



Minutes of an ordinary Council Meeting held on Wednesday,  
26 June 2019 in the Council Chamber, Level 2 Philip Laing House,  
144 Rattray St, Dunedin at 1 p.m.

**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	

**Welcome**

Cr Woodhead welcomed Councillors, members of the public and staff to the meeting.

*For our future*

## **1. APOLOGIES**

### **Resolution**

*That the apologies for Cr Deaker, Cr Lawton be accepted. It was noted that Cr Laws and Cr Bell would arrive late.*

Moved: Cr Woodhead

Seconded: Cr Hope

CARRIED

## **2. LEAVE OF ABSENCE**

### **Resolution**

*That the request for leave of absence from Cr Woodhead be accepted.*

Moved: Cr Scott

Seconded: Cr Noone

CARRIED

## **3. ATTENDANCE**

Sarah Gardner	<i>(Chief Executive)</i>
Nick Donnelly	<i>(General Manager Corporate Services and CFO)</i>
Gavin Palmer	<i>(General Manager Operations)</i>
Sally Giddens	<i>(General Manager People, Culture and Communications)</i>
Peter Winders	<i>(Acting General Manager Regulatory)</i>
Andrew Newman	<i>(Acting General Manager Policy, Science and Strategy)</i>
Liz Spector	<i>(Committee Secretary)</i>
Stuart Lanham	<i>(Manager Finance)</i>
Anita Dawe	<i>(Acting Manager Policy and Planning)</i>
Rachael Brown	<i>(Senior Policy Analyst)</i>
Sylvie LeDuc	<i>(Senior Policy Analyst)</i>

## **4. CONFIRMATION OF AGENDA**

The agenda was confirmed as tabled.

## **5. CONFLICT OF INTEREST**

No conflicts of interest were advised.

## **6. PUBLIC FORUM**

Shelly Sutherland spoke to the Council as part of a group requesting the Council declare a climate and ecological emergency. Cr Woodhead thanked the group for coming and said any further discussions should be held on an informed basis.

Kathryn Bowden addressed the Councillors to request their support of an increase for bus driver remuneration to the living wage threshold. Cr Woodhead thanked Ms Bowden for

attending the meeting and said the ORC will be part of the Public Transport Operating Model (PTOM) review recently announced by the Ministry of Transport.

*Cr Laws joined the meeting at 01:11 pm.*

*Cr Bell joined the meeting at 01:28 pm.*

## **7. PRESENTATIONS**

No presentations were held.

## **8. CONFIRMATION OF MINUTES**

### **8.1. Minutes of the 15 May 2019 Council Meeting**

#### **Resolution**

*That the minutes of the (public portion of the) Council meeting held on 15 May 2019 be received and confirmed as a true and accurate record.*

Moved: Cr Robertson

Seconded: Cr Brown

CARRIED

### **8.2. Minutes of the 12 June 2019 Extraordinary Council Meeting**

#### **Resolution**

*That the minutes of the (public portion of the) Extraordinary Council Meeting of 12 June 2019 be received and confirmed as a true and accurate record.*

Moved: Cr Woodhead

Seconded: Cr Hope

CARRIED

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

### **Status report on the resolutions of Council**

11.3 Delegations	3 April 2019	Direct CE to bring a review of delegations to the next Council Meeting	IN PROGRESS
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## **10. CHAIRPERSON'S AND CHIEF EXECUTIVE'S REPORTS**

### **10.1. Chairperson's Report**

#### **Resolution**

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

Moved: Cr Woodhead

Seconded: Cr Brown

CARRIED

## 11. MATTERS FOR COUNCIL DECISION

### 11.1. Annual Plan 2019-2020

Nick Donnelly, GM Corporate Services, presented the final draft of the 2019/20 Annual Plan to the Councillors. Cr Laws raised a question about the state of reserves report and Mr Donnelly said that information will be provided in greater detail to an upcoming Finance and Corporate Committee Meeting. After further general discussion, Cr Woodhead asked for a motion.

#### Resolution

*That the Council:*

- 1) **Receives** this report.
- 2) **Notes** the recommendation from the 12 June 2019 Finance and Corporate Committee meeting that Council adopts the proposed Otago Regional Council Annual Plan 2019-20.
- 3) **Adopts** the Otago Regional Council Annual Plan 2019-20 as circulated with this report.
- 4) **Provide** an updated report on the status of reserves to an upcoming Finance and Corporate Committee Meeting.

Moved: Cr Brown  
Seconded: Cr Noone  
CARRIED

### 11.2. Rating Report and Rating Resolution 2019 - 2020

Stuart Lanham, Manager Finance and Nick Donnelly, GM Corporate, were present to answer questions about the rates resolution formally setting the rates specified in the 2019/20 Annual Plan adopted earlier in the meeting by Council. The resolution will adopt the General Rates, River Management Rates, Flood and Drainage Scheme Rates, Transport Rates, the Rural Water Quality Rate, the Dairy Monitoring Rate, the Wilding Tree Rate, the Civil Defence and Emergency Management Rate, and payment and penalty dates for unpaid rates. After a discussion, Cr Woodhead asked for a motion.

#### Resolution

*That the Council:*

- 1) **Receives** this report.
- 2) **Adopts** the Rating Resolution for the 2019/2020 financial year

Moved: Cr Brown  
Seconded: Cr Noone  
CARRIED

### 11.3. Finalising the Biodiversity Action Plan

Andrew Newman, Acting General Manager Policy, Science and Strategy, Anita Dawe, Acting Manager Policy and Planning, and Rachael Brown, Senior Policy Analyst presented the Biodiversity Action Plan to the Council. Cr Robertson said the plan seems broad, and signals the ORC is serious about developing a plan, but she encouraged staff to reduce the implementation timeframe from 5 years down to 1 or 2. Cr Scott said the community wants

the ORC to take the lead in these programs and show solid outcomes and Cr Laws suggested the plan be further refined prior to adoption. Ms Brown responded that there could be reputational risk to the organisation if plans aren't able to be accomplished as set out. CE Gardner said she will take the comments on board and suggested the biodiversity action plan be adopted as a work in progress, allowing staff to finish the mapping, due in March 2020. Mr Newman said he would like to see the results of the mapping and recommended an in-depth workshop once the mapping is completed, inviting staff from Hawkes Bay and Taranaki regional councils to discuss their biodiversity and biosecurity strategies. There was no further discussion and a motion was made.

### **Resolution**

*That the Council:*

- 1) **Approve** the Biodiversity Action Plan as a living document / *Te Mahi hei Tiaki Koiora (Attachment 1), which sets out the Council's intended biodiversity work programme.*
- 2) **Note** that work is underway to integrate the Council's biodiversity and biosecurity activities, and to develop business case options for resourcing these, which will inform the next Long-Term Plan process (2021-2031) and enable implementation of the Biodiversity Action Plan.

Moved: Cr Robertson

Seconded: Cr Hope

CARRIED

### **11.4. Building Act Transfer**

Peter Winder, Acting General Manager Regulatory was present to answer any questions about the request to extend the transfer of Building Act functions from Environment Southland and the West Coast Regional Council. He noted the request was first considered by the Regulatory Committee at the 12 June 2019 meeting and was recommended for Council approval. There were no questions and Cr Woodhead asked for a motion.

### **Resolution**

*That the Council:*

- 1) **Receives** this report.
- 2) **Approves** the Deeds and authorises the Chairman and any other Councillor to execute and witness the affixing of the Common Seal of the Otago Regional Council to the Deeds of Extension and Variation of Transfer of Building Act Functions for West Coast Regional Council and Southland Regional Council.

Moved: Cr Neill

Seconded: Cr Brown

CARRIED

### **11.5. Consideration of Election Protocols for Elected Members**

Cr Woodhead summarised the report detailing the election protocols. He noted the item had been adjourned from the 12 June Finance and Corporate Committee meeting to the current Council meeting. Cr Brown withdrew his motion to adopt the protocols from the previous

meeting and this was agreed to by the Councillors. A general discussion about the protocols was then conducted. Nick Donnelly, GM Corporate, said the protocols were about protecting Council processes and ensuring the ORC is not seen to provide an unfair advantage to existing Councillors during the election period. Chief Gardner reminded the Councillors the protocols are extracted by SOLGM from the document originally released from the Office of the Auditor General. There was a general discussion about the guidelines and Cr Woodhead asked for a motion.

### **Resolution**

*That the Council:*

- 1) **Receives** this report.
- 2) **Notes** the attached Protocols for Elected Members in an election year.

Moved: Cr Woodhead  
Seconded: Cr Laws  
CARRIED

### **11.6. Delegation Where ORC is both applicant and regulatory authority**

Peter Winder, Acting GM Regulatory, summarised the report. He said the recommendation is to make minor changes to delegations where the ORC is both the applicant and the regulatory authority for resource consents or approval under Council bylaws. Mr Winder said best practice separates the roles of applicant and decision maker and staff recommends an independent Commissioner be appointed by the Commissioner Appointment Subcommittee. After a general discussion, Cr Woodhead asked for a motion.

### **Resolution**

*That the Council:*

- 1) *Receives* this report.
- 2) *Resolves to change its delegations so that, in circumstances where the ORC is the applicant, decisions to approve or decline applications under the Otago Regional Council Flood Protection Bylaw or the Navigational Safety Bylaw and decisions under sections 42A(1AA)(b), 42A(5), 88(3), 91, 92, 92(2), 92A(2), 92B(2), 95 to 95F, 99, 101, 104 to 104F, 105, 107, 108, 108A, and 217 of the Resource Management Act 1991 are delegated to an independent decision maker(s) appointed by the Commissioner Appointment Sub Committee.*

Moved: Cr Neill  
Seconded: Cr Kempton  
CARRIED

### **11.7. Local Government New Zealand 2019 Annual General Meeting - Remits**

Cr Woodhead reviewed the agenda item. He said the Annual General Meeting of member authorities is held as part of the Local Government New Zealand Conference. The ORC has appointed Cr Woodhead, Cr Hope and CE Gardner as this year's delegates. Cr Woodhead suggested the Council resolve to allow the delegates discretion in voting on the remits as they had all read through the large number of proposals. He asked if there were any specific items

to be noted. Cr Kempton said there were several important items, an item asking central government to focus on provision of social housing and an item calling on the Government to include local representation in all levels of policy development, risk and resilience assessment, and data acquisition on climate change policies. After further discussion, a motion was made.

### **Resolution**

- 1) *That the Council:*
- 2) **Receives** this report.
- 3) **Notes** the proposed remits for member authority consideration at the 7 July 2019 Local Government New Zealand Annual General Meeting are attached to this report.
- 4) **Gives** the Council's delegates discretion to vote on remits supported by the Otago Regional Council for voting purposes at the 7 July 2019 Local Government New Zealand Annual General Meeting.

Moved: Cr Woodhead

Seconded: Cr Noone

CARRIED

## **12. MATTERS FOR NOTING**

### **12.1. Remuneration Authority Determination**

Nick Donnelly, GM Corporate, presented the Remuneration Authority Determination report to the Councillors. He noted the Authority has completed its annual review of elected member remuneration and issued the final determination for the 1 July - 12 October 2019 period. He said the Determination also outlines a new remuneration method post the election wherein a pool process will be implemented. Mr Donnelly also noted mileage rates and claim limits for vehicle use have been amended and a new allowance has been introduced for childcare. He said each local authority will be required to adopt the childcare allowance if the reimbursement will be offered. Mr Donnelly said the allowance, if resolved by the Council, will be added to the Expenses, Reimbursements and Allowances Policy and will be payable on an actual reimbursement basis, submitted by invoice. Cr Deaker noted the membership to the Dunedin Club that is provided to the Chair as part of compensation and suggested this should be discontinued. Cr Woodhead said this can be addressed in the new triennium. There was no further discussion and a motion was made.

### **Resolution**

*That the Council:*

- 1) **Receives** this report.
- 2) **Receives** the Remuneration Authority's Local Government Members (2019/20) Determination 2019.
- 3) **Notes** the increase in Councillor remuneration from 1 July 2019.
- 4) **Approves** the introduction of a childcare allowance as outlined in the draft Expenses, Reimbursements and Allowances Policy.
- 5) **Adopts** the attached Expenses, Reimbursements and Allowances Policy.

Moved: Cr Hope  
Seconded: Cr Brown  
CARRIED

### **13. REPORT BACK FROM COUNCILLORS**

No reports were given.

### **14. NOTICES OF MOTION**

No Notices of Motion were advised.

### **15. RECOMMENDATIONS ADOPTED AT COMMITTEE MEETINGS HELD ON 12 JUNE 2019**

#### **15.1. Recommendations of the Communications Committee Resolution**

*That the Council adopt the recommendations of the 12 June 2019 Communications Committee*

Moved: Cr Hope  
Seconded: Cr Kempton  
CARRIED

#### **15.2. Recommendations of the Public Portion of the Finance and Corporate Committee Resolution**

*That the Council adopt the recommendations of the 12 June 2019 Finance and Corporate Committee.*

Moved: Cr Brown  
Seconded: Cr Noone  
CARRIED

#### **15.3. Recommendations of the Policy Committee**

There were no recommendations from the 12 June 2019 Policy Committee.

#### **15.4. Recommendations of the Regulatory Committee Resolution**

*That the Council adopt the recommendations of the 12 June 2019 Regulatory Committee.*

Moved: Cr Scott  
Seconded: Cr Neill  
CARRIED

#### **15.5. Recommendations of the Technical Committee**

##### **Resolution**

*That the Council adopt the recommendations of the 12 June 2019 Technical Committee.*



Moved: Cr Noone  
Seconded: Cr Bell  
CARRIED

## 16. RESOLUTION TO EXCLUDE THE PUBLIC Resolution

The following resolution was 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 was **resolved**:

1. *That the following items are considered with the public excluded:*
  - a. *Approval of minutes of the 15 May 2019 Public Excluded Council Meeting*
  - b. *Approval of minutes of the 12 June 2019 Public Excluded Council Meeting*
  - c. *Consideration of Provincial Growth Fund Applications*

*It was further moved that Clutha District Council Mayor Bryan Cadogan be permitted to remain at this meeting, after the public was excluded, because of this knowledge of Clutha's PGF application.*

Moved: Cr Woodhead  
Seconded: Cr Noone  
CARRIED

*The meeting adjourned to public excluded at 3:15 p.m.*

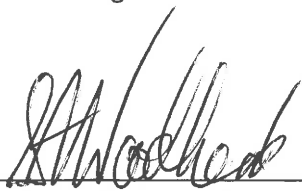
## Resolution

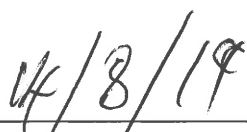
*That the meeting resume in public session at 03:46 pm.*

Moved: Cr Woodhead  
Seconded: Cr Hope  
CARRIED

## 17. CLOSURE

The meeting was declared closed at 03:47 pm.

  
\_\_\_\_\_  
Chairperson

  
\_\_\_\_\_  
Date