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## Council

# OPEN MINUTES

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Minutes of a meeting of Council held in the Council Chamber, 15 Forth Street, Invercargill on Wednesday, 4 March 2020 at 9am (9am – 10.26am, 10.50am – 12.33pm (12.03pm – 12.33pm - public excluded)).

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### PRESENT

**Mayor**  
**Deputy Mayor**  
**Councillors**

Mayor Gary Tong  
Ebel Kremer  
Don Byars (9am – 10.26am, 10.50am – 11.27am, 11.33am – 12.33pm)  
John Douglas  
Paul Duffy  
Bruce Ford  
Darren Frazer  
George Harpur  
Julie Keast  
Christine Menzies  
Karyn Owen  
Margie Ruddenklau  
Rob Scott (9am – 10.26am, 10.59am – 11.46am, 11.49am – 12.33pm)

### IN ATTENDANCE

**Chief Executive**  
**Committee Advisor**

Steve Ruru  
Fiona Dunlop

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**1 Apologies**

Councillors Kremer and Menzies advised that they would be early departures from the meeting.

**2 Leave of absence**

There were no requests for leave of absence.

**3 Conflict of Interest**

Cr Scott advised that he had a conflict of interest with report 7.2 Combined Local Alcohol Policy and would not take part in discussion or voting on the matter.

**4 Public Forum**

Craig Sinclair – Team Leader Response, Emergency Management Southland, Chris Jenkins – Senior Hydrologist, Environment Southland and Colin Young - Technical Services Engineer, Environment Southland addressed the meeting following the recent flood event that Southland experienced.

**5 Extraordinary/Urgent Items**

There were no Extraordinary/Urgent items.

**6 Confirmation of Council Minutes**

**Resolution**

Moved Mayor Tong, seconded Cr Menzies **and resolved:**

**That Council confirms the minutes of the meeting held on 27 February 2020 as a true and correct record of that meeting.**

**Reports - Policy and Strategy**

**7.1 Speed Limits Bylaw - Deliberations and Adoption Report**

**Record No: R/20/1/1349**

Intermediate Policy Analyst – Carrie Adams, Strategic Manager Transport and Road Engineering – Ben Whelan were in attendance for this item.

Mrs Adams advised that the purpose of the report was to provide information and to present options to Council so a decision can be made on the draft Speed Limits Bylaw following consultation.

Council noted that a special consultative procedure has been completed for the draft Speed Limits Bylaw.

The Council commenced discussion on recommendation j of the officers report.

During discussion on the matter, the Council took on board the community concern over speed limits on various roads. Roads of particular interest for changes to the proposed speed reductions were Centre Hill Road, Mavora Lakes Road, Mt Nicholas Road, Borland Road, Lake Monowai Road and Lillburn Valley Road.

**Moved Councillor Kremer, seconded Councillor Douglas the following amendment:**

- j) Agrees If Council wishes to make decisions now on the issues identified for the draft Speed Limits Bylaw, endorses the following options:

- (iv)(a) That Council endorses the proposed reduction to 80km/h for these roads:

Centre Hill Road  
Mavora Lakes Road  
Mt Nicholas Road

**The amendment was declared CARRIED.**

**Moved Councillor Harpur, seconded Councillor Scott the following amendment:**

- J) Agrees If Council wishes to make decisions now on the issues identified for the draft Speed Limits Bylaw, endorses the following options:

- (iv)(b) That Council endorses the proposed reduction to 80km/h for these roads:

Borland Road  
Lake Monowai Road  
Lillburn Valley Road

**The amendment was declared CARRIED.**

**Moved Councillor Duffy, seconded Councillor Keast the following motion:**

- j) Agrees If Council wishes to make decisions now on the issues identified for the draft Speed Limits Bylaw, endorses the following options:

- (iv)(c) That Council endorses reduction to 80km/h for the Tokanui Haldane Road.

**The amendment was declared CARRIED.**

**Moved Councillor Kremer, seconded Councillor Douglas the following motion:**

- j) Agrees If Council wishes to make decisions now on the issues identified for the draft Speed Limits Bylaw, endorses the following option:

- (iv)(d) That Council endorses the inclusion of the Tokanui Haldane Road in the list of roads for the proposed reduction to 80km/h.

**The motion was declared CARRIED.**

(The meeting adjourned for morning tea at 10.26am and reconvened at 10.50am.)

(Mayor Tong and Councillors Douglas, Duffy, Ford, Frazer, Harpur, Keast, Kremer, Menzies, Owen, Ruddenklau and Scott were present when the meeting reconvened.)

(Councillor Byars was not present when the meeting reconvened.)

**Moved Mayor Tong, seconded Councillor Douglas, the motion that the matter lie on the table until the 22 April 2020 Council meeting.**

**The motion to lie the matter on the table until the 22 April 2020 Council meeting was declared CARRIED.**

Councillor Scott withdrew from the table due to a conflict of interest.

## **7.2 Combined Local Alcohol Policy**

**Record No: R/20/2/3703**

Policy Analyst – Jane Edwards and Environmental Health Manager – Michael Sarfaiti were in attendance for this item.

Mrs Edwards advised that the purpose of this report is to request that Council agrees with the combined Local Alcohol Policy and that it is operative from 31 March 2020.

The Council noted that the combined Local Alcohol Policy is in conjunction with Invercargill City Council.

### **Resolution**

**Moved Cr Harpur, seconded Cr Douglas and resolved:**

**That Council:**

- a) Receives the report titled “Combined Local Alcohol Policy” dated 25 February 2020.**
- 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 bring the Combined Local Alcohol Policy into force with an operative date of 31 March 2020.**

Councillor Scott returned to the table.

### **7.3 Draft Keeping of Animals, Poultry and Bees Bylaw - Consultation**

**Record No: R/20/2/3781**

Policy Analyst – Robyn Rout and Environmental Health Manager – Michael Sarfaiti were present for this item.

(Councillor Byars returned to the meeting at 10.59am.)

Mrs Rout advised that the purpose of the report was to present a draft Keeping of Animals, Poultry and Bees Bylaw and statement of proposal, for Council to agree to release for public consultation.

#### **Resolution**

Moved Cr Kremer, seconded Cr Frazer **and resolved:**

#### **That Council:**

- a) **Receives the report titled "Draft Keeping of Animals, Poultry and Bees Bylaw - Consultation" dated 25 February 2020.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) **Determines pursuant to section 155(1) of the Local Government Act 2002 that a bylaw is the most appropriate way of addressing nuisance and health and safety problems associated with keeping animals in the District.**
- e) **Determines pursuant to section 155(2)(a) of the Local Government Act 2002, that the draft Keeping of Animals, Poultry and Bees Bylaw is the most appropriate form of bylaw.**
- f) **Determines pursuant to section 155(2)(b) of the Local Government Act 2002, that the draft Keeping of Animals, Poultry and Bees Bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990.**

- g) **Endorses the draft Keeping of Animals, Poultry and Bees Bylaw.**
- h) **Releases the draft Keeping of Animals, Poultry and Bees Bylaw statement of proposal for public consultation in accordance with the Special Consultative Procedure outlined in sections 83 and 86 of the Local Government Act 2002, from 12 March to 13 April 2020.**

## **9.2 Predator Free Rakiura - Project Update**

**Record No: R/20/2/4833**

Graduate Planner – Scott Dickson and Project Manager / Predator Free Rakiura – Bridget Carter were in attendance for this item.

Miss Carter advised that the purpose of the report was to provide Council with an update about the Predator Free Rakiura project.

Council noted that the Predator Free Rakiura Leadership Group was created in 2014 as an inter-agency initiative to progress the goal of achieving and maintaining predator free status for Stewart Island/Rakiura.

(During discussion on the item, Councillor Scott left the meeting at 11.27am and returned at 11.33am.)

### **Resolution**

Moved Mayor Tong, seconded Cr Kremer **and resolved:**

#### **That the Council:**

- a) **Receives the report titled “Predator Free Rakiura - Project Update” dated 26 February 2020.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**

## **7.4 Submission on National Policy Statement for Indigenous Biodiversity**

**Record No: R/20/2/3822**

Senior Resource Planner, Policy – Rebecca Blyth was in attendance for this item.

Mrs Blyth advised that the purpose of the report was to present the Council with a draft submission on the Proposed National Policy Statement for Indigenous Biodiversity and for Council to agree to the submission.

(During discussion on the item, Councillor Byars left the meeting at 11.46am and returned at 11.49am.)

**Resolution**

Moved Cr Kremer, seconded Cr Menzies **and resolved:**

**That the Council:**

- a) **Receives the report titled "Submission on National Policy Statement for Indigenous Biodiversity" dated 27 February 2020.**
- b) **Determines that this matter or decision be recognised not as significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) **Endorses the Submission on behalf of Southland District Council with any minor amendment arising from discussion at this meeting of Council.**

**Reports - Operational Matters**

**8.1 Details on the Financial and Reserve Contribution Fund**

**Record No: R/20/2/3734**

Accountant – Shelley Dela Llana was in attendance for this item.

Mrs Dela Llana advised that the purpose of the report was to provide a breakdown of the financial and reserve contribution fund, outlining what the fund is made up of and any conditions or commentary around the funds remaining and what they can be used on. The report also followed up previous requests by the former Edendale-Wyndham Community Board about providing an update on contributions from Fonterra.

**Resolution**

Moved Mayor Tong, seconded Cr Scott **and resolved:**

**That the Council:**

- a) **Receives the report titled "Details on the Financial and Reserve Contribution Fund " dated 25 February 2020.**
- 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 discussions and comments sent to or had with Fonterra as part of the resource consent approval process on the potential use of financial contributions paid by them or the process that would enter into around any allocation**
- e) **Supports the proposed funding of the purchase of land for a reserve at Curio Bay from the financial and reserve contribution reserve up to \$319,800, noting that other sources of funding are still being investigated**
- f) **Seek feedback from Fonterra representatives and the Waihopai Toetoe Community Board as to their support of the use of Fonterra financial contributions to fund the land at Curio Bay for a public reserve before Council makes the final decision on how the Financial and Reserve contribution reserve is to be allocated.**
- g) **Requests that Cr Keast, Cr Duffy, Group Manager of Environmental Services and the Team Leader of Resource Management meet with Fonterra representatives.**

## **8.2 Monthly Financial Report - January 2020**

**Record No: R/20/2/4375**

Project Accountant – Dee Patel was in attendance for this item.

Mrs Patel advised that the purpose of the report was to provide Council with an overview of the financial results to date by the nine activity groups of Council, as well as the financial position, and the statement of cash flows.

Council noted that the report summarises the financial results for the seven months to 31 January 2020.

### **Resolution**

Moved Cr Owen, seconded Cr Keast **and resolved:**

### **That the Council:**

- a) **Receives the report titled “Monthly Financial Report - January 2020” dated 24 February 2020.**



### 8.3 Unbudgeted Expenditure - Lumsden Watermain Replacement

**Record No: R/20/2/4811**

Projects Manager – Joe Findlay was in attendance for this item.

Mr Findlay advised that the purpose of the report was to seek approval for unbudgeted expenditure to replace a section of water main within the Lumsden-Balfour water scheme.

#### **Resolution**

Moved Cr Douglas, seconded Cr Ruddenklau **and resolved:**

**That the Council:**

- a) **Receives the report titled “Unbudgeted Expenditure - Lumsden Watermain Replacement” dated 26 February 2020.**
- 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 total unbudgeted expenditure of \$115,000.00 excluding GST to construct 410 meters of 150mm diameter HDPE watermain on the Lumsden-Balfour water supply scheme.**
- e) **Approves the total unbudgeted expenditure amount of \$115,000.00 excluding GST to be funded by a 30 year loan, from the district water supply rate.**

## **Reports - Governance**

### 9.1 Local Governance Statement 2019 - 2022 Triennium

**Record No: R/20/2/4157**

Governance and Democracy Manager – Clare Sullivan was in attendance for this item.

Miss Sullivan advised that the purpose of the report was to present to Council for adoption the Local Governance Statement for Southland District Council for the 2019 – 2022 triennium.

### Resolution

Moved Cr Keast, seconded Cr Menzies **and resolved:**

#### That Council:

- a) **Receives the report titled "Local Governance Statement 2019 - 2022 Triennium" dated 26 February 2020.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) **Adopts, pursuant to Section 40 of the Local Government Act 2002, the Local Governance Statement for the 2019 – 2022 triennium as attached to this report.**
- e) **Agrees to make the Local Governance Statement publicly available as required by the Local Government Act 2002.**
- f) **Delegates to the chief executive officer the authority to update the Local Governance Statement as necessary and appropriate during the 2019 – 2022 triennium to ensure it is current and accurate.**

### Public Excluded

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

### Resolution

Moved Mayor Tong, seconded Cr Frazer **and resolved:**

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

#### **C10.1 Otago/Southland Three Waters Investigation: Information for Councils**

**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
Otago/Southland Three Waters Investigation: Information for Councils	s7(2)(i) - The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage,	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

	negotiations (including commercial and industrial negotiations).c	information for which good reason for withholding exists.
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That the Chief Executive, Group Manager, Environmental Services, Group Manager, Services and Assets, Group Manager, Community and Futures, Chief Financial Officer, People and Capability Manager, Group Manager, Customer Delivery, Communications Manager, Governance and Democracy Manager and Committee Advisor be permitted to remain at this meeting, after the public has been excluded, because of their knowledge of the items C10.1 Otago/Southland Three Waters Investigation: Information for Councils. This knowledge, which will be of assistance in relation to the matters to be discussed, is relevant to those matters because of their knowledge on the issues discussed and meeting procedure.

That the Strategic Manager Water and Waste – Ian Evans be permitted to remain at this meeting, after the public has been excluded, because of their knowledge of the items C10.1 Otago/Southland Three Waters Investigation: Information for Councils. This knowledge, which will be of assistance in relation to the matters to be discussed, is relevant to those matters because of their knowledge on the issues discussed..

The public were excluded at 12.03pm.

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

The meeting concluded at 12.33pm.

CONFIRMED AS A TRUE AND CORRECT RECORD AT A MEETING OF THE COUNCIL HELD ON WEDNESDAY 4 MARCH 2020.

**DATE:**.....

**CHAIRPERSON:**.....