

## 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 28 February 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

### 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), Robert West (General Manager Corporate and Quality), Claire Austin (General Manager Customer and Regulatory), Karilyn Canton (Chief In-House Legal Counsel), Nadia McKenzie (In-House Legal Counsel), Gina Hu'akau (Corporate Policy Manager), Anna Johnson (City Development Manager), Michael Tannock (Transport Network Team Leader) and Clare Sullivan (Principal Committee Advisor).

**Governance Support Officer** Lynne Adamson

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### 1 OPENING

Rev Canon Michael Wallace (All Saints Church) opened the meeting with a prayer.

### 2 PUBLIC FORUM

**Dunedin Fringe Festival**

Ruth Harvey (Acting Co-Director/Development and Strategic Relationships Manager) and Kate Schrader (Acting Co-Director) addressed the meeting on the upcoming Dunedin Fringe Festival and the Dunedin Fringe Arts Trust's broader work.

Cr Brent Weatherall entered the meeting at 10.05 am and Cr Carmen Houlahan entered the meeting at 10.06 am.

Ms Harvey and Ms Schrader responded to questions.

### **Environmental Issues**

Andrew Sutherland addressed the meeting on environmental issues and the need for Council to show leadership and take more responsibility to combat the effects of climate change.

Mr Sutherland responded to questions.

### **Proposed Water Infrastructure Reforms**

Diane Yeldon addressed the meeting in support of the Council sending a strong message of protest to the Government over the proposed Water Infrastructure Reforms.

Ms Yeldon responded to questions.

## **3 APOLOGIES**

Moved (Mayor Jules Radich/Cr Steve Walker):

That the Council:

**Accepts** the apology from Cr Andrew Whiley.

**Motion carried (CNL/2023/043)**

## **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 Sophie Barker):

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/2023/044)**

## 5 CONFIRMATION OF MINUTES

### 5.1 ORDINARY COUNCIL MEETING - 31 JANUARY 2023

Moved (Mayor Jules Radich/Cr Mandy Mayhem):

That the Council:

**Confirms** the public part of the minutes of the Ordinary Council meeting held on 31 January 2023 as a correct record.

**Motion carried (CNL/2023/045)**

## REPORTS

### 6 ACTIONS FROM RESOLUTIONS OF COUNCIL MEETINGS

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

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

Moved (Mayor Jules Radich/Cr Steve Walker):

That the Council:

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

**Motion carried (CNL/2023/046)**

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

A report from Civic provided the updated forward work programme for the 2022-2023 year.

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

Moved (Mayor Jules Radich/Cr Sophie Barker):

That the Council:

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

**Motion carried (CNL/2023/047)**

### 8 WATER SERVICES LEGISLATION BILL AND WATER SERVICES ECONOMIC EFFICIENCY AND CONSUMER PROTECTION BILL - SUBMISSION

A report from the Executive Leadership Team and Legal sought approval of a draft Dunedin City Council submission to Parliament's Finance and Expenditure Select Committee on two bills - the

Water Services Legislation Bill and the Water Services Economic Efficiency and Consumer Protection Bill.

The Chief Executive Officer (Sandy Graham), General Manager Infrastructure and Development (Simon Drew), Chief In-House Legal Counsel (Karilyn Canton), and In-House Legal Counsel (Nadia McKenzie) spoke to the report and responded to questions on the submission.

Cr Christine Garey left the meeting at 11.07 am and returned at 11.10 am.

Moved (Cr Jim O'Malley/Cr Mandy Mayhem):

That the Council:

- a) **Approves** the draft DCC submission to the Finance and Expenditure Committee on the Legislation Bill and the Regulation Bill.
- b) **Authorises** the Mayor and/or his delegate to speak to the submission.
- c) **Authorises** the Chief Executive to make any minor editorial changes if needed.

#### **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 and Mayor Jules Radich (14).

Against: Nil

Abstained: Nil

The division was declared CARRIED by 14 votes to 0

#### **Motion carried (CNL/2023/048)**

Moved (Mayor Jules Radich/Cr Steve Walker):

That the Council:

**Adjourns** the meeting.

#### **Motion carried**

The meeting adjourned at 12.01 pm and reconvened at 12.43 pm.

## **9 FUTURE FOR LOCAL GOVERNMENT REVIEW - SUBMISSION**

A report from Corporate Policy sought approval of a draft Dunedin City Council submission on the Review into the Future for Local Government.

The Manahautū General Manager Māori Partnerships and Policy (Jeanette Wikaira) and Corporate Policy Manager (Gina Hu'akau) spoke to the report and responded to questions on the submission.

Moved (Mayor Jules Radich/Cr Steve Walker):

That the Council:

- a) **Approves** the DCC submission, on “the Future for Local Government Review” with the addition of the word “*alone*” to paragraph 47 of the submission.
- b) **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 and Mayor Jules Radich (13).

Against: Cr Lee Vandervis (1).

Abstained: Nil

The division was declared CARRIED by 13 votes to 1

**Motion carried (CNL/2023/049)**

## **10 FUTURE DEVELOPMENT STRATEGY - GOVERNANCE ARRANGEMENTS**

A report from City Development advised that the National Policy Statement on Urban Development required the Dunedin City Council and Otago Regional Council to jointly prepare a Future Development Strategy for Dunedin by mid-2024. It noted the governance arrangements for Stage One of the Future Development Strategy and the preparation and approval of the Draft Strategy for consultation.

The General Manager Infrastructure and Development (Simon Drew) and City Development Manager (Anna Johnson) spoke to the report and responded to questions.

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

That the Council:

- a) **Notes** that Dunedin City Council governance and decision making on the FDS will be exercised by the Strategy, Planning and Engagement Committee, as per the current Committee Structure and Delegations Manual.
- b) **Notes** the proposed approach to community engagement during the preparation of the FDS.

**Motion carried (CNL/2023/050)**

## **11 TRIENNIAL AGREEMENT 2023-2025**

A report from Civic noted that the new Triennial Agreement for the period 2023-2025 was required to be approved by each local authority within Otago, in identical format no later than 1 March 2023. The Otago Local Authorities' Triennial Agreement 2023-25 (the Triennial

Agreement) was being presented to all the other local authorities in the region for their consideration and approval.

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

Moved: (Cr Sophie Barker/Mayor Jules Radich):

That the Council:

**Adjourns** the meeting.

**Motion carried**

The meeting adjourned at 1.43 pm and reconvened at 1.49 pm.

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

That the Council:

- a) **Approves** the Otago Local Authorities' Triennial Agreement 2023-25.
- b) **Authorises** the Mayor to sign the Otago Local Authorities' Triennial Agreement 2023-25 on behalf of the Dunedin City Council.
- c) **Notes** that it has signed on the understanding that:
  - i) Members of the Otago Mayoral Forum speak in their own right, rather than as representatives of their Councils; and
  - ii) The Otago Mayoral Forum does not have the power to legally bind DCC to any act or decision, unless that act or decision has been agreed to by decision of that Council; and
  - iii) The Dunedin City Council will seek to have the Triennial Agreement 2023-2025 amended as soon as possible so that the above two points are explicitly recorded in the agreement.

**Motion carried (CNL/2023/051)**

## **12 APPOINTMENT OF HEARING PANEL FOR INTERIM SPEED MANAGEMENT PLAN**

A report from Civic sought the appointment of a hearing panel to consider the submissions received, hear from those submitters who wished to present and make recommendations on the draft Dunedin Interim Speed Management plan which was open for public consultation from 14 November to 9 December 2022.

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

Moved (Cr Bill Acklin/Cr Marie Laufiso):

That the Council:

**Appoints** Cr O'Malley (Chair), Cr Lucas, Cr Whiley, and Cr Mayhem as a substitute if needed, to the hearing panel for the Draft Dunedin Interim Speed Management Plan.

**Motion carried (CNL/2023/052)**

### 13 COUNCILLOR APPOINTMENTS TO EXTERNAL ORGANISATIONS

A report from Civic noted that there were a number of organisations throughout the city which the Council is required or able to appoint representatives to under the terms of those organisations' constitutions.

An appointment was required to one of these organisations, the Hereweka Harbour Cone Trust (the Trust) following the retirement of the Council appointee, Neville Peat from the Trust.

The report recommended an appointment for the Trust, and a swap of Councillor representative appointments on two external organisations.

The Chief Executive Officer (Sandy Graham) spoke to the report and responded to questions. Councillors recorded their sincerest thanks to Mr Neville Peat for all his work for the Hereweka Harbour Cone Trust.

It was requested that the resolutions be taken separately.

Moved (Cr Sophie Barker/Cr Christine Garey):

That the Council:

- a) **Records** its thanks to Mr Neville Peat for his service on the Hereweka Harbour Cone Trust since 2014.

**Motion carried (CNL/2023/053)**

Moved (Cr Sophie Barker/Cr Christine Garey):

That the Council:

- b) **Appoints** Cr Andrew Whiley to the Hereweka Harbour Cone Trust.

**Motion carried (CNL/2023/054)**

Moved (Cr Sophie Barker/Cr Christine Garey):

That the Council:

- c)(i) **Appoints** Cr Lee Vandervis as the Councillor representative for Age Concern.

**Motion carried (CNL/2023/055)** with Cr Christine Garey recording her vote against

Moved (Cr Sophie Barker/Cr Christine Garey):

That the Council:

- c)(ii) **Appoints** Cr Mandy Mayhem as the Councillor representative on the Disability Issues Advisory Group.

**Motion carried (CNL/2023/056)**

## 14 PROPOSED EVENT ROAD CLOSURES FOR MARCH - APRIL 2023

A report from Transport sought approval for temporary road closure applications relating to the following events:

- a) 2023 Rally Otago
- b) Community Regatta Day Event – Macandrew Road Careys Bay
- c) Anzac Day Service and Parades – Mosgiel and Outram

The General Manager Infrastructure and Development (Simon Drew) and Transport Network Team Leader (Michael Tannock) spoke to the report and responded to questions.

Moved (Cr Steve Walker/Cr Jim O'Malley):

That the Council:

- a) **Resolves** to close the roads detailed below (pursuant to Section 319, Section 342, and Schedule 10 clause 11(e) of the Local Government Act 1974):

- i) **2023 Rally Otago**

- **Date: Friday, 31 March 2023:**

- **Roads and times:**

- Ceremonial Rally Start (Progressive Road closure between 12.00 noon and 8.00pm).

12:00 noon to 8:00pm.

- Octagon Central Carriageway, between George Street and Princes Street.

4:00pm to 8:00pm.

- The Lower Octagon, from George Street to Princes Street.
- Lower Stuart Street, from the Octagon to Lower Moray Place.

Note: Egress from Bath Street into Stuart Street will be maintained.

**Date: Saturday, 1 April 2023:**

**Roads and times:**

9:00am to 9:00pm.

- Sturdee Street, from Wickliffe Street to Halsey Street.
- Halsey Street, from Sturdee Street to Ward Street.
- Ward Street, from Halsey Street to Wickliffe Street.
- Wickliffe Street, from Ward Street to Jutland Street.
- Jutland Street, from Wickliffe Street to Akaroa Street.
- Ward Street overbridge, from Anzac Avenue to Ward Street.

2.00pm to 7.00pm.

- Jutland Street, from Akaroa Street to Devon Street.



**Date: Sunday, 2 April 2023:**

**Roads and times:**

6:30am to 11:30am.

- Waipori Falls Road, from DCC/CDC Boundary to Koefords Road.

9:30am to 2:30pm.

- Flagstaff - Whare Flat Road, from Longridge Road (forestry) to Silverstream Valley Road.
- Silverstream Valley Road, from Flagstaff - Whare Flat Road to the start of sealed part of the road.

1:00 pm to 6:00pm.

- Otokia - Kuri Bush Road East, from Brighton - Taieri Mouth Road to Big Stone Road.
- Big Stone Road, from Otokia - Kuri Bush Road East to Rapid 141 Big Stone Road.

1:00pm to 6:00pm (Rally finish).

- Brighton Domain.

**ii) Community Regatta Day Event**

**Date: Sunday, 16 April 2023:**

**Roads and Times:**

9:00am to 4:00pm.

- Macandrew Road Careys Bay, between Slant Street and Harbour Terrace.

**iii) Anzac Day Service and Parades – Mosgiel and Outram**

**Date: Tuesday, 25 April 2023:**

**Roads and Times:**

9.30am to 10.05am.

- Church Street, between Factory Road and Cargill Street.
- 10.55am to 11.15am - Hoylake Street, from Skerries Street to the end of the cul-de-sac.

**Motion carried (CNL/2023/057)**

**RESOLUTION TO EXCLUDE THE PUBLIC**

Moved (Mayor Jules Radich/Cr Mandy Mayhem):

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 Confidential Public Forum	<p>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.</p>	<p>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.</p>	
C2 Ordinary Council meeting - 31 January 2023 - Public Excluded	<p>S7(2)(a) The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.</p>	.	
	<p>S7(2)(g) The withholding of the information is necessary to maintain legal professional privilege.</p>		
	<p>S7(2)(h) The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.</p>		
	<p>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</p>		

C3 Confidential Council Actions from Resolutions at Council Meetings	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.	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).		
C4 Confidential Council Forward Work Programme - February 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.	
C5 Social Housing - Inner City Site	S7(2)(a) The withholding of the information is necessary to protect the privacy of natural	S48(1)(a) The public conduct of the part of the meeting would be likely to result in the	The content of this report is subject to commercial sensitivity..

persons, including that of a deceased person. 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.

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).

C6 Revocation of resolution

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.

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 Russell Lund (Developer) and David McEwen and Fiona Arnold (Salvation Army) be permitted to remain at the meeting after the public has been excluded to speak to Item C1. Their knowledge for this item may be of assistance in matters to be discussed.

**Motion carried (CNL/2023/058)**

The meeting moved into confidential at 2.11 pm and concluded at 4.28 pm.

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MAYOR