



Minutes of an ordinary meeting of Council
held in the Council Chamber on
Wednesday 23 March 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 1:03 pm. Staff present in the Chamber included Dianne Railton (Governance Support Officer) and present electronically included Sarah Gardner (Chief Executive), Nick Donnelly (GM Corporate Services), Anita Dawe (Acting GM Policy and Science), Gavin Palmer (GM Operations), Richard Saunders (GM Regulatory and Communications), Amanda Vercoe (GM Governance, Culture and Customer), Mike Roesler (Corporate Planning Manager), Rebecca Borland (Team Leader Marketing and Brand), David Cooper (Principal Advisor - Iwi Relationships and Strategic Stakeholders), (Michelle Mifflin (Manager Engineering), Alison Weaver (Team Leader - Commercial and Regulatory, Engineering), Garry Maloney (Principal Advisor - Transport Planning) and Doug Rodgers (Manager Transport). Josephine Burrows, from BECA, was in attendance for the Bylaw paper.

1. APOLOGIES

Resolution: Cr Hope Moved, Cr Calvert Seconded:

That the apology for Cr Robertson be accepted. Cr Deaker, Cr Forbes and Cr Scott attended electronically.

MOTION CARRIED

2. PUBLIC FORUM

Mr Gerrard Eckhoff spoke at the public forum regarding Governance, expressing his concerns with the loss of representation when Councillors leave a Council/Committee meeting due to possible conflicts of interest, and spoke further referring to published articles. Due to the limited time available, Cr Calvert suggested that Mr Eckhoff write to Councillors and the media to share his thoughts and ideas.

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 Wilson Moved, Cr Calvert Seconded

That the minutes of the (public portion of the) Council meeting held on 23 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 open resolutions of the Council Meeting was reviewed.

7. MATTERS FOR CONSIDERATION

7.1. Annual Plan 2022-23

The report was provided for Council to endorse supporting material for community engagement on the proposed Annual Plan 2022-2023 (proposed AP) and direct staff to begin that engagement. Nick Donnelly (GM Corporate Services) and Mike Roesler (Corporate Planning Manager) were present to speak to the report and respond to questions.

Chair Noone read a prepared summary from staff on the Annual Plan engagement. Mike Roesler advised that staff have finalised information to support Council consulting for community feedback, and Rebecca Borland then presented the YourSay campaign. Cr Malcolm said the proposed rate increase of 18% is in line with what Council requested and what Council has been endeavouring to do over the last two or three years, and said the world has changed, and he questioned if the 18% is affordable, palatable and achievable in the current market situation. Sarah Gardner said if Council intended significant changes, it would result in a substantial amount of work for staff who would need time to prepare that work. Mrs Gardner also said that staff have not proposed a variation to the LTP as there were no significant changes, but depending on Council's decision, it would be a significant impact on the organisation.

Following further discussion, the meeting adjourned at 1.23pm to allow staff to confirm their approach and reconvened at 2.38pm.

Mrs Gardner advised that following a discussion with Mr Donnelly during the adjournment, if Council sought a figure of less than 10%, then staff advice would be to not go out for consultation and staff would need direction to allow a week to work out how savings might be found. Mrs Gardner said if Council aren't looking at a substantial decrease, then Council could probably quite safely go out for consultation.

Following discussion, Cr Malcom moved a procedural motion:

Resolution CM22-130: Cr Malcolm Moved, Cr Calvert Seconded

That the Council:

- 1) **Lay** the report the table to be considered at a special Council meeting on or before 30 March 2022.

MOTION CARRIED

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

7.2. Bylaw Approval to Commence Consultation

The report was provided for Council approval to commence public consultation on the proposed Flood Protection Management Bylaw 2022 ("Proposed Bylaw") in accordance with the Statement of Proposal. Gavin Palmer (GM Operations), Alison Weaver (Team Leader Commercial and Regulatory Engineering) and Michelle Mifflin (Manager Engineering) were present to speak to the report and respond to questions.

Michelle Mifflin advised it is a procedural process to review the bylaw to ensure that it is in place by 9 August 2022. Ms Mifflin said that following the bylaw being accepted and in place, there will be an active campaign undertaken on the bylaw purpose. She said that tools will be available on the engineering section of the ORC website for information and educational awareness of the bylaw, on what it protects and to ensure flood banks and structures are maintained.

There was further discussion including a policy around construction of walkways on ORC owned floodbanks.

Resolution CM22-131: Cr Hope Moved, Cr Calvert Seconded

That the Council:

- 1) **Receives** the report.
- 2) **Appoints** Cr Robertson and Cr Wilson to the hearing panel to hear from submitters, consider all submissions received, deliberate and make recommendations to Council in relation to the Proposed Bylaw.

MOTION CARRIED

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

Resolution CM22-132: Cr Scott Moved, Cr Calvert Seconded

That the Council:

- 1) **Adopts** the recommendation that the Proposed Bylaw is the most appropriate form of the bylaw.
- 2) **Notes** that the Proposed Bylaw does not give rise to any implications under, nor is it inconsistent with the New Zealand Bill of Rights Act 1990.

- 3) **Approves** the proposed Statement of Proposal for the review of the Flood Protection Management Plan 2012 for public consultation in accordance with the Statement of Proposal.
- 4) **Approves** the appointment of Mr Allan Cubitt as an independent member of the hearing panel.
- 5) **Notes** that Dr Palmer (GM Operations) will develop a policy around construction of walkways on ORC owned floodbanks by 30 June 2022.

MOTION CARRIED

Cr Wilson returned to the meeting.

7.3. Bus and Ferry Fares

The paper was provided from Council to decide on whether or not to implement between April and June 2022, central government's half-priced public transport fare initiative. Gavin Palmer (GM Operations), Garry Maloney (Principal Advisor - Transport Planning) and Doug Rodgers (Manager Transport) were present to speak to the report and respond to questions.

Garry Maloney confirmed that Total Mobility has also been included in the half-priced public transport fare initiative. Communications and the ticketing system were discussed. Doug Rodgers advised that Waka Kotahi have assured that any operational changes that need to be made to meet this change will be met by them and this includes communications. Following further discussion, Cr Malcolm moved:

Resolution CM22-133: Cr Malcolm Moved, Cr Hope Seconded

That the Council:

- 1) **Notes** this report.
- 2) **Approves** reducing Total Mobility, Dunedin and Queenstown bus and Queenstown ferry public transport fares by 50% between 1 April and 30 June 2022.
- 3) **Approves** the implementation of the half fares within the constraints of the current vehicle/vessel fleets (that is, Council will not introduce extra capacity to meet excess demand).

MOTION CARRIED

7.4. National Environmental Standards Drinking Water (NESDW) Submission

The paper provided Council with a copy of the ORC submission lodged with the Ministry for the Environment (MfE) on 'Improving the protection of drinking-water sources: Proposed amendments to the Resource Management (National Environmental standards for sources of Human Drinking Water) Regulation 2007: Consultation document'. Anita Dawe (Acting General Manager Policy & Science) was present to speak to the report and respond to questions.

Resolution CM22-134: Cr Wilson Moved, Cr Hope Seconded

That the Council:

- 1) **Notes** this report.
- 2) **Notes** the attached submission, that was lodged with the MfE on 4 March 2022 and signed off under staff delegation.

MOTION CARRIED

The meeting adjourned for a break at 3.40pm and reconvened at 3.58pm.

7.5. Six Monthly Update to the Minister

The paper was provided for Council to adopt the fifth progress report to the Minister for the Environment, in accordance with section 27 of the Resource Management Act 1991 in relation to the recommendations made under section 24A of the Resource Management Act 1991. Anita Dawe (Acting GM Policy & Science) was present to speak to the report and respond to questions.

Chair Noone advised that Cr Robertson and Cr Wilson had circulated a letter to Councillors regarding the possibility of inviting the Minister to consider having a discussion with Council on a longer timeframe to notify the Land and Water Plan. Chair Noone advised that he had forwarded the letter to Mr Edward Ellison. Following discussion, Cr Wilson moved:

Resolution CM22-135: Cr Wilson Moved, Cr Calvert Seconded

That the Council:

- 1) **Notes** this report.
- 2) **Approves** the fifth report to the Minister for the Environment, that reports on progress against the recommendations made in his letter of 19 November 2019; and include a covering letter from the Chair inviting the Minister to consider having a discussion with Council on a longer timeframe with Council to notify the Land and Water Plan, to allow a smoother and stronger plan framework built on an RPS that has been allowed to settle. Given that there may be potential savings in the Annual Plan if ORC was able to extend the timeframe, Council would welcome an indication before the end of May 2022.
- 3) **Notes** that the next report will be brought to Council on 28 September 2022.

MOTION CARRIED

Cr Forbes and Cr Scott voted against and requested their votes be recorded.

7.6. Local Government New Zealand Annual Conference 2022 Attendance

The paper was provided to determine ORC representation at the Local Government New Zealand 2022 Conference being held 20 July – Friday 22 July 2022, in Palmerston North.

Resolution CM22-136: Cr Noone Moved, Cr Hope Seconded

That the Council:

- 1) **Notes** this report.
- 2) **Nominates** Chair Noone, Cr Forbes and Cr Wilson as Councillor representatives to attend the 2022 LGNZ Conference.

MOTION CARRIED

7.7. Documents Signed Under Council Seal

The report was provided to inform the Council of delegations which have been exercised during the period 17 November 2021 through 2 March 2022.

Resolution CM22-137: Cr Hope Moved, Cr Malcolm Seconded

That the Council:

- 1) **Notes** this report.

MOTION CARRIED

7.8. LGFA Port Lending

The report was provided for Council approval to borrow via the LGFA and on-lend to Port Otago Limited and to approve amendments to Council's Treasury Management Policy to permit on-lending to occur. Nick Donnelly (GM Corporate Services) was present to speak to the report and respond to questions.

Resolution CM22-138: Cr Calvert Moved, Cr Malcolm Seconded

That the Council:

- 1) **Notes** this report.
- 2) **Adopts** the attached Treasury Management Policy which has been revised to permit on-lending to Port Otago.
- 3) **Endorses** Council providing a Shareholder Advance to Port Otago Limited subject to approval of the formal loan agreement being considered separately.
- 4) **Notes** Council will commence the process to obtain a credit rating.

MOTION CARRIED

8. RECOMMENDATIONS ADOPTED AT COMMITTEE MEETINGS

8.1. Recommendations of the Finance Committee

Resolution CM22-139: Cr Malcolm Moved, Cr Calvert Seconded

That the Council adopts the resolutions of the 23 February 2022 Finance Committee (public).

MOTION CARRIED

8.2. Recommendations of the Implementation Committee

Resolution CM22-140: Cr Hope Moved, Cr Noone Seconded

That the Council adopts the resolutions of the 9 March 2022 Implementation Committee.

MOTION CARRIED

8.3. Recommendations of the Data and Information Committee

Resolution CM22-141: Cr Forbes Moved, Cr Hope Seconded

That the Council adopts the resolutions of the 9 March 2022 Data and Information Committee.

MOTION CARRIED

8.4. Recommendations of the Governance, Communications and Engagement Committee

Resolution CM22-142: Cr Deaker Moved, Cr Laws Seconded

That the Council adopt the resolutions of the 10 March 2022 Governance, Communications, and Engagement Committee.

MOTION CARRIED

8.5. Recommendations of the Regulatory Committee

Resolution CM22-143: Cr Kelliher Moved, Cr Noone Seconded

That the Council adopts the resolutions of the 10 March 2022 Regulatory Committee.

MOTION CARRIED

9. CHAIRPERSON'S AND CHIEF EXECUTIVE'S REPORTS

9.1. Chairperson's Report

Chair Noone noted that Cr Forbes also attended the Zone 5 & 6 zoom meeting that he and Cr Hope attended and that he will circulate the letters mentioned in his report, that weren't attached.

Resolution: Cr Noone Moved, Cr Kelliher Seconded

That the Chairperson's report be received.

MOTION CARRIED

9.2. Chief Executive's Report

Resolution: Cr Noone Moved, Cr Malcolm Seconded

That the Chief Executive's report be received.

MOTION CARRIED

10. RESOLUTION TO EXCLUDE THE PUBLIC

Resolution: Cr Noone Moved, Cr Wilson 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 meeting of Council held on 9 December 2021*
- *Minutes of the public excluded meeting of Council held on 23 February 2022*
- *3.1 On-lending Agreement*
- *3.2 Lower Waitaki River Control Scheme*

MOTION CARRIED

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 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</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

<p><i>held on 23 February 2022</i></p>		<p>exclude the public from the whole or any part of the proceedings of any meeting only on 1 or more of the following grounds: (a) that the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</p>
<p><i>3.1 On-lending Agreement</i></p>	<p>To maintain legal professional privilege – Section 7(2)(g) To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities – Section 7(2)(h) To enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) – Section 7(2)(i)</p>	<p>Section 48(1)(a); Subject to subsection (3), a local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on 1 or more of the following grounds: (a) that the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</p>
<p><i>3.2 Lower Waitaki River Control Scheme Operation and Funding Agreement</i></p>	<p>To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities – Section 7(2)(h) To enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) – Section 7(2)(i)</p>	<p>Section 48(1)(a); Subject to subsection (3), a local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on 1 or more of the following grounds: (a) that the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</p>

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.

11. CLOSURE

There was no further business and Chairperson Noone declared the meeting closed at 5:00pm.

 _____	<u>25 May 2022</u>
Chairperson	Date