

Council MINUTES

Minutes of an ordinary meeting of the Dunedin City Council held in the via zoom audio visual link on Tuesday 22 February 2022, commencing at 9.00 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 and Development), Jeanette Wikaira (Manahautū (General Manager Māori, Partnerships and Policy), Gavin Logie (Chief Financial Officer), Claire Austin (General Manager Customer and Regulatory). Alasdair Morrison (Chairperson, Waikouaiti Coast Community Board), Ross Tanner (Consultant), Tom Simons-Smith (Coastal Specialist), Jinty MacTavish (Principal Policy Advisor Sustainability), Scott Campbell (Policy Analyst), Ros MacGill (Manager Compliance Solutions), Simon Spiers (Team Leader Regulation Management) and Clare Sullivan (Manager Governance)

Governance Support Officer Lynne Adamson

1 PUBLIC FORUM

1.1 Public Forum - 3 Waters Reform

Mayor Dan Gordon, Waimakariri District Council spoke on behalf of the Communities 4 Local Democracy and the 3 Waters Reform.

Mayor Gordon responded to questions.

1.2 Public Forum - 3 Waters Reform

Gabrielle Huria, Te Titirei/Chief Executive Te Kura Taka Pini Ltd spoke on behalf of Te Kura Taka Pini is Te Rūnanga o Ngāi Tahu freshwater team on the 3 Waters Reform.

Ms Huria responded to questions.

Moved (Mayor Aaron Hawkins/Cr Steve Walker):

That the Council:

Extends the public forum.

Motion carried

2 APOLOGIES

There were no apologies.

3 CONFIRMATION OF AGENDA

Moved (Mayor Aaron Hawkins/Cr Christine Garey):

That the Council:

Confirms the agenda without addition or alteration

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 Executive Leadership Team Members' Interests.

Motion carried

5 CONFIRMATION OF MINUTES

5.1 ORDINARY COUNCIL MEETING - 14 DECEMBER 2021

Moved (Mayor Aaron Hawkins/Cr Steve Walker):

That the Council:

Confirms the public part of the minutes of the Ordinary Council meeting held on 14 December 2021 as a correct record.

Motion carried

5.2 ORDINARY COUNCIL ANNUAL PLAN MEETING - 31 JANUARY 2022

Moved (Mayor Aaron Hawkins/Cr Chris Staynes):

That the Council:

Confirms the public part of the minutes of the Ordinary Council Annual Plan meeting held on 31 January 2022 as a correct record.

Motion carried

REPORTS

6 ACTIONS FROM RESOLUTIONS OF COUNCIL MEETINGS

A report from Civic provided an update on the progress on implementing resolutions made at Council meetings.

Moved (Mayor Aaron Hawkins/Cr Christine Garey):

That the Council:

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

Motion carried

7 COUNCIL FORWARD WORK PROGRAMME

A report from Corporate Policy provided the updated forward work programme for the 2021-2022 year.

Moved (Mayor Aaron Hawkins/Cr Steve Walker):

That the Council:

Notes the updated Council forward work programme.

Motion carried

8 REVIEW OF THE WAIKOUAITI, KARITANE AND HAWKSURRY VILLAGE WATER RESPONSE - FINAL REPORT

Mr Alasdair Morrison, Chairperson, Waikouaiti Coast Community Board joined the meeting for questions and discussion of this item.

A report from the Office of the Mayor presented the results of Mr Tanner's independent "Review of the Waikouaiti, Karitane and Hawksbury Village Water Response".

Mr Ross Tanner, Consultant provided an overview on his report and responded to questions.

Moved (Mayor Aaron Hawkins/Cr Christine Garey):

That the Council:

Adjourns the meeting.

Motion carried

The meeting adjourned at 10.22 am and reconvened at 10.40 am.

The Mayor thanked Mr Tanner for his report and the Chair and members of the Waikouaiti Coast Community Board for their work and support of the local community.

Moved (Mayor Aaron Hawkins/Cr Steve Walker):

That the Council:

Notes the "Review of the Waikouaiti, Karitane and Hawksbury Village Water Response" report and the progress staff had made in the implementation of the recommendations.

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, Lee Vandervis, Steve Walker, Andrew Whiley and Mayor Aaron Hawkins (15).

Against: Nil

Abstained: Nil

The division was declared CARRIED by 15 votes to 0

Motion carried (CNL/2022/001)

9 ST CLAIR - ST KILDA COASTAL PLAN

A report from 3 Waters summarised the process undertaken to develop the Whakahekerau – Rakiātea Rautaki Tai, St Clair – St Kilda Coastal Plan and sought adoption of the plan by Council.

The General Manager Infrastructure and Development (Simon Drew) and Coastal Specialist (Tom Simons-Smith) spoke to the report and responded to questions.

Moved (Cr David Benson-Pope/Cr Steve Walker):

That the Council:

Adopts the St Clair – St Kilda Coastal Plan.

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, Lee Vandervis, Steve Walker, Andrew Whiley and Mayor Aaron Hawkins (15).

Against: Nil

Abstained: Nil

The division was declared CARRIED by 15 votes to 0

Motion carried (CNL/2022/002)

10 ENGAGEMENT ON THE 2022/23 ANNUAL PLAN

A report from Corporate Policy provided an update of year two of the 10 year plan 2021-31.

The Chief Executive Officer (Sandy Graham) and Manahautū (General Manager Māori Partnerships and Policy) Jeanette Wikaira spoke to the report and responded to questions.

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

That the Council:

Approves the recommended engagement approach as outlined in this report.

Motion carried (CNL/2022/003)

Moved Mayor Aaron Hawkins/Cr Christine Garey

That the Council:

Adjourns the meeting.

Motion carried

The meeting adjourned at 12.29 pm and reconvened at 1.22 pm.

11 ZERO CARBON CITY PLAN: INTERIM GUIDING PRINCIPLES AND STAGES OF WORK

A report Corporate Policy and Civic set out proposed interim working principles for the Zero Carbon work programme.

The Manahautū (General Manager Māori Partnerships and Policy) Jeanette Wikaira and Principal Policy Advisor Sustainability (Jinty MacTavish) spoke to the report and responded to questions.

Moved (Cr Steve Walker/Cr Chris Staynes):

That the Council:

- a) **Approve** the proposed interim working principles for the Zero Carbon work programme.
- b) **Note** the proposed approach to creating the emissions reduction plan for Dunedin city.

Motion carried (CNL/2022/004) with Cr Lee Vandervis recording his vote against

12 PROCEEDS FROM THE SALE OF ASSETS

A report from Corporate Policy asked Council to consider the options to apply to proceeds from the sales of two properties, the Dowling Street Carpark site and a High Street Housing Unit.

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

Moved (Cr Lee Vandervis/Cr Steve Walker):

That the Council:

- a) **Invests** the sales proceeds of \$3.000 million from the Dowling Street Carpark into the Waipori Fund.
- b) **Repays** \$675,000 of debt using the sales proceeds from the High Street Housing unit A2, 7 Montpellier Street.
- c) **Invests** the remaining \$50,000 of sales proceeds from the High Street Housing unit A2, 7 Montpellier Street into the Waipori Fund.

Motion carried (CNL/2022/005)

13 DCC SUBMISSION: IMPROVING THE PROTECTION OF DRINKING WATER SOURCES

A report from 3 Waters sought approval of a submission to the Ministry for the Environment (MfE) on proposed amendments to the Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007 (NES-DW).

The General Manager Infrastructure and Development (Simon Drew) and Policy Analyst (Scott Campbell) spoke to the report and responded to questions.

Moved (Mayor Aaron Hawkins/Cr Christine Garey):

That the Council:

Extends the meeting beyond 6 hours

Motion carried

Moved (Cr Jim O'Malley/Cr Rachel Elder):

That the Council:

- a) **Approves**, the DCC submission to the Ministry for the Environment with the inclusion of forestry and drinking water catchment and the naming of approved fire retardants that are low risk to drinking water supplies list.
- b) **Authorises** the Mayor or his delegate to speak to the DCC submission at any hearing on the proposals.
- c) **Authorises** the Chief Executive to make any minor editorial changes to the submission to ensure consistency of language.

Motion carried (CNL/2022/006) with Cr Lee Vandervis recording his vote against

Moved (Mayor Aaron Hawkins/Cr Steve Walker):

That the Council:

Adjourns the meeting.

Motion carried

The meeting adjourned at 2.52 pm and reconvened at 3.14 pm.

14 REGULATORY SUBCOMMITTEE RECOMMENDATIONS ON THE PROPOSED PARKING CHANGES-DECEMBER 2021

A report from Transport presented the recommendations of the Regulatory Subcommittee on proposed minor changes or clarifications to current parking restrictions, and corrections to the parking controls database of the Dunedin Traffic Parking Bylaw 2010.

The Chairperson, Regulatory Subcommittee (Cr Andrew Whiley) spoke to the recommendations of the subcommittee.

The General Manager Infrastructure and Development (Simon Drew) and Team Leader Regulation Management (Simon Spiers) responded to questions.

Moved (Cr Andrew Whiley/Cr Steve Walker):

That the Council:

- a) **Notes** that the Subcommittee has considered feedback from consultation on the proposed changes to parking restrictions

- b) **Adopts** the recommended minor changes, clarifications and corrections to the parking controls that are shown in the December 2021 update of the GIS database, <https://tinyurl.com/ParkingDecember2021>
- c) **Notes** that all parking restrictions previously approved by Council remain unchanged.

Motion carried (CNL/2022/007) with Cr Lee Vandervis recording his vote against

15 REGULATORY SUBCOMMITTEE RECOMMENDATIONS ON KEEPING OF ANIMALS (EXCLUDING DOGS) AND BIRDS BYLAW REVIEW

A report from Customer and Regulatory and the Executive Leadership Team presented the recommendation of the Regulatory Subcommittee on the proposed Keeping of Animals Bylaw following a review.

The Chairperson, Regulatory Subcommittee (Cr Andrew Whiley) spoke to the recommendations of the subcommittee.

The General Manager Customer and Regulatory (Claire Austin) and Manager Compliance Solutions (Ros MacGill) responded to questions.

Moved (Cr Andrew Whiley/Cr Rachel Elder):

That the Council:

- a) **Notes** that the Regulatory Subcommittee has heard and considered submissions on the Keeping of Animals (excluding Dogs) and Birds Bylaw review.
- b) **Makes** the Keeping of Animals Bylaw which includes Option One for managing rooster issues – Option One was to ban keeping of roosters from residential zone areas unless written permission from Council.
- c) **Approves** a date of effect for the Keeping of Animals Bylaw of 1 July 2022.
- d) **Revokes** the Keeping of Animals (excluding Dogs) and Birds Bylaw from 1 July 2022.

Motion carried (CNL/2022/008)

16 NOTICE OF MOTION 3 WATERS

In accordance with Standing Order 26.1, a Notice of Motion was received from Cr Andrew Whiley.

Moved (Cr Andrew Whiley/Cr Jules Radich):

That the Council:

Joins the Communities 4 Local Democracy with other Councils around New Zealand, such as Christchurch City and Queenstown Lakes District Councils to collaborate to identify alternative solutions to the proposed 3 Waters restructure.

Division

The Council voted

For: Crs Sophie Barker, Rachel Elder, Doug Hall, Carmen Houlahan, Jim O'Malley, Jules Radich, Lee Vandervis and Andrew Whiley (8).

Against: Crs David Benson-Pope, Christine Garey, Marie Laufiso, Mike Lord, Chris Staynes, Steve Walker and Mayor Aaron Hawkins (7).

Abstained: Nil

The division was declared CARRIED by 8 votes to 7

Motion carried (CNL/2022/009)

RESOLUTION TO EXCLUDE THE PUBLIC

Moved (Mayor Aaron Hawkins/Cr Steve Walker):

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 - 14 December 2021 - 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)(c)(i) The withholding of the information is necessary 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.	
C2 Confidential Council Actions from Resolutions at Council Meetings	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 Confidential Council Forward Work Programme	S7(2)(h) The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.	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.
C4 Proposed Ōrau and Okaihae Marine Reserves	S7(2)(g) The withholding of the information is necessary to maintain legal professional privilege. 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)(i) The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including	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.

commercial and
industrial
negotiations).

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.

Adjourns the meeting.

Motion carried (CNL/2022/010)

The meeting moved into confidential at 4.29 pm.

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MAYOR