

## Otago Regional Council meeting 23 March 2016

Attached is the agenda for the next Council meeting of the Otago Regional Council, which is to be held on Wednesday 23 March commencing at 9:00 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 23 March 2016 commencing at 9.00 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:**

**Leave of Absence:**

**In attendance:**

**Please note that there is an embargo on agenda items until 8.30 am on Monday 21 March.**

### CONFIRMATION OF AGENDA

### PUBLIC FORUM

Lynda Davidson - Presentation of petition on Green Island bus services.

### MINUTES

The minutes of the Ordinary meeting of Council held on 10 February 2016, having been circulated, for adoption

**Page Nos.**

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**Matters arising from the minutes**

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

- Item 1  
2016/0718 **Chairperson’s report.** Chair, 17/3/16 19 - 21

Providing an overview of the Chairperson’s activities for the period to 17 March 2016.

- Item 2  
2016/0720 **Chief Executive’s Report.** CE, 17/3/16 22 - 25

Providing an overview of the Chief Executive’s activities for the period to 17 March 2016.

## PART B – RECOMMENDATIONS

- Item 3  
2016/0702 **Request to add SH88 safety project to Otago Regional Land Transport Plan 2015-21.** DPPRP, 11/3/16 26 - 28

The report explains that NZTA has requested a new project concerning safety improvements on SH88 between Dunedin and Port Chalmers be added to the Otago Regional Land Transport Plan 2015-21. This report recommends that Council vary the RLTP by making this addition.

- Item 4  
2016/0708 **Making Submissions.** DPPRP, 16/3/16 29 - 65

The report presented a number of recent submissions made on behalf of the Otago Regional Council, and requested a change to the general delegation from Council for authorisation to make submissions on matters relating to its statutory functions and responsibilities beyond the Resource Management Act 1991.

## PART C – ITEMS FOR NOTING

- Item 5  
2016/0703 **Financial Report.** DCS, 18/3/16 66 - 71

The report provides information in respect of the overall Council finances for the eight months ended 29 February 2016.

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Informing the Council of delegations which have been exercised.	
Item 7 <b>Reports from Councillors</b>	74
<b>PART E – MINUTES OF MEETINGS</b>	
Item 8 <b>Recommendations of the Combined Otago/Southland Regional Transport Committees meeting held on 8 March 2016,</b> for adoption	75 - 82
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#### **PART F - 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 15	Recommendations of the In Committee portion of the Finance and Corporate Committee meeting held on 9 March 2016, 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 10 February 2016 commencing at 8.30 am

**Present:**

**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**

**Request for  
Leave of Absence:**

**Cr David Shepherd**  
 The request for leave of absence was approved on the motion of Crs Woodhead and Deaker.

**In attendance:**

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

#### CONFIRMATION OF AGENDA

There were no changes to the agenda.

#### MINUTES

- (i) The minutes of the public portion of the Ordinary meeting of Council held on 9 December 2015, having been circulated, were adopted on the motion of Crs Robertson and Bell.

- (ii) The minutes of the Extraordinary meeting of Council held on 27 January 2016, having been circulated, were adopted on the motion of Crs Robertson and Neill.

### **Matters arising from the minutes**

There were no matters arising from the minutes.

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

### Item 1

2016/0605 **Chairperson’s report.** Chair, 1/2/16

The Chairperson provided an overview of his activities for the period to 1 February 2016. Cr Woodhead further commented on his report:

- The Charter of Understanding with Murihiku was close to completion and was to be signed at the 7 March meeting with Murihiku.
- Cr Woodhead noted that former Councillor Miles Singe had passed away, and invited Cr Croot to speak. Cr Croot commented that Mr Singe was a colourful character, and she had served on Council with him from 1992 to 1998. He had a varied career, having served with the Army in Malaysia and Vietnam, and as a journalist for the former *Evening Star*.

Cr Woodhead then reported on the 5 February LGNZ National Council meeting. The next iteration of the LGNZ business plan included establishment of a local government risk agency (LGRA), which resulted from the Christchurch earthquakes and a review of local government insurance provision businesses. Government was supportive of the concept and an establishment board was working to develop the agency. A three year transitional agency was proposed to raise risk, resilience and self sustainability across the sector. The purpose of the agency was to help local government understand risks and infrastructure, provide data and templates to use following an event, and ensure councils were adequately protected. The agency would be funded by central government. Cr Woodhead noted that currently government funded 60% of costs after a natural disaster. Government was concerned about exposure around the country because of variable risk management and cover, and the state of infrastructure. Councils would be encouraged to take full responsibility for small events, Central government would deal with larger events.

The reason for the creation of the agency was queried. Cr Woodhead explained that it was not an insurance agency, but was formed in partnership with central and local government as result of fallout post-Christchurch earthquakes, to help local government understand its risks.

Item 2  
2016/0614 **Chief Executive's Report.** CE, 3/2/16

The Chief Executive provided an overview of his activities for the period to 3 February 2016. The following points were discussed further:

- S17A Local Government Act – S17A required councils to review all deliverables and identify inefficiencies, with work on the reviews at least commenced by August 2017. Mr Bodeker advised that the new requirements had been discussed at the recent Otago CEs' meeting, and consideration was being given to shared services, which could include Civil Defence Emergency Management and harbour safety.
- Regional Council Special Interest Groups (SIGs) – Mr Bodeker considered that SIGs were very valuable, and commented that ORC was involved in those relevant to the regional sector. He noted that Gerard Collings was a member of the Transport SIG, and Mike Goldsmith chaired one of the hazards SIGs.
- Port, harbour and waterways safety review – the contract had been let to a New Zealand company.
- Manuherikia Irrigation Group – Mr Bodeker noted that he was an observer at the group's meetings. The proposal had been circulated to the community seeking possible options. From his discretionary fund, the CEO had committed funding for half of the consultation costs, about \$80,000, and ORC would underwrite the rest if government funding was not available. He commented that this work was critical for ORC, with 40% of IC activity being in the Manuherikia valley

Cr Kelliher was asked to respond to a question about the Dairy Creek Scheme. He explained that it had been proven Manuherikia water could not be moved into the Dairy Creek area. The Dairy Creek Scheme was fully consented, and ready to lay pipes. The scheme would irrigate 2000 ha, and was one of the most expensive schemes in the country in terms of cost/ha. The Manuherikia Strategy Group was now ready to seek approval from landowners and irrigators. After two very dry years, the community saw the necessity for progress. Cr Kelliher commented that the ORC offer of funding was greatly appreciated by the group. Irrigators and deemed permit holders would be encouraged to be involved, as this would be their only opportunity to get irrigation from the scheme.

Cr Robertson queried whether funding commitments of this type should be considered by Council before being finalised, for protection of the Council and the CEO. She accepted that in this instance the correct process was followed. The Chair advised that he had discussed the matter with the CEO, and the timing of meetings determined when action had to be taken. The scheme was very complex, and he was pleased with the value engineering that had been carried out.



Councillors considered that the ORC's funding, and the progress of the scheme, should be documented. Cr Woodhead commented that the CE's delegation was \$200,000 a year, and Council would be updated when the delegation was exercised.

Comment was made that the discretionary fund should be used for unusual situations, and it was considered that the Manuherikia Scheme was business as usual. Cr Woodhead explained that the CE's discretion was put in place to ensure communities' timeframes were not delayed by political processes. It was suggested that the name of the CE's discretionary fund was misleading and should be changed.

Cr Woodhead moved  
Cr Croot seconded

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

**Motion carried**

## **PART B – RECOMMENDATIONS**

Item 3

2015/1129 **Approval of Plan Change 3C (Waiwera catchment minimum flow) to the Regional Plan: Water. DPPRP, 17/12/15**

The report noted that Proposed Plan Change 3C (Waiwera catchment minimum flow) to the Regional Plan: Water for Otago was now ready to be approved as all appeals had been resolved. Council's seal needed to be affixed and a date set for making the change operative.

It was noted that appeals had been settled, with some minor amendments being made to meet submitters' concerns.

Cr Neill moved  
Cr Croot seconded

*That the Council:*

- (i) *Approve Plan Change 3C (Waiwera catchment minimum flow) to the Regional Plan: Water for Otago appended to this report; and*
- (ii) *Affix Council's seal to Plan Change 3C (Waiwera catchment minimum flow) to the Regional Plan: Water for Otago; and*
- (iii) *Make Plan Change 3C (Waiwera catchment minimum flow) to the Regional Plan: Water for Otago operative on Monday 1 March 2016 and publicly notify that date on Saturday 20 February 2016.*

**Motion carried**

**PART C – ITEMS FOR NOTING**

## Item 4

2016/0613 **Financial Report.** DCS, 4/2/16

The report provided information in respect of overall Council finances for the six months ended 31 December 2015.

Mr Donnelly referred to the Statement of Comprehensive Revenue and Expenses and noted that the surplus of \$1.395m was ahead of what was expected, but expenditure would be increased, reducing the underspend, as larger items were carried out.

The underspend on Regional Plan Change Water and Plan Change 1C implementation was noted, and comment was made that either better ways had been identified of carrying out this work, or it was behind schedule. Mr Donnelly explained that the expenditure would be further explained in the 8 month review. A forecast would be prepared if the underspend continued. The importance of keeping the momentum of the plan change work was noted.

Cr Shepherd moved  
Cr Kempton seconded

*That the report be received.*

**Motion carried**

## Item 5

2016/0612 **Documents signed under Common Seal.** DCS, 2/2/16

The report informed the Council of delegations which had been exercised.

Cr Robertson moved  
Cr Croot seconded

*That the report be received.*

**Motion carried**

Item 6 **Reports from Councillors**

Cr Bell – on behalf of ORC Cr Bell had judged the Otago Ballance Farm Awards.

Cr Neill -

- December – attended a meeting of the WW1 Centenary Commemoration group.
- Last week he and Dr Palmer attended a meeting of East Coast Boardriders regarding St Clair Beach. Discussion centred around where Clutha dams affected sand movement, and St Clair wharf.

## **PART D – HEARING**

### **Item 7 Code of Conduct hearing**

Cr Woodhead stood down, and Cr Robertson assumed the Chair.

Cr Robertson noted that a complaint had been received from Cr Eckhoff alleging breaches by Cr Woodhead of the Code of Conduct in his relationships with the public and with elected members, specifically referring to the Chair’s mandate in relation to discussions about harbourside development. An Extraordinary meeting of Council held on 27 January had formally received the complaint and adopted the proposed hearing process. The complainant, Cr Eckhoff, would speak first, then Cr Woodhead, with no time limits for either speaker. Councillors would then be invited to speak, with a time limit of five minutes each. Crs Eckhoff and Woodhead, in that order, would then have the opportunity to reply. Clause (a)(iii) of the process recommended Standing Orders 13.2 and 13.4-13.9 (Rules of Debate) be temporarily suspended as they did not relate to this situation.

Cr Croot moved  
Cr Scott seconded

*That Standing Orders 13.2, 13.4, 13.5, 13.6, 13.7, 13.8 and 13.9 (Rules of Debate) be temporarily suspended.*

### **Motion carried**

#### **Cr Eckhoff**

Cr Eckhoff raised a point of order, that the two complaints, breach of Standing Orders and breach of the Code of Conduct, should be treated separately. Cr Robertson ruled that the matters were received as a collective complaint and would be addressed together.

Cr Eckhoff noted that he had received Cr Woodhead’s response at 8.30am that morning.

#### *Breach of Standing Orders*

Cr Eckhoff drew attention to SO 23.4.3 “The following persons [the Chairperson and specified others] are authorised to make statements on behalf of the Council, consistent with the policies of the Council”. He noted that ORC had no formal or informal policy on harbourside development, and he considered that Cr Woodhead had breached Standing

Orders by commenting to media on this issue. Cr Eckhoff disagreed with Cr Woodhead's reported statement that his mandate came from his position as elected Chair of the Council, commenting that this was not the case when the Councillors had had no input. Reference was also made to Cr Woodhead's comments about progress and decisions on talks about the harbourside, and Cr Eckhoff observed that at no point did Cr Woodhead clarify that these statements were of a personal nature. He had checked with LGNZ, who considered that it was important that the whole of Council was involved right from the start in the harbourside, or any other, discussions. Cr Eckhoff also enquired about the role of Port Otago Ltd in harbourside development, noting that the company had delegated authority to manage the wider area.

#### *Breach of Code of Conduct*

Reference was made to Cr Woodhead's reported view of Cr Eckhoff as "a politician making some noises". Cr Eckhoff considered this comment personal and designed to undermine him. He noted Cr Woodhead's comment that he was concerned to hear of Cr Eckhoff's concerns only through the media. Cr Eckhoff stated that this was untrue and cited minutes of Council meetings and workshops which documented when his concerns had been raised. Cr Woodhead had stated that politicians should not be involved in the question of harbourside, university, and Stafford Street land, and suggested that responsibility for this matter be handed to Chalmers Properties. Cr Eckhoff considered councillors needed time to reflect on this proposal.

Cr Eckhoff in summary stated that he believed Cr Woodhead had deliberately misled councillors and the public, and had spoken in such a way as to undermine him (Cr Eckhoff). He considered this was a most serious offence. He noted that mistakes could be made, but retraction should be given. Cr Woodhead had undermined councillors, his comments were not respectful, and he was focused not on the issues but on the personalities.

#### **Cr Woodhead**

Cr Woodhead noted that his response to Cr Eckhoff's assertions had been circulated, and rejected the assertion that there had been a breach of the Code of Conduct. He pointed out in relation to his discussions with Mayor Cull about the harbourside that he had delegated authority to be involved in such discussions, and that none of the discussions resulted in a decision. With regard to his relationship with other councillors, Cr Woodhead observed that the comments attributed to him in the complaint related to a different context on a different day.

#### **Councillor comments**

Cr Deaker believed that Cr Eckhoff's complaint did not have merit, and therefore no action was required. He agreed that there could be a perception of being sidelined because councillors did not meet often or socialise much, and suggested that following the next election consideration

should be given to what were regarded as Council conventions, including defining the role of the Chair.

Cr Kempton noted there were two complaints, the first relating to Cr Woodhead's relationships with the public. Cr Kempton did not consider that the discussions between Cr Woodhead and Mayor Cull committed either council to a course of action. With reference to the second complaint, relationships with other elected members, Cr Kempton considered Cr Eckhoff's comments about Cr Woodhead's mandate were inflammatory, and Cr Woodhead's comment about Cr Eckhoff making 'political noise' was not wise. Cr Kempton considered that there had not been a breach of the Code of Conduct, and that no action should be taken.

Cr Brown considered Cr Eckhoff's comments had validity, and agreed with Cr Deaker's comment that councillors felt disconnected with some issues. He noted that the issue of Council office accommodation had been ongoing for nine years, and considered that some of Cr Woodhead's public statements about progress had a potential to mislead the public. Cr Brown noted that Cr Woodhead had said in public that his preference was for the harbour basin site. He considered that Cr Eckhoff was justified in raising this issue.

Cr Scott commented that in order to carry out his role effectively, the Chair needed to communicate, as he had in this case with Mayor Cull. He respected Cr Eckhoff for raising the issues, his right to write to ODT, and his right to reaffirm that the Chair should seek a mandate from his councillors. Cr Scott commented that he had asked a number of times about mayor to mayor, staff to staff, and ministry to council interaction. He hoped that both parties would take note of the points raised by councillors, and advised that he did not consider that there had been a breach of the Code of Conduct.

Cr Neill respected Cr Eckhoff's right to lay the complaint, but considered that the Chair had acted correctly.

Cr Shepherd was saddened that this situation had arisen. He respected the right of councillors to make their opinions known, but he considered Cr Eckhoff was getting precious about issues that could have been settled by a phone call. Cr Shepherd did not think Cr Woodhead had overstepped his role, and would vote against the complaint.

Cr Kelliher respected Cr Eckhoff's right to make complaint, and respected Cr Woodhead's role. He advised that he would vote against the Code of Conduct complaint.

Cr Bell noted the importance of better communication between councillors. He also noted that the harbourside development was a DCC matter.

Cr Croot also expressed disappointment that the situation had developed to this point. She noted the importance of the Triennial agreement, that ORC elected the Chair, and that the harbourside had been an issue for many years.

**Cr Eckhoff - reply**

Cr Eckhoff stated that he had brought this complaint because of what he saw as a direct attack on representative democracy and his concern at the perceived autocratic style. He commented that his letters/emails/phone calls to Cr Woodhead over the years had rarely received a response, and he had found it very difficult to engage with Cr Woodhead on matters where he appeared to have made his mind up. Cr Eckhoff had found that his only recourse was through the media. He took his responsibilities as a councillor very seriously, and he often received comments from members of the public thanking him for speaking out. In relation to communication, he commented that one of the best methods was for Chairs to report back to council on their activities. Cr Eckhoff noted that the Council's mission was openness and transparency, and that could be brought about by a collegial approach to decision making. Cr Eckhoff also noted that an elected chair of an organisation was in that role 24/7, whether in a formal or an informal situation, and whenever that person spoke, it was interpreted by media to be the council view. For that reason it was important to clarify when a point put forward was a personal or council view.

**Cr Woodhead – reply**

Cr Woodhead did not wish to make any further comment.

**Discussion**

Cr Deaker moved *'That on the matter of these complaints, the Council take no action.'*

Cr Robertson suggested that the process should be to decide whether a complaint had been established, and following that, to determine any action that should be taken. Cr Deaker considered that his motion stated that no complaint had been established, therefore no action need be taken. Cr Robertson pointed out that the complaint needed to be formally completed, and must follow the process agreed at the 27 January meeting. For that reason the motion could not be accepted.

Cr Brown considered that the two complaints should be handled separately. Cr Robertson pointed out that she had outlined at the beginning of the discussion that the two complaints would be handled together. She suggested a motion indicating whether any complaint had been established regarding a breach of the Code of Conduct.

Cr Brown moved  
Cr Bell seconded

*That a Code of Conduct complaint has been established regarding a breach of the Code of Conduct in terms of the relationship with the public and/or elected members.*

The motion was put by division:  
For: Crs Bell, Brown, Eckhoff  
Against: Crs Croot, Deaker, Kelliher, Kempton, Neill, Robertson, Scott, Shepherd, Woodhead

**Motion lost**

Cr Croot moved  
Cr Shepherd seconded

*That Standing Orders 13.2, 13.4, 13.5, 13.6, 13.7, 13.8 and 13.9 be reinstated.*

**Motion carried**

Cr Woodhead resumed the chair

**PART E – MINUTES OF MEETINGS**

Item 8     **Recommendations of the Communications Committee meeting** held on 27 January 2016, for adoption

Cr Kempton moved  
Cr Croot seconded

*That the recommendations of the Communications Committee meeting held on 27 January 2016 be adopted.*

**Motion carried**

- Item 9      **Recommendations of the public portion of the Finance and Corporate Committee meeting** held on 27 January 2016, for adoption

Cr Shepherd moved  
Cr Kelliher seconded

*That the recommendations of the public portion of the Finance and Corporate Committee meeting held on 27 January 2016 be adopted.*

**Motion carried**

- Item 10      **Recommendations of the Policy Committee meeting** held on 27 January 2016, for adoption

Cr Robertson moved  
Cr Deaker seconded

*That the recommendations of the Policy Committee meeting held on 27 January 2016 be adopted.*

**Motion carried**

- Item 11      **Recommendations of the Regulatory Committee meeting** held on 27 January 2016, for adoption

Cr Neill moved  
Cr Eckhoff seconded

*That the recommendations of the Regulatory Committee meeting held on 27 January 2016 be adopted.*

**Motion carried**

- Item 12      **Recommendations of the Technical Committee meeting** held on 27 January 2016, for adoption

Cr Scott moved  
Cr Deaker seconded

*That the recommendations of the Technical Committee meeting held on 27 January 2016 be adopted.*

**Motion carried**



## PART F - EXCLUSION OF PUBLIC

Cr Woodhead moved  
Cr Bell 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 13</i>	<i>Minutes of the In Committee portion of Council meeting held on 9 December 2015, for adoption</i>	<i>To enable any local authority holding the information to carry on negotiations, without prejudice or disadvantage. (S7(2)(h))</i>	<i>S.48(1)(a)(i)</i>
<i>Item 14</i>	<i>Recommendations of the In Committee portion of the Finance and Corporate Committee meeting held on 27 January 2016, for adoption</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.*

### **Motion carried**

Following discussion of Items 13 and 14,

Cr Woodhead moved  
Cr Shepherd seconded

*That the meeting resume in open session.*

### **Motion carried**

The meeting closed at 10.50 am

**Chairperson**

## REPORT

Document Id: A890206

Report Number: 2016/0718  
Prepared For: Council  
Prepared By: Cr Woodhead - Chairperson  
Date: 17 March 2016

Subject: **Chair's Report - March 2016**

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### 1. Regional Sector Group

We received updates on the key items in the draft LGNZ business plan and the LGNZ current work stream; these include Local Government Risk Management Agency business case, Blue Skies Thinkpiece, Environmental Monitoring and Reporting work, SuperGold Card and Electronic Ticketing progress.

Secretary for the Environment, Vicky Robertson attended the meeting and advised:

- 1) The Ministry will be providing advice during 2016/17 to the Crown on the resource management system.
- 2) The Minister is gathering his thoughts on the review of the NES Air Quality.
- 3) The clean-up fund announced at last year's budget will be focused on clean-up rather than land retirement.

An update on the Environmental Monitoring and Reporting meeting covered:

- Some data is being refreshed
- Data quality issues are being addressed; data is not consistent
- Thought is being given to protecting the IP of LAWA
- LAWA has recently won three awards and may enter for an LGNZ Excellence Award
- Sapere has been commissioned to write the ThinkPiece on natural resource management information: opportunities and challenges, roles and responsibilities
- When the work is done there will be engagement with stakeholders including central government

### 2. Otago Mayoral Forum

We met with Associate Minister for Local Government, the Hon Louise Upston, for a discussion on upcoming Local Government Act changes. The Minister said local government must respond and adapt to an increasing range of challenges if it is to deliver modern, cost effective services that meet the evolving needs and expectations of New Zealanders.

The Better Local Services package will create new options for councils and communities to improve performance and better manage local services and infrastructure.

An update on progress towards an Otago performance improvement framework (OPIF) end of year report was presented.

A presentation from Geoff Henley gave an overview of economic development reports and resulting actions from around the country. He then gave his impression of the Otago economy which generated discussion on whether the trends of urban drift and ageing population can be beaten.

Summary of Geoff's thoughts:

To achieve economic growth, the region needed –

- A high level strategy that provided regional relevance and integration, and was realistic yet motivating.
- A mandate providing agreement through local government (the Triennial Agreement), and an engagement process that involved regional stakeholders.
- A strategy document listing sector-based development opportunities, an assessment of the enablers to achieve these opportunities, and a narrative on how to realise the opportunities.
- An Action Plan to progress the opportunities identified in the Strategy. The three phases of the Action Plan included key prospects, opportunities and enablers, and an implementation plan.
- Funding, variously from councils, local trusts and central government.

LGNZ is undertaking a stocktake of economic development activity in the sector. A second stage is a report that has recommendations on what a range of effective service delivery offerings could look like, and indicators to assess performance and return on investment. An earlier and somewhat forgotten Otago Development Strategy is going to be reviewed; this topic will be on the next Mayoral Forum agenda.

Inconsistencies between councils' freedom camping rules were noted, and it was suggested that an Otago-wide, or even a national standard, should be developed.

Mayor van Uden is going to circulate QLDC's freedom camping strategy and bylaw and arrange for QLDC Manager Regulatory to discuss freedom camping strategy with TLAs' relevant managers.

Updates on the Rural Fire Authority, Annual Plans, Local Government Risk Agency and the Section 17A process occurred.

### **3. Otago Te Roopu Taiao**

Chaired by Edward Ellison, successful Waitangi day events in Dunedin were acknowledged. The Ngai Tahu celebration is at Otakou Marae in 2017. Work on Ngai Tahu history is continuing and will be ongoing. The information hosted by ORC in the interim has been handed over and been integrated into the Ngai Tahu project. An update on local government annual plans and RMA processes brought everyone up to speed on the upcoming issues and workload.

### **4. Murihiku Te Rōpū Taiao**

Mr Bodeker and I along with Mayors and Chief Executives of councils south of the Clutha River, signed the reviewed Charter of Understanding at a Hui held in the newly rebuilt Hokonui

Marae. The Charter outlines expectations of the partnership. Ken Swinney from Environment Southland will present a high level report for discussion at the next meeting on what co-management would involve, could operate, and how it may evolve.

A presentation by Jane Kitson updated on progress of the freshwater management project that is developing a cultural classification and linking it with water quality numbers. So far it has been focused on the Waiau River through to and up the Greenstone. This project will hopefully assess all major rivers and assist linking cultural values into local government planning processes.

A number of Councillors and Mr Bodeker attended a meeting with fellow Otago councils in Alexandra with the Local Government Commission.

#### **5. Other meetings attended**

- Audit & Risk Subcommittee
- LGNZ Health & Safety
- Taieri and Pomahaka River Management Strategy meetings
- Taieri and Lower Clutha Annual Plan meetings
- Port Liaison
- EMaR
- LAWF Plenary.

Cr Stephen Woodhead  
**Chairperson**

## REPORT

Document Id: A890391

Report Number: 2016/0720

Prepared For: Council

Prepared By: Chief Executive

Date: 17 March 2016

Subject: **Chief Executive's Report - March 2016**

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### 1. Local Government Legislation

On the 16<sup>th</sup> of March the Minister of Local Government made a set of announcements regarding the next Local Government Amendment Bill.

Key aspects of the proposed changes include:

- 1) Government intends to legislate to allow councils to collaboratively set up CCOs with a focus on transport, water and economic development. It is understood that councils may choose from some legislated 'off the shelf' models or design their own.
- 2) In the transport area there will be two off the shelf models, one that is a land transport CCO, one a pure roading CCO (or councils can design their own). The off the shelf models presume existing regional council boundaries as a basis – councils that want to set up a CCO within a region (eg South Canterbury roads) would need approval from the Minister of Transport.
- 3) The water model appears to be based on a joint committee. It seems to depart from the off the shelf model and appears to require approval from the Minister of Local Government. A water CCO will be prohibited from distributing surpluses to its shareholders.
- 4) There are changes being made to improve local oversight – including changes to the Statement of Intent preparation, links to LTPs and infrastructure strategies.

In the Question and Answer section of the Minister's release it details that amalgamations have proved unpopular and that the new legislation will allow for aspects of councils' activity to be amalgamated across current boundaries without full council amalgamation.

It is government's intention that the legislation be passed by the end of the calendar year.

### 2. Irrigation Assistance Fund

Two grants from the Irrigation Assistance Fund have recently been made.

- 1) The Manuherikia Catchment Water Strategy Group (MCWSG) has received \$92,500 excl GST to finalise phase 1 of the project. The funding will enable the findings of the Feasibility Study and Validation and Refinement Process to be reported back to

farmers and irrigators, and to facilitate a formal expression of interest process with farmers and irrigators so that support for a particular option can be assessed and confirmed, and thus, the next phases of the project continue to advance based on a specific option rather than the continuation of considering the current five options. This aspect of the project is the major 'gateway' to a catchment-wide project progressing, and needs to be completed to enable a decision to be made. The approximate timeframes for completion of this project are 4-6 months, and will involve detailed and extensive consultation with a wide variety of people across a range of platforms. This will culminate in the farmers and irrigators within the catchment being asked to express their support for irrigation based on the indicative costs determined through the feasibility and validation and refinement projects, and will enable the MCWSG to make a decision on whether this project will continue beyond the consultation and expression of interest phase. Once a formal mandate has been received and the level of support for a catchment-wide approach determined, then detailed planning of the next phases of work can be completed. Co-funding of \$92,500 has been sought from the Irrigation Acceleration Fund administered by MPI.

- 2) The second grant has been given to the Strath Taieri Irrigators Group for the preparation of an irrigation demand time series and general consultancy for the group. This has amounted to \$5,158.00 incl. GST.

### **3. Health and Safety**

In 2014 ORC undertook a major review of or Health and Safety activities against industry best practice. The consulting company BECA was commissioned to do this work and that report was presented to the Audit and Risk Subcommittee.

Areas covered in the review included ORC's manuals and procedures, contractor management, reporting of incidents and near misses, drug and alcohol policy, required personal protective equipment, vehicles, inspections, incident reviews, weed cleaning at pump stations and many more.

There were 16 key recommendations and as a result of an internal review recently undertaken, 10 have been undertaken, 4 are in progress and 1 each have not been completed or have been rejected. There were 40 site specific recommendations of which 24 have been undertaken, 5 are in progress, 9 are to be undertaken and 2 the status is not known.

The Staff Health and Safety Committee meets monthly and a Health and Safety report is on each agenda of the fortnightly executive meeting.

Within the executive of ORC there is a commitment to H&S and purchasing decisions have been made with H&S in mind. Key operational staff are vigilant around H&S but we do operate within a risky environment with respect to motor vehicle travel, working in remote areas - sometimes alone, working with poisons, and contact with the public in an inspection role. These are the main risk areas we focus on as an executive.

At the recent SOLGM LGNZ workshop on H&S there were six key areas of consideration for 'officers' to focus on.

They are:

- 1. Keeping up to date on H&S matters by**
  - i. Keeping a watch on case law, primarily via Lesley Laing in her HR role.
  - ii. Identifying practical within workplace solutions to reduce identified risk.
  - iii. Engaging with staff – H&S was a major discussion topic of my recent meeting with all staff where I focused on the results of the BECA audit but also reiterated that if a staff member felt in personal danger they were to stop that activity and report it to their manager and we would investigate the circumstance.
  - iv. Ongoing review of our H&S procedures and practices through external reviews and internal audits and the work of the internal H&S committee.
  - v. Improving the induction programme for new staff.
- 2. Understanding the nature of the business**
  - i. ORC senior staff are informed of the activities within ORC through the actions of the H&S committee.
  - ii. Purchasing decisions have an H&S consideration.
  - iii. As the ORC 'executive officer' I engage with staff on health and safety matters as do the other senior executive.
- 3. Appropriate resources and processes**
  - i. H&S is a consideration in purchasing decisions – recently ORC changed an historic practice around vehicle tyres to match H&S requirements.
  - ii. Through better awareness of H&S matters ORC is ensuring that resources are in place where they are needed.
- 4. Reporting and investigating**
  - i. As discussed above the reporting of incidents and near misses is now an integral part of ORC's activity and it has increased significantly as staff realise the importance of this happening.
  - ii. Reporting is made to the executive on a fortnightly basis and again at the monthly H&S committee meeting with summarised reporting made to the ORC Audit and Risk Subcommittee.
- 5. Ensure the PCUB complies with the Act**
  - i. ORC will continue to monitor and audit our procedures – currently we are investigating through the use of an external consultant the use of support rails to provide aid to staff who monitor in-river water quality sites.
  - ii. ORC through the HR Manager and senior staff, will keep up to date with the legislation and case law, and apply it to ORC's situation.
- 6. Verify**
  - i. Through the reporting to the Audit and Risk Subcommittee ORC will verify its actions, procedures and practices.



#### **4. Effect of Irrigation on Water Supply**

Recently there has been publicity about creeks and bores that had previously been charged by irrigation run-off drying up. As part of the Water Plan discussion which resulted in Plan Change 1C, this matter was discussed. The basis for the replacement of deemed permits with RMA consents is that water use, including the carriage of water across the property, will be at the industry best practice. This will inevitably lead to more efficient irrigation and reduced run off.

However, less run off is likely to reduce the recharge of aquifers and surface water distribution of water as has been reported in the Lauder Creek area. Affected water users will need to work with the rest of their community to ensure their water needs are considered when group applications are made.

#### **5. 1C Deemed Permit Owners Guide**

A guide in booklet form to progressing from deemed permits to RMA takes has been prepared by the 1C Project Manager and Communications team. This is an excellent publication that provides a step by step guide to the process and it will be mailed to all deemed permit holders. Copies will be provided to councillors and additional copies can be requested or downloaded from the website.

#### **6. Biodiversity Options**

I continue to engage with organisations such as Department of Conservation and QEII Trust on matters of biodiversity. DOC have recently restructured, resulting in the key managers for the Otago region located in Christchurch and Invercargill, however, there are local staff who I maintain a regular dialogue with.

I recently met with the CEO and local staff from the QEII Trust to discuss their work in the Otago region and how synergies may exist for any biodiversity work that ORC may wish to undertake to be done in conjunction with QEII.

I recently attended a welcome for the newly appointed Yellow-Eyed Penguin Trust Science Advisor, Trudi Webster. Dr Webster has just finished her PhD in Marine Science and Zoology at Otago University and will investigate the mortality of the penguin. Her position has been funded jointly by ORC and the Otago Museum.

Peter Bodeker  
**Chief Executive**

**REPORT**

Document Id: A889158

Report Number: 2016/0702

Prepared For: Council

Prepared By: Manager Strategic and Transport Planning

Date: 11/3/2016

Subject: **Request to add SH88 safety project to Otago Regional Land Transport Plan 2015-21**

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**1. Précis**

NZ Transport Agency's Highway and Network Operations (HNO) has requested a new project be added to the Otago Regional Land Transport Plan 2015 – 2021 (the RLTP), to be carried out over three years, commencing this financial year. The project concerns safety improvements on SH88 between Dunedin and Port Chalmers. The Regional Transport Committee (RTC) has considered this request, and recommends the project be added to the RLTP. This report recommends that Council vary the RLTP by making this addition.

**2. Process for varying the RLTP**

Transport activities must be included in the RLTP to qualify for national funding from the National Land Transport Fund. To include a new activity such as a new safety project to the RLTP, a variation to the RLTP is required.

The process for varying an RLTP is as follows:

- The RTC considers the variation request.
- Consultation is undertaken if the variation is significant.
- Council decides whether to approve the variation, and forwards it to NZTA to consider whether to include it in the National Land Transport Programme.
- The variation is made publicly available.

**3. RTC recommendation**

The RTC considered the project, and decided that the project should be added to the RLTP, as it would improve safety along SH88.

The RTC considered the variation was not significant (under the significance policy in the RLTP). The addition of this project to the RLTP will not negatively affect any of the matters for consideration in the significance policy in the RLTP.

Projects that are not considered significant, like this one, are included in the RLTP without further public consultation. Note that HNO has consulted key stakeholders about the proposed project.

#### **4. Recommendation**

That the Council approve as a variation to the Regional Land Transport Plan 2015-21, the addition of the Dunedin - Port Chalmers Safety Improvements project set out in the attachment.

Fraser McRae  
Director Policy, Planning and Resource Management

**Attachment** Details of the proposed variation for inclusion in Table Y of the Otago RLTP.

## ATTACHMENT

Activity Class 13 - New and Improved Infrastructure State Highways													
Item No	Organisation Name	Project Name	Project Description and Objective	Phase Type	Main RLTP Objective	Cost 2015/16	Cost 2016/17	Cost 2017/18	Cost 2018/19	Cost 2019/20	Cost 2020/21	Total Cost For 3 Years	Total Cost For 6 Years
72	NZTA	Dunedin - Port Chalmers Safety Improvements	Safer roadsides through combination of improved delineation (eg ATP markings); wire rope barrier, guardrail barrier. Nominally focus in areas of 80km/h speed limit between Ravensbourne and Port Chalmers, and to protect from loss of control impact from entry into harbour, onto rail lines, into/over steep embankments.  Extent of treatment would be tailored to justifiable budget – nominally \$3M	Detailed Business Case	Ensuring safety	\$80,000	\$0	\$0	\$0	\$0	\$0	\$80,000	\$80,000
				Pre-implementation		\$20,000	\$120,000	\$0	\$0	\$0	\$0	\$140,000	\$140,000
				Implementation		\$0	\$1,900,000	\$850,000	\$0	\$0	\$0	\$2,780,000	\$2,780,000

Regional priority = 2.

**REPORT**

Document Id: A889864

Report Number: 2016/0708  
Prepared For: Council  
Prepared By: Dale Meredith, Manager Policy  
Date: 16/03/2016

Subject: **Making Submissions**

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**1. Précis**

This report presents a number of recent submissions made on behalf of the Otago Regional Council, and requests a change to the general delegation from Council for authorisation to make submissions on matters relating to its statutory functions and responsibilities beyond the Resource Management Act 1991 (RMA).

**2. Recent submissions**

Submissions have been made on the following matters in recent weeks:

***Resource Legislation Amendment Bill***

In late November, the Local Government and Environment Select Committee called for submissions on the Draft Resource Legislation Amendment Bill, which proposes a range of changes to the RMA and related legislation (Reserves Act 1977, Public Works Act 1981, Conservation Act 1987, Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012).

The submission prepared was made in relation to RMA matters only, using the RMA delegation. The following matters were raised in the Executive Summary:

- There are a number of amendments proposed in the Resource Amendment Legislation Bill 2015 (the Bill) that meet these criteria, addressing deficiencies in the current legislation. These should be given effect as soon as practicable.
- However, there are more significant amendments proposed that cut into local decision making powers by creating ministerial opportunities to intervene in local plan-making and consenting processes, as well as powers to negate rules in operative plans that have been through full plan-making and consultation processes.
- The Bill sets no clear limits on the extent to which the Minister may intervene, instead reserving rights to intervene in matters affecting any part of a district or region. Further, such powers of intervention give only limited opportunity for public involvement.
- The proposed extension of regulation-making powers, combined with the proposed provisions for national planning templates, national policy statements and national environmental standards will change the fundamental principle of the RMA that individuals and local communities have the ability to identify effects of development in their local community, even for nationally significant proposals.
- While ORC supports the addition of significant natural hazard risk as a matter of national importance, the combined effect of a range of changes effectively disempowers local authorities from effectively reducing community exposure to new risk. For example, subdivision control is an important tool in avoiding the creation of new risk but the proposal reduces the ability to control this matter. Equally, the Building Act addresses structural integrity of buildings, but does not consider other adverse effects. Nor does it enable local authorities to proactively manage development to address the risks from

climate change, as, depending on how 'significant' is defined, these may not easily be controlled.

The full submission is attached as Appendix 1.

### ***Better Urban Planning***

The NZ Productivity Commission has released two discussion papers in recent months. The second, 'Better urban planning', considers philosophical matters relating to urban planning and resource management, and proposes some alternative approaches. Their intention is to generate a discussion on designing from first principles a system that meets New Zealand's future needs for urban areas.

Council's submission raised four matters:

- The relationship between the natural environment and urban areas;
- Managing for natural hazard risk;
- Integrated planning for infrastructure and services;
- Planning for design or aesthetic reasons.

The full submission is attached as Appendix 2.

### ***A New Marine Protected Areas Act***

The Ministry for the Environment released a consultation document that proposes four types of marine reserve protection (there is one at the moment), as well as two new recreational fishing parks (Hauraki Gulf and Marlborough Sounds). This was done in conjunction with the Department of Conservation and the Ministry for Primary industries.

Two points were made in Council's submission:

- That there should be extensive community consultation before any new area is protected, with good input from interested parties;
- That the relationship of the new legislation with the RMA should be clarified, particularly with regard to coast plans, to ensure that marine management is better integrated and that the effects of activities avoid degradation of the identified marine protection values.

The full submission is attached as Appendix 3.

### ***Draft NZ Port and Harbour Marine Safety Code 2015***

This submission was made to Maritime New Zealand, in relation to an updated non-statutory port and harbour safety code. The code is voluntary. It provides a user friendly, nationally consistent summary of responsibilities and good practices in accordance with the Maritime Transport Act 1994.

The key points raised in Council's submission were:

- Endorsement of improvements made in updating the 2004 code;
- Clarification of roles of certain players, including:
  - vessel master responsibilities;
  - functions of agencies such as the Met Service and LINZ in providing meteorological data and hydrographic charts (rather than the regional council providing such information);
  - roles of port authority and harbourmaster.
- Identification of the important role that voluntary organisations play (such as the Coastguard, local boat clubs, search and rescue services);

- Enabling the code to be inclusive of relevant new technologies.

The full submission is attached as Appendix 4.

### ***Emissions Trading Scheme***

The Emissions Trading Scheme is being reviewed by the Ministry for the Environment in two phases.

A submission was made on the first phase in which Council gave general support for actions that contribute towards reducing climate change risk and improving air quality. Council supported the full surrender cost option for the scheme as it will better reflect true costs of emissions and encourage changes in behaviour to more efficient practices.

The full submission is attached as Appendix 5.

### **3. Delegation to make submissions**

Council has already delegated the power to make submissions for specified legislation, including the Resource Management Act 1991 (RMA) and the Building Act 1991. These have been made to the Chief Executive and nominated Directors.

In recent weeks, central government agencies have sought feedback on a wide range of matters under different legislation. As the submission-making power has not been delegated, it has been necessary to obtain the Chairman's approval to submit on these proposals.

There is a risk that submissions may not be made within time when Council authorisation is required to make the submission. This risk is significantly reduced if appropriate delegation is made for making submissions on matters that affect Council's functions, powers or responsibilities.

### **4. Recommendations**

- a) That the report is received.
- b) That Council delegates the authority to make submissions on legislation or other instruments that affect Council's functions, powers or responsibilities to:
  1. Chief Executive;
  2. Director of Policy Planning and Resource Management.

Fraser McRae  
**Director Policy Planning and Resource Management**

**Otago Regional Council Submission**  
**to the**  
**Ministry for the Environment**  
**on the**  
**Resource Legislation Amendment Bill**

This is a submission to the Ministry for the Environment on the Resource Legislation Amendment Bill.

The Otago Regional Council wishes to be heard in support of this submission if the opportunity arises.

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

Fraser McRae  
**Director of Policy and Resource Planning**

14 March 2016

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### **Executive Summary**

- 1.1 Otago Regional Council (ORC) supports amendments to resource legislation that improve the ability to make timely, efficient and effective decisions for local and regional communities on resource management matters.
- 1.2 There are a number of amendments proposed in the Resource Amendment Legislation Bill 2015 (the Bill) that meet these criteria, addressing deficiencies in the current legislation. These should be given effect as soon as practicable.
- 1.3 However, there are more significant amendments proposed that cut into local decision making powers by creating ministerial opportunities to intervene in local plan-making and consenting processes, as well as powers to negate rules in operative plans that have been through full plan-making and consultation processes.
- 1.4 The Bill sets no clear limits on the extent to which the Minister may intervene, instead reserving rights to intervene in matters affecting any part of a district or region. Further, such powers of intervention give only limited opportunity for public involvement.
- 1.5 The proposed extension of regulation-making powers, combined with the proposed provisions for national planning templates, national policy statements and national environmental standards will change the fundamental principle of the Resource Management Act (RMA) that individuals and local communities have the ability to identify effects of development in their local community, even for nationally significant proposals.
- 1.6 While ORC supports the addition of significant natural hazard risk as a matter of national importance, the combined effect of a range of changes effectively disempowers local authorities from effectively reducing community exposure to new risk. For example, subdivision control is an important tool in avoiding the creation of new risk but the proposal reduces the ability to control this matter. Equally, the Building Act addresses structural integrity of buildings, but does not consider other adverse effects. Nor does it enable local authorities to proactively manage development to address the risks from climate change, as, depending on how ‘significant’ is defined, these may not easily be controlled.
- 1.7 ORC’s full submission is set out (in the order of the Bill) in the table that follows.

## ORC Submission on Resource Legislation Amendment Bill 2015

<b>Bill Clause</b>	<b>RMA Provision</b>	<b>Matter</b>	<b>ORC Submission</b>
5	New Section 6(h)	Matters of National Importance	<p>The proposed Regional Policy Statement for Otago (RPS) takes the view that it is prudent to avoid increasing risk from natural hazards. Accordingly, it is important to identify and manage this risk to reduce, as much as possible, risk to Otago's communities.</p> <p><b>ORC supports the provision to recognise managing significant risk from natural hazards as a matter of national importance.</b></p> <p><b>ORC requests that this provision should not detract from addressing all risks, including minor risk, elsewhere.</b></p>
7	Amend Section 14(3)	Restriction relating to permitted water take	<b>ORC supports the replacement of “an individual’s” with “a person’s”.</b>
8	New Section 18A	Procedural principles	<p>ORC notes that it is good practice to perform duties in the manner specified in this section. However, there is no need to legislate for such practice, as doing so creates a risk of litigation that would focus on process rather the environmental outcome. The proposal detracts from the purpose of the RMA.</p> <p><b>ORC opposes the legal codification of these principles.</b></p>
11	New Section 30(1)(ba)	Functions of regional councils	<p>The proposed RPS sets out how functions and responsibilities will be managed between the regional and city/district councils, especially where there is possible duplication regarding land use planning. The proposal alters the nature of this relationship, creating a hierarchy of regional and district plans and duplication of responsibilities, which is cost inefficient.</p> <p><b>ORC opposes the addition of responsibilities for regional councils to address development capacity for residential and business land.</b></p>

11	Delete Section 30(1)(c)(v)	Hazardous substances	<p>The RMA was originally developed as comprehensive legislation to manage environmental effects. This replaced the situation where environmental controls sat under different legislation administered by different agencies. The effects of hazardous substances are still of relevance to resource management decision-making.</p> <p><b>ORC requests that the RMA continues to recognise the need to manage the effects of hazardous substances in an integrated way.</b></p>
13	New Section 32(4A)	Evaluation reports	<b>ORC supports the practice proposed, but notes that this further step will increase administrative costs.</b>
16	New Section 34A(1A)	Hearing commissioners and tangata whenua	<b>ORC supports the consideration of appointing a hearing commissioner with an understanding of tikanga Maori, as proposed, but requests that the appointee is an RMA accredited hearing commissioner.</b>
17	New Section 34B	Fixed fees for hearing commissioners	<p>Regional Councils sometimes require commissioners with particular expertise. It is appropriate for this option to be available, however, it is not appropriate for the fixing of fees to be mandatory.</p> <p><b>ORC supports having the choice to fix hearing commissioner fees, but this should not be mandatory.</b></p> <p><b>Further, ORC opposes section 34B(4), and requests that it is deleted if the regulation making powers under section 360 are introduced.</b></p>

18	New Section 35(2)(ca)	Duty to gather information	<p>ORC notes that it is good practice to perform duties in the manner specified in this section. However, there are a vast range of matters that could be assessed, given the general nature of wording used. The proposal adds administrative cost, for no apparent environmental benefit. To some extent, these matters are already assessed through annual reporting processes under the Local Government Act 2002.</p> <p><b>ORC opposes the introduction for such accountability measures for the broader range of council functions.</b></p>
19	New Section 35A(1)(d)	Iwi hapu records	<p><b>ORC requests clarity is provided on the scope of this provision.</b></p>
20	Amend Section 36	Administrative Charges	<p>ORC supports in part the ability to require a charge for a permitted activity in a national environmental standard. However, this ability should be extended, where necessary, for any permitted rule.</p> <p><b>ORC requests that it can charge fees to recover the cost of permitted activity compliance monitoring.</b></p>
20	Amend Section 36(2)-(8)	Administrative Charges	<p>ORC submits it is unclear how new provisions 36(2) to (8) apply, specifically the distinction between the fixed charges under Section 36(1) and the additional charges under the new Section 36(5).</p> <p><b>ORC requests that Section 36(1) clearly defines which charges constitute a fixed change and those which are additional charges.</b></p>

21	New Section 36AAA	Criteria for fixing administrative charges	<p>These criteria dilute the user pays approach. The criteria enable fees and charges to be challenged by judicial review.</p> <p><b>ORC opposes the introduction of these principles for fixing administrative charges. If these provisions are retained, they should be amended to limit challenges to the objection process only and not to the overall lawfulness of a fees schedule.</b></p>
25	Replace Section 43(3)	National environmental standards	<p>These amendments provide unfettered opportunity for the Minister to become involved in resource management matters at any level. National environmental standards should apply across the whole country.</p> <p><b>ORC opposes this amendment and requests that it is deleted.</b></p>
26	New Section 43A(8)	National environmental standards	<p><b>ORC supports, under section 43A(8)(a), the ability to charge for any permitted activity specified in a national environmental standard.</b></p> <p><b>ORC opposes, under section 43A(8)(b), the national specification of how a consent authority is to perform their functions in order to achieve the standard, as this represents unfettered power for the Minister to become involved in local decisionmaking.</b></p>
27	Amend Section 43B(3)	Leniency	<p><b>ORC supports this provision as it ensures that, where appropriate, the local environment can be better recognised.</b></p>

29 - 32	New Section 45A	National policy statements	<p><b>ORC opposes the extension of these powers into regional and local plan making and administration, and requests that this section is deleted.</b></p> <p><b>ORC notes that Section 35 already addresses responsibilities for monitoring, data collection etc, and it is inappropriate to have these responsibilities set out under two different parts of the RMA as inconsistencies or duplication could be introduced.</b></p>
36	New Section 58(2), (3)	NZ coastal policy statement	<p><b>ORC opposes the extension of these powers into regional and local plan making and administration, and requests that this section is deleted.</b></p>
37	New Sections 58B-58J	National planning template	<p>ORC notes that there is opportunity to standardise some elements of district and regional plans, as a matter of good practice rather than through legislative change. However, the effect of the national planning template, together with increased use in other national environmental standards, and increasing use of national instruments (NPS, NES and Regulations) shifts planning decisions from local to central Government. This risks the RMA becoming a national command and control mechanism.</p> <p><b>ORC opposes the extension of these powers into regional and local plan making and administration, and requests that these sections are deleted.</b></p>
38	New Sections 58K-58P	Iwi participation	<p><b>ORC supports these provisions.</b></p>
52	New Sections 80A-80C	Collaborative planning process	<p>ORC notes that the provisions set out for collaborative planning do not meet with the ordinary definition of collaboration, in that parties are excluded from the process unless they have been specifically identified.</p> <p><b>ORC request that this planning process should remain optional.</b></p>

## ORC Submission on Resource Legislation Amendment Bill 2015

58	Amendments Sections 86A-86G	Legal effect of rules	<p>ORC supports these amendments.</p> <p><b>ORC requests that rules relating to all natural hazards should have legal effect upon notification.</b></p>
62	New Section 104(ab)	Offsets offered by an applicant	<p>Offsets are controversial. They must be offered by the applicant. They cannot be imposed. They are offered when adverse effects, which would otherwise be unpalatable, are not proposed to be avoided, remedied or adequately mitigated by a consent applicant. There is no guidance about the evaluation of offsets. Plans could provide assistance but they are difficult to assess generically.</p> <p>The proposed RPS offers some guidance on the use of offsets.</p> <p><b>ORC requests that further detail is provided on how the positive effects of a proposal, and the offering of offsets, may be considered.</b></p>
62	New Section 104(1A)	Consent applications and national planning template	<p><b>ORC opposes these provisions and requests that they are deleted, consistent with the above related submissions.</b></p>
64	New Section 108AA	Conditions of resource consents	<p>As drafted, the focus of the amended section 108 is too narrow and may prevent innovative and appropriate application of conditions for resource consents as well as create uncertainty for a number of well accepted standard conditions used by ORC within Otago.</p> <p>The proposal is unclear regarding how conditions relating to administrative matters, such as consent review consent, would be managed.</p> <p><b>ORC requests that these provisions are deleted. If they are not deleted, they should be redrafted to better enable innovation and address the matter of uncertainty for existing consent holders.</b></p>



## ORC Submission on Resource Legislation Amendment Bill 2015

90	Replace Section 267	Conferences	<b>ORC supports this amendment.</b>
91	Replace Section 268 - 268A	Alternative dispute resolution	<b>ORC supports this amendment.</b>
95	New Section 280(1AA)	Powers of Environment Commissioner sitting without Environment Judge	<b>ORC supports this amendment.</b>
96	Replace Section 281A	Registrar may waive, reduce or postpone the payment of fees.	<b>ORC supports in part.</b>  <b>ORC requests the Registrar's decision should be recorded, including reasons, that decision must be made available to the other parties served with the proceedings, and they should have the opportunity, should they so wish of challenging the decision by asking for review by a Judge.</b>
103(7)	New Section 360(1) (hm)-(hp)	Stock exclusion	ORC notes that there are a wide range of topographic conditions and complex, dynamic systems within Otago, and that the proposal presents a number of technical challenges to identify a solution for a problem that has not been clearly articulated. It is unclear whether there is any benefit in having a national, one-size-fits-all approach prescribed for stock exclusion from water bodies, estuaries and coastal lakes and lagoons.  In Plan Change 6A to the Regional Plan: Water for Otago, Otago set out an effects-based regulatory regime which enables flexibility for farmers to manage contaminant discharges to water in ways that suit them and their environment. It is based on the effect in the environment, rather than codifying practices such as fencing and hoping that these will achieve good water quality.  <b>ORC opposes the introduction of these provisions.</b>

105	New Section 360D	Regulations permitting or prohibiting certain rules	<p>ORC notes that the regulatory regime set out in regional plans, including permitted and prohibited rules, has been developed through public consultation processes prescribed in the RMA. Prohibitions, in particular, have been carefully worked through as they constrain private property rights. It is inappropriate for the Minister to be able to exercise unfettered power to remove these permissions and prohibitions without adequate local public consultation. The plan change process enables such amendments to be made, with the community involved in local decision making.</p> <p><b>ORC strongly opposes these provisions and requests that they are deleted.</b></p> <p>.</p>
105	New Section 360E	Regulations and administrative charges	<p>The need for this provision is questionable in respect to good regulatory practice.</p> <p><b>ORC strongly opposes these provisions and requests that they are deleted.</b></p>
120	New Section 41D	Regulations - submissions	<p>The provision as worded appears inconsistent with definition of effects in Section 3 and the jurisdictional provision in Section 104 which requires the consent authority to consider “any actual or potential adverse effects on the environment”. It may also have an adverse effect on public participation in the process.</p> <p><b>ORC opposes these provisions and requests that they are deleted. If they are not deleted, ORC requests the following amendments are made:</b></p> <ul style="list-style-type: none"> <li>• <b>The local authority has discretion to strike out a submission, it is not mandatory;</b></li> <li>• <b>Clarify who is the ‘authority’</b></li> <li>• <b>Reconsider the suite of provisions relating to the identification of effects, including (iv).</b></li> </ul>

121	New Section 87AAB, AAD	Boundary activities	<p>ORC notes that where a developer has control over both sides of a boundary fence, or over a large block of land held in multiple titles, or with subdivision potential, then the identification of adverse effects along those common boundaries may not reflect the expectations of the community at large (as expressed in the relevant plan).</p> <p><b>ORC opposes the provisions and requests that they are deleted.</b></p>
121	New Section 87AAC	Fast track applications	<p>A fast track timeframe may limit the ability of Council to effectively assess consents for some controlled activities and operate as a disincentive to the use of controlled activities. Annual reporting to the Minister already require accounting for the time it takes to process consents.</p> <p><b>ORC opposes these provisions and requests that they are deleted.</b></p> <p><b>ORC suggests that the annual reporting requirements could be amended to:</b></p> <ul style="list-style-type: none"> <li>• <b>identify how many consents are processed within 10 working days, and report accordingly;</b></li> <li>• <b>Insert a third exclusion category in a new s87AAC(2)(c); ‘a technical review is required’.</b></li> </ul>
122	New Section 87BA -87BB	Nearly permitted activities	<p>ORC notes that this proposal effectively creates a seventh class of activity (Permitted, nearly permitted, controlled, restricted discretionary, discretionary, non-complying and prohibited). This new activity is poorly defined and has the potential to create uncertainty and unfairness.</p> <p>Plans are developed to set bottom-lines for permitted activity effects. Wherever there is such a line, there will be activities that are close to, but not, compliant. Plan policy should guide how these near misses are processed, so it is transparent to all how decisions are being made.</p> <p>Even though the criteria for the exercise of the discretion seem rigorous, local authorities will come under considerable pressure by applicants to use this provision.</p>

			<p>There will be contentious cases which local authorities will be open to challenge by judicial review, which few people embark on.</p> <p>The provisions are at odds with the purpose of these reforms to front-load resource management through the planning process and create a continually changing environmental bottomline.</p> <p>The outcome may be gradual but cumulative erosion of the plan provisions for particular areas through compromising their objectives and policies. These departures may also impact on how Sections 6 and 7 have been implemented in the plan; eg. effects on character and amenity.</p> <p><b>ORC strongly opposes these provisions and requests that they are deleted.</b></p>
125	Replace Sections 95 to 95B	Notification provisions	<p>This is a further step to reducing public participation in the consent process. Effectively, they reintroduce the concept of ‘standing’ under the old Town Planning Act 1977.</p> <p><b>ORC opposes the provisions and requests that they are deleted.</b></p>
127	New Section 95D(ca)	Adverse effect of a proposed activity.	<p>ORC notes that this provision is aimed at full discretionary and non-complying activities. In the case of discretionary activities, in particular, this classification is used where an activity might, in a general sense, be:</p> <ul style="list-style-type: none"> <li>• acceptable within a zone, but may not be suitable on a particular site; or</li> <li>• an aspect of the particular activity that may not be appropriate within the zone.</li> </ul> <p>It is uncertain how this proposal should be applied.</p> <p><b>ORC opposes this provision and requests that it is delated.</b></p>

## ORC Submission on Resource Legislation Amendment Bill 2015

128	New Section 95DA	Affected person for limited notification	<p>As noted above, this is a further step to reducing public participation in the consent process. Effectively, they re- introduce the concept of ‘standing’ under the old Town Planning Act 1977.</p> <p>The persons considered to be eligible for notification of an application for subdivision consent will not include a Regional Council, despite its particular interest in natural hazard, from both a planning and operational perspective, and the ability under Section 106 RMA to refuse a subdivision consent because of significant risks from natural hazards or under Section 220 of the RMA to impose conditions to manage the effects of the natural hazards on the subdivided land.</p> <p>These proposals are at odds with the introduction of management of significant natural hazard risk as a matter of national importance.</p> <p>Further, the proposals create an unnecessarily complicated process.</p> <p><b>ORC strongly opposes these provisions and requests that they are deleted.</b></p>
129	Replace Section 95E	Definition of affected persons for limited notification	<p>As noted above, this is a further step to reducing public participation in the consent process. Effectively, they re- introduce the concept of ‘standing’ under the old Town Planning Act 1977.</p> <p><b>ORC opposes these provisions and requests that they are deleted.</b></p>

133	Replace Section 106(1)(a),(b)	Subdivision and damage	<p>ORC notes that the proposal significantly limits the ability of the territorial authority to decline subdivision proposals that have the adverse effects described in the current legislation. The proposal limits this to subdivisions where there is a significant natural hazard risk only.</p> <p>Control of subdivision is one of the most effective tools for avoiding the creation of new risk, whether from man-made or natural hazard.</p> <p>The proposal is at odds with the Bill's inclusion of significant risk of natural hazard as a matter of national importance. The definition of significant becomes critical, and risk that exists but does not meet that high threshold must still be managed appropriately within the local context.</p> <p>The Regulatory Impact Statement states that duplication between legislation will be removed, providing the example of insulation. However, flood risk is inadequately addressed by the Building Code, where a 1:50 year threshold is used for structural integrity of the building. There are other adverse effects of flooding. Further, flood level risk changes where there are repeat high risk events. For example, the risk profile for the Silverstream, near Mosgiel, changed dramatically following repeat flood events in the mid-2000s. Buildings constructed before those floods may no longer comply with the Building Act floor level requirements.</p> <p>The proposal creates serious risk of development proceeding which does not match community expectations, or address residual risk.</p> <p>The proposed RPS requires activities avoid increasing risk in respect to natural hazards, particularly where that risk would be intolerable to the wider community. Where a development may require means to address risk from a natural hazard, consideration should be given as to any future costs of maintaining those means, and how those costs would be met. Where they might be borne by the wider community, particularly as unplanned costs, this may be considered intolerable.</p>
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			<p><b>ORC strongly opposes this change and requests that the current provisions remain.</b></p> <p><b>If they are not deleted, appropriate changes must be made to other legislation to ensure that the community is able to tolerate risk from new development.</b></p>
133	New Section 106(1A)	Risk from natural hazards	<p>As noted above, if these changes are pursued, the assessment of ‘significant’ risk becomes critical.</p> <p><b>ORC requests that the assessment provisions are amended to include:</b>  <b>(d) the risk to the wider community of bearing future costs to maintain any natural hazard risk remedies required for the proposed development.</b></p>
135	New Section 120(1A)	Appeals re boundary activities, subdivisions and residential activities	<p>This is a significant restriction on the right of appeal particularly for residential and subdivision activities. The RMA is being set up to have limited application to residential activities. Arguably, this is difficult to reconcile with the Act’s purpose. While on the face of it this restriction on the right of appeal applies to both applicants and submitters, applicants may have rights of objection under Section 357A and can apply for variation of consents under Section 127.</p> <p>There will be no appeal from a subdivision consent, unless it is a non-complying activity. The ability of a Regional Council to have standing to appeal on a subdivision consent is compromised in any event by the proposed changes to the notification provisions. This is a further fetter.</p> <p><b>ORC opposes these provisions and requests that they are deleted.</b></p>
140	Replace Section 204	Internet public notification	<b>ORC supports this provision.</b>

## ORC Submission on Resource Legislation Amendment Bill 2015

142	Replace S352(1)	Electronic service of documents	<b>ORC supports this provision.</b>
144, 145	New Sections 357AB, 357C(2A)	Commissioners hearing objections	<b>ORC supports these provisions.t</b>
151	New Sections 360F and 360G	Fast tracking consents	<p>This is part of a suite of measures intended to speed up the processing of applications and reduce public participation in the consent process. The regulations could be subject to judicial review, but there is no obligation for consultation before the regulations are made.</p> <p>Further there are many activities in Plans under various categories of controlled, restricted discretionary that may not have been made so if the possibility of blanket notification requirements could be promulgated by regulation.</p> <p><b>ORC opposes these provisions and requests that they are deleted.</b></p>
152	New Clause 10A	Time extensions	<p>These provisions require the Minister's approval to extend the 2-year time limit set in the RMA between plan notification and notification of decisions. This step adds process costs without any benefit for the decisions being made.</p> <p><b>ORC opposes these provisions and requests that they are deleted.</b></p> <p><b>ORC suggests that where the time taken to move through this phase takes more than 2 years, it could be reported publicly, using the information collated annually by the Ministry for the Environment.</b></p>



## ORC Submission on Resource Legislation Amendment Bill 2015

153-159	Amend Sections 108, 110, 111, 222, 407, 409 and 411	Financial contributions	<p>ORC notes that these proposals remove the consent authority’s ability to require contributions of money and land as a condition of consent.</p> <p>For territorial authorities there are other tools in “development contributions” under the Local Government Act. However, there is no equivalent tool available to Regional Councils. ORC has required land contributions in mining consents to compensate for loss of other land, and would like this retained.</p> <p><b>ORC opposes these provisions and requests that a regional council be able to require financial contributions where appropriate.</b></p>
	New Schedule 1 Part 4	Collaborative planning process	<p>ORC has already noted reservations about the scale of collaboration proposed.</p> <p><b>ORC requests that this process continue to be an optional process, and not mandatory.</b></p>
	New Schedule 1 Cl 4A	Iwi advance notice re plan notification	<p>ORC notes that this step could delay the notification of a plan change by a few months. ORC prefers to proactively work with iwi, so that there are no surprises at plan notification time.</p>
	New Part 5	Streamlined planning process	<p>ORC notes that this proposal gives the Minister wide ranging powers to become involved in plan making processes. Given the limited involvement in plan making submission processes by the Ministry for the Environment, ORC is not certain that the Ministry has either the capacity or capability to undertake this additional work. The benefits of exercise of such powers are not clear.</p> <p><b>ORC opposes these provisions and requests that they are deleted.</b></p>

**Otago Regional Council Submission**

to the

**NZ Productivity Commission**

on the

**Better Urban Planning Issues Paper**

This is a submission to the NZ Productivity Commission on the Better Urban Planning – Issues Paper (December 2015)

The Otago Regional Council wishes to be heard in support of this submission if the opportunity arises.

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



Fraser McRae  
**Director Policy Planning and Resource Management**

9 March 2016

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## 1. Executive Summary

- 1.1 The Better Urban Planning discussion paper (the Paper) raises a wide range of matters around urban planning, and the extent to which the Resource Management Act 1991 (RMA) is suited to managing these matters.
- 1.2 Otago Regional Council (ORC) has chosen to limit its submission to four matters that are of particular interest for urban development within the Otago region:
- The relationship between the natural environment and urban areas;
  - Managing natural hazard risk;
  - Integrated planning for infrastructure and services;
  - Planning for design or aesthetic reasons.
- 1.3 These elements are all important for better urban environments in Otago, and ORC considers that there is opportunity to improve the RMA accordingly.

## 2. The relationship between the natural environment and urban areas

- 2.1 The Paper discusses the RMA focus on natural and physical resources (pages 34-35).
- 2.2 ORC concurs that the RMA does not provide for urban planning especially well, and that there is opportunity to improve how urban planning matters are addressed. However, provisions for urban planning should not replace the regard that is given to the natural and physical environment in the framework set out in Part 2 of the RMA.
- 2.3 A high quality urban environment is paramount for international tourist destinations like Queenstown, Wanaka and Dunedin.
- 2.4 The Proposed Regional Policy Statement for Otago (RPS), notified in August 2015, proposes a number of provisions of interest, notably:
- Objective 3.1: Protection, use and development of natural and physical resources recognises environmental constraints;
  - Objective 3.7: Urban areas are well designed, sustainable and reflect local character
  - Objective 3.8: Urban growth is well designed and integrates effectively with adjoining urban and rural environments;

- Objective 4.3: Sufficient land is provided for economic production.
- 2.5 In particular, Objective 3.7 above includes policies relating to:
- Using the principles of good urban design
  - Encouraging the use of low impact design techniques
  - Designing for warmer buildings
  - Designing for good access in public spaces.
- 2.6 These provisions were developed in dialogue with the city and district councils within Otago, and once the RPS becomes operative, will be given effect through district and regional plans.
- 2.7 ORC considers that future reform could provide stronger directions for urban development planning issues, to ensure that urban development is appropriate to the local environment, while continuing to have regard to matters of national importance and other matters specified in RMA sections 7 and 8.

### **3. Managing for natural hazard risk**

- 3.1 Question 34 (Page 70) asks who should bear the risk of building in areas where natural hazards may occur.
- 3.2 There are a range of natural hazard risks facing Otago urban communities, including earthquake, flood, tsunami, sea surge and landslip. ORC has prepared a number of documents describing these risks, and has provided input recently to the district plan reviews being undertaken by the Dunedin City Council and Queenstown Lakes District Council.
- 3.3 The proposed RPS gives a very strong direction on managing the management and reduction of natural hazard risk. Any development should avoid increasing natural hazard risk, particularly where it intolerable to the community (Policy 3.2.6) and should reduce existing natural hazard risk elsewhere (Policy 3.2.7).
- 3.3 Though a developer may be willing to accept an increase of risk from developing an area subject to a natural hazard(s), and land titles limited accordingly, a moral obligation remains for the wider community to assist should the worst happen. ORC must consider the residual risk for the wider community.
- 3.4 A future landowner of such a property may not be aware of the degree of risk the original developer accepted, which may lead to false expectations that the property is suitably safe, as approval to develop was granted.

- 3.4 Further, should there be a natural hazard event, the community bears the cost of response to that risk (such as emergency service response, community support).
- 3.5 ORC considers that development that is intolerable to the wider community should not proceed simply because the developer is prepared to accept the risk. The community should not have to accept liability for such development.

#### **4. Integrated planning for infrastructure and services**

- 4.1 Question 28 of the Paper asks should infrastructure planning and funding be integrated in to planning statute (page 63).
- 4.2 The proposed RPS recognises the importance of good quality infrastructure, and that infrastructure development should be co-ordinated with urban growth and extensions so that it provides in an efficient and effective manner. Unplanned expansion creates new demands for urban services and risks additional costs to the wider community.
- 4.3 ORC considers that there is better opportunity to improve direction for urban development. There should be better alignment between the RMA and the Land Transport Act, Local Government Act and the Reserves Act.

#### **5. Planning for design or aesthetic reasons**

- 5.1 Question 2 queries the role for planning for design or aesthetic reasons (page 8).
- 5.2 ORC has already noted that a high quality urban environment is paramount for international tourist destinations like Queenstown, Wanaka and Dunedin. It is equally important that rural service centres around the region function well and are cost effective.

- 5.3 Urban design can contribute significantly to economic, social, and cultural wellbeing. Good urban design facilitates:

- Good accessibility: efficient and effective movement of people and goods;
- A sense of community, cohesion and belonging;
- Community safety;

These matters become even more important where there is higher demand for land.

- 5.4 ORC considers that the quality of the built environment is important, and that there is opportunity to better improve how this addressed in the RMA.

END

Our Reference: A888523

**Appendix 3**

**Otago Regional Council Submission to the  
Ministry for the Environment on the  
A New Marine Protected Areas Act: Consultation Document (2016)**

This is a submission to the Ministry for the Environment on the *A New Marine Protected Areas Act: Consultation Document (2016)*

The Otago Regional Council does not wish to be heard in support of this submission.

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



Stephen Woodhead  
**Chairman**

11 March 2016

Address for service: Otago Regional Council  
Private Bag 1954  
DUNEDIN 9054

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Contact person: Warren Hanley, Resource Planner Liaison

## Full Submission

### 1. Introduction

- 1.1 Otago Regional Council (ORC) appreciates the opportunity to comment on the *A New Marine Protected Areas Act: Consultation Document* (the consultation document).
- 1.2 ORC is responsible for managing activities in the Otago coastal marine area under section 30(1)(d) of the Resource Management Act 1991 (RMA). Otago's interest covers a coastline of some 480 kilometres from the Waitaki River fan in the north to Cape Wanbrow in the south.
- 1.3 The Regional Plan: Coast for Otago (Coast Plan) sets out how ORC gives effects to its resource management responsibilities in the coastal marine. This regional plan has been operative since 1 September 2001 and is scheduled for review in two years' time.
- 1.4 About two years ago, a forum was established by the Ministry for the Environment to consider opportunities for marine reserve protection along the Otago coastline. ORC anticipates that work from this forum will provide useful input to the Coast Plan review.

### 2. Options for protecting areas of value

- 2.1. ORC supports in principle the opportunity to have a wider range of protections for marine areas reflecting the values held by the community for different areas. The values of particular areas should be clarified, in addition to any marine reserve classification.
- 2.2. ORC considers that new areas should be established through extensive community consultation, with good input from interested parties.

### 3. Relationship with the RMA

- 3.1. The consultation document proposes to improve marine protection by providing for four different categories of protection, thus enabling 'an integrated approach where a community can simultaneously consider different types of protection' (page 5).



- 3.2. However, the focus of the proposal is on fish species only, and does not appear to address the effects of activities on either the fish or their habitats. Nor does the proposal identify how the proposed legislation would relate to the RMA and plan making and consenting activities under the RMA.
- 3.3. Consequently, there is no apparent way of reconciling effects of activities from and on the same marine resources, but which are considered under different legislation. The opportunity to provide for more integrated management in these higher value areas is lost.
- 3.4. ORC considers that any new marine protection legislation should clarify its relationship with the RMA, and coast plans in particular.
- 3.5. ORC considers that areas subject to marine protection (identified with community support) should be appropriately provided for through coast plans, to ensure that marine management is better integrated and that effects of activities will avoid degradation of the identified marine protections values.

END

Our Reference: A883666

**Appendix 4**

**Otago Regional Council Submission**

**to the**

**Ministry for the Environment**

**on the**

**Emissions Trading Scheme Review 2015/16**

This is a submission to the Ministry for the Environment (MfE) on the priority issues for the *Emissions Trading Scheme Review 2015/16* discussion document.

The Otago Regional Council does not wish to be heard in support of this submission.

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



Fraser McRae  
**Director Policy, Planning and Resource Management**

19 February 2016

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Warren Hanley, Resource Planner – Liaison



## **1. Introduction**

- 1.1 The Otago Regional Council (ORC) supports any contribution to reduce climate change risk and improve air quality. ORC's proposed Regional Policy Statement contains policies addressing climate change mitigation, and ORC is also preparing an air quality strategy to better address air quality issues in Otago.

## **2. Priority Issues**

- 2.1 ORC recognises that moving to a full surrender cost option for the New Zealand Emission Trading Scheme will better reflect true cost of emission production and encourage changes in behaviour to more efficient practices.
- 2.2 Therefore, ORC supports a move to full surrender obligations for liquid fossil fuels, industrial processes, stationary energy and waste sectors as it is anticipated it will create an incentive for these industries to invest with greater confidence in cleaner technologies.
- 2.3 ORC supports sending signals to the market via economic tools like the NZ ETS. This complementary approach to regulatory bottom lines can create innovation within industries and lead to positive behavioural change.
- 2.4 ORC would encourage the move to full surrender obligations to occur as soon as possible.

END.

Our Reference: A888239

## Appendix 5

### Otago Regional Council Submission to Maritime New Zealand on the Draft New Zealand Port and Harbour Marine Safety Code 2015

This is a submission to Maritime New Zealand on the Draft New Zealand Port and harbour Marine Safety Code 2015.

The Otago Regional Council supports the draft code in principle, but requests clarification of certain responsibilities to ensure no additional responsibilities or liability are seen to fall on the regional council.

The Otago Regional Council does not wish to be heard in support of this submission.

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



Stephen Woodhead  
**Chairman**

9 March 2016

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Contact person:	Warren Hanley



## Full Submission

### 1. Introduction

- 1.1 Otago Regional Council (ORC) appreciates the opportunity to comment on the draft New Zealand Port and Harbour Marine Safety Code 2015 (the Code).
- 1.2 In principle, ORC supports the draft Code and endorses adoption of AS/NZS ISO 31000:2009 *Risk Management – Principles and Guidelines*. The draft Code is a significant improvement on the 2004 edition, and better aligns with the 2013 amendments to the Maritime Transport Act.
- 1.3 However, ORC has some concerns regarding the apparent allocation of responsibilities and consequential liabilities, and the duplication of some plan matters. While ORC notes that the draft includes a disclaimer regarding information within the Code (page 14) and that the Code is not mandatory, ORC requests that amendments are made to better reflect where legal liability falls for particular responsibilities. These requests are detailed below.

### 2. Vessel masters

- 2.1 The vessel master (or skipper) is responsible for the navigational safety of their vessels, and of any personnel. Masters also have obligations not to endanger other users, to avoid pollution and to render assistance.
- 2.2 The functions of ports and councils, in relation to navigational safety, are to provide an operational environment where masters are encouraged and supported to navigate their vessels safely as they go about their business or pleasure. This is a different emphasis from the draft Code as currently written. By omitting the pivotal role of the master, the draft implies that councils are accountable for navigational safety outcomes.
- 2.3 ORC requests that appropriate reference is made in the draft Code to vessel master responsibilities for navigational safety of their vessel and of any personnel.

### 3. Other government agencies

#### *Meteorological services*

- 3.1 The Met Service is not acknowledged in the Code. Instead the Code assigns "primary responsibility" for collection and distribution of information on

prevailing and forecast conditions including wind, tide, wave height and current to the harbourmaster (page 42) and consequently, to the regional council.

- 3.2 Accurate forecasting is an onerous responsibility that councils are not, in general, competent to serve. The Met Service have been established and funded by the New Zealand government for this purpose and has the required competency and distribution channels.
- 3.3 For councils to have a parallel responsibility for forecasting, or for redistributing forecasts prepared by others, is duplicative and potentially dangerous.
- 3.4 ORC requests that the Met Service is identified as having primary responsibility for collecting this information, which the harbourmaster then makes available.

#### *Hydrographic information*

- 3.4 The Code does not refer to Land Information New Zealand (LINZ), which is mandated and funded by the New Zealand government to create and maintain an up-to date national set of hydrographic charts. The charts are issued through licenced chart retailers, who are obliged to amend any chart to ensure that it is up to date at the time of sale. Ships visiting New Zealand ports are required to have up to date LINZ hydrographic charts.
- 3.5 The hydrographic charts prepared by LINZ, should be the primary vehicle for communicating hydrographic information. The primacy of LINZ in this role should be recognised in the Code. The general allocation of responsibility to councils for both hydrographic record keeping and maintenance of stated depths (page 25) is inappropriate, other than in an oversight role.
- 3.6 ORC requests that LINZ is identified as having primary responsibility for hydrographic charts for communicating hydrographic information. The regional council role for hydrographic information should be for oversight only.

#### **4 Voluntary agencies**

- 4.1 The Code does not refer to any of the voluntary organisations who exist to promote navigational safety nationally and regionally. Such agencies include the Coastguard, yacht clubs, rowing clubs, marine radio services, search and rescue services and others. In general these organisations act as navigational

safety force multipliers, helping get navigational safety messages across to their members, ensuring that members communicate intentions, identifying and chasing down those who do not register a safe return, and helping with searches and rescues.

- 4.2 The omission of such parties from the Code could be interpreted as implying there is little value in their voluntary activities. This in turn could affect their ability to raise funds from their communities and to attract members and volunteers. A principle of ISO31000 is that risk management should be inclusive. ORC considers it would be detrimental to navigational safety if such parties were excluded and discouraged as a result of this omission.
- 4.3 ORC requests that the role of voluntary agencies in helping to promote navigational safety is recognised in the Code.

## 5 Allocation of roles

- 5.1 A principle of good governance is that responsibilities are allocated to the party who is best placed to discharge them. Accordingly, oversight and delivery roles should be carefully defined and separated in the Code.
- 5.2 Appendix 1 (*Statements of Good practice for Local Maritime Regulation and Safe Operational Activity*) is referenced from a section titled *Harbour Safety Plan* (page34). There is no equivalent *Port Safety Plan* section that also references Appendix 1. This apparent imbalance is carried through into the content of Appendix 1, which allocates to councils responsibilities that are better placed with port authorities, with national government agencies or with voluntary organisations. In such cases the council may have a role of oversight and monitoring, to encourage and support the wider availability of critical safety information, and to check for gaps and for service delivery failures, but council does not have to be responsible for service delivery itself.
- 5.3 ORC requests that Appendix 1 is amended to better reflect where responsibility for service delivery or oversight falls.

## 6 Berthing and other port operations

- 6.1 The items listed under berthing (page.49) are matters for the Port Safety Management System, yet are proposed to become part of the Harbour Safety Plan.

The incorporation of such matters into the Harbour Safety Plan implies approval by councils, which then attracts accountability and liability.

- 6.2 To discharge any associated risks harbourmasters and councils may need to engage independent experts to advice on the appropriate wharf decking design loadings, structural properties and inspection regimes. If those matters have little or no navigational impact, they should not need to be included in the Harbour Safety Plan.
- 6.3 The Code has not taken the opportunity to clearly allocate responsibility for design, maintenance, survey, recording and dissemination for dredged approach channels to the relevant port authority, but leaves that as a matter for the Memorandum of Understanding. More comment about who is responsible for what in relation to dredged channels would be helpful.
- 6.4 To clarify roles between port authorities and harbourmasters, it would be helpful if the Code listed for each element, what the port company's role might be, what the harbourmaster's role would be, and to briefly state the reasoning for the suggested allocation.
- 6.5 The harbourmaster is not always available on-scene, so it is important that the relevant operational criteria and procedures are agreed with the port authority in advance. For port related operations, including passage to and from the port, responsibility for executing the plan in accordance with the agreed procedures should rest with the port.
- 6.6 Further, page 49 states "...port operators produce standard berthing plans which are ... to become part of the harbour Safety Management System". As a general principle, matters should only be specified once. Otherwise there is a risk of conflicting requirements.
- 6.7 ORC requests that the relationship between the Port Safety Management System and the Harbour Safety Plan are clarified, and apparent duplication of responsibilities between port authority and regional council is removed

## **7 New practices and technologies**

- 7.1 ORC expects that Port Safety Plans and Standard Operating Procedures may need to be frequently updated by port authorities to incorporate continuous learning,



and to accommodate new forms of port machinery and working. Incorporating such documents into the Harbour Safety Management System could also hinder the port from promptly instigating new work practices when needed.

- 7.2 The Code does not refer to newer technologies such as Automatic Identification Systems (AIS), virtual navigation markers, and third party web services. In the recreational sector there is a rapid uptake of forecasting services from third parties who are often not based in New Zealand (e.g. Swellmap, yr.no). The rapidly changing technological context supports regular review of port and harbour safety management systems
- 7.3 ORC requests that the Code refers to the purpose for which a particular procedure or technology is used, so that the Code stays relevant as new practices and technologies emerge.

## **8 Summary**

- 8.1 In summary the 2015 draft Code is a significant step forward and is to be supported. If suitable changes are made to address the matters raised in this submission, then the new Code will provide a good basis for improving navigational safety in ports and harbours.

END

## REPORT

Document Id: A889375

Report Number: 2016/0703

Prepared For: Council

Prepared By: Finance Manager

Date: 18 March 2016

Subject: **Financial Report to 29 February 2016**

The following information is provided in respect of the overall Council finances for the eight months ended 29 February 2016.

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

A Statement of Comprehensive Revenue and Expense for the eight months to 29 February 2016 and a Statement of Financial Position as at 29 February 2016 are set out below.

#### Otago Regional Council Statement of Comprehensive Revenue and Expenses For the eight months to 29 February 2016

		Annual Budget 30 June 2016 \$000's	Budget February 2016 \$000's	Actual February 2016 \$000's	Variance February (unfav) \$000's
<b>Revenue:</b>					
Rate revenue		14,446	9,631	9,628	(3)
Government subsidies	Note 1	8,259	4,068	3,457	(611)
Other revenue	Note 2	4,482	2,964	2,428	(536)
Dividend income from Port Otago Ltd	Note 3	7,300	4,867	4,833	(34)
Interest revenue	Note 4	2,086	1,391	1,090	(301)
Rental income		1,101	734	728	(6)
Gain in value of investment Property	Note 5	310	-	-	-
Other gains/(losses)	Note 6	-	-	497	497
<b>Total Revenue</b>		<b>37,984</b>	<b>23,655</b>	<b>22,661</b>	<b>(994)</b>
<b>Less Expenses:</b>					
Operating expenses	Note 7	26,690	15,070	12,186	2,884
Employee benefits expense	Note 8	12,041	8,028	7,537	491
Finance costs		1	-	-	-
Depreciation expense		1,751	1,167	1,104	63
<b>Total Expenses</b>		<b>40,483</b>	<b>24,265</b>	<b>20,827</b>	<b>3,438</b>
<b>Surplus/(deficit)</b>		<b>(2,383)</b>	<b>(610)</b>	<b>1,834</b>	<b>2,444</b>
Income tax benefit		116	78	65	(13)
<b>Surplus/(deficit) after tax</b>		<b>(2,383)</b>	<b>(532)</b>	<b>1,899</b>	<b>2,431</b>

**Note 1 - Government Subsidies**

The Council receives subsidies from Government agencies on eligible expenditure. The level of subsidy income is therefore 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 \$611,000, the amount related to the transport activity is \$568,000, arising from the level of eligible expenditure being less than budget in the Public Passenger Transport project.

**Note 2 – Other Revenue**

The Other Revenue variance comprises favourable and unfavourable variances in project and overhead cost centres. The significant unfavourable project variances are largely in the external contracts and regulatory projects. In these projects, the level of revenue is directly related to the level of expenditure, and in all cases the expenditure and revenue levels are below budget. Further analysis will be undertaken to ensure that all billable fees earned but not invoiced by 29 February have been adequately provided for.

**Note 3 – Dividend Income from Port Otago Limited**

This variance reflects a change in the expected dividend profile whereby the portion of the 2015/2016 dividend that is expected to be declared and paid prior to 30 June 2016, has been decreased and added to the final dividend expected to be declared and paid subsequent to year end. The effect is to reduce the amount of revenue permitted to be reported in the current year by \$50,000.

**Note 4 - Interest Revenue**

Interest revenue shows an unfavourable variance of \$276,000 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 eight months to 29 February 2016, the average level of investments held was down on the estimate, and the average interest rate earned on investments was lower than budgeted.

**Note 5 - 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 29 February 2016.

**Note 6 - Other Gains/(losses)**

The gain of \$497,000 includes an increase in the fair value of the BNZ Managed Investment Portfolio for the period from 1 July 2015 to 29 February 2016 of \$409,000. Also included is a net \$88,000 gain on the disposal of surplus Council assets.

**Note 7 - Operating expenses**

Operating expenses are down \$2,884,000 on the budgeted amount of \$15,070,000, a variance of 19%.

This variance primarily relates to activity expenditure, a summary of which is included later in this report.

**Note 8 – 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 29 February 2016**

		29 February 2016 \$000's	30 June 2015 \$000's
<b>Current Assets</b>			
Cash and cash equivalents	Note 1	6,208	4,228
Other financial assets	Note 1	60,015	52,560
Receivables	Note 2	3,535	3,461
Other current assets		76	162
Inventories – stock and property held for sale		1,044	2,430
Dividends Receivable		833	-
		<b>71,711</b>	<b>62,841</b>
<b>Non-Current Assets</b>			
Operating assets		83,879	83,850
Intangible assets		1,702	1,553
Investment Property	Note 3	10,124	10,124
Deferred tax asset		166	98
Shares in Port Otago Ltd	Note 4	407,293	407,293
		<b>503,164</b>	<b>502,918</b>
<b>Total Assets</b>		<b>574,875</b>	<b>565,759</b>
<b>Current Liabilities</b>			
Trade payables and accrued charges		6,969	4,252
Employee entitlements		982	1,352
Revenue in advance	Note 5	4,869	-
		<b>12,820</b>	<b>5,604</b>
<b>Non-current Liabilities</b>		-	-
<b>Total Liabilities</b>		<b>12,820</b>	<b>5,604</b>
<b>Net Assets</b>		<b>562,055</b>	<b>560,155</b>
<b>Total Equity and Reserves</b>			
Public equity		<b>140,281</b>	<b>140,424</b>
<b>Reserves</b>			
Available-for-sale revaluation reserve	Note 4	387,293	387,293
Asset revaluation reserve	Note 3	8,063	8,063
Asset replacement reserve		3,889	4,865
Building reserve	Note 6	10,862	8,072
Emergency response reserve		3,844	3,739
Water management reserve		1,575	1,532
Kuriwao endowment reserve		6,248	6,167
		<b>421,774</b>	<b>419,731</b>
<b>Total Equity and Reserves</b>		<b>562,055</b>	<b>560,155</b>

**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 \$3,535,000 includes rates debtor balances of \$666,000 at 29 February 2016.

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 \$4,869,000 includes rates revenue of \$4,804,000. The annual rates assessments were issued in August 2015, and the revenue in advance amount reflects the portion of revenue attributable to the March 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 29 February 2016.

**2. Activity Expenditure Summary**

The following table reports the Activity Expenditure for the eight months to 29 February 2016.

Activity expenditure includes capital expenditure and internal charges.

The notes to the table identify the individual and/or groups of projects that significantly contribute to the overall variances in the activities.

The Eight Month Review to be reported to the next Finance and Corporate Committee meeting will report project financial information in greater detail, along with project non-financial information.

## Activity Expenditure Summary

		Annual Budget 30 June 2016 \$000's	Budget February 2016 \$000's	Actual February 2016 \$000's	Variance February (unfav) \$000's
<b>Environment</b>	Note 1				
Water		7,242	4,484	3,580	904
Air		440	276	236	40
Land		2,091	1,309	1,049	259
Rivers and Waterway Management		1,812	1,282	863	419
Environmental Incident Response		979	640	895	(254)
		<b>12,564</b>	<b>7,991</b>	<b>6,623</b>	<b>1,368</b>
<b>Community</b>	Note 2				
Democracy		1,375	910	924	(14)
Financial Contributions		734	490	459	31
Public Information and Awareness		1,934	1,205	1,357	(152)
		<b>4,043</b>	<b>2,605</b>	<b>2,740</b>	<b>(135)</b>
<b>Regulatory</b>	Note 3				
Policy Development		434	375	561	(186)
Consents and Compliance		3,361	2,195	1,717	478
Harbour Management		319	212	142	70
		<b>4,114</b>	<b>2,782</b>	<b>2,420</b>	<b>362</b>
<b>Flood Protection &amp; Control Works</b>	Note 4				
Leith Scheme		4,917	1,725	788	937
Taieri Schemes		2,061	1,232	806	426
Clutha Schemes		1,580	978	760	218
Other projects		350	197	109	88
		<b>8,908</b>	<b>4,132</b>	<b>2,463</b>	<b>1,669</b>
<b>Safety and Hazards</b>	Note 5				
Natural Hazards		1,623	945	833	112
Emergency Management		428	284	268	16
		<b>2,051</b>	<b>1,229</b>	<b>1,101</b>	<b>128</b>
<b>Transport</b>	Note 6				
Regional Land Trans Planning		123	81	69	12
Public Passenger Transport		14,040	7,024	5,754	1,270
		<b>14,163</b>	<b>7,105</b>	<b>5,823</b>	<b>1,282</b>
		<b>45,843</b>	<b>25,844</b>	<b>21,170</b>	<b>4,674</b>

The following notes identify the projects that have significantly contributed to the major overall activity variances.

**Note 1 - Environment**

The Water related projects with expenditure of \$3,580,000 are \$904,000 under-budget. The Regional Plan: Water and 1C plan implementation projects comprise the majority of the variance.

The Water SOE Monitoring project with expenditure of \$1,552,000 is \$352,000 over-budget.

The Rivers and Waterway Management projects are down \$419,000 (33%) on the budget of \$1,282,000 and the Land projects are down \$259,000 (20%) on the budget of \$1,309,000.

The Environmental Incident Response projects show a net over-expenditure of \$254,000 (40%) against a budget of \$640,000, with \$181,000 of the variance recorded in the Incident Prosecutions project. It is noted that income from the prosecutions project is also up on the budgeted level, by \$34,000.

**Note 2 – Community**

The Public Information and Awareness project includes favourable and unfavourable variances, however the major unfavourable variances are the Responses to Issues job, with a variance of \$229,000 (139%) against the budget of \$165,000 and the General Public Awareness job with a variance of \$110,000 (31%) against the budget of \$361,000.

**Note 3 - Regulatory**

The Resource Consent Application processing project and the Compliance Monitoring project both show favourable variances of \$200,000 (24%) and \$239,000 (24%) respectively, reflecting a lower level of activity from that budgeted.

The Regional Policy Statement project shows an unfavourable variance of \$186,000 (49%) against a budget of \$375,000.

**Note 4 – Flood Protection and Control Works**

The major single project in this activity, the Leith Scheme, shows a favourable variance of \$938,000 (54%) against the budget of \$1,725,000. A contributing factor in the favourable variance is contract costs coming in lower than provided for in the budget.

**Note 5 – Safety and Hazards**

The Natural Hazards project shows a favourable variance of \$161,000 (26%) against the budget of \$612,000 however the Flood Risk Management project shows an unfavourable variance of \$49,000 (15%) against the budget of \$333,000.

**Note 6 - Transport**

Within the Transport activity, the major project/project groups contributing to the overall favourable variance are the Dunedin Bus Contracts jobs with a variance of \$359,000 (9%) against a budget of \$3,886,000, the other Dunedin Passenger Transport jobs with a combined net favourable variance of \$637,000 (43%) against a budget of \$1,491,000, and the Total Mobility jobs with a variance of \$160,000 (19%) against a budget of \$824,000.

Included in the other Dunedin Passenger Transport jobs is a favourable variance of \$223,000 (81%) against a budget of \$274,000 in respect of the Dunedin Bus Hub.

**3. Recommendation**

That this report be received.

Nick Donnelly  
**Director Corporate Services**

**REPORT**

Document Id: A889596

Report Number: 2016/0706  
Prepared For: Council  
Prepared By: Director Corporate Services  
Date: 15 March 2016

Subject: **Documents signed under Council's seal March 2016**

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**1. Précis**

To inform the Council of delegations which have been exercised.

**2. Documents signed under the Council's Seal***Inspection Warrants:*

Appointment as enforcement officer under S177 Local Government Act 2002 for the purposes of exercising the functions, powers and duties pursuant to the Local Government Act 2002 and the Otago Regional Council Flood Protection Management Bylaws:

- Neville Craig Gardner
- Gary Edward La Hood
- Scott William Liddell
- Gary Michael Bayne
- Nineva Orlando Vaitupu

Appointment as enforcement officer under S177 Local Government Act 2002 for the purposes of exercising the functions, powers and duties pursuant to the Local Government Act 2002 and the Land Drainage Act 1908:

- Neville Craig Gardner
- Gary Edward La Hood
- Scott William Liddell
- Gary Michael Bayne
- Nineva Orlando Vaitupu

Appointment as enforcement officer under S371B of the Building Act 2004 for the purposes of exercising the functions and powers under the Building Act 2004:

- Stephen Andrew Smith
- Simon David Beardsmore
- Kevin Robert Allan
- David Duane Calvert
- Shane Douglas Pointon
- Richard Gray Lord

Appointment as authorised officer under S174 of the Local Government Act 2002 for the purposes of exercising the functions, powers and duties under the Local Government Act 2002 and the Building Act 2004:

- Stephen Andrew Smith
- Simon David Beardsmore
- Kevin Robert Allan
- David Duane Calvert



- Shane Douglas Pointon
- Richard Gray Lord

*Regional Plan: Water for Otago, operative on 1 March 2016*

- Plan Change 3C
- Regional Plan: Water as amended by Plan Change 3C

### **3. Recommendation**

That the report be noted.

Nick Donnelly  
**Director Corporate Services**

## **Report back from Councillors**

**Minutes of a meeting of the Combined Otago/Southland Regional Transport Committees held in the Clutha District Council Chamber, 1 Rosebank Terrace, Balclutha on Tuesday 8 March 2016 commencing at 10.35 am**

**Present**

**Otago Regional Transport Committee:**

**Cr Trevor Kempton** (ORC, Chair)  
**Cr Graeme Bell** (ORC, Deputy Chair)  
**Cr Hamish Anderson** (CDC)  
**Cr Barrie Wills** (CODC)  
**Cr Kate Wilson** (DCC)  
**Cr Alexa Forbes** (QLDC)  
**Mr Jim Harland** (NZTA)

**Southland Regional Transport Committee:**

**Chairman Ali Timms** (ES, Chair)  
**Cr Peter Jones** (ES)  
**Cr Brian Dillon** (SDC)  
**Mr Jim Harland** (NZTA)

**In attendance**

**Dr Deborah Lind** (QLDC)  
**Dr Jane Turnbull** (ORC)  
**Mr Fraser McRae** (ORC)  
**Mrs Janet Favel** (ORC, Minute taker)  
**Mr Chris Bopp** (CODC)  
**Mr Ian McCabe** (DCC)  
**Mr James Newton** (NZTA)  
**Mr Simon Underwood** (NZTA)  
**Mr Russell Hawkes** (ES)  
**Mr Russell Pearson** (ICC)  
**Insp Tania Baron** (NZ Police)  
**Mr Joe Bourque** (SDC)  
**Mr Murray Hasler** (CODC)

**1. Welcome**

Cr Ali Timms chaired the meeting and extended a welcome to those attending.

**2. Apologies**

**Cr Lindsay Thomas**  
**Cr Nicky Davis**  
**Cr Lyal Cocks**  
**Cr Guy Percival**  
**Mr Michael Voss**

The apologies were accepted on the motion of Crs Wilson and Dillon.

3. **Agenda – late item**

NZTA requested the addition of a late item to the agenda, being a request for endorsement of a new activity, Dunedin to Port Chalmers Safety Improvements, to be added to the Regional Land Transport Plan 2015-21. Dr Turnbull advised that the Committees needed to deal promptly with any request to vary the RLTP, and noted that the letter from Highways and Network Operations (HNO) had been received on Thursday 3 March and circulated to members.

Cr Wilson moved

Cr Bell seconded

*That the Dunedin to Port Chalmers Safety Improvements project be endorsed for addition to the 2015-21 RLTP.*

**Motion carried**

4. **Minutes**

The minutes of the Combined RTCs meeting held on 10 November 2015 were accepted on the motion of Crs Wilson and Wills.

5. **Matters arising from the meeting**

Item 6 visiting drivers – Cr Timms noted that NZTA was to discuss with NZ Police the matter of visiting drivers using GPS on rural roads, and asked if this discussion had taken place. Mr Harland advised that NZTA was looking at trip and risk information obtained by rental car companies. Telemetry provided information on speeds, and contracts held by drivers recorded doing extreme speeds had been cancelled.

Cr Wilson noted that GPS could direct drivers along low classification roads, and Cr Timms suggested that the Visiting Driver team investigate this issue. Mr Harland pointed out that roads were classified, and GPS systems should direct drivers to high category roads.

**Action: Cr Timms and Mr Harland to meet to discuss this issue.**

It was noted that attendance at RTC meetings was important, and travelling distance to venues was raised as an issue.

6. **Road safety influencing group** (Russell Hawkes, Report A251074)

Mr Hawkes noted the recommendation from the RAG that the Road Safety Influencing Group be given time to establish itself before the terms of reference were finalised. Once the Group was fully functional the potential for expanded membership and possible changes in industry representation would be considered to allow the Group to fully represent the combined regions.

Mr Hawkes advised that a meeting would be held soon. He noted that the Group was currently based in Southland, and it was considered desirable to keep the meetings there until the group was well established. WDC and DCC would be kept advised about the meetings.

There was concern that Real Journeys and Fonterra had not attended the first meeting. Mr Hawkes advised that they had good reasons for not attending, and were definitely interested in the Group's work.

Mr Harland considered it important to endorse the Group's Terms of Reference at the next RTC meeting.

**Action: Mr Hawkes to draft Road Safety Influencing Group Terms of Reference for presentation to the next meeting of the Combined RTCs.**

Cr Kempton commented that it would be useful to have DCC and WDC involved in the Group, noting that Dunedin was a substantial network hub.

Cr Jones moved

Cr Forbes seconded

*That the report be noted.*

**Motion carried**

7. **Cycling** (Jane Turnbull, Report 2016/0663)

The report noted that at their last meeting the RTCs had directed RAG to consider the relevant sections within the Otago Southland Regional Land Transport Programmes 2015-21 on cycling and how these fitted with work programmes. The following points were raised:

- NZTA to work with agencies in the wider setting of the Mayoral and CE Forums on how the RLTP was delivered.
- RTCs to liaise with Trusts to achieve better quality cycle trails.
- Essential to attract maintenance funding.
- Need to focus on safety of and access to cycle trails.
- Consider safety of combined walking/cycle ways.
- Need differentiated cycle lane for commuters.
- Need linkages between the existing trails.

**Action:**

1. **Mr Harland and the two RTC chairs to attend Mayoral Forum meetings to discuss the issues raised in relation to cycling.**
2. **RAG to organise consultation between the RTCs and the cycle trusts in the region and Nga Haerenga.**

Cr Forbes moved

Cr Kempton seconded

*That the Committees undertake Steps 1 and 2 above [report 2016/0663], in order to obtain a better fit between the strategic approach to cycling in the RLTP and the projects that will be put forward for the next National Land Transport Programme and beyond.*

**Motion carried**

8. **RLTP Programme Update** (Russell Hawkes, Report A250923)

The report provided information on maintenance and renewal programmes and the implementation of improvement projects included in the Otago Southland RLTP for 2015 to 2018. The Committees were requested to review progress with the various projects and identify any items they saw as needing to be addressed if the long-term goal and the objectives of the Otago Southland RLTPs were to be met.

Table 1 progress of improvement projects was discussed:

- STEDS project – current status was reinstated following discussion – included in ORC Draft Annual Plan.
- Edendale realignment has progressed.
- Pyramid Bridge Replacement – start date of physical work 2017 – combine indicative and business cases – relatively simple project.
- Southern Penguin Highway project – submission on behalf of Southland RTC.
- Invercargill Moto Rimu Safety Improvement – table shows 2016/17 – were given date mid 2015.
- Lindis crossing bridge – should be returned to the RLTP list of projects. It is a single lane bridge on a main tourist highway.

Cr Wilson suggested that it would be helpful for members of the public to have this report attached to the RLTP on line, to show and explain progress on improvements.

Mr Hawkes commented that it was anticipated that the 3 year programme funding would be spent. Mr Harland noted that regions were expected to complete the programme and expenditure by the end of the three years. Unders/overs were acceptable in the first two years.

Mr Hawkes explained that the figures in the tables did not include emergency works.

**Action: Mr Hawkes to consider extending Table 1 to allow for information on the inclusion of emergency works in the projects.**

- Beaumont Bridge replacement – noted construction had been brought forward two years. Mr Underwood explained that the strengthening works were part of a separate programme. There was a risk that the bridge would weaken long term, and it was not possible to predict when it would fail. It was on the NLTP for indicative business case next year.
- Frankton Flats – no dates given. Mr Hawkes explained that staff changes at QLDC had delayed provision of information.

Cr Timms commented that the business case process was frustrating for small projects. It would be good to see the two business case processes combined. Mr Harland explained that NZTA was encouraging a parallel, not linear, process, and if a project was simple, a simple statement would suffice. It would be useful to workshop nationally to ensure understanding of the process.

Cr Kempton moved  
Cr Wilson seconded

*That:*

1. *The Regional Transport Committees note the report and provide direction on any actions they require based on the information provided.*
2. *The updated progress tables be uploaded onto the Environment Southland and Otago Regional Council websites, with a link to the RLTP.*

**Motion carried**

9. **Stock Truck Effluent Strategy** (Jane Turnbull, Report 2016/0661)

The report proposed a strategy on stock truck effluent, to facilitate Otago Regional Council obtaining funding approval from NZ Transport Agency for the construction of further stock truck effluent disposal sites envisaged in the Otago Southland Regional Land Transport Plans 2015-21.

Dr Turnbull explained that NZTA required a regional strategy before funding could be approved. The strategy proposed covered the main points needed to minimise effluent on roads. She noted that some of the items in the actions table were national matters, that should be discussed at SIG (Special Interest Group) level.

The first priority site was Cromwell. It was noted that patterns of stock movement could change, and location of future sites would require to be reviewed annually. The suggested Omarama site would be discussed at the upcoming meeting with ECan.

Other points raised included:

- Clarify the wording of the clause “contracts between farmers, when delivering stock that are grazed off-farm, that encourage the farmer returning the stock to fill them up with water before transport”.
- Need discussion about how stock should be presented for safe transportation, for example offloading effluent into ponds when loading trucks.
- Transport companies in Southland provided space on their premises for disposal of effluent.
- The Police were not able to act on effluent disposal problems. Change Transport Act to define livestock effluent as a dangerous load?
- Industry has done a lot on the basis of good will, but pressure should remain on the Transport Act.
- Establish a user pays system using facilities like petrol cards. It was noted that if the proposed sites were approved, CODC would be paying for three sites.
- Rather than controlling effluent loss from trucks, RTCs should be encouraged to work together to offer depots with washing facilities.
- Seeing effluent as a valuable resource was too long a bow to draw to include in the pan-regional strategy. Farmers had to understand how to prepare stock for transport; and trucks had to have good containment and emptying facilities.
- Southland paid for capital work, maintenance and operation of STEDS. CODC sought a similar regional approach to maintenance and operations funding in Otago Region.
- Some routes, for safety or amenity reasons, should be treated as higher value.

- Strengthen legislation – prosecute transporters who don't use STEDS.
- Amend Action 1 in the "Next Steps" table to "Ask regional councils to consider the impact on the roading network ~~the Govt. to fund research into how to make effluent so valuable, best use is made of it, rather than disposing of it as waste.~~"
- The communication with the farming sector about what farmers should be doing should be done jointly by Otago and Southland Regions.

Cr Wilson moved

Cr Timms seconded

*That the Otago and Southland Regional Transport Committees:*

1. *approve the stock truck effluent strategy for the two regions, but delete Action 1 and clarify wording concerning farmers' contracts;*
2. *recommend that ORC and ES take the remaining actions identified in the Next Steps table and ask ORC to investigate the potential for spreading the funding of the operation and maintenance costs for STEDS fairly across the Region;;*
3. *request chairs to ask that this matter be added to the agenda for the meeting with ECan.*

**Motion carried**

The meeting adjourned at 12.20 pm and reconvened at 12.57 pm.

10. **Future of the Otago Southland collaboration** (Jane Turnbull, Report 2016/0664)

Cr Wilson considered that the collaboration had been successful, however WDC absences from meetings was a concern and she suggested that consideration be given to teleconferencing. She also felt that site visits to some major projects would be useful.

Cr Wills also considered the process had been successful, and he suggested that communication with ECan would be useful too. Cr Timms suggested that the ES and ORC RTCs meet say twice a year with ECan. This matter could be discussed at the meeting with ECan to be held on 15 March.

Mr Harland noted that NZTA supported the collaboration.

Cr Wilson moved

Cr Bell seconded

*That the Regional Transport Committees:*

1. *direct the combined Otago Southland Regional Advisory Group to consider how to enhance the present pan-regional cooperation in transport and build on its strengths, and to report back to the Committees' next meeting; and*
2. *provide specific direction to the Regional Advisory Group on any matters such as terms of reference for the Committees and/or the Regional Advisory Group, the latter's purpose,*



*or the feedback loops that should operate amongst the RAG, the two committees, and the organisations represented on the RAG and the committees.*

**Motion carried**

11. **Meeting venues**

Balclutha was considered to be a good central location for the combined meetings, and it would be useful to find out the reason for WDC's non attendance. Mr Hawkes noted travel time was a disadvantage for those at the ends of the two regions, and also suggested that meetings could be moved around the regions more. Cr Timms suggested that when councils appointed their representatives at the beginning of the triennium, they should also appoint alternates. It was **agreed** that the next meeting be held in Alexandra, and the meeting following that in Balclutha.

**Action: Cr Kempton to discuss meeting timings and locations with WDC.**

It was considered that the benefits of the meetings outweighed the travel concerns.

The Combined ES/ORC RTCs meeting closed at 1.07 pm.

**Chairperson**

### Actions from Otago/Southland RTCs meeting 8 March 2016

	Item	Responsible
1.	Discuss GPS issues for visiting drivers.	Cr Timms, Mr Harland
2.	Mr Hawkes to draft Road Safety Influencing Group Terms of Reference for presentation to the next meeting of the Combined RTCs.	Mr Hawkes
3.	Mr Harland and the two RTC chairs to attend Mayoral Forum meetings to discuss the issues raised in relation to cycling.	Mr Harland, Crs Timms and Kempton
4.	RAG to organise consultation between the RTCs and the cycle trusts in the region and Nga Haerenga.	RAG
5.	Mr Hawkes to consider extending Table 1 to allow for information on the inclusion of emergency works in the projects.	Mr Hawkes
6.	RLTP Programme update - The Regional Transport Committees provide direction on any actions they require based on the information provided.	All
7.	The updated progress tables be uploaded onto the Environment Southland and Otago Regional Council websites, with a link to the RLTP.	Mr Hawkes
8.	RAG to consider how to enhance the present pan-regional cooperation in transport and build on its strengths, and report back to the Committees' next meeting.	RAG

**Minutes of a meeting of the Otago Regional Transport Committee held in the  
Clutha District Council Chamber, 1 Rosebank Terrace, Balclutha  
on Tuesday 8 March 2016 commencing at 1.07 pm**

- Present**
- Cr Trevor Kempton (ORC, Chair)
  - Cr Graeme Bell (ORC, Deputy Chair)
  - Cr Hamish Anderson (CDC)
  - Cr Barrie Wills (CODC)
  - Cr Kate Wilson (DCC)
  - Cr Alexa Forbes (QLDC)
  - Mr Jim Harland (NZTA)
- In attendance**
- Dr Deborah Lind (QLDC)
  - Dr Jane Turnbull (ORC)
  - Mr Fraser McRae (ORC)
  - Mr Chris Bopp (CODC)
  - Mr Ian McCabe (DCC)
  - Mr James Newton (NZTA)
  - Mr Simon Underwood (NZTA)
  - Insp Tania Baron (NZ Police)
  - Mr Murray Hasler (CODC)
  - Mrs Janet Favel (ORC, Minute taker)
- Apologies**
- Cr Guy Percival (WDC)
  - Mr Michael Voss (WDC)
  - Cr Lyal Cocks (QLDC)

1. **Request to vary Otago RLTP - Safety Improvements.** (Jane Turnbull, Report 2016/0686)  
The report explained that NZ Transport Agency's Highway and Network Operations requested a new project be added to the Otago Regional Land Transport Plan 2015-21, to be carried out over three years, commencing this financial year. The project concerned safety improvements on SH88 between Dunedin and Port Chalmers. The committee needed to decide whether to make this variation to the RLTP. The RLTP variation process was explained, in order to enable the Otago Regional Transport Committee to consider the request.

Mr Underwood explained that this project had a lower priority than other projects in Otago, but it was within the Safe Roads Alliance six year programme. NZTA was considering what projects could be brought forward to further its aim of making roadsides safer.

The project was at the problem scoping stage, with consideration being given to better delineation and roadside barriers.

Dr Turnbull noted that there were two key questions: should this project be included in the RLTP; and did the project trigger the significance policy. If it did, consultation would be required.

It was noted that the project related to the 80 kmh, not the 50 kmh, areas.

Cr Wills noted the \$3m cost of the project, and asked if it could be included in the existing NLTP budget without displacing projects already in the RLTP. Mr Underwood explained that the business case was yet to be prepared, but he did not think this project would displace other projects.

Cr Wilson noted the risk of accidents with heavy use of the road by cruise ship passenger transport and freight, making it difficult for emergency services to access accidents. Mr Harland noted that the road had been identified as a high risk route.

Cr Wilson moved  
Cr Wills seconded

*That the Committee agree to vary the Regional Land Transport Plan 2015-21 by adding to Table Y the proposed activity set out in Attachment 1.*

**Motion carried**

Mr Underwood noted that very few private individuals would be affected by the project, and access to the shared path and to bus stops would not be affected. This was a minor project and it was planned to be delivered in this or the next RLTP. He did not consider it was significant. A question was raised as to whether the estimated cost of \$3m would trigger significance. Mr Underwood explained that the project had not been scoped yet so the cost was not known.

Cr Bell moved  
Cr Anderson seconded

*That this project did not breach the significance threshold and therefore would not require consultation.*

**Motion carried**

Mr Harland commented that priority 2 included a number of safety related projects, and it was appropriate for this project to be included in that category.

Cr Wilson moved  
Cr Wills seconded

*That the project be assessed as priority 2.*

**Motion carried**

Cr Wilson moved  
Cr Anderson seconded

*That the Committee recommend this variation to the Otago Regional Council for its consideration.*

**Motion carried**

The meeting closed at 1.30 pm.

**Chairperson**

**OTAGO REGIONAL COUNCIL****Minutes of a meeting of the Communications Committee held in the  
Council Chamber, 70 Stafford Street, Dunedin on  
Wednesday 9 March 2016 commencing at 1.04 pm**

**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 Bryan Scott**  
**Cr David Shepherd**  
**Cr Stephen Woodhead**

**In attendance:**

**Peter Bodeker**  
**Nick Donnelly**  
**Fraser McRae**  
**Gavin Palmer**  
**Scott MacLean**  
**Caroline Rowe**  
**Janet Favel**  
**Lauren McDonald**

**CONFIRMATION OF AGENDA**

There were no changes to the agenda.

**MINUTES**

The minutes of the meeting held on 27 January 2016, having been circulated, were adopted on the motion of Crs Bell and Croot.

**Matters arising from minutes**

There were no matters arising from the minutes.

## ITEMS FOR NOTING

### Item 1

2016/0622 **Stakeholder Engagement Report.** DSE, 23/2/16

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

It was agreed a workshop is to be held to assist Crs Woodhead and Robertson and Mr Bodeker to shape views in preparation for the first Rural Water Quality Stakeholder Group to be held on 21 April. The Terms of Reference would be presented to this meeting.

Mrs Rowe was to provide Councillors with a summary of the meetings already held with external stakeholders.

Mr McRae confirmed the publications for scientific work for the Lindis Catchment for 2008-2015 and the water quality information will be circulated to parties in that catchment area. In response to a concern raised, Mr McRae was to check who the reports had been circulated to. Councillors requested that this happen with urgency.

Mr Bodeker confirmed that a staff member is in attendance at the ORC Queenstown office for two days each week. Discussions were ongoing with QLDC to seek opportunities to share space in the QLDC offices.

Mrs Rowe confirmed invitations have been sent out for membership of the external Rural Water Advisory Group. ORC representatives were noted as Crs Woodhead and Robertson, and Mr Bodeker. Mr McRae confirmed this advisory group would act as both regional and national representatives.

Results of the 6A mediation are being worked on to be included in the Terms of Reference.

A Committee workshop was to be held to discuss the draft Terms of Reference and their distribution to the wider membership.

Cr Deaker moved  
Cr Bell seconded

*That the report be received.*

**Motion carried**

Councillors acknowledged the work of Nicola McGrouther during her 17 years with Council.

The meeting closed at 1.22 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 9 March 2016 commencing at 8:30am**

**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**  
**Cr Sam Neill**  
**Cr Gretchen Robertson**  
**Cr Bryan Scott**  
**Cr Stephen Woodhead**

**In attendance:**

**Peter Bodeker**  
**Nick Donnelly**  
**Fraser McRae**  
**Scott McLean**  
**Gavin Palmer**  
**Caroline Rowe**  
**Sharon Bodeker** (for Item 2)  
**Gerard Collings** (for Items 4 – 6)  
**Janet Favel**

**CONFIRMATION OF AGENDA**

There were no changes to the agenda.

**MINUTES**

Minutes of the public portion of the meeting held on 27 January 2016, having been circulated, were adopted on the motion of Crs Kelliher and Croot.

**Matters arising from minutes**

There were no matters arising from the minutes.

## PART A - PRESENTATION

### Item 1 Port Otago Ltd Interim Six Month Report

Deputy Chairman Paul Rea and Chief Executive Geoff Plunket, Port Otago Ltd, attended to present the group's Interim Report for the six months ended 31 December 2015. Mr Rea commented on the following results:

- Health and Safety – 3 Lost Time Injuries during the 6 months; total injury frequency rate 21 per million hours (35 per million last year); a health and safety governance board has been established.
- Group financial results - profit for period \$5.5m, the \$35.7m profit last year included sale of Lyttelton Port Company shares.
- Group financial position – equity ratio 83%, 81% last period.
- Interim dividend to ORC \$3.2m, full dividend \$7.3m, \$7.25m last year.
- Trade - 4% decrease due to lower imports and empty container volumes; export container volumes increased by 2%, decrease of 13% in conventional cargo, log exports down 16%.
- Cruise ships – 70 cruise vessels for season, 76 last year; 91 cruise ships confirmed for next season. Consideration was being given to preparations for the arrival of *Ovation of the Seas*, the largest cruise ship in the world, due in December.
- Staff – 314 permanent staff. Efficient work to reduce un/loading times was appreciated by shipping companies.
- Next Generation – stage 1 to deepen to 13.5m completed, stage 2, to 14m, to commence in March. The Port's own equipment was being used for this work which reduced costs considerably. Back Beach expansion completed, and the second warehouse at Sawyers Bay was close to completion.
- New barge has arrived, new tug due mid 2016.
- Chalmers Properties rental income slightly down because of the sale of a property in Auckland; 100% occupancy in Auckland and Dunedin property portfolios, average lease term 9.1 years; completion of Steel & Tube building in Fryatt Street, Dunedin, due end 2016; Hamilton industrial land – commenced stage 2, good progress with land sales.
- 2016 trading update - good volumes January-February, export growth projections remain positive, log exports forecast at 750 tonnes (10% lower than previous period).
- Outlook – exporters benefiting from lower fuel prices; Next Generation strategy providing ongoing benefits; Group is in strong financial position.

Mr Rea explained that the dividend was decided by the Board with the expectations of Council in mind. He considered that a constant dividend was in the best interests of both ORC and Port Otago. It was noted that the Statement of Corporate Intent showed a dividend policy of 50-70% of the Group's profit.

In response to a question Mr Rea advised that the Board considered that the mix of leasehold and full sale of land was appropriate, and noted that development accelerating the value of the underlying land was worthwhile.

In relation to further channel deepening, he explained that deepening to 14m was not time critical and this work could be done in a more measured and less expensive way.

Mr Plunket explained in response to a question about Te Rauone Beach that discussions were under way and the Board was committed to bringing this matter to a positive conclusion.

Favourable comment was made about the Steel & Tube development, and Mr Rea advised that this, like the Chep project, had a long lead time. The Group was committed to funding its next project. If a tenant wanted to freehold a property, that would be investigated, but the Board wished to keep some parts of leasehold portfolio.

In relation to a question about Health and Safety practices, Mr Rea commented that the Board was comfortable with the approach adopted, and considered it was aligned with the new legislation. The entire Board was on the Health and Safety Governance Group, and the Safety Committee operated across the whole port.

A question was raised about learnings from the straddle carrier accident in July. Mr Rea explained that the carrier had cornered at an excessive speed, which reinforced the importance of training and the use of alarm technology on the equipment. A real time speed monitoring system had been put in place.

## **PART B – RECOMMENDATIONS**

### **Item 2**

2016/0667 **Draft Annual Plan and Consultation Document.** DCS, 24/2/16

Manager Projects Sharon Bodeker was present for this item.

The report set out the proposed work programme for the 2016/17 year, along with estimated expenditure. The full Annual Plan and Consultation Documents were circulated separately with the agenda. Further explanatory notes in relation to fees and charges as circulated separately would also be included in the consultation document. The wording in the further notes in relation to septic tanks was to be clarified.

Mr Donnelly noted that the Consultation Document, not the full Annual Plan, would be put out for consultation, and noted that the key changes to the LTP would be highlighted. Hearings would commence on 16 May.

Councillors commended the Annual Plan and Consultation Document development process. While the percentage increase in general rates looked high, this was partly because ORC general rates were low and any increase percentage would appear high. The dollar amount in most cases was low.

Concern was expressed at the proposed \$986,000 increase in the general rate and the proposed \$1m increase in reserve expenditure. Comment was made that underspends on the agreed budget could mean that a proportion of the increase would not be spent. Proposed priorities were questioned, including regional signs and regional biodiversity, and whether rural water work including minimum flows should be a targeted not a general rate.

It was pointed out that ORC worked on behalf of the whole regional community and it was difficult to allocate costs relating to air, rivers and lakes. While a rate increase of 18% was not comfortable, it was necessary because of decisions made over a long period in the past, and new legislative requirements. Councillor Woodhead supported the Annual Plan and Consultation Document, and moved the recommendations attached to the report.

Councillors noted that Council in its Annual Plan had to listen and respond to the community, and also ensure that legislative responsibilities were met. Significant projects were proposed, but the community might not want them.

Further issues raised included concern about an 18% increase when inflation was at 1%; opportunities for spreading the intergenerational cost; and fundamental questions that local government should address, for example the non payment of some rates by the university.

Cr Shepherd proposed that the hearing committee comprise Crs Shepherd, Woodhead, Brown, Croot, Scott, Kelliher and Neill. This membership gave a good balance of urban and rural, and included the Chair of Council and the Chair of the Finance and Corporate Committee. It was noted that the Councillors who were involved in the RPS deliberations were not included. Hearings would begin on 16 May.

Cr Woodhead was happy to add these names to the recommendation.

Staff were congratulated on producing an easy to read document.

Cr Woodhead moved

Cr Kempton seconded

*That:*

- 1. the Draft Annual Plan be adopted as the information relied upon to support the consultation document, and that it be made available on council's web site.*
- 2. the consultation document be adopted for consultation purposes, subject to any minor editorial amendments.*
- 3. the changes to the Revenue Policy be adopted for consultation purposes.*
- 4. it is financially prudent to have an operating deficit in the 2016/17 year.*

5. *submissions on the consultation document close on 6 May 2016, and that hearings will be held during the week commencing 16 May 2016.*
6. *a Hearing subcommittee comprising Crs Shepherd, Woodhead, Brown, Croot, Kelliher, Neill and Scott be appointed.*

**Motion carried**

Item 3

2016/0672 **Castalia Report for the Lower Clutha and Taieri Flood and Drainage Schemes.** DCS, 26/2/16

The report presented the work undertaken by Castalia to complete an economic assessment of the public versus private benefits generated from flood and drainage schemes in the Taieri and Lower Clutha area. The Final Castalia Economic Assessment report was circulated with the agenda.

It was noted that the recommendations from the Castalia report were included in the Annual Plan.

Councillors were pleased that this independent report had been undertaken, and considered that it led to an equitable result.

One concern was raised that this report could set a precedent, with similar reports being requested for other schemes.

Cr Croot moved  
Cr Eckhoff seconded

1. *That the report be received.*
2. *That the Castalia Final Economic Report be received.*

**Motion carried**

Item 4

2016/0681 **ORC Head Office Accommodation.** DCS, 1/3/ 2016

Gerard Collings, Manager Support Services, was present for this item.

The report outlined the findings of an independent consultant on the long term accommodation needs for ORC and the further development options.

There was general agreement that the existing office premises at 70 Stafford Street were no longer fit for purpose, and Councillors were pleased with the proposal that the current premises would be vacated within three years. It was also noted that having Councillors separated from staff was not satisfactory. The existing reserve fund of \$12m was noted, and there could be a minor impact on rates.

It was suggested that the option of some staff working from home be investigated. A question was also raised as to whether their involvement in this process was a conflict of interest for Chalmers Properties.

Cr Croot moved  
Cr Kempton seconded

*That:*

- 1) *Council confirm its long term accommodation needs will not be met by its existing premises in Stafford Street, Dunedin; and*
- 2) *Council plan to vacate the existing premises within the next 3 years; and*
- 3) *Council include in its draft Annual Plan funding to allow for planning, design, and necessary statutory approvals for new or refurbished premises; and*
- 4) *Staff continue to work with Chalmers Properties Ltd to develop concepts for the sites identified in its initial review presented to Council workshop on 10 February 2016; and*
- 5) *Staff continue to work with Chalmers Properties Ltd to identify opportunities for potential reuse of existing buildings including options for heritage building reuse.*

**Motion carried**

Mr Bodeker thanked Councillors for their decision. He commented that Customer Services staff were frequently asked about new Council offices, and noted access and parking difficulties with the existing building. He would set up a staff group to work with the Executive Team on the requirements for new premises. In response to the suggestion about staff working from home, Mr Bodeker pointed out that unless video conferencing was available this would present a challenge to get all staff together.

Item 5

2016/0680 **Passenger Transport Regional Ticketing Update.** DCS, 1/3/16

Gerard Collings, Manager Support Services, was present for this item.

The report provided an update on recent developments relating to the development of a national programme for the delivery of public transport ticketing system/s in New Zealand, and explained that initial work had not been able to come up with a solution for a national ticketing system in the proposed timeframes.

Mr Collings explained that initial problems included getting all councils together, different council procurement timelines, and changes in technologies. Contingencies had now been put in place to develop a revised

timeline, and a road map had been prepared. There was still a lot of work to be done but all were now working together towards an end March completion.

To take best advantage of PTOM, integrated ticketing was needed to obtain data around SuperGold card usage, and when patrons got onto/off public transport. Individual council support was needed to make a national system work.

A question was asked as to whether this work jeopardised timelines on the bus hub, PTOM in Dunedin, and transferable ticketing. Mr Collings explained that Council had endorsed implementing those changes on the existing ticketing system.

Cr Woodhead moved  
Cr Robertson seconded

*That the Finance and Corporate Committee:*

1. *Receive this report.*
2. *Endorse the proposed partnership approach to development of a national ticketing programme.*
3. *Note that a roadmap for the national ticketing programme is expected to be recommended to agencies by the National Ticketing Board at the end of March 2016.*

**Motion carried**

Item 6  
2016/0678 **Passenger Transport Patronage Update.** DCS, 1/3/16

Gerard Collings, Manager Support Services, was present for this item.

The report provided an update on the declining patronage trends in recent years for the Otago region and throughout New Zealand.

Mr Collings advised in response to a question that it had always been understood that the route changes would result in some decline on the Mosgiel and southern services. There had also been significant decline in commercial services in Dunedin but the revenue line had not changed much. Fare increases had had a detrimental effect in the Wakatipu Basin, which indicated that the total commercial system was not in best interests of the public in Wakatipu.

Cr Croot moved  
Cr Robertson seconded

*That the report be received.*

**Motion carried**

Item 7

2016/0674 **Environmental Enhancement Fund.** DPPRM, 26/2/16

The report detailed the purpose and principles of the Environmental Enhancement Fund, and the process for allocating financial support to eligible projects.

Councillors commended the fund as a positive response to Annual Plan submissions, and commented favourably on the wide criteria for eligibility.

There was concern that giving delegation to the CEO to allocate the funds put him in an unfair position where there was a backlash in relation to funding approved. Comment was made that the total fund was small given the CEO's other delegations, and he could choose to set up a selection panel.

Comment was made that people submitting to the Annual Plan for funding for small environmental enhancement projects could be pointed to this fund for assistance.

Mr Bodeker suggested that people be encouraged to make applications to the fund at set periods outside the Annual Plan process. Some large projects might need to be consulted with the committee; with small projects, it would be good to be able to act quickly.

Cr Scott moved  
Cr Woodhead seconded

*That:*

- 1. the Finance and Corporate Committee endorse the purpose and principles of the Environmental Enhancement Fund, and the process for allocating financial support to eligible projects;*
- 2. Resourcing from the fund be delegated to the CEO who would include decisions as part of a quarterly report to Council. However significant projects will be brought by way of a report to the Finance and Corporate Committee for Council to make a decision.*

**Motion carried**



Item 8  
2016/0665 **Executive report.** DCS, 25/2/16

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

Cr Woodhead moved  
Cr Scott seconded

*That:*

(2) *this report be received.*

(3) *the payments and investments summarised in the table above and detailed in the tabled schedule, totalling \$2,559,472.77 be endorsed.*

**Motion carried**

## **PART C - EXCLUSION OF PUBLIC**

Cr Woodhead moved  
Cr Croot 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 9</i>	<i>Minutes of the In Committee portion of the Finance and Corporate Committee meeting held on 25 November 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>
<i>Item 10</i>	<i>Appointment of Port Otago Director</i>	<i>To protect the privacy of natural persons. S7(2)(a)</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.*

**Motion carried**

Following discussion of Items 9 and 10,

Cr Shepherd moved  
Cr Neill seconded

*That the meeting resume in open session.*

**Motion carried**

The meeting closed at 11.06 am

**Chairperson**

**OTAGO REGIONAL COUNCIL****Minutes of a meeting of the Policy Committee held in the  
Council Chamber, 70 Stafford Street, Dunedin on  
Wednesday 9 March 2016 commencing at 11.43 am**

**Present:**

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

**In attendance:**

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

**CONFIRMATION OF AGENDA**

There were no changes to the agenda.

**MINUTES**

The minutes of the meeting held on 26 January 2016, having been circulated, were adopted on the motion of Crs Deaker and Neill.

**Matters arising from minutes**

There were no matters arising from the minutes.

**FOR NOTING**

## Item 1

2016/0670 **Minimum flow and aquifer allocation work programme.**

DPPRP, 25/2/16

The report noted that the Long Term Plan set out ORC's work programme for setting minimum flow and aquifer allocation regimes, and summarised progress being made within the Water Plan work programme.

Mr McRae explained that senior staff had met to review the quantum of work to be done to set minimum flows and allocation regimes, and the report scheduled first, second and third priority work programmes. He noted that primarily biophysical, not cultural, characteristics of waterways were the basis for priority 2 and 3 catchment works, and work would progress more quickly. It would be necessary to go through a plan change process to bring this information into the Plan, and the work could be processed as a single plan change. The application of individual numbers would be used as consents were applied for.

Concern was expressed about the demand on staff to carry out this work. Mr McRae explained that the full statutory process for each waterway could take six months, and this report proposed a method to proceed with work more quickly than that. He noted the need to replace mining privileges as soon as possible, and hence the schedule for first, second and third priority work.

Cr Eckhoff entered the meeting at 11.54 am.

Mr McRae explained that rather than go through the community liaison value/minimum flow setting process, a more simplified residual flow process was proposed which would take effect at the same time as the replacement of mining privileges process. It would still be necessary to meet with the community at some point.

In response to a question Mr McRae explained that the fundamental driver was the expiry of mining privileges. He also noted that a minimum flow did not need to be established for rivers which had only one consent.

Mr McRae further explained that where a minimum flow had not been completed, a holder of a mining privilege could convert to a resource consent and the consent would have a condition that there would be a review of the consent when the minimum flow was imposed.

Concern with the priority detail was expressed, and the point was made that the key areas should be the over-allocated, water short rivers that needed the most work. It was proposed that the Clutha tributaries should be considered before a minimum flow was set for the main stem. The

outcome of minimum flow work on the tributaries could be that the Clutha was the only option left to irrigators.

Cr Kelliher moved an amendment  
Cr Eckhoff seconded

*That the Clutha main stem item be moved to priority 3.*

It was suggested that another workshop be held to clarify to Councillors the detail of how this work might fit from a science perspective, which could help understand Cr Kelliher's concerns. An understanding of the difference between minimum and residual flows would also be helpful. The suggestion was made that the report be received, and reviewed when more detail was available.

Mr McRae explained that the full ecological values of the Clutha needed to be understood, which was the reason for putting the river into Priority 1. That work needed to be done before the minimum flow could be determined. He did not see a reason to stop that work.

A comment was made that a situation where a consent would be approved with a condition that a minimum flow was to be applied was not acceptable from an economic development point of view, and the minimum flow should be applied before the consent was approved. Mr McRae explained that the consent before minimum flow process was the driver behind the Lindis situation so that landholders could make investment decisions.

Comment was made that the scale of the Clutha was such that there was no threat to the river in terms of over extraction unless a major take application was lodged. The fishery was unchanged over many years. The buffer was significant and starting work on the minimum flow prior to completing work on the other tributaries was better knowing the fallback position of the Clutha.

Cr Deaker suggested that the motion and the amendment lie on the table and be presented to a subsequent meeting after the issues had been workshopped. Cr Shepherd supported this motion.

Cr Deaker moved  
Cr Eckhoff seconded

*That the motion and amendment lie on the table until after a workshop.*

The motion was put by division:

For: Crs Bell, Croot, Deaker, Kelliher, Kempton, Scott, Shepherd,  
Woodhead

Against: Crs Brown, Eckhoff, Neill, Robertson

**The motion was carried**

## Item 2

2016/0689 **Further submission on DCC 2<sup>nd</sup> Generation District Plan.**  
DPPRP, 4/3/16

The report noted that further submissions were lodged, on Council's behalf, on submissions made on the Dunedin City Council's Proposed 2<sup>nd</sup> Generation District Plan. The submissions were appended to the report for Council's endorsement

Cr Scott moved  
Cr Woodhead seconded

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

**Motion carried**

## Item 3

2016/0659 **Director's Report.** DPPRP, 26/2/16

The report gave an overview of significant activities undertaken by the Policy section since the last meeting of the Policy Committee. A submission on the LGNZ Blue Skies Resource Management Submission was circulated with the agenda. Comment was made that the document was insightful and interesting to read.

Cr Scott moved  
Cr Deaker seconded

*That the report be noted.*

**Motion carried**

The meeting closed at 12.32 pm.

**Chairperson**

**OTAGO REGIONAL COUNCIL****Minutes of the Regulatory Committee held in the  
Council Chamber, 70 Stafford Street, Dunedin on  
Wednesday 9 March 2016 commencing at 1.24 pm**

**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 Bryan Scott**  
**Cr David Shepherd**  
**Cr Stephen Woodhead**

**In attendance:**

**Peter Bodeker**  
**Nick Donnelly**  
**Fraser McRae**  
**Gavin Palmer**  
**Scott MacLean**  
**Caroline Rowe**  
**Janet Favel**  
**Lauren McDonald**  
**Suzanne Watt**

**CONFIRMATION OF AGENDA**

There were no changes to the agenda.

**MINUTES**

The minutes of the meeting held on 27 January 2016, having been circulated, were adopted on the motion of Crs Croot and Eckhoff

**Matters arising from minutes**

There were no matters arising from the minutes.

**ITEMS FOR NOTING**

Item 1

2016/0623 **Biosecurity and RMA Monitoring Report.** DEMO, 23/2/16

The report detailed water, air, pest, and contaminated site environmental monitoring and incidents for the period 19 December 2015 to 19 February 2016.

Mr MacLean confirmed progress was still being made on water metering compliance.

Mr MacLean updated Councillors on a Ministry for Primary Industries (MPI) biosecurity response to a reported sighting of the pest weed Velvetleaf in the Tarras area this week. Mr MacLean confirmed Council staff visited the site on 9 March. Council staff had attended the Strath Taieri A&P Show and would attend the Wanaka A&P Show this month also. Councillors noted their appreciation of staff efforts to date on this matter.

A question was raised in regard to lake snow in Lake Wanaka. Mr MacLean confirmed lake snow is a water borne microbe which may have caused problems blocking the town's water supply filters. Causes of lake snow were not widely understood.

Mr Bodeker confirmed it is a Council role to monitor these iconic lakes and Annual Plan submissions received contain a large expectation of research and development activity by this Council for Lake Wanaka. Mr Bodeker advised he intended to invite Guardians of Lake Wanaka to attend a meeting to discuss the ORC role.

It was agreed clarification is required from Minister Louise Upston's office on the legislation (terms) for the Guardians of Lake Wanaka. It was noted that the Minister had previously confirmed a review of the legislation was in place for the Guardians of Lake Wanaka. It was agreed discussions should be held once a clear direction had been given from the Minister's office.

Councillors were advised that the University of Otago has been successful in obtaining funding for research on integrated catchment management, and 35 research departments will be participating. This was seen as an opportunity to align the community's desires for research with the planned work being undertaken by the University on selected lakes. It was understood the research work is to be launched in April.



Cr Robertson moved  
Cr Scott seconded

*That the report be received*

**Motion carried**

Item 2  
2016/0668

**Consent processing, consent administration and Building Control Authority update 11 January to 19 February 2016, DPPRM, 23/2/16**

The report detailed consent processing, consent administration and building control authority activity for the period 11/1/16 to 19/2/16.

Cr Woodhead moved  
Cr Scott seconded

*That the report be received*

**Motion carried**

Item 3  
2016/0644

**RMA, Biosecurity Act and Building Act Enforcement Activities, DPPRM, 22/2/16**

The report detailed Resource Management Act 1991, Biosecurity Act 1992 and Building Act 2004 enforcement activities undertaken by the Otago Regional Council for the period of 9 January to 19 February 2016.

Cr Croot moved  
Cr Robertson seconded

*That the report be received*

**Motion carried**

Item 4  
2016/0669

**Progress Report on Implementation of Rural Policy Water Plan Change 1C, DPPRM, 25/2/16**

The report noted progress on Project 1C implementation of the Rural Policy Water policies.

Cr Croot moved  
Cr Robertson seconded

*That the report be received*

**Motion carried**

There was discussion on distribution of a user manual for deemed permit holders. Mr McRae confirmed the manual will include a step by step process for consent replacement. The intention is to promote early processing with permit holders to encourage action on deemed permits and ensure applications are received at least six months prior to expiry date of the permit. Ms Rowe confirmed information would be distributed to all deemed permit holders.

The meeting closed at 1:44pm

**Chairperson**

**OTAGO REGIONAL COUNCIL****Minutes of a meeting of the Technical Committee held  
in the Council Chamber, 70 Stafford Street, Dunedin  
on Wednesday 9 March 2016 commencing at 11.15 am**

**Present:**

**Cr Bryan Scott** (Chairperson)  
**Cr Doug Brown** (Deputy 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**

**In attendance:**

**Peter Bodeker**  
**Gavin Palmer**  
**Fraser McRae**  
**Nick Donnelly**  
**Caroline Rowe**  
**Scott MacLean**  
**Dean Olsen**  
**Janet Favel**  
**Lauren McDonald**

**CONFIRMATION OF AGENDA**

There were no changes to the agenda.

**MINUTES**

The minutes of the meeting held on 27 January 2016, having been circulated, were adopted on the motion of Crs Scott and Robertson.

**Matters arising from minutes**

There were no matters arising from the minutes.

**ITEMS FOR NOTING**

## Item 1

2015/1027 **Management Flows for Aquatic Ecosystems in Kaihiku Stream, DEHS, 25/2/16**

Cr Scott summarised the report.

Water resources are under pressure in the Kaihiku Stream at present which has not traditionally been identified as having a water quantity issue.

Dr Palmer confirmed the Kaihiku Stream is not in the minimum flow programme at the moment and that there are some legacy issues from the Instream Flow Instrumental Method (IFIM) work undertaken in 2009 (projects yet to be undertaken).

Dr Olsen confirmed the value of this technical work is not only for minimum flows but also to inform consenting.

Cr Croot moved  
Cr Woodhead seconded

*That the report be received*

**Motion carried**

## Item 2

2016/0621 **Director's Report on Progress, DEHS 2/3/16**

It was commented that Crs Shepherd, Wood and Scott attended a public consultation meeting on the evening of 8 March at Strath Taieri to brief the community on the draft river management strategy.

Cr Woodhead sought interest to enter the Leith Flood Protection Scheme for an LGNZ award for infrastructure as part of the River Awards this year.

Question raised in regard to the Manuherikia, Falls Dam seeking the legal status of the water behind the dam.

*Cr Kelliher left the meeting at 11:38am*

Mr McRae advised a dam on a river with an RMA consent with conditions could require the discharge of water to maintain minimum flow. In a turkey nest dam (not in the bed of a river) is considered an artificial water body and is not defined as water and should not have a condition requiring release of water to maintain a minimum flow in the source river.

*Cr Kelliher returned to the meeting at 11:40am and moved his chair back from the table.*

Cr Croot moved  
Cr Woodhead seconded

*That the report be noted*

**Motion carried**

The meeting closed at 11.42 am

**Chairperson**