

Notice is hereby given that a Meeting of the Dipton Community Development Area Subcommittee will be held on:

Date: Wednesday, 29 June 2016
Time: 6pm
Meeting Room: Dipton Hall
Venue: 2022 Lumsden Dipton Highway, Dipton

Dipton Community Development Area Subcommittee Agenda

OPEN

MEMBERSHIP

Chairperson	Mike Smith
Deputy Chairperson	Sue Melvin
Members	Kathleen English Adrian Harris Brian Russell Alicia Taylor
Councillor	Lyall Bailey

IN ATTENDANCE

Community Engineer	Leighton Hare
Team Leader, Governance	Chris Dolan

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Full agendas are available on Council's Website
www.southlanddc.govt.nz

Terms of Reference for CDAs

This CDA is a subcommittee of Southland District Council and has delegated responsibility.

The CDA members are elected to represent and advocate for their community.

It can make decisions on:

- Managing local halls and cemeteries
- Managing reserves, plantings, drainage, footpaths, street lighting, camping grounds, wharves, jetties, lakeshores and slipways, litter control

It can make recommendations to Council on:

- Priorities for services and development within the community
 - Local rates
 - Spending outside the approved annual budget
-

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UPDATES

8.1 Local Liaison Persons Report

- Dipton Hall
- Health and Safety

8.2 Chairperson's Report

The Chairman, Member Smith, to report on matters with which he has been involved since the Subcommittee's last meeting.

8.3 Councillor's Report

Councillor Bailey to report on matters from the Council table.

1 Apologies

At the close of the agenda no apologies had been received.

2 Leave of absence

At the close of the agenda no requests for leave of absence had been received.

3 Conflict of Interest

Committee Members are reminded of the need to be vigilant to stand aside from decision-making when a conflict arises between their role as a member and any private or other external interest they might have.

4 Public Forum

Notification to speak is required by 5pm at least two days before the meeting. Further information is available on www.southlanddc.govt.nz or phoning 0800 732 732.

5 Extraordinary/Urgent Items

To consider, and if thought fit, to pass a resolution to permit the committee to consider any further items which do not appear on the Agenda of this meeting and/or the meeting to be held with the public excluded.

Such resolution is required to be made pursuant to Section 46A(7) of the Local Government Official Information and Meetings Act 1987, and the Chairperson must advise:

- (i) the reason why the item was not on the Agenda, and
- (ii) the reason why the discussion of this item cannot be delayed until a subsequent meeting.

Section 46A(7A) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“Where an item is not on the agenda for a meeting, -

- (a) that item may be discussed at that meeting if-
 - (i) that item is a minor matter relating to the general business of the local authority; and
 - (ii) the presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but
- (b) no resolution, decision or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion.”

6 Confirmation of Minutes

- 6.1 Meeting minutes of Dipton Community Development Area Subcommittee, 25 November 2015

Dipton Community Development Area Subcommittee OPEN MINUTES

Minutes of a meeting of Dipton Community Development Area Subcommittee held in the Dipton Hall on Wednesday, 25 November 2015 at 6pm.

PRESENT

Chairperson	Mike Smith
Members	Kathleen English Adrian Harris Brian Russell Alicia Taylor
Councillor	Lyall Bailey

IN ATTENDANCE

Group Manager, Policy and Community	Rex Capil
Manager Area Offices	Chris Dolan
Area Engineer	Leighton Hare
Area Officer	Debbie Williams

1 Apologies

No apologies were received

2 Leave of absence

There were no requests for leave of absence.

3 Conflict of Interest

There were no conflicts of interest declared.

4 Public Forum

There were no persons seeking speaking rights in Public Forum.

5 Extraordinary/Urgent Items

There were no Extraordinary/Urgent items.

6 Confirmation of Minutes

Resolution

Moved Member English seconded Member Taylor

That the minutes of Dipton Community Development Area Subcommittee, held on 1 July 2015 be confirmed.

Reports

7.1 Works and Finance Report to Dipton Community Development Area Subcommittee for the period ended 31 October 2015

Record No: R/15/11/20110

The Works and Finance Report prepared by Mr Leighton Hare (Area Engineer) for the period ending 31 October 2015 was tabled.

Issues drawn to the subcommittee included;

- Quotes have been received from Exeloo for the toilet as well as a quote for installation. These are being considered.
- Bridge 3007.003 (Dipton-Castlerock Road) Concrete Repairs - due to the nature of the required repairs this is not being undertaken as part of the Central Alliance Maintenance Contract. This work is being handled by the Council Consultant, MWH.

Resolution

Moved Member Russell seconded Member English

that the Dipton Community Development Area Subcommittee:

- a) **Receives the report titled “Works and Finance Report to Dipton Community Development Area Subcommittee for the period ended 31 October 2015” dated 13 November 2015.**

7.2 Unaudited Annual Accounts Report to Dipton Community Development Area Subcommittee for the year ended 30 June 2015

Record No: R/15/8/15134

The Unaudited Annual Accounts Report to Dipton Community Development Area Subcommittee for the year ended 30 June 2015, was tabled.

The key reasons for the most significant budget variances were;

Operating

Includes the costs of signage, of which grants were received to fund the costs.

Stormwater

No costs were charged by Environment Southland for monitoring this year; the surplus funds have been transferred to the separate stormwater reserve.

Cemetery

Interment fee for the last burial will be received in the 2015/2016 financial year.

Beautification

Less gardening maintenance was required.

Resolution

Moved Member Taylor seconded Member Russell

that the Dipton Community Development Area Subcommittee:

- a) **Receives the report titled “Unaudited Annual Accounts Report to Dipton Community Development Area Subcommittee for the year ended 30 June 2015” dated 15 September 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.**

7.3 Annual Plan 2016/2017 - Draft Estimates Report

Record No: R/15/10/19202

Tabled before the subcommittee was a report which provided an overview of the forecasted services for the Dipton Community Development Area Subcommittee in 2016/2017.

Staff advised that;

- 1.0 Council has streamlined its 2016/2017 Annual Plan process and as a result the subcommittee is only required to review your estimates for significant changes. In addition, consideration should be given to funding any significant changes from reserves where appropriate.
- 2.0 The draft estimates will be incorporated into the Council's Draft Annual Plan which will be released for consultation in February 2016. Once the plan is finalised (and subject to any changes resulting from submissions), the estimates shown for 2016/2017 will be used to set rates for the year beginning 1 July 2016.

The subcommittee noted the local rate for 2016/17 is proposed for a 2.62% decrease. In discussing the report the subcommittee agreed to provide a new Anzac signage board.

Resolution

Member English seconded Member Harris

that the Dipton Community Development Area Subcommittee:

- a) **Receives the report titled "Annual Plan 2016/2017 - Draft Estimates Report" dated 18 November 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 Estimates for the year commencing 1 July 2016 for inclusion in the Council's Draft Annual Plan.**
- e) **Requests the levy of the following rates and charges (including GST) for the year commencing 1 July 2016 based on the approved estimates in (d) above.**

<u>Rate Description</u>	<u>Rate (GST Incl)</u>
Dipton CDA Rate	\$16,868
Dipton Hall Rate	\$9,567

- f) **Requests the setting of the hall fees and charges (including GST) for the year commencing 1 July 2016 for inclusion in the 2016/2017 Annual Plan remain the same as the 2015/16 year as follows;**
 - Main Hall \$25 - \$50 per day
 - Main Hall \$100 - \$200 night
 - Play Group/RSA room \$20 - \$50
- g) **Identifies the key highlights for the local area;**
 - New Anzac Signage Board

7.4 Community Governance Report

Record No: R/15/11/19491

Report by Mr R Capil, (Group Manager), advising Council has committed to undertake a Community Governance Review Project to assist in preparation for the Representation Review scheduled for 2017, was tabled.

Mr Capil outlined the steps in the process completed to date and advised the next stage of the project is to develop the concept design further, prepare a consultation document and deliver on an agreed implementation and engagement approach.

Mr Capil commented that an important process in developing this project is to ensure that there is significant engagement during the project design and development stages which will involve ensuring there is the opportunity for public participation throughout the project development.

The Board was advised a Staff Project Working Group and an Elected Representative Working Group - including Councillors, Community Board and CDA representatives will be established and will operate for the duration of this project. Furthermore stakeholder engagement is to be undertaken with individual Community Board and CDA subcommittees and various other regional and national agencies with the intent that this engagement be completed by July 2016.

It was noted Community engagement is to be undertaken with local community organisations and residents by way of public forums with the intent that this engagement will be completed by July 2016.

Mr Capil advised a Community Governance Proposal - Final Draft is to be prepared for approval for consideration as part of informing the Representation Review process by February 2017 and it is intended a Representation Review is to be undertaken and completed by June 2017.

In his report Mr Capil included a Paper entitled "Community Governance and Planning", which covered the following;

- Context
- Community Governance
- Civic Leadership
- Alignment to Community Planning
- Our Partners-Linking communities with partnering agencies
- Community Planning
- Framework – A wider perspective
- Purpose and Goal
- Next steps for consideration
- Process to Success – A path to the future

In summarising the Paper, Mr Capil informed that the objective is to outline the engagement process to develop the best approach going forward in relation to future representation in particular the lead up to the 2017 Representation Review so as to ensure Council understands the needs of the community.

Resolution

Moved Member Harris seconded Member English

that the Dipton Community Development Area Subcommittee:

- a) Receives the report titled “Community Governance Report” dated 2 November 2015.

7.5 Dipton Squash Club Rent Review

Record No: R/15/3/5736

Note: Member Russell declared an interest and did not take part in the voting on this issue.

Report by Mrs Virginia Dillon (Property Officer) advising the lease to the Dipton Squash Club for its occupation of part of the Dipton Recreation Reserve was due for a rent review as at 1 April 2015, was tabled.

Mrs Dillon advised the background to the Dipton Squash Club lease of Council's Recreation Reserve and sought a decision on the rental to be changed from 1 April 2015.

Mrs Dillon added the review was late as the staff officer was awaiting comments from the Dipton Squash Club - these have not been received at this point.

Resolution

Moved Member English seconded Member Taylor

That the Dipton Community Development Area Subcommittee:

- a) Receives the report titled “Dipton Squash Club Rent Review” dated 18 November 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) Sets the rental payable by the Dipton Squash Racquets Club Incorporated over its lease of land at 34 James Street, Dipton being part of Section 3, Block X, Town of Dipton be at \$50 plus GST per annum for the five year term commencing 1 April 2015.

8.2 Chairperson's Report

The Chairperson, Member Smith reported on activities with which he has been involved since the CDA's last meeting. These included;

- CDA's Chairpersons meeting
- Health and Safety meeting
- Anzac Board update

8.3 Councillor's Report

Record No: R/15/11/20700

Councillor Bailey reported on matters from the Council table.

These included;

- The Alcohol Bylaw – Council has reduced fees by 30%
- Freedom Camping Bylaw – 80 Submissions were received.
- Organisational Review
- The Peer Review of the Te Anau Wastewater plan

The meeting concluded at 7.25pm

CONFIRMED AS A TRUE AND CORRECT
RECORD AT A MEETING OF THE DIPTON
COMMUNITY DEVELOPMENT AREA
SUBCOMMITTEE HELD ON 25 NOVEMBER
2015

DATE:.....

CHAIRPERSON:.....

Works and Finance Report to Dipton Community Development Area Subcommittee for the period ended 31 March 2016

Record No: R/16/4/5954
Author: Leighton Hare, Community Engineer
Approved by: Ian Marshall, Group Manager Services and Assets

Decision Recommendation Information

Community Engineer's Report

- 1 The Community Engineer since the previous meeting has been in regular contact with the Chairman.
- 2 ANZAC sign has been installed - Special thanks to Member Sue Melvin for getting the sign information, designed and printed. Member Brian Russell for donation of the hardwood beams and to Chairman, Mike Smith, for the tanalised posts and use of his shed.
- 3 Installation of toilets is almost complete.

Community Engineer's Financial Comments

Code	Cost Centre	Comment
22902	Operating Costs	On target expenditure on: Install ANZAC Sign ; Fairfax Media advert for cancellation of meeting. Refreshments for installing and removing flags.
22907	Street Works	Rubbish bin emptying - location playground.
22925	Cemetery	Expenditure costs up due to more internments than expected but this is offset by increased income.
22928	Beautification	Less than budget but not too far off target - will go towards offsetting overexpenditure in other areas.
22946	Playground	Over expenditure - small \$ value large % - no concern. Budgeted amount error unrealistically low.
22950	Hall	Underspent - \$3,500 in operating costs budgeted but untouched.
22913	Stormwater	Budgeted amounts for Resource Consents(\$500) and Monitoring (\$1,000) not spent in addition budgeted amount for SDC Taskforce(\$1,500) to keep stormwater ditch along Level Street tidy - not touched.
General: Overall no concerns		

Reserves

- 4 Please find the reserves report attached.

5 The table below shows all of the projects that are currently planned for Dipton in 2015/2016.

Activity	Project	Type	Year	Budget	Status	Officer's Comments
Community Centre	Replace ceiling in Playcentre room	REN	1516	\$5,000	Completed	
Public Conveniences	Dipton Public Toilet	DEM	1516	\$74,539	Busy with construction	In final stages of completion. Targeting end of June early July for completion.

Recommendation

That the Dipton Community Development Area Subcommittee:

- a) **Receives the report titled "Works and Finance Report to Dipton Community Development Area Subcommittee for the period ended 31 March 2016" dated 15 June 2016.**

Attachments

- A Dipton Financial Report, 31 May 2016 [View](#)

Dipton Community Financial Report

91.67% Of Year

For the Period Ended May 2016

Income	<u>Annual Budget</u>	<u>Actual Income to Date</u>	<u>Income to Date %</u>	<u>Full Year Projection</u>
22902 Operating Costs - Dipton	2,901	964	33%	2,948
22907 Street Works - Dipton	1,000	921	92%	1,005
22925 Cemetery - Dipton	7,694	7,780	101%	8,880
22928 Beautification - Dipton	8,500	7,833	92%	8,541
22946 Playground - Dipton	500	459	92%	501
22950 Hall - Dipton	8,548	7,463	87%	8,587
Subtotal Local Business Units	29,143	25,420	87%	30,462
22913 Stormwater Drainage - Dipton	2,075	1,382	67%	2,082
Subtotal Water & Waste Business Units	2,075	1,382	67%	2,082
Total	31,218	26,802	86%	32,544

Item 7.1 Attachment A

Dipton Community Financial Report

91.67% Of Year

For the Period Ended May 2016

Expenditure	<u>Annual Budget</u>	<u>Actual Spent to Date</u>	<u>Spent to Date %</u>	<u>Full Year Projection</u>
22902 Operating Costs - Dipton	1,000	896	90%	980
22907 Street Works - Dipton	1,000	1,569	157%	1,652
22925 Cemetery - Dipton	7,193	7,683	107%	8,282
22928 Beautification - Dipton	8,500	6,666	78%	7,374
22946 Playground - Dipton	500	643	129%	685
22950 Hall - Dipton	8,099	4,002	49%	4,404
Subtotal Local Business Units	26,292	21,459	82%	23,378
22913 Stormwater Drainage - Dipton	3,878	815	21%	1,137
Subtotal Water & Waste Business Units	3,878	815	21%	1,137
Total	30,170	22,274	74%	24,514
Capital Expenditure	<u>Annual Budget</u>	<u>Actual Spent to Date</u>	<u>Spent to Date %</u>	<u>Full Year Projection</u>
22950 Hall - Dipton	10,000	0	0%	833
Subtotal Local Business Units	10,000	0	0%	833
Subtotal Water & Waste Business Units	0	0	0%	0
Total	10,000	0	0%	833

Item 7.1 Attachment A

Dipton Community Financial Report

91.67% Of Year

For the Period Ended May 2016

Funding Adjustments (Contributions, Loans, Provisions, Reserves, Forestry Dividend)	<u>Annual Budget</u>	<u>Actual</u> <u>Adjustments to</u> <u>Date</u>	<u>Adjustments</u> <u>to Date %</u>	<u>Full Year</u> <u>Projection</u>
22902 Operating Costs - Dipton	(1,901)	0	0%	(158)
22925 Cemetery - Dipton	(501)	0	0%	(42)
22950 Hall - Dipton	9,551	0	0%	796
Subtotal Local Business Units	7,149	0	0%	596
22913 Stormwater Drainage - Dipton	1,803	0	0%	150
Subtotal Water & Waste Business Units	1,803	0	0%	150
Total	8,952	0	0%	746

Reserve Balances - Annual Plan

Dipton	Opening Balance	Current Budget	Forecast Budget	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022	2022/2023	2023/2024	2024/2025	2025/2026
Community Centre													
<i>Operating</i>													
Comm Centres Dipton - OPR	16,102	6,551	6,551	6,809	7,078	1,526	1,574	1,624	1,676	1,730	1,786	1,844	1,844
Total Community Centre Operating	<u>16,102</u>	<u>6,551</u>	<u>6,551</u>	<u>6,809</u>	<u>7,078</u>	<u>1,526</u>	<u>1,574</u>	<u>1,624</u>	<u>1,676</u>	<u>1,730</u>	<u>1,786</u>	<u>1,844</u>	<u>1,844</u>
Total Community Centre Balance	<u>16,102</u>	<u>6,551</u>	<u>6,551</u>	<u>6,809</u>	<u>7,078</u>	<u>1,526</u>	<u>1,574</u>	<u>1,624</u>	<u>1,676</u>	<u>1,730</u>	<u>1,786</u>	<u>1,844</u>	<u>1,844</u>
Local													
<i>Reserve</i>													
Dipton Cemetery - RES	11,021	11,522	11,522	12,044	12,588	13,155	13,745	14,360	15,001	15,669	16,365	17,090	17,090
Dipton General - RES	49,299	51,200	50,441	47,738	49,583	51,505	53,508	55,594	57,768	60,033	62,393	64,852	64,852
Total Local Reserve	<u>60,320</u>	<u>62,722</u>	<u>61,963</u>	<u>59,782</u>	<u>62,171</u>	<u>64,660</u>	<u>67,253</u>	<u>69,954</u>	<u>72,769</u>	<u>75,702</u>	<u>78,758</u>	<u>81,942</u>	<u>81,942</u>
Total Local Balance	<u>60,320</u>	<u>62,722</u>	<u>61,963</u>	<u>59,782</u>	<u>62,171</u>	<u>64,660</u>	<u>67,253</u>	<u>69,954</u>	<u>72,769</u>	<u>75,702</u>	<u>78,758</u>	<u>81,942</u>	<u>81,942</u>
Stormwater													
<i>Operating</i>													
Dipton Stormwater - OPR	18,995	17,192	17,192	15,245	13,149	10,893	8,463	6,261	6,352	6,447	6,546	6,649	6,649
Total Stormwater Operating	<u>18,995</u>	<u>17,192</u>	<u>17,192</u>	<u>15,245</u>	<u>13,149</u>	<u>10,893</u>	<u>8,463</u>	<u>6,261</u>	<u>6,352</u>	<u>6,447</u>	<u>6,546</u>	<u>6,649</u>	<u>6,649</u>
Total Stormwater Balance	<u>18,995</u>	<u>17,192</u>	<u>17,192</u>	<u>15,245</u>	<u>13,149</u>	<u>10,893</u>	<u>8,463</u>	<u>6,261</u>	<u>6,352</u>	<u>6,447</u>	<u>6,546</u>	<u>6,649</u>	<u>6,649</u>
Total Dipton Reserve Balance	95,417	86,465	85,706	81,836	82,398	77,079	77,290	77,839	80,797	83,879	87,090	90,435	90,435

Bylaw Review Process

Record No: R/16/4/5183
Author: Tamara Dytor, Policy Analyst
Approved by: Rex Capil, Group Manager Community and Futures

Decision Recommendation Information

Executive Summary

- 1 In 2016, the Cemetery Bylaw 2006, the Keeping of Animals, Poultry and Bees Bylaw 2010 and the Control of Advertising Signs Bylaw 2008 will be reviewed. This report outlines the approach that will be taken to consultation and review.

Background

- 2 Council will be reviewing three bylaws in 2016. The drivers for each review are outlined below:
 - The Cemetery Bylaw 2006 requires review in 2016 to remain current.
 - A review of the Keeping of Animals, Poultry and Bees Bylaw 2010 is recommended to address local issues. This bylaw was reviewed in 2010 however, since this time additional issues have arisen. The keeping of animals in urban areas has become an area of contention in some communities.
 - A review of the Control of Advertising Signs Bylaw 2008 is recommended to align with the District Plan. This will provide clarity for the public and address issues across the District relating to signage. The proposed bylaw review would address the placement of signs in the road reserve, for example sandwich boards on footpaths. Changes to the bylaw are intended to increase the ease of doing business with Council and provide clarity and consistency.

Timeline

- 3 The timeline below outlines key milestones in the process of review and details the approach to public engagement.

Date	Task
Mid-May 2016	Pre-consultation engagement sessions. Sessions are also for other Long Term Plan issues.
8 June 2016	Council meeting (Endorse draft bylaws for public consultation)
8 June 2016	Notification given to Area Offices, and customer services. Committee Advisors to liaise with CB and CDA chairs to remind them of the submission period.
9 June 2016	Draft bylaws advertised.
9 Jun – 30 Jun 2016	Submission period.
20 July 2016	Council meeting (Submission Hearings)

2 Aug 2016	Amendments made to draft bylaws.
17 Aug 2016	Council meeting (Deliberations)
7 Sep 2016	Council meeting (Adoption of bylaws)
8 Sep 2016	Advertising of adopted bylaws.
Sep – Oct 2016	Present report to CDAs on new bylaws.
Nov – Dec 2016	Present report to CBs on new bylaws.

Consultation and engagement

- 4 Community views will be considered during formal consultation and during pre-consultation engagement. The timeline above details when this will occur.
- 5 Community Boards and Community Development Area Subcommittees are asked to make submissions during the consultation period and individual members can engage during pre-consultation sessions in May.

Recommendation

That the Dipton Community Development Area Subcommittee:

- a) **Receives the report titled “Bylaw Review Process” dated 14 June 2016.**

Attachments

There are no attachments for this report.

Draft Unmanned Aerial Vehicles Policy

Record No: R/16/4/5643
Author: Tamara Dytor, Policy Analyst
Approved by: Rex Capil, Group Manager Community and Futures

Decision Recommendation Information

Purpose

- 1 This report presents the draft Use of Unmanned Aerial Vehicles Policy. A recommendation is sought from Community Boards and Community Development Area Subcommittees regarding local areas that should be considered for restriction or prohibition of unmanned aerial vehicle use.

Executive Summary

- 2 Under new rules introduced by the Civil Aviation Authority (CAA), Council can grant or decline consent for the use of Unmanned Aerial Vehicles (UAVs) on property that it owns or controls. The draft Unmanned Aerial Vehicle Policy sets a framework to allow Council to do this.
- 3 The draft Use of Unmanned Aerial Vehicle Policy contains broad conditions which would apply throughout the District. Feedback is requested from Community Boards and Community Development Area Subcommittees to determine whether Council should consider prohibition or restriction in specific local areas.

Recommendation

That the Dipton Community Development Area Subcommittee:

- a) **Receives the report titled “Draft Unmanned Aerial Vehicles Policy” dated 14 June 2016.**
- 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) **Recommend any local areas that should be considered as restricted or prohibited areas for the use of unmanned aerial vehicles.**

Content

Background

- 4 Rules introduced by the Civil Aviation Authority (CAA) came into effect on 1 August 2015. The rules require people to obtain Council approval to operate UAVs on public land.
- 5 The draft Use of Unmanned Aerial Vehicles Policy broadly allows for the use of unmanned aerial vehicles in the District, provided that users comply with conditions within the policy. These conditions exist in addition to those already imposed across New Zealand by the CAA.
- 6 The majority of UAV use is likely to occur in Council's parks, reserves and open spaces.

What is an UAV?

The term UAV covers all electric powered remote controlled model aircraft of the type commonly referred to as "drones" that are capable of vertical take-off and landing and small hand-launched gliders less than a 1.5 metre wing span. It does not cover the following:

- Fixed wing electric-powered model aircraft greater than 1 metre wing span.
- All fixed - winged model aircraft that are internal combustion engine (petrol) powered.
- Gliders greater than a 1.5 metre wing span and bungee-launched gliders.
- Single rotor helicopters that are electric powered or internal combustion engine (petrol) powered.
- Jet powered models.

CAA Regulations

CAA rules apply to all UAV operators throughout New Zealand. CAA rules Part 101 require 12 key things from UAV operators. Operators must:

1. Not operate an UAV 25 kg or larger and always ensure that the UAV is safe to operate;
2. Take all practicable steps to minimise hazards to persons, property and other aircraft;
3. Fly only in daylight;
4. Give way to all crewed aircraft;
5. Be able to see the UAV with their own eyes;
6. Not fly higher than 120 metres (400 feet) (unless certain conditions are met);
7. Have knowledge of airspace restrictions;
8. Not fly closer than four kilometres from any aerodrome (unless certain conditions are met);
9. Obtain an air traffic control clearance issued by Airways (when flying in controlled airspace);
10. Not fly in special use airspace without the permission of the controlling authority of the area (eg, military operating areas, low flying zones, danger areas or restricted areas);
11. Have consent from anyone you want to fly above;
12. Have the consent of the property owner or person in charge of the area you want to fly above.

- 7 Rules are enforceable by the CAA and a breach could result in a fine, a written warning, or prosecution.

Issues

Approach taken in the draft Use of Unmanned Aerial Vehicles Policy

- 8 The draft policy nominates some circumstances in which UAV use is not permitted without specific approval from Council. These restrictions apply:
- Over a sports field if in use by others, or within 50 metres of any organised activity taking place in a reserve or Council controlled open space;
 - Over or above Council owned or controlled cemeteries or formed roads;
 - Over or within 50 metres of other users of open spaces;
 - Over or within 50 metres of any building on Council land or any playground equipment, furniture, swimming pool, or track on a reserve;
 - Within 50 metres of livestock, wildlife or sensitive wildlife habitats; and
 - Within 50 metres of a reserve boundary where residential housing or stock farming adjoins.
- 9 In addition to these conditions, Community Boards and Community Area Subcommittees are being asked whether there are any local areas that should be considered for restriction or prohibition.
- 10 Council is keen to ensure that UAV use is appropriate to community needs. There is no benefit in allowing use where it is inappropriate or unsafe. Conversely, there is also no benefit in being unnecessarily restrictive in regards to this recreational activity.
- 11 Since the definition of an UAV includes model airplanes, it is important to consider the impact of this policy on existing clubs and associations.

Current use and incidents

- 12 The extent of UAV use in the Southland District is currently unknown. No complaints to Council regarding the use of UAVs were identified during the development of this report. However, across New Zealand the number of incidents reported to the CAA has grown significantly in recent years. The tables below detail the number of incidents across New Zealand by year and by incident type.

Total incidents annually

Year	Total incidents
2008	1
2009	0
2010	1
2011	4
2012	11
2013	10
2014	33
2015	120
Total	184

Number of incidents by incident type

Incident type*	Total incidents
Aviation-related concern	116
Airspace incident	61
Incident	5
Accident	2
Grand Total	184

***Incident definitions**

Aviation-related concern: these are 'concerns' relating to aviation safety or securing, and include complaints and allegations about suspected rule breaches, etc.

Airspace incident: incidents that involve deviations from airspace rules and procedures (minimum distances for aircraft separation, for example).

Incident: a general incident category that covers situations where there is a risk of harm occurring but this does not eventuate.

- 13 There have been four incidents involving UAVs in the Southland region, one of which was in the Southland District. Three of these were aviation-related concerns, one was an airspace incident. The details of each are in the table below:

Date	Description	Location
30-Oct-13	Concern UAV flying on farms and potentially causing a hazard to other aircraft in the area.	Otama Hill Road, Gore
13-Jun-14	Concern about UAV flying near an airliner and a low flying area. Referred to the Regulatory Investigations Unit.	Invercargill
14-Apr-15	Concern that a UAV was flown in close proximity to the airport.	Invercargill
11-Nov-15	Unauthorised UAV operations 100 metres from the airport. The operators were two foreign nationals.	Milford Sound

- 14 To date, 10 enforcement actions have been undertaken by the CAA's Regulatory Investigations Unit in relation to UAV operations. Five of these have been written warnings, and five have been infringement notices with fines ranging from \$500 to \$3,500.
- 15 At this stage staff have not identified any complaints to Council regarding the use of UAVs in the Southland District. To balance the fact that there is not a current significant issue with UAVs and the likelihood of risks in the future, a moderate and proportionate response to manage this issue would be appropriate. Council also needs to be mindful of existing UAV users such as the Fiordland Cloudbusters Model Aircraft Club, who have operated UAVs to date without any issues.

Enforcement

- 16 The CAA has the power to regulate UAV use through mechanisms ranging from warnings to prosecution, depending on the nature of incidents.
- 17 CAA officers have indicated that if reported issues are of a serious nature involving the endangerment of people or property or reckless use of UAVs, an investigation with a view towards prosecution would be likely to occur. For less serious breaches, warnings or infringements are more likely to be considered.
- 18 In the event of a breach of the policy, Council staff would report any incident to the CAA. The incident would be recorded so that the CAA can gather a realistic picture of issues relating to drones and of any operators who breach the rules on multiple occasions. In the opinion of staff in the CAA investigations team, a Council bylaw would be an unnecessary duplication of existing powers under the CAA Regulatory Enforcement Policy.

Factors to Consider

Legal and Statutory Requirements

- 19 Council is empowered to adopt a position by CAA rules. The CAA has power to enforce its rules (including permission and conditions of land owners) using mechanisms ranging from warnings and infringements to prosecutions.
- 20 Since there is currently insufficient evidence of a serious issue relating to UAV use in the Southland District a bylaw is not a proportionate response. Also, enforcement powers of a bylaw largely duplicate enforcement that could be undertaken through CAA legislation. While Council could state its position through guidelines, staff recommend a policy approach to ensure clarity.

Community Views

- 21 This report is part of the process of gathering community views and forming a policy that meets local needs.

Costs and Funding

- 22 There are no costs associated with implementing an Use of Unmanned Aerial Vehicles Policy, other than those associated with advertising and consultation. This is because any enforcement action would be referred to the CAA.

Policy Implications

- 23 If an Use of Unmanned Aerial Vehicles Policy is adopted, it will be referred to in Council's Reserves Management Policy.

Analysis

Options Considered

- 24 Community Boards and Community Development Area Subcommittees could:
- Option 1: Nominate local areas that should be considered for inclusion in the policy as restricted or prohibited areas; or
 - Option 2: Not nominate local areas that should be considered for inclusion in the policy as restricted or prohibited areas.

Analysis of Options

Option 1 – Nominate local areas that should be considered for inclusion in the policy as restricted or prohibited areas.

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"> • Responds to any circumstances or requirements specific to local communities. 	<ul style="list-style-type: none"> • It is important for recommendations not to be unnecessarily restrictive because Council's general proposed approach is broadly permissive.

Option 2 – Not nominate local areas that should be considered for inclusion in the policy as restricted or prohibited areas.

<i>Advantages</i>	<i>Disadvantages</i>

<ul style="list-style-type: none">• Provides a clear, fair and consistent approach across the District.	<ul style="list-style-type: none">• The broad approach may or may not meet local needs and match local circumstances.
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Assessment of Significance

- 25 This issue has not been assessed as significant because at this stage it is not affecting a large number of people or stakeholders or a specific community. Council's ability to make decisions in relation to UAV use are established by CAA rules and the proposed approach is generally permissive.

Recommended Option

- 26 It is recommended that Community Boards and Community Development Area Subcommittees only propose restricted or prohibited areas for inclusion in the policy if this reflects community needs and local circumstances and if these areas are not already adequately managed through the existing broad conditions within the draft policy.

Next Steps

- 27 Following input from Community Boards and Community Development Area Subcommittees, this policy will be subject to public consultation.

Attachments

- A Draft Use of Unmanned Aerial Vehicles Policy [View](#)

SOUTHLAND DISTRICT COUNCIL
USE OF UNMANNED AERIAL VEHICLES POLICY

This policy applies to:

DOCUMENT CONTROL

Administered by: Strategic Manager (Property)	TRIM reference number: r/15/12/22465	Effective date: «type date»
Approved by: Council	Date approved: «type date»	Next review date: «type date»

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USE OF UNMANNED AERIAL VEHICLES POLICY

1. PURPOSE

This policy sets out the conditions for use of Unmanned Aerial Vehicles (UAVs) on Council owned or controlled land.

2. DEFINITIONS AND ABBREVIATIONS

Term	Meaning
Unmanned Aerial Vehicle (UAV)	<p>The term UAV covers all electric powered remote controlled model aircraft, including the type commonly referred to as “drones” that are capable of vertical take-off and landing and small hand-launched gliders less than 1.5 metre wing span.</p> <p>UAVs are also known as drones, Remotely Piloted Aircraft Systems and Unmanned Aerial Systems.</p> <p>The term UAV does not include the following:</p> <ul style="list-style-type: none"> • Fixed wing electric-powered model aircraft greater than 1 metre wing span. • All fixed - winged model aircraft that are internal combustion engine (petrol) powered. • Gliders greater than 1.5 metre wing span and bungee-launched gliders. • Single rotor helicopters that are electric powered or internal combustion engine (petrol) powered. • Jet powered models.
Civil Aviation Authority Rules / CAA rules	<p>Civil Aviation Rules are set by the Minister of Transport. The rules are divided into parts. The two parts relevant to UAVs are:</p> <ul style="list-style-type: none"> • Part 101: <i>Gyrogliders and Parasails, Unmanned Aircraft (including Balloons), Kites, and Rockets - Operating Rules</i>, and • Part 102: <i>Unmanned Aircraft Operator Certification</i>.

3 BACKGROUND

Under rules introduced by the Civil Aviation Authority (CAA) on 1 August 2015, Council can grant or decline consent for the use of UAVs on property that it owns or controls. This policy establishes criteria for UAV use over Council owned and controlled land in the Southland District.

4. POLICY DETAILS

4.1 General Criteria

In addition to CAA rules, the following criteria apply to the use of UAVs over land or property owned or controlled by Southland District Council. They do not apply to the use of UAVs by Southland District Council.

Operators of UAVs must:

- Comply with the Office of the Privacy Commissioner guidance on preserving peoples' personal privacy by not flying over other people or adjoining private property without their consent.
- Be courteous of other park users, who often are there for the quiet enjoyment of Council's parks, reserves and open spaces.

4.2 Restrictions

Operators must not use UAVs under the following conditions unless specific written approval has been granted by Council:

- If requested to cease by Council officers. Users must land their UAV immediately if requested by Council officers.
- Over a sports field if in use by others, or within 50 metres of any organised activity taking place in a reserve or Council controlled open space.
- Over or above Council owned or controlled cemeteries or formed roads.
- Over or within 50 metres of other users of open spaces. If another open space user moves within this range, the UAV user must immediately land their UAV.
- Over or within 50 metres of any building on Council land or any playground equipment, furniture, swimming pool, or track on a reserve.
- Within 50 metres of livestock, wildlife or sensitive wildlife habitats. If livestock or wildlife move within this range, the UAV user must immediately land their UAV.
- Within 50 metres of a reserve boundary where residential housing or stock farming adjoins.

Written Council approval must also be obtained for any organised event involving the use of UAVs.

Operators of UAVs must comply with any additional conditions of lease holders.

4.3 Prohibited Areas

There are some areas where the use of UAVs is prohibited unless written approval has been granted by Council. These areas are:

- Local areas will be determined by Council following feedback from Community Boards and Community Development Area Subcommittees.

4.4 Reporting incidents and near misses

UAV users must report all incidents and near misses to Southland District Council. This obligation also extends to other reserve users involved in any incident or near miss relating to UAV use.

4.5 Enforcement

Any breach of the above conditions could result in termination of your permission to fly unmanned aircraft over Council land.

Council will report breaches to the Civil Aviation Authority, which may result in infringements or prosecution.

5. ASSOCIATED DOCUMENTS

- Civil Aviation Authority Rules and Guidelines: <http://www.caa.govt.nz/rpas/>
- Southland District Council District Reserves Management Policy

6. REVISION RECORD

Date	Version	Revision Description
«Type Date»	«Version»	«Revision»
«Type Date»	«Version»	«Revision»
«Type Date»	«Version»	«Revision»