

## Council MINUTES

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Minutes of an ordinary meeting of the Dunedin City Council held in the Council Chamber, Dunedin Public Art Gallery, The Octagon, Dunedin on Tuesday 30 April 2024, 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	

### IN ATTENDANCE

Sandy Graham (Chief Executive Officer), Robert West (General Manager Corporate Services), Jeanette Wikaira (General Manager Arts, Culture and Recreation), Claire Austin (General Manager Customer and Regulatory), Scott MacLean (General Manager Climate and City Growth), Nicola Morand (Manahautū - General Manager Policy and Partnerships), Sharon Bodeker (Special Project Manager), Gina Hu'akau (Corporate Policy Manager), Owen Graham (Senior Leasing and Land Advisor) and Clare Sullivan (Manager Governance) .

**Governance Support Officer** Lynne Adamson

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## 1 OPENING

Ruth Groffman opened the meeting with prayers on behalf of the Scientology and Jewish communities.

## 2 PUBLIC FORUM

### 1.1 Notice of Motion re Disability Funding

Chris Ford spoke on behalf of the Disabled Persons Assembly on the proposed Notice of Motion on Disability Support Funding.

Mr Ford commented on the detrimental impact the funding changes had and how they caused distress and anxiety for the disabled community and their families. He urged Councillors to support the Notice of Motion.

Mr Ford responded to questions.

#### 1.2 Installation of Plaque and Information Board in the Octagon

Tyler West spoke on his proposal to install a memorial plaque and information board in the Octagon to commemorate the mass casualty in the 1879 Café Chantant fire. Mr West provided an overview on the history, scale of the disaster and the lives lost. He commented on other memorials around the city but noted that as this was in the centre and warranted have a public commemoration.

Mr West responded to questions.

#### 1.3 Fluoridation

Robyn Vintiner spoke against fluoridation of the water and her reasons for this stance.

Ms Vintiner responded to questions.

### 3 APOLOGIES

Moved (Mayor Jules Radich/Cr Mandy Mayhem):

That the Council:

- a) **Accepts** the apology for early departure from Cr Christine Garey.

**Motion carried (CNL/2024/057)**

### 4 CONFIRMATION OF AGENDA

Moved (Mayor Jules Radich/Cr Steve Walker):

That the Council:

**Confirms** the agenda without addition or alteration.

**Motion carried (CNL/2024/058)**

### 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/2024/059)**

## **6 CONFIRMATION OF MINUTES**

### **6.1 ORDINARY COUNCIL MEETING - 27 MARCH 2024**

Moved (Mayor Jules Radich/Cr Cherry Lucas):

That the Council:

- a) **Confirms** the public part of the minutes of the Ordinary Council meeting held on 27 March 2024 as a correct record.

**Motion carried (CNL/2024/060)**

## **REPORTS**

### **7 ACTIONS FROM RESOLUTIONS OF COUNCIL MEETINGS**

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

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

Moved (Mayor Jules Radich/Cr Kevin Gilbert):

That the Council:

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

**Motion carried (CNL/2024/061)**

### **8 FORWARD WORK PROGRAMME FOR COUNCIL - APRIL 2024**

A report from Civic provided the updated forward work programme for the 2023-2024 year.

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

Moved (Mayor Jules Radich/Cr Cherry Lucas):

That the Council:

- a) **Notes** the updated Council forward work programme.

**Motion carried (CNL/2024/062)**

## 9 FEEDBACK FOR DRAFT STATEMENTS OF INTENT 2024/25

A report from Civic provides a summary of elected member feedback on the draft Statements of Intent 2024/25 of the Dunedin City Holdings Ltd (DCHL) Group companies for consideration. The report noted that the approved feedback would be provided to DCHL for its consideration in preparing the final Statements of Intent.

Cr Carmen Houlahan left the meeting at 10.42 am and returned at 10.45 am.

The Special Project Manager (Sharon Bodeker) spoke to the report and responded to questions.

Moved (Mayor Jules Radich/Cr Cherry Lucas):

That the Council:

- a) **Approves** the feedback including that received at the meeting on the draft Statements of Intent.
- b) **Notes** that the approved feedback would be provided to Dunedin City Holdings Limited for its consideration in preparing the final Statements of Intent.

**Motion carried (CNL/2024/063)**

## 10 SUBMISSION ON THE OTAGO REGIONAL COUNCIL'S DRAFT LONG TERM PLAN 2024-34

A report from Policy sought approval of a draft Dunedin City Council submission to the Otago Regional Council (ORC) on "A Stronger Future for Otago", the ORC's Draft Long-Term Plan 2024-34.

The Manahautū (General Manager Māori Partnerships and Policy) Nicola Morand and Corporate Policy Manager (Gina Hu'akau) spoke to the report and responded to questions.

During discussion Cr Christine Garey left the meeting at 11.11 am.

Moved (Mayor Jules Radich/Cr Marie Laufiso):

That the Council:

**Adjourns** the meeting for 10 minutes.

**Motion carried**

The meeting adjourned at 11.18 am and reconvened at 11.37 am.

Moved (Mayor Jules Radich/Cr Cherry Lucas):

That the Council:

- a) **Approves** the amended draft Dunedin City Council submission on the Otago Regional Council's Draft Long Term Plan 2024-34;
- b) **Authorises** the Chief Executive to make any minor editorial amendments to the submission;
- c) **Authorises** the Mayor or delegate to speak to the submission at any hearings.

**Motion carried (CNL/2024/064)** with Cr Lee Vandervis recording his vote against

#### **11 APPROVAL TO GRANT ELECTRICITY EASEMENT TO AURORA ENERGY LIMITED - PART BELFORD STREET RECREATION RESERVE, DUNEDIN**

A report sought approval of an application by Aurora Energy Limited for the grant of an electricity easement over part of Belford Street Recreation Reserve in Dunedin.

The General Manager Arts, Culture and Recreation (Jeanette Wikaira) and Senior Leasing and Land Advisor (Owen Graham) spoke to the report and responded to questions.

Moved (Cr Lee Vandervis/Cr Carmen Houlahan):

That the Council:

- a) **Grants**, as owner of Belford Street Recreation Reserve, pursuant to Section 48 of the Reserves Act 1977, an easement in gross to Aurora Energy Limited for the existing electricity transformer and installation of the associated equipment and cabling over part of the Belford Street Recreation Reserve, contained in Record of Title 1155260.
- 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 existing electricity transformer and installation of the associated equipment and cabling over part of the Belford Street Recreation Reserve, contained in Record of Title 1155260.

**Motion carried (CNL/2024/065)**

#### **12 APPROVAL TO GRANT ELECTRICITY EASEMENT TO AURORA ENERGY LIMITED FOR ITS HIGH STREET NO. 2 SITE: PART DUNEDIN TOWN BELT RECREATION RESERVE AND LOCAL PURPOSE (SITE FOR ELECTRICAL SUBSTATION) RESERVE**

A report from Parks and Recreation sought approval of an application by Aurora Energy Limited for the grant of an electricity easement over part of Dunedin Town Belt Recreation Reserve and part of a Local Purpose (Site for Electrical Substation) Reserve known by Aurora Energy Limited as the 'High Street No. 2 site'.

The General Manager Arts, Culture and Recreation (Jeanette Wikaira) and Senior Leasing and Land Advisor (Owen Graham) spoke to the report and responded to questions.

Moved (Mayor Jules Radich/Cr Carmen Houlahan):

That the Council:

- a) **Grants**, as owner of Dunedin Town Belt Recreation Reserve and the Local Purpose (Site for Electrical Substation) Reserve, pursuant to Section 48 of the Reserves Act 1977, an easement in gross to Aurora Energy Limited for the existing electricity transformer and installation of associated equipment and cabling over part of the Dunedin Town Belt Recreation Reserve and Local Purpose (Site for Electrical Substation) Reserve, both contained in Record of Title OT19C/115.
- 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 existing electricity transformer and installation of associated equipment and cabling over part of the Dunedin Town Belt Recreation Reserve and Local Purpose (Site for Electrical Substation) Reserve, both contained in Record of Title OT19C/115.

**Motion carried (CNL/2024/066)**

### **13 HEARINGS SUBCOMMITTEE RECOMMENDATION ON DUNEDIN'S GAMBLING AND TAB VENUE POLICY REVIEW**

The report presented the Hearings Subcommittee's recommendation on the review of Dunedin's Gambling and TAB Venue Policy.

The Hearings Subcommittee Chairperson (Cr Bill Acklin) spoke to the report.

Moved (Cr Bill Acklin/Cr Lee Vandervis):

That the Council:

- a) **Notes** that the Hearings Subcommittee heard and considered submissions on the Gambling and TAB Venue Policy;

#### **Division**

The Council voted by division

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

Against: Nil

Abstained: Nil

The division was declared CARRIED by 14 votes to 0

**Motion carried (CNL/2024/067)**

Moved (Cr Bill Acklin/Cr Lee Vandervis):

That the Council:

- b) **Approves** the amended Gambling and TAB Venue Policy. This included the change to align the policy with the wording used in the Act.

**Division**

The Council voted by division

For: Crs Bill Acklin, Sophie Barker, David Benson-Pope, Kevin Gilbert, Carmen Houlahan, Cherry Lucas, Jim O'Malley, Lee Vandervis, Steve Walker, Brent Weatherall, Andrew Whiley and Mayor Jules Radich (12).  
Against: Crs Marie Laufiso and Mandy Mayhem (2).  
Abstained: Nil

The division was declared CARRIED by 12 votes to 2

**Motion carried (CNL/2024/068)**

Moved (Mayor Jules Radich/Cr Andrew Whiley):

That the Council:

- c) **Conducts** a full review of the policy, noting the matters raised by the submitters.

**Division**

The Council voted by division

For: Crs Bill Acklin, Kevin Gilbert, Brent Weatherall, Andrew Whiley and Mayor Jules Radich (5).  
Against: Crs Sophie Barker, David Benson-Pope, Carmen Houlahan, Marie Laufiso, Cherry Lucas, Mandy Mayhem, Jim O'Malley, Lee Vandervis and Steve Walker (9).  
Abstained: Nil

The division was declared **LOST** by 5 votes to 9

**14 APPOINTMENT TO EXTERNAL ORGANISATION**

Cr Chery Lucas withdrew from this item.

A report from Civic recommended an appointment to the Taieri Airport Trust following the retirement of Trust member Mr John Bezett.

Moved (Cr Lee Vandervis/Cr Carmen Houlahan):

That the Council:

- a) **Appoints** Cr Cherry Lucas to the Taieri Airport Trust effective from 30 April 2024.  
b) **Records** its thanks to Mr John Bezett for his service the Trust since 2004.

**Motion carried (CNL/2024/069)**

## 15 PROPOSED EVENT ROAD CLOSURES - MAY 2024

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

- a) May Graduation Parades
- b) Motorsport Event - Centre Road
- c) Motorsport Event - Patmos Avenue and Maxwellton Street

Moved (Cr David Benson-Pope/Cr Carmen Houlahan):

That the Council:

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

### i) May Graduation Events

Parades to depart from Great King Street at 11.30am.

Saturday 11 May 2024	11.00am to 11.30am	<ul style="list-style-type: none"> <li>Great King Street, between Frederick Street and Albany Street</li> </ul>
and  Saturday 18 May 2024	11.10am to 11.45am (approx.)	<ul style="list-style-type: none"> <li>Frederick Street, between Great King Street and George Street</li> <li>George Street, between Frederick Street and Moray Place</li> </ul>
	11.10am to 12.30pm	<ul style="list-style-type: none"> <li>Moray Place, between George Street and Upper Stuart Street</li> <li>Filleul Street, between Moray Place and St Andrew Street</li> </ul>

### ii) Motorsport Event – Centre Road (Taieri)

Sunday 12 May 2024	9.00am to 5.00pm	<ul style="list-style-type: none"> <li>Centre Road, between Otokia Road East and Marshall Road East</li> </ul> <p>This will affect Poplar Road East and Poplar Road West</p>
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### iii) Motorsport Event – Patmos Avenue and Maxwellton Street

Sunday 19 May 2024	9.00am to 5.00pm	<ul style="list-style-type: none"> <li>Patmos Avenue, from Malvern Street to Maxwellton Street</li> </ul>
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		<ul style="list-style-type: none"> <li>Maxwellton Street, from Patmos Avenue to Pine Hill Road</li> </ul>
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**Motion carried (CNL/2024/070)**

Moved (Mayor Jules Radich/Cr Steve Walker):

That the Council:

**Adjourns** the meeting until 1.30 pm.

**Motion carried**

The meeting adjourned at 12.43 pm and Cr David Benson-Pope left the meeting.

The meeting reconvened at 1.33 pm

**16 NOTICE OF MOTION - RATES REBATE**

In accordance with Standing Order 26.1, a Notice of Motion was received from Cr Mandy Mayhem.

Cr Mandy Mayhem requested an alteration to the Notice of Motion with the removal of the words “and lower the abatement threshold to \$25,000” by agreement of the meeting. The alteration was approved by a show of hands.

Cr Mayhem spoke to the Notice of Motion.

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

That the Council:

- a) **Writes** to Hon Simeon Brown, Minister of Local Government and requests that the Government increase the adjustment to the Rates Rebate Scheme to between \$1,000 and \$1,500.

**Division**

The Council voted by division

For: Crs Bill Acklin, Sophie Barker, Kevin Gilbert, Carmen Houlahan, Marie Laufiso, Cherry Lucas, Mandy Mayhem, Jim O'Malley, Steve Walker and Andrew Whiley (10).

Against: Crs Lee Vandervis, Brent Weatherall and Mayor Jules Radich (3).

Abstained: Nil

The division was declared CARRIED by 10 votes to 3

**Motion carried (CNL/2024/071)**

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

That the Council:

- b) **Develops** a Remit on the Rates Rebate Scheme for consideration at the LGNZ AGM.

**Division**

The Council voted by division

For: Crs Bill Acklin, Sophie Barker, Kevin Gilbert, Carmen Houlahan, Marie Laufiso, Cherry Lucas, Mandy Mayhem, Jim O'Malley, 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/2024/072)**

**17 NOTICE OF MOTION - DISABILITY SUPPORT FUNDING**

In accordance with Standing Order 26.1, a Notice of Motion was received from Cr Mandy Mayhem.

Cr Mayhem spoke to the Notice of Motion.

Moved (Cr Mandy Mayhem/Cr Steve Walker):

That the Council:

- a) **Writes** to Hon Louise Upston, Minister for Disability Issues and requests:
  - i) An immediate reversal of the changes made on 18 March 2024 to the Purchasing Rules and Equipment Modifications; and
  - ii) That consistent access be given to the flexible disability support funding.

**Motion carried (CNL/2024/073)** with Cr Lee Vandervis recording his vote against

**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 - 27 February 2024 - Public Excluded	S7(2)(b)(ii) The withholding of the information is necessary to protect information where the making		

available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.

S7(2)(a)

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

C2 Ordinary Council meeting - 12 March 2024 - Public Excluded

S7(2)(b)(ii)

The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.

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.

C3 Confidential Council Actions from Resolutions at Council Meetings

S7(2)(a)

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

S48(1)(a)

The public conduct of the part of the meeting would be likely to result in the disclosure of information for

	S7(2)(g) The withholding of the information is necessary to maintain legal professional privilege.	which good reason for withholding exists under section 7.
	S7(2)(h) The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.	
	S7(2)(i) The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	
C4 Confidential Council Forward Work Programme - April 2024	S7(2)(h) The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.	S48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.
C5 Property Upgrade	S7(2)(h) The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.	S48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.
	S7(2)(i) The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including	

C6 Agreement to Grant Telecommunications Licence - Airways Corporation of New Zealand Limited - Swampy Summit	commercial and industrial negotiations). S7(2)(h) The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.	S48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.
	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/2024/074)**

Moved (Mayor Jules Radich/Cr Kevin Gilbert):

That the Council:

**Adjourns** the meeting for 10 minutes.

**Motion carried**

The meeting moved into confidential at 2.39 pm

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MAYOR