

# Council Meeting Agenda - 27 May 2021



Meeting will be held at Novotel Lakeside Hotel, Cnr Earl St and Marine Parade, Queenstown

## Members:

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

Senior Officer: Sarah Gardner, Chief Executive

Meeting Support: Dianne Railton, Governance Support Officer

27 May 2021 08:00 AM

| <b>Agenda Topic</b>  | <b>Page</b> |
|--|-------------|
| 1. APOLOGIES<br>No apologies were noted at the time of publication of the agenda.  |             |
| 2. PUBLIC FORUM<br>Requests to speak should be made to the Governance Support team on 0800 474 082 or to <a href="mailto:governance@orc.govt.nz">governance@orc.govt.nz</a> at least 24 hours prior to the meeting; however, this requirement may be waived by the Chairperson at the time of the meeting. |             |
| 3. CONFIRMATION OF AGENDA<br>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<br>Members are reminded of the need to stand aside from decision-making when a conflict arises between their role as an elected representative and any private or other external interest they might have.   |             |
| 5. CONFIRMATION OF MINUTES<br>The Council will consider minutes of previous Council Meetings as a true and accurate record, with or without changes.   | 4           |
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| 6. <a href="#">ACTIONS (Status of Council Resolutions)</a><br>The Council will review outstanding resolutions.   | 13          |
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|       | This paper updates Council on progress with the Head of Lake Wakatipu natural hazards adaptation project. The project area includes the communities of Glenorchy and Kinloch.   |     |
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|       | Following discussions on Forbury Park, at the 24 March 2021 Council Meeting in Oamaru, this paper is where the Chair committed to a staff paper to inform Council's consideration of any development proposal. This paper is in response and outlines an approach to managing natural hazards risks throughout Otago, through agreed principles, and to understand how those principles might guide decision making on future land uses at green-field or brown-field sites, notably Forbury Park in South Dunedin. |     |
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| 7.3   | <b>ECO FUND APPLICATIONS - MARCH 2021 FUNDING ROUND</b>   | 86  |
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| 10.   | <b>RESOLUTION TO EXCLUDE THE PUBLIC</b>   | 192 |
|       | That the public be excluded under LGOIMA Sec 48(1)(a) from discussions on the following items:  |     |
|       | • Bus Driver Living Wage  |     |

10.1 [Public Exclusion Table](#)

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11. CLOSURE



Minutes of an ordinary meeting of Council held in the  
Council Chamber on  
Wednesday 14 April 2021 at 1:00 PM

**Membership**

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

**Welcome**

Chairperson Noone welcomed Councillors, members of the public and staff to the meeting at 01:02 pm. Staff present included Sarah Gardner (Chief Executive), Nick Donnelly (GM Corporate Services), Gwyneth Elsum (GM Strategy, Policy and Science), Gavin Palmer (GM Operations), Richard Saunders (GM Regulatory), Amanda Vercoe (Executive Advisor), Dianne Railton and Liz Spector (Governance Support), Eleanor Ross (Manager Communication Channels), Ryan Tippet (Senior Media Advisor), Julie Everett-Hincks (Manager Science), Andrea Howard (Manager Biosecurity & Rural Liaison), Jean-Luc Payan (Manager Natural Hazards), Garry Maloney (Manager Transport), and (via Zoom) Anita Dawe (Manager Policy & Planning).

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## 1. APOLOGIES

No apologies were received.

## 2. PUBLIC FORUM

Mr Richard Robson spoke about water quality in local streams, primarily in Kaikorai Stream and the recent fish deaths, and also Tomahawk and other waterways. Following questions from Councillors, Chair Noone thanked Mr Robson for attending the Public Forum. Mr Robson will forward a copy of his speech to Councillors.

Representatives from First Union and Dunedin Tramways Union, Ms Sonja Mitchell, Ms Cath Bowden and Mr Alan Saville spoke about the Living Wage for Bus Drivers and expressed their concerns that the Living Wage has not come through to bus drivers. Chair Noone advised that a paper will be going to the Finance Committee on 26 May 2021 which will provide further information relating to bus contracts and the Living Wage. Following questions from Councillors, Chair Noone thanked the group for attending the Public Forum.

## 3. CONFIRMATION OF AGENDA

Chair Noone advised that the Public Council meeting would first move into the Public Excluded Council meeting for the Head Office Accommodation Update paper. The Public Council meeting would reconvene following consideration of that paper for the remainder of the agenda.

## 4. CONFLICT OF INTEREST

No conflicts of interest were advised.

Chair Noone moved:

## 5. RESOLUTION TO EXCLUDE THE PUBLIC

### Resolution

*That the Council excludes the public from the following part of the proceedings of this meeting (pursuant to the provision of the Local Government Official Information and Meetings Act 1987) Sec 48(1)(a) namely:*

1. *Head Office Accommodation Update - Sections 7(2)(b)(ii); 7(2)(c)(i); 7(2)(h); 7(2)(i)*

Moved: Cr Noone

Seconded: Cr Hope

CARRIED

The Public Council meeting reconvened at 2.55 p.m.

## 6. CONFIRMATION OF MINUTES

### Resolution

*That the minutes of the (public portion of the) Council meeting held on 24 March 2021 be received and confirmed as a true and accurate record.*

Moved: Cr Hobbs

Seconded: Cr Hope  
CARRIED

## 7. ACTIONS (STATUS OF COUNCIL RESOLUTIONS)

The outstanding Actions were reviewed.

## 8. MATTERS FOR CONSIDERATION

### 8.1. Draft ToR for Regional Co-Ordination Groups

The report was presented to approve the terms of reference for the Regional Coordination Group for Wilding Conifer Management in Otago and the Regional Coordination Group for Wallaby Management in Otago. Dr Gavin Palmer (General Manager Operations) and Andrea Howard (Manager Biosecurity & Rural Liaison) were present to speak to the report and respond to questions. Ms Howard advised that the Wilding Conifer Management meetings will be held quarterly, and the Wallaby Management meetings will be held every second month. Staff will do the preparation for the meetings and brief will the Chair prior to the meeting. Dr Palmer said it would be good to have an alternate appointed in case the Chair is unavailable.

After discussion on the membership of the Groups, Landowner Representatives will be renamed Stakeholders, Clutha District Council will be added to the Partner Agencies and Federated Farmers will be added as a Stakeholder in the Wilding Conifer Terms of Reference. Following further discussion, Cr Hope moved:

#### Resolution

*That the Council:*

- 1) **Receives** this report.
- 2) **Approves** the terms of reference and membership proposed for the Regional Coordination Group for Wilding Conifer Management in Otago and the Regional Coordination Group for Wallaby Management in Otago.
- 3) **That** Cr Gary Kelliher is added as an alternate representative to the Wallaby group; and Cr Kate Wilson is added as alternate representative to the Wilding Tree group, noting that they are able to attend all meetings, but ORC only has one vote at meetings.

Moved: Cr Hope  
Seconded: Cr Hobbs  
CARRIED

### 8.2. SoE Water Quality Report

The paper presented a report on the state (2015-2020) and trends (2000-2020) of lake and river water quality in the Otago Region. The report also identified the baseline state (2012-2017) as required by the National Policy Statement for Freshwater Management 2020 (NPS-FM 2020). Understanding the current state of water quality is a key component informing the Land and Water Regional Plan (LWRP) as well as upcoming action plans. Gwyneth Elsum (General Manager Strategy, Policy & Science), Julie Everett-Hincks (Manager Science) and Rachel Ozanne (Scientist - Water Quality) and Anita Dawe (Manager Policy and Planning) were present to speak to the report and respond to questions.

Ms Ozanne advised that data was collected in-house by the in-house Environmental Monitoring team and analysis completed by Landwaterpeople Ltd (LWP Ltd). Ms Ozanne explained that the trends were done in a 20-year timeframe and a 10 year timeframe, and show that the 10 year time-frame is better. Cr Deaker said it would have been beneficial for the SoE Water Quality Report to have included a glossary due to the technical terms in the report. Cr Kelliher asked about differences between the SoE Monitoring Report and Catchment Group reporting. Ms Ozanne responded that SoE monitoring has been done over the last 20 years, and while Catchment Groups are doing great work, they haven't been monitoring that long.

Following discussion on future work, Cr Hope moved:

#### **Resolution**

*That the Council:*

- 1) **Receives** this report, noting that Council is expecting a report by 23 June 2021 on the approach ORC will take to prioritise where action could occur.
- 2) **Acknowledge** and thank the in-house Environmental Monitoring team.

Moved: Cr Hope  
Seconded: Cr Calvert  
CARRIED

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

#### **Resolution**

*That the Council excludes the public from the following part of the proceedings of this meeting (pursuant to the provision of the Local Government Official Information and Meetings Act 1987) Sec 48(1)(a) namely:*

1. *Confirmation of minutes of the public-excluded Council Meeting of 28 February 2021 - Sections 7(2)(a); 7(2)(i); 7(2)(j)*
2. *LiDAR Data Capture Contract Approval - Sections 7(2)(c)(i); 7(2)(i)*
3. *Port Otago Director Appointment - Sections (7(2)(a); 7(2)(h)*

Moved: Cr Noone  
Seconded: Cr Hope  
CARRIED

### **10. CLOSURE**

There was no further business and Chairperson Noone declared the meeting closed at 4.35 pm.

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Chairperson

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Date



Minutes of an extraordinary meeting of Council held in the  
Council Chamber at Level 2 Philip Laing House,  
144 Rattray Street, Dunedin on  
Thursday 29 April 2021 at 1:00 PM

**Membership**

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

**Welcome**

Chairperson Andrew Noone welcomed Councillors, members of the public and staff to the meeting at 01:04 pm. Staff present included Sarah Gardner (Chief Executive), Nick Donnelly (GM Corporate Services), Gwyneth Elsum (GM Strategy, Policy and Science), Gavin Palmer (GM Operations), Richard Saunders (GM Regulatory), Amanda Vercoe (GM Governance, Culture, and Customer), Liz Spector (Governance Support Officer), Eleanor Ross (Manager Comms Channels), Ryan Tippet (Media Communications Lead), Rebecca Borland (Team Leader Comms and Engagement), Lisa Gloag (Manager Comms and Engagement), and Garry Maloney (Manager Transport).

Chairperson Noone spoke about the passing of former Dunedin City Council Mayor Dave Cull and asked for a moment of silence in respect.

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## 1. APOLOGIES

No apologies were recorded. Councillor Forbes, Councillor Malcolm and Councillor Wilson were present via electronic link.

## 2. CONFIRMATION OF AGENDA

### Resolution

*That the late paper, **Long Term Plan - Engagement Approach**, be accepted and be considered first in the order of business.*

Moved: Cr Noone  
Seconded: Cr Laws  
CARRIED

## 3. CONFLICT OF INTEREST

No conflicts of interest were advised.

## 4. MATTERS FOR COUNCIL CONSIDERATION

### 4.1. Long Term Plan - Engagement Campaign

The report was provided to update Councillors on the consultation campaign for the ORC's Long-term Plan 2021-31 (LTP) and engagement to date, and on the delivery of the associated hardcopy of the Long Term Plan Consultation Document. Richard Saunders (General Manager Regulatory and Communications) was present to speak to the report and respond to questions. Cr Noone said while Council's intention was for all Otago residents to receive a physical copy of the consultation document, that hadn't occurred due to unforeseen issues at the contractor level. He noted there had been delivery problems in Cromwell, Mosgiel and other more localised areas resulting non-delivery of the consultation document to approximately 12% of ratepayers. Cr Noone said while that was disappointing, many other opportunities had been provided to review the Consultation Document. Chief Executive Sarah Gardner said staff requests Councillor input into the press release planned for later in the day.

Main points of the Councillor discussions included ways staff was providing additional opportunities for engagement with residents who had not received the consultation document and what, if any, recourse there was from the contractor for the non-delivery. Staff noted an additional print run of the document had been ordered and copies sent to grocery stores and libraries in the affected communities. Mr Saunders indicated staff were working through details of the non-delivery with the contractor and would update the Council on the outcome of those discussions.

Cr Hope said she had written a motion she wanted Council to resolve. She moved:

*On behalf of the Otago Regional Council, we sincerely apologise to the ratepayers of Otago for the incomplete delivery of the ORC's LTP Consultation Document. We wish to engage with all residents who wish to share their thoughts or comment on the LTP.*

Cr Wilson suggested that the deadline for submissions be extended for a week to allow those who had not had an opportunity to read the document to submit. Cr Hope agreed to include this in her motion which became:

*On behalf of the Otago Regional Council, we sincerely apologise to the ratepayers of Otago for the incomplete delivery of the ORC's LTP Consultation Document. We wish to engage with all residents who wish to share their thoughts or comment on the LTP, therefore, the Otago Regional Council will accept late submissions through 16 May.*

Cr Laws seconded Cr Hope's motion.

*Cr Wilson left the meeting.*

Following discussions of the motion, Cr Hobbs moved an amendment to the motion, substituting "regret" for "apology". Following discussions of the proposed amendment, with concerns voiced about apologising for an issue not in staff's control, the motion to amend Cr Hope's motion was put by Cr Noone and a division called as follows:

**Amendment:**

*On behalf of the Otago Regional Council, we sincerely regret the incomplete delivery of the ORC's LTP Consultation Document by our contractor. We wish to engage with all residents who wish to share their thoughts or comment on the LTP, therefore, the Otago Regional Council will accept late submissions through 16 May.*

Moved: Cr Hobbs  
Seconded: Cr Robertson  
FAILED

A division was called:

**Vote**

For: Cr Hobbs  
Against: Cr Calvert, Cr Deaker, Cr Forbes, Cr Hope, Cr Laws, Cr Kelliher, Cr Malcolm, Cr Noone, Cr Robertson, Cr Scott  
Abstained: nil

Following the failure of the amendment, the motion of Cr Hope then become the substantive motion which was put by Cr Noone:

**Resolution**

*On behalf of the Otago Regional Council, we sincerely apologise to the ratepayers of Otago for the incomplete delivery of the ORC's LTP Consultation Document. We wish to engage with all residents who wish to share their thoughts or comment on the LTP, therefore, the Otago Regional Council will accept late submissions through 16 May.*

Moved: Cr Hope  
Seconded: Cr Laws  
CARRIED

A division was called:

**Vote**

For: Cr Calvert, Cr Deaker, Cr Hope, Cr Laws, Cr Kelliher, Cr Malcolm, Cr Noone,  
Cr Scott

Against: Cr Forbes, Cr Hobbs, Cr Robertson

Abstained: Nil

Following approval of the resolution to apologise, Cr Noone moved:

**Resolution**

*That the Council:*

- 1) **Receives** this report.
- 2) **Notes** that the communications campaign to raise awareness of the LTP consultation period has been carried out in accordance with the approved communications and engagement plan with the exception of non-delivery of the Consultation Document as itemised.
- 3) **Notes** that there has been a gap in delivery of the hard copy of the consultation documents to some urban areas, and additional copies of the document have been put in libraries and most supermarkets in these areas for residents to access.
- 4) **Notes** that there will be a media release acknowledging the delivery issue and advising residents how they can access a copy of the document.

Moved: Cr Noone

Seconded: Cr Hope

CARRIED

**4.2. Approval of Draft Regional Public Transport Plan 2021-2031 for Consultation**

The report was provided for Councillor decision on whether to adopt the Draft Otago Regional Public Transport Plan 2021-2031 for public consultation. Garry Maloney (Manager Transport) and Gavin Palmer (General Manager Operations) were present to speak to the report and respond to questions.

A main point of Councillor discussion was around the need for better public transport services for those living in areas other than the two urban centres of Dunedin and Queenstown as well as how to encourage mode shift. Cr Deaker noted some typographical and spelling errors in the draft document and said he would detail these with Mr Maloney by email after the meeting. Cr Robertson then stated the overarching principles of document were solid and she said there is enough flexibility in the draft plan to address any issues raised during the submission process. Cr Noone agreed and said the hearing panel commissioners and external transport expert will bring back their recommendations to Council after the submission process to finalise the Plan in late June.

*Cr Deaker left the meeting at 03:10 pm.*

*Cr Scott left the meeting at 03:10 pm.*

*Cr Calvert left the meeting at 03:09 pm.*

*Cr Calvert returned to the meeting at 3:12 pm.*

Following further discussion, Cr Calvert moved:



Council Meeting Agenda - 27 May 2021 - ACTIONS (Status of Council Resolutions)

| Meeting Date | Status      | Action Required   | Assignee/s   | Action Taken  | Due Date   | Completed (Overdue)            |
|--------------|-------------|---|--|---|------------|--------------------------------|
| 24/03/2021   | Completed   | Refer the report on Groundwater State of Environment to the Strategy and Planning Committee for advice on - where there are issues highlighted (in red) in the Discussions and Recommendations section of the report, what action if any, are staff doing to rectify the situation. | General Manager<br>Strategy, Policy and<br>Science, Manager<br>Science         | Paper presented at the 12 May Strategy & Planning Committee meeting.  | 12/05/2021 | <b>Overdue by:<br/>9 days</b>  |
| 26/08/2020   | In Progress | Work with Electoral Officer to include a poll asking for voter preference for STV/FPP alongside voting papers for the 2022 local elections.   | Committee Secretary,<br>General Manager<br>Governance, Culture<br>and Customer | Contacted Electoral Officer Anthony Morton of Electionz for information. He will update our file, noting the request to conduct the poll with the 2022 election. He indicated additional cost of approx \$75,000, not including additional comms that will be necessary.<br><br>Public Notice in ODT on 12/9/20 to meet legislative requirements and to advise ORC intends to conduct a poll on voting systems alongside the 2022 local body elections. | 01/01/2022 |                                |
| 24/03/2021   | Assigned    | Report back before completion of the LTP process on timeline and resourcing needs for collaborative development of an Otago Harbour Plan with ORC, DCC, Port Otago, iwi and community input.  | General Manager<br>Strategy, Policy and<br>Science                             |   | 27/05/2021 |                                |
| 24/03/2021   | Assigned    | Provide a report to on the 2021 LGNZ Annual Conference to the Governance, Communications and Engagement Committee, August 2021.   | Chairperson  |   | 11/08/2021 |                                |
| 24/03/2021   | Assigned    | Amend the Council's Delegations Manual to include the delegation to make recommendations for panel members under the COVID-19 Recovery (Fast-Track Consenting) Act 2020 to the Chair of the Council.  | Chief Executive,<br>General Manager<br>Regulatory and<br>Communications        |   | 14/04/2021 | <b>Overdue by:<br/>37 days</b> |

### 7.1. Natural Hazards Adaptation in the Head of Lake Wakatipu

**Prepared for:** Council  
**Report No.** HAZ2105  
**Activity:** Safety & Hazards: Natural Hazards  
**Author:** Tim van Woerden, Natural Hazards Analyst  
Jean-Luc Payan, Manager Natural Hazards  
**Endorsed by:** Gavin Palmer, General Manager Operations  
**Date:** 27 May 2021

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#### PURPOSE

- [1] This paper updates Council on progress with the Head of Lake Wakatipu natural hazards adaptation project. The project area includes the communities of Glenorchy and Kinloch.

#### EXECUTIVE SUMMARY

- [2] The area at the head of Lake Wakatipu is exposed to a complex range of hydrological, slope-related and seismic hazard events.
- [3] In this dynamic alpine environment, many of the natural hazard risks are not static, but are subject to continual adjustment in response to geomorphic (landscape) and climatic changes. Although the timing and magnitude of future changes may be uncertain, both geomorphic and climatic changes are expected to cause increases in the severity and likelihood of natural hazard impacts to this area – particularly for hydrologically-driven hazards such as flooding.
- [4] The area has a total population of about 400. The main hazard impacts are flooding of Rees River/Lake Wakatipu impacting on the low-lying residential area of Glenorchy township, and Dart River erosion and flooding causing disruption to Kinloch Road. The road provides vehicle access to Kinloch settlement, and further southwards to the Greenstone/Caples area and amenities.
- [5] Given the very dynamic nature of the physical environment in the area, engineering works provide temporary benefits, but they do not fully deal with the problems permanently and are unlikely to be sustainable financially or environmentally in the long run.
- [6] A strategic and holistic approach is needed to address these natural hazards issues in the longer term, which needs to also consider future climate change, landscape changes, and multiple and cascading natural hazards.
- [7] The approach selected by Otago Regional Council (ORC) to develop a holistic, longer-term natural hazards management plan is a method known as ‘Adaptation Pathways’, which has been developed by the Ministry for the Environment as a blueprint for community-led decision making in areas affected by natural events and climate change. This approach has been developed specifically to help plan and adapt for situations where the future is uncertain. It allows for flexible and adaptive decision-making, and
-

for planning under conditions of uncertainty regarding the rate, timeframes and magnitude of future changes.

- [8] This report describes the selected approach in more detail and summarises the work completed to-date by ORC in collaboration with other organisations in order to develop, and in the future implement, an adaptation strategy to address natural hazards issues in the longer term.

## RECOMMENDATION

*That Council:*

- 1) **Acknowledges** the need for natural hazards adaptation planning in the head of the Lake Wakatipu project area.
- 2) **Notes** the program of work completed to date.
- 3) **Endorses** the use of the Adaptation Pathways approach.
- 4) **Supports** the continued collaboration with project partners.

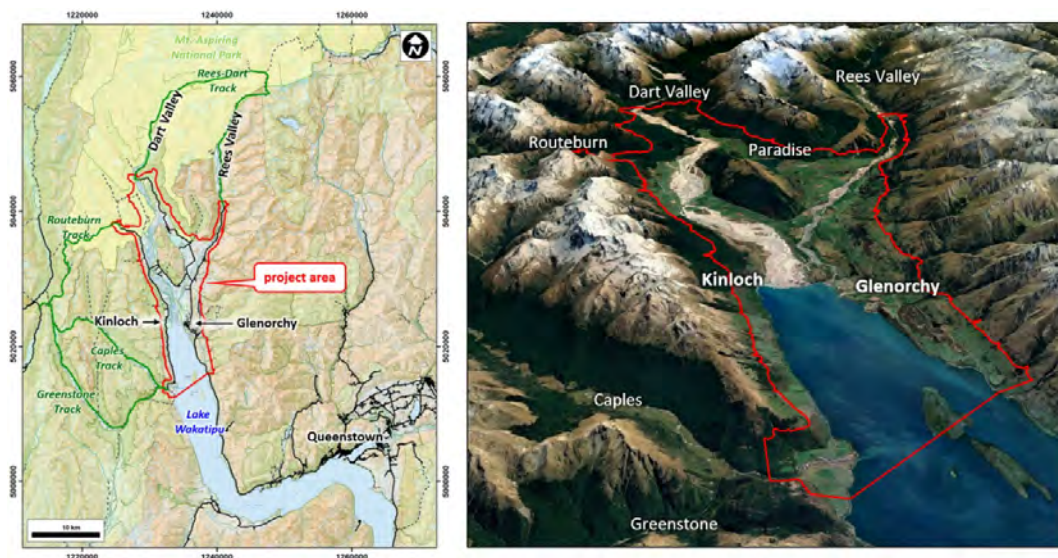
## BACKGROUND

### Physical environment and natural hazard overview

- [9] The area at the head of Lake Wakatipu (Figure 1) is subject to a number of natural hazards that have potential serious implications, being exposed to a complex range of hydrological, slope-related and seismic hazard events.
- [10] The communities in the head of the lake area (including Glenorchy and Kinloch) have been regularly impacted by natural hazard events throughout the duration of settlement, as a consequence of development in locations potentially exposed to these hazard impacts such as floodplains and alluvial fan surfaces.
- [11] In recent decades, these hazard impacts have included flooding of lower-lying parts of Glenorchy's residential area in December 1999 and February 2020, and frequent flooding and erosion impacts disrupting or threatening the road access to Kinloch.
- [12] This area is also exposed to a number of lower-likelihood hazard events, which may also have severe consequences for parts of this community, including debris flows, dambreak flooding, liquefaction or lateral spreading triggered by a major earthquake, or a tsunami event triggered by landsliding or a collapse of delta sediments.<sup>1</sup>

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<sup>1</sup> Tonkin + Taylor (2021). Head of Lake Wakatipu Natural Hazards Assessment. Report prepared for ORC.



**Figure 1: Overviews of the head of Lake Wakatipu project area, showing the relationship to the wider Lake Wakatipu and National Park area (left), and showing the project area comprising largely of the Dart and Rees floodplains between the Humboldt and Richardson Mountains to the west and east respectively (right-hand image).**

- [13] In this dynamic alpine environment, many of the natural hazard risks are not static, but are subject to continual adjustment in response to geomorphic (landscape) and climatic changes. Although the timing and magnitude of future changes may be uncertain, both geomorphic and climatic changes<sup>2</sup> are expected to cause increases in the severity and likelihood of natural hazard impacts to this area – particularly for hydrologically-driven hazards such as flooding.
- [14] The braided riverbeds, delta and floodplains of the Dart and Rees rivers are undergoing inevitable and irreversible geomorphic changes<sup>3</sup> such as riverbed aggradation, delta growth, and lateral channel migration, due to the ongoing natural processes of water and sediment movement through these systems.
- [15] These geomorphic changes are expected to increase the frequency and severity of future flooding impacts for both the Dart and Rees river floodplains. For the Dart and Rees floodplains, riverbed aggradation will escalate flood hazards through reducing the flood capacity of the river channels, in turn reducing available freeboard<sup>4</sup> to riverbanks and floodbank structures, while also increasing lateral migration of the braided riverbed's active channels.
- [16] For the Glenorchy area, river bed aggradation will also increase the likelihood of a severe outbreak flood event from the Rees River channel through the topographically-lower lagoon area adjacent to the township's northern margin, while also magnifying the backwater effects which may impede floodwater drainage from this lagoon area during flood events (Appendix A).

<sup>2</sup> NIWA (2019), Climate change projections for the Otago Region. Report prepared for ORC.

<sup>3</sup> Wild (2013), Growth dynamics of braided gravel-bed river deltas in New Zealand, PhD thesis, University of Canterbury; Brasington (2021), Fluvial hazards at the top of the lake, presentation to the Glenorchy community, April 2021.

<sup>4</sup> The elevation difference between the water surface to the top of a riverbank, or to a floodbank crest.



- [17] In 2019, NIWA analysed projected climate changes in Otago, for mid-century (2031-2050) and late-century (2081-2100) timeframes, and for several climate change scenarios.<sup>5</sup>
- [18] For the head of Lake Wakatipu catchments, this modelling shows significant future increases in mean annual rainfall and its seasonality, with mean winter rainfall projected to increase by >40% by 2090 (under the RCP8.5 scenario).<sup>6</sup> Extreme, rare rainfall events are also projected to increase in magnitude, for example NIWA's HIRDS<sup>7</sup> model projections for the 'Dart at Paradise' and Dart Hut locations show increases by late-century of 22-33% in rainfall totals for 100-year (0.01 Annual Exceedance Probability, AEP) rain events (RCP8.5 scenario). These changes to precipitation variables are likely to also result in an increase in the rivers' mean discharges and flood magnitudes, and thus the resulting flood hazard. For the head of the lake catchments, by late-century timeframes, NIWA projects 20-50% increases in mean discharge, and 50-100% increases in the mean annual flood (RCP8.5 scenario).
- [19] The area has a total population of about 400. The main hazard impacts are flooding of Rees River/Lake Wakatipu impacting on the low-lying residential area of Glenorchy township and Dart River erosion and flooding causing disruption to Kinloch Road. The road provides vehicle access to Kinloch settlement, and further southwards to the Greenstone/Caples area and amenities.
- [20] Otago Regional Council (ORC) and Queenstown Lakes District Council (QLDC) have previously undertaken localised engineering works to address some of the flooding and river erosion (e.g. Figure 2).



**Figure 2: Examples of erosion protection and river management works. At left, rock armouring of a section of the Dart river banks at Kinloch Road (completed by QLDC). Right-hand image shows work undertaken by ORC at the Rees Delta to realign the main Rees River channel.**

- [21] Since the start of the 2018 calendar year, ORC and QLDC have spent a combined total in the order of \$1M on river management, flood mitigation and response activities to address the flooding and erosion issues that have arisen during that very short time period.

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<sup>5</sup> NIWA (2019), Climate change projections for the Otago Region. Report prepared for ORC.

<sup>6</sup> Future climate change projections are considered under four emission scenarios, called Representative Concentration Pathways (RCPs) by the IPCC.

<sup>7</sup> High Intensity Rainfall Design System.

- [22] In the past few years, these activities have included gravel removal, channel realignments, willow control, management of flood-related road closures, construction of erosion control and flood mitigation structures, repairs to roads and structures, and work to raise sections of roadway.
- [23] Given the very dynamic nature of the physical environment in the area, engineering works provide temporary benefits, but they do not fully deal with the problems permanently and are unlikely to be sustainable financially or environmentally in the long run.

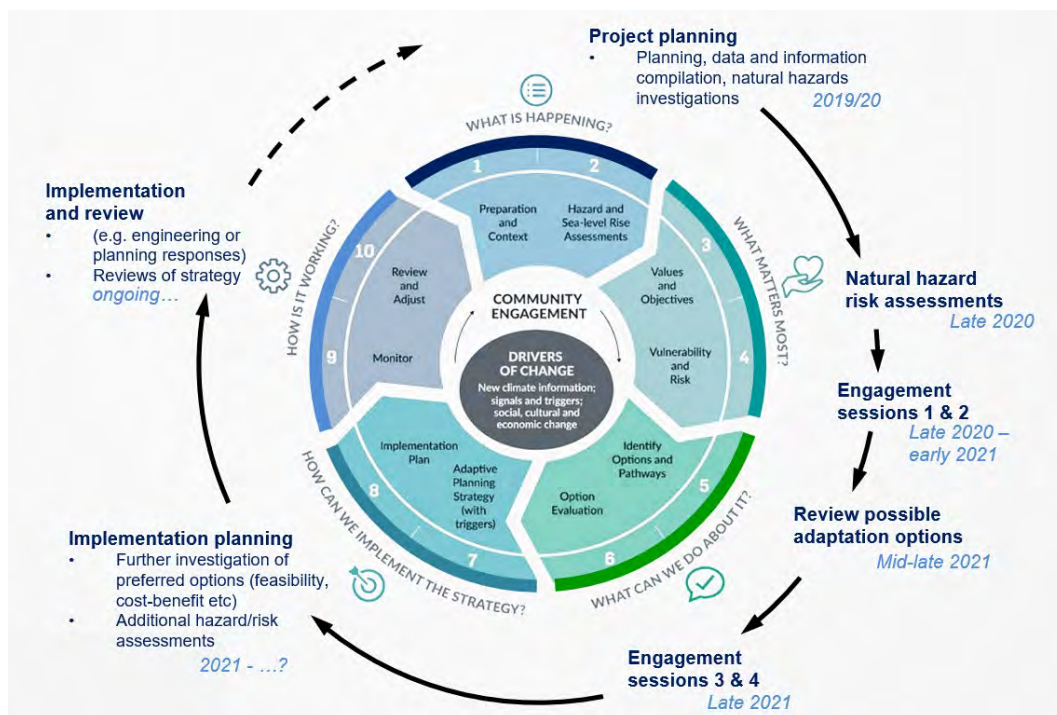
### **Natural Hazard Adaptation**

- [24] A strategic and holistic approach is needed to address these natural hazards issues in the longer term, which needs to also consider future climate change, landscape changes, and multiple and cascading natural hazards.
- [25] The complex, dynamic alpine environment of the head of Lake Wakatipu poses several challenges for assessing, defining and communicating natural hazard risk levels. The future risks resulting from ongoing changes to the geomorphic and climatic environments form a 'moving baseline' of risk levels, which is reliant on projections and modelling of future scenarios and will develop as further information on these processes becomes available.
- [26] The risk levels of some natural hazard event types cannot be well defined based on the current data available. These less-frequent, and often cascading, natural hazard events such as debris flows, dambreak flooding, liquefaction/lateral spreading, or lake tsunamis may have the potential for major impacts to the local communities, but their event likelihood or consequences are not yet known with enough confidence to define these risks probabilistically.
- [27] It is very important that this strategic approach is developed collaboratively with the local community and other project stakeholders and partners, and that their values and views are incorporated into this planning.
- [28] The approach selected by ORC to develop a holistic, longer-term natural hazards management plan is a method known as 'Adaptation Pathways', which has been developed by the Ministry for the Environment<sup>8</sup> as a blueprint for community-led decision making in areas affected by natural events and climate change. This approach has been developed specifically to help plan and adapt for situations where the future is uncertain – it allows for flexible and adaptive decision-making, and for planning under conditions of uncertainty regarding the rate, timeframes and magnitude of future changes. This work is an Annual Plan activity for ORC.
- [29] The Adaptation Pathways guidance is structured as an iterative 10-step decision cycle, organised around five key questions (Figure 3);
- What is happening?
  - What matters most?

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<sup>8</sup> Ministry for the Environment (2017), Coastal Hazards and Climate Change: Guidance for local government.

- What can we do about it?
- How can we implement the strategy?
- How is it working?



**Figure 3: Overview of the 10-step decision cycle of the MfE Adaptation Pathways approach, showing the proposed timelines for the head of Lake Wakatipu natural hazard adaptation project.**

- [30] Adaptation is a response strategy to anticipate and adjust to actual and expected changes in environmental conditions. An adaptation strategy for the head of Lake Wakatipu will probably include a mix of short, medium, and long-term (100 years and longer) adaptation options or pathways, selected from a range of option types available.
- [31] Adaptation options can be summarised in four types (accommodate, defend, retreat, and avoidance). The ‘status quo’ is also an option, not taking any proactive action to address natural hazards, and accepting that their impacts may increase in severity.
- [32] The approach relies on pre-defined decision points, or triggers, where the first options or pathway can be revisited, depending on how the future evolves (refer to Appendix A for more details).
- [33] ORC is leading this natural hazard adaptation project in collaboration with our project partners; Queenstown Lakes District Council (QLDC), Department of Conservation (DOC) and Kai Tahu, represented by Aukaha and Te Ao Marama. We have also relied on technical advice and specialist expertise from Tonkin and Taylor (T+T), University of Canterbury (UC), NIWA and Aukaha.

- [34] The adaptation strategy being developed, and its successful and enduring implementation will need the strategy to be embedded in existing (such as the Regional Policy Statement, the District Plan, annual and long-term plans) or future planning documents, legislation or regulations (such as the outcome of the Resource Management System Reform currently underway, Figure 4 below).

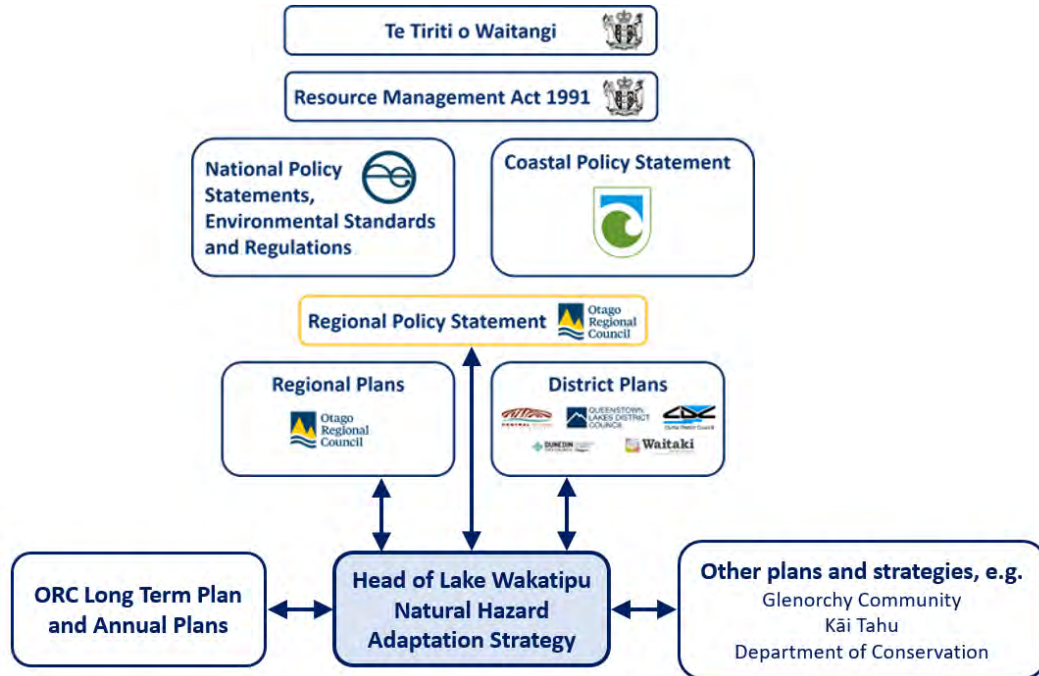


Figure 4: Hierarchy of policies and plans and relation with the Head of Lake Wakatipu Natural Hazard Adaptation Strategy.

- [35] The Milton 2060 Flood Risk Management Strategy (2012) is a relevant example of how a strategy was used to guide planning considerations through the Clutha District Plan<sup>9</sup>.

### Work Completed

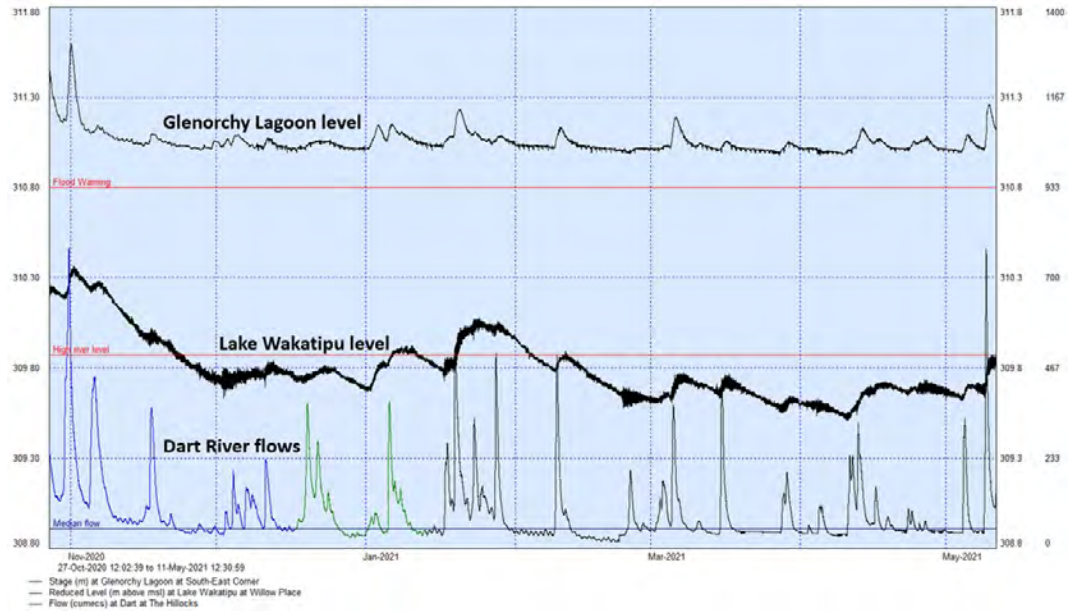
- [36] A detailed description of the work completed to date is presented in Appendix A.
- [37] This adaptation project for the head of Lake Wakatipu was commenced in mid-2019, and initially intended as a 2-year project. Project work to date has included capture of updated datasets such as river bed and LiDAR<sup>10</sup> surveys, implementation of additional environmental monitoring (Figures 5 and 6), compilation of existing natural hazards datasets, project planning and selection of the project approach, development of





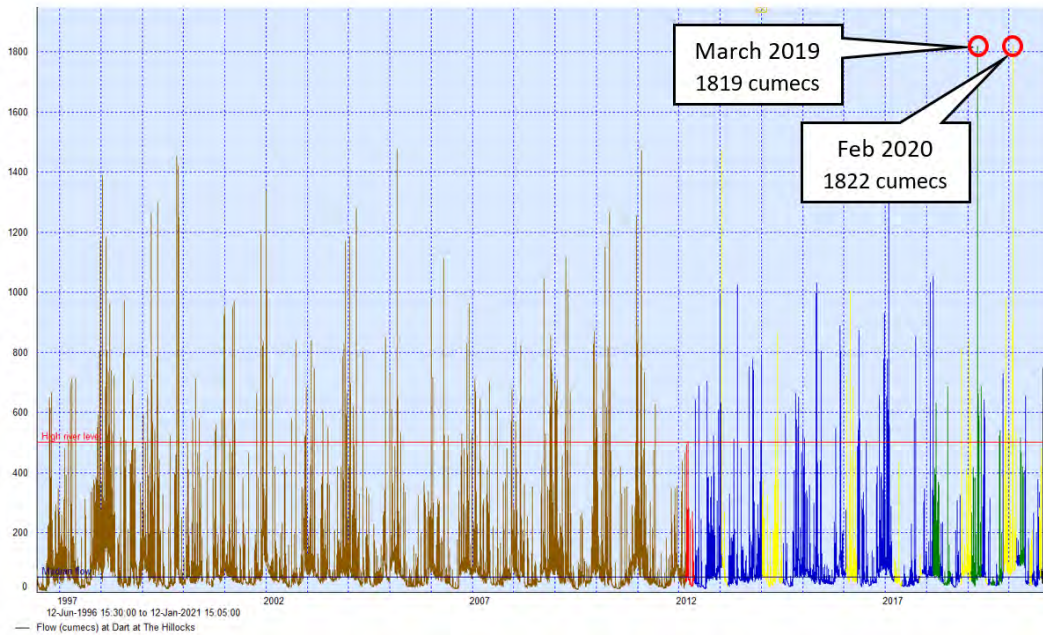
partner and community relationships, and engaging external expertise to undertake new investigations.

**Figure 5: The recently installed water level monitors installed at the Glenorchy lagoon (left) and the Glenorchy marina (right). Data for both of these monitoring stations is available in near real-time on ORC’s WaterInfo web page.**

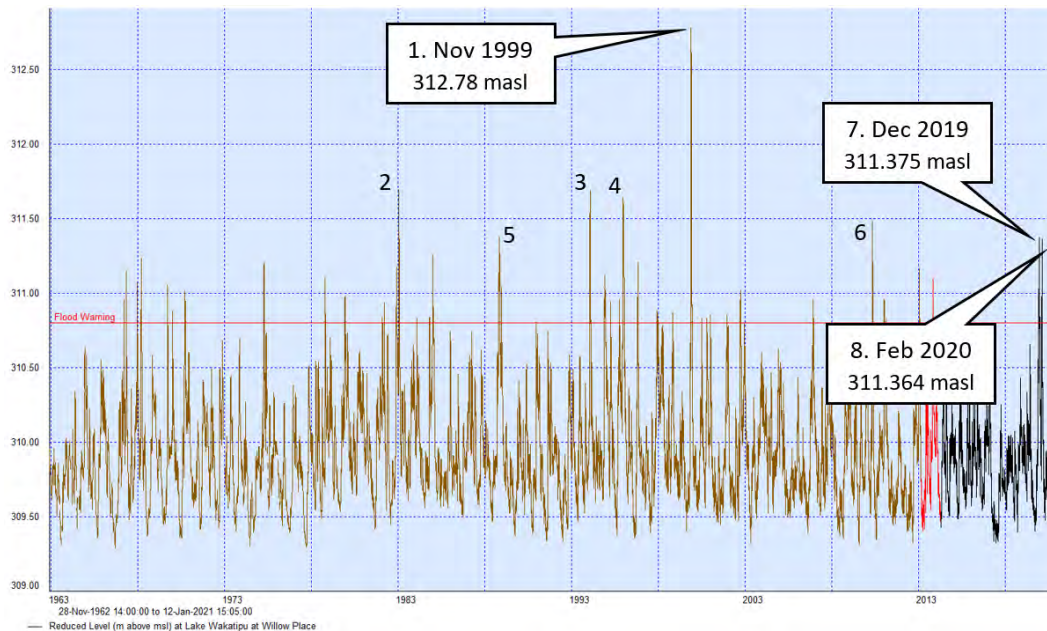


**Figure 6: Initial monitoring data for the Glenorchy Lagoon, showing the relationships with the level of Lake Wakatipu and Dart River flows. Over this time the lagoon levels have fluctuated within a range of ~0.6m, with the highest lagoon level of 311.6m associated with a high-flow event in early November (Dart River peak flow of ~780 cumecs).**

- [38] While progressing the adaptation project, ORC has also continued with responses to flooding events and river management issues, carrying out inspections, investigations and surveys, and undertaking river management works.
- [39] The last two years have seen several significant flood events in the head of Lake Wakatipu area; the Dart River has recorded the two highest river flows since monitoring commenced in 1996 (March 2019, February 2020; Figure 7), and Lake Wakatipu has reached the 7th and 8th highest lake levels recorded since 1962 (December 2019, February 2020; Figure 8).



**Figure 7: The Dart River flow record 1996-2021. Prior to the high flows (about 1820 cumecs) of March 2019 and February 2020, the four highest flows previously recorded were in the range of 1450-1480 cumecs (Nov 1999, March 2005, Feb 2011, Jan 2013).**



**Figure 8: Lake Wakatipu levels 1962-2021. The eight highest flood peaks within this record are numbered.**

[40] ORC engaged the University of Canterbury to complete a river morphology assessment which analysed river and floodplain processes and historic changes, the drivers of geomorphic change, and expected future changes to the landscape and flooding hazards. The project was led by Professor James Brasington (Director of the Waterways Centre for Freshwater Management).

- [41] This work is a key component of the adaptation project as it provides the scientific basis demonstrating the expected future increases to the flood hazard as a result of geomorphic and climatic changes, reinforcing the need for adaptation to these changes.
- [42] ORC engaged Tonkin and Taylor (T+T) to complete a review of the natural hazards' risks for this project area, based on all currently available information<sup>11</sup>.
- [43] The report provides an improved risk understanding for the area, showing the spatial extent of potential natural hazard events, and illustration of the potential event consequences. This report has included completion of the first risk mapping for the head of the lake area, showing natural hazard uncertainty and risk rating.
- [44] This risk mapping illustrates the higher risk areas as being those subject to potential floodplain hazards (flooding, erosion and channel avulsion), elevated lake levels, and active or potentially active alluvial fan surfaces.
- [45] A NIWA team lead by Dr Paula Blackett have collaborated in the co-design of the community engagement activities of this project. NIWA's valuable social science expertise has helped to guide development of an engagement process designed to ensure dialogue and participation with the community.
- [46] Consistent with the MfE guidelines, the engagement process is intended to enable the community to be heard and participate in the decision-making process, and for ORC to gather feedback regarding the community's concerns and preferred directions for adaptation approaches (refer to next section).
- [47] Aukaha have compiled a cultural values statement for the project area on behalf of Kāi Tahu. This report emphasises the significance of the wider Whakatipu-wai-Māori (Lake Wakatipu) area to mana whenua, providing an overview of the cultural values and mana whenua associations of this project area and its surrounding landscapes. This resource will be one used to ensure iwi values are considered in project direction and assessment of any adaptation options or pathways.

### **Community Engagement**

- [48] Over the last two years, ORC has worked to develop strong working relationships with members of the local community directly and through the Glenorchy Community Association (GCA).
- [49] In that time, ORC has presented to three GCA meetings to provide updates on natural hazards activities<sup>12</sup>, has provided emailed monthly project updates<sup>13</sup> (since August 2020), has created a project webpage<sup>14</sup>, and has organised two community engagement events as part of this adaptation project (December 2020, April 2021).

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<sup>11</sup> <https://www.orc.govt.nz/media/9784/head-of-lake-wakatipu-natural-hazards-assessment.pdf>

<sup>12</sup> Presentation slides located within '*Presentation and other resources*' tab on the project webpage, link below.

<sup>13</sup> These newsletters saved at '*Newsletter archives*' tab on the project webpage, link below.

<sup>14</sup> <https://www.orc.govt.nz/managing-our-environment/natural-hazards/head-of-lake-wakatipu>

- [50] The first community engagement event of this adaptation project was held in Glenorchy in early December 2020. This event was titled “What is happening now, and how does this affect you?” and was structured as a drop-in session, attended by around 35 members of the local community.
- [51] This session was intended as an introduction to the natural hazards and historical landscape changes and allowed for discussion of residents’ experiences and observations of past natural hazards events and landscape changes, and concerns regarding future natural hazard impacts.
- [52] The second community engagement events for this project were held in early April 2021, and were titled “What could happen in the future, and what might we do?”
- [53] The first part of these events was a public presentation by James Brasington to present the findings of the river morphology assessment and natural hazards implications; ‘Fluvial hazards at the top of the lake - living with rivers on the edge.’<sup>15</sup> This talk was attended by about 40 community members.
- [54] The following day a drop-in session was held to continue discussions, focusing on two key areas; what might future geomorphic and climate changes mean for the natural hazards of this area, and what might adaptation to those changes look like?

### **Next Project Steps**

- [55] ORC and NIWA are currently compiling and assessing information collected from community discussions and are working to develop plans for the next phases of this project. These next steps will involve reviews and discussions with our project partners, evaluation of the need for additional natural hazards and risk information, and for assessments of feasibility of adaptation options or pathways.
- [56] The immediate next steps proposed for technical studies are to undertake a climate change modelling project to provide a more specific and detailed understanding of the hydrological effects of climate change for this area, an initial assessment of the feasibility of possible river management options, and to commence scoping for a series of proposed studies to provide improved understanding of the risks posed by flooding, debris flow/dambreak flood and alluvial fan events, and liquefaction/lateral spread susceptibility.
- [57] The next phase of community engagement activities is intended for late 2021, although the design and content of these sessions are yet to be finalised, and it is likely that the engagement approach for these next steps will need to be different in form than the ‘drop-in’ format utilised to date.
- [58] Planning for these next engagement activities will consider review of community feedback to date, discussions with project partners, and ongoing development of the project direction.

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<sup>15</sup> Presentation slides and audio recording saved within ‘*Presentation and other resources*’ tab on the project webpage, link above.



- [59] In the interim, before these next in-person engagement activities, we will continue to provide the community with project updates via email and through making material available on the ORC website.

## DISCUSSION

- [60] As this adaptation project develops through the iterative approach being utilised, it is expected that the project scale and complexity will increase. As we commence planning for the next steps in this project, we have identified a number of technical investigations which are required for providing an increased understanding of natural hazard risks, and for initial assessments of potential adaptation options. It is becoming clear that to undertake these investigations thoroughly, the project timeline and scale may need to be extended beyond that initially proposed for this project.
- [61] Following completion of this project phase to identify and develop a strategy of preferred adaptation options and pathways approaches, the next phase will consist of planning towards implementation of those options and pathways. Implementation of any larger-scale adaptation options will require significant investment in further investigations, for example these may include feasibility studies, cost-benefit analysis and business case development, investigations of potential funding options, and consideration of environmental, legal, technical and planning factors.
- [62] Attaining the level of natural hazard risk definition (e.g. risks to life, or risk to property) which may be needed for decision-making will require continued research and technical investigations.
- [63] Climate change is a key factor in this project, along with geomorphic change. These two influences being causes of expected increases to many of the natural hazard risks, and therefore driving the need for development of a natural hazards adaptation response.
- [64] The Adaptation Pathways approach to natural hazards adaptation is relatively new and most past or current applications have been in coastal hazard environments,<sup>16</sup> rather than in an alpine environment or with a multi-hazard scope.
- [65] The lessons from the use of this process will have wider benefits for ORC's other natural hazards adaptation projects within Otago.<sup>17</sup>
- [66] ORC will also communicate these findings to Otago's territorial authorities and any other interested organisations. Members of the natural hazards team are planning to meet with staff at the Dunedin City Council to provide a review of this adaptation project, and to discuss challenges and lessons which may have benefit for adaptation in the South Dunedin/Harbourside areas.
- [67] Continued collaboration and development of project partner relationships will be critical to the successful development of an adaptation pathway strategy, and future implementation of these adaptation actions.

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<sup>16</sup> E.g. the 'Clifton to Tangoio coastal hazard strategy 2010' developed by the Hawke's Bay Regional Council (<https://www.hbcoast.co.nz/strategy-development/>)

<sup>17</sup> For example adaptation work in the South Dunedin-Harbourside area, and at the Clutha Delta.

## **CONSIDERATIONS**

### **Strategic Framework and Policy Considerations**

- [68] The currently operative Regional Policy Statement for Otago provides for regional, city and district councils the opportunity to prepare strategies or other similar documents to assist in the management and reduction of natural hazard risk and adaptation to, and mitigation of climate change.
- [69] It also encourages regional, city and district councils to develop community relevant responses to the impacts of natural hazards and climate change, in collaboration with the relevant local authority, key stakeholders and affected community (Method 6, Non-RMA strategies and plans, Otago Regional Policy Statement, 2019).
- [70] The adaptation approach discussed in this paper reflects Council's Strategic Directions where our vision states: communities that are resilient in the face of natural hazards, climate change and other risks.

### **Financial Considerations**

- [71] The project is included in the draft ORC 2021-30 Long Term Plan with funding of \$120,000 (excluding staff time) in the next financial year and \$70,000 (excluding staff time) for the two following years.
- [72] However, as noted previously, the scale and complexity of this project is expected to evolve due to the iterative nature of the adaptation process. The number and scope of supporting investigations required to support this process will become clearer as this program of work progresses. This may require further funding in the coming years.
- [73] The need for additional work will be reflected in the preparation of the next Annual Plans and Long-Term Plans.

### **Significance and Engagement**

- [74] Refer to the description in the Background and Discussion sections.

### **Legislative and Risk Considerations**

- [75] The work described in this paper helps ORC fulfil its responsibilities under sections 30 and 35 of the RMA.
- [76] The likely reforms of the Resource Management Act and strengthening of provisions to do with local authority leadership for climate change adaptation are noted.

### **Climate Change Considerations**

- [77] Climate change considerations are discussed above.

**Communications Considerations**

[78] ORC's communications for this project have included development of a project webpage, compilation of an email contact list used to provide monthly project updates to community members, and several in-person events and meetings with the head of Lake Wakatipu community, and with the Glenorchy Community Association.

**NEXT STEPS**

[79] Next steps are presented in the Next Project Steps section above.

**ATTACHMENTS**

1. Natural Hazards Adaptation in the Head of Lake Wakatipu [7.1.1 - 43 pages]

## Appendix A: Natural hazards adaptation in the Head of Lake Wakatipu:

### 1. INTRODUCTION

The paper presented to the committee provides a formal update on ORC's natural hazards adaptation project for the head of Lake Wakatipu area. This appendix provides supporting information summarising ORC's natural hazards activities within this project area over about the last two years. The overall objective of these activities has been to work towards development of a natural hazards adaptation strategy. These project activities have included;

- project planning and design of the project approach,
- development of working relationships with our project partners; QLDC, DOC and Iwi, as well as the local community,
- capture of survey information to enable assessment of geomorphic changes,
- completion of technical studies to provide greater understanding of the natural hazards and risks of this project area,
- design and commencement of the community engagement phase for development of a natural hazards adaptation strategy, and
- response to natural hazards events, of which the most disruptive have been the Glenorchy flood event of 4<sup>th</sup> February 2020, and regular flooding impacts and erosion threats to Kinloch access.

### 2. BACKGROUND

#### 2.1. Natural Hazard Overview

The head of Lake Wakatipu is subject to a number of natural hazards that have potential serious implications, being exposed to hydrological, slope-related and seismic hazard events (Figure 1). The communities in the head of the lake area are highly exposed and vulnerable to natural hazard events, and consequently these natural hazard events have had regular impacts throughout the duration of settlement.

A number of previous natural hazards investigations have been undertaken in the study area, however these have typically been focused on a localised area of interest (e.g. Glenorchy<sup>1</sup>), or focused only a single hazard type (e.g. seismic hazards<sup>2</sup>, flooding and river morphology<sup>3</sup>, alluvial fans<sup>4</sup> and delta growth<sup>5</sup>).

Glenorchy township is located on a low-elevation alluvial fan landform at the lake margin, between the Rees River and Buckler Burn drainages, and adjacent to the actively growing Rees delta (Figures 2

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<sup>1</sup> URS (2007) *Glenorchy Area Geomorphology and Geo-hazard Assessment*; ORC (2010) *Natural Hazards at Glenorchy*.

<sup>2</sup> Barrell (2019) *General distribution and characteristics of active faults and folds in the Queenstown Lakes and Central Otago districts, Otago*; and Barrell (2019) *Assessment of liquefaction hazards in the Queenstown Lakes, Central Otago, Clutha and Waitaki districts of the Otago Region*.

<sup>3</sup> URS (2007) *Glenorchy Floodplain Flood Hazard Study*; ORC (2013) *Channel morphology of the Rees River, Otago*; Geosolve (2016) *Flood Protection – Kinloch Road / Dart River*.

<sup>4</sup> Opus/GNS (2009) *Otago Alluvial fans project*, and GNS (2009) *Otago Alluvial Fans Project: Supplementary maps and information on fans in selected areas of Otago*.

<sup>5</sup> Wild MA (2012) *Growth dynamics of braided gravel-bed river deltas in New Zealand*. PhD thesis, University of Canterbury.

and 3). The lower parts of Glenorchy have been flooded on multiple occasions (e.g. November 1999, Figure 4; and February 2020, Figure 20), and other possible natural hazard threats to the township include activation of the Buckler Burn alluvial fan, debris flows or dambreak flooding, a major earthquake triggering liquefaction or lateral spreading of the saturated lake and alluvial and sediments, or a lake tsunami generated by landsliding or delta collapse. The Glenorchy wetland is located at lower elevation than the adjacent Rees River channel, and an inevitable future avulsion of the river flow into this wetland flow path will increase the flooding hazard to Glenorchy.

The Dart-Rees floodplain has been formed of alluvial sediments deposited by the braided Dart and Rees Rivers. As is typical of braided rivers, these are highly active systems, frequently overtopping their banks to inundate their adjacent floodplains during flood events, and continually evolving through erosion and deposition processes. With large portions of the road network constructed on this floodplain and the tributary alluvial fans, there is a long history of roading disruptions due to flooding, riverbank erosion and alluvial fan activity. Within the project area, there is a legacy of historic, engineered flooding and erosion protection structures, however these have provided only limited or temporary protection, and have been regularly damaged or completely destroyed by flood events.

The head of Lake Wakatipu is within ~50 kilometres of the Alpine Fault and other known active faults, so is also exposed to seismic hazards, with lake-side sedimentary deposits vulnerable to liquefaction and slumping, and potential for earthquake-triggered landslides from steep slopes.

The Dart-Rees Delta formed by the Dart and Rees Rivers, and the smaller Buckler Burn and Stone Creek deltas, are continually growing as sediments are deposited into, and gradually infill the head of Lake Wakatipu. Much of this delta shoreline has advanced lakeward by 200-250 metres since the earliest European records (Figure 3). Early surveys at Glenorchy show the present-day wetland area was a large lagoon in the 1860-70s, and at Kinloch, delta growth has infilled the bay and now rendered the Kinloch jetty inaccessible, limiting boat access as an alternative access option to Kinloch and leaving the community vulnerable to road closures. Modelling of future delta growth<sup>6</sup> indicates that over the next 100-120 years the delta will advance an average of ~165 metres, with actual advances across the delta shoreline ranging from 40 to 300 metres (Figure 3). Increases to the upstream sediment supply rate would accelerate this rate of riverbed aggradation and delta growth, such as would result from events such as the widespread coseismic landsliding expected to result from a major earthquake event (e.g. on the Alpine Fault)<sup>7</sup>, or as a consequence of failure of a major landslide dam.<sup>8</sup>

As a result of delta growth and associated riverbed aggradation, the Head of the Lake landscape will experience ongoing and irreversible change, as noted by Wild<sup>9</sup>, *“Although there is uncertainty in the timing, it is inevitable that the Rees-Dart delta will eventually overwhelm both Glenorchy and the Dart River true-right bank as the delta continues to advance.”*

Flooding hazards already pose a substantial threat to Glenorchy, due to the combination of the frequency of these events, and the number of buildings exposed to potential flooding damages. Future

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<sup>6</sup> Wild MA (2012) *Growth dynamics of braided gravel-bed river deltas in New Zealand*. PhD thesis, University of Canterbury.

<sup>7</sup> Robinson et al, 2016. *Coseismic landsliding estimates for an Alpine Fault earthquake and the consequences for erosion of the Southern Alps, New Zealand*. *Geomorphology* 263, pp. 71-86.

<sup>8</sup> For example, the aggradation and river avulsions resulting from the 1999 failure of the Poerua River landslide dam. Hancox et al, 2005. *The October 1999 Mt Adams rock avalanche and subsequent landslide dam-break flood and effects in Poerua River, Westland, New Zealand*. *New Zealand Journal of Geology and Geophysics* 48 (4): 683-705.

<sup>9</sup> Wild, 2012. *Growth dynamics of braided gravel-bed river deltas in New Zealand*. PhD thesis, University of Canterbury.

delta growth and riverbed aggradation will continue to increase this flooding hazard, as these will raise the riverbed levels adjacent to Glenorchy and Kinloch. In addition to the future geomorphic changes which will increase the flood hazard at the head of the lake, continued changes to climatic and hydrological factors are also projected to cause significant increases in the flood hazard.

NIWA<sup>10</sup> has analysed projected climate changes in Otago, for mid-century (2031-2050) and late-century (2081-2100) timeframes, and for several climate change scenarios<sup>11</sup>. This modelling shows significant future increases in mean annual rainfall and its seasonality, with mean winter rainfall projected to increase by >40% by 2090 (under the RCP8.5 scenario). Extreme, rare rainfall events are also projected to increase in magnitude, for example NIWA's HIRDS<sup>12</sup> model projections for the 'Dart at Paradise' and Dart Hut locations show increases by late-century of 22-33% in rainfall totals for 100-year (0.01 AEP) rain events (RCP8.5 scenario). These changes to precipitation variables will also result in an increase in the rivers' mean discharges and flood magnitudes, and thus the resulting flood hazard. For the head of the lake catchments, by late-century timeframes, NIWA projects 20-50% increases in mean discharge, and 50-100% increases in the mean annual flood (RCP8.5 scenario).

## 2.2. Natural hazards issues exacerbated by geomorphic and climate change

Many of the hazard events in the area are a function of the dynamic geomorphic nature of the rivers, deltas and floodplains. These hazards will be exacerbated by the inevitable, ongoing and irreversible processes of aggradation and delta growth. These hazard events will also be influenced by climate change, where higher magnitude and more frequent flood events will occur, and will also transport greater sediments loads through the river systems.

- The Glenorchy flooding hazard will continue to increase, meaning that the likelihood and severity of flooding to the residential area will be increased. The effectiveness of the protection provided by the QLDC floodbank at the Glenorchy lagoon will also decrease.
- A channel breakout (avulsion) of the lower Rees River becomes increasingly likely as aggradation continues. If this flood overtops the floodbank protection, this will impact on the Glenorchy residential area, and potentially with greater floodwater depths and velocities than have been observed in past flood events.
- The section of the Rees River bed at the road Rees bridge has also been aggrading, although the rate is not well defined. Continued aggradation at the bridge may begin to increase the likelihood and severity of erosion or flood impacts to the bridge.
- Aggradation of the lower Dart riverbed reduces the flooding threshold – increasing frequency and severity of flood events on the dart floodplain and closures of Kinloch Road.
- Westwards erosion of the Dart floodplain has been ongoing for >50 years, and is already directly impacting Kinloch Road through erosion at several locations. This has required localised protective rock armouring at several locations in last few years, but is eroding over riverbank lengths of many kilometres (e.g. Figures 22 and 23).

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<sup>10</sup> NIWA, 2019. *Climate change projections for the Otago Region*. Report prepared for Otago Regional Council.

<sup>11</sup> Termed RCP's (Representative Concentration Pathways) and based on IPCC projections.

<sup>12</sup> High Intensity Rainfall Design project.

ORC has previously undertaken river management engineering works to address natural hazards issues such as flooding and erosion. While engineering works provide temporary benefits, they do not fully deal with the problems permanently and are unlikely to be sustainable financially or environmentally in the long run.

A strategic and holistic approach is needed to address these issues in the longer term, which needs to also consider future climate change, landscape changes, and multiple and cascading natural hazards. It is very important that this strategic approach is developed collaboratively with the local community and other project stakeholders and partners, and that their values and views are incorporated into this planning.

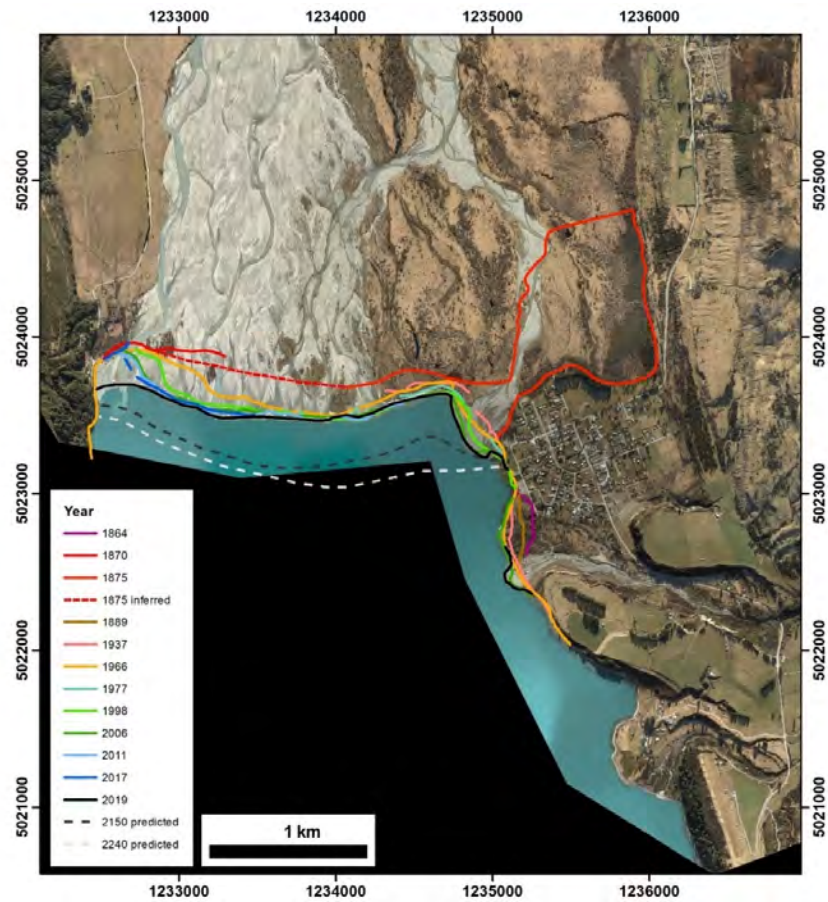


**Figure 1:** The hazardscape of the head of Lake Wakatipu, illustrating the range of potential natural hazard events with potential to impact this area.



**Figure 2:** A view of Glenorchy township, looking over Lake Wakatipu and towards the Richardson Mountains in the background. The Rees River enters the lake at left forming the Rees Delta, and Buckler Burn is at right. Glenorchy is located on the low-relief alluvial fan deposits deposited by Buckler Burn.





**Figure 3:** Historical and predicted shoreline positions of the Dart-Rees delta, based on compilations of historical maps and photographs by URS (2007) and Wild (2012). Projected delta growth based on modelling by Wild (2012).



*Figure 4: Flooding in Glenorchy during the November 1999 flood event, showing significant inundation of the residential area.*



*Figure 5: Flooding of the lower Dart floodplain in a moderate 2019 flood event. This shows the Kinloch Road closed due to flooding of sections between Glacier Burn and Turner Creek.*

### 3. COMPLETED PROJECT WORK

### **3.1. Capture of Lidar surveys and aerial imagery**

LiDAR topography and high-resolution aerial imagery were captured in June 2019. The survey area included the majority of the Dart and Rees floodplains, and was of greater extent than the only previous LiDAR survey (2011). This detailed LiDAR topographic information has been used in geomorphic analysis to compare changes to the river and floodplains since the previous survey (e.g. Figures 9 and 11), and can be used as a base for hydraulic modelling of flood events.

Regular reconnaissance helicopter flights are also carried out by ORC to inspect river morphology and flooding impacts. In the last two years, these have been undertaken in May 2019, October 2019, December 2019, and October 2020.

### **3.2. Riverbed cross-section surveys**

A series of riverbed cross sections for the Dart and Rees rivers have been regularly surveyed since the 1990's, providing information to monitor change and inform river management decisions. The constantly changing morphology of the river channels and floodplains, and the sparse cross sections, means it is difficult to make definitive conclusions regarding bed level trends, but it appears most cross sections have undergone net aggradation, a conclusion supported by analysis of LiDAR surveys.

The most recent full survey of Dart and Rees River cross sections was carried out in June 2019. A selection of lower Rees cross sections were then re-surveyed in May 2020 (RR3A, RR4A, RR5, and part DR1) to investigate riverbed changes following the February 2020 flood event, and a single survey line (RR3A) was also re-surveyed in November 2020 to review effects of river management works at the Rees Delta.

### **3.3. Environmental monitoring**

In response to community requests following the February 2020 flood event, ORC has installed two new water level monitoring stations in the Glenorchy area (Figure 6).

At the Glenorchy Lagoon, a recently installed water level monitoring station shows water levels, and height relative to the floodbank crest level (Figure 6a). This provides near real-time monitoring of water levels for local residents, and provides data enabling ORC to better understand the relationships between the lagoon behaviour in response to other influences (e.g. rainfall, river flows and lake levels, Figure 7) which to date have relied largely on visual observations and anecdotal reports.<sup>13</sup>

A telemetered water level sensor was installed and operating in Lake Wakatipu at the Glenorchy marina in late January 2021 (Figure 6b).<sup>14</sup> Assessment of the initial monitoring dataset from this temporary install will assist with determining the value in potential upgrade of this station to provide permanent collection of telemetered real-time monitoring information. The level of Lake Wakatipu has been recorded at Willow Place in Queenstown since 1962, and it has been previously assumed that this lake level measured in Queenstown approximates the lake level at the head of the lake,

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<sup>13</sup> Near real-time monitoring lagoon level data available online at ORC's WaterInfo page, the site is named 'Glenorchy Lagoon at south-east corner'.

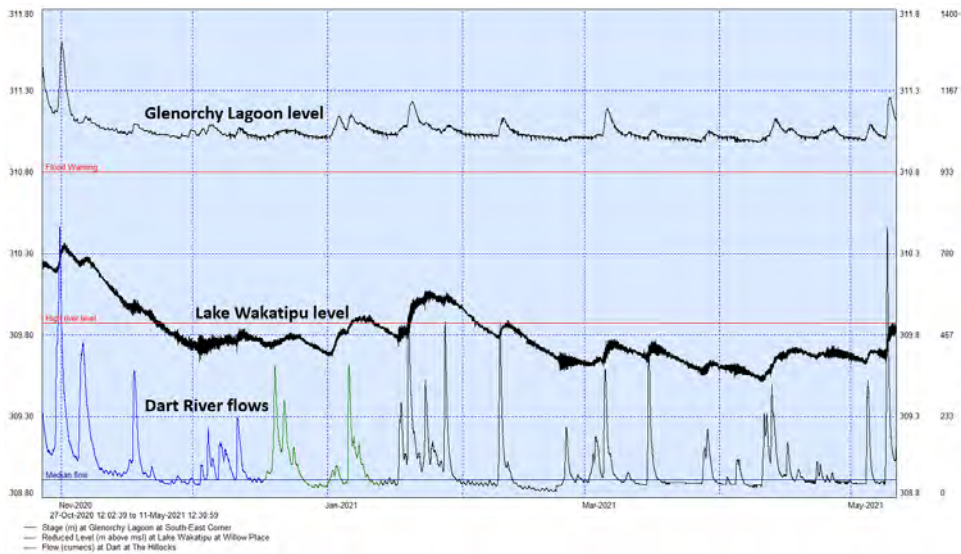
<sup>14</sup> Near real-time monitoring lake level data available online at ORC's WaterInfo page, the site is named 'Lake Wakatipu at Glenorchy boat ramp'.

~45km distant. The relationship between lake levels at these two locations has not previously been investigated, so this new data will be an important dataset in investigating potential differences in lake levels under a range of river flow conditions.

One key environmental factor not presently recorded is monitoring of the Rees River flows, and this dataset would help significantly with understanding the hydrology and flood hazard in this area. Our current understanding of Rees River flood peaks is based only on comparison with observed flows in the adjacent Dart catchment. However, there is known to be a relatively poor correlation between the magnitude of high flow events between these catchments, based on a flow dataset obtained by NIWA in 2009-2011. ORC is proposing to re-establish a Rees River flow monitoring station at a similar location as the previously acquired dataset, near the Invincible Mine. This is planned to be installed and operational in 2021, and will be an important dataset in increasing the understanding of the flood hazards in Glenorchy.



**Figure 6:** The recently installed water level monitors installed at the Glenorchy lagoon (6a, left) and the Glenorchy marina (6b, right). Data for both of these monitoring stations is available in near real-time on ORC's WaterInfo web page.

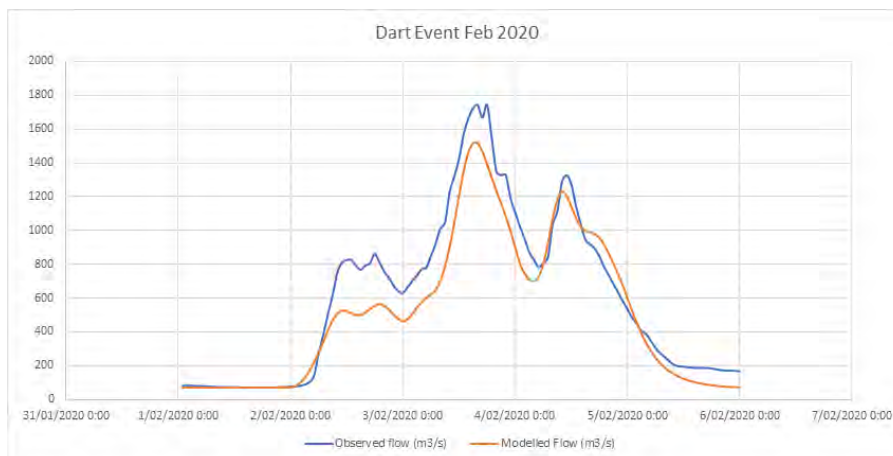


**Figure 7:** Initial monitoring data for the Glenorchy Lagoon, showing the relationships with the level of Lake Wakatipu and Dart River flows. Over this time the lagoon levels have fluctuated within a range of ~0.6m, with the highest lagoon level of 311.6m associated with a high-flow event in early November (Dart peak of ~780 cumecs). The Glenorchy floodbank may overtop at level of about 312.5m.

### 3.4. Flood forecast modelling

A rainfall-runoff model has been developed by an ORC hydrologist for the Dart River, and this can be used in flood forecasting to provide a modelled estimate of flood peak, based on rainfall forecasts and records. The initial model is being tested for its accuracy during high flow events, and these tests will inform how valuable it can be for providing flood warning. Figure 8 shows an example model output comparing observed and modelled flow hydrographs for a high-flow event in the Dart River. This model for the Dart River can be used to complement the existing ORC flood model for Lake Wakatipu, which enables modelling of lake levels based on recorded and forecast rainfall totals.





**Figure 8:** Example of flood modelling output, showing the observed (blue) and modelled (orange) Dart river flows for the February 2020 flood event.

### 3.5. River morphology research (University of Canterbury)

A research project ‘*Geomorphic Character and Morphodynamics of the Dart-Rees Rivers*’ has been carried out by Professor James Brasington of the University of Canterbury. This investigation provides a summary of the river channel dynamics, historic river corridor evolution, and interpretation of these observed changes based on their driving processes. The report also provides detail of the expected future changes to the river systems and how these are likely to affect their natural hazard impacts; giving a scientifically-based review of the need for adaptation to these future challenges, and provides guidance for the management of these river corridors.

The study includes assessment of historical changes to the river systems, based on analysis of satellite imagery archives, and from analysis of repeat LiDAR surveys (Figure 9). These assessments demonstrate the characteristics and scale of changes to the river corridor, both of changes of the river’s active channel widths, and of channel migration across the floodplain. LiDAR analysis can be used to identify and quantify changes to the river beds, including locations and rates of erosion and aggradation, and volumetric changes to riverbed sediments. These analyses of net changes consistently indicate system-wide aggradation for both the Dart and Rees Rivers, with a dominant aggradation trend over the last eight years (Figure 10).

There are two key factors identified as drivers of an increasing flood hazard within this project area; geomorphic changes, and climate change. The geomorphic changes were the focus of this research, with the climate changes having been assessed in previous studies by NIWA.<sup>15</sup>

For the Dart and Rees floodplains, the geomorphic changes resulting from aggradation of sediments will reduce the rivers cross-sectional area and gradient, in turn reducing the river channel’s flood capacity and increasing the likelihood and severity of flood events. Aggradation will also cause an increase in lateral migration of the rivers active channel belts. At the lower Dart floodplain erosion

<sup>15</sup> NIWA (2019), Climate change projections for the Otago Region. Report prepared for ORC.

rates are already relatively high, with erosion impacts threatening the Kinloch Road access at multiple locations, so any increase in migration rates may lead to increases in the extent and severity of erosion.

For the lower Rees River and Glenorchy, the aggradation of the river bed and growth of the delta will also increase the flood hazard through the impacts of these geomorphic changes. Aggradation will reduce the relative level of the flood stage to the floodbank crests, and also increase erosional and hydrostatic pressures on the floodbank structure. Aggradation on the Rees delta at the confluence of Lagoon Creek, raises the base level of this creek, and impedes drainage from the lagoon. During a flood event, this backwater effect may block or limit lagoon outflows, and contribute to higher lagoon levels or overtopping of the floodbank (as occurred in the February 2020 flood event).

The third, and potentially highest consequence, impact of river bed aggradation on the flood hazard for Glenorchy, is through increasing the risk of channel outbreak flooding (an avulsion event). A section of the active Rees River channel is elevated above the surrounding floodplain and wetlands (Figure 11), and at some point in time, the river flows will inevitably re-route through this steeper flow path. This realignment of the channels is not necessarily triggered by a major high-flow event, but may result from the cumulative effects of aggradation reaching a tipping point. The hazards resulting from a severe avulsion event have been described<sup>16</sup> as being a process which “poses a credible mechanism for a major flood hazard that would overwhelm the existing stopbank near to the Lagoon,” and which “could route a significant proportion of the Rees River along this pathway, resulting in fast moving, erosive flood waters flowing through the town.”

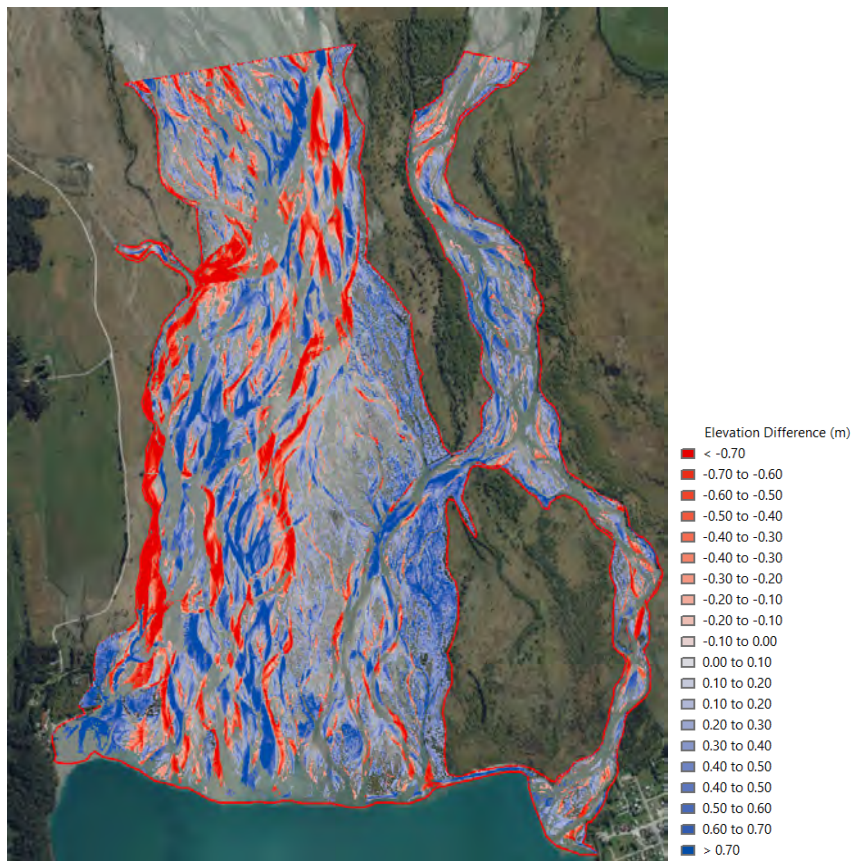
This research shows the need for adaptation to the flooding hazards in this project area, as they will increase due to both climate change and long-term geomorphic evolution; becoming increasingly difficult to manage through the current management approaches, and posing significant threats to the communities into the future. This research will be presented as a technical report, and was also presented to the community in a public talk on 7<sup>th</sup> April 2021.<sup>17</sup>

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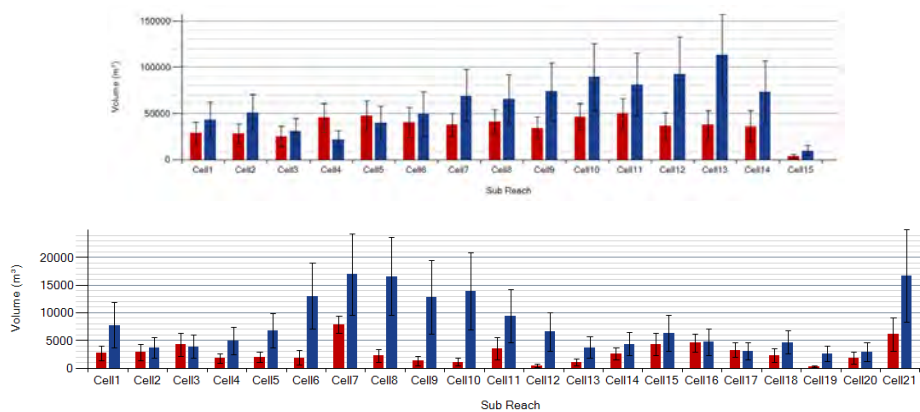
<sup>16</sup> Brasington J, 2020. River science evidence presented at resource consent hearing, 10-11 December 2020, for ORC regarding Blackthorn Lodge Glenorchy Limited (RM191318).

<sup>17</sup> Presentation slides: <https://www.orc.govt.nz/media/9816/james-brasington-presentation-fluvial-hazards-at-the-top-of-the-lake-20210407.pdf>

Audio recording: <https://www.youtube.com/watch?v=wMWelhp6GOI>

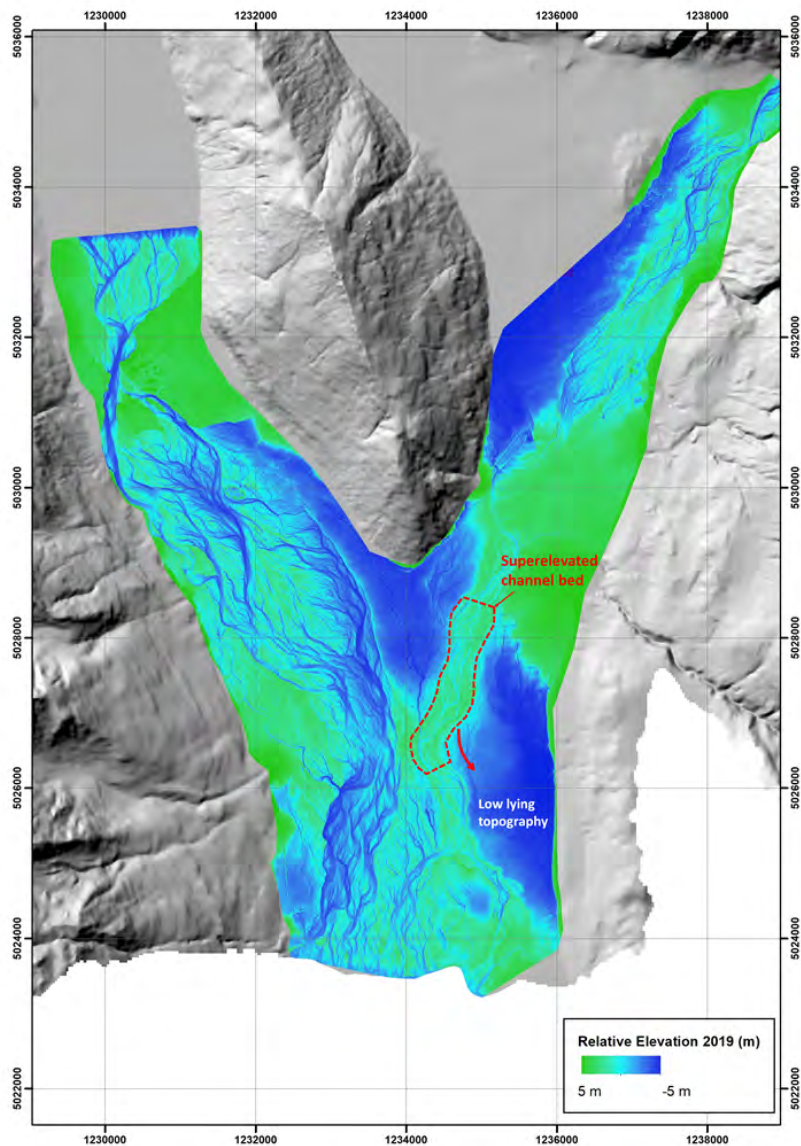


**Figure 9:** Geomorphic change for the lower Dart and Rees rivers (2011-2019), where blue is sedimentation, red is erosion. This shows westwards erosion of the lower Dart floodplain, and widespread aggradation in the lower reaches of the Dart and Rees rivers.





**Figure 10:** Sediment volume changes (2011-2019) for the Dart (upper) and Rees (lower), where change is analysed over cells of 200m length, with Cell 1 starting from lake edge. Sedimentation volumes (blue) are of greater magnitude than erosion (red), indicating net aggradation over the lower reaches of both rivers.



**Figure 11.** Relative elevation model of the Rees-Dart valley floor. This is computed by comparing the valley floor elevations to the adjacent average level of the river bed. The section of super-elevated

*river bed highlight is the likely source for a potential channel breakout flood eastwards into the lower-lying topography of the wetland and lagoon area. The analysis is based on a 1 m resolution lidar topographic dataset acquired in 2019.*

### **3.6. Hazard and risk assessments (Tonkin + Taylor)**

Tonkin and Taylor (T+T) have completed a review of the natural hazards risks for this project area, based on all currently available information<sup>18</sup>. The report provides an improved risk understanding for the area, showing the spatial extent of potential natural hazard events, and illustration of the potential event consequences. This report has included completion of the first risk mapping for the head of the lake area, showing natural hazard uncertainty and risk rating.

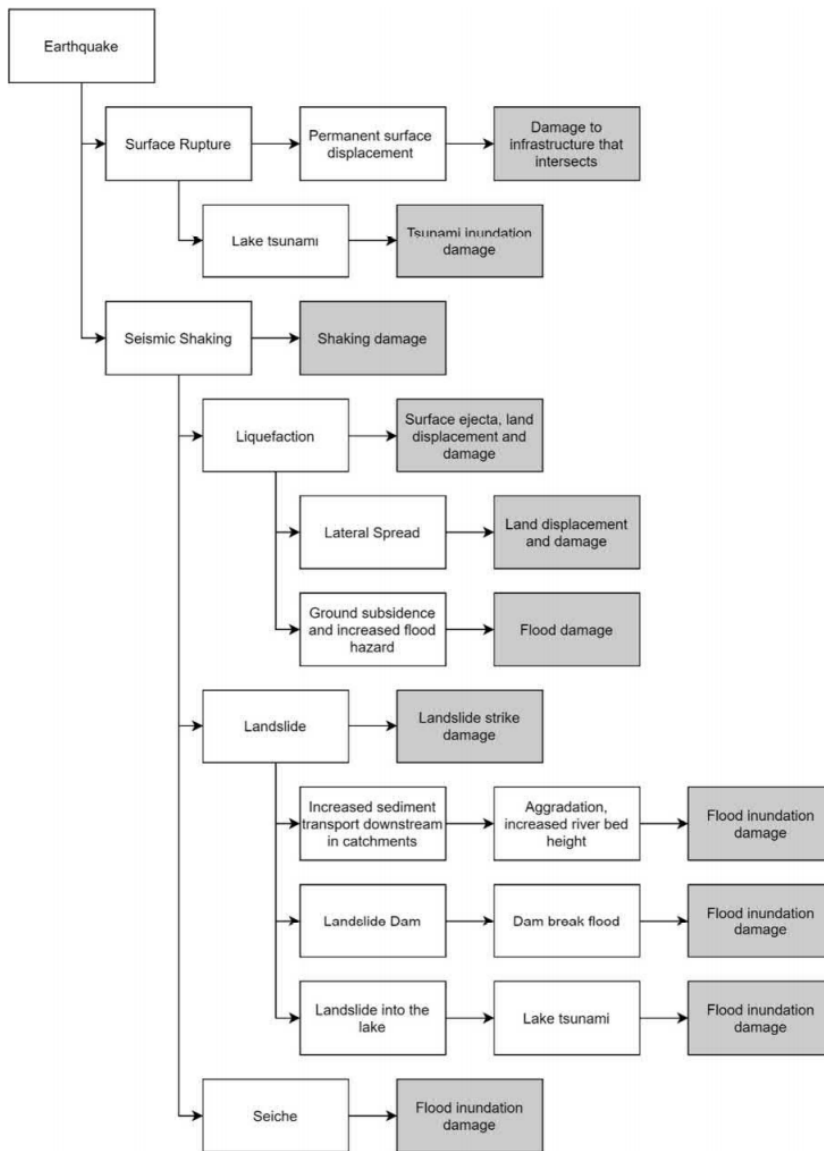
Many of the natural hazard events in the project area are not independent, but may interact in cascades or sequences of hazard events. Figure 12 shows an example to illustrate the complexity of natural hazard interactions, showing the range of potential natural hazard impacts which may be triggered by a major earthquake.

The hazards analysis identifies that the current levels of natural hazards knowledge for the project area are not sufficiently detailed for undertaking of a probabilistic risk assessment approach. As it is difficult to define or assign risk classifications due to limited confidence in knowledge of likelihood and potential consequences. The risk information is instead presented by showing the spatial extent of potential natural hazard events, and through illustration of the potential event consequences. Risk mapping was developed to show natural hazard uncertainty and risk rating. This risk mapping illustrates the higher risk areas as being those subject to potential floodplain hazards (flooding, erosion and channel avulsion), elevated lake levels, and active or potentially active alluvial fan surfaces (Figure 13).

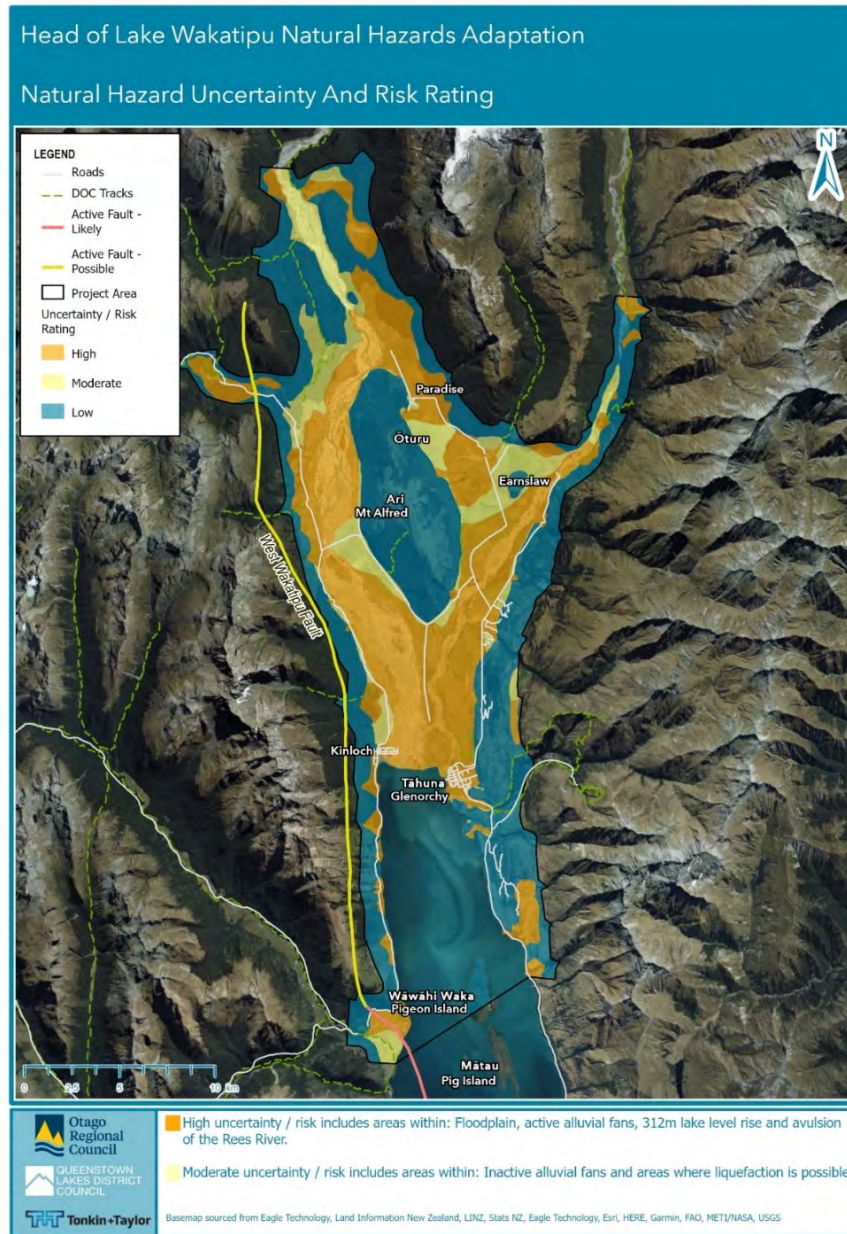
This report has provided ORC with an independent, expert review of the natural hazard risks, ensuring all hazards are identified and taken into account. As a broad-scale review covering the entire project area, this study will be supplemented by continued investigations at those locations identified as being of higher risk.

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<sup>18</sup> Tonkin + Taylor (2021). Head of Lake Wakatipu Natural Hazards Assessment. Report prepared for ORC. Report is available at: <https://www.orc.govt.nz/media/9784/head-of-lake-wakatipu-natural-hazards-assessment.pdf>



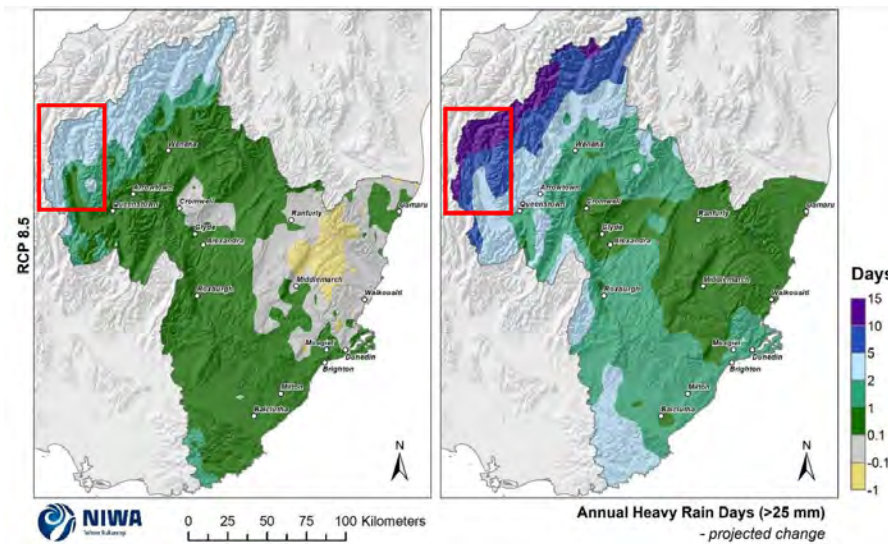
**Figure 12:** Example of the cascading natural hazard events which may be initiated by the triggering event of a major earthquake.



**Figure 13:** A risk and uncertainty map compiled for the head of Lake Wakatipu area, showing the higher risk areas located where there is exposure to floodplain, alluvial fan activity and lake flooding.

**3.7. Climate change projections (NIWA)**

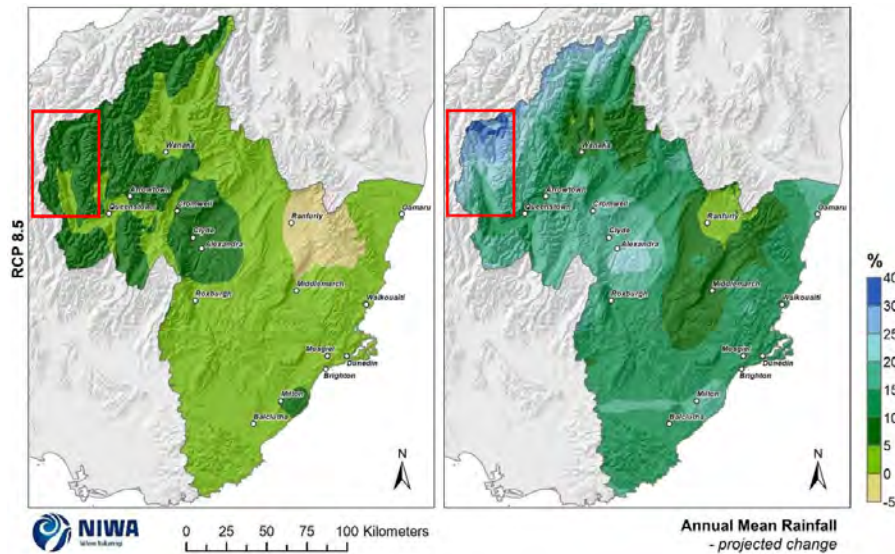
As part of ORC’s Climate Change Risk Assessment project (OCCRA), NIWA<sup>19</sup> have completed projections for climate variables for the Otago region, under a range of future time periods (mid-century and late-century) and emissions scenarios (Representative Concentration Pathways, RCPs). For the head of Lake Wakatipu catchments, these projections show significant increases in both rainfall (Figures 14 and 15) and river flow variables (Figure 16). The existing flood risks for this area are already relatively high, so these projected increases in rainfall and river flows will only increase these risks, and consequently flooding impacts are expected to increase in frequency and severity.



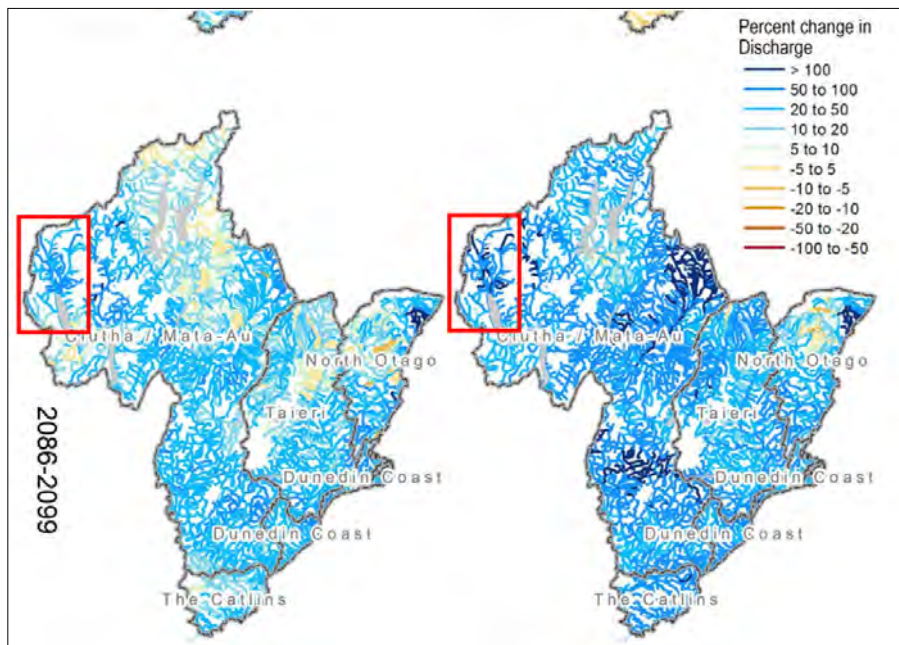
**Figure 14:** Projected changes to the annual number of heavy rain days (>25mm) by 2040 (left) and 2090 (right), under the IPCC’s RCP8.5 climate scenario. The approximate area of the Dart and Rees catchments are outlined, showing that these are expected to experience a significant increase in heavy rain events.

<sup>19</sup> NIWA (2019), Climate change projections for the Otago Region. Report prepared for ORC.





**Figure 15:** Projected annual mean rainfall changes by 2040 (left) and 2090 (right), under the IPCC's RCP8.5 climate scenario. The approximate area of the Dart and Rees catchments are outlined, showing that these are expected to experience some of the largest percentage increases in rainfall anywhere in the Otago region.



**Figure 16:** Projected percent changes to average annual flood discharges for the late 21st century, projected changes shown for the RCP6.0 (left) and RCP8.5 (right) scenarios. The approximate area of

*the Dart and Rees catchments are outlined, showing that these catchments are expected to experience large percentage increases in flood magnitudes.*

### **3.8. Cultural Values Assessment (Aukaha)**

A cultural values statement (CVS) has been prepared to provide mana whenua input to this adaptation project. This has been completed by Aukaha and reviewed by the four Otago rūnaka. This CVS covers both the wider Te Wai Pounamu landscape and the area at the head of Whakatipu-wai-Māori (Lake Wakatipu).

The mana whenua associations discussed demonstrate the high significance of the area to mana whenua, showing widespread use, settlement, established travel routes and abundant traditional resources. A large number of traditional names are embedded within the landscape, these are summarised in the report and are also shown online in the Ngāi Tahu Ka Huru Manu Atlas (Figure 17).<sup>20</sup>

This core cultural values of Mana, Mauri and Whakapapa are noted, and a number of additional Kāi Tahu values are also described. To emphasise the significance of this area to mana whenua, the concluding statement below is reproduced from the CVS; “Whakatipu-wai-Māori holds generations of Kāi Tahu histories, the knowledge of which holds the same value for Kāi Tahu today. Kāi Tahu taoka (treasures) cover the landscape; from the ancestral mauka (mountains), large flowing awa (rivers), tūpuna roto (great inland lakes), pounamu and ara tawhito (traditional travel routes/trails). These all make the area immensely significant to mana whenua.”

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<sup>20</sup> <https://www.kahurumanu.co.nz/atlas>



**Figure 17:** Screenshot from the Ngāi Tahu Ka Huru Manu Atlas, showing traditional names for landscape features in the head of Whakatipu-wai-Māori. These include the main rivers; Puahiri (Rees River), Te Awa Whakatipu (Dart River) and Te Komana (Route Burn), the peaks and mountain ranges; Ari (Mount Alfred) and Whakaari (Richardson Mountains), and the lakes and shoreline features, Ōturu (Diamond Lake) and Tāhuna (the Glenorchy area).

### 3.9. Support for future research

In addition to technical investigations proposed by ORC, we have also been approached by several research agencies to discuss possible support for proposed research projects which will advance knowledge of hazard events and assessment of geomorphic processes.

#### 3.9.1. University of Canterbury – Bathymetric LiDAR evaluation.

An emerging technology for surveying of rivers and lakes is bathymetric LiDAR. This uses a shortwave (green) lidar sensor deployed from UAVs and helicopters. This new technology can be used to map the underwater bathymetry of shallow lakes and rivers, generating seamless 3D models of lakes and rivers, which would be a significant improvement in capturing and understanding riverbed bathymetry compared to cross section surveys or conventional LiDAR. ORC have indicated support for a proof-of-concept evaluation carried out by the University of Canterbury, and which will utilise the Rees River, Shotover Delta and Clutha River as Otago case study locations. If the suitability of these survey methods are demonstrated, they can potentially be more cost-effective, and provide a much richer dataset for monitoring of riverbed morphology than cross-section survey methods.



### 3.9.2. NIWA, Massey University, University of Otago.

PhD project: *Post-glacial geomorphic evolution of Lake Wakatipu basin and landslide-generated tsunami hazards.*

The research team have requested ORC support with operational costs for field investigations for a PhD research project commencing in 2021. The objectives of this PhD research include monitoring sediment transport and contemporary morphological changes on the delta, and mapping and evaluation of the potential for subaerial and lake-floor sources of slope instability, to support tsunami modelling. This project will build on and complement a previous PhD project supported by ORC (Michelle Wild, UC), benefits for ORC include gaining additional knowledge of lake tsunami hazards, which have not yet been assessed in any detail.

### 3.10. Flood Events and Response

There have been three significant flooding events in the head of Lake Wakatipu area over the last two years (Figures 18 and 19).

- **March 2019:** The Dart River reached its highest recorded flow since recording began in 1996 (1819 cumecs).
- **December 2019:** Lake Wakatipu reached a peak level of 311.375 masl (the 7th highest peak level since level recording commenced at Willow Place in 1962).
- **February 2020:** The Dart River reached its equal-highest recorded flow since recording began in 1996 (1822 cumecs), and Lake Wakatipu reached a level of 311.364 masl (the 8th highest peak level since level recording commenced at Willow Place in 1962).

Of these three flooding events, the February 2020 flooding event caused the most community concern, with flooding causing inundation and damages at several houses in Glenorchy township and precautionary evacuations of a number of others (Figures 20 and 21). Following this flooding event, ORC was contacted by several Glenorchy residents, the Glenorchy Community Association (GCA), and the Queenstown Lakes District Council (QLDC), requesting ORC to carry out an investigation of flooding causes and to provide assistance with development of flood management options.

ORC, QLDC and CDEM representatives attended a meeting of the GCA in early July 2020 to hear community input into potential flood management options, and to discuss the short-term flood response works proposed by ORC.<sup>21</sup> ORC have also commenced of a monthly community update to the GCA providing brief progress reports on completed and upcoming flood response and adaptation project activities.

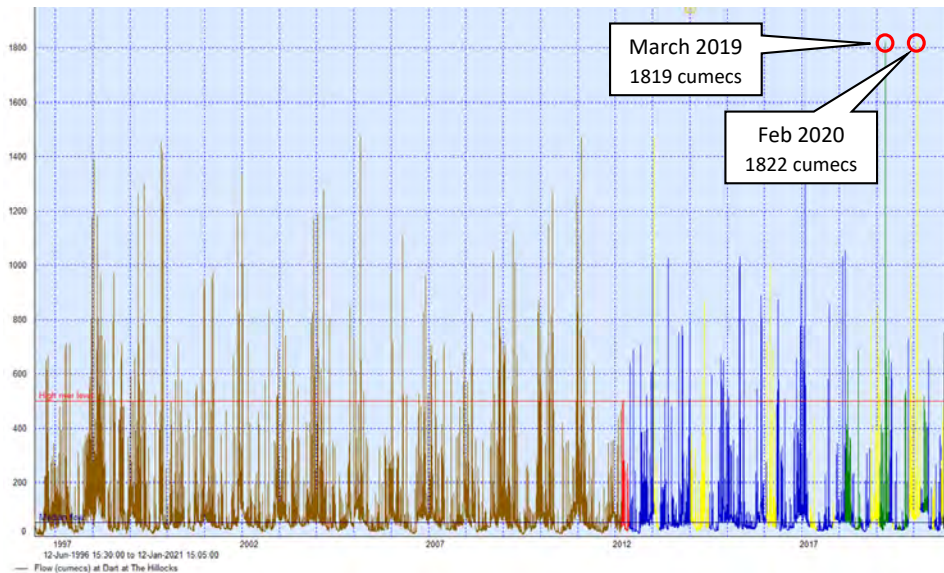
This section provides a brief summary of the flooding event, and then lists the flood response actions carried out by ORC following this event.

On the afternoon of the 4<sup>th</sup> February 2020, floodwaters from the Rees River filled the Glenorchy Lagoon to the crest level of the adjacent Glenorchy floodbank and then overtopped to flow through the northwest margins of the township. Floodwaters filled much of the Glenorchy recreation ground

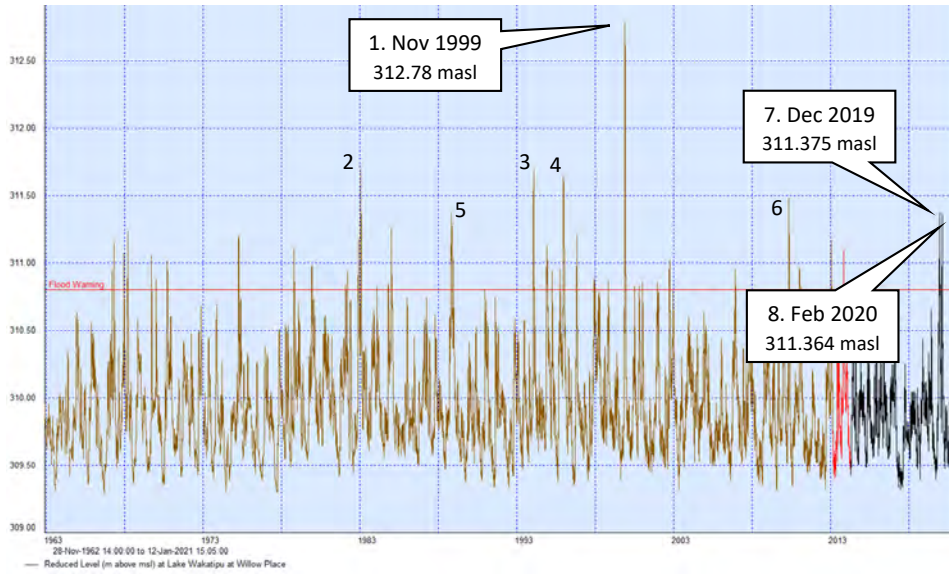
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<sup>21</sup> Presentation slides from this meeting available at: <https://www.orc.govt.nz/media/9410/orc-presentation-02-for-gca-july-2nd-2020.pdf>

and golf course, before flowing along the northern/northwestern margin of the township to enter Lake Wakatipu near the lower end of Mull Street, with flooding of residential areas at the northern ends of Oban and Argyle Streets, and along much of Butement Street. Following the flood, inspections also noted increased erosion impacts to the section of the Glenorchy floodbank adjacent to the Rees River.



**Figure 18:** The Dart River flow record 1996-2021. Prior to the high flows of March 2019 and February 2020, the four highest flows previously recorded were in the range of 1450-1480 cumecs (Nov 1999, March 2005, Feb 2011, Jan 2013).



**Figure 19:** Lake Wakatipu levels 1962-2021. The eight highest flood peaks are numbered, showing the December 2019 and February 2020 lake levels as being the 7<sup>th</sup> and 8<sup>th</sup> highest peaks respectively since 1962.



**Figure 20:** Aerial image of Glenorchy township taken about 6.30pm 4<sup>th</sup> February 2020, taken prior to the maximum floodwater extent, but still showing significant inundation in the residential area of Glenorchy township. (photo from Luke Hunter, Donerite Contracting).



**Figure 21:** Example of flooding in Glenorchy in February 2020 flood event, this view is looking north along Butement Street (photo taken 04/02/2020 at about 6.30 pm, Michelle Morss, QLDC).

The works undertaken by ORC in response to this flooding event are summarised below

- ORC natural hazards and engineering staff carried out site inspections and an initial review of the flooding event. The key factors are interpreted as; 1. the sustained, high flows in the Rees River, with overland flows eastwards into the wetland area, and 2. the backwater effects of elevated lake levels on flows in the lower Rees River, and on the drainage of the Glenorchy Lagoon.
- Cross section surveys were carried out in May 2020 for the lower Rees River to determine if riverbed aggradation was a factor in exacerbating flood impacts. These surveys showed little change at cross sections further upstream, but that mean bed levels at the Rees delta near the confluence with Lagoon Creek aggraded by 25-30 cm over the period August 2019 - May 2020.
- ORC engaged WSP<sup>22</sup> consultants to carry out assessments of Rees River erosion at the Glenorchy floodbank, evaluation of floodbank stability, and recommendations for erosion mitigation actions. The floodbank structure is owned by QLDC, and these consultant reports have been provided to QLDC to assist with their decisions regarding scope of possible floodbank repairs.

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<sup>22</sup> Reports available at these links:

[https://www.orc.govt.nz/media/9856/glenorchy-rees-floodbank-assessment\\_september-2020\\_ja.pdf](https://www.orc.govt.nz/media/9856/glenorchy-rees-floodbank-assessment_september-2020_ja.pdf)  
[https://www.orc.govt.nz/media/9857/rees-river-erosion-and-floodbank-inspection\\_june-2020.pdf](https://www.orc.govt.nz/media/9857/rees-river-erosion-and-floodbank-inspection_june-2020.pdf)



- River management works undertaken in response were a realignment of the Rees River channel to assist with drainage into Lake Wakatipu during high river flows, and in collaboration with DOC, the clearance of thick willow growth alongside Lagoon Creek, which drains the Glenorchy Lagoon to the Rees River.
- Completion of the flood forecasting model referred to in Section 3.4.
- Implementation of the monitoring of Glenorchy Lagoon and Lake Wakatipu water levels referred to in Section 3.3.
- Emergency Management Otago have reviewed the community response plan for the Glenorchy area, this has been revised to clarify roles and responsibilities during flood response.

### 3.11. Response to Dart floodplain and Kinloch Road hazards issues.

The lower Dart floodplain floods and impacts sections of Kinloch Road at moderate flows, causing disruption of terrestrial access to Kinloch and Greenstone (e.g. Figure 5). Flooding impacts appear to have increased in frequency and severity in recent years, attributed to both aggradation of the riverbed levels, and the main Dart river channel being located nearer to the western side of the active riverbed and thus nearer to the roadway.

Riverbank erosion has also threatened the road at several locations, requiring mitigation works involving placement of rock armouring alongside localised sections of riverbanks. In 2019, ORC engaged WSP to carry out an assessment of localised erosion near the Turner Creek confluence. Several other locations of erosion have been managed by QLDC with placement of rock armouring. In late 2020, ORC provided a financial contribution to QLDC for bank protection works (Figure 23).

The westwards migration of the Dart River has brought the river's active channel near to the roadway in many locations, and is directly threatening the road margins in several sites (e.g. Figures 22 and 23). It is expected to become increasingly difficult to maintain road access using the current approach of reactive management to issues as they arise, and an assessment of longer-term adaptation options will be required. The river morphology research recently completed by James Brasington will be a valuable reference in these ongoing discussions regarding potential adaptation options for maintaining access to Kinloch in the longer-term.



**Figure 22:** Aerial view (October 2020) of the Dart floodplain between Turner Creek and Kowhai Creek confluences (left). The red outline indicates the location of the right-hand photograph, taken February 2020, and showing erosion progressed very near to the Kinloch Road.



**Figure 23:** Aerial view (October 2020) of the Dart floodplain between the Dart Delta and Glacier Burn (left). The QLDC installed a section of rock armouring in this location in late 2020, with a financial contribution from ORC. The red outline indicates the location of the right-hand photograph, taken November 2020, and showing an area of active erosion which was rapidly progressing towards Kinloch Road.

#### 4. ADAPTATION PROJECT OVERVIEW

##### 4.1. Background

This adaptation work was initiated as a two-year project commencing July 2019, with a project objective to “provide a framework to actively manage risks associated with natural hazards for the resilience of the area located at the Head of Lake Wakatipu, including Glenorchy and Kinloch.”

The objective of this project is to develop an adaptation strategy for the Head of the Lake Wakatipu communities. The project will identify and evaluate potential natural hazard adaptation pathways, and is intended to take a more strategic and holistic approach than previous natural hazard studies. This will be a multi-hazard and climate change assessment for the head of the lake, including review of potential hazard consequences, likelihoods and overall risks, and developing risk reduction/adaptation pathways over a longer-term timeframe over no less than 100 years<sup>23</sup>. This information will allow for planning with more certainty in the face of ongoing change and increasing hazard risks. The project area boundary was designed to include all significant residential and infrastructure locations (Figure 24).

The resulting adaptation strategy will be designed as a living document intended to evolve in response to new information on hazard and risks, and the needs of the community. This strategy will be a reference to enable informed decision-making regarding future planning and management of this area, supporting the investigation and implementation of natural hazard risk reduction measures. The strategy will be designed to guide implementation of adaptation measures and appropriate changes

<sup>23</sup> RPS policies 4.1.2, 4.1.6(c), 4.2.2

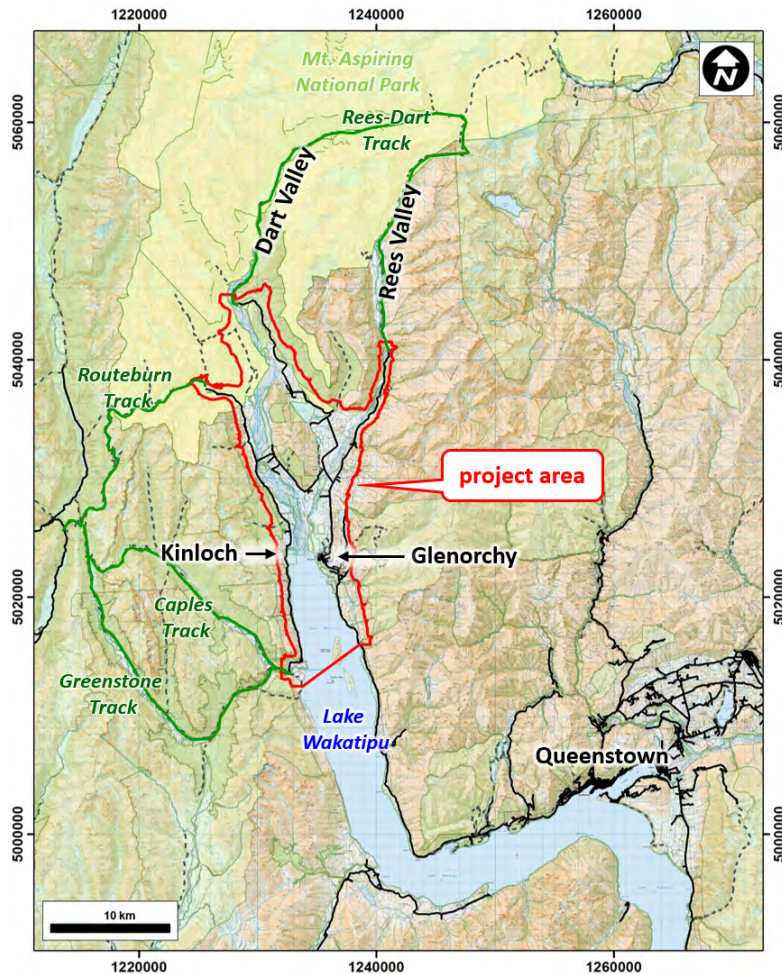
(including variations and reviews) to the planning framework (such as policy statement or regional or district plans) and to guide decision-making during consent application processes. The strategy will also be designed to guide decision-making around investment and renewal of community infrastructure and services (roading, transport, water supply reticulation, wastewater collection and disposal, stormwater collection and disposal) and other utilities (telecommunications, electricity), with links to lifelines planning.

This current project and community engagement will be only an initial phase of work towards implementation of adaptation pathways and initiatives. There will be further investment required with further investigations and community engagement expected during any implementation phase, for example, any planning response or large-scale infrastructure would require further investigations such as feasibility studies and cost-benefit analysis, and potentially also targeted hazard and risk assessment.

Since this project commencement in July 2019, the following project activities have been undertaken;

- Project planning to develop the scope and approach of the project.
- Establishment and development of partner and community relationships.
- Compilation and assessment of existing natural hazards datasets.
- Completion of technical assessments.
- Design of community engagement program, and completion of first two engagement session.





**Figure 24:** Overview of the head of Lake Wakatipu, showing the proposed project area outlined in red, and the wider context in relation to Queenstown, Mount Aspiring National Park, and the main DOC walking tracks.

#### 4.2. Strategic Importance

This project aligns with ORC's stated community outcomes, for example; "Communities that are resilient in the face of natural hazards, climate change and other risks."

Both the regional and district councils have responsibility under the Resource Management Act (RMA) to control the use of land in order to manage natural hazard risks, implemented by means such as the Regional Policy Statement and District Plans. This project addresses the objectives and policies outlined in Chapter Four of ORC's 2019 Regional Policy Statement (RPS), which deals with "the response and ability to be resilient to resource limitations or constraints, shock events, system disruptions, natural hazards, and climate change". Specifically, this project is focused on the objectives below;

*Objective 4.1:* Risks that natural hazards pose to Otago's communities are minimised.

*Objective 4.2:* Otago's communities are prepared for and able to adapt to the effects of climate change.

The Queenstown Lakes District addresses natural hazards in Chapter 28 of the Proposed District Plan (PDP, June 2019), which contains the following natural hazards objectives;

1. The risk to people and the built environment posed by natural hazards is managed to a level tolerable to the community.
2. Development on land subject to natural hazards only occurs where the risks to the community and the built environment are appropriately managed.
3. The community's awareness and understanding of the natural hazard risk in the District is continually enhanced.

ORC has carried out several natural hazard risk management projects in recent decades, in collaboration with Otago territorial authorities. For example, the *Milton 2060*<sup>24</sup> project (with CDC), and the *Learning to live with flooding*<sup>25</sup> strategy for the communities of Lakes Wanaka and Wakatipu (with QLDC). This head of Lake Wakatipu adaptation project is another example of a collaborative natural hazards project involving both ORC and a territorial authority, but in this case is also a pilot study for ORC's implementation of the 'Adaptation pathways' approach to natural hazard risks. The natural hazards of this study area also have greater number and complexity, and as a multi-hazard project, this contrasts with most previous projects which focused largely only on a single hazard type (e.g. flooding).

This adaptation approach, and learnings from this project will be able to be applied to ORC's other current or proposed natural hazards project where an adaptation approach will be required (e.g. South Dunedin, Clutha Delta).

#### **4.3. Project Relationships**

The project to develop the adaptation strategy is being led by the Otago Regional Council (ORC), in partnership with Queenstown Lakes District Council (QLDC), Department of Conservation (DOC), Aukaha and Te Ao Marama representing Ngai Tahu, working together with the local community.

In addition, we have several consultants providing specialist inputs and advice for the project. These are:

- Paula Blackett from NIWA is providing expertise in implementing the adaptation pathways approach to natural hazards and risks.
- Professor James Brasington from Canterbury University is providing technical expertise in river morphology and floodplain hazards.
- A Tonkin + Taylor hazards team led by Nick Rogers and Tom Bassett have completed natural hazard risk assessments and provided technical advice.

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<sup>24</sup> <https://www.orc.govt.nz/media/3796/milton-2060-strategy.pdf>

<sup>25</sup> <https://www.orc.govt.nz/media/2970/queenstown-lakes-flood-management-strategy-with-appendix-c-maps.pdf>

- Aukaha and Te Ao Marama are representing local iwi, Ngāi Tahu, and will provide cultural direction and understanding to ensure an appropriate cultural values statement is developed for the strategy.

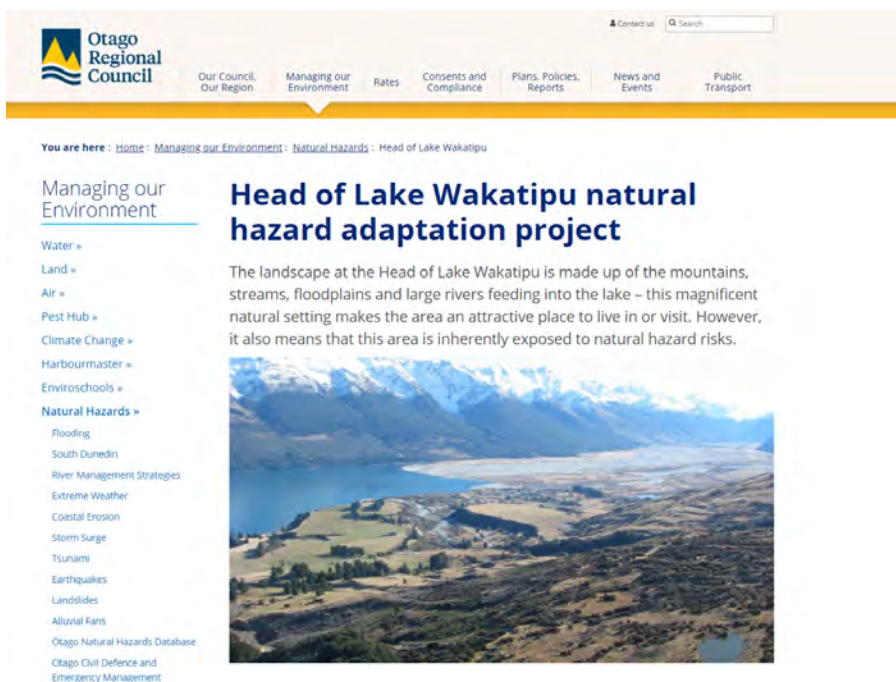
ORC has developed a good working relationship with community members and organisations through the adaptation project and flood response activities carried out over 2019-2020.

- ORC have presented at three meetings of the Glenorchy Community Association (GCA) to provide updates on completed and planned activities (October 2019, July 2020, December 2020).
- ORC has been providing project updates emailed monthly (since August 2020) to the GCA, providing a summary of completed and planned flood response and adaptation project activities and events. In addition, the ORC hazards team has prepared responses to a number of community members who contacted ORC directly with concerns following the February 2020 flood event.
- ORC has established a project webpage which provides a summary of project information including copies of presentations and community updates<sup>26</sup>,
- The first drop-in session held as part of adaptation engagement in December 2020 was attended by 30-40 community members, summarised in Section 4.5.1.
- The second sessions of adaptation engagement activities were held in April 2021; a public talk outlining river and flooding hazards research attended by ~40 community members, and a drop-in session to discuss possible adaptation options attended by ~25 community members.
- A posted letter outlining the project details is planned to be distributed in late May 2021, to ensure all residents and landowners in the head of Lake Wakatipu area are aware of this adaptation project and the objectives and further details for this work.

The establishment of these working relationships between project partners, the community of the head of Lake Wakatipu area, and engagement of consultant expertise is a key step in establishing a strong team and relationships which will enable successful adaptation outcomes.

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<sup>26</sup> <https://www.orc.govt.nz/managing-our-environment/natural-hazards/head-of-lake-wakatipu>



**Figure 25:** Example of ORC’s webpage for this adaptation project, which provides public access to project presentations, poster materials and other project updates.

#### 4.4. The ‘Adaptation Pathways’ approach

The project plan is structured around an ‘adaptive pathways’ approach to natural hazard assessment, where adaptation is an “iterative, continually evolving processes for managing change in complex systems” (MfE 2017). Effective adaptation has been defined<sup>27</sup> as meaning that “current and future communities are able to reduce the risks from natural hazard and climate change impacts over the medium and long term by:

- *reducing the exposure and vulnerability of our natural, built, economic, social and cultural systems*
- *maintaining or improving the capacity of our natural, built, economic and social and cultural systems to adapt.”*

The adaptive pathways approach is structured as a ten-step decision cycle formed around five key questions, as outlined in the Ministry for the Environment coastal hazards and climate change guidance (Figure 7). Although the head of the Lake Wakatipu project area is not a coastal setting, the escalating natural hazard risks due to delta growth and climate change are appropriate for application

<sup>27</sup> Climate Change Adaptation Technical Working Group, 2017. *Stocktake Report from the Climate Change Adaptation Technical Working Group.*

of this approach, which is designed to allow for flexible and adaptive decisions, and for planning under conditions of uncertainty regarding the rate, timeframes and magnitude of future changes.

This approach (Figure 26) comprises a values, hazard and risk assessment component (Steps 1-4), followed by development and implementation of an adaptation strategy (Steps 5-8), and later by a monitoring and review phase (Steps 9-10). Project planning for the Head of Lake Wakatipu covers the first eight steps of this adaptive pathways approach, and at the end of the project is intended to have reached a point where an adaptive pathways strategy has been developed, and any more detailed investigation or feasibility studies for preferred options can be commenced.

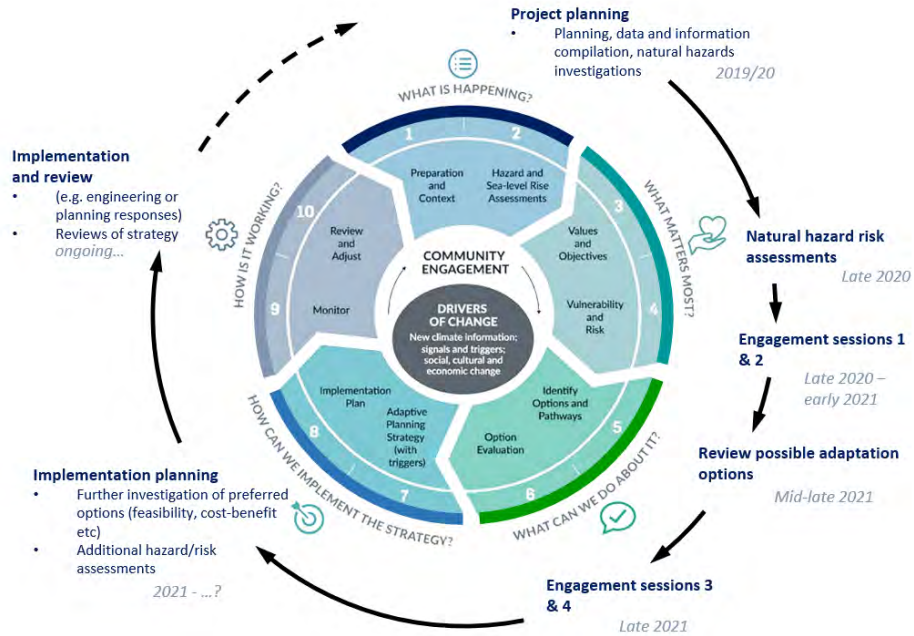
A range of types of adaptation options may be available, with these each having their own advantages and disadvantages. In practice a combination of these measures will be required, over timeframes in the short term (0 – 20 years), medium term (20 – 50 years) and long term (50 – 100 years). Besides the 'status quo' option, there are four potential groupings of natural hazard adaptation options<sup>28</sup>;

- Accommodate
- Protect
- Retreat
- Avoidance strategies

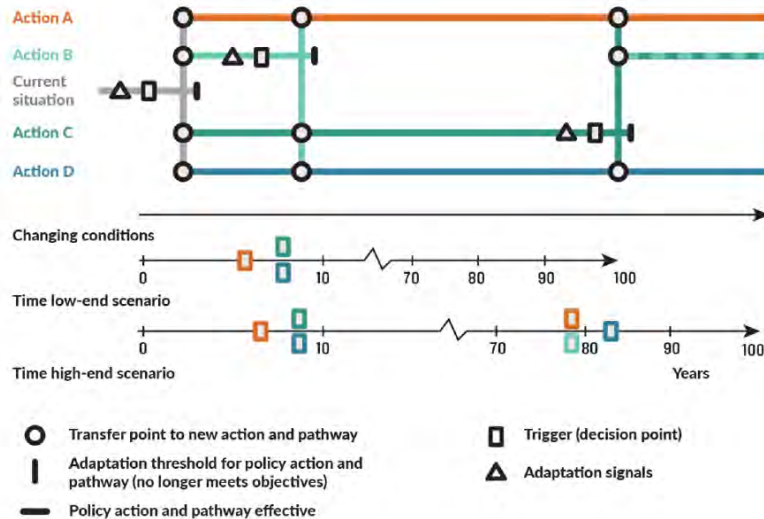
Pathways will develop over time in response to changing conditions, and an effective adaptation strategy will incorporate decision points based on triggers or thresholds. For example, if conditions change and a current action is no longer effective at meeting objectives, then this may be a trigger for implementation of an alternative action or strategy pathway.

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<sup>28</sup> Ministry for the Environment, 2017. *Coastal Hazards and Climate Change, guidance for local government.*



**Figure 26:** Summary of the 10-step adaptation pathways decision cycle framework (MfE 2017), and showing the proposed timeframes for the key activities in this project. We have recently completed the second of the community engagement sessions, and are now moving into the phase of reviewing possible adaptation options.



**Figure 27:** Example of an adaptive pathways map (MfE coastal hazards guidance). This shows a series of possible adaptation options (A-D), each of which is assessed based on adaptation signals,



*before reaching a 'trigger' decision point where it may be decided the current options are no longer effective and a change to an alternative option is required.*

#### **4.5. Community engagement for natural hazards adaptation**

ORC has engaged a NIWA team led by Dr Paula Blackett to assist with the design and development of the community engagement and adaptation pathways development phase of this project. Dr Blackett is an environmental social scientist with extensive experience in the theoretical development of adaptation pathways, participatory processes and community engagement, and the practical application of adaptation pathways in New Zealand. For a complex adaptation project of this nature, it will be critical to achieve community buy-in through a collaborative decision-making process incorporating all stakeholder's views, and NIWA's expertise will be valuable in successful development of this process.

The objectives of this engagement process are to enable and facilitate community involvement, provide opportunities for the community to contribute to this adaptation process, and to equip the community with knowledge to make informed decisions regarding adaptation approaches. The proposed engagement process is based around a series of four community engagement sessions, titled;

1. What is happening now, and how does this affect you?
2. What could happen in the future, and what might we do?
3. How can we navigate the adaptation options?
4. What do the adaptation pathways look like, and what happens now?

The first and second of these engagement sessions were held in December 2020 and April 2021. The design and content for these sessions were developed collaboratively with NIWA, ORC, QLDC, and consultant input, and are summarised in Sections 4.5.1 and 4.5.2.

The design and format of the next phases of community engagement will be developed in the coming months based on review of the feedback received to date. The next engagement steps are expected to be different than the drop-in type format utilised for the first and second community events, and may involve a more targeted approach, or alternative methods of eliciting further community feedback. One possible option which may be utilised is the 'Serious Games'<sup>29</sup> concept designed by NIWA for facilitating discussion of natural hazards adaptation and the constraints in implementation of adaptation pathways.

##### **4.5.1. Summary of December 4<sup>th</sup> 2020 community engagement event**

The first of four community engagement sessions planned as part of the natural hazards adaptation project was held in Glenorchy on 4<sup>th</sup> December 2020, with ORC and T+T representatives also attending

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<sup>29</sup> <https://niwa.co.nz/natural-hazards/our-services/serious-games-as-a-tool-to-engage-people>



the previous evening's GCA meeting to provide an overview of the session to these community leaders.

This session was titled: *What is happening now, and how does this affect you?* The purpose of this session was to set the scene for later adaptation meetings through discussing and providing information on the range of natural hazard events the community is exposed to, and how these events and landscape changes have impacted the community in the past. This event was attended by representatives from the ORC natural hazards and engineering teams, QLDC planning and infrastructure teams, Civil Defence, councillors from both ORC and QLDC, Tonkin and Taylor natural hazards experts, and a NIWA team who assisted with recording of conversations and later data analysis.

For ORC this session was an opportunity to build community buy-in and awareness of this adaptation project, and to ensure community views and local hazards knowledge are taken into account. For the 30-40 local community members who attended, the key benefit of this session was enabling the ability to be heard and part of the process. The community was able to discuss natural hazards issues with experts, ensure their concerns are recorded, and to provide information on their views and experiences.

The event was structured as a drop-in session, with informal discussions loosely guided by the following questions.

*Hazard experience and impacts:*

- *What do you value most in the natural environment of this area?*
- *What hazards have you experienced while you have lived there?*
- *What changes in the local environment have you noticed?*
- *What happened, and what effect did it have on you (your daily activities) and the community?*
- *How long did it take for you to be able to return to your normal daily activities?*
- *What other things (items objects, places etc) that are important to you were affected during these events?*
- *What are you concerned about in the future? Are there any local hazards that worry you? Why is that?*

*Tolerance of hazards:*

- *What would be too much for you to remain living here? (too much risk etc)*
- *Do you think any of these hazards might cause you to move?*
- *Which ones and what might be too much to cope with?*

Community feedback was overall positive, with attendee's evaluation responses reporting they found the session to be a great opportunity to ask questions and get answers to things that were important to them. Selected community feedback includes; "an informative and receptive discussion", "excellent commitment to educated decision making", "excellent information good to see you in the community", and "very approachable and informative".

An important learning from the session was the high level of awareness among the attendees regarding the dynamic nature of the environment, the natural hazards challenges facing this community, and the risks associated with the ongoing changes to the river and delta systems.



*Figure 28: Glenorchy hall during the December 2020 community engagement session.*



**Figure 29:** Posters used in community engagement as an introduction to the natural hazards and changing environment of the project area, setting the scene for more in-depth discussions of these hazards events.



**Figure 30:** Through these adaptation sessions we have gained valuable natural hazard information from resident's observations and anecdotes, for example about changes to the river systems through time.

#### 4.5.2. Summary of April 7<sup>th</sup> – 8<sup>th</sup> 2021 community engagement events

The first of the adaptation events held in April 2021 was a public talk by Professor James Brasington (University of Canterbury) outlining his research on the Dart and Rees river systems.<sup>30</sup> James has had extensive research involvement in the project area for >10 years, and provided a summary of river processes, drivers of change, expected future behaviour, and implications for future hazards. This talk was well-attended by the local community (about 40 attendees).

This talk was an opportunity to provide the community with access to an independent expert view of the area's natural hazard challenges, presenting the high-quality technical information supporting ORC's knowledge of these hazards, and to demonstrate the scientific basis justifying the need for adaptation.

<sup>30</sup> Presentation slides: <https://www.orc.govt.nz/media/9816/james-brasington-presentation-fluvial-hazards-at-the-top-of-the-lake-20210407.pdf>

Audio recording: <https://www.youtube.com/watch?v=wMWelhp6GOI>



**Figure 31:** James Brasington giving a public talk on the 7<sup>th</sup> April, to provide an overview for the community on his research on the Dart and Rees braided river systems, and the implications for the future flood hazards. These presentation slides and an audio recording are available online via our project webpage.

The second adaptation engagement event was held as a drop-in session on the 8<sup>th</sup> April 2021, the session being titled: *What could happen in the future, and what might we do?* The purpose of this session was to further discuss with the community the natural hazards challenges facing this area in the future, and to initiate discussions about what adaptation to those challenges could look like. As for the December 2020 event, this session was attended by representatives from the ORC natural hazards and engineering teams, QLDC planning and infrastructure teams, Civil Defence, councillors from both ORC and QLDC, natural hazards experts from Tonkin + Taylor and Canterbury University. A NIWA team assisted with recording of conversations and are carrying out compilation and analysis of these records.

The event was structured as a drop-in session, with discussions guided by the following questions.

*Are there any of these impacts that you are particularly concerned about? What and where?*

*How do you think we might adapt to these changes?*

- *What the option is, where it is and how it might work*
- *Who might benefit from the option?*
- *How long would it last short, medium or long term?*
- *Would it create any problems (other impacts) or provide any opportunities*
- *Under what conditions would option no longer be effective (when might it fail?)*
- *Could any of these be sequenced overtime- (e.g. first we do this then we do this ...)*

- *What shouldn't we do and why?*

*What are the most important factors we need to consider to choose between the various options ?*

*How will we know that we have been successful adaptation in adapting?*



**Figure 32:** Photo from the community engagement event held in the Glenorchy hall on 8<sup>th</sup> April.





*Figure 33: Photo from the community engagement event held in the Glenorchy hall on 8<sup>th</sup> April.*

#### **4.6. Next steps for supporting investigations**

The immediate next steps following on from the recent community engagement events are the compilation and analysis of feedback from community, and then to also discuss and gather further input on these issues from our project partners.

Our next project steps will also include evaluation of the need for additional technical studies, and to commence scoping and scheduling for these investigations, with the aim of commencing the highest priority of these within the current financial year. Additional technical work will be required both to further understand the natural hazard risks in more detail, and as initial assessments of potential adaptation options.

Additional natural hazard and risk studies may include the following;

- Climate change modelling to better understand the effects of climate change on the flood hydrology of the Dart and Rees rivers, and on Lake Wakatipu.
- Hydraulic modelling to better understand the extents and severity of the future flooding risks in the Glenorchy area, taking into account both geomorphic and climate changes.
- Further investigations of natural hazard risks facing Glenorchy, which could include further investigation of alluvial fan (debris flow, dambreak flood), liquefaction and lateral spreading, and lake tsunami. The potential hazard extents, consequences and likelihoods of these risks are still uncertain, and may need to be known with more confidence to be used as inputs to adaptation decision-making.

There will also be new studies required as supporting information to help evaluate adaptation options suggested. For example, these may include assessment of river management or engineered options which may be able to modify the Glenorchy flood hazard, or review of feasibility and costings of options for maintaining access to Kinloch.



## 7.2. Forbury Park

|                      |   |
|----------------------|---|
| <b>Prepared for:</b> | Council   |
| <b>Report No.</b>    | HAZ2104   |
| <b>Activity:</b>     | Safety & Hazards: Natural Hazards<br>Anita Dawe, Manager Policy and Planning        |
| <b>Authors:</b>      | Sharon Hornblow, Natural Hazards Analyst<br>Jean-Luc Payan, Manager Natural Hazards |
| <b>Endorsed by:</b>  | Gavin Palmer, General Manager Operations  |
| <b>Date:</b>         | 27 May 2021   |

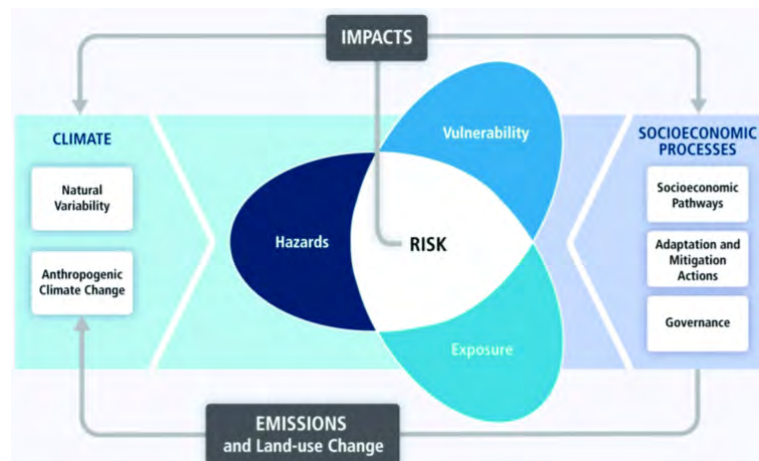
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### PURPOSE

- [1] Following discussions on Forbury Park, at the 24 March 2021 Council Meeting in Oamaru, this paper is where the Chair committed to a staff paper to inform Council's consideration of any development proposal. This paper is in response and outlines an approach to managing natural hazards risks throughout Otago, through agreed principles, and to understand how those principles might guide decision making on future land uses at green-field or brown-field sites, notably Forbury Park in South Dunedin.

### EXECUTIVE SUMMARY

- [2] There is increasing pressure across Otago to provide for housing demand in accordance with the National Policy Statement for Urban Development (NPSUD), whilst also managing risks under Section 6 (h) of the Resource Management Act 1991 ('the RMA') as a matter of national importance.
- [3] Increasingly, where those houses can be located is more problematic – the easier sites to develop have already been developed, and for a range of reasons, other sites are being considered or becoming available.
- [4] In order to properly consider natural hazards risks for green-fields or brown-fields sites, this report recommends some principles to enable a framework under which all land being considered for development could be assessed against.
- [5] Central to the application of these principles is the definition of risk. Risk depends not just on the susceptibility of an area to natural hazards, but on the exposure of a population (such as a change to housing density of an area), and on its vulnerability and ability to cope (Figure 1). These concepts are critical in understanding how to best use Otago's remaining green-field sites, whether for housing or for use to accommodate 'climate-resilient' infrastructure.



**Figure 1. The Intergovernmental Panel On Climate Change (IPCC) conceptual framework with risk at the centre<sup>1</sup>. Interaction between hazard, vulnerability and exposure. Risk of climate-related impacts results from the interaction of climate-related hazards with the vulnerability and exposure of human and natural systems. Changes in both the climate system (left) and socioeconomic processes including adaptation and mitigation (right) are drivers of hazards, exposure, and vulnerability.**

- [6] Climate change considerations for Dunedin add another dimension to risk management. When these inputs are considered together, the answer for how to improve the natural hazards and climate change risk profile of Dunedin, and especially greater South Dunedin, becomes not just a consideration of how to avoid natural hazards. It is essential to use remaining green-field or brown-field sites to create improved resilience of the wider community, better ability to cope with risks posed by seismic hazards, heavy rainfall and elevated sea level events, and therefore reduced risk for the city as a whole.
- [7] Across Otago, there are a range of sites subject to a variety of either single, or multiple hazards and on-going physical environment changes. For example, parts of South Dunedin, such as Forbury Park, are lower-lying than those reclaimed from the harbour as they were drained and developed from wetland areas.
- [8] This report uses Forbury Park (Figure 2) as an example of how a green-field or brown-field site has both the potential to increase risk if used in the same way as the surrounding residential land and decrease risk if the natural setting of the site or part of the site is utilised as an opportunity to improve the ability of the wider area to cope with natural hazards.

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<sup>1</sup> Intergovernmental Panel On Climate Change, 2014, Impacts, Adaptation, and Vulnerability, Part A: Global and Sectoral Aspects, Contribution of Working Group II to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change

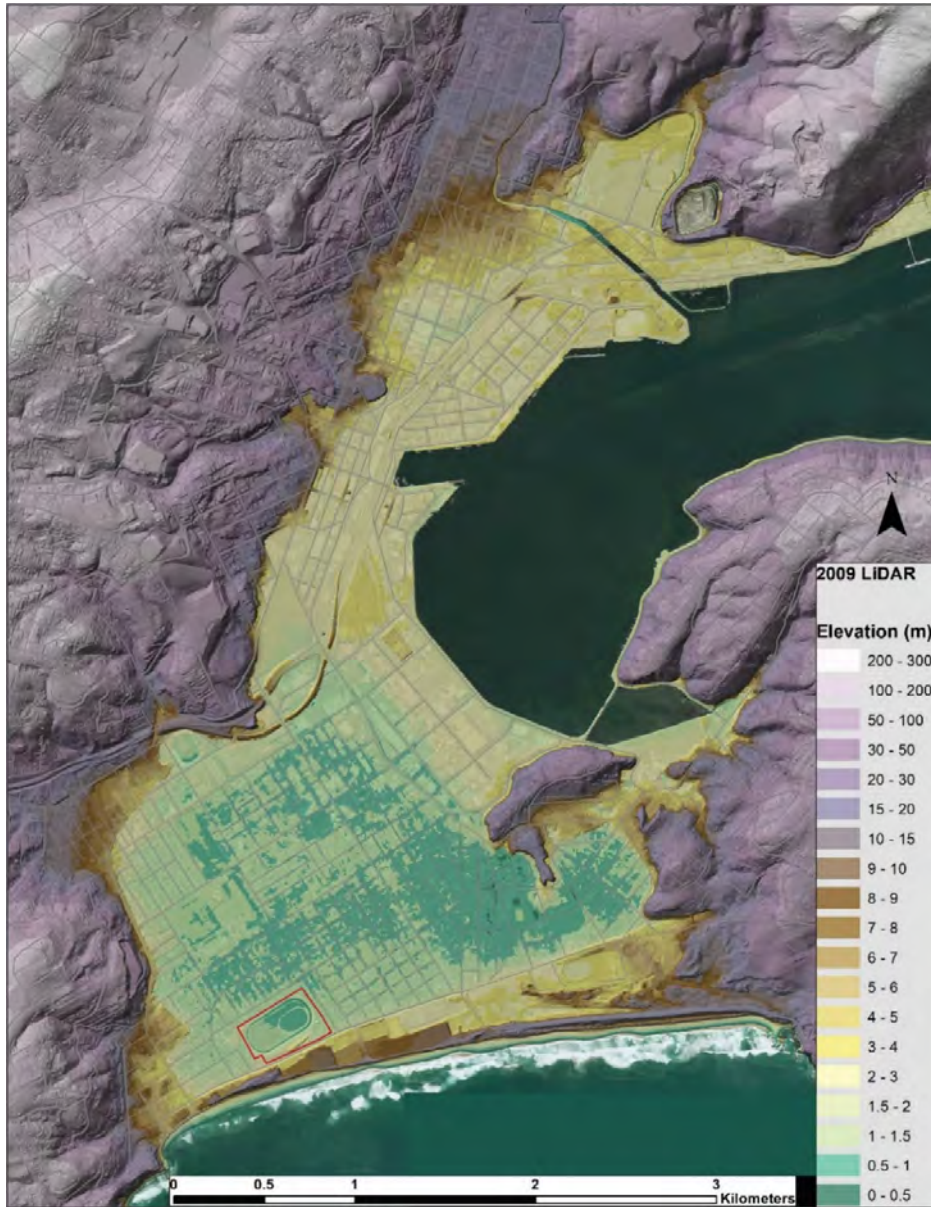


Figure 2. Elevation map of Harbourside and South Dunedin, with Forbury (former) Raceway highlighted in red. Elevation is metres above current mean sea level.

## RECOMMENDATION

That Council:

- 1) **Receives** this report.
- 2) **Adopts** the principles presented to inform adopting a position for green-field and brown-field developments in areas exposed to natural hazards and/or subject to extensive changes to the physical environment.
- 3) **Notes** the characteristics and natural hazards, based on current information, associated with the Forbury Park site.

- 4) **Endorses** the position on potential future redevelopment of the Forbury Park site proposed in this paper.

## **BACKGROUND**

- [9] There is increasing pressure across Otago to provide for housing demand in accordance with the National Policy Statement for Urban Development (NPSUD), whilst also managing risks under Section 6 (h) of the Resource Management Act 1991 ('the RMA') as a matter of national importance.
- [10] Increasingly, where those houses can be located is more problematic – the easier sites to develop have already been developed, and for a range of reasons, other sites are being considered or becoming available.
- [11] Some of those sites are exposed to natural hazards or may become exposed to increased natural hazards in the future (e.g. in 50 years or 100 years) due to changes to the physical environment.
- [12] Our understanding of natural hazards and how changes to the physical environment (including but not limited to changes due to a changing climate) are likely to exacerbate natural hazards is increasing in some areas.
- [13] Existing legislation and regulation<sup>2</sup> require appropriate considerations of natural hazards and associated mitigation measures when considering land-use changes.
- [14] The increasing pressure to provide for housing demand and various requirements to better consider natural hazards and associated risk, now and in the future, have highlighted a need to clearly articulate principles to enable a framework under which all land being considered for development could be assessed. This will ensure consistency and clear decision making.

## **Settlement of the South Dunedin area and the Forbury Park site**

- [15] In the late 1800s, when European settlement of the Dunedin area was progressing at a rapid rate, the economic benefits of farming and building settlements on drained wetland outweighed the challenge posed by the natural setting.
- [16] Frequent floods, exposure to coastal hazards and challenges of creating drainage channels through dense wetland vegetation and peaty soils are widely reported in accounts by European settlers of the time. As early as 1877 major floods damaged the fledgling townships on the expansive, low-lying dune and wetland area colloquially referred to as 'The Flat', putting lives at risk<sup>3</sup>. Over the next few decades, the sea frequently made its way inland via the waterways which drained the hills into the upper harbour and Ocean Beach<sup>4</sup>.

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<sup>2</sup> Section 6(h) RMA, provisions in the partially operative 2019 Regional Policy Statement (RPS), and the draft RPS 2021, the New Zealand Coastal Policy Statement

<sup>3</sup> A Pakeha's Recollections: the reminiscences of Murray Gladstone Thomson. Eccles, A. 1944. Wellington, N.Z.

<sup>4</sup> The South Dunedin Flat: a study in urbanisation, 1849-1965. Steadman, 1966. Thesis presented for the degree of Master of arts in geography, University of Otago.

- [17] Forbury Park is situated at the foot of the St Clair hill suburbs and separated from the Pacific Ocean by a narrow band of remnant sand dunes. Much of the dune field was levelled in the late 1800s to fill natural tidal lagoons which lay behind the foredune, in the vicinity of Victoria Road. This was to allow European settlers to make better use of what was at that time, rare flat land for farming near Dunedin township.
- [18] By the 1870s the outer parts of 'The Flat' were settled and farmed while the central areas awaited further subdivision into smaller lots to make the necessary digging of deep drainage channels into the wetlands economically viable. Despite continued drainage investment, frequent floods were a part of life for those living in the developing townships in the area whenever there was a storm surge or heavy rainfall<sup>5</sup>.
- [19] There are widespread reports of buried logs being dug up as market gardens were developed, and beds of peat are part of the typical geology of the area as indicated by core samples. Some ground subsidence would have occurred with the drainage and burning of this material (e.g. accounts of peat fires in Eccles, 1944).
- [20] A waterway known as the 'Little Burn' drained the hill suburbs of Kew and St Clair (Figure 3), meandering across the flat to enter the sea opposite the intersection of Victoria Road and Queens Drive, where Moana Park is today. Diversion of this waterway down Forbury Road to the stormwater outlet at Second Beach occurred before the turn of the century, and other artificial drainage channels were deepened and eventually covered or piped as part of the construction of the Musselburgh pumping station (wastewater), which began in 1904.
- [21] The 'Big Burn' drained the Caversham and Glen catchments and made a series of pools and lagoons, rounding the spur of hillside (today's Wilkie Road) and entering the sea around the area of the Gasworks. Sand and other fill material has been added over time to many areas, which were previously part of the waterways or lagoons, to allow for construction above the water table. The North-West corner of Forbury Park has core logs indicating up to a 2.5 m thickness of beach sand fill, sitting on top of estuarine silt deposits<sup>6</sup>.
- [22] Since 2016 ORC has operated a continuous GPS recorder on Green Island, along with a tide gauge, to better establish relative sea level movement and compare tectonic subsidence with other geodetic survey points around the region. The most recent report on the 4.5 years of data to date, suggests that the subsidence rate seen at the site is consistent with regional vertical position trends along the Southeast coast of New Zealand, with Taieri Basin, Dunedin and Port Chalmers sites recording ~ 2 mm/yr subsidence<sup>7,8</sup>.

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<sup>5</sup> Otago Daily Times Issue 13 August 1898 Ocean Beach Domain Board report.

<sup>6</sup> New Zealand Geotechnical Database records for 146 Victoria Road.

<sup>7</sup> Denys P, Pearson C, Denham M. 2021. Green Island Continuous GNSS Receiver Site 54 month report. University of Otago School of Surveying (Commissioned by ORC)

<sup>8</sup> Denys, P. H., Beavan, R. J., Hannah, J., Pearson, C. F., Palmer, N., Denham, M., & Hreinsdottir, S. (2020). Sea level rise in New Zealand: The effect of vertical land motion on century-long tide gauge records in a tectonically active region. *Journal of Geophysical Research: Solid Earth*, 125(1), e2019JB018055.





**Figure 3. Overlay of natural features mapped by Steadman (1966) on modern aerial image of South Dunedin. The Burns were channelised and diverted to allow development of St Kilda and South Dunedin boroughs. Planting of marram grass and lupins was recommended and carried out by Ocean Beach Domain Board to help close the gap in the dunes through which storm surge would regularly flood the area. Note the extent of the Portsmouth Drive reclamation.**

- [23] Recently (February 2021), the Forbury Park Trotting Club has announced its intention to sell its park in South Dunedin (Forbury Park). Like a considerable proportion of South Dunedin, this approximately 12-hectare site is zoned residential (General Residential 2) in the Second-Generation District Plan, under current planning rules (see Figure 4). The site could be used for medium density residential development (i.e. sites can be developed up to one habitable room per 60 m<sup>2</sup> of site area in South Dunedin) in an already well-established urban area.
- [24] As detailed in Appendix A and other ORC reports<sup>9</sup>, the area in vicinity of the Forbury Park is flat, low-lying and exposed to natural hazards. Most hazards are likely to be exacerbated by projected sea level rise due to climate change, and tectonic land subsidence, e.g. the high water table exacerbating the flooding and liquefaction hazard (Appendix A).

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<sup>9</sup> The Natural Hazards of South Dunedin, ORC, 2016.  
 Update on the Geology and Ground Conditions of South Dunedin and Harbourside, ORC, Data and Information Committee, October 2020.  
 South Dunedin Technical Work Programme update, ORC, Technical Committee, October 2018

- [25] Given its location (at the foot of the St Clair hill suburbs, less than 200 meters from the coast) and physical characteristics (flat and low-lying), a redevelopment of Forbury Park would offer the opportunity to envisage the possibility of using the site or part of the site to mitigate the flood hazard for the wider South Dunedin area, increasing its ability to cope with natural hazards.



Figure 4. Dunedin City Council 2GP District Plan planning map.



- [26] The redevelopment of the Forbury Park site presents challenges from a natural hazards risk and long-term environment changes perspectives, but also opportunities to investigate improvements to flood mitigation measures for South Dunedin.
- [27] As highlighted by work currently underway by the Ministry for the Environment (MfE), Land Information New Zealand (LINZ), Dunedin City Council (DCC) and ORC, there are currently gaps in the data and information needed for climate change adaptation decisions in South Dunedin generally.
- [28] Depending on its nature and scale, the redevelopment of Forbury Park may affect or change the movement of water (for example diversion/redirection of groundwater and surface runoff and ponding) in the surrounding area. This may result, if not carefully assessed and addressed, in adverse effects on the flood hazard in the area.
- [29] For ORC, as part of its role as consent authority, would be involved in the consenting process to ensure that the effects of the redevelopment are appropriately assessed and considered. This might include (but is not limited to) any change in flood hazard of adjacent properties due to diversion of surface water, or ways in which development could impact groundwater flows beneath and around the site, during and post construction.
- [30] The Forbury Park site is topical, but it is not the only site with similar challenges in the region. Other areas, such as the Head of Lake Wakatipu, where potential green-field developments are envisaged or underway, are exposed to natural hazards and physical environment changes.

## **DISCUSSION**

### **An Approach to Managing Natural Hazards**

- [31] The Court of Appeal [CA422/15, 2017] in *Man O'War Station Limited v Auckland Council*, considered how to identify and manage Outstanding Natural Landscapes (ONL), as a Matter of National Importance under section 6(b) of the Act. The Court found that, as a principle, land should first be identified based on the values it has, then it should be assessed on a regional basis to determine if it is outstanding. Only once the factual assessment has been undertaken should a [sic] Council then consider the planning implications of the classification as an ONL.
- [32] This high-level principle of first identifying land based on the values it has, then determining the significance of the values, and then understanding the planning or other consequences is a methodology that can be applied to understanding hazards, determining risk and then understanding consequences.
- [33] The draft Otago Regional Policy Statement (RPS) 2021 sets out an objective and then policies that align with this approach. The draft objective seeks to ensure that levels of risk from natural hazards risks to people, property and communities within Otago do not exceed a tolerable level, and then the policy framework seeks first to identify areas of natural hazards, then undertake a risk assessment by determining the likelihood of a natural hazard event occurring and then its potential consequence. Once the level of risk is identified, the draft RPS directs particular consideration for new and existing development.

- [34] Where the natural hazard risks are uncertain or unknown, but potentially significant or irreversible, the draft Otago RPS 2021 requires applying a precautionary approach to identifying, assessing and managing the risks by adopting an avoidance, or adaptive management response to diminish risk and uncertainty.
- [35] The approach proposed in the draft Otago RPS 2021 is intended to apply to all of Otago and for all natural hazards, with the aim (by Variation to the RPS in around 2026) to articulate areas where land use and development does not have a natural hazard and risk constraint, areas where any natural hazard and risk constraint can be sufficiently mitigated, and areas where development should not occur. The exception to this approach is when assessing risk from hazards in the coastal environment. The New Zealand Coastal Policy Statement (NZCPS) outlines a more stringent approach to hazards, through Policies 25 and 27.
- [36] Ahead of this regional approach to managing natural hazards and risk, there are areas that are subject to pressure now to develop. It is important that a methodology or principles are agreed that can be applied now and until the regional approach is complete, to ensure a consistent approach and outcome for same and similar hazards, and to ensure the whole of Otago is managed consistently.
- [37] It is recommended to apply the approach proposed in the draft Otago RPS 2021 to the Forbury Park site in order to guide ORC forming a position on any proposed redevelopment.

#### **Application to the Forbury Park site**

- [38] The information on natural hazard and changes to the physical environment currently available for the Forbury Park site is not site specific or detailed enough to apply a detailed assessment of the level of risk.
- [39] The information is, however, sufficient to flag that future redevelopments of the site will require very careful consideration of natural hazards and to take into account the likely changes to the physical environment (including the effects on groundwater) for the long term (100 years and longer) of the site.
- [40] The position on the redevelopment of the site that is recommended in this report is to support proposals that adopt a precautionary approach to identifying, assessing and managing the natural hazard risks by adopting an adaptive management response to diminish risk and uncertainty.
- [41] The opportunity to envisage the possibility of using the site or part of the site to mitigate the flood hazard for the wider South Dunedin area needs also to be part of any proposal to redevelop the site.

#### **OPTIONS**

- [42] Ahead of the implementation of the draft RPS to develop a regional approach to managing natural hazards and risk, Councillors need to decide a basis for decision making as and when green fields sites may be subject to development pressure.

- [43] One option is to implement or assess hazards and risk as set out below, drawing on the principles from *Man O'War*. This approach reflects the draft RPS so would enable any areas ahead of the regional approach to fit within the framework, ensure consistency, and clarify decision making.
- [44] The alternative would be to assess each site on a case by case basis, considering what is already occurring, what is proposed and then respond on an individual basis.

## **CONSIDERATIONS**

### **Strategic Framework and Policy Considerations**

- [45] Adopting a principled approach based on *Man O' War* is consistent with the draft RPS and ensures a clear approach to managing hazards and risk, ahead of a regional approach to managing risk.
- [46] The precautionary approach discussed in this paper reflects Council's Strategic Directions where our vision states: communities that are resilient in the face of natural hazards, climate change and other risks.

### **Financial Considerations**

- [47] Not applicable.

### **Significance and Engagement**

- [48] Not applicable.

### **Legislative and Risk Considerations**

- [49] The likely reforms of the resource management system and the strengthening of provisions related to local authorities' leadership for climate change adaptation could influence the ORC positions on consideration and management of natural hazards risks and climate change for green-fields or brown-fields sites.
- [50] ORC must give effect to the NZCPS when assessing risk from hazards in the coastal environment.

### **Climate Change Considerations**

- [51] Refer to the Background and Discussion sections above.

### **Communications Considerations**

- [52] Ensure that the information on natural hazards, geology, physical environment changes including the likely climate change are made available and considered in potential redevelopment proposals for the Forbury Park site.

## **NEXT STEPS**

- [53] Not applicable

**ATTACHMENTS**

1. Summary of current information relevant to the vicinity of Forbury Park site (May 2021)  
[7.2.1 - 6 pages]

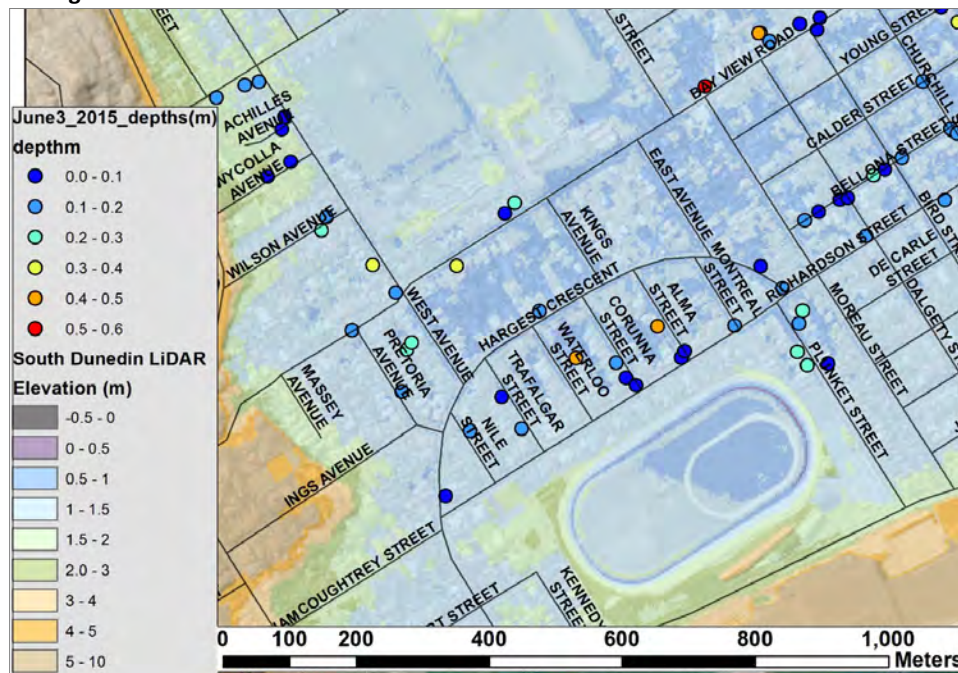
## Appendix A

Summary of current information relevant to the vicinity of 146 Victoria Road (Forbury Park site) from information held by ORC (May 2021)

### Note

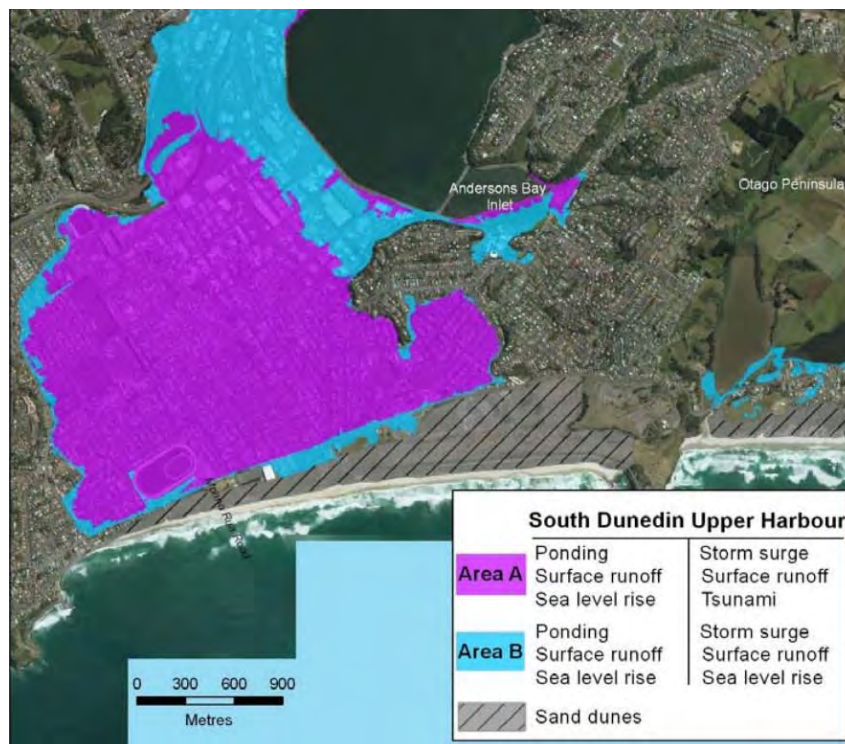
The information provided in this appendix is relevant to the vicinity of 146 Victoria Road but is not a site-specific report or assessment nor a Land Information Memorandum (LIM).

### Setting:



**Figure A.1** LiDAR elevation of the Forbury raceway site at 146 Victoria Road. Measured flood depths from the June 2015 heavy rainfall event are also shown for surrounding streets.

**Surface flooding:** Most of the South Dunedin flat is identified as at risk of flooding due to surface runoff, or storm surge. Although the ORC Natural Hazards database does not contain property-specific information on flood risk, a general assessment can be made of relative flood hazard using LiDAR elevation data. The Northeastern half of 146 Victoria Road lies below 1 m elevation above Mean Sea Level (Figure A.1) and can therefore be considered as below the high-tide mark. Figure A.2 shows NIWA’s estimated 100-year return period storm surge height and the whole property lies within this lower, ‘Area A’ hazard zone.



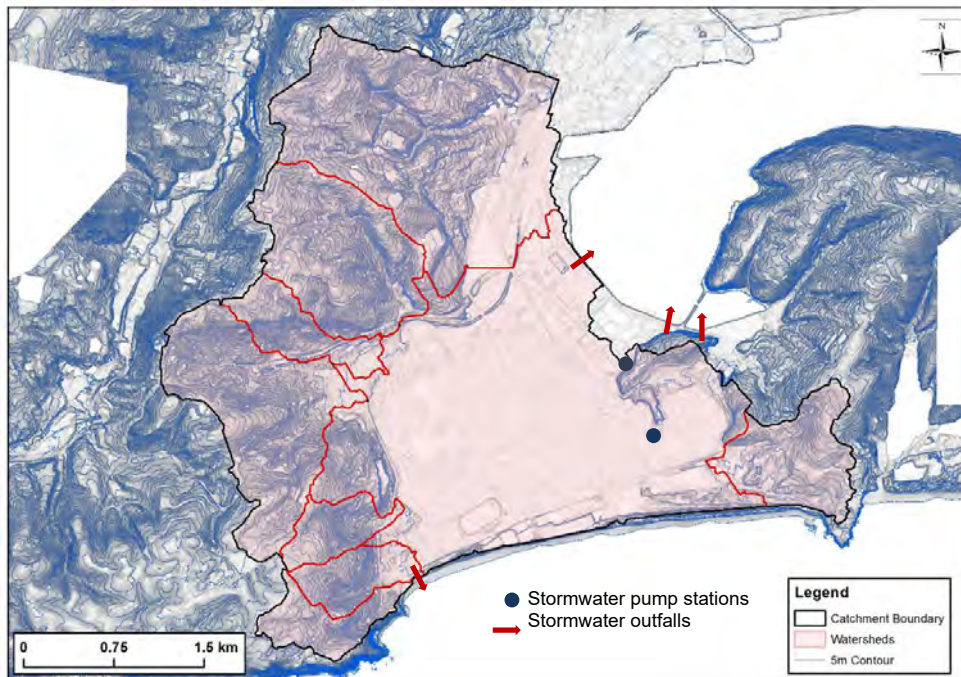
**Figure A.2** Mapped Natural Hazard areas in South Dunedin from Coastal Hazards of the Dunedin City District (ORC, 2014)

During heavy rainfall events, such as occurred on June 3, 2015, ponding is likely to occur in this area when the stormwater system is overwhelmed. As shown by the LiDAR in Figure A.1, the property lies at the foot of a hill and is a low point compared to the residential areas immediately to the East and West and hemmed in by sand dunes to the South. As DCC’s design standard for the stormwater system in the area is approximately a 1 in 2 year rainfall event, intense rainfall means this area is at risk of surface ponding such as occurred during June 2015. ORC’s hydrological analysis of this event suggests the rainfall total experienced then (1-day rainfall total of ~140 mm) has an estimated recurrence of about 50 years<sup>1</sup>.

Figure A.3 below indicates the catchment area of the Forbury hill suburbs and shows how all rainfall received in the area is routed underground to DCC-maintained stormwater infrastructure, as there are no remaining natural waterways on the surface due to progressive development and drainage of the area. Stormwater outfalls and pump stations therefore provide all drainage of rainfall and runoff which does not infiltrate into the groundwater system.

<sup>1</sup> Otago Regional Council, 2015. Coastal Otago flood event 3 June 2015.





**Figure A.3** Contour map showing the natural boundary of the South Dunedin catchment (black line) and sub-catchments (red lines). Stormwater pump stations and outfalls are also shown.

**Shoreline change and coastal hazards:** Modelling by NIWA and previous experience of storm surge and tsunami indicates that direct inundation of the South Dunedin plain from the Pacific Ocean is unlikely under present conditions, although previous storm events have had significant scarping effects on coastal dunes and beaches. However, if the ability of the St Clair – St Kilda dune system to provide a buffer against these hazards was diminished, then the vulnerability of people and property in South Dunedin would increase, due to the low-lying nature of this area and its proximity to the coast. ORC undertakes wave height and dune profile data collection in partnership with DCC. The University of Otago School of Geography is providing 6-monthly updates on shoreline change trends, partially to support DCC in their St Kilda - St Clair Coastal Plan. Part of this work will incorporate options for mitigation of the hazard posed by the historic landfill in the old lagoon, where Kettle Park and the playing fields are today (Figure A.4).



**Figure A.4** View to the west from Moana Rua toward St Clair. Approximate area of historic landfill is outlined. DCC are currently investigating options to mitigate the potential impacts of sea level rise and projected erosion of the dune.

**Groundwater:** In addition to four telemetered groundwater bores located in South Dunedin, ORC has monitored groundwater at additional sites over the past 24 months as part of an investment in understanding water table fluctuations and their connection to rainfall, tides, and piped infrastructure. Groundwater elevations are highly variable at any given time, but the median elevation for the first year of data from all sites is shown below in Figure A.5. Initial results of this work, published in Cox et al., (2020) suggest complex differences in rainfall recharge, tidal efficiency, and electrical conductance of the groundwater across South Dunedin<sup>2</sup> (see Figure A.6).

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<sup>2</sup> Cox SC, Ettema MHJ, Mager SM, Glassey PJ, Hornblow S, Yeo S. 2020. Dunedin groundwater monitoring and spatial observations. Lower Hutt (NZ): GNS Science. 86 p. (GNS Science report; 2020/11).

### 7.3. ECO Fund Applications - March 2021 Funding Round

**Prepared for:** Council  
**Report No.** BIO2107  
**Activity:** Environmental: Air  
Environmental: Land  
Environmental: Water  
**Author:** Euan Hind, Partnership Lead - Biodiversity  
**Endorsed by:** Gavin Palmer, General Manager Operations  
**Date:** 11 May 2021

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#### PURPOSE

- [1] This report seeks Council approval to fund the recommended ECO Fund applications for the March 2021 round.

#### EXECUTIVE SUMMARY

- [2] The ECO Fund supports community driven projects that protect, enhance and promote Otago's environment. The Otago Regional Council provides \$250,000 to the ECO Fund each year. This is split into two funding rounds of \$125,000 each per financial year, one in October and one in March.
- [3] The March 2021 funding round received 25 applications seeking a total of \$296,725. The ECO Fund Decision Panel met on 19 April 2021 to assess the applications. Following the assessment, the Decision Panel has recommended 11 applications to Council for funding (see paragraph 14).

#### RECOMMENDATION

*That Council:*

- 1) **Receives** this report.
- 2) **Approves** the funding recommendations of the ECO Fund Decision Panel for the March 2021 round to a total value of \$123,525.
- 3) **Notes** that the annual review of the ECO Fund is due in July.

#### BACKGROUND

- [4] The ECO (Environment. Community. Otago) Fund supports community driven projects that protect, enhance and promote Otago's environment. The Otago Regional Council (ORC) provides \$250,000 to the ECO Fund each financial year. Since October 2019 this funding has been split into two rounds of \$125,000 per year. These rounds are conducted in October and March of each financial year. There are two categories of application, those under \$5,000 and those over \$5,000.
- [5] The ECO Fund was established in July 2018. To date the Fund has provided support to 65 projects to a total of \$629,741 (see paragraph 7). As a point of difference to other

community funds, the ECO Funds supports administration costs as well as capital costs. The Terms and Conditions for the ECO Fund are in Attachment 1 to this paper.

- [6] Applications for the this round opened on 1 March and closed on 20 March 2021. A total of 25 applications were received seeking a total of \$296,725 as detailed below.

| <b>March 2021 Funding Round</b> |                     |                        |
|---------------------------------|---------------------|------------------------|
| <b>Category</b>                 | <b>Applications</b> | <b>Funds Requested</b> |
| Under \$5,000                   | 10                  | \$38,850               |
| Over \$5,000                    | 15                  | \$257,875              |

|                       |                  |
|-----------------------|------------------|
| Total Funds Requested | <b>\$296,725</b> |
| Total Funds Available | <b>\$125,000</b> |

- [7] There have been 6 previous rounds of the ECO Fund. The results of these rounds are detailed in the table below for comparison. It is noted that the decision to split funding into two rounds per year was approved in August 2019 (Council Paper 2019.08.14). Each ECO Fund round has been oversubscribed. The number of applications and level of oversubscription per round suggest there is significant demand for community-driven environmental projects in Otago. The details of the previous rounds of the ECO Fund are captured in the table below. An additional \$7,573.78 was available to the March 2020 round due to underspend in the October 2019 round. The October 2019 underspend was due to a lack of applications meeting the ECO Fund criteria.

| <b>Round</b>   | <b>Applications</b> | <b>Total Requested</b> | <b>Projects</b> | <b>Total Funded</b> |
|----------------|---------------------|------------------------|-----------------|---------------------|
| October 2020   | 35                  | \$534,877.30           | 10              | \$124,743.00        |
| March 2020     | 24                  | \$323,312.63           | 14              | \$132,573.78        |
| October 2019   | 24                  | \$388,264.00           | 11              | \$117,426.00        |
| May 2019       | 25                  | \$331,731.00           | 11              | \$73,666.00         |
| January 2019   | 24                  | \$386,321.00           | 9               | \$73,666.00         |
| September 2018 | 27                  | \$332,824.00           | 10              | \$107,666.00        |

- [8] It is noted that the total amount requested via the ECO Fund for the 2020/21 year is a record. Between the October 2020 and March 2021 rounds of the ECO Fund \$831,602 was sought. This makes the ECO Fund more than three (3) times oversubscribed against its \$250,000 budget for the year. This has occurred in the context of strong demand in other contestable environmental funds across the Otago region at the same time. In the same six months between the October 2020 and March 2021 rounds of the ECO Fund, the Dunedin City Council's Biodiversity Fund (approximately \$80,000 available) was 1.8 times oversubscribed, and the DOC managed Southern South Island Jobs for Nature funds (approximately \$6.6M available for the Otago region) were more than 3 times oversubscribed (\$21M requested for the Otago region).
- [9] Administration of the ECO Fund is a multi-staged process. This process is detailed in Figure 1 below. This paper to Council marks Step 5 in the process.

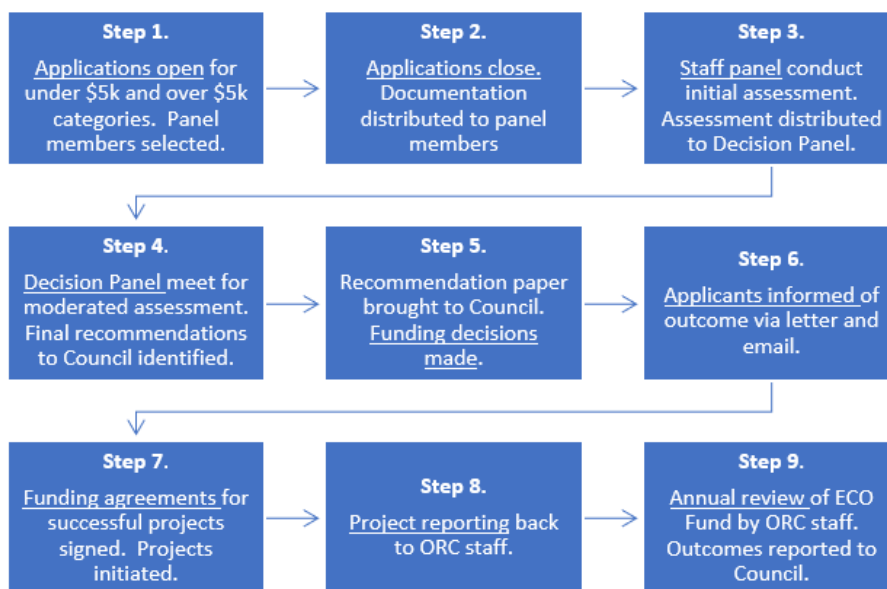


Figure 1: ECO Fund process

**DISCUSSION**

- [10] Applications to the ECO Fund are assessed against the criteria listed in Attachment 1 of this paper. Each application is given a score out of 45 in the assessment. Funding recommendation is determined by how highly an application scores relative to the other applications assessed in the funding round.
- [11] The four member staff panel met on 8 April 2021 to conduct an initial assessment of applications. The ECO Fund Decision Panel, consisting four Council members and supported by staff, met on 19 April 2021. The Panel moderated assessment scoring and determined final recommendations for funding to be brought to Council for approval.
- [12] All applications to the March 2021 round of the ECO Fund have been made available to Councillors prior to this Council meeting.
- [13] The Decision Panel was unable to consider 2 of the 25 applications for assessment. This was because the applications did not meet all Terms and Conditions of the ECO Fund (refer to Attachment 1), as the applications were determined to be providing personal or commercial gain.
- [14] Following the assessment process, the Decision Panel are recommending 11 applications for funding at a total value of \$123,525 for the March 2021 round of the ECO Fund. The recommended projects for funding from the Panel to Council are detailed in the tables below.

| Project name                            | Applicant                      | Focus        | Amount  |
|---|--------------------------------|--------------|---------|
| Chain Hills Restoration Project (CHiRP) | Chain Hills Restoration Trust  | Biodiversity | \$4,988 |
| Green Skink Translocation               | Central Otago Ecological Trust | Biodiversity | \$4,860 |

|   |  |                         |                 |
|---|--|-------------------------|-----------------|
| Outside Inside Forest                     | New Zealand International Science Festival | Environmental Promotion | \$3,870         |
| Kaikorai Estuary Track Marking & Planting | Dunedin Environment Centre Trust           | Biodiversity            | \$2,440         |
| <b>Total:</b>                             |  |                         | <b>\$16,158</b> |

| Project name   | Applicant   | Focus                     | Amount           |
|--|---|---------------------------|------------------|
| Soil Your Undies! Stretching the Elastic                                 | North Otago Sustainable Land Management Group         | Environmental Enhancement | \$20,000         |
| Palmerston Primary School Creek Restoration                              | Palmerston Primary School                             | Water Quality             | \$5,437          |
| Farmers as Kaitiaki – Farming for the Environment                        | WAI Wanaka  | Environmental Promotion   | \$13,847         |
| Identifying and Addressing Contaminant Inputs into Tomahawk Lagoon       | ECOTAGO Charitable Trust                              | Water Quality             | \$20,000         |
| Open Valley Urban Ecosystems (VUE) and Backyard Ecosanctuaries Programme | The Open Valley Urban Ecosystems Project              | Biodiversity              | \$20,000         |
| The Nature Show with Karthic SS  | Centre for Science Communication, University of Otago | Environmental Promotion   | \$10,083         |
| Glenorchy Community Nursery  | Glenorchy Community Association Inc.                  | Biodiversity              | \$18,000         |
| <b>Total:</b>  |   |                           | <b>\$107,367</b> |

## OPTIONS

- [15] Two options have been identified to assist Council with their decision making.
- [16] **Option One – approve** the recommendations of the Decision Panel to award funding to the **11 applications** as listed in paragraph 14, **to a total value of \$123,525**.
- [17] **Option Two – reject** the recommendations of the Decision Panel and direct the Panel to reassess the applications.

## CONSIDERATIONS

### Strategic Framework and Policy Considerations

- [18] This paper does not trigger policy considerations.

### Financial Considerations

- [19] The Council has a total of \$125,000 budgeted for the March 2021 round of the ECO Fund.
- [20] It is noted that ECO Fund applications rounds have been oversubscribed each time. The October 2020 ECO Fund round and the March 2021 round combined have been the most oversubscribed funding year to date (see paragraphs 7 and 8).



**Significance and Engagement**

[21] This paper does not trigger ORC's policy on Significance and Engagement

**Legislative and Risk Considerations**

[22] This paper does not trigger legislative considerations.

**Climate Change Considerations**

[23] This paper does not trigger climate change considerations.

**Communications Considerations**

[24] All successful and unsuccessful applicants to the March 2021 round will be communicated with to inform them of outcome and provide the option for feedback.

**NEXT STEPS**

[25] Following a final Council decision on funding, staff will progress the next steps of the ECO Fund process detailed in Figure 1 (paragraph 9). The immediate next steps will be to advise applicants of the outcomes and to draw up funding agreements with successful applicants.

[26] ORC staff to implement a review of ECO Fund process to identify and act on opportunities for improvement. This review and subsequent improvements will be completed prior to the next ECO Fund round opening.

**ATTACHMENTS**

1. ECO Fund Assessment Checklist and Terms and Conditions 2021 [7.3.1 - 4 pages]



*Environment. Community. Otago.  
Te Ao Turoa. Hapori. Ōtākou.*



| APPLICANT DETAILS             |  |
|-------------------------------|--|
| <b>Project name</b>           |  |
| <b>Organisation</b>           |  |
| <b>Applicant contact name</b> |  |
| <b>Funds requested</b>        |  |
| <b>Total project budget</b>   |  |
| <b>Location</b>               |  |
| <b>Time frame</b>             |  |
| <b>Brief description</b>      |  |

| ASSESSMENT CRITERIA   | ORC STAFF                | DECISION PANEL           |
|---|--------------------------|--------------------------|
| <b>Does the project occur in Otago?</b>   | <input type="checkbox"/> | <input type="checkbox"/> |
| <b>Does the project involve/engage the community?</b>   | <input type="checkbox"/> | <input type="checkbox"/> |
| <b>To what extent?</b><br>0-4 = below average, 5-9 = average, 10-15 = above average<br>16-20 = outstanding  | /20                      | /20                      |
| <b>Does the project do one or more of the following (tick those that apply):</b><br><input type="checkbox"/> Protect the environment <input type="checkbox"/> Enhance the environment <input type="checkbox"/> Promote the environment *<br>*e.g. does it create awareness in the community or educate school children?   |                          |                          |
| <b>How much impact will the project have on protection?</b><br>0 = none 1= below average 2 = average 3 = above average<br>4 = great 5 = outstanding   | /5                       | /5                       |
| <b>How much impact will the project have on enhancement?</b><br>0 = none 1= below average 2 = average 3 = above average<br>4 = great 5 = outstanding  | /5                       | /5                       |
| <b>How much impact will the project have on promotion?</b><br>0 = none 1= below average 2 = average 3 = above average<br>4 = great 5 = outstanding  | /5                       | /5                       |
| <b>Does the project align with ORC work programmes? **</b><br>Tick those that apply:<br><input type="checkbox"/> Water quality <input type="checkbox"/> Biodiversity Biosecurity <input type="checkbox"/> Air quality <input type="checkbox"/> Other:<br><input type="checkbox"/> Water quantity <input type="checkbox"/> Climate change <input type="checkbox"/> Urban development    _____<br><input type="checkbox"/> Coastal/ marine environments |                          |                          |
| <b>How much impact will the project have on the above work programme(s)?</b><br>0-2 = below average, 3-5 = average, 6-7 = above average<br>8-10 = outstanding   | /10                      | /10                      |
| <b>Total:</b>   | <b>/45</b>               | <b>/45</b>               |

*\*\* Projects that align with ORC's current priority areas water, climate change, urban development and biodiversity will be given preferred selection*



| NOTES   |
|---|
| <b>Does this project meet the ECO Fund's purpose, criteria and terms and conditions?</b>  |
|   |
| <b>If not, why?</b>   |
|   |
| <b>If the application is for administrative support, has supporting information been given, e.g. number of hours, pay rate per hour etc</b> |
|   |
| <b>If yes, would you recommend they apply again if unsuccessful?</b>  |
|   |
| <b>How could they improve their project/application?</b>  |
|   |
| <b>Any other comments?</b>  |
|   |



## Does the project meet all terms and conditions?

### General

- Define funding round, e.g. 12-month period from 1 April 2021 to 30 March 2022.
- Applicants that received funding in previous rounds of the ECO Fund are not guaranteed future funding. All applications for each round are assessed and ranked against the ECO Fund assessment criteria.
- All funding is GST exclusive. All financial information provided in an application must be exclusive of GST.
- The ECO Fund supports both one-off projects and those running over multiple years. Funding for projects running over multiple years may only be awarded for a 12-month period. Funding for future years of ongoing projects will require additional applications to the ECO Fund.
- Successful applicants must agree to Otago Regional Council promoting their project.
- If work funded is not completed within the specified time frame or funds are not spent as agreed, Otago Regional Council reserves the right to demand the return of funds.
- The ECO Fund does not provide funding for:
  - commercial or private gain
  - projects created to comply with Resource Consent conditions
  - responses to any actual or potential enforcement action
  - the purpose of seed capital
  - individuals
  - maintenance for existing projects
  - retrospective costs

### Applications

- Applicants can only submit one application per funding round.
- Government organisations and their staff cannot apply to the ECO Fund.
- Projects must have a defined start and finish date.
- Applicants must disclose any other funding they have applied for or received for their project.
- If funding is requested for salary costs, only 50% will be funded. Applicants need to demonstrate that requested salary funding is not more than 50% of total cost, and detail where the additional funding will come from.

### Assessment

- All applications are assessed and ranked against the ECO Fund assessment criteria.
- If the ECO Fund is over-subscribed in any funding round, not all projects will be funded.
- If the ECO Fund is over-subscribed in any funding round priority will be given to projects in threatened and vulnerable habitats and ecosystems.



- If an applicant is unsuccessful in one round of the ECO Fund, they may apply again in a subsequent funding round.
- Decisions made by Otago Regional Council are final and are made at our sole discretion
- Where applicants seek funding exceeding \$50,000, Otago Regional Council will only fund a proportion of the total project (to be determined on a case-by-case basis)

#### **Decision and Grant**

- Successful applicants must accept the grant by signing an acceptance letter and a subsequent funding agreement.
- Recipients must pay all costs associated with the project. ECO Fund grants will be transferred to recipients' nominated bank accounts.
- Nominated bank accounts cannot be private accounts; it must be an account in the Applicant's name
- Successful applicants must agree to report on the project outcomes to ORC within a specified timeframe, and account for how funds were spent.
- Successful applicants agree to report on their project at a council meeting, if requested.
- Funds granted expire 6 months after Council approval. If the applicant fails to comply with the Otago Regional Council's terms and conditions within 6 months (unless otherwise agreed), the funding lapses
- Grants are approved subject to the Otago Regional Council being satisfied that the information given by recipients is true and correct. Otago Regional Council reserves the right to refuse grant funding, and/or request return of grant funding where it determines that it has been misled, that the applicant or recipient has omitted relevant information, or if the recipient enters into receivership, liquidation or ceases to exist (e.g. removed from a register).

*Please note that if the combined funding from all applicants requested at each funding round exceeds the total funding available, not all projects will be able to receive funding. Decisions made by Otago Regional Council are final and are made at our sole discretion. This does not prevent applicants applying again at the next funding round.*

*Otago Regional Council may contact you if more information is needed to make a decision.*

#### 7.4. Governance Updates May 2021

**Prepared for:** Council  
**Report No.** GOV2123  
**Activity:** Governance Report  
**Author:** Amanda Vercoe, General Manager Governance, Culture and Customer  
**Endorsed by:** Cr Andrew Noone, Chairperson  
**Date:** 20 May 2021

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#### PURPOSE

- [1] To seek approval for updates to key governance documents for the Otago Regional Council.

#### EXECUTIVE SUMMARY

- [2] At the Data and Information Committee meeting that took place on 10 March 2021, an inconsistency in the Terms of Reference's purpose and delegations was identified. This paper seeks approval to amend the delegations to include the ability of the Committee to refer issues to other committees as necessary to be consistent with the purpose of the committee, as originally envisaged.
- [3] It is proposed that an alternate councillor representative be nominated for the Otago Catchment Community Governance Group (in addition to Councillor Scott who is the current representative).
- [4] Following a discussion and subsequent resolution at the Audit and Risk Subcommittee meeting on Thursday 13 May 2021, it is proposed to amend the Council's Standing Order 9.1 to mandate consultation between the Chairperson, or Co-Chairs of Council and Committees, and the Chief Executive and/or relevant General Managers before the agenda is finalised, to discuss the likely content of the meeting agenda. This also provides an opportunity for the Chairperson or Co-Chairs to signal likely meeting concerns, and signal when additional advice or more time to consider the issue might be required. It is also proposed to amend Standing Order 21.3 to note a commitment from Committee Co-Chairs to provide questions to the Chief Executive or General Managers in advance to help staff be well prepared for meetings.

#### RECOMMENDATION

*That the Council:*

- 1) **Receives** this report.
- 2) **Adopts** the updated terms of reference for the Data and Information Committee.
- 3) **Approves** the nomination of Councillor Kate Wilson to be the alternate representative for the Otago Catchment Community Governance Group.
- 4) **Adopts** the updated Standing Orders, with amendments to Standing Order 9.1 and Standing order 21.3.

#### BACKGROUND

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- [5] Updated Terms of Reference for the Data and Information Committee are attached, with proposed amendments in track changes.
- [6] Updated Standing Orders for Council are attached, with proposed amendments to Standing Orders 9.1 and 21.3 in track changes.

#### **DISCUSSION**

- [7] Not applicable.

#### **OPTIONS**

- [8] Councillors can choose to adopt the proposed amendments to the governance documents outlined above, or to propose alternative amendments.

#### **CONSIDERATIONS**

##### **Strategic Framework and Policy Considerations**

- [9] Not applicable.

##### **Financial Considerations**

- [10] Not applicable.

##### **Significance and Engagement**

- [11] Not applicable.

##### **Legislative and Risk Considerations**

- [12] Not applicable.

##### **Climate Change Considerations**

- [13] Not applicable.

##### **Communications Considerations**

- [14] Not applicable.

#### **NEXT STEPS**

- [15] If approved, the relevant documents will be updated and finalised, and the changes will be put into effect.

#### **ATTACHMENTS**

1. Data and Information Committee TOR Update May 2021 [4717] [7.4.1 - 1 page]
2. Otago Regional Council Standing Orders adopted 27 May 2021 DRAFT [QIIF] [7.4.2 - 79 pages]

## Data and Information Committee

**Purpose:** To receive data, information and analysis on environmental, economic, cultural and social matters pertaining to ORC's functions. Refer issues to other committees, if required.

### Reporting

The Data and Information Committee reports to Council

### Membership

Hon Marian Hobbs - Co-Chair

Cr Alexa Forbes – Co-Chair

The Data and Information Committee shall have a membership of all elected Councillors.

A quorum of the Data and Information Committee shall be six members.

### Meetings

The Data and Information Committee will have ordinary meetings at quarterly intervals and will otherwise meet as required. When preparing business items for an agenda the General Manager Strategy, Policy and Science should consult the Co-Chairs.

### Key responsibilities

- Oversight of the environmental monitoring programme to ensure it supports ORC's strategies, policies and plans
- Oversight of the development and implementation of the environmental monitoring network
- Oversight of the data governance and systems
- Oversight of the development of analysis that informs the development of ORC's strategies, policies and plans
- Oversight of the development of evidence that informs the development of ORC's strategies, policies and plans
- Review of State of the Environment monitoring, analysis and reporting
- Receive data, information and analysis on Otago's natural and built environment
- Receive economic data, information and analysis
- Receive social and cultural data, information and analysis
- Receive information, data and science on natural hazards and **climate change**
- Identification of natural hazard risks in Otago and key future drivers in managing them (e.g. land use change and **climate change**).

### Delegations

- Receive information, presentations and reports.
- Can refer issues to other committees for further discussion.

### Way of Working

Information presented to the Committee will be a mix of presentations, papers and guest speakers.



## OTAGO REGIONAL COUNCIL

# STANDING ORDERS

Adopted by Council ~~13 November 2019~~ 27 May 2021

**These Standing Orders apply to all Meetings of the Council, its  
Committees and Subcommittees**

This is a true and correct copy of the Otago Regional Council Standing Orders which was approved by a resolution of the Otago Regional Council on ~~13 November 2019~~27 May 2021 and are deemed to be operative from that date.

The Common Seal of the Otago Regional Council was hereto affixed pursuant to the resolution of the Council in the presence of:

---

~~Hon Marian L. Hobbs~~Cr Andrew Noone, Chairperson

---

Mrs Sarah Gardner, Chief Executive

## **Preface**

Standing orders contain rules for the conduct of the proceedings of local authorities, committees, subcommittees and subordinate decision-making bodies. Their purpose is to enable local authorities to exercise their decision-making responsibilities in a transparent, inclusive and lawful manner.

In doing so the application of standing orders contributes to greater public confidence in the quality of local governance and democracy in general.

These standing orders have been designed specifically for local authorities, their committees, subcommittees and subordinate decision-making bodies. They fulfil the requirements of the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987 with regard to the conduct of meetings.

It is mandatory that councils adopt standing orders for the conduct of their meetings and the meetings of any subordinate bodies, such as committees and subcommittees (see cl. 27 Schedule 7 of the Local Government Act 2002).

For clarity's sake, whenever a question about the interpretation or application of these standing orders is raised, particularly where a matter might not be directly provided for, it is the responsibility of the Chairperson of each meeting to make a ruling.

All members of a local authority must abide by standing orders.

LGNZ has made every reasonable effort to provide accurate information in this document, however it is not advice and we do not accept any responsibility for actions taken that may be based on reading it.

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## 1. Introduction

These standing orders have been prepared to enable the orderly conduct of local authority meetings. They incorporate the legislative provisions relating to meetings, decision making and transparency. They also include practical guidance on how meetings should operate so that statutory provisions are complied with and the spirit of the legislation fulfilled.

To assist elected members and officials the document is structured in three parts:

- Part 1 deals with general matters.
- Part 2 deals with pre-meeting procedures.
- Part 3 deals with meeting procedures.

The Appendix, which follows Part 3, provides templates and additional guidance for implementing provisions within the standing orders. Please note, the Appendix is an attachment to the standing orders and not part of the standing orders themselves, consequently amendments to the Appendix do not require the agreement of 75% of those present. In addition, the 'Guide to Standing Orders' provides additional advice on the application of the standing orders and are also not part of the standing orders.

### 1.1 Principles

Standing orders are part of the framework of processes and procedures designed to ensure that our system of local democracy and in particular, decision-making within local government is transparent and accountable. They are designed to give effect to the principles of good governance, which include that a local authority should:

- Conduct its business in an open, transparent and democratically accountable manner;
- Give effect to its identified priorities and desired outcomes in an efficient and effective manner;
- Make itself aware of, and have regard to, the views of all of its communities;
- Take account, when making decisions, of the diversity of the community, its interests and the interests of future communities as well;
- Ensure that any decisions made under these standing orders comply with the decision-making provisions of Part 6 of the LGA; and
- Ensure that decision-making procedures and practices meet the standards of natural justice.

These principles are reinforced by the requirement that all local authorities act so that "governance structures and processes are effective, open and transparent" (s. 39 LGA 2002).



## 1.2 Statutory references

The Standing Orders consist of statutory provisions about meetings along with guidance on how those provisions should be applied in practice. Where a statutory provision has been augmented with advice on how it might be implemented the advice (so as not to confuse it with the statutory obligation) is placed below the relevant legislative reference. In some cases, the language in the statutory provision has been modernised for ease of interpretation or amended to ensure consistency with more recently enacted statutes.

It is important to note that statutory references in the standing orders apply throughout the period of a meeting, regardless of whether or not parts or all of the Standing Orders have been suspended. These provisions must also be carried through into any amendment of the standing orders that might be made. Please note, where it is employed the word 'must', unless otherwise stated, identifies a mandatory legislative requirement.

## 1.3 Acronyms

|          |   |
|----------|---|
| LGA 2002 | Local Government Act 2002                                   |
| LGOIMA   | Local Government Official Information and Meetings Act 1987 |
| LAMIA    | Local Authorities (Members' Interests) Act 1968             |

## 1.4 Application

For the removal of any doubt these standing orders do not apply to workshops or meetings of working parties and advisory groups unless specifically included in their terms of reference.

## 2. Definitions

**Adjournment** means a break in the proceedings of a meeting. A meeting, or discussion on a particular business item, may be adjourned for a brief period, or to another date and time.

**Advisory group** means a group of people convened by a local authority for the purpose of providing advice or information that is not a committee or subcommittee. These standing orders do not apply to such groups. This definition also applies to workshops, working parties, working group, panels, forums, portfolio groups, briefings and other similar bodies.

**Agenda** means the list of items for consideration at a meeting together with reports and other attachments relating to those items in the order in which they will be considered. It is also referred to as an 'order paper'.

**Amendment** means any change of proposed change to the original or substantive motion.

**Audio link** means facilities that enable audio communication between participants at a meeting when one or more of the participants is not physically present at the place of the meeting.

**Audio visual link** means facilities that enable audiovisual communication between participants at a meeting when one or more of them is not physically present at the place of the meeting.

**Chairperson** means the person presiding at a meeting – the presiding member.

**Chief executive** means the chief executive of a regional council appointed under section 42 of the LGA 2002, and includes, for the purposes of these standing orders, any other officer authorized by the chief executive.

**Clear working days** means the number of working days (business hours) prescribed in these standing orders for giving notice and excludes the date of the meeting and date on which the notice is served.

**Committee** includes, in relation to a local authority:

- (a) A committee comprising all the members of that authority;
- (b) A standing committee or special committee appointed by that authority;
- (c) A joint committee appointed under clause 30A of Schedule 7 of the LGA 2002; and
- (d) Any subcommittee of a committee described in (a), (b) and (c) of this definition.

**Contempt** means being disobedient to, or disrespectful of, the chair of a meeting, or disrespectful to any members, officers or the public.

**Council** means, in the context of these standing orders, the governing body of a local authority.

**Deputation** means a request from any person or group to make a presentation to the local authority which is approved by the Chairperson and which may be made in English, te reo Māori or New Zealand Sign Language.

**Electronic link** means both an audio- and audio-visual link.

**Emergency meeting** has the same meaning as defined in cl. 22A of Schedule 7 of the LGA 2002.

**Extraordinary meeting** has the same meaning as defined in cl. 22 of Schedule 7 of the LGA 2002.

**Foreshadowed motion** means a motion that a member indicates their intention to move once the debate on a current motion or amendment is concluded.

**Internet site** means, in relation to a local authority or other person or entity, an Internet site that is maintained by, or on behalf of, the local authority, person, or entity and to which the public has free access.

**Joint committee** means a committee in which the members are appointed by more than one local authority in accordance with clause 30A of Schedule 7 of the LGA 2002.

**Karakia timatanga** means an opening prayer.

**Karakia whakamutunga** means a closing prayer.

**Lawfully excluded** means a member of a local authority who has been removed from a meeting due to behaviour that a Chairperson has ruled to be contempt.

**Leave of absence** means a pre-approved absence for a specified period of time consistent with the council policy should one be in place.

**Local authority** means in the context of these standing orders a regional council, as defined in s. 5 of the LGA 2002, which is named in these standing orders, and any subordinate decision-making bodies established by the local authority.

**Meeting** means any first, inaugural, ordinary, or extraordinary meeting of a local authority, committee, subcommittee or subordinate decision-making bodies of the local authority convened under the provisions of LGOIMA.

**Member** means any person elected or appointed to the local authority.

**Mihi whakatau** means a brief welcome typically delivered by one person without any further formalities.

**Minutes** means the record of the proceedings of any meeting of the local authority.

**Motion** means a formal proposal to a meeting.

**Mover** means the member who initiates a motion.

**Newspaper** means a periodical publication published (whether in New Zealand or elsewhere) at intervals not exceeding 40 days, or any copy of, or part of any copy of, any such publications; and this includes every publication that at any time accompanies and is distributed along with any newspaper.

**Notice of motion** means a motion given in writing by a member in advance of a meeting in accordance with, and as provided for, in these standing orders.

**Open voting** means voting that is conducted openly and in a transparent manner (i.e. enables an observer to identify how a member has voted on an issue) and may be conducted by electronic means. The result of the vote must be announced immediately it has concluded. Secret ballots are specifically excluded.

**Order paper** means the list of items for consideration at a meeting together with reports and other attachments relating to those items set out in the order in which they will be considered. An order paper is also referred to as an agenda.

**Ordinary meeting** means any meeting, other than the first meeting, of a local authority publicly notified in accordance with sections 46(1) and (2) of LGOIMA.

**Petition** means a request to a local authority which contains at least 20 signatures.

**Powhiri** means a formal welcome involving a Karanga from the Tangata Whenua (the home people) followed by formal speech making. A Powhiri is generally used for formal occasions of the highest significance.

**Present at the meeting to constitute quorum** means the member is to be physically present in the room.

**Presiding member** means the person chairing a meeting.

**Procedural motion** means a motion that is used to control the way in which a motion or the meeting is managed as specified in standing orders 24.1 – 24.7.

**Public excluded information** refers to information which is currently before a public excluded session, is proposed to be considered at a public excluded session or had previously been considered at a public excluded session and not yet been released as publicly available information. It includes:

- Any minutes (or portions of minutes) of public excluded sessions which have not been subsequently released by the local authority; and
- Any other information which has not been released by the local authority as publicly available information.

**Public excluded session**, also referred to as confidential or in-committee session, refers to those meetings or parts of meetings from which the public is excluded by the local authority as provided for in LGOIMA.

**Public forum** refers to a period set aside usually at the start of a meeting for the purpose of public input.

**Public notice** in relation to a notice given by a local authority, means one that is made publicly available, until any opportunity for review or appeal in relation to the matter notified has lapsed, on the local authority's Internet site. And in addition, is published in at least one daily newspaper circulating in the region of the local authority, or one or more other newspapers that have a combined circulation in that region which is at least equivalent to that of a daily newspaper circulating in that region

**Publicly notified** means notified to members of the public by a notice contained in a newspaper circulating in the region of the local authority, or where there is no such newspaper, by notice displayed in a public place. The notice may also be replicated on a council's website.

**Qualified privilege** means the privilege conferred on member by s. 52 and s. 53 of LGOIMA.

**Quasi-judicial** means a meeting involving the consideration of issues requiring the evaluation of evidence, the assessment of legal argument and/or the application of legal principles.

**Quorum** means the minimum number of members required to be present in order to constitute a valid meeting.

**Regional Council Chairperson** means the member of the governing body of a regional council elected as Chairperson of that regional council under cl.25 Schedule 7 LGA 2002.

**Resolution** means a motion that has been adopted by the meeting.

**Right of reply** means the right of the mover of a motion to reply to those who have spoken to the motion. (The right does not apply to an amendment).

**Secunder** means the member who seconds a motion.

**Sub judice** means under judicial consideration and therefore prohibited from public discussion elsewhere.

**Subordinate decision-making body** means committees, subcommittees, and any other bodies established by a local authority that have decision-making authority.

**Substantive motion** means the original motion. In the case of a motion that is subject to an amendment, the substantive motion is the original motion incorporating any amendments adopted by the meeting.

**Substantive resolution** means the substantive motion that has been adopted by the meeting or a restatement of a resolution that has been voted on in parts.

**Subcommittee** means a subordinate decision-making body established by a council, or a committee of a council. See definition of "Committee".

**Working day** means a day of the week other than:

- (a) Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign's birthday, and Waitangi Day. If Waitangi Day or Anzac Day falls on a Saturday or a Sunday, then the following Monday;
- (b) The day observed in the appropriate area as the anniversary of the province of which the area forms a part; and
- (c) A day in the period commencing with 20 December in any year and ending with 10 January in the following year.

Should a local authority wish to meet between the 20<sup>th</sup> of December and the 10<sup>th</sup> of January of the following year any meeting must be notified as an extraordinary meeting, unless there is sufficient time to notify an ordinary meeting before the commencement of the period.

**Working party** means a group set up by a local authority to achieve a specific objective that is not a committee or subcommittee and to which these standing orders do not apply.

**Workshop**, means in the context of these standing orders, a gathering of elected members for the purpose of considering matters of importance to the local authority at which no decisions are made and to which these standing orders do not apply. Workshops may include non-elected members. See definition of "advisory group". Workshops are also described as briefings.

## General matters

### 3. Standing orders

#### 3.1 Obligation to adopt standing orders

A council is required to operate in accordance with standing orders for the conduct of its meetings and the meetings of its committees and subcommittees. Standing orders must not contravene any Act.

*cl. 27(1) & (2), Schedule 7, LGA 2002.*

#### 3.2 Process for adoption and alteration of standing orders

The adoption of standing orders and any amendment to standing orders must be made by the Council and by a vote of not less than 75% of the members present.

*cl. 27(3) Schedule 7, LGA 2002.*

#### 3.3 Members must obey standing orders

All members of the local authority, including members of committees and subcommittees, must obey these standing orders.

*cl. 16(1) Schedule 7, LGA 2002.*

#### 3.4 Application of standing orders

These standing orders apply to all meetings of the local authority, its committees, subcommittees and subordinate decision-making bodies, including meetings and parts of meetings that the public are excluded from.

#### 3.5 Temporary suspension of standing orders

Any member of a council, committee, subcommittee and subordinate may move a motion to suspend specified standing orders at a meeting of which they are a member. Any such motion must also include the reason for the suspension. If seconded, the Chairperson must put the motion without debate and at least 75 per cent of the members present and voting must support the motion for it to be carried.

*cl. 27(4), Schedule 7, LGA 2002.*

A motion to suspend standing orders may also identify the specific standing orders to be suspended. In the event of suspension those standing orders prescribed in statute will continue to apply, such as the quorum requirements.



### **3.6 Quasi-judicial proceedings**

For quasi-judicial proceedings the local authority may amend meeting procedures. For example, committees hearing applications under the RMA 1991 have additional powers under the Commissions of Inquiry Act 1908.

### **3.7 Physical address of members**

Every member of a local authority must give to the chief executive a physical residential or business address within the region of the local authority and, if desired, an electronic or other address, to which notices and material relating to meetings and local authority business may be sent or delivered. Members are to provide their address within 5 working days of the publication of the declaration of the election results.

## **4. Meetings**

### **4.1 Legal requirement to hold meetings**

The local authority must hold meetings for the good government of its region. Meetings must be called and conducted in accordance with:

- (a) Schedule 7 of the LGA 2002;
- (b) Part 7 of LGOIMA; and
- (c) These standing orders.

A meeting can be adjourned to a specified time and day if required by resolution of the meeting.

### **4.2 Meeting duration**

A meeting cannot continue more than six hours from when it starts (including any adjournments) or after 10.30pm, unless the meeting resolves to continue. If there is no such resolution any business on the agenda that has not been dealt with must be adjourned, transferred to the next meeting or transferred to an extraordinary meeting.

No meeting can sit for more than two hours continuously without a break of at least ten minutes unless the meeting resolves to extend the time before a break.

### **4.3 Language**

A member may address a meeting in English, te reo Māori or New Zealand Sign Language. A Chairperson may require that a speech is translated and printed in English or te reo Māori.

If a member intends to address the meeting in New Zealand Sign Language, or in te reo Māori when the normal business of the meeting is conducted in English, they must give prior notice to the Chairperson not less than 2 working days before the meeting.

Where the normal business of the meeting is conducted in te reo Māori then prior notice of the intention to address the meeting in English must also be given to the Chairperson not less than 2 working days before the meeting.

#### **4.4 Webcasting meetings**

Webcast meetings should be provided in accordance with the protocols contained in Appendix 5.

#### **4.5 First meeting (inaugural)**

The first meeting of a local authority following a local authority triennial general election must be called by the chief executive as soon as practicable after the results of the election are known. The chief executive must give elected members not less than 7 days' notice of the meeting. However, in the event of an emergency the chief executive may give notice of the meeting as soon as practicable.

*cl. 21(1) - (4), Schedule 7, LGA 2002.*

#### **4.6 Requirements for the first meeting**

The chief executive (or, in the absence of the chief executive, their nominee) must chair the first meeting until the Chairperson has made an oral declaration and attested the declaration (see cl. 21(4), Schedule 7 (LGA 2002)).

The business to be conducted at the first meeting following a general election must include the following:

- (a) The making and attesting of the declarations required of the Chairperson (if any) and members under cl.14, Schedule7, (LGA 2002);
- (b) The election of the Chairperson and the making and attesting of the declaration required of the Chairperson under cl. 14 Schedule7, (LGA 2002);
- (c) A general explanation, given or arranged by the Chief Executive, of:
  - i. LGOIMA; and
  - ii. Other laws affecting members, including the appropriate provisions of the Local Authorities (Members Interests) Act 1968; and sections 99, 105, and 105A of the Crimes Act 1961; and the Secret Commissions Act 1910; and the Financial Markets Conduct Act 2013.
- (d) The fixing of the date and time of the first meeting of the local authority, or the adoption of a schedule of meetings; and
- (e) The election of the deputy Chairperson in accordance with cl.17 Schedule7, (LGA 2002).

*cl. 21(5), Schedule 7, LGA 2002.*

It is common for councils to adopt standing orders at the first meeting; however this is not always necessary as, if not amended, standing orders will remain in force after each triennial election.

## **5. Appointments and elections**

### **5.1 Elections of regional Chairpersons, and deputy Chairpersons**

The council (or a committee responsible for making the appointment) must decide by resolution to use one of two voting systems (see standing order 5.3) when electing people to the following positions:

- The Chairperson and deputy Chairperson of a regional council;
- The Chairperson and deputy Chairperson of a committee; and
- A representative of a local authority.

*cl. 25 Schedule 7, LGA 2002.*

### **5.2 Removal of a Chairperson or deputy Chairperson**

A Chairperson or deputy Chairperson can only be removed in accordance with the process set out in cl. 18, Schedule 7, of the LGA 2002. See Appendix 9.

*cl. 18, Schedule 7, LGA 2002.*

### **5.3 Voting system for Chairpersons, deputy Chairpersons and committee chairs**

When electing a regional council chair, a deputy chair or a committee chair the local authority must resolve to use one of the following two voting systems.

#### **System A**

The candidate will be elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee who are present and voting. This system has the following characteristics:

- (a) There is a first round of voting for all candidates;
- (b) If no candidate is successful in the first round, there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and
- (c) If no candidate is successful in the second round, there is a third round, and if necessary subsequent rounds, of voting from which, each time, the candidate with the fewest votes in the previous round is excluded.

In any round of voting, if two or more candidates tie for the lowest number of votes, the person to be excluded from the next round is resolved by lot.

## **System B**

The candidate will be elected or appointed if he or she receives more votes than any other candidate. This system has the following characteristics:

- (a) There is only one round of voting; and
- (b) If two or more candidates tie for the most votes, the tie is resolved by lot.

*cl. 25 Schedule 7, LGA 2002.*

## **6. Delegations**

### **6.1 Limits on delegations**

Unless clearly stated in the LGA or any other Act, a council may, for the purposes of efficiency and effectiveness, delegate to a committee, subcommittee, subordinate decision-making body, member, or officer of the local authority, any of its responsibilities, duties, or powers except:

- (a) The power to make a rate;
- (b) The power to make a bylaw;
- (c) The power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan;
- (d) The power to adopt a long-term plan, annual plan, or annual report;
- (e) The power to appoint a chief executive;
- (f) The power to adopt policies required to be adopted and consulted on under the LGA in association with the long-term plan or developed for the purpose of the local governance statement;
- (g) *Repealed*; and
- (h) The power to adopt a remuneration and employment policy.

*cl. 32 (1) Schedule 7, LGA 2002.*

### **6.2 Committees may delegate**

A committee, subcommittee or subordinate decision-making body, member, or officer of the local authority may delegate any of its responsibilities, duties, or powers to a subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by the body that made the original delegation.

*cl. (2) & (3), Schedule 7, LGA 2002.*

### **6.3 Use of delegated powers**

The committee, subcommittee, other subordinate decision-making body or member or officer of the local authority to which or to whom any responsibilities, powers, duties are delegated may, without confirmation by the council, committee or body or person that made the delegation, exercise or perform them in the like manner and with the same effect as the local authority could itself have exercised or performed them.

*cl. 32(2) & (3)(4) Schedule 7, LGA 2002.*

### **6.4 Decisions made under delegated authority cannot be rescinded or amended**

Nothing in these standing orders allows a council, committee and subcommittee to rescind or amend a lawfully made decision of a subordinate decision-making body carried out under a delegation authorising the making of that decision.

*cl. 30 (6), Schedule 7, LGA 2002.*

### **6.5 Committees and subcommittees subject to the direction of the local authority**

A committee, subcommittee or other subordinate decision-making body is subject in all things to the control of the local authority and must carry out all general and special directions of the local authority given to them.

*cl. 30 (3) & (4), Schedule 7, LGA 2002.*

**Please note:** A council is advised to delegate a range of decision-making responsibilities to its chief executive to cover the period from the day following the Electoral Officer's declaration until the new council is sworn in. See the 2019 Guide to Standing Orders for further information.

## **7. Committees**

### **7.1 Appointment of committees and subcommittees**

A council may appoint the committees, subcommittees, and other subordinate decision-making bodies that it considers appropriate. A committee may appoint the subcommittees that it considers appropriate, unless it is prohibited from doing so by the council.

*cl. 30(1) & (2), Schedule 7, LGA 2002.*

## **7.2 Discharge or reconstitution of committees and subcommittees**

Unless expressly provided otherwise in legislation or regulation:

- (a) A local authority may discharge or reconstitute a committee or subcommittee, or other subordinate decision-making body; and
- (b) A committee may discharge or reconstitute a subcommittee.

A committee, subcommittee, or other subordinate decision-making body is, unless a council resolves otherwise, discharged when members elected at a subsequent triennial general election come into office.

*cl. 30 (5) & (7), Schedule 7, LGA 2002.*

**Please note:** s.12 (2) of the Civil Defence and Emergency Management Act 2002 states that a Civil Defence and Emergency Management Group is not deemed to be discharged following a triennial election.

## **7.3 Appointment or discharge of committee members and subcommittee members**

A council may appoint or discharge any member of a committee and, if established by the council, a subcommittee. A committee may appoint or discharge any member of a subcommittee appointed by the committee unless directed otherwise by the council.

*cl. 31 (1) & (2), Schedule 7, LGA 2002.*

## **7.4 Elected members on committees and subcommittees**

The members of a committee or subcommittee may be, but are not required to be, elected members of a local authority. A council or committee may appoint a person who is not a member of the local authority to a committee or subcommittee if, in the opinion of the council or committee, the person has the skills, attributes or knowledge to assist the committee or subcommittee.

At least one member of a committee must be an elected member of the council. A staff member of the local authority, in the course of their employment, can be a member of a subcommittee but not a committee.

*cl. 31(4) Schedule 7, LGA 2002.*

## **7.5 Local authority may replace members if committee not discharged**

If a local authority resolves that a committee, subcommittee or other subordinate decision-making body is not to be discharged under cl. 30 (7) Schedule 7, LGA 2002, the local authority may replace the members of that committee, subcommittee or subordinate decision-making body after the next triennial general election of members.

*cl. 31(5) Schedule 7, LGA 2002.*

## **7.6 Decision not invalid despite irregularity in membership**

For the purpose of these standing orders a decision of a local authority or committee is not invalidated if:

1. There is a vacancy in the membership of the local authority or committee at the time of the decision; or
2. Following the decision some defect in the election or appointment process is discovered and/or that the membership of a person on the committee at the time is found to have been ineligible.

*cl. 29, Schedule 7, LGA 2002.*

## **7.7 Appointment of joint committees**

A local authority may appoint a joint committee with another local authority or other public body if it has reached agreement with each local authority or public body. The agreement must specify:

- (a) The number of members each party may appoint;
- (b) How the Chairperson and deputy Chairperson are to be appointed;
- (c) The terms of reference of the committee;
- (d) What responsibilities, if any, are to be delegated to the committee by each party; and
- (e) How the agreement may be varied.

The agreement may also specify any other matter relating to the appointment, operation, or responsibilities of the committee agreed by the parties.

*cl. 30A (1) & (2), Schedule 7, LGA 2002.*

## **7.8 Status of joint committees**

A joint committee is deemed to be both a committee of a council and a committee of each other participating local authority or public body.

*cl. 30A (5), Schedule 7, LGA 2002.*

## **7.9 Power to appoint or discharge individual members of a joint committee**

The power to discharge any individual member of a joint committee and appoint another member in their stead must be exercised by the council or public body that made the appointment.

*cl. 30A (6)(a), Schedule 7, LGA 2002.*



## Pre-meeting

### 8. Giving notice

#### 8.1 Public notice – ordinary meetings

All meetings scheduled for the following month must be publicly notified not more than 14 days and not less than 5 days before the end of the current month, together with the dates, the times and places on and at which those meetings are to be held. In the case of meetings held on or after the 21st day of the month public notification may be given not more than 10 nor less than 5 working days before the day on which the meeting is to be held. (See Guide to Standing Orders for more information).

*s. 46, LGOIMA.*

#### 8.2 Notice to members - ordinary meetings

The chief executive must give notice in writing to each member of the local authority of the date, time and place of any meeting. Notice must be given at least 14 days before the meeting unless the council has adopted a schedule of meetings, in which case notice must be given at least 14 days before the first meeting on the schedule.

*cl. 19 (5), Schedule 7, LGA 2002.*

#### 8.3 Extraordinary meeting may be called

An extraordinary council meeting may be called by:

- (a) Resolution of the council: or
- (b) A requisition in writing delivered to the chief executive which is signed by:
  - i. The Chairperson; or
  - ii. Not less than one third of the total membership of the council (including vacancies).

*cl. 22 (1) Schedule 7, LGA 2002.*

#### 8.4 Notice to members - extraordinary meetings

The chief executive must give notice, in writing, of the time and place of an extraordinary meeting called under standing order 8.3, as well as the general nature of business to be considered to each member of the council at least 3 working days before the day appointed for the meeting. If the meeting is called by a resolution then notice must be provided within such lesser period as is specified in the resolution, as long as it is not less than 24 hours.

*cl. 22 (3), Schedule 7, LGA 2002.*

### **8.5 Emergency meetings may be called**

If the business a council needs to deal with requires a meeting to be held at a time earlier than is allowed by the notice requirements for holding an extraordinary meeting and it is not practicable to call the meeting by resolution, an emergency meeting may be called by:

- (a) The Chairperson; or
- (b) If the Chairperson is unavailable, the Chief Executive.

*cl. 22A(1), Schedule 7 LGA 2002.*

### **8.6 Process for calling an emergency meeting**

The notice of the time and place of an emergency meeting, and of the matters in respect of which the emergency meeting is being called, must be given by the person calling the meeting or by another person on that person's behalf.

The notice must be given, by whatever means is reasonable in the circumstances, to each member of the local authority, and to the chief executive, at least 24 hours before the time appointed for the meeting.

*cl. 22A (2), Schedule 7 LGA 2002.*

### **8.7 Public notice – emergency and extraordinary meetings**

Where an emergency or extraordinary meeting of a local authority is called but the notice of the meeting is inconsistent with these standing orders, due to the manner in which it was called, the local authority must cause that meeting and the general nature of business to be transacted at that meeting:

- (a) To be publicly notified as soon as practicable before the meeting is to be held; or
- (b) If it is not practicable to publish a notice in newspapers before the meeting, to be notified as soon as practicable on the local authority's Internet site and in any other manner that is reasonable in the circumstances.

*s. 46 (3) LGOIMA.*

### **8.8 Meetings not invalid**

The failure to notify a public meeting under these standing orders does not of itself make that meeting invalid. However, where a local authority becomes aware that a meeting has been incorrectly notified it must, as soon as practicable, give public notice stating:

- That the meeting occurred without proper notification;
- The general nature of the business transacted; and
- The reasons why the meeting was not properly notified.

*s. 46 (6), LGOIMA.*

### **8.9 Resolutions passed at an extraordinary meeting**

A local authority must, as soon as practicable, publicly notify any resolution passed at an extraordinary meeting of the local authority unless:

- (a) The resolution was passed at a meeting or part of a meeting from which the public was excluded; or
- (b) The extraordinary meeting was publicly notified at least 5 working days before the day on which the meeting was held.

*s. 51A, LGOIMA.*

### **8.10 Meeting schedules**

Where the local authority adopts a meeting schedule it may cover any period that the council considers appropriate and may be amended. Notification of the schedule, or an amendment, will constitute notification to members of every meeting on the schedule or the amendment. This does not replace the requirements under LGOIMA to also publicly notify each meeting.

*cl. 19 (6) Schedule 7, LGA 2002.*

### **8.11 Non-receipt of notice to members**

A meeting of a local authority is not invalid if notice of that meeting was not received, or not received in due time, by a member of the local authority unless:

- (a) It is proved that the person responsible for giving notice of the meeting acted in bad faith or without reasonable care; and
- (b) The member concerned did not attend the meeting.

A member of a local authority may waive the need to be given notice of a meeting.

*cl. 20 (1) & (2) Schedule 7, LGA 2002.*

### **8.12 Meeting cancellations**

The Chairperson of a scheduled meeting may cancel the meeting if, in consultation with the chief executive, they consider this is necessary for reasons that include lack of business, lack of quorum or clash with another event.

The chief executive must make a reasonable effort to notify members and the public as soon as practicable of the cancellation and the reasons behind it.

## **9. Meeting agenda**

### **9.1 Preparation of the agenda**

It is the chief executive's responsibility to prepare an agenda for each meeting listing and attaching information on the items of business to be brought before the meeting so far as is known, including the names of the relevant members.

When preparing business items for an agenda the chief executive and/or relevant general manager should will consult the Chairperson or relevant Co-Chairs in advance of the meeting agenda being finalised to discuss the likely content of the agenda for that meeting (either via a phone call, or a sit-down meeting) – noting that the content of the final agenda may vary. This is an opportunity for the Chairperson, or Co-Chairs to signal likely meeting concerns, and signal when additional advice or more time to consider the issue might be required.

### **9.2 Process for raising matters for a decision**

Requests for reports may be made by a resolution of the council, committee, subcommittee or subordinate decision-making body and, in the case of all decision-making bodies other than the council, must also fall within the scope of their specific delegations. A process for requesting reports is described in Appendix 12.

### **9.3 Chief executive may delay or refuse request**

The chief executive may delay commissioning any reports that involve significant cost or are beyond the scope of the committee that made the request. In such cases the chief executive will discuss options for meeting the request with the respective Chairperson and report back to a subsequent meeting with an estimate of the cost involved and seek direction on whether the report should still be prepared.

If a member makes a direct request to a chief executive asking that a report is prepared the chief executive may refuse. In such cases an explanation should be provided to the member.

### **9.4 Order of business**

At the meeting the business is to be dealt with in the order in which it stands on the agenda unless the Chairperson, or the meeting, decides otherwise. An example of a default order of business is set out in Appendix 12.

The order of business for an extraordinary meeting must be limited to items that are relevant to the purpose for which the meeting has been called.

### **9.5 Chairperson's recommendation**

A Chairperson, either prior to the start of the meeting and/or at the meeting itself, may include a recommendation regarding any item on the agenda brought before the meeting. Where a Chairperson's recommendation varies significantly from an officer's recommendation the reason for the variation must be explained.

## **9.6 Chairperson's report**

The Chairperson of a meeting has the right, through a report, to direct the attention of a meeting to any matter which is on the agenda or which falls within the responsibilities of that meeting, as described in its terms of reference.

## **9.7 Public availability of the agenda**

All information provided to members at a local authority meeting must be publicly available except where an item included in the agenda refers to a matter reasonably expected to be discussed with the public excluded.

*s. 5 & 46A, LGOIMA.*

## **9.8 Public inspection of agenda**

Any member of the public may, without payment of a fee, inspect, during normal office hours and within a period of at least 2 working days before a meeting, all agendas and associated reports circulated to members of the local authority relating to that meeting. The agenda:

- (a) Must be available for inspection at the public offices of the local authority (including service centres), at public libraries under the authority's control and on the council's website; and
- (b) Must be accompanied by either:
  - i. The associated reports; or
  - ii. A notice specifying the places at which the associated reports may be inspected.

*s. 46A (1), LGOIMA.*

## **9.9 Withdrawal of agenda items**

If justified by circumstances, an agenda item may be withdrawn by the chief executive. In the event of an item being withdrawn the chief executive should inform the Chairperson.

## **9.10 Distribution of the agenda**

The chief executive must send the agenda to every member of a meeting five working days before the meeting where possible and no less than two clear working days before the day of the meeting, except in the case of an extraordinary meeting or an emergency meeting (see Standing Orders 8.4 and 8.10).

The chief executive may send the agenda, and other materials relating to the meeting or other council business, to members by electronic means.

## **9.11 Status of agenda**

No matter on a meeting agenda, including recommendations, may be considered final until determined by formal resolution of that meeting.

### **9.12 Items of business not on the agenda which cannot be delayed**

A meeting may deal with an item of business that is not on the agenda where the meeting resolves to deal with that item and the Chairperson provides the following information during the public part of the meeting:

- (a) The reason the item is not on the agenda; and
- (b) The reason why the discussion of the item cannot be delayed until a subsequent meeting.

*s. 46A (7), LGOIMA.*

Items not on the agenda may be brought before the meeting through a report from either the chief executive or the Chairperson.

**Please note** that nothing in this standing order removes the requirement to meet the provisions of Part 6, LGA 2002 with regard to consultation and decision-making.

### **9.13 Discussion of minor matters not on the agenda**

A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and the Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However, the meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion.

*s. 46A (7A), LGOIMA.*

### **9.14 Public excluded business on the agenda**

Items that are likely to be discussed under public excluded must be indicated on each agenda and state the general subject of the item. The chief executive, however, may exclude public access to any reports, or parts of reports, which are reasonably expected to be discussed with the public excluded.

*s. 46A (9), LGOIMA.*

### **9.15 Qualified privilege relating to agenda and minutes**

Where any meeting is open to the public and a member of the public is supplied with a copy of the agenda, or the minutes of that meeting, the publication of any defamatory matter included in the agenda or in the minutes is privileged. This does not apply if the publication is proved to have been made with ill will or improper advantage has been taken of the publication.

*s. 52, LGOIMA.*

## Meeting Procedures

### 10. Opening and closing

Local authorities may, at the start of a meeting, choose to recognise the civic importance of the occasion through some form of reflection. This could be an expression of community values, a reminder of the contribution of members who have gone before or a formal welcome, such as a mihi whakatau.

Options for opening a meeting could include a karakia timitanga, mihi whakatau, or powhiri as well as a karakia whakamutunga to close a meeting where appropriate.

### 11. Quorum

#### 11.1 Council meetings

The quorum for a meeting of the council is:

- (a) Half of the members physically present, where the number of members (including vacancies) is even; and
- (b) A majority of the members physically present, where the number of members (including vacancies) is odd.

*cl. 23 (3)(a) Schedule 7, LGA 2002.*

#### 11.2 Committees and subcommittee meetings

A council sets the quorum for its committees and subcommittees, either by resolution or by stating the quorum in the terms of reference. Committees may set the quorums for their subcommittees by resolution provided that it is not less than two members. (See also 7.4).

In the case of subcommittees, the quorum will be two members unless otherwise stated. In the case of committees at least one member of the quorum must be a member of the council.

*cl. 23 (3)(b) Schedule 7, LGA 2002.*

#### 11.3 Joint Committees

The quorum at a meeting of a joint committee must be consistent with Standing Order 11.1. Local authorities participating in the joint committee may decide, by agreement, whether or not the quorum includes one or more members appointed by each local authority or any party.

*cl. 30A (6)(c) Schedule 7, LGA 2002.*

#### **11.4 Requirement for a quorum**

A meeting is constituted where a quorum of members is present, whether or not they are all voting or entitled to vote. In order to conduct any business at a meeting, a quorum of members must be present for the whole time that the business is being considered.

*cl. 23(1) & (2) Schedule 7, LGA 2002.*

#### **11.5 Meeting lapses where no quorum**

A meeting must lapse, and the Chairperson vacate the chair, if a quorum is not present within 30 minutes of the advertised start of the meeting. Where members are known to be travelling to the meeting, but are delayed due to extraordinary circumstance, the Chairperson has discretion to wait for a longer period.

No business may be conducted while waiting for the quorum to be reached. Minutes will record when a meeting lapses due to a lack of a quorum, along with the names of the members who attended.

Should a quorum be lost the meeting will lapse if the quorum is not present within 15 minutes.

#### **11.6 Business from lapsed meetings**

Where meetings lapse the remaining business will be adjourned and be placed at the beginning of the agenda of the next ordinary meeting, unless the Chairperson sets an earlier meeting, and this is notified by the chief executive.

### **12. Public access and recording**

#### **12.1 Meetings open to the public**

Except as otherwise provided by Part 7 of LGOIMA, every meeting of the local authority, its committees and subcommittees must be open to the public.

*s.47 & 49(a), LGOIMA.*

#### **12.2 Grounds for removing the public**

The Chairperson may require any member of the public whose conduct is disorderly, or who is creating a disturbance, to be removed from the meeting.

#### **12.3 Local authority may record meetings**

Meeting venues should contain clear signage indicating and informing members, officers and the public that proceedings may be recorded by the local authority and may be subject to direction by the Chairperson.



## **12.4 Public may record meetings**

Members of the public may make electronic or digital recordings of meetings which are open to the public. Any recording of meetings must be notified to the Chairperson at the commencement of the meeting to ensure that the recording does not distract the meeting from fulfilling its business.

Where circumstances require the Chairperson may stop the recording for a period of time.

## **13. Attendance**

### **13.1 Members right to attend meetings**

A member of a local authority, or of a committee of a local authority, has, unless lawfully excluded, the right to attend any meeting of the local authority or committee.

*cl. 19(2), Schedule 7, LGA 2002.*

If the member of the local authority is not an appointed member of the meeting at which they are in attendance they may not vote on any matter at that meeting. However, they may, with the leave of the chair, take part in the meeting's discussions.

A member attending a meeting of which they are not an appointed member is not a member of the public for the purpose of s.48 LGOIMA. Consequently, if the meeting resolves to exclude the public any members of the local authority who are present may remain unless they are lawfully excluded.

Please note: this section does not confer any rights to non-elected members appointed to committees of a local authority.

### **13.2 Attendance when a committee is performing judicial or quasi-judicial functions**

When a committee is performing judicial or quasi-judicial functions members of the local authority who are not members of that committee are not entitled to take part in the proceedings.

### **13.3 Leave of absence**

A council may grant a member leave of absence following an application from that member. The council may delegate the power to grant a leave of absence to the Chairperson in order to protect a members' privacy.

The Chairperson may approve a members' application, and the Council may approve an application from the Chairperson. The Chairperson will advise all members of the council whenever a member has been granted leave of absence under delegated authority. Meeting minutes will record a leave of absence for a member as an apology for that meeting.

### **13.4 Apologies**

A member who does not have leave of absence may tender an apology should they be absent from all or part of a meeting. The Chairperson (or acting chair) must invite apologies at the beginning of each meeting, including apologies for lateness and early departure. The meeting may accept or decline any apologies. Members may be recorded as absent on council business where their absence is a result of a commitment made on behalf of the council.

For clarification, the acceptance of a member's apology constitutes a grant of 'leave of absence' for that specific meeting(s).

### **13.5 Recording apologies**

The minutes will record any apologies tendered before or during the meeting, including whether they were accepted or declined and the time of arrival and departure of all members.

### **13.6 Absent without leave**

Where a member is absent from four consecutive meetings of the council without leave of absence or an apology being accepted (not including extraordinary or emergency meetings) then the office held by the member will become vacant. A vacancy created in this way is treated as an extraordinary vacancy.

*cl. 5 (d) Schedule 7, LGA 2002.*

### **13.7 Right to attend by audio- or audio-visual link**

Provided the conditions in standing orders 13.11 and 13.12 are met members of the local authority and its committees (and members of the public for the purpose of a deputation approved by the Chairperson), have the right to attend meetings by means of an electronic link, unless they have been lawfully excluded.

### **13.8 Member's status: quorum**

Members who attend meetings by electronic link will not be counted as present for the purposes of a quorum.

*cl. 25A (4), Schedule 7, LGA 2002.*

### **13.9 Member's status: voting**

Where a meeting has a quorum, determined by the number physically present, the members attending by electronic link can vote on any matters raised at the meeting.

### **13.10 Chairperson's duties**

Where the technology is available and a member is attending a meeting by audio- or audio-visual link, the Chairperson must ensure that:

- (a) The technology for the link is available and of suitable quality; and
- (b) Procedures for using the technology in the meeting will ensure that:
  - i. Everyone participating in the meeting can hear each other;
  - ii. The member's attendance by audio- or audio-visual link does not reduce their accountability or accessibility of that person in relation to the meeting;
  - iii. The requirements of Part 7 of LGOIMA are met; and
  - iv. The requirements in these standing orders are met.

If the Chairperson is attending by audio- or audio-visual link then chairing duties will be undertaken by the deputy chair or a member who is physically present.

*cl. 25A (3) schedule 7, LGA 2002.*

### **13.11 Conditions for attending by audio- or audio-visual link**

Noting standing order 13.7, the Chairperson may give approval for a member to attend meetings by electronic link, either generally or for a specific meeting. Examples of situations where approval can be given include:

- (a) Where the member is at a place that makes their physical presence at the meeting impracticable or impossible;
- (b) Where a member is unwell; and
- (c) Where a member is unable to attend due to an emergency.

### **13.12 Request to attend by audio- or audio-visual link**

Where possible, a member will give the Chairperson and the chief executive at least 2 working days' notice when they want to attend a meeting by audio- or audio-visual link. Should, due to illness or emergency, this not be possible, the member may give less notice.

Where such a request is made and the technology is available, the chief executive must take reasonable steps to enable the member to attend by audio or audio-visual link. However, the council has no obligation to make the technology for an audio or audio-visual link available.

If the member's request cannot be accommodated, or there is a technological issue with the link, this will not invalidate any acts or proceedings of the local authority or its committees.

### **13.13 Chairperson may terminate link**

The Chairperson may direct that an electronic link should be terminated where:

- (a) Use of the link is increasing, or may unreasonably increase, the length of the meeting;
- (b) The behaviour of the members using the link warrants termination, including the style, degree and extent of interaction between members;
- (c) It is distracting to the members who are physically present at the meeting; and
- (d) The quality of the link is no longer suitable.

### **13.14 Giving or showing a document**

A person attending a meeting by audio- or audio-visual link may give or show a document by:

- (a) Transmitting it electronically;
- (b) Using the audio-visual link; or
- (c) Any other manner that the Chairperson thinks fit.

*cl. 25(A) (6) schedule 7, LGA 2002.*

### **13.15 Link failure**

Where an audio- or audio-visual link fails, or there are other technological issues that prevent a member who is attending by link from participating in a meeting, that member must be deemed to be no longer attending the meeting.

### **13.16 Confidentiality**

A member who is attending a meeting by audio- or audio-visual link must ensure that the meeting's proceedings remain confidential during any times that the public are excluded. At such times, the Chairperson may require the member to confirm that no unauthorised people are able to view or hear the proceedings.

## **14. Chairperson's role in meetings**

### **14.1 Council meetings**

The Chairperson must preside at meetings of the council unless they vacate the chair for a part or all of a meeting. If the Chairperson is absent from a meeting or vacates the chair, the deputy Chairperson must act as chairperson. If the deputy Chairperson is also absent the local authority members who are present must elect a member to be the Chairperson at that meeting. This person may exercise the meeting responsibilities, duties and powers of the Chairperson for that meeting.

*cl. 26(1), (5) & (6) Schedule 7, LGA 2002.*

#### **14.2 Other meetings**

In the case of committees, subcommittees and subordinate decision-making bodies, the appointed Chairperson must preside at each meeting unless they vacate the chair for all or part of a meeting. If the Chairperson is absent from a meeting or vacates the chair, the deputy Chairperson (if any) will act as Chairperson. If the deputy Chairperson is also absent, or has not been appointed, the committee members who are present must elect a member to act as Chairperson. This person may exercise the meeting responsibilities, duties and powers of the Chairperson.

*cl. 26(2), (5) & (6), schedule 7 LGA 2002.*

#### **14.3 Addressing the Chairperson**

Members will address the Chairperson in a manner that the Chairperson has determined.

#### **14.4 Chairperson's rulings**

The Chairperson will decide all procedural questions where insufficient provision is made by these standing orders and with regard to all points of order. Any refusal to obey a Chairperson's ruling or direction constitutes contempt.

#### **14.5 Chairperson standing**

Whenever the Chairperson stands during a debate, members are required to sit down (if required to stand to address the meeting) and be silent so that they can hear the Chairperson without interruption.

#### **14.6 Member's right to speak**

Members are entitled to speak in accordance with these standing orders. Members should address the Chairperson when speaking. They may not leave their place while speaking, unless they have the leave of the Chairperson.

#### **14.7 Chairperson may prioritise speakers**

When two or more members want to speak the Chairperson will name the member who may speak first. Other members who wish to speak have precedence where they intend to:

- (a) Raise a point of order, including a request to obtain a time extension for the previous speaker; and/or
- (b) Move a motion to terminate or adjourn the debate; and/or
- (c) Make a point of explanation; and/or
- (d) Request the chair to permit the member a special request.

## **15. Public Forums**

Public forums are a defined period of time, usually at the start of an ordinary meeting, which, at the discretion of a meeting, is put aside for the purpose of public input. Public forums are designed to enable members of the public to bring matters, not necessarily on the meeting's agenda, to the attention of the local authority.

In the case of a committee or subcommittee any issue, idea or matter raised in a public forum must fall within the terms of reference of that body.

### **15.1 Time limits**

A period of up to 30 minutes, or such longer time as the meeting may determine, will be available for the public forum at each scheduled local authority meeting. Requests must be made to the chief executive (or their delegate) at least one clear day before the meeting; however, this requirement may be waived by the Chairperson. Requests should also outline the matters that will be addressed by the speaker(s).

Speakers can speak for up to 5 minutes. No more than two speakers can speak on behalf of an organisation during a public forum. Where the number of speakers presenting in the public forum exceeds 6 in total, the Chairperson has discretion to restrict the speaking time permitted for all presenters.

### **15.2 Restrictions**

The Chairperson has the discretion to decline to hear a speaker or to terminate a presentation at any time where:

- A speaker is repeating views presented by an earlier speaker at the same public forum;
- The speaker is criticising elected members and/or staff;
- The speaker is being repetitious, disrespectful or offensive;
- The speaker has previously spoken on the same issue;
- The matter is subject to legal proceedings; and
- The matter is subject to a hearing, including the hearing of submissions where the local authority or committee sits in a quasi-judicial capacity.

### **15.3 Questions at public forums**

At the conclusion of the presentation, with the permission of the Chairperson, elected members may ask questions of speakers. Questions are to be confined to obtaining information or clarification on matters raised by a speaker.

### **15.4 No resolutions**

Following the public forum, no debate or decisions will be made at the meeting on issues raised during the forum unless related to items already on the agenda. (See the 2019 Guide to Standing Orders for suggestions of good practice in dealing with issues raised during a forum).

## **16. Deputations**

The purpose of a deputation is to enable a person, group or organisation to make a presentation to a meeting on a matter or matters covered by that meeting's terms of reference. Deputations should be approved by the Chairperson, or an official with delegated authority, five working days before the meeting. Deputations may be heard at the commencement of the meeting or at the time that the relevant agenda item is being considered.

### **16.1 Time limits**

Speakers can speak for up to 5 minutes, or longer at the discretion of the Chairperson. No more than two speakers can speak on behalf of an organisation's deputation.

### **16.2 Restrictions**

The Chairperson has the discretion to decline to hear or terminate a deputation at any time where:

- A speaker is repeating views presented by an earlier speaker at the meeting;
- The speaker is criticising elected members and/or staff;
- The speaker is being repetitious, disrespectful or offensive;
- The speaker has previously spoken on the same issue;
- The matter is subject to legal proceedings; and
- The matter is subject to a hearing, including the hearing of submissions where the local authority or committee sits in a quasi-judicial capacity.

### **16.3 Questions of a deputation**

At the conclusion of the deputation members may, with the permission of the Chairperson, ask questions of any speakers. Questions are to be confined to obtaining information or clarification on matters raised by the deputation.

### **16.4 Resolutions**

Any debate on a matter raised in a deputation must occur at the time at which the matter is scheduled to be discussed on the meeting agenda and once a motion has been moved and seconded.

## **17. Petitions**

### **17.1 Form of petitions**

Petitions may be presented to the local authority or any of its committees as long as the subject matter falls within the terms of reference of the intended meeting.

Petitions must contain at least 20 signatures and consist of fewer than 150 words (not including signatories). They must be received by the chief executive at least 5 working days before the date of the meeting at which they will be presented.

Petitions must not be disrespectful, use offensive language or include malicious statements (see standing order 19.9 on qualified privilege). They may be written in English or te reo Māori. Petitioners planning to present their petition in te reo or sign language should advise the chief executive in time to allow translation services to be arranged.

### **17.2 Petition presented by petitioner**

A petitioner who presents a petition to the local authority or any of its committees and subcommittees may speak for 5 minutes (excluding questions) about the petition, unless the meeting resolves otherwise. The Chairperson must terminate the presentation of the petition if he or she believes the petitioner is being disrespectful, offensive or making malicious statements.

Where a petition is presented as part of a deputation or public forum the speaking time limits relating to deputations or public forums shall apply. The petition must be received by the chief executive at least 5 working days before the date of the meeting concerned.

### **17.3 Petition presented by member**

Members may present petitions on behalf of petitioners. In doing so, members must confine themselves to presenting:

- (a) The petition;
- (b) The petitioners' statement; and
- (c) The number of signatures.

## **18. Exclusion of public**

### **18.1 Motions and resolutions to exclude the public**

Members of a meeting may resolve to exclude the public from a meeting. The grounds for exclusion are those specified in section 48 of LGOIMA (see Appendix 1).

Every motion to exclude the public must be put while the meeting is open to the public, and copies of the motion must be available to any member of the public who is present.



If the motion is passed the resolution to exclude the public must be in the form set out in schedule 2A of LGOIMA (see Appendix 2). The resolution must state:

- (a) The general subject of each matter to be excluded;
- (b) The reason for passing the resolution in relation to that matter; and
- (c) The grounds on which the resolution is based.

The resolution will form part of the meeting's minutes.

*s. 48 LGOIMA.*

### **18.2 Specified people may remain**

Where a meeting resolves to exclude the public, the resolution may provide for specified persons to remain if, in the opinion of the meeting, they will assist the meeting to achieve its purpose. Any such resolution must state, in relation to the matter to be discussed, how the knowledge held by the specified people is relevant and be of assistance.

No such resolution is needed for people who are entitled to be at the meeting, such as relevant staff and officials contracted to the council for advice on the matter under consideration.

*s.48 (6) LGOIMA.*

### **18.3 Public excluded items**

The chief executive must place in the public-excluded section of the agenda any items that he or she reasonably expects the meeting to consider with the public excluded. The public excluded section of the agenda must indicate the subject matter of the item and the reason the public are excluded.

*s.46A (8) LGOIMA.*

### **18.4 Non-disclosure of information**

No member or officer may disclose to any person, other than another member, officer or person authorised by the chief executive, any information that has been, or will be, presented to any meeting from which the public is excluded, or proposed to be excluded.

This restriction does not apply where a meeting has resolved to make the information publicly available or where the chief executive has advised, in writing, that one or both of the following apply:

- (a) There are no grounds under LGOIMA for withholding the information; and
- (b) The information is no longer confidential.

## **18.5 Release of information from public excluded session**

A local authority may provide for the release to the public of information which has been considered during the public excluded part of a meeting.

Each public excluded meeting must consider and agree by resolution, what, if any, information will be released to the public. In addition, the chief executive may release information which has been considered at a meeting from which the public has been excluded where it is determined the grounds to withhold the information no longer exist. The chief executive will inform the subsequent meeting of the nature of the information released.

## **19. Voting**

### **19.1 Decisions by majority vote**

Unless otherwise provided for in the LGA 2002, other legislation or standing orders, the acts of and questions before a local authority must be decided at a meeting through a vote exercised by the majority of the members of that meeting voting.

*cl. 24 (1), Schedule 7, LGA 2002.*

### **19.2 Open voting**

An act or question coming before the local authority must be done or decided by open voting.

*cl. 24 (3) Schedule 7, LGA 2002.*

### **19.3 Chairperson has a casting vote**

The Chairperson or any other person presiding at a meeting has a deliberative vote and, in the case of an equality of votes, has a casting vote.

*cl. 24 (2) Schedule 7, LGA 2002.*

### **19.4 Method of voting**

The method of voting must be as follows:

- (a) The Chairperson in putting the motion must call for an expression of opinion on the voices or take a show of hands, the result of either of which, as announced by the Chairperson, must be conclusive unless such announcement is questioned immediately by any member, in which event the Chairperson will call a division;
- (b) The Chairperson or any member may call for a division instead of or after voting on the voices and/or taking a show of hands; and
- (c) Where a suitable electronic voting system is available that system may be used instead of a show of hands, vote by voices, or division, and the result publicly displayed and notified to the Chairperson who must declare the result.

### **19.5 Calling for a division**

When a division is called, the chief executive must record the names of the members voting for and against the motion and abstentions and provide the names to the Chairperson to declare the result. The result of the division must be entered into the minutes and include members' names and the way in which they voted.

The Chairperson may call a second division where there is confusion or error in the original division.

### **19.6 Request to have votes recorded**

If requested by a member immediately after a vote, the minutes must record the member's vote or abstention. Recording any other matters e.g. reason for the vote or abstention is not permitted.

### **19.7 Members may abstain**

Any member may abstain from voting.

## **20. Conduct**

### **20.1 Calling to order**

When the Chairperson calls members to order they must be seated and stop speaking. If the members fail to do so, the Chairperson may direct that they should leave the meeting immediately for a specified time.

### **20.2 Behaviour consistent with Code of Conduct**

No member, at any meeting, may act inconsistently with their Code of Conduct or speak or act in a manner which is disrespectful of other members, staff or the public.

### **20.3 Retractions and apologies**

In the event of a member or speaker who has been disrespectful of another member or contravened the council's Code of Conduct, the Chairperson may call upon that member or speaker to withdraw the offending comments and may require them to apologise. If the member refuses to do so the Chairperson may direct that they should leave the meeting immediately for a specified time and/or make a complaint under the Code of Conduct.

#### **20.4 Disorderly conduct**

Where the conduct of a member is disorderly or is creating a disturbance, the Chairperson may require that member to leave the meeting immediately for a specified time.

If the disorder continues the Chairperson may adjourn the meeting for a specified time. At the end of this time the meeting must resume and decide, without debate, whether the meeting should proceed or be adjourned.

The Chairperson may also adjourn the meeting if other people cause disorder or in the event of an emergency.

#### **20.5 Contempt**

Where a member is subject to repeated cautions by the Chairperson for disorderly conduct the meeting may, should it so decide, resolve that the member is in contempt. Any such resolution must be recorded in the meeting's minutes.

#### **20.6 Removal from meeting**

A member of the police or authorised security personnel may, at the Chairperson's request, remove or exclude a member from a meeting.

This standing order will apply where the Chairperson has ruled that the member should leave the meeting and the member has refused or failed to do so; or has left the meeting and attempted to re-enter it without the Chairperson's permission.

#### **20.7 Financial conflicts of interests**

Every member present at a meeting must declare any direct or indirect financial interest that they hold in any matter being discussed at the meeting, other than an interest that they hold in common with the public.

No member may vote on, or take part in, a discussion about any matter in which they have a direct or indirect financial interest unless an exception set out in s.6 LAMIA applies to them, or the Auditor-General has granted them an exemption or declaration under s.6.

Members with a financial interest should physically withdraw themselves from the table unless the meeting is in public excluded in which case, they should leave the room.

Neither the Chairperson nor the meeting may rule on whether a member has a financial interest in the matter being discussed. The minutes must record any declarations of financial interests and the member's abstention from any discussion and voting on the matter.

*s. 6 & 7 LAMIA.*

## **20.8 Non-financial conflicts of interests**

Non-financial interests always involve questions of judgement and degree about whether the responsibility of a member of a local authority could be affected by some other separate interest or duty of that member in relation to a particular matter. If a member considers that they have a non-financial conflict of interest in a matter, they must not take part in the discussions about that matter or any subsequent vote.

The member must leave the table when the matter is considered but does not need to leave the room. The minutes must record the declaration and member's subsequent abstention from discussion and voting.

Neither the Chairperson nor the meeting may rule on whether a member has a non-financial interest in the matter being discussed.

## **20.9 Qualified privilege for meeting proceedings**

Any oral statement made at any meeting of the local authority in accordance with the rules adopted by the local authority for guiding its proceedings is privileged, unless the statement is proved to have been made with ill will or took improper advantage of the occasion of publication.

*s. 53, LGOIMA.*

## **20.10 Qualified privilege additional to any other provisions**

The privilege referred to above is in addition to any other privilege, whether absolute or qualified, that applies as a result of any other enactment or rule of law applying to any meeting of the local authority.

*s. 53, LGOIMA.*

## **20.11 Electronic devices at meetings**

Electronic devices and phones can only be used to advance the business of a meeting.

Personal use may only occur at the discretion of the chair. A Chairperson may require that an electronic device is switched off if its use is likely to distract a meeting from achieving its business or a member is found to be receiving information or advice from sources not present at the meeting which may affect the integrity of the proceedings.

# **21. General rules of debate**

## **21.1 Chairperson may exercise discretion**

The application of any procedural matters in this section of the standing orders, such as the number of times a member may speak or when a chair can accept a procedural motion to close or adjourn a debate, is subject to the discretion of the Chairperson.

## 21.2 Time limits on speakers

The following time limits apply to members speaking at meetings:

- (a) Movers of motions when speaking to the motion – not more than 5 minutes;
- (b) Movers of motions when exercising their right of reply – not more than 5 minutes; and
- (c) Other members – not more than 5 minutes.

Time limits can be extended if a motion to that effect is moved, seconded and supported by a majority of members present.

## 21.3 Questions to staff

During a debate, members can ask staff questions about the matters being discussed. Questions must be asked through the Chairperson and how the question should be dealt with is at the Chairperson's discretion.

When practicable, the Chairperson or Co-Chairs of committees undertake to provide questions to the Chief Executive, or relevant General Manager after the meeting agenda has been provided, and before the meeting, in order for staff to be well prepared at the meeting.

## 21.4 Questions of clarification

At any point of a debate a member may ask the Chairperson for clarification about the nature and content of the motion which is the subject of the debate and the particular stage the debate has reached.

## 21.5 Members may speak only once

A member may not speak more than once to a motion at a meeting of the council, except with permission of the Chairperson. Members can speak more than once to a motion at a committee or subcommittee meeting with the chairperson's permission.

## 21.6 Limits on number of speakers

If three speakers have spoken consecutively in support of, or in opposition to, a motion, the Chairperson may call for a speaker to the contrary. If there is no speaker to the contrary, the Chairperson must put the motion after the mover's right of reply.

Members speaking must, if requested by the Chairperson, announce whether they are speaking in support of, or opposition to, a motion.

## 21.7 Secunder may reserve speech

A member may second a motion or amendment without speaking to it, reserving the right to speak later in the debate.

### **21.8 Speaking only to relevant matters**

Members may speak to any matter before the meeting; a motion or amendment which they propose; and to raise a point of order arising out of debate, but not otherwise. Members must confine their remarks strictly to the motion or amendment they are speaking to.

The Chairperson's rulings on any matters arising under this standing order are final and not open to challenge.

### **21.9 Restating motions**

At any time during a debate a member may ask, for their information, that the Chairperson restate a motion and any amendments; but not in a manner that interrupts a speaker.

### **21.10 Criticism of resolutions**

A member speaking in a debate may not unduly criticise the validity of any resolution except by a notice of motion to amend or revoke the resolution.

### **21.11 Objecting to words**

When a member objects to any words used by another member in a speech and wants the minutes to record their objection, they must object at the time when the words are used and before any other member has spoken. The Chairperson must order the minutes to record the objection.

### **21.12 Right of reply**

The mover of an original motion has a right of reply. A mover of an amendment to the original motion does not. In their reply, the mover must confine themselves to answering previous speakers and not introduce any new matters.

A mover's right of reply can only be used once. It can be exercised either at the end of the debate on the original, substantive or substituted motion or at the end of the debate on a proposed amendment.

However, the original mover may reserve their right of reply and speak once to the principal motion and once to each amendment without losing that right of reply. If a closure motion is carried the mover of the motion has the right of reply before the motion or amendment is put to the vote.

### **21.13 No other member may speak**

In exercising a right of reply, no other member may speak:

- (a) After the mover has started their reply;
- (b) After the mover has indicated that they want to forego this right; and
- (c) Where the mover has spoken to an amendment to the original motion and the Chairperson has indicated that he or she intends to put the motion.

### **21.14 Adjournment motions**

The carrying of any motion to adjourn a meeting must supersede other business still remaining to be disposed of. Any such business must be considered at the next meeting. Business referred to, or referred back to, a specified committee is to be considered at the next ordinary meeting of that committee, unless otherwise specified.

### **21.15 Chairperson's acceptance of closure motions**

The Chairperson may only accept a closure motion where there have been at least two speakers for and two speakers against the motion that is proposed to be closed, or the Chairperson considers it reasonable to do so.

However, the Chairperson must put a closure motion if there are no further speakers in the debate. When the meeting is debating an amendment, the closure motion relates to the amendment. If a closure motion is carried, the mover of the motion under debate has the right of reply after which the Chairperson puts the motion or amendment to the vote.

## **22. General procedures for speaking and moving motions**

### **22.1 Options for speaking and moving**

This subsection provides three options for speaking and moving motions and amendments at a meeting of a local authority, its committees and subcommittees.

Option C applies unless, on the recommendation of the chairperson at the beginning of a meeting, the meeting resolves [by simple majority] to adopt either Option B or Option C for the meeting generally, or for any specified items on the agenda.

### **22.2 Option A**

- The mover and seconder of a motion cannot move or second an amendment. (This does not apply when the mover or seconder of a motion to adopt a report of a committee wants to amend an item in the report. In this case the original mover or seconder may also propose or second the suggested amendment).
- Only members who have not spoken to the original or substituted motion may move or second an amendment to it.
- The mover or seconder of an amendment whether it is carried or lost cannot move or second a subsequent amendment.
- Members can speak to any amendment and, provided they have not spoken to the motion or moved or seconded an amendment, they can move or second further amendments.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.



### **22.3 Option B**

- The mover and seconder of a motion cannot move or second an amendment. (This does not apply when the mover or seconder of a motion to adopt a report of a committee wants to amend an item in the report. In this case the original mover or seconder may also propose or second the suggested amendment).
- Any member, regardless of whether they have spoken to the original or substituted motion, may move or second an amendment to it.
- The mover or seconder of an amendment that is carried can move or second a subsequent amendment. A mover or seconder of an amendment which is lost cannot move or second a subsequent amendment.
- Members can speak to any amendment.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

### **22.4 Option C**

- The mover and seconder of a motion can move or second an amendment.
- Any members, regardless of whether they have spoken to the original or substituted motion, may move or second an amendment to it.
- The mover or seconder of an amendment whether it is carried or lost can move or second further amendments.
- Members can speak to any amendment.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

### **22.5 Procedure if no resolution reached**

If no resolution is reached the Chairperson may accept a new motion to progress the matter under discussion.

## **23. Motions and amendments**

### **23.1 Proposing and seconding motions**

All motions and amendments moved during a debate must be seconded (including notices of motion). The Chairperson may then state the motion and propose it for discussion.

Amendments and motions that are not seconded are not valid and are not entered in the minutes.

### **23.2 Motions in writing**

The Chairperson may require movers of motions and amendments to provide them in writing, signed by the mover.

### **23.3 Motions expressed in parts**

The Chairperson, or any member, can require a motion that has been expressed in parts to be decided part by part.

### **23.4 Substituted motion**

Where a motion is subject to an amendment the meeting may substitute the motion with the amendment, provided the mover and seconder of the original motion agree to its withdrawal. All members may speak to the substituted motion.

### **23.5 Amendments to be relevant and not direct negatives**

Every proposed amendment must be relevant to the motion under discussion. Proposed amendments cannot be similar to an amendment that has already been lost. An amendment cannot be a direct negative to the motion or the amended motion.

Please note that amendments that are significantly different must comply with the decision-making provisions of the Part 6, LGA 2002.

### **23.6 Chairperson may recommend amendment**

A Chairperson, when moving the adoption of a recommendation from a committee or sub-committee to the council can include in the motion an amendment to the committee or sub-committee's recommendation.

### **23.7 Foreshadowed amendments**

The meeting must dispose of an existing amendment before a new amendment can be foreshadowed. However, members may notify the Chairperson that they intend to move further amendments as well as the nature of the content of those amendments.

### **23.8 Lost amendments**

Where an amendment is lost, the meeting will resume the debate on the original or substituted motion. Any member who has not spoken to that motion may speak to it and may move or second a further amendment.

### **23.9 Carried amendments**

Where an amendment is carried the meeting will resume the debate on the original motion as amended. This will now be referred to as the substantive motion. Members who have not spoken to the original motion may speak to the substantive motion and may move or second a further amendment to it.

### **23.10 Where a motion is lost**

In a situation where a motion that recommends a course of action is lost a new motion, with the consent of the Chairperson, may be proposed to provide direction.

### **23.11 Withdrawal of motions and amendments**

Once a motion or amendment which has been seconded has been put to the meeting by the Chairperson the mover cannot withdraw it without the consent of the majority of the members who are present and voting.

The mover of an original motion, which has been subject to an amendment that has been moved and seconded, cannot withdraw the original motion until the amendment has either been lost or withdrawn by agreement, as above.

### **23.12 No speakers after reply or motion has been put**

A member may not speak to any motion once:

- (a) The mover has started their right of reply in relation to the motion; and
- (b) The Chairperson has started putting the motion.

## **24. Revocation or alteration of resolutions**

### **24.1 Member may move revocation of a decision**

A member may give the chief executive a notice of motion for the revocation or alteration of all or part of a previous resolution of the council or committee. The notice must set out:

- (a) The resolution or part of the resolution which the member proposes to revoke or alter;
- (b) The meeting date when the resolution was passed;
- (c) The motion, if any, which the member proposes to replace it with; and
- (d) Sufficient information to satisfy the decision-making provisions of sections 77-82 of the LGA 2002.

If the mover of the notice of motion is unable to provide this information, or the decision is likely to be deemed a significant decision, the notice of motion should provide that the proposal is referred to the chief executive for consideration and report.

#### **24.2 Revocation must be made by the body responsible for the decision**

If a resolution is made under delegated authority by a committee, subcommittee or subordinate decision-making body, only that body may revoke or amend the resolution, assuming the resolution is legally made.

This provision does not prevent the body that made the delegation from removing or amending a delegation given to a subordinate body.

*cl. 30 (6) Schedule 7, LGA 2002.*

#### **24.3 Requirement to give notice**

A member must give notice to the chief executive at least 5 working days before the meeting at which it is proposed to consider the motion. The notice is to be signed by not less than one third of the members of the local authority, including vacancies. Notice can be sent via email and include the scanned electronic signatures of members. If the notice of motion is lost, no similar notice of motion which is substantially the same in purpose and effect may be accepted within the next twelve months.

#### **24.4 Restrictions on actions under the affected resolution**

Once a notice of motion to revoke or alter a previous resolution has been received no irreversible action may be taken under the resolution in question until the proposed notice of motion has been dealt with.

Exceptions apply where, in the opinion of the Chairperson:

- (a) The practical effect of delaying actions under the resolution would be the same as if the resolution had been revoked; and
- (b) By reason of repetitive notices, the effect of the notice is an attempt by a minority to frustrate the will of the local authority or the committee that made the previous resolution.

In either of these situations, action may be taken under the resolution as though no notice of motion had been given to the chief executive.

#### **24.5 Revocation or alteration by resolution at same meeting**

A meeting may revoke or alter a previous resolution made at the same meeting where, during the course of the meeting, it receives fresh facts or information concerning the resolution. In this situation 75 per cent of the members present and voting must agree to the revocation or alteration.

#### **24.6 Revocation or alteration by recommendation in report**

The local authority, on a recommendation in a report by the Chairperson, chief executive, or any committee or subcommittee, may revoke or alter all or part of a resolution passed by a previous meeting. The chief executive must give at least two clear working days' notice of any meeting that will consider a revocation or alteration recommendation.

*cl. 30 (6) Schedule 7, LGA 2002.*

## **25. Procedural motions**

### **25.1 Procedural motions must be taken immediately**

A procedural motion to close or adjourn a debate will take precedence over other business, except points of order and rights of reply. If the procedural motion is seconded the Chairperson must put it to the vote immediately, without discussion or debate. A procedural motion to close or adjourn debate can be taken after two speakers have spoken for the motion and two against or, in the chairperson's opinion, it is reasonable to accept the closure motion.

### **25.2 Procedural motions to close or adjourn a debate**

Any member who has not spoken on the matter under debate may move any one of the following procedural motions to close or adjourn a debate:

- (a) That the meeting be adjourned to the next ordinary meeting (unless the member states an alternative time and place);
- (b) That the motion under debate should now be put (a closure motion);
- (c) That the item being discussed should be adjourned to a specified time and place and not be further discussed at the meeting;
- (d) That the item of business being discussed should lie on the table and not be further discussed at this meeting; (items lying on the table at the end of the triennium will be deemed to have expired); and
- (e) That the item being discussed should be referred (or referred back) to the relevant committee.

A member seeking to move a procedural motion must not interrupt another member who is already speaking.

### **25.3 Voting on procedural motions**

Procedural motions to close or adjourn a debate must be decided by a majority of all members who are present and voting. If the motion is lost no member may move a further procedural motion to close or adjourn the debate within the next 15 minutes.

### **25.4 Debate on adjourned items**

When debate resumes on items of business that have been previously adjourned all members are entitled to speak on the items.

### **25.5 Remaining business at adjourned meetings**

Where a resolution is made to adjourn a meeting, the remaining business will be considered at the next meeting.

## **25.6 Business referred to the council or a committee**

Where an item of business is referred (or referred back) to a committee, the committee will consider the item at its next meeting unless the meeting resolves otherwise.

## **25.7 Other types of procedural motions**

The Chairperson has discretion about whether to allow any other procedural motion that is not contained in these standing orders.

## **26. Points of order**

### **26.1 Members may raise points of order**

Any member may raise a point of order when they believe these standing orders have been breached. When a point of order is raised, the member who was previously speaking must stop speaking and sit down (if standing).

### **26.2 Subjects for points of order**

A member who is raising a point of order must state precisely what its subject is. Points of order may be raised for the following subjects:

- (a) Disorder – to bring disorder to the attention of the Chairperson;
- (b) Language – to highlight use of disrespectful, offensive or malicious language;
- (c) Irrelevance – to inform the chair that the topic being discussed is not the matter currently before the meeting;
- (d) Misrepresentation – to alert the chair of a misrepresentation in a statement made by a member, an officer or a council employee;
- (e) Breach of standing order – to highlight a possible breach of a standing order while also specifying which standing order is subject to the breach; and
- (f) Recording of words – to request that the minutes record any words that have been the subject of an objection.

### **26.3 Contradictions**

Expressing a difference of opinion or contradicting a statement by a previous speaker does not constitute a point of order.

### **26.4 Point of order during division**

A member may not raise a point of order during a division, except with the permission of the Chairperson.

## **26.5 Chairperson's decision on points of order**

The Chairperson may decide a point of order immediately after it has been raised, or may choose to hear further argument about the point before deciding. The Chairperson's ruling on any point of order, and any explanation of that ruling, is not open to any discussion and is final.

## **27. Notices of motion**

### **27.1 Notice of intended motion to be in writing**

Notice of intended motions must be in writing signed by the mover, stating the meeting at which it is proposed that the intended motion be considered, and must be delivered to the chief executive at least 5 clear working days before such meeting. [Notice of an intended motion can be sent via email and include the scanned electronic signature of the mover].

Once the motion is received the chief executive must give members notice in writing of the intended motion at least 2 clear working days' notice of the date of the meeting at which it will be considered.

### **27.2 Refusal of notice of motion**

The Chairperson may direct the chief executive to refuse to accept any notice of motion which:

- (a) Is disrespectful or which contains offensive language or statements made with malice; or
- (b) Is not related to the role or functions of the local authority or meeting concerned; or
- (c) Contains an ambiguity or a statement of fact or opinion which cannot properly form part of an effective resolution, and where the mover has declined to comply with such requirements as the chief executive officer may make; or
- (d) Is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned; or
- (e) Fails to include sufficient information as to satisfy the decision-making provisions of s.77-82 LGA 2002; or
- (f) Concerns a matter where decision-making authority has been delegated to a committee or subordinate body.

Reasons for refusing a notice of motion should be provided to the mover. Where the refusal is due to (f) the notice of motion may be referred to the appropriate committee.

### **27.3 Mover of notice of motion**

Notices of motion may not proceed in the absence of the mover unless moved by another member authorised to do so, in writing, by the mover.

#### **27.4 Alteration of notice of motion**

Only the mover, at the time the notice of motion is moved and with the agreement of a majority of those present at the meeting, may alter a proposed notice of motion. Once moved and seconded no amendments may be made to a notice of motion.

#### **27.5 When notices of motion lapse**

Notices of motion that are not moved when called for by the Chairperson must lapse.

#### **27.6 Referral of notices of motion**

Any notice of motion received that refers to a matter ordinarily dealt with by a committee of the local authority must be referred to that committee by the chief executive.

Where notices are referred the proposer of the intended motion, if not a member of that committee, must have the right to move that motion and have the right of reply, as if a committee member.

#### **27.7 Repeat notices of motion**

When a motion has been considered and rejected by the local authority or a committee, no similar notice of motion which, in the opinion of the Chairperson, may be accepted within the next 12 months, unless signed by not less than one third of all members, including vacancies.

Where a notice of motion has been adopted by the local authority no other notice of motion which, in the opinion of the Chairperson has the same effect, may be put while the original motion stands.

### **28. Minutes**

#### **28.1 Minutes to be evidence of proceedings**

The local authority, its committees, subcommittees and subordinate decision-making bodies must keep minutes of their proceedings. These minutes must be kept in hard or electronic copy, authorised by a Chairperson's manual or electronic signature once confirmed by resolution at a subsequent meeting. Once authorised the minutes are the *prima facie* evidence of the proceedings they relate to.

*cl. 28 Schedule 7, LGA 2002.*



## **28.2 Matters recorded in minutes**

The Chief Executive must keep the minutes of meetings. The minutes must record:

- (a) The date, time and venue of the meeting;
- (b) The names of the members present;
- (c) The Chairperson;
- (d) Any apologies or leaves of absences;
- (e) The arrival and departure times of members;
- (f) Any failure of a quorum;
- (g) A list of any external speakers and the topics they addressed;
- (h) A list of the items considered;
- (i) The resolutions and amendments related to those items including those that were lost, provided they had been moved and seconded in accordance with these standing orders;
- (j) The names of all movers, and seconders;
- (k) Any objections made to words used;
- (l) All divisions taken and, if taken, a record of each members' vote;
- (m) The names of any members requesting that their vote or abstention be recorded;
- (n) Any declarations of financial or non-financial conflicts of interest;
- (o) The contempt, censure and removal of any members;
- (p) Any resolutions to exclude members of the public;
- (q) The time at which the meeting concludes or adjourns; and
- (r) The names of people permitted to stay in public excluded.

**Please Note:** hearings under the RMA, Dog Control Act 1996 and Sale and Supply of Alcohol Act 2012 may have special requirements for minute taking.

## **28.3 No discussion on minutes**

The only topic that may be discussed at a subsequent meeting, with respect to the minutes, is their correctness.

## **28.4 Minutes of last meeting before election**

The chief executive and the relevant Chairpersons must sign, or agree to have their digital signature inserted, the minutes of the last meeting of the local authority, its committees and subcommittees before the next election of members.

## **29. Keeping a record**

### **29.1 Maintaining accurate records**

A local authority must create and maintain full and accurate records of its affairs, in accordance with normal, prudent business practice, including the records of any matter that is contracted out to an independent contractor.

All public records that are in its control must be maintained in an accessible form, so as to be able to be used for subsequent reference.

*s. 17 Public Records Act 2005.*

### **29.2 Method for maintaining records**

Records of minutes may be kept in hard copy (Minute Books) and/or in electronic form. If minutes are stored electronically the repository in which they are kept must meet the following requirements:

- (a) The provision of a reliable means of assuring the integrity of the information is maintained; and
- (b) The information is readily accessible so as to be usable for subsequent reference.

*s. 229(1) of the Contract and Commercial Law Act 2017.*

### **29.3 Inspection**

Whether held in hard copy or in electronic form minutes must be available for inspection by the public.

*s. 51 LGOIMA.*

### **29.4 Inspection of public excluded matters**

The chief executive must consider any request for the minutes of a meeting, or part of a meeting, from which the public was excluded as if it is a request for official information in terms of the Local Government Official Information and Meetings Act 1987.

## Referenced documents

- Commissions of Inquiry Act 1908
- Crimes Act 1961
- Contract and Law Act 2017
- Financial Markets Conduct Act 2013
- Local Authorities (Members' Interests) Act 1968 (LAMIA)
- Local Electoral Act 2001 (LEA)
- Local Government Act 1974 and 2002 (LGA)
- Local Government Official Information and Meetings Act 1987 (LGOIMA)
- Marine Farming Act 1971
- Public Records Act 2005
- Resource Management Act 1991 (RMA)
- Sale and Supply of Alcohol Act 2012
- Secret Commissions Act 1910
- Securities Act 1978

## Appendix 1: Grounds to exclude the public

A local authority may, by resolution, exclude the public from the whole or any part of the proceedings of any meeting only on one or more of the following grounds:

- A1** That good reason exists for excluding the public from the whole or any part of the proceedings of any meeting as the public disclosure of information would be likely:
- (a) To prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or
  - (b) To endanger the safety of any person.
- A2** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to:
- (a) Protect the privacy of natural persons, including that of deceased natural persons; or
  - (b) Protect information where the making available of the information would:
    - i. Disclose a trade secret; or
    - ii. Be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.
  - (ba) In the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991, to avoid serious offence to tikanga Māori, or to avoid the disclosure of the location of waahi tapu; or
  - (c) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would:
    - i. Be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or
    - ii. Be likely otherwise to damage the public interest.
  - (d) Avoid prejudice to measures protecting the health or safety of members of the public; or
  - (e) Avoid prejudice to measures that prevent or mitigate material loss to members of the public; or
  - (f) Maintain the effective conduct of public affairs through –the protection of such members, officers, employees, and persons from improper pressure or harassment; or
  - (g) Maintain legal professional privilege; or
  - (h) Enable any Council holding the information to carry out, without prejudice or disadvantage, commercial activities; or
  - (i) Enable any Council holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or

- (j) Prevent the disclosure or use of official information for improper gain or improper advantage.

*See s.7 LGOIMA 1987.*

*Where A2 of this Appendix applies the public may be excluded unless, in the circumstances of a particular case, the exclusion of the public is outweighed by other considerations which render it desirable and in the public interest, that the public not be excluded.*

- A3** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information, the public disclosure of which would:
  - (a) Be contrary to the provisions of a specified enactment; or
  - (b) Constitute contempt of Court or of the House of Representatives.
- A4** That the purpose of the whole or the relevant part of the proceedings of the meeting is to consider a recommendation made to that Council by an Ombudsman under section 30(1) or section 38(3) of this Act (in the case of a Council named or specified in Schedule 1 to this Act).
- A5** That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council to deliberate in private on its decision or recommendation in:
  - (a) Any proceedings before a Council where:
    - i. A right of appeal lies to any Court or tribunal against the final decision of the Council in those proceedings;
    - ii. The Council is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings; and
    - iii. Proceedings of a local authority exist in relation to any application or objection under the Marine Farming Act 1971.

*See s. 48 LGOIMA.*

## Appendix 2: Sample resolution to exclude the public

In accordance with section 48(1) 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 sections 6, 7 or 9 of the Official Information Act 1982, as the case may be), it is **moved**:

**1** that the public is excluded from:

- The whole of the proceedings of this meeting; *(deleted if not applicable)*
- The following parts of the proceedings of this meeting, namely; *(delete if not applicable)*

The general subject of the matters to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds for excluding the public, as specified by s 48(1) of the Local Government Official Information and Meetings Act 1987, are set out below:

| Meeting Item No. and subject | Reason for excluding the public | Grounds for excluding the public   |
|------------------------------|---------------------------------|--|
|                              |                                 | To prevent the disclosure of information which would— <ul style="list-style-type: none"> <li>i. be contrary to the provisions of a specified enactment; or</li> <li>ii. constitute contempt of court or of the House of Representatives (s.48(1)(b)).</li> </ul>   |
|                              |                                 | To consider a recommendation made by an Ombudsman (s. 48(1)(c)).   |
|                              |                                 | To deliberate on matters relating to proceedings where: <ul style="list-style-type: none"> <li>i. a right of appeal lies to a court or tribunal against the final decision of the councils in those proceedings; or</li> <li>ii. the council is required, by an enactment, to make a recommendation in respect of the matter that is the subject of those proceedings (s.48(1)(d)).</li> </ul> |
|                              |                                 | To deliberate on proceedings in relation to an application or objection under the Marine Farming Act 1971 (s.48(1)(d)).  |
|                              |                                 |  |

| Meeting Item No. and subject | Reason for excluding the public | Grounds for excluding the public  |
|------------------------------|---------------------------------|---|
|                              |                                 | To carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (s 7(2)(i)).  |
|                              |                                 | To protect the privacy of natural persons, including that of deceased natural persons (s 7(2)(a)).  |
|                              |                                 | To maintain legal professional privilege (s 7(2)(g)).   |
|                              |                                 | To prevent the disclosure or use of official information for improper gain or advantage (s. 7(2)(j)).   |
|                              |                                 | To protect information which if public would; <ul style="list-style-type: none"> <li>i. disclose a trade secret; or</li> <li>ii. unreasonably prejudice the commercial position of the person who supplied or who is the subject of the information (s 7(2)(b)).</li> </ul>   |
|                              |                                 | To avoid serious offence to Tikanga Māori, or the disclosure of the location of waahi tapu in relation to an application under the RMA 1991 for; <ul style="list-style-type: none"> <li>• a resource consent, or</li> <li>• a water conservation order, or</li> <li>• a requirement for a designation or</li> <li>• an heritage order,</li> </ul> (s 7(2)(ba)).   |
|                              |                                 | To protect information which is subject to an obligation of confidence where the making available of the information would be likely to: <ul style="list-style-type: none"> <li>i. prejudice the supply of similar information, or information from the same source, where it is in the public interest that such information should continue to be supplied; or</li> <li>ii. would be likely otherwise to damage the public interest (s 7(2)(c)).</li> </ul> |
|                              |                                 | To avoid prejudice to measures protecting the health or safety of members of the public (s 7(2)(d)).  |

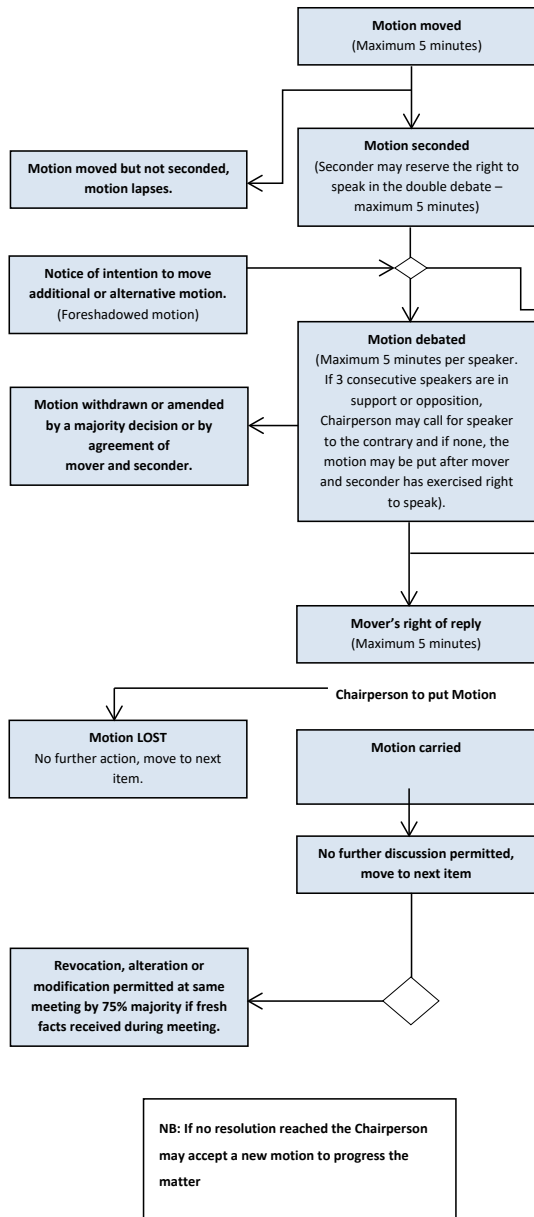
| Meeting Item No. and subject | Reason for excluding the public | Grounds for excluding the public   |
|------------------------------|---------------------------------|--|
|                              |                                 | To avoid prejudice to measures that prevent or mitigate material loss to members of the public (s 7(2)(e)).  |
|                              |                                 | To maintain the effective conduct of public affairs by protecting members or employees of the Council in the course of their duty, from improper pressure or harassment (s 7(2)(f)(ii)). |
|                              |                                 | To enable the council to carry out, without prejudice or disadvantage, commercial activities (s 7(2)(h)).  |

2. That *(name of person(s))* is permitted to remain at this meeting after the public has been excluded because of their knowledge of *(specify topic under discussion)*. This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because *(specify)*. *(Delete if inapplicable.)*

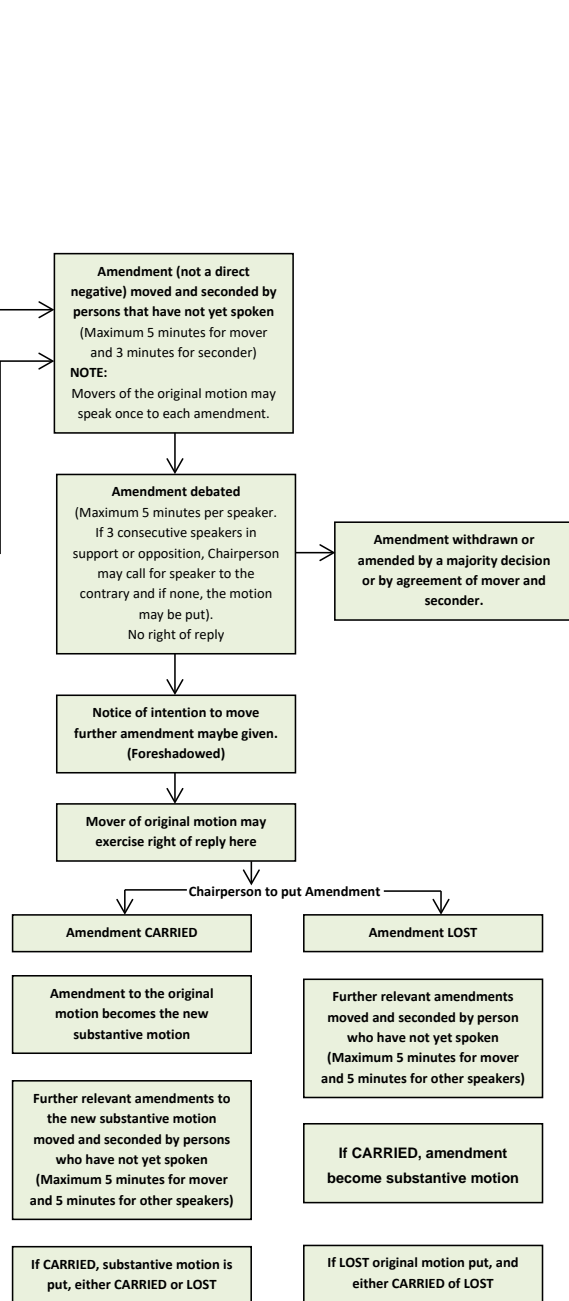


### Appendix 3: Motions and amendments (Option A)

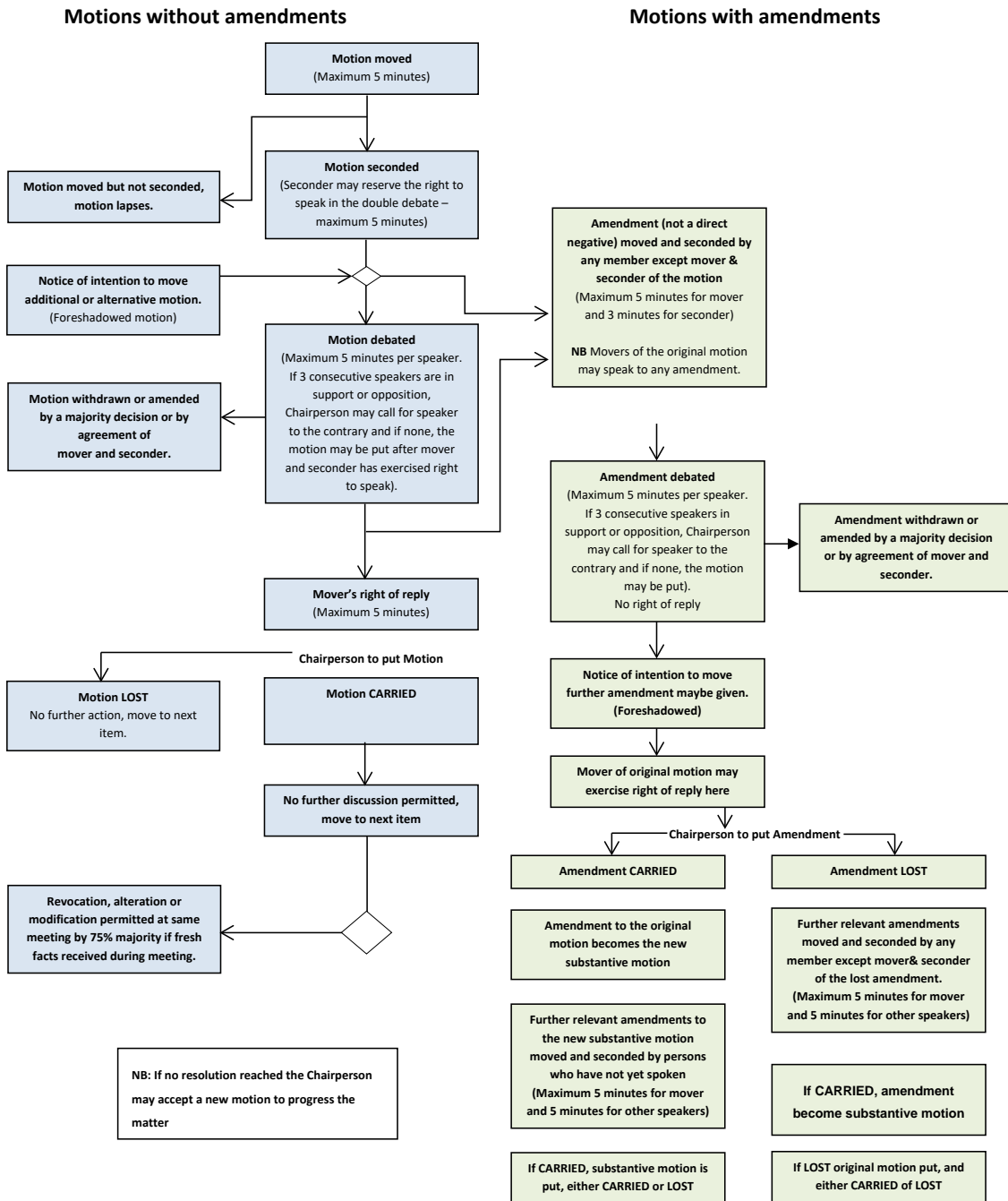
#### Motions without amendments



#### Motions with amendments

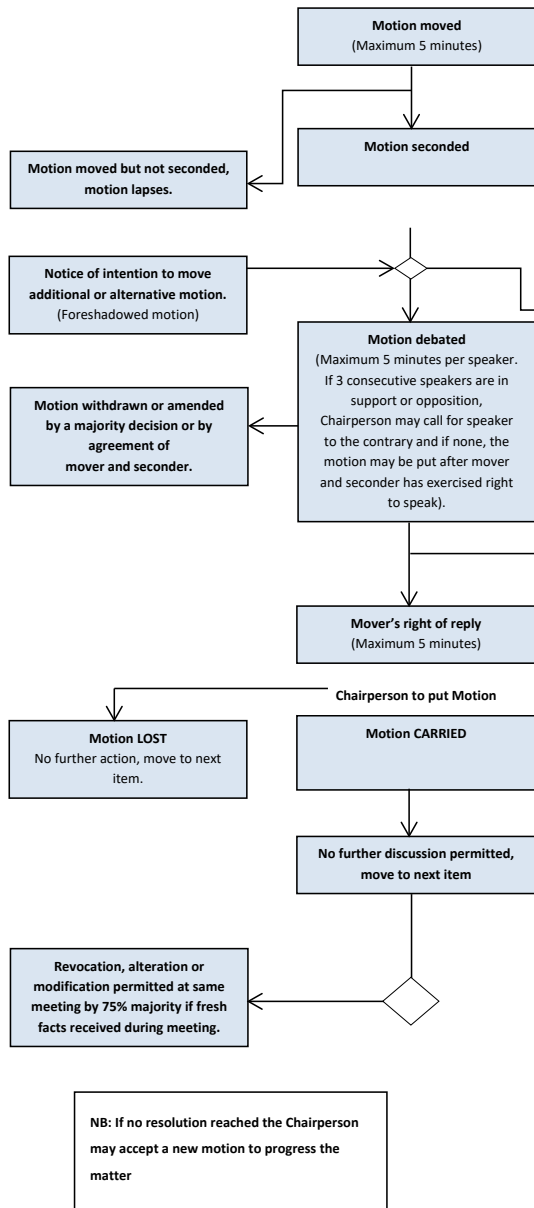


## Appendix 4: Motions and amendments (Option B)

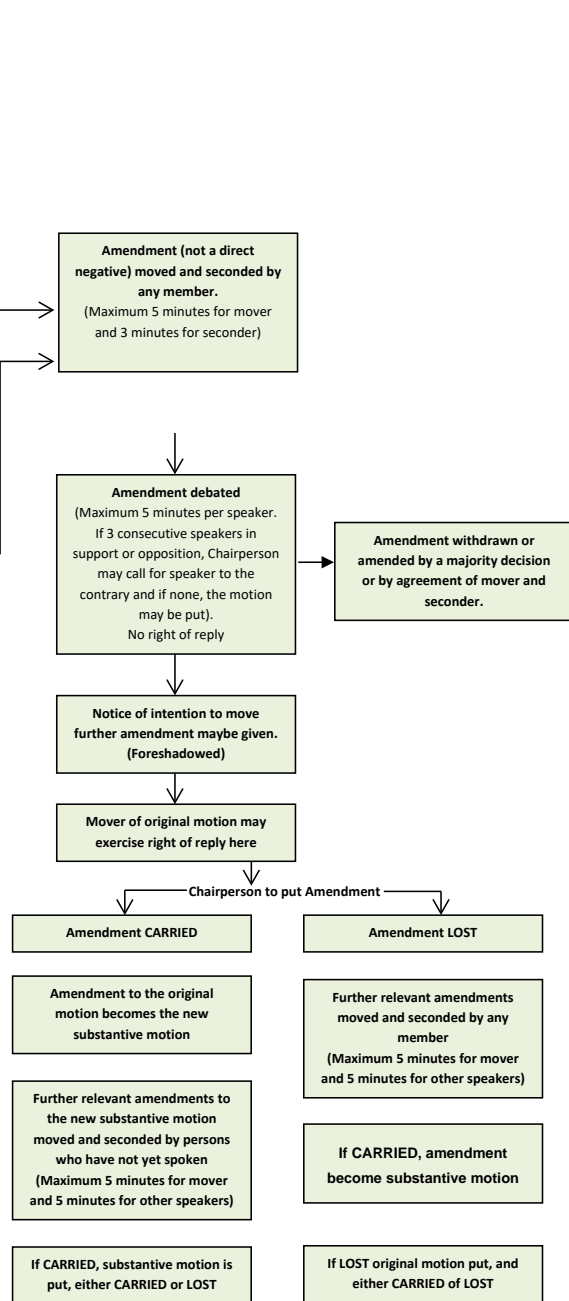


## Appendix 5: Motions and amendments (Option C)

### Motions without amendments



### Motions with amendments



**Appendix 6: Table of procedural motions**

| Motion  | Has the Chair discretion to refuse this Motion? | Is seconder required? | Is discussion in order? | Are amendments in order? | Is mover of procedural motion entitled to reply? | Are previous participants in debate entitled to move this motion? | Can a speaker be interrupted by the mover of this motion? | If lost, can motion be moved after an interval? | Position if an amendment is already before the Chair                  | Position if a procedural motion is already before the Chair                   | Remarks  |
|---|---|-----------------------|-------------------------|--------------------------|--|---|---|---|---|---|--|
| (a) "That the meeting be adjourned to the next ordinary meeting, or to a stated time and place" | No  | Yes                   | No                      | As to time and date only | No   | No  | No  | Yes – 15 minutes                                | If carried, debate on the original motion and amendment are adjourned | If carried, debate on the original motion and procedural motion are adjourned | On resumption of debate, the mover of the adjournment speaks first. Members who have spoken in the debate may not speak again    |
| (b) "That the motion under debate be now put (closure motion)"                                  | No  | Yes                   | No                      | No                       | No   | No  | No  | Yes – 15 Minutes                                | If carried, only the amendment is put                                 | If carried, only the procedural motion is put                                 | The mover of the motion under debate is entitled to exercise a right of reply before the motion or amendment under debate is put |
| (c) "That the item of business being discussed be adjourned to a stated time and place"         | No  | Yes                   | No                      | As to time and date only | No   | No  | NO  | Yes – 15 minutes                                | If carried, debate on the original motion and amendment are adjourned | If carried, debate on the original motion and procedural motion are adjourned |  |

| Motion   | Has the Chair discretion to refuse this Motion? | Is seconder required? | Is discussion in order?            | Are amendments in order?                          | Is mover of procedural motion entitled to reply? | Are previous participants in debate entitled to move this motion? | Can a speaker be interrupted by the mover of this motion? | If lost, can motion be moved after an interval? | Position if an amendment is already before the Chair                             | Position if a procedural motion is already before the Chair | Remarks                 |
|--|---|-----------------------|------------------------------------|---|--|---|---|---|--|---|-------------------------|
| (d) "That the item of business being discussed does lie on the table and not be discussed at this meeting"                         | No  | Yes                   | No                                 | No  | No   | No  | No  | Yes – 15 minutes                                | If carried, the original motion and amendment are both laid on the table         | Motion not in order   |                         |
| (e) "That the item of business being discussed be referred (or referred back) to the local authority or to the relevant committee" | No  | Yes                   | No                                 | As to committee, time for reporting back etc only | No   | No  | No  | Yes – 15 minutes                                | If carried, the original motion and all amendments are referred to the committee | If carried, the procedural motion is deemed disposed of     |                         |
| (f) "Points of order"  | No – but may rule against                       | No                    | Yes – at discretion of Chairperson | No  | No   | Yes   | Yes   | No  | Point of order takes precedence  | Point of order takes precedence                             | See standing order 3.14 |

## **Appendix 7: Webcasting protocols**

The provisions are intended as a good practice guide to local authorities that are webcasting meetings or planning to do so.

1. The default shot will be on the Chairperson or a wide-angle shot of the meeting room.
2. Cameras will cover a member who is addressing the meeting. Cameras will also cover other key participants in a meeting, including staff when giving advice and members of the public when addressing the meeting during the public input time.
3. Generally, interjections from other members or the public are not covered. However, if the Chairperson engages with the interjector, the interjector's reaction can be filmed.
4. PowerPoint presentations, recording of votes by division and other matters displayed by overhead projector may be shown.
5. Shots unrelated to the proceedings, or not in the public interest, are not permitted.
6. If there is general disorder or a disturbance from the public gallery, coverage will revert to the Chairperson.
7. Appropriate signage will be displayed both in and outside the meeting room alerting people that the proceedings are being webcast.

## **Appendix 8: Powers of a Chairperson**

This Appendix sets out the specific powers given to the Chairperson contained in various parts of these Standing Orders.

### **Chairperson to decide all questions**

The Chairperson is to decide all questions where these standing orders make no provision or insufficient provision. The Chairperson's ruling is final and not open to debate.

### **Chairperson to decide points of order**

The Chairperson is to decide any point of order and may do so immediately after it has been raised or may first hear further argument before deciding. The ruling of the Chairperson upon any point of order is not open to any discussion and is final. No point of order may be raised during a division except by permission of the Chairperson.

### **Items not on the agenda**

Major items not on the agenda may be dealt with at that meeting if so resolved by the local authority and the Chairperson explains at the meeting at a time when it is open to the public the reason why the item was not listed on the agenda and the reason why discussion of the item cannot be delayed until a subsequent meeting.

Minor matters not on the agenda relating to the general business of the local authority may be discussed if the Chairperson explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at that meeting, but no resolution, decision or recommendation may be made in respect of that item except to refer it to a subsequent meeting.

### **Chairperson's report**

The Chairperson, by report, has the right to direct the attention of the local authority to any matter or subject within the role or function of the local authority.

### **Chairperson's recommendation**

The Chairperson of any meeting may include on the agenda for that meeting a Chairperson's recommendation regarding any item brought before the meeting. The purpose of such a recommendation is to focus debate on a suggested motion.

### **Chairperson's voting**

The Chairperson at any meeting has a deliberative vote and, in the case of equality of votes, has a casting vote where standing orders make such provision.

### **Motion in writing**

The Chairperson may require the mover of any motion or amendment to submit it in writing signed by the mover.

**Motion in parts**

The Chairperson may require any motion expressed in parts to be decided part by part.

**Notice of motion**

The Chairperson may direct the chief executive to refuse to accept any notice of motion which:

- (a) Is disrespectful or which contains offensive language or statements made with malice;  
or
- (b) Is not within the scope of the role or functions of the local authority; or
- (c) Contains an ambiguity or statement of fact or opinion which cannot properly form part of an effective resolution, and the mover has declined to comply with such requirements as the chief executive may have made; or
- (d) Is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned.

Reasons for refusing a notice of motion should be provided to the proposer.

Where a notice of motion has been considered and agreed by the local authority, no notice of any other motion which is, in the opinion of the Chairperson, to the same effect may be put again whilst such original motion stands.

**Action on previous resolutions**

If, in the opinion of the Chairperson the practical effect of a delay in taking action on a resolution which is subject to a notice of motion, would be equivalent to revocation of the resolution; or if repetitive notices of motion are considered by the Chairperson to be an attempt by a minority to frustrate the will of the meeting, action may be taken as though no such notice of motion had been given.

**Repeat notice of motion**

If in the opinion of the Chairperson, a notice of motion is substantially the same in purport and effect to any previous notice of motion which has been considered and rejected by the local authority, no such notice of motion may be accepted within six months of consideration of the first notice of motion unless signed by not less than one third of the members of the local authority, including vacancies.

**Revocation or alteration of previous resolution**

A Chairperson may recommend in a report to the local authority the revocation or alteration of all or part of any resolution previously passed, and the local authority meeting may act on such a recommendation in accordance with the provisions in these standing orders.



**Chairperson may call a meeting**

The Chairperson:

- (a) May call a meeting to dispose of the business to be transacted following the lapsing of a meeting due to failure of a quorum, if such business cannot be delayed until the next meeting; or
- (b) May requisition an extra meeting to be held at a specified time and place, in order to conduct specified business.

**Irrelevant matter and needless repetition**

The Chairperson's ruling preventing members when speaking to any motion or amendment from introducing irrelevant matters or indulging in needless repetition is final and not open to challenge.

**Taking down words**

The Chairperson may order words used and objected to by any member, to be recorded in the minutes, provided such objection is made at the time the words are used and not after any other members have spoken.

**Explanations**

The Chairperson may permit members to make a personal explanation in addition to speaking to a motion, and members who have already spoken, to explain some material part of a previous speech in the same debate.

**Chairperson rising**

Whenever the Chairperson rises during a debate any member then speaking or offering to speak is to be seated and members are to be silent so that the Chairperson may be heard without interruption.

**Members may leave places**

The Chairperson may permit members to leave their place while speaking.

**Priority of speakers**

The Chairperson must determine the order in which members may speak when two or more members indicate their wish to speak.

**Minutes**

The Chairperson is to sign the minutes and proceedings of every meeting once confirmed. The Chairperson and chief executive are responsible for confirming the correctness of the minutes of the last meeting of a local authority prior to the next election of members.

**Questions of speakers**

The Chairperson may permit members to ask questions of speakers under public forum or deputations/presentations by appointment, for the purpose of obtaining information or clarification on matters raised by the speaker.

**Withdrawal of offensive or malicious expressions**

The Chairperson may call upon any member to withdraw any offensive or malicious expression and may require the member to apologise for the expression.

Any member who refuses to withdraw the expression or apologise, if required by the Chairperson, can be directed to withdraw from the meeting for a time specified by the Chairperson.

**Chairperson's rulings**

Any member who refuses to accept a ruling of the Chairperson, may be required by the Chairperson to withdraw from the meeting for a specified time.

**Disorderly behaviour**

The Chairperson may:

- (a) Require any member or member of the public whose conduct is disorderly or who is creating a disturbance, to withdraw immediately from the meeting for a time specified by the Chairperson.
- (b) Ask the meeting to hold in contempt, any member whose conduct is grossly disorderly and where the meeting resolves to find the member in contempt, that resolution must be recorded in the minutes.

**Failure to leave meeting**

If a member or member of the public who is required, in accordance with a Chairperson's ruling, to leave the meeting, refuses or fails to do so, or having left the meeting, attempts to re-enter without the permission of the Chairperson, any member of the police or officer or employee of the local authority may, at the Chairperson's request, remove or exclude that person from the meeting.

**Audio- or audio-visual attendance**

Where the technology is available and a member is attending a meeting by audio or audio-visual link, the Chairperson must ensure that:

- (a) The technology for the link is available and of suitable quality; and
- (b) Procedures for using the technology in the meeting will ensure that:
  - i. Everyone participating in the meeting can hear each other;
  - ii. The member's attendance by audio or audio-visual link does not reduce their accountability or accessibility in relation to the meeting;
  - iii. The requirements of Part 7 of LGOIMA are met; and
  - iv. The requirements in these standing orders are met.

If the Chairperson is attending by audio- or audio-visual link then chairing duties will be undertaken by the deputy chair or a member who is physically present.

## **Appendix 9: Process for removing a Chairperson or deputy Chairperson from office**

1. At a meeting that is in accordance with this clause, a regional council may remove its Chairperson or deputy Chairperson from office.
2. If a Chairperson or deputy Chairperson is removed from office at that meeting, the regional council may elect a new Chairperson or deputy Chairperson at that meeting.
3. A meeting to remove a Chairperson or deputy Chairperson may be called by:
  - (a) A resolution of the regional council; or
  - (b) A requisition in writing signed by the majority of the total membership of the regional council (excluding vacancies).
4. A resolution or requisition must:
  - (a) Specify the day, time, and place at which the meeting is to be held and the business to be considered at the meeting; and
  - (b) Indicate whether or not, if the Chairperson or deputy Chairperson is removed from office, a new Chairperson or deputy Chairperson is to be elected at the meeting if a majority of the total membership of the regional council (excluding vacancies) so resolves.
5. A resolution may not be made, and a requisition may not be delivered less than 21 days before the day specified in the resolution or requisition for the meeting.
6. The chief executive must give each member notice in writing of the day, time, place, and business of any meeting called under this clause not less than 14 days before the day specified in the resolution or requisition for the meeting.
7. A resolution removing a Chairperson or deputy Chairperson carries if a majority of the total membership of the regional council (excluding vacancies) votes in favour of the resolution.

*cl. 18 Schedule 7, LGA 2002.*

## **Appendix 10: Workshops**

### **Definition of workshop**

Workshops, however described, provide opportunities for members to discuss particular matters, receive briefings and provide guidance for officials. Workshops are not meetings and cannot be used to either make decisions or come to agreements that are then confirmed without the opportunity for meaningful debate at a formal meeting.

### **Application of standing orders to workshops**

Standing orders do not apply to workshops and briefings. The Chairperson or workshop organisers will decide how the workshop, briefing or working party should be conducted.

### **Calling a workshop**

Workshops, briefings and working parties may be called by:

- (a) A resolution of the local authority or its committees;
- (b) The Chair;
- (c) A committee Chairperson; or
- (d) The Chief Executive.

### **Process for calling workshops**

The chief executive will give at least 24 hours' notice of the time and place of the workshop and the matters to be discussed at it. Notice may be given by whatever means are reasonable in the circumstances. Any notice given must expressly:

- (a) State that the meeting is a workshop;
- (b) Advise the date, time and place; and
- (c) Confirm that the meeting is primarily for the provision of information and discussion and will not make any decisions or pass any resolutions.

Public notice of a workshop is not required, and workshops can be either open to the public or public excluded.

### **Record of workshop**

A written record of the workshop should be kept and include:

- Time, date, location and duration of workshop;
- Person present; and
- General subject matter covered.

## **Appendix 11: Sample order of business**

### **Open section**

- (a) Apologies
- (b) Declarations of interest
- (c) Confirmation of minutes
- (d) Leave of absence
- (e) Acknowledgements and tributes
- (f) Petitions
- (g) Public input
- (h) Extraordinary business
- (i) Notices of motion
- (j) Reports of committees
- (k) Reports of the Chief Executive and staff
- (l) Chairperson, deputy Chairperson and elected members' reports (information)

### **Public excluded section**

- (m) Reports of committees
- (n) Reports of the chief executive and staff
- (o) Chairperson, deputy Chairperson and elected members' reports (information)

## **Appendix 12: Process for raising matters for a decision**

Matters requiring a decision may be placed on an agenda of a meeting by a:

- Report of chief executive;
- Report of a Chairperson;
- Report of a committee; and
- Notice of motion from a member.

Where a matter is urgent and has not been placed on an agenda, it may be brought before a meeting as extraordinary business by a:

- Report of chief executive; or
- Report of Chairperson.

Although out of time for a notice of motion, a member may bring an urgent matter to the attention of the meeting through the meeting chair.

**7.5. Documents Signed Under Council Seal**

**Prepared for:** Council

**Report No.** GOV2124

**Activity:** Governance Report

**Author:** Dianne Railton, Governance Support

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

**Date:** 27 May 2021

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**PURPOSE**

[1] To inform the Council of delegations which have been exercised during the period 17 February 2021 through 12 May 2021.

|            |   |
|------------|---|
| 11/03/2021 | Use and Maintain License 2819B (Mining Privilege No. WR2812); Oak Tree Water Company Limited of Carson Fox Legal, 41 Dockside Lane, Auckland Central.                                     |
| 23/03/2021 | Use and Maintain No. (Mining Privilege No. WR3249Q) – Cardrona Valley Farms Limited, 2127d Cardrona Valley Road, RD2, Wanaka  |
| 24/03/2021 | Deed of Transfer of Building Act Functions – between Otago Regional Council and Canterbury Regional Council   |
| 24/03/2021 | Deed of Variation of Building Act Functions – between Southland Regional Council and Otago Regional   |
| 24/03/2021 | Deed of Variation of Building Act Functions – between West Coast Regional Council and Otago Regional  |
| 13/04/2021 | Use and Maintain No. 3345B (Mining Privilege No. WR3069N) and Use and Maintain No. 3346B (Mining Privilege No. WR2040N); Linnburn Station Limited of 902 Puketoi Runs Road, RD4, Patearoa |
| 12/05/2021 | Use and Maintain No. 3231B (Mining Privilege No. WR1378Cr) - Jerzy Boleslaw Peszynski and Joan Hazel Peszynski of 47 Cedar Creek Road, RD2 Waitati.                                       |
| 12/05/2021 | Use and Maintain No. 2214 (Mining Privilege No. WR9404Cr) – HGW Trustee’s Limited, Diana Thomson and Geoffrey Lewis Thomson of 1225 Glenorchy-Paradise Road, RD1, Glenorchy               |
| 12/05/2021 | Bond to secure compliance with terms and conditions of Resource Consents and/or to remedy any adverse environmental effects.  |

**RECOMMENDATION**

*That the Council:*

- 1) **Receives** this report.



Recommendations of the 13 May 2021 Governance, Communications and Engagement Committee

| Report on 13 May 2021 agenda   | Recommendation -<br>That the GCE Committee:  | MOVER/SECONDER     | OUTCOME |
|--|--|--------------------|---------|
| 7.1 Community Survey Implementation Plan                             | 1) Receives this report.<br><br>2) Approves the delivery of a Community Survey for Otago Regional Council with a sample size of 1700.<br><br>3) Notes that Versus Research will be contracted to deliver the survey annually for the next three years.<br><br>4) Notes that the survey will be completed between August and October. | M Laws / H Calvert | CARRIED |
| 7.2 Local Government Official Information and Meetings Act 1987 Data | Receives this report.  | C Hope / M Deaker  | CARRIED |

## Recommendations of the 12 May 2021 Strategy &amp; Planning Committee

| Report on 13 May 2021 agenda                        | Recommendation -<br>That the S&P Committee:  | MOVER/SECONDER       | OUTCOME |
|---|--|----------------------|---------|
| 7.1<br>Amendment 3<br>NPSFM 2020                    | <ol style="list-style-type: none"> <li>1) Receives this report.</li> <li>2) Notes that Amendment 3 to the Regional Plan: Water for Otago will become operative on Tuesday 1 June 2021.</li> <li>3) Notes that Amendment 3 to the Regional Plan: Water for Otago will be publicly notified on Saturday 5 June 2021.</li> </ol>  | M Deaker / C Hope    | CARRIED |
| 7.2<br>Building Code<br>Update<br>Consultation 2021 | <ol style="list-style-type: none"> <li>1) Receives this report.</li> <li>2) Approves the attached submission on the proposed changes to the Building Code, subject to any changes required by the committee, and that it is signed under delegation by the ORC Chief Executive and lodged by 28 May 2021.</li> <li>3) Requests in the submission consideration of using climate maps for boundaries as an alternative to district boundaries.</li> </ol> | A Forbes / H Calvert | CARRIED |
| 7.2<br>Building Code<br>Update<br>Consultation 2021 | <ol style="list-style-type: none"> <li>1) Requests in the submission, that consideration be given to insulation standards in areas with a poor air shed for home heating.</li> </ol>   | K Wilson / H Calvert | CARRIED |
| 7.3<br>Groundwater SoE<br>Recommendations<br>Update | <ol style="list-style-type: none"> <li>1) Receives this report.</li> </ol>   | K Wilson / H Calvert | CARRIED |

### 9.1. Chairperson's Report

**Prepared for:** Council  
**Activity:** Governance Report  
**Author:** Cr Andrew Noone, Chairperson  
**Date:** 18 May 2021

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#### KEY MEETINGS ATTENDED

- Meeting with Wai Wanaka - greater collaboration opportunities, a follow up meeting with CE and GM Corporate Services.
- Spoke at Otago's Anniversary Dinner held at the Dunedin Club.
- Meeting with Jim Boulton regarding Lake Hayes and Glenorchy Adaptation meetings.
- Attended Glenorchy Adaptation – Community Discussion sessions with Crs Kelliher, Forbes, Scott, Hope, and Wilson, and the Natural Hazards team.
- Cr Malcolm, the Team Leader Comms and Engagement and I were interviewed by Jeff Harford from Otago Access Radio regarding the Long Term Plan. Thanks to Cr Deaker (RPTP) and Cr Robertson (Land & Water Regional Plan update) for their interviews.
- Cr Malcolm and I met with MP Jacqui Dean and provided an update on planning processes and carbon farming concerns.
- The Manager Comms and Engagement and I were interviewed by Damian Newell from The Breeze about the LTP and ORC roles/regulatory functions.
- Laid a wreath at the Anzac Dawn service on behalf of the ORC.
- Attended the ORC Tomahawk Drop in session re water quality project prioritisation with Crs Hobbs, Scott and Deaker.
- Attended the Three Waters discussion in Christchurch with South Island Mayors/Chairs/CEOs.
- Met with Generation Zero to discuss Dunedin bus fares.
- Cr Hope and I attended a Beef and Lamb field day in West Otago focused on intensive winter grazing. The day included a presentation by Consents staff.
- Crs Hope, Wilson and I met with some landowners who boundary the Pomahaka River to discuss erosion and gravel build-up within the river margin. Engineering staff provided background information, including impacts of flood events and remedial work proposed.
- Crs Wilson, Hope and I attended the Federated Farmers AGM in Tapanui where Mark Paterson was elected as President. Simon Davies didn't seek re-election after a three year term. I was able to pass on our thanks to Simon for his solid working relationship with the ORC.
- The CEO and I attended the Regional Sector Group meeting in Wellington. Items of note were Minister Mahuta spoke about the Three Waters reform. The overall theme from her was that "no Council will be worse off". The Minister also spoke about the Future of Local Government. A two year timeframe is anticipated, and a panel has been established with

Terms of Reference with a 30 year vision. This is not an amalgamation exercise. We also had a presentation from LGNZ President and CEO.

- Met with landowners associated with the East Taieri Flood and Drainage Scheme to discuss what is proposed in the Long Term Plan, in particular the first 3 years.
- Site visit to Danone milk processing plant in the Clutha District who are currently installing a biomass boiler.
- Visited Wormworx-Cromwell who use earth worms to process shredded sheep pelts into a soil conditioner – generally the pelts are land-filled.
- Crs Hope, Forbes, Wilson and I attended the ORC Climate Resilience Programme (Info session) for the Taieri held in Mosgiel.

### **RECOMMENDATION**

*That the Council:*

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

### **ATTACHMENTS**

Nil

**Office of Hon Stuart Nash** LL.M, MMgt, MForSc

MP for Napier

Minister for Economic and Regional Development  
Minister of Forestry  
Minister for Small Business  
Minister of Tourism



MIN21-0287

Marian Hobbs  
marian.hobbs@gmail.com

Dear Marian Hobbs

Thank you for your correspondence of 30 March regarding Carbon forests.

This Government's policy remains right tree, in the right place, for the right purpose. This Government also remains committed to taking action to restore and protect the health of New Zealand's waterways. National direction under the Resource Management Act 1991 (RMA) provides a pathway for delivering both of these objectives. Environmental outcomes must be achieved alongside reaching New Zealand's aspirational climate change goals.

*Recognising carbon sequestration*

The Emissions Trading Scheme (ETS) is the main tool for achieving New Zealand's climate change targets. A forest owner, or holder of a registered forest right or lease, may voluntarily register a forest established after 31 December 1989 (post-1989) to participate in the ETS. Once registered, they are entitled to receive New Zealand Units (carbon credits) for increases in carbon stocks and must pay units back for decreases, for example, due to harvest. Any forest registered in the ETS could be described as a carbon forest regardless of whether the intention is to harvest or not.

In your email, you noted the potential for recognising carbon storage in snow grasses. Research on snow grasses shows the sequestration rates are very low compared with tree species. A 2013 review<sup>1</sup> canvases the carbon stored in snow tussocks and notes 'upland snow tussock grasslands probably contribute considerably more than the other indigenous and exotic grass land types but cannot compete with exotic forest.

The definition of forest land in the ETS is based on the international forest definition. This includes species being capable of reaching five metres in height at maturity in the place the forest is growing. Excluding vegetation that will not meet the five metre requirement means that scrub and shrub land will not be classified as being pre-1990 forest land.<sup>2</sup> This approach also avoids grassy vegetation, like snow tussock, from attracting deforestation liabilities if it is cleared for pasture.

<sup>1</sup> Mark AF, Barratt BIP, Weeks E 2013. Ecosystem services in New Zealand's indigenous tussock grasslands: conditions and trends. In Dymond JR ed. Ecosystem services in New Zealand – conditions and trends. Manaaki Whenua Press, Lincoln, New Zealand.

<sup>2</sup> The Kyoto Protocol set 1 January 1990 as the international baseline date for net emissions. Forests established before 1990 are considered part of New Zealand's baseline emissions and removals.

### *Resource management controls for forestry*

If a forest has been deliberately planted and is intended to be harvested, it must comply with the National Environmental Standards for Plantation Forestry (NES-PF). The objectives of the NES-PF are to maintain or improve the environmental outcomes associated with plantation forestry activities and increase the efficiency and certainty of managing plantation forestry activities.

The NES-PF contains rules for eight core plantation forestry activities. These include rules for setbacks from wetlands and perennial rivers for afforestation, earthworks, forest quarrying, harvesting, and replanting. Guidance on implementing the NES-PF, including for consenting and compliance, is available on the Ministry for Primary Industries website here:

<https://www.mpi.govt.nz/forestry/national-environmental-standards-plantation-forestry/n-es-pf-guidance/>

In addition to providing nationally consistent rules, the NES-PF recognises the need for flexibility to protect sensitive local environments, and provides the ability for regional and district councils to consider setting more stringent rules in their plans to:

- manage their unique and sensitive environments such as geothermal areas and drinking water supplies;
- protect significant natural areas and outstanding features and landscapes; and
- give effect to an objective in the national Policy Statement for Freshwater Management and specified policies in the New Zealand Coastal Policy Statement 2010.

While the NES-PF covers the core forestry activities, if there are other activities that the NES-PF does not cover, then the relevant Regional and District Plan rules will apply. This includes fire and water storage, which are not covered by the NES-PF, and for which the relevant council retains control.

If a forest will not be harvested, it will not meet the definition of plantation forestry and so the NES-PF will not apply. In these circumstances, the forest must comply with the rules in the relevant Regional and District Plans.


### *Tree regulations for electricity*

You also mentioned that the trees were planted too close to the powerlines, to ensure safety and mitigate potential risks from things like fire, trees and forests, regardless of whether they will be harvested or not, must comply with the Electricity (Hazards from Trees) Regulations 2003. These regulations set growth limit zones around electricity infrastructure. The Ministry of Business, Innovation & Employment (MBIE) is currently reviewing these regulations. More information on review of the Electricity (Hazards from Trees) Regulations 2003 can be found on the MBIE website here: <https://www.mbie.govt.nz/building-and-energy/energy-and-natural-resources/energy-generation-and-markets/electricity-market/electricity-industry-regulatory-framework/electricity-hazards-from-trees-regulations-2003/>

My officials are also in discussions with Fire and Emergency New Zealand and New Zealand Carbon Farming regarding the importance of creating fire mitigation options such as fire breaks and ponds to ensure that future foresters understand what's required to mitigate the risks of fire.

Thank you again for your email. The ongoing role of forests in the New Zealand landscape is an important discussion with forests required to meet not only climate and environmental goals, but also contribute to our communities and economy.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Stuart Nash". The signature is fluid and cursive, with the first name "Stuart" and the last name "Nash" clearly distinguishable.

Hon Stuart Nash  
**Minister of Forestry**



Our Ref: A1478161

12 May 2021

Dr Rod Carr  
Chairperson  
Climate Change Commission  
Level 21, 1 Willis Street  
Wellington 6011  
Email: [hello@climatecommission.govt.nz](mailto:hello@climatecommission.govt.nz)

Dear Dr Rod Carr,

I am writing to invite you to come and speak with the Otago Regional Council about the priorities and progress of the Climate Change Commission, in advancing New Zealand towards meeting its climate change goals and commitments.

The Otago Regional Council recently completed Otago's first Climate Change Risk Assessment, and we would welcome an opportunity to engage with you on this, alongside other climate change related topics.

We face a number of adaptation and mitigation related challenges in our region, including South Dunedin, and apply climate change considerations to issues on a daily basis.

Our Council meets fortnightly in Dunedin, and we would be happy to try and make a meeting work around your schedule. The contact for setting up the meeting would be Dianne Railton, [dianne.railton@orc.govt.nz](mailto:dianne.railton@orc.govt.nz).

Yours sincerely

Cr Andrew Noone  
**Chairperson**

*For our future*

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



## Office of Hon Nanaia Mahuta

MP for Hauraki-Waikato

Minister of Foreign Affairs

Minister of Local Government

Associate Minister for Māori Development



13 May 2021

Andrew Noone  
Chairperson  
Otago Regional Council  
Andrew.Noone@orc.govt.nz

Tēnā koe Andrew

I am writing to you in relation to the recent enactment of the Local Government (Rating of Whenua Māori) Amendment Act 2021 (the Act). The Act has some provisions that came into effect immediately and others that come into effect from 1 July 2021. I encourage you to familiarise yourself with the provisions of the Act and take advantage of the opportunities it provides.

Prior to the passing of the Act, much of the rating legislation for Māori land was largely unchanged from the Māori Land Rating Act 1924. It was no longer consistent with present-day expectations about Māori–Crown relationships. As part of wider reforms for Māori land, the Act modernises aspects of this rating legislation to support owners of Māori freehold land to engage with, live on and develop their land.

The Act is important for local authorities. Enabling more housing and development provides benefits to both Māori and the wider district. One of the Act's intended outcomes is to facilitate more engagement between Māori landowners and their councils to see what can be achieved in partnership with one another.

The Act has six key provisions which support the development of, and provision for housing on, Māori land. These are:

- allowing, and in certain instances requiring, a local authority chief executive to write off rates arrears;
- a statutory rates remission process for Māori land under development;
- making unused Māori land and land subject to Ngā Whenua Rāhui kawenata non-rateable;
- treating multiple blocks of Māori land that are used together 'as one' for rating purposes;
- allowing individual houses on Māori land to be rated separately from other houses and land uses on the same block, which provides low income occupants of those houses with access to the Rates Rebate Scheme; and
- requiring some of your revenue and financing policies to support the principles of the Preamble to Te Ture Whenua Māori Act 1993.

The Act also modernises the rating law that applies to Māori land by:

- removing arbitrary two-hectare land area limits from rates exemptions for marae and urupā;
- clarifying the current exemptions for marae, meeting places, and meeting houses;
- including purpose statements in the Local Government (Rating) Act 2002 and Local Government Act 2002 relating to Māori land;
- providing protection to Māori land made general land under the Māori Affairs Amendment Act 1967 from abandoned land and rating sale provisions; and
- requiring trustees to provide evidence to support any claim they make that the income from their land is insufficient to pay rates.

My officials have provided a detailed guidance document to your rating and finance officials which sets out how to implement the Act, and are available to assist you in considering the Act's implications for your district or region. You can seek help from the Department of Internal Affairs by emailing them at [councils@dia.govt.nz](mailto:councils@dia.govt.nz).

Nāku noa



Hon Nanaia Mahuta  
**Minister of Local Government**

cc, Chief Executive, Otago Regional Council

## 9.2. Chief Executive's Report

**Prepared for:** Council  
**Activity:** Governance Report  
**Author:** Sarah Gardner, Chief Executive  
**Date:** 18 May 2021

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### KEY MEETINGS ATTENDED

- 26 March – Port Otago Board Director interview
- 29 March – Three Waters Steering Group (Zoom); South Island Regional Council CEO's (Zoom)
- 6 April – Three Waters Steering Committee Comms sub-group meeting (Zoom)
- 7 April – Regional & Unitary Chief Executive Officers' Group meeting in Wellington; Combined Local & Central Government meeting (Zoom)
- 9 April – LGNZ and Taituarā 3W SG reps meeting (Zoom)
- 9 April – Cross Regional Three Waters Group (Zoom)
- 12 April – Three Waters Steering Group (Zoom)
- 13 April – Mana to Mana meeting
- 14 April – Council meeting (extra); Strategy & Planning Committee
- 15 April – Council Workshops
- 16 April – Briefing from MP Rachel Brooking on Randerson Review
- 16 April – Update meeting with Alison Paul, and David Way (Executive GM) from OceanaGold
- 19 April – Steering Committee Coms sub-group meeting (Zoom)
- 21 April – regular phone call with Sanchia Jacobs, CEO of Central Otago DC
- 22 April – regular phone call to Fergus Power, CEO of Waitaki DC
- 23 April – ORC recruitment and welcome video taping
- 23 April – Cr Noone, Nick Donnelly and I met with Mandy Bell (Wai Wanaka) regarding leased premises in Wanaka
- Steve Rushbrook (ORC Harbourmaster) and I met via Zoom with Fergus Power, CEO of Waitaki DC re the vessel mooring issue
- 27 April – 3W SG pre-meeting LGNZ and Taituarā reps (Zoom)
- 27 April – Three Waters Steering Committee meeting (Zoom)
- 28 April – ORC / Dunedin Airport catch-up meeting
- 29 April – Risk Management Review

- 29 April – Council meeting – Draft RPTP Consultation Document
- 29 April – South Island Regional Councils Governance Group regular meeting (Chairs/Deputy Chairs/CEOs)
- 30 April – SnapHire Recruitment System – People Leader Training
- 30 April – presentation to NZPI Otago Branch
- 3 May – attended the funeral of Dave Cull
- 3 May – Chair and Independent Member of Audit and Risk Sub-Committee Pre-Briefing
- 4 May – Risk Management Review meeting with Denise Bovaird (Navigatus Consulting)
- 4 May – meeting with Michael Singleton on Tarras Airport
- 4 May – Steering Committee Comms sub-group meeting (Zoom)
- 4 May – Otago Local Government CEO's catch-up meeting (Zoom)
- 6 May – Reform Brief – Regional Sector Subgroup meeting (Zoom)
- 7 May – Regional Sector Group meeting in Wellington
- 10 May – Three Waters Steering Group (Zoom)
- 10 May – Three Waters Reforms – South Island Councils and Papatipu Runanga (Zoom)
- 12 May – Workshop - Manuherehia Options Consultation Document; Strategy & Planning Committee
- 13 May – Governance, Communications & Engagement Committee
- 13 May – Workshop: Trails Network
- 13 May – Audit & Risk Subcommittee
- 14 May – South Island Three Waters Reform update
- 14 May – met with Susan Finlay, CEO of Central Lakes Trust
- 14 May – Regional Sector finalisation of Reform Brief (Zoom)
- 14 May – Chair and General Manager Governance, Culture and Customer Council Meeting Pre-agenda Briefing
- 17 May – Meeting with Harbourmaster and Waitaki District Council CE and staff regarding mooring issue
- 17 May – ELT Risk Assessment Workshop for Audit and Risk Committee
- 19 May – Workshop: LTP Overview and LOS, Measures and Targets
- 20 May – met with Sarcha Every from Decipher
- 20 May – attended a briefing from DoC on Nga Awa programme for the Taieri catchment
- 24 May – Steering Committee Comms sub-group meeting (Zoom)
- 24 May – South Island Regional Council CEO's meeting (Zoom)

## RECOMMENDATION

*That the Council:*

- 1) **Receives** this report.

## DISCUSSION

### Reform

- [1] I have a substantial reform-based workload for both the Regional Sector and Local Government Sector. In particular this involves in-depth work on Three Waters through the National Steering Committee, as a sector lead for the Steering Sub-Committee focused on Communications, and as Chief Executive for ORC in the engagement we are having with the local government of the South Island, and more specifically Otago/Southland. Other ORC staff are also engaged including the General Manager Operations who has been assisting as part of an advisory group looking at Stormwater considerations, the General Manager of Strategy and Policy who is working in the detail on the Otago/Southland collaboration, and the Secretariat for the Mayoral Forum who is also coordinating effort and engagement.
- [2] In addition, I have recently been working with three other Chief Executives of the Regional Sector to prepare a brief on a piece of work looking at reform and the future of local government. That brief was presented to the Regional Sector Group and endorsed at the last meeting and finalised last week. We are now looking to engage assistance to undertake the work – recognising we have a small window available to the Sector to form up this thinking.
- [3] We are also still engaged on Freshwater Reform, and in particular, implementation with the General Manager of Regulatory and Communications leading the work for the sector on the Freshwater Farm Plan module, and a possible data project to support farm planning.

### Increasing Health and Safety Risk

- [4] Over the past two quarters staff have reported an increase in customer aggression incidents and this was reported to the Audit and Risk Sub-Committee at their recent meeting. We recognise that the stresses on our community, mental health issues and impacts relating to COVID and other circumstances have made some in our community vulnerable. At the same time, we have an obligation to ensure our staff are safe and do not suffer harm at work.
- [5] Over the past six months or so we have engaged in specific staff training to build the skills of our team in managing aggressive situations. This has been well received and we will continue to build these skills.
- [6] Aggression takes all forms, it can be in person or over the telephone, it manifests in yelling, swearing, racist comments, banging on glass and surfaces etc. We have taken some additional security measures in our public areas over the past 18 months but also note that these instances can occur in the field. In all instances I have instructed staff to exit themselves from the situation if at all possible, and to seek assistance from management, the Police and through our Employee Assistance Programme.

### Risk Review

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- [7] At the request of the Audit and Risk Sub-Committee we have embarked on a substantial review of our Corporate Risk Framework and Risk Register. Working with a Risk Professional, the Chair and Independent Member of the Sub-Committee and the Executive Leadership Team, we have workshopped the risk review process, undertaken one on one interviews and the Executive Team have spent several hours working up the inherent risks for ORC before they are analysed further with mitigation interventions.

**ATTACHMENTS**

Nil

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

| <b>General subject of each matter to be considered</b>                     | <b>Reason for passing this resolution in relation to each matter</b>   | <b>Ground(s) under section 48(1) for the passing of this resolution</b>   |
|--|--|---|
| <i>1.1 Minutes of the public excluded Council Meeting of 14 April 2021</i> | <p>To protect the privacy of natural persons, including that of deceased natural persons – Section 7(2)(a);</p> <p>To protect information which if public would;</p> <p>ii. unreasonably prejudice the commercial position of the person who supplied or who is the subject of the information – Section 7(2)(b)(ii);</p> <p>To protect information which is subject to an obligation of confidence where the making available of the information would be likely to:</p> <p>i. prejudice the supply of similar information, or information from the same source, where it is in the public interest that such information should continue to be supplied – Section 7(2)(c)(i);</p> <p>To enable the council to carry out, without prejudice or disadvantage, commercial activities – Section 7(2)(h);</p> <p>To enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) – Section 7(2)(i).</p> |   |
| <i>3.1 Bus Driver Living Wage</i>  | <p>To enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) – Section 7(2)(i);</p> <p>To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities – Section 7(2)(h).</p>   | <p>Section 48(1)(a);</p> <p>Subject to subsection (3), a local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on 1 or more of the following grounds:</p> <p>(a) that the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely</p> |

|  |  |   |
|--|--|---|
|  |  | to result in the disclosure of information for which good reason for withholding would exist. |
|--|--|---|

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