



COUNCIL MEETING PUBLIC AGENDA

Wednesday 26 June 2019

1 PM, Council Chamber

Level 2 Philip Laing House, 144 Rattray Street, Dunedin

Members of the public are welcome to attend.

Meeting documents and attachments are available online at: www.orc.govt.nz

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	

Attending

Sarah Gardner	<i>(Chief Executive)</i>
---------------	--------------------------

Disclaimer

Please note that there is an embargo on agenda items until 48 hours prior to the meeting. Reports and recommendations contained in this agenda are not to be considered as Council policy until adopted.

For our future

TABLE OF CONTENTS

1. Apologies.....	4
2. Leave of Absence	4
3. Attendance.....	4
4. Confirmation of Agenda.....	4
5. Conflict of Interest	4
6. Public Forum	4
7. Presentations	4
8. Confirmation of Minutes.....	4
9. Actions (Status of Council Resolutions)	4
10. Chairperson's and Chief Executive's Reports.....	5
10.1. Chairperson's Report.....	5
10.2. Chief Executive's Report	7
11. Matters for Council Decision.....	10
11.1. Annual Plan 2019-2020	10
11.2. Rating Report and Rating Resolution 2019 - 2020	12
11.3. Finalising the Biodiversity Action Plan.....	19
11.4. Building Act Transfer	25
11.5. Consideration of Election Protocols for Elected Members	28
11.6. Delegation Where ORC is both applicant and regulatory authority	32
11.7. Local Government New Zealand 2019 Annual General Meeting - Remits.....	35
12. Matters for Noting	40
12.1. Remuneration Authority Determination	40
13. Report Back from Councillors	45
14. Notices of Motion	45
15. Recommendations Adopted at Committee Meetings Held on 12 June 2019	45
15.1. Recommendations of the Communications Committee.....	45
15.2. Recommendations of the Public Portion of the Finance and Corporate Committee	45
15.3. Recommendations of the Policy Committee.....	46
15.4. Recommendations of the Regulatory Committee.....	46
15.5. Recommendations of the Technical Committee	47
16. Resolution to Exclude the Public.....	47
17. Closure	48

1. APOLOGIES

No apologies noted.

2. LEAVE OF ABSENCE

No leaves of absence noted.

3. ATTENDANCE

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. CONFLICT OF INTEREST

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

6. PUBLIC FORUM

Mr Andrew Sutherland will speak to the Council on the climate crisis.

7. PRESENTATIONS

No presentations are scheduled.

8. CONFIRMATION OF MINUTES

8.1. Minutes of the 15 May 2019 Council Meeting

Recommendation

That the minutes of the (public portion of the) Council meeting held on 15 May 2019 be received and confirmed as a true and accurate record.

Attachments

- 1. Council Minutes 20190515 [8.1.1 - 9 pages]

8.2. Minutes of the 12 June 2019 Extraordinary Council Meeting

Recommendation

That the minutes of the (public portion of the) Extraordinary Council Meeting of 12 June 2019 be received and confirmed as a true and accurate record.

Attachments

- 1. Extraordinary Council Meeting Minutes 20190612 [8.2.1 - 4 pages]

9. ACTIONS (STATUS OF COUNCIL RESOLUTIONS)

Status report on the resolutions of Council

11.3 Delegations	3 April 2019	Direct CE to bring a review of delegations to the next Council Meeting	IN PROGRESS
------------------	--------------	--	-------------

10. CHAIRPERSON'S AND CHIEF EXECUTIVE'S REPORTS

10.1. Chairperson's Report

Prepared for:	Council
Activity:	Governance Report
Author:	Cr Stephen Woodhead, Chairperson
Date:	20 June 2019

MAYORAL FORUM

- [1] The main item was an update on the draft regional economic development framework. Following final edits, it will be presented to Councils in coming meetings. Mrs Gardner updated the forum on Mr Skelton's investigation timeframes, and the recruitment of a senior advisor for the forum.

CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP

- [2] There have been a number of decisions made recently by Government as a result of the review of emergency management carried out in 2017. In April, the Minister of Civil Defence, Hon Kris Faafoi released the National Disaster Resilience Strategy. The National Disaster Resilience Strategy captures what has been collectively learnt in the last 10 or more years during emergencies. The next step for the Ministry is to produce a formal implementation plan.
- [3] As part of the budget, the Minister announced the establishment of a new National Emergency Management Agency (NEMA) to replace the Ministry of Civil Defence and Emergency Management. Existing MCDEM functions will transfer into NEMA and some high-priority functions will be strengthened. This is part of a package aimed at delivering better responses to emergencies.
- [4] Government has also decided to develop a second National Crisis Management Centre as a back-up that can be used in the event the Wellington base is impacted by a disaster; it is based in Auckland.
- [5] The establishment of Fly-In Teams was signalled last year. They are now rebranded as NZEMAT (NZ Emergency Management Assistance Teams) and will be specialist trained people that can be brought in to a region or district to assist during an emergency; these are operating from August 2019.
- [6] In Otago, the 2018-2028 Otago Group Plan was put out for consultation in May, hearings were held recently, and final amendments are being made following deliberations. It then gets sent to the Minister for comment before coming back to the August meeting for adoption and circulation.
- [7] The Otago/Southland Air Operations and Regional Fuel Plans are making slower than hoped progress working with industry and Emergency Management Southland.

- [8] Good progress is being made on community plan development across the region. Finalised plans can be viewed on the website which is being updated.
- [9] The Lifelines Committee, chaired by Mayor Boulton, is also making progress working with utilities providers such as Transpower, NZTA, electricity retailers; communications providers etc. to identify risks to networks, plan to mitigate the risks, and assist the lifelines organisations meet their requirements under the Act.

QUEENSTOWN TRANSPORT GOVERNANCE GROUP

- [10] Cr Kempton, Dr Palmer and Mr Collings and I attended this meeting in Queenstown. Progress has slipped a few months on the suite of related business cases, e.g. (Queenstown Town Centre, Frankton to Queenstown Road, Transport Planning, Grant Road to Kawarau Falls Bridge, Frankton Master Plan, Queenstown Parking facilities, QT & Frankton Parking Strategy). These all inform each other and are all needing to be brought together in one package. There is a huge amount of information needed to be collected and modelled, including growth projections, to produce the business cases that will go to NZTA Board next year. If and when approved, they will be the basis for a very large future work programme.
- [11] Business cases directly linked to ORC Public Transport are a Public Transport Study undertaken by NZTA, Wakatipu Active Travel Network and Water Ferry Transport business cases; these are substantially complete. The water ferry outcomes will be reported to Committees in coming months.

NORTH TAIERI FLOODING

- [12] Cr Hope and I, Dr Palmer and Taieri ORC staff, met with representatives of the Taieri A&P Society regarding flooding issues at North Taieri. Staff are looking at options and we will meet again next month to follow-up.

MEETINGS/FUNCTIONS ATTENDED

- [13] Blessing and launching of Harbourmaster's boat.
- [14] Cr Hope and I attended Otago South River Care, Clutha Catchments day, Balclutha.
- [15] University of Otago 150th Celebration Dinner, Queen's Birthday weekend.

RECOMMENDATION

That the Council:

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

ATTACHMENTS

Nil

10.2. Chief Executive's Report

Prepared for:	Council
Activity:	Governance Report
Author:	Sarah Gardner, Chief Executive
Date:	20 June 2019

RECOMMENDATION

That the Council:

- 1) **Receives** this report.

KEY MEETINGS ATTENDED

- [1] 16 May – met Decipher Recruitment for GM Policy, Science and Strategy.
- [2] 20 May – Richard Joseph Cultural Development Session with Regulatory, Consents and Harbourmaster.
- [3] 20 May – discussion with CEO Magazine.
- [4] 21 May – regular phone call with Sanchia Jacob, CEO of Central Otago District Council.
- [5] 21 May – Harbourmaster’s boat naming ceremony.
- [6] 22 May – meeting with Aaron Fleming, Area Manager for Department of Conservation based in Queenstown.
- [7] 23 May – attended the Otago CDEM CEG meeting followed by Otago CEO’s meeting.
- [8] 27 May – met with Decipher Recruitment for GM Policy, Science and Strategy.
- [9] 29 May – met with David Bromell of the Canterbury Mayoral Forum.
- [10] 5 June – regular phone call with Fergus Power, CEO of Waitaki District Council.
- [11] 6 June – all day ELT Strategy meeting.
- [12] 7 June – met with NZTA to discuss Choices Ap.
- [13] 7 June – met with Jim Harland, NZTA, the Chair and Cr Trevor Kempton on NZTA feedback.
- [14] 7 June – met with Director General of Conservation.
- [15] 10 June – Skype meeting with Cr Woodhead, QLDC Mayor and CEO.
- [16] 17 June – attended Otago CDEM Joint Committee meeting followed by the Otago Mayoral Forum.
- [17] 19 June – meeting with Strategic Pay.
- [18] 19 June – catch up discussion with CE Bay of Plenty Regional Council regarding the Ticketing Project.
- [19] 20 June – met with Warren Ulusele from Department of Internal Affairs.
- [20] 20 June – Audit and Risk meeting.
- [21] 21 June – met with Ian Hadland from Fish & Game (Otago).

DISCUSSION

Harbourmaster's Boat Naming Ceremony

- [22] It was a great milestone when the new boat was named and blessed on 21 May 2019. Otago Regional Council has made significant ground on our harbourmaster duties in the past 18 months with work on navigational safety and bylaws now supported by the new vessel.
- [23] We are grateful to Edward Ellison for his blessing of the boat and to Deputy Chair Cr Gretchen Robertson for her elegant christening efforts. The final processes around ensuring the boat has all certification necessary are now awaiting Maritime New Zealand approval.

Canterbury Mayoral Forum

- [24] My grateful thanks to Mr David Bromell who shared some time with me on the 29th of May 2019 to assist my understanding of the arrangements and work of the Canterbury Mayoral Forum. As Otago Regional Council holds the secretariat role for the Otago Mayoral Forum this was a helpful session and will inform the direction of the Otago Mayoral Forum and its focus for the new triennium. Key attributes of the Canterbury Mayoral Forum are the mandate it has, the portfolio management approach and the support from Council organisations that underpin its work.

NZTA Choices Ap

- [25] The Choices Ap by NZTA has been adopted by ORC as the electronic journey mapping tool that will support our bus services, initially in Queenstown. The Ap has been under development for some time and is to be delivered late in the year. NZTA discussed their work underpinning the Ap and how we might implement and administer the Ap in the future. ORC is the key regional council looking to employ this particular software.

Strategic Pay

- [26] Strategic Pay provides a job sizing methodology that we are using to assess our current staff roles. The methodology will allow us to size our roles according to the particular skills and authorities of the jobs we have in the organisation, and to evaluate our job sizes against market comparators to understand the salary ranges that are most applicable to our roles. It requires a full job evaluation and review of position descriptions which will be ongoing until all roles are sized.
- [27] This exercise is being completed for the entire organisation and will provide us with a sound remuneration management framework, including internal and external relativities.

Lake Hayes Wetland Scoping Study

- [28] Under my financial delegation I have agreed to a \$12,000 contribution to a scoping study for wetland restoration potential in the catchment above Lake Hayes. This study is in partnership with the Department of Conservation, Queenstown Lakes District Council and the Friends of Lake Hayes, and will be undertaken by NIWA.

[29] This work will complement our ongoing work around the treatment of water quality issues in Lake Hayes. Importantly, it is seeking to understand the opportunity to address the intake of contaminants into Lake Hayes through wetland restoration. The idea is that if contaminants can be managed to avoid their entry into the lake, the current lake water quality issues may be improved.

Resignation of Deputy Chair, Coordinated Executive Group, Civil Defence and Emergency Management

[30] My grateful thanks to David Guard, of Fire and Emergency for his leadership and support of the CEG in his role as Deputy Chair. David has resigned his position as he is leaving the region. His absence will be felt by us all and we wish him every success in his new role with Fire and Emergency in Tauranga.

ATTACHMENTS

Nil

11. MATTERS FOR COUNCIL DECISION

11.1. Annual Plan 2019-2020

Prepared for:	Council
Report No.	CS1904
Activity:	Community: Governance & Community
Author:	Mike Roesler, Manager Corporate Planning
Endorsed by:	Nick Donnelly, General Manager Corporate Services
Date:	20 June 2019

PURPOSE

- [1] The purpose of this report is to adopt the Otago Regional Council Annual Plan 2019-20 and enable the subsequent approval of rates and charges for the 1 July 2019 to 30 June 2020 financial year.
- [2] The timing of this Council decision meets a critical legislative requirement.

RECOMMENDATION

That the Council:

- 1) **Receives** this report.
- 2) **Notes** the recommendation from the 12 June 2019 Finance and Corporate Committee meeting that Council adopts the proposed Otago Regional Council Annual Plan 2019-20.
- 3) **Adopts** the Otago Regional Council Annual Plan 2019-20 as circulated with this report.

BACKGROUND

- [3] The Finance and Corporate Committee at its 12 June 2019 public meeting approved the proposed Annual Plan 2019-20 (AP) for Council adoption.
- [4] The covering report to the above meeting summarised the results of the financial and funding statements contained in the proposed AP. It also provided a summary of the feedback received via the Council's community engagement.
- [5] Community feedback did not raise matters that caused the Committee to question the Council's intention to stick with the strategic direction as agreed in the Long-Term Plan. However, the rating impact that this direction has on various groups of ratepayers and individuals was acknowledged, and that issues of affordability were 'front of mind' in Council's decision making.

DISCUSSION

- [6] The AP is provided with this report for Council adoption. Other than the inclusion of the Chairs Foreword, minor editorial corrections, and formatting improvements, it is the

same document as considered by the Finance and Corporate Committee at its 12 June 2019 public meeting.

CONSIDERATIONS

Policy Considerations

- [7] The 12 June 2019 Finance and Corporate Committee meeting acknowledged that while the Schedule of Fees and Charges was not changing in the AP, a review of Council's Funding Policy was planned for 2019-20. This review would result in proposals for the Council's consideration on 'who pays for services' and 'how services are funded'. The scope of that review is to be presented to Council for approval. Consent fees/charges was raised by some Councillors, at this meeting, as an example of one aspect of the funding policy that will require careful consideration.

Financial Considerations

- [8] The financial and funding statements provided in the AP circulated with this report have not changed from those presented to the 12 June 2019 Finance and Corporate Committee meeting.

Significance and Engagement

- [9] No further considerations at this final stage of the process.

Legislative Considerations

- [10] The timing of this report and its recommendations meets an important legislative requirement.

Risk Considerations

- [11] The risk of a material mis-statement within the AP has been managed via internal process. Risk associated with service delivery under this AP are reported through the 2019-20 financial year via activity quarterly reporting and corporate risk reporting to the Audit Risk Committee.

NEXT STEPS

- [12] The next steps are:
- Approval of the Council Rating Resolution at this Council meeting
 - Implementation of the AP from 1 July 2019.

ATTACHMENTS

1. Annual Plan 2019-20 [**11.1.1 - 71 pages**]

11.2. Rating Report and Rating Resolution 2019 - 2020

Prepared for:	Council
Report No.	CS1902
Activity:	Governance Report
Author:	Stuart Lanham, Manager Finance
Endorsed by:	Nick Donnelly, General Manager Corporate Services
Date:	20 June 2019

PURPOSE

- [1] The purpose of this report is to provide details of each of the rates to be set, and to recommend that Council adopts the rates resolution for the 2019/2020 financial year.

EXECUTIVE SUMMARY

- [2] Following the adoption of the Annual Plan 2019/2020, Council is required to adopt a rates resolution, which formally sets the rates for the 2019/2020 financial year.
- [3] The rates resolution is attached to this report.
- [4] A table is attached to this report showing the rate effect of the rates contained in the rating resolution on a range of properties within the Otago region. The table includes rates for the 2018/2019 year for comparative purposes.

RECOMMENDATION

That the Council:

- a) **Receives** this report.
- b) **Adopts** the Rating Resolution for the 2019/2020 financial year

GENERAL RATES

General rate amount and collection basis

- [5] The GST inclusive general rate requirement for the 2019/20 year of \$12,856,000 represents an increase of 26.9% on the 2018/19 rate of \$10,129,000.
- [6] Of the general rate requirement, the total amount of rates to be collected by way of Uniform Annual General Charge is \$3,214,000 equating to a charge of \$29.42 (including GST) on each rateable property compared to \$23.23 in the 2018/19 year.
- [7] General rates, excluding the portion collected as a Uniform Annual General Charge, are charged on a capital value basis.

Equalisation of capital values

- [8] Revaluations of property for rating purposes are conducted on a cyclic three-yearly basis.

- [9] The Waitaki, Queenstown and Clutha Districts were revalued in 2017 and the Dunedin City and the Central Otago Districts were last revalued in 2016.
- [10] Council obtained a certificate of projected values from Quotable Value Limited that provides an assessment of the overall “equalised” capital values of the city and each of the districts within Otago, as at the common date of 1 September 2018.
- [11] The equalised values are applied to apportion the general rate amount to be collected on a capital value basis from the region as a whole, and are also applied in those instances where rates are to be collected on a common basis where the rating base takes in more than one district.
- [12] The following table shows the equalised values for the city and districts as at 1 September 2018 that are applicable for 2019/20 rates and the comparative values applicable to the 2018/19 rates.

Equalised capital values of the Otago region				
	Values for the 2019/20 year		Values for the previous year	
City/Districts	Values \$billion	District %	Values \$billion	District %
Central Otago	11.491	12.59	10.397	12.66
Clutha	8.316	9.11	7.983	9.72
Dunedin	28.152	30.84	25.408	30.94
Queenstown	36.647	40.15	32.019	38.99
Waitaki (part)	6.678	7.31	6.314	7.69
Total	91.284	100.00	82.121	100.00

Significant general rate amounts

- [13] The following are the significant general rate amounts to be levied on the basis of capital value:

	General rates 2019/20 (GST inclusive) \$	General rates 2018/19 (GST inclusive) \$
Contact Energy Limited:		
Clyde Hydro Dam	54,389	48,390
Roxburgh Hydro Dam	26,583	23,650
Dunedin Waste Water Business Unit:		
Three major facilities	122,657	91,568
Total	203,629	163,608
Percentage of total general rates	2.11%	2.15%

- [14] The amount of general rate to be collected from these ratepayers, and the percentage of these rates in relation to the total general rate, is not considered unreasonable given the effects of the presence and operations of these properties.

RIVER MANAGEMENT RATES

- [15] The targeted rates to be levied for the purposes of maintenance and enhancement of waterways within the territorial authority city/districts and within the Lower Waitaki River area are as follows:

River management rates (inclusive of GST)		
Rating area	2019/20 \$	2018/19 \$
Central Otago District	345,000	345,000
Clutha District	380,000	345,000
Dunedin City	287,000	230,000
Queenstown-Lakes District - Wakatipu area	173,000	172,000
Queenstown-Lakes District - Wanaka area	207,000	207,000
Waitaki District	460,000	460,000
Lower Waitaki rating area	168,000	163,000
Total	2,020,000	1,922,000

- [16] The River Management rates are assessed differentially on the rateable capital value of all rateable land situated within the territorial authority city/districts and within the Wakatipu and Wanaka river management rating districts. In respect of the Lower Waitaki scheme, the rates are assessed differentially on the rateable capital value of all rateable land within two scheme classifications.

FLOOD AND DRAINAGE SCHEME RATES

- [17] The rating levels for the various flood protection and drainage scheme rating districts are as follows:

Flood and drainage scheme rates (inclusive of GST)		
Targeted rating district	2019/20 \$	2018/19 \$
<i>Rates charged on a capital value basis:</i>		
Lower Taieri Flood	920,000	862,000
Lower Clutha Flood & Drainage	805,000	748,000
Tokomairiro Drainage	142,000	121,000
Shotover Delta Training Works	92,000	92,000
Leith Flood Protection	1,680,000	1,680,000
<i>Rates charged on an area basis:</i>		
West Taieri Drainage	690,000	633,000
East Taieri Drainage	546,000	517,000
Total	4,875,490	4,653,000

- [18] These rates are levied on either a classified or differentially targeted basis in accordance with assessed benefits.

Lower Taieri, Lower Clutha, Tokomairiro and Shotover Delta Schemes

- [19] The total rate requirement for these schemes is set on the capital value within each of the relevant classifications. The Lower Taieri Scheme has 24 classifications, the Lower Clutha has 10 classifications, and the Tokomairiro has 7 classifications. The Shotover Delta Scheme does not have multiple classifications.

Leith Flood Protection

- [20] This rate is set on a capital value basis comprising two classifications, the Direct Benefit Zone and the Indirect Benefit Zone.
- [21] The Forsyth Barr Stadium is to contribute 4% of the rate requirement attributed to the Direct Benefit Zone, with other Direct Benefit Zone properties contributing 96% of the Direct Benefit Zone rate requirement.

West Taieri Drainage

- [22] This rate is set on an area basis comprising five differential classifications.
- [23] Of the total rate requirement, 30% is collected by way of a targeted uniform rate on classifications WD1 through to WD4 (inclusive), and the remainder is collected by way of a differential rate on classifications WD1 through to WD5 (inclusive).

East Taieri Drainage

- [24] This rate is set on an area basis comprising 10 classifications.
- [25] Of the total rate requirement, 25% is collected by way of a targeted uniform rate on all classifications except ED3, ED6 and ED7, and the remainder is collected by way of a differential rate on all classifications except ED3 and ED6.

TRANSPORT RATES

Dunedin Transport Rate

- [26] The Dunedin transport services targeted rate is to be levied on two classifications of ratepayer, Class A and Class B.
- [27] Class A ratepayers are made up of those properties within the inner city and St Kilda/St Clair areas that do not have a land use description of any of the following;
- Residential: bach,
 - Residential: multi-use within residential, multi-use residential,
 - Residential: multi-unit,
 - Residential: single unit excluding bach, and
 - Residential: vacant.
- [28] Class B comprises all properties within the transport services targeted rating area other than those designated as Class A. Class A ratepayers will pay a differential rate equating to 3.75 times the amount paid by Class B ratepayers.
- [29] The Dunedin Transport rates to be levied are as follows:

Dunedin Transport Rate (inclusive of GST)		
Classification	2019/20 \$	2018/19 \$
Class A	1,517,000	1,380,000
Class B	3,524,000	3,193,000
Total	5,041,000	4,573,000

Queenstown Transport Rate

- [30] The Queenstown transport services targeted rate is to be levied on two classifications of ratepayer, Class A and Class B. Class A ratepayers will pay a differential rate equating to 2.0 times the amount paid by Class B ratepayers.
- [31] Class A ratepayers are made up of those properties within the Queenstown Transport Services Rating Area that have the land use description of:
- Commercial: Retail, Multi-use within Commercial, and Services,
 - Community Services: Multi-use within Community Services,
 - Multi-use: Commercial,
 - Residential: Public Communal-licensed, and Public Communal-unlicensed,
 - Transport: Air Transport, and Multi-use within Transport, and

- Recreational: Entertainment, Multi-use within recreational, Active indoor, Active outdoor, Passive indoor, and Passive outdoor.

[32] Class B comprises all properties within the Queenstown Transport Services rating area other than those designated as Class A.

[33] The Queenstown transport rates to be levied are as follows:

Queenstown Transport Rate (inclusive of GST)		
Classification	2019/20 \$	2018/19 \$
Class A	256,000	212,000
Class B	716,000	613,000
Total	972,000	825,000

RURAL WATER QUALITY RATE

[34] The Rural Water Quality rate will be levied on the capital value of all rateable land situated within the Otago region that:

- (a) Has a rural land use description; or
- (b) Has a lifestyle land use description and a land area of at least two hectares.

[35] The proportion of the total rate requirement to be collected within each territorial authority district/city will be based on the equalised capital values of each district/city.

[36] The GST inclusive rate requirement of \$1,309,000 for the 2019/20 year represents an increase of 3.1% on the amount of \$1,270,000 levied in the 2018/19 period.

DAIRY MONITORING RATE

[37] The Dairy Monitoring rate will be levied on a targeted uniform basis on all rateable land, situated within the Otago region that operates a Dairy Farm.

[38] The GST inclusive rate requirement of \$216,000 for the 2019/20 year is set at the same level that was set in the 2018/19 year.

WILDING TREE RATE

[39] The Wilding Tree rate will be levied on a targeted uniform basis on all rateable land situated within the Otago region.

[40] The GST inclusive rate requirement of \$240,000 for the 2019/20 year is set at the same level that was set in the 2018/19 year.

CIVIL DEFENCE AND EMERGENCY MANAGEMENT RATE

[41] The Civil Defence and Emergency Management rate will be levied on a targeted uniform basis on all rateable land situated within the Otago region.

[42] The GST inclusive rate requirement of \$2,788,000 for the 2019/20 year represents a decrease of 1.2% on the amount of \$2,822,000 levied in the 2018/19 period.

PAYMENT AND PENALTY DATES

[43] The attached resolution provides that the due date for rates to be paid is 31 October 2019.

[44] It also provides for penalty dates in November 2019 and May 2020 as follows:

- A 10% penalty will apply to all unpaid rates on 1 November 2019.
- A 10% penalty will apply to all rates levied in previous financial years remaining unpaid on 1 May 2020.

ATTACHMENTS

1. Rating Resolution for Adoption 2019-2020 [**11.2.1 - 8 pages**]
2. Attachment to Rating Report 2019-2020 - Table of sample rates [**11.2.2 - 6 pages**]

11.3. Finalising the Biodiversity Action Plan

Prepared for:	Policy Committee
Report No.	PPRM1876
Activity:	Governance Report
Author:	Rachael Brown, Senior Policy Analyst
Endorsed by:	Andrew Newman, Acting General Manager, Policy, Science & Strategy
Date:	17 May 2019

PURPOSE

- [1] This report seeks the Council's approval of the *Biodiversity Action Plan/ Te Mahi hei Tiaki Koiora* (the Plan), which sets out Council's intended biodiversity work programme over the next five years.

EXECUTIVE SUMMARY

- [2] Continued declines in indigenous biodiversity, due to pressure from human activities, degrade the natural capital and ecosystem services we depend on for our quality of life. There is an opportunity for ORC to enable improved biodiversity outcomes in Otago and to add value to existing projects, particularly on private land. While ORC undertakes many activities that contribute to biodiversity outcomes, it does not currently have a dedicated or integrated biodiversity programme - the Plan is a first step to address this gap.
- [3] The Council's first Biodiversity Strategy was finalised in June 2018, at which time the Policy Committee requested that an implementation plan be developed. A draft Biodiversity Action Plan was approved in October 2018. Feedback on the draft from Iwi and stakeholders was generally supportive, but suggested ORC should take a stronger role in active management and regional leadership in the near future rather than waiting for further information. These suggestions were incorporated into the final version of the Plan.
- [4] Work is underway to develop an integrated framework and resourcing options for ORC's new biodiversity/biosecurity strategic priority. The Plan is aligned with this strategic work, which will also enable the Plan to be implemented.

STAFF RECOMMENDATION

That the Council:

- 1) **Approve** the *Biodiversity Action Plan/ Te Mahi hei Tiaki Koiora (Attachment 1)*, which sets out the Council's intended biodiversity work programme over the next five years.
- 2) **Note** that work is underway to integrate the Council's biodiversity and biosecurity activities, and to develop business case options for resourcing these, which will inform the next Long-Term Plan process (2021-2031) and enable implementation of the Biodiversity Action Plan.

BACKGROUND

ORC's Biodiversity Strategy

- [5] In June 2018, following consultation with iwi and stakeholders, the Council finalised and published its Biodiversity Strategy, *Our Living Treasure/Tō tātou Koiora Taoka* (the Strategy).¹ This is an organisational, non-statutory strategy to guide ORC's work in biodiversity management. It was informed by a regional stocktake report on work already underway by groups in Otago and strategic options for future work.²
- [6] At the June 2018 meeting, the Committee requested that an implementation plan be developed and brought back for approval. In October 2018, the Committee approved a draft plan for consultation with iwi and key stakeholders. The final version of the plan has been informed by feedback received on the Plan from iwi and stakeholders - in writing, in bilateral discussions and at a regional forum.

Consultation on the Plan

- [7] Consultation on the Plan indicated general support for the overall approach and the draft focus areas and actions. There was also a call for ORC to take a stronger role in:
- active management of biodiversity in the near future, rather than waiting for further information; and
 - strategic leadership and coordination across the region.
- [8] In September 2018, ORC staff presented on the proposed Plan at a Regional Biodiversity Forum in Dunedin convened by the Otago Conservation Board. The forum focused on halting the decline of indigenous biodiversity on private land. Chairpersons of the Council and the Policy Committee attended, as did representatives from iwi, city and district councils and the Department of Conservation. Two key actions were agreed at the forum:
- To develop a regional biodiversity strategy with shared goals, actions and accountability across partners and stakeholders; and
 - To embrace the importance of community education and storytelling, so that respect for the environment and care for biodiversity become fully integrated into everyday practice.

The Chair of the Policy Committee indicated her support for these key actions at the forum. These have been incorporated into the Plan.

Internal work programme to build on integrate ORC's biodiversity and biosecurity activities

- [9] Biodiversity/biosecurity is one of ORC's four priority areas (along with fresh water, climate change and urban development). An internal working group has been established to build on and integrate ORC's biodiversity and biosecurity activities. The group includes key staff from across the organisation and its purpose is to develop:
- an integrated framework for biodiversity and biosecurity (Phase 1); and

¹ <https://www.orc.govt.nz/plans-policies-reports/strategies/biodiversity-strategy>

² Wildlands (2017) *Strategic analysis of options to improve management of ecosystems and biodiversity in Otago*. Contract report # 4262.
<https://www.orc.govt.nz/media/4026/strategic-biodiversity-options-for-orc-updated.pdf>

- business case options to resource these activities and inform the next Long-Term Plan for 2021-2031 (Phase 2).

- [10] In March this year, the ORC working group visited Hawkes Bay and Taranaki Regional Councils to find out about the operational aspects of their biodiversity and biosecurity work programmes. Large scale predator control, extensive planting programmes and supporting land users to protect biodiversity were key elements of these programmes.
- [11] A project to map Otago's biodiversity is also underway, which includes terrestrial, fresh water and coastal/marine ecosystems. This mapping will inform priority setting and future research programmes as described in Action 3.1 of the Plan (Attachment 1).

Changes to the draft plan in response to feedback and working group initiatives

- [12] Based on the working groups visit to other regional councils, and in response to feedback from our partners and stakeholders, additional actions in relation to regional leadership and collaboration and active management have been added to the Plan (i.e. Actions 1.2 and 1.3). Actions from ORC's intended biosecurity work programme that will benefit biodiversity have been described more fully (i.e. Action 1.1) There is also a greater emphasis in the Plan on regional leadership, with a programme leader role to facilitate this and a commitment to work with partners to scope a regional biodiversity strategy (Action 3.4).

ISSUE

- [13] There is an opportunity for ORC to enable improved biodiversity outcomes in Otago and to add value to existing biodiversity projects. ORC has an important role to play in protecting and enhancing our remaining biodiversity. While the Department of Conservation is primarily responsible for protecting threatened species and biodiversity values on Crown land,¹ ORC is in a unique position to lead initiatives that support land managers to maintain and enhance biodiversity on private land. Currently, ORC undertakes many activities that benefit biodiversity, for example setting minimum flows and contaminant limits in rivers, however, we do not currently have a dedicated or integrated biodiversity programme. The Plan is a first step to address this gap.
- [14] Despite the best efforts of many agencies, groups and individuals across Aotearoa, declines in biodiversity are continuing.² Drivers of biodiversity loss include introduced predators, plants and diseases, land-use intensification for production and urban development, pollution in freshwater and coastal habitats, use of natural resources (e.g. fishing) and increasingly, climate change.³
- [15] Losing biodiversity depletes natural capital, which reduces the ecosystem services we all benefit from, for example nutrient cycling, carbon sequestration, water retention and a sense of identity. Provisioning ecosystem services (i.e. growing fuel, food and fibre) have increased at the expense of regulating and cultural services, which are undervalued by

¹ Land and Information New Zealand (LINZ) is responsible for Crown land in its management rather than DoC's.

² Ministry for the Environment & Stats NZ (2019). *Environment Aotearoa 2019*.

<https://www.mfe.govt.nz/publications/environmental-reporting/environment-aotearoa-2019>

³ Ibid.

markets.¹ Without a change in current management practices and incentives, these losses will erode regional resilience and the quality of life for current and future generations.

DISCUSSION

[16] The overarching vision of this Plan is an integrated approach to biodiversity management across Otago, which is informed by robust research and engagement with iwi, other agencies and NGOs, communities and land users.

[17] The Plan has three key objectives:

- The full range of Otago's indigenous ecosystems are maintained in a healthy and fully functioning state, from the mountains to the ocean depths and from protected areas to productive landscapes.
- Agencies, community groups and individuals work collaboratively in partnership, taking an integrated, efficient and cost-effective approach that is based on sound science.
- People living in Otago value and better understand biodiversity so that we can all enjoy and share in its benefits, as the foundation of a sustainable economy and society.

[18] It identifies five focus areas to improve biodiversity outcomes:

1. Active management
2. Regional leadership, coordination and accountability
3. Better information for better management
4. Education and community engagement
5. Rules and regulation.

[19] These focus areas and the actions within them are based on advice to regional Bio-managers² across the country on how regional councils can best add value to biodiversity management.³ The five areas are also the foundation of an integrated approach to biodiversity and biosecurity management, which the working group is currently developing.

OPTIONS

[20] The Council has three options, it can:

- a. approve the Plan to be published and implemented;
- b. not approve the Plan and delay its finalisation until the working group project on integrating and resourcing biodiversity and biosecurity is complete;
- c. not approve the plan and continue with business as usual.

¹ Maseyk et al. (2017) Conservation Letters, 10(2).

² The Bio-managers Special Interest Group (SIG)

³ Willis, G. (2017). *Addressing New Zealand's Biodiversity Challenge. A Regional Council thinkpiece on the future of biodiversity management in New Zealand.* Enfocus, Auckland.

- [21] Option (a) is *recommended* because it means that work to implement the Plan can continue to progress with a clear sense of direction. In addition, partners and stakeholders have contributed to developing the Plan and are expecting it to be finalised.
- [22] Option (b) is *not* recommended. The Plan has already been delayed while work to integrate biodiversity and biosecurity activities has been scoped. Waiting for the integrated framework and business case options would mean a further delay, which is unnecessary as the Plan is aligned with the integrated work programme.
- [23] Option C is *not* recommended due to the risks outlined in paragraph 29 below.

CONSIDERATIONS

Policy Considerations

- [24] The Plan aligns with, and will enable, the following policy initiatives. It will:
- give effect to relevant provisions in the operative *Otago Regional Policy Statement*, which has objectives and policies in relation to biodiversity protection and pest management, and the proposed provisions in the proposed RPS.
 - set a course of action to implement the *Biodiversity Strategy* and ORC's strategic priority of biodiversity/biosecurity;
 - complement the objectives and actions in the *Regional Pest Management Plan*; and
 - place ORC on the front foot in implementing an upcoming National Policy Statement for Indigenous Biodiversity (NPSIB).¹

Financial Considerations

- [25] Given that biodiversity/biosecurity is a strategic priority for ORC, additional resourcing will be required to implement the Plan and realise improved outcomes. While the financial implications have not yet been determined, the development of business case options for an integrated biodiversity and biosecurity programme means that a range of possibilities, costs and timeframes for implementation will be considered. These will be discussed with Council early in 2020.

Significance and Engagement

- [26] Discussions with iwi and stakeholders took place during the development of both the Biodiversity Strategy and the Plan, however, to date these have not included financial implications, engagement on which will take place within the wider LTP process.

Legislative Considerations

- [27] Implementing the Plan will enable ORC to give effect to legislative requirements under the Resource Management Act 1991 (RMA), the Biosecurity Act 1993 and the upcoming

¹ MfE and DoC are currently developing a draft NPSIB to be released for public consultation in October 2019.

NPSIB.¹ Under the RMA, regional councils (along with city and district councils) are responsible for the establishment, implementation and review of objectives, policies, and methods for maintaining indigenous biological diversity.²

Risk Considerations

- [28] There is a potential risk for ORC in approving the Plan that expectations will be raised and not subsequently delivered on. This risk will be mitigated by the work underway to develop, sequence and resource an integrated biodiversity/biosecurity work programme. Sufficient resources allocated through the LTP process will be required to action the Plan.
- [29] A greater risk for the region is likely to exist if we continue with 'business as usual' and ORC does not step up its leadership and support for active management in the biodiversity and biosecurity space. This could well lead to the continued loss of species and ecosystems, which will degrade regional resilience over time and lead to an associated loss of natural capital and ecosystem services.

NEXT STEPS

- [30] The next step is to publish the Plan (on ORC's website) and to progress with implementation. Important initial tasks are to:
- recruit a Biodiversity Programme Leader;
 - engage on plan implementation with iwi, other agencies, land users and NGOs;
 - complete the mapping and prioritisation of ecosystems across the region;
 - set up and develop terms of reference for collaborative governance and working groups on biodiversity and biosecurity;
 - develop an integrated framework for biodiversity and biosecurity and associated business plan to inform resourcing options for the LTP.

ATTACHMENTS

1. ORC Biodiversity Action Plan 4 June 2019 V 5 [11.3.1 - 19 pages]

¹ MfE and DoC are currently developing a draft NPSIB to be released for public consultation in October 2019.

² RMA 1991, Section 30 (ga)

11.4. Building Act Transfer

Prepared for:	Council
Report No.	GOV1843
Activity:	Regulatory: Consents and Compliance
Author:	Peter Winder, Acting General Manager Regulatory
Endorsed by:	Peter Winder, Acting General Manager Regulatory
Date:	19 June 2019

PURPOSE

- [1] To consider the recommendation of the Regulatory Committee to agree to extend the transfer of Building Act functions from Environment Southland and the West Coast Regional Council.

EXECUTIVE SUMMARY

- [2] Under item 11.2 of the Agenda of the meeting of the Regulatory Committee on 12 June 2019 it was resolved:
That the Committee:
- 1). **Receives** the report.
 - 2). **Recommends** to Council to agree to extend the transfer of Building Act functions with the Southland Regional Council and the West Coast Regional Council for a period of 2 years.
- [3] This item brings to Council the recommendation of the Regulatory Committee.

RECOMMENDATION

That the Council:

- 1) **Receives** this report.
- 2) **Approves** the Deeds and authorises the Chairman and any other Councillor to execute and witness the affixing of the Common Seal of the Otago Regional Council to the Deeds of Extension and Variation of Transfer of Building Act Functions for West Coast Regional Council and Southland Regional Council.

BACKGROUND

BUILDING CONSENT AUTHORITY (BCA) TRANSFER OF FUNCTIONS

- [4] In 2008 Council accepted the transfer of some Building Act functions from both Environment Southland and West Coast Regional Council. On 1 November 2018 the transfer agreements were extended for a further seven months and are due to expire on 30 June 2019.
- [5] Discussions have been underway to find a more cost-effective delivery arrangement, ideally involving either a single regional council exercising Building Act functions

nationally, or only one South Island Council undertaking this work. At this stage no new arrangements have been agreed. It is likely that negotiations over the potential roles and detailed transfer arrangements may take some time. In large part this is because not all functions can be transferred and there are complex scope and liability issues to be addressed if the function was to be transferred to another Council.

ISSUE

- [6] Before a regional council can transfer Building Act functions to another regional council it must formally consult its community using the Special Consultative Procedure (SCP) as set out in the Local Government Act 2002. Engagement using the SCP takes around three months to complete from the point at which the Council has a Statement of Proposal to consult on. Neither Environment Southland nor West Coast Regional Council would be able to complete engagement with their communities using the SPC before the current transfer arrangement comes to an end.
- [7] There is no realistic possibility of Environment Southland or West Coast Regional Council establishing alternative arrangements before the current transfer of functions expires on 30 June 2019. Not only would it be impossible to consult their communities in that time frame, it would be impossible for them to develop and implement the systems necessary for them to become accredited Building Consent Authorities in that time. If the current transfer was to expire both Councils would face considerable and costly issues.
- [8] A further complication is that changes to the national framework for managing dams have also been proposed. It is possible that the scope of regional council Building Act roles could change. It would be helpful to have some clarity on this before the decisions are made in relation to the transfer or responsibilities.

DISCUSSION

- [9] Given the current situation it is considered that the best course of action would be to extend the current transfer arrangements so that orderly negotiations over possible replacements can continue. In the context of possible national level changes, it is recommended that the current transfer provisions be extended for a further two years (to 30 June 2021). The Deeds of Extension and Variation of Transfer provides for early termination, so if negotiations and consultation can be completed before 30 June 2021 the current arrangement can be terminated with 3 months' notice.
- [10] Extending the currently transfer of functions does not expose the Council to any new risks, legislative compliance issues or new costs.
- [11] The Regulatory Committee considered this issue at its meeting of 12 June 2019 and resolved:
 - That the Committee:*
 - 1). Receives the report.*
 - 2). Recommends to Council to agree to extend the transfer of Building Act functions with the Southland Regional Council and the West Coast Regional Council for a period of 2 years.*

OPTIONS

- [12] Extending the current transfer of functions does not expose the Council to any new risks, legislative compliance issues, or new costs.

CONSIDERATIONS

Policy Considerations

- [13] Extending the current transfer continues current policy and provides the opportunity for an orderly consideration of alternative delivery options with other Councils.

Financial Considerations

- [14] Extending the current transfer exposes the Council to no new financial risks and the operation of the current transfer is reflected in the draft Annual Plan for 2019/20.

Significance and Engagement

- [15] Extending the current arrangements is does not trigger the Council's significance policy and public consultation is not required.

Legislative Considerations

- [16] Extending the current arrangements is consistent with the provisions of the Building Act 2004 and the Local Government Act 2002.

Risk Considerations

- [17] Extending the current arrangements exposes the Council to no new risks, but there are risks associated with this activity.

NEXT STEPS

- [18] The next steps are to execute the two Deeds of Extension and Variation of Transfer of Building Act Functions.

ATTACHMENTS

1. Draft Deed of Extension of Transfer of Building Act Function Environment Southland - May 2019 **[11.4.1 - 4 pages]**
2. Draft Deed of Extension of Transfer of Building Act Function WEST COAST - May 2019 **[11.4.2 - 4 pages]**

11.5. Consideration of Election Protocols for Elected Members

Prepared for:	Council
Report No.	GOV1844
Activity:	Governance Report
Author:	Nick Donnelly, General Manager Corporate Services
Endorsed by:	Sarah Gardner, Chief Executive
Date:	19 June 2019

PURPOSE

- [1] To present Council's '*Protocols for Elected Members in an election year*' for the information and noting of Council.

EXECUTIVE SUMMARY

- [2] The attached '*Protocols for Elected Members in an election year*' (the protocols) were emailed to Councillors in early June. They were discussed during the Finance and Corporate Committee meeting on 12 June 2019. At that meeting it was resolved that the protocols should be tabled at the next Council meeting for further discussion.
- [3] The protocols have been prepared by SOLGM as part of their Code of Good Practice for the Management of Local Authority Elections and Polls that electoral officers and Councils are encouraged to follow and are based on the Office of the Auditor General guidelines. They guide elected members who are seeking re-election in the upcoming Local Authority elections to be held on 12 October 2019.
- [4] They aim to protect elected members and Council from electoral challenge either during or after an election. The most obvious challenge option is via a petition for inquiry available to any candidate or group of electors under S 93 of the Local Electoral Act 2001.
- [5] It is important that incumbent elected members do not, or are not perceived to, gain an unfair advantage during the election period. It is therefore important that campaigning for re-election is clearly separated from the ongoing role as an existing Councillor.
- [6] The protocols offer practical guidance on how to achieve this. The key underlying principle is that these protocols apply primarily to the use of Council resources and clearly states these should only be used for Council purposes and that the use of Council resources for election purposes is unacceptable.
- [7] The protocols do not prevent or restrict elected members from campaigning providing they utilise their own resources just as any other candidate is entitled to do.
- [8] As the protocols are guidelines there is no need for Council to formally adopt them. Further our advice is that in the interests of separation between the setting of these guidelines for current councillors and those standing again, adoption is not appropriate.

RECOMMENDATION

That the Council:

- a) **Receives** this report.
- b) **Notes** the attached Protocols for Elected Members in an election year.

DISCUSSION

- [9] The following is general comment and background to the history of the Elected Member Protocols provided by Council's electoral officer.
- [10] The Elected Member Protocols are an extract from the 'Good Practice for Managing Public Communications by Local Authorities' originally prepared by the Office of the Auditor General in 1996 and last updated by the then Auditor General (Kevin Brady) in 2004.
- [11] The protocols are reviewed by SOLGM for each triennial election and are updated to record the correct pre-election dates. They are then incorporated into the SOLGM 'Code of Good Practice for the Management of Local Authority Elections and Polls' publication that electoral officers and officials nationally are expected to follow. Base templates are provided by SOLGM for councils to add details of their communication policies, social media channels etc before distributing to elected members and staff. Electoral officers adhere to the requirements in that code and the Elected Member Protocols are distributed to elected members nationally prior to triennial elections.
- [12] The protocols are essentially guidelines only and are expected to be applied as a code of good practice to protect the council and elected members from electoral challenge either during or after an election. The most obvious challenge option is via a petition for inquiry available to any candidate or group of electors under S 93 of the Local Electoral Act 2001.
- [13] There is no attempt within the protocols to curb the governance requirements of elected members. The protocols specifically note that elected members are expected to continue to carry out their governance roles but that they and council staff need to be mindful that they do not promote or be perceived to promote the re-election prospects of elected members. That guidance is included to minimise the risk of challenge to any election result.
- [14] Restrictions to media access are included in the protocols to manage the perception that elected members may gain an advantage by having access to a media channel that is only available to them as elected members i.e. it is less about what is being communicated but rather who has the opportunity to broadcast the message.

SPECIFIC QUERIES

- [15] The following are the response from Council's electoral officer to queries raised during the Finance and Corporate Committee on 12 June 2019.

[16] Would councillors who contribute to publications or media presentations that are not council controlled be covered by these protocols and be required to suspend them?

[17] If the elected member was standing for re-election, then potentially yes, but it would depend on whether the media opportunity made available to them arose from their status as an elected member. One test would be; was the media opportunity in place before they were elected to office? Another test would be is the media opportunity expected to continue after the election irrespective of whether the elected member continues in office?

[18] Assuming the media opportunity was **not** made available to them by virtue of their elected member status, then the matter of management of commentary on council related content may need to be considered during the pre-election period. As an initial step, I'd recommend the elected member includes a declaration statement something like:

"The following commentary is provided by Xxxxx Xxxxxx who is a candidate in this year's triennial elections for Xxxxxxx Xxxxxxx Council. The commentary is his/hers and does not reflect a council viewpoint."

[19] It is expected that the member would not conduct any campaigning via that channel.

[20] If the media opportunity was made available to the elected member by virtue of their elected member status and they wanted to continue to use that during the pre-election period then I'd recommend they include a declaration statement something like:

"The following commentary is provided by Xxxxx Xxxxxx who is a candidate in this year's triennial elections for Xxxxxxx Xxxxxxx Council. The commentary is his/hers and does not reflect a council viewpoint. Election rules require this commentary to be treated as an advertisement and authorised by the candidate."

[21] And a closing sentence of:

"Authorised by Xxxxxx Xxxxxxxx [or agent] of XXXXX, XXXXX [or agents physical address]."

[22] The cost of the ad would then need to be accounted for in the candidate's election expense and donations return, either as an expense if paid for themselves or a donation if paid for by someone else.

[23] Are phones, laptops etc that are provided by the elected members subject to these protocols if they are subject to some form of reimbursing allowance?

[24] No. If the asset is owned by the elected member it is their resource and they can be expected to be able to use it for personal use when required.

ATTACHMENTS

1. ORC Election Protocols for Elected Members 2019 [**11.5.1 - 7 pages**]

11.6. Delegation Where ORC is both applicant and regulatory authority

Prepared for:	Council
Report No.	GOV1845
Activity:	Regulatory: Consents and Compliance
Author:	Peter Winder, Acting General Manager
Endorsed by:	Peter Winder, Acting General Manager Regulatory
Date:	19 June 2019

PURPOSE

- [1] To make minor changes to delegations where the ORC is both the applicant and the regulatory authority for resource consents or approval under Council Bylaws.

EXECUTIVE SUMMARY

- [2] Under current delegations when the ORC applies for a consent under the Resource Management Act 1991 or applies for approval under ORC Bylaws the Council is both the applicant and the decision maker. This situation most often arises in relation to the development, maintenance and operation of flood control schemes. It may also arise under the Navigational Safety bylaw.
- [3] Sound regulatory practice separates the roles of applicant and decision maker. Other Councils do this by ensuring that when they are the applicant for a consent the consent is processed and determined by external and independent decision makers. The use of independent decision makers in these instances avoids any accusation of bias in the way in which the Council is treated as an applicant.
- [4] This paper proposes a change to current Council delegations so that when the Council is an applicant for either a resource consent or a Bylaw approval, the decision making is delegated to an independent Commissioner(s) appointed by the Commissioner Appointment Sub Committee.

RECOMMENDATION

That the Council:

- 1) **Receives** this report.
- 2) **Resolves** to change its delegations so that, in circumstances where the ORC is the applicant, decisions to approve or decline applications under the Otago Regional Council Flood Protection Bylaw or the Navigational Safety Bylaw and decisions under sections 42A(1AA)(b), 42A(5), 88(3), 91, 92, 92(2), 92A(2), 92B(2), 95 to 95F, 99, 101, 104 to 104F, 105, 107, 108, 108A, and 217 of the Resource Management Act 1991 are delegated to an independent decision maker(s) appointed by the Commissioner Appointment Sub Committee.

ISSUE

- [5] All Councils are exposed to accusations of bias and to potentially favourable treatment in the way in which they apply rules under the Resource Management Act 1992 or their own Bylaws to themselves. Historically, there have been instances of Councils providing consents to themselves on more favourable terms than they grant to other applicants, or worse, of Councils undertaking unconsented activities and subsequently taking no steps to address their own non-compliance.
- [6] Sound regulatory practice separates the roles of applicant and decision maker. Other Councils do this by ensuring that when they are the applicant for a consent the consent is processed and determined by external and independent decision makers. The use of independent decision makers in these instances avoids any accusation of bias in the way in which the Council is treated as an applicant.
- [7] Under current delegations when the ORC applies for a consent under the Resource Management Act 1991 or applies for approval under ORC Bylaws the Council is both the applicant and the decision maker. This situation most often arises in relation to the development, maintenance and operation of flood control schemes.
- [8] It is proposed that ORC adopt sound regulatory practice and separate the roles of applicant by decision maker through the use of an independent Commissioner(s) appointed and the Commissioner Appointment Sub Committee when the ORC is applying to itself for consent or approval under an ORC Bylaw.
- [9] In addition to the use of independent decision makers, sound regulatory practice involves the use of independent professionals to process consent applications and provide advice to decision makers when the Council applies to itself for consent or approvals. Staff have now started this practice to ensure to ensure transparency and sound practice.

CONSIDERATIONS

Policy Considerations

- [10] The proposed change aligns ORC with sound regulatory practice and has no broader policy implications.

Financial Considerations

- [11] The financial implications of the proposed change in delegations are minor and will depend entirely on the number of consent or Bylaw approval applications made in any year.

Significance and Engagement

- [12] The proposed change in delegations does not trigger the Council's significance policy and public consultation is not required

Legislative Considerations

- [13] The proposed change to delegations complies with the relevant provisions of the Resource Management Act 1991 and the Local Government Act 2002.

Risk Considerations

- [14] The proposed change to delegations reduces the risk to Council in relation to accusations of bias, inappropriate influence, or preferential treatment in relation to consents or approvals where the ORC is the applicant.

ATTACHMENTS

Nil

11.7. Local Government New Zealand 2019 Annual General Meeting - Remits

Prepared for:	Council
Report No.	CS1903
Activity:	Community: Governance & Community
Author:	Mike Roesler, Manager Corporate Planning
Endorsed by:	Nick Donnelly, General Manager Corporate Services
Date:	18 June 2019

PURPOSE

- [1] The purpose of this report is to provide an opportunity to consider and direct the Council's delegates on priority remits for the Local Government New Zealand work programme.

RECOMMENDATION

That the Council:

- a) **Receives** this report.
- b) **Notes** the proposed remits for member authority consideration at the 7 July 2019 Local Government New Zealand Annual General Meeting are attached to this report.
- c) **Directs** the Council's delegates on what remits the Otago Regional Council supports for voting purposes at the 7 July 2019 Local Government New Zealand Annual General Meeting.

BACKGROUND

- [2] An Annual General Meeting (AGM) of member authorities is held annually as part of the Local Government New Zealand Conference. The 2019 AGM will be held on Sunday 7 July 2019 in Wellington. Member authorities are entitled to representation at the AGM. Zones, sector groups and member authorities were invited to submit proposed remits for consideration at the 2019 AGM – in short, good ideas from the sector for LGNZ to advocate on. This process is governed by a policy that requires all submitted remits to be screened by the 'Remit Screening Committee' and, following approval, move forward to the Annual General Meeting for consideration by the membership.
- [3] The Otago Regional Council has appointed its delegates to attend the 2019 AGM and includes; Cr Woodhead, Cr Hope, and the Chief Executive. The Otago Regional Council can vote at the AGM about the inclusion, or not, of the following remits in the LGNZ work programme.

DISCUSSION

- [4] Attachment 1 of this report provides the 'LGNZ 2019 Annual General Meeting Remits'. The section below provides a summary of the remits.
1. Climate change – local government representation: That LGNZ calls on the Government to include local government representation (as determined by local government) at all levels of policy development, technical risk and resilience

assessment, and data acquisition on climate change response policies – with an emphasis on climate adaptation: policy; legal; planning; and financial compensation regimes.

2. Ban on sale of fireworks to the general public: That LGNZ works with central government to introduce legislation to ban the sale of fireworks to the general public and end their private use.
3. Traffic offences – red light running: That LGNZ request the Government to bring into line camera and officer detected red light running offences with other traffic offences that incur demerit points.
4. Prohibit parking on grass berms: To seek an amendment to clause 6.2 of the Land Transport (Road User) Rule 2004 to prohibit parking on urban berms.
5. Short term guest accommodation: That LGNZ advocates for enabling legislation that would allow councils to require all guest accommodation providers to register with the council and that provides an efficient approach to imposing punitive action on operators who don't comply.
6. Nitrate in drinking water: That LGNZ recommend to the Government the funding of additional research into the effects of nitrates in drinking water on human health, and/or partner with international public health organisations to promote such research, in order to determine whether the current drinking water standard for nitrate is still appropriate for the protection of human health.
7. LGNZ initiates a review of Local Government Official Information and Meetings Act (1987) (LGOIMA) request management nationally with a view to establishing clear and descriptive reporting for and by local authorities that will create a sector-wide picture of:
 - Trends in the volume and nature of LGOIMA requests over time.
 - Trends in users.
 - The impacts of technology in terms of accessing information sought and the amount of information now held by local authorities (and able to be requested).
 - The financial and resource impacts on local authorities in managing the LGOIMA function.

That LGNZ use the data obtained to:

- Identify opportunities to streamline or simplify LGOIMA processes.
 - Share best practice between local authorities.
 - Assess the value of a common national local government framework of practice for LGOIMA requests.
 - Identify opportunities to advocate for legislation changes on behalf of the sector (where these are indicated).
8. Weed control: That LGNZ encourages member councils to consider using environmentally friendly weed control methods.
 9. Building defects claims: LGNZ calls on central government to take action as recommended by the Law Commission in its 2014 report on “Liability of Multiple Defendants” to introduce a cap on the liability of councils in New Zealand in relation to building defects claims whilst joint and several liability applies.

10. Social housing: That LGNZ, in conjunction with central government, urgently focus on the development and implementation of a broader range of funding and financing tools in respect of community/social housing provision, than those which currently exist in the housing needs space. These should include funding to support the operation, upgrade and growth of council housing portfolios and, where a council chooses, access to Income Related Rents for eligible tenants.
11. Procurement: That LGNZ investigate the ability of the sector to collaborate in procuring open-source designs and plans for bulk infrastructure that are largely similar, with an initial approach to look at water and wastewater treatment facilities.
12. Single use polystyrene: That LGNZ advocates to the Government to phase out single use polystyrene.
13. Local Government Act 2002: That LGNZ pursue an amendment to section 181 relating to construction of works on private land. This remit requests fine-tuning change to the definition of “any work” and the timing of that work.
14. Camp ground regulations: That LGNZ request the Government to amend the Camping - Ground Regulations to allow councils to approve remote camp facilities on private property, subject to any such conditions as deemed required by a council, including the condition that any approved campground is x distance away from an existing campground, unless the existing campground operator agrees to waive this condition in writing.
15. Living wage: Wellington City Council asks that LGNZ members consider engaging with the Living Wage Aotearoa New Zealand Movement when developing policies on payment of the Living Wage.
16. Sale and supply of alcohol Act: LGNZ, on behalf of its member councils ask for a review of the effectiveness of the Sale and Supply of Alcohol Act 2012 in reducing alcohol harm (eg price, advertising, purchase age and availability) and fully involve local government in that review.
17. Greenhouse gases: Wellington City Council asks that LGNZ members collectively adopt the position that government should revise the Resource Management Act 1991 to adequately consider the impact of greenhouse gases when making decisions under that law and to ensure that the Resource Management Act 1991 is consistent with the Zero Carbon Bill.
18. Climate change – funding policy framework: That LGNZ recommends to government that they establish an independent expert group to develop a new funding policy framework for adapting to climate change impacts as recommended by the Climate Change Adaptation Technical Working Group (CCATWG). This new expert group would be supported by a secretariat and stakeholder advisory group.
19. Road safety: In light of the recent road worker fatalities LGNZ requests NZTA, in partnership with Road Controlling Authorities (RCAs), review its associated ‘Code of Practice’, training systems, auditing, and general communication to the Road Controlling Authorities of their duties.
20. Motor scooter safety: That LGNZ requests that government investigate the introduction of strengthened rules to govern the safe use of mobility scooters, particularly in relation to speed limits and registration.

21. Museums and galleries: That central government funding be made available on an annual basis for museums and galleries operated by territorial authorities with nationally significant collections.
22. Resource Management Act: That the selection of all independent commissioners for Resource Management Act hearings be centralised to improve independence and enhance the quality of decisions.
23. Mayor decision to appoint Deputy Mayor: That LGNZ request the Government to amend S.41A of the LGA2002 to give Mayors the same powers to appoint a deputy mayor as held by the Mayor of Auckland.
24. Beauty industry: That LGNZ calls on the Government to develop and implement national guidelines, policy or regulations to achieve national consistency for the largely unregulated 'health and beauty clinic' industry.

[5] Remits not going to AGM: The following remits have been referred to the National Council of LGNZ for action, rather than to the Annual General Meeting for consideration.

- Earthquake strengthening – tax relief
- Infrastructure delivery benchmark programme - LGNZ investigate and implement
- On-line voting
- E-waste
- Tourism Industry Aotearoa

CONSIDERATIONS

Policy Considerations

[6] No considerations

Financial Considerations

[7] No considerations

Significance and Engagement

[8] No considerations

Legislative Considerations

[9] No considerations other than noting the remits that relate to amendments to legislation.

Risk Considerations

[10] No considerations

NEXT STEPS

[11] LGNZ work programme will be finalised following the AGM and made available to Councillors. Any aspects of the LGNZ work programme that are of direct interest to the ORC can be considered in committee or workshop when or as deemed necessary.

ATTACHMENTS

1. 2019 AGM Remits [**11.7.1 - 83 pages**]

12. MATTERS FOR NOTING

12.1. Remuneration Authority Determination

Prepared for: Council
Report No. GOV1841
Activity: Governance Report
Author: Nick Donnelly, General Manager Corporate Services
Endorsed by: Nick Donnelly, General Manager Corporate Services
Date: 19 June 2019

PURPOSE

- [1] This paper outlines the Remuneration Authority's Local Government Members (2019/20) Determination 2019 for local government elected members remuneration which applies from 1 July 2019 until the Local Body Elections on 12 October 2019. Information is also provided on changes to the Remuneration process post the Election for the incoming Council.

EXECUTIVE SUMMARY

- [2] The Remuneration Authority (the Authority) has undertaken its annual review of elected member's remuneration and has now issued its determination for local government elected members which applies from 1 July 2019 until the Local Body Elections on 12 October 2019. The Local Government Members (2019/20) Determination 2019, (the Determination), is attached for the information of Councillors.
- [3] The Determination also outlines the remuneration process post the Election when a new remuneration basis will be adopted. Post the election a governance remuneration pool will apply. Further information on remuneration post the election are provided in Schedule 2 to the Determination and further outlined in the explanatory note attached to the end of the Determination.
- [4] The Determination has amended mileage rates and limits applicable to the vehicle mileage allowance and a new allowance has been introduced for childcare. Council needs to decide whether it will adopt this allowance and include it in the Expenses, Reimbursements and Allowances Policy.

RECOMMENDATION

That the Council:

- 1) **Receives** this report.
- 2) **Receives** the Remuneration Authority's Local Government Members (2019/20) Determination 2019.
- 3) **Notes** the increase in Councillor remuneration from 1 July 2019.
- 4) **Approves** the introduction of a childcare allowance as outlined in the draft Expenses, Reimbursements and Allowances Policy.
- 5) **Adopts** the attached Expenses, Reimbursements and Allowances Policy.

BACKGROUND

- [5] The Authority issued an information paper on 30 June 2018 which outlined the new approach to sizing councils and to the construction of a local government pay scale. That paper is available on: <https://www.remauthority.govt.nz/local-government/review-of-setting-remuneration-and-allowances-for-local-government-elected-members/>.
- [6] The paper outlined the issues that led the Authority to conclude that overall local government elected members as a group were likely underpaid for their work. The paper then gave an indication of the steps they will be taking over the next year to align remuneration with the new model.
- [7] Apart from changes in remuneration levels (a step towards the final levels that will be introduced following the 2019 election) the new determination contains some changes in other areas that should be noted:
 - Mayors and chairs (except the Chathams) are now deemed to be full time and they will no longer be able to claim travel time payments.
 - For councils that are providing vehicles for mayors/chairs there are two changes – a maximum purchase price of \$55,000 including GST and on road costs (with current vehicles grand-parented) and the fact that the councils themselves are now responsible for valuing the cost of the private use of the vehicle (using the formula provided in the new determination) and then deducting that amount from the mayor/chair remuneration. This is in line with the Authority's general policy of providing a total remuneration figure in determinations.
 - Councils are no longer required to send the Authority their expense policies for checking.

BASE REMUNERATION

- [8] The Determination has revised amounts payable for Councillors, Council's Chairperson, Deputy Chairperson and Committee Chairs. This is based on the Committee structure currently in place.
- [9] Annual remuneration set out in the Determination that will apply 1 July 2019 until 12 October 2019 is as follows:

	Positions	Factor	2018/19	2019/20	Increase
Chair	1		\$131,833	\$136,889	3.8%
Deputy Chair	1	40%	\$69,700	\$71,724	2.9%
Committee Chair	4	15%	\$57,254	\$58,917	2.9%
RTC Chair	1	15%	\$57,254	\$58,917	2.9%
Councillor	5		\$49,786	\$51,231	2.9%

Notes:

- The factor is the additional duties uplift expressed as a percentage of the base councillor rate.
 - The Chair amount is the gross remuneration before the deduction of the value of full private use of the Chair's motor vehicle. That deduction is currently \$5,285 (based on the formula set in the Determination).
- [10] Post the election elected member remuneration is moving to a governance remuneration pool approach. The total pool available for Otago Regional Council (excluding the Chairperson) will be \$703,598.
- [11] The Determination also sets the Chairperson remuneration post-election at \$147,000 and the Councillor minimum allowable remuneration) at \$48,670 (see page 43 of the Determination). It will be up to the incoming Council to allocate the full amount available in the remuneration pool. That allocation will be submitted to the Authority for their approval and an updated Determination issued.

HEARING FEES

- [12] Hearing fees for regional plan changes, regional policy statements and resource consent hearings remain unchanged. Fees of up to \$100 per hour for chairs of the panel and \$80 for other members are allowed.

EXPENSES AND ALLOWANCES

- [13] The Authority no longer requires that Council resubmit a revised expense policy as it has done in previous years.
- [14] Based on the amounts stated in the Determination, changes are required to the Councillor Expenses Reimbursements and Allowances Policy to reflect updated mileage rates and kilometre limits.
- [15] All expense and allowance payments are funded separately from the governance remuneration pool which is solely for the payment of remuneration for elected members.

- [16] A copy of the Expenses, Reimbursements and Allowances Policy is attached. This Policy applies to Council business as stated in the policy.

Key aspects of the Expenses, Reimbursements and Allowances Policy are:

[17] **Mileage allowance**

A vehicle mileage allowance is payable to members for private vehicle use when on Council business, and where transport is not otherwise provided. The rates payable are 79c per km (previously 73c) for the first 14,000 kms (previously 10,000 km) in any one year, and 30c per km (previously 37c) for distances over 14,000 kms in any year.

- [18] The rate for electric / hybrid vehicles is 79c per km up to 14,000km and 19c per km thereafter for hybrid vehicles and 9c per km for electric.

[19] **Travel time allowance**

A travel time allowance is payable to a member where travel exceeds one hour in any day. The amount payable remains unchanged at \$37.50 per hour. The Determination has now removed the ability for this to be claimable by the Council Chairperson in recognition that their role is now deemed full time. Note that historically Council's Chairperson has not claimed this allowance even though it was permitted to do so.

[20] **Communications allowance**

The Determination allows Council to supply communication equipment and/or pay allowances for Councillors using their own equipment. Council's policy is in line with the expectations of the Authority and the amounts they recommend. These amounts remain unchanged.

- [21] Key aspects of the Determination and Council's communication allowance policy are:

- A Council supplied iPad, with Wi-Fi connection, is provided to Councillors. An allowance of \$200 is available to those who wish to utilise their own equipment, providing that equipment is to a standard acceptable to the Council.
- Council will supply a printer and/or provide printed versions of agendas on request. It is noted it is intended that the supply of iPads will negate the need for printed material and/or a printer. Accordingly, the allowance recommended by the Authority of \$40 for use of a printer is not included in Council's policy to encourage this.
- The Authority recommends an allowance for use of personal mobile phone equipment of \$150. On top of that Councillors may be reimbursed the actual cost of calls or paid an allowance for the use of the members own mobile service of \$400. Council's policy is to pay the fixed allowance rather than actual cost reimbursement.
- The Authority has set the allowance for the use of a member's own internet service at \$400.

- [22] Based on the amounts in the Determination the communication allowance will remain at \$950 per annum.

[23] **Childcare allowance**

The Determination has introduced a childcare allowance which will apply to any member who has responsibility for caring for children under the age of 14 years. This allowance is

a contribution towards expenses incurred by the member for the provision of childcare while the member is engaged on Council business.

- [24] The allowance is capped at \$6,000 per annum, per child and is subject to certain conditions outlined in clause 14 of the Determination.
- [25] Payment of any or all of the allowance is at the discretion of each Council.
- [26] Staff propose to add this allowance and have it payable on an actual reimbursement basis as other expenses are currently claimed. A childcare allowance section has been added to the attached draft Expenses, Reimbursements and Allowances Policy to reflect this.

CHAIRPERSON

- [27] In recognition of the nature of the Chairperson's wider Council role, the following additional entitlements are available.
- Provision of a Council vehicle in accordance with the Remuneration Authority maximum purchase price and private use deduction formula.
 - Provision of a cell phone, including call and data costs.
 - Membership of Air New Zealand Koru Club.
 - Membership of the Dunedin Club.
 - Full iPad connectivity.

ATTACHMENTS

1. Local Government Members (2019 20) Determination 2019 - signed [**12.1.1 - 76 pages**]
2. Expenses Reimbursement and Allowances Policy - June 2019 Draft [**12.1.2 - 2 pages**]

13. REPORT BACK FROM COUNCILLORS

14. NOTICES OF MOTION

No Notices of Motion were received.

15. RECOMMENDATIONS ADOPTED AT COMMITTEE MEETINGS HELD ON 12 JUNE 2019

15.1. Recommendations of the Communications Committee

10.1 ECO Fund Applications: 1-20 May 2019 Funding Round Resolution

That the Council:

- 1) **Receives** this report.
- 2) **Approves** the funding recommendations of the ECO Fund decision panel for the following applications to a value of \$73,666 as per attached summary sheet of projects):

Applications under \$5,000

Control of Weed Species in and around lakes and wetlands

Creek Project

45th Parallel Project

Predator Free Wye Creek

Satellite Monitored Live Predator Trapping (No More Bad Cats)

Waiwera Kaihiku Farmer-led Watercare Group

Water Testing

Applications over \$5,000

Bring Back the Seabirds- Sandymount Titi colony protection

Environmental Monitoring and restoration of Matinaka Hawksbury Lagoon

Makarora Catchment Threatened Species Project

Wakatipu Reforestation Trust Staff Costs

Moved: Cr Hope

Seconded: Cr Woodhead

CARRIED

15.2. Recommendations of the Public Portion of the Finance and Corporate Committee

10.1. General Manager's Report

Resolution

That the Finance and Corporate Committee:

- a) **Receives** this report.
- b) **Endorses** the April 2019 payments summarised and detailed in the payments schedule, totalling \$5,789,382.98.

Moved: Cr Noone

Seconded: Cr Hope

CARRIED

10.2. Annual Plan 2019-20

Resolution

That the Council:

1. **Adopts** the proposed Annual Plan 2019-20 as circulated with this committee report
2. **Notes** that council staff will complete a final proof edit of the Annual Plan 2019-20 version as provided to this committee and a publish version will be presented for adoption at the 26 June 2019 Council meeting.

Moved: Cr Woodhead

Seconded: Cr Noone

CARRIED

15.3. Recommendations of the Policy Committee

No Policy Recommendations came out of the 12 June 2019 Policy Committee Meeting.

15.4. Recommendations of the Regulatory Committee

11.1. General Manager's Report on Progress

Resolution

That the Council:

- 1) **Receives** this report.
- 2) **Forward** Kaikorai Stream report to Dunedin City Council for consideration and feedback.

Moved: Cr Noone

Seconded: Cr Woodhead

CARRIED

11.2. Consents and Building Control

Resolution

That the Committee:

- 1) **Receives** this report.
- 2) **Recommends** to Council agree to extend the transfer of Building Act functions with the Southland Regional Council and the West Coast Regional Council for a period of two years.

Moved: Cr Woodhead

Seconded: Cr Deaker

CARRIED

15.5. Recommendations of the Technical Committee

10.1. General Manager Operations Report to Technical Committee

Resolution

That the Council:

1. **Receives** this report.
2. **Writes** to the Ministers of Biosecurity, the Environment, and Local Government with the aim of seeking direct government response and input towards combating the threat of lake snow to the region's waterways.

Moved: Cr Deaker

Seconded: Cr Bell

CARRIED

10.2. Glendhu Forestry

Resolution

That the Council:

- 1) **Receives** this report.
- 2) **Notes** the report.
- 3) **Circulates** this report to the Southern Woods Council.

Moved: Cr Noone

Seconded: Cr Lawton

CARRIED

10.3. Catchment Monitoring Programmes 2017-18

Resolution

That the Council:

1. **Receives** this report.
2. **Notes** the progress with the Catchment Monitoring Programme.
3. **Circulates** this report to the Communications team to promote applications to the ECO Fund by catchment groups who might need start-up funding.

Moved: Cr Deaker

Seconded: Cr Lawton

CARRIED

16. RESOLUTION TO EXCLUDE THE PUBLIC

The following resolution is made in reliance on sections 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest(s) protected by Section 7 of that Act.

On the grounds that matters will be prejudiced by the presence of members of the public during discussions on the following items, it is **resolved**:

1. **That** the following items are considered with the public excluded:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
<i>Item 2.1 Provincial Growth Fund Applications</i>	To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities – Section 7(2)(h) 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)	Section 48(1)(a); Section 7(2)(h); 7(2)(i)

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.

17. CLOSURE