

Council Agenda - 22 May 2024

Meeting will be held in the Council Chamber, Level 2, Philip Laing House, 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: Trudi McLaren, Governance Support Officer

22 May 2024 01:00 PM

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1. WELCOME	
2. APOLOGIES No apologies were received at the time of agenda publication	
3. PUBLIC FORUM Pierre Marasti has requested to speak on behalf of Extinction Rebellion	
4. CONFIRMATION OF AGENDA Note: Any additions to the agenda must be approved by resolution with an explanation as to why they cannot be delayed until a future meeting.	
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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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 27 March 2024, commencing at 1:00 PM. [YouTube Part 1](#) / [YouTube Part 2](#)

PRESENT

Cr Gretchen Robertson *(Chairperson)*
Cr Lloyd McCall *(Deputy Chairperson)*
Cr Alexa Forbes (online)
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

1. WELCOME

Chairperson Robertson welcomed Councillors, members of the public and staff to the meeting at 1:02 pm and opened with a karakia. Staff present included Richard Saunders (Chief Executive), Nick Donnelly (GM Corporate Services), Anita Dawe (GM Policy and Science), Gavin Palmer (GM Operations), Joanna Gilroy (Acting GM Regulatory), Amanda Vercoe (GM Governance, Culture and Customer), Fleur Matthews (Manager Policy and Planning), Libby Caldwell (Manager Environmental Implementation), Kerstin Strauss (Team Leader RPS, Air and Coast), James Adams (Senior Analyst RPS, Air and Coast), Simon Anderson (Ross Dowling Marquet Griffin) and Trudi McLaren (Governance Support)

2. APOLOGIES

No apologies were received prior to the meeting.

3. PUBLIC FORUM *[YouTube 8.24 (part 1)]*

Marnie Prickett (online) spoke regarding the Land and Water Regional Plan and options for moving ahead and outlined her experience in the area. Following an opportunity for questions Chair Robertson thanked Marnie for attending.

4. CONFIRMATION OF AGENDA *[YouTube 17:05 (part 1)]*

Resolution: Cr Weir Moved, Cr Mepham Seconded

That the following report be accepted as a late item as a workshop was required to seek Councillor direction prior to the drafting of the report, and the timing of this did not allow for inclusion in the published agenda.

7.2 Port Otago Letter of Expectations

MOTION CARRIED

Cr Robertson advised of timing of reports to be considered at the meeting, and that the Public Excluded portion would be held to discuss the Recommendations Report of the Independent Hearings Panel following deliberations on the Proposed Otago Regional Policy Statement 2021.

Resolution: Cr Robertson Moved/Cr Wilson seconded

That the following people who have been involved in the Regional Policy Statement over the years be publicly thanked:

Panel

Ron Crosby (Chair)
Rauru Kirikiri (iwi nominated)
Bianca Sullivan (ORC nominated)
Allan Cubitt (ORC nominated)

Staff involved are set out below. In addition:

Past and Present ORC Staff

Anita Dawe
Lisa Hawkins
James Adams
Liam Glading

Kyle Balderston
Peter Stafford
Melanie Hardiman
Rachel Currie
Sandra McIntyre
Maria Bartlett
Fleur Matthews
Kerstin Strauss
James Adams
Katelin Hazlett
Jack Kissell

Consultants and others

Felicity Boyd
Hannah Goslin
Liz White
Angela Fenemor
Jacqui Todd
Andrew MacLennan
Marcus Langman
Kelvin Lloyd (Wildlands)
Scott Kelly (GNS)
Simon Anderson
Thea Sefton
Kate McKinley
Philip Maws

MOTION CARRIED

5. DECLARATIONS OF INTERESTS [YouTube 22:32 (part 1)]

No changes to Councillor Declarations of Interests were noted.
Cr McCall declared a conflict of interest for the Regional Policy Statement as a submitter and will sit back from the table for this item.

6. RESOLUTION TO EXCLUDE THE PUBLIC [YouTube 22:32 (part 1)]

Resolution: Cr Wilson Moved/Cr Noone Seconded:

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

- 1.1 Confidential Minutes of Council Meeting 6 December 2023
- 2.1 Recommendations Report of the Independent Hearings Panel following deliberations on the Proposed Otago Regional Policy Statement 2021

It was also moved that Simon Anderson (Ross Dowling Marquet Griffin) be permitted to remain at this meeting for the Recommendations Report of the Independent Hearings Panel following deliberations on the Proposed Otago Regional Policy Statement 2021 paper, after the public has been excluded, because of their knowledge of the topic. This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because of their subject matter expertise.

MOTION CARRIED

Crs Kelliher, Laws and Malcolm voted against.

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
<p>Minutes of the PE Council Meeting 2023.12.06</p>	<p>To protect the privacy of natural persons, including that of deceased natural persons – Section 7(2)(a)</p> <p>To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities – Section 7(2)(h)</p> <p>To protect information where the making available of the information— would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information – Section 7(2)(b)(ii)</p> <p>To enable any local authority holding the information to carry on without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) – Section 7(2)(i)</p> <p>To protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information— would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied – Section 7(2)(c)(i)</p> <p>To prevent the disclosure or use of official information for improper gain</p>	<p>Section 48(1)(a); Subject to subsection (3), a local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on 1 or more of the following grounds:</p> <p>(a) that the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</p>

	or improper advantage – Section 7(2)(j)	
2.1 Recommendations Report of the Independent Hearings Panel following deliberations on the Proposed Otago Regional Policy Statement 2021	To enable the local authority to deliberate in private on decisions where a right of appeal lies to the Environment Court or High Court – section 48(1)(d)	Section 48(1)(d); 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: (d) that the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation in any proceedings to which this paragraph applies.

This resolution is made in reliance on [section 48\(1\)\(a\) and \(d\)](#) 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.

There was a question as to when the details of the decisions regarding this paper would be released. Mr Anderson advised that if the Council decided to adopt the recommendations in front of them, the decisions and the reasons are publicly notified immediately and will be available to the public immediately and published on the Council's website and the formal notification process.

Resolution: Cr Wilson Moved/Cr Weir Seconded [YouTube 00:00 (part 2)]

That the meeting move back into public session

MOTION CARRIED

Cr Robertson announced the outcome of the previous public excluded paper and advised that all submitters would be notified on 30 March 2024. The results would be published on the Otago Regional Council website on 27 March 2024 (the panel's report including tracked changes and outcome of resolutions).

7. MATTERS FOR CONSIDERATION [YouTube 8:59 (part 2)]

7.1. Land and Water Regional Plan: options for timing of notification

The purpose of this report was to enable Council to consider options in relation to notification of the proposed Land and Water Regional Plan.

Anita Dawe (GM Policy and Science) was present to speak to the report and respond to questions.

Resolution CM24-122: Cr Weir Moved, Cr Somerville Seconded

That the Council:

- 1) **Notes** this report.
- 2) **Notes** the four options outlined by staff
- 3) **Notes** that the recommendations from the panel on the RPS have been adopted.

MOTION CARRIED

Resolution: Cr Scott Moved, Cr Mepham Seconded

That the Council:

- 4) **Approves an option** for progressing the proposed Land and Water Regional Plan.

OPTION 1: Proceed as planned in the current LWRP work programme and notify the LWRP by 30 June 2024

A Division was called:

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

MOTION FAILED

Resolution: Cr Robertson Moved/Cr Weir Seconded

That the meeting be adjourned to discuss whether there was a preferred date by staff for notification.

MOTION CARRIED

Meeting adjourned at 4.37PM and resumed at 4.44PM

Resolution: Cr McCall Moved, Cr Forbes Seconded

That the Council:

- 4) **Approves an option** for progressing the proposed Land and Water Regional Plan. Council requests that staff prepare the draft land and water regional plan for notification by 30 Sept 2024 and the additional time is used to:

- review the impact of the RPS decision on the draft plan,
- prepare the requested advice for the Minister for the Environment;
- and ensure that clause 3 feedback has been appropriately considered and factored into the plan.

An amendment was moved to change the date Cr Weir Moved/Cr Scott Seconded

Procedural Motion: Cr Wilson Moved/Cr Laws Seconded

That the amendment to the date be put

MOTION CARRIED

Amendment: Cr Weir Moved, Cr Scott Seconded

That the date for the above motion be changed from 30 September 2024 to 31 October 2024.

A Division was called.

For:	Cr Forbes, Cr Mepham, Cr Scott, Cr Somerville, Cr Weir, Cr Wilson, Cr Robertson
Against:	Cr Kelliher, Cr Laws, Cr Malcolm, Cr McCall, Cr Noone
Abstained	N/A

MOTION CARRIED

Resolution: Cr Weir Moved/Cr Scott Seconded

That the Council:

- 4) **Approves an option** for progressing the proposed Land and Water Regional Plan.

Council requests that staff prepare the draft land and water regional plan for notification by 31 October 2024 and the additional time is used to:

- review the impact of the RPS decision on the draft plan,
- prepare the requested advice for the Minister for the Environment;
- and ensure that clause 3 feedback has been appropriately considered and factored into the plan.

A Division was called:

For:	Cr Forbes, Cr McCall, Cr Mepham, Cr Scott, Cr Somerville, Cr Weir, Cr Robertson
Against:	Cr Kelliher, Cr Laws, Cr Malcolm, Cr Noone, Cr Wilson
Abstained	N/A

MOTION CARRIED

Resolution: Cr Wilson Moved/ Cr Weir Seconded

- 5) **Requests** that staff report back to the May Council meeting with an updated programme of work to reflect the option selected by Council.
- 6) **Notes** that the Minister for the Environment has requested information from Otago Regional Council should Council decide to continue with a notification date ahead of 31 December 2027, an outline of the costs, benefits, and implications of notifying the ORC plan before the NPS-FM is replaced.

MOTION CARRIED

7.2. Port Otago Letter of Expectation [YouTube 2:12:38 (part 2)]

The purpose of this report was to consider and approve a letter of expectation being sent to Port Otago Limited (Port Otago) regarding Otago Regional Council's (Council) expectations for

inclusion in Port Otago’s Statement of Corporate Intent for the years ended 30 June 2025 to 30 June 2027.

Nick Donnelly (GM Corporate Services and CFO) was present to speak to the report and respond to questions.

Resolution: Cr Weir Moved, Cr Somerville Seconded

That the Council:

- 1) **Notes** this report.
- 2) **Approves** the Port Otago Letter of Expectations 2025-2027, subject to any minor editorial adjustments and the sending of that letter to Port Otago Limited.
- 3) **Requests** that the following additions be made to the draft letter of expectation:

We note with approval the indication, through workshop and briefing discussions, that Port Otago will undertake efforts to develop a strategy to observe corporate responsibility to protect and uphold human rights. We would like to see the development of such a strategy reflected in the next SCI.

Decarbonisation (to amend the following paragraph to include the italicised text as follows): Council acknowledges and would like to see Port Otago Complete the development of the decarbonisation roadmap it has commenced with an expectation that it can be reported back to Council and the wider community. *Additionally we would encourage Port Otago to use its influence to advance decarbonisation throughout the supply chain.*

A Division was called:

For:	Cr Forbes, Cr Scott, Cr Somerville, Cr Weir, Cr Robertson
Against:	Cr Kelliher, Cr Laws, Cr Malcolm, Cr McCall, Cr Mepham, Cr Noone, Cr Wilson
Abstained	N/A

MOTION FAILED

Resolution CM24-123: Cr Mepham Moved, Cr Wilson Seconded

That the Council:

- 1) **Notes** this report.
- 2) **Approves** the Port Otago Letter of Expectations 2025-2027, subject to any minor editorial adjustments and the sending of that letter to Port Otago Limited.

MOTION CARRIED

8. CLOSURE

Staff were thanked for their support and assistance.

There was no further business and Chairperson Robertson declared the meeting closed at 6:11PM with a karakia.

Chairperson

Date

DRAFT



COUNCIL CONFIDENTIAL MINUTES

Minutes of a confidential meeting of the Otago Regional Council held in the Council Chamber, Level 2 Philip Laing House, 144 Rattray Street, Dunedin on Wednesday 27 March 2024, commencing at 1:43 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

1. CONFIRMATION OF MINUTES

1.1. Confirmation of Minutes

Resolution: Cr Somerville Moved, Cr Weir Seconded

That the minutes of the public excluded portion of the Council meeting held on 6 December 2023 be received and confirmed as a true and accurate record.

MOTION CARRIED

2. MATTERS FOR CONSIDERATION

2.1. Recommendations Report of the Independent Hearings Panel following deliberations on the Proposed Otago Regional Policy Statement 2021

The purpose of this report was to present the recommendations of the Independent Hearings Panels on both parts of the proposed Otago Regional Policy Statement 2021 (pORPS 2021) for Council's decisions, in accordance with Schedule 1 of the Resource Management Act 1991 (RMA). This report also made recommendations to Council about whether to accept or reject the Independent Hearings Panels' recommendations.

Anita Dawe (GM Policy and Science), James Adams (Senior Analyst RPS, Air and Coast), Felicity Hawke (Project Delivery Analyst), Fleur Matthews (Manager Policy and Planning) and Simon Anderson (Ross Dowling Marquet Griffin) were present to speak to the report and respond to questions.

Cr McCall sat back from table for this item due to a conflict of interest.

(Cr Scott left at 1:49PM and returned at 1:50PM)

Resolution CM24-124: Cr Wilson Moved, Cr Weir Seconded

That the Council:

- 1) Accept recommendation 1 of the Freshwater Hearings Panel on the Proposed Freshwater Planning Instrument Part of the Proposed Otago Regional Policy Statement 2021, as detailed in attachment 3.**

(see attached table for details of recommendation 1)

MOTION CARRIED

Resolution: Cr Weir Moved, Cr Somerville Seconded

That the Council:

- 2) Accept recommendation 2 of the Freshwater Hearings Panel on the Proposed Freshwater Planning Instrument Part of the Proposed Otago Regional Policy Statement 2021, as detailed in attachment 3.**

(see attached table for details of recommendation 2)

MOTION CARRIED

(Cr Gary Kelliher, Cr Michael Laws and Cr Kevin Malcolm voted against)

Resolution: Cr Wilson Moved, Cr Weir Seconded

That the Council:

- 3) Accept recommendation 3 of the Freshwater Hearings Panel on the Proposed Freshwater Planning Instrument Part of the Proposed Otago Regional Policy Statement 2021, as detailed in attachment 3.**

(see attached table for details of recommendation 3)

MOTION CARRIED

Resolution: Cr Weir Moved, Cr Mephram Seconded

That the Council:

- 4) *Accept*** recommendation 4 of the Freshwater Hearings Panel on the Proposed Freshwater Planning Instrument Part of the Proposed Otago Regional Policy Statement 2021, as detailed in attachment 3.

(see attached table for details of recommendation 4)

MOTION CARRIED

Resolution: Cr Wilson Moved, Cr Somerville Seconded

That the Council:

- 5) *Accept*** recommendation 5 of the Freshwater Hearings Panel on the Proposed Freshwater Planning Instrument Part of the Proposed Otago Regional Policy Statement 2021, as detailed in attachment 3.

(see attached table for details of recommendation 5).

MOTION CARRIED

Resolution: Cr Wilson Moved, Cr Somerville Seconded

That the Council:

- 6) *Accept*** each recommendation 6 of the Freshwater Hearings Panel on the Proposed Freshwater Planning Instrument Part of the Proposed Otago Regional Policy Statement 2021, as detailed in attachment 3.

(see attached table for details of recommendation 6)

MOTION CARRIED

(Cr Laws abstained)

Resolution: Cr Wilson Moved, Cr Scott Seconded

That the Council:

- 7) *Accept*** recommendation 7 of the Freshwater Hearings Panel on the Proposed Freshwater Planning Instrument Part of the Proposed Otago Regional Policy Statement 2021, as detailed in attachment 3.

(see attached table for details of recommendation 7)

MOTION CARRIED

Resolution: Cr Mepham Moved, Cr Noone Seconded

That the Council:

- 8) *Accept*** recommendation 8 of the Freshwater Hearings Panel on the Proposed Freshwater Planning Instrument Part of the Proposed Otago Regional Policy Statement 2021, as detailed in attachment 3.

(see attached table for details of recommendation 8)

MOTION CARRIED

Resolution: Cr Somerville Moved, Cr Weir Seconded

That the Council:

- 9) Accept** recommendation 9 of the Freshwater Hearings Panel on the Proposed Freshwater Planning Instrument Part of the Proposed Otago Regional Policy Statement 2021, as detailed in attachment 3.

(see attached table for details of recommendation 9)

MOTION CARRIED

Resolution: Cr Weir Moved, Cr Mepham Seconded

That the Council:

- 10) Accept** recommendation 10 of the Freshwater Hearings Panel on the Proposed Freshwater Planning Instrument Part of the Proposed Otago Regional Policy Statement 2021, as detailed in attachment 3.

(see attached table for details of recommendation 10)

MOTION CARRIED

Resolution: Cr Malcolm Moved, Cr Noone Seconded

That the Council:

- 11) Requests** the CE to bring back advice on alternative option specifically returning to the notified boundaries and a section 32(AA) evaluation of the option and commentary on the reasons for and against Freshwater Hearing Panel recommendation 11.

For:	Cr Kelliher, Cr Malcolm, Cr Noone, Cr Wilson
Against:	Cr Forbes, Cr Laws, Cr Mepham, Cr Scott, Cr Somerville, Cr Weir, Cr Robertson
Abstained:	N/A

MOTION FAILED

Resolution: Cr Weir Moved, Cr Robertson Seconded

That the Council:

- 11) Accept** recommendation 11 of the Freshwater Hearings Panel on the Proposed Freshwater Planning Instrument Part of the Proposed Otago Regional Policy Statement 2021, as detailed in attachment 3.

(see attached table for details of recommendation 11)

For:	Cr Forbes, Cr Mepham, Cr Scott, Cr Somerville, Cr Weir, Cr Wilson, Cr Robertson
Against:	Cr Kelliher, Cr Laws, Cr Malcolm, Cr Noone
Abstained:	N/A

MOTION CARRIED

Resolution: Cr Wilson Moved, Cr Noone Seconded

That the Council:

- 12) Requests** the CE to bring back advice on alternative option specifically returning to the notified boundaries and a section 32(AA) evaluation of the option and commentary on the reasons for and against Freshwater Hearing Panel recommendation 12.

For:	Cr Kelliher, Cr Malcolm, Cr Noone, Cr Wilson
Against:	Cr Forbes, Cr Mephram, Cr Scott, Cr Somerville, Cr Weir, Cr Robertson
Abstained:	N/A

MOTION FAILED

Resolution: Cr Mephram Moved, Cr Scott Seconded

That the Council:

- 12) Accept** recommendation 12 of the Freshwater Hearings Panel on the Proposed Freshwater Planning Instrument Part of the Proposed Otago Regional Policy Statement 2021, as detailed in attachment 3.

(see attached table for details of recommendation 12)

For:	Cr Forbes, Cr Mephram, Cr Scott, Cr Somerville, Cr Weir, Cr Wilson, Cr Robertson
Against:	Cr Kelliher, Cr Laws, Cr Malcolm, Cr Noone
Abstained:	N/A

MOTION CARRIED

Resolution: Cr Wilson Moved, Cr Noone Seconded

That the Council:

- 13) Accept** recommendation 13 of the Freshwater Hearings Panel on the Proposed Freshwater Planning Instrument Part of the Proposed Otago Regional Policy Statement 2021, as detailed in attachment 3.

(see attached table for details of recommendation 13)

MOTION CARRIED

(Cr Kelliher and Cr Laws voted against)

Resolution: Cr Wilson Moved, Cr Weir Seconded

That the Council:

- 14) Accept** recommendation 14 of the Freshwater Hearings Panel on the Proposed Freshwater Planning Instrument Part of the Proposed Otago Regional Policy Statement 2021, as detailed in attachment 3.

(see attached table for details of recommendation 14)

MOTION CARRIED

Resolution: Cr Noone Moved, Cr Weir Seconded

That the Council:

- 15) Accept** recommendation 15 of the Freshwater Hearings Panel on the Proposed Freshwater Planning Instrument Part of the Proposed Otago Regional Policy Statement

2021, as detailed in attachment 3.

(see attached table for details of recommendation 15)

MOTION CARRIED

Resolution: Cr Wilson Moved, Cr Weir Seconded

That the Council:

16) Accept recommendation 16 of the Freshwater Hearings Panel on the Proposed Freshwater Planning Instrument Part of the Proposed Otago Regional Policy Statement 2021, as detailed in attachment 3.

(see attached table for details of recommendation 16)

MOTION CARRIED

Resolution: Cr Weir Moved, Cr Wilson Seconded

That the Council:

17) Accept recommendation 17 of the Freshwater Hearings Panel on the Proposed Freshwater Planning Instrument Part of the Proposed Otago Regional Policy Statement 2021, as detailed in attachment 3.

(see attached table for details of recommendation 17)

MOTION CARRIED

Resolution: Cr Somerville Moved, Cr Mepham Seconded

That the Council:

18) Accept recommendation 18 of the Freshwater Hearings Panel on the Proposed Freshwater Planning Instrument Part of the Proposed Otago Regional Policy Statement 2021, as detailed in attachment 3.

(see attached table for details of recommendation 18)

MOTION CARRIED

(Cr Wilson stood back. Cr Laws voted against)

Resolution: Cr Somerville Moved, Cr Weir Seconded

That the Council:

19) Accept recommendation 19 of the Freshwater Hearings Panel on the Proposed Freshwater Planning Instrument Part of the Proposed Otago Regional Policy Statement 2021, as detailed in attachment 3.

(see attached table for details of recommendation 19)

MOTION CARRIED

Resolution: Cr Weir Moved, Cr Robertson Seconded

That the Council:

- 20) Accept recommendation 20 of the Freshwater Hearings Panel on the Proposed Freshwater Planning Instrument Part of the Proposed Otago Regional Policy Statement 2021, as detailed in attachment 3.**

(see attached table for details of recommendation 20)

MOTION CARRIED

(Cr Wilson stood back)

Resolution: Cr Wilson Moved, Cr Scott Seconded

That the Council:

- 21) Accept recommendation 21 of the Freshwater Hearings Panel on the Proposed Freshwater Planning Instrument Part of the Proposed Otago Regional Policy Statement 2021, as detailed in attachment 3.**

(see attached table for details of recommendation 21)

MOTION CARRIED

Resolution: Cr Noone Moved, Cr Mepham Seconded

That the Council:

- 22) Accept recommendation 22 of the Freshwater Hearings Panel on the Proposed Freshwater Planning Instrument Part of the Proposed Otago Regional Policy Statement 2021, as detailed in attachment 3.**

(see attached table for details of recommendation 22)

MOTION CARRIED

Resolution: Cr Wilson Moved, Cr Weir Seconded

That the Council:

- 23) Accept recommendation 23 of the Freshwater Hearings Panel on the Proposed Freshwater Planning Instrument Part of the Proposed Otago Regional Policy Statement 2021, as detailed in attachment 3.**

(see attached table for details of recommendation 23)

MOTION CARRIED

Resolution: Cr Wilson Moved, Cr Scott Seconded

That the Council:

- 24) Accept recommendation 24 of the Freshwater Hearings Panel on the Proposed Freshwater Planning Instrument Part of the Proposed Otago Regional Policy Statement 2021, as detailed in attachment 3.**

(see attached table for details of recommendation 24)

MOTION CARRIED

Resolution: Cr Mepham Moved, Cr Weir Seconded

That the Council:

25) Accept recommendation 25 of the Freshwater Hearings Panel on the Proposed Freshwater Planning Instrument Part of the Proposed Otago Regional Policy Statement 2021, as detailed in attachment 3.

(see attached table for details of recommendation 25)

MOTION CARRIED

(Cr Wilson stood back)

Resolution: Cr Wilson Moved, Cr Weir Seconded

That the Council:

26) Accept recommendation 26 of the Freshwater Hearings Panel on the Proposed Freshwater Planning Instrument Part of the Proposed Otago Regional Policy Statement 2021, as detailed in attachment 3.

(see attached table for details of recommendation 25)

MOTION CARRIED

Resolution: Cr Weir Moved, Cr Wilson Seconded

That the Council:

27) Accept recommendation 27 of the Freshwater Hearings Panel on the Proposed Freshwater Planning Instrument Part of the Proposed Otago Regional Policy Statement 2021, as detailed in attachment 3.

(see attached table for details of recommendation 2)

MOTION CARRIED

Resolution: Cr Wilson Moved, Cr Mepham Seconded

That the Council:

28) Accept recommendation 28 of the Freshwater Hearings Panel on the Proposed Freshwater Planning Instrument Part of the Proposed Otago Regional Policy Statement 2021, as detailed in attachment 3.

(see attached table for details of recommendation 28)

MOTION CARRIED

Resolution: Cr Mepham Moved, Cr Noone Seconded

That the Council:

29) Accept recommendation 29 of the Freshwater Hearings Panel on the Proposed Freshwater Planning Instrument Part of the Proposed Otago Regional Policy Statement 2021, as detailed in attachment 3.

(see attached table for details of recommendation 29)

MOTION CARRIED

(Cr Laws left at 2.56PM)

Resolution: Cr Weir Moved, Cr Somerville Seconded

That the Council:

30) Accept recommendation 30 of the Freshwater Hearings Panel on the Proposed Freshwater Planning Instrument Part of the Proposed Otago Regional Policy Statement 2021, as detailed in attachment 3.

(see attached table for details of recommendation 30)

MOTION CARRIED

Resolution: Cr Weir Moved, Cr Somerville Seconded

That the Council:

31) Accept recommendation 31 of the Freshwater Hearings Panel on the Proposed Freshwater Planning Instrument Part of the Proposed Otago Regional Policy Statement 2021, as detailed in attachment 3.

(see attached table for details of recommendation 31)

MOTION CARRIED

(Cr Laws returned at 3.13PM)

Resolution: Cr Noone Moved, Cr Weir Seconded

That the Council:

32) Accept recommendation 32 of the Freshwater Hearings Panel on the Proposed Freshwater Planning Instrument Part of the Proposed Otago Regional Policy Statement 2021, as detailed in attachment 3.

(see attached table for details of recommendation 32)

MOTION CARRIED

Resolution: Cr Mephram Moved, Cr Somerville Seconded

That the Council:

33) Adopt the recommendations of the Hearings Panel on the non-freshwater parts of proposed Otago Regional Policy Statement 2021 (excluding parts separately notified as a freshwater planning instrument) as its decision.

MOTION CARRIED

(Cr Laws left at 3.26PM and returned at 3.28PM)

Resolution: Cr Wilson Moved, Cr Weir Seconded

That the meeting be adjourned for 10 minutes until 3.45PM

MOTION CARRIED.

(Resolutions 34 and 35 taken together, and taken first)

Resolution: Cr Mepham Moved, Cr Weir Seconded

That the Council:

34) Notify its decisions on the proposed Otago Regional Policy Statement on Saturday 30 March 2024;

35) Notify submitters of its decisions.

MOTION CARRIED

Resolution: Cr Wilson Moved, Cr Noone Seconded

That the Council:

36) Receives the addendum to the report dated 27 March 2024.

MOTION CARRIED

3. CLOSURE

There was no further business and Chairperson Robertson declared the meeting closed at 4:03PM.

Chairperson

Date

Attachment: Table of Freshwater Hearing Panel Recommendations

#	Topic	Freshwater Hearing Panel Recommendation	ORC staff recommendation	Motion – Accept/Reject	Mover/Seconder
1.	General	We recommend that submissions on provisions and matters in the freshwater planning instrument are accepted or rejected wholly or in part as set out in Appendix 6: Freshwater Planning Instrument Hearing Panel Recommendations for decisions on submissions and reasons.	Accept Panel recommendation	That Council accepts Freshwater Hearing Panel recommendation 1.	Resolution: Cr Kate Wilson Moved /Cr Elliot Weir Seconded MOTION CARRIED
2.	Objectives – LW-WAI-O1 & the use of ‘mauri’	Amend LF-WAI-O1 to read: The mauri of Otago’s water bodies and their health and well-being is <u>are</u> protected, and restored where it is <u>they are</u> degraded, <u>so that the mauri of those water bodies is protected</u> , and the management of land and water recognises and reflects that: ...	Accept Panel recommendation	That Council accepts Freshwater Hearing Panel recommendation 2.	Resolution: Cr Elliot Weir Moved/ Cr Alan Somerville Seconded MOTION CARRIED (Cr Gary Kelliher, Cr Michael Laws and Cr Kevin Malcolm voted against)
3.	Wetland definition	We recommend the definition ‘natural wetland’ is deleted. Deletion of the ‘natural wetland’ definition and related amendments to apply the ‘natural inland wetland’ approach will have consequences for those LF-FW Objectives and Policies we have referred to, and some other provisions, which will need consequential amendment.	Accept Panel recommendation	That Council accepts Freshwater Hearing Panel recommendation 3.	Resolution: Cr Kate Wilson Moved/ Cr Elliot Weir Seconded MOTION CARRIED
4.	SRMR-15- Freshwater demand exceeds	We recommend that the wording in the PORPS Reply Report version dated 10 October 2023 be adopted for SRMR-15 – Freshwater demand exceeds capacity in some places, with the exception of	Accept Panel recommendation	That Council accepts Freshwater Hearing Panel recommendation 4.	Resolution: Cr Elliot Weir Moved/ Cr Tim Mepham Seconded MOTION CARRIED

#	Topic	Freshwater Hearing Panel Recommendation	ORC staff recommendation	Motion – Accept/Reject	Mover/Seconder
	capacity in places	<p>paragraph 2 of the Context where we recommend the following amendment:</p> <p>However, there continues to be debate in the community about how historical <i>freshwater</i> allocations can be adjusted to achieve a balance of <u>prioritise protection of the health and well-being of <i>water</i> bodies, meet the health needs of people, and provide for economic, environmental, social and cultural needs.</u></p>			
5.	LF-FW-O1A	<p>Our final recommendation for the region-wide objective is therefore as follows:</p> <p>LF-FW-O1A – Visions set for each FMU and rohe <u>In each FMU and rohe in Otago and within the timeframes specified in the freshwater visions in LF-VM-O2 to LF-VM-O6:</u></p> <p>(1) <u>healthy freshwater and estuarine ecosystems support healthy populations of indigenous species (including non-diadromous galaxiids and Canterbury mudfish) and mahika kai that are safe for consumption,</u></p> <p>(2) <u>the interconnection of land, freshwater (including springs, groundwater, ephemeral water bodies, wetlands, rivers, and lakes) and coastal water is recognised,</u></p> <p>(3) <u>fish passage within and between catchments is provided for except where</u></p>	Accept Panel recommendation	That Council accepts Freshwater Hearing Panel recommendation 5.	<p>Resolution: Cr Kate Wilson Moved/ Cr Alan Somerville Seconded</p> <p>MOTION CARRIED</p>

#	Topic	Freshwater Hearing Panel Recommendation	ORC staff recommendation	Motion – Accept/Reject	Mover/Seconder
		<p><u>it is desirable to prevent the passage of some fish species in order to protect desired fish species, their life stages, or their habitats,</u></p> <p>(4) <u>the form, function and character of water bodies reflects their natural characteristics and natural behaviours to the extent reasonably practicable,</u></p> <p>(5) <u>the ongoing relationship of Kāi Tahu with wāhi tūpuna, including access to and use of water bodies, is sustained,</u></p> <p>(6) <u>the health of the water supports the health of people and their connections with water bodies,</u></p> <p>(7) <u>sustainable land and water management practices:</u></p> <p>(a) <u>support food and fibre production and the continued social, economic, and cultural well-being of Otago’s people and communities, and</u></p> <p>(b) <u>improve the resilience of communities to the effects of climate change, and</u></p> <p>(c) <u>ensure communities are appropriately serviced by community water supplies, and other three waters infrastructure,</u></p>			

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#	Topic	Freshwater Hearing Panel Recommendation	ORC staff recommendation	Motion – Accept/Reject	Mover/Seconder
		<p>(8) <u>direct discharges of wastewater to water bodies are phased out to the extent reasonably practicable, and</u></p> <p>(9) <u>freshwater is managed as part of New Zealand’s integrated response to climate change and renewable electricity generation activities are provided for.</u></p>			
6.	<p>Implications for LF-FW objectives</p>	<p>Adopting a region-wide objective has led to the following consequential changes:</p> <p>a. Deleting the following clauses from the freshwater visions as a consequential amendment to introducing LF-FW-O1A:</p> <ul style="list-style-type: none"> i. LF-VM-O2(3), (4), (5), (7)(b)(i) and (ii), (7)(c)(i), (iii) and (iv), ii. LF-VM-O3(2), (4), and (5), iii. LF-VM-O4(2), (6), (7), and (8), iv. LF-VM-O5(2) and (4), and v. LF-VM-O6(2) and (3). <p>b. Deleting the part of LF-VM-O3(3) that relates to mahika kai and indigenous species,</p> <p>c. Deleting the part of LF-VM-O5(3) that relates to migration of indigenous species,</p> <p>d. Amending LF-FW-O8 to only retain clause (5) as follows:</p>	<p>Accept Panel recommendation</p>	<p>That Council accepts Freshwater Hearing Panel recommendation 6.</p>	<p>Resolution:</p> <p>Cr Kate Wilson Moved/ Cr Alan Somerville Seconded</p> <p>MOTION CARRIED</p> <p>(Cr Michael Laws abstained)</p>

#	Topic	Freshwater Hearing Panel Recommendation	ORC staff recommendation	Motion – Accept/Reject	Mover/Seconder
		<p>The significant and outstanding values of Otago's <i>outstanding water bodies</i> are identified and protected.</p> <p>e. Retaining LF-FW-09 but locating it after the suite of freshwater visions, and</p> <p>f. Merging the LF-VM and LF-FW sections into one LF-FW section.</p>			
7.	<p>LF-VM-O2 – Clutha Mata-au FMU vision</p>	<p>The Panel's final recommendation for LF-VM-O2 is as follows:</p> <p>LF-VM-O2 – Clutha Mata-au FMU vision</p> <p>In the Clutha Mata-au <i>FMU</i>, and in addition to the matters in LF-FW-O1A:</p> <p>(1) management of the <i>FMU</i> recognises that:</p> <p>(a) the Clutha Mata-au is a single connected system ki uta ki tai, and</p> <p>(b) the source of the wai is pure, coming directly from Tawhirimatea <u>Tāwhirimātea</u> to the top of the mauka and into the awa,</p> <p><u>(1A) sustainable abstraction occurs from lakes, river main stems or</u></p>	<p>Accept Panel recommendation</p>	<p>That Council accepts Freshwater Hearing Panel recommendation 7.</p>	<p>Recommendation: Cr Kate Wilson Moved/ Cr Bryan Scott Seconded MOTION CARRIED</p>

#	Topic	Freshwater Hearing Panel Recommendation	ORC staff recommendation	Motion – Accept/Reject	Mover/Seconder
		<p><u>groundwater</u> in preference to <u>tributaries</u>, to the extent <u>reasonably practicable</u>,</p> <p>(2) fresh water is managed in accordance with the LF-WAI objectives and policies,</p> <p>(3) the ongoing relationship of Kāi Tahu with wāhi tupuna is sustained,</p> <p>(4) water bodies support thriving mahika kai and Kāi Tahu whānui have access to mahika kai,</p> <p>(5) indigenous species migrate easily and as naturally as possible along and within the river system</p> <p><u>(6) the national significance of the ongoing operation, maintenance and upgrading of the Clutha hydro-electricity generation scheme, including its generation capacity, storage and operational flexibility and its contribution to climate change mitigation, is recognised and protected, and potential further development is provided for within this modified catchment.</u></p> <p>(6A) water bodies support a range</p>			

#	Topic	Freshwater Hearing Panel Recommendation	ORC staff recommendation	Motion – Accept/Reject	Mover/Seconder
		<p><u>of outdoor recreation opportunities,</u></p> <p>(7) in addition to (1) to (6) above:</p> <p>(a) in the Upper Lakes rohe, the high quality waters of the lakes and their tributaries are protected, and if degraded are improved, recognising the significance of the purity of these waters to Kāi Tahu and to the wider community,</p> <p>(b) in the Dunstan, Manuherekiā and Roxburgh rohe:</p> <p>(i) flows in water bodies sustain and, wherever possible, restore the natural form and function of main stems and tributaries to support Kāi Tahu values and practices, and</p> <p>(ii) innovative and sustainable land and water management practices support food production in the area and reduce</p>			

#	Topic	Freshwater Hearing Panel Recommendation	ORC staff recommendation	Motion – Accept/Reject	Mover/Seconder
		<p>discharges of nutrients and other contaminants to water bodies so that they are safe for human contact, and</p> <p>(iii) sustainable abstraction occurs from main stems or groundwater in preference to tributaries,</p> <p>(€7A) in the Lower Clutha rohe,:</p> <p>(i) there is no further modification of the shape and behaviour of the water bodies and opportunities to restore the natural form and function of water bodies are promoted wherever reasonably practicable possible, and</p> <p>(ii) the ecosystem connections between freshwater,</p>			

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#	Topic	Freshwater Hearing Panel Recommendation	ORC staff recommendation	Motion – Accept/Reject	Mover/Seconder
		<p>wetlands and the coastal environment are preserved and, wherever possible, restored,</p> <p>(iii) land management practices reduce discharges of nutrients and other contaminants to water bodies so that they are safe for human contact, and</p> <p>(iv) there are no direct discharges of wastewater to water bodies, and</p> <p>8) the outcomes sought in (7) are to be achieved within the following timeframes:</p> <p>(a) by 2030 in the Upper Lakes rohe,</p> <p>(b) by 2045 in the Dunstan, <u>and Roxburgh and Lower Clutha</u> rohe, and</p> <p>(c) by 2050 in the Manuherekia <u>and Lower Clutha</u> rohe.</p>			

#	Topic	Freshwater Hearing Panel Recommendation	ORC staff recommendation	Motion – Accept/Reject	Mover/Seconder
8.	LF-VM-O4 – Taiari FMU vision	<p>The Panel recommends LF-VM-O4 be amended as follows:</p> <p>LF-VM-O4 – Taiari Taiari FMU vision</p> <p>By 2050 in the Taiari <u>Taiari FMU</u>, and in addition to the matters in LF-FW-O1A:</p> <p>(1) fresh water is managed in accordance with the LF-WAI objectives and policies,</p> <p>(2) the ongoing relationship of Kāi Tahu with wāhi tūpuna is sustained,</p> <p>(3) healthy wetlands are restored in the upper and lower catchment wetland complexes, including the Waipori/Waihola Wetlands Waipōuri/Waihola wetland complex, Tunaheketaka/Lake Taiari, scroll plain, Upper Taiari wetland complex, and connected tussock areas are protected, restored or enhanced where they have been degraded or lost,</p> <p>(4) the gravel <i>bed</i> of the lower Taiari <u>Taiari</u> is restored and sedimentation of the Waipori <u>Waipōuri/Waihola wetland</u> complex is reduced,</p> <p>4A) <u>the national significance of the Waipōuri hydro-electricity generation scheme, and the regional significance of the Deep Stream and Paerau/Patearoa hydro-electricity generation schemes, is recognised and their operation, maintenance, and upgrading is provided</u></p>	Accept Panel recommendation	That Council accepts Freshwater Hearing Panel recommendation 8.	<p>Resolution:</p> <p>Cr Tim Mephram Moved/ Cr Andrew Noone Seconded</p> <p>MOTION CARRIED</p>

#	Topic	Freshwater Hearing Panel Recommendation	ORC staff recommendation	Motion – Accept/Reject	Mover/Seconder
		<p><u>for, while potential further development of these schemes is provided for.</u></p> <p>(5) creative ecological approaches contribute to reduced occurrence of didymo, and</p> <p>(6) water bodies support healthy populations of galaxiid species,</p> <p>(7) there are no direct discharges of wastewater to water bodies, and</p> <p>(8) innovative and sustainable land and water management practices support food production in the area and improve resilience to the effects of climate change.</p>			
9.	<p>LF-VM-05 – Dunedin & Coast FMU vision</p>	<p>The Panel recommends LF-VM-05 be amended as follows:</p> <p>LF-VM-05 - Dunedin & Coast FMU vision By 2040 in the Dunedin & Coast <i>FMU</i> and in addition to the matters in LF-FW-01A:</p> <p>(1) fresh water is managed in accordance with the LF-WAI objectives and policies,</p> <p>(2) the ongoing relationship of Kāi Tahu with wāhi tūpuna is sustained,</p> <p>(3) healthy riparian <u>margins, wetlands, estuaries, and lagoons and coastal waters</u> support <u>the health of thriving mahika kai</u> and downstream coastal ecosystems, and indigenous species can migrate easily and as naturally as possible to and from these</p>	<p>Accept Panel recommendation</p>	<p>That Council accepts Freshwater Hearing Panel recommendation 9.</p>	<p>Resolution: Cr Alan Somerville Moved/ Cr Elliot Weir Seconded MOTION CARRIED</p>

#	Topic	Freshwater Hearing Panel Recommendation	ORC staff recommendation	Motion – Accept/Reject	Mover/Seconder
		<p>areas;</p> <p>(4) there is no further modification of the shape and behaviour of the <i>water bodies</i> and opportunities to restore the natural form and function of <i>water bodies</i> are promoted wherever <u>practicable possible</u>, and <i>discharges of contaminants</i> from urban environments are reduced so that <i>water bodies</i> are safe for human contact.</p>			
10.	LF-VM-O6 – Catlins FMU vision	<p>The Panel recommends LF-VM-O6 be amended as follows:</p> <p>LF-VM-O6 – Catlins <i>FMU</i> vision</p> <p>By <u>2035</u> in the Catlins <i>FMU</i> and in addition to the matters in LF-FW-O1A:</p> <p>(1) <i>fresh water</i> is managed in accordance with the LF WAI objectives and policies,</p> <p>(2) the ongoing relationship of Kāi Tahu with <i>wāhi tūpuna</i> is sustained,</p> <p>(3) <i>water bodies</i> support thriving mahika kai and access of Kāi Tahu whānui to mahika kai,</p> <p>(4) the high degree of naturalness <u>of the <i>water bodies</i></u> and ecosystem connections between the forests, <i>freshwater</i> and coastal environment are preserved, <u>and</u></p> <p>(5) <i>water bodies</i> and their catchment areas</p>	Accept Panel recommendation	That Council accepts Freshwater Hearing Panel recommendation 10.	<p>Resolution:</p> <p>Cr Kate Wilson Moved/ Cr Tim Mepham Secoded</p> <p>MOTION CARRIED</p>

#	Topic	Freshwater Hearing Panel Recommendation	ORC staff recommendation	Motion – Accept/Reject	Mover/Seconder
		<p>support the health and well-being of coastal water, ecosystems and indigenous species, including downstream kaimoana, and</p> <p>(6) healthy, clear and clean water supports opportunities for recreation and sustainable food production for future generations.</p>			
11.	Boundary of North Otago and Dunedin & Coast FMUs	On the basis of this agreement, and the reasons for it, the Panel accepts that the new boundary is appropriate and will better support the integrated management of the East Otago Taiāpure area catchment. To avoid any issue about whether there is sufficient scope in the DCC submission as to the map, we rely on clause 49(2)(b) of the first schedule to adopt the map attached to Mr Taylor’s evidence.	Accept Panel recommendation	That Council asks the CE to bring back advice on an alternative option specifically returning to the notified boundaries and a section 32(AA) evaluation of the option and commentary on the reasons for and against Freshwater Hearing Panel recommendation 11.	Resolution: Cr Kevin Malcolm Moved/ Cr Andrew Noone Seconded MOTION FAILED
11.	Boundary of North Otago and Dunedin & Coast FMUs	On the basis of this agreement, and the reasons for it, the Panel accepts that the new boundary is appropriate and will better support the integrated management of the East Otago Taiāpure area catchment. To avoid any issue about whether there is sufficient scope in the DCC submission as to the map, we rely on clause 49(2)(b) of the first schedule to adopt the map attached to Mr Taylor’s evidence.	Accept Panel recommendation	That Council accepts Freshwater Hearing Panel recommendation 11.	Resolution: Cr Elliot Weir Moved/ Cr Gretchen Robertson Seconded MOTION CARRIED
12.	Boundary between Catlins and Clutha Mata-au FMUs	Because there was no submission on the matter, Ms Boyd recommended that we utilise clause 49(2)(b) of Schedule 1 of the RMA to make the change. We agree and recommend the change accordingly.	Accept Panel recommendation	That Council asks the CE to bring back advice on alternative option specifically returning to the notified boundaries and a section 32(AA) evaluation of the option and commentary on the reasons for	Resolution: Cr Kate Wilson Moved/ Cr Andrew Noone Seconded MOTION FAILED

#	Topic	Freshwater Hearing Panel Recommendation	ORC staff recommendation	Motion – Accept/Reject	Mover/Seconder
		A revised copy of MAP1 was included in the Reply Report version, which we accept.		and against Freshwater Hearing Panel recommendation 12.	
12.	Boundary between Catlins and Clutha Mata-au FMUs	<p>Because there was no submission on the matter, Ms Boyd recommended that we utilise clause 49(2)(b) of Schedule 1 of the RMA to make the change. We agree and recommend the change accordingly.</p> <p>A revised copy of MAP1 was included in the Reply Report version, which we accept.</p>	Accept Panel recommendation	That Council accepts Freshwater Hearing Panel recommendation 12.	<p>Resolution: Cr Tim Mepham Moved/ Cr Bryan Scott Seconded MOTION CARRIED</p>
13.	Integrated catchment management	<p>We recommend the following new method be added to the LF-FW section:</p> <p><u>LF-FW-M8AA – Integrated catchment management</u> <u>Otago Regional Council may:</u> (1) <u>develop and implement an integrated catchment management programme for the region,</u> (2) <u>work in partnership with mana whenua and in collaboration with communities to develop catchment action plans that:</u> (a) <u>collate and build on existing work in the catchments,</u> (b) <u>incorporate science and mātauraka Māori, and</u> (c) <u>identify and target effective environmental management actions, and</u> (3) <u>encourage and support community initiatives, at varying catchment levels, that</u></p>	Accept Panel recommendation	That Council accepts Freshwater Hearing Panel recommendation 13.	<p>Resolution: Cr Kate Wilson Moved/ Cr Andrew Noone Seconded MOTION CARRIED (Cr Gary Kelliher and Cr Michael Laws voted against)</p>

#	Topic	Freshwater Hearing Panel Recommendation	ORC staff recommendation	Motion – Accept/Reject	Mover/Seconder
		<u>help to deliver catchment action plans.</u>			
14.	LF-FW-09	<p>The Panel recommends the following amendments to LF-FW-09:</p> <p>LF-FW-09 – Natural Wetlands</p> <p>Otago’s natural wetlands are protected from <u>inappropriate subdivision, use and development and, where degraded, or restored restoration is promoted</u> so that:</p> <ol style="list-style-type: none"> (1) mahika kai and other mana whenua values are sustained and enhanced now and for future generations, (2) there is no <u>net decrease, and preferably an increase,</u> in the range <u>extent</u> and diversity of <u>wetland</u> indigenous ecosystem types and habitats in natural wetlands, and (3) there is no reduction <u>and, where degraded, there is an improvement in their wetland</u> ecosystem health, hydrological functioning, amenity values, extent or water quality, and if degraded they are improved, and (4) their flood attenuation <u>and water storage capacity is maintained or improved.</u> 	Accept Panel recommendation	That Council accepts Freshwater Hearing Panel recommendation 14.	<p>Resolution:</p> <p>Cr Kate Wilson Moved/ Cr Elliot Weir Seconded</p> <p>MOTION CARRIED</p> <p>(Cr Michael Laws and Cr Gary Kelliher voted against)</p>

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#	Topic	Freshwater Hearing Panel Recommendation	ORC staff recommendation	Motion – Accept/Reject	Mover/Seconder
15.	Definition of 'natural wetland'	As a consequential amendment, we recommend deleting the definition of 'natural wetland' from the PORPS. We note that the RMA definition of 'wetland' was included in the notified PORPS and it is appropriate that this remains.	Accept Panel recommendation	That Council accepts Freshwater Hearing Panel recommendation 15.	Resolution: Cr Andrew Noone Moved/ Cr Elliot Weir Seconded MOTION CARRIED
16.	Consequential amendments	As a further consequential amendment, we recommend deleting 'natural' from 'natural wetland' or wetlands' in other provisions in the PORPS, specifically LF-FW-M6(7), LF-VM-E2 paragraph 3, LF-FW-AER11, and EIT-INF-P13.	Accept Panel recommendation	That Council accepts Freshwater Hearing Panel recommendation 16.	Resolution: Cr Kate Wilson Moved/ Cr Elliot Weir Seconded MOTION CARRIED
17.	LF-FW-P9 and LF-FW-P10	<p>We recommend deleting LF-FW-P9 and LF-FW-P10 as notified and replacing it with the following:</p> <p><u>LF-FW-P10A – Managing wetlands</u></p> <p><u>Otago's wetlands are managed:</u></p> <p>(1) <u>in the coastal environment, in accordance with the NZCPS in addition to (2) and (3) below,</u></p> <p>(2) <u>by applying clause 3.22(1) to (3) of the NPSFM to all wetlands, and</u></p> <p>(3) <u>to improve the ecosystem health, hydrological functioning and extent of wetlands that have been degraded or lost by promoting:</u></p> <p>(a) <u>an increase in the extent and condition of habitat for indigenous</u></p>	Accept Panel recommendation	That Council accepts Freshwater Hearing Panel recommendation 17.	Resolution: Cr Elliot Weir Moved/ Cr Kate Wilson Seconded MOTION CARRIED

#	Topic	Freshwater Hearing Panel Recommendation	ORC staff recommendation	Motion – Accept/Reject	Mover/Seconder
		<p><u>species,</u></p> <p>(b) <u>the restoration of hydrological processes,</u></p> <p>(c) <u>control of pest species and vegetation clearance, and</u></p> <p>(d) <u>the exclusion of stock, except where stock grazing is used to enhance wetland values.</u></p>			
18.	<p>LF-FW-P7A – Water allocation and use</p>	<p>We recommend the following wording for LF-FW-P7A:</p> <p><u>LF-FW-P7A – Water allocation and use</u> <u>Within limits and in accordance with any relevant environmental flows and levels, the benefits of using fresh water are recognised and over-allocation is either phased out or avoided by:</u></p> <p>(1) <u>managing over-allocation as set out in LF-FW-M6,</u></p> <p>(2) <u>allocating fresh water efficiently to support the social, economic, and cultural well-being of people and communities, including for:</u></p> <p>(a) <u>community drinking water supplies,</u></p> <p>(b) <u>maintaining generation output and capacity from existing renewable electricity generation schemes,</u></p> <p>(c) <u>mana whenua customary or cultural needs and activities, and</u></p>	<p>Accept Panel recommendation</p>	<p>That Council accepts Freshwater Hearing Panel recommendation 18.</p>	<p>Resolution:</p> <p>Cr Alan Somerville Moved/ Cr Tim Mepham Seconded</p> <p>MOTION CARRIED</p> <p>(Cr Kate Wilson stood back. Cr Michael Laws voted against)</p>

#	Topic	Freshwater Hearing Panel Recommendation	ORC staff recommendation	Motion – Accept/Reject	Mover/Seconder
		<p>(d) _____ primary production,</p> <p>(3) _____ ensuring that no more <i>fresh water</i> is abstracted than is necessary for its intended use.</p> <p>(4) _____ ensuring that the efficiency of <i>freshwater</i> abstraction, storage, and conveyancing infrastructure is improved.</p> <p>(5) _____ providing for the harvesting and storage of <i>fresh water</i> to meet increasing demand for <i>water</i>, to manage <i>water</i> scarcity conditions and to provide resilience to the effects of <i>climate change</i>, and</p> <p>(6) _____ providing for spatial and temporal sharing of allocated <i>fresh water</i> between uses and users where feasible.</p>			
19.	LF-VM-M3	<p>We therefore recommend the following consequential change to LF-VM-M3.</p> <p>LF-VM-M3 – Community involvement</p> <p>Otago Regional Council must work with <i>Kāi Tahu</i> and communities to achieve the objectives and policies in this chapter, including by:</p> <p>(1) engaging with <i>Kāi Tahu</i>, communities and stakeholders to identify values and environmental outcomes for Otago’s FMUs and rohe and the methods to achieve those outcomes,</p> <p>(2) encouraging community stewardship of <i>water</i> resources and programmes to address <i>freshwater</i> issues at a local</p>	Accept Panel recommendation	That Council accepts Freshwater Hearing Panel recommendation 19.	<p>Resolution:</p> <p>Cr Alan Somerville Moved/ Cr Elliot Weir Seconded</p> <p>MOTION CARRIED</p>

#	Topic	Freshwater Hearing Panel Recommendation	ORC staff recommendation	Motion – Accept/Reject	Mover/Seconder
		<p>catchment level, <u>including through catchment groups,</u></p> <p>(3) <u>supporting community initiatives, industry-led guidelines, codes of practice and environmental accords</u> that contribute to maintaining or improving the health and well-being of <i>water bodies</i>, and</p> <p>(4) supporting industry led guidelines, codes of practice and environmental accords where these would contribute to achieving the objectives of this RPS.</p> <p>(4A) <u>education, advocacy and co-ordination to encourage efficient use of freshwater, including water harvesting, use of storage and consideration of alternative water supply.</u></p>			
20.	LF-FW-M6	<p>We recommend the follow consequential change to LF-FW-M6:</p> <p>LF-FW-M6 – Regional plans</p> <p>Otago Regional Council must publicly notify a Land and Water <i>Regional Plan</i> no later than 31 December 2023 and, after it is made operative, maintain that <i>regional plan</i> to:</p> <p>...</p> <p>(5A) <u>provide for the allocation and use of <i>fresh water</i> in accordance with LF-FW-P7A, including for <i>water</i> harvesting and storage.</u></p>	Accept Panel recommendation	That Council accepts Freshwater Hearing Panel recommendation 20.	<p>Resolution:</p> <p>Cr Elliot Weir Moved/ Cr Gretchen Robertson Seconded</p> <p>MOTION CARRIED</p> <p>(Cr Kate Wilson stood back)</p>

#	Topic	Freshwater Hearing Panel Recommendation	ORC staff recommendation	Motion – Accept/Reject	Mover/Seconder
		...			
21.	LF-FW-P15	<p>Other than the points discussed above, we adopt the recommendations and reasoning of Ms Boyd. We recommend the following amendments to LF-FW-P15:</p> <p>LF-FW-P15 – Stormwater and wastewater discharges</p> <p>Minimise the adverse <i>effects</i> of direct and indirect <i>discharges</i> of <i>stormwater</i> and <i>wastewater</i> to <i>fresh water</i> by:</p> <p>(1) except as required by LF-VM-O2 and LF-VM-O4, preferring discharges of wastewater to land over discharges to water, unless adverse effects associated with a discharge to land are greater than a discharge to water, and</p> <p>(2) requiring:</p> <p>(a) all sewage, industrial or trade waste to be discharged into a reticulated wastewater system, where one is available,</p> <p>(ab) <u>integrated catchment management plans for management of <i>stormwater</i> in <i>urban areas</i>,</u></p> <p>(b) <u>all <i>stormwater</i> to be discharged into a reticulated system, where one is <u>made available by the operator of the reticulated system, unless alternative treatment and disposal methods will result in the</u></u></p>	Accept Panel recommendation	That Council accepts Freshwater Hearing Panel recommendation 21.	<p>Resolution:</p> <p>Cr Kate Wilson Moved/ Cr Bryan Scott Second</p> <p>MOTION CARRIED</p>

#	Topic	Freshwater Hearing Panel Recommendation	ORC staff recommendation	Motion – Accept/Reject	Mover/Seconder
		<p style="text-align: center;"><u>same or improved outcomes for fresh water,</u></p> <p>(c) implementation of methods to progressively reduce <u>unintentional stormwater inflows to the frequency and volume of wet weather overflows and minimise the likelihood of dry weather overflows occurring for reticulated stormwater and wastewater systems,</u></p> <p>(d) on site wastewater systems to be designed and operated in accordance with best practice standards,</p> <p>(e) that any stormwater and wastewater discharges do not prevent water bodies from meeting any applicable water quality standards set for FMUs and/or rohe, and</p> <p>(f) the use of water sensitive urban design techniques to avoid or mitigate the potential adverse effects of contaminants on receiving water bodies from the subdivision, use or development of land, wherever practicable, and</p>			

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#	Topic	Freshwater Hearing Panel Recommendation	ORC staff recommendation	Motion – Accept/Reject	Mover/Seconder
		<p>(3) promoting the reticulation of <i>stormwater and wastewater</i> in <i>urban areas</i> where appropriate, and</p> <p>(4) promoting source control as a method for reducing <i>contaminants</i> in <i>discharges</i> and the use of <i>good practice guidelines</i> for managing <i>stormwater</i>.</p>			
22.	LF-FW-P16	<p>We recommend the following amendments to new LF-FW-P16 recommended in the Reply Report:</p> <p><u>LF-FW-P16 – Discharges containing animal effluent, sewage, greywater and industrial and trade waste</u> Minimise the adverse <i>effects</i> of direct and indirect <i>discharges</i> containing animal effluent, <i>sewage, greywater and industrial and trade waste</i> to <i>fresh water</i> by:</p> <p>(1) <u>phasing out existing <i>discharges</i> containing <i>sewage</i> or <i>industrial and trade waste</i> directly to water to the extent practicable,</u></p> <p>(2) <u>requiring:</u></p> <p>(a) <u>new <i>discharges</i> containing <i>sewage</i> or <i>industrial and trade waste</i> to be to <i>land</i>,</u></p> <p>(b) <u><i>discharges</i> of animal effluent from <i>land-based primary production</i> to be to <i>land</i>,</u></p> <p>(c) <u>that all <i>discharges</i> containing <i>sewage</i> or <i>industrial and trade</i></u></p>	Accept Panel recommendation	That Council accepts Freshwater Hearing Panel recommendation 22.	<p>Resolution: Cr Andrew Noone Moved/ Cr Tim Mepham Seconded MOTION CARRIED</p>

#	Topic	Freshwater Hearing Panel Recommendation	ORC staff recommendation	Motion – Accept/Reject	Mover/Seconder
		<p><u>waste are discharged into a reticulated wastewater system, where one is made available by its owner, unless alternative treatment and disposal methods will result in improved outcomes for fresh water,</u></p> <p>(d) <u>implementation of methods to progressively reduce the frequency and volume of wet weather overflows and minimise the likelihood of dry weather overflows occurring from reticulated wastewater systems,</u></p> <p>(e) <u>on-site wastewater systems and animal effluent systems to be designed and operated in accordance with best practice standards,</u></p> <p>(f) <u>that any discharges do not prevent water bodies from meeting any applicable water quality standards set for FMUs and/or rohe,</u></p> <p>(3) <u>to the greatest extent practicable, requiring the reticulation of wastewater in urban areas, and</u></p> <p>(4) <u>promoting source control as a method for reducing contaminants in discharges.</u></p>			

#	Topic	Freshwater Hearing Panel Recommendation	ORC staff recommendation	Motion – Accept/Reject	Mover/Seconder				
23.	Consequential amendment	<p>We recommend a consequential change to include the definition of greywater in the Interpretation section as follows:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%;">Greywater</td> <td>has the same meaning as in Standard 14 of set out in the box below)</td> </tr> <tr> <td colspan="2" style="text-align: center;"> <div style="border: 1px solid black; padding: 5px; margin: 5px auto; width: 80%;"> means liquid waste from domestic sources including sinks, basins, baths, showers and similar fixtures, but does not include <i>sewage</i>, or <i>industrial and trade waste</i>. </div> </td> </tr> </table>	Greywater	has the same meaning as in Standard 14 of set out in the box below)	<div style="border: 1px solid black; padding: 5px; margin: 5px auto; width: 80%;"> means liquid waste from domestic sources including sinks, basins, baths, showers and similar fixtures, but does not include <i>sewage</i>, or <i>industrial and trade waste</i>. </div>		Accept Panel recommendation	That Council accepts Freshwater Hearing Panel recommendation 23.	<p>Resolution: Cr Kate Wilson Moved/ Cr Elliot Weir Seconded MOTION CARRIED</p>
Greywater	has the same meaning as in Standard 14 of set out in the box below)								
<div style="border: 1px solid black; padding: 5px; margin: 5px auto; width: 80%;"> means liquid waste from domestic sources including sinks, basins, baths, showers and similar fixtures, but does not include <i>sewage</i>, or <i>industrial and trade waste</i>. </div>									
24.	LF-FW-M6(8)	<p>We recommend a further consequential change is required to include 'greywater' in LF-FW-M6(8) as follows:</p> <p>LF-FW-M6 – Regional plans Otago Regional Council must publicly notify a Land and Water <i>Regional Plan</i> no later than 31 December 2023 and, after it is made operative, maintain that <i>regional plan</i> to:</p> <p>...</p> <p>(8) manage the adverse <i>effects</i> of <i>stormwater</i> and wastewater discharges <u>containing animal effluent, sewage, greywater or industrial and trade waste</u> in accordance with LF-FW-P15 and LF-FW-P16, and-</p> <p>...</p>	Accept Panel recommendation	That Council accepts Freshwater Hearing Panel recommendation 24.	<p>Resolution: Cr Kate Wilson Moved/ Cr Bryan Scott Seconded MOTION CARRIED</p>				
25.	8.7 LF-FW-M6 – Regional plans	<p>We recommend the following amendments to LF-FW-M6:</p> <p>LF-FW-M6 – Regional plans Otago Regional Council must publicly notify a Land and Water <i>Regional Plan</i> no later than 31 December 2023 <u>30 June 2024</u> and, after it is made operative, maintain that <i>regional plan</i> to:</p>	Accept Panel recommendation	That Council accepts Freshwater Hearing Panel recommendation 25.	<p>Resolution: Cr Tim Mepham/ Cr Elliot Weir Seconded MOTION CARRIED (Cr Kate Wilson stood back)</p>				

#	Topic	Freshwater Hearing Panel Recommendation	ORC staff recommendation	Motion – Accept/Reject	Mover/Seconder
		<p>(1A) <u>implement the required steps in the NOF process in accordance with the NPSFM,</u></p> <p>(1) identify the compulsory and, if relevant, other values for each Freshwater Management Unit,</p> <p>(2) state environmental outcomes as objectives in accordance with clause 3.9 of the NPSFM,</p> <p>(3) identify water bodies that are over-allocated in terms of either their water quality or quantity and the methods and timeframes for phasing out that over-allocation (including through environmental flows and levels and limits) within the timeframes required to achieve the relevant freshwater vision,</p> <p>(4) include environmental flow and level regimes for water bodies (including groundwater) that give effect to Te Mana o te Wai and provide for:</p> <p>(a) the behaviours of the water body including a base flow or level that provides for variability,</p> <p>(b) healthy and resilient mahika kai,</p> <p>(c) the needs of indigenous fauna, including taoka species, and aquatic species associated with the water body,</p> <p>(d) the hydrological connection with other water bodies, estuaries and coastal margins,</p> <p>(e) the traditional and contemporary relationship of Kāi Tahu to the water body, and</p>			

#	Topic	Freshwater Hearing Panel Recommendation	ORC staff recommendation	Motion – Accept/Reject	Mover/Seconder
		<p>(f) community drinking water supplies, and</p> <p><u>(5A) provide for the allocation and use of fresh water in accordance with LF-FW-P7A, including for water harvesting and storage.</u></p> <p>(5) include limits on resource use that:</p> <p>(a) differentiate between types of uses, including drinking water, and social, cultural and economic uses, in order to provide long term certainty in relation to those uses of available water,</p> <p>(b) for water bodies that have been identified as over-allocated, provide methods and timeframes for phasing out that over-allocation,</p> <p>(c) control the effects of existing and potential future development on the ability of the water body to meet, or continue to meet, environmental outcomes,</p> <p>(d) manage the adverse effects on water bodies that can arise from the use and development of land, and</p> <p><u>(6) provide for the off-stream storage of surface water where storage will:</u></p> <p>(a) support Te Mana o te Wai,</p> <p>(b) give effect to the objectives and policies of the LF chapter of this RPS, and</p> <p>(c) not prevent a surface water body from achieving identified environmental outcomes and</p>			

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#	Topic	Freshwater Hearing Panel Recommendation	ORC staff recommendation	Motion – Accept/Reject	Mover/Seconder
		<p>remaining within any limits on resource use, and</p> <p>(7) identify and manage <i>natural wetlands</i> in accordance with LF-FW-P7, LF-FW-P8 and LF-FW-P9 and LF-FW-P10 while recognising that some activities in and around <i>natural wetlands</i> are managed under the NESF and the NESPE, and</p> <p>(8) manage the adverse <i>effects of stormwater</i> and wastewater discharges containing animal effluent, sewage, greywater or industrial and trade waste in accordance with LF-FW-P15 and LF-FW-P16, and-</p> <p>(9) recognise and respond to Kāi Tahu cultural and spiritual concerns about <u>mixing of water between different catchments.</u></p>			
26.	<p>LF- FW-M8A</p> <p>New method –Identifying and managing species interactions between trout and salmon and indigenous species</p>	<p>We recommend that a new LF-FW-M8A be included as a freshwater provision:</p> <p><u>LF-FW-M8A – Identifying and managing species interactions between trout and salmon and indigenous species</u></p> <p>(1) When making decisions that might affect <u>the interactions between trout and salmon and indigenous species, local authorities will have particular regard to the recommendations of the Department of Conservation, the Fish and Game Council for the relevant area, Kāi Tahu, and the matters set out in LF-FW-M8A(2)(a) to (c), and</u></p>	Accept Panel recommendation	That Council accepts Freshwater Hearing Panel recommendation 26.	<p>Resolution:</p> <p>Cr Kate Wilson Moved/ Cr Elliot Weir Seconded</p> <p>MOTION CARRIED</p>

#	Topic	Freshwater Hearing Panel Recommendation	ORC staff recommendation	Motion – Accept/Reject	Mover/Seconder
		<p>(2) <u>Otago Regional Council will work with the Department of Conservation, the relevant Fish and Game Council and Kāi Tahu to:</u></p> <p>(a) <u>describe the habitats required to provide for the protection of indigenous species for the purposes of (2)(a), (b), and (c),</u></p> <p>(b) <u>identify areas where the protection of the habitat of trout and salmon, including fish passage, will be consistent with the protection of the habitat of indigenous species and areas where it will not be consistent,</u></p> <p>(c) <u>for areas identified in (b), develop provisions for any relevant action plans(s) prepared under the NPSFM, including for fish passage, that will at minimum:</u></p> <p>(i) <u>determine information needs to manage the species,</u></p> <p>(ii) <u>set short, medium and long-term objectives for the species involved,</u></p> <p>(iii) <u>identify appropriate management actions that will achieve the objectives determined in (ii), including measures to manage the adverse effects of trout and salmon on indigenous species where appropriate, and</u></p>			

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#	Topic	Freshwater Hearing Panel Recommendation	ORC staff recommendation	Motion – Accept/Reject	Mover/Seconder
		<p>(iv) <u>consider the use of a range of tools, including those in the Conservation Act 1987 and the Freshwater Fisheries Regulations 1983, as appropriate.</u></p>			
27.	<p>LF-VM-E2 - Explanation and LF-FW-E3 - Explanation</p>	<p>We recommend that LF-FW-E3 is incorporated into LF-VM-E2 and that the combined LF-VM-E2 is amended as follows:</p> <p>LF-VM-E2 – Explanation This section of the LF chapter outlines how the Council will manage <i>fresh water</i> within the region. To give effect to <i>Te Mana o te Wai</i>, the <i>freshwater</i> visions, and the policies set out the actions required in the development of <i>regional plan</i> provisions to implement the NPSFM. <i>[Note to reader: originally LF-FW-E3 para 1]</i> Implementing the NPSFM requires Council to identify <i>Freshwater Management Units (FMUs)</i> that include all <i>freshwater bodies</i> within the region. Policy LF-VM-P5 identifies Otago’s five <i>FMUs</i>: Clutha Mata-au <i>FMU</i>, Taieri <i>FMU</i>, North Otago <i>FMU</i>, Dunedin & Coast <i>FMU</i> and Catlins <i>FMU</i>. The Clutha Mata-au <i>FMU</i> is divided into five sub-<i>FMUs</i> known as ‘rohe’. Policy LF-VM-P6 sets out the relationship between <i>FMUs</i> and rohe which, broadly, requires rohe provisions to be no less stringent than the parent <i>FMU</i> provisions. This is to avoid any potential for rohe to set lower standards than others which would affect the ability of the <i>FMU</i> to achieve its stated outcomes. The outcomes sought for <i>natural wetlands</i> are implemented by requiring identification,</p>	<p>Accept Panel recommendation</p>	<p>That Council accepts Freshwater Hearing Panel recommendation 27.</p>	<p>Recommendation: Cr Elliot Weir Moved/ Cr Kate Wilson Seconded MOTION CARRIED</p>

#	Topic	Freshwater Hearing Panel Recommendation	ORC staff recommendation	Motion – Accept/Reject	Mover/Seconder
		<p>protection and restoration. The first two policies reflect the requirements of the NPSFM for identification and protection but apply that direction to all <i>natural wetlands</i>, rather than only inland natural wetlands (those outside the <i>coastal marine area</i>) as the NPSFM directs. This reflects the views of takata <i>mana</i> <i>_whenua</i> and the community that <i>fresh</i> and <i>coastal water</i>, including <i>wetlands</i>, should be managed holistically and in a consistent way. While the NPSFM requires promotion of the restoration of natural inland wetlands, the policies in this section take a stronger stance, requiring improvement where <i>natural wetlands</i> have been <i>degraded</i> or lost. This is because of the importance of restoration to Kāi Tahu and in recognition of the historic loss of <i>wetlands</i> in Otago and the <u>indigenous biodiversity and hydrological values of wetland systems</u>. [Note to reader: originally LF-FW-E3 para 2]</p> <p>The policies respond to the NPSFM by identifying a number of <i>outstanding water bodies</i> in Otago that have previously been identified for their significance through other processes. Additional <i>water bodies</i> can be identified if they are wholly or partly within an outstanding natural feature or landscape or if they meet the criteria in APP1 which lists the types of values which may be considered outstanding: cultural and spiritual, ecology, landscape, natural character, recreation and physical. The significant values of <i>outstanding water bodies</i> are to be identified and protected from adverse <i>effects</i>. [Note to reader: originally LF-FW-E3 para 3]</p>			

#	Topic	Freshwater Hearing Panel Recommendation	ORC staff recommendation	Motion – Accept/Reject	Mover/Seconder
		<p>Preserving the natural character of <i>lakes</i> and <i>rivers</i>, and their <i>beds</i> and margins, is a matter of national importance under section 6 of the RMA 1991. The policies in this section set out how this is to occur in Otago, reflecting the relevant direction from the NPSFM but also a range of additional matters that are important in Otago, such as recognising existing Water Conservation Orders, the Lake Wanaka Act 1973 and the particular character of braided <i>rivers</i>. Natural character has been reduced or lost in some <i>lakes</i> or <i>rivers</i>, so the policies require promoting actions that will restore or otherwise improve natural character. [Note to reader: originally LF-FW-E3 para 4]</p> <p>The impact of <i>discharges</i> of <i>stormwater</i> and <i>wastewater</i> on <i>freshwater bodies</i> is a significant issue for <i>mana whenua</i> and has contributed to <i>water</i> quality issues in some <i>water bodies</i>. The policies set out a range of actions to be implemented in order to improve the quality of these <i>discharges</i> and reduce their adverse effects on receiving environments.</p>			
28.	<p>LF-VM-PR2 – Principal reasons and LF-FW-PR3 – Principal reasons</p>	<p>We recommend that LF-FW-PR3 is incorporated into LF-VM-PR2 and that the combined LF-VM-PR2 is amended as follows:</p> <p>LF-VM-PR2 – Principal reasons To support the implementation of the NPSFM, the Council is required to develop long-term visions for <i>fresh water</i> across the Otago region. <i>Fresh water</i> visions for each <i>FMU</i> and <i>rohe</i> have been developed through engagement with Kāi Tahu and communities. They set out the long-term goals for</p>	Accept Panel recommendation	That Council accepts Freshwater Hearing Panel recommendation 28.	<p>Resolution: Cr Kate Wilson Moved/ Cr Tim Mepham Seconded MOTION CARRIED</p>

#	Topic	Freshwater Hearing Panel Recommendation	ORC staff recommendation	Motion – Accept/Reject	Mover/Seconder
		<p>the <i>water bodies</i> (including <i>groundwater</i>) and <i>freshwater</i> ecosystems in the region that reflect the history of, and environmental pressures on, the <i>FMU</i> or <i>rohe</i>. They also establish ambitious but reasonable timeframes for achieving these goals. The Council must assess whether each <i>FMU</i> or <i>rohe</i> can provide for its long-term vision, or whether improvement to the health and well-being of <i>water bodies</i> (including <i>groundwater</i>) and <i>freshwater</i> ecosystems is required to achieve the visions. The result of that assessment will then inform the development of <i>regional plan</i> provisions in the <i>FMU</i>, including <i>environmental outcomes</i>, <i>attribute states</i>, <i>target attribute states</i> and <i>limits (in relation to freshwater)</i>.</p> <p>Otago's <i>water bodies</i> are significant features of the region and play an important role in Kāi Tahu beliefs and traditions. <u>They support people and communities to provide for their social, economic, and cultural well-being.</u> A growing population combined with increased <i>land</i> use intensification has heightened demand for <i>water</i>, and increasing nutrient and sediment contamination impacts <i>water</i> quality. The legacy of Otago's historical mining privileges, coupled with contemporary <u>urban and rural</u> <i>land</i> uses, contribute to ongoing <i>water</i> quality and quantity issues in some <i>water bodies</i>, with significant cultural effects. [Note to reader: originally LF-FW-PR3 para 1]</p> <p>This section of the LF chapter contains more specific direction on managing <i>fresh water</i> to give effect to <i>Te Mana o te Wai</i> and contributes to achieving the long-term <i>freshwater</i> visions for each <i>FMU</i> and <i>rohe</i>. It also reflects key direction</p>			

#	Topic	Freshwater Hearing Panel Recommendation	ORC staff recommendation	Motion – Accept/Reject	Mover/Seconder
		<p>in the NPSFM for managing the health and well-being of <i>fresh water</i>, including <i>wetlands</i> and <i>rivers</i> in particular, and matters of national importance under section 6 of the RMA 1991. The provisions in this section will underpin the development of the Council’s <i>regional plans</i> and provide a foundation for implementing the requirements of the NPSFM, including the development of <i>environmental outcomes</i>, <i>attribute states</i>, target <i>attribute states</i> and limits. [Note to reader: originally LF-FW-PR3 para 2]</p>			
29.	<p>Anticipated environmental results: LF-FW-AER4 to LF-FW-AER11</p>	<p>We recommend the following amendments and the addition of a new AER, as follows:</p> <p>LF-FW-AER4 <i>Fresh water</i> is allocated within limits that contribute to achieving specified <i>environmental outcomes</i> for <i>water bodies</i> within timeframes set out in <i>regional plans</i> that are no less stringent than the timeframes in the LF-VM section of this chapter.</p> <p>LF-FW-AER5 <i>Specified rivers</i> and <i>lakes</i> are suitable for primary contact within the timeframes set out in LF-FW-P7.</p> <p>LF-FW-AER6 <i>Degraded water</i> quality is improved so that it meets specified <i>environmental outcomes</i> within timeframes set out in <i>regional plans</i> that are no less stringent than the timeframes in the LF-VM objectives in the LF-FW section of this chapter.</p> <p>LF-FW-AER7 <i>Water</i> in Otago’s aquifers is suitable for human consumption, unless that <i>water</i></p>	Accept Panel recommendation	That Council accepts Freshwater Hearing Panel recommendation 29.	<p>Resolution: Cr Tim Mepham Moved/ Cr Andrew Noone Seconded MOTION CARRIED</p>

#	Topic	Freshwater Hearing Panel Recommendation	ORC staff recommendation	Motion – Accept/Reject	Mover/Seconder
		<p>is naturally unsuitable for consumption.</p> <p>LF-FW-AER8 Where <i>water</i> is not <i>degraded</i>, there is no reduction in <i>water</i> quality.</p> <p>LF-FW-AER9 <u>Direct discharges of wastewater to water</u> are phased out to the greatest extent practicable and the the frequency of <i>wastewater</i> overflows is reduced.</p> <p>LF-FW-AER10 The quality of <i>stormwater discharges</i> from existing <i>urban areas</i> is improved.</p> <p>LF-FW-AER11 There is no reduction <u>an improvement</u> in the extent <u>and of quality condition</u> of Otago's natural <i>wetlands</i>.</p> <p>LF-FW-AER11A <u>The economic, social, and cultural well-being of communities is sustained.</u></p>			
30.	9.3 LF-LS-P18 – Soil erosion	<p>We recommend that LF-LS-P18 be amended as follows:</p> <p>LF-LS-P18 – Soil erosion</p> <p>Minimise soil erosion, and the associated risk of sedimentation in water bodies, resulting from <i>land</i> use activities by:</p> <p>(2) maintaining vegetative cover on erosion-prone <i>land</i>, <u>to the extent practicable, and</u></p> <p>(1) implementing effective management practices to retain topsoil in situ and minimise the potential for soil to be <i>discharged</i> to <i>water bodies</i>, including by controlling the timing, duration, scale and location of soil exposure, <u>and</u></p>	Accept Panel recommendation	That Council accepts Freshwater Hearing Panel recommendation 30.	<p>Resolution:</p> <p>Cr Elliot Weir Moved/ Cr Alan Somerville Seconded</p> <p>MOTION CARRIED</p>

#	Topic	Freshwater Hearing Panel Recommendation	ORC staff recommendation	Motion – Accept/Reject	Mover/Seconder
		(3) promoting activities that enhance soil retention.			
31.	LF-LS-P21 – Land use and fresh water	<p>We recommend that LF-LS-P21 is amended as follows:</p> <p>LF-LS-P21 – Land use and fresh water Achieve the improvement or maintenance of fresh water quantity, or quality. The health and well-being of water bodies and freshwater ecosystems is maintained to meet environmental outcomes set for Freshwater Management Units and/or rohe by:</p> <p>(1) reducing or otherwise managing the adverse effects of direct and indirect discharges of contaminants to water from the use and development of land, and</p> <p>(2) managing land uses that may have adverse effects on the flow of water in surface water bodies or the recharge of groundwater, and</p> <p><u>(2A) recognising the drylands nature of some of Otago’s catchments and the resulting low water availability, and</u></p> <p>(3) maintaining or, where degraded, enhancing the values of riparian margins.</p>	Accept Panel recommendation	That Council accepts Freshwater Hearing Panel recommendation 31.	<p>Resolution: Cr Elliot Weir Moved/ Cr Alan Somerville Seconded MOTION CARRIED</p>
32.	LF-LS-M11 – Regional plans	<p>We recommend that LF-LS-M11 is amended as follows:</p> <p>LF-LS-M11 – Regional Plans Otago Regional Council must publicly notify a Land and Water Regional Plan no later than 31</p>	Accept Panel recommendation	That Council accepts Freshwater Hearing Panel recommendation 32.	<p>Resolution: Cr Andrew Noone Moved/ Cr Elliot Weir Seconded MOTION CARRIED</p>

#	Topic	Freshwater Hearing Panel Recommendation	ORC staff recommendation	Motion – Accept/Reject	Mover/Second
		<p>December 2023 and then, when it is made operative, maintain that <i>regional plan</i> to:</p> <p>(1) manage <i>land</i> uses that may affect the ability of <i>environmental outcomes</i> for <i>water</i> quality to be achieved by requiring:</p> <p>(a) the development and implementation of <i>certified freshwater farm plans</i>, as required by the RMA and any regulations,</p> <p>(b) the adoption of practices that reduce the <i>risk</i> of sediment and nutrient loss to <i>water</i>, including by minimising the area and duration of exposed soil, using buffers, and actively managing critical source areas,</p> <p>(c) effective management of effluent storage and application systems, and</p> <p>(d) <i>earthworks</i> activities to implement effective sediment and erosion control practices and setbacks from <i>water bodies</i> to reduce the <i>risk</i> of sediment loss to <i>water</i>, and</p> <p>(2) provide for changes in <i>land</i> use that improve the sustainable and efficient allocation and use of <i>fresh water</i> and that reduce water demand where there is existing over-allocation, and</p> <p>(2A) enable the <i>discharge of contaminants</i> to <i>land</i> for <i>pest</i> control, and</p>			

Meeting Date	Item	Status	Action Required	Assignee/s	Action Taken	Due Date
22/03/2023	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	13/09/2023 Governance Support Officer Underway. Assessment likely to take place February 2024 15/05/2024 Governance Support Officer 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.	26/07/2024
22/03/2023	Recommendations of the Finance Committee	In Progress	Chief Executive directs staff to undertake further work towards development of an annual awards programme including detailed costs AND provide a report to Council for consideration during the upcoming LTP process (Res FIN23-103). Res CM23-136	Chief Executive	13/09/2023 Governance Support Officer Underway. 08/03/2024 Governance Support Officer The team will be preparing a paper based on the previous direction, to be included in the final meeting to sign off 2025 LTP.	26/07/2024
22/06/2023	CEO2301 Internal Audit Options for Otago Regional Council	In Progress	Co-Chairs of the Committee to work with the Chief Executive Officer to commence an internal audit programme in the 23/24 year and report results back to the Committee. AR23-116	Chief Executive, Councillor, Andrew Douglas	28/11/2023 Governance Support Officer The Internal Audit will commence early 2024 15/05/2024 Governance Support Officer A request for quotes for the first internal audit on asset management is being prepared to send to market. Results of the audit will be reported back through Audit and Risk Committee.	30/06/2024
25/10/2023	REG2308 Dangerous dam policy	In Progress	Consultation of the proposed Dangerous Dams Policy 2023 using special consultative procedures under s83 of the Local Government Act 2002 subject to any minor editorial changes.	Manager Consents	11/03/2024 Governance Support Officer Draft policy is underway and still being worked on. 15/05/2024 Governance Support Officer	28/06/2024

Council Agenda - 22 May 2024 - ACTIONS (Status of Council Resolutions)

Meeting Date	Item	Status	Action Required	Assignee/s	Action Taken	Due Date
			Res CM23-226		Draft policy coming to Council for adoption on 22 May 2024.	
20/03/2024	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.</p>	09/08/2024
20/03/2024	ENV2402 Future Management of the Waitaki River catchment	In Progress	Progress Report back to Council on the Future Management of the Waitaki River catchment by August 2024 meeting.	General Manager Policy and Science	<p>29/04/2024 Governance Support Officer</p> <p>Progress on track</p>	28/08/2024
20/03/2024	ENV2402 Future Management of the Waitaki River catchment	In Progress	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 Policy and Science	<p>29/04/2024 Governance Support Officer</p> <p>Progress on track</p>	31/05/2024
20/03/2024	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	<p>16/05/2024 Governance Support Officer</p> <p>Workplan on pause due to changes at Central Government. An update will be provided.</p>	31/05/2024

9.1. Chairperson's Report

Prepared for: Council
Activity: Governance Report
Endorsed by: Cr Gretchen Robertson, Chairperson
Date: 15 May 2024

Updates from 15 March until 15 May

Attendance at events and meetings

20 – 21 March, Zone 5 & 6 Meeting (Christchurch)

4 April, Queenstown Upgrade Package Sod Turning (Queenstown)

I attended an official opening of the 'Frankton Roundabout Project'. Attendees included Hon Simeon Brown, MP Joseph Mooney, Mayor Lewers, Justin Tipa, Ka Huanui a Tahuna directors, QLDC, and NZTA. The improvements involve ORC's bus hub as well as highway infrastructure.

4 April, Hon Simeon Brown Invitation to Otago Mayors and Chair (Queenstown)

Hon Simeon Brown invited Otago Mayors and Chair to a meet and greet one-hour session where we talked about regional opportunities and challenges. 3 waters infrastructure and funding gaps were high on the radar for the territorial authorities. Min Brown mentioned that he is aware of the critical need for a strong public transport network in Queenstown. He said he is keen for a forward-looking strategy given future growth projections and he can see that 'outside the box thinking may be required'.

9 April, Hydrological Society Technical Workshop/Conference (Queenstown)

I was invited to give an opening address at this conference on data, resilience, and the place of data in the governance. There were about 130 mainly scientist or field technician specialist attendees from across NZ and also some international representatives. It was fantastic for ORC to be hosting such a well supported event. The event spanned a week with a mix of presentations and field-based workshops including a regatta to test and compare flow gauging gear and methods, etc. Trade displays of the latest gear assisted technicians with the latest in robust field methodology. Nick Boyens of ORC spoke about the Council's lake buoys. These were greatly admired and recognised due to the enormity of the project with bespoke design to ensure accurate readings at various depths. The buoy is only a small part of the total system which involves kilometres of ropes, huge lake bottom suction cups, and a complex triangular mooring system. Totally bespoke mooring systems were designed for each of our buoys given the different conditions of each site.

April, Community LTP consultation sessions

Thank you to all members of the community who took the time to meet with staff and Councillors at LTP drop-in sessions either in person, or online, during April.

- At the time of writing, we had received 396 submissions 396, 13 late submissions and 56 submitters who wished to be heard in person. The process from here is:
 - Consultation closed: 28 April 2024
 - Hearings held: 20-21 May

- Deliberation (Council decides on final changes): 29-30 May
- Long-Term Plan adopted: 26 June
- Long-Term Plan takes effect: 1 July
- Responses sent to submitters: Early July

10 April, Dunedin Hospital Local Advisory Group

I am on a cross-agency group that meets to discuss wider Dunedin issues/opportunities the hospital build presents. Our main involvement is centred on public transport. The group was asked whether it chose to continue meeting firstly, and secondly, be chaired by Pete Hodgson. It affirmed that the local experience Mr Hodgson brings to this local advisory group is highly useful and it was affirmed that he continues to chair the group on a voluntary basis. It was envisaged that the group may meet roughly quarterly.

11 April, Local Government Combined Sector Meeting (Wellington)

Local Government NZ asked attendees to rank their priorities for advocacy. These were, in priority order: funding and financing, water (including freshwater), resource management reform, transport, climate change. Presentations included Hon Matt Doocey (Minister of Tourism), Infrastructure Commission on NZ's 30-year infrastructure needs, and Brad Olsen (Infometrics) what's driving costs for Councils. There was a session on the Fast Track legislation ahead of submissions to select committee closing. This included a presentation from Simpson Grierson and a panel discussion (including economics, planning, Forest and Bird, and Fonterra experts).

12 April, Regional Sector Meeting (Wellington)

Included an update and input on the Regional Sectors submission on Fast Tracking, an update on farm planning and a presentation from Hon Andrew Hoggard (Min Biosecurity and Food Safety, & Assoc Min of Agriculture and Assoc Min of Environment). Min Hoggard noted that his portfolios are as follows for Agriculture (SNA's) and Environment (SNA's, Farm Planning, NES rules specific to agriculture, RMA instruments relating to agriculture, Biodiversity Credits).

Min spoke on farm planning, he noted there will be engagement yet to come on this so an approach has not yet been agreed. As initial thoughts however, he would like to take a risk-based approach that considers the specific risks/challenges each catchment faces and risk the operation poses to the catchment. Low intensity, lower stocking areas (e.g., extensive farming) are not likely to be a priority for farm plans. A low-risk catchment but higher risk operation would however likely trip the criteria. Farm plans are likely to be informed by the catchment context: i.e., specific parameters to be identified for improvement and reflected with relevant methods in the farm plan. Min Hoggard suggested diversity in sectors'/companies' farm plan styles may mean some environmentally beneficial competitive market factors come in play. He spoke of an ability for Regional Councils to pull out modules for their regulatory environmental purpose.

Minister Hoggard noted that formal consultation on farm plans will be the space for input. Feedback will inform the final format for farm planning.

In the Biodiversity/Biosecurity area, Min Hoggard noted a focus on front line biosecurity control nationally and noted he is also interested in biodiversity credits and offsetting approaches. He sees Wilding Conifers as a significant issue and is keen to maintain the gains and is thinking about ways to deliver efficiently and whether private funding of benefits received may be worthy of consideration too.

12 April, Ballance Farm Environment Awards dinner

It was fantastic to see another year of high-quality entries across the awards categories and a packed room of event supporters. Otago Regional Council strongly supports this event as the Regional Partner and also sponsors a category (ORC Water Quality Enhancement Award). Thank you to Councillors Lloyd McCall, Kate Wilson and Andrew Noone who also attended this event along with ORC staff.

This year's finalists came from a diversity of sectors (viticulture, stonefruit, sheep and beef and dairy operations). This representation reflects the Otago Awards 20-year anniversary speech given by Murray Harris (Sustainable Land Management Expert and Otago Balance Farm Environment Awards Committee Member) noting his view that Otago is New Zealand's most diverse region (climate, soils, topography).

Congratulations go to Angus Barr and Tara Dwyer from The Wandle, Strath Taieri (a Lonestar Farms Sheep and Beef Operation). ORC had the pleasure of presenting Angus and Tara with our Water Quality Award. Later that evening Angus and Tara also received the over-all Otago Award. This is the second year the Taieri Catchment has been recognised after Steve and Kellie Nichol won the ORC award plus the Regional and National Supreme awards last year. We have followed up this event with a congratulations letter to the managers and owner of The Wandle.

22 April, DCC/ORC Joint Public and Active Transport Group Meeting

An excellent meeting sharing the positive bus programme and patronage outcomes that was subsequently presented at the recent Public and Active Transport Committee.

25 April, ANZAC Day Service

I was part of the official party to lay wreaths at this strongly attended service on behalf of the Otago Regional Council and people of Otago.

26 April, Radio Interview OAR FM

A one-hour interview with the Otago Society for Arts and Science on the ORC Long Term Plan. Outlining what ORC does, what the LTP is proposing and how people could be involved in submitting.

29 April, Viewed potential sites for a future freight logistics park with Min Mark Patterson, Mayor Jules Radich and Mayor Brian Cadogan

A chance for local leaders to view and discuss potential future development sites as well as the potential Mosgiel Bypass route as outlined in the Regional Land Transport Plan.

30 April, South Dunedin Futures focused Fono with Pacific Trust Otago and Pasifika Leaders

I attended this dinner, presentation and discussion with Pacific Leaders of Dunedin along with Deputy Mayor Cherry Lucas, Edward Ellison, Anita Dawe (ORC), Scott McLean (DCC), Jonathan Rowe and Ian Telfer (SDF programme). This was a chance to discuss the programme and gain feedback from the Pacific community as they began to 'dream' of a better future in this important area of Dunedin. Important themes were traversed including the cultural importance of South Dunedin as one of four recognised 'village' areas of Dunedin. A place where family and cultural tradition can come together due to the flat terrain, proximity to

community, workplaces, schools, and ability to walk or catch a bus easily. There was a strong desire for more access to nature, gardens, amenities (especially to gather and picnic together), family-based housing opportunities, and sustainable liveable urban design. Pacific Communities recognise the threats of sea level rise and the need to adapt. There was strong support for having sound scientific decision-making for future design. Many participants had seen coastal impacts occurring first hand in Pacific Island nations. It was a really valuable evening for building stronger community connections and input of leadership voices.

1 May, QLDC/ORC Joint PATAG Meeting (Queenstown)

Similar to the Dunedin based DCC/ORC meeting earlier, this was a great opportunity for both ORC and QLDC to update each other on matters relating to transport and public transport. There are very encouraging patronage statistics emerging from Queenstown and these were reported to our Public and active Transport Committee too.

2 May, Te Kāika Wellbeing Hub Whakawātea and Opening

I attended the opening of this fantastic new multifunctional community space along with hundreds of representatives from community social service and health provision organisations.

9 May, Otago Federated Farmers AGM (Luggate)

CE Richard Saunders, Deputy Chair Lloyd McCall, Councillors Wilson, Kelliher, and Malcom and I attended this event. Luke Kane was reappointed Regional President and Anna Gillespie Vice President. Richard spoke at the event regarding current ORC work programmes as well as farm planning, intensive winter grazing and LTP. I noted key repeated themes of the evening: seasonal climatic impacts (drought impact), economic pressure/future for farming and cost and time of regulatory involvement. Importantly there was also messaging from National Board Member David Birkitt, some local reps and Richard regarding the need for enduring resource management/environmental policy for New Zealand rather than wide swings. Richard noted our own Council's role in wanting to achieve this regionally.

14 May, Minister Patterson - Climate Resilience site visits with ORC

Visit to completed shovel-ready works on the Taieri Plain as well as planned future works which are part of the Regional Sector's 'Before the Deluge' proposal to the Government for joint investment.

Letters Sent/Received

Incoming:

Simeon Brown – Māori Wards

Penny Simmonds - Request for time extension to supply requested information

Simeon Brown – adjustment to Rates Rebate Scheme

Outgoing

Penny Simmonds - Request for time extension to supply requested information

RECOMMENDATION

That the Council:

1) *Notes this report.*

ATTACHMENTS

1. 3. Mo LG to councils with no Māori wards (1) [9.1.1 - 2 pages]
2. Letter from Hon Penny Simmonds - 2 week extension to 15 May - Response ORC request for time extensio [9.1.2 - 1 page]
3. Simeon Brown - Adjustment to the Rates Rebate Scheme - Mo LG to Mayors and Chairs [9.1.3 - 1 page]
4. Letter to Minister Simmonds - 10 April 2024 [9.1.4 - 1 page]

Hon Simeon Brown

Minister for Energy
Minister of Local Government
Minister of Transport
Minister for Auckland
Deputy Leader of the House



By email

Dear Mayors and Chairs,

How Cabinet decisions relating to 2025 Local Elections will affect councils with no Māori wards

I am writing to give you an update on the Government's progress implementing coalition agreements on changes to the legislation for Māori wards and constituencies. This letter also outlines the proposed timing for changes, and the next steps and options for your council.

The Government will introduce a Bill this year to restore binding polls on the establishment of Māori wards. The Bill will include a bespoke transitional arrangement for councils that established them since 2021 without an opportunity for a binding poll. As your council does not have Māori wards, it will not be affected by this transitional mechanism. However, your council may still be affected by processes of the Bill, such as the 5% elector-initiated poll, in the future.

The Bill will also make changes to the delivery timeframe for postal voting and make other timeframe changes for local elections processes.

Reinstatement of the pre-2021 binding poll provisions

The Government will introduce a Bill in the next few months to restore binding polls on the establishment of Māori wards (and constituencies). The intention is that the changes will be enacted by the end of July 2024. There will be an opportunity to make submissions to select committee on this Bill.

From the next term of local government, councils will be able to initiate binding polls on Māori wards. Electors will also be able to petition their council to hold a binding poll. The policy settings for binding polls will be restored to as they were prior to 2021, including the 5% threshold for petitions calling for a binding poll.

Transitional arrangements for affected councils

The Bill will provide a transitional mechanism for councils that established Māori wards since 2021 without an opportunity for a binding poll. These councils will have the choice to:

- Reverse their decision on Māori wards; or
- Hold a binding poll in conjunction with the 2025 local elections.

The outcome of the first option would take effect at the 2025 local elections, and the second option would take effect at the 2028 local elections.

In the event of a 'no' result in the binding poll at the 2025 local elections, councils will have the ability to undergo a representation review before the 2028 local elections.

Local elections timeframes

The Bill will also make changes to some of the statutory timeframes for the 2025 local elections and future elections and polls, including increasing the voting period from 22.5 to 32.5 days. The postal delivery period for voting papers will increase to 14 days to accommodate challenges with delivering mail within current statutory timeframes. This will seek to ensure that NZ Post can deliver voting papers to all electors within legislated

timeframes. My officials can provide more information on the proposed timing changes if you wish.

Contacts for more information

Officials from the Department of Internal Affairs and the Local Government Commission will be available to discuss these options and provide advice and support on how your council will be affected.

For questions about the Bill, and the changes to Māori ward processes (including transitional arrangements) and election timelines, please contact: Rowan Burns, Policy Manager, Governance and Democracy Team, Department of Internal Affairs, rowan.burns@dia.govt.nz, 027 302 5426.

For questions about how to manage representation review processes, please contact the Local Government Commission. You can contact the Commission by email at info@LGC.govt.nz, or by phone at (04) 460 2228.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Simeon Brown', written in a cursive style.

Hon Simeon Brown
Minister of Local Government

Hon Penny Simmonds

Minister for Disability Issues
Minister for the Environment
Minister for Tertiary Education and Skills
Associate Minister for Social Development and Employment



23/04/2024

Cr Gretchen Robertson
Chairperson
Otago Regional Council
Gretchen.Robertson@orc.govt.nz

Dear Gretchen,

Request for time extension to supply requested information

Thank you for your letter dated 10 April 2024 noting the Council's decision to notify your new Land and Water Regional plan on 31 October 2024, and requesting an extension of time to provide me information on the costs, benefits, and implications of doing so.

I appreciate the need for all Councillors and staff to have adequate time to consider and prepare the requested information, and to align this with your existing meeting schedule.

I am happy to grant a two-week extension to provide this information and look forward to receiving this no later than 15 May 2024.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Penny Simmonds'.

Hon Penny Simmonds
Minister for the Environment

Hon Simeon Brown

Minister for Energy
Minister of Local Government
Minister of Transport
Minister for Auckland
Deputy Leader of the House



By email

Dear Mayors and Chairs

I am writing to inform you of my recent decision to make an adjustment to the Rates Rebate Scheme (the Scheme). This Government is committed to helping low-income earners. The adjustment represents part of this commitment.

From 1 July 2024, the maximum rebate and income abatement threshold of the Scheme will be adjusted by increasing:

- the maximum annual rebate from \$750 to \$790; and
- the income abatement threshold from \$30,100 to \$31,510.

These changes reflect the 4.7 percent movement of the Consumer Price Index All Groups Index for the 2023 calendar year.

Yours sincerely

A handwritten signature in black ink that reads 'Simeon Brown'.

Hon Simeon Brown
Minister of Local Government



From the Office of the Chairperson

10 April 2024

Hon Penny Simmonds
Minister for the Environment
Parliament Buildings
WELLINGTON

By Email: p.simmonds@ministers.govt.nz

Tēnā koe Minister Simmonds

**Extension to notification deadline for proposed Land and Water Regional Plan -
Request for time extension to supply requested information**

I am writing to acknowledge, and thank you, for your letter received by myself and Deputy Chair Lloyd McCall dated 15 March 2024 concerning the notification of the new Otago Land and Water Plan.

On 27 March, Council considered a paper from staff on potential actions relating to the notification of a new plan. A decision was made to delay the notification of the new plan until 31 October 2024 to enable staff to fully consider the outcome of a recently received Regional Policy Statement decision and also continue engagement with Clause 3 parties who have recently completed further submissions on the draft plan.

We acknowledge your request for information should ORC chose to notify a plan ahead of the 31 December 2027 date. In order to make use of our existing meeting schedule, and also give Councillors and staff adequate time to prepare the requested information, I am writing to request a two-week extension on the submission of the information. Should this request for an extension be received favourably, we will ensure the information is submitted to you no later than 15 May 2024.

Yours sincerely

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

Gretchen Robertson
Chairperson

CC: Cr Lloyd McCall, Deputy Chair, Otago Regional Council

9.2. Chief Executive's Report

Prepared for: Council
Activity: Governance Report
Author: Richard Saunders, Chief Executive
Date: 15 May 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 is on track to meet the new direction of Council to prepare a draft Land and Water Regional Plan (LWRP) for notification by 31 October 2024. A paper outlining an updated programme has been prepared for the Council meeting on 22 May.
- [3] Progress of the Long Term Plan remains on track with the project on track to meet key milestones.
- [4] Financial performance at the end of April 2024 shows that Otago Regional Council (ORC) has a surplus of \$2.893m, which is \$3.772m ahead of budget. This surplus is forecast to reduce to \$796k by year end.
- [5] At the end of April 2024, service level outcomes for year end are becoming clearer. Six measures are reporting red (off-track) and seven measures are reporting as amber (at risk). Significant progress has been made on many of these measures however they will not meet the targets set in the 2023/24 annual plan.

RECOMMENDATION

That the Council:

- 1) **Notes** this report.

DISCUSSION

Land and Water Plan

- [6] A new work programme has been prepared by staff to meet the new direction of Council to notify the draft LWRP by 31 October 2024.
- [7] The additional four months provided by Council will enable careful consideration of the recently released Regional Policy Statement decision and greater assessment of clause three consultation to factor this in to the draft plan.
- [8] Key milestones remain largely on track. The project plan is included as Attachment 1. Where delays have been experienced, these are being managed by the project team and will not impact the final delivery date, subject to any future decisions of Council.

Long Term Plan

- [9] The Long Term Plan project has progressed well and is on track to meet all milestones.
- [10] Over 400 submissions have been received during consultation and at the time of writing of this report Councillors are due to hear from approximately 50 submitters over two days of hearings.
- [11] Deliberations are scheduled to occur on May 29 and May 30.
- [12] The project remains on track to achieve all key milestones. The project plan is included as Attachment 2.

Financial Performance

- [13] The Statement of Comprehensive Revenue and Expenditure at the end of April 2024 shows a surplus of \$2.893m which is \$3.772m favourable against budget. The year end forecast shows a surplus of \$796k against the budget. The change is largely due to the phasing of budgets and the significant number of invoices received towards year end. Staff continue to monitor all expenditure carefully.
- [14] The Statement of Comprehensive Revenue and Expenditure is included as Attachment 3.
- [15] The current statement of financial position is included as Attachment 4.

Level of Service Measures

- [16] Staff have completed an assessment of the Levels of Service Measures at the end of April. As we get closer to the end of the year it is becoming clearer which measures will not be achieved by 30 June.
- [17] Reporting at the end of April is forecasting that six measures will not be achieved and seven measures remain at risk of not being achieved. Significant progress has been made on a number of the measures which are forecast not to be achieved by year end. These include the Climate Strategy, Air Plan Engagement and Biodiversity and Biosecurity reporting. These will be completed early in the new financial year but outside of the targets set in the 2023/2024 annual plan.
- [18] Exception reporting is included as Attachment 5 and an overall list of measures is included as Attachment 6.

OPTIONS

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

ATTACHMENTS

1. LWRP GG May Meeting - Milestone Status Update - 2024 Milestones [9.2.1 - 2 pages]
2. ORC LTP Project Progress Report May [9.2.2 - 6 pages]
3. Statement of Comprehensive Revenue and Expense April 2024 [9.2.3 - 1 page]
4. Statement of Financial Position April [9.2.4 - 1 page]

5. Summary LOSM Report - April Exceptions [9.2.5 - 1 page]
6. Summary LOSM Report - April All [9.2.6 - 2 pages]

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	1/05/24

Progress Summary and Focus for Next Month

This past month the team focused on:

1. Updating Project Plan to Reflect Council Decisions for LWRP Notification Timing
2. Review Risks and Mitigations Associated with Notification Timing
3. Analysing and Incorporating Additional Clause 3 Submissions (Forestry)
4. Progress Second Draft of Section 32 Report

Next month the team will focus on:

1. Completing Second Draft of Section 32 Report
2. Prepare for Clause 4 Consultation
3. Council Meeting and Workshops to Update Council and Seek Further Direction on Plan Provisions

Resource Management Act and Critical Tasks

- CP 1. Environmental Outcomes, Objectives, Provisions, Rules Developed - July 2023
 CP 2. Community Consultation Prior to Formal Scedule 1 Process - August-November 2023
 CP 3. Pre-Notification Consultation (Clause 3 and Clause 4A) - January 2024-August 2024
 CP 4. Public Notification - 31 October 2024

KEYS

RMA CRITICAL PATH

Milestone is on the critical path

HEALTH

Work not yet due to start

Meets or exceeds project expectations

Issues are being managed within the team and not expected to impact final deadline

Issues impacting project and overall timeline and need escalation and action

Milestone / task finished

STATUS

1. Not due to start

2. Not started

3. Ready to start

4. Start delayed

5. On hold

6. In progress

7. Complete

8. Withdrawn

Milestone	Critical Path	Baseline		Forecast	End date	Actual End Date	Previous Status	Current Health & Status	Commentary
		Start date	End date	Revised End Date	Variance				
Preparatory and Plan Writing									
Māori economy report completed by ORC and Iwi			31-Jul-23	14-Jun-24	+9 Months		In progress	In progress	Report must be ready by 16 June to be included in Clause 4A Consultation
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	29-May-24	+ 1 Month		In progress	In progress	Underway. Some Sections delayed due to provision drafting needing further Council input.
Final Draft of Section 32 completed	CP4	15-Jul-24	18-Oct-24				Not due to start	Not due to start	
Pre-Notification Consultation									

Council Agenda - 22 May 2024 - CHAIRPERSON'S AND CHIEF EXECUTIVE'S REPORTS

Milestone	Critical Path	Baseline		Forecast	End date	Actual End Date	Previous Status	Current Health & Status	Commentary
		Start date	End date	Revised End Date	Variance				
Clause 3 Consultation Period		11-Jan-24	23-Feb-24	2-Apr-24	+ 5 Weeks		Not due to start	Complete	Extension for Forestry Industry Submission
Collate and Analyse Clause 3 Feedback		26-Feb-24	15-Mar-24	30-Apr-24	+ 6 Weeks		Not due to start	Complete	Extension for Forestry Industry Submission
Feedback to Council		15-May-24	15-May-24				In progress	In progress	
Clause 3 Consultation Complete	CP3		15-May-24				In progress	In progress	
Clause 4A Consultation Period		15-Jul-24	9-Aug-24				Not due to start	Not due to start	
Collate and Analyse Clause 4 Feedback		10-Aug-24	23-Aug-24				Not due to start	Not due to start	
Feedback to Council		23-Aug-24	23-Aug-24				Not due to start	Not due to start	Date TBD
Clause 4A Consultation Complete	CP3		23-Aug-24				Not due to start	Not due to start	
Pre-Notification Consultation Complete	CP3		23-Aug-24				Not due to start	Not due to start	
Notification									
LWRP Reviews by Legal and ELT		1-Sep-24	13-Sep-24				Not due to start	Not due to start	
Final Updates to LWRP		17-Sep-24	18-Oct-24				Not due to start	Not due to start	
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	Not due to start	
Council Meeting to Notify	CP4		23-Oct-24				Not due to start	Not due to start	
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	

ORC Long Term Plan project progress report

Project Name	Project Lead	Current Reporting Period	Previous Reporting Period
Long Term Plan	Mike Roesler, supported by AJ Millward	23 April – 10 May	15 April - 22 April

Risks and Issues	
RISKS	MITIGATIONS
- Significant changes to the work programme through deliberations can create a risk with audit approval and completion of the LTP	- Staff are preparing options to consider should Council wish to make amendments to the LTP work programme as a result of feedback from the community

Key		
STATUS	HEALTH	Colour
Not due to start	Work not yet due to start	
Start delayed	Issues are being managed within the team and not expected to impact final deadline	
On hold	Issues impacting project and overall timeline and need escalation and action	
In progress	Meets or exceeds project expectations	
Complete	Milestone / task finished	

Milestone	Start date	End date	Health and Status	Commentary
COUNCILLOR DECISION MAKING				
LTP Hearings	20/05/24	21/05/24		Scheduled for 20 and 21 May
LTP Deliberations	29/05/24	30/05/24	Not due to start	Scheduled for 29 and 30 May
LTP adopted	26/06/24	26/06/24	Not due to start	Scheduled for 26 June Council meeting
LTP takes effect	01/07/24	01/07/24	Not due to start	
FINANCIAL AND RATES				
Final financial and rating FIS, rates resolution	tbc			
LTP financial information signed off	tbc			
ENGAGEMENT AND COMMUNICATIONS				
Communicate LTP adoption to staff and stakeholders	26/06/24	01/07/24	Not due to start	Detailed planning may be required
SUBMISSIONS ANALYSIS				

Council Agenda - 22 May 2024 - CHAIRPERSON'S AND CHIEF EXECUTIVE'S REPORTS

Deliberations report sent to Council	23/05/24	24/05/24	Not due to start	
Response sent to submitters	Early July tbc		Not due to start	

LTP Project Workstreams GANTT Chart overview			
LTP WORKSTREAMS	Apr-24	May-24	Jun-24
Long Term Plan and CD		Hearings and Deliberations	LTP adopted
Engagement and Communications	Consultation		
Partnering with Mana Whenua	Refinement of work programme		Update work programme based on deliberation decisions

Annex 1: Completed Milestones

Completed Milestones	Start date	End date	Health and Status	Commentary
Council presentation - Financial/funding: Introduction	11/05/2023	11/05/2023	Complete	Completed on 11/05/2023.
Council Briefing held: Current State presentation	14/06/2023	15/06/2023	Complete	Completed on 15/06/2023.
Council presentation - Financial/funding: Financial strategy	14/06/2023	29/06/2023	Complete	Completed on 29/06/2023.
Current State updated following Council feedback	16/06/2023	07/07/2023	Complete	Completed on 08/08/2023.
Lessons from OAG report documented and discussed with workstream lead and project sponsor	21/06/2023	20/07/2023	Completed	Have now been discussed with LTP governance sub-committee and incorporated into project plan. Completed on 02/08/2023.
Detailed planning of Infrastructure Strategy milestones and set up of regular meeting	17/07/2023	25/07/2023	Complete	Project lead has now met with IS team to confirm detailed planning and has invited IS team to regular project team meetings. Completed on 14/08/2023.
Clarity on process for Growth models, uncertainties, and assumptions document	04/07/2023	28/07/2023	Complete	Completed on 28/07/2023.
Council and Mana Whenua workshop. <i>Confirming our Strategic Directions</i>	03/07/2023	02/08/2023	Complete	Completed on 02/08/2023.
Council presentation - Financial/funding: Rating specifics	17/07/2023	02/08/2023	Complete	Completed on 02/08/2023.
First LTP governance sub-committee meeting	18/07/2023	02/08/2023	Complete	Completed on 02/08/2023.
Council and Mana Whenua workshop. <i>Future work programme possibilities</i>	03/07/2023	08/08/2023	Complete	Completed on 08/08/2023.
Regional Leadership Committee Paper. <i>Engagement Approach to LTP</i>	03/07/2023	10/08/2023	Complete	Completed on 10/08/2023.
Engagement approach for LTP consultation drafted	03/07/2023	10/08/2023	Complete	LTP content drafted into paper, next step is to confirm strategic stakeholders with ELT. Draft completed 10/08/2023.

Council Agenda - 22 May 2024 - CHAIRPERSON'S AND CHIEF EXECUTIVE'S REPORTS

Council Presentation – Framework, assessment of funding needs and analysis [Morrison & Low]	7/07/2023	24/08/2023	Complete	Completed on 24/08/2023.
Support 4 September ELT moderation session as required for 13 September Council Workshop	21/06/2023	04/09/2023	Complete	Completed on 04/09/2023.
Support managers ahead of 13 September Council Workshop	04/09/2023	13/09/2023	Complete	Completed on 13/05/2023.
Council and Mana Whenua workshop. <i>Implications of future work programme possibilities</i>	07/08/2023	13/09/2023	Complete	Completed on 13/05/2023.
Council workshop. <i>Identification of key issues in Infrastructure Strategy (paper)</i>	14/08/2023	13/09/2023	Complete	Completed on 13/05/2023.
Council Presentation – Financial/funding: high level options modelling	04/09/2023	21/09/2023	Complete	Completed on 21/09/2023.
Supporting managers through LTP Activity Build	18/09/2023	05/10/2023	Complete	Completed on 05/10/2023.
ELT Meeting: First review of LTP Activity Build	29/09/2023	09/10/2023	Complete	Completed on 09/10/2023
ELT Meeting: Second review of LTP Activity Build	09/10/2023	16/10/2023	Complete	Completed on 16/10/2023
Council Workshop – Further detail on Focus Area Initiatives	18/09/2023	24/10/2023	Complete	Completed on 24/10/2023
Draft Financial Strategy and Revenue & Financing Policy submitted to Council for approval	02/10/2023	25/10/2023	Complete	Completed on 25/10/2023
Council meeting. Draft Engagement Plan for LTP	03/08/2023	26/10/2023	Complete	Completed on 26/10/2023
ELT Meeting: Session on Council feedback for LTP Activity Build	16/10/2023	01/11/2023	Complete	Completed on 01/11/2023
Council Presentation – Financial/funding: Financial Models	24/10/2023	07/11/2023	Complete	Completed on 07/11/2023
Council update on LTP detailed planning, budgeting and other supporting information	16/10/2023	09/11/2023	Complete	Completed on 09/11/2023
Draft Infrastructure Strategy submitted to Safety & Resilience Committee for approval	24/10/2023	09/11/2023	Complete	Completed on time
ELT Meeting: Review remaining activity build areas	07/11/2023	20/11/2023	Complete	Completed on time
ELT Meeting: Review financial estimates after changes	13/11/2023	20/11/2023	Complete	Completed on time
Council Workshop – Activity Build (part 2)	23/11/23	23/11/2023	Complete	Completed on time
Approach to communicating key topics to the community (for Special Consultative Procedure) agreed internally	04/09/2023	25/11/2023	Complete	Completed on time
ELT Meeting: Review final changes to estimates	23/11/2023	27/11/2023	Complete	Completed on time
ELT Meeting: Provide direction on remaining activity build session workshop format	27/11/2023	27/11/2023	Complete	Completed on time

Council Agenda - 22 May 2024 - CHAIRPERSON'S AND CHIEF EXECUTIVE'S REPORTS

Council Workshop (pm) – activity build (part 3)	30/11/23	30/11/2023	Complete	Completed on time
Council Workshop - Feedback on key changes from Activity build discussions and key consultation topics	30/11/23	30/11/2023	Complete	Completed on time
Council Workshop (am) – Focus on 'what' Policy changes and options	30/11/23	30/11/2023	Complete	Completed on time
Council Workshop	30/11/2023	30/11/2023	Complete	Completed on time
Tactical Engagement Plan, actions and roles ready for implementation for the SCP [28March)	10/11/2023	30/11/2023	Complete	Completed on time
ELT Meeting: Review updates to activity builds in advance of 7 December council workshop	04/12/2023	04/12/2023	Complete	Completed on time
Council endorsement for LTP Communications Plan	23/10/2023	06/12/2023	Complete	Completed on time
Council endorsement for Consultation Topics	23/10/2023	06/12/2023	Complete	Completed on time
Council Meeting: Formal Direction on Funding Policy Proposal and options	06/12/2023	06/12/2023	Complete	Completed on time
Ongoing updates to Growth models, uncertainties, and assumptions document.	28/07/2023	06/12/2023	Complete	Completed on time
Draft IS to Council	06/12/23	06/12/2023	Complete	Completed on time
Council endorsement for key LTP content and Supporting Information for consultation	06/10/2023	07/12/2023	Complete	Completed on time
LTP Workshop: Review consolidated position, priority adjustments, proposal outlines	07/12/2023	07/12/2023	Complete	Completed on time
Final LTP workshop with councillors		07/12/2023	Complete	Completed on time
WIP Socialised/provided to [with Council] WIP against prioritised sections		07/12/2023	Complete	Completed on time
Council Workshop: LTP Consolidation of Activity build and direction on work priorities and funding (7 December)		07/12/2023	Complete	Completed on time
Consultation topics provided to governance		08/12/2023	Complete	Completed on time
Environmental Funding consultation proposal distributed to Council		11/12/2023	Complete	Completed on time
Transport consultation proposal distributed to Council		11/12/2023	Complete	Completed on time

Council Agenda - 22 May 2024 - CHAIRPERSON'S AND CHIEF EXECUTIVE'S REPORTS

Council meeting: Communications plan and consultation topics approved, and formal direction on funding policy proposals and options		13/12/2023	Complete	Completed on time
Milestone* Draft strategic Directions (updated) to council	16/11/2023	13/12/2023	Complete	Completed on time
Milestone*Draft Environmental Funding consultation proposal to Council	06/11/2023	13/12/2023	Complete	Completed on time
Milestone*Draft Transport consultation proposal to Council	06/11/2023	13/12/2023	Complete	Completed on time
Milestone* High level communications plan to Council		13/12/2023	Complete	Completed on time
Milestone*Council decisions on Funding Policy change and engagement options]		13/12/2023	Complete	Completed on time
Council decisions on Funding Policy change	08/12/2023	13/12/2023	Complete	Completed on time
High level communications plan to council	09/09/2023	13/12/2023	Complete	Completed on time
Engagement with strategic stakeholders on Focus Areas	13/11/2023	15/12/2023	Complete	Completed on time
Environmental consultation proposal finalised		21/12/2023	Complete	Completed on time
Transport consultation proposal finalised		21/12/2023	Complete	Completed on time
Growth Models, uncertainties and assumptions available for LTP Proposal	01/08/23	01/02/24	Completed	Slight delay due to version control issues of document. Now resolved and on track.
Draft public transport consultation topic		17/01/2024	Complete	Completed on time
Agree CD template between Comms and team and roles and responsibilities document		17/01/2024	Complete	Completed on time
Council meeting		08/02/24	Complete	Workshop rates model
Audit Review Rates Model		12/02/24	Complete	Have engaged with Audit on dates and expectations
LTP Governance Committee meeting		13/02/24	Complete	Considered work in progress consultation document (including consultation topics)
Council meeting		21/02/24	Complete	Meeting to agree budget, and considered work in progress consultation document (including consultation topics)
Audit Review draft consultation document		26/02/24	Complete	Date for finishing this process to be confirmed

Council Agenda - 22 May 2024 - CHAIRPERSON'S AND CHIEF EXECUTIVE'S REPORTS

LTP Governance Committee meeting / Council [round robin]		05/03/24	Complete	Councillors considering Draft LTP consultation document
Council meeting to approve consultation document and draft LTP		20/03/24	Complete	Council is scheduled to approve Draft consultation document and Draft LTP and delegate final changes to the draft documents to the Chief Executive
Audit Review of LTP		08/03/24	Complete	Date to be confirmed
LTP consultation period starts		28/03/24	Complete	Communications planning underway
LTP consultation	28/03/24	28/04/24	Complete	Communications team have visibility of current draft engagement plan
Submissions received and put in Keystone	19/04/24	28/04/24	Complete	
Hearing reports sent to Councils	17/04/24	17/04/24	Complete	

Statement of Comprehensive Revenue and Expense For the 10-months ended 30 April 2024

	Notes	YTD Actual Apr-2024 10 months	YTD Budget Apr-2024 10 months	Variance 10 months	Forecast Full Year 2023/24 12 months	Budget Full Year AP 23/24 12 months	Variance 12 months
REVENUE							
Rates revenue		46,577	46,435	142	55,778	55,778	-
Subsidies and grant revenue		20,105	16,930	3,175	23,398	20,497	2,902
Other income		12,641	11,976	665	20,789	19,518	1,271
Dividends		12,919	12,500	419	16,000	15,000	1,000
Interest and investment income	a.	7,462	8,542	(1,080)	10,250	10,250	-
TOTAL REVENUE		99,704	96,383	3,321	126,215	121,043	5,172
EXPENDITURE							
Employee benefits expense		(28,118)	(29,047)	929	(33,750)	(35,823)	2,072
Depreciation and amortisation		(3,378)	(3,509)	132	(4,236)	(4,211)	(25)
Finance costs	a.	(7,552)	(7,921)	369	(9,500)	(9,500)	-
Other expenses		(59,078)	(57,697)	(1,381)	(78,213)	(71,789)	(6,424)
TOTAL OPERATING EXPENDITURE		(98,126)	(98,174)	48	(125,699)	(121,323)	(4,377)
OPERATING SURPLUS/(DEFICIT)		1,578	(1,791)	3,369	516	(280)	796
Other gains/(losses)	b.	1,316	913	403	1,265	1,265	-
SURPLUS/(DEFICIT) BEFORE TAX		2,893	(878)	3,772	1,781	985	796
Income tax benefit/(expense)		-	-	-	-	-	-
SURPLUS/(DEFICIT) FOR THE YEAR		2,893	(878)	3,772	1,781	985	796
Revaluation gain/(loss) – shares in subsidiary	c.	-	-	-	28,193	28,193	-
TOTAL COMPREHENSIVE REVENUE AND EXPENSE		2,893	(878)	3,772	29,974	29,178	796

Notes

- Interest income and expense includes interest on LGFA lending on-lent to Port Otago Limited.
- Includes gains on long term managed fund (updated monthly) and revaluation of investment property (updated at year-end only).
- Revaluation shareholding in Port Otago Limited (updated at year-end only).

Comments

- Year to date surplus is \$2.893m above budget for the 10-month period (last month +\$2.453m).
- Revenue is \$3.321m up on budget and expenditure \$48K above budget creating an operating surplus variance of +\$3.369m.

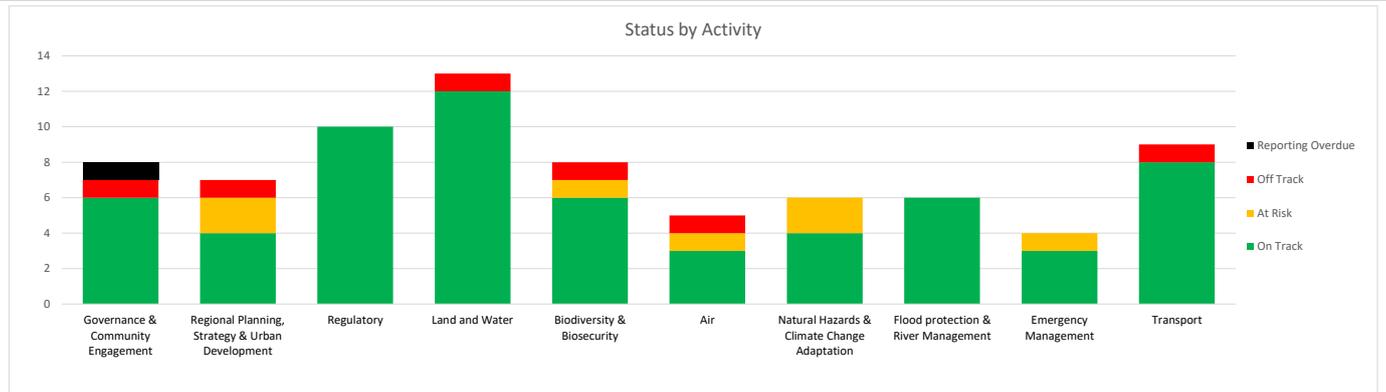
Statement of Financial Position as at 30 April 2024

	Notes	YTD Actual Apr-2024 10 months	Prior Year Actual Jun-2023 12 months	Variance 10 months	Budget Year End Jun-2024 12 months
CURRENT ASSETS					
Cash and cash equivalents	1	19,363	14,830	4,533	6,040
Trade receivables		15,623	14,802	821	12,126
Property held for sale		3,350	3,350	-	-
Other financial assets		26,888	25,262	1,626	25,426
Other current assets		845	1,433	(588)	883
TOTAL CURRENT ASSETS		66,070	59,677	6,393	44,475
NON-CURRENT ASSETS					
Property, plant and equipment		95,542	93,994	1,548	110,287
Investment property		16,802	16,795	7	17,131
Shares in subsidiary		723,890	723,890	-	753,013
Borrower notes		500	500	-	-
Deferred tax asset		-	-	-	98
Related party loan – Port Otago	3	128,936	125,088	3,848	99,960
Intangible asset		451	820	(369)	1,881
TOTAL NON-CURRENT ASSETS		966,120	961,087	5,033	982,370
TOTAL ASSETS		1,032,190	1,020,764	11,426	1,026,845
CURRENT LIABILITIES					
Trade and other payables	2	(24,179)	(19,204)	(4,975)	(18,996)
Borrowings	4	(50,661)	(58,878)	8,217	-
Employee entitlement		(2,400)	(2,716)	316	(2,608)
TOTAL CURRENT LIABILITIES		(77,240)	(80,798)	3,558	(21,604)
NON-CURRENT LIABILITIES					
Borrowings	4	(103,528)	(91,438)	(12,090)	(37,200)
Other financial instruments		-	-	-	(87,956)
TOTAL NON-CURRENT LIABILITIES		(103,528)	(91,438)	(12,090)	(125,156)
NET ASSETS		851,422	848,528	2,894	880,085
EQUITY					
Reserves		748,167	747,994	173	771,427
Public Equity		103,255	100,534	2,721	108,658
TOTAL EQUITY AND RESERVES		851,422	848,528	2,894	880,085

Notes

- Cash reflects 2023/24 rates received on or prior to the 31 October due date.
- Trade payables has increased from 30 June 2023 due to rates revenue received in advance and the timing of payables. Rates struck on 1 September are accrued as revenue in advance and released monthly during the year as revenue.
- Related Party Loan – Port Otago receivable has increased by \$3.848m from the 30 June position of due to increased borrowing and interest accruals. Interest payments are made by Port Otago on LGFA loans Council holds on behalf of Port Otago.
- Borrowings current liability has decreased by \$8.217m and non-current liability has increased by \$12.091m due to movement in the loan term with LGFA which resulted in loans moving from current (due within 12 months of year-end) and non-current (due greater than 12 months from year-end).

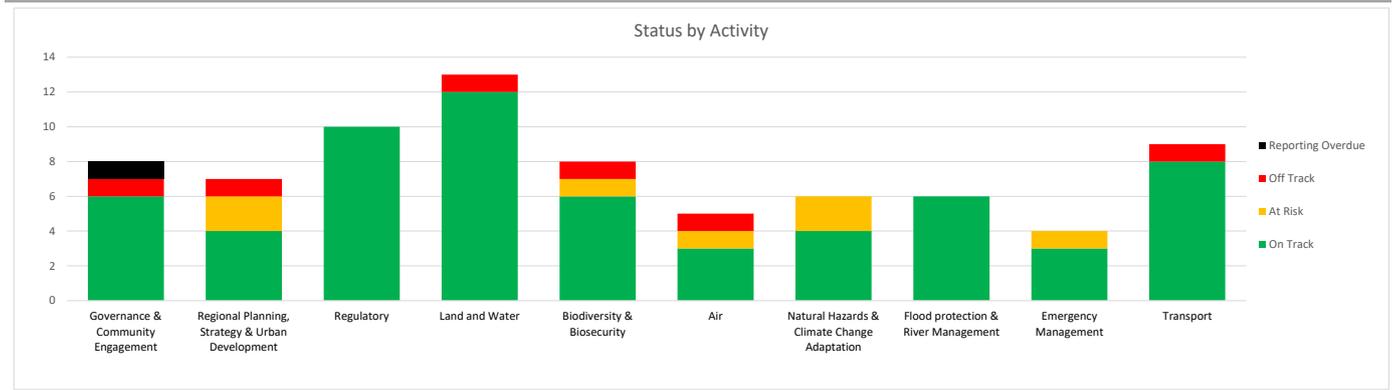
APRIL PERFORMANCE REPORTING - EXCEPTIONS TO MARCH



Service Measure and Target												
REGIONAL LEADERSHIP												
Governance & Community Engagement	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	COMMENT	
Develop a Regional Climate Strategy - Target: Strategy finalised and reported to Council by 30 June												A draft strategy will be submitted to Council in June for endorsement, but then there will need to be public consultation and further targeted engagement before it is finalised. Aiming to have the final adopted in October instead of June as a result.
Regional Planning, Strategy & Urban Development	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	COMMENT	
Develop an integrated planning framework that enables well managed urban growth across Otago - Target: Joint ORC and DCC/QLDC HBA updated and joint FDS completed by 30 June												The hearing for the Dunedin FDS was in April 2024 and as such is meeting the timeframe. Issues regarding the HBCA will result in a delay of the QLDC FDS being notified, thus not meeting the timeframe.
Information on climate change in Otago is shared with the community and stakeholders. Target: Coordinate the development and delivery of a regional sequestration study by December 2023												A consultant has been engaged to develop and deliver the regional sequestration study, with a revised due date of 30 June 2024.
Develop an integrated planning framework that enables well managed urban growth across Otago - Target: Mapping of highly productive land completed by 30 June												It is expected that the mapping of highly productive land (Plan Variation to RPS) will be available for initial public consultation later in the year.
ENVIRONMENT												
Land and Water	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	COMMENT	
Complete the Land and Water Regional Plan(LWRP) - Target: Notify LWRP by by 30 June 2024												Work is progressing and staff are continually monitoring progress against the current notification timeframe of the proposed Land and Water Regional Plan (end October 2024). The LWRP is on track for notification by 31 October 2024.
Complete a review of the Regional Plan Coast - Target: Issues and options papers developed and reported to Council by 30 June												At this stage we are unsure whether we will be able to produce the Issues and Options paper for Council by the end of the financial year due to a lack of staff resources.
Biodiversity & Biosecurity	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	COMMENT	
Complete a report on the initiatives and organisations supported and the key deliverables achieved (Funding of selected initiatives- includes EcoFund) - Target: Report to Council by 30 June.												Report on the 2023 round will be presented to Council by 31st August 2024 now (was due by 30th June 2024).
Percentage of data from the biodiversity monitoring network that is captured quarterly - Target: ≥95% data capture achieved												The development of a biodiversity monitoring programme has been delayed which adversely impacts the measurement and delivery of this target.
Air	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	COMMENT	
Complete review of the Regional Plan Air - Target: Community engagement for development of Regional Plan Air completed by 30 June												Community consultation will be completed in the second half of the year due to a lack of a designated staff resource to sufficiently progress the Air Plan work.
Air implementation strategy is scoped - Target: Reported to Council by 30 June												A consultant will be engaged soon to provide innovative ideas for, and scope, the air quality strategy. The results of this won't be reported to Council until July/August.
SAFETY AND RESILIENCE												
Natural Hazards & Climate Change Adaptation	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	COMMENT	
Priority Works: Develop and implement prioritised natural hazard risks adaptation works - Target: Work in priority areas is delivered as per plan by 30 June												No issue expected at this stage for Clutha Delta. Head of Lake Wakatipu timeframes reviewed and set out after community feedback. South Dunedin timeframes reviewed and approved by council.
Lake Wakatipu: Develop and implement prioritised natural hazard risks adaptation works - Target: The Head of Lake Wakatipu natural hazards adaptation strategy progresses as per annual work plan												Delivery of a first-iteration adaptation strategy is now scheduled for late 2024, where we had previously been targeting a June 2024 completion. This will be a delay of 4-5 months from the LTP target date, this revised delivery timeframe has been presented to councillors at the February 2024 Safety & Resilience committee.
Emergency Management	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	COMMENT	
Staffing: An adequate Emergency Coordination Centre (ECC) facility and staffing are available - Target: Adequate staff who are trained and available for any activation of the ECC.												Team member training can be dealt with in house and is reliant on staff availability / willingness to attend. More training courses are available for ORC staff to attend again this is contingent on staff availability and willingness to attend. Presentation to EIT planned for 22/04, to support staff recruitment.
TRANSPORT												
Transport	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	COMMENT	
Percentage of scheduled services on-time (punctuality) - Target: 95%												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/Stansley Street at peak times. It is anticipated that Dunedin punctuality will improve significantly with the completion of the central city works.



APRIL PERFORMANCE REPORTING - SUMMARY



Service Measure and Target	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR
REGIONAL LEADERSHIP										
Governance & Community Engagement										
Percentage of official information requests responded to within statutory timeframes - Target: 100%	On Track									
Deliver our statutory requirements with acceptable process and deliverables to decision-makers and the community - Target: Unmodified audit reports received	On Track									
Percentage of council agendas are publicly available two working days or more before a meeting - Target: 100%	On Track									
Work done in partnership with iwi - Target: Maintain or increase the number of outputs and/or projects (from 2021-22 baseline result: 19)	On Track									
Build the bicultural competency of ORC staff and councillors - Target: ≥50 participants in programme	On Track									
Annual survey is conducted to understand and improve community awareness, perceptions and expectations of ORC - Target: Improved satisfaction levels with how ORC services the region	Reporting Overdue									
Customers express high levels of satisfaction with customer service provision - Target: Conduct benchmarking of customer satisfaction	On Track									
Develop a Regional Climate Strategy - Target: Strategy finalised and reported to Council by 30 June	At Risk									
Regional Planning, Strategy & Urban Development										
Develop an integrated planning framework that enables well managed urban growth across Otago - Target: Joint ORC and DCC/QLDC HBA updated and joint FDS completed by 30 June	Reporting Overdue									
Complete review of existing Regional Policy Statement (RPS) - Target: Make RPS operative	On Track									
Catchment Action Plans (CAP) are developed in collaboration with iwi and community. Target: Drafting of pilot CAP completed and drafting of second CAP commenced by 30 June	On Track									
Report on community wellbeing indicators - Target: Complete baseline report on wellbeing indicators and issues	On Track									
Information on climate change in Otago is shared with the community and stakeholders. Target: Coordinate the development and delivery of a regional sequestration study by December 2023	At Risk									
Report on regional stakeholder engagement and collaboration on climate change. Target: Complete an annual report on regional climate change collaboration and report to Council	On Track									
Develop an integrated planning framework that enables well managed urban growth across Otago - Target: Mapping of highly productive land completed by 30 June	At Risk									
Regulatory										
Maintain 24-hour/7 day a week response for environmental incidents - Target: Pollution hotline staff available/on call 24/7	On Track									
Maintain 20 appropriately trained responders for maritime oil pollution incidents - Target: 20 responders attend 3 exercises per year	On Track									
Percentage of resource consent applications processed in accordance with Resource Management Act 1991 legislative timeframes - Target: ≥98%	On Track									
Percentage of performance monitoring returns completed each year, as per the Compliance Audit and Performance Monitoring Schedule targets - Target: ≥90%	On Track									
Percentage of significant non-compliance identified where action is taken in accordance with Compliance Policy - Target: 100%	On Track									
Major incidents on Otago's Harbours and waterways will be responded to. Target: Major incidents and ORC's response are reported to Council quarterly	On Track									
Percentage of programmed inspections/audits completed each year, as per the Compliance Audit and Performance Monitoring Schedule targets - Target: ≥90%	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-water engagement, education of recreational users and safety campaigns are documented and reported annually - Target: Report to council by 30 June	On Track									
Percentage of public enquiries for consent information completed within 7 working days - Target: Maintain or increase (from 2021-22 baseline of 99%)	On Track									
ENVIRONMENT										
Land and Water										
Complete the Land and Water Regional Plan (LWRP) - Target: Notify LWRP by 30 June 2024	At Risk									
Otago Catchment Communities is supported to meet deliverables and targets of funding agreement - Target: Report to Council on deliverables and targets achieved by 30 June	On Track									
Implement freshwater monitoring programme - Target: Annual report on monitoring programme completed and reported to Council	On Track									
Implement a regional coastal monitoring programme. Target: Annual report on monitoring programme completed and reported to Council	At Risk									
Percentage of data from the water monitoring network that is captured quarterly - Target: ≥95% data capture achieved	On Track									
Develop and implement a regional land use monitoring programme. Target: Annual report on monitoring programme completed and reported to Council	On Track									
Otago Catchment Communities funding is administered as per agreement. Target: 100%	On Track									
Land owner/community led projects promoting best practice land management for soil conservation, water quality and the efficient use of water are identified and supported - Target: Three or more projects supported per year	On Track									
Identify: At least three site specific management plans for selected degraded waterbodies are developed, prioritised, and implemented - Target: Projects confirmed and actions identified by 30 September	On Track									
Undertake: At least three site specific management plans for selected degraded waterbodies are developed, prioritised, and implemented - Target: 90% of actions undertaken within specified timeframes	On Track									
Percentage of data from the land-use monitoring network that is captured quarterly. Target: ≥95% data capture achieved	On Track									
Implement estuarine monitoring programme - Target: Annual report on monitoring programme completed and reported to Council	On Track									
Complete a review of the Regional Plan Coast - Target: Issues and options papers developed and reported to Council by 30 June	At Risk									

Biodiversity & Biosecurity	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR
Actions listed in the Biodiversity Action Plan (BAP) are prioritised and progressed - Target: 90% of current year actions achieved within timeframes specified										
Actions within the Biosecurity Operational Plan (BOP) are identified and progressed - Target: 90% of actions achieved within timeframes specified.										
(Funding of selected initiatives- includes EcoFund) Percentage of funding administered as per agreements - Target: 100%										
Complete a report on the initiatives and organisations supported and the key deliverables achieved (Funding of selected initiatives- includes EcoFund) - Target: Report to Council by 30 June.										Off Track
Engagement Activities: Biodiversity partnerships established and joint projects developed and progressed - Target: Maintain or increase number of partnership engagement activities and events and report to Council.										
Projects: Biodiversity partnerships established and joint projects developed and progressed - Target: Projects and progress against milestones reported to Council										
Develop and implement a regional indigenous biodiversity ecosystems monitoring programme. Target: Annual report on monitoring programme completed and reported to Council		At Risk	At Risk							
Percentage of data from the biodiversity monitoring network that is captured quarterly - Target: ≥95% data capture achieved		At Risk								
Air	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR
Implement a regional air monitoring programme - Target: Annual report on monitoring programme completed and reported to Council										
Percentage of data from the air monitoring network that is captured quarterly - Target: ≥95% data capture achieved										
Complete review of the Regional Plan Air - Target: Issues and options papers developed by 31 December 2023										
Complete review of the Regional Plan Air - Target: Community engagement for development of Regional Plan Air completed by 30 June										Off Track
Air implementation strategy is scoped - Target: Reported to Council by 30 June										At Risk
SAFETY AND RESILIENCE										
Natural Hazards & Climate Change Adaptation	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR
Relevant and up to date natural hazards information is available via the web-based Otago Natural Hazards Database - Target: Database information is checked and updated monthly										
Percentage of flood warnings that are issued in accordance with the flood warning manual - Target: 100%										
Develop a regional natural hazards risk assessment and a regional approach for prioritising adaptation - Target: Complete natural hazard risk assessment and prioritization approach.										
Priority Works: Develop and implement prioritised natural hazard risks adaptation works - Target: Work in priority areas is delivered as per plan by 30 June										
Lake Wakatipu: Develop and implement prioritised natural hazard risks adaptation works - Target: The Head of Lake Wakatipu natural hazards adaptation strategy progresses as per annual work plan										
South Dunedin and Harbourside: Develop and implement prioritised natural hazard risks adaptation works - Target: ORC contribution to the South Dunedin Future programme progresses as per annual work plan.										
Flood protection & River Management	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR
Scheme Performance: Major flood protection and control works are maintained, repaired, and renewed to the key standards defined in relevant planning documents - Target: Schemes function to their constructed design standards										
Scheme renewals programme: Major flood protection and control works are maintained, repaired, and renewed to the key standards defined in relevant planning documents - Target: ≥90% of renewals programme completed										
Scheme maintenance programme: Major flood protection and control works are maintained, repaired, and renewed to the key standards defined in relevant planning documents - Target: ≥90% of planned maintenance programme completed										
Rivers: Percentage of identified and reported issues that have been investigated and appropriate action determined and communicated to affected landholders within 20 working days - Target: 100%										
Rivers: Percentage of planned maintenance actions achieved each year - Target: ≥90%										
Flood repair programme: Damage identified, prioritised and a repair programme communicated with affected communities in a timely manner - Target: Programme developed and communicated within 3 months of the event.										
Emergency Management	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR
Staffing: An adequate Emergency Coordination Centre (ECC) facility and staffing are available - Target: Adequate staff who are trained and available for any activation of the ECC.										
Facility: An adequate Emergency Coordination Centre (ECC) facility and staffing are available - Target: An appropriate facility is available for activation at all times.										
Support is provided to the Otago CDEM Group as per the CDEM Act and Otago CDEM Partnership Agreement - Target: Fulfill all requirements as the administering authority.										
Maintain response functionality to enable operational situational awareness when ECC activated - Target: Response solutions are checked as scheduled and any issues remedied.										
TRANSPORT										
Transport	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR
Percentage of scheduled services on-time (punctuality) - Target: 95%										
Overall passenger satisfaction with Dunedin Public Transport system at annual survey - Target 97%										
The Regional Land Transport Plan (RLTP) is prepared and submitted in line with the Land Transport Management Act 2003 and any guidance issued by the New Zealand Transport Agency (NZTA) - Target: RLTP review completed and adopted by Council by 30 June Transport Committee.										
Annual public transport boardings in Queenstown per capita - Target: increase										
Annual public transport boardings in Dunedin per capita - Target: increase										
Percentage of scheduled services delivered (reliability) - Target: 95%										
Overall passenger satisfaction with Wakatipu Public Transport system at annual survey - Target 97%										
Percentage of users who are satisfied with the provision of timetable and services information - Target: Maintain or increase (from 2022 baselines - DN: 70%, QWTN: 88%)										
Percentage of users who are satisfied with the overall service of the Total Mobility scheme- Target: maintain or increase (from 2022 baseline:87%)										

On Track	At Risk	Off Track	Not Measured	Reporting Overdue
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10.1. Updated Project Plan and key milestones for notification of the Land and Water Regional Plan by 31 October 2024

Prepared for:	Council
Report No.	POL2413
Activity:	Community: Governance & Community
Author:	Rhys Francis, Policy Analyst
Endorsed by:	Anita Dawe, General Manager Policy and Science
Date:	22 May 2024

PURPOSE

1. The purpose of this paper is to provide Otago Regional Council (ORC or Council) with the updated work programme for developing the proposed Land and Water Regional Plan (pLWRP) following the Council decision on 27 March 2024 in relation to the new timeframe that will seek Councils' approval to notify the pLWRP by 31 October 2024.

EXECUTIVE SUMMARY

2. Council has asked staff to prepare a draft Land and Water Regional Plan ready for notification by 31 October 2024.
3. The updated work programme allows for further consideration of the feedback received during pre-notification consultation under Clause 3 of the First Schedule of the Resource Management Act 1991 (RMA). It also enables time to make any necessary changes to the draft provisions of the pLWRP as a result of the Council Decisions on the proposed Regional Policy Statement for Otago 2021 (pORPS).

RECOMMENDATION

That the Council:

- 1) **Notes** the updated work programme for the proposed Land and Water Regional Plan.

BACKGROUND

4. On 27 March 2024 Council decided to provide additional time for the development of the pLWRP. The additional time was granted to allow further consideration of feedback received during previous rounds of community engagement and pre-notification consultation under Clause 3 of the First Schedule of the RMA and make any changes to the draft pLWRP provisions as a result of the Council Decisions on the pORPS.
5. The adopted resolution from 27 March 2024 was:
 - a. *Council requests that staff prepare the draft land and water regional plan for notification by 31 October 2024 and the additional time is used to:*
 - i. *review the impact of the RPS decision on the draft plan,*
 - ii. *prepare the requested advice for the Minister for the Environment,*
 - iii. *and ensure that clause 3 feedback has been appropriately considered and factored into the plan.*

DISCUSSION

6. The updated work programme is attached as Attachment 1. It has been developed to achieve a notification date of the pLWRP for 31 October 2024. This requires the plan, and section 32 report to be finalised for the Council meeting on 18 October 2024.
7. Key milestones are outlined below:
 - a. Council workshop for the entire plan to be completed in early to mid-July 2024.
 - b. Pre-notification consultation with Iwi authorities under Clause 4A of the First Schedule of the RMA to occur from 15 July to 9 August 2024.
 - c. Final internal reviews of the pLWRP to be completed by 17 September 2024.
 - d. Council workshops for a draft of the pLWRP and accompanying Section 32 report to occur in late September and early October 2024.

OPTIONS

8. As this is a noting paper, options are not required.

CONSIDERATIONS

Strategic Framework and Policy Considerations

9. Several of the Strategic Directions are responded to through the continued development of the pLWRP, as well as known issues within the current planning framework. The pLWRP has been developed to give effect to the RMA and higher order documents, including the pORPS.

Financial Considerations

10. There are no financial implications as this is a noting paper implementing a previous Council decision.

Significance and Engagement

11. Once notified, the draft LWRP will trigger the requirements of *He Mahi Rau Rika*. Given the complex public consultation requirements of the RMA and the NPS-FM 2020, the requirements in *He Mahi Rau Rika* are considered to be met.

Legislative and Risk Considerations

12. The pLWRP is required to give effect to higher order planning instruments and legislation, including national policy statements and achieve the purpose of the RMA.

Climate Change Considerations

13. This paper has no climate change considerations.

Communications Considerations

14. The revised timeline is publicly available through the Council paper and staff will ensure key stakeholders are advised of the updated timeline.

NEXT STEPS

15. The next steps are for staff to continue implementing the work programme.

ATTACHMENTS

1. Attachment 1 Overview of revised LWRP project plan and milestones [**10.1.1** - 2 pages]

Attachment 1: Land & Water Regional Plan Revised work programme through to notification

On 27 March 2024, Council requested that staff prepare the draft land and water regional plan for notification by 31 October 2024 and the additional time is used to:

- review the impact of the RPS decision on the draft plan,
- prepare the requested advice for the Minister for the Environment; and
- ensure that clause 3 feedback has been appropriately considered and factored into the plan.

Council also requested staff to report back to the May Council meeting with an updated programme of work to reflect the option selected by Council.

Staff have been working to revise the work programme to reflect the additional tasks required, and how to factor these into the additional time available. Table 1 below provides an overview of key tasks and timeframes.

Table 1: Tasks and key dates through to notification

Tasks	Start date	End date
Clause 3		
Meet with some Clause 3, Schedule 1 RMA feedback parties on specific matters	1 Apr	31 May
Consider Primary Production - Forestry Feedback	27 Mar	15 May
Assessment of the RPS		
Review Council Decisions on the proposed Regional Policy Statement for Otago (pORPS) and changes to provisions	27 Mar	30 Apr
Update draft LWRP to give effect to pORPS	15 May	31 May
Report to Minister		
Prepare report to Minister on costs, benefits and implications of notifying the proposed LWRP before the National Policy Statement for Freshwater Management 2020 is replaced	27 Mar	2 May
Council Meeting		
Letter and Report to Minister		8 May
		15 May
ESP workshop/briefing		
<ul style="list-style-type: none"> • Updated Work Plan • Overview of pORPS and LWRP changes needed • Primary Production - Forestry - Clause 3 feedback • Direction on consent duration 		15 May
ESP workshop/briefing		
<ul style="list-style-type: none"> • Environmental outcomes • Options for intensification ('Grandparenting' discussion) • Intensive Winter Grazing, Stock Exclusion and Freshwater Farm Plans (FWFPs) • Wetlands 		28 May

Further Drafting of Provisions		
Strategic Direction	1 Apr	10 May
Primary Production - Forestry	16 May	24 May
Primary Production - Farming	29 May	7 Jun
LWRP - legal review		
	15 May	19 Jun
ESP workshop/briefing - Whole plan		
	Early-mid July (date TBC)	
Section 32 report - legal review		
	1 Jul	9 Aug
Clause 4A, Schedule 1 RMA consultation		
Consultation period	15 Jul	9 Aug
Responding to clause 4A feedback and updating LWRP	10 Aug	25 Aug
Formatting and finalising LWRP and Section 32 report		
	26 Aug	17 Sep
Draft LWRP and Section 32 report sent to ESP Committee members		
	17 Sep	
ESP workshop/briefing - s32		
	24 Sep (date TBC)	
ESP workshop/briefing - Whole plan		
	9 Oct (date TBC)	
Council Meeting		
<ul style="list-style-type: none"> • Council Paper • Finalised Section 32 • Finalised LWRP • Register of Changes from draft to final versions 	23 Oct	
Notification Date		
	31 Oct	

Attachment 1: Land & Water Regional Plan Revised work programme through to notification

On 27 March 2024, Council requested that staff prepare the draft land and water regional plan for notification by 31 October 2024 and the additional time is used to:

- review the impact of the RPS decision on the draft plan,
- prepare the requested advice for the Minister for the Environment; and
- ensure that clause 3 feedback has been appropriately considered and factored into the plan.

Council also requested staff to report back to the May Council meeting with an updated programme of work to reflect the option selected by Council.

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ESP workshop/briefing		15 May
<ul style="list-style-type: none"> • Updated Work Plan • Overview of pORPS and LWRP changes needed • Primary Production - Forestry - Clause 3 feedback • Direction on consent duration 		
ESP workshop/briefing		28 May
<ul style="list-style-type: none"> • Environmental outcomes • Options for intensification ('Grandparenting' discussion) • Intensive Winter Grazing, Stock Exclusion and Freshwater Farm Plans (FWFPs) • Wetlands 		

Further Drafting of Provisions		
Strategic Direction	1 Apr	10 May
Primary Production - Forestry	16 May	24 May
Primary Production - Farming	29 May	7 Jun
LWRP - legal review		
	15 May	19 Jun
ESP workshop/briefing - Whole plan		Early-mid July (date TBC)
Section 32 report - legal review		
	1 Jul	9 Aug
Clause 4A, Schedule 1 RMA consultation		
Consultation period	15 Jul	9 Aug
Responding to clause 4A feedback and updating LWRP	10 Aug	25 Aug
Formatting and finalising LWRP and Section 32 report		
	26 Aug	17 Sep
Draft LWRP and Section 32 report sent to ESP Committee members		17 Sep
ESP workshop/briefing - s32		
	24 Sep (date TBC)	
ESP workshop/briefing - Whole plan		
	9 Oct (date TBC)	
Council Meeting		23 Oct
<ul style="list-style-type: none"> • Council Paper • Finalised Section 32 • Finalised LWRP • Register of Changes from draft to final versions 		
Notification Date		31 Oct

10.2. Regional Council's functions and responsibilities in relation to natural hazards

Prepared for: Council
Report No. POL2406
Activity: Safety & Hazards - Unplanned
Author: Amber Smith, Policy Analyst - Freshwater
Endorsed by: Anita Dawe, General Manager Policy and Science
Gavin Palmer, General Manager Operations
Date: 22 May 2024

PURPOSE

- [1] To describe the roles and responsibilities of Otago Regional Council in natural hazard management.

EXECUTIVE SUMMARY

- [2] The Resource Management Act 1991 (RMA), the Local Government Act 2002 (LGA), the Soil Conservation and Rivers Control Act 1941 (SCRCA) and the Civil Defence Emergency Management Act 2002 (CDEMA) set out Otago Regional Council's (ORC) responsibilities for avoidance or mitigation of natural hazards.
- [3] A key concept of natural hazard management is applying the '4 Rs' (Reduction, Readiness, Response, Recovery) to hazard management. Reduction aims to mitigate or avoid the risks of hazards, readiness to minimise potential impacts from an event through preparedness steps, and response and recovery to address the impacts in an event, including any escalation of them.
- [4] Many of ORC's work programmes include a component of natural hazard management, in addition to a core team of natural hazards technical experts.

RECOMMENDATION

That the Council:

1. Notes this report.

BACKGROUND

- [5] Management of natural hazards is undertaken by various agencies and is regulated under several legislative frameworks (see Table 1).

Table 1: Agencies and regulatory framework

Agency	Role / Regulation
Regional councils	<p><u>Resource Management Act 1991</u></p> <p>The RMA requires regional councils to control the use of land for the purpose of the avoidance or mitigation of natural hazards (s30). Section 62(1)(i) requires a regional policy statement to specify objectives, policies and methods relating to the avoidance and mitigation of natural hazards. If a regional council does not set out responsibilities for functions relating to natural hazards, then the regional council retains the primary responsibility (s62(2)).</p> <p>Section 6 (matters of national importance) was amended in 2017 to include the management of significant risks from natural hazards (s6(h)).</p>
	<p><u>Local Government Act 2002</u></p> <p>The LGA allows regional councils to make bylaws in relation to flood protection and flood control works undertaken by, or on behalf of, the regional council (s149).</p>
	<p><u>Soil Conservation and Rivers Control Act 1941</u></p> <p>The SCRCA has two principal purposes. One is river control and the protection from flooding. The other is the conservation of soil and the prevention of damage by erosion.</p> <p>Catchment boards, now regional councils, were given functions to minimise and prevent damage by floods and erosion. Councils are expressly empowered to undertake works for these purposes.</p>
City/district councils	<p><u>Resource Management Act 1991</u></p> <p>The RMA requires city/district councils to control the effects of the use of land for the avoidance or mitigation of natural hazards (s31). City/district councils are also given the authority to control subdivision under section 31(2) and have discretion under section 106 to refuse a subdivision consent where the land is subject to hazards, or the subsequent use of the land will exacerbate the hazard.</p>
	<p><u>Building Act 2004</u></p> <p>The Building Act requires city/district councils to refuse building consent if the land is subject to one or more natural hazards or is likely to accelerate, worsen, or result in a natural hazard on that land or any other property (s71).</p>
Civil Defence Emergency Management (CDEM)	<p><u>Civil Defence Emergency Management Act 2002</u></p> <p>The CDEMA sets out the functions and powers of various persons and entities appointed under this Act, including the Director of CDEM and CDEM Groups.</p>

<p>Civil Defence Emergency Management (CDEM) cont.</p>	<p>Section 23(1) requires the regional council member of each group must be the administering authority. CDEM Groups have discretion over the operational model. ORC is a signatory to the Otago CDEM Partnership Agreement that requires ORC to contribute natural hazards activity to the Group.</p> <p>Key functions of the Director of CDEM in managing hazards in the event of a civil defence emergency involve promoting for, advising on, and monitoring the integration and coordination of policies, planning, procedures, and resources across agencies at both the national and local levels (s8).</p> <p>CDEM Groups are based on regional boundaries in most instances, however in the Otago region, the CDEM boundary covers the entire Waitaki District. Key functions of CDEM groups include: identify, assess, and manage those hazards and risks; consult and communicate about risks; and identify and implement cost-effective risk reduction. (ss12-24).</p>
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DISCUSSION

- [6] The discussion below provides an overview of some key ORC initiatives and work streams in the areas of reduction, readiness, response, and recovery.
- [7] The initiatives use the Protect, Avoid, Retreat, Accommodate (PARA) Framework (Ministry for the Environment¹). The framework is internationally used to explain the types of adaptation or management actions that can be taken to build resilience to natural hazards.

Reduction

- [8] Reduction means identifying and analysing long-term risks to human life and property from hazards, taking steps to eliminate these risks if practicable and, if not, reducing the magnitude of their impact and the likelihood of their occurring.
- [9] The control of land use for the purpose of the avoidance or mitigation of natural hazards under RMA s30(1)(c)(iv) is managed through regional risk reduction measures which are outlined in ORC’s long-term plans and annual plans, regional policy statements, and regional plans². Councils may also produce other statutory and non-statutory plans such as catchment plans and urban growth strategies that have hazard risk reduction as a component.
- [10] Within ORC’s policy team, a liaison officer prepares submissions on district plans and resource consents as part of implementing the Regional Policy Statement, to reduce hazard risks associated with development in certain places.

¹<https://environment.govt.nz/publications/aotearoa-new-zealands-first-national-adaptation-plan/adaptation-options-including-managed-retreat/>

² Regional plans include the Regional Plan: Water for Otago, the Regional Plan: Waste for Otago, the Regional Plan: Coast for Otago and the Regional Plan: Air for Otago.

- [11] ORC has collaborated with territorial authorities to develop strategies and plans to inform the inclusion of natural hazards information in various planning documents. For example, in 2006, ORC worked with the Queenstown Lakes District Council to identify various actions to manage the flood hazard for Lake Whakatipu and Lake Wanaka communities (Learning to Live with Flooding: A Flood Risk Management Strategy for the communities of Lakes Wakatipu and Wanaka³).
- [12] In 2012, ORC worked with the Clutha District Council to develop a flood management strategy for the Tokomairiro River floodplain and Milton (Milton 2060 Flood Risk Management Strategy⁴). The strategy aims to help the community understand and better prepare for flooding. Part of this is to develop or redevelop land in a way that can reduce risks overtime. Another aim is to ensure that existing land use doesn't increase flood risks.
- [13] Since 2013, ORC has collaborated with the Dunedin City Council on providing technical information and advice on natural hazards to inform the develop of land use planning. Two examples are the Second Generation District Plan and more recently the Future Development Strategy.
- [14] Natural hazards information sharing, and investigations are currently underway to support the Waitaki District Council during the development of the new District Plan and also with the Central Otago District Council to support the development of the Teviot Valley Spatial Plan.
- [15] Adaptation to natural hazards is one method of reducing risk to human life and property. ORC's approach is the 'Adaptation Pathways' framework, which has been developed by the Ministry for the Environment as a blueprint for adaptation decision making in areas affected by natural events and climate change⁵. The approach is being used at the head of Lake Wakatipu, Clutha Delta, and South Dunedin.
- [16] There is currently a lack of clarity in the legislative framework on responsibilities for adaptation. Although it is recognised that local government is on the front line in preparing for and dealing with climate impacts and risks including natural hazards, the current legislation does not clearly specify the role and responsibilities of central government, territorial and local authorities to develop and lead adaptation plans and strategies.
- [17] This has been recognised by central government in the last few years and work is currently underway to address this. Parliament agreed in early May 2024 to a motion to establish a cross-party inquiry, which will consider how adapting to more frequent and severe weather events should be funded, and how responsibilities should be shared. The inquiry, led by the finance and expenditure committee, will report back in September 2024 and its recommendations will be used to help develop legislation to be introduced in early 2025. This work is vital to promote effective adaptation.

³ <https://www.orc.govt.nz/media/2970/queenstown-lakes-flood-management-strategy-with-appendix-c-maps.pdf>

⁴ <https://www.orc.govt.nz/managing-our-environment/natural-hazards/milton-2060-flood-risk-strategy>

⁵ <https://www.orc.govt.nz/news-and-events/news-and-media-releases/2021/june/orc-endorses-natural-hazards-adaptation-approach-for-the-head-of-lake-wakatipu>

- [18] ORC's natural hazards team aim to reduce the damage caused by natural hazards by gathering and distributing information. Examples include:
- a) ORC's Natural Hazards Portal, which is accessible through the ORC website and holds the most recent natural hazards information, such as coastal hazards, seismic, and flood hazard maps.
 - b) ORC's LiDAR data, which provides a geospatial dataset that assists with identifying, mapping, and managing natural hazards, be it flooding, erosion or landslips.
 - c) The Otago Climate Change Risk Assessment, which ranks climate change related risks to the natural environment, people, the economy, the built environment, and governance. It provides the Council with a baseline for the region to collectively build upon and respond to climate change risks over time⁶.
 - d) The Otago Natural Hazards Risk Assessment is currently underway and expected to be presented to the ORC Safety and Resilience Committee in August 2024. Its aim is to develop a comprehensive, regional scale, spatial understanding of Otago's natural hazards and risks⁷.
- [19] In addition to the above, the Local Government Official Information and Meetings Act 1987 directs that regional councils provide natural hazard information to city/district councils in land information memorandums. To meet this requirement, ORC has, over the years, built strong relationships with city/district council partners and developed effective methods for sharing information, such as sharing updates to ORC's natural hazard GIS layers.
- [20] Finally, Otago Civil Defence Emergency Management (CDEM) provides community education on reducing risks to human life and property from hazards.

Readiness

- [21] Readiness involves planning to ensure Otago's communities have the capacity and capability to respond to, and recover from, an emergency.
- [22] ORC's engineering team provides flood protection and land drainage to approximately 43,000ha of rural and urban land in Otago. ORC's flood protection assets include over 200km of flood banks, 12 pumping stations, 55 bridges, culverts and various other assets. ORC owns and manages a total of 7 flood protection and/or drainage schemes: the Lower Clutha, Lower, East and West Taieri, Water of Leith, Alexandra, Shotover Delta, Tokomairiro, and the Lower Waitaki.
- [23] The flood protection, drainage, and river infrastructure that Council owns and manages falls into the 'Protect' category of the PARA framework. Work is currently underway to assess the most appropriate approach to provide flood management in those areas. This may lead to solutions being adopted that fall into the Avoid, Retreat and Accommodate categories of the PARA Framework.

⁶ Otago Climate Change Risk Assessment, Tonkin & Taylor, March 2021

⁷ https://www.orc.govt.nz/media/14219/agenda_src_20230510.pdf

- [24] ORC provides rainfall, lake levels and river levels and flows through the ORC's environmental data portal. This information is available to the public to prepare for flood events.

Response

- [25] The CDEMA provides for a state of local emergency to be declared and provides powers to the CDEM Group when a state of emergency is in force. Emergency means a situation that:
- a) Is the result of any happening, whether natural or otherwise, including, without limitation, any explosion, earthquake, eruption, tsunami, land movement, flood, storm, tornado, cyclone, serious fire, leakage or spillage of any dangerous gas or substance, technological failure, infestation, plague, epidemic, failure of or disruption to an emergency service or a lifeline utility, or actual or imminent attack or warlike act; and
 - b) Causes or may cause loss of life or injury or illness or distress or in any way endangers the safety of the public or property in New Zealand or any part of New Zealand; and
 - c) Cannot be dealt with by emergency services, or otherwise requires a significant and coordinated response under this Act⁸.
- [26] An example of CDEM's role in response was displayed in the COVID-19 lock-down of March/April 2020. CDEM Otago played an important role at the regional and local level in coordinating, facilitating and directly providing welfare support to displaced, confined and self-isolating people.
- [27] In a flood situation, ORC's flood response team work to limit the effect on houses and infrastructure through the following actions:
- a. Flood officers monitor rainfall and river levels and provide information on expected river and lake levels and likely consequences.
 - b. Engineering operations staff manage flood protection infrastructure.
 - c. Flood support staff work closely with landowners and CDEM to ensure communities are safe.

Recovery

- [28] Under the CDEMA, CDEM Groups need to plan specifically for recovery; the immediate, medium-term and long-term holistic regeneration of a community following an emergency. This requirement reflects the need to plan for recovery at a strategic level, involving local authorities, the community, iwi, businesses, organisations, and central government agencies.

⁸

<https://www.civildefence.govt.nz/assets/Uploads/documents/publications/factsheets/Declarations/Factsheet-declaring-states-of-local-emergency.pdf>

[29] ORC's engineering team are responsible for repairing flood protection assets which have been damaged by flood events, such as the Clutha floods of February 2020.

OPTIONS

[30] As this is a noting paper, there are no options.

CONSIDERATIONS

Strategic Framework and Policy Considerations

[31] The actions taken by ORC described above align with our strategic directions, particularly:

- a. Enhancing access to, and communication of, data and knowledge
- b. Regional leadership
- c. Effective response to climate change
- d. Community resilience to natural hazards.

Financial Considerations

[32] There are no financial implications as a result of this paper.

Significance and Engagement Considerations

[33] This paper does not trigger He Mahi Rau Rika: Significance, Engagement and Māori Participation Policy.

Legislative and Risk Considerations

[34] This paper sets out ORC's responsibilities in relation to natural hazards however there are no specific legislative or risk considerations arising as a result of this paper.

Climate Change Considerations

[35] Natural hazard management will become significantly more critical as climate change intensifies and climate change effects become more frequent.

Communications Considerations

[36] There are no specific communications considerations as a result of this paper.

NEXT STEPS

[37] There are no follow-up reports scheduled on this topic.

ATTACHMENTS

Nil

10.3. To adopt Council's Policy on Dangerous, Flood and Earthquake Prone Dams

Prepared for: Council
Report No. GOV2405
Activity: Regulatory
Author: Rebecca Jackson, Team Leader Consents
Endorsed by: Joanna Gilroy, Acting General Manager Regulatory
Date: 7 May 2024

PURPOSE

- [1] This report presents the recommendation of the Hearings Panel on Council's Dangerous, Flood and Earthquake Prone Dams Policy in accordance with Section 162 of the Building Act. It also makes recommendations to Council about whether to accept or reject the hearing panel's decision.

EXECUTIVE SUMMARY

- [2] Councillors Kate Wilson and Elliot Weir were jointly appointed to hear and decide on the Dangerous, Earthquake-Prone and Flood-Prone Dam Policy for Otago Regional Council. This policy needed to be updated because it is overdue for review and needs to align with Building (Dam Safety) Regulations 2022 that come into effect on 13 May 2024.
- [3] Through the hearing process changes were recommended to the draft policy. The hearing panel outline these changes in Recommendation Report – Policy on Dangerous Dams, Earthquake-Prone Dams and Flood-Prone Dams (refer Attachment 1).
- [4] The policy and recommendation report of the hearing panel are attached for Council adoption. The recommendation report from the Panel contains two matters which the panel has chosen to defer to Council to consider. It is recommended that the Policy is adopted, and the matters of the panel are considered by Council, but not included in the Policy.

RECOMMENDATION

That the council:

- 1) **Accepts** the recommendations of the hearing panel on the dangerous dams, earthquake-prone dams and flood-prone dams policy (attachment 1).
 - 2) **Approves option 1 in the report:**
 - a. *Adopts the amended policy as attached (attachment 5);*
 - b. *Approves chairperson Roberston to write to government ministers behalf of Council requesting that councils should not need to go through the special consultative process required under the local government act to bring policies into line with government changes; and*
 - c. *Council staff to establish a process of notification to the territorial authorities to ensure that relevant parties are aware of any inherent risks that may arise from any land use change that could alter a dams potential impact classification.*
 - 3) **Approves** the CEO to make any necessary changes to the policy to correct spelling mistakes or grammar.
-

4) **Approves council staff to notify submitters of its decisions.**

BACKGROUND

- [5] Under the Building Act 2004, every regional authority including Otago Regional Council is required to develop, adopt and periodically review a policy on dangerous, earthquake-prone and flood-prone dams (hereafter referred to as the Dangerous Dam Policy) within its region. The purpose of the policy is to reduce the risk of catastrophic failure of a potentially dangerous dam, earthquake-prone dam or a flood-prone dam.
- [6] The policy must be reviewed at intervals of not more than 5 years. Council's Dangerous Dam Policy was last reviewed in 2011 so was overdue for review. In the past, each regional authority developed their own Dangerous Dam Policy. With the recent introduction of the Building (Dam Safety) Regulations 2022, regional authorities have been working collaboratively to produce a consistent policy template that is fit for purpose nationwide.
- [7] A hearing was held at the Otago Regional Council Chambers on 12 March 2024. The hearing panel read the submissions received, heard from submitters and the hearing report writer. The outcome of this process was a number of minor modifications to the draft policy. The panel recommend that the policy is amended as attached (with track changes reflecting proposed updates from notified draft) and that this policy is adopted by Council.
- [8] Two matters were raised in the recommendation report of the panel that they recommend are considered by Council. These are:
- a. To determine whether the policy should encompass notification to territorial authorities to ensure that relevant parties are aware of any inherent risks that may arise from any land use change that could alter a dams Potential Impact Classification.
 - b. Council to consider feedback to Government that Council should not need to go through the special consultative process required under the Local Government Act to bring policies into line with government changes.

DISCUSSION

- [9] The draft Dangerous Dam Policy was provided to Council at the 25 October 2023 Council Meeting. Following the March 2024 hearing, a number of amendments to the draft policy were recommended by the hearing panel. These are summarised as follows and reflected as track changes in Attachment 5:
- a. Reference to classifiable dams as set out in the dam safety regulations, rather than repeat the full definition.
 - b. Inclusion of provision to request Otago Civil Defence and Emergency Management Group to notify potentially affected lifeline utility providers.
 - c. Minor rewording to 'Section 6 Application to heritage dams'. This includes an advice note provided by Heritage New Zealand Pouhere Taonga (HNZ) from their submission.
 - d. Addition of an Appendix to the policy with implementation timeframes for Building (Dam Safety) Regulations 2022.

- [10] In relation to the two matters raised by the hearing panel it is considered that these should and can be addressed outside of the Policy.

Notification of Territorial authorities

- [11] In relation to the notification of territorial authorities, the hearing panel was given delegation to hear and decide on the policy and as such had the benefit of reading all the evidence including submissions and hearing parties speak at the hearing. Council has not had the benefit of this process and there are risks to natural justice and the hearing process if Council now considers the inclusion of this in the policy.
- [12] While it is desirable for information sharing between a Regional Council and territorial authorities, it is outside the scope of the functions under the Building Act and of activities carried out by other agencies in administering the Act. Accordingly, this topic can not lawfully form a part of a dam safety policy.
- [13] However, this can be completed as an operational step by Council staff through procedures relating to notifications for dams. A process will be investigated and established.

Special Consultative Process

- [14] The panel has recommended that Council should provide feedback that it should not go through the special consultative process under the Local Government Act to bring policies into line with government changes. The Local Government Act provides the process for consultation for policies such as this one. It is important to note that the Policy was not updated solely because of the incoming national regulations, but also because of its age and being overdue for review. This is a matter for Council to decide if it wishes to provide this feedback to the Government on.

OPTIONS

Option One (Recommended Option)

- [15] That the amended Dangerous Dams Policy (Attachment 1) is adopted as drafted with no changes. To address the matters raised by the panel for Council consideration Council writes to the Government about the special consultative process under the Local Government Act and sets up a process to notify Territorial Authorities.

Advantages

- [16] A Dangerous Dam Policy is a statutory requirement of the Building Act 2004. The current policy was overdue for review. Having an up to date policy reduces the legal risk to Council as the current policy is out of date. If there is an issue with a dam covered by the policy, then Council will have an up to date and fit for purpose policy in place to deal with a situation. This reduces risk to Council and the community. The policy also aligns with many of the submissions received that were within scope of the policy review.

Disadvantages

[17] No identified disadvantages

Option Two – Status Quo

[18] The Policy is not adopted.

Advantages

[19] None

Disadvantages

[20] Council would continue to be in breach of their statutory requirements by not having an up-to-date policy. If a dangerous dam were to occur Council would be relying on an out-of-date policy not in line with the upcoming dam safety regulations, which would also limit the steps Council could take to address the matter. Council would need to re-notify a new policy and complete the process from the begging, which would have implications for those who have already participated and budget implications.

Option Three

[21] That the amended Dangerous Dam Policy (Attachment 1) is adopted as drafted with wording written by Council to cover the notification process to territorial authorities. Council writes to the Government about the special consultative process under the Local Government Act and sets up a process to notify Territorial Authorities.

Advantages

[22] Council will have a new policy that is up to date and in line with the Dam Safety Regulations.

Disadvantages

- [23] There are several disadvantages with this option, especially relating to additions to the Policy. These include:
- a. Council has not had the benefit of reading the evidence or hearing discussions from the hearing, therefore there are risks to natural justice and due process;
 - b. Wording has not been provided for inclusion in the policy and would need to be provided;
 - c. The inclusion of notification requirements to territorial authorities is outside the scope of functions under the Building Act; and
 - d. There is the opportunity for this to be completed as an operational step at a Council staff level through procedures relating to notifications for dams.

CONSIDERATIONS

Strategic Framework and Policy Considerations

[24] The proposed policy fulfils the requirements of s161 of the Building Act 2004. There are no further policy considerations. The public engagement that was undertaken as part of this process met the requirements of the special consultative process outlined in s83 of the Local Government Act 2002.

Financial Considerations

[25] This work is un-budgeted, but is being funded out of existing work programmes. There are significant legal and reputational risks if the policy is not adopted.

Significance and Engagement Considerations

[26] The public engagement that was undertaken as part of this process met the requirements of the special consultative process outlined in s83 of the Local Government Act 2002.

Legislative and Risk Considerations

[27] A policy on dangerous dams is required under s161 of the Building Act 2004. If a policy is not adopted Council will be in breach of the statutory requirement. There is significant risk if Council does not adopt this policy.

Climate Change Considerations

[28] There are no known climate change implications to this decision.

Communications Considerations

[29] Should the updated policy be adopted this will need to be circulated to the public and submitters. A communications plan will be developed. There is already space on the website to host the policy.

NEXT STEPS

[30] Should the updated policy be adopted this will be circulated to the public in accordance with the communications plan as discussed in Section 21.

ATTACHMENTS

Attachment 1 - Otago Regional Council Recommendation Report – Policy on Dangerous Dams, Earthquake-Prone Dams and Flood-Prone Dams dated 22 April 2024

Attachment 2 – Staff Hearing Report – Policy on Dangerous Dams, Earthquake-Prone Dams and Flood-Prone Dams dated 19 February 2024

Attachment 3 – Dangerous Dam Policy Memo – Outstanding Questions from Hearing dated 13 March 2024

Attachment 4 – Dangerous Dam Policy Memo – changes to Dam Safety Regulations dated 5 April 2024

Attachment 5 - Draft Policy on Dangerous Dams, Earthquake-Prone Dams and Flood-Prone Dams 2024



Otago Regional Council

Recommendation Report

Policy on Dangerous Dams, Earthquake-Prone Dams and Flood-Prone Dams

22 April 2024

1 Introduction

1.1 Appointments

1. We, Councillor Kate Wilson and Councillor Elliot Weir, have been jointly appointed to hear and decide on the submissions on the review of the Policy on Dangerous, Earthquake-Prone and Flood-Prone Dams for Otago Regional Council.

1.2 Process Matters

2. The purpose of this policy is to reduce the risk of a failure of a potentially dangerous, earthquake-prone or flood prone dam.
3. The policy is required to be reviewed at intervals of not more than 5 years. The current policy was adopted in 2011. With the recent introduction of the Building (Dam Safety) Regulations 2022, regional authorities have been working together to produce a policy template that is fit for purpose nation-wide.

1.3 Building Act 2004

4. Under Section 162 of the Building Act 2004, a Policy on Dangerous Dams, Earthquake-Prone Dams and Flood-Prone Dams may only be amended or replaced in accordance with the special consultative procedures in Section 83 of the Local Government Act (LGA) 2002. We are comfortable that the requirements under Section 83 of the LGA 2002 was satisfied.

1.4 Submissions received

5. The ORC received 13 submissions in relation to the policy. No late submissions were received.
6. We were provided with full copies of all of the submissions. We record that we have read and had regard to all the submissions that were lodged, regardless of whether or not the submitter appeared before us at the hearing.

2 Hearing

7. We conducted a hearing at the Otago Regional Council Chambers on 12 March 2024.
8. Ms Rebecca Jackson wrote the hearings report, introduced her report to the Panel and answered questions from the Panel.
9. We heard from Mr Peter Mulvihill representing Last Chance Irrigation Company and Falls Dam Irrigation Company and Ms Sherilyn Byron representing Port Blakely Limited. We do not summarise the material here, but we refer to it in the remainder of this decision where appropriate. We took our own notes of any verbal answers to questions that we posed.
10. We adjourned the hearing on March 12 2024 after having sought some rewording advice from staff.
11. Staff responded with memoranda dated March 13 2024, and April 5 2024. These responses are incorporated below.

3 Submissions

12. Below lists each submitter, outlines their submission points (taken from the ORC staff Hearing Report) and any comments that assisted us with our determination.

3.1 Northburn Limited

13. Submission relates to the direction of the Building (Dam Safety) Regulations 2022. Provided suggested provision in the regulation for potential exemptions.

Comments on submission

14. The submitter requested a pathway for newer dams to be exempt especially if the dam position posed little risk to people.

Determination

15. The submission was beyond the scope of the hearings Panel as it would require a change to the regulations. We note that the regulations do provide for an easier pathway and longer timeframes between assessments for dams with a low potential impact. We also asked staff to attach a timetable to the policy explaining the effect of the regulations. This has been attached as Appendix 1.

3.2 New Zealand Transport Agency (NZTA)

16. NZTA is the entity that provides the State Highway Road network (a lifeline utility). Failure of dams covered by this policy could present a risk to the safe and efficient functioning of the State Highway Road network and other lifeline utilities. NZTA requests that the proposed policy be amended to also include direct notification of lifeline utility providers where their assets could be impacted directly or indirectly by a dam failure.
17. It is noted that the hearing report writer made some recommendations to the draft policy in light of this submission. The report writer recommended that the policy is updated to state "Otago Civil Defence and Emergency Management Group will be requested to notify potentially affected lifeline utility providers." It is noted that, based on the recommendations of the hearing report writer, NZTA responded that they consider the recommended amendment addresses the concerns raised in their submission.

Comments on submission

18. We noted the submission and suggested solution.

Determination

19. We recommend the Policy includes the wording suggested by the report writer and approved by NZTA, noting that CDEM agreed to having a role in informing all lifeline utilities of potentials for such a risk.

3.3 GlenAyr Limited

20. Submission related to the size criteria included in the Building (Dam Safety) Regulations 2022. It also suggested the policy lacked clarity around timing and use of wording 'timely manner' which could create uncertainty. It recommended making amendments to the timing

requirements for dam owners to dates consents are held for. They also submitted that ORC focus on high risk dams and reduce costs for low risk dams.

Comments on submission

21. The Panel are aware that Waikato Regional Council also received a similar submission and considered a number of options as well as received legal advice on the potential to change these provisions. The Panel also received advice from the report writer that there had been suggestions that the Government is reviewing the regulations.
22. The report writer also advised the Panel of a timeframe table that gave better clarity of the process that could be promoted alongside the policy, but actual dates depended on a number of factors and were too complex to be included. Further the regulations provisions did not refer to consents and that was beyond the scope of the Panel.

Determination

23. The Panel was concerned that the Policy did not need to repeat the regulations and if they did, and the regulations were changed, a further special consultative process would be required. Referring to a classifiable dam should be adequate. The definition can be referenced rather than included and this would be more efficient. As such, we accept the submission and suggest the size criteria and actual definition be deleted from the policy.
24. We do note that the amendment to the legislation was highlighted in the April 5 memorandum noting a dam only needs to be classified if they are 4 or more metres in height and store 20,000 or more cubic metres of water, or other fluid.
25. We accept we cannot alter the timeframes but do suggest that a table be presented alongside the policy for clarity. This is attached as Appendix 1 to the Policy.
26. We agreed with the report writer that we had no scope to align the Policy with the RMA consent process, nor to reduce costs by only targeting high risk dams. We note though that the reality is that if the Potential Impact Classification (PIC) rating is low, then the timing and assessment costs are less frequent and thereby costs reduced.

3.4 Port Blakely Limited

27. The submitter sought the following amendments to the policy:
 - To include an obligation for ORC to provide any dam owner any technical reports in their possession which provide details about the state of a dangerous, earth-quake prone or flood-prone dam upon request.
 - To require ORC to supply information about all dams on their register to Territorial Authority (TLA) and for the TA to include information about any dam on the relevant Land Information Memorandum (LIM) report.
 - To require ORC to regularly update public about an emergency situation concerning a dam under this policy and to provide a 24 hour phone for members of the public to call in the event of an emergency.

Comments on submission

28. Ms Byron submitted to the Panel and provided some helpful background on the lack of notice that Port Blakely Limited had of a dam on land covered by forestry that they purchased, and the recent dangerous dam process that they had been through.
29. She submitted that the process would have been much better if the Council had an obligation to ensure that the Council not only made any information they had available to dam owners to assist in the assessment process, but also that they had a duty to make the information available to Territorial Authorities so that the information was available on LIM reports.
30. On questioning, she also agreed that dam owners being given notice of any land use change below them that may change their assessment status would be helpful so that it could be considered in any process considering the appropriateness of land use change.
31. She also suggested that having CDEM as the one stop shop for public to ring would be a better process than the dam owner who often would not have the resources or systems to run an information service.

Determination

32. While the Panel is sure that the ORC staff want to assist dam owners, the regulations make it clear that the onus for understanding the dam condition is on the dam owner. Information held on older dams may take substantial searching through archives, that comes at a cost and a responsibility if a duty is to be shifted to the Council. The Panel thought this contrary to the legislation and came with a risk of an additional liability for Council.
33. As to providing information for the public, the report writer advised that the need will always depend on the circumstances. TA's could have a role, but each situation will be different and the method of keeping public informed should be considered on a case by case basis. CDEM did not believe they would normally have a role in this regard.
34. The Panel saw merit in the TAs being aware of the dams for their planning function but noted that there was no submission to base this on and therefore no scope. The Panel decided to recommend that the Council address such notification in a subsequent review should they see merit in risk of dam failure being considered by TAs on subdivision or other land use changes.

3.5 Gerard Flannery

35. Submission related to the size of criteria in the Building (Dam Safety) Regulations 2022. He provided suggested changes to regulations and a concern with cost to farms for engineer reports on dams.

Comments on submission

36. The Panel are aware that Waikato Regional Council also received a similar submission and considered a number of options as well as received legal advice on the potential to change the size criteria provisions. The Panel also received advised that there had been suggestions that the Government is reviewing the regulations.
37. The report writer advised there was no scope to change the process of assessment nor the cost.

Determination

38. The Panel was concerned that the Policy did not need to repeat the regulations and if they did, and the regulations were changed, a further special consultative process would be required. Referring to a classifiable dam should be adequate. The definition can be referenced rather than included and this would be more efficient. As such, we accept the submission and suggest the size criteria and actual definition be deleted from the policy. We do note that the amendment to the legislation was highlighted in the April 5 memorandum noting a dam only needs to be classified if they are 4 or more metres in height and store 20,000 or more cubic metres of water, or other fluid.
39. The Panel agreed it had no scope to address the other matters in the submission.

3.6 *Jeremy Anderson*

40. Submission related to the size criteria in the Building (Dam Safety) Regulations 2022 for classifiable dams. Notes policy lacks clarity around timing and use of wording 'timely manner' which could create uncertainty. Recommends amending the timing requirements for dam owners to dates consents are held for and is concerned about the cost implications for dam owners.

Comments on submission

41. The Panel are aware that Waikato Regional Council also received a similar submission and considered a number of options as well as received legal advice on the potential to change the size criteria provisions. The Panel also received advice that there had been suggestions that the Government is reviewing the regulations.
42. The report writer advised there was no scope to change the process of assessment nor the cost.

Determination

43. The Panel was concerned that the Policy did not need to repeat the regulations and if they did, and the regulations were changed, a further special consultative process would be required. Referring to a classifiable dam should be adequate. The definition can be referenced rather than included and this would be more efficient. As such, we accept the submission and suggest the size criteria and actual definition be deleted from the policy. We do note that the amendment to the legislation was highlighted in the April 5 memorandum noting a dam only needs to be classified if they are 4 or more metres in height and store 20,000 or more cubic metres of water, or other fluid.
44. That does not meet all the concerns in the submission, nor changes the criteria, but simply ensures that the Policy may be suitable even if the regulations change in regard to the size trigger for assessments.
45. The Panel agreed with the report writer we had no scope to address the other matters in the submission.

3.7 *Maniototo Irrigation Company*

46. *Same as above* submission by Jeremy Anderson.

3.8 Eden Leith Partnership

47. Submission related to specific culvert sites and whether the Building (Dam Safety) Regulations 2022 apply. Highlighted that irrigation dams are regularly monitored by landowners particularly in times of drought.

Comments on submission

48. The situation referred to in the submission was culverts blocking up and causing water to back up. The question of monitoring of dams in times of drought is reassuring, but not relevant to the risk profile of a failure of a dam, which the Act addresses.

Determination

49. Such a situation as explained in the submission does not meet the definition of classifiable dam within the Act and is therefore out of scope for the Policy review.

3.9 Heritage New Zealand Pouhere Taonga

50. The submission was generally supportive of the recognition of heritage values and commitments where the dam is a heritage dam. It recommended inclusion of an advice note so that there may be additional obligations to comply with. The submission proposed wording changes to paragraph 3 and the addition of an advice note. Recommended a number of dams that are not captured under the definition of heritage dams or have an archaeological assessment to be carried out.

Comments on submission

51. It is noted that the hearing report writer made some recommendations to the draft policy in light of this submission. The report writer recommended the following:

52. Reword Application to heritage dams, paragraph 3 to state:

When dealing with heritage dams ~~that are classed as~~ dangerous ~~dams~~, earthquake-prone ~~dams~~ and/or flood-prone ~~dams~~, the Council will seek advice from the Heritage New Zealand/Pouhere Taonga and the relevant territorial authority (if appropriate) before any actions are undertaken by the regional authority under the Building Act

53. Including the following advice note:

Note – Under the Heritage New Zealand Pouhere Taonga Act 2014 (the Act), the permission of Heritage New Zealand Pouhere Taonga must be sought prior to the modification or destruction of any archaeological site, whether the site is unrecorded or has been previously recorded. An archaeological site is described in the Act as a place associated with pre-1900 human activity, which may provide evidence relating to the history of New Zealand. Works to pre-1900 structures, such as dams, or earthworks near pre-1900s structures may require an archaeological authority to be obtained prior to works commencing. Please contact Heritage New Zealand Pouhere Taonga for further information.

54. The Panel also sought clarity on whether requiring heritage approval trumped an owner who had taken urgent action to mitigate a risk situation. The report writer advised that the wording referred to the priorities in section 5, did prioritise addressing the risk.

Determination

55. The Panel accepted the suggested amendments in the submission.
56. It also recommended for clarify that the words, “unless urgency requires that action be taken before notice can be given” be added.

3.10 Falls Dam Company Limited (FDC), 3.11 Last Chance Irrigation Company (LCI) and 3.12 Pioneer Energy Limited (PEL)

57. Mr Peter Mulvihill appeared on behalf of these three submitters who had similar submissions.
58. FDC supports the principles and ORC’s priorities, however notes the time needed to gather the required information. FDC considers that similar wording to that in the 2011 Dangerous Dam Policy should be included in current policy.
59. PEL request that authorities take a collaborative approach with owners should any safety issues arise.
60. PEL supports adoption of a consistent policy for all regional authorities throughout NZ. PEL supports the principles and ORC’s priorities, however notes concern about the time needed to gather the required information. PEL considers that similar wording to that in the 2011 Dangerous Dam Policy should be included in current policy.

Comments on submission

61. Mr Peter Mulvihill spoke to the submission and made some helpful observations about the process and practices involved in the past and the capacity of qualified engineers to process the requirements under the new legislation and policy.

Determination

62. The Panel are concerned about the capacity of suitably qualified engineers to be able to meet the demands of the new legislation and policy. It is of concern that in the short term, there is likely to be a capacity and hence cost issue. However, none of the matters that were raised were ones that the Panel had scope to change whether in the timing or wording as the legislation is quite prescriptive. We do note that the amendment to the legislation highlighted in the April 5 memorandum will possibly reduce capacity issues with a reduced number of dams meeting the definition of classifiable dam.

3.13 Federated Farmers of New Zealand – Otago Province

63. Supports the revised policies requirement for dam owners to make an initial assessment. Concerned about the costs associated with engineering assessment for low PIC dams. Notes concerns around lack of qualified and competent engineers. Notes benefit in establishing a review mechanism for decisions where the Chief Executive is empowered to initiate necessary actions to remove the danger. Suggests medium PIC dams have a longer period between reviews than high PIC dams.

Comments on submission

64. This cost and capacity issue was addressed in the above submissions.

Determination

65. The Panel are concerned about the capacity of suitably qualified engineers to be able to meet the demands of the new legislation and policy. It is of concern that in the short term, there is likely to be a capacity and hence cost issue. However, none of the matters that were raised were one that the Panel had scope to change whether in the timing or wording as the legislation is quite prescriptive. We do note that the amendment to the legislation highlighted in the April 5 memorandum will possibly reduce capacity issues with a reduced number of dams meeting the definition of classifiable dam.

4 Other recommendations

66. Below we discuss other recommendations that we believe are within scope to be considered as part of our deliberation
67. The Panel considered why a heritage dam would generate notification to a territorial authority (TA). While this was raised in respect to heritage values, this policy is to address the risk of dam failure on people and assets. It seems sensible to ensure both TAs and developers are aware of any inherent risks that may arise from land use change, and that dam owners might be notified in some circumstances of land use change, if it were to alter their Potential Impact Classification. The Panel defers to the Council to consider if it wishes to cover this matter in the policy.
68. We also suggest that ORC consider feedback to Government as they review legislation and to minimise red tape where Government change regulations that reduce regulatory burdens as Councils should not need to go through the special consultative process in terms of the Local Government Act to bring policies into line with government changes.

5 Determination

69. We recommend the amended policy as attached.



Otago Regional Council

Staff Hearing Report Policy on Dangerous Dams, Earthquake-Prone Dams and Flood- Prone Dams

The recommendation in the staff report represents the opinion of the writer and it is not binding on the Hearing Panel. The report is evidence and will be considered along with any other evidence that the Hearing Panel will hear.

Rebecca Jackson
Team Leader Consents

19 February 2024



OTAGO REGIONAL COUNCIL HEARING REPORT

Prepared For: Hearings Panel
Prepared By: Rebecca Jackson, Team Leader Consents
Date: 19 February 2024
Subject: Staff Hearing Report for Policy on Dangerous Dams, Earthquake-Prone Dams and Flood-Prone Dams for Otago Regional Council

1. Introduction

This report has been prepared to assist in the hearing of the Otago Regional Council's proposed policy on Dangerous Dams, Earthquake-Prone Dams and Flood-Prone Dams. Under section 162 of the Building Act 2004, a policy on dangerous dams, earthquake-prone dams, and flood-prone dam may only be amended or replaced in accordance with the special consultative procedure in section 83 of the Local Government Act 2002. The purpose of the report is to assist the Hearing Panel in making a decision on the proposed policy.

The report details the following:

- Background of the policy and legislative requirements;
- Details on the consultation that has been undertaken;
- Overview of the submissions received including key themes; and
- Any recommended changes to the proposed policy.

In this report I refer to the following documents, a copy of which are attached to this report.

- Draft Policy on Dangerous Dams, Earthquake-Prone Dams and Flood-Prone Dams 2023 **[Appendix 1]**
- Statement of Proposal of the Dangerous Dam, Earthquake-Prone and Flood-Prone Dams 2023 **[Appendix 2]**
- Summary of Submissions **[Appendix 3]**
- Copy of all submissions **[Appendix 4]**
- Updated draft policy showing track change recommendations **[Appendix 5]**



This report contains the recommendations of the report writer and is not a decision on the final wording of the policy. The recommendations of the report are not binding on the Hearing Panel. The report is evidence and will be considered along with any other evidence that the Hearing Commissioners will hear.

2. Background

Under the Building Act 2004, every regional authority including Otago Regional Council is required to develop, adopt and periodically review a policy on dangerous, earthquake-prone and flood-prone dams (hereafter referred to as the Dangerous Dam Policy) within its region. The purpose of the policy is to reduce the risk of catastrophic failure of a potentially dangerous dam, earthquake-prone dam or a flood-prone dam.

The policy must be reviewed at intervals of not more than 5 years. Council's Dangerous Dam Policy was last reviewed in 2011, so is overdue for review¹. In the past each regional authority developed their own dangerous, earthquake-prone, and flood-prone dam policy. With the recent introduction of the Building (Dam Safety) Regulations 2022, regional authorities have been working collaboratively to produce a consistent policy template that is fit for purpose nationwide.

As noted above the policy has not been reviewed since 2011. The need for a policy review has depended on central government promulgating regulations that define some of the matters that the policy relies on, such as definitions. The regulations were amended in 2022 which enabled review of the current policy to commence.

It should be highlighted that the Dangerous Dam Policy is a separate document to the Building (Dam Safety) Regulations 2022 (hereafter referred to as the Dam Safety Regulations) which largely relates to dam owner responsibilities including ensuring that classifiable dams are well operated, maintained and regularly monitored.

2.1 Background on consultation process undertaken

On 25 October 2023 Council approved consultation of the proposed Dangerous Dams Policy using the special consultative procedure under Section 83 of the Local Government Act 2002.

Section 83 of the Local Government Act 2002 provides:

83 Special consultative procedure

- (1) Where this Act or any other enactment requires a local authority to use or adopt the special consultative procedure, that local authority must—

¹ Prior to 2022, any review was frustrated by the absence of government regulations which were needed to fully define "dangerous dam".



- (a) prepare and adopt—
 - (i) a statement of proposal; and
 - (ii) if the local authority considers on reasonable grounds that it is necessary to enable public understanding of the proposal, a summary of the information contained in the statement of proposal (which summary must comply with section 83AA); and
 - (b) ensure that the following is publicly available:
 - (i) the statement of proposal; and
 - (ii) a description of how the local authority will provide persons interested in the proposal with an opportunity to present their views to the local authority in accordance with section 82(1)(d); and
 - (iii) a statement of the period within which views on the proposal may be provided to the local authority (the period being not less than 1 month from the date the statement is issued); and
 - (c) make the summary of the information contained in the statement of proposal prepared in accordance with paragraph (a)(ii) (or the statement of proposal, if a summary is not prepared) as widely available as is reasonably practicable as a basis for consultation; and
 - (d) provide an opportunity for persons to present their views to the local authority in a manner that enables spoken (or New Zealand sign language) interaction between the person and the local authority, or any representatives to whom an appropriate delegation has been made in accordance with Schedule 7; and
 - (e) ensure that any person who wishes to present his or her views to the local authority or its representatives as described in paragraph (d)— (i) is given a reasonable opportunity to do so; and (ii) is informed about how and when he or she may take up that opportunity.
- (2) For the purpose of, but without limiting, subsection (1)(d), a local authority may allow any person to present his or her views to the local authority by way of audio link or audiovisual link.
- (3) This section does not prevent a local authority from requesting or considering, before making a decision, comment or advice from an officer of the local authority or any other person in respect of the proposal or any views on the proposal, or both.

A Statement of Proposal (Appendix 2) was prepared and outlined the application of the policy, its purpose and principles as well as Council's approach to performing these functions. This information was publicly available on Council's website and information on where to find these documents was sent to known large dam owners (185 owners) and potentially interested stakeholders (13 different parties) throughout Otago. The website also contained information on the submission process including a form that submitters could use (either online or as a PDF document).

A media release announcing the proposed Dangerous Dams Policy circulated on 25 October 2023. This explained the purpose of the policy and provided dates for when the submission period was available. A public notice was placed in the Otago Daily Times on two separate occasions (4th and 11th of November 2023) as well as Southern Rural Life and the Oamaru Mail on the 8th and 10th of November 2023 respectively.



The submission process was open between 13 November 2023 – 15 December 2023 (25 working days). Submissions were received in the form of emails, letters and via the online form during the consultation period. The submission form had options to choose whether submitters wished to present their evidence in person or not.

Based on the above, I consider that 83 of the LGA 2002 was satisfied.

3. Submissions Received

A total of 13 submissions were received by the close of the submission period. There were no late submissions. A summary of submissions is provided below:

Table 1: Summary of Submissions

Submitter	Submission Points	Wishes to be heard
Tom Pinckney on behalf of Northburn Limited	<ul style="list-style-type: none"> • Submission related to the direction of the Building (Dam Safety) Regulations 2022. • Provided suggested provision in the regulation for potential exemptions. 	Yes
Helen Dempster on behalf of New Zealand Transport Agency (NZTA)	<ul style="list-style-type: none"> • NZTA is the entity that provides the State Highway Road network (a lifeline utility). • Dams impacted by this policy could present a risk to the safe and efficient functioning of the State Highway Road network and other lifeline utilities. • NZTA requests that the proposed policy be amended to also include direct notification of lifeline utility providers where their assets could be impacted directly or indirectly by a dam. 	Yes
Dawn Sangster on behalf of GlenAyr Limited	<ul style="list-style-type: none"> • Submission related to the direction of the Building (Dam Safety) Regulations 2022. • Notes policy lacks clarity around timing and use of wording 'timely manner' which could create uncertainty. • Recommends amending the timing requirements for dam owners to dates consents are held for. 	No
Shona Walter on behalf of Port Blakely Limited	<ul style="list-style-type: none"> • Opposes the policy • Submitter seeks the following amendments to the policy: <ul style="list-style-type: none"> ○ To include an obligation for ORC to provide any technical reports in their possession which provide details about the state of a dangerous, earth-quake prone or flood-prone dam upon request. ○ To require ORC to supply information about all dams on their register to Territorial Authority (TLA) and for the TA to include information about any dam on the relevant Land Information Memorandum (LIM) report. ○ To require ORC to regularly update public about an emergency situation concerning a dam under this policy and 	Yes



	to provide a 24 hour phone for members of the public to call in the event of an emergency.	
Gerard Flannery	<ul style="list-style-type: none"> Submission related to the direction of the Building (Dam Safety) Regulations 2022. Provided suggested changes to regulations. Concern with cost to farms for engineer reports on dams. 	Not stated
Jeremy Anderson	<ul style="list-style-type: none"> Submission related to the direction of the Building (Dam Safety) Regulations 2022. Notes policy lacks clarity around timing and use of wording 'timely manner' which could create uncertainty. Recommends amending the timing requirements for dam owners to dates consents are held for. 	No
Jeremy Anderson on behalf of Maniototo Irrigation Company	<i>Same as submission above</i>	No
Bruce Smith on behalf of Eden Leith Partnership (ELP)	<ul style="list-style-type: none"> Submission related to a specific site and whether the Building (Dam Safety) Regulations 2022 apply. Highlighted that irrigation dams are regularly monitored by landowners particularly in times of drought. 	No
Fran Davies on behalf of Heritage New Zealand Pouhere Taonga	<ul style="list-style-type: none"> Generally supportive of the recognition of heritage values and commitments where the dam is a heritage dam. Recommends inclusion of advice note to advise there may be additional obligations to comply with. Provided proposed wording changes to paragraph 3 and the addition of an advice note. Recommended a number of dams that are not captured under the definition of heritage dams have an archaeological assessment be carried out. 	No
Murray Heckler on behalf of Falls Dam Company Limited	FDC supports the principles and ORC's priorities however notes the time needed to gather the required information. FDC considers that similar wording to that in the 2011 Dangerous Dam Policy should be included in current policy.	Yes
James Russell on behalf of Last Chance Irrigation Company	LCI supports the principles and ORC's priorities however notes the time needed to gather the required information. LCI considers that similar wording to that in the 2011 Dangerous Dam Policy should be included in current policy.	Yes
Tony Jack on behalf of Pioneer Energy Limited	Request that authorities take a collaborative approach with owners should any safety issues arise. PEL supports adoption of a consistent policy for all regional authorities throughout NZ. PEL supports the principles and ORC's priorities however notes the time needed to gather the required information. PEL considers that similar wording to that in the 2011 Dangerous Dam Policy should be included in current policy.	Not stated
Luke Kane and Myfanwy Alexander on behalf of Federated Farmers	Supports the revised policies requirement for dam owners to make an initial assessment. Concerned about the costs associated with engineering assessment for low PIC dams. Notes concerns around lack of qualified and competent engineers. Notes benefit in establishing a	Yes



of New Zealand – Otago Province	review mechanism for decisions where the Chief Executive is empowered to initiate necessary actions to remove the danger. Suggests medium PIC dams have a longer period between reviews than high PIC dams.	
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A more comprehensive summary of the submissions is attached as Appendix 3. The full list of all submissions is attached as Appendix 4.

It is noted that 3 submissions did not appear to have direct relevance to the Dangerous Dam Policy but rather either the Dam Safety Regulations, or in one case queries about a particular dam that may be impacted. Other submissions that raised points regarding the Dangerous Dam Policy also contain comments on the Dam Safety Regulations. No submission points relating to the Dam Safety Regulations are considered further in this report given the inability to make changes to these Regulations.

With regards to the submission points that directly relate to the Dangerous Dam Policy, a key theme that came out through multiple submissions was clarity sought around timing to reduce uncertainty to dam owners. A number of submissions also highlighted the need to recognise the social and economic needs of the community whilst reducing the risks to the safety of the dam and the community.

The other requested changes that directly impact the policy are:

- Inclusion of notification to lifeline utility providers where their assets could be impacted directly or indirectly by a dam;
- Obligation for ORC to provide any technical reports in their possession to those that request the documents which provides details about the state of a dam affected by the policy;
- Requirement for ORC to supply information about all dams on their register to the TLA and for the TLA to include information about any dam on the relevant LIM report;
- Requirement for ORC to regularly update public on an emergency situation concerning a dam including providing a 24-hour phone for the public to call in the event of an emergency;
- Inclusion of advice note to advise dam owners that there may be additional obligations to comply with; and
- Recommend a number of dams not captured under the definition of heritage dams have an archaeological assessment be carried out.

4. Report writer recommendations following submissions received

Below I provide a discussion on each submission that was received.

Northburn Limited

Northburn Limited provided a submission requesting a provision in the Dam Safety Regulations that allow for dams of a certain age that have no history of failure to be allowed to ‘pass’. The submission also notes that if a failure of a dam would not result in damage to neighbouring property it should be ‘exempt’ or ‘pass’.



The submission above does not contain any specific changes to the proposed policy therefore I do not recommend any changes to the draft are required based on this submission.

New Zealand Transport Agency (NZTA)

The NZTA submission highlights the lifeline utility (State Highway Road Corridor) that they provide for. Dams discussed in this policy may present a risk to the functioning of the State Highway Road network, as well as other lifeline utilities that are required to be in the road corridor. NZTA submit that it is important that lifeline utility providers, including NZTA are directly notified about any dams under this policy, that if they were to fail, may impact on the State Highway Network. If notified about these dams, NZTA would be better placed to understand the risk presented to the State Highway network and prepare for dam failure scenarios.

The submission notes a section in the policy titled 'The Council's approach to performing these functions' where it lists parties that will be notified of any dangerous, earthquake-prone and flood-prone dams it receives information about.

NZTA requests the following:

".. that the proposed policy be amended to also explicitly include direct notification of lifeline utility providers, where their lifeline utilities could be impacted directly or indirectly by the failure of a dangerous dam, earthquake-prone dam or flood-prone dam."

The policy includes a provision that, where appropriate, ORC will notify potentially affected communities downstream of a dam impacted by this policy by publishing information through liaison with the Otago Civil Defence Emergency Management Group. I have reviewed the submission and agree that there are benefits in notifying lifeline utility providers. This policy cannot direct an action like this however. I recommend that Section 4.1 of the policy is amended to include the following statement "Otago Civil Defence and Emergency Management Group will be requested to notify potentially affected lifeline utility providers."

I recommend that this is a role Civil Defence and Emergency Management (CDEM) undertake as part of their operations. This has been discussed with the CDEM Lifelines Program Lead who noted that this is feasible. However, all lifeline utility operators would be notified rather than specific ones as CDEM will not be making an assessment on the level of risk to assets.

Port Blakely Limited (PBL)

PBL oppose the Dangerous Dam Policy. PBL own and manage land in the Otago region where the Phoenix Dam is located. The Phoenix Dam has been considered a flood-prone dam and PBL were instructed last year to undertake emergency works under Section 330 of the Resource Management Act 1991 to immediately lower the water level of the dam.



PBL seeks:

“Amendment to Section 3 (Principles), paragraph 3 to include an obligation on the ORC to provide on request any technical reports in their possession which provides details about the state of a dangerous, earth-quake prone or flood-prone dam.”

This information would be public information and therefore would be subject to any request, made to the ORC, for that information under the Local Government Official Information and Meetings Act 1987. Accordingly, I do not consider that updates to the policy are required.

The policy states that ORC will supply a record of all of the heritage listing of all dams considered by this policy to the Territorial Authority (“TA”). The TA will then include this information on the LIM report. PBL seek that the policy should require the ORC to supply information about all dams on the register to the TA to be included on the relevant LIM report. PBL discusses the purchasing of their land where the Phoenix Dam is located, where the LIM report indirectly references the Dam, but does not make reference to the state of the dam or its heritage values. This was when the dam was in a poor state but prior to it being classified as a High PIC dam. PBL consider that including this provision will ensure the safety of dams is managed in a proactive way as future buyers will be better informed on the presence of a dam on their property as well as any risks associated with the dam.

While emergency works were being undertaken for Phoenix Dam PBL staff were contacted by members of the public directly. PBL suggest having an emergency 24-hour contact phone number and regularly updated information in the media regarding the emergency would be beneficial to keep the public safe and would help maintain trust in public authorities.

PBL seeks:

- (a) Amendment to Section 4, subsection 4.1, paragraph 1 to require that all information in the ORCs registry of dams be sent to Territorial Authorities for inclusion on any relevant LIM Report.*
- (b) Amendment to Section 4, subsection 4.3, to require the ORC to regularly update the public about an emergency situation concerning a dangerous, earthquake-prone or flood-prone dam and to provide a 24-hour phone number for members of the public to call in the event of an emergency.*

It is the responsibility of a TA to determine what is included in a LIM report. It is noted that ORC is not required to keep a record of all dams therefore this request could not be fulfilled. I do not recommend the proposed amendment to Section 4, subsection 4.1. With regards to the proposed amendment to Section 4, subsection 4.3, Emergency Otago have a 24-hour phone that can be used by Council’s and professional stakeholders. It is the recommendation that in all other emergency scenarios individuals contact emergency services (111) rather than CDEM. I consider this to be a role for Civil Defence and for TA’s as they deal with localised emergencies. Based on this I do not recommend the proposed amendment to Section 4, subsection 4.3.

Gerard Flannery



Mr Flannery submitted on the proposed policy with the following recommendations:

- For farm dams 100,000m³ would be more realistic. It is not clear but I have interpreted this as related to the definition of a classifiable dam under the Dam Safety Regulations;
- Recommends a standard design for contractors could be used when constructing dams; and
- Included a note suggesting that contractors could certify dams less than 100,000m³.

The submission above does not contain any specific changes to the proposed policy therefore I do not recommend any changes to the draft are required based on this submission.

GlenAyr Limited and Jeremy Anderson and Maniototo Irrigation Company (MIC)

Jeremy Anderson provided two identical submissions, one on behalf of himself and one on behalf of the Maniototo Irrigation Company. GlenAyr Limited also provided a submission using near identical wording. For ease I have discussed the three submissions together.

The submissions acknowledge the proposed policy must comply with the Dam Safety Regulations and that the submission will suggest recommendations that ORC may be unable to accept, but should be considered if the Regulations are amended in the future.

Submission points related to the Dam Safety Regulations state:

- The definition of classifiable dams be amended as the definition is likely to have unintended consequences for capturing dams with little to no risk; and
- Dam engineers have identified a lack of resource in this field and are of the belief that they will be adding costs to farms by doing inspections that present little to no risk.

As highlighted by the submitter, changes to the Dam Safety Regulations cannot be considered through this process.

The submissions highlight that most landowners prefer defined dates and timeframes rather than wording such as 'in a timely manner'. GlenAyr Limited, Mr Anderson and MIC have stated there will be an unintended consequence of landowners leaving the process to the last minute. A solution outlined in the submissions is an amendment to the policy aligning requirements to correspond with irrigation consents to which the dam relates. The submissions state:

"This would streamline costs and workloads for farmers making it more practical, and mean that low risk dams that are in all likelihood not dangerous are inspected at a later date, allowing high risk dams to be at the front of the queue."

The point above appears to relate more to the Dam Safety Regulations than the policy. With regards to the wording "in a timely manner"; I do not consider changes are required to the policy. Each scenario



will be case by case and heavily fact dependent, therefore there will be a range of timings and situations that could be dealt with. It is noted that under section 153B of the Building Act 2004, the owner of a dam must immediately notify the regional authority. By analogy, I do not consider that any changes to the proposed policy are required.

The submissions provide comment on the high cost associated with engaging an engineer, particularly if farmers believe their dam is safe and low-risk. The submissions recommend the policy be amended to allow alternatives to an engineer report for dams that meet a level of criteria for being low-risk. The submissions provide suggested alternatives that could be included.

The submissions conclude by making reference to the statement in the policy *"this policy applies to dams everywhere in Otago, and irrespective of the age and intended life of the dam"*. The submissions express disappointment that the policy does not target dams that are high risk so that resources can be appropriately allocated.

While the submissions discuss changes to the policy, I do not feel these relate to the proposed policy but rather matters dealt with in the Dam Safety Regulations. The proposed policy is required to address high-risk situations (dams that are dangerous, flood-prone or earthquake-prone) therefore it is important the correct technical information is required to be sought. Due to this I am not recommending any changes to the proposed Policy based on these submissions.

Eden Leith Partnership (ELP)

The submission questioned whether the Dam Safety Regulations are applicable to particular barriers that cross Eden Creek. The submitter notes that the structures would hold large quantities (quantities) of water if pipes were to be blocked. The submitter has requested that ORC undertake site visits to view existing dams and inform land owners whether or not they are of the belief that the dams trigger a level of risk that warrants further investigation. The submission also notes that irrigation dams are significantly monitored onsite, particularly in times of drought.

. It is crucial that a dam owner engages a SQP to undertake a site visit and assessment of a dam to fulfil requirements under the Dam Safety Regulations. It is not clear whether the submitter is seeking for their recommendations to be incorporated into the proposed Dam Safety Policy. I do not recommend that these recommendations are incorporated into the policy given I do not believe it would be appropriate for a policy of this nature would be required.

Heritage New Zealand Pouhere Taonga (HNZPT)

HNZPT is generally supportive of the recognition of heritage values outlined in the proposed policy and the commitment that *"account will be taken of the need to facilitate the preservation of parts of the dams with significant heritage values"*.



HNZPT highlights in the submission of the regulatory framework that governs any activity that may modify or destroy an archaeological site. The submission provides a definition of an archaeological site. The submission also provides examples of dams that are not captured under the definition of heritage dams under the Building Act 2004 however HNZPT recommends that an archaeological assessment is considered prior to works being carried out on the structures.

With regards to the wording around the 'Application to Heritage Dams' section of the proposed policy, HNZPT is generally supportive of this section and appreciates the balance and consideration that the Council must undertake when there is a risk arising from dams considered under this policy and is encouraged by the recognition that it has given to historic heritage in this process.

HNZPT submits the following relief is sought:

- Reword Application to heritage dams, paragraph 3 to state:

When dealing with heritage dams that are classed as dangerous dams, earthquake-prone dams and/or flood-prone dams, the Council will seek advice from the Heritage New Zealand/Pouhere Taonga and the relevant territorial authority (if appropriate) before any actions are undertaken by the regional authority under the Building Act....

- Include the following advice note:

Note – Under the Heritage New Zealand Pouhere Taonga Act 2014 (the Act), the permission of Heritage New Zealand Pouhere Taonga must be sought prior to the modification or destruction of any archaeological site, whether the site is unrecorded or has been previously recorded. An archaeological site is described in the Act as a place associated with pre-1900 human activity, which may provide evidence relating to the history of New Zealand. Works to pre-1900 structures, such as dams, or earthworks near pre-1900s structures may require an archaeological authority to be obtained prior to works commencing. Please contact Heritage New Zealand Pouhere Taonga for further information.

The addition of the advice note is sensible and proposed re-wording is logical. It is recommended that these changes are made with the inclusion of a footnote noting the advice note was supplied by HNZPT.

Last Chance Irrigation Company (LCI), Falls Dam Company Limited (FDC) and Pioneer Energy Limited (PEL)

LCI, FDC and PEL all submitted on the proposed policy and had the same submission except for the description of each of the companies. For the purposes of this report, I have combined these submissions.

LCI own and operate an irrigation scheme that uses Butchers and Conroys dam to supply irrigation water in the Central Otago region. FDC own and operate Falls Dam which acts as a storage reservoir and generates hydroelectricity. There are 4 irrigation schemes that the reservoir provides reliable irrigation water for.

PEL own 7 dams and is involved with the management of 2 other dams. Many of these dams are likely to be classified as medium or high PIC dams under the new regulations. PEL own and operate several hydroelectric schemes. They also are involved with the Falls Dam. PEL acknowledge that some of the



dams may not meet current engineering standards due to their age however have performed in a manner that would not be considered “dangerous”. Based on the past and current performance of these dams and the economic consequences of being identified as either dangerous, earthquake-prone or flood-prone, PEL submits that a collaborative approach is taken with owners should any safety issues arise.

LCI, FDC and PEL supports the Principles and Council’s priorities that are outlined in the proposed policy. They all identify however that whilst some owners will have a large amount of information regarding the state of their dam, others will not and will be working towards meeting the requirements of the regulations.

LCI, FDC and PEL note the 2011 version of the policy includes the following wording:

“Without overriding the paramount aim of protecting community safety, when deciding what actions must be taken in respect of a dangerous dam, earthquake-prone dam or flood-prone dam, the ORC will take into account social, economic and environmental impacts that may arise from those actions.

The ORC will work with the owners of identified dangerous dams, earthquake-prone dams and flood-prone dams to develop an action plan (with timeframes) with the common goal of reducing the risks to the safety of the dam and the community associated with the dam in a way that recognises the social and economic needs of the community. It is not realistic to specify a timeframe within this policy for achieving this goal because practicability will be dictated by the circumstances surrounding each case (e.g. economic welfare, ability to manage the interim risk, etc). When setting a timeframe for action, the ARC will consider the circumstances giving rise to the need for action, the nature of the risk (including the likelihood and immediacy of any threat), the degree of risk exposure, the potential impact classification (PIC) of the dam, whether satisfactory steps can be taken to manage the interim risk and the priorities established in this policy (community safety, economic welfare, heritage values).”

In the submission, LCI, FDC and PEL note that many classifiable dams provide for significant needs in their communities. To reflect this the three companies recommend that similar wording to the 2011 version provided above is incorporated into the proposed policy.

The 2011 version of the policy predates the Dam Safety Regulations. The draft wording has been written with consideration of the current Regulations and was legally reviewed to ensure it complies. It is noted that Section 5 (Council’s priorities in performing these functions) outlines the priorities in order of highest to lowest priority which are:

1. To minimise the risk to public safety at all times;
2. To minimise the risk to damage or loss of property; and
3. To minimise the risk to the environment.

The environment is defined in the Resource Management Act 1991 as:

includes—

- (a) ecosystems and their constituent parts, including people and communities; and*
- (b) all natural and physical resources; and*



(c) amenity values; and

(d) the social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) or which are affected by those matters

Based on this, I consider that the requested changes are provided for by using this definition and therefore no changes to the draft policy wording are required.

Federated Farmers of New Zealand – Otago Province (FF)

FF outlined in their submission that they support the requirements in the policy for dam owners to make an initial assessment as they have expressed concerns at a national level regarding requirements for audits for dams which turn out to be low risk. FF note concerns around costs associated with submitting certification from a low PIC dam when there is likely to be little benefit. FF discuss in their submission a regime for randomly sampling low PIC dams for auditing purposes.

FF highlight the lack of suitably qualified engineers and whether there will be sufficient resources to cope with demand. FF believe engineers should focus on certification for medium and high PIC dams and their ongoing compliance requirements under the Regulations.

FF also note concern with annual reviews for medium PIC dams and consider that they should have longer between reviews. The submission highlights the importance of guidance material to be developed in relation to the Regulations.

While the above makes reference to the policy, I believe FF are referring to the Dam Safety Regulations. Therefore, I do not recommend any changes to the draft are required based on this aspect of the submission.

Section 5 of the Proposed policy notes the Chief Executive of the Council is empowered to initiate necessary actions to remove the danger, with costs recoverable from the dam owner. FF submit it would be beneficial to establish a review mechanism for such decisions. FF suggest this could entail an initial assessment from a qualified engineer with an independent peer review before action is undertaken. FF consider this to be essential as it adds further scrutiny and avoids impulsive decision making that may have far-reaching consequences.

I consider that potential issues may arise with regards to costs associated with an independent review prior to any action undertaken. It is noted that if there was any uncertainty the Chief Executive could request a second opinion. Based on this I do not consider any further changes to the proposed Dangerous Dam Policy are required.

Summary



Table 2 below outlines the submission points that directly relate to the Dangerous Dam Policy as well as recommendations from the report writer outlining whether changes should or should not be made. Submissions that use similar or the same wording are grouped together.

Table 2: Recommendation of changes to the policy based on points raised in submission

Submitter	Submission point	Report writer recommendations
NZTA	That the proposed policy be amended to also include direct notification of lifeline utility providers where their assets could be impacted directly or indirectly by a dam.	I recommend that the policy is updated to state "Otago Civil Defence and Emergency Management Group will be requested to notify potentially affected lifeline utility providers."
GlenAyr Limited, Jeremy Anderson and Maniototo Irrigation Company	Recommends amending the timing requirements for dam owners to dates consents are held for.	No changes recommended.
Port Blakely Limited	<p>To include an obligation for ORC to provide any technical reports in their possession which provide details about the state of a dangerous, earth-quake prone or flood-prone dam upon request.</p> <p>To require ORC to supply information about all dams on their register to Territorial Authority (TLA) and for the TA to include information about any dam on the relevant Land Information Memorandum (LIM) report.</p> <p>To require ORC to regularly update public about an emergency situation concerning a dam under this policy and to provide a 24 hour phone for members of the public to call in the event of an emergency.</p>	No changes recommended.
Heritage New Zealand	<p>Recommends inclusion of advice note to advise there may be additional obligations to comply with. Provided proposed wording changes to paragraph 3 and the addition of an advice note.</p> <p>Recommended a number of dams that are not captured under the definition of heritage dams have an archaeological assessment be carried out.</p>	<p>Recommend the following: Reword Application to heritage dams, paragraph 3 to state: <i>When dealing with heritage dams <u>that are classed as</u> dangerous dams, earthquake-prone dams and/or flood-prone dams, the Council will seek advice from the Heritage New Zealand/Pouhere Taonga and the relevant territorial authority (if appropriate)</i></p>



		<p>before any actions are undertaken by the regional authority under the <u>Building Act</u> . . .</p> <p>Include the following advice note:</p> <p><u>Note – Under the Heritage New Zealand Pouhere Taonga Act 2014 (the Act), the permission of Heritage New Zealand Pouhere Taonga must be sought prior to the modification or destruction of any archaeological site, whether the site is unrecorded or has been previously recorded. An archaeological site is described in the Act as a place associated with pre-1900 human activity, which may provide evidence relating to the history of New Zealand. Works to pre-1900 structures, such as dams, or earthworks near pre-1900s structures may require an archaeological authority to be obtained prior to works commencing. Please contact Heritage New Zealand Pouhere Taonga for further information.</u></p>
Falls Dam Company Limited, Last Chance Irrigation Company and Pioneer Energy Limited	Similar wording to that in the 2011 Dangerous Dam Policy should be included in current policy.	No changes recommended.
Fed Farmers	Recommend establishing a review mechanism for decisions where the Chief Executive is empowered to initiate necessary actions to remove the danger	No changes recommended.

5. Recommendation

I recommend that changes are made to the proposed Policy as outlined in Table 2 above and as shown in Appendix 5.

Appendix1: Draft Policy on Dangerous Dams, Earthquake-Prone Dams and Flood-Prone Dams 2023



Appendix 2: Statement of Proposal of the Dangerous Dam, Earthquake-Prone and Flood-Prone Dams 2023

Appendix 3: Summary of Submissions

Appendix 4: Copy of all submissions

Appendix 5: Updated draft policy showing track change recommendations



To the Hearing Panel 13 March 2024

Hearing of Policy on Dangerous Dams, Earthquake-Prone Dams and Flood-Prone Dams

Compiled by Rebecca Jackson, Team Leader Consents

Outstanding questions from hearing

Reference to referable dams

Section 1 of the draft policy on dangerous dams, earthquake-prone dams and flood-prone dams states:

The dam safety provisions in [Subpart 7 of Part 2](#) of the Act, including this policy apply to:

1. Classifiable dams (defined in [Regulation 5](#) of the Building (Dam Safety) Regulations 2022 (“the Regulations”)) to be either:
 - a. 4 or more metres high and storing 20,000 or more cubic metres volume of water or other fluid; or
 - b. 1 or more metres high and storing 40,000 or more cubic metres volume of water or other fluid.
2. Referable dams as defined in the Regulations¹.

The Commissioners questioned whether the reference to referable dams is required to be outlined in the policy. Referable dams are not currently defined in the Regulations. I recommend leaving the reference to referable dams in the policy as it future proofs the policy if referable dams are defined in the future which may require a monitoring regime.

Heritage values

The Commissioners commented on the disparities between the requirements to maintain safety versus Heritage New Zealand requirements to obtain permissions prior to the modification of any dam. The draft policy states (with recommended track change comments included based on Heritage New Zealand Pouhere Taonga (HNZ) submission):

“When dealing with heritage ~~dams that are classed as~~ dangerous, ~~dams and/or~~ earthquake-prone ~~dams~~ and/or flood-prone dams, the Council will seek advice from the Heritage New Zealand/Pouhere Taonga and the relevant territorial authority (if appropriate) before any actions are undertaken by the regional authority under [Section 153](#), [Section 154](#), [Section 155](#), [Section 156](#), [Section 157](#), [Section 158](#), [Section 159](#) and [Section 160](#) of the [Building Act 2004](#).”

HNZ have their own separate legislative processes that sit outside the Building Act and the proposed Policy. HNZ requested the following advice note be incorporated into the draft policy:

“Under the Heritage New Zealand Pouhere Taonga Act 2014 (the Act), the permission of Heritage New Zealand Pouhere Taonga must be sought prior to the modification or destruction of any archaeological site, whether the site is unrecorded or has been previously recorded. An archaeological site is described in the Act as a place associated with pre-1900 human activity, which may provide evidence relating to the history of New Zealand. Works to pre-1900 structures, such as dams, or earthworks near pre-1900s structures may require an archaeological authority to be obtained prior to works commencing. Please contact Heritage New Zealand Pouhere Taonga for further information.”

I note the word ‘sought’ is used rather than the word ‘obtained’ or similar. The policy also states:

“The Council recognises the need to retain heritage values of the dam itself, but also the need to reduce or remove any risk posed by a heritage dam which has been classified as dangerous, flood-prone or earthquake-prone. When considering heritage dams under this policy, account will be taken of the need to facilitate the preservation of parts of the dams with significant heritage value.”

The wording suggests that while values will be taken into account, reducing the risk is of paramount importance. Based on this, I do not consider any further changes to the draft policy are required.



Rebecca Jackson

Team Leader Consents

13 March 2024



Otago
Regional
Council

To the Hearing Panel 5 April 2024

Hearing of Policy on Dangerous Dams, Earthquake-Prone Dams and Flood-Prone Dams

Compiled by Rebecca Jackson, Team Leader Consents

Changes to Dam Safety Regulations

On 28 March 2024 the Government decided to amend the definition of a 'classifiable dam' in regulation 5 of the Building (Dam Safety) Regulations 2022. Now, a dam only needs to be classified if they are 4 or more metres in height and store 20,000 or more cubic metres of water, or other fluid. The regulations are no longer applicable to dams that are less than 4 metres in height, regardless of the volume of storage they had.

Given my recommendation in the hearing to remove the definition of a classifiable dam and instead just state that the Dam Safety Provisions apply to classifiable dams, I do not anticipate that the amendment will impact on the decision that the hearing panel make.

A handwritten signature in black ink, appearing to read 'Rebecca Jackson'.

Rebecca Jackson

Team Leader Consents

5 April 2024



**Otago
Regional
Council**

S161 BUILDING ACT 2004

**POLICY ON
DANGEROUS DAMS, EARTHQUAKE-PRONE
DAMS AND FLOOD-PRONE DAMS
2024**

 Otago Regional Council	Document Name: Policy on Dangerous Dams, Earthquake-Prone Dams and Flood-Prone Dams 2023
	Document Owner: Otago Regional Council
	Document Reference: A1830908
	Implementation Date:
	Review Period: 5 Years
	Last Reviewed:
	Next Review:

DRAFT

1. Introduction

This document sets out the policy on dangerous dams, earthquake-prone dams and flood-prone dams adopted by the Otago Regional Council (“the Council”) in accordance with [Section 161](#) and [Section 162](#) of the Building Act 2004.

The policy states the approach and priorities the Council will take in performing its functions in relation to dangerous dams, earthquake-prone dams and flood-prone dams in the Otago Region, and how the policy will apply to heritage dams.

This policy applies to dams defined in [Section 7](#) of the Building Act 2004 (“the Act”).

The dam safety provisions in [Subpart 7 of Part 2](#) of the Act, including this policy apply to:

1. Classifiable dams (defined in [Regulation 5](#) of the Building (Dam Safety) Regulations 2022 (“the Regulations”)
2. Referable dams as defined in the Regulations¹.

Only [Section 133B](#)² (height measurement of dams) and [Section 157](#) (measures by a regional authority to avoid immediate danger) apply to all other dams.

2. Application of this policy

This policy applies to dams everywhere in Otago, and irrespective of the age and intended life of the dam. Some parts of this policy may apply to all dams. Where required by the Act, this policy applies to classifiable dams, which also includes “large dams” as defined in [Section 7](#) of the Act.

The terms ‘dangerous dam’, ‘earthquake-prone dam’ and ‘flood-prone dam’ have the same meaning as provided in [Section 153](#), and [Section 153A](#) and of the Act.

This policy must be read alongside the Regulations which defines terms used in the Act in relation to “dangerous dams”, “earthquake-prone dams” and “flood-prone dams”.³

The Regulations and the Act can be accessed at www.legislation.govt.nz ⁴:

¹ The current Regulations do not define a referable dam.

² When measuring the height of the dam under this section, the crest of the dam includes any freeboard – refer Appendix A for the definition.

³ Section 19 of the Regulations defines moderate earthquake, moderate flood, earthquake threshold event and flood threshold event.

⁴ <https://www.legislation.govt.nz/regulation/public/2022/0133/latest/whole.html#LMS489207> and https://www.legislation.govt.nz/act/public/2004/0072/latest/whole.html?search=ts_act%40bill%40regulation%40deemedreg_building+act+2004_resel_25_a&p=1#whole

Under [Section 153AA](#) of the Act, if a dangerous dam is located in an area that has been affected by an emergency ([Subpart 6B](#) of the Act), this policy and other provisions of the Act continue to apply but only in relation to:

- a) action taken or notices issued under [Section 154](#) of the Act;
- b) work carried out under [Section 156](#) of the Act; or
- c) if a warrant is issued under [Section 157](#) of the Act.

This policy commences on 13 May 2024.

This policy will be reviewed every five years or earlier as required. The policy remains in effect even though it is due for review or being reviewed.

3. Principles

The Council will apply the following principles to the exercise of its dangerous dams, earthquake-prone dams and flood-prone dams functions under the Building Act.

1. Dam owners have the primary responsibility for identifying, monitoring, reviewing and reporting on dangerous, earthquake-prone and flood-prone dams and for reducing or removing the risk of harm to people, property and the environment in a timely and effective manner.
2. A suitably qualified and experienced engineer engaged (by the owner⁵) to provide a certificate for the purposes of [Section 135\(1\)\(b\)](#), [Section 142\(1\)\(b\)](#), or [Section 150\(2\)\(f\)](#) must notify the Council and the owner of the dam, in writing, and within 5 working days, if he or she or they believe that the dam is dangerous
3. The state of all dangerous, earthquake-prone and flood-prone dams (as defined in the Act and the Regulations) must be known (noting that other dam safety provisions in the Act apply to all dams) and this information, if known to the Council, will be made readily available by the Council, to all persons potentially affected by the safety risks of a dangerous, earthquake-prone or flood-prone dam.

4. Council's approach to performing its functions

4.1 Information on dam status

The Council will keep a register of all dams as required by [Section 151](#) of the Act, recording the dangerous, earthquake-prone and flood-prone status of each classifiable dam. The Council will develop a monitoring procedure to maintain the register and inclusion of information on the relevant property file.

Should the Council receive information about a dangerous, earthquake-prone and flood-prone dam in its regional boundary, the Council will notify the chief executive of the Ministry of Business, Innovation, and Employment, relevant territorial authority and the Otago Civil Defence and Emergency Management Group. Otago Civil Defence and Emergency Management Group will be requested to notify potentially affected lifeline utility providers.

⁵ Note: where costs will fall for this is not a matter of discussion under this policy.

4.2 Working with dam owners

The Regulations require owners of all classifiable dams to know whether their dam is dangerous, earthquake-prone or flood-prone and that they will take the necessary steps, in a timely manner, to comply with the Act and the Regulations. The Act requires dam owners to immediately notify the Council if they have reasonable grounds for believing their dam is dangerous. This applies to dams that are either a high potential impact dam or a medium potential impact dam and are likely to fail in the ordinary course of events, or a “moderate earthquake” or “moderate flood” (as defined in the Regulations).

The Act also requires an engineer (engaged by the owner) who provides a certificate for the purposes of [Section 135\(1\)\(b\)](#), [Section 142\(1\)\(b\)](#), or [Section 150\(2\)\(f\)](#), to notify Council and the owner of the dam if he or she or they believes that the dam is dangerous. The notice must be provided in writing and be given within 5 working days after the engineer forms their belief.

The Council will work with the owners of identified dangerous dams, earthquake-prone dams and flood-prone dams to develop an action plan (with timeframes) with the goals of increasing the safety of the dam and eliminating or reducing the risks of the dam to people, property and the environment. It is not realistic to specify a timeframe in this policy for achieving this goal because timeframes will be dictated by the circumstances of each case. When setting a timeframe for action, the Council will consider the state of the dam, and the likelihood and consequences of dam failure.

4.3 Directing and taking action

The Council may exercise the powers outlined below:

- For dangerous, earthquake-prone and flood-prone dams
 - If the owner of any dam is not acting in accordance with an agreed action plan; or
 - Where there is no agreed action plan, or
 - Where it considers that the agreed action plan requires review or amendment; or
 - Where ownership is not known or is disputed; or
- For all dams, where there is or likely to be a risk of immediate danger.

Before exercising any of its powers under [Section 154](#), [Section 155](#), [Section 156](#), [Section 157](#), [Section 158](#) and [Section 159](#) of the Act the Council will, unless the circumstances dictate otherwise (such as where there is immediate danger to the safety of persons, property, or the environment), seek to discuss options for action with the owner of the dam, with a view to obtaining from the owner a mutually acceptable proposal for reducing or removing the danger. Acceptable actions by the owner may include one or more of the following;

- Operational changes such as reducing the volume of impounded fluid or completely emptying the reservoir;
- Reconfiguring an existing spillway or creating a new or supplementary spillway so as to limit the maximum impounded volume and/or to safely route flood flows;

- Increased surveillance and monitoring;
- Development of emergency preparedness and response plans;
- Review of the dam safety assurance programme;
- Require the owner to engage a dam specialist to investigate and make recommendations with any report provided to the Council;
- Implementing measures to enable controlled, rapid emptying of the impounded fluid;
- Measures downstream of the dam to mitigate the impact of dam failure;
- Physical works including reconstruction or partial demolition of the dam;
- Decommissioning and/or removal of the dam.

The whole or part of any proposal by the dam owner may be incorporated as a requirement in a Notice to Fix issued by the Council under [Section 164](#) of the Act. If no action is taken by the owner to address the danger the Council may exercise any of its statutory powers in [Section 154](#), [Section 155](#), [Section 156](#), [Section 157](#), [Section 158](#), [Section 159](#) and [Section 164](#) of the Act.

The Council will notify potentially affected communities downstream of a dangerous, earthquake-prone or flood-prone dams. The Council will do this by publishing information about any dangerous, earthquake-prone or flood-prone dams in its region. The Council will also work with the Otago Civil Defence Emergency Management Group.

The Council may at any time require the dam owner to review a Dam Safety Assurance Programme (DSAP) if the dam is an earthquake-prone or flood-prone dam.

In a situation where a dam is dangerous, the Council may:

- Erect a hoarding or fence to prevent people from approaching the dam nearer than is safe.
- Attach a notice on or near the dam (or affected downstream areas) that warns people not to approach.
- Give written notice to the owner requiring work to be carried out on the dam, and within the time stated in the notice to remove or reduce the danger.

In a situation where the Chief Executive of the Council considers that, because of the state of the dam, immediate danger to the safety of persons, property, or the environment is likely, then the Chief Executive of the Council may:

- Cause any action to be taken to that is necessary to remove that danger.
- Recover the costs of taking any action from the dam owner.

5. Council's priorities in performing these functions

The Council's approach to dangerous, earthquake-prone or flood-prone dams is tailored toward achieving a reduction in the pre-existing risk whilst still being able to deal with risks that emerge in the future.

The priorities will be as follows in which 1 is the highest priority and 3 is the

lowest priority.

1. To minimise the risk to public safety at all times;
2. To minimise the risk to damage or loss of property.
3. To minimise the risk to the environment

6. Application to heritage dams

For the purposes of this policy, a heritage dam means a dam that is included on:

- (a) the New Zealand Heritage List/Rārangī Kōrero maintained under [Section 65](#) of the Heritage New Zealand Pouhere Taonga Act 2014; or
- (b) the National Historic Landmarks/Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu list maintained under [Section 81](#) of the Heritage New Zealand Pouhere Taonga Act 2014.

[Section 4\(2\)\(l\)](#) of the Building Act recognises the “need to facilitate the preservation of buildings of significant cultural, historical, or heritage value”.

The Council recognises the need to retain heritage values of the dam itself, but also the need to reduce or remove any risk posed by a heritage dam which has been classified as dangerous, flood-prone or earthquake-prone. When considering heritage dams under this policy, account will be taken of the need to facilitate the preservation of parts of the dams with significant heritage value.

When dealing with heritage dams that are classed as dangerous, earthquake-prone and/or flood-prone dams, the Council will seek advice from the Heritage New Zealand/Pouhere Taonga and the relevant territorial authority (if appropriate) before any actions are undertaken by the regional authority under [Section 153](#), [Section 154](#), [Section 155](#), [Section 156](#), [Section 157](#), [Section 158](#), [Section 159](#) and [Section 160](#) of the Building Act 2004.

The Council may also engage suitably qualified professionals with engineering expertise and heritage expertise to advise and recommend actions. When considering any recommendations, the Council will have regard to the priorities set out in clause 5 of this policy. Copies of all served notices for heritage dangerous dams, earthquake-prone dams and flood-prone dams will be provided to Heritage New Zealand/Pouhere Taonga.

The Council will record the heritage listing of all dangerous, earthquake-prone and flood-prone dams it is made aware of in its register of dams and supply this information to the relevant Territorial Authority for inclusion on any relevant Land Information Memorandum.

Advice note⁶:

Under the Heritage New Zealand Pouhere Taonga Act 2014 (the Act), the permission of Heritage New Zealand Pouhere Taonga must be sought prior to the modification or destruction of any archaeological site, whether the site is unrecorded or has been previously recorded. An archaeological site is described in the Act as a place associated with pre-1900 human activity, which may provide evidence relating to the history of New Zealand. Works to pre-1900 structures, such as dams, or earthworks near pre-1900s

⁶ Provided by Heritage New Zealand Pourhere Taonga
Draft –September 2023

structures may require an archaeological authority to be obtained prior to works commencing. Please contact Heritage New Zealand Pouhere Taonga for further information unless urgency requires that action be taken before notice can be given.

Appendix 1: Implementation Timeframes for Building (Dam Safety) Regulations 2022

DRAFT

10.4. Update to Delegations Manual to Include Delegations to staff for Building (Dam Safety) Regulations 2022

Prepared for: Council

Report No. REG2406

Activity: Regulatory

Author: Tami Sargeant, Manager Compliance

Endorsed by: Joanna Gilroy, Acting General Manager Regulatory

Date: 22 May 2024

PURPOSE

[1] To consider proposed amendments to the Otago Regional Council Delegations Manual.

EXECUTIVE SUMMARY

[2] The proposed amendments to the Delegations Manual have been identified by staff as requiring amendment to provide for the efficient allocation of roles and responsibilities under the Building Act 2004 and the Building (Dam Safety) Regulations 2022.

RECOMMENDATION

That the Council:

- 1) **Receives** this report.
- 2) **Approves** the delegation changes as proposed in this report.
- 3) **Directs** the Chief Executive to update the Council's Delegations Manual accordingly.

BACKGROUND

[3] On 24 June 2020, Council approved the Otago Regional Council's delegation manual. The Manual is a combination of delegations by the Council and the Chief Executive. The Manual is a living document in that amendments may be made from time to time, as necessary.

[4] The Building (Dam Safety) Regulations 2022 came into force on 13 May 2024. Under the Regulations, dam owners will be required to classify and register classifiable dams with the Council within 3 months of the Regulations commencing.

[5] Council will be responsible for:

- a. approving or refusing dam classifications (based on whether they have been certified by a Recognised Engineer as defined in the Building Act);
- b. approving or refusing dam safety assurance programmes (DSAPs) based on whether they have been certified by a Recognised Engineer as defined in the Building Act; and
- c. Receiving the annual dam safety assurance programme compliance certificates

- [6] Amendments to the Delegations Manual are required to provide for the efficient allocation of roles and responsibilities under the Building Act 2004 and the Building (Dam Safety) Regulations 2022. The changes also reflect that Council is no longer a Building Consent Authority under the Building Act, with the remaining Building act functions sitting with Council’s Compliance and Regulatory Data Teams.

DISCUSSION

- [7] Council staff have reviewed the Dams section of the Manual to consider whether any changes are required.
- [8] The Compliance Unit of Council will be responsible for implementing the Building (Dam Safety) Regulations 2022, through the relevant sections of the Building Act 2004. The proposed amendments to the Manual reflect the changes required to enable authorised Regulatory staff to carry out these functions.
- [9] Changes that are proposed to the existing delegations are highlighted in yellow below.

Classification of Dams		
134A(1)	Requiring an owner to classify a referable dam	Principal Consents Officer or Manager Consents Environmental Data Officer or Compliance Support Officer or Principal Compliance Specialist
136(1) 136(2)	Decision to approve or refuse a dam classification	Principal Consents Officer or Manager Consents Environmental Data Officer or Compliance Support Officer or Principal Compliance Specialist
138(1)	Requiring the re-audit of a classification	Manager Consents Environmental Data Officer

		<p>or</p> <p>Compliance Support Officer</p> <p>or</p> <p>Principal Compliance Specialist</p>
138(2)	Specifying a period beyond 15 working days for a dam classification re-audit	<p>Manager Consents</p> <p>Manager Regulatory Data and Systems</p> <p>or</p> <p>Manager Compliance</p>
Dam safety assurance programmes		
143(1)	Decision to approve or refuse to approve a dam safety assurance programme	<p>Principal Consents Officer</p> <p>or Manager Consents</p> <p>Environmental Data Officer</p> <p>or</p> <p>Compliance Support Officer</p> <p>or</p> <p>Principal Compliance Specialist</p>
145(1)	Directing the owner of a dam to have the dam safety assurance programme audited by a recognised engineer	<p>Environmental Data Officer</p> <p>or</p> <p>Compliance Support Officer</p> <p>or</p> <p>Principal Compliance Specialist</p>
145(2)	Requiring a period beyond 15 working days for a dam safety assurance programme to be re-audited	<p>Manager Consents</p> <p>Manager Regulatory Data and Systems</p> <p>or</p> <p>Manager Compliance</p>
146(2)(b)	Requesting a review of the dam safety assurance programme for an earthquake-	<p>Manager Consents</p> <p>Manager Regulatory Data</p>

	prone or flood-prone dam	and Systems or Manager Compliance
148(a)(iii)	Decision on keeping a dam safety assurance programme in a place agreed by the Regional Council and the owner	Senior Consents Officer or Consents Officer with Building Act responsibilities Environmental Data Officer or Compliance Support Officer or Principal Compliance Specialist

Register of dams		
151	Maintain a register of dams in Otago	Senior Consents Officer or Consents Officer with Building Act responsibilities Environmental Data Officer or Compliance Support Officer or Principal Compliance Specialist
Dangerous dams		
154(1)	Determine that a dam is dangerous in terms of s153 and take action as set out in s154(1)(a), (b) and (c).	Manager Engineering or Manager Consents Or Manager Compliance
155(1)(b)	Determining whether building consent is required in respect of work required by a notice	Manager Engineering or Manager Consents or

	to fix	Manager Compliance
156(1)	Apply to a District Court for an order enabling the Otago Regional Council to carry out building work.	GM Regulatory GM Operations
156(3)(b)	Recover costs of carrying out work under s156(1) from the owner.	GM Regulatory GM Operations
157(2)	Decision to take action to avoid immediate danger.	GM Regulatory GM Operations
157(3)(b)	Decision to recover costs of taking action under section 157(2).	GM Regulatory GM Operations
158	To make an application to the District Court to confirm warrant for emergency work on a dam	GM Regulatory GM Operations

CONSIDERATIONS

Strategic Framework and Policy Considerations

- [10] This paper proposes a continuation of current Council policy of providing delegation to Council staff.

Financial Considerations

- [11] There is no cost (excluding administrative costs) to updating the Delegations Manual.

Significance and Engagement Considerations

- [12] No external consultation is required for the proposed amendments.

Legislative and Risk Considerations

- [13] The Council is required to administer the Building Act, and Regulations under that Act. To ensure that this requirement is performed efficiently and lawfully, Council officers need to have delegated authority from the Council to make decisions.
- [14] Having up-to-date delegations for Council functions reduces the risk of decisions that affect Council being made at the wrong levels or wrong areas of the organisation. It is therefore prudent to ensure Council's delegations remain current.

Climate Change Considerations

[15] There are no climate change considerations regarding the proposed delegations.

Communications Considerations

[16] If approved, a copy of the updated Manual will be uploaded to Council's website.

ATTACHMENTS

1. delegations-manual-09-nov-2022 [**10.4.1** - 103 pages]

OTAGO REGIONAL COUNCIL

DELEGATIONS MANUAL

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PART A: INTRODUCTION

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Part A: INTRODUCTION

Part A of the Delegations Manual contains introductory and background information for the reader.

Of particular note are the principles and general terms and conditions that apply to all Otago Regional Council delegations

1. Introduction

1.1 Purpose

This document is the Delegations Manual for the Otago Regional Council (**Delegations Manual**).

The primary purpose of the Delegations Manual is to set out the Otago Regional Council's (**Council** or **ORC**) delegations given to officers (and elected members in some instances) in relation to certain administrative and financial matters and also the delegations made in relation to the Council's statutory duties, responsibilities and powers.

To assist staff to understand the responsibilities of the Council and its committees, this Delegations Manual also includes specified duties, functions, and powers which cannot be delegated from the Council and the Council committees associated delegations.

1.2 Background

1.2.1 Definition of delegation

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

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

1.2.2 The legal basis

In most cases, the Council has the primary power of delegation as it is the body that is specified as the delegate in the empowering legislation. In some specific instances the legislation empowers the Chief Executive directly who will have the power of delegation.

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The Council's authority to delegate to its standing committees, subcommittees, members or staff is principally derived from Clause 32 of Schedule 7 of the Local Government Act 2002 (LGA 2002) which reads:

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

(a) the power to make a rate; or

(b) the power to make a bylaw; or

(c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan; or

(d) the power to adopt a long-term plan, annual plan, or annual report; or

(e) the power to appoint a chief executive; or

(f) the power to adopt policies required to be adopted and consulted on under this Act in association with the long term plan or developed for the purpose of the local governance statement; or

(g) [repealed]

(h) the power to adopt a remuneration and employment policy.

(2) Nothing in this clause restricts the power of a local authority to delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority the power to do anything precedent to the exercise by the local authority (after consultation with the committee or body or person) of any power or duty specified in subclause (1).

(3) A committee or other subordinate decision-making body, community board, or 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 local authority or by the committee or body or person that makes the original delegation.

(4) A committee, subcommittee, other subordinate decision-making body, community board, or member or officer of the local authority to which or to whom any responsibilities, powers, or duties are delegated may, without confirmation by the local authority or 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.

(5) A local authority may delegate to any other local authority, organisation, or person the enforcement, inspection, licensing, and administration related to bylaws and other regulatory matters.

(6) A territorial authority must consider whether or not to delegate to a community board if the delegation would enable the community board to best achieve its role.

(7) To avoid doubt, no delegation relieves the local authority, member, or officer of the liability or legal responsibility to perform or ensure performance of any function or duty.

(8) The delegation powers in this clause are in addition to any power of delegation a local authority has under any other enactment.

Other statutes also confer or limit the ability for the Council to delegate decision-making powers and duties. Of particular note are:

- Section 34 (Delegation of functions, etc, by local authorities) of the Resource Management Act 1991
- Section 105 (Delegation to authorised persons) of the Biosecurity Act 1993
- Sections 42 (Delegation of powers by local authority) and 43 (Delegation of powers by officers) of the Local Government Official Information and Meetings Act 1987

Except as provided for elsewhere in this Delegations Manual, the delegation of a power, function or duty is made under Clause 32 of Schedule 7 of the LGA

1.2.3 Principles, terms and conditions

The delegations are derived from the Council and the Chief Executive.

When deciding to delegate any duties, responsibilities, and powers, the Council or Chief Executive will have regard to the principles outlined in Table 1.

In the exercise of any delegation, the delegate (i.e. the person given the delegation) must comply with the general terms and conditions, which are also outlined in Table 1. In addition to the general terms and conditions, the delegate must also comply with any additional terms and conditions that might apply to specific delegations.

Table 1: Principles, terms and conditions

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Principles	
1.	Wherever possible, delegations to staff have been made on a wide basis to promote the most effective and efficient implementation and delivery of Council's policies and objectives.
2.	Delegations have generally been made to the lowest level of competence, commensurate with the degree of responsibility, difficulty and risk involved in the undertaking of the task delegated.
3.	In deciding what is the lowest level of competence for each delegation, particular attention has been paid to the responsibilities and accountability for its correct and effective implementation and any reporting requirements.
4.	In exercising delegations which are outside Council's day-to-day business, staff will report back on the exercise of that delegation to the next relevant Council or Council Committee meeting.
5.	Where Council is expressly prevented from delegating some or all of its powers by a particular statute, it may delegate the power to do anything precedent to the exercise by the Council of that particular power or authority.
Terms and conditions	
1.	No delegations shall limit the power of Council or other delegator to exercise a function, duty or power in substitution for a delegate.
2.	In the exercise of any delegation, the delegate will ensure they act in accordance with: <ul style="list-style-type: none"> a. any binding statutory authority (in relation to each delegation, relevant sections of the Act will be identified); and b. any relevant Council policy or procedural documents (including reporting and recording requirements).
3.	In relation to delegations to officer level, every delegation will be to a stated officer and will be exercised in relation to the duties of their position as identified in their Position Description or when an officer has been appointed in an acting capacity.
4.	Decisions, other than on minor or routine matters, made under delegated authority will be reported to Council or a relevant Committee.
5.	For the avoidance of doubt, supervisors shall have the same delegated powers as subordinate staff, unless the exercise of such delegation requires, by law, a particular qualification or registration. The delegations in this Manual are expressed as the lowest level in the organisation which can exercise the function, duty or power.
6.	For the avoidance of doubt a hearings panel or commissioner sole as may from time to time be appointed shall have the authorities delegated to them through their appointment process.
7.	An officer who is delegated a responsibility, duty or power is also delegated any ancillary responsibilities, duties or powers necessary to give effect to that delegation.
8.	Where a delegation refers to repealed legislation, the reference is to be read as a reference to the legislation that, with or without modification, replaces or corresponds to the repealed legislation.

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9. A delegation once made cannot be further sub-delegated, unless the authority to sub-delegate is specified in the delegation.
10. Any power to appoint a person or approve an action or document includes the power to revoke any appointment or approval.
11. The Council may, at any time, revoke, suspend for a period, or amend the terms or conditions in relation to any delegation it has made. Where this occurs, it will be recorded by resolution of Council.
12. The Chief Executive may revoke or suspend for a period, or amend the terms and conditions, in any delegation to subordinates that they have made. Where this occurs, it will be recorded in writing to the relevant staff member and in relevant Council procedures.
13. The Chief Executive may revoke, or limit, or suspend for a period, or reduce the extent of delegations that Council has made to named officers such that some or all of the function, duty or power must be exercised by a supervisor of the person holding the delegation. This would be appropriate during the training or development of new staff, or where, in the view of the Chief Executive, particular types of decision may need greater scrutiny. Where this occurs, it will be recorded in writing to the relevant staff member and in relevant Council procedures.
14. Unless expressed otherwise, where a delegation is to more than one officer, that power of delegation is to each officer separately.

1.2.4 Sub-delegation

At times, it will be necessary for the performance of assigned duties for a staff member to have delegated authority additional to those specifically mentioned in the Delegations Manual. These situations may include staff acting temporarily in a role (such as acting Chief Executive or acting Manager) where they need to exercise the delegations of that higher role. Such sub-delegations will be recorded in writing in the form of a memo signed by the person granting the delegation, and a copy kept on the delegation file. A person exercising functions, powers or duties under a sub-delegation shall not have the authority to further delegate those functions, powers or duties.

1.2.5 Decision making and significance and engagement

The decision-making requirements under the LGA, including those in sections 76 and 79 must be complied with, including in making decisions on what responsibilities should be delegated to staff in accordance with this Delegations Manual and also in making decisions under delegated authority.

The degree to which compliance with the decision-making requirements in the Act is required is proportional to the significance of the particular decision and the resources available.

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In every case, the delegatee needs to determine the significance of the decision they are making or the power they are exercising, notwithstanding that they have the delegated authority to make the decision or take the action. The Council's Significance and Engagement Policy is relevant to this assessment.

Where the delegatee determines that the decision to be made or power to be exercised may be significant, they should consider whether to refer the decision or exercise of the power back to the delegator before final action is taken. In considering this issue, the delegatee needs to balance the delegated authority they have with the potential consequences. While a precautionary approach should be taken, delegates must not be averse to making decisions or taking action as required.

1.2.6 Authority

Unless stated otherwise in this Delegations Manual, delegations are made under Clause 32 of Schedule 7 of the LGA 2002.

1.2.7 Reviews and updates of the Delegations Manual

The Delegations Manual is a living document and it will be reviewed periodically and when legislative change requires amendments. The Delegations Manual has been developed to record current delegations made by the Council or Chief Executive.

Certain delegations that have been made to the Chief Executive have been made so that they can be further sub-delegated by the Chief Executive. Delegations under the Resource Management Act 1991 and the Local Government (Ratings) Act 2002 are legally not able to be further sub-delegated and may only be approved by a Council resolution.

The general terms and conditions of this Delegations Manual provides that a responsibility, duty or power delegated to an officer holding a named position is also delegated to any officer who performs or exercises the same or substantially similar role or function, whatever the name of his or her position. Any changes in position names must be approved by the Chief Executive and this Delegations Manual will be updated accordingly.

The Chief Executive may authorise changes and updates to any Chief Executive delegations or matters which he or she has sub-delegated, other than delegations under the Resource Management Act 1991 and the Local Government (Rating) Act 2002 as these two statutes prohibit sub-delegation.

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1.3 Structure

The Delegations Manual is structured in six parts.

Part A of the Delegations Manual presents **introductory and background information** for the Delegations Manual including the Council's principles for making delegations and establishing the Council's legal powers for making delegations.

Part B of the Delegations Manual records the **governance delegations** made by the Council to Committees of the Council.

Part C of the Delegations Manual contains general **administrative delegations** relating to human resource matters, the release of information, submissions and funding, the use of the Common Seal, obtaining professional advice and legal proceedings.

Part D of the Delegations Manual contains **contracting, financial, rating and property delegations**, including financial delegations relating to expenditure (including financial delegation limits), contingency expenditure and other authority and procedures relating to other financial and accounting matters and delegations in respect of rating and property matters.

Part E of the Delegations Manual contains **regulatory RMA delegations** relating to the Council's regulatory functions, duties and powers under the Resource Management Act 1991.

Part F of the Delegations Manual contains **regulatory non-RMA delegations** relating to the Council's regulatory functions, duties and powers under other legislation including the Biosecurity Act 1993, the Building Act 2004, the Maritime Transport Act 1994, the Civil Defence Emergency Management Act 2002, the Land Drainage Act 1908 and the Soil Conservation and Rivers Control Act 1941.

1.4 Council Resolution

On 24 June 2020, Council approved the delegations contained in this manual with the following amendments:

- a. *Change wording of Sec 268A delegations to read "...not inconsistent with previous Council Resolutions."*
- b. *Change delegation for High Court, Court of Appeals and Supreme Court appeals to: Chief Executive in consultation with the Chairperson.*

Accordingly:

- (1) section 268A delegation has been amended accordingly; and
- (2) despite any other provision in this manual, all delegations for High Court, Court of Appeals and Supreme Court appeals are to the Chief Executive in consultation with the Chairperson.

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PART B: COUNCIL AND COMMITTEES

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PART B: COUNCIL AND COMMITTEES

Part B of the Delegations Manual sets out those delegations that remain with the Council and the delegations given to the Council's Committees.

2. Council

In accordance with Clause 32 of Schedule 7 of the LGA, the Council is required by legislation to make decisions on the following matters:

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

Other legislation, including the Resource Management Act 1991, the Biosecurity Act 1993 and the Land Transport Management Act 2003, provide that certain matters cannot be delegated and that certain decisions must be made by the Council.

3. Council committees

3.1 Introduction

The Council has the following committees:

- Finance Committee;
- Strategy and Planning Committee;
- Regulatory Committee;
- Data and Information Committee;
- Implementation Committee;
- Governance, Communications and Engagement Committee;
- Chief Executive Performance Review Committee;

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- Otago Civil Defence Emergency Management Group;
- Audit and Risk Subcommittee; and
- Otago Regional Transport Committee;

The delegations in this section reflect the delegations provided in the Committee terms of reference 2019-2022.

3.2 Finance committee

The Finance Committee Terms of Reference (including delegations) were adopted by Council on 26 August 2020.

The Committee is authorised by Council to:

- Award or approve contracts and tenders in excess of staff delegations and to a maximum of \$2million.
- Approve the Draft Annual Plan and Draft Long-Term Plan and associated policies, and to conduct all consultation and hearings with the public concerning them.
- Consider matters of financial impact other than as provided for in the Annual Plan.
- Endorse submissions in relation to the Local Government Act 2002.
- Carry out any other function or duty delegated to it by the Council.
- Appoint subcommittees or working parties as appropriate provided they are limited to a time duration consistent with performance of their specified tasks.

3.3 Strategy and Planning Committee

The Strategy and Planning Committee Terms of Reference (including delegations) were adopted by Council on 26 August 2020.

The Committee is authorised by the Council to:

- Make submissions and representations on matters within its statement of purpose on Otago councils' district plans and neighbouring councils' regional plans to ensure consistency.
- Where consistent with all relevant statutes, approve public consultation and call for submissions on this Council's draft, proposed, and indicative policies, plans and strategies. This delegation does not include formal notification of Council's proposed plans.
- Endorse submissions or appeals concerning district planning and consents within Otago; submissions on legislation and regulations (including submissions to Parliamentary Select Committees), and submissions on crown agency and parliamentary discussion documents.

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- Carry out any other function or duty delegated to it by the Council.
- Appoint subcommittees or working parties as appropriate provided they are limited to a time duration consistent with performance of their specified tasks.

3.4 Regulatory Committee

The Regulatory Committee Terms of Reference (including delegations) were adopted by Council on 26 August 2020.

The Committee is authorised by the Council to:

- Recommend to Council the approval of functional strategies, project concepts and implementation plans.
- Appoint subcommittees or working parties as appropriate provided they are limited to a time duration consistent with performance of their specified tasks.
- Carry out any other function or duty delegated to it by the Council.

3.5 Data and Information Committee

The Data and Information Committee Terms of Reference (including delegations) were adopted by Council on 26 August 2020.

The Committee is authorised by the Council to:

- To receive information, presentations and reports.

3.6 Implementation Committee

The Implementation Committee Terms of Reference (including delegations) were adopted by Council on 26 August 2020.

The Committee is authorised by the Council to:

- Appoint subcommittees or working parties as appropriate provided they are limited to a time duration consistent with performance of their specified tasks.
- Carry out any other function or duty delegated to it by the Council.

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3.7 Governance, Communications and Engagement Committee

The Governance, Communications and Engagement Committee Terms of Reference (including delegations) were adopted by Council on 26 August 2020.

The Committee is authorised by the Council to:

- Appoint subcommittees or working parties as appropriate provided they are limited to a time duration consistent with performance of their specified tasks.
- Carry out any other function or duty delegated to it by the Council.

3.8 Chief Executive Performance Review Committee

The Chief Executive Performance Review Committee Terms of Reference were adopted by Council on 26 August 2020. The Committee holds no delegations.

3.9 Otago Civil Defence Emergency Management Group (Joint Committee)

The Otago Civil Defence Emergency Management Group Terms of Reference (including delegations) were adopted by Council on 26 August 2020.

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

3.10 Audit and Risk Subcommittee

The Audit and Risk Subcommittee Terms of Reference (including delegations) were adopted by Council on 26 August 2020.

The Subcommittee is authorised by the Council to:

- Review matters within its terms of reference and make recommendations to Council or the Finance Committee on those matters.

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- Seek information it requires from the Chief Executive. The Chief Executive is required to cooperate with any requests unless excused by the Chair of the Otago Regional Council.
- Request access to outside legal or independent professional advice should it consider this necessary.

The Audit and Risk Subcommittee may not delegate any of its responsibilities, duties or powers.

3.11 Otago Regional Council Transport Committee

The Otago Regional Transport Committee Terms of Reference (including delegations) were adopted by Council on 26 August 2020.

The Committee is authorised by the Council to undertake the following:

Delegated Authority – Power to Act

- The Regional Transport Committee:
 - Has the ability to appoint a panel to hear RLTP, submissions, working parties, advisory groups and, where there is urgency or special circumstances, a sub-committee to deal with any matters of responsibility within the Committee's Terms of Reference and areas of responsibility, and to make recommendations to the Committee on such matters, provided that a sub-committee does not have power to act other than by a resolution of the committee with specific limitations;
 - Has the ability to make decisions in accordance with the Terms of Reference and the Land Transport Management Act 2003.
- Power to Act (for the information of Council):
 - The Regional Transport Committee has the power to monitor any transport activities of the regional council, territorial authorities and New Zealand Transport Agency in order to report on progress on the Regional Land Transport Plan;
 - prepare and recommend variations to the Regional Land Transport Plan that trigger the RTC's significance policy;
 - consider and recommend transportation planning studies and associated outcomes;
 - provide recommendations to relevant government agencies on transport priorities for the region and the allocation of national or regional transport funds.

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PART C: ADMINISTRATIVE DELEGATIONS

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PART C: ADMINISTRATIVE DELEGATIONS

4. Human Resources delegations

4.1 Legislative delegation to the Chief Executive

Pursuant to section 42(2) of the Local Government Act 2002, the Chief Executive is responsible, on behalf of the Council, for ensuring the effective and efficient management of the Council, employing staff and negotiating the terms of employment of staff.

The Chief Executive has absolute control over all employment-related matters concerning staff.

Further specific delegations made by the Chief Executive in relation to human resources under section 42(2) are prescribed below (the Human Resources Delegations).

Explanatory Note: The Chief Executive may appoint in writing, in consultation with the Chairperson, any person to be acting Chief Executive during temporary periods of absence from duties together with such of the Chief Executive's powers as he or she considers appropriate.

4.2 Principles of Human Resources delegations

In support of, and in addition to, the principles, terms and conditions outlined in Section 1.2.3 of this Delegations Manual, the following principles, terms and conditions are applied to the delegation of employment or people management activities:

(a) Human Resources Delegations are standardised across management roles (i.e. if a delegation is granted to General Managers, then everyone in a General Manager role holds that delegation).

(b) Human Resources Delegations automatically apply to the person appointed to that role (i.e. no additional documentation is required beyond acceptance of the employment agreement for the role).

(c) Human Resources Delegations are granted to the lowest appropriate tier (with demonstrated competence to execute the delegation) to empower and enable our people managers; this authority may also be executed by all managers in a direct line above that position.

(d) No Human Resources Delegations may be used to self-approve – the one up rule applies.

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(e) Human Resources Delegations must be exercised in accordance with Staff Policies.

(f) The People and Safety Manager may sub-delegate their authority to a member(s) of the People and Safety team as appropriate.

4.3 Human Resources delegations

The Chief Executive retains the responsibility for all human resources matters. The Chief Executive retains the delegation for the following activities specified in Table 2 below.

Other delegations have been made by the Chief Executive to the General Managers, Managers and Team Leaders.

Explanatory Note: For the purpose of these human resources delegations: General Managers are defined as Tier 2 management roles with responsibility for a Group, reporting directly to the Chief executive. Managers are defined as Tier 3 management roles with responsibility for a department of Council. Team Leaders are defined as any management roles below Managers (with or without the Team Leader title) which hold formal staff management responsibilities as outlined in the position description.

Table 2: Human Resources delegations

Chief Executive	General Managers (T2)	Managers (T3)	Team Leaders (T4)
Recruitment Requisitions			
<ul style="list-style-type: none"> approve recruitment of additional Full Time Equivalent (FTE) permanent employee numbers (unbudgeted recruitment) approve recruitment where significant change has been made to a role 	<ul style="list-style-type: none"> approve like-for-like recruitment (permanent, fixed term and casual) 	<ul style="list-style-type: none"> make recommendations on recruitment (like for like and unbudgeted) to the appropriate approving manager engage the services of a recruitment agency with People and Safety agreement (provided Procurement Policy obligations have been met) 	<ul style="list-style-type: none"> make recommendations on recruitment (like for like) to the appropriate approving manager
Candidate Appointments			

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<ul style="list-style-type: none"> • approve candidate offers which fall outside market range (above 100% of the assessed salary grade for the position) • approve candidate offers for 2nd tier managers 	<ul style="list-style-type: none"> • approve candidate offers within market range (up to 100% of the assessed salary grade for the position) • sign offers of employment • approve non-standard terms and conditions with the Manager People and Safety’s agreement • offer relocation expenses with the Manager People and Safety agreement 	<ul style="list-style-type: none"> • make recommendations on candidate appointment, including salary recommendation, to the appropriate approving manager 	<ul style="list-style-type: none"> • make recommendations on candidate appointment, including salary recommendation, to the appropriate approving manager
Employment Conditions			
<ul style="list-style-type: none"> • require and set dates for an annual shutdown period • sign (on behalf of ORC) Collective Employment Agreements and bargaining Terms of Settlement 	<ul style="list-style-type: none"> • determine actions to address conflict of interest situations • approve staff entering into secondary employment • deliver a Final warning with Manager People and Safety agreement • second staff to other organisations subject to consultation with CE 	<ul style="list-style-type: none"> • determine the course of action following an external complaint against a staff member subject to consultation with General Manager/Manager People and Safety • approve requests for flexible working arrangements (informal) • second staff to other teams within the Group • deliver a Verbal or First warning with People and Safety agreement 	<ul style="list-style-type: none"> • approve timesheets • approve one-off or occasional work from home • initiate a performance improvement process with Manager/People and Safety agreement

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	<ul style="list-style-type: none"> • approve staff to present a paper or publication referencing Otago Regional Council • approve requests for flexible working arrangements (formal, change to employment terms and conditions), and other standard employment agreement adjustments (i.e. changes to reporting line) 	<ul style="list-style-type: none"> • make verbal employment offer subject to approval of request to appoint 	
Termination			
<ul style="list-style-type: none"> • approve termination of an employment agreement • approve the outcome of change proposals and position disestablishments resulting in a triggering of redundancy clause in employment agreement • approve payments under section s123(1)(c)(i) of the Employment Relations Act (2000) 	<ul style="list-style-type: none"> • attend employment mediations on behalf of ORC alongside the Chief Executive and/or Manager People and Safety 		

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Leave			
<ul style="list-style-type: none"> • approve corporate-wide paid leave for staff unable to work due to an emergency or severe weather situation • approve the cash-out of annual leave • grant paid and unpaid compassionate leave • approve requests for leave without pay for greater than 5 days • approve study leave 	<ul style="list-style-type: none"> • approve requests for leave without pay for up to 5 days • approve use of special leave subject to consultation with CE • grant additional bereavement/tangi leave subject to consultation with CE • sign off parental leave • grant additional paid sick leave in situations of prolonged illness or injury (Discretionary Wellbeing Leave) 	<ul style="list-style-type: none"> • provide a request for exemption from jury service • approve use of partner/paternity leave • approve use of domestic violence leave (in consultation with the Manager People and Safety) • grant additional paid sick leave (fair and reasonable sick leave only), in accordance with the Fair and Reasonable Sick and Wellbeing Leave Policy 	<ul style="list-style-type: none"> • approve sick, annual, bereavement or jury service leave • approve utilisation of flexitime
Performance and Development			
	<ul style="list-style-type: none"> • approve attendance of overseas learning events • approve study applications • approve individual performance and development objectives and review outcomes 	<ul style="list-style-type: none"> • approve attendance at internal or external learning events with People and Safety agreement 	
Policies and Procedures			

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	<ul style="list-style-type: none"> • policy ownership for cross-organisational policies within sphere of responsibility • acting in the capacity as a member of the Policy Review Group, approve new policies, changes to existing and disestablishment of redundant/superseded policies • approval for divergence from existing policy 	<ul style="list-style-type: none"> • policy expert (or delegate) • acting in the capacity as a as member of the Policy Review Group, approve new policies, changes to existing and disestablishment of redundant/superseded policies • approve operational procedures and guidelines within sphere of responsibility 	<ul style="list-style-type: none"> • approve standard operating procedures (SOPs)
Health, Safety and Wellbeing			
<ul style="list-style-type: none"> • approve consumption of alcohol for work-related functions • duties as required of the primary Officer of the PCBU • final approval of the Health and Safety Organisational Risk Register • Determine the resolution on any matters escalated by the Health and Safety Committee 	<ul style="list-style-type: none"> • decide actions following harassment or bullying investigations unless delegated to a manager • duties as required as Officers of the PCBU in matters relevant to their work groups • approve Permit(s) to Work for work deemed 'high risk' (e.g. Asbestos removal, accessing a confined space) • determine any corrective actions 	<ul style="list-style-type: none"> • approve catering for meetings and functions • approve new and replacement garments and Personal Protective Equipment (PPE) for field work • approval of safety training requirements for employees • approval of ergonomic workstation assessments • approval of Return to Work (RTW) Plans for injured or ill employees 	<ul style="list-style-type: none"> • approve new and replacement garments and Personal Protective Equipment (PPE) for field work • approval of safety training requirements for employees • approval of ergonomic workstation assessments • Approval of Return to Work (RTW) Plans for injured or ill employees

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	<p>required on safety matters (e.g. as a result of an audit, incident investigation, matters raised at the Health & Safety Committee)</p> <ul style="list-style-type: none"> determine the resolution on any matters escalated by the Health and Safety Committee issuing a trespass notice 	<ul style="list-style-type: none"> final sign off/closing out of incident investigations determine any corrective actions required on safety matters (e.g. as a result of an audit, incident investigation, matters raised at the Health & Safety Committee) 	
Recognition, Reward & Remuneration			
<ul style="list-style-type: none"> approve overall salary increase following annual review (within governance-set budget) 	<ul style="list-style-type: none"> decide appointment and amount of higher duties payments approve out of cycle remuneration increases (up to 100% of the assessed grade for the position) 	<ul style="list-style-type: none"> approve overtime and accumulation of flexitime 	

5. Requests and the release of information, correspondence, and public records

5.1 Local Government Official Information and Meetings Act 1987

Local Government Official Information and Meetings Act 1987

Section	Description	Delegated to
s.8	Information concerning existence of certain information	General Managers

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		Any member of the Legal Team
s.10	Requests for official information	All staff
s.11	Assistance with requesting information	All staff
s.12	Transfer of requests	Any member of the Legal Team
s.13	Decisions on requests (including the decision to impose a charge for providing official information and consulting on release)	General Managers Any member of the Legal Team
s.14	Extension of time to provide official information	General Managers Any member of the Legal Team
s.15	Power to determine manner of presenting information	General Managers Any member of the Legal Team
s.16	Power to determine deletions of some information from documents	General Managers Any member of the Legal Team Consents Support Officers
s.17, 17A, 17B, 18	Refusal of requests for information	General Managers Any member of the Legal Team
s.21, 22, 23	Right of access to internal rules affecting decisions / personal information	General Managers Any member of the Legal Team
s.24	Precautions regarding access to personal information	All staff
s.25	Correction of personal information	All staff
s.26	Refusal to supply personal information	General Managers Any member of the Legal Team
s.29	To comply with the requirements of an Ombudsman	General Managers Any member of the Legal Team
s.33	Requirement to notify decision of Ombudsman	General Managers
s.39	Publication of summary of report	General Managers Any member of the Legal Team
s.46	Public notification of meetings	Executive Advisor Committee Secretary
s.46A, 46B, 49, 51, 51AA	Availability of agendas, reports and minutes	Executive Advisor Committee Secretary
s.51A	Public notification of resolution at emergency meeting	Executive Advisor Committee Secretary

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5.2. Privacy Act 2020

Privacy Act 2020

Section	Description	Delegated to
s.201	Power to appoint Privacy Officers	Chief Executive
s.47, 49, 50, 51, 52, 53	Decision to refuse access to personal information	General Managers Privacy Officers
S41, 43, 45, 46, 48, 55, 56, 60, 62, 63, 64, 65, 66	<ul style="list-style-type: none"> - To treat the requests with urgency; - To decide to transfer a request to another agency; - To decide whether the request can be granted (including the decision to impose a charge); - Where a request has been granted, whether any information should be withheld; - Decision to extend the time limits; - Deciding the way information is to be provided; - Providing the reasons for refusal. 	General Managers Privacy Officers
	All other powers and duties under the Privacy Act 2020. This delegation may be sub-delegated.	Chief Executive

5.3. Public Records Act 2005

The Council has certain obligations under the Public Records Act 2005, including in relation to the disposal of Council records.

Section	Description	Delegated to
17	To provide for the creation and maintenance of local authority records	Team Leader Records and Information
40	To comply with the requirements in relation to protected records	Team Leader Records and Information
45, 46	To classify the access status of the Council's local authority records	Team Leader Records and Information
47	To provide for the public inspection of open access records	Team Leader Records and Information

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5.4 Other

This Delegations Manual does not contain formal delegations in relation to the authorisation to sign correspondence (including email correspondence), media statements (including social media) and placement of public notices. Staff should refer to the relevant Staff Policies in relation to these matters.

6. Submissions

6.1. General

The authority to make a submission on any matters of general interest or concern to the Council (including proposed Government policies, discussion documents and legislation but **excluding** proposed plans and plan changes and resource consent applications under the RMA and any other policy or standard not delegated in this manual, where it is not possible within the available time to refer the matter to the Council or where there is no other delegation, is delegated to the Chief Executive or, in the Chief Executive's absence, the Acting Chief Executive.

NOTE: When this delegation is exercised, it must be reported to the next Council meeting.

7. Authorisation to use the Common Seal

The Council has the authority to impress on any document the Common Seal of the Council.

Where the Common Seal of the Council is affixed to any document it shall be attested by any two Councillors.

The Common Seal will be affixed to any document that is required to be executed under the Seal, including:

- Certain warrants to carry out statutory functions, including warrants made under the Biosecurity Act 1993, the Building Act 2004, and the Local Government Act 2002.
- When executing any Memorandum of Transfer pursuant to section 80 of the Local Government (Rating) Act 2002.
- Regional policy statements and regional plans prepared under the Resource Management Act 1991.
- Bylaws prepared under the Local Government Act 2002 or other relevant statutes.
- Any documents (e.g. covenants, caveats, s417 certificates or consent notices) which otherwise require the use of the Council's Common Seal.

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8. Professional advice and legal proceedings

8.1 Authorisation to obtain professional advice

The authority to obtain professional advice, including but not limited to legal, engineering, financial, accounting and resource management, advice on Council's behalf is delegated to:

- Chief Executive
- General Managers
- Managers
- Legal Counsel
- Team Leaders

Explanatory note: In accordance with the general terms and conditions this delegation may only be exercised in accordance with financial delegations.

Any advice must also be sought in accordance with any arrangements that the Council has regarding the provision of services (i.e. if there is a preferred or agreed service provider). The Legal Counsel should be advised of any external legal services engaged.

This delegation does not prohibit other staff members from liaising with professional advisors as part of the Council obtaining advice. Instead it is intended to operate to ensure that the engagement of the advisor has been approved by one of the above staff members.

8.2 Court proceedings

Unless provided for elsewhere in this Delegation Manual, the following delegations for Court Proceedings apply.

Reference	Function	Delegated to
General Clause 32, Schedule 7 of LGA	The authority to decide whether to commence or defend any action before a Court, tribunal, arbitral panel or other such body subject to, at the delegate's discretion, discussion with the Chairperson, discussion with Legal Counsel, discussion with officers involved, discussion with the Council's insurers and reports being made to the relevant Committee of the Council	Chief Executive

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General Clause 32, Schedule 7 of LGA	In the event the Chief Executive is unavailable or in exceptional circumstances where time does not permit consideration by the Chief Executive and where such action is necessary to protect or further Council’s interests, the authority to commence or defend any action before a Court, tribunal, arbitral panel or other such body	GM Regulatory GM Corporate
General Clause 32, Schedule 7 of LGA	The authority to settle a dispute or issues at stake at mediation or other dispute resolution sessions in relation to any matter before any Court, tribunal, arbitral panel, or other such body subject to, at the delegate’s discretion, discussion with Legal Counsel, discussion with officers involved, discussion with the Council’s insurers and reports being made to the Council or appropriate Committee.	All Managers
General Clause 32, Schedule 7 of LGA	The authority to: Initiate to have Court costs awarded; and Initiate legal proceedings to collect Court costs awarded	All General Managers
General Clause 32, Schedule 7 of LGA	The authority to take appropriate action within Council policy to recover debts, including, but not limited to Court and, Tribunal proceedings and debt collection agencies	GM Corporate
General Clause 32, Schedule 7 of LGA	The authority to initiate, prosecute, withdraw and do all things necessary to conduct appeals as follows: 1) Environment Court to the High Court 2) District Court to the High Court 3) High Court to the Court of Appeal or Supreme Court 4) Court of Appeal to the Supreme Court.	Chief Executive
Judicial Review High Court Rule 30.3, Clause 32, Schedule 7 of LGA	Lodge, withdraw, oppose or join an application for Judicial Review with the High Court and any related applications or proceedings and be heard in relation to any application or proceedings subject to, at the delegate’s discretion, discussion with the Chairperson, discussion with Legal Counsel, discussion with officers involved, discussion with the Council’s insurers and reports being made to the relevant Committee of the Council	Chief Executive
Judicial Review High Court Rule 30.3, Clause 32, Schedule 7 of LGA	The authority to settle a dispute or issues at stake at mediation or other dispute resolution sessions in relation to judicial review proceedings subject to, at the delegate’s discretion, discussion with Legal Counsel, discussion with officers involved, discussion with the Council’s insurers and reports being made to the Council or appropriate Committee. This delegation includes the authority to	Chief Executive

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	approve Consent Memoranda, draft Consent Orders, side agreements or other documents required to settle a matter	
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Specific terms and conditions:

- *The authority to settle any matter against the Council must be exercised in accordance with any financial delegations.*
- *The Chief Executive may sub-delegate these delegations.*

Explanatory Note:

- *Further delegations in relation to Court proceedings on property matters are listed in the property delegations.*
- *Further delegations in respect of specific statutory proceedings are listed in the regulatory delegations (e.g. under the Resource Management Act 1991 and Biosecurity Act 1993).*

PART D: CONTRACTING, FINANCIAL, RATING AND PROPERTY DELEGATIONS

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PART D: CONTRACTING, FINANCIAL, RATING AND PROPERTY DELEGATIONS

Part D of the Delegations Manual sets out delegations relating to contracting and agreements, financial matters (including rating) and property delegations.

9. Contracting, agreements and Memorandum of Understanding

9.1 Introduction

The Council enters into a range of different contracts and agreements as part of undertaking its day to day business. These range from non-binding memorandum of understanding (but which may have significant reputational impact), contracts and agreements of low financial value, to high financial value contracts and agreements.

This section of the Delegations Manual contains delegations in relation to these matters and should be read alongside the financial delegations.

9.2 Memorandum of Understanding

The authority to sign on Council's behalf any memorandum of understanding is delegated to all Managers.

This delegation may be sub-delegated.

9.3 Authorisation to sign Deeds

The Property Law Act 2007 requires Deeds to be signed by “two directors” in the case of a body corporate. “Directors” equates to Councillors (that is persons holding a governance as opposed to management role).

Attorneys may be appointed to execute a Deed on behalf of Council. The attorneys must be appointed by Deed, and that Deed of appointment must be executed by two “directors”.

9.4 Authorisation to sign contracts and other agreements (other than Deeds)

By resolution of Council, the Chief Executive has the power to authorise expenditure limited by the amount set in the Annual Plan, Long Term Plan or other specific authorisation by Council. The Chief Executive may, in turn, sub-delegate this authority to staff, and limit, suspend or withdraw said delegation at their discretion.

The exercise of delegation is on the total expenditure commitment and attention must be given to approved delegation levels. Staff must be aware of their delegations, and if necessary, obtain approval from appropriate staff with a higher delegation level if the procurement will exceed their own delegation limit.

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Staff can only use their delegations within their area; delegations are not to be used elsewhere in Council.

Splitting procurement costs in order to bring the pricing under delegation or procurement level limits while knowing that the total expenditure is prohibited.

Authority to sign off contracts (excluding Deeds) rests with the relevant staff who have a level of delegation consistent with the total expenditure expected over the life of the contract (refer Financial Delegations Authority table). Once in place, individual invoices under that contract may be authorised by relevant staff with the level of delegation appropriate to each invoice.

If contract modification, extension or amendment is required, it is treated as being part of the original contract and can only be approved by the staff member of same or higher delegation level of that which approved the original contract, regardless of the size or value of the modification, extension or amendment

9.4.1 Procurement Principles¹

Council staff are guided by the following principles when procuring goods and/or services on behalf of the Otago Regional Council:

1. Council has a responsibility to manage its resources in an effective and efficient manner, and in doing so will consider best value for money over the whole of life cycle when procuring goods and services
2. Council may procure goods and services as sole procurer or in conjunction with other Councils or entities
3. Council will ensure open and effective competition as a competitive procurement process, as this is likely to result in a better procurement outcome
4. Council will provide a full and fair opportunity for both local and national suppliers
5. Council will comply with all relevant legislation, policies and procedures when engaging in the procurement process
6. Council will require sustainably produced goods and services whenever possible, having regard to economic, environmental, social and cultural impacts over their life cycle

Delegations by the Chief Executive set out in the Financial Delegations Register (refer Table 3 below) attach to the position.

Sub-delegations may be made without the approval of the Chief Executive but are subject to approval by the relevant Manager and General Manager. No further delegation is permitted.

¹ Otago Regional Council Procurement Policy

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Table 3: Financial Delegations Authority

Chief Executive	Limited by amount set in Annual Plan, Long Term Plan or other specific authorisation by Council	
PA to CE & Chair	5,000	
Executive Advisor	50,000	
General Manager People, Culture & Communications	100,000	
General Manager Corporate Services*	150,000	Delegated amounts extended to \$250,000 where payment is part of an approved contract; accept public tenders up to \$250,000 on recommendation of appropriate General Manager.
Manager Corporate Planning	25,000	
Finance Manager – Revenue*	25,000	Delegated amount of \$5,000 for Rates Refund; Authority to approve remission of rates penalties in accordance with agreed procedures; Authority to make supplier payments as required.
Finance Manager – Reporting*	25,000	Delegated amount of \$5,000 for Rates Refund; Authority to approve remission of rates penalties in accordance with agreed procedures; Authority to make supplier payments as required.
Chief Information Officer	50,000	
Team Leader Fleet & Facilities	5,000	
Legal Counsel	50,000	
Management Accountant	25,000	Authority to make supplier payments as required.
Coordinator Records & Information	5,000	
RITS Contract Lead - Public Transport Ticketing		No financial delegation, but have ability to approve timesheets and leave requests.
Fleet & Facilities Advisor	5,000	
Manager Support Services	25,000	
General Manager Operations	100,000	Delegated amount increased to \$250,000 where payment is part of an approved contract.
Manager Environmental Implementation	25,000	

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Manager Engineering	50,000	
Manager Transport	50,000	
Manager Natural Hazards	25,000	
Manager Emergency Management Otago	25,000	
Team Leader Environmental Implementation	5,000	
Procurement and Contracts Coordinator	5,000	
Senior Engineering Officer Taieri	5,000	
Engineering Officer - Taieri	5,000	
Senior Field Officer Alexandra	5,000	
Team Leader Public Transport Dunedin	5,000	
Team Leader Communications and Marketing	5,000	
Manager Marketing and Brand	25,000	
Team Leader Compliance Support	5,000	
Manager Customer Experience	25,000	
Manager People and Safety	25,000	
People & Safety Coordinator	5,000	
Safety & Wellbeing Coordinator	5,000	
Safety & Wellbeing Partner	5,000	
General Manager Regulatory	100,000	
Manager Compliance	25,000	
Harbourmaster	25,000	
Manager Regulatory Data and Systems	25,000	
Manager Consents	25,000	
Team Leader Investigations	5,000	
Team Leader Compliance Compliance Monitoring	5,000	
Team Leader Compliance (Coastal)	5,000	

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Team Leader Commercial and Regulatory	5,000	
General Manager Strategy, Policy and Science	100,000	
Manager Policy and Planning	25,000	
Manager Strategy	25,000	
Manager Science	25,000	
Manager Environmental Monitoring	25,000	
Team Leader Environmental Monitoring /Team Leader Data Systems	5,000	
Team Leader Freshwater & Land	5,000	
Team Leader RPS, Air & Coast	5,000	
Team Leader Water	5,000	
Team Leader Biodiversity	5,000	
Network Infrastructure Lead	5,000	
Team Leader Urban Growth and Development	5,000	
Team Leader – Land	5,000	
Environmental Resource Scientist	5,000	
Senior Environmental Officer	1,000	
Environmental Monitoring & Reporting/LAWA Project Manager	5,000	For LAWA Project Expenditure
Delivery Lead – Catchments	500	
Delivery Lead – Biosecurity	500	
Principal Advisor – Environmental Implementation	10,000	
Project Delivery Specialist	10,000	
Team Leader Commercial and Regulatory	5,000	

* = bank signatories

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9.5 Contingency Expenditure

9.5.1 Emergency Procurement

An emergency procurement situation can arise from natural disasters such as flooding and earthquakes. Emergency procurement is not available to compensate for poor planning or to procure without a purchase order. In an emergency, the following procedure is to be followed by staff²:

- An emergency for procurement purposes must be classified by either the General Manager Corporate Services, Chief Executive, Chairperson or Group Controller of Emergency Management Otago.

The Chief Executive, General Manager Operations, Manager Engineering, and Director Emergency Management Otago are authorised in emergency circumstances to undertake the necessary remedial or response action (within the same maximum limits as provided in the Financial Delegations Register) and, at the first subsequent meeting of the Council, report on action taken under the delegation.

9.6 Other financial commitments

9.6.1. Invoice debtors

The authority to approve invoices for revenue to be charged against debtor accounts is delegated to the relevant Manager and may be sub-delegated with approval from the relevant General Manager, where this sub-delegation will facilitate the invoicing process.

9.6.2. Debt recovery

In a number of areas of the Council's operation it may be necessary on occasion to negotiate a reduction in amounts owing or to write-off debts which cannot be collected.

The authority to approve write-downs and/or write-offs within the financial delegation limits above is delegated to General Manager Corporate.

The authority to take appropriate action within Council policy to recover debts within the financial delegation limits above, including, but not limited to Court, Tribunal proceedings and debt collection agencies is delegated to General Manager Corporate, which can be subdelegated to Managers.

Explanatory note: See also court proceedings delegations.

9.6.3. Raise credit notes

Credit notes represent a disbursement of a Council asset. Authorisation to raise a credit note is delegated to any General Manager, in accordance with the maximum limits as provided in the Financial Delegations

² Otago Regional Council Procurement Policy

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Register. This authority may be sub-delegated with approval from the relevant General Manager, where this sub-delegation will facilitate the process of raising credit notes.

9.6.4. Banking and payment signatory

Changes to banking arrangements requires the signature of General Manager Corporate and a Finance Manager.

Specific terms and conditions: *All payments must be authorised by TWO approved signatories signing and countersigning appropriate documentation. Bank signatories are 'person specific'.*

9.6.5. Operational expenditure – Payroll, PAYE, ACC and other Taxes

For payroll, PAYE, ACC and other taxes and deductions - any two authorised bank signatories jointly.

9.7 Specific Financial Delegations

9.7.1 Regional On-scene Commander (Marine oil spill response)

The Regional On-Scene Commander is a person trained and authorised by Maritime New Zealand and appointed by Council under the Maritime Transport Act 1994. Appointment by Council provides financial authorisations within the Tier II Marine Oil Spill Response Plan.

- a. The Regional On-scene Commander is authorised to expend up to \$50,000 of the Council's funds in relation to Marine Oil Spill Response operations.
- b. The expenditure of \$50,000 may be exceeded by up to a limit of \$100,000 with prior consultation with the Chief Executive or General Manager Operations.
- c. Any person authorised by the Council when acting as Regional On-scene Commander, who for the time being is the Acting Regional On-scene Commander, is authorised to spend up to \$50,000 in relation to Marine Oil Spill Response operations.
- d. Regional On-scene Commanders are required as a condition of the delegation to:
 - i. comply with Maritime New Zealand Operational Policy; and
 - ii. comply with Council procedures and subsequently report to the next meeting

10. Rating

10.1 Introduction

The following section of the Delegations Manual describes the delegations given in relation to rating matters.

The Chief Executive is delegated all powers, functions and duties under the Local Government (Rating) Act 2002 that are legally able to be delegated under section 132 of the Local Government (Rating) Act 2002.

The Local Government (Rating) Act 2002 prohibits the delegation of the power of delegation. Accordingly, the following table sets out a range of other delegations made by the Council to specified positions.

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In relation to the Rating Valuations Act 1998 and the Rate Rebate Act 1973 the Council delegates to the Chief Executive all powers, functions and duties under these two Acts that are legally able to be delegated. In accordance with Clause 32 of Schedule 7 of the LGA, the Chief Executive has made the following sub-delegations as indicated below in the following tables.

10.2 Local Government (Rating) Act 2002

Section	Function	Delegated to
40	Power to correct rates	Finance Manager
41	Authority to issue an amended rates assessment if an error is encountered.	Finance Manager
54	Power not to collect rates that are uneconomic to collect	Finance Manager
61,62,63	Powers for recovery of unpaid rates	Finance Manager
85, 86	Power to remit rates pursuant to Council rates remission policy	Finance Manager to approve postponement of rates on applications which meet the criteria of the Council's policy
87,90	Power to postpone rates pursuant to Council rates postponement policy	Finance Manager to approve postponement of rates on applications which meet the criteria of the Council's policy
91-113	Rating of Maori freehold land including district valuation rolls, land vested in trustees, multiple ownership, using land in multiple ownership	GM Corporate to be exercised in accordance with Council's Rates policies
114-115	Power to remit or postpone rates on Maori Freehold land	GM Corporate to be exercised in accordance with Council's Rates policies

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10.3. Rating Valuation Act 1998

Section	Function	Delegated to
43	Obligation to pay annually a share of the costs of any territorial authority in the region in preparing and maintaining is district valuation roll	GM Corporate
43	Resolve any dispute regarding the amount payable, including in arbitration	Finance Manager

11. Property services

11.1 Leases and Licences

Matter	Function	Delegated to
New leases/ Licences	The authority to: (a) as lessor or lessee to sign agreements to lease for residential and commercial property granting leases for periods of no more than eight years (b) grant new leases or licenses for terms not exceeding twenty-one years for all other land (c) execute contracts of guarantee	GM Corporate
Assignment and subleasing	The authority as lessee or licensee to approve the sublease and assignment of leases and licenses	GM Corporate
Mortgages	The authority to: (a) secure a mortgage over the lessees' interest in the lease (b) vary mortgage terms (c) release a mortgage	Two of Finance Managers or GM Corporate
Rents	The authority to: (a) appoint an officer to set rentals for council property (b) set, review and reduce prices and rents in relation to existing Council leases or licenses	Manager Support Services Legal Counsel

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Rents	The authority to: (a) issue rent/fee rebates (b) appoint an arbitrator where rent reviews are appealed	GM Corporate
Variation of leases	The authority to: (a) approve variations to commercial, industrial and residential leases; and (b) all licences	GM Corporate Legal Counsel
Termination and surrender of leases	The authority: (a) as lessor or lessee, or licensor or licensee, to terminate leases or licences within the terms and conditions of the contract, including failure to pay rent (b) as property owner, lessor, assignor or licensor, to approve the surrender of leases and licences	GM Corporate Legal Counsel
Registration	The authority to sign an authority and instruction form authorising registration of a lease or any surrender, variation or renewal of a currently registered lease approved under the above delegations	GM Corporate
Consent	The authority to provide (or withhold) any consent required under a lease	Manager Support Services Legal Counsel

11.2 Otago Regional Council (Kuriwao Endowment Lands) Act 1994

Section	Function	Delegated to
9, 10	To exercise all rights, powers, and obligations of the lessor under leases	Legal Counsel
13	Authority to sign an authority and instruction form for the sale of land authorised by Council resolution	GM Corporate

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11.3 General and miscellaneous

Matter	Function	Delegated to
Access	Authority to enter into, vary, revoke or cancel an access agreement.	Any Manager
Land acquisition	Authority to approve minor land purchases or sales by agreement, for public works, subject to the transaction being in accordance with the Long Term Plan and to sign an authority and instruction form for the above purpose.	GM Operations
Affected party approvals For further delegations on affected party approvals see: 14.10	Providing approval, consents and make submissions or objections as adjoining landowner or potentially affected party in relation to property owned, leased or managed by Council This delegation maybe subdelegated.	GM Corporate
Land Interests	Power to register, approve amendments to or withdrawals or discharges of caveats, easement certificates and releases of bonds or encumbrances Specific terms and conditions: This delegation will only be exercised upon confirmation that all obligations have been satisfied	GM Corporate Legal Counsel
Signing Issues	Sign any other applications, documents, agreements or instruments or certify any documents or instrument in relation to any interest in land, on behalf of Council not otherwise provided in these property delegations. This delegation maybe subdelegated.	GM Corporate
Emergency	Power to close a premises / facility in an emergency situation	Any General Manager
Use of Council Property and land	Authorise the use of any Council building, land, facility or equipment by an outside person or organisation in accordance with established guidelines	GM Corporate
Disposal	Dispose (whether by tender or otherwise) of any motor vehicle or item of plant or surplus Council asset in accordance with the policy	GM Corporate
Statutory Land Charge	The authority to release a statutory land charge	GM Corporate

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Easements and other interests	The authority to (a) create, vary and surrender, easements and covenants over Council land. (b) request removal of easements, covenants and profits à prendre from LINZ register and removal of fencing covenants from title; (c) to sign an authority and instruction form for the above purposes	GM Corporate
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Explanatory note: Land owned by Otago Regional Council is held pursuant to a range of different statutes, often as endowment land. Further, other statutory obligations, including under the Public Bodies Leases Act 1969, may be relevant to how the land may be able to be dealt with.

For the avoidance of doubt, nothing in the above delegations relieves the Council from complying with the statutory obligations that apply in relation to the land.

The exercise of the property delegations must also be carried out in accordance with the financial delegations, e.g. the value of the lease may require a higher level of authority to sign the document than provided for in the delegations.

11.4. Trespass Act 1980

Section	Function	Delegated to
3	Power to warn a trespasser to leave the property Power to issue trespass notices This delegation maybe subdelegated.	Any General Manager
4	Power to either at the time of the trespass or within a reasonable time thereafter, warn a trespasser to stay off the property This delegation maybe subdelegated.	Any General Manager
4(2), 9(1)	Power to, where there is reasonable cause to suspect that any person is likely to trespass on the property, warn that person to stay off the property and to require that a person give name and other particulars This delegation maybe subdelegated.	Any General Manager

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PART E: REGULATORY RMA **DELEGATIONS**

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PART E: RESOURCE MANAGEMENT ACT DELEGATIONS

[a] This section sets out the functions under the RMA which are delegated;

[b] The Council delegates (to the extent authorised under the RMA) its powers duties, and functions in respect of resource management matters to the Chief Executive and council offices as set out below;

[c] The delegations are made under and must be acted on in accordance with the requirements of ss 34 and 34A of the RMA as well as the general delegation provision of clause 32 of the LGA. This includes the limitations set out in those sections and the prohibition on sub-delegation;

[d] The powers have been delegated to specific office holders through their title as set out in the 'delegated to' column of the schedule;

[e] Any limitation on the power delegated has been specified in the 'function' column of the schedule below; and

[f] The 'function' column is a summary of the power delegated only. The complete provision of the RMA (set out in the 'section' column of the schedule) should be referred to as appropriate.

12. General Matters

12.1 Information and Reports

Section	Function	Delegated to
35(2A)	Prepare and make available to the public a report on monitoring activities undertaken by Council in the course of exercising its functions under the RMA	GM Policy, Science and Strategy

12.2 Administrative charges

Section	Function	Delegated to
36(5)	Require payment of additional charges over and above any fixed charges to enable the recovery of actual and reasonable costs.	Manager Policy & Planning Manager Consents Manager Compliance

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36(6)	Approve an estimate of any additional charges likely to be imposed where requested by a person liable to pay an additional charge	Manager Policy & Planning Manager Consents Manager Compliance
36AAB(1)	Waive or remit the whole or any part of any charge referred to in section 36 which would otherwise be payable.	Manager Policy & Planning Manager Consents Manager Compliance GM Corporate
36AAB(2)	Where a charge of a kind referred to in section 36 is payable, cease performing the action to which the charge relates until the charge has been paid in full.	Manager Policy & Planning Manager Consents Manager Compliance
36AA	Determine any discount under section 36AA on an administrative charge imposed under section 36.	Manager Consents

12.3 Power to waive or extend time limits or waive requirements

Section	Function	Delegated to
37(1)(a)	Extend time periods associated with a resource consent process, if the applicant has agreed to the extension.	Senior Consents Planner Team Leader Consents except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Regulatory and co-chairs of the Regulatory Committee.
	Extend time periods associated with a resource consent process, where the applicant has not agreed to the extension.	Manager Consents except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any

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		two of the following: GM Regulatory and co-chairs of the Regulatory Committee.
	Extend any other time period not associated with a resource consent process.	GM Policy, Science and Strategy GM Regulatory
37(1)(b)	In relation to resource consent processes, waive a failure to comply with a requirement regarding the time or method of services of documents.	Manager Consents except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Regulatory and co-chairs of the Regulatory Committee.
	In relation to any process other than a resource consent process, waive a failure to comply with a requirement regarding the time or method of service of documents.	GM Policy, Science and Strategy GM Regulatory
37(2)	In relation to a resource consent process, waive compliance with a requirement (including a procedural requirement) to provide information or direct that the omission or inaccuracy be rectified, and the manner of the correction.	Manager Consents except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Regulatory and co-chairs of the Regulatory Committee.
	In relation to any process other than a resource consent process, waive compliance with a requirement (including a procedural requirement) to provide information or direct that the omission or inaccuracy be rectified, and the manner of the correction.	GM Policy, Science and Strategy GM Regulatory

12.4 Commissioning reports

Section	Function	Delegated to
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42A	Require an officer or commission a consultant or other person to prepare a report.	Principal Consents Planner Senior Consents Planner Team Leader Consents Team Leader RPS, Air and Coast Team Leader Freshwater and Land Team Leader Urban Growth and Development except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Regulatory and Co-chairs of the Regulatory Committee.
42A(3) 42A(4)(b) 42A(5)	Waive compliance with the requirements in sections 42A(3) and 42A(4)(b).	GM Policy, Science and Strategy or GM Regulatory

12.5 Protection of sensitive information

Section	Function	Delegated to
42	Make an order under this section to avoid: <ul style="list-style-type: none"> serious offence to tikanga Maori, or to avoid the disclosure of the location of wahi tapu; the disclosure of a trade secret or unreasonable prejudice to the commercial position of the person who supplied, or is the subject of, the information; 	GM Policy, Science and Strategy GM Regulatory

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	and, in the circumstances of the particular case, the importance of avoiding such offence, disclosure, or prejudice outweighs the public interest in making that information available.	
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13. Policy and Planning

13.1 Evaluation reports

Section	Function	Delegated to
32 Schedule 1, Clause 5	Direct the preparation of an evaluation report for a proposed policy statement or plan in accordance with section 32.	Team Leader RPS, Air and Coast Team Leader Freshwater and Land Team Leader Urban Growth and Development
32AA Schedule 1, Clause 5	This is a report to be prepared or commissioned by the hearing panel making recommendations on the planning document.	Not delegated
165H(1A)	Prepare a report summarising the matters required by section 165H(1) and make it available for inspection.	Manager Policy & Planning

13.2 Consultation

Section	Function	Delegated to
Schedule 1, Clause 3	Determine affected Ministers of the Crown, local authorities and other persons to consult with during the preparation of a proposed policy statement of plan	Manager Policy & Planning
Schedule 1, Clause 4A	Consult with iwi and provide documents on any proposed RPS or Regional Plan	Manager Policy & Planning

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13.3 Notification

Section	Function	Delegated to
Schedule 1, Clause 5(1C)	Determine whether a person is likely to be directly affected by the proposed policy statement or plan and determine what information to provide those persons.	Team Leader RPS, Air and Coast Team Leader Freshwater and Land Team Leader Urban Growth and Development
Schedule 1, Clause 5(5)	Determine appropriate locations in the region to make any proposed policy statement or plan available.	Team Leader RPS, Air and Coast Team Leader Freshwater and Land Team Leader Urban Growth and Development

13.4 Summary of decisions requested

Section	Function	Delegated to
Schedule 1, Clause 7	Publicly notify a summary of decisions requested by persons making submissions on a proposed policy statement, plan, or plan change and/or service notice on relevant persons where a decision was made to have limited notification of a RPS or Regional Plan	Team Leader RPS, Air and Coast Team Leader Freshwater and Land Team Leader Urban Growth and Development

13.5 Resolution of disputes

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Section	Function	Delegated to
Schedule 1, Clause 8AA(1)	Invite persons to a meeting for the purpose of clarifying or facilitating the resolution of any matter relating to a proposed policy statement or plan.	GM Policy, Science and Strategy
82	Resolution of disputes relating to inconsistencies between instruments by referral to the Environment Court (relates to inconsistency between water conservation orders and the Regional Policy Statement, or Regional Policy Statement or Plans and a District Plan, or between Regional Policy Statement or Plan and a national direction)	GM Policy, Science and Strategy

13.6 Amendments to policy statements or plans without using Schedule 1

Section	Function	Delegated to
Schedule 1, Clause 16(1) and (2) Schedule 1, Clause 20A	Amend a proposed or operative policy statement or plan in accordance with Clauses 16(1), 16(2) (to give effect to national direction or a direction from the Environment Court) and 20A (to correct a minor error) without using the Schedule 1 process.	Manager Policy & Planning
292	Amend a plan without using the process in Schedule 1 of the RMA to remedy a mistake, defect, or uncertainty or to give full effect to a plan as directed by the Environment Court.	Team Leader RPS, Air and Coast Team Leader Freshwater and Land Team Leader Urban Growth and Development
85(3) 293	Make an amendment directed by the Environment Court under sections 85(3) and 293 without using the process in Schedule 1.	Manager Policy & Planning

13.7 Notification of operative dates

Section	Function	Delegated to
Schedule 1,	Publicly notify a date on which a policy statement or plan becomes operative.	Manager Policy & Planning

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Clause 20		
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13.8 Private plan changes

Section	Function	Delegated to
Schedule 1, Clause 23(1) and (2)	Require, by written notice, further or additional information in accordance with Clause 23.	Manager Policy & Planning
Schedule 1, Clause 23(3)	Commission a report in relation to a request made under Clause 21 and notify the person who made the request.	Manager Policy & Planning
Schedule 1, Clause 24	Modify a request made under Clause 21 with the agreement of the person who made the request.	Manager Policy & Planning
Schedule 1, Clause 28	Give notice that request made under Clause 21 will be deemed to be withdrawn if not advised of wish to continue with request.	Manager Policy & Planning

13.9 Incorporation of documents by reference

Section	Function	Delegated to
Schedule 1, Clause 34	Consult on proposal to incorporate material by reference in a proposed plan, variation, or change in accordance with Schedule 1, Clause 34.	Team Leader RPS, Air and Coast Team Leader Freshwater and Land Team Leader Urban Growth and Development

13.10 Written approval on behalf of the Council

Section	Function	Delegated to
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<p>104(3)(ii) 104(4)</p>	<p>Where the Council is an affected party, give or decline to give written approval on behalf of the Council to a resource consent application, and withdraw any written approval given.</p>	<p>Manager Policy & Planning – for policy interests GM Operations – for operational matters GM Corporate – for property matters Any Harbourmaster – for maritime interests</p>

14. Submissions

Council is responsible for setting the region’s policy direction through its regional policy statement (RPS) which territorial authorities must give effect to. An important part of implementing the RPS is through making

submissions on District or City Councils’ proposed plans, plan changes, and resource consent applications. These submissions seek to implement Council’s previous decisions so generally will not require further approval from Council.

Where Council has no relevant policy, but the issues raised in a plan change or consent application are significant the matter should be referred to Council for consideration. Where this is not possible within the time that is available a submission should be lodged subject to Council endorsement and the matter brought to the next Council or relevant Committee meeting.

Section	Function	Delegated to
<p>96</p>	<p>Lodge or withdraw a submission on a resource consent application on behalf of Council.</p>	<p>GM Policy, Science and Strategy – for policy interests or on behalf of GM Operations, GM Corporate or Any Harbourmaster GM Operations – for operational matters</p>

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		GM Corporate – for property matters Any Harbourmaster – for maritime interests
149E 149F 149O	Make a submission to the EPA on a matter that has been called in or referred to it	GM Regulatory GM Policy Science and Strategy
Schedule 1, Clause 6 Schedule 1, Clause 8	Lodge or withdraw a submission or further submission on a proposed plan or plan change on behalf of Council.	Manager Policy and Planning
Part 5	Make a submission in relation to a proposed National Policy Statement, National Environmental Standard, NZ Coastal Policy Statement	Not delegated

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15. Resource consents and certificates of compliance

15.1 Application for resource consents

Section	Function	Delegated to
88(3)	Determine that an application is incomplete.	Consents Planner
88(3A)	If an application is determined to be incomplete, return the application to the applicant with written reasons for the determination.	Consents Planner
91C(2)	Following a period of suspended processing, decide whether to return the application to the applicant with a written explanation as to why it is being returned or continue to process the application.	Team Leader Consents Principal Consents Planner
91C(3)	If a decision is made under section 91C(2) to return an application, return the application with a written explanation as to why it is being returned.	Team Leader Consents Principal Consents Planner
165D	Refuse to receive and application for a coastal permit where consent for a similar activity has been refused within the previous 12 months	Manager Consents

15.2 Further Information requests

Section	Function	Delegated to
92(1)	Request further information relating to a resource consent application.	Senior Consents Planner
92(2)	Commission a person to prepare a report on any matter relating to a resource consent application.	Team Leader Consents Principal Consents Planner
92A(2)	When requesting further information under section 92, set a reasonable time within which the applicant must provide the information and tell the applicant in a written notice.	Senior Consents Planner

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15.3 Notification

Section	Function	Delegated to
91(1)	Defer the notification or hearing of an application for resource consent where it is considered other resource consents will also be required and it is appropriate that applications for one or more of those other resource consents be made before proceeding further.	Senior Consents Planner
91D	Decide to suspend the processing of a non-notified application when a request is received from an applicant under section 91D.	Senior Consents Planner
95(1)	Decide whether to give public or limited notification of a resource consent application in accordance with sections 95A and 95B and notify the application as determined appropriate.	Team Leader Consents; or Principal Consents Planner except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Regulatory and co-chairs of the Regulatory Committee.
95E 95F 95G 127(4)	Determine if a person is an affected person.	Team Leader Consents; or Principal Consents Planner except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Regulatory and co-chairs of the Regulatory Committee.
95D	For the purposes of deciding whether to publicly notify an application, determine whether the effects of the activity will be more than minor.	Team Leader Consents; or Principal Consents Planner except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM

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		Regulatory and co-chairs of the Regulatory Committee.
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15.4 Submissions

Section	Function	Delegated to
97	Adopt an earlier closing date for submissions.	Manager Consents; except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Regulatory and co-chairs of the Regulatory Committee.

15.5 Pre-hearing meetings and mediation

Section	Function	Delegated to
99(1)	Invite the applicant and submitters to attend a pre-hearing meeting.	Manager Consents; except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Regulatory and co-chairs of the Regulatory Committee.
99(1)	Require the applicant and submitters to attend a pre-hearing meeting.	Manager Consents; except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Regulatory and co-chairs of the Regulatory Committee.

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99	Decide who will chair a pre-hearing meeting	Manager Consents; except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Regulatory and co-chairs of the Regulatory Committee.
99(2)	Invite a person or persons to attend a pre-hearing meeting.	Manager Consents; except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Regulatory and co-chairs of the Regulatory Committee.
99(2)	With the consent of the applicant, require a person or persons to attend a pre-hearing meeting.	Manager Consents; except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Regulatory and co-chairs of the Regulatory Committee.
99(8)	Decline to process a person's application or consider a person's submission if they were required but failed to attend a pre-hearing meeting.	GM Regulatory; except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Regulatory and co-chairs of the Regulatory Committee.
99A	Refer an applicant and submitters to mediation.	GM Regulatory except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Regulatory and co-chairs

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		of the Regulatory Committee.
99A	Appoint mediators for consent applications	Any two of the following: GM Regulatory and co-chairs of the Regulatory except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Regulatory and co-chairs of the Regulatory Committee.

15.6 Hearings

Section	Function	Delegated to
34A(1) 34A(1A)	Appoint a hearing commissioner(s) to hear and decide resource consent applications and delegate to that person or persons all the necessary powers, functions, and duties in the RMA.	Manager Policy & Planning for plan hearings Any two of the following for a resource consent hearing: GM Regulatory or the co-chairs of the Regulatory Committee of Council
39 40 41A 41B 41C	To determine the procedures for the conduct of a hearing	The Hearings panel or Commissioners, or Commissioner sole appointed to hear and determine the particular plan proposal or consent application
41D	To strike out all of part of a submission in accordance with the section	Manager Consents Manager Policy & Planning The Hearings panel or Commissioners, or Commissioner sole appointed to hear and determine the particular

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		plan proposal or consent application
100	Determine that a hearing of an application is necessary.	Manager Consents
100A(4)	Where an applicant or submitter has made a request under section 100A, appoint a hearing commissioner(s) to hear and decide the application.	Any two of the following: GM Regulatory and co-chairs of the Regulatory
101(1) 101(3)	Fix and give notice of the commencement date, time and place of a hearing.	Senior Consents Support Officer; or Consents Support Officer
102(1)	In relation to joint hearings, agree that applications are sufficiently unrelated that a joint hearing is unnecessary.	Manager Consents
102(2)	Instead of the regional council, agree that for a joint hearing another authority should be responsible for notifying the hearing, setting the procedure, and providing administrative services.	Manager Consents
103(1)	Determine that applications for resource consents for the same proposal are sufficiently unrelated that it is unnecessary to hear and decide the applications together.	Manager Consents

15.7 Decision-making on applications

Section	Function	Delegated to
104A 104B 104C 104D 104F 105 107 108 108AA 217	<p>Determine applications and impose conditions for the following activities or types of application:</p> <ul style="list-style-type: none"> Applications for a non-complying activity <p>Determine applications and impose conditions for any activity where:</p> <ul style="list-style-type: none"> the application was notified or limited notified but no hearing is required (subject to section 100) the recommended consent term is greater than 25 years. the recommended consent conditions are not consistent with the Council's standard consent conditions. 	<p>Manager Consents; Team Leader Consents; or Principal Consents Planner</p> <p>The Hearings panel or Commissioners, or Commissioner sole appointed to hear and determine a consent application including where the ORC is the applicant for consent.</p>

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104A 104B 104C 104D 104F 105 107 108 108AA 217	Determine applications and impose conditions for any other activity, where the recommended conditions are consistent with the Council's standard consent conditions and the recommended consent term is less or equal to 25 years.	Manager Consents; Team Leader Consents; or Principal Consents Planner The Hearings panel or Commissioners, or Commissioner sole appointed to hear and determine the particular consent application including where the ORC is the applicant for consent.
104A 104B 104C 104D 104F 105 107 108 108AA 217	Authority to decide non-notified resource consent applications to install or alter a bore.	Senior Consent Planner. The Hearings panel or Commissioners, or Commissioner sole appointed to hear and determine the particular a consent application including where the ORC is the applicant for consent.
108A 109	Implementation of requirement in a resource consent for a bond to secure the performance of consent conditions Note: If a bond or covenant is considered as a possible consent requirement than all matters relating to consent conditions under sections 104A, 104B, 104C, 104D, 104F, 105, 107, 108, 108AA and 217 must be considered together with delegation exercised by the GM Regulatory.	GM Regulatory
110(1)	Refund or return the whole of a financial contribution or land in accordance with section 110.	GM Regulatory
110(2)	Determine the portion of a financial contribution or land to retain to cover the costs incurred by the Council in relation to the activity and its discontinuance.	GM Regulatory

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114(2)	Determine what other authorities and persons are considered appropriate to be notified of a decision on a resource consent application.	Manager Consents
n/a – internal policy	Determine whether an application for financial support for resource consent processing fees for environmental enhancement projects is to be accepted or rejected, upto a maximum value of \$10,000 taking into account budget availability and other factors. See ORC policy 'Financial Support for Resource Consent Processing Fees - Environmental Enhancement Projects' dated July 2021.	GM Regulatory

15.8 Duration of consent

Section	Function	Delegated to
124	Allow a resource consent holder to operate under an expired resource consent while the application for a new consent and any references (appeals) to the Environment Court are determined in accordance with section 124.	Team Leader Consents Principal Consents Planner Senior Consents Planner
125(1A)(b)	Determine an application for extension of the lapse date of a consent.	Manager Consents

15.9 Cancellation and change of consents

Section	Function	Delegated to
126(1)	Cancel a resource consent by written notice in accordance with section 126.	Manager Compliance
126(2)	Revoke the notice of cancellation of a resource consent and determine a new period after which a new notice of cancellation may be issued in accordance with section 126.	GM Regulatory
127	Change or cancel consent condition on application by the consent holder	Principal Consents Planner

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		Manager Consents
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15.10 Review of consent conditions by consent authority

Section	Function	Delegated to
128 129	Determine whether to review the conditions of a resource consent, serve notice on a consent holder of the intention to review the conditions, and propose new conditions.	Manager Consents Manager Compliance
130	Determine whether notification of a review is required and whether a hearing be held.	Manager Consents
131 132	Change the conditions of a resource consent on a review under section 128.	Manager Consents

15.11 Determining activities are permitted activities

Section	Function	Delegated to
87BB(1)(d)	Determine that an activity is a permitted activity in accordance with section 87BB(1)(a) to (c) and advise the person proposing to undertake the activity.	Team Leader Consents Principal Consents Planner

15.12 Minor corrections

Section	Function	Delegated to
133A	Issue an amended consent that corrects minor mistakes or defects in the consent in accordance with section 133A.	Team Leader Consents Principal Consents Planner Senior Consents Planner

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15.13 Transfer and surrender

Section	Function	Delegated to
136(2)(b)(ii)	Approve the transfer of a water permit in whole or in part to another person on another site or to another site in accordance with section 136.	Manager Consents or Manager Regulatory Data and Systems; or Team Leader Compliance Support
137(3)(b)	Approve the transfer of a discharge permit in whole or in part to another person or another site in accordance with section 137.	Manager Consents or Manager Regulatory Data and Systems; or Team Leader Compliance Support
138(2)	Refuse to accept the surrender of part of a resource consent	Manager Consents Manager Consents or Manager Regulatory Data and Systems; or Team Leader Compliance Support

15.14 Certificates of compliance or existing use

Section	Function	Delegated to
139(4)	Require further information to be provided in relation to a request for a certificate of compliance.	Consents Planner
139(5)	Issue a certificate of compliance.	Principal Consents Planner Team Leader Consents Senior Consents Planner
139A(3)	Require further information to be provided in relation to a request for an existing use certificate.	Consents Planner
139A(5)	Issue an existing use certificate.	Manager Consents

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139A(8)	Revoke an existing use certificate in accordance with sections 139A(7) and (8).	Manager Consents
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15.15 Permits over land other than that of the holders

Section	Function	Delegated to
417	To sign a certificate that defines a water race on land, as authorised by a mining privilege.	Not delegated

15.16 Direct referral

Section	Function	Delegated to
87E	Decide whether to agree to an applicant's request for direct referral of a resource consent application to the Environment Court.	GM Regulatory
87F	Approve the content of a report prepared under section 87F on an application that has been directly referred to the Environment Court.	Manager Consents

15.17 Objections

Section	Function	Delegated to
357C	Hear and decide objections against certain decisions under sections 357, 357A and 357B – except where the objector has requested that the matter be resolved by a hearing commissioner.	Manager Consents Manager Compliance Except that if they made the decision that is the subject of the objection the objection must be determined by their General Manager, or the CE

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357AB(2)	If requested by an applicant with a right of objection under section 357A(1)(f) or (g), appoint a hearing commissioner to consider the objection in accordance with section 357AB.	Commissioner Appointed by two of the three: GM Regulatory and the co-chairs of the Regulatory Committee of Council
357C(4)	Hear and decide objections against additional charges collected under section 36(3).	GM Regulatory Manager Compliance

15.18 Consents where the ORC is the applicant

Section	Function	Delegated to
88(1)	Authority to apply for a resource consent on behalf of the ORC	GM Operations Any Harbourmaster GM Regulatory
	For all delegations covered in sections 16.1 to 16.16 of this Manual decision making will be delegated to an external, independent and appropriately qualified commissioner appointed by two of the three: GM Regulatory and the co-chairs of the Regulatory Committee of Council. All analysis, processing, report writing and support for the Independent Commissioner will be provided by an independent consultant appointed by the Manager Consents from an approved panel of consultants.	Independent Commissioner Independent Consultant

15.19 Consent applications where the ORC may be an affected party

Section	Function	Delegated to
95B	Authority to make submissions, or provide written approval of a resource consent application on behalf of Council where it is an affected party	GM Operations GM Policy, Science and Strategy

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16. Enforcement and compliance

16.1 Enforcement officers

Section	Function	Delegated to
38(1)	Authorise staff to act as enforcement officers.	Chief Executive
38(5)	Supply enforcement officers with warrants.	Chief Executive

16.2 Requirement to supply information

Section	Function	Delegated to
388	Require information to be supplied by a person exercising a resource consent as to the nature and extent of activities carried out under the consent and the effects of the activities on the environment.	Environmental Officer

16.3 Powers of entry or search

Section	Function	Delegated to
332	Use powers of entry for inspection in accordance with section 332.	Warranted Officer where specified on warrant
333	Use powers of entry for survey in accordance with section 333.	Warranted Officer where specified on warrant
334	Authority to apply to an issuing officer for a warrant for entry to search where there are reasonable grounds to believe an offence against the RMA has been or is suspected of having been committed that is punishable by imprisonment.	Manager Compliance

16.4 Infringement notices

Section	Function	Delegated to
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343B	To decide to proceed by way of filing a charging document or serving an infringement notice	GM Regulatory
343B/C	To decide to withdraw an infringement notice.	Manager Compliance
343C	Where an enforcement officer observes a person committing an infringement offence, or has reasonable cause to believe such an offence is being or has been committed by that person, authority to serve an infringement notice in respect of that offence.	Team Leader Compliance Monitoring Team Leader Investigations
343C	To commence proceedings for a defended infringement notice	GM Regulatory

16.5 Abatement notices

Section	Function	Delegated to
322	To decide to serve an abatement notice	Manager Compliance
325A	Determine that an abatement notice be cancelled, changed, or confirmed.	Manager Compliance

16.6 Enforcement orders

Section	Function	Delegated to
316	Apply to the Environment Court for an enforcement order.	Manager Compliance
317	Where an application for an enforcement order is made, serve notice on every person directly affected by the application.	Team Leader Investigations
318	Give and withdraw notice of wish to be heard on an application for an enforcement order.	Team Leader Investigations

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320	Apply to the Environment Court for an interim enforcement order.	Manager Compliance
321	If directly affected by an enforcement order, apply to the Environment Court to change or cancel the order.	Manager Compliance

16.7 Offences

Section	Function	Delegated to
338	To initiate and/or withdraw a prosecution for an offence against the RMA.	GM Regulatory GM Operations
338	If a decision has been made to prosecute, authority to file a charging document on decisions to prosecute for offences.	GM Regulatory

16.8 Water shortage direction

Section	Function	Delegated to
329	Issue, amend or revoke a water shortage direction	GM Policy, Science and Strategy GM Regulatory

16.9 Reclamations

Section	Function	Delegated to
355B	Authority to act against unlawful reclamations.	GM Regulatory

16.10 Emergency works

Section	Function	Delegated to
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330	Power to undertake emergency works for ORC and/or other preventative measures to contain or minimise adverse effects on the environment.	Manager Engineering GM Operations
330A	Apply for a retrospective consent for emergency works	GM Operations Manager Engineering
331(1)	Require reimbursement or seek compensation for any emergency action undertaken by the Council.	GM Regulatory GM Operations
331(1A)	Apply for enforcement order under section 314(1)(d) to recover costs.	GM Regulatory

17. Court proceedings

17.1 Environment court

Section	Function	Delegated to
120 174 192 195 Schedule 1, Clause 14 Schedule 1, Clause 27	Lodge, withdraw, or oppose an appeal to the Environment Court in relation to a resource consent, a designation, or a heritage order, plan reviews, policy statements, plan changes and new plans where the ORC is an applicant or made a submission as an affected party. This delegation includes authority to enter into mediation, approve Consent Memoranda, draft Consent orders and side agreements, appear at hearings, present evidence, deal with costs, where these arrangements or activities protect ORC's interest as either the applicant or an affected party.	Manager Consents Manager Policy & Planning GM Operations
174 179 192 195 Schedule 1, Clause 14 Schedule 1,	Lodge, withdraw, or oppose an appeal to the Environment Court in relation to a resource consent where the ORC not an applicant or a decision maker.	GM Policy, Science and Strategy GM Regulatory

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Clause 27		
267	Participate and make decisions in Environment Court conferencing and/or appoint a representative who has authority (on behalf of Council) to participate and make decisions	Manager Consents Manager Compliance Manager Policy & Planning
268A	(1) For RMA planning matters, settle a dispute or issues at stake at mediation or other alternative dispute resolution sessions to resolve proceedings directly relating to the contents of Otago Regional Council Regional Policy Statements and Plans, including approving Consent Memoranda, draft Consent Orders and side agreements, provided that a position paper is run by the relevant committee chair prior to the officer attending mediation or other alternative dispute resolution sessions	Manager Consents Manager Compliance Manager Policy & Planning
	(2) For other RMA planning matters, settle a dispute or issues at stake at mediation or other alternative dispute resolution sessions, including approving Consent Memoranda, draft Consent Orders and side agreements	
	For RMA resource consent and other RMA matters, approve Consent Memoranda, draft Consent Orders and side agreements.	Manager Consents Manager Compliance Manager Policy & Planning
272 275 277A	Decide to appear at proceedings before the Environment Court and call evidence, or new evidence for the Council.	Manager Consents Manager Compliance Manager Policy & Planning
274	Lodge, withdraw, or oppose a notice of intention to become an interested party to Environment Court proceedings.	GM Policy, Science and Strategy GM Regulatory

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278 279 280	Seek, withdraw, or oppose orders in accordance with sections 278, 279 and 280.	Manager Consents Manager Compliance Manager Policy and Planning
281	Lodge, withdraw, or oppose an application for a waiver or direction in accordance with section 281.	GM Policy, Science and Strategy GM Regulatory
285	Authority to approve an application for costs, respond to an application for costs, or waive the pursuit of costs in Court proceedings.	GM Policy, Science and Strategy GM Regulatory Manager Policy & Planning
291	Lodge, oppose, or withdraw a Notice of Motion (or originating application) with the Environment Court seeking an order and give or withdraw notice of a wish to be heard on an application.	GM Policy, Science and Strategy GM Regulatory
294	Apply to the Environment Court for a rehearing of its proceedings where new and important evidence has become available after the Court's decisions	GM Policy, Science and Strategy GM Regulatory
308G 311	Lodge, withdraw, join, or oppose an application for declaration with the Environment Court.	GM Policy, Science and Strategy GM Regulatory
356	Apply to the Environment Court for a matter to be determined by arbitration	Any General Manager

17.2 High Court

Section	Function	Delegated to
149V 299	Lodge, withdraw, oppose, or join an appeal to the High Court and any related applications or proceedings.	Chief Executive
300	Settle a dispute or issues at stake at mediation or other dispute resolution sessions.	

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	Approve Consent Memoranda, draft Consent Orders, side agreements, or other documents required to settle a matter.	
301	Give or withdraw notice of intention to appear and be heard on appeal in High Court proceedings.	Chief Executive
305	Lodge, withdraw, oppose, or join an appeal to the High Court.	Chief Executive
306	Lodge, withdraw, or respond to an application for an extension of time.	Chief Executive

17.3 Court of Appeal and Supreme Court

Section	Function	Delegated to
308 RMA Subpart 8 of Part 6 of Criminal Procedure Act 2011	Lodge, withdraw, join, or otherwise respond to an application for leave to appeal to the Court of Appeal, a Notice of Appeal to the Court of Appeal, or any related applications or proceedings and be heard in relation to any application or proceedings.	Chief Executive
	Settle a dispute or issues at stake at mediation or other dispute resolution sessions.	
	Approve Consent Memoranda, draft Consent Orders, side agreements, or other documents required to settle a matter.	

18. Proposals of national significance

Section	Function	Delegated to
142(1)	Request that the Minister for the Environment call in a resource consent application as a matter is of national significance.	GM Regulatory
142(2) 147(4)	Provide the Council's view on a direction to be made by the Minister for the Environment.	GM Regulatory GM Policy, Science and Strategy

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149	Prepare a report requested by the EPA	GM Regulatory
149B	Provide information to the EPA	Manager Consents Manager Policy and Planning
149K	Provide suggestions to the Minister on the members of a Board of Inquiry	GM Regulatory
149G 149M 149N	Prepare a report for the EPA on key planning matters relating to a called in application and provide information or comments to the EPA on proposed plans or plan changes	GM Regulatory Manager Policy and Planning
149Q(4) 149Q(5)	Provide comments to the EPA on minor or technical aspects of a draft Board of Inquiry report.	GM Regulatory GM Policy, Science and Strategy
149W(2)(a)	Amend a proposed plan, change, or variation under clause 16(1) of Schedule 1 as if the decision were a direction of the Environment Court under section 293.	GM Policy, Science and Strategy
149(ZD)	Recover actual and reasonable costs of a process involving a matter of national significance.	GM Regulatory GM Policy, Science and Strategy

19. Water conservation orders

Section	Function	Delegated to
205 209 211	To make a submission to a special tribunal on a water conservation order, appeal to the Environment Court and power to be heard in person or be represented by another person at an inquiry conducted by the Environment Court under section 210.	GM Regulatory GM Policy, Science and Strategy

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20. Designations

Section	Function	Delegated to
168	Authority to give notice of a requirement for a designation to a territorial authority.	GM Operations
172	Authority to make a decision on a recommendation on a notice of requirement for a designation	GM Operations
174	Authority to appeal a decision of the territorial authority relating to a designation	GM Operations
176 178	Authority to approve activities on land affected by a designation	GM Operations
176A	Prepare an outline plan to be constructed on designated land	Manager Engineering
181 182	Authority to amend or remove a designation	GM Operations
184	Authority to seek extension of a designation before lapsing	GM Operations
195	Authority to appeal a matter subject to a heritage order	GM Operations

21. Other RMA matters

Section	Function	Delegated to
80 186	Power to acquire land	Chief Executive
237D	Transfer of land to the Crown or regional council	Chief Executive
245	To approve or decline a plan of make a submission to a special tribunal on a water conservation order, appeal to the Environment Court and power to be heard in person or be represented by another person at an inquiry conducted by the Environment Court under section 210.To approve or decline a plan of survey of a consented reclamation.	Not delegated

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22. Regulations

22.1 Measurement and Reporting of Water Takes

Regulation	Function	Delegated to
6(5)	Approving format of records	Manager Consents or Manager Regulatory Data and Systems
7(4)	Determining whether the certifier is suitably qualified	Manager Consents; or Manager Compliance; or Manager Regulatory Data and Systems
7A(5)	Approval to grant a later deadline for providing water meter records	Manager Consents; or Manager Compliance; or Manager Regulatory Data and Systems
8(4) 8(6)	Authority to request evidence from the consent holder	Consents Officer
9	Approval to measure water taken each week (instead of each day).	Team Leader Consents; or Team Leader Compliance; or Manager Regulatory Data and Systems
10	Approval to use device or system installed near (instead of at) location from which water is taken.	Manager Consents; or Manager Compliance; or Manager Regulatory Data and Systems
11	Authority to revoke approval granted under regulations 9 or 10.	Manager Consents; or Manager Compliance; or Manager Regulatory Data and Systems

22.2. Resource Management (Forms, Fees, and Procedure) Regulations 2003

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Section	Function	Delegated to
Clause 10A(2)	Require a notice to be affixed in a conspicuous place.	Manager Consents

23. Regional Plan: Water for Otago

Section	Function	Delegated to
Rules: 12.1.2.4, 12.1.1.5, 12.2.2.2, 12.2.2.5 and 12.2.2.6	To suspend permitted activity takes of water as provided for in the Regional Plan: Water for Otago.	GM Policy, Science and Strategy

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PART F: REGULATORY DELEGATIONS - OTHER

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PART F: REGULATORY NON-RMA DELEGATIONS

24. Council bylaws

24.1 Navigation Safety Bylaw 2020

The Otago Regional Council Navigation Safety Bylaw 2020 establishes a range of responsibilities, obligations and rules for the purpose of ensuring maritime safety for the waters in the Otago region as defined in the bylaw.

Except as provided below, delegations for the Navigation Safety Bylaw 2020 are provided for in the Maritime Transport Act 1994 and the Bylaw itself.

	Function	Delegated to
Otago Regional Council written approval		
	For issuing or refusing any written approval on behalf of the Council.	GM Regulatory

24.2 Flood Protection Management Bylaw 2022

Clause	Function	Delegated to
Authority to carry out work		
5.1	To approve/refuse authority under the Bylaw, including granting authority on such conditions as are considered appropriate.	Manager Engineering or Team Leader Commercial and Regulatory, except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Regulatory and cochair of the Regulatory Committee
5.2	Determining, refunding, remitting or waiving the whole or any part of any fee payable under the Bylaw.	GM Operations; or GM Regulatory except where ORC is the

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		applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Regulatory and co-chairs of the Regulatory Committee.
5.3	To uphold, amend or rescind a decision or authority under the Bylaw	Manager Engineering or Team Leader Commercial and Regulatory, except where ORC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: GM Regulatory and co-chairs of the Regulatory Committee.
Compliance and Enforcement		
6.1	Revocation of an authority granted under the Bylaw. Grant an extension to remedy a breach or failure	Manager Engineering or Team Leader Commercial and Regulatory
6.3	Issue a notice to remedy	GM Regulatory GM Operations
6.4	Authorisation of removal of works and cost recovery	refer Local Government Act 2002 delegations

25. Biosecurity Act 1993

The Biosecurity Act 1993 contains legislative provisions and powers to enable the effective implementation, including enforcement, of a regional pest management plan. The Act provides powers to a Principal Officer (Chief Executive) and Authorised Persons (who are appointed by the Chief Executive under section 105(1) of the Act).

In addition to the functions and powers delegated by the Chief Executive to “authorised persons” this section sets out the functions and powers under the Biosecurity Act which are delegated.

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The Council delegates (to the extent authorised under the Biosecurity Act) in respect of biosecurity matters to the Chief Executive and council officers, as set out below.

Section	Function	Delegated to
13(1)(a)	Power to carry out monitoring and surveillance of pests, pest agents, and unwanted organisms for the purposes of Part 5 of this Act	Delivery Lead - Biosecurity
13(1)(b)	Power to provide for the assessment and management or eradication of pests	Delivery Lead - Biosecurity
70-75	Prepare and review a regional pest management plan	GM Operations to make recommendations to Council
76,96	Lodge, withdraw or oppose an application to the Environment Court Settle a dispute or issues at stake at mediation or other alternative dispute resolution sessions Approve Consent Memoranda, draft Consent Orders and side agreements Decide to appear at proceedings before the Environment Court and call evidence for the Council	GM Operations
78	Exempt a person from a requirement in a rule in a regional pest plan.	Manager Environmental Implementation
90-95	Prepare and review a regional pathways management plan	GM Operations to make recommendations to Council
98	Exempt a person from a requirement in a rule in a regional pathways management plan	Manager Environmental Implementation
100M 100N	Recovery of a levy as a debt due	GM Operations
100V	Prepare a small scale management programme	GM Operations can make recommendations to council
122	Power to issue/withdraw a Notice of Direction	Authorised Person
128	Power to act on default and authorise action for work and recover costs of that action	GM Operations

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129	Power to put a charge on the property	GM Corporate
130	Power to declare a restricted place	Delivery Lead - Biosecurity
131	Declare a specified area to be a controlled area	GM Operations
135	Power to recover costs of administering the Biosecurity Act 1993 and performing the functions, powers and duties provided for in the Act in accordance with section 135 and regulations	Manager Environmental Implementation in conjunction GM Corporate as to the methods used
154	Power to issue/withdraw a Compliance Order	Manager Environmental Implementation
154M 154N 154O	To initiate and/or withdraw a prosecution for an offence under this Act Authority to file a charging document that has been laid in relation to a prosecution	GM Operations
159	Commence, withdraw or join proceedings in respect of infringement offences	GM Operations

26. The Building Act 2004

Otago Regional Council is a regional authority under the Building Act 2004. Regional authorities have several functions, powers and duties in relation to dams. Under a 2008 Deed of Transfer the Council exercises certain functions powers and duties under the Building Act for both Environment Southland and the West Coast Regional Council.

The table below lists the delegations for the Building Act functions exercised by ORC. The Building Act requires persons exercising authority to have requisite qualifications and experience and limits the scope of authorities exercised by any individual to the extent of their registrations under the Act.

ORC uses qualified external advisers to ensure the quality and technical proficiency of the advice that it uses in making decisions under the Building Act.

Section	Function	Delegated to
Project Information Memorandum (PIM) functions		

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31 34	Issue and re-issue a PIM in certain circumstances and provide a copy of a PIM to the applicant as required.	Senior Consents Officer or Consents Officer with Building Act responsibilities
33	Determine further information required in relation to a PIM application.	Senior Consents Officer or Consents Officer with Building Act responsibilities
36	Attach development contribution notice.	Senior Consents Officer or Consents Officer with Building Act responsibilities
37	Issue a certificate if a resource consents is required	Senior Consents Officer or Consents Officer with Building Act responsibilities
38	Provide copy of PIM to network utility operator(s) and/or statutory authority, if required.	Senior Consents Officer or Consents Officer with Building Act responsibilities
39	Advise Heritage New Zealand Pouhere Taonga of PIM application, if required.	Senior Consents Officer or Consents Officer with Building Act responsibilities
83(3)	Deciding to approve the removal of entry on a certificate of title	Senior Consents Officer or Consents Officer with Building Act responsibilities
Certificates of acceptance		
96(1) 98(1)	Deciding whether to issue a certificate of acceptance	Principal Consents Officer or Manager Consents
97(c)	Specifying any additional information that is required to be lodged with an application for a certificate of acceptance	Senior Consents Officer or Consents Officer with Building Act responsibilities
98(2)	Requiring further information in relation to an application for a certificate of acceptance	Senior Consents Officer or Consents

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		Officer with Building Act responsibilities
99(2)	Qualifying a certificate of acceptance to the effect that only parts of the building work were able to be inspected	Manager Consents
Annual Building Warrant of Fitness		
109(c)	Deciding to accept a recommendation to amend a compliance schedule arising from the annual building warrant of fitness	Manager Consents
110(c)	Requirement to produce compliance schedule reports under s110(a)	Manager Consents
Change of use, extension of life and subdivision of land		
115	Decision to allow the change of use of a building	Principal Consents Officer or Manager Consents
Classification of Dams		
134A(1)	Requiring an owner to classify a referable dam	Principal Consents Officer or Manager Consents
136(1) 136(2)	Decision to approve or refuse a dam classification	Principal Consents Officer or Manager Consents
138(1)	Requiring the re-audit of a classification	Manager Consents
138(2)	Specifying a period beyond 15 working days for a dam classification re-audit	Manager Consents
Dam safety assurance programmes		
143(1)	Decision to approve or refuse to approve a dam safety assurance programme	Principal Consents Officer or Manager Consents
145(2)	Requiring a period beyond 15 working days for a dam safety assurance programme to be re-audited	Manager Consents
146(2)(b)	Requesting a review of the dam safety assurance programme for an earthquake-prone or flood-prone dam	Manager Consents
148(a)(iii)	Decision on keeping a dam safety assurance programme in a place agreed by the Regional Council and the owner	Senior Consents Officer or Consents Officer with Building Act responsibilities

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Register of dams		
151	Maintain a register of dams in Otago	Senior Consents Officer or Consents Officer with Building Act responsibilities
Dangerous dams		
154(1)	Determine that a dam is dangerous in terms of s153 and take action as set out in s154(1)(a), (b) and (c).	Manager Engineering or Manager Consents
155(1)(b)	Determining whether building consent is required in respect of work required by a notice to fix	Manager Engineering or Manager Consents or Manager Compliance
156(1)	Apply to a District Court for an order enabling the Otago Regional Council to carry out building work.	GM Regulatory GM Operations
156(3)(b)	Recover costs of carrying out work under s156(1) from the owner.	GM Regulatory GM Operations
157(2)	Decision to take action to avoid immediate danger.	GM Regulatory GM Operations
157(3)(b)	Decision to recover costs of taking action under section 157(2).	GM Regulatory GM Operations
158	To make an application to the District Court to confirm warrant for emergency work on a dam	GM Regulatory GM Operations
Issuing Notices to Fix		
164	Determination that a notice to fix should be issued, or should be issued by another authority	Manager Engineering; or Manager Consents; or Manager Compliance

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165(1)	Determination of the matters relevant to issuing a notice to fix and the scope and nature of a notice to fix.	Manager Engineering; or Manager Consents; or Manager Compliance
167	Inspection of building work carried out in accordance with a notice to fix, a decision to confirmation or refuse to confirm that a notice to fix has been complied with and a decision to issue a further notice to fix if required.	Manager Engineering; or Manager Consents; or Manager Compliance
Determinations		
177 180	Making and withdrawing an application for a determination	GM Regulatory
182(2)	Commencement of proceedings in the High Court where the matter has been the subject of a determination	GM Regulatory
185(2)(b)	Agreeing on a period beyond 60 workings days for making a determination	GM Regulatory
189(b)(ii)	Agreement to amendment of a determination for clarification purposes	GM Regulatory
190(3)	Filing a direction to the District Court as to costs in respect of a determination	GM Regulatory
Registration and Accreditation as Building Consent Authority		
194	Making application for registration as a building consent authority	GM Regulatory
252(4)	Request to change the scope of accreditation	GM Regulatory
253	Application for accreditation to perform Building Consent Authority functions	GM Regulatory
200 202	Make submissions and respond to complaints or to an investigation	GM Regulatory
276(2)(b)	To make submissions on a review of the regional authority	GM Regulatory
Appeals		

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208 209	Appealing a decision of the CEO of the Ministry responsible for the administration of the Building Act	Chief Executive
Carrying out building work on default		
220(2)	Making application to the District Court for an order in respect of building work required to be done	GM Regulatory
220(4)(b)	Recovery of costs associated with carrying out building work authorised under s220(2)	GM Regulatory
221	Disposal, sale, etc. of materials that result from carrying out building work authorised under s220(2)	GM Regulatory
222	To authorise persons to carry out inspections under the Act	Chief Executive
Responsibilities of a BCA that is not a Territorial Authority		
240(2)	Refusal to perform functions under the Building Act where fees, charges or levies are unpaid	Manager Consents
243	Power to impose fees or charge and recovery of costs and to collect levies	Manager Consents
Fees and charges		
281A 281B 281C 219	Setting fees, imposing fees and charges, charging of a fee for the issue of compliance schedule, increasing the amount of a fee or charge to meet additional costs, and waiving or refunding a fee – consistent with the Council’s fees and charges policy	Manager Consents
Other matters		
315(1)	Making a complaint about a licensed building practitioner.	Manager Consents
363A(2)	Deciding whether to issue a certificate for public use	Principal Consents Officer or Manager Consents
363A(5)	Deciding and requesting further reasonable information	Principal Consents Officer or Manager Consents
403(4)(b)	Making submissions as an ‘interested person’ to proposed Orders in Council or regulations	GM Regulatory

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Schedule 1, part 1, clause 2	Deciding whether a building consent is not necessary	Manager Consents
Offences		
371(2)	Commencement of proceedings where an infringement notice has been issued	GM Regulatory
372	Issuing an infringement notice	Warranted Officer where specified on warrant
372B(2)	Authorising officers to issue infringement notices	Chief Executive
377	Filing a charging document	GM Regulatory
381(1) 381(2)	Making an application to the District Court for an injunction	Chief Executive

27. The COVID-19 Recovery (Fast-Track Consenting) Act 2020

In 2020, Central Government introduced the COVID-19 Recovery (Fast-track Consenting) Act 2020. The purpose of this Act is to fast-track projects that can boost employment and economic recovery. The Environmental Protection Authority (EPA) is the Government Department responsible for this legislation and for administering the process. Decisions on applications that use this process are made by Expert Consenting Panels. Membership of these panels can include those nominated by relevant local authorities.

Section	Function	Delegated to
Clause 3(2) of Schedule 5	Nominate a person to be part of an Expert Consenting Panel set up under the COVID-19 Recovery Act 2020.	Council Chairperson

28. The Crown Minerals Act

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

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Section	Function	Delegated to
Schedule 1 clause 16	Require the holder of a coal mining right to increase the amount of bond or deposit.	GM Regulatory
Schedule 1 clause 16	To make a determination whether the holder of an existing mining privilege has complied with the terms and conditions of the privilege.	GM Regulatory

29. The Local Government Act 2002

[a] This section sets out the functions under the Local Government Act 2002 (LGA) which are delegated;

[b] The Council delegates (to the extent authorised under the LGA) specified responsibilities, duties, and powers to the Chief Executive and council offices as set out below;

[c] The delegations are made under and must be acted on in accordance with the requirements of clause 32A of the LGA as well as the general delegation provision of clause 32 of the LGA. This includes the limitations set out in those sections and the prohibition on sub-delegation;

[d] The powers have been delegated to specific office holders through their title as set out in the 'delegated to' column of the schedule;

[e] Any limitation on the power delegated has been specified in the 'function' column of the schedule below; and

[f] The 'function' column is a summary of the power delegated only. The complete provision of the LGA (set out in the 'section' column of the schedule) should be referred to as appropriate.

Section	Function	Delegated to
162	Apply for injunction restraining a person committing a breach of a Bylaw or an offence against this Act	GM Regulatory GM Operations Any Harbourmaster
163	Removal or alteration of work or thing that is or has been constructed in breach of a bylaw and recovery of costs.	GM Regulatory GM Operations Any Harbourmaster

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164	To seize and impound property not on private land	Warranted officer where specified on warrant
165	To seek a search warrant	GM Regulatory GM Operations Any Harbourmaster
168	To dispose of property seized and impounded	GM Regulatory GM Operations Any Harbourmaster
171	Power of entry.	Warranted officer where specified on warrant
172	Power of entry for enforcement purposes.	Warranted officer where specified on warrant
173	Powers of entry in cases of emergency.	Warranted officer where specified on warrant
174	Authority to appoint an authorised person and issue warrants for the purposes of: <ul style="list-style-type: none"> • Local Government Act 2002 • Building Act 2004 • Otago Regional Council Bylaws • Soil Conservation and Rivers Control Act 1941 • Land Drainage Act 1908 	After considering whether or not to apply any limitation to the power before delegating it, as well as the limitations (if any) it will place on that power Chief Executive
174	Authority to act.	Warranted officer where specified on warrant
175	Power to recover costs of damage.	GM Operations GM Regulatory
176	Power to recover costs of remedying damage arising from breach of bylaw.	GM Operations GM Regulatory
177	Authority to appoint enforcement officers and issue warrants.	Chief Executive
181	Authorise construction of works on or under private land, or under a building on private land, considered necessary for land drainage and rivers clearance.	Manager Engineering

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181(4)	Enter land to inspect, alter, renew, repair, or clean any work constructed under section 181.	Manager Engineering
182	Power of entry to check utility services.	Warranted officer where specified on warrant
185	Grant approval for occupier to undertake work	Manager Engineering
186	To approve works if owner or occupier defaults	GM Operations GM Regulatory
187	To approve the recovery of costs	GM Operations GM Regulatory
189 190	Power to acquire land	Chief Executive
224-236 238-239	To initiate or withdraw a prosecution for an offence against this Act.	GM Operations GM Regulatory
241	Authority to file charging document.	GM Operations GM Regulatory

30. Land Transport Management Act 2003

Section	Function	Delegated to
116(2)	Duty of regional council to contract for the provision of every unit on an exclusive basis	GM Operations
121	Obligations regarding notification and provision of copies of plans	GM Operations
127	Power to (1) require information from operators of public transport services, including patronage and fare revenue data and (2) disclose other data to a person who is registered by the regional council to tender for the provision of a unit.	Manager Transport
128	Power to make decisions on the release of information and a duty to consult with relevant organisations.	Manager Transport

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129	Power to make decisions on release of information and duty to consult with organisation	Manager Transport Legal Counsel
133	Authority to make decisions regarding the notification of a proposal to operate or vary exempt services.	Manager Transport
134	Authority to decide on the grounds in section 134 to decline registration or variation of exempt services.	Manager Transport
136	Authority regarding the registration of exempt services or variations to exempt services	Manager Transport
137	Authority to decide to deregister an exempt service and remove details of variations	Manager Transport
138	Authority to undertake the process for deregistering exempt services or removing details of variations	Manager Transport
139	Authority to make decisions in relation to the withdrawal of exempt services	Manager Transport
146 147 148 149	Authority to require a person to produce and inspect records. Authority to manage offences , including making decisions to initiate or withdraw a prosecution.	GM Operations

30A. Transport - Other

Matter	Function	Delegated to
Bus advertising	Approve to approve/decline bus back advertising	Combination of: 1. Manager Communications and Marketing; and 2. Either one of: - Manager Transport or Team Leader Transport

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31. Maritime Transport Act 1994

For the purpose of ensuring maritime safety in the Otago region, Council is empowered to regulate (1) ports, harbours, and waters in the region and (2) maritime related activities in the region.

Section	Function	Delegated to
Navigation safety		
33D(1)	Appoint a harbourmaster for any port, harbour or waters in the Otago region.	Chief Executive
33F	To initiate or withdraw a prosecution for an offence for contravening a direction or requirement under section 33F	Any Harbourmaster
33G	Appoint enforcement officers and honorary enforcement officers for the purpose of ensuring maritime safety or enforcing navigation bylaws, and regulations and rules under this Act	Chief Executive
33I	To undertake harbour works for the purpose of ensuring maritime safety.	Any Harbourmaster
33J	Remove and deal with any wreck within the Otago region that is a hazard to navigation safety.	Any Harbourmaster
33L	Remove, store, sell, or otherwise dispose of an abandoned ship.	Any Harbourmaster
33M	Consult with the Director of Maritime New Zealand in preparing Navigation Safety bylaws.	Any Harbourmaster
33N	To initiate or withdraw a prosecution for an offence for contravening a navigation bylaw.	Any Harbourmaster
33O 33P	Approve the filing of a charging document to prosecute an infringement offence.	Any Harbourmaster
200(3A)	To erect, place, and maintain navigation aids in accordance with section 33I	Any Harbourmaster
Maritime response		
231	Authority to notify the Director of Maritime Safety and process matters relating to the Council's notification responsibilities.	Any Harbourmaster
Appointment of Regional On-scene Commander		
318	Authority to appoint a Regional On-scene Commander for the Otago region.	Chief Executive

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32. River Engineering

Council has extensive functions in relation to river engineering which fall under a number of different statutes. These delegations should be read alongside the delegations made under the Local Government Act 2002, and the delegations made under the Flood Protection Management Bylaw 2012.

32.1 Land Drainage Act 1908

Section	Function	Delegated to
17	Authority to construct and maintain drains and watercourses.	Manager Engineering Manager Natural Hazards
18	Entry to lands for inspection, survey, or inquiry.	Warranted Officer where specified on warrant
62	Order removal of an obstruction from a watercourse or drain where the obstruction is causing or likely to cause damage to any property. Authority to remove any obstruction from a watercourse or drain	Manager Engineering Manager Natural Hazards Manager Compliance
n/a	Consider and make decisions on taking enforcement action, including cost recovery and registration of a charge	GM Operations GM Regulatory

32.2 Public Works Act 1981

Section	Function	Delegated to
18	Prior negotiation required for acquisition of land for essential work	GM Operations
19	Authority to register, approve amendments to or to withdrawals or discharges of compensation certificates. Authority to sign an authority and instruction form for the above purposes	GM Operations GM Corporate

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110	Power of entry onto private land for the purposes of carrying out any public work or any proposed public work.	Manager Engineering,
111	Power of entry onto private land for survey and investigation purposes.	Manager Engineering
133 134	Provide for the removal of trees and hedges that interfere with public works.	Manager Engineering,
135	Emergency work on trees	Manager Engineering
233 234	Obligation to provide notice before entry onto private land.	Manager Engineering
237	Approve excavations near public works.	Manager Engineering
238	Power to bring action for damage to public work.	GM Operations
239	Power to remove and/or dispose of abandoned property from public works land.	GM Operations
242	Consider and make decisions on taking enforcement action for offences committed.	GM Operations
242	Authority to file charging document for enforcement action.	GM Operations

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

Section	Function	Delegated to
12	Issue a certificate of priority.	Team Leader Consents
14(1)(d)	Direct a privilege holder to stop water running to waste.	Warranted Enforcement Officer under the RMA

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14(1)(g)	Require structures permitting private or public access over water races to be kept in good repair and condition.	Warranted Enforcement Officer under the RMA
14(1)(h)	Require privilege holder to record and report information concerning the exercise of the privilege.	Team Leader Consents Team Leader Compliance
14(2)	Give directions for the repair, strengthening or otherwise of dams	Manager Consents Manager Compliance
16(2)	Determination of what is a reasonable quantity of domestic needs of animals or for firefighting.	Manager Consents Manager Compliance
30	Provide certified copies of privileges	Team Leader Consents

32.4 Soil Conservation and Rivers Control Act 1941

Council has the functions, duties, and powers of a catchment board and a regional water board under the Soil Conservation and Rivers Control Act 1941 in accordance with the 1989 local government reorganisation *Gazette* notice.

Section	Function	Delegated to
30A	To certify that a land improvement agreement has expired or has been terminated	Legal Counsel
30A	Enforcement in relation to Land Improvement Agreements	GM Corporate
30A	To determine requests for consents and approvals as a consequence of the Council having an interest in land by virtue of a land improvement agreement	Legal Counsel
30A	To authorise the release/discharge of a land improvement agreement on behalf of Council	GM Corporate
126	To carry out its functions under the Act, including the power to construct, reconstruct, alter, repair, and maintain works to control of regulate water to prevent or lessen the overflow or breaking of the banks of any watercourse	Manager Engineering Manager Natural Hazards

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131	To determine to carry out or execute any works that the Council is empowered to undertake under this Act.	Manager Engineering Manager Natural Hazards
132	Power to enter land for survey and investigation	Manager Engineering Manager Natural Hazards
133	Decide to undertake work to maintain and improve watercourses and defences against water and authorise other staff and agents to undertake such works Decide to undertake urgent work to meet an emergency in respect of any watercourse or defences against water and authorise other staff and agents to undertake such works.	Manager Engineering Manager Natural Hazards
134(1)	Approve the planting or sowing and maintenance of trees, shrubs, plants, or grasses.	Manager Engineering Manager Natural Hazards
135	Decide to take any of the actions listed in section 135.	Manager Engineering Manager Natural Hazards
136	Where works may interfere with any road, street, footpath, or any other public work, give one months' notice (in writing) to the body in control of the road, street, footpath, or other public work.	Manager Engineering
137	Approval to give public notice or to undertake works on private land and resolve any objections.	Manager Engineering Manager Natural Hazards
138	To apportion costs with owners of land	GM Operations
139	To purchase land on a system of time payment (if approved by the Minister)	Chief Executive
153, 154	Consider and take all enforcement action as necessary and appropriate in relation to any person preventing, obstructing, or impeding the Council in carrying out the provisions of this Act, or doing any work or thing authorised by the Act.	GM Operations
153,154	Consider and take all enforcement action as necessary and appropriate in relation to any person that wilfully destroys any	GM Operations

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	watercourse or defence against water, including all matters set out in Section 154.	
153,154	Authority to file charging document when enforcement action is approved	GM Operations

33. Civil Defence Emergency Management Act 2002

The Otago CDEM Group is established under section 12 of the Civil Defence Emergency Management Act 2002 and is made up of representatives from each of the local authorities in the Otago region. This Group is responsible for managing civil defence in the region. Every local authority must be a member of a CDEM Group.

Section	Function	Delegated to
13(1)	Authority to represent the Council and act on its behalf on the Civil Defence Emergency Management (CDEM) Group under section 13(1) of the Civil Defence Emergency Management (CDEM) Act 2002	The Chairperson of the Council (or an elected member of Council approved by the Chairperson)
20	Membership of the CDEM Co-ordinating Executive Group	Chief Executive (or a person acting on the Chief Executive's behalf)

Explanatory Note: The Civil Defence Emergency Management Co-ordinating Executive Group is responsible for:

- a) Providing advice to the CDEM Group (and advisory groups) and implementing its decisions.
- b) Overseeing the development, implementation, monitoring and evaluation of the CDEM Group Plan.

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10.5. 2024 Membership Representation Review

Prepared for:	Council
Report No.	GOV2413
Activity:	Governance Report
Authors:	Stephen Hill, Representation Review Advisor, Electionz.com, Amanda Vercoe, GM Governance, Culture, Customer
Endorsed by:	Richard Saunders, Chief Executive
Date:	22 May 2024

PURPOSE

- [1] To seek direction on which option to progress to initial proposal stage as part of Otago Regional Council's representation review.

EXECUTIVE SUMMARY

- [2] Under the Local Electoral Act 2001, Council is required to undertake a Membership Representation Review (the review) every six years. The last review was undertaken in 2018, and no changes were made to the existing constituencies.
- [3] The Otago region has experienced significant growth in the Dunstan constituency since the last review and that constituency's population per member ratio is now non-compliant with the legislative requirements. Our region also presents challenges to achieving fair and effective representation, with large geographical areas and uneven population distribution.
- [4] At a workshop on 21 March 2024, Council discussed:
- Early engagement feedback.
 - Communities of interest across the region.
 - The number of councillors and how councillors are allocated across constituencies.
 - Options for adjusting representation based on the population growth in Dunstan, and in particular the Upper Lakes areas.
 - The Molyneux constituency, and sought more information on where the Dunedin City Council (DCC) Mosgiel-Taieri Community Board boundary might best sit and where the Central Otago District Council (CODC) Teviot Valley Ward might best sit.
- [5] This paper provides further information on options and seeks Council direction on which option Council would like to progress to an initial proposal for consultation with the community.

RECOMMENDATION

That the Council:

- Receives** this report.
 - Directs** the Chief Executive to progress its preferred option related to the Dunstan constituency and the Molyneux constituency, and any other areas, to an initial proposal stage.
-

BACKGROUND

- [6] The scope of the review is the representation arrangements for Otago Regional Council, including:
- a. Number of electoral subdivisions (constituencies),
 - b. Boundaries and names of constituencies, and
 - c. Number of elected members.
- [7] The following steps have been taken to date:
- a. 21 November 2023 – workshop to outline the process and considerations.
 - b. 6 December 2023 – council paper to agree approach.
 - c. February 2024 – early engagement through letters to territorial authorities, rūnaka and an online community survey.
 - d. 21 March 2024 – workshop to consider early engagement feedback, data, communities of interest, and potential options.
- [8] The process is guided by the Local Electoral Act, and the key concepts Council must consider are:
- a. Communities of interest
 - i. Identify what communities of interest exist across the district.
 - ii. Perceptual, functional, and political dimensions.
 - iii. Section 19(U)(c) requires constituency boundaries for Regional Councils, so far as is practicable, to coincide with territorial authority boundaries or with territorial authority ward boundaries.
 - iv. Relevant to determining the **number and boundaries of constituencies**.
 - b. Effective representation of communities of interest
 - i. What's the best structure to maintain access and representation that recognises these communities of interest?
 - ii. Relevant to determining **number of members**.
 - c. Fair representation of electors
 - i. +/- 10% requirement: Population of each constituency, divided by number of elected members, must be within +/- 10% of the population of the district, divided by total number of elected members.
 - ii. Ensure that all votes are of approximately equal value, unless there are good grounds for exception (Section 19V(3)).
 - iii. Relevant for ensuring equality of representation per member.
- [9] Below is the population data being used for the review (StatsNZ, June 2023 population estimates). Based on the current constituent boundaries and allocation of councillors, the Dunstan constituency is significantly non-compliant with the +/-10% rule.

- 2023 Representation estimates (StatsNZ/LGC)

- Note: these figures to be used for Representation Review

CONSTITUENCY	Population	Members	Population-member ratio	Difference from quota	% Difference from quota
Dunstan Constituency	78,800	3	26,267	5,050	23.80
Moeraki Constituency	22,300	1	22,300	1,083	5.11
Molyneux Constituency	38,300	2	19,150	-2,067	-9.74
Dunedin Constituency	115,200	6	19,200	-2,017	-9.51
Total	254,600	12	21,217		

DISCUSSION

- [10] The options in this paper have been further developed from the workshop held on 21 March 2024 and early engagement feedback.

Key themes from early engagement were:

- [11] Population in the Whakatipu / Wānaka areas has grown rapidly in recent years and we have a lot of very challenging issues to contend with. We need more regional councillors to focus on these issues or a separate constituency (12 responses)
- [12] So many of the issues and concerns are rurally based and yet the urban population/representation dominates (7 responses)
- [13] Wingatui and Mosgiel are part of Dunedin / Dunedin should retain 6 councillors (3 responses)

Feedback from the workshop with Council was:

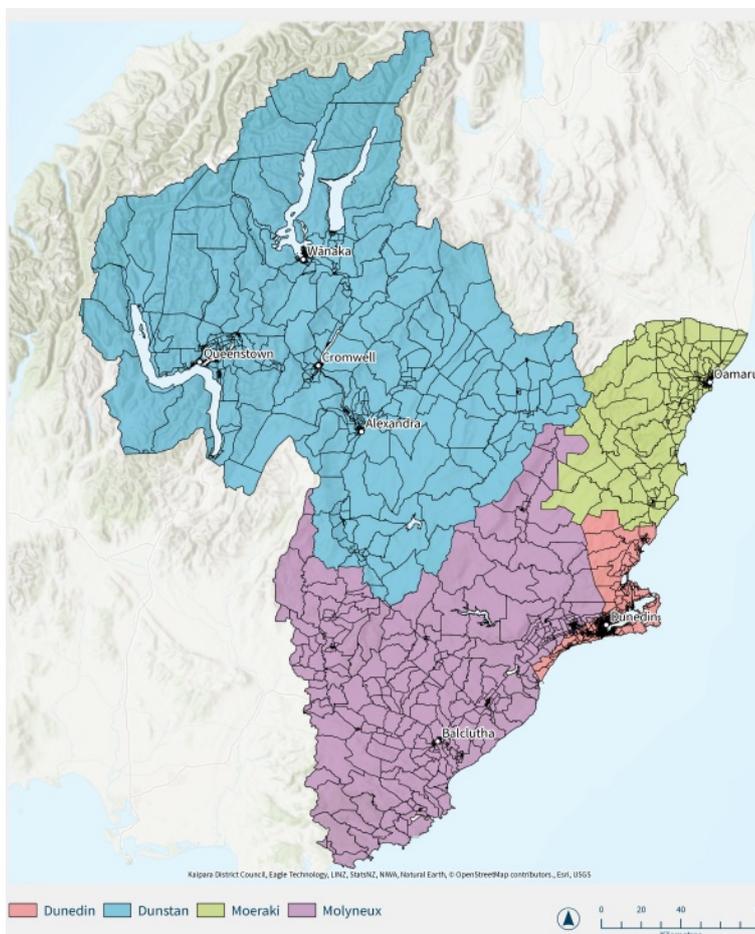
- [14] **Dunstan**
- Growth in Dunstan Ward is uneven, Upper Lakes now not represented well, urban areas of Upper Lakes are struggling.
 - Cromwell is facing growth due to growth in Queenstown and Wanaka. Luggate, Hāwea and Makarora are similar.
 - Tourism, viticulture, and horticulture are one set of issues.
 - Urban issues, growth, and transport are another set of issues.
- [15] **Molyneux**
- South Otago is rural based.
 - Mosgiel zone is probably more aligned to Dunedin than rural.
 - However, historically, Mosgiel was aligned with Molyneux to make the constituency viable.
 - Population growth in this constituency is likely to be more Mosgiel-focused.
- [16] **General**

- Spread is challenging based on where people live and large geographical areas to cover.
- Need Council to be able to function, so can't look at the issues in isolation, need to have councillors in the right place.
- The number of councillors is considered appropriate for the region at this time.

OPTIONS

Option 1 Dunstan - Status Quo constituencies with a reallocation of Councillors

- [17] This option proposes to:
- Retain a total of 12 councillors.
 - Retain the current electoral boundaries with constituencies for Dunedin, Moeraki, Molyneux and Dunstan.
 - Redistribute a councillor from Dunedin to Dunstan to reflect large population growth in the Queenstown and Wānaka areas.
 - Retain the existing constituency names.



CONSTITUENCY	Population	Members	Population-member ratio	Difference from quota	% Difference from quota
Dunstan Constituency	78,800	4	19,700	-1,517	-7.15
Moeraki Constituency	22,300	1	22,300	1,083	5.11
Molyneux Constituency	38,300	2	19,150	-2,067	-9.74
Dunedin Constituency	115,200	5	23,040	1,823	8.59
Total	254,600	12	21,217		

Advantages

- Reflects communities of interest, as determined by previous councils.
- All of the constituencies would be within the +/-10% rule.
- Provides additional representation for the Dunstan constituency to increase fair and effective representation.

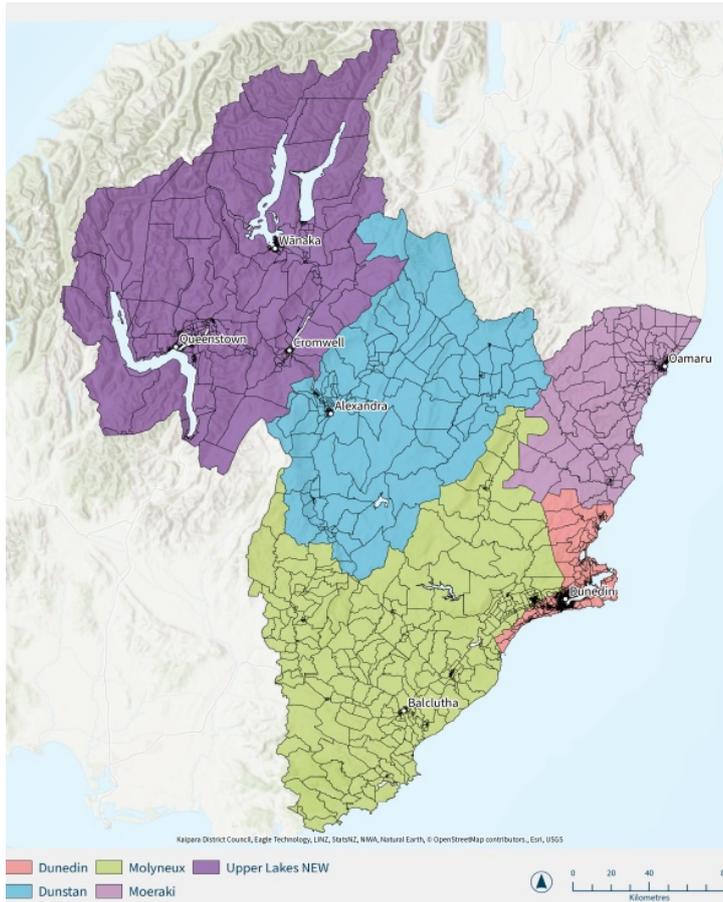
Disadvantages

- Doesn't create dedicated representation for the growth areas in Dunstan.

Option 2: Dunstan - Creation of an Upper Lakes (name to be determined) Constituency

[18] This option proposes to:

- a. Retain a total of 12 councillors.
- b. Reduce the number of councillors in the Dunedin constituency to five.
- c. Establish an Upper Lakes constituency, to include the area of the Queenstown Lakes District Council and the Cromwell Ward (Dunstan Rohe) of the Central Otago District Council.
- d. Allocate three councillors to the new Upper Lakes constituency.
- e. Reduce the Dunstan constituency to one councillor.



	New Upper Lakes Ward (3) - QLDC + Dunstan Rohe)				
Dunstan Constituency	15,460	1	15,460	-5,761	-27.15
Moeraki Constituency	22,300	1	22,300	1,079	5.09
Molyneux Constituency	38,300	2	19,150	-2,071	-9.76
Dunedin Constituency	115,200	5	23,040	1,819	8.57
Upper Lakes Constituency	63,390	3	21,130	-91	-0.43
Total	254,650	12	21,221		

Advantages

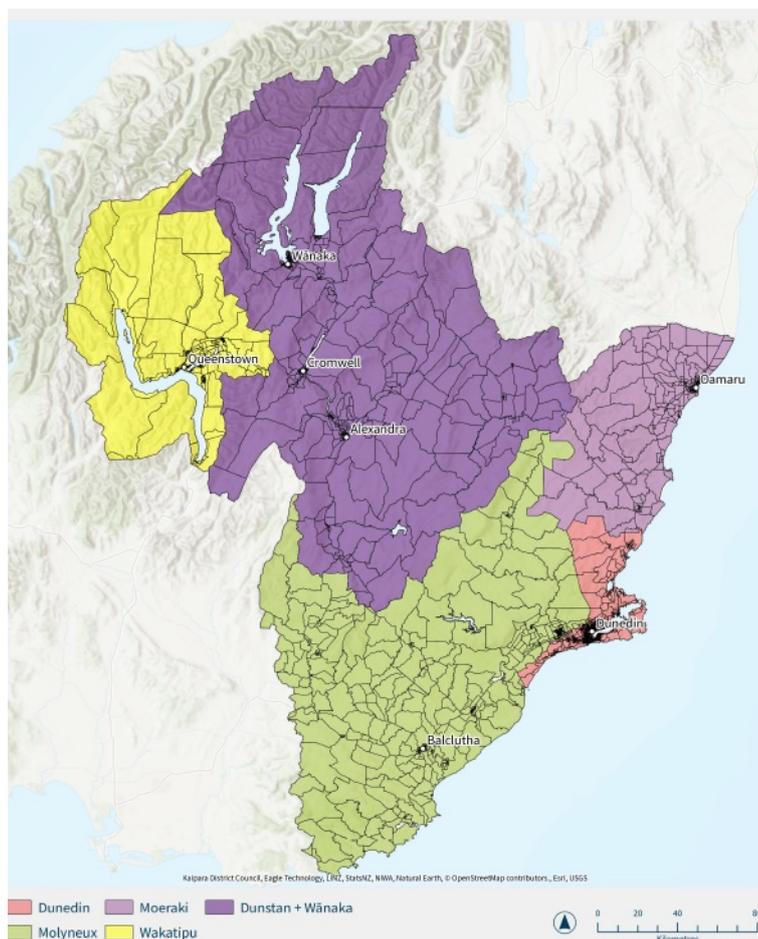
- Responds to the significant growth in the Queenstown, Wānaka and Cromwell areas by creating dedicated representation.
- Reflects potential communities of interest around territorial authority boundaries, education, work commutes and roading networks. Also reflects potential communities of interest based on economic profiles related to tourism, horticulture and viticulture sectors.
- The new constituency would be within the 10% threshold for representation.

Disadvantages

- The Dunstan Ward would be over-represented from a population perspective, but would leave the councillor with a large geographic area to cover.

Option 3: Dunstan - Creation of a Whakatipu (name to be determined) Constituency

- [19] This option proposes to:
- a. Retain a total of 12 councillors.
 - b. Reduce the number of councillors in the Dunedin constituency to five.
 - c. Establish a Whakatipu constituency to include the Queenstown-Whakatipu and Arrowtown-Kawarau Wards of QLDC.
 - d. Allocate two councillors to the new Whakatipu constituency.



CONSTITUENCY	Population	Members	Population-member ratio	Difference from quota	% Difference from quota
Dunstan Constituency	43,350	2	21,675	454	2.14
Moeraki Constituency	22,300	1	22,300	1,079	5.09
Molyneux Constituency	38,300	2	19,150	-2,071	-9.76
Dunedin Constituency	115,200	5	23,040	1,819	8.57
Whakatipu	35,500	2	17,750	-3,471	-16.36
Total	254,650	12	21,221		

Advantages

- Responds to the significant growth in the region by creating dedicated representation.
- Reflects potential communities of interest in Queenstown and Arrowtown around urban issues and transport, with the public transport network based in the area.

Disadvantages

- The new constituency would be over-represented (though could accommodate future population growth).
- Communities of interest based around the Upper Lakes could end up being split.

Option 4 – Molyneux

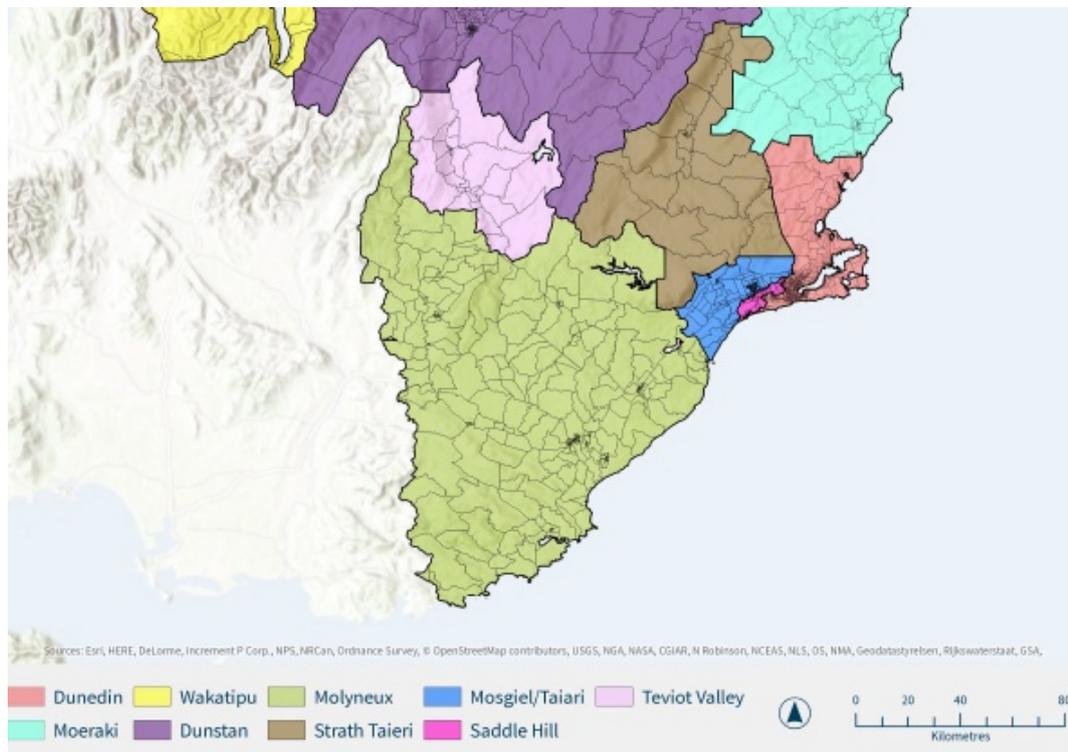
Mosgiel-Taieri Community Board boundary

- [20] At the workshop on 21 March, Council asked staff to look at options related to the Molyneux constituency. The boundaries and territorial ward and community board boundaries are shown in the map below.
- [21] Proposed changes to the Molyneux constituency would be incorporated into whichever of the representation options (1-3) above is selected as the preferred option.
- [22] Historically this constituency has included the Mosgiel-Taieri Community Board boundary and Strath Taieri Community Board boundary from the Dunedin City Council.
- [23] The community of interest was previously determined to be the operation of flood and drainage schemes, which links the lower Clutha and Taieri areas.
- [24] Based on the numbers, the Mosgiel-Taieri Community Board area is around 18,860, which is just under the equivalence of one councillor.
- [25] If Mosgiel-Taieri was included with the Dunedin constituency, this would leave Molyneux marginally overrepresented (-10.77% based on current modelling) but all other constituencies would be within the +/-10% rule.

- [26] If Mosgiel-Taieri was included with the Molyneux constituency, both Dunedin and Molyneux would be within the +/-10% rule.
- [27] Council's views on where the community of interests best lie (Dunedin, or Molyneux) should determine whether any change is proposed to the constituency.

Teviot Valley Ward

- [28] The Teviot Valley Ward was also raised at the workshop as potentially fitting with the Molyneux constituency better than Dunstan from a communities of interest perspective. The Teviot Valley Ward is around 1,920 population. As above, from modelling the numbers it could fit within either the Molyneux constituency or Dunstan constituency to retain the +/-10% rule (depending on earlier direction on the Dunstan constituency) – the key question is communities of interest and where these best lie for the Teviot Valley Ward.



CONSIDERATIONS

Strategic Framework and Policy Considerations

- [29] The review is a statutory requirement.

Financial Considerations

- [30] This review is unbudgeted but can likely be absorbed within the budget of the Governance, Culture and Customer directorate budgets. Early estimate of cost is around \$35,000, including consultant help plus advertising for early engagement and consultation and submissions process. This excludes staff time, which has been drawn

from the Governance Team, the Communications and Marketing Team and the GIS Team at various points in the process.

Significance and Engagement

- [31] This process requires formal consultation, and we also undertook early engagement with territorial authorities, mana whenua and the community through an online survey.

Legislative and Risk Considerations

- [32] The review is required under legislation. There is a risk of objections or appeals to the Council decision, which would trigger a review and determination by the Local Government Commission. If the Council's final proposal is outside of the legislated +/- 10% rule (the population per member ratio) then this would also trigger a referral to the Local Government Commission for review and final determination.

Climate Change Considerations

- [33] Nil.

Communications Considerations

- [34] A communications plan has been developed for the consultation period.

NEXT STEPS

- [35] Based on direction from the Council decision today, an initial proposal will be brought back to the June Council Meeting for notification by Council. From here, the formal consultation and submissions process will follow. Council will then receive a final proposal for adoption. The timeframe for these steps is below (indicative at this point).
- [36] Indicative timeframe if initial proposal is adopted on 26 June:
- By **Wednesday 10 July** (14 days after Council resolution), have given public notice #1 of initial proposal and invite submissions.
 - By **Wednesday 4 September** (not less than one month), submission period closes.
 - If no submissions, proposal can be notified by Council as the final.
 - If there are submissions, a hearings process must be run and may recommend to Council that amendments are made.
 - Final proposal to be adopted on **Wednesday 25 September** at Council Meeting.
 - Public notice #2 of final proposal by **Thursday 9 October**.
 - Appeals and objections period until **Wednesday 6 November**.
 - If no appeals, then public notice #3 of final proposal to be given
 - If appeals or objections are received, these are to be forwarded to the Local Government Commission for determination (decisions made by 11 April 2025).
 - If final proposal is outside the +/- 10% rule, it also has to be sent to the Local Government Commission.

ATTACHMENTS

Nil

11.1 Recommendations of the Audit and Risk Subcommittee

Resolution

That the Council adopts the recommendations of the Audit & Risk Subcommittee.

Report	Resolution	Res#	Mover/ Seconder
9.5. CEO2401 Internal Audit	Recommends that staff complete an internal audit in the area of Asset Management and report back to the Audit and Risk Committee.	AR24-106	Cr Malcolm /Andrew Douglas

11.2 Recommendations of the Environmental Implementation Committee 8 May 2024

Resolution

That the Council adopts the recommendations of the Environmental Implementation Committee.

Rep	Resolution	Res#	Mover/ Seconder
7.1. Site-Led Programme Update	Recommends to Council to approve the allocation of \$146,200 from the existing budget for the Site-Led Programme to be delivered through a direct funding process for specific projects to achieve RPMP objectives (Option 3).	EIC24-102	Cr Malcolm / Cr Somerville
7.1. Site-Led Programme Update	<i>Recommends to Council to approve that the allocation of funding is recommended by the existing Eco Fund Panel.</i>	EIC24-103	Cr Malcolm / Cr Somerville

11.3 Recommendations of the Public and Active Transport Committee 9 May 2024

Resolution

That the Council adopts the recommendations of the Public and Active Transport Committee.

Rep	Resolution	Res#	Mover/ Seconder
<p>9.4. Transport Procurement Strategy new approval</p>	<p>Recommends that Council endorses changes to the draft Transport Procurement Strategy 2024-2027 and adopts the final Strategy.</p>	<p>PAT24-110</p>	<p>Cr Wilson / Cr Noone</p>

11.4 Recommendations of the Safety and Resilience Committee 8 May 2024

Resolution

That the Council adopts the recommendations of the Safety and Resilience Committee.

Rep	Resolution	Res#	Mover/ Seconder
9.3. Asset Management Plan 2024	Recommends that Council endorses the Otago Regional Council Asset Management Plan 2024 – Flood Protection, Land Drainage and River Management Infrastructure and any amendments arising from adoption of the 2024-34 Long-Term Plan and Infrastructure Strategy 2024-2054.	SRC24-109	Cr Mepham / Cr Weir
9.1. Head of Lake Whakatipu Natural Hazards Adaptation	Recommends that Council endorses the use of the information presented in this report to inform natural hazard management and adaptation planning for the Head of Lake Whakatipu area.	SRC24-110	Cr Forbes / Cr Weir