

Otago Regional Council meeting 22 February 2017

Attached is the agenda for the next Council meeting of the Otago Regional Council, which is to be held on Wednesday 22 February 2017, 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 22 February 2017, 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:

In attendance:

**Please note that there is an embargo on agenda items until 8:30am on Monday
20 February 2017.**

CONFIRMATION OF AGENDA

CONFLICT OF INTEREST

PUBLIC FORUM

MINUTES

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

6 - 18

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

Item 1		19 - 21
2017/0652 Chairperson’s report.	Chair, 16/2/17	
	Providing an overview of the Chairperson’s activities for the period to February 2017.	
Item 2		22- 25
2017/0649 Chief Executive’s Report,	CE, 16/2/17	
	Providing an overview of the Chief Executive’s activities for the period to February 2017.	

PART B – RECOMMENDATIONS

Item 3		26- 47
2017/0651 Code of Conduct,	DCS, 16/2/17	

A draft Code of Conduct was presented to Council at its meeting on 7 December 2016. This draft was based on LGNZ’s model Code of Conduct. Council agreed at that meeting that the Draft should be amended to include *“That where there is a Code of Conduct complaint, the complainant and defendant parties may agree to mediation to resolve any outstanding issues related to the Code of Conduct”*.

A revised draft of the Code has been prepared for Council’s consideration.

Item 4		48- 49
2017/0652 Triennial Agreement 2016-2019,	CE, 16/2/17	

A ‘Triennial Agreement’ is required to be entered into by all local authorities in a region following each triennial election. Discussions have been carried out between Otago local authorities and the attached agreement is proposed for adoption.

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PART C – MINUTES OF MEETINGS

Item 6	Recommendations of the Communications Committee meeting held on 8 February 2017, for adoption	51 - 53
Item 7	Recommendations of the Regulatory Committee meeting held on 8 February 2017, for adoption	54 - 60
Item 8	Recommendations of the Technical Committee meeting held on 23 November 2016, for adoption	61- 63
Item 9	Recommendations of the Policy Committee meeting held on 8 February 2017, for adoption	64- 69
Item 10	Recommendations of the Finance and Corporate Committee meeting held on 8 February 2017, for adoption	70- 75
Item 11	Recommendations of the meeting of the Combined Regional Transport Committees of the Southland and Otago Regional Councils held on 1 December 2016, for adoption	76- 85

PART D - RESOLUTION TO EXCLUDE THE PUBLIC

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

Item 12

The minutes of the In Committee meeting of Council held on 7 December 2016, having been circulated for adoption.

Item 13

2017/0653 **Regional Public Transport Plan variations: Wakatipu Basin Public Transport Network and Unit 5 Southern Routes**

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 12 – Confirmation of the In Committee Minutes of Ordinary Council meeting – 7 December 2016 – Public Excluded	The withholding of the information is necessary to prevent the disclosure or use of official information for improper gain or improper advantage. Section 7 (2) (j)	Section 48 (1) (a)
Item 13 - Regional Public Transport Plan variations: Wakatipu Basin Public Transport and Unit 5 Southern Routes	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 12 The withholding of the information is necessary to prevent the disclosure or use of official information for improper gain or improper advantage.
Section 7 (2) (j)

Item 13 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 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

Cr Woodhead welcomed staff and public forum guests to the meeting.

Apologies: The apology for Cr Deaker was accepted on the motion of Crs Woodhead and Hope at 11:15am.

Leave of Absence: Cr Trevor Kempton

In attendance:

- Peter Bodeker (CEO)
- Nick Donnelly
- Gavin Palmer
- Fraser McRae
- Scott MacLean
- Caroline Rowe
- Lauren McDonald (minute taker)
- Gerard Collings
- Sharon Bodeker (*for Item 7*)

CONFIRMATION OF AGENDA

The agenda was confirmed as circulated.

CONFLICT OF INTEREST

No conflicts of interest were advised.

PUBLIC FORUM

BusGo Dunedin presentation of a petition on behalf of residents in regard to the services of the Belleknowes, Arthur Street to Cannongate/City Rise and Waverley bus routes.

Ms Liz Angelo and Ms Jeanette Robinson-Tromop spoke to the petitions presented to Council at the meeting.

Ms Robinson-Tromop spoke on behalf of the Waverley bus route petition. She advised the meeting that she had met the co-presidents of BusGo Dunedin in regard to the then bus route change in Waverley, which she advised affected many people. The petition to Council contained 385 signatures as it was felt that the change had severely impacted the lives of regular bus users, in particular the elderly, when the bus terminus changed from Braeburn St. Ms Robinson-Tromop confirmed the action taken by Council in returning the terminus back to its original location was much better and appreciated by the bus users. She offered her thanks to Council for the action taken which has allowed the commute for bus users to be much easier.

Ms Angelo spoke on behalf of the bus users of the Arthur Street, Cannongate/City Rise area. She referred to the newspaper items and text she presented to the meeting and spoke of the impact of the #19 bus, (which was known as the # 59-60) for herself and many others who were not able to be present at the meeting. The petition being presented to Council contained 150 signatures. Ms Angelo advised that the difference between Arthur St and Cannongate was the lack of bus service. The signed petition requested a reinstatement of the bus stop to Arthur Street South. She advised that currently City Rise did not have a bus service and that a decision was impacted by the previous term of Council in cancelling this service.

Ms Angelo referred to City Rise as being the older part of Dunedin with a mix of residences from cottages to mansions, which is also in a low income and high density zone. She outlined the difficulties faced by the bus users due to the steep hill terrain and the huge impact of this on the mature, disabled or parents with babies in the area.

Ms Angelo questioned why the service would be taken away from this low service, high density area, which she considered needed buses frequently to meet the needs of the residents. She gave an example of vulnerable gold card users and the difficulties faced by them in getting into town and return and the lack of adequate and accessible bus shelters on the route. She expressed her concern for people becoming isolated with the change in service route due to decreased bus frequency and access, including the impact on students and staff no longer having a bus service to the university.

Ms Angelo expressed her frustrations in getting the issues for the City Rise/Cannongate area for a direct bus route (as detailed in the petition) addressed by Council. She concluded by requesting a more frequent, direct bus service, and the return to the now defunct bus route, to rectify a situation which she considered as very unfair.

An audience member spoke in regard to the GoBus journey planner advising it was difficult to use and that the preferred option for bus users was therefore to walk from the Princes Street area rather than trying to use the planner.

Cr Woodhead thanked the speakers and received the petition.

The Public Forum presentation concluded at 9:14am.

In response to a question Mr Bodeker advised if Council requested that staff could provide a report with recommendations on the petition and the matters raised by public forum discussion back to Council. Mr Bodeker confirmed that the bus route had gone through both a consultation and hearing process, resulting in the bus routes now in place.

Moved Cr Law

Seconded Cr Lawton

That the petition be received and for the staff responsible come to the next committee round of Finance and Corporate Committee for the purpose of deliberations.

Cr Woodhead confirmed that the BusGo Dunedin group would be notified on what the next step in the process would be and confirmation of any action taken by Council would be advised back to them.

Motion carried

MINUTES

The minutes of the public portion of the meeting of Council held on 2 November 2016, having been circulated, were adopted on the motion of Crs Bell and Hope.

The minutes of the Extraordinary meeting of Council held on 23 November 2016, having been circulated, were adopted on the motion of Crs Bell and Hope.

Matters arising from the minutes

There were no matters arising.

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

Item 1

2016/1178 Chairperson’s report. Chair, 30/11/16

Providing an overview of the Chairperson’s activities for the period to 30 November 2016.

Cr Woodhead summarised his report and further discussion was held on the LGNZ imposing of an annual subscription to all Councils for the LGNZ Excellence programme.

Cr Woodhead confirmed that in the 2013-2016 triennium that ORC had decided not to be part of inaugural round of the programme, however LGNZ had still applied a flat fee. Mr Bodeker confirmed he has protested this fee with LGNZ. Cr Woodhead advised the ORC position is that it should have been its own decision whether to be involved as inaugural members in the LGNZ Excellence Programme. He advised that

Council may consider joining in the second round of programme and then make payment of fees due at that point.

Mr Bodeker advised the background to the Local Government Excellence programme in providing an audit and ranking (by an external set of auditors) around the processes of the Local Government, e.g. a Best Practise. Mr Bodeker confirmed he was a staff member on development committee and that one of tenets was ‘users payers’ and that there would be no general subsidy applied.

Cr Woodhead commented the remainder of the costs should come out of LGNZ budget, and was expected to be approximately \$8,000, as a top up to the cost. Mr Bodeker advised the total cost of the audit would be \$40,000 - \$60,000 if completed independently.

Moved Cr Woodhead
Seconded Cr Noone

That the Chair’s report be received and that Council does not pay the LGNZ excellence fee.

Motion Carried

Item 2

2016/1181 Chief Executive’s Report, CE, 1/12/16

The report provided an overview of the Chief Executive’s activities for the period to 1 December 2016. Mr Bodeker spoke further on the following matters:

Otago CDEM - Mr Bodeker provided a background to the Civil Defence independent programmes run in Otago and agreement to combine the civil defence activities in CDEM Otago.

Mr Bodeker confirmed a number of ORC staff have assisted in the national response, for Kaikoura, including Mr Hawker, Mrs Rowe and currently the CDEM Otago Welfare Officer, Mr Martin. He advised this has been a valuable exercise for Council staff.

Health & Safety report – Mr Bodeker advised he believed the H&S activities within Council were well managed. He acknowledged that Council did have risks due to the regulatory role undertaken by staff working in and around water, with gauging and sampling. He advised in light of this, the results of near misses and incidents were low and were reflected in the relationship between ACC and incidents, which was included in the report as a reference.

14 November Kaikoura earthquake - In response to a question, Mr Bodeker advised a debrief report with feedback from attending staff with learnings and improvements to systems and communications to the public, from the 14 November 2016 earthquake event would be provided to Council at an upcoming workshop.

A concern was raised in regard to having earthquake and tsunami warning information communicated out effectively to the public.

Mr Bodeker responded that it will be a “self responsibility” approach for members of the public with a national civil defence campaign underway with the earthquake messaging of ‘*If its long, or strong, be gone*’ so the public does not rely on an external agency to be sending action information in the initial stages of an event. He confirmed that the ORC natural hazards team will be working with the Otago CDEM to look at the impact of various wave heights on coastal areas of Otago, which he emphasized as a substantial piece of work.

Moved Cr Brown.
Seconded Cr Lawton

That the Chief Executive’s report be received.

Motion carried

PART B – RECOMMENDATIONS

Item 3
2016/1182 **Standing Orders and Code of Conduct**, DCS, 30/11/16

The report outlined Standing Orders and Code of Conduct for adoption by Council, including the staff recommendations:

- 1. That the Otago Regional Council Standing Orders attached, as amended, be adopted and the Common Seal affixed.*
- 2. That the Otago Regional Council Code of Conduct attached be adopted and the Common Seal affixed*
- 3. That Council meetings be recorded and these recordings be made available on Council’s website.*

Code of Conduct – Mr Donnelly advised that the LGNZ favoured an independent person overseeing a code of conduct matter, including mediation.

An option was suggested to resolve a code of conduct complaint by mediation without the appointment of an independent investigator as an addendum to Clause 12.2 of the code.

Moved Cr Laws
Seconded Cr Noone

That where there is a Code of Conduct complaint, the complainant and defendant parties may agree to mediation to resolve any outstanding issues related to the Code of Conduct.

Discussion was held on the benefits and costs of mediation by an independent assessor or whether it was a role that could be undertaken by the Chairperson.

It was advised that a process for Council handling mediation internally, if this option was favoured, would need to be developed. It was also suggested to amend the current clause to replace the word “must” to “may” engage an independent investigator to allow for internal mediation. Mr Donnelly suggested that clause 12.3 (Appendix B) be reviewed and a mediation process defined.

The recommendation and motion for the Code of Conduct were left to lie on the table until receipt of a redraft of the Code of Conduct clauses 12.2 and 12.3 is brought to Council for decision.

Moved Cr Scott

Seconded Cr Brown

That:

1. *The Otago Regional Council Standing Orders attached amended be adopted and the Common Seal affixed.*
2. *Council meetings be recorded and these recordings be made available on Council's website.*

Motion carried

Item 4

2016/1183 **Committee Terms of Reference DCS, 1/12/16**

The Terms of Reference together with the proposed Terms of Reference for other Committees and Subcommittees in the structure were tabled before Council for approval.

The following amendments were agreed:

- remove the delegation “*to appoint commissioner(s) for hearing and deciding consent applications under S34A.*” from the Terms of Reference for the Commissioner Appointment Subcommittee due to its deletion from Statute.
- Terms of Reference for the Otago Civil Defence Emergency Management Group – reporting procedures to included as per Members’ responsibilities (as contained in the Terms of Reference for the Regional Transport Committee).
- The appointment of Cr Laws to the Audit & Risk Subcommittee.

Cr Laws left the room at 10:19am

Moved Cr Scott
Seconded Cr Lawton

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

Motion carried.

Cr Laws returned to the room at 10:22am

Item 5
2016/1179 **Council Appointments**, Chair, 30/11/16

The Chair's report proposed appointments to various groups and committees.

Cr Woodhead summarised the workload for each group and the meeting schedules. Discussion was held with amendments or additions noted as:

Reference Groups -

- Cr Scott and Cr Laws to be added as members of the Pests Reference Group
- Cr Lawton confirmed as a member of both the Biodiversity and Urban Water Quality reference groups
- Cr Lawton and Cr Laws able to swap between the Pests and Urban Quality groups, as required.
- More reference groups to be formed as required, e.g. Rural Water Quality

Moved Cr Woodhead
Seconded Cr Neill

That the appointments listed with the amendments 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. *Membership of groups:*
 - Pests: Cr Noone (Chair), Cr Brown, Cr Bell, Cr Hope, Cr Laws and Cr Scott*
 - 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.*

The meeting adjourned at 11:00am and recommenced at 11:16am.

Cr Scott absent from the room.

Moved Cr Woodhead
Seconded Cr Hope

To accept the apology from Cr Deaker for this meeting.

Motion carried

Cr Scott entered the room at 11:17am

Item 6

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 outlined the schedule of delegations for approved by Council.

Moved Cr Brown
Seconded Cr Hope

That Council approve the above schedule of delegations.

Motion carried

PART C – ITEMS FOR NOTING

Item 7

2016/1185 **4 month review to 31 October 2016, DCS, 1/12/16**

The covering report summarised the formal review of progress on all projects undertaken at 4, 8 and 12 months as detailed in the full report entitled “4 Month Review to 31 October 2016”.

A request was made for staff reports to governance to include details on strategic outcomes, i.e. achievements against strategic goals and not just achievement of targets set in the reports.

Mr Bodeker confirmed he supported the reporting of achievement against strategic goals.

Mr Bodeker clarified that this item was for the 4 month reporting of the operational against financial. He suggested that Council may consider development of annual

reporting on the key strategic measurements for each plan, and this to be provided separately to the quarterly reviews.

Moved Cr Noone
Seconded Cr Bell

That the report and the “4 Month Review to 31 October 2016” report be received.

Motion carried

Item 8
2016/1114 **Financial Report to 31 October 2016**, DCS, 29/11/16

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

Moved Cr Brown
Seconded Cr Noone

That the report be received.

Motion carried

Item 9
Reports from Councillors

Cr Neill – Outlined the background to the ongoing discussions re the sand depletion at Te Rauone Beach by natural and shipping causes. He advised that the Te Rauone Beach Care community group have been in negotiations with Port Otago Ltd for re nourishment of the beach for a number of years. He acknowledged the movement in discussions with Port Otago since their attendance at the Council meeting in September 2016, in regard to the establishment of groynes to stabilise and retain sand placed at the beach.

Cr Neill confirmed he together with Crs Woodhead and Robertson intend to meet with the Chair of Port Otago Ltd on 8 December to progress the matter and he would bring an update to next Council meeting.

Cr Bell:

- Attended a meeting of the Te Rauone Beach Committee on the invitation of Cr Woodhead with Crs Robertson and Cr Neill also in attendance. He advised he would like to ensure this Council continue to support a workable solution for this beach
- Attended a meeting of the Otago Southland joint Regional Land Transport Committee meeting on 1 December, with Cr Kempton taking the role of acting chairperson. The discussion points were:

- induction of new members.
 - Queenstown transport problems with an invitation was extended to QLDC to make a presentation at the next RTC committee to bring members up to date on the issues being faced.
 - STED site maintenance, the result being agreement that a letter be sent to both ORC and Environment Southland on behalf of the joint committees requesting a policy 'in common' for the Councils.
 - Moeraki Hampden situation road accidents, with the committee supporting a letter from WDC to the NZTA to urgently address the safety issues action at this location (e.g. traffic lights, signage).
 - Will be attending a public meeting in regard to the Beaumont Bridge at the Beaumont Hall on 15 December to discuss options. The bridge built date is set for 2021.
- Cr Bell gave an update from an article he has read to advise that the K5 virus is to be introduced in Australia on 600 sites in March 2017. He has also provided information to Mr MacLean on "rabbit scan" as a management tool by the Australian Department of Primary Industries would could be of interest to ORC.

Cr Scott–

- Attended the Local Government zone meeting which provided insights into governance. Topics included the local body elections
- Attended a NZTA presentation along with Crs Kempton and Noone on connecting communities.
- Attended a presentation by Dairy NZ for professionals.

Cr Noone – commented in support of Cr Neill's update on Te Rauone Beach and acknowledged the local community have worked tireless over a number of years. He confirmed that he had had contact with that group as a DCC councillor over a number of years and would like to think that ORC would ensure that Port Otago are a responsible corporate citizen.

Cr Laws:

- Attended a meeting of the Manuherikia irrigation group with Cr Lawton for the group to present their issue to them. He noted that \$574,000 has been funded by ORC into a study on water storage options and was concerned that this may be precedent setting.
- Met with group in Alexandra in regard to air quality issues in Central Otago. He advised he saw a need for council to set up a research fund for practical applications as related to the Otago environment. He advised he is staying close to this group and would report back, in regard to looking for seed finance of \$10,000 to investigate utilising alternate energy, to help reduce some of the air quality problems in Alexandra and the application of that science to a wider scale. He advised of an upcoming meeting with CODC, community board representatives and science representatives and the SDHB and confirmed he would keep Council briefed on this.
- Attended the opening of the Alexandra's Space Centre on 15 November.

Cr Hope – attended the Otago Farm Ballance Awards judges visits to farms. She advised both farms (one sheep and beef and the other dairy) were of a high calibre and it was very interesting to be involved as a judge. She advised that both farmers visited were very positive about the ORC.

Cr Brown – Attended two Beef & Lamb field days last week, one being a land and environment plan workshop with only four attendees, which was due to time of year. He advised on speaking with the Beef and Lamb staff that it highlighted for him that Council need to address the issues of where water quality has not been addressed and that more community engagement is required, going forward.

Cr Lawton –

- She is attending and has co-organised a conference of the National Freshwater Science Society, currently being held in Invercargill this week, with over 300 attendees. The conference was held in Invercargill because of the research the regional council is doing around the NPSFWM. She advised the work is innovative and also has strong links back to science sector, CROs and universities. Conference attendees included Dairy NZ and NIWA and other organisations, who have indicated their desire to speak with the ORC and see how to work together, and investigate what collaborative work in Otago could form part of application to MBIE. She advised she saw this as an opportunity to link more closely with the stakeholder organisations in the science sector.
- She and Cr Laws attended the Lakes Hayes Guardians AGM, she advised the group was still frustrated about what to do next for source control and clean up. She looked forward to seeing this coming through in the Annual Plan.
- Attended the Upper Clutha Water group, which was also attended by Mr Bodeker. She advised that this was one of several groups which are trying to get together in the Upper Clutha area to look at water quality issues. She advised councillors of the “Wanaka ape”, which is a good downloadable media source for what is happening in the area, which also published ‘who is who’ guide in water quality and focus groups in the upper Clutha. She confirmed there is a strong farming bases in this group, which she felt reflected the degree of concern in the Upper Clutha on water quality as a whole.

PART D – MINUTES OF MEETINGS

Item 10 **Recommendations of the Regulatory Committee meeting held on 23 November 2016, for adoption**

Moved Cr Scott
Seconded Cr Neill

That the recommendations of the Regulatory Committee meeting held on 23 November 2016 be adopted.

Motion Carried

- Item 11 **Recommendations of the Technical Committee meeting** held on
23 November 2016, for adoption

Moved Cr Lawton
Seconded Cr Woodhead

That the recommendations of the Technical Committee meeting held on 23 November 2016 be adopted.

Motion carried

- Item 12 **Recommendations of the Policy Committee meeting** held on
23 November 2016, for adoption

Moved Cr Robertson
Seconded Cr Hope

That the recommendations of the Committee meeting held on 23 November 2016 be adopted.

Motion carried

- Item 13 **Recommendations of the Finance and Corporate Committee meeting**
held on 23 November 2016, for adoption

Moved Cr Brown
Seconded Cr Noone

That the recommendations of the Finance & Corporate Committee meeting held on 23 November 2016 be adopted.

Motion carried

- Item 14 **Recommendations of the Communications Committee meeting** held on
23 November 2016, for adoption

That the recommendations of the Communications Committee meeting held on 23 November 2016 be adopted.

Moved Cr Neill
Seconded Cr Bell

Motion Carried

PART E - RESOLUTION TO EXCLUDE THE PUBLIC

Moved Cr Woodhead
Seconded Cr Scott

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)

Motion carried

Following the discussion of items 15 and 16

Moved Cr Woodhead
Seconded Cr Bell

That the meeting resume in open session 12:47pm

Motion carried

The meeting was declared closed at 12:47pm.

Chairperson

REPORT

Document Id: A980618

Report Number: 2017/0652
Prepared For: Council
Prepared By: Cr Woodhead - Chairperson
Date: 16 February 2017

Subject: **Chairperson's Report - February 2017**

1. Murihiku Te Roopu Taiao

Mr Bodeker and I attended a Hui at Murihiku Marae in Invercargill on the 12th December. The first part of the Hui was to acknowledge Michael Skerret's retirement as Kaupapa Taiao Manager for Te Ao Marama. Dean Whaanga has been promoted to the manager's role. The rest of the Hui was taken up with local government updates on RMA and LGA activities. We extended an invite on behalf of the Otago Te Roopu Taiao to a joint Otago Southland meeting on 7th February.

2. Otago Southland Te Roopu Taiao/Mayoral Forum

The Mayors and Chair from Southland joined Otago Mayors and Chair at Otakou Marae to celebrate Waitangi Day. The following day we held a joint O/S Mayoral Forum, followed by a joint Otago/Southland Te Roopu Taiao Hui, Otago Mayoral Forum and Emergency Management Otago Group meeting.

Otago/Southland Mayoral Forum

Hosted by DCC, agenda items included a sector update on national local government matters which included a progress report on the first round of excellence reviews, initial meetings with the new Minister of Local Government, Anne Tolley and Associate Minister Jacqui Dean, both of whom have had local government experience which will be helpful.

Updates on the soon to be released review of regional council implementation of the National Policy Statement Freshwater Management, National Environmental Standard Air Quality, and the RMA reform, which are all due in the first half of 2017.

A presentation from Ross Black, Chairperson of the Otago Rescue Helicopter Trust gave an overview of their operations in the lower South Island and the coming review of the contracts.

Cr Kempton as co-chair of the Otago/Southland Regional Transport Committee updated us on transport planning, including the delayed Government Policy Statement, the need for the network to be adaptable, safety, and the cycling network strategy.

Otago/Southland Te Roopu Taiao

A presentation by Gail Tipa showed the process over a number of years across several regions that whanua have used to develop a cultural flow preference process. This is aimed at ensuring cultural values, which are not just based on a flow rate, are part of minimum flow and water take processes.

Takerei Norton demonstrated the GIS database he has been working on for Ngai Tahu capturing Iwi history. There is an enormous amount of data covering all aspects of Iwi activity, all authenticated by written record or on-site verification. This is where the material that ORC stored temporarily on our system has been transferred to.

There was discussion around the proposed amendments in the Resource Legislation Amendment Bill 2015. These proposals are focused on enhancing Maori participation in the policy statement and plan making processes by requiring local authorities to form Iwi Participation Agreements (IPA), and by enhancing Iwi consultation requirements in relation to appointment of hearing commissioners and pre-notification for policy statement and plan changes. It is proposed the IPA will detail how the Iwi authority and local authority will work together. Both regions already have agreements outlining how we work together; a working group is to scope out how we can amend current agreements to meet the potential new changes and see if we can get one document that covers Otago and Southland. With many parties involved, this will take time.

3. Otago Mayoral Forum

Discussion on the draft Triennial Agreement was followed by an update on the Section 17A reviews. In November it was decided to proceed to detailed review of solid waste, regulatory services and waterways and harbours. This work will be completed by August with a report to go to each council. No further detailed investigations will be undertaken at this stage as no cost benefit had been identified.

We had presentations from the Southern DHB Smokefree representatives looking for a letter of support, and Lloyd McGinty who works with the Bio Energy Association and Wood Energy South. Lloyd explained the growth that is occurring in the use of waste wood following logging operations to fuel boilers at industrial sites primarily in South Otago.

4. Wakatipu Transport Strategic Partners Governance Group

Cr Kempton, Mr Bodeker, Ms Turnbull, Mr Collings and I have attended a number of Governance Group meetings since June 2015, when it was decided to reinvigorate the multi-agency group to plan and integrate various projects to assist manage transport needs in an area experiencing rapid growth. Stakeholders involved are QLDC, ORC, NZTA and Queenstown Airport Corporation (QAC). The detail of the public transport proposal is reported separately in this agenda.

Good progress is now being made in pulling together the various strands that will make up the integrated transport programme business case. The project includes information from the Queenstown master plan, airport passenger data and a recently started airport master plan, special housing areas, vehicle movement data, public transport data etc. This information informs the options, priorities, timeframes, and cost of various projects that will come together in the integrated business case.

Work streams will in time include existing road and intersection improvements, construction of a new road and bridge, changes to the provision of and cost of parking, improvements to public transport, walking and cycling upgrades, journey planning technology, park and ride facilities, clear easily available information for visitors etc. The key is that all agencies are working together well and understand that it is crucial that the various work streams are integrated.

5. Te Rauone Beach Restoration Project

ORC has facilitated two meetings with the Te Rauone Beach Community Group, Iwi, DCC and Community Board to endeavour to get agreement to allow this project to proceed. After lengthy discussion at the 19th December meeting, it was agreed to get the two consultants who have provided advice, to meet all stakeholders so all parties hear the same advice together. At the recent meeting on the 14th of February, we heard the history, challenges and preferred first stage works from consultants Jennifer Hart and Martin Single. It has now been agreed in principle to proceed with detailed design of what will be stage one of the project. The group will meet again prior to Port Otago filing a consent application, to understand the detailed design of stage one. The intention is for the consent to allow for flexibility of ongoing work as monitoring of the results following beach replenishment informs the need and form of the next stage.

6. Other meetings

- Briefings to CODC and QLDC; and lake water quality meetings in Wanaka and Queenstown.
- Emergency Management Otago AF8 workshop.
- Mr Bodeker, Mr Hawker and I meet Paul Basham, the new Police District Commander.

Cr Stephen Woodhead
Chairperson

REPORT

Document Id: A980584

Report Number: 2017/0649

Prepared For: Council

Prepared By: Chief Executive

Date: 16 February 2017

Subject: **Chief Executive's Report - February 2017**

1. CDEM Update

As reported previously to Council over the past 18 months, ORC has led a process of integrating the Civil Defence and Emergency Management (CDEM) operations throughout Otago into a single entity. Emergency Management Otago is the new entity formed under the CDEM Act, but funded and managed from a single entity. The benefit of combining what were six separate operations and entities into one, means a better coordination, and better support across the region as staff and other resources are shared. Additionally, a regionally based activity allows Otago to interact with the other civil defence regions, and recent discussions with Southland regarding a plan to evacuate Queenstown tourists is an indication of the collaboration.

The November 2016 Kaikoura earthquakes saw six Emergency Management Otago staff members deployed either to a Christchurch based coordination centre, Hurunui or directly into Kaikoura. The benefit of having staff involved was twofold; primarily it was to provide a trained resource to assist in a significant natural disaster event, but also provided a good training opportunity in a live situation for those staff.

Emergency Management Otago is involved in a Ministry of Civil Defence & Emergency Management funded project called Alpine Fault 8 (AF8). The purpose of the project is to look both at an operational, and scientific basis at what will happen when a magnitude 8 earthquake strikes the alpine fault. Noting that the alpine fault runs from the bottom of the South Island, extending out through the northern part of the South Island, an event with magnitude 8 is likely to cause not only significant localised damage, but also widespread damage. This will limit the amount of across regional assistance that we can expect. Ensuring local communities and individuals are aware of the situation so that they can be self-prepared is a key factor in the response that Emergency Management Otago is proposing. In addition, discussion within the Otago CE group has focused around how more local government staff can be trained to ensure that when the next natural disaster occurs, large groups of trained staff are available to respond in an appropriate way. Discussions for the next Long Term Plan across the region will focus on having around 200 trained staff within local government in Otago, to ensure that not only local government's role is maintained after a significant natural disaster, but also the required civil defence activity.

A presentation on the current status of Emergency Management Otago will be provided at the meeting by the Group Manager Chris Hawker.

2. Health & Safety

Introduction

This is an update on health and safety matters covering the period since my November report. Health and safety is on the agenda of each fortnightly Executive meeting. Any new matters are raised and discussed, incident reports are received and responsibility delegated where any further actions are required.

Health & Safety Officer Activities

The Health and Safety Officer is spending 2 to 3 hours each day providing health and safety advice and input across the range of Council activities. She has found that our health and safety field practice is good and is now investing time working with staff to review and upgrade documentation and define appropriate and updated protocols. Major projects targeted for the next six months are:

- *Contractor Approval* – a formal independent process where ORC contractors are assessed towards gaining registration in the nationally recognised Site Wise pre-approval programme.
- *Standard Operating Procedures (SOPs)* – reviewing all operational activities, carrying out a hazard/risk assessment, and identifying controls to manage the risks. These will enable senior management to identify key operational risks and define lead initiatives focused on future safety performance and continuous improvement. They also provide the base for developing audit tools.
- *Landowner/Occupier PCBU & Safety Permit* – working toward a practical solution to cover legislative PCBU responsibilities when accessing properties for carrying out ORC functions.

Training

Recent Health and Safety Training requisite, or appropriate for job requirements, has covered refresher training in working at heights and in first-aid, driver safety, confined spaces, stress management, and conflict and situational awareness.

Staff have also been issued with “Grab Bags” to store under their desks, containing essential items for an emergency situation.

Staff Participation

The first Staff Health and Safety Committee meeting of this year is planned for next week. The Health and Safety Officer is actively involved in team meetings where health and safety is discussed.

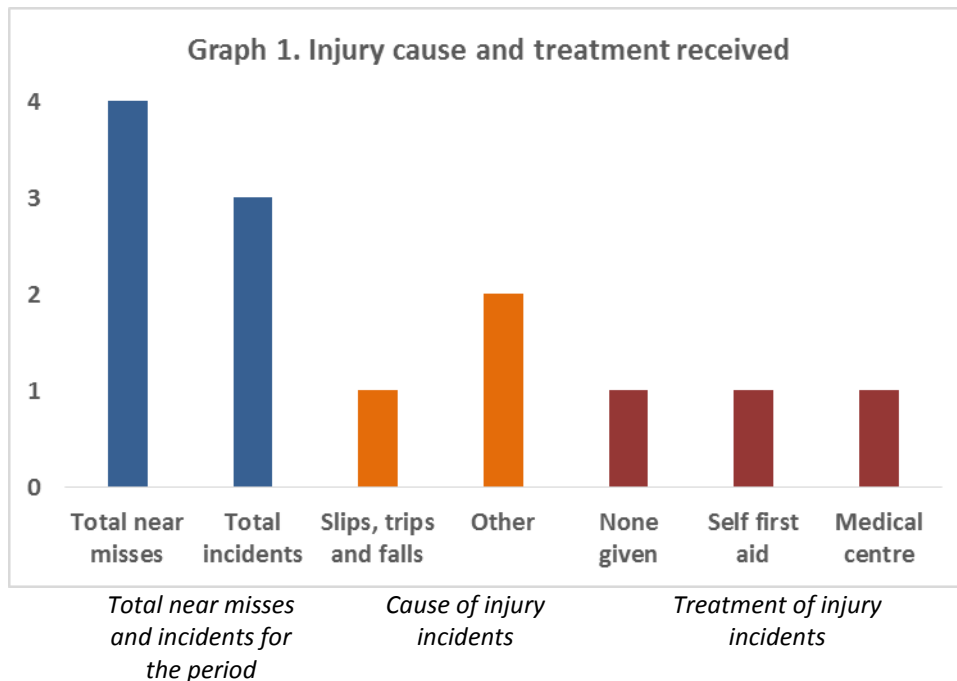
Near Miss and Incident Reporting – 30 November 2016 to 13 February 2017

The following graphs show near miss and incident report data for the period.

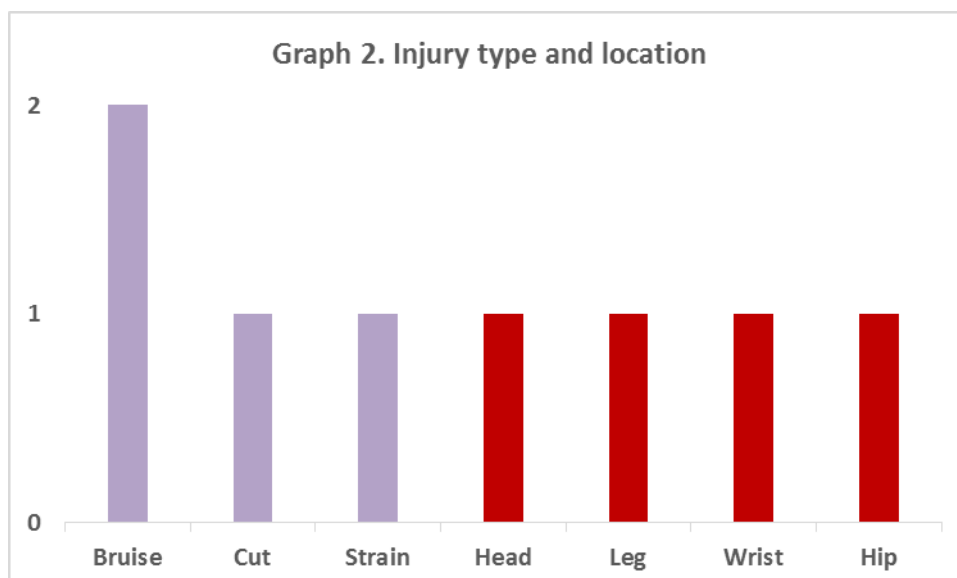
Four near miss incidents and three incidents that caused injury were reported. Of the four near miss incidents, two required minor remedial action. Another required follow-up action which is still progressing.

The three incidents causing injury also only required minor follow-up action to prevent a recurrence. One resulted in medical attention which was covered by ACC but did not result in lost time, although work duties were varied for a week.

Graph 1 shows the cause that was attributed to the reported injury and any treatment received. To group incident causes, they 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 2 shows the type and location of the injury sustained. Note that some incidents caused more than one injury.



3. Building Update

Following a comprehensive tender evaluation, we have identified a preferred tenderer for architectural design services for Council's new head office building project. The preferred tenderer is a collaboration principally between WcCoy Wixon Architects of Dunedin, and Warren and Mahoney, a national firm with offices in Christchurch, Wellington, Auckland, Sydney and Melbourne. A number of secondary consultants also form part of the collaboration, and include Holmes and Powell Fenwick (engineering and fire protection), Tonkin and Taylor (geotechnical), and Boffa Miskell (urban and landscape design).

The Building Reference Group met in December to meet the design team. Following on from that meeting, the design team has been engaged to carry out the observation, survey and data collection phases for the project and to develop a design philosophy and concept design. The design team have not been engaged for any phases beyond this at this point.

Work around workplace occupancy studies and observations, survey and data collection has progressed over the last three weeks and is currently being analysed. The analysis has included a series of focus group workshops designed to unpack the meaning of the survey results and derive some insight into what this means for the future workplace. The workshops were convened earlier this week. The outcomes of this work, and progress on developing a design philosophy and concept design, will be reported back to the Building Reference Group shortly, and subsequently to Council March/April.

Discussions on the potential purchase of the Council's preferred site for the new head office building at 15 Dowling Street are progressing with the City Council.

4. Oil Spill Response

On Thursday 9 February at approximately 2100 hours, the Pollution Hotline received a call from the Fire Service alerting ORC to an incident in the Oamaru Harbour, in which a fishing vessel had run aground. It was estimated to be carrying approximately 500 litres of diesel and an unknown quantity of hydraulic oil. A marine oil spill response was initiated.

A total of 14 trained marine oil spill responders from ORC's Environmental Monitoring and Operations directorate attended the incident. A range of equipment was deployed with the aim of minimising the impact on the marine environment of any fuel or oil spilt.

The Oamaru harbour is home to a Little Blue Penguin colony and the nationally endangered Otago Shag. The response was successful and there was no obvious impact on the environment.

The incident ran continuously through until Sunday afternoon and was declared over once the threat to the marine environment had been removed.

Peter Bodeker
Chief Executive

REPORT

Document Id: A980617

Report Number: 2017/0651
Prepared For: Council
Prepared By: Director Corporate Services
Date: 16 February 2017

Subject: **Code of Conduct**

1. Précis

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

A draft Code of Conduct was presented to Council at its meeting on 7 December 2016. This draft was based on LGNZ's model Code of Conduct. Council agreed at that meeting that the Draft should be amended to include *"That where there is a Code of Conduct complaint, the complainant and defendant parties may agree to mediation to resolve any outstanding issues related to the Code of Conduct"*. A revised draft of the Code has been prepared that addresses this and is attached for Council's consideration.

2. Code of Conduct

LGNZ's model stated that complaints were to be forwarded to an independent investigator in the first instance. Clause 12.2 has been amended as follows:

"On receipt of a complaint the chief executive must forward that complaint to the Chairperson who will, if the parties agree, undertake mediation to resolve the issue. In the event the parties do not agree to mediation or mediation cannot resolve the issue the Chairperson must forward that complaint to an independent investigator to determine whether the issue is sufficient to warrant a full investigation.

In the event the Chairperson is a party to the complaint, the Deputy Chairperson will undertake the mediation and if both the Chairperson and Deputy Chairperson are involved the matter will be forwarded directly to an independent investigator."

Appendix B of the Code, which details the steps involved once a complaint is received, has also been amended to reflect this additional step in the process.

3. Recommendation

That the attached Otago Regional Council Code of Conduct be adopted and the Common Seal affixed.

Nick Donnelly
Director Corporate Services

Attachment:
o Otago Regional Council Code of Conduct – Draft (A952761)



Code of Conduct

Adopted on the

1. Introduction

This Code of Conduct (the Code) sets out the standards of behavior expected from elected members in the exercise of their duties. Its purpose is to:

- enhance the effectiveness of the local authority and the provision of good local government of the community, city, district or region;
- promote effective decision-making and community engagement;
- enhance the credibility and accountability of the local authority to its communities; and
- develop a culture of mutual trust, respect and tolerance between the members of the local authority and between the members and management.

This purpose is given effect through the values, roles, responsibilities and specific behaviors agreed in this Code.

2. Scope

The Code has been adopted in accordance with clause 15 of Schedule 7 of the Local Government Act 2002 (LGA 2002) and applies to all members, including the members of any local boards as well as the members of any community boards that have agreed to adopt it. The Code is designed to deal with the behaviour of members towards:

- each other;
- the chief executive and staff;
- the media; and
- the general public.

It is also concerned with the disclosure of information that members receive in their capacity as elected members and information which impacts on the ability of the local authority to give effect to its statutory responsibilities

This Code can only be amended (or substituted by a replacement Code) by a vote of at least 75 per cent of members present at a meeting when amendment to the Code is being considered. The Code should be read in conjunction with the council's Standing Orders.

3. Values

The Code is designed to give effect to the following values:

1. **Public interest:** members will serve the best interests of the people within their community, district or region and discharge their duties conscientiously, to the best of their ability.
2. **Public trust:** members, in order to foster community confidence and trust in their Council, will work together constructively and uphold the values of honesty, integrity, accountability and transparency.
3. **Ethical behaviour:** members will not place themselves in situations where their honesty and integrity may be questioned, will not behave improperly and will avoid the appearance of any such behavior.
4. **Objectivity:** members will make decisions on merit; including appointments, awarding contracts, and recommending individuals for rewards or benefits.
5. **Respect for others:** will treat people, including other members, with respect and courtesy, regardless of their race, age, religion, gender, sexual orientation, or disability. Members will respect the impartiality and integrity of officials.
6. **Duty to uphold the law:** members will comply with all legislative requirements applying to their role, abide by this Code of Conduct, and act in accordance with the trust placed in them by the public.
7. **Equitable contribution:** members will take all reasonable steps to ensure they fulfil the duties and responsibilities of office, including attending meetings and workshops, preparing for meetings, attending civic events, and participating in relevant training seminars.
8. **Leadership:** members will actively promote and support these principles and ensure they are reflected in the way in which the Council operates, including a regular review and assessment of the Council's collective performance.

These values complement, and work in conjunction with, the principles of s.14 of the LGA 2002 and the governance principles of s.39 of the LGA 2002.

4. Role and responsibilities

Good governance requires clarity of roles and respect between those charged with responsibility for the leadership of the council and those responsible for advice and the implementation of council decisions. The key roles are:

4.1 Members

The role of the governing body includes:

- representing the interests of the people of the city, district or region;
- developing and adopting plans, policies and budgets;
- monitoring the performance of the council against stated goals and objectives set out in its long term plan;
- providing prudent stewardship of the council's resources;
- employing and monitoring the performance of the chief executive; and
- ensuring the council fulfils its responsibilities to be a 'good employer' and meets the requirements of the Health and Safety at Work Act 2015.

4.2 Chief executive

The role of the chief executive includes:

- implementing the decisions of the council;
- ensuring that all responsibilities delegated to the chief executive are properly performed or exercised;
- ensuring the effective and efficient management of the activities of the local authority;
- maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority;
- providing leadership for the staff of the council; and
- employing staff on behalf of the council (including negotiation of the terms of employment for those staff).

Under s.42 of the LGA 2002 the chief executive is the only person *directly* employed by the council itself. All concerns about the performance of an individual member of staff must, in the first instance, be referred to the chief executive.

5. Relationships

This section of the Code sets out agreed standards of behaviour between members; members and staff; and members and the public.

5.1 Relationships between members

Given the importance of relationships to the effective performance of the council, members will conduct their dealings with each other in a manner that:

- maintains public confidence;
- is open and honest;
- is courteous;
- is focused on issues rather than personalities;
- avoids abuse of meeting procedures, such as a pattern of unnecessary notices of motion and/or repetitious points of order; and
- avoids aggressive, offensive or abusive conduct, including the use of disrespectful or malicious language.

Any failure by members to act in the manner described in s.5.1 represents a breach of this Code.

Please note that nothing in this section of the Code is intended to limit robust debate within the council as long as it is conducted in a respectful and insightful manner.

5.2 Relationships with staff

An important element of good governance involves the relationship between the council and its chief executive. Members will respect arrangements put in place to facilitate this relationship, and:

- raise any concerns about employees, officers or contracted officials with the chief executive;
- raise any concerns about the performance or behaviour of the chief executive with the mayor/chair or the chairperson of the chief executive performance review committee (however described);
- make themselves aware of the obligations that the council and the chief executive have as employers and observe those requirements at all times, such as the duty to be a good employer;
- treat all employees with courtesy and respect and avoid publicly criticising any employee;
- observe any protocols put in place by the chief executive concerning contact between members and employees;

- avoid doing anything which might compromise, or could be seen as compromising, the impartiality of an employee.

Any failure by members to act in the manner described above represents a breach of this Code.

Please note: Elected members should be aware that failure to observe this portion of the Code may compromise the council's obligations to be a good employer and consequently expose the council to civil litigation or affect the risk assessment of council's management and governance control processes undertaken as part of the council's audit.

5.3 Relationship with the public

Given that the performance of the council requires the trust and respect of individual citizens, members will:

- interact with members of the public in a fair, respectful, equitable and honest manner;
- be available to listen and respond openly and honestly to community concerns;
- consider all points of view or interests when participating in debate and making decisions;
- treat members of the public in a courteous manner; and
- act in a way that upholds the reputation of the local authority.

Any failure by members to act in the manner described above represents a breach of this Code.

6. Contact with the media

The media play an important part in the operation and efficacy of local democracy. In order to fulfil this role the media needs access to accurate and timely information about the affairs of council.

From time to time individual members will be approached to comment on a particular issue either on behalf of the council, or as an elected member in their own right. When responding to the media members must be mindful that operational questions should be referred to the chief executive and policy-related questions referred to the mayor or the member with the appropriate delegated authority.

When speaking to the media more generally members will abide by the following provisions:

6.1 Media contact on behalf of the council

- the mayor or chairperson is the first point of contact for an official view on any issue, unless delegations state otherwise. Where the mayor/chair is absent requests for comment will be referred to the deputy mayor/chair or relevant committee chairperson or portfolio holder;
- the mayor/chair may refer any matter to the relevant committee chairperson or to the chief executive for their comment; and
- no other member may comment *on behalf of the council* without having first obtained the approval of the mayor/chair.

6.2 Media comment on a member's own behalf

Elected members are free to express a *personal view* in the media, at any time, provided the following rules are observed:

- media comments must not state or imply that they represent the views of the council;
- media comments which are contrary to a council decision or policy must clearly state that they do not represent the views of the majority of members;
- media comments must observe the other requirements of the Code; for example, comments should not disclose confidential information, criticize, or compromise the impartiality or integrity of staff; and
- media comments must not be misleading and should be accurate within the bounds of reasonableness.

Any failure by members to meet the standards set out above represents a breach of this Code.

7. Information

Access to information is critical to the effective performance of a local authority and the level of public trust felt by the public.

7.1 Confidential information

In the course of their duties members will occasionally receive information that is confidential. This will generally be information that is either commercially sensitive or is personal to a particular individual or organisation. Accordingly, members agree not to use or disclose confidential information for any purpose other than the purpose for which the information was supplied to the member.

7.2 Information received in capacity as an elected member

Members will disclose to other members and, where appropriate the chief executive, any information received in their capacity as an elected member that concerns the council's ability to give effect to its responsibilities.

Members who are offered information on the condition that it remains confidential will inform the provider of the information that it is their duty to disclose the information and will decline the offer if that duty is likely to be compromised.

Any failure by members to act in the manner described above represents a breach of this Code.

Please note: failure to observe these provisions may impede the performance of the council by inhibiting information flows and undermining public confidence. It may also expose the council to prosecution under the Privacy Act and/or civil litigation.

8. Conflicts of Interest

Elected members will maintain a clear separation between their personal interests and their duties as elected members in order to ensure that they are free from bias (whether real or perceived). Members therefore must familiarise themselves with the provisions of the Local Authorities (Members' Interests) Act 1968 (LAMIA).

Members will not participate in any council discussion or vote on any matter in which they have a pecuniary interest, other than an interest in common with the general public. This rule also applies where the member's spouse contracts with the authority or has a pecuniary interest. Members shall make a declaration of interest as soon as practicable after becoming aware of any such interests.

If a member is in any doubt as to whether or not a particular course of action (including a decision to take no action) raises a conflict of interest, then the member should seek guidance from the chief executive *immediately*. Members may also contact the Office of the Auditor General for guidance as to whether they have a pecuniary interest, and if so, may seek an exemption to allow that member to participate or vote on a particular issue in which they may have a pecuniary interest. The latter must be done before the discussion or vote.

Please note: Failure to observe the requirements of the LAMIA could potentially invalidate the decision made, or the action taken, by the council. Failure to observe these requirements could also leave the elected member open to prosecution (see Appendix A). In the event of a conviction, elected members can be ousted from office.

9. Register of Interests

Members shall annually make a declaration of interest. These declarations are recorded in a Register of Interests maintained by the council. The declaration must include information on the nature and extent of any interest, including:

- a) any employment, trade or profession carried on by the member or the members' spouse for profit or gain;
- b) any company, trust, partnership etc for which the member or their spouse is a director, partner or trustee;
- c) the address of any land in which the member has a beneficial interest within the jurisdiction of the local authority; and
- d) the address of any land owned by the local authority in which the member or their spouse is:
 - a tenant; or
 - the land is tenanted by a firm in which the member or spouse is a partner, a company of which the member or spouse is a director, or a trust of which the member or spouse is a trustee:
- e) any other matters which the public might reasonably regard as likely to influence the member's actions during the course of their duties as a member (if the member is in any doubt on this, the member should seek guidance from the chief executive)

Please note: Where a member's circumstances change they must ensure that the Register of Interests is updated as soon as practicable.

10. Ethical behaviour

Members will seek to promote the highest standards of ethical conduct. Accordingly members will:

- claim only for legitimate expenses as determined by the Remuneration Authority and any lawful policy of the council developed in accordance with that determination;
- not influence, or attempt to influence, any council employee, officer or member in order to benefit their own, or families personal or business interests;
- only use the Council resources (such as facilities, staff, equipment and supplies) in the course of their duties and not in connection with any election campaign or personal interests; and

- not solicit, demand, or request any gift, reward or benefit by virtue of their position and notify the chief executive if any such gifts are accepted. Where a gift to the value of \$50 or more is accepted by a member, that member must immediately disclose this to the chief executive for inclusion in the publicly available register of interests.

Any failure by members to comply with the provisions set out in this section represents a breach of this Code.

10.1 Undischarged bankrupt

In accordance with clause 15(5) of Schedule 7 (LGA 2002) any member who is an “undischarged bankrupt” will notify the chief executive prior to the inaugural meeting or as soon as practicable after being declared bankrupt. The member will also provide the chief executive with a brief explanatory statement of the circumstances surrounding the member’s adjudication and the likely outcome of the bankruptcy.

11. Creating a supportive and inclusive environment

In accordance with the purpose of the Code, members agree to take all reasonable steps in order to participate in activities scheduled to promote a culture of mutual trust, respect and tolerance. These include:

- Attending post-election induction programmes organised by the council for the purpose of facilitating agreement on the council’s vision, goals and objectives and the manner and operating style by which members will work.
- Taking part in any assessment of the Council’s overall performance and operating style during the triennium.¹
- Taking all reasonable steps to ensure they possess the skills and knowledge to effectively fulfill their Declaration of Office and contribute to the good governance of the city, district or region.

¹ A self assessment template is provided in the Guidance to this Code.

12. Breaches of the Code

Members must comply with the provisions of this Code (LGA 2002, schedule 5, s. 14(4)). Any member, or the chief executive, who believes that the Code has been breached by the behaviour of a member, may make a complaint to that effect. All complaints will be considered in a manner that is consistent with the following principles.

12.1 Principles:

The following principles will guide any processes for investigating and determining whether or not a breach under this Code has occurred:

- that the approach for investigating and assessing a complaint will be proportionate to the apparent seriousness of the breach complained about;
- that the roles of complaint, investigation, advice and decision-making will be kept separate as appropriate to the nature and complexity of the alleged breach; and
- that the concepts of natural justice and fairness will apply in the determination of any complaints made under this Code. This requires, conditional on the nature of an alleged breach, that affected parties:
 - have a right to know that an investigation process is underway;
 - are given due notice and are provided with an opportunity to be heard;
 - have a right to seek appropriate advice and be represented; and
 - have their privacy respected.

12.2 Complaints

All complaints made under this Code must be made in writing and forwarded to the chief executive. On receipt of a complaint the chief executive must forward that complaint to the Chairperson who will, if the parties agree, undertake mediation to resolve the issue. In the event the parties do not agree to mediation or mediation cannot resolve the issue the Chairperson must forward that complaint to an independent investigator to determine whether the issue is sufficient to warrant a full investigation.²

In the event the Chairperson is a party to the complaint, the Deputy Chairperson will undertake the mediation and if both the Chairperson and Deputy Chairperson are involved the matter will be forwarded directly to an independent investigator

Only members and the chief executive may make a complaint under this Code.

² On behalf of the Council the Chief Executive will, shortly after the start of a triennium, prepare, in consultation with the Mayor or Chairperson, a list of investigators for this purpose of undertaking a preliminary assessment. The Chief Executive may prepare a list specifically for his or her council, prepare a list jointly with neighbouring councils or contract with an agency capable of providing appropriate investigators, such as Equip.

12.3 Investigation, advice and decision

The process, following receipt of a complaint, will follow the steps outlined in Appendix B.

12.4 Materiality

An alleged breach under this Code is material if, in the opinion of the independent investigator, it would, if proven, bring a member or the council into disrepute or, if not addressed, reflect adversely on another member of the council.

13. Penalties and actions

Where a complaint is determined to be material and referred to the council the nature of any penalty or action will depend on the seriousness of the breach.

13.1 Material breaches

In the case of material breaches of this Code the council, or a committee with delegated authority, may require one of the following:

1. a letter of censure to the member;
2. a request (made either privately or publicly) for an apology;
3. a vote of no confidence in the member;
4. removal of certain council-funded privileges (such as attendance at conferences);
5. restricted entry to council offices, such as no access to staff areas (where restrictions may not previously have existed);
6. limitation on any dealings with council staff so that they are confined to the chief executive only;
7. suspension from committees or other bodies; or
8. an invitation for the member to consider resigning from the council.

A council or committee may decide that a penalty will not be imposed where a respondent agrees to one or more of the following:

- attend a relevant training course; and/or
- work with a mentor for a period of time; and/or
- participate in voluntary mediation (if the complaint involves a conflict between two members); and/or
- tender an apology.

The process is based on the presumption that the outcome of a complaints process will be made public unless there are grounds, such as those set out in the Local Government Official Information and Meetings Act 1987 (LGOIMA), for not doing so.

13.2 Statutory breaches

In cases where a breach of the Code is found to involve regulatory or legislative requirements, the complaint will be referred to the relevant agency. For example:

- breaches relating to members' interests (where members may be liable for prosecution by the Auditor-General under the LAMIA);
- breaches which result in the council suffering financial loss or damage (where the Auditor-General may make a report on the loss or damage under s.30 of the LGA 2002 which may result in the member having to make good the loss or damage); or
- breaches relating to the commission of a criminal offence which will be referred to the Police (which may leave the elected member liable for criminal prosecution).

14. Review

Once adopted, a Code of Conduct continues in force until amended by the council. The Code can be amended at any time but cannot be revoked unless the council replaces it with another Code. Once adopted, amendments to the Code require a resolution supported by 75 per cent of the members of the council present at a council meeting where the amendment is considered.

Council may formally review the Code as soon as practicable after the beginning of each triennium. The results of that review will be considered by the council in regard to potential changes for improving the Code.

Appendix A: Legislation bearing on the role and conduct of elected members

This is a summary of the legislative requirements that have some bearing on the duties and conduct of elected members. The full statutes can be found at www.legislation.govt.nz.

The Local Authorities (Members' Interests) Act 1968

The Local Authorities (Members' Interests) Act 1968 (LAMIA) provides rules about members discussing and voting on matters in which they have a pecuniary interest and about contracts between members and the council.

A pecuniary interest is likely to exist if a matter under consideration could reasonably give rise to an expectation of a gain or loss of money for a member personally (or for their spouse or a company in which they have an interest). In relation to pecuniary interests the LAMIA applies to both contracting and participating in decision-making processes.

With regard to pecuniary or financial interests a person is deemed to be "concerned or interested" in a contract or interested "directly or indirectly" in a decision when:

- a person, or spouse or partner, is "concerned or interested" in the contract or where they have a pecuniary interest in the decision; or
- a person, or their spouse or partner, is involved in a company that is "concerned or interested" in the contract or where the company has a pecuniary interest in the decision.

There can also be additional situations where a person is potentially "concerned or interested" in a contract or have a pecuniary interest in a decision, such as where a contract is between an elected members' family trust and the council.

Determining whether a pecuniary interest exists

Elected members are often faced with the question of whether or not they have a pecuniary interest in a decision and if so whether they should participate in discussion on that decision and vote. When determining if this is the case or not the following test is applied:

"...whether, if the matter were dealt with in a particular way, discussing or voting on that matter could reasonably give rise to an expectation of a gain or loss of money for the member concerned." (OAG, 2001)

In deciding whether you have a pecuniary interest, members should consider the following factors.

- What is the nature of the decision being made?
- Do I have a financial interest in that decision - do I have a reasonable expectation of gain or loss of money by making that decision?
- Is my financial interest one that is in common with the public?
- Do any of the exceptions in the LAMIA apply to me?
- Could I apply to the Auditor-General for approval to participate?

Members may seek assistance from the mayor/chair or other person to determine if they should discuss or vote on an issue but ultimately it is their own judgment as to whether or not they have pecuniary interest in the decision. Any member who is uncertain as to whether they have a pecuniary interest is advised to seek legal advice. Where uncertainty exists members may adopt a least-risk approach which is to not participate in discussions or vote on any decisions.

Members who do have a pecuniary interest will declare the pecuniary interest to the meeting and not participate in the discussion or voting. The declaration and abstention needs to be recorded in the meeting minutes. (Further requirements are set out in the council's Standing Orders.)

The contracting rule

A member is disqualified from office if he or she is "concerned or interested" in contracts with their council if the total payments made, or to be made, by or on behalf of the council exceed \$25,000 in any financial year. The \$25,000 limit includes GST. The limit relates to the value of all payments made for all contracts in which you are interested during the financial year. It does not apply separately to each contract, nor is it just the amount of the profit the contractor expects to make or the portion of the payments to be personally received by you.

The Auditor-General can give prior approval, and in limited cases, retrospective approval for contracts that would otherwise disqualify you under the Act. It is an offence under the Act for a person to act as a member of the council (or committee of the council) while disqualified.

Non-pecuniary conflicts of interest

In addition to the issue of pecuniary interests, rules and common law govern conflicts of interest more generally. These rules apply to non-pecuniary conflicts of interest, including common law rules about bias. In order to determine if bias exists or not members need to ask:

"Is there a real danger of bias on the part of the member of the decision-making body, in the sense that he or she might unfairly regard with favour (or disfavour) the case of a party to the issue under consideration?"

The question is not limited to actual bias, but relates to the appearance or possibility of bias reflecting the principle that justice should not only be done, but should be seen to be done. Whether or not members believe they are not biased is irrelevant.

Members should focus be on the nature of the conflicting interest or relationship and the risk it could pose for the decision-making process. The most common risks of non-pecuniary bias are where:

- members' statements or conduct indicate that they have predetermined the decision before hearing all relevant information (that is, members have a "closed mind"); and
- members have a close relationship or involvement with an individual or organisation affected by the decision.

In determining whether or not they might be perceived as biased, members must also take into account the context and circumstance of the issue or question under consideration. For example, if a member has stood on a platform and been voted into office on the promise of implementing that platform then voters would have every expectation that the member would give effect to that promise, however he/she must still be seen to be open to considering new information (this may not apply to decisions made in quasi-judicial settings, such as an RMA hearing).

Local Government Official Information and Meetings Act 1987

The Local Government Official Information and Meetings Act 1987 sets out a list of meetings procedures and requirements that apply to local authorities and local/community boards. Of particular importance for the roles and conduct of elected members is the fact that the chairperson has the responsibility to maintain order at meetings, but all elected members should accept a personal responsibility to maintain acceptable standards of address and debate. No elected member should:

- create a disturbance or a distraction while another councillor is speaking;
- be disrespectful when they refer to each other or other people; or
- use offensive language about the council, other members, any employee of the council or any member of the public.

See Standing Orders for more detail.

Secret Commissions Act 1910

Under this Act it is unlawful for an elected member (or officer) to advise anyone to enter into a contract with a third person and receive a gift or reward from that third person as a result, or to present false receipts to council.

If convicted of any offence under this Act a person can be imprisoned for up to two years, and/or fines up to \$1000. A conviction would therefore trigger the ouster provisions of the LGA 2002 and result in the removal of the member from office.

Crimes Act 1961

Under this Act it is unlawful for an elected member (or officer) to:

- accept or solicit for themselves (or anyone else) any gift or reward for acting or not acting in relation to the business of council; and
- use information gained in the course of their duties for their, or another persons, monetary gain or advantage.

These offences are punishable by a term of imprisonment of seven years or more. Elected members convicted of these offences will automatically cease to be members.

Financial Markets Conduct Act 2013

Financial Markets Conduct Act 2013 (previously the Securities Act 1978) essentially places elected members in the same position as company directors whenever council offers stock to the public. Elected members may be personally liable if investment documents such as a prospectus contain untrue statements and may be liable for criminal prosecution if the requirements of the Act are not met.

The Local Government Act 2002

The Local Government Act 2002 (LGA 2002) sets out the general powers of local government, its purpose and operating principles. Provisions directly relevant to this Code include:

Personal liability of members

Although having qualified privilege, elected members can be held personally accountable for losses incurred by a local authority where, following a report from the Auditor General under s.44 LGA 2002, it is found that one of the following applies:

- a) money belonging to, or administered by, a local authority has been unlawfully expended; or
- b) an asset has been unlawfully sold or other wise disposed of by the local authority; or
- c) a liability has been unlawfully incurred by the local authority; or
- d) a local authority has intentionally or negligently failed to enforce the collection of money it is lawfully entitled to receive.

Members will not be personally liable where they can prove that the act or failure to act resulting in the loss occurred as a result of one of the following:

- a) without the member's knowledge;
- b) with the member's knowledge but against the member's protest made at or before the time when the loss occurred;
- c) contrary to the manner in which the member voted on the issue; and
- d) in circumstances where, although being a party to the act or failure to act, the member acted in good faith and relied on reports, statements, financial data, or other information from professional or expert advisers, namely staff or external experts on the matters.

In certain situation members will also be responsible for paying the costs of proceedings (s.47 LGA 2002).

Appendix B: Process for the determination and investigation of complaints

Step 1: Chief executive receives complaint

On receipt of a complaint under this Code the chief executive will refer the complaint to the Chairperson. In the event the Chairperson is a party to the complaint the chief executive will refer the complaint to the Deputy Chairperson. In the event both the Chairperson and Deputy Chairperson are involved the chief executive will refer the complaint to an investigator selected from a panel agreed at the start of the triennium. The chief executive will also:

- inform the complainant that the complaint has been referred to the Chairperson, Deputy Chairperson or independent investigator and the name of the investigator, and refer them to the process for dealing with complaints as set out in the Code; and
- inform the respondent that a complaint has been made against them and state who it has been referred to including the name of the investigator (if applicable), and refer them to the process for dealing with complaints as set out in the Code.

Step 2: Chairperson undertakes mediation

On receipt of a complaint under this Code the Chairperson (or Deputy Chairperson) will contact the parties to seek their agreement to mediation. If the parties agree and the issue is resolved by mediation the matter will be closed and no further action is required. If the parties do not agree to mediation or mediation is unsuccessful in resolving the matter the Chairperson will refer the complaint to an investigator selected from a panel agreed at the start of the triennium. The Chairperson will also:

- inform the complainant and the respondent that the complaint has been referred to the independent investigator and the name of the investigator.

Step 3: Investigator makes preliminary assessment

On receipt of a complaint the investigator will assess whether:

1. the complaint is frivolous or without substance and should be dismissed;
2. the complaint is outside the scope of the Code and should be redirected to another agency or process;
3. the complaint is non-material; and
4. the complaint is material and a full investigation is required.

In making the assessment the investigator may make whatever initial inquiry is necessary to determine the appropriate course of action. The investigator has full discretion to dismiss any complaint which, in their view, fails to meet the test of materiality.

On receiving the investigator's preliminary assessment the chief executive will:

1. where an investigator determines that a complaint is frivolous or without substance, inform the complainant and respondent directly and inform other members (if there are no grounds for confidentiality) of the investigator's decision;
2. in cases where the investigator finds that the complaint involves a potential legislative breach and outside the scope of the Code, forward the complaint to the relevant agency and inform both the complainant and respondent of the action.

Step 4: Actions where a breach is found to be non-material

If the subject of a complaint is found to be non-material the investigator will inform the chief executive and, if they choose, recommend a course of action appropriate to the breach, such as;

- that the respondent seek guidance from the Chairperson or Mayor;
- that the respondent attend appropriate courses or programmes to increase their knowledge and understanding of the matters leading to the complaint.

The chief executive will advise both the complainant and the respondent of the investigator's decision and any recommendations, neither of which are open to challenge. Any recommendations made in response to a non-material breach are non-binding on the respondent and the council.

Step 5: Actions where a breach is found to be material

If the subject of a complaint is found to be material the investigator will inform the chief executive, who will inform the complainant and respondent. The investigator will then prepare a report for the council on the seriousness of the breach.

In preparing that report the investigator may:

- consult with the complainant, respondent and any affected parties;
- undertake a hearing with relevant parties; and/or
- refer to any relevant documents or information.

On receipt of the investigator's report the chief executive will prepare a report for the council or committee with delegated authority, which will meet to consider the findings and determine whether or not a penalty, or some other form of action, will be imposed. The chief executive's report will include the full report prepared by the investigator.

Step 6: Process for considering the investigator's report

Depending upon the nature of the complaint and alleged breach the investigator's report may be considered by the full council, excluding the complainant, respondent and any other 'interested' members, or a committee established for that purpose.

In order to avoid any suggestion of bias, a Code of Conduct Committee may often be the best mechanism for considering and ruling on complaints. Committees should be established at the start of a triennium with a majority of members selected from the community through either an application process or by invitation.

The council or committee will consider the chief executive's report in open meeting, except where the alleged breach concerns matters that justify the exclusion of the public, such as the misuse of confidential information or a matter that would otherwise be exempt from public disclosure under s.48 of the LGOIMA, in which case it will be a closed meeting.

Before making any decision in respect of the investigator's report the council or committee will give the member against whom the complaint has been made an opportunity to appear and speak in their own defense. Members with an interest in the proceedings, including the complainant and the respondent, may not take part in these proceedings.

The form of penalty that might be applied will depend on the nature of the breach and may include actions set out in section 13.1 of this Code.

In accordance with this Code councils will agree to implement the recommendations of a Code of Conduct Committee without debate.

REPORT

Document Id: A980602

Report Number: 2017/0650
Prepared For: Council
Prepared By: Chief Executive
Date: 16 February 2017

Subject: **Triennial Agreement 2016-19**

1. Précis

A 'Triennial Agreement' is required to be entered into by all local authorities in a region following each triennial election. Discussions have been carried out between Otago local authorities and the attached agreement is proposed for adoption.

2. Background

Under section 15 of the Local Government Act 2002, all local authorities within each region must enter into a Triennial Agreement. The Act requires the agreement to include protocols for communication and co-ordination, a statement of process for consultation on proposals for any new regional council activities, and processes and protocols through which all local authorities can participate in identifying, delivering and funding facilities and services of significance to more than one district.

The agreement may also include commitments by local authorities within the region to establish or continue one or more joint committees or other joint governance arrangements to give better effect to any of the matters that must be included in the agreement, and the matters to be included in the terms of reference for any joint committees or other joint governance arrangements.

The Act further requires that the Triennial Agreement must be in place no later than 1 March after each triennial election, and covers the period until the next triennial election.

3. Draft Triennial Agreement 2016-19

The scope and content of the Triennial Agreement has been discussed and agreed for potential adoption by the Otago Mayoral Forum.

The recommended 2016-2019 agreement is attached for your consideration.

The agreement includes a revised Schedule A, which details the key priorities and opportunities for regional collaboration to be addressed by Otago local authorities during this triennium. They largely reflect ongoing work streams from the previous triennium and are based on legislative requirements and community needs and challenges.

In contrast to the 2013-16 agreement, Schedule A specifically addresses Otago's commitment to the matters being considered for further investigation under section 17A of the Act.

The agreement stipulates that responsibility for servicing the agreement will be provided by the Otago Regional Council for this Triennium. This will include providing administrative services, co-ordinating meeting arrangements and the preparation of reports and/or advice on key issues.

Responsibility for hosting and chairing the Otago Mayoral Forum and the Otago Region Chief Executives Group will continue to rotate around each local authority unless alternative arrangements are confirmed by the Otago Mayoral Forum. The cycle of meetings, including the hosting local authority, are included in Schedule B of the agreement.

4. Recommendation

That the attached “Local Authorities of the Otago Region Triennial Agreement 2016-2019” be adopted.

Peter Bodeker
Chief Executive

Attached:

Local Authorities of the Otago Region Triennial Agreement 2016-2019 (A980633)

LOCAL AUTHORITIES OF OTAGO REGION
TRIENNIAL AGREEMENT 2016-2019

PURPOSE OF THE AGREEMENT

- 1 This Triennial Agreement (Agreement) is made under section 15 of the Local Government Act 2002 (but also has relationships with sections 14 and 16). This agreement outlines the protocols for communication and coordination between local authorities across Otago. In particular, it aims to:
 - 1.1 Provide a mechanism for Otago's local authorities to give better effect to their core purposes under the Local Government Act 2002 by enabling a regional approach to:
 - 1.1.1 enabling democratic local decision-making and action; and,
 - 1.1.2 meeting the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.
 - 1.2 Encourage communication, coordination and consultation between the Otago Region's local authorities.
 - 1.3 Provide clarity as to the responsibilities between the Otago Regional Council and other Otago local authorities in order to better provide a seamless local government service.
 - 1.4 Meet the requirements of section 14(1)(e) of the Local Government Act 2002 and Clause 3A of Schedule 1 of the Resource Management Act 1991.
- 2 This agreement will be successful when:
 - 2.1 Decisions made by any one local authority that may materially affect the activities of any other Otago local authority are made only after genuine dialogue and a willingness to seek mutually beneficial outcomes has taken place; and,
 - 2.2 Public interaction with Otago local authorities does not result in disputed gaps or discordant overlaps in jurisdiction between local authorities.
- 3 Notwithstanding clause 2 above, the parties acknowledge that there will be instances where the legitimate local interests of one or more local authority do not enable a consensus to be reached on matters covered by this agreement. In such circumstances the parties agree to respect divergent views without compromise to coordination on other matters.

- 4 The Agreement is effective from 1 March 2017 and remains in force until replaced by another agreement.

PARTIES TO THE AGREEMENT

- 5 The local authorities which are party to this agreement are:
 - 5.1 Central Otago District Council;
 - 5.2 Clutha District Council;
 - 5.3 Dunedin City Council;
 - 5.4 Otago Regional Council;
 - 5.5 Queenstown Lakes District Council; and,
 - 5.6 Waitaki District Council

GENERAL

- 6 Signatories to this Agreement agree to work together in good faith for the good governance of their districts and the Region.
- 7 Signatories to this Agreement recognise that:
 - 7.1 The communities within the Region are diverse and encompass a range of desired outcomes and objectives.
 - 7.2 Collaboration and cooperation between local authorities of the Region can more effectively promote social, economic, and cultural interests of communities in the Region, and maintenance and enhancement of the Region's environment.
 - 7.3 Collaboration and cooperation between local authorities of the Region can bring efficiencies in terms of planning, administration costs and consideration of decision-making and consultation requirements, increases available resources and promotes cooperative approaches in taking strategic judgements about the allocation of resources.
 - 7.4 Although collaboration and cooperation are outcomes that should be strived for, each local authority has the legislative mandate to govern its own area as appropriate.
 - 7.5 Collaboration and cooperation between local authorities of the Region can more effectively grow the region's economy for the benefit of its communities

COMMUNICATION AND COORDINATION

- 8 The means for communication and coordination in relation to this agreement include the following:

The Otago Mayoral Forum

- 8.1 Meetings of Mayors, Regional Council Chairperson and their Chief Executives, to occur at least once every three months to review and promote the performance of the agreement.

The Otago Region Chief Executives Group

- 8.2 Meetings of Chief Executives of the Otago Region to occur approximately every three months to discuss general business, to review the performance and implementation of the agreement, and to agree and commission reports on key issues for discussion by the Otago Mayoral Forum.

Other ad hoc or Council staff meetings, including:

- 8.3 Existing regional and sub-regional forums, such as the Joint Committees for Otago Regional Economic Development and Civil Defence, and the Otago Rural Fire Stakeholder Committee.
- 8.4 Meetings and contact between staff as necessary to give effect to this agreement.
- 9 Where practicable, meetings involving similar attendees shall be scheduled for the same day.
- 10 Minutes or notes of meetings will be referred back to each party involved in any particular issue in draft for review and agreement either at subsequent meetings or by email exchange.

SERVICING

- 11 The parties agree that responsibility for servicing this agreement shall be provided by the Otago Regional Council which will provide administrative services in terms of preparing agendas, co-ordinating meeting arrangements and co-ordinating preparation of report and/or advice on key issues.
- 12 Responsibility for Chairing the Otago Mayoral Forum and the Otago Chief Executives Group and recording the minutes of each meeting shall be carried out by the local authority hosting the Mayoral Forum. The hosting local authorities shall rotate – unless other arrangements are confirmed by the Otago Mayoral Forum – as per Schedule B.
- 13 In addition to the services listed in clause 8 above, servicing this agreement will also include media and communications contact concerning the content and execution of the agreement.

- 14 The hosting local authority shall provide the administrative local authority (Otago Regional Council) with copies of the minutes and notes of meetings.
- 15 Each local authority bears its own cost in implementing this agreement.

PROTOCOLS FOR COMMUNICATION, COORDINATION AND CONSULTATION

- 16 Each party will ensure that it:
 - 16.1 Adopts a “no surprises” approach through early and regular communication;
 - 16.2 Develops internal processes within its organisation that encourage identification of cross-boundary or inter-jurisdictional issues;
 - 16.3 Works together to develop a common process for promoting or achieving priorities and community outcomes, and making efficient use of resources, in accordance with section 14(1)(e) of the Local Government Act 2002
 - 16.4 Gives early notification to any of the affected parties to this agreement of policy discussions and plan developments that may have material implications for those other parties;
 - 16.5 Provides opportunities, within reasonable and specified timeframes, for comment by affected local authorities in respect of policies, plans, activities or projects that may have inter-jurisdictional or cross-boundary implications;
 - 16.6 Provides early notice to other parties of matters of disagreement, and make genuine attempts to resolve these. If unsuccessful in gaining unanimity, any public announcements that are made will acknowledge and fairly represent the contrary views; and,
 - 16.7 Jointly undertakes consultation with communities, iwi, other local authorities, central government and non-government agencies where there is mutual benefit to one or more community.
- 17 Where a significant decision or issue primarily affects one party, that local authority will be offered the opportunity to have the lead role in formulating the region’s response.
- 18 For the purpose of section 15(2) of the Local Government Act 2002, the principles outlined above shall apply to any proposal for new activities by the Otago Regional Council.
- 19 Notwithstanding clauses 16 and 17, the parties acknowledge each local authority has unique accountabilities, and no party will be expected to act contrary to any statutory obligation it may have.

REGIONAL COOPERATION

- 20 The parties note that there is value, in the appropriate circumstances, in working together to take a regional approach to issues and opportunities of mutual benefit.
- 21 Areas of regional focus may arise during the triennium and will be considered by mutual agreement.
- 22 The parties are committed to ongoing and open discussions about how they best work together to develop opportunities that are regionally as well as locally significant.

PROPOSALS FOR NEW REGIONAL COUNCIL ACTIVITIES

- 23 New activities for Otago Regional Council may be proposed either by the Regional Council itself or by one or more constituent territorial authorities when they see an opportunity for the Regional Council to pick up new activities. The process for consultation on proposals for such activities shall be as follows:
 - 23.1 The affected parties agree to discuss the issues involved at one or more of the existing forums, and to provide early drafts of proposals to affected councils for early comment in accordance with the principles of consultation in the Local Government Act 2002.
 - 23.2 The Regional Council will inform all territorial authorities within the Region of:
 - 23.2.1 the nature of the activity proposed to be undertaken;
 - 23.2.2 the scope of the proposal (including size, districts covered and why); and
 - 23.2.3 the reasons for the proposal.
 - 23.3 Territorial authorities will be given a reasonable period of time, but no less than 40 working days, to respond to any such proposal. The Regional Council agrees to fully consider any submissions and representations on the proposal made by territorial authorities within the Region.
 - 23.4 Final decisions (including considerations leading to the specific decision) will be communicated to the next available Otago Chief Executives Group meeting.
- 24 If the Regional Council or a Regional Council controlled organisation proposes to undertake a significant new activity, and these activities are already undertaken or proposed to be undertaken by one or more territorial authorities within the Region, section 16 of the Local Government Act 2002 will apply.
- 25 However, in the spirit of this agreement, the parties agree to an expanded consultation and communication process. The parties agree to discuss the issues involved at one or more of the existing forums, and to provide early drafts of proposals to affected councils for early comment in accordance with the principles of consultation in the Local Government Act 2002.

- 26 The parties also agree that prior to implementing the formal provisions of sections 16(2) and 16(3):
- 26.1 The Regional Council will inform all territorial authorities within the Region of:
- 26.1.1 the nature of the activity proposed to be undertaken;
- 26.1.2 the scope of the proposal (including size, districts covered, and why);
and,
- 26.1.3 the reasons for the proposal.
- 26.2 Territorial authorities will be given a reasonable period of time, but no less than 40 working days, to respond to any such proposal. The Regional Council agrees to fully consider any submissions and representations on the proposal made by territorial authorities within the Region.

SCOPE AND ISSUES

- 27 Representatives of each local authority will meet to specifically address the key issues of common interest or concern set out in Schedule A of this agreement. Schedule A may be amended from time to time as agreed by the Otago Mayoral Forum.

REVIEW OF AGREEMENT

- 28 The parties to this agreement shall meet as the Otago Mayoral Forum and consider amendments to the agreement not later than the next available meeting of the Otago Mayoral Forum following a request from any one or more party to this agreement. The request in writing must be received at least one month prior to the meeting date by the local authority responsible for the servicing of this agreement at that time.
- 29 Any amendment agreed shall be referred back to each local authority for ratification.

CONSULTATION IN RELATION TO RESOURCE MANAGEMENT ACT 1991

- 30 The following consultation process will apply to the preparation of a new, or change, variation, or review of an existing, Regional Policy Statement:
- 30.1 The Regional Council will seek the input of territorial authorities, and vice versa, for the preparation or review of the Regional Policy Statement.
- 30.2 For the Regional Policy Statement, the Regional Council will make the draft version available to all territorial authorities in the Region for discussion and development.
- 30.3 The responsible local authority will ensure that at least 20 working days is available to consider and respond to any proposal.
- 30.4 The parties to this agreement acknowledge their obligation to act in accordance with the principles of consultation set out in the Local Government Act 2002.

RESOLVING DISAGREEMENT

- 31 In the event of a disagreement over the actions taken to give effect to this agreement that cannot be successfully resolved by the affected parties, the parties agree to refer the issue of disagreement to mediation. If the affected parties cannot agree on a mediator; the appointment of a mediator will be made by the President of the Otago Branch of the New Zealand Law Society.
- 32 With reference to clause 31 above; all parties to the agreement will be considered “affected parties”. Should any Local Authority consider that it does not need to be represented at the mediation, that party will advise all other parties and the mediator in writing prior to the mediation.

AUTHORITY

This agreement is signed on this _____ day of _____ 2017 by the following on behalf of their respective local authorities:

Mayor Tim Cadogan
 Central Otago District Council

Chair Woodhead
 Otago Regional Council

Mayor Brian Cadogan
 Clutha District Council

Mayor Boulton
 Queenstown Lakes District Council

Mayor Cull
 Dunedin City Council

Mayor Kircher
 Waitaki District Council

SCHEDULE A

1 Continue to develop our Section 17A Reviews as prioritised by the Otago Mayoral Forum at the meeting held in Alexandra on 11 November 2016. Those key priorities are:

- Regulatory Services;
- Harbours and Waterways;
- Waste Management; and,
- Otago Museum.

Larger more complex priorities discussed were:

- Three Waters; and,
- Land Transport.

Both of the above require work to be done over the next Triennium so as to best position them for a detailed review post 2019. All Councils are to be involved with the project work on the above.

2 Development of an Otago wide economic development strategy – Otago Regional Council lead.

3 Continuing to monitor and develop our new Regional Civil Defence organisation.

4 Coordination of common relationships:

- Kai Tahu Ki Otago
- Te Ao Marama
- Key Central Government agencies (NZ Transport Agency, Ministry of Business, Innovation and Employment, Department of Internal Affairs, etc.)

5 Other

- Co-ordinated responses to major policy issues affecting the region – e.g. EQPB's Policy Implementation.
- National Policy Statement – Urban Development Capacity

SCHEDULE B

Cycle of meetings for the triennium:

Month/Year	Hosting Council
February 2017	Dunedin City
May 2017	Otago Regional Council
August 2017	Queenstown Lakes District
November 2017	Waitaki District
February 2018	Clutha District
May 2018	Central Otago District
August 2018	Dunedin City
November 2018	Otago Regional Council
February 2019	Queenstown Lakes
May 2019	Waitaki District
August 2019	Clutha District
(November 2019)	Central Otago District

Report back from Councillors

OTAGO REGIONAL COUNCIL

Minutes of a meeting of the Communications Committee held in the Council Chamber, 70 Stafford Street, Dunedin on Wednesday 8 February 2017, commencing 9:00am

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: Cr Sam Neill

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)
 Emma van der Merwe (minute taker)
 Lisa Minhinnick

CONFIRMATION OF AGENDA

The agenda was confirmed.

CONFLICT OF INTEREST

No conflicts of interest were advised.

PUBLIC FORUM

No public forum held.

MINUTES

The minutes of the meeting held on 23 November 2016, having been circulated, were adopted on the motion of Crs Bell and Noone.

PART A – ITEMS FOR NOTING

Item 1

2017/0570 **Stakeholder Engagement Report.** DSE, 20/01/2017

The report provided an update on community, stakeholder and staff engagement activities carried out by Stakeholder Engagement directorate staff for the period 5 November 2016 to 20 January 2017.

The report included a list of upcoming events involving the Stakeholder Engagement directorate, as at 20 January 2017.

An enquiry was made in regard to the evaluation process in place for the effectiveness of ORC lead or partnership events.

Mrs Rowe advised that evaluation forms are used for large ORC led events and investigation on how to translate this evaluation process out to partner events was underway.

In response to a question on field day attendance Mrs Rowe confirmed that ORC took a “third party” approach and that ORC works with industry (such as Beef and Lamb and Dairy NZ) to encourage the best attendance possible for all parties.

A question was raised in regard to the Enviroschools programme for the North Otago Area. Mrs Rowe advised that informal discussion with the Waitaki District Council would occur in regard to the Enviroschools programme for the North Otago area.

The calibre of the #Love the Leith campaign was commended. Mrs Rowe advised that to maximise the public participation in the campaign, that the activities would take place during the school holiday period of 14 April to 20 March 2017. She advised that Councillors would be provided an update on progress with the campaign before the next committee round.

Discussion was held in regard to provision of print version communication materials for the proposed bus hub design to the Dunedin City public libraries. It was seen as valuable to ensure information is supplied to allow easier accessibility for residents, e.g. at the Mosgiel Public library.

Mrs Rowe confirmed she would speak with the territorial authorities in regard to requesting provision of ORC print communication materials being available to the public libraries in the region.

A request was made for staff awareness when planning community drop in sessions or meetings that the session times reflect the community in which they are being held, e.g. milking times for dairy farmers.

Moved Cr Deaker
Seconded Cr Woodhead

That the report be noted.

The meeting was declared closed at 9:25am

Chairperson

OTAGO REGIONAL COUNCIL

**Minutes of a meeting of the Regulatory Committee
Held in the Council Chamber, 70 Stafford Street, Dunedin
on Wednesday 8 February 2017, commencing at 9:26am**

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

Apologies:

Cr Sam Neill
 Apologies accepted on the motion of Crs Robertson and Lawton.

In attendance:

Peter Bodeker
 Nick Donnelly
 Fraser McRae
 Gavin Palmer
 Caroline Rowe
 Scott MacLean
 Lauren McDonald (minute taker)
 Karin Little (minute taker)
 Marian Weaver (Item 6)

CONFIRMATION OF AGENDA

The agenda was confirmed.

CONFLICT OF INTEREST

No conflicts of interest were noted.

PUBLIC FORUM

No public forum was held.

MINUTES

The minutes of the meeting held on 23 November 2016, having been circulated, were adopted on the motion of Crs Scott and Hope.

The Chairman requested that the geographical maps indicating the location of water takes in the region be provided to all the councillors.

Mr MacLean confirmed that the elected members in the in the Dunstan Ward had already received these maps and he would ensure that the remaining councillors would receive a copy.

PART A – RECOMMENDATIONS

Item 1

2017/0595 **K5 Release funding proposal DEMO, 20/01/2017**

The report detailed the request for Council approval for reserve funding of up to \$50,000 for the co-ordinated release of the Korean strain of the rabbit Haemorrhagic Disease Virus (RHDV-1 K5) at strategic locations throughout Otago, once statutory approval received.

A concern was expressed if the \$50,000 of reserve funding being requested was sufficient to undertake the controlled release of the K5 virus.

Mr MacLean advised that the funding request had been calculated on the assumption of 100 doses being released to ORC, of the 300 doses expected for New Zealand. This calculation included the costs of importing, pre bait, monitoring and distribution. He confirmed that if more doses were made available that ORC would strongly pursue this.

Mr MacLean confirmed the release locations for the virus as being the rabbit “hot spots” as indicated in the report and that this would include the Manuherikia area. He reiterated that there will be a limited number being imported into New Zealand and that the 100 doses represented approximately 30% of the total number of doses being imported. He advised that the virus is being manufactured in Australia, where there is also a big release programme planned, and that scientific advice available indicates that 300 doses will be sufficient to kick start a series of epidemics.

A concern was expressed that if the Council approval was only given to the staff recommendation of a maximum of \$50,000 that it may restrict the pursuit of additional doses if available.

Discussion was held on the appropriate reserve funding level and whether a higher level would provide flexibility to respond quickly to the opportunity for the purchase of additional doses for Otago.

A question was raised on the status of the approval process for the importation and release of the K5 virus.

Mr MacLean advised he had no additional update than that provided at the 7 December 2016 Council meeting. He confirmed that a meeting of the NZ Rabbit Coordination Group was due to be held on 16 February, where MPI would provide an update on behalf of the Environmental Protection Agency (EPA), as to the status of the approval process. Mr MacLean reminded elected members that the process sat with EPA, as it is

a bio control tool and the EPA are required to apply due diligence prior to importing, so the virus is authorised as appropriate for release into New Zealand.

A question was raised on the effectiveness of the virus.

Mr McLean stated that the RHDV-1 K5 virus could not be considered as a “silver bullet” for rabbit control and that its effectiveness would not be known until released as the virus will behave differently on different land conditions. He advised that was hoped that an autumn release of the virus could occur if EPA approval is given.

A question was raised in regard to any other action ORC was planning for rabbit control in the region.

Mr MacLean advised that the under the current Pest Management Plan (PMP) that it was the responsibility of the individual landowner to undertake rabbit control on their property. He outlined the process for non compliance properties as contained in the PMP. He advised that the upcoming review of the Pest Management Strategy for Otago would provide the opportunity to review rabbit control and allow the Council and the community to speak to rabbit control in the region as part of the Annual Plan process.

Discussion was held on the importance of a monitored and controlled release of the K5 virus to ensure the most effective use of the virus is maximised.

The importance of well managed communication and engagement plan with the community for the release of the virus in Otago was reiterated by the Chairman.

Mr Bodeker advised that the elected members needed to be aware that the EPA was still to approve the importation of the virus. He raised, should approval not be given or the timeframes be later than sought, then thought on advice to landowners was needed.

A suggestion was made for an in-depth analysis of rabbit control under the Pest Management Plan over the past 10 years, including impacts of the change in land use in rabbit prone areas, to provide context to the Pest Management Strategy Review. This analysis and review to be discussed and lead by the Pests Reference Group.

An amendment to the staff recommendation was made to remove the wording of “up to \$50,000”.

Moved Cr Laws
Seconded Cr Deaker

That reserve funding is approved for the coordinated release of the Korean strain of the Rabbit Haemorrhagic Disease Virus (RHDV-1 K5) at strategic locations throughout Otago.

Discussion was held on whether a reserve funding level should be set or left as an undefined amount.

Cr Noone left the room at 10:08am

The motion put to vote.

The motion was lost

Moved Cr Woodhead
Seconded Cr Kempton

That reserve funding of up to \$50,000 is approved for the coordinated release of the Korean strain of the Rabbit Haemorrhagic Disease Virus (RHDV-1 K5) at strategic locations throughout Otago.

Motion carried

PART B - ITEMS FOR NOTING

Item 2
2017/0569 **Biosecurity and RMA Monitoring Report. DEMO, 20/01/17**

The report provided information on the regulatory activity including water, air, pest, contaminated site environmental monitoring and incidents for the period 5 November 2016 to 20 January 2017

Cr Kempton left the room at 10:12am

Cr Scott summarised the report.

Discussion was held in regard to the process to be followed for complaints received by elected members.

Cr Lawton left room at 10:14am and Crs Kempton and Lawton returned at 10:15am.

Moved Cr Laws
Seconded Cr Scott

That the Chief Executive be requested to provide a paper to the next committee round on establishing effective Council management communications in regards to constituent complaints.

Motion carried

Moved Cr Woodhead
Seconded Cr Hope

That this report is received.

Motion carried

The meeting adjourned at 10:30am and reconvened at 10:47am

Item 3

2017/0593 **Lagarosiphon in Otago. DEMO, 20/01/17**

The covering report summarised the three Lagarosiphon Management Plans in place for Otago for Lake Wanaka, Lake Dunstan and the Kawarau River.

Mr MacLean advised that LINZ is the lead agency, as the landowner, for these management plans, with the ORC's role in support of the management plan.

Discussion was held on:

- ORC's regional and partnership role in regard to pest management and water quality of the central and southern lakes and rivers.
- the need for central government to be more proactive in its funding support of control work in Otago.
- possible inclusion of funding for lagarosiphon control in the Annual Plan
- review of and consultation on lagarosiphon control as part of the Pest Management Strategy Review, including responsibilities for high value areas.

Mr MacLean advised that the ORC cannot do work on a landowners property without their support. He confirmed that he and Mr Bodeker have meet with the Guardians of Lake Dunstan, who are frustrated by the funding level and the management plan in place. Mr MacLean confirmed he has been working with the Guardians of Lake Dunstan over the last year to enable them to make a robust submission to the Annual Plan for lagarosiphon control.

Discussion was held on the progress made with lagarosiphon control in Lake Wanaka and what impact this may have for Lake Dunstan.

Mr MacLean advised that as Lake Dunstan is on the downstream end of where lagarosiphon originates, that unless lagarosiphon was total eradicated upstream, it would always be present in Lake Dunstan. He confirmed that when Lake Dunstan was being constructed that it was identified as having a latent risk of providing an ideal habitat for lagarosiphon. Central Government gave power generation as the first priority and recreational secondary for Lake Dunstan, therefore it was always known there would be lagarosiphon in the habitat of the lake.

Cr Noone returned to room 11:08am

Moved Cr Laws

Seconded Cr Noone

That ORC approach central government ministers with the intention of improving and further resourcing lagarosiphon control management in the Southern Lakes.

Motion carried

Moved Cr Robertson
Seconded Cr Noone

That this report is received.

Motion carried

Cr Lawton left the room at 11:28am

Item 4

2017/0571 **RMA, Biosecurity Act and Building Act Enforcement Activities.**
DPPRM, 20/01/17

The report detailed the Resource Management Act 1991, Biosecurity Act 1993 and Building Act 2004 enforcement activities undertaken by the Otago Regional Council for the period 5 November 2016 to 20 January 2017.

Cr Scott summarised the details of the report.

Cr Lawton returned at 11:30am

Moved Cr Kempton
Seconded Cr Robertson

That this report be noted.

Motion carried

Item 5

2017/0594 **Consent processing, consent administration and Building Control Authority update.** DPPRM, 20/01/17

The report provided the consent processing, consent administration and building control authority activity for the period 5 November 2016 to 20 January 2017.

Mr McRae advised there have been two appeals received for Oceana Gold Ltd consent decisions.

Moved Cr Deaker
Seconded Cr Robertson

That this report is noted.

Motion carried

Item 6
2017/0599 **Progress Report 1C - Deemed Permit Replacements and Water Groups, DPPRM, 23/01/17**

The report provided the progress on Project 1C implementation of the Regional Plan: Water policies for the period 5 November 2016 to 20 January 2017.

A question was raised on the progress made since the previous report in November.

Mrs Weaver advised that there were still 400 outstanding deemed permits to date. The timing of the receipt of these renewals was unknown but that work continued to encourage deemed permit holders to apply for consent. She advised that she anticipate slow progress until 2019 due to the 2020 deadline for permit holders.

A question was raised on what statistics could be provided on the access made to the information on the ORC website for Project 1C. Mrs Rowe advised she would review this information and respond.

A question was raised regarding the estimated workloads and resources required between now and the 2020 deadline to process the consents.

Cr Laws left the room at 11:39am

Mr Bodeker advised that a resource review was underway at moment and the Terms of Reference would be circulated to councillors when completed.

Moved Cr Hope
Seconded Cr Robertson

That this report is noted.

Motion carried.

The meeting was declared closed at 11:42am.

Chairperson

OTAGO REGIONAL COUNCIL

Minutes of a meeting of the Technical Committee held in the Council Chamber, 70 Stafford Street, Dunedin on Wednesday, 8 February 2017, commencing at 3:34pm

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 Gretchen Robertson
 Cr Bryan Scott

Apologies:

Cr Sam Neill
 Cr Andrew Noone

In attendance:

Peter Bodeker
 Nick Donnelly
 Gavin Palmer
 Fraser McRae
 Caroline Rowe
 Scott MacLean
 Ben Mackey
 Deborah Mills
 Dean Olsen
 Jean-Luc Payan
 Lauren McDonald (minute taker)
 Karin Little (minute taker)

CONFIRMATION OF AGENDA

There were no changes to the agenda.

CONFLICT OF INTEREST

No conflicts of interest were advised.

PUBLIC FORUM

No public forum held.

MINUTES

Minutes of the meeting held on 23 November 2016, having been circulated were adopted on the motion of Crs Lawton and Woodhead.

PART A ITEMS FOR NOTING

Item 1
2017/0591 **Updated hazard maps for Dunedin City Council Second Generation District Plan, DEHS, 02/02/17**

The report summarised the changes ORC has recommended to the hazard maps, since the 2GP was notified in September 2015.

Dr Palmer advised the additional work completed will be incorporated into the DCC District Plan review process. He confirmed once the 2GP is finalised it will be brought back to Council for endorsement.

Moved Cr Scott
Seconded Cr Deaker

That this report is noted.

Motion carried

Item 2
2016/1145 **2016 Air Emissions Inventory for select Otago town, DEHS, 20/01/17**

The covering report provided information about the Air Emissions Inventory commissioned for the four Otago towns: Alexandra, Arrowtown, Milton and Mosgiel in 2016. The results of the inventory detailed the sources and magnitude of emissions in these towns.

Cr Lawton commented that the report was a good indication of current status, learnings, and how the information can be used to help direct further policy.

Discussion was held on the detail of the report with the author – Ms Deborah Mills.

Ms Deborah Mills advised that emissions have reduced by 50% since 2005, and the report provided good base line data to assist to input into developing strategy. The new targets will take into account the review of the NES, which is due for release. One of the highlights was that solid fuel burners are used in the majority of houses in the towns studied, two times the national average.

A question was raised why other Central Otago towns were not included in the inventory.

Ms Deborah Mills advised that this was due in some part to available budget. She acknowledged that every town was important but the towns selected were prioritised in the annual plan process.

A question was raised in regard to Council using the PM₁₀ measurement when other Councils are measuring PM_{2.5}.

Ms Deborah Mills advised that not all Councils measure at PM_{2.5} because it has not been in the NES standards. She advised that it will be considered in the upcoming Annual Plan process for ORC to measure PM_{2.5} from the next financial year.

A question was raised on how to disseminate the key findings from this report.

Mrs Rowe advised that a media release will be provided on this report and that the clean burning educational campaign is ready for promotion again for late autumn.

Moved Cr Woodhead
Seconded Cr Hope

That this report is noted.

Motion carried

Item 3
2017/0568 **Director's Report on Progress.** DEHS, 02/02/17

Topics covered in the report are: Lake Snow; Climate and Weather; Leith Flood Protection Scheme, and Geomorphic Change Detection.

The report was taken as read.

Dr Palmer advised a summary of the Lake Snow experts workshop held on 20 December 2016 would be provided to Council at a workshop on Thursday 9 February. A full report on the recommendations from the 20 December 2016 workshop will be provided to the next meeting of the Technical Committee.

Moved Cr Deaker
Seconded Cr Scott

That this report is noted.

Motion carried

The meeting was declared closed at 4:16pm.

Chairperson

OTAGO REGIONAL COUNCIL**Minutes of a meeting of the Policy Committee held in the
Council Chamber, 70 Stafford Street, Dunedin on
Wednesday 8 February 2017, commencing at 11:45am****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

Apologies:

Cr Sam Neill and Cr Maggie Lawton
The apologies were accepted on the motion of Crs Deaker
and Kempton.

In attendance:

Peter Bodeker
Fraser McRae
Scott MacLean
Gavin Palmer
Caroline Rowe
Nick Donnelly
Dale Meredith
Denise Anderson
Marian Weaver
Dean Olsen (Item 2)

CONFIRMATION OF AGENDA

The agenda was confirmed as listed.

CONFLICT OF INTEREST

There were no conflicts of interest advised.

PUBLIC FORUM

No public forum was held.

MINUTES

The minutes of the meeting held on 23 November 2016, having been circulated were adopted on the motion of Crs Hope and Noone.

PART A – RECOMMENDATIONS

Item 1

2017/0627 **Wilding Conifers – Amendment to Pest Plan.** DPPRM, 02/02/17

The report detailed the recommended amendments to the Pest Plan in regard to Wilding Conifers.

Mr Bodeker advised that central government require regional councils to monitor and apply funding, which is an administrative and legal requirement and the reason why Council resolution to approve the changes to the pest plan was being sought.

Discussion was held on wilding conifer eradication management units were defined; the responsibility for engagement with the landholders, and the communications plan for the landholders within the management units detailed in the report.

Mr Bodeker advised that the units were done with a combination of official groups involved in the eradication activity, e.g. the Central Otago Wilding Conifer Group, Wakatipu Wilding Conifer Group, ORC and MPI. He reiterated that the eradication of wilding confiders was a community driven activity and that those organisations and groups were responsible to undertake engagement with landholders, not the ORC.

In response to a question Mr Bodeker advised that it was not compulsory for a landowner to do eradication work on their property but that the funding being made available assisted this work.

Moved Cr Woodhead
Seconded Cr Noone

That the changes to the Pest Plan identified in Attachment 1 be approved.

Motion carried

PART B - FOR NOTING

Item 2

2017/0580 **Compliance of the Regional Plan: Water for Otago with the National Policy Statement for Freshwater Management 2014.** DPPRM, 20/01/17

The report set out how the Regional Plan: Water for Otago (Water Plan) complies with the requirements of the National Policy Statement for Freshwater Management (NPSFM) 2014. It also described actions Otago Regional Council (ORC) has taken since the NPSFM was revised in 2014, and further actions to give effect to the NPSFM.

Mr McRae summarised the detail of the report and advised on the minor non-alignments between the Regional Plan: Water for Otago and the National Policy Statement. It was confirmed alignment of terminology between the water plan and the NPS would occur in the 2017-18 year.

Discussion was held on the processes followed and the quantity and quality controls in place.

A question was raised in regard to the monitoring of lake health and if there had been different results established, due to different criteria of management being applied, .i.e. variation because of different management standards and any auditing processes in place.

Dr Olsen confirmed there currently was a lot of discretion by regional councils as to where the monitoring is applied, due to how the NPS is written, e.g. monitoring of both the outlet and the body of the lake. He advised that currently TLI monitoring is underway and the State of the Environment (SOE) review is where the long term future of monitoring the lakes would be determined. He confirmed ORC is collecting robust quality data. He advised that no formal audits are undertaken but that this would be within the SOE review.

Mr McRae advised the peer review occurs around the science management staff of regional councils and discussion is held between science management and MfE around consistency of approach, trends etc. He confirmed it is an interactive relationship.

Cr Woodhead left the room at 12:09pm.

Moved Cr Scott
seconded CrHope

- 1) *That the report is received.*
- 2) *That ORC's compliance with the objectives of the NPSFM 2014 is noted.*

Motion carried

Cr Woodhead returned to room at 12:10pm.

Item 3

2017/0621 **Plan Change 1D: Flow Requirements for Water Takes.** DPPRM,
01/02/17

The Annual Plan sets out ORC's work programme for developing plan provisions managing water quantity including setting minimum flows and other flows that give effect to the National Policy Statement for Freshwater Management 2014 (NPSFM).

The report examines the Plan Change 1D project addressing setting other flows, referred to as residual flows.

Mr McRae clarified that a residual flow is a mechanism exclusive to particular water take consent and is different from a minimum flow which is applied to multiple take consents.

Mr McRae advised that Plan Change 1D is about making plan provisions consistent and clear so that mining privileges will be well informed on the process for calculating the volume of water to be left at individual water takes.

Mr McRae advised that Plan Change 1D was not about applying new provisions to the plan but it was more about tidying up some unclear and inconsistent provisions already in the Water Plan. He reiterated the plan change is to assist people to know what water flow is required to be maintained at the point of take.

Discussion was held on

- The need to clearly identify the purpose of Plan Change 1D with permit holders.
- The need to ensure that the intention of the plan change is well communicated.
- Seeking specific feedback on issues of concern and for Council.

A question was raised in regard to the priority of Plan Change 1D and whether this could be delayed to focus on further catchment minimum flows.

Moved Cr Noone
Seconded Cr Bell

That Council ask staff organise a workshop as soon as practicable to discuss this matter.

Discussion was held on the timing of the workshop as the consultation process has already been notified for the proposed plan change. It was agreed that

Moved Cr Noone
Second Cr Bell

That Council ask staff organise a workshop as soon as practicable to discuss this matter.

Motion carried

Moved Cr Scott
Seconded Cr Deaker

That the report be received.

Motion Carried.

Item 4
2017/0575 **Director's Report on Progress.** DPPRM, 20/01/17

The report provided an overview of significant activities undertaken by the Policy section for the period 5 November 2016 to 20 January 2017.

The meeting adjourned at 1:07pm and reconvened at 3:10pm

Mr McRae advised that two reports Council had commissioned and detailed under section 2.2 (Comprehensive Water Quality Strategy) and 2.4 (Coastal Strategy) of this report on waterways research and coastal values assessments had been completed and he tabled a print copy of the report entitled '*Water ways Research: Qualitative and Quantitative Findings*' and '*Coastal Environment of Otago: National Character and Outstanding Natural Features and Landscapes Assessment – Clutha, Dunedin and Waitaki section*' to the meeting.

Mr McRae advised that report recommendation a) *that the reports on the waterways researech and coastal values assessment are received* not be placed but that those reports be tabled at the next Policy Committee to allow Councillors to read the reports, prior to these being placed on the Council website.

Mr McRae advised that the water ways report was completed in conjunction with the Urban Water Quality Plan Change and strategy going forward and the other report on coastal environment, assesment, natural features and landscape were completed in conjunction with the three coastal district councils: WDC; CDC and DCC. He confirmed this reports would be appended to next directors report for the March committee. The water value report will assist water quality workshop discussion on 9 February 2017.

Moved Cr Woodhead
Seconded Cr Scott

- a) *That the reports on the waterways research and coastal values assessments are received.* (Will be held over to 22 March 2017, Policy Committee meeting)
- b) *That this report is noted.*

Motion carried

The meeting was declared closed at 3:25pm

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 8 February 2017, commencing at 1:09pm**

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

Apologies:

Cr Sam Neill
Apology was noted and accepted.

In attendance:

Peter Bodeker (CEO)
Nick Donnelly
Gavin Palmer
Fraser McRae
Caroline Rowe
Scott MacLean
Gerard Collings (Item 1)
Lauren McDonald (Committee Secretary)

CONFIRMATION OF AGENDA

There were no changes to the agenda.

CONFLICT OF INTEREST

No conflicts of interest advised.

PUBLIC FORUM

No public forum was held.

MINUTES

The minutes of the meeting held on 23 November 2016, having been circulated, were adopted on the motion of Crs Woodhead and Deaker.

PART A - RECOMMENDATIONS

Item 1

2017/0610 **Waverley-Belleknowes - Petition** DCS, 27/01/17

The report provided staff comment on the petition received by Council at its 7 December 2016 Council meeting, relating to the Waverley–Belleknowes services introduced on 15 August 2016. The petition received, raised five matters where change to the current network services was requested.

Cr Noone advised he had been invited and had met with some of the affected bus users in the area detailed within the petition. He suggested that Council give consideration to targeted consultation with this community again, as the RPTP consultation was held in 2014 and there had been a significant level of residential development in that area since that time.

He advised his proposed motion was as an amendment to the staff recommendation b (iii) of the report, that there be no change to existing route in response to the petition request to “restore the previous route through lower City Rise to service Canongate, Russell Street and Arthur Street.”

Moved Cr Noone
Seconded Cr Deaker

That Council undertake targeted consultation on the possible reintroduction of the Canongate, Russell and Arthur Streets, service as an amendment to the RPTP.

Discussion was held on the implications of making the changes requested in the petition, including:

- impact on the network and other bus routes
- alignment to the design principles within the RPTP (which have been endorsed by Council)
- creation of precedence in the network
- provision of a higher level of service for one area of the city more than other area (anomaly).

Mr Collings, Support Services Manager, advised the implications for Council would include financial, which would require negotiations with the operator, a timing adjustment, in relation for the provisions of services, and investigation as to how this would affect other interactions of the other services in and around the bus hub.

Cr Noone in his right of reply, advised he accepted there has been a new PTOM process implemented for the city, a staged process being implemented over a number of years. He advised he did not believe waiting until 2018 to have a level of service comparable to the level of service before 2014 was appropriate. He considered targeted consultation to receive targeted feedback from this community was the next step and from there Council could look at making a decision. He confirmed he was not looking for Council to make a decision on this bus route at the meeting.

He concluded by advising that he felt Council must be flexible when adopting a policy to be able to consider a better way to implement the policy in the future and be more adaptable to changes in the community. He accepted there may be financial and timing implications but considered targeted consultation and feedback to assist with making a decision in the future.

The amendment to recommendation b (iii) was carried.

Moved Cr Woodhead
Seconded Cr Scott

That Council:

- (a) Receives this report.
- (b) Endorse the staff recommendations with regard to the petition as follows:
 - (i) *Petition: Eliminate the 37 minute delay halfway around the Waverley Loop*
Recommendation: No further action required
 - (ii) *Petition: Use that time to reinstate the twice an hour frequency of the Belleknowes end of the route*
Recommendation: Implement the change in frequency in July 2018 as programmed
 - (iii) *Amended recommendation: That Council undertake targeted consultation on the possible reintroduction of the Cannongate, Russell and Arthur Street, service as an amendment to the RPTP.*
 - (iv) *Petition: Add bus stops on Serpentine Avenue, Maclaggan Street and Somerville Street. (Note the Belleknowes petition also seeks bus stops in Lower York Place)*
Recommendation: The current actions be noted
 - (v) *Petition: Display bus signs only stating the destination*
Recommendation: The staff actions be noted

Motion carried

Cr Brown thanked the members of the public for their attendance and interest.

The meeting adjourned at 1:40pm and reconvened at 2:11pm.

The apology of Cr Noone was noted for the remainder of the Finance and Corporate Committee meeting.

Item 2

2017/0587 **Executive report – February 2017**. DCS, 18/01/17

The report outlined the rates collection and account payments for endorsement.

Moved Cr Woodhead
Seconded Cr Kempton

- (a) *That this report be received.*
(b) *That the payments and investments summarised in the table above and detailed in the payment schedule, totalling \$26,775,985.47, be endorsed.*

Motion carried

PART B – FOR NOTING

Item 3
2017/0616 **Bus Hub Interchange - Community Engagement - Update.** DCS
30/01/17

The report provided a summary of the response received through the Community Engagement process undertaken late 2016. The detailed feedback is currently being reviewed by staff and our consultants who will consider the current design in the context of the feedback and make recommendations to Council on any changes prior to finalising the detailed design.

Moved Cr Brown
Seconded Cr Robertson

That Council receives this report.

Motion carried

Item 4
2017/0597 **Financial Report to 31 December 2016.** DCS, 25/01/17

The report provided information in respect of the overall Council finances for the six months ended 31 December 2016.

Moved Cr Robertson
Seconded Cr Hope

That this report be received.

Motion Carried

PART C – NOTICE OF MOTION

Moved by Cr Laws (and tabled in the agenda)
“That the Otago Regional Council engage with the territorial authorities in its region to collaborate in an independent study that will assess the merits and demerits of establishing unitary authorities in the Otago region, and

disestablishing the Otago Regional Council. The findings of the study to be publicly published.”

Cr Brown advised that the Notice of Motion included in the agenda had been subsequently changed by Cr Laws and was detailed in the paper provided by Cr Laws.

Moved Cr Brown
Seconded Cr Robertson

For the amendment to the Notice of Motion as follows:

Moved Cr Laws
Seconded Cr Lawton

“That the Otago Regional Council invite territorial authorities in the Otago region to meet with it for the express purpose of determining the most effective and efficient governance structure for the aforesaid Otago region. That any results of these discussions be made publicly available and that the most appropriate process for public input be considered.”

Cr Laws as mover of the motion advised he wished to see ORC lead a review of the governance structure, rather than the possibility of the Local Government Commission doing so in the future. He advocated that ORC take the lead in reviewing the governance structure for the Otago region now, rather than take a “wait and see” approach.

Cr Lawton as seconder of the motion and advised her concerns were in regard to regional management of how the RMA is being applied and the existing gaps between the territorial authorities, particularly in regard to the management of water quality issues.

Discussion was held in regard to a review of the governance structure.

Comments in support of the motion included:

- A positive challenge and opportunity to lift the “status quo” up for inspection with the guidance of an independent review group.

Comments against the motion included:

- The timing of the review was an unnecessary distraction to the work ORC needs to be focused on such as water quantity, quality and pest management for the region.
- No benefit seen in splitting Otago up into smaller regions.
- Existing collaborative work already in place across regional boundaries, e.g. regional transport and pest management.
- Lack of confidence that the statements made in the discussion paper are were all factually true.
- Only focussing on review of the governance structure without defining what the issues are to enable solutions to be sought.
- High cost and extended period of time to undertake a review.
- The DCC motion is unrelated to the Notice of Motion tabled.

- Review process already exists under Section 17A of the Local Government Act for better ways of delivery of council services.
- Advice from TLAs is there is no appetite to engage in a regional review.
- No mandate from the community for this review.
- It was acknowledged that improved communication and collaboration with TLAS and agencies was already occurring and that the focus should be on engaging with communities and TLAs for issues such as the responsibility for the Otago Harbour and coastal areas.

The motion was lost.

The meeting was declared closed at 3:10pm.

Chairperson

**Minutes of the Otago and Southland Regional Transport
Committees Meeting,
held in Clutha District Council Chambers, Balclutha, on
Tuesday, 1 December 2016 at 10.30 am**

Present:	Southland Regional Transport Committee
	Cr J McPhail Environment Southland
	Cr B Dillon Southland District Council
	Cr L Thomas Invercargill City Council (<i>until 2.25 pm</i>)
	Mr J Harland NZ Transport Agency
	Otago Regional Transport Committee
	Cr T Kempton Otago Regional Council (<i>Chair</i>)
	Cr G Bell Otago Regional Council
	Cr B Wills Central Otago District Council
	Cr B Graham Clutha District Council
	Cr K Wilson Dunedin City Council
	Cr A Forbes Queenstown Lakes District Council
	Cr B Kingan Waitaki District Council
	Mr J Harland NZ Transport Agency
In Attendance:	Mr R Hawkes Environment Southland
	Cr K Arnold Invercargill City Council (<i>until 2.25 pm</i>)
	Cr A Crackett Invercargill City Council (<i>until 2.25 pm</i>)
	Cr Cliff Bolger Gore District Council
	Cr J O'Malley Dunedin City Council (<i>from 10.55 am</i>)
	Mr R Hawkes Environment Southland
	Dr J Turnbull Otago Regional Council
	Mr R Pearson Invercargill City Council
	Mr J Bourque Southland District Council
	Mr T Sizemore NZ Transport Agency
	Mr T Rickard Queenstown Lakes District Council
	Mr G Hall NZ Transport Agency
	Ms A McAlevey Dunedin City Council
	Mr R Saunders Dunedin City Council
	Mr F McRae Otago Regional Council
	Mr M Hasler Central Otago District Council
	Mr C Bopp Clutha District Council
	Mr P Standring Gore District Council
	Mrs K Harper Environment Southland (<i>Minutes</i>)

1 Welcome

Cr Kempton welcomed everyone to today's meeting. A round of introductions was conducted.

The order of today's agenda was to facilitate and cement activities going into the new triennium. New Councillors to the Committee were welcomed.

2 Apologies

Apologies for absence were noted on behalf of Mr G Percival (Waitaki District Council), Cr Roy (Environment Southland) and Cr N Davis (Gore District Council).

3 Public Forums, Petitions and Deputations

There were no public forum, petitions or deputations presented to the Committee.

4 Notification of Extraordinary and Urgent Business

Cr Wilson asked the Committee to consider writing a letter stating that they support the urgency in the NZTA addressing concerns of Waitaki District Council. This would be discussed in Item 9.

4.1 Supplementary Report

There were no supplementary reports tabled for inclusion in the agenda.

4.2 Other

There were no other items of business raised for inclusion in the agenda.

5 Questions

There were no questions raised at this time.

6 Matters Arising from the Minutes of 11 August 2016

Cr Dillon noted an amendment on page 9 of the minutes.

Resolved:

Moved Cr Wills, seconded Cr Dillon that the minutes of the meeting of the Regional Transport Committee on 11 August 2016 be confirmed as a true and correct record.

Carried

7 Chairman's Report

Cr Kempton gave a brief report to the Committee.

8 Staff Report

⇒ Item 1 – RLTP Programme Update

Mr Hawkes commented on the Nuggets Project which in the Clutha District Council. He said this was able to be progressed as a result of the Committees being linked. Mr Hawkes noted this was the first project that had progressed through the planning system to construction and the first seal had now been laid.. He reported that the Southern Scenic Route would go out to construction tender in the not too distant future.

Cr Forbes commented regarding the Queenstown Integrated Transport Strategy and asked how this would move into implementation funding. Dr Turnbull advised that a request to vary the RLTP, to provide for upgraded public transport in Queenstown is anticipated for the RTC meeting in March 2017. Cr Kempton noted that QLDC would have to acknowledge that they were in a position to be able to push projects through to the next stage.

In response to a question around the stock effluent consultation, Dr Turnbull advised that ORC engineers were hoping to finish planning and design by the end of this financial year, which pushed out construction to the next financial year. The 2014 data received from the RTA would be reviewed to see if stock movements had changed since then and to work out the location for this stock truck effluent disposal facility and the next one(s).

Discussion was held on maintenance of roads of stock effluent and its place in the Annual Plan, and whether maintenance should be a regional or local responsibility. Cr Wilson noted that the RTC should ask the ORC to include this matter for consultation in their Draft Annual Plan, that maintenance costs be set in regional rates. Dr Turnbull commented that the RTC should bear in mind that the maintenance costs were relatively low and if the committee chose to move to a regional rate there would be transaction costs to “un-do” the funding policies of four Councils (DCC, Waitaki, CDC and ORC) and create the new policy. Discussion was held around this. Cr Kempton felt there was enough interest for the Committee to consider a strategy and the Committee agreed to ask ORC to consider changing the rating.

Resolved:

Moved Cr Wills, seconded Cr Bolger that the Regional Transport Committees write a letter to the Otago Regional Council requesting a pan-regional approach to funding maintenance and operations of STEDS, along the lines of a regional model of rating be included in the Draft Annual Plan.

Carried

A brief update was provided regarding the Katiki Beach erosion issues and access to resilience funding to bring this forward.

An update regarding the State Highway 88 cycle trail was also provided. The consenting process was still underway and funding was still being sought.

Resolved:

Moved Cr Bell, seconded Cr Wills that the Regional Transport Committees note the report and provide direction on any actions they require based on the information provided.

Carried

⇒ Item 2 – Reviewing the Otago and Southland Regional Land Transport Plans: Process and Timeline

The Committees need to complete their review of the Otago and Southland Regional Land Transport Plans 2015-2021, and obtain their regional council's approval of changes to the plans by the end of April 2018. Because of the bulk of this work Dr Turnbull advised of a proposed meeting schedule to help with meeting these deadlines.

NZTA expected the review to be in two parts, being:

1. A review of the common strategic front-end of the two plans, applying business case principles and;
2. An update of the 2018/2021 part of the programme of activities seeking funding from the NLTF funding as part of the 2018/2021 NLTP.

Discussion was held around the Terms of Reference providing for a pan-regional Technical Advisory Group from approved organisations. Dr Turnbull advised that TAG were recommending a series of roadshows to take place in late February/March 2017 with each of the TAs for the committees to set out their expectations and what should be in the programme part of the plans to deliver on the strategic front-end and to receive input from the TAs.

Resolved:

Moved Cr Dillon, seconded Cr Thomas that the Regional Transport Committees:

1. undertake the review of the Otago and Southland Regional Land Transport Plans 2015-2021 together, retaining a common strategic front-end to the plans;
2. note that both Committees' Terms of Reference provide for a single, pan-regional Otago Southland Technical Advisory Group (TAG) of technical transport officers from the approved organisations likely to be seeking NLTF funding, to assist the Committees in developing the RLTPs;
3. ask the Otago Southland Technical Advisory Group to advise and support the Committees throughout the review of the Otago and Southland Regional Land Transport Plans 2015-2021;

4. note the likely timeline for the components of the RLTP review set out in Table 1 of this report, adopt the schedule for RTC meetings listed in the table, and proceed with the review of the strategic front-end of the document;
5. agree to the inclusion of a common South Island issues section at the front of the reviewed RLTPs;
6. ask the Otago Southland Technical Advisory Group to organise three rounds of consultation during the review of the RLTPs, as follows:
 - (a) a series of roadshows with the Mayors, Chief Executives and Infrastructure Group Managers of each of the Otago and Southland territorial authorities, to be undertaken in the period 22 February to 8 March 2017 inclusive, in order to communicate and discuss:
 - (i) the proposed strategy for land transport in the two regions; and
 - (ii) the RTC's expectations concerning projects and activities that need to be put forward to deliver the desired outcomes for Otago and Southland;
 - (b) a series of consultation forums or meetings in Otago and Southland in April 2017 with land transport user groups/organisations, to discuss the proposed content of the strategic front-end of the RLTPs, including key priorities and objectives; and
 - (c) use of the special consultative procedure in November 2017, to consult on the revised RLTPs, including the programme of activities being recommended for funding in the 2018/2021 NZLTP.

Carried

Lunch adjournment 12.35-1.15

⇒ Item 3 – Reviewing the Strategic Front-end of the Otago and Southland Regional Land Transport Plans

The report and business case approach principle requirements were appended to the agenda and outlined the business case principle requirements as follows:

- Accurately identify a problem and its consequences
- State of the benefits associated with addressing the identified problem(s)
- Explore alternatives and options and then build the case for a particular response with clear logic and evidence to support it
- Have informed discussion by the relevant parties throughout the development process

Dr Turnbull noted that the whole process of developing the programme of activities and the Committee deciding what they wanted in the reviewed RLTP needed to be considered. The Committee worked through Table 3 in the agenda,

reviewing the strategic front-end of the Otago and Southland RLTPs' key priorities, problems and benefits, and objectives.

Dr Turnbull advised that a major update was needed to the new Land Transport Management Programme and the bids that approved organisations put in as they were largely centred on the first three years of the programme. She noted that as the BCA was used and outcomes defined, the Committee would need to develop a way of monitoring whether desired outcomes were being achieved.

Cr Kempton asked that the Committee go through Table 3 to discuss that the information in the table represented what the Committee wanted to achieve. Dr Turnbull advised that once the Queenstown Programme Business Case Definition of Problems and Benefits was settled, that would be included in the RTC BCA. Lengthy discussion was held around the BCA.

Discussion was held around fatal and serious crash rates of overseas and domestic visiting being too high in Otago and Southland. Cr Arnold asked Mr Harland for clarification. Mr Harland advised that NZTA had identified that high visitor driver expectations on the road network could lead to an underestimation in the demand of driving in New Zealand and a subsequent increase in risk. He said the benefit of addressing this was that safer tourist routes were identified which reduced fatal and serious crash rates and helped enhance New Zealand's reputation as a safe touring destination. Further discussion was held around this including

- What are the solutions, what are the interventions, what are the programmes the RIC have been bidding up to NZTA to deal with this issue
- A sign might give the number of kilometres to a destination but it might not say how long that trip might take, for the benefit of tourists so they can gauge when they need to stop and take a break
- Mr Harland noted that the goal was to promote the problems and issues listed in Table 3, up to the NZTA level. For example congestion, infrastructure and funding
- Cr Kempton commented that a way forward could be to identify the real problem then how these were reconciled
- Fit for purpose infrastructure and services including topography, alternative routes and detours, rail for heavy bulk transport and cycle ways. Dr Turnbull that it was still unclear what the problem statement was but looking at those issues as a whole, discussion should be had around what the higher level problem statement was
- Aging infrastructure was only a problem if it was no longer fit for purpose. What was the evidence as to whether there were problems that may affect travel and economic travel?. The TAG would be able to provide technical evidence around this
- Discussion was held around flood protection and maintenance and in the case of road closures through maintenance, how would the network be kept running

Cr Kempton commented that

- We can see the problems that need addressed with regards to the use of rail for bulk transport
- What problems were being addressed in providing for modal choice for example cycle ways?
- Reducing reliance on cars – do we need to?
- Resilience is something that potentially responds to risk analysis

Mr Bourque commented that the quicker the hot points were identified the faster the TAG and RTC could respond. He said the TAG was working with key operators such as Fonterra to anticipate the future and try to meet those requirements in looking towards what the issues were tomorrow not just at what the issues were today.

Cr Kempton asked for feedback around facilitating work on each of the problem statements to determine any overlap between them. Cr Forbes asked if some of the objectives were actually pointing to solutions for problems for example future freight needs and opening rail networks for heavy freight. Cr Kempton explained that this was an example of redefining things as objectives and problems and identifying the real baseline issue.

Discussion was held and Cr Kempton commented that the problem statements may not necessarily reflect the core of the problem. Mr Harland and Cr Arnold recommended that an external ILM facilitator be brought in to get the process right the first time, it would be a good investment and a good learning tool. Mr Hawkes agreed and noted it would be beneficial for a facilitator to look at the wording of the problem statements and rework as necessary and this could start off a workshop to discuss, perhaps towards the end of January 2017. Cr Kempton asked that staff organise a facilitator and provide them with the necessary material and advise the RTC.

Cr Forbes commented that the RTC appeared to have two ways of working. The first was identifying problems and creating solutions. The other was provided by objectives and was envisaging what the desired future state was and working towards it. She felt these contradicted each other. Dr Turnbull noted this and said part of the task was to find a way of marrying the two. Discussion was held on this and what the future state might be. The Committee agreed on holding the two workshops. It was noted that, considering there were new members to the Committee who did not have the background knowledge, it could be beneficial to have a facilitator conducting a workshop with Southland and with Otago separately then bringing everyone together for one collaborative workshop. The Committee discussed this.

Recommendation 1 as recorded in the agenda was removed as it was covered under Item 2.

Resolved:**Moved Cr Forbes, seconded Cr Wills that the Regional Transport Committees**

1. note that the NZTA requires principles of the Business Case Approach (BCA) be applied in the review of the Otago and Southland RLTPs;
2. participate in a joint, facilitated session to further develop the main priorities and problems that the plans will address, along with objectives and desired outcomes;
3. ask the TAG to further advance the development of the strategic front-end of the RLTPs and report back to the RTCs' February meeting.

Carried
⇒ Item 4 – Regional Governance and Support for Cycle Trails

Dr Turnbull asked for the Committees' views on the governance of cycling, particularly the cycle trails and any on-road rights and that there was a strong recognition that, along with regional co-ordination and regional support, there should be some regional leadership and strategy set around the vision for the network as a whole for Southern New Zealand. She noted that as well as regional governance there would need to be a working group to support that work such as a 'Cycle TAG', which would include people from cycle trail organisations. Discussion was as follows:

- Rather than the RTCs' making the final decision today it would be useful for each of the Territorial Authority Members to enquire from their Councils whether there was any support for the RTCs to take on any regional governance responsibilities. Cr Forbes supported the formation of a Cycle TAG.

Mr Hawkes advised that he had been involved in the later stages of the development of the Southland Cycling Strategy and one of the things that came out of that was the idea of governance and how the strategy would be implemented. The strategy was being taken to individual councils and one of the recommendations was that the Governance Group would consist of members of relevant cycling organisations and be similar in structure to the RTC to include a political component. This project was still in progress and Mr Hawkes noted that the RTC should keep this in the back of their minds. He said it was unclear what the solution would be at this stage.

Mr Hasler advised that ICC had asked him to pass on the following comments

- There were a number of components of the cycling activity that were off road that were governed by other bodies
- ICC questioned whether the RTC was the right vehicle for governance of cycling

Cr Kempton advised that at a previous workshop regarding cycle trails that was held in July, discussion was held around the variability in the manner in which some of these tracks that would form part of the network were being constructed, managed and funded. Discussion was held.

Resolved:

Moved Cr Bolger, seconded Cr Wills that the Regional Transport Committees agree to keep a watching brief on the development of a governance group in Southland before taking further action, and review at a future meeting.

Carried

⇒ **Item 5 – Next Meeting**

The next meeting of the Regional Transport Committee would be held on 17 February 2017.

Cr Kempton advised that the RTC would be advised of any workshop dates for January 2017. Future meetings would be held at the Clutha District Council Chambers, in Balclutha

9 Extraordinary and Urgent Business

Discussion was held regarding the point raised by Cr Wilson in Item 4. Mr Harland advised there was a safety alliance that was looking at \$600,000 of safety improvements on the network over the next couple of years and the highway between Oamaru and Dunedin had been looked at. Speed control was one of the issues being looked at.

Cr Kempton noted the motion that Cr Wilson had proposed and after discussion the following was agreed:

Resolved:

Moved Cr Wills, seconded Cr Bell that the Regional Transport Committees: support urgency in NZTA addressing concerns of the Waitaki District Council in relation to State Highway 1 near Moeraki township, Moeraki Boulders and the Hamden area.

Carried

Termination

There being no further business, the meeting closed at 2.50 pm.