



Minutes of an ordinary meeting of Council held in the  
Council Chamber on  
Wednesday 22 July 2020 at 9:00 am

**Membership**

Cr Andrew Noone

*(Chairperson)*

Cr Michael Laws

*(Deputy Chairperson)*

Cr Hilary Calvert

Cr Michael Deaker

Cr Alexa Forbes

Hon Cr Marian Hobbs

Cr Carmen Hope

Cr Gary Kelliher

Cr Kevin Malcolm

Cr Gretchen Robertson

Cr Bryan Scott

Cr Kate Wilson

**Welcome**

Chairperson Andrew Noone welcomed Councillors, members of the public and staff to the meeting at 9:00 am.

*For our future*

## **1. APOLOGIES**

No apologies were made.

## **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)  
Amanda Vercoe (Executive Advisor)  
Liz Spector (Committee Secretary)

Also present were Eleanor Ross (Manager Communications Channels), Ryan Tippet (Media Communications Lead), Lisa Hawkins (Team Leader RPS, Air & Coast), Sarah Munro (Manager Finance - Reporting), Peter Kelliher (Legal Counsel), Garry Maloney (Manager Transport), Anita Dawe (Manager Policy and Planning), Tom De Pelsemaeker (Team Leader Freshwater & Land) and Dolina Lee (Policy Analyst).

## **3. CONFIRMATION OF AGENDA**

Councillor Noone noted that staff had removed Item 10.1 *Navigation Safety Bylaw 2020* from the agenda for future consideration. He also noted item 10.3 *Appoint Hearings Commissioner for Bus Fare Submissions* would be considered with the public excluded.

## **4. CONFLICT OF INTEREST**

No conflicts of interest were advised.

## **5. PUBLIC FORUM**

Ms Raewynne Pedofski addressed the Council about port noise and emissions. Several Councillors had questions for Ms Pedofski and then Cr Noone thanked her for speaking.

## **6. PRESENTATIONS**

Dr Robyn Zink presented on Enviroschools. Councillors asked questions and Cr Scott asked for her next presentation to include more detailed information on the program and its aims for the future. Cr Noone thanked Dr Zink for the presentation.

## **7. CONFIRMATION OF MINUTES**

### **Resolution**

*That the minutes of the (public portion of the) Council meeting held on 24 June 2020 be received and confirmed as a true and accurate record, with or without changes.*

Moved: Cr Hope  
Seconded: Cr Deaker  
CARRIED

Cr Hobbs moved an amendment to the minutes to include more specific reference to her statement to Cr Laws. After a discussion, Cr Noone seconded her motion and it carried.

## **Resolution**

*That the minutes of the Council meeting held on 8 July 2020 be received and confirmed as a true and accurate record, with changes as noted.*

Moved: Cr Noone  
Seconded: Cr Hope  
CARRIED

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

### **8.1. Actions**

The Councillors discussed the outstanding actions, with Cr Laws noting a draft submission to the Commerce Commission regarding Aurora line charges would be provided for consideration at the 12 August Council Meeting.

Cr Calvert asked that the update column provide more detailed information, specifically noting when the action was expected to be completed.

## **9. CHAIRPERSON'S AND CHIEF EXECUTIVE'S REPORTS**

### **9.1. Chairperson's Report**

An in-depth discussion was held on the Chairperson's and Chief Executive's reports. Cr Laws asked that Councillors be invited to the joint water workshop that is being held next week with representatives from the local TAs. Chief Executive Gardner said she would find out more information and Cr Noone would email the Councillors to see who would be interested in attending.

A discussion was held about how to structure working groups to review upcoming work that may be coming related to Central Government decisions. Cr Hobbs stressed that many of the decisions are moving through Cabinet very quickly and will likely be revised in the future. She suggested it wouldn't be prudent to set up structures based on changing information.

A discussion was also held about the changes proposed to the committee structure. Cr Noone said he, Cr Laws and Cr Robertson had met with CE Gardner to discuss the changes and further discussion would be held with Councillors before changes were made.

There was no further discussion and Cr Noone asked for a motion.

## **Resolution**

*That the Chairperson's report be received.*

Moved: Cr Hope  
Seconded: Cr Wilson  
CARRIED

### **9.2. Chief Executive's Report**

#### **Resolution**

*That the Chief Executive's report be received.*

Moved: Cr Malcolm  
Seconded: Cr Hobbs  
CARRIED

## 10. MATTERS FOR COUNCIL DECISION

### 10.1. Navigation Safety Bylaw Transfer Central Otago Delegations

This report was removed from the agenda.

### 10.2. NESAQ Amendments Submission

Lisa Hawkins (Team Leader RPS, Air and Coast) and Gwyneth Elsum (General Manager Strategy, Policy & Science) were present to answer questions about the submission which had been amended per direction of Committee members at the 8 July Strategy & Planning Committee meeting. After questions and discussion, Cr Noone reiterated that the proposed submission had been reworked taking into account information provided to staff and approved at Committee, and he asked for a motion.

#### Resolution

*That the Council:*

- 1) **Receives** this report.
- 2) **Approves** the attached submission with changes as noted to be submitted to the Ministry of the Environment, by 31 July 2020.
  - a) Correct typo "insultation" to "insulation" on page 34 bullet point
  - b) Add "energy poverty" to the last bullet point on page 35.

Moved: Cr Calvert  
Seconded: Cr Malcolm  
CARRIED

Cr Hope, Cr Kelliher and Cr Laws requested their vote against the motion be recorded in the minutes.

Chairperson Noone then noted that an external party was present to participate in one of the items on the public-excluded agenda. He then moved to go into public excluded at 11:23 a.m.

## RESOLUTION TO EXCLUDE THE PUBLIC

#### Resolution

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

- **1.1 Employment Committee Report back – July 2020**
- **10.3 ApPOINT Hearings Commissioner for Bus Fare submissions**

*I also move that Craig Coburn of Craig Coburn & Associates be permitted to remain at this meeting, after the public has been excluded as he was providing HR advice on the Employment Committee report.*

Moved: Cr Noone  
 Seconded: Cr Wilson  
 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:

<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 Employment Committee Report Back – July 2020</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,	Section 7(2)(a); To protect the privacy of natural persons, including that of deceased natural persons – Section 7(2)(a)
<i>10.3 Appoint hearings commissioner for bus fare submissions</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,	Section 7(2)(a); To protect the privacy of natural persons, including that of deceased natural persons – Section 7(2)(a)

**Resolution**

*That the meeting resume in public session at 04:23 pm.*

Moved: Cr Noone  
 Seconded: Cr Wilson  
 CARRIED

*Cr Scott left before the meeting resumed in public session.*

*Cr Kelliher left before the meeting resumed in public session.  
Cr Hope left before the meeting resumed in public session.*

#### **10.4. Freeholding Kuriwao Lease S327**

Peter Kelliher (ORC Legal Counsel) and Nick Donnelly (GM Corporate Services) were present to answer questions about the proposed sales of Kuriwao Leases S327 and S328. After a review of the proposal, Cr Noone asked for a motion.

##### **Resolution**

*That the Council:*

- 1) *Receives* this report.**
- 2) *Approves* the terms and conditions.**
- 3) *Approves* Council's contribution of the cost of fencing the areas of land subject to the covenants.**
- 4) *Authorises* the Chief Executive or the General Manager Corporate to execute the proposed Sale and Purchase Agreements.**
- 5) *Authorises* the Chief Executive and General Manager Corporate to sign an authority and instruction form for the sale of the land.**

Moved: Cr Wilson

Seconded: Cr Calvert

CARRIED

#### **10.5. Local Government New Zealand Annual General Meeting 2020: Attendance and Remits**

Amanda Vercoe (Executive Advisor) was present to answer questions about the report. Cr Laws moved recommendations 1, 2, 3 and 4, giving the ORC delegates discretion to vote on remits. Cr Calvert said she would support the motion if Cr Laws would amend recommendation 4 to direct the delegates to not support Remit 5.

Cr Noone asked if Cr Calvert wished to move this as an amendment to Cr Laws' motion and she said yes. Cr Deaker seconded the amendment. Cr Noone put the amendment to the vote and it was carried.

A discussion was held about the motion, with several Councillors indicating they would prefer to give direction to the delegates on the Remits to be supported by ORC. Cr Noone seconded the substantive motion as amended and put it to the vote, taking each item separately.

##### **Resolution**

*That the Council:*

- 1) *Receives* this report.**

Moved: Cr Laws

Seconded: Cr Noone

CARRIED

##### **Resolution**

- 1) *Designates* Crs Noone, Wilson and Malcolm to be official ORC delegates to the AGM.**

Moved: Cr Laws

Seconded: Cr Noone  
CARRIED

**Resolution**

3) **Notes** the attached remits will be discussed at the LGNZ AGM.

Moved: Cr Laws

Seconded: Cr Noone

CARRIED

**Resolution**

4) **Gives** the ORC delegates discretion to vote on remits supported by the ORC for voting purposes at the AGM, directing them to not support Remit 5.

Moved: Cr Laws

Seconded: Cr Noone

FAILED

As the 4th resolution failed, the Councillors went through the list of Remits and determined which Remits they wanted the delegates to support.

**Resolution**

1) That the Council directs the ORC delegates to support all Remits with the exception of 3, 5, and 6.

Moved: Cr Calvert

Seconded: Cr Forbes

CARRIED

## 11. MATTERS FOR NOTING

### 11.1. Consultant and Legal Spend

Nick Donnelly (GM Corporate Services) was present to answer questions about the report which was provided upon request of Councillors at a previous meeting. Following a discussion, Cr Deaker moved to receive the report.

**Resolution**

*That the Council:*

1) **Receives** this report.

Moved: Cr Deaker

Seconded: Cr Noone

CARRIED

**Note:** Councillors were advised post the meeting of a correction to the expenditure total reported for Chen Palmer. The Chen Palmer legal expense was \$188,991.70 plus GST not the \$266,424.00 cited in the report.

### 11.2. Staff submission on DCC bylaws

Tom De Pelsemaeker and Gwyneth Elsum were available to answer questions on the paper which was provided to summarise draft issues for inclusion in a staff submission on proposed

Dunedin City Council Trade Waste 2020 Bylaw and Stormwater Quality Bylaw 2020. Mr De Pelsemaeker said the submission period for the bylaws closed on 17 August. He indicated staff are generally supportive of what DCC is proposing and will recommend small amendments to provide clarity around wording and to incentivise methods to reduce stormwater volume, including using onsite stormwater retention and encourage waste minimisation through the consenting process.

The Councillors had an in-depth discussion around the current 3 Waters reform underway at central government and noted the ORC should work with local territorial authorities to find ways to improve stormwater and waste concerns. Cr Noone then asked for a motion.

### **Resolution**

*That the Council:*

- 1) **Receives** this report.
- 2) **Notes** the draft submission points recommended by staff.

Moved: Cr Noone

Seconded: Cr Wilson

CARRIED

## **12. RECOMMENDATIONS ADOPTED AT COMMITTEE MEETINGS HELD ON 8 AND 9 JULY 2020**

### **12.1. Recommendations of the Strategy and Planning Committee, 8 July 2020**

#### **Resolution**

*That the Council adopts the resolutions made at the 8 July 2020 Strategy and Planning Committee meeting.*

Moved: Cr Laws

Seconded: Cr Noone

CARRIED

### **12.2. Recommendations of the Regulatory Committee, 9 July 2020**

#### **Resolution**

*That the Council adopts the resolutions made at the 9 July 2020 Regulatory Committee meeting.*

Moved: Cr Noone

Seconded: Cr Laws

CARRIED

## **14. CLOSURE**

There was no further business and Chairperson Noone declared the meeting closed at 05:35 pm.



Chairperson Noone

12 August 2020

Date