

## Council Meeting MINUTES

**Minutes of an ordinary meeting of the Otago Regional Council held in the Council Chamber, Level 2 Philip Laing House, 144 Rattray St, Dunedin on 7 December 2022 commencing at 11AM.**

### **PRESENT**

Cr Gretchen Robertson     *(Chairperson)*  
Cr Lloyd McCall            *(Deputy Chairperson)*  
Cr Alexa Forbes  
Cr Gary Kelliher  
Cr Michael Laws            *(Joined the meeting at 1pm)*  
Cr Kevin Malcolm  
Cr Tim Mephram  
Cr Andrew Noone  
Cr Bryan Scott  
Cr Alan Somerville  
Cr Elliot Weir  
Cr Kate Wilson

### **Welcome**

Chairperson Gretchen Robertson welcomed Councillors, members of the public and staff to the meeting at 11:06 am. Staff present included Pim Borren, (interim Chief Executive), Nick Donnelly (GM Corporate Services), Anita Dawe (GM Policy and Science), Richard Saunders (GM Regulatory and Communications), Amanda Vercoe (GM Governance, Culture and Customer), Liz Spector (Governance Support), Andrea Howard (interim Manager Strategy), James Adams (Sr Strategic Analyst), Sarah Munro (Manager - Finance), Jasmin Lamorie (Corporate Planning Business Partner), and Fleur Mathews (interim Manager Policy and Planning).

## **1. APOLOGIES**

**Resolution: Cr Wilson Moved, Cr McCall Seconded:**

*That the apologies for lateness for Cr Laws be accepted.*

**MOTION CARRIED**

## **2. PUBLIC FORUM**

Mr David Bainbridge-Zafar spoke about free public buses and responded to questions from Councillors.

Mr Pierre Marasti, representing the group Extinction Rebellion, spoke about recent developments of the climate emergency and responded to questions from Councillors.

## **3. CONFIRMATION OF AGENDA**

The agenda was confirmed as published.

## **4. DECLARATION OF INTERESTS**

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 9 November 2022 be confirmed as a true and accurate record.*

**MOTION CARRIED**

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

*That minutes of the 24 November 2022 Council Meeting be confirmed as a true and correct record.*

**MOTION CARRIED**

## **6. MATTERS FOR CONSIDERATION**

### **6.1. Consideration of terms of reference for committee structure adopted on 9 Nov 2022**

The report was provided for Council's consideration of the draft Terms of Reference and Delegations for the 2022-2025 Committee Structure for the ORC and to allow consideration of membership on various working groups, various internal and external groups, and approval of external member nominations to the Regional Transport Committee.

Chairperson Robertson introduced the report and noted several suggestions made by Councillors. Following consideration of several changes, the following was resolved:

**Resolution CM22-287: Cr Somerville Moved, Cr McCall Seconded**

*That the Council:*

- 1) **Notes** this report.

**MOTION CARRIED**

**Resolution CM22-288: Cr Scott Moved, Cr Weir Seconded**

*That the Council:*

- 1) **Adopts** the Terms of Reference and Delegations for the Committees as included in the agenda, with the following amendments:
  - a. *The Chair of the Regional Transport Committee is Cr Kate Wilson, and the Deputy Chair is Cr Alexa Forbes*
  - b. *The ORC Chairperson will be considered an ex officio member on all working groups and the Audit and Risk Subcommittee*
  - c. *Delete the word "financial" from the risks in the Audit and Risk description.*
  - d. *Add "creation of plans" to the biodiversity description in the Policy and Science Committee*

**MOTION CARRIED**

**Resolution CM22-289: Cr Noone Moved, Cr Weir Seconded**

*That the Council:*

- 1) **Agrees** that the ORC Chair, CE, and Co-Chairs of the Public and Active Transport Committee take a lead in discussions with DCC and QLDC (Mayors and CEs) as well as Waka Kotahi, on the establishment of joint-member subcommittee/s under ORC's Public and Active Transport Committee by 28 February 2023.

**MOTION CARRIED**

**Resolution CM22-290: Cr Wilson Moved, Cr Weir Seconded**

*That the Council:*

- 1) **Agrees** that a paper be brought to the Public and Active Transport Committee by 30 April 2023 addressing the opportunity to develop a regional public and active transport connectivity strategy.

**MOTION CARRIED**

**Resolution CM22-291: Cr Robertson Moved, Cr Weir Seconded**

*That the Council:*

- 1) **Approves** the list of Council Working Groups and membership of those groups, with the following amendment:
  - a) *Membership on the Integrated Catchment Management Working Group changed to Chair: Deputy Chair Lloyd McCall, and Deputy Chair: Cr Kate Wilson (FMU Catlins Councillor).*

**MOTION CARRIED**

*Cr Malcolm requested his vote against this motion be recorded in the minutes.*

**Resolution CM22-292: Cr Mepham Moved, Cr Noone Seconded**

*That the Council:*

- 1) **Approves** the list of Council appointments as included in the agenda.

**MOTION CARRIED**

**Resolution CM22-293: Cr Kelliher Moved, Cr Malcolm Seconded**

*That the Council:*

1) **Confirms** the Territorial Authority nominations to the Regional Transport Committee as follows:

- Central Otago District Council: Cr Stuart Duncan
- Clutha District Council: Cr Bruce Graham
- Dunedin City Council: Cr Jim O'Malley (Cr Kevin Gilbert, alternate)
- Queenstown Lakes District Council: To be named on 15 December
- Waitaki District Council: Cr Jim Thomson (Cr Guy Percival, alternate)
- Waka Kotahi/NZTA: Mr James Caygill

**MOTION CARRIED**

**Resolution CM22-294: Cr Noone Moved, Cr Somerville Seconded**

*That the Council:*

1) Agrees to change the name of the Public Transport Committee to the Public and Active Transport Committee

**MOTION CARRIED**

**Resolution CM22-295: Cr Wilson Moved, Cr Forbes Seconded**

*That the Council:*

1) Agrees to change the name of the Environmental Policy and Science Committee to the "Environmental Science and Policy Committee."

**MOTION CARRIED**

*Cr McCall requested his vote against the motion be recorded in the minutes.*

**Motion: Cr Noone Moved, Cr Wilson Seconded**

*That the Council:*

1) Agrees to change the name of the Environmental Implementation Committee to the Environmental Community Collaboration Committee.

**MOTION FAILED**

A division was called by Cr Robertson:

**Vote**

For: Cr Kelliher, Cr Mepham, Cr Noone, Cr Scott and Cr Wilson

Against: Cr Forbes, Cr Malcolm, Cr McCall, Cr Robertson, Cr Somerville and Cr Weir

Abstained: Nil

*At 12:22pm Chairperson Robertson then suggested the meeting adjourn for a short break. Cr Forbes moved that the meeting adjourn, the motion was seconded by Cr Kelliher, and the motion passed.*

*Chairperson Robertson called the meeting back to order at 12:45pm.*

## **6.2. Consideration of Meeting Schedule for 2023**

The report was provided to allow Council's consideration of the proposed meeting schedule for 2023. Following a discussion of the draft calendar and noting a change of the 26 October Finance Committee meeting to 23 November, it was resolved:

### **Resolution CM22-296: Cr Malcolm Moved, Cr Noone Seconded**

*That the Council:*

- 1) **Notes** this report with draft meeting schedule.
- 2) **Adopts** the meeting schedule for 2023, changing the 26 October 2022 Finance Committee meeting to 23 November 2022.

**MOTION CARRIED**

## **6.3. Review of Open Actions (Public) from 2019-2022 Meetings**

The report was provided to review open actions from resolutions made during the 2019 - 2022 triennium. Amanda Vercoe, GM Governance, Culture and Customer, was present to speak to the report and respond to questions.

Following a discussion of the actions, it was agreed the actions would be reviewed quarterly by Council starting with the 22 February 2023 Council Meeting with the interim Chief Executive providing additional information on the outstanding items as requested.

### **Resolution CM22-297: Cr Kelliher Moved, Cr Forbes Seconded**

*That the Council:*

- 1) **Notes** this report.
- 2) **Notes** the progress against outstanding 2019-2022 actions.
- 3) **Agrees** to receive quarterly reporting against these 2019-2022 actions.

**MOTION CARRIED**

*Councillor Laws joined the meeting at 1pm.*

## **6.4. Otago Lakes Management Review report**

The report was provided to deliver the Otago Lakes Management Review report, prepared for the Council by Landpro Ltd and to summarise linkages with current and planned work addressing several of the report's recommendations, outline where future initiatives need to be pursued, and seek approval to proceed to the next stage of the scoping process. Andrea Howard (acting Manager Strategy) and James Adams (Senior Strategic Analyst) were present to speak to the report and respond to questions.

Interim Chief Executive Pim Borren mentioned a letter from Simon Upton, Parliamentary Commissioner for the Environment, which expressed concern of the health of Otago's deep water lakes. Dr Borren suggested the ORC could consider taking a leadership role in this issue by creating a working group to consider management of the Alpine lakes and work with iwi and other agencies to progress monitoring of the lakes. Chair Robertson noted it was important to spotlight this issue, and said the report speaks to several initiatives focussed on this space, some funded by the ORC.

Cr Laws said Integrated Catchment Management plans had been promoted as a way to address concerns over specific water bodies and he asked when those plans were anticipated to be completed. Dr Borren said the process is expected to roll out over a number of years and said a governance group to specifically address deep water alpine lakes was a way to keep this issue in focus.

Cr Kelliher suggested the ORC could work collaboratively with other regional councils such as Environment Southland and Environment Canterbury to share expertise in this area. Anita Dawe (GM Policy and Science) stated ECan has a water management strategy in place and said she thought ES had one in place as well. Chair Robertson said there is support from other councils to lift the profile of southern lakes.

Following further discussion of the report, it was moved:

#### **Resolution CM22-298: Cr Laws Moved, Cr Malcolm Seconded**

*That the Council:*

- 1) **Notes** the attached Otago Lakes Management Review report.
- 2) **Notes** the range of complementary business as usual work underway or planned that will address many of the recommendations contained in the Otago Lakes Management Review report.
- 3) **Notes** that recommendations not currently under active consideration (through current or planned work programmes) will be reviewed, prioritised, and costed as part of the 2024-2034 Long-Term Plan process.
- 4) **Approves** proceeding to Stage 2 of the scoping study, namely, to make recommendations on the scope of an Otago Lakes Strategic Plan.
- 5) **Directs** staff to draft, scope, and investigate the internal and external resourcing required to develop an Otago Lakes Strategic Plan to inform the 2024-2034 Long-Term Plan process.
- 6) **Considers** the additional level of medium-term investment Council is willing to support to implement an Otago Lakes Strategic Plan, so that any additional funding required can be considered as part of the 2024-2034 Long-Term Plan process.
- 7) **Directs** the Chair and Chief Executive to establish a working group tasked with providing an overall plan for Council consideration to advance a Lakes Strategy for the Region – and include authorisation to engage with all relevant stakeholders and report progress to the 22 March 2023 Council Meeting.

**MOTION CARRIED**

#### **6.5. Quarterly Financial Report – 30 September 2022**

This report provided financial and non-financial performance information for the major aspects of service delivery as outlined in the Long-term Plan 2021-31 for the first quarter of the 2023 Financial Year. Nick Donnelly (GM Corporate Services and CFO), Sarah Munro (Manager Finance - Reporting) and Jasmin Lamorie (Corporate Services Business Partner) were present to speak to the report and respond to questions.

Following a discussion of the report, it was moved:

#### **Resolution CM22-299: Cr Noone Moved, Cr McCall Seconded**

*That the Council:*

- 1) **Notes** this paper and the Activity and Financial Performance Reports for the period 1 July 2022 to 30 September 2022 (quarter 1 of the 2022-23 financial year).

**MOTION CARRIED**

**6.6. Otago Regional Council Community Survey Results 2022**

This report presented results of the Otago Regional Council Community Survey 2022. Richard Saunders (GM Regulatory and Communications), Vicki Roach (Team Leader Marketing and Brand) and Natalie Richards from Versus Research were present to speak to the report and respond to questions.

Ms Richards shared a PowerPoint detailing results from the 2022 survey and responded to questions from Councillors. Cr Scott suggested communications related to State of the Environment work should be improved. Cr Noone suggested learnings could be made from other regional councils on ways to get information on plans and initiatives into the public arena. Ms Richards said this would link into development of the ORC brand which would help with engagement and consistency of messaging.

Following further discussions, it was moved:

**Resolution CM22-300: Cr McCall Moved, Cr Forbes Seconded**

*That the Council:*

- 1) **Notes** this report.
- 2) **Approves** the ORC Community Survey Action Plan 2022.
- 3) **Notes** that the Otago Regional Council Community Survey will be carried out again in 2023 and reported to Council before the end of that calendar year.
- 4) **Notes** that progress reports on the Community Survey Action Plan will be reported to the Regional Leadership Committee during the 2023 year.

**MOTION CARRIED**

**6.7. Future Development Strategy for Dunedin City – Scope and Focus**

The National Policy Statement on Urban Development 2020 (NPS-UD) requires the Dunedin City Council (DCC) and Otago Regional Council (ORC) to jointly prepare a Future Development Strategy (FDS) for Dunedin by mid-2024. The purpose of this report is to seek approval for the scope and overall focus for the Future Development Strategy for Dunedin which is being prepared by DCC and ORC in partnership with mana whenua.

Anita Dawe (GM Policy and Science), Fleur Mathews (Manager Policy), and Dr Anna Johnson (DCC Principal Planner) were present to speak to the report and respond to questions. Nathan Stocker (DCC Team Leader Research and Monitoring) was also present to respond to questions.

Following a discussion of the report, it was resolved:

**Resolution CM22-301: Cr Wilson Moved, Cr Noone Seconded**

*That the Council:*

- 1) **Notes** this report.
- 2) **Notes** the updated Housing Capacity Assessment;
- 3) **Notes** the publication of the Business Land Capacity Assessment and further business land assessment work being undertaken;

- 4) **Agrees** to using a medium growth scenario and recommended scope that includes the identified focus areas (Option One);
- 5) **Notes** that Dunedin City Council will be considering this matter on 13 December;
- 6) **Agrees** that, if Dunedin City Council agrees to a different scope option, the FDS Executive Steering Group meets to discuss and determine a way forward.

**MOTION CARRIED**

## **6.8. Update on Consultations for Natural and Built Environment Bill, Spatial Planning Bill, and Review into the Future for Local Government**

The report provided an update and options to Council on three consultations open for submission - the Natural and Built Environment Bill (NBE Bill), the Spatial Planning Bill (SP Bill), and the Review into the Future for Local Government.

Following a discussion, it was resolved:

### **Resolution CM22-302: Cr Wilson Moved, Cr Somerville Seconded**

*That the Council:*

- 1) **Notes** this report.
- 2) **Approves** and directs the Chief Executive along with the Submissions Working Party to coordinate and submit appropriate submission(s) to the Environmental Select Committee on the Natural and Built Environment Bill, and the Spatial Planning Bill by 30 January 2023.
- 3) **Notes** consultation on the draft report, *He mata whāriki, he matawhanui, Review into the Future for Local Government*, is open for public consultation until 28 February 2023.
- 4) **Notes** that a Council workshop to inform a submission on the Review into the Future for Local Government to be held in early February 2023, with the final submission coming to Council for approval in late February.

**MOTION CARRIED**

## **7. CHAIRPERSON'S AND CHIEF EXECUTIVE'S REPORTS**

### **7.1. Chairperson's Report**

**Resolution: Cr Scott Moved, Cr McCall Seconded**

*That the Chairperson's report be received.*

**Motion Carried**

### **7.2. Chief Executive's Report**

**Resolution: Cr Somerville Moved, Cr Weir Seconded**

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

**Motion Carried**

## **8. RESOLUTION TO EXCLUDE THE PUBLIC**

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

*I move that the public be excluded from the following parts of this meeting, namely:*

- *Confidential minutes of the 9 November 2022 Council Meeting*
- *Review of Open Actions (confidential) of 2019-2022 meetings*
- *Amendments to Non-Freshwater Hearings Panel Appointment - pORPS Sch 1 Process*
- *Port Otago Resolution In Lieu of Annual Shareholders Meeting*



- *Appointment of Independent Member to Audit and Risk Subcommittee*

**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:

<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>
Confidential minutes of the 9 November 2022 Council Meeting	<p>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)</p> <p>To maintain legal professional privilege – Section 7(2)(g)</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>	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>Review of Open Actions (Confidential) from resolutions of 2019-2022 Council and Committees</i>	<p>To protect the privacy of natural persons, including that of deceased natural persons – Section 7(2)(a)</p> <p>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)</p> <p>To enable any local authority holding the information to carry out, without</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

	<p>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 prevent the disclosure or use of official information for improper gain or improper advantage – Section 7(2)(j)</p>	<p>reason for withholding would exist.</p>
<p><i>Amendments to Non-Freshwater Hearings Panel Appointment - pORPS Sch 1 Process</i></p>	<p>To protect the privacy of natural persons, including that of deceased natural persons – Section 7(2)(a)</p> <p>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)</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>
<p><i>Port Otago Resolution in Lieu of Annual Shareholders Meeting</i></p>	<p>To protect the privacy of natural persons, including that of deceased natural persons – Section 7(2)(a)</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>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>
<p><i>Appointment of independent member of Audit</i></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</p>

<i>and Risk Subcommittee</i>		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.
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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.

**9. CLOSURE**

There was no further business and Chairperson Robertson declared the public portion of the meeting closed at 2:51 pm.



Chairperson

22 February 2023

Date