

Notice is hereby given that an Ordinary Meeting of Southland District Council will be held on:

Date:	
Time:	
Meeting Room:	
Venue:	

Thursday, 9 May 2019 9am Council Chamber 15 Forth Street Invercargill

# Council Agenda OPEN

#### **MEMBERSHIP**

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

Nick Perham

#### **IN ATTENDANCE**

Chief Executive Committee Advisor Steve Ruru Fiona Dunlop

Contact Telephone: 0800 732 732 Postal Address: PO Box 903, Invercargill 9840 Email emailsdc@southlanddc.govt.nz Website: www.southlanddc.govt.nz

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

**Note:** The reports contained within this agenda are for consideration and should not be construed as Council policy unless and until adopted. Should Members require further information relating to any reports, please contact the relevant manager, Chairperson or Deputy Chairperson.



# **TABLE OF CONTENTS**

ITEM

PAGE

# PROCEDURAL

1	Apologies	5
2	Leave of absence	5
3	Conflict of Interest	5
4	Public Forum	5
5	Extraordinary/Urgent Items	5
6	Confirmation of Council Minutes	5

# **REPORTS - POLICY AND STRATEGY**

7.1	Draft Board (TAB) and Gambling Venue Policies - Consultation	7
REP	ORTS - OPERATIONAL MATTERS	
8.1	Disposal of "off Tussock Creek Grove Bush Road Bridge"	33
8.2	Orepuki Community Development Area Subcommittee 6 November 2018 meeting follow up	39

# **REPORTS - GOVERNANCE**

9.1	Joint Civil Defence Services Agreement	45
9.2	Minutes of the Community and Policy Committee Meeting dated 13 February 2019	65
9.3	Minutes of the Finance and Audit Committee Meeting dated 14 December 2018	67
9.4	Minutes of the Otautau Community Board Meeting dated 14 February 2019	69
9.5	Minutes of the Wallacetown Community Board Meeting dated 21 February 2019	71
9.6	Minutes of the Winton Community Board Meeting dated 11 February 2019	73
9.7	Minutes of the Mararoa Waimea Ward Committee Meeting dated 18 October 2017	75



9.8	Minutes of the Mararoa Waimea Ward Committee Meeting dated 1 November 2018	77
9.9	Minutes of the Mararoa Waimea Ward Committee Meeting dated 18 December 2018	79
9.10	Minutes of the Waiau/Aparima Ward Committee Meeting dated 18 October 2017	81
9.11	Minutes of the Waiau/Aparima Ward Committee Meeting dated 1 November 2018	83
9.12	Minutes of the Waiau/Aparima Ward Committee Meeting dated 29 November 2018	85
9.13	Minutes of the Waihopai Toetoes Ward Committee Meeting dated 18 October 2017	87
9.14	Minutes of the Waihopai Toetoes Ward Committee Meeting dated 1 November 2018	89
9.15	Minutes of the Winton Wallacetown Ward Committee Meeting dated 18 October 2017	91
9.16	Minutes of the Winton Wallacetown Ward Committee Meeting dated 14 March 2018	93
9.17	Minutes of the Winton Wallacetown Ward Committee Meeting dated 1 November 2018	95
9.18	Minutes of the Winton Wallacetown Ward Committee Meeting dated 18 December 2018	97
9.19	Minutes of the Dipton Community Development Area Subcommittee Meeting dated 21 November 2018	99
9.20	Minutes of the Lumsden Community Development Area Subcommittee Meeting dated 11 February 2019	101
9.21	Minutes of the Stewart Island/Rakiura Community Board Meeting dated 11 February 2019	103

# **PUBLIC EXCLUDED**

Procedural motion to exclude the public104C10.1Southland Murihiku Destination Strategy 2019 - 2029 - draftC10.2Public Excluded Minutes of the Community and Policy Committee Meeting<br/>dated 13 February 2019C10.3Public Excluded Minutes of the Finance and Audit Committee Meeting<br/>dated 14 December 2018

C10.4 Public Excluded Minutes of the Stewart Island/Rakiura Community Board Meeting dated 11 February 2019



### 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

Councillors are reminded of the need to be vigilant to stand aside from decision-making when a conflict arises between their role as a councillor 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 <u>www.southlanddc.govt.nz</u> or phoning 0800 732 732.

## 5 Extraordinary/Urgent Items

To consider, and if thought fit, to pass a resolution to permit the Council 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
  - 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 Council Minutes

6.1 Meeting minutes of Council, 10 April 2019



# Draft Board (TAB) and Gambling Venue Policies -

# Consultation

<b>Record No:</b> Author: Approved by:	R/19/3/5096 Robyn Rout, Policy Analyst Bruce Halligan, Group Manager Environme	ental Services
🗵 Decision	□ Recommendation	□ Information

# Purpose

1. The purpose of this report is for Council to endorse the draft Board and Gambling Venue policies, and an associated statement of proposal, for public consultation.

# **Executive Summary**

- 2. All councils are required to have both Board and Gambling Venue policies. These policies are a way to manage racing/sports betting venues, and electronic gaming machine venues, in the District.
- 3. Council's current Board and Gambling Venue policies were adopted in 2016 and are due to be reviewed by 7 September 2019.
- 4. This report outlines what must be included in the policies and possible policy approaches. There is an attachment to this report that provides a summary of the social impact of gambling in the District, to help inform the policy approach.
- 5. The draft policies are largely the same as Council's current Gambling and Board Venue policies. There has been only minor changes to wording/styling, rather than changes to policy content.
- 6. On 9 April 2019, the Community and Policy Committee recommended that Council endorse the draft policies for public consultation.
- 7. If Council endorses the draft policies for consultation, staff are proposing that consultation, in accordance with the special consultative procedure (SCP), will occur from 16 May to 21 June 2019.

# Recommendation

## That Council:

- a) Receives the report titled "Draft Board (TAB) and Gambling Venue Policies -Consultation" dated 30 April 2019.
- 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) Endorses the draft Board Venue Policy, the draft Gambling Venue Policy and the associated Statement of Proposal for public consultation in accordance with the Special Consultative Procedure, from 8am on 16 May 2019 to 5pm on 21 June 2019.
- e) Considers the following actions constitute making the Statement of Proposal as widely available as is reasonably practicable in accordance with section 83 of the Local Government Act 2002 -
  - placing a newspaper advertisement in the Advocate,
  - having the Statement of Proposal accessible on Council's website,
  - having copies of the Statement of Proposal available at all Council offices
  - notifying special interest groups and Te Ao Marama about the Statement of Proposal.

# Background

- 8. Council is required under the Racing Act 2003 to have a policy on Board venues. 'Board Venue' refers to a venue that is owned or leased by the New Zealand Racing Board and where the main business carried out at the premise is providing racing-betting or sports-betting services. The policy does not relate to outlets in pubs and clubs only stand-alone Board premises, such as one that is currently operating in South Dunedin. A board venue policy is applied when Council considers a consent application for a Board venue. There are currently no Board venues operating in the District.
- 9. Council is also required under the Gambling Act 2003 to adopt a policy on class 4 venues. Electronic gaming machines (pokies) in pubs and clubs (not in a casino) represent 'class 4' gambling. Council's policy is called the Gambling Venue Policy, and it is applied when Council receives a consent application in relation to a class 4 venue. These applications are quite rare – Council has not received any applications in the last three years. Council cannot alter consents that have already been given, nor can the consents lapse or expire.
- 10. Both Council's current Board Venue Policy and Gambling Venue Policy were adopted on 7 September 2016, and are due to be reviewed by 7 September 2019.

- 11. A decision was made in 2013 to have the policies as two separate documents, to reflect the different legislation for each issue.
- 12. The Community and Policy Committee recommended that Council endorse the draft policies for public consultation, at a meeting on 9 April 2019.

# Social impact of gambling (including on high-deprivation areas)

13. In adopting a policy, Council must have regard to the social impact of gambling within the District. A summary of the social impact of gambling in the District is provided in Attachment B. This attachment includes information that was of interest to the Community and Policy Committee – the gambling machine gross turnover generated in 'suburbs' in the District, and community deprivation levels.

# Issues

# **Board Venue Policy**

- 14. In the draft Board Venue Policy, Council must specify whether or not new Board venues may be established in the District and, if so, where they may be located.
- 15. As with the current policy, the draft Board Venue Policy requires only that any new stand-alone Board venue complies with the provisions of the Southland District Plan. There are zoning restrictions in the District plan that would impact factors such as whether a resource consent would be required for a Board venue, and the permitted opening hours, lighting restrictions etc that would apply.
- 16. In setting its policy, Council could have regard to factors such as:
  - the characteristics of the District
  - the location of kindergartens, early childhood centres, schools, places of worship, and other community facilities, and
  - the cumulative effects of additional opportunities for gambling in the District.

# **Gambling Venue Policy**

- 17. In the draft Gambling Venue Policy, Council must specify whether or not Class 4 venues may be established in the District and, if so, where they may be located. Council may also specify any restrictions on the maximum number of gaming machines that may be operated at a Class 4 venue, and any relocation policy.
- 18. Council's current Gambling Venue Policy is based on a soft sinking lid approach to electronic gambling machines. This soft sinking lid approach allows venues to continue operating existing machines (and replace/update the existing machines when necessary), but it does not permit licences for new machines. The current policy also states that if a venue closes, the licence to have machines can be transferred to another venue.

- 19. In determining its policy, Council could have regard to the factors listed in paragraph 15 above, and also:
  - the number of gaming machines that should be permitted to operate at any venue or class of venue
  - how close any venue should be permitted to be to any other venue
  - what the primary activity at any venue should be.
- 20. There are a number of possible policy approaches that Council could take in its draft Gambling Venue Policy, these include:
  - **no restrictions** consent is granted to all applications, subject to the statutory limits on machine numbers per venue
  - **capped** consent is withheld if the application would serve to exceed a set number, or ratio per population, of venues and/or machines
  - **controlled** new consents may be granted, but are subject to various controls such as restrictions about location
  - **soft sinking lid** no new consents are granted. If a venue closes, the licence to have gambling machines can (in some circumstances) be transferred to another venue
  - **strong sinking lid** no new consents are granted. If a venue closes, the licence to have pokies cannot be transferred to another venue.

# **Factors to Consider**

# Legal and Statutory Requirements

- 21. Both the Board and Gambling Venue Policies are required to be reviewed by 7 September 2019.
- 22. In adopting a policy, Council must have regard to the social impact of gambling within the District. As the draft Gambling Venue Policy allows gaming machine relocations in some circumstances, Council also must consider the social impact of gambling in high-deprivation areas in the District.
- 23. Both the Board and Gambling Venue policies can only be amended or replaced in accordance with the SCP outlined in section 83 and 87 of the Local Government Act 2002. As only minor revisions are being proposed to the current policies, it is unlikely Council is required to consult using the SCP. However, as there are a number of stakeholders interested in these policies, staff are of the view it would be appropriate to use the SCP anyway. The SCP requires a thorough consultation process to be undertaken with a statement of proposal being made publically available, a consultation period of at least one month, and to give opportunity for hearings. As part of the SCP, staff would give notice of the proposed policies to special interest groups (the Board and corporate societies holding a Class 4 venue licence in the District) and Te Ao Marama, to inform them of the public submission period.
- 24. Council is required to make the proposal as widely available as is reasonably practicable, and it is proposed that Council will:
  - place a newspaper advertisement in the Advocate,
  - have the Statement of Proposal accessible on Council's website,

- have copies of the Statement of Proposal available at all Council offices
- notify special interest groups and Te Ao Marama.
- 25. Council will also be required to notify the Secretary for Internal Affairs and the Board, if it adopts/amends/replaces the Board and Gambling Venue Policies.

# **Community Views**

- 26. When Council reviewed these policies in 2016, it received submissions supporting and opposing the soft sinking lid approach. Submissions from gambling and gaming stakeholders predominantly supported a capped approach to the number of electronic gaming machines, while submissions from health and social welfare agencies supported a sinking lid approach with increased restrictions on the relocation of electronic gaming machines.
- 27. If Council endorse the draft policies and Statement of Proposal for public consultation, staff will undertake a thorough consultation process, and will obtain up-to-date views.
- 28. Staff will prepare an online form that will be accessible on Council's website, where people can make a submission.

# **Costs and Funding**

29. Costs associated with this work, such as staff time and advertising, are proposed to be met within current budgets. There are no proposed changes to current operational practice.

# **Policy Implications**

- 30. If the draft policies are adopted, there would not be any change to the operation/establishment of Board and gambling venues in the District.
- 31. The soft sinking lid approach assists in the gradual decline in the numbers of electronic gaming machines, which may contribute to a reduction in gambling related harm.

# Analysis

# **Options Considered**

- 32. The following options have been identified as practical ways Council could proceed:
  - **Option 1** Council endorses the draft Board Venue Policy, draft Gambling Venue Policy and the associated statement of proposal, for public consultation
  - **Option 2** Council endorses <u>amended</u> versions of the draft Board Venue Policy, draft Gambling Venue Policy and the associated statement of proposal, for public consultation

# Analysis of Options

# Option 1 – Council endorses the draft Board Venue Policy, draft Gambling Venue Policy and the associated statement of proposal, for public consultation

Advantages	Disadvantages	
<ul> <li>the soft sinking lid approach assists in the gradual decline of electronic gaming machines, which may contribute to a reduction in gambling related harm</li> <li>balances the harm that can be caused by gambling with the benefits the money from gambling can bring to people in the District</li> <li>Council is legislatively required to have policies on Board and gambling venues and the current policies are legally compliant</li> <li>the draft Board and Gambling Venue policies are reasonably consistent with the approach of other territorial authorities within the Southland Region</li> <li>this option will enable staff to progress and met the requirement to review the policy by 7 September 2019.</li> </ul>	<ul> <li>amended policies may better reflect community/stakeholder views</li> <li>amended policies may strike a better balance between the harm that can be caused by gambling and the benefits the money from gambling can bring to people in the District.</li> </ul>	

## Option 2 – Endorses Council endorses <u>amended</u> versions of the draft Board Venue Policy, draft Gambling Venue Policy and the associated statement of proposal, for public consultation

Advantages	antages Disadvantages	
<ul> <li>amended policies may better reflect</li></ul>	• amended polices may not strike a balance	
community/stakeholder views <li>Council is legislatively required to have</li>	between the harm that can be caused by	
policies on Board and gambling venues <li>this option will enable staff to progress and</li>	gambling and the benefits the money from	
met the requirement to review the policy by	gambling can bring to people in the	
7 September 2019.	District.	

# **Assessment of Significance**

33. This matter has been assessed as being of lower significance in relation to Council's Significance and Engagement Policy and the Local Government Act 2002. No changes to operational practice would arise if the draft policies were adopted.

# **Recommended Option**

34. It is recommended Council considers Option 1 and endorses the draft Board Venue Policy, the draft Gambling Venue Policy and an associated Statement of Proposal, for public consultation.

# Next Steps

- 35. If Council endorses the draft policies and the statement of proposal for public consultation, staff are proposing that consultation, in accordance with the SCP, will occur from 16 May to 21 June 2019.
- 36. If submitters wish to speak to Council about this matter, it is proposed that hearings will take place on Wednesday 24 July 2019.

# Attachments

- A Statement of Proposal for the draft Board (TAB) and Gambling Venue Policies 😃
- B Social Impact of Gambling in the Southland District J



# Draft Board (TAB) and Gambling Venue Policies

Statement of Proposal – May 2019

#### 1. Introduction

Southland District Council is reviewing its Board Venue Policy and its Gambling Venue Policy.

The Board Venue Policy is about racing/sports betting venues and the Gambling Venue Policy is about venues that have electronic gaming machines (pokies).

Council is seeking feedback on the draft policies over a submission period that will run from 16 May to 21 June 2019. People who make a written submission can request to also make an oral submission to Councillors.

#### 2. Background information

#### What is required?

The Gambling Act 2003 and Racing Act 2003 control gambling within New Zealand. This legislation focusses on ensuring that the harm that gambling can cause is minimised, and that the community benefits from the proceeds of gambling.

These acts require councils to have policies on Board venues and gambling venues.

A Board venue policy must specify whether or not new Board venues may be established in a district and, if so, where they may be located. Board venues are owned or leased by the New Zealand Racing Board and the main business carried out at the premises is providing racing-betting or sports-betting services. A Board venue policy does not relate to Board outlets in pubs and clubs - only stand-alone Board venues.

A gambling venue policy must specify whether or not gambling machine venues (venues that have 'pokie' machines that are not a casino) may be established in a district and, if so, where they may be located. Councils can also specify any restrictions on the maximum number of gaming machines that may be operated at a gambling machine venue, and any policy on relocating gaming machines.

#### Social impact of gambling

Council has considered the social impact of gambling in the Southland District when developing these policies, including the social impact of gambling in high-deprivation areas (for further information see the Council meeting agenda for 9 May 2019 at - <u>http://southland.infocouncil.biz/</u>). Some key facts identified include:

- the number of electronic gambling machines in the District has reduced by 34% between 31 March 2013 and 31 December 2018 (133 machines down to 88)
- there are currently no Board venues in the Southland District
- a number of the gaming machines in the District are in towns that have high deprivation index scores
- gambling has benefits to the community through its contribution to community funding

Draft Stewart Island/Rakiura Visitor Levy Policy and Bylaw 30/05/2018

Southland District Council Te Rohe Pôtae o' Murihiku PO Box 903 15 Forth Street Invercargill 9840 0800 732 732
 sdc@southlanddc.govt.nz
 southlanddc.govt.nz



• gaming machine proceeds in the Southland District, and the proportion generated in the Southland District relative to the rest of New Zealand, are reasonably stable. The proceeds generated have been increasing slightly over the last three years.

#### 3. What is proposed?

Council's draft Board and Gambling Venue policies are included with this proposal as attachments A and B.

The draft policies are largely the same as Council's current policies - there have only been minor changes to wording/styling, rather than significant changes to policy content.

The draft Board Venue Policy states that any new stand-alone Board venue must comply with the provisions of the Southland District Plan. There are zoning restrictions in the plan that would impact factors such as whether a resource consent would be required for a Board venue, and the permitted opening hours, lighting etc that would apply in particular zones.

The draft Gambling Venue Policy outlines a 'soft sinking lid' approach to electronic gambling machines. This soft sinking lid approach allows venues to continue operating existing machines, but it does not permit licences for new machines. The draft policy also states that if a venue closes, the licence to have machines can be transferred to another venue.

#### The reasons for the proposal

The main reasons for this proposal are to:

- meet the requirements of the Gambling Act 2003 and the Racing Act 2003 for a 3-yearly review of the policies
- seek feedback on the policy approach from the community
- where appropriate, update the policies and refine wording/formatting.

#### 5. How to have your say

Anyone can make a submission online at <u>https://www.southlanddc.govt.nz/my-council-/have-your-say/</u>. Submissions will be accepted from 8am on 16 May 2019 and must be received by 5pm on 21 June 2019.

All submissions should state:

- the submitter's name
- the submitter's contact details
- whether or not the submitter would like to speak to Council about this matter.

If you need help submitting please contact Council at 0800 732 732, or call in to one of Council's offices. All written submissions made to Council will be acknowledged and made available to the public.

As part of the consultation process, Council will be giving notice of this proposal to special interest groups (the Board and corporate societies holding a class 4 venue licence in the District) and Te Ao Marama, to inform them of the public submission period.

Draft Stewart Island/Rakiura Visitor Levy Policy and Bylaw 30/05/2018



Council intends to hold a hearing on this matter on 24 July 2019. This is when anyone who has made a written submission and who has said they would like to speak to Council, can do so at a Council meeting. This meeting is open to the public. If you indicate you would like to be heard, Council staff will get in touch with you to arrange a time for you to speak at the hearing. If at the hearing you have any requirements, such as that you would like to speak via video conference or you would like to use sign language, please let us know.

#### 6. Timetable for consultation

The dates below outline the timetable for the consultation process. Any changes to these dates will be publically advised on Council's Facebook page and website.

Date	Activity
9 May 2019	Council adopts the proposal for consultation
16 May 2019	Consultation period begins (8am)
21 June 2019	Consultation period ends (5pm)
24 July 2019	Oral submissions heard by Council (at Council offices, 15 Forth St, Invercargill)
21 August 2019	Council considers and adopts the draft policies

### 7. Options

Council has two possible options on how it could proceed. These are to:

- option 1 adopt the draft policies, or
- option 2 adopt amended policies (this may be adopting a more restrictive or a more liberal approach to Board venues or gambling venues)

The advantages and disadvantages of these options are outlined below.

#### Option 1 - adopt the draft policies

Advantages	Disadvantages	
<ul> <li>the soft sinking lid approach assists in the gradual decline of electronic gaming machines, which may contribute to a reduction in gambling related harm</li> <li>balances the harm that can be caused by gambling with the benefits the money from gambling can bring to people in the District</li> <li>Council is legislatively required to have policies on Board and gambling venues and the current policies are legally compliant</li> </ul>	<ul> <li>amended policies may better reflect community/stakeholder views</li> <li>amended policies may strike a better balance between the harm that can be caused by gambling and the benefits the money from gambling can bring to people in the District.</li> </ul>	

Draft Stewart Island/Rakiura Visitor Levy Policy and Bylaw 30/05/2018



•	the draft Board and Gambling Venue
	policies are consistent with the approach of
	other territorial authorities within the Southland Region
	this option will enable staff to progress and
	met the requirement to review the policy by 7 September 2019.
	7 September 2019.

# Option 2 – adopt amended policies (this may be adopting a more restrictive or a more liberal approach to Board venues or gambling venues)

Advantages	Disadvantages
<ul> <li>amended policies may better reflect</li></ul>	<ul> <li>amended polices may not strike a balance</li></ul>
community/stakeholder views <li>Council is legislatively required to have</li>	between the harm that can be caused by
policies on Board and gambling venues <li>this option will enable staff to progress and</li>	gambling and the benefits the money from
met the requirement to review the policy by	gambling can bring to people in the
7 September 2019.	District.

Draft Stewart Island/Rakiura Visitor Levy Policy and Bylaw 30/05/2018



Attachment A

**Draft Board Venue Policy** 

Draft Stewart Island/Rakiura Visitor Levy Policy and Bylaw 30/05/2018



# **Board Venue Policy**

Group responsible:	Regulatory Services
Date approved:	7 September 2016
Date amended:	
File No:	R/19/3/5471

#### Objectives

The objectives of this policy are to:

- outline whether or not new board venues may be established in the Southland District and, if so, where they may be located, and
- facilitate community involvement in decisions about gambling.

2 Definitions		
Definition	Meaning	
Board	Means the New Zealand Racing Board	
Board venue	Means premises that are owned or leased by the board and where the main business carried on at the premises is providing racing betting or sports betting services under the Racing Act 2003	

#### 3 Policy

Southland District Council (Council) does not have any additional requirements to regulate the operation or location of Board venues, other than those contained in the District Plan under the Resource Management Act 1991.

#### 4 Commencement

Council has adopted this policy after completing the special consultative procedure outlined in the Local Government Act 2002.

This policy is effective from XX 2019.

#### 5 Review

Council will review this policy within three years of it being adopted.

Southland District Council Te Rohe Pôtae o Murihiku PO Box 903 15 Forth Street Invercargill 9840

0800 732 732
 sdc@southlanddc.govt.nz
 southlanddc.govt.nz

Draft Stewart Island/Rakiura Visitor Levy Policy and Bylaw 30/05/2018



Attachment B

**Draft Gambling Venue Policy** 

Draft Stewart Island/Rakiura Visitor Levy Policy and Bylaw 30/05/2018



# **Gambling Venue Policy**

Group responsible: Regulatory Services

Date approved: 15 May 2013

Date amended:

1

File no: R/19/3/5466

#### Introduction

The act came into force on 18 September 2003. Under section 101 of the act, Council is required to adopt a policy to regulate the number and location of non-casino electronic gaming machines (Class 4), more commonly known as pokie machines.

At 31 December 2018 the Southland District had 15 Class 4 gaming venues and 88 electronic gaming machines.

Council has the ability to limit the number of locations and venues and the number of electronic gaming machines, and must have regard to the social impact of gambling in developing its policy. As required under the act, this policy only applies to gambling venues licenced after 17 October 2001, or to other venues licenced prior to this if they wish to increase the number of electronic gaming machines.

Definition	Meaning
Act	The Gambling Act 2003
Class 4 gambling	Means any activity that involves the use of a gaming machine outside a casino, and may be conducted only by a corporate society and only to raise money for authorised purposes
Class 4 gambling venue	Means a place used to conduct Class 4 gambling ie premises with Class 4 gaming machines licenced under the Gambling Act 2003. This includes any TAB venue with gaming machines

## 2 Definitions

Draft Stewart Island/Rakiura Visitor Levy Policy and Bylaw 30/05/2018

Southland District Council Te Rohe Pôtae o Murihiku PO Box 903 & 080 15 Forth Street @ sdo Invercargill 9840  $\bigstar$  sou

0800 732 732
 sdc@southlanddc.govt.nz
 southlanddc.govt.nz



Definition	Meaning	
Corporate society	<ul> <li>Means a society that is:</li> <li>(a) Incorporated under the Incorporated Societies Act 1968</li> <li>(b) Incorporated as a board under the Charitable Trusts Act 1957 or</li> <li>(c) A company incorporated under the Companies Act 1993 that: <ul> <li>(i) Does not have capacity or power to make a profit; and</li> <li>(ii) Is incorporated and conducted solely for authorised purposes</li> </ul> </li> <li>Corporate Societies may therefore include clubs (RSA, sports clubs etc), trusts and racing clubs</li> </ul>	
DIA	Means the Department of Internal Affairs	
Southland District	Means all the area covered by the Southland Territorial Local Authority	
New venue	Means any venue that has not held a Class 4 venue licence for six months or more, or that has never held a Class 4 venue consent	
Council	Means Southland District Council	

#### 3 Objectives

This policy has the following objectives:

- to assist in limiting the harm of problem gambling in the community
- to encourage responsible gambling practices and attitudes in Class 4 venues
- to reduce the number of electronic gaming machines in the community over time
- to facilitate community involvement in decisions about gambling by ensuring that all communities in the Southland District are given the opportunity to consult with Council in a manner that is culturally appropriate.

#### 4 Restrictions on venue and machine consents

Council will not grant consent for the establishment of any additional Class 4 venues or additional gaming machines, including Class 4 machines in TAB venues, under this policy.

A gambling venue consent is for one venue (one premises) and is not transferable to another venue, unless consent is obtained from Council as provided for in Clause 5 below. The consent is given to a venue at a given address, not to a person or business.

Once a venue ceases to operate, the machine numbers will not be allocated to any new or existing venue except as specified in Clause 5 below.

Council will not provide a consent under sections 95(1)(f) or 96(1)(e) of the act to any application by corporate societies with Class 4 licences seeking ministerial discretion to increase the number of gaming machines permitted at a venue, except as provided in Clause 5 below.

Draft Stewart Island/Rakiura Visitor Levy Policy and Bylaw 30/05/2018



#### 5 Transfer or changes to existing venues and machine consents

If the owner of the principal business of the venue changes, Council consent remains allocated to the venue. The new owner is not required to obtain a Council consent but a new licence may be required from DIA.

Council will consent to the transfer of a licence from an existing venue to a new venue where the venue will be operated by the same corporate society, and subject to a social impact study. The maximum number of gaming machines permitted to operate at the new venue, at the time when the new Class 4 venue licence takes effect, is the same as the maximum number of gaming machines permitted to operate at the old venue, immediately before the licence relating to the old venue is cancelled.

Two or more licensed Class 4 clubs in the Southland District may apply to Council to merge and increase the number of machines that can be operated at a venue, subject to a social impact study. Council consent will only permit the maximum number of gaming machines to be the sum of the number of gaming machines specified in all of the corporate societies' (the clubs that are merging) Class 4 venue licences at the time of application.

Substitute venues may only be established if:

- the vacated site will not be able to be used as a Class 4 venue; and
- Council considers that the location of the new venue is suitable, taking into account the matters referred to in section 101(4) of the act.

Council may arrange its own peer review of any social impact study provided, at the applicant's cost.

#### 6 Visual and sound

Only one sign may make reference to the existence of Class 4 gambling, and may be visible from the street or other public space. This sign shall not mimic or replicate the operation of gaming machines.

No other sign shall promote or identify the existence on site, of gaming machines.

Advertising signs and activities within the building, associated with the operation of gaming machines, shall not be visible from beyond the property boundary.

The operation of gaming machines shall not be audible from beyond the venue property boundary.

#### Encouraging responsible gambling practices

Two of the stated purposes of the act are to "prevent and minimise the harm caused by gambling, including problem gambling" and to "facilitate responsible gambling".

Enforcement and monitoring of gambling venues is the responsibility of the DIA.

Regulations made under the act set out:

- what constitutes an unsuitable venue
- requirements and restrictions regarding gambling machines

Draft Stewart Island/Rakiura Visitor Levy Policy and Bylaw 30/05/2018

Page | 10

7



- requirements of venues to provide information about problem gambling
- requirements of venues to provide problem gambling awareness training to staff.

Council consent for a venue is not revocable once issued and cannot lapse or expire unless there is a period of six months or more where a Class 4 licence is not held for the venue. Further, Council has no retrospective powers with regards to any consented venues and cannot impose conditions subsequently on any venue that has an existing licence.

Council is supportive in general of initiatives and actions that would help to ensure there is a balanced gambling environment where potential harm is managed effectively, and where those who wish to gamble can do so safely. In this regard, Council encourages responsible gambling practices as outlined in Appendix 1.

Where Council has concerns about the operation of existing gambling venues these will be reported to DIA. Council inspectors do not have enforcement powers over venues in terms of their gambling activities.

The provision of information by the venues about problem gambling is required under the regulations and is a key way of promoting responsible gambling. Where Council has concerns about a venue in this regard, it will be reported to DIA.

#### 8 Applications for consent

All applications will incur a fee which will be prescribed by Council pursuant to section 150 of the Local Government Act 2002.

Council will publicly notify applications for Class 4 Gambling Venues and allow for public submissions to be lodged.

Applications for consent by Council must be made to Council on the prescribed form and include:

- name and contact details of the applicant
- names of venue management staff
- street address of premises being relocated and new proposed address
- fees
- details of design and layout to demonstrate how the venue will comply with part six of this policy
- any other information that may reasonably be required to allow proper consideration of the application including how the applicant will encourage responsible gambling practices.

The decision will be made at staff level pursuant to delegated authority and based on the criteria detailed in this policy, except where any matter of opposition is raised in a public submission, in which case the application will be heard and determined by Council.

Draft Stewart Island/Rakiura Visitor Levy Policy and Bylaw 30/05/2018



### 9 Commencement of policy

This policy has been adopted by Council following the special consultative procedure prescribed by the Local Government Act 2002.

This policy is effective from XX 2019.

10 Review of policy

Council will review this policy within three years of it being adopted.

Draft Stewart Island/Rakiura Visitor Levy Policy and Bylaw 30/05/2018



## Appendix 1 Encouraging responsible gambling practices

Best practice	Supporting action
Host Responsibility and Harm Minimisation Policy	The applicant has in place a Host Responsibility and Harm Minimisation Policy. The policy conforms to best practice as set out by national guidelines or standards should these become available.
Location of gaming machines	<ul> <li>Electronic gaming machine sites should be located so that:</li> <li>the facility is ancillary to a principal business and is not the primary purpose of the site</li> <li>the facility is separate from the area of the principal business so that the legal age limit of 18 can be observed and enforced.</li> </ul>
Staff training programme or activities	The applicant demonstrates that staff and management are familiar with its Host Responsibility and Harm Minimisation Policy. The programme provides information on: • the potential effects of gambling on customers • the identification of problem gambling traits • the processes for approach, intervention and follow up for patrons with suspected problem gambling • identification practices for patrons appearing under 25 and actions to be followed • systems in place to support self-barring • recognition of intoxicated patrons and steps to be followed to prevent intoxicated patrons from gambling • systems to be followed if children are left unattended in premises or nearby premises.
Policy on under age access to gambling machines	The licensee must ensure that appropriate signage is in place indicating age restrictions so that this is visible at every gambling machine and at the point(s) of entry into the gambling area. Policy on identification checks for patrons appearing under 25. Staff training on identification of patrons appearing under 25 and actions to be followed.
Provision of problem gambling information	The licensee must ensure that patrons have access to appropriate information on problem gambling and problem gambling help services. Gambling help line phone number information is placed on or near all gambling machines. Additional material on problem gambling and help services displayed in at least one other area within the premises, situated near to gambling machines.
Clocks are visible in premises	The licensee ensures that clocks are visible from gambling machines.
There is good visibility where gambling machines are located	Natural or artificial light illuminates the area where gambling machines are located at all times when machine are in operation.

Draft Stewart Island/Rakiura Visitor Levy Policy and Bylaw 30/05/2018

Southland District Council Te Rohe Pôtae o Murihiku

PO Box 903

0800 732 732 
 15 Forth Street
 @ sdc@southlanddc.govt.nz

 Invercargill 9840
 + southlanddc.govt.nz

#### Social Impact of Gambling in the Southland District

The following information has been collated to give an indication of the social impact of gambling in the Southland District.

#### Venue and machine numbers

The number of electronic gambling machines in the District has reduced by 34% from 31 March 2013 to 31 December 2018 (from 133 machines down to 88). The number of class 4 venues has also decreased by 35% over that time period (from 23 venues to 15 venues) (Department of Internal Affairs, All Venues and Numbers by Territorial Authority/District).

There are currently no standalone Board venues in the District, and there has never been any.

Table 1 below outlines that compared to neighbouring districts, the Southland District has a relatively low number of people per gambling machine.

TABLE 1. NUMBER OF PEOPLE PER GAMBLING MACHINE			
Territorial Authority	Number of machines operating (at 31 Dec 2018)	Estimated population (2018 – Statistics NZ)	No. of people per gambling machine
Southland	88	31,400	357
Invercargill City	245	55,200	225
Gore	84	12,500	149
Clutha	71	17,700	249
Queenstown Lakes	73	39,200	537
Dunedin City	408	130,700	320

Source: https://www.dia.govt.nz/diawebsite.nsf/Files/Gambling-Statistics/\$file/Quarterly-GM-and-Venues-by-Territorial-Authority-Dec-2018.pdf; https://www.stats.govt.nz/information-releases/subnational-populationestimates-at-30-june-2018-provisional

#### The location of venues and machines

Table 2 below outlines where class 4 venues and electronic gaming machines are in the District.

TABLE 2. NUMBER OF VENUES AND GAMBLING MACHINES BY TOWN (AS AT 31 DECEMBER 2018)*		
Town	Number of venues	Number of gaming machines
Edendale	1	3
Nightcaps	1	4
Otautau	1	6
Riversdale	1	4
Riverton	1	9
Te Anau	3	30
Tokanui	1	2
Tuatapere	2	9
Wallacetown	1	4
Winton	2	12
Wyndham	1	5
Total	15	88

Source: https://www.dia.govt.nz/diawebsite.nsf/wpg\_URL/Resource-material-Information-We-Provide-Summaryof-Venues-and-Numbers-by-Territorial-AuthorityDistrict There are mixed views in New Zealand research about whether greater gambling availability leads to greater gambling related harm (Ministry of Health. 2008. Raising the odds? Gambling behaviours and neighbourhood access to gambling venues in New Zealand. Wellington: Ministry of Health; Abbott, M., Bellringer, M., & Garrett, N. (2018). New Zealand National Gambling Study: Wave 4 (2015). Report number 6. Auckland: Auckland University of Technology, Gambling and Addictions Research Centre).

#### Social deprivation in the District

Figure 1 below shows the levels of deprivation in the Southland District, by community. In undertaking the analysis of deprivation, data from the 2013 Census was used and each Census Meshblock was given a deprivation score based on the following variables:

- access to the internet
- household income
- unemployment
- single parent families
- no qualifications
- dwellings not owner-occupied
- access to car
- occupancy
- means tested benefit status

A value of 10 on the Deprivation Index indicates that the area is in the most deprived 10% of areas in New Zealand. The scale reflects a continuum from 'least deprivation' to 'most deprivation', rather than from 'affluence' to 'deprivation', according to the accompanying research report.



A number of the gambling machines in the District are in towns that have higher deprivation index scores.

#### **Gaming machine proceeds**

Gaming machine proceeds (turnover minus player wins) in the Southland District, and the proportion generated in the Southland District relative to the rest of New Zealand, are reasonably stable – see Figure 2. The proceeds generated in the District have been increasing slightly over the last three years.



Source: Department of Internal Affairs, Summary of Expenditure by Territorial Authority/District

From 2008 to 2015 there was a general decrease in the annual gambling machine gross turnover in the Te Anau, Winton and 'Other' suburbs\* - see Figure 3. However, the gross turnover from gambling machines in Te Anau and Winton increased slightly from 2015 to 2018, and the gross turnover from gambling machines in the 'Other'\*\* suburbs also increased slightly from 2017 to 2018.



Source: The Department of Internal Affairs, response to Official Information Act request, received 18 April 2019.

\* the term 'Suburb has been used as data provided by the Department of Internal Affairs broke down gambling machine gross turnover by the 18 'suburbs' in the Southland District.

\*\* the 'Other' suburb includes the suburbs of Edendale, Lumsden, Manapouri, Nightcaps, Otautau, Riversdale, Riverton, Tokanui, Tuatapere, Waikaia, Wairio, Waituna, Wallacetown, Woodlands, Wreys Bush, and Wyndham. The Department of Internal Affairs grouped the gross turnover from venues in these suburbs as the figures would be directly linked to specific venues, and the Department of Internal Affairs believed the figures may unreasonably prejudice the commercial position of the venue or society.

The return to players on a non-casino gaming machine is required to be set between 78% and 92%, with most being set at 91.5%.

Gambling has benefits to the community through its contribution to community funding. A minimum of 37.12% of the gross proceeds (turnover minus player wins) is returned to the community in the form of community grants.

In 2011, two of the largest societies allocated \$365,361 in the Southland District, which was an allocation per capita of \$12.34 (Internal Affairs. 2011. The distribution of non-casino gaming machine profits in New Zealand. Wellington: Ministry of Internal Affairs).

#### People seeking treatment

The number of people receiving problem gambling assistance in the District has varied between zero and five people receiving treatment, over the last 10 years (Ministry of Health, intervention client data) – see Figure 2.



Using a Ministry of Health method to approximate the prevalence of problem gambling, there are an estimated 68 adults in the Southland District who experienced problems due to someone's gambling in the 2017/2018 year (Ministry of Health. 2009. Problem Gambling Resource for Local Government. Wellington: Ministry of Health).

#### Other research findings

Electronic gambling machines, both in and out of casinos, are associated with the most harm from gambling and that Māori/Pacific people and those living in neighbourhoods with higher levels of deprivation are disproportionately affected by problem gambling (Rossen, F. (2015). Gambling and

Problem Gambling: Results of the 2011/12 New Zealand Health Survey. Centre for Addiction Research, Prepared for the Ministry of Health. Auckland, New Zealand: Auckland UniServices Limited, The University of Auckland). Maori or Pacific people are under-represented in the Southland District compared to across New Zealand as a whole (Statistics New Zealand).

Adults that satisfied the criteria for moderate-risk/problem gambling were more likely to be male, aged 25-34 or 45-54, identify as Māori or Pacific, and live in urban neighbourhoods with higher levels of deprivation (Rossen, F. (2015). Gambling and Problem Gambling: Results of the 2011/12 New Zealand Health Survey. Centre for Addiction Research, Prepared for the Ministry of Health. Auckland, New Zealand: Auckland UniServices Limited, The University of Auckland).

Across New Zealand, gambling is linked with a number of mental health disorders ranging from alcohol and nicotine dependence, to behavioural disorders (Rook, H. et al. 2018. Gambling Harm Reduction Needs Assessment. Wellington: Ministry of Health).



# Disposal of "off Tussock Creek Grove Bush Road Bridge"

<b>Record No:</b>	R/19/4/6049	
Author:	Rob Hayes, Roading Engineer	
Approved by:	Matt Russell, Group Manager Services and Assets	
Decision	□ Recommendation	Information

# Purpose

1 To seek formal approval to proceed with the demolition and permanent removal of "off Tussock Creek Grove Bush Road Bridge.

# **Executive Summary**

- 2 This report covers the actions required to remove the off Tussock Creek Grove Bush Road Bridge No. 2560 that has reached its end of life. The bridge accesses a previously land locked block of land Lot 1, DP7030 between the Makarewa River and Hedgehope Streams.
- 3 Statutory responsibilities associated with this bridge over the Makarewa River has complicated previous attempts to divest this bridge. The property has been sold to Kapuka Farm Limited who have constructed a private bridge within their property and agreed that Councils bridge can be permanently removed.

# Recommendation

# That the Council:

- a) Receives the report titled "Disposal of "off Tussock Creek Grove Bush Road Bridge"" dated 30 April 2019.
- 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 proceed with the demolition and permanent removal of, off Tussock Creek Grove Bush Road Bridge.

# Background

- 4 Council has an aging bridge stock of which a number of structures are at the end of their useful lives. This is one of our posted bridges that provides access to paddocks only.
- 5 This report seeks to address this end of life structure by permanent removal.

## Discussion

- 6 Council has been in negotiations since the 1980's with previous owners regarding upgrading the structure, maintenance, closure of the road reserves and ultimately divesting the bridge. All proposals to date have not been accepted.
- 7 The bridge has now reached its end of life and currently has a posting of 70% of Class 1.
- 8 If, off Tussock Creek Grove Bush Road was lost by flood it would become a significant risk to the main Tussock Creek Grove Bush Road Bridge approximately 400m downstream.
- 9 The sole affected landowner has recently constructed a new bridge on his property for access to Lot 1 DP 7303.
- 10 The sole affected landowner has agreed to the permanent removal of the bridge.

## lssues

11 Increasing health and safety risks to farm staff, public and Council.

# **Factors to Consider**

## Legal and Statutory Requirements

12 Under the Local Government Act 2002, Council has authority to dispose of assets unless expressly provided otherwise in the Act.

## **Community Views**

There is only one affected land owner whom Council have met and agreed with to remove the structure. A follow up letter outlining the discussions and confirming Councils intention to demolish and permanently remove the bridge has also been delivered to the affected landowner.

# **Costs and Funding**

13 The demolition costs will be funded from Council's current Central Alliance maintenance budgets estimated at \$30,000.00.

## **Policy Implications**

14 There are no policy implications.

# Analysis

## **Options Considered**

- 15 The bridge matrix tool was utilised to determine the outcome of the structure; this includes replacement, replace and divest, replace and divest with third party contribution and complete removal of structures.
- 16 The options considered for each bridge are as follows:

# Analysis of Options

## **Option 1 – Replace Structure**

Advantages	Disadvantages	
<ul><li>Level of service increase.</li><li>Supports Council's strategic outcomes.</li></ul>	<ul> <li>Ongoing liability including inspections, maintenance and future replacements.</li> <li>Current landowner is not objecting to the permanent removal.</li> <li>Funding the replacement approximately \$525,000.00</li> </ul>	

## **Option 2 – Remove Structure**

Advantages	Disadvantages
• Decrease the number of structures around the network resulting in a more sustainable bridge stock.	• Reduced level of service for affected parties.
• Reduces the required investment including bridge maintenance and inspections.	

# Assessment of Significance

- 17 Based on the Council's Significance and Engagement Policy and given that the decision made is in line with the Annual Plan and Long Term Plan budget expectations, it is believed that the decision made based on this recommendation is not significant.
- 18 Nor does the disposal of these bridge assets trigger Council's Significance and Engagement Policy as the policy considers strategic assets (roading/bridge network) as a whole.

# **Recommended Option**

19 Demolish and permanently the bridge.

# **Next Steps**

20 Physical demolition and removal of the bridge along with associated site works.

# Attachments

- A Off Tussock Creek Grove Bush Rd Bridge 2560 Photo 1 for council meeting 😃
- B Site location off Tussock Creek Grove Bush Rd Bridge 2560 <u>J</u>






□ Information

## Orepuki Community Development Area Subcommittee 6 November 2018 meeting follow up

<b>Record No:</b>	R/19/4/6737
Author:	Rex Capil, Group Manager Community and Futures
Approved by:	Steve Ruru, Chief Executive

## Purpose

8.2

☑ Decision

1 The purpose of this report is to follow up on a resolution and associated request made by the Orepuki Community Development Area Subcommittee at their 6 November 2018 meeting.

□ Recommendation

## **Executive Summary**

- 2 At the Orepuki Community Development Area subcommittee meeting of 6 November 2018 chairperson McGrath requested a letter to be presented at the meeting which sought a resolution from the meeting in regard to the future of community development area subcommittees in the new triennium and suggested further conversation on this matter be undertaken by Southland District Council and be forwarded to Mayor Tong, chief executive officer Steve Ruru and councillors.
- 3 Council received this information as part of receiving the minutes of the Orepuki CDA 6 November 2018 meeting at the Council meeting on 10 April 2019.

## Recommendation

### That the Council:

- a) Receives the report titled "Orepuki Community Development Area Subcommittee 6 November 2018 meeting follow up" dated 13 April 2019.
- 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) Notes the resolution passed by the Orepuki Community Development Area Subcommittee at its 6 November 2018 meeting and received by Council at its 10 April 2019 meeting.
- e) Notes the various actions being undertaken as a result of the Local Government Commission Determination for the representation review undertaken in 2019 and recognises the next steps of engagement (including meeting with the elected representative working group, the scheduled community board/CDA chair meeting and the inclusive community board plan process to be undertaken) will assist in covering off points raised in the Orepuki CDA resolution.
- f) Notes paragraph 70, 71 and 72 of the Local Government Commission Determination when considering the future approach to be considered.
- g) Endorses the community led development approach as part of the future approach to be considered.
- h) Recognises the 2019-2022 triennium Council committee structure and associated appointment processes will be considered by the Mayor and Council and be a matter dealt with at the inaugural meeting of the 2019-2022 Council in October 2019.

## Background

- 4 At the Orepuki Community Development Area subcommittee meeting of 6 November 2018 chairperson McGrath requested for a letter to be presented at the meeting which sought a resolution from the meeting in regard to the future of community development area subcommittees in the new triennium and suggested further conversation on this matter be undertaken by Southland District Council and be forwarded to Mayor Tong, chief executive officer Steve Ruru and councillors.
- 5 The resolution passed at the meeting stated *"request to the Mayor and Councillors to address the suggestion that CDA's may become redundant from the outcomes of the current model of representation that has been put forward in the current Representation Review for the 2019 Local Authority election. Through this motion*

## Council 9 May 2019

we are seeking to open the doors to inclusive conversation with Council and the CDA's to firstly the role for a CDA within the model as submitted and secondly what changes could be appropriate for the CDA's in order to be appropriate and fit for purpose within this model."

6 Council received this information as part of receiving the minutes of the Orepuki CDA 6 November 2018 meeting at the Council meeting on 10 April 2019.

## lssues

- 7 In responding to this matter Council officers have been waiting until the Local Government Commission determination of representation arrangements to apply for the election of the Southland District Council to be held on 12 October 2019 was received.
- 8 This has now been received which has provided clarity regarding the representation structure for the 2019-2022 triennium.
- 9 Council recognises the importance of engaging with the community regarding the next steps in preparation for the 2019 elections and the associated representation structure.
- 10 To this end the Representation Review Elected Representatives Working Group (comprising Mayor Tong, Cr Dillon, Cr Keast, Cr Kremer, Chair Yorke, Chair Bekhuis, Chair Naylor and Chair McGrath) has met to discuss the way forward upon receipt of the Local Government Commission determination.
- 11 The working group acknowledged paragraphs 70, 71 and 72 of the determination which specifically state:

"70. We note that the continued existence of CDAs is not a matter for us to determine as they do not fall within the scope of a representation review under the Act. Rather, the matter is one for the council of the day to resolve.

71. Having said this, we note the current council has been very clear throughout the review process it wishes to see community boards covering the district. In light of this, the continued existence of the CDAs and, more particularly, their role vis-à-vis community boards has understandably been seen by some as in question. We note simply that if community boards are to cover the district that, given the size of the district and the relatively few number of boards proposed i.e. nine, there could still be scope for additional local community structures in parts of the district representing particular communities. These structures could work with and complement the role of the proposed community boards.

72. In respect of these appellants and objectors expressing concern about the imminent demise of the CDAs, we suggest they continue to engage with the council and, where they presently exist, community board in the area, on the best arrangements for that area. This may include for the larger community board areas, the need/retention of more localised structures for community representation and advocacy in the interests of the communities concerned. We believe such structures will actually have more flexibility to work in the interests of their communities than the current CDAs as subcommittees of the council."

12 To this end what is suggested by the Local Government Commission is what has driven the development of the community led development approach being advanced by council. Council recognises that the operational design and how council supports its local communities and delivers services at the local level needs to be reviewed.

- 13 The organisational service delivery review project currently underway will see Council look to further define and develop the role and process changes needed to support the new community boards and associated community led organisation structures to achieve their purpose.
- 14 An important feature of the community governance concept is that it is exercised by the communities themselves, rather than for them or to them. As such it requires a shift in thinking and operation from a focus on governing organisations to governing communities; and not necessarily defined within historical geographic boundaries or service delivery jurisdictions that may have previously been defined by Council.
- 15 As part of the next steps in the process and as a means to supporting the lead up to the council and community board elections it is planned to meet with current community board and CDA chairs to further discuss and develop the governance structure for the 2019-2022 triennium. This meeting is scheduled for early - mid May.
- 16 As well as this a new community board planning process is to be implemented which will inform the LTP 2031. This community board planning process is to involve significant community engagement opportunities for current community boards, CDAs and other community representatives and is planned to occur from June 2019 through to February 2020. This will support direct input from current community boards and CDAs and this inclusive engagement approach will support the transition from the existing representation governance structure to the new representation governance structure involving nine community boards and supporting community based organisations.
- 17 It is also important to note and recognise the 2019-2022 triennium Council committee structure and associated appointment processes will be considered by the Mayor and Council and be a matter dealt with at the inaugural meeting of the 2019-2022 Council in October 2019.

## **Factors to Consider**

## Legal and Statutory Requirements

18 The legal and statutory requirements for council to consider are based on the fact that all territorial authorities are required under sections 19H and 19J of the Local Electoral Act 2001 to review their representation arrangements at least every six years. Council has fulfilled these requirements and forms the basis of the Local Government Commission Determination received.

## **Community Views**

- 19 Community views have been sought over an extended period throughout the development and preparation of the Council's Representation Review Initial Proposal and Final Proposal and subsequent Local Government Commission appeals and objections hearing held in Invercargill on 5 December 2018.
- 20 Further engagement is planned as detailed above with current community board and CDA chairs and also as part of the new community board planning process scheduled to take place later this year.

## **Costs and Funding**

21 There are no additional costs or funding requirements outside of existing budgets and work programmes necessary to advance this process.

### **Policy Implications**

22 Currently there are no policy implications for council to consider with regards this matter. There may be policy and delegation matters to consider depending on if any community organisations are to fall within the council committee or subcommittee structures post the October election and subsequent committee structure appointment process.

## Analysis

## **Options Considered**

23 There are two options to consider relating to this matter.

Option 1 – Council notes and acknowledges the matters raised by the Orepuki CDA and responds accordingly as per the recommendations of this report.

Option 2 - Council does not acknowledge the matters raised by the Orepuki CDA.

## **Analysis of Options**

# Option 1 – Council notes and acknowledges the matters raised by the Orepuki CDA and responds accordingly as per the recommendations of the report.

Advantages	Disadvantages
• This provides some clarity to the Orepuki CDA of the situation and approach of council going forward.	• There are no disadvantages.
• It ensures the Orepuki CDA are aware that this matter has been referred as per its resolution and has been considered accordingly.	
• It supports the next stages of an inclusive approach in dealing with this matter in the lead up to the 2019 elections.	
• It commits council to ensuring engagement and communication is maintained with existing community board and CDA chairs and the wider community.	

## Option 2 – Council does not acknowledge the matters raised by the Orepuki CDA.

Advantages	Disadvantages
• There are no advantages.	<ul> <li>This would not be good practice and would create division between Council and its communities.</li> <li>This would send a very poor message to the communities Council serves.</li> </ul>

## **Assessment of Significance**

24 This matter is not considered significant in relation to council's Significance and Engagement Policy. Council is simply considering how it might respond to a resolution passed by the Orepuki CDA.

## **Recommended Option**

25 It is recommended that Council supports option 1 and notes the matters raised by the Orepuki CDA and responds accordingly as per the recommendations of this report.

## **Next Steps**

26 Council's committee advisor for the Orepuki CDA will inform the Orepuki CDA of the council decision with regards to the correspondence received.

## Attachments

8.2

There are no attachments for this report.



## Joint Civil Defence Services Agreement

<b>Record No:</b>	R/19/3/5331	
Author:	Bruce Halligan, Group Manager Environmental Services	
Approved by:	Steve Ruru, Chief Executive	
⊠ Decision	□ Recommendation	□ Information

## Purpose

1 This report seeks Council approval of the updated Joint Civil Defence Services Agreement for Southland.

## **Executive Summary**

- 2 Under the Civil Defence Emergency Management Act 2002 (CDEMA 2002), every region must form a CDEM Group and a Coordinating Executive Group (CEG) to carry out its civil defence and emergency management legal obligations.
- 3 In July 2010, an "Agreement on Joint Civil Defence Services" was implemented and this resulted in the formation of Emergency Management Southland.
- 4 The agreement has a 10 year term and is hence due for review, and a revised (and slightly renamed) Joint Civil Defence Services Agreement has been considered and endorsed by the CEG and the Joint Committee.
- 5 Hence, Council's formal approval of the updated Joint Civil Defence Services agreement is hereby sought.

## Recommendation

## That the Council:

- a) Receives the report titled "Joint Civil Defence Services Agreement" dated 1 May 2019.
- 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 the updated Joint Civil Defence Services Agreement, which will take effect in July 2019 with exact date to be confirmed.
- e) Authorises the mayor and chief executive to sign the agreement on behalf of Southland District Council.

## Background

- 6 As referred to above, in 2010 the decision was made for the four councils of Southland to fulfil their legal requirements under the CDEMA 2002 by way of a joint arrangement, rather than each council continuing to do so individually.
- 7 The four councils Environment Southland, Gore District, Invercargill City and Southland District – entered into an "Agreement on Joint Civil Defence Services" in 2010.
- 8 This led to the formation of Emergency Management Southland as a shared service responsible for carrying out the work programme of the Southland CDEM Group. This arrangement recognises that natural disasters and emergency events often extend across territorial boundaries.
- 9 The original agreement had a 10 year term and deals with a range of governance, financial and operational matters. This agreement is hence now due for updating.
- 10 Emergency Management Southland has performed effectively and has also received positive endorsement through various audits undertaken since its establishment on behalf of the Ministry of Civil Defence and Emergency Management. An operational subcommittee provides advice and guidance to the emergency management southland manager, and the group manager of environmental services is part of this subcommittee.
- 11 An updated (and slightly renamed) "Joint Civil Defence Services Agreement" has been prepared and endorsed by the Emergency Management Southland Operations Subcommittee, the CEG and the Joint Committee. Hence, formal approval of each of the four participant councils is now being sought to the updated document.
- 12 At the time of writing there is no indication that any council has any specific concerns with regard to approval of the updated agreement.
- 13 The bulk of the content from the original 2010 agreement has been carried through to the new agreement. However, the following amendments have been made and included in the agreement presented for Council consideration in **attachment A**:
  - removal of the original clauses relating to establishment
  - change to the clauses relating to human resources to align with Environment Southland human resources policies as Environment Southland provides human resource services for Emergency Management Southland
  - adding a health and safety section
  - including "response, transition and recovery" rather than just "response" in the delegations
  - rotating the chair of the operations subcommittee annually
  - adding a requirement for the operations subcommittee to review the agreement after a new group plan is produced

- adding a requirement that the operations subcommittee develops the job description for the emergency management southland manager and is involved in the performance appraisal process, taking into account the CEG chair and joint committee feedback.

The level of financial delegation, financial reserves and the funding split are unchanged from the original document, except that the manager's business as usual delegations have been aligned with the current Environment Southland policy.

It is important to note that while clause 8.1 of the updated agreement includes proportional funding content for the proportions of funding sought from each of the participant councils; the actual level of funding is still a matter for each council to consider and retain discretion over via its Annual Plan and Long Term Plan processes ie each council retains the discretion to deviate from the funding agreement.

## lssues

Provision of civil defence and emergency management functions is an important statutory duty for every council under the CDEM Act. Undertaking these functions via the shared service arrangement of Emergency Management Southland has proven to be an effective and efficient delivery mechanism for Southland. This provides focused professional emergency management expertise.

Since the creation of Emergency Management Southland, staff have also provided professional support to other parts of New Zealand such as following the Christchurch earthquake and more recently the Nelson fires.

It is important that any such shared agreements are reviewed regularly and at the intervals required, to mitigate the potential for them to become outdated and to no longer reflect legislative responsibilities.

## **Factors to Consider**

## Legal and Statutory Requirements

14 All councils have a legal requirement to provide civil defence and emergency management services under the CDEM Act. Approving the updated agreement attached in attachment A will assist in fulfilling this requirement via the Emergency Management Southland shared service, and to give future certainty around arrangements.

## **Community Views**

15 There is no requirement for community consultation in relation to this decision. However, there are regular opportunities for the community to provide input into Emergency Management Southland planning processes.

## **Costs and Funding**

16 Council contributions towards Emergency Management Southland are considered regularly via Annual Plan and Long Term Plan processes-see item 12 above.

## **Policy Implications**

17 The suggested updating of the agreement does not raise any specific policy issues. As referred to in item 12 above, some wording of the updated document has been amended from the original

document to align with Environment Southland polices as Environment Southland provides financial and human resource management services.

## Analysis

## **Options Considered**

18 The options considered are to approve the updated Joint Civil Defence Services Agreement or to not approve the agreement.

## **Analysis of Options**

## Option 1 – Approve the updated agreement

Advantages	Disadvantages
<ul> <li>Provides future operational certainty for Emergency Management Southland staff</li> <li>Supports a successful shared service provision of a key statutory function</li> </ul>	• Each individual council has less autonomy in its provision of civil defence emergency management functions.
• Avoids the need for potentially lengthy and costly agreement termination discussions, and associated need for the withdrawing council/ councils to make alternative arrangements to provide this key statutory function	
• Recognises that natural disasters and other emergencies often cross council boundaries	
• At a broad level, consistent with the Southland Regional Development Strategy and Southland councils working together.	

Option 2 – Do not approve updated agree	ement
---	-------

Advantages	Disadvantages
<ul> <li>Council could have more autonomy to develop its own civil defence emergency management functions.</li> </ul>	• Removes future operational certainty for Emergency Management Southland staff, potential loss of skilled staff
	• Undermines a successful shared service provision of a key statutory function
	• Creates the need for potentially lengthy and costly agreement termination discussions, and associated need for the withdrawing council/ councils to make alternative arrangements to provide this key statutory function
	• Fails to recognise that natural disasters and other emergencies often cross council boundaries
	• Inconsistent with the Southland Regional Development Strategy and Southland councils working together.

## Assessment of Significance

19 As per Recommendation (b) above, this decision is not considered to be significant in terms of the relevant Local Government Act 2002 criteria.

## **Recommended Option**

20 Option 1- approval of the updated agreement included in attachment A.

## **Next Steps**

21 If approved, the agreement will then be formally executed by the participant councils and become effective from July 2019 (exact date to be confirmed).

## Attachments

A Draft Joint Civil Defence Services Agreement 2019 U









# Joint Civil Defence Services Agreement

XX XX 2019

This Agreement was made on the XX day of XX 2019

BETWEEN Gore District Council (GDC), Invercargill City Council (ICC), Southland District Council (SDC) and Southland Regional Council, known as Environment Southland (ES) (collectively called "the Councils")

#### Background

- A. The Councils have established the Southland Civil Defence Emergency Management Group (SCDEMG) as a joint standing committee of the Councils pursuant to Section 12 of the Civil Defence Emergency Management Act 2002 (the Act). The functions, powers and duties of SCDEMG are set out in the constitution dated 8 March 2005.
- B. After a comprehensive review of Civil Defence Emergency Management (CDEM) in Southland the Councils have agreed that their responsibilities for CDEM under the Act shall be combined and delivered through one body to be known as Emergency Management Southland (EMS) with the intention that each Council is to be an active equal participant in the establishment and control of it.
- C. EMS shall comprise an Emergency Management Office and Emergency Co-ordination Centre in Invercargill, with such other sub-offices and centres that are deemed necessary by agreement and shall have the purposes and functions and be governed by the principles set out in this agreement.

IN ORDER TO give effect to this agreement between them the Councils have agreed as follows:

#### 1. Interpretation

1.1 Intent

The provisions of this Agreement are to be interpreted so as to give best effect to the intention of the Councils that each council is to be an active and equal participant in the ongoing development and control of EMS.

#### 1.2 Headings

Clauses and other headings are indications that may be considered in ascertaining the meaning of any provision of this agreement.

#### 1.3 Defined Expressions

Expressions defined in the recitals or the main body of the Agreement shall have the same meaning in the whole of the Agreement. Expressions not defined in this agreement but defined in the Act shall have the meaning in the Act.

#### 1.4 Plural and singular

Words importing the singular number shall include the plural and vice versa.

#### 1.5 Negative Obligations

An obligation to refrain from doing anything shall include an obligation not to permit that thing to be done.

#### 2. Formation of OSC and EMS

- 2.1 For the purposes of combining and effectively carrying out the Councils' responsibilities for CDEM under the Act there shall remain in place on the signing of this Agreement a sub-committee of SCDEMG to be known as the Operational Sub-committee (OSC) and Emergency Management Southland (EMS) as a separate unit of Environment Southland.
- 2.2 In their dealings with OSC and EMS and each other in matters relating thereto and this Agreement the Councils shall have particular regard for the following principles, namely:
  - 2.2.1 EMS shall be a stand-alone unit that will be encouraged to develop its own culture and identity;
  - 2.2.2 each Council is to be an active equal participant in the ongoing development and control of EMS.
- 2.3 The governance structure of SCDEMG, CEG, OSC and EMS shall be in accordance with Schedule A.

## 3. Purpose, Functions and Principles of OSC, EMS and the Participation of the Councils

- 3.1 The purpose and function of the OSC shall be to provide operational oversight and direction to EMS in matters including, but not limited to, human resources, training, equipment purchases, oversight and review of the preparation and implementation of the business plan in Section 7.1, financial management in Section 9.1, operational issues and mentoring and advice to the EMS Manager.
- 3.2 The purpose and function of EMS will be to carry out the functions, powers and duties of the Councils under the Act (except to the extent that any function, power or duty is specifically excluded by this Agreement) and to provide such other emergency management services as the Councils may agree upon from time-to-time.
- 3.3 In particular, but without derogating from the generality of Clause 3.2, EMS shall:
  - 3.3.1 with due regard to the governance structure in Schedule A, carry out the functions listed in Section 17 of the Act, (Schedule B Part 1) and Section 64(1) of the Act (Schedule B Part 2) on behalf of the Councils **provided that** each Council shall remain responsible for compliance with Section 64(2) of the Act, which requires each Council to ensure that it is able to function to the fullest possible extent, even though this may be at a reduced level, during and after an emergency;

- 3.3.2 be responsible to SCDEMG and CEG, as well as managing any working groups, sub-committees or similar established by those committees;
- 3.3.3 be responsible to OSC for the matters within its jurisdiction specified in clause 3.1;
- 3.3.4 provide for the Emergency Co-ordination Centre (ECC) for regional and local CDEM obligations, and such sub Emergency Operations Centres (EOCs) within the region, as are deemed necessary by and in the manner approved by SCDEMG;
- 3.3.5 ensure that at all times it has adequate numbers of trained personnel to staff three shifts of the central EOC and that its own staff are rostered to provide 24/7 duty officer cover;
- 3.3.6 prepare, in addition to the five-year Group Plan and its updates and reviews, an annual business plan in accordance with the provisions of clause 7.1 for approval by CEG by 30 November each year.

#### 4. OSC Membership and Voting

- 4.1 The Chief Executive of each Council shall appoint the member of its senior management team with responsibility for emergency management to be a member of the OSC. Such nominations shall be accepted by SCDEMG without dissent and the persons nominated shall be appointed to EMS without delay. The chair of CEG shall ex-officio be a member of the OSC. Other persons or organisations may be invited by the OSC to attend its meetings from time-to-time.
- 4.2 Each person appointed as a member of the OSC shall appoint a suitably experienced alternate who shall have full powers to vote and act in the member's absence. The alternate's instrument of appointment shall expressly delegate to the alternate the same decision-making authority as the appointing member has.
- 4.3 A quorum shall be three members. For the purposes of ascertaining a quorum, only one alternate attending the meeting may be counted as a member.
- 4.4 Decisions shall be made by consensus. If consensus is not able to be reached, the matter will be referred to the CEG for a decision.
- 4.5 The chair of OSC shall rotate on an annual basis between the four Councils. Administration of the meetings shall be carried out by EMS.

#### 5. Term of Agreement

- 5.1 The term of this Agreement shall be 10 years from 1 July 2019 **provided that** the provisions of this Agreement shall continue to apply after that period if (subject to clause 5.3) the Councils agree from time-to-time it shall continue for a specified period.
- 5.2 Six months prior to the specified expiration of this Agreement set out in clause 5.1 representatives of the Councils shall meet in good faith to negotiate its renewal or extension with or without amendments.

- 5.3 In the year following the adoption of a new SCDEMG Group Plan, the OSC shall review this Agreement to ensure it still meets the objectives and priorities set out in that Group Plan. The findings of this review will be referred to the CEG for approval.
- 5.4 Any of the Councils may terminate their participation in OSC and EMS at the specified expiration of this Agreement set out in clause 5.1 by sending to all other Councils three years notice in writing of termination. As at the date of the coming into effect of the notice that Councils' right to participate in the management and control of EMS and the negotiations for the renewal or extension of this Agreement shall cease but without prejudice to any liabilities and responsibilities up to the date of the coming into effect of the notice.
- 5.5 The notice referred to in clause 5.4 shall apply only to the participation in EMS by the Council giving the notice and not to any other part of the governance structure set out in Schedule A.

#### 6. Management and Staff

- 6.1 All staff positions in EMS shall be advertised in accordance with ES policy on recruiting. Appointments shall be made on merit only.
- 6.2 Unless otherwise agreed by the Councils in any particular case all staff appointed in accordance with this clause shall be employed by ES on its current staff conditions of employment and with an appropriate job description developed by the EMS Manager in consultation with OSC.
- 6.3 Unless otherwise determined from time to time by the OSC the staffing of EMS shall be determined by the CEG and Joint Committee based on the recommendations from the OSC.
- 6.4 The OSC shall collectively develop and maintain the job description for the EMS Manager.
- 6.5 The OSC shall participate in any performance review for the EMS manager and will seek input from the CEG chair and SCDEMG chair into any such review.

#### 7. Business Plan, Performance, Monitoring and Reporting

- 7.1 By 30 November each year EMS shall prepare a comprehensive business plan, which shall describe the activities of EMS in detail for the period of the plan, together with the expected outputs and outcomes and the budget required. The business plan shall be reviewed by OSC and if necessary revised at half yearly intervals and shall also be the service level agreement between EMS and all the Councils.
- 7.2 The operational capability of EMS shall be monitored and evaluated by the Ministry of Civil Defence Emergency Management (MCDEM) using aspects of its monitoring and evaluation programme. Such monitoring and evaluation will be on terms of reference (including frequency) agreed between CEG and MCDEM.

#### 8. Finance

8.1 Subject to clauses 10-13 (both inclusive) the Councils shall fund the operational costs of EMS in the following proportions namely:

GDC 9.42% ES 34.05% ICC 28.27% SDC 28.27%

- 8.2 The amounts that each Council shall contribute for the period from the date of the commencement of the operations provided for in this Agreement will be agreed by the CEG and SCDEMG for approval by the Councils' usual long-term and annual planning arrangements.
- 8.3 Contributions to EMS shall be paid quarterly in advance to ES on the first day of the months of July, October, January and April.
- 8.4 Any income or credit balance arising from operating or capital sources in any financial year shall be carried forward and applied to the operating or capital expenses of EMS in the following years. Surplus income or credits will not mean adjustment to any contribution to be paid by any Council unless all the Councils agree.
- 8.5 The Councils may agree from time-to-time to adjust the ratios and amounts of the contributions and frequency and timing of payment.

#### 9. Financial Policy

- 9.1 The EMS Manager shall be responsible for the prudent fiscal management of the budget of EMS. The manager shall report to every meeting of the OSC and annually to CEG on all matters relating to expenditure including items of expenditure not approved as part of the annual budget process.
- 9.2 ES will provide to the EMS Manager the financial and other delegations that will be required by the manager to carry out the functions of EMS and the terms of this agreement in a timely and efficient manner.
- 9.3 EMS, in consultation with ES, shall maintain a comprehensive risk management plan with adequate insurances for all areas of activity, asset protection and litigation indemnity.
- 9.4 ES will ensure that a sum of \$2,000,000 is available at all times to enable EMS to meet the costs of start-up, responding to, transitioning and recovering from an emergency. It shall be the responsibility of EMS to seek such recovery as is possible, whether from government or non-government sources, of the funds expended in responding to, transitioning or recovering from an emergency and to keep such records and other information as may be required to maximise the sum recovered.

- 9.5 Where there is a shortfall between the amount spent and the amount of reimbursement in connection with responding to an emergency event, this shortfall shall be paid promptly to ES by the territorial authority in whose district the emergency occurred. Where the emergency occurred in more than one territorial authority district the shortfall shall be apportioned by agreement between the councils concerned on the basis of where the costs were actually incurred. Any subsequent adjustment(s) required as a result of differences between the amount claimed and the amount paid, will be settled by additional payment or refund from or to the relevant territorial authority.
- 9.6 ES shall maintain a financial reserve of \$100,000 to be used to cover unbudgeted expenditure incurred when the ECC is activated in any mode in response to, transitioning or recovery from any emergency.
- 9.7 The EMS Manager shall have authority to spend up to \$250,000 on the start-up and early stage costs of responding to, transitioning or recovering from an emergency. The Controller and Group Recovery Manager from time-to-time in charge of the emergency shall have authority for expenditure beyond \$250,000.
- 9.8 The EMS Manager shall have authority to sign contracts up to the value agreed under the ES Delegation Manual. Every contract so signed shall be reported to the OSC.
- 9.9 ES will provide monthly financial reporting to the EMS Manager.
- 9.10 A report including the annual accounts of EMS shall be presented to the Councils within four months of 30 June in each year.

#### 10. Premises and Equipment

- 10.1 ES shall provide EMS with the following:
  - 10.1.1 accommodation for EMS in a relocatable building at its premises at Price Street Invercargill. The accommodation shall be generally in accordance (subject to any amendments that OSC may agree) with the plans in Schedule C in the area marked EMS and shall comprise offices and an effective ECC area. The ECC area may have other uses on a temporary basis only, such as a training area. EMS will also have use of kitchen and toilet facilities and meeting rooms in the relocatable building;
  - 10.1.2 office furniture and computer equipment;
  - 10.1.3 support services compromising:
    - accounting services;
      - payroll;
    - IT I
    - phones/communication;
    - reception;
    - secretarial;
    - catering;
    - any other support service agreed by the members and ES;

- 10.1.4 EMS staff shall be entitled to the reasonable use of such other ES facilities including parking as it may require;
- 10.1.5 support costs related to the provision of premises and equipment shall be allocated to EMS on an as agreed basis negotiated between OSC and ES.
- 10.2 The equipment provided by ES in accordance with this clause shall be up-to-date, in good repair and shall be maintained to the same standard as similar equipment used by ES in its own operations. The services provided by ES shall be of the same level of quality, timeliness and priority as that provided in respect of its own operations.
- 10.3 ES agrees that the premises for EMS will provide the operational separation necessary to achieve the principle outlined in clause 2.2.1 of this agreement that EMS is a separate unit and is to be encouraged to develop its own culture and identity.

#### 11. Human Resource Services

11.1 ES shall provide EMS with human resource advice and services including payroll services to the same level of quality, timeliness and priority as that provided in respect of its own operations.

#### 12. Capital Equipment

- 12.1 After the establishment of EMS, ES at its cost shall provide the future plant and equipment that is required from time to time for the efficient operation of EMS. All requests to ES for plant and equipment must be included in the annual business plan and delivered to ES by 30 November for the following financial year.
- 12.2 In respect of all plant and equipment required for the efficient operation of EMS:
  - EMS shall in each case be responsible for insuring the plant and equipment;
  - EMS will be responsible for all repairs and maintenance and the payment of any excess in relation to any insurance claim;
  - depreciation will be expensed and funded by EMS.

#### 13. Provision of Trained Staff

13.1 Each of the Councils accepts an obligation to provide an agreed number of suitable staff to enable the EOC to operate 24/7 for the duration of an emergency event with the exact numbers of staff and role designations to be decided by the members of EMS taking into account the number of available staff and their training and qualifications at each of the councils.

#### 14. Health and Safety

- 14.1 All EMS staff and contractors will comply with the ES Health & Safety Policy.
- 14.2 EMS will maintain its own Health & Safety Policy to cover co-ordination between the members of the SCDEMG and will include Health & Safety as a standing item on every CEG and Joint Committee agenda.
- 14.3 EMS will be responsible for ensuring volunteers are covered by appropriate health and safety arrangements at all times.

#### 15. Further Assurances

15.1 The Councils will use their best endeavours to sign and execute all deeds and other documents and do all things that may be reasonably necessary to carry out the provisions of this agreement and the intentions of the Councils evidenced by it including the passing of any resolutions that may be necessary.

#### 16. Disputes

- 16.1 The primary object of this clause is to ensure that any dispute will be resolved as quickly and as informally as possible and particular regard is to be had to that object in the interpretation or implementation of its provisions.
- 16.2 If any dispute arises between the Councils out of, or in connection with, this Agreement including any dispute as to its interpretation, the provision of premises, plant and equipment including vehicles, staff and administration services and is not resolved in 14 working days, any Council may by written notice served on the other parties require the Chief Executives or their delegates to meet to attempt to resolve the issue. Such meeting must take place within 14 days of service of the notice. If the dispute cannot be resolved by that means any Council may by written notice to the other councils require that the dispute be determined by arbitration by a sole arbitrator to be appointed by Local Government New Zealand.
- 16.3 The arbitration shall be conducted in accordance with the provisions of the Arbitration Act 1996 (except to the extent that it is modified by this clause or by written agreement of the Councils). The decision of the arbitrator shall be final and binding.

#### 17. Dissolution

- 17.1 In the event that EMS is dissolved for any purpose other than reorganisation then:
  - 17.1.1 any lease or other arrangement relating to the premises owned by ES and occupied by EMS shall be deemed to be at an end;

- 17.1.2 any property provided by any of the Councils shall be returned to that Council;
- 17.1.3 all assets not otherwise dealt with in accordance with this clause shall be distributed to the Councils pro rata on the basis of the financial contribution payable by each Council in accordance with clause 8.1.

#### 18. Notices

- 18.1 Any notice under this Agreement is to be in writing to the address set out under each council's name at the end of this Agreement.
- 18.2 No communication shall be effective until received. A communication shall be deemed to be received by the addressee:
  - 18.2.1 in the case of a facsimile on receipt of confirmation of receipt by the correct facsimile number;
  - 18.2.2 in the case of personal delivery, when delivered;
  - 18.2.3 in the case of post, on the third working day following posting;
  - 18.2.4 in the case of email, one day after sending, providing no information rejecting the email is received.

In Witness this Agreement was signed on the date first stated.

The Common Seal of the Gore District Council was hereunto affixed in the presence of:

\_\_\_\_\_ Mayor

\_\_\_\_\_ Chief Executive

The Common Seal of the Invercargill City Council was hereunto affixed in the presence of:

\_\_\_\_\_ Mayor

\_\_\_\_\_Chief Executive

The Common Seal of the Southland District Council was hereunto affixed in the presence of:

\_\_\_\_\_ Mayor

\_\_\_\_\_ Chief Executive

The Common Seal of the Southland Regional Council was hereunto affixed in the presence of:

\_\_\_\_\_ Chairman

\_\_\_\_\_Chief Executive



#### Schedule B: Part 1

#### Section 17: Functions of Civil Defence Emergency Management Groups

- (1) The functions of a Civil Defence Emergency Management Group, and of each member, are to-
  - (a) in relation to relevant hazards and risks,-
    - (i) identify, assess, and manage those hazards and risks:
    - (ii) consult and communicate about risks:
    - (iii) identify and implement cost-effective risk reduction:
  - (b) take all steps necessary on an ongoing basis to maintain and provide, or to arrange the provision of, or to otherwise make available suitably trained and competent personnel, including volunteers, and an appropriate organisational structure for those personnel, for effective civil defence emergency management in its area:
  - (c) take all steps necessary on an ongoing basis to maintain and provide, or to arrange the provision of, or otherwise to make available material, services, information, and any other resources for effective civil defence emergency management in its area:
  - (d) respond to and manage the adverse effects of emergencies in its area:
  - (e) plan and carry out recovery activities:
  - (f) when requested, assist other Groups in the implementation of civil defence emergency management in their areas (having regard to the competing civil defence emergency management demands within the Group's own area and any other requests for assistance from other Groups):
  - (g) within its area, promote and raise public awareness of, and compliance with, this Act and legislative provisions relevant to the purpose of this Act:
  - (h) monitor and report on compliance within its area with this Act and legislative provisions relevant to the purpose of this Act:
  - (i) develop, approve, implement, and monitor a civil defence emergency management group plan and regularly review the plan:
  - (j) participate in the development of the national civil defence emergency management strategy and the national civil defence emergency management plan:
  - (k) promote civil defence emergency management in its area that is consistent with the purpose of this Act.

#### Schedule B: Part 2

#### Section 64: Duties of local authorities

(1) A local authority must plan and provide for civil defence emergency management within its district.

#### Schedule C







## Minutes of the Community and Policy Committee Meeting dated 13 February 2019

Record No:R/19/4/6629Author:Alyson Hamilton, Committee AdvisorApproved by:Alyson Hamilton, Committee Advisor

 $\Box$  Decision

□ Recommendation

 $\boxtimes$  Information

## Recommendation

That Council receives the minutes of the Community and Policy Committee meeting held 13 February 2019 as information.

## Attachments

A Minutes of Community and Policy Committee Meeting dated 13 February 2019 (separately enclosed)



## Minutes of the Finance and Audit Committee Meeting dated 14 December 2018

Record No:R/19/4/6634Author:Fiona Dunlop, Committee AdvisorApproved by:Fiona Dunlop, Committee Advisor

□ Decision

□ Recommendation

☑ Information

## Recommendation

That Council receives the minutes of the Finance and Audit Committee meeting held 14 December 2018 as information.

## Attachments

A Minutes of Finance and Audit Committee Meeting dated 14 December 2018 (separately enclosed)



## Minutes of the Otautau Community Board Meeting dated 14 February 2019

Record No:R/19/4/6378Author:Alyson Hamilton, Committee AdvisorApproved by:Alyson Hamilton, Committee Advisor

 $\Box$  Decision

□ Recommendation

 $\boxtimes$  Information

## Recommendation

That Council receives the minutes of the Otautau Community Board meeting held 14 February 2019 as information.

## Attachments

A Minutes of Otautau Community Board Meeting dated 14 February 2019 (separately enclosed)



## Minutes of the Wallacetown Community Board Meeting dated 21 February 2019

Record No:R/19/4/6644Author:Fiona Dunlop, Committee AdvisorApproved by:Fiona Dunlop, Committee Advisor

□ Decision

□ Recommendation

 $\boxtimes$  Information

## Recommendation

That Council receives the minutes of the Wallacetown Community Board meeting held 21 February 2019 as information.

## Attachments

A Minutes of Wallacetown Community Board Meeting dated 21 February 2019 (separately enclosed)


### Minutes of the Winton Community Board Meeting dated 11 February 2019

<b>Record No:</b>	R/19/4/6570
Author:	Alyson Hamilton, Committee Advisor
Approved by:	Alyson Hamilton, Committee Advisor

□ Decision

□ Recommendation

⊠ Information

### Recommendation

That Council receives the minutes of the Winton Community Board meeting held 11 February 2019 as information.

### Attachments

A Minutes of Winton Community Board Meeting dated 11 February 2019 (separately enclosed)



## Minutes of the Mararoa Waimea Ward Committee Meeting dated 18 October 2017

Record No:R/19/4/7137Author:Fiona Dunlop, Committee AdvisorApproved by:Fiona Dunlop, Committee Advisor

□ Decision

□ Recommendation

 $\boxtimes$  Information

### Recommendation

That Council receives the minutes of the Mararoa Waimea Ward Committee meeting held 18 October 2017 as information.

### Attachments

A Minutes of Mararoa Waimea Ward Committee Meeting dated 18 October 2017 (separately enclosed)



### Minutes of the Mararoa Waimea Ward Committee Meeting dated 1 November 2018

Record No:R/19/4/7127Author:Fiona Dunlop, Committee AdvisorApproved by:Fiona Dunlop, Committee Advisor

□ Decision

□ Recommendation

☑ Information

### Recommendation

That Council receives the minutes of the Mararoa Waimea Ward Committee meeting held 1 November 2018 as information.

### Attachments

A Minutes of Mararoa Waimea Ward Committee Meeting dated 1 November 2018 (separately enclosed)



### Minutes of the Mararoa Waimea Ward Committee Meeting dated 18 December 2018

Record No:R/19/4/7130Author:Fiona Dunlop, Committee AdvisorApproved by:Fiona Dunlop, Committee Advisor

□ Decision

□ Recommendation

 $\boxtimes$  Information

### Recommendation

That Council receives the minutes of the Mararoa Waimea Ward Committee meeting held 18 December 2018 as information.

### Attachments

A Minutes of Mararoa Waimea Ward Committee Meeting dated 18 December 2018 (separately enclosed)



### Minutes of the Waiau/Aparima Ward Committee Meeting dated 18 October 2017

Record No:R/19/4/7126Author:Fiona Dunlop, Committee AdvisorApproved by:Fiona Dunlop, Committee Advisor

□ Decision

□ Recommendation

 $\boxtimes$  Information

### Recommendation

That Council receives the minutes of the Waiau/Aparima Ward Committee meeting held 18 October 2017 as information.

### Attachments

A Minutes of Waiau/Aparima Ward Committee Meeting dated 18 October 2017 (separately enclosed)



### Minutes of the Waiau/Aparima Ward Committee Meeting dated 1 November 2018

Record No:R/19/4/7131Author:Fiona Dunlop, Committee AdvisorApproved by:Fiona Dunlop, Committee Advisor

□ Decision

□ Recommendation

⊠ Information

### Recommendation

That Council receives the minutes of the Waiau/Aparima Ward Committee meeting held 1 November 2018 as information.

### Attachments

A Minutes of Waiau/Aparima Ward Committee Meeting dated 1 November 2018 (separately enclosed)



### Minutes of the Waiau/Aparima Ward Committee Meeting dated 29 November 2018

Record No:R/19/4/7132Author:Fiona Dunlop, Committee AdvisorApproved by:Fiona Dunlop, Committee Advisor

□ Decision

□ Recommendation

☑ Information

### Recommendation

That Council receives the minutes of the Waiau/Aparima Ward Committee meeting held 29 November 2018 as information.

### Attachments

A Minutes of Waiau/Aparima Ward Committee Meeting dated 29 November 2018 (separately enclosed)



### Minutes of the Waihopai Toetoes Ward Committee Meeting dated 18 October 2017

Record No:R/19/4/7138Author:Fiona Dunlop, Committee AdvisorApproved by:Fiona Dunlop, Committee Advisor

□ Decision

□ Recommendation

☑ Information

### Recommendation

That Council receives the minutes of the Waihopai Toetoes Ward Committee meeting held 18 October 2017 as information.

### Attachments

A Minutes of Waihopai Toetoes Ward Committee Meeting dated 18 October 2017 (separately enclosed)



### Minutes of the Waihopai Toetoes Ward Committee Meeting dated 1 November 2018

Record No:R/19/4/7139Author:Fiona Dunlop, Committee AdvisorApproved by:Fiona Dunlop, Committee Advisor

□ Decision

□ Recommendation

 $\boxtimes$  Information

#### Recommendation

That Council receives the minutes of the Waihopai Toetoes Ward Committee meeting held 1 November 2018 as information.

### Attachments

A Minutes of Waihopai Toetoes Ward Committee Meeting dated 1 November 2018 (separately enclosed)



### Minutes of the Winton Wallacetown Ward Committee Meeting dated 18 October 2017

Record No:R/19/4/7129Author:Fiona Dunlop, Committee AdvisorApproved by:Fiona Dunlop, Committee Advisor

□ Decision

□ Recommendation

☑ Information

### Recommendation

That Council receives the minutes of the Winton Wallacetown Ward Committee meeting held 18 October 2017 as information.

### Attachments

A Minutes of Winton Wallacetown Ward Committee Meeting dated 18 October 2017 (separately enclosed)



## Minutes of the Winton Wallacetown Ward Committee Meeting dated 14 March 2018

Record No:R/19/4/7133Author:Fiona Dunlop, Committee AdvisorApproved by:Fiona Dunlop, Committee Advisor

□ Decision

□ Recommendation

 $\boxtimes$  Information

### Recommendation

That Council receives the minutes of the Winton Wallacetown Ward Committee meeting held 14 March 2018 as information.

### Attachments

A Minutes of Winton Wallacetown Ward Committee Meeting dated 14 March 2018 (separately enclosed)



### Minutes of the Winton Wallacetown Ward Committee Meeting dated 1 November 2018

Record No:R/19/4/7134Author:Fiona Dunlop, Committee AdvisorApproved by:Fiona Dunlop, Committee Advisor

□ Decision

□ Recommendation

⊠ Information

### Recommendation

That Council receives the minutes of the Winton Wallacetown Ward Committee meeting held 1 November 2018 as information.

### Attachments

A Minutes of Winton Wallacetown Ward Committee Meeting dated 1 November 2018 (separately enclosed)



### Minutes of the Winton Wallacetown Ward Committee Meeting dated 18 December 2018

Record No:R/19/4/7135Author:Fiona Dunlop, Committee AdvisorApproved by:Fiona Dunlop, Committee Advisor

□ Decision

□ Recommendation

☑ Information

### Recommendation

That Council receives the minutes of the Winton Wallacetown Ward Committee meeting held 18 December 2018 as information.

### Attachments

A Minutes of Winton Wallacetown Ward Committee Meeting dated 18 December 2018 (separately enclosed)



### Minutes of the Dipton Community Development Area Subcommittee Meeting dated 21 November 2018

Record No:R/19/4/6633Author:Fiona Dunlop, Committee AdvisorApproved by:Fiona Dunlop, Committee Advisor

□ Decision

□ Recommendation

☑ Information

### Recommendation

That Council receives the minutes of the Dipton Community Development Area Subcommittee meeting held 21 November 2018 as information.

### Attachments

A Minutes of Dipton Community Development Area Subcommittee Meeting dated 21 November 2018 (separately enclosed)



### Minutes of the Lumsden Community Development Area Subcommittee Meeting dated 11 February 2019

<b>Record No:</b>	R/19/4/6532
Author:	Rose Knowles, Committee Advisor/Customer Support Partner
Approved by:	Rose Knowles, Committee Advisor/Customer Support Partner

 $\Box$  Decision

□ Recommendation

⊠ Information

### Recommendation

That Council receives the minutes of the Lumsden Community Development Area Subcommittee meeting held 11 February 2019 as information.

### Attachments

A Minutes of Lumsden Community Development Area Subcommittee Meeting dated 11 February 2019 (separately enclosed)



### Minutes of the Stewart Island/Rakiura Community Board Meeting dated 11 February 2019

Record No:R/19/4/7199Author:Kirsten Hicks, Committee Advisor/Customer Support PartnerApproved by:Kirsten Hicks, Committee Advisor/Customer Support Partner

 $\Box$  Decision

□ Recommendation

⊠ Information

### Recommendation

That Council receives the minutes of the Stewart Island/Rakiura Community Board meeting held 11 February 2019 as information.

### Attachments

A Minutes of Stewart Island/Rakiura Community Board Meeting dated 11 February 2019 (separately enclosed)



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

### Recommendation

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

C10.1 Southland Murihiku Destination Strategy 2019 - 2029 - draft

C10.2 Public Excluded Minutes of the Community and Policy Committee Meeting dated 13 February 2019

C10.3 Public Excluded Minutes of the Finance and Audit Committee Meeting dated 14 December 2018

# C10.4 Public Excluded Minutes of the Stewart Island/Rakiura Community Board Meeting dated 11 February 2019

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
Southland Murihiku Destination Strategy 2019 - 2029 - draft	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).	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.
Public Excluded Minutes of the Community and Policy Committee Meeting dated 13 February 2019	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).	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.
Public Excluded Minutes of the Finance and Audit Committee Meeting dated 14 December 2018	s7(2)(e) - The withholding of the information is necessary to avoid prejudice to measures that prevent or mitigate material loss to members of the public.	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.
	s7(2)(h) - The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.	
	s7(2)(i) - The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	



Public Excluded Minutes of the Stewart Island/Rakiura Community Board Meeting dated 11 February 2019	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).	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.