



Minutes of an ordinary meeting of  
Council held in the  
Council Chamber on  
Wednesday 23 February 2022 at 1:00pm

**Membership**

Cr Andrew Noone *(Chairperson)*  
Cr Michael Laws *(Deputy Chairperson)*  
Cr Hilary Calvert  
Cr Alexa Forbes  
Cr Michael Deaker  
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 and staff to the meeting at 1:11 pm. Staff present in the Chamber were Amanda Vercoe (GM Governance, Culture and Customer), Richard Saunders (GM Regulatory and Communications), and Liz Spector (Governance Support Officer) and present electronically were Sarah Gardner (Chief Executive), Nick Donnelly (GM Corporate Services), Gwyneth Elsum (GM Strategy, Policy and Science), Gavin Palmer (GM Operations), Dianne Railton (Governance Support Officer, minute-taker), Anita Dawe (Manager Policy and Planning), Tom De Pelsemaeker (Team Leader), Anne Duncan (Manager Strategy), Andrea Howard (Manager Environmental Implementation), and Anna Ferguson (Principal Advisor Environmental Implementation). Also in attendance electronically were legal representatives, Alastair Logan for item 7.1 and Michelle Mehlhopt for item 7.2.

## **1. APOLOGIES**

No apologies were received. Cr Deaker, Cr Kelliher, Cr Robertson and Cr Scott attended the meeting electronically.

## **2. PUBLIC FORUM**

Ms Kris Nicolau spoke at the Public Forum regarding noise mitigation for the neighbourhood surrounding Port Otago. Ms Nicolau's statement will be sent to Port Otago for the next Port Otago Liaison Committee meeting.

## **3. CONFIRMATION OF AGENDA**

The agenda was confirmed as published.

## **4. CONFLICT OF INTEREST**

Due to possible conflict of interest, Cr Wilson and Cr Kelliher advised that they would leave the meeting for item 7.2 Plan Change 7, and Cr Calvert advised she would leave the meeting for item 7.6 Whare Runaka/Head Office Update.

## **5. CONFIRMATION OF MINUTES**

**Resolution: Cr Noone Moved, Cr Laws Seconded**

*That the minutes of the (public portion of the) Council meeting held on 9 December 2021 and the Extraordinary Council meeting held on 9 February 2022 be received and confirmed as a true and accurate record.*

**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. Making Plan Change 5A (Lindis: Integrated Water Management) to the Regional Plan: Water for Otago operative**

The report was provided for Council to approve Plan Change 5A (Lindis: Integrated Water Management) (PC5A) to the Regional Plan: Water for Otago (Water Plan) and to set a date for making the plan change operative by incorporating the amended provisions into the operative Water Plan. Gwyneth Elsum (GM Strategy, Policy and Science), Anita Dawe (Manager Policy and Planning), Tom De Pelsemaeker (Team Leader Freshwater and Land) and Alastair Logan (Lawyer, Ross Dowling) were present to speak to the paper and respond to questions.

Mr De Pelsemaeker advised that this is a procedural step that is mandatory under the RMA. He said that the plan change will be publicly notified on Saturday 26 February 2022 and it will become operative from Saturday 5 March 2022. Cr Scott asked what ORC has learnt from this process and Ms Dawe responded that the Policy Team are doing things differently now, ensuring improvements are made and there are different personnel now. She also said it won't happen again due to law changes. Cr Wilson recommended that members of the Lindis Catchment Group and Fish & Game Otago be invited to meet with Councillors to work on improving and understanding each other's roles.

### **Resolution CM22-107: Cr Wilson Moved, Cr Malcolm Seconded**

*That the Council:*

- 1) **Notes** this report.
- 2) **Approves** minor changes made to Proposed Plan Change 5A in accordance with clause 16(2) of Schedule 1 of the RMA.
- 3) **Approves** Plan Change 5A, and incorporates these provisions into the Operative Water Plan in accordance with clause 17(2) of Schedule 1 to the RMA.
- 4) **Affixes** Council's seal to Plan Change 5A to the Water Plan in accordance with clause 17(3) of Schedule 1 of the RMA.
- 5) **Resolves** to make Plan Change 5A operative from Saturday 5 March 2022, and publicly notify this date on Saturday 26 February 2022, in accordance with clause 20 of Schedule 1 of the RMA.
- 6) **Requests** that the Chairman write to the Lindis Catchment Group inviting them to meet Councillors in their area, subject to a change in covid settings, in May 2022, and similarly to Fish & Game Otago to work on improving our understanding of each other's roles.

#### **MOTION CARRIED**

*Cr Wilson and Cr Kelliher left the meeting due to a possible conflict of interest.*

### **7.2. Making the Water Permits Plan Change (WPPC - Plan Change 7) to the Regional Plan: Water for Otago operative**

To approve Plan Change 7 (PC7) - Water Permits Plan Change to the Regional Plan: Water for Otago (Water Plan) and to set a date for making the plan change operative by incorporating the amended provisions into the operative Water Plan. Gwyneth Elsum (GM Strategy, Policy and Science), Anita Dawe (Manager Policy and Planning), Tom De Pelsemaeker (Team Leader Freshwater and Land), and Michelle Mehlhopt (Special Counsel from Wynn Williams), were present to speak to the report and respond to questions.

Mr De Pelsemaeker advised that the plan change would be publicly notified on Saturday, 26 February 2022, and would be operative from Saturday, 5 March 2022. Cr Calvert and Cr Laws raised concerns of equity issues that affect people who had applied for a consent prior to Plan Change 7. Cr Calvert asked for the information contained in this paper to be referred to the 10 March 2022 Regulatory Committee with regard to the application of the fees and charges policy.

### **Resolution CM22-108: Cr Calvert Moved, Cr Hope Seconded**

*That the Council:*

- 1) **Notes** this report.
- 2) **Approves** minor changes made to Proposed Plan Change 7 in accordance with clause 16(2) of Schedule 1 of the RMA.
- 3) **Approves** Plan Change 7, and incorporates these provisions into the Operative Water Plan in accordance with clause 17(2) of Schedule 1 to the RMA.
- 4) **Affixes** Council's seal to Plan Change 7 to the Water Plan in accordance with clause 17(3) of Schedule 1 of the RMA.

- 5) **Resolves** to make Plan Change 7 operative from Saturday 5 March 2022, and publicly notify this date on Saturday 26 February 2022, in accordance with clause 20 of Schedule 1 of the RMA.
- 6) **Refers** the information contained in this paper to the 10 March 2022 Regulatory Committee with regard to the application of our fees and charges policy.

**MOTION CARRIED**

*Cr Wilson and Cr Kelliher returned to the meeting.*

**7.3. Consultation on the Resource Management Reform**

The paper was provided for Council to approve ORC's feedback on the Ministry for the Environment's (MfE) discussion document on the future resource management system, released in November 2021. Gwyneth Elsum (GM Strategy, Policy and Science), Anita Dawe (Manager Policy and Planning) and Anne Duncan (Manager Strategy), were present to speak to the report and respond to questions.

Cr Malcolm expressed his concerns about the prohibition for statutory liability insurance, which he had raised at the recent workshop, and following discussion it was noted that this would be included in the submission. Ms Dawe confirmed that the submission closed on 6 March 2022 and would be signed by the Chair.

**Resolution CM22-109: Cr Hope Moved, Cr Malcolm Seconded**

*That the Council:*

- 1) **Notes** this report.
- 2) **Approves** the submission on *Our Future Resource Management System*, subject to any changes as articulated in the Council meeting, to be lodged with the Ministry for the Environment, by 28 February 2022.

**MOTION CARRIED**

**7.4. ECO Fund Review**

This paper was provided for Council's endorsement of the recommendations arising from the review of the ECO Fund. Gavin Palmer (GM Operations), Andrea Howard (Manager Environmental Implementation), and Anna Ferguson (Principal Advisor Environmental Implementation) were present to speak to the report and respond to questions.

Ms Ferguson provided an update on the recommended changes which includes incentives that are funded through LTP funding for rabbit management, planting for water quality, and planting after wilding conifer removal. There was discussion on changing the time to uplift the grant from 6 months to 3 months.

**Resolution CM22-110: Cr Deaker Moved, Cr Hope Seconded**

*That the Council:*

- 1) **Notes** this report.
- 2) **Approves** an invitation be extended to a mana whenua representative to join the ECO Fund assessment panel.
- 3) **Approves** the inclusion of the following incentive budget in the ECO Fund process, noting these budgets will be 'ring-fenced' to ensure any additional or specific criteria are met:

- a. *Sustained rabbit management incentives with the ECO Fund – note additional criteria at Appendix 1 (up to \$100,000) – approved LTP biosecurity funding*
  - b. *Planting for water quality incentives with the ECO Fund (up to \$30,000) – approved LTP freshwater funding*
  - c. *Planting after wilding conifer removal (up to \$50,000) - approved LTP biosecurity funding*
- 4) **Approves** the change from two ECO Fund rounds being held each year to one round being held in May / June 2022 and thereafter in March / April 2023.
- 5) **Approves** the revised assessment criteria outlined in Table 4.
- 6) **Approves** the funding of multi-year projects up to 3 years to be fully funded from the round in which they are assessed (if successful) and subsequent year funding be provided on receipt of project reports that demonstrate appropriate progress. Multi-year projects would be capped at \$50,000 in total (the current cap for the ECO Fund).
- 7) **Approves** the updating of the Terms of Reference for the ‘decision’ panel, as suggested in Attachment 3, to reflect the recommendations of this review.
- 8) **Notes** that the ECO Fund templates and processes will be amended to reflect the recommendations approved.

**MOTION CARRIED**

There was discussion on the whether the time to uplift the grant should change from 6 months to 3 months.

**Resolution CM22-111: Cr Deaker Moved, Cr Hope Seconded**

*That the Council:*

- 1) **Approves** changing the time in which successful applicants can take up their grant from 6 months to 3 months following notification of their grant being approved unless otherwise agreed.

**MOTION LOST**

**7.5. Code of Conduct Review: Update**

The report was provided as a progress update on reviewing the Otago Regional Council’s Code of Conduct, including work being undertaken by other agencies, and seek guidance from Council on preferred next steps. This followed legal advice from Mr Len Andersen QC to full Council in public on 24 November 2021, which highlighted points for consideration in the current code. Amanda Vercoe (GM Governance, Culture and Customer) was present to speak to the report and respond to questions.

Ms Vercoe advised that she had spoken to LGNZ and Bruce Robertson, Director of R Bruce Robertson Limited, who would have capacity to undertake a Code of Conduct review in the next couple of months should Council wish to proceed with an independent review. Mrs Gardner said that with LGNZ also reviewing the code, essentially ratepayers would be paying twice, by paying LGNZ fees and then paying Bruce Robertson. Cr Laws said that an option would be for Councillors to meet, by workshop or similar, to work out what we are trying to achieve and what works best.

**Resolution CM22-112: Cr Noone Moved, Cr Malcolm Seconded**

*That the Council:*

- 1) **Notes** this report.

**MOTION CARRIED**

**Resolution CM22-113: Cr Noone Moved, Cr Malcolm Seconded**

*That the Council:*

- 1) **Directs** the Chief Executive to proceed with engaging Bruce Robertson to undertake a review of the ORC Code of Conduct to address the issues raised by Len Andersen QC at the 24 November 2021 Council Meeting and report back to Council by 30 June 2022.

**MOTION CARRIED**

**Resolution CM22-114: Cr Noone Moved, Cr Malcolm Seconded**

*That the Council:*

- 1) **Directs** the Chief Executive to provide the legal advice from Len Andersen QC to LGNZ.

**MOTION CARRIED**

**Resolution CM22-115: Cr Noone Moved, Cr Malcolm Seconded**

*That the Council:*

- 1) **Notes** that the Local Government Commission has prepared a report reviewing local government Codes of Conduct and submitted it to the Minister for Local Government for consideration.

**MOTION CARRIED**

A division was called:

**Vote**

For:	Cr Calvert, Cr Deaker, Cr Hope, Cr Kelliher, Cr Malcolm, Cr Noone and Cr Wilson
Against:	Cr Forbes, Cr Laws, Cr Robertson and Cr Scott
Abstained:	Nil

**MOTION CARRIED (7 votes for, 4 votes against)**

*The meeting adjourned for a break at 3:30pm, and reconvened at 3:48pm*

*Cr Calvert left the room due to a possible conflict of interest.*

**7.6. ORC Whare Rūnaka/Head Office Update**

The report provided an update on activity of the ORC Whare Rūnaka / Dunedin Head Office Accommodation project. Nick Donnelly (GM Corporate Services) was present to speak to the report and respond to questions. Mr Donnelly advised a lot of work has been undertaken since the last update to Council in October 2021, including GHD designers meeting and engaging with staff, and also meeting with the Internal Steering Group (ISG), which includes Cr Noone and Cr Malcom. Cr Scott and Cr Kelliher raised their concerns that the first time they had seen the concept designs were shown in the public Port Otago presentation to the Finance Committee. Mr Donnelly said that next step is for the Internal Steering Group to meet, and then arrange for GHD Design to present to Councillors.

**Resolution CM22-116: Cr Noone Moved, Cr Wilson Seconded**

*That the Council:*

- 1) **Notes** this report.

**MOTION CARRIED**

*Cr Calvert returned to the meeting.*

**7.7. Annual Review of Delegations Manual**

The report was provided for Council approval of proposed amendments to the Otago Regional Council's Delegation's Manual which have been identified, after a staff review, as requiring updating. The Manual is a combination of delegations by the Council and the Chief Executive. Nick Donnelly (GM Corporate Services) was present to speak to the report and respond to questions. Mr Donnelly advised that on 24 June 2020, Council approved the Otago Regional Council's delegation manual, and at that meeting Council requested a review of the Delegations Manual to be reported back to the second Council Meeting of 2022. There was discussion regarding Section 17 Court Proceedings of the Delegations Manual and while there were no changes to this section, Cr Calvert asked for a review of this section.

**Resolution CM22-117: Cr Calvert Moved, Cr Noone Seconded**

*That the Council:*

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

**MOTION CARRIED**

**Resolution CM22-118: Cr Calvert Moved, Cr Noone Seconded**

*That the Council:*

- 1) **Seek** a review of Delegations in Section 17 Court Proceedings to be brought to the 25 May 2022 Council Meeting.

**MOTION CARRIED**

**7.8. Regional Shared Services**

The paper was provided for Council's endorsement for ORC to become a shareholder in a proposed regional sector shared services organisation (RSHL – Regional Software Holdings Limited) and seek approval to prepare documentation to undertake consultation on that proposal. This paper was originally presented to Council on 9 December 2022 where Council requested more information around any risk to ORC around shareholder exposure to cost overruns in projects undertaken by the CCO. Nick Donnelly (GM Corporate Services) was present to speak to the report and respond to questions.

**Resolution CM22-119: Cr Malcolm Moved, Cr Noone Seconded**

*That the Council:*

- 1) **Notes** this report.
- 2) **Endorses** the establishment of a regional sector shared services organisation.
- 3) **Endorses** ORC becoming a shareholder in a regional sector shared services organisation once that entity is established.

- 4) **Approves** the preparation of consultation documentation as required under the Local Government Act 2002 to enable consultation to be undertaken on ORC becoming a shareholder in a new regional sector shared services organisation.
- 5) **Authorises** the Chief Executive to provide a letter to Regional Services Holdings Limited, indicating ORC's intent to become a shareholder in the proposed new regional sector share services organisation subject to outcome of consultation.
- 6) **Requests** the GM Corporate Services and CFO to confirm reporting structure of the new entity at the conclusion of the consultation period.

A division was called:

**Vote**

For:	Cr Deaker, Cr Forbes, Cr Laws, Cr Malcolm, Cr Noone, Cr Robertson and Cr Scott
Against:	Cr Calvert, Cr Hope, Cr Kelliher and Cr Wilson
Abstained:	Nil

**MOTION CARRIED (7 votes for, 4 votes against)**

**8. RECOMMENDATIONS ADOPTED AT COMMITTEE MEETINGS**

**8.1. Recommendations of the Data and Information Committee**

**Resolution CM22-120: Cr Calvert Moved, Cr Laws Seconded**

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

**MOTION CARRIED**

**8.2. Recommendations of the Implementation Committee**

**Resolution CM22-121: Cr Calvert Moved, Cr Laws Seconded**

*That the Council adopts the resolutions of the 8 December 2021 Implementation Committee.*

**MOTION CARRIED**

**8.3. Recommendations of the Regulatory Committee**

**Resolution CM22-122: Cr Calvert Moved, Cr Laws Seconded**

*That the Council adopts the resolutions of the 9 December 2021 Regulatory Committee.*

**MOTION CARRIED**

**8.4. Recommendations of the Strategy and Planning Committee**

**Resolution CM22-123: Cr Calvert Moved, Cr Laws Seconded**

*That the Council adopts the resolutions of the 9 February 2022 Strategy and Planning Committee.*

**MOTION CARRIED**

**9. CHAIRPERSON'S AND CHIEF EXECUTIVE'S REPORTS**

**9.1. Chairperson's Report**

**Resolution: Cr Laws Moved, Cr Calvert Seconded**

*That the Chairperson's report be received.*

**MOTION CARRIED**



## 9.2. Chief Executive's Report

### Resolution: Cr Calvert Moved, Cr Noone Seconded

*That the Chief Executive's report be received.*

**MOTION CARRIED**

## 10. RESOLUTION TO EXCLUDE THE PUBLIC

### Resolution: Cr Laws Moved, Cr Hope Seconded:

*That the public be excluded from the following parts of the proceedings of this meeting, (pursuant to the provisions of the Local Government Official Information and Meetings Act 1987) namely:*

- *Minutes of the public excluded Council meeting held on 9 December 2021*
- *Minutes of the public excluded Extraordinary Council meeting held on 9 February 2022*
- *Clutha/Mata Au River - depositing of material on bed of river*

*Chair Noone also moved that Mr Len Andersen, QC, be permitted to remain at this meeting, after the public has been excluded, as he would be providing legal advice to Council on the Clutha/Mata Au River - depositing of material on bed of river.*

**MOTION CARRIED**

<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under section 48(1) for the passing of this resolution</b>
<i>1.1 Minutes of the public excluded meeting of Council held on 9 December 2021</i>	To protect the privacy of natural persons, including that of deceased natural persons – Section 7(2)(a)	Section 48(1)(a); Subject to subsection (3), a local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on 1 or more of the following grounds: (a) that the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.
<i>1.2 Minutes of the public excluded meeting of Council held on 9 February 2022</i>	To protect the privacy of natural persons, including that of deceased natural persons – Section 7(2)(a)	Section 48(1)(a); Subject to subsection (3), a local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on 1 or more of the following grounds: (a) that the public conduct of the whole or the relevant part of the proceedings of

		the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.
<i>3.1 Clutha/Mata Au River - depositing of material on bed of river</i>	To protect the privacy of natural persons, including that of deceased natural persons – Section 7(2)(a)	Section 48(1)(a); Subject to subsection (3), a local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on 1 or more of the following grounds: (a) that the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.

This resolution was 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.

## 11. CLOSURE

There was no further business and Chairperson Noone declared the meeting closed at 5:07pm.



Chairperson

23 March 2022

Date