



Minutes of an ordinary meeting of Council  
held in the Council Chamber on  
Wednesday 24 November 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	
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 1:07 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 (Governance Support), Ryan Tippet (Media Communications Lead), Jean-Luc Payan (Manager Natural Hazards) and Jonathan Rowe (Programme Manager, South Dunedin Future). Also in attendance for the HeliOtago Trust presentation were Graeme Gale (HeliOtago), Stephen Woodhead (Trustee) and Vivienne Seaton (Secretary Manager).

## **1. APOLOGIES**

There were no apologies. Cr Deaker and Cr Wilson attended the meeting electronically.

## **2. PUBLIC FORUM**

No public forum was held.

## **3. CONFIRMATION OF AGENDA**

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

*Cr Noone requested that a late paper, Code of Conduct Complaint: Investigation Report, be included in the agenda.*

**MOTION CARRIED**

## **4. CONFLICT OF INTEREST**

No conflicts of interest were advised.

## **5. PRESENTATIONS**

The Otago Rescue Helicopter Trust Annual presentation was provided by Graeme Gale (HeliOtago), Stephen Woodhead (Trustee) and Vivienne Seaton (Secretary Manager). Mr Woodhead passed on an apology from the Trust's Chair, Mr Martin Dippie, for not being able to attend the presentation. Mr Woodhead and Mr Gale spoke to the presentation on the 2021 Annual Report to ORC outlining key statistics and financials, the impacts of COVID and other highlights. Mr Woodhead thanked ORC for their funding to the Trust, and also thanked HeliOtago for providing the service.

Cr Kelliher asked if Environment Southland provide funding and Mr Woodhead replied that while the Trust submitted in Environment Southland's LTP, no funding was provided. Mr Gale said that they fly to Southland daily. On behalf of ORC, Chair Noone thanked the Rescue Trust and HeliOtago for their presentation and passed on the appreciation for the essential and critical service provided to the Otago and Southland regions.

*Cr Laws left the meeting at 1:26 pm and returned at 1:42pm*

## **6. CONFIRMATION OF MINUTES**

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

*That the minutes of the (public portion of the) Council meeting held on 27 October 2021 be received and confirmed as a true and accurate record.*

**MOTION CARRIED**

## **7. ACTIONS (STATUS OF COUNCIL RESOLUTIONS)**

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

## **8. MATTERS FOR CONSIDERATION**

### **8.1. South Dunedin Future Programme Update Report**

The report provided an update on the status of the South Dunedin Future (SDF) Programme, following the appointment of a dedicated Programme Manager in August 2021. It presented the findings of an initial assessment of climate change-related challenges facing South Dunedin and outlined the programme, structure, logic, activities, and next steps. Jonathan Rowe (Programme Manager, South Dunedin Future), Gavin Palmer (GM Operations) and Jean-Luc Payan (Manager Natural Hazards) were present to speak to the report and respond to questions.

Dr Palmer introduced Jonathan Rowe, who has been in the new role of Programme Manager, South Dunedin Future. Mr Rowe advised that the South Dunedin Future Programme Update report also went to the DCC Council, who noted the report. He then provided an update of progress to date and the next steps of the programme. There was discussion about the need to have an ORC/DCC joint governance group, and Cr Robertson said that ORC has written to DCC in the past and the offer is still there.

**Resolution CM21-193: Cr Robertson Moved, Cr Hope Seconded**

*That the Council:*

- 1) **Notes** the findings of the current state assessment of the South Dunedin Future Programme, including the structure, strategic intent, change logic and associated activities.
- 2) **Notes** the next steps, and that Councillors, *mana whenua*, South Dunedin community and other stakeholders will have multiple opportunities to engage in the programme definition phase.
- 3) **Notes** the upcoming programme definition phase will adopt a Dynamic Adaptive Pathways Planning (DAPP) approach, supported by technical assistance from the National Institute of Water and Atmosphere (NIWA).
- 4) **Notes** that a report will be provided to Councils in mid-2022 on the results of the next phase, which will include a more detailed South Dunedin Future Programme Plan.
- 5) **Requests** that the Chair formally write to DCC reiterating that we are happy to work together on a joint governance group on the South Dunedin Future Programme.

**MOTION CARRIED**

**8.2. Extraordinary Vacancy at Otago Regional Council - Resignation of Hon Marian Hobbs**

The report was provided to decide how to manage the vacancy created by the resignation of Hon Marian Hobbs from the Otago Regional Council on 1 November 2021, in accordance with the Local Government Act and the Local Electoral Act. Amanda Vercoe (GM Governance, Culture and Communications) and Cr Noone were present to speak to the report and respond to questions.

Ms Vercoe confirmed that due to the resignation taking place within 12 months of the next local body election (due on 8 October 2022), options available to Council to manage the vacancy include appointing a named person to fill the vacancy or leaving the vacancy unfilled. She advised that the Chair and Deputy Chair recommended leaving the vacancy unfilled, and that the Local Government Remuneration Authority specifies that the allocated remuneration pool needs to be reallocated. Cr Scott acknowledged the work that Hon Marian Hobbs undertook, and said that the Dunedin Constituency is for 6 seats, and deserves 6 seats rather than five seats. Following discussion Cr Scott moved:

**Cr Scott moved, and Cr Forbes seconded:**

*That the Council:*

- 1) **Invite** Mr Scott Willis, being the highest polling candidate from the last election, to sit at this table for the remainder of the triennium.

**Resolution: Cr Laws Moved, Cr Calvert Seconded**

*Following discussion, Cr Laws moved a procedural motion that Cr Scott's motion be put.*

**MOTION CARRIED**

A division was then called for Cr Scott's motion:

**Vote**

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

**MOTION LOST (4 votes for and 7 votes against)**

**Resolution CM21-194: Cr Kelliher Moved, Cr Hope Seconded**

*That the Council:*

- 1) **Appoints** Cr Laws to the role of Co-Chair Data and Information Committee.

**MOTION CARRIED**

Cr Calvert and Cr Scott were nominated to the Chief Executive Performance Review Committee.

**Resolution CM21-195: Cr Laws Moved, Cr Hope Seconded**

*That the Council:*

- 1) **Appoints** Cr Calvert to the Chief Executive Performance Review Committee.

A division was called for Cr Calvert to be appointed to the Chief Executive Performance Review Committee:

**Vote**

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

**MOTION CARRIED (7 votes for, 3 votes against, 1 abstained)**

Cr Scott then withdrew his nomination.

**Resolution CM21-196: Cr Laws Moved, Cr Hope Seconded**

*That the Council:*

- 1) **Notes** this report.
- 2) **Decides** to leave the vacancy created by Hon Marian Hobbs' resignation unfilled, under Section 117(3)(b) of the Local Electoral Act as per the recommendation of the Chair and Deputy Chair.
- 3) **Notes** that the vacancy created on the Freshwater Management Unit Liaison for the Clutha Main Stem will be dealt with in a separate paper to Council in December 2021.
- 4) **Agrees** that the remuneration allocated to the vacancy be redistributed equally amongst the 10 remaining Councillors (excluding the Chair), as per the attached table.
- 5) **Agrees** that the attached table be forwarded to the Remuneration Authority, to be included in the Authority's next Remuneration Determination.

**MOTION CARRIED**

### **8.3. Documents Signed Under Council Seal**

The report was provided to inform the Council of delegations which have been exercised during the period 26 August 2021 through 16 November 2021.

#### **Resolution CM21-197: Cr Hope Moved, Cr Wilson Seconded**

*That the Council:*

- 1) *Notes this report.*

**MOTION CARRIED**

### **8.4. Code of Conduct Complaint: Investigation Report**

The late paper was provided to receive the independent investigation report prepared by Steph Dyhrberg, Partner, Dyhrberg Drayton Employment Law, under the ORC Code of Conduct, in relation to a complaint from the Chief Executive about the conduct of Councillor Michael Laws. Amanda Vercoe (GM Governance, Culture and Customer) was present to respond to questions. Chair Noone advised that he requested Mr Len Anderson QC review the report to ensure due process was followed as an employer and as a co-Councillor, and invited Mr Anderson to attend the Council Meeting, to provide comment and respond to questions. Mr Anderson confirmed that the report is a noting report and said that the complaint should be noted also. Mrs Gardner read her statement accepting the outcome of the investigation.

#### **Resolution CM21-198: Cr Calvert Moved, Cr Noone Seconded**

*That the Council:*

- 1) *Notes the complaint and the report.*

**MOTION CARRIED**

Mr Anderson spoke to his concerns with the current Code of Conduct document saying that he felt the document is not fit for purpose. Mr Anderson's comments were also tabled. Following lengthy discussion on the Code of Conduct, Cr Calvert moved:

#### **Resolution CM21-199: Cr Calvert Moved, Cr Kelliher Seconded**

*That the Council:*

- 1) *Requests the CE to get a report that considers the points raised by Mr Len Anderson QC, and recommends a change of Code with options including a possible mediation clause, as appropriate, to report back to the Council meeting in February 2022.*

**MOTION CARRIED**

## **9. RECOMMENDATIONS ADOPTED AT COMMITTEE MEETINGS**

### **9.1. Recommendations of the Governance, Communications and Engagement Committee**

#### **Resolution CM21-200: Cr Laws Moved, Cr Calvert Seconded**

*That the Council adopt the resolutions of the 10 November 2021 Governance, Communications, and Engagement Committee.*

**MOTION CARRIED**

### **9.2. Recommendations of the Strategy and Planning Committee**

#### **Resolution CM21-201: Cr Robertson Moved, Cr Wilson Seconded**

*That the Council adopts the resolutions of the 10 November 2021 Strategy and Planning Committee.*

**MOTION CARRIED**

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

### 10.1. Chairperson's Report

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

*That the Council:*

- 1) *Notes the Chair's report.*

**MOTION CARRIED**

**Resolution CM21-202: Cr Noone Moved, Cr Calvert Seconded**

*That the Council:*

- 1) *Records its sincere thanks and appreciation to Hon Marian Hobbs for her loyal and conscientious service to the region during the period 2019 to 2021 and wishes her every good wish for the future.*

**MOTION CARRIED**

### 10.2. Chief Executive's Report

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

*That the Council:*

- 1) *Notes the Chief Executive's report.*

**Motion Carried**

## 11. RESOLUTION TO EXCLUDE THE PUBLIC

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

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

- Minutes of the 29 September 2021 public-excluded Council Meeting – Sections 7(2)a); 7(2)h); 7(2)(i)
- Chief Executive Performance Review Committee Report Back – Section 7(2)(a)

**MOTION CARRIED**

*That the Council excludes the public from the following part of the proceedings of this meeting (pursuant to the provisions of the Local Government Official Information and Meetings Act 1987) namely:*

<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>
<i>1.1 Minutes of the 27 October 2021 public exclude Council Meeting</i>	To protect the privacy of natural persons, including that of deceased natural persons – Section 7(2)(a)	
<i>3.1 Chief Executive Key Performance Indicators 2021-22</i>	To protect the privacy of natural persons, including that of deceased natural persons – Section 7(2)(a)	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,
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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 shown above after each item.

**12. CLOSURE**

There was no further business and Chairperson Noone declared the meeting closed at 4:29pm.

  
 \_\_\_\_\_  
 Chairperson

9 December 2021  
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 Date