

## OTAGO REGIONAL COUNCIL

### Minutes of an Ordinary meeting of the Council held in the Council Chamber, 70 Stafford Street, Dunedin on Wednesday 23 March 2016 commencing at 9.05 am

**Present:**

- Cr Stephen Woodhead (Chairperson)
- Cr Gretchen Robertson (Deputy Chairperson)
- Cr Graeme Bell
- Cr Doug Brown (from 9.33 am)
- Cr Louise Croot MNZM
- Cr Michael Deaker
- Cr Gerrard Eckhoff
- Cr Gary Kelliher
- Cr Trevor Kempton
- Cr Sam Neill
- Cr Bryan Scott
- Cr David Shepherd

**Apologies:** Cr Doug Brown (for lateness)

**In attendance:**

- Peter Bodeker
- Nick Donnelly
- Fraser McRae
- Scott McLean
- Gavin Palmer
- Caroline Rowe
- Janet Favel
- Lauren McDonald

#### CONFIRMATION OF AGENDA

Cr Woodhead advised that the public forum was to commence at 9.45 am. Councillors agreed to this change. There were no other changes to the agenda.

#### MINUTES

The minutes of the Ordinary meeting of Council held on 10 February 2016, having been circulated, were adopted on the motion of Crs Croot and Neill.

#### Matters arising from the minutes

There were no matters arising from the minutes.

## PART A – CHAIRPERSON’S AND CHIEF EXECUTIVE’S REPORTS

### Item 1

2016/0718 **Chairperson’s report.** Chair, 17/3/16

The Chairperson provided an overview of his activities for the period to 17 March 2016.

In response to a question about protection of LAWA intellectual property, Mrs Rowe explained that the data was publicly available, the concern was about protection of the systems providing that data. Setting up a trust to safeguard the systems had been put on hold in 2013, and consideration was now being given to protection of the data management process. Comment was made that all available information needed to be reviewed before this work began, and Cr Woodhead advised that Dr Sue Bidrose, DCC Chief Executive, had taken on this task.

The issue of rubbish left by freedom campers was discussed, and a question was raised as to the correlation with stock truck effluent on roads. Cr Woodhead explained that there were sites for campervan/ caravan owners to dispose of waste, the problem was with vehicles without onboard storage facilities. Mr Bodeker explained that this was a TLA role, noting that their land was being used by freedom campers. He also noted that under legislation public health challenges were not an ORC responsibility. Mr Bodeker commented that the Mayoral Forum had discussed this issue, and there were different opinions and practices in the TLAs.

It was noted that while freedom camping was not an ORC responsibility, the Council had a role to play in the future of Otago. It was requested that a report be provided from staff about what ORC might do, not what they must do. Cr Woodhead considered that a co-ordinated national approach was required.

### Item 2

2016/0720 **Chief Executive’s Report.** CE, 17/3/16

The Chief Executive provided an overview of his activities for the period to 17 March 2016. The following points were discussed further:

Cr Kelliher withdrew from the table.

- *Irrigation assistance fund*

a) *Manuherikia Catchment Water Strategy Group*

Mr Bodeker noted that MCWSG was ready to approach farmers and irrigators for a formal expression of interest in the scheme.

*b) Strath Taieri irrigators group*

The group was revitalising work done earlier and the Council could invest further into that group.

Cr Kelliher returned to the table.

- *Health and Safety*

An internal audit of the Beca Health and Safety review had been carried out and of the 16 key recommendations, 10 had been undertaken, 4 were in progress, 1 was not completed and 1 was rejected. The rejected item was the requirement to carry out drug and alcohol testing for all staff. This applied only to pest control staff because they worked with poisons, and the Executive Team decided not to change this approach.

Health and Safety were embedded in the Council culture, and Mr Bodeker noted that Health and Safety factors were taken into account in purchasing equipment. He explained as an example that the purchase of tyres had been changed on the basis of manufacturers' advice, and because of enhancements to vehicles. Consideration was being given to visits to off-road sites, including times and location. Mr Bodeker advised that staff were required to undertake appropriate training before they were allowed to drive off road.

Cr Brown entered the meeting at 9.33 am.

- *1C deemed permits*

The deemed permit owners guide was displayed, which explained the process from deemed permits to RMA takes. Mr Bodeker was impressed with the booklet which presented a complex situation clearly.

Cr Kelliher withdrew from the table

- *Effect of irrigation on water supply*

Mr Bodeker noted in his report that reduced run off was likely to reduce the recharge of aquifers and surface water distribution, as had been reported in the Lauder Creek area. It was noted that this could happen right through to 2021, and a query was raised as to ORC's leadership role in this matter. Mr Bodeker pointed out that the 1C programme included working with deemed permit holders and helping them to form a group. He would check with staff member Bruce Monaghan about where Lauder Creek was at in the process, and where ORC could assist.

It was suggested that the Lauder Creek situation was a perfect example of why a group approach would be appropriate. Council could assist by calling community meetings and providing any further information needed.

In response to a question Mr Bodeker advised that there were significant landholder and irrigator funds in the project and ORC was approached through the assistance fund to manage it.

Cr Kelliher returned to the table

Cr Woodhead moved  
Cr Deaker seconded

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

**Motion carried**

## **PART B – PUBLIC FORUM**

### **Item 3 Presentation of petition**

A group of about 50 Green Island residents, including a number of school children, attended to present a petition asking for a change to the new Green Island bus service.

Cr Woodhead welcomed the deputation, and appreciated their passion for the bus service change they sought.

Mr Rutherford stated that he was a Green Island resident, 84 years of age, and visually impaired, and buses were essential for him. He spoke on behalf of many in the Green Island community who used the bus services regularly. He noted problems with the new route for people in Concord getting to the doctor in Green Island, and for people to get to work. Mr Rutherford congratulated ORC on the new express service, but commented that it had been put in place at the expense of a service to South Dunedin. The group suggested a resolution to the matter: the express service could be retained, and the Brighton bus could come into the Green Island super stop. People wishing to go into the Dunedin CBD could use the Brighton bus, and Brighton people could use the express service to go straight through to Dunedin. Mr Rutherford urged Councillors and staff to put this matter right.

Mr Peter Dowden of BusGo Dunedin explained that he was not a resident of Green Island but BusGo wanted fairness for all bus users. BusGo had a long held policy of only requesting reasonable and affordable changes to bus services. At a recent public meeting a preferred option was agreed. Mr Dowden advised that BusGo supported the express service, and also continuation of regular slow services along parallel back roads.

Lynda Davidson presented the petition to Cr Woodhead. The petition was headed **#70, Local to Dunedin**: It stated *"We the undersigned residents of Brighton, Ocean View, Mosgiel, Abbotsford, Green Island, Concord,*

*Corstorphine and Caversham request that the Otago Regional Council extend the Brighton-Abbotsford-Green Island bus service to Dunedin via Concord, Corstorphine, Caversham and South Dunedin, as a “local” service in addition to the present express bus service.”* There were 400 signatures to the petition.

Councillors commended the group’s approach to Council, including that they had suggested a solution to their problem.

Cr Woodhead advised that staff were aware of this issue and had been working on it. Results of that work would be discussed with Councillors.

Cr Woodhead thanked the deputation for their efforts and for the petition, and appreciated their concern. He noted that this was a complex matter, involving among other considerations contracts, existing timetables, and fleet size.

The deputation left at 10.10 am.

## **PART C – RECOMMENDATIONS**

Item 4

2016/0702 **Request to add SH88 safety project to Otago Regional Land Transport Plan 2015-21.** DPPRP, 11/3/16

The report explained that NZTA had requested a new project concerning safety improvements on SH88 between Dunedin and Port Chalmers be added to the Otago Regional Land Transport Plan 2015-21. The report recommended that Council vary the RLTP by making this addition.

It was noted that this project had been discussed at the recent RTC meeting. There were concerns that bringing the project forward would impact on other items in the programme and NZTA staff had given assurance that that would not happen. The project was also considered not significant under the significance policy. It was noted that Port Otago Ltd was supportive of the project.

In response to a question as to whether this project would lower the priority of the cycleway/walkway extension, it was pointed out that the project related to safety for motorised vehicles, and the importance of the cycleway remained because of its health and safety factors.

Cr Kempton moved  
Cr Bell seconded

*That the Council approve as a variation to the Regional Land Transport Plan 2015-21, the addition of the Dunedin - Port Chalmers Safety Improvements project set out in the attachment.*

**Motion carried**

Item 5

2016/0708 **Making Submissions.** DPPRP, 16/3/16

The report presented a number of recent submissions made on behalf of the Otago Regional Council, and requested a change to the general delegation from Council for authorisation to make submissions on matters relating to its statutory functions and responsibilities beyond the Resource Management Act 1991.

Mr Bodeker explained that the Council's current schedule of delegations was very specific and constrained to the RMA. It did not include submissions on other councils' plans, changes to legislation, etc. Mr McRae noted that there had been a peak in requests for submissions recently, mostly relating to ministerial reviews.

Councillors commended the submissions presented in the report, but considered that they should have the opportunity to discuss the issue of delegation more fully. RMA delegations mainly related to consent or Building Act scenarios where submissions needed to be made on minor issues within a tight timeframe, and it was agreed that Council needed to have delegations for that purpose. However it was felt that sign off for submissions like the ones presented in the report should be at governance level, and it was important for governance to have full input into the submissions. The issue of timing was understood, and it was suggested that the Council Chair and Chair of the Policy Committee should have delegation to sign off the submissions.

In response to a question Mr McRae advised that submissions had always been made within timeframes, and had been authorised under existing delegation. He pointed out that Councillor views were picked up in workshop discussion.

Councillors considered that as governors they should be involved in the preparation of submissions where practical and where timeframes permitted.

A preference was expressed that the Council Chair and the Chair of the Policy Committee should have delegation to sign submissions, and it was suggested that the report be brought back to Council for further discussion.

Cr Robertson moved  
Cr Deaker seconded

*That the report be brought back to Council so that the delegation could be considered in more detail.*

**Motion carried**

Mr Bodeker was to bring examples of submissions to a workshop on this matter. He noted that the submissions were extensive, detailed, and time consuming.

## **PART D – ITEMS FOR NOTING**

Item 6  
2016/0703 **Financial Report.** DCS, 18/3/16

The report provided information in respect of the overall Council finances for the eight months ended 29 February 2016.

Under-expenditure in relation to Leith flood protection works was noted. Dr Palmer explained that simpler engineering works would be carried out which would achieve the same outcome. A similar value engineering exercise would be carried out on the next section of the Leith works.

A question was raised as to whether the favourable variance in the Transport activity was temporary because work was behind schedule. Mr Donnelly explained that the bus hub work had been deferred to the 2016/17 year, and that the budgeted amount would be spent but the timing had moved out. Comment was made that Councillors needed to know how long projects would take.

In response to a question about the Total Mobility variance, Mr Donnelly was to check if the cost would be incremental with more people using the service.

Mr Bodeker explained that the delay to the bus hub project was caused by factors beyond Council's control, but he noted that further investigations had resulted in a design that was better than was originally planned and budgeted for.

Comments from the Audit and Risk Subcommittee on the explanation of under-spending were noted, and Mr Donnelly explained that the 8 month report to the next meeting of the Finance and Corporate Committee would detail the status of projects and targets.

Cr Croot moved  
Cr Kelliher seconded

*That this report be received.*

**Motion carried**

Item 7

2016/0706 **Documents signed under Common Seal.** DCS, 15/3/16

The report informed the Council of delegations which had been exercised.

The report listed warrants for staff undertaking enforcement duties under various legislation and bylaws. In response to a question Mr Bodeker advised that there was an established training scheme around risks associated with this work, and a report would be presented to Council detailing the training provided.

Cr Woodhead moved  
Cr Robertson seconded

*That the report be noted.*

**Motion carried**

Item 8 **Reports from Councillors**

*Cr Kempton – Regional Transport meetings*

As well as the 8 March RTC meetings, Cr Kempton advised that he, Cr Bell and ORC staff had attended a meeting requested by ECan for an exchange of transport related views and activities. Discussion included how ECan was handling transport in small towns; the Road Safety Influencing Group; better integration with rail; and STED networks. ECan had undertaken to put the South Island transport forum together. The meeting had also visited Port Otago Ltd, and enjoyed a presentation by Geoff Plunket.



## PART E – MINUTES OF MEETINGS

Item 9     **Recommendations of the Combined Otago/Southland Regional Transport Committees meeting held on 8 March 2016, for adoption**

Cr Kempton moved  
Cr Bell seconded

*That the recommendations of the Combined Otago/Southland Regional Transport Committees meeting held on 8 March 2016 be adopted.*

**Motion carried**

Item 10    **Recommendations of the Otago Regional Transport Committee meeting held on 8 March 2016, for adoption**

Cr Kempton noted changes to the improvements programme, including the Lindis crossing; the Edendale realignment; and preparation of a STED strategy to enable the business case to proceed. He advised that Otago/Southland collaboration would continue as a combined grouping, and the Terms of Reference were to be reviewed.

Cr Kempton moved  
Cr Bell seconded

*That the recommendations of the Otago Regional Transport Committee meeting held on 8 March 2016 be adopted.*

**Motion carried**

Item 11    **Recommendations of the Communications Committee meeting held on 9 March 2016, for adoption**

Cr Kempton moved  
Cr Shepherd seconded

*That the recommendations of the Communications Committee meeting held on 9 March 2016 be adopted.*

**Motion carried**

Item 12 **Recommendations of the public portion of the Finance and Corporate Committee meeting** held on 9 March 2016, for adoption

Cr Shepherd moved  
Cr Kelliher seconded

*That the recommendations of the public portion of the Finance and Corporate Committee meeting held on 9 March 2016 be adopted.*

**Motion carried**

Item 13 **Recommendations of the Policy Committee meeting** held on 9 March 2016, for adoption

Cr Robertson moved  
Cr Deaker seconded

*That the recommendations of the Policy Committee meeting held on 9 March 2016 be adopted.*

**Motion carried**

Item 14 **Recommendations of the Regulatory Committee meeting** held on 9 March 2016, for adoption

Cr Neill moved  
Cr Eckhoff seconded

*That the recommendations of the Regulatory Committee meeting held on 9 March 2016 be adopted.*

**Motion carried**

Item 15 **Recommendations of the Technical Committee meeting** held on 9 March 2016, for adoption

Cr Scott moved  
Cr Brown seconded

*That the recommendations of the Technical Committee meeting held on 9 March 2016 be adopted.*

**Motion carried**

## PART F - EXCLUSION OF PUBLIC

Cr Woodhead moved  
Cr Robertson seconded

*That the public be excluded from the following part of the proceedings of the meeting.*

*The general subject of the matters to be discussed while the public is excluded, the reason for passing this resolution in relation to the matter, and the specific grounds under Section 48(1)(a) of the Local Government Information and Meetings Act 1987 for the passing of this resolution are as follows:*

|                | <i>General subjects to be considered</i>   | <i>Reason under LGOIMA for passing this resolution</i>           | <i>Grounds under S.48 for the passing of this resolution</i> |
|----------------|--|--|--|
| <i>Item 16</i> | <i>Recommendations of the In Committee portion of the Finance and Corporate Committee meeting held on 9 March 2016, for adoption</i> | <i>To protect the privacy of natural persons.<br/>(S7(2)(a))</i> | <i>S.48(1)(a)(i)</i>   |

*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 with respect to each item.*

### **Motion carried**

Following consideration of Item 16,

Cr Woodhead moved  
Cr Scott seconded

*That the meeting resume in open session.*

### **Motion carried**

Councillors thanked retiring Committee Secretary Janet Favel for her work for Council.

The meeting closed at 11.12 am



**Chairperson**