



Minutes of an ordinary meeting of Council held in the  
Council Chamber on  
Wednesday 28 October 2020 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	
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 1 p.m.

Staff present included: Sarah Gardner (Chief Executive), Nick Donnelly (General Manager Corporate Services), Gwyneth Elsum (General Manager Strategy, Policy and Science), Gavin Palmer (General Manager Operations), Amanda Vercoe (Executive Advisor), Liz Spector (Committee Secretary), Ryan Tippet (Media Communications Lead).

*For our future*

## **1. APOLOGIES**

### **Resolution**

*That the lateness of Cr Malcolm and Cr Hope be accepted.*

Moved: Cr Noone

Seconded: Cr Calvert

CARRIED

Cr Wilson joined the meeting electronically. Cr Hope joined the meeting electronically at 2:20 p.m. and Cr Malcolm joined the meeting electronically at 2:25 p.m.

## **2. CONFLICT OF INTEREST**

No conflicts of interest were advised.

## **3. CONFIRMATION OF AGENDA**

Cr Noone noted that the staff member speaking to the Six-Monthly Report to the Minister for the Environment was in a community meeting until 2 p.m. so consideration of that report was moved later in the agenda.

## **4. PUBLIC FORUM**

No requests to speak during Public Forum were received.

## **5. PRESENTATIONS**

### **5.1. Presentation of Otago Regional Helicopter Annual Report**

Martin Dippie, Chair, Otago Rescue Helicopter Trust, Graeme Gale, Managing Director HeliOtago, and Vivienne Seaton, Secretary Manager ORHT presented the Council with the Trust's Annual Report and responded to questions. After the presentation, Cr Noone thanked the group for their work and said the Council looked forward to its continuing support of the Trust.

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

## **7. CONFIRMATION OF MINUTES**

### **Resolution**

*That the minutes of the public portion of the Council meeting held on 30 September 2020 be received and confirmed as a true and accurate record, with or without changes.*

Moved: Cr Forbes

Seconded: Cr Hobbs

CARRIED

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

### **8.1. Chairperson's Report**

### **Resolution**

*That the Chairperson's report be received.*

Moved: Cr Hobbs

Seconded: Cr Deaker

CARRIED

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

### **Resolution**

That the Council:

- 1) ***Receives the Chief Executive's report.***
- 2) ***Notes that the Council appreciates the work of Sarah Gardner and ELT to achieve the results indicated in the staff survey.***

Moved: Cr Deaker

Seconded: Cr Hobbs

CARRIED

## **9. MATTERS FOR COUNCIL DECISION**

*Cr Hope joined the meeting at 02:20 pm.*

### **9.1. Transfer of Building Consent Authority function to Environment Canterbury**

Otago Regional Council accepted the transfer of Building Consent Authority (BCA) functions under the Building Act 2004 for “Large Dams” from West Coast Regional Council and Environment Southland in 2007. ORC has remained an accredited BCA since. The current transfer agreements between West Coast and Southland will end on 1 June 2021. Following a review of costs to benefits associated with remaining a BCA, staff recommended that the Council consider transferring its BCA functions to Environment Canterbury on the basis of cost effectiveness and efficiencies. The Council approved consultation to initiate the transfer of functions at its 22 April 2020 meeting and consultation procedures began 7 August 2020 and concluded 7 September 2020. No submissions were received. The hearing panel met on 29 September and recommended no changes to the Statement of Proposal which was approved by Council on 24 June 2020. This report was provided to obtain Council approval to finalise the transfer of building consent authority functions from ORC to Environment Canterbury.

Richard Saunders (GM Regulatory) was present to speak to the report and respond to questions. Councillors asked several questions, particularly related to uncertainty about future water regulation which may be affecting the small number of large dam consents being submitted. Cr Kelliher noted he anticipates there will be an increasing number of consent applications for such dams due to changes effected by climate change and freshwater regulations. Cr Scott noted Cr Kelliher's concerns but said it was not economical to continue to support inefficient activities and he said it was important to proceed with the transfer to Environment Canterbury for BCA functions. After further discussion, Cr Noone said the recommendation was pragmatic and the process for future applicants won't change. He then asked for a motion.

### **Resolution**

That the Council:

- 1) ***Receives this report.***
- 2) ***Agrees that the benefits of the proposed transfer of Building Consent Authority functions to Environment Canterbury outweigh any negative impacts of the proposal.***
- 3) ***Approves the transfer of Building Consent Authority functions from Otago Regional Council to Environment Canterbury, as recommended by the Hearing Panel.***

- 4) **Notes** that the transfer is subject to final approval by Environment Canterbury.

Moved: Cr Noone  
Seconded: Cr Hobbs  
CARRIED

Cr Kelliher requested his vote against the resolution be noted.  
Cr Hope requested her vote against the resolution be noted.

*Cr Malcolm joined the meeting at 02:30 pm.*

### **9.2. RMA s27 Six-monthly Report to Minister for the Environment**

The Minister for the Environment wrote to the Otago Regional Council on 18 November 2019, setting out recommendations to develop a fit for purpose planning framework for Otago. One of the requirements outlined in the letter was a formal report, every six months, on progress against three measures be provided to the Minister. The first report was delivered to the Minister on 30 April 2020, and the second report is due by 31 October 2020.

Gwyneth Elsum (GM Strategy, Policy and Science) was present and Anita Dawe (Manager Policy and Planning), was present electronically to speak to the report and respond to questions. Cr Kelliher noted typographical errors in the draft letter to the Minister and asked that these be corrected prior to its submission. Cr Laws enquired if the Council would receive feedback on the report to the Minister. Ms Dawe said no response from the Minister was received after the initial letter and she did not anticipate any this time. There were no further discussions and Cr Noone moved:

#### **Resolution**

*That the Council:*

- 1) **Receives** this report.
- 2) **Approves** the report to the Minister for the Environment reporting on progress against the recommendations contained in his letter of 18 November 2019; and
- 3) **Notes** that the next report will be required to be provided by 30 April 2021.

Moved: Cr Noone  
Seconded: Cr Calvert  
CARRIED

### **9.3. Council Appointment: Manuherekia Freshwater Management Unit and Manuherekia Reference Group**

At its meeting on 26 August 2020, Council agreed to Freshwater Management Unit Liaisons as part of the Council and Committee decision-making structure. Councillor Andrew Noone was appointed as the liaison for the Manuherekia Freshwater Management Unit (FMU) and as the council representative to the Manuherekia Reference Group (MRG). Cr Noone subsequently requested an additional councillor be appointed as a second liaison to the Manuherekia FMU and the MRG, to assist with workload and he nominated Cr Kevin Malcolm.

#### **Resolution**

*That the Council:*

- 1) ***Receives this report.***
- 2) ***Appoints Councillor Kevin Malcolm as an additional Freshwater Management Liaison to the Manuherekia Freshwater Management Unit.***
- 3) ***Appoints Councillor Kevin Malcolm as an additional ORC governance representative on the Manuherekia Reference Group.***

Moved: Cr Calvert

Seconded: Cr Laws

CARRIED

## **10. MATTERS FOR NOTING**

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

This report was provided to inform the Council of delegations which have been exercised during the period 26 August 2020 through 28 October 2020.

#### **Resolution**

*That the Council:*

- 1) ***Receives this report.***

Moved: Cr Noone

Seconded: Cr Hobbs

CARRIED

## **11. REPORT BACK FROM COUNCILLORS**

Crs Calvert, Forbes, Kelliher, Deaker, Laws, Scott and Wilson updated the meeting on external activities undertaken since the previous Council meeting.

*Cr Laws left the meeting at 02:52 pm.*

*Cr Laws returned to the meeting at 02:55 pm.*

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

### **12.1. Recommendations of the Data and Information Committee, 14 October 2020**

#### **Resolution**

*That the Council:*

- 1) ***Adopts the recommendations of the 14 October 2020 Data and Information Committee.***

Moved: Cr Calvert

Seconded: Cr Hobbs

CARRIED

## **12.2. Recommendations of the Implementation Committee, 14 October 2020**

### **Resolution**

*That the Council:*

- 1) **Adopts** the recommendations of the 14 October 2020 Implementation Committee.

Moved: Cr Calvert  
Seconded: Cr Hobbs  
CARRIED

## **12.3. Recommendations of the Regulatory Committee, 15 October 2020**

### **Resolution**

*That the Council:*

- 1) **Adopts** the recommendations of the 15 October Regulatory Committee.

Moved: Cr Calvert  
Seconded: Cr Hobbs  
CARRIED

## **13. RESOLUTION TO EXCLUDE THE PUBLIC**

### **Resolution**

*On the grounds that matters will be prejudiced by the presence of members of the public during discussions on the following items, it is resolved:*

- 1) **That** the following items are considered with the public excluded:

<b>Meeting Item</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 30 September 2020 public excluded Council Meeting</i>	To protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information— would be likely otherwise to damage the public interest – Section 7(2)(c)(ii)  To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities – Section 7(2)(h)  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)	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.

<p><i>2.1 National Wallaby Funding Round 2020 - 2024</i></p>	<p>To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities – Section 7(2)(h)</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>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.</p>
<p><i>2.2 Set Chief Executive Key Performance Indicators FY21</i></p>	<p>To protect the privacy of natural persons, including that of deceased natural persons – Section 7(2)(a)</p>	<p>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.</p>
<p><i>2.3 Port Otago Resolution in Lieu of Annual Shareholders' Meeting</i></p>	<p>To protect the privacy of natural persons, including that of deceased natural persons – Section 7(2)(a)</p> <p>Maintain the effective conduct of public affairs through the protection of such members, officers, employees, and persons from improper pressure or harassment – Section 7(2)(f)(ii)</p> <p>Enable any Council holding the information to carry out, without prejudice or disadvantage, commercial activities – Section 7(2)(h)</p>	<p>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.</p>

Moved: Cr Noone

Seconded: Cr Laws

CARRIED

**14. CLOSURE**

There being no further public business, Cr Noone declared the public portion of the meeting closed at 3:02 p.m.

A handwritten signature in black ink, appearing to read "Andrew Noone".

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Chairperson

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25 November 2020

Date