



Minutes of an ordinary meeting of Council held in the
Council Chamber on
Wednesday 29 September 2021 at 1:00 PM
and via livestream for members of the public

Membership

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

Welcome

Chairperson Noone welcomed Councillors, members of the public via livestream, and staff to the meeting at 1:01 pm. Staff present included Sarah Gardner (Chief Executive), Nick Donnelly (GM Corporate Services), Gwyneth Elsum (GM Strategy, Policy and Science), Gavin Palmer (GM Operations), Richard Saunders (GM Regulatory and Communications), Amanda Vercoe (GM Governance, Culture and Customer), Dianne Railton (Governance Support), Anita Dawe (Manager Policy and Planning), Warren Hanley (Senior Resource Planner Liaison) and Peter Kelliher (Legal Counsel).

1. APOLOGIES

There were no apologies. Cr Kelliher and Cr Laws attended the meeting electronically.

2. PUBLIC FORUM

No public forum was held.

3. CONFIRMATION OF AGENDA

The agenda was confirmed as published.

4. CONFLICT OF INTEREST

No conflicts of interest were advised.

5. CONFIRMATION OF MINUTES

Resolution: Cr Noone Moved, Cr Wilson Seconded

That the minutes of the (public portion of the) Council meeting held on 25 August 2021 be received and confirmed as a true and accurate record, with the correction to the wording in item 7.2 Manuherehia FMU - Non-regulatory Support Initiatives.

MOTION CARRIED

6. ACTIONS (STATUS OF COUNCIL RESOLUTIONS)

The status report on the resolutions of the Council Meeting was reviewed.

7. MATTERS FOR CONSIDERATION

7.1. Update #4 to the Minister

The report presented the fourth progress report to the Minister for the Environment for adoption by Council, in accordance with section 27 of the Resource Management Act 1991 in relation to the recommendations made under section 24A of the Resource Management Act 1991. Gwyneth Elsum (GM Strategy, Policy & Science) and Anita Dawe (Manager Policy & Planning) were present to respond to speak to the report and respond to questions. Following discussion, it was noted that further information will be included in the letter to the Minister, including a fuller description around the Technical Advisory Group (TAG), the resolution from Arrow and Cardrona, and an update on Plan Change 8 discussions.

Resolution CM21-157: Cr Hope Moved, Cr Wilson Seconded

That the Council:

- 1) **Receives** this report.
- 2) **Approves** the fourth report to the Minister for the Environment, that reports on progress against the recommendations contained in his letter of 18 November 2019.
- 3) **Notes** that the next report will be required to be provided by 31 March 2022.

MOTION CARRIED

Cr Malcolm voted against the motion and asked that his vote be recorded.

7.2. Freshwater Farm Plan AND Intensive Winter Grazing Regulations Submissions

The report provided Council with submissions on the Ministry for the Environment's (MfE) 'Freshwater Farm Plan regulations' and 'Managing Intensive Winter Grazing' discussion documents (the discussion documents). Gwyneth Elsum (GM Strategy, Policy & Science) was present to speak to the paper and respond to questions.

Resolution CM21-158: Cr Wilson Moved, Cr Hope Seconded

That the Council:

- 1) **Notes** this report.
- 2) **Approves** the submission on *Managing Intensive Winter Grazing*.
- 3) **Notes** the submission lodged on *Freshwater Farm Plan regulations*.

MOTION CARRIED

7.3. Port Otago Statement of Corporate Intent

The report was provided for Council to receive Port Otago's Statement of Corporate Intent (SCI) and provide comment to the Port Board of Directors for their consideration regarding the document. Nick Donnelly (GM Corporate Services) was present to speak to the report and respond to questions.

Cr Malcolm acknowledged the efforts of the Port Board, Management and entire staff, and moved:

Resolution CM21-159: Cr Malcolm Moved, Cr Calvert Seconded

That the Council:

- 1) **Receives** this report and the attached *Statement of Corporate Intent for Port Otago Limited to 30 June 2024*.
- 2) **Endorses** the *Statement of Corporate Intent for Port Otago to 30 June 2024*.
- 3) **Notes** any further feedback the Council wishes the Port Otago Board to consider regarding the *Statement of Corporate Intent*.
- 4) **Requests** that the Chair write to the Port acknowledging the efforts of the Board, Management and the entire staff, particularly during the pressures of COVID lockdowns.

MOTION CARRIED

7.4. Kuriwao Sale

Chair Noone advised that the Kuriwao sale is going into a commercial process and if there was discussion on covenants and matters of commercial sensitivity, the paper would need to be discussed in non-public.

Cr Robertson Moved and Cr Hope Seconded, that the Council Meeting move into a public excluded session under Sections 7(2)(h) and 7(2)(i). The motion was carried, and Council went into a public excluded session at 1:34pm, but due to technical issues for the public excluded session, the Council Meeting reconvened at 1:35pm.

Cr Roberson Moved and Cr Hope Seconded that the previous motion be withdrawn, and that item 7.4 Kuriwao Sale would be discussed in the Public Excluded Council Meeting.

MOTION CARRIED

7.5. 2021/22 Rates Resolution Correction

The report provided options for correcting a rating error relating to the calculation of East Taieri Drainage targeted rates for the 2021/22 year. Nick Donnelly (GM Corporate Services) was present to speak to the report and respond to questions. Mr Donnelly provided an explanation as to how the error occurred and following discussion, Cr Wilson moved:

Resolution CM21-160: Cr Wilson Moved, Cr Calvert Seconded

That the Council:

- 1) **Notes** this report and the error in the calculation of rates for the East Taieri Drainage targeted rates for the 2021/22 rates resolution.
- 2) **Approves** the rates remaining as assessed in the 2021/22 year and adjusting the 2022/23 rates assessments to correct this error.
- 3) **Adopts** Option 1 as outlined by the GM Corporate Services that the 60 highest rate impacted owners be contacted to discuss alternative payment options and that no penalty will apply to those properties.

MOTION CARRIED

7.6. Governance appointment to Otago South River Care Governance Group

The report was provided to appoint a governance representative to the Otago South River Care governance group. The Otago South River Care Group has been successful in receiving \$1.8million funding from the Ministry of Primary Industries to help achieve their vision “To engage our communities to protect and enhance water quality now and for future generations”. The group has asked for an ORC governor to join the governance group overseeing the project.

Chair Noone moved and Cr Deaker seconded that Cr Hope would be nominated to join the Otago South River Care governance group. Cr Robertson said that it is important to understand the context for this paper and asked what the existing commitment is in general for catchment groups. She said that how Councillors interact with these groups is really important and choosing whether to be a governor for them is an important decision for the Council. Cr Robertson also said she felt that ORC being a project partner is good, but ORC as a governor of these groups is not.

Chair Noone advised that the Otago South River Care Chair had asked for one ORC Councillor to be part of their governance group, which would give their governance group experience as well as a connection to ORC. There was discussion about conflict of interest for any Councillor appointed as a governance representative, and Mrs Gardner advised any conflict would need to be included on the interest register. Cr Deaker questioned government departments requesting that ORC governance representatives be appointed to any groups receiving government funding. Following further discussion, Cr Malcolm moved:

Resolution CM21-161: Cr Malcolm Moved, Cr Hobbs Seconded

That the Council:

- 1) **Agrees** that the paper be laid on the table to enable staff to provide further information for the appointment of a governance representative, and to ascertain if a substitute Councillor can be appointed.

MOTION CARRIED

8. RECOMMENDATIONS ADOPTED AT COMMITTEE MEETINGS

8.1. Recommendations of the Implementation Committee

Resolution CM21-162: Cr Hope Moved, Cr Scott Seconded

That the Council adopts the resolutions of the 8 September 2021 Implementation Committee.

Motion Carried

8.2. Recommendations of the Governance, Communications and Engagement Committee

Resolution CM21-163: Cr Deaker Moved, Cr Noone Seconded

That the Council adopt the resolutions of the 8 September 2021 Governance, Communications, and Engagement Committee.

Motion Carried

8.3. Recommendations of the Data and Information Committee

Resolution CM21-164: Cr Hobbs Moved, Cr Forbes Seconded

That the Council adopts the resolutions of the 8 September 2021 Data and Information Committee.

Motion Carried

8.4. Recommendations of the Regulatory Committee

Resolution CM21-165: Cr Kelliher Moved, Cr Noone Seconded

That the Council adopts the resolutions of the 9 September 2021 Regulatory Committee.

Motion Carried

9. CHAIRPERSON'S AND CHIEF EXECUTIVE'S REPORTS

9.1. Chairperson's Report

Chair Noone spoke to the Chairperson's Report. There was lengthy discussion relating to the governance structure being updated so that all Councillors are invited to the Mana to Mana meetings. It was agreed that there will be a Bicultural Competency Workshop arranged for Councillors. There will be a review of the Manuherehia Governance decision-making process. There was discussion on the letter received from Minister Parker. ORC's current arrangements for South Dunedin and consideration of future relationships was also discussed.

Resolution: Cr Deaker Moved, Cr Noone Seconded

That the Council:

- 1) **Receive** the Chairperson's report.

MOTION CARRIED

Resolution CM21-166: Cr Malcolm Moved, Cr Hope Seconded

That the Council:

- 1) **Requests** staff arrange that all Councillors will become members of Mana to Mana, subject to the Chair's consultation with Mr Ellison.

MOTION CARRIED

Resolution CM21-167: Cr Hope Moved, Cr Malcolm Seconded

That the Council:

- 1) **Requests** staff organise a Bicultural Competency workshop.

MOTION CARRIED

Resolution CM21-168: Cr Hope Moved, Cr Malcolm Seconded

That the Council:

- 1) **Review** the Manuherekia Governance decision making process.

MOTION CARRIED

Cr Robertson voted against the motion and asked that her vote be recorded.

Resolution CM21-169: Cr Scott Moved, Cr Malcolm Seconded

That the Council:

- 1) **Requests** that staff bring back a paper back to Council on ORC's current arrangements for South Dunedin, and a potential MoU with DCC.

MOTION CARRIED

9.2. Chief Executive's Report

Resolution: Cr Hope Moved, Cr Calvert Seconded

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

Motion Carried

10. RESOLUTION TO EXCLUDE THE PUBLIC

Resolution: Cr Noone Moved, Cr Malcolm Seconded:

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

- Minutes of the 25 August 2021 public-excluded Council Meeting
- Kuriwao Sale – Sections 7(2)(h); 7(2)(i)
- RPS Hearing Panels Paper #3 – Section 7(2)(a)

MOTION CARRIED

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
<i>1.1 Minutes of 25 August 2021 public excluded Council Meeting</i>	To protect the privacy of natural persons, including that of deceased natural persons – Section 7(2)(a) To protect information where the making available of the information— would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information – Section 7(2)(b)(ii) To protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information—	

	<p>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 enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities – Section 7(2)(h)</p> <p>To enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) – Section 7(2)(i)</p> <p>To maintain legal professional privilege – Section 7(2)(g)</p>	
<p>3.1 RPS Hearing Panels Paper #3</p>	<p>To protect the privacy of natural persons, including that of deceased natural persons – Section 7(2)(a)</p>	<p>Section 48(1)(a) -Subject to subsection (3), a local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on 1 or more of the 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>

This resolution is made in reliance on [section 48\(1\)\(a\)](#) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by [section 6](#) or [section 7](#) of that Act or [section 6](#) or [section 7](#) or [section 9](#) of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are shown above after each item.

11. CLOSURE

There was no further business and Chairperson Noone declared the meeting closed at 3:39pm.



 Chairperson

27 October 2021

 Date