

Council Agenda - 22 November 2023



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

Members:

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

Senior Officer: Richard Saunders, Chief Executive
Meeting Support: Kylie Darragh, Governance Support Officer

22 November 2023 01:00 PM

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1. WELCOME	
2. APOLOGIES No apologies were received at the time of agenda publication	
3. PUBLIC FORUM Sarah Davie-Nitis from Dunedin Tracks and Trails Pierre Marasti from Extinction Rebellion	
4. CONFIRMATION OF AGENDA Note: Any additions to the agenda must be approved by resolution with an explanation as to why they cannot be delayed until a future meeting.	
5. DECLARATIONS OF INTEREST Members are reminded of the need to stand aside from decision-making when a conflict arises between their role as an elected representative and any private or other external interest they might have. The Register of Pecuniary Interests can be found on the ORC Website	
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	That the public be excluded from the following parts of the proceedings of this meeting, namely:	
	3.1 Continuation of the Lake Whakatipu Ferry Service Beyond the Current Trial Service	
	3.2 Dunedin Future Development Strategy: Joint Hearings Panel	
13.	CLOSURE	



Council MINUTES

Minutes of an ordinary meeting of the Otago Regional Council held in the Council Chamber, Level 2 Philip Laing House, 144 Rattray Street, Dunedin on Wednesday 25 October 2023, commencing at 1:00 PM.

PRESENT

Cr Gretchen Robertson *(Chairperson)*
Cr Lloyd McCall *(Deputy Chairperson)*
Cr Alexa Forbes
Cr Gary Kelliher
Cr Michael Laws (online)
Cr Kevin Malcolm (online)
Cr Tim Mepham
Cr Andrew Noone
Cr Bryan Scott
Cr Alan Somerville
Cr Elliot Weir
Cr Kate Wilson

1. WELCOME

Co-Chairperson Robertson welcomed Councillors, members of the public and staff to the meeting at 1:00 pm and opened with a karakia. Staff present included Richard Saunders (Chief Executive), Pim Borren (GM Transport) (online), Nick Donnelly (GM Corporate Services), Anita Dawe (GM Policy and Science), Gavin Palmer (GM Operations), Joanna Gilroy (Acting GM Regulatory), Amanda Vercoe (GM Governance, Culture and Customer), Jo Galer (Manager, Communications and Marketing) and Trudi McLaren (Governance Support). Also present was Andrew Douglas (Co-Chair Audit and Risk Subcommittee).

2. APOLOGIES

No apologies were received.

3. PUBLIC FORUM

Resolution: Cr Robertson Moved, Cr Kelliher Seconded:

That the delegates from Otago Forestry Group, Forest Owners Association & Southern Wood Council may have their presentation time extended to 10 minutes.

MOTION CARRIED

Pierre Marasti representing Extinction Rebellion spoke to the Council on climate change. Following an opportunity for questions from Councillors, Cr Robertson thanked Pierre for attending the meeting.

Grant Dodson and delegates from Otago Forestry Group, Forest Owners Association & Southern Wood Council regarding concerns of the forestry sector. Following an opportunity for questions from Councillors, Cr Robertson thanked Pierre for attending the meeting.

Resolution: Cr Robertson Moved, Cr Forbes Seconded:

That the Public Forum be extended for the duration of the final Public Forum presentation.

MOTION CARRIED

Nicola Campbell and Adam Currie representing 350 Aotearoa spoke to divesting from Fossil Fuels. Following an opportunity for questions from Councillors, Cr Robertson thanked Pierre for attending the meeting.

4. CONFIRMATION OF AGENDA

The agenda was confirmed as published.

5. DECLARATIONS OF INTERESTS

Councillors were reminded to signal to the Chair any declarations of interest arising through the meeting.

6. CONFIRMATION OF MINUTES

Resolution: Cr Wilson Moved, Cr Somerville Seconded

That the minutes of the (public portion of the) Council meeting held on 20 September 2023 be received and confirmed as a true and accurate record.

MOTION CARRIED

7. PRESENTATIONS

Stephen Woodhead (Trustee), Graeme Gale (Managing Director) and Vivienne Seaton (Secretary Manager) were present from The Otago Southland Rescue Helicopter Trust to speak to the 2023 Annual Report which was provided to Councillors prior to the meeting and respond to questions.

A presentation was provided on key features and data from the Annual Report 2023. Mr Woodhead noted that there has been a name change in the Trust in the last 12 months (it was the Otago Rescue Helicopter Trust) as they cover the bottom part of the South Island (approximately 28% of New Zealand's land area) and operate primarily in Otago and Southland. He also advised that 2023 was a healthy year with generous support from the Community and significant donations. Support is still needed from the community, however, to ensure that they continue to operate effectively, and it is crucial to keep in touch with their community groups.

The Trust are operating the largest base in New Zealand and Mr Woodhead said that clinical pathways are extremely important, and they are currently able to fly patients to whichever is the most appropriate hospital, depending on their needs.

Following the presentation, Cr Robertson thanked the presenters for attending and their update, and for the world-class service they are providing.

Cr Scott left the meeting at 2.15pm and returned at 2.17pm.

8. ACTIONS (STATUS OF COUNCIL RESOLUTIONS)

Open actions from resolutions of the Committee were reviewed. No changes were noted.

9. CHAIRPERSON'S AND CHIEF EXECUTIVE'S REPORTS

9.1. Chairperson's Report

Cr Robertson thanked the Councillors for their active engagement with the community and the amount of effort that they all put into this. She also advised Councillors of an inaccuracy in the report stating that she attended an engagement at Millers Flat, when she was attending a Wilding Pine conference that day and was unable to attend.

Resolution: Cr McCall Moved, Cr Weir Seconded

That the report be noted.

MOTION CARRIED

9.2. Chief Executive's Report

Resolution: Cr McCall Moved, Cr Mepham Seconded

That the report be noted.

MOTION CARRIED

10. MATTERS FOR CONSIDERATION

10.1. Annual Report 2022/2023

Nick Donnelly (GM Corporate Services and CFO) and Sarah Munro (Finance Manager Reporting) were present to speak to the paper and respond to questions, and updates to minor inaccuracies were distributed to Councillors. The purpose of this report was to adopt Council's Annual Report for the period 1 July 2022 to 30 June 2023.

Staff were thanked for their hard work and for everything they have done throughout the development of this report during a challenging time. It was also requested that Heidi and her team from Deloitte be formally recognised for their expert assistance, as this was her last year of working with the Council and it was agreed that a letter of thanks should be sent to her. The work that Pim Borren in his role as Interim Chief Executive had done during this time was also acknowledged by Council.

Resolution CM23-222: Cr Robertson Moved, Cr Malcolm Seconded

That Council:

- 1) **Receives** this report.
- 2) **Approves** and adopts the Annual Report for the year ended 30 June 2023, subject to any minor editorial changes.
- 3) **Authorises** the Chairperson and Chief Executive to sign the Annual Report and Representation Letter on behalf of Council.

MOTION CARRIED

Cr Mepham left the meeting at 2.46pm and returned at 2.50pm.

10.2. Treasury Management Policy and Statement of Investment Policy and Objectives

Nick Donnelly (GM Corporate Services and CFO) and Phil Borkin from JB Were was present online to provide background and answer questions. The purpose of this paper was to consider and approve amendments to Council's Treasury Management Policy and Statement of Investment Policy and Objectives to include considerations regarding ethical investing as recommended by the Audit and Risk Subcommittee.

Resolution CM23-223: Cr Somerville Moved, Cr Wilson Seconded

That the Council:

- 1) **Receives** this report and the attached Treasury Management Policy and Statement of Investment Policy and Objectives.
- 2) **Notes** the inclusion of a responsible investment policy in the Statement of Investment Policy and Objectives.
- 3) **Approves** the Treasury Management Policy and Statement of Investment Policy and Objectives.

For:	Cr Forbes, Cr McCall, Cr Mephram, Cr Noone, Cr Scott, Cr Somerville, Cr Weir, Cr Wilson and Cr Robertson
Against:	Cr Kelliher, Cr Laws and Cr Malcolm
Abstained:	Nil

MOTION CARRIED**Resolution: Cr McCall Moved, Cr Somerville Seconded**

That the Council Meeting adjourn for a 15-minute break at 3:30PM, reconvening at 3:45PM.

MOTION CARRIED

Cr Mephram left the meeting at 3:45PM

Cr Laws left the meeting at 3:45PM

10.3. Port Otago Statement of Corporate Intent

Nick Donnelly (GM Corporate Services and CFO) was present to speak to the paper and respond to questions. The purpose of this paper was to receive Port Otago's Statement of Corporate Intent for the three years to 30 June 2026 and Cr Robertson thanked Port Otago for the provision of this document. It was noted that this was an opportunity for the Council to provide feedback that is allowed for in 'The Port Companies Act 1988: Consultation Process'.

The positive content of the report was recognised. However, the Statement of Corporate Intent is an important process for Council as 100% shareholder, to provide feedback to Port Otago. The paper was received less than one week prior to the meeting and the Council wishes to contribute quality feedback through this process, which requires adequate time. Therefore, Cr Robertson moved a procedural motion that the item of business being discussed should lie on the table until the 22 November Council Meeting and not be further discussed at this meeting today.

Procedural Motion Resolution CM23-224: Cr Robertson Moved, Cr McCall Seconded

That the Council:

- 1) **Agree** that the paper lie on the table to be considered at the Council Meeting of 22 November 2023.

MOTION CARRIED**10.4. Annual Returns of Inactive Subsidiaries**

The purpose of this paper was to pass resolutions in lieu of holding annual general meetings for Council's three wholly owned inactive subsidiaries. The resolutions are to not hold an annual general meeting and then to not appoint an auditor for each company.

Resolution CM23-225: Cr Wilson Moved, Cr Kelliher Seconded

That the Council:

- 1) **Approves** the following resolutions:
 - a. That it shall not be necessary for Regional Services Limited to hold an Annual General Meeting under section 120 of the Companies Act 1993.
 - b. That no auditors be appointed for Regional Services Limited under section 196 (2) of the Companies Act 1993.

- c. That it shall not be necessary for Regional Pest Services Limited to hold an Annual General Meeting under section 120 of the Companies Act 1993.
- d. That no auditors be appointed for Regional Pest Services Limited under section 196 (2) of the Companies Act 1993.
- e. That it shall not be necessary for Regional Monitoring Services Limited to hold an Annual General Meeting under section 120 of the Companies Act 1993.
- f. That no auditors be appointed for Regional Monitoring Services Limited under section 196 (2) of the Companies Act 1993.

MOTION CARRIED

10.5. Dangerous dam policy

Joanna Gilroy (Acting General Manager Regulatory) and Rebecca Jackson (Team Leader Consents) were present to speak to this paper and respond to questions. Council's policy for "Dangerous, Earthquake-prone and Flood-prone Dams" must be reviewed every five years. The purpose of this report is to approve consultation of the proposed Dangerous Dams Policy 2023 using Special Consultative Procedures under s83 of the Local Government Act 2002. Both the draft policy (Attachment 1) and the Statement of Proposal (Attachment 2) are to be approved as part of this process. This will allow the public the ability to submit on this policy through this consultation process for which approval is sought to undertake.

Resolution CM23-226: Cr Wilson Moved, Cr McCall Seconded

That the Council:

- 1) **Receives** the report.
- 2) **Approves** the draft policy for consultation (Attachment 1).
- 3) **Adopts** the Statement of Proposal (Attachment 2).
- 4) **Approves** consultation of the proposed Dangerous Dams Policy 2023 using special consultative procedures under s83 of the Local Government Act 2002 subject to any minor editorial changes.
- 5) **Agree** to delegate to the Chair the appointment of the two suitable hearings panel members to consider the public submissions on the dam policy.

MOTION CARRIED

10.6. Annual Report Back from Audit and Risk Co-Chair

Andrew Douglas (Co-Chair of Audit and Risk Subcommittee) was present to speak to the paper and respond to questions. The purpose of this paper was to report back on the activities of the Audit and Risk Subcommittee for 2022/2023 as per the Terms of Reference of the Subcommittee.

Resolution CM23-227: Cr Kelliher Moved, Cr Noone Seconded

That the Council:

- 1) **Notes** this report.

MOTION CARRIED

10.7. LTP Community Engagement

Mike Roesler, Corporate Planning Manager and Sara Shea were present to speak to the paper and respond to questions. The purpose of this paper was to provide an opportunity for Council direction on the scope of the region-wide community engagement for Otago Regional Council's Long-Term Plan 2024-2034. The region-wide community engagement is one

component of a broader LTP engagement approach that was reported to the 10 August 2023 to the Regional Leadership Committee.

Resolution CM23-228: Cr Wilson Moved, Cr Weir Seconded

That the Council:

- 1) **Notes** the proposed scope of the community engagement for the ORC Long Term Plan 2024-2034.
- 2) **Directs** staff to implement the preferred community engagement approach included in Table 3 for the Long-Term Plan 2024-2034 based on the proposed scope presented in this report.
- 3) **Notes** that that Council staff will provide updates on progress through the established and programmed LTP Project Reporting.

MOTION CARRIED

11. RESOLUTION TO EXCLUDE THE PUBLIC

Resolution: Cr Robertson Moved, Cr Noone Seconded:

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

- EROAD Procurement.

MOTION CARRIED

12. CLOSURE

There was no further business and Chairperson Robertson declared the public part of the meeting closed at 5:00 pm.

Chairperson

Date

Meeting Date	Item	Status	Action Required	Assignee/s	Action Taken	Due Date
22/02/2023	CS230 4 Annual Plan 2023/2 4	Assigned	Have an independent efficiency review performed in FY 2023/24 to inform the Long- Term Plan process. CM23-111	Chief Executive, General Manager Transport	13/09/2023 Governance Support Officer Underway. Workshop to be scheduled for October 2023.	31/12/2023
22/03/2023	GOV230 6 Propo sal to partici pat e	Assigned	The Chief Executive will execute an agreement with CouncilMARK to undertake an independent assessment in 2024. Res CM23-130	Chief Executive	13/09/2023 Governance Support Officer Underway. Assessment likely to take place February 2024	06/12/2023
22/03/2023	Recom mend ations of the Finance Commit tee	Assigned	Chief Executive directs staff to undertake further work towards development of an annual awards programme including detailed costs AND provide a report to Council for consideration during the upcoming LTP process (Res FIN23-103). Res CM23-136	Chief Executive	13/09/2023 Governance Support Officer Underway.	31/12/2023

26/04/2023	Council Meeting 2023.04.26	GOV2313 Notice of Motion - Request for report on feasibility of free off-peak travel	Assigned	Provide a report to the PATC on feasibility of free off-peak public transport and the potential costs (e.g. lost revenue) and benefits (e.g. reduced pressure at peak times, reduced delays at peak times, equity impacts, reputation impacts) to help inform relevant LTP decisions. Res. CM23-147	General Manager Transport, Manager Transport	25/09/2023 Governance Support Officer Still in progress	06/12/2023
25/10/2023	Council Meeting 2023.10.25	REG2308 Dangerous dam policy	Assigned	Delegate to the Chair the appointment of the two suitable hearings panel members to consider the public submissions on the dam policy. Res CM23-226	Chairperson		29/12/2023
25/10/2023	Council Meeting 2023.10.25	REG2308 Dangerous dam policy	Assigned	Consultation of the proposed Dangerous Dams Policy 2023 using special consultative procedures under s83 of the Local Government Act 2002 subject to any minor editorial changes. Res CM23-226	Manager Consents		28/06/2024
25/10/2023	Council Meeting 2023.10.25	GOV2330 LTP Community Engagement	Assigned	Staff to implement the preferred community engagement approach included in Table 3 for the Long-Term Plan 2024-2034 based on the proposed scope presented in this report. Res CM23-228	General Manager Corporate Services and CFO, General Manager Governance, Culture and Customer		28/06/2024

9.1. Chairperson's Report

Prepared for: Council
Activity: Governance Report
Author: Cr Gretchen Robertson, Chairperson
Date: 17 November 2023

Attendance at events and meetings

24 October, Informal online Meeting of Otago Mayoral Forum members

Initial conversation on themes for discussion with incoming MP's and invitation to December Mayoral Forum.

26 October, Interview on OAR FM

ORC has a monthly slot on Otago Access Radio. Recent interviews have focussed on Otago's Land and Water Plan, buses, and enviro schools. This month I spoke about the issues of wilding pines present, current local initiatives and investment, ORC's role in coordinating the National Wilding Conifer Control Programme regionally, and the strong case for government investment. <https://oar.org.nz/talking-otago-with-orc/>

26 October, Waitaki Plan - discussion between Rūnaka Chairs and ORC/ECan (Online)

An initial discussion with CE and Chairs of ECan and ORC and Moeraki, Waihao, and Arowhenua Runaka on joined up approaches to future resource planning for Waitaki River/catchment given ORC and ECan both border the Waitaki River.

27th October, Land and Water Plan Drop-in Session in Ophir

It was great to see a good turn out in Ophir and a diversity of attendees for this final public drop-in session. Approximately 550 valued responses have been received during this feedback round from across the region. These were captured through a range of methods including online, recorded discussion at drop-in sessions, written, and other bespoke opportunities. We are really grateful to everyone who has shared their views, expertise, ideas, and practical suggestions.

31 October, QLDC/ORC Public and Active Transport Joint Group

Alexa Forbes chaired this meeting. A key component was understanding both council's aspirations and abilities to influence outcomes in the public and active transport space as we enter the LTP development process with communities. RLTP, LTP and RPTP processes and the Queenstown Business case were discussed.

2 November, Future by Local Government Event Part 2 (Wellington)

125 attendees from Councils around the country came together to seek consensus on positions relating to the future for local government recommendations in four areas. These were derived at an earlier workshop attended by Cr Tim Mepham of this Council. The four areas were: funding, Te Tiriti, system transformation, and wellbeing. The work on each topic will go toward a position that will be presented to Councils by LGNZ on the 24th of November. Our Council will need to consider whether it agrees with this position. Delegates will vote at a special meeting on 11 Dec. Tim Mepham, Elliot Weir and I will be delegates for this Council at this online meeting.

3 November, LGNZ Regional Sector Meeting (Wellington)

The key business was the consideration of a draft briefing for incoming ministers created by Te Ura Kahika. This focussed on the following key areas: Giving effect to Te Tiriti o Waitangi, Managing the Environment, Climate Change and Adaptation, Transport and Related Infrastructure, Public Passenger Transport, Community Flood Resilience, Biosecurity (and biodiversity), Three Waters, and Well-Informed Decision Making.

The meeting also had a presentation from Fonterra's CE Miles Hurrell on international markets and Buddle Findlay's David Allen on possible implications for the regional sector with a change in government.

6 November, Otago Deep Water Lakes Management Working Group Meeting

A recap of the recent Wai Wanaka forum (supported by ORC) and update on the formation of a Technical Advisory Group to determine research needs for Lakes Hawea, Wanaka and Wakatipu.

7 November, Port Otago Visit

A visit to the new Port Otago office and museum building development. Presentation from Port Otago on current activities and future infrastructure investment needs.

9 November, Science Manager Forum (joined online for a brief meet and greet) – to discuss any changes that may affect the types of science the regional sector needs to produce or access, and how that information is used for decision-making.

10 November, Met Paul McIntyre (ODT) with Richard and Jo Galer (Manager Communications & Marketing)

11 November, Armistice Day service and laying of wreath

16 November, Otago Southland Emergency Management Forum, Emergency Management Otago and Southland

Opening address to a diverse grouping of communications experts from various organisations responsible for messaging around emergency management.

RECOMMENDATION

That the Council:

- 1) **Notes this report.**

ATTACHMENTS

Nil

9.2. Chief Executive's Report

Prepared for: Council Meeting

Activity: Governance

Author: Richard Saunders, Chief Executive

Date: 15 November 2023

PURPOSE

- [1] This report provides an update to Council on key project delivery, financial performance and levels of service.

EXECUTIVE SUMMARY

- [2] Progress of both the Land and Water Regional Plan remains on track. Consultation three was completed in October and staff have received and reviewed the submissions.
- [3] The development of the draft Long Term Plan (LTP) is on track with consultation scheduled for April 2024. Papers on key consultation topics will be presented to the December Council meeting.
- [4] Financial performance for the period ended 31 October 2024 shows a surplus of \$150k.
- [5] Service levels reported to the end of October show of the 76 measures one is red, will not be achieved and five are orange, at risk of not being achieved. The balance are all on track to be achieved.

RECOMMENDATION

That the Council:

- 1) **Notes this report.**

DISCUSSION

Land and Water Plan

- [6] The Land and Water Plan remains on track for notification by 30 June 2024. The project plan is included as Attachment 1
- [7] A successful round three consultation was completed in November and submissions have now been received and reviewed by staff.
- [8] A final draft of the plan will be completed prior to Christmas ahead of the statutory consultation process which commences in the new year.

Long Term Plan

- [9] The development of the draft LTP for consultation remains on track. While some aspects of the project have been delayed it is anticipated that all key milestones will be achieved ahead of Christmas 2023. The LTP project plan is included as Attachment 2.
-

- [10] Papers are being prepared for the 6 December Council meeting to seek direction on the three key consultation topics for the draft LTP. Discussions on draft Activity budgets and levels of service continue.

Financial Performance

- [11] The Statement of Comprehensive Revenue and Expense as at 31 October is included as Attachment 3. The Statement of Financial Position as at 31 October is included as Attachment 4.
- [12] At the end of October, a \$775k surplus has been recorded, \$150k ahead of budget. The operating surplus is \$1.437m ahead of budget largely due to lower than budgeted staff costs. This is offset by a decrease in the value of the managed fund.
- [13] Forecasts were completed at the end of Q1. Detailed activity budgets are being reported to the finance committee this week. Forecasts to the end of the year currently show a \$468k surplus.

Level of Service Measures

- [14] ORC reports on 76 level of service measures. An exceptions report is included as Attachment 5. A full summary of performance against level of service measures is included as Attachment 6.
- [15] Of the 76 service measures 70 are green, on track, five are orange, at risk and one is red, will not be achieved.
- [16] The measure that will not be achieved relates to the completion of the Future Development Strategies for Dunedin and Queenstown. The Queenstown project must complete an updated housing and business capacity assessment which will delay the completion of the project. A separate paper on this matter is included in the Council agenda.
- [17] It is positive to see two measures previously reported as at risk are now on track for delivery. These relate to a coastal monitoring programme and the indigenous biodiversity monitoring programme.

Efficiency Review

- [18] A report on the findings of the Efficiency Review was due to be reported to Council at the November Council meeting. This paper will now be included in the December 6 meeting agenda.

OPTIONS

- [19] As this is a report for noting there are no options to consider.

ATTACHMENTS

1. ORC LWRP monthly report - October 2023 [9.2.1 - 3 pages]
2. ORC LTP project report 15 November 2023 [9.2.2 - 5 pages]
3. CE Report Statement of Comprehensive Revenue and Expense October 2023 [9.2.3 - 1 page]
4. CE Report Statement of Financial Position October 2023 [9.2.4 - 1 page]
5. Summary LOSM Report - October Exceptions [9.2.5 - 1 page]
6. Summary LOSM Report - October All [9.2.6 - 3 pages]

ORC REPORT ON PROGRESS AGAINST CRITICAL MILESTONES AND TASKS

Project Name	Project Start Date	Project Sponsor	Project Owner	Report date
Land and Water Regional Plan for Otago	1-Jul-21	Anita Dawe	Fleur Matthews	27/10/23

Progress Summary and Focus for Next Month
<p>This past month the team focused on:</p> <ol style="list-style-type: none"> 1. Completing Community Engagement 2. Collating and Analysing Feedback 3. Continuing Section 32 Initial Drafting 4. Planning for Post-Engagement Activities into 2024 <p>Next month:</p> <p>Major deliverables include:</p> <ol style="list-style-type: none"> 1. Evaluating and Incorporating Engagement Feedback 2. Preparing for Council Briefings and Workshops to Present Engagement Feedback and Highlight any Changes to the LWRP 3. Continuing Section 32 Report Preparation

RESOURCE MANAGEMENT ACT PROCESS AND CRITICAL TASKS	KEYS		
CP1. Environmental Outcomes, Objectives, Provisions, Rules developed (July 2023)	RMA CRITICAL PATH	HEALTH	STATUS
CP2. Community consultation prior to formal Schedule 1 process (August - October 2023)	Milestone is on the critical path	Work not yet due to start	1. Not due to start
CP3. Pre-notification consultation (February - April 2024)		Meets or exceeds project expectations	2. Not started
CP4. Public Notification (June 2024)		Issues are being managed within the team and not expected to impact final deadline	3. Ready to start
		Issues impacting project and overall timeline and need escalation and action	4. Start delayed
		Milestone / task finished	5. On hold
			6. In progress
			7. Complete
			8. Withdrawn

Milestone	RMA Critical Path	Baseline Start date	Baseline End date	Forecast Revised End date	End date variance	Actual End Date	Previous Status	Current Health & Status	Commentary
Preparatory and plan writing work to get to community consultation 3									
1 Initial consultations with communities and key region-wide stakeholders complete. This is required by NPS-FM prior to plan drafting	CP1		20-Dec-22	20-Dec-22		20-Dec-22	Complete	Complete	
2 Community and mana whenua values identified with community and mana whenua. This is required by NPS-FM prior to plan drafting	CP1		31-Dec-22	31-Dec-22		20-Dec-22	Complete	Complete	
3 Analysis of feedback from community and key stakeholder consultation complete	CP1		31-Jan-23	31-Jan-23		31-Jan-23	Complete	Complete	
4 Catchment Stories Summary Report complete			30-Jan-23	30-Jan-23		30-Jan-23	Complete	Complete	
5 Region-wide topics plan drafting started (Milestone)			1-Feb-23	1-Feb-23		1-Feb-23	Complete	Complete	
6 Further direction from Land and Water Regional Plan governance group on water quantity management sought. This directly informs plan drafting	CP1		6-Apr-23	6-Apr-23		6-Apr-23	Complete	Complete	
7 Region-wide hydrological modelling complete. This informs plan drafting.	CP1		30-Apr-23	31-Jul-23	+2 Months	18-Aug-23	Complete	Complete	

Council Agenda - 22 November 2023 - CHAIRPERSON AND CHIEF EXECUTIVE REPORTS

Milestone	RMA Critical Path	Baseline Start date	Baseline End date	Forecast Revised End date	End date variance	Actual End Date	Previous Status	Current Health & Status	Commentary
10 Water quality scenario modelling complete. This directly informs plan drafting	CP1		31-May-23	31-Jul-23	+2 Weeks	31-Jul-23	Complete	Complete	
11 Outstanding water bodies identified			31-May-23	18-Aug-23	+2.5 Months	18-Aug-23	Complete	Complete	
12 Manuherekia ecological flow recommendation provided by Technical Advisory Group			31-May-23	16-Aug-23	+2.5 Months	23-Aug	Complete	Complete	
13 Further direction from Land and Water Regional Plan governance group on drinking water protection requirements sought.	CP1		6-Jun-23	6-Jun-23	+ 1 Months	26-Jul-23	Complete	Complete	
14 Regionally significant wetlands mapped and ground truthed			30-Jun-23	30-Jun-23		30-Jun-23	Complete	Complete	
15 Land and Water Economic Profile of Otago complete (Milestone)			30-Jun-23	30-Jun-23		30-Jun-23	Complete	Complete	
16 Farmers and Growers Phase 2 report on testing the impact of actions complete (Milestone)			30-Jun-23	3-Jul-23		3-Jul-23	Complete	Complete	
17 Threatened species identified (via independent expert panel)			30-Jun-23	31-Jul-23	+2 Weeks	31-Jul-23	Complete	Complete	
18 Environmental outcomes, current states and target attribute states determined for all FMUs	CP1		30-Jun-23	30-Sep-23	+ 2 Months		In progress	Complete	Draft Target Attribute States for rivers and lakes were finalised by 16 August 2023. Final reports were due late September with consistency reviews immediately afterwards.
19 Māori economy report completed by ORC and Iwi			31-Jul-23	31-Dec-23	+5 Months		In progress	In progress	Work underway but resource constraints adding risk to delivery. Delivery anticipated December.
20 Higher allocation catchment assessments complete (excluding Taieri)			31-Jul-23	30-Oct-23	+3 Months	26-Oct-23	In progress	Complete	Work Completed in October
21 All draft region-wide objectives, policies, provisions, rules complete	CP2		31-Jul-23	18-Aug-23	+2 Weeks	18-Aug-23	Complete	Complete	
22 Draft Catlins FMU Chapter complete			31-Jul-23	30-Oct-23	+3 Months	27-Oct-23	In progress	Complete	A first draft of this FMU chapter has been completed. This is currently being reviewed by Iwi. Further changes may be required following Consultation 3 feedback.
23 Draft Clutha/Mata-Au Chapter complete			31-Jul-23	30-Oct-23	+3 Months	27-Oct-23	In progress	Complete	A first draft of this FMU chapter has been completed. This is currently being reviewed by Iwi. Further changes may be required following Consultation 3 feedback.
24 Draft Dunedin and Coast Chapter complete			31-Jul-23	30-Oct-23	+3 Months	27-Oct-23	In progress	Complete	A first draft of this FMU chapter has been completed. This is currently being reviewed by Iwi. Further changes may be required following Consultation 3 feedback.
25 Draft North Otago Chapter complete			31-Jul-23	30-Oct-23	+3 Months	27-Oct-23	In progress	Complete	A first draft of this FMU chapter has been completed. This is currently being reviewed by Iwi. Further changes may be required following Consultation 3 feedback.
26 All draft FMU chapters complete (except Taieri and Manuherekia Rohe)	CP2		31-Jul-23	30-Oct-23	+3 Months	27-Oct-23	In progress	Complete	A first draft of all FMU chapters has been completed.
27 Draft introduction, how the plan works, interpretation chapters complete			30-Sep-23	30-Sep-23		30-Sep-23	In progress	Complete	First draft of the introduction, how the plan works and interpretation (glossary) chapters is complete.
28 Draft national direction chapter and regional context content complete			30-Sep-23	30-Sep-23		30-Sep-23	In progress	Complete	First draft of the national direction chapter and regional context chapter is complete.
29 Draft mana whenua chapter complete			30-Sep-23	15-Nov-23	+1.5 Months		In progress	In progress	ORC and Iwi are working on the integration of mana whenua values, objectives, and outcomes into the plan document and what will be contained in a mana whenua chapter at present. The mana whenua chapter will only contain what is legally required for that chapter following integration throughout the plan.

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Milestone	RMA Critical Path	Baseline		Forecast	End date variance	Actual End Date	Previous Status	Current Health & Status	Commentary
		Start date	End date	Revised End date					
30	Draft schedules and appendices complete		30-Sep-23	30-Oct-23	+1 Months	25-Oct-23	In progress	Complete	A list of schedules and appendices for the LWRP has been compiled and first drafts of all of these schedules and appendices have been completed. The GIS-layers for the different maps that need to form part of the LWRP have been compiled.
31	Draft Taieri Chapter complete		30-Oct-23	30-Oct-23		25-Oct-23	Not due to start	Complete	A first draft of this FMU chapter has been completed. This is currently being reviewed by Iwi. Further changes may be required following consultation 3 feedback.
32	Manuhereki Rohe chapter complete	CP2	31-Oct-23	31-Oct-23		25-Oct-23	Not due to start	Complete	A first draft of this rohe chapter (which forms part of the Clutha FMU chapter) has been completed. This is currently being reviewed by Iwi. Further changes may be required following consultation 3 feedback.
Community consultation prior to formal Schedule 1 process									
33	3rd and final community and key stakeholder consultation planning initiated		1-Jun-23	1-Sep-23	+ 3 Months	1-Sep-23	In progress	Complete	Complete.
34	Community consultation 3 meetings complete	CP2	30-Sep-23	31-Oct-23	+ 1 Month	27-Oct-23	In progress	Complete	Complete. Feedback being collated as it comes in.
35	Key stakeholder report backs on region-wide topics complete		30-Sep-23	30-Sep-23		22-Sep-23	Complete	Complete	
36	Report back to Manuhereki Rohe community on provisions and rules for Rohe	CP2	15-Oct-23	15-Oct-23		15-Oct-23	Not due to start	Complete	
38	Full draft plan reviews by Planning Lead, affected ORC teams, Iwi, Legal complete		30-Nov-23	30-Nov-23			Not due to start	Not due to start	
39	Draft Proposed Land and Water Regional Plan and draft Section 32 report complete. These are required in order for Clause 3 & 4A pre-notification and notification	CP3	30-Nov-23	20-Dec-23	+ 1 Month		In progress	In progress	Plan authors are collating supporting evidence as they develop plan chapters throughout. The Section 32 Report involves a significant amount of work which is being worked on iteratively as the plan is developed. The project is monitoring any additional resources required here.
40	Draft Land and Water Regional Plan complete and ready for pre-notification consultation	CP3	30-Nov-23	14-Dec-23	+ 2 Weeks		Not due to start	Not due to start	
Pre-notification consultation and public notification									
41	Draft Proposed Land and Water Regional Plan pre-notification consultation with Iwi and statutory parties (under RMA Sch 1, clause 3 and 4A) completed	CP4	28-Feb-24	28-Feb-24			Not due to start	Not due to start	
42	Draft Proposed Land and Water Regional Plan pre-notification consultation with Iwi and statutory parties (under RMA Sch 1, clause 3 and 4A) completed	CP4	30-Apr-24	30-Apr-24			Not due to start	Not due to start	
43	Updates to Draft Proposed Land and Water Regional Plan complete		31-May-24	31-May-24			Not due to start	Not due to start	
44	Section 32 report complete		31-May-24	31-May-24			Not due to start	Not due to start	
45	Otago Regional Council resolution to notify Proposed Land and Water Regional Plan for Otago	CP4	14-Jun-24	14-Jun-24			Not due to start	Not due to start	
46	Proposed Land and Water Regional Plan for Otago publicly notified	CP4	28-Jun-24	28-Jun-24			Not due to start	Not due to start	

Report on Long Term Plan project progress against critical milestones and tasks

Project Name	Project Lead	Current Reporting Period	Previous Reporting Period
Long Term Plan	Mike Roesler	27 October – 9 November	9 October – 27 October
Progress summary and focus for next reporting period			
<p>Achievements this reporting period</p> <ul style="list-style-type: none"> • Draft consultation topic leads for environmental funding and transport confirmed (30 October) • High level communications plan drafted (2 November) • Strategic engagements scheduled (5 November) • Initial drafts of large scale environment funding proposal drafted (6 November) • Financial Models (1 November) • Activity build session 1 - GCC and Corporate Services (7 November) • All managers started work on activity builds (ongoing) • Feedback meeting (communications and Mike) on draft communications plan. (2 Nov) • Meeting with Mike, Comms and KEYSTONE booked to discuss Consultation Document approach (17 November) • Approach and tasking meeting for LTP doc build. Approach and tasking agreed (13 Nov) 			
<p>Next reporting period (10 Nov – 24 November)</p> <ul style="list-style-type: none"> • Infrastructure Strategy drafting (ongoing) • Agree and define approach for building the Consultation Document (17Nov) • ELT review of overarching presentation for Council (20 November) • Update LTP material based on any strategic consultation questions and information (ongoing) • Detailed Activity Build session 2 (23 November) • Final Version of Estimates (23 November) • LTP doc setup in Keystone for authoring /build (22 Nov) • Strategic directions to be internally reviewed against financial strategy and funding policy (24 November) • Strategic directions to be internally reviewed against growth models, uncertainties and assumptions (24 November) • Review of draft consultation topics (24 November) 			
<p>On the horizon (November/December)</p> <ul style="list-style-type: none"> • Activity build 'session3' templates circulated to Council (27 November) • ELT Meeting - Final review of material going to 7 Dec council workshop, including draft consultation topics (4 December) • Council meeting: Formal direction on Funding Policy proposals and options (6Dec) • Council Meeting: Communications plan approved (6 December) • Council Meeting: Consultation topics approved (6 December) • Council Workshop: LTP Consolidation of Activity build and direction on work priorities and funding (7 December) 			
Risks and Issues			
RISKS		MITIGATIONS	
Project management and governance needs to be tightly managed to avoid quality and time issues.		Project manager has been appointed, governance group set up and regular governance cycle has started. Review in 3 months. Continuing to identify linkages and cross overs and scoping these into our detailed scheduling as appropriate.	
Timeframes have slipped putting pressure on the year end (6 and 7 December) milestones.		The deliverables for the 6 and 7 December Council meeting and workshop have been modified to realistically reflect the status of decision-making but still need direction prior to the new year.	

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	To mitigate this risk, the project team will ensure that the purpose of sessions is clear and that the link to outcomes is shown. Project team will also use the annual plan template as a guide and reinforce timeframes for Council on when things need to be done by.
Amount of time and commitment management are spending on the LTP process.	To mitigate this risk, the project team will seek clear direction from Council on priorities and resources and will support managers with tools and templates to help them manage their time efficiently.

Key		
STATUS	HEALTH	Colour
Not due to start	Work not yet due to start	
Start delayed	Issues are being managed within the team and not expected to impact final deadline	
On hold	Issues impacting project and overall timeline and need escalation and action	
In progress	Meets or exceeds project expectations	
Complete	Milestone / task finished	

Milestone	Start date	End date	Health Status	and	Commentary
COUNCILLOR WORKSHOPS AND DECISION MAKING					
Draft Infrastructure Strategy submitted to Safety & Resilience Committee for approval	24/10/2023	09/11/2023	Delayed		Alignment between this area and LTP process is an area of focus for the project. Strategy is being drafted and will be presented to council on 6 December.
Council endorsement for key LTP content and Supporting Information for consultation	06/10/2023	07/12/2023	In progress		The deliverable for this milestone has changed to reflect time slippage in the overall programme. Work in progress for the LTP doc will be available as background material. The LTP drafting team are coordinating this process with input from managers.
Council endorsement for LTP Communications Plan	23/10/23	06/12/23	In progress		Intent is to provide a draft of this to council on 30 November (if time allows)
Council endorsement for Consultation Topics	23/10/23	06/12/23	In progress		Intent is to provide a draft of this to council on 30 November (if time allows)
FINANCIAL AND RATES					
Council Workshop	30/11/2023	30/11/2023	In progress		On track to be delivered on this date. Pre-discussion on the Council Report
Council Meeting: Formal Direction on Funding Policy Proposal and options	06/12/2023	06/12/2023	In progress		As above. On track to be delivered on this date.
ENGAGEMENT AND COMMUNICATIONS					
Approach to communicating key topics to the community (for Special Consultative Procedure) agreed internally	04/09/2023	25/11/2023	Start delayed		Timeframe updated to allow for engagement planning to be completed and communications plan to be considered by council.
Tactical Engagement Plan, actions and roles ready for implementation for the SCP [28March]	10 Nov	30 Nov	In progress		Engaging Shea-Harris to develop the tactical plan and potentially support implementation
Engagement with strategic stakeholders on Focus Areas	04/09/2023	15/12/23	In progress		Engagement now underway. End date has been pushed out from the end of November to mid-December to allow all meetings to be held at a time that is suitable for stakeholders.

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PROJECT MANAGEMENT				
Ongoing updates to Growth models, uncertainties, and assumptions document.	28/07/2023	06/12/2023	In progress	Contented completed but needs to be refined alongside activity build process. Managers to review. Will be considered as part of the pre-Draft LTP.
Begin drafting for the LTP	06/11/23	07/03/2024	In progress	Team confirmed. Roles and responsibilities assigned. Detailed timeframe agreed. Next step is to start working with managers on content for key sections. WIP doc will be available as background material for the 7 Dec Council workshop
ELT Meeting: Review remaining activity build areas	07/11/2023	20/11/2023	Delayed	Delayed due to more time needed to work through the activity builds.
ELT Meeting: Review financial estimates after changes	13/11/2023	20/11/2023	In progress	Work underway.
ELT Meeting: Review final changes to estimates	23/11/2023	27/11/2023	Not due to start	Not due yet.
ELT Meeting: Provide direction on remaining activity build session workshop format	27/11/23	27/11/23	Not due to start	Not due yet.
ELT Meeting: Review updates to activity builds in advance of 7 December council workshop	04/12/2023	04/12/2023	Not due to start	Not due yet.

Manager input schedule	Manager time commitment	Comment
CURRENT		
Managers are currently busy completing or refining activity builds for the 23/11/23 and 30/11/23 workshops. Updates and refinements may need to be made between 30/11/23 and 06/12/23. Managers are aware of this timeframe.	Medium (2-5 hours/week)	This has collectively impact on organisational capacity, which will continue until the activity build is finalised on 06/12/23. GMs and managers need to plan for this. Will also be high impact on capacity of finance team in supporting this process.
UPCOMING		
Managers will be needed to work with the LTP drafting team to create content. Project Sponsor has instructed the team to make this as easy as possible for managers. "Talk and type" sessions are likely to be used to maximise efficiency.	Light/Medium	Feedback from ELT into LTP Activity Build templates will not take significant time to incorporate into existing templates but will need to be completed at pace to reflect the date window between ELT reviews.
Draft consultation topics are being shaped up by some managers.	Medium	A small number of managers are involved in this work leading up to 06/12/23.

LTP Project Workstreams GANTT Chart overview			
LTP WORKSTREAMS	Oct-23	Nov-23	Dec-23
Long Term Plan			
Engagement and Communications		Marketing and comms	LTP draft content approved
Partnering with Mana Whenua			Implementation of plan

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Annex 1: Completed Milestones

Completed Milestones	Start date	End date	Health and Status	Commentary
Council presentation - Financial/funding: Introduction	11/05/2023	11/05/2023	Complete	Completed on 11/05/2023.
Council Briefing held: Current State presentation	14/06/2023	15/06/2023	Complete	Completed on 15/06/2023.
Council presentation - Financial/funding: Financial strategy	14/06/2023	29/06/2023	Complete	Completed on 29/06/2023.
Current State updated following Council feedback	16/06/2023	07/07/2023	Complete	Completed on 08/08/2023.
Lessons from OAG report documented and discussed with workstream lead and project sponsor	21/06/2023	20/07/2023	Completed	Have now been discussed with LTP governance sub-committee and incorporated into project plan. Completed on 02/08/2023.
Detailed planning of Infrastructure Strategy milestones and set up of regular meeting	17/07/2023	25/07/2023	Complete	Project lead has now met with IS team to confirm detailed planning and has invited IS team to regular project team meetings. Completed on 14/08/2023.
Clarity on process for Growth models, uncertainties, and assumptions document	04/07/2023	28/07/2023	Complete	Completed on 28/07/2023.
Council and Mana Whenua workshop. <i>Confirming our Strategic Directions</i>	03/07/2023	02/08/2023	Complete	Completed on 02/08/2023.
Council presentation - Financial/funding: Rating specifics	17/07/2023	02/08/2023	Complete	Completed on 02/08/2023.
First LTP governance sub-committee meeting	18/07/2023	02/08/2023	Complete	Completed on 02/08/2023.
Council and Mana Whenua workshop. <i>Future work programme possibilities</i>	03/07/2023	08/08/2023	Complete	Completed on 08/08/2023.
Regional Leadership Committee Paper. <i>Engagement Approach to LTP</i>	03/07/2023	10/08/2023	Complete	Completed on 10/08/2023.
Engagement approach for LTP consultation drafted	03/07/2023	10/08/2023	Complete	LTP content drafted into paper, next step is to confirm strategic stakeholders with ELT. Draft completed 10/08/2023.
Council Presentation – Framework, assessment of funding needs and analysis [Morrison & Low]	7/07/2023	24/08/2023	Complete	Completed on 24/08/2023.
Support 4 September ELT moderation session as required for 13 September Council Workshop	21/06/2023	04/09/2023	Complete	Completed on 04/09/2023.
Support managers ahead of 13 September Council Workshop	04/09/2023	13/09/2023	Complete	Completed on 13/05/2023.
Council and Mana Whenua workshop. <i>Implications of future work programme possibilities</i>	07/08/2023	13/09/2023	Complete	Completed on 13/05/2023.
Council workshop. <i>Identification of key issues in Infrastructure Strategy (paper)</i>	14/08/2023	13/09/2023	Complete	Completed on 13/05/2023.
Council Presentation – Financial/funding: high level options modelling	04/09/2023	21/09/2023	Complete	Completed on 21/09/2023.
Supporting managers through LTP Activity Build	18/09/2023	05/10/2023	Complete	Completed on 05/10/2023.
ELT Meeting: First review of LTP Activity Build	29/09/2023	09/10/2023	Complete	Completed on 09/10/2023
ELT Meeting: Second review of LTP Activity Build	09/10/2023	16/10/2023	Complete	Completed on 16/10/2023
Council Workshop – Further detail on Focus Area Initiatives	18/09/2023	24/10/2023	Complete	Completed on 24/10/2023

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Draft Financial Strategy and Revenue & Financing Policy submitted to Council for approval	02/10/2023	25/10/2023	Complete	Completed on 25/10/2023
Council meeting. Draft Engagement Plan for LTP	03/08/2023	26/10/2023	Complete	Completed on 26/10/2023
ELT Meeting: Session on Council feedback for LTP Activity Build	16/10/2023	01/11/2023	Complete	Completed on 01/11/2023
Council Presentation – Financial/funding: Financial Models	24/10/2023	07/11/2023	Complete	Completed on 07/11/2023
Council update on LTP detailed planning, budgeting and other supporting information	16/10/2023	09/11/2023	Complete	Completed on 09/11/2023

Statement of Comprehensive Revenue and Expense For the 4-months ended 31 October 2023

	Notes	YTD Actual Oct-2023 4 months	YTD Budget Oct-2023 4 months	Variance 4 months	Forecast Full Year 2023/24 12 months	Budget Full Year AP 23/24 12 months	Variance 12 months
REVENUE							
Rates revenue		18,611	18,526	85	55,778	55,778	-
Subsidies and grant revenue		7,214	6,232	982	23,320	20,497	2,823
Other income		4,373	4,811	(438)	20,437	19,518	919
Dividends		5,213	5,000	213	16,000	15,000	1,000
Interest and investment income	a.	2,759	3,417	(657)	10,250	10,250	-
TOTAL REVENUE		38,170	37,986	185	125,785	121,043	4,742
EXPENDITURE							
Employee benefits expense		10,341	12,471	(2,130)	34,778	35,823	(1,045)
Depreciation and amortisation		1,378	1,404	(26)	4,231	4,211	20
Finance costs	a.	3,062	3,167	(105)	9,500	9,500	-
Other expenses		21,693	21,215	478	78,024	71,789	6,235
TOTAL OPERATING EXPENDITURE		36,473	38,256	(1,783)	126,533	121,323	5,210
OPERATING SURPLUS/(DEFICIT)		1,697	(270)	1,967	(748)	(280)	(468)
Other gains/(losses)	b.	(922)	365	(1,287)	1,265	1,265	-
SURPLUS/(DEFICIT) BEFORE TAX		775	95	680	517	985	(468)
Income tax benefit/(expense)		-	-	-	-	-	-
SURPLUS/(DEFICIT) FOR THE YEAR		775	95	680	517	985	(468)
Revaluation gain/(loss) – shares in subsidiary	c.	-	-	-	28,193	28,193	-
TOTAL COMPREHENSIVE REVENUE AND EXPENSE		775	95	680	28,710	29,178	(468)

Notes

- a. Interest income and expense includes interest on LGFA lending on-lent to Port Otago Limited.
- b. Includes gains on long term managed fund (updated monthly) and revaluation of investment property (updated at year-end only).
- c. Revaluation shareholding in Port Otago Limited (updated at year-end only).

Comments

- Year to date surplus is \$680k above budget for the 4-month period (last month +\$307k).
- Revenue is \$185k up on budget and expenditure \$1.783m under budget creating an operating surplus variance of +\$1.967m. This has been offset by a decrease in the value of the managed fund over the 4 months of \$922k.
- Variances to date are largely timing or are offset by corresponding revenue / expenses variances. This is reflected in the forecast above which estimates a year end surplus variance of -\$468k.

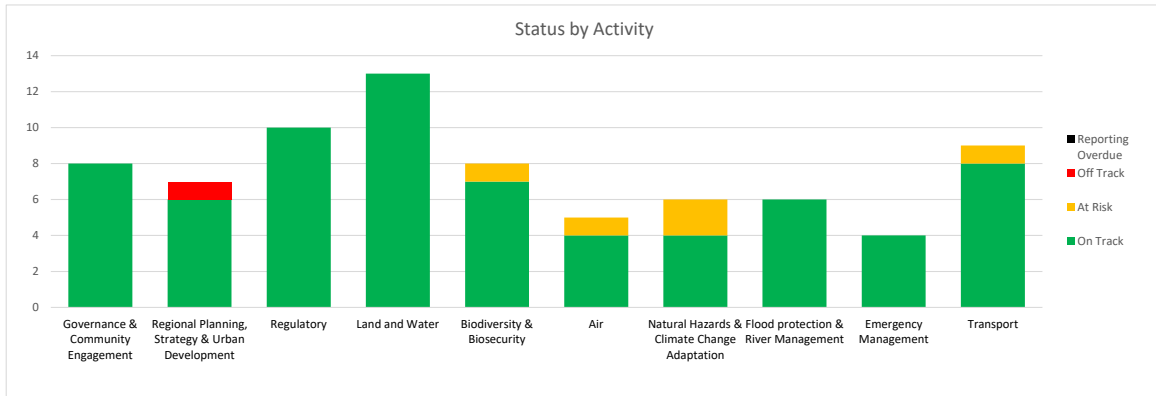
Statement of Financial Position As at 31 October 2023

	Notes	YTD Actual Oct-2024 4 months	Prior Year Actual Jun-2023	Variance 4 months	Budget Year End Jun-2024
CURRENT ASSETS					
Cash and cash equivalents	1	36,364	14,830	21,534	6,040
Trade receivables	2	24,429	14,802	9,627	12,126
Property held for sale		3,350	3,350	-	-
Other financial assets		24,557	25,262	(705)	25,426
Other current assets		1,494	1,433	61	883
TOTAL CURRENT ASSETS		90,194	59,677	30,517	44,475
NON-CURRENT ASSETS					
Property, plant and equipment		94,137	93,994	143	110,287
Investment property		16,795	16,795	-	17,131
Shares in subsidiary		723,890	723,890	-	753,013
Borrower notes		500	500	-	-
Deferred tax asset		-	-	-	98
Related party loan – Port Otago		126,477	125,088	1,389	99,960
Intangible asset		662	820	(158)	1,881
TOTAL NON-CURRENT ASSETS		962,461	960,787	1,374	982,370
TOTAL ASSETS		1,052,655	1,020,464	31,891	1,026,845
CURRENT LIABILITIES					
Trade and other payables	3	(49,332)	(19,204)	(30,118)	(18,996)
Borrowings		(60,235)	(58,878)	(1,357)	-
Provision		-	-	-	-
Employee entitlement		(2,356)	(2,716)	360	(2,608)
TOTAL CURRENT LIABILITIES		(111,913)	(80,798)	(31,115)	(21,604)
NON-CURRENT LIABILITIES					
Borrowings		(91,438)	(91,438)	-	(37,200)
Other financial instruments		-	-	-	(87,956)
TOTAL NON-CURRENT LIABILITIES		(91,438)	(91,438)	-	(125,156)
NET ASSETS		848,304	848,228	776	880,085
EQUITY					
Reserves		748,089	747,694	95	771,427
Public Equity		101,215	100,534	681	108,658
TOTAL EQUITY AND RESERVES		848,304	848,228	776	880,085

Notes

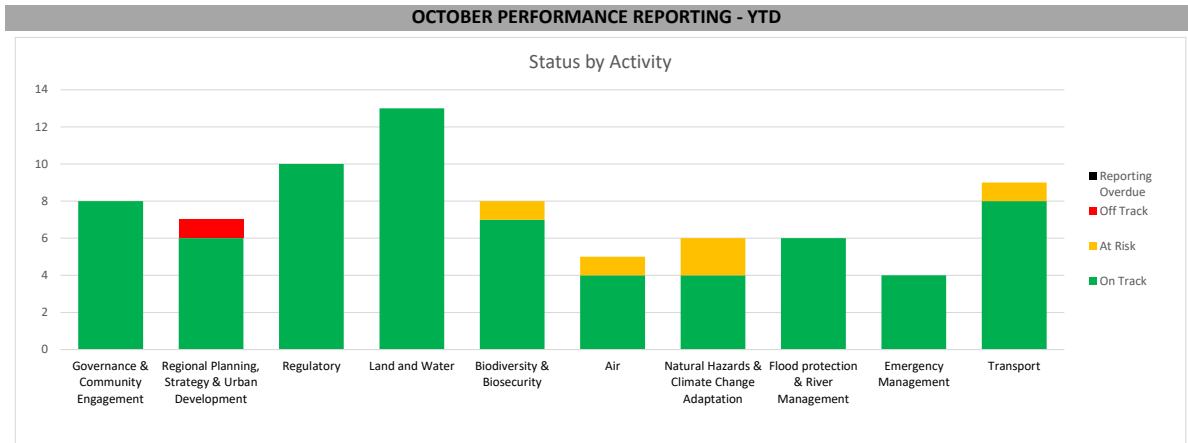
- Cash reflects 2023/24 rates received on or prior to the 31 October due date.
- Trade receivables has increased to reflect the remainder of rates that are yet to be received.
- Trade payables has increased from 30 June 2023 due to rates revenue received in advance and the timing of payables. Rates struck on 1 September are accrued as revenue in advance and released monthly during the year as revenue.

OCTOBER PERFORMANCE REPORTING - EXCEPTIONS TO SEPTEMBER



Service Measure and Target					
REGIONAL LEADERSHIP					
Regional Planning, Strategy & Urban Development	JULY	AUG	SEPT	OCT	COMMENT
Develop an integrated planning framework that enables well managed urban growth across Otago - Target: Joint ORC and DCC/QLDC HBA updated and joint FDS completed by 30 June	On Track	On Track	Off Track	Off Track	The Dunedin FDS is scheduled to go to the ORC 6 December Council meeting for approval to notify in January 2024 and as such meeting the timeframe. (Green) QLDC FDS: Issues regarding the HBCA will result in a delay of the FDS being notified, thus not meeting the timeframe. (Red)
ENVIRONMENT					
Land and Water	JULY	AUG	SEPT	OCT	COMMENT
Implement a regional coastal monitoring programme. Target: Annual report on monitoring programme completed and reported to Council	On Track	At Risk	At Risk	On Track	On track
Biodiversity & Biosecurity	JULY	AUG	SEPT	OCT	COMMENT
Develop and implement a regional indigenous biodiversity ecosystems monitoring programme. Target: Annual report on monitoring programme completed and reported to Council	On Track	Off Track	At Risk	At Risk	The three programmes involved in this indigenous biodiversity ecosystems project are on track, monitoring is either currently occurring or scheduled to occur. Information will be made publicly available when we receive it.
Percentage of data from the biodiversity monitoring network that is captured quarterly - Target: ≥95% data capture achieved	On Track	At Risk	At Risk	At Risk	This measure was introduced in this LTP with no percentage specified for years 1 and 2 as it was only scheduled to begin once the monitoring program under the NPS-IS had been developed. Ability to met this target will depend on the timing of the above measure on development and implementation of the monitoring programme.
Air	JULY	AUG	SEPT	OCT	COMMENT
Air implementation strategy is scoped - Target: Reported to Council by 30 June	On Track	At Risk	At Risk	At Risk	Not yet started, dependant on Regional Air Plan development.
SAFETY AND RESILIENCE					
Natural Hazards & Climate Change Adaptation	JULY	AUG	SEPT	OCT	COMMENT
Priority Works: Develop and implement prioritised natural hazard risks adaptation works - Target: Work in priority areas is delivered as per plan by 30 June	On Track	On Track	On Track	At Risk	No issue expected at this stage for Clutha Delta, Head of Lake Wakatipu and South Dunedin timeframes currently being reviewed
South Dunedin and Harbourside: Develop and implement prioritised natural hazard risks adaptation works - Target: ORC contribution to the South Dunedin Future programme progresses as per annual work plan.	On Track	On Track	On Track	On Track	Work progressed as per project plan (presented to Council in July 2022). Currently reviewing feasibility of original timeframes.
TRANSPORT					
Transport	JULY	AUG	SEPT	OCT	COMMENT
Percentage of scheduled services on-time (punctuality) - Target: 95%	On Track	At Risk	At Risk	At Risk	Services are heavily affected in Dunedin by extensive roadworks and road closures, whilst Queenstown continues to be affected by heavy congestion on the approaches in and out of central Queenstown/Stanley Street at peak times. It is anticipated that Dunedin punctuality will improve significantly with the completion of the central city works.





Service Measure and Target					
REGIONAL LEADERSHIP					
Governance & Community Engagement	JULY	AUG	SEPT	OCT	COMMENT
Percentage of official information requests responded to within statutory timeframes - Target: 100%	On Track				
Deliver our statutory requirements with acceptable process and deliverables to decision-makers and the community - Target: Unmodified audit reports received					
Percentage of council agendas are publicly available two working days or more before a meeting - Target: 100%					
Work done in partnership with iwi - Target: Maintain or increase the number of outputs and/or projects (from 2021-22 baseline result: 19)					
Build the bicultural competency of ORC staff and councillors - Target: ≥50 participants in programme					
Annual survey is conducted to understand and improve community awareness, perceptions and expectations of ORC - Target: Improved satisfaction levels with how ORC services the region					
Customers express high levels of satisfaction with customer service provision - Target: Conduct benchmarking of customer satisfaction					
Develop a Regional Climate Strategy -Target: Strategy finalised and reported to Council by 30 June					
Regional Planning, Strategy & Urban Development	JULY	AUG	SEPT	OCT	COMMENT
Develop an integrated planning framework that enables well managed urban growth across Otago - Target: Joint ORC and DCC/QLDC HBA updated and joint FDS completed by 30 June	On Track				
Complete review of existing Regional Policy Statement (RPS) - Target: Make RPS operative					
Catchment Action Plans (CAP) are developed in collaboration with iwi and community. Target: Drafting of pilot CAP completed and drafting of second CAP commenced by 30 June					
Report on community wellbeing indicators - Target: Complete baseline report on wellbeing indicators and issues					
Information on climate change in Otago is shared with the community and stakeholders. Target: Coordinate the development and delivery of a regional sequestration study by December 2023					
Report on regional stakeholder engagement and collaboration on climate change. Target: Complete an annual report on regional climate change collaboration and report to Council					
Develop an integrated planning framework that enables well managed urban growth across Otago - Target: Mapping of highly productive land completed by 30 June					
Regulatory	JULY	AUG	SEPT	OCT	COMMENT
Maintain 24-hour/7 day a week response for environmental incidents - Target: Pollution hotline staff available/on call 24/7	On Track				
Maintain 20 appropriately trained responders for maritime oil pollution incidents -Target: 20 responders attend 3 exercises per year					
Percentage of resource consent applications processed in accordance with Resource Management Act 1991 legislative timeframes - Target: ≥98%					
Percentage of performance monitoring returns completed each year, as per the Compliance Audit and Performance Monitoring Schedule targets - Target: ≥90%					
Percentage of significant non-compliance identified where action is taken in accordance with Compliance Policy - Target: 100%					
Major incidents on Otago's Harbours and waterways will be responded to. Target: Major incidents and ORC's response are reported to Council quarterly					
Percentage of programmed inspections/audits completed each year, as per the Compliance Audit and Performance Monitoring Schedule targets - Target: ≥90%					
Maintain compliance with Port and Harbour Marine Safety Code - Target: External review is completed and deemed to be code consistent.					
On-water engagement, education of recreational users and safety campaigns are documented and reported annually - Target: Report to council by 30 June					
Percentage of public enquiries for consent information completed within 7 working days - Target: Maintain or increase (from 2021-22 baseline of 99%)					
ENVIRONMENT					
Land and Water	JULY	AUG	SEPT	OCT	COMMENT
Complete the Land and Water Regional Plan(LWRP) - Target: Notify LWRP by 30 June 2024	On Track				
Otago Catchment Communities is supported to meet deliverables and targets of funding agreement - Target: Report to Council on deliverables and targets achieved by 30 June					

Implement freshwater monitoring programme - Target: Annual report on monitoring programme completed and reported to Council					
Implement a regional coastal monitoring programme. Target: Annual report on monitoring programme completed and reported to Council					
Percentage of data from the water monitoring network that is captured quarterly - Target: ≥95% data capture achieved					
Develop and implement a regional land use monitoring programme. Target: Annual report on monitoring programme completed and reported to Council					
Otago Catchment Communities funding is administered as per agreement. Target: 100%					
Land owner/community led projects promoting best practice land management for soil conservation, water quality and the efficient use of water are identified and supported - Target: Three or more projects supported per year					
Identify: At least three site specific management plans for selected degraded waterbodies are developed, prioritised, and implemented - Target: Projects confirmed and actions identified by 30 September					
Undertake: At least three site specific management plans for selected degraded waterbodies are developed, prioritised, and implemented - Target: 90% of actions undertaken within specified timeframes					
Percentage of data from the land-use monitoring network that is captured quarterly. Target: 95% data capture achieved					
Implement estuarine monitoring programme - Target: Annual report on monitoring programme completed and reported to Council					
Complete a review of the Regional Plan Coast - Target: Issues and options papers developed and reported to Council by 30 June					
Biodiversity & Biosecurity	JULY	AUG	SEPT	OCT	COMMENT
Actions listed in the Biodiversity Action Plan (BAP) are prioritised and progressed - Target: 90% of current year actions achieved within timeframes specified					
Actions within the Biosecurity Operational Plan (BOP) are identified and progressed - Target: 90% of actions achieved within timeframes specified.					
(Funding of selected initiatives- includes EcoFund) Percentage of funding administered as per agreements - Target: 100%					
Complete a report on the initiatives and organisations supported and the key deliverables achieved (Funding of selected initiatives- includes EcoFund) - Target: Report to Council by 30 June.					
Engagement Activities: Biodiversity partnerships established and joint projects developed and progressed - Target: Maintain or increase number of partnership engagement activities and events and report to Council.					
Projects: Biodiversity partnerships established and joint projects developed and progressed - Target: Projects and progress against milestones reported to Council					
Develop and implement a regional indigenous biodiversity ecosystems monitoring programme. Target: Annual report on monitoring programme completed and reported to Council					
Percentage of data from the biodiversity monitoring network that is captured quarterly - Target: ≥95% data capture achieved					
Air	JULY	AUG	SEPT	OCT	COMMENT
Implement a regional air monitoring programme - Target: Annual report on monitoring programme completed and reported to Council					
Percentage of data from the air monitoring network that is captured quarterly - Target: ≥95% data capture achieved					
Complete review of the Regional Plan Air - Target: Issues and options papers developed by 31 December 2023					
Complete review of the Regional Plan Air - Target: Community engagement for development of Regional Plan Air completed by 30 June					
Air implementation strategy is scoped - Target: Reported to Council by 30 June					
SAFETY AND RESILIENCE					
Natural Hazards & Climate Change Adaptation	JULY	AUG	SEPT	OCT	COMMENT
Relevant and up to date natural hazards information is available via the web-based Otago Natural Hazards Database - Target: Database information is checked and updated monthly					
Percentage of flood warnings that are issued in accordance with the flood warning manual - Target: 100%					
Develop a regional natural hazards risk assessment and a regional approach for prioritising adaptation - Target: Complete natural hazard risk assessment and prioritization approach.					
Priority Works: Develop and implement prioritised natural hazard risks adaptation works - Target: Work in priority areas is delivered as per plan by 30 June					
Lake Wakatipu: Develop and implement prioritised natural hazard risks adaptation works - Target: The Head of Lake Wakatipu natural hazards adaptation strategy progresses as per annual work plan					
South Dunedin and Harbourside: Develop and implement prioritised natural hazard risks adaptation works - Target: ORC contribution to the South Dunedin Future programme progresses as per annual work plan.					
Flood protection & River Management	JULY	AUG	SEPT	OCT	COMMENT
Scheme Performance: Major flood protection and control works are maintained, repaired, and renewed to the key standards defined in relevant planning documents - Target: Schemes function to their constructed design standards					
Scheme renewals programme: Major flood protection and control works are maintained, repaired, and renewed to the key standards defined in relevant planning documents - Target: ≥90% of renewals programme completed					
Scheme maintenance programme: Major flood protection and control works are maintained, repaired, and renewed to the key standards defined in relevant planning documents - Target: ≥90% of planned maintenance programme completed					
Rivers: Percentage of identified and reported issues that have been investigated and appropriate action determined and communicated to affected landholders within 20 working days - Target: 100%					
Rivers: Percentage of planned maintenance actions achieved each year - Target: ≥90%					
Flood repair programme: Damage identified, prioritised and a repair programme communicated with affected communities in a timely manner - Target: Programme developed and communicated within 3 months of the event.					
Emergency Management	JULY	AUG	SEPT	OCT	COMMENT
Staffing: An adequate Emergency Coordination Centre (ECC) facility and staffing are available - Target: Adequate staff who are trained and available for any activation of the ECC.					
Facility: An adequate Emergency Coordination Centre (ECC) facility and staffing are available - Target: An appropriate facility is available for activation at all times.					
Support is provided to the Otago CDEM Group as per the CDEM Act and Otago CDEM Partnership Agreement - Target: Fulfil all requirements as the administering authority.					
Maintain response functionality to enable operational situational awareness when ECC activated - Target: Response solutions are checked as scheduled and any issues remedied.					

TRANSPORT					
Transport	JULY	AUG	SEPT	OCT	COMMENT
Percentage of scheduled services on-time (punctuality) - Target: 95%					
Overall passenger satisfaction with Dunedin Public Transport system at annual survey - Target 97%					
The Regional Land Transport Plan (RLTP) is prepared and submitted in line with the Land Transport Management Act 2003 and any guidance issued by the New Zealand Transport Agency (NZTA) - Target: RLTP review completed and adopted by Council by 30 June Transport Committee.					
Annual public transport boardings in Queenstown per capita - Target: increase					
Annual public transport boardings in Dunedin per capita - Target: increase					
Percentage of scheduled services delivered (reliability) - Target: 95%					
Overall passenger satisfaction with Wakatipu Public Transport system at annual survey - Target 97%					
Percentage of users who are satisfied with the provision of timetable and services information - Target: Maintain or increase (from 2022 baselines - DN: 70%, QWTN: 88%)					
Percentage of users who are satisfied with the overall service of the Total Mobility scheme- Target: maintain or increase (from 2022 baseline:87%)					

On Track	At Risk	Off Track	Not Measured	Reporting Overdue
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10.1. Revised growth scenario for Dunedin Housing and Business Capacity Assessment

Prepared for: Council
Report No. POL2312
Activity: Regulatory: Policy Development
Author: Patricia McLean, Senior Policy Analyst Urban Growth and Development
Endorsed by: Anita Dawe, General Manager Policy and Science
Date: 22 November 2023

PURPOSE

- [1] The purpose of this report is to seek approval for the adoption of a revised growth scenario for the housing component of the Dunedin Housing and Business Capacity Assessment (HBA) due to staff no longer considering the medium growth scenario as appropriate.

EXECUTIVE SUMMARY

- [2] Following new information on population projections, the Dunedin City Council (DCC) has revised the model it used for estimating housing demand to inform the HBA. The HBA is a key document to inform RMA documents, including the Future Development Strategy (FDS), and Long-Term Plans.
- [3] In December 2022, by Council resolution, the ORC and DCC agreed to using a medium growth scenario to inform the housing and business capacity (short, medium and long term) of the Dunedin FDS. However, updated projections based on higher-than-expected migration numbers mean that a high growth scenario for the short term is advisable, making the December 2022 resolution no longer appropriate.
- [4] Staff recommendations are now for Council to agree to using a high growth scenario to estimate housing demand for the first 10 years of the FDS, and then to using a medium growth scenario for the remaining 20 years of the FDS.

RECOMMENDATION

That the Council:

- 1) **Notes** the contents of this report.
- 2) **Approves** the use of a high growth scenario for the first 10 years of the Future Development Strategy (FDS), and then a medium growth scenario for the next 20 years, for the housing component of the Dunedin Housing Capacity and Business Assessment (HBA) that informs the 2024 Dunedin FDS.
- 3) **Notes** that the effect of resolution two is to amend the December 2022 resolution (medium growth scenario) for the housing component of the HBA that informs the 2024 FDS.

BACKGROUND

- [5] Under Subpart 5 of the National Policy Statement on Urban Development (NPS-UD), each tier 1 and tier 2 local authority must prepare a Housing and Business Capacity Assessment (HBA) every three years, in time to inform the relevant local authorities' next long-term plans.
- [6] If more than one tier 1 or tier 2 local authority shares jurisdiction over a tier 1 or tier 2 urban environment, those local authorities are jointly responsible for preparing the HBA. Dunedin City Council (DCC) and Otago Regional Council (ORC) are therefore jointly responsible for preparing an HBA for Dunedin.
- [7] An HBA must set out a range of projections of demand for housing in the short term, medium term and long term and identify which of the projections are the most likely in each timeframe [clause 3.24(5) of the NPS- UD].

DISCUSSION

- [8] At a Council meeting on 7 December 2022, the ORC agreed to use a medium growth scenario to develop the Dunedin HBA (Resolution CM22-301). However, due to new information on population growth and projections the most likely growth scenarios for the housing component of the HBA have changed.
- [9] Since December 2022, when Statistics New Zealand released projected population growth and demographic changes for Dunedin, New Zealand has experienced much higher migration rates than expected. To reflect these changes and to address the risks of underestimating growth in the FDS, the DCC has applied a high growth scenario for the next ten years (2024-34) and a medium growth scenario for the following twenty years (2034-54) for the housing component of its HBA.
- [10] The new composite growth scenario was approved by DCC on 25 September 2023 and means that the ORC's previous decision to apply a medium growth scenario to the Dunedin HBA and FDS is no longer appropriate.
- [11] The revised scenario will ensure the city has sufficient land for housing capacity over the short, medium, and long terms, including by land enabled by Variation 2 of the DCC Proposed District Plan (Additional Housing Capacity), which includes new provisions covering minimum site size, density, and family flats.

OPTIONS

- [12] **Option 1** (recommended): The Council agrees to the revised scenario for the housing component of the Dunedin HBA, in line with the DCC decision in September 2023. This is the recommended option to ensure that the HBA and Dunedin FDS are developed based on the most recent data.
- [13] **Option 2**: The Council does not agree to the revised scenario for the housing component of the HBA. This option is not recommended as it will be inconsistent with the DCC decision and is not considered the most likely scenario as required by the NPS-UD. If Council elects option 2, it will jeopardise the delivery of the FDS as additional meetings will be required to achieve a resolution to the different positions taken by each respective Council.

CONSIDERATIONS

Strategic Framework and Policy Considerations

- [14] The HBA relates to the Otago Regional Council's strategic framework by contributing to sustainable and quality urban development.

Financial Considerations

- [15] There are no financial considerations.

Significance and Engagement Considerations

- [16] A revised HBA has been prepared using the high growth scenario for the short to medium term of the FDS (first 10 years). The revised HBA will be appended to the cover report for the Council meeting on 6 December 2023 requesting approval to notify the draft Dunedin FDS for notification in late January 2024.

Legislative and Risk Considerations

- [17] Under Subpart 5 of the National Policy Statement on Urban Development, the HBA must set out a range of projections of demand for housing in the short term, medium term, and long term. Local authorities may use any appropriate method to arrive at those estimates but must outline and justify the methods, inputs, and assumptions. In this case, the inputs are updated population projections. There may be a risk of underestimating housing demand if the new projections are not applied to the HBA.

Climate Change Considerations

- [18] There are no climate change considerations in relation to this decision.

Communications Considerations

- [19] Any public communications regarding the development and notification of the FDS are being managed jointly by DCC and ORC communications teams.

NEXT STEPS

- [20] A revised HBA has been prepared using the high growth scenario for the short to medium term of the FDS (first 10 years). The revised HBA and the 2022 Business Development Capacity Assessment for Dunedin City will be appended to the cover report for the Council meeting on 6 December 2023 that will request approval to notify the draft Dunedin FDS in late January 2024.

[21] The revised HBA is likely to change the “housing bottom lines” for Dunedin City. Housing bottom lines are basically the minimum number of houses required to meet the likely demand for housing. The Regional Policy Statement is required to include housing bottom lines for the region’s tier two urban environments, and these must be updated without using Schedule 1 whenever an HBA is made publicly available. Council will be asked to update the housing bottom lines in the Regional Policy Statement when the HBA is presented in December.

ATTACHMENTS

Nil

10.2. Queenstown Lakes Future Development Strategy: Delay to Programme

Prepared for: Council

Report No. SPS2329

Activity: Governance Report

Author: Patricia McLean, Senior Policy Analyst Urban Development

Endorsed by: Anita Dawe, General Manager Policy and Science

Date: 22 November 2023

PURPOSE

- [1] The purpose of this report is to seek Councils' approval to advise the Minister for the Environment of additional time required to deliver the Future Development Strategy for Queenstown Lakes.

EXECUTIVE SUMMARY

- [2] The Otago Regional Council (ORC) and the Queenstown Lakes District Council (QLDC) have been working jointly on the development of a Future Development Strategy (FDS) as required under the NPS-UD.
- [3] Due to several factors, the FDS will not be completed in time, and that means timeframes set out in the National Policy Statement on Urban Development (NPS-UD) to implement Policy 2, Part 3 and subparts 4 and 5, will not be met. Those specific timeframes are:
- i. Completion of the Housing and Business Capacity Assessment (HBA) relating to both housing and business land in time to inform the 2024 - 34 Long-Term Plans; and
 - ii. Completion of the Future Development Strategy (Spatial Plan Gen 2.0) to be made publicly available in time to inform the 2024 - 34 Long-Term Plans.
- [4] In summary, the causes of the delay are:
- i. In 2022 a decision was made not to reassess the HBA because the data was considered sufficient. Based on recent information, the data is now no longer considered robust enough and a new HBA is required. This will take time that was not programmed.
 - ii. In addition, because the original HBA was outsourced, the data cannot be extracted to enable the model to be re-run.
- [5] To ensure a similar situation does not arise in the future, QLDC intend to procure a new model that can be managed in-house.
-

RECOMMENDATION

That the Council:

- 1) **Notes** the contents of this report.
- 2) **Notes** that the Queenstown Lakes District and Otago Regional Councils will not meet the timeframes in the National Policy Statement on Urban Development to implement Policy 2 (Part 3 and Subparts 4 and 5): Housing and Business Capacity Assessment and Future Development Strategy.
- 3) **Notes** that work on the Housing and Business Capacity Assessment and Future Development Strategy are being progressed, with timeframes set out in the next steps section of this report.
- 4) **Agrees** to advise the Minister for the Environment in writing that additional time is required to enable the revised Housing and Business Capacity Assessment, and Future Development Strategy to be delivered.
- 5) **Notes** that the letter will be signed by the Chief Executives from both Councils.

BACKGROUND

- [6] The NPS-UD requires that Tier 1 and 2 local authorities provide sufficient plan-enabled, infrastructure-ready and commercially feasible development capacity to meet demand. To demonstrate commercially feasible development capacity, the NPS-UD requires Councils to develop a Housing and Business Capacity Assessment (HBA).
- [7] The NPS-UD categorises the QLDC and ORC as Tier 2 local authorities who are required to prepare an HBA and Future Development Strategy (FDS) jointly.
- [8] The HBA includes a detailed understanding of supply and demand for both residential and business capacity, taking into account the needs of the community and the property and development markets. This includes an understanding of holiday homes and visitor accommodation, and how these impact on residential and business land capacities.

DISCUSSION

- [9] QLDC and ORC began procurement for the 2023 HBA in October 2022. The project brief and deliverables included:
- a. a full business assessment to build upon the 2017 HBA;
 - b. an addendum (not a full update) to build upon the existing 2021 Housing HBA; and
 - c. where appropriate, factor in the recommendations of the review completed by Principal Economics for the Ministry for the Environment in 2021.¹
- [10] The rationale for a housing addendum rather than a full update was that the 2021 Housing HBA was adopted and published only 12 months prior in October 2021. The NPS-UD requires an update only every three years and at that time it was anticipated that there would not be any major changes from the previous assessment.
- [11] In February 2023, MRCagney was awarded the contract for the addendum on the basis that a simple assessment could be undertaken without the need of a first principles approach, including a new Housing and Business Capacity and Feasibility model.
- [12] Once the work was underway, it became clear that access to the original model, which had been developed by the previous provider, was necessary to account for changes to the background data and assumptions due to:
- a. QLDC's reduced financial capacity to provide infrastructure servicing (due to costs associated with Leaky Homes claims).
 - b. uncertainties around three waters reforms, impacting on what projects may or may not be included in the QLDC Long-Term Plan.
 - c. higher than anticipated population projections.
- [13] These factors, along with the complexities of producing an updated HBA without access to the original model, reduced the robustness of the HBA, which in turn creates legal risk.

¹ Report to the Ministry for the Environment, *Review of Housing and Business Development Capacity Assessment of Queenstown* (Principal Economics, 2021)

- [14] ORC and QLDC staff are now working to procure a new model that can be managed by QLDC in-house. This will enable the housing and business capacity assessment to be updated to inform the FDS currently being developed as well as future HBAs and FDSs.
- [15] The implications of pausing the HBA work programme are:
- a. The development of the draft Future Development Strategy (Spatial Plan Gen 2.0), which is reliant on the HBA, is now delayed.
 - b. Neither the HBA nor the FDS (Spatial Gen 2.0) will be published in time to meet the timeframes specified in the NPS-UD Part 4: Timing to 'be made publicly available' and 'in time to inform the 2024 long-term plan'.

OPTIONS

- [16] The timelines set out in the NPSUD for delivering of the FDS will not be achieved given the time needed to resolve the underlying housing data. Staff prefer updating the Minister for the Environment regarding the delay in delivering the HBA and the FDS. Given there is a legislative requirement to deliver both these to inform the 2024-34 LTP, we consider it is appropriate to take this action at a governance level.
- [17] Council could also choose not to inform the Minister of the delay. It is unclear what, if any, implications would result from this.

CONSIDERATIONS

Strategic Framework and Policy Considerations

- [18] The recommendations in this report specifically relate to the following strategic directions: sustainable and quality urban development, and regional leadership.

Financial Considerations

- [19] The implications of the delay in developing the HBA and FDS are that consultation on the FDS will occur in the next financial year and when completed, the FDS and any funding implications for ORC would need to be considered as part of any future Annual Plan discussions.
- [20] The delay also means that costs associated with any hearings for the FDS will occur in 2024/25 and will be included as part of discussions on the 2024- 34 LTP.

Significance and Engagement

- [21] Notification of the FDS, using the special consultative procedure under the Local Government Act 2002 will satisfy the requirements of *He Mahi Rau Rika – Significance, Engagement and Māori Participation Policy*.

Legislative and Risk Considerations

- [22] The NPD-UD is a statutory document under the Resource Management Act 1991. Inability to comply with the requirements of the NPS means that the ORC and QLDC have not met their statutory obligations.
- [23] To give effect to the NPD-UD, the ORC and QLDC are required to jointly develop and make available a Housing and Business Capacity Assessment and Future Development Strategy in time to inform the 2024 Long Term Plans. However, officials advise that a delay in meeting the NPS-UD timeframes is preferable to accepting the risks in using an HBA that is potentially unreliable.

Climate Change Considerations

- [24] Climate change will be a consideration when making decisions on where and how to provide for residential and business growth.

Communications Considerations

The delay in notifying the draft Future Development Strategy will need to be communicated publicly. QLDC and ORC staff will work together to ensure this occurs, including correspondence to and from the Minister.

NEXT STEPS

- [25] While work on the HBA remains paused for now, work on the draft Future Development Strategy (Spatial Plan Gen 2.0) is progressing, including work with Kāi Tahu and other partners on the general spatial planning content.
- [26] It is anticipated that the Housing and Business Capacity and Feasibility model will take approximately four to six months to build. It is estimated that the full HBA will be available around mid-2024 and the draft FDS (Spatial Plan Gen 2.0) within four to six months after that. Based on these timeframes, notification of the FDS (Spatial Plan Gen 2.0) is expected to occur in late 2024.
- [27] With respect to the FDS informing the relevant Long-Term Plans, any changes or additional requirements resulting from its adoption will be addressed through the ORC's and QLDC's Annual Plan and/or the 2027 Long-Term Plan.

ATTACHMENTS

1. Attachment A QLDC ORC implementation of the NPS UD 2020 letter to the Minister FINA
[10.2.1 - 2 pages]



30 November 2023

Hon Minister for the Environment

Hon Minister for Housing

By email: XXXXX@ministers.govt.nz
XXXXX@ministers.govt.nz

Tēnā korua Ministers

**QUEENSTOWN LAKES DISTRICT COUNCIL & OTAGO REGIONAL COUNCIL: IMPLEMENTATION OF
THE NATIONAL POLICY STATEMENT ON URBAN DEVELOPMENT 2020**

We write to provide an update on the progress the Queenstown Lakes District Council (QLDC) and Otago Regional Council (ORC) is making to implement the National Policy Statement on Urban Development 2020 (NPS-UD). Both Councils recognise that the objectives and policies of the NPS-UD are required to be implemented as soon as practicable.

As Tier 2 authorities sharing jurisdiction for urban development, QLDC and ORC are required by the NPS-UD to jointly implement Policy 2 - Part 3 and subpart 4 & 5 by completing a Housing and Business Capacity Assessment and Future Development Strategy (called Spatial Plan Gen 2.0) in time to inform their respective 2024 Long-Term Plans.

Significant work has been undertaken to progress both the new Housing and Business Capacity Assessment (HBA) and the Spatial Plan Gen 2.0. However, a number of factors, including higher than anticipated population projections and reduced financial capacity to provide infrastructure servicing, has impacted the underlying assumptions and data required to complete both the HBA and the Spatial Plan Gen 2.0.

These changes are compounded by not having access to the original model has resulted in a decision for QLDC to develop its own online housing and business feasibility model. This will enable the HBA to be remodelled, and enable QLDC to retain control over the data going forward.

ORC and QLDC recognise that due to these factors, we are unable to meet the NPS Policy 2 timeframes associated with completing the HBA and the Spatial Plan Gen 2.0 in time to inform the 2024 Long-Term Plans. This letter therefore seeks your support of this approach, acknowledging that both Councils are taking their obligations and requirements seriously and will be continuing to give this work a high priority to complete. We are aiming to ensure that both documents are ready to inform the 2025/26 annual plans.

Yours sincerely, Nāku noa nā

Richard Saunders

Chief Executive Officer

Officer

Encl: Queenstown Lakes District Council Report – HBA Spatial Plan Full Council Report November 2023

Mike Theelen

Chief Executive

Otago Regional Council

District Council

Queenstown Lakes

10.3. Limited Scope Delegations

Prepared for: Council
Report No. REG2306
Activity: Regulatory: Policy Development
Author: Alexandra King, Acting Manager Consents; Steve Rushbrook, Harbourmaster and Tami Sargeant, Compliance Manager.
Endorsed by: Joanna Gilroy, Acting General Manager Regulatory
Date: 22 November 2023

PURPOSE

- [1] To amend Council's Delegation Manual to provide delegations to staff for specific sections of the Natural and Built Environment Act 2023 and the Maritime Transport Act 1994.

EXECUTIVE SUMMARY

- [2] On 23 August 2023, the Natural and Built Environment Act 2023 ("NBA") received Royal Assent where it passed into law. Certain provisions of the NBA commenced the day after Royal Assent, and others are staggered based on time or actions.
- [3] The Maritime Transport (Infringement Fee for Offences – Otago Regional Council Navigation Safety Bylaw 2020) Regulations 2023 ("Regulations") came into force on 28 September 2023. These Regulations were made under the Maritime Transport Act 1994.
- [4] Neither the NBA nor the Regulations are provided for in Council's current Delegations Manual. The proposed amendments to the Delegation Manual reflect changes for the effective operation of Council's Harbourmaster, Compliance and Consent responsibilities under the NBA and the Regulations. No other changes to the current manual are proposed.

RECOMMENDATION

That Council:

1. **Receives** this report.
2. **Approves** the new delegations as outlined in this report.
3. **Approves** the Chief Executive to update the Council's Delegations Manual accordingly.

BACKGROUND

Natural and Built Environment Act 2023

- [5] On 23 August 2023, the Natural and Built Environment Act 2023 (“NBA”) received Royal Assent through Parliament and became law. There were also corresponding changes to the Resource Management Act 1991 (RMA), to allow for the two Acts to work together in the transition period. The NBA is one of the Acts that will replace the RMA, along with the Spatial Planning Act 2023. Some of the provisions in the NBA apply now (or within a defined period) and others will take effect in a region when its natural and built environment plan is in place. Section 2 of the NBA sets out the date on which various provisions of the NBA come into force.
- [6] The proposed delegations in this report relate to changes to the RMA and provisions in the NBA, for compliance, enforcement and consent functions of the Council, that come into force either:
- a. The day after Royal Assent (24 August 2023); or
 - b. Six months after Royal Assent (24 February 2024).
- [7] It is possible that the NBA may be amended or repealed by Central Government, but until the time an enactment is changed, the NBA provisions will remain and Council needs to have delegations in place.

Maritime Transport Act 1994

- [8] On 14 September 2020, the Otago Regional Council’s Navigation Safety Bylaw 2020 (“Bylaw”) came into force. On 25 May 2022, Council authorised the Chief Executive to make a formal request to the Ministry of Transport to make new infringement regulations for the Bylaw, based on a draft prepared by staff. In progressing the Regulations, the Harbourmaster and Investigation staff worked with the Ministry of Transport legal team, and the Parliamentary Counsel Office.
- [9] The Maritime Transport (Infringement Fee for Offences – Otago Regional Council Navigation Safety Bylaw 2020) Regulations 2023 (“Regulations”) were approved by Cabinet on 24 August 2023 and the Executive Council on 28 August 2023. The Regulations came into force on 28 September 2023.

DISCUSSION

Natural and Built Environment Act 2023

- [10] There are several changes to the Resource Management system under the NBA which came into effect from 24 August 2023. A summary of compliance, consents, and contaminated land changes are set out below that relate to the proposed new delegations that approval is sought for.

Compliance and Enforcement

- [14] The NBA includes new and updated compliance and enforcement powers and tools which will come in progressively over a two-year period and include:
- a. A range of interventions and penalties designed to put onus of remediation on offenders;

- b. Improved focus on prevention and risk; and
- c. Enforcement tools based on the civil standard of proof.

[15] The changes which commenced from 24 August 2023, include amendments to:

- a. penalties;
- b. time periods;
- c. abatement notice provisions; and
- d. cost recovery.

Fast track consenting

[16] The NBA provides a fast-track consenting process for certain infrastructure and housing activities. This process broadly mirrors the process in the COVID-19 Recovery (Fast-track Consenting) Act 2020 that has now expired. Council has been participating in and reporting on this process through the Regional Leadership Committee under existing delegations.

Freshwater Resource Consents

[17] The NBA includes new maximum duration provisions which apply to some freshwater-related resource consents (defined as “affected resource consents”) issued under the RMA during the transition to the new system. If an activity is not exempt, the new maximum duration will apply to applications from 24 August 2023.

[18] The new maximum duration does not apply to freshwater-related consents applied for on or before 24 August 2023; and will apply to freshwater-related consents applied for after the region’s NBA Plan date (i.e., 10 days after the region has notified the decisions version of its first Natural and Built Environment Plan).

Contaminated Land

[19] The NBA has altered the approach to the management of contaminated land. Some contaminated land provisions commenced on 24 August 2023 and include:

- a. Regional and Unitary Councils must identify all Hazardous Activities and Industries List (HAIL) land within their boundaries and maintain a publicly available register which contains an up-to-date record of all that identified HAIL land¹.
- b. The Minister, in consultation with the EPA and the relevant local authority, has the power to classify or declassify an area as a significant contaminated land site.
- c. From 24 August 2023, the EPA and the local authority can recover costs from the polluter for taking action. If the EPA is unable to recover costs from the polluter under the contaminated land provisions, it may recover costs from the local authority.

[20] This paper proposes delegations to account for the above changes to the RMA and the NBA. In some situations, delegations have been recommended under both Acts, as there are two parallel systems in place now until the NBA is fully implemented.

¹ Note it is not clear when this needs to be achieved by in the NBA.

- [21] Having delegations under both Acts is necessary to minimise risk of decisions being made without effective delegation. No other changes to delegations are proposed and are outside of the scope of this paper.

Maritime Transport Act 1994

- [22] On 28 September 2023, the Maritime Transport (Infringement Fee for Offences – Otago Regional Council Navigation Safety Bylaw 2020) Regulations 2023 came into force. The Regulations enable the Council to use an infringement regime to support the enforcement of the Bylaw. A copy of the Regulations is attached. The Regulations specify the infringement offences and the infringement fee for those offences.
- [23] The Regulations revoke the Local Government (Infringement Fees for Offences: Central Otago District Council Lake Dunstan Navigation Safety Bylaws 2006) Regulations, as the responsibility for navigation safety for Lake Dunstan was transferred back to the Council in 2020.
- [24] The proposed amendments to the Council’s Delegation Manual are necessary to give effect to the Regulations.

PROPOSED DELEGATIONS

- [25] The proposed amendments to the Delegations Manual are outlined as below. The shading identifies new provisions or tools in the NBA. The commencement column will not form part of the Delegation Manual but states, for information purposes only, the date the statutory provision came into force.
- [26] All the proposed delegations are:
- a. In line with the current level of delegation provided to staff by the existing delegations; and
 - b. Where it is a section in the NBA that is an equivalent of a section of the RMA the same delegation provided for in the current manual has been applied.

Natural and Built Environment Act 2023 and Resource Management Act 1991 (“RMA” where indicated)

Section of the NBA or RMA	Function	Delegated to	Commencement
Part 6 Schedule 12 of RMA	Determining the maximum duration for certain freshwater related consents and determining exemptions from maximum duration.	Team Leader Consents Principal Consents Planner	Commenced the day after Royal assent
62	Appoint a hearing commissioner(s) to hear and decide resource consent applications and delegate to that person	Manager Policy & Planning for plan hearings. Any two of the GM Regulatory or the co-chairs of	Commenced the day after Royal assent

Section of the NBA or RMA	Function	Delegated to	Commencement
	or persons all the necessary powers, functions, and duties in the NBA.	the Regional Leadership Committee of Council for a resource consent hearing.	
348	To decide to cancel or prevent a transfer under any of sections 345-347.	Manager Consents Manager Compliance Manager Regulatory Data Systems	Commences 6 months after Royal assent
349	To decide to order a review of consent conditions under sections 337 – 342.	Manager Consents	Commenced the day after Royal assent
354	Issue a Certificate of Compliance.	Team Leader Consents Principal Consents Planner Senior Consents Planner	Commenced the day after Royal assent
359	Issue an existing use certificate.	Manager Consents	Commenced the day after Royal assent
407	To decide on whether land is or is not HAIL land.	Principal Compliance Specialist Scientist – Land and Soil	Commenced the day after Royal assent
637 638	Lodge, withdraw, join, or oppose an application for declaration with the Environment Court.	GM Policy and Science GM Regulatory	Commenced the day after Royal assent
643	Apply to the Environment Court for an enforcement order.	Manager Compliance	Commenced the day after Royal assent
644	Where an application for an enforcement order is made, serve notice on every person directly affected by the application.	Team Leader Investigations	Commenced the day after Royal assent
645	Give and withdraw notice of wish to be heard on an application for an enforcement order.	Team Leader Investigations	Commenced the day after Royal assent
647	Apply to the Environment Court for an interim enforcement order.	Manager Compliance	Commenced the day after Royal assent

Section of the NBA or RMA	Function	Delegated to	Commencement
648	If directly affected by an enforcement order, apply to the Environment Court to change, or cancel the order.	Manager Compliance	Commenced the day after Royal assent
649	To decide to serve an abatement notice.	Manager Compliance	Commenced the day after Royal assent
654	Determine that an abatement notice be cancelled, changed, or confirmed.	Manager Compliance	Commenced the day after Royal assent
658	Issue, amend, revoke, or renew a water shortage direction.	GM Policy and Science GM Regulatory	Commenced the day after Royal assent
660	To determine and submit to a Court a reasonable estimate of the monetary benefits acquired by a person, or accrued or accruing to the person, as a result of the commission of an offence or contravention of the RMA.	Manager Compliance	Commenced the day after Royal assent
661	To determine whether there has been ongoing, significant, or repeated non-compliance with this Act or the RMA in relation to a resource consent.	GM Regulatory	Commenced the day after Royal assent
661	To apply to the Environment Court or the District Court for an order: [1] revoking the resource consent in whole or in part; or [2] suspending the resource consent in whole or in part for a specified period.	GM Regulatory	Commenced the day after Royal assent
661	Where an application for an order is made, serve notice on every person directly affected by the application.	Team Leader Investigations Team Leader Compliance	Commenced the day after Royal assent

Section of the NBA or RMA	Function	Delegated to	Commencement
662	To seek a declaration relating to trade competition.	GM Regulatory	Commenced the day after Royal assent
665 666 667 668 672(3)	To accept or refuse an enforceable undertaking (including any terms and conditions) in connection with a contravention or an alleged contravention of the NBA or regulations made under the NBA. Provide written notice of the decision and the reasons for that decision.	GM Regulatory	Commences 6 months after Royal assent
670	To apply to the District Court for an order for the contravention of enforceable undertaking.	GM Regulatory	Commences 6 months after Royal assent
671	To withdraw or vary an enforceable undertaking.	GM Regulatory	Commences 6 months after Royal assent
673	To either apply for or approve (or not approve) an application for an adverse publicity order to address non-compliance with the NBA.	GM Regulatory	Commences 6 months after Royal assent
674 675	To require a person undertaking a particular activity to provide a financial assurance. To decide on the form and amount of financial assurance.	Manager Compliance Manager Consents	Commenced the day after Royal assent
676	To decide on appropriate conditions for a bond.	Manager Consents	Commenced the day after Royal assent
676	To require a bond to continue for a specified time.	Manager Consents	Commenced the day after Royal assent
676	To vary, cancel or renew a bond.	Manager Consents Manager Compliance	Commenced the day after Royal assent
677	To decide whether any work in respect of which	Manager Consents	Commenced the day after Royal

Section of the NBA or RMA	Function	Delegated to	Commencement
	any bond is given has been completed satisfactorily. To decide to carry out works and recover costs from the holder.	Manager Compliance	assent
678 680	To determine the amount of financial assurance, including the method for calculating the amount of financial assurance.	Manager Consents Manager Compliance	Commenced the day after Royal assent
679	To require a person to provide an independent assessment of the amount of financial assurance.	Manager Consents Manager Compliance	Commenced the day after Royal assent
682	To review the requirement for financial assurance and the amount and form of financial assurance.	Manager Consents Manager Compliance	Commenced the day after Royal assent
683	To decide to amend a financial assurance.	Manager Consents Manager Compliance	Commenced the day after Royal assent
684	To decide whether to make a claim on a financial assurance.	Manager Consents Manager Compliance	Commenced the day after Royal assent
685	To notify and consider submissions from a person subject to a financial assurance in the event of the person's failure to remediate or clean up.	Manager Consents Manager Compliance	Commenced the day after Royal assent
686	To notify a person subject to a financial assurance in the event of immediate or serious risk.	Manager Consents Manager Compliance	Commenced the day after Royal assent
687	To decide to require a person who provided the financial assurance to replenish the amount of the financial assurance and provide notice of the same.	Manager Consents Manager Compliance	Commenced the day after Royal assent
688	To decide to release all or	Manager Consents	Commenced the

Section of the NBA or RMA	Function	Delegated to	Commencement
689	part of a financial assurance and provide notice of the same. To decide to request further information or extend the timeframe for making a decision.	Manager Compliance	day after Royal assent
690	To transfer a financial assurance, provide notice and direct any changes considered necessary to implement a transfer. To require a person to provide a further amount as a financial assurance.	Manager Consents Manager Compliance	Commenced the day after Royal assent
691	To decide to suspend the relevant resource consent or permission if a person refuses or fails to fulfil a requirement specified in section 691(1).	Manager Consents Manager Compliance	Commenced the day after Royal assent
692 694	Power to take any action, or direct the occupier to take action, that is immediately necessary and sufficient to remove the cause of or mitigate any actual or likely adverse effect of the emergency.	Manager Engineering GM Operations GM Regulatory	Commenced the day after Royal assent
695	Apply for a retrospective consent for emergency works.	Manager Engineering GM Operations	Commenced the day after Royal assent
695	In consideration of retrospective consent applications, to direct those who have undertaken emergency works or activity that requires retrospective resource consent to remediate any ongoing adverse effects.	Manager Consents Manager Compliance	Commenced the day after Royal assent
697	Require reimbursement or seek compensation for	GM Regulatory	Commenced the day after Royal

Section of the NBA or RMA	Function	Delegated to	Commencement
	any emergency action undertaken by the Council.	GM Operations	assent
697	Apply for enforcement order under section 641(1) to recover costs.	GM Regulatory	Commenced the day after Royal assent
701	To initiate and/or withdraw a prosecution for an offence against the NBA or RMA.	GM Regulatory GM Operations	Commenced the day after Royal assent
701	If a decision has been made to prosecute, authority to file a charging document on decisions to prosecute for offences.	Manager Compliance	Commenced the day after Royal assent
709	To decide to proceed by way of filing a charging document than an infringement notice under section 711.	GM Regulatory	Commenced the day after Royal assent
712	To decide to revoke an infringement notice.	Manager Compliance	Commenced the day after Royal assent
710 711	Where an enforcement officer believes on reasonable grounds that the person is committing, or has committed, an infringement offence.	Team Leader Compliance Team Leader Investigations	Commenced the day after Royal assent
709	To commence proceedings for a defended infringement notice.	GM Regulatory	Commenced the day after Royal assent
722	To require a person to pay any reasonable costs incurred by Council in, or incidental to, taking any action in connection with monitoring or enforcing a person's compliance with the RMA or NBA.	Manager Compliance	Commenced the day after Royal assent
725(1)	Authorise staff (or other officer) to act as enforcement officers.	Chief Executive	Commenced the day after Royal assent
725(5)	Supply enforcement officers with warrants.	Chief Executive	Commenced the day after Royal

Section of the NBA or RMA	Function	Delegated to	Commencement
			assent
727	Authorise the use of powers of entry for inspection in accordance with section 727.	Chief Executive	Commenced the day after Royal assent
728	Authorise the use of powers of entry for survey in accordance with section 728.	Chief Executive	Commenced the day after Royal assent
729	Authority to apply to an issuing officer for a warrant for entry to search where there are reasonable grounds to believe an offence against the NBA has been or is suspected of having been committed that is punishable by imprisonment.	Manager Compliance	Commenced the day after Royal assent
749	Authority to act against unlawful reclamations.	GM Regulatory	Commenced the day after Royal assent
751	Apply to the Environment Court for a matter to be determined by arbitration.	Any General Manager	Commenced the day after Royal assent
764 765 766 767	Hear and decide objections against certain decisions referred to in sections 764, 765, 766, 767 – except where the objector has requested that the matter be resolved by a hearing commissioner.	Manager Consents Manager Compliance Except that if they made the decision that is the subject of the objection the objection must be determined by their General Manager, or the CE	Commenced the day after Royal assent
766	If requested by an applicant with a right of objection under section 765(1)(d) or (e), to appoint a hearing commissioner to consider the objection.	Commissioner Appointed by two of the three: GM Regulatory and the co-chairs of the Regional Leadership Committee of Council	Commenced the day after Royal assent

Maritime Transport Act 1994

Section	Function	Delegated to
33O	To decide to proceed against a person for an infringement offence under the Summary Proceedings Act 1957 or by serving an infringement notice.	Harbourmaster
33O/P	To decide to withdraw an infringement notice.	Harbourmaster
33P	Where a Harbourmaster or an enforcement officer observes a person committing an infringement offence or has reasonable cause to believe such an offence is being or has been committed by that person, authority to serve an infringement notice in respect of that offence.	Enforcement Officer
33P	To commence proceedings for a defended infringement notice.	GM Regulatory

CONSIDERATIONS

Strategic Framework and Policy Considerations

[27] This paper proposes a continuation of current Council policy of providing delegation to Council staff.

Financial Considerations

[28] There is no cost (excluding administrative costs) to updating the Delegations Manual.

Significance and Engagement Considerations

[29] No external consultation is required for the proposed amendments.

Legislative and Risk Considerations

[30] The Council is required to administer legislation under the Natural and Built Environment Act 2023, and other Acts, Regulations, and Bylaws. To ensure that this requirement is performed efficiently and lawfully, Council officers need to have delegated authority from the Council to make decisions.

[31] Having up-to-date delegations for Council functions reduces the risk of decisions that affect Council being made at the wrong levels or wrong areas of the organisation. It is therefore prudent to ensure Council's delegations remain current.

Climate Change Considerations

[32] There are no climate change considerations regarding the proposed delegations.

Communications Considerations

[33] If approved, a copy of the updated Delegations Manual will be uploaded to Council's website.

NEXT STEPS

[34] Make the proposed changes to the Council's Delegations Manual and upload a copy to Council's website.

ATTACHMENTS

1. Delegations Manual as amended 9 November 2022 [**10.3.1** - 103 pages]
2. Maritime Transport Infringement Fees for Offences Otago Regional Council Navigation Safety Bylaw 202 [**10.3.2** - 10 pages]

OTAGO REGIONAL COUNCIL

DELEGATIONS MANUAL

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PART A: INTRODUCTION

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Part A: INTRODUCTION

Part A of the Delegations Manual contains introductory and background information for the reader.

Of particular note are the principles and general terms and conditions that apply to all Otago Regional Council delegations

1. Introduction

1.1 Purpose

This document is the Delegations Manual for the Otago Regional Council (**Delegations Manual**).

The primary purpose of the Delegations Manual is to set out the Otago Regional Council's (**Council or ORC**) delegations given to officers (and elected members in some instances) in relation to certain administrative and financial matters and also the delegations made in relation to the Council's statutory duties, responsibilities and powers.

To assist staff to understand the responsibilities of the Council and its committees, this Delegations Manual also includes specified duties, functions, and powers which cannot be delegated from the Council and the Council committees associated delegations.

1.2 Background

1.2.1 Definition of delegation

Delegation is the conveying of a duty of power to act to another person, including the authority that the person making the decision would themselves have had in carrying out that duty or exercising that power.

For the purposes of administrative efficiency and expediency when conducting its day-to-day business, the Council delegates certain statutory duties, responsibilities and powers to its committees, members, or staff. Likewise, the Chief Executive delegates certain duties and responsibilities to a subordinate level. These delegations are a necessary operational requirement to promote effective and expeditious decision-making. Delegations avoid administrative delays and inefficiencies that might otherwise occur if all matters have to be referred to the Council or Chief Executive every time a decision needs to be made.

1.2.2 The legal basis

In most cases, the Council has the primary power of delegation as it is the body that is specified as the delegate in the empowering legislation. In some specific instances the legislation empowers the Chief Executive directly who will have the power of delegation.

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The Council's authority to delegate to its standing committees, subcommittees, members or staff is principally derived from Clause 32 of Schedule 7 of the Local Government Act 2002 (LGA 2002) which reads:

(1) Unless expressly provided otherwise in this Act, or in any other Act, for the purposes of efficiency and effectiveness in the conduct of the local authority's business, a local authority may delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority any of its responsibilities, duties, or powers except

(a) the power to make a rate; or

(b) the power to make a bylaw; or

(c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan; or

(d) the power to adopt a long-term plan, annual plan, or annual report; or

(e) the power to appoint a chief executive; or

(f) the power to adopt policies required to be adopted and consulted on under this Act in association with the long term plan or developed for the purpose of the local governance statement; or

(g) [repealed]

(h) the power to adopt a remuneration and employment policy.

(2) Nothing in this clause restricts the power of a local authority to delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority the power to do anything precedent to the exercise by the local authority (after consultation with the committee or body or person) of any power or duty specified in subclause (1).

(3) A committee or other subordinate decision-making body, community board, or 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 local authority or by the committee or body or person that makes the original delegation.

(4) A committee, subcommittee, other subordinate decision-making body, community board, or member or officer of the local authority to which or to whom any responsibilities, powers, or duties are delegated may, without confirmation by the local authority or 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.

(5) A local authority may delegate to any other local authority, organisation, or person the enforcement, inspection, licensing, and administration related to bylaws and other regulatory matters.

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(6) A territorial authority must consider whether or not to delegate to a community board if the delegation would enable the community board to best achieve its role.

(7) To avoid doubt, no delegation relieves the local authority, member, or officer of the liability or legal responsibility to perform or ensure performance of any function or duty.

(8) The delegation powers in this clause are in addition to any power of delegation a local authority has under any other enactment.

Other statutes also confer or limit the ability for the Council to delegate decision-making powers and duties. Of particular note are:

- Section 34 (Delegation of functions, etc, by local authorities) of the Resource Management Act 1991
- Section 105 (Delegation to authorised persons) of the Biosecurity Act 1993
- Sections 42 (Delegation of powers by local authority) and 43 (Delegation of powers by officers) of the Local Government Official Information and Meetings Act 1987

Except as provided for elsewhere in this Delegations Manual, the delegation of a power, function or duty is made under Clause 32 of Schedule 7 of the LGA

1.2.3 Principles, terms and conditions

The delegations are derived from the Council and the Chief Executive.

When deciding to delegate any duties, responsibilities, and powers, the Council or Chief Executive will have regard to the principles outlined in Table 1.

In the exercise of any delegation, the delegate (i.e. the person given the delegation) must comply with the general terms and conditions, which are also outlined in Table 1. In addition to the general terms and conditions, the delegate must also comply with any additional terms and conditions that might apply to specific delegations.

Table 1: Principles, terms and conditions

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Principles	
1.	Wherever possible, delegations to staff have been made on a wide basis to promote the most effective and efficient implementation and delivery of Council’s policies and objectives.
2.	Delegations have generally been made to the lowest level of competence, commensurate with the degree of responsibility, difficulty and risk involved in the undertaking of the task delegated.
3.	In deciding what is the lowest level of competence for each delegation, particular attention has been paid to the responsibilities and accountability for its correct and effective implementation and any reporting requirements.
4.	In exercising delegations which are outside Council’s day-to-day business, staff will report back on the exercise of that delegation to the next relevant Council or Council Committee meeting.
5.	Where Council is expressly prevented from delegating some or all of its powers by a particular statute, it may delegate the power to do anything precedent to the exercise by the Council of that particular power or authority.
Terms and conditions	
1.	No delegations shall limit the power of Council or other delegator to exercise a function, duty or power in substitution for a delegate.
2.	In the exercise of any delegation, the delegate will ensure they act in accordance with: <ul style="list-style-type: none"> a. any binding statutory authority (in relation to each delegation, relevant sections of the Act will be identified); and b. any relevant Council policy or procedural documents (including reporting and recording) requirements.
3.	In relation to delegations to officer level, every delegation will be to a stated officer and will be exercised in relation to the duties of their position as identified in their Position Description or when an officer has been appointed in an acting capacity.
4.	Decisions, other than on minor or routine matters, made under delegated authority will be reported to Council or a relevant Committee.
5.	For the avoidance of doubt, supervisors shall have the same delegated powers as subordinate staff, unless the exercise of such delegation requires, by law, a particular qualification or registration. The delegations in this Manual are expressed as the lowest level in the organisation which can exercise the function, duty or power.
6.	For the avoidance of doubt a hearings panel or commissioner sole as may from time to time be appointed shall have the authorities delegated to them through their appointment process.
7.	An officer who is delegated a responsibility, duty or power is also delegated any ancillary responsibilities, duties or powers necessary to give effect to that delegation.
8.	Where a delegation refers to repealed legislation, the reference is to be read as a reference to the legislation that, with or without modification, replaces or corresponds to the repealed legislation.

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9. A delegation once made cannot be further sub-delegated, unless the authority to sub-delegate is specified in the delegation.
10. Any power to appoint a person or approve an action or document includes the power to revoke any appointment or approval.
11. The Council may, at any time, revoke, suspend for a period, or amend the terms or conditions in relation to any delegation it has made. Where this occurs, it will be recorded by resolution of Council.
12. The Chief Executive may revoke or suspend for a period, or amend the terms and conditions, in any delegation to subordinates that they have made. Where this occurs, it will be recorded in writing to the relevant staff member and in relevant Council procedures.
13. The Chief Executive may revoke, or limit, or suspend for a period, or reduce the extent of delegations that Council has made to named officers such that some or all of the function, duty or power must be exercised by a supervisor of the person holding the delegation. This would be appropriate during the training or development of new staff, or where, in the view of the Chief Executive, particular types of decision may need greater scrutiny. Where this occurs, it will be recorded in writing to the relevant staff member and in relevant Council procedures.
14. Unless expressed otherwise, where a delegation is to more than one officer, that power of delegation is to each officer separately.

1.2.4 Sub-delegation

At times, it will be necessary for the performance of assigned duties for a staff member to have delegated authority additional to those specifically mentioned in the Delegations Manual. These situations may include staff acting temporarily in a role (such as acting Chief Executive or acting Manager) where they need to exercise the delegations of that higher role. Such sub-delegations will be recorded in writing in the form of a memo signed by the person granting the delegation, and a copy kept on the delegation file. A person exercising functions, powers or duties under a sub-delegation shall not have the authority to further delegate those functions, powers or duties.

1.2.5 Decision making and significance and engagement

The decision-making requirements under the LGA, including those in sections 76 and 79 must be complied with, including in making decisions on what responsibilities should be delegated to staff in accordance with this Delegations Manual and also in making decisions under delegated authority.

The degree to which compliance with the decision-making requirements in the Act is required is proportional to the significance of the particular decision and the resources available.

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In every case, the delegatee needs to determine the significance of the decision they are making or the power they are exercising, notwithstanding that they have the delegated authority to make the decision or take the action. The Council's Significance and Engagement Policy is relevant to this assessment.

Where the delegatee determines that the decision to be made or power to be exercised may be significant, they should consider whether to refer the decision or exercise of the power back to the delegator before final action is taken. In considering this issue, the delegatee needs to balance the delegated authority they have with the potential consequences. While a precautionary approach should be taken, delegates must not be averse to making decisions or taking action as required.

1.2.6 Authority

Unless stated otherwise in this Delegations Manual, delegations are made under Clause 32 of Schedule 7 of the LGA 2002.

1.2.7 Reviews and updates of the Delegations Manual

The Delegations Manual is a living document and it will be reviewed periodically and when legislative change requires amendments. The Delegations Manual has been developed to record current delegations made by the Council or Chief Executive.

Certain delegations that have been made to the Chief Executive have been made so that they can be further sub-delegated by the Chief Executive. Delegations under the Resource Management Act 1991 and the Local Government (Ratings) Act 2002 are legally not able to be further sub-delegated and may only be approved by a Council resolution.

The general terms and conditions of this Delegations Manual provides that a responsibility, duty or power delegated to an officer holding a named position is also delegated to any officer who performs or exercises the same or substantially similar role or function, whatever the name of his or her position. Any changes in position names must be approved by the Chief Executive and this Delegations Manual will be updated accordingly.

The Chief Executive may authorise changes and updates to any Chief Executive delegations or matters which he or she has sub-delegated, other than delegations under the Resource Management Act 1991 and the Local Government (Rating) Act 2002 as these two statutes prohibit sub-delegation.

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1.3 Structure

The Delegations Manual is structured in six parts.

Part A of the Delegations Manual presents **introductory and background information** for the Delegations Manual including the Council's principles for making delegations and establishing the Council's legal powers for making delegations.

Part B of the Delegations Manual records the **governance delegations** made by the Council to Committees of the Council.

Part C of the Delegations Manual contains general **administrative delegations** relating to human resource matters, the release of information, submissions and funding, the use of the Common Seal, obtaining professional advice and legal proceedings.

Part D of the Delegations Manual contains **contracting, financial, rating and property delegations**, including financial delegations relating to expenditure (including financial delegation limits), contingency expenditure and other authority and procedures relating to other financial and accounting matters and delegations in respect of rating and property matters.

Part E of the Delegations Manual contains **regulatory RMA delegations** relating to the Council's regulatory functions, duties and powers under the Resource Management Act 1991.

Part F of the Delegations Manual contains **regulatory non-RMA delegations** relating to the Council's regulatory functions, duties and powers under other legislation including the Biosecurity Act 1993, the Building Act 2004, the Maritime Transport Act 1994, the Civil Defence Emergency Management Act 2002, the Land Drainage Act 1908 and the Soil Conservation and Rivers Control Act 1941.

1.4 Council Resolution

On 24 June 2020, Council approved the delegations contained in this manual with the following amendments:

- a. *Change wording of Sec 268A delegations to read "...not inconsistent with previous Council Resolutions."*
- b. *Change delegation for High Court, Court of Appeals and Supreme Court appeals to: Chief Executive in consultation with the Chairperson.*

Accordingly:

- (1) section 268A delegation has been amended accordingly; and
- (2) despite any other provision in this manual, all delegations for High Court, Court of Appeals and Supreme Court appeals are to the Chief Executive in consultation with the Chairperson.

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PART B: COUNCIL AND COMMITTEES

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PART B: COUNCIL AND COMMITTEES

Part B of the Delegations Manual sets out those delegations that remain with the Council and the delegations given to the Council's Committees.

2. Council

In accordance with Clause 32 of Schedule 7 of the LGA, the Council is required by legislation to make decisions on the following matters:

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

Other legislation, including the Resource Management Act 1991, the Biosecurity Act 1993 and the Land Transport Management Act 2003, provide that certain matters cannot be delegated and that certain decisions must be made by the Council.

3. Council committees

3.1 Introduction

The Council has the following committees:

- Finance Committee;
- Strategy and Planning Committee;
- Regulatory Committee;
- Data and Information Committee;
- Implementation Committee;
- Governance, Communications and Engagement Committee;
- Chief Executive Performance Review Committee;

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- Otago Civil Defence Emergency Management Group;
- Audit and Risk Subcommittee; and
- Otago Regional Transport Committee;

The delegations in this section reflect the delegations provided in the Committee terms of reference 2019-2022.

3.2 Finance committee

The Finance Committee Terms of Reference (including delegations) were adopted by Council on 26 August 2020.

The Committee is authorised by Council to:

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

3.3 Strategy and Planning Committee

The Strategy and Planning Committee Terms of Reference (including delegations) were adopted by Council on 26 August 2020.

The Committee is authorised by the Council to:

- Make submissions and representations on matters within its statement of purpose on Otago councils' district plans and neighbouring councils' regional plans to ensure consistency.
- Where consistent with all relevant statutes, approve public consultation and call for submissions on this Council's draft, proposed, and indicative policies, plans and strategies. This delegation does not include formal notification of Council's proposed plans.
- Endorse submissions or appeals concerning district planning and consents within Otago; submissions on legislation and regulations (including submissions to Parliamentary Select Committees), and submissions on crown agency and parliamentary discussion documents.

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- Carry out any other function or duty delegated to it by the Council.
- Appoint subcommittees or working parties as appropriate provided they are limited to a time duration consistent with performance of their specified tasks.

3.4 Regulatory Committee

The Regulatory Committee Terms of Reference (including delegations) were adopted by Council on 26 August 2020.

The Committee is authorised by the Council to:

- Recommend to Council the approval of functional strategies, project concepts and implementation plans.
- Appoint subcommittees or working parties as appropriate provided they are limited to a time duration consistent with performance of their specified tasks.
- Carry out any other function or duty delegated to it by the Council.

3.5 Data and Information Committee

The Data and Information Committee Terms of Reference (including delegations) were adopted by Council on 26 August 2020.

The Committee is authorised by the Council to:

- To receive information, presentations and reports.

3.6 Implementation Committee

The Implementation Committee Terms of Reference (including delegations) were adopted by Council on 26 August 2020.

The Committee is authorised by the Council to:

- Appoint subcommittees or working parties as appropriate provided they are limited to a time duration consistent with performance of their specified tasks.
- Carry out any other function or duty delegated to it by the Council.

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3.7 Governance, Communications and Engagement Committee

The Governance, Communications and Engagement Committee Terms of Reference (including delegations) were adopted by Council on 26 August 2020.

The Committee is authorised by the Council to:

- Appoint subcommittees or working parties as appropriate provided they are limited to a time duration consistent with performance of their specified tasks.
- Carry out any other function or duty delegated to it by the Council.

3.8 Chief Executive Performance Review Committee

The Chief Executive Performance Review Committee Terms of Reference were adopted by Council on 26 August 2020. The Committee holds no delegations.

3.9 Otago Civil Defence Emergency Management Group (Joint Committee)

The Otago Civil Defence Emergency Management Group Terms of Reference (including delegations) were adopted by Council on 26 August 2020.

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

3.10 Audit and Risk Subcommittee

The Audit and Risk Subcommittee Terms of Reference (including delegations) were adopted by Council on 26 August 2020.

The Subcommittee is authorised by the Council to:

- Review matters within its terms of reference and make recommendations to Council or the Finance Committee on those matters.

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- Seek information it requires from the Chief Executive. The Chief Executive is required to cooperate with any requests unless excused by the Chair of the Otago Regional Council.
- Request access to outside legal or independent professional advice should it consider this necessary.

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

3.11 Otago Regional Council Transport Committee

The Otago Regional Transport Committee Terms of Reference (including delegations) were adopted by Council on 26 August 2020.

The Committee is authorised by the Council to undertake the following:

Delegated Authority – Power to Act

- The Regional Transport Committee:
 - Has the ability to appoint a panel to hear RLTP, submissions, working parties, advisory groups and, where there is urgency or special circumstances, a sub-committee to deal with any matters of responsibility within the Committee’s Terms of Reference and areas of responsibility, and to make recommendations to the Committee on such matters, provided that a sub-committee does not have power to act other than by a resolution of the committee with specific limitations;
 - Has the ability to make decisions in accordance with the Terms of Reference and the Land Transport Management Act 2003.
- Power to Act (for the information of Council):
 - The Regional Transport Committee has the power to monitor any transport activities of the regional council, territorial authorities and New Zealand Transport Agency in order to report on progress on the Regional Land Transport Plan;
 - prepare and recommend variations to the Regional Land Transport Plan that trigger the RTC’s significance policy;
 - consider and recommend transportation planning studies and associated outcomes;
 - provide recommendations to relevant government agencies on transport priorities for the region and the allocation of national or regional transport funds.

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PART C: ADMINISTRATIVE DELEGATIONS

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PART C: ADMINISTRATIVE DELEGATIONS

4. Human Resources delegations

4.1 Legislative delegation to the Chief Executive

Pursuant to section 42(2) of the Local Government Act 2002, the Chief Executive is responsible, on behalf of the Council, for ensuring the effective and efficient management of the Council, employing staff and negotiating the terms of employment of staff.

The Chief Executive has absolute control over all employment-related matters concerning staff.

Further specific delegations made by the Chief Executive in relation to human resources under section 42(2) are prescribed below (the Human Resources Delegations).

Explanatory Note: The Chief Executive may appoint in writing, in consultation with the Chairperson, any person to be acting Chief Executive during temporary periods of absence from duties together with such of the Chief Executive's powers as he or she considers appropriate.

4.2 Principles of Human Resources delegations

In support of, and in addition to, the principles, terms and conditions outlined in Section 1.2.3 of this Delegations Manual, the following principles, terms and conditions are applied to the delegation of employment or people management activities:

(a) Human Resources Delegations are standardised across management roles (i.e. if a delegation is granted to General Managers, then everyone in a General Manager role holds that delegation).

(b) Human Resources Delegations automatically apply to the person appointed to that role (i.e. no additional documentation is required beyond acceptance of the employment agreement for the role).

(c) Human Resources Delegations are granted to the lowest appropriate tier (with demonstrated competence to execute the delegation) to empower and enable our people managers; this authority may also be executed by all managers in a direct line above that position.

(d) No Human Resources Delegations may be used to self-approve – the one up rule applies.

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(e) Human Resources Delegations must be exercised in accordance with Staff Policies.

(f) The People and Safety Manager may sub-delegate their authority to a member(s) of the People and Safety team as appropriate.

4.3 Human Resources delegations

The Chief Executive retains the responsibility for all human resources matters. The Chief Executive retains the delegation for the following activities specified in Table 2 below.

Other delegations have been made by the Chief Executive to the General Managers, Managers and Team Leaders.

Explanatory Note: For the purpose of these human resources delegations: General Managers are defined as Tier 2 management roles with responsibility for a Group, reporting directly to the Chief executive. Managers are defined as Tier 3 management roles with responsibility for a department of Council. Team Leaders are defined as any management roles below Managers (with or without the Team Leader title) which hold formal staff management responsibilities as outlined in the position description.

Table 2: Human Resources delegations

Chief Executive	General Managers (T2)	Managers (T3)	Team Leaders (T4)
Recruitment Requisitions			
<ul style="list-style-type: none"> approve recruitment of additional Full Time Equivalent (FTE) permanent employee numbers (unbudgeted recruitment) approve recruitment where significant change has been made to a role 	<ul style="list-style-type: none"> approve like-for-like recruitment (permanent, fixed term and casual) 	<ul style="list-style-type: none"> make recommendations on recruitment (like for like and unbudgeted) to the appropriate approving manager engage the services of a recruitment agency with People and Safety agreement (provided Procurement Policy obligations have been met) 	<ul style="list-style-type: none"> make recommendations on recruitment (like for like) to the appropriate approving manager
Candidate Appointments			

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<ul style="list-style-type: none"> • approve candidate offers which fall outside market range (above 100% of the assessed salary grade for the position) • approve candidate offers for 2nd tier managers 	<ul style="list-style-type: none"> • approve candidate offers within market range (up to 100% of the assessed salary grade for the position) • sign offers of employment • approve non-standard terms and conditions with the Manager People and Safety's agreement • offer relocation expenses with the Manager People and Safety agreement 	<ul style="list-style-type: none"> • make recommendations on candidate appointment, including salary recommendation, to the appropriate approving manager 	<ul style="list-style-type: none"> • make recommendations on candidate appointment, including salary recommendation, to the appropriate approving manager
Employment Conditions			
<ul style="list-style-type: none"> • require and set dates for an annual shutdown period • sign (on behalf of ORC) Collective Employment Agreements and bargaining Terms of Settlement 	<ul style="list-style-type: none"> • determine actions to address conflict of interest situations • approve staff entering into secondary employment • deliver a Final warning with Manager People and Safety agreement • second staff to other organisations subject to consultation with CE 	<ul style="list-style-type: none"> • determine the course of action following an external complaint against a staff member subject to consultation with General Manager/Manager People and Safety • approve requests for flexible working arrangements (informal) • second staff to other teams within the Group • deliver a Verbal or First warning with People and Safety agreement 	<ul style="list-style-type: none"> • approve timesheets • approve one-off or occasional work from home • initiate a performance improvement process with Manager/People and Safety agreement

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	<ul style="list-style-type: none"> • approve staff to present a paper or publication referencing Otago Regional Council • approve requests for flexible working arrangements (formal, change to employment terms and conditions), and other standard employment agreement adjustments (i.e. changes to reporting line) 	<ul style="list-style-type: none"> • make verbal employment offer subject to approval of request to appoint 	
Termination			
<ul style="list-style-type: none"> • approve termination of an employment agreement • approve the outcome of change proposals and position disestablishments resulting in a triggering of redundancy clause in employment agreement • approve payments under section s123(1)(c)(i) of the Employment Relations Act (2000) 	<ul style="list-style-type: none"> • attend employment mediations on behalf of ORC alongside the Chief Executive and/or Manager People and Safety 		

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Leave			
<ul style="list-style-type: none"> • approve corporate-wide paid leave for staff unable to work due to an emergency or severe weather situation • approve the cash-out of annual leave • grant paid and unpaid compassionate leave • approve requests for leave without pay for greater than 5 days • approve study leave 	<ul style="list-style-type: none"> • approve requests for leave without pay for up to 5 days • approve use of special leave subject to consultation with CE • grant additional bereavement/tangi leave subject to consultation with CE • sign off parental leave • grant additional paid sick leave in situations of prolonged illness or injury (Discretionary Wellbeing Leave) 	<ul style="list-style-type: none"> • provide a request for exemption from jury service • approve use of partner/paternity leave • approve use of domestic violence leave (in consultation with the Manager People and Safety) • grant additional paid sick leave (fair and reasonable sick leave only), in accordance with the Fair and Reasonable Sick and Wellbeing Leave Policy 	<ul style="list-style-type: none"> • approve sick, annual, bereavement or jury service leave • approve utilisation of flexitime
Performance and Development			
	<ul style="list-style-type: none"> • approve attendance of overseas learning events • approve study applications • approve individual performance and development objectives and review outcomes 	<ul style="list-style-type: none"> • approve attendance at internal or external learning events with People and Safety agreement 	
Policies and Procedures			

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	<ul style="list-style-type: none"> • policy ownership for cross-organisational policies within sphere of responsibility • acting in the capacity as a member of the Policy Review Group, approve new policies, changes to existing and disestablishment of redundant/superseded policies • approval for divergence from existing policy 	<ul style="list-style-type: none"> • policy expert (or delegate) • acting in the capacity as a as member of the Policy Review Group, approve new policies, changes to existing and disestablishment of redundant/superseded policies • approve operational procedures and guidelines within sphere of responsibility 	<ul style="list-style-type: none"> • approve standard operating procedures (SOPs)
Health, Safety and Wellbeing			
<ul style="list-style-type: none"> • approve consumption of alcohol for work-related functions • duties as required of the primary Officer of the PCBU • final approval of the Health and Safety Organisational Risk Register • Determine the resolution on any matters escalated by the Health and Safety Committee 	<ul style="list-style-type: none"> • decide actions following harassment or bullying investigations unless delegated to a manager • duties as required as Officers of the PCBU in matters relevant to their work groups • approve Permit(s) to Work for work deemed 'high risk' (e.g. Asbestos removal, accessing a confined space) • determine any corrective actions 	<ul style="list-style-type: none"> • approve catering for meetings and functions • approve new and replacement garments and Personal Protective Equipment (PPE) for field work • approval of safety training requirements for employees • approval of ergonomic workstation assessments • approval of Return to Work (RTW) Plans for injured or ill employees 	<ul style="list-style-type: none"> • approve new and replacement garments and Personal Protective Equipment (PPE) for field work • approval of safety training requirements for employees • approval of ergonomic workstation assessments • Approval of Return to Work (RTW) Plans for injured or ill employees

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	<p>required on safety matters (e.g. as a result of an audit, incident investigation, matters raised at the Health & Safety Committee)</p> <ul style="list-style-type: none"> determine the resolution on any matters escalated by the Health and Safety Committee issuing a trespass notice 	<ul style="list-style-type: none"> final sign off/closing out of incident investigations determine any corrective actions required on safety matters (e.g. as a result of an audit, incident investigation, matters raised at the Health & Safety Committee) 	
Recognition, Reward & Remuneration			
<ul style="list-style-type: none"> approve overall salary increase following annual review (within governance-set budget) 	<ul style="list-style-type: none"> decide appointment and amount of higher duties payments approve out of cycle remuneration increases (up to 100% of the assessed grade for the position) 	<ul style="list-style-type: none"> approve overtime and accumulation of flexitime 	

5. Requests and the release of information, correspondence, and public records

5.1 Local Government Official Information and Meetings Act 1987

Local Government Official Information and Meetings Act 1987

Section	Description	Delegated to
s.8	Information concerning existence of certain information	General Managers

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		Any member of the Legal Team
s.10	Requests for official information	All staff
s.11	Assistance with requesting information	All staff
s.12	Transfer of requests	Any member of the Legal Team
s.13	Decisions on requests (including the decision to impose a charge for providing official information and consulting on release)	General Managers Any member of the Legal Team
s.14	Extension of time to provide official information	General Managers Any member of the Legal Team
s.15	Power to determine manner of presenting information	General Managers Any member of the Legal Team
s.16	Power to determine deletions of some information from documents	General Managers Any member of the Legal Team Consents Support Officers
s.17, 17A, 17B, 18	Refusal of requests for information	General Managers Any member of the Legal Team
s.21, 22, 23	Right of access to internal rules affecting decisions / personal information	General Managers Any member of the Legal Team
s.24	Precautions regarding access to personal information	All staff
s.25	Correction of personal information	All staff
s.26	Refusal to supply personal information	General Managers Any member of the Legal Team
s.29	To comply with the requirements of an Ombudsman	General Managers Any member of the Legal Team
s.33	Requirement to notify decision of Ombudsman	General Managers
s.39	Publication of summary of report	General Managers Any member of the Legal Team
s.46	Public notification of meetings	Executive Advisor Committee Secretary
s.46A, 46B, 49, 51, 51AA	Availability of agendas, reports and minutes	Executive Advisor Committee Secretary
s.51A	Public notification of resolution at emergency meeting	Executive Advisor Committee Secretary

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5.2. Privacy Act 2020

Privacy Act 2020

Section	Description	Delegated to
s.201	Power to appoint Privacy Officers	Chief Executive
s.47, 49, 50, 51, 52, 53	Decision to refuse access to personal information	General Managers Privacy Officers
S41, 43, 45, 46, 48, 55, 56, 60, 62, 63, 64, 65, 66	<ul style="list-style-type: none"> - To treat the requests with urgency; - To decide to transfer a request to another agency; - To decide whether the request can be granted (including the decision to impose a charge); - Where a request has been granted, whether any information should be withheld; - Decision to extend the time limits; - Deciding the way information is to be provided; - Providing the reasons for refusal. 	General Managers Privacy Officers
	All other powers and duties under the Privacy Act 2020. This delegation may be sub-delegated.	Chief Executive

5.3. Public Records Act 2005

The Council has certain obligations under the Public Records Act 2005, including in relation to the disposal of Council records.

Section	Description	Delegated to
17	To provide for the creation and maintenance of local authority records	Team Leader Records and Information
40	To comply with the requirements in relation to protected records	Team Leader Records and Information
45, 46	To classify the access status of the Council's local authority records	Team Leader Records and Information
47	To provide for the public inspection of open access records	Team Leader Records and Information

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5.4 Other

This Delegations Manual does not contain formal delegations in relation to the authorisation to sign correspondence (including email correspondence), media statements (including social media) and placement of public notices. Staff should refer to the relevant Staff Policies in relation to these matters.

6. Submissions

6.1. General

The authority to make a submission on any matters of general interest or concern to the Council (including proposed Government policies, discussion documents and legislation but **excluding** proposed plans and plan changes and resource consent applications under the RMA and any other policy or standard not delegated in this manual, where it is not possible within the available time to refer the matter to the Council or where there is no other delegation, is delegated to the Chief Executive or, in the Chief Executive's absence, the Acting Chief Executive.

NOTE: When this delegation is exercised, it must be reported to the next Council meeting.

7. Authorisation to use the Common Seal

The Council has the authority to impress on any document the Common Seal of the Council.

Where the Common Seal of the Council is affixed to any document it shall be attested by any two Councillors.

The Common Seal will be affixed to any document that is required to be executed under the Seal, including:

- Certain warrants to carry out statutory functions, including warrants made under the Biosecurity Act 1993, the Building Act 2004, and the Local Government Act 2002.
- When executing any Memorandum of Transfer pursuant to section 80 of the Local Government (Rating) Act 2002.
- Regional policy statements and regional plans prepared under the Resource Management Act 1991.
- Bylaws prepared under the Local Government Act 2002 or other relevant statutes.
- Any documents (e.g. covenants, caveats, s417 certificates or consent notices) which otherwise require the use of the Council's Common Seal.

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8. Professional advice and legal proceedings

8.1 Authorisation to obtain professional advice

The authority to obtain professional advice, including but not limited to legal, engineering, financial, accounting and resource management, advice on Council's behalf is delegated to:

- Chief Executive
- General Managers
- Managers
- Legal Counsel
- Team Leaders

Explanatory note: In accordance with the general terms and conditions this delegation may only be exercised in accordance with financial delegations.

Any advice must also be sought in accordance with any arrangements that the Council has regarding the provision of services (i.e. if there is a preferred or agreed service provider). The Legal Counsel should be advised of any external legal services engaged.

This delegation does not prohibit other staff members from liaising with professional advisors as part of the Council obtaining advice. Instead it is intended to operate to ensure that the engagement of the advisor has been approved by one of the above staff members.

8.2 Court proceedings

Unless provided for elsewhere in this Delegation Manual, the following delegations for Court Proceedings apply.

Reference	Function	Delegated to
General Clause 32, Schedule 7 of LGA	The authority to decide whether to commence or defend any action before a Court, tribunal, arbitral panel or other such body subject to, at the delegate's discretion, discussion with the Chairperson, discussion with Legal Counsel, discussion with officers involved, discussion with the Council's insurers and reports being made to the relevant Committee of the Council	Chief Executive

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General Clause 32, Schedule 7 of LGA	In the event the Chief Executive is unavailable or in exceptional circumstances where time does not permit consideration by the Chief Executive and where such action is necessary to protect or further Council's interests, the authority to commence or defend any action before a Court, tribunal, arbitral panel or other such body	GM Regulatory GM Corporate
General Clause 32, Schedule 7 of LGA	The authority to settle a dispute or issues at stake at mediation or other dispute resolution sessions in relation to any matter before any Court, tribunal, arbitral panel, or other such body subject to, at the delegate's discretion, discussion with Legal Counsel, discussion with officers involved, discussion with the Council's insurers and reports being made to the Council or appropriate Committee.	All Managers
General Clause 32, Schedule 7 of LGA	The authority to: Initiate to have Court costs awarded; and Initiate legal proceedings to collect Court costs awarded	All General Managers
General Clause 32, Schedule 7 of LGA	The authority to take appropriate action within Council policy to recover debts, including, but not limited to Court and, Tribunal proceedings and debt collection agencies	GM Corporate
General Clause 32, Schedule 7 of LGA	The authority to initiate, prosecute, withdraw and do all things necessary to conduct appeals as follows: 1) Environment Court to the High Court 2) District Court to the High Court 3) High Court to the Court of Appeal or Supreme Court 4) Court of Appeal to the Supreme Court.	Chief Executive
Judicial Review High Court Rule 30.3, Clause 32, Schedule 7 of LGA	Lodge, withdraw, oppose or join an application for Judicial Review with the High Court and any related applications or proceedings and be heard in relation to any application or proceedings subject to, at the delegate's discretion, discussion with the Chairperson, discussion with Legal Counsel, discussion with officers involved, discussion with the Council's insurers and reports being made to the relevant Committee of the Council	Chief Executive
Judicial Review High Court Rule 30.3, Clause 32, Schedule 7 of LGA	The authority to settle a dispute or issues at stake at mediation or other dispute resolution sessions in relation to judicial review proceedings subject to, at the delegate's discretion, discussion with Legal Counsel, discussion with officers involved, discussion with the Council's insurers and reports being made to the Council or appropriate Committee. This delegation includes the authority to	Chief Executive

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	approve Consent Memoranda, draft Consent Orders, side agreements or other documents required to settle a matter	
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Specific terms and conditions:

- *The authority to settle any matter against the Council must be exercised in accordance with any financial delegations.*
- *The Chief Executive may sub-delegate these delegations.*

Explanatory Note:

- *Further delegations in relation to Court proceedings on property matters are listed in the property delegations.*
- *Further delegations in respect of specific statutory proceedings are listed in the regulatory delegations (e.g. under the Resource Management Act 1991 and Biosecurity Act 1993).*

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PART D: CONTRACTING, FINANCIAL, RATING AND PROPERTY DELEGATIONS

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PART D: CONTRACTING, FINANCIAL, RATING AND PROPERTY DELEGATIONS

Part D of the Delegations Manual sets out delegations relating to contracting and agreements, financial matters (including rating) and property delegations.

9. Contracting, agreements and Memorandum of Understanding

9.1 Introduction

The Council enters into a range of different contracts and agreements as part of undertaking its day to day business. These range from non-binding memorandum of understanding (but which may have significant reputational impact), contracts and agreements of low financial value, to high financial value contracts and agreements.

This section of the Delegations Manual contains delegations in relation to these matters and should be read alongside the financial delegations.

9.2 Memorandum of Understanding

The authority to sign on Council's behalf any memorandum of understanding is delegated to all Managers.

This delegation may be sub-delegated.

9.3 Authorisation to sign Deeds

The Property Law Act 2007 requires Deeds to be signed by "two directors" in the case of a body corporate. "Directors" equates to Councillors (that is persons holding a governance as opposed to management role).

Attorneys may be appointed to execute a Deed on behalf of Council. The attorneys must be appointed by Deed, and that Deed of appointment must be executed by two "directors".

9.4 Authorisation to sign contracts and other agreements (other than Deeds)

By resolution of Council, the Chief Executive has the power to authorise expenditure limited by the amount set in the Annual Plan, Long Term Plan or other specific authorisation by Council. The Chief Executive may, in turn, sub-delegate this authority to staff, and limit, suspend or withdraw said delegation at their discretion.

The exercise of delegation is on the total expenditure commitment and attention must be given to approved delegation levels. Staff must be aware of their delegations, and if necessary, obtain approval from appropriate staff with a higher delegation level if the procurement will exceed their own delegation limit.

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Staff can only use their delegations within their area; delegations are not to be used elsewhere in Council.

Splitting procurement costs in order to bring the pricing under delegation or procurement level limits while knowing that the total expenditure is prohibited.

Authority to sign off contracts (excluding Deeds) rests with the relevant staff who have a level of delegation consistent with the total expenditure expected over the life of the contract (refer Financial Delegations Authority table). Once in place, individual invoices under that contract may be authorised by relevant staff with the level of delegation appropriate to each invoice.

If contract modification, extension or amendment is required, it is treated as being part of the original contract and can only be approved by the staff member of same or higher delegation level of that which approved the original contract, regardless of the size or value of the modification, extension or amendment

9.4.1 Procurement Principles¹

Council staff are guided by the following principles when procuring goods and/or services on behalf of the Otago Regional Council:

1. Council has a responsibility to manage its resources in an effective and efficient manner, and in doing so will consider best value for money over the whole of life cycle when procuring goods and services
2. Council may procure goods and services as sole procurer or in conjunction with other Councils or entities
3. Council will ensure open and effective competition as a competitive procurement process, as this is likely to result in a better procurement outcome
4. Council will provide a full and fair opportunity for both local and national suppliers
5. Council will comply with all relevant legislation, policies and procedures when engaging in the procurement process
6. Council will require sustainably produced goods and services whenever possible, having regard to economic, environmental, social and cultural impacts over their life cycle

Delegations by the Chief Executive set out in the Financial Delegations Register (refer Table 3 below) attach to the position.

Sub-delegations may be made without the approval of the Chief Executive but are subject to approval by the relevant Manager and General Manager. No further delegation is permitted.

¹ Otago Regional Council Procurement Policy

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Table 3: Financial Delegations Authority

Chief Executive	Limited by amount set in Annual Plan, Long Term Plan or other specific authorisation by Council	
PA to CE & Chair	5,000	
Executive Advisor	50,000	
General Manager People, Culture & Communications	100,000	
General Manager Corporate Services*	150,000	Delegated amounts extended to \$250,000 where payment is part of an approved contract; accept public tenders up to \$250,000 on recommendation of appropriate General Manager.
Manager Corporate Planning	25,000	
Finance Manager – Revenue*	25,000	Delegated amount of \$5,000 for Rates Refund; Authority to approve remission of rates penalties in accordance with agreed procedures; Authority to make supplier payments as required.
Finance Manager – Reporting*	25,000	Delegated amount of \$5,000 for Rates Refund; Authority to approve remission of rates penalties in accordance with agreed procedures; Authority to make supplier payments as required.
Chief Information Officer	50,000	
Team Leader Fleet & Facilities	5,000	
Legal Counsel	50,000	
Management Accountant	25,000	Authority to make supplier payments as required.
Coordinator Records & Information	5,000	
RITS Contract Lead - Public Transport Ticketing		No financial delegation, but have ability to approve timesheets and leave requests.
Fleet & Facilities Advisor	5,000	
Manager Support Services	25,000	
General Manager Operations	100,000	Delegated amount increased to \$250,000 where payment is part of an approved contract.
Manager Environmental Implementation	25,000	

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Manager Engineering	50,000	
Manager Transport	50,000	
Manager Natural Hazards	25,000	
Manager Emergency Management Otago	25,000	
Team Leader Environmental Implementation	5,000	
Procurement and Contracts Coordinator	5,000	
Senior Engineering Officer Taieri	5,000	
Engineering Officer - Taieri	5,000	
Senior Field Officer Alexandra	5,000	
Team Leader Public Transport Dunedin	5,000	
Team Leader Communications and Marketing	5,000	
Manager Marketing and Brand	25,000	
Team Leader Compliance Support	5,000	
Manager Customer Experience	25,000	
Manager People and Safety	25,000	
People & Safety Coordinator	5,000	
Safety & Wellbeing Coordinator	5,000	
Safety & Wellbeing Partner	5,000	
General Manager Regulatory	100,000	
Manager Compliance	25,000	
Harbourmaster	25,000	
Manager Regulatory Data and Systems	25,000	
Manager Consents	25,000	
Team Leader Investigations	5,000	
Team Leader Compliance Compliance Monitoring	5,000	
Team Leader Compliance (Coastal)	5,000	

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Team Leader Commercial and Regulatory	5,000	
General Manager Strategy, Policy and Science	100,000	
Manager Policy and Planning	25,000	
Manager Strategy	25,000	
Manager Science	25,000	
Manager Environmental Monitoring	25,000	
Team Leader Environmental Monitoring /Team Leader Data Systems	5,000	
Team Leader Freshwater & Land	5,000	
Team Leader RPS, Air & Coast	5,000	
Team Leader Water	5,000	
Team Leader Biodiversity	5,000	
Network Infrastructure Lead	5,000	
Team Leader Urban Growth and Development	5,000	
Team Leader – Land	5,000	
Environmental Resource Scientist	5,000	
Senior Environmental Officer	1,000	
Environmental Monitoring & Reporting/LAWA Project Manager	5,000	For LAWA Project Expenditure
Delivery Lead – Catchments	500	
Delivery Lead – Biosecurity	500	
Principal Advisor – Environmental Implementation	10,000	
Project Delivery Specialist	10,000	
Team Leader Commercial and Regulatory	5,000	

* = bank signatories

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9.5 Contingency Expenditure

9.5.1 Emergency Procurement

An emergency procurement situation can arise from natural disasters such as flooding and earthquakes. Emergency procurement is not available to compensate for poor planning or to procure without a purchase order. In an emergency, the following procedure is to be followed by staff²:

- An emergency for procurement purposes must be classified by either the General Manager Corporate Services, Chief Executive, Chairperson or Group Controller of Emergency Management Otago.

The Chief Executive, General Manager Operations, Manager Engineering, and Director Emergency Management Otago are authorised in emergency circumstances to undertake the necessary remedial or response action (within the same maximum limits as provided in the Financial Delegations Register) and, at the first subsequent meeting of the Council, report on action taken under the delegation.

9.6 Other financial commitments

9.6.1. Invoice debtors

The authority to approve invoices for revenue to be charged against debtor accounts is delegated to the relevant Manager and may be sub-delegated with approval from the relevant General Manager, where this sub-delegation will facilitate the invoicing process.

9.6.2. Debt recovery

In a number of areas of the Council's operation it may be necessary on occasion to negotiate a reduction in amounts owing or to write-off debts which cannot be collected.

The authority to approve write-downs and/or write-offs within the financial delegation limits above is delegated to General Manager Corporate.

The authority to take appropriate action within Council policy to recover debts within the financial delegation limits above, including, but not limited to Court, Tribunal proceedings and debt collection agencies is delegated to General Manager Corporate, which can be subdelegated to Managers.

Explanatory note: See also court proceedings delegations.

9.6.3. Raise credit notes

Credit notes represent a disbursement of a Council asset. Authorisation to raise a credit note is delegated to any General Manager, in accordance with the maximum limits as provided in the Financial Delegations

² Otago Regional Council Procurement Policy

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Register. This authority may be sub-delegated with approval from the relevant General Manager, where this sub-delegation will facilitate the process of raising credit notes.

9.6.4. Banking and payment signatory

Changes to banking arrangements requires the signature of General Manager Corporate and a Finance Manager.

Specific terms and conditions: *All payments must be authorised by TWO approved signatories signing and countersigning appropriate documentation. Bank signatories are 'person specific'.*

9.6.5. Operational expenditure – Payroll, PAYE, ACC and other Taxes

For payroll, PAYE, ACC and other taxes and deductions - any two authorised bank signatories jointly.

9.7 Specific Financial Delegations

9.7.1 Regional On-scene Commander (Marine oil spill response)

The Regional On-Scene Commander is a person trained and authorised by Maritime New Zealand and appointed by Council under the Maritime Transport Act 1994. Appointment by Council provides financial authorisations within the Tier II Marine Oil Spill Response Plan.

- a. The Regional On-scene Commander is authorised to expend up to \$50,000 of the Council's funds in relation to Marine Oil Spill Response operations.
- b. The expenditure of \$50,000 may be exceeded by up to a limit of \$100,000 with prior consultation with the Chief Executive or General Manager Operations.
- c. Any person authorised by the Council when acting as Regional On-scene Commander, who for the time being is the Acting Regional On-scene Commander, is authorised to spend up to \$50,000 in relation to Marine Oil Spill Response operations.
- d. Regional On-scene Commanders are required as a condition of the delegation to:
 - i. comply with Maritime New Zealand Operational Policy; and
 - ii. comply with Council procedures and subsequently report to the next meeting

10. Rating

10.1 Introduction

The following section of the Delegations Manual describes the delegations given in relation to rating matters.

The Chief Executive is delegated all powers, functions and duties under the Local Government (Rating) Act 2002 that are legally able to be delegated under section 132 of the Local Government (Rating) Act 2002.

The Local Government (Rating) Act 2002 prohibits the delegation of the power of delegation. Accordingly, the following table sets out a range of other delegations made by the Council to specified positions.

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In relation to the Rating Valuations Act 1998 and the Rate Rebate Act 1973 the Council delegates to the Chief Executive all powers, functions and duties under these two Acts that are legally able to be delegated. In accordance with Clause 32 of Schedule 7 of the LGA, the Chief Executive has made the following sub-delegations as indicated below in the following tables.

10.2 Local Government (Rating) Act 2002

Section	Function	Delegated to
40	Power to correct rates	Finance Manager
41	Authority to issue an amended rates assessment if an error is encountered.	Finance Manager
54	Power not to collect rates that are uneconomic to collect	Finance Manager
61,62,63	Powers for recovery of unpaid rates	Finance Manager
85, 86	Power to remit rates pursuant to Council rates remission policy	Finance Manager to approve postponement of rates on applications which meet the criteria of the Council's policy
87,90	Power to postpone rates pursuant to Council rates postponement policy	Finance Manager to approve postponement of rates on applications which meet the criteria of the Council's policy
91-113	Rating of Maori freehold land including district valuation rolls, land vested in trustees, multiple ownership, using land in multiple ownership	GM Corporate to be exercised in accordance with Council's Rates policies
114-115	Power to remit or postpone rates on Maori Freehold land	GM Corporate to be exercised in accordance with Council's Rates policies

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10.3. Rating Valuation Act 1998

Section	Function	Delegated to
43	Obligation to pay annually a share of the costs of any territorial authority in the region in preparing and maintaining is district valuation roll	GM Corporate
43	Resolve any dispute regarding the amount payable, including in arbitration	Finance Manager

11. Property services

11.1 Leases and Licences

Matter	Function	Delegated to
New leases/ Licences	The authority to: (a) as lessor or lessee to sign agreements to lease for residential and commercial property granting leases for periods of no more than eight years (b) grant new leases or licenses for terms not exceeding twenty-one years for all other land (c) execute contracts of guarantee	GM Corporate
Assignment and subleasing	The authority as lessee or licensee to approve the sublease and assignment of leases and licenses	GM Corporate
Mortgages	The authority to: (a) secure a mortgage over the lessees' interest in the lease (b) vary mortgage terms (c) release a mortgage	Two of Finance Managers or GM Corporate
Rents	The authority to: (a) appoint an officer to set rentals for council property (b) set, review and reduce prices and rents in relation to existing Council leases or licenses	Manager Support Services Legal Counsel

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Rents	The authority to: (a) issue rent/fee rebates (b) appoint an arbitrator where rent reviews are appealed	GM Corporate
Variation of leases	The authority to: (a) approve variations to commercial, industrial and residential leases; and (b) all licenses	GM Corporate Legal Counsel
Termination and surrender of leases	The authority: (a) as lessor or lessee, or licensor or licensee, to terminate leases or licences within the terms and conditions of the contract, including failure to pay rent (b) as property owner, lessor, assignor or licensor, to approve the surrender of leases and licences	GM Corporate Legal Counsel
Registration	The authority to sign an authority and instruction form authorising registration of a lease or any surrender, variation or renewal of a currently registered lease approved under the above delegations	GM Corporate
Consent	The authority to provide (or withhold) any consent required under a lease	Manager Support Services Legal Counsel

11.2 Otago Regional Council (Kuriwao Endowment Lands) Act 1994

Section	Function	Delegated to
9, 10	To exercise all rights, powers, and obligations of the lessor under leases	Legal Counsel
13	Authority to sign an authority and instruction form for the sale of land authorised by Council resolution	GM Corporate

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11.3 General and miscellaneous

Matter	Function	Delegated to
Access	Authority to enter into, vary, revoke or cancel an access agreement.	Any Manager
Land acquisition	Authority to approve minor land purchases or sales by agreement, for public works, subject to the transaction being in accordance with the Long Term Plan and to sign an authority and instruction form for the above purpose.	GM Operations
Affected party approvals For further delegations on affected party approvals see: 14.10	Providing approval, consents and make submissions or objections as adjoining landowner or potentially affected party in relation to property owned, leased or managed by Council This delegation maybe subdelegated.	GM Corporate
Land Interests	Power to register, approve amendments to or withdrawals or discharges of caveats, easement certificates and releases of bonds or encumbrances Specific terms and conditions: This delegation will only be exercised upon confirmation that all obligations have been satisfied	GM Corporate Legal Counsel
Signing Issues	Sign any other applications, documents, agreements or instruments or certify any documents or instrument in relation to any interest in land, on behalf of Council not otherwise provided in these property delegations. This delegation maybe subdelegated.	GM Corporate
Emergency	Power to close a premises / facility in an emergency situation	Any General Manager
Use of Council Property and land	Authorise the use of any Council building, land, facility or equipment by an outside person or organisation in accordance with established guidelines	GM Corporate
Disposal	Dispose (whether by tender or otherwise) of any motor vehicle or item of plant or surplus Council asset in accordance with the policy	GM Corporate
Statutory Land Charge	The authority to release a statutory land charge	GM Corporate

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Easements and other interests	The authority to (a) create, vary and surrender, easements and covenants over Council land. (b) request removal of easements, covenants and profits à prendre from LINZ register and removal of fencing covenants from title; (c) to sign an authority and instruction form for the above purposes	GM Corporate
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Explanatory note: Land owned by Otago Regional Council is held pursuant to a range of different statutes, often as endowment land. Further, other statutory obligations, including under the Public Bodies Leases Act 1969, may be relevant to how the land may be able to be dealt with.

For the avoidance of doubt, nothing in the above delegations relieves the Council from complying with the statutory obligations that apply in relation to the land.

The exercise of the property delegations must also be carried out in accordance with the financial delegations, e.g. the value of the lease may require a higher level of authority to sign the document than provided for in the delegations.

11.4. Trespass Act 1980

Section	Function	Delegated to
3	Power to warn a trespasser to leave the property Power to issue trespass notices This delegation maybe subdelegated.	Any General Manager
4	Power to either at the time of the trespass or within a reasonable time thereafter, warn a trespasser to stay off the property This delegation maybe subdelegated.	Any General Manager
4(2), 9(1)	Power to, where there is reasonable cause to suspect that any person is likely to trespass on the property, warn that person to stay off the property and to require that a person give name and other particulars This delegation maybe subdelegated.	Any General Manager

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PART E: REGULATORY RMA **DELEGATIONS**

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PART E: RESOURCE MANAGEMENT ACT DELEGATIONS

[a] This section sets out the functions under the RMA which are delegated;

[b] The Council delegates (to the extent authorised under the RMA) its powers duties, and functions in respect of resource management matters to the Chief Executive and council offices as set out below;

[c] The delegations are made under and must be acted on in accordance with the requirements of ss 34 and 34A of the RMA as well as the general delegation provision of clause 32 of the LGA. This includes the limitations set out in those sections and the prohibition on sub-delegation;

[d] The powers have been delegated to specific office holders through their title as set out in the 'delegated to' column of the schedule;

[e] Any limitation on the power delegated has been specified in the 'function' column of the schedule below; and

[f] The 'function' column is a summary of the power delegated only. The complete provision of the RMA (set out in the 'section' column of the schedule) should be referred to as appropriate.

12. General Matters

12.1 Information and Reports

Section	Function	Delegated to
35(2A)	Prepare and make available to the public a report on monitoring activities undertaken by Council in the course of exercising its functions under the RMA	GM Policy, Science and Strategy

12.2 Administrative charges

Section	Function	Delegated to
36(5)	Require payment of additional charges over and above any fixed charges to enable the recovery of actual and reasonable costs.	Manager Policy & Planning Manager Consents Manager Compliance

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36(6)	Approve an estimate of any additional charges likely to be imposed where requested by a person liable to pay an additional charge	Manager Policy & Planning Manager Consents Manager Compliance
36AAB(1)	Waive or remit the whole or any part of any charge referred to in section 36 which would otherwise be payable.	Manager Policy & Planning Manager Consents Manager Compliance GM Corporate
36AAB(2)	Where a charge of a kind referred to in section 36 is payable, cease performing the action to which the charge relates until the charge has been paid in full.	Manager Policy & Planning Manager Consents Manager Compliance
36AA	Determine any discount under section 36AA on an administrative charge imposed under section 36.	Manager Consents

12.3 Power to waive or extend time limits or waive requirements

Section	Function	Delegated to
37(1)(a)	Extend time periods associated with a resource consent process, if the applicant has agreed to the extension.	Senior Consents Planner Team Leader Consents except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Regulatory and co-chairs of the Regulatory Committee.
	Extend time periods associated with a resource consent process, where the applicant has not agreed to the extension.	Manager Consents except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any

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		two of the following: GM Regulatory and co-chairs of the Regulatory Committee.
	Extend any other time period not associated with a resource consent process.	GM Policy, Science and Strategy GM Regulatory
37(1)(b)	In relation to resource consent processes, waive a failure to comply with a requirement regarding the time or method of services of documents.	Manager Consents except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Regulatory and co-chairs of the Regulatory Committee.
	In relation to any process other than a resource consent process, waive a failure to comply with a requirement regarding the time or method of service of documents.	GM Policy, Science and Strategy GM Regulatory
37(2)	In relation to a resource consent process, waive compliance with a requirement (including a procedural requirement) to provide information or direct that the omission or inaccuracy be rectified, and the manner of the correction.	Manager Consents except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Regulatory and co-chairs of the Regulatory Committee.
	In relation to any process other than a resource consent process, waive compliance with a requirement (including a procedural requirement) to provide information or direct that the omission or inaccuracy be rectified, and the manner of the correction.	GM Policy, Science and Strategy GM Regulatory

12.4 Commissioning reports

Section	Function	Delegated to
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42A	Require an officer or commission a consultant or other person to prepare a report.	Principal Consents Planner Senior Consents Planner Team Leader Consents Team Leader RPS, Air and Coast Team Leader Freshwater and Land Team Leader Urban Growth and Development except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Regulatory and Co-chairs of the Regulatory Committee.
42A(3) 42A(4)(b) 42A(5)	Waive compliance with the requirements in sections 42A(3) and 42A(4)(b).	GM Policy, Science and Strategy or GM Regulatory

12.5 Protection of sensitive information

Section	Function	Delegated to
42	Make an order under this section to avoid: <ul style="list-style-type: none"> • serious offence to tikanga Maori, or to avoid the disclosure of the location of wahi tapu; • the disclosure of a trade secret or unreasonable prejudice to the commercial position of the person who supplied, or is the subject of, the information; 	GM Policy, Science and Strategy GM Regulatory

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	and, in the circumstances of the particular case, the importance of avoiding such offence, disclosure, or prejudice outweighs the public interest in making that information available.	
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13. Policy and Planning

13.1 Evaluation reports

Section	Function	Delegated to
32 Schedule 1, Clause 5	Direct the preparation of an evaluation report for a proposed policy statement or plan in accordance with section 32.	Team Leader RPS, Air and Coast Team Leader Freshwater and Land Team Leader Urban Growth and Development
32AA Schedule 1, Clause 5	This is a report to be prepared or commissioned by the hearing panel making recommendations on the planning document.	Not delegated
165H(1A)	Prepare a report summarising the matters required by section 165H(1) and make it available for inspection.	Manager Policy & Planning

13.2 Consultation

Section	Function	Delegated to
Schedule 1, Clause 3	Determine affected Ministers of the Crown, local authorities and other persons to consult with during the preparation of a proposed policy statement of plan	Manager Policy & Planning
Schedule 1, Clause 4A	Consult with iwi and provide documents on any proposed RPS or Regional Plan	Manager Policy & Planning

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13.3 Notification

Section	Function	Delegated to
Schedule 1, Clause 5(1C)	Determine whether a person is likely to be directly affected by the proposed policy statement or plan and determine what information to provide those persons.	Team Leader RPS, Air and Coast Team Leader Freshwater and Land Team Leader Urban Growth and Development
Schedule 1, Clause 5(5)	Determine appropriate locations in the region to make any proposed policy statement or plan available.	Team Leader RPS, Air and Coast Team Leader Freshwater and Land Team Leader Urban Growth and Development

13.4 Summary of decisions requested

Section	Function	Delegated to
Schedule 1, Clause 7	Publicly notify a summary of decisions requested by persons making submissions on a proposed policy statement, plan, or plan change and/or service notice on relevant persons where a decision was made to have limited notification of a RPS or Regional Plan	Team Leader RPS, Air and Coast Team Leader Freshwater and Land Team Leader Urban Growth and Development

13.5 Resolution of disputes

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Section	Function	Delegated to
Schedule 1, Clause 8AA(1)	Invite persons to a meeting for the purpose of clarifying or facilitating the resolution of any matter relating to a proposed policy statement or plan.	GM Policy, Science and Strategy
82	Resolution of disputes relating to inconsistencies between instruments by referral to the Environment Court (relates to inconsistency between water conservation orders and the Regional Policy Statement, or Regional Policy Statement or Plans and a District Plan, or between Regional Policy Statement or Plan and a national direction)	GM Policy, Science and Strategy

13.6 Amendments to policy statements or plans without using Schedule 1

Section	Function	Delegated to
Schedule 1, Clause 16(1) and (2) Schedule 1, Clause 20A	Amend a proposed or operative policy statement or plan in accordance with Clauses 16(1), 16(2) (to give effect to national direction or a direction from the Environment Court) and 20A (to correct a minor error) without using the Schedule 1 process.	Manager Policy & Planning
292	Amend a plan without using the process in Schedule 1 of the RMA to remedy a mistake, defect, or uncertainty or to give full effect to a plan as directed by the Environment Court.	Team Leader RPS, Air and Coast Team Leader Freshwater and Land Team Leader Urban Growth and Development
85(3) 293	Make an amendment directed by the Environment Court under sections 85(3) and 293 without using the process in Schedule 1.	Manager Policy & Planning

13.7 Notification of operative dates

Section	Function	Delegated to
Schedule 1,	Publicly notify a date on which a policy statement or plan becomes operative.	Manager Policy & Planning

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Clause 20		
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13.8 Private plan changes

Section	Function	Delegated to
Schedule 1, Clause 23(1) and (2)	Require, by written notice, further or additional information in accordance with Clause 23.	Manager Policy & Planning
Schedule 1, Clause 23(3)	Commission a report in relation to a request made under Clause 21 and notify the person who made the request.	Manager Policy & Planning
Schedule 1, Clause 24	Modify a request made under Clause 21 with the agreement of the person who made the request.	Manager Policy & Planning
Schedule 1, Clause 28	Give notice that request made under Clause 21 will be deemed to be withdrawn if not advised of wish to continue with request.	Manager Policy & Planning

13.9 Incorporation of documents by reference

Section	Function	Delegated to
Schedule 1, Clause 34	Consult on proposal to incorporate material by reference in a proposed plan, variation, or change in accordance with Schedule 1, Clause 34.	Team Leader RPS, Air and Coast Team Leader Freshwater and Land Team Leader Urban Growth and Development

13.10 Written approval on behalf of the Council

Section	Function	Delegated to
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104(3)(ii) 104(4)	Where the Council is an affected party, give or decline to give written approval on behalf of the Council to a resource consent application, and withdraw any written approval given.	Manager Policy & Planning – for policy interests GM Operations – for operational matters GM Corporate – for property matters Any Harbourmaster – for maritime interests

14. Submissions

Council is responsible for setting the region’s policy direction through its regional policy statement (RPS) which territorial authorities must give effect to. An important part of implementing the RPS is through making

submissions on District or City Councils’ proposed plans, plan changes, and resource consent applications. These submissions seek to implement Council’s previous decisions so generally will not require further approval from Council.

Where Council has no relevant policy, but the issues raised in a plan change or consent application are significant the matter should be referred to Council for consideration. Where this is not possible within the time that is available a submission should be lodged subject to Council endorsement and the matter brought to the next Council or relevant Committee meeting.

Section	Function	Delegated to
96	Lodge or withdraw a submission on a resource consent application on behalf of Council.	GM Policy, Science and Strategy – for policy interests or on behalf of GM Operations, GM Corporate or Any Harbourmaster GM Operations – for operational matters

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		GM Corporate – for property matters Any Harbourmaster – for maritime interests
149E 149F 149O	Make a submission to the EPA on a matter that has been called in or referred to it	GM Regulatory GM Policy Science and Strategy
Schedule 1, Clause 6 Schedule 1, Clause 8	Lodge or withdraw a submission or further submission on a proposed plan or plan change on behalf of Council.	Manager Policy and Planning
Part 5	Make a submission in relation to a proposed National Policy Statement, National Environmental Standard, NZ Coastal Policy Statement	Not delegated

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15. Resource consents and certificates of compliance

15.1 Application for resource consents

Section	Function	Delegated to
88(3)	Determine that an application is incomplete.	Consents Planner
88(3A)	If an application is determined to be incomplete, return the application to the applicant with written reasons for the determination.	Consents Planner
91C(2)	Following a period of suspended processing, decide whether to return the application to the applicant with a written explanation as to why it is being returned or continue to process the application.	Team Leader Consents Principal Consents Planner
91C(3)	If a decision is made under section 91C(2) to return an application, return the application with a written explanation as to why it is being returned.	Team Leader Consents Principal Consents Planner
165D	Refuse to receive and application for a coastal permit where consent for a similar activity has been refused within the previous 12 months	Manager Consents

15.2 Further Information requests

Section	Function	Delegated to
92(1)	Request further information relating to a resource consent application.	Senior Consents Planner
92(2)	Commission a person to prepare a report on any matter relating to a resource consent application.	Team Leader Consents Principal Consents Planner
92A(2)	When requesting further information under section 92, set a reasonable time within which the applicant must provide the information and tell the applicant in a written notice.	Senior Consents Planner

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15.3 Notification

Section	Function	Delegated to
91(1)	Defer the notification or hearing of an application for resource consent where it is considered other resource consents will also be required and it is appropriate that applications for one or more of those other resource consents be made before proceeding further.	Senior Consents Planner
91D	Decide to suspend the processing of a non-notified application when a request is received from an applicant under section 91D.	Senior Consents Planner
95(1)	Decide whether to give public or limited notification of a resource consent application in accordance with sections 95A and 95B and notify the application as determined appropriate.	Team Leader Consents; or Principal Consents Planner except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Regulatory and co-chairs of the Regulatory Committee.
95E 95F 95G 127(4)	Determine if a person is an affected person.	Team Leader Consents; or Principal Consents Planner except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Regulatory and co-chairs of the Regulatory Committee.
95D	For the purposes of deciding whether to publicly notify an application, determine whether the effects of the activity will be more than minor.	Team Leader Consents; or Principal Consents Planner except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM

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		Regulatory and co-chairs of the Regulatory Committee.
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15.4 Submissions

Section	Function	Delegated to
97	Adopt an earlier closing date for submissions.	Manager Consents; except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Regulatory and co-chairs of the Regulatory Committee.

15.5 Pre-hearing meetings and mediation

Section	Function	Delegated to
99(1)	Invite the applicant and submitters to attend a pre-hearing meeting.	Manager Consents; except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Regulatory and co-chairs of the Regulatory Committee.
99(1)	Require the applicant and submitters to attend a pre-hearing meeting.	Manager Consents; except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Regulatory and co-chairs of the Regulatory Committee.

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99	Decide who will chair a pre-hearing meeting	Manager Consents; except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Regulatory and co-chairs of the Regulatory Committee.
99(2)	Invite a person or persons to attend a pre-hearing meeting.	Manager Consents; except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Regulatory and co-chairs of the Regulatory Committee.
99(2)	With the consent of the applicant, require a person or persons to attend a pre-hearing meeting.	Manager Consents; except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Regulatory and co-chairs of the Regulatory Committee.
99(8)	Decline to process a person's application or consider a person's submission if they were required but failed to attend a pre-hearing meeting.	GM Regulatory; except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Regulatory and co-chairs of the Regulatory Committee.
99A	Refer an applicant and submitters to mediation.	GM Regulatory except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Regulatory and co-chairs

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		of the Regulatory Committee.
99A	Appoint mediators for consent applications	Any two of the following: GM Regulatory and co-chairs of the Regulatory except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Regulatory and co-chairs of the Regulatory Committee.

15.6 Hearings

Section	Function	Delegated to
34A(1) 34A(1A)	Appoint a hearing commissioner(s) to hear and decide resource consent applications and delegate to that person or persons all the necessary powers, functions, and duties in the RMA.	Manager Policy & Planning for plan hearings Any two of the following for a resource consent hearing: GM Regulatory or the co-chairs of the Regulatory Committee of Council
39 40 41A 41B 41C	To determine the procedures for the conduct of a hearing	The Hearings panel or Commissioners, or Commissioner sole appointed to hear and determine the particular plan proposal or consent application
41D	To strike out all of part of a submission in accordance with the section	Manager Consents Manager Policy & Planning The Hearings panel or Commissioners, or Commissioner sole appointed to hear and determine the particular

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		plan proposal or consent application
100	Determine that a hearing of an application is necessary.	Manager Consents
100A(4)	Where an applicant or submitter has made a request under section 100A, appoint a hearing commissioner(s) to hear and decide the application.	Any two of the following: GM Regulatory and co-chairs of the Regulatory
101(1) 101(3)	Fix and give notice of the commencement date, time and place of a hearing.	Senior Consents Support Officer; or Consents Support Officer
102(1)	In relation to joint hearings, agree that applications are sufficiently unrelated that a joint hearing is unnecessary.	Manager Consents
102(2)	Instead of the regional council, agree that for a joint hearing another authority should be responsible for notifying the hearing, setting the procedure, and providing administrative services.	Manager Consents
103(1)	Determine that applications for resource consents for the same proposal are sufficiently unrelated that it is unnecessary to hear and decide the applications together.	Manager Consents

15.7 Decision-making on applications

Section	Function	Delegated to
104A 104B 104C 104D 104F 105 107 108 108AA 217	<p>Determine applications and impose conditions for the following activities or types of application:</p> <ul style="list-style-type: none"> Applications for a non-complying activity <p>Determine applications and impose conditions for any activity where:</p> <ul style="list-style-type: none"> the application was notified or limited notified but no hearing is required (subject to section 100) the recommended consent term is greater than 25 years. the recommended consent conditions are not consistent with the Council’s standard consent conditions. 	<p>Manager Consents; Team Leader Consents; or Principal Consents Planner</p> <p>The Hearings panel or Commissioners, or Commissioner sole appointed to hear and determine a consent application including where the ORC is the applicant for consent.</p>

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104A 104B 104C 104D 104F 105 107 108 108AA 217	Determine applications and impose conditions for any other activity, where the recommended conditions are consistent with the Council's standard consent conditions and the recommended consent term is less or equal to 25 years.	Manager Consents; Team Leader Consents; or Principal Consents Planner The Hearings panel or Commissioners, or Commissioner sole appointed to hear and determine the particular consent application including where the ORC is the applicant for consent.
104A 104B 104C 104D 104F 105 107 108 108AA 217	Authority to decide non-notified resource consent applications to install or alter a bore.	Senior Consent Planner. The Hearings panel or Commissioners, or Commissioner sole appointed to hear and determine the particular a consent application including where the ORC is the applicant for consent.
108A 109	Implementation of requirement in a resource consent for a bond to secure the performance of consent conditions Note: If a bond or covenant is considered as a possible consent requirement than all matters relating to consent conditions under sections 104A, 104B, 104C, 104D, 104F, 105, 107, 108, 108AA and 217 must be considered together with delegation exercised by the GM Regulatory.	GM Regulatory
110(1)	Refund or return the whole of a financial contribution or land in accordance with section 110.	GM Regulatory
110(2)	Determine the portion of a financial contribution or land to retain to cover the costs incurred by the Council in relation to the activity and its discontinuance.	GM Regulatory

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114(2)	Determine what other authorities and persons are considered appropriate to be notified of a decision on a resource consent application.	Manager Consents
n/a – internal policy	Determine whether an application for financial support for resource consent processing fees for environmental enhancement projects is to be accepted or rejected, upto a maximum value of \$10,000 taking into account uddget availability and other factors. See ORC policy 'Financial Support for Resource Consent Processing Fees - Environmental Enhancement Projects' dated July 2021.	GM Regulatory

15.8 Duration of consent

Section	Function	Delegated to
124	Allow a resource consent holder to operate under an expired resource consent while the application for a new consent and any references (appeals) to the Environment Court are determined in accordance with section 124.	Team Leader Consents Principal Consents Planner Senior Consents Planner
125(1A)(b)	Determine an application for extension of the lapse date of a consent.	Manager Consents

15.9 Cancellation and change of consents

Section	Function	Delegated to
126(1)	Cancel a resource consent by written notice in accordance with section 126.	Manager Compliance
126(2)	Revoke the notice of cancellation of a resource consent and determine a new period after which a new notice of cancellation may be issued in accordance with section 126.	GM Regulatory
127	Change or cancel consent condition on application by the consent holder	Principal Consents Planner

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		Manager Consents
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15.10 Review of consent conditions by consent authority

Section	Function	Delegated to
128	Determine whether to review the conditions of a resource consent, serve notice on a consent holder of the intention to review the conditions, and propose new conditions.	Manager Consents
129		Manager Compliance
130	Determine whether notification of a review is required and whether a hearing be held.	Manager Consents
131	Change the conditions of a resource consent on a review under section 128.	Manager Consents
132		

15.11 Determining activities are permitted activities

Section	Function	Delegated to
87BB(1)(d)	Determine that an activity is a permitted activity in accordance with section 87BB(1)(a) to (c) and advise the person proposing to undertake the activity.	Team Leader Consents Principal Consents Planner

15.12 Minor corrections

Section	Function	Delegated to
133A	Issue an amended consent that corrects minor mistakes or defects in the consent in accordance with section 133A.	Team Leader Consents Principal Consents Planner Senior Consents Planner

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15.13 Transfer and surrender

Section	Function	Delegated to
136(2)(b)(ii)	Approve the transfer of a water permit in whole or in part to another person on another site or to another site in accordance with section 136.	Manager Consents or Manager Regulatory Data and Systems; or Team Leader Compliance Support
137(3)(b)	Approve the transfer of a discharge permit in whole or in part to another person or another site in accordance with section 137.	Manager Consents or Manager Regulatory Data and Systems; or Team Leader Compliance Support
138(2)	Refuse to accept the surrender of part of a resource consent	Manager Consents Manager Consents or Manager Regulatory Data and Systems; or Team Leader Compliance Support

15.14 Certificates of compliance or existing use

Section	Function	Delegated to
139(4)	Require further information to be provided in relation to a request for a certificate of compliance.	Consents Planner
139(5)	Issue a certificate of compliance.	Principal Consents Planner Team Leader Consents Senior Consents Planner
139A(3)	Require further information to be provided in relation to a request for an existing use certificate.	Consents Planner
139A(5)	Issue an existing use certificate.	Manager Consents

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139A(8)	Revoke an existing use certificate in accordance with sections 139A(7) and (8).	Manager Consents
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15.15 Permits over land other than that of the holders

Section	Function	Delegated to
417	To sign a certificate that defines a water race on land, as authorised by a mining privilege.	Not delegated

15.16 Direct referral

Section	Function	Delegated to
87E	Decide whether to agree to an applicant’s request for direct referral of a resource consent application to the Environment Court.	GM Regulatory
87F	Approve the content of a report prepared under section 87F on an application that has been directly referred to the Environment Court.	Manager Consents

15.17 Objections

Section	Function	Delegated to
357C	Hear and decide objections against certain decisions under sections 357, 357A and 357B – except where the objector has requested that the matter be resolved by a hearing commissioner.	Manager Consents Manager Compliance Except that if they made the decision that is the subject of the objection the objection must be determined by their General Manager, or the CE

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357AB(2)	If requested by an applicant with a right of objection under section 357A(1)(f) or (g), appoint a hearing commissioner to consider the objection in accordance with section 357AB.	Commissioner Appointed by two of the three: GM Regulatory and the co-chairs of the Regulatory Committee of Council
357C(4)	Hear and decide objections against additional charges collected under section 36(3).	GM Regulatory Manager Compliance

15.18 Consents where the ORC is the applicant

Section	Function	Delegated to
88(1)	Authority to apply for a resource consent on behalf of the ORC	GM Operations Any Harbourmaster GM Regulatory
	For all delegations covered in sections 16.1 to 16.16 of this Manual decision making will be delegated to an external, independent and appropriately qualified commissioner appointed by two of the three: GM Regulatory and the co-chairs of the Regulatory Committee of Council. All analysis, processing, report writing and support for the Independent Commissioner will be provided by an independent consultant appointed by the Manager Consents from an approved panel of consultants.	Independent Commissioner Independent Consultant

15.19 Consent applications where the ORC may be an affected party

Section	Function	Delegated to
95B	Authority to make submissions, or provide written approval of a resource consent application on behalf of Council where it is an affected party	GM Operations GM Policy, Science and Strategy

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16. Enforcement and compliance

16.1 Enforcement officers

Section	Function	Delegated to
38(1)	Authorise staff to act as enforcement officers.	Chief Executive
38(5)	Supply enforcement officers with warrants.	Chief Executive

16.2 Requirement to supply information

Section	Function	Delegated to
388	Require information to be supplied by a person exercising a resource consent as to the nature and extent of activities carried out under the consent and the effects of the activities on the environment.	Environmental Officer

16.3 Powers of entry or search

Section	Function	Delegated to
332	Use powers of entry for inspection in accordance with section 332.	Warranted Officer where specified on warrant
333	Use powers of entry for survey in accordance with section 333.	Warranted Officer where specified on warrant
334	Authority to apply to an issuing officer for a warrant for entry to search where there are reasonable grounds to believe an offence against the RMA has been or is suspected of having been committed that is punishable by imprisonment.	Manager Compliance

16.4 Infringement notices

Section	Function	Delegated to
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343B	To decide to proceed by way of filing a charging document or serving an infringement notice	GM Regulatory
343B/C	To decide to withdraw an infringement notice.	Manager Compliance
343C	Where an enforcement officer observes a person committing an infringement offence, or has reasonable cause to believe such an offence is being or has been committed by that person, authority to serve an infringement notice in respect of that offence.	Team Leader Compliance Monitoring Team Leader Investigations
343C	To commence proceedings for a defended infringement notice	GM Regulatory

16.5 Abatement notices

Section	Function	Delegated to
322	To decide to serve an abatement notice	Manager Compliance
325A	Determine that an abatement notice be cancelled, changed, or confirmed.	Manager Compliance

16.6 Enforcement orders

Section	Function	Delegated to
316	Apply to the Environment Court for an enforcement order.	Manager Compliance
317	Where an application for an enforcement order is made, serve notice on every person directly affected by the application.	Team Leader Investigations
318	Give and withdraw notice of wish to be heard on an application for an enforcement order.	Team Leader Investigations

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320	Apply to the Environment Court for an interim enforcement order.	Manager Compliance
321	If directly affected by an enforcement order, apply to the Environment Court to change or cancel the order.	Manager Compliance

16.7 Offences

Section	Function	Delegated to
338	To initiate and/or withdraw a prosecution for an offence against the RMA.	GM Regulatory GM Operations
338	If a decision has been made to prosecute, authority to file a charging document on decisions to prosecute for offences.	GM Regulatory

16.8 Water shortage direction

Section	Function	Delegated to
329	Issue, amend or revoke a water shortage direction	GM Policy, Science and Strategy GM Regulatory

16.9 Reclamations

Section	Function	Delegated to
355B	Authority to act against unlawful reclamations.	GM Regulatory

16.10 Emergency works

Section	Function	Delegated to
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330	Power to undertake emergency works for ORC and/or other preventative measures to contain or minimise adverse effects on the environment.	Manager Engineering GM Operations
330A	Apply for a retrospective consent for emergency works	GM Operations Manager Engineering
331(1)	Require reimbursement or seek compensation for any emergency action undertaken by the Council.	GM Regulatory GM Operations
331(1A)	Apply for enforcement order under section 314(1)(d) to recover costs.	GM Regulatory

17. Court proceedings

17.1 Environment court

Section	Function	Delegated to
120 174 192 195 Schedule 1, Clause 14 Schedule 1, Clause 27	Lodge, withdraw, or oppose an appeal to the Environment Court in relation to a resource consent, a designation, or a heritage order, plan reviews, policy statements, plan changes and new plans where the ORC is an applicant or made a submission as an affected party. This delegation includes authority to enter into mediation, approve Consent Memoranda, draft Consent orders and side agreements, appear at hearings, present evidence, deal with costs, where these arrangements or activities protect ORC's interest as either the applicant or an affected party.	Manager Consents Manager Policy & Planning GM Operations
174 179 192 195 Schedule 1, Clause 14 Schedule 1,	Lodge, withdraw, or oppose an appeal to the Environment Court in relation to a resource consent where the ORC not an applicant or a decision maker.	GM Policy, Science and Strategy GM Regulatory

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Clause 27		
267	Participate and make decisions in Environment Court conferencing and/or appoint a representative who has authority (on behalf of Council) to participate and make decisions	Manager Consents Manager Compliance Manager Policy & Planning
268A	(1) For RMA planning matters, settle a dispute or issues at stake at mediation or other alternative dispute resolution sessions to resolve proceedings directly relating to the contents of Otago Regional Council Regional Policy Statements and Plans, including approving Consent Memoranda, draft Consent Orders and side agreements, provided that a position paper is run by the relevant committee chair prior to the officer attending mediation or other alternative dispute resolution sessions	Manager Consents Manager Compliance Manager Policy & Planning
	(2) For other RMA planning matters, settle a dispute or issues at stake at mediation or other alternative dispute resolution sessions, including approving Consent Memoranda, draft Consent Orders and side agreements	
	For RMA resource consent and other RMA matters, approve Consent Memoranda, draft Consent Orders and side agreements.	Manager Consents Manager Compliance Manager Policy & Planning
272 275 277A	Decide to appear at proceedings before the Environment Court and call evidence, or new evidence for the Council.	Manager Consents Manager Compliance Manager Policy & Planning
274	Lodge, withdraw, or oppose a notice of intention to become an interested party to Environment Court proceedings.	GM Policy, Science and Strategy GM Regulatory

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278 279 280	Seek, withdraw, or oppose orders in accordance with sections 278, 279 and 280.	Manager Consents Manager Compliance Manager Policy and Planning
281	Lodge, withdraw, or oppose an application for a waiver or direction in accordance with section 281.	GM Policy, Science and Strategy GM Regulatory
285	Authority to approve an application for costs, respond to an application for costs, or waive the pursuit of costs in Court proceedings.	GM Policy, Science and Strategy GM Regulatory Manager Policy & Planning
291	Lodge, oppose, or withdraw a Notice of Motion (or originating application) with the Environment Court seeking an order and give or withdraw notice of a wish to be heard on an application.	GM Policy, Science and Strategy GM Regulatory
294	Apply to the Environment Court for a rehearing of its proceedings where new and important evidence has become available after the Court's decisions	GM Policy, Science and Strategy GM Regulatory
308G 311	Lodge, withdraw, join, or oppose an application for declaration with the Environment Court.	GM Policy, Science and Strategy GM Regulatory
356	Apply to the Environment Court for a matter to be determined by arbitration	Any General Manager

17.2 High Court

Section	Function	Delegated to
149V 299 300	Lodge, withdraw, oppose, or join an appeal to the High Court and any related applications or proceedings. Settle a dispute or issues at stake at mediation or other dispute resolution sessions.	Chief Executive

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	Approve Consent Memoranda, draft Consent Orders, side agreements, or other documents required to settle a matter.	
301	Give or withdraw notice of intention to appear and be heard on appeal in High Court proceedings.	Chief Executive
305	Lodge, withdraw, oppose, or join an appeal to the High Court.	Chief Executive
306	Lodge, withdraw, or respond to an application for an extension of time.	Chief Executive

17.3 Court of Appeal and Supreme Court

Section	Function	Delegated to
308 RMA Subpart 8 of Part 6 of Criminal Procedure Act 2011	Lodge, withdraw, join, or otherwise respond to an application for leave to appeal to the Court of Appeal, a Notice of Appeal to the Court of Appeal, or any related applications or proceedings and be heard in relation to any application or proceedings.	Chief Executive
	Settle a dispute or issues at stake at mediation or other dispute resolution sessions.	
	Approve Consent Memoranda, draft Consent Orders, side agreements, or other documents required to settle a matter.	

18. Proposals of national significance

Section	Function	Delegated to
142(1)	Request that the Minister for the Environment call in a resource consent application as a matter is of national significance.	GM Regulatory
142(2) 147(4)	Provide the Council's view on a direction to be made by the Minister for the Environment.	GM Regulatory GM Policy, Science and Strategy

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149	Prepare a report requested by the EPA	GM Regulatory
149B	Provide information to the EPA	Manager Consents Manager Policy and Planning
149K	Provide suggestions to the Minister on the members of a Board of Inquiry	GM Regulatory
149G 149M 149N	Prepare a report for the EPA on key planning matters relating to a called in application and provide information or comments to the EPA on proposed plans or plan changes	GM Regulatory Manager Policy and Planning
149Q(4) 149Q(5)	Provide comments to the EPA on minor or technical aspects of a draft Board of Inquiry report.	GM Regulatory GM Policy, Science and Strategy
149W(2)(a)	Amend a proposed plan, change, or variation under clause 16(1) of Schedule 1 as if the decision were a direction of the Environment Court under section 293.	GM Policy, Science and Strategy
149(ZD)	Recover actual and reasonable costs of a process involving a matter of national significance.	GM Regulatory GM Policy, Science and Strategy

19. Water conservation orders

Section	Function	Delegated to
205 209 211	To make a submission to a special tribunal on a water conservation order, appeal to the Environment Court and power to be heard in person or be represented by another person at an inquiry conducted by the Environment Court under section 210.	GM Regulatory GM Policy, Science and Strategy

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20. Designations

Section	Function	Delegated to
168	Authority to give notice of a requirement for a designation to a territorial authority.	GM Operations
172	Authority to make a decision on a recommendation on a notice of requirement for a designation	GM Operations
174	Authority to appeal a decision of the territorial authority relating to a designation	GM Operations
176 178	Authority to approve activities on land affected by a designation	GM Operations
176A	Prepare an outline plan to be constructed on designated land	Manager Engineering
181 182	Authority to amend or remove a designation	GM Operations
184	Authority to seek extension of a designation before lapsing	GM Operations
195	Authority to appeal a matter subject to a heritage order	GM Operations

21. Other RMA matters

Section	Function	Delegated to
80 186	Power to acquire land	Chief Executive
237D	Transfer of land to the Crown or regional council	Chief Executive
245	To approve or decline a plan of make a submission to a special tribunal on a water conservation order, appeal to the Environment Court and power to be heard in person or be represented by another person at an inquiry conducted by the Environment Court under section 210.To approve or decline a plan of survey of a consented reclamation.	Not delegated

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22. Regulations

22.1 Measurement and Reporting of Water Takes

Regulation	Function	Delegated to
6(5)	Approving format of records	Manager Consents or Manager Regulatory Data and Systems
7(4)	Determining whether the certifier is suitably qualified	Manager Consents; or Manager Compliance; or Manager Regulatory Data and Systems
7A(5)	Approval to grant a later deadline for providing water meter records	Manager Consents; or Manager Compliance; or Manager Regulatory Data and Systems
8(4) 8(6)	Authority to request evidence from the consent holder	Consents Officer
9	Approval to measure water taken each week (instead of each day).	Team Leader Consents; or Team Leader Compliance; or Manager Regulatory Data and Systems
10	Approval to use device or system installed near (instead of at) location from which water is taken.	Manager Consents; or Manager Compliance; or Manager Regulatory Data and Systems
11	Authority to revoke approval granted under regulations 9 or 10.	Manager Consents; or Manager Compliance; or Manager Regulatory Data and Systems

22.2. Resource Management (Forms, Fees, and Procedure) Regulations 2003

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Section	Function	Delegated to
Clause 10A(2)	Require a notice to be affixed in a conspicuous place.	Manager Consents

23. Regional Plan: Water for Otago

Section	Function	Delegated to
Rules: 12.1.2.4, 12.1.1.5, 12.2.2.2, 12.2.2.5 and 12.2.2.6	To suspend permitted activity takes of water as provided for in the Regional Plan: Water for Otago.	GM Policy, Science and Strategy

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PART F: REGULATORY DELEGATIONS - OTHER

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PART F: REGULATORY NON-RMA DELEGATIONS

24. Council bylaws

24.1 Navigation Safety Bylaw 2020

The Otago Regional Council Navigation Safety Bylaw 2020 establishes a range of responsibilities, obligations and rules for the purpose of ensuring maritime safety for the waters in the Otago region as defined in the bylaw.

Except as provided below, delegations for the Navigation Safety Bylaw 2020 are provided for in the Maritime Transport Act 1994 and the Bylaw itself.

	Function	Delegated to
Otago Regional Council written approval		
	For issuing or refusing any written approval on behalf of the Council.	GM Regulatory

24.2 Flood Protection Management Bylaw 2022

Clause	Function	Delegated to
Authority to carry out work		
5.1	To approve/refuse authority under the Bylaw, including granting authority on such conditions as are considered appropriate.	Manager Engineering or Team Leader Commercial and Regulatory, except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Regulatory and cochaIRS of the Regulatory Committee
5.2	Determining, refunding, remitting or waiving the whole or any part of any fee payable under the Bylaw.	GM Operations; or GM Regulatory except where ORC is the

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		applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Regulatory and co-chairs of the Regulatory Committee.
5.3	To uphold, amend or rescind a decision or authority under the Bylaw	Manager Engineering or Team Leader Commercial and Regulatory, except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Regulatory and co-chairs of the Regulatory Committee.
Compliance and Enforcement		
6.1	Revocation of an authority granted under the Bylaw. Grant an extension to remedy a breach or failure	Manager Engineering or Team Leader Commercial and Regulatory
6.3	Issue a notice to remedy	GM Regulatory GM Operations
6.4	Authorisation of removal of works and cost recovery	refer Local Government Act 2002 delegations

25. Biosecurity Act 1993

The Biosecurity Act 1993 contains legislative provisions and powers to enable the effective implementation, including enforcement, of a regional pest management plan. The Act provides powers to a Principal Officer (Chief Executive) and Authorised Persons (who are appointed by the Chief Executive under section 105(1) of the Act).

In addition to the functions and powers delegated by the Chief Executive to “authorised persons” this section sets out the functions and powers under the Biosecurity Act which are delegated.

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The Council delegates (to the extent authorised under the Biosecurity Act) in respect of biosecurity matters to the Chief Executive and council officers, as set out below.

Section	Function	Delegated to
13(1)(a)	Power to carry out monitoring and surveillance of pests, pest agents, and unwanted organisms for the purposes of Part 5 of this Act	Delivery Lead - Biosecurity
13(1)(b)	Power to provide for the assessment and management or eradication of pests	Delivery Lead - Biosecurity
70-75	Prepare and review a regional pest management plan	GM Operations to make recommendations to Council
76,96	Lodge, withdraw or oppose an application to the Environment Court Settle a dispute or issues at stake at mediation or other alternative dispute resolution sessions Approve Consent Memoranda, draft Consent Orders and side agreements Decide to appear at proceedings before the Environment Court and call evidence for the Council	GM Operations
78	Exempt a person from a requirement in a rule in a regional pest plan.	Manager Environmental Implementation
90-95	Prepare and review a regional pathways management plan	GM Operations to make recommendations to Council
98	Exempt a person from a requirement in a rule in a regional pathways management plan	Manager Environmental Implementation
100M 100N	Recovery of a levy as a debt due	GM Operations
100V	Prepare a small scale management programme	GM Operations can make recommendations to council
122	Power to issue/withdraw a Notice of Direction	Authorised Person
128	Power to act on default and authorise action for work and recover costs of that action	GM Operations

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129	Power to put a charge on the property	GM Corporate
130	Power to declare a restricted place	Delivery Lead - Biosecurity
131	Declare a specified area to be a controlled area	GM Operations
135	Power to recover costs of administering the Biosecurity Act 1993 and performing the functions, powers and duties provided for in the Act in accordance with section 135 and regulations	Manager Environmental Implementation in conjunction GM Corporate as to the methods used
154	Power to issue/withdraw a Compliance Order	Manager Environmental Implementation
154M 154N 154O	To initiate and/or withdraw a prosecution for an offence under this Act Authority to file a charging document that has been laid in relation to a prosecution	GM Operations
159	Commence, withdraw or join proceedings in respect of infringement offences	GM Operations

26. The Building Act 2004

Otago Regional Council is a regional authority under the Building Act 2004. Regional authorities have several functions, powers and duties in relation to dams. Under a 2008 Deed of Transfer the Council exercises certain functions powers and duties under the Building Act for both Environment Southland and the West Coast Regional Council.

The table below lists the delegations for the Building Act functions exercised by ORC. The Building Act requires persons exercising authority to have requisite qualifications and experience and limits the scope of authorities exercised by any individual to the extent of their registrations under the Act.

ORC uses qualified external advisers to ensure the quality and technical proficiency of the advice that it uses in making decisions under the Building Act.

Section	Function	Delegated to
Project Information Memorandum (PIM) functions		

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31 34	Issue and re-issue a PIM in certain circumstances and provide a copy of a PIM to the applicant as required.	Senior Consents Officer or Consents Officer with Building Act responsibilities
33	Determine further information required in relation to a PIM application.	Senior Consents Officer or Consents Officer with Building Act responsibilities
36	Attach development contribution notice.	Senior Consents Officer or Consents Officer with Building Act responsibilities
37	Issue a certificate if a resource consents is required	Senior Consents Officer or Consents Officer with Building Act responsibilities
38	Provide copy of PIM to network utility operator(s) and/or statutory authority, if required.	Senior Consents Officer or Consents Officer with Building Act responsibilities
39	Advise Heritage New Zealand Pouhere Taonga of PIM application, if required.	Senior Consents Officer or Consents Officer with Building Act responsibilities
83(3)	Deciding to approve the removal of entry on a certificate of title	Senior Consents Officer or Consents Officer with Building Act responsibilities
Certificates of acceptance		
96(1) 98(1)	Deciding whether to issue a certificate of acceptance	Principal Consents Officer or Manager Consents
97(c)	Specifying any additional information that is required to be lodged with an application for a certificate of acceptance	Senior Consents Officer or Consents Officer with Building Act responsibilities
98(2)	Requiring further information in relation to an application for a certificate of acceptance	Senior Consents Officer or Consents

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		Officer with Building Act responsibilities
99(2)	Qualifying a certificate of acceptance to the effect that only parts of the building work were able to be inspected	Manager Consents
Annual Building Warrant of Fitness		
109(c)	Deciding to accept a recommendation to amend a compliance schedule arising from the annual building warrant of fitness	Manager Consents
110(c)	Requirement to produce compliance schedule reports under s110(a)	Manager Consents
Change of use, extension of life and subdivision of land		
115	Decision to allow the change of use of a building	Principal Consents Officer or Manager Consents
Classification of Dams		
134A(1)	Requiring an owner to classify a referable dam	Principal Consents Officer or Manager Consents
136(1) 136(2)	Decision to approve or refuse a dam classification	Principal Consents Officer or Manager Consents
138(1)	Requiring the re-audit of a classification	Manager Consents
138(2)	Specifying a period beyond 15 working days for a dam classification re-audit	Manager Consents
Dam safety assurance programmes		
143(1)	Decision to approve or refuse to approve a dam safety assurance programme	Principal Consents Officer or Manager Consents
145(2)	Requiring a period beyond 15 working days for a dam safety assurance programme to be re-audited	Manager Consents
146(2)(b)	Requesting a review of the dam safety assurance programme for an earthquake-prone or flood-prone dam	Manager Consents
148(a)(iii)	Decision on keeping a dam safety assurance programme in a place agreed by the Regional Council and the owner	Senior Consents Officer or Consents Officer with Building Act responsibilities

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Register of dams		
151	Maintain a register of dams in Otago	Senior Consents Officer or Consents Officer with Building Act responsibilities
Dangerous dams		
154(1)	Determine that a dam is dangerous in terms of s153 and take action as set out in s154(1)(a), (b) and (c).	Manager Engineering or Manager Consents
155(1)(b)	Determining whether building consent is required in respect of work required by a notice to fix	Manager Engineering or Manager Consents or Manager Compliance
156(1)	Apply to a District Court for an order enabling the Otago Regional Council to carry out building work.	GM Regulatory GM Operations
156(3)(b)	Recover costs of carrying out work under s156(1) from the owner.	GM Regulatory GM Operations
157(2)	Decision to take action to avoid immediate danger.	GM Regulatory GM Operations
157(3)(b)	Decision to recover costs of taking action under section 157(2).	GM Regulatory GM Operations
158	To make an application to the District Court to confirm warrant for emergency work on a dam	GM Regulatory GM Operations
Issuing Notices to Fix		
164	Determination that a notice to fix should be issued, or should be issued by another authority	Manager Engineering; or Manager Consents; or Manager Compliance

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165(1)	Determination of the matters relevant to issuing a notice to fix and the scope and nature of a notice to fix.	Manager Engineering; or Manager Consents; or Manager Compliance
167	Inspection of building work carried out in accordance with a notice to fix, a decision to confirmation or refuse to confirm that a notice to fix has been complied with and a decision to issue a further notice to fix if required.	Manager Engineering; or Manager Consents; or Manager Compliance
Determinations		
177 180	Making and withdrawing an application for a determination	GM Regulatory
182(2)	Commencement of proceedings in the High Court where the matter has been the subject of a determination	GM Regulatory
185(2)(b)	Agreeing on a period beyond 60 workings days for making a determination	GM Regulatory
189(b)(ii)	Agreement to amendment of a determination for clarification purposes	GM Regulatory
190(3)	Filing a direction to the District Court as to costs in respect of a determination	GM Regulatory
Registration and Accreditation as Building Consent Authority		
194	Making application for registration as a building consent authority	GM Regulatory
252(4)	Request to change the scope of accreditation	GM Regulatory
253	Application for accreditation to perform Building Consent Authority functions	GM Regulatory
200 202	Make submissions and respond to complaints or to an investigation	GM Regulatory
276(2)(b)	To make submissions on a review of the regional authority	GM Regulatory
Appeals		

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208 209	Appealing a decision of the CEO of the Ministry responsible for the administration of the Building Act	Chief Executive
Carrying out building work on default		
220(2)	Making application to the District Court for an order in respect of building work required to be done	GM Regulatory
220(4)(b)	Recovery of costs associated with carrying out building work authorised under s220(2)	GM Regulatory
221	Disposal, sale, etc. of materials that result from carrying out building work authorised under s220(2)	GM Regulatory
222	To authorise persons to carry out inspections under the Act	Chief Executive
Responsibilities of a BCA that is not a Territorial Authority		
240(2)	Refusal to perform functions under the Building Act where fees, charges or levies are unpaid	Manager Consents
243	Power to impose fees or charge and recovery of costs and to collect levies	Manager Consents
Fees and charges		
281A 281B 281C 219	Setting fees, imposing fees and charges, charging of a fee for the issue of compliance schedule, increasing the amount of a fee or charge to meet additional costs, and waiving or refunding a fee – consistent with the Council's fees and charges policy	Manager Consents
Other matters		
315(1)	Making a complaint about a licensed building practitioner.	Manager Consents
363A(2)	Deciding whether to issue a certificate for public use	Principal Consents Officer or Manager Consents
363A(5)	Deciding and requesting further reasonable information	Principal Consents Officer or Manager Consents
403(4)(b)	Making submissions as an 'interested person' to proposed Orders in Council or regulations	GM Regulatory

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Schedule 1, part 1, clause 2	Deciding whether a building consent is not necessary	Manager Consents
Offences		
371(2)	Commencement of proceedings where an infringement notice has been issued	GM Regulatory
372	Issuing an infringement notice	Warranted Officer where specified on warrant
372B(2)	Authorising officers to issue infringement notices	Chief Executive
377	Filing a charging document	GM Regulatory
381(1) 381(2)	Making an application to the District Court for an injunction	Chief Executive

27. The COVID-19 Recovery (Fast-Track Consenting) Act 2020

In 2020, Central Government introduced the COVID-19 Recovery (Fast-track Consenting) Act 2020. The purpose of this Act is to fast-track projects that can boost employment and economic recovery. The Environmental Protection Authority (EPA) is the Government Department responsible for this legislation and for administering the process. Decisions on applications that use this process are made by Expert Consenting Panels. Membership of these panels can include those nominated by relevant local authorities.

Section	Function	Delegated to
Clause 3(2) of Schedule 5	Nominate a person to be part of an Expert Consenting Panel set up under the COVID-19 Recovery Act 2020.	Council Chairperson

28. The Crown Minerals Act

The Crown Minerals Act provided transition provisions for mining licence issued under the Mining Act 1971 which was repealed in 1991. There is now only one residual section left in schedule 1 of the Crown Minerals Act 1991 that refers to Regional Councils.

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Section	Function	Delegated to
Schedule 1 clause 16	Require the holder of a coal mining right to increase the amount of bond or deposit.	GM Regulatory
Schedule 1 clause 16	To make a determination whether the holder of an existing mining privilege has complied with the terms and conditions of the privilege.	GM Regulatory

29. The Local Government Act 2002

[a] This section sets out the functions under the Local Government Act 2002 (LGA) which are delegated;

[b] The Council delegates (to the extent authorised under the LGA) specified responsibilities, duties, and powers to the Chief Executive and council offices as set out below;

[c] The delegations are made under and must be acted on in accordance with the requirements of clause 32A of the LGA as well as the general delegation provision of clause 32 of the LGA. This includes the limitations set out in those sections and the prohibition on sub-delegation;

[d] The powers have been delegated to specific office holders through their title as set out in the 'delegated to' column of the schedule;

[e] Any limitation on the power delegated has been specified in the 'function' column of the schedule below; and

[f] The 'function' column is a summary of the power delegated only. The complete provision of the LGA (set out in the 'section' column of the schedule) should be referred to as appropriate.

Section	Function	Delegated to
162	Apply for injunction restraining a person committing a breach of a Bylaw or an offence against this Act	GM Regulatory GM Operations Any Harbourmaster
163	Removal or alteration of work or thing that is or has been constructed in breach of a bylaw and recovery of costs.	GM Regulatory GM Operations Any Harbourmaster

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164	To seize and impound property not on private land	Warranted officer where specified on warrant
165	To seek a search warrant	GM Regulatory GM Operations Any Harbourmaster
168	To dispose of property seized and impounded	GM Regulatory GM Operations Any Harbourmaster
171	Power of entry.	Warranted officer where specified on warrant
172	Power of entry for enforcement purposes.	Warranted officer where specified on warrant
173	Powers of entry in cases of emergency.	Warranted officer where specified on warrant
174	Authority to appoint an authorised person and issue warrants for the purposes of: <ul style="list-style-type: none"> • Local Government Act 2002 • Building Act 2004 • Otago Regional Council Bylaws • Soil Conservation and Rivers Control Act 1941 • Land Drainage Act 1908 	After considering whether or not to apply any limitation to the power before delegating it, as well as the limitations (if any) it will place on that power Chief Executive
174	Authority to act.	Warranted officer where specified on warrant
175	Power to recover costs of damage.	GM Operations GM Regulatory
176	Power to recover costs of remedying damage arising from breach of bylaw.	GM Operations GM Regulatory
177	Authority to appoint enforcement officers and issue warrants.	Chief Executive
181	Authorise construction of works on or under private land, or under a building on private land, considered necessary for land drainage and rivers clearance.	Manager Engineering

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181(4)	Enter land to inspect, alter, renew, repair, or clean any work constructed under section 181.	Manager Engineering
182	Power of entry to check utility services.	Warranted officer where specified on warrant
185	Grant approval for occupier to undertake work	Manager Engineering
186	To approve works if owner or occupier defaults	GM Operations GM Regulatory
187	To approve the recovery of costs	GM Operations GM Regulatory
189 190	Power to acquire land	Chief Executive
224-236 238-239	To initiate or withdraw a prosecution for an offence against this Act.	GM Operations GM Regulatory
241	Authority to file charging document.	GM Operations GM Regulatory

30. Land Transport Management Act 2003

Section	Function	Delegated to
116(2)	Duty of regional council to contract for the provision of every unit on an exclusive basis	GM Operations
121	Obligations regarding notification and provision of copies of plans	GM Operations
127	Power to (1) require information from operators of public transport services, including patronage and fare revenue data and (2) disclose other data to a person who is registered by the regional council to tender for the provision of a unit.	Manager Transport
128	Power to make decisions on the release of information and a duty to consult with relevant organisations.	Manager Transport

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129	Power to make decisions on release of information and duty to consult with organisation	Manager Transport Legal Counsel
133	Authority to make decisions regarding the notification of a proposal to operate or vary exempt services.	Manager Transport
134	Authority to decide on the grounds in section 134 to decline registration or variation of exempt services.	Manager Transport
136	Authority regarding the registration of exempt services or variations to exempt services	Manager Transport
137	Authority to decide to deregister an exempt service and remove details of variations	Manager Transport
138	Authority to undertake the process for deregistering exempt services or removing details of variations	Manager Transport
139	Authority to make decisions in relation to the withdrawal of exempt services	Manager Transport
146 147 148 149	Authority to require a person to produce and inspect records. Authority to manage offences , including making decisions to initiate or withdraw a prosecution.	GM Operations

30A. Transport - Other

Matter	Function	Delegated to
Bus advertising	Approve to approve/decline bus back advertising	Combination of: 1. Manager Communications and Marketing; and 2. Either one of: - Manager Transport or Team Leader Transport

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31. Maritime Transport Act 1994

For the purpose of ensuring maritime safety in the Otago region, Council is empowered to regulate (1) ports, harbours, and waters in the region and (2) maritime related activities in the region.

Section	Function	Delegated to
Navigation safety		
33D(1)	Appoint a harbourmaster for any port, harbour or waters in the Otago region.	Chief Executive
33F	To initiate or withdraw a prosecution for an offence for contravening a direction or requirement under section 33F	Any Harbourmaster
33G	Appoint enforcement officers and honorary enforcement officers for the purpose of ensuring maritime safety or enforcing navigation bylaws, and regulations and rules under this Act	Chief Executive
33I	To undertake harbour works for the purpose of ensuring maritime safety.	Any Harbourmaster
33J	Remove and deal with any wreck within the Otago region that is a hazard to navigation safety.	Any Harbourmaster
33L	Remove, store, sell, or otherwise dispose of an abandoned ship.	Any Harbourmaster
33M	Consult with the Director of Maritime New Zealand in preparing Navigation Safety bylaws.	Any Harbourmaster
33N	To initiate or withdraw a prosecution for an offence for contravening a navigation bylaw.	Any Harbourmaster
33O 33P	Approve the filing of a charging document to prosecute an infringement offence.	Any Harbourmaster
200(3A)	To erect, place, and maintain navigation aids in accordance with section 33I	Any Harbourmaster
Maritime response		
231	Authority to notify the Director of Maritime Safety and process matters relating to the Council's notification responsibilities.	Any Harbourmaster
Appointment of Regional On-scene Commander		
318	Authority to appoint a Regional On-scene Commander for the Otago region.	Chief Executive

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32. River Engineering

Council has extensive functions in relation to river engineering which fall under a number of different statutes. These delegations should be read alongside the delegations made under the Local Government Act 2002, and the delegations made under the Flood Protection Management Bylaw 2012.

32.1 Land Drainage Act 1908

Section	Function	Delegated to
17	Authority to construct and maintain drains and watercourses.	Manager Engineering Manager Natural Hazards
18	Entry to lands for inspection, survey, or inquiry.	Warranted Officer where specified on warrant
62	Order removal of an obstruction from a watercourse or drain where the obstruction is causing or likely to cause damage to any property. Authority to remove any obstruction from a watercourse or drain	Manager Engineering Manager Natural Hazards Manager Compliance
n/a	Consider and make decisions on taking enforcement action, including cost recovery and registration of a charge	GM Operations GM Regulatory

32.2 Public Works Act 1981

Section	Function	Delegated to
18	Prior negotiation required for acquisition of land for essential work	GM Operations
19	Authority to register, approve amendments to or to withdrawals or discharges of compensation certificates. Authority to sign an authority and instruction form for the above purposes	GM Operations GM Corporate

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110	Power of entry onto private land for the purposes of carrying out any public work or any proposed public work.	Manager Engineering,
111	Power of entry onto private land for survey and investigation purposes.	Manager Engineering
133 134	Provide for the removal of trees and hedges that interfere with public works.	Manager Engineering,
135	Emergency work on trees	Manager Engineering
233 234	Obligation to provide notice before entry onto private land.	Manager Engineering
237	Approve excavations near public works.	Manager Engineering
238	Power to bring action for damage to public work.	GM Operations
239	Power to remove and/or dispose of abandoned property from public works land.	GM Operations
242	Consider and make decisions on taking enforcement action for offences committed.	GM Operations
242	Authority to file charging document for enforcement action.	GM Operations

32.3 Water and Soil Conservation Amendment Act 1971 (carried over by S413 RMA)

Section	Function	Delegated to
12	Issue a certificate of priority.	Team Leader Consents
14(1)(d)	Direct a privilege holder to stop water running to waste.	Warranted Enforcement Officer under the RMA

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14(1)(g)	Require structures permitting private or public access over water races to be kept in good repair and condition.	Warranted Enforcement Officer under the RMA
14(1)(h)	Require privilege holder to record and report information concerning the exercise of the privilege.	Team Leader Consents Team Leader Compliance
14(2)	Give directions for the repair, strengthening or otherwise of dams	Manager Consents Manager Compliance
16(2)	Determination of what is a reasonable quantity of domestic needs of animals or for firefighting.	Manager Consents Manager Compliance
30	Provide certified copies of privileges	Team Leader Consents

32.4 Soil Conservation and Rivers Control Act 1941

Council has the functions, duties, and powers of a catchment board and a regional water board under the Soil Conservation and Rivers Control Act 1941 in accordance with the 1989 local government reorganisation *Gazette* notice.

Section	Function	Delegated to
30A	To certify that a land improvement agreement has expired or has been terminated	Legal Counsel
30A	Enforcement in relation to Land Improvement Agreements	GM Corporate
30A	To determine requests for consents and approvals as a consequence of the Council having an interest in land by virtue of a land improvement agreement	Legal Counsel
30A	To authorise the release/discharge of a land improvement agreement on behalf of Council	GM Corporate
126	To carry out its functions under the Act, including the power to construct, reconstruct, alter, repair, and maintain works to control of regulate water to prevent or lessen the overflow or breaking of the banks of any watercourse	Manager Engineering Manager Natural Hazards

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131	To determine to carry out or execute any works that the Council is empowered to undertake under this Act.	Manager Engineering Manager Natural Hazards
132	Power to enter land for survey and investigation	Manager Engineering Manager Natural Hazards
133	Decide to undertake work to maintain and improve watercourses and defences against water and authorise other staff and agents to undertake such works Decide to undertake urgent work to meet an emergency in respect of any watercourse or defences against water and authorise other staff and agents to undertake such works.	Manager Engineering Manager Natural Hazards
134(1)	Approve the planting or sowing and maintenance of trees, shrubs, plants, or grasses.	Manager Engineering Manager Natural Hazards
135	Decide to take any of the actions listed in section 135.	Manager Engineering Manager Natural Hazards
136	Where works may interfere with any road, street, footpath, or any other public work, give one months' notice (in writing) to the body in control of the road, street, footpath, or other public work.	Manager Engineering
137	Approval to give public notice or to undertake works on private land and resolve any objections.	Manager Engineering Manager Natural Hazards
138	To apportion costs with owners of land	GM Operations
139	To purchase land on a system of time payment (if approved by the Minister)	Chief Executive
153, 154	Consider and take all enforcement action as necessary and appropriate in relation to any person preventing, obstructing, or impeding the Council in carrying out the provisions of this Act, or doing any work or thing authorised by the Act.	GM Operations
153,154	Consider and take all enforcement action as necessary and appropriate in relation to any person that wilfully destroys any	GM Operations

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	watercourse or defence against water, including all matters set out in Section 154.	
153,154	Authority to file charging document when enforcement action is approved	GM Operations

33. Civil Defence Emergency Management Act 2002

The Otago CDEM Group is established under section 12 of the Civil Defence Emergency Management Act 2002 and is made up of representatives from each of the local authorities in the Otago region. This Group is responsible for managing civil defence in the region. Every local authority must be a member of a CDEM Group.

Section	Function	Delegated to
13(1)	Authority to represent the Council and act on its behalf on the Civil Defence Emergency Management (CDEM) Group under section 13(1) of the Civil Defence Emergency Management (CDEM) Act 2002	The Chairperson of the Council (or an elected member of Council approved by the Chairperson)
20	Membership of the CDEM Co-ordinating Executive Group	Chief Executive (or a person acting on the Chief Executive's behalf)

Explanatory Note: The Civil Defence Emergency Management Co-ordinating Executive Group is responsible for:

- a) Providing advice to the CDEM Group (and advisory groups) and implementing its decisions.
- b) Overseeing the development, implementation, monitoring and evaluation of the CDEM Group Plan.

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Maritime Transport (Infringement Fees for Offences— Otago Regional Council Navigation Safety Bylaw 2020) Regulations 2023

Cindy Kiro, Governor-General

Order in Council

At Wellington this 28th day of August 2023

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 330 of the Maritime Transport Act 1994 on the advice and with the consent of the Executive Council.

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**Maritime Transport (Infringement Fees for Offences—
Otago Regional Council Navigation Safety Bylaw 2020)
Regulations 2023**

r 1

2023/214

Regulations

1 Title

These regulations are the Maritime Transport (Infringement Fees for Offences—Otago Regional Council Navigation Safety Bylaw 2020) Regulations 2023.

2 Commencement

These regulations come into force on 28 September 2023.

3 Interpretation

In these regulations, unless the context otherwise requires, **provision** means a provision of the Otago Regional Council Navigation Safety Bylaw 2020.

4 Infringement offences and fees

- (1) A breach of a provision in the first column of Schedule 1 is an infringement offence against the Maritime Transport Act 1994.
- (2) The infringement fee for an offence referred to in subclause (1) is the fee specified in relation to that offence in the third column of Schedule 1.
- (3) The descriptions given in the second column of Schedule 1 are intended only to be an indication of the content of the provisions they describe, and are not intended to be used in the interpretation of those provisions.

5 Infringement notices

An infringement notice in respect of an infringement offence against a provision specified in the first column of Schedule 1 must be in the form set out in Schedule 2.

6 Regulations revoked

The Local Government (Infringement Fees for Offences: Central Otago District Council Lake Dunstan Navigation Safety Bylaws 2006) Regulations 2010 (SR 2010/415) are revoked.

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**Maritime Transport (Infringement Fees for Offences—
Otago Regional Council Navigation Safety Bylaw 2020)
Regulations 2023**

2023/214

Schedule 1

**Schedule 1
Infringement offences and fees under Otago Regional Council
Navigation Safety Bylaw 2020**

Bylaw offence provision	Description of offence	Fee (\$)
6(2)	Failing to nominate person in charge of the vessel	150
6(3)	Failing to ensure that kill cord is fitted correctly while vessel is underway	300
7(1)	Failing to have sufficient personal flotation devices for each person on board pleasure craft	500
9(1)	Failing to wear properly secured personal flotation device of appropriate size at all times when on board vessel 6 metres or less in length	300
9(5)(a)	Failing to wear properly secured personal flotation device of appropriate size in situations that may cause danger or risk	300
9(5)(b)	Failing to wear properly secured personal flotation device of appropriate size when being towed by vessel	300
10(2)	Allowing person under 15 years of age to navigate without direct supervision power-driven vessel capable of exceeding speed of 10 knots	500
11(1)(a)	Failing to ensure that vessel keeps to starboard side of navigable channel of river	500
11(1)(b)	Failing, when going upstream on river, to give way to vessel coming downstream	500
11(1)(c)	Navigating vessel on river when weather conditions make it unsafe to do so	500
11(1)(d)	Exceeding speed of 5 knots in area of river outside of Special Speed Zone, Reserved Area, or Access Lane	500
12(1)(a)	Fishing, jumping, diving, or swimming from, or within 50 metres from, landing place in manner that interferes with berthing or departure of any vessel	150
12(1)(b)	Fishing, jumping, diving, or swimming in Commercial Port Area without permission of owner or contrary to conditions	150
13(1)	Placing obstruction in water that is likely to restrict navigation or cause death or injury to person or cause damage to vessel or property	500
14(1)	Navigating unseaworthy vessel	300
14(2)	Operating vessel after being advised by Harbourmaster or enforcement officer that vessel is unseaworthy	500
15(1)	Navigating vessel that does not display identifying name or number of vessel in accordance with requirements	150
16(1)	Erecting, maintaining, or displaying device that may be used as, or mistaken for, navigational aid or warning without prior written approval from Harbourmaster	150
16(2)	Tying vessel to navigation structure without prior written permission from Harbourmaster or Director of Maritime New Zealand	150
17(1)(a)	Propelling or navigating vessel at speed exceeding 5 knots within 50 metres of other vessel, raft, or person in water	500
17(1)(b)	Propelling or navigating vessel at speed exceeding 5 knots within 200 metres of shore or structure	300

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Schedule 1	Maritime Transport (Infringement Fees for Offences— Otago Regional Council Navigation Safety Bylaw 2020) Regulations 2023	2023/214
Bylaw offence provision	Description of offence	Fee (\$)
17(1)(c)	Propelling or navigating vessel at speed exceeding 5 knots within 200 metres of vessel or raft that is flying flag A	500
17(2)	Propelling or navigating powered vessel at speed exceeding 5 knots while part of person is extended over the fore part, bow, or side of vessel	150
17(3)	Being towed by vessel at speed exceeding 5 knots within 50 metres of other vessel, raft, or person in water or within 200 metres of shore, structure, or vessel or raft that is flying flag A	300
17(8)	Operating power-driven vessel at speed or in manner that creates wake or draw-off that endangers person or property	300
19(4)	Operating vessel in reserved area other than in accordance with condition imposed by Harbourmaster	300
19(5)	Entering reserved area for purpose not specified by Harbourmaster	300
19(6)	Obstructing use of reserved area for purpose specified by Harbourmaster or being in reserved area for purpose other than specified by Harbourmaster without prior approval of Harbourmaster	300
20(2)(a)	Permitting vessel to continue onwards after water ski or similar object dropped by person being towed	150
20(3)(a)	Towing person on object at speed exceeding 5 knots without lookout of 10 years of age or over	300
20(3)(b)	Being towed by vessel at speed exceeding 5 knots without lookout of 10 years of age or over	150
20(4)(a)	Towing person between sunset and sunrise	150
20(4)(b)	Being towed by vessel between sunset and sunrise	150
23(1)(a)	Travelling faster than idle or no wake speed	150
23(1)(b)	Approaching whales or dolphins other than from behind and to the side	150
23(1)(c)	Circling or obstructing the path of marine mammal or cutting through group of marine mammals	150
23(1)(d)	Failing to keep vessel at least 50 metres away from whale or 200 metres away from large whale mother and any calves	150
23(1)(e)	Failing to idle slowly away when in vicinity of dolphins	150
25(1)	Failing to ensure that vessel securely anchored or moored, or secured while unattended	300
25(2)	Failing to secure vessel with rope, chain, or other means of anchoring or mooring that is fit for purpose	300
25(3)	Securing vessel to structure that is not fit for that purpose	300
25(4)	Leaving vessel or property in location where it may cause navigational hazard or nuisance or interfere with normal use of waters	300
25(5)	Setting vessel adrift or interfering with vessel's moorings or fastening	500
26(1)	Laying or moving mooring without coastal permit or when mooring is not permitted activity under Regional Coastal Plan	150
26(2)	Securing vessel to mooring that exceeds length, displacement, or draught specified in coastal permit or licensing arrangement with coastal permit owner	150
27(3)	Failing to contact harbour control before navigating Medium or Large Vessel along Otago Harbour shipping channel	500
28(1)	Navigating vessel within Moving Prohibited Zone without approval from Harbourmaster	300

Maritime Transport (Infringement Fees for Offences— Otago Regional Council Navigation Safety Bylaw 2020) Regulations 2023		
2023/214		Schedule 1
Bylaw offence provision	Description of offence	Fee (\$)
29(2)	Causing vessel to manoeuvre within 200 metres of berthed tanker flying flag B	150

**Maritime Transport (Infringement Fees for Offences—
Otago Regional Council Navigation Safety Bylaw 2020)
Regulations 2023**

Schedule 2

2023/214

**Schedule 2
Infringement notice for Otago Regional Council Navigation Safety
Bylaw 2020**

r 5

Form

Otago Regional Council Navigation Safety Bylaw 2020 infringement notice
Section 330, Maritime Transport Act 1994

Infringement notice No:

Enforcement authority

This infringement notice is issued by the Otago Regional Council.

Address for correspondence:

Notice issued by: *[full name]*, who is a person duly authorised by the Otago Regional Council.

Details of person infringement notice issued to

Full name:

Full address:

Date of birth:

*Gender:

*Occupation:

*Telephone number:

Maritime document No (if applicable):

*Specify only if known.

Details of alleged infringement offence

Date:

Time:

Place:

Vessel name:

Vessel description:

For each offence, specify the following:

Bylaw offence provision	Description of offence	Infringement fee payable (\$)
1		
2		
3		

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**Maritime Transport (Infringement Fees for Offences—
Otago Regional Council Navigation Safety Bylaw 2020)
Regulations 2023**

2023/214

Schedule 2

Service details

This infringement notice was served by [*method of service*] on [*date*].

Payment of infringement fee

The infringement fee(s) is/are* payable within 28 days after [*date infringement notice is served*].

*Select one.

The infringement fee(s) may be paid to [*specify address of the Otago Regional Council*] by [*specify method(s)*].

Please present this notice, or a copy of this notice, when making payment.

What you need to know

If you pay the infringement fee in full as shown above, no further action will be taken. For a more detailed statement of your rights, *see* below. This includes—

- what happens if you are late paying the fee or don't pay the fee at all (*see* paragraphs 4 to 6):
- what to do if you want to query this notice (*see* paragraphs 8 to 14).

Statement of rights

If there is anything in this statement you do not understand, you should consult a lawyer.

- 1 This notice sets out 1 or more alleged infringement offences. Each offence that is identified by a number is a separate infringement offence. You may decide what to do in respect of each alleged offence individually, and may act in the same way in respect of all alleged offences or in different ways in respect of different alleged offences, as set out below.

Payments

- 2 If you pay the infringement fee in full as shown above in **Payment of infringement fee**, no further enforcement action will be taken for the offence. Please note that, unless you have an arrangement as described in paragraph 3, part payment of an infringement fee is not sufficient to avoid further enforcement action for the offence.
- 3 If the Otago Regional Council offers the ability to pay an infringement fee by instalments and you enter into an instalment arrangement,—
 - (a) the time to pay will be agreed with the Otago Regional Council:
 - (b) the enforcement action in paragraphs 4 to 6 may be taken if you default on a payment:
 - (c) you can't request a court hearing about the infringement offence (*see* paragraph 13).

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**Maritime Transport (Infringement Fees for Offences—
Otago Regional Council Navigation Safety Bylaw 2020)
Regulations 2023**

Schedule 2

2023/214

What happens if you do not pay on time

- 4 If you do not pay the infringement fee on time as shown above and do not request a hearing (*see* paragraph 8 for your ability to do this), you will be served with a reminder notice (unless the Otago Regional Council decides to take no further action to require payment for the alleged offence). Please note that in some circumstances if you do not receive a reminder notice you may still become liable to pay a fine and court costs as set out in paragraph 5.
- 5 If you do not pay the infringement fee and do not request a hearing within 28 days after being served with the reminder notice,—
- (a) the Otago Regional Council may, unless it decides to take no further action to require payment for the alleged offence, provide particulars of the reminder notice for filing in the District Court; and
 - (b) if so, you will become liable to pay court costs as well as a fine.
- 6 The fine will be equal to the amount of the infringement fee or the amount of the infringement fee remaining unpaid.

Defence

- 7 You have a complete defence against proceedings for the alleged infringement offence if the infringement fee has been paid in full to the Otago Regional Council in the manner specified in this notice before, or within 28 days after, a reminder notice for the alleged offence is served on you. Late payment or payment made in any other manner is not a defence.

Further action you may take

- 8 You may—
- (a) ask the Otago Regional Council to consider any matter relating to the circumstances of the alleged offence; or
 - (b) deny liability for the alleged offence and request a court hearing; or
 - (c) admit liability for the alleged offence, but have a court consider written submissions as to penalty or otherwise.
- 9 To take an action listed in paragraph 8, you must write to the Otago Regional Council at the address shown on this notice. You must sign the written communication and it must be delivered within 28 days after you have been served with this notice, or within any further time that the Otago Regional Council allows.
- 10 If, in your written communication to the Otago Regional Council referred to in paragraph 9, you deny liability for the alleged offence and request a court hearing, the Otago Regional Council will serve you with a notice of hearing that sets out the place and time at which the court will hear the matter (unless the

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**Maritime Transport (Infringement Fees for Offences—
Otago Regional Council Navigation Safety Bylaw 2020)
Regulations 2023**

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Schedule 2

Otago Regional Council decides to take no further action to require payment for the alleged offence).

Note: If the court finds you guilty of the offence, the court is entitled to take into account any maximum fine for the offence, and not just the infringement fee. So the court may impose a fine that is greater than the infringement fee. Also, if the court finds you guilty of the offence, costs will be imposed in addition to any penalty and you will be required to pay a hearing fee. You cannot get a conviction for an infringement offence.

- 11 If you admit liability for the alleged offence but want the court to consider your submissions as to penalty or otherwise, you must, in your written communication to the Otago Regional Council,—
- (a) request a hearing; and
 - (b) admit liability for the offence; and
 - (c) set out the submissions you wish the court to consider.
- 12 If you take the action in paragraph 11, the Otago Regional Council will file your written communication with the court (unless the Otago Regional Council decides to take no further action to require payment for the alleged offence). If you follow this process, there will be no oral hearing before the court.
- Note:** The court is entitled to take into account any maximum fine for the offence, and not just the infringement fee. So the court may impose a fine that is greater than the infringement fee. Also, costs will be imposed in addition to any penalty. You cannot get a conviction for an infringement offence.
- 13 If the Otago Regional Council offers the ability to pay an infringement fee by instalments and you enter into an instalment arrangement, paragraphs 8(b) and (c) and 10 to 12 do not apply, and you are not entitled to request a hearing to deny liability or to ask the court to consider any submissions (as to penalty or otherwise).

Contacting the enforcement authority

- 14 When writing, please specify—
- (a) the date of the alleged infringement offence; and
 - (b) the infringement notice number; and
 - (c) your full name and address for replies; and
 - (d) the identifying number of each alleged offence and the course of action you are taking in respect of each alleged offence (if this notice sets out more than 1 offence and you are not paying all the infringement fees for the alleged offences).

Note: All correspondence regarding the infringement offence must be directed to the Otago Regional Council at the address shown on this notice. If it is not clear which alleged offence any payment relates to, your payment may be

Explanatory note	Maritime Transport (Infringement Fees for Offences— Otago Regional Council Navigation Safety Bylaw 2020) Regulations 2023	2023/214
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treated as relating to the alleged offences in the order in which they are set out on the front of this notice.

Further details of your rights and obligations

- 15 Further details of your rights and obligations are set out in section 21 of the Summary Proceedings Act 1957.

Rachel Hayward,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 28 September 2023, specify in *Schedule 1* which breaches of the Otago Regional Council Navigation Safety Bylaw 2020 are infringement offences for the purposes of section 330 of the Maritime Transport Act 1994. These regulations also prescribe the infringement fees for those infringement offences. An infringement notice must be in the form set out in *Schedule 2*.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 31 August 2023.
These regulations are administered by the Ministry of Transport.

10.4. Regional Climate Strategy Working Group

Prepared for: Council Meeting
Report No. STG2307
Activity: Governance Report
Author: Francisco Hernandez, Principal Advisor, Climate Change
Endorsed by: Amanda Vercoe, General Manager Governance, Culture and Customer
Date: 22 November 2023

PURPOSE

- [1] The purpose of this paper is to present the Council with a proposed terms of reference for a Regional Climate Strategy Working Group.

EXECUTIVE SUMMARY

- [2] Council requested staff to prepare terms of reference for a working group to assist with the development of the Regional Climate Change Strategy.
- [3] This paper sets out terms of reference, and proposes that the working group would consist of three Councillors appointed by the Council, with representation by staff from the Strategy Team.

RECOMMENDATION

That the Council:

- 1) **Notes** this report.
- 2) **Approves** the terms of reference.
- 3) **Appoints** three councillors onto the working group.

BACKGROUND

- [4] At the [23 August 2023 Council Meeting](#), Council approved the scope for a Regional Climate Strategy and requested that staff prepare a terms of reference for a working group to provide advice during the development of the strategy.
- [5] The approved scope is to develop a regional climate strategy that addresses both climate change mitigation and adaptation. A draft of the strategy is due in February 2024 and the final is due by 30 June 2024.
- [6] The development of a Regional Climate Strategy is aligned with existing Council direction in the updated Strategic Directions and ORC's signalled intent in the 2023-2024 Annual Plan.

DISCUSSION

- [7] Staff have drafted terms of reference for a Working Group based on direction of Council.
- [8] Councillors on the Working Group will be able to provide advice during the development of the draft Regional Climate Strategy.
- [9] It is anticipated that the Working Group will provide advice on the following: (a) community and stakeholder engagement; (b) climate change mitigation and emissions reduction; (c) climate change adaptation and resilience; and (d) information gaps and how to address these.
- [10] It is not proposed that external representation is added to the Working Group at this stage. There will be engagement as part of the development of the strategy, which will inform partner and stakeholder views, there is limited time and staff capacity available to recruit and manage external representatives (strategy due June 2024), and there is currently no funding available for external party costs.
- [11] ORC staff have been working to incorporate Iwi/Māori partner perspectives through separate processes with engagement from Te Ao Marama Incorporated and Aukaha.
- [12] ORC staff have been involved in the Otago Climate Officers' Group (OCOG), with feedback also being received through the Otago CE Forum. It is anticipated that feedback from other key stakeholders (external to the OCOG) will be sought through separate engagement processes whilst preparing the draft Regional Climate Strategy and during the public feedback and engagement process after the release of the draft.

OPTIONS

- [13] Option 1 (recommended): Establish a Councillor and staff Working Group. The key advantages of this option include being able to establish the Working Group without delay and proceed with the work of the Regional Climate Strategy quickly. Disadvantages include not being able to include representatives for discussions with Councillors at this stage of the process.
- [14] Option 2: Establish a Working Group with Councillors, staff and external representation on the Working Group. Advantages of this could be enabling partners and select key stakeholders to have more ownership over the strategy. Disadvantages include delaying the establishment of Working Group and create potential equity issues around which stakeholders to include.

CONSIDERATIONS

Strategic Framework and Policy Considerations

- [15] These actions are in line with the Council's Strategic Directions focus areas and stated intent in the 2023-2024 Annual Plan to produce a Regional Climate Strategy by June 2024.

Financial Considerations

[16] An internal Working Group will not incur any expenses, but a Working Group with external representation may require additional budget for expenses.

Significance and Engagement Considerations

[17] There has been no engagement as this was following the motion passed by Council in August 2023.

Legislative and Risk Considerations

[18] N/A

Climate Change Considerations

[19] These actions are in line with the Council's Strategic Directions focus areas and stated intent in the 2023-2024 Annual Plan to produce a Regional Climate Strategy by June 2024.

Communications Considerations

[20] The communications plan for the Regional Climate Strategy is yet to be developed. There is no identified value in publicly communicating the terms of the Working Group.

NEXT STEPS

[21] Should a Councillor and staff-only Working Group be formed, and the attached Terms of Reference be adopted, then the next steps would be to convene the Working Group for its first meeting.

ATTACHMENTS

1. Terms of Reference Climate Change Reference Group October 2023 [10.4.1 - 2 pages]

TERMS OF REFERENCE REGIONAL CLIMATE STRATEGY WORKING GROUP

1. PURPOSE

The Regional Climate Strategy Working Group will provide advice to staff during the development of the Regional Climate Strategy.

2. BACKGROUND

In the Annual Plan 2023-2024, Council committed to leading a regional approach to climate change in partnership with local councils and iwi. One of the performance measures for this is the development of a Regional Climate Strategy by 30 June 2024. The scope of a Regional Climate Strategy was approved by Council on [23 August 2023](#). In the same meeting, Council requested that staff prepare a terms of reference for a Working Group to provide advice during the development of the Strategy.

3. ROLE OF THE GROUP

The Regional Climate Strategy Working Group will provide advice on the following:

- a) Community and stakeholder consultation;
- b) Actions and policy direction in the strategy relating to climate change mitigation and emissions reduction;
- c) Actions and policy direction in the strategy relating to climate change adaptation and resilience;
- d) Information gaps and how to address these.
- e) Any other topics which is relevant to the development of the Regional Climate Strategy

4. SCOPE OF THE GROUP

The Group shall focus on issues related to the development of the Regional Climate Strategy in Otago while maintaining an understanding of the broader context of climate change issues and options for addressing these issues in New Zealand and globally.

5. GENERAL

MEMBERSHIP

Councillor representative, tbc
Councillor representative, tbc
Councillor representative, tbc

Supported by:
Francisco Hernandez, Principal Advisor Climate Change
Hilary Lennox, Manager Strategy

The Group may co-opt technical expertise if needed.

QUORUM AND DECISION-MAKING

No formal decisions will be made by the group.

FREQUENCY OF MEETINGS

The Working Group will meet as required.

10.5. Council Meeting Schedule for 2024

Prepared for: Council
Report No. GOV2335
Activity: Governance Report
Author: Amanda Vercoe, GM Governance, Culture and Customer
Endorsed by: Richard Saunders, Chief Executive
Date: 22 November 2023

PURPOSE

- [1] To adopt a meeting schedule for the Otago Regional Council for 2024.

EXECUTIVE SUMMARY

- [2] The proposed schedule for meetings in 2024 provides for monthly Council meetings and quarterly Finance, Environmental Implementation, Public and Active Transport, Regional Leadership, Safety and Resilience, Audit and Risk and Environmental Policy & Science committee meetings.
- [3] Workshops and meetings related to the Land and Water Regional Plan and the Long-term Plan have been included in the calendar. Changes or additional meetings may be required, depending on how these processes go.
- [4] For 2024, it is proposed that three Council meetings be held in a location outside of Dunedin, followed by site visits in the region, and that a fourth day of site visits in and around Dunedin be scheduled.
- [5] At its 9 November 2022 meeting, Council undertook to review the committee structure in 18 months' time, following the adoption of the Long-term Plan to ensure it remained fit for purpose. This review will be programmed for July 2024 and could also be an opportunity to review the delegations of committees at the same time.

RECOMMENDATION

That the Council:

- 1) **Notes** this report and the draft attached meeting schedule.
- 2) **Adopts** the meeting schedule, with or without changes.
- 3) **Notes** that a review of the Committee structure and delegations will be programmed for July 2024, to check the structure and committee terms of reference remain fit for purpose.

BACKGROUND

- [6] Under Schedule 7, Clause 19 (a) a local authority may adopt a forward schedule of meetings, and notification of that constitutes as notification to members under the Act of the meetings. The schedule can be amended following adoption.

OPTIONS

- [7] Council can choose to adopt the schedule, with or without amendments.

CONSIDERATIONS

Strategic Framework and Policy Considerations

- [8] Council and committee meetings enable decision making to support the strategic framework and development of policies and plans.

Financial Considerations

- [9] Regular meetings are budgeted for. Meetings to be held in the regions will be included in Long-term Plan budgets for mid-2024 and ahead. The two regional meetings proposed to take place in the first half of 2024 can be absorbed into the existing governance budget.

Significance and Engagement Considerations

- [10] Nil.

Legislative and Risk Considerations

- [11] Meetings must be publicly notified in advance under Part 7, Section 46 of the Local Government Official Information and Meetings Act 1987, and Schedule 7, Clause 19 of the Local Government Act 2002.

Climate Change Considerations

- [12] Nil.

Communications Considerations

- [13] The adopted Council calendar will be published on the website.

NEXT STEPS

- [14] Outlook calendar invitations will be sent to councillors and external appointees for the agreed meeting dates and will be published on the Council's website and the local newspaper as per statutory obligations.

ATTACHMENTS

1. Council calendar 2024 (2) [**10.5.1** - 2 pages]

Council Agenda - 22 November 2023 - MATTERS FOR CONSIDERATION

Proposed 2024 Council Calendar

	Jan-24	Feb-24	Mar-24	Apr-24	May-24	Jun-24	Jul-24	Aug-24	Sep-24	Oct-24	Nov-24	Dec-24
Sunday									1			1
Monday	1			Easter Mon 1			1		2			2
Tuesday	2			Easter Tues 2			2		3	School hols 1		3
Wednesday	3				1		3		4	2		
Thursday	4	1		4	2		4	1	5	3		
Friday	5	2	1	5	3		5	2	6	4	1	6
Saturday	6	3	2	6	4	1	School hols 6	3	7	5	2	7
Sunday	7	4	3	7	5	2	7	4	8	6	3	8
Monday	8	5	4	8	6	K Bday 3	8	5	9	7	4	9
Tuesday	9	Waitangi 6	5	9	7	4	9	6	10	8	5	10
Wednesday	10	Cttees 7	6	10	C-trees 8	5	10	Cttees 7	11	9	Cttees 6	11
Thursday	11	Cttees 8	7	11	9	6	11	8	12	10	7	12
Friday	12	9	8	12	10	7	12	9	13	11	8	13
Saturday	13	10	9	School hols 13	11	8	13	10	14	12	9	14
Sunday	14	11	10	14	12	9	14	11	15	13	10	15
Monday	15	12	11	15	13	10	15	12	16	14	11	16
Tuesday	16	13	12	16	14	11	16	13	17	15	12	17
Wednesday	17	14	13	17	ESP Workshop LWRP 15	Council - LWRP notify 12	17	14	20	16	13	18
Thursday	18	15	14	18	16	Dunedin visit 13	18	15	21	17	14	19
Friday	19	16	15	19	17	14	19	16	20	18	15	20
Saturday	20	17	16	20	18	15	20	17	21	19	16	21
Sunday	21	18	17	21	19	16	21	18	22	20	17	22
Monday	22	19	18	22	LTP Hearings 20	17	22	19	23	21	18	23
Tuesday	23	20	ESP Workshop - LWRP 19	23	LTP Hearings 21	18	23	20	24	22	19	24
Wednesday	24	Council 21	Council - LTP CD / ESP	24	Council 22	19	Council 24	LGNZ Conf 21	Council / ESP 25	Council 23	Council 20	25
Thursday	25	Damaru Visits	A&R / W/shops 21	ANZAC 25	W/shops 23	20	Cromwell visits 25	22	A&R / W/shops 26	South Otago visits 24	W/shops 21	26
Friday	26	23	22	26	24	21	26	23	27	25	22	27
Saturday	27	24	23	27	25	22	27	24	School hols 28	26	23	28
Sunday	28	25	24	28	26	23	28	25	29	27	24	29
Monday	29	26	25	29	27	24	29	26	30	Labour 28	25	30
Tuesday	30	27	26	30	ESP workshop LWRP 28	25	30	27		29	26	31
Wednesday	31	28	27		LTP Delibs 29 / EOFY 26	Council - LTP adopt	31	Council 28		30	27	
Thursday		29	28		LTP Delibs 30	ESP / A&R 27		W/shops 29		31	28	
Friday			Good Fri 29		31	Matariki 28		30			29	
			30					31			30	
			31			30						

Other dates to note:

ORC LTP Consultation Period - 28 March - 26 April
ORC LTP Hearings - 20-21 May

ORC LTP Deliberations - 29-30 May

Holidays

FDS Hearings / Deliberations (Noone/Wilson)

Not marked, but FYI

6-10 May DCC LTP Hearings
27-31 May DCC LTP Deliberations

24-28 June DCC Final LTP and Infrastructure strategies.

LGNZ conference - 21-23 August (Wellington)

Dates to be confirmed for 2024

Mana to Mana (Mana to Mana 21 November will review these)
Mayoral Forum / Joint Committee
Zone 5 / Zone 6 meetings

Regional Sector

Joint Transport Committee

Council Agenda - 22 November 2023 - MATTERS FOR CONSIDERATION

OTAGO REGIONAL COUNCIL SCHEDULE OF MEETINGS 2024

2024	Council (Monthly)	Environmental Science and Policy Committee (Quarterly)	Finance Committee (Quarterly)	Audit and Risk Committee (Quarterly)	Environmental Implementation Committee (Quarterly)	Public and Active Transport Committee (Quarterly)	Regional Leadership Committee (Quarterly)	Safety and Resilience Committee (Quarterly)	Regional Transport Committee	Workshop Days
JANUARY - NO MEETINGS SCHEDULED										
7/8 Feb					7/02/24	7/02/24		8/02/24		
21/22 Feb	21/02/2024 - Oamaru		8/02/24				21/02/24			22/02/2024 (site visits Oamaru)
20/21 March	20/03/24	20/03/24		21/03/24						21/03/24
8/9 May					8/05/24	8/05/24		9/05/24		
22/23 May	22/05/24		9/05/24				22/05/24			23/05/24
12/13 June	12 June - LWRP notify									13 June (site visits Dunedin)
26/27 June	26/06/2024 (10-5pm) *LTP adoption *EOFY reporting	27/06/24		27/06/24						
24/25 July	24/07/24									25 July (site visits Cromwell)
7/8 August					7/08/24	7/08/24		8/08/24		
28/29 August	28/08/24		8/08/24				29/08/24			29/08/24
25/26 September	25/09/23	25/09/23		26/09/24						26/09/24
23/24 October	23 October - Balclutha									24 October (site visits South Otago)
6/7 November					6/11/24	6/11/24		7/11/24		
20/21 November	20/11/23		7/11/24				20/11/24			21/11/24
4/5 December	4/12/24	4/12/24		5/12/24						5/12/24
TOTAL MTGS	11	4	4	4	4	4	4	4		11

10.6. Port Otago Statement of Corporate Intent

Prepared for: Council
Report No. CS2349
Activity: Governance Report
Author: Nick Donnelly, General Manager Corporate Services and CFO
Endorsed by: Nick Donnelly, General Manager Corporate Services and CFO
Date: 25 October 2023

PURPOSE

- [1] To receive Port Otago's Statement of Corporate Intent for the three years to 30 June 2026.

EXECUTIVE SUMMARY

- [2] Each year the Board of Port Otago Limited is required to provide Council as shareholder, a Statement of Corporate Intent (SCI). The SCI for the three years to 30 June 2026 has been received and is attached.
- [3] The SCI sets out the objectives of the Port Otago group, and the intended nature and scope of activities for the three-year period to 30 June 2026. The three-year scenario covered by the SCI is reviewed annually on a rolling three-year basis.
- [4] The SCI process is the formal opportunity for Council, as 100% shareholder of Port Otago, to have input into the intended activities of the company and its subsidiaries.
- [5] In 2020 the Port substantially revised the SCI format to focus on sustainability and introduced a materially process. The SCI has continued to be refined over the last three years as Port Otago's has developed an integrated reporting framework.
- [6] The Port Board and management met with the Port Liaison Working Group on 25 August and the draft contents of the SCI were discussed. Feedback from that meeting has been incorporated in the attached SCI.

RECOMMENDATION

That the Council:

- 1) **Receives** this report and the attached Statement of Corporate Intent for Port Otago Limited to 30 June 2026.
- 2) **Endorses** the Statement of Corporate Intent for Port Otago to 30 June 2026.

PERFORMANCE TARGETS

- [7] Performance targets in relation to health, safety and wellbeing, financial, environmental, and compliance with the Port and Harbour Safety Code are set out on page 10 of the SCI.
- [8] The target level of shareholders' funds as at June 2024 is \$720 million rising to \$740 million at June 2026.
- [9] The dividend policy remains consistent with previous years. Dividends are:
"Based on the intention to pay dividends within the range of 50%-70% of the group's normalised operating surplus after tax".
- [10] Target dividend amounts are \$16m for the year ending 30 June 2024, \$16m for 2025 and \$17m for 2026. The proposed dividend for 2024 is \$1m higher than the amount indicated in last year's SCI and Councils current Annual Plan due to a change in the timing of the payment of the 2024 final dividend.
- [11] To date the final dividend has been paid in September and recognised in the following financial year. In 2024 the final dividend will be included in the second dividend payment paid in June. Excluding this timing difference proposed dividends remain in line with Council's Long-term Plan and are rising \$1m per year.

CONSIDERATIONS

Strategic Framework and Policy Considerations

- [12] The dividend targets included in the SCI align to those included in Council's Financial Strategy with the exception of the additional \$1m for the 2024 year due to the change in timing of the final dividend payment as noted in this paper.

Financial Considerations

- [13] The dividend targets included in the SCI align to those included in Council's Long-Term Plan 2021-31 and Annual Plan 2022-23 with the exception of the additional \$1m for the 2024 year due to the change in timing of the final dividend payment as noted in this paper.

Significance and Engagement Considerations

- [14] There are no significance and engagement considerations.

Legislative and Risk Considerations

- [15] The Port Companies Act 1988 requires the Draft SCI to be delivered to Council within one month of the commencement of each financial year and for the completed document to be finalised within three months of the commencement of the financial year.
- [16] The primary risk is financial and relates to the Port's actual performance meeting the targets set out in the SCI and the Port's ability to pay dividends to Council. This includes underlying market risk which is inherent in the Port's commercial activities. Dividends levels outlined in the SCI are not guaranteed and are dependent upon the Port's underlying financial performance and Directors being satisfied the company will satisfy

the Companies Act 1993 solvency test requirements when those dividends are approved.

Climate Change Considerations

[17] Climate change is considered in the SCI (see page 7, number 5 in the top 12 material issues and page 9 goals for our harbour taoka and beyond).

Communications Considerations

[18] There are no communications considerations.

ATTACHMENTS

1. 2023 Port Otago Statement of Corporate Intent to June 2026 [**10.6.1** - 13 pages]



Statement of Corporate Intent

For FY2024, FY2025 and FY2026

Approved by the Port Otago Board

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Kevin Winders

Introduction

This Statement of Corporate Intent (SCI) outlines our plans for the next three years, FY2024, FY2025 and FY2026. We encourage you to read this SCI in conjunction with our 2023 Integrated Report.

About Port Otago

It was from Port Chalmers that New Zealand's first cargo of frozen meat left for London aboard the refrigerated ship *Dunedin* in February 1882, signalling the start of our country's modern export trade. The Otago Harbour Board managed the port and harbour from 1874 until 1988, when the Port Companies Act 1988 saw the registration of Port Otago Limited and the company's shares vested in the Otago Regional Council (ORC).

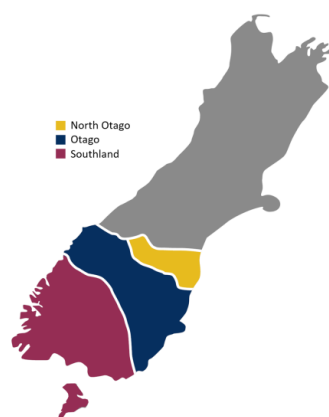
Port Otago remains 100% owned by the ORC and its stated principal objective is to operate as a successful and sustainable business that delivers value to shareholders in the form of both financial and non-financial returns on investment.

Port Otago is located on the Otago Harbour of the South Island of New Zealand. Port Otago benefits from a deep natural harbour taoka, its strategic location for vessel rotation to and from deep-sea destinations and a large primary export cargo region.

Port Otago is a Lifeline Utility under the Civil Defence Emergency Management (Act) 2002, defined as entities that provide essential infrastructure services to the community. The company has a responsibility to ensure its ability to function at the fullest possible extent during and after a civil defence emergency.

Our region

Port Otago's role facilitating trade for the region's exporters and importers has a significant impact on the economic, as well as the social and environmental, well-being of the Otago-Southland region.



Our region has the infrastructure required for a successful port, including a fit-for-purpose road and rail network and a well-developed warehouse and cool storage sector.

Port Otago operates two wharf systems – Port Chalmers and Dunedin Bulk Port – within Otago Harbour. The lower harbour channel depth is 14.0m, while the upper harbour channel is 8.5m.

Port Chalmers is one of New Zealand's two deepest container ports and can service the largest container ships in the New Zealand. It can store more than 7000 containers and has one of the highest number of reefer points of any New Zealand port, with 1650.

The company has more than 38,000m² of covered warehousing at Port Chalmers, built to the high standards required by the dairy industry. It also has two wharf-side cold storage facilities in Dunedin, able to hold up to 10,500 tonnes of chilled product. This is used primarily to service fishing customers.

Port Otago provides 8.0 hectares of log storage area at Port Chalmers and Dunedin Bulk Port.

Port Chalmers is the primary South Island port for cruise ships and generally the port of call immediately before or after visiting Fiordland.

Economic contribution

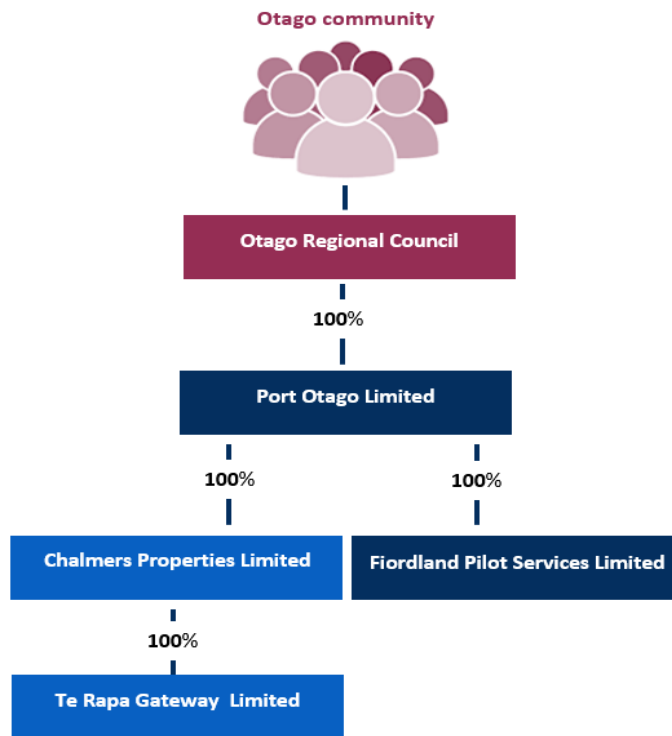
Port Otago operates across four sites: Port Chalmers, Dunedin Bulk Port, Dunedin Depot and Fiordland. It employs about 310 people and paid \$37.5 million in wages and salaries during 2022/23. Just under \$80 million was spent on materials and services, and capital projects.

Company structure

This SCI sets out Port Otago’s overall intentions and objectives. It also covers our wholly owned subsidiary companies, Chalmers Properties Limited, Fiordland Pilot Services Limited and Te Rapa Gateway Limited.

Port Otago and its subsidiaries are “Port Companies”, pursuant to the Port Companies (Act) 1988. This SCI has been prepared in accordance with this Act. Pursuant to section 5 of the Act, our principal objective is to operate as a successful business.

The company reviews and updates its SCI annually, in consultation with its shareholder. This SCI covers FY24, FY25 and FY26.



Integrated Sustainability Policy

Port Otago is committed to working with stakeholders to understand our material issues. We try to be open and honest about what we need to work on. Our commitments in this policy span the six capitals* and aim to create value, working hard to improve wherever we can.



* Integrated Reporting is based on creating value across the six capitals:

- | | |
|--|--|
| 1. <i>Human capital:</i> Our kaimahi. | 4. <i>Intellectual capital:</i> Our know how and skills. |
| 2. <i>Social and relationship capital:</i> Our wider team. | 5. <i>Manufactured capital:</i> Our assets. |
| 3. <i>Natural capital:</i> Our harbour taoka and beyond. | 6. <i>Financial capital:</i> Our financial value. |

Our value chain

The port's business model to create value

Inputs

Our kaimahi

- Our team of 310 people
- Trained in safety and relevant skills
- In-depth safety risk assessments and inspections

Our wider team

- Customer relationships
- Partnerships with shipping lines, landside operators and suppliers
- Community and iwi engagement

Our harbour taoka and beyond

- Use of air, land and water
- Consumption of energy and other resources
- Listening to community and iwi about any changes to our harbour taoka
- Climate change adaptation scenario modelling

Our know-how and skills

- Experienced people
- Quality new recruits
- Investment in upskilling
- Investment in secure technology

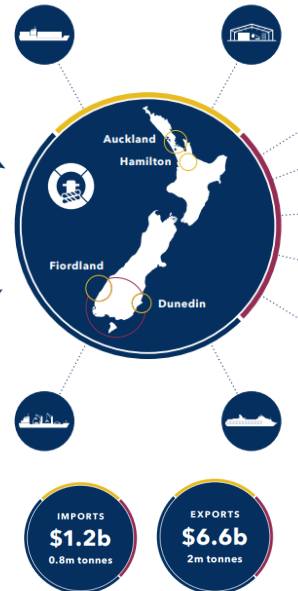
Our assets

- Assets owned and productivity optimised
- Land owned and space utilised efficiently
- Investment in long-term infrastructure
- Climate change adaptation scenario modelling

Our financial value

- Diverse and balanced portfolio
- Long-term agreements with customers, partners and suppliers

Our business activities & outputs



Outcomes

Our kaimahi

- A safety culture where our people look out for each other so that everyone goes home safely
- Employees who are proud to work for the port

Our wider team

- A good neighbour who respects our social licence to operate
- A strong central link in the value chain, connecting our customers, partners and suppliers from the lower South Island to the world, for mutual growth

Our harbour taoka and beyond

- A light touch that preserves and/or enhances our beautiful harbour
- Understanding we need to improve by listening to our community and iwi
- Reduced contribution to climate change and understanding and adapting to potential future climate change impacts

Our know-how and skills

- A considered approach to the future
- A talented workforce with individuals who are willing to learn and have a wealth of knowledge
- Improved productivity and resilience by embracing new, agile and efficient ways
- Effective processes to protect the port from cyber attacks

Our assets

- Continued investment in infrastructure to the benefit of the local, regional and national economy
- Proactive development of dynamic solutions to counter shipping volatility

Our financial value

- Consistent sustainable dividends for our shareholder, to support regional economic development and benefit our community
- A sustainable future built on solid investment in infrastructure and long-term customer, partner and supplier relationships

Work ons

- Workplace culture
- Wellness programme

- Customer relationships
- Multi-stakeholder approach

- Climate change targets
- Climate change adaptation
- Influencing our supply chain

- Digitisation
- Cyber security
- End-to-end supply chain innovation

- Efficient supply chains
- Responding to shipping volatility
- Responding to port network disruption
- Collaborating on future storage solutions
- Attracting more shipping services

- Building operational returns
- Property returns in a tight market
- Understanding and communicating our contribution to the regional economy

Progress



Our material issues

Port Otago is four years into Integrated reporting and identifying its material issues*. The first three years involved a survey and interviews with key stakeholders. From 2022/23, the full materiality process will be undertaken every two years (scheduled for 2023/24), with stakeholder engagement continuing in alternate years.

* Our materiality-related work is undertaken independently by Materiality Counts.

Top 12 material issues in order of priority

#1 Safety

Continuing our culture where safety is the number one priority and our team looks out for each other so that everyone goes home safely. Keeping the focus on improving safety performance of which our team can be proud.
2023 interviews: **Decreased** priority (safety remains our #1 priority)

#2 Relationships

Building strong collaborative relationships with our customers, shipping lines, road and rail transport, peers, shareholder and government. Taking the time to understand the challenges faced, such as global container shortages and staffing impacts on customers' operations. Communicating effectively on the day-to-day and working together for a future of sustainable growth for us all.
2023 interviews: **Increased** priority.

#3 Growth

Investing in opportunities to grow our business with a healthy balance sheet and cost efficiency. Investing in infrastructure and driving the best supply chain logistics in partnership with our shipping lines, road and rail transport and customers.
2023 interviews: **Decreased** priority.

#4 Leadership

Leadership that is transparent, accountable, accessible and visible, with strong governance and ethics. Ensuring diversity and the right mix of skills to build sustainability into our strategy and continue to learn and adapt into the future.
2023 interviews: **Decreased** priority.

#5 Climate change

Adapting to current and future impacts of climate change and understanding our carbon footprint, measuring and reporting progress. Identifying how to reduce our carbon emissions, both directly and with customers, to play our part in achieving New Zealand's goal of net zero carbon emissions by 2050. Working with our customers, shipping lines, road and rail transport and peers to explore more efficient technology, fuel and practices.
2023 interviews: **Same** priority.

#6 Recruiting and retaining the best team for the job

Training our people for their roles and providing opportunities for them to grow with succession planning and recognition. Tackling skill shortages as best we can.
2023 interviews: **Increased** priority.

#7 Shipping volatility

Shipping volatility continues with congestion at ports and disruption to shipping volumes and schedules. Collaborating with other ports, shipping lines and customers to reduce pressure on the supply chain. Working with our customers to boost container stocks and buffer storage space, drawing on our property business for warehouse capacity. Tackling the risk of shipping lines not coming into port by driving to be the leanest port that all ships want to visit.
2023 interviews: **Same** priority.

#8 Financial returns

Generating financial returns and balance sheet strength with our diversified bulk, container, cruise and property business. Continuing our economic resilience in the face of ongoing shipping volatility, container shortages and challenges for our team. Maximising returns for our shareholder and the people of Otago, alongside contributing to the local, regional and national economy with jobs, supply chain spend and more.

2023 interviews: **Decreased** priority.

#9 Culture and wellbeing hauora

Building a workplace culture where everyone feels they belong. Prioritising mental wellbeing by listening to our people and valuing their diversity. Providing great facilities to bring our team together. Encouraging teamwork and open and honest communication, including with the unions. Working together for better work-life balance through our rosters and equipping our people as best we can for these times of change.

2023 interviews: **Decreased** priority.

#10 Innovation

Improving efficiency in our supply chain by introducing new technology, such as automation and digitisation, and collating better data for tailored performance reporting. As with our climate change response, working with our customers, shipping lines, road and rail transport and peers to innovate and become more efficient.

2023 interviews: **Increased** priority.

#11 Cyber security

Maintaining IT systems that protect cyber security and data privacy. Making cyber security part of every decision, like safety, and implementing well-rehearsed plans to respond to cyber attacks.

2023 interviews: **Decreased** priority.

#12 Wharf capacity and infrastructure

Increasing storage capacity through buffering storage space, relocation and investment in wharf infrastructure.

Working with customers on their plans for the future, including the need to service larger ships.



2023 interviews: **Increased** priority.

Strategy for a better business

Our *Strategy for a better business* was developed back in 2021 to tackle our material issues and creates value for stakeholders and the port. Board meetings continue to be structured using “strategy blocks” based on the six capitals, reminding us to regularly review progress towards our goals.

Our Kaimahi

GOALS: PROGRESS

- Develop a culture where workforce safety is the number one priority and our team looks out for each other so that everyone goes home safely. 
- Build a workplace where the wellness of our team is supported through teamwork, accessible leadership, and open and honest communication. 





Our wider team

GOALS: PROGRESS

- Be a great neighbour by respecting what is important to our community and iwi and enhancing our social licence to operate. 
- Build stronger relationships with our customers, partners and suppliers to better understand them, measure progress and plan for the future. 

Our harbour taoka and beyond

GOALS: PROGRESS

- **(New) Agree our climate change aspirations and targets. Immediate** 
- **(New) Execute our climate change plan covering climate change risk assessment, adaptation/mitigation strategies, reporting framework and current baseline. Longer term** 
- Understand and adapt to potential future climate change impacts on our assets. 
- Preserve our beautiful harbour and its biodiversity by listening to our community and iwi, taking care and monitoring these precious taoka closely. 
- Reduce our noise. 

Our financial value

GOALS: PROGRESS

- **(New) Develop a high-level scope to identify the economic impact of Port Otago on the wider region. Immediate** 
- Provide consistent shareholder dividends with a portfolio that optimises returns, builds resilience and facilitates investment in the future. 

Our know how and skills

GOALS: PROGRESS

- **(New) Investigate the value in future resilient supply chain services, e.g. green corridors, cold ironing and alternative fuels, including the costs, benefits and local demand. Longer term** 
- Improve our efficiency through automation and digitisation, such as systems for berth management, property management and supply chain connectivity. 
- Work with our supply chain partners to embrace new and agile ways of working landside. 
- Develop a strong platform to train and develop our team. 
- Establish effective processes to protect the port from cyber attacks and respond rapidly. 

Our assets

GOALS: PROGRESS

- **(New) Develop a capital asset plan with a 30-year view. Immediate** 
- Grow the container business by investing in additional storage and depot capability. 
- Grow the bulk business by increasing storage capacity and enhancing shipping flexibility with Victoria Channel improvements. Relocate storage (where it makes sense), develop wharf replacement options and work with customers on fit-for-purpose infrastructure to meet future needs. 
- Respond dynamically to shipping volatility with storage and digital solutions. 
- Improve the quality of cruise business by engaging with the cruise industry, investing in Pilot accommodation, maintaining capability and a new pilot boat. 
- Continue to build a sustainable property portfolio as a fundamental part of the port's financial sustainability. 

Performance targets

Capital reference	Objectives	Key performance measures	Targets		
			2024	2025	2026
Our kaimahi	Health, safety and well-being	Critical Risk: Visible Leadership Conversations	1000	1000	1000
Our kaimahi	Health, safety and well-being	Total recordable incident frequency rate (per 1 million hours)	<10	<10	<10
Our financial value	Financial	EBIT	\$42m	\$45m	\$50m
Our financial value	Financial	Shareholders' funds (Equity) or Net Assets *	\$720m	\$730m	\$740m
Our financial value	Financial	Return on equity *	4.5%	4.5%	5.0%
Our financial value	Financial	Equity Ratio*	Between 70%-85%		
Our financial value	Financial	Interest cover ratio	7	7	7
Our financial value	Financial	Dividend **	\$16m ^	\$16m	\$17m

Capital reference	Objectives	Key performance measures	Targets		
			2024	2025	2026
Our harbour taoka and beyond	Environmental	Number of harbour spills caused by Port Otago	0	0	0
Our know-how and skills	Environmental	Percentage of resource consent compliance monitoring events achieving full compliance	100%	100%	100%
Our harbour taoka and beyond	Compliance with Port & Harbour Safety Code (PHSC)	The requirements of the PHSC continue to be met	Yes	Yes	Yes
Our know-how and skills	Compliance with Port & Harbour Safety Code (PHSC)	Risk assessments of new tasks or reviews post incident completed	Yes	Yes	Yes

*Excludes future unrealised fair value movements of investment properties and hedging interest rate swaps.

** Based on the intention to pay dividends within the range of 50-70% of the group's normalised operating surplus after tax.

^ Proposed 2024 dividend increased by \$1m from previous SCI due to timing of payment of final dividend. 2025 and 2026 proposed dividends remain consistent with the ORC Long-term plan 2021-2031

Financial performance measure	Definition
EBIT	Earnings before interest, taxation, realised and unrealised investment property gains
Return on equity	Profit divided by average shareholder's equity
Equity ratio	The percentage that equity represents of total assets within the target range between 70% and 85%
Interest cover ratio	The number of times interest is covered by the profit before tax, interest, unrealised fair value movements and unrealised impairment charges.

Governance and leadership

The board

Port Otago's shareholder appoints the directors to govern and direct the company's activities. The board is the overall and final body responsible for the proper direction and control of the company's activities and decision making. The board's responsibilities include the overall objectives, strategy, stewardship, performance and reporting of the company.

Statement of corporate intent (SCI)

The SCI is prepared based on the requirements within the Port Companies Act 1988. The board submits a draft SCI to the company's shareholder after due consultation with the shareholder and, after considering its comments, the board approves the final SCI and delivers it to the shareholder.

Board operation

The Port Otago board's operation is subject to the company's constitution and board charter, which sets out how the board and directors shall undertake their responsibilities.

The board chair leads the board and its relationship with the shareholder and other major stakeholders. The chair maintains a close professional relationship with the company's CE and, through the CE, the leadership team (LT).

New directors undertake an induction process to familiarise them with matters related to the company.

Conflicts of interest policy

These documents require all directors and employees to:

- Act with integrity, honesty, transparency, openness and in good faith
- Comply with the law, apply good judgment and proactively identify, disclose and manage conflicts of interest
- Promptly disclose or report any significant potential or perceived conflict or wrongdoing.

The company maintains an Interests Register that is reviewed at the start of every scheduled board meeting.

Policies

The board reviews the company's key policies at regular intervals.

Board performance and review

The board regularly reviews its performance and the performance of the CE. The reviews aim to identify opportunities and set plans for performance development and improvement.

Board meetings and committees

The board meets approximately 11 times per year. Additional meetings are convened as and when required. The board's annual work programme is set by the board before the start of each financial year. The board receives formal agenda papers and regular reports, generally a week in advance of meetings. Senior managers are regularly involved in board discussions. Directors also have other opportunities to obtain information and may seek independent expert advice.

The board delegates some responsibilities and tasks to board committees, but the board retains the ultimate responsibility and accountability for any committee's actions or inactions. Subject to any conflict issues, all directors receive agenda papers for committee meetings and all directors may attend committee meetings.

The board's four standing committees are:

- Health and Safety Committee (full governance committee) – which assists the board in discharging its responsibilities with respect to health, safety and well-being.
- Audit and Risk subcommittee – which liaises with the company's independent external auditor, and reviews the quality and reliability of internal controls and financial and regulatory information used by and issued by the board.
- People and Remuneration subcommittee – which reviews the company's remuneration policies and practices, and reviews and sets the remuneration of the company's CE and LT.
- Sustainability subcommittee – to help ensure the company is meeting its responsibilities around sustainable business practices.

Liability insurance and indemnity

Port Otago arranges comprehensive liability insurance policies for the company, directors and officers within the limits and requirements set out in the Companies Act 1993 and the company's constitution. The company also indemnifies directors and employees within the limits and requirements set out in the Act.

Legislative compliance

The board receives regular updates and representations from management on legislative compliance. Areas of relevant law include industry-specific regulation, health and safety, corporate, taxation, financial reporting, commercial, environmental, human resources and privacy.

Auditor

Ernst & Young, on behalf of the Auditor-General, is auditor of the company.

Our compliance with relevant legislation

Port Otago will continue its legislative compliance programmes and aim to ensure we meet our obligations under relevant legislation and regulations.

Reporting to our shareholders

Port Otago submits its draft SCI to its shareholder for consultation annually, as required under the Port Companies Act 1988. Where appropriate, we will submit a revised SCI to our shareholder. (See appendices for performance targets.)

We will submit an annual report to our shareholder. This annual report will include:

- Audited financial statements
- Performance relative to the targets set in this SCI
- Key issues and progress with sustainability
- Other information to enable an informed assessment of the group's performance and financial position.

Port Otago values shareholder communication facilitated by the Port Liaison Committee which enables periodic interchange with our shareholder

We will also submit an interim report to our shareholder. This report will contain unaudited information similar in content to our annual report and will comply with financial reporting standard NZ IAS 34 – Interim Financial Reporting.

Port Otago's accounting policies comply with applicable NZ IFRS standards and interpretations. We have applied the same accounting policies when preparing the SCI's financial forecasts, as for our audited financial statements for the year ended 30 June 2023. Our actual accounting policies during the three-year period of this SCI may change as a result of changes to NZ IFRS standards and interpretations.

No surprises policy

The company will endeavour to inform our shareholder prior to any significant decision being made public and will engage via the Port Liaison Group as required.

The commercial value of our shareholder's investment

Port Otago estimates the commercial value of its shareholder's investment in the group is at least that which is stated as shareholder's equity in our audited financial statements. This is reassessed annually, alongside our audited financial statements.

Activities subject to compensation

The company will provide the following services for the Otago Regional Council, for which Port Otago expects to be remunerated or reimbursed by the council:

- Assistance in matters of good navigation and safety on Otago Harbour.
- Provision of such services as may be requested by the Regional Council.
- Construction of a new office.

10.7. SDF Programme Strategy Update

Prepared for:	Council
Report No.	HAZ2302
Activity:	South Dunedin Future
Author:	Jonathan Rowe, Programme Manager – South Dunedin Future
Endorsed by:	Gavin Palmer, General Manager Operations and Anita Dawe, General Manager Policy and Science
Date:	22 November 2023

PURPOSE

- [1] The purpose of this report is to seek Council approval of the revised strategy for the South Dunedin Future programme.

EXECUTIVE SUMMARY

- [2] The South Dunedin Future (SDF) programme is a joint initiative between the Dunedin City Council (DCC) and Otago Regional Council (ORC) to develop a climate change adaptation strategy for South Dunedin.
- [3] A strategic intent for the SDF programme was approved by Council Committees in July 2022 and has guided implementation over the past 18 months. As foreshadowed at the time of approval, the evolving nature of the SDF programme and external factors – including interactions across central government, local government, with mana whenua, and affected communities - have informed further development and revision of the programme strategy.
- [4] This paper summarises the programme context and problems that it is trying to resolve. It canvasses a range of factors relevant to the programme strategy, proposes several revisions and provides justifications, and signals the impact that the strategy may have on both the delivery and anticipated outcomes of the programme. Finally, the paper recommends a revised SDF programme strategy.

RECOMMENDATION

That the Council:

- 1) **Notes** this report.
 - 2) **Notes** the South Dunedin Future programme has been operating in accordance with the strategic intent approved by both Councils in July 2022 (included as Attachment A).
 - 3) **Notes** the work undertaken to develop a revised South Dunedin Future programme strategy.
 - 4) **Approves** the revised South Dunedin Future programme strategy (included as Attachment B).
-

- 5) *Notes the strategy will guide the South Dunedin Future programme, including programme communications and engagement, risk assessment, and development of adaptation options.*

BACKGROUND

- [5] The South Dunedin Future (SDF) programme is a joint initiative between the Dunedin City Council (DCC) and Otago Regional Council (ORC) to develop a climate change adaptation strategy for South Dunedin.
- [6] A programme plan, which outlined the high-level approach for developing the adaptation strategy and delivering the SDF programme was approved by DCC and ORC Council Committees in July 2022 (refer report OPS2223, Strategy and Planning Committee, 13 July 2022). The programme plan included a strategic intent, which described a programme vision, purpose, and set of strategic and operational objectives. A diagram of this strategic intent is included as **Attachment A**.
- [7] The programme plan also noted the evolving nature of the programme vision, purpose, and objectives. This included that the strategic intent for the programme would be further developed and revised as the programme progressed, and this would involve collaboration with central government, local government, iwi/Māori, private sector and communities.
- [8] Since approval of the strategic intent in July 2022, the SDF programme has progressed to implementation and a range of work has been undertaken to further develop and revise the programme strategy. A number of events have also occurred outside the programme that have relevance for this work. This includes developments at central government level, within local government, with mana whenua partners, and with affected communities.

DISCUSSION

Strategic Context

- [9] South Dunedin is built on the flat area between Otago Harbour, the southern coastline and surrounding hill suburbs. It is home to about 13,500 people, 1,500 businesses and a range of critical city infrastructure and public amenities. This former coastal wetland has been developed, filled in and reclaimed over time, creating an area that has become a basin with no natural outflows.
- [10] Over time, coastal erosion and high groundwater have impacted the community and the sea-level is estimated to have already risen about 20 centimetres during the past 120 years. In 2015, heavy rainfall exceeded the operating capacity of stormwater systems, which led to extensive flooding across South Dunedin. These heavy rainfall events are expected to increase in intensity and frequency in the future, as rising sea-levels and high groundwater also reduce the capacity of the ground to absorb water, the flood risk will increase. The impacts of climate change are expected to intensify these hazards presenting increasing risk to the people, assets, and places of value in South Dunedin.
- [11] The DCC and ORC support initiatives to minimise the negative impacts arising from climate change, to identify opportunities to enhance wellbeing through adaptation, and to future-proof our natural and built environments. Adaptation means adjusting to the actual or expected climate and its effects, to reduce harm and take advantage of new

opportunities. This includes the need for local adaptation planning, particularly where historic land use planning has not foreseen, or not taken account of, changes in weather patterns or landforms, and the natural hazard risks are or will become too high. South Dunedin one such example.

Case for change

- [12] There are a range of challenges facing South Dunedin. Many of these are complex and interlinked, without simple or quick resolutions, and with historical origins – the implications of which endure to present day. Overcoming old challenges will likely require new ideas and approaches, and this is a key focus of the SDF programme. Part of this includes laying out the case for change and describing the current trajectory to highlight why change is needed.
- [13] South Dunedin is subject to flooding and other natural hazards, which present risk to people, places and infrastructure. Some of these risks are expected to increase due to climate change, though uncertainty remains about timing and severity of impacts, which makes planning more difficult for councils, affected communities, and other stakeholders.
- [14] This uncertainty means that current investment by public and private sectors is likely not adequately accounting for current or future flood risk. The consequences could include maladaptation and potentially higher costs for communities, councils and central government in the long term, including through disaster response, recovery and rebuild or a reduction in the expected operational life of assets and critical infrastructure.
- [15] Downstream risks of systemic shocks and market failures are increasing (e.g. major flood event, finance or insurance withdrawal, property market decline), potentially leading to sudden and significant disruption or damage to social and economic wellbeing, particularly for affected communities in South Dunedin.

Revised SDF Programme Strategy

- [16] The SDF programme seeks to rise to these challenges, and to enable any changes in thinking and approach necessary to place South Dunedin on a safer, and better trajectory.
- [17] Specifically, the SDF Programme will do this through: (i) detailed scientific and technical work to better understand natural hazards and the impacts of climate change; (ii) community engagement work to determine the views, values and aspirations of partners and stakeholders; (iii) risk assessment work to quantify and assess the threats posed to people, places and assets; and (iv) adaptation options work to determine appropriate responses and mitigations.
- [18] These initiatives will be guided by the programme strategy, which articulates the vision, purpose and objectives of the SDF programme, shapes how the programme will respond to the problems noted above, and describes the outcomes sought from that process.
- [19] The sections below describe work that has been undertaken to further develop the existing programme strategic intent into a revised programme strategy. This is broken into four sections and describes key considerations and proposed changes to the strategy at central government level, within local government, with mana whenua partners, and with directly affected communities.

Central Government

- [20] Central government is a key stakeholder and will play an important role in climate change adaptation in South Dunedin. Central government sets some of the legislative, regulatory, and policy context within which the SDF programme will be delivered, provides funding for a range of services and infrastructure of relevance to the programme, owns and operates community infrastructure and facilities (e.g. schools), and may play a key role in funding implementation of the climate change adaptation strategy being developed for South Dunedin.
- [21] There have been several developments at a central government level since July 2022 that are material for the SDF programme strategy. These include:
- Release of the first National Adaptation Plan (NAP), which sets out Aotearoa New Zealand's long-term strategy and maps out the Government's approach to climate change adaptation. The NAP includes a range of national goals, principles, and focus areas of relevance to the SDF programme.
 - Central government is undertaking an inquiry into climate change adaptation, including funding models and managed retreat. The Ministry for the Environment has also released an Issues & Options paper on Community-led Retreat and released updated climate change data and guidance, which includes direction for local government on adaptation planning.
 - The ongoing reform of the Resource Management Act, Local Government sector reform, and Three Waters reform, and draft National Policy Statement on Natural Hazards, are areas of the legislative, regulatory and policy context that will have a material impact on the delivery and outcomes of the SDF programme. The incoming government has already signalled changes in direction of some reform programmes, though details are yet to be confirmed.
- [22] The following changes are proposed to the SDF programme strategy based on central government developments since July 2022:
- Reframe some of the strategic objectives to better align with the objectives of the NAP, and seek to reflect the NAP's 10 principles for climate action, thereby strengthening strategic coherence between national and local approaches, and edit some of the language to make it more consistent with national terminology, enabling clearer communication.

Local Government

- [23] Climate change adaptation is a global issue, though one that must be tackled locally, given the specific impacts of climate change are generally unique to each location and therefore felt at a local level. This factor places regional and district councils in a central role with an increasing responsibility to develop adaptation strategies, plans and actions that will strengthen resilience and promote the wellbeing of local communities.
- [24] Central government is working to develop a national adaptation framework in which roles, responsibilities and resources are more clearly outlined. Once in place, national direction and coherence will support more effective adaptation responses, but these will always require locally led decision-making and delivery. It is therefore important to ensure climate change adaptation and resilience is embedded across local government, and that adaptation plans are fit-for-purpose and can be implemented by councils.

[25] There have been several developments at a local government level since July 2022 that are material for the SDF programme strategy. These include:

- DCC and ORC are collaborating to produce a Future Development Strategy (FDS), which focuses on ensuring Dunedin is a well-functioning urban environment, including having sufficient land and infrastructure for future growth. The FDS focus is similar to the SDF programme, though timeframes differ, so staff have sought to collaborate to ensure strategic coherence, noting South Dunedin specific issues will be explored in much greater detail by the SDF programme over the period 2023-26, and that this information will inform subsequent strategic spatial planning processes.
- The Proposed Otago Regional Policy Statement 2021 (Proposed RPS 21) was notified in June 2021 and sets the direction for future management of Otago's natural and physical resources. The Proposed RPS 21 informed the SDF programme strategic intent and strategy revision, and its policies and objectives will influence programme implementation, including through the District Plan.
- The cross-cutting nature of climate change adaptation means that many local government strategies, policies and plans have relevance to the SDF programme. For example, recent approval of the DCC Zero Carbon Plan, DCC's 3 Waters Integrated System Planning (ISP) project, and DCC work to scope development of a city-wide climate adaptation plan, and ORC work to develop a regional climate change strategy, have influenced the strategy revision process and will likely impact programme delivery.

[26] The following changes are proposed to the SDF programme strategy based on local government developments since July 2022:

- Adopting a more holistic vision and purpose, where there is a dual focus on resilience and wider wellbeing, acknowledging the opportunities and potential co-benefits that can come with change, and placing more prominence on a community-centred approach, following feedback from Councillors.
- Weaving climate adaptation principles from the NAP into updated operational objectives of the SDF programme, where these are assessed at aligning with local direction and priorities set by Councils.

Mana whenua

[27] The Local Government Act (LGA) 2002 recognises and respects the Crown's obligations under the Treaty of Waitangi by placing some specific obligations on local authorities. These obligations are intended to facilitate participation by Māori in local authorities' decision-making processes. The LGA (2002) charges local authorities with a clear responsibility to take an informed approach to how decision-making can benefit the social, cultural, economic and environmental well-being of the Māori community.

[28] Māori participation in the climate change adaptation process, including adaptation planning, is of critical importance. There are a range of barriers to Māori adaptation that need to be acknowledged and addressed - adaptation planning must consider the special nature of Māori land, and must account for the potential for climate change to have a disproportionate impact on Māori. Staff are actively considering these factors in SDF programme strategy, design and delivery.

[29] Since July 2022, Council partnerships with mana whenua have evolved and developed, including in ways that are material for the SDF programme strategy. These include:

- Reappointment of mana whenua representatives to Council Committees which oversee the SDF programme, including ORC's Regional Leadership Committee and DCC's Strategy, Policy and Engagement Committee. Importantly, this provides an opportunity to provide periodic strategic updates to mana whenua representatives, receive direct feedback, and factor this into programme strategy, design and delivery.
- Te Taki Haruru - Māori Strategic Framework (Te Taki Haruru), which was approved by DCC Council in September 2023, provides a framework for operationalising the Treaty of Waitangi partnership between mana whenua and DCC, and establishes te ao Māori aspirations to help guide contributions to Māori wellbeing across Ōtepoti Dunedin. These aspirations have informed revision of the SDF programme strategy. (Note: the SDF programme is also guided by He Mahi Rau Rika, ORC's Significance, Engagement and Māori Participation Policy).
- Operational level hui commenced with Aukaha in May 2023 and have occurred regularly since. These hui enable ongoing dialogue about SDF programme-related issues of relevance to mana whenua and Māori communities, and support work to integrate these into programme strategy, design and delivery.

[30] The following changes are proposed to the SDF programme strategy based on developments in Council partnerships with mana whenua since July 2022:

- Directly incorporating elements of Te Taki Haruru into the revised SDF strategy, including the principles, values and key intent. In addition, SDF programme partnership commitments have been developed based on an interpretation of Te Taki Haruru through a South Dunedin Future lens, which seek to give effect to Te Taki Haruru in an SDF programme context. These elements are positioned at the top of the strategy framework, reflecting the primacy of the Treaty partnership, with arrows signalling that the specified commitments will contribute to the overall vision, purpose and strategic objectives of the SDF programme.
- More broadly, general revisions have been made to the strategic and operational objectives, to reflect the spirit and intent of Te Taki Haruru – particularly where these also align closely with central government, local government and community-derived changes.

[31] It is important to note that SDF programme partnership conversations with mana whenua are at a relatively early stage. While these have been positive, and reflect good faith dialogue over several months, further work is required to develop and strengthen the partnership. This includes more fully exploring how mana whenua would like to engage with the SDF programme, how the Te Taki Haruru might be operationalised in an SDF programme context, and specific aspirations mana whenua may have for this mahi.

Community Engagement

[32] A key element of the SDF programme is community-centred engagement, working on the basis that affected communities should be fully involved in discussion about, and decisions on, their future – including in relation to adaptation planning. Understanding what matters most to the community, including their values, objectives and aspirations,

is important for developing adaptation plans that are not only technically robust, but also widely understood and supported.

- [33] The SDF programme has undertaken extensive community engagement over the past four years, which has included meetings, surveys, presentations, workshops, newsletters and a series of face-to-face interactions. A wide range of data and insights have been collected during that period on community views, values and aspirations. This information has been analysed and, during the recent engagement round, was played back to the community to calibrate how closely it reflected public sentiment.
- [34] There have been several developments at community level since July 2022 that are material for the SDF programme strategy. These include:
- The Auckland Anniversary floods and events surrounding Cyclone Gabrielle in early 2023 had an observable impact on public awareness of potential climate change impacts and attitudes towards adaptation. These changes appear to have occurred nationally, but locally have materialised as a growing interest in adaptation work, questioning of business-as-usual practices, and reduced resistance to using climate-related risk to better inform development planning.
 - An extensive community engagement round in 2023 saw the SDF programme distribute 14,000 flyers (two flyers, 7,000 copies each) to households in the focus area; write a letter to 1,700 non-resident property owners; host 25 engagement meetings and eight major engagement events with an estimated 1,000 people reached face-to-face; receive over 2,000 unique webpage visitors, 400 individual pieces of feedback, and 75 survey responses.
- [35] The following changes are proposed to the SDF programme strategy based on community engagement since July 2022:
- Introduce a more positive framing, which recognises the opportunities that can come with change. This includes the notion of not only making South Dunedin a safer place, by reducing climate change impacts and associated risk, but also a better place to live, work and play through sustainable urban development and regeneration. This reframing has been well received by the community. These sentiments have been incorporated in the SDF programme vision and purpose and reflected in several of the strategic objectives.
 - Strengthen the references in the operational objectives to a community-centred programme to underscore the importance of community participation, understanding, and support.
 - Amend references to developing an ‘...adaptation strategy’ to developing a ‘...adaptation plan’, which reflects efforts towards using plain language, is consistent with programme communications material (“Let’s make a plan”), and would be more easily understood by the community.

Revised SDF Programme Strategy

- [36] A revised SDF Programme strategy has been developed, which seeks to amend the existing strategic intent, based on the points raised above. The revised strategy incorporates the various proposed changes detailed above, as well as the following structural amendments:

- Inclusion of new section containing mana whenua principles, values and key intents, drawn directly from Te Taki Haruru – Māori Strategic Framework, as well as addition of new SDF Programme partnership commitments. This section is located at the top and is shown as contributing to the strategic objectives.
- Various amendments to the strategic and operational objectives sections, including removing selected boxes and editing various text, to reflect a range of data and insights from central government, local government, mana whenua and community interactions.
- Removal of the previous contextual section that summarised cross-council adaptation work, replacing this with a programme actions section that describes the five workstreams of the programme (each of which is more specific, but also cross-council in nature).

[37] The revised programme strategy is not expected to impact the programme scope, budget, or timeframes. The revised strategy will however affect the direction and outcomes of the programme, as it provides the framework within which programme workstreams will operate. For example, the revised strategy will inform communications and community engagement activities by adopting the more positive framing of key issues; it will guide identification, screening and assessment of risks by outlining objectives and values that could be threatened by natural hazards and climate change; and it will shape criteria against which adaptation options will be assessed and scored, by describing the vision, purpose and objectives the options are expected to contribute towards.

OPTIONS

[38] In July 2022, Councillors endorsed the current strategic intent, which has guided the SDF programme for the past 18 months. Three options are therefore available, (i) continuing with the existing strategic intent, (ii) adopting the revised programme strategy (recommended), or (iii) directing staff to undertake further work to develop an amended strategy, based on Councillor feedback. The advantages and disadvantages of each option are explored below.

Option One – Retain existing strategic intent

[39] This option would involve retaining the existing strategic intent (included as **Attachment A**), as previously approved by Council Committees in July 2022, and continue to operate the SDF programme based on the strategic direction contained within.

Advantages

- Achieves a degree of strategic continuity by maintaining current settings, avoiding mid-programme changes, and retaining a strategic direction that is broadly consistent with national direction and community sentiment.

Disadvantages

- Failure to incorporate the views and values of partners and stakeholders could potentially misdirect the programme and its workstreams. For example, risk assessments and adaptation options and pathways could be produced that align with the current strategic intent but are inconsistent with evolving partner and stakeholder priorities. This could negatively impact relationships, potentially jeopardising future engagement work, and the wider success of the programme.

- The existing strategic intent does not contain specific mana whenua content, particularly principles, values and intents, and therefore does not accurately reflect Councils' Treaty of Waitangi partnerships.
- Foregoes an opportunity to recalibrate the programme strategy based on recent interactions with central government, local government, mana whenua partners and affected communities, creating some increased risk of strategic misalignment.

Option Two – Adopt revised programme strategy (recommended)

[40] This option would involve replacing the existing strategic intent with the revised programme strategy, as outlined in this paper and included as **Attachment B**, and advancing the programme on the basis of this strategic direction.

Advantages

- As the strategy will guide the adaptation options process, this stronger alignment is more likely to produce risk assessments and adaption options and pathways that are consistent with partner and stakeholder priorities.
- Incorporating the views and values of partners and stakeholders would likely strengthen relationships, laying a foundation for future engagement work.
- The revised strategy includes specific mana whenua content, particularly principles, values and intents drawn from Te Taki Haruru – Maori Strategic Framework, as well as specific programme partnership commitments, which better reflects Councils' Treaty of Waitangi partnerships.
- The revised strategy is based on recent interactions with central government, local government, mana whenua partners and affected communities, is more current and better strategically aligned to these key partners and stakeholders.

Disadvantages

- A mid-programme change of strategic direction potentially introduces a sense of discontinuity by shifting settings that are already broadly consistent with national direction and community sentiment.

Option Three – Direct staff to undertake further work and/or develop amended strategy

[41] This option would involve undertaking additional work, at the direction of Councils, to amend the strategy further or take it in a different strategic direction.

Advantages

- Undertaking further work could have the benefit of deepening the understanding of the views, values and aspirations of partners and stakeholders as well as more accurately reflecting Council strategic directions. This could lead to a stronger strategy with positive flow on effects for the SDF programme.

Disadvantages

- Undertaking further work could delay programme implementation, as key elements such as the adaptation options process will be guided by the direction contained within the strategy. This could stall the momentum built over the past 12 months, and negatively affect partner and stakeholder views and engagement, many of whom are eager to see the programme progress to the next stages where spatial risks and options are developed for South Dunedin.

[42] Option 2 - Adopt revised programme strategy is recommended because it would incorporate the latest developments and feedback from partners and stakeholders, provide the best available and well calibrated guidance for programme workstreams,

while allowing the programme to move forward as scheduled. Options 1 and 3 are viable, but would be less well-calibrated to partners and stakeholders (in the case of Option 1) and have potentially negative implications for programme schedule and costs (in the case of Option 3).

CONSIDERATIONS

Strategic Framework and Policy Considerations

[39] These are described in the paper and attachments, which build on previous advice on strategy and policy considerations, provided in the following reports:

- HAZ2109, ORC Council, 24 November 2021
- OPS2215, ORC Strategy and Planning Committee, 13 April 2022
- OPS2223, ORC Strategy and Planning Committee, 13 July 2022
- HAZ2302, ORC Safety and Resilience Committee, 10 August 2023

Financial Considerations

[40] ORC's financial contributions to the SDF programme are provided for in the 2023/24 Annual Plan, or will be considered as part of the next Long Term Plan process.

Significance and Engagement Considerations

[41] The SDF programme strategy will shape and inform the approach to community engagement across the SDF programme, as described in the paper.

Legislative and Risk Considerations

[42] These are described in the paper.

Climate Change Considerations

[43] The SDF programme is making a significant contribution to climate change adaptation in Otago, including by building DCC and ORC experience and competency in climate change adaptation planning.

Communications Considerations

[44] These are described in the paper.

NEXT STEPS

[45] These are described in the paper.

ATTACHMENTS

1. Attachment A - SDF Programme Strategic Intent (Current) [10.7.1 - 1 page]
2. Attachment B_-_ SDF Programme Strategy [10.7.2 - 1 page]

Strategic Objectives	Vision: Improved community wellbeing and resilience through sustainable urban regeneration of South Dunedin				
	Purpose: To enable South Dunedin to prepare for and adapt to the impacts of climate change				
	Reduced risk from flooding (and other natural hazards)	Increased social and economic resilience	Environmental and cultural restoration		
	Climate change impacts are fair ('just transition')	Community ownership of process and outcomes	Improved urban form in South Dunedin		
Operational Objectives	Develop a Climate Change Adaptation Strategy for South Dunedin				
	Community buy-in through inclusive engagement	Run a robust, transparent, and inclusive process	Alignment with Council strategies and policies	Integration with business-as-usual functions of Councils	
Programme Actions	What is happening?	What matters most?	What can we do?	Make it happen.	How is it working?
	Build our understanding of the physical environmental and natural hazards, the communities affected, and how this might change over time.	Develop our understanding of community values, objectives, vulnerability, and the risk presented by natural hazards. Agree our overall objectives.	Identify our options for managing likely changes to the physical environment, the resulting hazards, and risk. Select options and pathways that will best meet our objectives.	Develop an overall adaptation strategy that balances the risks, objectives, and options. Develop a plan to implement that strategy, integrating this into business as usual.	Monitor, review and adjust the adaptation strategy to ensure it remains fit for purpose and is delivering on our objectives
Cross-Council Adaptation Work	Science & Technical	Planning & Infrastructure	Community Engagement	Strategy & Policy	
	Understanding how the changing physical environment affects natural hazards and risk, now and in the future	Managing hazards and risk through land use planning, engineered and nature-based solutions	Partnering with the community to build resilience, identify preferred futures, and determine viable adaptation options	Integrating research and best practice into decision-making, while navigating a changing policy, legislative & regulatory environment	

Mana Whenua Priorities	Principles	Autūroa	Auora	Autaketake	Autakata
	Values	Mana	Mauri	Tapu and noa	Whakapapa
	Key Intent	Mana whenua are leaders, influencers and partners.	The Mauri of Ōtepoti is restored and enhanced.	Balance is restored, and the future of our people and resources is protected.	The traditional authority of mana whenua in Ōtepoti is recognised through partnerships based on reciprocity and respect.
South Dunedin Future	Programme Partnership Commitments	Mana whenua can actively participate in the programme, and exercise rakatirataka, including rights to make decisions on issues affecting the wellbeing of South Dunedin.	Mana whenua exercise kaitiakitaka over te taiao and taoka to shape restoration and regeneration of South Dunedin environments. The programme supports the social and economic wellbeing of Māori communities in Ōtepoti Dunedin.	Integration of tikaka and kawa into the programme ensure balance and outcomes that contribute to the wellbeing of te taiao, our whānau and wider community.	The programme will draw on mātauraka Māori and te ao Māori to support a strengthened Māori presence in South Dunedin.

Strategic Objectives	Vision: A safer and better South Dunedin, where sustainable urban regeneration leads to improved community resilience and wellbeing.				
	Purpose: To enable South Dunedin to prepare for, and adapt to, the impacts of climate change, while also realising the opportunities that come with change.				
	Just transition Respond to climate change in ways that empower communities and promote fairness and equity.	Community safety Promote community safety in South Dunedin by reducing flood and other risks, despite increasing natural hazards	Environmental & cultural restoration Restore and regenerate natural environments, renew urban spaces, and re-energise cultural connections to place.	Social & economic resilience Strengthen communities and businesses so they are well-prepared for floods and other hazards, better able to cope and recover.	Sustainable urban development Urban development accounts for the changing environment, providing better spaces for people, water and wildlife.

Operational Objectives	Develop a Climate Change Adaptation Plan for South Dunedin Produce an adaptation plan that is technically feasible, financially affordable, and widely understood and supported by partners, stakeholders and affected communities.		
	Make well-informed decisions Use the best available evidence, including science, data, local knowledge and mātauraka Māori.	Be community-centred Empower the community to actively participate and lead where appropriate, by being inclusive, accessible and transparent.	Mainstream climate adaptation Make plans and recommendations that are fit-for-purpose, can be implemented by councils, and support strengthened resilience.

Programme Actions	Natural Hazards	Communications & Engagement	Risk Assessment	Adaptation Options	Strategy & Programme
	Understanding the natural environment in and around South Dunedin. Predicting how it might change in the future.	Getting a good understanding of what's important to the community. Explain to people what we're doing, why, and how they can get involved.	Understanding how climate change will affect the things we value (people, places, assets) and how this might change over time.	Exploring what options we have for adapting to the impacts of climate change. Looking at the pros and cons, and deciding which work best.	Working out how everything fits together and how the work is best sequenced. Putting it all into a coherent strategy so it can be implemented effectively.

11.1. Recommendations of the Safety and Resilience Committee 2023.11.09

Resolution

That the Council adopts the recommendations of the 2023.11.09 Safety and Resilience Committee

Report	Resolution	Res#	Mover/ Seconder
Otago Rain Radar – Rainfall Analysis and Nowcasting Service	<i>Requests that the Chair of the Otago Civil Defence and Emergency Management Group writes to the relevant Minister requesting weather radar coverage for Queenstown-Lakes and Central Otago</i>	SRC23-110	Cr Somerville Moved, Cr Weir Seconded

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
<i>1.1 Confidential Minutes of</i>	To protect the privacy of natural persons, including that of deceased natural persons – Section 7(2)(a)	Section 48(1)(a); Subject to subsection (3), a local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on 1 or more of the following grounds: (a) that the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.
<i>3.1 Dunedin Future Development Strategy: Joint Hearing Panel</i>	To protect information where the making available of the information— would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information – Section 7(2)(b)(ii)	
<i>3.2 Continuation of the Lake Whakatipu Ferry Service Beyond the Current Trial</i>	To protect the privacy of natural persons, including that of deceased natural persons – Section 7(2)(a)	

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.