

Notice of Meeting:

I hereby give notice that an ordinary meeting of the Dunedin City Council will be held on:

Date: Tuesday 30 January 2024
Time: 10.00 am
Venue: Council Chamber, Dunedin Public Art Gallery, The Octagon,
Dunedin

Sandy Graham
Chief Executive Officer

Council
PUBLIC AGENDA

MEMBERSHIP

Mayor
Deputy Mayor

Mayor Jules Radich
Cr Cherry Lucas

Members

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

Senior Officer

Sandy Graham, Chief Executive Officer

Governance Support Officer

Lynne Adamson

Lynne Adamson
Governance Support Officer

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***Note:** Reports and recommendations contained in this agenda are not to be considered as Council policy until adopted.*

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1 OPENING

Peter Small (Dunedin Interfaith Council) will open the meeting on behalf of the Buddhist community.

2 PUBLIC FORUM

At the close of the agenda public forum registrations were still being taken. The speakers will be confirmed following closure of registrations 24 hours before the meeting starts.

3 APOLOGIES

An apology has been received from Cr Kevin Gilbert.

That the Council:

Accepts the apology from Cr Kevin Gilbert.

4 CONFIRMATION OF AGENDA

Note: Any additions must be approved by resolution with an explanation as to why they cannot be delayed until a future meeting.

DECLARATION OF INTEREST

EXECUTIVE SUMMARY

1. Members are reminded of the need to stand aside from decision-making when a conflict arises between their role as an elected representative and any private or other external interest they might have.
2. Elected members are reminded to update their register of interests as soon as practicable, including amending the register at this meeting if necessary.
3. Staff are reminded to update their register of interests as soon as practicable.

RECOMMENDATIONS

That the Council:

- a) **Notes/Amends** if necessary the Elected Members' Interest Register attached as Attachment A; and
- b) **Confirms/Amends** the proposed management plan for Elected Members' Interests.
- c) **Notes** the proposed management plan for the Executive Leadership Team's Interests.

Attachments

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| ↓A | Councillor Interest Register | 6 |
| ↓B | Executive Leadership Team Interest Register | 15 |

| Councillor Register of Interest - Current as at 23 January 2024 | | | | |
|---|---|---|--|--|
| Councillors are members of all committees | | | | |
| Name | Responsibility (i.e. Chairperson etc) | Declaration of Interests | Nature of Potential Interest | Member's Proposed Management Plan |
| Mayor Jules Radich | Shareholder | Izon Science Limited | No conflict identified | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
| | Shareholder | Taurikura Drive Investments Ltd | No conflict identified | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
| | Shareholder | Golden Block Developments Ltd | No conflict identified | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
| | Director | Cambridge Terrace Properties Ltd | No conflict identified | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
| | Director/Shareholder | Southern Properties (2007) Ltd | No conflict identified | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
| | Director | Arrenway Drive Investments Limited | No conflict identified | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
| | Director | Golden Centre Holdings Ltd | No conflict identified | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
| | Director/Shareholder | IBMS Ltd | No conflict identified | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
| | Director/Shareholder | Raft Holdings Ltd | No conflict identified | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
| | Director/Shareholder | Otago Business Coaching Ltd | No conflict identified | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
| | Director | Effectivise Ltd | No conflict identified | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
| | Director | Athol Street Investments Ltd | No conflict identified | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
| | Director/Shareholder | Allandale Trustee Ltd | No conflict identified | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
| | Shareholder | Aberdeen St No2 Ltd | No conflict identified | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
| | Member | Road Safety Action Plan | No conflict identified | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
| | 100% Shareholder/Director | Panorama Developments Limited | No conflict identified | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
| | Member | Dunedin Hospital Local Advisory Group (Council Appointment) | No conflict identified | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
| | Member | Dunedin Council of Social Services (Council Appointment) | No conflict identified | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
| | Member | Tertiary Precinct Planning Group (Council Appointment) | No conflict identified | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
| | Member | Tertiary Sector Steering Group (Council Appointment) | No conflict identified | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
| Member | Dunedin Club | No conflict identified | Seek advice prior to the meeting if actual or perceived conflict of interest arises. | |
| Member | Local Government New Zealand (Zone 6 Committee) (Council Appointment) | No conflict identified | Seek advice prior to the meeting if actual or perceived conflict of interest arises. | |

| Name | Responsibility (i.e. Chairperson etc) | Declaration of Interests | Nature of Potential Interest | Member's Proposed Management Plan |
|------------------|---|---|--|--|
| | Member | Connecting Dunedin (Council Appointment) | No conflict identified | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
| Cr Bill Acklin | Shareholder/Director | Dunedin Brokers Limited | No conflict identified | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
| | Member | APRA - AMCOS | No conflict identified | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
| | Entertainer | Various functions | No conflict identified | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
| | Member | Strath Taieri Community Board (Council Appointment) | No conflict identified | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
| | Casual Employee | Insulmax | No conflict identified | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
| | Member | Craigieburn Reserve Committee (Council Appointment) | No conflict identified | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
| | Member | Toitū Otago Settlers Museum Board (Council Appointment) | No conflict identified | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
| Cr Sophie Barker | Director | Ayrméd Limited | No conflict identified | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
| | Shareholder | Various publicly listed companies | No conflict identified | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
| | Property Owner | Residential Property Owner - Dunedin | No conflict identified | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
| | Beneficiary | Sans Peur Trust (Larnach Castle) | No conflict identified | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
| | Mentor | Business Mentors NZ | No conflict identified | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
| | Member | Southern Heritage Trust | No conflict identified | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
| | Member | Friends Otago Museum | No conflict identified | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
| | Member | Otago Peninsula Trust | No conflict identified | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
| | Member | Orokonui Ecosanctuary | No conflict identified | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
| | Volunteer | Blue Penguins Pukekura | No conflict identified | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
| | Member | Dunedin Vegetable Growers Club | No conflict identified | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
| | Committee Member | Otago Anniversary Day Dinner | No conflict Identified | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
| | Chairperson | Dunedin Heritage Fund (Council Appointment) | No conflict Identified | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
| | Member | Dunedin Gasworks Museum Trust (Council Appointment) | No conflict Identified | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
| | Member | Dunedin Otaru Sister City Society (Council Appointment) | No conflict Identified | Seek advice prior to the meeting if actual or perceived conflict of interest arises. |
| Member | Hereweka Harbour Cone Trust (Council Appointment) | No conflict Identified | Seek advice prior to the meeting if actual or perceived conflict of interest arises. | |

CONFIRMATION OF MINUTES

ORDINARY COUNCIL MEETING - 5 DECEMBER 2023

RECOMMENDATIONS

That the Council:

- a) **Confirms** the public part of the minutes of the Ordinary Council meeting held on 05 December 2023 as a correct record.

Attachments

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| A↓ | Minutes of Ordinary Council meeting held on 5 December 2023 | 18 |

Council MINUTES

Minutes of an ordinary meeting of the Dunedin City Council held in the Council Chamber, Dunedin Public Art Gallery, The Octagon, Dunedin on Tuesday 05 December 2023, commencing at 10.00 am

PRESENT

| | | |
|---------------------|--|---------------------|
| Mayor | Mayor Jules Radich | |
| Deputy Mayor | Cr Cherry Lucas | |
| Members | Cr Bill Acklin | Cr Sophie Barker |
| | Cr David Benson-Pope | Cr Christine Garey |
| | Cr Kevin Gilbert | Cr Carmen Houlahan |
| | Cr Marie Laufiso | Cr Mandy Mayhem |
| | Cr Jim O'Malley | Cr Lee Vandervis |
| | Cr Steve Walker | Cr Brent Weatherall |
| | Cr Andrew Whiley via audio visual link | |

IN ATTENDANCE

Sandy Graham (Chief Executive Officer), Robert West (General Manager Corporate and Quality), Claire Austin (General Manager Customer and Regulatory), David Ward (Acting General Manager Infrastructure and Development), John Christie (Manager Enterprise Dunedin), Leanne Mash (Communications and City Marketing Manager), and Nicola Morand ((Manahautū (General Manager Māori, Partnerships and Policy)(Acting)), (Acting General Manager Infrastructure and Development), Jonathan Rowe (Programme Manager, South Dunedin Future), Josh Von Pein (Programme Manager – Mayor Projects), Glen Hazelton (Project Director, Central City Plan), Sharon Bodeker (Special Projects Manager), Dr Anna Johnson (City Development Manager) and Emma Christmas (Senior Planner)

Governance Support Officer Lynne Adamson

OPENING KARAKIA

The Mayor opened the meeting with a Karakia.

1 PUBLIC FORUM

Benjamin Paterson – International Flights

Benjamin Paterson spoke about the survey he conducted for the reinstatement of international flights into Dunedin Airport. He had received 22,000 responses with the most popular destinations being Brisbane, Gold Coast, Melbourne and Sydney. Benjamin sought Council support for his initiative.

Ben responded to questions and advised that he had a trip to Auckland planned for late January where he planned to meet with airline representatives to speak on his survey.

Bevan Meddings – the Exchange

Mr Meddings spoke on the need for an upgrade to the Exchange area. He provided information on the buildings he owned and spoke of the significance of other buildings and accommodation in the area which drew visitors to the Exchange.

He urged Councillors to visit, assess the area and include an upgrade in future works for the city. Mr Meddings responded to questions.

2 APOLOGIES

There were apologies from Crs Jim O'Malley and Marie Laufiso for absence and Cr Andrew Whiley for lateness.

Moved (Mayor Jules Radich/Cr Steve Walker):

That the Council:

Accepts the apologies from Crs Jim O'Malley and Marie Laufiso for absence and Cr Andrew Whiley for lateness.

Motion carried (CNL/2023/289)

3 CONFIRMATION OF AGENDA

Moved (Mayor Jules Radich/Cr Mandy Mayhem):

That the Council:

Confirms the agenda with the following alterations:

That Item 9 – Housing Capacity Assessment Update 2023 and other supporting research to inform the draft Future Development Strategy be taken before Item 8 – Future Development Strategy: Adopting the draft for consultation

That Item C2 of the Supplementary Agenda – Proposed Governance Approach to Strategies, Plans and Programmes of Work be withdrawn from the Agenda.

That Item 12 – LGNZ – Special General Meeting has an additional paper which had been circulated.

Motion carried (CNL/2023/290)

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 Cherry Lucas):

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 (CNL/2023/291)

5 CONFIRMATION OF MINUTES

5.1 ORDINARY COUNCIL MEETING - 28 NOVEMBER 2023

Moved (Cr Cherry Lucas/Cr Kevin Gilbert):

That the Council:

- a) **Confirms** the public part of the minutes of the Ordinary Council meeting held on 28 November 2023 as a correct record.

Motion carried (CNL/2023/292)

REPORTS

6 SOUTH DUNEDIN FUTURE - RISK ASSESSMENT & ADAPTATION APPROACHES

A report from Māori, Partnerships & Policy provided an update on the South Dunedin Future programme, which included findings from the risk identification stage, to seek endorsement of a longlist of generic adaptation approaches. It sought approval to engage the community on those topics.

The Acting General Manager Infrastructure and Development (David Ward); Manahautū (General Manager Māori Partnerships and Policy (Acting) (Nicola Morand); and Programme Manager, South Dunedin Future (Jonathan Rowe) spoke to the report and responded to questions.

Moved (Mayor Jules Radich/Cr Christine Garey):

That the Council:

- a) **Notes** the background of the South Dunedin Future programme and work undertaken since the previous update report to the Strategy, Planning and Engagement Committee on 14 August 2023.

Risk Assessment

- b) **Notes** the risk assessment workstream of the South Dunedin Future programme will be undertaken in three stages: (i) risk identification; (ii) risk exposure and vulnerability assessment; and (iii) detailed risk assessment.
- c) **Notes** the attached Risk Identification Report for South Dunedin, which constitutes the first stage of risk assessment workstream, and has been prepared by the 'Kia Rōpine' consultant team (WSP, BECA and Tonkin & Taylor).
- d) **Notes** the Risk Identification Report has undergone technical peer review by Jacobs New Zealand Ltd and Royal HaskoningDHV, and that there remain peer review feedback items to resolve in the next stage of the risk assessment workstream.
- e) **Notes** work has commenced on the second stage of the risk assessment workstream, confirming the risk assessment methodology, which will be completed by mid-2024 and reported back to Councils.

Adaptation Approaches

- f) **Notes** the adaptation approaches workstream of the South Dunedin Future programme will be undertaken in five stages: (i) domestic and international good practice report; (ii) longlist of generic adaptation approaches; (iii) spatial longlist of adaptation approaches; (iv) spatial shortlist of adaptation approaches; and (v) preferred approaches.
- g) **Notes** the attached Domestic and international good practice report, which constitutes the first stage of the adaptation approaches workstream, and has been prepared by the 'Kia Rōpine' consultant team (WSP, BECA and Tonkin & Taylor).
- h) **Notes** the attached Longlist of generic adaptation approaches – Context summary report and Factsheets, which constitute the second stage of the adaptation approaches workstream, and have been prepared by the 'Kia Rōpine' consultant team (WSP, BECA and Tonkin & Taylor).
- i) **Notes** that the Domestic and international good practice report, and the Longlist of generic adaptation approaches – Context summary report and Factsheets, have undergone technical peer review by Jacobs New Zealand Ltd, supported by Royal HaskoningDHV and Bell Adapt Ltd.
- j) **Endorses** the attached Longlist of generic adaptation approaches – Context summary report and Factsheets for the purposes of community engagement.

Community Engagement

- k) **Notes** the next stage of the risk assessment workstream includes seeking community input into identification and confirmation of relevant risks for South Dunedin.
- l) **Notes** the next stage in the adaptation approaches workstream is to engage with partners, stakeholders and affected communities on the longlist of generic adaptation approaches.
- m) **Approves** the SDF programme team undertaking engagement with partners, stakeholders and affected communities on the basis of the approaches identified in the Longlist of generic adaptation approaches – Context Summary Report and Factsheets, which will inform development of subsequent adaptation approaches work.

Division

The Council voted by division

For: Crs Bill Acklin, Sophie Barker, David Benson-Pope, Christine Garey, Kevin Gilbert, Carmen Houlahan, Cherry Lucas, Mandy Mayhem, Steve Walker, Brent Weatherall and Mayor Jules Radich (11).

Against: Cr Lee Vandervis (1).

Abstained: Nil

The division was declared CARRIED by 11 votes to 1

Motion carried (CNL/2023/293)

Moved (Mayor Jules Radich/Cr Steve Walker):

That the Council:

Adjourns the meeting for 5 minutes.

Motion carried

The meeting adjourned at 11.18 am and reconvened at 11.33 am.

Cr Andrew Whiley entered the meeting at 11.33 am.

7 DEVELOPING A CLIMATE CHANGE ADAPTATION PLAN FOR DUNEDIN CITY

A report from Māori, Partnerships & Policy canvassed key considerations and options for the development of a climate change adaptation plan for Dunedin and to seek direction from Council about which option(s) should be explored further.

The Acting General Manager Infrastructure and Development (David Ward); Manahautū (General Manager Māori Partnerships and Policy (Acting) (Nicola Morand); and Programme Manager, South Dunedin Future (Jonathan Rowe) spoke to the report and responded to questions.

Moved (Mayor Jules Radich/Cr Kevin Gilbert)

That the Council:

Adjourns the meeting for 40 minutes

Motion carried

The meeting adjourned at 12.09 pm and reconvened at 12.51 pm

Moved (Cr Sophie Barker/Cr Christine Garey):

That the Council:

- a) **Endorses** further work to scope development of a Dunedin adaptation plan based on the following three options:
 - i) **Option One (Comprehensive/Core Adaptation Function)** – Establishing a dedicated adaptation planning resource within DCC with responsibility for developing (i) a high-level, city-wide adaptation plan for Dunedin; (ii) a series of lower-level plans covering specific domains or smaller geographic areas in greater detail (as required); and (iii) managing existing adaptation planning work.
 - ii) **Option Two (Comprehensive/Programme)** – Establishing a dedicated programme to develop (i) a high-level city-wide adaptation plan for Dunedin and (ii) a series of lower-level plans covering specific domains or smaller geographic areas in greater detail (as required).
 - iii) **Option Three (Limited/Project)** – Establishing a dedicated project to develop a high-level city-wide adaptation plan for Dunedin.
- b) **Notes** that the costed options will be provided for Council in time for consideration as part of the deliberations for the 10 year plan in May 2024.
- c) **Notes** that as part of the development of the options there will be workshops with Councillors, engagement with mana whenua and other key stakeholders.

Division

The Council voted by division

For: Crs Bill Acklin, Sophie Barker, David Benson-Pope, Christine Garey, Kevin Gilbert, Carmen Houlahan, Cherry Lucas, Mandy Mayhem, Steve Walker, Brent Weatherall, Andrew Whiley and Mayor Jules Radich (12).
Against: Cr Lee Vandervis (1).
Abstained: Nil

The division was declared CARRIED by 12 votes to 1

Motion carried (CNL/2023/294)

Cr Carmen Houlahan left the meeting at 1.05 pm and returned at 1.08 pm.

9 HOUSING CAPACITY ASSESSMENT UPDATE 2023 AND OTHER SUPPORTING RESEARCH TO INFORM THE DRAFT FUTURE DEVELOPMENT STRATEGY

A report from City Development advised that the National Policy Statement on Urban Development (NPS-UD) required the Dunedin City Council (DCC) and the Otago Regional Council (ORC) to jointly prepare a Future Development Strategy (FDS) for Dunedin by mid-2024. The FDS was being prepared by DCC and ORC in partnership with mana whenua.

The Chief Executive Officer (Sandy Graham); Acting General Manager Infrastructure and Development (David Ward), City Development Manager (Dr Anna Johnson) and Senior Planner (Emma Christmas) provided an update and spoke to the report. Formative Director (Rodney Yeoman) attended via audio visual link.

Council acknowledged and recognised all the work Nathan Stocker (former Team Leader Research and Monitoring) had completed in this field.

Moved (Mayor Jules Radich/Cr Kevin Gilbert):

That the Council:

- a) **Notes** the Housing Capacity Assessment update 2023.
- b) **Notes** the draft Dunedin business land research report and Dunedin Retail Trends and Land Use Study.
- c) **Notes** the housing bottom lines which will be inserted into Dunedin's District Plan (2GP).

Motion carried (CNL/2023/295)

8 FUTURE DEVELOPMENT STRATEGY: ADOPTING THE DRAFT FOR CONSULTATION

A report from City Development noted that the National Policy Statement on Urban Development (NPS-UD) required the Dunedin City Council (DCC) and Otago Regional Council (ORC) to jointly prepare a Future Development Strategy (FDS) for Dunedin by mid-2024. The FDS was being prepared by DCC and ORC in partnership with mana whenua.

The Chief Executive Officer (Sandy Graham); Acting General Manager Infrastructure and Development (David Ward), City Development Manager (Dr Anna Johnson) and Senior Planner (Emma Christmas) spoke to the report and responded to questions.

Dr Johnson introduced the Future Development Strategy and explained the relationship with the 10 year plan.

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:

| 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 |
|---|---|---|-----------------------------------|
| C2 Future Development Strategy Attachment Report | S7(2)(j) The withholding of the information is necessary to prevent the disclosure or use of official information for improper gain or improper advantage. | 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. | |

Motion carried (CNL/2023/296)

The meeting moved into confidential at 1.24 pm and resumed in public at 1.35 pm.

Moved (Cr Cherry Lucas/Cr Kevin Gilbert):

That the Council:

- a) **Adopts** the draft Dunedin Future Development Strategy, Statement of Proposal and Submission Form for public consultation under section 83 of the LGA 2002, starting on 31 January 2024.
- b) **Notes** the FDS Technical Report.
- c) **Resolves** under section 48(1)(a)(i) and section 7(2)(j) of the Local Government Official Information and Meetings Act 1987 to withhold the draft FDS, Statement of Proposal, Submission Form and FDS Technical Report, which have been provided, until 31 January 2024 to prevent the disclosure or use of official information for improper gain or improper advantage.
- d) **Delegates** to the Chief Executive Officer (or delegate) the power to correct or authorise the correction of, typographical errors or to make minor amendments to the content of draft FDS or its accompanying supporting documents.

Motion carried (CNL/2023/297) with Cr Lee Vandervis recording his abstention

10 CENTRAL CITY PLAN UPDATE AND BUSINESS CASE DEVELOPMENT FOR FUTURE STAGES

A report from the Project Management Office presented revised cost estimates from those prepared in 2017 for the above ground transport and amenity works for the Central City Plan.

The report sought Council consideration to what level of above ground amenity works should be undertaken on the Bath Street component of the Central City Plan. It also presented high level cost estimates for the Octagon.

The General Manager Corporate and Quality (Robert West), Programme Manager – Major Projects (Josh Von Pein) and Project Director, Central City Plan (Glen Hazelton) spoke to the report and responded to questions.

Moved (Mayor Jules Radich/Cr Kevin Gilbert):

That the Council:

Adjourns the meeting for 5 minutes.

Motion carried

The meeting adjourned at 2.19 pm and reconvened at 2.28 pm.

Moved (Cr David Benson-Pope/Cr Christine Garey):

That the Council:

- a) **Approves** a budget of \$2.63m for a high level upgrade for above ground amenity on Bath Street.
- b) **Notes** that this was an increase in budget of \$1.13m.

Division

The Council voted by division

For: Crs David Benson-Pope, Christine Garey, Mandy Mayhem, Steve Walker (4).

Against: Crs Bill Acklin, Sophie Barker, Kevin Gilbert, Carmen Houlahan, Cherry Lucas, Lee Vandervis, Brent Weatherall Andrew Whiley and Mayor Jules Radich (9)

Abstained: Nil

The division was declared **LOST** by 9 votes to 4

Moved (Cr David Benson-Pope/Cr Christine Garey):

That the Council:

- c) **Notes** that a business case for the remainder of the CCP projects would be prepared in the 2024/2025 year.
- d) **Notes** the business case would be used as a basis to review the Central City Plan.

Division

The Council voted by division

For: Crs Bill Acklin, Sophie Barker, David Benson-Pope, Christine Garey, Kevin Gilbert, Carmen Houlahan, Cherry Lucas, Mandy Mayhem, Lee Vandervis, Steve Walker, Brent Weatherall, Andrew Whiley and Mayor Jules Radich (13).

Against: Nil
Abstained: Nil

The division was declared CARRIED by 13 votes to 0

Motion carried (CNL/2023/298)

Moved (Mayor Jules Radich/Cr Bill Acklin):

That the Council:

- a) **Confirms** a moderate level upgrade for above ground amenity on Bath Street
- b) **Notes** that \$1.5m was already included within existing budgets.

Division

The Council voted by division

For: Crs Bill Acklin, Sophie Barker, David Benson-Pope, Christine Garey, Kevin Gilbert, Carmen Houlahan, Cherry Lucas, Brent Weatherall, Andrew Whiley and Mayor Jules Radich (10).

Against: Crs Mandy Mayhem, Lee Vandervis and Steve Walker (3).

Abstained: Nil

The division was declared CARRIED by 10 votes to 3

Motion carried (CNL/2023/299)

Moved (Mayor Jules Radich/Cr Steve Walker):

That the Council:

Adjourns the meeting for 5 minutes.

Motion carried

The meeting adjourned at 3.18 pm and reconvened at 3.31 pm.

11 LETTER OF EXPECTATION FOR DUNEDIN CITY HOLDINGS LIMITED AND GROUP

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

The Chief Executive Officer (Sandy Graham) and Special Projects Manager (Sharon Bodeker) spoke to the report and responded to questions.

Moved (Mayor Jules Radich/Cr Cherry Lucas):

That the Council:

- a) **Approves** the draft Letter of Expectation to the Board of Dunedin City Holdings Limited on behalf of the Council as Shareholder.

- b) **Authorises** the Mayor to sign the Letter of Expectation on behalf of the Council as Shareholder.

Motion carried (CNL/2023/300) with Cr Lee Vandervis recording his vote against

12 LGNZ - SPECIAL GENERAL MEETING

A report from Corporate Policy sought a Council decision on how it wished to vote on the proposed resolution at the upcoming Local Government New Zealand Special General Meeting to endorse The Future by Local Government – A consensus outcome paper.

The Chief Executive Officer (Sandy Graham) and Special Projects Manager (Sharon Bodeker) spoke to the report and responded to questions.

Moved (Mayor Jules Radich/Cr Kevin Gilbert):

That the Council:

Extends the meeting beyond 6 hours.

Motion carried

Moved (Mayor Jules Radich/Cr Cherry Lucas):

That the Council:

- a) **Build** a new system of government that's fit for purpose.
Motion carried (CNL/2023/301) with Cr Lee Vandervis recording his abstention

Moved (Mayor Jules Radich/Cr Cherry Lucas):

That the Council:

- b) **Rebalance** the country's tax take between central and local government

Motion carried (CNL/2023/302) with Cr Lee Vandervis recording his abstention

Moved (Mayor Jules Radich/Cr Cherry Lucas):

That the Council:

- c) **Create** strong, more authentic relationships between local government and iwi, hapū and Māori.

Motion carried (CNL/2023/303) with Cr Lee Vandervis recording his abstention

Moved (Mayor Jules Radich/Cr Cherry Lucas):

That the Council:

- d) **Align** central, regional and local government priorities.

Motion carried (CNL/2023/304) with Cr Lee Vandervis recording his abstention

Moved (Mayor Jules Radich/Cr Cherry Lucas):

That the Council:

- e) **Strengthen** local democracy and leadership

Motion carried (CNL/2023/305) with Cr Lee Vandervis recording his abstention

2 PROPOSED GOVERNANCE APPROACH TO STRATEGIES, PLANS AND PROGRAMMES OF WORK

This item was withdrawn from the agenda.

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:

| 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 - 28 November 2023 - 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)(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 Infrastructure Related Purchase | S7(2)(g) The withholding of the information is necessary to maintain legal professional privilege. | 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)(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). | |

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/2023/306)

The meeting moved into confidential at 4.22 pm. and concluded at 4.47 pm.

.....
MAYOR


ORDINARY COUNCIL MEETING - 12 DECEMBER 2023

RECOMMENDATIONS

That the Council:

- a) **Confirms** the public part of the minutes of the Ordinary Council meeting held on 12 December 2023 as a correct record.

Attachments

| | Title | Page |
|---|--|-------------|
| A  | Minutes of Ordinary Council meeting held on 12 December 2023 | 32 |

Council MINUTES

Minutes of an ordinary meeting of the Dunedin City Council held in the Council Chamber, Dunedin Public Art Gallery, The Octagon, Dunedin on Tuesday 12 December 2023, commencing at 9.00 am

PRESENT

Mayor Mayor Jules Radich
Deputy Mayor Cr Cherry Lucas

Members

| | |
|----------------------|---------------------|
| Cr Bill Acklin | Cr Sophie Barker |
| Cr David Benson-Pope | Cr Christine Garey |
| Cr Kevin Gilbert | Cr Carmen Houlahan |
| Cr Marie Laufiso | 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), Leanne Mash (General Manager Business and Community Engagement) Robert West (General Manager Corporate and Quality), Jeanette Wikaira (General Manager Arts, Culture and Recreation), Claire Austin (General Manager Customer and Regulatory), David Ward (Acting General Manager Infrastructure and Development), Nicola Morand (Acting Manahautū (General Manager (Māori, Partnerships and Policy), Dr Raphael Krier-Mariani (Coastal Specialist), Ben Hogan (Transport Delivery Manager), Mark Mawdsley (Team Leader Advisory Services), Heather Bachop (Heritage Advisor), Jeanine Benson (Group Manager Transport), Jasmin Lamorie (Senior Corporate Planner), Peter Hocking (General Manager Dunedin City Holdings Ltd) and Richard Davey (Treasurer Dunedin City Holdings Ltd).

Governance Support Officer Lynne Adamson

1 OPENING

Dr Tony Curtis SCP, Dean of Dunedin, St Pauls Cathedral opened the meeting with a prayer.

2 PUBLIC FORUM

2.1 Jennifer Scott spoke on various matters around the city.

3 APOLOGIES

There were no apologies.

4 CONFIRMATION OF AGENDA

Moved (Mayor Jules Radich/Cr Steve Walker):

That the Council:

Confirms the agenda with the following alteration:

That the meeting will move to non public at 3.00 pm and that Mayor Radich would vacate the chair and Cr Cherry Lucas would assume the chair.

Motion carried (CNL/2023/298)

5 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 Cherry Lucas):

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 (CNL/2023/299)

6 CONFIRMATION OF MINUTES

6.1 ORDINARY COUNCIL MEETING - 5 DECEMBER 2023

Moved (Cr Cherry Lucas/Cr Kevin Gilbert):

That the Council:

- a) **Confirms** the public part of the minutes of the Ordinary Council meeting held on 05 December 2023 as a correct record.

Motion carried (CNL/2023/300)

REPORTS

7 10 YEAR PLAN 2024-34 - REVIEW OF THE SIGNIFICANCE AND ENGAGEMENT POLICY

A report from Corporate Policy provided an update on the review of the Significance and Engagement Policy undertaken as part of the 10 Year Plan 2024-34 process and sought approval of the proposed changes.

The General Manager Arts, Culture and Recreation (Jeanette Wikaira) and Senior Corporate Planner (Jasmin Lamorie) spoke to the report and responded to questions.

Moved (Mayor Jules Radich/Cr Mandy Mayhem):

That the Council:

- a) **Approves** the revised Significance and Engagement Policy.
- b) **Notes** that the revised Significance and Engagement Policy would be included as a supporting document during the 10 Year Plan consultation.
- c) **Requests** staff to investigate the inclusion or otherwise of Foulden Marr as a strategic asset in time for the January 10 Year Plan 2024-34 meeting.

Motion carried (CNL/2023/301)

8 10 YEAR PLAN 2024-34 - COMMUNITY OUTCOMES

A report from Corporate Policy sought approval of the community outcomes for developing the 10 year plan 2024-34 (the Plan), and consultation with the community.

The General Manager Arts, Culture and Recreation (Jeanette Wikaira) and Senior Corporate Planner (Jasmin Lamorie) spoke to the report and responded to questions.

Moved (Mayor Jules Radich/Cr Steve Walker):

That the Council:

- a) **Approves**, community outcomes, for the purposes of developing the 10 year plan 2024-34, and consulting with the community.

Motion carried (CNL/2023/302)

9 COASTAL PLAN UPDATE

A report from Transport provided an update on the St Clair – St Kilda coastal plan (Whakahekerau – Rakiātea Rautaki Tai).

The Acting General Manager Infrastructure and Development (David Ward), Coastal Specialist (Dr Raphael Krier-Mariani) and Transport Delivery Manager (Ben Hogan) spoke to the report and responded to questions.

Cr Carmen Houlahan left the meeting at 9.34 am and returned at 9.36 am

Moved (Cr Andrew Whiley/Cr Mandy Mayhem):

That the Council:

- a) **Notes** the St Clair – St Kilda Coastal Plan Update report.

Motion carried (CNL/2023/303)

10 KETTLE PARK LANDFILL INVESTIGATIONS UPDATE

A report from Transport provided an update on the Kettle Park coastal landfill short term engineering options to mitigate the risk of exposure to contaminant at the seaward dune face at Kettle park (east of Moana Rua Road).

The Acting General Manager Infrastructure and Development (David Ward), Coastal Specialist (Dr Raphael Krier-Mariani) and Transport Delivery Manager (Ben Hogan) spoke to the report and responded to questions.

Cr Carmen Houlahan left the meeting at 10.01 am and returned at 10.04 am.

Cr Christine Garey left the meeting at 10.33 am and returned at 10.36 am.

Moved (Mayor Jules Radich/Cr Steve Walker):

That the Council:

Adjourns the meeting for 20 minutes.

Motion carried

The meeting adjourned at 10.54 am and reconvened at 11.15 am.

Moved (Mayor Jules Radich/Cr Lee Vandervis):

That the Council:

- a) **Lay** the report on the table, to be uplifted at the 30 January 2024 meeting.

Division

The Council voted by division

For: Cr Lee Vandervis (1).
Against: 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).
Abstained: Nil

The division was declared **LOST** by 1 vote to 14

Moved (Cr Andrew Whiley/Cr Mandy Mayhem):

That the Council:

- a) **Approves** an overspend of up to \$5m to complete immediate works to mitigate the risk of landfill discharge by using geotextile bags for high risk areas, while the long-term remediation strategy for the Kettle Park landfill was being refined
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, Steve Walker and Andrew Whiley (10).
Against: Crs Bill Acklin, Lee Vandervis, Brent Weatherall and Mayor Jules Radich (4).
Abstained: Cr Jim O'Malley (1).

The division was declared **CARRIED** by 10 votes to 4 with 1 abstention

Motion carried (CNL/2023/304)

Moved (Mayor Jules Radich/Cr Steve Walker):

That the Council:

Adjourns the meeting for 30 minutes.

Motion carried

The meeting adjourned at 11.57 am and reconvened at 12.38 pm.

11 ŌTEPOTI DUNEDIN HERITAGE ACTION PLAN

A report from City Development sought adoption of the draft Ōtepoti Dunedin Heritage Action Plan 2023 (HAP) and the HAP Implementation Plan.

The report noted that the HAP builds on the previous work of the 2007 Heritage Strategy and the Dunedin Heritage Fund. The community benefits of adopting the HAP included: a planned strategic approach to DCC's work to conserve Dunedin's built heritage; focused actions that would help meet the challenges of working with Dunedin's built heritage; and working

alongside heritage advocates, developers, and heritage building owners to further contribute to Dunedin’s cultural and economic wellbeing.

The Acting General Manager Infrastructure and Development (David Ward), Team Leader Advisory Services (Mark Mawdsley) and Heather Bauchop (Heritage Advisor) spoke to the report and responded to questions.

Moved (Cr Sophie Barker/Cr Kevin Gilbert):

That the Council:

- a) **Agrees** the vision for the Ōtepoti Dunedin Heritage Action Plan was:
“Ōtepoti Dunedin is a city that treasures its heritage as a living inheritance from its past and a legacy for future generations.”
- b) **Adopts** the Ōtepoti Dunedin Heritage Action Plan with the following amendments:
 - Inclusion of the vision;
 - Change Paragraph 4 on page 2 to “The mission for the Heritage Action Plan.”
 - Change Paragraph 8 to “The 2023 Heritage Action Plan envisages a city where historic buildings are conserved and restored, maintained and strengthened, re-used rather than replaced, valued by the community, and promoted as a defining characteristic of Ōtepoti Dunedin’s built environment”
 - Adds to Introduction paragraph 2 on page 4 “Ōtepoti Dunedin is considered Aotearoa New Zealand’s premier heritage destination”.
- c) **Notes** the draft Ōtepoti Dunedin Heritage Action Plan Implementation Plan.
- d) **Requests** staff to continue to engage with key stakeholders and investigate the following additions to the implementation plan:
 - The establishment of a Heritage Building Owners Forum to provide feedback and lobby on any built heritage issues.
 - Work to ensure that heritage tourism (including product and market development) is highlighted.
 - Consider options for a zero-carbon adaptive reuse policy.
 - Recognise and support the existing skills resource.
- e) **Notes** that staff will bring an updated draft Implementation Plan to Council in time for 10 year plan 2024-34 deliberations in May 2024.
- f) **Notes** that confirmation of a governance approach for oversight of the implementation of the Heritage Action Plan, will follow approval by Council of a governance framework.

Motion carried (CNL/2023/305)

12 ALTERNATIVE METHODS FOR WEED CONTROL

A report from Transport provided information on alternative methods for weed control (including health benefits, potential implications for budgets and levels of service) in time for the January 2024 10-year plan meeting.

The Acting General Manager Infrastructure and Development (David Ward) and Transport Delivery Manager (Ben Hogan) spoke to the report and responded to questions.

Cr Carmen Houlahan left the meeting at 1.15 pm and returned at 1.16 pm.

Cr Bill Acklin left the meeting at 1.15 pm and returned at 1.37 pm.

Moved (Cr Steve Walker/Cr Christine Garey):

That the Council:

- a) **Notes** the Alternative Methods for Weed Control report.
- b) **Approves** retaining the status quo – to provide the current level of service by undertaking existing weed control methods using a chemical herbicide.

Division

The Council voted by division

For: Crs David Benson-Pope, Christine Garey, Marie Laufiso, Cherry Lucas, Steve Walker, Brent Weatherall, Andrew Whiley and Mayor Jules Radich (8).

Against: Crs Bill Acklin, Sophie Barker, Kevin Gilbert, Carmen Houlahan, Mandy Mayhem, Jim O'Malley and Lee Vandervis (7).

Abstained: Nil

The division was declared CARRIED by 8 votes to 7

Motion carried (CNL/2023/306)

Crs Christine Garey and Carmen Houlahan left the meeting at 2.16 pm.

13 PROPOSED PARKING CHANGES

A report from Transport presented the recommendations of the Hearings Committee on proposed changes and corrections to parking and turning restrictions.

The Acting General Manager Infrastructure and Development (David Ward), and Group Manager Transport (Jeanine Benson) spoke to the report and responded to questions.

Cr Christine Garey returned to the meeting at 2.18 pm and Cr Carmen Houlahan at 2.19 pm.

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

That the Council:

- a) **Adopts** the proposed changes to parking and traffic restrictions shown in the September 2023 update of the Dunedin City Council's traffic and parking restrictions database, <https://tinyurl.com/ParkingSeptember2023>
- b) **Notes** that the Hearings Committee had considered feedback from consultation on the proposed changes to parking restrictions
- c) **Notes** that all parking restrictions previously approved by Council remained unchanged.

Motion carried (CNL/2023/307) with Cr Lee Vandervis recording his vote against

Cr Kevin Gilbert left the meeting at 2.20 pm.

14 REVIEW - DCC TREASURY RISK MANAGEMENT POLICY

A report from Civic provided an update on the three yearly review of the Dunedin City Council Treasury Risk Management Policy, undertaken by Dunedin City Holdings Limited (DCHL), for inclusion in the DCC's 10 Year Plan 2024-34.

Peter Hocking (General Manager, DCHL) and Richard Davey (Treasurer, DCHL) spoke to the report and responded to questions.

Cr Kevin Gilbert returned to the meeting at 2.23 pm.

Cr Marie Laufiso left the meeting at 2.27 pm and returned at 2.30 pm.

Moved (Cr Lee Vandervis/Cr Cherry Lucas):

That the Council:

- a) **Notes** the letter (dated 6 December 2023) from the Board of DCHL outlining the proposed changes to the Policy.
- b) **Approves** the changes to the DCC Treasury Risk Management Policy.

Motion carried (CNL/2023/308)

RESOLUTION TO EXCLUDE THE PUBLIC

Moved (Mayor Jules Radich/Cr Andrew Whiley):

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 |
|---|---|---|-----------------------------------|
|---|---|---|-----------------------------------|

| | | |
|--|--|---|
| <p>C1 Ordinary Council meeting - 5 December 2023 - Public Excluded</p> | <p>S7(2)(j) The withholding of the information is necessary to prevent the disclosure or use of official information for improper gain or improper advantage.</p> | |
| | <p>S7(2)(g) The withholding of the information is necessary to maintain legal professional privilege.</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 industrial negotiations).</p> | |
| <p>C2 Code of Conduct - Cr Houlahan</p> | <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>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> |
| <p>C3 Code of Conduct - Mayor Radich</p> | <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>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> |

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.

Extends the meeting beyond 6 hours.

Motion carried (CNL/2023/309)

The meeting moved into confidential at 2.34 pm and concluded at 3.57 pm.

.....
MAYOR

REPORTS

ACTIONS FROM RESOLUTIONS OF COUNCIL MEETINGS

Department: Civic

EXECUTIVE SUMMARY

- 1 The purpose of this report is to show progress on implementing resolutions made at Council meetings.
- 2 As this report is an administrative report only, there are no options or Summary of Considerations.

RECOMMENDATIONS

That the Council:

- a) **Notes** the Open and Completed Actions from resolutions of Council meetings as attached.

DISCUSSION

- 3 This report also provides an update on resolutions that have been actioned and completed since the last Council meeting. Note that items on the Forward Work Programme are not included in the attached schedules.

NEXT STEPS

- 4 Updates will be provided at future Council meetings.

Signatories

| | |
|-------------|--|
| Author: | Lynne Adamson - Governance Support Officer |
| Authoriser: | Clare Sullivan - Manager Governance |

Attachments

| | Title | Page |
|--------------------|------------------------|-------------|
| ↓A | Council Open Actions | 43 |
| ↓B | Council Closed Actions | 46 |

FORWARD WORK PROGRAMME FOR COUNCIL - JANUARY 2024

Department: Civic

EXECUTIVE SUMMARY

- 1 The purpose of this report is to provide the updated forward work programme for the 2024 – 2025 year (Attachment A).
- 2 As this is an administrative report only, there are no options or Summary of Considerations.

RECOMMENDATIONS

That the Council:

- a) **Notes** the updated Council forward work programme as shown in Attachment A.

DISCUSSION

- 3 The forward work programme is a regular agenda item which shows areas of activity, progress and expected timeframes for Council decision making across a range of areas of work.
- 4 As an update report, the purple highlight shows changes to timeframes. New items added to the schedule are highlighted in yellow. Items that have been completed or updated are shown as bold.
- 5 A number of items will now be reported on the various committees forward work programmes. These are identified in the schedule.

NEXT STEPS

- 6 An updated report will be presented to future Council meetings.

Signatories

| | |
|-------------|---|
| Author: | Clare Sullivan - Manager Governance |
| Authoriser: | Leanne Mash - General Manager Business and Community Engagement |

Attachments

| | Title | Page |
|--------------------|---------------------------------------|-------------|
| ↓A | Council Public Forward Work Programme | 51 |

SIGNIFICANT FORECASTING ASSUMPTIONS FOR THE 10 YEAR PLAN 2024-34

Department: Civic

EXECUTIVE SUMMARY

- 1 The purpose of this report is to seek Council approval of financial, waste, and future legislative significant forecasting assumptions (assumptions) that are to be used in the development of the 10 year plan 2024-2034 (the 10 year plan).

RECOMMENDATIONS

That the Council:

- a) **Approves**, for the purposes of developing the 10 year plan 2024-34 and consulting with the community, the significant forecasting assumptions at Attachment A.

BACKGROUND

- 2 Schedule 10 (17) of the Local Government Act (LGA) provides the following:

A long-term plan must clearly identify—

- (a) all the significant forecasting assumptions and risks underlying the financial estimates;*
- (b) without limiting the generality of paragraph (a), the following assumptions on which the financial estimates are based:*
 - (i) the assumptions of the local authority concerning the life cycle of significant assets; and*
 - (ii) the assumptions of the local authority concerning sources of funds for the future replacement of significant assets;*
- (c) in any case where significant forecasting assumptions involve a high level of uncertainty,*
 - (i) the fact of that uncertainty; and*
 - (ii) an estimate of the potential effects of that uncertainty on the financial estimates provided.*

- 3 At its meeting on 25 September 2023, Council approved the first set of significant forecasting assumptions (growth, economic, and climate change projections) for inclusion in the 10 year plan. This report seeks approval of the remaining significant forecasting assumptions to be used in the development of the 10 year plan, including the assumptions on which the financial estimates are based, and assumptions on future legislative changes.

DISCUSSION

- 4 The financial assumptions presented at Attachment A include interest rates, inflation rates, and Waka Kotahi funding assistance rate assumptions to be used over the 10 year period.

- 5 Where possible, external advice has been used to support the assumptions made. For example, the interest rate assumptions have been provided by Dunedin City Treasury Ltd (Attachment B), and the inflation rates proposed to be used have been provided by BERL (Attachment C).
- 6 Council receives grant funding from Waka Kotahi towards its transport activity. Since 2021/22, funding constraints and changes in priority have meant that transport renewals funding from Waka Kotahi has been limited to a fixed amount that is less than the applicable funding assistance rate.
- 7 The Waka Kotahi funding package and final subsidy rates for 2024/25 onward will not be known until around July 2024. We have assumed that the applicable funding assistance rate will be 51% throughout the 10 year period. We have also assumed that a shortfall in funding will continue.
- 8 Other financial assumptions made are based on Council’s Accounting Policies, for example, the useful lives of significant assets.
- 9 With the recent change of Government, there is a higher level of uncertainty of future legislative changes. Advice has been received that the water services legislation enacted in 2023 will be repealed, and that the future direction for new water services is currently being developed. Information on the timing and nature of proposed new water services is not expected until sometime in February 2024. For the purposes of the 10 year plan, the assumption has been made that Council will continue to deliver 3 waters services over the life of the 10 year plan.
- 10 Waste Disposal assumptions have been made on the level of waste to landfill, and kerbside collection volumes. Estimates of kerbside collection volumes have been based on data from Tauranga City Council, as its kerbside collection model aligns with the new kerbside collection model being introduced on 1 July 2024. An assumption has also been made that an extension to the Green Island Landfill resource consent will be granted.

OPTIONS

- 11 Council is required under the LGA to have significant forecasting assumptions as part of the 10 year plan. Options have not been presented but Council may decide to modify the significant forecasting assumptions.

NEXT STEPS

- 12 The Significant Forecasting Assumptions, with any amendment, will be used in the development of the 10 year plan.

Signatories

| | |
|-------------|---|
| Author: | Sharon Bodeker - Special Projects Manager |
| Authoriser: | Carolyn Allan - Chief Financial Officer |

Attachments

| | Title | Page |
|--------------------|---|-------------|
| ↓A | Significant Forecasting Assumptions - 2024 - 34 | 61 |
| ↓B | DCTL Treasury Report - December 2023 | 66 |
| ↓C | BERL Cost Adjusters | 68 |

SUMMARY OF CONSIDERATIONS

Fit with purpose of Local Government

This decision enables democratic local decision making and action by, and on behalf of communities, and promotes the social, economic, environmental and cultural wellbeing of the Dunedin communities in the present and for the future.

Fit with strategic framework

| | Contributes | Detracts | Not applicable |
|---|-------------|--------------------------|--------------------------|
| Social Wellbeing Strategy | ✓ | <input type="checkbox"/> | <input type="checkbox"/> |
| Economic Development Strategy | ✓ | <input type="checkbox"/> | <input type="checkbox"/> |
| Environment Strategy | ✓ | <input type="checkbox"/> | <input type="checkbox"/> |
| Arts and Culture Strategy | ✓ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3 Waters Strategy | ✓ | <input type="checkbox"/> | <input type="checkbox"/> |
| Spatial Plan | ✓ | <input type="checkbox"/> | <input type="checkbox"/> |
| Integrated Transport Strategy | ✓ | <input type="checkbox"/> | <input type="checkbox"/> |
| Parks and Recreation Strategy | ✓ | <input type="checkbox"/> | <input type="checkbox"/> |
| Other strategic projects/policies/plans | ✓ | <input type="checkbox"/> | <input type="checkbox"/> |

The 10 year plan contributes to all of the objectives and priorities of the strategic framework as it describes the Council’s activities, the community outcomes, and provides a long term focus for decision making and coordination of the Council’s resources, as well as a basis for community accountability.

Māori Impact Statement

The adoption of the Māori Strategic Framework signals Council’s commitment to mana whenua and to its obligations under the Treaty of Waitangi. Mana whenua and Māori will have an opportunity to engage with the 10 year plan consultation process through a series of planned hui.

Sustainability

Major issues and implications for sustainability are discussed and considered in the Infrastructure Strategy and financial resilience is discussed in the Financial Strategy.

LTP/Annual Plan / Financial Strategy /Infrastructure Strategy

This report provides details of the assumptions being made to assist the development of the 10 year plan.

Financial considerations

Financial assumptions are provided in the report.

Significance

The 10 year plan is significant and will be consulted on using the Special Consultative Procedure.

Engagement – external

There has been no external engagement in the preparation of the draft assumptions. However information from BERL and DCTL has been use to inform some of the assumptions.

SUMMARY OF CONSIDERATIONS

Engagement - internal

Staff from across Council are involved in the development of the 10 year plan.

Risks: Legal / Health and Safety etc.

The level of uncertainty for each of the assumptions made, and the effect of the uncertainty is included in the report.

Conflict of Interest

There are not known conflicts of interest.

Community Boards

Community Boards will be consulted on the 10 year plan 2024-34.

BUILDING OWNER INCENTIVES (SUSTAINABILITY, EARTHQUAKE STRENGTHENING, HERITAGE CONSERVATION) REPORT

Department: City Development and Māori, Partnerships and Policy

EXECUTIVE SUMMARY

- 1 The purpose of this report is to give Council an overview of work that has been undertaken in recent years to support housing growth and the protection of heritage buildings, responding to the Council resolution March 2023 on possible initiatives to further incentivise vacant inner city space and discusses the specific building incentive actions contained in the *Ōtepoti Dunedin Housing Plan 2022*, *Ōtepoti Dunedin Heritage Action Plan*, and the *Zero Carbon Plan*.
- 2 The report describes the cross-Council approach being taken by staff to ensure options are developed in a coordinated manner for future consideration by Council.
- 3 Building incentives are one way that the Dunedin City Council (DCC) can respond to the residential, non-residential, and heritage building needs of the Dunedin community. The rationale for building incentives is they can encourage and support local responses to protect, improve, and/or build residential and heritage buildings in a strategic, coordinated, and transparent way.

RECOMMENDATIONS

That the Council:

- a) **Notes** the Building Owner Incentives (sustainability, earthquake strengthening, heritage conservation) Report.

BACKGROUND

- 4 In recent years Council has undertaken a variety of work to support and facilitate housing growth and the protection of our heritage buildings in the city, most notably through the increased housing capacity and heritage enabling opportunities via the Second-Generation Plan (2GP).
- 5 Council has supported community initiatives to protect and conserve our historic heritage buildings through the Dunedin Heritage Fund and provided financial incentives (via reduced consent fees) to support the installation of solar panels, improved insulation, and earthquake strengthening.

6 In March 2023 Council resolved the following:

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

That the Council:

- b) *Ask staff to report as part of Annual Plan discussions 2023-2024 on possible initiatives to further incentivise the residential conversion of vacant inner-city space.*

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/2023/076)

7 During 2022 and 2023 Council adopted three key strategic plans which include actions to develop further options for incentivising more accessible and energy efficient homes, and to further support heritage conservation and restoration projects. These are:

- Ōtepoti Dunedin Housing Plan 2022 – adopted by Council in August 2022
- Zero Carbon Plan – adopted by Council in September 2023
- Ōtepoti Dunedin Heritage Action Plan – adopted by Council in December 2023

DISCUSSION

8 A summary of recent and planned work relating to incentivising building upgrades and development (residential, non-residential, and heritage) is shown below.

Second Generation Plan (2GP) and Future Development Strategy (FDS)

9 Council has undertaken work in recent years through the development of the 2GP to facilitate housing growth options and to ensure that there is a range of housing choices in Dunedin to provide for the community's needs and which supports well-being.

10 Variation 2 ('Additional Housing Capacity') to the 2GP was notified on 3 February 2021. It contained a range of changes to the 2GP intended to create more housing capacity. It also included changes to better manage subdivision of greenfield sites, and included significant changes to rules that set density requirements including:

- Allowing a duplex to be built on all properties over 500 m² within General Residential 1 and reticulated Township and Settlement areas.

- Changes to minimum site sizes for subdivision and development down to 400 m² from 500 m² in General Residential 1 and reticulated Township and Settlement areas.
 - Changes to make the minimum site size for subdivision and development consistent and to allow access legs to be included for sites under 1,200 m². These rule changes effectively allow a duplex with two units per 500 m² of land or one standalone.
- 11 In December 2023 Council received an update report on the work undertaken by staff on the Housing Capacity Assessment. This is a key aspect of the Future Development Strategy (FDS) that is jointly being prepared by the DCC and Otago Regional Council (ORC) for mid-2024.
- 12 The 2GP gives effect to the requirement of section 6(f) of the Resource Management Act 1991 for the protection of historic heritage from inappropriate subdivision, use, and development. The 2GP contains a schedule of heritage buildings, structures, sites, and identifies heritage precincts. These places and precincts are managed by the heritage provisions within the 2GP.

Current Building Incentives

- 13 The DCC currently provides three building incentives by offering reduced consent fees. These are:
- a) for installing solar panels (since 2009);
 - b) increasing insulation (since 2018);
 - c) earthquake strengthening (since 2012).
- 14 These were discussed in the *Ōtepoti Dunedin Housing Plan 2022 Update* report that was noted by the Community Services Committee on 12 September 2023.
- 15 The installation of solar panels (a) and increased insulation (b) are specific to residential buildings. The third incentive relates to seismic strengthening for both residential and commercial buildings. Uptake of these incentives has been low, and further work is required to understand why this is the case.
- 16 The Dunedin Heritage Fund (the Fund) is funded and administered by the DCC and managed by the Dunedin Heritage Fund Committee. From its establishment in 1993, the Fund has focused on providing incentive funding for the conservation, including earthquake strengthening, of Ōtepoti Dunedin's historic places (buildings, structures, and sites). The DCC provides an annual grant to the Fund of \$680,700. In the 2022-2023 financial year requests for funding totalled over \$2.2 million.

Ōtepoti Dunedin Heritage Action Plan

- 17 The Ōtepoti Dunedin Heritage Action Plan, adopted by Council on 12 December 2023, includes specific actions in its implementation plan (actions 5-7 and 11-12. See Attachment A) focused on developing options to incentivise the use of vacant space in heritage buildings and heritage precincts. This work focuses on protected heritage buildings, the majority of which are in the central city area. Owners of eligible heritage buildings can also access support and assistance via the Dunedin Heritage Fund.

Ōtepoti Dunedin Housing Plan 2022

- 18 Council adopted the Ōtepoti Dunedin Housing Plan 2022 on 30 August 2022, and the Community Services Committee noted the Ōtepoti Dunedin Housing Plan 2022 Implementation Plan 2023-2024 on 6 March 2023. Action 6 of the Implementation Plan is – *Develop an options analysis of incentives: identifying options for an incentive scheme that encourages building and retrofitting homes with design for everyone, and making homes warmer and reducing construction waste.* (Attachment A).
- 19 The DCC Principal Policy Advisor - Housing has commenced work and has been reviewing incentives offered by other Councils across New Zealand and discussing options with staff from a range of departments. Examples of the current incentives offered by other Councils include Wellington City Council’s cash reimbursement if a development meets certain accessibility and insulation standards and Thames-Coromandel Council allowing greater land coverage if accessibility standards are met.

Zero Carbon Plan

- 20 The Zero Carbon Plan adopted by Council in September 2023 includes several actions relating to building incentives to support emissions reduction. These include incentives that encourage and support energy efficiency in current and new build residential properties (E1.3.4 and E1.3.6), reducing waste in construction projects (R1.4.5 and R1.4.6), and exploring other ways to encourage emissions reduction that may include building incentives. Details of the actions are shown in Attachment A.

Developing building incentive options and reviewing existing incentives

- 21 As discussed above, staff are currently working on and/or about to commence work on developing building incentive options for future consideration by Council. The work will require input from a wide range of Council departments and staff.
- 22 It is important that the work is done in a coordinated way to ensure that Council can make informed and prioritised decisions on the building incentive options when they are presented to them in the future.
- 23 Staff will review the current building incentives offered by Council and consider possible incentives for conversion of vacant inner-city space.
- 24 Staff will review incentives offered by other Councils and will consider:
- a) developing a set of criteria to assess if the building incentive options will produce the desired outcomes, while enabling flexibility for Council to add or remove incentive options in the future and to adapt to changes in Central Government housing legislation or policy direction.
 - b) improvements in the operational delivery of building incentives by making sure that the DCC’s incentives are accessible, transparent, and accountable against outcomes in the DCC’s strategies and plans.
 - c) utilising existing community stakeholder groups e.g. Housing Action Plan and Heritage Action Plan to discuss incentive options.

OPTIONS

25 As this report is for noting there are no options.

NEXT STEPS

26 Staff will work on potential building incentive options and report back to Council in time for the draft 2025-2026 Annual Plan.

Signatories

| | |
|-------------|---|
| Author: | Dr Anna Johnson - City Development Manager Gill Brown - Principal Policy Advisor Housing |
| Authoriser: | Robert West - General Manager Corporate Services |

Attachments

| | Title | Page |
|--------------------|---|-------------|
| ↓A | Actions for Building Owner Incentives (sustainability, earthquake strengthening, heritage conservation) Report – January 2024 | 126 |

SUMMARY OF CONSIDERATIONS

Fit with purpose of Local Government

This decision promotes the social well-being of communities in the present and for the future.

Fit with strategic framework

| | Contributes | Detracts | Not applicable |
|---|-------------------------------------|--------------------------|-------------------------------------|
| Social Wellbeing Strategy | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Economic Development Strategy | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Environment Strategy | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Arts and Culture Strategy | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3 Waters Strategy | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Spatial Plan | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Integrated Transport Strategy | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Parks and Recreation Strategy | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Other strategic projects/policies/plans | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

This report aligns with the implementation plan actions of the Ōtepoti Dunedin Housing Plan 2022, the Ōtepoti Dunedin Heritage Action plan, Zero Carbon Plan, and fits with the strategic framework (as above)

Māori Impact Statement

Staff will discuss opportunities for including mana whenua in the development of building incentive options.

Sustainability

Climate change mitigation/emissions reduction efforts are an important aspect of sustainability. Several proposed building incentives are actions in the Zero Carbon Implementation plan and will contribute towards reaching council's emissions reduction targets.

LTP/Annual Plan / Financial Strategy /Infrastructure Strategy

There are no implications to current levels of service or performance measures, and this work is not included in the LTP. However, the building incentive work proposed for 2024 will report to Council in time for the Annual plan 2025-2026.

Financial considerations

There are no financial considerations relating to this report, but these will be considered as work is undertaken to develop building incentive options, which will come to Council later in 2024.

Significance

This decision is considered low in terms of Council's Significance and Engagement Policy.

Engagement – external

External stakeholder engagement has taken place as part of the development of the Ōtepoti Dunedin Housing Plan 2022, the Ōtepoti Dunedin Heritage Action Plan, and Zero Carbon Plan. As outlined in the report, further external stakeholder engagement will be undertaken as part of developing building incentive options.

SUMMARY OF CONSIDERATIONS

Engagement - internal

City Development, Heritage, Regulatory, Housing, Policy, Zero Carbon, Policy, and Finance teams have all had input into the report.

Risks: Legal / Health and Safety etc.

There are no known risks relating to this report.

Conflict of Interest

There are no known conflicts of interest.

Community Boards

Community Boards will be included in consultation as building incentive options are developed.

REVISED MEETING SCHEDULE 2024

Department: Civic

EXECUTIVE SUMMARY

- 1 The report seeks the adoption of a revised meeting schedule for 2024, in accordance with Clause 19(6)(a) of Schedule 7 of the Local Government Act 2002.
- 2 The proposed meeting schedule, appended as Attachment A, covers the period from January 2024 through to December 2024.
- 3 This is in response to changes to the 10 Year Plan timetable.

RECOMMENDATIONS

That the Council:

- a) **Approves** the revised meeting schedule as attached to the report.

BACKGROUND

- 4 The revised timeline enables staff to present the 10 year plan reports to the proposed Council meeting commencing on February 20 2024.
- 5 Once approved the revised schedule will be published on the DCC website, calendars updated and community boards advised.
- 6 As this is an administrative report only, there are no options or Summary of Considerations.

NEXT STEPS

- 7 If approved, the meeting dates will be entered into diaries and the website updated.

Signatories

| | |
|-------------|---|
| Author: | Clare Sullivan - Manager Governance |
| Authoriser: | Leanne Mash - General Manager Business and Community Engagement |

Attachments

| Title | Page |
|-------------------------------|-----------------|
| Revised meeting schedule 2024 | Page 127 of 143 |

[↓A](#) Updated 2024 Meeting Schedule

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APPROVAL TO GRANT ELECTRICITY EASEMENT TO AURORA ENERGY LIMITED - PART LOCAL PURPOSE (ESPLANADE) RESERVE AT BURNSIDE, DUNEDIN

Department: Parks and Recreation

EXECUTIVE SUMMARY

- 1 This report discusses an application by Aurora Energy Limited (Aurora) for the grant of an electricity easement over part of a Local Purpose (Esplanade) Reserve (Reserve) at Burnside, Dunedin.
- 2 The easement relates to the installation of underground fibre cable and associated cabling over part of the Reserve to connect onto the existing overhead line on a power pole within the Reserve. This report is largely procedural to regularise existing infrastructure.
- 3 This report asks Council to make two decisions:
 - a) Firstly, a decision as the administering body of the Reserve to grant an easement; and
 - b) Secondly, a decision to exercise the delegation given by the Minister of Conservation to Council.

RECOMMENDATIONS

That the Council:

- a) **Grants**, as administering body of the Local Purpose (Esplanade) Reserve, pursuant to Section 48 of the Reserves Act 1977, an easement in gross to Aurora Energy Limited for the installation of an underground fibre cable and associated cabling over part of the Local Purpose (Esplanade) Reserve at Burnside (Record of Title 201821).
- b) **Decides** the criteria for exemption from public notification has been met.
- c) **Acting** under its delegation from the Minister of Conservation dated 12 June 2013 and pursuant to Section 48 of the Reserves Act 1977, approves an easement in gross to Aurora Energy Limited for the installation of an underground fibre cable and associated cabling over part of the Local Purpose (Esplanade) Reserve at Burnside (Record of Title 201821).

BACKGROUND

- 4 Around 2016/2017, Aurora upgraded its communication link technology at Burnside, Kaikorai Valley. This involved the installation and overlay of new fibre communications cable and ducting. As part of the upgrade, Aurora proposed connecting the new fibre cable via the existing power pole within the Reserve, to the overhead power line.

- 5 The location and route of the fibre cable, which extends approximately 14.4 metres, is within the easement Area 'A' shown on LT Plan 509135 at Attachment A. The easement area is also outlined in blue in the aerial photograph at Attachment B. This easement area comprises a total of approximately 43 m².
- 6 Aurora advised in 2016 that they considered alternative locations to place the fibre cable, but due to technical and property constraints, linking the fibre cable to the existing power pole in the Reserve was deemed to be the only feasible option in this area.
- 7 On 22 June 2016, an Agreement to Grant Electricity Easement (Agreement) was signed by staff on behalf of Council with Aurora. This confirmed the grant of an easement and permitted Aurora to proceed with the installation of the proposed underground fibre cable and associated cabling over that part of the Reserve. The Agreement also recorded that Aurora would meet all costs associated with the installation works and with completing the easement including survey and legal costs.
- 8 Aurora has advised that the physical works and survey of the easement area have proceeded and are now complete. Aurora and the Council are now wanting to complete formalisation of this by registration of an easement.
- 9 This Report has been prepared to obtain the required approval from Council (as the administering body of the Reserve and under its delegated authority from the Minister of Conservation), to enable the completion of registration on an easement.

DISCUSSION

Land Status

- 10 The land is Local Purpose (Esplanade) Reserve owned by Dunedin City Council. It is described as Lot 3 Deposited Plan 346118 contained in Record of Title 201821 held as Local Purpose (Esplanade) Reserve subject to the Reserves Act 1977.

Council as the owner and as the administering body

- 11 The Council, in its capacity as administering body of the Reserve, has the responsibility for ensuring compliance with the requirements of the Reserves Act 1977 and to consider the merits of the request for a grant of easement.

The Reserves Act 1977

- 12 Section 48 of the Reserves Act 1977 provides the statutory authority for the grant of easements over reserves.
- 13 Section 48 of the Reserves Act 1977 requires public notification of the intention to grant an easement unless it can be demonstrated that:
 - a) the Reserve is vested in an administering body and is not likely to be materially altered or permanently damaged; and
 - b) the rights of the public in respect of the Reserve are not likely to be permanently affected by the establishment and lawful exercise of the easement.
- 14 The area in which the easement is located is relatively undeveloped and provides a 'buffer' to the adjoining Kaikorai Stream from nearby industrial and commercial premises. It has an existing

power pole located on it. As such, the land is not used by the general public and does not form part of a park or reserve area where the public may congregate.

- 15 This means that the Reserve is not likely to be further materially altered or permanently damaged by installation of the underground cables and services, with appropriate remediation afterwards. The rights of the public in respect of the wider Reserve are not likely to be permanently affected by the establishment and lawful exercise of the easement, particularly given that there is no public use of the area.
- 16 The effects on the Reserve in the future of any general maintenance or repair work within the easement area will only be temporary and Aurora will undertake appropriate ground remediation.
- 17 Section 48 of the Reserves Act 1977 empowers the Reserve's administering body (the Council), to grant easements over reserve lands subject to the Resource Management Act and the consent of the Minister of Conservation. The Minister of Conservation has delegated powers of consent to the Council, without limitation, under instrument of delegation dated 12 June 2013.

Reserves Management Plan

- 18 The Reserves Management Plan – General Policies document ("General Policies") covers all basic issues of the day-to-day administration of reserves in Dunedin. There is no other management plan for the Reserve.
- 19 Although the General Policies specify that easements should be for a limited term, in this instance Council Officers recommend that the easement be granted in perpetuity, or until it has ceased its intended purpose as its primary purpose is public benefit.
- 20 The policies also require the applicant to meet all costs associated with legalising and maintaining the easement.

Standard Easement terms and conditions

- 21 The proposed key elements of this easement include:

| | |
|----------------|---|
| Statute | Section 48 of the Reserves Act 1977 |
| Grantee | Aurora Energy Limited |
| Reserve | Local Purpose (Esplanade) Reserve at Burnside |
| Purpose | The right to install underground fibre cable and associated cabling |
| Term | In perpetuity |
| Rental | Nil |

- 22 An acceptable Agreement to Grant an Easement has been prepared and was executed by the Council and Aurora in June 2016 and includes the requirement that:
 - a) Aurora will meet all costs associated with installation of underground fibre cable and associated cabling, as well as Reserve remediation, all survey, legal, LINZ and related costs to register the new easement;
 - b) All physical works must be carried out to the satisfaction of Council's Parks and Recreation staff; and

c) Aurora is responsible for obtaining all necessary consents, including any resource consent.

23 Given the physical works are complete and the survey work is also complete, the final steps are to formalise the Council approval and to enable Aurora to complete registration of the easement.

Council as the Minister of Conservation's delegate

24 The Council, in its capacity as the Minister of Conservation's delegate, has the supervisory role in ensuring that the decision on whether or not to grant the easement over part of the Reserve has been arrived at in compliance with the requirements of the Reserves Act 1977.

25 In particular, the Council as the Minister's delegate, needs to be satisfied that:

- the status of the land has been correctly identified;
- there is statutory power to grant the easement;
- the necessary statutory processes have been followed;
- the easement has been appropriately considered; and
- the decision is a reasonable one.

26 The Local Purpose (Esplanade) Reserve is owned by Council in fee simple and is held and managed subject to the Reserves Act 1977. This is recorded on Record of Title 201821. Section 48 of the Reserves Act 1977 provides the statutory authority to grant an easement over this Reserve. The statutory processes have been followed with full consideration given to whether public notification is required.

27 The functions and purposes of the Reserve and adjacent public land will not be unduly impacted by legalising the proposed electricity easement. The decision is a reasonable one considering the facts outlined in this report.

OPTIONS

Option One – Recommended Option

28 That the Council:

- a) Grants, as administering body of the Local Purpose (Esplanade) Reserve, pursuant to Section 48 of the Reserves Act 1977, an easement in gross to Aurora Energy Limited for the installation of an underground fibre cable and associated cabling over part of the Local Purpose (Esplanade) Reserve at Burnside (Record of Title 201821).
- b) Decides the criteria for exemption from public notification has been met.
- c) Acting under its delegation from the Minister of Conservation dated 12 June 2013 and pursuant to Section 48 of the Reserves Act 1977, approves an easement in gross to Aurora Energy Limited for the installation of an underground fibre cable and associated cabling over part of the Local Purpose (Esplanade) Reserve at Burnside (Record of Title 201821).

Advantages

- Granting the easement regularises the physical works that have been completed and supports a local power infrastructure provider to upgrade its communications link technology.
- The extent of work required within the Reserve for installation and future management is minimal and unlikely to affect park users.
- Confirms that the Council has fully considered the merits of the proposed easements and has complied with the requirements of the Reserves Act 1977.

Disadvantages

- Council would not be able to build over the easement area without first obtaining Aurora Energy Limited’s consent. Council staff do not foresee any need for Council to build over this area.

Option Two – Status Quo

29 Do not consent to the grant of an electricity easement to Aurora Energy Limited for the installation of an underground fibre cable and associated cabling over part of the Local Purpose (Esplanade) Reserve.

Advantages

- No advantages have been identified.

Disadvantages

- This report is seeking to regularise existing works by formalising the grant of this electricity easement. If Council does not want to approve the easement, then this could create legal issues.

NEXT STEPS

30 If the Council consents to the grant of an electricity easement and is satisfied the legislative requirements are met, the legislative process for formalising and registering the electricity easement can proceed to completion.

Signatories

| | |
|-------------|--|
| Author: | Owen Graham - Senior Leasing and Land Advisor |
| Authoriser: | Heath Ellis - Acting Group Manager Parks and Recreation Jeanette Wikaira - General Manager Arts, Culture and Recreation |

Attachments

| | Title | Page |
|--------------------|--|-------------|
| ↓A | LT Plan 509135 showing proposed Easement Area 'A' | 139 |
| ↓B | Aerial Photo showing Local Purpose (Esplanade) Reserve and Easement Area ‘A’ (LT Plan 509135) outlined in blue | 140 |

SUMMARY OF CONSIDERATIONS

Fit with purpose of Local Government

This decision relates to providing local infrastructure to ensure continuity of services for Aurora to undertake its power supply and essential network utility work.
This decision supports the economic and social well-being of communities in the present and for the future.

Fit with strategic framework

| | Contributes | Detracts | Not applicable |
|---|-------------------------------------|--------------------------|-------------------------------------|
| Social Wellbeing Strategy | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Economic Development Strategy | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Environment Strategy | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Arts and Culture Strategy | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3 Waters Strategy | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Spatial Plan | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Integrated Transport Strategy | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Parks and Recreation Strategy | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Other strategic projects/policies/plans | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

The installation of the underground fibre cable and associated cabling is a practical solution for upgrading the Aurora communication link technology in the locality.

Māori Impact Statement

There are no known implications for mana whenua.

Sustainability

The upgraded fibre cable and associated cabling will provide greater security and reliability to Aurora Energy Limited's communications systems. This will benefit the community and contribute to economic sustainability and social and physical well-being.

LTP/Annual Plan / Financial Strategy /Infrastructure Strategy

There are no known implications.

Financial considerations

There are no financial considerations as Aurora Energy Limited will meet all costs associated with this matter.

Significance

The decision has been assessed as being of low significance under Council's Significance and Engagement Policy.

Engagement – external

This matter was first attended to between Council and Aurora in 2016. Aurora advises the physical works are completed as is survey of the easement area. Subject to this decision, legal processes can then be completed to complete registration of the easement.

Engagement - internal

Parks and Recreation Asset and Commercial Manager. The Council's Legal Services Team has provided advice in relation to the Reserves Act requirements.

SUMMARY OF CONSIDERATIONS

Risks: Legal / Health and Safety etc.

This report is largely procedural to regularise the existing works. If Council does not approve the easement, then this could create legal issues.

Conflict of Interest

There are no known conflicts of interest.

Community Boards

The easement area is not located within a Community Board area.

RESOLUTION TO EXCLUDE THE PUBLIC

That the Council excludes the public from the following part of the proceedings of this meeting (pursuant to the provisions of the Local Government Official Information and Meetings Act 1987) 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 Confirmation of the Confidential Minutes of Ordinary Council meeting - 5 December 2023 - Public Excluded | <p>S7(2)(j) The withholding of the information is necessary to prevent the disclosure or use of official information for improper gain or improper advantage.</p> <p>S7(2)(g) The withholding of the information is necessary to maintain legal professional privilege.</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 industrial negotiations).</p> | . | |
| C2 Confirmation of the Confidential Minutes of Ordinary Council meeting - 12 December 2023 - 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. | . | |
| C3 Confidential Council Actions from | S7(2)(a) | S48(1)(a) | |

| | | | |
|---|---|---|--|
| <p>Resolutions at Council Meetings</p> | <p>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 industrial negotiations).</p> | <p>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> | |
| <p>C4 Confidential Council Forward Work Programme</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>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> | |
| <p>C5 Potential Property Purchase</p> | <p>S7(2)(g) The withholding of the information is necessary to maintain legal professional privilege.</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</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 industrial negotiations).</p> | <p>which good reason for withholding exists under section 7.</p> | |
|--|---|--|--|

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.