

Otago Regional Council meeting 9 December 2015

Attached is the agenda for the next Council meeting of the Otago Regional Council, which is to be held on Wednesday 9 December commencing at 10.30 am. The venue is the Council Chamber, 70 Stafford Street, Dunedin. Members of the public are welcome to attend. Copies of attachments are available from the Committee Secretary (see contact details below) or online at

<http://www.orc.govt.nz/Meetings-Consultations-and-Events/Council-meetings-and-Agendas/>.



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OTAGO REGIONAL COUNCIL

**Agenda for an Ordinary meeting of the Council to be held in the
Council Chamber, 70 Stafford Street, Dunedin on
Wednesday 9 December 2015 commencing at 10.30 am**

Membership:

- Cr Stephen Woodhead (Chairperson)
- Cr Gretchen Robertson (Deputy Chairperson)
- Cr Graeme Bell
- Cr Doug Brown
- Cr Louise Croot MNZM
- Cr Michael Deaker
- Cr Gerrard Eckhoff
- Cr Gary Kelliher
- Cr Trevor Kempton
- Cr Sam Neill
- Cr Bryan Scott
- Cr David Shepherd

Apologies: Cr Gerry Eckhoff

Leave of Absence: Cr Bryan Scott

**Request for Leave
of Absence:** Cr Michael Deaker

In attendance:

**Please note that there is an embargo on agenda items until 8.30 am on Monday 7
December 2015.**

CONFIRMATION OF AGENDA

PUBLIC FORUM

MINUTES

The minutes of the Ordinary meeting of Council held on 28 October 2015,
having been circulated, for adoption

Page Nos.

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Matters arising from the minutes

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PART A – CHAIRPERSON’S AND CHIEF EXECUTIVE’S REPORTS	
Item 1 2015/1299 Chairperson’s report. Chair, 2/12/15	12 - 14
Providing an overview of the Chairperson’s activities for the period to 2 December 2015.	
Item 2 2015/1306 Chief Executive’s Report. CE, 3/12/15	15 - 19
Providing an overview of the Chief Executive’s activities for the period to 3 December 2015.	
PART B – RECOMMENDATIONS	
Item 3 2015/1295 Port Otago Ltd Shareholder’s Meeting. DCS, 30/11/15	20 - 22
The report explains that the adoption of the Port Otago Limited Annual Report and Financial Statements, the appointment of Directors, and the appointment of Auditor, are required to be formalised by Council resolution.	
Item 4 2015/1300 Submissions on DCC District Plan. DPPRP, 2/12/15	23 - 58
The Council’s submissions on the DCC District Plan are presented for endorsement.	
Item 5 2015/1271 Affixing of Common Seal and Delegation. DCS, 25/11/15	59 - 61
The report explains that it is timely to review delegation for the affixing of the Council’s Common Seal.	
PART C – ITEMS FOR NOTING	
Item 6 2015/1301 Four month review to 31 October 2015. DCS, 2/12/15	62 - 65
Summarising project progress for the four months to 31 October 2015. The full review is circulated separately with the agenda.	

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Item 7 2015/1305 Financial Report. DCS, 3/12/15	66 - 69

The report provides information in respect of the overall Council finances for the four months ended 31 October 2015.

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PART D – MINUTES OF MEETINGS

Item 9 Recommendations of the Communications Committee meeting held on 25 November 2015, for adoption	71 - 72
Item 10 Recommendations of the Finance and Corporate Committee meeting held on 25 November 2015, for adoption	73 - 77
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Item 12 Recommendations of the Regulatory Committee meeting held on 25 November 2015, for adoption	81 - 86
Item 13 Recommendations of the Technical Committee meeting held on 25 November 2015, for adoption	87 - 89

PART E - EXCLUSION OF PUBLIC

That the public be excluded from the following part of the proceedings of the meeting.

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

	General subjects to be considered	Reason under LGOIMA for passing this resolution	Grounds under S.48 for the passing of this resolution
Item 14	Tenders received, Leith Flood Protection Scheme, Dundas Street to St David Street works.	To enable any local authority holding the information to carry on negotiations, without prejudice or disadvantage. (S7(2)(h))	S.48(1)(a)(i)
Item 15 – Councillors only	Recommendations of the Employment Committee meeting held on 28 October 2015, for adoption	To protect the privacy of natural persons. (S7(2)(a))	S.48(1)(a)(i)

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act or Section 6 or Section 7 or Section 9 of the Official Information Act 1982 as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as shown above with respect to each item.

OTAGO REGIONAL COUNCIL**Minutes of an Ordinary meeting of the Council held in the
Council Chamber, 70 Stafford Street, Dunedin on
Wednesday 28 October 2015 commencing at 9.32am**

Present:

Cr Stephen Woodhead (Chairperson)
Cr Gretchen Robertson (Deputy Chairperson)
Cr Graeme Bell
Cr Doug Brown
Cr Michael Deaker
Cr Gerrard Eckhoff
Cr Gary Kelliher
Cr Sam Neill
Cr Bryan Scott
Cr David Shepherd

Leave of Absence:

Cr Louise Croot MNZM
Cr Trevor Kempton

In attendance:

Peter Bodeker
Gavin Palmer
Nick Donnelly
Fraser McRae
Scott MacLean
Charlotte Stickings
Lauren McDonald

CONFIRMATION OF AGENDA

There were no changes to the agenda

MINUTES

The minutes of the Ordinary meeting of Council held on 16 September 2015, having been circulated, were adopted on the motion of Crs Bell and Robertson.

Matters arising from the minutes

A question was raised asking what progress had been made regarding the resolution that Council show support to central government and local organisations regarding the refugee crisis. It was noted that the Prime Minister had been written to with no response received as yet. Mayor Cull and Dr Sue Bidrose had also been contacted. Mr Bodeker confirmed it was timely for Council to follow this up.

PART A – CHAIRPERSON’S AND CHIEF EXECUTIVE’S REPORTS

Item 1

2015/1210 **Chairperson’s report.** Chair, 22/10/15

The Chairperson provided an overview of his activities for the period to 22 October 2015.

It was noted that the presentation at the Canterbury Mayoral Forum on the Regional Development Strategy gave greater focus on delivery and outcomes than the strategy, and would be reported on a six monthly basis to key commercial stakeholders. There was no current plan for a similar development strategy for Otago. The Otago Mayoral Forum current work plan had made good progress on a number of issues including civil defence and rural fire.

Cr Brown joined the meeting at 9:39am

Comment was made that there was support from stakeholders for Council to be involved with the wilding conifers issue both in a regulatory role and with potential funding. During November, Council would be raising awareness and seeking public feedback on the scale of the wilding conifer issue in the region. Feedback would be collected primarily through an online poll on the Otago Regional Council website and through the People’s Panel. If Council decides to proceed, formal consultation would be included in the 2016-17 Annual Plan process.

Support was given for a cohesive regional strategy with a co-ordinated approach.

Item 2

2015/1212 **Chief Executive’s Report.** CE, 22/10/15

The Chief Executive provided an overview of his activities for the period to 22 October 2015.

It was noted that Otago Regional Council had been working with the Strath Taieri Irrigation group with funding provided for investigation work from

the Chief Executive's discretionary fund. Council was also working closely with the Manuherikia Irrigation Company, particularly in regard to Plan Change 1C requirements.

Cr Woodhead moved
Cr Kelliher seconded

1. *That the Chairperson's and Chief Executive's reports be received.*
2. *That Council support the next steps for wilding trees*

Motion carried

PART B – ITEMS FOR NOTING

Item 3

2015/1203 **Otago Civil Defence Emergency Management Group – Functions and Responsibilities.** CE, 16/10/15

The report gave background on the purpose of Civil Defence and Emergency Management Act 2002 and an overarching view of roles of government departments and agencies, emergency services and lifeline utilities.

The new group controller, Mr Chris Hawker, would take up his role as of 2 November 2015 and a workshop would be held in early 2016.

Reference was made to the purpose of the Civil Defence Emergency Management Act which informed much of the work done around flood control and civil defence, especially in identifying risks and hazards.

It was noted that the Otago Civil Defence Emergency Management (OCDEM) group office would only activate if there was a multiple district emergency.

It was commented that the Audit and Risk committee had been asked to review the CDEM procedures and functionality. Improved communication and transparency were needed between the CDEM Group and Council.

It was noted that this Council had a responsibility to provide good support to the CDEM Group.

Cr Woodhead moved
Cr Kelliher seconded

That this report be noted.

Motion carried

Item 4
2015/1195 **Financial Report.** DCS, 22/10/15

The report provided information in respect of the overall Council finances for the month of September 2015.

It was questioned why investment properties were held by Council and suggestion was made that these be transferred to Chalmers Properties. Mr Donnelly responded that they had historically remained in Council ownership and management of the four properties was not onerous. It was requested that the merits of transferring/sale be investigated and what the implications would be. For completeness it was suggested that other Otago Regional Council land holdings also be included in this review. This information would be reported back to the next meeting of the Finance and Corporate Committee.

Cr Deaker moved
Cr Shepherd seconded

1. *That this report be received.*
2. *That Mr Donnelly provide an inventory of land owned and the merits of continued ownership of that land.*

Motion carried

Item 5 **Reports from Councillors**

Cr Robertson

- *Hosting of the Dutch Ambassador (Mr Robert Zaagman), 1 October 2015*

It was noted that this was a proud day for Dunedin and Otago Regional Council. The programme included visits with internationally renowned companies including Abacus Biotech and AgResearch. The ambassador was particularly interested in the effects based resource management approach. The day was inspiring for those involved and noted the importance of strategic direction. It provided the opportunity to forge links to promote what the Otago region has to offer. Acknowledgement and thanks to Cr Croot and staff for a very well organised programme.

Cr Neill

- *Te Rauone Beach Community Meeting, 26 October 2015*

It was commented that this was a constructive meeting and a plan was in place in conjunction with Port Otago Ltd for a groyne designed to extend

into the water to allow for sand to be pumped from the dredging onto Te Rauone beach.

PART C – MINUTES OF MEETINGS

Item 6 **Recommendations of the Communications Committee meeting** held on 14 October 2015, for adoption

Cr Bell moved
Cr Kelliher seconded

That the recommendations of the Communications Committee meeting held on 14 October 2015 be adopted.

Motion carried

Item 7 **Recommendations of the Finance and Corporate Committee meeting** held on 14 October 2015, for adoption

Cr Shepherd moved
Cr Kelliher seconded

That the recommendations of the Finance and Corporate Committee meeting held on 14 October 2015 be adopted.

Motion carried

Item 8 **Recommendations of the Policy Committee meeting** held on 14 October 2015, for adoption

Cr Robertson moved
Cr Deaker seconded

That the recommendations of the Policy Committee meeting held on 14 October 2015 be adopted.

Motion carried

Item 9 **Recommendations of the Regulatory Committee meeting** held on 14 October 2015, for adoption

Cr Neill moved
Cr Eckhoff seconded

That the recommendations of the Regulatory Committee meeting held on 14 October 2015 be adopted.

Motion carried

Item 10 **Recommendations of the Technical Committee meeting** held on 14 October 2015, for adoption

Cr Scott moved
Cr Kelliher seconded

That the recommendations of the Technical Committee meeting held on 14 October 2015 be adopted.

Motion carried

The meeting closed at 10.43am.

Chairperson

REPORT

Document Id: A864899

Report Number: 2015/1299
Prepared For: Council
Prepared By: Chairperson
Date: 2 December 2015

Subject: **Chair's Report - December 2015**

1. Otago Mayoral Forum

Chief Executives are to continue to work on the Otago Museum funding review with a target of a proposal being part of the next LTP to be confirmed in 2018.

Southern District Health Board Commissioners Kathie Grant, Graham Crombie and Richard Thomson briefed the forum on the various challenges they are working through.

The Fire Service review will mean the merger of the Rural Fire Brigades with the professional service. This looks like it will be the end of local government funding involvement in rural fire.

An update on the Earthquake Prone Buildings legislation showed good results from collaboration that has occurred since 2012. Success includes agreement on a risk-based approach to investigation and remediation, retention of the one third new building standards, the exemption of farm buildings and likely extensions for under-utilised buildings and the extension of time for heritage buildings. Further opportunities for collaboration in the implementation of regulations and support for building owners will come to the next forum.

2. Te Roopu Taiao

Iwi will present to the next meeting the Kai Tahu history project. This project is being run by Ngai Tahu.

An update of the local government work programmes was circulated.

It was pleasing to be informed that Queenstown Lakes District Council is now working with KTKO as well as Te Ao Marama.

3. Civil Defence Emergency Management Group

Mr Bodeker will report on this meeting.

4. Regional Sector Group (RSG)

The evening prior to the meeting, I joined Janet Gregory, local coordinator for the NZ Landcare Trust, and West Otago farmers Simon O'Meara and Lloyd McCall at the Morgan Foundation River Awards. The Pomahaka Project was first equal in the River Story Award.

At RSG we spent a morning strategic planning, looking at both short term and longer term issues. It reinforced the key traditional topics of water, hazards etc, but confirmed a role in economic development of the regions. This session highlighted the need for strong relationships with our key stakeholders, the ability to leverage the knowledge that sits inside the regional sector, and the benefits that will flow from the review of the sector interest

groups now that they will have a link down of strategic issues, and reporting lines back up to CE's and onto RSG of their results.

The afternoon agenda key items were the LGNZ update and the Super Gold Card update. Martin Mathews, Chief Executive of MoT, assured us that it was not the intent of the SGC review and capping to mean ratepayers would have to contribute. We are waiting for a letter to confirm this. Work on this issue will continue by staff working with MoT and NZTA looking at an allocation model, and RSG will address it at our 12 February sector meeting.

5. National Council

This meeting is on 4 December. Items on the agenda include the draft 2015/16 Business Plan which has been further developed following our strategy session in October.

The development of the local government excellence programme, focusing on improving performance and perception, is continuing with four councils. ORC was one of the four, being part of pilot workshops to seek feedback on the proposed performance measures.

LGNZ was developing an economic development tool kit, but is now looking at a proposed wider project that would run a stocktake of economic development activities and then look at best practice and key indicators to assess performance and return on investment.

The Government has announced it has asked the Productivity Commission to follow up its recent using land for housing report with an urban planning report. The Commission has been asked to identify the most appropriate system for allocating land use in cities to achieve positive social, economic and cultural outcomes. An issues paper is due mid-December, final report 30 November 2016.

Minister Smith has announced an RMA Reform Bill.

6. Public Transport Leadership Forum

I am a member of this group as a result of being RSG chair. This group is made up of public transport operators – LG, NZTA and MoT, and looks at future opportunities and trends in passenger transport, as well as current issues.

Discussion around the impact of personal electric vehicles as they emerge in mass production over the next decade, and driverless technology for public transport over several decades, along with the community needs for the first and last kilometre, raised some interesting issues.

NZTA are currently reviewing implementation of PTOM, a quick heads up look. A full review will take place next year. LGNZ and NZTA are to clarify what the implications are of initial legal advice around a bus being a place of work under the Health and Safety law.

It was the last meeting for Fran Wilde and her contribution over the years was noted.

7. Science Communicators Association NZ (SCANZ)

I joined the team that has been responsible for the ongoing development of the Land and Water Aotearoa website, including Mrs Rowe and representatives from MFE, Cawthron Institute, Tindall Foundation and IT Effect, to receive the Science Communicators Award from the SCANZ conference.

8. Other Meetings

Mayor Lepper, Mayor Cull and I attended the Australian GT welcome function at Highlands Motorsport Park, Cromwell.

I laid a wreath on behalf of Council at the Armistice Day service.

Mr Bodeker and I met with Robin Thomas, the Otago Southland representative from the QEII Trust, who was looking for assistance in progressing QEII covenants.

I joined Mr Bodeker and Mr Donnelly meeting with Robyn Wells (North Otago Irrigation Company) and Elizabeth Soal (Waitaki Irrigators Collective) regarding irrigation scheme rating.

I attended the Ngai Tahu civic dinner to celebrate the Hui-a-Iwi.

Cr Shepherd, Mrs Rowe, Mr Schick and I joined MfE and MPI staff receiving an update on progress of the Pomahaka Landcare Project. We visited two farms in the catchment hosted by the Landcare Trust.

I attended the Morgan Foundation River Awards; the Pomahaka Project won the River Story award.

Bronwyn and I joined Mayors van Uden, Lepper and Cadogan, and their partners, and Mayor Tong for dinner with Governor General Sir Jerry and Lady Janine Mateparae in Queenstown.

Stephen Woodhead
Chairperson

REPORT

Document Id: A865520

Report Number: 2015/1306
Prepared For: Council
Prepared By: Chief Executive
Date: 3 December 2015

Subject: **Chief Executive's Report - December 2015**

1. Mayoral Forum – Performance Targets

The Otago region CEOs, in conjunction with the Otago Mayoral Forum, have been working to establish a common set of performance criteria across the region. While many of the targets are specific to the work of territorial authorities, there are some common targets such as overall ratepayer satisfaction that ORC can participate in.

The project aims to have a common set of reporting criteria in the form of a methodology for use in the 2015/16 Annual Reports. A key part of the work is to establish a reporting process to ensure the context of the actual measures can be explained against the result.

2. Water Plan Implementation

As discussed with Council, the various elements of Plan Change 1C and 6A have been established and various managers have been assigned to those tasks. Both programmes require overall management and as such Mrs Marian Weaver has been appointed Programme Manager for 1C and Mrs Suzanne Watt Programme Manager for 6A. Reporting of progress of these programmes will be made through the appropriate committees.

3. Harbour and Waterway Safety

Regional councils have increasingly taken responsibility to manage commercial, recreational and environmental aspects of ports, harbours and waters in their regions.

With respect to ports and harbours, Maritime NZ is requiring regional councils to prepare plans of how the safety of these areas is planned, monitored and enforced¹.

On some key rivers and lakes, local authorities provide navigational safety services by the resourcing of harbourmasters.

The Otago Regional Council (ORC) has taken a low key approach to these matters. Where possible it has devolved its responsibilities by appointing third parties to take on the functions for specific areas of work.

Port Otago Limited has responsibility for port-based safety. An ORC staff member(s) assumes the role of harbourmaster and authorises recreational events in the non-commercial port related sections of the Otago harbour. Stewardship of other harbours such as Oamaru, Karitane and Taieri Mouth is not undertaken to the same degree.

¹ New Zealand Port and Harbour Marine Safety Code

The Otago Regional Council has transferred the navigation safety of Lake Wakatipu and all navigable rivers in the Queenstown district to the Queenstown Lakes District Council (QLDC). This activity focuses mainly on the tourist focussed jet boat activity on the lake and rivers. This activity is funded by a charge on passengers. QLDC also has responsibility for Lake Wanaka.

A similar transfer is in effect with Central Otago District Council (CODC) for all the waters of the Clutha River and tributaries that form Lake Dunstan. Both QLDC and CODC have in force navigational safety bylaws for their respective waters.

ORC formally had navigational safety bylaws for Otago and Karitane harbours. These bylaws have now lapsed.

Other regional councils have determined the level of involvement they deem appropriate and have these activities resourced.

The Otago Regional Council will invite an independent review of our processes and workshop findings with Council prior to management making recommendations to the Annual Plan deliberations.

Terms of Reference with respect to the Otago Regional Council's role in the safety of Port, Harbour and other waters in the Otago region

- 1 What waters (including Ports and Harbours) in Otago should be actively managed by ORC for navigation safety purposes (including recreational safety)?
- 2 For each location, what are the management options?
- 3 What is the recommended option and why?
- 4 For each such location, is a navigation safety bylaw an appropriate management tool; if so, why, and what should it contain? Consideration must be given to other regulatory instruments such as the Maritime Rules and the Maritime Transport Act 1994.
- 5 In each case, what appointments (harbour masters etc) should be made?
- 6 In each case, is ORC the appropriate regulatory agency, or should ORC delegate or transfer powers? If so, to whom?
- 7 In each case, what arrangements should be made to coordinate with other regulatory authorities² who also have a role in navigation safety?
- 8 In addition, for Otago harbour, what steps should be taken to develop and implement a harbour safety management system and what should be done to achieve compatibility with the port companies with Otago Port and Harbour Safety Code Update 2015?
- 9 What in particular is the best division of responsibilities and roles between Port of Otago Limited and ORC?
- 10 Are the existing transfers of functions to QLDC and CODC appropriate and effective, should they be reviewed, revoked or amended?

² For example – Coastguard, Maritime New Zealand, New Zealand Police, District Councils

4. Regional Growth Strategy

I have engaged a Wellington-based consultancy to prepare a briefing document for Council on a possible Otago Regional Growth Strategy.

Regional councils in Northland, Central North Island, Canterbury and Southland have led the establishment of regionally based growth strategies. These strategies have brought together the development activities of both regional and territorial local government, but also development agencies and the commercial sector.

The Otago Regional Council has expressed a desire to consider an Otago strategy and a presentation on how we may approach the development of such will be workshopped with Council in January, and with the Mayoral Forum in February, prior to consideration for the 2016/17 Annual Plan.

5. Health & Safety

ORC staff continue to work hard at identifying and remedying potential health and safety matters.

A recent site visit by WorkSafe New Zealand to ORC's Silver Stream pump station resulted in the following report being sent.

"The site visit recently undertaken by WorkSafe New Zealand to the Silver Stream pump station showed awareness by ORC for the continued assessment and management of potential and existing hazards at the pump station. It was also great to see that the ORC is looking at ways of improving procedures and looking to find ways of using the hierarchy of controls to benefit both safety and productivity. What was evident was the fact that the team present on site understood that the hazards associated with these pump stations are hazards to be owned and reviewed by the ORC and its staff.

Overall I saw a team committed to keeping each other safe and striving to find safer and better work practices."

Additionally, hydrology staff involved in gauging rivers have erected railings to assist them with access to and from rivers. These railings are designed and are relatively low cost due to the knowledge that they may be lost in a flood situation and then can be replaced.





6. Dunedin Deemed Exempt (Commercial) Public Transport Services

As Council is aware, there are a number of commercial services operated on the Dunedin network which require transition into the Public Transport Operating Model (PTOM). The commercial services include Brockville/Halfway Bush – Saint Kilda and Normanby Saint Clair. These services sit in separate units as identified in the Regional Public Transport Plan. Through the Land Transport Management Act, Council are required to offer a unit or units to the operator. The process for dealing with this is prescribed in NZTA's Procurement Manual and is referred to as Like for Like negotiations. Unit 4, which includes Brockville/Halfway Bush/Saint Kilda, Ross Creek/Ocean Grove and Belleknowes/Waverley, is the unit identified for the Like for Like contract.

The purpose of this update is to advise Council that staff are about to issue the pricing request for Unit 4. Unlike other tendering, the operator will be asked to submit pricing for the provision of the services. This will be compared against an assessed contract value that is being generated by independent consultants based on the Southern Routes tender pricing received. Any significant variance between the benchmark price and that provided by the operator will be discussed with the operator with the view to negotiating an agreed outcome. These discussions are overseen by an NZTA appointed observer. If agreement is unable to be met, then the contract price will be set by an independent adjudicator. As a result of the process, the contract will be formed and Council advised of the outcome, including the date for the commencement of services. Staff will advise Council as soon as an outcome is known.

7. Staff Awards

At our recent end of year staff celebration, three staff were recognised for achievements:

- The award for the *'most supportive in the team environment'* had six nominations and was awarded to Julie Walker from the Finance team.
- The award for the *'best improver of operational efficiencies'* had six nominations and was awarded to Suzanne Collie from Human Resources.
- The award for the *'most positive impact on customer service'* had seven nominations and was awarded to Shelby Donald from Customer Services.

Peter Bodeker
Chief Executive

REPORT

Document Id: A864727

Report Number: 2015/1295

Prepared For: Council

Prepared By: Director Corporate Services

Date: 30 November 2015

Subject: **Port Otago Limited Annual Shareholders' Meeting 2015**

1. Précis

The adoption of the Port Otago Limited Annual Report and Financial Statements, the appointment of Directors, and the appointment of Auditor, are required to be formalised by Council resolution.

2. Comment

In accordance with The Companies Act, Port Otago Limited is required to hold an Annual Shareholders' Meeting in relation to the 30 June balance date.

The Annual Shareholders' Meeting 'agenda' is required to include adoption of the Directors' Report and audited Financial Statements, the appointment/reappointment of Directors, and the appointment of Auditor. The Companies Act makes provision for shareholders to sign a written resolution in lieu of holding the Annual Shareholders' Meeting.

(a) Adoption of Directors' Report and Audited Financial Statements for the year ended 30 June 2015

The report information has previously been presented to the Council by the Board, and the reports have been distributed.

(b) Appointment of Auditor

The appointment of Auditor is out of the hands of the Council, and of Port Otago Limited. The Auditor-General is the Company's Auditor by virtue of the Public Audit Act, and the Auditor-General contracts the work. The Council however, as shareholder, is required to formalise the appointment.

(c) Consideration of Directors' Appointments

A component of the annual meeting resolution is the consideration of the appointment/reappointment of Directors.

Directors of Port Otago are rotationally appointed on a three year term basis.

The Director standing down by rotation in 2015 is Mr Ross Black. Mr Black has elected to not seek reappointment. Council has a process underway to fill this vacancy and a new appointment will be recommended to Council in due course.

The attached documentation provides the record of the "2015 Annual Shareholders' Meeting" by resolution.

3. Recommendation

That the attached resolution be adopted and signed by the Chairperson and Chief Executive.

Nick Donnelly
Director Corporate Services

Port Otago Limited

2015 Annual Shareholders' Meeting held in accordance with Section 122 of the Companies Act 1993

It is resolved that:

1. Annual Report

The Directors' Report and Financial Statements for the year ended 30 June 2015 and the report of the Auditor thereon be adopted.

2. Auditors

To record the Auditor-General as the Auditor of the Company in accordance with Section 32 of the Public Audit Act 2001, for the financial year ended 30 June 2016.

3. Directors

It is noted that Mr Ross Black retires by rotation and has elected to not be reappointed. This creates a vacancy which the Council has a process underway to fill and a new appointment will be made in due course.

Signed by the Otago Regional Council as the sole shareholder of Port Otago Limited, by:

.....
Stephen Woodhead
Chairperson

.....
Peter Bodeker
Chief Executive

REPORT

Document Id: A864934

Report Number: 2015/1300
Prepared For: Council
Prepared By: Director Policy, Planning and Resource Management
Date: 2 December 2015

Subject: **Submissions on DCC 2nd Generation District Plan**

1. Précis

Two submissions were lodged, on Council's behalf, on the Dunedin City Council's Proposed 2nd Generation District Plan. The submissions are appended to this report for Council's endorsement.

2. The submissions

Submissions on Dunedin City Council's Proposed 2nd Generation District Plan closed on 24 November 2015. Due to timing constraints two submissions on Council's behalf were lodged on the proposed plan.

The submissions lodged were:

- as landowner of the property at 15 Birch Street/39 and 49 Kitchener Street, and
- Council as a regional authority.

The submissions are appended to this report for Council's endorsement.

3. Recommendation

1. That Council endorse the appended submissions on Dunedin City Council's Proposed 2nd Generation District Plan.

Fraser McRae
Director Policy, Planning and Resource Management

FORM 5
SUBMISSION ON PUBLICLY NOTIFIED SECOND GENERATION DUNEDIN CITY
DISTRICT PLAN
(26 SEPTEMBER 2015)

Clause 6 of Schedule 1, Resource Management Act 1991

To: Planning Department
Dunedin City Council
PO Box 5045,
DUNEDIN

Submission on: Proposed Second Generation Dunedin City District Plan
(“**Proposed 2GP**”)

Submitter name: Otago Regional Council (“**ORC**”)

Address: Private Bag 1954
DUNEDIN 9054

1. **This is a submission on the Proposed 2GP.**
2. **The Otago Regional Council (“ORC”) could not gain an advantage in trade competition through this submission.**
3. **The Otago Regional Council is making this submission in the capacity of landowner of the property located at 15 Birch, 39 Kitchener Street, and 49 Kitchener Street Dunedin.**

4. Submissions on the Proposed 2GP

- 4.1 On the 31st of July 2015, ORC Council filed a Notice of Requirement (“NOR”) with the Dunedin City Council regarding the designation of 39 Kitchener Street as a public work being the principal premises of the ORC. The Dunedin City Council has included the designation within the Proposed 2GP as Designation 214 – To Allow for Proposed Principal Premises with conditions. Otago Regional Council’s submission seeks the following amendment in regards to Designation 214:

- a) *The lapse date included for Designation D214 is amended:*

The lapse date sought for Designation 214 within Schedule A1.4 is 10 years from the date that Designation 214 is included within the District Plan.

The reasons for this submission is that as notified the lapse date included within the Proposed 2GP for Designation 214 is 16 October 2018, which

is different than what was included within the NOR filed on the 31st of July 2015. The lapse date included in the Proposed 2GP does not allow the ORC the time necessary to develop the site as designated. As such, ORC submit that this is amended to lapse 10 years from the date it is included within the District Plan.

b) *The address included for Designation 214 is amended:*

The specific amendment to the address the ORC seeks via the submission is shown in the table below:

Designation Number	D214
...	...
Location (address)	<u>15 Birch, 39 Kitchener Street, and 49 Kitchener Street</u> Dunedin

4.2 The ORC seeks amendments to the underlying zoning at the site, being the Harbourside Edge Zone and its surrounds, and other relevant city-wide provisions as they relate to this location, as set out below:

a) *Re-instate the Harbourside Zone as provided in the operative District Plan*

The ORC submits that the recently operative Harbourside Zone should be reinstated in full in the Proposed 2GP, including all provisions, district plan maps and structure plans.

b) *Amendment of 'Harbourside Edge Public Access' plan included within Standard 18.6.18*

As set out under submission point (a) above, the ORC seek that the Harbourside Zone be reinstated in full in the Proposed 2GP. The Harbourside Zone includes structure plans which enable the development of pedestrian access ways within the zone, including the requirement to provide public access ways/promenade areas. This is supported by the ORC.

However, should the Harbourside Zone not be re-instated in full, the ORC seek that the plan included within Standard 18.6.18 be amended so that the Harbourside Edge Public Access (shown coloured in green) be depicted as an "indicative" public access. The obligation for the developer of sites at 15 Birch Street and 39 Kitchener Streets should be to provide access through each site at a location to be determined.

It is also noted that the public access way depicted on the Standard 18.6.18 plan (refer below) passes immediately adjacent to the slipway site and across the Coastal Marine Area. This public access way is impractical while the slipway remains in use, and the rule should be amended to clarify that the access way "indicative".



- c) *Provide for “office” activities within the Harbourside Edge Zone*
 As set out above under submission point (a) outlined above, the ORC seeks the full reinstatement of the Harbourside Zone in the Proposed 2GP. This would include providing for office activities within the Steamer Basin South East Character Area.

- d) *Rule 11.3.4*
 The requirement for new buildings to be used for sensitive activities (including residential building) within the Hazard 3 (coastal) overlay zone to be “relocatable” is overly onerous and unrealistic in this location. The ORC seeks that Rule 11.3.4 is deleted insofar as it relates to the area contained within the Harbourside Zone under the Operative District Plan.

5. The reasons for ORC’s submission on the Proposed 2GP:

- a. Reasons for ORC’s opposition to the Proposed 2GP as notified and in the absence of the amendments in accordance with these submissions (or similar), include the following:

- i. As notified, the Proposed 2GP will not promote the sustainable management of natural and physical resources, will not achieve the purpose of the Resource Management Act 1991 (RMA), and is otherwise contrary to Part 2 and other relevant provisions of the Act.
- ii. The Proposed 2GP will not promote the efficient use and development of natural and physical resources.
- iii. The Proposed 2GP does not represent sound resource management practice.

6. The ORC seeks the following decision from the Dunedin City Council:

- a. That the amendments (or similar in order to address the ORC's submission points) outlined above are accepted;
- b. Such further, consequential or other relief as is appropriate or desirable in order to take account of the concerns expressed and relief sought in this submission.

7. The ORC wishes to be heard in support of this submission.

8. If others make a similar submission, the ORC would be prepared to consider presenting a joint case with them at any hearing.



Peter Bodeker
Chief Executive
Otago Regional Council

Dated at Dunedin this 24th day of November 2015

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RMA Form 5
Submission on a publicly notified proposed plan
Clause 6 of First Schedule Resource Management Act 1991

Otago Regional Council's Submission

to the

Dunedin City Council

on the

Dunedin City Council's Proposed Second Generation Dunedin City District plan

This is a submission on the Dunedin City Council's Proposed Second Generation Dunedin City District plan

The Otago Regional Council wishes to be heard in support of this submission.

If others make a similar submission, the Otago Regional Council will not consider presenting a joint case with them at a hearing.

The Otago Regional Council could not gain an advantage in trade competition through this submission.

Signature of submitter (or person authorised to sign on behalf of submitter):

Peter Bodeker
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24 November 2015

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1 Executive Summary

- 1.1 Otago Regional Council (ORC) is working with other local authorities in the region to not only meet the challenges of managing our natural resources, but also to identify and embody the values Otago communities hold as being important now, and into their future to ensure a prosperous and vibrant Otago is available for future generations.
- 1.2 This philosophy is evident in the current process to develop a new Regional Policy Statement (Proposed RPS). The Regional Policy Statement sets the direction for future management of Otago's natural and physical resources. It provides the foundation for the development of regional and district plans, which must give effect to the Regional Policy Statement.
- 1.3 ORC looks to its local authority partners to deliver the aspirations of Otago's communities, as communicated through the Proposed RPS, through their activities, including regulatory planning documents.
- 1.4 It is important to acknowledge for the general public's benefit that under the Triennial agreement between ORC and DCC, that land use activities and their effects, are to be managed by DCC. For this reason, ORC does not have a 'land plan' to deal with the effects from land use that otherwise are under the jurisdiction of DCC.
- 1.5 Therefore, the structure of this submission follows that of the proposed RPS. This will enable the DCC to follow RPS's focus in ensuring each chapter and its relevant objectives and policies is given effect in the Dunedin City Council's (DCC) review of its district plan (the proposed district plan).
- 1.6 In respect to the preparation of proposed district plan, ORC has contributed support to DCC in technical areas. Particular focus has been given to collating and presenting information around natural hazards to inform proposed district plan process due to the significance natural hazards events can have in affecting the well-being and prosperity of the district and its communities.
- 1.7 While many land use activities and their effects under proposed district plan are foreseeable and well understood in managing, Natural hazards and the associated risks are usually more complex, particularly those with higher-magnitude/less frequent characteristics which are less well known to the general public and therefore continue to warrant a considered management approach.
- 1.8 The Proposed RPS also identifies objectives and policies in respect to ensuring Otago has high quality natural resources and that its communities are resilient, safe, healthy and can use and enjoy Otago's natural and built environment.

- 1.9 Therefore, in reviewing the DCC's proposed district plan, the ORC has identified areas where it supports provisions which give effect to the Proposed RPS, and requests changes where they will not.

2 General Comments

2.1 Wording

- 2.1.1 While ORC appreciates providing a high level of specificity in defining activities (sections 1.5.1 and 1.5.2) is for reasons of clarity, it is concerned that the degree of detail may create unintended inflexibility if a situation does not fit the prescribed definition, or that further uncertainty is created.
- 2.1.2 For example, the definition for 'moderate consequences' refers to 'serious structure damage to property. However, what constitutes 'serious structure damage' is not defined.
- 2.1.3 Network Utilities Structure Small Scale and Network Utilities are both defined but used differing terms for various water based services.
- 2.1.4 ORC notes that the term 'waterways' is used in proposed district plan but is not covered in the definitions.
- 2.1.5 **ORC requests**
- the district plan clarifies the need for two sections of definitions and ensures the definitions as written do not create further uncertainty.
 - care is taken to use consistent wording through the proposed district plan.
 - the district plan only use terminology that is recognised under the Resource Management Act 1991 (RMA), such as 'water body'. This provides greater certainty for all users of the district plan and creates a more consistent planning environment across the district and regional plans.

3 Proposed RPS Part B Chapter 1 - Kai Tahu Values

3.1 Proposed RPS Requirement

- 3.1.1 The proposed RPS recognises the importance of local authorities giving effect to the principles of the Te Tiriti o Waitangi and the relationship of Maori and Wahi Tupuna. Provisions in the proposed district plan need to ensure the effects of resource management decisions on Kai Tahu values, including those described in iwi resource management plans, are accounted for as well as enabling the exercise of customary rights.

3.1.2 **ORC supports**

- the objectives and policies of chapters 2 (strategic directions) and 14 (Manawhenua) of the proposed district plan give effect to the proposed RPS.

4 **Proposed RPS Part B Chapter 2 - High Quality Natural Resources and Ecosystems**

4.1 **Proposed RPS Requirement**

4.1.1 Chapter 2 of the Proposed RPS requires that Otago natural and physical resources recognised, maintained and enhanced. Their values, characteristics, interdependencies and associated ecosystem service functions need to be understood and considered by all those with responsibilities in managing effects from human activities. Some of Otago's highly valued and significant resources are critical to what gives 'Otago' its points of difference and contributes to our economic advantages and an enviable quality of life.

4.1.2 ORC supports the comprehensive planning approach which largely gives effect to the RPS. ORC highlights the following specific sections and requests additions and/or changes where considered necessary as set out below.

4.2 **Water Quality**

4.2.1 The Regional Plan: Water for Otago (the Water Plan) identifies aquifers which are subject to higher risk through leachate contamination and inappropriate excavation. Policies and methods of the Water Plan seek to have district and city councils provide for these risks in their respective plans.

4.2.2 There is a discrepancy in the mapping of groundwater protection zone b the water plan and the proposed district plan. In particular, it appears the proposed district plan has not provided for groundwater protection zone mapping in the urban areas of Outram and sections of Mosgiel.

4.2.3 **ORC supports Policy 2.2.5.2 and requests**

- That the policy recognise on-site storm water and wastewater disposal must not adversely affect groundwater resources. A reference to ORC's role in managing such discharges would be appropriate to highlight within an advice note.
- that discrepancies in mapping groundwater protection zones at Outram and Mosgiel are corrected so that the groundwater protection zones as mapped in the ORC Water Plan align with the district plan.

4.2.4 **ORC supports**

- Policy 9.2.2.10 and Rule 9.5.2(3)(iii) which seek to protect groundwater protection mapped areas.

4.2.5 The proposed district plan's Earthwork Standards are inconsistent across the management zones chapters in respect to assessing the degree to which earthworks could breach the protective mantle of an aquifer and/or risk groundwater contamination.

4.2.6 **ORC requests**

- that assessment criterion for Earthworks is provided for consistently for all earthwork activities over mapped groundwater protection zones.

4.3 **Esplanade reserves and strips**

4.3.1 Rule 10.3.1.2 (performance standard for subdivision activities) provides for esplanade strips with a minimum width of 5 metres, but gives no guidance when a wider strip will be required.

4.3.2 This rule does not address what approach for an esplanade strip will apply to water bodies/rivers not listed.

4.3.3 **ORC requests**

- That the minimum width can be increased, with guidance notes as to when this will be required, to ensure value and provisions for matters such as public access, recreation, biodiversity values, natural hazards etc. are able to be accommodated within a strip.
- The approach to esplanade strips for unlisted water bodies is clarified.

4.4 **Coastal Values**

4.4.1 The proposed district plan's approach to coastal matters, particularly the provisions of chapter 10 (Natural Environment) and the characteristics and values identified in Appendices A5 (Natural character of the coast) and A7.6 and 7.7 (coastal zones) gives good effect to the objectives and policies of the Proposed RPS that relate to coastal matters.

4.4.2 ORC notes only one of three nationally significant surf breaks located in the Dunedin district is identified in the proposed district plan for protection, that being Whareakeake (Appendix A3.2.2).

4.4.3 There is also an inconsistent use of phrases to describe the threshold of acceptable effects (e.g. 'no material effects', 'insignificant', 'no more than minor') in policies 10.2.3.2 to 10.2.3 of the proposed district plan.

4.4.4 ORC requests

- that the nationally significant surf breaks at Karitane and The Spit, are recognised in the district plan, including provisions for managing activities that may affect access to, and the use and enjoyment of, those surf breaks so as to give effect to the policies of the proposed RPS (proposed policies 2.2.10 and 2.2.11) and the NZ Coastal Policy Statement 2010.
- consistent references are used in these policies 10.2.3.2 to 10.2.3, and elsewhere as appropriate, to ensure consistency and robustness of the district plan's provisions. Where there is a need to use different phrases, there should be a clear reason for doing so.

4.5 Air

4.5.1 Management of air quality in Otago falls under the jurisdiction of ORC through its Regional Plan: Air for Otago (the Air Plan). However, many land use activities that are controlled by city and district authorities can contribute to either the degradation or enhancement of air quality. The Proposed RPS identifies the need for city and district plans to include provisions which will complement the Air Plan objectives for areas at risk of poor air quality (i.e. Dunedin, Mosgiel) with ORC's role in managing air quality and dust suppression (refer Method 4.1.3 of the Proposed RPS).

4.5.2 ORC considers that matters relating to air quality, particularly Proposed RPS Policies 2.1.4 (managing for air quality values), 2.3.5 (integrated management approach for air zones) and 3.8.1 (managing for urban growth) are not given effect to in the proposed district plan.

4.5.3 ORC requests

- that the plan give effect to Proposed RPS Policies 2.1.4, 2.3.5 and 3.8.1 ensuring development and subdivision activities through policies, rules, and consent conditions, have controls on the type of heating systems allowed and that are consistent with ORC's Air Plan rules.
- that dust control is provided for under the district plan's Earthworks standards as well as assessment criteria for the matters of discretion that may be considered when considering an application for land use consent.

4.6 Biodiversity

4.6.1 ORC considers that, overall, the strategic direction objective and policies of the proposed district plan recognise the important of biodiversity and ecosystem services and give effect to the Proposed RPS.

4.6.2 **ORC supports**

- the retention, enhancement and restoration provisions of Indigenous Biodiversity (Objective 2.2.3) as well as policies which encourage conservation.
- policies 2.2.3.1 to 2.2.3.4 of the proposed district plan, relating to indigenous biodiversity

and requests:

- that in policy 2.2.3.3(b) ‘restoration’ is added to the types of conservation that form part of the assessment rule for consent applications, and to the matters of discretion for the relevant rule/s.

4.7 **Setbacks from Water Bodies**

4.7.1 Policy 10.2.2.2 of the proposed district plan requires numerous activities to be set back from the coast and water bodies due to matters of biodiversity and natural character.

4.7.2 There are also policies and provisions to address the risk of erosion/sediment run-off due to vegetation clearance and earthworks (through earthwork standards across the management zones). However, the associated rules do not clearly state when a consent application may be rejected on account of erosion risk and/or insufficient sediment control. This is inconsistent with Rule 12.C.0.3 of the ORC Water Plan which prohibits sediment discharges from disturbed land where no sediment control measure has been undertaken.

4.7.3 **ORC requests**

- Policy 10.2.2.2 should also recognise the need for setbacks due to the natural functioning and processes of rivers.
- the relevant rules of Chapter 10 provide more certainty on this matter and appropriate advice notes are added to the district plan to raise awareness of the requirements of ORC’s water plan.

4.8 **Vegetation Clearance: Urban Areas**

4.8.1 Rule 10.3.2.3 b (performance standards) for indigenous vegetation clearance do not apply to urban streams or water bodies in commercial or industrial areas. Nor do they consider riparian margins, their ecological significance or long term effects of the clearance. Section 76(4A) provides for protecting trees if scheduled in a plan.

4.8.2 **ORC requests:**

- The urban conservation mapped areas of the district plan provide appropriate identification and protection for areas of indigenous and exotic vegetation.

4.9 Vegetation Clearance: Pest Control

4.9.1 Proposed rule 10.3.2.2 does not provide for the clearance of vegetation in locations where that vegetation restricts pest control of rabbits (exacerbating the pest problem) and/or is toxic to live stock (examples being matagouri (rabbit habitat) and tutu (toxic)). Primary productivity may be lost if rabbits are not controlled, as well as having costs imposed on neighbouring property where an affected land owner's rabbit control is insufficient. The inability to clear vegetation as part of a rabbit control program may also cause the land owner to be in breach of the ORC's Pest Management Plan for Otago 2009.

4.9.2 ORC requests:

- that provision is made in the exemption section of Rule 10.3.2.2 b for:
 - unrestricted clearance of indigenous vegetation for pest control in accordance with the ORC Pest Management Plan for Otago 2009; and
 - unrestricted clearance of indigenous vegetation that poses a toxic threat to livestock

with appropriate controls, which would give effect to Proposed RPS Policies 2.2.2(e) 4.3.1 and 4.5.5.

4.10 Vegetation Clearance: Exemptions

4.10.1 Other exemptions to the vegetation clearance standards are not balanced with sufficient controls. For example track construction of up to two metres may still lead to the disturbance of endangered and critical plant species and/or coastal dune stability. Vegetation clearance may also affect land stability and exacerbate natural hazards.

4.10.2 The exemption of forestry activities is of particular concern as the scale and volume of such activities can have the potential for significant adverse effects through sediment run-off and erosion.

4.10.3 ORC considers some of the ‘matters of discretion through Rules 10.3A to 10.7 are not sufficient to ensure all potential effects can be considered and controlled via the consenting process. It is important that the effects of land based activities on water body values are considered when consent is sought.

4.10.4 ORC requests:

- The exemption provision for allowing vegetation to be felled up to five metres from a water body in 10.3.2.3(c)(ix), provide it is felled away from the water body, should be increased to at least ten metres. ORC considers a distance of five metres, when dealing with felling large trees, is insufficient a buffer to have confidence disturbed earth and debris will not have an adverse effect on a water body.
- Suitable controls are provided for the exemptions to Rules 10.3.2.3 a and b in the proposed district plan to ensure adverse effects are avoided.

4.10.5 ORC requests:

- The matters for discretion for Policy 10.2.2 and Rule 10.4.3 of the proposed district plan include being able to consider effects on water bodies, natural character and natural functioning (of water bodies).

4.11 Threatened Species Recognition

4.11.1 The protected indigenous species identified in Appendix 10A are taken from of the NZ Threat Classification System. This system is updated every five years, therefore in a short period of time appendix 10 A may not accurately reflect threat status’.

4.11.2 ORC requests:

- That the New Zealand Threat Classification System is referenced in policies and rules as being required to be given regard to. This is consistent with the approach of the 2010 New Zealand Coastal Policy Statement.

5 Proposed RPS Part B Chapter 3 - Resilient, Safe and Healthy Communities

5.1 Proposed RPS Requirement

5.1.1 The natural and physical environments that provide opportunities for Otago also set risks and constraints. Management of natural hazards is a critical aspect of achieving resilient, safe and healthy communities, as are good infrastructure, well designed urban areas and good management of waste materials.

- 5.1.2 Though ORC is seeking designations for its flood protection and drainage assets in the proposed district plan, Section 1.1.5 (requirements outside the district plan) of the proposed district plan should reference the ORC's Flood Protection Management Bylaw 2012 as it controls certain land use activities. Activities within a specified distance of a scheduled drain and/or flood protection scheme structure require approval under the bylaw from ORC.

5.2 Natural Hazards - Strategic Approach

- 5.2.1 The natural hazards experienced within the Dunedin district are determined by its physical characteristics, along with the social or 'built' environment that may be affected by a particular event (such as a severe storm). Residents of Dunedin have previously been exposed to a range of natural hazard events, including flooding (especially within the Water of Leith and Taieri River catchments), coastal inundation and erosion, and land instability (particularly at Abbotsford, and on the Otago Peninsula). Although the effects of seismic hazards have generally been minimal since the mid-19th century, there is potential for these to also have a significant impact in some areas.
- 5.2.2 Mitigation works can reduce the level of risk of a natural hazard, however a level of residual risk remains that must be understood and managed appropriately. An example of residual risk was evident during the flood event which affected coastal Otago, and particularly the Taieri Plain, in April 2006. Although the Lower Taieri Flood Protection Scheme offered a level of protection to the community, many homes were required to be evacuated, with ponding lasting several days, and inundation and damage to a number of residential dwellings and commercial / industrial premises.
- 5.2.3 As a result of this event, ORC and DCC made a joint and public commitment to strengthen planning provisions, in order to manage development on the Taieri floodplain. A combined ORC / DCC Committee Report in November 2006 identified that there was a need for a 'principles-based' approach to manage land use, building control and natural hazards to reduce risk to people and property.
- 5.2.4 More recently, the experience of the Canterbury earthquake sequence has increased public expectation that local authorities will manage these risks through sound planning provisions, and that in some areas risks are intolerable and must be avoided.
- 5.2.5 As a consequence of these and other events, the ORC and DCC have collaborated to identify the characteristics and likely geographical extent of natural hazards within the Dunedin City district, so that the effects of those hazards can be avoided or adequately mitigated.

5.2.6 ORC published the following reports to support this work¹:

- Review of the Dunedin City District Plan: Natural Hazards – Project Overview (2014)
- Flood hazard of Dunedin’s urban streams (2014)
- Flood Hazard on the Taieri Plain and Strath Taieri (updated 2015)
- Flood Hazard on the Taieri Plain and Strath Taieri (2014)
- Coastal hazards of the Dunedin City District (2014)
- The hazard significance of landslides in and around Dunedin City (2014)
- Identification of areas possibly susceptible to landsliding in the coastal sector of the Dunedin City district (2015)
- Active landslides in the Dunedin area (2015)
- Assessment of liquefaction hazards in the Dunedin City District (2014)

5.2.7 The purpose of these reports is to raise awareness of the characteristics of natural hazards in the Dunedin City District and inform the management of land use to avoid or mitigate natural hazards.

5.2.8 The work undertaken by ORC is fit for this purpose. In some cases, areas with particular geomorphological characteristics (which are therefore likely to experience particular hazards) have been identified. These include the Water or Leith and Kaikorai Valley floodplains, alluvial fans, and hillslopes prone to land instability. These are intended to trigger site-specific investigation by the developer or land owner as part of any development proposal, to determine whether the hazard exists at a site specific scale, and if the hazard does exist, demonstrate whether the development can avoid or adequately mitigate the risks posed by the hazard. These areas have been verified through field observations and validated by experts (including ORC staff, GNS Science and NIWA).

5.2.9 In other cases, ORC has identified specific areas which have known hazard characteristics. Examples include ponding areas and floodways on the Taieri Plain which are critical to the functioning of the Lower Taieri Flood Protection Scheme, and where floodwater of significant depth, velocity and duration can occur relatively frequently. The extent of these areas has been verified by observations of previous events, accurate topographical data and modelling.

5.2.10 ORC defined a series of principles which are consistent with the approach to natural hazards identified in the RPS, and are based on the RMA and the functions of local government in relation to natural hazards. In summary, the principles are:

- Protection of people – prevent death or injury, ensure public health.
- Create liveable communities – where people can live, work and use the land without undue stress or fear.
- Create a resilient built environment – includes infrastructure and lifelines.
- Utilise an adaptive management approach.

¹ <http://www.orc.govt.nz/Publications-and-Reports/Natural-Hazards/Natural-Hazards/Dunedin-City-District/>

- Take residual risk into account.
- Some risks are intolerable.
- Avoid exacerbation of natural hazards.
- Increase understanding and community awareness.

5.2.11 In addition, ORC developed a series of planning considerations to inform the District Plan rules, in regards to avoiding or mitigating the potential effects of natural hazards. These are illustrated in the following series of diagrams.

1. Controls over the way land is used should depend on the characteristics of the hazard in that area, and its effects on people and assets. For example, this image shows land which can be exposed to regular, prolonged inundation over a wide area, and which is therefore suitable for farming, but not for more sensitive activities.

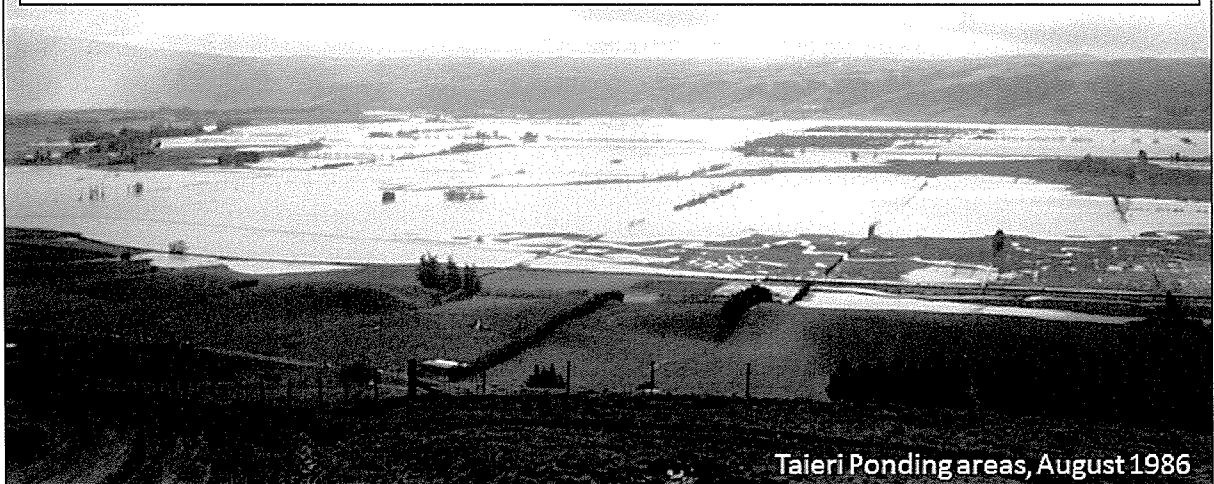


Figure 1

2. The consequences of the hazard are critical. The Abbotsford landslide (below) and the Canterbury earthquake sequence are examples of events which do not happen often, but can have disastrous consequences for the relevant community.

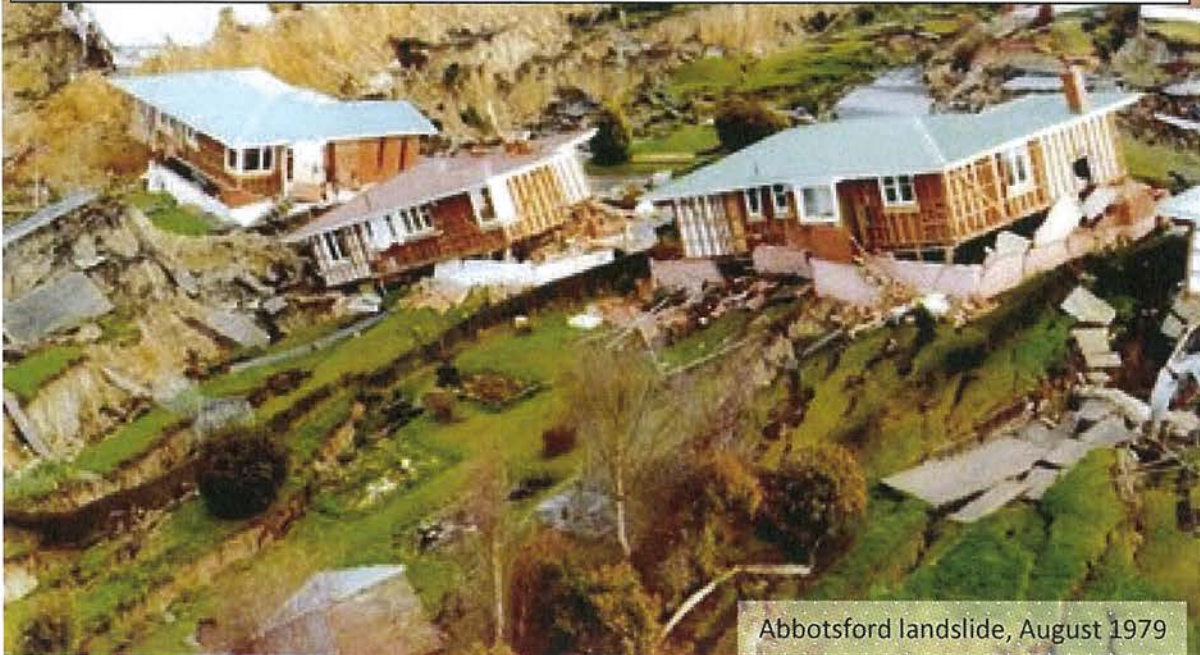


Figure 2

3. The disruption and economic impact at individual and community levels are important considerations. The utility and amenity value of land is no less important than public safety and damage to buildings.



Figure 3

4. The cumulative effects of hazards should be considered:

- i. Consider the likelihood of being affected *over the longer term*.
- ii. Consider the likelihood of being affected *by any hazard* (eg, coastal communities which can be affected by river flooding, coastal storm surge and seismic hazards).
- iii. Consider the cumulative effects of *repeat events* (as illustrated in the series of photos of Henley below)



Figure 4

5.2.12 ORC's work also focused on refining its mapping of high-risk areas, so that DCC can apply planning controls within these areas which are both pragmatic and appropriate. ORC's expectation is that DCC will send a clear signal in the second generation plan by prohibiting activities in areas where the risk associated with natural hazards is intolerable.

5.2.13 ORC supports the overall strategic direction of Objective 2.2.1 (Risk from Natural Hazards) as it is largely consistent with the Proposed RPS. However, some policies are of concern to ORC as they are not consistent with the principles-based approach that ORC and DCC have agreed is important in managing land use activities and natural hazard risk.

- 5.2.14 The policies of Objective 2.2.1 do not reference lifelines utilities and emergency services. The needs and functions of these agencies are identified as essential in the objectives and policies of Chapter 3 of the Proposed RPS. Therefore, ORC requests a policy is added which recognises and provides for the critical role lifelines utilities and emergency services provide for in preparing for, and during, natural hazard events.
- 5.2.15 The leniency promoted by Policy 2.2.1.7 for expanding existing activities in hazard overlay zones may result in increases of sensitivity and risk to natural hazards.
- 5.2.16 Policy 2.2.1.7 appears to provide for protecting a land holder where there is a financial investment or operational need. Essential operational need is provided for under the Proposed RPS and rules of the proposed district plan. These demonstrate when this policy might be appropriate. However, the provision for taking a more lenient view due to financial investment does so without any regard to the wider community's tolerance of risk.
- 5.2.17 **ORC requests**
- The importance of lifeline utilities and emergency services are recognised in the policies of Objective 2.2.1 of the district plan.
 - Policy 2.2.1.7 of the proposed district plan is amended to be consistent with the principle-based approach to managing land use activities and natural hazards risk DCC agreed to with ORC and as required under the Proposed RPS.

5.3 Natural Hazards - Flooding

5.3.1 ORC has considered the appropriateness of the DCC's proposed planning provisions for each of the mapped flood hazard areas. The DCC has assigned these areas into 3 flood hazard overlay categories. This includes areas mapped by ORC in the Water of Leith, Kaikorai Stream, and Taieri River catchments as well as on a number of smaller rivers and streams. An example is shown in Figure 65 for the Taieri Plain, which has been separated into various flood hazard areas, based on:

- topography,
- proximity to watercourses,
- the characteristics of those watercourses,
- the influence of the Lower Taieri Flood Protection Scheme, and the East and West Taieri Drainage Schemes.

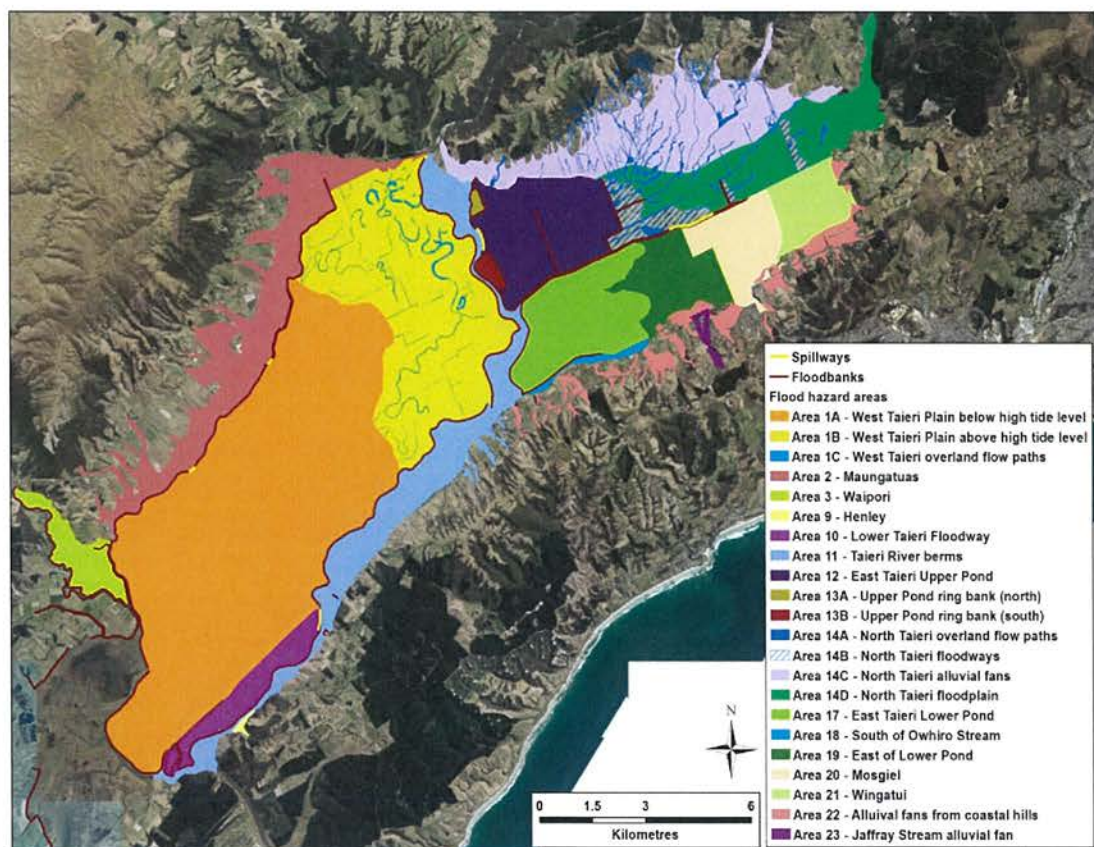


Figure 5

Figure 6: Revised flood-hazard areas of the Taieri Plain (source: ORC report 'Flood hazard on the Taieri Plain - updated 2015')

Figure 5 shows the Taieri Plain, which has been separated into 22 areas based on their relevant flood hazard characteristics.

5.3.2 Having viewed the DCC's online review mapping data, ORC supports where these hazard overlay areas have been applied to in these catchments, and the associated activity classifications, except for as follows:

Area descriptions	Area reference in ORC report ²	Current hazard overlay	ORC requested change	Reason
Lower Taieri Catchment				
Henley	9	Hazard 1	New sensitive activities ³ are prohibited	Characteristics of flood hazard (depth, duration, frequency, and isolation of community) mean that additional sensitive development is not appropriate.
Lower Taieri floodway and river berms	10 and 11	Hazard 1	New sensitive activities are prohibited	Characteristics of flood hazard (depth, velocity, duration, frequency) mean that sensitive development is not appropriate.
East Taieri Upper Pond	12	Hazard 1	New sensitive activities are prohibited.	Characteristics of flood hazard (depth, duration) mean that additional sensitive development is not appropriate.
Upper Pond ring bank (south)	13B	Hazard 1	New sensitive activities, or intensification of existing activities is prohibited.	Residual risk from flood velocities and depth intolerable
North Taieri overflow paths	14A	Hazard 3	More clarity to plan users what this means i.e. when viewing on-line maps	Better user experience
North Taieri floodway	14B	Hazard 1	Sensitive activities become prohibited	Characteristics of flood hazard (depth, velocity) mean that additional sensitive development is not appropriate.
East Taieri Lower Pond	17	Hazard 1	New sensitive activities are prohibited (acknowledging there are already existing sensitive activities in this area)	Characteristics of flood hazard (depth, duration) mean that additional sensitive development is not appropriate.
South of Owhiro Stream	18	Hazard 1	New sensitive activities are prohibited.	Characteristics of flood hazard (depth, duration) are similar to Area 17 and additional sensitive development is therefore not appropriate.
Leith Catchment				
Upstream of Woodhaugh Garden	-	Hazard 3	Change to Hazard 2 Overlay area upstream of Woodhaugh Garden	Characteristics of flood hazard upstream of Woodhaugh, Garden and potential for blockage of the

² Refer section 5.3.1

³ Sensitive Activities as defined in Table 11.2 (Hazard sensitivity) of the proposed district plan.

				main channel, overtopping, and associated flooding of adjacent floodplain areas. Comprehensive flood protection measures downstream of Woodhaugh garden.
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- 5.3.3 Proposed RPS Policy 3.7.1 requires reducing risk by means including avoiding areas of significant risk. ORC considers that the information it has provided to DCC in support of this review process clearly demonstrates there are a number of areas where flooding risk is intolerable.
- 5.3.4 Therefore, by the agreement of both ORC and DCC for a principles based approach to reducing risk to people and property, a strong signal must be given in the proposed district plan that sensitive activities in these areas should be prohibited.
- 5.3.5 ORC does not accept there are any circumstances to justify new sensitive activities being located in these areas. The effects of past flooding events on existing landowners in these areas verify the risk and consequences are significant and real. Any suggestion that a landowner may be prepared to accept such risk does not absolve that person from the consequences of such risk nor the wider community's intolerability to the risk and consequences.
- 5.3.6 In respect to the areas identified in section 5.3.2 of this submission, **ORC requests** that:
- a) Sensitive activities classified Hazard 1 overlay be made prohibited activities in the proposed district plan; and
 - b) The mapping metadata that is shown for the North Taieri overland flow paths would benefit by having more clarity as to what these features mean for the general public; and
 - c) The area above Woodhaugh Garden is changed to a Hazard 2 Overlay area due to potential for blockage of the main channel (either due to landslide or debris), overtopping, and associated flooding of adjacent floodplain areas.
- 5.3.7 **ORC supports** the assessment criteria for Rules 11.4, 11.5 and 11.6.

5.4 Natural Hazards - Coastal Hazards

- 5.4.1 The 2014 ORC report 'Coastal hazards of the Dunedin City District' describes coastal communities which are located on terraces formed by the accumulation of sand and other unconsolidated sediments, with a shallow groundwater table. These characteristics make the land vulnerable to inundation from a number of sources: directly from the sea, ponding of surface runoff, or flooding from larger streams and rivers, or a combination of these processes.

- 5.4.2 Sea-level rise and coastal erosion would, in general, increase the likelihood and adverse effects of inundation on these communities and these processes are discussed within the report.
- 5.4.3 South Dunedin and the upper harbour is the largest area which is potentially exposed to these hazards, and this area has a population of approximately 10,000 people.
- 5.4.4 It is noted that the likelihood of these areas being affected by seismic hazards (liquefaction, lateral spread, ground shaking) is also relatively high, as described in the 2014 GNS report ‘Assessment of liquefaction hazards in the Dunedin City District’.
- 5.4.5 ORC disagrees with section 11.1.4 of the proposed district plan Hazard Overlays statement that there are no areas identified as being exposed to high/moderate risk for coastal hazards based on the proposed district plan’s definitions of risk likelihood (Table 11.1) and ‘moderate consequences’ (‘definitions’).
- 5.4.6 A number of communities (including South Dunedin, Aramoana, Harwood and Long Beach) have, in recent years, experienced events, that according to Table 11.1 of the proposed district plan have high risk as they are:
- likely; and
 - may have moderate consequences as per the proposed district plan’s definition, in particular:
 - serious structural damage to property which is costly but still repairable;
 - physical isolation on site for more than two days; and
 - limited reliance on civil defence (or in their absence, emergency services, as illustrated in the photo in Figure 7).

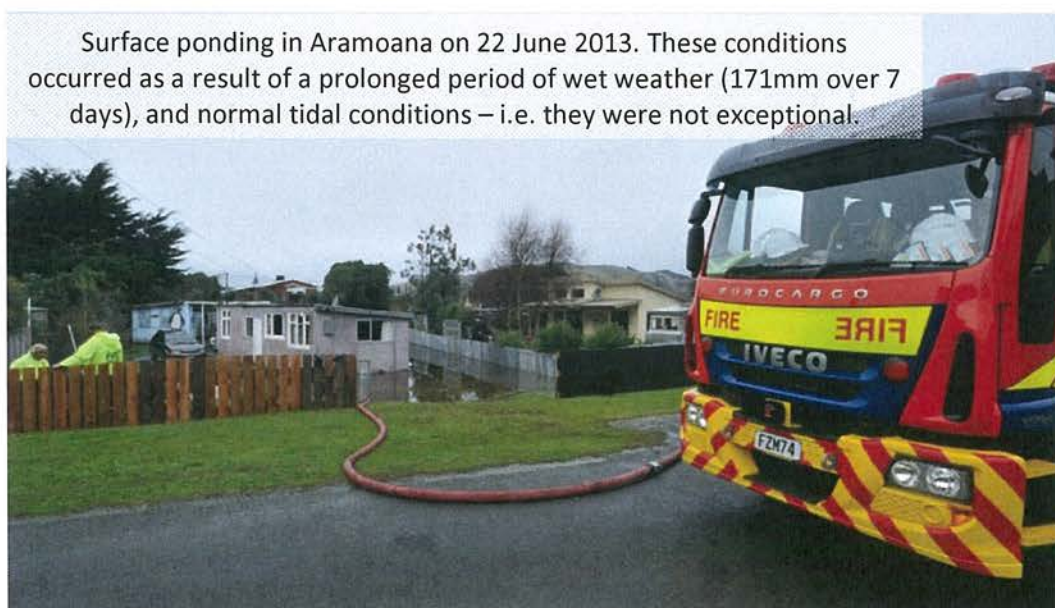


Figure 7

5.4.7 The method used to define particularly low-lying land ('Area A') which meets these criteria is explained in the 2014 ORC coastal hazards report, along with the likely effects of inundation in these areas. It is noted that this includes a large part of South Dunedin, as shown in the map in Figure 8.

5.4.8 ORC requests

- that areas subject to coastal hazards where significant storm surge events would have moderate to high consequences are reclassified in the district plan with a Hazard 2 (Coastal) Overlay.

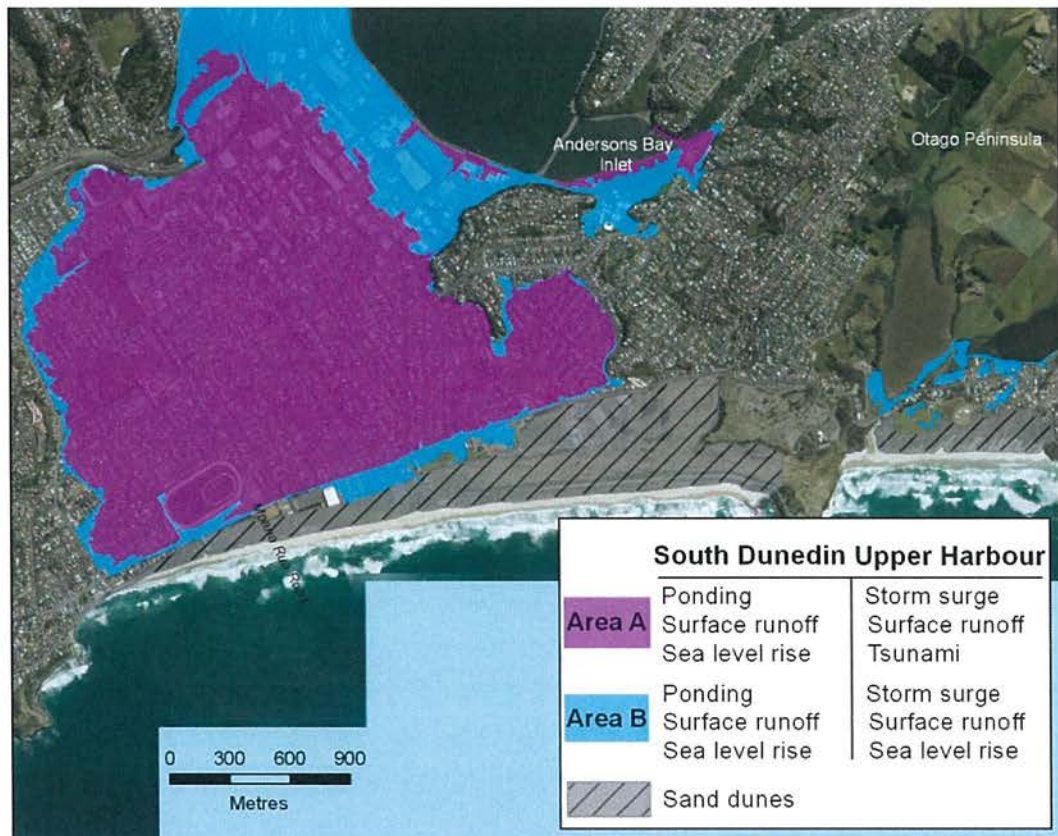


Figure 8

- 5.4.9 There are parts of the coastal margin which are not included within the Hazard 3 (Coastal) Overlay, or within the dune system mapped area, but which are still in close proximity to the coast, and are underlain by unconsolidated sediments. Although these areas are sufficiently elevated to not fall within the Hazard 3 (Coastal) Overlay, they may be affected by coastal erosion in the future. An example of this situation is at Harwood shown below in Figure 9.

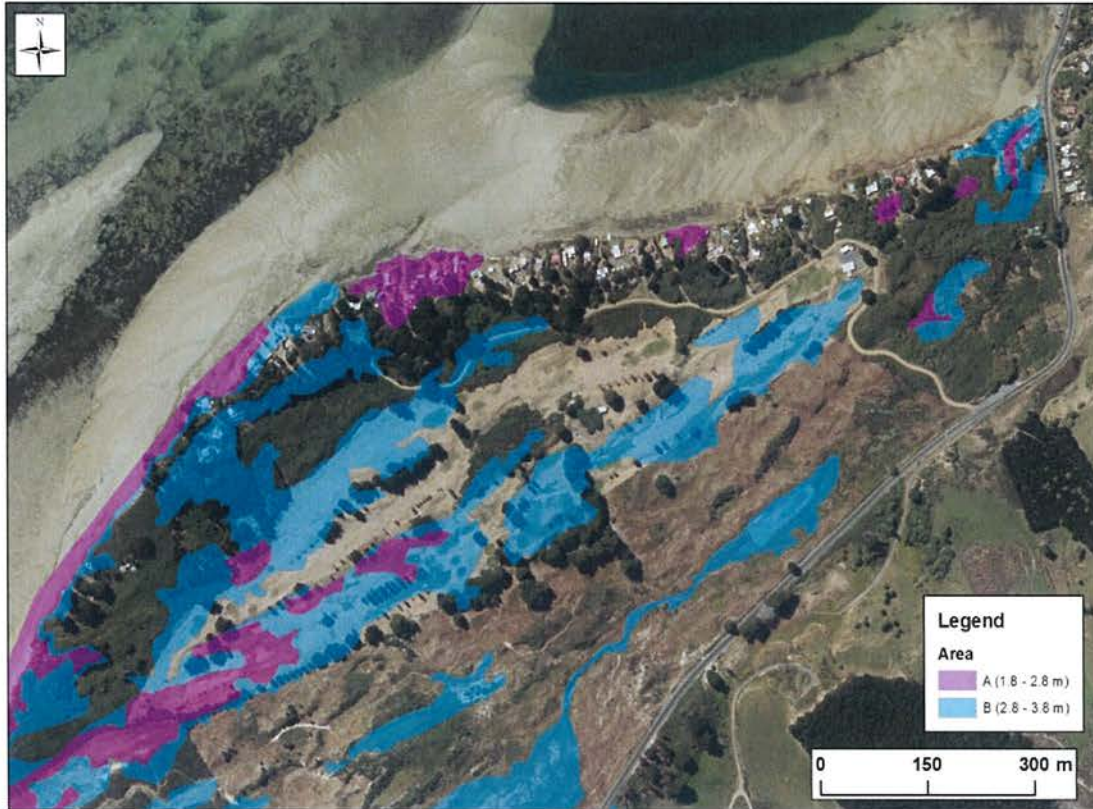


Figure 9 note: Non-shaded areas are > 3.8 m elevation.

5.4.10 **ORC requests:**

- that DCC ensure that these areas are also subject to controls for relocatable buildings. ORC recognises that some further technical work may be required to define these additional areas and it is willing to support the DCC with that work.
- This provision is not to be applied to the Harbourside Edge Zone as the relocatable component of buildings would not be practical for the activities anticipated in this area and provided for in the district plan.

- 5.4.11 Rule 11.3.2 (2)(a) exempts vegetation clearance in dune system mapped area where planting of indigenous species is part of conservation activity. ORC requests that conservation activity is defined (i.e. is it authorised, if so by who) and it is clarified if the area of replanting must be no less than the area cleared.

- 5.4.12 Rule 11.3.2 (2)(a) exempts vegetation clearance in dune system mapped area where planting of indigenous species is part of conservation activity.

5.4.13 **ORC requests**

- “conservation activity” is defined (i.e. is it authorised, if so by who) in the view and it is clarified in Rule 11.3.2 if the area of replanting must be no less than the area cleared.

5.5 **Natural Hazards – Land Instability**

5.5.1 Landslides are one of the potential natural hazards in the Dunedin City district, and previous occurrences such as the slip at Abbotsford have resulted in significant damage to property and other assets. The work provided by ORC shows that some existing landslide features are continuing to experience movement, that there is potential for some pre-existing landslides to reactivate, and that new landslides will continue to occur.

5.5.2 ORC considers that the consequences for stability due to new development require careful evaluation at the planning/design stage, and that the requirement in certain areas to undertake a geotechnical assessment to support proposed activities is consistent with the principles and planning considerations outlined above. Previous landslide events, such as at Abbotsford , and more recent widespread events, have resulted in effects which are accurately characterised by the proposed district plan’s definition of moderate or major consequences.

5.5.3 **Therefore, ORC supports**

- the manner in which DCC has identified areas of potential land instability and the associated provisions in the proposed district plan.

5.5.4 It is noted that there are a large number of mapped landslides which are currently not known to be vulnerable to further movement, and which the DCC have not included in the hazard overlay 1 and 2 system. ORC is supportive of this approach.

5.5.5 As outlined in the three ORC and GNS landslide summary reports provided to the DCC, the hazard associated with land instability may vary within these mapped landslide features, and the buffers which surround them. Concerns over the implications of these mapped areas on property values and insurance should be addressed as follows:

5.5.6 **ORC requests:**

- The re-labelling of the hazard 1 and 2 hazard overlay (land instability) areas to classify them as ‘landslide awareness areas’
- That a clear explanation is provided in the proposed district plan that this classification simply acts as a trigger to require site-specific geotechnical investigation; to determine whether a hazard exists and demonstrate whether the proposed development can avoid or mitigate the risks posed by the hazard.
- That the provisions are intended to avoid additional risk, and do not have significant implications for existing development.

5.5.7 ORC notes that there is a requirement for site specific geotechnical investigations already for many new development activities, through the subdivision regulatory process.

5.5.8 The buffer zones around mapped landslides should continue to be classified as a Hazard 2 overlay area with appropriate performance standards provided for controlling effects from vegetation clearance, storm water management and earthworks.

5.5.9 ORC requests

- the buffers are clearly differentiated from the mapped landslide features, and a clear explanation is provided that, as for other areas, there is a requirement to undertake a geotechnical assessment to support any proposed activities.

5.5.10 ORC provided DCC with maps of slope awareness and geologically sensitive areas. Slope angle and geology are factors which should be considered as part of any application to undertake new development in these areas, with site-specific investigations helping to inform decisions about the design of that development.

5.5.11 ORC requests

- that the slope awareness and geologically sensitive areas provided to DCC should be given greater prominence within the district plan through the associated mapping provisions.

5.5.12 ORC requests:

- The DCC should provide for easy access to the full range of source reports which underpin the mapped landslide areas, including making them accessible through its website.

5.5.13 ORC requests:

- The DCC should allow for:
 - future improvements in mapping, interpretation and characterisation of existing landslides to be regularly incorporated into the plan,
 - the addition of new landslide features into the plan, and
 - re-classification of landslides where mitigation works have been implemented, and these can be proven to significantly reduce the risk.

5.6 Natural Hazards – Alluvial Fans

5.6.1 The consequences of debris or floodwater dominated flows across alluvial fans may be greater than that associated with flood hazard, although the likelihood of those events occurring is lower. Performance standards for new development on alluvial fans should include the identification of an appropriate floor height by a suitably qualified person, the avoidance of likely overflow channels, and suitable construction methods.

5.6.2 ORC requests:

- that all mapped active alluvial fan areas should be treated consistently and be identified as Hazard 3 (Alluvial fan) Overlay areas, rather than ‘flood’ with appropriate performance standards applied.

5.7 Cumulative Effects

5.7.1 Some areas of Dunedin are subject to more than one natural hazard risk. It is important that the provisions of the proposed district plan provide for recognising this in determining an activity’s classification as well as any matters of discretion for assessment. In the event an area is mapped as being subject to more than one natural hazard or risk characteristic, it may be appropriate that an activity on that site is held to a higher regulatory test in respect to the effect of cumulative risk than those areas where the risk profile is less.

5.7.2 ORC requests

- that the provisions of the district plan allow for recognition of cumulative risk in areas which have more than one mapped natural hazard overlay area and/or other mapped risk characteristics.

5.8 Climate Change

5.8.1 ORC supports the recognition of risk and consequences given to climate change in chapter 2 (strategic directions) and 11 (Natural Hazards) of the proposed district plan. The recognition and related provisions largely, and understandably, relate to coastal risk and effects. ORC supports this focus, particularly in light of the Parliamentary Commissioner for the Environment’s recent report, *‘Preparing New Zealand for Rising Seas: Certainty and Uncertainty’* (2015).

5.8.2 However, there appears to be little specific recognition of other effects such as increased pressure on infrastructure such as storm water due to any increase in frequency or consequences of rain and storm events.

5.8.3 ORC requests

- that the proposed district plan’s policies and assessment criteria recognise the impact of climate change when consent for land use activities involving infrastructure is sought.

5.9 Infrastructure and Services

5.9.1 Objective 2.7’s title refers to ‘public infrastructure’ which has a very limited scope as defined under section 1.5.2 (other definitions). However, the policies of this objective refer to ‘infrastructure’, which is not defined in the plan. The RMA’s definition of infrastructure is much wider than that of ‘public infrastructure’

5.9.2 **ORC requests**

- this matter is clarified, suggesting the reference to ‘public infrastructure’ is simplified to ‘infrastructure’ as defined under the RMA.

5.9.3 Otherwise, **ORC supports** the intent of Objective 2.7.1 and its policies.

5.10 **Energy**

5.10.1 **ORC supports**

- Objective 2.2.2 (Energy Resilience) and its associated policies, subject to the request discussed in 5.8.2 of this submission, as it recognises the need to reduce long term demand for fossil fuels which gives effect to proposed RPS Policy 3.6.6.

5.10.2 **ORC requests**

- the following amendments to Objective 2.2.2:
 - The importance of the current fossil fuel supply chain also be recognised; and
 - As worded, Policy 2.2.2.3 may prove to be too enabling. While recognising the benefits of renewable energy activities, the policy must recognise it is important those activities’ adverse effects also can be managed.

5.10.3 In June 2013, ORC submitted on the DCC’s ‘An Energy Plan for Dunedin’ discussion document. Among the points ORC addressed was the DCC’s thinking on being able to ‘go it alone’ in the event of an oil shock. This might be realised by increasing capacity for local food production which is again raised in Objective 2.2.2(c).

5.10.4 ORC’s view remains that the city should consider opportunities for wider regional discussions to improve resilience. As previously submitted, if Dunedin is better at adding value by producing goods, ORC considers this makes better economic sense than only increasing its range and volume of local food produce. In short, trade will still be important.

5.10.5 **ORC requests**

- that the district plan provide for considering wider regional and inter-regional resilience planning.

5.11 **Urban/Rural Design and Growth**

5.11.1 **ORC supports**

- Strategic Direction Objectives 2.6.1 (Housing Choices) and 2.6.2 (Cost Efficient Housing) as they give effect to the Proposed RPS.

5.11.2 However, policy 3.7.1(c) of the proposed RPS recognises that appropriate insulation has a strong correlation to ensuring people's well-being with dry, warm homes. The provisions of the proposed district plan do not give effect to this.

5.11.3 ORC requests

- that the district plan provides for the importance of insulation standards. Homes which are efficient to heat will also contribute to meeting of air quality standards by reducing the amount of solid fuel demand for heating. It is important that the proposed district plan's provisions do not encourage, nor permit activities that will not be able to comply the ORC's air plan.

5.11.4 The Strategic Direction policies of the proposed district plan recognise it is important that increasing the range of activities in the rural areas of the district can put pressure on available resources, including water which has a critical role in primary base rural activities. Policy 2.6.3.1(b)(ii) of the proposed district plan seeks to limit urban expansion where it conflicts with rural activity water requirements.

5.11.5 ORC requests

- Policy 2.3.1.2 also recognise the importance of water supply reliability in rural zones to complement 2.6.3.1 (b)(ii). The outcome of such policy provision may be to better provide for water storage and increases resilience against climate change.
- The district plan having provision for managing land use in dry catchments where water yield may be impacted to give effect to the Proposed RPS Policy 4.3.2.

6 Proposed RPS Part B Chapter 4 - Use and Enjoyment of Otago's Natural and Built Environment

Proposed RPS Requirement

6.1.1 Chapter 4 of the Proposed RPS contains objectives and policies that recognise and provide for the use of natural and physical resources in economic and community activities in Otago. The Proposed RPS identifies that the physical and natural environment is highly interconnected and dynamic and must be carefully managed to ensure both the resources, and our ability to continue to use them, are not adversely impacted.

6.1.2 ORC considers that the objectives and policies of the proposed district plan's Strategic Direction Chapter provide a strong vision and planning platform for the district and are largely consistent with the Proposed RPS. Comments on the Strategic Direction objectives policies are provided below as well as elsewhere in the submission where relevant.

6.2 Heritage

6.2.1 ORC supports:

- The provisions of chapters 13 (Heritage) and 14 (Manawhenua) which give effect to the proposed RPS.

6.2.2 ORC requests

- DCC amend policy 13.2.2.2(c) so it clarifies the heritage values as defined in Appendices A1 and A2 of the proposed district plan. A number of rules in chapter 13 refer to the assessment considering these values as per this policy.

6.3 Transport

6.3.1 ORC is responsible for transport in two capacities: regional planning and public transport networks.

6.3.2 In respect to regional planning, the direction for land transport in Otago is set out in the joint '*Otago and Southland Regional Land Transport Plans 2015-2021*' (the RLTP document).

6.3.3 The combined Otago and Southland RLTP document is a good example of taking a wider, inter-regional approach and view to challenges and opportunities that simply do not end at mapped regional boundaries. The RLTP document contains common objectives and policies for Otago and Southland that are important in solving these short and long term challenges and making the most of the opportunities related to land transport.

6.3.4 Chapter 5 of the proposed district plan (Transportation) contains sound objectives policies but ORC is concerned it appears heavily road focused. The RLTP document also recognises the importance of the rail network as critical infrastructure in its own right as transport, as well as the synergy it can have in contributing to efficiencies on the road network.

6.3.5 ORC request:

- The district plan recognise and give effect to the *Otago and Southland Regional Land Transport Plans 2015-2021*, including the following policies:
 - a) Policy 2.29 (ensuring land for critical future projects)
 - b) Policy 3.11 (provision for ensuring KiwiRail to continue operations safely and efficiently)
 - c) Policy 4.7 (Protection of existing rail corridors and the open space of ex-rail corridors)

6.4 Public Transport

- 6.4.1 Public Transport is a key element in the functionality of Dunedin, Otago's largest urban area, and serves to move large numbers of people safely, economically and in an energy effective way as well as connect it to other areas of Otago and neighbouring regions. It is important that planning decisions recognise the importance and value of public transport to the city and, where possible, support the ability of these services to operate effectively. In turn, this will contribute to the public's willingness to view these as a viable alternative to private transport.
- 6.4.2 The ORC is generally supportive of the vision for transportation in Dunedin and the concept of an integrated transport network including public transport routes and stops. Council supports responsible land use planning for public transport, but request clarification on where matters of reducing private vehicle use and associated demand for car parking sit; the District Plan states that this sits outside the provisions of the District Plan.
- 6.4.3 **ORC supports:**
- the design and location of road and ancillary signage that avoids adverse impacts on the transport network.
- and requests:**
- that the location of signage should not impede the ability of buses to be able to pull into bus stops and park parallel. This includes provisions around the minimum height of signs and the avoidance of signs adjacent to bus stops (Policy 6.2.1.2, Objective 6.9.3, 6.9.4, 6.9.5 of the proposed district plan).
- 6.4.4 **ORC supports:**
- policies around the requirement for buildings and structures on or above the footpath to provide for the safe movement of vehicles (Objective 6.2.3, 6.9.6.3)
- and requests:**
- that verandas at intersections and adjacent to bus stops be a particular focus for controlling under the policies and rules of the district plan to ensure they provide for the safe movement of vehicles.
- 6.4.5 **ORC supports**
- policies only allowing new roads or alterations and additions to existing roads where the design provides for the needs of all users. This supports enabling connections to public transport services (Policies 6.2.1.3 and 6.2.2.1 of the proposed district plan).

6.4.6 The NZ Transport Agency draft Guidelines for Public Transport Infrastructure and Facilities indicate that the District Plan could provide for the installation of bus shelters as a permitted activity.

6.4.7 **ORC supports** this best practice approach.

6.4.8 The NZ Transport Agency draft Guidelines for Public Transport Infrastructure and Facilities outline key considerations for bus stops. These Guidelines, though still in draft form, seek to be the best practice standard for bus stop infrastructure and facilities. One of these considerations outlined for best practice is utilising the commercial opportunity that bus shelters provide. Commercial advertising in bus shelters:

- Enhances the customer experience
- Reduces the cost of providing facilities or services
- Improves safety and security by passive surveillance and lighting
- Promotes public transport as an enabler of economic and physical activity

6.4.9 Advertising in bus shelters about public transport services, products, and service changes provides a key channel for reaching affected public transport users. Advertising should meet the provisions of the Public Display Boards.

6.4.10 **ORC supports:**

- The installation of artwork on bus shelters as a permitted activity (Rules 3.3.1 and 3.3.2 of the proposed district plan)
and requests:
- that the District Plan supports and enables commercial advertising as a means to fund public transport services and infrastructure; and
- that advertising in bus shelters in respect to public transport products, services and service changes should be permitted.

REPORT

Document Id: A859188

Report Number: 2015/1271
Prepared For: Council
Prepared By: Peter Kelliher, Legal Counsel
Date: 25/11/2015

Subject: Affixing of Common Seal and Delegation

1. Précis

The Council has in place delegation for the affixing of the Common Seal. This delegation was last reviewed in 1999. Given the passage of time, it is recommended that the delegation to affix the Common Seal be reviewed.

2. Background – Common Seal

The use of the Common Seal is governed by the Council's Standing Orders¹. Standing order 24 provides:

"24.1 The Chief Executive shall hold the common seal of the Council and shall be responsible for its use.

24.2 Except when used pursuant to the terms of a delegation from the Council, the seal shall not be affixed to any document unless by resolution of the Council. The Chief Executive may with the consent of the Chairperson, affix the seal in an urgent case, in which case such action shall be reported to the Council.

24.3 Every sealing shall be made and done by the Chief Executive or such other officers or Councillors as may be authorised from time to time."

The Common Seal can only be used where there is either an express resolution of Council in a specific case, or a delegation by Council for its use in a particular case or generally.

In 1999, the delegation relating to the authority to affix the Council's Common Seal was amended to provide:

"1. Any two of the Chief Executive, Director Corporate Services, Chairperson or in the event of the absence or non-availability of the Chairperson, the Deputy Chairperson, the authority to affix the Common Seal, including the sealing of documents of a procedural nature between meetings subject to a schedule of such sealed documents being included on the order paper for confirmation at the subsequent Council meeting.

2. Any two of the Chief Executive, Director Corporate Services, Chairperson or in the event of the absence or non-availability of the Chairperson, the Deputy Chairperson, the authority to affix the Common Seal in accord with the resolution of Council."

¹ Adopted by the Otago Regional Council on 11 December 2013

The 1999 report did not define what “procedural documents” are, however in the interests of certainty and this recommendation, examples of “procedure documents” would include:

- When issuing a warrant to any officer authorised by the Chief Executive to enter private land on behalf of Council under the Local Government Act 2002;
- When issuing a certificate pursuant to section 417(1)(b) of the Resource Management Act 1991 (“RMA”);
- When approving a plan of survey of reclamation (as the consent authority) in accordance with section 245(5) of the RMA;
- When executing any Memorandum of Transfer pursuant to section 80 of the Local Government (Rating) Act 2002;
- When entering into, or the variation of, agreements that are made by Deed; and
- When entering into any other land related documents.

Examples of documents which would not be considered “procedural documents” include:

- The adoption of a regional policy statement or regional plan under the RMA; and
- The adoption of a regional pest management plan or regional pathway management plan under the Biosecurity Act 1993

In order to improve the flexibility in the practical exercise of the delegation, it is recommended a ‘normally office resident’ staff member be included as a signatory to the Council’s Common Seal in relation to documents of a procedural nature.

The Manager Support Services is the appropriate office for that purpose and the recommendation is made accordingly.

3. Background – Power to Warrant

In Report Number 2013/1194, Council approved a number of delegations with respect to the appointment of an “authorised person” for the purposes of exercising functions, powers and duties under specific instruments.

These instruments included the Local Government Act 2002, the Building Act 2004, Council Bylaws and the Soil Conservation and Rivers Control Act 1941. Delegation is now sought for the listed instruments to be expanded to include the Land Drainage Act 1908.

The Land Drainage Act 1908 enables Council to order the removal of an obstruction from watercourses or drains that, in the opinion of a Council officer, is likely to cause property damage.

It is recommended that the delegation for such appointments remain with the Chief Executive.

For completion, it is further recommended that this delegation be extended to include the power to issue a warrant as evidence of the appointment.

4. Recommendation

That the delegation of Council relating to the authority to affix the Council's Common Seal be amended to provide:

1. Any two of the Chief Executive, Director Corporate Services, Manager Support Services, Chairperson or in the event of the absence or non-availability of the Chairperson, the Deputy Chairperson, the authority to affix the Common Seal, including the sealing of documents of a procedural nature between meetings subject to a schedule of such sealed documents being included on the order paper for confirmation at the subsequent Council meeting.
2. Any two of the Chief Executive, Director Corporate Services, Chairperson or in the event of the absence or non-availability of the Chairperson, the Deputy Chairperson, the authority to affix the Common Seal in accord with the resolution of Council.

That the delegation to appoint authorised persons and the power to issue warrants for the purposes of exercising functions, powers and duties under the:

- Local Government Act 2002;
- Building Act 2004;
- Otago Regional Council Bylaws;
- Soil Conservation and Rivers Control Act 1941; and
- The Land Drainage Act 1908

be delegated to the Chief Executive.

N Donnelly
Director Corporate Services

REPORT

Document Id: A864939

Report Number: 2015/1301
 Prepared For: Council
 Prepared By: Manager Projects
 Date: 2 December 2015

Subject: **4 Month review to 31 October 2015**

1. Précis

Formal reviews of progress on all projects are undertaken at four, eight and 12 months, and reported to Council. These reports form part of each year's Annual Report. This report summarises the project progress for the four months to 31 October 2015.

2. Background

Council's Long Term Plan includes levels of service to be met for the significant activities undertaken by Council, and specific areas of work for projects within each significant activity. Progress in achieving the levels of service and specific areas of work are reported against in each year's Annual Report.

A report showing financial and non-financial results compared with the Long Term Plan levels of service, specific areas of work and budgets for the four months to 31 October 2015 is circulated with the agenda.

3. Financial Information

Financial information for each project is included in the separate report. A summary of the outcome group activity information compared with estimates is scheduled below:

Expenditure

	Actual to 31 October \$000s	Budget to 31 October \$000s	Variance () = unfavourable	Budget to 30 June 2016 \$000s
ENVIRONMENT				
Water ¹	1,663	2,199	536	7,380
Air	135	130	(5)	440
Land	615	665	50	2,091
Rivers & waterway mgmt ²	333	526	193	1,812
Enviro incident response ³	477	324	(153)	979
COMMUNITY				
Democracy	470	455	(15)	1,375
Public info & awareness ⁴	747	587	(160)	1,933
Financial contributions	225	245	20	734

REGULATORY				
Policy development	276	231	(45)	434
Consents & compliance ⁵	825	1,166	341	3,222
Harbour management	70	106	36	319
FLOOD PROTECTION & CONTROL WORKS				
Flood protection & control ⁶	1,036	1,366	330	8,303
SAFETY & HAZARDS				
Emergency management	92	147	55	428
Natural hazards	384	428	44	1,621
TRANSPORT				
Regional transport planning	35	40	5	123
Public passenger transport ⁷	2,765	3,531	766	14,040
TOTAL EXPENDITURE	10,148	12,146	1,998	45,237

Revenue

	Actual to 31 October \$000s	Budget to 31 October \$000s	Variance () = unfavourable	Budget to 30 June 2016 \$000s
ENVIRONMENT				
Water	249	249	0	747
Land	380	296	84	886
Enviro incident response	176	113	63	339
COMMUNITY				
Public info & awareness	0	5	(5)	83
Financial contributions	0	39	(39)	116
REGULATORY				
Consents & compliance ⁵	339	819	(480)	2,458
Harbour management	0	20	(20)	60
FLOOD PROTECTION & CONTROL WORKS				
Flood protection & control	189	196	(7)	587
SAFETY & HAZARDS				
Natural hazards	5	0	5	0
TRANSPORT				
Regional transport planning	16	19	(3)	58
Public passenger transport ⁷	1,916	2,128	(212)	8,417
TOTAL REVENUE	3,270	3,884	(614)	13,751

Note 1 - Water

The water activity is under spent by approximately \$536,000. Within this activity, the Regional Plan: Water is under spent by \$235,000. Policy time has been underspent by approximately \$170,000, staff time having been focused on the Regional Policy Statement. We are forecasting that this project will be underspent by around \$150,000 at the year end.

The rural water quality activity (6A) is underspent by approximately \$108,000. This project includes a provision of \$250,000 for Research and Development (funded by reserves), and the under spend relates primarily to an under spend in this area. Time and other costs are tracking well against budget.

The water management groups activity (1C) is underspent by approximately \$176,000. The under spend relates mainly to a timing difference between the budget and actual spend. We are forecasting that this activity may be under spent by approximately \$100,000 at the year end, as it is likely that the bulk rural water fund of \$245,000 (funded by reserves) will not be fully spent at the year end.

The State of the Environment activity is tracking against budget currently, but we anticipate an over spend of around \$200,000 by the end of the year. This extra cost will be incurred in managing the upcoming drought.

Note 2 – Rivers & waterway management

This activity is under spent by approximately \$193,000, and relates to timing of works across all the districts. Maintenance work in rivers commences in October, in accordance with consent conditions. We expect that the full year budgets will be spent at the year end.

Note 3 – Environmental incidents

This activity is over spent by approximately \$153,000. The level of incidents being responded to is higher than that budgeted. For the four month period 455 incidents were responded to. We forecast that this project may be overspent by \$200,000 at the year end.

Note 4 – Public information and awareness

This activity is overspent by approximately \$160,000. Within this activity the response to issues budget is overspent by \$180,000, and relates to the work seeking designations for critical infrastructure and operational assets through the Dunedin City Council's district plan. This work was not budgeted for.

Note 5 – Consents and compliance

This activity is underspent by approximately \$341,000, of which \$219,000 relates to resource consenting, and \$122,000 to compliance monitoring.

Revenue for this activity is also less than that budgeted, by approximately \$480,000, of which \$261,000 relates to resource consenting, and \$219,000 to compliance monitoring.

The work requirement for resource consenting is demand driven. The number of applications being received is lower than that budgeted for, and so both expenditure and revenue are lower than budget.

Time spent in compliance monitoring is lower than budgeted, mainly due to the amount of time required to deal with responding to environmental incidents. As audits are paid for by fees and charges, there is a corresponding decrease in the amount of revenue budgeted to be received for this activity.

Note 6 – Flood protection & control works

This activity is under spent by approximately \$330,000. Within this activity, the Leith project is under spent by approximately \$146,000, and is due to timing differences. The tendering process is underway for the construction of mitigation works between Dundas Street and St David Street. Background work has also commenced on the investigations and design for works between Union Street and Leith Street.

Both the Lower Clutha and the West Taieri drainage activities are underspent by approximately \$64,000. These under spends are timing differences only, and it is anticipated that the full year budgets will be spent.

Note 7 – Public passenger transport

This activity is under spent by approximately \$766,000, and these are due to timing issues. There are delays in implementing the new electronic ticketing system and total mobility system, which are being undertaken in conjunction with NZTA. There are also delays in implementing the new bus hub, and supper stops. We anticipate that overall, the budget will be under spent by around \$4 million at the year end, with around \$3.6 million of this being deferred into the 2016/17 year. Note is made that most of this under spend is funded by transport reserves and NZTA grants.

4. Recommendation

1. That this report be received.

Nick Donnelly
Director Corporate Services

REPORT

Document Id: A865250

Report Number: 2015/1305

Prepared For: Council

Prepared By: Manager Finance

Date: 4 December 2015

Subject: **Financial Report for four months to 31 October 2015**

The following information is provided in respect of the overall Council finances for the four months ended 31 October 2015.

1. Statement of Comprehensive Revenue and Expense and Statement of Financial Position

A Statement of Comprehensive Revenue and Expense for the four months to 31 October 2015 and a Statement of Financial Position as at 31 October 2015 are set out below.

Otago Regional Council Statement of Comprehensive Revenue and Expenses For the four months to 31 October 2015

		Annual Budget 30 June 2016 \$000's	Budget October 2015 \$000's	Actual October 2015 \$000's	Variance October (unfav) \$000's
Revenue:					
Rate revenue		14,446	4,815	4,800	(15)
Government subsidies	Note 1	8,259	2,066	1,634	(432)
Other revenue	Note 2	4,598	1,510	1,339	(171)
Dividend income from Port Otago Ltd		7,300	2,433	2,433	-
Interest revenue	Note 3	2,086	695	532	(163)
Rental income		1,101	367	364	(3)
Gain in value of investment Property	Note 4	310	0	0	-
Other gains/(losses)	Note 5	0	0	291	291
Total Revenue		38,100	11,886	11,393	(493)
Less Expenses:					
Operating expenses	Note 6	26,690	7,137	6,281	856
Employee benefits expense	Note 7	12,041	4,014	3,826	188
Finance costs		1	-	-	-
Depreciation expense		1,751	584	551	33
Total Expenses		40,483	11,735	10,658	1,077
Surplus/(deficit)		(2,383)	151	735	584

Note 1 - Government Subsidies

The Council receives subsidies from Government agencies on eligible expenditure, so the level of subsidy income is directly related to the level of eligible expenditure.

The major source of subsidy income is from the NZ Transport Agency for the transport activity. Of the variance of \$432,000, the amount related to the transport activity is \$416,000, arising from the level of eligible expenditure being less than budget in the Public Passenger Transport project.

Note 2 - Other Revenue

The significant *unfavourable* variances included in the net variance of \$171,000, are in the Regulatory activity, with variances in the Dam Safety, Compliance Monitoring and Consent Processing projects amounting to \$479,000. These variances are primarily related to the level of revenue on recoverable expenditure being down on budget.

Significant *favourable* variances are in the Regional Services contracts project with a variance of \$110,000 related to the level of contract work and recoveries exceeding budget, and in the Dunedin passenger transport project with revenue of \$190,000 from gross contracts being recorded. The transport budgets anticipated that all contracts would be net contracts, where only the net expenditure is recorded by Council.

Note 3 - Interest Revenue

Interest revenue shows an unfavourable variance of \$163,000 against the budgeted amount. The interest revenue budget is based on an estimated level of investments expected to be held and an assumed interest rate. During the four months to 31 October 2015, the average level of investments held was down on the estimate, and the average interest rate earned on investments was lower than budgeted.

Note 4 - Gain in the value of Investment Property

Investment Property is revalued annually at 30 June. Accordingly the year to date budget and actual gain are reported as nil amounts to 31 October 2015.

Note 5 - Other Gains/(losses)

The gain of \$291,000 includes an increase in the fair value of the BNZ Managed Investment Portfolio for the period from 1 July to 31 October 2015. Also included is a net \$30,000 gain on the disposal of surplus Council assets.

Note 6 - Operating expenses

Operating expenses are down \$856,000 on the budgeted amount of \$7,137,000, a variance of 12%.

This variance primarily relates to activity project costs, which are reported upon in detail in the Four Month Review report submitted to the Council meeting.

Note 7 - Employee Benefits expense

The major factor contributing to this favourable variance is the reduction in overall remuneration resulting from staffing changes, particularly in the operational directorates.

During periods of change, there is often a considerable delay between a staff member's resignation and a replacement commencing employment, resulting in a reduction in overall remuneration.

Otago Regional Council

 Statement of Financial Position
 As at 31 October 2015

		31 October 2015 \$000's	30 June 2015 \$000's
Current Assets			
Cash and cash equivalents	Note 1	5,429	4,228
Other financial assets	Note 1	56,517	52,560
Receivables	Note 2	6,244	3,461
Other current assets		188	162
Inventories – stock and property held for sale		1,648	2,430
Dividends Receivable		1,683	-
		71,709	62,841
Non-Current Assets			
Operating assets		83,799	83,850
Intangible assets		1,524	1,553
Investment Property	Note 3	10,124	10,124
Deferred tax asset		101	98
Shares in Port Otago Ltd	Note 4	407,293	407,293
		502,841	502,918
Total Assets		574,550	565,759
Current Liabilities			
Trade payables and accrued charges		2,556	4,252
Employee entitlements		1,332	1,352
Revenue in advance	Note 5	9,773	-
		13,661	5,604
Non-current Liabilities			
		-	-
Total Liabilities		13,661	5,604
Net Assets		560,889	560,155
Total Equity and Reserves			
Public equity		138,706	140,424
Reserves			
Available-for-sale revaluation reserve	Note 4	387,293	387,293
Asset revaluation reserve	Note 3	8,063	8,063
Asset replacement reserve		4,555	4,865
Building reserve	Note 6	10,722	8,072
Emergency response reserve		3,794	3,739
Water management reserve		1,554	1,532
Kuriwao endowment reserve		6,202	6,167
		422,183	419,731
Total Equity and Reserves		560,889	560,155

Note 1 - Cash and Cash Equivalents and Other Financial Assets

Funds surplus to the Council's immediate and short term requirements are managed on Council's behalf by the BNZ. An Investment Portfolio and term deposits with durations of 4-12 months are included in the classification Other Financial Assets. Current bank balances and term deposits with durations of less than 4 months are included in Cash and Cash Equivalents.

Note 2 – Receivables

The Receivables amount of \$6,244,000 includes rates debtor balances of \$3,058,000 at 31 October 2015.

Rates assessments totalling \$16,634,000 were issued in August 2015 with a due date of 31 October 2015.

Note 3 – Investment Property and Asset Revaluation Reserve

Investment property is revalued annually and is included at the June 2015 valuation. The asset revaluation reserve reflects the revaluation amount of the investment property at 30 June 2015.

Note 4 – Shares in Port Otago Ltd and Available-for-Sale Revaluation Reserve

The Shares in Port Otago Ltd are included at the June 2015 valuation, and the available-for-sale revaluation reserve reflects the revaluation amount of the shares.

Note 5 – Revenue in advance

Revenue in advance of \$9,773,000 reflects rate revenue. The annual rates assessments were issued in August 2015, and the revenue in advance amount reflects the portion of revenue attributable to the November 2015 to June 2016 period. This revenue will be released to the income statement over the remainder of the year.

Note 6 – Building Reserve

The 2015/16 Annual Plan provides for the transfer to the reserve of \$2,500,000 from public equity. The transfer is fully reflected in the reserve balance to 31 October 2015.

2. Activity Financial Results

Expenditure and revenue for the Council's activities for the four months to 31 October 2015 including capital expenditure and internal charges is reported in the separate report to Council accompanying the Four Month Review to 31 October 2015.

Accordingly, financial information in respect of the activities is not reported upon in this report.

3. Recommendation

That this report be received.

Nick Donnelly
Director Corporate Services

Report back from Councillors

OTAGO REGIONAL COUNCIL**Minutes of a meeting of the Communications Committee held in the
Council Chamber, 70 Stafford Street, Dunedin on
Wednesday 25 November 2015 commencing at 11.53 am**

Present: Cr Trevor Kempton (Chairperson)
Cr Graeme Bell (Deputy Chairperson)
Cr Doug Brown
Cr Louise Croot MNZM
Cr Michael Deaker
Cr Gerrard Eckhoff
Cr Gary Kelliher
Cr Sam Neill
Cr Gretchen Robertson
Cr David Shepherd
Cr Stephen Woodhead

Leave of absence: Cr Bryan Scott

In attendance: Peter Bodeker
Nick Donnelly
Fraser McRae
Gavin Palmer
Caroline Rowe
Nicola McGrouther
Janet Favel

CONFIRMATION OF AGENDA

There were no changes to the agenda.

MINUTES

The minutes of the meeting held on 14 October 2015, having been circulated, were adopted on the motion of Crs Bell and Kelliher.

Matters arising from minutes

There were no matters arising from the minutes.

FOR NOTING

Item 1

2015/1237 **Stakeholder Engagement Report.** Manager Communications/ Manager Community Liaison and Education, 13/11/15

The report detailed community, stakeholder and staff engagement activities carried out by Stakeholder Engagement directorate staff since the last meeting.

Staff attendance at the National New Zealand Association of Resource Management Conference in Hamilton was noted. CLE Manager Nicola McGrouther commented that there was a lot of interest from the conference in the ORC approach to managing water quality, and in Plan Change 6A. Mrs Rowe commented that staff would keep up to date with what was happening in the rest of the country, and noted that central government taking note of what was happening around the country.

The key stakeholder meetings were noted, and comment was made that dairy farmers who supplied Dunone Dairy Factory in Clydevale had expressed interested in being involved in the Plan Change 6A work. Staff were to contact the relevant farmers about upcoming meetings.

It was noted that a 6A quarterly external stakeholder group meeting had been held, and a query was raised as to whether the wider group required by the Plan Change 6A mediation agreement had been established. Mr Bodeker noted that group membership had been suggested but not yet finalised, and he would work with Mrs Rowe on this. Councillors requested a report to Council about the formation of the group.

Reference was made to the meeting of the NZ Landcare Trust Kakanui Community Catchment Project, and the need to work with the North Otago Landcare Trust was noted.

Cr Eckhoff moved
Cr Robertson seconded

That the report be noted.

Motion carried

The meeting closed at 12.02 pm

Chairperson

OTAGO REGIONAL COUNCIL**Minutes of a meeting of the Finance and Corporate Committee
held in the Council Chamber, 70 Stafford Street, Dunedin
on Wednesday 25 November 2015 commencing at 10.30 am**

Present:

Cr David Shepherd (Chairperson)
Cr Gary Kelliher (Deputy Chairperson)
Cr Graeme Bell
Cr Doug Brown
Cr Louise Croot MNZM
Cr Michael Deaker
Cr Gerrard Eckhoff
Cr Trevor Kempton (entered at 11.33 am)
Cr Sam Neill
Cr Gretchen Robertson
Cr Stephen Woodhead

Apologies:

Cr Trevor Kempton (for lateness)
The apology was accepted on the motion of Crs Shepherd and Neill.

Leave of absence:

Cr Bryan Scott

In attendance:

Peter Bodeker
Nick Donnelly
Fraser McRae
Gavin Palmer
Caroline Rowe
Janet Favel

CONFIRMATION OF AGENDA

There were no changes to the agenda.

MINUTES

Minutes of the meeting held on 14 October 2015, having been circulated, were accepted on the motion of Crs Woodhead and Bell.

Matters arising from minutes

There were no matters arising from the minutes

PART A - PRESENTATION

Otago Rescue Helicopter Trust (ORHT) – annual report 2014-15

Ross Black, Trust Chairman, Ken Franklin, Trust Manager, and Graeme Gale, Chief Pilot, attended to present the Trust's annual report for the 2014-15 year.

Mr Franklin presented significant aspects of the Trust's operation during the year:

- Total 1009 flying hours, expect 1200 next year
- Total missions 598
- Total income \$4,026,542 from ACC, Ministry of Health, SDHB, Police and others
- 9% increase in service fees to \$4.02m
- 4% increase in costs to \$4.85m
- Donations fund the shortfall
- 30% increase in demand, and 50% increase in donations
- Second dedicated helicopter essential
- 32% cost increase expected
- 60% increase in medical missions in the first quarter of the year
- Better co-ordination of Ministry of Health policy/procedure changes required – discussing with ACC and MoH
- No rationale for community funding of ACC work
- Southland Region looking to engage with Otago in support of service

Mr Gale talked about the upgrade of aircraft to incorporate IFR (flying by instruments). This included craft certification and crew training. The facility would

- save money and time, and enhance safety;
- increase safety in certain weather conditions;
- reduce time of flying around weather conditions;
- enable a single pilot to fly the aircraft, on autopilot if necessary.

Ross Black noted the following:

- 600 patients had been transported.
- There was a 50% increase in public donations - proactive communities had organised fundraising events.
- Discussion was ongoing with ACC and MoH to improve their partnership with ORHT. If there was no improvement, the Trust would need to engage with the community and ORC about contingency plans.

Mr Black thanked Mr Gale, who had two fully equipped craft that could be hired by ORHT. He commented that the key operational relationship with Helicopters Otago had worked extremely well for the 19 years the service had been in operation.

Mr Bodeker noted that discussions had been held with the Southland Region in relation to a co-ordinated health service with Otago, and Mr Franklin explained that the initial contact was with Environment Southland. The

latter would present the matter to the Southland Mayoral Forum for discussion, and it was anticipated that the Forum would in turn discuss it directly with ORC.

A question was raised in relation to national media coverage about Westpac rescue helicopters. Mr Black explained that Otago received all funds that were donated in Otago (\$93,000 annually).

Mr Black in conclusion thanked ORC for their support of the ORHT.

PART B - ITEMS FOR NOTING

Item 1

2015/1265 **Property Summary 2015.** DCS, 12/11/15

The report explained that at the formation of Council in 1989 Council inherited significant property from its predecessor organisations including investment, endowment, offices/depots, and operational and/or scheme related property. The report provided an overview of the property currently held by Council.

In response to a question Mr Donnelly explained that the key area was investment properties, of which there were now only four. Management of those properties was not onerous and the lease mechanism was reviewed every seven years. The income received from the properties was just under \$550,000 per year, which was put into the general rate pool and made up 10% of the general rate. Mr Donnelly considered that given the situation there would be no advantage in Chalmers Properties taking over management of the leases. He noted that under the current arrangement the leases provided guaranteed income every year.

Reference was also made to the diversification of investments, which included ORC land ownership, Port Otago Ltd, Chalmers Properties, and funding from general and targeted rates. Staff were reviewing ownership of landholdings related to operational and scheme operation.

Cr Neill moved
Cr Shepherd seconded

That the report be received.

Motion carried

PART C – RECOMMENDATIONS

Item 2

2015/1258 **Executive report.** DCS, 20/11/15

The report described significant activities carried out by the Finance and Corporate sections since the last meeting of the Committee.

The Crown's decision to bulk fund reimbursement for Supergold free off peak travel scheme was noted, and a question was raised as to what would happen if there was insufficient funding. Mr Donnelly explained that modelling was being undertaken to determine how the fund would be allocated amongst regions.

Cr Woodhead and Mr Collings had recently briefed DCC on all passenger transport matters. Mr Collings had contributed to a paper on passenger transport which would be presented to the RSG meeting on Friday 27 November. Cr Woodhead confirmed that population was one of the criteria used for bulk funding, and the cap was currently set at \$28.1m nationally. The deficit of about \$1.3m would have to be taken from next year's capped fund. The range of next steps would be discussed at Friday's meeting.

Cr Croot moved

Cr Woodhead seconded

- (1) *That this report be received.*
- (2) *That the payments and investments summarised in the table above and detailed in the tabled schedule, totalling \$17,725,055.67, be endorsed.*

Motion carried

PART D - EXCLUSION OF PUBLIC

Cr Shepherd moved

Cr Kelliher seconded

That the public be excluded from the following part of the proceedings of the meeting.

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

	<i>General subjects to be considered</i>	<i>Reason under LGOIMA for passing this resolution</i>	<i>Grounds under S.48 for the passing of this resolution</i>
<i>Item 3</i>	<i>Minutes of the Audit and Risk Subcommittee meeting of 9 September 2015</i>	<i>To maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to members or officers or employees. S7(2)(f)(i)</i>	<i>S.48(1)(a)(i)</i>

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act or Section 6 or Section 7 or Section 9 of the Official Information Act 1982 as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as shown above with respect to each item.

Following discussion of Item 3,

Cr Shepherd moved
Cr Woodhead seconded

That the meeting resume in open session.

Motion carried

The meeting closed at 11.36 am

Chairperson

OTAGO REGIONAL COUNCIL**Minutes of a meeting of the Policy Committee held in the
Council Chamber, 70 Stafford Street, Dunedin on
Wednesday 25 November 2015 commencing at 11.38 am**

Present: Cr Gretchen Robertson (Chairperson)
Cr Michael Deaker (Deputy Chairperson)
Cr Graeme Bell
Cr Doug Brown
Cr Gerrard Eckhoff
Cr Gary Kelliher
Cr Trevor Kempton
Cr Sam Neill
Cr David Shepherd
Cr Stephen Woodhead

Leave of absence: Cr Bryan Scott

In attendance: Peter Bodeker
Nick Donnelly
Fraser McRae
Gavin Palmer
Caroline Rowe
Janet Favel

CONFIRMATION OF AGENDA

There were no changes to the agenda.

MINUTES

The minutes of the meeting held on 14 October 2015, having been circulated, were adopted on the motion of Crs Kempton and Shepherd.

Matters arising from minutes

There were no matters arising from the minutes.

PART A - RECOMMENDATIONS

Item 1

2015/1279 **Local Government Leaders Climate Change Declaration.** DPPRP, 18/11/15

The report noted that Mayors and Chairs could support the New Zealand submission to the climate change deliberations in Paris in December 2015, and approval was sought for the ORC Chair to sign the Local Government Leaders Climate Change Declaration (circulated with the report).

Cr Woodhead explained that local government was asking central government to take a leadership role in respect of climate change.

There was some concern that the climate change declaration circulated with the report was well meaning but would be ineffective.

Cr Deaker moved
Cr Croot seconded

That ORC support the Chair attaching his signature to the Local Government Leaders Climate Change Declaration.

The vote was taken by division:

For: Crs Bell, Brown, Croot, Deaker, Kelliher, Kempton, Neill,
Robertson, Shepherd, Woodhead
Against: Cr Eckhoff

Motion carried

PART B - ITEMS FOR NOTING

Item 2

2015/1248 **Director's Report on Progress.** DPPRM, 13/11/15

The report gave an overview of significant activities undertaken by the Policy section since the last meeting of the Policy Committee.

Cr Croot moved
Cr Kelliher seconded

That the report be noted.

Motion carried

The meeting closed at 11.51 am.

Chairperson

OTAGO REGIONAL COUNCIL**Minutes of a meeting of the Regulatory Committee held in the Council
Chamber, 70 Stafford Street, Dunedin on Wednesday
25 November 2015 commencing at 8.30 am**

Present: Cr Sam Neill (Chairperson)
Cr Gerrard Eckhoff (Deputy Chairperson)
Cr Graeme Bell
Cr Doug Brown
Cr Louise Croot MNZM
Cr Michael Deaker
Cr Gary Kelliher
Cr Trevor Kempton
Cr Gretchen Robertson
Cr David Shepherd
Cr Stephen Woodhead

Leave of Absence: Cr Bryan Scott

In attendance: Peter Bodeker
Nick Donnelly
Fraser McRae
Gavin Palmer
Caroline Rowe
Martin King
Sarah Ibbotson
Marian Weaver
Janet Favel

CONFIRMATION OF AGENDA

There were no changes to the agenda.

MINUTES

The minutes of the meeting held on 14 October 2015, having been circulated, were adopted on the motion of Crs Eckhoff and Bell.

Matters arising from minutes

There were no matters arising from the minutes.

PART A – ITEMS FOR NOTING

Item 1

2015/1213 **Low Flow Event review and preparations.** DEHS, 13/11/15

The report described the 2014/15 low flow event and ORC's actions, preparations for the forecast 2015/16 event, and the changes and improvements that had been made to the way ORC dealt with such events.

Corrections to report:

- Table 1 page 12 Kakanui River at Mill Dam – Date of first flow below minimum flow should be 18 January 2015, and number of days at or below minimum flow should be 2.
- Page 30 of the report should refer to aquifer restriction levels.

Mrs Rowe advised that staff were investigating what social media farmers used so that up-to-date information could be made widely available. Meetings would also be held with TLAs and other interested parties (Fish and Game, DoC, and KTKO).

Section 6 'Learnings from the 2014/15 event and preparedness for 2015/16' was seen as a key part of the report.

The demands on staff during a low flow event were discussed. Dr Palmer noted that resource levels were driven by events. Mr Bodeker further commented that the act of serving a notice of water shortage direction was complex; notices had to be served in person, and owners did not always live on the property.

Dr Palmer drew attention to the change to principle 5. Mrs Rowe noted that community engagement in preparation or already in place included: the CE's letter to permit holders; training of Customer Services Officers to deal with queries; information in *Water Lines*; encouragement of irrigation companies to take a leadership role; CLEO staff to be in regular contact with catchment groups leading up to and during the event; meetings with DoC, Fish and Game, Iwi, and media, noting that Fish and Game and Iwi were keen for their communication channels to be used.

Mr Bodeker explained that the intent this year would be the same as last year – community water management, and to minimise the number of water shortage directions. Staff did not need to get involved with groups that were well organised.

Cr Robertson suggested that it would have been helpful for ORC and for communities if the report was split into separate reports on what happened before, plans for the future, and technical and regulatory responses. She suggested amended wording for the principles.

Cr Robertson moved
Cr Shepherd seconded

That staff review the principles for ORC low flow event management for greater clarity, taking into consideration:

- 1. ORC will actively monitor key waterways and aquifers (including minimum flow sites, scheduled aquifer levels, residual flows and targeted low flow gauging).*
- 2. ORC will inform community of current flow/level information.*
- 3. ORC will manage water use to protect the significant ecological values of Otago's waterways (including but not limited to those waterways with existing minimum flows, residual flows and min aquifer levels).*
- 4. ORC will carefully consider the full suite of regulatory tools available to protect significant ecological values of Otago's waterways.*
- 5. ORC will not impose more stringent flow/level standards than existing minimum and residual flows and aquifer levels (eg 'bounce back' provisions).*
- 6. Permitted irrigation can commence when flows are at or above relevant minimum flow, residual flow or aquifer levels.*
- 7. Stored water is not subject to water restrictions beyond any normal consent conditions (eg consent imposed release conditions).*
- 8. These principles are clearly outlined to stakeholders.*

Councillors supported the motion, noting that the principles needed to be clear and robust. The likelihood of the continuation of dry summers was noted, and comment was also made that the Council's day to day work had to be able to continue.

Dr Palmer explained in response to a question that the principles were drawn up by staff to address last summer's low flow event, and to guide staff at the operational level in the future.

The motion was then put and carried.

Cr Woodhead moved
Cr Croot seconded

1. *That the report be received and noted.*
2. *That Council's preparations for an imminent low flow event be noted.*

Motion carried

Item 2
2015/1241

Communications Plan and Project Plan: Water Management Groups. DPPRP, 2/11/15

The report noted that Plan Change 1C to the Regional Plan: Water gave rise to an LTP project to encourage and assist consent holders form water management groups for renewal of deemed permits and water permits. The work programme and communications approach proposed for the project were summarised in the report.

Mrs Weaver explained in response to a question that the 100+ consents to be lodged included deemed permits and private permit holders in some subcatchments. Everyone who had a permit in a catchment would be invited to lodge their consent renewal application as soon as they could. A question was raised about the monitoring process, and Mr McRae explained that some groups would work on their own, and staff would respond to questions when required. Council would be updated regularly on progress.

Mr McRae explained that an ORC governance group, which he chaired, had been set up to work on water quantity and quality management. A programme manager had been appointed to co-ordinate water quality management.

A concern was raised about possible changes to legislation, and Mr McRae commented that he was not aware of any proposed changes. Cr Deaker advised that he had attended the water management workshop at the recent Ngai Tahu hui, where Mr Mark Solomon, Chair of Te Rūnanga o Ngai Tahu, stated that he had met with the Prime Minister and Cabinet, and there would be an announcement at Waitangi Day 2016 about future decision making options for water.

Cr Croot moved
Cr Woodhead seconded

That the report be noted.

Motion carried

Item 3
2015/1228 **Annual Compliance Summary 2014-15.** DEMO, 19/10/15

The report summarised compliance activities and consent conditions for all major consent holders and prohibited activities for the 2014/15 year.

The difference between audit and monitoring results was queried. Mr King explained that performance monitoring information was provided by consent holders, and a consistent timeframe for these results was to be prepared by staff. Ms Ibbotson explained that performance monitoring results were received on a regular basis for some consents, but these were not audited the same year.

The number of water pollution complaints was noted. Mr King explained that this was partly due to increased public awareness and reporting of water pollution incidents.

Cr Croot moved
Cr Woodhead seconded

That the report be noted.

Motion carried

Item 4
2015/1227 **Biosecurity and RMA Monitoring Report.** DEMO, 10/11/15

The report detailed water, air, pest, and contaminated site environmental monitoring and incidents for the period 4 September to 6 November.

Cr Neill moved
Cr Kempton seconded

That the report be noted.

Motion carried

Item 5
2015/1257 **Consent processing, consent administration and Building Control Authority update.** DPPRM, 10/11/15

The report detailed consent processing, consent administration and building control authority activity for the period 28 September to 6 November 2015.

Cr Croot moved
Cr Kelliher seconded

That the report be noted.

Motion carried

Item 6
2015/1247

RMA, Biosecurity Act and Building Act Enforcement Activities.
DPPRM, 6/11/15

The report detailed Resource Management Act 1991, Biosecurity Act 1993 and Building Act 2004 enforcement activities undertaken by the Otago Regional Council for the period 25 September to 6 November.

Cr Croot moved
Cr Woodhead seconded

That the report be noted.

Motion carried

Item 7
2015/1266

Appointments by Commissioner Appointment Subcommittee.
DPPRM, 13/11/15

The report listed hearing commissioners appointed for the period to 13 November 2015.

Cr Woodhead moved
Cr Robertson seconded

That the report be noted.

Motion carried

The meeting closed at 10.11 am

Chairperson

OTAGO REGIONAL COUNCIL**Minutes of a meeting of the Technical Committee held
in the Council Chamber, 70 Stafford Street, Dunedin
on Wednesday 25 November 2015 commencing at 12.04 pm**

Present: Cr Doug Brown (Chairperson)
Cr Graeme Bell
Cr Louise Croot MNZM
Cr Michael Deaker
Cr Gerrard Eckhoff
Cr Gary Kelliher
Cr Trevor Kempton
Cr Sam Neill
Cr Gretchen Robertson
Cr David Shepherd
Cr Stephen Woodhead

Leave of Absence: Cr Bryan Scott

In attendance: Peter Bodeker
Nick Donnelly
Fraser McRae
Gavin Palmer
Caroline Rowe
Deborah Mills
Janet Favel

CONFIRMATION OF AGENDA

There were no changes to the agenda.

MINUTES

The minutes of the meeting held on 14 October 2015, having been circulated, were adopted on the motion of Crs Shepherd and Eckhoff.

Matters arising from minutes

There were no matters arising from the minutes.

ITEMS FOR NOTING

Item 1

2015/1215 **2015 Air Quality Results.** DEHS, 23/10/15

The annual State of the Environment (SoE) report described the air quality monitoring results for 2015 and provided a comparison with the current ambient condition as reported in the 10-year SoE report.

Ms Mills noted that the number of exceedances during the 2014-15 year was lower than average. This was partly because of lower emissions, but mainly because of the more than usually windy conditions. The El Nino event brought more frequent and stronger winds, which helped with dispersion of air pollution, showing the effect of climate.

A question was raised as to whether district councils voluntarily supported the Air Plan's $0.7\mu\text{g}/\text{m}^3$ emission level. Ms Mills advised that district councils were encouraged to promote this level when the Air Plan became operative. She noted that the only way a person could be eligible for the Clean Heat Clean Air subsidy was by installing a $0.7\mu\text{g}/\text{m}^3$ burner.

The anomaly which prevented councils applying more stringent emission restrictions than those in the Building Code was noted. Dr Palmer advised that the Council's Air Strategy would address that issue. Mr McRae commented that the NES was predicated on climate, not public health.

Cr Woodhead noted that Minister Nick Smith encouraged a review of NESAQ, including moving from PM_{10} to $\text{PM}_{2.5}$. He wanted the NES to be able to be included in air plans. Mr Bodeker in response to a question advised that there was provision in the LTP for the Clean Heat programme, and Councillors would have the opportunity at Annual Plan discussion time to consider whether they wanted to continue the programme, and at what level.

Cr Croot moved

Cr Kempton seconded

1. *That the report be received.*
2. *That the state of air quality in Otago be noted.*

Motion carried

Item 2
2015/1238

Director's Report on Progress. DEHS, 12/11/15

Topics covered in the report were: Queenstown lakes flood awareness program, Dunedin District Plan and Natural Hazards, Leith Flood Protection Scheme, and Lake Tuakitoto.

Cr Brown moved
Cr Kelliher seconded

That the report be noted.

Motion carried

The meeting closed at 12.20 pm.

Chairperson