

Notice of Meeting:

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

Date: Tuesday 24 September 2024
Time: 10.00 am
Venue: Council Chamber, Dunedin Public Art Gallery, The Octagon,
Dunedin

Sandy Graham
Chief Executive Officer

Council
SUPPLEMENTARY 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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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	Open Public Action List	5
↓B	Closed Public Action list	9

Key	
Changes to timeframes	
Progress to date update	Bold

PUBLIC COUNCIL RESOLUTIONS					
OPEN ACTION LIST					
SEPTEMBER 2024					
Meeting Date	Resolution	Report	Resolution or Action to be Taken	Group	Status
25/09/2023	CNL/2023/216	Approval to Grant Electricity Easement to Aurora Energy Limited – Part Rotary Park	<p>Grants, as administering body of Rotary Park, pursuant to Section 48 of the Reserves Act 1977, an easement in gross to Aurora Energy Limited for the installation of a new electricity transformer and associated cabling over part of the Rotary Park (Record of Title OT14A/258).</p> <p>Decides the criteria for exemption from public notification has been met.</p> <p>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 a new electricity transformer and associated cabling over part of Rotary Park (Record of Title OT14A/258).</p>	Parks and Recreation	September 2024 – survey plans have been completed and reviewed by the Council and are now awaiting plan approval by Land Information NZ so easement registration can then be completed.
28/11/2023	CNL/2023/277	Right of Way Easement over part Dunedin Town Belt for 139 Harbour Terrace, Dunedin	<p>Acting in its capacity as the administering body of the Dunedin Town Belt Recreation Reserve pursuant to the Reserves Act 1977:</p> <p>Approves the partial surrender of an existing vehicular Right of Way easement as it relates to Lot 2 DP 390403 (Instrument 8489286.2)</p> <p>Grants a Right of Way easement over part of the Dunedin Town Belt Recreation Reserve to land held as Lot 1 DP 575078 located at 139 Harbour Terrace, Dunedin, subject to the conditions outlined in this report.</p> <p>Approves increasing of the existing annual fee for the Right of Way from \$1,265.00 including GST to \$1,500.00 including GST for use of the Dunedin Town Belt Recreation Reserve for access to the property at 139 Harbour Terrace, Dunedin.</p> <p>Decides that the criteria for exemption from public notification has been met.</p> <p>Acting under delegation from the Minister of Conservation dated 12 June 2013, and pursuant to section 48 of the Reserves Act 1977;</p> <p>Approves the partial surrender of an existing vehicular Right of Way easement as it relates to Lot 2 DP 390403 (Instrument 8489286.2) and</p> <p>Consents to the grant of a Right of Way easement over part of the Dunedin Town Belt Recreation Reserve to land held as Lot 1 DP 575078 located at 139 Harbour Terrace, Dunedin, subject to the conditions outlined in this report.</p>	Parks and Recreation	September 2024 – Unchanged - Council is still waiting for advice from the Developer's lawyers that the variation of an existing requirement is completed before the Agreement to Surrender and Grant Right of Way Easement can be executed.

Key	
Changes to timeframes	
Progress to date update	Bold

PUBLIC COUNCIL RESOLUTIONS					
OPEN ACTION LIST					
SEPTEMBER 2024					
Meeting Date	Resolution	Report	Resolution or Action to be Taken	Group	Status
30/01/2024	CNL/2024/011	Approval to Grant Electricity Easement to Aurora Energy Limited – Part Local Purpose (Esplanade) Reserve at Burnside, Dunedin	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). Decides the criteria for exemption from public notification has been met. 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).	Parks and Recreation	September 2024 – Unchanged – A separate matter relating to mining rights in Council’s reserve land is being co-ordinated by DCC’s Legal Team. These mining rights are to be transferred to Council. Once the mining rights have been transferred then the Aurora Easement will be registered.
31/07/2024	CNL/2024/138	New Zealand Master Games Final Report	Agrees that the Dunedin (New Zealand) Masters Games Trust would collaborate with the Council to ensure the event's future sustainability.	Events	September 2024 – the work is ongoing.
27/08/2024	CNL/2024/156	Zero Carbon Plan Advisory Panel – Draft Terms of Reference	Adopts the Zero Carbon Plan Advisory Panel Terms of Reference with agreed amendments to the frequency of reporting and meetings and membership.	Sustainability Group	September 2024 – The inaugural Zero Carbon Plan Advisory Panel meeting is scheduled for 20 September. The 2024/25 Implementation Plan is on the agenda.
27/08/2024	CNL/2024/157	Proposed 2024/25 Zero Carbon Implementation Plan	Refers the proposed 2024/25 Zero Carbon Implementation Plan to the Zero Carbon Advisory Panel to refine the implementation plan for approval by Council before 31 October 2024. Requests that the Zero Carbon Alliance invites Business South to become a member of the Zero Carbon Advisory Panel.	Sustainability Group	September 2024 – The Zero Carbon Collaboration Group meetings are biannual. The next is scheduled for October. This is a forum in which to progress membership Changes.
27/08/2024	CNL/2024/161	Proposed Road Closure	Resolves to close the roads as set out in the minutes (pursuant to Section 319, Section 342, and Schedule 10 clause 11(e) of the Local Government Act 1974 (LGA 1974)) for the following event: Motorsport Hillclimb – Saturday 16 and Sunday 17 November 2024	Transport	September 2024 – the roads will be closed for the event.

Key	
Changes to timeframes	
Progress to date update	Bold

PUBLIC COUNCIL RESOLUTIONS					
OPEN ACTION LIST					
SEPTEMBER 2024					
Meeting Date	Resolution	Report	Resolution or Action to be Taken	Group	Status
NOTICE OF MOTION					
31/01/2024	CNL/2023/013	Notice of Motion - Dunedin Hospital	<p>Supports the New Dunedin Hospital being built to the specifications in the Final Detailed Business Case approved by Cabinet, and that the Dunedin City Council will not accept changes that reduce the long-term capacity of the New Dunedin Hospital, or that compromise in any way the clinical services available to residents of the city and the wider region.</p> <p>Seeks the commitment of all parliamentary parties to adequately fund that work.</p> <p>Engages with stakeholders to support this advocacy position.</p> <p>Commits to fund a public campaign in support of 1 – 3 above, up to \$130,400 and seek support funding from other sources.</p>		September 2024 – The Campaign has resumed. A protest march will be held on 28 September 2024.
27/03/2024	CNL/2024/066 and CNL/2024/067	Notice of Motion – Single Use Cups	<p>Declares a commitment to Dunedin City becoming Single Use Cup (SUC) free as part of its broader waste minimisation goals.</p> <p>Directs the DCC CEO to make the following Dunedin City Council venues SUC free by the end of 2024:</p> <ul style="list-style-type: none"> i) Civic Centre ii) Dunedin Public Library iii) Toitū iv) DPAG 	Civic	September 2024 – A coms plan is being developed which will be sent to all staff.
			<p>Includes in the DCHL Letter of Expectation 25/26 a requirement that Dunedin Venues Management Limited and the venues it controls or manages are SUC free by the end of 2025.</p>		September 2024 – This was included in the 2024/25 DCHL Letter of Expectation and will be included in the 2025/26 DCHL Letter of Expectation.
			<p>Promotes the SUC free initiative to the business and hospitality communities through Council networks and events;</p>		September 2024 – The Grow Dunedin Partnership members and DCC promote the SUC initiative with staff to use at functions. Crockery and glassware is utilised at functions whereby they can be washed, reused and recycled for the next event.
			<p>Includes the SUC initiative as a consultation topic in the 9 year plan;</p>		September 2024 – No change (the SUC initiative will be included in the draft 9 year plan as a consultation topic).
			<p>Writes to Central Government to seek legislative change to ban all Single Use Cups.</p>		September 2024 – The letter will be sent.

Key	
Changes to timeframes	
Progress to date update	Bold

PUBLIC COUNCIL RESOLUTIONS OPEN ACTION LIST SEPTEMBER 2024					
Meeting Date	Resolution	Report	Resolution or Action to be Taken	Group	Status
25/6/2024	CNL2024/124	Notice of Motion – Place Based Funding	<p>Directs staff not to distribute the \$30,000 increase in the Place-Based Funding pool for the 2024-25 year as per Council resolution (CNL/2021/121).</p> <p>Notes that resolution (CNL/2021/121) would be subject to further consideration once the Grants Review had been completed as part of the nine-year plan.</p>	Community Partnerships	September 2024 – No change - The funds have been included in the Place Based Funding pool for the 2024-25 year. Staff have been advised not to distribute the additional \$30,000.
NON PUBLIC COUNCIL RESOLUTIONS RELEASED IN PUBLIC					
30/10/2023	CNL/2023/268	Appointment of District Licensing Committee Members	Notes that expressions of interest for new community members for the District Licensing Committee will be sought.	Civic	September 2024 – Expressions of Interest for positions on the District Licensing Committee are being sought.

Attachments

	Title	Page
↓A	Forward Work Programme - September 2024	19

- 11 Various groups (Attachment C) were asked for initial feedback on the current LAP. Some changes have been suggested including a reduction in licence hours for both on and off-licences and the inclusion of discretionary conditions to off-licences.
- 12 The following table summarises the proposed changes which have been incorporated into the draft replacement LAP for public consultation:

Element of LAP	Current	Proposed	Comment
Off-licence hours	7.00 am to 10.00 pm	7.00 am to 9.00 pm	To reduce the late, impulse purchase of alcohol.
New off-licence premises	No restrictions	No new premises in an area between the Octagon and Gardens Shopping Centre	To limit supply of alcohol in the area occupied by predominantly 18-24 year olds.
On-licence hours	Opening time 8.00 am	Opening time 9.00 am	Considered unnecessary to offer alcohol for sale at 8am. A low impact adjustment.
Entertainment Venues	5.00 pm to 4.00 am	5.00 pm to 3.00 am	To align the late night venue closing times.
'Sensitive facility' definition	Educational/recreational facilities likely to attract people under 18 years of age.	Include marae and places of worship.	To respect attendees at marae and places of worship
Off-licence external advertising	No restrictions	No promotion or advertising of alcohol on exterior of premises. <i>Discretionary condition dependent on premises location.</i>	Research indicates there is a relationship between young people's exposure to alcohol advertising and earlier uptake of drinking and heavy drinking among adolescents who already drink. ¹
Club managers	No requirement to be present on the premises when the bar is open.	Certified manager to be present after 5pm or when patron numbers exceed 50 people. <i>Discretionary condition dependent on nature of club and nature of activities.</i>	Some clubs are higher risk of alcohol-related harm occurring. The requirement to have a certified manager present would ensure greater compliance with the conditions on the licence relating to alcohol harm minimisation.

¹ Sargent, J. D. & Babor, T. F. The relationship between exposure to alcohol marketing and underage drinking is causal. *J. Stud. Alcohol Drugs Suppl.* 113–124 (2020) doi:10.15288/jsads.2020.s19.113.

- 13 The proposed change in closing time for off-licence premises would mean alcohol was less readily available for impulse purchase of alcohol. The changes to the Act will now allow this to proceed because the element could not be appealed. Auckland City Council has recently adopted their LAP which includes off-licence hours of 7.00 am to 9.00 pm.
- 14 It is proposed a moratorium on new off-licences would apply to the following area:



There have been no new licensed premises in the proposed area for over 10 years, however the inclusion of this element would stop any new off-licence premises being established in the vulnerable student area.

- 15 There is no restriction mentioned in the current LAP regarding external advertising or promotion of alcohol. The subject has recently been raised at three off-licence hearings and the District Licensing Committee (DLC) has imposed conditions relating to what they consider is acceptable. The inclusion of this element in a LAP may be considered a 'discretionary' condition to be used by the Committee after considering all the factors relating to the premises, for example, its location in relation to sensitive facilities.
- 16 On-licence premises across the district can currently open at 8.00 am. A proposed later opening time of 9.00 am will likely have a minimal impact upon premises in Dunedin. While licensed cafes would still be able to open earlier, they would not be able to sell alcohol.
- 17 Dunedin currently has one premises classified as an 'entertainment' venue with the 5.00 pm to 4.00 am licence hours. It is considered unnecessary by the regulatory agencies, the Police, Medical Officer of Health, and Licensing Inspectors, for a premises to be open past 3.00 am.
- 18 Licensed clubs must have a certified manager, however there is currently no requirement for that person to be at the club when it is trading. It is proposed that certified managers are to be present after 5.00 pm or when there are 50 or more people present. This is proposed is a discretionary condition for the Committee to impose when considering any risks associated with the premises.

- 19 The definition of a ‘sensitive facility’ which is used in the current LAP does not include marae or places of worship. It is proposed to include these into the definition.

OPTIONS

Option One – Recommended Option

- 20 Approve the attached draft LAP, subject to legal review, for public consultation.

Advantages

- Further reduction of alcohol-related harm in the community by improving the safe and responsible sale and consumption of alcohol.
- The community will have the opportunity to make submissions on the proposed LAP to reflect their views.
- The change in legislation will allow the resulting policy to better reflect the aspirations of the community.

Disadvantages

- Possible extra costs for specified clubs to have a certified manager on site after 5pm.

Option Two – Abandon the LAP

- 21 This option would mean the current LAP would expire on 1 February 2025.

Advantages

- No Council resources will be used in the development, and subsequent monitoring, of a LAP.

Disadvantages

- While alcohol licences could still be granted, the default position for all licences would be as set out in Act without reference to the local context.
- Alcohol-related harm in the community may increase without any further checks and balances that a LAP can provide.
- The DLC would have no ability to grant licences which reflected the wishes of the community.

NEXT STEPS

- 22 Obtain a legal review of the draft LAP prior to its notification.
- 23 Publicly notify the draft LAP with public consultation to take place between 14 October and 14 November 2024.
- 24 Submissions Hearings to occur on 27 and 28 November, and on 4 and 5 December if required.

SUMMARY OF CONSIDERATIONS

Fit with purpose of Local Government

This decision enables democratic local decision making and action by, and on behalf of communities.
This decision promotes the social well-being of communities in the present and for the future.
This decision promotes the cultural well-being of 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"/>	✓
Future Development Strategy	✓	<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"/>	✓

This proposal aligns with the following strategic priorities: Social Wellbeing’s priorities of vibrant and cohesive communities, and safe and healthy people; Economic Development priority of a compelling destination; and Future Development priorities of liveable city, and vibrant and exciting city.

Māori Impact Statement

The 2022/23 New Zealand Health Survey by the Ministry of Health found that the highest prevalence of hazardous drinking was among Māori men (30.9%). The large differences still persist in the prevalence of hazardous drinking between Māori and non-Māori in the previous surveys. Māori men were 1.5 times more likely to report hazardous drinking than non-Māori men. Māori women were 1.98 times more likely to report hazardous drinking than non-Māori women. By reducing harm from alcohol, the Crown are more effectively meeting their obligations under the Treaty of Waitangi. Article Two of the Treaty of Waitangi guarantees Māori authority over their taonga, including their hauora (health).

Sustainability

There are no implications for sustainability.

LTP/Annual Plan / Financial Strategy /Infrastructure Strategy

There are no identified implications for the LTP/Annual Plan, Financial or Infrastructure Strategies.

Financial considerations

There are no financial considerations identified.

Significance

This decision is considered to be low significance in terms of the Council’s Significance and Engagement Policy.

SUMMARY OF CONSIDERATIONS

Engagement – external

Various organisations were consulted with during the development of the draft LAP, including: Police, Medical Officer of Health/Health NZ Southern, St John Ambulance, University of Otago, Students' Associations, University Proctor, ADL NZ, ACC, Hospitality NZ, Students for Sensible Drug Policy Ōtepoti Dunedin, Know Your Stuff, and Mirror Services.

Engagement - internal

The Licensing Inspectors and DCC in-house legal counsel were consulted during the drafting of the LAP.

Risks: Legal / Health and Safety etc.

There are no known risks. If the LAP is not renewed, the default position stated in the Sale and Supply of Alcohol Act 2012 would apply, and the District Licensing Committee still has the ability to impose conditions on licences on a case-by-case basis after considering the information presented.

Conflict of Interest

There is no known conflict of interest.

Community Boards

There are no known implications for the Community Boards.

GIFT OF LAND AT PORTOBELLO FROM THE OTAGO PENINSULA AGRICULTURAL AND PASTORAL SOCIETY

Department: Parks and Recreation

EXECUTIVE SUMMARY

- 1 This report deals with the gifting of approximately 1.1735 hectares of land owned by The Otago Peninsula Agricultural and Pastoral Society (the Society) to the Council. This land is shown on Attachment A (the Land).
- 2 Negotiations to transfer ownership of the Land to the Council started in 2019 and have been formalised in an Agreement for Sale and Purchase executed on 8 July 2024 that records the terms for the land transfer to the Council (the Agreement). A copy of the Agreement is attached as Attachment B.
- 3 The Agreement is conditional on the elected Council:
 - a. Approving the terms of the Agreement;
 - b. Passing a resolution to declare the property as a reserve under section 14 of the Reserves Act 1977;
 - c. Passing a resolution to classify the property as a recreation reserve under section 16 of the Reserves Act 1977; and
 - d. Notifying the Society in writing of the approval within one year from the date of the Agreement.
- 4 The Agreement entitles the elected Council to grant or withhold its approval at its discretion and without giving any reason.

RECOMMENDATIONS

That the Council:

- a) **Notes** the information contained in this Report
- b) **Approves** the terms of the Agreement for Sale and Purchase executed between The Otago Peninsula Agricultural and Pastoral Society and the Council and accepts the gift of land.
- c) **Authorises** the public notification of Council's intention to declare the land referred to in the Agreement for Sale and Purchase as a recreation reserve under section 14 of the Reserves Act 1977.

- 13 Should the Council pass both of these resolutions, the resolutions would then be gazetted and the Council and the Society can proceed to settle the Land gifting.

OPTIONS

Option One – Recommended Option

- 14 This option confirms acceptance for the gifting of the Land and authorises public notification of the intention to declare the Land to be recreation reserve subject to the Reserves Act 1977.

Advantages

- The community benefits from addition of a significant area of land to the Portobello Domain Recreation Reserve and the ability to manage the Land as reserve to enhance the existing range of recreational opportunities in this locality.

Disadvantages

- The Council will be responsible for all costs in relation to the Land.

Option Two – Status Quo

- 15 This would involve either seeking a new lease from the Society (although the Society is winding up) or the land being offered by the Society on the open market.

Advantages

- The Council will not have any costs in relation to the Land.

Disadvantages

- The Portobello Domain Recreation Reserve retains its current form and size, and recreational opportunities in this locality remain somewhat limited.

NEXT STEPS

- 16 If the recommendations above are confirmed, then arrangements will be made to undertake the public notification of the intention to declare the Land to be recreation reserve subject to the Reserves Act 1977 and receive any submissions.

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	Aerial photo showing Otago Peninsula A&P Society land to be Gifted to DCC	65
↓B	Executed ASAP The Otago Peninsula Agricultural & Pastoral Society land gift to DCC	66

SUMMARY OF CONSIDERATIONS

Fit with purpose of Local Government

This decision enables democratic local decision making and action by, and on behalf of communities. The recommended option relates to the provision of new land for public recreational use

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"/>	<input type="checkbox"/>
Environment Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Arts and Culture Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3 Waters Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Future Development Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Integrated Transport Strategy	<input type="checkbox"/>	<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"/>	<input type="checkbox"/>

Acquiring this land will add to the opportunities for passive and active recreation in this rural setting.

Māori Impact Statement

No known impacts for Māori.

Sustainability

The extension of the Portobello Domain through acquiring the land will provide the ability to consider new recreational activities and uses for the land otherwise not presently possible in this location.

LTP/Annual Plan / Financial Strategy /Infrastructure Strategy

None at this time.

Future uses once identified may require recognition through subsequent LTP or Annual Plans.

Financial considerations

No immediate costs other than those required to effect the transfer of ownership should approval be given to accept the land gifting.

Significance

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

Engagement – external

With the Trustees of The Otago Peninsula Agricultural and Pastoral Society

Engagement – internal

Council’s Chief Executive Officer, Parks and Recreation Senior Leadership Team and Council’s in-house Legal team

Risks: Legal / Health and Safety etc.

There are no material risks associated with the decisions.

SUMMARY OF CONSIDERATIONS

Conflict of Interest

There are no known conflicts of interest.

Community Boards

The land to be gifted is located within the Otago Peninsula Community Board area.
The Community Board is aware of the proposed gift of land and supports the purchase.

