



Minutes of an ordinary meeting of Council held in the
Council Chamber on
Wednesday 28 September 2022 at 10:00am

Membership

Cr Andrew Noone *(Chairperson)*
Cr Kevin Malcolm *(Deputy Chairperson)*
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 10:00am. Staff present included Pim Borren, (interim Chief Executive), Nick Donnelly (GM Corporate Services), Anita Dawe (GM Policy and Science), Gavin Palmer (GM Operations), Richard Saunders (GM Regulatory and Communications), Amanda Vercoe (GM Governance, Culture and Customer), Dianne Railton (Governance Support), and Sarah Munro (Finance Manager Expenditure and Reporting), Alison Weaver (Team Leader Commercial and Regulatory), Libby Caldwell (Acting Manager Environmental Implementation), Anne Duncan (Manager Strategy), and James Adams (Senior Strategic Analyst). Also present electronically was Nick Donnelly (GM Corporate Services), Michelle Mifflin (Manager Engineering), Anna Ferguson (Principal Advisor Environmental Implementation). Also present was Conal Smith (Consultant from Kōtātā Insight) for item 8.8 Regional Wellbeing Framework.

Cr Laws was not present for the presentations.

1. PRESENTATIONS

1.1 Otago Rescue Helicopter Trust Annual Presentation

Mr Graeme Gale (HeliOtago) and Mr Stephen Woodhead (Trustee) spoke to Otago Rescue Helicopter Trust Annual Presentation and responded to questions. Chair Noone acknowledged the work and service provided by the Trust, and on behalf of Council thanked the Trustees and staff.

1.2. Port Otago Annual Report Presentation

Chairman Paul Rea, Director Pat Heslin, Chief Executive Kevin Winders and CFO Stephen Conolly spoke to the Port Otago Annual Report Presentation and responded to questions. Chair Noone thanked Port Otago representatives for their presentation.

Resolution: Cr Noone Moved, Cr Calvert Seconded

Chair Noone moved that meeting adjourn at 12.04pm for lunch and reconvene at 1:00pm.

The meeting reconvened at 1.00pm.

2. APOLOGIES

There were no apologies.

Cr Michael Laws attended the meeting electronically at 1:00pm.

3. PUBLIC FORUM

No public forum was held.

4. CONFIRMATION OF AGENDA

The agenda was confirmed as published.

5. CONFLICT OF INTEREST

No conflicts of interest were advised.

6. CONFIRMATION OF MINUTES

Resolution: Cr Noone Moved, Cr Hope Seconded

That the minutes of the (public portion of the) Council meeting held on 15 September 2022 be received and confirmed as a true and accurate record.

MOTION CARRIED

7. ACTIONS (STATUS OF COUNCIL RESOLUTIONS)

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

8. MATTERS FOR CONSIDERATION

8.1. Annual Report 2021/22 - Adoption

The report was provided for Council to adopt the Annual Report for the period 1 July 2021 to 30 June 2022. Nick Donnelly (GM Corporate Services) and Sarah Munro (Finance Manager Expenditure and Reporting) were present to speak to the report and respond to questions.

Sarah Munro said minor grammatical changes were made to the Annual Report following the Audit and Risk Subcommittee meeting on 21 September 2022, and confirmed the draft audit report and representation letter were circulated separately to Councillors.

Cr Malcolm acknowledged Nick Donnelly and his team on a report that is highly commended by the Auditors.

Resolution CM22-241: Cr Malcolm Moved, Cr Calvert Seconded

That the Council:

- 1) **Receives** this report.
- 2) **Approves** and adopts the Annual Report for the year ended 30 June 2022.
- 3) **Authorises** the chairperson and Chief Executive to sign the Annual Report and Representation Letter on behalf of Council.

MOTION CARRIED

8.2. Port Otago Statement of Corporate Intent

The report was provided to receive Port Otago's Statement of Corporate Intent for the three years to 30 June 2025. Nick Donnelly (GM Corporate Services) was present to speak to the report and respond to questions.

Cr Malcolm acknowledged the Port and their governance team congratulating them for the Statement of Corporate Intent.

Resolution CM22-242: Cr Hope Moved, Cr Malcolm Seconded

That the Council:

- 1) **Receives** this report and the attached Statement of Corporate Intent for Port Otago Limited to 30 June 2025.
- 2) **Endorses** the Statement of Corporate Intent for Port Otago to 30 June 2025.

MOTION CARRIED

8.3. Consent Fees Support - Policy Review

The 15 September 2022 Regulatory Committee approved the Financial Support for Resource Consent Processing Fees - Environmental Enhancement Projects Policy, and due to delegations set out in the register, the report was provided for Council approval. Richard Saunders (GM Regulatory and Communications) was present to speak to the report and respond to questions.

Resolution CM22-243: Cr Wilson Moved, Cr Hope Seconded

That the Council:

- 1) **Notes** this report.
- 2) **Approves** the updates to the Financial Support for Resource Consent Processing Fees – Environmental Enhancement Projects Policy.

MOTION CARRIED

8.4. RMA Compliance and Enforcement Policy

The 15 September 2022 Regulatory Committee adopted the recommended minor changes to the RMA Compliance and Enforcement Policy, and were presented to Council for adoption in accordance with the relevant delegations. Richard Saunders (GM Regulatory and Communications) was present to speak to the report and respond to questions.

Resolution CM22-244: Cr Hope Moved, Cr Calvert Seconded

That the Council:

- 1) **Notes** this report.
- 2) **Adopts** the recommended changes to the RMA Compliance and Enforcement Policy.

MOTION CARRIED

8.5. Approve Minor Amendment to Flood Protection Management Bylaw 2022

Minor changes are required to the legend on some of the maps contained in the schedules to the Flood Protection Management Bylaw 2022 (“Bylaw”). In accordance with the Local Government Act 2002 (“LGA”), approval was sought from Council for these minor changes or correction of errors. Gavin Palmer (GM Operations), Michelle Mifflin (Manager Engineering) and Alison Weaver (Team Leader Commercial and Regulatory) were present to speak to the report and respond to questions.

Cr Malcolm sat back from the table for this item due to a possible conflict of interest.

Ms Weaver provided an overview of the minor changes made.

Resolution CM22-245: Cr Hope Moved, Cr Wilson Seconded

That the Council:

- 1) **Notes** this report.
- 2) **Approves** the minor changes to the Flood Protection Management Bylaw 2022 by adopting the maps in Attachments 3 and 4 to replace the current maps shown in Attachments 1 and 2.
- 3) **Approves** the public notification of the minor changes to the Flood Protection Management Bylaw 2022.

MOTION CARRIED

Cr Malcolm returned to the table.

8.6. Approve Amendments to Waitaki Designation Notice of Requirements

The report was provided for Council approval of the amended Notice of Requirement (“NoR”) following public consultation and for the lodgement of the application for designations with the Waitaki District Council (“WDC”) as part of WDC’s Proposed District Plan (“the Plan”) review. This is to provide for designations of land on which Otago Regional Council (“ORC”) flood protection works and assets are situated. Gavin Palmer (GM Operations), Michelle Mifflin (Manager Engineering) and Alison Weaver (Team Leader Commercial and Regulatory) were present to speak to the report and respond to questions.

Cr Malcolm sat back from the table for this item due to a possible conflict of interest.

Resolution CM22-246: Cr Hope Moved, Cr Wilson Seconded

That the Council:

- 1) **Notes** this report.
- 2) **Notes** the Consultation Outcomes report (Attachment 1).
- 3) **Approves** the amended Notice of Requirement and the lodgement of this with Waitaki District Council for inclusion in its Proposed District Plan.

MOTION CARRIED

Cr Malcolm returned to the table.

8.7. Integrated Catchment Management (ICM) Update

The report provided an update to Council on the progress on decisions made at the 10 August 2022 meeting of the Strategy and Planning Committee regarding the Integrated Catchment Management (ICM) Programme, and to propose a Terms of Reference for the proposed ICM Working Group. Gavin Palmer (GM Operations), Libby Caldwell (Acting Manager Environmental Implementation) and Anna Ferguson (Principal Advisor Environmental Implementation) were present to speak to the report and respond to questions.

Cr Kelliher asked if there is a requirement for additional resources are if we are looking at more work being undertaken. Ms Ferguson responded that the opportunity of the pilot is for it to run as long as possible, so as to learn from the pilot. Dr Palmer advised that this was looked at in the LTP and Council decided to go with the slower option, but this could always be revisited.

Resolution CM22-247: Cr Hope Moved, Cr Wilson Seconded

That the Council:

- 1) **Notes** this update.
- 2) **Approves** the proposed Terms of Reference for the ICM Working Group.

MOTION CARRIED

8.8. Regional Wellbeing Framework Progress Update and Draft Report

The report was provided to update Council about progress on ORC's wellbeing programme, and to provide, for noting, the current working draft of Otago's Regional Wellbeing Framework, and a draft version of the accompanying report from our consultants, Kōtātā Insight. Anne Duncan (Manager Strategy) and James Adams (Senior Strategic Analyst) and Conal Smith were present to speak to the report and respond to questions.

Mr Adams advised that due to workload and time constraints for our iwi partners, rūnaka still require an opportunity to properly assess the draft Framework. Following discussion Cr Malcolm proposed a workshop be held with the new Council once iwi have reviewed the document and provided input.

Following discussion on the paper, Cr Kelliher then moved:

Resolution CM22-248: Cr Kelliher Moved, Cr Hope Seconded

That the Council:

- 1) **Lay** the report on the table until a workshop has been held with the new Council.

MOTION CARRIED

Chair Noone advised that Anne Duncan was leaving ORC this week and acknowledged Anne's work at ORC, and wished her well for the future.

8.9. Budgeting for Operational Deficits

The report was referred to Council at the 21 September 2022 Audit and Risk Subcommittee. The report provides clarity on steps to take to end the practice of budgeting for operational deficits. Nick Donnelly (Manager Corporate Services) was present to speak to the report and respond to questions.

Resolution CM22-249: Cr Malcolm Moved, Cr Calvert Seconded

That the Council:

- 1) **Notes** this report.

MOTION CARRIED

8.10. Report to Council from Chair of Audit and Risk Subcommittee - September 2022

The Terms of Reference of the Audit and Risk Subcommittee require the Subcommittee to conduct an annual review of its work and for the Chairperson to provide a report to Council at the end of each financial year. Cr Calvert, Chairperson of the Audit and Risk Subcommittee, provided an end of triennium report.

Cr Calvert advised that her intent of the report was to outline where we have come from and where we are going for the incoming Audit and Risk Subcommittee.

Resolution CM22-250: Cr Calvert Moved, Cr Kelliher Seconded

That the Council:

- 1) **Notes** this report.

MOTION CARRIED

8.11. Interregnum Delegations

The report was provided for delegated authority for the interregnum period of Council and recommended a series of time limited delegations be made for this period, to ensure urgent business of Council can continue. Amanda Vercoe (GM Governance, Culture and Customer) was present to speak to the report and respond to questions.

Resolution CM22-251: Cr Hope Moved, Cr Malcolm Seconded

That the Council:

- 1) **Notes** this report.
- 2) **Agrees** that from the day following the Electoral Officer's declaration, until the new Council is sworn in, the Chief Executive is authorised to make decisions in respect of urgent matters. All decisions made under this delegation will be reported to the first ordinary meeting of the new Council.
- 3) **Approves** the recommendation of the Strategy and Planning Committee for the Land and Water Regional Plan Governance Group to remain constituted in the interregnum period in order to continue with this critical work programme.
- 4) **Appoints** Andrew Noone and Gretchen Robertson to the LWRP Group in the interregnum period until the incoming council has made decisions on group membership.
- 5) **Approves** appointments by the Strategy and Planning Committee, including covering the interregnum period, for each topic below (acting as sponsors and attending key stakeholder discussions) for the duration of this region-wide consultation phase (with a likely mid-November 2022 conclusion), as follows:

- **Environmental flows/levels:** Kate Wilson and Gretchen Robertson
- **Taking and use of water:** Gretchen Robertson and Kate Wilson
- **Damming and diversion:** Hilary Calvert and Kevin Malcolm
- **Agricultural discharges:** Kevin Malcolm and Bryan Scott
- **Activities on the beds or margins of lakes, wetlands or rivers:** Michael Laws and Alexa Forbes
- **Other discharges:** Bryan Scott and Carmen Hope
- **Landfills and cemeteries:** Michael Deaker and Gary Kelliher
- **Stormwater & wastewater discharges:** Bryan Scott and Carmen Hope
- **Land use:** Gary Kelliher and Alexa Forbes
- (Andrew Noone – floating ‘back-up’)

MOTION CARRIED

8.12. Documents Signed Under Council Seal

The report informed Council of delegations which have been exercised during the period 29 June 2022 through 28 September 2022.

Resolution CM22-252: Cr Wilson Moved, Cr Hope Seconded

That the Council:

- 1) **Notes** this report.

MOTION CARRIED

8.13. Acknowledgement of Retiring Councillors

At the end of the triennium, Councillors Michael Deaker and Hilary Calvert are retiring. This report records its thanks for the service given by the Councillors for their terms in office and provides the Chair the opportunity to express the Council’s appreciation for the 21 years of service rendered by Cr Michael Deaker and the 3 years of service rendered by Cr Hilary Calvert.

Chair Noone acknowledged Cr Deaker for his service to Council over the last 21 years and in particular noted his work on the ECO Fund, where he has championed the fund since it commenced four years ago. Following speeches, Chair Noone presented Cr Deaker with a certificate of service.

Resolution CM22-253: Cr Malcolm Moved, Cr Noone Seconded

That the Council:

- 1) **Records** its sincere thanks to Cr Michael Deaker for the dedicated and conscientious service he has given to the Otago Region as a member of the Otago Regional Council for the 21-year period 2001 – 2022.

MOTION CARRIED

Chair Noone acknowledged Cr Calvert for her service to Council over the last 3 years and following speeches, Chair Noone presented Cr Calvert with a certificate of service.

Resolution CM22-254: Cr Noone Moved, Cr Malcolm Seconded

That the Council:

- 1) **Records** its sincere thanks to Cr Hilary Calvert for the dedicated and conscientious service she has given to the Otago Region as a member of the Otago Regional Council for the three-year period 2019 – 2022.

MOTION CARRIED

Cr Hope left the meeting at 3.29pm.

9. RECOMMENDATIONS ADOPTED AT COMMITTEE MEETINGS

9.1. Recommendations of the Strategy and Planning Committee

Resolution CM22-255: Cr Wilson Moved, Cr Robertson Seconded

That the Council adopts the resolutions of the 24 August 2022 Strategy and Planning Committee.

MOTION CARRIED

9.2. Recommendations of the Regulatory Committee

Resolution CM22-256: Cr Kelliher Moved, Cr Noone Seconded

That the Council adopts the resolutions of the 15 September 2022 Regulatory Committee.

MOTION CARRIED

9.3. Recommendations of the Governance, Communications and Engagement Committee

Resolution CM22-257: Cr Deaker Moved, Cr Laws Seconded

That the Council adopt the resolutions of the 15 September 2022 Governance, Communications, and Engagement Committee.

MOTION CARRIED

Cr Hope returned at 3:31pm

10. CHAIRPERSON'S AND CHIEF EXECUTIVE'S REPORTS

10.1. Chairperson's Report

Resolution: Cr Noone Moved, Cr Wilson Seconded

That the Council:

- 1) **Notes** this report.
- 2) **Add** a bullet point to the Chairperson's recommendations to the incoming Council relating to Integrated Catchment Management, for there to be a speed up of ICM work.

MOTION CARRIED

Chair Noone acknowledged the Interim Chief Executive and staff for their work over the last three years. Chair Noone also acknowledged Cr Malcolm and Cr Laws who have served as Deputy Chairs during the last 3 years.

10.2. Chief Executive's Report

Cr Forbes acknowledged the Interim Chief Executive's report and mentioned while communicating ORC's good news stories, there needs to be more open communication on all aspects not just good news stories.

Resolution: Cr Noone Moved, Cr Hope Seconded

That the Council:

- 1) **Notes** this report.

MOTION CARRIED

11. RESOLUTION TO EXCLUDE THE PUBLIC

Resolution: Cr Noone Moved, Cr Malcolm Seconded:

Chair Noone moved 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 24 August 2022 public excluded Council Meeting
- Minutes of the 29 August 2022 Extraordinary public excluded Council Meeting
- Minutes of the 15 August 2022 Council Meeting
- 3.1 Public Transport Solutions
- 3.2 Process for Appointing a Permanent Chief Executive

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:

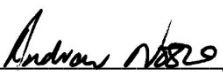
General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
<i>Minutes of the 24 August 2022 public excluded Council Meeting</i>	<p>Section 7(2)(a) To protect the privacy of natural persons, including that of deceased natural persons;</p> <p>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.</p> <p>Section 7(2)(h) To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities;</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>	
<i>Minutes of the 29 August 2022 Extraordinary public excluded Council Meeting</i>	<p>Section 7(2)(g) To maintain legal professional privilege.</p>	
<i>Minutes of the 15 August 2022 Council Meeting</i>	<p>Section 7(2)(g) To maintain legal professional privilege.</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>3.1 Public Transport Solutions</p>	<p>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 – Section 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).</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>
<p>3.2 Process for Appointing a Permanent Chief Executive</p>	<p>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).</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>

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


12. CLOSURE

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



 Chairperson

5 October 2022
 Date



 Interim Chief Executive

5 October 2022
 Date