

Council Meeting Agenda - 28 October 2020

Meeting will be held in the Council Chamber, Level 2, Philip Laing House
144 Rattray Street, Dunedin



Members:

Cr Andrew Noone, Chairperson	Cr Carmen Hope
Cr Michael Laws, Deputy Chairperson	Cr Gary Kelliher
Cr Hilary Calvert	Cr Kevin Malcolm
Cr Michael Deaker	Cr Gretchen Robertson
Cr Alexa Forbes	Cr Bryan Scott
Hon Cr Marian Hobbs	Cr Kate Wilson

Senior Officer: Sarah Gardner, Chief Executive

Meeting Support: Liz Spector, Committee Secretary

28 October 2020 01:00 PM

Agenda Topic	Page
1. APOLOGIES	
No apologies were received prior to publication of the agenda.	
2. CONFIRMATION OF AGENDA	
Note: Any additions must be approved by resolution with an explanation as to why they cannot be delayed until a future meeting.	
3. CONFLICT OF INTEREST	
Members are reminded of the need to stand aside from decision-making when a conflict arises between their role as an elected representative and any private or other external interest they might have.	
4. PUBLIC FORUM	
Members of the public may request to speak to the Council.	
5. PRESENTATIONS	
5.1	Martin Dippie, Chair, Otago Rescue Helicopter Trust, Graeme Gale, Managing Director HeliOtago, and Vivienne Seaton, Secretary Manager ORHT will present the Trust's Annual Report
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	This report is provided to obtain Council approval to transfer building consent authority functions under the Building Act 2004 from ORC to Environment Canterbury.	
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9.3	COUNCIL APPOINTMENT TO MANUHEREKIA FRESHWATER MANAGEMENT UNIT AND MANUHEREKIA REFERENCE GROUP	49
	This report is provided for Council consideration to add an additional governance appointment to the above-referenced groups to assist with the workload.	
10.	MATTERS FOR NOTING	51
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	To inform the Council of delegations which have been exercised during the period 26 August 2020 through 28 October 2020.	
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	Resolutions passed at the 14 October Implementation are presented for adoption.	
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	Resolutions passed at the 15 October 2020 Regulatory Committee are presented for adoption.	

13.	RESOLUTION TO EXCLUDE THE PUBLIC	61
	That the public be excluded under LGOIMA Sec 48(1)(a) from discussions on the following items:	
	<ul style="list-style-type: none">• Consideration of minutes of the public-excluded Council Meeting of 30 September 2020• National Wallaby Funding Round 2020 - 2024• Set Chief Executive Key Performance Indicators for FY21• Port Otago Resolution in Lieu of Annual Shareholders' Meeting	
	13.1 Public Excluded Reason and Grounds	61
14.	CLOSURE	



Minutes of an ordinary meeting of Council held in the
Otago Regional Council on
Wednesday 30 September 2020 at 1:00 pm

Membership

Cr Andrew Noone *(Chairperson)*
Cr Michael Laws *(Deputy Chairperson)*
Cr Hilary Calvert
Cr Alexa Forbes
Cr Michael Deaker
Hon Cr Marian Hobbs
Cr Carmen Hope
Cr Gary Kelliher
Cr Kevin Malcolm
Cr Gretchen Robertson
Cr Bryan Scott
Cr Kate Wilson

Welcome

Chairperson Andrew Noone welcomed Councillors, members of the public and staff to the meeting at 1 p.m.

Councillor Deaker was present via electronic link and Cr Hope joined the meeting late via electronic link.

Staff present included: Sarah Gardner (Chief Executive), Gwyneth Elsum (GM Strategy, Policy and Science), Nick Donnelly (GM Corporate Services), Gavin Palmer (GM Operations), Amanda Vercoe (Executive Advisor), Sarah Munro (Manager Finance - Reporting), Ryan Tippet (Media Communications Lead), Eleanor Ross (Manager Communications Channels), Andrea Howard (Manager Biosecurity and Rural Liaison), Peter Kelliher (Legal Counsel), Jess Thomson (Procurement and Contracts Coordinator), Michelle Mifflin (Manager Engineering) and Liz Spector (Committee Secretary).

For our future

1. APOLOGIES

Resolution

That the apology for Cr Robertson and the lateness for Cr Hope be accepted.

Moved: Cr Wilson
Seconded: Cr Kelliher
CARRIED

2. CONFIRMATION OF AGENDA

The agenda was confirmed as published.

3. CONFLICT OF INTEREST

No conflicts of interest were advised.

4. PUBLIC FORUM

No public forum was held.

5. PRESENTATIONS

Kevin Winders (Chief Executive, Port Otago Limited) and Paul Rea (Board Chair, Port Otago Limited) presented the Port's Annual Report to Council. Stephen Connelly (CFO) and Pat Heslin (Board Deputy Chair) were also present. After the presentation, the Councillors thanked them for their presentation and congratulated Port Otago on its Annual Report.

*Cr Forbes left the meeting at 01:30 pm.
Cr Forbes returned to the meeting at 01:37 pm.*

6. CONFIRMATION OF MINUTES

Resolution

That the minutes of the (public portion of the) Council meeting held on 26 August 2020 be received and confirmed as a true and accurate record.

Moved: Cr Wilson
Seconded: Cr Kelliher
CARRIED

Prior to consideration of Outstanding Actions, Cr Wilson said that breaking news had revealed appointment of a new Chief Executive for the Dunedin City Council, and she moved:

Resolution

That the ORC Council acknowledges the appointment of Sandy Graham as the new Chief Executive of the Dunedin City Council and congratulates her on that appointment.

Moved: Cr Wilson
Seconded: Cr Calvert
CARRIED

7. ACTIONS (STATUS OF COUNCIL RESOLUTIONS)

Outstanding actions of Council Meetings were then reviewed. Cr Noone noted he will review the outstanding item related to items for potential consideration by the Otago Mayoral Forum and will confirm with Executive Advisor Amanda Vercoe. No other updates were made.

8. CHAIRPERSON'S AND CHIEF EXECUTIVE'S REPORTS

8.1. Chairperson's Report

8.2. Chief Executive's Report

Cr Laws left the meeting at 02:07 pm.

Cr Laws returned to the meeting at 02:10 pm.

Cr Noone and CE Gardner responded to questions about their report. Following discussions, Cr Wilson moved:

Resolution

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

Moved: Cr Wilson

Seconded: Cr Hobbs

CARRIED

9. MATTERS FOR COUNCIL DECISION

9.1. Port Otago Limited Constitution

This report was provided for Council to consider and approve the revised Constitution of Port Otago Limited. A draft Constitution was considered by the Finance Committee on 26 August, with the committee recommending Council adoption of the document. Nick Donnelly (GM Corporate Services) was present to respond to questions about the report.

Mr Donnelly noted details related to governance appointment of board members had been removed from the revised Constitution and included in a recruitment policy which was adopted at the 10 September 2020 Governance, Communications and Engagement Committee meeting. He said the updated Constitution addressed issues raised by Council earlier in the year and would allow the Council and the Port to move forward.

After a discussion of the revisions, Chairperson Noone asked for a motion.

Resolution

That Council:

- 1) ***Receives this report.***
- 2) ***Approves the attached revised Constitution for Port Otago Limited.***

- 3) **Notes** the revised Constitution requires approval by the Minister of Transport and that Port Otago will obtain that approval before filing the revised Constitution with the Companies Office.

Moved: Cr Malcolm

Seconded: Cr Hobbs

CARRIED

9.2. Annual Report 2019/20 - Adoption

This report presented the Annual Report 2019/2020 to Council for formal adoption. The draft report and financial statements were endorsed by the Audit & Risk Subcommittee at its 23 September 2020 meeting. Nick Donnelly (GM Corporate Services) was present to respond to questions about the report.

Cr Laws said he had concerns with the reporting of water quality in lakes over the past several years. He asked if something had changed in reporting which would cause the variable results. Gwyneth Elsum (GM Strategy, Policy and Science) said she did not believe reporting methodology had changed and the variability was probably related to the number of measurements taken in each year. She said she would clarify this for the Councillors.

Cr Calvert said that the auditors noted a great improvement in the report over previous years, and said the reports do a better job of telling the story. Cr Forbes said she still has concerns with the number of Service Level Targets that were red. Cr Malcolm said those negatives would be a challenge for governance to resolve.

Cr Noone thanked Chief Executive Gardner for the amount of work that had been put in by staff to get the ORC headed in the right direction. He acknowledged the challenging year for staff and governors and noted community feedback is positive about the improvements underway in the transport space. After further discussion of the report, Cr Noone asked for a motion.

Resolution

That the Council:

- 1) **Receives** this report.
- 2) **Approves and adopts** the Annual Report and Financial Statements for the year ended 30 June 2020.
- 3) **Authorises** the Chairperson and Chief Executive to sign the Annual Report and Representation Letter on behalf of Council.
- 4) **Acknowledges** with gratitude the work of staff in putting together the Report.

Moved: Cr Calvert

Seconded: Cr Wilson

CARRIED

10. MATTERS FOR NOTING

Cr Calvert left the meeting at 03:03 pm.

Cr Calvert returned to the meeting at 03:05 pm.

10.1. COVID-19 Councillor Working Group Update

The report was provided to update the meeting on work underway by the COVID-19/Jobs for Nature Working Group. This group is comprised of ORC councillors and staff with an interest in Otago Regional Council's contribution to recovery from the impacts of COVID-19. Cr Scott led the discussion on the group's activities. Cr Deaker asked the Chief Executive to produce a summary paper describing the potential outcomes of the group's work and how they fit within the strategic priorities. Cr Deaker then moved:

Resolution

That the Council:

- 1) **Receives** this report.
- 2) **Notes** the work of the Working Group and the approaches being investigated for future consideration by Council.
- 3) **Requests** the Chief Executive to produce a one-pager summarising what outcomes related to ORC strategic priorities we are seeking between now and 2023 that may be enabled by the investment opportunity in front of us.

Moved: Cr Deaker

Seconded: Cr Malcolm

CARRIED

11. REPORT BACK FROM COUNCILLORS

Crs Forbes, Cr Malcolm and Cr Scott briefed the Council on external meetings and events they participated in during the previous month. Cr Forbes' written report back was included in the agenda. Cr Malcolm's emailed report back is attached as an addendum to these minutes. Cr Scott updated the group on the new catchment group entity, noting staff will provide a formal report to an upcoming meeting.

Resolution

That the Council:

- 1) **Receives** the reports from Crs Forbes, Malcolm and Scott.

Moved: Cr Noone

Seconded: Cr Kelliher

CARRIED

12. RECOMMENDATIONS ADOPTED AT COMMITTEE MEETINGS

12.1. Recommendations of the Finance Committee, 26 August 2020

Resolution

That resolutions of the 26 August 2020 Finance Committee be adopted.

Moved: Cr Calvert
 Seconded: Cr Wilson
 CARRIED

12.2. Recommendations of the Strategy and Planning Committee, 9 September 2020

Resolution

That resolutions of the 9 September 2020 Strategy and Planning Committee be adopted.

Moved: Cr Calvert
 Seconded: Cr Wilson
 CARRIED

12.3. Recommendations of the Governance, Communications and Engagement Committee, 10 September 2020

Resolution

That resolutions of the 10 September 2020 Governance, Communications and Engagement Committee meeting be adopted.

Moved: Cr Calvert
 Seconded: Cr Wilson
 CARRIED

13. RESOLUTION TO EXCLUDE THE PUBLIC

Resolution

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

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
1.1 Minutes of public-excluded meeting of Council 10 Sept 2020	To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities – Section 7(2)(h);	Section 48(1)(a) Subject to subsection (3), a local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on 1 or more of the following grounds: (a) that the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good

		reason for withholding would exist.
2.1 <i>National Wilding Pine Funding Round 2020 - 2024</i>	<p>To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities – Section 7(2)(h);</p> <p>To enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) – Section 7(2)(i)</p>	Section 48(1)(a) Subject to subsection (3), a local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on 1 or more of the following grounds: (a) that the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.
2.2 <i>Government Funding (CIP) of Flood Protection</i>	<p>To protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information— would be likely otherwise to damage the public interest – Section 7(2)(c)(ii);</p> <p>To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities – Section 7(2)(h);</p> <p>To enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) – Section 7(2)(i).</p>	Section 48(1)(a) Subject to subsection (3), a local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on 1 or more of the following grounds: (a) that the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.

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.

Moved: Cr Noone
 Seconded: Cr Malcolm
 CARRIED

14. CLOSURE

There was no further public business and Chairperson Noone declared the meeting closed.

Chairperson

Date

DRAFT MINUTES

Attachment to Minutes:

From: Cr Kevin Malcolm (ORC)
Sent: Tuesday, 29 September 2020 9:59 p.m.
To: Liz Spector
Cc: Councillors; Sarah Gardner
Subject: Manuherekia Reference Group Update

Meeting 23rd September.

Progressing rapidly to decision time

Group are working in a positive and collaborative manner.
Real willingness to create a long term plan to ensure catchment health and community wellbeing.

Members from
Fish & Game
Forest & Bird
Central Otago District Council
ORC Staff & Governance
Central Otago Environmental Society
Dept of Conservation
Irrigators Collective

Priority Areas.

Mahika Kai (ORC currently working with Kai Tahu) Aquatic Indigenous Biodiversity Water Quality Flows

Currently completing Hydrology modelling, Ecology field work including biodiversity, recreation assessment, and landscape, natural character and heritage assessment.
Due for completion October 2020 (most areas completed)

These discoveries will be used to develop scenarios to draft 'Manuherekia Choices'
Economic & Socio economic assessments will be completed for each scenario.
Aim to be presented to group at their November meeting for discussion and ratification.

Alec Neil is the independent Chair.
Andrew Newman lead consultant. (ORC)
ORC staff Tom Pelsemaeker, Peter Ravenscroft, Anna Ferguson, Rachel Ozanne,
Rachel Brown, Rachel Currie.

Staff are making quality presentations and show a real desire to create a positive forward direction.

Ministers announcement on exemplar catchment.

Group is already well advanced with Beef & Lamb initiative on fencing, riparian planting and wetland restoration to Thompson's Creek.

Very receptive to additional assistance providing it is to 'get things done' and not another layer of paper.
Proposal for ORC to update the Minister on the MRG's progress and welcoming his support.

Happy to clarify any points.

Cheers
Kevin

Sent from my iPad

DRAFT MINUTES

Status report on the resolutions of Council Meetings

Meeting Date	Item No.	Item	Status	Action Required	Assignee/s	Action Taken	Due Date	Completed (Overdue)
29/01/2020	10.3	OMF201912 Ratifying the Otago Local Authorities' Triennial Agreement 2020-22	Completed	Cr Laws requested an agenda item to discuss items for potential consideration by the Otago Mayoral Forum be included on the next Strategy and Planning agenda.	Amanda Vercoe	15/10/2020 Amanda Vercoe Chair will discuss with Councillors ahead of the Mayoral Forum's priority setting for 2021.	04/03/2020	15/10/2020
12/08/2020	7.1	PT1912 Hearing Panel Recommendation on Interim Trial Simplified Dunedin Fares Consultation	In Progress	Produce a report to enable Council to further consider options for what happens following end of simplified fare trial.	Garry Maloney, Gavin Palmer	19/10/2020 Report is being prepared.	31/12/2020	
26/08/2020	10.4	GOV1937 Electoral System for 2022 and 2025 Local Body Elections	In Progress	Work with Electoral Officer to include a poll asking for voter preference for STV/FPP alongside voting papers for the 2022 local elections.	Amanda Vercoe, Liz Spector	1/09/2020 Liz Spector Contacted Electoral Officer Anthony Morton of Electionz for information. He will update our file, noting the request to conduct the poll with the 2022 election. He indicated additional cost of approx \$75,000, not including additional comms that will be necessary. 14/09/2020 Liz Spector Public Notice in ODT on 12/9/20 to meet legislative requirements and to advise ORC intends to conduct a poll on voting systems alongside the 2022 local body elections.	01/01/2022	
30/09/2020	2.1	OPS1018 National Wilding Pine Funding Round 2020-24	Assigned	Seek discussions through the Chair with appropriate Ministers and Territorial Authorities about certain wilding trees being able to be controlled or encouraged to be controlled in areas where they may become a source issue in the future.	Andrea Howard, Gavin Palmer	19/10/2020 To start.		
30/09/2020	2.1	OPS1018 National Wilding Pine Funding Round 2020-24	In Progress	Incorporate a process into draft 2021/31 LTP to develop a Regional Strategy for Wilding Conifer Management throughout Otago to ensure a holistic approach across Otago to	Andrea Howard, Gavin Palmer	19/10/2020 Being provided for in the Draft 2021/31 LTP.	30/06/2021	

Council Meeting Agenda - 28 October 2020 - ACTIONS (Status of Council Resolutions)

30/09/2020	2.1	OPS1018 National Wilding Pine Funding Round 2020-24	In Progress	cover all 17 mgmt areas. incorporate a review of the current regional delivery and management structure into the Draft 2021/31 Long Term Plan to identify any areas where either strategic or operational improvements could be made to simplify the current structure and reduce unnecessary risk to Council.	Andrea Howard, Gavin Palmer	19/10/2020 Being provided for in the Draft 2021/31 LTP.	30/06/2021	
30/09/2020	10.1	GOV1946 COVID-19 Councillor Working Group Update	Assigned	Produce a one-page report summarising outcomes related to ORC strategic priorities we are seeking between now and 2023 that may be enabled by the investment opportunities provided by the COVID-19/Jobs for Nature funds.	Sarah Gardner		18/11/2020	

8.1. Chairperson's Report

Prepared for: Council
Activity: Governance Report
Author: Cr Andrew Noone, Chairperson
Date: 21 October 2020

MANA TO MANA

Mana to Mana have agreed that work will be initiated on a Mana Whakahono ā Rohe, an iwi participation arrangement to assist tangata whenua and local authorities to discuss, agree and record how they work together under the RMA.

MANUHEREKIA EXEMPLAR PROJECT UPDATE

Governance Group to be established first, as early as November. Governance Group role to oversee the various parts of the project. First part is Thomsons Creek which is an extension of the existing Beef+Lamb NZ project, the second part is the Integrated Catchment Management Plan, the third part is a data collection/assessment, and the fourth part eDNA. Looks to be an alignment between the Exemplar project and ORC's FMU/Rohe work programme.

ECAN MEETING

Sarah and I met with ECan Chair Jenny Hughey, Deputy Chair Peter Scott, and CEO Stefanie Rixecker. Key message is that ECan are very keen to work collaboratively with the ORC (plus Environment Southland and West Coast Regional Council), on matters of mutual interest as we have conversations with Central Government.

Cr Malcom joined us (via Zoom) for the discussion about erosion issues associated with the Waitaki River.

LGNZ ZONES 5 AND 6

Presentation from newly elected President Stuart Crosby and new CEO Susan Freeman-Greene.

All Councils reported on the successes and challenges of the last twelve months.

We visited a groundwater rehabilitation trial; this Managed Aquifer Recharge (MAR) project was on the outskirts of Hinds. The aims of the trial are to:

- Enhance groundwater quality.
- Improve base flows to spring-fed streams and rivers.
- Improve and sustainably manage groundwater storage levels.

Canterbury's Land and Water Plan (via a Plan change) proposes a 36% reduction in nutrient leaching by 2035. This MAR process is one of the tools to help achieve that target.

OTHER MEETINGS ATTENDED

With Cr Kelliher, we met with WAI Wanaka Chairwoman Mandy Bell.

Chair Otago Conservation Board, Tara Druce.

Federated Farmers Otago President Simon Davies, and Regional Policy Manager Kim Reilly.

Last week Cr Malcolm and I travelled around the Moeraki constituency and met with a number of community groups, including catchment groups, NOSLaM, and with the Waitaki Whitestone Geopark Trust Chair Helen Jansen.

As Chair I was asked by the Port Chalmers Historical Society to unveil the restored timeball on Flagstaff Hill overlooking Port Otago. The official occasion occurred on 3 October.

Sarah and I provided a letter of support to Otago Catchment Communities for their funding application to FIF.

RECOMMENDATION

That the Council:

- 1) ***Receives this report.***

8.2. Chief Executive's Report

Prepared for: Council
Activity: Governance Report
Author: Sarah Gardner, Chief Executive
Date: 23 October 2020

KEY MEETINGS ATTENDED

- [1] *5 October:*
 - Three Waters Steering Group meeting.
 - Met with Cr Hilary Calvert and Andrew Douglas on Risk Register.
 - [2] *7 October:*
 - Met with Matt Hines (GM – Macraes), Alison Paul (GM Corporate & Legal Affairs NZ), and Gavin Lee from Oceana Gold.
 - [3] *12 October:*
 - With Chair Andrew Noone, met with Environment Canterbury Chair, Deputy Chair and CEO.
 - [4] *13 October:*
 - Virtual meeting with Otago Polytechnic staff (Jeanette Corson, David Thomson, Megan Gibbons and Barry Law), and DCC CEO Sandy Graham on Regional Centre of Excellence.
 - Good Water Programme Steering Committee.
 - [5] *14 October:*
 - Council Committee meetings and Workshops.
 - [6] *15 October:*
 - Three Waters CE Zoom meeting.
 - Council Committee meeting and Workshops.
 - [7] *16 October:*
 - Attended a Chief Executive and Senior Leaders Webinar Series hosted by SOLGM.
 - [8] *19 October:*
 - Met with Department of Conservation internal staff Ginny Baddeley and Kevin O'Connor to discuss a support model that strengthens the work the Department of Conservation does.
 - Presentation from Sarah Cross to ELT on her Leadership Programme Coaching Module for third tier.
 - Facilitated ELT debrief for the COVID-19 response.
 - [9] *21 October:*
 - Internal Policy Review Group meeting.
 - [10] *22 October:*
 - K4N Alliance meeting – governance on proposals under \$1m.
-

- [11] 27 October:
- Mana to Mana meeting.

RECOMMENDATION

That the Council:

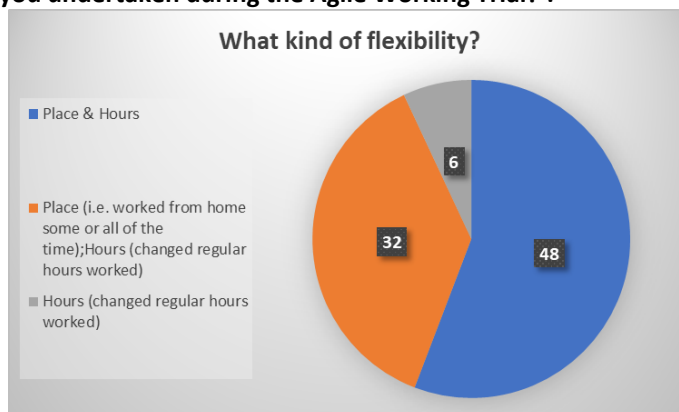
- 1) **Receives this report.**

DISCUSSION

Flexible Working and Accommodation

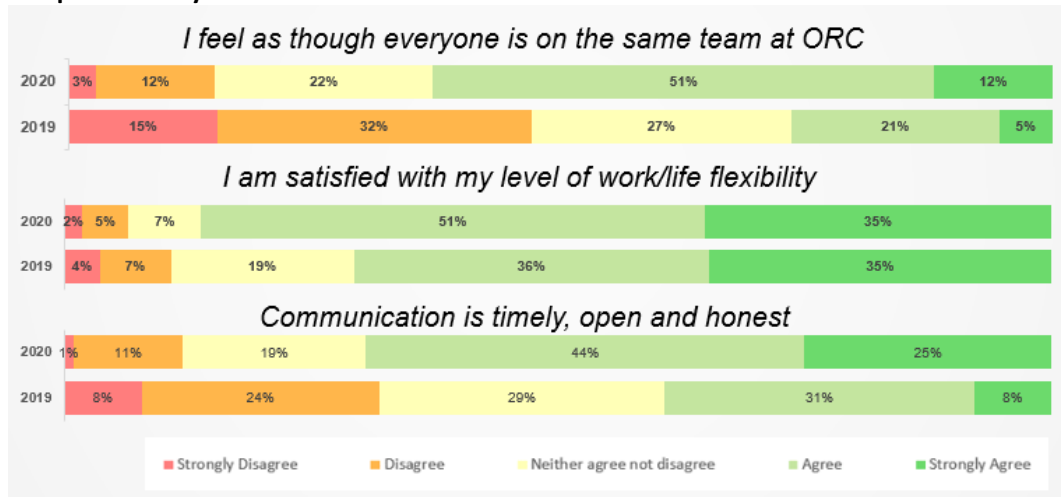
- [12] COVID-19, and in particular working through Alert Levels three and four, meant all ORC staff worked from home. The result which demonstrated reduced sick leave, increased productivity and greater connectedness as a regional organisation gave us an opportunity which we have pursued since then around flexible working.
- [13] Since returning to work under Level one we have completed a three-month 'Agile Working' trial that has allowed staff to work flexibly in arrangements agreed by all parties. Flexibility has been afforded not only around place of work, but also around hours of work and how they are structured. Many staff took up the trial opportunity, with 100% of final survey respondents reporting that they would like to continue to work flexibly into the future.

Figure 1: ORC final flexible working survey responses to the question: 'what kind of flexibility have you undertaken during the Agile Working Trial?':



- [14] Understanding our learnings during the trial was important for future decision-making and business continuity planning in an increasingly disrupted world. Surveys of staff were conducted during the trial and again at its conclusion. Some procedural tweaks were made during the trial based on the feedback received.
- [15] Feedback from all involved is that this flexibility has been overwhelmingly positive for staff and the organisation. Productivity remains high, connectivity continues to be enhanced and our approach is reflected in staff engagement. In fact, our staff engagement markers around teamwork, work/life flexibility and internal communication increased, on average, 12% between September last year and July of 2020.

Figure 2: ORC Employee Engagement Survey markers (assertions), September 2019 compared to July 2020:



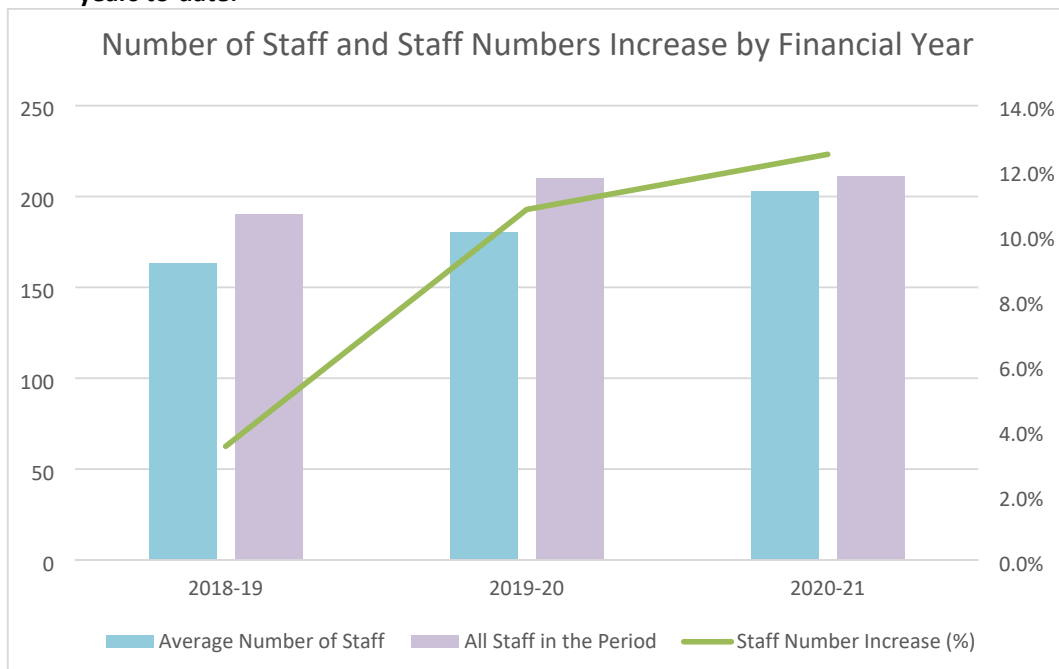
- [16] This trial and the knowledge gained has provided the organisation with a platform for embedding greater flexibility as part of our employee offering and the way we work at ORC. We are currently consulting on a new Flexible Working Policy that defines flexible work on a formal and informal basis.
- [17] What we do understand now however, is that flexible working is not the panacea for our accommodation issues across the region. Even staff who are working flexibly spend most of their time in one of our offices, so this means flexible working has not made gains in terms of desk space and staff accommodation.
- [18] We now have 223 FTE (230 staff members) with 16 further FTE just approved for Consents and Compliance as a result of the new freshwater work required by government policy. In total, we have welcomed 53 new permanent and fixed term staff (51.73 FTE) to ORC in the past 12 calendar months, due to vacancies, Annual Plan provisions and new work.
- [19] Stafford Street accommodation is fully exhausted. We have staff in four locations in Dunedin, including the Taieri Depot and we are also at capacity in Alexandra, Cromwell and Queenstown. With a turnover rate of 7.8% in the past financial year we are also not holding vacant space for vacant positions as we have sometimes relied on in the past.
- [20] To address this issue, we have recently reallocated space at Philip Laing House and will transfer a complement of staff from Stafford Street. We are also investigating options to secure space in Dunedin on a temporary basis.

Recruitment

- [21] As a result of our work towards a positive organisational culture and an enhanced employer brand, we are seeing a significant shift in our ability to recruit talent and in our reputation as an ‘employer of choice.’
- [22] As a stable employer across the region within a reasonably unsettled employment market, we have seen significant increases in both the number of applicants and the quality of skilled applicants. For example, during a recent recruitment campaign for roles within our Biosecurity and Rural Liaison team, a total of 125 applications were received. We saw a similar number come forward in a recent Consents Officer campaign, where 103 applications were received, resulting in a total of six role placements to-date. Over a seven-day period, 80 applications have been received for a Customer Support Representative position, based in Queenstown.

- [23] We are also seeing an increase in the calibre of applicants applying for our highly technical roles, such as those typically deemed 'difficult to recruit' in the Engineering space. We are noting a much broader spread of applicant sources, such as within the private sector where Local Government would traditionally have lost staff to, rather than recruited from.
- [24] Anecdotal feedback suggests our commitment to flexible working, employee wellbeing and our humanistic approach during the COVID-19 lockdown has significantly improved our employer value proposition/employer brand. Candidates have fed back to us that it is exciting to see that ORC is experiencing a growth period across the whole organisation, and that there is a buzz in the community around the interesting work that we are undertaking both regionally and at a national level, that people want to join ORC to be a part of.
- [25] We also continue to engage with tertiary students and graduates to strengthen our talent pipeline.

Figure 3: ORC staff numbers and staff number increases for the past two financial years to-date:



ATTACHMENTS

Nil

9.1. RMA s27 Six-monthly Report to Minister for the Environment

Prepared for:	Council
Report No.	P&S1877
Activity:	Governance Report
Author:	Anita Dawe, Policy and Planning Manager
Endorsed by:	Gwyneth Elsum, General Manager Strategy, Policy and Science
Date:	28 October 2020

PURPOSE

- [1] To present, for adoption by Council, the second progress report to the Minister for the Environment, in accordance with section 27 of the Resource Management Act 1991, in relation to the recommendations made under section 24A of the Resource Management Act 1991.

EXECUTIVE SUMMARY

- [2] The Minister for the Environment wrote to the Otago Regional Council on 18 November 2019, setting out several recommendations regarding the development of a fit for purpose planning framework for Otago. One of the requirements outlined in the letter was a formal report, every six months, on progress against three measures. The first report was due and delivered to the Minister by 30 April 2020, and this second report is due by 31 October 2020.

RECOMMENDATION

That the Council:

- 1) **Receives** this report.
- 2) **Approves** the report to the Minister for the Environment reporting on progress against the recommendations contained in his letter of 18 November 2019; and
- 3) **Notes** that the next report will be required to be provided by 30 April 2021.

BACKGROUND

- [3] In December 2019, ORC agreed to the work programme as set out by the Minister, in response to the Skelton Review under Section 24A of the Resource Management Act. Part of that work programme requires 6-monthly progress reports.
- [4] The first progress report was approved by Council on 22 April 2020 and provided to the Minister by 30 April. The report addresses the recommendations of the Minister, which are to:
1. *Take all necessary steps to develop a fit for purpose freshwater management planning regime that gives effect to the relevant national instruments and sets a*

coherent framework for assessing all water consent applications, including those that are to replace any deemed permits;

2. *Develop and adopt a programme of work to achieve the following*
 - i. *By November 2020, a complete review of the current RPS that is publicly notified, with the intention that it is made operative before the review of its LWRP is notified;*
 - ii. *By 31 December 2023, a new LWRP for Otago that includes region wide objectives, strategic policies, region-wide activity policies, and provisions for each of the Freshwater Management Units, covering all catchments within the region.*
3. *Prepare a Plan Change by 31 March 2020 that will provide an adequate interim planning and consenting framework to manage freshwater up until the time that new discharge and allocation limits are set, in line with the requirements in the National Policy Statement for Freshwater Management.*

- [5] In addition, the following matters were to be included as part of the 6-monthly updates:
- *Progress made in developing science, planning, consenting, monitoring and enforcement, and land management organisational capability and capacity;*
 - *Progress in achieving the [above] recommendations 1, 2 and 3; and*
 - *A summary of freshwater resource consenting activity for the reporting period.*
- [6] The second report is due by 31 October 2020 and is the basis for this paper.

ISSUE and DISCUSSION

- [7] Since the first report in April, staff have continued to work to implement the agreed work programme.
- [8] A full report is appended but in summary, against the formal request above, the following has been undertaken:
- Significant progress in developing organisational capacity and capability across planning, science, environmental monitoring, consents and compliance monitoring has continued since April. This includes reorganisation of the Science and Environmental Monitoring teams, and new roles created to address both capacity and capability, with those roles filled, or recruitment well underway.
 - As a direct result of the NPSFM 2020, the regulatory team has had 16 new FTEs approved for consents and compliance work, and recruitment for those roles is partially completed, with new staff starting in November. The responsiveness of Governance to this new challenge has assisted ORC to react quickly to the need for additional capacity.
 - Considerable progress has been made against the recommendations in relation to the planning framework. Plan Change 6AA is operative, and Plan Changes 7 and 8 to the Regional Plan: Water and Plan Change 1 to the Regional Plan: Waste were called in and the Further Submissions period closed on Friday 2 October. In addition, ORC staff authored the Key Issues Reports required under section 149K of the Act for the called-in plan changes, and they were filed with the Environment Court on Friday 9 October.
 - The review of the partially operative 2019 Regional Policy Statement is considerably advanced, complies with the National Planning Standards and by notification, will give effect to all National Direction.

- Of particular note with regard to the RPS, the freshwater vision work required to comply with the NPSFM 2020 has already commenced and will continue through November. The freshwater visions will be included when the RPS is notified in June 2021, in accordance with the Minister's extension approved in September 2020.
- Work has continued in the Arrow, Cardrona and Manuherekia Freshwater Management Unit (FMU).
- Governance, process and approaches for the delivery of the development of the full review of the operative Water Plan is also underway. This includes the development of a co-governance structure with Ngāi Tahu for delivery of the full review of the operative Water Plan and the proposed Land and Water Plan, for notification in 2023.
- A summary of freshwater consenting has been prepared and is included in the attached report.

CONSIDERATIONS

Policy Considerations

- [9] There are no particular policy considerations as a result of this paper. The policy considerations relate to the planning work programme and will be considered on a case by case basis, as the work programme is implemented.

Financial Considerations

- [10] There are no particular financial considerations in relation to this paper. The report to the Minister can be accommodated within existing budgets and/or approved budget variations.

Significance and Engagement

- [11] This paper does not trigger the Significance and Engagement Threshold.

Legislative Considerations

- [12] The Minister has requested a formal response under section 27 of the Resource Management Act 1991. Section 27 *Minister May Require Local Authorities to Provide Certain Information* outlines the circumstances under which the Minister may request information and the criteria for local authorities to provide it. There are no particular additional legislative requirements to consider in relation to this reporting.

Risk Considerations

- [13] There are no particular risks associated with the report.

NEXT STEPS

- [14] The next steps are to continue to implement the work programme and prepare for the report due 30 April 2021.

ATTACHMENTS

1. Report to Minister 31 October 2020 draft [9.1.1 - 9 pages]

Minister for the Environment

Private Bag 18041

Parliament Buildings

Wellington 6160

28 October 2020

BY EMAIL

Dear Minister

Report under Section 27 of the Resource Management Act 1991

In accordance with your letter of 18 November 2019 and following on from our first report back on 22 April, the following comprises the Otago Regional Councils' second report, in accordance with Section 27 of the Resource Management Act 1991 (the Act) and the recommendations pursuant to Section 24 of the Act.

This report will address the following:

- *Progress made in developing science, planning, consenting, monitoring and enforcement, and land management organisational capability and capacity; and*
- *Progress in achieving the [above] recommendations 1, 2 and 3 (copied below for ease of reference):*
 1. *Take all necessary steps to develop a fit for purpose freshwater management planning regime that gives effect to the relevant national instruments and sets a coherent framework for assessing all water consent applications, including those that are to replace any deemed permits;*
 2. *Develop and adopt a programme of work to achieve the following*
 - i. *By November 2020, a complete review of the current RPS that is publicly notified, with the intention that it is made operative before the review of its LWRP is notified;*
 - ii. *By 31 December 2023, a new LWRP for Otago that includes region wide objectives, strategic policies, region-wide activity policies, and provisions for each of the Freshwater Management Units, covering all catchments within the region.*
 3. *Prepare a Plan Change by 31 March 2020 that will provide an adequate interim planning and consenting framework to manage freshwater up until the time that new discharge and allocation limits are set, in line with the requirements in the National Policy Statement for Freshwater Management; and;*
- *A summary of freshwater resource consenting activity for the reporting period.*

Progress Made in Developing Science, Planning, Consenting, Monitoring and Enforcement, and Land Management Organisational Capability and Capacity

The following table outlines the particular improvements in each of the areas specifically identified in your report.

Area	What we advised in April	Latest update
Science	<p>Restructures in the Science and Environmental Monitoring teams was undertaken to improve capability and capacity.</p> <p>Consents support was provided by consultants to enable science staff to respond to planning work.</p> <p>The Coastal Scientist and Freshwater Ecologist started (new roles).</p> <p>Created and recruited new position for land management/agricultural scientist.</p> <p>Created new positions in science and monitoring teams for biodiversity (terrestrial ecology, ecosystems & wetlands).</p> <p>Implementation underway on a new environmental data management system at a commitment of over \$1 million (including staff time).</p> <p>Created new position for air monitoring in Environmental Monitoring team.</p>	<p>In Science, Team Leader roles have been created to enable three teams – Land, Freshwater, and Biodiversity. All roles have been filled.</p> <p>Recruiting is almost complete for a number of new technical roles in the Science Team, with a particular focus on land management roles.</p> <p>A Manager, Environmental Monitoring has been as well as additional monitoring staff, including dedicated air and biodiversity monitoring role.</p> <p>The Environmental Monitoring team also now has a larger number of people based in Central Otago.</p> <p>Our new environmental data management system is due to 'go live' in November 2020.</p>
Planning	<p>Specialist freshwater and policy planning consultants engaged to assist with the Omnibus Plan Change and RPS Review.</p> <p>Added two new positions to the planning. Oversight role of planning work by experienced consultant engaged in Principal Planner role to upskill & mentor.</p> <p>Specialised legal support is being provided through leading resource management law firms team.</p> <p>Two current offers of employment active to fill vacancies in the Freshwater & Land, and RPS, Air & Coast teams</p>	<p>Plan Changes 7 & 8 to the Regional Plan: Water and Plan Change 1 to the Regional Plan: Waste were prepared, and then called in. The Key Issues Reports as directed by section 149 of the Act have been filed with the Environment Court.</p> <p>Senior analysts in the RPS, Air and Coast team, and the Freshwater and Land team are now on board, and recruitment for a graduate role is underway. ORC has also recruited a new member of staff to lead external engagement for the Land and Water Regional Plan and to support a cross-organisational approach to delivery.</p>

	<p>respectively (vacancies created by new positions developed).</p> <p>An economist has been employed by the ORC to support, among other things, the planning development work being undertaken (this is a new position created).</p>	
Consenting	<p>Internal staff training programmes in place, utilising a range of sources.</p> <p>Training provided on operating under notified and operative plans; Plan Change 7 to the Water Plan and general case law updates that affect practice.</p> <p>All resource consent forms and application information have been reviewed and updated as necessary. This includes the development of a help sheet for water permit applicants (in development).</p>	<p>Sixteen new positions are currently being recruited across the consents, compliance and consents data teams to enable better responses to the NPSFM 2020. The first six staff will start in November 2020.</p> <p>Staff training has been held on the new NPS and NES and how these relate to water takes.</p> <p>Development of five practice notes to be shared with external technical professionals and resource management consultants. These practice notes are to outline our expectations on certain topics and our interpretation of provisions.</p> <p>Update of report templates based on feedback from stakeholders.</p> <p>Establishment of a project team to handle the processing of the deemed and water permits in the Manuherekia has occurred. Pre-application meetings have been held with the various schemes and a site visit is planned for late 2020.</p> <p>Since the Essential Freshwater package landed, ORC staff have attended approximately 12 roadshows throughout Otago to discuss the new National Environmental Standards and Plan Change 8 rules with the farming community. The roadshows were hosted by a mixture of industry groups and catchment groups and aimed to provide information to assist farmers in meeting the new regulatory requirements. A number</p>

		<p>of these sessions had a particular focus on intensive winter grazing and the new rules to manage this activity. The roadshows were well received by the farming community and staff will continue to attend similar sessions as required.</p>
<p>Monitoring & Enforcement</p>	<p>Since November 2019 4 extra staff employed in the System and Administration team to undertake water use reviews and data analysis for water take consents. This takes the total staff count to 7.</p> <p>An additional 4 staff appointed to compliance to assist with on the ground inspections of consents and permits. Compliance staff have been recruited based on their specialist knowledge dealing with wastewater treatment plants.</p> <p>Compliance will develop functional leads for activities such as water permits and water consents to help develop improved capability. New processes are being developed for water data reviews alongside the implementation of the new data management system.</p> <p>Development of process documents for compliance work associated with water consents and permits have been completed.</p>	<p>Training has been held on the new NPS and NES and how these relate to water takes.</p> <p>A review of our business support function across the regulatory group who assist in the delivery of our day to day operations to ensure we meet our statutory responsibilities is complete. Additional staff for business support and water take data have been appointed.</p> <p>Compliance Manager position recruited and filled.</p> <p>Development of a Compliance Plan to prioritise the compliance, monitoring and enforcement activities that we will focus our resources on over 2020-22 was approved by the Regulatory Committee in October 2020. Key priority is to monitor deemed permits and work proactively with permit holders to replace deemed permits.</p>
<p>Land Management</p>	<p>Focus of rural liaison team moving toward providing on farm advice. Dedicated \$200k (2020/21) in funding for catchment group work, to assist with on farm improvements and increased understanding. Created, recruited and filled position to work in contract management and assist ORC to work with catchment groups. New manager position created, recruited and filled for Rural Liaison and Biosecurity teams.</p>	<p>The ORC has strengthened strategic linkages with Catchment Groups over the past 10 months. ORC established a Catchment Support Advisory Group and worked with representatives from the region's groups to determine how best to support their water quality objectives. ORC agreed to fund the establishment of an umbrella entity that will support the sustainability and 'on ground' efforts of existing groups and create new catchment groups where there is a need.</p>

		<p>The newly formed Biosecurity and Rural Liaison Team has recruited four new staff since the last update and are now recruiting three additional environmental officers. Further strategic work to define Council's non-regulatory role in land management is underway, supported by 'business as usual' good management practice advice and partnerships with industry.</p>
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Progress in Achieving the specified recommendations

The particular recommendations as outlined in the original letter, and ORC's response, to date, is detailed below:

Action	What we advised in April	Latest Update
<p>Take all necessary steps to develop a fit for purpose freshwater management planning regime that gives effect to the relevant national instruments and sets a coherent framework for assessing all water consent applications, including those that are to replace any deemed permits.</p>	<p>This action is ORC's medium-term work programme, to implement the NPSFM.</p> <p>The development of Plan Change 6AA and the Omnibus Plan Change were the first steps in this programme. Both recognise existing gaps in the policy framework for managing water quality and provide short term solutions to better manage water quality until a full review of the Regional Plan: Water for Otago (RPW) has been undertaken.</p> <p>Plan Change 6AA will be made operative on 16 May 2020. The Omnibus Plan Change has been developed by staff to the point of notification and has now officially been called-in by the Minister.</p>	<p>Plan Change 6AA is operative, and Plan Changes 7 & 8 to the Regional Plan: Water and Plan Change 1 to the Regional Plan: Waste have completed the further submissions process with the Environmental Protection Authority. In October 2020, the Environmental Protection Agency advised that the plan changes have now been handed over to the Environment Court. Further submissions closed on 2 October and hearing scheduling is anticipated to be undertaken between November 2020 and February 2021.</p> <p>Staff have completed Key Issues Reports as directed by Section 149 of the Act. ORC have, at the request of the Environment Court, engaged two hearings administrators to directly support the hearings. One of these administration resources is a consultant, with direct experience of working for the EPA, and the second is a planner from the Consents Team.</p> <p>A review of the Waste and Water Plan is also now underway, as part of reviewing the existing planning framework to support the development of the proposed Land and Water Regional Plan.</p>
<p>Develop & adopt a programme of work to achieve the following:</p>		

<p><i>By November 2020, a complete review of the current RPS that is publicly notified, with the intention that it be made operative before the review of the LWRP is notified</i></p>	<p>The review of the current RPS has been completed, and staff are now working on developing policy papers to address all domain areas as outlined in the National Planning Standards. The review of the RPS has highlighted policy gaps and weaknesses with the current RPS which provides a useful starting point for the review.</p> <p>Consultants with policy development experience, and experience working on developing the National Planning Standards, have been engaged to assist staff. These consultants have also been assisting ORC through managing appeals to the Queenstown Lakes District Plan and so have particular experience with implementing ORC's current RPS.</p> <p>A work programme to enable notification of the RPS by November 2020 was agreed by Council in January 2020. Since that time, the COVID-19 pandemic has meant that a revised work programme was adopted by Council at its meeting of 22 April 2020. The work programme still meets the original November notification timeframes but now includes Stakeholder Reference Group engagement,</p> <p><i>This action point is partially completed and</i></p>	<p>The RPS programme is on track, and a draft RPS is nearly complete. The notification has been delayed until June 2021, with Ministerial approval, in order to allow development of FMU scale freshwater visions introduced with the Essential Freshwater Package.</p> <p>The Stakeholder Reference Groups met in June and July this year. These groups were extremely successful, and the requirement for online sessions due to COVID-19 meant that we were able to attract and engage with people that wouldn't normally be able to participate, including from all around the country.</p> <p>The Freshwater Visions programme is developed, with some consultation having occurred this month and the remainder in November.</p>
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	<i>will be reported on in the next six-monthly update.</i>	
<p><i>By 31 December 2023, a new LWRP for Otago that includes objectives, strategic policies, region-wide activity policies, & provisions for each of the FMU's, covering all catchments within the region</i></p>	<p>Staff are currently are developing an approach to manage the region-wide activity direction which will build on the existing Regional Plan Water, incorporate relevant outstanding provisions from the Regional Plan: Waste, and be drafted to comply with the National Planning Standards.</p> <p>Staff are also working with iwi to develop appropriate governance structures to ensure region wide activities and provisions for each FMUs are managed effectively throughout the development of the LWRP.</p> <p>Five FMU's were approved by Council in April 2019, as outlined in the Progressive Implementation Programme adopted in October 2018. Work on the Manuherekia, Arrow and Cardrona FMUs continues.</p> <p><i>This action point is partially completed and will be reported on in the next six-monthly update.</i></p>	<p>As noted above, the review of both the Water and the Waste Plan have commenced. An internal working group has been established to work through issues with the existing plan framework and identify gaps.</p> <p>A new governance structure has been approved by Council and put in place for the delivery of the Land and Water Regional Plan. This governance structure supports a partnership approach with iwi representation from governance and officer level.</p> <p>The extent and scope of the land component of the Land and Water Regional Plan is being refined with the LWRP Governance Group.</p>
<p>Prepare a Plan Change by 31 March 2020 that will provide an adequate interim planning & consenting framework to manage freshwater up until the time that new discharge and allocation limits are set, in line with</p>	<p>Plan Change 7 (Water Permits) was adopted by Council on 11 March 2020 and publicly notified on 18 March. Due to the impact of Covid19, the period for receiving submissions has been extended until 4 May 2020, and Plan Change 7 has now officially been called-in by the Minister.</p> <p>The Water Permits Plan Change has been designed</p>	<p>As noted above, Plan Change 7 has completed the submissions process with the Environmental Protection Authority and is now with the Environment Court. Further submissions closed on 2 October and scheduling of hearings dates and evidence exchange is expected soon.</p>

<p>requirements in the NPSFM.</p>	<p>to provide a short-term planning framework for all surface water and hydraulically connected groundwater consents that were coming up for renewal between the date of notification and 31 December 2025.</p> <p><i>While this action point is now considered fully satisfied, ORC will continue to report on the progress of the plan change until it is made operative.</i></p>	
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Summary of Freshwater Resource Consenting Activity – for the period 10 April – 30 September

The following is a summary of the freshwater resource consenting activity for the reporting period:

- Between 10 April 2020 and 30 September 2020, the Otago Regional Council received 45 applications for water take consents. These applications are being processed as 55 separate resource consents, with 26 for taking groundwater and 29 for taking surface water. Of the 45 applications, 7 relate to the replacement of Deemed Permits.
- From the 45 applications lodged between 10 April 2020 and 30 September 2020 Council issued 13 resource consents, 8 for taking groundwater and 5 for taking surface water. Of the remaining 42 resource consents, 24 are currently being processed and 18 have been rejected or withdrawn. The Council also issued a further 22 resource consents relating to applications lodged before 10 April 2020. These include 5 resource consent for taking groundwater and 17 for taking surface water. Of the 22 resource consents issued, 11 related to the replacement of 24 Deemed Permits.
- In total, the Council is currently processing 69 applications for water take consents. These applications are being processed as 126 Resource Consents, with 1 for taking groundwater and 125 for taking surface water. Of the 69 Applications, 33 relate to the replacement of Deemed Permits.
- Between 10 April 2020 and 30 September 2020 one application relating to taking water was publicly notified, and 8 applications were limited notified.
- There are currently 337 active Deemed Permits in the Otago Region including 17 that have been replaced but not surrendered.
- One appeal, to a decision on an application for a new water permit relating to a deemed permit, has been lodged with the Environment Court.

Next Steps

ORC will continue to progress its RPS review and the development of the LWRP and will next report progress back to you by 30 April 2021.

In the interim, if you have any questions or need further clarification, please don't hesitate to get in touch with Anita Dawe (anita.dawe@orc.govt.nz; or 021 445 993). In addition, ORC is happy to provide a draft Regional Policy Statement to you if it would assist you to understand the progress of that component of the work programme.

Yours sincerely

Sarah Gardner

9.2. Transfer of Building Consent Authority function to Environment Canterbury

Prepared for:	Council
Report No.	GOV1948
Activity:	Regulatory - Resource Consent Processing, Reviews & Appeals for RMA, Building Act and Dam Safety
Author:	Richard Saunders, General Manager Regulatory
Endorsed by:	Richard Saunders, General Manager Regulatory
Date:	19 October 2020

PURPOSE

- [1] To approve the transfer of Building Consent Authority functions under the Building Act 2004 from Otago Regional Council to Environment Canterbury.

EXECUTIVE SUMMARY

- [2] In 2007, Otago Regional Council (“ORC”) accepted the transfer of Building Consent Authority (“BCA”) functions under the Act for “Large Dams” from West Coast Regional Council and Environment Southland. The current transfer agreements end on 1 June 2021.
- [3] On 22 April 2020, Council approved commencement of the Special Consultative Process under the Local Government Act 2002 to initiate the transfer of Building Consent Authority functions to Environment Canterbury.
- [4] Following the consultation process, including a public hearing, Council approval is sought to transfer the Building Consent Authority Functions to Environment Canterbury as detailed in the Hearing Panel recommendation attached as Appendix 1.

RECOMMENDATION

That the Council:

- 1) **Receives** this report.
- 2) **Agrees** that the benefits of the proposed transfer of Building Consent Authority functions to Environment Canterbury outweigh any negative impacts of the proposal.
- 3) **Approves** the transfer of Building Consent Authority functions from Otago Regional Council to Environment Canterbury, as recommended by the Hearing Panel.
- 4) **Notes** that the transfer is subject to final approval by Environment Canterbury.

BACKGROUND

- [5] In 2007, Otago Regional Council (“ORC”) accepted the transfer of Building Consent Authority (“BCA”) functions under the Act for “Large Dams” from West Coast Regional Council and Environment Southland. ORC has remained an accredited BCA since. The current transfer agreements between West Coast and Southland end on 1 June 2021.

- [6] Following a review of costs to benefits associated with ORC remaining a BCA, Council staff recommended that the Council consider transferring its BCA functions to Environment Canterbury on the basis of cost effectiveness and efficiencies.
- [7] On 22 April 2020, Council approved commencement of the Special Consultative Process under the Local Government Act 2002 to initiate the transfer of Building Consent Authority functions to Environment Canterbury. On 24 June 2020, Council approved the Statement of Proposal (Attachment 2).
- [8] The Minister of Building and Construction was notified of the proposed transfer on 31 July 2020 (Section 17(5) of the Local Government Act 2002).
- [9] Consultation in accordance with the Special Consultative Procedure opened on 7 August 2020 and ended on 7 September 2020.
- [10] Similar processes have been followed by both Environment Southland and West Coast Regional Council who also intend to transfer their functions to Environment Canterbury.
- [11] Environment Canterbury have agreed to accept the transfer of BCA functions and discussions are ongoing regarding the terms of the Transfer Deed.

DISCUSSION

- [12] At the close of the consultation period, no submissions were received.
- [13] The Hearing Panel convened on 29 September 2020. The panel members were Councillor Noone and Councillor Wilson. Following consideration of the proposal by the Hearing Panel, no changes were recommended from what is currently proposed in the Statement of Proposal (Appendix 2).
- [14] The transfer will include all the Building Consent Authority functions under the Building Act 2004.
- [15] Otago Regional Council will maintain some functions under the Building Act 2004, including the enforcement of building code violations for dams that do not meet the definition of a "large dam" and the processing of Certificate of Acceptance and Project Information Memorandum applications.
- [16] The Hearing Panel are satisfied that an appropriate public consultation process has been undertaken.
- [17] The Hearing Panel is satisfied that the benefits of the proposed transfer to the Otago region outweigh any negative impacts of the proposal.
- [18] The Hearing Panel recommends that the ORC Transfers BCA functions as per the Statement of Proposal to Environment Canterbury, relating to any dam proposal that meets the definition of a "large dam" as defined in the Building Act 2004.
- [19] The full recommendation of the Hearing Panel is attached as Appendix 1.

OPTIONS

- [20] The recommended option is to accept the recommendations of the Hearing Panel for Council to transfer BCA functions to Environment Canterbury as per the Statement of Proposal.
- [21] An alternative option is not to approve the Hearing Panel's recommendations. This option would result in ORC to continue to act as a BCA on behalf of Southland, West Coast and Otago until 1 June 2021, and likely just Otago following this date.

CONSIDERATIONS

Policy Considerations

- [22] There are no policy considerations relevant to this.

Financial Considerations

- [23] There will be some direct costs associated with the transfer being legal and administrative cost associated with confirming details of Transfer Deed, however these are one-off costs as opposed to the cost of maintaining the BCA function.

Significance and Engagement

- [24] Consultation has been carried out in accordance with the Local Government Act 2002.

Legislative Considerations

- [25] The Council has met its obligations under the Local Government Act 2002 and Building Act 2004

Risk Considerations

- [26] There is a low level of risk associated with this decision given ORC may remain an accredited BCA until 1 June 2021 regardless of the decision. There will be a longer-term cost implication associated with remaining a BCA should be the decision be to not approve the Hearing Panel's recommendation.

NEXT STEPS

- [27] If the recommended option is approved, the Transfer Deed will be finalised and entered into between Environment Canterbury and Otago Regional Council. It is likely that a transitional period of approximately two to three months will be provided for to enable a handover of all relevant information and current applications.

ATTACHMENTS

1. Hearing Panel Deliberation BCA 2020 [9.2.1 - 2 pages]
2. Statement of Proposal Transfer of Functions 20200624 [9.2.2 - 10 pages]

Transfer of Building Consent Authority Functions Hearing Panel - Deliberation Report

BACKGROUND

- The Otago Regional Council has undertaken consultation on the proposed transfer of Building Consent Authority functions under the Building Act 2004 to Environment Canterbury.
- Consultation has been undertaken in accordance with the special consultative procedure in the Local Government Act 2002.
- Following the consultation period, the Otago Regional Council received no submissions.
- The Hearing Panel convened on the 29th September 2020. Members of this panel were Cr Andrew Noone (chair) and Cr Kate Wilson.
- Proceedings were recorded. The hearing was live streamed on YouTube.
- Mr. Charles Horrell (Consultant Planner) presented to the panel and talked to the Statement of Proposal which was provided as part of the consultation documents. He summarised the scope of the transfer, the reasons for the transfer and the responsibilities that Otago Regional Council will retain should the transfer occur.
- The Panel carefully and fully considered the Statement of Proposal and clarified the following matters:
 - Over the last 7 years there has been around 18 dams constructed or that are under construction. It is not anticipated that this will increase substantially in future.
 - The Otago Regional Council will retain the responsibilities associated with the ongoing integrity of dams (dam safety).
 - Environment Canterbury has confirmed that they are willing to accept the transfer of functions and intend to continue as a Building Consent Authority for the foreseeable future. Discussions are ongoing in relation to a formal agreement for providing this transfer.

DISCUSSION

- Following the consultation and hearing process, the Panel is satisfied that no further changes to the consulted document are required.
- The Panel note that ORC have followed an appropriate public process as set out in Section 245 for the transfer of a BCA function.
- The Panel note that due to the cost of accreditation, maintaining policies, procedures and systems, vastly outweighs time spent processing applications, efficiencies will be gained by transferring the processing of “large dam” applications to ECAN. The panel is therefore satisfied that the benefits of the proposed transfer to the Otago region outweigh any negative impacts of the proposal.
- The Panel note that smaller dams that do not meet the definition of a “large dam” do not require building consent however these smaller dams must still comply with the Building Code in accordance with Section 17 of the Building Act. This function is retained by Council along with Certificate of Acceptance and Project Information Memorandum applications.
- The recommendation of the Panel will be provided to the Council at the Council meeting scheduled for the 28th of October or at a later date.

RECOMMENDATION

The hearing panel recommends that Council:

1. The Hearings Panel recommends that the Otago Regional Council Transfers Building Consent Authority functions as per the Statement of Proposal to Environment Canterbury, relating to any dam proposal that meets the definition of a “large dam” as defined in the Building Act 2004.

Hearing Panel: Cr Andrew Noone (Chair)
Cr Kate Wilson



Signed on behalf of the hearing panel: _____

Date: 2 October 2020

Transfer of Building Consent Authority Functions under the Building Act 2004

Section 83: Statement of Proposal



24 June 2020

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Abbreviations

ORC	Otago Regional Council
BCA	Building Consent Authority
The Act	Building Act 2004
LGA	Local Government Act 2002
BCA Regulations	Building (Accreditation of Building Consent Authorities) Regulations 2006
IANZ	International Accreditation New Zealand

Executive Summary

The Building Act 2004 (“**the Act**”) sets responsibilities for Local Government in the consenting and management of the building consent process. All structures with the exception of dams are managed by Territorial Authorities. Dams are the responsibility of Regional Council’s and dams that meet the definition of a ‘large dam’ require Building Consent.

In 2007, Otago Regional Council (“**ORC**”) accepted the transfer of Building Consent Authority (“**BCA**”) functions under the Act for ‘Large Dams’ from West Coast Regional Council and Environment Southland. Since then, the ORC has remained the accredited BCA for Otago, West Coast and Southland which has been authorised through 3 extensions to the initial transfer agreements. Responsibilities have included the processing of Building Consents, Code Compliance Certificates and Certificate of Acceptance applications along with a variety of associated functions, including compliance and enforcement. In addition to undertaking these functions, the ORC has maintained its accreditation to act as a BCA in accordance with the Building (Accreditation of Building Consent Authorities) Regulations 2006 (“**BCA Regulations**”) through periodic accreditation audits undertaken by International Accreditation New Zealand (“**IANZ**”).

Due to the cost of accreditation with respect to the small number of applications processed, the Council has determined that it is necessary to no longer remain a BCA and transfer its BCA functions to Environment Canterbury. This sets out the Statement of Proposal in accordance with Section 83 of the Local Government Act 2002 (“**LGA**”) of ORC’s intension to transfer its BCA functions to Environment Canterbury.

Background

Under Sections 12 and 14 of the Act, Regional Council’s are responsible for the BCA functions relating to a building that is a dam. In accordance with Section 42 and Schedule 1 of the Act, any dam that does not meet the definition of a ‘Large Dam’ does not require building consent. Although these dams do not require building consent, they must still comply with the Building Code in accordance with Section 17 of the Act. For all dams that do meet the definition of ‘Large Dam’ require building consent and code compliance certificate to authorise their construction from the BCA.

A ‘Large Dam’ is defined in the Act as:

a dam that has a height of 4 or more metres and holds 20 000 or more cubic metres volume of water or other fluid

The ORC assumed its role as the accredited BCA on behalf of Otago, West Coast and Southland in 2007 following a transfer agreement with Southland and West Coast Regional Councils and successfully obtaining its BCA accreditation.

Due to the nature and complexity of large dams, expert engineering advice is required that cannot be provided within the Council. As such, all technical input in relation to the consenting of large dams is undertaken by various consultant engineers. The Council still undertakes an administrative role in the processing and issuing of Building Consents and Code Compliance Certificates. This administrative role current currently requires approximately 1 full time equivalent for staff hours. This is split between a number of roles at the Council and is mainly undertaken by member of the Consents Unit. **Figure 1** shows the structure of the BCA for both internal staff and the interaction with other consultants.

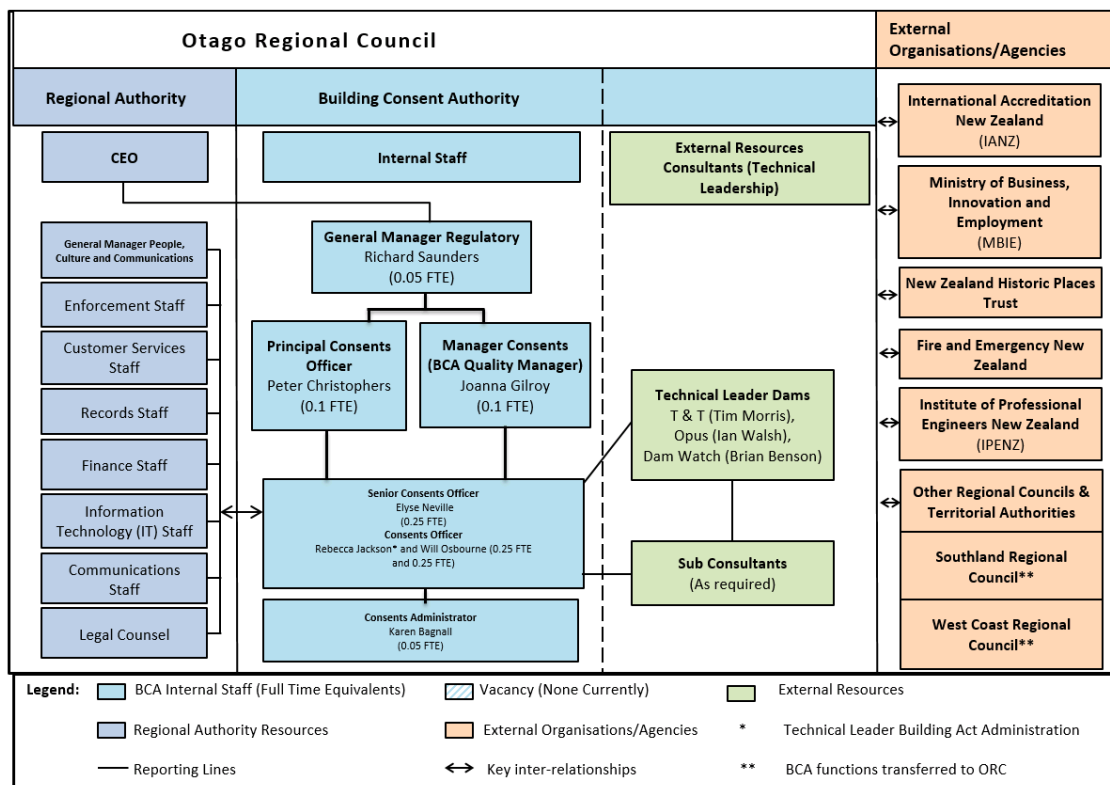


Figure 1: Structure of Building Consent Authority for the Otago Regional Council.

There are two components to the operation of the Building Consent Authority being:

- The process and issue of applications made under the Building Act 2004; and
- Adherence with the BCA Regulations.

The role of ORC staff in the processing and issue of applications is largely administrative with all technical consideration given by the consultant engineers. Consent Officers process applications based on technical advice from consultant engineers and decision are made based on these recommendations.

The BCA Regulations require the ORC to maintain policies, procedures and systems for the undertaking their BCA functions. ORC staff maintain and continually improve the policies, procedures and systems. ORC maintains over 30 process and procedure documents; 60 templates and regularly undertake reviews to ensure quality assurance.

To ensure that the ORC is adhering to the Act and the BCA Regulations in performing their functions, an accreditation audit is undertaken every two years by IANZ. The most recent accreditation audit was undertaken in May 2020 and the next audit will be required in May 2022.

The number of applications processed by the ORC has been reducing over time. Over the past 3 years, the Otago Regional Council has processed 7 Building Consents and 2 Code Compliance Certificates which averages to be 3 applications per year. In terms of staff hours, the proportion dedicated to maintaining and improving policies, procedures and systems vastly outweighs time spent processing applications.

The transfer agreements between Southland and West Coast enable the cost sharing of maintaining accreditation. With the current transfer agreements with Southland and West Coast due to expire in June 2021, consideration has been given to whether the ORC should continue to act as a BCA.

Proposal

Under Section 244 of the Act, a regional council may transfer part or all of its function, duties and powers under the Act to another regional council. The Otago Regional Council proposes to transfer **all** of its BCA functions under the Act. The functions that are proposed to be transferred are outlined below:

- The processing and issue of building consents
- Grant or waiver/modification of the building code
- Building on Land subject to natural hazards
- Buildings on 2 or more allotments
- Inspection of building works
- The processing and issue of Code Compliance Certificates
- Issue of Notice to Fix for large dams related to non-compliance with building consent
- Issue or amendment of compliance schedule
- Administration of Building Warrant of Fitness
- Associated information requirements, including keeping of and access to information and provision of information to the chief executive.

The ORC will retain a number of functions under the Act which include:

- Granting of exemptions under Schedule 1 of the Building Act 2004
- Project information memorandum (PIM) functions
- The processing and issue of Certificate of Acceptances
- Issue of Notice to Fix on dams that do not comply with the building code or any other parts of the Building Act not related to the building consent.
- Functions related to the dam register, Dangerous Dams Policy, classification of dams, dam safety assurance, dam compliance certificate.

The option of proposed transfer of Building Act functions requires ORC to act as a point of contact and information for matters relating to large dams or dangerous dams in Otago. It will also require ORC to undertake non-BCA activities to assist Environment Canterbury in processing building consent applications and undertaking inspections in Otago. The obvious rationale for this arrangement is that the closest regional authority is the logical initial point of contact for members of the public in the region. This arrangement also adds value in processing of Project Information Memoranda, which require unique information about the region that is held by ORC and the territorial authorities.

Reasons for proposal

Workload

As noted above, the workload over the past 3 years ORC has processed 9 applications. Considering the number of applications received by financial year, there can be seen to be a decline in applications revived over the past 3 years as shown in **Figure 2**.

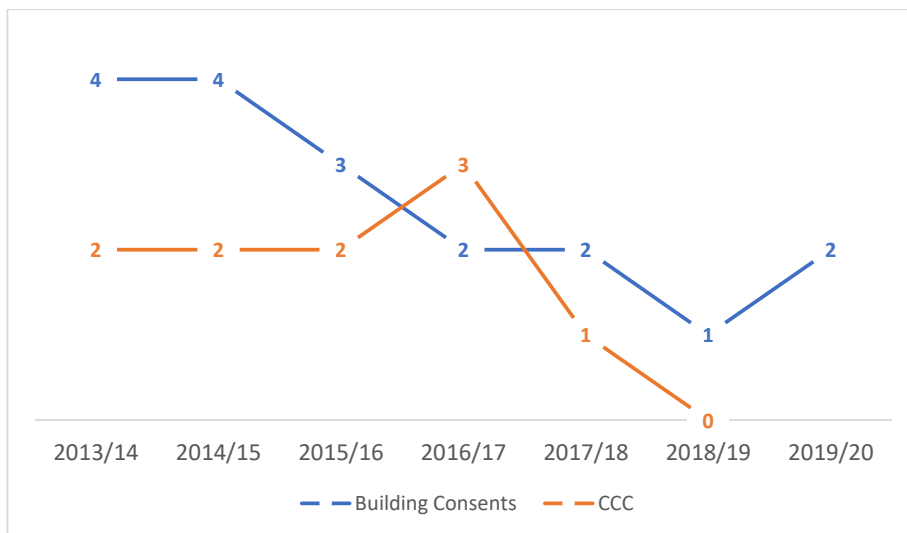


Figure 2: Number of Building Consents and Code Compliance Certificates processed by each financial year.

Although the workload for processing applications is low and decreasing, the same level of resources and maintenance of policies, procedures and systems is required.

Cost

The costs associated with staff time, training costs, accreditation cost and other administrative costs are becoming increasingly expensive for the few applications that are processed. In total, since 1 July 2016 the financial cost to ORC of being a BCA has been \$380,000¹. It is noted that this cost does include the processing and administration of Certificate of Acceptance applications which are not included in the transfer therefore this proportion of the cost would remain. This excludes costs recovered from West Coast Regional Council and Environment Southland. Taking the recovered costs² into consideration the cost to ORC has been \$241,000. Should ORC transfer its functions to Environment Canterbury, an annual fee will be required which is yet to be confirmed, however will be considerably less than the current cost.

There is also a staff time cost associated with maintaining its accreditation. The current system requires approximately 1 full time equivalent in staff hours which is approximately 1,950 hours per year. Cost associated with processing applications is recoverable through processing fees; however, all cost associated with maintaining accreditation is not recoverable. From July 2016 to March 2020 there have been approximately 1,800 staff hours committed to maintaining the accreditation. By transferring the BCA functions to Environment Canterbury, ORC will be able to dedicate this time on their core business of resource consent processing.

Efficiencies

Environment Canterbury currently process a similar number of Building Consents and Code Compliance Certificates. They also dedicate the majority of their time to maintaining procedures and accreditation. By absorbing the Building Consent Authority functions for Otago, and likely Southland

¹ Costs between 1 July 2016 and 17 June 2020 which include staff wages, consultancy services and disbursements.

² Revenue from processing fees of building consent applications and annual fee to Environment Southland and West Coast Regional Council

and West Coast, overhead costs of maintaining a BCA functions will be reduced by sharing these costs between the regional councils. It is proposed that the cost sharing is proportional based on the rate base of each region. In addition, it is more efficient for one BCA to service all of the South Island Regional Councils, with the exception of two Unitary Authorities. This will create a centre of excellence in the South Island and will also reduce potential for inconsistency of implementation of the Act across regions. This would reflect the system that is used in the North Island with Waikato Regional Council being the sole BCA.

Consideration of Alternatives

In considering whether to transfer its BCA functions to Environment Canterbury, ORC considered the following alternatives before identifying the preferred option:

1. Continue to remain a Building Consent Authority / Status Quo; or
2. Transfer Functions to another Regional Authority.

Status Quo

The option to continue to act as BCA has been considered. As noted in the previous section, ORC has processed very few applications over the proceeding years which has led to disproportionate costs associated with maintaining its accreditation. It would be inefficient to continue to operate as BCA. There is also risk that Environment Southland and West Coast Regional Council will not continue to transfer their functions to ORC resulting in further costs for ORC.

Transfer to another Regional Authority

There are currently four Regional Authorities who are accredited Building Consent Authorities in New Zealand, in addition to Otago Regional Council. These authorities are:

- Environment Canterbury on behalf of Canterbury;
- Marlborough District Council on behalf of Marlborough;
- Tasman District Council on behalf of Tasman; and
- Waikato Regional Council on behalf of all North Island regions.

An alternative would be to transfer functions to either Marlborough District Council, Tasman District Council or Waikato Regional Council. Marlborough and Tasman District Councils have not indicated any interest in absorbing any further BCA functions and very rarely have dealt with large dams in their region. Waikato Regional Council would be another option for transfer; however, Waikato Regional Council being based in the Central North Island, geographically it would be impractical to transfer to WRC rather than retaining a notion of local service in the South Island by transferring to Environment Canterbury.

Transfer of Functions

The Act sets out a procedure in Section 245 for a transfer of BCA functions. ORC must -

- (a) *use the special consultative procedure in section 83 of the Local Government Act 2002; and*
- (b) *serve notice on the Minister (of Building and Construction) of its proposal to transfer the function, duty, or power; and*
- (c) *agree with the other regional authority to whom the function, duty, or power is to be transferred that the transfer is desirable on either or both of the following grounds:*

- (i) *efficiency:*
- (ii) *technical or special capability, or expertise.*

The special consultative procedure as required under Clause (a) will be followed for which this Statement of Proposal is in accordance with. The special consultative procedure under the LGA allows time for public submissions. These submissions may raise issues requiring changes in the overall intent and/or scope of the proposed transfer as proposed by ORC. Further details of the timetable for consultation is given in the following section.

Clause (b) requires ORC to notify the Minister of Building and Construction of the proposed transfer of BCA functions. The Minister will be sent a copy of this Statement of Proposal for her information as part of the required notification.

Discussions with Environment Canterbury are current in progress over the details of the transfer agreement. In principal, ORC and Environment Canterbury have agreed that the transfer is desirable on the grounds of both efficiency and the special capability that is required for undertaking BCA functions.

Public Consultation and Submissions

The Council welcome feedback on the proposed transfer of BCA Functions. We invite any member of the public or organisation to make a submission on the proposed transfer of functions. Submissions should be directed toward matters associated with the transfer of BCA functions only.

Timetable for consultation

The timetable for consultation is outlined in **Table 1**.

Table 1: Timetable for consultation process.

Stage	Date
Notify the Minister of Building and Construction of the proposed transfer	31 July 2020
Consultation commences	7 August 2020
Submissions close	7 September 2020
Subcommittee Hearing	29 September 2020
Recommendation to Council	28 October 2020 ³

How to make a submission

Any person or organisation may make a submission. Submissions can be made in support, neutral or in opposition. You will need to provide details of your specified position and what you seek from the Council. Submissions can be made via post or online.

The Council intend to hold a hearing on 29 September 2020 in Dunedin. If you would like the opportunity to speak to your written submission, please advise that you wish to be heard in your submission.

Either post submissions to:

³ This is a tentative date based on the current timetable for Council meetings

BCA Transfer Submissions
Otago Regional Council
Private Bag 1954
Dunedin 9054

Or online at: <https://yoursay.orc.govt.nz>

Submissions must be received no later than 5 pm on 7 September 2020.

Every submission made to the ORC will be acknowledged in accordance with the LGA, will be copied and made available to the public, and every submission will be heard in a meeting that is open to the public.

9.3. Council Appointment: Manuherekia Freshwater Management Unit and Manuherekia Reference Group

Prepared for:	Council
Report No.	GOV1950
Activity:	Governance Report
Author:	Amanda Vercoe, Executive Advisor
Endorsed by:	Cr Andrew Noone, Chairperson
Date:	Friday 16 October

PURPOSE

- [1] To add an additional governance appointment to the Council's Manuherekia Freshwater Management Unit appointments and the Manuherekia Reference Group.

RECOMMENDATION

That the Council:

- 1) **Receives** this report.
- 2) **Appoints** Councillor Kevin Malcolm as an additional Freshwater Management Liaison to the Manuherekia Freshwater Management Unit.
- 3) **Appoints** Councillor Kevin Malcolm as an additional ORC governance representative on the Manuherekia Reference Group.

BACKGROUND

- [2] At Council on 26 August 2020, Council agreed to Freshwater Management Unit Liaisons as part of the Council and Committee decision making structure. Councillor Andrew Noone was appointed as the liaison for the Manuherekia Freshwater Management Unit (FMU), and as the councillor representative to the Manuherekia Reference Group (MRG).
- [3] Chair Noone has asked that Councillor Kevin Malcolm be appointed as a second liaison to the Manuherekia FMU and the MRG, to assist with workload.

CONSIDERATIONS

Policy Considerations

- [4] Not applicable.

Financial Considerations

- [5] Not applicable.

Significance and Engagement

- [6] Not applicable.
-

Legislative Considerations

[7] Not applicable.

Risk Considerations

[8] Not applicable.

NEXT STEPS

[9] The next steps are, if appointed, for Councillor Malcolm to attend meetings related to the above appointments.

ATTACHMENTS

Nil

10.1. Documents Signed Under Council Seal

Prepared for:	Council
Report No.	GOV1952
Activity:	Governance Report
Author:	Liz Spector, Committee Secretary
Endorsed by:	Sarah Gardner, Chief Executive
Date:	21 October 2020

PURPOSE

- [1] To inform the Council of delegations which have been exercised during the period 26 August 2020 through 28 October 2020.

DOCUMENTS

Date Signed	Document Description
9/9/2020	Amended Navigation Safety Bylaw 2019, effective 14 Sept 2020
23/09/2020	S417 Certificate S4170058, Mt Pisa Vineyard Limited of Cooper Aitken Limited, 42 Moorhouse St, Morrinsville: Use and Maintain No. 3231B (mining Privilege No 1378Cr).
23/09/2020	S417 Certificate S4170057, Awataieri Holdings Limited of IDL Limited, Level 1, 69 Tarbert St, Alexandra: Use and Maintain No. 3258B (Mining Privilege No. 4853N).
24/09/2020	S417 Certificate S4170056: Lancewood Holdings (2015) Limited, Use and Maintain No. 3701B (Mining Privilege No WR10727CR)
24/9/2020	S417 Certificate S4170061: Stephen Brian Holland and Margaret Michelle Holland; Use and Maintain No. 3243B (Mining Privilege No. WR1553N)
24/9/2020	S417 Certificate S4170062: Stephen Brian Holland and Margaret Michelle Holland; Use and Maintain No. 3218B (Mining Privilege No. WR3343N)
14/8/2020	S417(2) Certificate WR1518N3247: Patrick Kinney and Kirstey Kinney, 8683 Hyde-Middlemarch Rd, Hyde, RD3 Ranfurly; Use and Maintain WR1518. Note this is a replacement for CS2020:595 which was returned due to a clerical error.
14/8/2020	Certificate under S417(2) of the RMA 1991, Use and maintain 3260B (mining priv WR8335). Patrick Gerald Kinney and Kirsty Kinney, 8682 State Hwy 87, RD 3, Hyde. Note this is a replacement for CS2020:602 which was returned due to a clerical error.

RECOMMENDATION

That the Council:

- 1) **Receives** this report.

Report Back from Cr Calvert
20 October 2020

I attended a zoom meeting for Audit and Risk chairs concerning our role in the LTP process.

My take homes from it were:

1. There are extra considerations for the LTP this time. These include the effects of COVID-19, sea level rise, water reforms and change of land use.
2. These considerations should be addressed in the LTP, together with an acknowledgement of the assumptions made concerning these issues (as well as assumptions about the usual matters).
3. We should look at what we were told during the audit process for the last LTP and compare that with what we have actually done, i.e. have we addressed any issues raised?
4. It is the role of the Audit and Risk Subcommittee to ensure that a financial strategy is prepared and being carried out and that financial prudence is being displayed. Likewise, any infrastructure strategies their risks and whether the consequences of the choices are properly considered and flagged.
5. The CE should be asked what processes are in place to ensure that the LTP is robust.
6. Risks and mitigations should be reported regularly to the Audit and Risk Subcommittee.
7. Performance measures in the LTP should reflect what outcomes we actually want in language we can understand and is measurable, e.g. if it is a water supply measure, that the average person can fill a 10 litre bucket in 10 seconds from their tap.

Cr Hilary Calvert

Councillor Forbes Report Back

- October 1 Clutha field trip. Several councillors, staff and consultants visited sites around the lower Clutha and delta region. A wetland restoration project, a Pāmu farm, flood banks and schemes. I found it an informative and helpful day with lots of time for questions.
- October 2 Climate Reference Group discussion with QLDC people around transport and emissions.
- October 8 Cr Kelliher and I took part in an informal Q&A discussion with Central Otago people at an event organised by Greg Bodeker. *See separate report*
- October 10 Attended Jobbortunities expo in Queenstown supporting staff on the ORC stand. There are many people excited about possibilities of jobs in nature and also some with high environmental skills interested in working at ORC.
- October 12 Informal catchup with staff in ORC Queenstown office.
Data and information committee preparation and briefing meeting with Cr Hobbs and Dr Elsum.
- October 13 Radio Central fortnightly interview
Meeting Wakatipu Reforestation Trust
- October 16 Dart/Rees update briefing with staff
Discussion with Cr Wilson and Dr Palmer re: system to follow through and resolve bus complaints.
- October 19 Frankton Community association meeting – General ORC update
- October 20 Queenstown Transport Governance Group with Cr Noone and Dr Palmer.

Councillor Report back – Central Otago Q&A event with Crs Kelliher and Forbes

Key issues raised and discussed were:

1. Pests – rabbits in particular but also wallabies. Concern about follow up to operations such as Clyde. Make sure there is adequate allocation in the LTP and keep a watching brief. Education, monitoring and enforcement need to happen, and staff are stretched too thin.
2. Concerns about accountability and priorities – environment or economy? More genuine engaged consultation is needed. The reference group model was supported but needs follow up so people are confident of their influence. More engagement wanted between ORC and territorial authorities.
3. Water. Updates on what's happening and what's next?
4. Air quality. A lot of concern and questions about the air plan review.
5. Transport – A desire for regional public transport and desire to be involved in the review of the RPTP.

Greg Bodeker's chairing allowed everyone to speak and ensured genuine engagement. Around 20 people took part and the response was good. People said they would like further meetings in this style.

12.1. Recommendations of the Data and Information Committee, 14 October 2020

RECOMMENDATION

That the Council:

- 1) **Adopts** the recommendations of the 14 October 2020 Data and Information Committee.

1. Update on Biodiversity Mapping Project

Resolution

That the Committee:

- 1) **Receives** this report.
- 2) **Notes** that Phase 1 (mapping) of the Biodiversity Mapping and Ecological Prioritisation Project is complete and Phase 2 (zonation analysis) is on track to be complete by 30 October 2020.

Moved: Cr Robertson

Seconded: Cr Hobbs

CARRIED

2. Update on the Geology and Ground Conditions of South Dunedin and Harbourside

Resolution

That the Committee:

- 1) **Receives** this report.
- 2) **Notes** the current state of knowledge of the geology and ground conditions of South Dunedin and Harbourside.
- 3) **Makes** this information publicly available through the National Geotechnical Database and ORC's Otago Natural Hazards Database.
- 4) **Provides** this information to Dunedin City Council for incorporation into building control, utility infrastructure and land use planning decisions.

Moved: Cr Hobbs

Seconded: Cr Hope

CARRIED

3. State of the Environment (SOE) Report Card

Resolution

That the Committee:

- 1) **Forwards** a copy of the report to the Otago Catchments Group.

Moved: Cr Deaker

Seconded: Cr Hope

CARRIED

Resolution

That the Committee:

- 1) **Notes** the report.

Moved: Cr Hobbs

Seconded: Cr Hope

CARRIED

4. Proposed Estuary Monitoring Programme

Resolution

That the Committee:

- 1) **Receives** this report.
- 2) **Notes** the proposal to expand ORC's estuary monitoring programme to create a representative SoE monitoring network for estuaries.

Moved: Cr Wilson

Seconded: Cr Hobbs

CARRIED

12.2. Recommendations of the Implementation Committee, 14 October 2020

RECOMMENDATION

That the Council:

- 1) **Adopts** the recommendations of the 14 October 2020 Implementation Committee.

1. Biosecurity Implementation Improvement Update – Pest Management

Resolution (1)

That the Committee:

- 1) **Receives** this report.
- 2) **Notes** the recent development and implementation of a programme of work to deliver on Council's feral rabbit responsibilities under the previously approved Regional Pest Management Plan, Operational Plan.
- 3) **Notes** progress made in developing a revised inspection and compliance approach.
- 4) **Notes** increased operational focus on land occupier compliance including land owned or controlled by the Crown, Crown agencies and local authorities.
- 5) **Notes** progress made by the Otago Regional Council to establish and implement a model to support small-scale landowner led rabbit control operations.
- 6) **Notes** the range of business improvements made to the rabbit programme, and wider Biosecurity function, to order to achieve the objectives of the Regional Pest Management Plan, Operational Plan and better meet community expectations.
- 7) **Notes** the planned recruitment of three additional fixed-term positions within the Biosecurity team, two of which will focus exclusively on ORC's Regional Pest Management Plan - Rabbit Programme.
- 8) **Notes** that detailed resourcing required to better deliver a comprehensive rabbit management programme aligned to Council's responsibilities under the Regional Pest Management Plan and communities' expectations will be presented as part of the forthcoming Long-Term Plan 2021-2031 development process.

Moved: Cr Wilson

Seconded: Cr Noone

CARRIED

Resolution (2)

That the Committee:

- 1) **Affirms** options 2 or 3 when considering the future use of ORC rabbit control assets.

Moved: Cr Calvert

Seconded: Cr Forbes

CARRIED

2. Catchment Support Advisory Group Report Back

Resolution

That the Committee:

- 1) **Receives** this report.
- 2) **Notes** the previously approved allocation of \$200,000 in the 2020/2021 financial year to fund the development of an umbrella entity and to support co-ordination and administrative roles that facilitate 'on the ground' action to improve water quality in the region's water bodies.
- 3) **Notes, with thanks,** that the Catchment Support Advisory Group has completed its work and has now disbanded.
- 4) **Notes** that Council will be asked to nominate representatives for the new Otago Catchment Communities governance board.
- 5) **Endorses** establishing a Memorandum of Understanding between the Otago Regional Council and the umbrella entity, once formed, detailing ongoing partnership and collaboration roles and responsibilities.
- 6) **Notes** that, once formed, a funding agreement will be established with the umbrella entity detailing payments, deliverables and reporting requirements.
- 7) **Notes** that a longer-term budget for supporting the region's Catchment Groups will be presented as part of the forthcoming Long-Term Plan 2021-2031 development process.

Moved: Cr Wilson
Seconded: Cr Malcolm
CARRIED

12.3. Recommendations of the Regulatory Committee, 15 October 2020

RECOMMENDATION

That the Council:

Adopts the recommendations of the 15 October Regulatory Committee.

1. Compliance Plan

Resolution

That the Council:

- 1) **Receives** the report.
- 2) **Endorses** the Otago Regional Council Compliance Plan 2020-22.
- 3) **Notes** that the Otago Regional Council Compliance Plan 2020-22 is consistent with the principles of the Regional Sector Strategic Compliance Framework 2019-24 and the Ministry for Environment Best Practice Guidelines for Compliance Monitoring and Enforcement.
- 4) **Notes** that a Compliance Policy will be prepared for Council approval in 2021, and that the Otago Regional Council Compliance Plan 2020-22 will be updated to reflect the Council direction.
- 5) **Notes** that an annual compliance report will be prepared to show delivery on the Otago Regional Council Compliance Plan 2020-22.

Moved: Cr Robertson

Seconded: Cr Wilson

CARRIED

2. Regulatory Group - Quarterly Activity Report

Resolution

That the Council:

- 1) **Receives** this report.
- 2) **Notes** the update report from the Regulatory Group for the period 1 July 2020 to 30 September 2020.
- 3) **Requests** the Chair and CEO to actively pursue with Central Government and LGNZ better cellular coverage in Otago to ensure staff and residents can fully engage in online data, monitoring and information opportunities and requirements.

Moved: Cr Wilson

Seconded: Cr Calvert

CARRIED

3. Update on Implementation of NESFW and PC8

Resolution

That the Council:

- 1) **Receives** this report.
- 2) **Notes** that the Regulatory Group has been working to implement the Action Plan for Healthy Water and Plan Change 8 to the Water Plan.

Moved: Cr Wilson
Seconded: Cr Forbes
CARRIED

The following resolution is made in reliance on sections 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 7 of that Act.

On the grounds that matters will be prejudiced by the presence of members of the public during discussions on the following items, it is resolved:

1) *That the following items are considered with the public excluded:*

Meeting Item	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
<p><i>1.1 Minutes of the 30 September 2020 public excluded Council Meeting</i></p>	<p>To protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information—would be likely otherwise to damage the public interest – Section 7(2)(c)(ii)</p> <p>To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities – Section 7(2)(h)</p> <p>To enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) – Section 7(2)(i)</p>	<p>Section 48(1)(a); Subject to subsection (3), a local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on 1 or more of the following grounds:(a) that the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</p>
<p><i>2.1 National Wallaby Funding Round 2020 - 2024</i></p>	<p>To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities – Section 7(2)(h)</p> <p>To enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) – Section 7(2)(i)</p>	<p>Section 48(1)(a); Subject to subsection (3), a local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on 1 or more of the following grounds:(a) that the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</p>
<p><i>2.2 Set Chief Executive Key Performance Indicators FY21</i></p>	<p>To protect the privacy of natural persons, including that of deceased natural persons – Section 7(2)(a)</p>	<p>Section 48(1)(a); Subject to subsection (3), a local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on 1 or more of the</p>

		following grounds: (a) that the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.
<i>2.3 Port Otago Resolution in Lieu of Annual Shareholders' Meeting</i>	<p>To protect the privacy of natural persons, including that of deceased natural persons – Section 7(2)(a)</p> <p>Maintain the effective conduct of public affairs through the protection of such members, officers, employees, and persons from improper pressure or harassment – Section 7(2)(f)(ii)</p> <p>Enable any Council holding the information to carry out, without prejudice or disadvantage, commercial activities – Section 7(2)(h)</p>	<p>Section 48(1)(a); Subject to subsection (3), a local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on 1 or more of the following grounds: (a) that the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</p>