



Minutes of an ordinary meeting of Council held in the
Council Chamber, 144 Rattray St, Dunedin on
Wednesday 22 January 2020 at 3:00 pm

Membership

Hon Marian Hobbs

(Chairperson)

Cr Michael Laws

(Deputy Chairperson)

Cr Hilary Calvert

Cr Alexa Forbes

Cr Michael Deaker

Cr Carmen Hope

Cr Gary Kelliher

Cr Kevin Malcolm

Cr Andrew Noone

Cr Gretchen Robertson

Cr Bryan Scott

Cr Kate Wilson

Welcome

Hon Marian Hobbs welcomed Councillors, members of the public and staff to the meeting at 03:01 pm.

For our future

1. APOLOGIES

There were no apologies. Councillor Scott attended the Council meeting via teleconference.

2. ATTENDANCE

Sarah Gardner (Chief Executive)
Nick Donnelly (General Manager Corporate Services and CFO)
Gavin Palmer (General Manager Operations)
Sally Giddens (General Manager People, Culture and Communications)
Richard Saunders (General Manager Regulatory)
Gwyneth Elsum (General Manager Strategy, Policy and Science)
Amanda Vercoe (Executive Advisor)
Liz Spector (Committee Secretary)

Also in attendance were: Anita Dawe (Acting Manager Policy), Peter Constantine (planning consultant), Joanna Gilroy (Manager Consents), Eleanor Ross (Manager Communications Channels), Ryan Tippet (Media Communications Lead), Tom De Pelsemaeker (Team Leader Freshwater and Land), Lisa Hawkins (Team Leader RPS, Air and Coast), Kyle Balderston (Team Leader Urban Growth and Development) along with several other staff from the Strategy, Policy and Science teams.

3. CONFIRMATION OF AGENDA

The agenda was confirmed as circulated.

4. CONFLICT OF INTEREST

No conflicts of interest were declared at this point of the meeting.

5. PUBLIC FORUM

No public forum was held.

6. RESOLUTION TO EXCLUDE THE PUBLIC

Resolution

That the public be excluded from the following parts of the proceedings of this meeting, namely:
Item 7.1 Short-Term Water Permits Plan Change: Overview of Options

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: Sec 7(2)(g), to maintain legal professional privilege.

Moved: Cr Hobbs
Seconded: Cr Hope

FAILED

Cr Laws then moved:

Resolution

- 1) ***That the meeting move into public excluded session to receive legal advice only and resolve to move back into public session to conduct deliberations on options for the short-term Water Permits Plan Change.***
- 2) ***That the reports provided to Councillors on the Short-Term Water Permits Plan Change have all legal advice and references to such legal advice redacted to prior to public release.***

Moved: Cr Laws

Seconded: Cr Calvert

CARRIED

The meeting moved into public-excluded to receive legal advice on item 7.1 Short-Term Water Permits Plan Change: Overview of Options at 3:10 p.m. under LGOIMA 48(1), S7(2)(g).

During the public-excluded portion of the meeting, Councillor Gary Kelliher and Councillor Kate Wilson removed themselves from consideration of item 7.1 Short-Term Water Permits Plan Change: Overview of Options as they each had pecuniary interests.

7. MATTERS FOR COUNCIL DECISION

7.1. Short-Term Water Permits Plan Change: Overview of Options

Cr Hobbs made a motion to resume the Council meeting in public. The motion was seconded by Cr Laws and put to the vote. The motion carried and the meeting resumed in public at 4:25 p.m.

Chief Executive Sarah Gardner reviewed the Short-Term Water Permits Plan Change overview report with the Councillors. She said three options within the confines of the Minister's recommendation for a short-term plan change were provided for consideration. Mrs Gardner said Option A is the simplest option, providing minimal options for what most consent holders have; a maximum take giving some environmental benefit, is a controlled activity, and must be granted. She said there is a level of comfort with this approach from stakeholders. She said it is consistent with the National Planning Standards for Freshwater Management (NPSFM), and addresses the Minister's recommendations of being low-cost, simple and short-term.

Mrs Gardner said Option B provides a second pathway with a slightly longer consent term for applicants who demonstrate less than minor long- or short-term effects as part of their applications. She said it moves away from a one-size-fits-all approach, taking regional considerations into account, and does meet many of the Minister's recommendations. She said drawbacks are consents will be more complex and costly and will likely result in some catchments having more favourable consent terms than others.

Mrs Gardner said Option C is similar to Option A, in that it is a one-size-fits-all approach but provides a straight discretionary activity to consider each application case by case with very little guidance from Council. She said it would be the most expensive and time-consuming option and reduces simplicity and certainty.

After lengthy discussions of the various options, Cr Hobbs asked each Councillor to state which plan they felt was the most consistent with the Minister's recommendations and took into account feedback they had received from experts, stakeholders and the community. After each Councillor spoke, Cr Scott moved approval of Option A to be developed as the Deemed Permit Plan Change. He also requested a Division should the motion be put. Cr Forbes seconded, and Cr Hobbs put the motion.

Resolution

That the Council:

- 1) **Receives** this report.
- 2) **Approves Option A**, to be developed as the Deemed Permit Plan Change (DPPC), with associated Section 32 Report developed.

Moved: Cr Scott

Seconded: Cr Forbes

CARRIED: The vote was tied 5-5. Chairperson Hobbs voted For the resolution using her casting vote per ORC Standing Orders 19.3 and the motion was carried.

A division was called:

Vote

For: Cr Deaker, Cr Forbes, Cr Hobbs, Cr Robertson, Cr Scott

Against: Cr Calvert, Cr Hope, Cr Laws, Cr Kevin Malcolm, Cr Noone

Abstained: nil

Casting
Vote: Chairperson Hobbs - For

Cr Kelliher and Cr Wilson did not participate and were not present as they declared Conflicts of Interest.

Cr Noone left the meeting at 04:59 pm.

Cr Noone returned to the meeting at 05:08 pm.

Cr Forbes left the meeting at 05:08 pm.

Cr Forbes returned to the meeting at 5:10 pm.

Cr Laws left the meeting at 05:09 pm.

Cr Laws returned to the meeting at 05:11 pm.

7. CLOSURE

There was no further business and Cr Hobbs declared the meeting closed at 05:47 pm.



Chairperson

26 February 2020

Date