



Minutes of an ordinary meeting of Council held in the Council  
Chamber at Level 2 Philip Laing House  
144 Rattray Street, Dunedin on  
Tuesday 3 April 2019, commencing at 1 pm

**Membership**

Cr Stephen Woodhead	<i>(Chairperson)</i>
Cr Gretchen Robertson	<i>(Deputy Chairperson)</i>
Cr Graeme Bell	
Cr Doug Brown	
Cr Michael Deaker	
Cr Carmen Hope	
Cr Trevor Kempton	
Cr Michael Laws	
Cr Ella Lawton	
Cr Sam Neill	
Cr Andrew Noone	
Cr Bryan Scott	

**Welcome**

Cr Woodhead welcomed Councillors, members of the public and staff to the meeting.

*For our future*

## **1. APOLOGIES**

No apologies were noted.

## **2. LEAVE OF ABSENCE**

### **Resolution**

*That the request for leave of absence from Cr Andrew Noone be accepted.*

Moved: Cr Woodhead

Seconded: Cr Hope

CARRIED

## **3. ATTENDANCE**

Sarah Gardner	<i>(Chief Executive)</i>
Nick Donnelly	<i>(General Manager Corporate Services and CFO)</i>
Gavin Palmer	<i>(General Manager Operations)</i>
Peter Winder	<i>(Acting General Manager Regulatory)</i>
Andrew Newman	<i>(Acting General Manager Policy, Science and Strategy)</i>
Sally Giddens	<i>(General Manager People, Culture and Communications)</i>
Peter Fitzjohn	<i>(Director Stakeholder Engagement)</i>
Liz Spector	<i>(Committee Secretary)</i>

## **4. CONFIRMATION OF AGENDA**

The agenda was confirmed as tabled.

## **5. CONFLICT OF INTEREST**

No conflicts of interest were advised.

## **6. PUBLIC FORUM**

No requests to address the Council were received.

## **7. PRESENTATIONS**

No presentations were conducted.

## **8. CONFIRMATION OF MINUTES**

### **Resolution**

*That the minutes of the (public portion of the) Council meeting held on 20 February 2019 be received and confirmed as a true and accurate record.*

Moved: Cr Hope

Seconded: Cr Bell

CARRIED

## 9. ACTIONS (STATUS OF COUNCIL RESOLUTIONS)

### Status report on the resolutions of the Council Meeting

Report	Action	Status
Delegations – Resource Management Act (Council 27/6/18)	<i>An independent review of the Council's consenting functions be undertaken</i>  <i>That the Chief Executive prepares a brief on the requirements of the review for Council consideration.</i>	<b>COMPLETE</b>

## 10. CHAIRPERSON'S AND CHIEF EXECUTIVE'S REPORTS

### 10.1. Chairperson's Report

Chairman Woodhead reported to the Council on the most recent Mayoral Forum held on 5 March, updated on the Civil Defence and Emergency Management 2018-2028 Group Plan, the Mana to Mana meeting on 15 March, and briefed them on other community events he attended since the 20 February 2019 Council Meeting.

#### Resolution

*That the Council:*

- 1) *Receives this report.*

Moved: Cr Laws  
Seconded: Cr Robertson  
CARRIED

### 10.2. Chief Executive's Report

Chief Executive Sarah Gardner reviewed her report with the Councillors. She briefed them on meetings she attended since the previous Council Meeting, discussed the Environmental Extension Group Meeting she presented at and reviewed the Procedural Decision handed down from the Environment Court on the Proposed Regional Policy Statement. The Councillors had several questions about the decision and Mrs Gardner said she had taken steps to lodge an appeal with the court. Councillor Laws requested a more in-depth discussion of the procedural decision be brought to the next Policy Committee meeting and requested ORC's legal counsel to be invited to the discussion. Mrs Gardner also detailed developing stages of a new customer service strategy which will come to Council in the new financial year.

#### Resolution

*That the Council:*

- 1) *Receives this report.*
- 2) *Directs staff to provide a full report with implications of Procedural Decision No NZEnvC42 on appeals to the RPS to the next Policy Committee meeting and request attendance of ORC Legal Counsel at that meeting.*

Moved: Cr Laws  
Seconded: Cr Robertson  
CARRIED

## 11. MATTERS FOR COUNCIL DECISION

### 11.1. Recommendation from Hearing Panel - Otago Navigation Safety Bylaw 2018

Harbourmaster Steve Rushbrook addressed the Council about proposed new navigational bylaws. He said the new bylaw is designed to provide clarity around navigation safety requirements and has been updated to reflect changes since the previous 2003 bylaw. He said some of the updates addressed rules related to use of lifejackets in all vessels up to 6 metres, and proper use of kill cords in small vessels. He said public consultation was conducted and during this consultation phase, an addition was requested by DoC to reflect their standard wording for operating vessels close to marine mammals. Mr Rushbrook said this will give ORC the opportunity to support and educate water users in our region about appropriate vessel operation around marine life. He said if the Council adopts the bylaw as presented, it will become effective as of 1 May 2019 and signage installation and other public awareness efforts will begin.

Councillor Bryan Scott thanked Mr Rushbrook for the work undertaken to bring the updated bylaw to the Council. He then made a motion.

#### Resolution

*That the Council:*

- 1) ***Receives this report.***
- 2) ***Adopts the Otago Regional Council Navigation Safety Bylaw 2019, as recommended by the Hearings panel, with a commencement date of 1 May 2019***
- 3) ***Approves the affixing of the common seal to the Otago Regional Council Navigation Safety Bylaw 2019.***

Moved: Cr Scott  
Seconded: Cr Lawton  
CARRIED

### 11.2. Freshwater Management Unit setting and Engagement approach

Policy Analysts Julia Briggs, Sylvie Leduc, Tom De Pelselmaeker along with GM Andrew Newman addressed the Councillors about the proposed FMU setting and engagement approach. Ms Briggs said a team comprised of staff across the organisation and iwi representatives met weekly over the past three months to draft a preferred plan for implementation. She said they chose an approach that captured Ki uta ki tai, or Mountains to the Sea, criteria. The team researched whether community group views were known and if there were active community groups. She said they also considered the relationship of iwi with water and how the FMU boundaries would align with territorial authorities.

Councillor Deaker thanked staff for the collaborative effort to bring this plan to the Council. Councillor Robertson said the plan looks and feels right. She asked that the member communities be involved at a grass-roots level to give input on their desired objectives and values. Councillor Lawton asked staff to ensure data will be made available to the communities

so they can follow the process that has been used to determine the FMU boundaries. Councillor Laws asked that Community Reference Groups be fully utilised and have an important voice in the final adoption of the FMUs and freshwater objectives.

Ms Leduc spoke about the engagement model. She said there will be a consistent and transparent consultation process to define freshwater objectives and limits. She said there will be consultation on "futures" scenarios, options for freshwater objectives, and options assessment prior to notification. Councillor Woodhead stated today's objective is setting the framework for the conversation with the communities. He said the task is ultimately to educate the regional community on freshwater management and give them the opportunity to provide input. There was no further discussion and Cr Woodhead asked for a motion.

### **Resolution**

*That the Council:*

- 1) **Receives** this report, and
- 2) **Adopts:**
  - a. *The following FMUs for managing fresh water across Otago:*
    - (i) *Five Freshwater Management Units for the Otago region, respectively called the Mata-au, Taieri, North Otago, Dunedin Coastal and Catlins; and*
    - (ii) *A further delineation of the Mata-Au into five sub-units, called rohe, being Upper Lakes, Dunstan, Manuherekia, Roxburgh and Lower Clutha rohe.*
  - b. *The proposed consultation and engagement model for the development of freshwater objectives for Otago's FMUs, excluding the Arrow and Cardrona catchments, and the Manuherekia rohe; and*
  - c. *The proposed engagement approach for priority plan changes in the Arrow and Cardrona catchments, and the Manuherekia rohe.*

Moved: Cr Scott

Seconded: Cr Deaker

CARRIED

### **11.3. Delegations**

Chief Executive Sarah Gardner reviewed proposed changes to the Delegations Manual with the Council. She said the changes were only to map title changes due to the recent internal reorganisation, with no functional changes made to the delegations. Cr Woodhead asked for a motion.

### **Resolution**

*That the Council:*

- 1) **Endorses** the equivalence mapping of existing delegations to new positions and authorises the Chief Executive to update the Delegations Manual to reflect the changes.
- 2) **Notes** that the Chief Executive bring a review of Delegations to the next Council meeting.

Moved: Cr Robertson

Seconded: Cr Noone

CARRIED

#### **11.4. 2019-20 Annual Plan: Draft Financial Forecast and Community Engagement**

General Manager Corporate Services and CFO Nick Donnelly and Manager Corporate Planning Mike Roesler presented the 2019/20 Annual Plan draft to the Councillors. Mr Roesler said the report enables Council to agree to proposed adjustments to the detailed financial forecasts defined in year two of the Otago Regional Council 2018-28 Long Term Plan (LTP). He said the report also details the proposed community engagement approach related to the adjustments. Mr Donnelly explained that the proposed changes do not trigger the Council Significance and Engagement Policy, nor do they make any significant or material changes to the content of the previously adopted LTP. Therefore, he said staff recommended an engagement approach that reflects Council's intention to maintain the direction agreed in the LTP.

Councillor Graeme Bell asked how the public will be able to provide feedback on the proposed adjustments. Mr Roesler said while the community engagement approach will be less formal than in previous years, it will include community events where the public can speak personally with Councillors, a digital brochure outlining the adjustments available on the ORC website, an online suggestion box to receive public comments, social and print media releases, as well as radio interviews. Cr Laws asked if the brochure will be delivered to all ratepayers. Mr Roesler said that it would not be, however, the printed brochure would be available upon request. Cr Robertson said she thinks most submitters will appreciate the new method of engagement. Cr Kempton said he has found there has been an enormous rise in number of public submissions, but that hasn't correlated with an increase to the number of people requesting to speak at hearings. He said a slightly less formal style has increased engagement. After further general discussion, Councillor Brown made a motion.

#### **Resolution**

*That the Council:*

- 1) **Notes** an important step in reviewing the detail financial forecasts defined in year 2 of its 2018-28 Long Term Plan has been completed and the proposed adjustments are provided in this report.
- 2) **Notes** that the proposed adjustments to the 2018-28 Long Term Plan as provided in this report are consistent with the strategic direction previously consulted and agreed with the community.
- 3) **Approves** the proposed adjustments to the 2018-19 Long term Plan as contained in attachment 1 as providing the basis for engaging with the community.
- 4) **Agrees** that the proposed adjustments provided in attachment 1 do not include or result in significant or material differences from the content of the 2018-28 Long-term Plan.
- 5) **Approves** the community engagement approach as provided in attachment 2 of this report.

Moved: Cr Brown

Seconded: Cr Noone

CARRIED

## **12. MATTERS FOR NOTING**

*Cr Woodhead declared the meeting adjourned at 3:05 p.m. for 10 minutes.*

*Cr Woodhead reconvened the meeting at 3:15 p.m.*

## 12.1. Documents Signed under Council Seal

### Resolution

*That the Council:*

- 1) **Notes this report.**

Moved: Cr Neill

Seconded: Cr Noone

CARRIED

## 12.2. Priority Catchments

General Manager Policy, Science and Strategy Andrew Newman addressed the Council about the framework for assessing risk in the catchment plan change process. He said the paper was presented to provide insights on the initial view of the main risks along with mitigation processes, associated with the development of plans to notify Arrow, Cardrona and Manuherikia as priority catchments. Mr Newman iterated the paper was a work in progress, and by no means a complete register of risk mitigation processes. He said staff will bring a project plan back to the Council to articulate the information better, which will also clarify terms of reference for any community reference or technical advisory groups as well as clarify what roles will be undertaken by internal staff.

Cr Kempton thanked Mr Newman for the report. He said a critical component of a successful implementation will be the ability to mitigate and close out risks while keeping an eye on potential or emerging risks. Cr Robertson said it will be critical to ensure Council's objectivity as a regulator, leader and facilitator and to ensure this is expressed to the community. Cr Lawton asked how Mr Newman anticipated the reference groups would work. She asked how a local resident would be selected to participate and if remuneration would be part of participation. Mr Newman said those details would be worked out, but if a group member was working on behalf of an interest group, they would be acting for their employer and be remunerated by that employer. He said if the member was an individual or had a genuine hardship, compensation would be discussed. Cr Scott requested regular progress reports be presented to Council and suggested a refresher on the terms of reference for this program would be valuable. He said he was interested in the Quality Assurance process staff was working with to achieve the best possible outcome for the Council and community. Mrs Gardner said it was important not to blur the division between operational and governance and asked that Councillors give clear direction to allow staff to get on with what Council wants accomplished. Cr Woodhead agreed and said a discussion around process and responsibilities can be arranged by Mrs Gardner. After further deliberation, Cr Kempton made a motion.

### Resolution

*That the Council:*

- 1) **Receives this report and provides guidance to staff on their view of risks to achieving material progress on plan frameworks – to notification, for the “Priority Catchments” being Arrow, Cardrona and Manuherikia.**

Moved: Cr Kempton  
Seconded: Cr Robertson  
CARRIED

## **16. RESOLUTION TO EXCLUDE THE PUBLIC**

### **Resolution**

Moved: Cr Woodhead  
Seconded: Cr Brown  
CARRIED

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

***Item 1.1 Approval of minutes of the 20 February 2019 Public Excluded Council Meeting***

***Item 2.1 Head Office Update***

### **Resolution**

*That the meeting resume in public session at 04:32 pm.*

Moved: Cr Woodhead  
Seconded: Cr Scott  
CARRIED

## **13. REPORT BACK FROM COUNCILLORS**

Cr Lawton reviewed a transport update from Wakatipu Transportation.

Cr Bell discussed a NZ research program using dung beetles to improve water quality and soil health. He also mentioned questions from the public about the K5 is not working to curtail the rabbit population in Central Otago. Cr Woodhead mentioned that a report on the 6-month blood testing results on rabbits will be coming to the next committee round.

Cr Hope mentioned several DairyNZ events she attended as well as a day with Catchments Otago. She also mentioned a meeting in Invermay with the Forestry Field Day where the impact of deer in waterways was discussed.

## **14. NOTICES OF MOTION**

No Notices of Motion were advised.

## **15. RECOMMENDATIONS ADOPTED AT COMMITTEE MEETINGS**

### **15.1. Recommendations of the Policy Committee**

#### **Resolution**

*That the recommendations of the of the 20 March 2019 Policy Committee were confirmed.*

Moved: Cr Robertson



Seconded: Cr Brown  
CARRIED

**15.2. Recommendations of the Regulatory Committee  
Resolution**

*That the recommendations of the 21 March 2019 Regulatory Committee meeting were confirmed.*

Moved: Cr Scott  
Seconded: Cr Neill  
CARRIED

**15.3. Recommendations of the Communications Committee  
Resolution**

*That the recommendations of the 20 March 2019 Communications Committee meeting were confirmed.*

Moved: Cr Deaker  
Seconded: Cr Laws  
CARRIED

**15.4. Recommendations of the Technical Committee  
Resolution**

*That the recommendations of the 21 March 2019 Technical Committee were confirmed.*

Moved: Cr Noone  
Seconded: Cr Lawton  
CARRIED

**15.5. Recommendations of the Public Portion of the Finance and  
Corporate Committee  
Resolution**

*That the recommendations of the 20 and 21 March 2019 Finance and Corporate Committee meeting were confirmed.*

Moved: Cr Brown  
Seconded: Cr Noone  
CARRIED

**17. CLOSURE**

The meeting was declared closed at 04:40 pm.

  
\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date