

## **Council MINUTES**

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**Minutes of an ordinary meeting of the Dunedin City Council held in the Council Chamber, Municipal Chambers, The Octagon, Dunedin on Tuesday 27 August 2019, commencing at 1.00 pm**

### **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), 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), Graham McKerracher (Manager, Council Communications and Marketing), Fraser Liggett (Economic Development Programme Manager), Richard Davey (Treasury Manager), Zoe Moffat (Planning Manager), Joy Gunn (Manager Events and Community Development), David Bainbridge (Group Manager Property Services), Paul Coffey (Community Advisor), Maria Sleeman (Property Advisor), Ros MacGill (Manager Compliance Solutions), Peter Hanlin (Team Leader Compliance, Animal and Parking Services) and Hoani Yates (Policy Advisor)

**Governance Support Officer**

Lynne Adamson

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### **1 OPENING**

Adrian Hinds (Chair) Dunedin Interfaith Council opened the meeting with a prayer.

## **2 PUBLIC FORUM**

### **2.1 Public Forum - Seniors' Climate Action Network Wisdom of the Waterfront Development**

Donna Peacock addressed the meeting on Wisdom of the Waterfront Development on behalf of SCAN (Seniors' Climate Action Network). She commented on the impact such a development would have on the environment. Ms Peacock suggested that any funds would be better used addressing climate emergency issues.

### **2.2 Public Forum - Simon Fogarty/Chris Ford - Lime Scooters**

Simon Fogarty and Chris Ford spoke on behalf of the Foundation of the Blind and Disabled Persons Assembly, about Lime Scooters, their location and usage.

They commented on scooters being left in the middle of footpaths, and their instability which meant scooters had often fallen over causing a hazard for people with impaired vision, wheelchairs, other disabilities, children and pedestrians. Messrs Fogarty and Ford questioned the lack of a rental charge for footpath space given that retail premises paid for the placement of signage and tables.

They responded to questions, and advised that this was a health and safety issue. They stressed the importance of management of the scooters and implored Council to take proactive action on this.

Moved (Cr Benson-Pope/Cr Wilson):

That the Council:

**Extends** the Public Forum.

**Motion carried**

### **2.3 Public Forum - Anne Marie Parsons - Intercity Bus Hub**

Anne Marie Parsons addressed the meeting and provided a handout concerning the lack of a bus shelter for people waiting at the Intercity Bus Hub and commented that it was not a good look when tourists waited in the rain for the bus. Ms Parsons suggested that the stop be moved to alongside New World Centre City where there was ample room and shelters available.

Ms Parsons was advised that the Council regularly met with the Otago Regional Council and NZTA and this had been previously identified as an issue. It would continue to be worked on.

## **2.4 PUBLIC FORUM - QUENTIN BLAIR - WATER SUPPLY**

Quentin Blair spoke to his request for consideration of an out of zone water connection for Portobello Road. He gave reasons for his request for the proposal to be approved

which included his property being the only one not on the Council scheme.

Mr Blair advised that he had spoken to contractors who had confirmed that with the upgrade to Portobello Road, this was the most cost effective and opportune time for the connection to proceed. He requested that Council look on his application favourably.

### **3 APOLOGIES**

There was an apology for lateness from Cr Conrad Stedman.

Moved (Mayor Dave Cull/Cr Chris Staynes):

That the Council:

**Accepts** the apology for lateness from Cr Conrad Stedman.

**Motion carried**

### **4 CONFIRMATION OF AGENDA**

Moved (Mayor Dave Cull/Cr Chris Staynes):

That the Council:

**Confirms** the agenda with the following alterations:

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

That Items C5 – Annual Review – DCC Treasury Risk Management Policy and C6 – Dunedin City Council’s Letter of Expectation for Dunedin City Holdings Limited and Group be considered in the public part of the meeting following Item 22.

**Motion carried (CNL/2019/170)**

### **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.

Cr Garey declared an interest in Item 16 and advised that she would not participate in this item. It was noted that Cr Garey also sat back on the Public Forum item from Mr Quentin Blair.

Cr Wilson had declared an interest in the Foulden Marr item to be considered in the non-public section of the meeting and had not received any papers relating to the item. She would not be present when the report was considered.

Cr Laufiso updated her Interest Register.

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.
- c) **Notes** the Executive Leadership Team Members' Interest Register

**Motion carried (CNL/2019/171)**

## **6 CONFIRMATION OF MINUTES**

### **6.1 ORDINARY COUNCIL MEETING - 30 JULY 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 30 July 2019 as a correct record.

**Motion carried (CNL/2019/172)**

## **MINUTES OF COMMITTEES**

### **7 TOITŪ OTAGO SETTLERS MUSEUM BOARD - 3 APRIL 2019**

Moved (Cr Aaron Hawkins/Cr Mike Lord):

That the Council:

- a) **Notes** the minutes of the Toitū Otago Settlers Museum Board meeting held on 03 April 2019.

**Motion carried (CNL/2019/173)**

### **8 TOITŪ OTAGO SETTLERS MUSEUM BOARD - 3 JULY 2019**

Moved (Cr Aaron Hawkins/Cr Mike Lord):

That the Council:

- a) **Notes** the minutes of the Toitū Otago Settlers Museum Board meeting held on 03 July 2019.

**Motion carried (CNL/2019/174)**

**9 INFRASTRUCTURE SERVICES AND NETWORKS COMMITTEE - 5 AUGUST 2019**

Moved (Cr Jim O'Malley/Cr Damian Newell):

That the Council:

- a) **Notes** the minutes of the Infrastructure Services and Networks Committee meeting held on 05 August 2019.

**Motion carried (CNL/2019/175)**

**10 COMMUNITY AND CULTURE COMMITTEE - 6 AUGUST 2019**

Moved (Cr Aaron Hawkins/Cr Rachel Elder):

That the Council:

- a) **Notes** the minutes of the Community and Culture Committee meeting held on 06 August 2019.

**Motion carried (CNL/2019/176)**

**11 PLANNING AND ENVIRONMENT COMMITTEE - 6 AUGUST 2019**

Moved (Cr David Benson-Pope/Cr Damian Newell):

That the Council:

- a) **Notes** the Planning and Environment Committee meeting held on 06 August 2019.

**Motion carried (CNL/2019/177)**

**MINUTES OF COMMUNITY BOARDS**

**12 WAIKOUAITI COAST COMMUNITY BOARD - 19 JUNE 2019**

Moved (Cr Andrew Whiley/Cr Mike Lord):

That the Council:

- a) **Notes** the minutes of the Waikouaiti Coast Community Board meeting held on 19 June 2019.

**Motion carried (CNL/2019/178)**

**13 MOSGIEL-TAIERI COMMUNITY BOARD - 26 JUNE 2019**

Moved (Cr Andrew Whiley/Cr Mike Lord):

That the Council:

- a) **Notes** the minutes of the Mosgiel-Taieri Community Board meeting held on 26 June 2019.

**Motion carried (CNL/2019/179)**

**14 SADDLE HILL COMMUNITY BOARD - 27 JUNE 2019**

Moved (Cr Andrew Whiley/Cr Mike Lord):

That the Council:

- a) **Notes** the minutes of the Saddle Hill Community Board meeting held on 27 June 2019.

**Motion carried (CNL/2019/180)**

**15 WEST HARBOUR COMMUNITY BOARD - 21 AUGUST 2019**

Moved (Cr Andrew Whiley/Cr Mike Lord):

That the Council:

- a) **Notes** minutes of the West Harbour Community Board meeting held on 21 August 2019.

**Motion carried (CNL/2019/181)**

Cr Christine Garey left the meeting at 1.55 pm.

**REPORTS**

**16 APPLICATION TO EXTEND URBAN WATER SUPPLY AREA BOUNDARY AND SUPPLY WATER TO 309 PORTOBELLO ROAD**

A report from 3 Waters sought the Council's decision on an application to extend the urban water supply area boundary to include 309 Portobello Road and provide an 'extraordinary' water supply connection to this property.

The General Manager Infrastructure Services (Simon Drew) and Planning Manager (Zoe Moffat) spoke to the report and responded to questions. In response to clarification on connections for surrounding properties and connection of a foul sewer, staff advised they did not have the information on hand.

During discussion Cr Conrad Stedman entered the meeting at 1.57 pm.

Moved (Cr David Benson-Pope/Cr Aaron Hawkins):

That the Council:

**Lay** the report *Application to Extend Urban Water Supply Area Boundary and Supply Water to 309 Portobello Road* on the table, to enable clarification of questions raised relating to connections to surrounding properties and foul sewers.

**Motion carried (CNL/2019/182)**

Cr Mike Lord left the meeting and Cr Christine Garey returned to the meeting at 2.01 pm.

## **17 MOSGIEL MEMORIAL PARK - APPROVAL TO GRANT EASEMENTS IN FAVOUR OF 191 GORDON ROAD, MOSGIEL**

A report from Parks and Recreation and Legal discussed an application by Gene and Dalise Sanderson, owners of 191 Gordon Road, for the granting of easements to drain sewage over part of the Mosgiel Memorial Park. The report recommended the easements be granted. The easements were to enable the owners to connect into the existing Council foul sewer that was located within the Mosgiel Memorial Park. The easement requirement was a condition of the resource consent for the two-lot subdivision of 191 Gordon Road, Mosgiel.

Moved (Cr Lee Vandervis/Cr Doug Hall):

That the Council:

- a) **Acting** in its capacity as the administering body of the Mosgiel Memorial Park pursuant to the Reserves Act 1977:
  - i) **Grants** easements to drain sewage over part of Mosgiel Memorial Park located at 187D Gordon Road, Mosgiel, being Lot 1 DP 9385 as shown marked 'C' and 'D' on Plan No. M2135/1, Rev A, in favour of 191 Gordon Road, Mosgiel being Lot 11, Block V Deposited Plan 3697, Record of title OT370/19, subject to the conditions outlined in this report.
  - ii) **Approves** waiving the annual rental for use of the reserve.
  - iii) **Decides** the criteria for exemption from public notification has been met.
- b) **Acting** under delegation from the Minister of Conservation dated 12 June 2013, and pursuant to section 48 of the Reserves Act 1977, consents to the grant of easements to drain sewage over part of Mosgiel Memorial Park located at 187D Gordon Road, Mosgiel, being Lot 1 DP 9385 as shown marked 'C' and 'D' on Plan No. M2135/1, Rev A, in favour of 191 Gordon Road, Mosgiel being Lot 11, Block V Deposited Plan 3697, Record of title OT370/19, subject to the conditions outlined in this report.

**Motion carried (CNL/2019/183)**

## 18 HOUSING ACTION PLAN FOR DUNEDIN 2019-2039 UPDATE

A report from Community and Planning noted that at the Council meeting of 6 May 2019, Council agreed to take stewardship of the Mayor's Taskforce for Housing (MTFH) Housing Action Plan for Dunedin 2019-2039. The report highlighted some of the work carried out by DCC staff to date.

Cr Mike Lord entered the meeting at 2.03 pm.

The Director Enterprise Dunedin (John Christie), Manager Events and Community Development (Joy Gunn) and Community Advisor (Paul Coffey) spoke to the report and responded to questions on attendance and feedback provided at the Housing Action Plan meeting.

The Mayor was thanked for his leadership, and staff for all their work on the MTFH to date.

Moved (Cr Aaron Hawkins/Cr Christine Garey):

That the Council:

- a) **Notes** the Mayor's Taskforce for Housing (MTFH) Housing Action Plan for Dunedin 2019-2039 Update.

**Motion carried (CNL/2019/184)**

## 19 DUNEDIN TOWN HALL - PROPOSED FORMALISATION OF RESERVES STATUS AND RESERVE CLASSIFICATION AND GRANTING OF EASEMENT

A report from Property noted that the land status and history of acquisition for the Dunedin Town Hall had been researched and it had been concluded that the land became a Reserve under historic legislation. The requirement to formally record the Reserve status on the Record of Title was not necessary at that time.

This report recommended that the Record of Title be updated to note that the land was subject to the Reserves Act 1977, and that the land be classified as Local Purpose (Municipal and Entertainment) Reserve.

In addition, there was an easement over part of the Dunedin Town Hall land that needed to be granted under the Reserves Act.

The Council acted in its role as administering body and on behalf of the Minister of Conservation under instrument of Delegation dated 12 June 2013 in the decision-making process.

It was intended that both matters be dealt with in the report under two separate headings:

- Reserve land status and classification
- Easement – right to convey and transform electricity

The General Manager City Services (Sandy Graham), Group Manager Property Services (David Bainbridge) and Property Officer (Maria Sleeman) spoke to the report and advised that it had an incorrect map and that the correct one had been circulated to all members.



They responded to questions and provided clarification on the reserve classification of the Dunedin Town Hall.

Moved (Cr Kate Wilson/Cr David Benson-Pope):

That the Council:

- a) **Resolves** that pursuant to Section 16(1) of the Reserves Act 1977, that the Reserve known as the Dunedin Town Hall be classified as Local Purpose (Municipal and Entertainment) Reserve being 4516 square metres more or less described as Lot 1, Deposited Plan 17134 all Record of Title OT8C/787.
- b) **Notes** that public notification for the classification of the Reserves known as the Town Hall is not required. There are exemptions under Sections 16(5)(a) and (b) of the Reserves Act 1977, the classification proposed is the same as the purpose for which the reserve was held and administered immediately before the commencement of the Reserves Act 1977; and under the District Plan, designation D617 includes the use as Municipal Chambers respectively.
- c) **Acting** under its delegation from the Minister of Conservation dated 12 June 2013 and pursuant to Section 16(1) of the Reserves Act 1977 that the Reserve known as the Dunedin Town Hall be classified as Local Purpose (Municipal and Entertainment) Reserve being 4516 square metres more or less described as Lot 1, Deposited Plan 17134 all Record of Title OT8C/787.
- d) **Grants**, as administering body of the Reserve, pursuant to Section 48 of the Reserves Act 1977, an easement in gross to Aurora Energy Limited for the right to convey and transform electricity over that part of the Reserve shown as A on Deposited Plan 494034 legally described as part Lot 1, Deposited Plan 17134 part Record of Title OT8C/787.
- e) **Agreed** that the criteria for exemption for public notification of the granting of the easement in gross to Aurora Energy Limited for the right to convey and transform electricity had been met.
- f) **Acting** under its delegation from the Minister of Conservation dated 12 June 2013 and pursuant to Section 48 of the Reserves Act 1977, grants an easement in gross to Aurora Energy Limited for the right to convey and transform electricity over that part of the Reserve shown as A on Deposited Plan 494034 legally described as part Lot 1, Deposited Plan 17134 part Record of Title OT8C/787.

**Motion carried (CNL/2019/185)**

## **20 ANIMAL SERVICES ANNUAL REPORT TO THE DEPARTMENT OF INTERNAL AFFAIRS**

A report from Customer and Regulatory Services advised that Section 10A of the Dog Control Act 1996 required territorial authorities to publicly report each year on:

- The administration of their dog control policy and their dog control practices (section 10A (1)); and
- A variety of dog control related statistics (section 10A (2)).

The Annual Department of Internal Affairs'11' Report appended to the report outlined the operations of the Dunedin City Council's Animal Services Unit for the year ending 30 June 2019.

The General Manager Community Services (Simon Pickford); Manager Compliance Solutions (Ros MacGill) and Team Leader Compliance, Animal and Parking Services (Peter Hanlin) spoke to the report and responded to questions.

Moved (Cr David Benson-Pope/Cr Rachel Elder):

That the Council:

- a) **Notes** the Animal Services annual report 2018/19 to the Department of Internal Affairs.

**Motion carried (CNL/2019/186)**

## **21 DCC SUBMISSION ON LOCAL GOVERNMENT FUNDING AND FINANCING: DRAFT REPORT**

A report from Policy sought approval of a Dunedin City Council (DCC) submission to the Productivity Commission on the latest stage of its inquiry into local government funding and financing.

The General Manager City Services (Sandy Graham) and Policy Advisor (Hoani Yates) spoke to the report and responded to questions on the submission.

Moved (Cr Rachel Elder/Cr Kate Wilson):

That the Council:

- a) **Approves** the draft Dunedin City Council submission to the Productivity Commission on the Local Government Funding and Financing Draft Report.

**Motion carried (CNL/2019/187)**

## **22 OTAGO REGIONAL ECONOMIC DEVELOPMENT FRAMEWORK**

A report from Enterprise Dunedin presented the Otago Regional Economic Development (ORED) framework.

The framework had been endorsed by the Otago Mayoral and Chief Executive Forums and received by the Clutha and Queenstown Lakes District Councils' on 8 August and Central Otago District and Otago Regional Councils' on 14 August. The Waitaki District Council would receive the ORED Framework on 27 August 2019.

The report also noted that an application had been submitted to the Provincial Growth Fund (PGF) for funding to build capacity, portfolio manage, and support PGF activities across the Otago region.

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

Staff were acknowledged for all their work on the project.

Moved (Cr Andrew Whiley/Cr David Benson-Pope):

That the Council:

- a) **Receives** the attached Otago Regional Economic Development (ORED) framework 2019.
- b) **Notes** a proposal has been submitted to the Provincial Growth Fund (PGF) for \$200,000 per annum available for two years (2019/20 - 20/21) to build capacity, portfolio management and support PGF activities across the Otago region.
- c) **Notes** approval from the Otago Council Chief Executives to use the funding to appoint two advisors:
  - i) A coastal Otago portfolio advisor to cover Clutha, Dunedin and Waitaki, hosted by Enterprise Dunedin;
  - ii) An inland Otago portfolio advisor to cover Central Otago and Queenstown Lakes, hosted by Central Otago District Council.

**Motion carried (CNL/2019/188)**

## **C5 ANNUAL REVIEW - DCC TREASURY RISK MANAGEMENT POLICY**

A report from Finance summarised the Annual Review of the Dunedin City Council Treasury Risk Management Policy and provided recommended changes to the Policy following review by the Board of Dunedin City Treasury Limited.

The General Manager Finance and Commercial (Dave Tombs) and Treasury Manager (Richard Davey) spoke to the report.

Moved (Cr Mike Lord/Cr Doug Hall):

That the Council:

- a) **Approves** (section 4.3) Management of Interest Rate Risk – Increasing the Maximum Cover percentages in the three Periods ‘Years 6 and 7’, ‘Years 8, 9 and 10’ and ‘Years 11 to 15’.
- b) **Approves** (section 5.3) Funding Risk – The Policy currently specifies that no more than \$200 million can mature over the next 12 months or in any 12 month period thereafter. It is proposed to increase this limit to \$250 million.
- c) **Approves** (section 6.2) Permitted Instruments – Additional wording to enable the LGFA to be added as a source of funding.
- d) **Approves** (Section 13.3) Reporting to DCTL Board – It is proposed to remove some procedural details from the Policy as they are no longer required.
- e) **Approves** (Appendix: Delegations of Authority) - The removal of some wording relating to the signing of cheques which is now outdated.
- f) **Notes** the proposed Recommendations were approved by the Audit and Risk Committee on 1 August 2019.

**Motion carried (CNL/2019/189)**

## C6 DUNEDIN CITY COUNCIL'S LETTER OF EXPECTATION FOR DUNEDIN CITY HOLDINGS LIMITED AND GROUP

A report from Finance sought finalisation of the Letter of Expectation to be sent to the Dunedin City Holdings Limited (DCHL) Board.

The Letter of Expectation provided Council's annual direction to DCHL and outlined the parties' respective accountabilities, roles and responsibilities. The Letter of Expectation would assist DCHL and the wider group in the development of their Statements of Intent (SOI) documents for 2020/2021.

The Chief Executive Officer (Sue Bidrose) and General Manager Finance and Commercial (Dave Tombs) spoke to the report and responded to questions of clarification.

Moved (Cr Chris Staynes/Cr Mike Lord):

That the Council:

- a) **Considers** the proposed changes to the current Letter of Expectation to the Board of Dunedin City Holdings Limited on behalf of the Council as shareholder.
- b) **Provides** feedback as to the letter's content prior to finalisation.
- c) **Authorises** the Mayor to sign the Letter of Expectation on behalf of the Council as shareholder.

**Motion carried (CNL/2019/190)**

## RESOLUTION TO EXCLUDE THE PUBLIC

Moved (Mayor Dave Cull/Cr Chris Staynes):

That the Council:

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:

<b>General subject of the matter to be considered</b>	<b>Reasons for passing this resolution in relation to each matter</b>	<b>Ground(s) under section 48(1) for the passing of this resolution</b>	<b>Reason for Confidentiality</b>
C1 Ordinary Council meeting - 30 July 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.	.	
C2 Property Negotiations	S7(2)(g) The withholding of the information is	S48(1)(a) The public conduct of the part of the	This report is confidential to protect Council's position in

	necessary to maintain legal professional privilege.	meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	respect of property negotiations..
C3 Film Dunedin Development	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).		
	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.	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.	
	S7(2)(h) The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.		
C4 Dunedin City Holdings Group Appointments	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).		
	S7(2)(a) The withholding of the information is necessary to protect the privacy of natural persons, including that	S48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of	

of a deceased person. 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/2019/191)**

The meeting moved into confidential at 3.35 pm and concluded at 6.00 pm.

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MAYOR