

**Council  
MINUTES**

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**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 28 August 2024,  
commencing at 1:00 PM.**

**PRESENT**

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

## **1. WELCOME**

Chair Robertson welcomed Councillors, members of the public and staff to the meeting at 1 pm. Staff present included Richard Saunders (Chief Executive), Nick Donnelly (GM Finance), Anita Dawe (GM Regional Planning and Transport), Matthew Alley (Acting GM Manager Science and Resilience) Joanna Gilroy (GM Environmental Delivery), Tami Sargeant (GM People and Corporate) Amanda Vercoe (GM Strategy and Customer, Deputy CE), Fleur Matthews (Manager Policy and Planning), Kylie Darragh (Governance Support).

## **2. APOLOGIES**

**It was moved** by Cr Forbes, and seconded by Cr McCall:  
*That the apology from Cr Weir for lateness be accepted.*

**MOTION CARRIED**

## **3. PUBLIC FORUM**

Pierre Marasti presented online to speak on behalf of Extinction Rebellion. Following an opportunity for questions Chair Robertson thanked Pierre for attending.

Sara Carr and Jen Stephenson from the Waverley and Shiel Hill Parents Group spoke on the Sandy Mount and Waverley Bus services, there was an opportunity for questions and Chair Robertson thanked both for attending.

## **4. CONFIRMATION OF AGENDA**

**It was moved by Cr Robertson and seconded by Cr Mepham that:**

*The agenda be confirmed with the addition of the late paper **10.7 Regional Infrastructure Fund Flood Protection Programme Tranche 1** which could not wait due to meeting central government timeframes.*

**MOTION CARRIED**

## **5. DECLARATIONS OF INTERESTS**

Members were reminded by the Chair of the need to stand aside from decision-making when a conflict arises between their role as an elected representative and any private or other external interest they may have.

## **6. PRESENTATIONS**

Kevin Winders, Tim Gibson, and Stephen Connolly from the Port of Otago presented their Annual Report summary which included a strategy refresh overview, a 2024 recap, financial results and an opportunity for questions. The Chair thanked the Port of Otago for attending.

Grant Dodson and Peter Weir of the Southern Wood Council spoke on the Land and Water Regional Plan, there was an opportunity for questions and Chair Robertson thanked both for attending.

*Cr Scott left the meeting at 2:20 pm.*

*Cr Scott returned to the meeting at 2:23 pm.*

## **7. CONFIRMATION OF MINUTES**

**It was moved by Cr Weir and seconded by Cr Robertson:**

*That the minutes of the (public portion of the) Council meeting held on 24 July 2024 be received and confirmed as a true and accurate record.*

**MOTION CARRIED**

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

Status report on the resolutions of the Council Meeting was reviewed with no changes noted.

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

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

#### **Resolution CM24-164: Cr McCall Moved, Cr Somerville Seconded**

*That the Council:*

- 1. Notes this report.**

**MOTION CARRIED**

### **9.2. Chairperson's Report**

#### **Resolution CM24-165: Cr Laws Moved, Cr McCall Seconded**

*That the Council:*

- 1) Notes this report.**

**MOTION CARRIED**

## **10. MATTERS FOR CONSIDERATION**

### **10.1. Annual Returns of Inactive Subsidiaries**

[01:48:00] This paper was present to pass resolutions in lieu of holding annual general meetings for Council's three wholly owned inactive subsidiaries. The resolutions were to not hold an annual general meeting and to not appoint an auditor for each company. Nick Donnelly, GM Finance, was present to respond to questions.

#### **Resolution CM24-166: Cr Wilson Moved, Cr Laws Seconded**

*That the Council:*

- 1) Approves the following resolutions:**
  - a. That it shall not be necessary for Regional Services Limited to hold an Annual General Meeting under section 120 of the Companies Act 1993.*
  - b. That no auditors be appointed for Regional Services Limited under section 196 (2) of the Companies Act 1993.*
  - c. That it shall not be necessary for Regional Pest Services Limited to hold an Annual General Meeting under section 120 of the Companies Act 1993.*
  - d. That no auditors be appointed for Regional Pest Services Limited under section 196 (2) of the Companies Act 1993.*
  - e. That it shall not be necessary for Regional Monitoring Services Limited to hold an Annual General Meeting under section 120 of the Companies Act 1993.*
  - f. That no auditors be appointed for Regional Monitoring Services Limited under section 196 (2) of the Companies Act 1993.*

**MOTION CARRIED**

*Cr Mephram left the meeting at 2:51 pm.*

*Cr Mephram returned to the meeting at 2:56 pm.*

### **10.2. Waitaki River Update**

[YouTube1:48:55] This paper provided Council with an update on the investigation into whether a partnership approach could allow the Waitaki River catchment to be managed holistically as a single connected catchment. Anita Dawe, GM Regional Planning and Transport and Cr Malcom who has attended the meetings with ECAN and mana whenua representatives, responded to questions on the update.

**Resolution CM24-167: Cr Wilson Moved, Cr Weir Seconded**

*That the Council:*

1. **Notes** this report and the progress being made by the working group.
2. **Notes** a further update will be provided in 2025, after the early engagement has been undertaken.

**MOTION CARRIED**

**[2:01:19] At 3:00 pm Cr Robertson moved; Cr Mepham seconded**

*That Council adjourn for fifteen minutes.*

**MOTION CARRIED**

**10.3. Correspondence Received from the Minister for the Environment concerning the LWRP**

[YouTube 2:15:03] This report provided Council with an update on a response to the recent letters received from the Minister for the Environment. Richard Saunders, Chief Executive was available to respond to questions. The recommendation was taken in parts with a small change to the third resolution to include the words “or any other relevant ministers”.

**Resolution CM24-168: Cr Forbes Moved, Cr Weir Seconded**

*That the Council:*

1. **Notes** this report.

**MOTION CARRIED**

**Resolution CM24-169: Cr Forbes Moved, Cr Weir Seconded**

1. **Directs** staff to prepare a draft response to the Minister for consideration of Council.

**MOTION CARRIED**

**Resolution CM24-170: Cr Forbes Moved, Cr Weir Seconded**

*That the Council:*

1. **Directs** staff to seek a meeting with the Minister for the Environment or any other relevant ministers at the earliest opportunity for the purpose of discussing the matters raised in recent correspondence.

**MOTION CARRIED**

Cr Malcolm voted against.

*Cr Laws left the meeting at 4:07 pm.*

**10.4. Identification of Potential Commissioners to Hear the Draft Land and Water Regional Plan**

[YouTube 3:05:50] This paper was presented for Council to note the process for appointing a Freshwater Hearing Panel to receive submissions, hear evidence and make decisions on a freshwater instrument, ahead of the request for notification of the draft Land and Water Regional Plan (dLWRP). Anita Dawe, GM Regional Planning and Transport was present to respond to questions.

A procedural motion, was called as a division:

**Cr Wilson Moved, Cr Kelliher Seconded**

*That the Council:*

1. **Lays** the report on the table.

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

**MOTION FAILED**

A division was called for the individual recommendations of the report.

**Resolution CM-171: Cr Mepham Moved, Cr Scott Seconded**

**That** the Council:

- 1. Notes this report.**

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

**MOTION CARRIED**

**Resolution CM24-172: Cr Mepham Moved, Cr Scott Seconded**

**That** the Council:

- 1. Notes that staff will be working to identify Commissioners that may be suitable to act as Freshwater Commissioners.**

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

**MOTION CARRIED**

**Resolution CM24-173 Cr Mepham Moved, Cr Scott Seconded**

**That** the Council:

- 1. Directs staff to approach the members of the recently completed Freshwater Hearings Panel for the RPS as part of the identification process.**

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

**MOTION CARRIED**

**10.5. Progress update on pORPS 2021**

[YouTube 3:18:56] This paper provided an overview of appeals received on the proposed Otago Regional Policy Statement 2021 (pORPS) and progress to resolve the appeals. Anita Dawe, General Manager Regional Planning and Transport and Fleur Matthews, Manager Policy and Planning were available to respond to questions.

### **Resolution CM24-174 Cr McCall Moved, Cr Mepham Seconded**

**That** the Council:

1. **Notes** this report.

**MOTION CARRIED**

### **10.6. Delegations Report**

[YouTube 3:26:57] This paper was brought to confirm the proposed amendments to the Otago Regional Council Delegations Manual that require approval by Council resolution. Janet Ashcroft (Legal Counsel) was available to respond to questions.

### **Resolution CM24-175: Cr Wilson Moved, Cr Malcolm Seconded**

*That the Council:*

1. **Receives** this report.
2. **Resolves to approve** the proposed amendments to the Otago Regional Council Delegations Manual detailed in Attachment 1.
3. **Authorises** the Chief Executive to update the Council's Delegations Manual accordingly.

**MOTION CARRIED**

Cr McCall left the meeting at 4:40 pm.

Cr McCall returned to the meeting at 4:42 pm.

Cr Malcolm left the meeting at 4:51 pm.

Cr Malcolm returned to the meeting at 4:58 pm.

### **10.7 Regional Infrastructure Fund Flood Protection Programme Tranche 1**

[YouTube 3:38:23] This paper sought Council's approval to enter a Regional Infrastructure Fund (RIF) Grant Funding agreement with the Ministry of Business, Innovation and Employment (Ministry) for part-funding across the selected project, being the continuation of the Contour Channel (West Taieri) Resilience Upgrade Project (The Project) and for Council to agree to the co-funding of the ORC's portion of the costs of this project. Brett Paterson, Team Leader Programme Management, Michele Mifflin, Manager Engineering and Matt Alley, Acting GM Science and Resilience were available to respond to questions.

### **Resolution CM24-176: Cr Somerville Moved, Cr Weir Seconded**

*That the Council:*

1. **Receives** this report.
2. **Notes** the Additional Undertakings (as noted in Part 1 clause 12 of the funding agreement), reporting and other terms and conditions set out in the Grant Funding Agreement provided by the Ministry in (refer Appendix B).
3. **Notes** the funding requirements of this project for the future financial years.
4. **Notes** that an updated budget to reflect the grant funding will be prepared as part of the 2025/2026 Annual Plan.
5. **Delegates** the Chief Executive in consultation with the Chairperson to execute contracts with suppliers for goods and services relating to the Continuation of the Contour Channel project above current financial delegations, in accordance with the RIF Grant Funding Agreement requirements not exceeding the Total Project Cost.
6. **Approves** entering into the Grant Funding Agreement with the Ministry for grant funding of up to \$5,400,000 (excluding GST) for the Continuation of the Contour Channel Upgrade.

7. **Approves** the Chief Executive to sign the Grant Funding Agreement for and on behalf of ORC.
8. **Approves** ORC providing Co-Funding of up to \$3,600,000 (excluding GST) to fund ORC's portion of the total project cost.
9. **Authorises** staff (key personnel listed in the Grant Funding Agreement) to procure works and services in a way that achieves the required Additional Undertakings described in the Grant Funding Agreement.
10. **Authorises** the General Manager Science and Resilience to certify Payment Requests for quarterly reimbursement as described in the Grant Funding Agreement.

**MOTION CARRIED**

**11. RECOMMENDATIONS ADOPTED AT COMMITTEE MEETINGS**

**Resolution CM24-177: Cr Wilson Moved, Cr Weir Seconded**

*That the Council adopts the recommendations of the 7 August Public and Active Transport Committee and the recommendations of the 8 May 2024 Safety and Resilience Committee.*

**MOTION CARRIED**

**13. RESOLUTION TO EXCLUDE THE PUBLIC**

**Resolution CM24-177: Cr Wilson Moved, Cr Weir Seconded**

*It was moved that the public be excluded from the following parts of this meeting, namely:*

- *Minutes of the 24 July 2024 Confidential Council*
- *OPS2433 Award of Unit 5 Tender*

*and that Rachel Pinn Director of RS Pinn Consultants Ltd be permitted to remain in the room as they are experienced in the subject matter and leading the tender on behalf of the organisation.*

**MOTION 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>Confidential Minutes of Council for 24 July 2024</i>	To protect the privacy of natural persons, including that of deceased natural persons – Section 7(2)(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,
<i>OPS2433 Award of Unit 5 Tender</i>	To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities – Section 7(2)(h)	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 is 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.

**14. CLOSURE**

There was no further business and Chair Robertson declared the meeting closed at 5:18 PM.



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25 September 2024

Chairperson

Date