



Minutes of an ordinary meeting of Council held
via zoom/livestream
Wednesday 25 August 2021 at 1:00 PM

Membership

Cr Andrew Noone	<i>(Chairperson)</i>
Cr Michael Laws	<i>(Deputy Chairperson)</i>
Cr Hilary Calvert	
Cr Alexa Forbes	
Cr Michael Deaker	
Hon Cr Marian Hobbs	
Cr Carmen Hope	
Cr Gary Kelliher	
Cr Kevin Malcolm	
Cr Gretchen Robertson	
Cr Bryan Scott	
Cr Kate Wilson	

Welcome

Chairperson Noone welcomed Councillors, members of the public and staff to the meeting at 1:02 pm. Staff present included Sarah Gardner (Chief Executive), Nick Donnelly (GM Corporate Services), Gwyneth Elsum (GM Strategy, Policy and Science), Gavin Palmer (GM Operations), Richard Saunders (GM Regulatory and Communications), Amanda Vercoe (GM Governance, Culture and Customer), Dianne Railton and Liz Spector (Governance Support), Anita Dawe (Manager Policy and Planning), Anna Ferguson (Senior Analyst Freshwater and Land), Warren Hanley (Senior Resource Planner Liaison), Jean-Luc Payan (Manager Natural Hazards), Andrea Howard (Manager Environmental Implementation), David Randal (Buddle Findlay) and Miles O'Connell (Bancorp).

1. APOLOGIES

No apologies were received.

2. PUBLIC FORUM

There were four requests to speak at Public Forum.

Mayor Tim Cadogan, Central Otago District Council, spoke about the Manuherehia Minimum Flow. He said he came to the forum to make it clear to Councillors that neither he nor his Council have ever stated or endorsed a preferred minimum flow, saying that he agreed with DOC's reasoning that science is important and the paramount importance of native fisheries.

Adam Currie shared a video montage by put together by Generation Zero, regarding the Manuherehia River, expressing their concern with delaying setting a minimum flow rate.

Phil Murray, Chair, Central Otago Environmental Society (COES), spoke to the Manuherehia FMU Plan Provisions and the proposed notice of motion of Cr Noone as published in the agenda. He said that COES is confident that ORC has the science to set a minimum flow and sees the proposed motion as a way of avoiding making what is an urgent decision.

Rick Zwaan, Forest and Bird Otago & Southland Regional Conservation Manager, said Forest and Bird have been involved with Manuherehia issues for a number of years, with a particular focus on galaxiids. He said there have been a robust number of studies which indicate higher flows are needed to bring health to the river. Mr Zwaan answered questions from Councillors.

3. CONFIRMATION OF AGENDA

Chair Noone advised he would move consideration of the Notice of Motion on Manuherehia Flows to Item 7.1, Manuherehia FMU Plan Provisions. He also foreshadowed he would be making a statement and motion on the Manuherehia FMU Plan Provision report after staff had responded to questions about the report. He stated his proposed motion had had been circulated to Councillors.

Cr Noone also advised Item 7.9 CE Performance Panel would be withdrawn as Cr Forbes had requested to remain on the committee.

4. CONFLICT OF INTEREST

Cr Kelliher advised he had a conflict of interest for the Manuherehia reports and declared he would sit back during consideration of items 7.1 and 7.2.

5. CONFIRMATION OF MINUTES

Resolution: Cr Wilson Moved, Cr Calvert Seconded

That the minutes of the (public portion of the) Council meetings held on 16 June 2021 and 23 June 2021 be received and confirmed as a true and accurate record.

MOTION CARRIED

6. ACTIONS (STATUS OF COUNCIL RESOLUTIONS)

The status report on the resolutions of the Council Meeting was reviewed.

7. MATTERS FOR CONSIDERATION

7.1. Manuherekia FMU Plan Provisions

Cr Kelliher sat back for this item due to a conflict of interest.

The report was provided to note preferred irrigation season minimum flows for the Manuherekia rohe, part of the Clutha Mata-au Freshwater Management Unit, that will be included in the proposed Land and Water Regional Plan when it is notified in 2023. Gwyneth Ellum (General Manager Strategy, Policy and Science), Sarah Gardner (Chief Executive), Anita Dawe (Manager Policy and Planning) and Anna Ferguson (Senior Analyst Freshwater and Land) were present to speak to the report and respond to questions.

Following questions of staff, Chair Noone spoke to the motion he had earlier foreshadowed. Cr Hobbs then foreshadowed that she would move one of the staff recommendations should that motion fail. Cr Scott attempted to move the staff recommendation. The Chair declined to accept Cr Scott's motion and continued making his motion. Cr Scott then moved a procedural motion:

Cr Scott Moved, Cr Forbes Seconded

That the Chairman's ruling be disagreed with.

A division was called:

Vote

For:	Cr Deaker, Cr Forbes, Cr Hobbs, Cr Robertson and Cr Scott
Against:	Cr Calvert, Cr Hope, Cr Laws, Cr Malcolm, Cr Noone and Cr Wilson
Abstained:	Nil

MOTION LOST, 5 for and 6 against

Cr Scott asked for the letter sent to the Minister to be tabled and advised that he would leave the meeting for the remainder of this item. Chair Noone advised that the letter had been circulated to Councillors.

Cr Scott left the meeting at 3:20 pm.

After lengthy debate on delaying setting minimum flow levels to allow further scientific work from the Technical Advisory Group (TAG), Chair Noone moved:

Resolution CM21-138: Cr Noone Moved, Cr Calvert Seconded

That the Council:

- 1) *Receives the report.*

A division was called:

Vote

For:	Cr Calvert, Cr Deaker, Cr Forbes, Cr Hobbs, Cr Hope, Cr Laws, Cr Malcolm, Cr Noone, Cr Robertson and Cr Wilson
Against:	Nil
Abstained:	Nil

MOTION CARRIED

Resolution CM21-139: Cr Noone Moved, Cr Calvert Seconded

That the Council:

- 1) **Thanks** both our Staff, Aukaha Staff, and the community for the work carried out so far on this process.

A division was called:

Vote

For: Cr Calvert, Cr Deaker, Cr Forbes, Cr Hobbs, Cr Hope, Cr Laws, Cr Malcolm, Cr Noone, Cr Robertson and Cr Wilson

Against: Nil

Abstained: Nil

MOTION CARRIED

Resolution CM21-140: Cr Noone Moved, Cr Calvert Seconded

That the Council:

- 1) **Requests** that the Technical Advisory Group (TAG) be requested to provide regular reports to the Strategy and Planning Committee on progress towards finalising the required science for the Manuherehia catchment.

A division was called:

Vote

For:	Cr Calvert, Cr Hope, Cr Laws, Cr Malcolm, Cr Noone and Cr Wilson
Against:	Cr Deaker, Cr Forbes, Cr Hobbs and Cr Robertson
Abstained:	Nil

MOTION CARRIED, 6 for and 4 against

The meeting adjourned briefly to enable staff to provide the Chair with procedural advice.

Following adoption of the motions of Cr Noone, Cr Hobbs made a subsequent motion:

Cr Hobbs Moved, Cr Forbes Seconded

That the Council:

- 1) **Notes** the minimum flows and method for determining water take limits as those nominated by Kai Tahu, including their transition timeframes that will be included in the Land and Water Plan (their timeframes were 1200 l/s at 2023 and 3000 l/s at 2033.)

A division was called:

Vote

For:	Cr Deaker, Cr Forbes and Cr Hobbs
Against:	Cr Calvert, Cr Hope, Cr Laws, Cr Malcolm, Cr Noone, Cr Robertson and Cr Wilson
Abstained:	Nil

MOTION LOST, 3 for and 7 against

Chair Noone advised that the letter from Kāi Tahu regarding the Notice of Motion - Manuherehia Minimum Flow, has been circulated to Councillors.

Cr Robertson noted that she supported staff recommendations in the report.

Resolution: Cr Wilson Moved, Cr Laws Seconded:

That the Council meeting adjourn and reconvene at 9:00am on 26 August 2021.

MOTION CARRIED

The meeting reconvened at 9:00am on 26 August 2021

Cr Kelliher will join the meeting following deliberations on 7.2 Manuherekia FMU – Non-regulatory Support Initiatives.

Cr Scott will join the meeting following deliberations on 7.2 Manuherekia FMU – Non-regulatory Support Initiatives.

7.2. Manuherekia FMU – Non-regulatory Support Initiatives

The report was provided to seek direction from Council on potential initiatives in the Manuherekia Freshwater Management Unit that would complement the regulatory water management regime being proposed for the new Land and Water Plan. Gwyneth Elsum (General Manager Strategy, Policy and Science) was present to speak to the report and respond to questions.

Resolution CM21-141: Cr Wilson Moved, Cr Hope Seconded

That the Council:

- 1) **Notes** this report.

MOTION CARRIED

Resolution CM21-142: Cr Wilson Moved, Cr Hope Seconded

That the Council:

- 1) **Notes** that staff will communicate to the Manuherekia community ORC's intention to support initiatives, noted in the next resolution (CM21-143), in the Manuherekia FMU.

A division was called:

Vote

For: Cr Calvert, Cr Deaker, Cr Hope, Cr Malcolm, Cr Noone, Cr Robertson and Cr Wilson

Against: Cr Forbes, Cr Hobbs and Cr Laws

Abstained: Nil

MOTION CARRIED

Resolution CM21-143: Cr Wilson Moved, Cr Hope Seconded

That the Council:

- 1) **Directs** staff to work with stakeholders and the community to develop work programmes specific to the Manuherekia FMU to enable:
 - i. Capacity building / education on water management
 - ii. Catchment groups
 - iii. Riparian works

MOTION CARRIED

Resolution CM21-144: Cr Wilson Moved, Cr Hope Seconded

That the Council:

- 1) **Notes** that there will be further workshops with Councillors to clarify expectations on the potential role for ORC in supporting and/or delivering land use change; water transportation efficiency; and storage initiatives (on and off farm) and any other initiatives and look at an approach for all catchments in Otago.

MOTION CARRIED

Resolution CM21-145: Cr Wilson Moved, Cr Hope Seconded

That the Council:

- 1) **Notes** that, once developed, these work programmes will be included as part of the 2022/23 Annual Plan.

MOTION CARRIED

7.3. Update on the Interpretation of the RPS as a Freshwater Instrument

Cr Kelliher joined the meeting at 9:55am.

Cr Scott joined the meeting at 9:57am.

The report was provided to inform Council of ORC's role in the High Court declaratory proceedings on whether the proposed Regional Policy Statement 2021 (pRPS21) is a freshwater planning instrument in its entirety. Gwyneth Elsum (General Manager Strategy, Policy and Science) and Anita Dawe (Manager Policy and Planning) were present to speak to the report and respond to questions.

Resolution CM21-146: Cr Wilson Moved, Cr Hope Seconded

That the Council:

- 1) **Notes** this report.
- 2) **Notes** that ORC has joined the declaration proceedings with respect to whether the proposed Regional Policy Statement 2021 is a freshwater instrument in its entirety.

MOTION CARRIED

7.4. ORC Appointment to Cosy Homes Trust

The report was provided for Council to appoint a member to the Cosy Home Trust Board. Gwyneth Elsum (General Manager Strategy, Policy and Science) was present to speak to the report and respond to questions. It was noted that Cosy Home Trust is for Otago, not just Dunedin, as referenced in the staff report.

Resolution CM21-147: Cr Wilson Moved, Cr Hope Seconded

That the Council:

- 1) **Receives** this report.
- 2) **Notes** the Otago Regional Council must appoint one member to the Cosy Home Trust Board of Trustees.
- 3) **Nominates** Chair Andrew Noone for this position.

MOTION CARRIED

The meeting adjourned at 10.00am for a break and resumed at 10.17am.

7.5. ORC Submission on Freshwater Farm Regulations

The report was provided to request Council delegate authority to the Chair to approve a submission from ORC on the Ministry for the Environment's (MfE) 'Freshwater Farm Plan regulations' discussion document ('the discussion document'). Gwyneth Elsum (General Manager Strategy, Policy and Science), Richard Saunders (General Manager Regulatory and Communications) and Warren Hanley (Senior Resource Planner – Liaison) were present to speak to the report and respond to questions.

Richard Saunders advised that due to COVID-19, a two-week extension to the submission deadline had been granted. Mr Saunders noted this meant there will be an overlap with the Winter Grazing submission, so a joint workshop will be conducted to identify if there are any points that Councillors may wish to submit on.

Resolution CM21-148: Cr Hope Moved, Cr Wilson Seconded

That the Council:

- 1) **Notes** this report.
- 2) **Approves** the ORC Chairperson to approve on its behalf, ORC submissions that reflect the issues identified in the Council workshops, on the 'Freshwater Farm Plans and Stock Exclusion regulations' and updated 'Winter Grazing regulations' discussion document, so that the submissions can be lodged no later than 26 September 2021 and 7 October 2021 respectively.

MOTION CARRIED

7.6. ORC Submission on the future of Forbury Park

The report was provided to request approval to lodge the attached ORC submission with Harness Racing New Zealand (HRNZ) on the future of Forbury Park. Gavin Palmer (General Manager Operations), Jean-Luc Payan (Manager Natural Hazards) and Warren Hanley (Senior Resource Planner - Liaison) were present to speak to the report and respond to questions.

Resolution CM21-149: Cr Wilson Moved, Cr Robertson Seconded

That the Council:

- 1) **Notes** this report.
- 2) **Approves** the draft submission, subject to any changes as articulated in the Council meeting, to be lodged with HRNZ by 14 September 2021.

MOTION CARRIED

7.7. ECO Fund Review – Scope Options

The report was provided to seek endorsement of the proposed scope of works for the 2021 review of the Fund, and approval to redistribute funds from the March 2021 round. Andrea Howard (Manager Environmental Implementation) was present to speak to the report and respond to questions.

Resolution CM21-150: Cr Deaker Moved, Cr Hope Seconded

That the Council:

- 1) **Receives** this report.
- 2) **Approves** the recommended scope for the ECO Fund's 2021 annual review process.

- 3) **Approves** the redistribution of funds, totalling \$6,912, from the March 2021 round of the ECO Fund.
- 4) **Approves** an amendment to the current administrative process of the ECO Fund whereby in 2021/2022 one large application round will occur (in March 2022).

MOTION CARRIED

7.8. Proposal to join the Local Government Funding Agency

The report was provided to approve Council joining the Local Government Funding Agency (LGFA) as a guaranteeing member and to delegate authority to the Co-Chairs of the Finance Committee and Chief Executive to execute the documents required for this to occur. Nick Donnelly (General Manager Corporate Services), and Miles O'Connell (Bancorp), were present to speak to the report and respond to questions.

Resolution CM21-151: Cr Calvert Moved, Cr Kelliher Seconded

That the Council:

- 1) **Notes** the feedback received from consultation on the proposal to join the Local Government Funding Agency (LGFA).
- 2) **Approves** the Council joining the LGFA as a guaranteeing member.
- 3) **Instructs** staff, together with Council's investment and legal advisors, to prepare the documents required to complete Council's LGFA membership.
- 4) **Notes** the intent to appoint Covenant Trustee Services Ltd as trustee under the Debenture Trust Deed.
- 5) **Notes** the intent to appoint Computershare Investor Services Ltd as registrar and paying agent.
- 6) **Notes** the list of documents required to be executed in order to join the LGFA.
- 7) **Authorises and delegates** the Co-Chairs of Finance (Councillors Malcolm and Calvert) and the Chief Executive to execute the documents required to complete Council's membership of the LGFA and give effect to the above recommendations.
- 8) **Notes** a revised Treasury Management Policy was adopted in June 2021 and no further changes are proposed to this document following the consultation on the proposal to join the LGFA.
- 9) **Notes** that once membership is confirmed it is proposed to borrow from the LGFA as per the level of external borrowing included in the Long-Term Plan 2021-31.

MOTION CARRIED

7.10. Documents Signed Under Council Seal

The report informed the Council of delegations which have been exercised during the period 12 May 2021 through 25 August 2021.

Resolution CM21-152: Cr Wilson Moved, Cr Hope Seconded

That the Council:

- 1) **Receives** this report.

MOTION CARRIED

8. RECOMMENDATIONS ADOPTED AT COMMITTEE MEETINGS

8.1. Recommendations of the Strategy and Planning Committee

Resolution CM21-153: Cr Wilson Moved, Cr Robertson Seconded

That the Council:

- 1) **Adopt** the resolutions of the 7 July 2021 and 11 August 2021 Strategy and Planning Committee Meetings.

MOTION CARRIED

8.2. Recommendations of the Governance, Communications and Engagement Committee

Resolution CM21-154: Cr Deaker Moved, Cr Hope Seconded

That the Council:

- 1) **Adopt** the resolutions of the 11 August 2021 Governance, Communications and Engagement Committee meeting.

MOTION CARRIED

9. CHAIRPERSON'S AND CHIEF EXECUTIVE'S REPORTS

9.1. Chairperson's Report

Chair Noone spoke to his report and responded to questions.

Resolution:

That the Chairperson's report be received.

Moved: Cr Hope

Seconded: Cr Forbes

MOTION CARRIED

9.2. Chief Executive's Report

Resolution:

That the Chief Executive's report be received.

Moved: Cr Hope

Seconded: Cr Forbes

MOTION CARRIED

10. NOTICES OF MOTION

10.1. Notice of Motion - Weekly meetings between Chief Executive, Chair and Deputy Chair

Following a discussion of Cr Laws' Notice of Motion, it was seconded by Cr Calvert.

Resolution CM21-155: Cr Laws Moved, Cr Calvert Seconded

That the Council:

- 1) **Requests** that the Chief Executive, Chair and Deputy Chair of the ORC have a scheduled meeting every Monday for the purpose of reviewing ORC operations and reviewing ORC policy making and operational procedures as required, and that the Chair report progress on any relevant issues discussed and or canvassed to the Governance team.

A division was called:

Vote

For: Cr Calvert, Cr Deaker, Cr Hope, Cr Laws, Cr Kelliher, Cr Malcolm and Cr Noone

Against: Cr Forbes, Cr Hobbs, Cr Robertson and Cr Scott

Abstained: Cr Wilson

MOTION CARRIED

11. RESOLUTION TO EXCLUDE THE PUBLIC

Resolution: Cr Noone Moved, Cr Wilson Seconded

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

- *Corrected Minutes of the 27 May 2021 public excluded Council Meeting*
- *Minutes of the 23 June 2023 public excluded Council Meeting*
- *Approve Recommendations Adopted by the 7 July 2021 public excluded Implementation Committee*

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>1.1 Corrected Minutes of the 27 May 2021 public excluded Council Meeting</i>	To protect the privacy of natural persons, including that of deceased natural persons – Section 7(2)(a) 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) To protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information— would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied – Section 7(2)(c)(i) To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities – Section 7(2)(h)	

	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)	
<i>1.3 Minutes of the 23 June 2023 public excluded Council Meeting</i>	To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities – Section 7(2)(h) 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) To maintain legal professional privilege – Section 7(2)(g) 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)	
<i>4.1 Approve Recommendations Adopted by the 7 July 2021 public excluded Implementation Committee</i>	To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities – Section 7(2)(h) 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)	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.

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 as shown above after each item.

11. CLOSURE

There was no further business and Chairperson Noone declared the public meeting closed at 11:39am.

Andrew Noone
Chairperson

29 September 2021
Date