



EXTRAORDINARY COUNCIL MEETING PUBLIC AGENDA

Wednesday 12 June 2019

9:30 am, Council Chamber
Level 2 Philip Laing House, 144 Rattray Street, Dunedin

Members of the public are welcome to attend.

Meeting documents and attachments are available online at: www.orc.govt.nz

Membership

Cr Stephen Woodhead	<i>(Chairperson)</i>
Cr Gretchen Robertson	<i>(Deputy Chairperson)</i>
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	

Attending

Sarah Gardner	<i>(Chief Executive)</i>
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Disclaimer

Please note that there is an embargo on agenda items until 48 hours prior to the meeting. Reports and recommendations contained in this agenda are not to be considered as Council policy until adopted.

For our future

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1. APOLOGIES

No apologies were made.

2. LEAVE OF ABSENCE

None noted.

3. ATTENDANCE

4. CONFIRMATION OF AGENDA

Note: Any additions must be approved by resolution with an explanation as to why they cannot be delayed until a future meeting.

5. CONFLICT OF INTEREST

Members are reminded of the need to stand aside from decision-making when a conflict arises between their role as an elected representative and any private or other external interest they might have.

6. PUBLIC FORUM

No requests to address the Council were received.

7. MATTERS FOR COUNCIL DECISION

7.1. Policy Committee Terms of Reference and Appointments

Prepared for:	Council
Report No.	GOV1839
Activity:	Governance Report
Author:	Nick Donnelly, GM Corporate
Endorsed by:	Sarah Gardner, Chief Executive
Date:	28 May 2019

PURPOSE

- [1] To amend the Terms of Reference for the Policy Committee to include iwi representatives and to confirm the appointment of the two representatives nominated by Ngāi Tahu to the Committee.

EXECUTIVE SUMMARY

- [2] Council adopted a Committee structure for the 2016 - 2019 triennium at its meeting on 2 November 2016.
- [3] The Terms of Reference for each Committee was considered at the first Committee meeting round of the triennium on 23 November 2016 and the recommended Terms of Reference for each Committee were endorsed by Council at the 7 December 2016 Council meeting.

[4] At its meeting on 15 May 2019 Council resolved to appoint two iwi representatives to the Policy Committee. It was noted at this time that the Terms of Reference for the Policy Committee would need to be amended to reflect these appointments. The resolution was adopted as follows (Cr Woodhead / Cr Robertson):

That the Council:

- a) *Received this report.*
- b) *Endorsed the appointment of iwi representatives to the Policy Committee.*
- c) *Approved the Chief Executive writing to Ngāi Tahu Runanga inviting them to recommend two representatives to be appointed to the Policy Committee.*
- d) *The 2003 Memorandum of Understanding and Protocol between Otago Regional Council, Te Runanga o Ngai Tahu and Kai Tahu ki Otago for Effective Consultation and Liaison will be reviewed and partnerships be defined.*

[5] The proposed amended terms of reference for the Policy Committee that will allow Council to give effect to the resolution above are attached. These are as per the terms of reference adopted at the start of the 2016 - 2019 triennium with the amendment to include iwi membership highlighted.

[6] These terms of reference will apply for the remainder of the 2016 - 2019 triennium after which a new Committee structure and terms of reference will need to be adopted by the incoming Council.

[7] The Chief Executive has written to Ngāi Tahu, advising them of the outcome of the 15 May 2019 Council meeting and formally invited them to recommend two representatives on the Policy Committee.

[8] Ngāi Tahu have responded and nominated Edward Ellison and Tahu Potiki as the two iwi representatives.

[9] As the Policy Committee is a Committee of the whole and iwi have indicated availability for this round of the Policy Committee, an extraordinary meeting of Council was considered the most appropriate mechanism for making amendments to allow iwi to take seats on today's Policy Committee Meeting.

[10] Part (d) of the resolution is timetabled for completion early in the new triennium.

RECOMMENDATION

That the Council:

- a) *Receives this report.***
- b) *Adopts the attached Terms of Reference 2016-2019 for the Policy Committee.***
- c) *Appoints Edward Ellison and Tahu Potiki as members of Policy Committee.***

Terms of Reference 2016-2019

Policy Committee

Purpose

- To analyse, develop and recommend to Council all strategies, policies and plans, and to assess their effectiveness.
- To make submissions to other authorities and Government.

Reporting

The Policy Committee reports to Council.

Meetings

The Policy Committee will have ordinary meetings at six weekly intervals and will otherwise meet as required.

Delegations

- The Policy Committee has delegations from the Council to make submissions and representations on matters within its statement of purpose on Otago councils' district plans and neighbouring councils' regional plans.
- The Policy Committee may, where consistent with all relevant statutes, approve public consultation and call for submissions on this Council's draft, proposed, and indicative policies, plans and strategies.
[This delegation does not include formal notification of Council's proposed plans.]
- The Policy Committee may endorse submissions or appeals concerning district planning and consents within Otago; submissions on legislation and regulations (including submissions to Parliamentary Select Committees), and submissions on crown agency and parliamentary discussion documents.
- The Policy Committee may appoint sub-committees or working parties as appropriate provided they are limited to a time duration consistent with performance of their specified tasks.

Membership

The Policy Committee shall have a membership of all elected Councillors and two representatives nominated by local iwi.

A quorum of the Committee shall be seven members.

Explanatory comment

The Policy Committee will be responsible for establishing and reviewing the community focused resource and development policy instruments of Council under the Biosecurity Act, the Building Act and the Passenger Transport Management Act. It will also be responsible for ensuring council participation in development and of all Crown legislative, regulatory, and policy proposals affecting Council.

CONSIDERATIONS

- [11] Under clauses 31(1) and 31(2), Schedule 7 of the Local Government Act 2002 a local authority and/or a committee of the local authority may appoint or discharge any member of a committee or subcommittee.

- [12] Clause 31(3), Schedule 7 addresses membership and states:
The members of a committee or subcommittee may, but need not be, elected members of the local authority, and a local authority or committee may appoint to a committee or subcommittee a person who is not a member of the local authority or committee if, in the opinion of the local authority, that person has the skills, attributes, or knowledge that will assist the work of the committee or subcommittee.
- [13] Council has the statutory authority to appoint iwi representatives to the Policy Committee.
- [14] Council has a statutory obligation to consult with iwi in planning policy. Council has previously sought to foster and develop a partnership; this would be a logical and appropriate next step. Appointing iwi representative(s) to the Policy Committee will provide to evolve the partnership relationship further by providing for iwi to be part of the decision-making process on policy direction.
- [15] Staff consider that the benefits to appointing iwi representatives are two-fold:
- It gives tangible effect to Council's partnership with iwi in its decision-making; and,
 - Provides scope for direct engagement and dialogue between our iwi partners and councillors – allows for informed and robust decisions on planning policy.

NEXT STEPS

- [16] These appointments will be effective until the end of this triennium. Following the local body elections on 12 October 2019 the incoming Council will need adopt the committee structure for the 2019 - 2022 triennium including membership of those committees.

ATTACHMENTS

1. 2019 06 05 Final Letter to ORC on IWI appointments **[7.1.1]**

8. NOTICES OF MOTION

No Notices of Motion were submitted.

9. RESOLUTION TO EXCLUDE THE PUBLIC

The following resolution is made in reliance on sections 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest(s) protected by Section 7 of that Act.

On the grounds that matters will be prejudiced by the presence of members of the public during discussions on the following items, it is **resolved**:

1. *That the following items are considered with the public excluded:*

Meeting Item	Grounds for excluding the public
<i>1.1 Appointment of Port Otago Limited Director</i>	To protect the privacy of natural persons, including that of deceased natural persons – Section 7(2)(a) To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities – Section 7(2)(h)

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.

10. CLOSURE