

## Council MINUTES

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Minutes of an ordinary meeting of the Dunedin City Council held in the Council Chamber, Dunedin Public Art Gallery, The Octagon, Dunedin on Tuesday 31 January 2023, commencing at 10.00 am

### PRESENT

**Mayor** Mayor Jules Radich  
**Deputy Mayor** Cr Sophie Barker

**Members**

Cr Bill Acklin	Cr David Benson-Pope
Cr Christine Garey	Cr Kevin Gilbert
Cr Carmen Houlahan	Cr Marie Laufiso
Cr Cherry Lucas	Cr Mandy Mayhem
Cr Jim O'Malley	Cr Lee Vandervis
Cr Steve Walker	Cr Brent Weatherall
Cr Andrew Whiley	

### IN ATTENDANCE

Sandy Graham (Chief Executive Officer), Simon Pickford (General Manager Community Services), John Christie (Manager Enterprise Dunedin), 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), Leanne Mash (Communications and City Marketing Manager), Jinty MacTavish (Principal Policy Advisor), Rick Zwaan (Senior Policy Analyst, Zero Carbon) and Clare Sullivan (Deputy Electoral Officer), Paul Freeland (Principal Policy Advisor) and Kevin Mechen (Alcohol Drug Gambling Advisor and Secretary, District Licensing Committee)

**Governance Support Officer** Lynne Adamson

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### 1 OPENING

Geoff Mitchell (The Church of Jesus Christ of Latter-day Saints) opened the meeting with a prayer.

### TRIBUTE

The Mayor acknowledged the recent passing of former Councillor and Community Board member, Maurice Prendergast.

## 2 PUBLIC FORUM

### 1.1 Public Forum – Rachel Elder

Ms Elder tabled information on cycleways and ideas for a Taieri Gorge Cycle Trail to connect Dunedin with Middlemarch.

Ms Elder responded to questions.

### 1.2 Public Forum – Paulina Barry

Ms Barry spoke on street lighting in Port Chalmers and responded to questions.

### 1.3 Public Forum – Jo Millar

On behalf of Grey Power Otago Inc, Ms Millar spoke about Aurora Energy.

Ms Millar responded to questions.

## 3 APOLOGIES

There were no apologies.

## 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 Jules Radich/Cr Steve Walker):

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 Teams' Interest Register.

**Motion carried (CNL/2023/001)**

## 5 CONFIRMATION OF MINUTES

### 5.1 ORDINARY COUNCIL MEETING - 13 DECEMBER 2022

Moved (Mayor Jules Radich/Cr Kevin Gilbert):

That the Council:

**Confirms** the public part of the minutes of the Ordinary Council meeting held on 13 December 2022 as a correct record with a correction to Item 6 noting that the first resolutions was lost.

**Motion carried (CNL/2023/002)**

## REPORTS

### 6 ACTIONS FROM RESOLUTIONS OF COUNCIL MEETINGS

A report from Civic provided an update on the implementation of resolutions made at Council meetings.

Moved (Mayor Jules Radich/Cr Andrew Whiley):

That the Council:

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

**Motion carried (CNL/2023/003)**

### 7 FORWARD WORK PROGRAMME FOR COUNCIL - JANUARY 2023

A report from Civic provided an update on the forward work programme.

Moved (Mayor Jules Radich/Cr Sophie Barker):

That the Council:

**Notes** the updated Council forward work programme.

**Motion carried (CNL/2023/004)**

Cr Carmen Houlahan left the meeting at 10.38 am.

### 8 ZERO CARBON WORK PROGRAMME AND DUNEDIN COMMUNITY CARBON FOOTPRINT UPDATE

A report from the Sustainability Group provided an update on the Zero Carbon work programme.

The Manahautū (General Manager Māori Partnerships and Policy), Principal Policy Advisor Sustainability (Jinty MacTavish) and Senior Policy Analyst, Zero Carbon (Rick Zwaan) spoke to the report and responded to questions.

Cr Carmen Houlahan returned to the meeting at 10.41 am.

Cr Carmen Houlahan left the meeting at 11.02 am and returned at 11.05 am.

Cr Christine Garey left the meeting at 10.23 am and returned at 11.25 am.

Cr Carmen Houlahan left the meeting at 11.39 am and returned at 11.42 am.

Moved (Cr Steve Walker/Cr Christine Garey):

That the Council:

**Notes** the Zero Carbon work programme update, including updates to the Dunedin Community Carbon Footprint.

**Division**

The Council voted by division

For: Crs Bill Acklin, Sophie Barker, David Benson-Pope, Christine Garey, Kevin Gilbert, Carmen Houlahan, Marie Laufiso, Cherry Lucas, Mandy Mayhem, Jim O'Malley, Steve Walker, Brent Weatherall, Andrew Whiley and Mayor Jules Radich (14).

Against: Cr Lee Vandervis (1).

Abstained: Nil

The division was declared CARRIED by 14 votes to 1

**Motion carried (CNL/2023/005)**

Moved: (Mayor Jules Radich/Cr Carmen Houlahan):

That the Council:

**Adjourns** the meeting.

**Motion carried**

The meeting adjourned at 11.59 am and reconvened at 12.34 pm.

**14 FINANCIAL RESULT - PERIOD ENDED 30 NOVEMBER 2022**

A report from Finance provided the financial results for the period ended 30 November 2022 and the financial position as at that date.

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

Moved (Cr Lee Vandervis/Cr Cherry Lucas):

That the Council:

**Notes** the Financial Performance for the period ended 30 November 2022 and the Financial Position as at that date.

**Motion carried (CNL/2023/006)**

**9 LETTER OF EXPECTATIONS FOR DUNEDIN CITY HOLDINGS LIMITED AND GROUP**

A report from Civic provided a draft Letter of Expectations for the Dunedin City Holdings Limited Board for consideration.

The Chief Executive Officer (Sandy Graham) spoke to the report and explained an omission of one line in the letter. She then responded to questions.

Cr Mandy Mayhem left the meeting at 12.44 pm

Moved (Cr Sophie Barker/Cr Lee Vandervis):

That the Council:

- a) **Approves** the draft Letter of Expectations to the Board of Dunedin City Holdings Limited on behalf of the Council as Shareholder with the addition of a statement of compliance with DCC policies.
- b) **Authorises** the CEO to make any changes to the Letter of Expectations following Council's feedback.
- c) **Authorises** the Mayor to sign the Letter of Expectations on behalf of the Council as Shareholder.

**Motion carried (CNL/2023/007)**

## **10 LOCAL ELECTIONS - SUBMISSION TO 2022 LOCAL ELECTIONS INQUIRY**

A report from Civic and Corporate Policy sought consideration and approval of a draft submission to the Justice Committee's Inquiry into the 2022 Local Elections.

The Manahautū (General Manager Māori Partnerships and Policy) Jeanette Wikaira and Deputy Electoral Officer (Clare Sullivan) spoke to the report and responded to questions.

Cr Mandy Mayhem returned to the meeting at 12.49 pm.

It was moved (Mayor Jules Radich/Cr Sophie Barker):

That the Council:

**Adjourns** the meeting.

**Motion carried**

The meeting adjourned at 12.54 pm and reconvened at 12.58 pm.

The Mayor advised an additional public forum presentation would be held following this item.

Moved (Cr Sophie Barker/Cr Jim O'Malley):

That the Council:

- a) **Approves** the draft Dunedin City Council Submission to the Inquiry into the 2022 Local Elections
- b) **Authorises** the Mayor or his delegate to speak to the submission at Select Committee hearings

- c) **Authorises** the Chief Executive to make any minor editorial amendments to the submission

**Division**

The Council voted by division

For: Crs Bill Acklin, Sophie Barker, David Benson-Pope, Christine Garey, Kevin Gilbert, Carmen Houlahan, Marie Laufiso, Cherry Lucas, Mandy Mayhem, Jim O'Malley, Steve Walker, Brent Weatherall, Andrew Whiley and Mayor Jules Radich (14).

Against: Cr Lee Vandervis (1).

Abstained: Nil

The division was declared CARRIED by 14 votes to 1

**Motion carried (CNL/2023/008)**

**PUBLIC FORUM**

**1.4 Public Forum – Diane Yeldon**

Ms Yeldon acknowledged the recent passing of former Councillor and Community Board member, Maurice Prendergast and welcomed the Mayor and Councillors to the new triennium.

Ms Yeldon then spoke on the Dunedin City Council Hospital Campaign and responded to questions.

**11 GAMBLING ACT 2003 - SUBMISSION ON PERFORMANCE-BASED CLASS 4 LICENSING**

A report from Civic and Corporate Policy sought approval of a draft Dunedin City Council submission to the Department of Internal Affairs.

The Manahautū (General Manager Māori Partnerships and Policy) Jeanette Wikaira and Gambling Advisor (Kevin Mechen) spoke to the report and responded to questions on the submission.

Cr Carmen Houlahan left the meeting at 1.28 pm and returned at 1.31 pm.

Moved (Cr Christine Garey/Cr Steve Walker):

That the Council:

- a) **Approves** the DCC submission on “Performance-Based Class 4 Licensing”.
- b) **Authorises** the Chief Executive to make any minor editorial amendments to the submission.

**Division**

The Council voted by division

For: Crs Sophie Barker, David Benson-Pope, Christine Garey, Kevin Gilbert, Carmen Houlahan, Marie Laufiso, Cherry Lucas, Mandy Mayhem, Jim

O'Malley, Lee Vandervis, Steve Walker, Brent Weatherall, Andrew Whiley and Mayor Jules Radich (14).  
Against: Cr Bill Acklin (1).  
Abstained: Nil

The division was declared CARRIED by 14 votes to 1

**Motion carried (CNL/2023/009)**

## **12 SALE AND SUPPLY OF ALCOHOL (COMMUNITY PARTICIPATION) - SUBMISSION ON THE AMENDMENT BILL**

A report from Civic and Corporate Policy sought approval of a draft Dunedin City Council submission to the Government's Justice Committee on the Sale and Supply of Alcohol (Community Participation) Amendment Bill.

The Manahautū (General Manager Māori Partnerships and Policy), Jeanette Wikaira; Corporate and Secretary, District Licensing Committee (Kevin Mechen) spoke to the report and responded to questions on the submission.

Moved (Cr David Benson-Pope/Cr Jim O'Malley):

That the Council:

- a) **Approves** the DCC submission, on the "Sale and Supply of Alcohol (Community Participation) Amendment Bill with the amendment that the DCC wishes to speak to the submission.
- b) **Authorises** the Mayor or his delegate to speak to the submission at hearings.
- c) **Authorises** the Chief Executive to make any minor editorial amendments to the submission.

**Motion carried (CNL/2023/010)**

Cr Christine Garey left the meeting at 2.06 pm.

## **13 LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS BILL - SUBMISSION ON THE AMENDMENT BILL**

A report from City Development sought consideration and approval of a draft submission to the Governance and Administration Committee on the Local Government Official Information and Meetings Amendment Bill.

The General Manager Infrastructure and Development (Simon Drew) and Principal Policy Advisor (Paul Freeland) spoke to the report and responded to questions on the submission.

Moved (Cr Bill Acklin/Cr Lee Vandervis):

That the Council:

- a) **Approves** the draft Dunedin City Council submission, with any amendments, on the Local Government Official Information and Meetings Amendment Bill.

- b) **Authorises** the Chief Executive to make any minor editorial amendments to the submission

**Motion carried (CNL/2023/011)**

## 15 COMMITTEE STRUCTURE AND DELEGATIONS MANUAL 2023

A report from Civic presented the Committee Structure and Delegations Manual for formal adoption by Council.

Cr Christine Garey returned to the meeting at 2.10 pm.

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

Moved (Cr Bill Acklin/Cr Jim O'Malley):

That the Council:

**Adopts** the Committee Structure and Delegations Manual 2023 with an amendment to add the word "sustainable" into Clause 4 of the Finance and Council Controlled Organisations Committee delegations.

**Motion carried (CNL/2023/012)**

Moved (Mayor Jules Radich/Cr Steve Walker):

That the Council:

**Adjourns** the meeting.

**Motion carried**

The meeting adjourned at 2.13 pm and reconvened at 2.23 pm.

## 16 NOTICE OF MOTION - DUNEDIN HOSPITAL

In accordance with Standing Order 26.1 a Notice of Motion was received from Cr David Benson-Pope.

Cr David Benson-Pope spoke to his Notice of Motion which was then considered by Council.

Moved (Cr David Benson-Pope/Mayor Jules Radich):

That the Council:

- a) **Supports** the New Dunedin Hospital being built to the specifications in the Final Detailed Business Case approved by Cabinet, and that the Dunedin City Council will not accept changes that reduce the long-term capacity of the New Dunedin Hospital, or that compromise in any way the clinical services available to residents of the city and the wider region.
- b) **Seeks** the commitment of all parliamentary parties to adequately fund that work.



- c) **Engages** with stakeholders to support this advocacy position.
- d) **Commits** to fund a public campaign in support of 1 – 3 above, up to \$130,400 and seek support funding from other sources.

**Division**

The Council voted by division

For: Crs Bill Acklin, Sophie Barker, David Benson-Pope, Christine Garey, Kevin Gilbert, Carmen Houlahan, Marie Laufiso, Cherry Lucas, Mandy Mayhem, Jim O'Malley, Lee Vandervis, Steve Walker, Brent Weatherall, Andrew Whiley and Mayor Jules Radich (15).

Against: Nil

Abstained: Nil

The division was declared CARRIED by 15 votes to 0

**Motion carried (CNL/2023/013)**

**RESOLUTION TO EXCLUDE THE PUBLIC**

Moved (Mayor Jules Radich/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:

<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 - 13 December 2022 - Public Excluded	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 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.

C2 Confidential  
Council Actions from  
Resolutions at Council  
Meetings

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.

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 commercial and industrial negotiations).

C3 Confidential Council Forward Work Programme - January 2023	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.
20 Appointment of Deputy Chair to Dunedin City Holdings 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 which good reason for withholding exists under section 7.
C4 Appointment of Deputy Chair to Dunedin City Holdings 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 which good reason for withholding exists under section 7.
C5 Dunedin Railway - Future Options	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.

**Motion carried (CNL/2023/014)**

The meeting moved into confidential at 3.12 pm and concluded at 4.56 pm.

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MAYOR