

Council Meeting Agenda 11 December 2019

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



Members:

Hon Marian Hobbs, Chairperson	Cr Gary Kelliher
Cr Michael Laws, Deputy Chairperson	Cr Kevin Malcolm
Cr Hilary Calvert	Cr Andrew Noone
Cr Michael Deaker	Cr Gretchen Robertson
Cr Alexa Forbes	Cr Bryan Scott
Cr Carmen Hope	Cr Kate Wilson

Senior Officer: Sarah Gardner, Chief Executive

Meeting Support: Liz Spector, Committee Secretary

11 December 2019 02:00 PM - 05:00 PM

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2. ATTENDANCE	
3. CONFIRMATION OF AGENDA	
Note: Any additions must be approved by resolution with an explanation as to why they cannot be delayed until a future meeting.	
4. CONFLICT OF INTEREST	
Members are reminded of the need to stand aside from decision-making when a conflict arises between their role as an elected representative and any private or other external interest they might have.	
5. PUBLIC FORUM	
Mr Stephen Dickson has requested to speak on rabbits.	
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Minutes of an ordinary meeting of Council held in the
Council Chamber on
Wednesday 13 November 2019 at 1:00 pm

Membership	
Cr Marian Hobbs	<i>(Chairperson)</i>
Cr Michael Laws	<i>(Deputy Chairperson)</i>
Cr Hilary Calvert	
Cr Alexa Forbes	
Cr Michael Deaker	
Cr Carmen Hope	
Cr Gary Kelliher	
Cr Kevin Malcolm	
Cr Andrew Noone	
Cr Gretchen Robertson	
Cr Bryan Scott	
Cr Kate Wilson	

Welcome

Cr Hobbs welcomed Councillors, members of the public and staff to the meeting at 9:00 a.m.

For our future

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1. APOLOGIES

There were no apologies.

2. ATTENDANCE

Sarah Gardner (Chief Executive)
 Nick Donnelly (General Manager Corporate Services and CFO)
 Gavin Palmer (General Manager Operations)
 Sally Giddens (General Manager People, Culture and Communications)
 Richard Saunders (General Manager Regulatory)
 Gwyneth Elsum (General Manager Strategy, Policy and Science)
 Amanda Vercoe (Executive Advisor)
 Liz Spector (Committee Secretary)
 Eleanor Ross (Manager Communications Channels)
 Ryan Tippet (Media Communications Lead)
 Tom De Pelsemaeker (Team Leader Freshwater and Land)

3. CONFIRMATION OF AGENDA

The agenda was confirmed as circulated.

4. CONFLICT OF INTEREST

Cr Alexa Forbes noted she would stand back from discussions on Item 10.1, Plan Change 5A High Court Appeal, due to a potential conflict of interest.

5. PUBLIC FORUM

No public forum was held.

6. CONFIRMATION OF MINUTES

Resolution

That the minutes of the Council meeting held on 23 October 2019 be received and confirmed as a true and accurate record.

Moved: Cr Wilson

Seconded: Cr Hope

CARRIED

7. ACTIONS (STATUS OF COUNCIL RESOLUTIONS)

Status report on the resolutions of the Council Meeting

11.3 Delegations	3 April 2019	Direct CE to bring a review of delegations	IN PROGRESS – Regulatory/Governance
11.1 Policy Committee Appointment of Iwi Representation	15 May 2019	Review and define partnerships of the 2003 MoU and Protocol between ORC and Ngai Tahu/Kai Tahu for Effective Consultation and Liaison	IN PROGRESS - Governance
11.3 Disposal of Poison Services	15 May 2019	ORC to consult with community on proposed sale	ASSIGNED - Operations

Assets		of poison services assets and include the Galloway land as part of a proposed sale	
11.3 Finalise Biodiversity Action Plan	26 June 2019	Develop business case options for resourcing biodiversity and biosecurity activities to inform the next LTP (2021 - 2031) and enable implementation of the Biodiversity Action Plan.	IN PROGRESS - Operations
10.5 Lake Hayes Culvert	25 Sept 2019	Invite QLDC, DoC and NZTA to co-fund with ORC scoping investigation and establishment of a target water level range for Lake Hayes and scoping the investigation, consenting, design, construction, maintenance and funding of infrastructure to manage the lake level to that range.? This will require incorporation of activity and funding of ORC's share of the costs into draft Annual Plans.	IN PROGRESS - Operations
10.8 Delegation of Harbourmaster Duties	25 Sept 2019	Conduct a review and amendment of the ORC Navigational Safety Bylaw 2019, noting date of relinquishment of transfer agmt will be the same as the effective date of the amended bylaw.	IN PROGRESS - Regulatory

8. CHAIRPERSON'S AND CHIEF EXECUTIVE'S REPORTS

8.1. Chairperson's Report

Resolution

That the Chairperson's and Chief Executive's reports be received.

Moved: Cr Hobbs

Seconded: Cr Laws

CARRIED

8.2. Chief Executive's Report

Prepared for: Council

Activity: Governance Report

Author: Sarah Gardner, Chief Executive

Date: 7 November 2019

KEY MEETINGS ATTENDED

- [1] 26 September – regular catch-up with Aaron Fleming, Southern Regional Manager (Queenstown) for Department of Conservation.
- [2] 26 September – attended Fish & Game Council meeting and gave an update on 6AA.
- [3] 2 October – Meeting/introduction with Ross Mitchell and Andrew Parsonage from Jarden.
- [4] 3 October – ORC/PSA collective negotiations.
- [5] 4 October – met with Clutha District Council CEO Steve Hill to discuss water take consents.
- [6] 8 October – Executive outreach sessions to West and South Otago.
- [7] 11 October – Regular phone catch-up with Fergus Power, CEO of Waitaki District Council.
- [8] 14 October – With Richard Saunders, we met with Mike Grant from Fire & Emergency NZ.
- [9] 15 October – Regular catch-up with Dr Sue Bidrose, CEO of Dunedin City Council.
- [10] 22 October – New Council Induction Workshop #1 – equipment hand-out.
- [11] 23 October – Inaugural Council meeting; New Council Induction Workshop #2 – introduction to Council; New Council Induction Workshop #3 – Legal.
- [12] 24 October – New Council partnership hui at Otakou Marae; New Council Induction Workshop #4 – Culture & Communications; New Council Induction Workshop #5 – Civil Defence & Emergency Management.
- [13] 30 October – New Council Induction Workshop #6 – Water; New Council meeting #2; New Council Induction Workshop #7 – Regulatory.
- [14] 31 October – New Council Induction Workshop #8 – Operations; New Council Induction Workshop #9 – Policy, Science & Strategy.
- [15] 6 November – Met with Nicola Cull and Sarcha Every from Decipher Group.
- [16] 7 November – In Wellington, attended Regional CEO meeting; Regional Sector meeting with Minister Parker; NZ River Awards.
- [17] 8 November – In Wellington, attended Regional Sector meeting.

COUNCIL'S INAUGURAL MEETING AND INDUCTION

- [18] Congratulations to all Councillors elected for this triennium and to our new Chair and Deputy Chair respectively. It was my privilege to swear you in and chair the first part of your inaugural meeting. Staff have appreciated the opportunity to introduce many of you to our organisation and the work we undertake. This process has been a

considerable investment in time and we have valued your engagement on our core functions and iwi partnership.

FIRE PERMITS AND ORC AIR PLAN

- [19] Richard Saunders and I met with representatives from Fire and Emergency NZ to discuss the challenge we face around the fire permitting process they conduct and the potential for those permitted fires to breach the Air Plan. The example that raised this issue was the fire at the bottom of the Remarkables that led to complaints over a weekend in the winter. It was agreed that our Compliance Team and Fire and Emergency would work together to ensure that the requirements of both agencies are clear to those who have permits.

FISH AND GAME COUNCIL BOARD MEETING

- [20] I was invited to speak with the Fish and Game Council in Dunedin to discuss Plan Change 6AA and our views and thoughts on the Government's Freshwater Package. Particular matters discussed included, the capacity in the "system" to manage all of the demands coming from Government in relation to improving water quality, the Skelton Review and its progress, Council's reasoning for Plan Change 6AA and where stakeholders might put their efforts in terms of balancing priorities in regard to our planning load. It was the first time in some years that ORC had attended this meeting.

ORC EXECUTIVE OUTREACH – TAPANUI AND BALCLUTHA

- [21] The ORC Executive continued its outreach sessions in West and South Otago and these included two meetings and two site visits. The site visits were to look at a water quality improvement project on a farm just near Tapanui and a wetland restoration proposal on a farm in Waipahi. We were extremely grateful to the farmers who allowed us to come onto their farms and witness their very positive work.
- [22] The outreach sessions proved to be a great opportunity for making connections but also to understand the pulse in the community and how communities are thinking about and proactively managing water quality. I acknowledged that water quality is not a problem caused or to be managed by any one part of our community, but by all of us. It was beneficial for us to understand how on farm improvements and community driven action is benefiting our environment. It was also useful to gain a perspective on the work of catchment groups and how the Government's Freshwater Package might impact those efforts.
- [23] The timing of these sessions proved valuable and we have been able to integrate some of the thinking we heard into our own submission to the Government on the Freshwater Package. This timing also allowed us to engage during that submission making process and to provide communities with progress updates and information ahead of the submission closing date so that they could use our information or borrow from our submission if they wished.

RMA AMENDMENT BILL SUBMISSION

- [24] Previously, delegations sat with the Policy Committee (previous triennium) to determine Council's adoption of submissions to proposed Government policy and legislation. Given we have not yet determined committees and delegations, and we didn't have a Council meeting where full Council could have considered a submission on the Bill before the closing date of 7 November, I have made a submission as Chief Executive, after consulting with the Chair. The submission is attached for your reference.

REGIONAL INTEGRATED TICKETING SYSTEM (RITS)

- [25] The Regional Integrated Ticketing System (RITS) is progressing to the next phase of implementation. The system has been undergoing live testing via a soft launch in Northland for the six weeks with favourable results. The next region to go live has been confirmed as Whanganui in early December. As part of this, the website for the Bee Card will be live from this week. Remaining regions are planned to be implemented in early 2020.

ATTACHMENTS

1. ORC RMA Amendment Bill Submission 20191107 [8.2.1 - 10 pages]

9. MATTERS FOR COUNCIL DECISION

9.1. Decision Making Structure 2019-2022 Triennium

Cr Hobbs introduced the report and opened discussion on the proposed committee structure.

After a general discussion, the Councillors decided to consider the issue of iwi representation on the Strategy and Planning Committee separately first. Cr Calvert asked if the legal advice received on iwi representation on committees could be released to the public. CE Gardner said the Council would have to waive privilege in order to make the advice public. The councillors determined to wait until the resolution on the item was made before deciding whether to resolve to waive privilege on the advice. Cr Wilson then moved:

Resolution

That the Council:

- 1) **Approves** an invitation being extended to iwi representatives to join the Strategy and Planning Committee, with full voting rights.

Moved: Cr Wilson

Seconded: Cr Deaker

CARRIED

That the Council:

[26] **Receives** this report.

[27] **Adopts** the proposed decision-making structure as outlined below.

[28] **Approves** the proposed memberships of the committees and groups, as outlined below.

[29] **Approves** an invitation being extended to iwi representatives to join the Strategy and Planning Committee, with full voting rights (see paragraph 23).

[30] **Notes** that should the decision-making structure outlined be agreed, further content and detail, including any delegations, terms of reference, broad strategic context, scope and terms of engagement will be presented for Council consideration and adoption following a discussion at the first meeting of those committees and groups (to be scheduled before Christmas). This may require amendments to the brief purpose statements of each committee outlined below.

[31] **Notes** additional guidance on a possible operating model for the Portfolio Action Working Group, for further discussion and consideration (paragraph 33).

[32] **Notes** that the decision-making structure agreed upon can be reviewed at any point over the triennium to ensure it is fit for purpose.

A division was called:

Vote

For: Cr Hope, Cr Robertson, Cr Deaker, Cr Noone, Cr Hobbs, Cr Wilson, Cr Scott, Cr Forbes

Against: Cr Kelliher, Cr Calvert, Cr Laws, Cr Kevin Malcolm

Abstained: nil

Chair Hobbs continued the discussion on the remaining actions on the report. Cr Robertson suggested the Objections Committee and the Commissioner Appointment Subcommittees be combined into one committee, which would take advantage of the skills the Councillors who are certified commissioners. The Councillors agreed to this and also agreed to Cr Hope's request to be removed from the committee's membership. Cr Wilson suggested the appointment of alternates should also be included for committees where appropriate and Cr Laws asked that the committee structure and membership for all committees should be reviewed after 6 months. Cr Wilson then moved:

Resolution

That the Council:

- 1) **Receives** this report.
- 2) **Adopts** the proposed decision-making structure as outlined.
- 3) **Approves** the proposed memberships of the committees and groups, as outlined.
- 4) **Notes** that should the decision-making structure outlined be agreed, further content and detail, including any delegations, terms of reference, broad strategic context, scope and terms of engagement will be presented for Council consideration and adoption following a discussion at the first meeting of those committees and groups (to be scheduled before Christmas). This may require amendments to the brief purpose statements of each committee outlined below.
- 5) **Notes** additional guidance on a possible operating model for the Portfolio Action Working Group, for further discussion and consideration (paragraph 33).
- 6) **Notes** that the decision-making structure agreed upon can be reviewed at any point over the triennium to ensure it is fit for purpose.

7) **Considers** appointment of alternates, where appropriate, for committees at the 11 December meeting

8) **Reviews** the committee structure of the ORC, including membership of committee groups, after six months.

Moved: Cr Wilson

Seconded: Cr Deaker

CARRIED

Chair Hobbs adjourned the meeting at 10:35 a.m.

9.2. Approval of Councillor Remuneration for 2019 - 2022 Triennium and adoption of updated Expenses, Reimbursements and Allowances Policy

Chair Hobbs called the meeting back into order at 10:54 a.m. Cr Laws requested the report be considered in two parts, with Councillor Remuneration and the Expenses Policy considered separately. The Councillors agreed and Cr Noone made a motion to accept the remuneration as set out.

Resolution

That the Council:

- 1) **Receives** this report.
- 2) **Notes** the Chair's remuneration is set by the independent Remuneration Authority at \$147,000 per annum (total remuneration).
- 3) **Adopts** the proposed remuneration for the Deputy Chair of the Otago Regional Council as \$83,598 per annum.
- 4) **Adopts** the proposed remuneration for the remaining Councillors of the Otago Regional Council as \$62,000 per annum.
- 5) **Agrees** that this information be forwarded to the Remuneration Authority by the Chief Executive by 20 November, to be included in the Authority's December Determination.

Moved: Cr Noone

Seconded: Cr Robertson

CARRIED

Chair Hobbs continued consideration of the Expense, Reimbursements and Allowance Policy.

Cr Laws said as the region was large, and it was beneficial for Councillors to attend constituency events, the ORC should allow travel expense reimbursements to be made to Councillors who attended those events. He suggested that approval for those specific expenditures be given through the Chair. Chair Hobbs agreed and requested that whenever possible, she be given prior consideration for approval. Chair Hobbs also noted that she would include a summary of these reimbursements in her monthly Chairperson's Report to Council.

Councillor Laws then moved:

Resolution

That the Council:

1) **Confirms** the attached Expenses, Reimbursements and Allowances Policy subject to inclusion of reimbursement of expense for Councillor attendance at Chair-approved constituency events.

Moved: Cr Laws
Seconded: Cr Hope
CARRIED

9.3. Adoption of Standing Orders and Code of Conduct

Chair Hobbs introduced the report considering adoption of Standing Orders and the Code of Conduct. She asked if the Councillors had questions or concerns on any of the draft changes they wanted to discuss. Cr Laws asked if there was a way for a member attending via audio or audio/visual link to be considered present for purposes of a quorum. He said there were times Councillors from constituencies other than Dunedin could attend remotely rather than travel, for any number of reasons. Chair Hobbs noted the LGA2002 statute making ORC unable to override this item and suggested she write the Minister for Local Government. The Councillors also discussed they were interested in investigating the possibility to live-stream or make available video of public meetings.

Cr Deaker moved a point of order to requested consideration of this item be suspended to allow Council consideration of Item 10.1, Plan Change 5A High Court Appeal while that staff was present.

Resolution

That the Council:

Temporarily suspend consideration of Item 9.3 Adoption of Standing Orders and Code of Conduct to allow consideration of Item 10.1, Plan Change 5A High Court Appeal to be held while that staff was present.

Moved: Cr Wilson
Seconded: Cr Scott
CARRIED

Chair Hobbs reopened consideration of item 9.3 Adoption of Standing Orders and Code of Conduct after the discussion on Plan Change 5A High Court Appeal. The Councillors reviewed the rest of the suggested changes. Cr Calvert requested an amendment to Sec 9.1, Distribution of the Agenda so the members of the meeting could be provided the agenda no later than 5 working days prior to the meeting. After a discussion with Executive Advisor Amanda Vercoe, who stated the intent of staff was to have the papers uploaded to the members no later than 4 days prior, or a Thursday before a Wednesday meeting, Cr Calvert then asked if the wording of the amendment could say "where possible". Cr Wilson noted that Option C should be chosen for Section 22.1, options for speaking and moving motions as it was the more informal method. This was noted in the motion.

Cr Wilson asked for an amendment to be added to the resolution that staff report back within 4 months with options providing an ability to call on alternates and replacement for non-attendance of consecutive meetings of committees and subcommittees or delegations in Standing Orders. There was no further discussion and Chair Hobbs asked for a motion.

Resolution

That the Council:

- 1) **Receives** this report.
- 2) **Notes** the requirement for Local Authorities to adopt Standing Orders and a Code of Conduct for the orderly conduct of its meetings.
- 3) **Notes** the requirement to achieve the agreement of at least 75% of members present at a meeting to adopt (and amend) the Standing Orders and the Code of Conduct.
- 4) **Approves** the adoption of Otago Regional Council Standing Orders, 13 November 2019, as provided in draft, with the following amendments:
 - i. Approves the amendment to Otago Regional Council's Standing Orders with updates to Section 2, Definitions;
 - ii. Approves the amendment to Otago Regional Council's Standing Orders, Section 4.2 Meeting duration, that no meeting can sit for more than two hours continuously without a break;
 - iii. Approves the amendment to Otago Regional Council's Standing Orders to include additional wording of clarification to Sections 3.5 Temporary suspension of standing orders; 9.6 Chair's report, 13.7 Right to attend by audio or audio visual link, 19.6 Request to have votes recorded, 20.2 Behaviour consistent with Code of Conduct, 21.5 Members may speak only once, 25.1 Procedural motions must be taken immediately, 25.2 Procedural motions to close or adjourn a debate (d), 28.1 Minutes to be evidence of proceedings;
 - iv. Approves the amendment to Otago Regional Council's Standing Orders to include new Sections 8.5 Emergency meetings may be called, 8.6 Process for calling an emergency meeting, 8.7 Public notice – emergency and extraordinary meetings, 29 Keeping a record (29.1 to 29.3);
 - v. Approves the amendment to Otago Regional Council's Standing Orders, to delete the following Sections: Emergency meetings may be called, Public notice – extraordinary meetings, Chief Executive may make other arrangements, Minute books – Inspection;
 - vi. Approves the amendment to Otago Regional Council's Standing Orders to include a new section, Section 23.6 Chair may recommend amendment.
 - vii. Decides under Section 22.1, Option C (informal) as the default for speaking and moving motions.
 - viii. Approves the amendment to Section 9.10 Distribution of the agenda to state the agenda will be provided to every member of a meeting at least 5 working days before the meeting where possible and no less than two clear working days, except in the case of an extraordinary or emergency meeting.
- 5) **Approves** the adoption of the Otago Regional Council Code of Conduct at 13 November 2019.
- 6) **Requests** a staff report within 4 months with options for possible amendments to Standing Orders keeping records of attendance and apologies at committee and subcommittee and delegation meetings, providing the ability to call on alternates and replacement for non-attendance of consecutive meetings of committees and subcommittees or delegations.

Moved: Cr Hope
Seconded: Cr Deaker
CARRIED

Resolution

That the Chairperson will write to the Minister for Local Government regarding possible changes to the legislation which would allow members to be considered present and part of a quorum when attending a public meeting by audio or audio/visual link.

Moved: Cr Hobbs
Seconded: Cr Laws
CARRIED

9.4. ECO Fund - Terms of Reference

General Manager People, Culture and Communications Sally Giddens was present to answer questions about the report. Chair Hobbs asked if Councillors had any questions for Mrs Giddens. Cr Deaker noted the number high quality of applicants for the current round of funding requests and thanked staff for their work. There were no questions, and Chair Hobbs asked for a motion.

Cr Laws left the meeting at 12:28 pm.

Resolution

That the Council:

- 1) **Receives** this report.
- 2) **Adopts** the updated ECO Fund Decision Panel Terms of Reference.
- 3) **Notes** the ECO Fund Decision Panel Chair is being considered as part of the Decision Making Structure 2019-2022 Triennium agenda item.
- 4) **Notes** the Chief Executive, as delegated by Council, has appointed the ECO Fund Panel for the 1-20 October round as Cr Michael Deaker, Cr Marian Hobbs, Cr Alexa Forbes and Cr Kate Wilson.

Moved: Cr Kevin Malcolm
Seconded: Cr Hope
CARRIED

Cr Laws returned to the meeting at 12:30 pm.

**Attachment 1****Changes to the ECO Fund Terms of Reference:**

Current Terms of Reference	Updated Terms of Reference
Stakeholder Engagement team	Communications and Engagement team
ECO Fund reviewed in July 2019 <i>note: ECO Fund was launched in July 2018, with the first funding round 1-20 September 2018</i>	ECO Fund reviewed yearly
Chair (Cr Deaker) and Deputy Chair (Cr Hope)	Councillor names removed
Three funding rounds in September, January, May	Two funding rounds in October and March
Two hours should be put aside for Decision Panel meetings	Four Two hours should be put aside for Decision Panel meetings
ECO Fund amount of \$250,000 per year is split into three funding rounds of \$83,333	Funding split into two funding rounds, \$125,000 each round
Definition of the fund as advertised "Otago Regional Council's (ORC ECO Fund supports <i>community-driven projects that support or enhance Otago's environment</i> "	Change ' <i>support or enhance</i> ' to ' <i>protect, enhance and promote</i> '

Attachment 2



TERMS OF REFERENCE

ECO Fund Decision Panel

Purpose and function of the decision panel

- Assess all ECO Fund applications and give them a score according to the assessment checklist
- Provide recommendations to full Council on which applications should receive funding (recommendations made by the panel are not final and must be agreed upon by the full Council)
- Maintain a relationship with Communications and Engagement team
- Provide feedback on this process when the ECO Fund is reviewed yearly

The decision panel will comprise four members of Council, with a permanent Chair and three other Councillors who will rotate each funding round so Councillors are given the opportunity to be on the decision panel. A Deputy Chair will take over the Chair's duties if they are unable to fulfil them for any reason.

Communications and Engagement staff will manage the administration of the applications and do an initial check of applications against the criteria and terms & conditions. Staff will work with the Chair to coordinate a meeting for the ECO Fund decision panel and will also attend the meeting.

How the decision panel operates

The ECO Fund decision panel will meet after each funding round has concluded but prior to the following Council meeting.

- Funding round one: 1-20 October
- Funding round two: 1-20 March

The length of meetings will depend on the amount of applications received. Four hours should be put aside and the date, time and location of meetings will be managed through the Chair in collaboration with the Communications and Engagement team.

As the ECO Fund amount of \$250,000 per year is split into two funding rounds there is \$125,000 available in each round. Panel members should seek to make decisions according to this number.

Reporting

The ECO Fund Decision Panel will report to Council at the next meeting following each application round.



Timeframe

The ECO Fund will be reviewed yearly. This review will determine whether the decision panel as agreed in this document will still stand or amendments are made.

Please remember the following principles as you assess applications to the ECO Fund:

Definition of the fund as advertised: “Otago Regional Council’s (ORC) ECO Fund supports *community-driven* projects that *protect, enhance and promote Otago’s environment*”

- The applications must remain confidential. They may have commercial sensitivity and are the intellectual property of the organisation making the proposal.
- The work of the selection panel will be subject to both the Privacy Act 1993, and the Local Government Official Information and Meetings Act 1987. Proposers can request information about the process and about any information pertaining to them. Individual panel members’ names will not be made available and will be blanked out of any papers provided in response to an OIA request. However, members should be aware that comments on score sheets and in meeting minutes are discoverable.
- Full and proper consideration against ECO Fund criteria be given to each and every proposal.
- A record of our rankings and comments will be kept, and collective discussions and decisions regarding the ranking of each proposal will be recorded.
- Should an application be unsuccessful but re-considered in a subsequent funding round, rankings will be amended according to any further information provided.
- Declare any conflicts of interest i.e. any involvement or relationship that may reduce your objectivity about any proposal. If you are not sure, declare and your concern can be considered.
- Do not accept hearsay as a basis for decision making. Your judgement is to be based on what you find in the written proposal, not on any other information.
- Personal knowledge should also be excluded from the panel’s deliberations. It is expected that selection will be based only on what’s in the proposal.
- It is important for you to bear in mind that you are making recommendations for expenditure of public funds, and you should consider best value.
- It is important that the panel arrives at a consensus or common understanding on each assessed item, by the end of the selection meeting. You can, however, agree to disagree and this bringing together of disparate views will be recorded.

Conflicts of Interest

Decision panel members will maintain a clear separation between their personal interests and their duties as elected members in order to ensure that they are free from bias (whether real or perceived). Members therefore must familiarise themselves with the provisions of the Local Authorities (Members’ Interests) Act 1968 (LAMIA).

Members will not participate in any Council discussion or vote on any matter in which they have pecuniary interest, other than interest in common with the general public. This rule also applies where the member’s spouse/partner/family member contracts with the authority or has a pecuniary interest. Members shall make a declaration of interest as soon as practicable after becoming aware of any such interests.



If a member is in any doubt as to whether or not a particular course of action (including a decision to take no action) raises a conflict of interest, then the member should seek guidance from the Chair immediately. Member may also contact the Office of the Auditor General for guidance as to whether they have a pecuniary interest, and if so, may seek an exemption to allow that member to participate or vote on a particular issue in which they may have pecuniary interest. The latter must be done before the discussion or vote.

Please note: Failure to observe the requirements of the LAMIA could potentially invalidate the decision made, or the action taken, by the Council. Failure to observe these requirements could also leave the elected member open to prosecution. In the event of a conviction, elected members can be ousted from office.

- Declaration of conflict
 - Members and observers are responsible for declaring any real or potential conflict of interest to the Chairperson, as soon as the conflict arises.
- Management of conflict of interest
 - Conflicts of interest will be enforced by the Chair or if a conflict of interest arises involving the Chair, the Deputy Chair will step in. In the case of a conflict of interest arising, the affected Councillor will be asked to step aside from conversation within the decision panel.

10. MATTERS FOR NOTING

10.1. Plan Change 5A High Court Appeal

That the Council:

ix. Receives this report.

x. Notes that

- The Environment Court released its decision on Proposed Plan Change 5A (Lindis: Integrated water management) on 7 October 2019;
- The Environment Court’s decision on Plan Change 5A has been appealed to the High Court by Otago Fish and Game Council (F&G); and
- The Otago Regional Council (ORC) has filed a Notice of Intention to Appear on the High Court Appeal.

Cr Forbes abstained from participation in the Plan Change 5A High Court Appeal discussion as she declared a conflict of interest.

General Manager Strategy, Policy and Science Gwyneth Elsum and Team Leader Freshwater and Land Tom De Pelsemaeker were present to answer questions. After a general discussion of the High Court appeal, Councillor Laws made a procedural motion to adjourn discussion on this item until the first meeting of the Strategy and Planning Committee on 27 November 2019 and to conduct the discussion in public-excluded as the item is related to a legal appeal.

Cr Scott left the meeting at 12:03 pm.

Cr Scott returned to the meeting at 12:05 pm.

Resolution

That the Council:

1) Adjourn the discussion on the Plan Change 5A High Court Appeal to the 27 November 2019 Strategy and Planning Committee meeting, and if necessary, move into public-excluded for the discussion.

Moved: Cr Laws
Seconded: Cr Calvert
CARRIED

Cr Malcolm, Cr Robertson and Cr Kelliher voted against the motion and asked that their votes be recorded in the minutes.

11. CLOSURE

As there was no further business, Chair Hobbs declared the meeting closed at 12:32 pm.

Chairperson

Date

Cr Calvert had earlier asked to waive privilege and release the Buddle Findlay advice obtained on iwi representation on committees. As the discussion was concluded on the item in question, her motion was put.

Resolution

1) That privilege be waived on the legal opinion for iwi representation on committees obtained from Buddle Findlay, allowing it to be released upon request.

Moved: Cr Calvert
Seconded: Cr Laws
CARRIED



Minutes of an extraordinary meeting of Council held in the
Council Chamber at Level 2 Philip Laing House, 144 Rattray
Street, Dunedin on
Wednesday 27 November 2019 at 9:00 am

Membership

Hon Marian Hobbs	<i>(Chair)</i>
Cr Michael Laws	<i>(Deputy Chairperson)</i>
Cr Hilary Calvert	
Cr Michael Deaker	
Cr Alexa Forbes	
Cr Carmen Hope	
Cr Gary Kelliher	
Cr Kevin Malcolm	
Cr Andrew Noone	
Cr Gretchen Robertson	
Cr Bryan Scott	
Cr Kate Wilson	

Welcome

Cr Hobbs welcomed Councillors, members of the public and staff to the meeting at 9.00am

For our future

70 Stafford St, Private Bag 1954, Dunedin 9054 | ph (03) 474 0827 or 0800 474 082 | www.orc.govt.nz

1. APOLOGIES

There were no apologies.

2. LEAVE OF ABSENCE

There were no leave of absence.

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>
Sally Giddens	<i>(General Manager People, Culture and Communications)</i>
Richard Saunders	<i>(General Manager Regulatory)</i>
Gwyneth Elsum	<i>(General Manager Strategy, Policy and Science)</i>
Amanda Vercoe	<i>(Executive Advisor)</i>
Dianne Railton	<i>(Acting Committee Secretary)</i>
Eleanor Ross	<i>(Manager Communications Channels)</i>
Ryan Tippet	<i>(Media Communications Lead)</i>
Anita Dawe	<i>(Acting Policy Manager)</i>
Peter Constantine	<i>(Consultant Planner)</i>
Joanna Gilroy	<i>(Consents Manager)</i>

4. CONFIRMATION OF AGENDA

The agenda was confirmed as circulated.

5. CONFLICT OF INTEREST

Crs Kelliher and Wilson declared a conflict of interest. They could speak but not vote on the recommendations on the Response to Section 24A RMA Investigation Report.

6. PUBLIC FORUM

No public forum was held.

7. CONFIRMATION OF MINUTES

No Minutes were presented.

8. ACTIONS

Status report on the resolutions of Council.

No Actions were presented.

9. MATTERS FOR COUNCIL DECISION

9.1. Response to Section 24A RMA Investigation Report

Mr Peter Constantine, Consultant Planner, spoke to his presentation on the Planning Framework for Otago, which provided an overview of the report to Council. The presentation outlined a suggested work programme to achieve the planning framework changes recommended by Minister Parker as a result of the section 24A review into ORC.

Peter Constantine advised that the work covered all water permits, not just deemed permits expiring in October 2021. If a consent application arrived today, everything applied as of today no matter what the plan change would be. Once publicly notified, applications would then be part of that package.

Data on existing water plans was discussed. Richard Saunders, General Manager Regulatory advised that the Otago Regional Council did keep data on permits over time and water volume. Mr Richard Saunders said he would arrange for data to be sent to Council (within a 24 hour time-frame).

Staff advised they were looking at ideas for efficiency of time and costs of engagement. Staff were also talking with consultants and would be back to Council's with options for the proposed Water Permits Plan Change in January 2020. It was proposed to have a two-week on-line consultation period and that feedback would be brought back to Council as part of a workshop in January 2020.

It was noted that the Resource Management Act (RMA) says that the deemed permits will expire on 1 October 2021, and by law we could not roll the deemed permits over. This has been law since 1991.

The meeting adjourned for a break at 10.15am

Chair Hobbs called the meeting back to order at 10.34am and welcomed Honourable Professor Peter Skelton.

Professor Skelton gave an overview of his background and experience as an Environmental Court Judge and Commissioner at Environment Canterbury.

Professor Skelton noted the Otago Regional Council was not alone. There were 16 regional authorities in the country and everyone had to have a fit plan by 2025. The Otago Regional Council could be an exemplar if it wanted to. All regional councils have to do Progressive Implementation Programmes (PIPs). That process will be repeated at beginning of next year, with PIPs needing to be updated. The Ministry would look at all Councils to see where they were at and how they would get to 2025. He said that if you wanted certain outcomes to be achieved, if you were not in the team, you had no show. The Otago Regional Council had an opportunity to do things very well here and the Minister was aware of that.

Prof Skelton finished at 11.37am. Chair Hobbs thanked Professor Skelton for coming to speak to the Council.

Discussion returned to the paper. Cr Laws moved that Council wanted a community engagement plan that involved governance. Staff agreed, noting that some of the engagement would have commenced by the time of the next meeting.

Staff also agreed to provide a step by step guide as to how consents would be handled by the Council in the interim, in a paper to Council on 11 December 2019.

Cr Laws moved that under the principles, 13b should be amended to reflect water allocation being based upon existing water use, not paper allocation.

Cr Calvert asked if the workshop proposed for 7 January 2020 would be public. Staff advised that there may be legal privilege issues and agreed to provide advice on this question at the next Council meeting on 11 December.

Resolution

That the Council:

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

- 2) **Approves** the following:
 - a. *Development of a Water Permits plan change in accordance with the principles outlined in paragraph 13*
 - b. *The timeline set out in Appendix 2 for the Water Permits plan change*
 - c. *Review of the Regional Policy Statement for Otago*

- 3) **Requests** that staff prepare a formal response to Minister Parker's letter, for consideration at the Council Meeting on 11 December 2019

The following motions and amendments were moved by Cr Laws, that the Council:

- 4) **Requests** that staff develop a community engagement and consultation programme to be tendered to the next Council meeting on 11 December 2019, that includes the act of participation of elected members.

- 5) **Requests** that staff provide a step by step guide as to how consents will be handled by the ORC in the interim, in a paper to Council on 11 December 2019.

- 6) **Notes** that it was agreed that 13b - water allocation should be based upon existing water use, not paper allocation.

Moved: Cr Deaker

Seconded: Cr Scott

CARRIED

Status report on the resolutions of the Council Meeting

2019-2022 triennium	2016-2019 triennium
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REPORT TITLE	MEETING DATE	RESOLUTION	STATUS	UPDATE
11.3 Delegations	3 April 2019	Direct CE to bring a review of delegations for Council decision.	IN PROGRESS – Regulatory/Governance	Underway for reporting in early 2020.
11.1 Policy Committee Appointment of Iwi Representation	15 May 2019	Review and define partnerships of the 2003 MoU and Protocol between ORC and Ngai Tahu/Kai Tahu for Effective Consultation and Liaison	IN PROGRESS – Governance	Propose discussion with portfolio lead organised to take this action forward.
11.3 Disposal of Poison Services Assets	15 May 2019	ORC to consult with community on proposed sale of poison services assets and include the Galloway land as part of a proposed sale	ASSIGNED - Operations	Part of 2020/21 Annual Plan process.
11.3 Finalise Biodiversity Action Plan	26 June 2019	Develop business case options for resourcing biodiversity and biosecurity activities to inform the next LTP (2021 - 2031) and enable implementation of the Biodiversity Action Plan.	IN PROGRESS – Operations	Underway for reporting in 2020.
10.5 Lake Hayes Culvert	25 Sept 2019	Invite QLDC, DoC and NZTA to co-fund with ORC scoping investigation and establishment of a target water level range for Lake Hayes and scoping the investigation, consenting, design, construction, maintenance and funding of infrastructure to manage the lake level to that range. This will require incorporation of activity and funding of ORC's share of the costs into draft Annual Plans.	IN PROGRESS – Operations	Consultant preparing cost estimate for scoping exercise.
10.8 Delegation of Harbourmaster Duties	25 Sept 2019	Conduct a review and amendment of the ORC Navigational Safety Bylaw 2019, noting date of relinquishment of transfer agmt will be the same as the effective date of the amended bylaw.	IN PROGRESS – Regulatory	Report to be tabled in early 2020 to seek approval to consult on changes to the bylaw.

Council Meeting Agenda 11 December 2019 - ACTIONS (Status of Council Resolutions)

5.5 Adoption of Meeting Schedule	23 Oct 2019	That staff prepare a report for 13 November 2019 meeting on alternative governance structure of portfolio or project leads and catchment leads. 2. Note that what those leads may be will be decided by Council after the strategic planning day on 12 November 2019, along with time frames and delegations.	COMPLETE Governance	–Report provided at the 13 November 2019 Council agenda. COMPLETED
9.1 Decision Making Structure	13 Nov 2019	That a review of the committee structure including membership be reviewed at 6-months.	ASSIGNED - Governance	Report will be brought to Council in May 2020.

8. CHAIRPERSON'S AND CHIEF EXECUTIVE'S REPORTS

8.1. Chairperson's Report

Prepared for:	Council
Report No.	GOV1879
Activity:	Governance
Author:	Cr Marian Hobbs, Chairperson
Endorsed by:	Cr Marian Hobbs, Chairperson
Date:	3 December 2019

[1] As councillors we are now engaged!

RECOMMENDATION

That the Council:

1) **Receives** this report.

WATER

- [2] The focus in the last few weeks has been on the deemed permits, particularly those in the Manuhierikia. Following a review by Prof Skelton, the Minister wrote to us instructing us to complete the work on deemed permits by their expiry date.
- [3] As Prof. Skelton observed, this cannot be work set in isolation from the rest of the work on water in Otago.
- [4] In today's meeting we reply to the Minister setting out how this will be accomplished.
- [5] As I write, it is pouring in the Southern Alps and there will be a number of consequences. Hopefully flooding will be avoided, but existing problems in Wanaka, Lake Hayes, will be exacerbated.
- [6] And, as we hit our stride, the requests to sort out current issues are increasing. I am thinking hard about how we manage "TO DO LISTS" for ourselves and for staff – although we are governors, not managers. But our governance also has to have some discipline as well.

TRANSPORT

- [7] Transport has had several meetings as well, with specific Mayors, and with transport team in QLDC. In terms of reducing carbon emissions, use of public rather than private transport can be a low-hanging fruit. But it is not just the provision of public transport, but of providing it in such a way that it becomes the preferred mode for initially 40%. Our mayoral partners and their councils share the same philosophy.

CIVIL DEFENCE

- [8] Civil Defence looms large as I write this. We had a positive regional emergency management meeting. In September 2020 a Tier 4 exercise will be held. In the recent exercise, communications in terms of how, not what, turned out to be a serious problem.
- [9] We need also to be thinking about recovery after the initial incident has been resolved. This was what so dogged Christchurch.

IWI MEETINGS

- [10] Sarah, Gwyneth and I met with Aukaha, which is the Runanga's research arm focussed on water and land use in Otago. We discussed ways of working together at project level.
- [11] At the Otago Mayoral Forum we met with Te Rōpū Taiao, representatives of the five Runanga in our region.

OTHER

- [12] Some enjoyable meetings included the meeting to distribute Eco Funds. It was well organised. Another gathering was at Otago Museum to celebrate the initial display of the Moa footprints. Thanks was given to the ORC for their speedy response with consents.
- [13] The Port continues to be noisy – noisier than the Wellington Airport Hotel! Andrew and I attended a relatively calm meeting of those concerned in West Harbour.
- [14] I met with Dr Barry Law and discussed his work and plans for sustainable education. Worth looking at support@iamcapable.co.nz for an interesting approach to transferable skills.
- [15] And on Friday, Mayor Hawkins and I will be sworn in as JP's – for our term of office!
- [16] Life is varied and interesting.
- [17] Attached is my revised portfolio list.

ATTACHMENTS

Nil

8.2. Chief Executive's Report

Prepared for: Council
Report No. CEO1820
Activity: Governance Report
Author: Sarah Gardner, Chief Executive
Endorsed by: Sarah Gardner, Chief Executive
Date: 5 December 2019

KEY MEETINGS ATTENDED

- [1] 7 November, Wellington – Regional Chief Executive Officers’ meeting
- [2] 7 November, Wellington – meeting between Regional Sector and Minister Parker
- [3] 8 November, Wellington – Regional Sector Group meeting
- [4] 15 November – Otago Chief Executives’ Forum
- [5] 15 November – Otago CDEM CEG meeting
- [6] 22 November – with the CEO of Dunedin City Council, met with Extinction Rebellion representatives
- [7] 28 November – Otago CE Forum: Three Waters
- [8] 28 November – Otago CDEM Joint Committee
- [9] 28 November – informal catch-up with Queenstown Lakes District Council Mayor and Chief Executive
- [10] 29 November – Otago Mayoral Forum
- [11] 29 November – Te Rōpū Taiao Otago
- [12] 2 December, Queenstown – Transport Governance Group meeting

RECOMMENDATION

That the Council:

- 1) **Receives this report.**

DISCUSSION

Extinction Rebellion Meeting

- [13] Dr Bidrose of DCC and myself met with representatives of Extinction Rebellion. This is the second meeting we have had since our respective Councils considered the “climate emergency” issue.
- [14] Primarily the conversation was focused on the potential for making progress in the adoption of electric vehicle use for public transport.
- [15] As part of the discussion I have passed on the group’s desire to meet with the Chair and the Chair of the Regional Transport Committee in the New Year.

Coordinated Executive Group Meeting (CEG)

- [16] I chair the CEG for the Otago Civil Defence and Emergency Management Group. This past meeting, we elected a Deputy Chair, Gail Thomson, from the Southern District Health Board to replace former Deputy Chair, David Guard of Fire and Emergency New Zealand.
- [17] The meeting heard from Fire and Emergency New Zealand staff about the establishment of Local Advisory Committees and the process for determining the membership for Otago. These Committees are required by statute and Otago is an early adopter. We spoke about the potential overlap with our community groups who have produced Community Response Plans and how we might partner.
- [18] We also debriefed informally the recent fire at Deep Stream which involved Group resources. We had key learnings around communication and the roles of staff in circumstances where they are assisting, but not responding as a Group, at the request of another agency – in this case Fire and Emergency.
- [19] Lastly, we are about to enter into a Memorandum of Understanding arrangement with St John who have kindly offered a further option for the Group in the event of needing to stand up an Emergency Coordination Centre in a Group emergency. While we have several options for that facility already, including the primary option of our current Council Chamber, we appreciate the alternative available at St John and consider it appropriate to formalise an arrangement where we could access that facility if required.

Three Waters

- [20] The Regional Chief Executives and relevant senior staff met with the Department of Internal Affairs and received a briefing on the work they are undertaking on Three Waters in the Department. Three Waters Lead Allan Prangnell and our Otago Local Government Liaison from the Department, Warren Ulusele attended.
- [21] The update provided context of the proposed Drinking Water Regulator (DWR) and the functions of that organisation and timeframe for its establishment. The DWR will be a Crown entity at arms-length from government.
- [22] It is planned that the DWR will assess drinking water supplies and build knowledge of those supplies, and where they are. Regional Councils may be subject to the DWR’s oversight of their performance of compliance, monitoring and enforcement functions for drinking water which we are required to protect at source.

- [23] Some concern was raised by Chief Executives about the possible drain on skills from local government into the DWR. It was explained that the DWR is likely to be flexible about how it resources its work.
- [24] Paying for and structuring services for drinking water, wastewater and stormwater treatment was also part of the discussion.

ATTACHMENTS

Nil

9.1. Adopt Terms of Reference and Delegations for Committees and Subcommittees 2019-2022

Prepared for: Council
Report No. GOV1869
Activity: Governance Report
Author: Amanda Vercoe, Executive Advisor
Endorsed by: Sarah Gardner, Chief Executive
Date: 5 December 2019

PURPOSE

- [1] To adopt terms of reference for committees constituted by the Otago Regional Council.

EXECUTIVE SUMMARY

- [2] At its meeting on 13 November 2019, the Otago Regional Council adopted a high-level committee structure and agreed the committees would recommend to Council detailed terms of reference following a discussion at the first meetings of those committees.
- [3] The Finance Committee, Strategy and Planning Committee, Infrastructure Committee, Regulatory Committee have now met and discussed terms of reference. The Finance Committee has also discussed terms of reference for the Subcommittee Audit and Risk.
- [4] Final terms of reference, as recommended by committees are attached for adoption by Council.

RECOMMENDATION

That the Council:

- 1) **Receives** this report.
- 2) **Adopts** the *Committee Structure, Membership and Representation* booklet, with or without amendments.
- 3) **Reconfirms** the nomination of Councillor Andrew Noone on the AgResearch Invermay Animal Ethics Committee.
- 4) **Notes** the attached updated portfolio responsibilities across the Council.

BACKGROUND

- [5] Detailed terms of reference need to be adopted by Council for each of the committees and subcommittees it has established.

ISSUE

- [6] Final terms of reference, as recommended to Council by its committees are attached for adoption.
-

- [7] Councillor Noone's appointment to the AgResearch Invermay Animal Ethics Committee also needs to be reconfirmed for the 2019-2022 triennium.
- [8] Updated portfolio responsibilities are also attached for noting.

DISCUSSION

AgResearch Invermay Animal Ethics Committee

- [9] AgResearch Limited is a Company that conducts research using farmed animals, laboratory rodents, vertebrate pests and other species as defined under the Animal Welfare Act 1999. As a requirement of the Animal Welfare Act 1999, part (6), all animal manipulations must be approved by an Animal Ethics Committee and the membership of each committee must include a number of lay members.
- [10] The Committee has a requirement for three statutory appointees:
 - a. A nominee from the Veterinary Association.
 - b. A nominee from an Animal Welfare Organisation (Otago's case SPCA).
 - c. A nominee from a local authority (Otago's case ORC).
- [11] All are regarded as lay members. Each meeting must have at least two lay members to have a quorum.
- [12] AgResearch makes the appointments and is therefore not obliged to accept any nominee. A nominee in the Council's case doesn't have to be a Councillor.
- [13] Cr Andrew Noone was appointed to the Committee in 2017 and reconfirmed as the representative in April 2019.

OPTIONS

- [14] Adopt the attached *Committee Structure, Membership and Representation* booklet, with or without amendments.
- [15] Reconfirm, or not, Councillor Andrew Noone as the representative from the Otago Regional Council on the *AgResearch Invermay Animal Ethics Committee*.
- [16] Note the attached updated portfolio responsibilities across the Council.

CONSIDERATIONS

Policy Considerations

- [17] Not applicable.

Financial Considerations

- [18] Not applicable.

Significance and Engagement

- [19] Not applicable.
-

Legislative Considerations

[20] All committees and subcommittees must operate within the Local Government Act 2002 and the Local Government Meetings and Information Act 1987.

Risk Considerations

[21] Not applicable.

NEXT STEPS

[22] The next steps are for the attached booklet to be finalised and distributed to Councillors.

ATTACHMENTS

1. Draft Committee Structure Membership and Representation 2019-2022 [9.1.1 - 15 pages]
2. Updated Portfolio Responsibilities 3 December 2019 [9.1.2 - 3 pages]



Committee Structure, Membership and Representation

2019 - 2022 Triennium

(11 December 2019)

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Otago Regional Council Committee Memberships

Finance Committee	Strategy and Planning Committee	Infrastructure Committee
Cr Hilary Calvert (Co-Chair) Cr Andrew Noone (Co-Chair) All Councillors	Hon Marian Hobbs (Chair) Cr Michael Laws (Deputy Chair) All Councillors 2 iwi representatives	Cr Carmen Hope (Co-Chair) Cr Gary Kelliher (Co-Chair) All Councillors

Regulatory Committee	Audit and Risk Subcommittee (of Finance Committee)	Employment Committee
Cr Gretchen Robertson (Co-Chair) Cr Kate Wilson (Co-Chair) All Councillors	Independent Chair (TBA) Cr Hilary Calvert Cr Kevin Malcolm Cr Andrew Noone Cr Kate Wilson	Hon Marian Hobbs (Chair) Cr Michael Deaker Cr Alexa Forbes Cr Andrew Noone

Regional Transport Committee	Otago Civil Defence and Emergency Management Group Joint Committee
Cr Alexa Forbes (Chair) Cr Kate Wilson (Deputy Chair) TO BE CONSTITUTED ONCE ALL TA NOMINATIONS ARE RECEIVED	Hon Marian Hobbs (Chair) Otago region Mayors

Terms of Reference 2019-2022

Finance Committee

Purpose

To guide and monitor the Council's financial, commercial and administrative affairs, including the Port shareholding and operational performance, Long Term Plan, Annual Plans and implementation of the Local Government Act 2002.

Reporting

The Finance Committee reports to Council.

Membership

Co-Chair – Cr Hilary Calvert
Co-Chair – Cr Andrew Noone

The Finance Committee shall have a membership of all elected Councillors.

A quorum of the Finance Committee shall be six members.

The Chief Executive and General Manager Corporate Services are to attend meetings.

Meetings

The Finance Committee will have ordinary meetings at quarterly intervals and will otherwise meet as required. When preparing business items for an agenda the Chief Executive should consult the Co-Chairs.

Key Responsibilities

The Finance Committee has the following key responsibilities:

- Monitor and review Council's operational performance against the agreed levels of service and target measures outlined in the Long-Term and Annual Plans.
- Review quarterly and annual financial statements including the statement of comprehensive income, balance sheet and treasury report.
- Oversee the Long Term and Annual Plan process including consultation and hearings and make recommendations to Council for adoption.
- Oversee all financial policies including the Financial Strategy and Revenue and Financing Policy.
- Review and make recommendation on rates, fees, charges, royalties and rentals.
- Review the Statement of Corporate Intent and receive the six month and annual reports of Port Otago Limited.
- Review and make recommendations concerning any commercial activities, trading activities or investments held by the Council.
- Maintain an overview of Council's assets, leases and financial reserves.
- Maintain oversight of Council's financial risk and management of that risk.
- Endorse submission in relation to the Local Government Act 2002.

Delegations

The Finance and Committee shall have the following delegations:

- To award or approve contracts and tenders in excess of staff delegations and to a maximum of \$2million.
- To approve the Draft Annual Plan and Draft Long-Term Plan and associated policies, and to conduct all consultation and hearings with the public concerning them.
- To consider matters of financial impact other than as provided for in the Annual Plan.
- To endorse submissions in relation to the Local Government Act 2002.
- The Finance Committee shall carry out any other function or duty delegated to it by the Council.
- The Finance Committee may appoint subcommittees or working parties as appropriate provided they are limited to a time duration consistent with performance of their specified tasks.

DRAFT

Strategy and Planning Committee

Purpose

Assist the Council set the organisation's mission, vision and strategic direction (the 'strategic plan'). Monitor performance against the strategic plan. Develop and recommend to Council strategies, policies and plans informed by science that enable the ORC to deliver on its strategic plan and its legislative requirements. Assess the effectiveness of strategies, policies and plans.

Reporting

The Strategy & Planning Committee reports to the Council.

Membership

Co-Chairs: Cr Marian Hobbs & Cr Michael Laws

The Strategy & Planning Committee shall have a membership of all elected Councillors plus two Iwi representatives with full voting rights.

A quorum of the Strategy & Planning Committee shall be eight members.

Meetings

The Strategy & Planning Committee will have:

- Ordinary meetings at 8 weekly intervals;
- Three to five half day workshops at a minimum of four monthly intervals; and
- Other meetings or workshops as required.

Key Responsibilities

The Strategy & Planning Committee will:

- Periodically review and make recommendations to Council in relation to ORC's mission, vision, strategic initiatives, major programmes and services
- Understand and keep abreast of trends in ORC's external operating environment including national legislative trends as they relate to ORC's functions
- Make submissions to other authorities and government
- Identify critical strategic issues facing the organisation and make recommendations on options to address these
- Review the strategic plan and recommend updates as needed based on changes in the ORC's external operating environment
- Monitor and report on the organisation's performance against its strategic plan
- Oversight of the environmental monitoring programme to ensure it supports ORC's strategies, policies and plans
- Review of the State of the Environment monitoring, analysis and reporting
- Oversight of the development of scientific evidence that informs the development of ORC's strategies, policies and plans
- Provide policy guidance and direction in respect of the preparation or amendment of any plans over which it has oversight
- Periodically review and make recommendations to Council in relation to strategies, policies and plans for specific ORC's functions particularly those that arise from legislative requirements
- Monitor and report on the effectiveness of ORC's strategies, policies and plans

- Maintain oversight of risks associated with strategy and planning functions
- Receive updates of progress on the above

Delegations

- The Strategy & Planning Committee has delegations from the Council to make submissions and representations on matters within its statement of purpose on Otago councils' district plans and neighbouring councils' regional plans to ensure consistency.
- The Strategy & Planning Committee may, where consistent with all relevant statutes, approve public consultation and call for submissions on this Council's draft, proposed, and indicative policies, plans and strategies. This delegation does not include formal notification of Council's proposed plans.
- The Strategy & Planning Committee may endorse submissions or appeals concerning district planning and consents within Otago; submissions on legislation and regulations (including submissions to Parliamentary Select Committees), and submissions on crown agency and parliamentary discussion documents.
- The Strategy and Planning Committee shall carry out any other function or duty delegated to it by the Council.
- The Strategy and Planning Committee may appoint subcommittees or working parties as appropriate provided they are limited to a time duration consistent with performance of their specified tasks.

Regulatory Committee

Purpose

To oversee Council's consenting and compliance functions under the Resource Management Act, Biosecurity Act and Building Act, as well as any functions carried out by the Harbourmaster.

Reporting

The Regulatory Committee reports to the Council.

Membership

Co-Chair: Cr Kate Wilson

Co-Chair: Cr Gretchen Robertson

The Regulatory Committee shall have a membership of all elected Councillors.

A quorum of the Regulatory Committee shall be six members.

Meetings

The Regulatory Committee will have ordinary meetings at quarterly intervals and will otherwise meet as required.

Key Responsibilities

The Regulatory Committee shall take an overview of and report on:

- Consents processes, including RMA, Building Act and Bylaws;
- The monitoring of compliance with council issued consents, and any follow up actions or enforcement action required;
- The monitoring of compliance with council's plans, and any follow up actions or enforcement action required;
- The effectiveness of Council plans in meeting Council objectives and associated recommendations to Council;
- Changes in council's external operating environment which will affect the delivery of consenting and compliance functions;
- The delivery of the Harbourmaster functions and associated Navigational Safety Bylaw;
- The monitoring of compliance and enforcement activity under the Biosecurity Act and any follow up actions required;
- Risks associated with council delivering its consenting and compliance functions, and harbourmaster functions.

Delegations

- The Regulatory Committee may recommend to Council the approval of functional strategies, project concepts and implementation plans.
- The Regulatory Committee may appoint subcommittees or working parties as appropriate provided they are limited to a time duration consistent with performance of their specified tasks.
- The Regulatory Committee shall carry out any other function or duty delegated to it by the Council.

Infrastructure Committee

Purpose

To overview council's management of natural hazards risks, waterways and land drainage and flood protection schemes.

Reporting

The Infrastructure Committee reports to Council.

Membership

Co-Chair: Cr Carmen Hope

Co-Chair: Cr Gary Kelliher

The Infrastructure Committee shall have a membership of all elected Councillors.

A quorum of the Infrastructure Committee shall be six members.

Meetings

The Infrastructure Committee will have ordinary meetings at quarterly intervals and will otherwise meet as required.

Key Responsibilities

The Infrastructure Committee will have oversight on the following matters:

- Community engagement on natural hazards risks and council's river management programme, flood control and land drainage schemes.
- Identification of natural hazard risks in Otago and key future drivers in managing them (e.g. land use change and climate change).
- Assist in the development of programmes for managing natural hazards risks.
- The establishment and review of levels of service for waterway management, flood control and land drainage.
- Monitor the condition and performance of council's river management, flood control and land drainage schemes.
- Assist in developing programmes for improving the condition and performance of council's river management, flood control and land drainage schemes and reducing service delivery risks.
- Monitoring the effectiveness and reliability of natural hazards monitoring and warning systems and processes.

Delegations

- The Infrastructure Committee may appoint subcommittees or working parties as appropriate provided they are limited to a time duration consistent with performance of their specified tasks.
- The Infrastructure Committee shall carry out any other function or duty delegated to it by the Council.

Employment Committee

Purpose

To undertake performance assessments, negotiate any matters relating to the Chief Executive's employment contract and agree and review key result areas.

Membership

Chair Hon Marian Hobbs
Cr Michael Deaker
Cr Alexa Forbes
Cr Andrew Noone

A quorum of the Employment Committee shall be three members.

Meeting frequency

Routinely twice a year, once in December/January and once in June or at the discretion of the Chair

The Employment Committee will report to Council.

DRAFT

Otago Civil Defence Emergency Management Group

Constitution

Pursuant to section 12 of the Civil Defence Emergency Management Act 2002, the Otago Civil Defence Emergency Management Group is constituted as a joint standing committee under section 114S of the Local Government Act 1974 (a joint committee under section 30 of Schedule 7 of the Local Government Act 2002) by resolutions adopted by:

- Central Otago District Council
- Clutha District Council
- Dunedin City Council
- Otago Regional Council
- Queenstown Lakes District Council
- Waitaki District Council

Membership

Each local authority listed above is a member of the Otago Civil Defence Emergency Management Group. Each member is represented on the joint committee by the Mayor/ Chairperson, or by an elected person from that authority who has delegated authority to act for the member.

Chairperson

The Otago Civil Defence Emergency Management Group shall appoint one of the representatives of its members as chairperson, and one of its members as deputy chairperson. Each will hold office for such period as agreed by the Group, but only so long as those persons remain a representative of a member of the Group.

Purpose

The Otago Civil Defence Emergency Management Group has the purpose and all of the functions, powers and obligations of a civil defence emergency management group as defined by the Civil Defence Emergency Management Act 2002 and subsequent amendments. Section 17 of the Civil Defence Emergency Management Act 2002 defines the function of a group and each of its members that, in summary, require it to:

- Identify, assess and manage relevant hazards and risks;
- Ensure provision of trained and competent personnel, an appropriate organisational structure and the necessary services and resources for effective civil defence emergency management in its area;
- Respond to and manage the adverse effects of emergencies;
- Carry out recovery activities;
- Assist other civil defence emergency management groups when requested;
- Promote public awareness of and compliance with the Civil Defence Emergency Management Act and legislative provisions relevant to the purpose of the Act;
- Develop, approve, implement, monitor and review a civil defence emergency management group plan;
- Participate in the development of the national civil defence emergency management strategy and the national civil defence emergency management plan.
- Promote civil defence emergency management in its area that is consistent with the purpose of the Civil Defence Emergency Management Act 2002.

Meetings

The Otago Civil Defence Emergency Management Group shall meet quarterly and as required with the location for meetings rotating among member authorities.

Quorum

The quorum of the Otago Civil Defence Emergency Management Group shall be three members.

Delegations

The Otago Civil Defence Emergency Management Group shall have all the delegated authorities that may be given by each member Council, including authority to fulfil the powers, obligations and functions of the Group as specified in the Civil Defence Emergency Management Act 2002, authority to appoint subcommittees, and authority to sub-delegate any authority able by law to be delegated.

Subcommittee

A subcommittee of all members of the Otago Civil Defence Emergency Management Group may be formed and given full delegated authority to carry out the functions, obligations and powers of the Group under the Civil Defence Emergency Management Act 2002 pursuant to section 114P(2) of the Local Government Act 1974 and section 30(2) schedule 7 of the Local Government Act 2002. Any meeting will transact routine business and not commit members to any major financial expenditure.

Standing Orders

The current Standing Orders of the Otago Regional Council shall govern the conduct of the meetings, except that order papers and agenda papers shall be sent to every member no less than five working days before the meeting. Notwithstanding anything in the Civil Defence Emergency Management Act or Standing Orders, adequate notice shall be given of all matters to be discussed at a meeting of the Group. Where a matter of significance is to be considered, where practicable, prior written notice of the background to that matter must be given in sufficient time to allow for consultation with each member.

Administering Authority

The Otago Regional Council as the administering authority shall provide administrative and leadership of the Group.

Reporting

The Group will report to each member.

Continuance of Joint Standing Committee

The Otago Civil Defence Emergency Management Group shall not be discharged by a triennial election but appointments of representatives of members shall be confirmed or new appointments made by each council following each election.

Audit and Risk Subcommittee

Purpose

To assist the ORC in fulfilling governance responsibilities relating to its financial, reporting, legislative, health and risk management practices.

Reporting

The Audit and Risk Subcommittee reports to the Finance Committee.

Membership

Chair, the Subcommittee will appoint one of its members as Chair
Cr Hilary Calvert (Co-chair of Finance Committee)
Cr Andrew Noone (Co-chair of Finance Committee)
Cr Kate Wilson
Cr Kevin Malcolm
Independent member with skills and experience in audit to be appointed

The Subcommittee has the ability to co-opt other Councillors.

Other Councillors are encouraged to attend and participate in meetings of the Subcommittee.

A quorum of the Audit and Risk Subcommittee shall be three members.

Meetings

The Audit and Risk Subcommittee will have ordinary meetings at quarterly intervals and will otherwise meet as required.

Attendance at Meetings

- The Chief Executive and the General Manager Corporate Services are to attend meetings.
- Other external parties may be invited to attend by the Subcommittee as required.
- There shall be at least one meeting per year where the external Auditors shall attend.

Key Responsibilities

The Audit and Risk Subcommittee has the following key responsibilities:

Audit and Reporting

- Review the external Auditor's audit plan, audit management letter and management response to any issues raised during the external audit.
- Oversee any internal audit functions or reviews and consider any matters referred to it by that function.
- Oversee internal control processes and procedures including financial policies, delegations and sensitive expenditure.
- Consider changes in accounting policies, standards or reporting requirements and make recommendations for Council adoption.
- Review the draft Annual Report including the Statement of Service and Performance and Financial Statements and make recommendation for Council adoption.

Risk Management

- Ensure a corporate risk management framework is in place and review risk reports.
- Review Council's insurance matters and annual renewal process.

- Review Council's business continuity and disaster recovery matters.

Health and Safety

- Review Council's adherence to the Health and Safety at Work Act 2015 including monitoring health and safety performance, incidents and response.

Investments

- Review the performance of Council's investment portfolio including the long-term managed fund.
- Oversee the performance of Council's investment manager including compliance of the managed fund with the Statement of Investment Policies and Objectives (SIPO).
- Review the Treasury Management Policy and SIPO and recommend changes to Council as required.
- Oversee the Investment Manager appointment process and make recommendations to Council on that appointment.

Legal Compliance

- Receive and consider updates on legislation that Council is required to operate under and/or enact.
- Review Council's adherence to legislation that affects Council.

Other

- Review any other financial matters referred to the Subcommittee by Council or the Finance Committee.

Reporting

- The Subcommittee shall conduct an annual review of its work and the Chairperson shall report to Council at the end of each financial year.

Delegations

The Audit and Risk Subcommittee shall have the following delegations:

- Review matters within its terms of reference and make recommendations to Council or the Finance Committee on those matters.
- Seek information it requires from the Chief Executive. The Chief Executive is required to cooperate with any requests unless excused by the Chair of the Otago Regional Council.
- Request access to outside legal or independent professional advice should it consider this necessary.

The Audit and Risk Subcommittee may not delegate any of its responsibilities, duties or powers.

Appointments as Representatives of Council

Mana to Mana

Purpose – to manage the relationship between Otago Regional Council and Rūnanga in Otago.

- Council Chairperson – Hon Marian Hobbs
- Council Deputy Chairperson – Cr Michael Laws
- Other Councillors to be appointed

Local Government New Zealand Regional Sector Group and Zone 6 Group

- Council Chairperson – Hon Marian Hobbs
- Council Deputy Chairperson – Cr Michael Laws

Otago Mayoral Forum

- Council Chairperson – Hon Marian Hobbs
- Council Chief Executive

ECO Fund Decision Panel Chair

- Cr Michael Deaker

Manuherehia Reference Group

- Cr Andrew Noone

Connecting Dunedin

- Cr Alexa Forbes
- Hon Marian Hobbs
- Cr Michael Deaker

Way to Go

- Cr Alexa Forbes
- Hon Marian Hobbs
- Cr Michael Laws

Lower Waitaki River Scheme Liaison

- Cr Kevin Malcolm

Invermay (AgResearch) Animal Ethics Committee

- Cr Andrew Noone

**Otago Regional Council Portfolio Responsibilities
Updated 3 December 2019**

Freshwater Management Unit and and rohe liaison list:

The development plan stretches from now to 2025 when the Land and Water Regional Plan becomes operative. The councillor is to liaise with nominated staff and with community groups concerned about water in that catchment. Councillors will be the Otago Regional Council representative in all the community meetings, as we work through Plan change 6AA, Water Permits Plan Change, Omnibus Plan Change, Regional Policy Statement and Land and Water Regional Plan.

Upper Lakes Rohe	Alexa Forbes
Dunstan	Michael Laws
Manuherekia	Andrew Noone
Lower Clutha	Gretchen Robertson
Taieri	Carmen Hope
Dunedin Coast	Bryan Scott
North Otago	Kevin Malcolm
Catlins	Kate Wilson
Roxburgh	Gary Kelliher
Clutha (main stem)	Kate Wilson
Arrow and Cardrona	Bryan Scott

Staff assigned: Gwyneth Elsum, General Manager Strategy, Policy and Science and Tom De Pelsemaeker, Team Leader Freshwater and Land (in the interim)

Portfolios:

Councillors will be the “go to councillor” on all the issues connected with their portfolio. So there may be meetings, community groups and NGOs that you should develop a relationship with to get a wholistic view of this work.

- 1) Biosecurity: Gary Kelliher, Bryan Scott

Staff assigned: Gavin Palmer, General Manager Operations

This portfolio covers rabbits and wallabies and all the predators of indigenous flora and fauna.

- 2) Rural liaison: Carmen Hope

Staff assigned: Gavin Palmer, General Manager Operations

This portfolio is peculiar to the small rural communities. You will be working with the communications team to be the face of ORC on all issues other than water at local gatherings. We will keep this under review because it may have to be shared out.

- 3) Coastal (north of Dunedin): Andrew Noone

Staff assigned: Anita Dawe, Acting Manager Policy and Planning

- 4) Coastal (south of Dunedin): Gretchen Robertson

Staff assigned: Anita Dawe, Acting Manager Policy and Planning

These portfolios are to work with staff and community, working towards a revision of the Coastal Policy Statement and keeping a watch on the issues arising around coastal stability and biodiversity issues with murky inland waters.

- 5) Lower Waitaki River scheme: Kevin Malcolm

Staff assigned: Gavin Palmer, General Manager Operations

An operative committee.

6) Urban Development

Dunedin: Michael Deaker
Queenstown, Wanaka, Cromwell and Alexandra: Alexa Forbes
Milton, Taieri Balclutha: Carmen Hope
Oamaru to Waikouaiti: Kevin Malcolm

Staff assigned: Kyle Balderston, Team Leader Urban Growth and Development

This portfolio is to do with the work on the Urban Development National Policy Statement. You may well work as a team and then with the local district councils and communities.

7) Transport

Dunedin: Marian Hobbs
Queenstown, Wanaka, Cromwell, Alexandra: Alexa Forbes
Milton, Taieri, Balclutha: Kate Wilson
Oamaru to Waikouaiti: Kevin Malcolm

Staff assigned: Garry Maloney, Manager Transport

8) Climate Change: Marian Hobbs

Staff assigned: Gwyneth Elsum, General Manager Strategy, Policy and Science and Gavin Palmer, General Manager Operations

This portfolio will be asking questions over a number of portfolios to track our efforts to lower emissions and to report on work concerned with managing the effects of climate change throughout Otago.

9) Biodiversity: Gretchen Robertson, Bryan Scott

Staff assigned: Gwyneth Elsum, General Manager Strategy, Policy and Science and Gavin Palmer, General Manager Operations

This portfolio is to work with the many local groups throughout Otago, focussed on recovering, enhancing and protecting our biodiversity. Ultimately you will be working towards the NPS on Biodiversity.

10) Communication: Michael Deaker, Michael Laws

Staff assigned: Sally Giddens, General Manager People, Culture, Communications

First meeting 6 December 2019 to work out an approach to improved communications from Otago Regional Council to our communities.

11) Civil Defence and Emergency: Marian Hobbs, Carmen Hope

Staff assigned: Gavin Palmer, General Manager Operations

Marian Hobbs is Chair of the CDEM group for Otago. Carmen Hope is Deputy to cover and to understand the issues and procedures.

12) Highly Productive Land: Kate Wilson, Hilary Calvert

Staff assigned: Gwyneth Elsum, General Manager Strategy, Policy and Science

This portfolio is to work with nominated staff as we move to understand the scope of the proposed National Policy Statement.

13) Dunedin Hospital Liaison: Michael Deaker

Staff assigned: Sarah Gardner, Chief Executive

This is a committee that Gretchen Robertson used to serve on. The chair is Pete Hodgson.

14) Iwi Partnership: Michael Deaker and Marian Hobbs
Staff assigned: Sarah Gardner, Chief Executive
This includes Mana to Mana, Aukaha and other iwi engagement.

9.2. Adopt Amended Meeting Schedule 2020

Prepared for: Council
Report No. GOV1868
Activity: Governance Report
Author: Amanda Vercoe, Executive Advisor
Endorsed by: Sarah Gardner, Chief Executive
Date: 5 December 2019

PURPOSE

- [1] To adopt an amended meeting schedule for the Otago Regional Council for 2020.

EXECUTIVE SUMMARY

- [2] At the inaugural Council meeting on 23 October 2019, an initial meeting schedule for 2020 was adopted. As the Committee structure has now been adopted which sets the frequency of committee meetings, a new meeting schedule for 2020 has been constructed.
- [3] The attached proposed schedule for meetings in 2020 provides for monthly Council meetings, bimonthly Strategy and Planning Committee meetings, quarterly Infrastructure Committee and Regulatory Committee meetings, and quarterly Finance Committee and Audit and Risk Subcommittee meetings. Workshops will be scheduled on an as needed basis.
- [4] The schedule proposes one day for Council and Committee meetings. A full agenda will be prepared and notified prior to each meeting and it is anticipated meetings will commence at 9.00am. Where by virtue of business to be transacted, or workshop topics, additional time is required, an additional day may be added on the day after the scheduled meeting.
- [5] It is also proposed that each quarter, a Council meeting is held in a location other than Dunedin.

RECOMMENDATION

That the Council:

- 1) **Receives** this paper.
 - 2) **Adopts** the attached proposed meeting schedule for 2020.
 - 3) **Agrees** to the proposed locations and timing of Council meetings held outside of Dunedin for 2020.
-

OPTIONS

- [6] The Council must adopt a schedule of meetings to allow legal obligations to be met. Adoption of the proposed meeting schedule does not preclude changes to future meeting dates and locations.

CONSIDERATIONS

Policy Considerations

- [7] The meeting schedule has been set to try and meet planning and policy decision making needs.

Financial Considerations

- [8] Not applicable.

Significance and Engagement

- [9] Not applicable.

Legislative Considerations

- [10] Meetings must be publicly notified in advance Under Part 7, section 46 of the Local Government Official Information and Meetings Act 1987, and Schedule 7, cl 19 of the Local Government Act 2002.

Risk Considerations

- [11] Not applicable.

NEXT STEPS

- [12] The Committee Secretary will publish the meeting dates on the Council's website and the local newspaper per statutory obligations.

ATTACHMENTS

1. ORC Meeting Schedule 2020 - grid format [9.2.1 - 1 page]
2. ORC Meeting Schedule 2020 [9.2.2 - 2 pages]

Otago Regional Council: Proposed Schedule of Meetings 2020

	Council	Location	Strategy and Planning	Finance Committee	Audit and Risk Subcommittee	Infrastructure Committee	Regulatory Committee
	<i>Monthly</i>		<i>Bimonthly</i>	<i>Quarterly</i>	<i>Quarterly</i>	<i>Quarterly</i>	<i>Quarterly</i>
January			7/01/2020 (Water Permit Plan Change Workshop)				
January			22/01/2020				
January	29/01/2020	Dunedin					
February	26/02/2020	Dunedin		26/02/2020	26/02/2020		
March		Dunedin	11/03/2020			11/03/2020	11/03/2020
March	25/03/2020	Queenstown or Wanaka					
April	29/04/2020	Dunedin					
May		Dunedin	13/05/2020				
May	27/05/2020	Dunedin		27/05/2019	27/05/2019		
June	24/06/2020	Oamaru					
July		Dunedin	8/07/2020			8/07/2020	8/07/2020
July	22/07/2020	Dunedin					
August	26/08/2020	Dunedin		26/08/2020			
September		Dunedin	9/09/2020			9/09/2020	9/09/2020
September		Dunedin			23/09/2020		
September	30/09/2020	Balclutha					
October	28/10/2020	Dunedin					
November		Dunedin	11/11/2020			11/11/2020	11/11/2020
November	25/11/2020	Dunedin		25/11/2020	25/11/2020		
December	9/12/2020	Cromwell					

**Otago Regional Council
Proposed Schedule of Meetings 2020**

Date	ORC Meeting	Other Events
January		
7 January 2020	Workshop - Water Permits plan change	
22 January 2020	Strategy and Planning Committee	
29 January 2020	Council	
February		
26 February 2020	Finance Committee Audit and Risk Subcommittee Council	*7 February – Otago/Southland Mayoral Forum *21 February - LGNZ Rural Sector
March		
11 March 2020	Strategy and Planning Committee Infrastructure Committee Regulatory Committee	*12-13 March - CDEM Joint Committee/Mayoral Forum/Te Ropu Taiao
25 March 2020	Council – Proposal to hold in Queenstown or Wanaka	
April		
29 April 2020	Council	
May		
13 May 2020	Strategy and Planning Committee	
27 May 2020	Finance Committee Audit and Risk Subcommittee Council	
June		
24 June 2020	Council – Proposal to hold in Oamaru	*18-19 June - CDEM Joint Committee/Mayoral Forum/Te Ropu Taiao
July		
8 July 2020	Strategy and Planning Committee Infrastructure Committee Regulatory Committee	*16-17 July - LGNZ National Conference
22 July 2020	Council	
August		
26 August 2020	Finance Committee	

	Council	
September		
9 September 2020	Strategy and Planning Committee Infrastructure Committee Regulatory Committee	
23 September 2020	Audit and Risk Subcommittee	*24-25 September - CDEM Joint Committee/Mayoral Forum/Te Ropu Taiao
30 September 2020	Council – Proposal to hold in Balclutha	
October		
28 October 2020	Council	
November		
11 November 2020	Strategy and Planning Committee Infrastructure Committee Regulatory Committee	
25 November	Finance Committee Audit and Risk Subcommittee Council	
December		
9 December 2020	Council – Proposal to hold in Cromwell	*10-11 December - CDEM Joint Committee/Mayoral Forum/Te Ropu Taiao)

9.3. ECO Fund Applications - October 2019 Funding Round

Prepared for: Council
Report No. GOV1877
Activity: Governance Report
Author: Shayde Bain, Communications and Engagement Advisor
Endorsed by: Sally Giddens, General Manager People, Culture and Communications
Date: 2 December 2019

PURPOSE

- [1] A report to Council to approve recommendations for ECO Fund applications for the October 2019 funding round. <https://www.orc.govt.nz/our-council-our-region/eco-fund>

RECOMMENDATION

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 \$117,425.68 as per attached summary sheet of projects:

Applications under \$5,000

ALREC Bioblitz - Phase 1 and Phase 2
Capturing Aerial Images of Environmental Projects
No More Pests in Makarora
Papatowai Barberry Control

Applications over \$5,000

Clutha Water Project
Grand and Otago Skink Collaboration Survey
Jewelled Gecko Breeding and Advocacy Enclosure
Open Valley Urban Ecosanctuary (VUE)
Planting Projects for Biodiversity
Project coordinator for the Hereweka Harbour Cone property on Otago Peninsula
Skippers/Londonderry Creek Beech Forest



BACKGROUND

- [2] The ECO Fund vision, purpose and objectives are:

Vision:

The ECO Fund will support work that protects, enhances and promotes Otago's environment.

Purpose:

To support community-driven environmental activities.

Objectives:

To support administration costs, align with ORC environmental strategies, support both small and large projects, encourage community collaborations/partnerships, and promote ORC's profile within the community.

- [3] There are two funding rounds per year (March and October), with \$250,000 to split across both rounds.
- [4] Applications for the October 2019 ECO Fund funding round were open from 1 - 20 October 2019. Twenty-four applications were received:

Category	Applications	Total requested
Under \$5,000	10	\$40,991.88
Over \$5,000	14	\$339,471.70
Total Funds Requested:		\$380,463.58
Total Funds Available:		\$125,000.00

- [5] All applications have been made available for Councillors to view prior to the Council meeting.
- [6] The ECO Fund Decision Panel (Cr Michael Deaker (Chair), Cr Marian Hobbs, Cr Kate Wilson, Cr Alexa Forbes) met on 26 November 2019 to review and decide which applications are recommended to the full Council to receive funding. That meeting followed a staff meeting to assess applications on 14 November 2019.

Applications under \$5,000

Project Name	Decision	Amount
ALREC Bioblitz - Phase 1 and Phase 2	Yes	\$4,750.00
Capturing Aerial Images of Environmental Projects	Yes	\$3,003.48
No More Pests in Makarora	Yes	\$3,730.00
Papatowai Barberry Control	Yes	\$1,601.50
Annexe Bank Enhancement Project	No	
Backyard trapping	No	
Glenfalloch Nature Walk	No	
Irrigation System for WPS Native Garden Project	No	
LiteClub Otago	No	
Mihiwaka Walking Track	No	
	Total:	\$13,084.98

Applications over \$5,000

Project Name	Decision	Amount
Clutha Water Project	Yes	\$29,000.00
Grand and Otago Skink Collaboration Survey	Yes	\$5,055.40
Jewelled Gecko Breeding and Advocacy Enclosure	Yes	\$9,884.54
Open Valley Urban Ecosanctuary (VUE)	Yes	\$20,000.00
Planting Projects for Biodiversity	Yes	\$7,800.00
Project coordinator for the Hereweka Harbour Cone property on Otago Peninsula	Yes	\$6,000.00
Skippers/Londonderry Creek Beech Forest	Yes	\$26,601.30
Dunedin City Concept Map	No	
Long Yellow Ribbon Project	No	
Multiple projects - detailed website www.rdwt.org	No	
R3 Carbon Accounting Proposal	No	
Res.Awesome Ltd	No	
South Dunedin Summer ArtHouse - Climate Change	No	
Stitch Kitchen Swap Shop	Total:	\$104,341.24

- [7] Total funds allocated this round came to \$117,426.22. Although the fund was over-subscribed, not all applications met the ECO Fund criteria or provided sufficient information. Due to this, the Decision Panel chose not to allocate all funds available, with the balance of \$7,573.78 to be carried over to the March 2020 round.
- [8] To prevent a similar situation happening in the future, Communications and Engagement staff will look at ways to better encourage people to contact us prior to putting in an application, to check that their project meets the criteria. Similar to past ECO Fund rounds, all unsuccessful applicants will be written to with feedback on their application and our decision to decline it.
- [9] Communications staff will continue to work with the Rural Liaison team to promote the ECO Fund across Otago and will also review how the fund is promoted, to ensure we are targeting the correct audiences. We will also look at providing an exemplar of a completed application form on the ECO Fund website to help applicants who would like information above and beyond the descriptions included in the application forms.

NEXT STEPS

- [10] When advising applicants of their project's funding success, we will ask them to let us know of any project-related events/activities/site visits that are appropriate for ORC Councillors or staff to attend and will facilitate this to happen.
- [11] The communications team will continue to promote projects funded by the ECO Fund and, as approved in the July 2018 ECO Fund review, will organise for ORC to host functions for Councillors and successful applicants in Dunedin and Cromwell mid-2020.

ATTACHMENTS

Nil

9.4. S24A Resource Management Act Investigation: Follow up to Extraordinary Council Meeting 27 November 2019

Prepared for: Council
Report No. GOV1878
Activity: Governance Report
Author: Peter Constantine, Consultant Planner
Endorsed by: Sarah Gardner, Chief Executive
Date: 5 December 2019

PURPOSE

- [1] To receive for consideration, follow up information requested at the Extraordinary Council Meeting on 27 November 2019 on the S24A Resource Management Act 1991 investigation, including
- a. A proposed formal response from the Otago Regional Council to Minister for the Environment, Hon David Parker regarding his recommendations under the S24A Resource Management Act 1991 investigation;
 - b. A Community Engagement Plan for the subsequent Water Permits Plan Change;
 - c. Information on the workshop to be held on 7 January 2020 on the Water Permits Plan Change.

EXECUTIVE SUMMARY

- [2] Minister for the Environment, Hon David Parker in his letter of 18 November 2019 to the Otago Regional Council requested a formal response to his recommendations by 24 December 2019. At its Extraordinary Meeting on 27 November 2019, Council requested staff prepare a formal response for consideration. A draft letter to Minister Parker is attached for consideration, outlining how the Otago Regional Council intends to achieve the planning framework changes required.
- [3] Councillors requested a Community Engagement Plan for the Water Permits Plan Change, this is attached for noting.
- [4] Councillors requested further information on the proposed Water Permits Plan change workshop, due to be held on 7 January 2020. This is discussed below.

RECOMMENDATION

That the Council:

- 1) **Receives** this report.
- 2) **Approves** the draft letter to Minister for the Environment, Hon David Parker, with or without amendments.
- 3) **Agrees** the letter will be signed out by Council Chairperson, Councillor Marian Hobbs.
- 4) **Notes** six monthly reports from the Otago Regional Council to Minister Parker are required until the end of 2025. The next report is due by 30 April 2020.

- 5) **Notes** the attached Community Engagement Plan for the Water Permits Plan change.
- 6) **Agrees** that a workshop on the Water Permits Plan change be scheduled for 7 January 2020.
- 7) **Agrees that** this workshop should be Councillor and staff only.

BACKGROUND

- [5] Minister Parker wrote to the Council on 18 November 2019, setting out his recommendations made under section 24A of the Resource Management Act 1991. Minister Parker requested a formal response from the Otago Regional Council to his recommendations by 24 December 2019.
- [6] At an Extraordinary Council Meeting on 27 November 2019, Councillors requested a Community Engagement Plan for the Water Permits Plan change, and further information on the workshop proposed for 7 January 2020.

ISSUE

- [7] A draft letter of response is attached for consideration. A Community Engagement Plan is attached for noting. Further information on the workshop proposed for 7 January 2020 is provided below.

DISCUSSION

Workshop on 7 January 2020

- [8] As signalled at the Extraordinary Council Meeting on 27 November 2019, to meet the tight timeframes of the Water Permits Plan Change it is proposed a workshop be scheduled for 7 January 2020, from 10am-12pm in the Council Chambers at Philip Laing House.
- [9] Council requested advice regarding holding the workshop in public. For completeness, we have included both risks and opportunities associated with holding the workshop in public. On balance, we recommend that this workshop be Councillor and staff only, given the community has opportunities to input into the plan making process through the Community Engagement Plan.
- [10] In a Councillor and staff only session, staff will be able to speak frankly on the planning risks in the various plan change options. This will mean that Councillors will be fully informed on all of the planning and consenting implications associated with the different plan change options. If the session was in public, staff would need to be mindful of identifying risks that could be used in subsequent submissions opposing the final option adopted by Council.
- [11] Similarly, the Council's legal advisors will be able to speak openly of the legal risks with the various plan change options. This will mean that the Councillors will be fully briefed on legal risks associated with the different options. If all the legal risks were fully discussed in public, then it could provide members of the public (and interested parties) insight into the legal risks that could be later used in submissions and any subsequent legal challenge. In addition, if legal advice on the plan change options was provided in public then the Council would waive legal privilege over that advice.

- [12] A public workshop on the plan change options may also prompt perverse and unanticipated outcomes prior to any plan change being notified. This is because the timing of notification will be discussed at the workshop.
- [13] Given the short timeframes involved with this plan change, the workshop could be used as an additional way for the public to engage in the process. However, we are already providing an opportunity for the public to input into the plan changes through the online consultation currently underway.

Resources

- [14] A discussion about resourcing this and other work for the water programme will be had as part of the Annual Plan discussions.

OPTIONS

- [15] A draft letter of response to Minister Parker is attached for consideration.
- [16] A Community Engagement Plan is attached for noting.
- [17] The Plan Change workshop on 7 January 2020 could be held as Councillor and staff only or made public.

CONSIDERATIONS

Policy Considerations

- [18] Not applicable.

Financial Considerations

- [19] Not applicable.

Significance and Engagement

- [20] Not applicable.

Legislative Considerations

- [21] Not applicable.

Risk Considerations

- [22] Holding the workshop in public does present some risks, as discussed in paragraphs 12-14.

NEXT STEPS

- [23] The next steps are once the letter is agreed, it will be signed and sent to Minister Parker. Six monthly update reports will then be prepared for the Minister until the end of 2025. The Community Engagement Plan is already in operation. The workshop arrangements will be finalised for the 7 January 2020.

ATTACHMENTS

1. s 24 A Report to the Minister DRAFT [9.4.1 - 4 pages]
2. Communications plan - water permits plan change final external v 2 [9.4.2 - 7 pages]

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

12 December 2019

Dear Minister

Investigation of Freshwater Management and Allocation Functions at Otago Regional Council under S24A of the Resource Management Act 1991: Otago Regional Council Response to Recommendations

The Otago Regional Council welcomes and accepts the position laid out in your letter of 18 November 2019, which was informed through the investigation by Professor Skelton. We acknowledge the legacy issues in our planning framework and note the Otago Regional Council has made a lot of changes in the last 18 months as an organisation. We are focused on the future and the new governance team is committed to sorting these issues out.

In your letter, you requested by 24 December 2019, a formal response to your recommendations, including an outline of how the Otago Regional Council intends to achieve the planning framework changes.

On 27 November 2019, Council convened an extraordinary meeting, and unanimously agreed to a work plan (Appendix 1) to meet the recommendations laid out in your letter. We provide further detail below.

Recommendation 1: Take all necessary steps to develop a fit for purpose freshwater management planning regime that gives effect to the relevant national instruments and sets a coherent framework for assessing all water consent applications, including those that are to replace any deemed permits

The Otago Regional Council, at its meeting on 31 October 2018, agreed to a full review of its Water Plan. This work is progressing, and a more detailed timeframe is outlined under Recommendation 2 below.

At the extraordinary Council meeting, we agreed to a review of the Regional Policy Statement for Otago to be notified by November 2020. Further detail is also outlined under Recommendation 2 below.

Other changes to our freshwater management planning regime that are being progressed include the following:

Plan Change 6AA & Omnibus Plan Change

Plan change 6AA defers the implementation of some water quality provisions in the Otago Regional Council's existing Water Plan. The Omnibus plan change will introduce into the Water Plan a suite of provisions designed to immediately remedy the deficiencies in the Water Plan in respect of water quality management and to achieve water quality improvement outcomes. They are a substitute for

the existing provisions that have been found wanting. The Omnibus plan change is to be notified by 31 March 2020.

Plan Change 6AA has already been notified, a number of submissions have been filed and an Independent Hearing Commissioner has been appointed to hear the plan change. The hearing has been set down for 18 – 20 December 2019.

Recommendation 2: Develop and adopt a programme of work to achieve the following:

- **By November 2020, a complete review of the current RPS that is publicly notified, with the intention that it be made operative before the review of the LWRP is notified**

At its extraordinary meeting, Council agreed to a review of the Regional Policy Statement for Otago, to make it compliant with all current national directions in line with the timeframes you have outlined.

As noted by Professor Skelton, our ability to achieve the programme set out in your recommendations is dependent on a 'single hearing' pathway being available to Council (e.g. direct referral to the Environment Court or Board of Inquiry, or access to freshwater hearing panel or similar). We will need your assistance with this.

ORC will be endeavouring to draft a new Regional Policy Statement to include content from proposed National Direction. However, a rapidly evolving landscape does provide some risk. At this stage, we are aware of, and have submitted on the proposed National Policy Statement for Highly Productive Land, the proposed National Policy Statement for Urban Development and the proposed National Policy Statement Freshwater Management 2019. We also note the recent release of the National Policy Statement on Indigenous Biodiversity. The more certainty Otago Regional Council is able to have around content of the national direction to ensure appropriate Regional Policy Statement provisions can be drafted, the better.

- **By December 2023, a new LWRP for Otago that includes region-wide objectives, strategic policies, region-wide activity policies, and provisions for each Freshwater Management Unit, covering all the catchments within the region**

Council agreed to a full Water Plan review on 31 October 2018. As part of that process, Council adopted five Freshwater Management Units (FMUs) for the Otago Region in April 2019 - Clutha Mata-au, Taieri, North Otago, Dunedin Coastal and Catlins - as well as five sub-units or "rohe". Currently, a staged approach to FMU and rohe value and objective setting is underway. Each rohe or Freshwater Management Unit will be a "chapter" of the new Water Plan. The next focus for each Freshwater Management Unit and rohe community will be to meet and agree on local values that sit alongside national values for human and ecological health; these will inform setting objectives and water quality and quantity limits.

The Council agreed to notify this Land and Water Regional Plan by December 2023. This accords with the recommendation and the timeline indicated in the Resource Management Amendment Bill.

Council agreed that the "MAC Catchments" – Manuherekia, Arrow and Cardrona – will proceed with an expanded work programme under the Water Plan review, but that the resultant plan provisions will be inserted directly into the reviewed Land and Water Plan rather than the subject of a separate plan change in 2020, as was originally intended. This will allow a process that is more efficient in terms of community engagement, resources required, and planning outcome and will achieve compliance with all relevant national direction.

Recommendation 3: Prepare a plan change by 31 March 2020 that will provide an adequate interim planning and consenting framework to manage freshwater up until the time that new discharge and allocation limits are set in ORC's planning framework, in line with the requirements in the National Policy Statement for Freshwater Management

At the extraordinary meeting, Council agreed to prepare and notify by 31 March 2020 a plan change to be called the Water Permits Plan Change, that will provide an adequate interim planning and consenting framework to manage freshwater up until the Otago Regional Council's Water Plan becomes operative. The focus of this plan change is to be the processing of applications for water permits (including those to replace deemed permits).

Council agreed a number of key principles that should inform this work:

- a. The focus must remain on the bigger picture – the Water Plan review – the Water Permit plan change should be as concise as required to achieve a fit for purpose management regime.
- b. Water allocation should be based on existing water use not paper allocation.
- c. Consideration of potential impacts on existing water abstractors, and existing priorities in deemed permits.
- d. Efficiency of time and cost for both Council applicants and other parties.
- e. Opportunities for data gathering that will inform the Water Plan review should be pursued.

Council intends to meet on 7 January 2020 to discuss the content of the draft plan change and is aiming to notify in advance of your March deadline. Facilitating community engagement with this plan making process will be essential but will be tailored such that it allows Council to achieve the recommended timeframes.

Resourcing

Within current budget resourcing levels have been increasing in science, policy, consents and compliance. Council is looking at further resourcing needs with forecasts for this financial year and next providing for further staff increases in critical areas.

Further reporting

As requested, we will provide you with six monthly updates until the end of 2025, the first to be submitted by 30 April 2020 covering

- Progress made in developing science, planning, consenting, monitoring and enforcement and land management organisational capability and capacity
- Progress in achieving your recommendations 1, 2 and 3
- A summary of freshwater resource consenting activity for the reporting period.

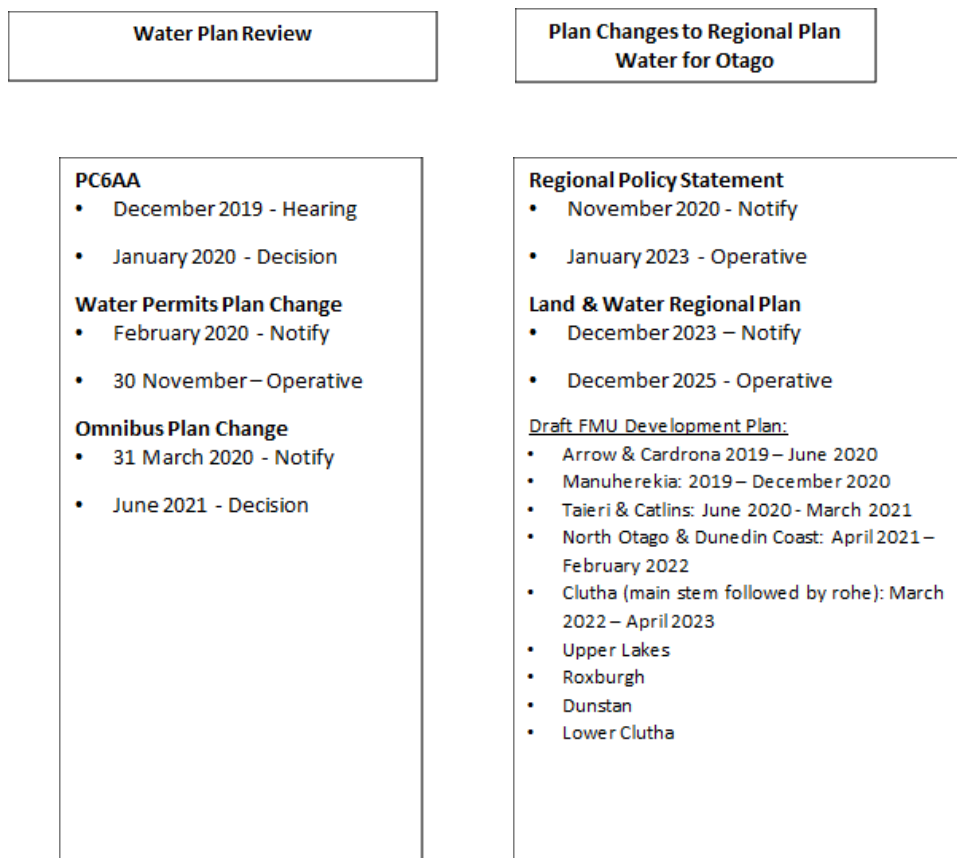
In conclusion, I welcome the clear framework you have set for us. The Otago Regional Council has a lot of work ahead of it. We are committed to continue working with the community every step of the way.

Your sincerely,

Hon Marian Hobbs
Chairperson, Otago Regional Council

Appendix 1

Preparation of Fit for Purpose Planning Regime for Otago Overall Timeline





COMMUNICATIONS AND ENGAGEMENT PLAN

Water permits plan change

Created on: 3 December 2019

Updated on: 5 December 2019

Background

ORC is preparing a plan change to meet the following recommendation from Minister Parker:

- For ORC to prepare a plan change by 31 March 2020 that provides an interim framework with short term consent provisions to manage freshwater until new discharge and allocation limits are set in line with the National Policy Statement for Freshwater Management.

Note: Minister Parker's other recommendations around ORC's water policy framework are included in an additional communications plan.

Objective

- To inform key stakeholders and the wider community about how ORC is going to approach the replacement of expiring deemed permits while the "bigger picture" planning framework is being developed.
- To ensure key stakeholders and the wider community have input into the proposed water permits plan change.

Audience

- Deemed permit holders and water permits users
- Iwi partner (Kai Tahu)
- Minister Parker and Ministry for the Environment
- Statutory stakeholders, including Fish & Game and DOC
- Territorial authorities: QLDC, CODC, SODC, DCC, WDC
- Catchment groups
- Industry organisations
- ORC staff and councillors
- Otago's rural community
- The wider Otago community

Note: The Schedule 1 process for plan making under the RMA requires consultation with the Minister for the Environment, other relevant ministers of the Crown, local authorities in the region and tangata whenua through iwi authorities. We may then determine anyone else to be consulted.

Purpose

- To provide stakeholders and the wider community with opportunities to have input on the scope and content of the proposed Water Permits plan change, through both formal engagement required by the Resource Management Act and through other options, such as feedback online.
- To indicate to stakeholders and the community the time constraints this plan change is being prepared under and to place the plan change in the wider context of the planning framework reforms being undertaken by ORC.
- To undertake good engagement early in the process to reduce the number of submissions made at notification stage, and therefore streamline the planning process.

Key messages

- The outcomes of an investigation initiated by Minister for the Environment David Parker were received by ORC on 18 November 2019, and the key finding was that the Otago region does not have a fit-for-purpose planning framework in place.
- There were three recommendations for creating this planning framework:
 1. That ORC develops a fit-for-purpose freshwater planning framework to assess all water consent applications, including those to replace deemed permits before they expire.
 2. Develop a work programme to achieve the following:
 - For ORC to notify a new Regional Policy Statement (RPS) by November 2020, to be operative by 1 April 2022
 - For ORC to notify a new Land and Water Regional Plan (LWRP) by 31 December 2023, to be operative by 31 December 2025.
 3. For ORC to prepare a plan change by 31 March 2020 that provides an interim framework to manage freshwater until new discharge and allocation limits are set in line with the National Policy Statement for Freshwater Management.
- To enable ORC to have a new planning framework in place, Minister Parker has recommended we develop a Water Permits Plan Change to provide an adequate planning and consenting framework to manage freshwater until new flow and allocation limits are set in ORC's planning framework.
- The proposed plan change will provide short-term water permits as an interim measure while the new, more long-term and "bigger picture" Regional Policy Statement and the Land and Water plan are being developed. A long-term approach to water management will be part of future work on a new RPS and LWRP, where we expect affected parties will put their focus.
- The community can give their input into the proposed Water Permits Plan Change online prior to Christmas 2019. Once the plan is notified early 2020, the public has a further opportunity to be involved through the submission process.
- ORC will also consult with iwi, district councils and other key stakeholders as required under the Resource Management Act.
- To be compliant with the NPS-FM, when assessing water allocation, ORC will need to firstly be mindful of the river and what it needs. Then we will consider how much is being taken.
- ORC acknowledges that some deemed permit holders have already lodged their application for a new water permit. These will be considered under the existing Water Plan. Provision in the new Land and Water Plan will only be considered once it has been notified.
- The key principles behind the plan change are:

1. The focus must remain on the bigger picture – the Water Plan review – the Water Permit plan change should be as concise as required to achieve a fit for purpose management regime.
2. Water allocation should be based on water use not paper allocation.
3. Consideration of potential impacts on existing water abstractors, and existing priorities in deemed permits.
4. Efficiency of time and cost for both Council applicants and other parties.
5. Opportunities for data gathering that will inform the Water Plan review should be pursued.

Tactics/approach

Due to the short timeframes in which ORC has been asked to notify this plan change, the communication tactics and approach are focussed on targeted communications with those who we are statutorily required to consult with and key stakeholders, as well as online consultation to reach anyone else who may wish to have input while the proposed plan is being developed, and then a more formal consultation process through submissions after the plan change is notified.

The tactics below will be balanced by a new “friend of the submitter” role (commencing after the 7 January workshop for Councillors), who will be a dedicated resource available to answer questions of process, to advise on the overall programme of work for ORC and how this plan fits into it, and how to make a submission. This person will also provide updates to ORC councillors on matters arising in their constituencies and will assist them with any engagement they wish to have.

Channel
ORC website/Good Water in Otago website <ul style="list-style-type: none"> - Information will be kept up to date, with links to web pages with online promotion - A Q&A will be included on the website - Information about making a submission will be added after the proposed plan change is notified.
YourSay <ul style="list-style-type: none"> - Online consultation on the proposed Water Permits Plan Change online prior to Christmas 2019
Social media <ul style="list-style-type: none"> - Boosted Facebook campaign to encourage people to take part in the proposed Water Permits Plan Change online consultation.
Media Release <ul style="list-style-type: none"> - Media release to promote the consultation and encourage people to give input. - Media release that the proposed plan has been notified and how the public can make a submission.
Advertising <ul style="list-style-type: none"> - Public notices as per standard RMA process for making submissions on the notified plan change in February 2020.
Councillor involvement

<ul style="list-style-type: none"> - Q&A sheet to be used by councillors on their radio spots, blogs, and other direct contact/meetings with their constituents
<p>On-Stream</p> <ul style="list-style-type: none"> - Link to online consultation about proposed Water Permits Plan Change in a special edition - Note: Heads-up article already included in November edition - February/March editions will encourage the public to make submissions on the notified proposed plan change.
<p>Direct emails/meetings</p> <ul style="list-style-type: none"> - Direct contact with key stakeholders as required under the Resource Management Act (see Appendix). - Email direct to deemed permit holders explaining next steps and about the Water Permits Plan Change. Include note to keep an eye out for link to consultation. - Email to update people who have taken part in MAC consultations. - Email to industry and catchment groups to ask them to promote the online consultation.
<p>Internal comms (staff, exec, councillors)</p> <ul style="list-style-type: none"> - Media release and Q&A shared with Councillors and staff

Timeline/activity calendar

Complete	Initial conversations with key stakeholders (see Appendix)
Pre-Christmas	YourSay online and promoted for input into the plan change
	Meet with relevant resource management consultants
7 January 2020	Councillor workshop
13-24 January 2020	Clause 3 First Schedule Consultation: <ul style="list-style-type: none"> • Ministry for the Environment, Ministry for Conservation, Ministry for MPI, Ministry for Economic Development, • CODC, CDC, QLDC, DCC, WDC • Tangata whenua through Iwi authorities: Nga Runanga: Te Runanga o Otakou, Kati Huirapa ki Puketeraki, Te Runanga o Moeraki and Hokonui Runanga), Te Runanga o Ngai Tahu
3-10 February 2020	Clause 4A First Schedule Consultation: Tangata whenua through Iwi authorities: Nga Runanga: Te Runanga o Otakou, Kati Huirapa ki Puketeraki, Te Runanga o Moeraki and Hokonui Runanga), Te Runanga o Ngai Tahu
26 February 2020	Council approval to notify plan change
29 February 2020	Plan change notified and submissions invited
Approx. early April 2020	Submissions close
Approx. mid May 2020	Further submissions close
Approx. mid July 2020	Hearing
Approx. mid Sept 2020	Decision
	Appeals
	Water Permits Plan Change is made operative

Risks

The timing of the consultation just prior to Christmas.

- Mitigation: targeted online consultation

Budget

\$4,000 for communications and engagement

Measurement/review

- Views of the media release and Q&A page on the ORC website and the GWIO site
- Uptake of the media release by newspapers/radio
- Shares and comments on Facebook posts (media release post and the Q&A post)
- Clicks on On-Stream articles
- Number of people taking part in the online consultation

APPENDIX

**S24A RMA Investigation – Minister Parker response
ORC Stakeholder Engagement 19-21st November**

Stakeholder	Method of contact	Who
LGNZ Chief Executive, Malcolm Alexander	Phoned and email	Sarah Gardner
Iwi, Edward Ellison	Phoned and email	Sarah Gardner
Mayor CODC, Tim Cadogan	Face to face	Marian Hobbs
Catchment groups (with request to share with members)	Geoff Crutchley – phoned and email	Sarah Gardner Face to face with Andrew Newman later in week
Forest and Bird	Sue Maturin – phoned and email	Amanda Vercoe
Fish and Game	Ian Hadland – phoned and email	Sarah Gardner
Central Otago District Council	Sanchia Jacobs – phoned	Sarah Gardner
Queenstown Lakes District Council	Mike Theelen, - phoned	Sarah Gardner
Graham Martin	Phoned/face to face	Andrew Newman

Emails

Otago TA Chief Executives	Emailed	Sarah Gardner
Deemed Permit Holders	Emailed list with Regulatory	Richard Saunders
ORC Staff	Emailed	Sarah Gardner
On-Stream (687 subscribers)	Emailed	Lucy Summers

Face to Face

Manuherekia Reference Group Chair (with request to share with members)	Alec Neill – MRG meeting 19 November	Marian Hobbs/Gwyneth
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		Elsam/Andrew Newman
Technical Advisory Group (with request to share with members)	Face to face	Andrew Newman
Irrigators/Consultants group	Face to face	Andrew Newman
Mandy Bell (at the request of Marian/Sar)		Andrew Newman

Media Coverage

ORC-led:

<https://www.orc.govt.nz/news-and-events/news-and-media-releases/2019/november/regional-council-chair-accepts-ministerial-direction>

Print cover (from 21 – 27 November 2019):

<http://readnow.isentia.com/ReadNow.aspx?EOPIgTy2OTh2>

<http://readnow.isentia.com/ReadNow.aspx?EORj1fy2OXJJ>

<http://readnow.isentia.com/ReadNow.aspx?EOb1KOy2OkDE>

10.1. Consent Processing under operative and notified plans

Prepared for: Council Meeting
Report No. GOV1876
Activity: Regulatory: Consents and Compliance
Author: Joanna Gilroy, Manager Consents
Endorsed by: Richard Saunders, General Manager Regulatory
Date: 4 December 2019

PURPOSE

- [1] To provide an explanation of the consent process and how an application for a water permit relating to a deemed permit is processed in advance of any notified plan change.

EXECUTIVE SUMMARY

- [2] Findings of a Ministerial investigation into Councils ability to adequately perform its function under section 30(1) of the RMA included a recommendation to notify a plan change to address remaining deemed permits and water permits.
- [3] Until a plan change is notified a consent application for a water permit will be considered under the rules, objectives and policies of the Regional Water Plan for Otago and will follow the consent process set out by the Resource Management Act 1991. This process is outlined below.
- [4] When processing an application for a water permit there are several factors that need to be assessed. These factors are driven by the Regional Water Plan. There are issues with this planning framework that impact multiple parties.

RECOMMENDATION

That the Council:

- 1) Notes the content of this report**

BACKGROUND

- [5] There are still 356 deemed permits from a total of around 754 at the inception of the Resource Management Act, that are still to be addressed through the permit process. Of the remaining 356, 60 are currently lodged with ORC for processing. It is noted that a small percentage of the remaining 296 will not be required by the permit holder and no application will be forthcoming.
- [6] In addition to the remaining deemed permits there are an additional 152 consents for surface water takes expiring between 2019 and 2021. Between 2022 and 2026 there are a further 133 consents for surface water takes expiring.
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- [7] Resourcing for the consents team was examined in the 2019 external Consents Function Review. Recommendations were made that additional staff were hired to meet increasing workloads. Since then two contracts for the processing of consent applications including those relating to deemed permits have been set up. Both firms will give priority to ORC work. The combination of internal ORC staff and contractual arrangements with external providers provides adequate resources to process the applications being received.
- [8] Processing water permits requires assistance from other units within the Council, in particular the Science Team. Discussions with the relevant teams is ongoing to ensure ORC is appropriately resourced to process water permits.
- [9] By letter dated 16 May 2019, Minister Parker, in accordance with his powers under section 24A of the RMA, engaged Honorary Professor Peter Skelton to investigate whether the Otago Regional Council is on track to adequately perform its functions under section 30(1) of the RMA, in relation to freshwater management and allocation of resources.
- [10] Minister Parker wrote to the Council on 18 November 2019, setting out his recommendations (made under section 24A of the RMA) comprising one key finding, three recommendations and a request. The finding was that the Otago region does not have a fit for purpose planning framework in place.
- [11] A key comment from the report is that the current Water Plan does not contain an adequate framework for assessing applications for new water permits in a number of catchments, and more particularly, those applications to replace deemed permits. The problems with this framework cause issues for applicants, stakeholders and Council when considering resource consent applications.
- [12] At the 27 November Council meeting a report was requested from staff explaining how consent applications lodged prior to the notification of the Water Permit Plan Change will be processed.

DISCUSSION

The consent process

- [13] Processing of all resource consent applications is undertaken in accordance with the Resource Management Act (1991) (the RMA). This process relies on planning framework developed by each Regional Council. In Otago and in relation to water permits this is largely through the Regional Plan Water for Otago (the RPW). The RPW sets out rules, objectives and policies for the management of activities relating to freshwater.
 - [14] Part 6 of the Resource Management Act 1991 sets out how consent applications are processed. The typical consent process is outlined below. A process map for this is attached as Appendix 1.
 - [15] An application for a consent will be prepared by an Applicant and lodged with Council. This application needs to include any application forms that have been developed by
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Council or be in the prescribed form¹. The application must include all information as outlined in the fourth Schedule of the RMA. The consents officer will first decide if the application is complete and if it can be accepted for processing². In deciding whether an application is complete, the Consents Officer will consider the application lodged against the matters outlined in the fourth Schedule of the RMA as well as the provisions of Council plans. If an application is not complete, the application is returned along with an explanation of the reasons for its return.

- [16] If an application is accepted, but there is some information lacking to make a full assessment, the applicant will be asked to provide further information³ [Section](#). Once the information has been provided the application proceeds to the decision on notification. This is whether or not it should be publicly notified, limited notified or non-notified⁴ [Section](#). Section 95A and 95B sets out steps that must be followed when making a decision on notification.
- [17] In most cases the decision is either to limited notify the application to affected persons, or not to notify where there are no affected persons, or the applicant has obtained the written approvals of those affected persons⁵ [In accordance with Section 95E](#). If the decision is to limited notify, the application is notified to affected persons who are provided an opportunity to submit. Depending on the nature of submissions a hearing may be required. Applicants will often endeavour to obtain the written approvals of affected persons to avoid notification and the potential hearing requirement.
- [18] If a hearing is required, the decision on the application is made by an appointed hearing panel. ORC staff will make a recommendation to approve or decline the consent which is considered by the panel (not a staff decision)⁶. When making this recommendation staff consider the actual and potential effects of the activity; and the application against the purpose and principles of the RMA, relevant objectives and policies in the Regional Plans, Policy Statements, National Policy Statements and any other matters relevant to the activity. If no hearing is required staff decide the application under delegation.
- [19] Consent decisions are subject to appeal and objection. This can happen if applicants disagree with the decision or parts of the decision. An appeal can also be lodged by submitters. Appeals from either the applicant or affected parties are a risk associated with the consent process.

Processing an application for a water permit now until notification of the water permit plan change

- [20] Any new application that is lodged and has a decision made on it between now and February 2020 when we plan to notify a plan change on water permits, will be considered against the provisions in the RPW as they currently are. The same applies for any application that is currently in the system where a decision is made before the plan change is notified.

¹ Section 9 of Resource Management (Forms, Fees and Procedure) Regulations 2003

²Section 88 of the RMA

³ Section 92(1) of the RMA

⁴ Section 95A and 95B of the RMA

⁵ In accordance with Section 95E(3) a person is not affected where they have provided written approval

⁶ Prepared in accordance with Section 22A of the RMA

- [21] The information that needs to be provided in an application for new water permits applied for now is included in Appendix 2, which includes our current application form. This application form is on our website. The s88 lodgement checklist is a staff tool but will also now be available on the website. These forms will be updated as required to respond to any future plan changes.
- [22] The rules that apply to these applications are typically Rule 12.1.4.4; Rule 12.1.4.4 and Ruel 12.1.4.8.^[7] The rules outline the activity status i.e. discretionary etc. and relate to the level of risk associated with the activity. Water Permit applications will either be restricted discretionary where points listed in the rule are the extent of what is controlled by the rule (the list restricts our assessment) or a discretionary activity where we are not limited as to matters that we might impose conditions on or consider.
- [23] When a staff member is processing an application, they follow the steps outlined above in paragraphs 14-18 and they need to consider. ^[8]:
- a. Whether the take in a catchment/sub catchment listed in Schedule 2A of the RPW. If so, this means Rule 12.1.4.4 applies and if not then Rule 12.1.4.5 applies. This makes a difference as it determines what staff consider and what the primary allocation of the waterbody is.
 - b. The past five years of historic use data from Applicant. This data is used when considering what volume of water, they may be given consent to take.
 - c. Whether the requested volume of water is an efficient volume of water to be used for the intended purpose.
 - d. What the effects of the activity are likely to be on the environment and on any affected parties. For example, are there any adverse effects on Kai Tahu Values or indigenous fish values.
 - e. Input from technical experts such as the Science Team and Consents Systems and Administration Team to determine technical matters like residual flow or minimum flow to put on the consent conditions.
 - f. The policy on consent duration that is included in the current plan. This is Policy 6.4.19. This policy allows for granting consent durations for longer periods of time, if the value of investment is demonstrated, and subject to the matters considered above.
- [24] The notification stage is a key decision in the process for a water permit application. This is where the level of public involvement is decided. Rule 12.1.4.8(a) and (b) which applies to most water permit applications sets out certain situations where Council is not able to publicly notify a water permit (unless special circumstances exist). For the purposes of the notification assessment, applications for the take of water in Schedule 2A catchments (which have a minimum flow set in the RPW) cannot be publicly notified.
- [25] Most applications already in our system for water permits (relating to a deemed permit) are 'on hold' while the applicant is consulting with affected parties with the intent of securing their written approval. Others have followed the limited notification pathway where affected parties can make submissions and a hearing may be required.

⁷ Other rules may apply

⁸ This is not an exhaustive list, but contains the main factors that need to be examined

- [26] If an application is limited notified, we will typically hold a pre-hearing where the issues with the application raised by submitters are recorded, narrowed down or fully addressed. If submissions are not withdrawn, then Council will proceed to a hearing. This is where all parties, including Council, prepare evidence and present it to a hearing panel. A hearing panel is made up of certified decision makers.
- [27] If a water permit is granted, it is subject to a number of conditions of consent. The conditions may be a combination of those proposed by the applicant, those adopted to meet the requests of the stakeholders and agreed by the applicant and those the Council considered need to be added to the permit. These conditions may relate to matters such as:
- Minimum flow
 - Residual flow (if necessary)
 - Volume – litres per sec, per month and per annum
 - Fish screening
 - Provision for native fish
 - Monitoring
 - Review
- [28] In addition to the conditions that the water permit is subject to, it also has a set duration. How long a permit is granted for is decided on a case by case basis. When deciding on a specific duration we need to decide what term is appropriate by looking at the policies in the relevant plans, the effects of the activity, the sensitivity of the environment and factors from case law. It is not a one size fits all approach, but there may be similarities between applications that mean similar durations are appropriate.
- [29] The order for any assessment of duration by a Consents Officer as it relates to a water permit is:
- a. Considering each of the matters set out in Policy 6.4.19 which provides guidance on how long a water permit should be granted for.
 - b. Other matters relevant to the duration of the consent such as:
 - I. Does the duration of the consent meet the RMA's purpose of sustainable management? The duration of a resource consent should be decided in a manner which meets the RMA's purpose of sustainable management.
 - II. Investment of the Applicant.
 - c. Policy direction listed in the relevant Iwi Management Plans. These policies and plans are considered as another matter under section 104(1)(c) of the RMA.
 - d. Factors from case law.
- [30] All of the above is done within the context of the RWP for Otago. Issues with the current framework provided under the RPW from a consent processing point of view are:
- a. The plan is not giving effect to the National Policy Statement on Freshwater Management. This means limited weight can be given to our planning framework and we then need to rely on higher documents such as the RPS and NPS.
 - b. There is no method within the plan to determine efficient use of water and Policy 6.4.0A requires that the quantity of water granted is no more than required for the purpose.
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- c. Our 'sinking lid' policy relies upon Policy 6.4.2A which states that no more water should be granted than what has taken in at least the preceding five years except in the case of seasonal extremes.
- d. The primary allocation is outlined in Policy 6.4.2 and is the greater of either: the limit that has been specified or calculated under Schedule 2A; or the full rate of take that has been lawfully consented. This is a confusing system and results in the limits set in Schedule 2A to be a target/numeric threshold as opposed to the limit.
- e. The plan sets an allocation and minimum flow for some, but not all catchments that contain deemed permits. Such catchments/sub-catchments are listed in Schedule 2A of the RPW. For example, part of the Manuherikia catchment is allocated via Schedule 2A, but not all of that catchment.
- f. Two different key rules (Rules 12.1.4.4 and 12.1.4.5) apply to applications for the take of water in replacement of a deemed permit, depending on whether the take is from a catchment that is listed in Schedule 2A, or not.
- g. The natural and human use (including cultural) values associated with lakes and rivers throughout the Otago region are documented in Schedule 1 of the RPW. Schedule 1 was inserted in the plan when it was first developed and has not been updated since. This results in values that must be considered in an application to be out of date and in some cases irrelevant. This can also result in other values not being sufficiently provided for under the planning framework.

Processing an application for a water permit after notification of the water permit plan change

If an application is still in the system awaiting a decision when the plan change is notified, then it is considered under the objectives and policies of both plans. The key matter for consideration will be how much 'weight' is given to the objectives and policies in the new plan.

- [31] The content of this plan change and how it relates to existing applications is a matter that is yet to be considered by Council so the implications for applications are unknown. If new policy direction is provided about consent duration, then this policy may need to be applied to the existing applications. [\[9 Direction around how to do this is provided from the](#)

Previous water permit applications

- [32] How much a consent costs to process is a function of the quality of the application, how much work a staff member has to do on it when they write their reports, the scale of the activity, the complexity of the receiving environment and traversing the issues associated with the current plan framework.
- [33] All costs of processing applications are fully recovered from the applicant, which has financial implications for them. This full cost recovery system has been set by Council through the Annual Plan process.
- [34] The costs from the Council for processing applications relating to deemed permits are shown in Appendix 3. The number of permits that these relate to and if the application

⁹ Direction around how to do this is provided from the Environment Court and includes, does the change leads to circumstances of injustice; do the new provisions show a significant shift in Council policy, do the new provisions accord with Part 2 of the RMA and national direction: and how far through the schedule 1 plan process the new provisions are.

was publicly notified or not is shown in this table. These are applications that have been granted since 2012.

- [35] The average processing cost across all notification types is \$4,405.59. This average excludes the costs of one application which went to the Environment Court (job number 24 in the table). As this is not the standard process for an application it has been excluded.
- [36] Only two applications that were limited notified have been invoiced, one of which went to the Environment Court. The cost for the other one was \$9,109. This reflects the added time and input required for limited notified applications.
- [37] An applicant may incur costs from hiring a consultant to prepare their application, as well as any fees associated with interacting with affected parties. Council does not keep a record of these costs, so this information is not provided.
- [38] Consents granted for the replacement of deemed permits have contained various terms. Table 1 shows the terms granted for 53 consents.

Consent Term (years)	Number of Consents Granted
3	2
5	2
6	6
7	1
25	24
30	6
35	12

Table 1: Consent Term for 53 consents relating to the replacement of deemed permits

CONSIDERATIONS

Financial Considerations

- [39] The financial implications of this item are minor as it is a paper for Council to note.

Significance and Engagement

- [40] This item does not trigger Council’s Significance Policy and for this matter public consultation is not required.
- [41] Council must follow the statutory processes for consent processing in the RMA 1991, which has triggers for public participation where applicable.

Legislative Considerations

- [42] Consent processing must occur in line with the Resource Management Act 1991 and all associated and relevant lower order planning documents.
- [43] The wider work programme of the Council as a result of a section 24 RMA recommendation from Minister Parker will occur within the constraints of the Resource Management Act 1991.

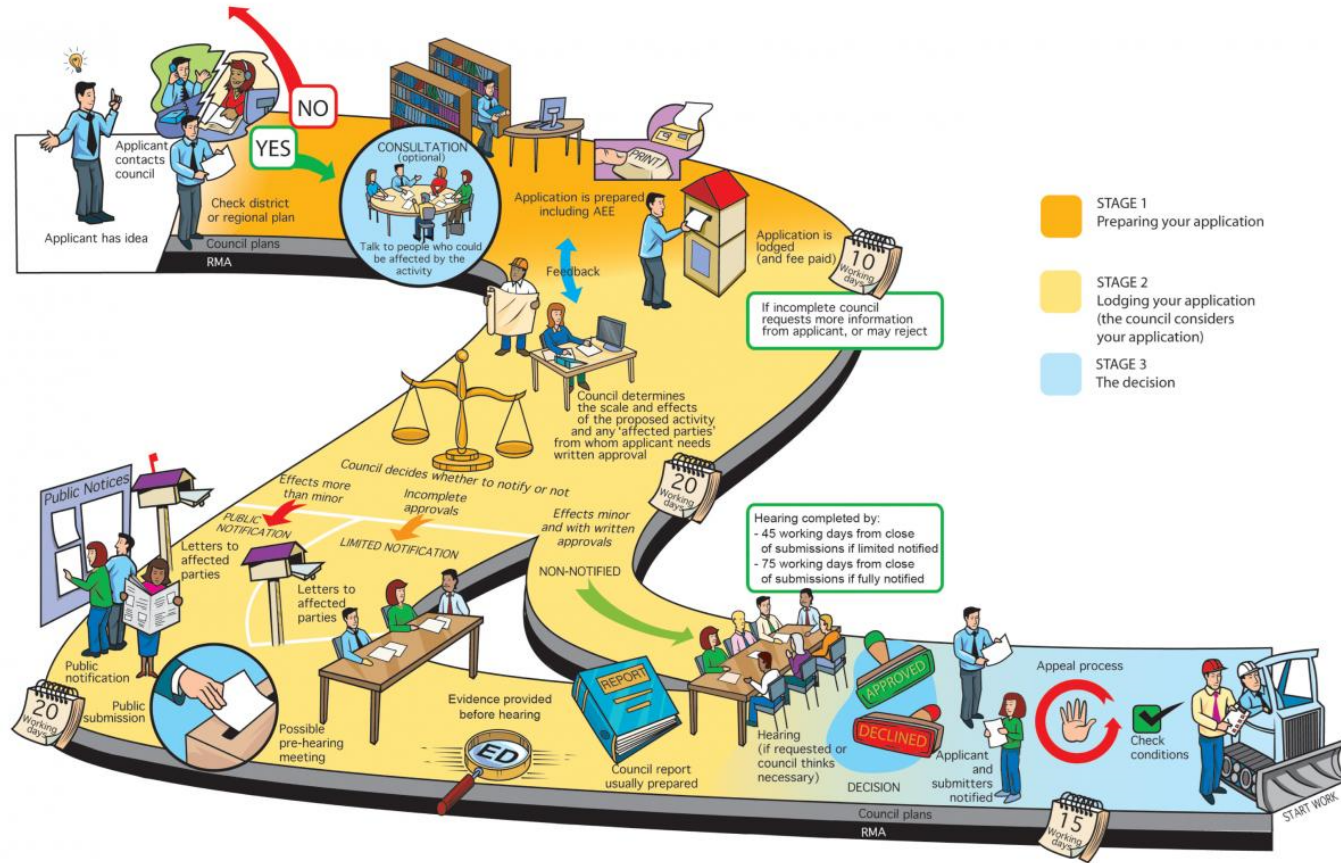
ATTACHMENTS

1. Appendix One [**10.1.1** - 2 pages]
2. Appendix Two [**10.1.2** - 16 pages]
3. Appendix three [**10.1.3** - 1 page]

Appendix 1 – Process map of the RMA¹

¹ Ministry for the Environment <https://www.mfe.govt.nz/publications/fresh-water/everyday-guide-applying-resource-consent/everyday-guide-applying-resource>

APPLYING FOR A RESOURCE CONSENT



Appendix 2 – Application form and completeness checklist



Resource Consent Application Form 4

To take and use surface water

This application is made under Section 88 of the Resource Management Act 1991.

1. Note to applicants

The purpose of this form is to provide applicants with guidance on information that is required for your application under the Resource Management Act 1991. This form acts as a guide only and Otago Regional Council reserves the right to request additional information.

Please ensure that you fully complete this form **as well as** a fully completed resource consent application form (form 1) in support of your application, **and** preparation of an **Assessment of Environmental Effects** in terms of the Fourth Schedule of the Resource Management Act 1991. Failure to do so may result in Council rejecting your application, requesting further information, or publicly notifying your application, leading to delays in the processing of your application and potential increases in processing costs.

Acceptance of your application for processing does not constitute a guarantee that water allocation is available.

2. General

2.1 This application is for (please tick any applicable box): A new

- surface water take
- An application to replace a current Water Permit
Water permit number: _____ *Expiry date:* _____
- An application to replace a Deemed Permit / Mining Privilege
Deemed permit number: _____ *Expiry date:* _____

For our future

70 Stafford St, Private Bag 1954, Dunedin 9054 | ph (03) 474 0827 or 0800 474 082 | www.orc.govt.nz

2.2 A lapse period of _____ is sought. Provide reasons in application attached.

Note: This is the timeframe within which the consent must be given effect to. The default timeframe is 5 years after the date of commencement of the consent unless stated otherwise.

2.3 A consent term of _____ is sought. Provide reasons in application attached.

Note: This is the timeframe from the date of commencement of the consent which the consent will expire.

2.4 Provide a map or coloured aerial photograph which outlines the following details (as applicable):

- The location of the existing and proposed point(s) of take and all associated infrastructure
- The location of the water measuring device(s) or system(s)
- The total property area boundary
- The area(s) to be irrigated (if relevant) by water applied for under this application
- The area of the community supply (if relevant)
- Distances to any discharge activities
- Other surface water bodies and wetlands, and distances from the point of take(s) to them
- The coastline and the distance to it (if relevant)
- The location of any dairy shed(s)
- The location of any known recreational activities, other water takes, areas of significance to iwi and areas where food is obtained from the water body.

3. Volume and rates of take applied for

3.1 Quantity and rate of take

Note: 1,000 litres = 1 cubic metre

- | | |
|----------------------------|------------------------|
| a. Maximum rate of take: | litres per second |
| b. Maximum monthly volume: | cubic metres per month |
| c. Maximum annual volume: | cubic metres per year |

*Note: Some deemed permits refer to hourly/weekly rates. Water permits are issued in litres per second, m³ per month and m³ per year. Should you wish to seek hourly or weekly rates **in addition** to those listed on the form, please provide this information including justification for any variances.*

3.2 Frequency of take

Note both the maximum and estimated average take.

	Average	Maximum
How many hours per day?		
How many days per week?		
How many weeks per month?		

3.2.1 In your application describe the timing of your take, including which months of the year you expect to take water in both an average year and a dry year, and what part of day the water take will generally occur.

3.2.2 In your application describe whether the take is from re-charge or is an augmented take, along with whether your activity provides re-charge back into the catchment.

3.3 Storage

3.3.1 Do you intend to store your water before subsequent use? Yes

No

3.3.2 If yes, what/how much storage will be provided?

m³

3.3.3 In your application outline the type of storage facilities that are proposed.

Note: You may need a building consent and/or additional resource consents for the construction of storage facilities. If the reservoir is in a water body or captures catchment runoff, you may require resource consents for damming and associated activities.

4. Point(s) of take description

4.1 What are the GPS coordinates of the point(s) you propose to take water from? *Note: if there are more than two points of take, please provide these details on a separate sheet.* Point 1: NZTM 2000

E:

N:

Point 2: NZTM 2000 E:

N:

4.2 Please provide photographs of the proposed point(s) of take

4.3 What is the name of the water body/ies from which the proposed take(s) is/are to occur?

Note: if the water body is unnamed please note this and note the water body it flows into.

4.4 If the take is from a river, stream, spring, drain or modified water body, in your application please provide a full description of the water course, including:

- The average channel width and depth at various locations including at the point of take and upstream and downstream of the point of take.
- Average flow water velocity including source of flow data and any changes to flow velocity above and below the point of take.
- Any flow gauging of the water body. A flow gauging report with photographs of the site and methodology to be attached.
- Bed of the water body at the point of take and upstream and downstream of the point of take.

Please also answer the following:

4.4.1 What type of water body will the take/s occur from?

- River
- Stream
- Modified water body
- Spring
- Drain

4.4.2 Is the water course perennial (flows all year round) or ephemeral?

- Perennial
- Ephemeral

4.5 If the take is from a lake, pond or wetland please answer the following:

- Lake
- Pond
- Wetland

4.5.1 If the take is from a wetland, is the wetland classed as a Regionally Significant Wetland identified in Schedule 9 of the Regional Plan: Water for Otago?

- Yes (list the name and provide an assessment of effects on the wetland)
- No

4.5.2 Has the wetland been formed by artificial means?

- Artificial
- Natural

4.5.3 What is the surface area of the lake/pond/wetland?

4.5.4 How deep is the lake/pond/wetland?

4.5.5 Does the lake/pond/wetland have an outlet? i.e. does water flow out of it? Yes

- No
-

4.5.6 What is the main source of water that fills the lake/pond/wetland?

- Groundwater
- Springs
- Runoff from surrounding land
- Direct rainfall
- Stream/river (list name)
- Other (provide details)

5. Historical water use

5.1 Water abstracted over at least the last 5 years

Note: if you are applying to replace an existing water permit for primary allocation, or an existing deemed permit or mining privilege you must provide evidence of the amount of water abstracted under that permit for at least the last five years.

The following usage evidence is provided in support of this application:

- Water metering records, attached to this application with historical water use summarised and assessed
- Water metering records sent to Council electronically or recorded on file by Council with historical water use summarised and assessed
- Detail on alternative water use information, attached to this application

5.2 In your application please analyse and assess the historical volumes and pattern of water use based on the water use evidence.

5.3 Provide a summary of your analysis below:

- a. Maximum rate of take: litres per second
- b. Maximum monthly volume: cubic metres per month
- c. Maximum annual volume: cubic metres per year

5.4 For which years have these rates and volumes been recorded?

6. Water use and management

6.1 For what purpose(s) will the water be used?

- Stock water and/or dairy shed use
- Irrigation (provide detail of irrigation use in your application attached)
- Community supply
- Commercial/industrial
- Other

6.2 Will the water take be managed as part of an existing water allocation committee or water management group?

- Yes (name of committee of group):
- No

6.3 If yes, have you described how the allocation committee/management group operates in your application?

- Yes
- No

6.4 In your application describe any water rationing regime that operates in the catchment.

6.5 Will the take applied for be operated in accordance with the rationing regime you have described in question 6.4?

- Yes
- No

6.6 Will you or others "re-take" water from your take (i.e. via a water race)? If yes, please provide details of such re-takes in your application.

- Yes
- No

7. Measuring and reporting

7.1 In your application describe the type of water metering system that is installed or proposed to be installed.

Note: If currently installed provide proof of installation or note below if proof has already been provided to Council.

7.2 Provide information in your application demonstrating that the installation of the measuring device or system shall be undertaken in accordance with Council guidelines.

Note: If the installation is not able to meet these guidelines, you need to fill out and attach to this application form a Non-Standard Installation Form for Water Measuring Devices, available on our website or through the environmental services unit of the Council.

Tick if completed

Tick if completing a Non-Standard Installation Form for Water Measuring Devices

7.3 Is your water measuring device or system installed or proposed to be installed at the point(s) of take?

Note: The council considers the point of take to be within a 100 metre radius of the physical take point. If your answer is No, you need to apply for a Water Measuring Exemption (WEX) by filling out Application Form 24 – Application for Exemption to use a device or system near the location from which water is taken. A fully completed Form 24 should be lodged at the same time as this application to enable dual processing.

Yes

No – complete an Application Form 24 – Application for Exemption

8. Location and Efficiency of Water Use

8.1 Provide details of point/area of use (include legal description(s) and grid references.

Yes (attached to application)

No (please outline reasons why this has not been provided)

8.2 Provide a description of any existing works/infrastructure in place, including value, in your application.

Yes (attached to application)

No (please outline reasons why this has not been provided)

8.3 Provide a description of proposed works/infrastructure to give effect to consent sought, including value of investment, in your application.

- Yes (attached to application)
 No (please outline reasons why this has not been provided)

8.4 Provide an assessment of the proposed use against the Aqualinc report for reasonable water requirements¹.

- Completed
 Not Completed (provide details of alternative assessment and justification for that)

8.5 If you propose to use water to irrigate land, please outline:

- a. How many hectares of land will be irrigated?
b. What is the soil type(s) of the land being irrigated?
c. What will you be irrigating (i.e. crop, pasture etc in ha)?
d. What is the target application rate (mm/day and mm/year)?

8.6 What type of irrigation system is proposed to be used or is currently being used?

- K-line
 Centre pivot
 Travelling irrigator
 Border-dyke/flood irrigation
 Other – provide details

8.7 Do you have any water distribution infrastructure in place (for example pipes, storage tanks, open races etc.)?

- Yes
 No

If yes, in your application please describe the type of infrastructure in place and how you intend to ensure that it is maintained in good working order (e.g. do you intend to have a

¹ "Guidelines for reasonable irrigation water requirements in the Otago Region", Aqualinc, 2017. Note that while this document provides a basis for assessing efficiency of use, other matters may be applicable.

8.9.2 How much water do you require for your dairy shed?

litres/head/day

8.9.3 If you are seeking more water for stock and/or dairy shed use than that recommended by the Council please state why this is in your application.

Note: please provide the source of any data provided. Also include details of stock water transportation if relevant.

8.10 If you propose to use water for industrial use – in your application state what type of industry will be using the water and how will the water be used.

8.11 If you propose to use water for community/domestic supply – please answer the following:

- a. For households, the number of households to be supplied:
- b. For camping grounds, the maximum number of visitors and staff per year:
- c. For schools, the maximum number of students and staff per year:
- d. For motel units, the number and expected occupancy:
- e. Other uses (please describe):

8.12 For all uses, demonstrate in your application how have you calculated the amount of water you need?

Note: Please note that the Council will only grant volumes that have been assessed as efficient, and will assess the volumes sought for efficiency, taking into consideration the local climate, soils, and crop type.

Tick if completed.

8.13 In your application please describe any other sources of water available for the property. How much water is available and what it is used for.

8.14 In your application please describe any measures you are proposing to minimise wastage of water and maximise its efficient use.

9. Assessment of Environmental Effects

Note: Pursuant to Schedule 4 of the Resource Management Act, 1991, there are a number of matters that must be addressed by an assessment of environmental effects. These matters are listed in Form 1, with additional or specific matters relating to water permits are listed below.

9.4 Provide an independent ecological assessment/instream assessment of the water body. It is recommended that all takes not from the main stem of a catchment have this assessment carried out.

- Yes (attached to application)
- No (please outline reasons why an independent ecological assessment has not been undertaken in your application)

9.5 Outline any physical effect on the locality, including any landscape and visual effect.

- Yes (attached to application)
- No (please outline reasons why this has not been provided)

9.6 Outline any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity of the point of take.

- Yes (attached to application)
- No (please outline reasons why this has not been provided)

9.7 Does the taking of water from the water body cause it to dry up during summer or does the water body naturally dry up downstream of the take?

- Yes
- No

If Yes, your application should explain approximately how far downstream from your this occurs and in approximately which month in a wet year, average year and dry year this happens.

Note: Please discuss and attach any evidence to the application (e.g. photographs of water body downstream):

9.8 Assess effects on cultural values.

- Yes (attached to application)
- No (please outline reasons why this has not been provided)

9.8 Assess any effect on other water users or other human use values.

- Yes (attached to application)
- No (please outline reasons why this has not been provided)

9.9 Describe any positive effects from the take.

- Yes (attached to application)
- No (please outline reasons why this has not been provided)

9.10 Outline the mitigation you propose in your application. This should include a consideration of the following:

- A residual flow
- Fish screening on water intakes
- Measures for management where there are low flows
- Flow sharing measures
- Whether base flow is necessary to maintain the water race
- Any other applicable measures

9.10 Outline if your instantaneous abstraction rate (litres per second) will be reduced by increasing the length of time over which water is taken.

- Yes (attached to application)
- No

9.11 Provide a description of any possible alternative water sources or methods for undertaking the activity and why these alternatives have not been selected.

- Yes (attached to application)
- No (please outline reasons why this has not been provided)

10. Consultation

10.1 Include evidence of any consultation undertaken for this application.

10.2 Identify persons affected by this application.

10.3 Which persons approval have been provided to the application (attach copies of approvals)?

*Note: This **may** include (but not be limited to) consultation with adjoining landowners, other consent holders in the immediate area such as downstream permit holders, iwi (e.g. Te Rūnanga O Ngāi Tahu, Aukaha, Te Ao Marama Inc.), government departments/ministries (e.g. DOC), territorial authorities and recreational associations. To reduce costs and processing times, we recommended that written approval is obtained and submitted with the application for parties which may be affected. Such approval must be unconditional to avoid notification.*

11.	Statutory	Assessment
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Please note that in accordance with Schedule 4 of the RMA, you are also be required to provide an assessment against the relevant provisions of the following documents (if relevant):

- National Policy Statement for Freshwater
- Management. National Policy Statement for
- Renewable Electricity Generation.
- Resource Management (Measurement and Reporting of Water Takes)
- Regulations 2010. National Environmental Standard for Sources of
- Human Drinking Water.
- New Zealand Coastal Policy Statement.
- Operative Regional Policy Statement 1998, Proposed Regional Policy Statement and Partially Operative Regional Policy Statement 2019.
- Regional Plan: Water for Otago (including description of permitted activities and compliance with permitted activity standards).
- Kai Tahu ki Otago Natural Resource Management Plan 2005.
- Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 (for takes from the south side of the Clutha River/Mata-Au)
- Any other relevant plan, proposed plan and any other relevant regulations.

COMPLETENESS CHECKLIST

Details of the application:

- Full completion of the *Resource Consent Application* (application form 1) **and** *Resource Consent Application Form for the Take and Use of Surface Water* (application form 4) including in particular:
 - Applicant's name and contact details.
 - The full name and address for the owner or occupier of each abstraction site (if different from the applicant).
 - The term of consent sought by the applicant.
 - The lapse period sought by the applicant.
 - Description of the activity including water source and rate, volume, timing and frequency sought:
 - Rate of take (l/s)
 - Monthly volume (m³/month)
 - Annual volume (m³/year)
 - Description of proposed use (including identifying whether the use will be outside of the local catchment).
 - Description of the proposed take, delivery, storage (if any) and application of water taken. Note this must include takes, discharges and retakes (including bi-wash).
 - Description of collaborative group such as water management group or committee (if relevant).
 - Copy of S417 Certificate (if held).
 - Description of efficiency of use (assessment against Aqualinc Report – Irrigation¹ and other uses against relevant guidelines).
 - If the catchment does not have a minimum flow or primary allocation in a Schedule in the RPW, description of what minimum flow should apply and what allocation method should be used.
 - Consideration of whether a residual flow is required at the point of take.
 - Recording devices in place/proposed.
 - Description of existing works/infrastructure in place, including value.
 - Description of proposed works/infrastructure to give effect to consent sought, including value of investment.
 - Description of the site or sites at which the activity is to occur (both the extraction site and use site).
 - Previous 5 years take and use records (rate, volume, timing and frequency) or if not available, a robust estimate demonstrating methodology use.
 - Description of any other activities that are part of the proposed water take.
 - Description of any other resource consents required.
 - A certificate of title for the site/s that is/are less than 3 months old.

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1.

- Date and signature of the applicant or person authorised to sign on behalf of the applicant.
- Applicant has outlined how they will access the water applied for, including whether legal agreement has or is being attained¹ where water supply infrastructure is required to cross property not owned by the applicant.

Statutory and non-statutory document assessment:

An assessment of the activity against any relevant provisions of the following (as applicable):

- National Policy Statement for Freshwater Management.
- National Policy Statement for Renewable Electricity Generation.
- Resource Management (Measurement and Reporting of Water Takes) Regulations 2010.
- National Environmental Standard for Sources of Human Drinking Water.
- New Zealand Coastal Policy Statement.
- Operative Regional Policy Statement 1998, Proposed Regional Policy Statement and Partially Operative Regional Policy Statement 2019.
- Regional Plan: Water for Otago (including description of permitted activities and compliance with permitted activity standards).
- Kai Tahu ki Otago Natural Resource Management Plan 2005.
- Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 (for takes from the south side of the Clutha River/Mata-Au)
- Any other relevant plan, proposed plan and any other relevant regulations.

Information required in the Assessment of Environmental Effects in accordance with Schedule 4, which should include, where applicable (either, tick or N/A):

- Assessment of the actual or potential effect on the environment, including on fish and natural habitats, Regionally Significant Wetlands and regionally significant wetland values, instream flows, natural ecosystems, groundwater bodies, cultural, recreational or other special values, economic or social effects.
- Assessment of any impact on any other lawful existing takes of water, any consultation undertaken, an arrangement for cooperation with other takers or users, and any response to the views of any person consulted. Description of what priority (if any) applies.
- If the catchment is fully allocated, demonstration of how the proposed take will reduce or phase out over-allocation in the catchment.
- Any mitigation measures proposed.
- Description of how and by whom the effects will be monitored if the activity is approved.
- If it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity.

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¹ For example, through a s417 certificate.

- Description of possible alternatives where adverse effects are more than minor on the exercise of a protected customary right (unless written approval given).
- Description of consultation undertaken including feedback received and response to that feedback.
- Identification of persons affected by the activity and copies of any affected party approvals obtained.
- Assessment of the activity against Part 2 of the Resource Management Act.
- Assessment of any other relevant matters.

- Prescribed fee**

Appendix 3 – Council processing costs for applications relating to deemed permits

Job No	Recoveries (including the deposit but exclusive of GST)	Number of deemed permits replaced	Notification status
1.	7,509	2	Non Notified
2.	4,052	2	Non Notified
3.	1,927	1	Non Notified
4.	11,565	9 (Scheme wide application)	Non Notified
5.	5,298	2	Non Notified
6.	3,786	1	Non Notified
7.	3,561	1	Non Notified
8.	1,652	1	Non Notified
9.	2,719	1 and a new water permit	Non Notified
10.	1,775	2	Non Notified
11.	1,775	2	Non Notified
12.	2,425	1	Non Notified
13.	2,159	1	Non Notified
14.	4,156	2	Non Notified
15.	3,608	1	Non Notified
16.	2,046	2	Non Notified
17.	957	Half share in a deemed permit	Non Notified
18.	1,595	1	Non Notified
19.	5,135	9	Non Notified
20.	2,841	1	Non Notified
21.	10,959	3	Non Notified
22.	2,217	1	Non Notified
23.	2,178	3	Non Notified
24.	56,754	Went to Env Court	Limited Notified
25.	9,019	1	Limited Notified
26.	9,634	Consents for a power scheme	Non Notified
27.	6,583	1	Non Notified
28.	3,881	3	Non Notified
29.	2,559	1	Non Notified
30.	10,191	25 (Scheme wide application)	Non Notified

Strategy & Planning Committee

9.1. Consideration of Draft Terms of Reference

The draft Terms of Reference for the Strategy and Planning Committee were discussed, and minor amendments made.

- Amend quorum to eight
- Add 'to ensure consistency' to delegation
- Add delegations to carry out functions delegated by Council and may appoint working parties
- Amend key responsibilities and include 'identify strategic issues' and receive progress updates

Resolution

That the Council:

- 1) **Receives** this report.
- 2) **Refers**, following discussion, the proposed terms of reference for the Strategy and Planning Committee to Council for adoption on 11 December 2019, with the amendments.

Cr Kevin Malcolm left the meeting at 03:20 pm.

Moved: Cr Hope
Seconded: Cr Forbes
CARRIED

Cr Kevin Malcolm returned to the meeting at 03:35 pm.

10.1. Manuhēria River Resource Assessment report

Mrs Sarah Gardner asked that this report be withdrawn. This was due to an issue with inconsistencies where science was represented differently. This was only discovered today. Council asked for an executive summary to be included with reports in the future and agreed that science reports should be made publicly available on the website.

Resolution

That the Council:

- 1) **Receives** this report.
- 2) **Notes** that the report:
 - a. Was released to the Manuhēria Technical Advisory Group (TAG) on the 26th November 2019.
 - b. Will be available to the public following the Strategy and Planning Committee meeting on the 27th November 2019.
- 3) **Notes** that, in the future, ORC Science reports will be made publicly available upon finalisation.

The following amendment was made, that the Council:

- 4) **Did not receive or note** this report.

Moved: Cr Calvert

Seconded: Cr Laws
CARRIED

Finance Committee Resolutions

7.1. Consideration of Draft Terms of Reference

The draft Terms of Reference for Finance Committee and Audit & Risk Subcommittee were discussed. Both of these committees will now meet quarterly. Changes to the Terms of Reference:

1. Standing Order 9.1 replicate the standing order wording regarding agenda setting consulting with the Chair.
2. Attendance at meetings for the Finance Committee to include the Chief Executive and General Manager Corporate Services.
3. The Finance Committee shall carry out any other function or duty delegated to it by the Council.
4. Audit & Risk Subcommittee delegations – take out ‘appropriate’ and replace with ‘Chief Executive required to cooperate with any requests unless excused by the Chair of the ORC (Cr Marian Hobbs).
5. Audit & Risk membership
 - a) Change: ‘Chair – Independent, to be appointed’ to ‘Chair, to be appointed by Audit & Risk Subcommittee’.
 - b) Add: Independent member with skills and experience in audit.
6. Councillors asked staff to suggest a limit to the Finance Committee’s delegation: Staff have recommended \$2 million.

Resolution

That the Council:

- 1) **Receives** this report.
- 2) **Refers**, following discussion, the proposed terms of reference for the Finance Committee to Council for adoption on 11 December 2019, with amendments.
- 3) **Refers**, following discussion, the proposed terms of reference for the Audit and Risk Subcommittee to Council for adoption on 11 December 2019 with the amendments

Moved: Cr Noone
Seconded: Cr Calvert
CARRIED

8.1. Activity Review 2019-20 Q1, September 2019

Mike Roseler spoke to the Activity Review 2019-20 Q1 Report. The new report format has been condensed and simplified to generate an improved report and Council thanked Mike for his work on this. Councillors asked for a more detailed briefing on the activity report in the New Year.

Resolution

That the Council:

Receives the activity performance report for the period ended 30 September 2019.

Moved: Cr Wilson
Seconded: Cr Kelliher
CARRIED

Cr Deaker left the meeting at 02:10 pm.

Cr Deaker returned to the meeting at 02:13 pm.

8.2. Finance Report 2019-20 Q1, September 2019

Resolution

That the Finance Committee:

a) **Receives** this report and the attached financial reports.

Moved: Cr Wilson

Seconded: Cr Robertson

CARRIED

14.1. Public Excluded Recommendation - CS1920 Port Otago Limited Annual Shareholders' Meeting - December 2019

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

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
CS1920 Port Otago Limited Annual Shareholders' Meeting - December 2019	To protect the privacy of natural persons and to enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities	Section 7(2)(a) Section 7(2)(h)

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.