



Council

OPEN MINUTES

Minutes of a meeting of Council held in the Council Chamber, 15 Forth Street, Invercargill on Thursday, 27 August 2020 at 9.05am. (9.05am – 10.42am, 11am – 12.16pm, 1pm – 1.29pm (PE 11.46am – 12.16pm, 1pm – 1.29pm).

PRESENT

Mayor
Deputy Mayor
Councillors

Mayor Gary Tong
Ebel Kremer
Don Byars (9.05am – 10.42am, 11am – 12.16pm, 1.01pm – 1.29pm)
Paul Duffy
Bruce Ford
Darren Frazer
George Harpur
Julie Keast
Christine Menzies
Karyn Owen
Margie Ruddenklau
Rob Scott

APOLOGIES

Councillor John Douglas

IN ATTENDANCE

Chief Executive - Steve Ruru
Committee Advisor - Fiona Dunlop

1 Apologies

There were apologies for absence from Councillor Douglas.

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

That Council accept the apology.

2 Leave of absence

Councillor Harpur requested a leave of absence from 10 to 29 September 2020.

Resolution

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

That Council grants a leave of absence to Councillor Harpur from 10 to 29 September 2020.

3 Conflict of Interest

There were no conflicts of interest declared.

4 Public Forum

Wendy Baker addressed the meeting via audio link on three petitions that she has before Parliament. Her petitions are lodged with Parliament are about dog control, volunteering and street art. Mayor Tong thanked her for the time she had taken in presenting to Council.

5 Extraordinary/Urgent Items

Mayor Tong advised that there is a late item to add to the agenda. The item is Application to Responsible Camping Funding which is available through the Ministry of Business, Innovation and Employment.

The item was not included with the agenda as that the information on the funding round for the 2020/2021 summer only became available last week and applications close tomorrow (28 August 2020).

The discussion of this item cannot be delayed until a subsequent meeting is that there is a tight timeframe for applications to be lodged for funding and that delegated authority is required to enable the Chief Executive to sign the application on behalf of Council.

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

That Council agrees that the late item “Application to Responsible Camping Funding” be included as a late item to the agenda for the Council meeting.

6 Confirmation of Council Minutes

Resolution

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

That Council confirms the minutes of the meeting held on 22 July 2020 as a true and correct record of that meeting.

Reports - Policy and Strategy

7.1 Submissions Received on Draft Keeping of Animals, Poultry and Bees Bylaw

Record No: R/20/7/29242

Policy Analyst – Robyn Rout was in attendance for this item.

Mrs Rout advised that the purpose of the report was to provide information to councillors on the feedback that was received through submissions on the draft Keeping of Animals, Poultry and Bees Bylaw.

Council noted that on 4 March 2020, a statement of proposal was endorsed which included the draft bylaw, for public consultation. Submissions were received between 12 March and 13 April 2020. As the consultation period ended up being when New Zealand was responding to Covid-19, Council determined to re-open the draft bylaw for submissions at its 20 May 2020 meeting. The second formal consultation period took place from 17 June to 8 July 2020.

Mrs Rout also advised that eight submissions were received on the draft bylaw during the consultation periods. These were presented with this report in a submission booklet included as Attachment B of the officer's report.

Resolution

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

That Council:

- a) Receives the report titled “Submissions Received on Draft Keeping of Animals, Poultry and Bees Bylaw” dated 19 August 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) **Receives all the written submissions on the draft Keeping of Animals, Poultry and Bees Bylaw.**
- e) **Notes that on 4 March 2020, Council determined:**
 - i. **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**
 - ii. **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**
 - iii. **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.**

Reports - Operational Matters

8.1 Transfer of Ownership - Waianiwa Hall

Record No: R/19/9/21472

Property Services Manager – Kevin McNaught was in attendance for this item.

Mr McNaught advised that the purpose of the report was to seek Council approval to transfer ownership of the Waianiwa Hall from Council to the Waianiwa Centennial Hall Incorporated (Society) at the Society's request.

Council noted that in May 2019 a letter from the Society was received requesting that the "transfer of land be completed which would have the Waianiwa Centennial Hall Incorporated as the landowner".

Resolution

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

That the Council:

- a) **Receives the report titled "Transfer of Ownership - Waianiwa Hall" dated 19 August 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 transfer the Waianiwa Hall property, being Lot 1 DP 5281 held in SL197/105, to the Waianiwa Centennial Hall Incorporated for \$1.**
- e) **Agrees that the Chief Executive be given delegated authority to enter into an Agreement for Sale and Purchase with Waianiwa Centennial Hall Incorporated.**

8.2 Unbudgeted Expenditure - Ulva Island Wharf Renewal

Record No: R/20/7/28451

Community Facilities Manager – Mark Day and Group Manager Services and Assets – Matt Russell were be attendance for this item.

Mr Day advised that the purpose of the report was to request unbudgeted expenditure of \$340,000 towards the renewal of the Ulva Island wharf which is estimated to cost \$600,000. The currently budgeted amount for this project is \$260,000.

Council noted that in 2014, Council commissioned a report on all of the Stewart Island wharves and jetties. The subsequent Emtech report identified the Ulva Island wharf as requiring immediate remedial work to ensure the structure was fit for purpose for the next summer season. However, this was under the provision that the wharf replacement planning and construction continue to be a priority on the basis that any further maintenance expenditure may be uneconomical or any benefits short lived. This work was carried out as per the report's recommendation.

Resolution

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

That Council:

- a) **Receives the report titled "Unbudgeted Expenditure - Ulva Island Wharf Renewal" dated 19 August 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 unbudgeted expenditure of \$340,000 toward the renewal of the Ulva Island Wharf, subject to a signed memorandum of understanding between the Hunter family and the Department of Conservation, guaranteeing access for a minimum of 20 years.**
- e) **Approves the unbudgeted expenditure be funded by the Stewart Island/Rakiura visitor levy, a loan or any other funding options.**
- f) **Approves that the raising of the existing causeway be included in the 2021 – 2031 Long Term Plan as a project for investigation and construction towards the beginning of the Long Term Plan period, on the proviso that an agreement be reached with the Hunter family.**

8.3 Monthly Financial Report - June 2020

Record No: R/20/7/29591

Management Accountant – Lesley Smith, Chief Financial Officer – Anne Robson and Strategic Manager Transport – Hartley Hare were attendance for this item.

Mrs Smith advised that the report provided 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 for the eleven months up to 30 June 2020.

Resolution

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

That the Council:

- a) **Receives the report titled “Monthly Financial Report - June 2020” dated 21 August 2020.**

8.4 School Speed Limit Strategy

Record No: R/20/7/28586

Roading Engineer – Ben Whelan and Strategic Manager Transport – Hartley Hare were in attendance for this item.

Mr Whelan advised that the purpose of the report was to outline the proposed strategy for carrying out reviews, design and construction of speed reduction infrastructure around Southland District Council controlled school speed zones, including an option for an accelerated program for rural schools zones.

Council noted that during the Southland District Council Speed Limits Bylaw consultation, Council heard a verbal submission regarding reducing the speed around school zones throughout the District with emphasis on schools within rural areas. Council staff determined that a blanket speed reduction would not provide the full benefits, and proposed a more holistic approach to the speed management.

Moved Councillor Ruddenklau, seconded Councillor Kremer recommendations a to d which were put and declared CARRIED.

Moved Councillor Frazer, seconded Councillor Scott recommendation e(i) as follows with changes as indicated:

- e) Agrees that Council adopt the strategy but wait until Year One of the next Long Term Plan (2021-2031) to commence the speed management reviews and associated works and around rural schools and early childhood centres.

The motion was put and declared CARRIED.

Resolution

That the Council:

- a) Receives the report titled "School Speed Limit Strategy" dated 19 August 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 school speed limit strategy.
- e) Agrees that Council adopt the strategy but wait until Year One of the next Long Term Plan (2021-2031) to commence the speed management reviews and associated works and around rural schools and early childhood centres.
 - i. ~~Option 1 that Council adopt the strategy but wait until Year One of the next Long Term Plan (2021-2031) to commence the speed management reviews and associated works; or~~
 - ii. ~~Option 2 that Council agrees to accelerate the program for rural schools within the Southland District Council roading network and approves the required unbudgeted expenditure of \$100,000 to be funded by a 30 year loan.~~

8.5 Unbudgeted Expenditure for the Refurbishment of the Winton Office/Library

Record No: R/20/8/32167

Community Facilities Manager – Mark Day, Group Manager Services and Assets – Matt Russell and Group Manager Customer Support – Trudie Hurst were in attendance for this item.

Mr Day advised that the purpose of the report was to seek approval of unbudgeted expenditure of \$1,314,918 for the refurbishment of the Winton Office and Library in Wemyss Street to be funded from a combination of existing residual property budgets in the 2020/2021 financial year and a loan fund portion commencing in the 2021/2022 financial year.

Council noted that in March 2019, the Winton Library was closed due to the presence of toxigenic mould within the confines of the office and library operational area and that immediate action was taken to remove all staff members and relocate them to the adjacent Memorial Hall and more recently again to the RSA buildings on Great North Road in Winton.

Resolution

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

That the Council:

- a) **Receives the report titled “Unbudgeted Expenditure for the Refurbishment of the Winton Office/Library” dated 19 August 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 unbudgeted expenditure of \$1,314,918 for the refurbishment of the Winton Office and Library in Wemyss Street.**
- e) **Agrees that the \$1,314,918 is to be funded from a combination of residual property budgets from the 2020/2021 Annual Plan totalling \$500,000, and 30-year loan funding of \$814,918.**

Councillor Byars requested that his dissenting vote be recorded.

8.6 Management Report

Record No: R/20/8/31656

Chief Executive – Steve Ruru was in attendance for this item.

Resolution

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

That the Council:

- a) **Receives the report titled “Management Report” dated 18 August 2020.**

8.7 Application to Responsible Camping Funding

Record No: R/20/8/48636

Environmental Health Manager – Michael Sarfaiti was in attendance for this item.

Mr Sarfaiti advised that the purpose of the report was seek approval to lodge an application for responsible camping grant funding for the upcoming summer season and to grant delegated authority for the Chief Executive to sign the application.

Council noted that it is proposed that an application for \$161,000 from this fund was to be submitted to support a number of initiatives for the upcoming season. Council's share of funding would be in the form of providing the vehicles, and fund the set-up costs for the Ambassadors, supervisory support and signs in the Catlins.

Resolution

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

That the Council:

- a) **Receives the report titled “Application to Responsible Camping Funding” dated 26 August 2020.**
- b) **Determines that this matter or decision be recognised 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) **Delegates authority to the chief executive to sign the application to the Responsible Camping Initiatives Fund and if successful enter into a contract with the crown for the allocated level of funding.**

Reports - Governance

9.1 2022 Electoral System

Record No: R/20/7/30808

Governance and Democracy Manager – Melissa Brook was in attendance for this item.

Ms Brook advised that the purpose of the report was to obtain decisions on three matters for the 2022 local elections. Decisions are required on which electoral system should be used, Māori wards, and the review of representation arrangements.

Council noted that this was the opportunity to review the electoral system used for the 2022 Triennial General Election, whether there be the introduction of a Māori ward and a representation review undertaken.

Resolution

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

That Council:

- a) **Receives the report titled “2022 Electoral System” dated 19 August 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 that the statutory deadline for resolving to change the electoral system for the 2022 local elections from First Past the Post to Single Transferable Vote is 12 September 2020.**
- e) **Confirms the use of the First Past the Post electoral system for the 2022 Local Triennial General Election and any associated election.**
- f) **Notes that Public Notice under section 28(1) of the Local Electoral Act 2001 will be given on Council’s decision and of the right of five percent of electors to demand a poll on the future electoral system.**
- g) **Notes that the statutory deadline for resolving to establish a Māori ward for the 2022 local elections is 23 November 2020.**
- h) **Agrees that as the need to establish a Māori ward was considered and reviewed prior to the 2019 elections, no further action be taken for the 2022 elections.**

- i) **Notes that there is the opportunity to review representation arrangements for the 2022 elections, but there is no requirement to do this until the 2025 elections.**
- j) **Agrees that no further action be taken to review representation arrangements for the 2022 elections.**

Councillors Byars, Duffy and Menzies requested that their dissenting votes be recorded.

9.2 Three Waters Reform

Record No: R/20/7/29251

Chief Executive – Steve Ruru and Group Manager Services and Assets – Matt Russell were in attendance for this item.

Mr Ruru advised that the purposed of the report was to seek a decision as to whether Council is prepared to become a signatory to the Memorandum of Understanding with the Crown in relation to the three waters reform programme.

Council noted that in July 2020, the government announced a \$761 million funding package to provide post Covid-19 stimulus to improve three waters infrastructure, support a three- year programme of reform of local government water service delivery arrangements (reform programme), and support the establishment of Taumata Arowai, the new waters services regulator. This package replaces the applications that local authorities made to the shovel ready funding process.

Moved Councillor Kremer, seconded Councillor Ruddenklau, recommendations a to p.

Councillor Byars moved the following amendment to recommendation p

- p) Delegates authority to the chief executive in consultation with the Mayor and the Chair of the Services and Assets Committee to approve the procurement plan and the negotiation and award of contracts for these works.

The amendment failed due to the want of a seconder.

The motion being recommendations a to p of the report were put and declared CARRIED.

Resolution:

That the Council:

- a) **Receives the report titled “Three Waters Reform” dated 19 August 2020.**
- b) **Determines that this matter or decision be recognised as significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision;**

and in accordance with Section 79 of the act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.

- d) Council acknowledges the challenges that exist in the three waters sector and that there is merit in exploring opportunities to improve the delivery of three waters services, including within Southland District, in accordance with the objectives for the three waters reform programme set out in the Memorandum of Understanding (Attachment A of the officers report).
- e) Agree to enter into the Memorandum of Understanding (Appendix A of the officers report) and Funding Agreement (Attachment B of the officers report) with the Crown and delegate authority to the chief executive to finalise and execute the documents noting that this decision needs to be made by 31 August 2020.
- f) Agree to nominate the chief executive as the primary point of communication for the purposes of the Memorandum of Understanding and reform programme – as referred to on page 6 of the Memorandum of Understanding.
- g) Agree to delegate decisions about the allocation of regional funding between the different territorial authorities to the chief executive noting that participation by two-thirds of territorial authorities within the Southland region is required before local authorities within the region can access the regional allocation and that it will be important that agreement is achieved between the three territorial authorities quickly given the need for the Delivery Plan to be submitted by 30 September 2020.
- h) Note that participation in this initial stage is to be undertaken in good faith, but this is a non-binding approach, and the Council can opt out of the reform process at the end of the term of the agreement (as provided for on page 5 of the Memorandum of Understanding).
- i) Note that the Council has been allocated \$7.02 million of funding, which will be received as a grant as soon as practicable once the signed Memorandum of Understanding and Funding Agreement are returned to the Department of Internal Affairs, and a Delivery Plan has been supplied and approved (as described on page 5 of the Memorandum of Understanding).
- j) Note that the Delivery Plan must show that the funding is to be applied to operating and/or capital expenditure relating to three waters infrastructure and service delivery, and which:
 - supports economic recovery through job creation; and
 - maintains, increases, and/or accelerates investment in core water infrastructure renewal and maintenance.
- k) Approve the broad allocation of three waters stimulus funding to the packages of work as outlined in Attachment E (of the officers report) and in so doing notes that the funding needs to be spent before 31 March 2022.

- l) Delegate authority to the chief executive to approve and submit a final delivery plan to Crown Infrastructure Partners for approval.**
- m) Delegate authority to the chief executive to finalise and execute the final Service Delivery Plan.**
- n) Approve unbudgeted expenditure of upto \$14.04 million noting that the final value of the works to be funded will be dependent upon confirmation of the proportion of regional funding allocated to Council.**
- o) Agree that the unbudgeted expenditure should be funded by way of the grant provided by government as part of the three waters reform programme.**
- p) Delegates authority to the chief executive to approve the procurement plan and the negotiation and award of contracts for these works.**

Public Excluded

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

Resolution

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

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

C10.1 Road Structural Inspection Services Contract 20/02

C10.2 Building Solutions - Unbudgeted Expenditure Request

C10.3 Milford Sound Tourism Directorship

C10.4 Appointment of Great South Board of Directors

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
Road Structural Inspection Services Contract 20/02	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.
Building Solutions - Unbudgeted Expenditure Request	s7(2)(d) - The withholding of the information is necessary to avoid prejudice to measures protecting the	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

	health and safety of members of the public. 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).	information for which good reason for withholding exists.
Milford Sound Tourism Directorship	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.	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.
Appointment of Great South Board of Directors	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.	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.

That the Chief Executive – Steve Ruru, Group Manager, Environmental Services – Fran Mikulicic, Group Manager, Services and Assets – Matt Russell, Group Manager, Community and Futures – Rex Capil, Chief Financial Officer – Anne Robson, People and Capability Manager – Janet Ellis, Group Manager, Customer Delivery – Trudie Hurst, Communications Manager – Louise Pagan and Committee Advisor – Fiona Dunlop be permitted to remain at this meeting, after the public has been excluded, because of their knowledge of the items C10.1 Road Structural Inspection Services Contract 20/02, C10.2 Building Solutions - Unbudgeted Expenditure Request, C10.3 Milford Sound Tourism Directorship and C10.4 Appointment of Great South Board of Directors. 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 Strategic Manager Transport – Hartley Hare be permitted to remain at this meeting, after the public has been excluded, because of their knowledge of the items C10.1 Road Structural Inspection Services Contract 20/02. 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.

That the Manager Building Solutions – Julie Conradi be permitted to remain at this meeting, after the public has been excluded, because of their knowledge of the items C10.2 Building Solutions - Unbudgeted Expenditure Request. 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 11.46am.

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 adjourned for lunch at 12.16pm and reconvened at 1pm.

Councillor Byars not present when the meeting reconvened.

Councillor Byars returned to the meeting at 1.01pm.

The meeting concluded at 1.29pm.

CONFIRMED AS A TRUE AND CORRECT RECORD AT A
MEETING OF THE COUNCIL HELD ON THURSDAY 28
AUGUST 2020.

DATE:.....

CHAIRPERSON:.....