



Minutes of an ordinary meeting of Council held in the
Council Chamber on
Wednesday 26 February 2020 at 1:00 p.m.

Membership

Hon Cr 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 1:04 p.m.

For our future

1. APOLOGIES

There were no apologies. Cr Laws was in attendance via Skype.

2. ATTENDANCE

Sarah Gardner (Chief Executive)
Nick Donnelly (General Manager Corporate Services and CFO)
Gavin Palmer (General Manager Operations)
Richard Saunders (General Manager Regulatory)
Gwyneth Elsum (General Manager Policy, Strategy and Science)
Liz Spector (Committee Secretary)

Other staff present included Garry Maloney (Manager Transport), Steve Rushbrook (Harbourmaster), Anita Dawe (Acting Manager Policy), Kyle Balderston (Team Leader Urban Growth and Development), Eleanor Ross (Manager Communications Channels), Shayde Bain (Comms and Engagement Advisor), Ryan Tippet (Media Communications Lead).

3. CONFIRMATION OF AGENDA

The agenda was confirmed as circulated.

4. CONFLICT OF INTEREST

No conflicts of interest were advised.

5. PUBLIC FORUM

Mr Gerry Eckhoff spoke to the Council about conflicts of interest.

6. PRESENTATIONS

There were no presentations.

7. CONFIRMATION OF MINUTES

Resolution

That the minutes of the (public portion of the) Council meeting held on 22 January 2020 be received and confirmed as a true and accurate record.

Moved: Cr Hope
Seconded: Cr Forbes
CARRIED

Resolution

That the minutes of the (public portion of the) Council meeting held on 12 February 2020 be received and confirmed as a true and accurate record.

Moved: Cr Deaker
Seconded: Cr Noone
CARRIED

8. ACTIONS (STATUS OF COUNCIL RESOLUTIONS)

The Councillors were briefed on outstanding actions.

9. CHAIRPERSON'S AND CHIEF EXECUTIVE'S REPORTS

9.1. Chairperson's Report

Cr Hobbs reviewed her Chairperson's report with the Councillors.

Resolution

That the Chairperson's report be received.

Moved: Cr Hobbs

Seconded: Cr Forbes

CARRIED

9.2. Chief Executive's Report

Chief Executive Gardner reviewed her report with the Councillors.

Resolution

That the Council:

- 1) *Receives this report.*

Moved: Cr Hobbs

Seconded: Cr Noone

CARRIED

10. MATTERS FOR COUNCIL DECISION

10.1. Proposed Change to the Regional Public Transport Plan

Garry Maloney (Manager Transport) and Gavin Palmer (General Manager Operations) were present to answer questions about the report which was provided to allow the Council to adopt a variation of the RPTP post consultation to enable a ferry service trial for Lake Wakatipu. After a general discussion, Cr Forbes thanked staff for conducting a well-run and timely hearing process to enable the trial ferry service. Cr Wilson moved the motion.

Resolution

That the Council:

- 1) ***Receives*** this report.
- 2) ***Adopts*** the proposed variation to the Regional Public Transport Plan as consulted, to enable a Lake Wakatipu ferry service to be trialled.

Moved: Cr Wilson

Seconded: Cr Forbes

CARRIED

10.2. Navigation Safety Bylaw Update 2020

Cr Kelliher and Cr Robertson sat back from this item to avoid a conflict as they were being asked to hear the submissions on the Navigation Safety Bylaw update.

Steve Rushbrook (Harbourmaster) and Richard Saunders (General Manager Regulatory) were present to speak to the report and answer questions. Mr Rushbrook noted the Bylaws had been given a major update in 2019. He said the current amendment is required due to the transfer of harbourmaster delegations back to the ORC from Central Otago District Council per their request in September 2019. After a discussion, Cr Wilson made a motion.

Resolution

That the Council:

- 1) **Receives** the report
- 2) **Approves** the proposed Statement of Proposal for the amended Otago Regional Council Navigational Bylaw 2019 for public consultation.
- 3) **Approves** the Proposal to Reverse Transfer of Powers for consultation.
- 4) **Appoints** Councillor Robertson, Councillor Kelliher and the Southland Harbourmaster to hear from submitters, consider all submissions received, deliberate and make recommendations to Council in relation to the amended Otago Navigation Safety Bylaw.

Moved: Cr Wilson

Seconded: Cr Hope

CARRIED

Cr Kelliher and Cr Robertson returned to the table.

10.3. Taumata Arowai - The Water Services Regulator Bill Submission

Kyle Balderston (Team Leader Urban Growth and Development) and Gwyneth Elsum (GM Strategy, Policy and Science) were present to speak to the report and answer questions. The report was provided to seek Council endorsement of a submission to Taumata Arowai - the Water Services Regulator Bill. Mr Balderston noted the Bill proposes creation of a single national drinking water regulatory body as a Crown Agent and to establish objectives, functions, operating principles and governance arrangements. Mr Balderston said staff had written a submission in general support of the Bill, and offered suggestions for improvements and clarification of potential regional council function overlaps. A general discussion was conducted, with the Councillors indicating support for creation of a centralised regulator for drinking water. Cr Hobbs moved that the submission be lodged under delegation from the ORC and asked that Mr Balderston provide the submission with changes as discussed for her signature.

Resolution

That the Council:

- 1) **Receives** this report.
- 2) **Approves** the Chief Executive on or before 5pm on 4 March 2020 to lodge the attached draft submission, subject to any changes made today, under delegation from the Otago Regional Council.

Moved: Cr Hobbs
Seconded: Cr Calvert
CARRIED

10.4. ECO Fund Decision Panel - March 2020

Shayde Bain (Communications and Engagement Advisor) was present to answer questions about the report which was provided to inform timelines of the upcoming ECO Fund selection round and to request delegation be given to the Chair of the panel (Cr Deaker) to select the additional councillor panel members.

A discussion was held about ways to build connections with those awarded grants and whether this should be added to the Terms of Reference. It was decided to leave consideration of this to the future. There was no further discussion and Cr Deaker moved the recommendation.

Resolution

That the Council:

- 1) **Approves** a change to the ECO Fund decision panel Terms of Reference to allow the Chair of the ECO Fund to appoint a decision panel of three additional Councillors for each round of funding.
- 2) **Notes** that once the panel members have accepted their appointment, staff will contact the selected Councillors to initiate the process for the March 2020 funding round.

Moved: Cr Deaker
Seconded: Cr Wilson
CARRIED

*Cr Noone left the meeting at 02:07 pm.
Cr Noone returned to the meeting at 02:10 pm.*

10.5. Request for Ministerial Call-In

Gwyneth Elsum (General Manager Strategy, Science and Policy) and Anita Dawe (Acting Manager Policy) were present to answer questions about the report. The report was provided to give information to the Councillors to allow a decision to be made whether a Ministerial call in would be requested for the Water Permit Plan Change and Discharge Management Plan Change.

Cr Hobbs noted a call in of the plans would allow Minister Parker to choose for the plans to be considered by a Board of Inquiry or to be put directly to the Environment Court. She said if the Councillors make the decision to request a call in, it would save time and expense for both Council and submitters by bypassing the usual hearings and appeals process run by Council. She said a call in is not about determining the plans, but ensuring the process is professional, high quality and fair to all consented. Ms Dawe also noted there is a severe shortage of commissioners available to hear the plan changes and staff has been unable to find any.

Cr Noone said the Otago region has unique water issues and said he is concerned about making a decision which will have the plans be determined by people who may not have a good understanding of local issues. Chief Executive Sarah Gardner suggested Cr Noone's concerns are not uncommon, however, when people who have gone through the process have been

surveyed, they reported positive experiences and were complimentary. She said the panels are carefully put together to reflect specific representation, including scientific experts, Maori, people with local knowledge, and are gender balanced. Cr Forbes stated the plan change decisions met many of the criteria for a call in. She said she feels this is a pragmatic option which would remove polarisation and ease timing and resourcing concerns.

Cr Malcolm said if the Council decides to request a call in of the plans, the ORC website should be updated with clear information to explain to the public what the decision means and why it was chosen.

After further deliberation, Cr Hobbs asked that the draft letters to the Minister be amended to remove specific mention of either type of call in, allowing Minister Parker to determine what he feels would best suit each plan change. She then moved to receive the report and asked that each recommendation be taken separately.

Resolution

That the Council:

- 1) **Receives** this report.

Moved: Cr Hobbs

Seconded: Cr Robertson

CARRIED

Resolution

That the Council:

- 1) **Approves** the recommendation to request the Minister for the Environment call in Water Plan Change 7 – Water Permits, for the reasons set out in this report; and

Moved: Cr Forbes

Seconded: Cr Deaker

CARRIED

Resolution

That the Council:

- 1) **Approves** the recommendation to request the Minister for the Environment call in Water Plan Change 8 – Discharge Management and Waste Plan Change 1 – Dust Suppressants and Landfills.

Moved: Cr Forbes

Seconded: Cr Deaker

CARRIED

Resolution

That the Council:

- 1) **Recommends** that the Chair write to the Minister, requesting a call in of the Plan Change(s), in accordance with the letters attached to this report, and any amendments as a result of today's meeting.

Moved: Cr Deaker

Seconded: Cr Forbes

CARRIED

Resolution

That the Council:

- 1) **Requests** staff and Communications Working Party under matter of urgency, prepare communications to residents explaining the process and reasons why the Otago Regional Council is pursuing a Ministerial call in.

Moved: Cr Malcolm

Seconded: Cr Deaker

CARRIED

11. MATTERS FOR NOTING

11.1. Otago: UN Regional Centre of Expertise (RCE) for Sustainability

Cr Forbes did not participate in voting on this item due to a possible conflict of interest.

The report was provided to inform the Council that Otago was confirmed as a Regional Centre of Expertise (RCE) on education for sustainable development under the United Nations University in late January 2020 and note the Otago Regional Council will continue to be involved as a partner. Gwyneth Elsum (GM Strategy, Policy and Science) noted she had been asked to participate as co-chair of the Working Group on Water. She noted staff will keep Councillors up to date with the progress and activities of the RCE and advise of opportunities for Councillors to be involved in specific aspects of the work.

After a general discussion, Cr Wilson made a motion.

Resolution

That the Council:

- 1) **Receives** this report.
- 2) **Notes** the Otago region has been confirmed as a Regional Centre of Expertise (RCE) on education for sustainable development under the United Nations University.
- 3) **Notes** the Otago Regional Council will remain involved as a partner and will co-chair the Working Group on Water.
- 4) **Notes** that updates will be provided to Council, and there will be opportunities for Councillors to be involved if they wish.

Moved: Cr Wilson

Seconded: Cr Deaker

CARRIED

11.2. Strategic Plan Workshops

Gwyneth Elsum (GM Strategy, Policy and Science) was present to answer questions on the workshop process that would be initiated to develop the ORC Strategic Directions document. Ms Elsum noted the work programme being proposed is part of upcoming LTP work to feedback into community outcomes. The workshops are scheduled for the Strategy and Planning Committee members and will be conducted on 12 March, 30 April, 27 May and 22 July 2020. There were no questions and Cr Noone made a motion.

Resolution

That the Council:

- 1) **Receives** this report.
- 2) **Notes and Approves** the proposed process to develop ORC Strategic Directions document including Councillor participation in the process through a series of workshops.

Moved: Cr Noone

Seconded: Cr Hope

CARRIED

12. REPORT BACK FROM COUNCILLORS

Several Councillors updated the group on events and conferences they had attended during the previous month.

13. RESOLUTION TO EXCLUDE THE PUBLIC

Resolution

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

- **Minutes of the 11 December 2020 Public Excluded Council Meeting**
- **Minutes of the 22 January 2020 Public Excluded Council Meeting**
- **Minutes of the 29 January 2020 Public Excluded Council Meeting**

Moved: Cr Hobbs

Seconded: Cr Kelliher

CARRIED

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>Minutes of the Public Excluded 11 December 2019 Council Meeting</i> | To protect the privacy of natural persons and to enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities | Section 48(1)(a): Sec 7(2)(a), Sec 7(2)(h) |
| <i>Minutes of the Public Excluded 22 January 2020 Council Meeting</i> | To maintain legal professional privilege | Section 48(1)(a): Sec 7(2)(g) |

| | | |
|--|---|--|
| <p><i>Minutes of the Public Excluded 29 January 2020 Council Meeting</i></p> | <p>Sec 48(2)(a)(i) - Paragraph (d) of subsection (1) applies to any proceedings before a local authority where (i) a right of appeal lies to any court or tribunal against the final decision of the local authority in those proceedings.</p> <p>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)</p> | <p>Sec 48(1)(d); 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 one or more of the following grounds:(d) that the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation in any proceedings to which this paragraph applies.</p> <p>Section 48(1)(a); 7(2)(i)</p> |
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Resolution

That the Council move back into public session at 4:02 pm.

Moved: Cr Calvert

Seconded: Cr Hope

CARRIED

14. CLOSURE

There was no further business and Cr Hobbs declared the meeting closed at 04:02 pm.



Chairperson

26 February 2020

Date