

Council Agenda 25 September 2024

Meeting will be held at ORC Chambers, Philip Laing House, Lvl 2, 144 Rattray Street, Dunedin, and live streamed to the [ORC YouTube Channel](#)



Members:

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

Senior Officer: Richard Saunders, Chief Executive
Meeting Support: Kylie Darragh, Governance Support Officer

25 September 2024 11:15 AM

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2. APOLOGIES	
3. PUBLIC FORUM	
3.1 Extinction Rebellion - Pierre Marasti	
4. CONFIRMATION OF AGENDA	
The agenda to be confirmed as published.	
5. DECLARATIONS OF INTEREST	
Members are reminded of the need to stand aside from decision-making when a conflict arises between their role as an elected representative and any private or other external interest they might have. The Register of Pecuniary Interests can be found on the ORC Website	
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7.2	Annual Report Otago Catchment Community Craig Simpson will present.	
7.3	Annual Report Whakatipu Wilding Conifer Control Group Grant Hensman will present.	
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To present for approval by Council, the tenth progress report to the Minister for the Environment, in accordance with section 27 of the Resource Management Act 1991 in relation to the recommendations made under section 24A of the Resource Management Act.

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**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 28 August 2024,
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 Mepham
Cr Andrew Noone
Cr Bryan Scott
Cr Alan Somerville
Cr Elliot Weir
Cr Kate Wilson

DRAFT

1. WELCOME

Chair Robertson welcomed Councillors, members of the public and staff to the meeting at 1 pm. Staff present included Richard Saunders (Chief Executive), Nick Donnelly (GM Finance), Anita Dawe (GM Regional Planning and Transport), Matthew Alley (Acting GM Manager Science and Resilience) Joanna Gilroy (GM Environmental Delivery), Tami Sargeant (GM People and Corporate) Amanda Vercoe (GM Strategy and Customer, Deputy CE), Fleur Matthews (Manager Policy and Planning), Kylie Darragh (Governance Support).

2. APOLOGIES

It was moved by Cr Forbes, and seconded by Cr McCall:

That the apology from Cr Weir for lateness be accepted.

MOTION CARRIED

3. PUBLIC FORUM

Pierre Marasti presented online to speak on behalf of Extinction Rebellion. Following an opportunity for questions Chair Robertson thanked Pierre for attending.

Sara Carr and Jen Stephenson from the Waverley and Shiel Hill Parents Group spoke on the Sandy Mount and Waverley Bus services, there was an opportunity for questions and Chair Robertson thanked both for attending.

4. CONFIRMATION OF AGENDA

It was moved by Cr Robertson and seconded by Cr Mepham that:

The agenda be confirmed with the addition of the late paper 10.7 Regional Infrastructure Fund Flood Protection Programme Tranche 1 which could not wait due to meeting central government timeframes.

MOTION CARRIED

5. DECLARATIONS OF INTERESTS

Members were reminded by the Chair 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 may have.

6. PRESENTATIONS

Kevin Winders, Tim Gibson, and Stephen Connolly from the Port of Otago presented their Annual Report summary which included a strategy refresh overview, a 2024 recap, financial results and an opportunity for questions. The Chair thanked the Port of Otago for attending.

Grant Dodson and Peter Weir of the Southern Wood Council spoke on the Land and Water Regional Plan, there was an opportunity for questions and Chair Robertson thanked both for attending.

Cr Scott left the meeting at 2:20 pm.

Cr Scott returned to the meeting at 2:23 pm.

7. CONFIRMATION OF MINUTES

It was moved by Cr Weir and seconded by Cr Robertson:

That the minutes of the (public portion of the) Council meeting held on 24 July 2024 be received and confirmed as a true and accurate record.

MOTION CARRIED

8. ACTIONS (STATUS OF COUNCIL RESOLUTIONS)

Status report on the resolutions of the Council Meeting was reviewed with no changes noted.

9. CHAIRPERSON'S AND CHIEF EXECUTIVE'S REPORTS

9.1. Chief Executive's Report

Resolution CM24-164: Cr McCall Moved, Cr Somerville Seconded

That the Council:

1. **Notes** this report.

MOTION CARRIED

9.2. Chairperson's Report

Resolution CM24-165: Cr Laws Moved, Cr McCall Seconded

That the Council:

- 1) **Notes** this report.

MOTION CARRIED

10. MATTERS FOR CONSIDERATION

10.1. Annual Returns of Inactive Subsidiaries

[01:48:00] This paper was present to pass resolutions in lieu of holding annual general meetings for Council's three wholly owned inactive subsidiaries. The resolutions were to not hold an annual general meeting and to not appoint an auditor for each company. Nick Donnelly, GM Finance, was present to respond to questions.

Resolution CM24-166: Cr Wilson Moved, Cr Laws Seconded

That the Council:

- 1) **Approves** the following resolutions:
 - a. *That it shall not be necessary for Regional Services Limited to hold an Annual General Meeting under section 120 of the Companies Act 1993.*
 - b. *That no auditors be appointed for Regional Services Limited under section 196 (2) of the Companies Act 1993.*
 - c. *That it shall not be necessary for Regional Pest Services Limited to hold an Annual General Meeting under section 120 of the Companies Act 1993.*
 - d. *That no auditors be appointed for Regional Pest Services Limited under section 196 (2) of the Companies Act 1993.*
 - e. *That it shall not be necessary for Regional Monitoring Services Limited to hold an Annual General Meeting under section 120 of the Companies Act 1993.*
 - f. *That no auditors be appointed for Regional Monitoring Services Limited under section 196 (2) of the Companies Act 1993.*

MOTION CARRIED

Cr Mepham left the meeting at 2:51 pm.

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

10.2. Waitaki River Update

[YouTube1:48:55] This paper provided Council with an update on the investigation into whether a partnership approach could allow the Waitaki River catchment to be managed holistically as a single connected catchment. Anita Dawe, GM Regional Planning and Transport and Cr Malcom who has attended the meetings with ECAN and mana whenua representatives, responded to questions on the update.

Resolution CM24-167: Cr Wilson Moved, Cr Weir Seconded

That the Council:

1. **Notes** this report and the progress being made by the working group.
2. **Notes** a further update will be provided in 2025, after the early engagement has been undertaken.

MOTION CARRIED

[2:01:19] At 3:00 pm Cr Robertson moved; Cr Mepham seconded

That Council adjourn for fifteen minutes.

MOTION CARRIED

10.3. Correspondence Received from the Minister for the Environment concerning the LWRP

[YouTube 2:15:03] This report provided Council with an update on a response to the recent letters received from the Minister for the Environment. Richard Saunders, Chief Executive was available to respond to questions. The recommendation was taken in parts with a small change to the third resolution to include the words “or any other relevant ministers”.

Resolution CM24-168: Cr Forbes Moved, Cr Weir Seconded

That the Council:

1. **Notes** this report.

MOTION CARRIED

Resolution CM24-169: Cr Forbes Moved, Cr Weir Seconded

1. **Directs** staff to prepare a draft response to the Minister for consideration of Council.

MOTION CARRIED

Resolution CM24-170: Cr Forbes Moved, Cr Weir Seconded

That the Council:

1. **Directs** staff to seek a meeting with the Minister for the Environment or any other relevant ministers at the earliest opportunity for the purpose of discussing the matters raised in recent correspondence.

MOTION CARRIED

Cr Malcolm voted against.

Cr Laws left the meeting at 4:07 pm.

10.4. Identification of Potential Commissioners to Hear the Draft Land and Water Regional Plan

[YouTube 3:05:50] This paper was presented for Council to note the process for appointing a Freshwater Hearing Panel to receive submissions, hear evidence and make decisions on a freshwater instrument, ahead of the request for notification of the draft Land and Water Regional Plan (dLWRP). Anita Dawe, GM Regional Planning and Transport was present to respond to questions.

A procedural motion, was called as a division:

Cr Wilson Moved, Cr Kelliher Seconded

That the Council:

1. **Lays** the report on the table.

For:	Cr Kelliher, Cr Malcolm, Cr Noone, Cr Wilson.
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Against:	Cr Forbes, Cr McCall, Cr Mepham, Cr Scott, Cr Somerville, Cr Weir, Cr Robertson.
Abstained:	Nil.

MOTION FAILED

A division was called for the individual recommendations of the report.

Resolution CM-171: Cr Mepham Moved, Cr Scott Seconded

That the Council:

- 1. Notes this report.**

For:	Cr Forbes, Cr McCall, Cr Mepham, Cr Scott, Cr Somerville, Cr Weir, Cr Robertson.
Against:	Cr Kelliher, Cr Malcolm, Cr Noone, Cr Wilson.
Abstained:	Nil.

MOTION CARRIED

Resolution CM24-172: Cr Mepham Moved, Cr Scott Seconded

That the Council:

- 1. Notes that staff will be working to identify Commissioners that may be suitable to act as Freshwater Commissioners.**

For:	Cr Forbes, Cr McCall, Cr Mepham, Cr Scott, Cr Somerville, Cr Weir, Cr Robertson.
Against:	Cr Kelliher, Cr Malcolm, Cr Noone, Cr Wilson.
Abstained:	Nil.

MOTION CARRIED

Resolution CM24-173 Cr Mepham Moved, Cr Scott Seconded

That the Council:

- 1. Directs staff to approach the members of the recently completed Freshwater Hearings Panel for the RPS as part of the identification process.**

For:	Cr Forbes, Cr McCall, Cr Mepham, Cr Scott, Cr Somerville, Cr Weir, Cr Robertson.
Against:	Cr Kelliher, Cr Malcolm, Cr Noone, Cr Wilson.
Abstained:	Nil.

MOTION CARRIED

10.5. Progress update on pORPS 2021

[YouTube 3:18:56] This paper provided an overview of appeals received on the proposed Otago Regional Policy Statement 2021 (pORPS) and progress to resolve the appeals. Anita Dawe, General Manager Regional Planning and Transport and Fleur Matthews, Manager Policy and Planning were available to respond to questions.

Resolution CM24-174 Cr McCall Moved, Cr Mepham Seconded

That the Council:

1. **Notes** this report.

MOTION CARRIED

10.6. Delegations Report

[YouTube 3:26:57] This paper was brought to confirm the proposed amendments to the Otago Regional Council Delegations Manual that require approval by Council resolution. Janet Ashcroft (Legal Counsel) was available to respond to questions.

Resolution CM24-175: Cr Wilson Moved, Cr Malcolm Seconded

That the Council:

1. **Receives** this report.
2. **Resolves to approve** the proposed amendments to the Otago Regional Council Delegations Manual detailed in Attachment 1.
3. **Authorises** the Chief Executive to update the Council's Delegations Manual accordingly.

MOTION CARRIED

Cr McCall left the meeting at 4:40 pm.

Cr McCall returned to the meeting at 4:42 pm.

Cr Malcolm left the meeting at 4:51 pm.

Cr Malcolm returned to the meeting at 4:58 pm.

10.7 Regional Infrastructure Fund Flood Protection Programme Tranche 1

[YouTube 3:38:23] This paper sought Council's approval to enter a Regional Infrastructure Fund (RIF) Grant Funding agreement with the Ministry of Business, Innovation and Employment (Ministry) for part-funding across the selected project, being the continuation of the Contour Channel (West Taieri) Resilience Upgrade Project (The Project) and for Council to agree to the co-funding of the ORC's portion of the costs of this project. Brett Paterson, Team Leader Programme Management, Michele Mifflin, Manager Engineering and Matt Alley, Acting GM Science and Resilience were available to respond to questions.

Resolution CM24-176: Cr Somerville Moved, Cr Weir Seconded

That the Council:

1. **Receives** this report.
2. **Notes** the Additional Undertakings (as noted in Part 1 clause 12 of the funding agreement), reporting and other terms and conditions set out in the Grant Funding Agreement provided by the Ministry in (refer Appendix B).
3. **Notes** the funding requirements of this project for the future financial years.
4. **Notes** that an updated budget to reflect the grant funding will be prepared as part of the 2025/2026 Annual Plan.
5. **Delegates** the Chief Executive in consultation with the Chairperson to execute contracts with suppliers for goods and services relating to the Continuation of the Contour Channel project above current financial delegations, in accordance with the RIF Grant Funding Agreement requirements not exceeding the Total Project Cost.
6. **Approves** entering into the Grant Funding Agreement with the Ministry for grant funding of up to \$5,400,000 (excluding GST) for the Continuation of the Contour Channel Upgrade.

7. **Approves** the Chief Executive to sign the Grant Funding Agreement for and on behalf of ORC.
8. **Approves** ORC providing Co-Funding of up to \$3,600,000 (excluding GST) to fund ORC's portion of the total project cost.
9. **Authorises** staff (key personnel listed in the Grant Funding Agreement) to procure works and services in a way that achieves the required Additional Undertakings described in the Grant Funding Agreement.
10. **Authorises** the General Manager Science and Resilience to certify Payment Requests for quarterly reimbursement as described in the Grant Funding Agreement.

MOTION CARRIED

11. RECOMMENDATIONS ADOPTED AT COMMITTEE MEETINGS

Resolution CM24-177: Cr Wilson Moved, Cr Weir Seconded

That the Council adopts the recommendations of the 7 August Public and Active Transport Committee and the recommendations of the 8 May 2024 Safety and Resilience Committee.

MOTION CARRIED

13. RESOLUTION TO EXCLUDE THE PUBLIC

Resolution CM24-177: Cr Wilson Moved, Cr Weir Seconded

It was moved that the public be excluded from the following parts of this meeting, namely:

- *Minutes of the 24 July 2024 Confidential Council*
- *OPS2433 Award of Unit 5 Tender*

and that Rachel Pinn Director of RS Pinn Consultants Ltd be permitted to remain in the room as they are experienced in the subject matter and leading the tender on behalf of the organisation.

MOTION CARRIED

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
<i>Confidential Minutes of Council for 24 July 2024</i>	To protect the privacy of natural persons, including that of deceased natural persons – Section 7(2)(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>OPS2433 Award of Unit 5 Tender</i>	To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities – Section 7(2)(h)	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.

14. CLOSURE

There was no further business and Chair Robertson declared the meeting closed at 5:18 PM.

Chairperson

Date



Council (Extraordinary) MINUTES

Minutes of an extraordinary meeting of the Otago Regional Council held in the Council Chamber, Level 2 Philip Laing House, 144 Rattray Street, Dunedin on Thursday 5 September 2024, commencing at 1:03 PM.

PRESENT

Cr Gretchen Robertson *(Chair)*
Cr Lloyd McCall *(Deputy Chair)*
Cr Alexa Forbes *Online*
Cr Gary Kelliher *Online*
Cr Michael Laws
Cr Kevin Malcolm
Cr Tim Mepham
Cr Andrew Noone
Cr Bryan Scott
Cr Alan Somerville
Cr Elliot Weir
Cr Kate Wilson

1. WELCOME

Chair Robertson welcomed Councillors, members of the public and staff to the meeting at 1:03 pm with a karakia. Staff present included Richard Saunders (Chief Executive), Nick Donnelly (GM Finance), Joanna Gilroy (GM Environmental Delivery), Tami Sargeant (GM People and Corporate) Amanda Vercoe (GM Strategy and Customer, Deputy CE), Kylie Darragh (Governance Support), Fleur Matthews (Manager Policy & Planning) Michelle Mehlhopt (Special Counsel, Environment & Planning and Local Government, Wynn Williams) and Christina Robb (Director, Happen Consulting).

There was a minute silence observed for the passing of Kīngi Tūheitai Pōtatau Te Wherowhero VII.

2. APOLOGIES

Resolution: Cr Robertson Moved, Cr Noone Seconded:
That the apologies for Cr Mepham for lateness be accepted.

MOTION CARRIED

Cr Laws joined the meeting at 1:07 pm
 Cr Mepham joined the meeting at 1:07 pm.

3. CONFIRMATION OF AGENDA

The agenda was confirmed as published.

4. DECLARATIONS OF INTERESTS

Members were 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.

5. MATTERS FOR COUNCIL CONSIDERATION

None

6. RESOLUTION TO EXCLUDE THE PUBLIC

Resolution: Cr Robertson Moved, Cr Weir Seconded:
That the public be excluded from the following parts of the proceedings of this meeting, namely:

- 1.1 GOV2425 Draft Response to the Minister for the Environment Regarding Proposed Land and Water Regional Plan.

and also that Christina Robb, consultant, be permitted to remain in the room due to her skills and knowledge of the item.

A division was called:

Vote

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

MOTION CARRIED

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
2.1 Draft Response to the Minister for the Environment	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) To maintain legal professional privilege – Section 7(2)(g)	Section 48(1)(a); Section 7(2)(c)(i) 7(2)(g)

7. CLOSURE

There was no further business and Chair Robertson declared the meeting closed at 1:57 pm.

Chairperson _____ Date _____

Document	Item	Status	Action Required	Assignee/s	Action Taken	Due Date
Council Meeting 2023.03.22	GOV2306 Proposal to participate in CouncilMARK programme	In Progress	The Chief Executive will execute an agreement with CouncilMARK to undertake an independent assessment in 2024. Res CM23-130	Chief Executive	<p>13/09/2023 Governance Support Officer</p> <p>Underway. Assessment likely to take place February 2024</p> <p>15/05/2024 Governance Support Officer</p> <p>Te Korowai (formerly CouncilMARK) is underway and due to be completed in September 2024. The main data gathering exercise takes place between May and June. A Councillor Workshop for input into our assessment is due to take place by July.</p> <p>19/07/2024 Governance Support Officer</p> <p>Workshop took place on 3 July. Next workshop takes place on 7 August.</p> <p>21/08/2024 General Manager Strategy and Customer</p> <p>Workshop took place on 7 August. Te Korowai assessors onsite 3/4 September 2024.</p>	16/12/2024
Council Meeting - 20 March 2024	Chairperson's Report	In Progress	A summary review on the Wanaka Show 2024 is to be completed covering the topics of general interest, to be submitted to the Regional Leadership Committee before a firm decision is made whether to commit again next year for the Committee's consideration.	Chief Executive, Manager Communications and Marketing	<p>22/04/2024 Governance Support Officer</p> <p>Summary review of Wanaka Show effectiveness and efficiency to be submitted to the Regional Leadership Committee before a firm decision made as to whether to commit again next year.</p> <p>16/05/2024 Governance Support Officer</p> <p>An engagement workshop will be organised where development of an engagement calendar for general use and then for whole organisation attendance will be discussed</p> <p>18/07/2024 Governance Support Officer</p>	01/11/2024

Document	Item	Status	Action Required	Assignee/s	Action Taken	Due Date
					Engagement workshop confirmed for 26/06/24. Paper for Regional Leadership Committee will be prepared for November Regional Leadership Committee meeting.	
Council Meeting - 20 March 2024	REG2404 Update to Delegations Manual to Include Delegations to staff for Freshwater Farm Plan Regulations 2022	Assigned	Update to Delegations Manual to include delegations to staff for Freshwater Farm Plan Regulations 2022 as outlined in the report.	Chief Executive	16/05/2024 Governance Support Officer Workplan on pause due to changes at Central Government. An update will be provided.	16/12/2024
Finance Committee LTP Deliberations - 29&30 May 2024	CS2421 Long-Term Plan 2024-2034 Deliberation	Assigned	FIN24-137: 32) Directs Council staff to make the following adjustments to the draft Long-Term Plan 2024-2034 detailed in paper 6.1.2 and including: c. Allocate \$50,000 in Year two Long-Term Plan 2024-2034 for potential sponsorship of the activity outlined in 'Dunedin Tracks and Trails' submission or other activity that would deliver on the Public and Active Transport Connectivity Strategy.	General Manager Regional Planning and Transport		27/06/2025
Finance Committee LTP Deliberations - 29&30 May 2024	CS2421 Long-Term Plan 2024-2034 Deliberation	In Progress	FIN24-149: 50) Requests that staff research and report on alternative community ownership models for flood and drainage schemes as a way of addressing financial unsustainability.	General Manager Finance, General Manager Science and Resilience		27/06/2025

Document	Item	Status	Action Required	Assignee/s	Action Taken	Due Date
Finance Committee LTP Deliberations - 29&30 May 2024	CS2421 Long-Term Plan 2024-2034 Deliberation	Assigned	FIN24-138: 32) Directs Council staff to make the following adjustments to the draft Long-Term Plan 2024-2034 detailed in paper 6.1.2 and including: d. Investigate within existing year one forecast budgets the feasibility of incorporating an Oamaru-Dunedin service within the 'Oamaru year two and three public transport trial.	General Manager Regional Planning and Transport		27/06/2025
Finance Committee LTP Deliberations - 29&30 May 2024	CS2421 Long-Term Plan 2024-2034 Deliberation	Assigned	FIN24-120: 44) Requests staff undertake a review of all flood and drainage schemes to inform rate allocation and report back to Council on the Terms of Reference and timing for this review	Chief Executive, General Manager Finance, General Manager Science and Resilience		16/12/2024
Finance Committee LTP Deliberations - 29&30 May 2024	CS2421 Long-Term Plan 2024-2034 Deliberation	Assigned	FIN24-139: 32) Directs Council staff to make the following adjustments to the draft Long-Term Plan 2024-2034 detailed in paper 6.1.2 and including: g. Requests that staff complete a review of options for the allocation of Public Transport targeted rates and report back in time for the 25/26 annual plan.	General Manager Finance, General Manager Regional Planning and Transport		06/12/2024

Council Meeting - 24 July 2024	PPT2408 Adoption of Draft Otago Southland Regional Land	In Progress	Forwards the approved Otago Southland Regional Land Transport Plan 2021-2031 to the New Zealand Transport Agency	Executive Assistant - Regional Planning and Transport,		15/07/2024
	Transport Plan 2021-2031			Manager Transport		
Council Meeting - 28 August 2024	POL2419 Waitaki River Update	Assigned	Notes a further update will be provided in 2025, after the early engagement has been undertaken;	Executive Assistant - Regional Planning and Transport, General Manager Regional Planning and Transport		01/06/2025
Council Meeting - 28 August 2024	POL2423 Identification of Potential Commissioners to Hear the Draft Land and Water Regional Plan	Assigned	Directs staff to approach the members of the recently completed Freshwater Hearings Panel for the RPS as part of the identification process.	Executive Assistant - Regional Planning and Transport, General Manager Regional Planning and Transport		31/10/2024

Council Meeting - 20 March 2024	ENV2402 Future Management of the Waitaki River catchment	COMPLETED	Staff to work with Environment Canterbury, the Moeraki Councillor from ORC and the three iwi groups to develop the next steps and report back to Council	General Manager Regional Planning and Transport	<p>18/09/2024 COMPLETE</p> <p>29/04/2024 Governance Support Officer</p> <p>Progress on track</p>	28/08/2024
Council Meeting - 20 March 2024	ENV2402 Future Management of the Waitaki River catchment	COMPLETED	Progress Report back to Council on the Future Management of the Waitaki River catchment by August 2024 meeting.	General Manager Regional Planning and Transport	<p>18/09/2024 COMPLETE</p> <p>29/04/2024 Governance Support Officer</p> <p>Progress on track</p>	28/08/2024
					<p>11/07/2024 Governance Support Officer</p> <p>Working group continuing to meet. Will provide update to August Council meeting</p>	

9.1. Chairperson's Report

Prepared for: Council
Activity: Governance Report
Author: Cr Robertson, Chairperson
Date: 18 September 2024

Meetings attended:

27 August, Mana to Mana

28 August, Rob Hewett, Anna Nelson Silverfern Farms

2 September, Chanel Gardiner (Executive Officer CRA7, Crayfish)

3, 4 & 5 September, Te Korowai (CouncilMARK) Assessment

3 September, Whare Rūnaka - Internal Steering Group Meeting

5 Sept, CDEM Joint Committee

6 September, Otago Mayoral Forum

12 September, Meeting with Min Simmonds & Minister McClay - Wellington

13 September, LWRP Governance Group meeting

17 September, ORC/NZTA Catchup

19 September, Predator Free Dunedin - Otago Peninsula Possum elimination (Hoani Langsbury & Sally Peart)

23 September, Otago Deep Water Lakes Management Working Group meeting

Letters Sent/Received

Incoming:

- **Hon Simeon Brown – Local Government (Water Services Preliminary Arrangements) Act**

Outgoing

- **Letter of Support - Coastal Communities Cycle Connection**
 - **Letter to Hon Penny Simmonds, 2 September, Update from the 28 August Council Meeting and Confirmation of Request to Meet**
 - **Letter to Hon Penny Simmonds, 5 September, s27 Information Request Response**
-

- **Letter to Hon Penny Simmonds and Hon Todd McClay, 16 September, meeting thanks**

RECOMMENDATION

That the Council:

- 1) *Notes this report.*

ATTACHMENTS

1. Minister of Local Government to Regional Council Chairs [9.1.1 - 3 pages]
2. Letter of Support - Coastal Communities Cycle Connection 28 August 2024 [9.1.2 - 1 page]
3. ORC Letter to Min Penny Simmonds - 2 September 2024 [9.1.3 - 1 page]
4. ORC Letter to Min Penny Simmonds - 5 September 2024 [9.1.4 - 8 pages]
5. ORC Letter to Min Simmonds and Min Mc Clay - 16 September 2024 [9.1.5 - 1 page]

Hon Simeon Brown

MP for Pakuranga

Minister for Energy
Minister of Local Government
Minister of Transport

Minister for Auckland
Deputy Leader of the House



3 September 2024

Dear Chair

Local Government (Water Services Preliminary Arrangements) Act 2024

Yesterday, the Local Government (Water Services Preliminary Arrangements) Act (the Act) passed into law.

Key components of the new legislation include:

- Requirements for councils to develop Water Services Delivery Plans;
- Steps towards future economic regulation;
- Streamlined consultation and decision-making processes for establishing water services council-controlled organisations (CCOs) and other local government arrangements; and
- Changes to applying the Te Mana o te Wai hierarchy of obligations to wastewater standards.

Following my previous correspondence regarding the introduction of this legislation to Parliament (30 May 2024), I am writing to you regarding the changes to wastewater standards and what this means for regional council functions.

Changes to applying the Te Mana o te Wai hierarchy of obligations to wastewater standards

The Act provides for interim changes to the Water Services Act which means the Te Mana o te Wai hierarchy of obligations in the National Policy Statement for Freshwater Management (NPS-FM) will not apply when the Water Services Authority – Taumata Arowai (the Authority) sets wastewater standards.

This change is intended as an interim measure while the Government works to replace the NPS-FM to rebalance Te Mana o te Wai, to better reflect the interests of all water users.

The changes will give provide greater certainty for those involved in infrastructure development and help to reduce costs of future investment in water infrastructure.

These changes are in addition to the Government's proposed interim changes to the Resource Management Act (RMA) to exclude the hierarchy of obligations in the NPS-FM from resource consent applications and resource consent decision making. The RMA changes are being made through the Resource Management (Freshwater and Other Matters) Amendment Bill which is continuing to proceed through the parliamentary process.

Process for developing and implementing national wastewater standards

The Authority is currently developing the national wastewater standards which are anticipated to be in place mid-late 2025.

Once set, the standards will apply to new consents issued for public wastewater systems over time. Under the RMA, regional councils must ensure they are given effect to when granting resource consents for public wastewater systems.

While the Authority will not be required to give effect to the hierarchy when setting wastewater standards, any wastewater standards made by the Authority will need to continue to give effect to the rest of the components of Te Mana o te Wai in the NPS-FM, including the health of water and other environmental considerations.

The removal of the hierarchy of obligations from the setting of wastewater standards means these considerations will be balanced alongside other important considerations such as cost and economic impacts. The hierarchy of obligations will also continue to apply in the usual way to other decisions and activities under the Water Services Act.

Further information and next steps

The majority of provisions in the Local Government (Water Services Preliminary Arrangements) Act will come into force on 3 September 2024. This is the second stage in the implementation of Local Water Done Well.

I announced policy decisions for the third Local Water Done Well Bill last month. This included new models for water organisations, confirming financing arrangements that support financial sustainability, a new economic regulation regime, as well as wider changes to the regulatory framework.

I outlined these changes in my previous correspondence to you on 8 August.

Further information about these changes can be found on the Department of Internal Affairs' website, at www.dia.govt.nz/Water-Services-Policy-Future-Delivery-System.

These changes will be included in a Local Government Water Services Bill, which is expected to be introduced in December 2024 and enacted in mid-2025.

Thank you for your continued engagement and support.

Yours sincerely,



Hon Simeon Brown

Minister of Local Government

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From the Office of the Chairperson

28 August 2024

Dear Sir/Madam

Letter of support – Dunedin Tracks Network Trust

The Otago Regional Council would like to provide this letter of support for the Dunedin Tracks Network Trust for the Coastal Communities Cycle Connection.

The Otago Regional Council recognises the importance of being an integrated regional cycle network; it is important for local economies, community wellbeing, and connectivity between communities.

We support the Dunedin Tracks Network Trust application and ask that you please consider their application favourably.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Gretchen Robertson".

Cr Gretchen Robertson
Chairperson



From the Office of the Chairperson

2 September 2024

Hon Penny Simmonds
Minister for the Environment
Parliament Buildings
Wellington 6160

via EMAIL: p.simmonds@ministers.govt.nz

Dear Minister Simmonds,

Otago Regional Council Confirmation of Request to Meet

I am writing to provide an update on Otago Regional Council's 28 August meeting which included your recent letters, specifically s27 requests.

Council is now formally preparing a response. We have asked our staff to be in touch with your office to seek a suitable time for a meeting to present this information to you. We appreciate this opportunity.

Council will meet again this Thursday, 5 September, to consider the content of the s27 response. Once it is finalised, we hope to have the material to you soon after the meeting.

Once again, we wish to thank you for the opportunity to provide this information.

Kind regards,

A handwritten signature in blue ink, appearing to read "Gretchen Robertson".

Cr Gretchen Robertson
Chairperson



From the Office of the Chairperson

5 September 2024

Hon Penny Simmonds
Minister for the Environment
Parliament Buildings
Wellington 6160

via EMAIL: p.simmonds@ministers.govt.nz

Dear Minister Simmonds,

Thank you for the opportunity. The Otago Regional Council appreciates your commitment to open communication to foster a productive partnership and shared understanding.

The decision to continue development of the plan ahead of the notification decision (currently set down for October) has not been easy and we have considered many factors. On balance Council has decided to continue with the development of the draft because:

- We are confident that changes made since our November 2023 engagement are aligned with Government direction, better enable infrastructure and allow more flexibility to farmers through the use of Freshwater Farm Plans.
- There will be ample opportunities as the plan moves through its submission and hearing stages over the following 24 months for us to respond to any changes in national direction.
- It's the latest we can notify and have a plan in place to stop our existing plan having effect. Without a replacement plan our communities - particularly our farmers - will face high administrative costs in complying with our existing plan.
- There has been significant investment from the Otago Community to prepare the current draft plan. Re-doing significant parts of the process will come at a large cost to our community.
- We still have a large part of our community concerned about water quality degradation that is asking us to act now. The bulk of our plan was drafted over 15 years ago and it hasn't kept up with the rest of New Zealand.

This letter and attachments have been prepared in response to your questions. The response does not fully set out all the costs and implications you have requested because the full section 32 report is still in development at the time of writing. We have included information from the draft Section 32 report on three topics - stock exclusion, afforestation and wastewater as examples of the type and detail of the analysis we have completed. Cross-referencing and some detail is still to be finalised and we have an external review underway. We understand that it is acceptable that we provide you the full draft section 32 report, along with the draft proposed Plan, in confidence on 17 September.

With regard to the 31 July letter requesting the provision of the information in relation to costs to territorial authorities to replace wastewater systems, we confirm that we were not aware of the information or the towns that the information related to. We have since obtained the information. It relates to 2023 indicative business cases by Central Otago District Council on improving the treatment and disposal of wastewater services for Omakau and Alexandra¹. The attached parts of the draft Section 32 report include information on the costs of land-based treatment.

Changes in direction on key issues raised during engagement and consultation

During the November 2023 engagement and early 2024 consultation we heard concerns about costs particularly to the farming community, without necessarily the corresponding environmental benefit. In response, the draft plan has sought to reduce costs but still hold to the commitment to maintain water quality and quantity. The draft plan we now have is less costly, more workable and is pragmatic in allowing time to make change. Changes recommended in response to key issues are listed below.

Renewable Energy. We have added a policy to enable increased renewable energy generation and to better provide for upgrades of existing damming structures. We have removed a prohibition on lowering lakes below minimum levels for the purposes of renewable electricity generation.

Enabling more activities. We have enabled a further suite of activities to proceed without resource consent, provided standards – industry good management, codes of practice, minimising effects on waterways etc. – are adhered to. These include:

- Drain maintenance;
- Small temporary in-stream dams and weirs (small off stream storage is already enabled);
- Redistribution of gravel for structure maintenance and post flood events; and
- Earthworks and drilling activities (for example, providing for works in artificial watercourses or earthworks associated with farm tracks).

Primary production. The management of the effects of primary production on water quality has removed some controls and allows farmers more flexibility in their actions.

These changes include:

- Removing, from the Freshwater Farm Plan appendix, an objective that Freshwater Farm Plans must give effect to Te Mana o te Wai.
- Allowing farmers to justify alternatives to compliance with permitted activity thresholds such as fencing set-backs and intensive winter grazing through their Freshwater Farm Plans.
- Removal of controls on silage volumes, removal of the requirement for exclusion of sheep from rivers, and no longer using stock numbers as a measure of intensification.
- Adjusted policy around cultivation and grazing to require minimising rather than avoiding contaminant loss.
- Excluding orchards and vineyards from controls on land use expansion.

We have also added a rules framework for Intensive Winter Grazing, again allowing farmers to

¹ Available at https://centralotago.infocouncil.biz/Open/2023/11/CO_20231129_AGN_2331_AT_WEB.htm

demonstrate alternative approaches to managing the environmental effects through their Freshwater Farm Plan.

We heard strong concerns during engagement and consultation about growth in forestry (replacing farming) and the management of sediment and slash. Other than those two issues, the draft has reverted to the controls in the National Environmental Standard for Commercial Forestry, so that the impacts of the plan on the forestry industry are significantly reduced.

Water quantity. We have lowered the minimum flow and increased the take limit from the Waikouaiti River and included takes that allow water harvesting at higher flows, called ‘B blocks’ from the Kakanui, Poumahaka and Shag Rivers, and Luggate Creek, and Trotters catchments.

Wastewater. The objective for wastewater has been amended to take out an absolute requirement to protect human health, soil and freshwater from wastewater contamination and now reads “adverse impacts of wastewater are managed to protect...” Subsequently, we have removed a prohibited activity status for discharge to water for new wastewater plants. Our existing plan and our new Regional Policy Statement both include a policy to favour land-based treatment of wastewater over direct discharges to water. However, since the November engagement, the draft Plan now has a consent pathway for discharges to water.

Wetlands. Our Regional Policy Statement has extended to a greater range of wetlands than was covered in our November engagement on the regional plan. We have therefore required fencing of a larger range of wetlands from 2030. We have adjusted the farm plan appendix so that a Freshwater Farm Plan can now be used in place of a consent as a means to show compliance with the rule for fencing wetlands. We have also made it easier to create wetlands.

Cross mixing of water. There are instances in Otago where the use of natural water bodies as part of the conveyance network involves the cross mixing of water that has no natural connection. Kāi Tahu have cultural and spiritual concerns about this practice, and mixing of water can also pose risks to spread of invasive species or habitat alteration through species interactions that would not occur otherwise. We consulted on an option to prohibit any new cross mixing of water and to phase out existing cross-mixing practices to the extent practicable. After feedback from iwi, we have refined a new preferred option that moves away from blunt prohibitions and uses an effects-based policy to give more flexibility and guidance on cross mixing. Consent applicants will need to consult with Kāi Tahu before making an application.

Cost implications on specific industries and economic impact

Costs matter to us; we want as much effort and resourcing to go into actions to improve waterways not into administrative costs for us and businesses. The economic impacts of change have been evaluated through the Economic Work Programme². The economic work programme recognises that one of the biggest influences on cost to plan users is having certainty about the rules and being able to implement them over time.

Further activities managed through our draft proposed plan include onsite wastewater disposal, updated rules for landfills to align with industry best practice, controlling earthworks, and

² [Regional economics | Otago Regional Council \(orc.govt.nz\)](https://www.otago.govt.nz/regional-economics)

managing cemeteries. In most cases we have brought our controls up to the same standard as used throughout New Zealand and consistent with industry best practice.

Our previous response outlined our extensive economic work to understand the impact of our rules on rural businesses. We modelled³ the costs of various policies such as riparian setbacks, stocking rate changes, and adjustments to fertilizer, irrigation and nutrient management. Many of the good management practices are already being implemented by businesses in Otago and should not have a significant budgetary impact beyond existing baselines, while others will need to be factored into annual operating budgets.

Our draft Section 32 on stock exclusion from waterways is attached. Our draft plan proposes the following setbacks on low slope land: 5 metres from the beds of wide rivers (over 1 metre) and 3 metres from smaller continually flowing rivers for farmed cattle, pigs and deer. For wide rivers on low slope land, this is 2 metres wider than that required under the national Stock Exclusion Regulations. The exclusion of livestock on steeper slopes (i.e., non-low slope land), in addition to that required by the national Stock Exclusion Regulations, was not seriously considered as an option for farming in Otago.

The Section 32 analysis indicates that the additional 2 metre setback area represents a maximum of 1,951 hectares in total across the region. This was compared to 6,264 hectares if we adopted a 10-metre setback. The analysis further states that the costs of the setback will be highly variable from one farm to the next for a multitude of reasons including how much is already fenced. When the low slope map is dropped from the national regulations, we intend to add our own definition using a stocking rate threshold equivalent to the average rate for Farm Class 2 Hill Country farming which will exclude some of these farms from the requirements.

Importantly, we also assessed the value of flexibility – that is allowing farmers to demonstrate through their Freshwater Farm Plans that they can achieve the same results a different way than straight compliance with a threshold. Modelling on a deer farm⁴ showed that a farmer could save \$40,000 per year by being able to work out their own solution and yet achieve similar environmental results when compared to strict compliance with stock exclusion from steep gullies. This type of example has informed our policy and rule selection and our intent to rely on Freshwater Farm Plans.

Our assessment of the cost to forestry uses the National Environmental Standard for Commercial Forestry as the baseline. We only consider where we are more stringent, which is in three areas. Firstly, we have more stringent control around planting of new forestry that is more than 10 hectares. This is to manage effects of forestry on other water users downstream. Secondly, we allow replanting if existing requirements around wilding pine control and setbacks to waterways are maintained, and, thirdly, we propose to require a resource consent (that cannot be declined) for harvesting to enable us to assess the quality of the management of sediment and slash. These

³ Moran, E. (Ed.). (June, 2023). Otago's rural businesses and environmental actions for fresh water. Otago Regional Council (LWRP Economic Work Programme), Dunedin (provided in previous s.27 response May 2024))

⁴ Moran, E. (Ed.). (June, 2023). Otago's rural businesses and environmental actions for fresh water. Otago Regional Council (LWRP Economic Work Programme), Dunedin

additional controls are consistent with the level of community concern about the growth in forestry and the effect of harvesting including slash and sediment management.

We have attached the draft Section 32 analysis of options for new forestry. It assesses four options – (i) the status quo, (ii) consents for new forestry over 10 hectares in over-allocated catchments, (iii) consents for new forestry over 10 hectares, and (iv) as for three but with the addition of 20 – 50 metre setbacks for new forestry under 10 hectares. The preferred option is option (iii). Other than consenting costs, the cost of new forestry complying with consent conditions is expected to be minimal except where there are water yield considerations. The benefits are that Council would be able to tailor consent conditions to suit the risk profile of the particular site, and limit forestry in locations where it is not appropriate. The option of setbacks for forestry under 10 hectares is not preferred as a 20 m setback has been estimated as resulting in a 12% loss of commercial planting area.

We do not have rules specific to mining. Gold mining is our major mining activity, and all types of mining will be subject to our management of discharges, earth works and any other activities that impact waterways. This is the same way that mining is managed in our current plan.

Not all cost implications are negative - there are also benefits.

A full assessment of costs must sit alongside an assessment of benefits. Legally in New Zealand, no-one can carry out an activity that affects water quality or take water other than for drinking, stock water or firefighting unless there is a rule allowing that activity in a regional plan or the person holds a resource consent.

By far the majority of rules in the plan are permitted activity rules – that is they allow an activity provided it meets thresholds or standards. Permitted activities include: restoration of riparian planting, on-site wastewater, temporary takes for aquifer testing, sediment traps, constructed wetland, small earthworks and off-stream dams. These will all be administratively easier for all parties to do once our plan is operative as consents will not be required for these activities.

We have also increased the consent duration for water take consents compared to that under Plan Change 7- another aspect that will benefit consent applicants compared to what they face now.

Costs imposed because of Te Mana o te Wai

Te Mana o Te Wai applies to values held by all New Zealanders and recognises that finding a balance between the economic and social implications of decisions, and their environmental consequences, is important. The Te Mana o te Wai hierarchy of obligations introduced in 2020 has never been interpreted by Otago Regional Council or other regional councils as protecting the environment at all costs, rather they are used as a tool to ensure that the appropriate balance between activities and the environment is considered. Councils see water quality improvements as a long-term journey that must be based on what communities can realistically achieve over time without undue hardship or disruption.

Our Regional Policy Statement includes a suite of NPS-FM visions for each Freshwater Management Unit in our region, that were developed with the community, and included timeframes which are

often long term. These visions clearly include economic goals such as supporting food and fibre production and ensuring communities are appropriately serviced by community water supplies, and other three waters infrastructure.

We have been very clear in our discussions with Otago's communities that the proposed plan, with its 10 year statutory lifespan, is the first step to achieving the visions set out in our Regional Policy Statement, but more will be required. The plan is the first step toward moving the region towards the agreed visions and attempts to stop further degradation of waterways.

Because we do not intend to fully implement visions in this plan, costs are reasonable and in line with pragmatism and that which arises from the RMA itself. More significant changes such as increased minimum flows are staged to enable further discussion and planning to take place. Additional changes – likely a combination of regulation (i.e. further plan changes) and non-regulatory interventions – were always signalled.

Stormwater and wastewater infrastructure – additional costs

Controls on most discharges including wastewater and stormwater have been carried over from our existing plan. These policies direct decision makers to prefer discharges to land over discharges to water. They also require systems to be operated, maintained, and monitored in accordance with recognised industry standards; and promote the progressive upgrading of existing systems. The latter includes measures to progressively reduce wet and dry weather overflows. All discharges of wastewater from reticulated wastewater systems require a discretionary consent.

We have attached an extract from the draft section 32 evaluation for wastewater. The assessment includes the option we consulted on in November which was a prohibition on new wastewater discharges to water. The draft analysis highlights the environmental benefits of a prohibition, however, concludes there will be areas of Otago which will struggle to achieve this due to land availability, suitability, and affordability. That option is not preferred. We do provide information on the cost of existing systems and upgrades to assist decision-makers understand the variability and magnitude of costs. The draft section includes an example relating to potential costs for wastewater overflows and some examples of the costs of land-based treatment. Costs are highly variable depending on the situation, availability of alternative solutions and are assessed as part of the resource consent process.

Concerns are sometimes raised about the preference for land-based treatment of wastewater and this is incorrectly attributed to the introduction of Te Mana o te Wai in the NPS-FM. The preference for land-based treatment predates the NPS-FM and reflects the concerns of the community, including those of mana whenua and rural communities who have sought fair treatment of urban and rural discharges.

The draft provisions require short-term consents for reticulated stormwater systems, so that territorial authorities can determine where all their discharge points are with a view to seeking global consent for stormwater discharges in five years' time. This transitional approach allows time for the territorial authorities to properly understand and plan their stormwater reticulation and then have a longer-term global consent to manage their network as a whole. While there will be a

cost associated with a short-term consent, the longer-term outcome will be certainty for territorial authorities enabling ORC to better manage discharges to water.

Opportunities for implementation of changes to national direction post notification

Once a plan is notified, the process is managed through the Freshwater Hearing Process, and Freshwater Commissioners. They determine their process but have a time limit, set in the RMA, of two years to make recommendations on the plan to Council.

If the NPS-FM were to change in those two years, Freshwater Commissioners would need to consider the revised version and give effect to it. Councils usually have two major opportunities to respond any revision in the NPS-FM. These are:

- At the start of the hearing Council provides an Officers' report in response to submissions and any changes in national direction. The anticipated timing of the Officers Report is the third quarter of 2025.
- At the end of the hearing, generally Council officers will be asked to provide further recommendations on provisions, after they have considered all submitters evidence. This provides the opportunity to include any changes in national direction. We recently did this as part of incorporating the NPS-Indigenous Biodiversity in hearings on the Otago Regional Policy statement. The NPS-Indigenous Biodiversity was issued just as our hearings were completing and we were able to respond. We anticipate if plan notification occurs in October this year, the hearing would conclude in early 2026.

The approach of adjusting during a hearing process is a much cheaper approach than doing a plan change now to address issues with our existing plan and a fuller plan change once the NPS-FM is reviewed. It will in fact allow a quicker implementation of the reviewed NPS-FM in our plan. Current estimates for a short-term plan change are \$2.3 to \$2.4 million over two years. Beyond this there would still be a need to complete a full plan change to replace the current plan. This adds significant cost on top of the approximately \$18 million invested to date, duplication of process and continued uncertainty for the community.

What happens if there is no replacement plan?

There are also costs associated with retaining the existing Regional Plan: Water and Regional Plan: Waste for longer. Otago's existing water plan neither protects/enhances our environment nor provides a framework within which our primary producers can operate with confidence. There are rules that will come into effect and place an unnecessary burden on the community unless we have a replacement plan in place. These rules start to come into effect on 1 April 2026.

Unnecessary administrative costs of operating under our existing plan include:

- Costs to consent diffuse discharges including intensive winter grazing activities. Our existing rules have been determined to be uncertain and unenforceable. In a practical sense, this may mean that all landowners who create diffuse discharge will need consent. Due to the uncertainty with the rules an exact number of properties who will require consent is not known but it is estimated to be over 3000. It is not efficient to consent these activities knowing they are unenforceable and uncertain.

- Water permit holders being limited to a 6-year duration of consent which farmers, supported by the Environment Court, have said is not an economically viable option and did not allow farm expansion. There are over 600 consents expiring between 2024 and 2030. The existing rules were predicated on a fit for purpose planning framework being in place before permit holders needed to renew their consents again. Part of the commitment we made to the community was that they would only require one short term resource consent, and a new planning framework would be in place that enabled a longer term. Not notifying the plan breaks that commitment.
- The cost of delaying implementation of the National Policy Statement for Renewable Energy Generation means delays in implementing a framework that enables renewables. There are multiple pieces of national direction the plan will implement, and delays impact them all.

Responsibility to Community

Freshwater quality was the highest environmental concern in a recent survey of Otago residents. We have some excellent freshwater in Otago but we also have many sites which show degradation, exacerbated by a rapidly changing climate, and there is a strong voice seeking us to act now. The priority is to maintain or enhance those areas which have deteriorating trends. However, in doing so we must acknowledge the reality that improvement will take time, in many cases decades.

Communities understand it does not mean returning to water quality from pre-human times and have set, through the Regional Policy Statement, visions with time frames which reflect this, as communities do appreciate the costs of improving water quality. There is tension in our community and an undermining of the social licence for farmers. The plan seeks to address this tension and provide certainty for landowners and business of what is expected in both rural and urban settings.

Kind regards,



Cr Gretchen Robertson
Chairperson



From the Office of the Chairperson

16 September 2024

Hon Penny Simmonds
Minister for the Environment
Parliament Buildings
Wellington 6160

Hon Todd McClay
Minister of Agriculture
Parliament Buildings
Wellington 6160

via EMAIL: P.Simmonds@ministers.govt.nz; T.McClay@ministers.govt.nz

Dear Ministers,

Thank you for the opportunity to meet last week following the recent Ministerial RMA s27 information requests regarding Otago Regional Council's draft Land and Water Regional Plan.

We appreciated the chance to engage with you, fostering shared understanding and strengthening the relationship between central and local government for the benefit of Otago. We reflect a joint desire to collaborate towards constructive resource management outcomes.

We welcome any further information on the NPSFM development process from officials/Ministers to inform our upcoming Council decisions. We likewise offer staff/Councillor engagement and skills if this is of collaborative benefit in this development process.

Once again, thank you for your time and I extend our openness for further dialogue.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Gretchen Robertson".

Cr Gretchen Robertson
Chairperson

9.2. Chief Executive's Report

Prepared for: Council
Activity: Governance Report
Author: Richard Saunders, Chief Executive
Date: 17 September 2024

PURPOSE

- [1] This report provides Council with an overview of Otago Regional Council's key projects, financial performance and progress against our levels of service

EXECUTIVE SUMMARY

- [2] The Land and Water Plan remains on track to meet the current direction of Council to prepare a draft Land and Water Regional Plan (LWRP) for a notification decision by 31 October 2024.
- [3] Planning is underway for the Annual Plan for 2025/26 process (Year 2 of the LTP). A draft project plan will be presented to Council at today's meeting for consideration.
- [4] Four non-financial level of service measures are currently being reported as at risk and one is reported as off track at the end of August.
- [5] At the end of August ORC is reporting a surplus of \$4.481m against budget. This is largely due to phasing of expenditure and an increase in the managed fund.

RECOMMENDATION

That the Council:

1. **Notes** this report.

DISCUSSION

Land and Water Regional Plan

- [6] Key milestones remain on track. The project plan is included as Attachment 1. Recent activity has included an extraordinary Council meeting to discuss a recent meeting with Ministers, and a non-public workshop on the Section 32 report. A further non-public workshop to review the draft plan is scheduled for the first week of October.
- [7] Staff have managed the additional steps to complete an independent S32 review and legal reviews of the LWRP process without impacting on the overall timeframes of the project.

Annual Plan 2025/26

- [8] As reported in last month's CE report work has begun on the Annual Plan for 2025/26 (Year 2 of the LTP). Councillors are receiving an update on the draft programme at
-

today's Council meeting. Staff are beginning to prepare information to inform the first workshop.

Non-financial Levels of Service

- [9] Attachments 2 and 3 show the results for the non-financial levels of service contained in the LTP. At the end of August there are four measures being reported as at risk and one measure being reported as off track.
- [10] The off track measure relates to consultation on maps for highly productive land which is due to occur prior to 31 December 2024. At risk measures include official information request timeframes, the Queenstown Future Development Strategy, Civil Defence operations and public transport punctuality.

Financial Performance

- [11] The statement of comprehensive revenue and expenditure is included as attachment 4 and the statement of financial position is included as attachment 5.
- [12] At the end of August ORC is reporting a surplus of \$4.481m. Expenditure is \$2.770m underspent against budget. Three will be some corrections made to this result at the end of September when budget phasing is carried out for the full financial year. The managed fund is \$660k favourable to budget.
- [13] The first full year forecast will occur at the end of quarter 1.

OPTIONS

- [14] As this is a report for noting there are no options to consider.

ATTACHMENTS







1. LWRP GG September Meeting - Milestones Status Update - 2024 Milestones (2) [9.2.1 - 2 pages]
2. Summary LOSM Report Aug 2024 - Summary [9.2.2 - 3 pages]
3. Summary LOSM Report Aug 2024 - Exceptions [9.2.3 - 1 page]
4. SCRE Aug-2024 [9.2.4 - 1 page]
5. Financial Position Aug-24 [9.2.5 - 1 page]

ORC REPORT ON PROGRESS AGAINST CRITICAL MILESTONES AND TASKS

Project Name	Project Start Date	Project Sponsors	Project Owners	Report Date
Land and Water Regional Plan for Otago	1-Jul-21	Anita Dawe	Fleur Matthews	30/08/24

Progress Summary and Focus for Next Month
<p>This past month the team focused on:</p> <ol style="list-style-type: none"> 1. Responding to legal and science review of Section 32 Report 2. Responding to Clause 4A Consultation feedback 3. Preparing a response to the Minister on the costs and implications of the LWRP <p>Next month the team will focus on:</p> <ol style="list-style-type: none"> 1. Receiving feedback from the independent reviewer of the section 32 report 2. Finalising the LWRP and section 32 report to send to Councillors on 17 September 3. Detailed planning of the steps for the post-notification phase of the LWRP 4. Beginning discussions with potential Hearing Commissioners

Resource Management Act and Critical Tasks
<p>CP 1. Environmental Outcomes, Objectives, Provisions, Rules Developed - July 2023</p> <p>CP 2. Community Consultation Prior to Formal Sedule 1 Process - August-November 2023</p> <p>CP 3. Pre-Notification Consultation (Clause 3 and Clause 4A) - January - August 2024</p> <p>CP 4. Public Notification - 31 October 2024</p>

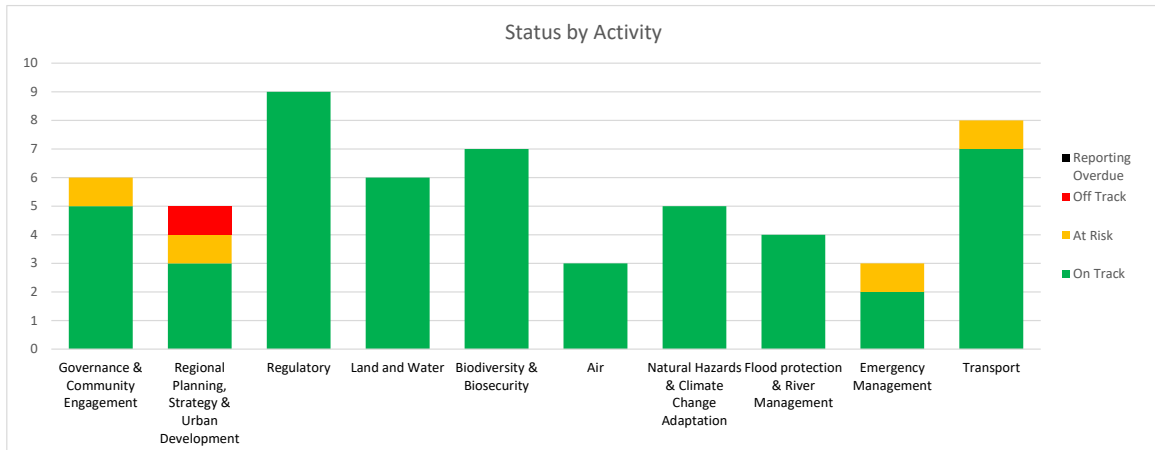
KEYS		
RMA CRITICAL PATH	HEALTH	STATUS
 Milestone is on the critical path	 Work not yet due to start	1. Not due to start
	 Meets or exceeds project expectations	2. Not started
	 Issues are being managed within the team and not expected to impact final deadline	3. Ready to start
	 Issues impacting project and overall timeline and need escalation and action	4. Start delayed
	 Milestone / task finished	5. On hold
		6. In progress
		7. Complete
		8. Withdrawn

Milestone	Critical Path	Baseline		Forecast	End date	Actual End	Previous Status	Current Health & Status	Commentary	
		Start date	End date	Revised End Date	Variance	Date				
Preparatory and Plan Writing										
Māori economy report completed by ORC and Iwi			31-Jul-23	9-Aug-24	+12 Months		In progress	In progress	GG agreed that report due date could be aligned with clause 4A feedback of 9 August.	
Section 32 Report										
First Draft of Section 32 completed	CP4	1-Dec-23	20-Dec-23	23-Feb-24	+ 2 Months		Complete	Complete		
Second Draft of Section 32 completed	CP4	1-Apr-24	30-Apr-24	30-Jun-24	+ 2 Months		Complete	Complete		
Final Draft of Section 32 completed	CP4	15-Jul-24	18-Oct-24	17-Sep-24	- 6 weeks		In progress	In progress	Independent review of section 32 report has impacted on timing for staff to complete, but it is on track to be ready to send to Councillors on 17 September.	
Pre-Notification Consultation										
Clause 3 Consultation Period		11-Jan-24	23-Feb-24	2-Apr-24	+ 5 Weeks		Complete	Complete		
Collate and Analyse Clause 3 Feedback		26-Feb-24	15-Mar-24	30-Apr-24	+ 6 Weeks		Complete	Complete		
Feedback to Council Committee		15-May-24	15-May-24				Complete	Complete		
Clause 3 Consultation Complete	CP3		15-May-24				Complete	Complete		

Council Agenda 25 September 2024 - CHAIRPERSON'S AND CHIEF EXECUTIVE'S REPORTS

Milestone	Critical Path	Baseline		Forecast	End date	Actual End	Previous Status	Current Health & Status	Commentary
		Start date	End date	Revised End Date	Variance	Date			
Clause 4A Consultation Period		15-Jul-24	9-Aug-24				Complete	Complete	
Collate and Analyse Clause 4A Feedback		10-Aug-24	23-Aug-24				In progress	Complete	
Feedback on Clause 4A consultation to Council Committee		29-Aug-24	29-Aug-24				Not due to start	Complete	Workshop took place on 29 August.
Clause 4A Consultation Complete	CP3		23-Aug-24				Ready to start	Complete	
Pre-Notification Consultation Complete	CP3		23-Aug-24				Ready to start	Complete	
Notification									
LWRP Reviews by Legal and ELT		1-Sep-24	13-Sep-24				Not due to start	In progress	
Final Updates to LWRP		26-Aug-24	17-Sep-24				Not due to start	In progress	
Council Committee briefings on section 32 report and final draft LWRP		24-Sep-24	2-Oct-24				Not due to start	Ready to start	Briefings scheduled for 24 September and 2 October.
Draft Proposed Land and Water Regional Plan and Draft s32 Report complete	CP4		18-Oct-24				Not due to start	Not due to start	
Council Paper, LWRP and s32 due for Council Meeting	CP4		18-Oct-24				Not due to start	In progress	
Otago Regional Council Resolution to Notify Proposed Land and Water Regional Plan for Otago	CP4		23-Oct-24				Not due to start	Not due to start	
Proposed Land and Water Regional Plan for Otago Publicly Notified	CP4		31-Oct-24				Not due to start	Not due to start	

AUGUST PERFORMANCE REPORTING - SUMMARY



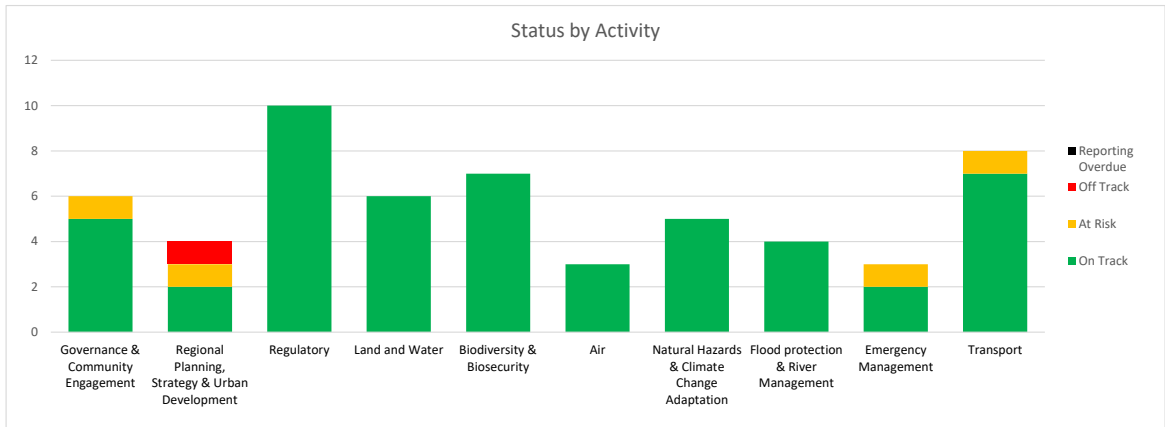
Service Measure and Target		
REGIONAL LEADERSHIP		
Governance & Community Engagement	JUL	AUG
Percentage of official information requests responded to within 20 working days of being logged - Target: 100%	On Track	At Risk
Deliver our Long-Term Plan, annual reviews of the LTP, and reporting of performance against plan as per the statutory requirements - Target: Annual Plan adopted by council prior to 30 June 2025	On Track	On Track
Percentage of council agendas are publicly available two working days or more before a meeting - Target: 100%	On Track	On Track
Biannual survey is conducted to understand and improve community awareness, perceptions and expectations of ORC - Target: Report against the action plan to Council by March 2025.	On Track	On Track
Customers express high levels of satisfaction with customer service provision - Target: Develop Customer Policy to determine satisfaction levels	On Track	On Track
Increase opportunities for engagement with diverse groups across Otago to lift awareness and understanding of the work of the regional council and seek feedback on performance Target: Create and implement engagement plan and establish engagement data	On Track	On Track
Regional Planning, Strategy & Urban Development	JUL	AUG
Support integrated and well managed urban growth across Otago - Target: Joint Queenstown future development strategy completed by 30 June 2025	On Track	At Risk
Support integrated and well managed urban growth across Otago - Target: Consultation on maps of highly productive land completed by 31 December 2024	On Track	Off Track
Develop a regional biodiversity strategy and implement ORC actions. Target: Draft regional biodiversity strategy is made available for public consultation by 30 June 2025	On Track	On Track
Develop a Regional Air Quality Strategy and implement ORC actions. Target: Draft Regional Air Quality Strategy is made available for public consultation along with the revised Air Plan by 30 June 2025.	On Track	On Track
Develop a Regional Climate Change Strategy and implement ORC actions -Target: ORC actions from the Regional Climate Change Strategy are implemented, and the effectiveness of the strategy is monitored and reported to Council annually.	On Track	On Track
Regulatory	JUL	AUG
Maintain 24-hour/7 day a week response for environmental incidents - Target: Pollution hotline staff available/on call 24/7	On Track	On Track
Maintain 20 appropriately trained responders for maritime oil pollution incidents -Target: 20 responders attend 3 exercises per year	On Track	On Track
Percentage of resource consent applications processed in accordance with Resource Management Act 1991 legislative timeframes - Target: ≥98%	On Track	On Track
Percentage of performance monitoring returns completed each year, as per the Compliance Audit and Performance Monitoring Schedule targets - Target: ≥90%	On Track	On Track
Percentage of significant non-compliance identified where action is taken in accordance with Compliance Policy - Target: 100%	On Track	On Track
Percentage of programmed inspections/audits completed each year, as per the Compliance Audit and Performance Monitoring Schedule targets - Target: ≥90%	On Track	On Track
Maintain compliance with Port and Harbour Marine Safety Code - Target: External review is completed and deemed to be code consistent.	On Track	On Track
The safety campaign for recreational 'boaters' is delivered - Target: 80% achieved	On Track	On Track
Percentage of public enquiries for consent information completed within 7 working days - Target: Maintain or increase	On Track	On Track

ENVIRONMENT		
Land and Water	JUL	AUG
Complete the Land and Water Regional Plan (LWRP) - Target: Freshwater hearing panel nominations and required documents submitted to Chief Freshwater Commissioner by 30 June 2025.		
ORC led and community/landowner supported workshops and events are delivered which promote best practice land management for soil conservation, water quality and/or the efficient use of water. Target: At least 12 ORC led workshops or events are delivered annually		
Site specific projects are developed for selected degraded waterbodies - Target: New projects and associated milestones are developed and reported to Council		
Site specific projects are developed for selected degraded waterbodies - Target: Project actions have been progressed as scheduled (>80%)		
Catchment Action Plans (CAPs) give effect to the ICM programme and are developed in partnership with iwi and in collaboration with the community. Target: One Catchment Action Plan (CAP) to be presented to Council for approval by 30 June 2025		
Report the results of environmental monitoring for freshwater, land use, estuarine, and regional coastal environments. Target: Annual report for each of the 4 environments to Council prior to 30 June 2025.		
Biodiversity & Biosecurity	JUL	AUG
Actions within the Biosecurity Operational Plan (BOP) are identified and progressed - Target: 90% of actions achieved within timeframes specified. 100% of targets for priority pests are delivered.		
Externally funded biosecurity projects/programmes are implemented as per their agreements - Target: 90% of deliverables in the agreements with Central Government are progressing as scheduled		
Biodiversity Forum-based joint projects to enhance indigenous biodiversity are developed - Target: New projects and associated milestones are developed and reported to Council and forum partners		
Joint projects are implemented against milestones - Target: Project actions have been progressed as scheduled (>80%)		
Alignment between initiatives and deliverables receiving Council funding, and Council's strategic biodiversity strategic objectives - Target: 80% alignment		
Externally funded freshwater projects/programmes are delivered as per their agreements - Target: 90% of deliverables in the agreements with Central Government are progressing as scheduled		
Report the results of environmental monitoring for regional indigenous biodiversity ecosystems - Target: Annual report completed prior to 30 June 2025		
Air	JUL	AUG
Implement a regional air monitoring programme - Target: Annual report on monitoring programme completed and reported to Council		
Report the results of environmental monitoring for air. - Target: Annual report for air monitoring for previous financial year reported to Council by 30 Sept 2024. Note: >95% = achieved		
Complete review of the Regional Plan Air - Target: Council approves Regional Plan Air for notification by 30 June 2025		
SAFETY AND RESILIENCE		
Natural Hazards & Climate Change Adaptation	JUL	AUG
Natural hazards information is available via the web-based Otago Natural Hazards Database - Target: Database is accessible and up-to-date 100% of the time		
Percentage of flood warnings that are issued in accordance with the flood warning manual - Target: 100%		
Implement the findings of the regional natural hazards risk assessment and inform adaptation planning and implementation - Target: Implementation and additional assessments of natural hazards and risks based on the findings of the Otago Natural Hazards Risk Assessment. Phased delivery Yr 1 to 10		
Implement prioritised natural hazard risks adaptation works - Target: The first Head of Lake Whakatipu natural hazards adaptation strategy completed by 31 December 2024; Actions developed, implemented and reviewed, as per Head of Lake Whakatipu natural hazard adaptation strategy.		
Implement prioritised natural hazard risks adaptation works - Target: Support the South Dunedin Future Programme - South Dunedin Future natural hazards adaptation plan progresses as per annual work plan		
Flood protection & River Management	JUL	AUG
Percentage of scheme renewals programme: Major flood protection and control works are maintained, repaired, and renewed to the key standards defined in relevant planning documents. - Target: > 85% of renewal programmes completed		
Percentage of scheme maintenance programme: Major flood protection drainage and control works are maintained, repaired, and renewed to the key standards defined in relevant planning documents. - Target: > 85% of planned maintenance programme completed		
Percentage of planned maintenance programme: Channel works are maintained, repaired, and renewed to the key standards defined in relevant planning documents - Target: >85% of planned maintenance programme completed		
Respond within defined timelines for reported issues and to flood events in a timely manner - Target: Flood repair programme: Damage identified, prioritised and a repair programme is made available to affected communities within 3 months of the event/100%. Reported issues that have been investigated and appropriate action determined and communicated to affected landholders within 20 working days.		
Emergency Management	JUL	AUG
Emergency Management Otago staff are available to respond 24/7 to a Civil Defence emergency - Target: Maintain a duty roster for 24/7 365 coverage for initial responses to Civil Defence emergencies		
Provide a regional coordination facility (ECC) capable of coordinating a region-wide emergency - Target: An appropriate facility as defined in the CDEM Partnership Agreement is available for immediate activation. Adequate staff (as defined in the Group Training and Capability Strategy) are trained and capable to coordinate a region wide response		
Support is provided to Emergency Management Otago to fulfil Otago CDEM Group requirements as defined in the CDEM Act and CDEM - Target: Fulfil all requirements as the administering authority and the Otago CDEM Partnership Agreement		

TRANSPORT		
Transport	JUL	AUG
Percentage of scheduled services on-time (punctuality – to five minutes) - Target: 95%		
Overall passenger satisfaction with Dunedin Public Transport system at annual survey - Target: Maintain or increase 3 yr rolling average >=90%		
Annual public transport boardings in Queenstown - Target: Increase		
Annual public transport boardings in Dunedin - Target: increase		
Percentage of scheduled services delivered (reliability) - Target: 95%		
Overall passenger satisfaction with Wakatipu Public Transport system at annual survey - Target: Maintain or increase 3yr rolling average >=90%		
Percentage of users who are satisfied with the provision of timetable and services information - Target: Maintain or increase 3 yr rolling average >=90%		
Percentage of users who are satisfied with the overall service of the Total Mobility scheme- Target: Maintain or increase 3 yr rolling average >=90%		

On Track	At Risk	Off Track	Reporting Overdue
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AUGUST PERFORMANCE REPORTING - EXCEPTIONS



Service Measure and Target			
REGIONAL LEADERSHIP			
Governance & Community Engagement	JUL	AUG	COMMENT
Percentage of official information requests responded to within 20 working days of being logged - Target: 100%	On Track	At Risk	As we are required to be 100% compliant we will not achieve this target at end of year. We have reviewed our LGOIMA practices - to ensure that earlier decisions about extensions are made.
Regional Planning, Strategy & Urban Development	JUL	AUG	COMMENT
Support integrated and well managed urban growth across Otago - Target: Joint Queenstown future development strategy completed by 30 June 2025	On Track	At Risk	As the HBCA for the joint ORC QLDC FDS (Spatial Plan Gen 2.0) is delayed until November 2024 at least it is uncertain when the FDS will be notified to the public, heard by a Panel and completed.
Support integrated and well managed urban growth across Otago - Target: Consultation on maps of highly productive land completed by 31 December 2024	On Track	Off Track	It is unlikely that public consultation will be completed by end of December 2024.
SAFETY AND RESILIENCE			
Emergency Management	JUL	AUG	COMMENT
Provide a regional coordination facility (ECC) capable of coordinating a region-wide emergency - Target: An appropriate facility as defined in the CDEM Partnership Agreement is available for immediate activation. Adequate staff (as defined in the Group Training and Capability Strategy) are trained and capable to coordinate a region wide response	On Track	At Risk	Dependent on acquiring staff to be trained for a civil defence emergency.
TRANSPORT			
Transport	JUL	AUG	COMMENT
Percentage of scheduled services on-time (punctuality – to five minutes) - Target: 95%	On Track	At Risk	Services are heavily affected in Dunedin by extensive roadworks and road closures, whilst Queenstown continues to be affected by heavy congestion on the approaches in and out of central Queenstown/Stanley Street at peak times and significant ongoing roading works. It is anticipated that Dunedin punctuality will improve significantly with the completion of the central city works.





**STATEMENT OF COMPREHENSIVE REVENUE AND EXPENSE
FOR THE PERIOD ENDING 31 AUGUST 2024**

	August 2025 Actual	August 2025 Budget	Variance	2025 Forecast Full Year	2025 Budget Full Year	Variance
	\$000s	\$000s	\$000s	\$000s	\$000s	\$000s
Revenue						
Revenue from non-exchange transactions						
Rates Revenue	10,810	10,816	(6)	64,893	64,893	0
Grant revenue and subsidies	3,964	3,665	299	21,991	21,991	0
Other Revenue non exchange	2,006	1,809	197	10,856	10,856	0
Revenue from exchange transactions						
Interest and investment revenue	2,011	1,628	384	9,765	9,765	0
Dividends	3,072	3,000	72	18,000	18,000	0
Other Revenue Exchange	714	607	106	3,644	3,644	0
Total Revenue	22,577	21,525	1,052	129,149	129,149	0
Expenditure						
Employee benefits expense	6,648	6,576	72	39,454	39,454	0
Depreciation and amortisation	645	550	95	3,302	3,302	0
Finance Costs	1,494	1,571	(77)	9,424	9,424	0
Other Expenses	10,286	13,147	(2,860)	78,879	78,879	0
Total Expenditure	19,073	21,843	(2,770)	131,059	131,059	0
Other gains/(losses)						
Other (gains)/losses	909	249	660	1,493	1,493	0
Surplus/(Deficit)	4,412	(70)	4,481	(417)	(417)	0
Fair value gain/loss on shares in subsidiary	0	0	0	28,156	28,156	0
Total Comprehensive Revenue and Expense	4,412	(69)	4,481	27,739	27,739	0



STATEMENT OF FINANCIAL POSITION
AS AT 31 AUGUST 2024

	August YTD Actual	2024 Prior Year Actual	Variance	2025 Year End Budget
	\$000s	\$000s	\$000s	\$000s
Assets				
CURRENT ASSETS				
Cash and cash equivalents	15,899	13,604	2,295	2,455
Trade and other receivables	82,676	17,139	65,537	18,180
Property held for sale	3,350	3,350	(0)	0
Other financial assets	28,283	27,284	999	29,181
Other Current Assets	4,082	1,559	2,523	1,433
Total Current Assets	134,289	62,936	71,353	51,249
NON-CURRENT ASSETS				
Shares in subsidiary	732,720	732,720	0	780,239
Property, plant and equipment	95,793	96,012	(219)	109,835
Intangible assets	364	558	(194)	2,025
Related party receivable	115,945	113,678	2,267	150,088
Investment Property	16,850	16,850	0	17,134
Borrower Notes	500	500	0	500
Total Non-current Assets	962,171	960,318	1,853	1,059,821
Total Assets	1,096,460	1,023,254	73,206	1,111,070
Liabilities				
CURRENT LIABILITIES				
Trade and other payables	77,996	20,281	57,715	22,594
Employee entitlements	2,735	3,293	(558)	2,716
Borrowings	65,226	48,359	16,867	69,878
Total Current Liabilities	145,957	71,933	74,024	95,188
NON-CURRENT LIABILITIES				
Non current borrowings	90,323	90,528	(205)	110,438
Total Non-current liabilities	90,323	90,528	(205)	110,438
Total Liabilities	236,280	162,461	73,819	205,626
NET ASSETS (Assets minus Liabilities)	860,180	860,793	(613)	905,444
Equity				
PUBLIC EQUITY				
Public Equity	101,854	102,467	(613)	120,576
Total Public Equity	101,854	102,467	(613)	120,576
RESERVES				
Reserves	758,326	758,326	0	784,868
Total Reserves	758,326	758,326	0	784,868
Total Equity	860,180	860,793	(613)	905,444

10.1. Six-monthly report to the Minister on recommendations to develop a fit for purpose planning framework for Otago

Prepared for: Council
Report No. POL2420
Activity: Governance Report
Author: Libby Caldwell, Manager Environmental Implementation
Endorsed by: Joanna Gilroy, General Manager Environmental Delivery
Date: 25 September 2024

PURPOSE

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

EXECUTIVE SUMMARY

- [2] The Minister for the Environment wrote to the Otago Regional Council on 18 November 2019, setting out several recommendations regarding the development of a fit for purpose planning framework for Otago. One of the requirements outlined in the letter was a formal report, every six months, on progress against three measures. The reports have been provided every six months since that time, with the most recent in March 2024.
- [3] The election in October 2023, means there is a new Minister for the Environment in place, Minister Penny Simmonds. Minister Simmonds has indicated that the direction is likely to be amended. However, until the amended direction is provided, Council is still required to continue with six-monthly reports.
- [4] The report, as attached, updates the Minister on both capacity and capability, and work programmes, in accordance with the requirements set out in the initial 2019 correspondence.

RECOMMENDATION

That the Council:

1. **Approves** the tenth report to the Minister for the Environment, that reports on progress against the recommendations made in the Minister's letter dated 19 November 2019.
2. **Notes** that changes to the reporting requirements may occur as a result of the new Minister.

BACKGROUND

- [5] In December 2019, ORC agreed to the work programme as set out by the Minister, in response to the investigation led by Professor Skelton under section 24A of the Resource Management Act 1991. Part of that work programme requires 6-monthly progress reports.

- [6] The progress reports have been provided in April and October 2020, in March and September 2021, in March and August 2022, in March and September 2023, and in March 2024. The reports address the recommendations of the Minister, which are to:
- a. Take all necessary steps to develop a fit for purpose freshwater management planning regime that gives effect to the relevant national instruments and sets a coherent framework for assessing all water consent applications, including those that are to replace any deemed permits;
 - b. Develop and adopt a programme of work to achieve the following:
 - i. By November 2020, a complete review of the current Regional Policy Statement (RPS) that is publicly notified, with the intention that it is made operative before the review of its Land Water Regional Plan (LWRP) is notified;
 - ii. By 31 December 2023, a new LWRP for Otago that includes region wide objectives, strategic policies, region-wide activity policies, and provisions for each of the Freshwater Management Units (FMUs), covering all catchments within the region.
 - iii. Prepare a Plan Change by 31 March 2020 that will provide an adequate interim planning and consenting framework to manage freshwater up until the time that new discharge and allocation limits are set, in line with the requirements in the National Policy Statement for Freshwater Management (NPS-FM).
- [7] In addition, the following matters were to be included as part of the 6-monthly updates:
- a. Progress made in developing science, planning, consenting, monitoring and enforcement, and land management organisational capability and capacity;
 - b. Progress in achieving the [above] recommendations 1, 2 and 3; and
 - c. A summary of freshwater resource consenting activity for the reporting period.
- [8] Unless updated directions are provided, the next report to the Minister is due in March 2025.

DISCUSSION

- [9] Since December 2019, staff have continued to work to implement the agreed work programme.
- [10] In February 2024, the new Minister for the Environment verbally indicated that the Ministerial direction under section 27 of the Resource Management Act 1991 that requires these six-monthly reports may be amended. However, at the time of writing this paper, Council has not received any further advice, so the report has been prepared.
- [11] A full report is appended, but in summary, against the formal request above, the following has been undertaken:
- a. Progress has been made across the organisation to develop and improve organisational capacity and capability across planning, science, environmental monitoring, consents and compliance monitoring.
 - b. ECOFund and incentive contestable funding round for 2023/24 was finalised with \$854,000 provided to support community groups delivering environmental projects across the region.

- c. Council made decisions on the freshwater and non-freshwater parts of the PORPS on 27 March 2024. Nineteen appeals were lodged with the Environment Court on the non-freshwater planning instrument parts, and the High Court received five appeals on the freshwater planning instrument parts. Mediation will occur for both sets of appeals.
- d. The draft Land and Water Regional Plan (LWRP) provisions have been updated to reflect feedback received during the first stage of pre-notification consultation (under clause 3 of Schedule 1, RMA). The second stage of pre-notification consultation (under clause 4A of Schedule 1, RMA) with iwi authorities, occurred from 15 July to 9 August.
- e. The Consents Team has processed the majority of the Deemed Permit replacements. There is one application remaining. A summary of freshwater consenting has been prepared and is included in the attached report.

OPTIONS

- [12] The options for Council are to accept the report, and update the Minister, in accordance with the previous Minister's recommendations. The report outlines the progress on work programmes, and improvements in capacity and capability.
- [13] Councillors could choose not to update the Minister and be in breach of their direction under section 27 of the Resource Management Act 1991 to the Minister to do so.

CONSIDERATIONS

Strategic Framework and Policy Considerations

- [14] The outcome of the Minister's review was to ensure ORC developed a fit for purpose framework for managing Otago's land and freshwater. This most closely aligns with Environment and Communities parts of the new Strategic Directions.
- [15] There are no particular policy considerations as a result of this paper. The policy considerations relate to the planning work programme and will be considered on a case by-case basis, as the work programme is implemented.

Financial Considerations

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

Significance and Engagement

- [17] This paper does not trigger any requirements of He Mahi Rau Rika: Significance, Engagement and Māori Participation Policy 2021.

Legislative and Risk Considerations

- [18] The Minister has requested a formal response under section 27 of the Resource Management Act. 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

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

Communications Considerations

[20] There are no specific communications considerations as a result of the report.

NEXT STEPS

[21] The next steps are to submit the report to the Minister, subject to any changes required as a result of decisions made at Council's meeting. Staff will send the report after the Council meeting on 25 September.

ATTACHMENTS

1. September 2024 6 Monthly Report to the Minister updated template 8 [9.1.1 - 12 pages]



27 September 2024

Minister for the Environment
Private Bag 18041
Parliament Buildings
Wellington 6160

via EMAIL: P.Simmonds@ministers.govt.nz

Dear Minister Simmonds,

Report under section 27 of the Resource Management Act 1991

In accordance with Minister Parker's letter of 18 November 2019, the following comprises the Otago Regional Council's report, in accordance with section 27 of the Resource Management Act 1991 (the Act) and the recommendations pursuant to section 24 of the Act. This report addresses:

- *Progress made in developing science, planning, consenting, monitoring and enforcement, and land management organisational capability and capacity; and*
- *Progress in achieving the [above] recommendations 1, 2 and 3 (copied below for ease of reference):*
 1. *Take all necessary steps to develop a fit for purpose freshwater management planning regime that gives effect to the relevant national instruments and sets a coherent framework for assessing all water consent applications, including those that are to replace any deemed permits;*
 2. *Develop and adopt a programme of work to achieve the following*
 - i. *By November 2020¹, a complete review of the current RPS that is publicly notified, with the intention that it is made operative before the review of its LWRP is notified;*
 - ii. *By 31 December 2023², a new LWRP for Otago that includes region wide objectives, strategic policies, region-wide activity policies, and provisions for each of the Freshwater Management Units, covering all catchments within the region.*
 3. *Prepare a Plan Change by 31 March 2020 that will provide an adequate interim planning and consenting framework to manage freshwater up until the time that new discharge and allocation limits are set, in line with the*

¹ Please note an extension of this date to 30 June 2021 as per a letter to ORC of 11 September 2020.

² Please note an extension of this date to 31 December 2027 as per a letter to ORC of 15 March 2024.

- requirements in the National Policy Statement for Freshwater Management; and*
- *A summary of freshwater resource consenting activity for the reporting period.*

This report is provided to you in addition to the section 27 report that addresses the costs, benefits and implications of notifying the LWRP ahead of the review of the National Policy Statement for Freshwater Management.

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

The following table outlines the particular improvements in each of the areas specifically identified in Professor Skelton’s report.

Area	What we advised in March 2024	Latest Update
Science	<p>Staff are working to finalise the science reports that support the draft LWRP. This includes making the reports available following peer review.</p> <p>The Long Term Plan 2024 – 34 process is underway which will support additional monitoring resources to cover the growing groundwater and surface water network. The LTP also proposes a Principal Scientist role to better support the work of the science team, including enabling work to start to move from understanding the ‘what’ to understanding the ‘why’. This will be a maturation of the science programme at ORC, and demonstrates the investment Council has made through the previous and current LTPs.</p> <p>The restructure of the EM team is almost fully embedded now, with one Team Leader vacancy currently being recruited.</p>	<p>Science staff have completed the science supporting documents for the LWRP, and have provided support and review for the s32 report.</p> <p>A new Science Manger is being recruited due to a vacancy left by an internal promotion. Beyond this, the Science team has enjoyed a period of relative stability, with a new hydrologist due to start in October. The Principal Scientist role is being scoped, and the position is on track to be advertised in the coming months.</p> <p>All new roles created in the EM restructure have been filled. A preferred candidate selection process has just been completed to back fill a role left vacant as a result of an internal promotion within the team.</p>
Planning	<p>The Land and Water Regional Plan Governance Group has been meeting monthly, and keeping a close eye on the project to ensure that it is able to deliver a notified Plan by the date directed by Council. Further policy direction was sought from the Environmental Science and Policy Committee for key topics prior to public engagement on the draft Plan, and again once that feedback had been received.</p> <p>Under-resourcing in terms of staffing remains a critical issue in the Policy team. To fill the gaps, the Policy team is continuing to rely on planning and project</p>	<p>The Policy team is at full capacity for the first time in a number of years, with two new Senior Policy Analysts being appointed in the last six months. A third new Senior Policy Analyst is currently performing the Project Manager role on a part-time basis.</p> <p>The Policy team continues to rely on planning consultants to ensure continuity during drafting, and provide senior level capability and advice.</p> <p>Updates on the proposed RPS and Land and Water Regional Plan are provided further down in the report.</p>

Area	What we advised in March 2024	Latest Update
	<p>management consultants and has extended a secondment from the Science team. Efforts to recruit new staff have been ongoing. Attempts to recruit a new project manager and senior policy analysts have so far been unsuccessful.</p> <p>Updates on the proposed RPS and Land and Water Regional Plan are provided further down in the report.</p>	
Consenting	<p>Staffing levels remain generally in line with those indicated in the previous report. Support is continuing to be provided by contractors for over-flow processing. However, the bulk of the workload is handled by internal staff with less than 10% of workload processed externally.</p> <p>Stakeholders and consultants have been kept regularly up to date on processing and resources available. This is through regular email updates and meetings.</p> <p>An update on consent processing is provided further down in the report. The number of applications remaining in the system relating to deemed permits processing has reduced greatly, with the team making excellent progress.</p>	<p>Staffing levels remain generally in line with those indicated in the previous report. Support is continuing to be provided by contractors for over-flow processing. However, the bulk of the workload is handled by internal staff with less than 10% of workload processed externally.</p> <p>Stakeholders and consultants have been kept regularly up to date on processing and resources available. This is through regular email updates and meetings.</p> <p>An update on consent processing is provided further down in the report. The number of applications remaining in the system relating to deemed permits processing has reduced greatly, with the team making excellent progress.</p>
Monitoring & Enforcement	<p>The compliance monitoring and investigations teams are fully staffed. Business process, training and system improvements documented in previous reports are reflected in increased desktop compliance reviews, and on-site compliance audits and inspections.</p> <p>Appropriate formal enforcement action is being taken, as well as an increase in compliance monitoring and engagement/education activities in Intensive Winter Grazing (IWG), animal effluent, forestry, septic and</p>	<p>The compliance monitoring and investigations teams are fully staffed except for a vacancy for manager due to an internal promotion. A new Compliance Manager is joining the Council on 30 September. Business process, training and system improvements documented in previous reports are reflected in increased desktop compliance reviews, and on-site compliance audits and inspections.</p> <p>Appropriate formal enforcement action is being taken, as well as an increase in compliance monitoring and engagement/education activities, animal effluent, forestry, septic and wastewater discharges, residential earthworks, and other discharges to water.</p>

Area	What we advised in March 2024	Latest Update
	<p>wastewater discharges, residential earthworks, and other discharges to water.</p> <p>From 1 July 2023 to 31 January 2024, the most common RMA breaches that led to formal enforcement action related to contaminant discharges into water (28% enforcement actions), discharges to land that could enter water (21% enforcement actions), breaches of abatement notices (11% enforcement actions), and alteration or disturbance of waterways (11% enforcement actions).</p> <p>In the 2022/23 year, ORC compliance staff completed 1,009 on-site consent audits, 293 dairy inspections and 37 forestry inspections.</p>	<p>From 1 July 2023 to 31 July 2024, the most common RMA breaches that led to formal enforcement action related to discharges of contaminants into water (13% enforcement actions), discharges to air or land (13% enforcement actions), and breaches of abatement notices (27% enforcement actions).</p> <p>In the 2023/24 year, ORC compliance staff completed 950 on-site consent audits, 408 dairy inspections and 53 forestry inspections.</p>
<p>Land Management</p>	<p>Since September 2023 the Environmental Implementation team has increased FTE across the region. Recruitment is underway for a land management officer to support delivery of the Hill Country Erosion Funding we have received from MPI. We currently have a full complement of staff in our Catchment Advisor team, Integrated Catchment Management Team and Project Delivery team.</p> <p>The team has continued to build on core biosecurity work through further development of strategic decision making and through continuing and building on face-to-face community led pest management approaches. There is one vacancy currently in the Team Leader Biosecurity role, which is vacant as a result of internal movement. We have also advertised a new role for a Biosecurity Specialist with a focus on freshwater and marine.</p>	<p>The land management function within the Environmental Implementation team is currently fully staffed. This includes the Catchment Advisor team, Integrated Catchment Management Team and Project Delivery Team.</p> <p>Within the Biosecurity team there are two roles which have been created to support work in this area. These roles will support delivery of the nationally funded wilding conifer and wallaby projects and a technical specialist has also been advertised to further support the strategic use of resources and the review of the Regional Pest Management Plan. The technical biosecurity specialist and project delivery specialist roles are vacant as well as one Biosecurity officer. The Team Leader Biosecurity role has been filled as has the Biosecurity Specialist marine and freshwater.</p> <p>On the ground community facing work continues with catchment advisors and community coordinators working in the Biosecurity</p>

Area	What we advised in March 2024	Latest Update
	<p>On the ground community facing work continues to build with catchment advisors making new networks and developing projects. In addition, the project delivery specialists are managing large scale projects involving the community and mana whenua partners.</p> <p>Our ECOFund and incentive contestable funding round for 2023/24 opened in March with a total of \$900,000 available to support community groups delivering environmental projects across the region.</p> <p>The Integrated Catchment Management framework has been developed further. The working group continues to meet and support the delivery of catchment action plans across the region. The catchment action plans will align to the FMUs and will integrate action plans required under the NPSFM 2020. The pilot area for this work is in the Catlins and work has commenced on this. A community group has been co-ordinated by ORC staff who will input into the development of this and involves approx. 18 people from the Catlins community.</p> <p>Ongoing business process and system improvements continue to enable staff to better undertake their work to ensure that data is accurate and relevant.</p> <p>A key work programme for this group is in the engagement and support for the rollout of freshwater farm plans. Otago went live on 1 February in the North Otago area. We continue to deliver on the regulations in this regard with assessor training occurring at the end of February. The CCCV for North Otago is live on our website with an</p>	<p>space making new networks and supporting landowners to implement best practice. In addition, the project delivery specialists are managing large scale projects involving the community and mana whenua partners.</p> <p>Our ECOFund and incentive contestable funding round for 2023/24 was finalised with \$854,000 provided to support community groups delivering environmental projects across the region.</p> <p>The Integrated Catchment Management framework has been developed further. The pilot area for the development of a catchment action plan (CAP) in the Catlins is nearing completion with the CAP due to be presented to Council in November 2024. Work has also commenced in the Upper Lakes rohe on the development of a CAP with the co-ordination of a community working group by ORC staff with approximately 25 people from the Upper Lakes community participating.</p> <p>Ongoing business process and system improvements continue to enable staff to better undertake their work to ensure that data is accurate and relevant.</p> <p>The work on Freshwater Farm Plans is currently on hold. The CCCV for the North Otago area remains live and a draft CCCV has been developed for the Lower Clutha rohe, which went live in August 2024 but this has not been progressed while we wait for information. Mana whenua partners and stakeholders are provided ongoing updates and communications in this space which they have appreciated and are supportive of.</p>

Area	What we advised in March 2024	Latest Update
	associated mapping tool. Work has also commenced on our next FMU (Lower Clutha) which is to go live in August 2024. Mana whenua partners and stakeholders are provided ongoing updates and communications in this space which they have appreciated and are supportive of.	

Progress in achieving the specified recommendations

Updates against the particular recommendations as outlined in the original letter is detailed below:

Action	What we advised in March 2024	Latest Update
<p><i>By November 2020, a complete review of the current RPS that is publicly notified, with the intention that it be made operative before the review of the LWRP is notified</i></p>	<p>The High Court decision on 22 July 2022 required Council to re-notify those parts of the PORPS it considers to be a freshwater planning instrument, and to continue with the process for the remainder (the 'non-freshwater' parts) of the PORPS through the Resource Management Act 1991, Schedule 1 hearing process.</p> <p>Council approved re-notification of the parts of the PORPS that are freshwater and appointed a panel to hear the non-freshwater parts of the PORPS in September 2022. Hearings on the non-freshwater parts of the PORPS commenced on 23 January 2023 and concluded on 30 May 2023. The recommendations report on the non-freshwater parts will be completed after the Freshwater Hearing has been completed.</p> <p>The Chief Freshwater Commissioner appointed the same panel to the Freshwater parts of the PORPS as were on the non-freshwater PORPS hearings. The Freshwater Hearing commenced on 28 August 2023 and was closed on 26 September 2023.</p> <p>The Panels' recommendations on the freshwater and non-freshwater parts of the PORPS were delivered to Council on 21 March. Council adopted the Panels' recommendations as their decisions on 27 March.</p>	<p>Council made decisions on the freshwater and non-freshwater parts of the PORPS on 27 March 2024.</p> <p>Nineteen appeals were lodged with the Environment Court on the non-freshwater planning instrument parts, and the High Court received five appeals on the freshwater planning instrument parts. A number of submitters have joined the appeals as interested parties.</p> <p>The parties have agreed to mediation with the aim of resolving appeal points, which would avoid the need for a court hearing. The freshwater mediation, facilitated by a private mediator, occurred in the week beginning 19 August. The Environment Court-assisted non-freshwater mediation will begin in November 2024 and is programmed to finish in May 2025. Appeal points not resolved through mediation will be heard before the High Court (for freshwater appeals) and the Environment Court (for non-freshwater issues).</p>

Action	What we advised in March 2024	Latest Update
<p><i>By 31 December 2023, a new LWRP for Otago that includes objectives, strategic policies, region-wide activity policies, & provisions for each of the FMU's, covering all catchments within the region</i></p>	<p>The drafting team, in partnership with Iwi, completed a first draft of the Land and Water Regional Plan (LWRP) provisions at the end of July 2023. This draft was based on the policy direction provided by the Environmental Science and Policy Committee and incorporating the feedback received during two rounds of FMU community consultation, rolled-out between November 2020 and November 2022 and key stakeholder workshops taking place in December 2022. These draft LWRP provisions were consulted on during a third and final round of community engagement, which took place from September 2023 to November 2023. The third round of community engagement, which was designed to ensure that the process for developing the LWRP would comply with all relevant aspects and requirements of the National Objectives Framework in the NPS-FM, involved a mix of in person drop-in sessions and on-line engagement. In addition, four on-line sessions were held for representatives from the primary industry and forestry sectors, environmental agencies and interest groups, territorial authorities) over the same time period.</p> <p>Prior to the start of the new year an updated draft of the LWRP was developed by the drafting team, addressing the feedback received during the response the third round of round of community engagement and incorporating further policy guidance received during ESP Committee workshops that took place in November 2023.</p>	<p>The drafting team updated the draft Land and Water Regional Plan (LWRP) provisions to reflect feedback received during the first stage of pre-notification consultation (under clause 3 of Schedule 1, RMA). The second stage of pre-notification consultation (under clause 4A of Schedule 1, RMA) with iwi authorities, occurred from 15 July to 9 August.</p> <p>The section 32 report has continued to develop, with the following outputs being incorporated:</p> <ul style="list-style-type: none"> - The science programme - The economics work programme - Feedback received from communities during three public and stakeholder engagement processes (in 2020/21, 2022, and 2023) - Feedback received from pre-notification consultation processes <p>Council workshops are planned, including one in late September and the other in early October to ensure that Councillors have the opportunity to become familiar with the provisions and the section 32 report before they make their decision about whether to notify the proposed LWRP, which is scheduled to occur in October 2024.</p>

Action	What we advised in March 2024	Latest Update
	<p>The first stage of pre-notification consultation under the RMA (pre-notification consultation under Clause 3, Schedule 1 of the Resource Management Act (RMA)) commenced on 10 January 2024 and concluded on 23 February 2024. Parties that were consulted during this stage of pre-notification consultation included relevant ministries and government agencies, District Councils in Otago and neighbouring regional councils, as well as various energy companies, environmental interest groups and industry groups in the farming and forestry sector.</p> <p>Due to an administrative error, some of the forestry sector did not receive the Clause 3 draft for feedback. Staff have provided an additional four weeks to that party to enable them to consider the draft Plan.</p> <p>A first draft the Section 32 was also completed at the end of February 2024. This section 32 report builds on the technical work provided through the science and economic work programs, which are now largely complete and the result of which have been gradually shared with the public through publication of online technical reports.</p> <p>The Māori Economy report is well-advanced and we expect to receive it in the next month.</p> <p>On 27 March, Council decided to shift the notification date for the LWRP to 31 October 2024. This is to allow time for staff to determine the implications of the recent RPS decisions, and the clause 3 feedback from the forestry</p>	

Action	What we advised in March 2024	Latest Update
	industry. Staff will provide you further information on this matter by 1 May 2024 as required by your letter of 15 March.	
<p><i>Prepare a Plan Change by 31 March 2020 that will provide an adequate interim planning & consenting framework to manage freshwater up until the time that new discharge and allocation limits are set, in line with requirements in the NPSFM.</i></p>	<p>Plan Change 7 is fully operative and is part of the Regional Plan Water. This provides the interim consenting framework referred to in the 2019 recommendations.</p> <p>The Consents Team has processed the majority of the Deemed Permit replacements. There are five applications remaining and they are being processed in line with the agreed staging plan. Processing in line with the staging plan has allowed for the applications in similar areas to be processed at the same time and to ensure consistency.</p> <p>The Consents Team continues to actively process the remaining applications. Of these applications to be progressed, two are in the Taieri and three in the Manuherekia. This is also in line with the staging plan mentioned above. Most applicants are using the controlled activity pathway provided by the rules, with some using the restricted discretionary pathway.</p>	<p>Plan Change 7 is fully operative and is part of the Regional Plan Water. This provides the interim consenting framework referred to in the 2019 recommendations.</p> <p>The Consents Team has processed the majority of the Deemed Permit replacements. There is one deemed permit application remaining and it is being processed in line with the agreed staging plan. Processing in line with the staging plan has allowed for the applications in similar areas to be processed at the same time and to ensure consistency. Most applicants used the controlled activity pathway provided by the rules, with some using the restricted discretionary pathway.</p>

Summary of Freshwater Resource Consenting Activity for 1 March – 22 August 2024

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

- Between 1/3/2024 and 22/8/2024, the Otago Regional Council received 48 applications for water take consents. These applications are being processed as 53 separate resource consents, with 28 for taking groundwater and 25 for taking surface water. Of the 48 applications, 0 relate to the replacement of a Deemed Permit.
- From the 48 applications lodged between 1/3/2024 and 22/8/2024, Council issued 29 resource consents, 14 for taking groundwater and 15 for taking surface water. Of the remaining 24 resource consents, 21 are currently being processed and 3 have been rejected, withdrawn or were not required.
- The Council also issued a further 39 resource consents relating to applications lodged before 1/3/2024. These include 11 resource consent for taking groundwater and 28 for taking surface water. Of the 39 resource consents issued, 9 related to the replacement of 10 Deemed Permits.
- In total, the Council is currently processing 42 applications for water take consents. These applications are being processed as 48 resource consents, with 19 for taking groundwater and 29 for taking surface water. Of the 42 applications, 1 relate to the replacement of Deemed Permits.
- Between 1/3/2024 and 22/8/2024, 1 application relating to taking water was publicly notified, and 3 were limited notified.
- There are currently no active Deemed Permits in the Otago Region, excluding those operating under s124.
- No new appeals relating to decisions on an application for new water permits relating to deemed permit, have been lodged with the Environment Court.

Conclusion

ORC, along with our iwi partners, has made considerable progress on addressing the recommendations arising from Professor Skelton's review. Unless otherwise advised, next six-monthly report will be due to you in March 2025.

In the interim, if you have any questions or need further clarification, please do not hesitate to get in touch with Fleur Matthews (fleur.matthews@orc.govt.nz; or 027 257 0813).

Yours sincerely

Richard Saunders
Chief Executive

10.2. Annual Plan 2025-2026 Process

Prepared for:	Council
Report No.	CS2432
Activity:	Governance Report
Author:	Mike Roesler, Manager Corporate Planning
Endorsed by:	Amanda Vercoe, General Manager Strategy and Customer Nick Donnelly, General Manager Finance
Date:	25 September 2024

PURPOSE

[1] This report communicates the Annual Plan 2025-2026 (AP) process.

EXECUTIVE SUMMARY

- [2] This report outlines an approach to complete the AP that includes:
- a. An October Council workshop to review year 2 of the LTP and consider what, if any, change is required to the LTP work program.
 - b. A communication plan that takes a steer from the above workshop.
 - c. A December milestone for endorsing a draft AP for community feedback or consultation.
 - d. A step to consider feedback prior to making final decisions.
 - e. Proposed adoption a month prior to the Local Government deadline of 30 June 2025.

RECOMMENDATION

That the Council:

1. **Notes** the proposed Annual Plan 2025-2026 process outlined in this report.

BACKGROUND

- [3] The Long-Term Plan 2024-2034 [LTP] cycle includes the 2025-2026 [year 2] and 2026-2027 [year 3] Annual Plans. They will be completed with reference to the adopted content of the LTP, including:
- a. ORC Strategic Directions, including the community outcome statements and associated goal statements.
 - b. Detailed financial forecasts and associated work programme.
 - c. Level of Service content [i.e. service statements, measures and targets].
 - d. LGA Strategy and Policy [i.e. Financial Strategy; Infrastructure Strategy; Revenue and Financing Policy; Significance and Engagement Policy; Māori Participation Policy].

- e. Committee resolutions that direct staff on our LTP work programme (eg. Revenue and Financing Policy matters relating to Flood and Drainage and Public Transport rating.
- [4] The process to complete these Annual Plans enable Council to give effect to the LTP as adopted and introduce change where needed.

DISCUSSION

- [5] Attachment 1 of this report provides a roadmap of the AP process. It highlights the consideration and/or decision-making points for Council [i.e. the blue boxes]. Key points to note include:

- a. Box 2: Council will consider if significant change is needed to the LTP. It is important to identify change to guide the proceeding detailed planning and community engagement. For example, significant change can have implications for existing priorities, work programmes and resourcing.

In this step Council can expect a workshop in October to consider staff advice about LTP adjustments, including broader fiscal objectives. A recap of the Year 2 work program and financial forecasts will be provided for context.

This step provides direction for staff to draft the Annual Plan. It also guides Council on the nature of engagement that will be required. For example, who's potentially affected by possible change(s), and is full community consultation required.

- b. Box 3: This step reports a Draft AP to the December Council meeting for consideration and endorsement.

This meeting establishes a draft AP position for community feedback and final decisions.

If Council direction at this meeting substantively differs from the tabled Draft AP, then a revised version may need to be reconsidered by Council. A contingency meeting date might be required to achieve this [early new year 2025].

- c. Box 4: This step implements Council's decision about how it engages and consults on the AP. As in previous processes, Council approves a communication plan that outlines how it will engage with the community. The approach taken will reflect the significance of any change to the LTP decided by Council.

Historically the Council, at the least, has invited informal feedback on its' Annual Plans. So, this step typically involves Council considering community feedback prior to approving a final Annual Plan.

- d. Box 5: This step finalises the AP. The roadmap indicates adoption in May 2025. This date assumes a 'no significant change-informal feedback' scenario. A full community consultation scenario pushes approval to the end of June.

OPTIONS

- [6] At this stage of the AP process there are no options to consider. This report does however foreshadow different approaches regarding the need, or not, for community consultation. Council staff will prepare a recommending report on this matter during the AP process.

CONSIDERATIONS

Strategic Framework and Policy Considerations

- [7] The 'Strategic Directions' work initiated with Councillors in 2023 has been embodied in the adopted LTP. The Annual Plan process references this work.
- [8] Specific resolutions of Council made during LTP deliberation will also be embodied in the AP process. From a strategy, policy and transport planning perspective these include:
- a. Revenue and Financing Policy:
 - i. Council staff undertake a review of all flood and drainage schemes to inform rate allocation and report back to Council on the Terms of Reference and timing for this review.
 - ii. Council staff complete a review of options for the allocation of Public Transport targeted rates and report back in time for the 2025-2026 Annual Plan.
 - b. Investigate the feasibility of incorporating an Oamaru-Dunedin service within the Oamaru year two and three public transport trial.
 - c. Council's Chief Executive prepares a report for the August Regional Leadership Committee meeting including a draft terms of reference and process to work with the community to establish a Taieri Flood and Drainage Schemes liaison group (already completed).
 - d. Council staff research and report on alternative community ownership models for flood and drainage schemes as a way of addressing financial unsustainability.

Financial Considerations

- [9] There are no financial considerations at this stage of the process. The LTP has financial budget allocated for the AP process.

Significance and Engagement

- [10] Adjustments to the LTP will be assessed against the Significance and Engagement Policy during the AP process and an associated decision of Council made.

Legislative and Risk Considerations

- [11] The process outlined in this report is consistent with the relevant planning requirements under the Local Government Act 2002.

Climate Change Considerations

- [12] There are no climate change considerations relating to this report.

Communications Considerations

- [13] A decision of Council about consultation requirements will be required during the AP process. Council staff will prepare a recommending report to enable this decision.

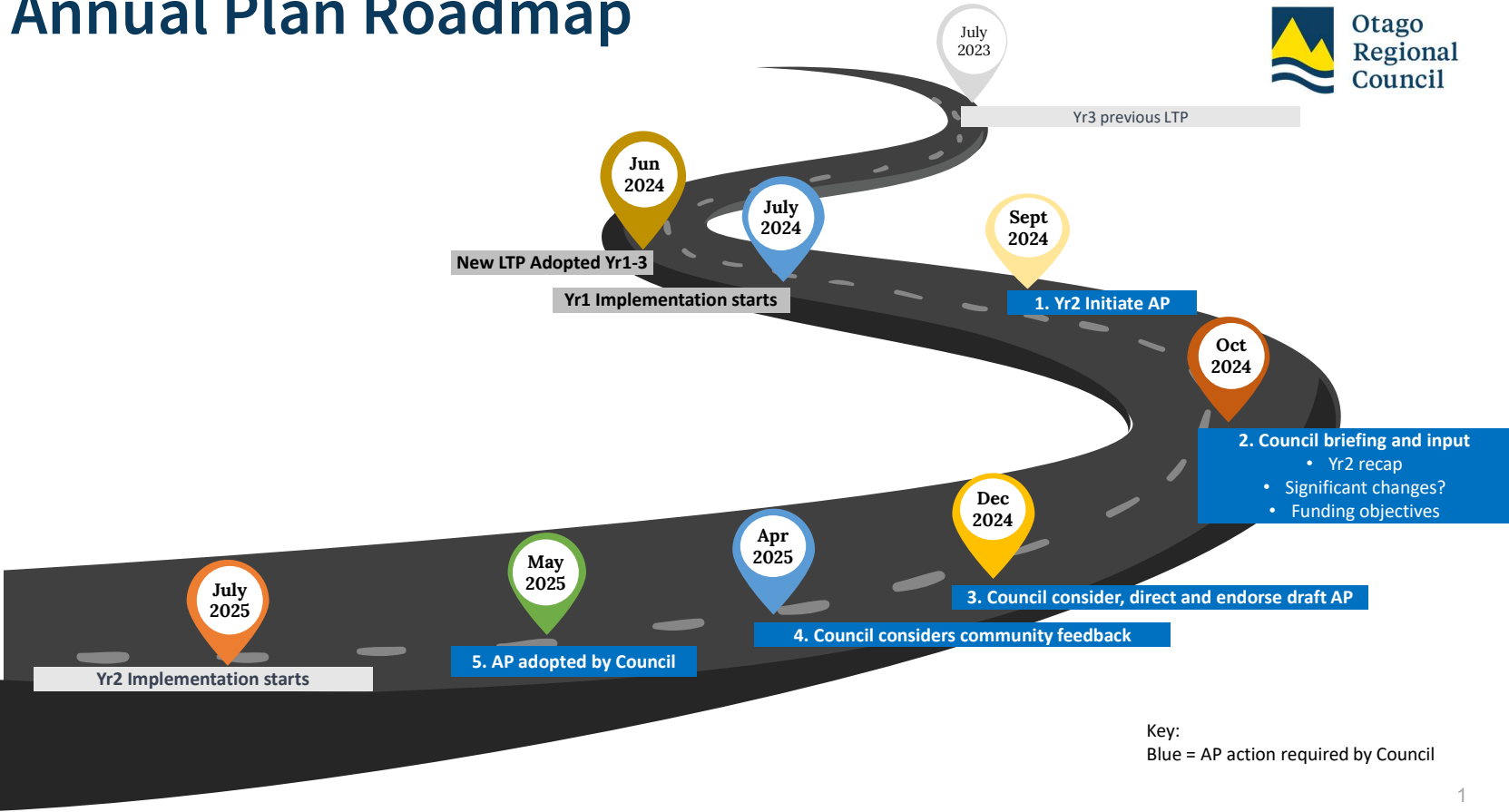
NEXT STEPS

- [14] Council staff will prepare material for an October Council workshop to consider significant adjustments, priorities and over-riding funding.

ATTACHMENTS

1. Annual Plan 2025-26 Roadmap [9.2.1 - 1 page]

Annual Plan Roadmap



10.3. South Dunedin Future - Risk Assessment Update and Programme Changes

Prepared for: Council

Report No. GOV2430

Activity: Community: Governance & Community
Safety & Hazards: Natural Hazards

Author: Jonathan Rowe, Programme Manager

Endorsed by: Tom Dyer, General Manager Science and Resilience

Date: 25 September 2024

PURPOSE

- [1] This report provides an update on technical work relating to the South Dunedin Risk Assessment, describes constraints faced in finalising this technical report, and associated implications for the South Dunedin Future programme.

EXECUTIVE SUMMARY

- [2] A review of the draft risk assessment for South Dunedin has identified information gaps and data limitations related to flood modelling and floor levels, which have prevented finalisation of the technical report. Finalisation of the risk assessment has been delayed while additional work is undertaken to fill these gaps, including bringing forward completion of an updated flood model and collecting building floor level information for South Dunedin.
- [3] This additional work is expected to be completed in late October, enabling finalisation of the risk assessment and spatial adaptation options for South Dunedin by December 2024. It is now expected these technical reports will be presented to Councils in February 2025 and, subject to Council decisions, consulted with affected communities and wider public in March to April 2025.
- [4] The South Dunedin risk assessment will now be released at the same time as the spatial adaptation options report, in line with stakeholder preferences.

RECOMMENDATION

That the Council:

1. **Notes** a review of the draft risk assessment for South Dunedin has identified information gaps and data limitations that have prevented finalisation of this technical report.
2. **Notes** work underway to address identified information gaps and data limitations, including bringing forward completion of an updated flood model and collection of building floor level information for South Dunedin.
3. **Notes** the associated delay in finalising the risk assessment and spatial adaptation options for South Dunedin, which are now expected to be presented to Councils and released publicly in February 2025.
4. **Notes** a copy of this report will be considered by Dunedin City Councillors on 24 September 2024.

BACKGROUND

- [5] The South Dunedin Future (SDF) programme is a joint initiative between the Dunedin City Council (DCC) and Otago Regional Council (ORC) to develop a climate adaptation plan for South Dunedin. The programme plan was approved by DCC and ORC Council Committees in July 2022 (refer OPS2223, ORC Strategy & Planning Committee, 13 July 2022), and outlined the attached high-level approach for delivering the SDF programme.
- [6] A previous report to Councils in July 2024 (refer GOV2419, ORC Council Meeting, 24 July 2024) provided an update on the SDF programme, including a summary of the activities completed during January to June 2024, foreshadowed key upcoming activities, and signalled potential implications of this work. This included anticipated delivery of a risk assessment for South Dunedin in September 2024 and spatial adaptation options in November 2024.

DISCUSSION

South Dunedin Risk Assessment

- [7] The risk assessment assesses the extent to which current natural hazards (e.g. surface flooding, coastal erosion, high ground water) present risk to people, places and assets in South Dunedin, and how this might be affected by climate change (e.g. more frequent and severe storm events, higher groundwater, and rising seas). This work considers exposure to these hazards, areas of vulnerability, and the direct and indirect consequences. This is the first time the risks faced by South Dunedin have been formally assessed, quantified, and collated in a single report including a range of data, maps, and graphics. The risk assessment sketches out the current trajectory under a 'business as usual' approach, and provides a baseline picture of risk, against which decisions about potential risk mitigation (e.g. climate adaptation approaches, options and projects) can be considered.
- [8] The risk assessment is based on the best available information at a given time, and is intended to provide a clear and detailed picture of risk in South Dunedin, in order to (i) inform development of the adaptation options, and (ii) outline the implications of a 'status quo' scenario, thereby enabling consideration of the case for change. As reported to Councils in July, it is anticipated the risk assessment could have a range of implications for council services and infrastructure, as well as for mana whenua partners, affected communities, and many other stakeholders (such as schools, public housing, and utilities companies). Further refinement of the risk assessment may also be required in future as new information becomes available.

Information gaps and data limitations

- [9] A draft of the risk assessment was received in July and has been reviewed by council staff, external technical peer reviewers, and selected stakeholders. In addition to informing revisions of the draft risk assessment, that review process has identified information gaps and data limitations that have prevented finalisation of the technical report. Specifically, these relate to:

- a. Limitations of the 3 Waters flood model, which currently lacks the capability to produce modelling outputs at the level of detail and confidence required for the risk assessment; and
- b. A lack of accurate floor level data for most buildings in South Dunedin, which limits the degree to which the risk assessment can analyse vulnerability to flooding.

[10] These information gaps and data limitations were identified when the risk assessment was initially scoped, however, work continued based on the principle of using the best available information at the time. Following consideration of the draft risk assessment report in full, these information gaps and data limitations are now assessed as being material constraints that risk undermining the accuracy, integrity, and logic of the risk assessment. Finalising the risk assessment with these gaps risks generating ‘false positives’ in the results, which could have adverse real-world implications for stakeholders, and require later redress. Finalisation of the risk assessment has therefore been delayed until these issues can be resolved satisfactorily.

Updated 3 Waters network model and collection of floor level data

[11] In 2021, DCC 3 Waters Group commenced a project to update a number of the city’s existing flood and wastewater network models, which were initially developed in 2011. This work included an updated flood model for South Dunedin. The new model will provide a significant advancement in flood modelling capability and confidence, including by incorporating 2021 LiDAR information, more accurately assessing surface flows, accounting for groundwater fluctuations and infiltration into stormwater and wastewater systems, among other advancements. The new model was expected to be completed and calibrated by early 2025, however, delivery has been brought forward to October 2024 to support completion of South Dunedin Future technical reports.

[12] Councils do not hold detailed floor level information for buildings in South Dunedin. Proxy floor level information, based on building regulations at time of construction, was used to develop the draft risk assessment, but has since proved insufficient in terms of accuracy and confidence. Consequently, council staff are now undertaking street-based observational assessments of floor levels for all buildings in South Dunedin, which will be supplemented by professional surveys of sample of buildings, to confirm accuracy of observational assessments. This information collection will be completed by the end of October 2024 and will inform vulnerability analysis in the risk assessment.

[13] Completion of the new flood model and collection of floor level data will address the material information gaps and data limitations, enabling finalisation of the risk assessment and spatial adaptation options technical reports by December 2024. It is anticipated that final technical reports and covering papers will be presented to Councils and released publicly in February 2025. Subject to Council decisions, community engagement on the risk assessment and spatial adaptation options would commence in March 2025. Original and revised schedules are outlined below:

Key Deliverable	Original schedule	Revised schedule
South Dunedin Risk Assessment provided to Council and release publicly	Sep 2024	Feb 2025

Spatial Adaptation Options for South Dunedin provided to Council and released publicly	Nov 2024	
Community engagement on risk assessment and spatial adaptation options	Feb/Mar 2025	Mar/Apr 2025

Impact of revised schedule

- [14] The revised programme will delay public release of the risk assessment (5 months) and spatial adaptation options (3 months), however, associated community engagement will only be delayed by a month. Costs associated with the flood modelling, floor level data collection, and finalised technical reports are to be confirmed, and may be partially offset by efficiencies elsewhere in the SDF programme. It is anticipated that any additional costs can be covered from within the current SDF programme budget.

Anticipated stakeholder reactions to revised schedule

- [15] The changes to the SDF programme described above have been informally discussed with selected key stakeholders. While there is some concern around the delay, stakeholders have consistently advised it is more important to do this work well, and to get it right, than to do it quickly. Most stakeholders prefer aligning public release of the risk assessment with the spatial adaptation options, so that the problems facing South Dunedin are accompanied by potential solutions, enabling consideration of all relevant information. This preference is now reflected in the revised schedule outlined above.

OPTIONS

- [16] No options are provided in this report.

CONSIDERATIONS

Strategic Framework and Policy Considerations

- [17] These are described in the paper and attachments, which build on previous advice on strategy and policy considerations, provided in the following reports:
- HAZ2109, ORC Council, 24 November 2021
 - OPS2215, ORC Strategy and Planning Committee, 13 April 2022
 - OPS2223, ORC Strategy and Planning Committee, 13 July 2022
 - HAZ2302, ORC Safety and Resilience Committee, 10 August 2023
 - HAZ2302, ORC Council, 22 November 2023
 - GOV2343, ORC Council, 6 December 2023
 - GOV2419, ORC Council, 24 July 2024

Financial Considerations

- [18] Funding of the South Dunedin Future programme is provided for in ORC's 2024/25 Annual Plan. The SDF programme is also co-funded by the Dunedin City Council.

Significance and Engagement

- [19] Engagement with key stakeholders on the content of this report has been undertaken. The general preferences and feedback from stakeholders have been incorporated into the revised approach this report outlines.

Legislative and Risk Considerations

[20] These are described in ORC paper HAZ2302 presented to Council on 22 November 2023.

Climate Change Considerations

[21] The South Dunedin Future Programme is enabling adaptation to the effects of future climate change.

Communications Considerations

[22] These are described in the report.

NEXT STEPS

- [23] The following key actions are planned for the SDF programme over the next six months:
- a. Finalise updated three waters flood model for South Dunedin (Sept-Oct 2024)
 - b. Collect floor level data for South Dunedin (Aug-Oct 2024)
 - c. Revise and finalise risk assessment and spatial adaptation options for South Dunedin (Nov-Dec 2024)
 - d. Plan and design of communications and community engagement risk assessment and spatial adaptation options for South Dunedin (Dec 2024-Feb 2025)
 - e. Present risk assessment and spatial adaptation options for South Dunedin to Councils (Feb 2025)
 - f. Subject to Council decisions, issue public communications and undertake community engagement (Mar-Apr 2025)

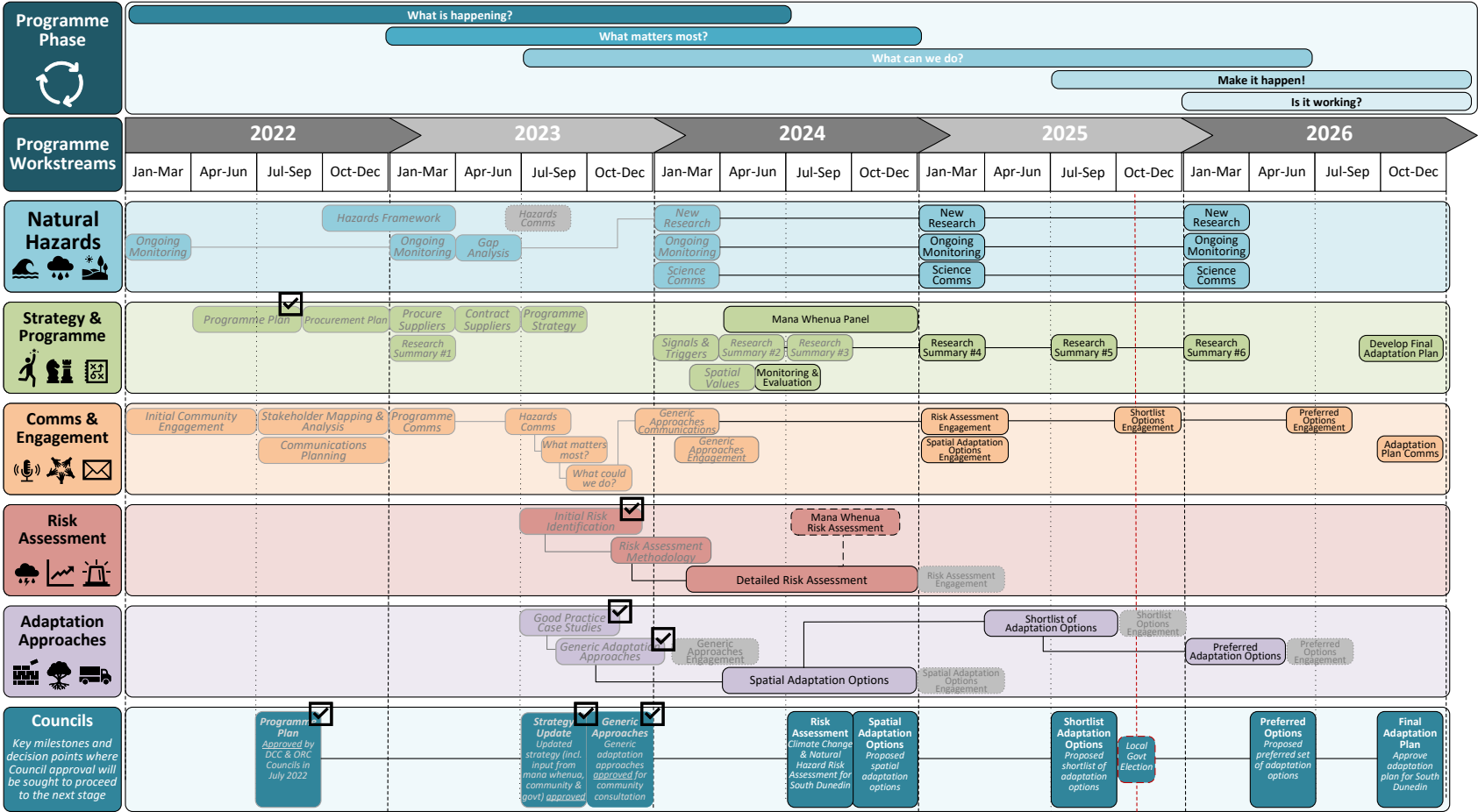
ATTACHMENTS

1. SDF Programme - Summary One- Pager (A 3) (Sept 2024) [10.3.1 - 1 page]



South Dunedin Future Programme

- South Dunedin Future is a **joint programme** between Dunedin City Council and Otago Regional Council to find ways to respond to climate change and flooding problems in South Dunedin.
- We need to **adapt South Dunedin's infrastructure and environment** in a way that creates more room for increasing levels of rain, sea and groundwater, while protecting space for people and the things that matter.
- We are **making a plan** with the South Dunedin community, mana whenua and stakeholders to work out what's most important and to find the right balance between people, water and space.
- This will involve **lots of technical work and community engagement** over a number of years. Some key pieces of this work are mapped out below.



10.4. Standing Orders - Administrative Update

Prepared for: Council

Report No. GOV2431

Activity: Governance Report

Author: Amanda Vercoe, General Manager Strategy and Customer

Endorsed by: Richard Saunders, Chief Executive

Date: 25 September 2024

PURPOSE

[1] To consider an administrative update to Council's Standing Orders.

EXECUTIVE SUMMARY

[2] The Local Government Electoral Legislation Act 2023 replaced the interim cyclone response legislation and made the interim provision for elected members attending meetings via electronic link to count for quorum, permanent from 1 October 2024.

[3] This paper proposes administrative updates to Standing Orders to reflect this legislative change.

RECOMMENDATION

That the Council:

1. **Notes** this report.
2. **Notes** a 75 percent majority is required to amend Standing Orders.
3. **Adopts** the attached updated Standing Orders.
4. **Notes** that Local Government New Zealand and Taituarā are currently reviewing its template for Standing Orders and staff will workshop the new template with councillors in 2025, ahead of the next local body elections.

BACKGROUND

[4] Councils must adopt a set of Standing Orders under section 7 clause 27(1) of the Local Government Act 2002 (LGA) for the conduct of its meetings and those of its committees. Those Standing Orders must not contravene the LGA, the Local Government Official Information and Meetings Act 1987, or any other Act.

[5] Standing Orders has been developed by Local Government New Zealand and provides a framework and set of rules that govern the conduct and proceedings of all council, and committee meetings. They are intended to enable a council (and its sub-ordinate decision-making bodies) to undertake its decision-making responsibilities in a transparent, inclusive and lawful manner. All elected and appointed members must abide by Standing Orders under the Local Government Act 2002 Schedule 7 clause 16.

- [6] ORC's existing Standing Orders were adopted by Council resolution on 27 May 2021 and are based on the Local Government New Zealand template with minor alterations made at the time of adoption.
- [7] Under Schedule 7 clause 27(3) of the Local Government Act 2002, an amendment to Standing Orders requires a vote of not less than 75% of the members percent.

DISCUSSION

- [8] The proposed changes to Standing Orders are highlighted in track changes in the attached document, and are also captured below:

11. Quorum

11.1 Council meetings

[9]

The quorum for a meeting of the council is:

- (a) Half of the members ~~physically~~ present, where the number of members (including

13.7 Right to attend by audio- or audio-visual link

Provided the conditions in standing orders 13.11 and 13.12 are met members of the local authority and its committees (and members of the public for the purpose of a deputation and public forum approved by the Chairperson), have the right to attend meetings by means of an electronic link, unless they have been lawfully excluded.

13.8 Member's status: quorum

~~Members who attend meetings by electronic link will not be counted as present for the purposes of a quorum~~
Where these standing orders provide for members attendance by electronic link, members who attend meetings by electronic link are counted as present for the purposes of the quorum.

-

13.9 Member's status: voting

~~Where a meeting has a quorum, determined by the number physically present, the members attending by electronic link can vote on any matters raised at the meeting.~~

Where a meeting has a quorum, determined by the number present, the members attending by electronic link can vote on any matters raised at the meeting.

OPTIONS

- [10] Option 1 – Do not amend Standing Orders (Status Quo)

Advantages:

- Nil.

Disadvantages

- Standing Orders will be inconsistent with amended legislation.

- [11] Option 2 – Amend Standing Orders (staff recommendation)

Advantages

- Standing Orders will be consistent with legislation.

- Standing Orders will provide for elected members attending via electronic link to be present for quorum and voting.

Disadvantages

- Nil.

CONSIDERATIONS

Strategic Framework and Policy Considerations

[12] Nil.

Financial Considerations

[13] Nil.

Significance and Engagement

[14] Nil.

Legislative and Risk Considerations

[15] This paper enables ORC Standing Orders to remain consistent with legislation.

Climate Change Considerations

[16] Nil.

Communications Considerations

[17] Nil.

NEXT STEPS

[18] If adopted, the updated Standing Orders will be published online and in Diligent.

ATTACHMENTS

1. Otago Regional Council Standing Orders adopted 25 Sept 2024 DRAFT [10.4.1 - 79 pages]



OTAGO REGIONAL COUNCIL

STANDING ORDERS

Adopted by Council ~~27 May 2021~~ 25 September 2024

**These Standing Orders apply to all Meetings of the Council, its
Committees and Subcommittees**

This is a true and correct copy of the Otago Regional Council Standing Orders which was approved by a resolution of the Otago Regional Council on ~~27 May 2021~~25 September 2024 and is deemed to be operative from that date.

The Common Seal of the Otago Regional Council was hereto affixed pursuant to the resolution of the Council in the presence of:

Cr ~~Andrew Noone~~Gretchen Robertson, Chairperson

~~Mrs Sarah Gardner~~Mr Richard Saunders, Chief Executive

Preface

Standing orders contain rules for the conduct of the proceedings of local authorities, committees, subcommittees and subordinate decision-making bodies. Their purpose is to enable local authorities to exercise their decision-making responsibilities in a transparent, inclusive and lawful manner.

In doing so the application of standing orders contributes to greater public confidence in the quality of local governance and democracy in general.

These standing orders have been designed specifically for local authorities, their committees, subcommittees and subordinate decision-making bodies. They fulfil the requirements of the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987 with regard to the conduct of meetings.

It is mandatory that councils adopt standing orders for the conduct of their meetings and the meetings of any subordinate bodies, such as committees and subcommittees (see cl. 27 Schedule 7 of the Local Government Act 2002).

For clarity's sake, whenever a question about the interpretation or application of these standing orders is raised, particularly where a matter might not be directly provided for, it is the responsibility of the Chairperson of each meeting to make a ruling.

All members of a local authority must abide by standing orders.

LGNZ has made every reasonable effort to provide accurate information in this document, however it is not advice and we do not accept any responsibility for actions taken that may be based on reading it.

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DRAFT

1. Introduction

These standing orders have been prepared to enable the orderly conduct of local authority meetings. They incorporate the legislative provisions relating to meetings, decision making and transparency. They also include practical guidance on how meetings should operate so that statutory provisions are complied with and the spirit of the legislation fulfilled.

To assist elected members and officials the document is structured in three parts:

- Part 1 deals with general matters.
- Part 2 deals with pre-meeting procedures.
- Part 3 deals with meeting procedures.

The Appendix, which follows Part 3, provides templates and additional guidance for implementing provisions within the standing orders. Please note, the Appendix is an attachment to the standing orders and not part of the standing orders themselves, consequently amendments to the Appendix do not require the agreement of 75% of those present. In addition, the 'Guide to Standing Orders' provides additional advice on the application of the standing orders and are also not part of the standing orders.

1.1 Principles

Standing orders are part of the framework of processes and procedures designed to ensure that our system of local democracy and in particular, decision-making within local government is transparent and accountable. They are designed to give effect to the principles of good governance, which include that a local authority should:

- Conduct its business in an open, transparent and democratically accountable manner;
- Give effect to its identified priorities and desired outcomes in an efficient and effective manner;
- Make itself aware of, and have regard to, the views of all of its communities;
- Take account, when making decisions, of the diversity of the community, its interests and the interests of future communities as well;
- Ensure that any decisions made under these standing orders comply with the decision-making provisions of Part 6 of the LGA; and
- Ensure that decision-making procedures and practices meet the standards of natural justice.

These principles are reinforced by the requirement that all local authorities act so that "governance structures and processes are effective, open and transparent" (s. 39 LGA 2002).

1.2 Statutory references

The Standing Orders consist of statutory provisions about meetings along with guidance on how those provisions should be applied in practice. Where a statutory provision has been augmented with advice on how it might be implemented the advice (so as not to confuse it with the statutory obligation) is placed below the relevant legislative reference. In some cases, the language in the statutory provision has been modernised for ease of interpretation or amended to ensure consistency with more recently enacted statutes.

It is important to note that statutory references in the standing orders apply throughout the period of a meeting, regardless of whether or not parts or all of the Standing Orders have been suspended. These provisions must also be carried through into any amendment of the standing orders that might be made. Please note, where it is employed the word 'must', unless otherwise stated, identifies a mandatory legislative requirement.

1.3 Acronyms

LGA 2002	Local Government Act 2002
LGOIMA	Local Government Official Information and Meetings Act 1987
LAMIA	Local Authorities (Members' Interests) Act 1968

1.4 Application

For the removal of any doubt these standing orders do not apply to workshops or meetings of working parties and advisory groups unless specifically included in their terms of reference.

2. Definitions

Adjournment means a break in the proceedings of a meeting. A meeting, or discussion on a particular business item, may be adjourned for a brief period, or to another date and time.

Advisory group means a group of people convened by a local authority for the purpose of providing advice or information that is not a committee or subcommittee. These standing orders do not apply to such groups. This definition also applies to workshops, working parties, working group, panels, forums, portfolio groups, briefings and other similar bodies.

Agenda means the list of items for consideration at a meeting together with reports and other attachments relating to those items in the order in which they will be considered. It is also referred to as an 'order paper'.

Amendment means any change of proposed change to the original or substantive motion.

Audio link means facilities that enable audio communication between participants at a meeting when one or more of the participants is not physically present at the place of the meeting.

Audio visual link means facilities that enable audiovisual communication between participants at a meeting when one or more of them is not physically present at the place of the meeting.

Chairperson means the person presiding at a meeting – the presiding member.

Chief executive means the chief executive of a regional council appointed under section 42 of the LGA 2002, and includes, for the purposes of these standing orders, any other officer authorized by the chief executive.

Clear working days means the number of working days (business hours) prescribed in these standing orders for giving notice and excludes the date of the meeting and date on which the notice is served.

Committee includes, in relation to a local authority:

- (a) A committee comprising all the members of that authority;
- (b) A standing committee or special committee appointed by that authority;
- (c) A joint committee appointed under clause 30A of Schedule 7 of the LGA 2002; and
- (d) Any subcommittee of a committee described in (a), (b) and (c) of this definition.

Contempt means being disobedient to, or disrespectful of, the chair of a meeting, or disrespectful to any members, officers or the public.

Council means, in the context of these standing orders, the governing body of a local authority.

Deputation means a request from any person or group to make a presentation to the local authority which is approved by the Chairperson and which may be made in English, te reo Māori or New Zealand Sign Language.

Electronic link means both an audio- and audio-visual link.

Emergency meeting has the same meaning as defined in cl. 22A of Schedule 7 of the LGA 2002.

Extraordinary meeting has the same meaning as defined in cl. 22 of Schedule 7 of the LGA 2002.

Foreshadowed motion means a motion that a member indicates their intention to move once the debate on a current motion or amendment is concluded.

Internet site means, in relation to a local authority or other person or entity, an Internet site that is maintained by, or on behalf of, the local authority, person, or entity and to which the public has free access.

Joint committee means a committee in which the members are appointed by more than one local authority in accordance with clause 30A of Schedule 7 of the LGA 2002.

Karakia timatanga means an opening prayer.

Karakia whakamutunga means a closing prayer.

Lawfully excluded means a member of a local authority who has been removed from a meeting due to behaviour that a Chairperson has ruled to be contempt.

Leave of absence means a pre-approved absence for a specified period of time consistent with the council policy should one be in place.

Local authority means in the context of these standing orders a regional council, as defined in s. 5 of the LGA 2002, which is named in these standing orders, and any subordinate decision-making bodies established by the local authority.

Meeting means any first, inaugural, ordinary, or extraordinary meeting of a local authority, committee, subcommittee or subordinate decision-making bodies of the local authority convened under the provisions of LGOIMA.

Member means any person elected or appointed to the local authority.

Mihi whakatau means a brief welcome typically delivered by one person without any further formalities.

Minutes means the record of the proceedings of any meeting of the local authority.

Motion means a formal proposal to a meeting.

Mover means the member who initiates a motion.

Newspaper means a periodical publication published (whether in New Zealand or elsewhere) at intervals not exceeding 40 days, or any copy of, or part of any copy of, any such publications; and this includes every publication that at any time accompanies and is distributed along with any newspaper.

Notice of motion means a motion given in writing by a member in advance of a meeting in accordance with, and as provided for, in these standing orders.

Open voting means voting that is conducted openly and in a transparent manner (i.e. enables an observer to identify how a member has voted on an issue) and may be conducted by electronic means. The result of the vote must be announced immediately it has concluded. Secret ballots are specifically excluded.

Order paper means the list of items for consideration at a meeting together with reports and other attachments relating to those items set out in the order in which they will be considered. An order paper is also referred to as an agenda.

Ordinary meeting means any meeting, other than the first meeting, of a local authority publicly notified in accordance with sections 46(1) and (2) of LGOIMA.

Petition means a request to a local authority which contains at least 20 signatures.

Powhiri means a formal welcome involving a Karanga from the Tangata Whenua (the home people) followed by formal speech making. A Powhiri is generally used for formal occasions of the highest significance.

Present at the meeting to constitute quorum means the member is to be physically present in the room.

Presiding member means the person chairing a meeting.

Procedural motion means a motion that is used to control the way in which a motion or the meeting is managed as specified in standing orders 24.1 – 24.7.

Public excluded information refers to information which is currently before a public excluded session, is proposed to be considered at a public excluded session or had previously been considered at a public excluded session and not yet been released as publicly available information. It includes:

- Any minutes (or portions of minutes) of public excluded sessions which have not been subsequently released by the local authority; and
- Any other information which has not been released by the local authority as publicly available information.

Public excluded session, also referred to as confidential or in-committee session, refers to those meetings or parts of meetings from which the public is excluded by the local authority as provided for in LGOIMA.

Public forum refers to a period set aside usually at the start of a meeting for the purpose of public input.

Public notice in relation to a notice given by a local authority, means one that is made publicly available, until any opportunity for review or appeal in relation to the matter notified has lapsed, on the local authority's Internet site. And in addition, is published in at least one daily newspaper circulating in the region of the local authority, or one or more other newspapers that have a combined circulation in that region which is at least equivalent to that of a daily newspaper circulating in that region

Publicly notified means notified to members of the public by a notice contained in a newspaper circulating in the region of the local authority, or where there is no such newspaper, by notice displayed in a public place. The notice may also be replicated on a council's website.

Qualified privilege means the privilege conferred on member by s. 52 and s. 53 of LGOIMA.

Quasi-judicial means a meeting involving the consideration of issues requiring the evaluation of evidence, the assessment of legal argument and/or the application of legal principles.

Quorum means the minimum number of members required to be present in order to constitute a valid meeting.

Regional Council Chairperson means the member of the governing body of a regional council elected as Chairperson of that regional council under cl.25 Schedule 7 LGA 2002.

Resolution means a motion that has been adopted by the meeting.

Right of reply means the right of the mover of a motion to reply to those who have spoken to the motion. (The right does not apply to an amendment).

Second means the member who seconds a motion.

Sub judice means under judicial consideration and therefore prohibited from public discussion elsewhere.

Subordinate decision-making body means committees, subcommittees, and any other bodies established by a local authority that have decision-making authority.

Substantive motion means the original motion. In the case of a motion that is subject to an amendment, the substantive motion is the original motion incorporating any amendments adopted by the meeting.

Substantive resolution means the substantive motion that has been adopted by the meeting or a restatement of a resolution that has been voted on in parts.

Subcommittee means a subordinate decision-making body established by a council, or a committee of a council. See definition of "Committee".

Working day means a day of the week other than:

- (a) Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign's birthday, and Waitangi Day. If Waitangi Day or Anzac Day falls on a Saturday or a Sunday, then the following Monday;
- (b) The day observed in the appropriate area as the anniversary of the province of which the area forms a part; and
- (c) A day in the period commencing with 20 December in any year and ending with 10 January in the following year.

Should a local authority wish to meet between the 20th of December and the 10th of January of the following year any meeting must be notified as an extraordinary meeting, unless there is sufficient time to notify an ordinary meeting before the commencement of the period.

Working party means a group set up by a local authority to achieve a specific objective that is not a committee or subcommittee and to which these standing orders do not apply.

Workshop, means in the context of these standing orders, a gathering of elected members for the purpose of considering matters of importance to the local authority at which no decisions are made and to which these standing orders do not apply. Workshops may include non-elected members. See definition of "advisory group". Workshops are also described as briefings.

General matters

3. Standing orders

3.1 Obligation to adopt standing orders

A council is required to operate in accordance with standing orders for the conduct of its meetings and the meetings of its committees and subcommittees. Standing orders must not contravene any Act.

cl. 27(1) & (2), Schedule 7, LGA 2002.

3.2 Process for adoption and alteration of standing orders

The adoption of standing orders and any amendment to standing orders must be made by the Council and by a vote of not less than 75% of the members present.

cl. 27(3) Schedule 7, LGA 2002.

3.3 Members must obey standing orders

All members of the local authority, including members of committees and subcommittees, must obey these standing orders.

cl. 16(1) Schedule 7, LGA 2002.

3.4 Application of standing orders

These standing orders apply to all meetings of the local authority, its committees, subcommittees and subordinate decision-making bodies, including meetings and parts of meetings that the public are excluded from.

3.5 Temporary suspension of standing orders

Any member of a council, committee, subcommittee and subordinate may move a motion to suspend specified standing orders at a meeting of which they are a member. Any such motion must also include the reason for the suspension. If seconded, the Chairperson must put the motion without debate and at least 75 per cent of the members present and voting must support the motion for it to be carried.

cl. 27(4), Schedule 7, LGA 2002.

A motion to suspend standing orders may also identify the specific standing orders to be suspended. In the event of suspension those standing orders prescribed in statute will continue to apply, such as the quorum requirements.

3.6 Quasi-judicial proceedings

For quasi-judicial proceedings the local authority may amend meeting procedures. For example, committees hearing applications under the RMA 1991 have additional powers under the Commissions of Inquiry Act 1908.

3.7 Physical address of members

Every member of a local authority must give to the chief executive a physical residential or business address within the region of the local authority and, if desired, an electronic or other address, to which notices and material relating to meetings and local authority business may be sent or delivered. Members are to provide their address within 5 working days of the publication of the declaration of the election results.

4. Meetings

4.1 Legal requirement to hold meetings

The local authority must hold meetings for the good government of its region. Meetings must be called and conducted in accordance with:

- (a) Schedule 7 of the LGA 2002;
- (b) Part 7 of LGOIMA; and
- (c) These standing orders.

A meeting can be adjourned to a specified time and day if required by resolution of the meeting.

4.2 Meeting duration

A meeting cannot continue more than six hours from when it starts (including any adjournments) or after 10.30pm, unless the meeting resolves to continue. If there is no such resolution any business on the agenda that has not been dealt with must be adjourned, transferred to the next meeting or transferred to an extraordinary meeting.

No meeting can sit for more than two hours continuously without a break of at least ten minutes unless the meeting resolves to extend the time before a break.

4.3 Language

A member may address a meeting in English, te reo Māori or New Zealand Sign Language. A Chairperson may require that a speech is translated and printed in English or te reo Māori.

If a member intends to address the meeting in New Zealand Sign Language, or in te reo Māori when the normal business of the meeting is conducted in English, they must give prior notice to the Chairperson not less than 2 working days before the meeting.

Where the normal business of the meeting is conducted in te reo Māori then prior notice of the intention to address the meeting in English must also be given to the Chairperson not less than 2 working days before the meeting.

4.4 Webcasting meetings

Webcast meetings should be provided in accordance with the protocols contained in Appendix 5.

4.5 First meeting (inaugural)

The first meeting of a local authority following a local authority triennial general election must be called by the chief executive as soon as practicable after the results of the election are known. The chief executive must give elected members not less than 7 days' notice of the meeting. However, in the event of an emergency the chief executive may give notice of the meeting as soon as practicable.

cl. 21(1) - (4), Schedule 7, LGA 2002.

4.6 Requirements for the first meeting

The chief executive (or, in the absence of the chief executive, their nominee) must chair the first meeting until the Chairperson has made an oral declaration and attested the declaration (see cl. 21(4), Schedule 7 (LGA 2002)).

The business to be conducted at the first meeting following a general election must include the following:

- (a) The making and attesting of the declarations required of the Chairperson (if any) and members under cl.14, Schedule7, (LGA 2002);
- (b) The election of the Chairperson and the making and attesting of the declaration required of the Chairperson under cl. 14 Schedule7, (LGA 2002);
- (c) A general explanation, given or arranged by the Chief Executive, of:
 - i. LGOIMA; and
 - ii. Other laws affecting members, including the appropriate provisions of the Local Authorities (Members Interests) Act 1968; and sections 99, 105, and 105A of the Crimes Act 1961; and the Secret Commissions Act 1910; and the Financial Markets Conduct Act 2013.
- (d) The fixing of the date and time of the first meeting of the local authority, or the adoption of a schedule of meetings; and
- (e) The election of the deputy Chairperson in accordance with cl.17 Schedule7, (LGA 2002).

cl. 21(5), Schedule 7, LGA 2002.

It is common for councils to adopt standing orders at the first meeting; however this is not always necessary as, if not amended, standing orders will remain in force after each triennial election.

5. Appointments and elections

5.1 Elections of regional Chairpersons, and deputy Chairpersons

The council (or a committee responsible for making the appointment) must decide by resolution to use one of two voting systems (see standing order 5.3) when electing people to the following positions:

- The Chairperson and deputy Chairperson of a regional council;
- The Chairperson and deputy Chairperson of a committee; and
- A representative of a local authority.

cl. 25 Schedule 7, LGA 2002.

5.2 Removal of a Chairperson or deputy Chairperson

A Chairperson or deputy Chairperson can only be removed in accordance with the process set out in cl. 18, Schedule 7, of the LGA 2002. See Appendix 9.

cl. 18, Schedule 7, LGA 2002.

5.3 Voting system for Chairpersons, deputy Chairpersons and committee chairs

When electing a regional council chair, a deputy chair or a committee chair the local authority must resolve to use one of the following two voting systems.

System A

The candidate will be elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee who are present and voting. This system has the following characteristics:

- (a) There is a first round of voting for all candidates;
- (b) If no candidate is successful in the first round, there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and
- (c) If no candidate is successful in the second round, there is a third round, and if necessary subsequent rounds, of voting from which, each time, the candidate with the fewest votes in the previous round is excluded.

In any round of voting, if two or more candidates tie for the lowest number of votes, the person to be excluded from the next round is resolved by lot.

System B

The candidate will be elected or appointed if he or she receives more votes than any other candidate. This system has the following characteristics:

- (a) There is only one round of voting; and
- (b) If two or more candidates tie for the most votes, the tie is resolved by lot.

cl. 25 Schedule 7, LGA 2002.

6. Delegations

6.1 Limits on delegations

Unless clearly stated in the LGA or any other Act, a council may, for the purposes of efficiency and effectiveness, delegate to a committee, subcommittee, subordinate decision-making body, member, or officer of the local authority, any of its responsibilities, duties, or powers except:

- (a) The power to make a rate;
- (b) The power to make a bylaw;
- (c) The power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan;
- (d) The power to adopt a long-term plan, annual plan, or annual report;
- (e) The power to appoint a chief executive;
- (f) The power to adopt policies required to be adopted and consulted on under the LGA in association with the long-term plan or developed for the purpose of the local governance statement;
- (g) *Repealed*; and
- (h) The power to adopt a remuneration and employment policy.

cl. 32 (1) Schedule 7, LGA 2002.

6.2 Committees may delegate

A committee, subcommittee or subordinate decision-making body, member, or officer of the local authority may delegate any of its responsibilities, duties, or powers to a subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by the body that made the original delegation.

cl. (2) & (3), Schedule 7, LGA 2002.

6.3 Use of delegated powers

The committee, subcommittee, other subordinate decision-making body or member or officer of the local authority to which or to whom any responsibilities, powers, duties are delegated may, without confirmation by the council, committee or body or person that made the delegation, exercise or perform them in the like manner and with the same effect as the local authority could itself have exercised or performed them.

cl. 32(2) & (3)(4) Schedule 7, LGA 2002.

6.4 Decisions made under delegated authority cannot be rescinded or amended

Nothing in these standing orders allows a council, committee and subcommittee to rescind or amend a lawfully made decision of a subordinate decision-making body carried out under a delegation authorising the making of that decision.

cl. 30 (6), Schedule 7, LGA 2002.

6.5 Committees and subcommittees subject to the direction of the local authority

A committee, subcommittee or other subordinate decision-making body is subject in all things to the control of the local authority and must carry out all general and special directions of the local authority given to them.

cl. 30 (3) & (4), Schedule 7, LGA 2002.

Please note: A council is advised to delegate a range of decision-making responsibilities to its chief executive to cover the period from the day following the Electoral Officer's declaration until the new council is sworn in. See the 2019 Guide to Standing Orders for further information.

7. Committees

7.1 Appointment of committees and subcommittees

A council may appoint the committees, subcommittees, and other subordinate decision-making bodies that it considers appropriate. A committee may appoint the subcommittees that it considers appropriate, unless it is prohibited from doing so by the council.

cl. 30(1) & (2), Schedule 7, LGA 2002.

7.2 Discharge or reconstitution of committees and subcommittees

Unless expressly provided otherwise in legislation or regulation:

- (a) A local authority may discharge or reconstitute a committee or subcommittee, or other subordinate decision-making body; and
- (b) A committee may discharge or reconstitute a subcommittee.

A committee, subcommittee, or other subordinate decision-making body is, unless a council resolves otherwise, discharged when members elected at a subsequent triennial general election come into office.

cl. 30 (5) & (7), Schedule 7, LGA 2002.

Please note: s.12 (2) of the Civil Defence and Emergency Management Act 2002 states that a Civil Defence and Emergency Management Group is not deemed to be discharged following a triennial election.

7.3 Appointment or discharge of committee members and subcommittee members

A council may appoint or discharge any member of a committee and, if established by the council, a subcommittee. A committee may appoint or discharge any member of a subcommittee appointed by the committee unless directed otherwise by the council.

cl. 31 (1) & (2), Schedule 7, LGA 2002.

7.4 Elected members on committees and subcommittees

The members of a committee or subcommittee may be, but are not required to be, elected members of a local authority. A council or committee may appoint a person who is not a member of the local authority to a committee or subcommittee if, in the opinion of the council or committee, the person has the skills, attributes or knowledge to assist the committee or subcommittee.

At least one member of a committee must be an elected member of the council. A staff member of the local authority, in the course of their employment, can be a member of a subcommittee but not a committee.

cl. 31(4) Schedule 7, LGA 2002.

7.5 Local authority may replace members if committee not discharged

If a local authority resolves that a committee, subcommittee or other subordinate decision-making body is not to be discharged under cl. 30 (7) Schedule 7, LGA 2002, the local authority may replace the members of that committee, subcommittee or subordinate decision-making body after the next triennial general election of members.

cl. 31(5) Schedule 7, LGA 2002.

7.6 Decision not invalid despite irregularity in membership

For the purpose of these standing orders a decision of a local authority or committee is not invalidated if:

1. There is a vacancy in the membership of the local authority or committee at the time of the decision; or
2. Following the decision some defect in the election or appointment process is discovered and/or that the membership of a person on the committee at the time is found to have been ineligible.

cl. 29, Schedule 7, LGA 2002.

7.7 Appointment of joint committees

A local authority may appoint a joint committee with another local authority or other public body if it has reached agreement with each local authority or public body. The agreement must specify:

- (a) The number of members each party may appoint;
- (b) How the Chairperson and deputy Chairperson are to be appointed;
- (c) The terms of reference of the committee;
- (d) What responsibilities, if any, are to be delegated to the committee by each party; and
- (e) How the agreement may be varied.

The agreement may also specify any other matter relating to the appointment, operation, or responsibilities of the committee agreed by the parties.

cl. 30A (1) & (2), Schedule 7, LGA 2002.

7.8 Status of joint committees

A joint committee is deemed to be both a committee of a council and a committee of each other participating local authority or public body.

cl. 30A (5), Schedule 7, LGA 2002.

7.9 Power to appoint or discharge individual members of a joint committee

The power to discharge any individual member of a joint committee and appoint another member in their stead must be exercised by the council or public body that made the appointment.

cl. 30A (6)(a), Schedule 7, LGA 2002.

Pre-meeting

8. Giving notice

8.1 Public notice – ordinary meetings

All meetings scheduled for the following month must be publicly notified not more than 14 days and not less than 5 days before the end of the current month, together with the dates, the times and places on and at which those meetings are to be held. In the case of meetings held on or after the 21st day of the month public notification may be given not more than 10 nor less than 5 working days before the day on which the meeting is to be held. (See Guide to Standing Orders for more information).

s. 46, LGOIMA.

8.2 Notice to members - ordinary meetings

The chief executive must give notice in writing to each member of the local authority of the date, time and place of any meeting. Notice must be given at least 14 days before the meeting unless the council has adopted a schedule of meetings, in which case notice must be given at least 14 days before the first meeting on the schedule.

cl. 19 (5), Schedule 7, LGA 2002.

8.3 Extraordinary meeting may be called

An extraordinary council meeting may be called by:

- (a) Resolution of the council: or
- (b) A requisition in writing delivered to the chief executive which is signed by:
 - i. The Chairperson; or
 - ii. Not less than one third of the total membership of the council (including vacancies).

cl. 22 (1) Schedule 7, LGA 2002.

8.4 Notice to members - extraordinary meetings

The chief executive must give notice, in writing, of the time and place of an extraordinary meeting called under standing order 8.3, as well as the general nature of business to be considered to each member of the council at least 3 working days before the day appointed for the meeting. If the meeting is called by a resolution then notice must be provided within such lesser period as is specified in the resolution, as long as it is not less than 24 hours.

cl. 22 (3), Schedule 7, LGA 2002.

8.5 Emergency meetings may be called

If the business a council needs to deal with requires a meeting to be held at a time earlier than is allowed by the notice requirements for holding an extraordinary meeting and it is not practicable to call the meeting by resolution, an emergency meeting may be called by:

- (a) The Chairperson; or
- (b) If the Chairperson is unavailable, the Chief Executive.

cl. 22A(1), Schedule 7 LGA 2002.

8.6 Process for calling an emergency meeting

The notice of the time and place of an emergency meeting, and of the matters in respect of which the emergency meeting is being called, must be given by the person calling the meeting or by another person on that person's behalf.

The notice must be given, by whatever means is reasonable in the circumstances, to each member of the local authority, and to the chief executive, at least 24 hours before the time appointed for the meeting.

cl. 22A (2), Schedule 7 LGA 2002.

8.7 Public notice – emergency and extraordinary meetings

Where an emergency or extraordinary meeting of a local authority is called but the notice of the meeting is inconsistent with these standing orders, due to the manner in which it was called, the local authority must cause that meeting and the general nature of business to be transacted at that meeting:

- (a) To be publicly notified as soon as practicable before the meeting is to be held; or
- (b) If it is not practicable to publish a notice in newspapers before the meeting, to be notified as soon as practicable on the local authority's Internet site and in any other manner that is reasonable in the circumstances.

s. 46 (3) LGOIMA.

8.8 Meetings not invalid

The failure to notify a public meeting under these standing orders does not of itself make that meeting invalid. However, where a local authority becomes aware that a meeting has been incorrectly notified it must, as soon as practicable, give public notice stating:

- That the meeting occurred without proper notification;
- The general nature of the business transacted; and
- The reasons why the meeting was not properly notified.

s. 46 (6), LGOIMA.

8.9 Resolutions passed at an extraordinary meeting

A local authority must, as soon as practicable, publicly notify any resolution passed at an extraordinary meeting of the local authority unless:

- (a) The resolution was passed at a meeting or part of a meeting from which the public was excluded; or
- (b) The extraordinary meeting was publicly notified at least 5 working days before the day on which the meeting was held.

s. 51A, LGOIMA.

8.10 Meeting schedules

Where the local authority adopts a meeting schedule it may cover any period that the council considers appropriate and may be amended. Notification of the schedule, or an amendment, will constitute notification to members of every meeting on the schedule or the amendment. This does not replace the requirements under LGOIMA to also publicly notify each meeting.

cl. 19 (6) Schedule 7, LGA 2002.

8.11 Non-receipt of notice to members

A meeting of a local authority is not invalid if notice of that meeting was not received, or not received in due time, by a member of the local authority unless:

- (a) It is proved that the person responsible for giving notice of the meeting acted in bad faith or without reasonable care; and
- (b) The member concerned did not attend the meeting.

A member of a local authority may waive the need to be given notice of a meeting.

cl. 20 (1) & (2) Schedule 7, LGA 2002.

8.12 Meeting cancellations

The Chairperson of a scheduled meeting may cancel the meeting if, in consultation with the chief executive, they consider this is necessary for reasons that include lack of business, lack of quorum or clash with another event.

The chief executive must make a reasonable effort to notify members and the public as soon as practicable of the cancellation and the reasons behind it.

9. Meeting agenda

9.1 Preparation of the agenda

It is the chief executive's responsibility to prepare an agenda for each meeting listing and attaching information on the items of business to be brought before the meeting so far as is known, including the names of the relevant members.

When preparing business items for an agenda the chief executive and/or relevant general manager will consult the Chairperson or relevant Co-Chairs in advance of the meeting agenda being finalised to discuss the **likely** content of the agenda for that meeting (either via a phone call, or a sit-down meeting) – noting that the content of the final agenda may vary. This is an opportunity for the Chairperson, or Co-Chairs to signal likely meeting concerns, and signal when additional advice or more time to consider the issue might be required.

9.2 Process for raising matters for a decision

Requests for reports may be made by a resolution of the council, committee, subcommittee or subordinate decision-making body and, in the case of all decision-making bodies other than the council, must also fall within the scope of their specific delegations. A process for requesting reports is described in Appendix 12.

9.3 Chief executive may delay or refuse request

The chief executive may delay commissioning any reports that involve significant cost or are beyond the scope of the committee that made the request. In such cases the chief executive will discuss options for meeting the request with the respective Chairperson and report back to a subsequent meeting with an estimate of the cost involved and seek direction on whether the report should still be prepared.

If a member makes a direct request to a chief executive asking that a report is prepared the chief executive may refuse. In such cases an explanation should be provided to the member.

9.4 Order of business

At the meeting the business is to be dealt with in the order in which it stands on the agenda unless the Chairperson, or the meeting, decides otherwise. An example of a default order of business is set out in Appendix 12.

The order of business for an extraordinary meeting must be limited to items that are relevant to the purpose for which the meeting has been called.

9.5 Chairperson's recommendation

A Chairperson, either prior to the start of the meeting and/or at the meeting itself, may include a recommendation regarding any item on the agenda brought before the meeting. Where a Chairperson's recommendation varies significantly from an officer's recommendation the reason for the variation must be explained.

9.6 Chairperson's report

The Chairperson of a meeting has the right, through a report, to direct the attention of a meeting to any matter which is on the agenda or which falls within the responsibilities of that meeting, as described in its terms of reference.

9.7 Public availability of the agenda

All information provided to members at a local authority meeting must be publicly available except where an item included in the agenda refers to a matter reasonably expected to be discussed with the public excluded.

s. 5 & 46A, LGOIMA.

9.8 Public inspection of agenda

Any member of the public may, without payment of a fee, inspect, during normal office hours and within a period of at least 2 working days before a meeting, all agendas and associated reports circulated to members of the local authority relating to that meeting. The agenda:

- (a) Must be available for inspection at the public offices of the local authority (including service centres), at public libraries under the authority's control and on the council's website; and
- (b) Must be accompanied by either:
 - i. The associated reports; or
 - ii. A notice specifying the places at which the associated reports may be inspected.

s. 46A (1), LGOIMA.

9.9 Withdrawal of agenda items

If justified by circumstances, an agenda item may be withdrawn by the chief executive. In the event of an item being withdrawn the chief executive should inform the Chairperson.

9.10 Distribution of the agenda

The chief executive must send the agenda to every member of a meeting five working days before the meeting where possible and no less than two clear working days before the day of the meeting, except in the case of an extraordinary meeting or an emergency meeting (see Standing Orders 8.4 and 8.10).

The chief executive may send the agenda, and other materials relating to the meeting or other council business, to members by electronic means.

9.11 Status of agenda

No matter on a meeting agenda, including recommendations, may be considered final until determined by formal resolution of that meeting.

9.12 Items of business not on the agenda which cannot be delayed

A meeting may deal with an item of business that is not on the agenda where the meeting resolves to deal with that item and the Chairperson provides the following information during the public part of the meeting:

- (a) The reason the item is not on the agenda; and
- (b) The reason why the discussion of the item cannot be delayed until a subsequent meeting.

s. 46A (7), LGOIMA.

Items not on the agenda may be brought before the meeting through a report from either the chief executive or the Chairperson.

Please note that nothing in this standing order removes the requirement to meet the provisions of Part 6, LGA 2002 with regard to consultation and decision-making.

9.13 Discussion of minor matters not on the agenda

A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and the Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However, the meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion.

s. 46A (7A), LGOIMA.

9.14 Public excluded business on the agenda

Items that are likely to be discussed under public excluded must be indicated on each agenda and state the general subject of the item. The chief executive, however, may exclude public access to any reports, or parts of reports, which are reasonably expected to be discussed with the public excluded.

s. 46A (9), LGOIMA.

9.15 Qualified privilege relating to agenda and minutes

Where any meeting is open to the public and a member of the public is supplied with a copy of the agenda, or the minutes of that meeting, the publication of any defamatory matter included in the agenda or in the minutes is privileged. This does not apply if the publication is proved to have been made with ill will or improper advantage has been taken of the publication.

s. 52, LGOIMA.

Meeting Procedures

10. Opening and closing

Local authorities may, at the start of a meeting, choose to recognise the civic importance of the occasion through some form of reflection. This could be an expression of community values, a reminder of the contribution of members who have gone before or a formal welcome, such as a mihi whakatau.

Options for opening a meeting could include a karakia timitanga, mihi whakatau, or powhiri as well as a karakia whakamutunga to close a meeting where appropriate.

11. Quorum

11.1 Council meetings

The quorum for a meeting of the council is:

- (a) Half of the members physically present, where the number of members (including vacancies) is even; and
- (b) A majority of the members physically present, where the number of members (including vacancies) is odd.

cl. 23 (3)(a) Schedule 7, LGA 2002.

11.2 Committees and subcommittee meetings

A council sets the quorum for its committees and subcommittees, either by resolution or by stating the quorum in the terms of reference. Committees may set the quorums for their subcommittees by resolution provided that it is not less than two members. (See also 7.4).

In the case of subcommittees, the quorum will be two members unless otherwise stated. In the case of committees at least one member of the quorum must be a member of the council.

cl. 23 (3)(b) Schedule 7, LGA 2002.

11.3 Joint Committees

The quorum at a meeting of a joint committee must be consistent with Standing Order 11.1. Local authorities participating in the joint committee may decide, by agreement, whether or not the quorum includes one or more members appointed by each local authority or any party.

cl. 30A (6)(c) Schedule 7, LGA 2002.

11.4 Requirement for a quorum

A meeting is constituted where a quorum of members is present, whether or not they are all voting or entitled to vote. In order to conduct any business at a meeting, a quorum of members must be present for the whole time that the business is being considered.

cl. 23(1) & (2) Schedule 7, LGA 2002.

11.5 Meeting lapses where no quorum

A meeting must lapse, and the Chairperson vacate the chair, if a quorum is not present within 30 minutes of the advertised start of the meeting. Where members are known to be travelling to the meeting, but are delayed due to extraordinary circumstance, the Chairperson has discretion to wait for a longer period.

No business may be conducted while waiting for the quorum to be reached. Minutes will record when a meeting lapses due to a lack of a quorum, along with the names of the members who attended.

Should a quorum be lost the meeting will lapse if the quorum is not present within 15 minutes.

11.6 Business from lapsed meetings

Where meetings lapse the remaining business will be adjourned and be placed at the beginning of the agenda of the next ordinary meeting, unless the Chairperson sets an earlier meeting, and this is notified by the chief executive.

12. Public access and recording

12.1 Meetings open to the public

Except as otherwise provided by Part 7 of LGOIMA, every meeting of the local authority, its committees and subcommittees must be open to the public.

s.47 & 49(a), LGOIMA.

12.2 Grounds for removing the public

The Chairperson may require any member of the public whose conduct is disorderly, or who is creating a disturbance, to be removed from the meeting.

12.3 Local authority may record meetings

Meeting venues should contain clear signage indicating and informing members, officers and the public that proceedings may be recorded by the local authority and may be subject to direction by the Chairperson.

12.4 Public may record meetings

Members of the public may make electronic or digital recordings of meetings which are open to the public. Any recording of meetings must be notified to the Chairperson at the commencement of the meeting to ensure that the recording does not distract the meeting from fulfilling its business.

Where circumstances require the Chairperson may stop the recording for a period of time.

13. Attendance

13.1 Members right to attend meetings

A member of a local authority, or of a committee of a local authority, has, unless lawfully excluded, the right to attend any meeting of the local authority or committee.

cl. 19(2), Schedule 7, LGA 2002.

If the member of the local authority is not an appointed member of the meeting at which they are in attendance they may not vote on any matter at that meeting. However, they may, with the leave of the chair, take part in the meeting's discussions.

A member attending a meeting of which they are not an appointed member is not a member of the public for the purpose of s.48 LGOIMA. Consequently, if the meeting resolves to exclude the public any members of the local authority who are present may remain unless they are lawfully excluded.

Please note: this section does not confer any rights to non-elected members appointed to committees of a local authority.

13.2 Attendance when a committee is performing judicial or quasi-judicial functions

When a committee is performing judicial or quasi-judicial functions members of the local authority who are not members of that committee are not entitled to take part in the proceedings.

13.3 Leave of absence

A council may grant a member leave of absence following an application from that member. The council may delegate the power to grant a leave of absence to the Chairperson in order to protect a members' privacy.

The Chairperson may approve a members' application, and the Council may approve an application from the Chairperson. The Chairperson will advise all members of the council whenever a member has been granted leave of absence under delegated authority. Meeting minutes will record a leave of absence for a member as an apology for that meeting.

13.4 Apologies

A member who does not have leave of absence may tender an apology should they be absent from all or part of a meeting. The Chairperson (or acting chair) must invite apologies at the beginning of each meeting, including apologies for lateness and early departure. The meeting may accept or decline any apologies. Members may be recorded as absent on council business where their absence is a result of a commitment made on behalf of the council.

For clarification, the acceptance of a member's apology constitutes a grant of 'leave of absence' for that specific meeting(s).

13.5 Recording apologies

The minutes will record any apologies tendered before or during the meeting, including whether they were accepted or declined and the time of arrival and departure of all members.

13.6 Absent without leave

Where a member is absent from four consecutive meetings of the council without leave of absence or an apology being accepted (not including extraordinary or emergency meetings) then the office held by the member will become vacant. A vacancy created in this way is treated as an extraordinary vacancy.

cl. 5 (d) Schedule 7, LGA 2002.

13.7 Right to attend by audio- or audio-visual link

Provided the conditions in standing orders 13.11 and 13.12 are met members of the local authority and its committees (and members of the public for the purpose of a deputation and public forum approved by the Chairperson), have the right to attend meetings by means of an electronic link, unless they have been lawfully excluded.

13.8 Member's status: quorum

~~Members who attend meetings by electronic link will not be counted as present for the purposes of a quorum~~

Where these standing orders provide for members attendance by electronic link, members who attend meetings by electronic link are counted as present for the purposes of the quorum.

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cl. 25A (4), Schedule 7, LGA 2002.

13.9 Member's status: voting

~~Where a meeting has a quorum, determined by the number physically present, the members attending by electronic link can vote on any matters raised at the meeting.~~

Where a meeting has a quorum, determined by the number present, the members attending by electronic link can vote on any matters raised at the meeting.

13.10 Chairperson's duties

Where the technology is available and a member is attending a meeting by audio- or audio-visual link, the Chairperson must ensure that:

- (a) The technology for the link is available and of suitable quality; and
- (b) Procedures for using the technology in the meeting will ensure that:
 - i. Everyone participating in the meeting can hear each other;
 - ii. The member's attendance by audio- or audio-visual link does not reduce their accountability or accessibility of that person in relation to the meeting;
 - iii. The requirements of Part 7 of LGOIMA are met; and
 - iv. The requirements in these standing orders are met.

If the Chairperson is attending by audio- or audio-visual link then chairing duties will be undertaken by the deputy chair or a member who is physically present.

cl. 25A (3) schedule 7, LGA 2002.

13.11 Conditions for attending by audio- or audio-visual link

Noting standing order 13.7, the Chairperson may give approval for a member to attend meetings by electronic link, either generally or for a specific meeting. Examples of situations where approval can be given include:

- (a) Where the member is at a place that makes their physical presence at the meeting impracticable or impossible;
- (b) Where a member is unwell; and
- (c) Where a member is unable to attend due to an emergency.

13.12 Request to attend by audio- or audio-visual link

Where possible, a member will give the Chairperson and the chief executive at least 2 working days' notice when they want to attend a meeting by audio- or audio-visual link. Should, due to illness or emergency, this not be possible, the member may give less notice.

Where such a request is made and the technology is available, the chief executive must take reasonable steps to enable the member to attend by audio or audio-visual link. However, the council has no obligation to make the technology for an audio or audio-visual link available.

If the member's request cannot be accommodated, or there is a technological issue with the link, this will not invalidate any acts or proceedings of the local authority or its committees.

13.13 Chairperson may terminate link

The Chairperson may direct that an electronic link should be terminated where:

- (a) Use of the link is increasing, or may unreasonably increase, the length of the meeting;
- (b) The behaviour of the members using the link warrants termination, including the style, degree and extent of interaction between members;
- (c) It is distracting to the members who are physically present at the meeting; and
- (d) The quality of the link is no longer suitable.

13.14 Giving or showing a document

A person attending a meeting by audio- or audio-visual link may give or show a document by:

- (a) Transmitting it electronically;
- (b) Using the audio-visual link; or
- (c) Any other manner that the Chairperson thinks fit.

cl. 25(A) (6) schedule 7, LGA 2002.

13.15 Link failure

Where an audio- or audio-visual link fails, or there are other technological issues that prevent a member who is attending by link from participating in a meeting, that member must be deemed to be no longer attending the meeting.

13.16 Confidentiality

A member who is attending a meeting by audio- or audio-visual link must ensure that the meeting's proceedings remain confidential during any times that the public are excluded. At such times, the Chairperson may require the member to confirm that no unauthorised people are able to view or hear the proceedings.

14. Chairperson's role in meetings

14.1 Council meetings

The Chairperson must preside at meetings of the council unless they vacate the chair for a part or all of a meeting. If the Chairperson is absent from a meeting or vacates the chair, the deputy Chairperson must act as chairperson. If the deputy Chairperson is also absent the local authority members who are present must elect a member to be the Chairperson at that meeting. This person may exercise the meeting responsibilities, duties and powers of the Chairperson for that meeting.

cl. 26(1), (5) & (6) Schedule 7, LGA 2002.

14.2 Other meetings

In the case of committees, subcommittees and subordinate decision-making bodies, the appointed Chairperson must preside at each meeting unless they vacate the chair for all or part of a meeting. If the Chairperson is absent from a meeting or vacates the chair, the deputy Chairperson (if any) will act as Chairperson. If the deputy Chairperson is also absent, or has not been appointed, the committee members who are present must elect a member to act as Chairperson. This person may exercise the meeting responsibilities, duties and powers of the Chairperson.

cl. 26(2), (5) & (6), schedule 7 LGA 2002.

14.3 Addressing the Chairperson

Members will address the Chairperson in a manner that the Chairperson has determined.

14.4 Chairperson's rulings

The Chairperson will decide all procedural questions where insufficient provision is made by these standing orders and with regard to all points of order. Any refusal to obey a Chairperson's ruling or direction constitutes contempt.

14.5 Chairperson standing

Whenever the Chairperson stands during a debate, members are required to sit down (if required to stand to address the meeting) and be silent so that they can hear the Chairperson without interruption.

14.6 Member's right to speak

Members are entitled to speak in accordance with these standing orders. Members should address the Chairperson when speaking. They may not leave their place while speaking, unless they have the leave of the Chairperson.

14.7 Chairperson may prioritise speakers

When two or more members want to speak the Chairperson will name the member who may speak first. Other members who wish to speak have precedence where they intend to:

- (a) Raise a point of order, including a request to obtain a time extension for the previous speaker; and/or
- (b) Move a motion to terminate or adjourn the debate; and/or
- (c) Make a point of explanation; and/or
- (d) Request the chair to permit the member a special request.

15. Public Forums

Public forums are a defined period of time, usually at the start of an ordinary meeting, which, at the discretion of a meeting, is put aside for the purpose of public input. Public forums are designed to enable members of the public to bring matters, not necessarily on the meeting's agenda, to the attention of the local authority.

In the case of a committee or subcommittee any issue, idea or matter raised in a public forum must fall within the terms of reference of that body.

15.1 Time limits

A period of up to 30 minutes, or such longer time as the meeting may determine, will be available for the public forum at each scheduled local authority meeting. Requests must be made to the chief executive (or their delegate) at least one clear day before the meeting; however, this requirement may be waived by the Chairperson. Requests should also outline the matters that will be addressed by the speaker(s).

Speakers can speak for up to 5 minutes. No more than two speakers can speak on behalf of an organisation during a public forum. Where the number of speakers presenting in the public forum exceeds 6 in total, the Chairperson has discretion to restrict the speaking time permitted for all presenters.

15.2 Restrictions

The Chairperson has the discretion to decline to hear a speaker or to terminate a presentation at any time where:

- A speaker is repeating views presented by an earlier speaker at the same public forum;
- The speaker is criticising elected members and/or staff;
- The speaker is being repetitious, disrespectful or offensive;
- The speaker has previously spoken on the same issue;
- The matter is subject to legal proceedings; and
- The matter is subject to a hearing, including the hearing of submissions where the local authority or committee sits in a quasi-judicial capacity.

15.3 Questions at public forums

At the conclusion of the presentation, with the permission of the Chairperson, elected members may ask questions of speakers. Questions are to be confined to obtaining information or clarification on matters raised by a speaker.

15.4 No resolutions

Following the public forum, no debate or decisions will be made at the meeting on issues raised during the forum unless related to items already on the agenda. (See the 2019 Guide to Standing Orders for suggestions of good practice in dealing with issues raised during a forum).

16. Deputations

The purpose of a deputation is to enable a person, group or organisation to make a presentation to a meeting on a matter or matters covered by that meeting's terms of reference. Deputations should be approved by the Chairperson, or an official with delegated authority, five working days before the meeting. Deputations may be heard at the commencement of the meeting or at the time that the relevant agenda item is being considered.

16.1 Time limits

Speakers can speak for up to 5 minutes, or longer at the discretion of the Chairperson. No more than two speakers can speak on behalf of an organisation's deputation.

16.2 Restrictions

The Chairperson has the discretion to decline to hear or terminate a deputation at any time where:

- A speaker is repeating views presented by an earlier speaker at the meeting;
- The speaker is criticising elected members and/or staff;
- The speaker is being repetitious, disrespectful or offensive;
- The speaker has previously spoken on the same issue;
- The matter is subject to legal proceedings; and
- The matter is subject to a hearing, including the hearing of submissions where the local authority or committee sits in a quasi-judicial capacity.

16.3 Questions of a deputation

At the conclusion of the deputation members may, with the permission of the Chairperson, ask questions of any speakers. Questions are to be confined to obtaining information or clarification on matters raised by the deputation.

16.4 Resolutions

Any debate on a matter raised in a deputation must occur at the time at which the matter is scheduled to be discussed on the meeting agenda and once a motion has been moved and seconded.

17. Petitions

17.1 Form of petitions

Petitions may be presented to the local authority or any of its committees as long as the subject matter falls within the terms of reference of the intended meeting.

Petitions must contain at least 20 signatures and consist of fewer than 150 words (not including signatories). They must be received by the chief executive at least 5 working days before the date of the meeting at which they will be presented.

Petitions must not be disrespectful, use offensive language or include malicious statements (see standing order 19.9 on qualified privilege). They may be written in English or te reo Māori. Petitioners planning to present their petition in te reo or sign language should advise the chief executive in time to allow translation services to be arranged.

17.2 Petition presented by petitioner

A petitioner who presents a petition to the local authority or any of its committees and subcommittees may speak for 5 minutes (excluding questions) about the petition, unless the meeting resolves otherwise. The Chairperson must terminate the presentation of the petition if he or she believes the petitioner is being disrespectful, offensive or making malicious statements.

Where a petition is presented as part of a deputation or public forum the speaking time limits relating to deputations or public forums shall apply. The petition must be received by the chief executive at least 5 working days before the date of the meeting concerned.

17.3 Petition presented by member

Members may present petitions on behalf of petitioners. In doing so, members must confine themselves to presenting:

- (a) The petition;
- (b) The petitioners' statement; and
- (c) The number of signatures.

18. Exclusion of public

18.1 Motions and resolutions to exclude the public

Members of a meeting may resolve to exclude the public from a meeting. The grounds for exclusion are those specified in section 48 of LGOIMA (see Appendix 1).

Every motion to exclude the public must be put while the meeting is open to the public, and copies of the motion must be available to any member of the public who is present.

If the motion is passed the resolution to exclude the public must be in the form set out in schedule 2A of LGOIMA (see Appendix 2). The resolution must state:

- (a) The general subject of each matter to be excluded;
- (b) The reason for passing the resolution in relation to that matter; and
- (c) The grounds on which the resolution is based.

The resolution will form part of the meeting's minutes.

s. 48 LGOIMA.

18.2 Specified people may remain

Where a meeting resolves to exclude the public, the resolution may provide for specified persons to remain if, in the opinion of the meeting, they will assist the meeting to achieve its purpose. Any such resolution must state, in relation to the matter to be discussed, how the knowledge held by the specified people is relevant and be of assistance.

No such resolution is needed for people who are entitled to be at the meeting, such as relevant staff and officials contracted to the council for advice on the matter under consideration.

s.48 (6) LGOIMA.

18.3 Public excluded items

The chief executive must place in the public-excluded section of the agenda any items that he or she reasonably expects the meeting to consider with the public excluded. The public excluded section of the agenda must indicate the subject matter of the item and the reason the public are excluded.

s.46A (8) LGOIMA.

18.4 Non-disclosure of information

No member or officer may disclose to any person, other than another member, officer or person authorised by the chief executive, any information that has been, or will be, presented to any meeting from which the public is excluded, or proposed to be excluded.

This restriction does not apply where a meeting has resolved to make the information publicly available or where the chief executive has advised, in writing, that one or both of the following apply:

- (a) There are no grounds under LGOIMA for withholding the information; and
- (b) The information is no longer confidential.

18.5 Release of information from public excluded session

A local authority may provide for the release to the public of information which has been considered during the public excluded part of a meeting.

Each public excluded meeting must consider and agree by resolution, what, if any, information will be released to the public. In addition, the chief executive may release information which has been considered at a meeting from which the public has been excluded where it is determined the grounds to withhold the information no longer exist. The chief executive will inform the subsequent meeting of the nature of the information released.

19. Voting

19.1 Decisions by majority vote

Unless otherwise provided for in the LGA 2002, other legislation or standing orders, the acts of and questions before a local authority must be decided at a meeting through a vote exercised by the majority of the members of that meeting voting.

cl. 24 (1), Schedule 7, LGA 2002.

19.2 Open voting

An act or question coming before the local authority must be done or decided by open voting.

cl. 24 (3) Schedule 7, LGA 2002.

19.3 Chairperson has a casting vote

The Chairperson or any other person presiding at a meeting has a deliberative vote and, in the case of an equality of votes, has a casting vote.

cl. 24 (2) Schedule 7, LGA 2002.

19.4 Method of voting

The method of voting must be as follows:

- (a) The Chairperson in putting the motion must call for an expression of opinion on the voices or take a show of hands, the result of either of which, as announced by the Chairperson, must be conclusive unless such announcement is questioned immediately by any member, in which event the Chairperson will call a division;
- (b) The Chairperson or any member may call for a division instead of or after voting on the voices and/or taking a show of hands; and
- (c) Where a suitable electronic voting system is available that system may be used instead of a show of hands, vote by voices, or division, and the result publicly displayed and notified to the Chairperson who must declare the result.

19.5 Calling for a division

When a division is called, the chief executive must record the names of the members voting for and against the motion and abstentions and provide the names to the Chairperson to declare the result. The result of the division must be entered into the minutes and include members' names and the way in which they voted.

The Chairperson may call a second division where there is confusion or error in the original division.

19.6 Request to have votes recorded

If requested by a member immediately after a vote, the minutes must record the member's vote or abstention. Recording any other matters e.g. reason for the vote or abstention is not permitted.

19.7 Members may abstain

Any member may abstain from voting.

20. Conduct

20.1 Calling to order

When the Chairperson calls members to order they must be seated and stop speaking. If the members fail to do so, the Chairperson may direct that they should leave the meeting immediately for a specified time.

20.2 Behaviour consistent with Code of Conduct

No member, at any meeting, may act inconsistently with their Code of Conduct or speak or act in a manner which is disrespectful of other members, staff or the public.

20.3 Retractions and apologies

In the event of a member or speaker who has been disrespectful of another member or contravened the council's Code of Conduct, the Chairperson may call upon that member or speaker to withdraw the offending comments and may require them to apologise. If the member refuses to do so the Chairperson may direct that they should leave the meeting immediately for a specified time and/or make a complaint under the Code of Conduct.

20.4 Disorderly conduct

Where the conduct of a member is disorderly or is creating a disturbance, the Chairperson may require that member to leave the meeting immediately for a specified time.

If the disorder continues the Chairperson may adjourn the meeting for a specified time. At the end of this time the meeting must resume and decide, without debate, whether the meeting should proceed or be adjourned.

The Chairperson may also adjourn the meeting if other people cause disorder or in the event of an emergency.

20.5 Contempt

Where a member is subject to repeated cautions by the Chairperson for disorderly conduct the meeting may, should it so decide, resolve that the member is in contempt. Any such resolution must be recorded in the meeting's minutes.

20.6 Removal from meeting

A member of the police or authorised security personnel may, at the Chairperson's request, remove or exclude a member from a meeting.

This standing order will apply where the Chairperson has ruled that the member should leave the meeting and the member has refused or failed to do so; or has left the meeting and attempted to re-enter it without the Chairperson's permission.

20.7 Financial conflicts of interests

Every member present at a meeting must declare any direct or indirect financial interest that they hold in any matter being discussed at the meeting, other than an interest that they hold in common with the public.

No member may vote on, or take part in, a discussion about any matter in which they have a direct or indirect financial interest unless an exception set out in s.6 LAMIA applies to them, or the Auditor-General has granted them an exemption or declaration under s.6.

Members with a financial interest should physically withdraw themselves from the table unless the meeting is in public excluded in which case, they should leave the room.

Neither the Chairperson nor the meeting may rule on whether a member has a financial interest in the matter being discussed. The minutes must record any declarations of financial interests and the member's abstention from any discussion and voting on the matter.

s. 6 & 7 LAMIA.

20.8 Non-financial conflicts of interests

Non-financial interests always involve questions of judgement and degree about whether the responsibility of a member of a local authority could be affected by some other separate interest or duty of that member in relation to a particular matter. If a member considers that they have a non-financial conflict of interest in a matter, they must not take part in the discussions about that matter or any subsequent vote.

The member must leave the table when the matter is considered but does not need to leave the room. The minutes must record the declaration and member's subsequent abstention from discussion and voting.

Neither the Chairperson nor the meeting may rule on whether a member has a non-financial interest in the matter being discussed.

20.9 Qualified privilege for meeting proceedings

Any oral statement made at any meeting of the local authority in accordance with the rules adopted by the local authority for guiding its proceedings is privileged, unless the statement is proved to have been made with ill will or took improper advantage of the occasion of publication.

s. 53, LGOIMA.

20.10 Qualified privilege additional to any other provisions

The privilege referred to above is in addition to any other privilege, whether absolute or qualified, that applies as a result of any other enactment or rule of law applying to any meeting of the local authority.

s. 53, LGOIMA.

20.11 Electronic devices at meetings

Electronic devices and phones can only be used to advance the business of a meeting.

Personal use may only occur at the discretion of the chair. A Chairperson may require that an electronic device is switched off if its use is likely to distract a meeting from achieving its business or a member is found to be receiving information or advice from sources not present at the meeting which may affect the integrity of the proceedings.

21. General rules of debate

21.1 Chairperson may exercise discretion

The application of any procedural matters in this section of the standing orders, such as the number of times a member may speak or when a chair can accept a procedural motion to close or adjourn a debate, is subject to the discretion of the Chairperson.

21.2 Time limits on speakers

The following time limits apply to members speaking at meetings:

- (a) Movers of motions when speaking to the motion – not more than 5 minutes;
- (b) Movers of motions when exercising their right of reply – not more than 5 minutes; and
- (c) Other members – not more than 5 minutes.

Time limits can be extended if a motion to that effect is moved, seconded and supported by a majority of members present.

21.3 Questions to staff

During a debate, members can ask staff questions about the matters being discussed. Questions must be asked through the Chairperson and how the question should be dealt with is at the Chairperson's discretion.

21.4 When practicable, the Chairperson or Co-Chairs of committees undertake to provide questions to the Chief Executive, or relevant General Manager after the meeting agenda has been provided, and before the meeting, in order for staff to be well prepared at the meeting. Questions of clarification

At any point of a debate a member may ask the Chairperson for clarification about the nature and content of the motion which is the subject of the debate and the particular stage the debate has reached.

21.5 Members may speak only once

A member may not speak more than once to a motion at a meeting of the council, except with permission of the Chairperson. Members can speak more than once to a motion at a committee or subcommittee meeting with the chairperson's permission.

21.6 Limits on number of speakers

If three speakers have spoken consecutively in support of, or in opposition to, a motion, the Chairperson may call for a speaker to the contrary. If there is no speaker to the contrary, the Chairperson must put the motion after the mover's right of reply.

Members speaking must, if requested by the Chairperson, announce whether they are speaking in support of, or opposition to, a motion.

21.7 Secunder may reserve speech

A member may second a motion or amendment without speaking to it, reserving the right to speak later in the debate.

21.8 Speaking only to relevant matters

Members may speak to any matter before the meeting; a motion or amendment which they propose; and to raise a point of order arising out of debate, but not otherwise. Members must confine their remarks strictly to the motion or amendment they are speaking to.

The Chairperson's rulings on any matters arising under this standing order are final and not open to challenge.

21.9 Restating motions

At any time during a debate a member may ask, for their information, that the Chairperson restate a motion and any amendments; but not in a manner that interrupts a speaker.

21.10 Criticism of resolutions

A member speaking in a debate may not unduly criticise the validity of any resolution except by a notice of motion to amend or revoke the resolution.

21.11 Objecting to words

When a member objects to any words used by another member in a speech and wants the minutes to record their objection, they must object at the time when the words are used and before any other member has spoken. The Chairperson must order the minutes to record the objection.

21.12 Right of reply

The mover of an original motion has a right of reply. A mover of an amendment to the original motion does not. In their reply, the mover must confine themselves to answering previous speakers and not introduce any new matters.

A mover's right of reply can only be used once. It can be exercised either at the end of the debate on the original, substantive or substituted motion or at the end of the debate on a proposed amendment.

However, the original mover may reserve their right of reply and speak once to the principal motion and once to each amendment without losing that right of reply. If a closure motion is carried the mover of the motion has the right of reply before the motion or amendment is put to the vote.

21.13 No other member may speak

In exercising a right of reply, no other member may speak:

- (a) After the mover has started their reply;
- (b) After the mover has indicated that they want to forego this right; and
- (c) Where the mover has spoken to an amendment to the original motion and the Chairperson has indicated that he or she intends to put the motion.

21.14 Adjournment motions

The carrying of any motion to adjourn a meeting must supersede other business still remaining to be disposed of. Any such business must be considered at the next meeting. Business referred to, or referred back to, a specified committee is to be considered at the next ordinary meeting of that committee, unless otherwise specified.

21.15 Chairperson's acceptance of closure motions

The Chairperson may only accept a closure motion where there have been at least two speakers for and two speakers against the motion that is proposed to be closed, or the Chairperson considers it reasonable to do so.

However, the Chairperson must put a closure motion if there are no further speakers in the debate. When the meeting is debating an amendment, the closure motion relates to the amendment. If a closure motion is carried, the mover of the motion under debate has the right of reply after which the Chairperson puts the motion or amendment to the vote.

22. General procedures for speaking and moving motions

22.1 Options for speaking and moving

This subsection provides three options for speaking and moving motions and amendments at a meeting of a local authority, its committees and subcommittees.

Option C applies unless, on the recommendation of the chairperson at the beginning of a meeting, the meeting resolves [by simple majority] to adopt either Option B or Option C for the meeting generally, or for any specified items on the agenda.

22.2 Option A

- The mover and seconder of a motion cannot move or second an amendment. (This does not apply when the mover or seconder of a motion to adopt a report of a committee wants to amend an item in the report. In this case the original mover or seconder may also propose or second the suggested amendment).
- Only members who have not spoken to the original or substituted motion may move or second an amendment to it.
- The mover or seconder of an amendment whether it is carried or lost cannot move or second a subsequent amendment.
- Members can speak to any amendment and, provided they have not spoken to the motion or moved or seconded an amendment, they can move or second further amendments.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

22.3 Option B

- The mover and seconder of a motion cannot move or second an amendment. (This does not apply when the mover or seconder of a motion to adopt a report of a committee wants to amend an item in the report. In this case the original mover or seconder may also propose or second the suggested amendment).
- Any member, regardless of whether they have spoken to the original or substituted motion, may move or second an amendment to it.
- The mover or seconder of an amendment that is carried can move or second a subsequent amendment. A mover or seconder of an amendment which is lost cannot move or second a subsequent amendment.
- Members can speak to any amendment.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

22.4 Option C

- The mover and seconder of a motion can move or second an amendment.
- Any members, regardless of whether they have spoken to the original or substituted motion, may move or second an amendment to it.
- The mover or seconder of an amendment whether it is carried or lost can move or second further amendments.
- Members can speak to any amendment.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

22.5 Procedure if no resolution reached

If no resolution is reached the Chairperson may accept a new motion to progress the matter under discussion.

23. Motions and amendments

23.1 Proposing and seconding motions

All motions and amendments moved during a debate must be seconded (including notices of motion). The Chairperson may then state the motion and propose it for discussion.

Amendments and motions that are not seconded are not valid and are not entered in the minutes.

23.2 Motions in writing

The Chairperson may require movers of motions and amendments to provide them in writing, signed by the mover.

23.3 Motions expressed in parts

The Chairperson, or any member, can require a motion that has been expressed in parts to be decided part by part.

23.4 Substituted motion

Where a motion is subject to an amendment the meeting may substitute the motion with the amendment, provided the mover and seconder of the original motion agree to its withdrawal. All members may speak to the substituted motion.

23.5 Amendments to be relevant and not direct negatives

Every proposed amendment must be relevant to the motion under discussion. Proposed amendments cannot be similar to an amendment that has already been lost. An amendment cannot be a direct negative to the motion or the amended motion.

Please note that amendments that are significantly different must comply with the decision-making provisions of the Part 6, LGA 2002.

23.6 Chairperson may recommend amendment

A Chairperson, when moving the adoption of a recommendation from a committee or sub-committee to the council can include in the motion an amendment to the committee or sub-committee's recommendation.

23.7 Foreshadowed amendments

The meeting must dispose of an existing amendment before a new amendment can be foreshadowed. However, members may notify the Chairperson that they intend to move further amendments as well as the nature of the content of those amendments.

23.8 Lost amendments

Where an amendment is lost, the meeting will resume the debate on the original or substituted motion. Any member who has not spoken to that motion may speak to it and may move or second a further amendment.

23.9 Carried amendments

Where an amendment is carried the meeting will resume the debate on the original motion as amended. This will now be referred to as the substantive motion. Members who have not spoken to the original motion may speak to the substantive motion and may move or second a further amendment to it.

23.10 Where a motion is lost

In a situation where a motion that recommends a course of action is lost a new motion, with the consent of the Chairperson, may be proposed to provide direction.

23.11 Withdrawal of motions and amendments

Once a motion or amendment which has been seconded has been put to the meeting by the Chairperson the mover cannot withdraw it without the consent of the majority of the members who are present and voting.

The mover of an original motion, which has been subject to an amendment that has been moved and seconded, cannot withdraw the original motion until the amendment has either been lost or withdrawn by agreement, as above.

23.12 No speakers after reply or motion has been put

A member may not speak to any motion once:

- (a) The mover has started their right of reply in relation to the motion; and
- (b) The Chairperson has started putting the motion.

24. Revocation or alteration of resolutions

24.1 Member may move revocation of a decision

A member may give the chief executive a notice of motion for the revocation or alteration of all or part of a previous resolution of the council or committee. The notice must set out:

- (a) The resolution or part of the resolution which the member proposes to revoke or alter;
- (b) The meeting date when the resolution was passed;
- (c) The motion, if any, which the member proposes to replace it with; and
- (d) Sufficient information to satisfy the decision-making provisions of sections 77-82 of the LGA 2002.

If the mover of the notice of motion is unable to provide this information, or the decision is likely to be deemed a significant decision, the notice of motion should provide that the proposal is referred to the chief executive for consideration and report.

24.2 Revocation must be made by the body responsible for the decision

If a resolution is made under delegated authority by a committee, subcommittee or subordinate decision-making body, only that body may revoke or amend the resolution, assuming the resolution is legally made.

This provision does not prevent the body that made the delegation from removing or amending a delegation given to a subordinate body.

cl. 30 (6) Schedule 7, LGA 2002.

24.3 Requirement to give notice

A member must give notice to the chief executive at least 5 working days before the meeting at which it is proposed to consider the motion. The notice is to be signed by not less than one third of the members of the local authority, including vacancies. Notice can be sent via email and include the scanned electronic signatures of members. If the notice of motion is lost, no similar notice of motion which is substantially the same in purpose and effect may be accepted within the next twelve months.

24.4 Restrictions on actions under the affected resolution

Once a notice of motion to revoke or alter a previous resolution has been received no irreversible action may be taken under the resolution in question until the proposed notice of motion has been dealt with.

Exceptions apply where, in the opinion of the Chairperson:

- (a) The practical effect of delaying actions under the resolution would be the same as if the resolution had been revoked; and
- (b) By reason of repetitive notices, the effect of the notice is an attempt by a minority to frustrate the will of the local authority or the committee that made the previous resolution.

In either of these situations, action may be taken under the resolution as though no notice of motion had been given to the chief executive.

24.5 Revocation or alteration by resolution at same meeting

A meeting may revoke or alter a previous resolution made at the same meeting where, during the course of the meeting, it receives fresh facts or information concerning the resolution. In this situation 75 per cent of the members present and voting must agree to the revocation or alteration.

24.6 Revocation or alteration by recommendation in report

The local authority, on a recommendation in a report by the Chairperson, chief executive, or any committee or subcommittee, may revoke or alter all or part of a resolution passed by a previous meeting. The chief executive must give at least two clear working days' notice of any meeting that will consider a revocation or alteration recommendation.

cl. 30 (6) Schedule 7, LGA 2002.

25. Procedural motions

25.1 Procedural motions must be taken immediately

A procedural motion to close or adjourn a debate will take precedence over other business, except points of order and rights of reply. If the procedural motion is seconded the Chairperson must put it to the vote immediately, without discussion or debate. A procedural motion to close or adjourn debate can be taken after two speakers have spoken for the motion and two against or, in the chairperson's opinion, it is reasonable to accept the closure motion.

25.2 Procedural motions to close or adjourn a debate

Any member who has not spoken on the matter under debate may move any one of the following procedural motions to close or adjourn a debate:

- (a) That the meeting be adjourned to the next ordinary meeting (unless the member states an alternative time and place);
- (b) That the motion under debate should now be put (a closure motion);
- (c) That the item being discussed should be adjourned to a specified time and place and not be further discussed at the meeting;
- (d) That the item of business being discussed should lie on the table and not be further discussed at this meeting; (items lying on the table at the end of the triennium will be deemed to have expired); and
- (e) That the item being discussed should be referred (or referred back) to the relevant committee.

A member seeking to move a procedural motion must not interrupt another member who is already speaking.

25.3 Voting on procedural motions

Procedural motions to close or adjourn a debate must be decided by a majority of all members who are present and voting. If the motion is lost no member may move a further procedural motion to close or adjourn the debate within the next 15 minutes.

25.4 Debate on adjourned items

When debate resumes on items of business that have been previously adjourned all members are entitled to speak on the items.

25.5 Remaining business at adjourned meetings

Where a resolution is made to adjourn a meeting, the remaining business will be considered at the next meeting.

25.6 Business referred to the council or a committee

Where an item of business is referred (or referred back) to a committee, the committee will consider the item at its next meeting unless the meeting resolves otherwise.

25.7 Other types of procedural motions

The Chairperson has discretion about whether to allow any other procedural motion that is not contained in these standing orders.

26. Points of order

26.1 Members may raise points of order

Any member may raise a point of order when they believe these standing orders have been breached. When a point of order is raised, the member who was previously speaking must stop speaking and sit down (if standing).

26.2 Subjects for points of order

A member who is raising a point of order must state precisely what its subject is. Points of order may be raised for the following subjects:

- (a) Disorder – to bring disorder to the attention of the Chairperson;
- (b) Language – to highlight use of disrespectful, offensive or malicious language;
- (c) Irrelevance – to inform the chair that the topic being discussed is not the matter currently before the meeting;
- (d) Misrepresentation – to alert the chair of a misrepresentation in a statement made by a member, an officer or a council employee;
- (e) Breach of standing order – to highlight a possible breach of a standing order while also specifying which standing order is subject to the breach; and
- (f) Recording of words – to request that the minutes record any words that have been the subject of an objection.

26.3 Contradictions

Expressing a difference of opinion or contradicting a statement by a previous speaker does not constitute a point of order.

26.4 Point of order during division

A member may not raise a point of order during a division, except with the permission of the Chairperson.

26.5 Chairperson's decision on points of order

The Chairperson may decide a point of order immediately after it has been raised, or may choose to hear further argument about the point before deciding. The Chairperson's ruling on any point of order, and any explanation of that ruling, is not open to any discussion and is final.

27. Notices of motion

27.1 Notice of intended motion to be in writing

Notice of intended motions must be in writing signed by the mover, stating the meeting at which it is proposed that the intended motion be considered, and must be delivered to the chief executive at least 5 clear working days before such meeting. [Notice of an intended motion can be sent via email and include the scanned electronic signature of the mover].

Once the motion is received the chief executive must give members notice in writing of the intended motion at least 2 clear working days' notice of the date of the meeting at which it will be considered.

27.2 Refusal of notice of motion

The Chairperson may direct the chief executive to refuse to accept any notice of motion which:

- (a) Is disrespectful or which contains offensive language or statements made with malice; or
- (b) Is not related to the role or functions of the local authority or meeting concerned; or
- (c) Contains an ambiguity or a statement of fact or opinion which cannot properly form part of an effective resolution, and where the mover has declined to comply with such requirements as the chief executive officer may make; or
- (d) Is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned; or
- (e) Fails to include sufficient information as to satisfy the decision-making provisions of s.77-82 LGA 2002; or
- (f) Concerns a matter where decision-making authority has been delegated to a committee or subordinate body.

Reasons for refusing a notice of motion should be provided to the mover. Where the refusal is due to (f) the notice of motion may be referred to the appropriate committee.

27.3 Mover of notice of motion

Notices of motion may not proceed in the absence of the mover unless moved by another member authorised to do so, in writing, by the mover.

27.4 Alteration of notice of motion

Only the mover, at the time the notice of motion is moved and with the agreement of a majority of those present at the meeting, may alter a proposed notice of motion. Once moved and seconded no amendments may be made to a notice of motion.

27.5 When notices of motion lapse

Notices of motion that are not moved when called for by the Chairperson must lapse.

27.6 Referral of notices of motion

Any notice of motion received that refers to a matter ordinarily dealt with by a committee of the local authority must be referred to that committee by the chief executive.

Where notices are referred the proposer of the intended motion, if not a member of that committee, must have the right to move that motion and have the right of reply, as if a committee member.

27.7 Repeat notices of motion

When a motion has been considered and rejected by the local authority or a committee, no similar notice of motion which, in the opinion of the Chairperson, may be accepted within the next 12 months, unless signed by not less than one third of all members, including vacancies.

Where a notice of motion has been adopted by the local authority no other notice of motion which, in the opinion of the Chairperson has the same effect, may be put while the original motion stands.

28. Minutes

28.1 Minutes to be evidence of proceedings

The local authority, its committees, subcommittees and subordinate decision-making bodies must keep minutes of their proceedings. These minutes must be kept in hard or electronic copy, authorised by a Chairperson's manual or electronic signature once confirmed by resolution at a subsequent meeting. Once authorised the minutes are the *prima facie* evidence of the proceedings they relate to.

cl. 28 Schedule 7, LGA 2002.

28.2 Matters recorded in minutes

The Chief Executive must keep the minutes of meetings. The minutes must record:

- (a) The date, time and venue of the meeting;
- (b) The names of the members present;
- (c) The Chairperson;
- (d) Any apologies or leaves of absences;
- (e) The arrival and departure times of members;
- (f) Any failure of a quorum;
- (g) A list of any external speakers and the topics they addressed;
- (h) A list of the items considered;
- (i) The resolutions and amendments related to those items including those that were lost, provided they had been moved and seconded in accordance with these standing orders;
- (j) The names of all movers, and seconders;
- (k) Any objections made to words used;
- (l) All divisions taken and, if taken, a record of each members' vote;
- (m) The names of any members requesting that their vote or abstention be recorded;
- (n) Any declarations of financial or non-financial conflicts of interest;
- (o) The contempt, censure and removal of any members;
- (p) Any resolutions to exclude members of the public;
- (q) The time at which the meeting concludes or adjourns; and
- (r) The names of people permitted to stay in public excluded.

Please Note: hearings under the RMA, Dog Control Act 1996 and Sale and Supply of Alcohol Act 2012 may have special requirements for minute taking.

28.3 No discussion on minutes

The only topic that may be discussed at a subsequent meeting, with respect to the minutes, is their correctness.

28.4 Minutes of last meeting before election

The chief executive and the relevant Chairpersons must sign, or agree to have their digital signature inserted, the minutes of the last meeting of the local authority, its committees and subcommittees before the next election of members.

29. Keeping a record

29.1 Maintaining accurate records

A local authority must create and maintain full and accurate records of its affairs, in accordance with normal, prudent business practice, including the records of any matter that is contracted out to an independent contractor.

All public records that are in its control must be maintained in an accessible form, so as to be able to be used for subsequent reference.

s. 17 Public Records Act 2005.

29.2 Method for maintaining records

Records of minutes may be kept in hard copy (Minute Books) and/or in electronic form. If minutes are stored electronically the repository in which they are kept must meet the following requirements:

- (a) The provision of a reliable means of assuring the integrity of the information is maintained; and
- (b) The information is readily accessible so as to be usable for subsequent reference.

s. 229(1) of the Contract and Commercial Law Act 2017.

29.3 Inspection

Whether held in hard copy or in electronic form minutes must be available for inspection by the public.

s. 51 LGOIMA.

29.4 Inspection of public excluded matters

The chief executive must consider any request for the minutes of a meeting, or part of a meeting, from which the public was excluded as if it is a request for official information in terms of the Local Government Official Information and Meetings Act 1987.

Referenced documents

- Commissions of Inquiry Act 1908
- Crimes Act 1961
- Contract and Law Act 2017
- Financial Markets Conduct Act 2013
- Local Authorities (Members' Interests) Act 1968 (LAMIA)
- Local Electoral Act 2001 (LEA)
- Local Government Act 1974 and 2002 (LGA)
- Local Government Official Information and Meetings Act 1987 (LGOIMA)
- Marine Farming Act 1971
- Public Records Act 2005
- Resource Management Act 1991 (RMA)
- Sale and Supply of Alcohol Act 2012
- Secret Commissions Act 1910
- Securities Act 1978

Appendix 1: Grounds to exclude the public

A local authority may, by resolution, exclude the public from the whole or any part of the proceedings of any meeting only on one or more of the following grounds:

- A1** That good reason exists for excluding the public from the whole or any part of the proceedings of any meeting as the public disclosure of information would be likely:
- (a) To prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or
 - (b) To endanger the safety of any person.
- A2** 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 where the withholding of the information is necessary to:
- (a) Protect the privacy of natural persons, including that of deceased natural persons; or
 - (b) Protect information where the making available of the information would:
 - i. Disclose a trade secret; or
 - ii. Be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.
 - (ba) In the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991, to avoid serious offence to tikanga Māori, or to avoid the disclosure of the location of waahi tapu; or
 - (c) 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:
 - i. 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; or
 - ii. Be likely otherwise to damage the public interest.
 - (d) Avoid prejudice to measures protecting the health or safety of members of the public; or
 - (e) Avoid prejudice to measures that prevent or mitigate material loss to members of the public; or
 - (f) Maintain the effective conduct of public affairs through –the protection of such members, officers, employees, and persons from improper pressure or harassment; or
 - (g) Maintain legal professional privilege; or
 - (h) Enable any Council holding the information to carry out, without prejudice or disadvantage, commercial activities; or
 - (i) Enable any Council holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or

- (j) Prevent the disclosure or use of official information for improper gain or improper advantage.

See s.7 LGOIMA 1987.

Where A2 of this Appendix applies the public may be excluded unless, in the circumstances of a particular case, the exclusion of the public is outweighed by other considerations which render it desirable and in the public interest, that the public not be excluded.

- A3** 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, the public disclosure of which would:
 - (a) Be contrary to the provisions of a specified enactment; or
 - (b) Constitute contempt of Court or of the House of Representatives.
- A4** That the purpose of the whole or the relevant part of the proceedings of the meeting is to consider a recommendation made to that Council by an Ombudsman under section 30(1) or section 38(3) of this Act (in the case of a Council named or specified in Schedule 1 to this Act).
- A5** That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council to deliberate in private on its decision or recommendation in:
 - (a) Any proceedings before a Council where:
 - i. A right of appeal lies to any Court or tribunal against the final decision of the Council in those proceedings;
 - ii. The Council is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings; and
 - iii. Proceedings of a local authority exist in relation to any application or objection under the Marine Farming Act 1971.

See s. 48 LGOIMA.

Appendix 2: Sample resolution to exclude the public

In accordance with section 48(1) 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 sections 6, 7 or 9 of the Official Information Act 1982, as the case may be), it is **moved**:

1 that the public is excluded from:

- The whole of the proceedings of this meeting; *(deleted if not applicable)*
- The following parts of the proceedings of this meeting, namely; *(delete if not applicable)*

The general subject of the matters to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds for excluding the public, as specified by s 48(1) of the Local Government Official Information and Meetings Act 1987, are set out below:

Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To prevent the disclosure of information which would— <ul style="list-style-type: none"> i. be contrary to the provisions of a specified enactment; or ii. constitute contempt of court or of the House of Representatives (s.48(1)(b)).
		To consider a recommendation made by an Ombudsman (s. 48(1)(c)).
		To deliberate on matters relating to proceedings where: <ul style="list-style-type: none"> i. a right of appeal lies to a court or tribunal against the final decision of the councils in those proceedings; or ii. the council is required, by an enactment, to make a recommendation in respect of the matter that is the subject of those proceedings (s.48(1)(d)).
		To deliberate on proceedings in relation to an application or objection under the Marine Farming Act 1971 (s.48(1)(d)).

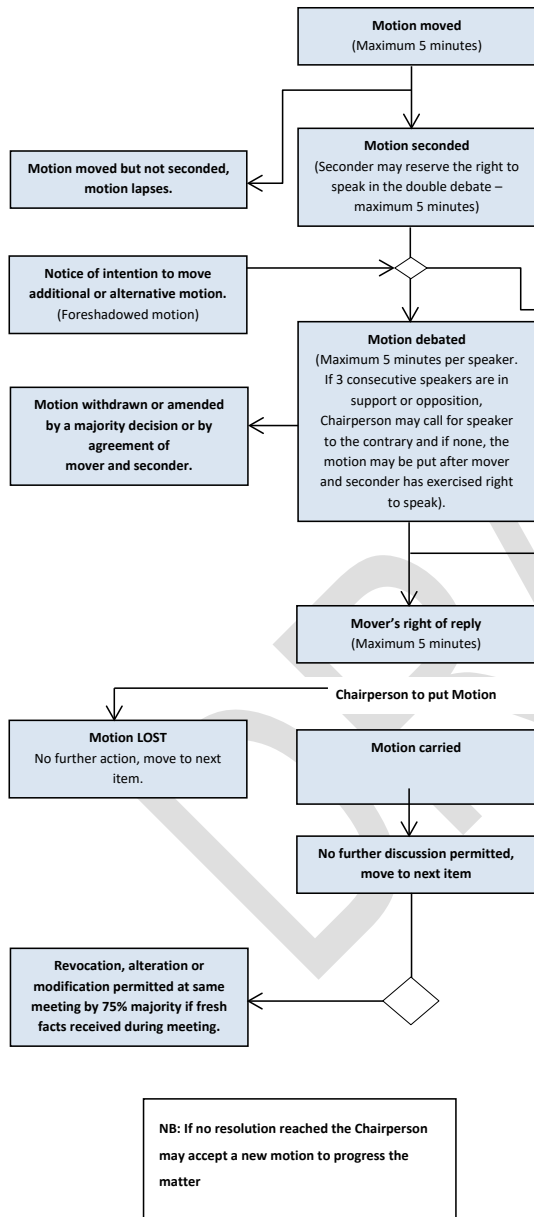
Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (s 7(2)(i)).
		To protect the privacy of natural persons, including that of deceased natural persons (s 7(2)(a)).
		To maintain legal professional privilege (s 7(2)(g)).
		To prevent the disclosure or use of official information for improper gain or advantage (s. 7(2)(j)).
		To protect information which if public would; <ol style="list-style-type: none"> i. disclose a trade secret; or ii. unreasonably prejudice the commercial position of the person who supplied or who is the subject of the information (s 7(2)(b)).
		To avoid serious offence to Tikanga Māori, or the disclosure of the location of waahi tapu in relation to an application under the RMA 1991 for; <ul style="list-style-type: none"> • a resource consent, or • a water conservation order, or • a requirement for a designation or • an heritage order, (s 7(2)(ba)).
		To protect information which is subject to an obligation of confidence where the making available of the information would be likely to: <ol style="list-style-type: none"> i. prejudice the supply of similar information, or information from the same source, where it is in the public interest that such information should continue to be supplied; or ii. would be likely otherwise to damage the public interest (s 7(2)(c)).
		To avoid prejudice to measures protecting the health or safety of members of the public (s 7(2)(d)).

Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To avoid prejudice to measures that prevent or mitigate material loss to members of the public (s 7(2)(e)).
		To maintain the effective conduct of public affairs by protecting members or employees of the Council in the course of their duty, from improper pressure or harassment (s 7(2)(f)(ii)).
		To enable the council to carry out, without prejudice or disadvantage, commercial activities (s 7(2)(h)).

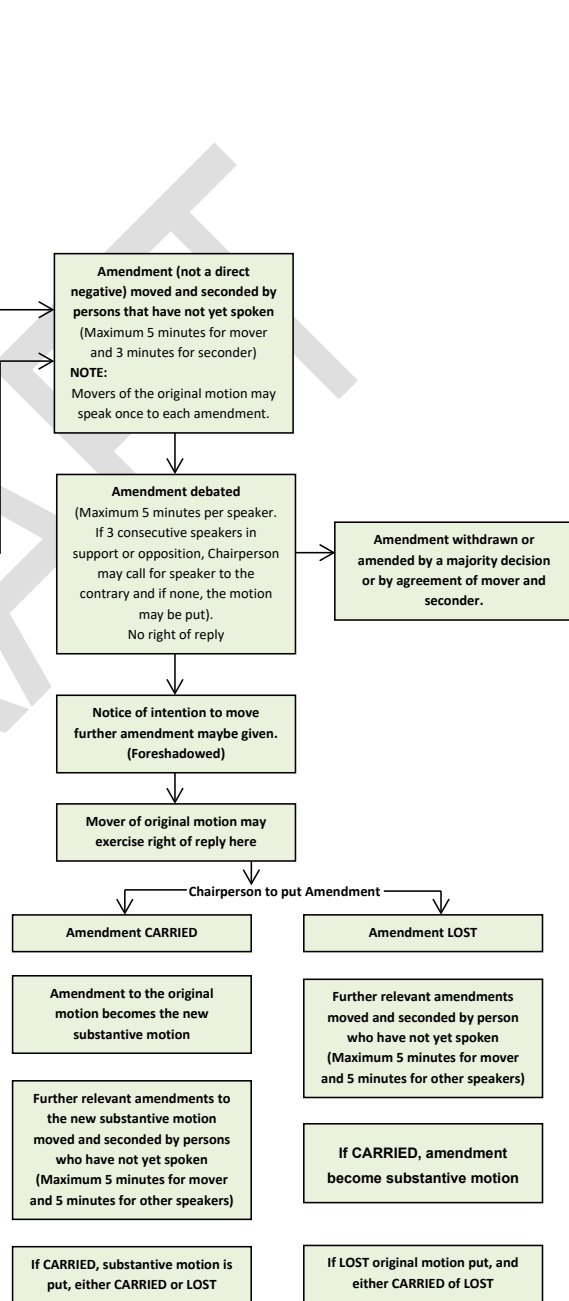
2. That *(name of person(s))* is permitted to remain at this meeting after the public has been excluded because of their knowledge of *(specify topic under discussion)*. This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because *(specify)*. *(Delete if inapplicable.)*

Appendix 3: Motions and amendments (Option A)

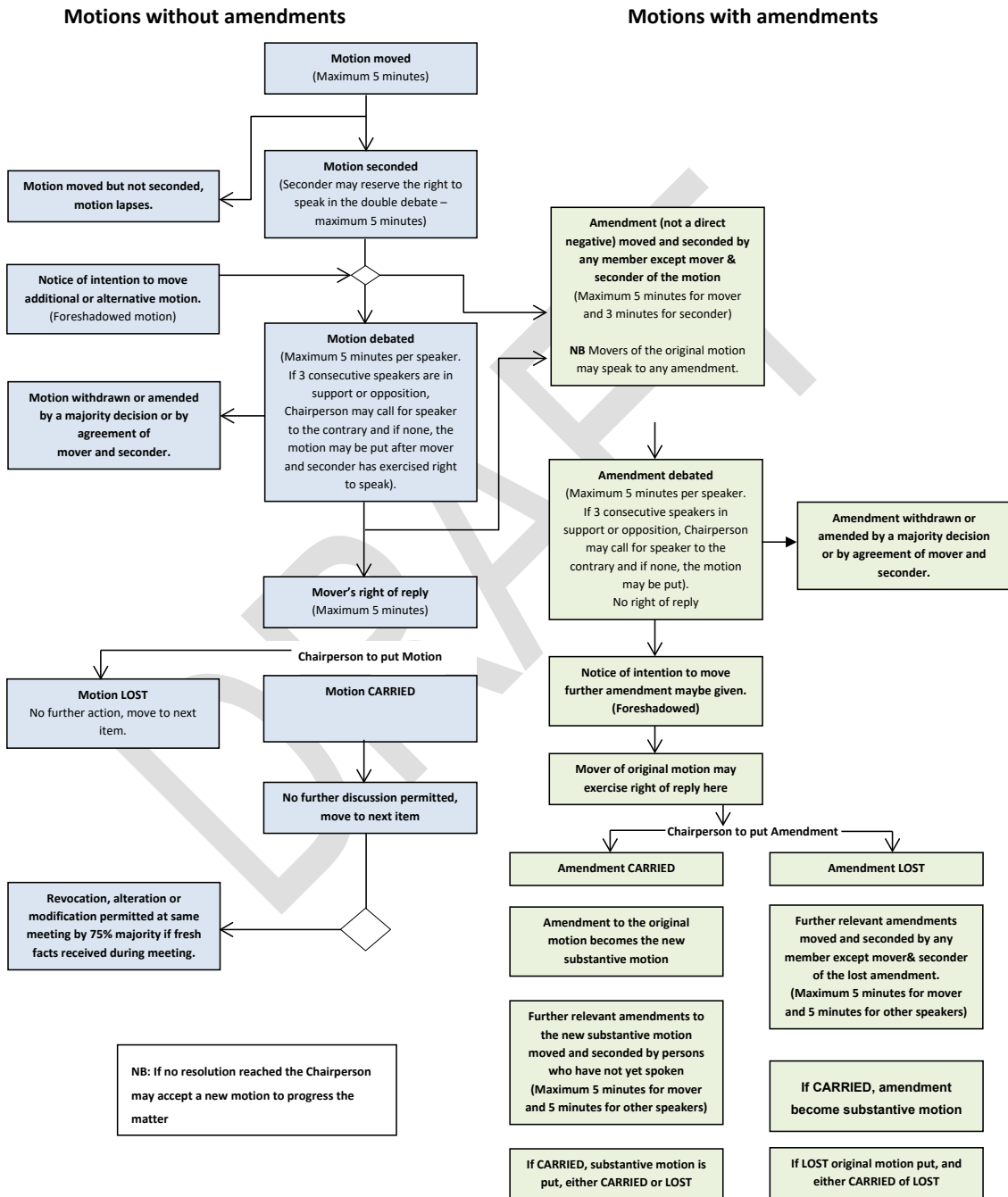
Motions without amendments



Motions with amendments

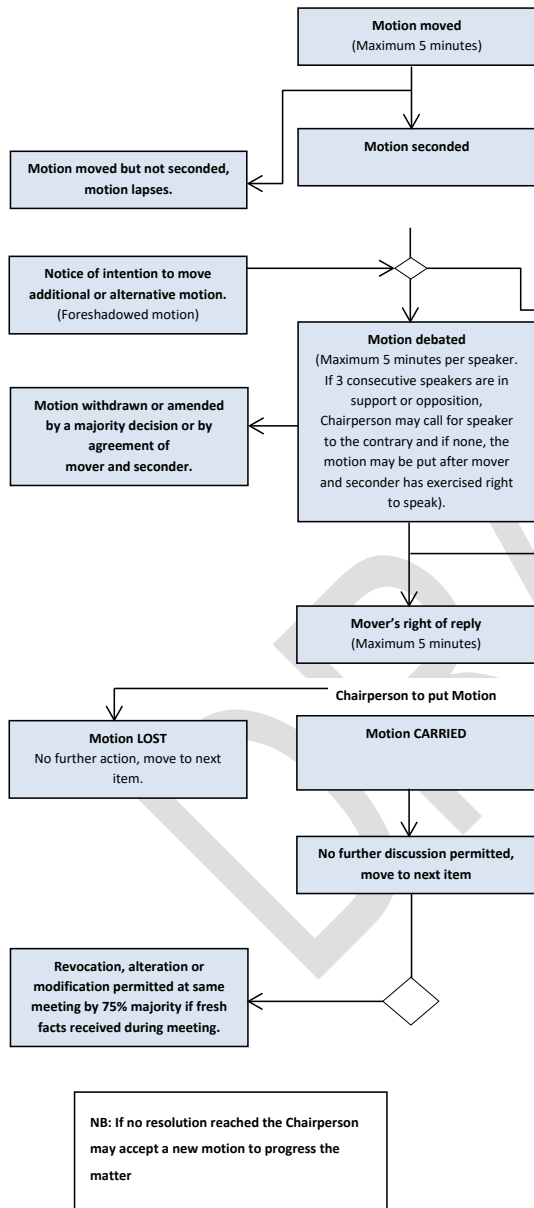


Appendix 4: Motions and amendments (Option B)

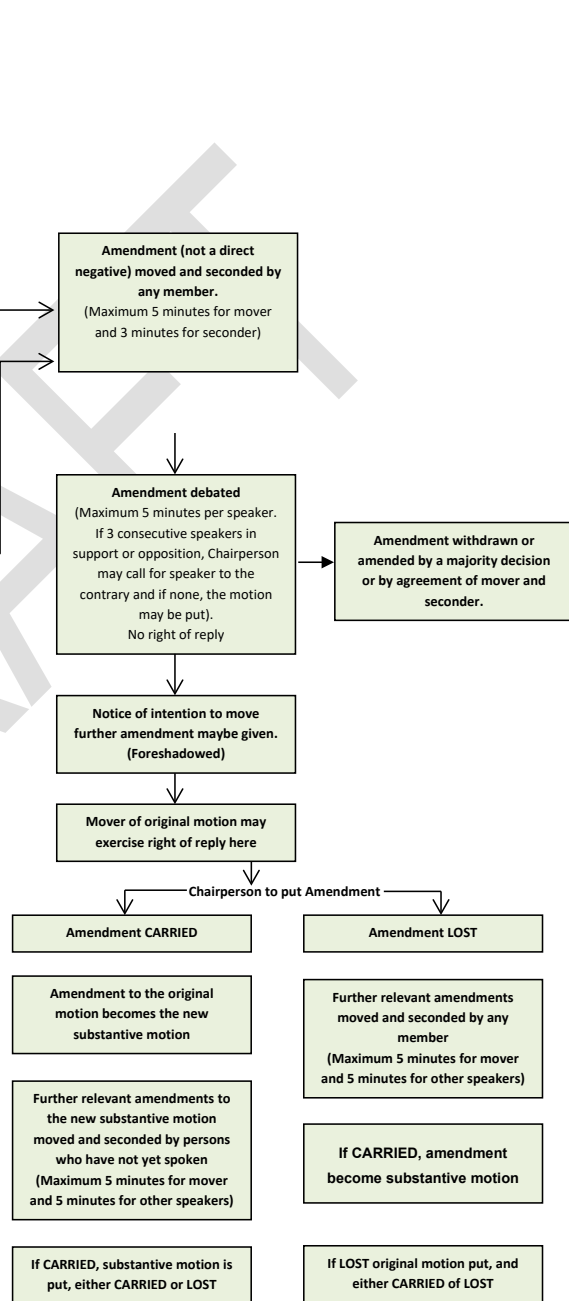


Appendix 5: Motions and amendments (Option C)

Motions without amendments



Motions with amendments



Appendix 6: Table of procedural motions

Motion	Has the Chair discretion to refuse this Motion?	Is seconder required?	Is discussion in order?	Are amendments in order?	Is mover of procedural motion entitled to reply?	Are previous participants in debate entitled to move this motion?	Can a speaker be interrupted by the mover of this motion?	If lost, can motion be moved after an interval?	Position if an amendment is already before the Chair	Position if a procedural motion is already before the Chair	Remarks
(a) "That the meeting be adjourned to the next ordinary meeting, or to a stated time and place"	No	Yes	No	As to time and date only	No	No	No	Yes – 15 minutes	If carried, debate on the original motion and amendment are adjourned	If carried, debate on the original motion and procedural motion are adjourned	On resumption of debate, the mover of the adjournment speaks first. Members who have spoken in the debate may not speak again
(b) "That the motion under debate be now put (closure motion)"	No	Yes	No	No	No	No	No	Yes – 15 Minutes	If carried, only the amendment is put	If carried, only the procedural motion is put	The mover of the motion under debate is entitled to exercise a right of reply before the motion or amendment under debate is put
(c) "That the item of business being discussed be adjourned to a stated time and place"	No	Yes	No	As to time and date only	No	No	NO	Yes – 15 minutes	If carried, debate on the original motion and amendment are adjourned	If carried, debate on the original motion and procedural motion are adjourned	

Motion	Has the Chair discretion to refuse this Motion?	Is seconder required?	Is discussion in order?	Are amendments in order?	Is mover of procedural motion entitled to reply?	Are previous participants in debate entitled to move this motion?	Can a speaker be interrupted by the mover of this motion?	If lost, can motion be moved after an interval?	Position if an amendment is already before the Chair	Position if a procedural motion is already before the Chair	Remarks
(d) "That the item of business being discussed does lie on the table and not be discussed at this meeting"	No	Yes	No	No	No	No	No	Yes – 15 minutes	If carried, the original motion and amendment are both laid on the table	Motion not in order	
(e) "That the item of business being discussed be referred (or referred back) to the local authority or to the relevant committee"	No	Yes	No	As to committee, time for reporting back etc only	No	No	No	Yes – 15 minutes	If carried, the original motion and all amendments are referred to the committee	If carried, the procedural motion is deemed disposed of	
(f) "Points of order"	No – but may rule against	No	Yes – at discretion of Chairperson	No	No	Yes	Yes	No	Point of order takes precedence	Point of order takes precedence	See standing order 3.14

Appendix 7: Webcasting protocols

The provisions are intended as a good practice guide to local authorities that are webcasting meetings or planning to do so.

1. The default shot will be on the Chairperson or a wide-angle shot of the meeting room.
2. Cameras will cover a member who is addressing the meeting. Cameras will also cover other key participants in a meeting, including staff when giving advice and members of the public when addressing the meeting during the public input time.
3. Generally, interjections from other members or the public are not covered. However, if the Chairperson engages with the interjector, the interjector's reaction can be filmed.
4. PowerPoint presentations, recording of votes by division and other matters displayed by overhead projector may be shown.
5. Shots unrelated to the proceedings, or not in the public interest, are not permitted.
6. If there is general disorder or a disturbance from the public gallery, coverage will revert to the Chairperson.
7. Appropriate signage will be displayed both in and outside the meeting room alerting people that the proceedings are being webcast.

Appendix 8: Powers of a Chairperson

This Appendix sets out the specific powers given to the Chairperson contained in various parts of these Standing Orders.

Chairperson to decide all questions

The Chairperson is to decide all questions where these standing orders make no provision or insufficient provision. The Chairperson's ruling is final and not open to debate.

Chairperson to decide points of order

The Chairperson is to decide any point of order and may do so immediately after it has been raised or may first hear further argument before deciding. The ruling of the Chairperson upon any point of order is not open to any discussion and is final. No point of order may be raised during a division except by permission of the Chairperson.

Items not on the agenda

Major items not on the agenda may be dealt with at that meeting if so resolved by the local authority and the Chairperson explains at the meeting at a time when it is open to the public the reason why the item was not listed on the agenda and the reason why discussion of the item cannot be delayed until a subsequent meeting.

Minor matters not on the agenda relating to the general business of the local authority may be discussed if the Chairperson explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at that meeting, but no resolution, decision or recommendation may be made in respect of that item except to refer it to a subsequent meeting.

Chairperson's report

The Chairperson, by report, has the right to direct the attention of the local authority to any matter or subject within the role or function of the local authority.

Chairperson's recommendation

The Chairperson of any meeting may include on the agenda for that meeting a Chairperson's recommendation regarding any item brought before the meeting. The purpose of such a recommendation is to focus debate on a suggested motion.

Chairperson's voting

The Chairperson at any meeting has a deliberative vote and, in the case of equality of votes, has a casting vote where standing orders make such provision.

Motion in writing

The Chairperson may require the mover of any motion or amendment to submit it in writing signed by the mover.

Motion in parts

The Chairperson may require any motion expressed in parts to be decided part by part.

Notice of motion

The Chairperson may direct the chief executive to refuse to accept any notice of motion which:

- (a) Is disrespectful or which contains offensive language or statements made with malice; or
- (b) Is not within the scope of the role or functions of the local authority; or
- (c) Contains an ambiguity or statement of fact or opinion which cannot properly form part of an effective resolution, and the mover has declined to comply with such requirements as the chief executive may have made; or
- (d) Is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned.

Reasons for refusing a notice of motion should be provided to the proposer.

Where a notice of motion has been considered and agreed by the local authority, no notice of any other motion which is, in the opinion of the Chairperson, to the same effect may be put again whilst such original motion stands.

Action on previous resolutions

If, in the opinion of the Chairperson the practical effect of a delay in taking action on a resolution which is subject to a notice of motion, would be equivalent to revocation of the resolution; or if repetitive notices of motion are considered by the Chairperson to be an attempt by a minority to frustrate the will of the meeting, action may be taken as though no such notice of motion had been given.

Repeat notice of motion

If in the opinion of the Chairperson, a notice of motion is substantially the same in purport and effect to any previous notice of motion which has been considered and rejected by the local authority, no such notice of motion may be accepted within six months of consideration of the first notice of motion unless signed by not less than one third of the members of the local authority, including vacancies.

Revocation or alteration of previous resolution

A Chairperson may recommend in a report to the local authority the revocation or alteration of all or part of any resolution previously passed, and the local authority meeting may act on such a recommendation in accordance with the provisions in these standing orders.

Chairperson may call a meeting

The Chairperson:

- (a) May call a meeting to dispose of the business to be transacted following the lapsing of a meeting due to failure of a quorum, if such business cannot be delayed until the next meeting; or
- (b) May requisition an extra meeting to be held at a specified time and place, in order to conduct specified business.

Irrelevant matter and needless repetition

The Chairperson's ruling preventing members when speaking to any motion or amendment from introducing irrelevant matters or indulging in needless repetition is final and not open to challenge.

Taking down words

The Chairperson may order words used and objected to by any member, to be recorded in the minutes, provided such objection is made at the time the words are used and not after any other members have spoken.

Explanations

The Chairperson may permit members to make a personal explanation in addition to speaking to a motion, and members who have already spoken, to explain some material part of a previous speech in the same debate.

Chairperson rising

Whenever the Chairperson rises during a debate any member then speaking or offering to speak is to be seated and members are to be silent so that the Chairperson may be heard without interruption.

Members may leave places

The Chairperson may permit members to leave their place while speaking.

Priority of speakers

The Chairperson must determine the order in which members may speak when two or more members indicate their wish to speak.

Minutes

The Chairperson is to sign the minutes and proceedings of every meeting once confirmed. The Chairperson and chief executive are responsible for confirming the correctness of the minutes of the last meeting of a local authority prior to the next election of members.

Questions of speakers

The Chairperson may permit members to ask questions of speakers under public forum or deputations/presentations by appointment, for the purpose of obtaining information or clarification on matters raised by the speaker.

Withdrawal of offensive or malicious expressions

The Chairperson may call upon any member to withdraw any offensive or malicious expression and may require the member to apologise for the expression.

Any member who refuses to withdraw the expression or apologise, if required by the Chairperson, can be directed to withdraw from the meeting for a time specified by the Chairperson.

Chairperson's rulings

Any member who refuses to accept a ruling of the Chairperson, may be required by the Chairperson to withdraw from the meeting for a specified time.

Disorderly behaviour

The Chairperson may:

- (a) Require any member or member of the public whose conduct is disorderly or who is creating a disturbance, to withdraw immediately from the meeting for a time specified by the Chairperson.
- (b) Ask the meeting to hold in contempt, any member whose conduct is grossly disorderly and where the meeting resolves to find the member in contempt, that resolution must be recorded in the minutes.

Failure to leave meeting

If a member or member of the public who is required, in accordance with a Chairperson's ruling, to leave the meeting, refuses or fails to do so, or having left the meeting, attempts to re-enter without the permission of the Chairperson, any member of the police or officer or employee of the local authority may, at the Chairperson's request, remove or exclude that person from the meeting.

Audio- or audio-visual attendance

Where the technology is available and a member is attending a meeting by audio or audio-visual link, the Chairperson must ensure that:

- (a) The technology for the link is available and of suitable quality; and
- (b) Procedures for using the technology in the meeting will ensure that:
 - i. Everyone participating in the meeting can hear each other;
 - ii. The member's attendance by audio or audio-visual link does not reduce their accountability or accessibility in relation to the meeting;
 - iii. The requirements of Part 7 of LGOIMA are met; and
 - iv. The requirements in these standing orders are met.

If the Chairperson is attending by audio- or audio-visual link then chairing duties will be undertaken by the deputy chair or a member who is physically present.

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Appendix 9: Process for removing a Chairperson or deputy Chairperson from office

1. At a meeting that is in accordance with this clause, a regional council may remove its Chairperson or deputy Chairperson from office.
2. If a Chairperson or deputy Chairperson is removed from office at that meeting, the regional council may elect a new Chairperson or deputy Chairperson at that meeting.
3. A meeting to remove a Chairperson or deputy Chairperson may be called by:
 - (a) A resolution of the regional council; or
 - (b) A requisition in writing signed by the majority of the total membership of the regional council (excluding vacancies).
4. A resolution or requisition must:
 - (a) Specify the day, time, and place at which the meeting is to be held and the business to be considered at the meeting; and
 - (b) Indicate whether or not, if the Chairperson or deputy Chairperson is removed from office, a new Chairperson or deputy Chairperson is to be elected at the meeting if a majority of the total membership of the regional council (excluding vacancies) so resolves.
5. A resolution may not be made, and a requisition may not be delivered less than 21 days before the day specified in the resolution or requisition for the meeting.
6. The chief executive must give each member notice in writing of the day, time, place, and business of any meeting called under this clause not less than 14 days before the day specified in the resolution or requisition for the meeting.
7. A resolution removing a Chairperson or deputy Chairperson carries if a majority of the total membership of the regional council (excluding vacancies) votes in favour of the resolution.

cl. 18 Schedule 7, LGA 2002.

Appendix 10: Workshops

Definition of workshop

Workshops, however described, provide opportunities for members to discuss particular matters, receive briefings and provide guidance for officials. Workshops are not meetings and cannot be used to either make decisions or come to agreements that are then confirmed without the opportunity for meaningful debate at a formal meeting.

Application of standing orders to workshops

Standing orders do not apply to workshops and briefings. The Chairperson or workshop organisers will decide how the workshop, briefing or working party should be conducted.

Calling a workshop

Workshops, briefings and working parties may be called by:

- (a) A resolution of the local authority or its committees;
- (b) The Chair;
- (c) A committee Chairperson; or
- (d) The Chief Executive.

Process for calling workshops

The chief executive will give at least 24 hours' notice of the time and place of the workshop and the matters to be discussed at it. Notice may be given by whatever means are reasonable in the circumstances. Any notice given must expressly:

- (a) State that the meeting is a workshop;
- (b) Advise the date, time and place; and
- (c) Confirm that the meeting is primarily for the provision of information and discussion and will not make any decisions or pass any resolutions.

Public notice of a workshop is not required, and workshops can be either open to the public or public excluded.

Record of workshop

A written record of the workshop should be kept and include:

- Time, date, location and duration of workshop;
- Person present; and
- General subject matter covered.

Appendix 11: Sample order of business

Open section

- (a) Apologies
- (b) Declarations of interest
- (c) Confirmation of minutes
- (d) Leave of absence
- (e) Acknowledgements and tributes
- (f) Petitions
- (g) Public input
- (h) Extraordinary business
- (i) Notices of motion
- (j) Reports of committees
- (k) Reports of the Chief Executive and staff
- (l) Chairperson, deputy Chairperson and elected members' reports (information)

Public excluded section

- (m) Reports of committees
- (n) Reports of the chief executive and staff
- (o) Chairperson, deputy Chairperson and elected members' reports (information)

Appendix 12: Process for raising matters for a decision

Matters requiring a decision may be placed on an agenda of a meeting by a:

- Report of chief executive;
- Report of a Chairperson;
- Report of a committee; and
- Notice of motion from a member.

Where a matter is urgent and has not been placed on an agenda, it may be brought before a meeting as extraordinary business by a:

- Report of chief executive; or
- Report of Chairperson.

Although out of time for a notice of motion, a member may bring an urgent matter to the attention of the meeting through the meeting chair.

DRAFT

That the public be excluded from the following items under LGOIMA 48(1)(a):

- 1.1 Confidential Minutes of Council 28 August 2024
- 1.2 Confirmation of Minutes of Extraordinary Council Confidential 5 September 2024
- 3.1 GOV2433 Delegations Manual Update

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
<i>1.1 Confidential Minutes of Council 28 August 2024</i>	To protect the privacy of natural persons, including that of deceased natural persons – Section 7(2)(a) To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities – Section 7(2)(h)	Section 48(1)(a); Subject to subsection (3), a local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on 1 or more of the following grounds: (a)that the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.
<i>1.2 Confidential Minutes of Extraordinary Council 5 September 2024</i>	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) To maintain legal professional privilege – Section 7(2)(g)	Section 48(1)(a); Subject to subsection (3), a local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on 1 or more of the following grounds: (a)that the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.

<p><i>3.1 Delegations Manual Update</i></p>	<p>To maintain legal professional privilege – Section 7(2)(g)</p>	<p>Section 48(1)(a); Subject to subsection (3), a local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on 1 or more of the following grounds: (a) that the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</p>
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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.