

Minutes of an ordinary meeting of Council held in the  
Council Chambers at Philip Laing House, Dunedin on  
Wednesday 26 September 2018, commencing at 1:00pm

**Membership**

Cr Stephen Woodhead (Chairperson)  
Cr Gretchen Robertson (Deputy Chairperson)  
Cr Graeme Bell  
Cr Doug Brown  
Cr Michael Deaker  
Cr Carmen Hope  
Cr Trevor Kempton  
Cr Michael Laws  
Cr Ella Lawton  
Cr Sam Neill  
Cr Andrew Noone  
Cr Bryan Scott

**Welcome**

Cr Woodhead welcomed Councillors, members of the public, public forum speakers, media and staff to the meeting.

**1. APOLOGIES**

No apologies were made.

**2. LEAVE OF ABSENCE**

A Leave of Absence noted for Cr Lawton.

**Resolution**

*That the request for leave of absence from Cr Woodhead be accepted.*

Moved: Cr Hope  
Seconded: Cr Deaker  
CARRIED

### 3. ATTENDANCE

Sarah Gardner	<i>(Chief Executive)</i>
Nick Donnelly	<i>(Director Corporate Services)</i>
Tanya Winter	<i>(Director Policy, Planning and Resource Management)</i>
Sian Sutton	<i>(Director Stakeholder Engagement)</i>
Gavin Palmer	<i>(Director Engineering, Hazards and Science)</i>
Scott MacLean	<i>(Director Environmental Monitoring and Operations)</i>
Sally Giddens	<i>(Director People and Safety)</i>
Ian McCabe	<i>(Executive Officer)</i>
Lauren McDonald	<i>(Committee Secretary)</i> <i>(Chair Audit &amp; Risk Subcommittee) for Item 11.3</i>
David Benham	<i>Auditor (Deloitte) for Item 11.1</i>
Brett Tomkin	<i>Senior Policy Analyst, for item 12.1</i>
Lisa Hawkins	
Gina Sweetman	<i>Consultant, for Item 12.1</i>
Anita Dawe	<i>Acting Policy Planning Manager, for Item 12.1</i>
Gerard Collings	<i>(Support Services Manager) for public excluded Item</i>

### 4. CONFIRMATION OF AGENDA

Cr Scott moved that item 12.1 - Plan Review and Change Process, be taken as the first report of the agenda. Seconded by Cr Noone. CARRIED.

### 5. CONFLICT OF INTEREST

No conflicts of interest were advised.

### 6. PUBLIC FORUM

#### ORBus Logo

Mr Peter Dowden - Bus Users Support Group Ōtepoti-Dunedin co-president expressed his concern of the placement of the ORBus logo on bus windows, as he felt it formed a visible barrier for passengers, despoiling the views out of the windows. He demonstrated images of ORBus logos on the Queenstown buses and asked for Council to review their decision before the logos were finalised for the Dunedin bus fleet.

#### Progressing the Minimum Flow Plan Change

Delegation from the Otago Water Resource Users Group (OWRUG), Manuherikia Catchment sub-committee, represented by Mr Gary Kelliher, Otago Water Users Group (OWRUG) Manuherikia Subcommittee and Mr Phil Page (Galloway Cook Allan)

Mr Phil Page (Galloway Cook Allan) spoke on behalf of the group. He advised the membership were concerned there was a risk that the Council might not adopt the recommendations of the Policy Committee meeting of 13 September 2018 at the Council meeting. He advised councillors had been written to since the meeting on 13 September, to encourage engagement and collaboration with all stakeholders to move the process forward for the Arrow, Cardrona and Manuherikia catchments. He confirmed that the OWRUG were committed to working with Council and other stakeholders in the catchment to get the plan change process moving.

Mr Page responded to questions of clarification by councillors.

*Public Forum concluded at 1:22 pm.*

## 7. PRESENTATIONS

No presentations were held.

## 8. CONFIRMATION OF MINUTES

### Resolution

*That the minutes of the (public portion of the) Council meeting held on 15 August 2018 be received and confirmed as a true and accurate record.*

Moved: Cr Hope

Seconded: Cr Bell

CARRIED

## 9. ACTIONS (STATUS OF COUNCIL RESOLUTIONS)

Report	Action	Status
Delegations – Resource Management Act (Council 27/6/18)	<i>An independent review of the Council's consenting functions be undertaken</i>  <i>That the Chief Executive prepares a brief on the requirements of the review for Council consideration.</i>	In progress  Mrs Gardner advised it was intended to have the brief as requested before at the next Regulatory Committee. Draft is underway.
Peninsula Bus Service RPTP Implications (Council 27/6/18)	<i>That staff consult with the roading authority, the bus company and targeted consultation is undertaken to the community in a timely manner.</i>	CLOSED. Item 11.3 Council 26/9/18
Zero Carbon Emission Bill – discussion document (Council 27/6/18)	<i>That the submission is brought back to the next Policy Committee meeting</i>	OPEN
Representation Review 2018 (Council 15/8/18)	<i>That Council hear submissions on the recommended representation proposal. (on a date yet to be determined, but likely to coincide with the October 2018 committee round)</i>	In progress

*Item 12.1 was taken as the first report of the meeting, as agreed under confirmation of the agenda.*

## **12. MATTERS FOR NOTING**

### **12.1. Plan Review and Change Process**

The report outlined the process required by Council when undertaking a plan review or plan change under the Resource Management Act 1991, including the legislative requirements, national direction and identifies key elements for Council's future work program required for Council to meet these requirements.

Staff in attendance - Tanya Winter, Director Policy, Planning and Resource Management, Lisa Hawkins, Senior Policy Analyst, Anita Dawe, Policy Planning Manager, Gina Sweetman, consultant.

Ms Winter and staff summarised the process followed in undertaking the Plan Change Process, and the legislative process required in terms of future work of Council.

A presentation was made on:

- Council functions and delegated powers under the Resource Management Act 1991 (RMA) and the Local Government Act.
- Legislative Hierarchy - responsibilities under the RMA, NES, NPS, NZ Coastal Policy Statement and Regional Policy Statements
- National Policy Direction (National Policy Statements (NPS), National Environmental Standards - NES)
- National Policy Statement for Freshwater Management (NPSFWM), including overarching objectives and framework. Prescriptive values for CA1 - CA4 process for Councils
- Draft Progressive Implementation Plan (PIP) - to be prepared by 31 December 2018
- Policy work programme, including Water Plan review, NPSFM, gap analysis and NPS
- Plan Change Process - to be operative by 2025, 2030 at the latest.
- Estimated timeline to complete Freshwater Management Units 2-3 years (including review of the Water Plan).

#### Plan Change Process - options

Ms Gina Sweetman, consultant, spoke to the time process and requirements under the Standard (schedule 1); Collaborative, and Streamlined options. Additional information was provided to councillors at the meeting. Ms Sweetman advised that several Councils were using the standard process option initially to work with various stakeholders to develop the plan change

*Cr Scott left the meeting at 02:01 pm and returned to the meeting at 02:02 pm.*

Ms Sweetman advised that the Streamline process required an application to the Ministry for the Environment to use this process. Council must consult and allow for submissions, no requirement for hearing or further submissions. MFE make final decision on the plan rather than the Council, the decision cannot be appealed unless through judicial review.

*Cr Hope left the meeting at 02:04 pm and returned at 02:06 pm.*

Ms Sweetman outlined Section 32 and how it underpinned the process for plan changes and detailed the role and responsibilities for councillors and staff.

Discussion was held on:

- ORC's position in regard to the implementation programmes related to the NPS,
- legal judgement from the King Salmon case (Davidson section), Action - Staff to provide a link to the King Salmon case to councillors.
- seeking compromise by stakeholders and council on approach'
- standard, collaborative or streamlined approach for the Plan Change
- completion of deemed permits prior to 2021 deadline

Ms Gardner advised that a full paper would be brought to Council on the three process options (standard, collaborative, streamlined) and also the process to determine Freshwater Management Units (FMUS). She advised there were some key decisions need to be made by Council about the process before an informed conversation with the community was held.

Cr Bell moved the recommendations of the report with the addition "that a forum be held in Alexandra, led by a qualified facilitator, with relevant parties to address information gaps in regard to tributaries, receive inform on problem areas, agree to a plan for the deemed permit consenting process and to gain better understanding between all parties". Cr Noone seconded the motion.

### **Resolution**

- a) *Receive this report*
- b) *Note this report*

Moved: Cr Robertson  
Seconded: Cr Scott  
CARRIED

That a forum be held in Alexandra, led by a qualified facilitator, with relevant parties to address information gaps in regard to tributaries, receive inform on problem areas, agree to a plan for deemed permits consenting process and to gain better understanding between all parties".

Moved: Cr Bell  
Seconded: Cr Noone  
CARRIED

Division 6/5 motion is lost. (Vote: 5 For/ 6 Against)

*Cr Brown left the meeting at 03:01 pm.*

*The meeting adjourned at 03:02 pm and reconvened at 03:24 pm.*

## 10. CHAIRPERSON'S AND CHIEF EXECUTIVE'S REPORTS

The Chairperson's report outlined the meetings and events attended since the last Council meeting. Cr Woodhead confirmed:

- Otago CDEM Joint Committee agreed to review the shared services agreement and that the Chief Executives Group (CEG) were developing up the scope of the review.
- A programme manager position is to be appointed to oversee work as part of the Queenstown Transport Governance Group.

### Resolution

*That the Chairperson's and Chief Executive's reports be received.*

Moved: Cr Woodhead  
Seconded: Cr Noone  
CARRIED

The Chief Executive's report provided a summary of meetings and events attended since the last Council meeting, including:

- key meetings
- Regional Sector Group Meeting (31 August 2018)
- Three Waters - Otago Region - done across regional sector to understand where regions are at and so that can respond when Central Government comes forward on policy on this.
- Otago Regional Council and Queenstown Lakes District Council Meeting – 28 August 2018

Cr Laws expressed his concern that he wished to receive notification and invitation to attend any meetings held by Council within the Dunstan Ward, and to receive information on discussion and outcomes of any meetings.

### Resolution

*That when the Chairperson and Chief Executive meet with District Council counterparts that Ward councillors will be included, if possible, in those conversations.*

Moved Cr Laws  
Seconded Cr Scott  
Motion was lost.

### Resolution

*That the Chairperson's and Chief Executive's reports be received.*

Moved: Cr Woodhead  
Seconded: Cr Noone  
CARRIED

## **11. MATTERS FOR COUNCIL DECISION**

### **11.1. Annual Report**

The Council's Annual Report for the period 1 July 2017 to 30 June 2018 was tabled for Council adoption. The Annual Report included the Statements of Service Performance for each Significant Activity Group and Financial Statements for the Council as a whole and for the Group. The Group comprises the Council and its wholly owned subsidiary, Port Otago Limited, and its subsidiaries.

- Statement of Service Performance
- Statement of Comprehensive Revenue and Expense
- Statement of Financial Position

In attendance: Mr David Benham, Chairperson of the Audit & Risk Subcommittee, Mr Lanham, Finance Manager and Mr Mike Roesler, Manager of Corporate Planning.

Mr Donnelly provided an overview of the report and confirmed that the auditor had advised that following satisfactory clearance of any minor outstanding audit matters, the auditor's intention was to issue a clear audit opinion on the Annual Report for the year ended 30 June 2018. The audit opinion would be issued following Council adoption of the Annual Report and signing of the Representation Letter to the Auditors.

Mr Benham provided a summary of discussion held by the Audit and Risk Subcommittee on the Annual Report and advised the committee's recommendation for the adoption of the Annual Report.

A question was raised in regard to the number of meetings attended by councillors for the 2018 year, if the number stated was correct. Mr Donnelly advised he would investigate and amend if necessary before the Annual Report's final release.

### **Resolution**

- a) *That this report be received.*
- b) *That Council approves and adopts the Annual Report and Financial Statements for the year ended 30 June 2018.*
- c) *That Council authorises the Chairperson and Chief Executive to sign the Representation Letter on behalf of Council.*

Moved: Cr Noone  
Seconded: Cr Deaker  
CARRIED

### **11.2. Leith Flood Protection Scheme – Dundas Street Stage**

The report outlined the Leith Flood Protection Scheme stages of the flood protection related capital works and sought approval for the Finance and Corporate Committee to have express delegated authority to award a contract for construction of the Dundas Street Bridge stage, as it exceeded the financial delegation of the Chief Executive.

Dr Palmer responded to questions in regard to awarding of the contract and for the agreed non work days on the Dundas Street bridge stage to accommodate the University request for cessation of works during the University of Otago's 150th

celebrations in 2019. Dr Palmer confirmed the dates had been provided and were for a total of 9 days during the first half of 2019.

#### **Resolution**

1. *This report is received and noted.*
2. *The Finance and Corporate Committee be delegated the authority to award a contract for construction of the Dundas Street Bridge stage of the Leith Flood Protection Scheme.*

Moved: Cr Noone  
Seconded: Cr Hope  
CARRIED

*The report was tabled at 4:00 pm, at the conclusion of Item 11.1 - Annual Report*

#### **11.3. Peninsula Bus Service - Hearing Panel recommendations**

The report included an overview of the hearing panel deliberations and the hearing panel's recommendation to adopt "The Otago Regional Council Regional Public Transport Plan 2014 draft Addendum: Peninsula Route Variation August 2018".

Mr David Benham, Hearing Panel Commissioner responded to questions in regard to the hearing submissions and provided his summary comments.

#### **Resolution**

- a) *That Council receive this report.*
- b) *That Council adopt "The Otago Regional Council Regional Public Transport Plan 2014 Addendum: Peninsula Route Variation – August 2018" attached as Appendix 1, that:  
The following amendment to the Regional Public Transport Plan provides for the Number 11 Peninsula bus service to vary;*
  - *the standard timing so that the 7.57 am scheduled service leaves 10 minutes earlier at 7.47 am, and*
  - *the route on the 7.47 am (new) inward service is to depart from the standard route on Portobello Rd, travelling along Marne St, Somerville St, and Musselburgh Rise and connecting to the standard route on Andersons Bay Road. and*
  - *the 3.08 pm (new) outward service is to depart from the standard route on Andersons Bay Road travelling along Musselburgh Rise, Somerville St and Marne St connecting to the standard route on Portobello Rd*

Moved: Cr Neill  
Seconded: Cr Scott  
CARRIED

#### **11.4. The Good Water Project**

The report provided an update on the completion of the initial stages of the Good Water Project, including survey results, desk top and on-site assessments.

*Cr Noone left the meeting at 4:15 pm and returned at 4:17 pm.*



Mr MacLean restated the rules requiring the collection of data by landowners to allow Overseer to be run. Mrs Sutton advised the ongoing engagement and education of landowners was being undertaken by staff on a catchment by catchment basis.

*Cr Neill left the meeting at 04:26 pm.*

### **Resolution**

*For the proposal to be ratified by Council, that:*

- (a) The findings of the survey and risk assessment be noted.*
- (b) The findings of this work inform the draft Good Water Implementation Plan.*

Moved: Cr Scott  
Seconded: Cr Hope  
CARRIED

## **12. MATTERS FOR NOTING**

### **12.1. Plan Review and Change Process**

*(This report was tabled as the first report of the agenda)*

## **13. REPORT BACK FROM COUNCILLORS**

Cr Deaker advised his attendance of the Tertiary Transport Planning Group meeting. He advised discussion was sought by the University with ORC on stops and super stops in the campus area. Mr Collings advised he would be speaking with Mr Brass (Otago University) in this regard. DCC representative confirmed the city would be funding the intercity bus loop service and that the DCC 2GP would be published in November. Cr Deaker advised that DCC intend to establish a governance group to oversee the spend on tertiary streets area, Cr Deaker registered an interest for ORC to have presentation on the governance group.

Cr Noone advised he had been contacted by Jo Millar of Greypower Dunedin in regard to hours of use for super gold cardholders and the possibility of a time change to include the time period 3-4 pm for subsidised travel. Mr Donnelly advised any travel outside the central government funded criteria would be at ratepayers costs. Cr Noone will respond to Greypower and suggest they present to Public Forum on the matter.

## **14. NOTICES OF MOTION**

No Notices of Motion were advised.

## **15. RECOMMENDATIONS ADOPTED AT COMMITTEE MEETINGS HELD ON 12 SEPTEMBER 2018**

### **15.1. Recommendations of the Policy Committee**

#### **Resolution**

*Recommendations of the Policy Committee held on 13 September 2018, for adoption*

Moved: Cr Robertson  
Seconded: Cr Laws  
CARRIED

## **15.2. Recommendations of the Regulatory Committee**

### **Resolution**

*Recommendations of the Regulatory Committee held on 12 September 2018, for adoption*

Moved: Cr Scott  
Seconded: Cr Noone  
CARRIED

## **15.3. Recommendations of the Communications Committee**

### **Resolution**

*Recommendations of the Communication Committee held on 12 September 2018, for adoption*

Moved: Cr Deaker  
Seconded: Cr Hope  
CARRIED

## **15.4. Recommendations of the Technical Committee**

*Recommendations of the Technical Committee held on 12 September 2018, for adoption*

## **15.5. Recommendations of the Public Portion of the Finance and Corporate Committee**

### **Resolution**

*Recommendations of the public portion of the Finance and Corporate Committee held on 12 September 2018, for adoption*

Moved: Cr Woodhead  
Seconded: Cr Noone  
CARRIED

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

Nil

*Cr Robertson left the meeting at 04:43 pm.*

## **Resolution**

*That the public be excluded from the following parts of the proceedings of this meeting, namely:*

### *Regional Integrated Ticketing*

*Also move that Gerard Collings be permitted to remain at this meeting, after the public has been excluded, because of their knowledge of the Regional Integrated Ticketing system. This knowledge, which will be of assistance in relation to the matter to be discussed.*

Moved: Cr Woodhead

Seconded: Cr Scott

CARRIED

The meeting resumed in public session on the motion of Crs Woodhead and Hope.

## **17. CLOSURE**

The meeting was declared closed at 5:03pm.



Chairperson