

Council Meeting - 26 April 2023

Meeting will be held at Rosebank Motor Lodge, 265 Clyde Street, Balclutha
[ORC YouTube Livestream](#)



Members:

Cr Cr Gretchen Robertson, Chairperson	Cr Tim Mephram
Cr Lloyd McCall, Deputy Chairperson	Cr Andrew Noone
Cr Alexa Forbes	Cr Bryan Scott
Cr Gary Kelliher	Cr Alan Somerville
Cr Michael Laws	Cr Elliot Weir
Cr Kevin Malcolm	Cr Kate Wilson

Senior Officer: Pim Borren, Interim Chief Executive

Meeting Support: Trudi McLaren, Governance Support Officer

26 April 2023 01:00 PM

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2. APOLOGIES	
No apologies were submitted prior to publication of the agenda	
3. PUBLIC FORUM	
Requests to speak should be made to the Governance Support team on 0800 474 082 or to governance@orc.govt.nz at least 24 hours prior to the meeting, however, this requirement may be waived by the Chairperson at the time of the meeting.	
No requests to speak during Public Forum were received prior to this meeting.	
4. 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.	
5. DECLARATION OF INTERESTS	
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. The ORC Councillor Register of Interests is published to the website.	
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11. RESOLUTION TO EXCLUDE THE PUBLIC 126

That the Council excludes the public from the following part of the proceedings of this meeting (pursuant to the provisions of the Local Government Official Information and Meetings Act 1987), namely:

- Confidential minutes of the 22 March 2023 Council Meetings
- Recommendations of Audit and Risk Subcommittee - Confidential, 23 March 2023

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12. CLOSURE



Otago
Regional
Council

Council MINUTES

Minutes of an ordinary meeting of the Otago Regional Council held in the Council Chamber, Level 2 Philip Laing House, 144 Rattray Street, Dunedin on Wednesday 22 March 2023, commencing at 1:00 PM.

PRESENT

Cr Gretchen Robertson *(Chairperson)*
Cr Lloyd McCall *(Deputy Chairperson)*
Cr Alexa Forbes
Cr Gary Kelliher
Cr Michael Laws
Cr Kevin Malcolm
Cr Tim Mephram
Cr Andrew Noone
Cr Bryan Scott
Cr Alan Somerville
Cr Elliot Weir

1. WELCOME

Chairperson Robertson welcomed Councillors, members of the public and staff to the meeting at 1:00 pm and gave a karakia. Staff present included Pim Borren, (interim Chief Executive), Nick Donnelly (GM Corporate Services), Anita Dawe (GM Policy and Science), Gavin Palmer (GM Operations), Richard Saunders (GM Communications), Amanda Vercoe (GM Governance, Culture and Customer), Joanna Gilroy (interim GM Regulatory), Liz Spector (Governance Support), Trudi McLaren (Governance Support), Jo Galer (Manager Comms and Marketing), Andrea Howard (Manager Executive Advice), Simon Hartley (Media Lead), Mike Roesler (Manager Corporate Planning), Warren Hanley (Sr Resource Planner Liaison), Fleur Matthews (Manager Policy and Planning), Lorraine Cheyne (Manager Transport) and Doug Rodgers (interim Manager Transport).

2. APOLOGIES

Resolution: Moved: Cr Noone. Seconded: Cr Weir

That the apologies for Cr Wilson be accepted.

MOTION CARRIED

3. PUBLIC FORUM

Quentin Jane, President of the Otago Uni Students' Association and Tessa Campbell, political representative of the Association, spoke to the Councillors about provision of free bus fares for tertiary students. Following questions by Councillors, Cr Robertson thanked them for attending the meeting.

Alex Gorrie and a group of supporters addressed the Council about the importance of honouring te tiriti. Following questions by Councillors, Cr Robertson thanked them for attending the meeting.

Pierre Marasti, representing Extinction Rebellion spoke to the Councillors about climate change. Following questions by Councillors, Cr Robertson thanked him for attending the meeting.

4. CONFIRMATION OF AGENDA

Cr Robertson requested to move the report *Opening and Closing ORC Council Meetings* to the first item of business under Matters for Consideration.

Moved: Cr Robertson, Seconded: Cr Scott:

That the Opening and Closing ORC Council Meetings report be considered the first item of business under Matters for Consideration.

MOTION CARRIED

5. DECLARATIONS OF INTERESTS

No changes to the Declarations were noted.

6. CONFIRMATION OF MINUTES

6.1. Minutes of the 22 February 2023 Council Meeting

Resolution: Cr Weir Moved, Cr Somerville Seconded

That the minutes of the (public portion of the) Council meeting held on 22 February 2023 be confirmed as a true and accurate record.

MOTION CARRIED

6.2. Minutes of the 8 March 2023 Council Meeting

Resolution: Cr Forbes Moved, Cr Noone Seconded

That the minutes of the (public portion of the) emergency Council meeting held on 8 March 2023 be confirmed as a true and accurate record.

MOTION CARRIED

7. ACTIONS (STATUS OF COUNCIL RESOLUTIONS)

7.1. Actions

Councillors reviewed the open actions from resolutions of Council with staff. No changes were noted.

8. MATTERS FOR CONSIDERATION

8.1. Opening and Closing ORC Council Meetings

This report was provided to enable discussion at Council around opening and closing Council and Committee meetings. Cr Robertson spoke to the paper, noting ORC Standing Orders currently provides for use of a formal welcome including karakia to open or close meetings where appropriate.

Several Councillors stated their reasons for using or not using karakia to open or close council and committee meetings. Cr Mephram noted the significance of the karakia that had been gifted to the Otago Regional Council by the rūnaka and Cr Somerville said he thought it was important to acknowledge mana whenua and the function of a karakia brings focus to matters at hand. Cr Forbes said an important function of the karakia was to show council and committee meetings are a safe place for Māori to engage. Cr Weir suggested the karakia created a sense of purpose for the meeting and signaled commitment to partnership. Cr Noone said bicultural competency was an individual journey, but he had no concerns regarding the wording of Standing Orders as an appropriate guide for the use of karakia at meetings. Cr Laws stated he had an objection to religion or the supernatural being imposed in council meetings and said freedom from religion is legislated in the Bill of Rights. Cr Scott asked that his objection to Cr Laws statement be recorded in the minutes.

Cr Robertson noted the karakia gifted by the rūnaka was not religious and Councillors had a choice on whether to attend meetings where they would be used. Cr Malcolm stated he had no objection to the karakia but thought the question should be where and when to use it. He asked for more training and understanding and to find other ways to bring the community together. Cr Kelliher said Standing Orders gives the decision on whether to use a karakia to chairs of each meeting. He said as a meeting chair he would not use the karakia but would respect anyone who chooses to. Cr McCall agreed the opportunity to use the karakia is determined by the meeting chair and said its use would be a significant step in the development of the partnership with mana whenua.

Following further discussion, Cr McCall moved the report be noted.

Resolution CM23-127: Cr McCall Moved, Cr Forbes Seconded

That the Council:

- 1) **Notes** this report.

MOTION CARRIED

Cr Laws requested his vote against the motion be recorded in the minutes.

8.2. Six Monthly Report to the Minister

The report was presented to update Council on the seventh progress report to the Minister for the Environment which updated the Minister on capacity and capability, and work programmes in accordance with the requirements set out in the initial 2019 correspondence from Minister Parker. Anita Dawe (Manager Policy and Science) and Fleur Matthews (Manager Policy and Planning) were present to respond to questions about the report. Ms Matthews noted that the draft letter included in the agenda had been written before receiving the extension approval from Minister Parker. She noted an amended draft letter had been circulated to Councillors to reflect the extension.

Following questions by Councillors, it was moved:

Resolution CM23-128: Cr McCall Moved, Cr Forbes Seconded

That the Council:

- 1) **Notes** this report.
- 2) **Approves** the seventh report to the Minister for the Environment, that reports on progress against the recommendations made in his letter dated 19 November 2019.
- 3) **Notes** that the next report will be brought to Council in September 2023.

MOTION CARRIED

8.3. Update from Lakes Management Working Group

At its 7 December 2022 meeting, Council agreed to establish a Lakes Management Working Group to respond to the opportunities for improvement raised by the Parliamentary Commissioner for the Environment. This report provided an update to Council on the activities of the newly formed Lakes Management Group and a draft Terms of Reference for the working group. Andrea Howard (Manager Executive Advice) was available to respond to questions about the report.

Councillors asked for clarity on which lakes were to be included in the working group's terms of reference. Dr Borren (interim CE) noted that the group was set up in response to the letter from the Parliamentary Commissioner for the Environment Simon Upton noting concerns over the deep water alpine lakes. Dr Borren suggested that he was looking to the MfE for possible co-funding opportunities to address the concerns. He said there was a separate body of work planned to prioritise work on all 7000 lakes in Otago.

Cr Somerville asked if the Otago Lakes Strategic Plan and the Lake Management Strategy were separate. Ms Howard said staff were undergoing a further review that would input into whether a broader strategy was needed and would bring back recommendations to Council by 1 June

2023. Dr Borren stated this working group should not be isolated from the rest of the work underway on lake management. He then asked Councillors for a steer on whether the deep-water alpine lakes should be prioritised or if staff should stay with the original work program of 7000 lakes. Cr Somerville noted there was some confusion in the Terms of Reference that should be clarified.

Following further discussion, Dr Borren said initial work would focus on the deep-water alpine lakes, then move on to a wider focus. Cr McCall said this working group should be focusing on alpine lakes only. He said if their focus was to expand to all Otago lakes, the working group would need to expand its membership to obtain representation from across Otago. Cr Borren agreed the wording in the Terms of Reference needed to be clarified to focus on the five deep water alpine lakes and to acknowledge a bigger program of work is still necessary.

Cr Malcolm then moved:

Resolution CM23-129: Cr Malcolm Moved, Cr Forbes Seconded

That the Council:

- 1) **Notes** this report.
- 2) **Approves** the Terms of Reference for the Working Group subject to clarification of the focus on the five deep-water alpine lakes.
- 3) **Notes** the complementary work underway to prepare for an overarching Lakes Management Strategy.

MOTION CARRIED

Cr Noone left the meeting at 2:53 pm.

Cr Noone returned to the meeting at 2:56 pm.

Cr Robertson adjourned the meeting at 3:10 pm for a 15-minute break.

Cr Robertson reopened the meeting at 3:30 pm.

8.4. Proposal to participate in CouncilMARK programme

This report sought Council approval to participate in the national CouncilMARK™ programme, an independent performance assessment and continuous improvement initiative. Richard Saunders (GM Communications) was present to respond to questions about the report. He noted if Council decided to participate in the programme, it would be unrelated to the 22 February 2023 Council resolution to have an independent efficiency review conducted.

Following a discussion of the report and the CouncilMARK programme, a motion was made:

Resolution CM23-130: Cr Laws Moved, Cr Malcolm Seconded

That the Council:

- 1) **Notes** this report.
- 2) **Approves** Council's participation to the CouncilMARK™ programme.
- 3) **Approves** the Chief Executive to enter into a formal agreement with CouncilMARK™ to undertake an independent assessment in 2023.

MOTION CARRIED

8.5. Queenstown Lakes Future Development Strategy: Governance Arrangements

This report set out how ORC would work with Queenstown Lakes District Council (QLDC) on the development of the Queenstown Future Development Strategy. Anita Dawe (Manager Policy and Science) and Fleur Matthews (Manager Policy and Planning) were present to respond to questions about the report. Ms Matthews noted that joint workshops between ORC and QLDC Councillors and staff would be conducted, and future key decisions would be brought to Council for consideration.

Following further discussion and questions, Cr Noone moved:

Resolution CM23-131: Cr Noone Moved, Cr Forbes Seconded

That the Council:

- 1) **Notes** that at its meeting on 13 July 2022, the Council endorsed the use of the existing Grow Well Whaioara partnership to deliver the FDS in partnership with QLDC.
- 2) **Notes** that joint workshops will be held with QLDC Councillors to seek ORC input on the FDS; and
- 3) **Notes** that there will be key decisions that both Councils will be required to approve during the development and approval of the FDS.

MOTION CARRIED

8.6. Appointed Member Remuneration

This report was provided to give Councillors options for setting remuneration rates for external appointments to ORC's Committees for the 2022-2025 triennium. Amanda Vercoe (GM Governance, Culture and Customer) was present to respond to questions about the report.

Following a discussion of the options presented, Cr Mephram suggested the rate of 20% of a Councillor salary divided by the number of meetings would be reasonable way to manage the payments and Cr Laws moved:

Resolution CM23-132: Cr Laws Moved, Cr Weir Seconded

That the Council:

- 1) **Notes** this report.
- 2) **Agrees** a per-meeting mechanism for remunerating external members to ORC Committees for the 2022-2025 triennium and that be funded out of the Governance budget.
- 3) **Approves** remuneration for the Land and Water Governance Group external appointments funded out of the LWRP budget.
- 4) **Notes** that the remuneration will be operationalised by the Chief Executive.

MOTION CARRIED

8.7. ORC consultation responses to The Future for Local Government draft report, the Natural and Built Environment Bill and Spatial Planning Bill

This report was provided to formally document two submissions lodged in February on behalf of Council, regarding the Natural and Built Environment Bill and Spatial Planning Bill before the

Environment Select Committee, and the Review into the Future for Local Government draft report. Anita Dawe (GM Policy and Science) and Warren Hanley (Sr Resource Planner Liaison) were present to respond to questions about the report and submissions.

Cr Somerville noted an inconsistency in one of the submissions. Ms Dawe stated she would clarify the inconsistency with an email to Councillors.

Cr Weir then moved:

Resolution CM23-133: Cr Weir Moved, Cr McCall Seconded

That the Council:

- 1) **Notes** the attached submission on the Natural and Built Environment Bill and Spatial Planning Bill, lodged with the Environment Committee on 4 February 2023; and
- 2) **Notes** the attached response to the Future for Local Government draft report, submitted to the review panel on 28 February 2023.

MOTION CARRIED

8.8. ORC Submission Made on the Local Government Official Information and Meetings Amendment Bill (Natural Hazards)

This report provided Council with an overview of a 3 February 2023 submission lodged by staff on the 'Local Government Official Information and Meetings Amendment Bill' to the Governance and Administration Committee (the Select Committee). Anita Dawe (GM Policy and Science) and Warren Hanley (Sr Resource Planner Liaison) were present to respond to questions about the submission.

Following questions by Councillors, Cr Noone moved to note the report.

Resolution CM23-134: Cr Noone Moved, Cr Scott Seconded

That the Council:

- 1) **Notes** this report.
- 2) **Notes** the staff submission lodged on the Local Government Official Information and Meetings Amendment Bill.

MOTION CARRIED

8.9. Draft ORC submission for Resource Management (Infringement Offences) Regulations 1999

This report was provided to recommend to Council a submission on the Resource Management (Infringement Offences) Regulations 1999 consultation from the Ministry for the Environment (the Ministry). Anita Dawe (GM Policy and Science), Warren Hanley (Sr Resource Planner Liaison), and Tami Sargeant (Manager Compliance) were present to respond to questions about the submission.

Following questions for staff, Cr Malcom asked for a greater understanding on how staff time, legal costs, and other associated costs are considered when making infringement decisions. He

suggested a workshop could be useful. Richard Saunders (GM Communications) agreed to arrange a workshop.

Cr Scott then moved:

Resolution CM23-135: Cr Scott Moved, Cr Weir Seconded

That the Council:

- 1) **Notes** this report.
- 2) **Approves** the attached draft ORC submission on the Resource Management (Infringement Offences) Regulations 1999 consultation and authorises it be lodged with the Ministry for the Environment by 31 March 2023.

MOTION CARRIED

9. RECOMMENDATIONS ADOPTED AT COMMITTEE MEETINGS

9.1. Recommendations of the Finance Committee

Resolution CM23-136: Cr Malcolm Moved, Cr Somerville Seconded

That the Council adopt the recommendations of the [23 February 2023 Finance Committee](#).

MOTION CARRIED

9.2. Recommendations of the Public and Active Transport Committee

Resolution CM23-137: Cr Forbes Moved, Cr Noone Seconded

That the Council adopts the recommendations of the [22 February 2023 Public and Active Transport Committee](#).

MOTION CARRIED

10. CHAIRPERSON'S AND CHIEF EXECUTIVE'S REPORTS

10.1. Chairperson's Report

Resolution: Cr Scott Moved, Cr Noone Seconded

That the Chairperson's report be noted.

Motion Carried

10.2. Chief Executive's Report

Resolution: Cr Noone Moved, Cr McCall Seconded

That the Chief Executive's report be noted.

Motion Carried

11. RESOLUTION TO EXCLUDE THE PUBLIC

Cr Robertson moved to go into public excluded per the reasons specified in the agenda and Cr McCall seconded.

Cr Laws then stated his opposition to any of the three reports being considered with the public excluded. He urged the decisions to be made in public to promote transparency to the

community. Interim CE Pim Borren said staff undergo a process prior to putting reports on a confidential agenda, including a review by the in-house legal counsel to ensure the reasons selected under the LGOIMA are appropriate and applied consistently.

Cr Weir said while all three reports may meet the legal threshold for exclusion, Councillors may still opt to consider the reports in public. Cr Malcolm agreed and asked that the entire process be examined. Cr Mepham said exclusions should be used sparingly and a more robust process around the Executive Leadership Team could be part of that. Councillors then agreed they would like more information on public exclusion rules and Amanda Vercoe (GM Governance, Culture and Customer) said she would be happy to provide more information including a possible workshop on LGOIMA rules and procedures. Cr Robertson asked that processes related to release of confidential information be included in that workshop.

Cr Robertson then put the motion to the vote.

Resolution: Cr Robertson Moved, Cr McCall Seconded:

That the Council moved into confidential session under LGOIMA 48(1)(a) to consider:

- Confidential Minutes of the 22 February 2023 Council Meeting
- Confidential Minutes of the 8 March 2023 Council Meeting
- Median Wage Uplift for Bus Drivers
- Appointment of Iwi Representatives to Committees
- On-lending Agreement Variation

MOTION CARRIED

A division was called:

Vote

For:	Cr Forbes, Cr McCall, Cr Mepham, Cr Noone, Cr Scott, Cr Somerville and Cr Robertson
Against:	Cr Kelliher, Cr Laws and Cr Malcolm
Abstained:	Cr Weir

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
<i>Confidential Minutes of the 22 February 2023 Meeting</i>	To protect information where the making available of the information— would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information – Section 7(2)(b)(ii) To protect information which is subject to an obligation of confidence or which	

	<p>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 to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied – Section 7(2)(c)(i)</p> <p>To avoid prejudice to measures protecting the health or safety of members of the public – Section 7(2)(d) To maintain legal professional privilege – Section 7(2)(g)</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>To prevent the disclosure or use of official information for improper gain or improper advantage – Section 7(2)(j)</p>	
<p><i>Confidential Minutes of the 8 March 2023 Meeting</i></p>	<p>To protect the privacy of natural persons, including that of deceased natural persons – Section 7(2)(a)</p> <p>To maintain legal professional privilege – Section 7(2)(g)</p>	
<p><i>3.1 Median Wage Uplift for Bus Drivers</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</p>

		the disclosure of information for which good reason for withholding would exist.
<i>3.2 Appointment of iwi representatives for Committees</i>	To protect the privacy of natural persons, including that of deceased natural persons – Section 7(2)(a)	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.
<i>3.3 On-lending Agreement Variation</i>	To maintain legal professional privilege – Section 7(2)(g) To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities – Section 7(2)(h) 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)	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.

Cr Laws left the meeting at 4:36 pm.

12. CLOSURE

There was no further business and Chairperson Robertson declared the meeting closed at 4:34 pm.

Chairperson

Date

DRAFT MINUTES

Action Register

Search Criteria

Showing Completed Items: Yes

Include Items Completed From: 17/03/2023

Applied Filters

Start Meeting Date: 1st Oct 2022

Meeting Types: Council Meeting

Generated By: Liz Spector

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Council Meeting - 26 April 2023 - OPEN ACTIONS FROM RESOLUTIONS OF 2022 - 2025 COUNCIL MEETINGS

Document	Item	Status	Action Required	Assignee/s	Action Taken	Due Date
Council Meeting 2022.12.07	GOV2277 Consideration of terms of reference for committee structure adopted on 9 Nov 2022	In Progress	Provide a report to the Public and Active Transport Committee (PATC) on possible development of a regional public and active transport connectivity strategy by 30 April 2023. Res CM22-290	Interim Chief Executive, Manager Transport, Manager Transport	14/02/2023 EA to CE and Chair: This action is progressing. 28/03/2023 Manager Transport Report prepared for 10 May meeting	10/05/2023
Council Meeting 2022.12.07	COMS2204 Otago Regional Council Community Survey Results 2022	In Progress	Provide progress reports on the Community Survey Action Plan to the Regional Leadership Committee during the 2023 financial year. Res CM22-300	General Manager Regulatory and Communications, Manager Communications and Marketing	01/02/2023 GM Regulatory and Comms R Saunders: A report will be prepared for the 10 May 2023 Regional Leadership Committee agenda.	31/12/2023
Council Meeting 2023.02.22	CS2304 Annual Plan 2023/24	Assigned	Have an independent efficiency review performed in FY 2023/24 to inform the Long-Term Plan process. CM23-111	General Manager Corporate Services and CFO, General Manager Regulatory and Communications, Interim Chief Executive		31/12/2023
Council Meeting 2023.02.22	GOV2286 Proposal for Participating in a Regional Sector Shared Services Council Controlled Organisation	Assigned	Undertake steps to become a shareholder in Regional Software Holdings Ltd including the signing of a Deed of Accession. CM23-113	General Manager Corporate Services and CFO		22/03/2023
Council Meeting 2023.02.22	Recommendations of the Environmental Implementation Committee	Assigned	Investigate the process required to have RHDV removed from the National Unwanted Organism list. EIC23-104	General Manager Operations, Team Leader Environmental Implementation		30/06/2023
Council Meeting 2023.03.22	GOV2306 Proposal to participate in CouncilMARK programme	Assigned	The Chief Executive will execute an agreement with CouncilMARK to undertake an independent assessment in 2023.	General Manager Regulatory and Communications		06/12/2023

Council Meeting - 26 April 2023 - OPEN ACTIONS FROM RESOLUTIONS OF 2022 - 2025 COUNCIL MEETINGS

Document	Item	Status	Action Required	Assignee/s	Action Taken	Due Date
			Res CM23-130			
Council Meeting 2023.03.22	Recommendations of the Finance Committee	Assigned	Chief Executive directs staff to undertake further work towards development of an annual awards programme including detailed costs AND provide a report to Council for consideration during the upcoming LTP process (Res FIN23-103). Res CM23-136	General Manager Regulatory and Communications		31/12/2023
Council Meeting 2023.03.22	Recommendations of the Public and Active Transport Committee	Assigned	Chief Executive to sign the Unit 5 Southern Routes PT services contract extending expiry date to 30 June 2024 (Res. PAT23-103) Res CM23-137	Interim Chief Executive		28/06/2023

8.1. Minor changes to Flood Protection Management Bylaw 2022

Prepared for: Council
Report No. OPS2258
Activity: Governance Report
Author: Michelle Mifflin, Manager Engineering; Alison Weaver, Team Leader
Commercial and Regulatory
Endorsed by: Gavin Palmer, General Manager Operations
Date: 26 April 2023

PURPOSE

- [1] Council approval is required to correct errors in the base layer of some of the maps contained in the schedules to the Flood Protection Management Bylaw 2022 in accordance with the Local Government Act 2002 (“LGA”).

EXECUTIVE SUMMARY

- [2] The Flood Protection Management Protection Bylaw 2022 (“Bylaw”) was adopted by Council on 29 June 2022¹.
- [3] At the Council meeting of 28 September 2022, minor changes to the legends of the maps in the schedules to the Bylaw were approved².
- [4] It has been subsequently identified that the base maps contain several errors or inaccuracies in the place names shown in the schedules. This issue does not affect the location or accuracy of the data recording the flood protection works which are subject to the Bylaw.
- [5] Approval is sought to replace the existing base map with the reviewed base map.
- [6] In accordance with section 156 of the LGA, minor changes may be made to the Bylaw or the correction of errors in the Bylaw may occur by resolution of Council provided the changes do not affect an existing right, interest, title, immunity or duty of any person to whom the Bylaw applies or an existing status or capacity of any person to whom the Bylaw applies. The changes proposed are minor to correct geographic errors.

RECOMMENDATION

That the Council:

- 1) **Notes** this report.
- 2) **Approves** the minor changes to the Flood Protection Management Bylaw 2022 by adopting the maps in attachments 5 to 8 to replace the current maps shown in attachments 1 to 4.

¹ Bylaw Review Adoption, Report ENG2202, Report to 29 June 2022 meeting of Otago Regional Council.

² Approve Minor Amendments to Bylaw, Report EN>>>> Report to 28 September 2022 meeting of Otago Regional Council.

- 3) **Approves** the public notification of the minor changes to the Flood Protection Management Bylaw 2022.

BACKGROUND

- [7] The Flood Protection Management Protection Bylaw 2022 (“Bylaw”) was adopted by Council on 29 June 2022³.
- [8] At the Council meeting of 28 September 2022, minor changes to the legends of the maps in the schedules to the Bylaw were approved⁴.
- [9] It was also identified that some of the place names in the schedules were incorrect or inaccurate.
- [10] Following the 28 September 2022 meeting, it was identified that the base map contained a number of errors or inaccuracies in the place names across the schedules including those referred to in paragraph 9.
- [11] Approval is sought to replace the existing base maps with the reviewed base maps.
- [12] Under section 156(2) of the LGA, Council may make minor changes to, or correct errors in, a bylaw provided the changes do not affect the existing position of a person to whom the Bylaw applies⁵.

DISCUSSION

- [13] Attachments 1 to 4 to this paper contains the maps currently contained in the Bylaw being Schedules 1 to 4. Attachments 5 to 8 to the papers contains the proposed amended maps to the Bylaw being proposed Schedules 1 to 4.

³ Bylaw Review Adoption, Report ENG2202, Report to 29 June 2022 meeting of Otago Regional Council.

⁴ Approve Minor Amendments to Bylaw, Report EN>>>> Report to 28 September 2022 meeting of Otago Regional Council.

⁵ 156 Consultation requirements when making, amending, or revoking bylaws made under this Act
(1) When making a bylaw under this Act or amending or revoking a bylaw made under this Act, a local authority must—
(a) use the special consultative procedure (as modified by section 86) if—
(i) the bylaw concerns a matter identified in the local authority’s policy under section 76AA as being of significant interest to the public; or
(ii) the local authority considers that there is, or is likely to be, a significant impact on the public due to the proposed bylaw or changes to, or revocation of, the bylaw; and
(b) in any case in which paragraph (a) does not apply, consult in a manner that gives effect to the requirements of section 82.
(2) Despite subsection (1), a local authority may, by resolution publicly notified,—
(a) *make minor changes to, or correct errors in, a bylaw, but only if the changes or corrections do not affect—*
(i) *an existing right, interest, title, immunity, or duty of any person to whom the bylaw applies; or*
(ii) *an existing status or capacity of any person to whom the bylaw applies;*
(b) convert an imperial weight or measure specified in a bylaw into its metric equivalent or near metric equivalent. (Italics added)

- [14] The amendments made are:
- a. Correction of the spelling of Lake Tuakitoto (from Taukitoto)
 - b. Barnego is now correctly located on the northern side of Clutha River.
 - c. Maukaatua Scenic Reserve has replaced Waipori Falls Scenic Reserve.
 - d. Mayfield Yards has been removed.
- [15] The replacement of the base map means that some underlying geographical information is shown differently. For example, on Sheet 1 of Schedule 1 (page 1 of attachment 5) now shows the place names Kakapuaka and Romahapa but does not show Stony Creek. These changes do not affect the operation of the Bylaw.
- [16] The base map provides background geographical information such as rivers, lakes, and place names. The Bylaw information for operation of the Bylaw is contained in the layers which overlay the base map. This includes information such as the location of defences against water, scheduled drains and other flood protection works. The location and status of the flood protection works are not altered by the proposed modification of the base map.

OPTIONS

- [17] The first option is not to approve the resolution to replace the base maps. This will not affect the operation of the Bylaw, but it will mean that there is some inaccurate information on the maps, for example Tuakitoto being spelt incorrectly as Taukitoto.
- [18] The second option is to approve the resolution to replace the base maps. This does not alter the effect or operation of the Bylaw but ensures base data is accurate. This option is recommended.

CONSIDERATIONS

Strategic Framework and Policy Considerations

- [19] There are no strategic framework and policy considerations associated with receiving this report.

Financial Considerations

- [20] There are no financial considerations for Council associated with receiving this report.

Significance and Engagement Considerations

- [21] Consultative procedures under the LGA occurred during the review of the Bylaw. Pursuant to s156 of the LGA, minor amendments may be made if it does not affect the existing position of people. No consultation is required under the LGA.
- [22] These changes do not trigger the need for consultation under the Significance and Engagement Policy or the LGA.

Legislative and Risk Considerations

- [23] The proposed minor changes are in accordance with the LGA. Public notice of the changes will occur if the amendment is approved by Council.

Climate Change Considerations

- [24] The assets subject to the Bylaw and proposed minor changes and corrections assist in adaptation to the effects of future climate change.

Communications Considerations

- [25] If the proposed changes and corrections are approved, the public will be notified of the amendment by newspaper notice and notice on the ORC website.
- [26] Stakeholders and submitters on the Bylaw review will be notified of the changes by email.

NEXT STEPS

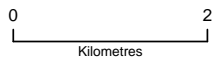
- [27] If Council resolves to approve the minor changes and corrections to the Bylaw:
 - a. The electronic version of the Bylaw will be updated and published.
 - b. An updated paper version of the Bylaw will be published.
 - c. Notice of the amendment will be published in the regional newspaper.
 - d. Notice of the amendment will be emailed to stakeholders and submitters.

ATTACHMENTS

- 1. First Schedule approved 2022 [**8.1.1** - 4 pages]
- 2. Second Schedule approved 2022 [**8.1.2** - 12 pages]
- 3. Third Schedule approved 2022 [**8.1.3** - 11 pages]
- 4. Fourth Schedule approved 2022 [**8.1.4** - 6 pages]
- 5. First Schedule proposed replacement [**8.1.5** - 4 pages]
- 6. Second Schedule proposed replacement [**8.1.6** - 12 pages]
- 7. Third Schedule proposed replacement [**8.1.7** - 11 pages]
- 8. Fourth Schedule proposed replacement [**8.1.8** - 6 pages]



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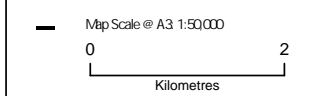
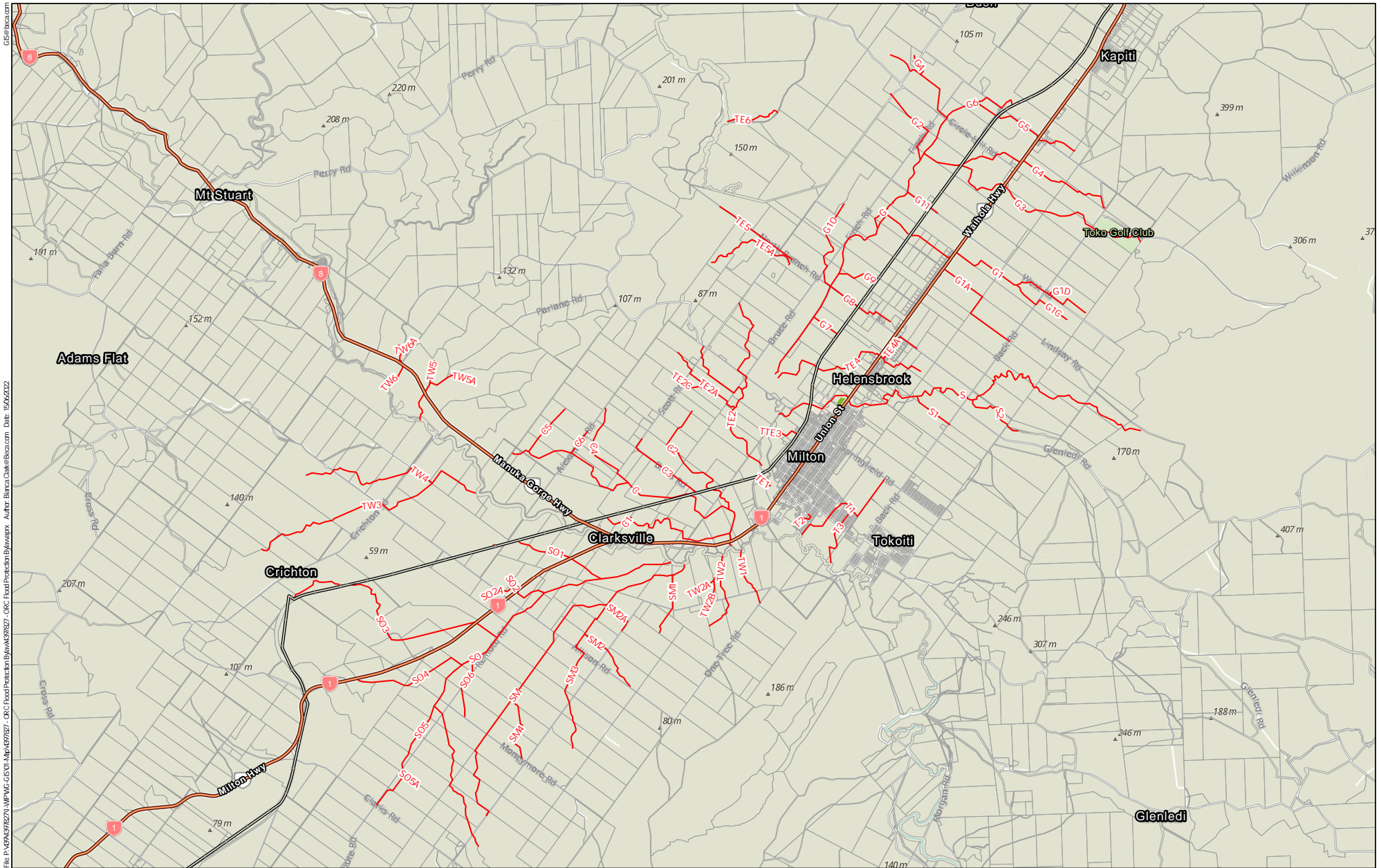


First Schedule
Lower Clutha Scheduled Drains

- Legend
- Scheduled Drains
 - NZ Primary Land Parcels



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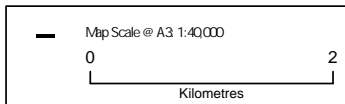
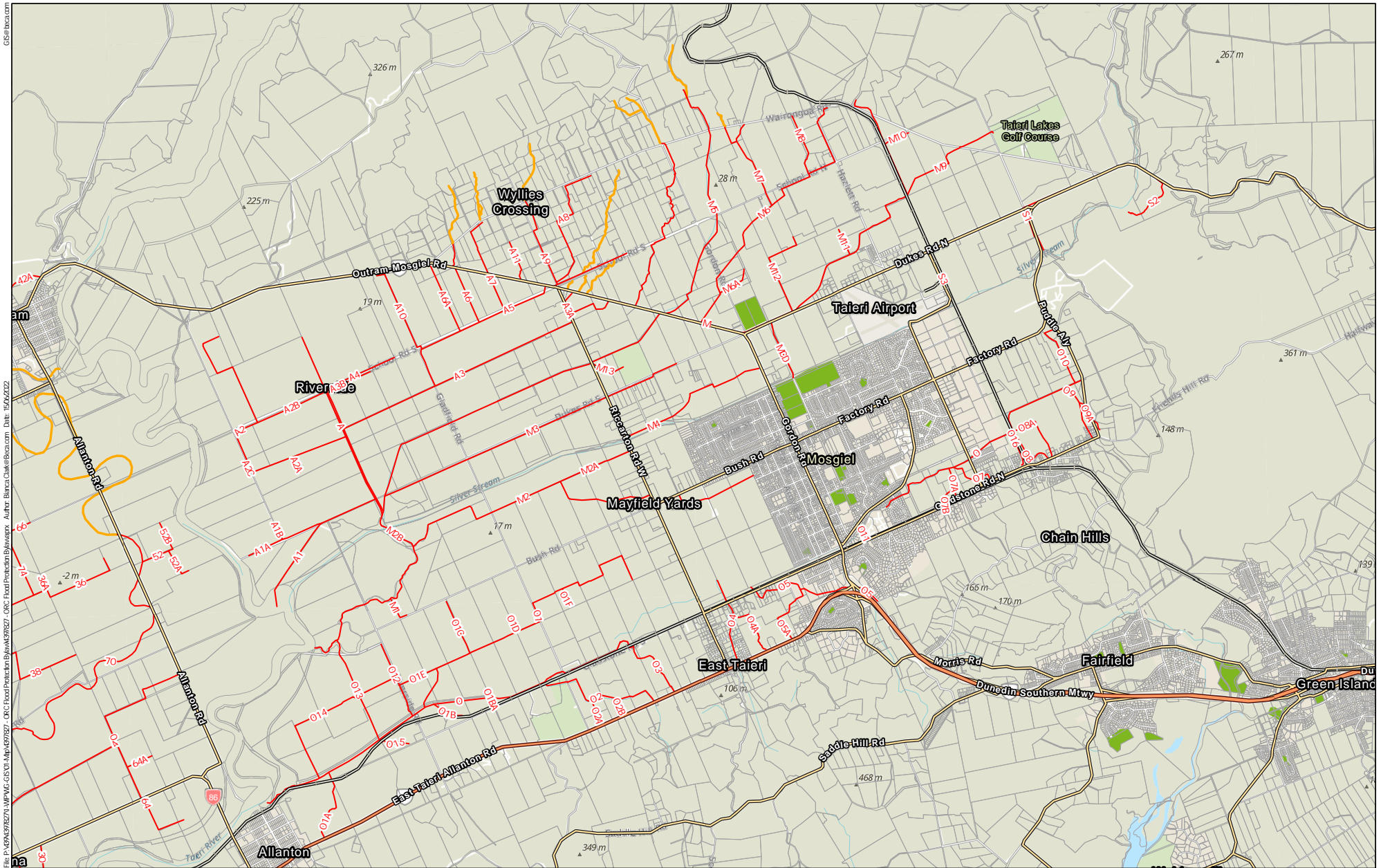


First Schedule
Tokomairiro Scheduled Drains

- Legend
- Scheduled Drains
 - NZ Primary Land Parcels



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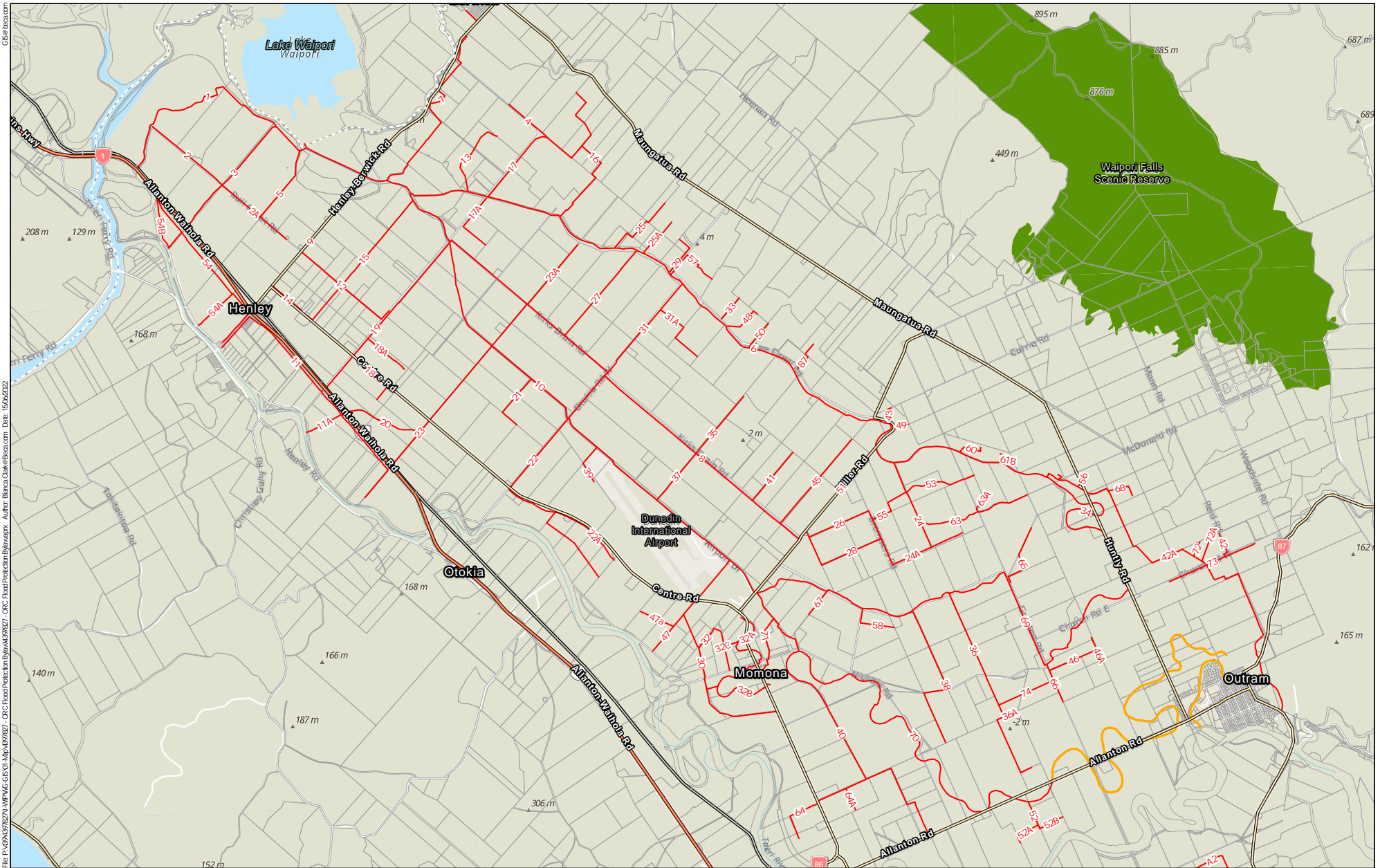


First Schedule
East Taieri Scheduled Drains and Overland Flow Paths

- Legend
- Scheduled Drains
 - Overland Flow Paths
 - NZ Primary Land Parcels



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Map Scale @ A3 1:45,000


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First Schedule

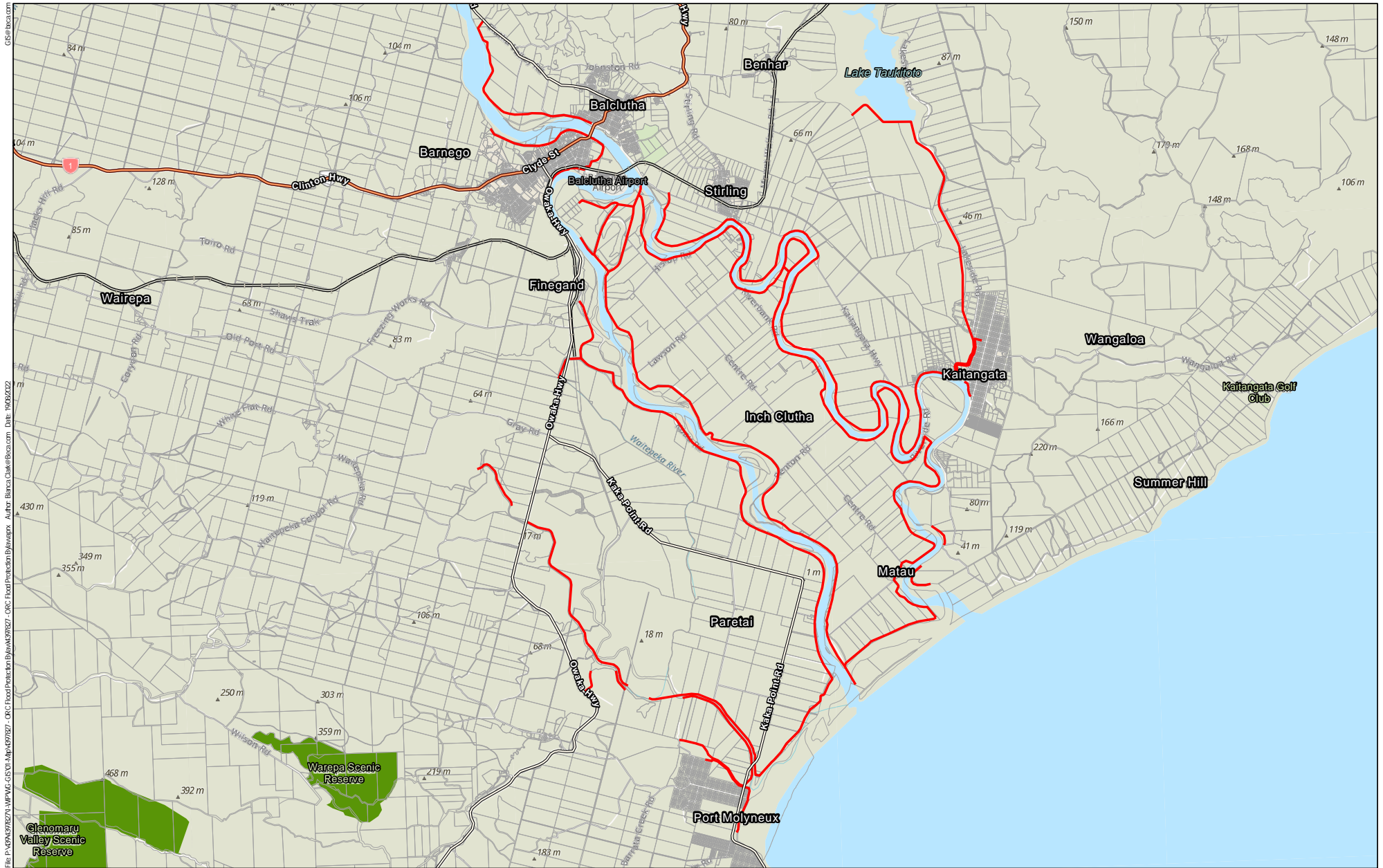
West Taieri Scheduled Drains and Overland Flow Paths

Legend

- Scheduled Drains
- Overland Flow Paths
- NZ Primary Land Parcels



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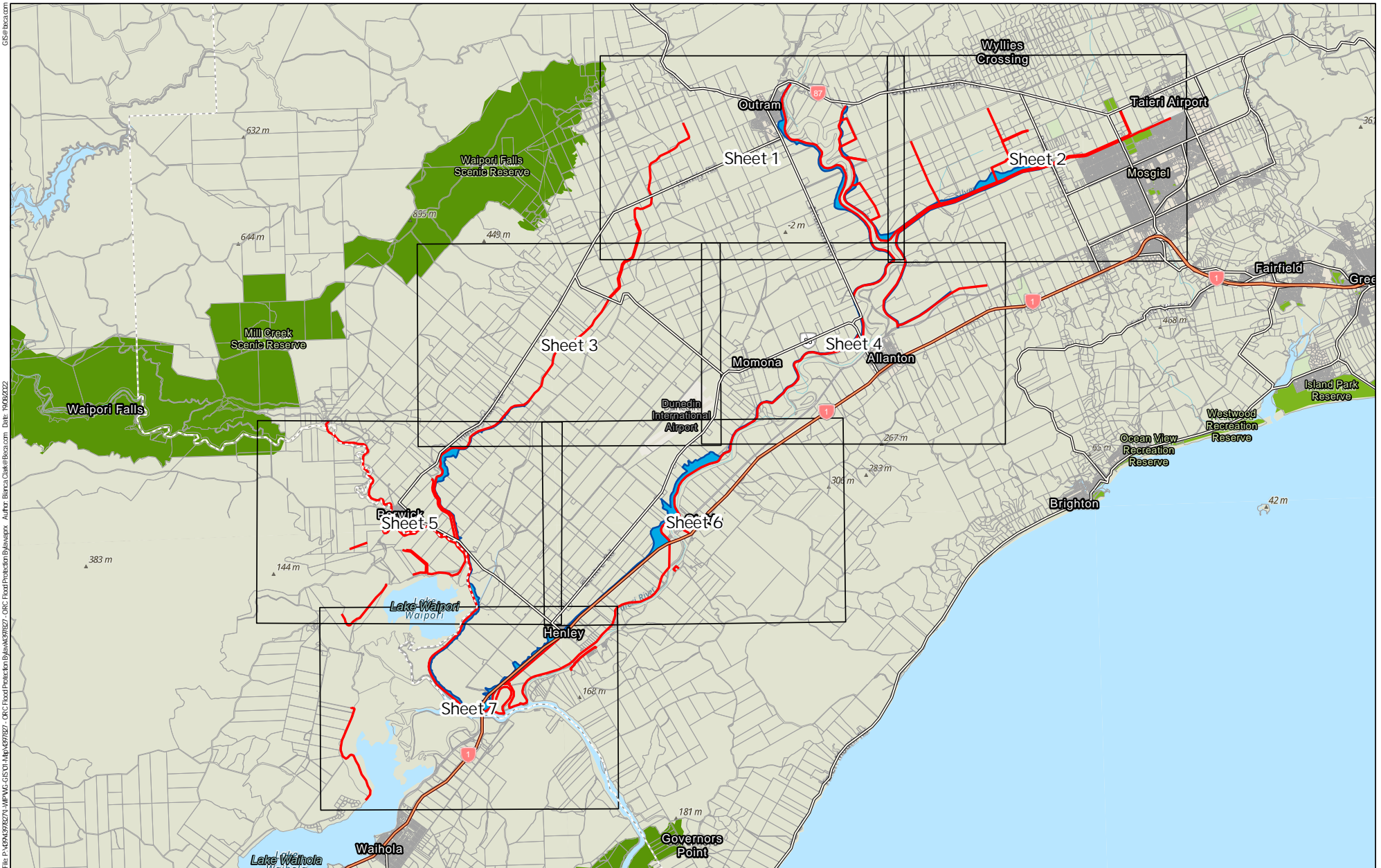
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Second Schedule
 Lower Clutha Defences Against Water

Legend
— Defence Against Water
 NZ Primary Land Parcels



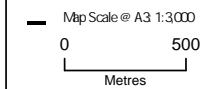
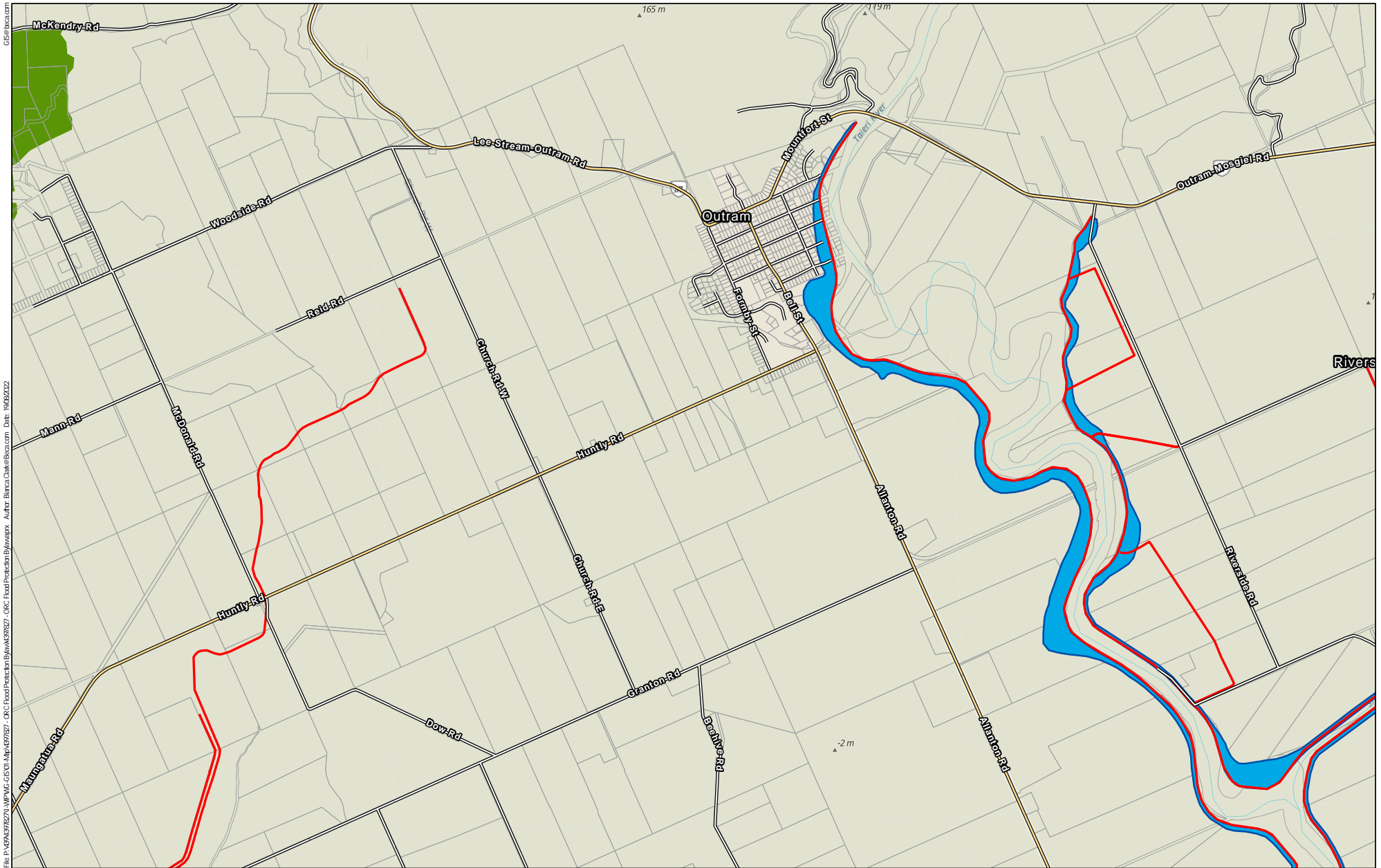
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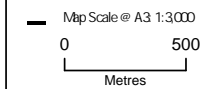
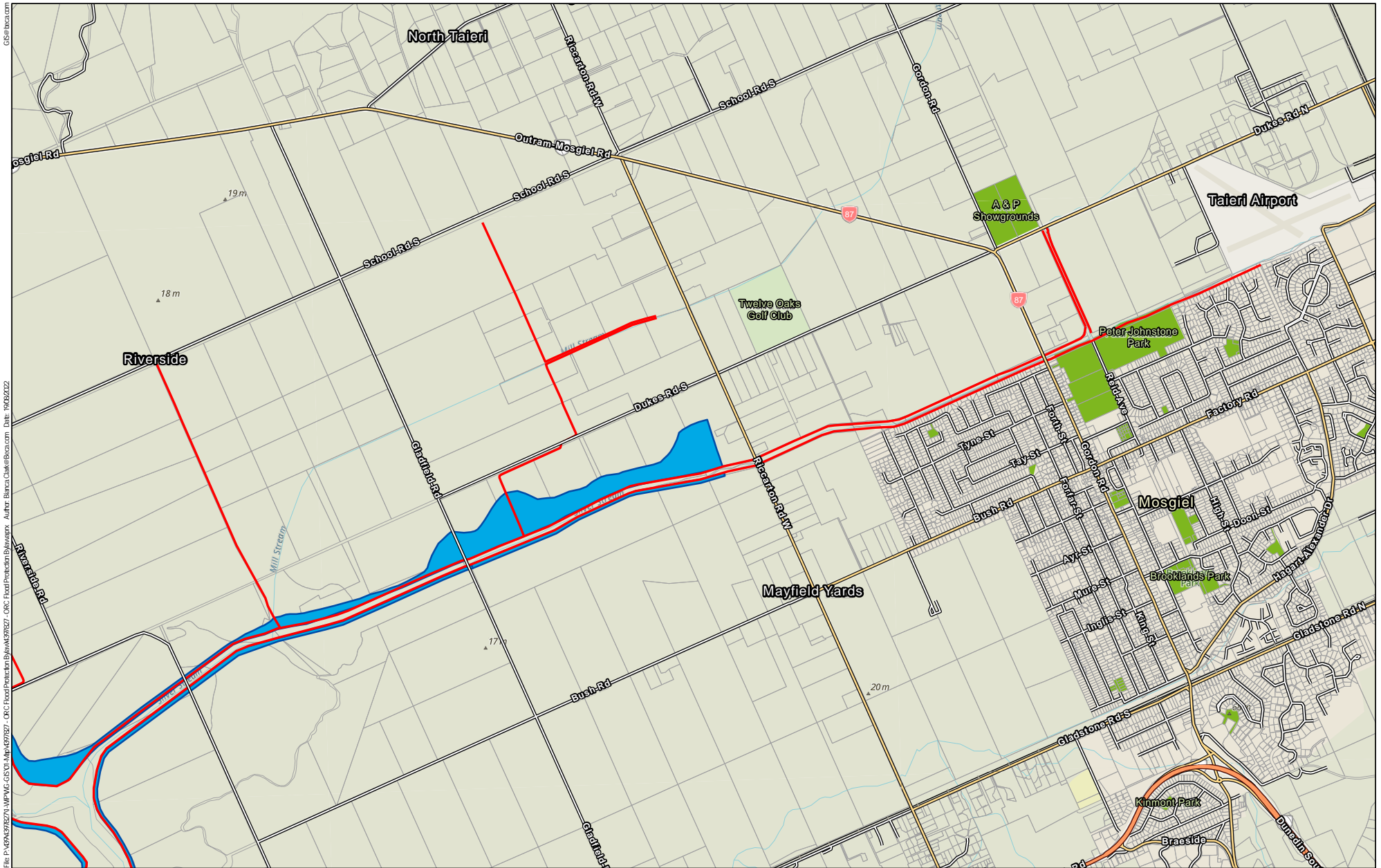


Second Schedule
Lower Taieri Defences Against Water
Sheet 1

- Legend
- Defence Against Water
 - Excavation Sensitive Area
 - NZ Primary Land Parcels



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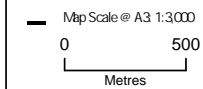
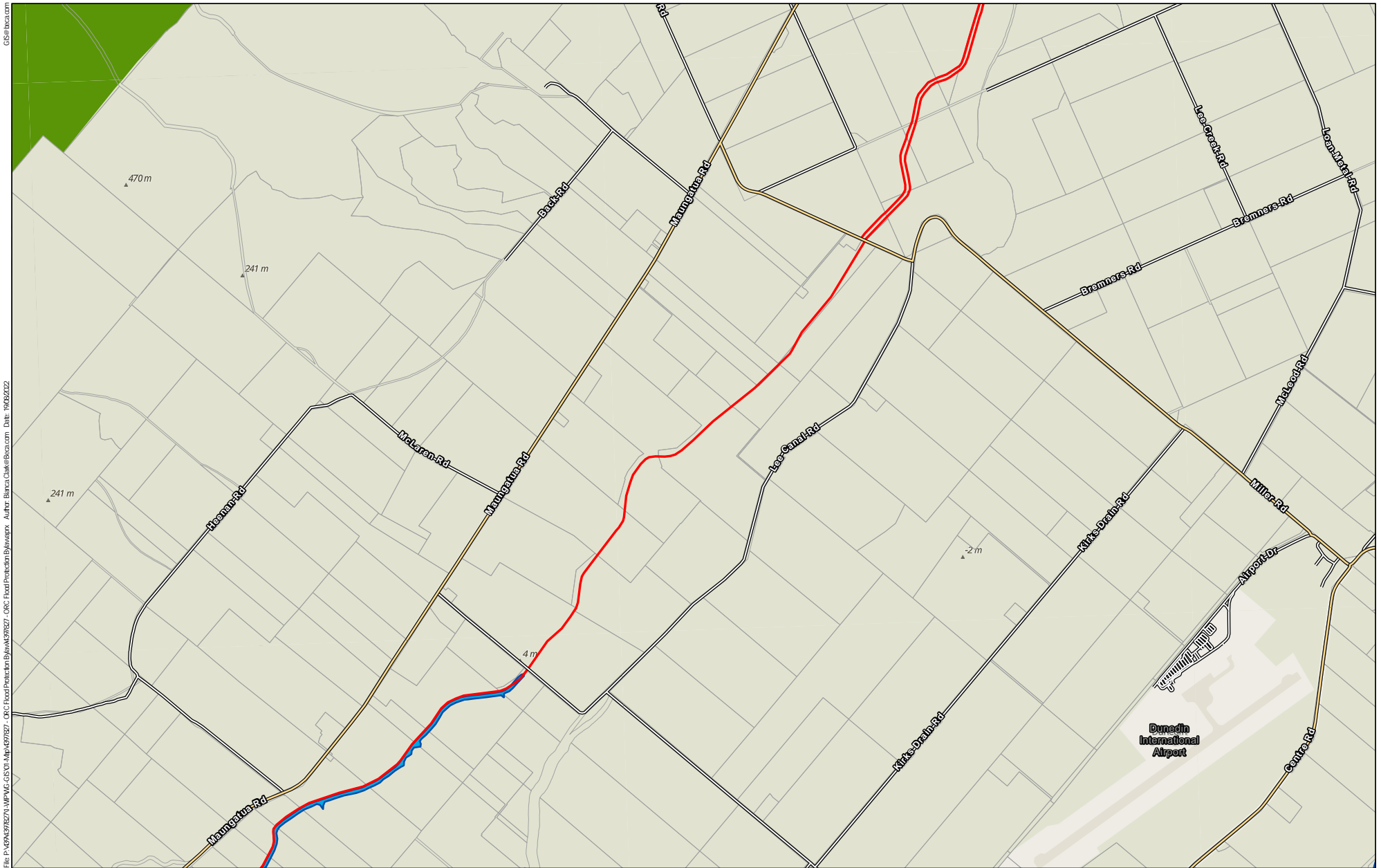


Second Schedule
Lower Taieri Defences Against Water
Sheet 2

- Legend
- Defence Against Water
 - Excavation Sensitive Area
 - NZ Primary Land Parcels



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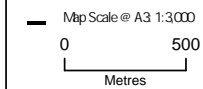
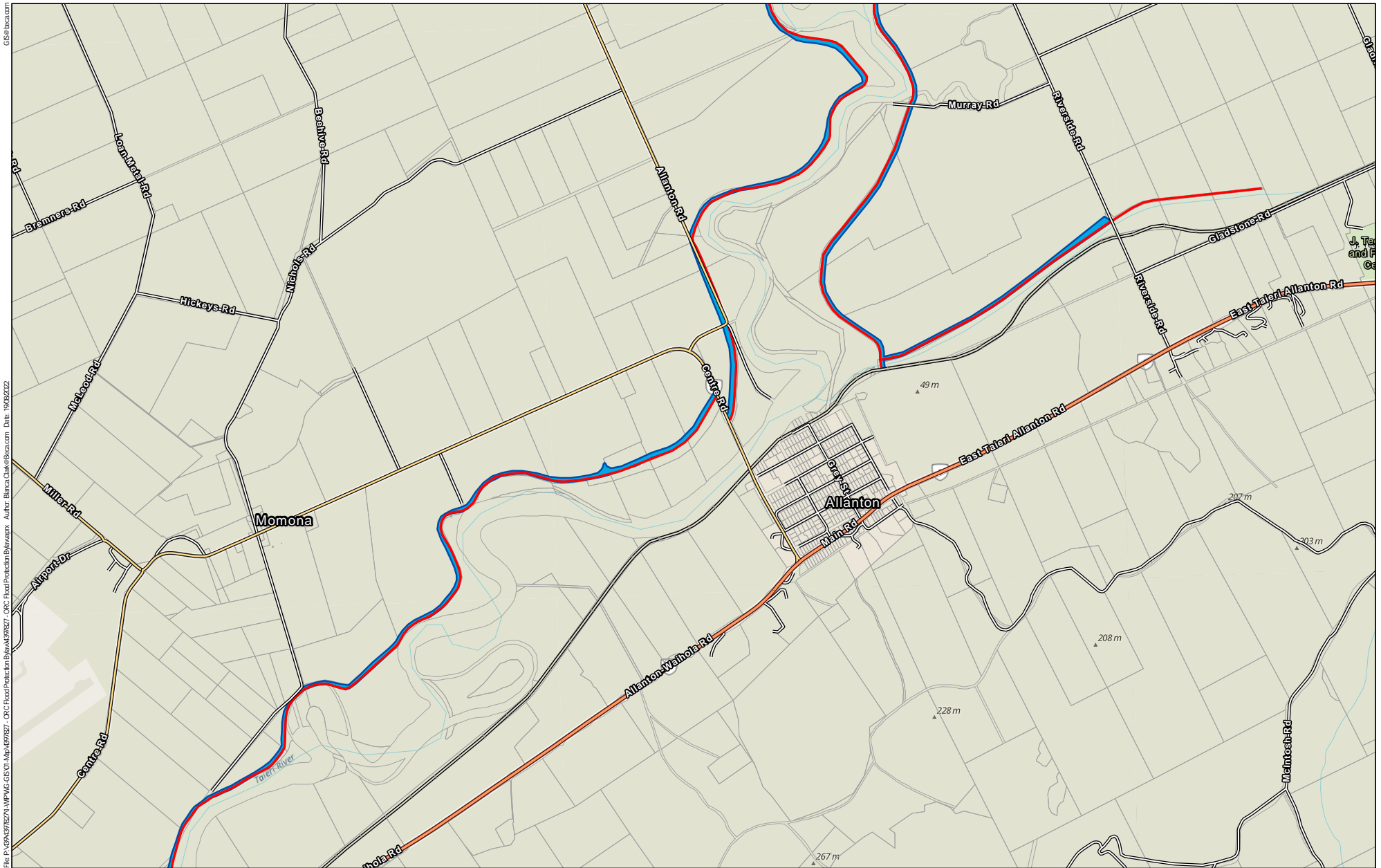


Second Schedule
Lower Taieri Defences Against Water
Sheet 3

- Legend
- Defence Against Water
 - Excavation Sensitive Area
 - NZ Primary Land Parcels



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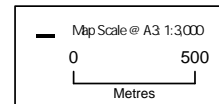


Second Schedule
Lower Taieri Defences Against Water
Sheet 4

- Legend
- Defence Against Water
 - Excavation Sensitive Area
 - NZ Primary Land Parcels



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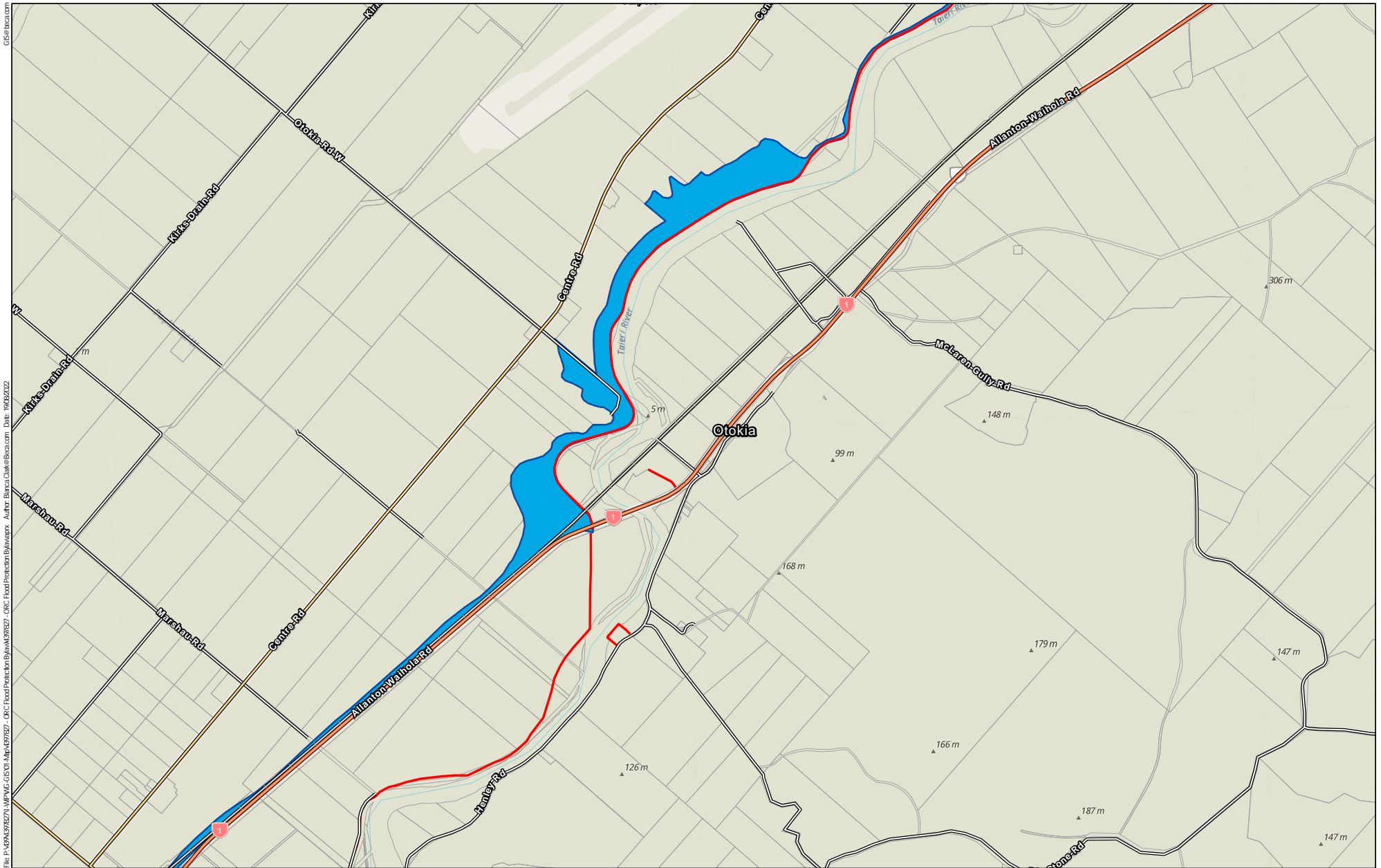


Second Schedule
Lower Taieri Defences Against Water
Sheet 5

- Legend
- Defence Against Water
 - Excavation Sensitive Area
 - NZ Primary Land Parcels



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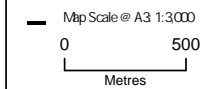
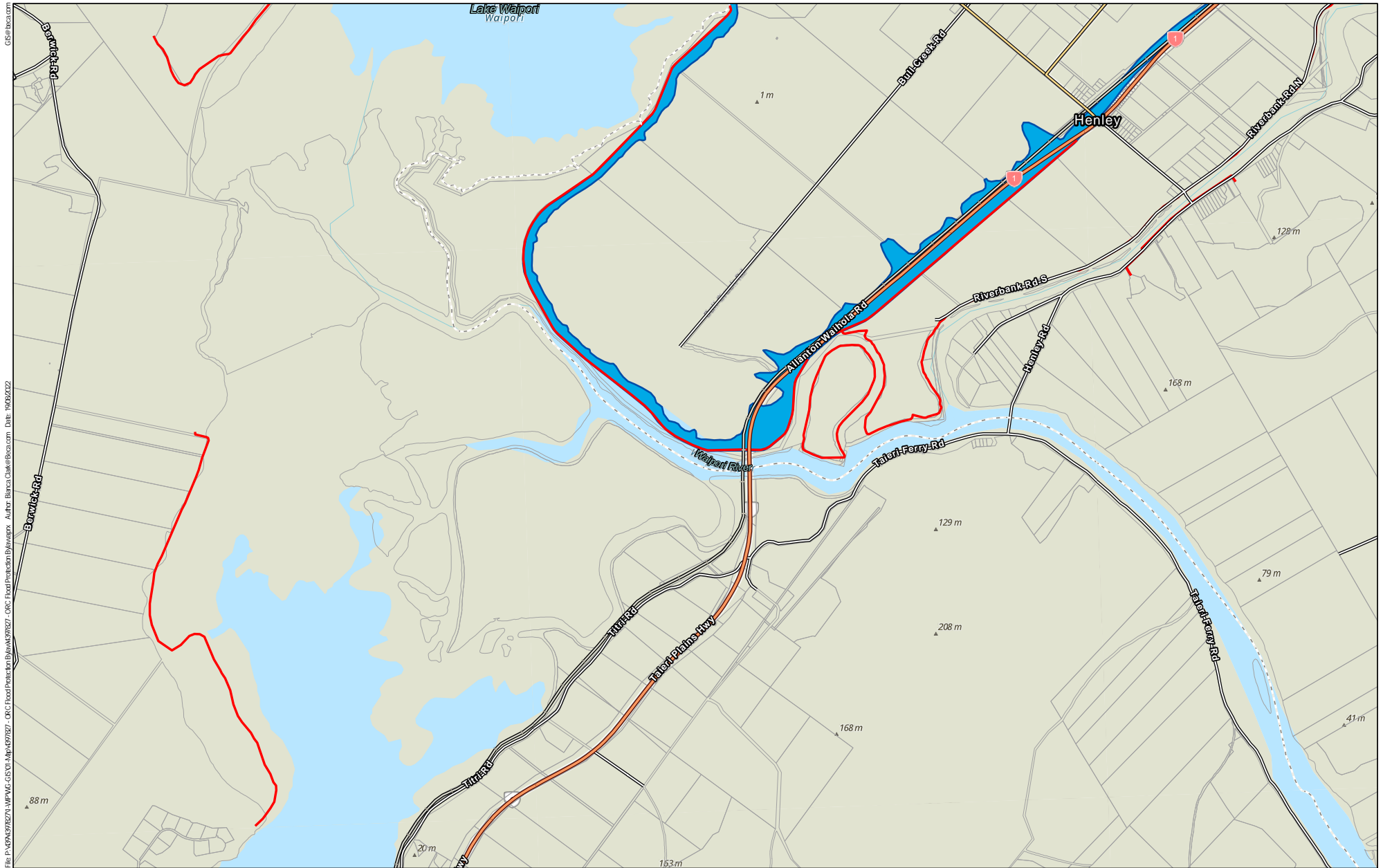
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Second Schedule
 Lower Taieri Defences Against Water
 Sheet 6

Legend
— Defence Against Water
 Excavation Sensitive Area
 NZ Primary Land Parcels



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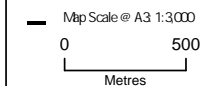


Second Schedule
Lower Taieri Defences Against Water
Sheet 7

- Legend
- Defence Against Water
 - Excavation Sensitive Area
 - NZ Primary Land Parcels



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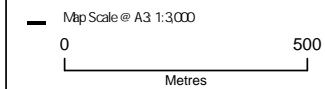
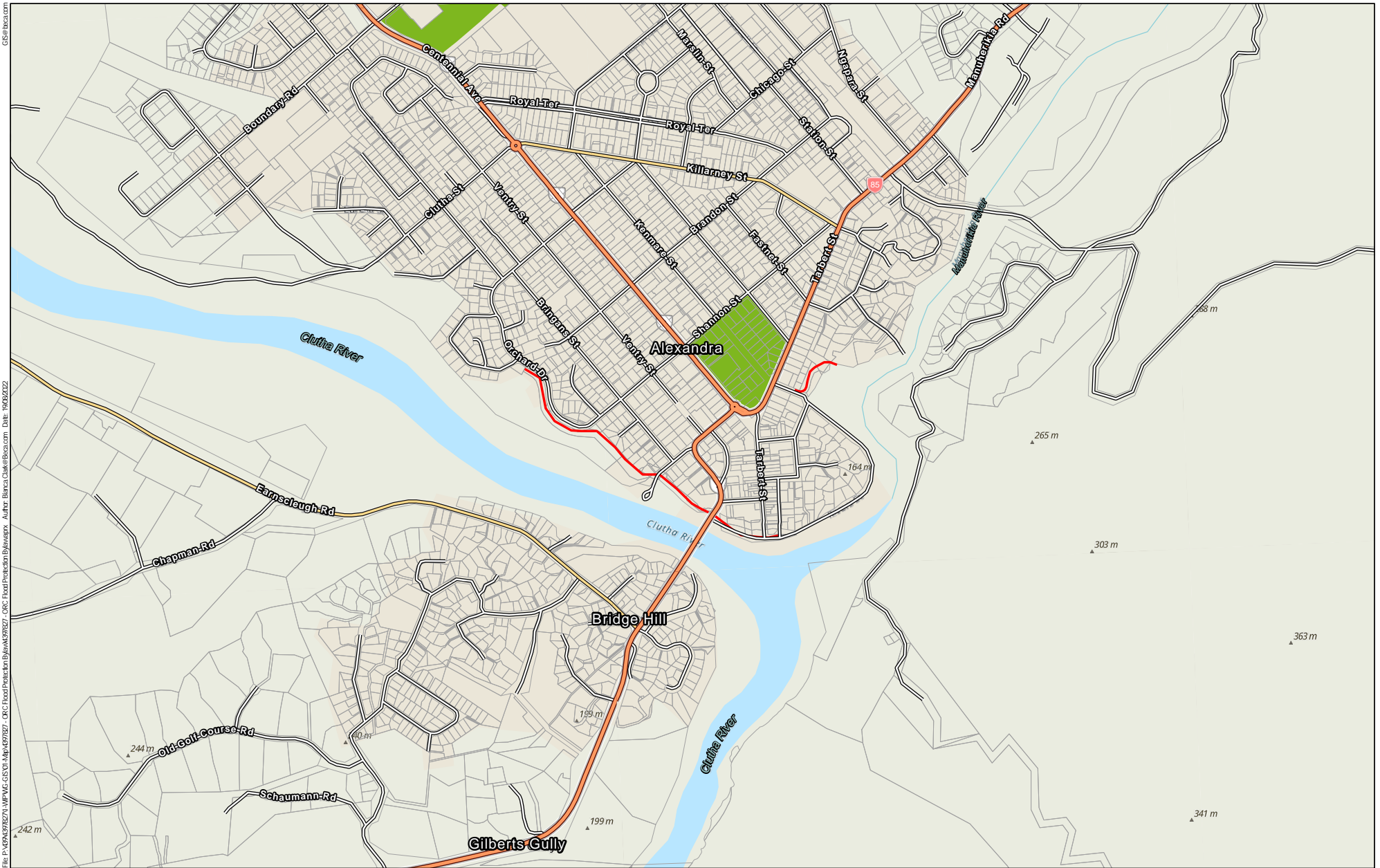


Second Schedule
Leith Lindsay Defences Against Water

- Legend
- Defence Against Water
 - NZ Primary Land Parcels



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Second Schedule
Alexandra Defences Against Water

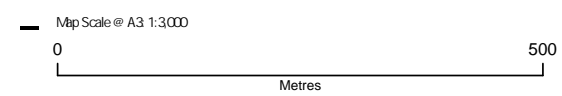
- Legend
- Defence Against Water
 - NZ Primary Land Parcels



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Second Schedule
 Albert Town Defences Against Water

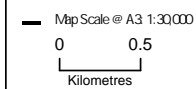
- Legend
- Defence Against Water
 - NZ Primary Land Parcels



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 Author: Bianca Clarke@Beca.com

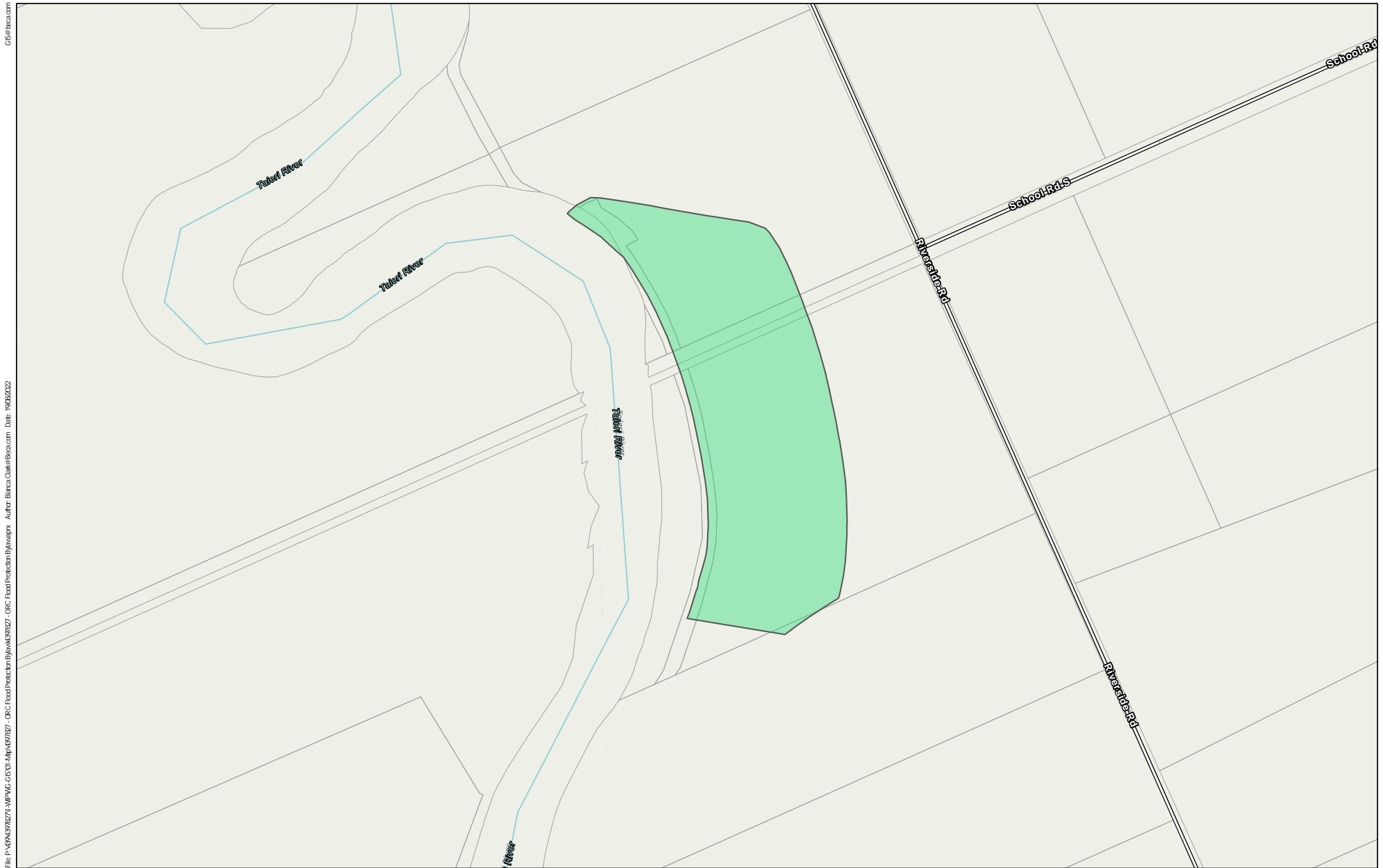


Third Schedule
 Lower Clutha Floodway

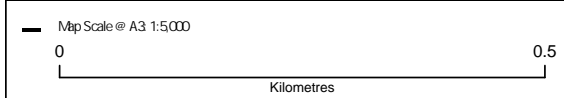
- Legend
- Floodway
 - NZ Primary Land Parcels



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 GSI@beca.com



Third Schedule
Riverside Road Floodway

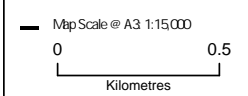
- Legend
- Floodway
 - NZ Primary Land Parcels



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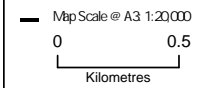
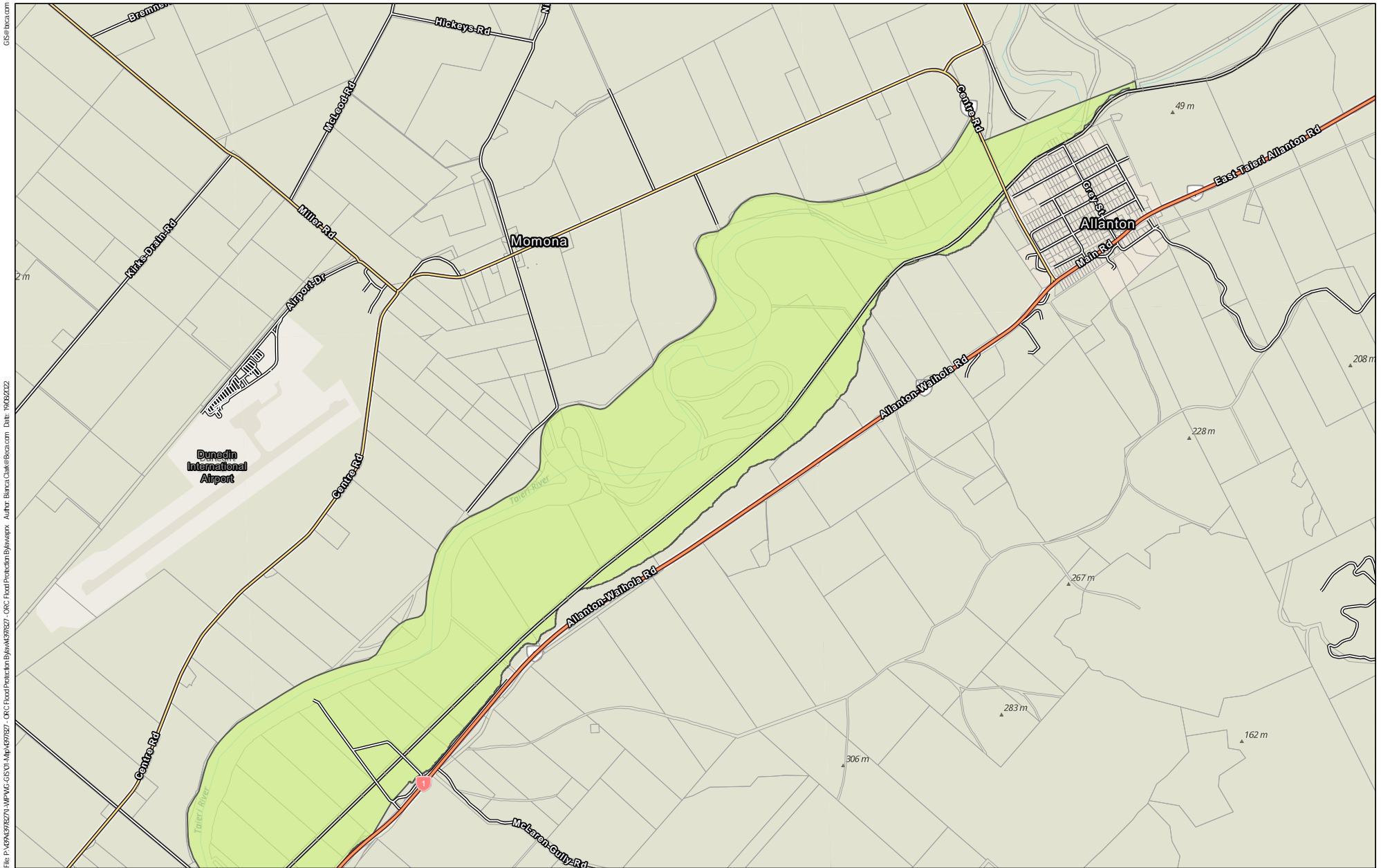


Third Schedule
Gordon Road Floodway

- Legend
- Floodway
 - NZ Primary Land Parcels



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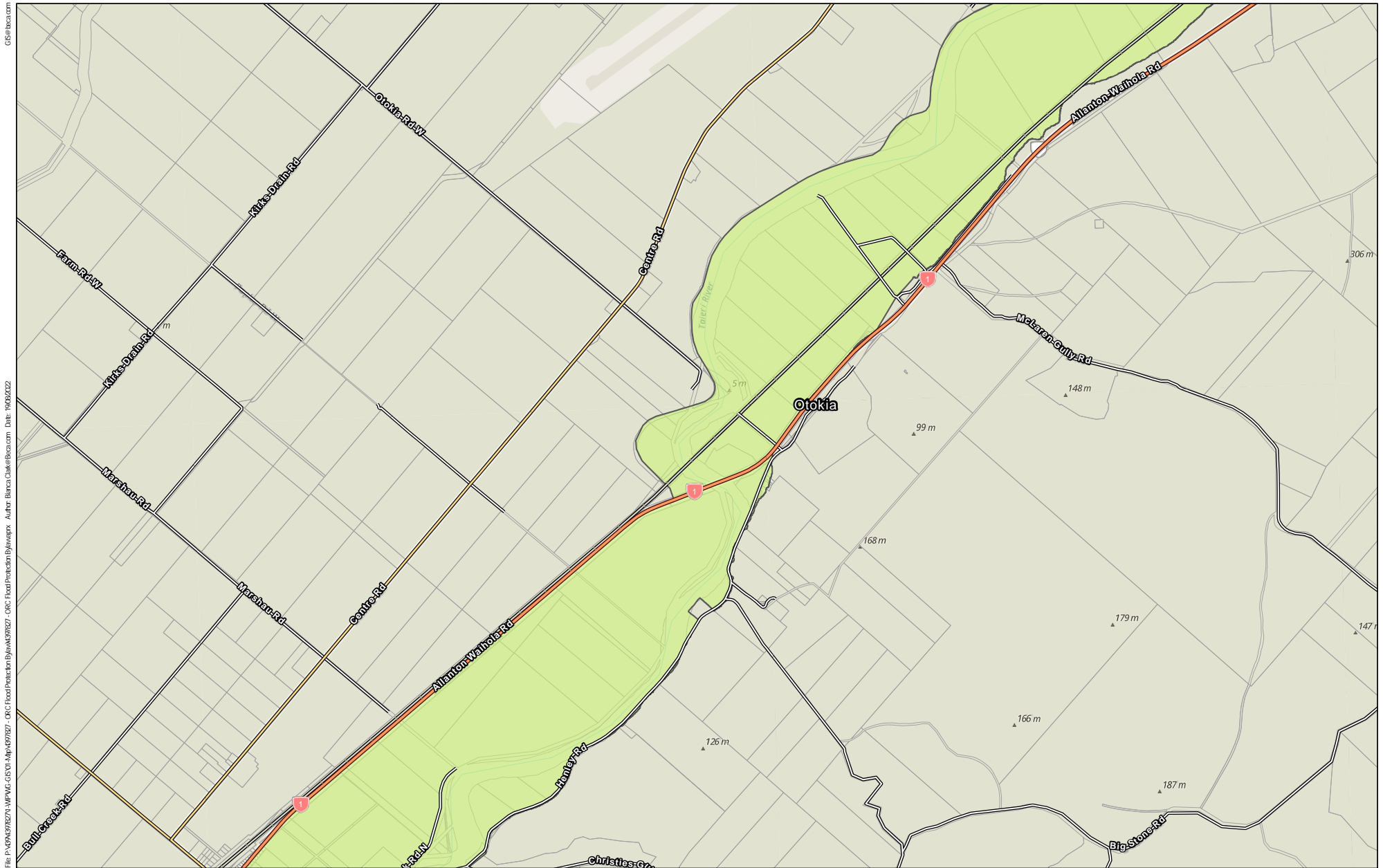


Third Schedule
Lower Taieri River Floodway
Sheet 1

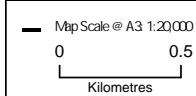
- Legend
- Floodway
 - NZ Primary Land Parcels



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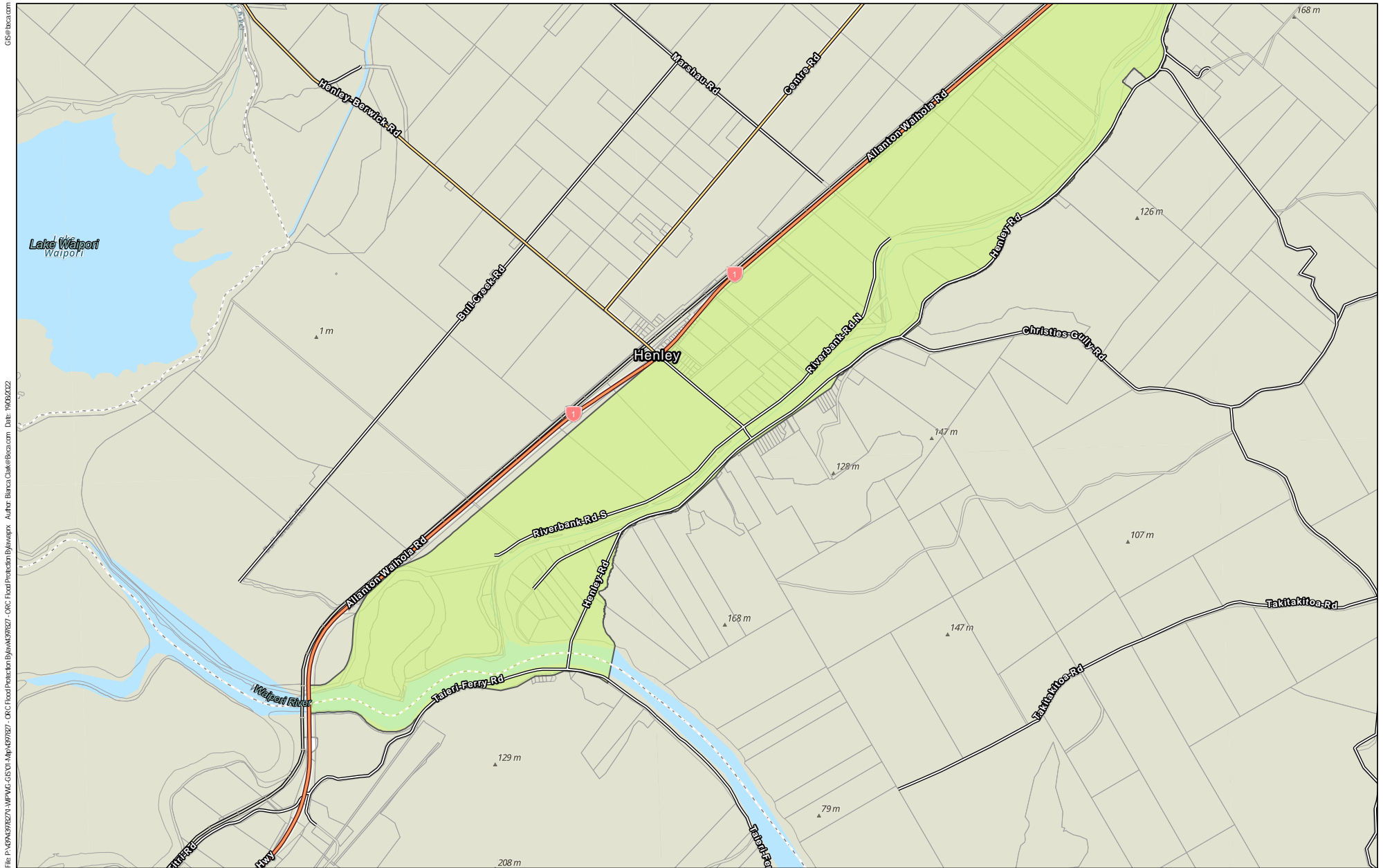


Third Schedule
 Lower Taieri River Floodway
 Sheet 2

- Legend
- Floodway
 - NZ Primary Land Parcels



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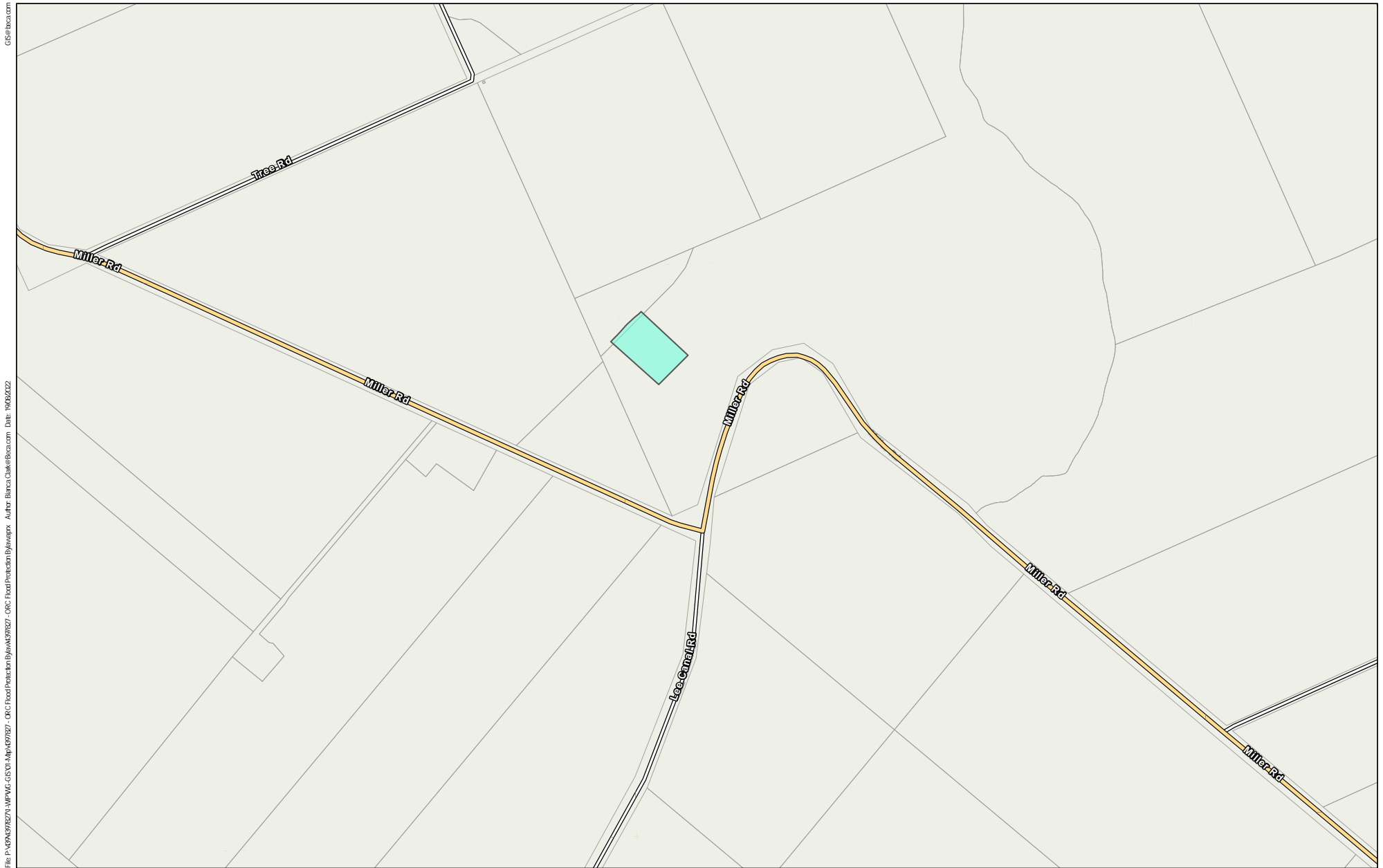
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Third Schedule
 Lower Taieri River Floodway
 Sheet 3

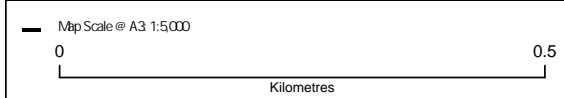
Legend
 Floodway
 NZ Primary Land Parcels



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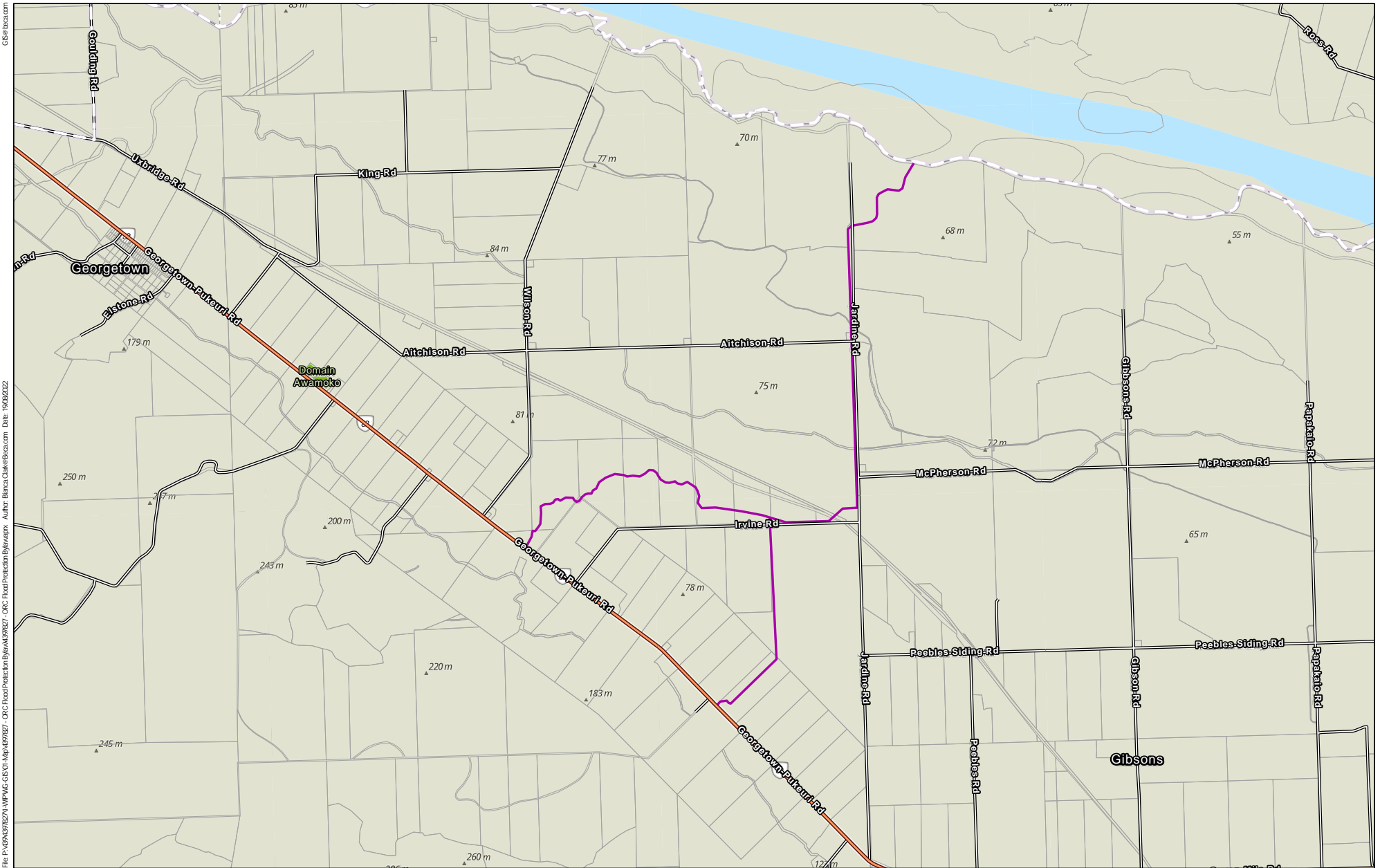


Third Schedule
Miller Road Contour Channel Floodway

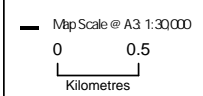
- Legend
- Floodway
 - NZ Primary Land Parcels



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Third Schedule
 Hendersons and Waikoura Creeks Floodway

- Legend
- Floodway
 - NZ Primary Land Parcels



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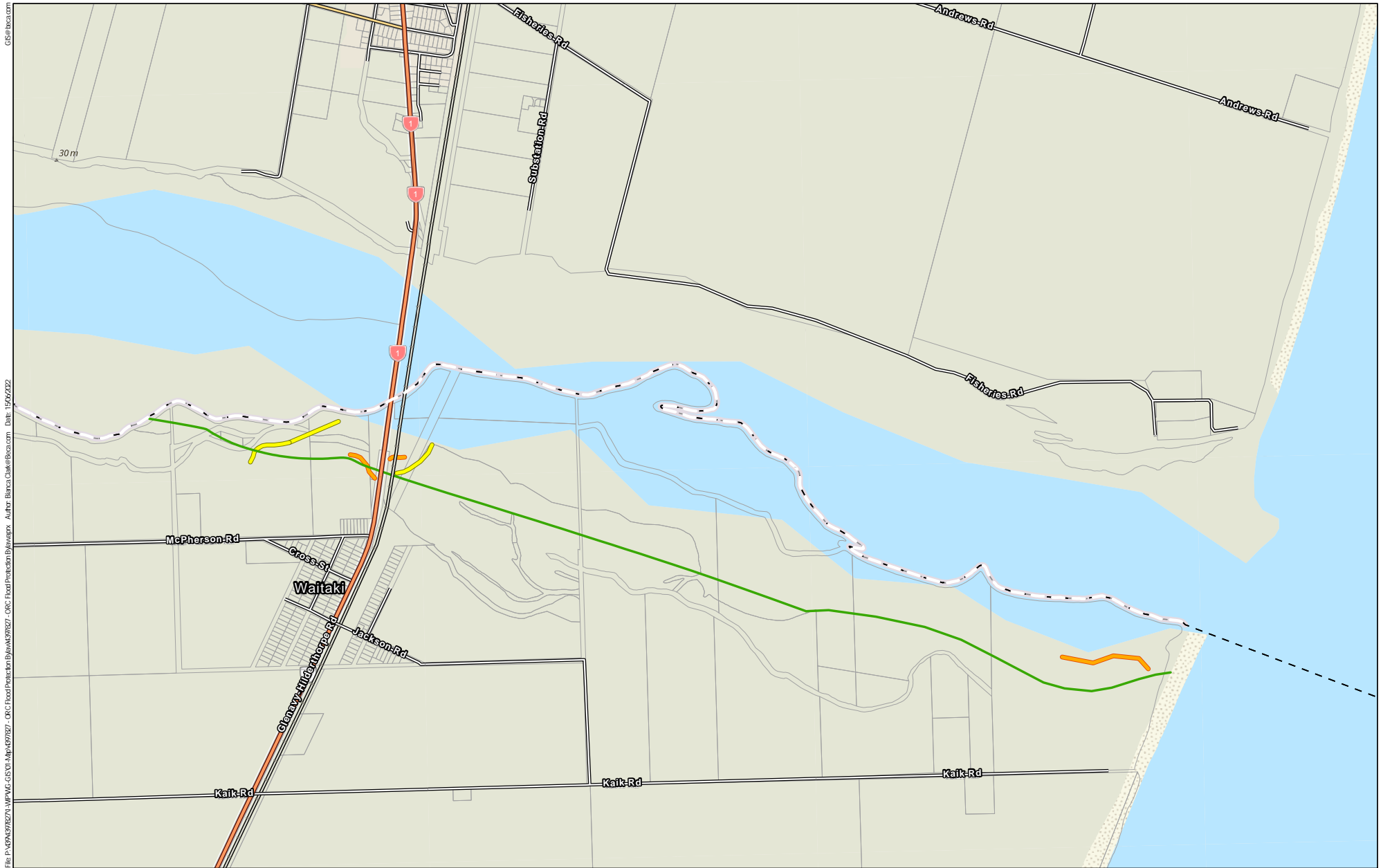
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Fourth Schedule
 Groyne, Cross-banks and Flood Protection Vegetation Boundary
 Lower Waitaki Overview

- Legend
- Groynes
 - Cross-banks
 - Flood Protection Vegetation Boundary
 - NZ Primary Land Parcels
 - Regional Council Boundaries



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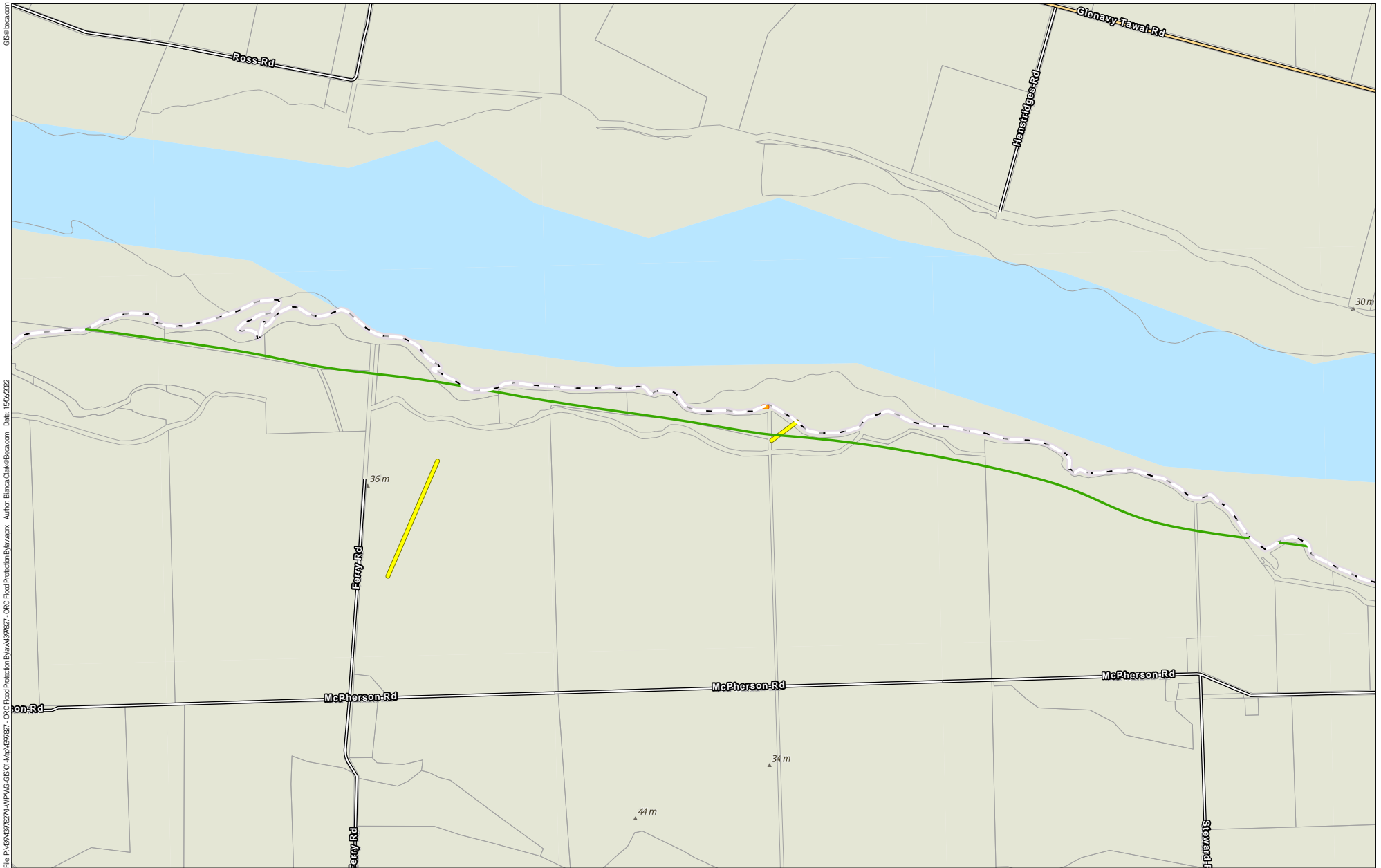
Fourth Schedule
 Groynes, Cross-banks and Flood Protection Vegetation Boundary
 Lower Waitaki Sheet 1

Legend

- Groynes
- Cross-banks
- Flood Protection Vegetation Boundary
- NZ Primary Land Parcels
- Regional Council Boundaries



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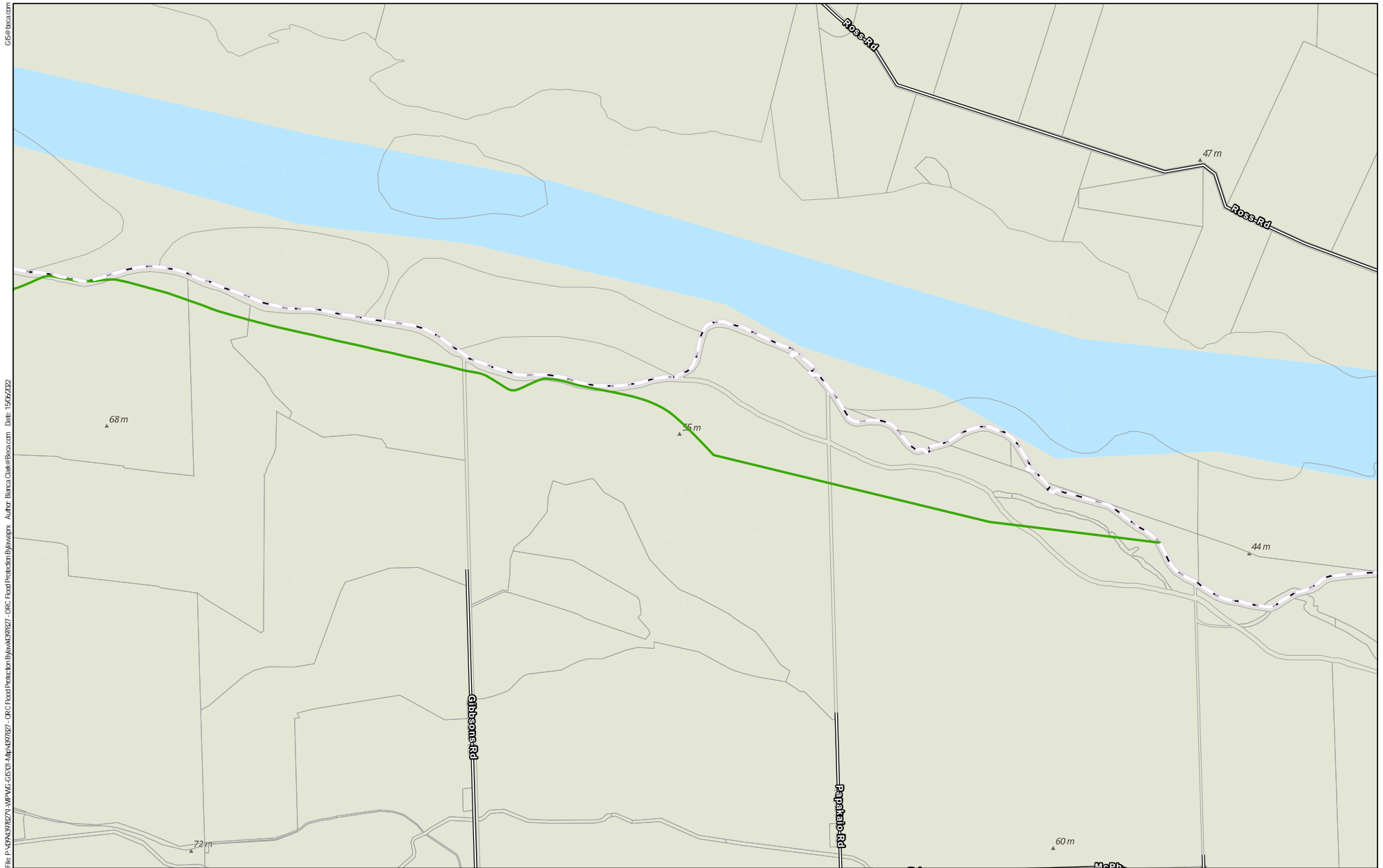
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Fourth Schedule
 Groynes, Cross-banks and Flood Protection Vegetation Boundary
 Lower Waitaki Sheet 2

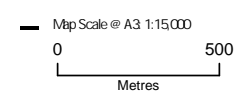
- Legend
- Groynes
 - Cross-banks
 - Flood Protection Vegetation Boundary
 - NZ Primary Land Parcels
 - Regional Council Boundaries



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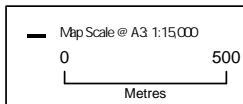


Fourth Schedule
 Groyne, Cross-banks and Flood Protection Vegetation Boundary
 Lower Waitaki Sheet 3

- Legend
- Flood Protection Vegetation Boundary
 - NZ Primary Land Parcels
 - Regional Council Boundaries



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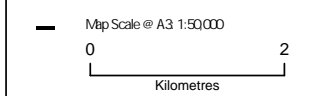
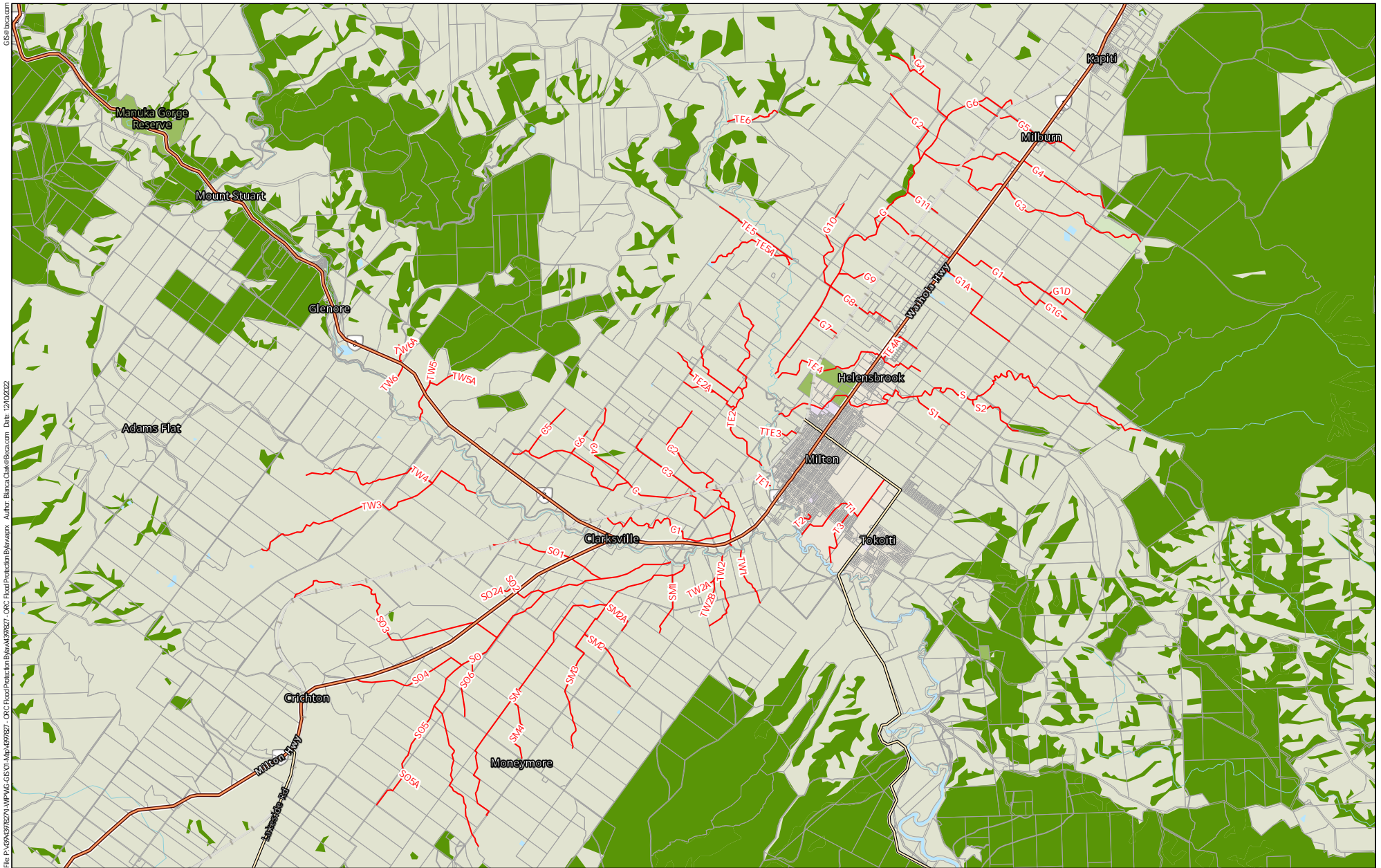


Fourth Schedule
 Groynes, Cross-banks and Flood Protection Vegetation Boundary
 Lower Waitaki Sheet 4

- Legend
- Groynes
 - Cross-banks
 - Flood Protection Vegetation Boundary
 - NZ Primary Land Parcels
 - Regional Council Boundaries



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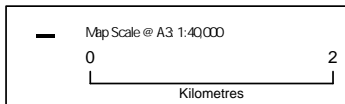


First Schedule
Tokomairiro Scheduled Drains

- Legend
- Scheduled Drains
 - NZ Primary Land Parcels



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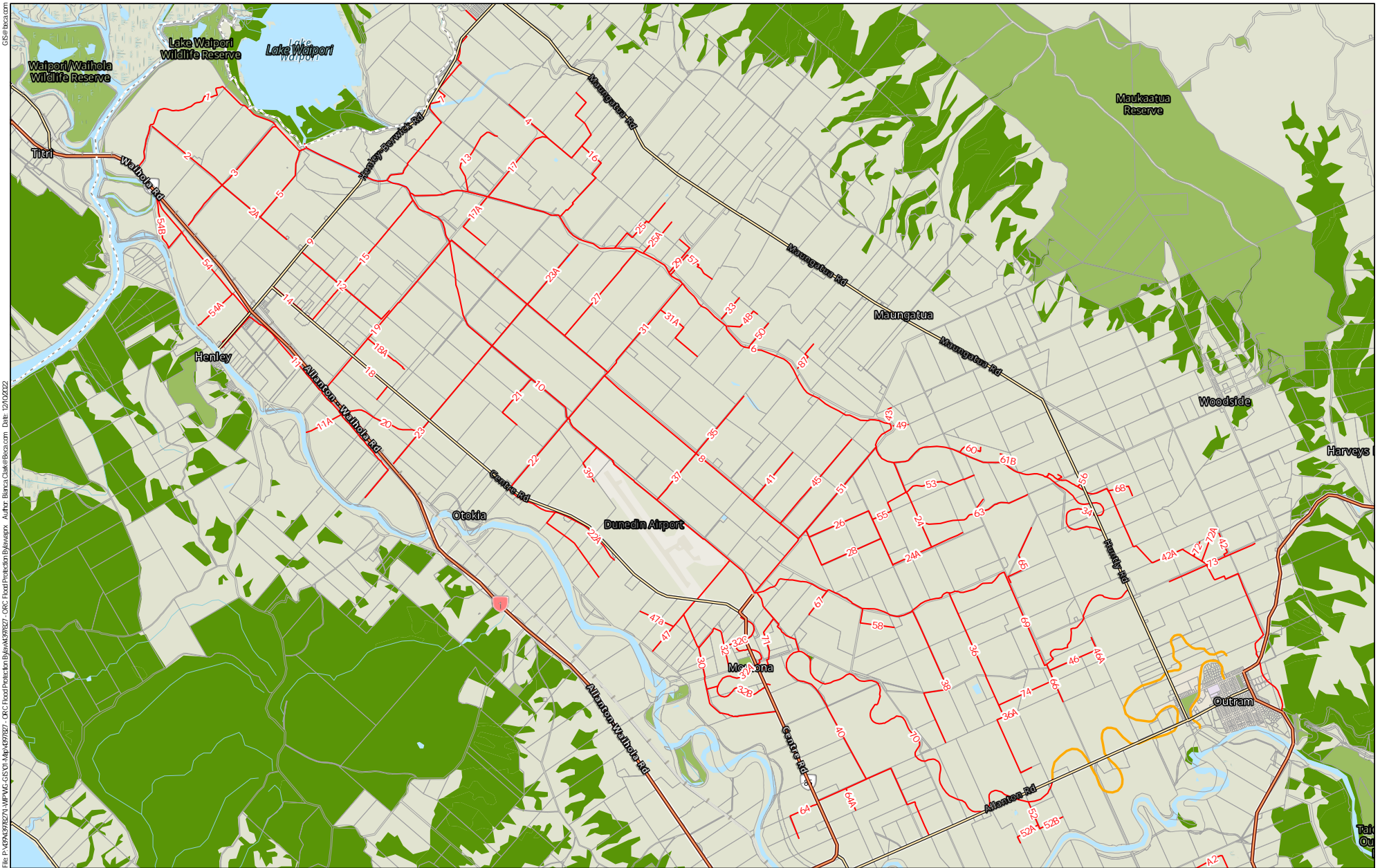


First Schedule
East Taieri Scheduled Drains and Overland Flow Paths

- Legend
- Scheduled Drains
 - Overland Flow Paths
 - NZ Primary Land Parcels



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Map Scale @ A3 1:45,000


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Kilometres

First Schedule

West Taieri Scheduled Drains and Overland Flow Paths

Legend

- Scheduled Drains
- Overland Flow Paths
- NZ Primary Land Parcels



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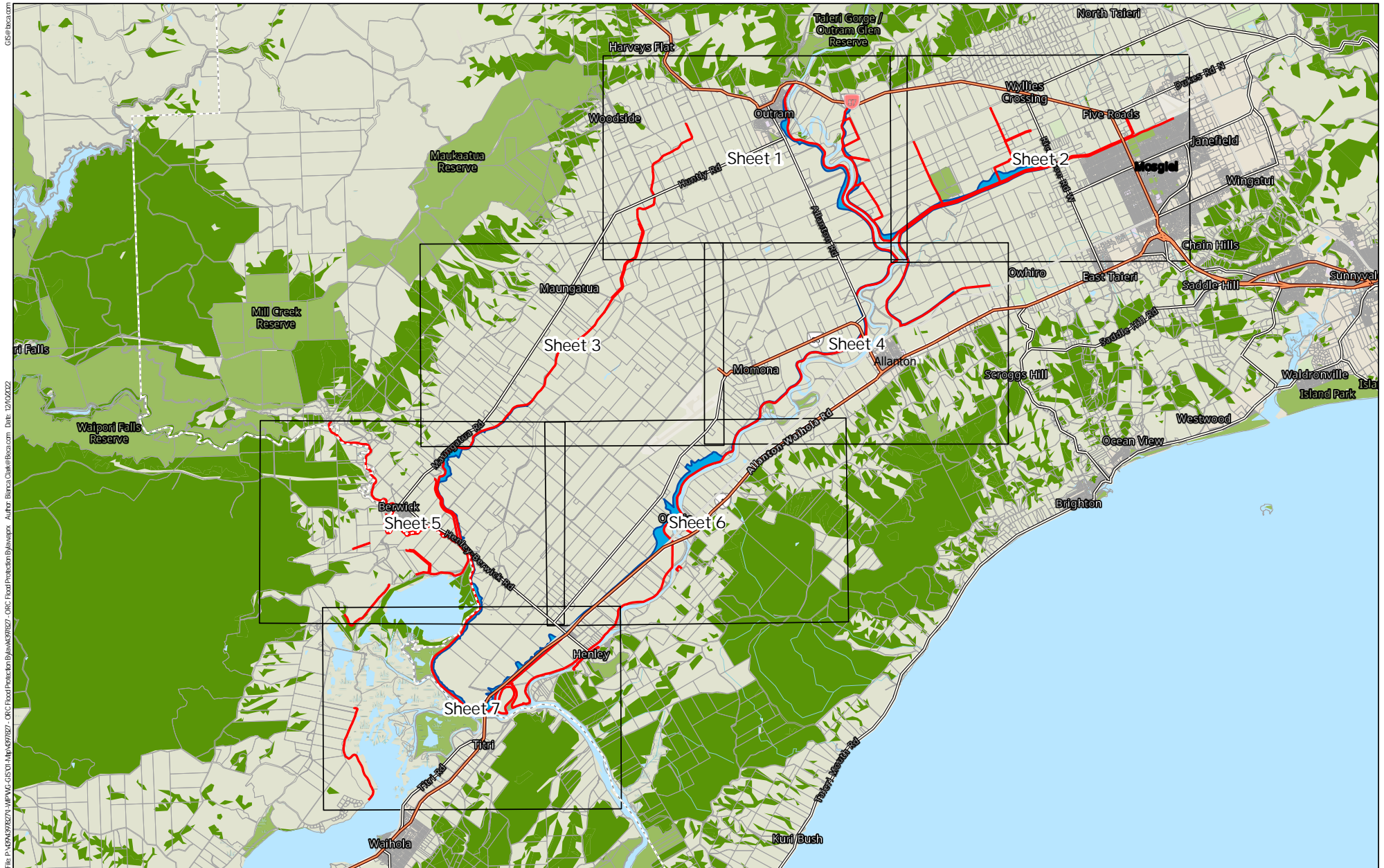
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Second Schedule
 Lower Clutha Defences Against Water

Legend
 — Defence Against Water
 □ NZ Primary Land Parcels



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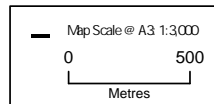
Second Schedule
 Lower Taieri Defences Against Water
 Overview

Legend

- Defence Against Water (Red line)
- Excavation Sensitive Area (Light blue fill)
- NZ Primary Land Parcels (Light green fill)



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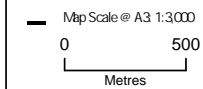
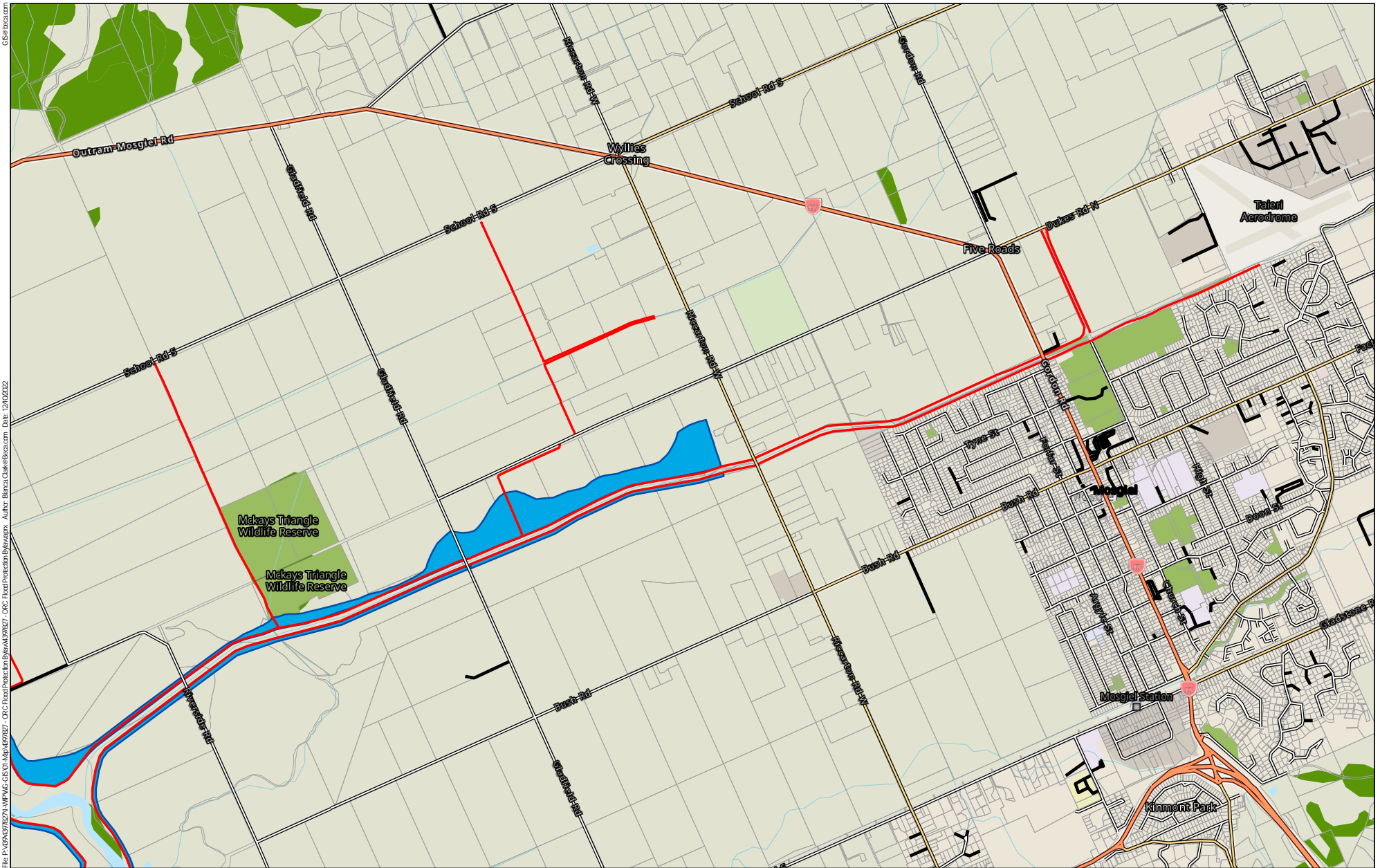


Second Schedule
Lower Taieri Defences Against Water
Sheet 1

- Legend
- Defence Against Water
 - Excavation Sensitive Area
 - NZ Primary Land Parcels



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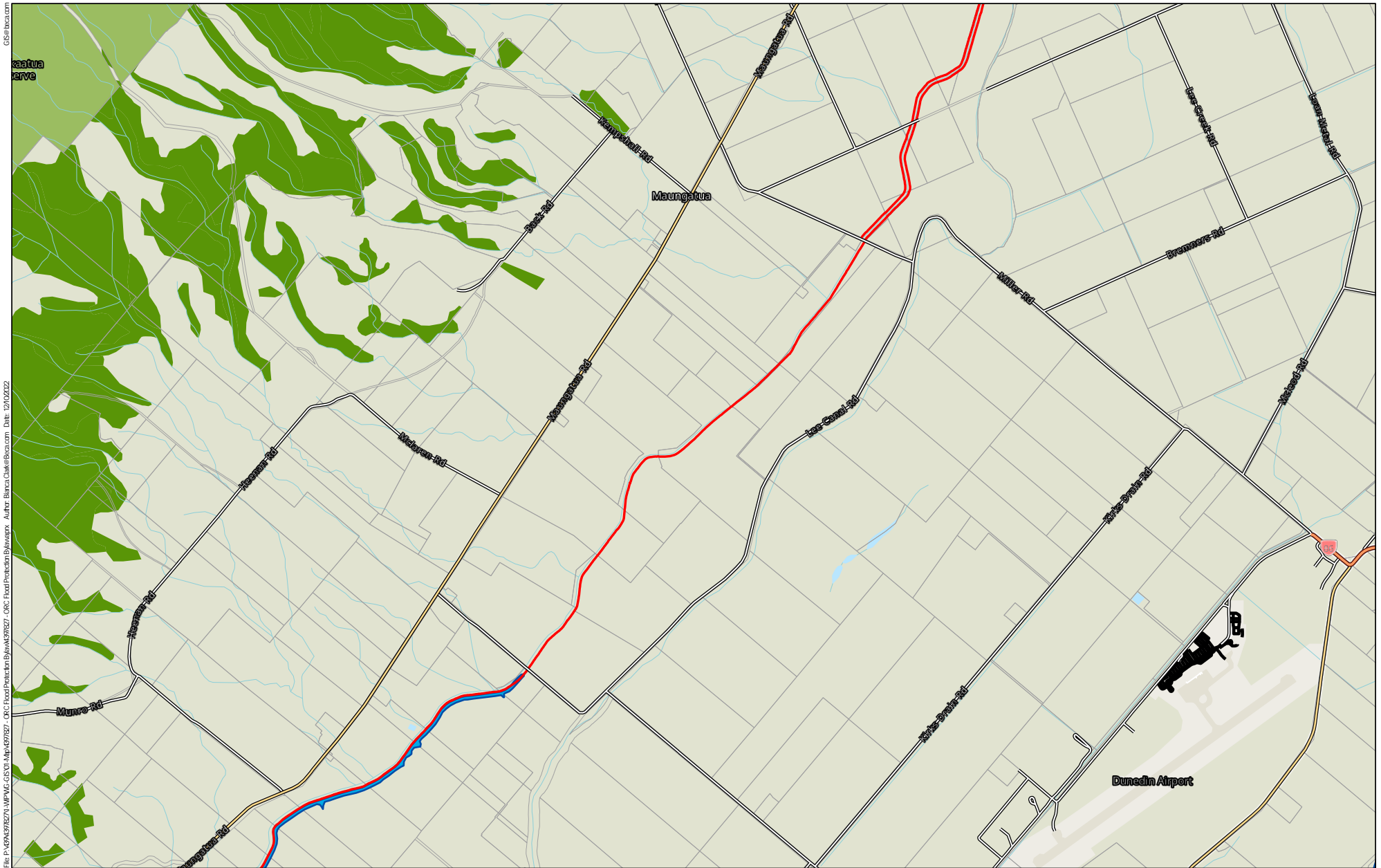


Second Schedule
Lower Taieri Defences Against Water
Sheet 2

- Legend
- Defence Against Water
 - Excavation Sensitive Area
 - NZ Primary Land Parcels



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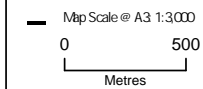
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Second Schedule
 Lower Taieri Defences Against Water
 Sheet 3

Legend
 — Defence Against Water
 — Excavation Sensitive Area
 — NZ Primary Land Parcels



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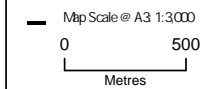


Second Schedule
Lower Taieri Defences Against Water
Sheet 4

- Legend
- Defence Against Water
 - Excavation Sensitive Area
 - NZ Primary Land Parcels



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Second Schedule
Lower Taieri Defences Against Water
Sheet 6

- Legend
- Defence Against Water
 - Excavation Sensitive Area
 - NZ Primary Land Parcels



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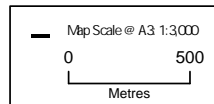
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Second Schedule
 Lower Taieri Defences Against Water
 Sheet 7

Legend
 — Defence Against Water
 ■ Excavation Sensitive Area
 □ NZ Primary Land Parcels



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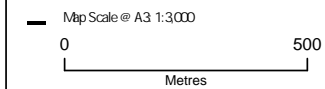
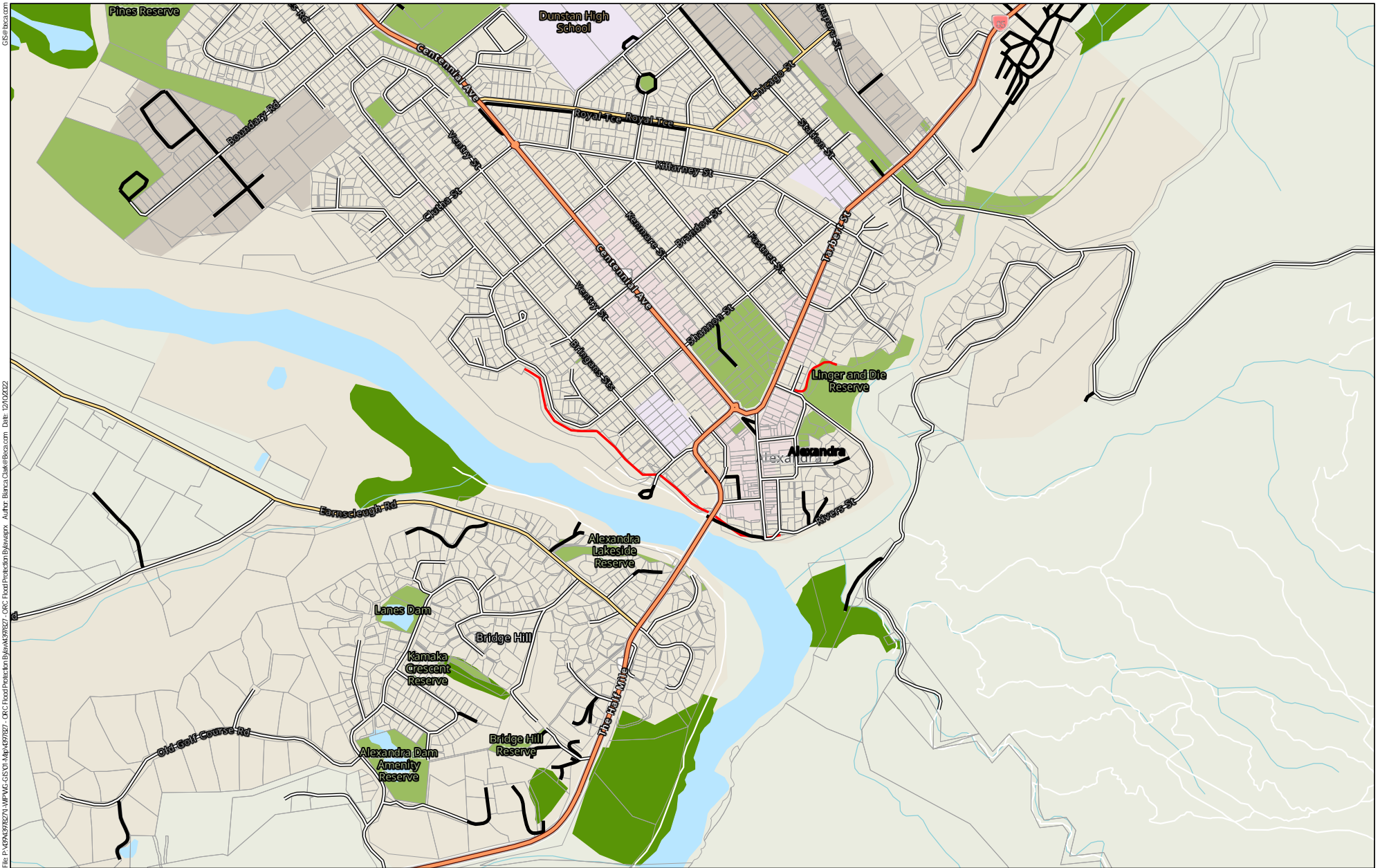


Second Schedule
Leith Lindsay Defences Against Water

- Legend
- Defence Against Water
 - NZ Primary Land Parcels



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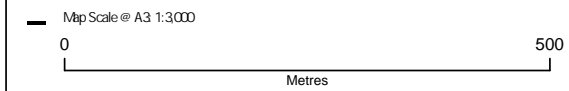
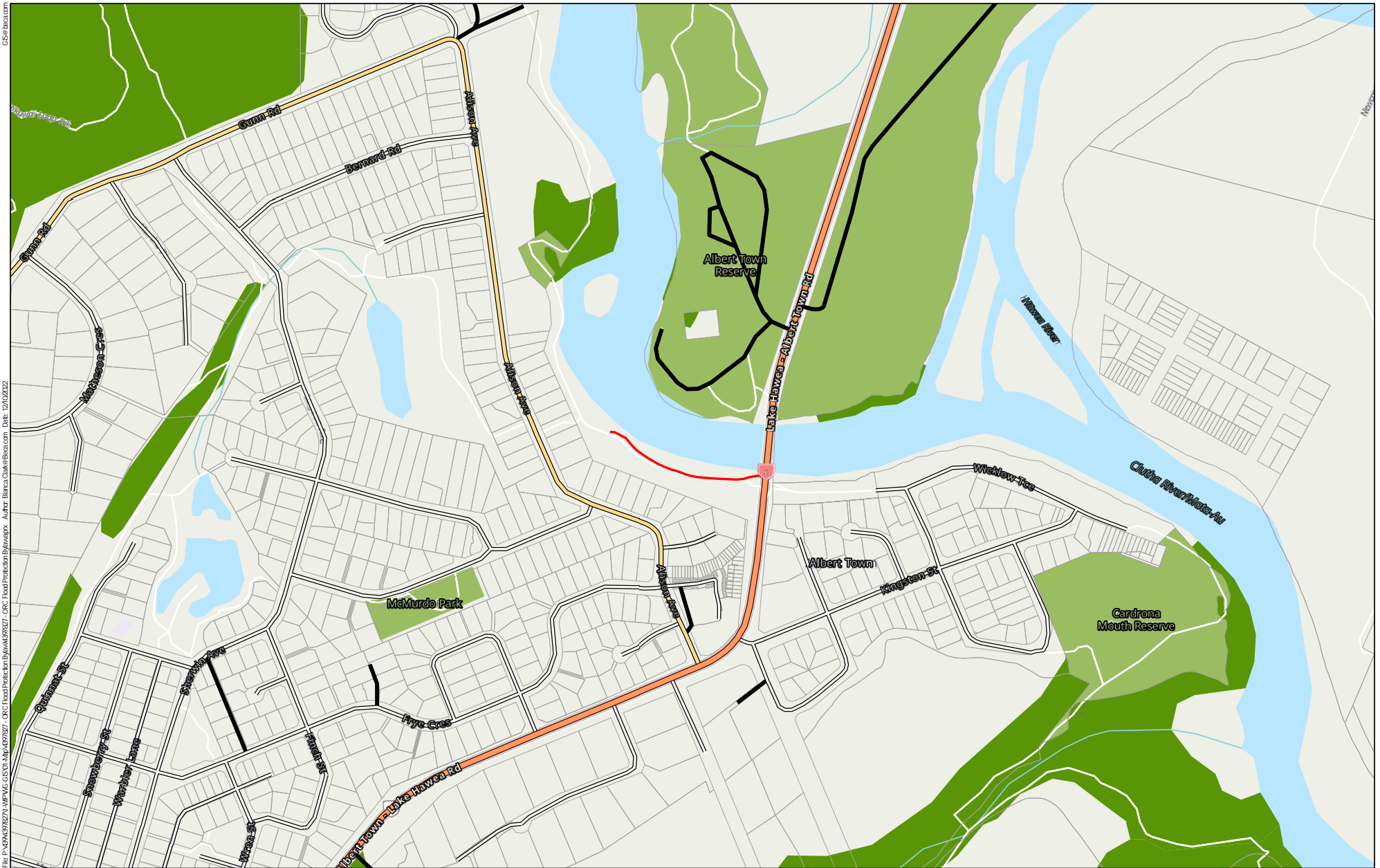


Second Schedule
Alexandra Defences Against Water

- Legend
- Defence Against Water
 - NZ Primary Land Parcels



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Second Schedule
Albert Town Defences Against Water

- Legend
- Defence Against Water
 - NZ Primary Land Parcels

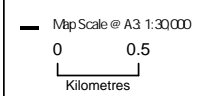


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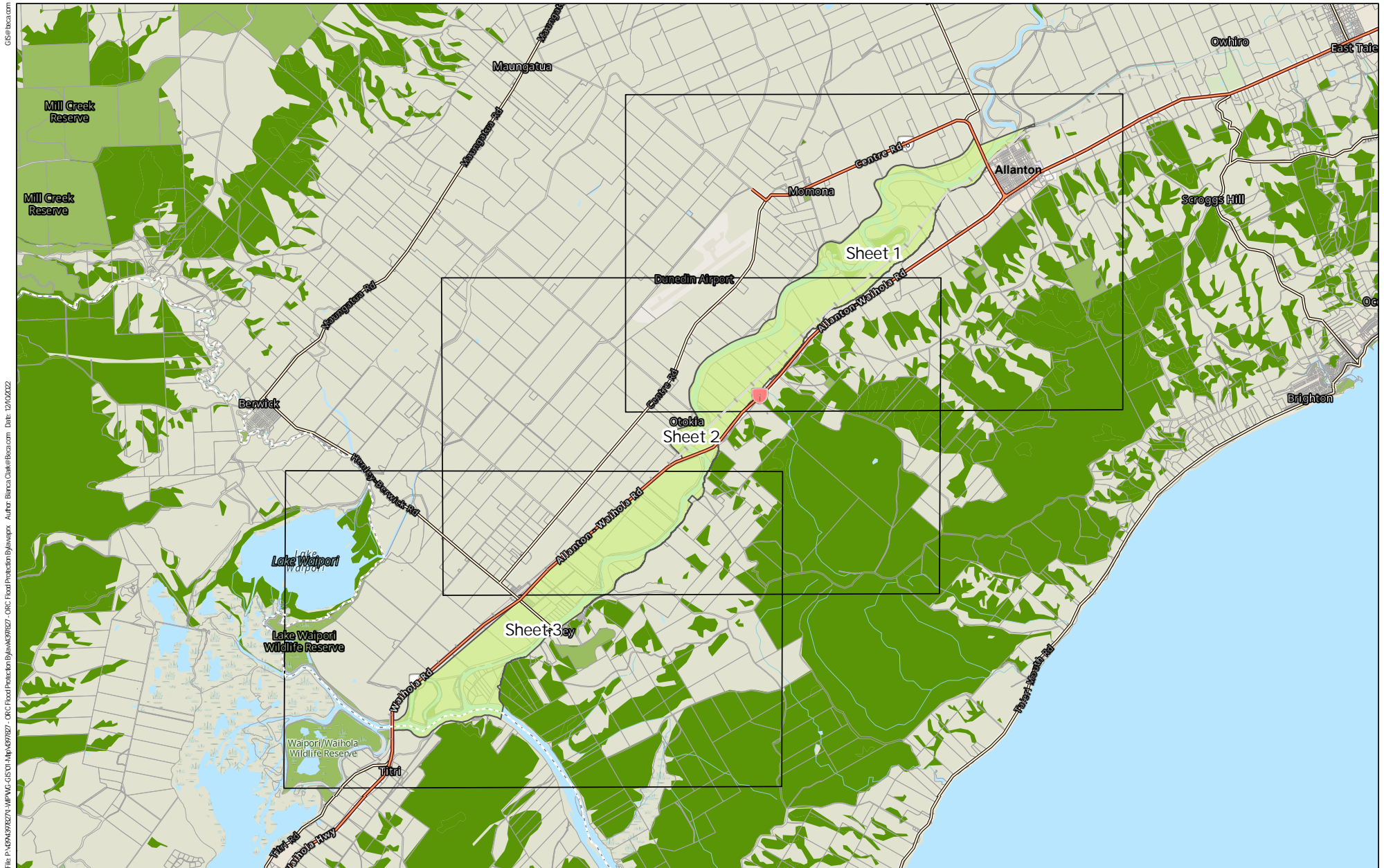


Third Schedule
Lower Clutha Floodway

- Legend
- Floodway
 - NZ Primary Land Parcels



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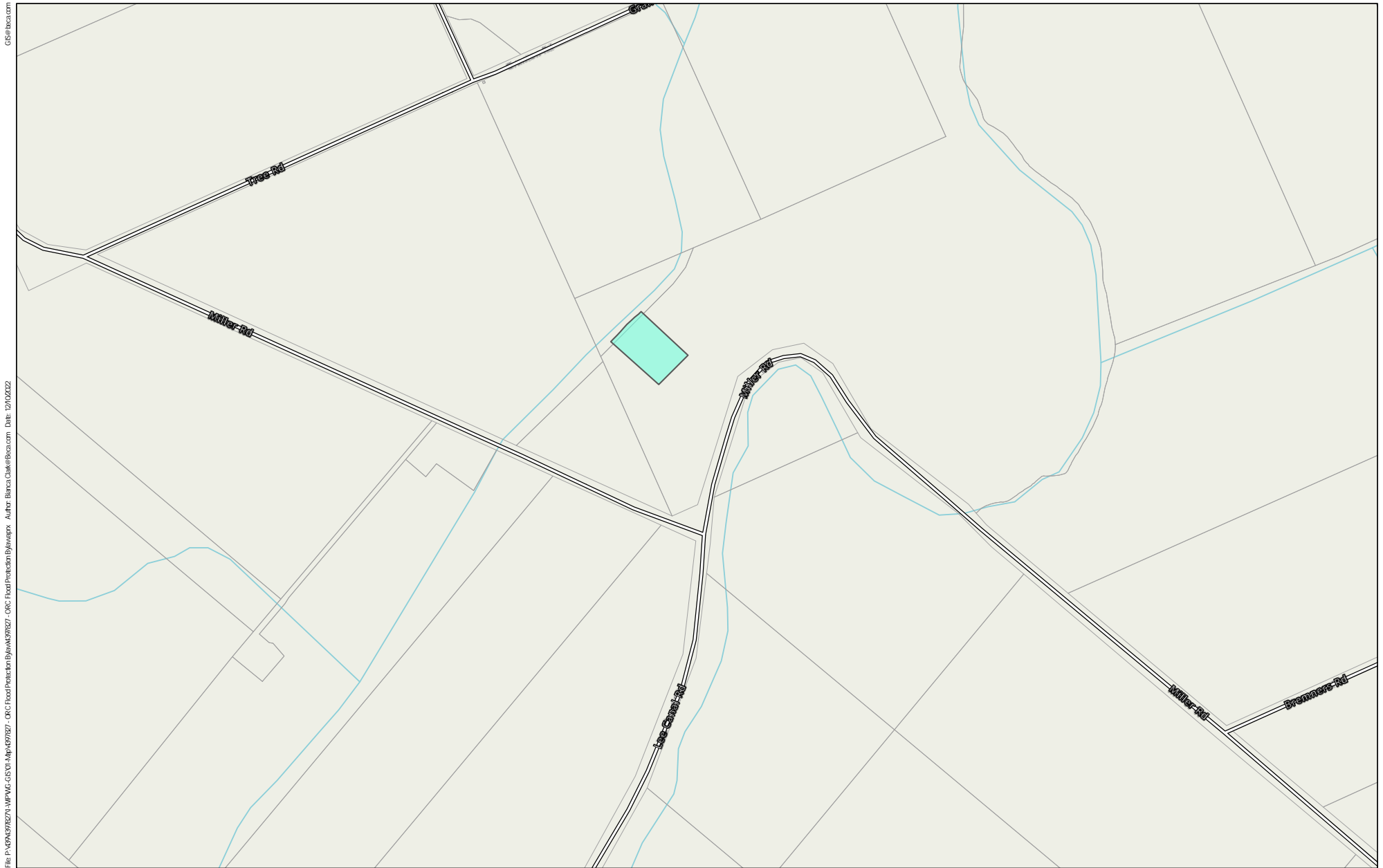
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Third Schedule
 Lower Taieri River Floodway
 Overview

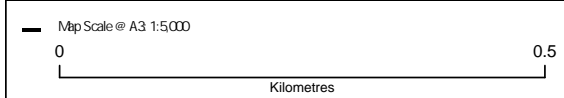
Legend
 Floodway
 NZ Primary Land Parcels



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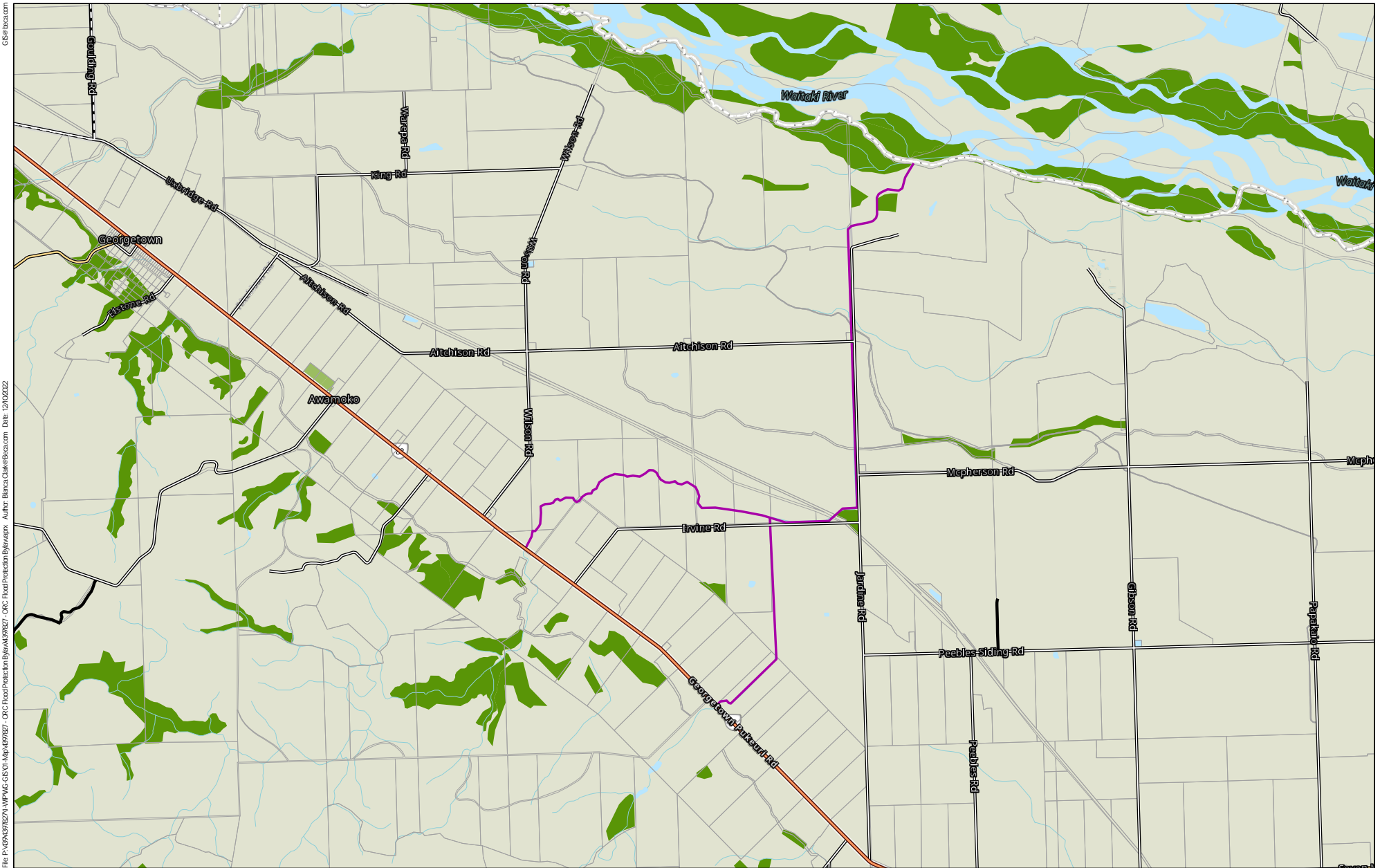


Third Schedule
Miller Road Contour Channel Floodway

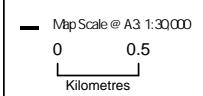
- Legend
- Floodway
 - NZ Primary Land Parcels



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File: P:\MAPS\9227\MPMG_GBSV\MPV\9227 - CRC Flood Protection Bylaw\9227 - CRC - Flood Protection Bylaw\9227 - CRC - Flood Protection Bylaw.mxd
 Author: Bianca.Clark@otago.govt.nz
 Date: 12/02/2022



Third Schedule
 Hendersons and Waikoura Creeks Floodway

- Legend
- Floodway
 - NZ Primary Land Parcels



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Fourth Schedule
 Groyne, Cross-banks and Flood Protection Vegetation Boundary
 Lower Waitaki Overview

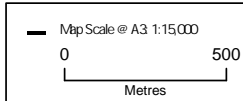
- Legend
- █ Groynes
 - █ Cross-banks
 - █ Flood Protection Vegetation Boundary
 - NZ Primary Land Parcels
 - Regional Council Boundaries



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File: P:\EPAN\978271\WPVAG_GBSV1.MPX\97827 - CRC Flood Protection Review\3797827 - CRC Flood Protection Bylaws.aprx. Author: Bianca Clarke@Becca.com Date: 12/02/22
 GSI@becca.com

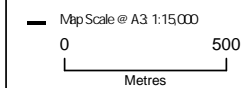
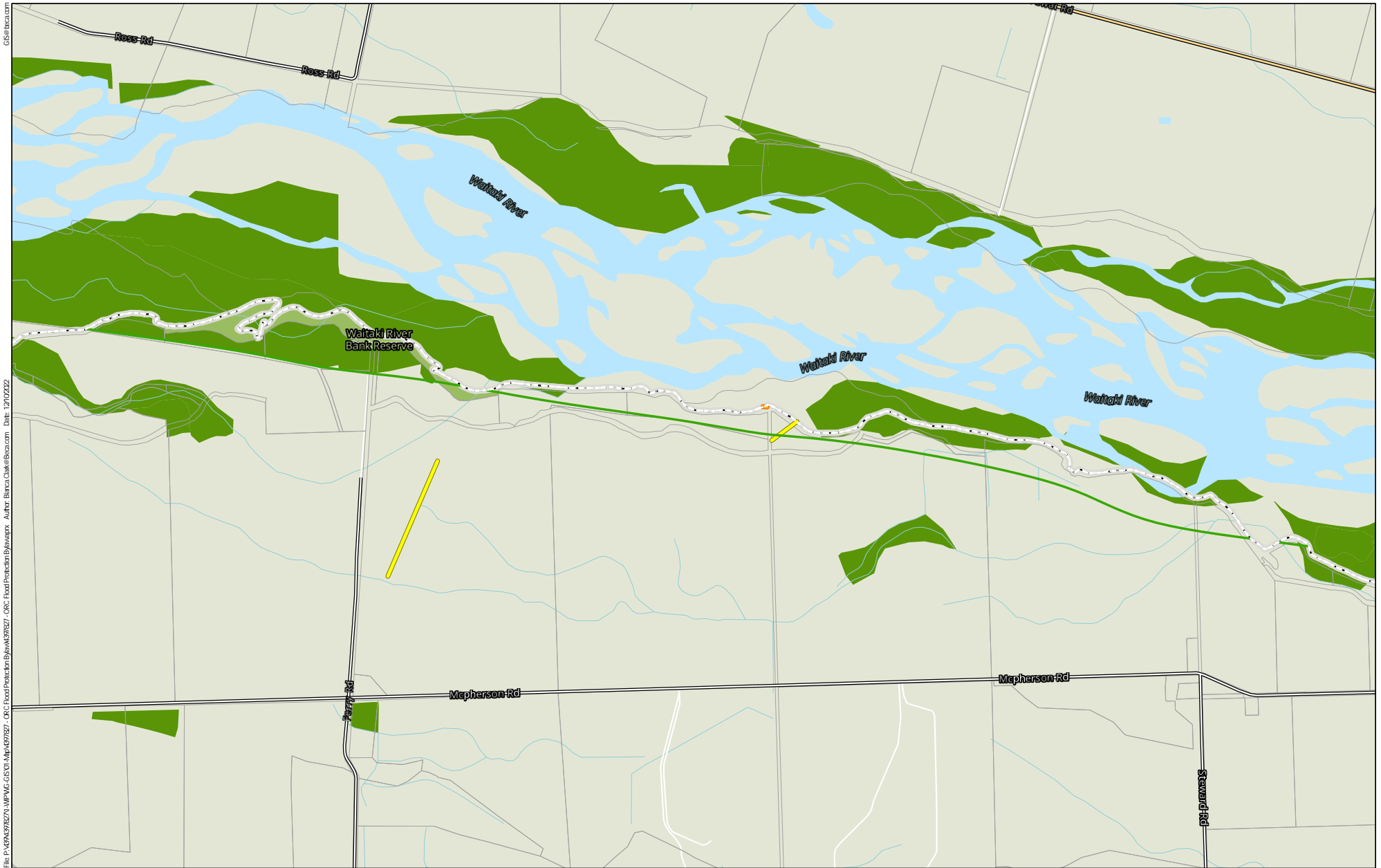


Fourth Schedule
 Groynes, Cross-banks and Flood Protection Vegetation Boundary
 Lower Waitaki Sheet 1

- Legend
- Groynes
 - Cross-banks
 - Flood Protection Vegetation Boundary
 - NZ Primary Land Parcels
 - Regional Council Boundaries



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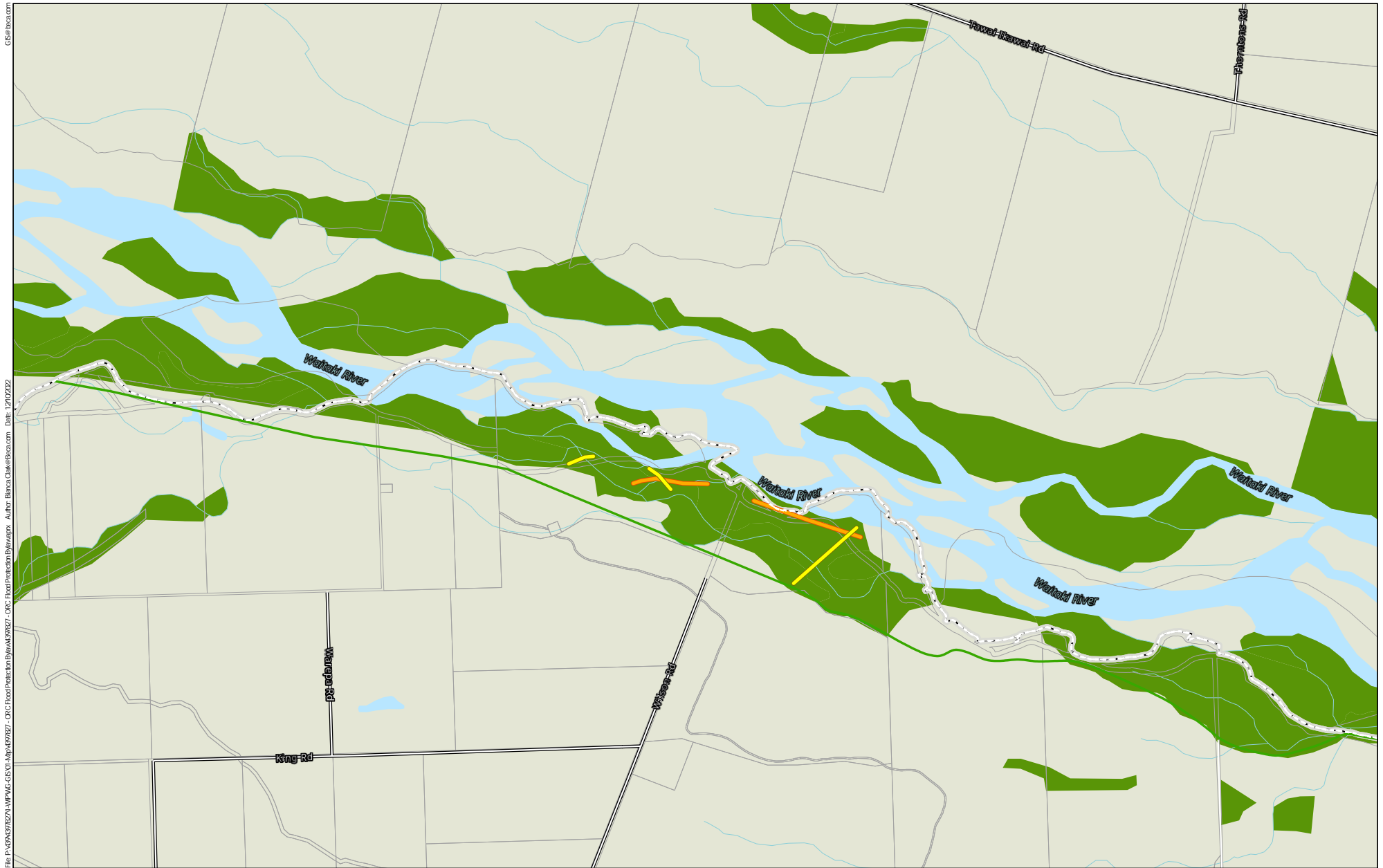


Fourth Schedule
 Groynes, Cross-banks and Flood Protection Vegetation Boundary
 Lower Waitaki Sheet 2

- Legend
- Groynes
 - Cross-banks
 - Flood Protection Vegetation Boundary
 - NZ Primary Land Parcels
 - Regional Council Boundaries



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Map Scale @ A3 1:15,000
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Fourth Schedule
Groynes, Cross-banks and Flood Protection Vegetation Boundary
Lower Waitaki Sheet 4

Legend

- Groynes
- Cross-banks
- Flood Protection Vegetation Boundary
- NZ Primary Land Parcels
- Regional Council Boundaries



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8.2. The Minister for the Environment's request for information on providing for vegetable production through regional plans

Prepared for: Council

Report No. ENV2301

Activity: Regulatory: Policy Development

Author: Tom De Pelsemaeker, Team leader Freshwater and Land

Endorsed by: Anita Dawe, General Manager Policy and Science

Date: 26 April 2023

PURPOSE

- [1] To inform the Otago Regional Council (ORC or Council) of the new requirement under section 27 of the Resource Management Act 1991 (RMA) to carry out annual reporting to the Minister for the Environment on ORC's intentions to provide for vegetable production.

EXECUTIVE SUMMARY

- [2] On 4 April 2023 ORC received a letter from the Minister for the Environment, requesting annual reporting on Council's intentions to provide for vegetable production when developing freshwater planning instruments that give effect to the National Policy Statement for Freshwater Management 2020 (NPS-FM).
- [3] The letter stipulates that the first annual report is to be provided to the Minister by 19 May 2023 and indicates that the reporting requirement is intended to come to an end after the submission of a final report by 19 May 2025.
- [4] The Minister has requested the same or similar information from other regional councils in New Zealand.
- [5] It is proposed that the first annual report is prepared by staff with input from ORC's Chair and Deputy Chair and submitted to the Minister by ORC's Chief Executive under delegated authority.
- [6] A report for Council with the final response of the ORC to the Minister will be presented to the next Council meeting on 24 May 2023.

RECOMMENDATION

That the Council:

- 1) **Notes** that the Minister for the Environment has requested annual reporting on Otago Regional Council's intentions to provide for vegetable production when implementing the National Policy Statement for Freshwater Management 2020.
- 2) **Notes** that the Otago Regional Council is required to submit a first report to the Minister by 19 May 2023.
- 3) **Approves** that the first annual report is prepared by staff with input from ORC's Chair and Deputy Chair and submitted to the Minister by ORC's Chief Executive under delegated authority.

- 4) Notes that the first annual report to the Minister will be presented to Council at its meeting on 24 May 2023.**

BACKGROUND

- [7] On 4 April ORC received a letter from the Minister for the Environment, Hon David Parker, requesting information on Council's intentions to provide for vegetable production in Otago when developing regional plans that give effect to the NPS-FM. This letter is included as Attachment 1.
- [8] This information request, which forms part of a new annual reporting requirement commencing this year, stems from growing uncertainty around how regional plans currently under development will enable continuity and/or expansion for vegetable growing. In his letter the Minister expresses interest in developing greater understanding of the resilience of New Zealand's food production system in the face of population growth and climate change, while also recognising the potential impacts of these activities on the health of freshwater.
- [9] The Minister has requested that a first annual report be provided to him by 19 May 2023. He has further indicated that the reporting requirement is likely to come to an end after the submission of a third and final report by 19 May 2025.
- [10] The letter also details the Minister's expectations with respect to the type of information and level of detail that is to be provided within the annual reports. The reports are expected to:
- a. be brief; and
 - b. outline the rationale for any planning approaches and/or mechanisms developed by Council to manage or enable vegetable growing; and
 - c. explain how these approaches and/or mechanisms will enable:
 - i. Vegetable growers to practice crop rotation; and
 - ii. Expansion of the total production area.
- [11] The letter further stipulates that the first annual report is not expected to outline any details on possible plan provisions and that any information provided to the Minister will not be shared beyond Ministry for the Environment and Ministry for Primary Industries officials (except where needed to meet statutory requirements).
- [12] Communication with staff from other regional councils suggests that the Minister has requested the same or similar information from other regional councils.

DISCUSSION

- [13] Within the Otago region the most important areas for vegetable growing are situated in the following Freshwater Management Units (FMU):
- a. The North Otago FMU - particularly around Ōamaru and Palmerston and in the Kakanui catchment

- b. The Taieri FMU - historically on the Taieri Plains/Outram area, although large portions of the land historically used for vegetable growing have been subdivided
 - c. The Dunedin Coast FMU - predominantly in and around the Waitati township.
- [14] State of the Environment monitoring over the period 2000 to 2020 shows degrading trends for various water quality parameters, including nitrogen, at various sites in the North Otago FMU and in tributaries of the Lower Taieri river.
- [15] Key considerations when developing planning mechanisms that seek to manage land uses that have potential impacts on water quality and water quantity:
- a. The fundamental concept of Te Mana o te Wai requires that the health and well-being of the water is protected, and human health needs are provided for before enabling other uses of water.
 - b. Regional councils must give effect to Te Mana o te Wai when implementing the NPS-FM 2020 through the development of freshwater planning instruments.
 - c. Under the NPS-FM further over-allocation in water quality and quantity must be avoided and any existing over-allocation or degradation must be reversed or phased out.
 - d. Land uses can be enabled provided they occur within the limits on resource use, the environmental flows and the take limits set within NPS-FM compliant planning instruments.
- [16] Further consideration is required to fully develop the structure and content of the report to the Minister. However, the report may include some of the following information:
- a. Overview of the environmental outcomes and strategic approach likely to be promulgated in the proposed Land and Water Regional Plan (pLWRP) for Otago that is currently under development.
 - b. Overview of relevant controls and limits (e.g. take limits, environmental flows, land use and discharge restrictions) for managing freshwater and land that are currently being considered for inclusion in the pLWRP and their potential implications on the viability and scale of existing or proposed vegetable growing operations in the Otago region.
 - c. Overview of relevant objectives and policies in the proposed Regional Policy Statement for Otago that direct the development of district plan and regional plan provisions within the Otago region.
 - d. Outline of how the ORC's economic work program will assist with identifying the impacts of the pLWRP on the vegetable growing sector in Otago and how this information will inform the evaluation of the pLWRP carried out under section 32 of the RMA.
- [17] The short timeframe for responding to the Minister's request does not allow for a draft of the first annual report to be presented to the Council before the submission deadline of 19 May 2023. Therefore, it is proposed that the first annual report is prepared by staff using the ORC's Chair and Deputy Chair's input and submitted to the Minister by the ORC's Chief Executive under delegated authority.

- [18] A council paper with the final report to the Minister will be presented at the next Council meeting on 24 May 2023.

OPTIONS

- [19] Council could consider not responding to the Ministers request. Section 27 of the Resource Management Act 1991 sets out a number of functions of the Minister. Not responding may result in the Minister exercising his powers.
- [20] Responding to the request is not an overly onerous task and staff consider it can be adequately accommodated within existing work programmes. In total, there will be 3 reports required under s27 in relation to this topic.

CONSIDERATIONS

Strategic Framework and Policy Considerations

- [21] The provision of information on how ORC will provide for vegetable production in the Otago region closely aligns with various aspects of ORC's strategic directions, in particular ORC's mission statement (*Enriching life in a way that ensures positive relationships between environment, people and place, now and for our future*), its vision (*Otago's communities, through engagement, trust us to make well-informed decisions and enable solutions*) and its core values of being accountable, trustworthy and honest.
- [22] There are no policy considerations as a result of this paper.

Financial Considerations

- [23] There are no 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

- [24] This paper or the upcoming report to the Minister do not trigger any requirements of *He Mahi Rau Rika: Significance, Engagement and Māori Participation Policy 2021*.

Legislative and Risk Considerations

- [25] 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.

Climate Change Considerations

- [26] There are no climate change considerations from this paper or the upcoming report to the Minister.

Communications Considerations

[27] There are no specific communications considerations as a result of this paper or the upcoming report to the Minister.

NEXT STEPS

[28] The next steps are to:

- a. complete the first annual report with input from ORC's Chair and Deputy Chair; and
- b. submit this report to the Minister by its due date on 19 May 2023; and
- c. present this report to Council at its next meeting on 24 May 2023.

ATTACHMENTS

1. CO R 4118 Vegetable Production letter Otago Regional Council [**8.2.1** - 2 pages]

Hon David Parker BCom, LLB

Attorney-General

Minister for the Environment

Minister of Revenue

Associate Minister of Finance



COR4118

Chair and Councillors of Otago Regional Council

CC: Dr Pim Borren, CEO, Otago Regional Council

Pim.Borren@orc.govt.nz

Gretchen.Robertson@orc.govt.nz

Dear Gretchen Robertson and Councillors

Information request – Otago Regional Council intentions to provide for vegetable production when implementing the National Policy Statement for Freshwater Management 2020 (NPS-FM)

Thank you for the recent Te Uru Kahika Progress Report on regional planning implementation of the NPS-FM. I am pleased to see you have notified your regional policy statement and are continuing to make progress towards notifying your plan no later than the extended date of June 2024.

Among other issues, this summer's extreme weather has highlighted the importance of a wide geographic distribution of fresh vegetable production so that New Zealanders can continue to access healthy food options at a reasonable cost. The resilience of our food system will no doubt continue to be tested as the effects of climate change gain severity.

There is uncertainty as to how plans currently in development under the NPS-FM will enable continuity for vegetable growing and expansion of the domestic supply in line with future growth of New Zealand's population. New Zealand's population is forecasted to grow 8% between 2023 and 2033.¹

I am therefore requesting information on Otago Regional Council's intentions to provide for vegetable production in your region through your NPS-FM freshwater management planning instruments (land and water plans). Please include the rationale for your approach.

The information provided should include details about any mechanisms the Council is developing that enable:

- vegetable growers to practice crop rotation, moving their production (and associated discharges) from one property to another – for example allowing a grower to lease land in different properties within a freshwater management unit;
- an expansion of the total area of production – noting this will almost certainly lead to an increase in Nitrogen-related discharges, and potentially other discharges, from new land brought into vegetable production.

¹ StatsNZ projections 2022 - 2073 - available at [https://www.stats.govt.nz/information-releases/national-population-projections-2022base2073/#:~:text=New%20Zealand's%20population%20\(5.13%20million,and%205.85%20million%20in%202033.](https://www.stats.govt.nz/information-releases/national-population-projections-2022base2073/#:~:text=New%20Zealand's%20population%20(5.13%20million,and%205.85%20million%20in%202033.)

I would like to keep the reporting burden to a minimum. My expectation is that the information will be brief, but specific enough to understand whether and how the Council is intending to provide for the matters outlined above.

I acknowledge that the first report date is too early in plan development for specific details on possible plan provisions and understand any proposals need to be thoroughly tested with your community. However, please respond with your intended approach on the basis of currently available knowledge. If the Council has any queries about what reporting is required, please contact Bryan Smith through email bryan.smith@mfe.govt.nz or phone 027 5183327.

My request is in accordance with section 27 of the Resource Management Act 1991 (RMA). The first report is required by 19 May 2023, with reporting to continue on annual basis until 19 May 2025, with a view to capturing any further decisions and their rationale made in the intervening period. Officials will follow up with Council staff after reports are received should any clarification be needed.

I appreciate the sensitivities involved in this early phase of your regional freshwater management planning process. The information will not be shared beyond the cross-agency project team (Ministry for Environment and Ministry for Primary Industries officials), except where needed to meet statutory requirements, such as under the Official Information Act 1982.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'David Parker', is positioned below the 'Yours sincerely' text.

Hon David Parker
Minister for the Environment

8.3. Land and Water Regional Plan: Updated project plan and governance

Prepared for:	Council
Report No.	ENV2302
Activity:	Environmental: Land Environmental: Water
Author:	Fleur Matthews, Manager Policy and Planning
Endorsed by:	Anita Dawe, General Manager Policy and Science
Date:	26 April 2023

PURPOSE

- [1] This paper is intended to:
- a. Provide Otago Regional Council (ORC or Council) with an updated detailed project plan for developing the proposed Land and Water Regional Plan (pLWRP) to reflect the new timeframe for notification (by 30 June 2024); and
 - b. Seek approval for how key policy and milestone decisions will be made during development of the pLWRP.

EXECUTIVE SUMMARY

- [2] Staff have updated the detailed project plan for developing the proposed pLWRP and submitted the first monthly report to the Minister on progress towards meeting key milestones.
- [3] The Land and Water Regional Plan Governance Group (Governance Group) recommends that Council note key policy and milestone decisions during the development of the pLWRP, after they are workshopped by the Environmental Science and Policy Committee.
- [4] Minor changes to the Governance Group's terms of reference are required to reflect the new triennium's Committee structures.

RECOMMENDATION

That the Council:

- 1) **Notes** the updated detailed project plan for the proposed Land and Water Regional Plan.
- 2) **Approves** the Land and Water Regional Plan Governance Group's proposed approach that key policy and milestone decisions are workshopped by the Environmental Science and Policy Committee, before being considered by the Committee and then recommended to be noted by Council.
- 3) **Approves** the amended Terms of Reference for the Land and Water Regional Plan Governance Group.

BACKGROUND

- [5] In March 2023, the Minister for the Environment granted Council a six-month extension to notify the pLWRP by 30 June 2024. The extension was required primarily due to the delays to the proposed Regional Policy Statement caused by the High Court declaration, and the complexity of needing to split provisions in the pLWRP into freshwater and non-freshwater instruments.
- [6] In the previous triennium, the Governance Group provided policy guidance in respect of the pLWRP. This included significant direction in a number of topic areas, which were workshopped by the Strategy & Policy Committee, then noted and/or adopted through the Committee and Council [Reports SPS2227 and SPS2235 refer].¹
- [7] The Strategy & Planning Committee had delegation to approve consultation and call for submissions on Council's draft, proposed, and indicative policies, plans and strategies, where consistent with all relevant statutes (although did not exercise this delegation). The delegation did not include formal notification of Council's proposed plans.
- [8] The Strategy & Planning Committee also had delegation to appoint subcommittees or working parties as appropriate and used this delegation to appoint the Governance Group in July 2020.

DISCUSSION

Project reporting to Minister, Governance Group and Council

- [9] As part of seeking the extension from the Minister, Council committed to monthly reporting to him (via email) against key milestones. The reports will set out the key milestones, the dates by which we will achieve them, and a brief commentary on progress. The first of these reports has been sent to the Minister and is included as Attachment 1 for your information.
- [10] The Governance Group considered this first report during its meeting on 6 April 2023 and, for their purposes and for reporting to Council, wanted project update reports to include greater detail. A revised reporting template for Governance Group and Council will be considered at the next Governance Group meeting in May. A first draft of a more detailed reporting template is included in Attachment 2 for your information and initial feedback.

Relationship between Governance Group, Environmental Science and Policy Committee and Council

- [11] The only statutory decision that Council must make under the Resource Management Act 1991 (RMA) is to notify a pLWRP by 30 June 2024, which includes adopting the section 32 report. However, Council may wish to make policy and milestone decisions along the way, to ensure Councillors support the direction of travel and reduce re-litigation of issues which impacts delivery.

¹ <https://www.orc.govt.nz/media/12701/agenda-strategy-and-planning-20220810.pdf>;
<https://www.orc.govt.nz/media/12595/agenda-strategy-and-planning-20220713.pdf>

- [12] The Environmental Science and Policy Committee has responsibility for the pLWRP development, including policy, science, and economics inputs. It has no general decision-making or financial delegations, so these decisions can only be made at Council. The Governance Group reports to the Environmental Science and Policy Committee.
- [13] Following the Governance Group meeting in April, they have recommended that key policy and milestone decisions are workshopped by the Environmental Science and Policy Committee, before being considered by the Committee and then noted by Council. This is similar to the approach taken last triennium with the Strategy & Policy Committee and ensures that Iwi is part of the discussion. Staff will provide a timetable of key decisions for workshops at the next Council meeting, once this has been considered by the Governance Group.
- [14] Once the first full draft of the pLWRP is developed, staff will present it to the Governance Group for feedback (in the third quarter of this year), and then through to Environmental Science and Policy Committee workshops. This will be done over three or four workshops as there will be a significant amount of material to consider.
- [15] There are minor changes required to the Governance Group's terms of reference, primarily to reflect changes to Committee structures in the current triennium. The revised terms of reference is included in Attachment 3. We are seeking your approval of these changes.

OPTIONS

- [16] Council may choose to ask the Governance Group to reconsider its recommended approach for key policy and milestone decisions.

CONSIDERATIONS

Strategic Framework and Policy Considerations

- [17] ORC is responsible for implementing national direction and regulations, including by notifying proposed policy statements and plans that will give effect to the relevant higher order documents. ORC has committed to a work programme with the Minister which includes notifying a new pLWRP by June 2024.
- [18] The new pLWRP will contribute to fulfilling Council's objectives under ORC's Strategic Directions of leading environmental management in Otago, in partnership with mana whenua; promoting collaboration with territorial authorities and others to achieve resilient and sustainable communities; and promoting a healthy and resilient environment whose capacity for sustaining life and ecosystem health is enhanced and sustained.

Financial Considerations

- [19] This paper does not have any financial implications for ORC. The development of the pLWRP is a budgeted activity.

Significance and Engagement

- [20] The decision sought by this paper is not considered significant when assessed against *He Mahi Rau Rika: ORC Significance, Engagement and Māori Participation Policy*.

Legislative and Risk Considerations

- [21] The development of a new pLWRP is a requirement of the National Policy Statement for Freshwater Management 2020 (NPS-FM). The pLWRP will be developed in accordance with the requirements prescribed by the NPS-FM and the RMA.
- [22] Consideration of policy guidance provided by Councillors and Iwi representatives during the development of the pLWRP assists with ensuring that community and mana whenua concerns and expectations are accurately captured and addressed and reduces the risk of delays in the timely notification of the pLWRP.

Climate Change Considerations

- [23] No impact.

Communications Considerations

- [24] Not applicable.

NEXT STEPS

- [25] The next steps are for the Governance Group to consider and confirm the timetable of key decisions for Environmental Science and Policy Committee workshops and meetings.

ATTACHMENTS

1. revised milestones report for Council meeting [8.3.1 - 3 pages]
2. ORC LWRP monthly report - March 2023 [8.3.2 - 3 pages]
3. TOR LWRP GG updated April 2023 [8.3.3 - 11 pages]

Council Meeting - 26 April 2023 - MATTERS FOR CONSIDERATION

ORC REPORT ON PROGRESS AGAINST CRITICAL MILESTONES AND TASKS

Project Name	Project Sponsor	Project Sponsor	Project Start Date	Project End Date
Land and Water Regional Plan for Otago	Anita Dawe	Anita Dawe	1-Jul-21	30-Jun-24

Progress summary and focus for next month
Last month: An extension to the notification deadline to 30 June 2024 was approved so the focus of February was revising the project timelines to take this into account, along with a continuation of the economics and science work programmes underpinning the plan development.
This month: Background science work and economics work is continuing at pace to ensure the policy work and planning responses to issues faced at both a regional level and specific FMU level are informed by mana whenua, the communities within Otago, and our own science and economic data and analysis. The drafting of policy and planning responses and management approaches on issues at a region-wide level are progressing in line with governance direction and are on track to be completed by the end date of 31 July. Staff are seeking further direction from its combined Council and Iwi governance group in early April on the approach to managing water quantity issues.
Next month: Policy work continues on region-wide issues and management options. The region-wide hydrological modelling work is on track to be completed by the end of April and used to inform the plan writing around water quantity.

RESOURCE MANAGEMENT ACT PROCESS AND CRITICAL TASKS
CP1. Environmental Outcomes, Objectives, Provisions, Rules developed (July 2023)
CP2. Community consultation prior to formal Schedule 1 process (August - October 2023)
CP3. Pre-notification consultation (February - April 2024)
CP4. Public Notification (June 2024)

KEYS:		
RMA Critical Path	Health:	Status:
Milestones on a critical path	Meets or exceed project expectations	Not started
	Issues are being managed with the team	Ready to start
	Issues impacting project and need escalation and action	Start delayed
	Milestone / task finished	On hold
		In progress
		Complete
		Withdrawn

Milestone	Critical Path	Baseline		Current		Actual End Date	Health & Status	Commentary (inc % progress and reasons and impact of any variations to start and end dates)
		Start date	End date	Start date	End date			
Preparatory and plan writing work to get to community consultation 3								
1	Initial consultations with communities and key region-wide stakeholders complete. This is required by NPS-FM prior to plan drafting	CP1	20-Dec-22		20-Dec-22	20-Dec-22	Complete	
2	Community and mana whenua values identified with community and mana whenua. This is required by NPS-FM prior to plan drafting	CP1	31-Dec-22		31-Dec-22	20-Dec-22	Complete	
3	Analysis of feedback from community and key stakeholder consultation complete	CP1	31-Jan-23		31-Jan-23	31-Jan-23	Complete	
4	Catchment Stories Summary Report complete		30-Jan-23		30-Jan-23	30-Jan-23	Complete	
5	Region-wide topics plan drafting started		1-Feb-23		1-Feb-23	1-Feb-23	Complete	Following Council workshops in 2022 plan authors are drafting region-wide plan content, and seeking further direction on preferred management options for specific topics.
6	Further direction from Land and Water Regional Plan governance group on water quantity management sought. This directly informs plan drafting	CP1	6-Apr-23		6-Apr-23		In progress	Governance meeting scheduled and papers circulated.
7	Region-wide hydrological modelling complete. This directly informs plan drafting	CP1	30-Apr-23		30-Apr-23		In progress	Further work being undertaken on models currently.
8	Manuherekia hydrological statement finalised by Technical Advisory Group		30-Apr-23		30-Apr-23		In progress	Technical Advisory Group meeting scheduled.
9	Further direction from Land and Water Regional Plan governance group on water quality management sought. This directly informs plan drafting	CP1	4-May-23		4-May-23		In progress	
10	Water quality scenario modelling complete. This directly informs plan drafting	CP1	31-May-23		31-May-23		In progress	This work is tracking to time.
11	Outstanding water bodies identified		31-May-23		31-May-23		In progress	This work is tracking to time.

Council Meeting - 26 April 2023 - MATTERS FOR CONSIDERATION

12	Manuherehia ecological flow recommendation provided by Technical Advisory Group			31-May-23		31-May-23		In progress	
13	Further direction from Land and Water Regional Plan governance group on drinking water protection requirements sought.	CP1		6-Jun-23		6-Jun-23		Not started	
14	Regionally significant wetlands mapped and ground truthed			30-Jun-23		30-Jun-23		In progress	Maps have been updated. Ground truthing underway.
15	Land and Water Economic Profile of Otago complete			30-Jun-23		30-Jun-23		In progress	This is well underway.
16	Farmers and Growers Phase 2 report on testing the impact of actions complete			30-Jun-23		30-Jun-23		In progress	Follow on work to Phase 1 completed in early 2023.
17	Threatened species identified (via independent expert panel)			30-Jun-23		30-Jun-23		In progress	
18	Desirable and undesirable species identified			30-Jun-23		30-Jun-23		In progress	
19	Environmental outcomes, current states and target attribute states determined for all FMUs	CP1		30-Jun-23		30-Jun-23		In progress	This is a pre-requisite to drafting FMU chapters so FMU work to meet milestones below will begin once work on this milestone is complete.
20	Māori economy report completed by ORC and Iwi			31-Jul-23		31-Jul-23		In progress	Draft due 30 June. Iwi to review July.
21	Higher allocation catchment assessments complete (excluding Taieri). This directly informs plan drafting	CP1		31-Jul-23		31-Jul-23		In progress	This work is tracking to time.
22	All draft region-wide objectives, policies, provisions, rules, and maps complete	CP2		31-Jul-23		31-Jul-23		In progress	
23	Draft Catlins FMU Chapter complete			31-Jul-23		31-Jul-23		In progress	
24	Draft Clutha/Mata-Au Chapter complete			31-Jul-23		31-Jul-23		In progress	
25	Draft Dunedin and Coast Chapter complete			31-Jul-23		31-Jul-23		In progress	
26	Draft North Otago Chapter complete			31-Jul-23		31-Jul-23		In progress	
27	All draft FMU chapters complete (except Taieri and Manuherehia Rohe)	CP2		31-Jul-23		31-Jul-23		In progress	
28	Draft introduction, how the plan works, interpretation chapters complete			30-Sep-23		30-Sep-23		In progress	
29	Draft national direction chapter and regional context content complete			30-Sep-23		30-Sep-23		In progress	
	Draft mana whenua chapter complete			30-Sep-23		30-Sep-23		In progress	ORC and Iwi are in discussions about this chapter.
31	Draft schedules and appendices complete			30-Sep-23		30-Sep-23		Not started	
32	Draft Taieri Chapter complete			30-Oct-23		30-Oct-23		Not started	
33	Manuherehia Rohe chapter complete	CP2		31-Oct-23		31-Oct-23		Not started	
Community consultation prior to formal Schedule 1 process									
34	3rd and final community and key stakeholder consultation planning initiated			1-Jun-23		1-Jun-23		Not started	Early project planning conversations have begun.
35	Community consultation 3 meetings complete	CP2		30-Sep-23		30-Sep-23		Not started	Due to start 1 August 2023.
36	Key stakeholder report backs on region-wide topics complete			30-Sep-23		30-Sep-23		Not started	
37	Report back to Manuherehia Rohe community on provisions and rules for Rohe	CP2		15-Oct-23		15-Oct-23		Not started	
38	Economic Impact Assessment of draft plan complete (To inform the Section 32 Report)			30-Oct-23		30-Oct-23		Not started	Will start once other economic reports completed.
39	Full draft plan reviews by Planning Lead, affected ORC teams, Iwi, Legal complete			30-Nov-23		30-Nov-23		Not started	
40	Draft Proposed Land and Water Regional Plan and draft Section 32 report complete. These are required in order for Clause 3 & 4A pre-notification and notification	CP3		30-Nov-23		30-Nov-23		In progress	Plan authors are collating supporting evidence as they develop plan chapters throughout. The Section 32 Report involves a significant amount of work and the project is monitoring any additional resources required here.
41	Draft Land and Water Regional Plan complete and ready for pre-notification consultation	CP3		30-Nov-23		30-Nov-23		Not started	
Pre-notification consultation and public notification									

Council Meeting - 26 April 2023 - MATTERS FOR CONSIDERATION

42	Draft Proposed Land and Water Regional Plan pre-notification consultation with Iwi and statutory parties (under RMA Sch 1, clause 3 and 4A) completed	CP4		30-Apr-24		30-Apr-24		Not started	Due to start 1 February 2024.
43	Updates to Draft Proposed Land and Water Regional Plan complete			31-May-24		31-May-24		Not started	
44	Section 32 report complete			31-May-24		31-May-24		Not started	
45	Otago Regional Council resolution to notify Proposed Land and Water Regional Plan for Otago	CP4		14-Jun-24		14-Jun-24		Not started	
46	Proposed Land and Water Regional Plan for Otago publicly notified	CP4		28-Jun-24		28-Jun-24		Not started	

ORC REPORT ON PROGRESS AGAINST KEY MILESTONES

STATUS KEY	
	Meets or exceeds project expectations
	Issues are being managed within the team
	Issues impacting milestone need escalation and action

Project Name	Project Sponsor	Report Date	Project Start Date	Project End Date
Land and Water Regional Plan for Otago	Anita Dawe	31-Mar-23	1-Jul-21	30-Jun-24

Summary
<p>Last month: An extension to the notification deadline to 30 June 2024 was approved so the focus of February was revising the project timelines to take this into account, along with a continuation of the economics and science work programmes underpinning the plan development.</p>
<p>This month: Background science work and economics work is continuing at pace to ensure the policy work and planning responses to issues faced at both a regional level and specific FMU level are informed by mana whenua, the communities within Otago, and our own science and economic data and analysis. The drafting of policy and planning responses and management approaches on issues at a region-wide level are progressing in line with governance direction. Staff are seeking further direction from its combined Council and Iwi governance group in early April on the approach to managing water quantity issues.</p>
<p>Next month: Policy work continues on region-wide issues and management options. The region-wide hydrological modelling work is expected to be completed by the end of April.</p>

Milestone	Baseline Date	Forecast Date	Actual Date	Status	Comments
Community consultation on values, issues, management options					
01	Community and mana whenua values identified	31-Dec-22		Complete	
02	Initial consultations with communities and key region-wide stakeholders complete	20-Dec-22		Complete	
03	Analysis of feedback from community and key stakeholder consultation complete	31-Jan-23		Complete	
Economic and Science foundational work					
04	Catchment Stories Summary Report complete	30-Jan-23		Complete	
05	Māori economy report completed by ORC and Iwi	31-Jul-23		In progress	Draft due 30 June. Iwi to review July.
06	Land and Water Economic Profile of Otago complete	30-Jun-23		In progress	This is well underway.
07	Farmers and Growers Phase 2 report on testing the impact of actions complete	30-Jun-23		In progress	Follow on work to Phase 1 completed in early 2023.
08	Region-wide hydrological modelling complete	30-Apr-23		In progress	Further work being undertaken on models currently.
09	Water quality scenario modelling complete	31-May-23		In progress	This work is tracking to time.
10	Outstanding water bodies identified	31-May-23		In progress	This work is tracking to time.
11	Regionally significant wetlands mapped and ground truthed	30-Jun-23		In progress	Maps have been updated. Ground truthing underway.
12	Higher allocation catchment assessments complete (excluding Taieri)	31-Jul-23		In progress	This work is tracking to time.
13	Economic Impact Assessment of draft plan complete (To inform the Section 32 Report)	30-Oct-23		Not started	
Region-wide topic plan development					
14	Region-wide topics plan drafting begun	1-Feb-23		In progress	Following Council workshops in 2022 plan authors are drafting region-wide plan content, and seeking further direction on preferred management options for specific topics.

Council Meeting - 26 April 2023 - MATTERS FOR CONSIDERATION

15	Further direction from Land and Water Regional Plan governance group on water quantity management sought	6-Apr-23			In progress	Governance meeting scheduled and papers circulated.
16	Further direction from Land and Water Regional Plan governance group on water quality management sought	4-May-23			In progress	
17	Further direction from Land and Water Regional Plan governance group on drinking water protection requirements sought.	6-Jun-23			Not started	
18	Threatened species identified (via independent expert panel)	30-Jun-23			In progress	
19	Desirable and undesirable species identified	30-Jun-23			In progress	
20	All draft region-wide objectives, policies, provisions, rules, and maps complete	31-Jul-23			In progress	
FMU Chapters						
21	Environmental outcomes, current states and target attribute states determined for all FMUs	30-Jun-23			In progress	This is a pre-requisite to drafting FMU chapters so FMU work to meet milestones below will begin once work on this milestone is complete.
22	Draft Catlins FMU Chapter complete	31-Jul-23			In progress	
23	Draft Clutha/Mata-Au Chapter complete	31-Jul-23			In progress	
24	Draft Taieri Chapter complete	30-Oct-23			In progress	
25	Draft Dunedin and Coast Chapter complete	31-Jul-23			In progress	
26	Draft North Otago Chapter complete	31-Jul-23			In progress	
27	Manuherehia hydrological statement finalised by Technical Advisory Group	30-Apr-23			In progress	Technical Advisory Group meeting scheduled.
28	Manuherehia ecological flow recommendation provided by Technical Advisory Group	31-May-23			In progress	
29	Report back to community on outcome of further Manuherehia work and results	15-Oct-23			Not started	
30	Manuherehia Rohe chapter complete	31-Oct-23			Not started	
3rd and final community consultation and key stakeholder engagement						
31	3rd and final community and key stakeholder consultation planning initiated	1-Jun-23			Not started	Early project planning conversations have begun.
32	Community meetings begun	1-Aug-23			Not started	
33	Community meetings complete	30-Sep-23			Not started	
34	Key stakeholder report backs on region-wide topics complete	30-Sep-23			Not started	
35	Manuherehia Rohe community report back complete	15-Oct-23			Not started	
Finalising the plan and Section 32 Report						
36	Draft introduction, how the plan works, interpretation chapters complete	30-Sep-23			In progress	
37	Draft national direction chapter and regional context content complete	30-Sep-23			In progress	
38	Draft mana whenua chapter complete	30-Sep-23			In progress	ORC and Iwi are in discussions about this chapter.
39	Draft schedules and appendices complete	30-Sep-23			Not started	
40	Full draft plan reviews by Planning Lead, affected ORC teams, Iwi, Legal complete	30-Nov-23			Not started	

Council Meeting - 26 April 2023 - MATTERS FOR CONSIDERATION

41	First draft of Section 32 report complete	30-Nov-23			In progress	Plan authors are collating supporting evidence as they develop plan chapters throughout. The Section 32 Report involves a significant amount of work and the project is monitoring any additional resources required here.
42	Draft Proposed Land and Water Regional Plan development complete	30-Nov-23			Not started	
Pre-notification consultation and notification						
43	Draft Proposed Land and Water Regional Plan Pre-notification consultation with Iwi and statutory parties (under RMA Sch 1, clause 3 and 4A) begins	31-Jan-24			Not started	
44	Draft Proposed Land and Water Regional Plan Pre-notification consultation with Iwi and statutory parties (under RMA Sch 1, clause 3 and 4A) complete	30-Apr-24			Not started	
45	Analysis, planning response, and any updates to Draft Proposed Land and Water Regional Plan complete	31-May-24			Not started	
46	Alignment of draft plan with Regional Policy Statement for Otago	31-May-24			Not started	
47	Council and Iwi forewords for notified plan drafted	31-May-24			Not started	
48	Section 32 report complete	31-May-24			Not started	
49	Otago Regional Council resolution to notify Proposed Land and Water Regional Plan for Otago at Special Council Meeting	14-Jun-24			Not started	
50	Proposed Land and Water Regional Plan for Otago publicly notified	30-Jun-24			Not started	

Land and Water Regional Plan Governance Group

Terms of Reference

Updated ~~August 2022~~ April 2023

1 Context

1.1 Background

The Otago Regional Council (ORC) is embarking on a work programme to develop a proposed new Land and Water Regional Plan (LWRP) that is ready to be publicly notified by ~~31 December 2023~~30 June 2024.

Working in partnership with Iwi and recognising that Te Mana o Te Wai is central and integral to the sustainable management of freshwater, the programme will take a holistic and integrated approach to:

- developing effective and practical planning responses that address current and likely future challenges for freshwater management in Otago; and
- setting clear standards and targets for achieving the environmental outcomes imposed under National Direction Instruments and the goals and aspirations of mana whenua and local and wider community.

The new LWRP, which will be prepared in accordance with the National Planning Standards, must ensure that Otago's freshwater management framework meets all relevant regulatory requirements by giving full effect to higher order planning documents, including:

- the Resource Management Act 1991 (RMA),
- any relevant National Policy Statements, and
- ORC's new proposed Regional Policy Statement (notified on 26 June 2021).

1.2 LWRP Work Programme

There are three workstreams to the LWRP work programme:

1. An evaluation of the operative Regional Plan: Water for Otago (Water Plan) and operative Regional Plan: Waste for Otago (Waste Plan). This workstream has been completed and reported back to the Governance Group.
2. The development of a region-wide framework for managing land and freshwater resources, including region-wide objectives, policies and both regulatory and non-regulatory methods. This workstream will span the period from the completion of the Water Plan and Waste Plan evaluations until the public notification of the new LWRP, which must occur by 31 December 2023.
3. A staged delivery of separate Freshwater Management Unit (FMU) and Rohe chapters, with area-based plan provisions. This third workstream will be undertaken largely in parallel with the two other workstreams and is likely to span the period July 2020 to the date the new LWRP is publicly notified.

1.3 LWRP Governance Structure

Working with our Iwi partners, a tiered governance structure is proposed as outlined below.



The governance structure is to achieve the following outcomes:

- Enable iwi to appropriately resource their engagement with the LWRP development process while ensuring Council is able to fulfil its Treaty of Waitangi obligations; and
- Provide for direct engagement between councillors and our communities; and
- Define and implement governance (strategic and policy direction) appropriate to the programme as opposed to provision of drafting; and
- To recognise and give effect to the partnership between Iwi and ORC,
- Provide clarity and certainty as to responsibility for decision-making during the development of the LWRP; and
- Provide clarity of purpose at each level and avoidance of overlap between roles and responsibilities.

1.4 Roles and responsibilities

The roles and responsibilities of different bodies within the LWRP governance structure with regard to the development of a new LWRP are as follows:

1.4.1. Council

- To adopt a proposed LWRP for any of its functions specified under the Resource Management Act 1991, including the establishment of objectives, policies and methods for:
 - managing discharges of contaminants and water to water; and
 - managing the taking, use, damming and diversion of water; and
 - managing the quantity, level and flow of water in any water body; and

- achieving the integrated management of the natural and physical resources of a region; and
- maintaining indigenous biological diversity.

1.4.2. Mana to Mana

- To provide a forum for relationship strengthening between ORC and Mana whenua and collaboration on developing responses for improving environmental sustainability; and
- To ensure awareness and providing clarity of understanding of and responsiveness to Mana whenua values, aspirations and priorities in respect to the environment.
- To ensure Te Mana o te Wai is understood and given effect to, through the LWRP GG

1.4.3. ORC ~~Environmental Science and Policy Strategy and Planning~~ Committee (~~ESPS&P~~ Committee):

- To provide guidance in the development of the strategic approach to addressing key freshwater and land use management issues in the region and to ensure consistency with other Council strategies.

1.4.4. LWRP Governance Group (A ~~Council established working group~~ subcommittee of the ~~S & P~~ Committee)

- To safeguard the integration of the fundamental concept Te Mana o Te Wai and its articulation in the NPSFM and the objectives, policies and FMU/Rohe visions in the Proposed Regional Policy Statement, and
- To provide policy guidance to the ~~ESPS&P~~ Committee and provide assistance in the development of integrated responses to the key freshwater and land use management issues in the region; and
- To be a sounding board for solutions to resource management issues; and
- To liaise with Councillors and mana whenua who are not on the governance group.

1.4.5. ORC Executive ~~Management Leadership~~ Team

- To provide guidance and oversight of the day-to-day functioning of the ORC's ~~regional project~~ teams delivering the 3 LWRP workstreams.

1.4.6. The ~~Project~~ Regional Team

- To identify key freshwater and land use management issues, ~~both~~ in the region ~~and at an FMU/Rohe level,~~ and develop a strategic approach, ~~and~~ regional management framework ~~and FMU/Rohe-specific planning responses,~~ to address these.

~~1.4.7. The FMU teams~~

- ~~To identify freshwater issues and establish freshwater values at FMU, Rohe or local scale and develop an FMU/Rohe specific management framework consisting of both regulatory and non-regulatory responses to address these.~~

2 Purpose of LWRP Governance Group

In addition to matters outlined in clause 1.1.4 above and giving effect, at governance level, to the partnership between ORC and Iwi, the purpose of this group is to:

- Assist with articulating local approaches to implementing Te Mana o Te Wai for Otago; and
- Provide a regular platform for discussion around identification, prioritisation and responses to known and emerging resource management issues at a region wide and FMU level; and
- Provide direction on matters, such as the need for transition, adaption and implementation strategies and measures that might arise, as Council seeks to develop an effective, practical and forward-looking land and freshwater environmental management regime that fulfils all the requirements of the RMA and realises Iwi and wider community goals and aspirations; and
- Provide a mechanism for Kāi Tahu issues, and potential solution to be discussed; and
- Alert ORC's executive leadership when risks or issues are identified with respect to the development of the LWRP; and
- Identify any matters that require escalation to the ESPS&P Committee.

As noted above this group is a Council established working group, that reports to sub-committee of Council's ESPS&P Committee. It does not have any delegated decision-making role, but rather acts as an advisory body to Council, the ESPS&P Committee, the Regional Team and the FMU teams.

The Group is not mandated to draft the provisions of the proposed LWRP or become involved in 'operational' aspects of the development of that regional plan. It is however expected to champion the draft plan at both ESPS&P Committee and Council.

3 Membership

3.1 Permanently appointed members

The Group will consist of a maximum of 7 permanently appointed members as follows:

- 2 permanent ORC Councillors appointed by the ~~S&P Committee~~Council; and
- 4 permanently appointed Kāi Tahu ki Ōtākou rūnaka representatives, with at least two attending each meeting; and
- 1 permanently appointed Ngāi Tahu ki Murihiku representative, who can be any one of the Board members of Te Ao Mārama, representing Awarua Rūnaka, Waihopai Rūnaka and Ōraka-Aparima Rūnaka.

In fulfilment of the duties and obligations on Council arising from the Treaty of Waitangi, the role for Mana Whenua on the Group is to give expression to rūnaka values, aspirations and priorities in respect to the environment and to ensure that these are clearly expressed, and particular regard is had to them. Mana whenua on the Group will be rūnaka representatives selected by Kāi Tahu Papatipu Rūnanga ki Ōtākou.

3.2 Non-permanent members

In addition to the permanently appointed members, Councillors who are responsible for a specific FMU are provided with Governance Group membership on a temporary basis for the period when staff are consulting in the FMU. Table 1 below sets out which councillors are responsible for which FMU/Rohe.

Table 1: FMUs/Rohe and responsible Councillors

Freshwater Management Unit/rohe	Councillor
Upper Lakes Rohe	Michael Laws Gary Kelliher
Dunstan Rohe	Alexa Forbes
Manuherekia Rohe	Kevin Malcolm, Tim Mepham
Roxburgh Rohe	Gary Kelliher , Kate Wilson Michael Laws
Clutha/Mata- au	Kate Wilson , Bryan Scott Michael Deaker
Lower Clutha Rohe	Andrew Noone , Alan Somerville Carmen Hope
Taieri FMU	Gretchen Robertson, Lloyd McCall
Dunedin & Coast FMU	Bryan Scott, Elliot Weir
Catlins FMU	Kate Wilson, Lloyd McCall
Arrow & Cardrona (part of Dunstan rohe)	Bryan Scott
North Otago FMU	Kevin Malcolm, Elliot Weir

In addition to the permanently appointed members of the committee, non-permanent Councillors and iwi partners are welcome to attend in an observational capacity, any meeting of the group, as set out in section 4.1 below.

Succession

If a permanently appointed ORC Councillor member of the Governance Group leaves, ~~Council the S&P Committee~~ will appoint a replacement member.

If a permanently appointed rūnaka representative leaves, the relevant Papatipu Rūnaka will appoint a replacement.

4 Attendance at the Governance Group meetings

4.1 Members of Rūnaka leadership and ORC Councillors

In addition to the permanently appointed and non-permanent members of the Governance Group, any members of rūnaka leadership and any ORC Councillor that is not sitting on the Governance Group at the time, can attend any meeting of the group as of right, in an observational capacity, as it facilitates succession and allows for expertise in specific areas or FMUs/Rohe to be shared with the Group's members.

4.2 Third parties, staff and the public

Third parties and ORC, Aukaha and Te Ao Mārama staff may be invited to the Governance Group meetings by permanently appointed Governance Group members, when asked to provide technical information or present papers for discussion.

As Governance Group meetings are not public Council or Committee meetings, Governance Group meetings are not open to the public to attend.

5 Group Chair

There will be a monthly revolving chairing system between permanently appointed ORC Councillor members and Rūnaka representative members over the life of the group.

6 Term

The term of the group will be from July 2020 until the delivery of the new LWRP, consisting of region-wide and area-based provisions (for the individual FMUs and Rohe) accompanied by a 'fit for purpose section 32 Evaluation Report and a practical implementation plan are completed and the proposed plan is publicly notified, which is to be no later than ~~30 June 2024~~ ~~31 December 2023~~.

7 Meetings and Meeting Structure

The Group will determine meeting frequency. This may vary over the life of the group. Additional workshops or fieldtrips may be required, and advance notice will be given.

Each meeting agenda will note the next 3 meeting dates, and the meeting dates will be added to ORC's Governance Forward Planner.

Agendas, accompanying papers and an up-to-date electronic copy of ORC's Governance Forward Planner will be distributed via email 3 working days in advance to:

- all permanent members of the Governance Group; and
- all ORC Councillors, if they are not permanent members at the time; and
- Iwi representatives if they are not permanent members at the time; and
- all relevant Aukaha and Te Ao Mārama staff providing technical support to the Governance Group; and
- all relevant ORC staff providing technical and administrative support to the Governance Group.

Formal minutes will not be created but discussion notes and action items will be recorded and distributed to all permanent and non-permanent members of the Governance Group via email within 3 working days of each meeting.

8 Access to Information from Meetings

Every permanent member of the Governance Group, and ORC Councillors and iwi representatives, as well as all relevant ORC, Te Ao Mārama and Aukaha staff providing technical and administrative support to the Governance Group will be provided access to a shared drive. All relevant information will be kept here and will be available to be viewed.

Notes from Governance Group meetings will be uploaded within 5 working days of meetings, and any presentations made to the Governance Group will be uploaded within 48 hours of meetings.

9 Roles and responsibilities of the LWRP Governance Group

The role and responsibilities of the permanent members of the Governance Group are to:

- Champion the development of the LWRP at Council and within the Otago community; and
- Monitor the development of the strategic approach to addressing key freshwater and land use management issues in the region to ensure alignment with policy guidance provided by the [ESPS&P](#) Committee and the Mana to Mana forum throughout the different project stages; and
- Report to the [ESPS&P](#) Committee on the LWRP programme, including on progress of workstreams, issues and risks; and
- Assist, support and guide councillor colleagues engaged at the FMU level (the 'non-permanent' councillors); and
- Contribute to thinking and general content of the proposed new LWRP.

In addition to the matters above, within the Governance Group the role of the Iwi representatives is also to:

- Ensure the operational teams are aware of Mana Whenua values, aspirations and priorities in respect to the environment and that these are clearly expressed and considered; and
- Be a conduit between mana whenua and the operational teams, facilitating the sharing of mātauranga¹; and
- Provide guidance or governance direction on "Iwi specific issues.

In addition to the matters above, within the Governance Group the role of the FMU councillors is to:

- Be a source of local knowledge and a conduit between the community and the FMU Team for local knowledge; and
- Provide guidance or governance direction on "local" (FMU specific) issues.

All the Governance Group's permanently appointed and non-permanent members commit to:

- Participating in the Group's proceedings in good faith and to the best of their capabilities; and
- Participating in and contribute to frank and free discussion and to seek workable solutions to issues within the context of what is lawful and must be achieved under the Resource Management Act 1991, and subordinate planning instruments including the NPS-FM; and
- Acting in accordance with the Part 2, Section 10 and Part 2, Section 14 of the Local Government Act 2002; and²
- Committing time and effort to the Group for the duration of its proceedings; and
- Being open, honest and acting with integrity; and
- Recognising and considering different world views and the connectedness of everything; and

¹ Body of knowledge originating from Māori ancestors and includes Māori world view, perspectives, creativity and cultural practices.

² Part 2, Section 10 of the Local Government Act 2002 (LGA) sets out the purpose of local government, while Part 2, Section 14 of the LGA outlines the principles relating to local government.

- Coming to the meetings prepared, making sure to have read all the background material provided; and
- Taking part in the Group's discussions independently and free of any obligations or commitments; and
- Representing the interests of Mana Whenua or the Otago community at large; and
- Reporting any actual or potentially perceived conflicts of interests as detailed in the section on Conflicts of Interest.

Role of the Chair

The role of the Chairperson is to:

- Ensure any positions reached or recommendations made by the Governance Group are clearly recorded during meetings; and
- Play the primary spokesperson for the Group including with the [ESPS&P](#) Committee, ORC Council and ORC executives and staff; and
- Motivate and lead the Group to carry out its role and responsibilities; and
- Ensure a fair and equitable group process; and
- Foster an atmosphere of enquiry, respect, open-mindedness and group learning, supporting the group to strive for unanimous agreement; and
- Ensure the members operate within the Terms of Reference; and
- Request, on behalf of the Group, any technical or administrative support or any technical information that is relevant to the Group's tasks or proceedings.

10 Reporting

At a minimum, the group will report to Council's [ESPS&P](#) Committee on a quarterly basis on the various components of the programme.

The reporting to Council's [ESPS&P](#) Committee must include at least the following:

- A written summary of progress on the development of the LWRP made against the project plan using a consistent and agreed report template; and
- A written summary of any discussion held by the Governance Group; and
- A written overview of policy positions reached or recommendations made by the Governance Group.

11 Technical and administrative support

Technical and administrative support to the Group will be provided and/or coordinated by ORC staff. Further technical support may also be provided by Aukaha and Te Ao Mārama staff.

Support by technical staff or experts may include:

- The provision of technical information or presentations at meetings or during workshops (either in person or via video or audio conferencing); and

- The provision of technical information or attendance at fieldtrips; and
- The provisions of background reading material in advance of workshops.

Support by administrative staff may include:

- Programme and project management support; and
- Secretariat support, including organisation of meetings, and preparation and distribution of agendas, background reading and papers, and meeting notes/minutes; and
- Support with reporting to [ESPS&P](#) Committee; and
- Organisation of meetings

12 Internal processes

A quorum of four permanently appointed members, including at least one rūnaka representative and one permanently appointed ORC councillor, is needed to adopt policy position or policy recommendation.

The Group will strive to make recommendations by consensus. Consensus is defined as every permanently appointed member of the Group present at a meeting agreeing to accept the Group's recommendation.

Where consensus cannot be reached on a topic or specific point, the reasons for the disagreement will be noted, any alternatives defined, and the reasons for positions on the alternatives recorded.

If the Group reaches a policy position or makes a recommendation by consensus all permanently appointed members will be expected to support that policy position.

Non-permanent members can only participate in the proceedings of the Group in respect of matters specific to the FMU they represent. They cannot participate in the formulation and adoption of policy positions or policy recommendations of the Group on matters that extend beyond those specific to the FMU they represent.

13 Conflicts of Interest

Permanently appointed and non-permanent members of the Governance Group are required to disclose any interests they have related to land and freshwater issues in the region to the ORC. If any interest creates a conflict, they must declare this to the ORC.

14 Confidentiality

The permanently appointed and non-permanent members of the Governance Group and any other persons attending the Governance Group meetings may be privy to confidential information.

The permanently appointed and non-permanent members of the Group as well as any other persons attending the Governance Group meetings agree to keep such information confidential, unless the Governance Group agrees by consensus to the release of this information.

Details of discussions held within the Group will not be disclosed to outside parties without the unless:

- the Governance Group agrees by consensus to disclose this information; or
- the disclosure of this information is required by law.

The permanently appointed and non-permanent members of the Group as well as any other persons attending the Governance Group meetings must at all times comply with the requirements of the Privacy Act 1993 and keep information about identifiable individuals confidential.

9.1. Notice of Motion - Request for ORC to join the Free Fare Campaign

NOTICE OF MOTION – REQUEST FOR THE ORC TO JOIN THE FREE FARES CAMPAIGN

EXECUTIVE SUMMARY

In accordance with Standing Order 27.1, a Notice of Motion has been received from Councillor Elliot Weir for inclusion on the agenda for the Council Meeting being held on Wednesday, 26 April 2023. This is attached.

PROPOSED MOTION

That the Council:

- 1) **Authorises** the Chief Executive to sign onto the [Free Fares Campaign](#) as a coalition member and release a press statement once the process is complete.

ATTACHMENTS

9.1.1 Notice of Motion – Cr Weir

From: Cr Elliot Weir <elliott.weir@orc.govt.nz>
Sent: Tuesday, 18 April 2023 2:06 p.m.
To: Pim Borren <Pim.Borren@orc.govt.nz>
Subject: Re: Notice of motions

Hi Pim,

Here are the two motions I'd like to submit for the balclutha meeting.

1. Authorises the CE to sign onto the Free Fares campaign as a coalition member and release a press statement once the process is complete.
2. Requests a report be drafted by the transport team for presentation to the PATC on the feasibility of free off-peak travel and the potential costs (eg. lost revenue) and benefits (eg. reduced pressure at peak times, reduced delays at peak times, equity impacts, reputation impacts) to help inform relevant LTP decisions.



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Thanks,
Elliot

9.2. Notice of Motion - Request for report on feasibility of free off-peak travel

NOTICE OF MOTION – REQUEST FOR A REPORT ON THE FEASIBILITY OF FREE OFF-PEAK TRAVEL

EXECUTIVE SUMMARY

In accordance with Standing Order 27.1, a Notice of Motion has been received from Councillor Elliot Weir for inclusion on the agenda for the Council Meeting being held on Wednesday, 26 April 2023. This is attached.

PROPOSED MOTION

That the Council:

- 1) **Requests** a report be drafted by the transport team for presentation to the PATC on the feasibility of free off-peak travel and the potential costs (e.g., lost revenue) and benefits (e.g., reduced pressure at peak times, reduced delays at peak times, equity impacts, reputation impacts) to help inform relevant LTP decisions.

ATTACHMENTS

9.2.1 Notice of Motion – Cr Weir

From: Cr Elliot Weir <elliot.weir@orc.govt.nz>
Sent: Tuesday, 18 April 2023 2:06 p.m.
To: Pim Borren <Pim.Borren@orc.govt.nz>
Subject: Re: Notice of motions

Hi Pim,

Here are the two motions I'd like to submit for the balclutha meeting.

1. Authorises the CE to sign onto the Free Fares campaign as a coalition member and release a press statement once the process is complete.
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Thanks,
Elliot

10.1. Chairperson's Report

Prepared for: Council
Activity: Governance Report
Author: Cr Robertson, Chairperson
Date: 19 April 2023

Firstly, I acknowledge the importance and value of Otago Regional Council being present, accessible, and visible throughout Otago. Holding this meeting in Balclutha alongside the mighty Clutha River is just part of the formal recognition of, and commitment to, our diverse Otago home. We recognise the importance of this area to mana whenua and to all who have settled here in Balclutha and the wider district. The Māori name for the area is Iwikatea. This is a township built on primary-processing, surrounded by fertile farmland, with particularly important estuarine, coastal, forest, riparian, and aquatic biodiversity values interwoven, and right on its doorstep. A link to the Catlins, South and West Otago; or as Mayor Bryan Cadogan is often quoted as saying, “all roads lead to Balclutha”. Whilst our Council is here together in this area, we will maximise our time by visiting local projects ORC has been involved in, meeting with our ‘brother and sister’ local government elected Councillors from Clutha District Council and enjoying informal discussion with some local identities who have been actively involved in ORC work for many years. We gain so much from, and are committed to, building strong relationships right across Otago and recognising the enhanced project outcomes we see from collaborative work in each of Otago’s districts.

A special mention as well of the ORC staff who work from the Balclutha office.

- Rahui Reeves – River Engineer Balclutha (Rivers)
- Jared Crawford – Operations Engineer (Operations and Maintenance)
- Stew Thomson – Operations Technician/Foreman (Operations and Maintenance)
- Greta Campbell – Environmental Officer (Commercial and Regulatory)
- Bryce Smith - Biosecurity Officer Coastal Otago (Environmental Implementation)
- Jason Michie - Emergency Management Advisor – Clutha (Emergency Management)
- Sarah Irvine – Team Leader Environmental Implementation (Environmental Implementation)

And to the many other staff that spend a lot of time in this district as part of their work programmes too.

Matter for Consideration: Requests for ORC support for external funding bids

I would like to raise the matter of requests for Regional Council endorsement/support for funding applications to **external** funding sources.

We have encountered this situation a few times already this triennium and I would appreciate your consideration of a short policy to guide the organisation’s responses.

Often these requests come in toward a due date for submission (after the project completes required work to pull together a funding application). Once the entity/individual knows they have a viable project they may be required by funders to seek endorsement from relevant local stakeholders, agencies, etc as part of the application process. Endorsement from a key

organisation such as ORC can add significant weight to the probability of success of an application.

I would like to gauge whether the Council would be interested in enabling proactive responses to requests for endorsement of funding applications if the funding application meets the following requirements:

- a. The application is to an external funding source
- b. The application is not seeking funding support directly from the ORC (this would need to be handled through a different assessment process)
- c. The application is for an initiative that supports existing ORC strategic priorities
- d. The Council is made aware of any initiatives endorsed under this policy
- e. The ORC response to the request is made in writing by the chair of the Council

The following considerations may be relevant in any decision made by this Council.

- Proactive support for locally beneficial projects
- Opportunity for financial investment into Otago from Central Government or other nationally contestable funding
- Timely response
- Whether endorsement of e.g., commercial entities is a principal ORC wishes to pursue

RECOMMENDATION

That the Council:

- 1) **Notes** this report.
- 2) **Implements** a policy for the endorsement of external funding applications as per the requirements listed in a-e above.

Attendance at events

14th March Dunedin Citizens Association Inc – Public Meeting

At St Peters Church Hall alongside DCC. Councillors Mephram and Somerville attended. Residents of Dunedin know what is being focused on to date. They intend to hold meetings around every three months to enable the people of Dunedin to hear first-hand what is going on in their local Councils. We were asked to respond specifically to questions about Public Transport and draft 2023/24 rates.

15th March Strategic Direction Planning Workshop #1

Strategic session paving the way toward LTP strategic planning with ORC Councillors, Executive Leadership Staff, and Strategy Team Members

16th March CDEM Joint Committee

17th March Otago Mayoral Forum

Preceded by a Mayoral Dinner on 16th March

4th March Harbourmaster Team Visit and Boat Trip

A fantastic opportunity for Councillors to hear about the broad work programme of the Harbourmaster team. The day involved a presentation/discussion at the Dunedin

Harbourmaster depot then a first-hand look at the Otago Harbour work-environment onboard the new vessel Awhina.

Lower Taieri Flood Scheme and East/West Taieri Drainage Scheme community meeting

Drop-in session hosted by ORC providing updates on work programmes and offering opportunity for open discussion with community. ORC teams present included Engineering, Hazards, and Civil Defence and Emergency Management as well as Councillors.

3rd April Thomson's Creek Site Visit and Fish Barrier Opening

Councillors, Pim, and Richard visited the Thomson's Creek area to view the work of the Thomson's Creek Committee in creating a constructed wetland and fish barrier specifically. There is also wider on-farm work to enhance water quality and habitat occurring.

The wetland has a 970m winding channel to trap sediment and recreate wetland habitat for ecological enhancement. 45,000 Carex secta plants are planned to be planted in spring this year. The fish barrier will stop exotic fish species moving upstream, thus creating refuges for important native galaxiids from predation. The work is part of the wider Manuherikia Exemplar Project. ORC has had a role in assisting with technical information and our provision of funding for consent related costs for environmental enhancement projects.

The Council commended the Committee for the achievement to date in getting these important projects off the ground. The positive outcomes were realised through the can-do attitudes of local landowners, committee, stakeholders, and local contractors lending expertise to realise a vision.

3rd April Federated Farmers Otago Executive Meeting

Richard, Lloyd, and I were invited to attend the above meeting. We were asked to talk about where ORC is at with the Land and Water Regional Plan and what to expect in the coming months. Federated Farmers are keen for early awareness and discussion of possible provisions wherever possible. As we know, we are currently undertaking work programme revision work and will need to confirm adjustments as a result of the timing changes for notification. Timeframes remain very tight but having good communication and input from our diverse knowledgeable stakeholders was a clear message from Federated Farmers.

5th April Strategic Planning Workshop with Doug Craig

Mana Whenua in attendance. Setting Strategy and Vision for ORC.

5th April Otago Balance Farm Environment Awards

Presented Otago Regional Council Quality Water Enhancement Award to Simon & Kellie Nichol (owners) & Grant Bezett (farm manager). As Supreme Award winners too, they will represent Otago at the National Awards in May. I sent a letter to congratulate Simon, Kellie, and Grant on their achievements on our behalf.

13th Otago Access Radio with Jeff Harford (Community Liaison) - Rabbits

I spoke about Otago's rabbit pest issue and ORC programmes focussed on the recent report to Council on monitoring approaches (and technical assessment report information

associated with these), especially around peri-urban rabbit hot spots. Also spoke about ORC's 7 current targeted community liaison programmes and wider regulatory roles. Mentioned the ORC Pest Hub and its message and link for those wanting to register their interest in a community-led approach with ORC support and our general contact details for all feedback/questions.

17th April Regional Sector (Out of Cycle) Meeting

Discussed the Regional Sector Relationship with LGNZ. A facilitated session was run to give feedback from members on the purpose of the Regional Sector Forum. There was also an opportunity to give feedback on the 3 possible areas of focus for the triennium through Te Ura Kahika (The Unitary and Regional Councils Collective). These are to date: Climate Resilience, Te Tiriti and Resource Management reform.

Minister for the Environment Hon David Parker attended to answer questions from the sector. There was discussion on farm planning and the scope for multiple providers to deliver farm plans if they meet specified plan-quality bottom-lines. Also spoke about the vegetable production information requirement letter received by Regional Councils across NZ. This recognises the issue of potential 'discharge per hectare' individual property-type (vs collective) planning limits and land availability issues, etc which may limit vegetable production ability. The requirement to provide information on the planning setting Councils are considering will provide information for the government to consider in assessing NZ's ongoing ability to service its domestic vegetable production needs.

9th April New Dunedin Hospital Local Advisory Group

20th-21st April Zone 5/6 Meeting – Hosted by Queenstown District Council

Note: Coronation of His Majesty Charles III - Acknowledge the coronation of King Charles III as King of New Zealand on 6 May.

ATTACHMENTS

Nil

10.2. Chief Executive's Report

Prepared for: Council

Activity: Governance Report

Author: Pim Borren, Interim Chief Executive

Date: 26 April 2023

- [1] The year remains extremely busy with so many different pressures on ORC.
- [2] Ongoing central government changes impact on ORC as well e.g., regional planning committee structures, water entities etc.
- [3] I met with the new CEO of MfE recently. We seemed well-aligned on a number of topic areas and covered off issues such as J4N funding and freshwater and river management.
- [4] I also met with Sara Clarke (MfE) to discuss our Lakes Working Group and shared with her our draft Terms of Reference.
- [5] I attended a special Regional Sector Group meeting in Wellington this week. One of the major topics was the climate resilience area as a result of the learnings from Cyclone Gabrielle.
- [6] I am particularly happy to see the bounce back in public transport patronage numbers both in Dunedin and Queenstown. The latter is especially gratifying since they are still on a reduced timetable until 1 June 2023.
- [7] I am also very pleased to see our work programme is largely on track for the current year and congratulate staff on maintaining their focus on their work plans.
- [8] The Whare Runaka final design has been agreed and signed off and Port Otago is now proceeding with consent approvals. We are anticipating starting physical work in the next 2-3 months and as labour becomes available from the Port's head office build. Now that the final design has been finalised any cost over-runs will sit with the Port, not ORC.

RECOMMENDATION

That the Council:

- 1) **Notes** this report.

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
<p><i>1.1 Confidential Minutes of the 22 March 2023 Council Meeting</i></p>	<p>To protect information where the making available of the information— would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information – Section 7(2)(b)(ii)</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 to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied – Section 7(2)(c)(i)</p> <p>To avoid prejudice to measures that prevent or mitigate material loss to members of the public – Section 7(2)(e)</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 prevent the disclosure or use of official information for improper gain or improper advantage – Section 7(2)(j)</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:</p> <p>(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>3.1 Recommendations of the 23 March 2023 Audit & Risk Subcommittee (confidential)</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 to prejudice the supply of similar information, or information</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:</p>

	<p>from the same source, and it is in the public interest that such information should continue to be supplied – Section 7(2)(c)(i)</p>	<p>(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>
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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.