

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 27 March 2024, commencing at 1:00 PM. [YouTube Part 1](#) / [YouTube Part 2](#)

PRESENT

Cr Gretchen Robertson *(Chairperson)*
Cr Lloyd McCall *(Deputy Chairperson)*
Cr Alexa Forbes (online)
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

Chairperson Robertson welcomed Councillors, members of the public and staff to the meeting at 1:02 pm and opened with a karakia. Staff present included Richard Saunders (Chief Executive), Nick Donnelly (GM Corporate Services), Anita Dawe (GM Policy and Science), Gavin Palmer (GM Operations), Joanna Gilroy (Acting GM Regulatory), Amanda Vercoe (GM Governance, Culture and Customer), Fleur Matthews (Manager Policy and Planning), Libby Caldwell (Manager Environmental Implementation), Kerstin Strauss (Team Leader RPS, Air and Coast), James Adams (Senior Analyst RPS, Air and Coast), Simon Anderson (Ross Dowling Marquet Griffin) and Trudi McLaren (Governance Support)

2. APOLOGIES

No apologies were received prior to the meeting.

3. PUBLIC FORUM *[YouTube 8.24 (part 1)]*

Marnie Prickett (online) spoke regarding the Land and Water Regional Plan and options for moving ahead and outlined her experience in the area. Following an opportunity for questions Chair Robertson thanked Marnie for attending.

4. CONFIRMATION OF AGENDA *[YouTube 17:05 (part 1)]*

Resolution: Cr Weir Moved, Cr Mepham Seconded

That the following report be accepted as a late item as a workshop was required to seek Councillor direction prior to the drafting of the report, and the timing of this did not allow for inclusion in the published agenda.

7.2 Port Otago Letter of Expectations

MOTION CARRIED

Cr Robertson advised of timing of reports to be considered at the meeting, and that the Public Excluded portion would be held to discuss the Recommendations Report of the Independent Hearings Panel following deliberations on the Proposed Otago Regional Policy Statement 2021.

Resolution: Cr Robertson Moved/Cr Wilson seconded

That the following people who have been involved in the Regional Policy Statement over the years be publicly thanked:

Panel

Ron Crosby (Chair)
Rauru Kirikiri (iwi nominated)
Bianca Sullivan (ORC nominated)
Allan Cubitt (ORC nominated)

Staff involved are set out below. In addition:

Past and Present ORC Staff

Anita Dawe
Lisa Hawkins
James Adams
Liam Glading

Kyle Balderston
Peter Stafford
Melanie Hardiman
Rachel Currie
Sandra McIntyre
Maria Bartlett
Fleur Matthews
Kerstin Strauss
James Adams
Katelin Hazlett
Jack Kissell

Consultants and others

Felicity Boyd
Hannah Goslin
Liz White
Angela Fenemor
Jacqui Todd
Andrew Maclennan
Marcus Langman
Kelvin Lloyd (Wildlands)
Scott Kelly (GNS)
Simon Anderson
Thea Sefton
Kate McKinley
Philip Maws

MOTION CARRIED

5. DECLARATIONS OF INTERESTS [YouTube 22:32 (part 1)]

No changes to Councillor Declarations of Interests were noted.

Cr McCall declared a conflict of interest for the Regional Policy Statement as a submitter and will sit back from the table for this item.

6. RESOLUTION TO EXCLUDE THE PUBLIC [YouTube 22:32 (part 1)]

Resolution: Cr Wilson Moved/Cr Noone Seconded:

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

- *1.1 Confidential Minutes of Council Meeting 6 December 2023*
- *2.1 Recommendations Report of the Independent Hearings Panel following deliberations on the Proposed Otago Regional Policy Statement 2021*

It was also moved that Simon Anderson (Ross Dowling Marquet Griffin) be permitted to remain at this meeting for the Recommendations Report of the Independent Hearings Panel following deliberations on the Proposed Otago Regional Policy Statement 2021 paper, after the public has been excluded, because of their knowledge of the topic. This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because of their subject matter expertise.

MOTION CARRIED

Crs Kelliher, Laws and Malcolm voted against.

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>Minutes of the PE Council Meeting 2023.12.06</p>	<p>To protect the privacy of natural persons, including that of deceased natural persons – Section 7(2)(a)</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 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 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>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 prevent the disclosure or use of official information for improper gain</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>

	or improper advantage – Section 7(2)(j)	
2.1 Recommendations Report of the Independent Hearings Panel following deliberations on the Proposed Otago Regional Policy Statement 2021	To enable the local authority to deliberate in private on decisions where a right of appeal lies to the Environment Court or High Court – section 48(1)(d)	Section 48(1)(d); 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: (d) that the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation in any proceedings to which this paragraph applies.

This resolution is made in reliance on [section 48\(1\)\(a\) and \(d\)](#) 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.

There was a question as to when the details of the decisions regarding this paper would be released. Mr Anderson advised that if the Council decided to adopt the recommendations in front of them, the decisions and the reasons are publicly notified immediately and will be available to the public immediately and published on the Council's website and the formal notification process.

Resolution: Cr Wilson Moved/Cr Weir Seconded [YouTube 00:00 (part 2)]

That the meeting move back into public session

MOTION CARRIED

Cr Robertson announced the outcome of the previous public excluded paper and advised that all submitters would be notified on 30 March 2024. The results would be published on the Otago Regional Council website on 27 March 2024 (the panel's report including tracked changes and outcome of resolutions).

7. MATTERS FOR CONSIDERATION [YouTube 8:59 (part 2)]

7.1. Land and Water Regional Plan: options for timing of notification

The purpose of this report was to enable Council to consider options in relation to notification of the proposed Land and Water Regional Plan.

Anita Dawe (GM Policy and Science) was present to speak to the report and respond to questions.

Resolution CM24-122: Cr Weir Moved, Cr Somerville Seconded

That the Council:

- 1) **Notes** this report.
- 2) **Notes** the four options outlined by staff
- 3) **Notes** that the recommendations from the panel on the RPS have been adopted.

MOTION CARRIED

Resolution: Cr Scott Moved, Cr Mepham Seconded

That the Council:

- 4) **Approves an option** for progressing the proposed Land and Water Regional Plan.

OPTION 1: Proceed as planned in the current LWRP work programme and notify the LWRP by 30 June 2024

A Division was called:

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

MOTION FAILED

Resolution: Cr Robertson Moved/Cr Weir Seconded

That the meeting be adjourned to discuss whether there was a preferred date by staff for notification.

MOTION CARRIED

Meeting adjourned at 4.37PM and resumed at 4.44PM

Resolution: Cr McCall Moved, Cr Forbes Seconded

That the Council:

- 4) **Approves an option** for progressing the proposed Land and Water Regional Plan. Council requests that staff prepare the draft land and water regional plan for notification by 30 Sept 2024 and the additional time is used to:
 - review the impact of the RPS decision on the draft plan,
 - prepare the requested advice for the Minister for the Environment;
 - and ensure that clause 3 feedback has been appropriately considered and factored into the plan.

An amendment was moved to change the date Cr Weir Moved/Cr Scott Seconded

Procedural Motion: Cr Wilson Moved/Cr Laws Seconded

That the amendment to the date be put

MOTION CARRIED

Amendment: Cr Weir Moved, Cr Scott Seconded

That the date for the above motion be changed from 30 September 2024 to 31 October 2024.

A Division was called.

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

MOTION CARRIED

Resolution: Cr Weir Moved/Cr Scott Seconded

That the Council:

4) **Approves an option** for progressing the proposed Land and Water Regional Plan.

Council requests that staff prepare the draft land and water regional plan for notification by 31 October 2024 and the additional time is used to:

- review the impact of the RPS decision on the draft plan,
- prepare the requested advice for the Minister for the Environment;
- and ensure that clause 3 feedback has been appropriately considered and factored into the plan.

A Division was called:

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

MOTION CARRIED

Resolution: Cr Wilson Moved/ Cr Weir Seconded

5) **Requests** that staff report back to the May Council meeting with an updated programme of work to reflect the option selected by Council.

6) **Notes** that the Minister for the Environment has requested information from Otago Regional Council should Council decide to continue with a notification date ahead of 31 December 2027, an outline of the costs, benefits, and implications of notifying the ORC plan before the NPS-FM is replaced.

MOTION CARRIED

7.2. Port Otago Letter of Expectation [YouTube 2:12:38 (part 2)]

The purpose of this report was to consider and approve a letter of expectation being sent to Port Otago Limited (Port Otago) regarding Otago Regional Council's (Council) expectations for inclusion in Port Otago's Statement of Corporate Intent for the years ended 30 June 2025 to 30 June 2027.

Nick Donnelly (GM Corporate Services and CFO) was present to speak to the report and respond to questions.

Resolution: Cr Weir Moved, Cr Somerville Seconded

That the Council:

- 1) **Notes** this report.
- 2) **Approves** the Port Otago Letter of Expectations 2025-2027, subject to any minor editorial adjustments and the sending of that letter to Port Otago Limited.
- 3) **Requests** that the following additions be made to the draft letter of expectation:

We note with approval the indication, through workshop and briefing discussions, that Port Otago will undertake efforts to develop a strategy to observe corporate responsibility to protect and uphold human rights. We would like to see the development of such a strategy reflected in the next SCI.

Decarbonisation (to amend the following paragraph to include the italicised text as follows): Council acknowledges and would like to see Port Otago Complete the development of the decarbonisation roadmap it has commenced with an expectation that it can be reported back to Council and the wider community. *Additionally we would encourage Port Otago to use its influence to advance decarbonisation throughout the supply chain.*

A Division was called:

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

MOTION FAILED

Resolution CM24-123: Cr Mepham Moved, Cr Wilson Seconded

That the Council:

- 1) **Notes** this report.
- 2) **Approves** the Port Otago Letter of Expectations 2025-2027, subject to any minor editorial adjustments and the sending of that letter to Port Otago Limited.

MOTION CARRIED

8. CLOSURE

Staff were thanked for their support and assistance.

There was no further business and Chairperson Robertson declared the meeting closed at 6:11PM with a karakia.



22 May 2024

Chairperson

Date