

Date: Wednesday 26 August 2015
Time: 1pm
Meeting Room: Council Chambers
Venue: 15 Forth Street
Invercargill

Council

OPEN MINUTES FOR CONFIRMATION

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Council

OPEN MINUTES

Minutes of a meeting of Council held in the Council Chambers, 15 Forth Street, Invercargill on Wednesday, 5 August 2015 at 1pm.

PRESENT

Mayor	Mayor Gary Tong
Deputy Mayor	Paul Duffy
Councillors	Lyall Bailey
	Stuart Baird
	Brian Dillon
	Rodney Dobson
	John Douglas
	Bruce Ford
	George Harpur
	Julie Keast
	Ebel Kremer
	Gavin Macpherson
	Neil Paterson

IN ATTENDANCE

Chief Executive Steve Ruru, Group Manager Environment and Community Bruce Halligan, Chief Information Officer Damon Campbell, Group Manager Policy and Community Rex Capil, Group Manager Services and Assets, Ian Marshall, Chief Financial Officer Anne Robson, Communications and Governance Manager Louise Pagan, Committee Advisor Maree Fyffe, Strategy and Policy Manager Susan Cuthbert - Item 7.1, Community Development Team Leader Tina Geary and Southland Tourism, Events and Community Group Manager Bobbi Brown Item 7.2, Senior Resource Management Planner - Policy Courtney Ellison Item 7.3 and 7.4, Manager Environmental Health Michael Sarfaiti Item 8.2, Group Manager Enterprise and Strategic Projects Steve Canny - Item 8.3, Project Engineer Mark Simpson Item 8.4 and Manager Strategic Property Kevin McNaught Kevin McNaught Item 8.5.

Mayor Tong took the opportunity of thanking Committee Advisor Maree Fyffe for her service to Council, remarking she had been here as long as some of the Councillors and wished her well for the future.

1 Apologies

There were no apologies.

2 Leave of absence

2.1 The following Councillors applied for leave of absence and this was duly accepted by Council.

- Cr Harpur - 14/08/2015 to mid September 2015
- Cr Macpherson - 11/08/2015 to 01/09/2015
- Cr Paterson - 20/08/2015 to 02/09/2015

Moved Cr Dillon, seconded Cr Keast

and resolved that Council granted leave of absence to Crs Harpur, Macpherson and Paterson.

3 Conflict of Interest

There were no conflicts of interested noted and declared.

4 Public Forum

4.1 **Mrs Ruth Shaw of Manapouri was in attendance.**

Public Forum commenced at 1.02pm.

Mrs Shaw of the Fiordland Sewerage Options spoke on the Te Anau Wastewater project (refer Appendix 1).

Attachments

A Appendix 1 - Public Forum by Mrs Ruth Shaw of Fiordland Sewerage Options

5 Extraordinary/Urgent Items

5.1 **Resolution**

Moved Cr Macpherson, seconded Cr Keast

and resolved that subject to 46A of the Local Government Official Information and Meetings Act 1987, Council considers as a matter of urgent business:

- **Report on Rehabilitation Indemnity Agreement**

It was noted that this report was late because the Council did not receive notification of the issue until after the agenda for this meeting had closed.

It was agreed that this item should be considered as a decision needed to be made prior to 26 August 2015 and hence the item cannot be deferred to a subsequent meeting.

6 Confirmation of Council Minutes

Resolution

Moved Cr Bailey, seconded Cr Paterson

Confirms the minutes of Council, held on 15 July 2015 as a true and correct record.

The following minutes were brought forward in the agenda and confirmed.

9.5 Minutes of the Browns Community Development Area Subcommittee Meeting dated 5 March 2015

Record No: R/15/7/11528

Resolution

Moved Cr Paterson, seconded Cr Kremer

Receives the minutes of the Browns Community Development Area Subcommittee meeting held 5 March 2015 as information.

9.6 Minutes of the Colac Bay Community Development Area Subcommittee Meeting dated 26 February 2015

Record No: R/15/5/9466

Resolution

Moved Cr Dobson, seconded Cr Baird

That the Minutes of the Colac Bay Community Development Area Subcommittee Meeting dated 26 February 2015 be adopted and the following recommendations be resolved:

8.1. Venture Southland Report to Colac Bay CDA 26 Feb 2015 - Update on Community Initiatives

That the Colac Bay Community Development Area Subcommittee:

- a) **Receives the report titled “Venture Southland Report to Colac Bay CDA 26 Feb 2015 - Update on Community Initiatives” dated 13 February 2015.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**

9.7 Minutes of the Dipton Community Development Area Subcommittee Meeting

dated 12 November 2014

Record No: R/15/7/11536

Resolution

Moved Cr Bailey, seconded Cr Keast **and resolved that Council receives the minutes of the Dipton Community Development Area Subcommittee meeting held 12 November 2014 as information.**

9.8 Minutes of the Limehills/Centre Bush Community Development Area Subcommittee Meeting dated 5 March 2015

Record No: R/15/7/11532

Resolution

Moved Cr Paterson, seconded Cr Macpherson

and resolved that Council receives the minutes of the Limehills/Centre Bush Community Development Area Subcommittee meeting held 5 March 2015 as information.

9.9 Minutes of the Lumsden Community Development Area Subcommittee Meeting dated 20 April 2015

Record No: R/15/6/11050

Resolution

Moved Cr Douglas, seconded Cr Kremer

That the Minutes of the Lumsden Community Development Area Subcommittee Meeting dated 20 April 2015 be adopted and the following recommendations be resolved:

8.1. Dog Control Review

In his report Mr Sarfaiti (Environment Health Manager) referred to the following;

- Policy and Bylaw the Council must operate for the control of dogs
- Promotion of responsible dog ownership
- Making local dog control laws
- How dog registration fees are set

Other issues outlined to the Subcommittee included;

- Proposed new Dog Control measures
- Proposed local dog access rules
- Staff comments concerning the Winton dog access rules

Mr Sarfaiti advised the views of the community, including the CDA, are currently being sought through the special consultative process. The options for the subcommittee is to consider whether to make a submission or not and to note that submissions close on 30 April 2015 at 5.00pm.

Mr Sarfaiti added that he believed no changes to local dog access rules in Lumsden, as existing dog access rules reflect the wishes of local communities at the time they were approved.

Other comments in relation to the Lumsden urban area expressed by Mr Sarfaiti were;

- If the subcommittee believes there is a demand, popular riverside areas beside the town could be designated as on-leash. Currently all river sides near the town fall under the default access rule of under control with off-leash permitted.
- There is no designated dog exercise area in the town. A dog exercise area is an area where dogs are the priority user. It is recommended that the CDA identifies an area that may be designated as a dog exercise area. An example would be the land beside the rugby grounds on Iona Street, approximately on the edge of 26 Iona Street. The protection of users of the sports field will need to be managed, e.g. heightening the fence and/or it could be conditional that it may not be used when the rugby grounds are in use.
- The land beside the area suggested above (on 1, 3, and 5 Luna Street) is privately owned, and staff believes that some or all of this land could be purchased economically for use as a dog exercise area or dog park.

Recommendation

That the Lumsden Community Development Area Subcommittee:

- a) Receives the report titled “Dog Control Review” dated 13 April 2015.**
- b) Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) Determines that it has complied with the decision making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) Has an informal meeting on Wednesday 29 April 2015 to discuss the areas around the township for on or off lead and then lodge a submission on the dog control review.**
- e) Agrees for Mrs H Orchard to attend the informal meeting referred to in (d) above.**

9.10 Minutes of the Mossburn Community Development Area Subcommittee Meeting

dated 13 March 2015

Record No: R/15/7/12693

Resolution

Moved Cr Douglas, seconded Cr Kremer

and resolved that Council receives the minutes of the Mossburn Community Development Area Subcommittee meeting held 13 March 2015 as information.

9.11 Minutes of the Orepuki Community Development Area Subcommittee Meeting dated 17 February 2015

Record No: R/15/6/9925

Resolution

Moved Cr Dobson, seconded Cr Baird

and resolved that Council minutes of the Orepuki Community Development Area Subcommittee Meeting dated 17 February 2015 be adopted and the following recommendations be resolved by Council:

8.1. Venture Southland Report to Orepuki CDA 17 February 2015 - Update on Community Initiatives

That the Orepuki Community Development Area Subcommittee:

- a) **Receives the report titled “Works and Finance Report to Orepuki Community Development Area Subcommittee for the period ended 31 December 2014” dated 17 February 2015.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**

That the Orepuki Community Development Area Subcommittee:

- a) **Receives the report titled “Venture Southland Report to Orepuki CDA 17 February 2015 - Update on Community Initiatives” dated 17 February 2015.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**

9.12 Minutes of the Riverton/Aparima Community Board Meeting dated 29 April 2015

Record No: R/15/6/9926

Resolution

Moved Cr Dobson, seconded Cr Baird

That the Minutes of the Riverton/Aparima Community Board Meeting dated 29 April 2015 be adopted and the following recommendations be resolved by Council:

8.1. Dog Control Review

That the Riverton/Aparima Community Board:

- a) **Receives the report titled “Dog Control Review” dated 23 April 2015.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) **Agrees for the following submission to be lodged on behalf of the Board:**
 1. **The North Beach; existing exercise area needs to be noted in the Dog Control Policy 2015 as an approved dog exercise area.**
 2. **Mores Scenic Reserve; to be classified as “on leash only” and the Board requests appropriate signage at this site.**
 3. **Riverton Rocks Beaches situated from the Coastguard Building (Towack Street) to roads-end at Taramea (Howells Point) be classified as a “dogs prohibited area’ between the hours of 10.00am and 7.00pm daily all-year-round. However outside those hours dogs are permitted to be off-lead. The Board requests appropriate signage be placed at the areas involved.**
 4. **Taramea Bay Beach between the Adventure Playground and vehicle access to the Soundshell opposite 16 Taramea Bay Road; the status quo to prevail i.e. designated as a dog exercise area.**

8.2. Venture Southland Community Development Update

9.13 Minutes of the Te Anau Community Board Meeting dated 29 April 2015

Record No: R/15/6/10284

Resolution

Moved Cr Kremer, seconded Cr Dillon

That the Minutes of the Te Anau Community Board Meeting dated 29 April 2015 be adopted and the following recommendations be resolved by Council:

8.1. Dog Control Review

That the Te Anau Community Board:

- a) **Receives the report titled “Dog Control Review” dated 22 April 2015.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) **Prepares a submission on the Dog Control Review based on dog controls as listed above.**

Resolution

Moved Chairperson Carran, seconded Member O'Loughlin

That the Te Anau Community Board:

- a) **Receives the report titled “Public Places Liquor Control Bylaw 2005” dated 20 April 2015.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) **Recommends the status quo prevail and that there be no change to the current “Public Places Liquor Control Bylaw 2005” as it affects Te Anau Township.**

8.2. Public Places Liquor Control Bylaw 2005

That the Te Anau Community Board:

- a) **Receives the report titled “Dog Control Review” dated 22 April 2015.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**

- c) **Determines that it has complied with the decision making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) **Prepares a submission on the Dog Control Review based on dog controls as listed above.**

Resolution

Moved Chairperson Carran, seconded Member O'Loughlin

That the Te Anau Community Board:

- a) **Receives the report titled "Public Places Liquor Control Bylaw 2005" dated 20 April 2015.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) **Recommends the status quo prevail and that there be no change to the current "Public Places Liquor Control Bylaw 2005" as it affects Te Anau Township.**

8.3. Te Anau Community Board Representation on the Te Anau Wastewater Discharge Project Committee.

That the Te Anau Community Board:

- a) **Receives the report titled "Te Anau Community Board Representation on the Te Anau Wastewater Discharge Project Committee." dated 20 April 2015.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) **Recommends that Members Cockburn and Deaker represent the Te Anau Community Board on the Te Anau Wastewater Discharge Project Committee with Member Matheson as the alternate representative.**

9.14 Minutes of the Thornbury Community Development Area Subcommittee Meeting dated 24 February 2015

Record No: R/15/5/9467

Resolution

Moved Cr Dobson, seconded Cr Baird

That the Minutes of the Thornbury Community Development Area Subcommittee Meeting dated 24 February 2015 be adopted and the following recommendations be resolved by Council:

8.1. Venture Southland Report to Thornbury CDA 24 Feb 2015 - Update on Community Initiatives

Resolution

Moved by Cr Dobson, seconded by A Hall

That the Thornbury Community Development Area Subcommittee:

- a) Receives the report titled “Venture Southland Report to Thornbury CDA 24 Feb 2015 - Update on Community Initiatives” dated 12 February 2015.**
- b) Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) Determines that it has complied with the decision making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**

Council followed the original agenda order from this point onwards.

Reports - Policy and Strategy

7.1 Long Term Plan - Sealing Roslyn Road

Record No: R/15/7/12128

Ms Cuthbert spoke to her report.

The purpose of this report was to ask Council to make a decision around whether or not to seal Roslyn Road.

The residents of Roslyn Road requested that Council seal their road as part of the Long Term Plan 2015-2025. Due to an oversight and the issue being incorporated into the report on Operational Matters, a resolution was not sought from Council on this matter. A resolution that reflected Council's prior deliberations was now being sought so that a decision can be communicated to the Roslyn Road residents.

Resolution

Moved Cr Bailey, seconded Cr Dobson

and resolved that the Council:

- a) **Receives the report titled “Long Term Plan - Sealing Roslyn Road” dated 23 July 2015.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) **Agrees not to seal Roslyn Road at this stage.**
- e) **Agrees to submit the maintenance and approval plan to the alliance management team for consideration in accordance with other works and implement elements of the plan if they stack up in priority.**
- f) **Agrees to send Council’s decision and the results of the Roadroid reading to Roslyn Road residents.**
- g) **Agrees for Council staff to remedy the maintenance issues affecting Roslyn Road as part of Council’s roading programme.**

7.2 Wyndham Services and Facilities Investigation

Record No: R/15/7/12153

Messrs Geary and Brown were in attendance to their report.

Venture Southland had been requested by the Southland District Council (SDC) to facilitate a review of facilities and SDC service provision requirements for Wyndham. Venture Southland and SDC staff had been working collaboratively to advance this project in a Project Team and this report proposes a process and methodology forward. A Communications Plan was also being developed to complement the agreed process forward. This would facilitate on-going awareness and engagement from all stakeholders.

Resolution

Moved Deputy Mayor Duffy, seconded Cr Kremer

and resolved that the Council:

- a) **Receives the report titled “Wyndham Services and Facilities Investigation” dated 20 July 2015.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**

- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) **Approved the suggested methodology as outlined in this report to investigate the provision of services and facilities in Wyndham.**

7.3 Potential Variation to Proposed District Plan 2012 - Implementation Matters

Record No: R/15/6/11149

Mrs Ellison spoke to the report.

The purpose of this report was to outline some potential changes to be made to the Proposed District Plan, in particular around some implementation matters which had arisen since the plan has had legal effect and been implemented by the Resource Management team.

Mrs Ellison explained that with the implementation of the Proposed District Plan, some potential improvements that could be made to the plan had been identified.

In order to make the changes suggested in this report, a variation would have to be undertaken in accordance with the process outlined in the Resource Management Act (RMA) 1991. This process included public notification with two opportunities for the public to make submissions, and a hearing for the submitters to speak on their submission.

At the Resource Management Committee (RMC) meeting held on 26 June 2015, the Committee endorsed the preparation of a draft variation to the Proposed District Plan.

Resolution

Moved Cr Douglas, seconded Deputy Mayor Duffy

and resolved that the Council:

- a) **Receives the report titled “Potential Variation to Proposed District Plan 2012 - Implementation Matters” dated 17 July 2015.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) **Approves staff commencing the preparation of a draft variation to the Proposed District Plan to clarify Plan provisions.**

7.4 Potential Variation to the Proposed District Plan 2012 - Rural Settlement Areas

Record No: R/15/6/11159

Senior Resource Management Planner - Policy Courtney Ellison spoke to her report.

The purpose of this report was to outline a potential change to be made to the Proposed District Plan, to create a new 'Rural Settlement Area' providing for townships that were currently within the Rural Zone.

Decisions on the Proposed Southland District Plan 2012 were released in October 2014 and identified that a future piece of work was required to address how the development of townships such as Orepuki and Gorge Road which were currently zoned Rural could be better provided for.

The new plan imposed some constraints for these townships in terms of setbacks from other dwellings and some boundaries as well as other activities in the Rural Zone. It is suggested that a variation could be progressed to establish a Rural Settlement Area Overlay for the Rural Zone to facilitate future growth of townships such as Orepuki.

Some of the matters that would need to be considered included the boundaries of any settlement areas, effluent disposal, servicing, setbacks from other dwellings or property boundaries, hazards and provision for the continuation of rural activities.

The different options available to Council were outlined in the report along with the process that would need to be followed, including requirements under the Resource Management Act (RMA), should a variation be progressed.

At the Resource Management Committee (RMC) meeting on 26 June 2015, the Committee endorsed a variation being progressed for Orepuki, and also recommended a potential variation be discussed with the Gorge Road Community Development Area (CDA) Subcommittee to determine whether they also would like to have a Rural Settlement Area apply to Gorge Road. Council staff had discussed the potential variation with Ray Waghorn, Chair of the Gorge Road CDA and the CDA was supportive of the proposed changes also applying to Gorge Road.

Resolution

Moved Cr Dobson, seconded Cr Harpur

and resolved that the Council:

- a) **Receives the report titled "Potential Variation to the Proposed District Plan 2012 - Rural Settlement Areas" dated 17 July 2015.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) **Approve the scoping and drafting of a variation to the Proposed District Plan to create a new Rural Settlement Area for Orepuki and Gorge Road.**

7.5 Community Assistance Policy - Grants and Donations

Record No: R/15/7/12364

The purpose of this report was to approve the Community Assistance Policy - Grants and Donations.

Mrs Pagan advised Council that the Southland District Council Policy Review Committee recommended at its 15 July meeting that the Community Assistance Policy - Grants and Donations be adopted. The policy set out the process for allocating grants and donations, described the types of grants and the criteria for allocating them.

Resolution

Moved Cr Douglas, seconded Cr Harpur

That the Council:

- a) **Receives the report titled "Community Assistance Policy - Grants and Donations" dated 20 July 2015.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) **Adopts the Community Assistance Policy - Grants and Donations.**

Reports - Operational Matters

8.1 Request for Funding Support for Aeromagnetic Survey of Southland - Venture Southland

Record No: R/15/7/11492

Mr Canny was in attendance and spoke to the report.

The purpose of this report was to seek a decision from Council as to whether to provide the \$108,731 of funding requested by Venture Southland towards the overall \$686,000 cost of the Aeromagnetic Survey of Southland project

During a recent presentation by Mr Steve Canny of Venture Southland on the proposed Aeromagnetic survey of Southland project, Mr Canny made it clear that confirmation of funding or otherwise was sought from Environment Southland (ES), Southland District Council (SDC), Invercargill City Council (ICC) and Gore District Council (GDC) by the end of August 2015.

This report was to provide the opportunity for Councillors to consider this issue and decide whether SDC wished to support it financially, or not.

Mr Canny advised that such funding could potentially be split across two years in both 2015/2016 and 2016/2017 financial years, to reduce the funding impact in a single year.

Mr Canny advised that ES was rethinking its initial decision and was not certain of the outcome.

Council amended resolution to (d) so it read that it determines to provide this funding, occurring across two financial years *up to* \$54,365.50 per financial year for the 2015/2016 and 2016/2017 financial years, with this funding to be provided from the District Operating Reserve.

Recommendation

and resolves that the Council:

- a) **Receives the report titled “Request for Funding Support for Aeromagnetic Survey of Southland - Venture Southland” dated 28 July 2015.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) **Determines to provide this funding, occurring across two financial years up to \$54,365.50 per financial year for the 2015/2016 and 2016/2017 financial years, with this funding to be provided from the District Operating Reserve.**
- e) **Determines that this funding be conditional upon the production by 1 December 2015 of a detailed information management and dissemination plan to outline how this information will be stored, updated, utilised and made available to the public and other stakeholders.**

Mayor Tong declared a conflict of interest with the following report and vacated the Chair.

Cr Duffy assumed the Chair for the following report.

8.2 Freedom Camping Bylaw 2015

Record No: R/15/6/11161

Mr Sarfaiti spoke to the report.

The purpose of this report was to ask Council to adopt the draft Freedom Camping Bylaw 2015.

Problems at the designated freedom camping site at Waikawa prompted the need for an amendment to Council's Camping Control Bylaw 2012. A number of townships had expressed interest in becoming recognised "motor home friendly towns", and a review of the bylaw was necessary to enable these towns to achieve this. A public survey undertaken by Council had raised a number of other issues.

The draft bylaw achieved the following:

- Standardised with the NZMCA model bylaw.
- Resolved the Waikawa Domain freedom camping issue.
- Resolved the concerns of the Southern Rural Fire Authority.
- Added designated sites for self-contained camping.
- Introduced new default rules.

Resolution

Moved Cr Dillon, seconded Cr Keast

and resolved that the Council:

- a) **Receives the report titled "Freedom Camping Bylaw 2015" dated 24 July 2015.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) **Determines that it is satisfied that -**
 - (i) **the bylaw is necessary for one or more of the following purposes:**
 - (1) **to protect the area:**
 - (2) **to protect the health and safety of people who may visit the area:**
 - (3) **to protect access to the area; and**
 - (ii) **the bylaw is the most appropriate and proportionate way of addressing the perceived problem in relation to that area; and**
 - (iii) **the bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990.**
- e) **Adopts the statement of proposal and summary of information concerning the draft Freedom Camping Bylaw 2015 - Attachment A that formed part of the agenda.**
- f) **Directs that the statement of proposal, summary of information and a description of how persons interested in the proposal can present their views to Council be publicly available at all Council offices, libraries and on the Council's website for a period of not less than one month.**

- g) Publicly notifies and invites submissions on the proposal commencing Saturday, 8 August 2015 and closing at 5.00 pm on Tuesday, 8 September 2015.
- h) Sets the period of Tuesday, 27 October 2015, to hear any person who wishes to present his or her views to Council.

Mayor Tong resumed the Chair at 1.52pm.

8.3 Southland Santa Parade

Record No: R/15/7/12404

The Southland Santa Parade has approached Council asking for support as it was struggling to break even with costs and was therefore unable to provide new floats or carry out maintenance on older floats. Parade organisers were asking Council for \$2,500 to help pay for road closures on the day of the parade.

Resolution

Moved Cr Dobson, seconded Cr Kremer

and resolved that the Council:

- a) **Receives the report titled “Southland Santa Parade” dated 20 July 2015.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) **Declines the Southland Santa Parade request for \$2,500 for road closures.**

8.4 Dryfe Street Stormwater Renewal

Record No: R/15/5/7955

Mr Marshall introduced Project Engineer, Mark Simpson to Council.

Mr Simpson advised the purpose of this report was to consider the recommendation from the Nightcaps CDA Subcommittee for funding the proposed renewal of the existing stormwater main along Dryfe Street in Nightcaps.

The objective of the report was to outline the recommendation from the Nightcaps CDA Subcommittee on the funding for renewing the existing stormwater pipeline within Dryfe Street, Nightcaps.

The Nightcaps CDA Subcommittee had approved awarding the works to Te Anau Earthworks Ltd and was recommending to Council that a loan was raised to fund the budget shortfall of the project which was outside of the Subcommittee's delegation.

Resolution

Moved Cr Baird, seconded Cr Harpur

and resolved that the Council:

- a) **Receives the report titled “Dryfe Street Stormwater Renewal” dated 27 July 2015.**
- b) **Determines that this matter or decision be recognised as significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) **Approves the project to proceed for a total project cost of \$130,055.45 excluding GST.**
- e) **Approves raising a loan over a 25 year period to fund the projected shortfall for the work of \$90,055.45 excluding GST to be repaid via an increase to the local township rate for the Nightcaps CDA.**

8.5 Greenhills Quarry

Record No: R/15/6/10967

Mr McNaught spoke to the report advising it sought Council approval to authorise the disposal of the Greenhills Quarry situated at 67 Omaui Road, Greenhills.

The Roading Department had advised that the Greenhills Quarry, which had not been used for many years, was no longer required for Council activities. Council was required to declare the property as surplus.

Resolution

Moved Cr Ford, seconded Cr Dillon

and resolved that the Council:

- a) **Receives the report titled “Greenhills Quarry” dated 27 July 2015.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) **Resolves to declare the Greenhills Quarry property being Lot 1, DP 2136 and Lot 1, DP 1409 as surplus and to be disposed of.**

- e) **Resolves to delegate to the Chief Executive to determine the sale method and to accept any reasonable offers.**

8.6 Management Report

Record No: R/15/7/12564

Resolution

Moved Cr Dillon, seconded Cr Keast

and resolved that the Council:

- a) **Receives the report titled “Management Report” dated 23 July 2015.**

8.7 Building Consents and Values for June 2015

Record No: R/15/7/11435

Resolution

Moved Cr Macpherson, seconded Cr Baird

and resolved that the Council:

- a) **Receives the report titled “Building Consents and Values for June 2015” dated 05 August 2015.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**

8.8 Resource Consents and Other Resource Management Act Items - May 2015

Record No: R/15/6/9924

Resolution

Moved Cr Baird, seconded Cr Douglas

and resolved that the Council:

- a) **Receives the report titled “Resource Consents and Other Resource Management Act Items - May 2015” dated 9 June 2015.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**

- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**

8.9 Resource Consents and Other Resource Management Act Items - June 2015

Record No: R/15/7/11806

Resolution

Moved Cr Dobson, seconded Deputy Mayor Duffy

and resolved that the Council:

- a) **Receives the report titled “Resource Consents and Other Resource Management Act Items - June 2015” dated 8 July 2015.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**

8.10 Council Action Sheet

Record No: R/15/7/12865

Council requested the following items be removed from the Action Sheet:

- Dog Control - Extension of Consultation Period
- Alcohol Licensing Fee-Setting Bylaw 2015.

Resolution

Moved Cr Dillon, seconded Cr Paterson

and resolved that the Council:

- a) **Receives the report titled “Council Action Sheet” dated 05 August 2015.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**

Reports - Governance

9.1 Proposed Transfer of Powers under the Building Act 2004 from the Department of Conservation to the Southland District Council

Record No: R/15/6/11150

Mr Halligan spoke to the report advising the Department of Conservation (DOC) had approached the Southland District Council to take over various responsibilities and powers which it currently holds under the Building Act 2004.

DOC was currently the Territorial Authority and Building Consent Authority for the various offshore islands identified in Schedule 1 of **Appendix 1** that formed part of the agenda, under the provisions of the Building Act 2004 and subsequent amendments.

DOC had approached Southland District Council's Building Control section to take over these functions, as DOC does not hold suitable in-house expertise.

There were relevant legislative provisions under both the Building Act 2004 and the Local Government Act 2002 in relation to such transfers of powers; with both pieces of legislation making provision for such transfer subject to compliance with statutory processes.

Resolution

Moved Cr Dillon, seconded Cr Baird

and resolved that the Council:

- a) **Receives the report titled "Proposed Transfer of Powers under the Building Act 2004 from the Department of Conservation to the Southland District Council " dated 23 July 2015.**
- b) **Determines that this matter or decision not be recognised as significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) **Determines that in terms of Sections 213 and 233-235 of the Building Act 2004 and Sections 17 of the Local Government Act 2002 the Council approves the receipt of these transferred powers under the Building Act 2004 with respect to the offshore islands as specified in Schedule 1 of the attached agreement.**
- e) **Determines that in reaching this decision, in terms of Section 17(4) of the Local Government Act 2002 that it is of the view that the benefits of the proposed transfer to its District will outweigh any negative impacts of the proposal.**
- f) **Determines that this transfer will be accepted following the conclusion of the consultation process being undertaken by the Department of Conservation under the Local Government Act 2002 in relation to the transfer of these powers.**

- g) **Determines that, in terms of Section 17 (5) of the Local Government Act 2002, Council delegates to the Group Manager - Environment and Community authority to provide the necessary notice to the Minister of Local Government of the acceptance of this transfer and sign the final agreement document.**

9.2 Vacancy - Dipton Community Development Area Subcommittee

Record No: R/15/7/11582

The Dipton CDA subcommittee had a vacancy due to the resignation of Mr Keith Jukes.

The process to fill vacancies on CDA subcommittees was via one of the following options;

- (a) Advertisements placed in local information bulletins
- (b) Holding of a public meeting
- (c) Subcommittee members canvassing the community for suitable nominees

In this particular case the Dipton CDA decided to approach Mr Adrian Harris to fill the vacancy on the Subcommittee due to him previously being on the Subcommittee.

As a result of this Mr Harris accepted the invitation and being a resident of the Township is hence eligible for appointment.

At the meeting held on 1 July 2015 the Dipton CDA supported the nomination of Mr Adrian Harris and recommended that his appointment be confirmed by Council.

Resolution

Moved Cr Bailey, seconded Cr Kremer

and resolved that the Council:

- a) **Receives the report titled “Vacancy - Dipton Community Development Area Subcommittee” dated 3 July 2015.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) **Confirms the Dipton Community Development Area Subcommittee’s recommendation that Mr Adrian Harris be appointed to fill the vacancy on the Subcommittee, effective from 5 August 2015.**

9.3 Vacancy - Nightcaps Community Development Area Subcommittee

Record No: R/15/7/11762

Nightcaps Community Development Area Subcommittee had a vacancy due to the resignation of Mrs Erin Healey.

Process to fill vacancies on CDA subcommittees was via one of the following options;

- (a) Advertisements placed in local information bulletins
- (b) Holding of a public meeting
- (c) Notices strategically placed throughout the affected township.

In this instance, the Nightcaps CDA elected to invite nominations via the "Takitimu Community Newsletter" which was distributed throughout the Nightcaps township and surrounding rural area.

As a result of the advertisement, one nomination was received by the CDA from Mrs Annette Blackler, a resident of the Nightcaps township and thus eligible for appointment.

At a meeting held on 12 May 2015, the Nightcaps CDA supported the nomination of Mrs Blackler and recommended her appointment be confirmed by Council.

Resolution

Moved Cr Baird, seconded Cr Paterson

and resolved that the Council:

- a) **Receives the report titled "Vacancy - Nightcaps Community Development Area Subcommittee" dated 17 July 2015.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) **Confirms the Nightcaps Community Development Area Subcommittee's recommendation that Mrs Annette Blackler be appointed to fill the vacancy on the subcommittee, effective from 5 August 2015.**

9.4 Vacancies - Athol Community Development Area Subcommittee

Record No: R/15/7/11335

The Athol CDA subcommittee had two vacancies due to the resignations of Mr Jonathan Shaw and Mrs Kylie Durling.

The process to fill vacancies on CDA subcommittees was via one of the following options;

- (a) Advertisements placed in local information bulletins
- (b) Holding of a public meeting
- (c) Notices strategically placed throughout the affected township

In this particular case the Athol CDA decided to invite nominations via the “Lumsden Light”, a local bulletin distributed throughout the Township and surrounding rural area.

As a result of the advertisement two nominations were received by the CDA from Mrs Annabelle Herbert and Mrs Esmay Raynes, both residents of the Township and hence eligible for appointment.

At the meeting held on 8 June 2015 the Athol CDA supported the nominations of Mrs Herbert and Mrs Raynes and recommended that their appointments be confirmed by Council.

Resolution

Moved Cr Douglas, seconded Cr Kremer

That the Council:

- a) **Receives the report titled “Vacancies - Athol Community Development Area Subcommittee” dated 1 July 2015.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) **Confirms the Athol Community Development Area Subcommittee’s recommendation that Mrs Annabelle Herbert and Mrs Esmay Raynes be appointed to fill the vacancies on the Subcommittee, effective from 5 August 2015.**

Public Excluded

Exclusion of the Public: Local Government Official Information and Meetings Act 1987

Resolution

Moved Cr Dobson, seconded Cr Keast

That the public be excluded from the following part(s) of the proceedings of this meeting.

C10.1 Public Excluded Minutes Council dated 15 July 2015

CA.1 Rehabilitation Indemnity Agreement

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
Public Excluded Minutes of the Council Meeting dated 15 July 2015	<p>s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.</p> <p>s7(2)(b)(ii) - The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.</p> <p>s7(2)(f)(ii) - The withholding of the information is necessary to maintain the effective conduct of public affairs through the protection of such members, officers, employees and persons from improper pressure or harassment.</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,</p>	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.

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
	<p>negotiations (including commercial and industrial negotiations).</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>Rehabilitation Indemnity Agreement</p>	<p>s7(2)(b)(ii) - The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.</p> <p>s7(2)(c)(i) - The withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information or information from the same source and it is in the public interest that such information should continue to be supplied.</p> <p>s7(2)(c)(ii) - The withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to damage the public interest.</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>That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.</p>

That the Chief Executive, Group Manager Services and Assets, Group Manager Policy and Community, Chief Information Officer, Chief Financial Officer, Communications and Governance Manager, Manager Strategic Property and Committee Advisor be permitted to remain at this meeting, after the public has been excluded, because of their knowledge of the items: *C10.1 Public Excluded Minutes Council dated 15 July 2015 and C1A.1 Rehabilitation Indemnity Agreement*. This knowledge, which would be of assistance in relation to the matters to be discussed, was relevant to those matters because of their knowledge on the issues discussed and meeting procedure.

The public went into public excluded at 2.23pm and returned to open session at 2.53pm.

Resolutions in relation to the confidential items are recorded in the confidential section of these minutes and are not publicly available unless released here.

The meeting closed at 2.53pm.

CONFIRMED AS A TRUE AND CORRECT
RECORD AT A MEETING OF THE COUNCIL
HELD ON 5 AUGUST 2015.

DATE:.....

CHAIRPERSON:.....