOMMENDATION

That the Council:

- 1) **Resolves** to confirm its preferred Future Development Strategy governance arrangements with Dunedin City Council.
- 2) **Resolves** that should the preferred governance arrangement be to utilise the Regional Leadership Committee, Council will provide delegation to that Committee to enable

the Committee to consider and make decisions concerning the FDS work with the DCC.

- 3) **Notes** the DCC's proposed approach to stakeholder and community engagement.
- 4) **Notes** that the DCC will confirm its preferred FDS governance arrangements on 28 February 2023.
- 5) **Agrees** that if the DCC chooses a different governance option to that chosen by the ORC, the FDS Steering Group will meet to discuss and determine a way forward.

BACKGROUND

- [5] Future Development Strategies are a requirement under the National Policy Statement on Urban Development (NPS-UD) for all Tier 1 and 2 local authorities. Working in partnership with the regional authority and mana whenua in Otago, the two authorities required to develop an FDS are Dunedin City Council and Queenstown Lakes District Council (both Tier 2). This report relates to the ORC's partnership with DCC.
- [6] The purpose of the FDS is to promote long-term strategic planning (up to 30 years) and facilitate the integration of planning decisions with infrastructure planning and funding decisions over that period. FDSs must be developed in time to inform Long Term Plans.
- [7] Each FDS must:
 - a. Include a clear statement of hapū and iwi values and aspirations for urban development.
 - b. Identify sufficient housing and business land capacity and constraints to meet future needs over the next 30 years.
 - c. Show how the infrastructure to support growth will be planned, funded, and integrated with that growth.
- [8] At its meeting on 13 July 2022, the ORC made the following decisions in relation to the Joint Future Development Strategy with Dunedin City Council:
 - a. *Endorses the recommendation that DCC act as lead coordinator in the preparation of the Dunedin FDS and Implementation Plan, subject to endorsement of Dunedin City Council*
 - b. *Endorses the workshop approach, noting that workshops are held in public excluded sessions.*
 - c. *Endorses the interim governance arrangement for the period leading to the 2022 local government elections and refers the ESG membership and the public/non-public nature of the proposed workshops and any ancillary matters to the incoming Council to discuss who and how it moves forward.*
- [9] At their respective Council meetings in December 2022, the DCC and ORC subsequently agreed to:
 - a. *Continue to use the medium growth scenario.*
 - b. *Focus strategic planning around the following key focus areas:*
 - i. *Social and community housing aspirations*
 - ii. *Resilience of outlying settlements (including native reserves)*
 - iii. *Resilience of South Dunedin*
 - iv. *Non-essential infrastructure to deliver strategic priorities and objectives, including blue and green corridors*
 - v. *Additional long-term intensification opportunities (in line with **Policy 3** of the NPS-UD).*
- [10] Under the interim FDS governance arrangements for the last triennium, the DCC's Planning and Environment Committee and the ORC's Strategy and Planning Committee

were responsible for providing strategic direction. Each committee had mana whenua representation and delegations to enable them to make decisions as required.

STAKEHOLDER ENGAGEMENT AND PUBLIC CONSULTATION

- [11] The NPS-UD requires authorities to engage with the following stakeholders during the preparation of the FDS, and prior to publishing the draft FDS for public submissions, to engage with:
- a. Other authorities with whom there are significant connections relating to infrastructure or community
 - b. Relevant central government departments
 - c. Relevant hapū and iwi
 - d. Other infrastructure providers, including providers of national significant infrastructure, and
 - e. The development sector.
- [12] The NPS-UD requires that FDSs be prepared using a Special Consultative Procedure (SCP) under the Local Government Act 2002. Because of the requirement to inform the development of LTP's, in practice the FDS will need to be considered in early 2024.
- [13] The FDS working group has already begun engaging with key stakeholders such as Kainga Ora and Waka Kotahi, and will undertake engagement with non-DCC and non-ORC infrastructure providers through a planning and infrastructure evaluation process. Developers will also have the opportunity to provide input.
- [14] The DCC will undertake targeted engagement with:
- a. Community and social housing providers
 - b. Environmental and biodiversity specialists and recreation groups
 - c. Business landowners and large businesses.
- [15] The DCC has proposed broader community engagement for the second quarter of 2023 through a series of place-based workshops in the following locations:
- a. Mosgiel
 - b. Outram/Allanton/Waihola
 - c. Green Island/Brighton
 - d. Waitati/Blueskin Bay
 - e. Waikouaiti
 - f. West Harbour/Port Chalmers
 - g. Portobello
 - h. Central City

GOVERNANCE OPTIONS

- [16] The following governance options relate to stage one of the FDS (preparing and approving a draft FDS for public notification).

Option 1 (DCC's Preferred Option): FDS Governance and Decision Making are Undertaken by Existing Council Committees

- [17] Under this option, the DCC's Strategy, Planning and Engagement Committee would oversee the preparation and approval of the FDS for notification. This aligns to current DCC delegations.
- [18] For the ORC, decision-making and governance would be undertaken by the Regional Leadership Committee. The Regional Leadership Committee has one mana whenua representative on it but does not currently have any delegations to enable it to make decisions in relation to the FDS.

- [19] As part of the workshop on February 8, the following advantages and disadvantages were set out:

Advantages:

- a. Aligned to existing decision-making structures, including the DCC's LTP and Infrastructure governance.
- b. Removes the need to set up a separate joint committee and add an additional layer of decision making.
- c. Aligned to existing partnership arrangements between mana whenua and the two Councils.
- d. Removes potential delays and costs to set up a new joint committee.

Disadvantages:

- e. The ORC's Regional Leadership Committee does not yet have delegated authority and while there is a seat for a mana whenua representative, that role has not yet been filled.
- f. Committees may make different decisions and differences may take longer to resolve, causing delays in the process.
- g. Extra work, time and cost required to set up and run joint workshops to mitigate the above risk at *b*.

Option 2: Establish a New Joint Committee with Power to Make Recommendations

- [20] Under this option, a joint committee of DCC and ORC Councillors and mana whenua representatives is established to make recommendations to respective Councils on the FDS.

- [21] The workshop set out the following advantages and disadvantages:

Advantages:

- a. Aligned to existing partnership arrangements between mana whenua and the two Councils.
- b. Reduces the risk of Councils making different decisions and increases the opportunity for consensus.
- c. Reduces delays to the process with discussions and decision making occurring between the partners simultaneously.
- d. Removes the need for additional Councillor workshops.

Disadvantages:

- e. Potential additional cost

- f. Potential delay in decision making while the joint committee is set up (note this delay could be offset by delays caused by setting up and running additional Councillor workshops – see *d.* above)
- g. A smaller committee might reduce the pool of councillors experienced in planning matters for the stage two hearings.

CONSIDERATIONS

Strategic Framework and Policy Considerations

- [22] The development of the FDS is consistent with the Strategic Framework, including *Sustainable and Quality Urban Environment, Community Resilience to Climate Change, Sustainable, Safe and Inclusive Transport, and Regional Leadership.*

Financial Considerations

- [23] There are no significant financial considerations. The development of the FDS in partnership with the DCC is a funded activity.

Significance and Engagement

- [24] The FDS must be prepared using the Special Consultative Procedure (SCP), under the Local Government Act 2002.
- [25] A draft FDS will be published early 2024 for public submissions. Submissions will be considered in public hearings prior to adopting the Strategy.

Legislative and Risk Considerations

- [26] The preparation and approval of an FDS is a requirement of the National Policy Statement for Urban Development, under the Local Government Act 2002.

Climate Change Considerations

- [27] Not relevant to this report.

Communications Considerations

- [28] The ORC and DCC Communications teams will work together on media and messaging, and on promoting the community consultation process.

NEXT STEPS

- [29] The outcome of today's discussions will be forwarded to the DCC for consideration at its meeting on 28 February 2023.
- [30] Depending on the final decision on joint FDS governance arrangements, the ORC will either:
- a. Provide delegation to the Regional Leadership Committee to make decisions concerning the FDS work with DCC; or
 - b. Work with the DCC to establish a joint committee to make recommendations to respective Councils on the FDS.
- [31] A joint governors' workshop will be held in April 2023 on strategic directions and development constraints.

- [32] Community engagement workshops will be held in the second quarter of this year.
- [33] A recommendation will be presented to respective Councils later in the year on decision making for stage two (making decisions on submissions on to the draft FDS).

ATTACHMENTS

There are no attachments to this report.

Nil

8.6. Confirmation of QLDC nomination to Regional Transport Committee

Prepared for: Council

Report No. GOV2301

Activity: Governance Report

Author: Liz Spector, Governance Support Officer

Endorsed by: Amanda Vercoe, General Manager Governance, Culture and Customer

Date: 22 February 2023

PURPOSE

- [1] To appoint the final member of the Otago Regional Transport Committee for the 2022-2025 triennium.

EXECUTIVE SUMMARY

- [2] The Otago Regional Council convenes the Regional Transport Committee (RTC) under the Land Transport Act and appoints territorial authority-nominated members to the Committee. Four out of the five Otago territorial authority nominations were confirmed at the 7 December 2022 Council Meeting. The final nomination of Cr Quentin Smith of Queenstown Lakes District Council (QLDC) was received following that Council Meeting.
- [3] Council is requested to confirm QLDC's nomination of Cr Quentin Smith to the RTC for the 2022-2025 triennium.

RECOMMENDATION

That the Council:

- 1) **Confirms** the appointment of Queenstown Lakes District Council Councillor Quentin Smith as an appointee to the Regional Transport Committee.

BACKGROUND

- [4] On 7 December 2022, The Otago Regional Council appointed Cr Kate Wilson and Cr Alexa Forbes as its representatives on the Regional Transport Committee and confirmed the TA nominations of:
- Central Otago District Council: Cr Stuart Duncan
 - Clutha District Council: Cr Bruce Graham
 - Dunedin City Council: Cr Jim O'Malley (Cr Kevin Gilbert, alternate)
 - Waitaki District Council: Cr Jim Thomson (Cr Guy Percival, alternate)
 - Waka Kotahi/NZTA: Mr James Caygill
- [5] At its 15 December 2022 Council Meeting, QLDC nominated Cr Quentin Smith for membership on the RTC. Council is now requested to confirm this appointment.

OPTIONS

- [6] Council may choose to confirm this appointment to fulfil its responsibilities under the Land Transport Act.

- [7] Council may choose to not confirm this appointment. This would require QLDC to submit another nomination and the committee would be incomplete until a QLDC nominee is confirmed.

CONSIDERATIONS

Strategic Framework and Policy Considerations

- [8] N/A

Financial Considerations

- [9] N/A

Significance and Engagement

- [10] N/A

Legislative and Risk Considerations

- [11] ORC is required under the Land Transport Act to confirm territorial authority appointments to the RTC.
- [12] If appointees are not confirmed, there is a risk that territorial authorities will not be represented in decisions made by this authority. There is also a risk that the ORC will not meet its statutory obligations under the LTA.

Climate Change Considerations

- [13] N/A

Communications Considerations

- [14] N/A

NEXT STEPS

- [15] The ORC Committee Terms of Reference and Delegations manual will be updated following this action.

ATTACHMENTS

Nil

8.7. Documents Signed Under Council Seal

Prepared for:	Council
Report No.	GOV2289
Activity:	Governance Report
Author:	Liz Spector, Governance Support Officer
Endorsed by:	Amanda Vercoe, General Manager Governance, Culture and Customer
Date:	22 February 2023

PURPOSE

- [1] To inform the Council of delegations which have been exercised requiring application of the Council Seal during the period 29 September 2022 through 1 February 2023.

2022			
CS2022	742	26/10/2022	Deed of Agreement for Private Development: Grahem Henry Bennet and Marie Patricia Bennett; Tranquil Vistas Ltd; DCC; ORC – 3 Chelivode Street and 128D Doctors Point Road
CS2022	743	09/11/2022	Deed of Renewal of Lease and Rent Review between Jjireh Holdings Limited and ORC – Unit BF3 Alta House
CS2022	744	09/11/2022	Deed of Renewal of Lease and Rent Review between Jjireh Holdings Limited and ORC – Unit BF4 Alta House
CS2022	745	24/11/2022	Adoption of Bylaw – Flood Protection Management Bylaw 2022 adopted on 29 June 2022. Bylaw was amended by a resolution passed by Council on 29 September 2022. Amendments have been incorporated into the Second and Third Schedules of the Bylaw.
CS2022	746	24/11/2022	Deed – Conservation Covenant, Kuriwao S223 Sale & Purchase Agreements, between ORC and Wisp Hill 2021 Limited
2023			
CS2023	747	1/02/2023	Warrant 2023/01: Byron Grant Pretorius appointment as authorised officer to carry out inspections pursuant to section 222(1) of the Building Act 2004 and to enter occupied land or buildings, pursuant to section 173(1)(a) and (b) of the Local Government Act 2002.
CS2023	748	1/02/2023	Warrant 2023/02: Byron Grant Pretorius appointment as an enforcement officer under Section 371B of the Building Act 2004 to issue infringement notices under section 374 of the Building Act 2004.
CS2023	749	1/02/2023	Warrant 2023/03: Mark Ronald Payne appointment as authorised officer to carry out inspections pursuant to section 222(1) of the Building Act 2004 and to enter occupied land or buildings, pursuant to section 173(1)(a) and (b) of the Local Government Act 2002.
CS2023	749	1/02/2023	Warrant 2023/04: Mark Ronald Payne appointment as an enforcement officer under Section 371B of the Building Act 2004 to issue infringement notices under section 374 of the Building Act 2004.
CS2023	750	1/02/2023	Warrant 2023/05: Peter Don Bonthuys appointment as authorised officer to carry out inspections pursuant to section 222(1) of the Building Act 2004 and to enter occupied land or buildings, pursuant to section 173(1)(a) and (b) of the Local Government Act 2002.
CS2023	750	1/02/2023	Warrant 2023/06: Peter Don Bonthuys appointment as an enforcement officer under Section 371B of the Building Act 2004 to issue infringement notices under section 374 of the Building Act 2004.

CS2023	751	1/02/2023	Warrant 2023/07: Andrew Curtis Gibson appointment as authorised officer to carry out inspections pursuant to section 222(1) of the Building Act 2004 and to enter occupied land or buildings, pursuant to section 173(1)(a) and (b) of the Local Government Act 2002.
CS2023	752	1/02/2023	Warrant 2023/08: Andrew Curtis Gibson appointment as an enforcement officer under Section 371B of the Building Act 2004 to issue infringement notices under section 374 of the Building Act 2004.
CS2023	753	1/02/2023	Warrant 2023/09: Joseph David Fraser appointment as authorised officer to carry out inspections pursuant to section 222(1) of the Building Act 2004 and to enter occupied land or buildings, pursuant to section 173(1)(a) and (b) of the Local Government Act 2002.
CS2023	754	1/02/2023	Warrant 2023/10: Joseph David Fraser appointment as an enforcement officer under Section 371B of the Building Act 2004 to issue infringement notices under section 374 of the Building Act 2004.
CS2023	755	1/02/2023	Warrant 2023/11: Rahui Reeves appointed as enforcement officer under Section 177 of the LGA02 and the ORC Flood Protection Management Bylaw to perform duties as specified.
CS2023	756	1/02/2023	Warrant 2023/12: Jared Crawford appointed as enforcement officer under Section 177 of the LGA02 and the ORC Flood Protection Management Bylaw to perform duties as specified.
CS2023	757	1/02/2023	Warrant 2023/13: Hamish John Munro appointed as enforcement officer under Section 177 of the LGA02 and the ORC Flood Protection Management Bylaw to perform duties as specified.
CS2023	758	1/02/2023	Warrant 2023/14: Pamela Louise Wilson appointed as enforcement officer under Section 177 of the LGA02 and the ORC Flood Protection Management Bylaw to perform duties as specified.
CS2023	759	1/02/2023	Warrant 2023/15: Brett Alexander Paterson appointed as enforcement officer under Section 177 of the LGA02 and the ORC Flood Protection Management Bylaw to perform duties as specified.
CS2023	760	1/02/2023	Warrant 2023/16: Alison Weaver appointed as enforcement officer under Section 177 of the LGA02 and the ORC Flood Protection Management Bylaw to perform duties as specified.
CS2023	761	1/02/2023	Warrant 2023/17: Michelle Ellen Mifflin appointed as enforcement officer under Section 177 of the LGA02 and the ORC Flood Protection Management Bylaw to perform duties as specified.
CS2023	762	1/02/2023	Warrant 2023/18: Dawie Chris Sutton appointed as enforcement officer under Section 177 of the LGA02 and the ORC Flood Protection Management Bylaw to perform duties as specified.
CS2023	763	1/02/2023	Warrant 2023/19: Gary Michael Bayne appointed as enforcement officer under Section 177 of the LGA02 and the ORC Flood Protection Management Bylaw to perform duties as specified.
CS2023	764	1/02/2023	Warrant 2023/20: Daniel James Allan King appointed as enforcement officer under Section 177 of the LGA02 and the ORC Flood Protection Management Bylaw to perform duties as specified.
CS2023	765	1/02/2023	Warrant 2023/21: Scott William Liddell appointed as enforcement officer under Section 177 of the LGA02 and the ORC Flood Protection Management Bylaw to perform duties as specified.
CS2023	766	1/02/2023	Warrant 2023/53: Greta Cecelia Campbell appointed as enforcement officer under Section 177 of the LGA02 and the ORC Flood Protection Management Bylaw to perform duties as specified.
CS2023	767	1/02/2023	Warrant 2023/22: Rahui Reeves appointed as enforcement officer under S177 of the LGA02 and the Land Drainage Act 1908 to perform duties as specified.
CS2023	768	1/02/2023	Warrant 2023/23: Jared Crawford appointed as enforcement officer under S177 of the LGA02 and the Land Drainage Act 1908 to perform duties as specified.
CS2023	769	1/02/2023	Warrant 2023/24: Hamish John Munro appointed as enforcement officer

			under S177 of the LGA02 and the Land Drainage Act 1908 to perform duties as specified.
CS2023	770	1/02/2023	Warrant 2023/25: Pamela Louise Wilson appointed as enforcement officer under S177 of the LGA02 and the Land Drainage Act 1908 to perform duties as specified.
CS2023	771	1/02/2023	Warrant 2023/26: Brett Alexander Paterson appointed as enforcement officer under S177 of the LGA02 and the Land Drainage Act 1908 to perform duties as specified.
CS2023	772	1/02/2023	Warrant 2023/27: Alison Weaver appointed as enforcement officer under S177 of the LGA02 and the Land Drainage Act 1908 to perform duties as specified.
CS2023	773	1/02/2023	Warrant 2023/28: Michelle Ellen Mifflin appointed as enforcement officer under S177 of the LGA02 and the Land Drainage Act 1908 to perform duties as specified.
CS2023	774	1/02/2023	Warrant 2023/29: Dawie Chris Sutton appointed as enforcement officer under S177 of the LGA02 and the Land Drainage Act 1908 to perform duties as specified.
CS2023	775	1/02/2023	Warrant 2023/30: Gary Michael Bayne appointed as enforcement officer under S177 of the LGA02 and the Land Drainage Act 1908 to perform duties as specified.
CS2023	776	1/02/2023	Warrant 2023/31: Daniel James Allan King appointed as enforcement officer under S177 of the LGA02 and the Land Drainage Act 1908 to perform duties as specified.
CS2023	777	1/02/2023	Warrant 2023/32: Scott William Liddell appointed as enforcement officer under S177 of the LGA02 and the Land Drainage Act 1908 to perform duties as specified.
CS2023	778	1/02/2023	Warrant 2023/54: Greta Cecelia Campbell appointed as enforcement officer under S177 of the LGA02 and the Land Drainage Act 1908 to perform duties as specified.
CS2023	779	1/02/2023	Warrant 2023/33: Under sections 171 and 172 of the LGA02, Rahui Reeves appointed an officer to perform duties pursuant to the LGA02, the Soil Conservation and Rivers Control Act 1941 and the Public Works Act 1981 as specified.
CS2023	780	1/02/2023	Warrant 2023/34: Under sections 171 and 172 of the LGA02, Jared Crawford appointed an officer to perform duties pursuant to the LGA02, the Soil Conservation and Rivers Control Act 1941 and the Public Works Act 1981 as specified.
CS2023	781	1/02/2023	Warrant 2023/35: Under sections 171 and 172 of the LGA02, Hamish John Munro appointed an officer to perform duties pursuant to the LGA02, the Soil Conservation and Rivers Control Act 1941 and the Public Works Act 1981 as specified.
CS2023	782	1/02/2023	Warrant 2023/36: Under sections 171 and 172 of the LGA02, Pamela Louise Wilson appointed an officer to perform duties pursuant to the LGA02, the Soil Conservation and Rivers Control Act 1941 and the Public Works Act 1981 as specified.
CS2023	783	1/02/2023	Warrant 2023/37: Under sections 171 and 172 of the LGA02, Brett Alexander Paterson appointed an officer to perform duties pursuant to the LGA02, the Soil Conservation and Rivers Control Act 1941 and the Public Works Act 1981 as specified.
CS2023	784	1/02/2023	Warrant 2023/38: Under sections 171 and 172 of the LGA02, Alison Weaver appointed an officer to perform duties pursuant to the LGA02, the Soil Conservation and Rivers Control Act 1941 and the Public Works Act 1981 as specified.
CS2023	785	1/02/2023	Warrant 2023/39: Under sections 171 and 172 of the LGA02, Michelle Ellen Mifflin appointed an officer to perform duties pursuant to the LGA02, the Soil Conservation and Rivers Control Act 1941 and the Public Works Act 1981 as specified.

CS2023	786	1/02/2023	Warrant 2023/40: Under sections 171 and 172 of the LGA02, Dawie Chris Sutton appointed an officer to perform duties pursuant to the LGA02, the Soil Conservation and Rivers Control Act 1941 and the Public Works Act 1981 as specified.
CS2023	787	1/02/2023	Warrant 2023/41: Under sections 171 and 172 of the LGA02, Gary Michael Bayne appointed an officer to perform duties pursuant to the LGA02, the Soil Conservation and Rivers Control Act 1941 and the Public Works Act 1981 as specified.
CS2023	788	1/02/2023	Warrant 2023/42: Under sections 171 and 172 of the LGA02, Daniel James Allan King appointed an officer to perform duties pursuant to the LGA02, the Soil Conservation and Rivers Control Act 1941 and the Public Works Act 1981 as specified.
CS2023	789	1/02/2023	Warrant 2023/43: Under sections 171 and 172 of the LGA02, Scott William Liddell appointed an officer to perform duties pursuant to the LGA02, the Soil Conservation and Rivers Control Act 1941 and the Public Works Act 1981 as specified.

RECOMMENDATION

That the Council:

- 1) **Notes** this report.

8.8. Review of Open Actions (Public) from 2019-2022 Meetings

Prepared for: Council

Report No. GOV2302

Activity: Governance Report

Author: Amanda Vercoe, General Manager Governance, Culture and Communication

Endorsed by: Pim Borren, Interim Chief Executive

Date: 15 February 2023

PURPOSE

[1] To present and report against outstanding actions from the 2019-2022 triennium.

EXECUTIVE SUMMARY

[2] The 2019-2022 Open Actions Register, with updated reporting against progress since the 7 December 2022 Council Meeting, has been included as an attachment to this report. These are outstanding, mostly related to timing around implementing operational requests, though some also represent delays in work.

[3] At the 7 December 2022 Council Meeting the Council agreed to quarterly reporting of these previous triennium actions and requested the Chief Executive to provide additional commentary on the open actions to the 22 February 2023 Council Meeting. This additional commentary has been added to the attached report for Council review.

RECOMMENDATION

That the Council:

- 1) **Notes** this report.
- 2) **Notes** the progress against outstanding 2019-2022 actions.

BACKGROUND

[4] See attached action list from 2019-2022.

DISCUSSION

[5] Nil.

OPTIONS

[6] This is a noting paper.

CONSIDERATIONS

Strategic Framework and Policy Considerations

[7] Additional council resolutions and actions should be in alignment with ORC's Strategic Directions and policies and plans.

Financial Considerations

- [8] Where actions are not budgeted, this should be highlighted to councillors when the decisions are being made, so that an understanding of how these will be funded is clear.

Significance and Engagement

- [9] Not applicable.

Legislative and Risk Considerations

- [10] Additional actions that result in new or unplanned and unbudgeted work can result in delays to existing work programmes.

Climate Change Considerations

- [11] Not applicable.

Communications Considerations

- [12] Not applicable.

NEXT STEPS

- [13] Staff will continue to implement the outstanding actions and report against these.

ATTACHMENTS

1. Open Actions 2019 2022 Triennium public [8.8.1 - 12 pages]

Action Register

Search Criteria

Showing Completed Items: Yes

Include Items Completed From: 01/12/2022

Applied Filters

End Meeting Date: 28th Sep 2022

Meeting Types: Audit and Risk Subcommittee, Council Meeting, Data and Information Committee, Finance Committee, Governance, Communications and Engagement Committee, Implementation Committee, Regulatory Committee, Strategy and Planning Committee

Generated By: Liz Spector

Generated On: 15/02/2023 at 12:04pm

Meeting	Item	Status	Action Required	Assignee/s	Action Taken	Due Date
Finance Committee 2021.05.26	CS2126 Long Term Plan 2021-2031 Deliberation and Recommendations	Completed	Staff to ensure opportunities exist to allow all interested parties to be fully involved in any scheme performance review process. Res FIN21-108	General Manager Operations	23/02/2022 Executive Assistant Opportunities are being provided through community engagement sessions. The first sessions were held in December 2021. The next sessions will be held in late 2022. 21/11/2022 Executive Assistant, Operations Next session to be held in early 2023.	01/06/2022
Finance Committee 2021.05.26	CS2126 Long Term Plan 2021-2031 Deliberation and Recommendations	Completed	Provide a paper discussing re-establishment of the Otago Regional Council Environmental Awards. Res FIN21-111	General Manager Regulatory and Communications	23/11/2022 Governance Support Officer A report is being prepared for consideration as part of the 2023/2024 Annual Plan process. 15/02/2023 Governance Support Officer GM Regulatory and Communications: Report going to Finance Committee on 22 February to consider the issue. Action completed.	31/12/2021
Data and Information Committee 2021.06.09	SPS2132 Coastal Monitoring Programme	Completed	Present a paper to the Strategy and Planning Committee in 2022 outlining monitoring options for a State of the Environment network and seek Council approval to implement the programme. Res DAIC21-103	General Manager Policy and Science, General Manager Strategy, Policy and Science, Manager Science	09/12/2021 General Manager Strategy, Policy and Science On track. 19/01/2022 Governance Support Officer Gwyneth Elsum: The Science Team are doing work such as coastal mapping that will provide input into the development of a coastal monitoring programme. 01/09/2022 Governance Support Officer	30/06/2022

Meeting	Item	Status	Action Required	Assignee/s	Action Taken	Due Date
					July 2022 - GM Policy and Science: The Coastal Monitoring Programme is in place.	
Finance Committee 2021.08.25	PPT2113 Outcome of Interim \$2 Dunedin Fare	Completed	Invite a standing group of ORC and DCC councillors and officers to enhance and guide Dunedin public transport. Res FIN21-120	Councillor	<p>09/02/2022 Personal Assistant to CE & Chairperson</p> <p>DCC Councillors have agreed to meet with ORC Councillors to discuss PT issues and this item will be discussed when a meeting occurs.</p> <p>29/03/2022 Personal Assistant to CE & Chairperson</p> <p>Meeting held with DCC 24/03/2022.</p> <p>15/02/2023 Governance Support Officer</p> <p>Regular discussions are taking place between Councillors and staff on both the Dunedin and Queenstown public transport networks. Action completed.</p>	12/08/2021
Council Meeting 2021.09.29	Chairperson's Report	Completed	Undertake a review of the Manuherehia Governance decision making process. Res CM21-167	Chairperson, Councillor	<p>09/02/2022 Personal Assistant to CE & Chairperson</p> <p>Delayed until TAG complete science work.</p> <p>29/03/2022 Personal Assistant to CE & Chairperson</p> <p>Still waiting for TAG to complete the science work.</p> <p>15/02/2023 Chair Robertson</p> <p>ORC has established 2022 – 2025 triennium governance structures and iwi partnership groups (Mana to Mana and LWRP Governance Group). Manuherehia decision-making is managed in the context</p>	09/12/2021

Meeting	Item	Status	Action Required	Assignee/s	Action Taken	Due Date
					of a forward-looking Land and Water Plan programme.	
Audit and Risk Subcommittee 2022.02.24	A&R2201 Legislative Compliance and Mandatory Documents Register	Completed	Track Public Records Act 2005 recordkeeping on the Action Register until the new records management system is implemented. Res AR22-102	General Manager Corporate Services and CFO, Team Leader Investigations	02/05/2022 General Manager Corporate Services and CFO Action will remain until new records system is implemented later in 2022 29/11/2022 General Manager Corporate Services and CFO Action marked as complete as this will be tracked in the register and noting in action register is not separately required. Records system implementation has commenced and will be completed by 30 June 2023.	30/09/2022
Implementation Committee 2022.03.09	OPS2206 Environmental Implementation Quarterly Update	Completed	Develop a credible methodology to measure effectiveness of the Pest Management Plan with regards to combatting the #1 pest in Otago (rabbits). Res IMP22-102	General Manager Operations	28/03/2022 Executive Assistant This is currently under investigation by the Environmental Implementation Team 21/11/2022 Executive Assistant, Operations ORC methodology for measuring rabbit numbers has been reviewed, a report will be taken to the first Environmental Implementation Committee 07/02/2023 Executive Assistant, Operations Completed, reported to Environmental Implementation Committee on 2 February 2023.	
Governance, Communications and Engagement	COMS2202 Otago Regional Council Community Survey	Completed	Staff to report back on progress against the Community Survey Action Plan	General Manager Regulatory and	01/09/2022 Executive Assistant - Regulatory	31/12/2022

Meeting	Item	Status	Action Required	Assignee/s	Action Taken	Due Date
Committee 2022.03.10	2021 - Draft Action Plan		2021/22 as part of reporting results of the 2022/2023 survey. Res GCE22-101	Communications	The results of the 2022 ORC Community Survey will be presented to the 7 December 2022 Council Meeting alongside a report on progress made against the 2021 action plan.	
Finance Committee 2022.06.01 (AP Deliberations)	CS2232 Annual Plan 2022-23 Deliberation and Recommendations	Completed	Report any cost savings to the adopted 2022/23 Annual Plan budgets quarterly to Council. Res FIN22-118	General Manager Corporate Services and CFO, Manager Corporate Planning, Manager Finance - Reporting	17/08/2022 General Manager Corporate Services and CFO This will be continue to be reported as part of the quarterly report provided to the Finance Committee.	28/02/2023
Finance Committee 2022.06.01 (AP Deliberations)	CS2232 Annual Plan 2022-23 Deliberation and Recommendations	Completed	Group suggestions and ideas raised in 2022/23 Annual Plan submission comments by how they relate to the ORC's strategic directions and highlight them to the new council prior to developing the 2023/24 Annual Plan. Res FIN22-117	General Manager Corporate Services and CFO, Manager Corporate Planning	17/08/2022 General Manager Corporate Services and CFO This will be included as part of the Annual Plan 2023-24 process.	28/02/2023
Finance Committee 2022.06.01 (AP Deliberations)	CS2232 Annual Plan 2022-23 Deliberation and Recommendations	Completed	Provide internal staff advice for consideration of better measures for Climate Change Action in time for preparation of the 2023/24 Annual Plan. Res FIN22-113	General Manager Governance, Culture and Customer, General Manager Policy and Science, Manager Corporate Planning, Principal Advisor - Climate Change	01/09/2022 Governance Support Officer 31/08/2022 - GM Policy and Science: To meet with Manager Corporate Planning. 09/09/2022 General Manager Policy and Science 9 September 2022 : Manager Corporate has passed to Principal Climate Change Advisor to manage. No further action required from GM, Policy & Science at this time.	01/03/2023

Meeting	Item	Status	Action Required	Assignee/s	Action Taken	Due Date
					<p>24/11/2022 General Manager Governance, Culture and Customer</p> <p>This has been discussed, and internal consideration is underway for the 2023/24 Annual Plan advice.</p>	
Council Meeting 2022.06.29	CS2233 Annual Plan 2022/23 - Adoption	Completed	Staff to report back to Council on alternative catchment based rating systems for river management (and potentially other catchment funded work streams) in time for consideration in the 2023/2024 Annual Plan. Res CM22-196	General Manager Corporate Services and CFO, Manager Corporate Planning	<p>17/08/2022 General Manager Corporate Services and CFO</p> <p>This will be included in the Annual Plan 2023-24 process.</p> <p>13/02/2023 General Manager Corporate Services and CFO</p> <p>Included in Annual Plan workshop on 8-Dec-2021. Annual Plan being progress with this to be consider with other financial / rating proposals as part of the Long-Term Plan 2024-34.</p>	30/06/2023
Governance, Communications and Engagement Committee 2022.09.15	GOV2247 ORC - Approach to Engagement	Completed	The CE to schedule a workshop with Councillors on the draft engagement framework before December 2022. Res GCE22-109 (5)	General Manager Governance, Culture and Customer, Interim Chief Executive	<p>24/11/2022 General Manager Governance, Culture and Customer</p> <p>A consultant has been organised to undertake this work, but it was not possible to complete the Council workshop and the draft framework prior to this December meeting. This will be undertaken early in the New Year.</p> <p>13/02/2023 General Manager Governance, Culture and Customer</p> <p>A workshop has been confirmed for 21 February 2022.</p>	30/11/2022
Audit and Risk Subcommittee 2022.09.21	CS2253 Budgeting for Operational Deficits	Completed	The Chief Executive to provide a report on how to achieve an annual balanced budget (and how to achieve that when	General Manager Corporate	<p>17/11/2022 Governance Support Officer</p>	01/02/2023

Meeting	Item	Status	Action Required	Assignee/s	Action Taken	Due Date
			unanticipated expenditures arise) to the first meeting of the Finance Committee meeting following the 8/10/22 election. Res AR22-130 (2)	Services and CFO, Interim Chief Executive	The Chief Executive to provide at first Finance Committee meeting of the 2022-2025 Triennium. 15/02/2023 Governance Support Officer This has been discussed throughout the AP 2023/24 workshops.	
Implementation Committee 2021.12.08	PPT2117 Outcomes from Dunedin Electric Bus Trial	Assigned	Prepare a report for consideration to the 8 June 2022 Implementation Committee regarding scope to prepare for a transition to a zero-emission public transport fleet. IMP21-118	Interim Chief Executive, Principal Advisor - Transport Planning	09/11/2022 Governance Support Officer Doug Rodgers (Mgr Transport) states "[W]ork yet to begin on this report. Resourcing challenges being addressed to deliver." 21/11/2022 Executive Assistant, Operations A consultant has been engaged to prepare this report.	08/06/2022
Finance Committee 2022.06.01 (AP Deliberations)	CS2232 Annual Plan 2022-23 Deliberation and Recommendations	Assigned	Prepare a report on potential sites for public access to flood and drainage schemes. Staff and Councillors to consult with landowners/cycleway/walkway proponents before completing development of the policy on public access to flood and drainage infrastructure. Res FIN22-114	General Manager Operations	02/08/2022 Executive Assistant, Operations Staff are liaising with the proponents of the Mosgiel to Dunedin Cycleway.	
Finance Committee 2022.06.01 (AP Deliberations)	CS2232 Annual Plan 2022-23 Deliberation and Recommendations	Assigned	Provide staff advice on potential costs and work required to develop a business case for Central/Lakes public transport in time for consideration during consultation on the draft 2023/24 Annual Plan.	Interim Chief Executive, Manager Transport	02/08/2022 Executive Assistant, Operations To Start.	01/03/2023

Meeting	Item	Status	Action Required	Assignee/s	Action Taken	Due Date
			Res FIN22-115		05/09/2022 Executive Assistant, Operations Costs have yet to be set, however we have a figure of around \$150,000 as an appropriate figure to undertake this. Work will continue on this, however this is not in the Annual Plan. We wouldn't necessarily need WKNZTA funding. QLDC Wanaka Optimisation Business Case will address the initial stages of the investigation.	
Audit and Risk Subcommittee 2022.09.21	CS2253 Budgeting for Operational Deficits	Assigned	Reporting to Audit and Risk on work towards achieving a balanced budget is to be provided during the 2022-2025 triennium regularly and monitored through the Actions Register. Res AR22-130 (3)	General Manager Corporate Services and CFO	15/02/2023 Governance Support Officer Needs discussion with new Audit and Risk Subcommittee as to expectations of budget reporting. Currently quarterly financial reports are provided to the Finance Committee.	01/09/2025
Audit and Risk Subcommittee 2022.09.21	CS2253 Budgeting for Operational Deficits	Assigned	Provide detailed information as to how public transport deficits have occurred in a staff report to the first meeting of the Audit and Risk Subcommittee following the 8/10/22 election. Res AR22-130 (4)	General Manager Corporate Services and CFO		28/02/2023
Audit and Risk Subcommittee Public Excluded 2022.09.21	CS2254 Consideration of Draft Annual Report for the year ended 30 June 2022	Assigned	The next Audit and Risk Subcommittee in consultation with the auditors shall consider the process for auditors to provide a supplemental Management Letter for release to the public. AR22-131 (4)	General Manager Corporate Services and CFO	15/02/2023 Governance Support Officer Audit and Risk Subcommittee to discuss with auditors at appropriate time.	30/09/2023
Audit and Risk Subcommittee Public Excluded 2022.09.21	CS2254 Consideration of Draft Annual Report for the year ended 30 June 2022	Assigned	Undertake a peer review for the financial year ended 30/06/2023 annual accounts process for the valuation of Port Otago Limited shares. Res AR22-131 (5)	General Manager Corporate Services and CFO	15/02/2023 Governance Support Officer No action required currently.	30/06/2023

Meeting	Item	Status	Action Required	Assignee/s	Action Taken	Due Date
Finance Committee 2021.05.26	CS2126 Long Term Plan 2021-2031 Deliberation and Recommendations	In Progress	Establish a harbour facilities and management plan in a collaboration with iwi, community boards and groups, DCC and Port Otago with a budget of \$100k in each of financial years 2 and 3 of the LTP2021-31. Staff and Councillors to determine ToRs. Res FIN21-109	General Manager Operations	09/12/2021 General Manager Strategy, Policy and Science On track. 16/03/2022 Governance Support Officer <i>This action was reassigned to the GM Operations on 16/3/2022.</i> 28/03/2022 Executive Assistant An approach to developing the plan is being scoped. Initial discussion held with Port Otago Ltd's consultant. The consultant is arranging staff to meet with Port Otago. 21/11/2022 Executive Assistant, Operations Port Otago briefed ORC staff on their proposed amenities plan. 07/02/2023 Executive Assistant, Operations Port Otago Limited has been advised that ORC wishes to be part of the amenities plan steering group.	30/06/2023
Finance Committee 2021.05.26	CS2126 Long Term Plan 2021-2031 Deliberation and Recommendations	In Progress	Consider the potential of realtime data and citizen science input when upgrading or investing in assets. If this requires extra funding, those purchases should be brought back to Council for consideration. Res FIN21-109	General Manager Policy and Science, General Manager Strategy, Policy and Science, Manager Science	09/12/2021 General Manager Strategy, Policy and Science On track. 01/09/2022 Governance Support Officer 13/07/2022 GM Policy and Science: Discussed with Co-Chairs of Strategy and Planning and agreed to bring the	30/06/2022

Meeting	Item	Status	Action Required	Assignee/s	Action Taken	Due Date
					<p>discussion to the new Council following the election.</p> <p>22/11/2022 Governance Support Officer</p> <p>22/11/2022 GM Policy and Science: A paper on citizen science will be brought to the Environmental Policy and Science Committee at an appropriate time.</p> <p>15/02/2023 Governance Support Officer</p> <p>GM Policy and Science: Discussion with Co-Chair of Science and Policy Committee on 13 February 2023 and a plan is to be developed to set expectations.</p>	
Finance Committee 2022.02.23	CS2210 Taieri Flood and Drainage Rates	In Progress	Provide further information on benefits, exacerbators, affordability/fairness and simplicity/logic and provide this information three weeks prior to the next Finance Committee meeting to allow the working group to provide a report to the next Finance Committee meeting as to next steps. FIN22-104	General Manager Corporate Services and CFO	<p>18/05/2022 General Manager Corporate Services and CFO</p> <p>Working Group met on 5 May 2022.</p> <p>15/02/2023 Governance Support Officer</p> <p>GM Corporate Services: Will be considered with other financial/rating proposals as part of the Long-Term Plan 2024 - 2034.</p>	25/05/2022
Council Meeting 2022.03.23	ENG2202 Bylaw Approval to Commence Consultation	In Progress	Dr Palmer (GM Operations) to develop a policy around construction of walkways on ORC owned floodbanks by 30 June 2022. Res CM22-132	General Manager Operations	<p>22/04/2022 Executive Assistant</p> <p>A policy is in preparation. The timeframe is unable to be met due to the resolution made by finance committee on 1 June 2022.</p> <p>21/11/2022 Executive Assistant, Operations</p>	30/06/2022

Meeting	Item	Status	Action Required	Assignee/s	Action Taken	Due Date
					A draft policy has been prepared and will be finalised as part of the action for RES FIN22/114.	
Strategy and Planning Committee 2022.04.13	HAZ2201 Otago Active Faults: Planning Options	In Progress	Provide a report to the relevant Council Committee by January 2023 on a recommended option and implementation plan, developed in collaboration with Territorial Authorities, for incorporating a tiered approach into planning frameworks across Otago. Res SP22-104	General Manager Operations, Manager Natural Hazards	14/06/2022 Executive Assistant, Operations In preparation.	31/01/2023
Data and Information Committee 2022.06.30	PPT2208 Queenstown and Dunedin Patronage Report	In Progress	Transport staff was requested to provide a media briefing to ODT/other new outlets regarding public transport issues as presented in the quarterly report. Res DAIC22-109	Implementation Lead - Transport, Interim Chief Executive, Manager Transport	02/08/2022 Executive Assistant, Operations To be arranged. 23/08/2022 Executive Assistant, Operations We have released a number of positive media releases regarding increased patronage. More recently we have had media releases regarding the effectiveness of the reduced timetable on limiting missed trips. Media releases for positive outcomes have been ongoing. 06/09/2022 Executive Assistant, Operations A briefing will be prepared shortly. 09/11/2022 Governance Support Officer Doug Rodgers (Mgr Transport) states: Interim Transport Manager has met with Communications team to	14/09/2022

Meeting	Item	Status	Action Required	Assignee/s	Action Taken	Due Date
					develop and programme a briefing. Work is ongoing to finalise.	
Extraordinary Council Meeting Public Excluded 2022.08.29	POL2206 Consideration of the pORPS into freshwater and non freshwater parts	In Progress	Organise a workshop to discuss the process for when iwi are or are not consulted on legal matters - following Cr Wilson asking for clarity on the process.	Interim Chief Executive	15/02/2023 Governance Support Officer Underway, giving thought to the best way to provide this advice.	31/03/2023
Governance, Communications and Engagement Committee 2022.09.15	GOV2247 ORC - Approach to Engagement	In Progress	The Chief Executive is to present to Council for consideration by 9 December 2022 a draft community engagement framework and implementation plan developing an ORC-wide approach to engagement and provide a funding mechanism for this implementation in time for consultation on the 2023/24 Annual Plan. Res GCE22-109 (2)	General Manager Governance, Culture and Customer, Interim Chief Executive	24/11/2022 General Manager Governance, Culture and Customer A consultant has been organised to undertake this work, but it was not possible to complete the Council workshop and the draft framework prior to this December meeting. This will be undertaken early in the New Year. 13/02/2023 General Manager Governance, Culture and Customer Workshop confirmed for 21 February 2022. Next steps will come to Council in March 2023, following the workshop.	09/12/2022

9.1. Recommendations of the Environmental Implementation Committee**Recommendation**

That the Council resolves to adopt the recommendations of the [2 February 2023 Environmental Implementation Committee](#).

Report	Resolution	Res#	Mover/ Seconder
Biosecurity Operational Plan 2023/24	Recommends Council approval of the Otago Regional Council's Regional Pest Management Plan 2023-2024 Biosecurity Operational Plan and authorises the Chief Executive to make minor subsequent changes and error corrections to the 2023-2024 Biosecurity Operational Plan in consultation with the Co-Chairs of the Environmental Implementation Committee.	EIC23-103	Cr Wilson / Cr Robertson
Biosecurity Operational Plan 2023/24	Consider the advice of Janice Duckworth (Landcare Research) that ORC staff investigate the process required to have RHDV removed from the National Unwanted Organism list.	EIC23-104	Cr Kelliher / Cr Malcolm
ECO Fund – Funding Available, criteria and assessment panel for March 2023 round	Recommends Council approval of the funding available including changes to Incentives Funding allocations outlined in Table 1 for the March 2023 round.	EIC23-105	Cr Weir / Cr Malcolm

Attachments:

Nil

10.1. Chairperson's Report

Prepared for: Council
Activity: Governance Report
Author: Cr Robertson, Chairperson
Date: 14 February 2023

- [1] The past two-month period has been a crucial period for the Council.
- [2] The Council has embedded its new Governance Structures and co-chairs are now leading their committees through their first cycle of meetings and associated workshops.
- [3] The Council has also made one of the most important decisions any Council can make together. This is the appointment of a Chief Executive Officer. We were delighted to announce the appointment of Richard Saunders to the role with a start date of 1 June 2023. The Council chose to extend the contract with Interim CE Pim Borren until this date to enable a transition period thus ensuring the Council invests in strong foundations for success. We are witnessing how very positively this transition is working.
- [4] Pim, Lloyd and I continue our valuable scheduled weekly meetings. These now also include Richard. These meetings complement our other very regular contact on a range of topics.
- [5] Hearings for the Non-Freshwater Components of our Regional Policy Statement commenced on the 23rd January. This document contains key guiding policy for our own Council and territorial authorities alike.
- [6] During this period we also thanked retiring Port Otago Chair, Paul Rea for his 11 years of service to the Port and welcomed Tim Gibson as the incoming chair. We acknowledge the outstanding stewardship Port Otago's Chairs and Board provide in managing the Port and wider investment portfolio on behalf of the people of Otago.
- [7] Meetings during the period
 - 19 Dec: Tim Barke (CEO Lake Wanaka Tourism, Chair Otago Conservation Board). Introduction and discussion on an upcoming forum Tim is organising on sustainable tourism in the Queenstown/Wanaka Lakes area. ORC was invited to connect with the Otago Conservation Board in the near future.
 - 19th Jan: Aaron Fleming, Director Southern South Island, Department of Conservation. Richard and I met Aaron as an introduction.
 - 19th Jan: Marc Schallenberg, Limnologist (Lake Specialist), Associate Professor, University of Otago. Talked about Marc's work in Lakes research and his ideas for future focus.

- 24th Jan: Lakes working group meeting. The group held its first meeting on 24th January. Discussed Terms of Reference and ideas for how the group will best operate and what it's priorities may be.
- 25th Jan: Myself, Andrew Noone, Alexa Forbes, Pim Borren and Richard Saunders met with Mayor Glyn Lewers and Mike Theelen CE QLDC on Public Transport.
- 3rd Feb: Visit to Maniototo with Min for the Environment David Parker to discuss wetland management issues and options in the Upper Taieri and Scroll Plain Wetland complex.
- 6th Feb: Ngai Tahu Treaty Festival hosted at Ōtākou Marae. A fantastic event attracting very broad participation. ORC itself had 8 Councillors in attendance. The theme was "He waka unua, aukahatia, whakamatuatia" (double-hulled canoe, bind the waka, to steady the journey ahead). I was invited to speak and be part of a panel discussion as part of the festivities. This explored the event theme and extended to conversations on co-governance. It was an honour to be invited to speak and a wonderful day of manaakitanga, celebration and recognition of shared ongoing journey. A really big thanks to Ōtākou Marae for the outstanding event.
- 7th Feb: Otago Southland Joint Mayoral Forum
- Discussed ORC collating information on what TAs are currently doing in the area of Climate Change as a first step to encouraging a regional strategic approach. Southland talked about their upcoming Regional Strategy. This would be discussed more in CE's forum.
- There was a presentation on the Localities place-based health reform process. Hokonui are currently going through this process as the first Otago Southland setting for review. Boundary setting will be a key outcome.
- 7th Feb: Otago Southland Te Roopu Taiao. Started with a presentation from Te Rūnanga o Ngāi Tahu on the Future for Local Government. The focus was on 5 key principles:
 - Ranagatiratanga
 - Te Tiriti Partnership
 - Takiwā Approach (e.g. recognition of tribal boundaries in resource management)
 - Manaakitanga
 - Whanaungatanga

The setting for this is how local Government will evolve over the next 30 years. There was good discussion on where emphasis may be best placed from all the Councils and Rūnanga present. There was acknowledgement of the important role regional leadership plays.

Ngāi Tahu also gave a presentation on their extensive climate work programme.

Aukaha and Te Ao Mārama gave updates on their current work programmes.

Locally a kāhui has been established of 7 papatipu Marae representatives to develop how mana whenua will interact with inland Councils.

- 8th Feb: Joint workshop with DCC on Dunedin's Future Development Strategy this is a three-year horizon planning process looking at growth projections and planning for development needs. Regional Councils, TAs and Iwi have a joint role in this.
 - 13th Feb: South Island Regional Council's Governance Group.
 - 14th Feb: Disabled Persons' Assembly Incoming Council meeting.
 - Chris Ford (Regional Policy Advisor), David Keen (Board Member), Amy Taylor (Admin Support) and Prudence Walker (National CEO) of Disabled Persons Assembly met with Councillors and Richard Saunders. This included discussion on accessible buildings and services, public transport, climate change, and communications and engagement. It was recommended that ORC set up its own Disability Advisory Service/Group and that this be chaired or co-chaired by a disabled person. Dunedin City Council has a similar structure in place. This seems a very constructive idea for our Council and Richard is to follow up.
 - 16/17th Feb: Upcoming Regional Sector Meeting, Wellington
- [8] Throughout period: New Dunedin Hospital discussions with Otago Southland Mayors and Chairs and Project Team.
- [9] I also note that during this time I have spent time with Doug Craig (RDC Group), Pim Borren, Richard Saunders and Amanda Vercoe planning for Governance and Strategic workshops we will hold with Council, staff and Iwi.

RECOMMENDATION

That the Council:

- 1) **Notes** this report.

ATTACHMENTS

1. 2022-12-22 Doug Leeder letter re South Island [10.1.1 - 1 page]



22 December 2022

Doug Leeder
Chair, Regional Sector
By email: doug.leeder@boprc.govt.nz

Customer Services
P. 03 353 9007 or 0800 324 636
200 Tuam Street
PO Box 345
Christchurch 8140
www.ecan.govt.nz/contact

Tēnā koe Doug

I'm confirming that I've picked up in the regional sector's response to the NPS Freshwater Management, RMA reform, Freshwater Farm Plans and Intensive Winter Grazing and plan to work closely with my colleagues from Otago Regional Council, Environment Southland and West Coast Regional Council on these issues.

I'd like to let you know that we, the Chairs and Deputies of the four regional councils of the Ngāi Tahu takiwā within Te Waipounamu met recently to discuss our areas of alignment, and to reinforce our commitment to advocating for our regions' specific emerging and current issues.

We are planning to work together on areas of common interest; climate resilience, the impact on employment of the ending of Jobs for Nature, and roading quality and the impacts of proposed reduction in speed limits.

Specifically, we discussed biodiversity and biosecurity issues, and our current concerns regarding the future of wallaby and wilding conifer eradication. Indications are that funding for both of these programmes will be severely cut in the near future, jeopardising the work that has been undertaken to date.

Given that we are all within the Ngāi Tahu takiwā within Te Waipounamu we intend to further build our relationships with Papatipu Rūnanga and with Te Rūnanga o Ngāi Tahu, to provide a strong voice from the takiwā to central government on issues affecting us.

Yours sincerely

Peter Scott
Chair, Environment Canterbury

Gretchen Robertson
Chair, Otago Regional Council

Nicol Horrell
Chair, Environment Southland

Allan Birchfield
Chair, West Coast Regional Council

10.2. Chief Executive's Report

Prepared for: Council
Activity: Governance Report
Endorsed by: Pim Borren, Interim Chief Executive
Date: 14 February 2023

- [1] It has been a busy start to 2023. There seems to be a huge amount happening all at once. This is coupled with the break over the Dec/Jan period with few actual Council and/or committee meetings. February seems to be a “catch up” month on the many issues facing us right now.
- [2] There have been several recent highlights. I have been particularly happy with the improved recruitment of staff. We are now much closer to a full complement of positions filled remembering that only three months ago I reported a shortfall of 60 FTEs. It is great that this early in the new year we are now close to a full staffing complement.
- [3] Another highlight has been in the Public Transport space where our early intervention through increasing bus driver wage rates has meant that we have also been one of the first regional councils in NZ to get back to a full timetable of services in Dunedin from 1 February 2023. The challenge however in competing with other opportunities for bus drivers and the general shortage of all drivers (Uber, shuttles, trucks etc), means we need to continue to keep pace with the market. We see the shortage of drivers as a short-term problem now that overseas driver visas are being fast tracked through Immigration NZ.
- [4] Notwithstanding the excellent outcome for Dunedin, I am disappointed that the improvements in visas for bus drivers came too late for Queenstown to achieve the commitment I made to return to full timetabled services by 1 February 2023. I do not blame the bus operator for this. Ritchies has done everything within its power to try to recruit drivers but the critical shortage of labour in Queenstown across many industries has simply made it impossible to recruit drivers domestically. The operator has been proactive in sourcing drivers from offshore but the wait for visa approvals has been frustrating. I apologise to our Queenstown ratepayers for this failure to get the service back as I had made a personal commitment to achieving.
- [5] I am particularly pleased with how Richard and I are working together seamlessly to ensure an efficient transfer to Richard as our new permanent CE from 1 June 2023. I have not heard of any frustrations from anyone in terms of this transition.
- [6] Overall, I am very satisfied that ORC continues to make progress on a range of key projects. These include the Whare Rūnaka, 2023/24 Annual Plan process, current budget and financial projections which continue to follow earlier predictions, progress reports on our work programmes and KPIs, staff culture, support of governance where appropriate, submissions on various central government reforms, regulatory processes

especially around compliance, various IT system upgrades, work on our range of biosecurity and biodiversity challenges.

- [7] Frustrations have included issues related to low flows and low summer rainfall and the impact on our waterways, TAG delays, pressure on our policy and science staff with ongoing changes through our RPS and LWRP parameters.
- [8] Today's meeting will bring a number of key decisions to Council. We look forward to assisting our Council members with those decisions both through our written reports and recommendations as well as additional clarity provided through the meeting itself.

RECOMMENDATION

That the Council:

- 1) **Notes** this report.

ATTACHMENTS

Nil

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>Confidential Minutes of:</i></p> <ul style="list-style-type: none"> • 24 November 2022 Council Meeting • 5 December 2022 Council Meeting • 7 December 2022 Council Meeting • 12 December 2022 Council Meeting 	<p>To protect the privacy of natural persons, including that of deceased natural persons – Section 7(2)(a)</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 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 prevent the disclosure or use of official information for improper gain or improper advantage – Section 7(2)(j)</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:</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>3.1 ORC Whare Rūnaka/ Head Office Update</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</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:</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>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>	
<p><i>3.2 Review of Open Actions from Confidential Resolutions of 2019-2022 Council and Committee meetings</i></p>	<p>To avoid prejudice to measures protecting the health or safety of members of the public – Section 7(2)(d)</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 prevent the disclosure or use of official information for improper gain or improper advantage – Section 7(2)(j)</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.