

Otago Regional Council meeting 7 December 2016

Attached is the agenda for the next Council meeting of the Otago Regional Council, which is to be held on Wednesday 7 December 2016, 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 Council to be held
in the Council Chamber, 70 Stafford Street, Dunedin on
Wednesday 7 December 2016, commencing at 9:00 am**

Membership:

- Cr Stephen Woodhead (Chairperson)
- Cr Gretchen Robertson (Deputy Chairperson)
- Cr Graeme Bell
- Cr Doug Brown
- Cr Michael Deaker
- Cr Carmen Hope
- Cr Trevor Kempton
- Cr Michael Laws
- Cr Maggie Lawton
- Cr Sam Neill
- Cr Andrew Noone
- Cr Bryan Scott

Apologies:

Leave of Absence: Cr Trevor Kempton

In attendance:

Please note that there is an embargo on agenda items until 8:30am on Monday 5 December 2016.

CONFIRMATION OF AGENDA

CONFLICT OF INTEREST

PUBLIC FORUM

Bus Go Dunedin, presentation of a petition on behalf of residents in regard to the services of the Belleknowes, City Rise and Waverley route.

MINUTES

The minutes of the public portion of the meeting of Council held on 2 November 2016, having been circulated, for adoption.

The minutes of the Extraordinary meeting of Council held on 23 November 2016, having been circulated, for adoption.

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MATTERS ARISING FROM THE MINUTES

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

- Item 1 12 - 14
2016/1178 Chairperson’s report. Chair, 30/11/16
 Providing an overview of the Chairperson’s activities for the period to 30 November 2016.
- Item 2 15- 21
2016/1181 Chief Executive’s Report, CE, 1/12/16
 Providing an overview of the Chief Executive’s activities for the period to 1 December 2016.

PART B – RECOMMENDATIONS

- Item 3 22- 24
2016/1182 Standing Orders and Code of Conduct, DCS, 30/11/16
 The report recommends for adoption by Council the Standing Orders and Code of Conduct.
 The ORC Standing Orders and Code of Conduct are circulated separately with the agenda.
- Item 4 25 - 43
2016/1183 Committee Terms of Reference DCS, 1/12/16
 The Committee Structure was agreed at the 2 November Council meeting, and the Terms of Reference are now placed before Council for approval, together with the proposed Terms of Reference for other Committees and Subcommittees in the structure.
- Item 5 44 - 47
2016/1179 Council Appointments, Chair, 30/11/16
 The Chair’s report proposes the committee structure, membership and appointments for the new Council term.
- Item 6 48 - 78
2016/1134 Delegations under the Resource Management Act 1991, Soil and Rivers Control Act 1941, Crown Minerals Act 1991, Building Act 2004, Marine Transport Act 1994, Local Government Act 2002, Biosecurity Act 1993, Civil Defence Emergency Management Act 2002, Land Transport Management Act 2003, Regional Plan: Water for Otago, Measurement of Reporting of Water Takes, Council’s Bylaws and other enactments, CE, 28/11/16

The report outlines the schedule of delegations for approved by Council.

PART C – ITEMS FOR NOTING

- | | |
|---|---------|
| Item 7 | 79 |
| <p>2016/1185 4 month review to 31 October 2016, DCS, 1/12/16</p> <p>The report summarises the formal review of progress on all projects undertaken at four, eight and twelve months.</p> <p>The full report entitled “4 Month Review to 31 October 2016” is circulated separately with the agenda.</p> | |
| Item 8 | 80 - 83 |
| <p>2016/1114 Financial Report to 31 October 2016, DCS, 29/11/16</p> <p>The report provides information in respect of the overall Council finances for the four months ended 31 October 2016.</p> | |
| Item 9 | 84 |
| <p>Report back from Councillors</p> | |

PART D – MINUTES OF MEETINGS

- | | |
|---|----------|
| Item 10 | 85 - 90 |
| <p>Recommendations of the Regulatory Committee meeting held on 23 November 2016, for adoption</p> | |
| Item 11 | 91-94 |
| <p>Recommendations of the Technical Committee meeting held on 23 November 2016, for adoption</p> | |
| Item 12 | 95 - 97 |
| <p>Recommendations of the Policy Committee meeting held on 23 November 2016, for adoption</p> | |
| Item 13 | 98- 101 |
| <p>Recommendations of the Finance and Corporate Committee meeting held on 23 November 2016, for adoption</p> | |
| Item 14 | 102- 106 |
| <p>Recommendations of the Communications Committee meeting held on 23 November 2016, for adoption</p> | |

PART E - RESOLUTION TO EXCLUDE THE PUBLIC

I move that the public be excluded from the following parts of the proceedings of this meeting, namely:

Item 15
2016/117 Port Otago Limited Annual Shareholders Meeting

Item 16
2016/1184 Wakatipu Public Transport – Network Review

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
Item 15 Port Otago Limited Annual Shareholders Meeting	protect the privacy of natural persons, including that of deceased natural persons. Section 7 (2)(a)	Section 48(1)(a)
Item 16 Wakatipu Public Transport Network Review -	enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). Section 7 (2)(i)	Section 48(1)(a)

This resolution is made in reliance on [section 48\(1\)\(a\)](#) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by [section 6](#) or [section 7](#) of that Act or [section 6](#) or [section 7](#) or [section 9](#) of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as follows:

Item 15 protect the privacy of natural persons, including that of deceased natural persons. Section 7 (2)(a)

Item 16 enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). Section (2)(i)

OTAGO REGIONAL COUNCIL

Minutes of an ordinary meeting of Council held in the Council Chamber, 70 Stafford Street, Dunedin on Wednesday 2 November 2016, commencing at 9:00 am

Membership:

Cr Stephen Woodhead (Chairperson)
 Cr Gretchen Robertson (Deputy Chairperson)
 Cr Graeme Bell
 Cr Doug Brown
 Cr Michael Deaker
 Cr Carmen Hope
 Cr Trevor Kempton
 Cr Michael Laws
 Cr Maggie Lawton
 Cr Sam Neill
 Cr Andrew Noone
 Cr Bryan Scott

Apologies: Cr Brown for lateness

In attendance:

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

Cr Woodhead welcomed attendees to the meeting.

CONFIRMATION OF AGENDA

The agenda was confirmed as circulated.

CONFLICT OF INTEREST

No conflicts of interest were noted.

PUBLIC FORUM

No public forum was held

MINUTES

The minutes of the public portion of the meeting of Council held on 26 October 2016, having been circulated, were accepted on the motion of Crs Scott and Noone.

Matters arising from the minutes

There were no matters arising from the minutes.

Item 1

2016/1113 **Committee Structure and Purpose.** Chair, 28/10/16

The Chair's report outlined the proposed the committee structure and membership for the new Council term.

Cr Woodhead led discussion on the paper. He confirmed the feedback he had received from Councillors on the proposed structure and advised that the paper did not cover the complete suite of councillor responsibilities or all the sub committees. The Terms of Reference for Committees would come to the first round of Committee meetings in November for confirmation of the role of the Committee Chair, Deputy Chair and the work programme would be defined.

It was agreed the wording in the purpose statement for the Policy Committee should be reordered to read: strategies, policies then plans, which correctly reflected the order of importance. Mr Bodeker confirmed this wording change would be completed.

Cr Lawton questioned the name of Technical committee. Cr Woodhead advised that the name occurred due an amalgamation of two committees and fairly reflected the role of this committee. Cr Lawton advised she accepted the explanation and reason for the Committee name.

Cr Brown entered the room at 9:09am.

In response to a question Cr Woodhead summarised the process for reports to the Committees and Council. He advised that the Chief Executive was the point of contact for agenda items that a committee member may wish to submit.

Cr Woodhead confirmed the role of the Committee Deputy Chair role was a support role and to act in place of the Committee Chair, in their absence. He commented that his hope would be for the Committee Chair and the Deputy Committee Chair to be involved and included in the work of the committee and have direct dialogue with the relevant director.

In response to a question Cr Woodhead confirmed that the Regulatory Committee has two directorates reporting to this Committee, being Mr McRae, as Director of Policy Planning and Resource Management and Mr MacLean, as Director of Environmental Monitoring and Operations.

Discussion was held as to whether the Long Term Plan and Annual Plan should be under the Finance and Corporate Committee or through the Policy Committee, as the strategy committee of council, or directly by Council.

Cr Woodhead advised that on review, as Chair, he was comfortable where the LTP and Annual Plan sat as part of the package under the Finance and Corporate Committee.

Cr Deaker requested that Cr Woodhead consider an amendment by addendum that the recommendation include that the structure of committees and their names be reviewed in June 2017.

Moved Cr Deaker
Seconded Cr Laws

That the committee structure, purpose and membership as set out in the Chairperson's report be adopted and a review of the structure and committee names is held in June 2017.

A division was called.

For: Crs Bell, Brown, Deaker, Hope, Kempton, Laws, Lawton, Noone, Robertson, Scott and Woodhead
Against: Cr Neill

Motion carried.

Item 2

2016/1111 **Elected Member Remuneration and Expenses.** DCS, 28/10/16

The report outlined the criteria and determinations of the Remuneration Authority to date as it affects the Otago Regional Council, and provided detail of the expense policy currently in place and recommendations for endorsement.

Cr Woodhead confirmed the Remuneration Authority process for Council in setting the structure for next triennium and that this was completed in the previous triennium (2013 – 2016). He advised that this was done to assist prompter decisions at the commencement of the new triennium.

Mr Donnelly provided details around the Reumeration Authority's approved remuneration and expenses for ORC. He advised that any changes would require Council to go back to the Remuneration Authority to receive their determination and approval of the change.

Cr Woodhead advised that the Regional Transport Committee Chair role has changed over the previous triennium with an increased workload in regard to collaborating with Otago and Southland committees, the South Island group activities and the Queenstown Transport Governance Group. He advised this would result in a busy triennium and potentially a heavier workload in line with other Committee Chairs and therefore the remuneration for this role needed further consideration.

Crs Kempton and Scott left the room at 9:50am to allow discussion.

Discussion was held on the remuneration level for the Committee Chairs and Chair of the Regional Transport Committee as separate roles.

Mr Donnelly confirmed that Council would need to submit an explanation to the Remuneration Authority on what the Committee Chair and RTC Chairs specific and separate roles were to warrant additional the duties payments sought. The Remuneration Authority would then provide their decision.

Mr Donnelly was requested to provide the amended structure details to the Remuneration Authority and to provide an outline of the roles of the Committee Chairs and the Chair of the Regional Transport Committee.

Cr Woodhead confirmed that the Committee Chair and Deputy Chair payment structure remained unchanged as detailed in the report and that the Chair of the RTC would receive the same salary as the Committee Chairs.

Moved Cr Woodhead
Seconded Cr Brown

- a) That this report be received.*
- b) That the salary and fees structure as amended are noted.*
- c) That the expenses, reimbursements and allowances are noted.*

Motioned carried.

Cr Scott and Kempton returned to the room at 10:29am.

The meeting was declared closed at 10:30am.

Chairperson

OTAGO REGIONAL COUNCIL**Minutes of an Extraordinary meeting of Council held
in the Council Chamber, 70 Stafford Street, Dunedin on
Wednesday 23 November 2016 commencing at 9:00 am**

Membership: Cr Stephen Woodhead (Chairperson)
Cr Gretchen Robertson (Deputy Chairperson)
Cr Graeme Bell
Cr Doug Brown
Cr Michael Deaker
Cr Carmen Hope
Cr Trevor Kempton
Cr Michael Laws
Cr Maggie Lawton
Cr Sam Neill
Cr Andrew Noone
Cr Bryan Scott

Cr Woodhead welcomed councillors and staff to the meeting.

Apologies: No apologies were received.

In attendance: Peter Bodeker
Nick Donnelly
Gavin Palmer
Fraser McRae
Caroline Rowe
Scott MacLean
Lauren McDonald
Jane Turnbull

Leave of Absence: Request for Leave of Absence for Cr Kempton was received by the Chairman and approved on the motion of Crs Woodhead and Bell.

CONFIRMATION OF AGENDA

The agenda was confirmed as circulated.

CONFLICT OF INTEREST

No conflicts of interest were advised.

PUBLIC FORUM

No public forum held.

PART A - RECOMMENDATIONS

2016/1129 Otago Regional Transport Committee Terms of Reference and Membership, DPPRM8/11/16

The Terms of Reference and membership of the Otago Regional Transport Committee for the 2016-2019 triennium were presented to Council, for adoption.

Cr Woodhead confirmed that membership nominations from the district councils were provided to the ORC for approval and the membership and Terms of Reference were required to be in place before the first scheduled meeting of the Regional Land Transport Committee may occur.

Cr Woodhead advised that the next schedule meeting was in place for 1 December 2016 and was the reason for the extraordinary council meeting to allow the membership and terms of reference to be approved as it is the ORC's legal responsibility responsibility for this to be in place.

Moved Cr Scott
Seconded Cr Brown

That Council:

1. *adopts the Terms of Reference in Attachment 1 for the Otago Regional Transport Committee, including the Terms of Reference for an Otago Southland [Regional] Technical Advisory Group; and*
2. *appoints the following members to this Otago Regional Transport Committee:*

<i>to represent Clutha District Council</i>	<i>Cr Bruce Graham</i>
<i>to represent Central Otago District Council</i>	<i>Cr Barrie Wills</i>
<i>to represent Dunedin City Council</i>	<i>Cr Kate Wilson</i>
<i>to represent Queenstown Lakes District Council</i>	<i>Cr Alexa Forbes</i>
<i>to represent Waitaki District Council</i>	<i>Cr Guy Percival</i>
<i>to represent New Zealand Transport Agency</i>	<i>Mr Jim Harland</i>
3. *Note that the Council has already appointed Cr Kempton as Chair of the Otago Regional Transport Committee and Cr Bell as Deputy Chair.*

Motion carried

The meeting was declared closed at 9.08am.

Chairperson

REPORT

Document Id: A959971

Report Number: 2016/1178
Prepared For: Council
Prepared By: Cr Woodhead - Chairperson
Date: 30 November 2016

Subject: **Chairperson's Report - December 2016**

1. Mayoral Forum

Hosted by Central Otago District, we received an update from the Southern District Health Board Commissioners, Kathy Grant, Graham Crombie and Richard Thomson. The challenges of allocating resources to ensure primary, secondary and tertiary care is available to the southern South Island were explained. Commissioners are focused on having a balanced budget by 2019/20, aiming at clinical and financial sustainability.

The Chief Executives' forum has concluded a high level s17A review of 27 regional activity groups, and recommended priorities for next steps. As part of that process, last triennium it was agreed that early 2017 the forum would review the Otago Museum agreement; the chief executives are going to bring the scope of this work to the next meeting. A general discussion occurred on a reviewed triennial agreement which will be brought to the next forum.

2. Regional Sector Group

Doug Leeder, Chairman of Bay of Plenty Regional Council, was elected chair of RSG with Rachel Reese, Mayor of Nelson as deputy.

Hon Nick Smith updated on key work streams. A discussion document on the next set of amendments to the NPSFM will now be out early 2017. The Maōri Party has reached an agreement with Hon Nick Smith to support the Resource Legislation Amendment Bill through the House. Some of the changes requested or supported by regional councils have support at this stage; they include the requirement to manage the risk associated with natural hazards, giving councils the ability to charge for monitoring permitted activities in an NES, and allowing council rules to be more lenient than an NES.

Consultation will take place later this year on the changes to the NPSFM.

A discussion document for amendments to the NES for Air Quality is due the first quarter of 2017. The evidence points to greater harm from PM2.5 than PM10 particles, and to long term exposure rather than the number of peaks. It is not good policy to have different standards across regional councils for log burners. A standardised approach is being explored; there won't be substantial change from Canterbury's approach.

Environmental Reporting and Monitoring project – it was agreed to fund the necessary work for a Recreational Bathing module on the LAWA site.

Malcolm Alexander Chief Executive LGNZ, Greg Campbell Chief Executive Greater Wellington Regional Council, and I briefed the sector on a recent visit with Hon Simon Bridges re SuperGold. We made it clear that there will be no ratepayer funding of SuperGold. Greg advised that 2017/18 will be a problem and the Minister will need to take this back to Cabinet.

The Minister wants proof that efficiencies are being delivered; SuperGold to be integrated into PTOM; and where there are savings, that they are socialised.

Hugh Logan, new Chair of the Land and Water Forum (LAWF), briefed RSG on current work programme. In March 2017 they will be reporting to Government on how the implementation of NPSFM is going, and advising how many more NOF standards are essential. The rest of 2017 will be taken up with assessing possible policy changes needed in the future to improve freshwater management. The big challenges for water quality are sediment and urban pollutants, particularly zinc and copper.

A report by Environmental Defence Society on compliance and enforcement activities of Councils is due in the New Year.

3. Mana to Mana

Councillors Robertson and Deaker, Mr Donnelly and I met with Edward and Matapura Ellison. We confirmed the current arrangements with respect to Te Roopu Taiao are meeting Iwi needs. There was some thought that a focus on the first year of a triennium to cement a relationship would allow a move to an annual meeting the following two years.

The working relationship between Kia Tahu ki Otago (KTKO) and Te Ao Marama Inc (TAMI) is working very well. This is going to allow more opportunities for collaborative work programmes such as on the Clutha River minimum flow work, rivers of shared interest in Central Otago and the Coastal Plan.

How to efficiently achieve the opportunity and need to get Rūnanga involvement with various groups as they work through the mining permits process was discussed.

The Ngai Tahu Waitangi Day celebrations are at Otakou in February. We have proposed a joint Otago Southland Hui and Mayoral Forum on 7 February.

4. Cosy Homes Charitable Trust

Mayor Cull, Trust Chairperson, has written to ORC to invite us to consider appointing a Trustee to replace Mr Donaldson.

This Trust is entering its second year of operation; it educates residents on healthy, warm homes and how to achieve them. The work includes connecting residents to resources available to meet their goals, including financing, subsidies or free services in the community, as well as advice on products and services. While in the first year it appears the work has primarily been focused on Dunedin, the Trust has been set up as a Regional Trust and has attended expos in Oamaru and Alexandra. The Trust Deed has a place allocated for a trustee representing the Regional Council.

The Chairperson has also asked to discuss how our two organisations can work together to ensure uptake of the Clean Heat/Clean Air programme is successful, and progress on air quality goals are on target. Mr Bodeker and I will follow up with a meeting with the Trust Chair and staff member.

5. Local Government Excellence Programme

Otago Regional Council did not proceed as one of the inaugural members of the LGNZ excellence programme. LGNZ has put in place a fee above annual subscription for all councils,

regardless of whether they are participating or not. Council should decide if it wishes to pay this fee or not.

6. Queenstown Transport Governance Group

Cr Kempton, Mr Collings, Ms Turnbull and I attended a Queenstown Transport Governance Group meeting where the draft Wakatipu Basin Public Transport stage one network review was presented and discussed.

There was general agreement from the Governance Group to endorse the proposal with QLDC, noting the need to keep the process going. NZTA had some concern for the longer term challenges. ORC was asked to model a flat fare regime to test the impact on costs.

7. Other meetings attended

- (i) Civil Defence Emergency Management Otago Group meetings on 4 October and 10 November.
- (ii) Zone 5 & 6 meeting.
- (iii) Cr Kempton and I met Mayor Boulton prior to Shaping our Future Transport Taskforce public meeting.
- (iv) Otago Rural Water Quality Advisory Group.
- (v) DCC/ORC briefing on the Bus Hub.

Cr Stephen Woodhead
Chairperson

REPORT

Document Id: A960168

Report Number: 2016/1181
Prepared For: Council
Prepared By: Chief Executive
Date: 30 November 2016

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

1. November 14 Earthquake

Initial Response

Following the text notification of a significant earthquake from the Ministry of Civil Defence and Emergency Management on the morning of November 14, the core members of the Otago Group CDEM Office began monitoring the situation from home because at that point there was no tsunami threat or further information available about the extent of damage. Once an actual tsunami threat had been identified and published at 1.25am, all affected areas (Dunedin City Council, Waitaki District Council, and Clutha District Council) immediately went into action and the staff activated their relevant emergency operations centre (EOC) processes.

While three ORC and DCC staff were in the DCC bunker in a monitoring capacity by 2.00am, a full EOC activation was initiated at 2.58am (also in the bunker), and ORC's Group staff Chris Hawker, Sarah Hexamer, Tony Martin and Caroline Rowe also activated a limited Emergency Coordination Centre (ECC) role providing monitoring and support based in the bunker.

Clutha and Waitaki Districts also activated their EOC's. DCC declared a state of emergency at 2.51am in response to the tsunami warning, which was then lifted at about 6.00am. Information received from Wellington identified the wave risk to be 1-3 metres on top of the king tide. Fire and Police began street-wide evacuation processes with sirens in the main risk areas along the coastlines at about 3.00am where there was no natural protection above this level. It was determined that South Dunedin streets were not at risk as the wave was unlikely to breach the natural protection at St Clair. However, sightseers were directed away from the Esplanade and John Wilson Drive, monitored by a volunteer from DCC.

Once it reached the Otago coastline, the tsunami wave was relatively insignificant, but the risk that a further wave might follow required that the monitoring and evacuations stayed in place until the Ministry officially cancelled the tsunami warning.

Regional Team Support the Response

Over the course of the event and the follow-up, nine Emergency Management Otago staff have been involved in assisting the Environment Canterbury CDEM effort, either in Christchurch or in Kaikoura, and two ORC staff have been involved in a private capacity.

Earthquake Drives Traffic to New Otago CDEM Site

The new Otago CDEM website experienced a surge in activity on Monday with 3,718 visitor sessions. Of these, 78% of these were new users, and 52% accessed the website via mobile phone.

2. 'Connecting Dunedin'

ORC continues to be involved in an integrated approach to communication and understanding around Dunedin City Transport related projects.

Headed by DCC CEO Sue Bidrose, NZTA South Island General Manager Jim Harland, and myself, the group titled 'Connecting Dunedin' is attempting to show how discrete transport related projects fit into a consolidated picture.

The projects include the cycle-ways, the one-way system revamp, parking charges, the bus hub and public transport network changes.

The objective of the group is to ensure that the public see how many transport related activities such as roadways, public transport, cycling, and pedestrian access are all integrated. Common branding is proposed around these projects with the partner organisations recognised.

3. Lake Snow Briefing

On November 28 ORC and QLDC staff briefed Queenstown hoteliers on the current scientific situation regarding Lake Snow.

ORC Science Manager Dean Olsen presented the current knowledge on Lake Snow and ongoing monitoring activity. QLDC Chief Engineer Ulric Glasner briefed the group on what actions QLDC were taking, and how possible filtration options and the water supply intake points could be considered.

4. North Otago Sustainable Land Management Meeting

Stakeholder Engagement Director Caroline Rowe and I met with representatives from NOSLaM to discuss a possible project being considered by the group in relation to rural water quality. The group, with networks throughout the southern part of North Otago, intend to monitor at a Schedule 15 level, various waterways within the area. Their objective is to show where Schedule 15 requirements do not meet ORC 2025 levels, how improved on-farm practices could show an improvement in water quality. Likewise they wish to indicate to farmers where water quality is of a standard that no degradation occurs. ORC staff also considered small assistance with undertaking the extension and communications activities such as hosting the information gained from this activity on an ORC website.

Further discussions will be held with the group leading up to discussions with Council around inclusion of such activity in the 2017/18 Annual Plan.

5. Health and Safety

Introduction

Councillors have asked for six weekly reporting to Council on health and safety matters. Previously, reporting has been to the Audit and Risk Committee. As this is the first such report, I will provide a little more background and context than may necessarily be required in future.

First, I take my role as officer to the Council as PCBU very seriously. I take an active interest in the health and safety of ORC staff and take regular opportunity to engage with staff in teams and as individuals, to promote a healthy and safe workplace. Prior to the enactment of the Health and Safety at Work Act (HSWA), I ensured that the groundwork was in place for its implementation. This included an external audit of all ORC functions and activities and subsequent work by staff, some under the oversight of the audit consultant, to address the recommendations coming out of the audit, including both workplace and equipment modifications and systems and procedures review. I note that overall, the findings of that audit were very positive. Internal audits have since tracked progress and conclusion of the recommendations. I am also proud that both pre and post HSWA, I have found a very strong staff culture of commitment to working safely and also, increasingly, an awareness of health in relation to workplace.

Functions of the Health & Safety Officer

The coordination of health and safety sits within Human Resources. The Human Resources Manager reports directly to me. This year, for the first time, a full-time Health and Safety Officer has been appointed. This strengthens the ability to be in touch with all aspects of health and safety “on the ground” and helps to keep us on the path toward continuous improvement. The primary focus of this role is to review existing process and resources, ensure that work is in accord with current accepted “good practice” standards and that it is undertaken in a manner consistent with the requirements of HSWA and relevant regulations. In conjunction with various staff, the Health and Safety Officer has been involved in comprehensive work on the hazards/risk register, working toward the development of SOP (Standard Operating Procedures). The SOPs are important tools in our operational safety and risk management as they establish safety protocols which flow on to training and benchmarks for auditing. Associated with this work is the further development of a risk assessment framework to enable ORC to identify and categorise risk areas. While the information is already known, it needs a framework for the information to be reported, leading into the audit programme development. While health and safety lag indicators are useful, this will establish impactful lead indicators. Among other projects in progress are work on strengthening the processes for working with contractors, assessing the best methods of addressing safety responsibilities with landholders, and developing a wellness programme which will come back to the Executive Management Team for consideration for approval.

Training

When new staff start, the most immediate focus of corporate induction is on health and safety. This follows through to on-the-job induction within their teams. Some training is under the supervision of experienced team leaders. Other training requisite to particular jobs is provided as necessary. Some examples are specific health and safety training for managers, driver training for staff required to drive council vehicles, 4WD, quad and motorcycle training, conflict and situational awareness training and first aid training for all field staff and a number of office-based staff. A training register is maintained.

Staff Participation

One of the requirements of HSWA is enabling staff participation. We are fortunate to have a proactive staff Health and Safety Committee with representation from across all council activities and most geographic locations. The committee meets six weekly. I participate in these meetings as do the Health and Safety Coordinator (HR Manager) and the Health and Safety Officer. Any staff member may raise an issue or suggestion through the staff

committee. A representative from the committee attends each meeting of the Executive Management Team. The committee is often instrumental in bringing forward an initiative which is progressed from there. A few examples of initiatives to come from the committee are, following the changes to WOF requirements, introducing vehicle safety inspections, safer storage of equipment in vehicles, “nosing” on the office steps to assist the visually impaired, a staff health and safety newsletter, repositioning of the upper driveway gate, the extension of no-stopping lines outside the Dunedin office and the introduction of a staff health and safety newsletter.

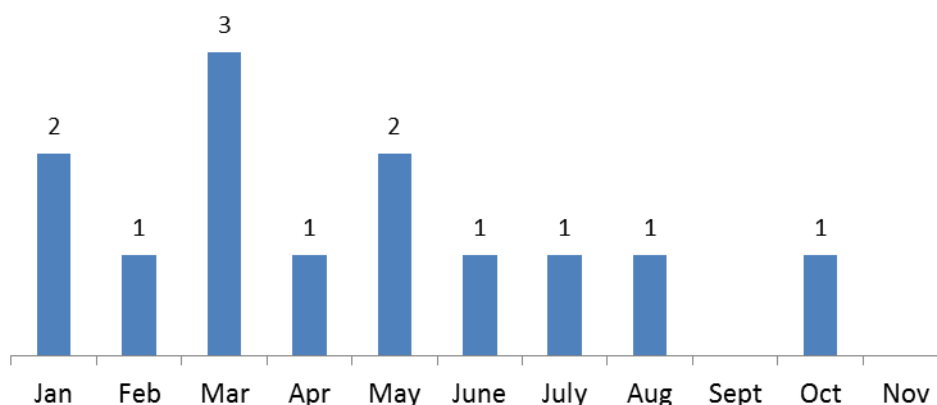
Near Miss and Incident Reporting – January 2016 to 30 November 2016

The following graphs show near miss and incident report data from January 2016 to 30 November 2016. Near miss reporting is strongly encouraged. Staff are asked to think about the possible consequence of a near miss in case follow-up action is required to prevent a similar occurrence becoming a future incident.

Near Miss Reports

Graph 1 shows the number of reported near misses for the period.

**Graph 1 - Number of near miss reports
January 2016 to 30 November 2016**

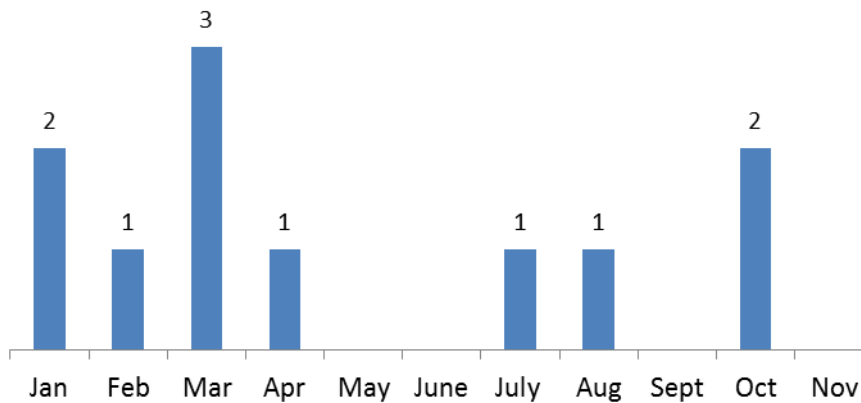


Eight near miss reports required follow-up action, most of which were minor. More significant actions included permanently banning staff from operating hired diggers following an hydraulic hose failure on a digger entering a drainage ditch, and extending the yellow no-stopping lines outside the Council office following a non-injury accident involving a council car and a vehicle travelling down Stafford Street.

Incident reports

Graph 2 shows the number of reported incidents causing injury for the period.

**Graph 2 - Number of incident reports
January 2016 to 30 November 2016**

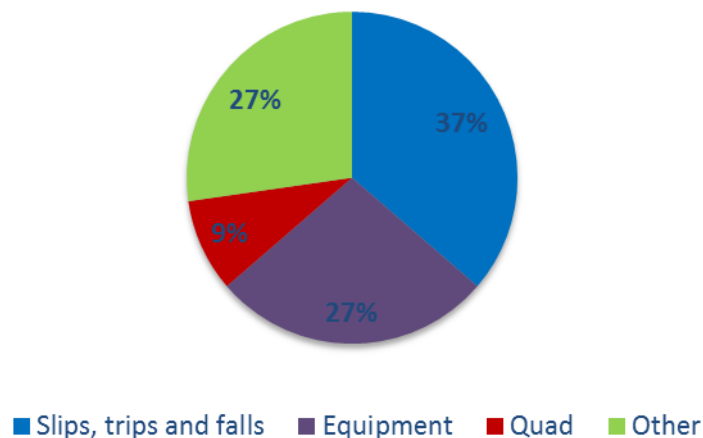


A number of incidents have related to slips, trips and falls, mainly in the field. These have been mostly minor and the staff involved in each instance have been reminded about the importance of assessing the terrain and ensuring that correct footwear is worn. These matters are also addressed at team meetings. Over the period, two incidents have required notable follow-up action, being additional training for staff in conflict and situational awareness, and maintenance and signage in an area of the Dunedin office driveway following a fall by a member of the public.

The following graphs give a breakdown of information obtained from the incident reports.

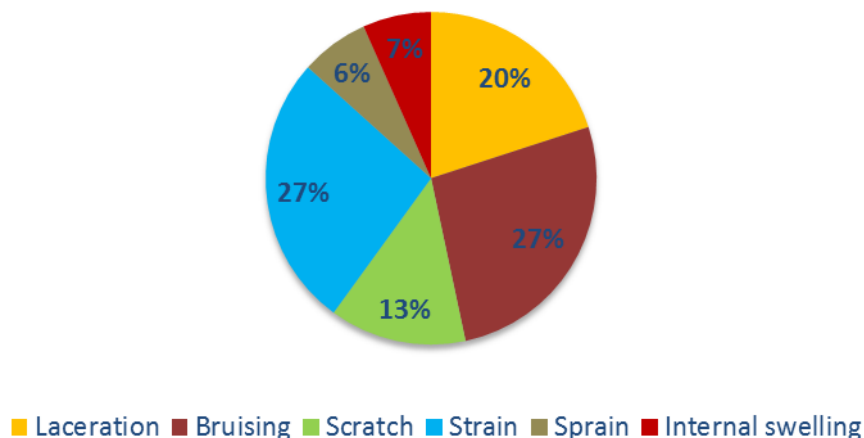
Graph 3 shows the cause that attributed to the reported injury. Incidents are given a category from the description information provided in the incident report. (*Note: 'Other' causes are generally one-off type situations unlikely to occur with any frequency*).

Graph 3 - Grouped incident causes



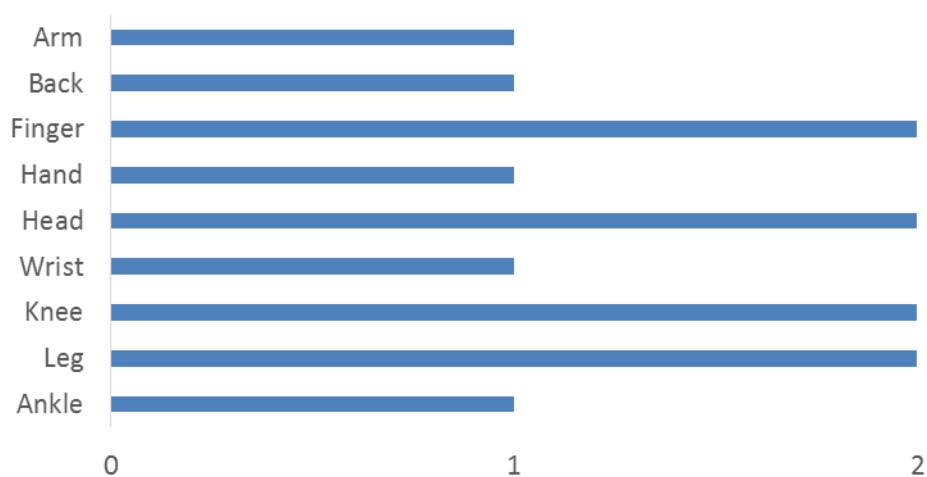
Graph 4 shows the type of injury sustained. Note that some incidents caused more than one injury, therefore all types have been recorded.

Graph 4 - Injury type

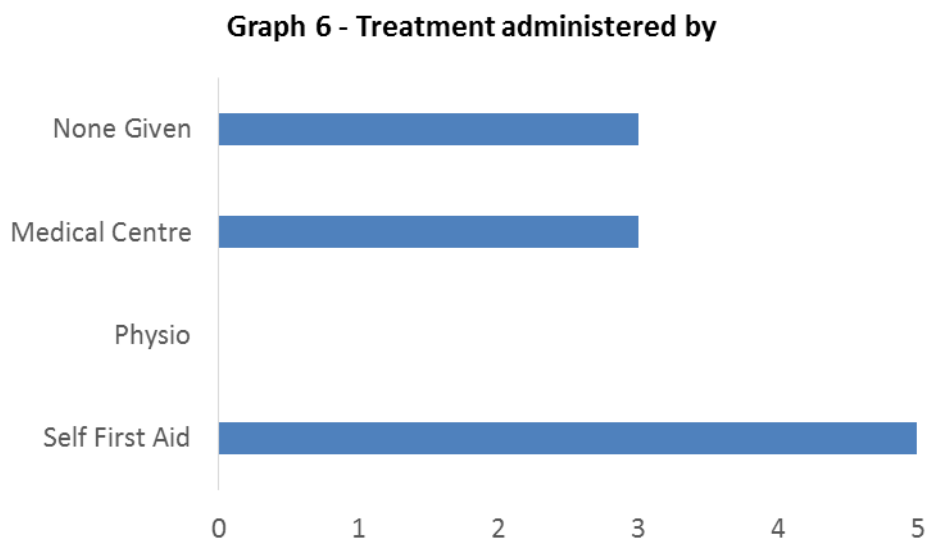


Graph 5 shows the location of the injury. In some incidents as with graph 4 above, more than one body part was injured, therefore all injury locations have been recorded.

Graph 5 - Injury location



Graph 6 shows how treatment was administered to the injured person.



Over the period January 2016 to date, the ORC has not received any work-related ACC claims. ACC claims have a direct impact on the Council's experience rating under the ACC system for modifying the work account levy based on claims history.

Peter Bodeker
Chief Executive

REPORT

Document Id: A960240

Report Number: 2016/1182
Prepared For: Council
Prepared By: Director Corporate Services
Date: 30 November 2016

Subject: **Standing Orders and Code of Conduct**

1. Précis

Under Schedule 7 of the Local Government Act (LGA) 2002, Council must adopt:

- a set of standing orders for the conduct of its meetings and those of committees, and
- a code of conduct which sets out Council's agreed standards of behaviour that applies to elected members in their dealings with each other, the public and staff.

Under the LGA, once adopted, both standing orders and the code of conduct remain in force until they are amended or replaced. They may be reviewed and amended at any time. An amendment or adoption of new standing orders or a code of conduct requires support of not less than 75% of the members present.

Standing orders and the code of conduct should be formally reviewed as soon as practicable after each triennial election.

2. Standing Orders

Council's current standing orders were last reviewed and amended in December 2013.

Local Government New Zealand (LGNZ) has finalised a recommended form of standing orders for regional councils. This has formed the basis for the proposed standing orders, a copy of which is attached. LGNZ's model standing orders reflects best practice and the advice provided by LGNZ's standing orders working party.

The provisions of the model standing orders are similar in substance to Council's current standing orders however there are several key points to note:

- The model is expressed in plain English and is structured in 3 parts (general matters, pre-meeting procedures and meeting procedures). This makes the document easier to follow as a reference tool.
- Additional guidance is provided via appendices including templates.
- Statutory references are included.
- The model provides for the Chairperson to have a casting vote in the event of a tie. Under existing standing orders the Chairperson does **not** have a casting vote.

- The model provides 3 options for moving motions and amendments. Option A applies unless a meeting resolves to use either option B or option C for that meeting (or specific items). A decision tree is provided in Appendix 3 to assist with this option. The moving of motions, particularly when amendments are involved can be a confusing procedure and the model offers best practice in this area.
- Existing standing orders specify how all attendees shall be addressed. The model does not stipulate this other than in clause 13.3 Addressing the Chairperson. Clause 13.3 has been renamed Mode of Address and covers addressing all members as existing standing orders does.
- Existing standing orders allow for members to speak more than once in Committee meetings. Council has expressed a desire to include this in standing orders as it allows for more robust discussion. Clause 20.5 has been amended to allow members to speak more than once in Committee and Subcommittee meetings.
- The model has more detail than existing standing orders around public forums, deputations and petitions. This is particularly useful in the event more than one member of a group wishes to speak as it is clearer with respect to time limits.
- The model allows for Council and members of the public to record meetings. Currently only Radio NZ and Channel 39 are permitted to record although others may at the discretion of the Chairperson. Allowing Council to record meetings would allow the recordings to be made available on Council's website should Council wish this to occur.
- Teleconference meetings are permitted under the LGNZ however the quorum only counts members physically present at the meeting itself. LGNZ have clarified that this ensures there is no doubt that the quorum exists throughout the meeting in the event technical issues occur and those attending via teleconference are disconnected from the meeting. It should be noted that meetings could still occur that included a majority attending via teleconference providing standing orders were temporarily suspended to allow that to occur.

3. Code of Conduct

Council's existing Code of Conduct was first adopted in September 2003 and has remained relatively unchanged since that time.

LGNZ has also prepared a model Code of Conduct. This has formed the basis for the proposed Code of Conduct, a copy of which is attached. LGNZ's model has been designed to incorporate recent legislative change, new approaches to good governance and provides advice to councils having to deal with alleged breaches.

During the last triennium it was noted that the existing Code of Conduct did not include a process for dealing with a complaint under the Code. LGNZ's model includes a process for dealing with complaints which includes the use of an independent investigator. It has been queried whether this is required and whether mediation might not resolve some issues before an investigator is required. LGNZ has clarified that the code is designed to find a process that is free of any suggestion of bias and which can independently remove trivial matters. An issue

with a number of alleged breaches has been the process by which complaints are handled in the first instance. Questions also arise as to who decides that a complaint goes to mediation and who oversees that mediation. The appointment of an independent investigator addresses these issues and while mediation is not included in the Code it may be a very reasonable way of dealing with certain breaches and could be a recommendation of the investigator.

4. Recommendation

- 4.1 That the Otago Regional Council Standing Orders attached be adopted and the Common Seal affixed.
- 4.2 That the Otago Regional Council Code of Conduct attached be adopted and the Common Seal affixed.
- 4.3 That Council meetings be recorded and these recordings be made available on Council's website.

Nick Donnelly
Director Corporate Services

Attachments:

- o Otago Regional Council Standing Orders – Draft
- o Otago Regional Council Code of Conduct – Draft

REPORT

Document Id: A960405

Report Number: 2016/1183

Prepared For: Council

Prepared By: Director Corporate Services

Date: 30 November 2016

Subject: **Terms of Reference - Committees**

1. Précis

Council adopted a Committee structure at its meeting on 2 November 2016. The structure, purpose and membership of those Committees were approved at that meeting and it was agreed that each Committee would consider its terms of reference at the first Committee meeting round for recommendation to the December Council meeting. At the Standing Committee meetings on 23 November terms of reference for those committees and their subcommittees were discussed.

2. Committee Structure

The Committee structure adopted on 2 November was consistent with the structure used in the previous triennium as follows:

Committee	Subcommittee
Standing Committee	
Regulatory	Commissioner Appointment
	Kakanui River Water Allocation*
Technical	
Policy	
Finance and Corporate	Audit and Risk*
Communications	
Other Committee	
Objections	
Employment	
Regional Transport	
Otago Civil Defence Emergency Management Group	

Subcommittees marked * were not part of the structure adopted by Council on 2 November.

3. Terms of Reference

Draft terms of reference for the above committees are attached. These have been amended following discussion at the Standing Committee meetings on 23 November 2016. The terms of reference for the "Other Committees" have not been discussed with the exception of the Regional Transport Committee which had revised terms of reference approved prior to the end of the previous triennium and ratified at an extraordinary council meeting on 23 November when appointees to that Committee were confirmed.

4. Recommendation

- 4.1 That the attached terms of reference for Council Committees and Subcommittees be adopted.

Nick Donnelly
Director Corporate Services

Terms of Reference 2013-16 Communications Committee

Purpose

To monitor and provide guidance on Council's community, stakeholder and staff engagement including public information and education, corporate profile, publications and media.

Reporting

The Communications Committee reports to Council.

Meetings

The Communications Committee will have ordinary meetings at six weekly intervals and will otherwise meet as required.

Delegations

The Communications Committee may appoint working sub-committees or working parties as appropriate provided they are limited to a term duration consistent with the performance of their specified tasks.

Membership

Chair – Cr Deaker,

Deputy Chair – Cr Hope,

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

A quorum of the Communications Committee shall be six members.

Explanatory Comment

The Communications Committee will take an overview of the following matters:

- Public information and corporate profile.
- Engagement with the public and stakeholder groups.
- Sharing Council's environmental information and knowledge with the public.
- Approve and monitor the Council's public information and education strategies.
- Promote healthy water, air and land.
- Liaison with stakeholder groups.
- Biodiversity awareness and initiatives.
- Reporting from EnviroSchools.

Terms of Reference 2013-16

Finance and Corporate Committee

Purpose

To guide and monitor the Council's financial affairs and administrative performance, Long Term Plan, Annual Plans, and public passenger transport, and to oversee the implementation of the Local Government Act.

Reporting

The Finance and Corporate Committee reports to Council.

Meetings

The Finance and Corporate Committee will have ordinary meetings at six weekly intervals and will otherwise meet as required.

Delegations

The Finance and Corporate Committee shall have the following delegations:

- To award or approve contracts and tenders in excess of staff delegations.
- To approve the Draft Annual Plan—and Draft Long Term Plan and associated policies, and to conduct all consultation and hearings with the public concerning them.
- To endorse schedules of accounts for payment.
- To consider matters of financial impact other than as provided for in the Annual Plan.
- To oversee public passenger transport in the region.
- To endorse submissions in relation to Local Government Act and corporate matters.

The Finance and Corporate Committee may appoint sub-committees or working parties as appropriate provided they are limited to a time duration consistent with performance of their specified tasks.

Membership

Chair – Cr Brown,

Deputy Chair – Cr Noone,

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

A quorum of the Finance and Corporate Committee shall be six members.

Explanatory Comment

The Finance and Corporate Committee will have oversight of the financial affairs of the Council public passenger transport and Local Government Act matters. In doing this the Committee may:

- Review and make recommendations concerning any commercial activities, trading activities or investments held by the Council.
- Review the Council's assets and leases.
- Review and make recommendation on fees, charges, royalties and rentals.
- Oversee all revenue policies.
- Review the Statement of Corporate Intent and receive the six month and annual reports of Port Otago Limited.

Terms of Reference 2013-16

Policy Committee

Purpose

- To analyse, develop and recommend to Council all strategies, policies, plans, and to assess their effectiveness.
- To make submissions to other authorities and Government.

Reporting

The Policy Committee reports to Council.

Meetings

The Policy Committee will have ordinary meetings at six weekly intervals and will otherwise meet as required.

Delegations

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

Membership

Chair – Cr Robertson,

Deputy Chair – Cr Laws,

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

A quorum of the Committee shall be six members.

Explanatory comment

The Policy Committee will be responsible for establishing and reviewing the community focused resource and development policy instruments of Council under the Biosecurity Act, the Building Act and the Passenger Transport Management Act. It will also be responsible for ensuring council participation in development and of all Crown legislative, regulatory, and policy proposals affecting Council.

Terms of Reference 2013-16

Regulatory Committee

Purpose

To oversee and monitor the Resource Management Act, Biosecurity Act and Building Act consents and compliance processes, and to take an overview of any Court proceedings associated with these activities.

Reporting

The Regulatory Committee reports to the Council.

Meetings

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

Delegations

The Regulatory Committee shall have the following delegations:

- To initiate enforcement, abatement and prosecution actions and to seek declaratory judgments.

The Regulatory Committee may appoint sub-committees or working parties as appropriate provided they are limited to a time duration consistent with performance of their specified tasks.

Membership

Chair – Cr Scott,

Deputy Chair – Cr Neill,

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

A quorum of the Regulatory Committee shall be six members.

Explanatory Comment

The Regulatory Committee shall take an overview of:

- Consents processes;
- The monitoring of compliance with Council issued consents, and any follow up actions required;
- The effectiveness of Council plans in meeting Council objectives;

Terms of Reference 2013-16

Technical Committee

Purpose

- To identify, analyse, develop and recommend to Council scientific and technical information needs for Council operations, policy development and environmental monitoring.
- To provide an overview of technical information generated by and for Council.
- To overview Council's management of waterways and drainage and flood protection schemes.
- To monitor and manage natural hazard risks.

Reporting

The Technical Committee reports to the Council.

Meetings

The Technical Committee will have ordinary meetings at six weekly intervals and will otherwise meet as required.

Delegations

The Technical Committee has delegated authority to approve project concepts, implementation and timing details.

The Technical Committee may appoint sub-committees or working parties as appropriate provided they are limited to a time duration consistent with performance of their specified tasks.

Membership

Chair – Cr Lawton,

Deputy Chair – Cr Woodhead,

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

A quorum of the Technical Committee shall be six members.

Explanatory Comment

The Technical Committee will take an oversight on the following matters:

- The effectiveness of flood control and drainage schemes.
- The maintenance plans of river channels, riparian margins, lake foreshores, and coastal protection.
- The effectiveness of flood warning and hazard management systems.
- The programme of hazard identification and recording.
- The oversight of hazard response issues.
- Resource Science research and investigations.
- State of the environment reporting.

Terms of Reference 2013-16 Objections Committee

Purpose

- To consider and determine any objections in respect of consent or other statutory decisions.

Membership

The Objections Committee shall have a membership of four Councillors.

A quorum of the Objections Committee shall be three members.

Members

Cr Neill (Chair),
Cr Robertson,
Cr Noone,
Cr Scott.

Meetings

As and when required.

Terms of Reference 2013-16 Employment Committee

Purpose

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

Membership

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

A quorum of the Employment Committee shall be six members.

Meeting frequency

As required

Delegation

A Subcommittee may be formed to manage and oversee process related to the monitoring of the Chief Executive's employment contract and performance assessments.

The Subcommittee will report to the Employment Committee.

Subcommittee membership to be:

- Council Chairperson
- Council Deputy Chairperson
- Two other Councillors

Terms of Reference 2013-16

Commissioner Appointment Subcommittee

Purpose

- To appoint Councillor and non-Councillor commissioners for hearing consent applications under the Resource Management Act.
- To appoint mediators for consent applications.

Reporting

The Commissioner Appointment Subcommittee reports to the Regulatory Committee.

Meetings

As and when required.

Delegations

Pursuant to the Resource Management Act 1991:

- To appoint commissioner(s) for hearing and deciding consent applications under S34A;
- To appoint mediators for mediating consent applications under S34A and S99A;
- To appoint restricted coastal activity hearing committees under S34A and S117.

Membership

The Commissioner Appointment Subcommittee shall have a membership of four Councillors and the Chief Executive.

A quorum of the Employment Committee shall be three members.

Members

Cr Robertson (Chair),
Cr Woodhead,
Cr Scott,
Cr Noone,
Chief Executive – Peter Bodeker.

Terms of Reference 2013-16

Otago Civil Defence Emergency Management Group

Constitution

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

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

Membership

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

Chairperson

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

Purpose

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

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

Meetings

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

Quorum

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

Delegations

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

Subcommittee

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

Standing Orders

The current Standing Orders of the Otago Regional Council shall govern the conduct of the meetings, except that order papers and agenda papers shall be sent to every member no less than five working days before the meeting.

Notwithstanding anything in the Civil Defence Emergency Management Act or Standing Orders, adequate notice shall be given of all matters to be discussed at a meeting of the Group. Where a matter of significance is to be considered, where practicable, prior written notice of the background to that matter must be given in sufficient time to allow for consultation with each member.

Administering Authority

The Otago Regional Council as the administering authority shall provide administrative and related services to the Group.

Reporting

The Group will report to each member.

Continuance of Joint Standing Committee

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

Terms of Reference 2013-16 Regional Transport Committee

Objective

To undertake the functions as prescribed by the *Land Transport Management Act 2003*.

Membership

The Regional Transport Committee for Otago (RTC) comprises:

- Two Regional Council representatives (Chair and Deputy Chair)
- One representative from the New Zealand Transport Agency
- One District Council representative from each of the:
 - Clutha District Council
 - Central Otago District Council
 - Dunedin City Council
 - Queenstown Lakes District Council
 - Waitaki District Council.

Total membership of the Otago committee equals eight.

This is dictated by Section 105 of the *Land Transport Management Act 2003* (LTMA).

Representatives are appointed by the regional council on the nomination of NZ Transport Agency and each of the territorial local authorities.

Members

Otago Regional Council, Cr Trevor Kempton (Chair)

Otago Regional Council, Cr Graeme Bell (Deputy Chair)

New Zealand Transport Agency, Mr Jim Harland

Clutha District Council, Cr Bruce Graham

Central Otago District Council, Cr Barrie Wills

Dunedin City Council, Cr Kate Wilson

Queenstown Lakes District Council, Cr Alexa Forbes

Waitaki District Council, Cr Guy Percival

Meeting Schedule

The RTC normally meets at least three times a year but may meet more regularly depending on the work to be undertaken or the issues to be addressed. Where possible, members will be advised, in advance, of the meeting schedule for the year.

Role and Functions

The role and functions of the Regional Transport Committee are as follows:

1. To undertake the statutory requirements of the *Land Transport Management Act 2003* (Appendix One).
2. To prepare the Regional Land Transport Plan (RLTP) in cooperation with the Southland Regional Transport Committee, to prepare any applications to vary the RLTP and to process any applications to vary the RLTP (*LTMA section 106(1)(a)*).

3. To prepare and adopt a policy that determines significance in respect of:
 - a) any variations made to the RLTP.
 - b) activities included in the RLTP (*LTMA section 106(2)*).
4. To provide any advice and assistance the regional council may request on its transport responsibilities generally (*LTMA section 106(1)(b)*).
5. To undertake monitoring to assess implementation of the Regional Land Transport Plan including monitoring of the performance of activities (*LTMA section 16(3)(f) and 16(6)(e)*), in cooperation with the Southland Regional Transport Committee.
6. To consult on a draft Regional Land Transport Plan for the Region in accordance with the consultation principles specified in sections 18 and 18A of the *Land Transport Management Act 2003*, in cooperation with the Southland Regional Transport Committee.
7. To complete a review of the Regional Land Transport Plan during the six-month period immediately before the expiry of the third year of the Plan (*LTMA section 18CA*) in cooperation with the Southland Regional Transport Committee.
8. To advise the Council on any significant legislative changes, programmes, plans or reports relating to the region's transport system.
9. To prepare and implement regional transportation planning studies, or pan-regional studies with the Southland Regional Transport Committee, when necessary.
10. To represent and advocate for transport interests of regional and/or pan-regional Otago Southland concern.
11. To consider and submit on transport-related policies, plans and consultation documents issued by the Ministry of Transport, New Zealand Transport Agency, regional/district councils, and other relevant organisations as considered appropriate, including submitting jointly with the Southland Regional Transport Committee when appropriate.
12. To liaise with the Ministry of Transport, New Zealand Transport Agency, Commissioner of Police, regional/district councils, and other interested parties on transport matters, and advise the Council on any appropriate new initiatives as considered appropriate.
13. To cooperate with the Southland Regional Transport Committee and to engage with other regional transport committees and working parties, which from time to time may be established.
14. To consider advice and recommendations from the Otago Southland Regional Technical Advisory Group.

Members' responsibilities for reporting back to the organisation they represent

Each member of the RTC is expected to report back regularly to their organisation on matters discussed at Committee meetings, on the RLTP transport priorities for the region, its objectives and policies, and other content.

Terms of Membership

Should a vacancy occur in the membership of the RTC, the Committee Secretary shall report this to the next meeting of the Council, which shall invite the nominating organisation to nominate a replacement.

Quorum and Voting Rights

A RTC meeting cannot proceed unless five committee members are present, at least one of whom shall be a representative of the regional council.

No voting will occur unless there is a quorum of committee members from those organisations allowed to vote on these matters.

The Chairperson has a deliberative vote and in the case of an equality of votes does not have a casting vote. Clause 24 of the 7th schedule of the Local Government Act otherwise applies to voting.

The purpose of encouraging each organisation to have alternates to ensure that each of the organisations involved in the RTC - the TLAs, NZTA and the regional council - is able to bring their organisation's view to the table and to report back the outcome to their organisation.

Each organisation (i.e. the regional council, NZTA and each district/city council) is therefore encouraged to have alternative representatives to act as a replacement should the appointed representative be absent from a meeting. The participation of an alternate in an RTC meeting or workshop will be at the discretion of the RTC Chairperson.

Alternates do not count towards a quorum and do not have voting rights.

Delegated Authority – Power to Act

The Regional Transport Committee:

1. Does have the ability to appoint a sub-committee to hear RLTP, submissions, working parties, advisory groups and, where there is urgency or special circumstances, a subcommittee to deal with any matters of responsibility within the Committee's Terms of Reference and areas of responsibility, and to make recommendations to the Committee on such matters, provided that a subcommittee does not have power to act other than by a resolution of the committee with specific limitations.
2. Does have the ability to make decisions in accordance with its Terms of Reference and the Land Transport Management Act 2003.

Power to Act (for the information of Council)

The Regional Transport Committee has the power to:

1. Monitor any transport activities of the Regional Council, Territorial Authorities and New Zealand Transport Agency in order to report on progress on the Regional Land Transport Plan.
2. Prepare and recommend variations to the Regional Land Transport Plan that trigger the RTC's significance policy.
3. Consider and recommend transportation planning studies and associated outcomes.
4. Provide recommendations to relevant Government agencies on transport priorities for the region and the allocation of national or regional transport funds.

Terms of Reference 2013-16

Kakanui River Water Allocation Subcommittee

Purpose

To exercise control over water permits to take water from the Kakanui River during periods of low flow when the minimum flow applicable to the river is being approached.

Reporting

The Kakanui River Water Allocation Subcommittee reports to the Compliance Committee.

Meetings

The Kakanui River Water Allocation Subcommittee will meet as required, by subcommittee resolution, request of the Chairperson of the subcommittee, or request of the Otago Regional Council.

Delegations

The Kakanui River Water Allocation Subcommittee has delegation, under Section 34 of the Resource Management Act, to make decisions on allocation restrictions over those water permits to take water from the Kakanui River which include a condition that the *"... permit shall be exercised under the control of the Kakanui River Water allocation subcommittee"*.

Membership

The Kakanui River Water Allocation Subcommittee shall be made up of not less than three and not more than five members as appointed by the Otago Regional Council on the advice of the water permit holders subject to the control of the Kakanui Allocation Subcommittee.

Members

Mr Mark Lawrence
Mr Lyndon Strang
Mr James McNally

Mr John Newlands
Mr Roger Fox

Explanatory Comment

The Kakanui River Water Allocation Subcommittee has been established to assist in the allocation of water resources in periods of water shortage, between holders of consents authorising the taking of water.

Whilst the subcommittee has the power to make decisions on allocations, it does not have any powers of enforcement. Those powers can only be exercised by an Otago Regional Council duly appointed officer.

Minutes of any meeting, including all decisions affecting the exercise of water permits shall be kept and sent to the Council for reporting to the Compliance Committee.

Terms of Reference 2013-16 Audit and Risk Subcommittee

1.0 Purpose of Audit and Risk Subcommittee

- 1.1 The Otago Regional Council (ORC) Audit and Risk Subcommittee is a subcommittee of the Finance and Corporate Committee.
- 1.2 The primary purpose of the Audit and Risk Subcommittee (the Subcommittee) is to assist the ORC in fulfilling governance responsibilities relating to the management systems, financial, legislative, health and safety, and reporting practices of the ORC.
- 1.3 The principal roles of the Subcommittee are to:
 - a) Assist ORC in fulfilling its governance responsibilities relating to the accounting and financial reporting practices, and the internal controls, compliance and financial risk management practices;
 - b) Ensuring that the risks facing ORC are identified and the potential impacts are assessed;
 - c) Ensuring that the identified risks are managed and necessary controls are built into business processes;
 - d) Serve as an independent and objective party to review the financial information presented by management.

2.0 Membership and Quorum

- a) The Subcommittee shall have four members consisting of the Chair, Deputy Chair, Chair Finance and Corporate Committee, and an independent member who shall be the Subcommittee Chair. Other Councillors are encouraged to attend meetings of the Audit and Risk Subcommittee.
- b) The Subcommittee has the ability to co-opt members.
- c) The quorum shall be three.

3.0 Attendance at Meetings

- a) Unless otherwise requested, the Chief Executive and the Director Corporate Services are to attend meetings.
- b) Other parties may be invited to attend by the Subcommittee to assist the Subcommittee in its work.
- c) There shall be at least one meeting per year, or part thereof, where the external Auditors shall attend.
- d) External Auditors (or internal Auditors) may request a special meeting if they consider this to be necessary.

4. Delegated Powers

The Subcommittee is authorised by the Council through the Finance and Corporate Committee to:

- a) Review matters within its Terms of Reference;
- b) Seek information that it requires from the Chief Executive who is required to co-operate with appropriate requests made by the Subcommittee;

- c) Request access to outside legal or independent professional advice should it consider this necessary; such advisors may attend meetings if so requested;
- d) Undertake other such matters of a financial nature that the Subcommittee may from time to time deem important; and
- e) Make recommendations to the Finance and Corporate Committee.

5. Responsibilities

Responsibilities of the Subcommittee shall include:

Audit and Reporting

- a) Review the external auditor's management letter including ensuring that management's responses are adequate.
- b) Consider any matters referred to it by an internal audit function.
- c) Consider any changes in accounting policies, standards or reporting requirements requiring Council approval.
- d) Satisfy itself about the existence and quality of cost-effective internal control systems, and the proper application of procedures.
- e) Review the draft financial statements and groups of activities prior to being furnished to Council for adoption as part of the annual report.
- f) Consider other matters referred to the Subcommittee by the Council.

Financial Risk Management

- a) Maintain overview of contingent liabilities.
- b) Consider matters relating to the strategy for the establishment of rates.
- c) Maintain an overview of financial reserves.

Investment

- a) Review the performance of the investment portfolio, annually.
- b) Receive and review reports on the performance of Council's commercial activities.

Strategic Council Performance Management

- a) Review the results of measurements undertaken during the year of progress towards the achievement of Annual Plan targets (such measures are subject to audit under the Local Government Act).
- b) By request of Council, review the cost effectiveness of major programmes in delivering ORC's contribution to Annual Plan targets.
- c) Set criteria and review budgets, early in the budget cycle, to understand the reasons behind budget decisions to ensure that proposals going forward into the budget have been systematically and rigorously analysed, and to make recommendations.
- d) Review the integrity of data collection, processing and application.

Insurance and Disaster Recovery

Review insurance and disaster recovery matters.

Project management

Review project management procedures.

Health & Safety

- a) Review the Council's adherence to its Health & Safety Policy including operational risk management of health and safety, health and safety performance, incidents and response.

Legal Requirements

- a) Receive annually a report of the legislation the Council is required to operate under and/or enact.
- b) Review the Council's adherence to the legislation that affects Council.

Other

The Subcommittee may review other matters they consider relevant.

6. Reporting Procedures

- a) The Subcommittee shall be accountable to the Finance and Corporate Subcommittee, in relation to the Subcommittee's activities and responsibilities.
- b) The Subcommittee shall conduct an annual review of its work and the Terms of Reference and the Chairperson shall make a report to the Finance and Corporate Subcommittee at the end of each financial year.

REPORT

Document Id: A959986
Report Number: 2016/1179
Prepared For: Council
Prepared By: Chairperson
Date: 30 November 2016

Subject: **Council Appointments**

1. Précis

At the commencement of each triennium, Council gives consideration to appointments to various groups and committees. A number of appointments including standing committees and the Regional Land Transport Committee have already been approved by Council. This paper covers appointments to the remaining committees and other groups where Council is represented. The Chairperson proposes the following appointments.

2. Otago Civil Defence Emergency Management Group

This group and its membership are constituted under the Civil Defence Emergency Management Act.

- Council Chairperson – Cr Woodhead.

3. Audit and Risk Subcommittee

Audit and Risk is a Subcommittee of the Finance and Corporate Committee. That committee has the delegated authority to appoint subcommittees. I suggest that Council recommends to Finance and Corporate Committee the membership of the Audit and Risk subcommittee.

- Council Chairperson – Cr Woodhead.
- Council Deputy Chairperson – Cr Robertson.
- Chair Finance and Corporate Committee – Cr Brown.
- Cr Laws (co-opted).
- Cr Kempton (co-opted).
- Independent member who will Chair the subcommittee – it is proposed that David Benham is reappointed to this position.

4. Lower Waitaki River Scheme Liaison Committee

Constituency Councillor – Cr Brown.

5. Kakanui River Water Allocation Subcommittee

- Mr Lyndon Strang (Chair).
- Mr Mark Lawrence.
- Mr James McNally.
- Mr Robert Fox.
- Mr John Newlands.

6. **Mana to Mana**

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

- Council Chairperson – Cr Woodhead.
- Council Deputy Chairperson – Cr Robertson.
- Cr Deaker.
- Cr Lawton.
- Chief Executive – Peter Bodeker.

7. **Port Otago Liaison Group**

Purpose – to liaise with Port Otago Chair and Chief Executive and report to Council.

Frequency – to meet as and when required.

- Council Chairperson – Cr Woodhead.
- Council Deputy Chairperson – Cr Robertson.
- Chair Finance and Corporate Committee – Cr Brown.
- Cr Noone.
- Chief Executive – Peter Bodeker.

8. **Local Government New Zealand Zone 6**

- Council Chairperson – Cr Woodhead.
- Council Deputy Chairperson – Cr Robertson.

9. **Representatives on Organisations**

Tertiary Precinct Planning Group – Cr Deaker.

AgResearch Invermay Animal Ethics Committee – the committee has a requirement of three statutory appointees:

- A nominee from the Veterinary Association.
- A nominee from an Animal Welfare Organisation (Otago's case SPCA).
- A nominee from a local authority (Otago's case ORC).

All are regarded as lay members. Each meeting must have at least two lay members to have a quorum.

AgResearch makes the appointments and is therefore not obliged to accept any nominee. A nominee in the Council's case doesn't have to be a Councillor.

I have discussed a new candidate with the chair of the committee, Mr Grant Shackell, and recommend Cr Andrew Noone.

OSPRI/Otago TBfree Committee – as a result of the latest review of the TBfree Strategy and funding, there is no longer any local share funding. All the costs are met by either the Crown or the Cattle and Deer Industries. As a funder of a portion of the local share prior to this change, ORC has had a representative on the Otago TBfree Committee since the late 1990's. OSPRI has indicated a desire to continue to have an Otago Regional Council representative on

the Committee. It is therefore appropriate to review the need for Otago Regional Council representation on the Otago TBfree Committee.

The Committee functions at two levels, Southern South Island and Otago. A Southern South Island (SSI) meeting involving Southland, Otago and South Canterbury is held three times a year. This is where the primary interaction with the national body OSPRI occurs. The Otago Committee meets three times a year to deal with more local disease management and communications detail. The Chairperson of the Otago TBfree Committee advises me that the SSI relationship would be the more useful for ORC to be involved with.

Large areas of Otago are still classified as Vector Risk. As a result, the TBfree Vector Control programme will continue in Otago for a number of years yet as OSPRI works towards its goal of eradicating bovine tuberculosis.

ORC has responsibilities under the Biosecurity Act and will be reviewing our Pest Plan and developing a Biodiversity Strategy. The Crown is also working on programmes such as the Battle of the Birds and Predator Free NZ. There is a need for good co-ordination across all agencies. As a result, I believe there will need to be an ongoing relationship between OSPRI and ORC to ensure awareness of programmes, and assist with identifying potential synergies and efficiencies.

It is recommended that a staff member be appointed as the liaison member with OSPRI and the Otago TBfree Committee.

10. Reference Groups

Council has discussed the opportunity that exists to combine the experience and skills of governors and staff to assist and support at critical points in the process of development of policy or projects. A reference group's focus would be to scope and shape policy development or a project at the early stage of a work-stream, and conclude its role once the work was progressing to formal process. There are a number of benefits, including efficient use of time, ensuring alignment of principles and direction of travel, ensuring early political awareness and involvement.

Draft Terms of Reference for Reference Groups

1. The formation and Council membership of a group is to be approved by Council resolution at any time during a triennium.
2. The group's role is to develop first cut principles and define the scope of Council policy, resource plans or project.
3. Membership will be a mix of Councillors and staff with a Councillor appointed by Council resolution as Chairperson. Staff membership is at the discretion of the Chief Executive.
4. The reference group will have a defined timeframe and point in the process to complete its work.
5. The reference group will report its work or recommendations to the relevant Council committee.

Recommendation to Form Reference Groups

There are several work-streams either underway or needing to be started that would benefit from having a reference group set up.

Staff have been working on the early stages of the review of the Coastal Plan. This work provides an opportunity to be done in partnership, jointly, or as a shared service type arrangement with Environment Southland. This plan change is important for our community and stakeholders such as Iwi.

We are also due to start the review of the Otago Pest Plan. There is new legislation that the plan will be developed under and we also have a significant amount of work and thinking to do as to how we manage pests such as rabbits, gorse, broom, lagarosiphon, wilding conifers etc.

We have also acknowledged the need for, and received significant community support for a Biodiversity Strategy, and a project we have had on our list for the last decade is a new office block for our Dunedin staff.

In the Water Plan space, work currently underway is the integration of urban issues into our Water Quality Strategy. This, and the follow-on plan changes, would benefit from a reference group. We have also had many discussions on the implementation and timing constraints of our key Water Plan projects. This is a topic that is a key part of the Annual Plan development that we need to workshop, and clearly understand what is currently happening within Council, and discuss what is being proposed as part of the Annual Plan development. Following these discussions and Annual Plan decisions, we should review the need for a Water Plan reference group.

11. Recommendation

That the appointments listed below be confirmed.

1. The draft reference group terms of reference are adopted.
2. Reference Groups for Pests, Biodiversity, Coast, Building and Urban Water Quality be formed.
3. *Pests:* Cr Noone (Chair), Cr Brown, Cr Bell and Cr Hope.
Biodiversity: Cr Robertson (Chair), Cr Deaker, Cr Lawton, Cr Kempton.
Coast: Cr Neill (Chair), Cr Kempton, Cr Robertson, Cr Scott.
Building: Cr Brown (Chair), Cr Bell, Cr Deaker, Cr Woodhead.
Urban Water Quality: Cr Scott (Chair), Cr Hope, Cr Laws, Cr Robertson, Cr Woodhead.

Cr Stephen Woodhead
Chairperson

REPORT

Document Id: A952660

Report Number: 2016/1134

Prepared For: Council

Prepared By: Marian Weaver, Resource Manager Procedures and Protocols

Date: 28 November 2016

Subject: **Delegations under the Resource Management Act 1991, Soil and Rivers Control Act 1941, Crown Minerals Act 1991, Building Act 2004, Marine Transport Act 1994, Local Government Act 2002, Biosecurity Act 1993, Civil Defence Emergency Management Act 2002, Land Transport Management Act 2003, Regional Plan: Water for Otago, Measurement of Reporting of Water Takes, Council's Bylaws and other enactments.**

1. Précis

Recent changes to some staff, and some amendments to legislation necessitates a review and update of delegations approved by the Otago Regional Council (the Council).

2. Background**2.1 Definition of Delegation**

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

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

2.2 The Legal Basis

The Council's authority to delegate to its standing committees, subcommittees, members or officer is principally derived from Schedule 7, Clause 32 of the Local Government Act 2002 (LGA 2002), but there are specific powers of delegation under some other enactments.

Schedule 7 Clause 32 of the LGA 2002 states that:

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

- (a) The power to make a rate; or
- (b) The power to make a bylaw; or
- (c) The power to borrow money, or purchase or dispose of assets, other than in accordance with the Long Term Council Community Plan; or
- (d) The power to appoint a chief executive; or
- (f) The power to adopt policies required to be adopted and consulted on under this Act in association with the Long Term Council Community Plan or developed for the purpose of the local governance statement; or
- (g) The power to warrant enforcement officers.”

Other statutes also confer or limit the ability for the Council to delegate decision-making powers and duties. Of particular note is section 34 [*Delegation of functions etc by local authorities*] and section 34A [*Delegation of powers and functions to employees and other persons*] of the Resource Management Act 1991.(RMA)

Section 34 and 34A of the RMA state:

“34. Delegation of functions, etc, by local authorities

- (1) A local authority may delegate to any committee of the local authority established in accordance with the Local Government Act 2002 any of its functions, powers, or duties under this Act.
- (2) A territorial authority may delegate to any community board established in accordance with the Local Government Act 2002 any of its functions, powers, or duties under this Act in respect of any matter of significance to that community, other than the approval of a plan or any change to a plan.
- (3) Subsection (2) does not prevent a local authority delegating to a community board power to do anything before a final decision on the approval of a plan or any change to a plan.
- (4), (5) and (6) Repealed.
- (7) Any delegation under this section may be made on such terms and conditions as the local authority thinks fit, and may be revoked at any time by notice to the delegate.
- (8) Except as provided in the instrument of delegation, every person to whom any function, power, or duty has been delegated under this section may, without confirmation by the local authority, exercise or perform the function, power, or duty in like manner and with the same effect as the local authority could itself have exercised or performed it.
- (9) Every person authorised to act under a delegation under this section is presumed to be acting in accordance with its terms in the absence of proof to the contrary.
- (10) A delegation under this section does not affect the performance or exercise of any function, power, or duty by the local authority.

Subsection 11 relates to Auckland Council

34A. Delegation of powers and functions to employees and other persons

- (1) A local authority may delegate to an employee, or hearings commissioner appointed by the local authority (who may or may not be a member of the local authority), any functions, powers, or duties under this Act except the following:
 - (a) the approval of a policy statement or plan:
 - (b) this power of delegation.
- (2) A local authority may delegate to any other person any functions, powers, or duties under this Act except the following:
 - (a) the powers in subsection (1)(a) and (b):
 - (b) the decision on an application for a resource consent:
 - (c) the making of a recommendation on a requirement for a designation.
- (3) Repealed.
- (4) Section 34(7), (8), (9), and (10) applies to a delegation under this section.
- (5) Subsection (1) or subsection (2) does not prevent a local authority delegating to any person the power to do anything before a final decision on a matter referred to in those subsections.”

2.3 Principles, Terms and Conditions

It should be noted that no delegation relieves the local authority, member, or officer of the liability or legal responsibility to perform or ensure performance of any function or duty. Bearing this in mind, the Council and/or Chief Executive Officer in their determination as to duties, responsibilities and powers to be delegated should have regard to the following principles and conditions:

- (i) Wherever possible, delegations to staff have been made to promote the most effective and efficient implementation and delivery of Council's policies and objectives.
- (ii) Delegations have generally been made to the lowest level of competence, commensurate with the degree of responsibility and difficulty involved in the undertaking of the task delegated.
- (iii) In deciding what is the lowest level of competence for each delegation, particular attention has been paid to the fact that, along with the powers and duties contained in the delegation go the responsibilities and accountability for its correct and effective implementation and any reporting requirements.
- (iv) No delegations shall limit the power of Council or other delegator to exercise a function, duty or power in substitution for a delegatee.
- (v) In the exercise of any delegation, the delegatee will ensure they act in accordance with:

- Any binding statutory authority (in relation to each delegations, relevant sections of the Act will be identified); and
 - Any relevant Council policy or procedural documents (including reporting and recording) requirements.
- (vi) In relation to delegations to officer level, every delegation will be to a stated office and will be exercised in relation to the duties of that position as identified in the Job Description or when an officer has been appointed in an acting capacity.
- (vii) Decisions, other than on minor or routine matters, made under delegated authority will be reported to the Council or a relevant Committee.
- (viii) A delegation once made cannot be further sub-delegated.
- (ix) The Council may, at any time, revoke, suspend for a period, or amend the terms and conditions in relation to any delegation it has made. Where this occurs, it will be recorded by resolution of Council.
- (x) The Chief Executive may revoke or suspend for a period, or amend the terms and conditions in relation:
- Any delegation to subordinates that he has made; or
 - Any delegation to the Chief Executive that Council has revoked or suspended.
 -

The delegations below were last updated in 2015. Any changes since then are shown as underlined additions, and anything deleted is ~~struck out~~.

3. Abbreviations

CE	Chief Executive
RCtee	Regulatory Committee
CS	Committee Secretary
CSO	Consent Support Officer
CO	Consent Officer
DCS	Director Corporate Services
DEMO	Director Environmental Monitoring and Operations
DEHS	Director Engineering Hazards & Science
DPPRM	Director Policy Planning and Resource Management
EPA	Environmental Protection Authority
LC	Legal Counsel
MA	Management Accountant
MC	Manager Consents
MES	Manager Environmental Services
ME	Manager Engineering
MF	Manager Finance
MP	Manager Policy
MWQP	Manager Water Quantity Planning

PA	Policy Analyst
PCO	Principal Consent Officer
RPL	Resource Planner Liaison
RMPP	Resource Manager Procedures and Protocols
SCSO	Senior Consent Support Officer
SCO	Senior Consent Officer
SPA	Senior Policy Analyst
TLIE	Team Leader Investigations and Enforcement

4.0 Delegations under the Resource Management Act 1991.

The following table shows those functions under the RMA that require delegated authority in order to exercise them. The “Offices” to which the delegations are made are listed above.

Section	Description of Function	Delegated to	Comments
S34A(1)	Authority to appoint commissioners to hear and /or determine consent applications and regional plans and plan changes.	Commissioner Appointment Sub Committee (a subcommittee of Regulatory committee)	
S34A(1), 99A	Appointment of mediators for consent applications.	Commissioner Appointment Sub Committee	
<u>S35(2A)</u>	<u>Prepare a report on monitoring activities undertaken by Council in the course of exercising its functions under the RMA</u>	<u>DPPRM, CE; DEHS (s35(2)(a);</u>	<u>S35</u>
S36(3)	Power to require payment of additional charges to those fixed to enable the recovery of actual and reasonable costs.	DCS or CE or DPPRM	S357 objection, and appeal rights apply
S36(3A)	Power to approve an estimate of any additional charges likely to be imposed where requested by a person liable to pay an additional charge under Section 36(3).	PCO or MC or RMPP or DPPRM or CE	
S37(1)(a) and (b)	<u>To extend the time period</u> or to waive failure to comply with requirements for the time and method of service of documents and to extend time limits relating to resource consent processing.	Any two of PCO, MC, RMPP, DPPRM, CE, or the Hearing panel or Commissioner sole appointed to hear and determine the particular application(s)	
S37(2)(a) and (b)	The power to waive compliance with a requirement or to direct the terms on which the omission or inaccuracy of any information	Any two of PCO MC, RMPP, DPPRM, CE or the Hearing panel or Commissioner sole	

	required under the Resource Management Act, regulation or plan, or a procedural requirement that was omitted, shall be rectified <u>relating to resource consent processing.</u>	appointed to hear and determine the particular application(s)	
S37(1)(a) and (b)	To extend the time period or to waive failure to comply with requirements for the time and method of service of documents and to extend time limits relating to a plan proposal.	Any two of MP, <u>MWQP</u> , DPPRM, CE, or the Hearing panel or Commissioner sole appointed to hear and determine the particular plan proposal.	
S37(2)(a) and (b)	The power to waive compliance with a requirement or to direct the terms on which the omission or inaccuracy of any information required under the Resource Management Act, regulation or plan, or a procedural requirement that was omitted, shall be rectified relating to a plan proposal.	Any two of MP, <u>MWQP</u> , DPPRM, or CE; or the Hearing Commissioners appointed to determine the particular plan proposal	
S38	Power to appoint enforcement officers with any or all the powers of enforcement Officer and to issue warrants.	CE	
S39, 40, 41A, 41B, 41C (all subsections)	To determine the procedures for the conduct of a hearing.	The Hearing panel or Commissioners, or Commissioner sole appointed to hear and determine the particular plan proposal or consent application	
S42	Authority to determine on behalf of the Council to make an order to protect sensitive information.	The Hearing panel Commissioners, or Commissioner sole appointed to determine particular proposal or consent application	
S42A(1)	Authority to produce a report on a consent application, <u>Regional Policy Statement or Regional Plan.</u>	CO, CSO, MC, MP, <u>MWQP</u> , PA, SCO, PCO, SCSO, <u>SPA</u> , <u>RPL</u> , RMPP, DPPRM, CE	
S42A(1)	Prepare a report on a proposed regional policy statement, regional plan or plan change.	MP, <u>MWQP</u> , PA, SPA, DPPRM, CE	S42A

S42A(1AA)(b)	Authority to commission a report on a consent application.	Any two of PCO MC, RMPP, DPPRM, CE	
S42A(1AA)(b)	Authority to commission a report on a proposed regional policy statement, regional plan or plan change.	Any two of MP, <u>MWQP</u> , DPPRM, CE	S42A
S42A(5)	Authority to waive compliance with S42A(3) if satisfied there is no prejudice to any person who should have been sent a copy of a report under the above section.	Any two of PCO, MC, RMPP, <u>MWQP</u> , <u>MP</u> , DPPRM, CE	
S43A	Power to review under Section 128 all or any water, coastal or discharge permit as required by regulation when relevant national environmental standards have been made under Section 43.	Any two of PCO, MC, RMPP, DPPRM, CE	Exercise of delegation to be reported to Council or Consents Committee
S44, S46A	Make a submission on a proposed National Policy Statement, <u>National Environmental Standard</u> , <u>NZ Coastal Policy Statement</u> or amendment	DPPRM or CE	
S44A,	Prepare an amendment to a plan or proposed plan to give effect to a national environmental standard	MP, <u>MWQP</u> , PA, SPA, DPPRM, CE	S44A,
S49	Authority to make a submission to a board of inquiry.	Policy Committee or CE or DPPRM	Exercise of delegation to be reported to Council or Policy Committee
S55	Prepare an amendment to a plan or proposed plan to give effect to a national policy statement	MP, <u>MWQP</u> , PA, SPA, DPPRM, CE	
S82	Referral of disputes between authorities to the Environment Court	CE	
S86	Power to acquire land	CE	
S87E	Decision on a request from a consent applicant for determination of the application by the Environment Court	DPPRM or CE	
S87F	Produce a report for the Environment Court on a matter that has been referred to it	DPPRM or CE	
<u>S88(1)</u>	<u>Power to apply for resource consent on behalf of the Regional Council</u>	<u>DEMO</u> , <u>DEHS</u> or CE	

S88(3)	Power to determine that an application for a resource consent is incomplete and the reasons for that determination.	CO, CSO, MC, SCO, PCO, SCISO, RMPP or DPPRM or CE	S357 objection and appeal rights apply
S91	Determine not to proceed with processing an application pending applications for additional consents.	PCO or MC or RMPP or DPPRM or CE	S357 objection and appeal rights apply
S92	Require an applicant to provide additional information.	SCO, PCO or MC or RMPP or DPPRM or CE	
S92(2)	To commission a report and to postpone notification or hearing of the application pending receipt.	Any two of PCO, MC, RMPP, DPPRM, CE	
S92A(2), 92B(2)	To determine the time within which further information requested under S92 must be provided.	CO or SCO, PCO or MC or RMPP or DPPRM	
S93	To decide that a controlled activity does not have to be notified.	PCO, MC or RMPP or , DPPRM or CE	
S95, 95A, 95B, 95C	Authority to determine whether the adverse effects of an activity on the environment will be minor, and if an application must be limited or publicly notified;	Any two of PCO, MC or RMPP or DPPRM or CE	
S95D	Forming an opinion on whether adverse effects are minor or more than minor.	Any two of PCO, MC or RMPP or DPPRM or CE	
S95B	To provide written approval of a resource consent application on behalf of Council as an adversely affected party.	CE or a relevant Director	
S95E	Power to form an opinion for the purposes of Section 94(1) as to who may be adversely affected by a consent application activity.	CO and SCO or PCO or MC; or RMPP or DPPRM or CE	
S95A(4)	Authority to require notification of an application if special circumstances exist in relation to the application.	Any two of PCO, MC, RMPP, DPPRM, CE	
S95F	Decide if a customary rights group is an affected customary rights group	Any two of PCO or MC or RMPP or DPPRM or CE	
<u>S95G</u>	<u>Decide if a customary marine title group is an affected customary marine title group</u>	<u>Any two of MC or RMPP or DPPRM or CE</u>	
S96	Make submissions to another consent authority in respect of a consent application.	DPPRM or DEHS or CE	

S99	Authority to decide the parties who should be invited to pre-hearing meetings.	Any two of SCO, PCO, MC, RMPP, DPPRM, CE	
S99	Authority to decide the parties who will be required to attend a pre hearing meeting.	Any two of PRO, MC RMPP, DPPRM, CE	
S99	Authority to decide who will chair a pre hearing meeting.	DPPRM or CE and either the PCO or MC or RMPP	
S99	Authority to determine that a person does not have a reasonable excuse for not attending a pre hearing meeting when required to do so. Authority to decide not to process an application, or disregard a submission where the relevant applicant or submitter failed to attend the pre hearing meeting.	DPPRM or CE and either the PCO or MC or RMPP	S357 objection and appeal rights apply
S99A	To decide that there should be mediation for parties to a consent application. To identify who should be invited to attend mediation.	Any two of PCO or MC, RMPP, DPPRM, CE	
S100	To determine that a hearing is necessary if not requested.	Any two of PCO or MC, RMPP, DPPRM, CE	
S100A	Appoint commissioner to hear consent application on request of applicant or submitter	ORC - Commissioner Appointment Sub-Committee	
S101	To fix a date, time and place for a hearing.	PCO or CS or MC or RMPP or DPPRM or CE.	
S102 & S103	To exercise the Council's discretion's concerning the holding of joint hearings with other authorities and <u>or combined hearing of two or more applications</u>	Any two of PCO, MC, RMPP, DPPRM, CE	
S104 S104A S104B S104C S104D S104F S105 S107 S108 <u>S217</u>	To make decisions on applications for resource consents including determining conditions for non notified and limited notified resource consents for controlled and discretionary and non-complying activities where: - no submissions are received; or - any remaining submissions are neutral or in support of the application and no request is made for a hearing; or	Any two of PCO, MC, RMPP, DPPRM, CE	

	<p>-</p> <p>- the need for a hearing has been avoided by a submission being withdrawn or by the submitter agreeing with the proposed conditions of consent</p> <p>Authority to decide non-notified resource consent applications to install or alter a bore.</p>	PCO or MC or RMPP or DPPRM or CE	
S104 S104A S104B S104C S104D S104F S105 S107 S108 S217	To make decisions for resource consents including determining conditions, for all publicly notified consent applications and for limited notified applications where any submitter opposes the application, or an applicant and/or submitter wishes to be heard.	The Hearing panel or Commissioner sole appointed to hear and determine the particular application(s)	
S108	<p>Authority to decide what conditions should be included in a resource consent that is to be granted.</p> <p>Authority to decide what conditions should be included in a non notified consent to construct or alter a bore.</p>	<p>Any two of PCO, MC RMPP, DPPRM, CE or The Hearing panel or Commissioner sole appointed to hear and determine the particular application(s)</p> <p>PCO or MC or RMPP or DPPRM or CE</p>	
S108A	Implementation of requirement in a resource consent for a bond to secure the performance of consent conditions.	Any two of PCO, MC, RMPP, DPPRM, CE, DCS or The Hearing panel or Commissioner sole appointed to hear and determine the particular application(s)	
S109	Ascertain whether work carried out for the purposes of a resource consent <u>bond</u> condition has been completed satisfactorily and, in cases where work has not been completed, determine to undertake the work and recover costs from	Any two of PCO, <u>MC</u> , RMPP, DPPRM, CE, LC	

	the consent holder out of money or securities deposited with the consent authority or bond.		
S110	Determine to retain any portion of a financial contribution paid, where a resource consent activity does not proceed.	Any two of PCO, RMPP, MC, DPPRM, CE, DCS	
S114	To determine the most appropriate manner of notifying a decision.	MC or RMPP, SCO, PCO or DPPRM or CE or	
S120	Authority to lodge an appeal, not to lodge an appeal, or to withdraw an appeal made, to the Environment Court on a resource consent application decision.	DPPRM or CE	Exercise of delegation to be reported to Council or Regulatory Committee
S124	To permit an applicant to continue to operate pending determination of an application for a replacement consent as provided for S124(b).	Any two of PCO, MC, RMPP, DPPRM, CE	S357 objection and appeal rights apply
S125	To extend (on application) the extension of time period within which a consent must be exercised before it lapses.	<u>PCO</u> or MC or RMPP or DPPRM or CE	S357 objection and appeal rights apply
S126	Authority to give written notice to cancel a resource consent which has been exercised but has not been exercised during the preceding 5 years unless otherwise expressly provided.	<u>PCO</u> or MC or RMPP or DPPRM or CE or LC	S357 objection and appeal rights apply
S126(2)	Power to revoke a notice of cancellation of a resource consent.	<u>PCO</u> or MC or RMPP or DPPRM or CE or <u>LC</u>	
S127	To exercise the Council's discretion re non-notification of applications for minor variation to consents.	Any two of PCO, MC, RMPP, DPPRM, CE	
S128, 129	Authority to serve notice of intention to review the conditions of a resource consent and to propose new conditions.	Any two of PCO, MC, RMPP, DPPRM, CE	S357 objection and appeal rights apply
S130	Authority to determine whether to dispense with notification of a notice of review of the conditions of a resource consent.	Any two of PCO, MC, RMPP, DPPRM, CE	
S131, S132	Authority to make decisions on a review of resource consent conditions.	Any two of PCO, MC, RMPP, DPPRM, CE or The Hearing panel appointed to hear and/or decide on the particular application(s)	

S133A	Authority to issue an amended consent that corrects minor mistakes or defects in the consent.	CSO or SCSO or <u>PCO</u> or MC or RMPP or DPPRM or CE	
S136(1) or 136(2)(a)	Authority to update records to show the transfer of a resource to another consent holder at the same site.	CSO, or SCSO or CO or SCO, or PCO or MC or RMPP or DPPRM or CE	
S136(2)(b) & 136(4)	Authority to approve the transfer of a water permit in whole or in part to another person on another site or to another site.	Any two of PCO, MC, RMPP, DPPRM, CE	
S137 (1)(2)	Authority to update records to show the transfer of discharge permits to new owners.	CSO, or SCSO or CO or SCO, PCO MC or RMPP or DPPRM or CE	
S137 3)-(7)	Authority to allow the transfer of a discharge permit to a new site	Any two of PCO, MC, RMPP, DPPRM, CE.	Our Regional Plans must provide for this before this delegation can be exercised.
S138	To accept or refuse the surrender of a resource consent, and to direct that a person need not complete any work to give effect to the consent.	Any two of PCO, MC, RMPP, DPPRM, CE	
S139, S139A	To grant or decline a Certificate of Compliance or existing use certificate	PCO or MC or RMPP or DPPRM or CE.	S357 objection and appeal rights apply
S142	Request that a consent application is called in by the EPA	CE	
S142(4)	Provide views of ORC to the minister on a request for call in	DPPRM or CE	
S149, S149B	Provide a report or documents to the EPA on a matter that has been called in or referred to it.	SCO, PCO, MC, RMPP, SPA, MP, <u>MWQP</u> , DPPRM	
S149E, S149F, S149O	Make a submission to the EPA on a matter that has been called in or referred to it.	DPPRM, CE	
S149K	Provide suggestions to the Minister for members of a Board of Inquiry	DPPRM or CE	
S149G	Prepare a report for the EPA on key planning matters relating to a called in application	MC or RMPP or <u>MP</u> or <u>MWQP</u> or DPPRM or CE	
S 149M S149N	Provide comments or information to EPA on proposed plans or plan changes	DPPRM or CE	
S149Q	Make comments on draft report produced by the EPA	DPPRM, CE	
S149V, S299	Decide to appeal decision of EPA	CE	

	or Environment Court to the High Court or higher Courts on points of law		
S149Z	Make application for costs to EPA	DCS or DPPRM, or CE	
S165D	<u>Authority to refuse to receive an application for a coastal permit.</u>	MC, RMPP, DPPRM, CE	S165D
S165L(2)	<u>Request Minister to approve method to allocate common marine & and coastal area space & give public notice thereof</u>	DPPRM or CE	To be reported to Regulatory Committee
S165P	<u>Publicly notify an offer of authorisation by the Minister for a coastal permit for the occupation of space</u>	MC, RMPP, DPPRM, CE	S165P
S165X	<u>Accept offers for authorisations in common marine and coastal space area</u>	Any two of DCS, DPPRM, CE	
S165ZB	<u>Request Minister to suspend applications for coastal permits for aquaculture and give public notice thereof</u>	DPPRM or CE	To be reported to Regulatory Committee
S165ZF	<u>Request that Minister directs coastal permits for aquaculture to be processed and heard together</u>	DPPRM or CE	
S165ZFE(2)	<u>Give notices of process requirements</u>	PCO or MC or RMPP or DPPRM or CE.	
S165ZFE(4)	<u>Decide whether to grant applicants' request that all applications be determined by the Environment Court</u>	PCO or MC or RMPP or DPPRM or CE.	
S168	<u>Authority to give a notice of requirement for a designation to a territorial authority</u>	CE, or DEHS or DPPRM	To be reported to Council
S172	<u>Power to make a decision on a recommendation on a notice of requirement for a designation.</u>	CE or DEHS or DPPRM	
S174	<u>Authority to appeal a decision of the territorial authority relating to a designation</u>	CE	
S176 and 178	<u>Power to approve activities on land affected by designation</u>	CE, or DEHS or ME	
S176A	<u>Prepare an outline plan to be constructed on designated land</u>	CE, or DEHS or ME	
S181	<u>Authority to amend a designation</u>	CE, or DEHS or DPPRM	
S182	<u>Authority to remove a designation</u>	CE	To be reported to Council
S184	<u>Power to seek extension of a designation before lapsing</u>	CE	
S186	<u>Authority to compulsorily acquire land</u>	CE	To be reported to Council

<u>S195</u>	<u>Authority to appeal a matter subject to a heritage order</u>	<u>CE</u>	
<u>S205, 209,</u>	<u>Authority to make a submission to a special tribunal on a water conservation order; or appeal to the Environment Court;</u>	<u>DPPRM, CE</u>	
<u>S211</u>	<u>Authority to decide to appear at proceedings before the Environment Court and call evidence for the Council as a local authority.</u>	<u>CE or DPPRM and LC</u>	<u>Exercise of delegation to be reported to Council</u>
<u>S216</u>	<u>Power to apply to vary or revoke a Water Conservation Order</u>	<u>CE</u>	
<u>S237D</u>	<u>Transfer of land to Regional Council</u>	<u>CE</u>	
<u>S245</u>	<u>Authority to approve or decline a plan of survey of reclamation.</u>	<u>CE</u>	<u>Requires Council seal</u>
<u>S267, S268</u>	<u>To approve consent for final resolution of appeals on resource consents before the Environment Court.</u>	<u>MC or RMPP or DPPRM or CE</u>	
<u>S267</u>	<u>Request an Environment Judge to convene a conference.</u>	<u>RMPP or MC or DPPRM or CE</u>	<u>Procedural matter only</u>
<u>S268</u>	<u>Request or consent to additional dispute resolution.</u>	<u>RMPP or MC DPPRM or CE</u>	<u>Procedural matter only</u>
<u>S274</u>	<u>Authority to give notice or to decide not to give notice to the Environment Court under Section 274 of the Resource Management Act that the Council wishes to be a party to an appeal, reference or inquiry hearing on a decision on a matter to which the Council made a submission.</u>	<u>CE or DPPRM or LC</u>	
<u>S274</u>	<u>Authority to decide to appear at proceedings before the Environment Court and call evidence for the Council as a local authority.</u>	<u>CE or DPPRM and LC</u>	<u>Exercise of delegation to be reported to Council or Regulatory Committee</u>
<u>S281</u>	<u>To deal with waivers and directions from Environment Court in respect of proceedings related to procedural matters.</u>	<u>RMPP or MC or DPPRM or LC or CE</u>	<u>Procedural matter only</u>
<u>S292</u>	<u>Authority to remedy a defect in a regional plan on the direction of the Environment Court.</u>	<u>MP, MWQP, DPPRM, CE</u>	<u>S292</u>
<u>S294</u>	<u>Apply to the Environment Court for a rehearing of its proceedings where after the Court's decision, new and important evidence becomes available.</u>	<u>CE</u>	<u>Exercise of delegation to be reported to Council or Regulatory</u>

			Committee
S299 & S305	To initiate an appeal to the High Court on a question of law.	A relevant Committee of ORC or CE	Exercise of delegation to be reported to Council or Regulatory Committee
S301	Give notice of intention to appear in the High Court on any appeal against an Environment Court decision, report or recommendation.	CE	
S308	To initiate an appeal to the Court of Appeal on a question of law	A relevant Committee of ORC or CE	Exercise of delegation to be reported to Council or Regulatory Committee
S311	To seek and/or respond to a declaration.	A relevant Committee of Council or CE	Exercise of delegation to be reported to Council or Regulatory Committee
S314 S316 S318 S320 S321	To seek and/or respond to an enforcement order. To seek and/or respond to an interim enforcement order. To seek and/or respond to a change or cancellation of an order.	A relevant Committee of Council or CE	Exercise of delegation to be reported to Council or Regulatory Committee
S322	To decide to serve an abatement notice.	Any two of LC, MES, CE	Appeal rights to the Environment Court exist
S325A	Authority to cancel an abatement notice.	Any two of CE, MES, <u>TLIE</u> or LC	An abatement notice shall not be cancelled by the officer who issued the notice
S325B	Apply to the Environment Court for an Enforcement Order.	CE or LC	Exercise of delegation to be reported to Council or Compliance <u>Regulatory</u> Committee
S329	To issue, amend or revoke a water shortage direction.	DPPRM or CE	Exercise of delegation to be reported to Council or

			Regulatory Committee
S330	To undertake emergency works.	CE or any two Directors	Exercise of delegation to be reported to Council or Regulatory Committee
<u>S330A</u>	<u>Power to apply for retrospective consent for emergency works</u>	<u>DEMO, DEHS or CE</u>	
S331	To seek enforcement order for reimbursement of costs associated with emergency works.	CE	Exercise of delegation to be reported to Council or Regulatory Committee
S334	To seek a search warrant.	LC or CE	Exercise of delegation to be reported to Council or Regulatory Committee
S338	To initiate and withdraw a prosecution for an offence against the Act.	CE	Exercise of delegation to be reported to Council or Regulatory Committee
S343B	To decide that an infringement notice should be served or withdrawn	Any two of MES, LC or CE	
S343C	To commence proceedings for a defended infringement notice	CE	
<u>S355B</u>	<u>Power of Regional Council to act against unlawful reclamations</u>	<u>CE</u>	
S356	To seek an order for a consent related issue to be determined by arbitration.	CE	
S357 S357A S357B	Authority to consider and decide any objection made under any provision of Section 357 of the Resource Management Act, where the consent holder is satisfied with a recommendation and does not wish to be heard.	Any two of MC, RMPP, DPPRM and CE, not being the two who made the decision being objected to	
S357 S357A S357B	Authority to consider and decide any objection made under any provision of Section 357 of the Resource Management Act, where consent holder wishes to be heard.	The Objections Committee	Subject to appeal

S369(11)	Authorise or prohibit the use in a clean air zone of any class of fuel. Authorise or prohibit the installation or use in a clean air zone of any class of fuel burning equipment.	ORC or relevant Committee of Council	
S388	To require a person to supply information relating to the exercise of a consent.	LC or MC or MES or RMPP or DPPRM or CE	
S417	To sign off a certificate that defines the line of a water race on land, as authorised by a relevant mining privilege.	Any two of RMPP, DPPRM, DCS and CE	
Clause 6 and 8, First Schedule	<u>Make a submission and further submissions on a regional planning document of another region</u>	<u>DPPRM, CE</u>	
Clause 6 and 8, First Schedule	<u>Make a submission and further submissions on a district planning document of a territorial authority.</u>	<u>DPPRM, CE</u>	

5. Regional Plan: Water for Otago

<u>Rules:12.1.2.4, 12.1.2.5, 12.2.2.2, 12.2.2.5 and 12.2.2.6</u>	<u>To suspend permitted activity takes of water as provided for in the Regional Plan: Water for Otago.</u>	<u>CE</u>	<u>Exercise of delegation to be reported to Council or Regulatory Committee</u>
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It is noted that the Council resolved on 4 June 2013 “that the Chief Executive is authorised on behalf of the Otago Regional Council to initiate, prosecute, withdraw and do all other things necessary to conduct appeals as follows:

- (1) Environment Court to the High Court
- (2) District Court to the High Court
- (3) High Court to the Court of Appeal
- (4) Court of Appeal to Supreme Court”

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

S12	Issue a certificate of priority.	<u>CSO or SCSO or CO or SCO or MC or RMPP</u>	
S14(1)(d)	Direct privilege holder to stop water running to waste.	MES or DPPRM or CE or warranted enforcement officer under the RMA	

S14(1)(g)	Require structures permitting private or public access over water races to be kept in good repair, order and condition.	MES or DPPRM or CE or warranted enforcement officer under the RMA	
S14(1)(h)	Require privilege holder to record and report to the Board information concerning the exercise of the privilege.	MES or DPPRM or MC or RMPS or CE	
S14(2)	Give directions for the repair, strengthening or otherwise of dams.	MES or DPPRM or DEHS or CE	
S16(2)	Determination of what is a reasonable quantity of domestic needs of animals or for fire fighting.	MES or CO or SCO or PCO or MC or DPPRM or RMPP or CE	
S30	Provide certified copies of privileges.	CSO or SCSO or RMPP	

7. Soil Conservation and Rivers Control Act 1941

<u>S126</u>	<u>To carry out its functions under the Act, including the power to construct, reconstruct, alter, repair, and maintain works to control or regulate water or to prevent or lessen the overflow or breaking of banks of any watercourse.</u>	<u>DEHS</u>
<u>S132</u>	<u>Power to enter land for survey and investigation</u>	<u>DEHS or ME</u>
<u>S133</u>	<u>Maintenance and improvement of watercourses and defences against water</u>	<u>DEHS</u>
<u>S135</u>	<u>To exercise the incidental powers of Boards associated with works required under this Act.</u>	<u>DEHS</u>
<u>S136</u>	<u>Notice to authority before interfering with roads etc.</u>	<u>DEHS</u>
<u>S137</u>	<u>Notice in respect of works to be undertaken on private land</u>	<u>DEHS</u>
<u>S138</u>	<u>To apportion cost of works with owners of lands</u>	<u>DEHS</u>
<u>S139</u>	<u>To purchase land on a system of time payment (if approved by the Minister)</u>	<u>DEHS</u>

8 Delegations related to ~~the administrative functions under the Mining Act (MA) 1971 and Crown Minerals Act 1991 (CMA)~~

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

Section	Description of function	Delegated to	Comments
Schedule 1 (16)	Require the holder of a coal mining right to increase the amount of bond or deposit	DCS or CE	
Schedule 1 (16)	To make a determination whether the holder of an existing mining privilege has complied with the terms and conditions of the privilege.	DCS or CE	
S84 MA S108CMA	To exercise discretions contained within licence conditions (eg matters to be done to the satisfaction of the inspector, or as directed by the inspector). To issue enforcement instructions—acting in capacity of inspector.	LC or MES CE	
S84 MA S108CMA	To approval annual work plans, and variations to work plans as part of a Mining Licence condition. To suspend a condition of a licence.	LC or MES or CE	
S116 MA	Accept surrender of a mining privilege. Require enforcement of a mining licence condition.	LC or MES or or CE	
S117 MA S108 & 109 CMA	To seek a formal review of conditions, or of a bond in accordance with statutory requirements. To comment on compliance with licence conditions in connection with the acceptance of a surrender of licence and/or the return of bond money.	Any two of DCS, MES, CE LC or MES or CE	
S103 & S108 MA S109CMA	To seek the call up of bonds where necessary to restore a site or otherwise achieve the purpose for which the bond was held.	Any two of DCS, DPPRM, CE	Exercise of delegation to be reported to Council or Regulatory Committee

9 Delegations related to the Building Act 2004

The functions, powers and duties listed in the table below account for the recent changes to the Building Act 2004 arising from the Building Amendment Act 2013. It is noted that the table lists only those functions, powers and duties where some discretion as to how the Building Consent Authority/Regional Authority should act exists. It does not list those where there is no discretion.

The abbreviations in the table have the following meanings:

CE	Chief Executive
CSO	Consent Support Officer
DCS	Director Corporate Services
DEHS	Director Engineering Hazards and Science
DPPRM	Director Policy Planning and Resource Management
LC	Legal Counsel
MA	Management Accountant
MC	Manager Consents
MEDP	Manager Environmental Data and Planning
MES	Manager Environmental Services
PCO	Principal Consents Officer
SCO	Senior Consents Officer
SCSO	Senior Consents Support Officer
SIE	Senior Investigations Engineer

Statutory ref	Description	Delegated to
	Project Information Memoranda	
S33(1)(b) or (c)	Further information required where a PIM has been applied for	SCO or PCO or SIE or MC
S34(4)	Re-issue of a PIM in certain circumstances	MC or DEHS or DPPRM
S37(1)	Deciding whether to issue a certificate	SCO or PCO or SIE or MC
	Building consents	
S45(1)(c)	Specifying the information that the BCA “reasonably requires” to be lodged with a building consent application or application for a minor variation	SCO or PCO or SIE or MC
<u>S45A</u>	<u>Deciding to grant a minor variation to building consent</u>	<u>DEHS or DPPRM or CE</u>
S47(3)	Proceeding to determine a building consent application without an NZFSC memorandum	SCO or PCO or SIE or MC
S48(1)	Deciding on a building consent application or an application for a minor variation	DEHS or DPPRM or CE

S48(2)	Deciding whether further information is required	SCO or PCO or SIE or MC
S49	Deciding to grant a building consent	DEHS or DPPRM or CE
S49(2)	Declining to grant a building consent until any charges or levies payable are paid	DEHS or DPPRM or CE
<u>S50</u>	<u>Refusing the application for building consent</u>	<u>DEHS or DPPRM or CE</u>
S51(3)	Deciding whether to grant a building consent in the absence of a PIM	<u>SCO or PCO or MC</u>
S52(b)	Allowing a lapse period beyond 12 months for a building consent	DEHS or DPPRM or CE
	Building Levies	
S53(2)	Determining the estimated value of building work for the purposes of calculating levies	SCO or PCO or SIE or MC
S62(2)	Recovery of unpaid levies from building consent applicant	MA or DCS or CE
	Waivers and Modifications	
S67(1) and (2)	Decision to grant an application for a building consent subject to a waiver or modification and to impose any conditions	DEHS or DPPRM or CE
	Construction of dams on land subject to natural hazards	
S71(2)	Determining whether adequate provision has been made in respect of certain aspects relating to natural hazards	SCO or PCO, or SIE or MC
S72	Determining whether the matters in s72 relating to natural hazards are satisfied	SCO or PCO, or SIE or MC
S74(3)	Determining whether the matters in s74(3) apply	SCO or PCO, or SIE or MC
S83(3)	Deciding to approve the removal of entry on a certificate of title	SCO or PCO or SIE or MC
	Code compliance certificates	
S93(1), S93(4) and S94	Deciding whether to issue a code compliance certificate	DEHS or DPPRM or CE
S93(2)	Agreeing on a period beyond two years for an application for a code compliance certificate	MC or DEHS or DPPRM
S93(4)	Requiring further information in relation to an application for a code compliance certificate	SCO or PCO, or SIE or MC

	Certificates of acceptance	
S96(1) and S98(1)	Deciding whether to issue a certificate of acceptance	DEHS or DPPRM or CE
S97(c)	Specifying the information that the regional authority “reasonably requires” to be lodged with an application for a certificate of acceptance	SCO or PCO or SIE or MC
S98(2)	Requiring further information in relation to an application for a certificate of acceptance	SCO or PCO or SIE or MC
S99(2)	Qualifying a certificate of acceptance to the effect that only parts of the building work were able to be inspected.	DEHS or DPPRM or CE
	Compliance schedule	
S102(2)	Charging of a fee for the issue of a compliance schedule	MA or DCS or CE
S106(3)	Specifying the information that the regional authority “reasonably requires” to be lodged with an application for an amendment to a compliance schedule	SCO or PCO or SIE or MC
S106(4)	Deciding whether to amend a compliance schedule in response to an application to do so	DEHS or DPPRM or CE
S107(2)	Deciding whether to amend a compliance schedule on the regional authority’s own initiative	DEHS or DPPRM or CE
	Annual Building Warrant of Fitness	
S109(c)	Decision to accept a recommendation to amend a compliance schedule arising from the annual building warrant of fitness	DEHS or DPPRM or CE
S110(c)	Requirement to produce compliance schedule reports under s110(a)	MEDP or MES or CE
S111(1)	Decision to inspect building work or specified systems where a compliance schedule has been issued	MEDP or MES or DEHS or CE
S111(2)	Charging of a fee for inspections under s111(1)	MA or DCS or CE
	Alterations to existing buildings	
S112	Decision to grant building consent for an alteration to an existing building	DEHS or DPPRM or CE
<u>S113</u>	<u>Dealing with buildings with less than a 50 year life</u>	<u>DEHS or DPPRM or CE</u>
	Change of Use, extension of life and subdivision of land	

S115	Decision to allow the change of use of a building	DEHS or DPPRM or CE
S116(1) and S116(3)	Decision to allow the extension of life of a building	DEHS or DPPRM or CE
	<u>Note that Sections 134 to 156 are only activated with regulations, that have not been enacted.</u>	
	Classification of Dams	
S134A(1)	Requiring owner to classify a referable dam	MEDP or DEHS or DPPRM or CE
S136(1) and S136(2)	Decision to approve or refuse a dam classification	MEDP or DEHS or DPPRM or CE
S138(1)	Requiring re-audit of a classification	MEDP or DEHS or DPPRM or CE
S138(2)	Specifying a period beyond 15 working days for a dam classification re-audit	MEDP or DEHS or DPPRM or CE
	Dam safety assurance programmes	
S143(1)	Decision to approve or refuse to approve a dam safety assurance programme	MEDP or DEHS or DPPRM or CE
S145(1)	Requiring re-audit of a dam safety assurance programme	MEDP or DEHS or DPPRM or CE
S145(2)	Allowing a period beyond 15 working days for a dam safety assurance programme to be re-audited	MEDP or DEHS or DPPRM or CE
S146(2)(b)	Requesting a review of the dam safety assurance programme for earthquake-prone or flood-prone dam	MEDP or DEHS or DPPRM or CE
<u>S148(a)(iii)</u>	<u>Decision on keeping a dam safety assurance programme in a place agreed by the Regional Council and the owner</u>	<u>MEDP or DEHS or DPPRM or CE</u>
	Dangerous dams	
S154(1)	Determining that a dam is dangerous in terms of s153	DEHS or DPPRM or CE
S154(1)	Decision to require actions specified in s154(1) in relation to dangerous dams	DEHS or DPPRM or CE
S155(1)(b)	Determining whether building consent required in respect of work required by a notice to fix	SCO or PCO or SIE or MC
S156(1)	Decision whether to apply to the District Court for an order enabling the regional authority to carry out building work	CE
S156(3)(b)	Decision to recover costs of regional authority undertaking building work in accordance with	DCS or CE

	s156(1)	
S157(2)	Decision to take action to avoid immediate danger	DEHS or DPPRM or CE
S157(3)(b)	Decision to recover costs of regional authority taking action in accordance with s157(2)	DCS or CE
<u>S158</u>	<u>To make an application to the District Court to confirm warrant for emergency work on a dam</u>	<u>DEHS or DPPRM or CE</u>
	Notices to fix	
S164(1)	Determination that a notice to fix should be issued	LC or DEHS or DPPRM or CE
S164(3)	Determination that another authority should issue a notice to fix	LC or DEHS or DPPRM or CE
S165(1)(a) and (b)	Using a notice to fix in the prescribed form. Determining a reasonable timeframe within which a Notice to Fix must be complied with	LC or DEHS or DPPRM or CE
S165(1)(c) and (d)	Determining whether a Notice to Fix should include a requirement to apply for a certificate of acceptance or a building consent (or amendment to an existing building consent)	LC or DEHS or DPPRM or CE
S165(1)(f)	Determining whether a Notice to Fix should include a direction to make the site safe and/or cease building work and, if so, determining if and when work is able to resume	LC or DEHS or DPPRM or CE
S167	Determining whether a Notice to Fix has been complied with <u>and authorising the response in accordance with the Act</u>	LC or DEHS or DPPRM or CE
	Determinations	
S177 and S180	Making and withdrawing an application for a determination	CE
S182(2)	Commencement of proceedings in the High Court where the matter has been the subject of a determination	CE
S185(2)(b)	Agreeing on a period beyond 60 working days for making a determination	CE
S189(b)(ii)	Agreement to amendment of a determination for clarification purposes	CE
S190(3)	Filing a direction in the District Court as to costs in respect of a determination	CE
	Registration as a Building Consent Authority	
S194	Making application for registration as a building consent authority	CE

<u>S200</u>	<u>Responding to complaints about building consent authorities</u>	<u>CE</u>
<u>S202</u>	<u>Commencement of an investigation</u>	<u>CE</u>
	Appeals	
S208, <u>S209</u>	Appealing a decision of the CEO of the Ministry responsible for the administration of the Building Act	CE
	Carrying out building work on default	
S220(2)	Making application to the District Court for an order in respect of building work required to be done	CE
S220(4)(b)	Recovery of costs associated with carrying out building work authorised under s220(2)	CE
S221(2)(a)	Disposal, sale etc of materials that result from carrying out building work authorized under s220(2)	CE
<u>S222</u>	<u>To authorise persons to carry out inspections under Act</u>	<u>CE</u>
	Responsibilities of a BCA that is not a Territorial Authority	
S240(1)	Power to impose fees for performing functions under the Building Act	DCS or CE
S240(2)	Refusal to perform functions under the Building Act where fees, charges or levies are unpaid	DEHS or DPPRM or CE
<u>S243</u>	<u>Power to impose fees or charge and recovery costs, and collect levy</u>	<u>DCS or CE</u>
	Transfer of functions, duties and powers of a regional authority	
S244	Decision to transfer Building Act functions to/from another regional authority	CE
S246(b)	Agreement on the terms and conditions of a transfer of powers under the Building Act	CE
S247(1)(b)	Cancellation of transfer of powers under the Building Act	CE
S247(2)	Changing or revoking a transfer	CE
	Accreditation	
<u>S252(4)</u>	<u>Request to change the scope of accreditation</u>	<u>DEHS or DPPRM or CE</u>
S253	Application for accreditation to perform Building Consent Authority functions	DEHS or DPRM or

		CE
	Review	
S276(2)(b)	To make submissions on a review of the regional authority	DEHS or DPPRM or CE
	Fees and charges	
S281A(2)	Deciding how a fee or charge is set	DCS or CE
S281A(3)	Deciding whether to impose a fee or charge	DCS or CE
S281B	Increasing the amount of a fee or charge to meet the additional cost	DCS or CE
S281C	Waiving or refunding a fee in whole or part	DCS or CE
	Discipline	
S315(1)	Making a complaint about a licensed building practitioner	DEHS or DPPRM or CE
	Offence relating to building control	
S363A(2)	Deciding whether to issue a certificate for public use	DEHS or DPPRM or CE
S363A(5)	Deciding and requesting further reasonable information	SCO or PCO or SIE or MC
	Proceedings for infringement offences	
S371(2)	Commencement of proceedings where an infringement notice has been issued	CE
S371B(2)	Authorising officers to issue infringement notices	CE
	Proceedings for offences generally	
S377	Laying informations for offences under the Building Act	CE
S381(1) <u>and</u> (2)	Making application to the District Court for an injunction	CE
	Regulations	

S403(4)(b)	Making submissions as an “interested person” to proposed Orders in Council or regulations	DEHS or DPPRM or CE
	Schedule 1	
<u>Part 1, Clause 2</u>	Deciding whether a building consent is not necessary	<u>MC</u> or DEHS or DPPRM or CE

10. Resource Management (Measurement and Reporting of Water Takes) regulations 2010

Regulation	Description	Delegation
<u>6(5)</u>	<u>Approving the format of records</u>	<u>Any two of MC, MES, RMPP, DPPRM, CE</u>
<u>7(4)</u>	<u>Determining whether the verifier is suitably qualified</u>	<u>Any two of MC, MES, RMPP, DPPRM, CE</u>
<u>8(4) and (6)</u>	<u>Power to request evidence from the consent holder</u>	<u>Any two of MC, MES, RMPP, DPPRM, CE</u>
9	Approval to measure water weekly instead of daily	Any two of MC, MES, RMPP, DPPRM, CE
10(1)	Approval to measure water take not at the point of take,	Any two of MC, MES, RMPP, DPPRM, CE
11	Revoke approval given under regulation 9 or 10	Any two of MC, MES, RMPP, DPPRM, CE

11. Marine Transport Act 1994

<u>S33D</u>	<u>appoint a Harbourmaster for any port, harbour or waters in the Otago Region</u>	<u>CE</u>
<u>S33G</u>	<u>Appoint enforcement officers</u>	<u>CE</u>
<u>S33I</u>	<u>To undertake harbour works for the purpose of ensuring maritime safety</u>	<u>CE</u>
<u>S33L</u>	<u>To deal with an abandoned ship</u>	<u>CE or DEMO</u>
<u>S200(3A)</u>	<u>To erect, place, and maintain navigational aids</u>	<u>CE or DEMO</u>
S318 ¹	Appoint a regional on-scene commander for the Otago region; and Appoint a person(s) who shall perform the functions and duties of an on-scene commander, should the position be vacant or the	CE

¹ Council approved delegation on 20 July 2016 refer report 2016/0898

	on-scene commander absent	
S33J ²	Removing or dealing with wrecks	CE

Section 33 D – that the CE may appoint a Harbourmaster for any port, harbour or waters in the Otago Region.

12. Local Government Act 2002 and Otago Regional Council Bylaws

Section	Description of function	Delegated to	Comments
S174	To appoint an “authorised person” for the purposes of exercising functions, powers and duties under the: <ul style="list-style-type: none"> • Local Government Act 2002; • Building Act 2004; • Otago Regional Council Bylaws; • Soil Conservation and Rivers Control Act 1941; and • Land Drainage Act 1908³. 	CE	
S162	To seek an application for an injunction restraining a person committing a breach of a Bylaw or an offence against this Act.	CE	
S163	Remove or alter a work or thing that is, or has been, constructed in breach of a Bylaw. To recover costs of removal/alteration.	CE or DEHS	
S164	To seize and impound property not on private land	CE	
S165	To seek a search warrant	CE	
<u>S168</u>	<u>To dispose of property seized and impounded</u>	<u>CE</u>	
<u>S173</u>	<u>To authorise the entry of property in cases of emergency</u>	<u>CE</u>	
<u>S175 and 176</u>	<u>To authorise the recovery of damages</u>	<u>CE</u>	
<u>S181</u>	<u>To authorise the construction of works on private land</u>	<u>CE</u>	
<u>S186</u>	<u>To approve works if owner or occupier defaults</u>	<u>CE</u>	
<u>S187</u>	<u>To approve the recovery of costs</u>	<u>CE or DCS</u>	
<u>S189 and S190</u>	<u>Power to acquire land</u>	<u>CE</u>	
S238 and S239	To initiate and withdraw a prosecution for an offence against this Act.	CE	
Flood Protection Management Bylaw ⁴	To approve/refuse or revoke authority under the Bylaw	<u>ME or DEHS</u> or DPPRM or CE	

² Council approved delegation on 20 July 2016 refer report 2016/0898

³ Council approved delegation on 9 December 2015 refer report 2015/1271

⁴ Council approved delegation on 12 February 2014 refer report 2014/0580

13 Biosecurity Act 1993

Section	Description of function	Delegated to	Comments
Ss70-75, 100H	<u>Prepare and review a regional pest management plan</u>	DPPRM, CE	
S78	<u>Exempt a person from a requirement in a rule in a regional pest management plan.</u>	DPPRM, CE	
Ss 90-95, 100H	<u>Prepare and review a regional pathways management plan</u>	DPPRM, CE	
S98	<u>Exempt a person from a requirement in a rule in a regional pathways management plan.</u>	DPPRM, CE	
S100M, 100N	<u>Recovery of a levy for a debt due</u>	DCS, CE	
S100V	<u>Prepare a small scale management programme</u>	CE	
S103	To appoint an “authorised person” for the purposes of exercising functions, powers and duties under this Act.	CE	
S154M, S154N, 154O	To initiate and withdraw a prosecution for an offence against this Act.	CE	

14. Civil Defence Emergency Management Act 2002

Section	Description of function	Delegated to	Comments
S20	Membership of the CDEM Co-ordinating Executive Group	CE (or a person acting on the CE's behalf)	

15. Land Transport Management Act 2003

The abbreviations in the table have the following meanings:

DCS Director Corporate Services
MSS Manager Support Services

Section	Description of function	Delegated to	Comments
S127	<u>Power to require information from operators of public transport services, including obligations to public patronage data and disclose other data to a person who is registered by the regional council to tender for the provision of a unit</u>	<u>DCS or MSS</u>	
S128	<u>Power to make decisions on release of information and duty to consult with organisation</u>	<u>DCS or MSS</u>	
S133	<u>Notice of exempt services</u>	<u>DCS or MSS</u>	
S134	<u>Decide on the grounds in section 134 to decline registration or variation of exempt services</u>	<u>DCS or MSS</u>	
S136	<u>Registration of exempt services or variation to exempt services</u>	<u>DCS or MSS</u>	

<u>S137</u>	<u>Decide to deregister an exempt service and removing details of variations</u>	<u>DCS or MSS</u>	
<u>S138</u>	<u>Process for deregistering exempt services or removing details of variations</u>	<u>DCS or MSS</u>	
<u>S139(2) & (3)</u>	<u>Withdrawal of exempt services</u>	<u>DCS or MSS</u>	
<u>S146-149</u>	<u>Record and manage offences, including making decisions to prosecute</u>	<u>CE</u>	

16 General

<u>Authorisation to make decisions concerning the conduct and settlement of proceedings in the Environment Court or of other jurisdictions.</u>	<u>CE or DCS or DPPRM or DEHS</u>
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17 Conclusions

The Council is required to administer legislation under the Resource Management Act 1991, Mining Act 1971, Crown Minerals Act 1991, Building Act 2004, Local Government Act 2002, Water and Soil Conservation Amendment Act 1971, Crown Minerals Act 1991, Biosecurity Act 1993, Maritime Transport Act 1994, Soil Conservation and Rivers Control Act 1941, Civil Defence Emergency Act 2002, Land Transport Act 2003, regulations and bylaws. In order to ensure that this requirement is performed efficiently and lawfully, Council officers need to have delegated authority from the Council to make decisions. The above delegations are therefore sought from Council.

18. Recommendation

That Council approve the above schedule of delegations.

Peter Bodeker
Chief Executive

REPORT

Document Id: A960760

Report Number: 2016/1185
Prepared For: Council
Prepared By: Manager Projects
Date: 1 December 2016

Subject: **4 Month Report to 31 October 2016**

1. Précis

Formal reviews of progress on all projects are undertaken at four, eight and 12 months, and reported to Council. These reports form part of each year's Annual Report. The attached report "4 Month Review to 31 October 2016" summarises the project progress for this first four month period.

2. Background

Council's 2016/17 Annual Plan includes levels of service to be met for the significant activities undertaken by Council, and specific areas of work for projects within each significant activity. Progress in achieving the levels of service and specific areas of work are reported against in each year's Annual Report.

A report showing financial and non-financial results compared with the Annual Plan levels of service, specific areas of work and budgets for the four months to 31 October 2016 is circulated with the agenda.

The report provides some commentary on variations between actual and estimated expenditure and revenue.

3. Recommendation

1. That this report and the "4 Month Review to 31 October 2016" report be received.

Nick Donnelly
Director Corporate Services

REPORT

Document Id: A950195

Report Number: 2016/1114

Prepared For: Council

Prepared By: Finance Manager

Date: 29 November 2016

Subject: **Financial Report to 31 October 2016**

The following information is provided in respect of the overall Council finances for the four months ended 31 October 2016.

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

**Otago Regional Council
Statement of Comprehensive Revenue and Expenses
For the four months to 31 October 2016**

	Note Ref.	\$000s			
		Annual Budget	Year to date to 31 October 2016		
			Budget	Actual	Variance *
Revenue:					
Rate revenue		15,940	5,314	5,319	5
Government subsidies	Note1	9,575	2,291	2,193	(98)
Other revenue		3,892	1,431	1,585	154
Dividend income from Port Otago Ltd	Note 2	7,400	2,467	2,467	-
Interest and investment income	Note 3	2,150	717	593	(124)
Rental income		1,111	370	335	(35)
Gain in value of investment Property	Note 4	313	-	-	-
Total Revenue		40,381	12,590	12,492	(98)
Less Expenses:					
Operating expenses		30,034	7,757	7,808	(51)
Employee benefits expense		12,133	3,967	3,885	82
Depreciation expense		1,761	587	617	(30)
Total Expenses		43,928	12,311	12,310	1
Surplus/(deficit)		(3,547)	279	182	(97)
Income tax benefit		115	38	33	(5)
Surplus/(deficit) after tax		(3,432)	317	215	(102)
Revaluation gain – shares in subsidiary	Note 5	10,000	-	-	-
Net comprehensive revenue		6,568	317	215	(102)

Note *

In the above statement, bracketed variances indicate revenue less than the budgeted level, and expenditure in excess of the budgeted level.

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 the subsidy variance of \$98,000 is related to the Stock Truck Effluent Disposal sites project. Expenditure incurred to date, eligible for subsidy, is less than that budgeted, with the consequential effect that the budgeted subsidy income of \$84,000 is not yet able to be claimed in full.

Note 2 – Dividend Income from Port Otago Limited

The actual dividend amount reflects an accrual for the year equivalent to the budgeted dividend level. Dividend income is expected to be received as interim dividends in the months of February 2017 and June 2017, with a final dividend expected after June 2017.

Note 3 – Interest and Investment Income

This revenue line comprises interest earned on term deposits and bank accounts of \$421,000 and an increase in fair value of the managed fund portfolio of \$172,000.

Interest earned on the term deposit portfolio for the four months to 31 October amounts to a weighted average interest rate of 3.44%.

The increase in fair value of the managed fund incorporates income received and changes in the market value of investments due to price changes, and foreign exchange rates where applicable. The overall change in fair value is subject to monthly fluctuations due to movements in the market valuation factors.

Note 4 – Gain in the Value of Investment Property

Investment Property is revalued annually, with the next revaluation date being 30 June 2017. Accordingly the year to date budget and actual gain are reported as nil amounts to 31 October 2016.

Note 5 – Revaluation Gain – Shares in Subsidiary

The annual budget makes provision for an increase in the valuation of the Council's 100% shareholding in Port Otago Limited. The shares are valued annually, with the next revaluation date being 30 June 2017. Accordingly, the year to date budget and actual amounts reflect nil values.

Otago Regional Council
Statement of Financial Position as at 31 October 2016

		31 October 2016 \$000's	30 June 2016 \$000's
Current Assets			
Cash and cash equivalents	Note 1	4,329	2,540
Other financial assets	Note 1	59,744	56,198
Trade and other receivables	Note 2	6,270	3,298
Other current assets		432	207
Property held for sale and inventory		1,349	1,284
Dividends Receivable	Note 3	1,667	-
		73,791	63,527
Non-Current Assets			
Property plant and equipment		84,509	84,138
Intangible assets (computer software)		1,723	1,800
Investment Property	Note 4	10,785	10,785
Deferred tax asset		131	98
Shares in subsidiary Port Otago Ltd	Note 5	418,239	418,239
		515,387	515,060
Total Assets		589,178	578,587
Current Liabilities			
Trade and other payables		3,684	4,134
Employee entitlements		1,386	1,483
Revenue in advance		10,924	-
		15,994	5,617
Non-current Liabilities		-	-
Total Liabilities		15,994	5,617
Net Assets		573,184	572,970
Total Equity and Reserves			
Public equity		134,305	137,205
Reserves			
Available-for-sale revaluation reserve	Note 5	398,239	398,239
Asset revaluation reserve	Note 4	8,724	8,724
Building reserve	Note 6	13,654	10,997
Asset replacement reserve		6,148	5,987
Emergency response reserve		3,938	3,891
Water management reserve		1,450	1,433
Kuriwao endowment reserve		6,300	6,271
Environmental Enhancement Reserve		226	223
		438,679	435,765
Total Equity and Reserves		573,184	572,970

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 amount of \$6,270,000 includes rates outstanding of \$3,154,000. The Council's rate assessments amounting to \$18,385,000 were issued in September with the due date of 31 October.

It is noted that at the time of preparing this report, a further \$1,157,000 of rate payments had been received in November, reducing the balance of rates outstanding to \$1,997,000.

Note 3 – Dividends Receivable

The dividend receivable amount reflects the accrual of expected dividends from Port Otago Limited for the period of this report, less the final dividend for the June 2016 year of \$800,000 received in September 2016.

Note 4 – Investment Property and Asset Revaluation Reserve

Investment property is revalued annually and is included at the 30 June 2016 valuation. The asset revaluation reserve reflects the revaluation amount of the investment property at 30 June 2016.

Note 5 – Shares in Port Otago Ltd and Available-for-Sale Revaluation Reserve

The Shares in Port Otago Ltd are included at the 30 June 2016 valuation, and the Available-for-Sale Revaluation Reserve reflects the revaluation amount of the shares. The shares will next be revalued as at 30 June 2017.

Note 6 – Building Reserve

The 2016/17 Annual Plan provides for the transfer to the reserve of \$2,500,000 from public equity. The transfer is fully reflected in the reserve balance to 31 October 2016, along with interest earned to date.

2. Activity Expenditure

Activity expenditure to 31 October 2016 is reported upon in detail in a separate Council report accompanying the Four Month Review of Activities to 31 October 2016. Accordingly, activity expenditure is not reported upon in this report.

3. Recommendation

That this report be received.

Nick Donnelly
Director Corporate Services

Report back from Councillors

OTAGO REGIONAL COUNCIL

Minutes of a meeting of the Regulatory Committee held in the Council Chamber, 70 Stafford Street, Dunedin on Wednesday 23 November 2016 , commencing at 9.10am

Membership:

Cr Bryan Scott (Chairperson)
Cr Sam Neill (Deputy Chairperson)
Cr Graeme Bell
Cr Doug Brown
Cr Michael Deaker
Cr Carmen Hope
Cr Trevor Kempton
Cr Michael Laws
Cr Maggie Lawton
Cr Andrew Noone
Cr Gretchen Robertson
Cr Stephen Woodhead

Cr Scott welcomed attendees to the first committee meeting of the new triennium. A correction to the membership list was noted for the Committee Chair and Deputy Chair than that listed in the agenda.

Apologies: No apologies received.

Leave of Absence: No Leave of Absence noted.

In attendance:

Peter Bodeker
Nick Donnelly
Gavin Palmer
Caroline Rowe
Fraser McRae
Scott MacLean
Adam Uytendaal
Dean Olsen
Lauren McDonald (minute taker)
Marian Weaver

CONFIRMATION OF AGENDA

No changes to the agenda

CONFLICT OF INTEREST

No conflicts of interest were advised.

PUBLIC FORUM

No public forum to be held.

PART A – RECOMMENDATIONS

Item 1

2016/1137 **Terms of Reference for the Regulatory Committee and sub committees.**
DCS, 8/11/16

The report provided the Terms of Reference for the Regulatory Committee, Commissioner Appointment Subcommittee and the Kakanui River Water Allocation Subcommittee for consideration and recommendation to Council.

Discussion was held on the following points:

- Commissioner Appointment Subcommittee – commissioner accredited councillors versus independent commissioners for hearing consent applications.

Cr Robertson confirmed that applicants were able to request independent commissioners for a consent hearing if they wished and that councillors were not involved in hearing any applications by this Council and that independent commissioners were appointed to decide these consent applications.

John Gibb (ODT) joined the meeting at 9:21am.

- Kakanui River Water Allocation Subcommittee – it was advised that the membership for this subcommittee were yet to be appointed, and the terms of reference were for discussion in principle.

Cr Brown advised there was a need to differentiate between the allocation role and the enforcement role and if this subcommittee was to be used as a template for other allocation committees in other areas as Plan Change 1C progresses.

Mr Bodeker confirmed that he would be meeting with the current members before the end of November and would receive feedback on how this membership is working. He confirmed that Kakanui River Water Allocation subcommittee was used as an example to farmers in ORC publications, along with the less formal water management groups.

Moved Cr Woodhead
Seconded Cr Brown

That the Terms of Reference for the Regulatory Committee, Commissioner Appointment Subcommittee and the Kakanui River Water Allocation Subcommittee be presented to the Council on 7 December 2016, for adoption.

Motion carried.

PART B - ITEMS FOR NOTING

Item 2
2016/1106

Biosecurity and RMA Monitoring Report. DEMO, 8/11/16

The report provided activity detail on water, air, pest, and contaminated site environmental monitoring and incidents for the period 20 August to 4 November 2016.

Rabbits

Discussion was held on the impact of the current season on rabbit breeding and the level of compliance of properties inspected.

Mr MacLean confirmed that the pest management strategy allows for the number of rabbits to be at the Modified McLean Scale Level (MAL) 3 or under. He commented as per the report that 80% of the properties inspected were compliant to MAL 3 at the time of inspection, but that this would not mean that they were rabbit free and that MAL 3 was still a significant number of rabbits.

He confirmed that the aim was still for an autumn 2017 release of the RHDV K5 virus and that the property inspections would assist in setting the priority sites for release. Mr MacLean advised that approval under HASNO has yet to be achieved and that the Environmental Protection Agency (EPA) may yet require a full assessment of the K5 virus to be completed, including laboratory trials. He confirmed lobbying was continuing for a rapid assessment of the K5 virus as it is a variant of an existing organism, not a new organism in New Zealand. He commented that central government are being cautious and wanting to ensure due diligence is completed.

Mr MacLean was requested to provide details of the number of property plan requests currently in place or required by ORC and the number of Notices of Direction issued to the next committee meeting.

Plant pests

A question was raised if one staff resource was enough to cover freshwater biosecurity monitoring and advocacy for the lakes and rivers over the summer period.

Mr MacLean advised that MPI were the lead agency for biosecurity and the funding for the staff resource was provided by them. He advised that the resource requirement would be costed out would be brought back to Council if budget constraints were an issue.

Concern was expressed for the level of staff resourcing available to cover a large geographical area over the peak recreational summer months,

especially the key recreational lakes in the region. Mr MacLean confirmed he had taken note of the concerns raised.

Water metering - Mr MacLean was requested to provide a geographic breakdown of the locations of water meters installed in the region to allow for a better understanding.

Wallabies – Mr MacLean confirmed the boundaries responsibility with Environment Canterbury have been agreed for wallabies in the area between the Waitaki River and the Otago boundary and included specific expectations of their control at this boundary. He confirmed dialogue is being held with his counterparts at ECan on their resourcing of this zone which is outside of the containment area.

Mr MacLean provided an update on the autopsy completed on the female wallaby shot by the Maniatoto Pest Company and it was believed to have been bred in captivity and released. He confirmed concentrated surveillance remains in place as there was evidence of a joey being present with the female.

Lagarosiphon – a concern was expressed of the spread of lagarosiphon throughout the region.

Mr MacLean agreed it was disappointing to discover lagarosiphon in areas of Kawarau River where it was not previously found and that this was almost certainly from jet boat intakes. He confirmed ORC are working with QLDC and the harbourmaster for the installation of buoyed off areas (or gates) where jet boats will be forced to empty out their intakes, as measure to try and prevent the spread of the pest plant. He advised that lagarosiphon plant took root very quickly and he confirmed that there have been positive gains in the management of pest plants in Lake Wanaka and focussed surveillance is ongoing to try to ensure lagarosiphon does not enter Lake Wakatipu. He confirmed that there is a management agreement in place with agencies and community groups for Lake Dunstan with LINZ as the lead agency and ORC act in support of this agreement.

Mr MacLean was requested to provide a précis report on lagarosiphon since its identification in the region and the programmes and actions taken by this Council since its arrival.

Environmental Incidents – non urban burnings

A question was raised to what extent does the Council monitor the industry burning code of practise developed in 2002 for non-urban land burnings. Mr MacLean advised compliance is monitored to the regional Air Plan, which set out the rules to be complied with.

Mr McRae advised the industry burning code was considered as a good practise guide only.

A suggestion was made to get in touch with the signatures to this non-urban land burning code agreement and review it use and effectiveness.

Cr Laws left room at 10:19am.

Cr Robertson commented that the RPS has a lot of policies in relation to upland and general biodiversity and water yielding capacity of tussock etc. and a review does need to be completed on how to look after these areas for the number of values that they hold.

Cr Laws returned to the room at 10:21am

Mr Bodeker sought clarification as this is not a statutory document and is Council asking use to undertake a review against that code of practise as part of the normal reporting activity?

It was advised it should form part of the air plan review for the burning code of practise and its effectiveness. Also that it be included as a list of actions in the RPS to be reported on.

Moved Cr Woodhead
Seconded Cr Robertson

That the report be received.

Motion carried

Item 2

2016/1133 **Consent processing, consent administration and Building Control Authority update.** DPPRM, 7/11/16

The report detailed the consent processing, consent administration and building control authority activity for the period 20 August to 4 November 2016.

Discussion was held on the incident complaints response process.

Moved Cr Brown
Seconded Cr Bell

That the report be noted.

Motion carried

Item 3
2016/1127

Progress Report 1C Deemed Permit Replacement Project.
DPPRM, 7/11/16

This report noted progress on Project 1C implementation of the RPW policies for the period 20 August to 4 November 2016

Mrs Weaver confirmed that there has been good attendance at these group formation meetings and a lot of interest from affected parties such as DOC, Fish and Game and Iwi. She confirmed that invitation for attendees at these meetings was to permit holders and the affected parties involved.

Mrs Rowe advised that a list of meeting was annexed to a Communications Committee report and that it was not an expectation for councillors to attend these group formation meetings but that appropriate public meeting details could be provided to councillors for their attendance once discussed with the group leaders.

Moved Cr Woodhead
Seconded Cr Deaker

That the report be noted.

Motion carried

Item 4
2016/1128

RMA, Biosecurity Act and Building Act Enforcement Activities.
DPPRM, 8/11/16

The report detailed Resource Management Act 1991, Biosecurity Act 1993 and Building Act 2004 enforcement activities undertaken by the Otago Regional Council for the period 20 August to 4 November 2016.

Mr McRae confirmed that the Port Otago Ltd and the Oceana Gold hearings have both concluded.

Moved Cr Woodhead
Seconded Cr Hope

That the report be noted

Motion carried

The meeting was declared closed at 10:45am

Chairperson

OTAGO REGIONAL COUNCIL

Minutes of a meeting of the Technical Committee held in the Council Chamber, 70 Stafford Street, Dunedin on Wednesday, 23 November 2016, commencing at 10:57am

Membership:

- Cr Maggie Lawton (Chairperson)
- Cr Stephen Woodhead (Deputy Chairperson)
- Cr Graeme Bell
- Cr Doug Brown
- Cr Michael Deaker
- Cr Carmen Hope
- Cr Trevor Kempton
- Cr Michael Laws
- Cr Sam Neill
- Cr Andrew Noone
- Cr Bryan Scott
- Cr Gretchen Robertson

Cr Lawton welcomed attendees to the meeting.

A correction to the member list was noted for the Committee and Deputy Chair than that listed in the agenda.

Cr Lawton congratulated Dr Palmer on his appointment to the Climate Change Adaptation Technical Working Group. This panel of ten experts will advise central government on adaption for climate change.

Apologies: No apologies received.

Leave of Absence: No Leave of Absence received.

In attendance:

- Peter Bodeker
- Nick Donnelly
- Gavin Palmer
- Caroline Rowe
- Fraser McRae
- Scott MacLean
- Adam Uytendaal
- Dean Olsen
- Lauren McDonald (minute taker)

CONFIRMATION OF AGENDA

The agenda was confirmed.

CONFLICT OF INTEREST

No conflicts of interest were advised.

PUBLIC FORUM

No public forum held.

PART A RECOMMENDATIONS

Item 1
2016/1138 **Terms of Reference for the Technical Committee** DCS 8/11/16

The report provided the Terms of Reference for consideration and recommendation to Council.

Suggested amendments to the Terms of Reference were noted as:

- Purpose : addition of the word “identify” to the first bullet point.
Addition of the words “by and for Council” to the second bullet point
- Explanatory Comment: a separation of resource science analysis and monitoring bullet point to separate bullet points for resource science research and investigation and then SOE reporting.

Moved Cr Woodhead
Seconded Cr Kempton

That the Terms of Reference with the suggested amendments for the Technical Committee be considered and a final version presented to Council on 7 December 2016, for adoption.

The motion was not put to the meeting for vote.

PART B ITEMS FOR NOTING

Item 2
2016/1075 **2016 Air Quality Results**, DEHS, 15/11/16

The report presented Otago’s ambient air quality monitoring results for 2016 and examines the long-term trends in PM₁₀.

Dr Olsen, Manager Resource Science spoke to the report in the absence of the author, Ms Mills.

Dr Olsen was asked to outline the trends in air quality observed in the report. He advised that the variability in ambient air quality in individual towns depended on the climate, which was the main driver of trends. He commented that for most sites the trends had not changed drastically, other than for Dunedin city which had a significant improvement in air quality since 2012.

A question was raised in regard to the timing of the air quality monitoring undertaken. Dr Palmer noted that there is 24 hour monitoring

through the year at some locations, with monitoring over the winter months at other locations and measurements are taken at the site with the poorest air quality.

Discussion was held on the challenges to meet the National Environmental Standards Air Quality (NESAQ), in particular for Central Otago with its extreme cold in winter and the current review by MfE on the health-related effects of PM_{2.5}.

Mr McRae confirmed that this Council had taken an even handed approach with the regime set in place with the airsheds for Otago. He commented that Central Otago is an environment the NES did not expect to have to operate in.

Discussion was held in regard to public health and the debate over health problems being caused by air quality or the cold winter conditions. It was noted that good clean air quality, warm houses and good health all need to be considered, and it was not an either or situation.

Cr Robertson commented it was good to see the 10 year trend analysis – which would assist in refining Council policies and that it would be beneficial to see the full analysis of the statistics.

Staff were thanked for the good and comprehensive report.

It was requested that a report be provided to the committee once the NESAQ is released by MfE.

Moved Cr Lawton
Seconded Cr Deaker

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

Motion carried

Item 3
2016/1108 **Director's Report on Progress.** DEHS, 18/11/16

Topics covered in the report included: Leith Flood Protection Scheme; Clutha bioenergetics and instream habitat modelling; lake monitoring and lake snow; Chard Road landslide (Kawarua Gorge) and the Dunedin City District Plan Natural Hazards submissions.

Dr Palmer confirmed that the technical review of the Dunedin City District Plan Natural Hazards Submissions was progressing well and that the finalised technical information would be ready for endorsement by ORC in the New Year.

Lake monitoring and lake snow - Dr Olsen confirmed that the technical experts workshop would be held in the third week in December 2016. He advised that the results of the workshop and recommendations when would come to the Technical Committee and through the Annual Plan process.

Dr Palmer explained that the technical workshop was an initiative outside the Annual Plan process and that the workshop would ensure the research is focussed around solutions and would lead to the next steps that need to be taken.

Dr Uytendaal advised that lake snow was present in Lake Wanaka over the summer months and disappears over autumn and winter, but that Lake Wakatipu has had lake snow present over the winter months also. Lake Hawea only had a small quantity of lake snow found to be present. He advised that currently ORC is taking the opportunity to add some additional parameters for sampling on the lakes to specifically understand the location, cycle and volume of lake snow in the lakes.

Dr Olsen advised that there was no standard method for quantifying lake snow.

It was questioned if any international lakes had lake snow present and if there was any precedence known. Dr Olsen advised that lake snow had been recently detected in Youngs Lake in Washington D.C. but that the water was not taken for municipal supply so did not have the same impact as for Wanaka. It was commented that it is likely that the ORC would be the world leaders in analysing lake snow.

Cr Laws left the room at 12:10pm

Moved Cr Scott
Seconded Cr Woodhead

and also

Moved Cr Lawton
Seconded Cr Deaker

That the report be received.

Motion carried

The meeting was declared closed at 12:11pm

Chairperson

OTAGO REGIONAL COUNCIL

Minutes of a meeting of the Policy Committee held in the Council Chamber, 70 Stafford Street, Dunedin on Wednesday 23 November 2016, commencing at 12:13pm

Membership:

Cr Gretchen Robertson (Chairperson)
Cr Michael Laws (Deputy Chairperson)
Cr Graeme Bell
Cr Doug Brown
Cr Michael Deaker
Cr Carmen Hope
Cr Trevor Kempton
Cr Maggie Lawton
Cr Sam Neill
Cr Andrew Noone
Cr Bryan Scott
Cr Stephen Woodhead

A correction to the membership list was noted for the Committee Chair and Deputy Chair than that listed in the agenda.

Cr Laws absent from the room.

Apologies: No apologies noted.

Leave of absence: No leave of absence advised.

In attendance:

Peter Bodeker
Nick Donnelly
Gavin Palmer
Caroline Rowe
Fraser McRae
Scott MacLean
Lauren McDonald (minute taker)

CONFIRMATION OF AGENDA

The agenda as circulated was confirmed.

CONFLICT OF INTEREST

No conflicts of interest were advised.

PUBLIC FORUM

No Public Forum was held.

PART A – RECOMMENDATIONS

Item 1

2016/1139 **Terms of Reference for the Policy Committee.** DPPRM, 8/11/16

The report provided the Terms of Reference for consideration and recommendation to Council.

Cr Robertson advised that she was satisfied that no changes were required to the existing Terms of Reference for the Policy Committee as tabled.

Crs Woodhead left the room at 12:15pm and returned at 12:17pm

Cr Laws entered the room at 12:17pm

Moved Cr Deaker

Seconded Cr Lawton

That the Terms of Reference for the Policy Committee be presented to Council on 7 December 2016 for adoption.

Motion carried

PART B - FOR NOTING

Item 2

2016/1120 **Director's Report on Progress.** DPPRM, 4/11/16

The report provided an overview of significant activities undertaken by the Policy section for the period 20 August to 4 November 2016

A question was raised on the staffing resource needed to meet the National Policy Statement on Urban Development Capacity (NPS-UDC) requirements which take effect on 1 December 2016.

Mr McRae advised that the NPS-UDC was very specific in its requirements of both regional and district councils, particularly for high growth areas such as Queenstown and that it would rely on QLDC and ORC liaising to see how to meet the new requirements efficiently and effectively. He confirmed preliminary discussions with QLDC staff had taken place and that something like spatial planning was required and also a mechanism for both councils to comply with provisions of the NPS, RPS and District Plans.

A suggestion was made for information to be sought from other regional councils on their approach and practise to urban development in high growth areas.

Mr McRae advised that the strategic intent for urban development will occur through the RPS and be implemented through the Queenstown Lakes District Plan. He commented that Council may need to amend the RPS, which leads the District Plan, and may have to do some extra work around specificity and projections of where urban development is preferred and this will need to be undertaken in concert with QLDC.

A question was asked in regard to the Wanaka and Cromwell areas as high growth areas.

Mr McRae advised that no discussions have been held specifically with CODC as yet as these areas were deemed as medium growth areas although Cromwell does act as a service centre to Queenstown.

The mediation date for the Proposed Plan Change 5A Lindis: Integrated water management appeal has been confirmed as 8 and 9 December 2016.

Moved Cr Brown
Seconded Cr Scott

That the report be noted

The meeting was declared closed at 12:31pm.

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 23 November 2016, commencing at 1:03pm**

Membership:

Cr Doug Brown (Chairperson)
Cr Andrew Noone (Deputy Chairperson)
Cr Graeme Bell
Cr Michael Deaker
Cr Carmen Hope
Cr Trevor Kempton
Cr Michael Laws
Cr Maggie Lawton
Cr Sam Neill
Cr Gretchen Robertson
Cr Bryan Scott
Cr Stephen Woodhead

A correction was noted for the Committee Chair and Deputy Chair from the membership as listed in the agenda.

Apologies: No apologies received.

Leave of absence: No Leave of absence.

In attendance:

Peter Bodeker
Nick Donnelly
Gavin Palmer
Fraser McRae
Scott MacLean
Caroline Rowe
Gerard Collings
Lauren McDonald (minute taker)

CONFIRMATION OF AGENDA
The agenda as listed was confirmed.

CONFLICT OF INTEREST
No Conflicts of Interest

PUBLIC FORUM
No public forum was held.

PART A - RECOMMENDATIONS

Item 1

2016/1136 **Terms of Reference for the Finance and Corporate Committee and sub committees.** DCS, 8/11/16

The report provided the Terms of Reference (TOR) of the Finance and Corporate Committee and the Audit and Risk Subcommittee for consideration and recommendation to Council.

Discussion was held and suggested additions to the TOR for Audit & Risk Subcommittee were noted as:

- 1.3(b) Principal role - inclusion of human risk to be identified and the potential impacts assessed.
- 2(a) Membership and Quorum. Appointment of an additional independent member to the subcommittee.
- 3(d) Encouragement for councillors to attend subcommittee meetings.
- provision of meeting agendas and minutes to all council members.
- Addition of meeting dates to the Council meeting schedule.

Health and Safety - Mr Donnelly confirmed that a risk strategy has been developed and that risk reporting is being developed and a draft risk report will be brought to the committee in early 2017.

Cr Brown confirmed that the subcommittee meets approximately three times per year and the importance of having an independent subcommittee Chair. He supported the appointment of another additional independent member to the sub committee.

It was agreed to remove the word “observer” from 2(a) - membership and quorum and all Councillors were encouraged to attend Audit and Risk subcommittee meetings.

Moved Cr Deaker
Seconded Cr Noone

That the Terms of Reference for the Finance and Corporate Committee, the Audit and Risk Subcommittee with amendments be presented to Council on 7 December 2016 for adoption.

Motion carried

Item 2

2016/1142 **Executive report.** DCS, 8/11/16

The report described significant activities carried out by the Finance and Corporate section. This report includes updates on: Annual Plan timetable; rates and account payments.

Mr Bodeker confirmed a workshop to discuss draft Annual Plan activities would be held in December.

Moved Cr Noone
Seconded Cr Bell

1. *That the report be received*
2. *That the payments and investments summarised in the report and detailed in the payment schedule, totalling \$7,129,162.51, be endorsed*

Motion carried

Item 3

2016/1151 **Passenger Transport Update – November 2016.** DCS 11/11/16

The report provided an update on a number of transport matters including: ticketing system replacement; Bus Hub/Interchange; Wakatipu Network; Ministry of Education – Wakatipu; Total Mobility, and Patronage Dunedin and Wakatipu Networks.

Mr Collings advised a presentation to councillors on the Bus Hub design would be made at a workshop on Thursday 24 November. A joint briefing for DCC and ORC councillors, NZTA and stakeholders will be hosted by ORC on Monday 28 November. Mr Collings confirmed it would be the same presentation as provided to councillors at the 24 November workshop.

Cr Laws left the room at 1:40pm.

Councillors acknowledged the collaborative approach taken with DCC and NZTA.

A question was raised in regard to the decline in patronage in the Wakatipu Basin network. Mr Collings advised that there had been a significant drop within 12 months of the subsidy being removed by council with the contractor having to increase fares by 15%, which resulted in the drop in patronage. He commented that going forward the Council may need to look at subsidising the service.

Moved Cr Woodhead
Seconded Cr Kempton

That the Finance and Corporate Committee:

1. *Receive the report*
2. *Endorse staff taking a collaborative approach with the Ministry of Education regarding School Services in the Wakatipu Basin.*

Motion carried

PART B – FOR NOTING

Item 4

2016/1147 **Financial Report to 30 September 2016.** DCS, 15/11/16

The report provides information in respect of the overall Council finances for the period 1 July to 30 September 2016.

Mr Donnelly confirmed a 4 month financial report with a full 4 month review of activities would be reported to the Council meeting in December.

Moved Cr Noone
Seconded Cr Scott

That the report be received.

Motion carried

Cr Law returned to the room at 1:47pm

The meeting was declared closed at 1:47pm.

Chairperson

OTAGO REGIONAL COUNCIL**Minutes of a meeting of the Communications Committee
held in the Council Chamber, 70 Stafford Street, Dunedin on
Wednesday 23 November 2016, commencing at 1:49pm**

Membership: Cr Michael Deaker (Chairperson)
Cr Carmen Hope (Deputy Chairperson)
Cr Graeme Bell
Cr Doug Brown
Cr Trevor Kempton
Cr Michael Laws
Cr Maggie Lawton
Cr Sam Neill
Cr Andrew Noone
Cr Gretchen Robertson
Cr Bryan Scott
Cr Stephen Woodhead

Apologies: No apologies received.

Leave of absence: No leave of absence recorded.

In attendance: Peter Bodeker
Nick Donnelly
Gavin Palmer
Caroline Rowe
Fraser McRae
Scott MacLean
Lauren McDonald (minute taker)
Lisa Minhinnick

CONFIRMATION OF AGENDA

Agenda confirmed.

CONFLICT OF INTEREST

No conflicts of interest noted.

PUBLIC FORUM

No public forum.

PART A – RECOMMENDATIONS

Item 1

2016/1140 **Terms of Reference for the Communications Committee** DSE, 8/11/16

The report provided the Terms of Reference (TOR) for consideration and recommendation to Council.

Public information and education strategies

A question was raised if Enviroschools should be included in the TOR. Mrs Rowe advised that activities of Enviroschools would be reported to Council but that it was not Council's own programme, and that Council act as a co-ordinator to the national Enviroschools programme.

It was agreed to include in the TOR the reporting on the Enviroschools programme activities to be provided to the Communication Committee.

A motion was not placed for this report.

PART B - FOR NOTING

Item 2

2016/1108 **Stakeholder Engagement Report.** DSE, 8/11/16

The report provided an update on community, stakeholder and staff engagement activities carried out by Stakeholder Engagement directorate staff for the period 20 August to 4 November 2016

The report included a list of upcoming events the Stakeholder Engagement directorate are involved in, as at 8 November 2016.

Cr Deaker congratulated Mrs Rowe and her staff for the quality and detail of the report.

A request was made for future reports on water quality to include the breadth of activities being undertaken, progress being made on targets and attendance numbers at workshops, forums, presentations held etc.

A question was asked in relation to the public meetings and workshops held if there was a mechanism in place to monitor the impact of this work and what affect it has on people behaviour.

Mrs Rowe confirmed that a communications plan is completed on a project by project basis and that in regard to rural water quality a high level monitoring communication plan would be brought to the

council workshop on 7 December. This would be part of discussions on the activities to be undertaken in the Annual Plan.

Mrs Rowe also advised that a high level of awareness has been achieved through the survey and this was now being adapted to focus on understanding and actions taken, this will be completed on an annual basis,

Minimum Flow – Manuherikia integrated catchment management

A question was raised if the consultation meetings were on-going as this was seen as an important programme for Council.

Mrs Rowe advised there is a communications plan in place in support of the Policy team and that the next set of consultation meetings were scheduled for February 2017.

Mr McRae confirmed that the policy team are currently working through the findings from previous consultations, connecting this with the science which has been reported through to Council, identify the options, review them and then take this to the next round of consultation meetings.

A question was asked on what was the next stage of communications for natural hazards in South Dunedin.

Mrs Rowe advised that there were several phases of communications planned - community resilience activities, these discussions have begun with the stakeholder groups, i.e. support agencies, including the Civil Defence staff.

Dr Palmer advised that the DCC were taking some external advice on community engagement and that he would be attending a planning session on Friday 25 November, to discuss the next collaborative steps.

A question was asked on what initiatives were underway in support of the science and public interest in the Otago lakes.

Mrs Rowe advised that there were two meetings planned in collaboration with QLDC, one on 14 December for the public and on 28 November with the hotel industry. ORC and QLDC will talk about lake quality monitoring, what is known to date and QLDC will talk about management issues and how to deal with the problems. She confirmed there was also planning underway for a family focussed interactive day in Wanaka and possibly Wakatipu in early 2017, led by Catchments Otago for an interactive “Lab in a Box” mobile laboratory session to explore the science around the lakes.

A question was raised if there were any similar public events, awareness campaigns being planned for the Central Otago district area as well.

Mrs Rowe advised there were no additional activities planned for Lake Dunstan but promotional work was in place for the recreational and water quality monitoring taking place over the summer months. She confirmed that the issue

of lake snow would be addressed at the meetings on 28 November and 14 December. She clarified that the planned events for Wanaka and Wakatipu were initiated by Catchments Otago with ORC working in partnership to devlier these events. If the events were proven successful, these would be looked to extend out to other lakes in the future. She confirmed that she could raise the issue of holding an event for Lake Dunstan with Catchments Otago.

Mr Bodeker confirmed the importance of partnership work with the TLAs and other agencies to communicate the message in regard to recreational water quality

A request was made for the date, time and location of meetings to be added to the Councillors' calenders.

Discussion was held in regard to councillor attendance of meetings and events and the requirements for receipt of information on activities being held in the region, including events not being led by ORC.

Moved Cr Noone
Seconded Cr Kempton

That a schedule of activities be provided to councillors indicating where there is an open invitation to attend, including the details of venue and time. Activities not on the schedule of activities are to be consulted on with the Chief Executive, on a case by case basis.

Further discussion was held and an amendment to the motion made.

Moved Cr Neill
Seconded Cr Robertson

A schedule of activities be provided and indicate where councillors have an open invitation to attend and include the details of venue and time.

Motion carried.

The amended motion was then placed to vote

Motion carried

Moved Cr Bell
Seconded Cr Hope

That the report be noted.

Motion carried

PART C NOTICE OF MOTION

Item 3 Moved Cr Laws, seconded Cr Lawton

“Recommendations to the Communications Committee that:

1. That ALL Otago Regional Council-controlled or generated meetings, within the wards of elected member be advised to those members, as both a courtesy and to improve ORC’s communications strategy;
2. That, prior to announcement, all elected members be informed of any decisions or pronouncements by the chairman, deputy chairman or chief executive – especially those elected members within the ward to which the announcements/decisions directly apply.”

It was agreed that the first point of the notice of motion had been addressed in the previous motion from Crs Neill and Robertson, and resolved.

Discussion was held on part two of the notice of motion and an amendment to the wording of the motion was made to include the word “public” in regard to the definition of the types of meetings in point 1.

A comment was made that the motion was effectively the existing policy in place.

Moved Cr Laws

Seconded Cr Lawton

That:

1. *That all Otago Regional Council-controlled or generated public meetings, within the wards of elected member be advised to those members, as both a courtesy and to improve ORC’s communications strategy;*
2. *That, prior to announcement, all elected members be informed of any decisions or pronouncements by the chairman, deputy chairman or chief executive – especially those elected members within the ward to which the announcements/decisions directly apply.*

Motion Carried

The meeting was declared closed at 2:51pm

Chairperson