

Council MINUTES

Minutes of an ordinary meeting of the Dunedin City Council held in the Council Chamber, Municipal Chambers, The Octagon, Dunedin on Tuesday 04 October 2022, commencing at 3.03 pm

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 Pickford (General Manager Community Services), Simon Drew (General Manager Infrastructure and Development), Jeanette Wikaira (Manahautū (General Manager Māori, Partnerships and Policy)), Gavin Logie (Chief Financial Officer), Robert West (General Manager Corporate and Quality), Claire Austin (General Manager Customer and Regulatory), and John Christie (Manager Enterprise Dunedin) and Sharon Bodeker (Acting Manager Governance).

Governance Support Officer Lynne Adamson

1 APOLOGIES

There were no apologies.

2 CONFIRMATION OF AGENDA

Moved (Mayor Aaron Hawkins/Cr Christine Garey):

That the Council:

Confirms the agenda without addition or alteration.

Motion carried (CNL/2022/074)

3 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 attached as Attachment A; and
- b) **Confirms** the proposed management plan for Elected Members' Interests.
- c) **Notes** the Executive Leadership Teams' Interest Register

Motion carried (CNL/2022/075)

4 CONFIRMATION OF MINUTES

5.1 ORDINARY COUNCIL MEETING - 27 SEPTEMBER 2022

Moved (Mayor Aaron Hawkins/Cr Steve Walker):

That the Council:

Confirms the public part of the minutes of the Ordinary Council meeting held on 27 September 2022 as a correct record.

Motion carried (CNL/2022/076)

REPORTS

5 DELEGATIONS IN THE INTERREGNUM PERIOD

A report from Civic noted that the interregnum period was the period between the discharge of the Council and the swearing in of the new Council. It was anticipated that this would occur on 26 October 2022, depending on when the final election result was confirmed.

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

Moved (Mayor Aaron Hawkins/Cr Chris Staynes):

That the Council:

- a) **Approves** the following appointments and powers:
 - i) That from 8 October 2022 until the inaugural meeting of the Council, the Chief Executive Officer is authorised to make decisions in respect of urgent matters. Where the Mayor elect is known, this will be in consultation with the Mayor elect.
 - ii) That David Benson-Pope, Christine Garey and Steve Walker be appointed to act together as Commissioners to undertake the responsibilities of the Hearings Committee from 8 October 2022 if required. This delegation will expire when all matters commenced immediately prior to the date a Hearings Committee is appointed have proceeded to a decision.

Explanatory Note: the Hearings Committee appointed by Council in the new Triennium is to consider any matters which require a hearing after the date that new Committee is appointed, but any matters commenced after 8 October 2022 and prior to that appointment date will continue under this delegation until a decision has been issued.

- iii) That from 8 October 2022 the Chief Executive Officer in consultation with the Resource Consents Manager or City Development Manager as appropriate, be authorised to appoint one or more independent commissioner(s) for hearings where:
 - a. The Council is the landowner, lessee, applicant, requiring authority, has a financial interest, or the Council has any other role where the perception of bias or impartiality in its quasi-judicial decision making capacity cannot be avoided; or
 - b. A Commissioner(s) is appointed as provided for in (i) above, where appointees are unavailable or not willing to act; or
 - c. A joint hearing is to be convened.

This delegation expires on the appointment of a new Hearings Committee.

- iv) That from 8 October 2022, David Benson-Pope be delegated the power to negotiate and/or resolve any appeal on a resource consent decision. This delegation is to expire on the appointment of a new Hearings Committee.
- v) That from 8 October 2022, until the date that a new Hearings Committee is appointed David Benson-Pope is authorised to:
 - a. Determine any matters regarding minor alterations to designations
 - b. Initiate or join any Environment Court proceedings under the Resource Management Act 1991

- c. Negotiate and resolve or withdraw from any proceeding arising from (iv)(b) above
- d. Select the chairperson or mediator for pre-hearing meetings pursuant to s99 and s99A of the Resource Management Act 1991.
- vi) That Jim O'Malley and Steve Walker continue as commissioners for the 2GP, Variation 2, until the completion of the hearing process.
- vii) That the Chief Executive will have the delegation to resolve 2GP appeals through the environment court process, until the inaugural meeting of council.
- viii) In the event of a pandemic or emergency occurring, the Chief Executive Officer (or Acting Chief Executive Officer) is delegated all of the powers and functions of the local authority (other than those which may not be delegated). This delegation expires on the convening of a valid meeting of the Dunedin City Council. The power to declare a state of local emergency will rest with the Minister for Emergency Management.
- ix) That from 8 October 2022 until the inaugural meeting of the Council, Warren Allen continues to act as the independent alternate Fraud Control Officer and Protective Disclosure Officer.

Motion carried (CNL/2022/077)

6 ACKNOWLEDGEMENT OF RETIRING COMMUNITY BOARD MEMBERS

A report from Civic noted the community board members not standing for re-election.

Councillors paid tribute to the retiring Community Board members, some of whom had served their communities for many years, and acknowledged the work they had carried out and projects they had been involved with during their time on the Boards.

The Mayor thanked family and friends for their support to the members.

Moved (Mayor Aaron Hawkins/Cr Christine Garey):

That the Council:

- a) **Records** its sincere thanks to the following retiring Community Board members for their loyal and conscientious service given to the City of Dunedin.

Mosgiel Taieri Community Board

Joy Davis	2016 – 2022
Phillipa Bain	2016 - 2022

Otago Peninsula Community Board

Graham McArthur	2016 - 2022
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Saddle Hill Community Board

Leanne Stenhouse	2013 - 2022
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Strath Taieri Community Board

Mark O'Neill	February 2018 – 2022
Blair Dale	2019 – 2022
Leann McLew	2019 – 2022

Waikouaiti Coast Community Board

Mandy Mayhem-Bullock	2016 - 2022
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West Harbour Community Board

Francisca Griffin	2016 – 2022
Trevor Johnson	1998 – 2022

Motion carried (CNL/2022/078)

7 ACKNOWLEDGEMENT OF SERVICE OF RETIRING COUNCIL MEMBERS

A report from Civic noted that Councillors Doug Hall, Mike Lord and Chris Staynes were not seeking re-election at the end of the triennium. The report recorded its thanks for the service given by the Councillors for their terms in office.

The Mayor and Councillors paid tribute to Cr Chris Staynes and spoke of his contribution, achievements and service to Council over the past 15 years both as Deputy Mayor and Councillor.

Cr Staynes then commented on his time and experiences whilst on Council.

Moved (Mayor Aaron Hawkins/Cr Christine Garey):

That the Council:

- c) **Records** its sincere thanks to Chris Staynes for the loyal and conscientious service he has given to the Dunedin community as a member of the Dunedin City Council for 15 years during the period 2007 – 2022.

Motion carried (CNL/2022/079)

The Mayor and Councillors paid tribute to Cr Doug Hall for his contribution over the past nine years on Council. Cr Hall then responded with comments on his time and experience.

Cr Hall then provided new defibrillators for Council use on behalf of himself and Crs Lord and Staynes.

Moved (Mayor Aaron Hawkins/Cr Jules Radich):

That the Council:

- a) **Records** its sincere thanks to Doug Hall for the loyal and conscientious service he has given to the Dunedin community as a member of the Dunedin City Council for nine years during the period 2013 to 2022.

Motion carried (CNL/2022/080)

The Mayor and Councillors paid tribute to Cr Mike Lord who responded to the comments.

Moved (Mayor Aaron Hawkins/Cr Chris Staynes):

That the Council:

- b) **Records** its sincere thanks to Mike Lord for the loyal and conscientious service he has given to the Dunedin community as a member of the Dunedin City Council for nine years during the period 2013 to 2022.

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/2022/081)

RESOLUTION TO EXCLUDE THE PUBLIC

Moved (Mayor Aaron Hawkins/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:

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 - 27 September 2022 - Public Excluded	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. 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)(a)

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

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/2022/082)

The meeting moved into confidential at 4.53 pm and concluded at 4.54 pm.

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CHIEF EXECUTIVE OFFICER