



Minutes of an ordinary meeting of Council
held in the Council Chamber on
Wednesday 24 August 2022 at 1:00pm

Membership

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

Welcome

Chairperson Noone welcomed Councillors, members of the public and staff to the meeting at 1:00pm. Staff present in the Chamber included Pim Borren, (interim Chief Executive), Anita Dawe (GM Policy and Science), Richard Saunders (GM Regulatory and Communications), Amanda Vercoe (GM Governance, Culture and Customer), Dianne Railton (Governance Support), Tom De Pelsemaeker (Acting Manager Policy), Dolina Lee (Senior Analyst Freshwater and Land), Warren Hanley (Senior Resource Planner Liaison), Anne Duncan (Manager Strategy) and Francisco Hernandez (Principal Advisor Climate Change), Garry Maloney, Julian Phillips, Doug Rodgers (Manager Transport), and present electronically were Gavin Palmer (GM Operations), and Nick Donnelly (GM Corporate Services). Shannon Wallace (MfE) also attended the meeting electronically.

1. APOLOGIES

There were no apologies.

Cr Deaker, Cr Forbes, Cr Hope, Cr Kelliher and Cr Laws attended the meeting electronically.

2. PUBLIC FORUM

Mr Allan Savell, Branch President of the Dunedin Tramways Union, spoke at public forum about Funding of Wages for Bus Drivers.

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 Calvert Seconded

That the minutes of the (public portion of the) Council meeting held on 29 June 2022 be received and confirmed as a true and accurate record.

MOTION CARRIED

6. ACTIONS (STATUS OF COUNCIL RESOLUTIONS)

The report on open actions from resolutions of the Council Meetings were reviewed.

7. MATTERS FOR CONSIDERATION

7.1. Six Monthly Report to the Minister

The report presented for adoption by Council, the sixth 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. This report is the final report of the current triennium. Anita Dawe (GM Policy and Science) was present to speak to the report and respond to questions.

Ms Dawe advised that further information regarding Environmental Monitoring will be included in the Six Monthly Report to the Minister, detailing work and projects being undertaken in the field and the non-regulatory area.

Resolution CM22-216: Cr Malcolm Moved, Cr Hope Seconded

That the Council:

- 1) **Notes** this report.
- 2) **Approves** the sixth report to the Minister for the Environment, that reports on progress against the recommendations made in his letter of 19 November 2019.
- 3) **Notes** that the next report will be brought to Council around March 2023, dependent on a new Council meeting schedule.

MOTION CARRIED

7.2. Plan Change 8 Urban Discharges

The paper was provided for Council to approve Plan Change 8 (PC8) Discharge Management to the Regional Plan: Water for Otago (Water Plan) as amended by the Environment Court Decision No. [2022] NZEnvC 101, and to set a date for making the plan change fully operative by incorporating the amended provisions into the operative Water Plan. Anita Dawe (GM Policy and Science), Tom De Pelsemaeker (Acting Manager Policy) and Dolina Lee (Senior Analyst Freshwater and Land) were present to speak to the report and respond to questions.

Ms Dawe acknowledged the team effort from Team ORC for the work undertaken. On behalf of Council, Chair Noone thanked the team for their efforts.

Resolution CM22-217: Cr Wilson Moved, Cr Calvert Seconded

That the Council:

- 1) **Notes** this report.
- 2) **Approves** the minor changes made to partially operative Plan Change 8 in accordance with clause 16(2) of Schedule 1 of the RMA.
- 3) **Approves** Plan Change 8 as amended by Environment Court Decisions [2022] NZEnvC 101 in accordance with clause 17(3) of Schedule 1 of the RMA.
- 4) **Affixes** Council's seal to Plan Change 8 to the Water Plan in accordance with clause 17(3) of Schedule 1 of the RMA.
- 5) **Resolves** to make Plan Change 8 operative from 3 September 2022, and publicly notify this date on 27 August 2022, in accordance with clause 20 of Schedule 1 of the RMA.

MOTION CARRIED

7.3. ORC Submissions lodged on NPS-FM/NES-F amendments for wetland regulations, NPS Indigenous Biodiversity exposure draft, and Water Services Entities Bill

The report was provided for Council to note staff submissions lodged on the following central government consultations:

- The exposure drafts of proposed changes to the National Policy Statement for Freshwater Management 2020 (NPS-FM) and National Environmental Standard for Freshwater (NES-F), including amendments to the provisions for identifying wetlands and regulations for managing activities in or near wetlands; and
- The Water Services Entities Bill; and
- The exposure draft on the National Policy Statement for Indigenous Biodiversity (NPS-IB).

Anita Dawe (GM Policy and Science), Tom De Pelsemaeker (Acting Manager Policy) and Warren Hanley (Senior Resource Planner Liaison) were present to speak to the report and respond to questions.

Cr Scott asked if Council would receive a paper providing feedback on submissions. Ms Dawe confirmed a summary report could be brought back to Council in the new triennium, that highlights where there have been policy changes.

Resolution CM22-218: Cr Noone Moved, Cr Robertson Seconded

That the Council:

- 1) **Notes** this report and the staff submissions on:
 - a. *The exposure drafts of proposed changes to the National Policy Statement for Freshwater Management 2020 and National Environmental Standard for Freshwater, including amendments to the provisions for identifying wetlands and regulations for managing activities in or near wetlands; and*
 - b. *The Water Services Entities Bill; and*
 - c. *The exposure draft on the National Policy Statement for Indigenous Biodiversity.*

MOTION CARRIED

7.4. Zero Carbon Alliance

This report provides the Otago Regional Council (ORC) with an update on the Dunedin City Council led Zero Carbon Alliance (ZCA) and presents the updated formal documentation for the Council to note. Anne Duncan (Strategy Manager) and Francisco Hernandez (Principal Advisor Climate Change) were present to speak to the report and respond to questions.

Chair Noone advised that while he was delegated to sign the agreement at the 23 June 2021 Council Meeting, he asked for the report to come back to Council for noting due to the significant amount of time that has elapsed between the agreed delegation, and to note the revised Memorandum of Understanding incorporating updated terms of reference.

Cr Calvert and Cr Laws expressed their concerns with wording in the agreement having directive targets rather than aspirational targets. Mr Hernandez and Dr Borren will forward Council's concerns to DCC regarding the wording in Clause 1.1f in the Terms of Reference, and Clause 5.3i in the Memorandum of Understanding, requesting the wording be changed to aspirational target of Zero Carbon 2030.

Resolution CM22-219: Cr Malcolm Moved, Cr Wilson Seconded

That the Council:

- 1) **Notes** the report.
- 2) **Notes** the Chair will sign the revised Memorandum of Understanding incorporating updated terms of reference, as amended by this meeting, for the Zero Carbon Alliance Collaboration and Key Representative Group.
- 3) **Appoints** the Chief Executive as ORC's representative on the Collaboration Group
- 4) **Notes** that the CE will appoint Principal Advisor Climate Change Francisco Hernandez as ORC's representative on the Key Representatives group.
- 5) **Notes** that six monthly reporting on progress with the Zero Carbon Alliance can be provided.

MOTION CARRIED

7.5. Living Wage for Bus Drivers

The purpose of this report is to seek Council direction to increase the wage rate to equivalent to the September 2022 Living Wage for bus drivers driving Council contracted bus services. Gavin Palmer (GM Operations) and Doug Rodgers (Manager Transport) were present to speak to the report and respond to questions.

Mr Rodgers said staff are committed to preparing a more comprehensive report to Council which would provide a number of options to increase recruitment and retention, fare structure, driver wages and conditions.

Cr Calvert left at 2.56pm for the remainder of the meeting.

Resolution CM22-220: Cr Forbes Moved, Cr Malcolm Seconded

That the Council:

- 1) **Receives** this report.
- 2) **Agrees** to fund from 1 September 2022, an increase in the wage rate for bus drivers delivering Council's contracted bus services to match the difference between either the 2021 Living Wage rate or the wage rate currently being paid by operators (whichever is the higher) and the 2022 Living Wage rate.
- 3) **Notes** the estimated cost to do so is estimated at \$0.471 million per annum.
- 4) **Notes** that the funding required to support this additional payment to bus operators is not budgeted in the 2022-23 Annual Plan or 2021-31 Long Term Plan.
- 5) **Notes** that while central government announced extra funding in the May 2022 budget for bus driver pay and conditions, the Minister is yet to release that and the pathway to access a share of it is yet to be specified. That may mean Waka Kotahi may not co-invest in raising bus driver wages in Otago at this time.

MOTION CARRIED

7.6. Kuriwao Land

The report sought Council's approval of the sale of surplus land subject to the Otago Regional Council (Kuriwao Endowment Lands) Act 1994. Nick Donnelly (GM Corporate Services) was present to speak to the report and respond to questions.

Mr Donnelly advised the report relates to land discussed at Council last year, where Council asked for an ecological report. He said the land is not leased and is surplus to ORC requirements. Following questions, Chair Noone suggested the paper should lie on the table to enable specific contractual details to be discussed with the public excluded. He stated further consideration of this paper would continue following the close of the confidential portion of the meeting.

Resolution CM22-221: Cr Wilson Moved, Cr Noone Seconded

That the Council:

- 1) **Lay** the report on the table and take back up following consideration in public-excluded.

MOTION CARRIED

Resolution: Chair Noone Moved, Cr Wilson Seconded

That the public meeting adjourns for a break at 3.35pm. The meeting resumed at 3.45pm

8. RECOMMENDATIONS ADOPTED AT COMMITTEE MEETINGS

8.1. Recommendations of the Regulatory Committee

Resolution CM22-223: Cr Noone Moved, Cr Kelliher Seconded

That the Council adopts the resolutions of the 29 June 2022 Regulatory Committee.

MOTION CARRIED

8.2. Recommendations of the Otago Southland Regional Transport Committee

Resolution CM22-224: Cr Forbes Moved, Cr Wilson Seconded

That the Council adopts the resolutions of the 15 July 2022 Otago Southland Regional Transport Committee.

MOTION CARRIED

8.3. Recommendations of the Strategy and Planning Committee

Resolution CM22-225: Cr Wilson Moved, Cr Robertson Seconded

That the Council adopts the resolutions of the 13 July 2022, 27 July 2022 and 10 August 2022 Strategy and Planning Committee.

MOTION CARRIED

9. CHAIRPERSON'S AND CHIEF EXECUTIVE'S REPORTS

9.1. Chairperson's Report

Chair Noone noted that DCC were yet to sign the CDEM Agreement, whereas in the report it said all parties had signed the agreement.

Resolution: Cr Malcolm Moved, Cr Wilson Seconded

That the Chairperson's report be received.

MOTION CARRIED

9.2. Chief Executive's Report

Resolution: Cr Wilson Moved, Cr Malcolm Seconded

That the Chief Executive's report be received.

MOTION CARRIED

10. RESOLUTION TO EXCLUDE THE PUBLIC

At 3:50pm a motion was made to move into public excluded.

Resolution: Cr Noone Moved, Cr Malcolm 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 29 June 2022 public excluded Council Meeting*
- *Kuriwao Land – Options*
- *National Ticketing System Participation Agreement*
- *Hearings Panel Appointment – pORPS Sch 1 Process*
- *Process for appointing a permanent Chief Executive*

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>Minutes of the 29 June 2022 public excluded Council Meeting</i>	Section 7(2)(a) To protect the privacy of natural persons, including that of deceased natural persons; Section 7(2)(i) To enable any local	

	authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	
<i>Kuriwao Land – Options</i>	Section 7(2)(h) To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities; Section 7(2)(i) To enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	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>National Ticketing System Participation Agreement</i>	Section 7(2)(h) To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities; Section 7(2)(i) To enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	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>Hearings Panel Appointment – pORPS Sch 1 Process</i>	Section 7(2)(a) To protect the privacy of natural persons, including that of deceased natural persons; Section 7(2)(b)(ii) 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.	Subject to subsection (3), a local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on 1 or more of the following grounds: (a) that the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.

<p><i>Process for appointing a permanent Chief Executive</i></p>	<p>Section 7(2)(i) To enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p>	<p>Subject to subsection (3), a local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on 1 or more of the following grounds: (a) that the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</p>
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This resolution 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.

The meeting resumed in public at 4.53pm following closure of the Council public-excluded part of the meeting, to continue consideration of the report 7.6 Kuriwao Land.

Resolution CM22-222: Cr Noone Moved, Cr Scott Seconded

That the Council:

- 1) **Receives** this report.
- 2) **Approves** the sale of the land contained in record of title 7963 subject to Council agreement of satisfactory terms and conditions (considered at a public excluded session of Council), that there is a covenanting requirement by the successful purchaser.

MOTION CARRIED

11. CLOSURE

There was no further business and Chairperson Noone declared the meeting closed at 4:58pm.



 Chairperson

15 September 2022

 Date