

Council MINUTES

Minutes of an ordinary meeting of the Dunedin City Council held in the Council Chamber, Municipal Chambers, The Octagon, Dunedin on Tuesday 13 April 2021, commencing at 10.01 am

PRESENT

Mayor Mayor Aaron Hawkins
Deputy Mayor Cr Christine Garey

Members

Cr Sophie Barker	Cr David Benson-Pope
Cr Rachel Elder	Cr Doug Hall
Cr Carmen Houlahan	Cr Marie Laufiso
Cr Mike Lord	Cr Jim O'Malley
Cr Jules Radich	Cr Chris Staynes
Cr Lee Vandervis	Cr Steve Walker
Cr Andrew Whiley	

IN ATTENDANCE

Sandy Graham (Chief Executive Officer), Simon Drew (General Manager Infrastructure Services), Simon Pickford (General Manager Community Services), John Christie (Director Enterprise Dunedin), Graham McKerracher (Manager, Council Communications and Marketing), Gavin Logie (Acting General Manager Finance), Keith Cooper (Chair, Dunedin City Holdings Ltd) and Jemma Adams, Terry Davies (CEO Dunedin Venues), Clare Sullivan (Team Leader Civic), Louise van de Vlied (Manager Visitor Centre), Jemma Adams (General Manager DCHL/DCTL), Andrew Douglas (Managing Director, Opportune Consulting) and Anne Gray (Policy Analyst)

Governance Support Officer Lynne Adamson

1 PUBLIC FORUM

1.1 Public Forum – Trains Not Planes

Sally Brown and Melanie Borrell spoke of the success of the Seaside weekly 'Trains not Planes' service between Dunedin and Waitati over the summer months and the benefit to local businesses. They urged DCC to support continuation of the service and increase it to enable people to take the train to Dunedin for various things including events.

Ms Brown and Ms Borrell then responded to questions.

1.2 Public Forum - Port Chalmers Day Train Usage

Raewynne Pedofski spoke of the value in the city retaining the Otago Excursion Train and commented that the train brought approximately 274 passengers to the Port Chalmers Day held in March which was successful and appreciated by local businesses.

Ms Pedofski responded to questions and implored Council to retain the service.

1.3 Public Forum – Otago Railway Trust

Kate Wilson, Chairperson of the Otago Central Rail Trust spoke in support of an extension to the rail trail to Dunedin. She explained that a trail for walkers, cyclists and horse riders alongside parts of the railway line could be established.

Ms Wilson that the Trust would like to work with the Council and Department of Conservation to scope out ideas for an extension. The trust would then seek funding for feasibility work together with manawhenua and other interested parties.

Ms Wilson then responded to questions.

Moved (Mayor Aaron Hawkins/Cr Christine Garey):

That the Council:

Extends the public forum.

Motion carried

1.4 Public Forum – First Union

Sonja Mitchell, Union Organiser, First Union and Dave Kearns, Rail and Maritime Transport Union advised that they represented members employed at Dunedin Railways.

They urged Council to retain the railway and that as rail was a low carbon form of transport, it should be developed as the way forward for travel. Ms Mitchell and Mr Kearns then responded to questions.

2 APOLOGIES

There were no apologies.

3 CONFIRMATION OF AGENDA

Moved (Mayor Aaron Hawkins/Cr Steve Walker):

That the Council:

Confirms the agenda with the following alteration:

That Council move into non-public after Item 8 to discuss Item 9 – The Future of Dunedin Railways Limited, Appendix 6 then move back into public for discussion of the report.

Motion carried

4 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 Aaron Hawkins/Cr Christine Garey):

That the Council:

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

Motion carried

Cr Rachel Elder left the meeting at 10.52 am.

5 CONFIRMATION OF MINUTES

5.1 ORDINARY COUNCIL MEETING - 30 MARCH 2021

Moved (Mayor Aaron Hawkins/Cr Christine Garey):

That the Council:

Confirms the public part of the minutes of the Ordinary Council meeting held on 30 March 2021 as a correct record.

Motion carried

6 MINUTES OF COMMUNITY BOARDS

6 OTAGO PENINSULA COMMUNITY BOARD - 18 FEBRUARY 2021

Moved (Cr Andrew Whiley/Cr Jim O'Malley):

That the Council:

Notes the minutes of the Otago Peninsula Community Board meeting held on 18 February 2021.

Motion carried

7 WAIKOUAITI COAST COMMUNITY BOARD - 17 FEBRUARY 2021

Moved (Cr Jim O'Malley/Cr Andrew Whiley):

That the Council:

Notes the minutes of the Waikouaiti Coast Community Board meeting held on 17 February 2021.

Motion carried

Cr Rachel Elder returned to the meeting at 10.55 am.

REPORTS

8 ACTIONS FROM RESOLUTIONS OF COUNCIL MEETINGS

The Chief Executive Officer (Sandy Graham) spoke to the report and responded to questions.

Moved (Mayor Aaron Hawkins/Cr Christine Garey):

That the Council:

Notes the Open and Completed Actions from resolutions of Council meetings.

Motion carried

Moved (Mayor Aaron Hawkins/Cr Christine Garey):

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:

9 The Future of Dunedin Railways Limited Attachment C	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).	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.
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That Keith Cooper (Chair, Dunedin City Holdings Ltd) and Terry Davies (CEO, Dunedin Venues Ltd) be permitted to remain in the meeting because of their knowledge for the Dunedin Railways Limited Attachment C discussion. This knowledge would be of assistance and was relevant to the matter being discussed.

That the meeting adjourn to enable members of the public to leave.

Motion carried

The meeting adjourned at 10.52 am.

The meeting reconvened in public at 12.01 pm.

Cr Lee Vandervis entered the meeting at 12.05 pm and Cr Doug Hall entered the meeting at 12.12 pm.

9 THE FUTURE OF DUNEDIN RAILWAYS LIMITED

A report from Dunedin City Holdings Limited outlined the longer term options for Dunedin Railways Limited and its assets.

The report noted that four options had been provided for consideration, all requiring funding from Council from the financial year commencing 1 July 2021.

The Chairperson, Dunedin City Holdings Ltd (DCHL) Keith Cooper, General Manager DCHL/DCTL (Jemma Adams), Managing Director, Opportune Consulting (Andrew Douglas) and (Chief Executive Officer, Dunedin Venues (Terry Davies) spoke to the report and responded to questions.

Moved (Mayor Aaron Hawkins/Cr Christine Garey):

That the Council:

Adjourns the meeting and reconvenes at 1.15 pm.

Motion carried

The meeting adjourned at 12.40 pm and reconvened at 1.16 pm.
Cr Doug Hall entered the meeting at 1.22 pm.

Moved (Mayor Aaron Hawkins/Cr Chris Staynes):

That the Council:

- a) **Requests** a report for the Ten Year Plan deliberation meeting that includes:
 - i) Staff analysis of the financial and strategic implications of retaining a train operation in city ownership using either:
 - The national rail network only (Option 3) or
 - The national rail network and the Taieri Gorge line (Option 4).
 - ii) the implications of maintaining the existing arrangements until June 30 2022, allowing for formal public consultation on future options through the Annual Plan 2022/23 process.
- b) **Supports** the Otago Central Rail Trust to seek funding for feasibility work on possible extensions to the Otago Central Rail trail between Middlemarch and Wingatui in collaboration with mana whenua and other interested parties.

Division

The Council voted by division:

For: Crs Sophie Barker, David Benson-Pope, Rachel Elder, Christine Garey, Doug Hall, Carmen Houlahan, Marie Laufiso, Mike Lord, Jim O'Malley, Jules Radich, Chris Staynes, Steve Walker, Andrew Whiley and Mayor Aaron Hawkins (14).

Against: Cr Lee Vandervis (1).

Abstained: Nil

The division was declared CARRIED by 14 votes to 1

Motion carried (CNL/2021/062)

10 REGULATORY SUBCOMMITTEE RECOMMENDATION ON LEGAL HIGH RETAIL LOCATION POLICY REVIEW

A report presented the recommendation of the Regulatory Subcommittee on the review of the Legal High Retail Location Policy.

The Chairperson (Cr Andrew Whiley) spoke to the recommendations. The General Manager Community Services (Simon Pickford) and Policy Analyst (Anne Gray) responded to questions on the policy.

Moved (Cr Andrew Whiley/Cr Jules Radich):

That the Council:

- a) **Notes** that the Regulatory Subcommittee has considered all submissions received on the Legal High Retail Location Policy review.

- b) **Approves** the proposed amended Legal High Retail Location Policy.

Motion carried (CNL/2021/063)

11 REGULATORY SUBCOMMITTEE RECOMMENDATION ON GAMBLING AND TAB VENUE POLICY REVIEW

A report presented the recommendations of the Regulatory Subcommittee on the review of the Gambling and TAB Venue Policy.

The Chairperson (Cr Christine Garey) spoke to the recommendations. The General Manager Community Services and Development (Simon Pickford) and Policy Analyst (Anne Gray) responded to questions on the policy.

Moved (Cr Christine Garey/Cr Marie Laufiso):

That the Council:

- a) **Notes** that the Regulatory Subcommittee had heard and considered submissions on the Gambling and TAB Venue Policy.
- b) **Approves** the amended Gambling and TAB Venue Policy, which had a sinking lid approach to the number of venues and gambling machines in Dunedin with the deletion of section 1.2.3 and the following amendment to Section 1.2.4 to read:

Council may permit the relocation of existing class 4 venues where the premises cannot continue to operate at that site. Examples of such circumstances include the following:

1.2.4.1 Fire

1.2.4.2 Natural disaster

- c) **Lobbies** central government through Local Government New Zealand to establish a more sustainable model of funding for community organisations to replace the reliance on gambling proceeds.

Division

The Council voted by division:

For: Crs Sophie Barker, David Benson-Pope, Rachel Elder, Christine Garey, Doug Hall, Carmen Houlahan, Marie Laufiso, Mike Lord, Jim O'Malley, Chris Staynes, Lee Vandervis, Steve Walker and Mayor Aaron Hawkins (13).

Against: Crs Jules Radich and Andrew Whiley (2).

Abstained: Nil

The division was declared CARRIED by 13 votes to 2

Motion carried (CNL/2021/064)

RESOLUTION TO EXCLUDE THE PUBLIC

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:

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 - 30 March 2021 - Public Excluded	S7(2)(h) The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.	.	
	S7(2)(g) The withholding of the information is necessary to maintain legal professional privilege.		
	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		

C2 Confidential Council Actions from Resolutions at Council Meetings	information. S6(a) The making available of the information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences and the right to a fair trial.	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 6.	
C3 Director Remuneration - Dunedin City Holdings Limited Group Companies	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.	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 information contained in this report remains confidential until Council has determined the level of fees and advised Dunedin City Holdings Limited of the outcome at which point the information can be made public..
C4 CEO Key Performance Indicators	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)(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).	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 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.

That Keith Cooper (Chair, Dunedin City Holdings Ltd) be permitted to remain in the meeting because

of his knowledge for Item C3. This knowledge would be of assistance and was relevant to the matter being discussed.

The meeting moved into confidential at 2.53 pm and concluded at 4.10 pm.

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MAYOR