

Council MINUTES

Minutes of an ordinary meeting of the Otago Regional Council held in the Council Chamber, Level 2 Philip Laing House, 144 Rattray Street, Dunedin on Wednesday 22 February 2023, commencing at 1:00 PM.

MEMBERS PRESENT

Cr Gretchen Robertson

Cr Lloyd McCall

Cr Alexa Forbes

Cr Gary Kelliher (online)

Cr Michael Laws (online)

Cr Kevin Malcolm

Cr Tim Mepham

Cr Andrew Noone

Cr Bryan Scott (online)

Cr Alan Somerville

Cr Elliot Weir

Cr Kate Wilson

(Chairperson)

(Deputy Chairperson)

1. WELCOME

Chairperson Gretchen Robertson welcomed Councillors, members of the public and staff to the meeting at 1:00 p.m. Staff present included Pim Borren, (interim Chief Executive), Nick Donnelly (GM Corporate Services), Anita Dawe (arrived 9:35 a.m.) (GM Policy and Science), Richard Saunders (GM Regulatory and Communications), Amanda Vercoe (GM Governance, Culture and Customer), Liz Spector (Governance Support), and Jean-Luc Payan (online) (Manager Natural Hazards).

2. APOLOGIES

Resolution: Cr Noone Moved, Cr Weir Seconded: That apologies for lateness of Cr Laws be accepted.

MOTION CARRIED

3. PUBLIC FORUM

Pierre Marasti, representing Extinction Rebellion addressed the Council about climate change.

Cr Laws joined the meeting at 1:03 p.m.

Paul Munro, Vice President of Aramaoana League Inc, addressed the Council about erosion and backwash concerns at Shelly Bay.

4. CONFIRMATION OF AGENDA

Per a request from interim Chief Executive Pim Borren, Chairperson Robertson moved acceptance of a late confidential paper, Land and Water Plan Timelines to the agenda, citing Section 7(2)(g) of 48(1)(a) as the reason for considering with the public excluded. Cr Wilson seconded the motion.

Resolution: Cr Robertson moved; Cr Wilson seconded:

That the Council:

1) Add the staff report SPS2301 Proposed Land and Water Plan Timelines to the confidential agenda under Sec 47(1)(a); s 7(2)(g).

MOTION CARRIED

5. DECLARATIONS OF INTERESTS

No changes to the Councillor Register of Interests were noted.

6. ACTIONS (STATUS OF COUNCIL RESOLUTIONS)

Open actions from resolutions of 2022 - 2025 Council Meetings were reviewed.

7. CONFIRMATION OF MINUTES

Resolution: Cr Wilson Moved, Cr Weir Seconded

That the minutes of the Council meeting held on 24 November 2022 be confirmed as a true and accurate record.

MOTION CARRIED

Resolution: Cr Wilson Moved, Cr Weir Seconded

That the minutes of the Council meeting held on 7 December 2022 be confirmed as a true and accurate record.

Resolution: Cr Wilson Moved, Cr Weir Seconded

That the minutes of the Council meeting held on 12 December 2022 be confirmed as a true and accurate record.

MOTION CARRIED

8. MATTERS FOR CONSIDERATION

8.1. Annual Plan 2023/24

This report enabled Council to achieve a draft position for adjustments to the financial forecasts and work programme contained in the Otago Regional Council Long-Term Plan 2021-31 (LTP). Nick Donnelly (General Manager Corporate Services) was present to respond to questions about the report. Mr Donnelly noted an 18.8% rates increase was proposed for the 2023/24 financial year and that no formal consultation was recommended as no substantive changes from the budgets adopted in the 2021 - 2031 LTP were made.

Councillors asked questions of Mr Donnelly and interim Chief Executive Pim Borren regarding the assumptions made by staff in compiling the budget. Dr Borren noted the increase from the 12% rates rise proposed for Year 3 in the 2021-2031 LTP to the 18.8% recommended in the paper was largely due to inflationary pressures.

Cr Andrew Noone moved the staff recommendation with an additional motion that reduced the rates rise from the 18.8% to 16.8% if this was able to be done with no substantive changes to the work programmes. Dr Borren indicated he thought this could be accomplished if the Council so resolved.

Cr Scott asked how the community could provide commentary on the proposed rates increase. Dr Borren said there was no substantive change to the work programmes for Year 3 as previously consulted alongside the 2021-2031 LTP so no formal consultation would be undertaken. Mr Donnelly added that the community would be able to submit comments on the rates increase using the online YourSay application and various stakeholders would be asked to provide feedback.

Cr Malcolm asked for assurance that the rates increase as proposed in the Draft Annual Plan was the best way to implement the already agreed upon work programme and Dr Borren stated it was the best way. He noted that the ORC is a lean organisation seeking to achieve the work programme set in place by the Council.

Cr Kelliher noted the trend of large rates increases for the past three budget years and asked if the ORC would be back to business as usual now. Richard Saunders (GM Regulatory and Comms) stated the ORC would now have a budget which enables staff to deliver the programme Councillors had asked them to deliver. He said any impact on long-term future rates increases would be a decision for Council to make and for staff to implement. Mr Saunders said the current budget responds to previous decisions on work programmes per council direction.

Following further questions for staff, Councillors requested to vote on each recommendation moved by Cr Noone separately. Cr Wilson noted she would move a subsequent motion following this vote.

Resolution CM23-101: Cr Noone Moved, Cr Mepham Seconded

That the Council:

1) **Notes** the position on proposed expenditure adjustments to associated work programmes in year 3 Long-Term Plan 2021-31 as presented in 'Discussion' section of this report.

MOTION CARRIED

Cr Kelliher requested his vote against the motion be recorded in the minutes.

Resolution CM23-102: Cr Noone Moved, Cr Mepham Seconded

That the Council:

1) **Notes** the funding impacts of the proposed adjustments to year 3 Long-Term Plan 2021-31 as presented in 'Discussion' section of this report

MOTION CARRIED

Cr Kelliher requested his vote against the motion be noted in the minutes.

Cr Wilson requested her vote against the motion be noted in the minutes.

Resolution CM23-103: Cr Noone Moved, Cr Mepham Seconded

That the Council:

1) **Notes** that approving the proposed adjustments to year 3 Long-Term Plan 2021-31 revises the adopted financial estimates and establishes a draft position for the Annual Plan 2023-24.

MOTION CARRIED

Cr Kelliher requested his vote against the motion be noted in the minutes.

Resolution CM23-104: Cr Noone Moved, Cr Mepham Seconded

That the Council:

1) **Approves** the proposed adjustments to year 3 Long-Term Plan 2021-31 that establishes a draft position for the Annual Plan 2023-24.

MOTION CARRIED

Cr Kelliher requested his vote against the motion be recorded in the minutes.

Cr Laws requested his vote against the motion be recorded in the minutes.

Cr Malcolm requested his vote against the motion be recorded in the minutes.

Cr Wilson requested her vote against the motion be recorded in the minutes.

Resolution CM23-105: Cr Noone Moved, Cr Mepham Seconded

That the Council:

1) **Approves** proposed changes to the Otago Regional Council 'Schedule of Fees and Charges' for inclusion in communications material provided for community feedback.

MOTION CARRIED

Cr Kelliher requested his vote against the motion be recorded in the minutes.

Cr Laws requested his vote against the motion be recorded in the minutes

Cr Malcolm requested his vote against the motion be recorded in the minutes.

Cr Noone Moved, Cr Mepham Seconded

That the Council:

6) Sets the rate increase for the Draft Annual Plan 2023/24 at an average of 16.8%.

A Division was called:

Vote

For:	Cr Malcolm, Cr Mepham and Cr Noone	
IAgainst: I	Cr Forbes, Cr Kelliher, Cr Laws, Cr McCall, Cr Robertson, Cr Scott, Cr Somerville, Cr Weir and Cr Wilson	
Abstained:	Nil	

MOTION FAILED

Resolution CM23-106: Cr Noone Moved, Cr Mepham Seconded

That the Council:

1) **Notes** the draft position for the Annual Plan 2023-24 provides the basis for communicating or consulting on the Council's intentions for year 3 Long-Term Plan and for Council to consider any final 'non-material' adjustments leading into adoption of the Annual Plan.

A Division was called.

Vote

	Cr Forbes, Cr McCall, Cr Mepham, Cr Noone, Cr Robertson, Cr Scott, Cr Somerville, Cr Weir and Cr Wilson		
Against:	Cr Kelliher, Cr Laws and Cr Malcolm		
Abstained:	Nil		

MOTION CARRIED

Resolution CM23-107: Cr Noone Moved, Cr Mepham Seconded

That the Council:

1) **Agrees** the adjustments as summarised in the discussion section of this report do not represent significant or material changes to year 3 Long-Term Plan 2021-31.

A Division was called.

Vote

leor:	Cr Forbes, Cr McCall, Cr Mepham, Cr Noone, Cr Robertson, Cr Scott, Cr Somerville and Cr Weir
Against:	Cr Kelliher, Cr Laws, Cr Malcolm and Cr Wilson
Abstained:	Nil

Resolution CM23-108: Cr Noone Moved, Cr Mepham Seconded

That the Council:

1) **Notes** the options presented in this report for the approach to finalising the Annual Plan 2023-24.

A Division was called.

Vote

IFOr:	Cr Forbes, Cr Malcolm, Cr McCall, Cr Mepham, Cr Noone, Cr Robertson, Cr Scott, Cr Somerville, Cr Weir and Cr Wilson
Against:	Cr Kelliher and Cr Laws
Abstained:	Nil

MOTION CARRIED

Resolution CM23-109: Cr Noone Moved, Cr Mepham Seconded

That the Council:

1) **Approves** Option 1 being 'Communicate Council's Intentions for the Annual Plan 2023-24'.

A Division was called.

Vote

leor:	Cr Forbes, Cr McCall, Cr Mepham, Cr Noone, Cr Robertson, Cr Scott, Cr Somerville and Cr Weir	
Against:	Cr Kelliher, Cr Laws, Cr Malcolm and Cr Wilson	
Abstained:	Nil	

MOTION CARRIED

Resolution CM23-110: Cr Noone Moved, Cr Mepham Seconded

That the Council:

1) **Directs** the Chief Executive to prepare the supporting information for Council's preferred option for finalising the Annual Plan 2023-24.

A Division was called.

Vote

IFOr.	Cr Forbes, Cr Malcolm, Cr McCall, Cr Mepham, Cr Noone, Cr Robertson, Cr Scott, Cr Somerville, Cr Weir and Cr Wilson		
Against:	Cr Kelliher		
Abstained:	Cr Laws		

Resolution CM23-111: Cr Noone Moved, Cr Mepham Seconded

That the Council:

1) **Directs** the Chief Executive to complete an independent efficiency review in the 2023/2024 financial year to inform the Long-Term Plan Process.

Division called

Vote

	Cr Forbes, Cr Kelliher, Cr Laws, Cr Malcolm, Cr McCall, Cr Mepham, Cr Noone, Cr Robertson, Cr Scott, Cr Somerville, Cr Weir and Cr Wilson
Against:	Nil
Abstained:	Nil

MOTION CARRIED

Cr Wilson stated that as the review of the Taieri Flood and Drainage Scheme was yet to be undertaken, she moved that no rates increase for that scheme be approved and that rates remain the same as the 2022/23 rates.

Cr Wilson Moved, Cr Malcolm Seconded

That the Council:

1) **Directs** that targeted rates for the Taieri Flood and Drainage Scheme which are subject to a review stay at the 2022/23 rate until the review is undertaken.

A Division was called.

Vote

For:	Cr Kelliher, Cr Laws, Cr Malcolm, Cr Noone and Cr Wilson	
Against:	Cr Mepham, Cr Robertson, Cr Scott, Cr Somerville and Cr Weir	
Abstained:	Cr Forbes and Cr McCall	

The vote was tied; Chair Robertson declined to use her casting vote, and the status quo was retained.

MOTION FAILED

At 3:35 p.m. Cr Noone moved that the meeting adjourn for 10 minutes. Cr Weir seconded and the motion passed.

At 3:50 p.m. Chair Robertson resumed the Council Meeting.

8.2. RPS Freshwater Planning Instrument Parts - Advice to Chief Freshwater Commissioner

This report sought Council's approval to provide two nominations to the Chief Freshwater Commissioner, as the Otago Regional Council's nominees to sit, hear, and make recommendations on the freshwater parts of the proposed Otago Regional Policy Statement 2021 (the freshwater planning instrument, or FPI). Anita Dawe (General Manager Policy and Science) was present to respond to questions about the report.

Following Councillor questions and deliberation, the following was resolved:

Resolution CM23-112: Cr Wilson Moved, Cr Forbes Seconded

That the Council:

- 1) **Notes** this report.
- 2) **Approves** the nominations of Allan Cubitt and Bianca Sullivan as Otago Regional Council's nominees to sit, hear and make recommendations on the freshwater planning instrument parts of the proposed Otago Regional Policy Statement 2021.
- 3) **Notes** that the Chief Freshwater Commissioner will be formally advised of ORC's two nominees in accordance with the requirements of the RMA.

MOTION CARRIED

8.3. Proposal for Participating in a Regional Sector Shared Services Council Controlled Organisation

The regional sector, through the regional Chief Executive Forum, is proposing to establish a new Regional Sector Shared Services Organisation (RSSSO) to consolidate existing collaboration programmes and put in place a fit for purpose structure to enable the sector to respond quickly to shared issues and opportunities while sharing cost and resources. It will also provide a platform for future strategic regional sector shared services initiatives. This report was provided to seek approval for Otago Regional Council to become a shareholder in such a regional sector shared services organisation. Andrea Howard (Manager Executive Advice) and Nick Donnelly (General Manager Corporate Services) were present to respond to questions about the report.

Mr Donnelly noted that CCOs were accountable through statements of intent, shareholder meetings, and various collaborative projects. Cr Scott asked there to be more transparency in projects underway and requested updates to Council on a project-by-project basis. Mr Donnelly said updates were currently provided to Councillors on various collaborative projects and will be provided in the future through annual shareholder updates which will go to the Finance Committee if this proposal is approved. Cr Noone asked whether there would be annual fees to cover shared administrative costs. Mr Donnelly said there were no direct fees, as administrative costs will be part of each project.

There were no further questions.

Resolution CM23-113: Cr Wilson Moved, Cr Noone Seconded

That the Council:

- 1) **Notes** the sole submission received during the consultation process.
- 2) **Approves** ORC becoming a shareholder in the regional sector shared services organisation, Regional Software Holdings Limited (RSHL).
- 3) **Delegates** authority to the Interim Chief Executive to take the necessary steps to become a shareholder in RSHL including signing a deed of Accession.

MOTION CARRIED

8.4. Ratifying the Otago Local Authorities' Triennial Agreement 2023-25

Under Section 15 of the Local Government Act 2002, local authorities within a region must enter into an agreement containing protocols for communication and coordination to enable them to give better effect to their core purposes under the Local Government Act by adopting a regional approach where appropriate to deliver seamless local government service. This agreement must be entered into no later than 1 March 2023 for the 2022 – 2025 triennium. Andrea Howard

(Manager Executive Advice) and Marianna Brook (Otago Mayoral Forum Secretariat) were present to respond to questions. Following a Councillor questions and debate, Cr Robertson moved:

Resolution CM23-114: Cr Robertson Moved, Cr Weir Seconded

That the Council:

- 1) Approves the attached Otago Local Authorities' Triennial Agreement 2023–25; and
- 2) **Authorises** the Chair to sign the Otago Local Authorities' Triennial Agreement 2023–25 on behalf of Otago Regional Council.

MOTION CARRIED

Cr Wilson noted this agreement must be signed each triennium and said she wants to ensure that future Councils can provide input into Mayoral Forum topics to drive a more meaningful Forum and moved a subsequential motion.

Resolution CM23-115: Cr Wilson Moved, Cr Forbes Seconded

That the Council:

1) **Requests** the chief executive provide an opportunity for Council to review the triennial agreement to inform priorities for the Otago Mayoral Forum prior to the end of the 2022 - 2025 triennium to inform future Councils.

MOTION CARRIED

8.5. Governance and Community Engagement on Dunedin City Council's Future Development Strategy

This report was provided to detail and seek confirmation of Council's preferred governance arrangements for stage one of the Dunedin City Council Future Development Strategy (FDS) work. Anita Dawe (General Manager Policy and Science) and Dr Anna Johnson from DCC (online) were available to respond to questions about the report.

Amanda Vercoe (GM Governance, Culture and Customer) provided advice per Chair Robertson's request that the Terms of Reference for the Regional Leadership Committee were able to be amended through a motion with this report and would be the most efficient avenue to do this.

Cr Scott then moved:

Resolution CM23-116: Cr Scott Moved, Cr Noone Seconded

That the Council:

- 1) **Resolves** to confirm Option 1 as detailed in the staff report as preferred Future Development Strategy governance arrangements with Dunedin City Council.
- 2) **Resolves** the preferred governance arrangement be to utilise the Regional Leadership Committee and provides delegation to that Committee to enable the Committee to consider and make decisions concerning the FDS work with the Dunedin City Council.
- 3) **Notes** the DCC's proposed approach to stakeholder and community engagement.
- 4) **Notes** that the DCC will confirm its preferred FDS governance arrangements on 28 February 2023.
- 5) **Agrees** that if the DCC chooses a different governance option to that chosen by the ORC, the FDS Steering Group will meet to discuss and determine a way forward.

8.6. Confirmation of QLDC nomination to Regional Transport Committee

This paper sought approval to appoint the final member of the Otago Regional Transport Committee for the 2022-2025 triennium. Amanda Vercoe (General Manager Governance, Culture & Customer) was present to respond to questions. There were no questions for staff.

Resolution CM23-117: Cr Wilson Moved, Cr Forbes Seconded

That the Council:

1) **Confirms** the appointment of Queenstown Lakes District Council Councillor Quentin Smith as an appointee to the Regional Transport Committee.

MOTION CARRIED

8.7. Documents Signed Under Council Seal

This report was provided to inform the Council of delegations exercised requiring application of the Council Seal during the period 29 September 2022 through 1 February 2023. There were no questions for staff.

Resolution CM23-118: Cr Wilson Moved, Cr Noone Seconded

That the Council:

1) **Notes** this report.

MOTION CARRIED

8.8. Review of Open Actions (Public) from 2019-2022 Meetings

This paper was provided to present and report against outstanding actions from the 2019-2022 triennium.

Cr Malcolm asked why the action related to the Manuherekia decision-making process was marked complete. Cr Robertson said as the issues surrounding that action had moved on, any further review of the Manuherekia decision-making process was not efficient. Cr Malcolm said nothing had been resolved. Dr Borren said as these were old actions, it might be best to close them out and keep moving forward. After a further discussion, Cr Robertson said it may be best to reconsider this report at a future meeting and Cr Wilson moved:

Resolution CM23-119: Cr Wilson Moved, Cr Noone Seconded

That the Council:

1) Lays this report on the table.

MOTION CARRIED

9. RECOMMENDATIONS ADOPTED AT COMMITTEE MEETINGS

9.1. Recommendations of the Environmental Implementation Committee

Recommendations made at previous meetings of committees of Council were presented for adoption.

Resolution CM23-120: Cr Wilson Moved, Cr McCall Seconded

That the Council

1) **Adopts** the recommendations of the <u>2 February 2023 Environmental Implementation</u> Committee.

MOTION CARRIED

10. CHAIRPERSON'S AND CHIEF EXECUTIVE'S REPORTS

10.1. Chairperson's Report

Resolution: Cr Malcolm Moved, Cr Forbes Seconded

That the Council:

1) **Note** the Chairperson's report.

MOTION CARRIED

10.2. Chief Executive's Report

Resolution: Cr Scott Moved, Cr Noone Seconded

That the Council:

1) **Note** the Chief Executive's report.

MOTION CARRIED

11. RESOLUTION TO EXCLUDE THE PUBLIC

Resolution: Cr McCall Moved, Cr Wilson Seconded:

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

- Minutes of the following confidential meetings:
 - o 24 November 2022
 - o 5 December 2022
 - o 7 December 2022
 - o 12 December 2022
- 3.1 Whare Rūnaka / Head Office Update
- 3.2 Review of Open Actions from Confidential Resolutions of 2019 2022 Committee and Council Meetings
- 3.3 Proposed Land and Water Plan Timelines (late paper)

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
 Confidential Minutes of: 24 November 2022 Council Meeting 5 December 2022 Council Meeting 	To protect the privacy of natural persons, including that of deceased natural persons – Section 7(2)(a) To protect information where the making available of the information—would be likely unreasonably to prejudice the	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

- 7 December 2022 Council Meeting
- 12 December 2022 Council Meeting

commercial position of the person who supplied or who is the subject of the information – Section 7(2)(b)(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

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)

To prevent the disclosure or use of official information for improper gain or improper advantage – Section 7(2)(j)

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.

3.1 ORC Whare Rūnaka/ Head Office Update

To protect information where the making available of the information—would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information – Section 7(2)(b)(ii) 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 to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied -Section 7(2)(c)(i) To enable any local authority holding the information to carry out, without

the information to carry out, withou 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.

3.2 Review of Open Actions from Confidential Resolutions of 2019-2022 Council and Committee meetings	To avoid prejudice to measures protecting the health or safety of members of the public – Section 7(2)(d) 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) To prevent the disclosure or use of official information for improper gain or improper advantage – Section 7(2)(j)	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.
3.3 Proposed Land and Water Plan Timelines	To maintain legal professional privilege – Section 7(2)(g)	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.

This resolution was 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.

12. CLOSURE

There was no further business and Chairperson Robertson declared the public meeting closed at 4:50 p.m.

22 March 2023

Chairperson Date