
Council MINUTES

Minutes of an ordinary meeting of the Dunedin City Council held in the Council Chamber, Municipal Chambers, The Octagon, Dunedin on Tuesday 26 March 2019, commencing at 9.00 am

PRESENT

Mayor
Deputy Mayor

Mayor Dave Cull
Cr Chris Staynes

Members

Cr David Benson-Pope	Cr Rachel Elder
Cr Christine Garey	Cr Doug Hall
Cr Aaron Hawkins	Cr Marie Laufiso
Cr Mike Lord	Cr Damian Newell
Cr Jim O'Malley	Cr Conrad Stedman
Cr Lee Vandervis	Cr Andrew Whiley
Cr Kate Wilson	

IN ATTENDANCE

Sue Bidrose (Chief Executive Officer), Sandy Graham (General Manager City Services), Graham McKerracher (Manager, Council Communications and Marketing), Simon Drew (General Manager Infrastructure Services), Simon Pickford (General Manager Community Services), Dave Tombs (General Manager Finance and Commercial), John Christie (Director Enterprise Dunedin), Sharon Bodeker (Team Leader Civic), Tracey Saunders (Chief Information Officer), Fraser Liggett (Economic Development Programme Manager), Karilyn Canton (Senior In-House Legal Counsel), Owen Graham (Leasing and Land Advisor), Eleanor Bunt (In-House Legal Counsel), Jeremy Baker (Energy Planning Co-ordinator), Adrian Blair (Group Manager Customer and Regulatory Services) and Anne Gray (Policy Analyst)

Governance Support Officer Lynne Adamson

1 OPENING

Imam Asrarul Haque Obaidullah, Imam of Dunedin's Al Huda Mosque, opened the meeting with a prayer.

2 PUBLIC FORUM

2.1 South Dunedin Community Hub

Craig Waterhouse (President, South Dunedin Business Association) addressed Council on the South Dunedin Community Hub.

Mr Waterhouse commented that had the project progressed when first proposed 38 years ago, it would have only been a library, a room with books. He had researched recent new libraries and the resources they provided, and he congratulated the Council on the expansion of the vision to provide a complete community hub. Mr Waterhouse was complimentary about the hub's location, accessibility and parking.

Mr Waterhouse spoke about the Straight Up Trust of which he was a trustee. He commented that the trust was a charitable non-profit organisation based in South Dunedin and had been working with youth and families in the area for over 14 years. Mr Waterhouse would like to see the youth hub housed in South Dunedin, where the children lived and requested Council consider accommodating it within the community hub.

Mr Waterhouse noted that when the project had been considered in 2008, there had been a budget of \$11 million, which he believed was more appropriate than the current \$5.25 million budget. He urged Council to reconsider the budget following the purchase of the property to ensure there was funding available to continue with the work in an appropriate time frame. Mr Waterhouse requested a time line for completion of the project. He then responded to questions.

2.2 Bookings in Council Owned Facilities

Rosemary Penwarden thanked Council for the civic vigil held at the Forsyth Bar Stadium last week in support of the Muslim community and spoke of the value of tolerance and peace.

Ms Penwarden and Adam Currie (Generation Zero Dunedin co-convenor) then addressed the Council on bookings for council owned facilities meeting the requirements of the Environmental Strategy.

Ms Penwarden referred to her previously circulated email to Councillors in support of her presentation. She commented that school children had rallied for action on climate change less than two weeks earlier and urged Council to do more in support.

Ms Penwarden commented that the New Zealand Minerals Forum was schedule to hold its annual three day conference at the Dunedin Centre in May, with a welcome by the Mayor. The programme included talks on mining investment opportunities in New Zealand which included coal deposits on the West Coast. She believed that it was not appropriate for conferences of this type to be held in council owned venues and that they should be prevented in the future.

Moved (Cr Kate Wilson/Cr Chris Staynes):

That the Council:

Extends the Public Forum.

Motion carried (CNL/2019/041)

2.3 Dunedin Dark Skies

Kyra Xavia (Co-Leader of the Dunedin Dark Skies Group) advised that she was also the New Zealand representative on the International Dark Sky Association.

Ms Xavia commented on the current trial of 3000 Kelvin lights in South Dunedin in preparation for the replacement of the city's streetlights. She advised that they were not fit for purpose and should not be used for the Dunedin upgrade. Ms Xavia spoke of her concerns on the potential impact of 3000 Kelvin lights on human health, wildlife and the night sky. She believed that NZTA should ensure that 2700K lights were the maximum allowed along the state highways and that lower Kelvin, warmer lights were used elsewhere in the city.

Ms Xavia then responded to questions.

It was agreed that staff be requested to consider and report back on the issues raised.

3 APOLOGIES

There were no apologies.

4 CONFIRMATION OF AGENDA

Moved (Mayor Dave Cull/Cr Chris Staynes):

That the Council:

Confirms the agenda with the following addition or alteration

- In regard to Standing Order 2.1, Option C be adopted in relation to moving and seconding and speaking to amendments.

Motion carried (CNL/2019/042)

5 DECLARATIONS OF INTEREST

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

Moved (Mayor Dave Cull/Cr Chris Staynes):

That the Council:

- a) **Notes** the Elected Members' Interest Register; and
- b) **Confirms** the proposed management plan for Elected Members' Interests.

Motion carried (CNL/2019/043)

It was noted that the General Manager City Services (Sandy Graham), as a Trustee of the Taieri Airport Facilities Trust, did not receive a copy of the report and would leave the room during discussion of Item C6.

Moved (Mayor Dave Cull/Cr Chris Staynes):

That the Council:

- a) **Notes** the Executive Leadership Team's Interest Register.

Motion carried (CNL/2019/044)

6 CONFIRMATION OF MINUTES

6.1 ORDINARY COUNCIL MEETING - 19 FEBRUARY 2019

Moved (Mayor Dave Cull/Cr Chris Staynes):

That the Council:

Confirms the public part of the minutes of the Ordinary Council meeting held on 19 February 2019 as a correct record.

Motion carried (CNL/2019/045)

6.2 ORDINARY COUNCIL MEETING - 26 FEBRUARY 2019

Moved (Mayor Dave Cull/Cr Chris Staynes):

That the Council:

Confirms the public part of the minutes of the Ordinary Council meeting held on 26 February 2019 as a correct record.

Motion carried (CNL/2019/046)

MINUTES OF COMMITTEES

7 COMMUNITY AND CULTURE COMMITTEE - 12 FEBRUARY 2019

Moved (Cr Aaron Hawkins/Cr Marie Laufiso):

That the Council:

- a) **Notes** the minutes of the Community and Culture Committee meeting held on 12 February 2019.

Motion carried (CNL/2019/047)

8 PLANNING AND ENVIRONMENT COMMITTEE - 12 FEBRUARY 2019

Moved (Cr David Benson-Pope/Cr Conrad Stedman):

That the Council:

- a) **Notes** the minutes of the Community and Culture Committee meeting held on 12 February 2019.

Motion carried (CNL/2019/048)

MINUTES OF COMMUNITY BOARDS

9 WAIKOUAITI COAST COMMUNITY BOARD - 29 JANUARY 2019

Moved (Cr Andrew Whiley/Cr Damian Newell):

That the Council:

- a) **Notes** the minutes of the Waikouaiti Coast Community Board meeting held on 29 January 2019.

Motion carried (CNL/2019/049)

10 OTAGO PENINSULA COMMUNITY BOARD - 31 JANUARY 2019

Moved (Cr Andrew Whiley/Cr Damian Newell):

That the Council:

- a) **Notes** the minutes of the Otago Peninsula Community Board meeting held on 31 January 2019.

Motion carried (CNL/2019/050)

11 STRATH TAIERI COMMUNITY BOARD - 31 JANUARY 2019

Moved (Cr Andrew Whiley/Cr Damian Newell):

That the Council:

- a) **Notes** the minutes of the Strath Taieri Community Board meeting held on 31 January 2019.

Motion carried (CNL/2019/051)

Moved (Mayor Dave Cull/Cr Chris Staynes):

That the Council:

Adjourns the meeting for 5 minutes.

Motion carried (CNL/2019/052)

The meeting adjourned at 9.51am and reconvened at 9.53 am.

REPORTS

12 UNITED NATIONS SUSTAINABLE DEVELOPMENT GOALS

A report from Corporate Policy advised that the Otago Polytechnic was in the process of seeking to establish a Regional Centre of Excellence around the United Nations Sustainable Development Goals. Being accredited as a Regional Centre of Excellence was a title awarded by the United Nations University.

The report recommended that the Council become a signatory to the United Nations Sustainable Development Goals, and that it formally agrees to support the Otago Polytechnic application to the United Nations to become a Regional Centre of Excellence.

The Chief Executive Officer (Sue Bidrose) spoke to the report and responded to questions.

Moved (Cr Chris Staynes/Cr Christine Garey):

That the Council:

- a) **Agrees** to become a signatory to the United Nations Sustainable Development Goals.
- b) **Provides** a letter of support to the Otago Polytechnic in its application to become a United Nations Regional Centre of Excellence.
- c) **Agrees** to become a member of the Otago Polytechnic hosted Regional Centre of Excellence if the application to the United Nations is successful.

Division

The Council voted by division:

For: Crs David Benson-Pope, Rachel Elder, Christine Garey, Doug Hall, Aaron Hawkins, Marie Laufiso, Damian Newell, Jim O'Malley, Chris Staynes, Conrad Stedman, Kate Wilson, Andrew Whiley and Dave Cull (13).
Against: Crs Mike Lord and Lee Vandervis (2).

The division was declared CARRIED by 13 votes to 2

Motion carried (CNL/2019/053)

13 SUBMISSION ON REVIEW OF THE COPYRIGHT ACT 1994: ISSUES PAPER

A report from Policy sought approval of a Dunedin City Council (DCC) submission to the Ministry of Business, Innovation and Employment (MBIE) on the *Review of the Copyright Act 1994: Issues Paper* (the issues paper).

The report noted that the issues paper outlined the Government's proposal to review the Copyright Act 1994. MBIE had requested submissions on the issues paper to outline how the current copyright regime operated in practice, along with identified key issues and opportunities for change.

The draft DCC submission outlined aspects of how the current copyright regime affected DCC activities in the Galleries, Libraries, Archives and Museum (GLAM) sector. It identified key issues that the review could address to ensure a new copyright regime supported GLAM sector institutions to make their collections more widely available for research and public use and enjoyment.

Cr Garey left the meeting at 10.17 am and returned at 10.20 am.

The General Manager Community Services (Simon Pickford) and Chief Information Officer (Tracey Saunders) spoke to the report and responded to questions on the draft submission.

Moved (Cr Damian Newell/Cr Aaron Hawkins):

That the Council:

- a) **Approves** the Dunedin City Council submission to the Ministry of Business, Innovation and Employment on the *Review of the Copyright Act 1994: Issues Paper*.
- b) **Notes** the Council would have further opportunities to provide feedback on

the review of the Copyright Act 1994.

Motion carried (CNL/2019/054) with Cr Vandervis recording his vote against

14 DCC SUBMISSION: PROPOSED REFORM OF VOCATIONAL EDUCATION

A report from Corporate Policy sought approval of a Dunedin City Council (DCC) submission to the Tertiary Education Commission (TEC) and Ministry of Education (MoE) on the proposed reform of vocational education.

Otago Polytechnic is a significant contributor to Dunedin and one of the DCC's major strategic partners. The draft DCC submission outlined the DCC's support for the alternative structural model proposed by Otago Polytechnic.

The Director, Enterprise Dunedin (John Christie) and Economic Development Programme Manager (Fraser Liggett) spoke to the report and responded to questions.

It was recognised and acknowledged that not only was the Otago Polytechnic one of the best in New Zealand in terms of education and community involvement, but that it also remained commercially viable despite difficulties in the funding environment.

Moved (Cr Andrew Whiley/Cr Christine Garey):

That the Council:

- a) **Approves** the DCC submission to the Tertiary Education Commission and Ministry of Education on the proposed reform of vocational education.

Division

The Council voted by division:

For: Crs David Benson-Pope, Rachel Elder, Christine Garey, Doug Hall, Aaron Hawkins, Marie Laufiso, Mike Lord, Damian Newell, Jim O'Malley, Chris Staynes, Conrad Stedman, Lee Vandervis, Kate Wilson, Andrew Whiley and Dave Cull (15).

Against: Nil

The division was declared CARRIED by 15 votes to 0

Motion carried (CNL/2019/055)

The work of the Polytechnic's Chief Executive, Phil Ker and staff was recognised with an official vote of thanks.

Moved (Cr Aaron Hawkins/Cr Chris Staynes):

That the Council:

- a) **Record** a vote of thanks to Phil Ker (Chief Executive) and his team at the Otago Polytechnic for their stewardship of that institution; and for their constructive engagement with proposals to improve the polytechnic sector across the country.

Motion carried (CNL/2019/056)

Moved (Mayor Dave Cull/Cr Chris Staynes):

That the Council:

Adjourns the meeting for 10 minutes.

Motion carried (CNL/2019/057)

The meeting adjourned at 10.41 am and reconvened at 10.53 am.

15 OTAGO BOAT HARBOUR RECREATION RESERVE - APPROVAL TO GRANT AN ELECTRICITY EASEMENT - AURORA ENERGY LIMITED

A report from Parks and Recreation and Legal discussed an application by Aurora Energy Limited for the grant of an electricity easement over part of the Otago Boat Harbour Recreation Reserve. The easement would allow the removal of existing power poles and overhead lines along part of the West Harbour pedestrian and cycling pathway, and their replacement with underground cabling.

The Senior In-House Legal Counsel (Karilyn Canton) and Leasing and Land Advisor (Owen Graham) spoke to the report.

Moved (Cr Aaron Hawkins/Cr Doug Hall):

That the Council:

- a) **Grants**, as administering body of the Otago Boat Harbour Recreation Reserve, pursuant to Section 48 of the Reserves Act 1977, an easement in gross to Aurora Energy Limited for the installation of underground cables and ancillary equipment over part of the West Harbour pedestrian and cycling pathway within the Otago Boat Harbour Recreation Reserve (Record of Title OT95148).
- b) **Agrees** the criteria for exemption from public notification has been met.
- c) **Acting** under its delegation from the Minister of Conservation dated 12 June 2013 and pursuant to Section 48 of the Reserves Act 1977, approves an easement in gross to Aurora Energy Limited for the installation of underground cables and ancillary equipment over that part of the West Harbour pedestrian and cycling pathway within the Otago Boat Harbour Recreation Reserve (Record of Title OT95148).

Motion carried (CNL/2019/058)

16 ELECTRIC VEHICLE FAST CHARGER

A report from Enterprise Dunedin sought consideration for the granting of a Licence to Occupy over Council-owned land to ChargeNet NZ Limited (ChargeNet) for an electric vehicle (EV) fast charging station in Dunedin.

If granted, it was proposed that the EV fast charging station would be installed near the intersection of Water and Vogel Streets and would also require dedicating two adjacent car parks for EV charging.

The report noted that facilitation of additional EV fast charging infrastructure would contribute to Council's objectives related to electric vehicle uptake and reducing greenhouse gas emissions.

The General Manager Infrastructure Services (Simon Drew) and Energy Planning Co-ordinator (Jeremy Baker) spoke to the report and responded to questions on suggested locations, loss of car parks and revenue, and the decision to offer ChargeNet an initial five year free lease.

Moved (Cr Kate Wilson/Cr Christine Garey):

That the Council:

- a) **Approves** granting a license to occupy for ChargeNet NZ Limited to install, operate and maintain an electric vehicle fast charging station on Council-owned land.

Motion carried (CNL/2019/059) with Cr Whiley recording his vote against

17 ELECTRIC SCOOTERS IN DUNEDIN

A report from Corporate Policy and Customer and Regulatory Services considered the use of electric scooters (e-scooters) in Dunedin.

The report outlined the benefits of e-scooters in Dunedin and provided options to address safety concerns and manage commercial share scheme operations.

It was proposed that a review of the Mobile Trading and Temporary Stall bylaw be undertaken with a view to require licences for commercial e-scooter and other vehicle/transport share scheme operators. That would enable the inclusion of conditions and controls around things such as curfews and numbers. A public safety campaign, and continued monitoring of issues was also proposed, as was encouraging the Ministry of Transport and NZTA to take a national approach on issues such as helmet use, cycle way use and speed limits.

The General Manager Community Services (Simon Pickford); Group Manager Customer and Regulatory Services (Adrian Blair) and Policy Analyst (Anne Gray) spoke to the report and responded to questions. They advised that there were currently 700 e-scooters in Dunedin with the possibility of more being introduced in the future.

There was a discussion on the use of e-scooters and other modes of transport which used the footpath such as mobility scooters and skateboards and how these could compromise pedestrian safety.

In response to a question, Mr Pickford advised that the review of the mobile trading bylaw only allowed the council to require operators to obtain a permit. They were unable to address such matters as rider behaviour. Members requested an urgent report on options available to the Council to control the use of e-scooters.

Following further discussion it was agreed that pressure should be applied to Government to introduce a national policy on e-scooters. A letter would be written to the Ministry of Transport and the NZ Transport Agency to urge them to take a national approach to the use of helmets and cycleways, and impose speed limits.

During discussion the Mayor left the meeting at 12.14 pm and Councillor Staynes assumed the chair. The Mayor returned to the meeting at 12.16 pm and resumed the chair.

It was requested that resolution d be taken separately.

Moved (Cr Jim O'Malley/Cr Aaron Hawkins):

That the Council:

- a) **Approves** commencement of the first stage of the Mobile Trading and Temporary Stall Bylaw review.
- b) **Writes** to the Ministry of Transport and the New Zealand Transport Agency urging them to take a national approach to the use of helmets with e-scooters, use of cycleways and speed limits for e-scooters.

- c) **Notes** that staff will continue to monitor e-scooter use and promote rider and pedestrian safety.

Division

The Council voted by division:

For: Crs David Benson-Pope, Rachel Elder, Christine Garey, Doug Hall, Aaron Hawkins, Marie Laufiso, Mike Lord, Damian Newell, Jim O'Malley, Chris Staynes, Conrad Stedman, Lee Vandervis, Andrew Whiley and Dave Cull (14).
Against: Nil
Abstention: Cr Kate Wilson

The division was declared CARRIED by 14 votes to 0, with 1 abstention.

Motion carried (CNL/2019/060)

Moved (Cr Jim O'Malley/Cr Aaron Hawkins):

That the Council:

- d) **Request** staff report back urgently on further mechanisms to restrict or control e-scooter use on footpaths in busy pedestrian areas.

Division

The Council voted by division:

For: Crs David Benson-Pope, Rachel Elder, Christine Garey, Doug Hall, Aaron Hawkins, Marie Laufiso, Mike Lord, Damian Newell, Chris Staynes, Conrad Stedman, Lee Vandervis, Andrew Whiley and Dave Cull (13).
Against: Nil
Abstention: Crs Jim O'Malley and Kate Wilson

The division was declared CARRIED by 13 votes to 0, with 2 abstentions.

Motion carried (CNL/2019/061)

18 PROPOSED REMUNERATION OF ELECTED MEMBERS

A report from Civic advised that the Local Government Act 2002 (LGA) gave the Remuneration Authority (the Authority) the responsibility for setting remuneration for local government elected members.

The report presented the Authority's proposed councillor remuneration for the period 1 July 2019 up until the new council assumed office following the 2019 local government elections, and the proposed remuneration pool that would be in place after that time.

The General Manager City Services (Sandy Graham) and Team Leader Civic (Sharon Bodeker) responded to questions.

Moved (Cr Christine Garey/Cr Doug Hall):

That the Council:

- a) **Notes** the Proposed Remuneration of Elected Members report.

Motion carried (CNL/2019/062)

RESOLUTION TO EXCLUDE THE PUBLIC

Moved (Mayor Dave Cull/Cr Chris Staynes):

That the Council:

- a) **Agrees** that Item C7 from the supplementary agenda be taken as the first item in the confidential section of the meeting to enable the Mayor (as Chair of the committee) to be present for the item as he has a prior official engagement that he would need to leave the meeting to attend.
- b) **Pursuant** to the provisions of the Local Government Official Information and Meetings Act 1987, exclude the public from the following part of the proceedings of this meeting namely:

General subject of the matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution	Reason for Confidentiality
C1 Ordinary Council meeting - 19 February 2019 - Public Excluded		.	
C2 Ordinary Council meeting - 26 February 2019 - Public Excluded	S7(2)(a) The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.	.	
	S7(2)(b)(i) The withholding of the information is necessary to protect information where the making available of the information would disclose a trade secret.		
C3 Director Reappointment	S7(2)(a) The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.	S48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	This report is confidential because the appointment of a director is made public once the applicant has been notified of the decision..
C4 Appointment of Deputy Chair to Dunedin City Holdings Limited/Dunedin City Treasury Limited	S7(2)(a) The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.	S48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for	

C5 Proposed sale of property	<p>S7(2)(b)(ii) The withholding of the information is necessary 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.</p>	<p>which good reason for withholding exists under section 7. S48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</p>	
	<p>S7(2)(h) The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.</p>		
	<p>S7(2)(i) The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p>		
C6 Taieri Airport - Otago Aero Club	<p>S7(2)(g) The withholding of the information is necessary to maintain legal professional privilege.</p>	<p>S48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</p>	<p>This report is confidential because it contains legal advice and relates to potential commercial negotiations..</p>
	<p>S7(2)(i) The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p>		
C7 Remuneration Matter	<p>S7(2)(a) The withholding of the</p>	<p>S48(1)(a) The public conduct</p>	

information is necessary to protect the privacy of natural persons, including that of a deceased person.

of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.

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 are as shown above after each item.

Motion carried (CNL/2019/063)

The meeting moved into confidential at 12.39 pm and concluded at 3.21 pm.

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MAYOR