

**CONFIRMED MINUTES OF A MEETING OF THE
DUNEDIN CITY COUNCIL HELD IN THE COUNCIL
CHAMBER, MUNICIPAL CHAMBERS ON
MONDAY, 14 DECEMBER 2015, COMMENCING
AT 1.05 PM**

PRESENT: Mayor Dave Cull, Councillors Chris Staynes (Deputy Mayor), David Benson-Pope, Hilary Calvert, Doug Hall, Aaron Hawkins, Mike Lord, Jinty MacTavish, Andrew Noone, Lee Vandervis, Andrew Whiley and Kate Wilson

IN ATTENDANCE: Sue Bidrose (Chief Executive Officer), Simon Pickford (General Manager Services and Development), Ruth Stokes (General Manager Infrastructure and Networks), Grant McKenzie (Group Chief Financial Officer), Sandy Graham (Group Manager Corporate Services), Graham McKerracher (Manager, Council Communications and Marketing), Adrian Blair (Group Manager Regulatory Services), Ros MacGill (Manager Environmental Health and Animal Services), Peter Hanlin (Senior Animal Control Officer), John Christie (Director, Enterprise Dunedin), Nicola Pinfold (Group Manager Community and Planning), Maria Ioannou (Corporate Policy Manager), Lesley Marriott (GigCity Project Coordinator), Gavin Logie (Financial Controller), Kristy Rusher (Manager Civic and Legal), Karilyn Canton (In-House Legal Counsel) and Pam Jordan (Governance Support Officer)

CHAIR: Mayor Dave Cull

OPENING PRAYER: Very Reverend Dr Trevor James, Dean, St Paul's Cathedral

PUBLIC FORUM:

a) **Dunedin Save Our Courthouse Campaign** – Anne Stevens

Mrs Stevens thanked the Council for its involvement in the Save our Courthouse campaign. She believed that it was pivotal to the success of the campaign to have the Council on board and also noted that individually some Councillors had worked very hard on the campaign. Some communities' courthouses would not get saved, however the Council's involvement meant there was a mandate from Dunedin residents. The group had written to Ministers, and the publicity and campaign would continue until the task was completed. She would like the Council to stay on board for the next stage.

b) **Trans Pacific Partnership Agreement** – Jen Olsen

Ms Olsen thanked Mayor Cull for speaking out on climate change and the Council for passing the notice of motion at the previous meeting from Councillors Hawkins and MacTavish on carbon emissions reduction and related topics. She was one of the organisers of the recent climate change march. She referred to a motion recently

passed by the Greater Wellington Regional Council on the Trans Pacific Partnership Agreement (TPP) which she had circulated, and hoped that one of Dunedin's Councillors would be prepared to put forward a similar motion. She believed that if the TPP was agreed to, it would make it more difficult to take action on climate change. Asking the NZ Government to place a moratorium on deep sea oil and gas exploration may not be possible under the TPP. She believed it was really important to take a firm stand against the TPP and would like the Council to say this was not what it wanted for New Zealand.

c) **Update from Mountain Biking Otago** – Chris Arbuckle and James Crawford

Mr Arbuckle advised that he was officially representing the New Zealand Walking Access Commission which had the objective of ensuring public access in New Zealand. The Commission recognised councils and council staff who conducted themselves in an open manner and helped the Commission to achieve these objectives. Mountain Biking Otago, of which he and Mr Crawford were members, had nominated the Council's Recreation Planning Officer, Andrew Lonie, for an award for the positive contribution he had made towards mountain biking activities in the Otago region. Mr Lonie had worked with Mountain Biking Otago very closely in recent years. The award was presented to Andrew Lonie and he was congratulated on his achievement.

Mayor Cull extended thanks to the group for the work they had done.

d) **Syrian Refugees** – Steve Addison

Mr Addison reported that he had returned recently from Jordan and Turkey and wished to report on the plight of Syrian refugees in those countries. He endorsed the stance of the Council in supporting refugee resettlement in Dunedin and noted that small numbers would make a difference even though the number of refugees taken by New Zealand was not a lot compared to the scale of the numbers involved.

Mr Addison showed a series of photos of the Zaatri Refugee Camp in Jordan, four kilometres from the Syrian border. He described the conditions and noted that work needed to be done where refugees were, to improve the living standards in tents and also the standard and availability of education.

e) **Education Programme at the Art Gallery** – Kerry McKay

Ms McKay advised that she was a teacher/educator/artist and was concerned about the removal of the Dunedin Public Art Gallery's Learning Experiences Outside the Classroom (LEOTC) funding by the Ministry of Education. She considered that education was important for communities and that children needed experiences outside the classroom. Many children went through the Art Gallery classroom, and for some, this was their only experience of a gallery. Art education was not just for schools and families, it was a community responsibility. Ms McKay had seen programmes in operation at many galleries and she considered that the programme at the Dunedin Public Art Gallery was special. She believed that Education Officer, John Neumegen, ran an exceptional programme for primary and secondary aged children, and children remembered their experiences many years later. Teachers valued what he did with their classes and children learned that the Art Gallery was a cool place to be. The art collection was used for education purposes and the programme was regularly honed to meet local needs

The Council was informed that this matter would be considered during Annual Plan discussions in the New Year.

f) **Climate Change/Rising Sea Levels** – Peter Foster

Mr Foster circulated a submission which concluded that the sea level rise projection of the Intergovernmental Panel on Climate Change was the result of computer models that used guesses, assumptions of questionable validity and was based on a hypothesis that was not supported by evidence. He also circulated a paper "Sea-Level Change: Living With Uncertainty" by Willem P de Lange and Robert M Carter, and played a speech by Patrick Moore of Prager University, "What They Haven't Told You About Climate Change".

1 **APOLOGIES**

Apologies were received from Councillors Neville Peat and Richard Thomson (for absence) and Councillor John Bezett (for lateness).

It was moved (The Mayor/Staynes):

"That the apologies be accepted."

Motion carried

2 **CONFIRMATION OF AGENDA**

It was moved (The Mayor/Staynes):

"That the agenda be confirmed without addition or alteration."

Councillor Vandervis requested that items 19-22 should be considered in public.

Following discussion the motion was **put and carried** with Councillor Vandervis recording an abstention for the reason that he considered that there was no possibility of being able to vote meaningfully on the non-option non-public papers.

3 **DECLARATION 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.

MINUTES OF COMMITTEES

4 **HEARINGS COMMITTEE**

a) **Hearings Committee – 5 August, 18 and 25 November 2015
(Proposed Restriction of Vehicles from Part of Jetty Street)**

It was moved (Wilson/Lord):

"1 That Part A (item 1) of the minutes of the Hearings Committee held on 5 August, 18 and 25 November 2015 be noted and confirmed."

- 2 That Part C (item 1) of the minutes of the Hearings Committee meeting held on 5 August, 18 and 25 November 2015 be taken in the non-public part of the meeting."

Motion carried

5 **SUSTAINABILITY AUDIT SUBCOMMITTEE – 15 OCTOBER 2015**

It was moved (MacTavish/Wilson):

"That the minutes of the Sustainability Audit Subcommittee held on 15 October 2015 be noted and confirmed (including the non-public part of the meeting)."

Motion carried

6 **AUDIT AND RISK SUBCOMMITTEE – 19 OCTOBER 2015**

It was moved (Staynes/Calvert):

"1 That the public part of the minutes of the Audit and Risk Subcommittee meeting held on 19 October 2015 (including items 10 and 16 of the non-public part of the minutes) be noted and confirmed.

- 2 That Part C (items 11-15) of the minutes of the Audit and Risk Subcommittee meeting held on 19 October 2015, be taken in the non-public part of the meeting."

Motion carried

7 **GRANTS SUBCOMMITTEE – 24 NOVEMBER 2015**

It was moved (MacTavish/Wilson):

"1 That Part A (items 1-6, 8-9) of the minutes of the Grants Subcommittee meeting held on 24 November 2015 be noted and confirmed."

Motion carried

It was moved (MacTavish/Wilson):

"2 That the following Part B item of the minutes of the Grants Subcommittee meeting held on 24 November 2015 be noted and confirmed:

Item 7: Property Arrangement Grant Application."

It was noted that this item was coming to Council so it could be considered as part of the Annual Plan process.

It was moved (The Mayor/Staynes):

"That the meeting adjourns for five minutes."

Motion carried

The meeting adjourned from 2.08 pm to 2.15 pm.

It was noted that the references in the minutes to the Chair's withdrawal and return for item 7 should be deleted.

The motion was then **put and carried**.

MINUTES OF COMMUNITY BOARDS

8 WAIKOUAITI COAST – 11 NOVEMBER 2015

It was moved (Noone/Vandervis):

"That the minutes of the meeting of the Waikouaiti Coast Community Board held on 11 November 2015 be noted."

Motion carried

9 OTAGO PENINSULA – 12 NOVEMBER 2015

It was moved (Noone/Vandervis):

"That the minutes of the meeting of the Otago Peninsula Community Board held on 12 November 2015 be noted."

Motion carried

10 STRATH TAIERI – 12 NOVEMBER 2015

It was moved (Noone/Vandervis):

"That the minutes of the meeting of the Strath Taieri Community Board held on 12 November 2015 be noted."

Motion carried

11 MOSGIEL TAIERI – 17 NOVEMBER 2015

It was moved (Noone/Vandervis):

"That the minutes of the meeting of the Mosgiel Taieri Community Board held on 17 November 2015 be noted."

Motion carried

12 CHALMERS – 18 NOVEMBER 2015

It was moved (Noone/Vandervis):

"That the minutes of the meeting of the Chalmers Community Board held on 18 November 2015 be noted."

Motion carried

13 **SADDLE HILL – 19 NOVEMBER 2015**

It was moved (Noone/Vandervis):

"That the minutes of the meeting of the Saddle Hill Community Board held on 19 November 2015 be noted."

Motion carried

REPORTS

14 **DRAFT DOG CONTROL POLICY AND BYLAW
DRAFT KEEPING OF ANIMALS (EXCLUDING DOGS) AND BIRDS BYLAW**

A report from Regulatory Services noted that the Council's Dog Control Policy (dog policy), Dog Control Bylaw (dog bylaw) and Keeping of Animals (Excluding Dogs) and Birds Bylaw (animal bylaw) had been reviewed and a number of changes were proposed in order to improve the balance between allowing Dunedin residents to keep animals and limiting the nuisance that animals caused to others.

A draft Statement of Proposal, including a draft dog control policy and dog control and keeping of animals bylaws were attached for consideration for adoption for formal consultation.

Following questions and discussion it was moved (Benson-Pope/MacTavish):

"That the Council:

- a) **Notes that a report on this matter was previously considered by the Planning and Regulatory Committee on 13 October 2015 and is lying on the table pending the receipt of legal advice on the topic of protecting wildlife from cats.**
- b) **Notes that consideration of this matter by Council will enable the public consultation to commence earlier than if the matter is considered at the next ordinary meeting of the Planning and Regulatory Committee (which is scheduled for Tuesday, 9 February 2016). The report lying on the table at the Planning and Regulatory Committee will automatically lapse.**
- c) **Resolves that following a review of the Dog Control Bylaw 2004 which commenced on 14 June 2014:**
 - i) **in terms of section 155 of the Local Government Act 2002 a bylaw is the most appropriate and proportionate way of addressing the perceived problems;**
 - ii) **the proposed Dog Control Bylaw 2015 is (for the purpose of public consultation) the most appropriate and proportionate way of addressing the perceived problems;**
 - iii) **the proposed Dog Control Bylaw 2015 is not (for the purpose of public consultation) inconsistent with, and does not give rise to any implications under the New Zealand Bill of Rights Act 1990.**
- d) **Resolves that following a review of the Keeping of Animals Bylaw 2010 which commenced on 14 April 2015:**

- i) in terms of section 155 of the Local Government Act 2002 a bylaw is the most appropriate and proportionate way of addressing the perceived problems;
 - ii) the proposed Keeping of Animals Bylaw 2015 is (for the purpose of public consultation) the most appropriate form of bylaw;
 - iii) the proposed Keeping of Animals Bylaw 2015 is not (for the purpose of public consultation) inconsistent with, and does not give rise to any implications under the New Zealand Bill of Rights Act 1990.
- e) Adopts the proposed Dog Control Bylaw 2015, the proposed Dog Control Policy 2015 and the Keeping of Animals Bylaw 2015 together with the 'Animal Rules' statement of proposal for public consultation and commences the special consultative procedure.
 - f) Appoints a Hearings Subcommittee of Councillors Peat (Chair), Hall, Lord and Whiley to hear and consider submissions and recommend to Council the final forms of the proposed Dog Control Bylaw 2015, the proposed Dog Control Policy 2015 and the Keeping of Animals Bylaw 2015.
 - g) Requests staff explore with other agencies, a coordinated cross-agency approach to pest management in Dunedin.
 - h) Requests staff review the focus and adequacy of pest management in parks and reserves, for the purposes of the protection of indigenous species and ecosystems, within the 2016/17 financial year."

Following discussion the motion was **put and carried**.

15 **ADOPTING DUNEDIN'S FIRST ENERGY PLAN**

A report from Corporate Policy and Enterprise Dunedin provided the Council with a revised proposed Energy Plan 1.0 (Attachment A of the report) for adoption following public consultation.

The Plan had been revised by staff following public consultation and further work, including meetings with stakeholders.

A request was made for a single page summary of the Plan to be provided.

Following discussion it was moved (Staynes/Hawkins):

"That the Council:

- a) **Adopts the proposed Energy Plan 1.0.**

Councillor Noone left the meeting from 3.25 pm to 3.35 pm during the course of discussion.

Following discussion the motion was **put and carried**.

It was moved (MacTavish/Hawkins):

"That the Council:

- b) Requests staff consider including in the Energy Plan 1.0, Council's existing Food Resilience work, in response to submissions."**

Staff were thanked for their efforts in regard to this work.

Following further discussion the motion was **put and carried** with Councillor Vandervis recording his vote against.

16 GIGCITY DUNEDIN ACHIEVEMENTS TO DATE, CONTINUING AND FUTURE PROJECTS, AND NEXT STEPS

Councillors MacTavish and Whiley withdrew from the meeting at 3.47 pm.

A report from Enterprise Dunedin provided an update on the delivery of the GigCity Dunedin Project (formerly known as Gigatown Project) by reviewing city-wide progress against the goals outlined in the Gigatown Plan for Success. While it had taken a little time for momentum to build, progress one year on showed that both the Digital Community Trust and the Dunedin City Council were now delivering results against many of the goals and were progressing others as outlined in the Plan for Success.

Following discussion it was moved (Staynes/Hall):

"That the Council:

- a) Notes progress to date and plans for the next stage of the GigCity Dunedin Project.**
- b) Acknowledges the work of the Digital Community Trust during the first year of the GigCity Dunedin Project."**

Motion carried

Councillors MacTavish and Whiley returned to the meeting at 3.48 pm.

Standard and Poor's Credit Rating

The Group Chief Financial Officer here reported that advice had just been received that Standard and Poor's had confirmed the Council's AA long term credit rating in its latest review.

17 PROCUREMENT POLICY (PROPOSED), DECEMBER 2015

A report from Finance advised Council staff had reviewed and updated the Procurement Policy. The Policy had been considered by the Audit and Risk Subcommittee and was now brought to Council for approval.

The Procurement Policy (Attachment A of the report) was considered by the Audit and Risk Subcommittee at its meeting on 8 December 2015, where it was resolved:

"That the Audit and Risk Subcommittee recommend the draft Procurement Policy for adoption at the next Council meeting.

It was noted during discussion that the term "vendors" would be changed to "suppliers".

Following discussion it was moved (Staynes/Noone):

"That the Council:

a) Adopts the Procurement Policy 2015 effective from 14 December 2015."

During the course of discussion Councillor Vandervis commented on a tender he had been involved with some years previously, details of which he stated he had reported to the Mayor. Mayor Cull requested him not to make allegations in public without evidence and subsequently asked him to leave the meeting as he had created disorder and no evidence had been produced for his allegations.

Councillor Vandervis left the meeting at 4.18 pm.

Mayor Cull then advised the Council that no allegations made by Councillor Vandervis had been backed up by evidence given either to him or the current or previous Chief Executive Officers.

The motion was then **put and carried**.

RESOLUTION TO EXCLUDE THE PUBLIC

It was moved (The Mayor/Staynes):

"That the public be excluded from the following parts of the proceedings of this meeting, namely, items 18-26.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

	General subject of each matter to be considered.	Reason for passing this resolution in relation to each matter.	Ground(s) under Section 48(1) for the passing of this resolution.
18	Audit and Risk Subcommittee meeting held on 19 October 2015 – Confirmation of Minutes		

(11)	Annual Report	<p>That the public conduct of the whole or the relevant part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists</p> <p>(To enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) – Section 7(2)(i))</p>	Section 48(1)(a)
(12)	Health and Safety	<p>That the public conduct of the whole or the relevant part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists</p> <p>(To protect the privacy of natural persons, including that of deceased natural persons – Section 7(2)(a))</p> <p>To avoid prejudice to measures that prevent or mitigate material loss to members of the public – Section 7(2)(e))</p>	Section 48(1)(a)
(13)	Data Analysis	<p>That the public conduct of the whole or the relevant part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists</p> <p>(The making available of the information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences and the right to a fair trial – Section 6(a))</p>	Section 48(1)(a)

(14)	Review Update	<p>That the public conduct of the whole or the relevant part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists</p> <p>(The making available of the information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences and the right to a fair trial – Section 6(a))</p>	Section 48(1)(a)
(15)	Department Register	<p>That the public conduct of the whole or the relevant part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists</p> <p>(To protect the privacy of natural persons, including that of deceased natural persons – Section 7(2)(a))</p>	Section 48(1)(a)
19	<p>Director Appointment for Dunedin City Holdings Limited and Dunedin City Treasury Limited</p>	<p>That the public conduct of the whole or the relevant part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists</p> <p>(To protect the privacy of natural persons, including that of deceased natural persons – Section 7(2)(a))</p>	Section 48(1)(a)
20	<p>Director Appointment Process</p>	<p>That the public conduct of the whole or the relevant part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists</p> <p>(To protect the privacy of natural persons, including that of deceased natural persons – Section 7(2)(a))</p>	Section 48(1)(a)

21	Director Remuneration – Dunedin City Holdings Limited/ Dunedin City Treasury Limited Board	That the public conduct of the whole or the relevant part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists	Section 48(1)(a)
		(To protect the privacy of natural persons, including that of deceased natural persons – Section 7(2)(a))	
		To protect information where the making available of the information would disclose a trade secret – Section 7(2)(b)(i))	
22	Director Remuneration	That the public conduct of the whole or the relevant part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists	Section 48(1)(a)
		(To protect the privacy of natural persons, including that of deceased natural persons – Section 7(2)(a))	
		To protect information where the making available of the information would disclose a trade secret – Section 7(2)(b)(i))	
23	Proposed Declaration to Make Parts of Jetty Street a Pedestrian Mall	That a right of appeal lies to any Court or Tribunal against the Dunedin City Council in these proceedings.	Section 48(1)(d)
		That the public conduct of the whole or the relevant part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists	Section 48(1)(a)
		(The making available of the information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences and the right to a fair trial – Section 6(a))	
		To maintain legal professional privilege – Section 7(2)(g))	

24	Investment Property Portfolio	That the public conduct of the whole or the relevant part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists	Section 48(1)(a)
		(To enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) – Section 7(2)(i)	
		To maintain legal professional privilege – Section 7(2)(g))	
25	Sale - 17 Henderson Street, Dunedin	That the public conduct of the whole or the relevant part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists	Section 48(1)(a)
		(To enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) – Section 7(2)(i))	
26	Final Audit of Dunedin City Council for the Year Ended 30 June 2015	That the public conduct of the whole or the relevant part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists	Section 48(1)(a)
		(To enable any local authority holding the information to carry out without prejudice or disadvantage, commercial activities – Section 7(2)(h)	
		To avoid prejudice to measures that prevent or mitigate material loss to members of the public – Section 7(2)(e)	
		To prevent disclosure or use of official information for improper gain or improper advantage – Section 7(2)(k))	

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 (in parenthesis) after each item."

Motion carried

The meeting moved into non-public at 4.20 pm.