

Council MINUTES

Minutes of an ordinary meeting of the Otago Regional Council held in the Rosebank Lodge conference room, 265 Clyde Street, Balclutha on Wednesday 26 April 2023, commencing at 1:00 PM.

PRESENT

Cr Gretchen Robertson *(Chairperson)*
Cr Lloyd McCall *(Deputy Chairperson)*
Cr Alexa Forbes
Cr Gary Kelliher
Cr Michael Laws
Cr Kevin Malcolm (online)
Cr Tim Mepham
Cr Andrew Noone
Cr Bryan Scott
Cr Alan Somerville
Cr Elliot Weir
Cr Kate Wilson

1. WELCOME

Chairperson Gretchen Robertson welcomed Councillors, members of the public and staff to the meeting at 1:03 pm and gave a karakia. Staff present included Pim Borren, (Interim Chief Executive), Nick Donnelly (GM Corporate Services), Anita Dawe (GM Policy and Science), Gavin Palmer (GM Operations), Richard Saunders (GM Regulatory and Communications), Trudi McLaren (Governance Support), Liz Spector (Governance Support - online).

Clutha District Council Mayor Bryan Cadogan was also present to welcome members of the public and staff to the meeting and advised the Councillors of developments and challenges of Balclutha and the Clutha District.

2. APOLOGIES

There were no apologies.

3. PUBLIC FORUM

Shane Bocock of the Pomahaka Water Care Group attended to speak to their planting programme and provided an update on the Waipahi Wetland.

Pierre Marasti representing Extinction Rebellion spoke about Climate Change.

Adam Curry spoke online on the Free Fare Campaign.

Tessa Campbell of the Otago University Student Association spoke about the Free Fare Campaign.

Cr Malcolm left the meeting at 1.29pm

4. CONFIRMATION OF AGENDA

Cr Robertson stated that a request from a staff member was received prior to the meeting to consider the report *The Minister for the Environment's request for information on providing for vegetable production through regional plans* first under Matters for Consideration.

Resolution CM23-141: Cr Robertson Moved, Cr Wilson Seconded

That *Item 8.2* The Minister for the Environment's request for information on providing for vegetable production through regional plans *report be considered the first item of business under Matters for Consideration.*

MOTION CARRIED

5. DECLARATIONS OF INTERESTS

No changes to the Councillor Declarations of Interests were advised.

6. CONFIRMATION OF MINUTES

Resolution CM23-142: Cr Weir Moved, Cr Mephram Seconded

That *the minutes of the (public portion of the) Council meeting held on 22 March 2023 be confirmed as a true and accurate record.*

MOTION CARRIED

7. ACTIONS (STATUS OF COUNCIL RESOLUTIONS)

Councillors reviewed the open actions from resolutions of Council with staff. No changes were noted.

8. MATTERS FOR CONSIDERATION

8.1. The Minister for the Environment's request for information on providing for vegetable production through regional plans

The report was presented to inform the Council of the new requirement under section 27 of the Resource Management Act 1991 (RMA) to carry out annual reporting to the Minister for the Environment on ORC's intentions to provide for vegetable production. Anita Dawe (General Manager Policy and Science), Tom Dyer (Science Manager) and Fleur Matthews (Manager Policy and Planning) (online) were present to respond to questions about the report.

Chairperson Robertson advised a letter had been received from the Minister for the Environment, stating a requirement for the Council to provide information. She stated this letter was sent to all Councils (unitary and regional) in New Zealand. Ms Dawe confirmed that Policy and Science wished to bring it to the Council's attention and seek guidance on how to respond.

Following questions by Councillors, it was moved:

Resolution CM23-143: Cr Weir Moved, Cr Somerville Seconded

That the Council:

- 1) **Notes** that the Minister for the Environment has requested annual reporting on Otago Regional Council's intentions to provide for vegetable production when implementing the National Policy Statement for Freshwater Management 2020.
- 2) **Notes** that the Otago Regional Council is required to submit a first report to the Minister by 19 May 2023.
- 3) **Approves** that the first annual report is prepared by staff with input from ORC's Chair and Deputy Chair and submitted to the Minister by ORC's Chief Executive under delegated authority and circulated to councillors when complete.
- 4) **Notes** that the first annual report to the Minister will be presented to Council at its meeting on 24 May 2023.

MOTION CARRIED

8.2. Minor changes to Flood Protection Management Bylaw 2022

Council approval is required to correct errors in the base layer of some of the maps contained in the schedules to the Flood Protection Management Bylaw 2022 in accordance with the Local Government Act 2002 ("LGA"). Michelle Mifflin (Manager Engineering) and Alison Weaver (Team Leader Commercial and Regulatory) were present to respond to questions about the report.

Following questions by Councillors, it was moved:

Resolution CM23-144: Cr Laws Moved, Cr Wilson Seconded

That the Council:

- 1) **Notes** this report.
- 2) **Approves** the minor changes to the Flood Protection Management Bylaw 2022 by adopting the maps in attachments 5 to 8 to replace the current maps shown in attachments 1 to 4.

- 3) **Approves** the public notification of the minor changes to the Flood Protection Management Bylaw 2022.

MOTION CARRIED

8.3. Land and Water Regional Plan: Updated project plan and governance

The intention of this report was to provide Council with an updated milestone report for developing the proposed Land and Water Regional Plan (pLWRP) to reflect the new timeframe for notification (by 30 June 2024) and to seek approval for how key policy and milestone decisions are to be made during development of the pLWRP. Anita Dawe (General Manager Policy and Science) and Fleur Matthews (Manager Policy and Planning) (online) were present to respond to questions about the report.

Pim Borren (Interim Chief Executive) stated that he and Chairperson Robertson had anticipated a detailed project plan including resourcing, timelines, a business case, and budget, was to be before Councillors at this meeting. Richard Saunders (GM Regulatory) responded that a recently appointed Project Manager, Matthew Horton, was undertaking a review of the plan to ensure that the project ran professionally. Mr Saunders indicated he expected a number of recommendations would come out of Mr Horton's report which would be essential before a full project plan was completed.

Cr Mepham enquired as to whether the project was still expected to be completed by the agreed due date of June 2024. Ms Dawe confirmed that the proposed Land and Water Regional Plan will be drafted this year and the statutory consultation will occur at the beginning of 2024 and submitted to Council by the end to May or early June 2024. She also confirmed that the project team will be reaching out to appropriate experts in the field going forward.

Cr Wilson commented that she has some concerns regarding the Freshwater Management Units/Rohes which have only one Councillor responsible them. It was agreed that Cr Forbes should be added to the Upper Lakes Rohe, Cr Laws added to the Dunstan Rohe and Cr Kelliher added to Arrow & Cardrona (part of Dunstan Rohe). Councillors agreed on amended wording to the proposed resolution as recorded.

Resolution CM23-145: Cr McCall Moved, Cr Mepham Seconded

That the Council:

- 1) **Notes** the revised milestone report for the proposed Land and Water Regional Plan.

MOTION CARRIED

Resolution CM23-146: Cr Laws Moved, Cr Somerville Seconded

That the Council:

- 1) **Approves** the Land and Water Regional Plan Governance Group's proposed approach that key policy and milestone decisions are work shopped by the Environmental Science and Policy Committee, before being considered by the Committee and then recommended to be noted by the Council.

MOTION CARRIED

Resolution CM23-147: Cr Laws Moved, Cr McCall Seconded

That the Council:

- 1) **Lays** the amended Terms of Reference for the Land and Water Regional Plan Governance Group on the table until the next Council Meeting, awaiting the independent project review by Matt Horton.

MOTION CARRIED

Cr Laws left the meeting at 2:05pm
 Cr Malcolm returned to the meeting at 2:08pm
 Cr Weir left the meeting at 2:08pm
 Cr Laws returned to the meeting at 2:09pm
 Cr Weir returned to the meeting at 2:11pm

9. NOTICES OF MOTION

9.1. Notice of Motion - Request for ORC to join the Free Fare Campaign

A Notice of Motion was received from Cr Weir to authorise the Chief Executive to sign on to the Free Fares Campaign as a coalition member and release a press statement once the process is complete. Cr Weir spoke to this motion. He advised that it has gathered a lot of community support and he emphasised that there is no cost involved, it is only to indicate ORC support of the campaign for central government to improve public transport accessibility and will help improve a number of areas. He stated that he would eventually like to see free fares for all, but this is an important first step and a worthy gesture for our Council to support.

Councillors debated the merits of this proposal, Chairperson Robertson put the motion to the vote and a division was called for.

Resolution CM23-150: Cr Weir Moved, Cr Somerville Seconded

That the Council:

- 1) **Authorises** the Chief Executive to sign onto the [Free Fares Campaign](#) as a coalition member and release a press statement once the process is complete.

A division was called:

Vote

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

MOTION CARRIED 7 to 5

9.2. Notice of Motion - Request for report on feasibility of free off-peak travel

A Notice of Motion was received from Cr Weir requesting Council to authorize the Chief Executive to sign on to the Free Fares Campaign as a coalition member and release a press statement once the process was complete. Cr Weir advised that the Free Fares Campaign had gathered much community support and he emphasized there was no cost to join. He said by joining, the ORC signalled to Central Government its support for improved public access to transport. Cr Weir stated a goal of the campaign was to ultimately provide free public transport for everyone.

Following Councillor questions and debate the motion put:

Resolution CM23-151: Cr Weir Moved, Cr Mepham Seconded

That the Council:

- 1) **Requests** a report to be drafted by the transport team for presentation to the PATC on the feasibility of free off-peak public transport and the potential costs (e.g., lost revenue) and benefits (e.g., reduced pressure at peak times, reduced delays at peak times, equity impacts, reputation impacts) to help inform relevant LTP decisions.

A division was called:

Vote

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

MOTION CARRIED 9 – 2 with 1 abstention

10. CHAIRPERSON'S AND CHIEF EXECUTIVE'S REPORTS

10.1. Chairperson's Report

Cr Robertson submitted a matter for consideration to gauge whether Councillors would be interested in enabling proactive responses to requests for endorsement of funding applications if those applications met specific requirements. Following a discussion, Cr Robertson put the motion:

Resolution CM23-152: Cr Robertson Moved, Cr Laws Seconded

That the Council:

- 1) **Notes** this report.
- 2) **Requests** the Chief Executive bring a draft policy to Council for the endorsement of external funding applications as per the requirements listed as follows:
 - a. The application is to an external funding source
 - b. The application is not seeking funding support directly from the ORC (this would need to be handled through a different assessment process)
 - c. The application is for an initiative that supports existing ORC strategic priorities
 - d. The Council is made aware of any initiatives endorsed under this policy
 - e. The ORC response to the request is made in writing by the chair of the Council

MOTION CARRIED

10.2. Chief Executive's Report

Interim CE Pim Borren was available to respond to questions about the report. Following a discussion, the report was noted.

Resolution: Cr Wilson Moved, Cr Weir Seconded

That the Chief Executive's report be noted.

Motion Carried

11. RESOLUTION TO EXCLUDE THE PUBLIC

Cr Laws requested that the items requested to be discussed in Public Excluded be discussed publicly. Pim Borren (Interim Chief Executive) advised reports go through a rigorous review

prior to any request they be considered with the public excluded. He also noted there is a process allowing the Chief Executive to release confidential items when appropriate. Cr Laws expressed the view that there should be a more robust system and indicated he would not participate in the confidential portion of the meeting.

Cr Laws left the meeting at 4:33 pm

Resolution: Cr Wilson Moved, Cr Noone Seconded:

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

- Confidential minutes of the 22 March 2023 Council Meeting
- Confidential recommendations of the 23 March 2023 Audit and Risk Subcommittee meeting

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
<p><i>1.1 Confidential Minutes of the 22 March 2023 Council Meeting</i></p>	<p>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)</p> <p>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)</p> <p>To avoid prejudice to measures that prevent or mitigate material loss to members of the public – Section 7(2)(e)</p> <p>To enable any local authority holding the information to carry out, without prejudice or disadvantage,</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:</p> <p>(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>

	commercial activities – Section 7(2)(h)	
	To prevent the disclosure or use of official information for improper gain or improper advantage – Section 7(2)(j)	
<i>3.1 Recommendations of the 23 March 2023 Audit & Risk Subcommittee (confidential)</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 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)	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 meeting closed with a karakia at 4:36 pm.

Chairperson

Date