



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

**Date:** Tuesday, 29 September 2020  
**Time:** 9am  
**Meeting Room:** Council Chamber  
**Venue:** 15 Forth Street  
Invercargill

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## **Council Agenda OPEN**

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### **MEMBERSHIP**

<b>Mayor</b>	Mayor Gary Tong
<b>Deputy Mayor</b>	Ebel Kremer
<b>Councillors</b>	Don Byars
	John Douglas
	Paul Duffy
	Bruce Ford
	Darren Frazer
	George Harpur
	Julie Keast
	Christine Menzies
	Karyn Owen
	Margie Ruddenklau
	Rob Scott

### **IN ATTENDANCE**

<b>Chief Executive</b>	Steve Ruru
<b>Committee Advisor</b>	Fiona Dunlop

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**Full agendas are available on Council's Website**  
**[www.southlanddc.govt.nz](http://www.southlanddc.govt.nz)**

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**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.



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## **PUBLIC EXCLUDED**

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**C10.1 Milford Sound Tourism Limited - 2019/2020 Annual Report**

**C10.2 Golden Bay Wharf Ownership Transfer**

**C10.3 Appointment of Interim Chief Executive**

**C10.4 Appointment of Chief Executive**

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**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 12noon at least one clear day before the meeting. Further information is available on [www.southlanddc.govt.nz](http://www.southlanddc.govt.nz) or phoning 0800 732 732.

**5 Extraordinary/Urgent Items**

To consider, and if thought fit, to pass a resolution to permit the 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
  - (ii) the presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but
- (b) no resolution, decision or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion."

**6 Confirmation of Council Minutes**

- 6.1 Meeting minutes of Council, 27 August 2020



## Risk management update - September 2020 quarter

**Record No:** R/20/6/23449  
**Author:** Jane Edwards, Policy Analyst  
**Approved by:** Rex Capil, Group Manager Community and Futures

☐ Decision ☐ Recommendation ☒ Information

### Purpose

- 1 The purpose of this report is to inform Council of the significant strategic and corporate risks for the September 2020 quarter.

### Executive Summary

- 2 The executive leadership team (ELT) have reviewed the status of the ten primary strategic risks endorsed by Council and these were presented to the committee for the September 2020 quarterly risk management update. This update included a comprehensive evaluation of each risk, any current and proposed mitigations, and the residual risk assessment for each.
- 3 The committee oversees the corporate risk register and actively monitors the management of the top priority risks.
- 4 Following consideration at its meeting on 11 September 2020, the committee stated it had confidence in the management of the priority risks to Council for the current quarter.
- 5 After each review, the committee is required to inform Council, for information purposes, the risks with thresholds that are currently assessed as high or very high.
- 6 Eight of the ten primary risks are assessed as high or very high and details of these are included as attachment A.
- 7 The matrices used to assess the risks are included for information as attachment B.

### Recommendation

#### That the Council:

- a) **Receives the report titled "Risk management update - September 2020 quarter" dated 21 September 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.**

## **Background**

- 8 The risk management framework (RMF) was adopted by Council in February 2019. This framework supports risk management literacy across Council so that risk management can be understood, planned for and mitigated across all levels and activities.
- 9 As part of the RMF, Council's ten priority strategic and corporate risks were identified and endorsed in June 2020 and these form the basis of quarterly risk report including the risk register.
- 10 The top ten priority risks endorsed by Council are jointly owned by the ELT who are responsible for undertaking a comprehensive review the status of the risks, and any emerging operational risks, on a quarterly basis.
- 11 The ELT review is incorporated into the risk management update report which is presented to the committee for consideration each quarter. Following feedback from the committee, the risks categorised as very high and high are required by the RMF to be reported to the next Council meeting.

## **Overview of Council's Highest Strategic Risks**

- 12 The summary of risks, presented to Council as attachment A, lists the eight risks categorised as high or very high for the September 2020 quarter.
- 13 Risks are ranked in accordance with their priority weighted scoring from highest to lowest. The risk scorings were assessed by the ELT in February 2020.
- 14 Each threshold is given after analysis of the impact of each potential risk, the consequence level, and an assessment of the likelihood of it happening.
- 15 The status of each risk gives an indication of whether the mitigations listed are assessed as causing the threshold to rise, lower or remain in place.
- 16 Eight of the ten primary risks to Council are categorised as high or very high. These risks have received comprehensive analysis from the ELT and have been presented to the committee who stated their satisfaction that the risks were being appropriately monitored and managed.
  - four risks are assessed as having a current risk threshold of very high. The target threshold for three of these is assessed as reducing to high, and one as reducing to medium, as a result of the mitigations currently in place.
  - four risks are assessed as having a current threshold of high. The target threshold for one of these is assessed as reducing to medium and one to low as a result of the mitigations currently in place. Two risks remain static at high.
  - one risk threshold has decreased. Risk 1 (inaccurate data) – has had its pre-mitigation threshold lowered from very high to high.
  - while risk thresholds remain unchanged, the status of Risk 9 (over commitment and work programme) and Risk 10 (growth and demand dependent model) remains as 'worsening'. This status continues to reflect aspects of the Covid-19 situation that are currently being realised and these risks remain under watching brief.

### **Next Steps**

- 17 The review process has begun for the upcoming quarter and assessment of the ten priority strategic risks will be presented to a committee of Council at its meeting 15 December 2020.

### **Attachments**

- A Risk register - Council - September 2020 quarter [↓](#)  
B Risk management framework - risk matrices [↓](#)



## Council – Quarterly risk update – September 2020

### KEY:

CONSEQUENCE	INSIGNIFICANT	MINOR	MODERATE	MAJOR	CATASTROPHIC
LIKELIHOOD	RARE	UNLIKELY	POSSIBLE	LIKELY	HIGHLY LIKELY
THRESHOLD		LOW	MEDIUM	HIGH	VERY HIGH
STATUS		IMPROVING	STATIC	WORSENING	

RISK 1	Inaccurate data leads to bad decisions/asset failure			Weighted score: 3.50	Status: Improving
DESCRIPTION	Council does not have the data and information it needs to make informed decisions				
PRE TREATMENT	Consequence:	Major	Likelihood:	Likely	
THRESHOLD	HIGH				
CURRENT MITIGATIONS	<ul style="list-style-type: none"> <li>• review and prioritisation of data analytics</li> <li>• community facilities implementing asset management data tool</li> <li>• Master Data Specifications for Council</li> <li>• contract alignment to asset management processes</li> <li>• improve internal cost estimation process</li> <li>• ensure communication with communities is appropriate and accurate throughout identified project milestones</li> <li>• ensure staff are trained and supported to adequately use the tools they have available</li> <li>• Long Term Plan and subsequent work programme</li> <li>• standardisation of as-builts</li> </ul>				
POST TREATMENT	Consequence:	Major	Likelihood:	Possible	
TARGET THRESHOLD	HIGH				



PROPOSED MITIGATIONS	<ul style="list-style-type: none"><li>• create process for independent review and independent reconciliation</li><li>• look at reporting options through JDE (Council's accounting tool) to enable managers to assess summary to detail information easily</li></ul>
COMPLETED MITIGATIONS	<ul style="list-style-type: none"><li>• Infor Public Sector (IPS)/Geographic Information System (GIS) management process established</li></ul>



<b>RISK 2</b>	<b>Underinvestment in infrastructure</b>	<b>Weighted score:</b> 3.40	<b>Status:</b> Improving
<b>DESCRIPTION</b>	Failure to maintain infrastructure that has the capacity and capability needed to meet an agreed level of service		
<b>PRE TREATMENT</b>	<b>Consequence:</b> Major/Catastrophic	<b>Likelihood:</b> Possible	
<b>CURRENT THRESHOLD</b>	VERY HIGH		
<b>CURRENT MITIGATIONS</b>	<ul style="list-style-type: none"> <li>• allocation of appropriate funding and resources to deliver the prioritised work plan identified through the Infrastructure Strategy and the Activity Management Plan process</li> <li>• development of a prioritised programme to address deficits to an acceptable level over time is underway</li> <li>• development of established minimum levels of service (LoS) for community facilities</li> <li>• business continuity planning</li> <li>• E-delivery project and regular updating of IT equipment</li> <li>• Council buildings assessed as fit for purpose</li> </ul>		
<b>POST TREATMENT</b>	<b>Consequence:</b> Major/Catastrophic	<b>Likelihood:</b> Unlikely	
<b>TARGET THRESHOLD</b>	HIGH		
<b>PROPOSED MITIGATIONS</b>	<ul style="list-style-type: none"> <li>• look to 'quantify', in descriptive and financial terms, the extent of the deficit in different asset and service areas</li> <li>• set targets for 2021 Long Term Plan and beyond</li> <li>• develop a view on acceptable level of risk by different service areas</li> </ul>		



<b>RISK 4</b>	<b>Inadequate, incomplete or lack of strategy/policy impacts the wellbeing of the District</b>		<b>Weighted score:</b> 2.85	<b>Status:</b> Improving
<b>DESCRIPTION</b>	A lack of consistent strategic direction-setting could result in poorly aligned and uninformed decisions that impact the community			
<b>PRE TREATMENT</b>	<b>Consequence:</b>	MAJOR	<b>Likelihood:</b>	LIKELY
<b>THRESHOLD</b>	VERY HIGH			
<b>CURRENT MITIGATIONS</b>	<ul style="list-style-type: none"> <li>• strategy development work plan</li> <li>• research projects instigated to meet RMA reform requirements</li> </ul>			
<b>POST TREATMENT</b>	<b>Consequence:</b>	MAJOR	<b>Likelihood:</b>	POSSIBLE
<b>TARGET THRESHOLD</b>	MEDIUM			
<b>PROPOSED MITIGATIONS</b>	<ul style="list-style-type: none"> <li>• integrated strategic planning</li> <li>• long term formal commitment to collaboration between Council and key agencies</li> </ul>			



<b>RISK 5</b>	Natural or biosecurity event impacts the wellbeing of the District		<b>Weighted score:</b> 2.70	<b>Status:</b> Static
<b>DESCRIPTION</b>	External event negatively impacts the landscape that Council is operating in and/or its communities			
<b>PRE TREATMENT</b>	<b>Consequence:</b>	Major/catastrophic	<b>Likelihood:</b>	Unlikely
<b>THRESHOLD</b>	<b>HIGH</b>			
<b>CURRENT MITIGATIONS</b>	<ul style="list-style-type: none"> <li>• review of pandemic preparedness and planning</li> <li>• essential services prioritisation</li> <li>• business continuity plans completed in order to assist in incident management and response</li> <li>• provision of funding and resources to Emergency management Southland to assist with civil defence emergency management</li> </ul>			
<b>POST TREATMENT</b>	<b>Consequence:</b>	Catastrophic	<b>Likelihood:</b>	Unlikely
<b>TARGET THRESHOLD</b>	<b>Low</b>			
<b>PROPOSED MITIGATIONS</b>	<ul style="list-style-type: none"> <li>• none proposed for September 2020 quarterly update</li> </ul>			
<b>COMPLETED MITIGATIONS</b>	<ul style="list-style-type: none"> <li>• debrief by Incident Management team of process followed during March-May 2020 lockdown</li> <li>• adequate financial capacity in place to assist with recovery costs</li> <li>• review of rates remission and rates postponement policy.</li> </ul>			



<b>RISK 6</b>	<b>Health and safety controls fail to protect staff and contractor safety</b>		<b>Weighted score:</b> 2.55	<b>Status:</b> Improving
<b>DESCRIPTION</b>	Systems processes and controls fail to protect our workers			
<b>PRE TREATMENT</b>	<b>Consequence:</b>	Catastrophic	<b>Likelihood:</b>	Possible
<b>THRESHOLD</b>	VERY HIGH			
<b>CURRENT MITIGATIONS</b>	<ul style="list-style-type: none"> <li>comprehensive audit framework</li> <li>use of assessment methodology to identify the potential corrective actions required</li> <li>training and education of contractors</li> <li>appropriate health and safety controls in response to lockdown requirements due to COVID-19</li> </ul>			
<b>POST TREATMENT</b>	<b>Consequence:</b>	Catastrophic	<b>Likelihood:</b>	Unlikely
<b>TARGET THRESHOLD</b>	HIGH			
<b>PROPOSED MITIGATIONS</b>	<ul style="list-style-type: none"> <li>site observations of contractors undertaken by all contract managers and activity managers</li> <li>GPS to be introduced in all Council vehicles in 2020</li> <li>creation of a wellbeing programme</li> </ul>			
<b>COMPLETED MITIGATIONS</b>	<ul style="list-style-type: none"> <li>health and safety plan adopted by Council</li> <li>correct procurement/contractor induction processes in place for all project work</li> <li>review of pre-qualification process for contractors completed</li> <li>fatigue guidelines implemented</li> <li>alcohol and drug policy implemented</li> </ul>			



<b>RISK 7</b>	<b>Financial conservatism constrains progress towards strategic objectives</b>		<b>Weighted score:</b> 2.55	<b>Status:</b> Improving
<b>DESCRIPTION</b>	Council's work programme and levels of service are constrained to conservative financial targets being set.			
<b>PRE TREATMENT</b>	<b>Consequence:</b>	Major	<b>Likelihood:</b>	Likely
<b>THRESHOLD</b>	VERY HIGH			
<b>CURRENT MITIGATIONS</b>	<ul style="list-style-type: none"> <li>• work to understand prioritisation, delivery and affordability across the district that brings a greater understanding of generational responsibility</li> <li>• robust business cases, with clear strategic objectives, will help put projects in context of other works needed and help achieve strategic outcomes and transparency</li> </ul>			
<b>POST TREATMENT</b>	<b>Consequence:</b>	Major	<b>Likelihood:</b>	Possible
<b>TARGET THRESHOLD</b>	HIGH			
<b>PROPOSED MITIGATIONS</b>	<ul style="list-style-type: none"> <li>• next Long Term Plan – what are the challenges for the next ten years? Identify financial requirements, levels of service and risk</li> <li>• better data needed to make good business decisions</li> <li>• investigate sources of revenue and funding</li> </ul>			



<b>RISK 9</b>	<b>Over commitment and work programme</b>		<b>Weighted score:</b> 2.30	<b>Status:</b> Worsening
<b>DESCRIPTION</b>	Unable to deliver the organization's agreed work programme			
<b>PRE TREATMENT</b>	<b>Consequence:</b>	Moderate	<b>Likelihood:</b>	Highly likely
<b>THRESHOLD</b>	<b>HIGH</b>			
<b>CURRENT MITIGATIONS</b>	<ul style="list-style-type: none"> <li>• executive leadership team to ensure work programme is deliverable, achievable and resourced</li> <li>• create an understanding/recognition of purpose and roles/responsibilities that come with Long Term Plan</li> <li>• understand capacity and capability and ensure realistic commitments</li> <li>• ensure adequate planning and correct resources, including contractors availability, for the achievement of the plan</li> <li>• use of CAMMs (Council's project management tool)</li> </ul>			
<b>POST TREATMENT</b>	<b>Consequence:</b>	Minor	<b>Likelihood:</b>	Likely
<b>TARGET THRESHOLD</b>	<b>MEDIUM</b>			
<b>PROPOSED MITIGATIONS</b>	<ul style="list-style-type: none"> <li>• implement robust team business planning and reporting processes</li> <li>• ensure adequate community engagement</li> </ul>			



RISK 10	Growth and demand dependent model make it hard to fund new infrastructure		Weighted score: 2.00	Status: Worsening
DESCRIPTION	Inability to access funding, despite increasing need, due to lack of eligibility			
PRE TREATMENT	Consequence:	Moderate	Likelihood:	Highly Likely
THRESHOLD	HIGH			
CURRENT MITIGATIONS	<ul style="list-style-type: none"><li>• lobby available funding sources where appropriate</li><li>• researching and identifying why and where Council is ineligible</li></ul>			
POST TREATMENT	Consequence:	Moderate	Likelihood:	Highly Likely
TARGET THRESHOLD	HIGH			
PROPOSED MITIGATIONS	<ul style="list-style-type: none"><li>• consider the demand and need for new infrastructure – consideration to be given to whether replacement is 'like-for-like'</li></ul>			



## Risk management framework – risk matrices

CONSEQUENCE	INSIGNIFICANT	MINOR	MODERATE	MAJOR	CATASTROPHIC
<b>STRATEGIC</b>	No significant adverse public comment No impact on achievement of LTP objectives Key stakeholder relationships unaffected	Adverse comment in local or social media Letter to CEO, complaints to Councillors May slow achievement of LTP objectives Minor impact on key stakeholder relationships	National media coverage Will impact achievement of one or more LTP objectives Negative impact on key stakeholder relationships	National media coverage 2-3 days Will significantly impact the achievement of multiple LTP objectives Significant impact on multiple key stakeholder relationships	Coverage in national media 3+ days Commission of Inquiry/Parliamentary questions Stakeholder relations irreparably damaged Cannot deliver on most LTP objectives
<b>OPERATIONAL</b>	No loss of operational capability Minimal changes to service level Minimal loss of internal capacity	Loss of operational capability in some areas Some disruption to service levels Internal capacity lost for up to 1 week	Serious loss of operational capability for over 6 weeks and/or Disruption to service levels for 4-6 weeks Loss of internal capacity 1-3 weeks	Serious loss of operational of capability for over 8 weeks and major disruption to service levels and/or Loss of internal capacity 4-6 weeks	Serious loss of operational capability for 3-4 months and serious disruption to service levels and Loss of internal capacity for more than 6 weeks
<b>FINANCIAL</b>	No impact on financial targets	Up to 1% impact on financial targets	Up to 5% impact on financial targets	Up to 10% impact on financial targets	More than 10% impact on financial targets
<b>HEALTH, SAFETY AND WELLBEING</b>	No Medical treatment required Issue noted, no action required	Minimal personal injury and/or sickness AND Less than 2 weeks incapacitation H&S issue noted by Worksafe	Personal injury and/or sickness with up to 3mths incapacitation OR H&S issue to court	Significant public health impact OR Personal injury and/or sickness with 3+ months incapacitation or long term disability OR	Permanent severe disability or loss of life OR H&S issue taken to court resulting in imprisonment OR

Risk management framework – risk matrices  
5/12/2019

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CONSEQUENCE	INSIGNIFICANT	MINOR	MODERATE	MAJOR	CATASTROPHIC
				H&S issue to court and fine imposed	Widespread community sickness
<b>SOCIAL, CULTURAL, ENVIRONMENTAL</b>	No significant community Impact	Single community affected	Multiple communities affected	Many communities affected	Most or all communities
	Localised short-term reversible environmental, economic or social impact	Localised short-term reversible environmental, economic or social damage	Localised medium term (1 month +) reversible damage or disruption (environmental, economic, social or cultural)	Localised or widespread long term (3-6m) reversible damage or disruption (environmental, economic, social or cultural)	OR Extensive or irreversible damage or disruption (environmental, economic, social or cultural)
<b>REGULATORY AND COMPLIANCE</b>	Fine/ liability less than \$10K	Fine/ liability \$10 - \$100K	Fine/ liability \$100 - \$250K	Fine/ liability \$250K - \$1M	Fine/ liability \$1M+



LIKELIHOOD	
<b>HIGHLY LIKELY</b>	Risk event is expected to occur in most circumstances; or 90% chance within the next 12 months; or 18 out of every 20 years
<b>LIKELY</b>	Risk event will probably occur in most circumstances; or 55% chance within the next 12 months; or 11 out of every 20 years
<b>POSSIBLE</b>	Risk event should occur at some time; or 25% chance within the next 12 months; or 5 out of every 20 years
<b>UNLIKELY</b>	Risk event could occur at some time; or 10% chance within next 12 months; or 1 out of every 10 years
<b>RARE</b>	Risk event may occur only in exceptional circumstances Up to 4% chance within next 12 months Once in 25 years

LIKELIHOOD	CONSEQUENCE				
	Insignificant	Minor	Moderate	Major	Catastrophic
<b>HIGHLY LIKELY</b>	Low	Medium	High	Very High	Very High
<b>LIKELY</b>	Low	Medium	High	Very High	Very High
<b>POSSIBLE</b>	Low	Medium	Medium	High	Very High
<b>UNLIKELY</b>	Low	Low	Medium	Medium	High
<b>RARE</b>	Low	Low	Low	Medium	Medium



## Draft Keeping of Animals, Poultry and Bees Bylaw - Deliberate and Adopt

Record No: R/20/9/49310  
Author: Jane Edwards, Policy Analyst  
Approved by: Fran Mikulicic, Group Manager Environmental Services

☒ Decision ☐ Recommendation ☐ Information

### Purpose

- 1 The purpose of this report is to provide information and to present options to Council, so that it can make decisions on the draft Keeping of Animals, Poultry and Bees Bylaw (the draft bylaw). This report is also to present the draft bylaw for adoption.

### Executive Summary

- 2 Council has completed public consultation on the draft bylaw. At its meeting 27 August 2020, Council received eight written submissions on the draft bylaw.
- 3 Submitters gave feedback on a broad range of issues relating to keeping animals. Topics that generated feedback included the animals permitted in urban zones, the proposed permit system and the formal dispensation for Ohai.
- 4 Staff are proposing a minor change to the version of the bylaw that went out for public consultation, to ensure it is clear when people are required to get a permit.
- 5 In this report, staff have presented and discussed two issues, along with ways Council could proceed. The issues discussed are the animals prohibited in urban zones, and the permit system and dispensation for Ohai. This report requests that Council deliberate on the issues presented. Staff have recommended ways to proceed for each issue, and the draft bylaw included with this report aligns to the recommendations being made by staff.
- 6 The options presented in this report are:
  - option 1 - adopt the draft bylaw and revoke the dispensation for Ohai; or
  - option 2 - adopt the draft bylaw and continue to have the dispensation for Ohai; or
  - option 3 - propose a different way forward (which includes amending the draft bylaw).
- 7 Staff are requesting Council to select how it would like to proceed.
- 8 If Council decide to adopt the draft bylaw included with this report as Attachment A (so proceeds with either option 1 or 2), staff are recommending that Council resolve to:
  - bring the new Keeping of Animals, Poultry and Bees Bylaw into effect on 12 October 2020 and supersede the existing Keeping of Animals, Poultry and Bees Bylaw 2010
  - give public notice of the making of the bylaw
  - treat dispensations that have already been given to individuals as a permit under the new bylaw.

- 9 If Council also decide not to continue the dispensation for Ohai (so proceed with option 1), staff are recommending Council resolve to:
- revoke the dispensation for Ohai
  - transition Ohai residents to the permit system by issuing permits to residents (who are keeping animals in accordance with the dispensation for Ohai) free of charge.
- 10 If Council propose a different way forward (option 3), staff will action the request of Council. If Council are proposing amendments to the draft bylaw, staff will make the amendments and present the final bylaw to Council on 21 October 2020, for adoption.

## **Recommendation**

### **That Council:**

- a) **Receives the report titled “Draft Keeping of Animals, Poultry and Bees Bylaw - Deliberate and Adopt” dated 21 September 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 on 4 March 2020, Council determined, 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 prior to making the bylaw, 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 prior to making the bylaw, 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) **Considers the feedback received on the draft Keeping of Animals, Poultry and Bees Bylaw.**
- h) **Notes that staff have included a minor amendment to draft bylaw since it was put out for public consultation. ‘Section 8 Permits’ has been changed from:**  
  
**‘To obtain a permit, please complete the ‘Permit to Keep an Animal form’...  
To read: - ‘If you wish to keep an animal that is not otherwise permitted by this bylaw, a permit can be requested by completing the ‘Permit to Keep an Animal form’...**
- i) **Resolves to:**
  - 1. adopt the draft bylaw and revoke the dispensation for Ohai; or**
  - 2. adopt the draft bylaw and continue the dispensation for Ohai; or**
  - 3. propose a different way forward.**
- j) **If Council endorses recommendation i)1 or i)2 (above), resolves that the new Keeping of Animals, Poultry and Bees Bylaw will come into effect and supersede the existing Keeping of Animals, Poultry and Bees Bylaw 2010 on 12 October 2020.**

- k) If Council endorses recommendation i)1 or i)2, ensures that in accordance with Section 157 of the Local Government Act 2002, public notice be given of the making of the Keeping of Animals Poultry and Bees Bylaw, advising:
- that the bylaw will come into force on 12 October 2020
  - that copies of the bylaw may be inspected, without fee, at all Council offices
  - that copies of the bylaw can be obtained upon payment of a reasonable charge.
- l) If Council endorses recommendation i)1 or i)2 (above), resolves that when the bylaw is adopted, Council staff will treat dispensations already granted to individuals (under the current bylaw - allowing people to keep an animal not otherwise permitted) as a permit.
- m) If Council endorses recommendation i)1 (above), resolves that Council staff will transition Ohai residents to the permit system by issuing permits to residents (who are keeping animals in accordance with the dispensation for Ohai) free of charge.
- n) If Council endorses recommendation i)1 (above), endorses adopting the draft bylaw, revokes a Council resolution made on 27 June 2012 to “dispense with clause 2.1 of the Keeping of Animals Poultry and Bees Bylaw 2010 with the Ohai Urban resource area, in any case where the keeping of the animal or animals meets all of the following conditions:
- the animals are confined to the property; and
  - the owner or occupier of the property upon which the animals are being kept has given approval; and
  - the animals do not cause any damage to a neighbouring fence or property; and
  - the animals do not create a nuisance, as defined in the Health Act 1956.”
- o) If Council endorses recommendation i)3 (above), provides specific feedback to staff on the proposed way forward.

## Background

### Current bylaw

- 11 The current bylaw contains rules about cats and various animals, such as pigs, horses, poultry and cattle. Provisions in the bylaw include where animals can be kept, how they can be kept, how many are permitted, and provisions relating to animal noise. The bylaw does not have any rules about dogs (these are in Council’s Dog Control Bylaw). The current bylaw was adopted by Council on 30 June 2010 and is due to be reviewed.
- 12 The current bylaw states that people can keep animals not otherwise permitted by the bylaw if they seek a consent from Council under the Resource Management Act 1991 (RMA). The current bylaw also states that Council can, in any particular case or cases, by resolution, dispense with rules in the current bylaw. Council has been granting dispensations to individuals to allow them to keep animals not permitted by the bylaw. People apply for a dispensation, and if the

applicant's neighbours give their consent and an animal control officer believes it is appropriate, a dispensation is given under delegated authority held by the chief executive or the group manager of environmental services.

- 13 The current bylaw is included as attachment B.

### **Formal dispensation for Ohai**

- 14 In 2012, the Ohai Community Development Area Subcommittee (CDA) requested that a dispensation be made to allow farm animals to be kept in the urban zone in Ohai. On 27 June 2012, Council adopted a formal dispensation for Ohai that allows people in the Ohai urban zone to keep farm animals (such as horses, cattle etc) if:
- the animals are confined to the property
  - the owner/occupier has given approval for the animals to be kept
  - the animals don't damage neighbouring fences or property.
- 15 The formal dispensation for Ohai is included as Attachment C.

### **Issues**

- 16 Staff are proposing a very minor amendment to the draft bylaw, to clarify who is required to get a permit to keep animals. Two submitters misinterpreted the draft bylaw and thought all people keeping bees would be required to seek a permit. This is not what is outlined in the draft bylaw, and staff are keen to make the bylaw as clear as possible.
- 17 It is proposed to change section 8 of the draft bylaw, from "to obtain a permit, please complete the 'Permit to Keep an Animal form'" to "if you wish to keep an animal that is not otherwise permitted by this bylaw, a permit can be requested by completing the 'Permit to Keep an Animal form'."

### **Issue 1: Rules for urban zones**

#### **Background**

- 18 The draft bylaw states a list of animals that cannot be kept unless a permit is obtained from Council.

#### **Summary of feedback**

- 19 Feedback received on this issue concerned animals that would not be permitted in urban zones under the draft bylaw, and restrictions on poultry.
- 20 In general, submitters were happy with the restrictions set out in the draft bylaw, but requested clarification on how these restrictions would be monitored or enforced. Comment was also made that as some urban areas are zoned adjacent to rural areas, it made no sense to have different rules on keeping animals in those particular areas.
- 21 Mixed feedback was received as to whether poultry should be allowed in urban areas. Some submitters said they didn't want roosters in towns and internal feedback was that roosters do cause some problems. Comment was made that the keeping poultry 10m from a residential building seemed an arbitrary distance and may limit some people from keeping poultry.

- 22 Some feedback requested a limit be set on the number of sheep able to be kept on a property in an urban zone with a suggested rate of no more than five sheep per acre. Others requested no restrictions, commenting that keeping animals on vacant sections kept grass under control. Comment was also made that it seemed inconsistent to place no limit on the number of sheep but to not allow one goat.
- 23 There was a general consensus that pigs should not be allowed in urban areas.

### **Discussion**

- 24 Following this feedback, Council must consider the balance between being enabling and allowing people to keep the animals they choose, while also safeguarding against potential nuisance and health and safety issues.
- 25 Council must consider its vision of ‘one community, offering endless opportunities’ in determining how it would like to proceed in a manner that is not overly restrictive and yet allows freedom of choice.

### **Ways Council could proceed**

- 26 Staff have identified two reasonably practicable ways Council could proceed on this issue. The ways, and their advantages and disadvantages, are outlined below:
- **that Council endorse the provisions outlined in section 5 of the draft bylaw (the rules for urban zones)**
  - that Council proposes changes to section 5 of the draft bylaw.

Proceed by - endorsing the provisions outlined in section 5 of the draft bylaw (the rules for urban zones)	
<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"><li>• should help reduce nuisance and health and safety issues in the District</li><li>• gives Council the flexibility to both set out restrictions, with the opportunity to apply for an exemption by obtaining a permit</li><li>• is in line with some community views obtained through the submission process</li></ul>	<ul style="list-style-type: none"><li>• this would not be in line with some community views obtained through the submission process who requested that Council respect freedom of choice</li></ul>

Proceed by – proposing changes to section 5 of the draft bylaw (the rules for urban zones)	
<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"><li>• may better incorporate community views.</li></ul>	<ul style="list-style-type: none"><li>• any changes proposed would have to be within the scope of the statement of proposal and submitter feedback.</li></ul>

### **Recommendation**

- 27 Staff recommend that Council endorse the provisions outlined in Section 5 of the draft bylaw (the rules for urban zones). The draft bylaw included with this report is drafted in accordance with the staff recommendation.

### **Issue 2 - Permits and the Ohai dispensation**

#### **Background**

- 28 The current bylaw applies to all areas in the District, but a formal dispensation has been granted for the Ohai urban zone.
- 29 The draft bylaw does not include different rules for Ohai. Instead, it proposes a consistent District-wide permit system that enables people in all urban areas to keep animals not permitted by the bylaw.

#### **Summary of feedback**

- 30 In the submission form, staff queried whether submitters supported having consistent rules as outlined in the proposed permit system.
- 31 Four of the eight submitters thought there should continue to be different rules in different urban areas in the District. One submitter supported maintaining Ohai's special status and commented that Council should consider expanding it to include similar areas in the District. Comment was made that Council should continue to support unique rules/standards for unique townships. Comment was also made that the extra resources required to establish and maintain a permit system would be expensive and unnecessary.
- 32 Two submitters supported the proposal of consistent rules in urban areas and two submitters were not sure whether the rules should be the same in all urban areas.

#### **Discussion**

- 33 The larger proportion of feedback received did not support the proposal to apply consistent rules via the permit system outlined in the draft bylaw. If Council choose to endorse the permit system outlined in the draft policy and revoke the dispensation for Ohai, there will be a consistent approach throughout the District.
- 34 It is proposed that where individual dispensations have already been issued (to people outside of Ohai), that the dispensation is treated as a permit under the proposed bylaw, and the person does not have to apply for a permit.

- 35 If the dispensation is revoked, Council staff are proposing to re-issue permits for Ohai residents under the proposed bylaw, at no cost to residents; provided there is compliance with the conditions in the current Ohai dispensation. This would mean that the individuals who already have a dispensation, would not need to apply for a permit.
- 36 Council does have the option of endorsing the permit system proposed in the draft bylaw, but allowing the dispensation for Ohai to remain in place.
- 37 A point for Council to consider is that the revocation of the dispensation presently only impacts a small number of people in Ohai.
- 38 Despite the lack of support received from submitters for a consistent permit system, given the small number of submissions received in consultation staff recommend that there is not a compelling case for continuing to allow for different rules in different urban areas in the District. Staff also recommend that it would be detrimental to consider the Ohai dispensation in isolation to wider District planning.

**Ways Council could proceed**

- 39 Staff have identified two reasonably practical ways Council could proceed on this matter. The ways, and their advantages and disadvantages, are outlined below:
- **that Council endorses the permit provisions outlined in section 8 of the draft bylaw and revokes the Ohai dispensation**
  - that Council endorses the provisions outlined in section 8 of the draft bylaw but continues to keep a formal dispensation in place for Ohai residents.

Proceed by - endorsing the permit provisions outlined in section 8 of the draft bylaw and revokes the Ohai dispensation	
<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"><li>• establishes a consistent District-wide approach, which may help people be familiar with the rules</li><li>• ensures that the issue is viewed with a broad lens rather than looking at individual situations</li><li>• is in line with Council's vision of 'one community'</li><li>• the proposed permit system is very similar to the dispensation system currently being used, which has already been proven to work well.</li></ul>	<ul style="list-style-type: none"><li>• the existing dispensation system is perceived by many in the community as appropriate and working well</li><li>• some community views did not support a consistent permit system for the District</li></ul>

Proceed by - Endorsing the permit provisions outlined in section 8 of the draft bylaw but continues to keep a formal dispensation for Ohai residents

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"><li>• this option gives Council flexibility to meet the specific needs of Ohai and other urban areas that may also request a formal dispensation</li><li>• would give clarity on Council's preferred approach</li></ul>	<ul style="list-style-type: none"><li>• the approach is not consistent with Council's vision of 'one community'</li><li>• the bylaw may become too complex and confusing if different rules were introduced for different towns</li></ul>

### **Recommendation**

- 40 Staff recommend that Council proceed and endorse the permit provisions outlined in section 8 of the draft bylaw and revoke the Ohai dispensation. The draft bylaw included with this report is drafted in accordance with this recommendation by staff. This report also includes recommendations to revoke and transition away from the Ohai dispensation.

### **Factors to Consider**

#### **Legal and Statutory Requirements**

- 41 Under section 146 of the Local Government Act 2002 (the LGA), Council has the specific bylaw making power to regulate the keeping of animals, poultry and bees. Under section 145, bylaws can only be made for one of the following purposes:
- to protect the public from nuisance
  - to protect, promote, and maintain public health and safety
  - to minimise the potential for offensive behaviour in public places.
- 42 Council has undertaken consultation on the draft bylaw in accordance with the special consultative procedure outlined in section 83 and 86 of the LGA.

### **Determinations**

#### **Most appropriate way of addressing the perceived problem**

- 43 Council, at its meeting 4 March 2020, determined that a bylaw is the most appropriate way of addressing the perceived problem or issue. Across New Zealand, bylaws are the most typical method used by territorial authorities to address nuisance and health and safety problems associated with keeping animals.

#### **Most appropriate form of bylaw**

- 44 Council is also required to determine prior to making a bylaw, whether the proposed bylaw is the most appropriate form of bylaw. The draft bylaw has been written so that is easy to read and to use. Staff believe the draft bylaw is only creating necessary rules, and that it is not overly restrictive/prescriptive. The provisions in the bylaw allow Council to act when nuisance and

health and safety issues do arise. The bylaw has been made in recognition that many towns in the District are quite rural in nature.

### **New Zealand Bill of Rights Act 1990**

- 45 Council is required to determine whether the draft bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990 (the NZBORA, which grants certain civil and political rights to people in New Zealand. In accordance with section 5 of the NZBORA, ‘the rights and freedoms contained in the Bill of Rights may be subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society’.
- 46 In section 146 of the LGA there is a specific provision that allows local authorities to make bylaws on keeping animals, poultry and bees. Such a bylaw can only be made to prevent nuisance and ensure peoples’ health and safety (s145). The LGA has been reviewed by the Attorney-General for any inconsistency with the NZBORA. On this basis, the Attorney-General has already assessed that any limits imposed on keeping animals to prevent nuisance and health in safety issues, are reasonable limits. Therefore, staff believe the provisions of the draft bylaw do not unreasonably interfere with any of the rights in the NZBORA.

### **Public notification**

- 47 In making a bylaw, Council is required as soon as practicable after a bylaw is made, to give public notice stating:
- the date on which the bylaw will come into operation, and
  - that copies of the bylaw may be inspected and obtained at Council offices.

### **Community Views**

- 48 A summary of the community views captured through the formal consultation process on the draft bylaw were outlined in the issues section of the report that went to Council on 27 August 2020. The full submission booklet of the feedback received through the formal consultation process was also included as an attachment to that report.
- 49 A summary of the community views captured through the preliminary consultation process were outlined in the report to Council on 4 March 2020. This report can be accessed by elected members on Council’s hub, and by the public on Council’s website.
- 50 Under section 78 of the LGA, Council must, when deciding how to proceed, consider the views and preferences of persons likely to be affected by, or to have an interest in, the matter. There is not a requirement to agree with the submitters, but Council must consider the views that have been expressed, with an open mind.

### **Costs and Funding**

- 51 The costs associated with reviewing the bylaw include staff time and advertising. The draft bylaw does not propose any significant changes to operational practice within the environmental health team. Costs will be met within existing budgets.
- 52 In accordance with the 2020-2021 Annual Plan, people have to pay \$322 when they apply for a permit/dispensation to keep an animal that would not otherwise be permitted by the draft bylaw.

The charge covers the cost of staff processing the application. The charge was \$292.50 in the 2019-2020 Annual Plan.

### **Policy Implications**

- 53 The draft bylaw proposes small changes to the current bylaw, including:
- to how people get approval to keep animals not permitted by the bylaw
  - making it an offence to kill animals or process meat in a way that is, or is likely to become, a nuisance, dangerous, offensive or injurious to health
  - not allowing people to keep llamas, alpacas, emus, swans, chamois and tahr on private land in an urban zone.
- 54 It is also proposed to remove the formal dispensation for people in the Ohai urban zone.
- 55 In regards to enforcing the provisions in the draft bylaw, staff are proposing to continue dealing with issues as complaints are received. This means that the current approach of not proactively monitoring the bylaw for compliance, will continue.
- 56 Council has a vision of ‘one community, offering endless opportunities’. On this basis, the draft bylaw has been drafted to not be too restrictive, and to allow, where appropriate, people to have the opportunity to keep the animals and enjoy the lifestyle they want.

### **Analysis**

#### **Options Considered**

- 57 The following reasonably practical options have been identified:
- **option 1** – that Council proceed and make decisions now on the issues identified for the draft bylaw, adopt the draft bylaw and revoke the dispensation for Ohai
  - **option 2** – that Council proceed and make decisions now on the issues identified for the draft bylaw, adopt the draft bylaw and continue the dispensation for Ohai
  - **option 3** – that Council proposes a different way forward (such as amending the draft bylaw).

### **Analysis of Options**

#### **Option 1 – adopt the draft bylaw and revoke the dispensation for Ohai**

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"><li>• Council has captured community views on the draft bylaw and is in an informed position</li><li>• incorporates community views</li><li>• is reasonably similar to the bylaws adopted by Invercargill City Council and Gore District Council, which makes it easier for people to know and apply the rules</li></ul>	<ul style="list-style-type: none"><li>• some community views did not support the proposed changes</li><li>• people may know the current dispensation system and take time to adjust to the new permit system</li></ul>

**Option 2 – adopt the draft bylaw and continue the dispensation for Ohai**

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"><li>• Council is in an informed position to proceed</li><li>• incorporates community views</li><li>• is reasonably similar to the bylaws adopted by Invercargill City Council and Gore District Council, which makes it easier for people to know and apply the rules</li></ul>	<ul style="list-style-type: none"><li>• an inconsistent approach throughout the District does not align with Council's vision of 'one community'</li><li>• an inconsistent approach to permits may create difficulties for people in the District to know and apply the rules outlined in the draft bylaw</li></ul>

**Option 3 – propose a different way forward**

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"><li>• would give clarity on Council's preferred approach</li></ul>	<ul style="list-style-type: none"><li>• the public will have an expectation that a decision will be reached on the draft bylaw</li></ul>

**Assessment of Significance**

- 58 The decisions Council is making in regard to this report have been assessed as not being significant in relation to Council's Significance and Engagement Policy and the Local Government Act 2002.

**Recommended Option**

- 59 It is recommended that Council proceed with option 1 and make decisions now on the issues identified for the draft bylaw, adopt the draft bylaw and revoke the formal dispensation for Ohai.

**Next Steps**

- 60 If Council proceeds with option 1, and makes decisions on the issues for the draft bylaw, adopts the draft bylaw and revokes the Ohai dispensation, staff would give public notice of the making of the bylaw and the revocation of the dispensation. Staff would also send letters to people who submitted on the statement of proposal, informing them of the final outcome.
- 61 If Council proceeds with option 2, and makes decisions on the issues for the draft bylaw, adopts the draft bylaw without revoking the Ohai dispensation, staff would give public notice of the making of the bylaw. Staff would also send letters to people who submitted on the statement of proposal, informing them of the final outcome.
- 62 There is a requirement to review this bylaw within ten years of it being adopted, so if the draft bylaw is adopted in September 2020, a subsequent review will need to be completed in 2030
- 63 If Council proceeds with option 3, staff will outline next steps in line with the approach taken.

## **Attachments**

- A Draft Keeping of Animals, Poultry and Bees Bylaw [↓](#)
- B Keeping of Animals, Poultry and Bees Bylaw 2010 [↓](#)
- C Keeping of Animals, Poultry and Bees 2010 - formal dispensation for Ohai [↓](#)



## Southland District Council

The Keeping of Animals, Poultry and Bees Bylaw

DRAFT

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## Document Revision

Date	Amendment	Amended by	Approved by	Approval date

## 1. Commencement

This bylaw shall come into force in the District on 12 October 2020. This bylaw has been reviewed and adopted by a resolution passed at a meeting of Council held on 29 September 2020.

## 2. Purpose

This bylaw is to:

- help protect people in the District from nuisance, and
- help protect, promote, and maintain the health and safety of people in the District.

## 3. Definitions

<b>Council</b>	means Southland District Council
<b>District</b>	means the area within the territorial boundary of Council
<b>Industrial zone</b>	means specific areas classified as 'industrial' under Council's operative District Plan. These areas can be located by selecting the 'District Plan' on Council's website ( <a href="https://www.southlanddc.govt.nz/">https://www.southlanddc.govt.nz/</a> ), and by viewing the 'District Plan maps'. There are industrial zones in Oban, Te Anau, Winton and in Riverton/Aparima
<b>Nuisance</b>	shall have the meaning assigned to it by the Health Act 1956
<b>Poultry</b>	includes chickens, geese, pheasants, pigeons, peafowl, ducks, quails and domestic fowl of all descriptions
<b>Urban zone</b>	means specific areas classified as 'urban' under Council's operative District Plan. These areas can be located by selecting 'District Plan' on Council's website, and by viewing the 'District Plan maps'. A list of the townships that have an urban zone, is included with this bylaw as Appendix A

## 4. General rules

It is an offence to keep animals, kill animals, or process meat in a way that is, or is likely to become, a nuisance, dangerous, offensive or injurious to health.

It is an offence to keep animals in a way that is, or is likely to pollute any fresh or coastal water as defined in the Resource Management Act 1991.

It is an offence to keep any noisy animal, bird, poultry or fowl, which is, or is likely to become, a nuisance to residents in the neighbourhood.

## 5. Rules for urban zone

### **Animals not allowed in an urban zone unless a permit is obtained**

It is an offence to keep the following animals (including their young) on private land in an urban zone without obtaining a permit from Council:

- alpacas
- cattle/bison/buffalo
- deer
- donkeys/mules
- goats/chamois/tahr
- horses/ponies
- llamas
- ostriches/emus
- pigs
- swans.

### Restrictions on poultry

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It is an offence to keep more than 10 poultry (that are over six months of age) on private land in an urban zone, without obtaining a permit from Council.

It is also an offence to keep poultry on private land in an urban zone, without obtaining a permit from Council, unless they are housed and contained appropriately. Poultry are housed and contained appropriately when:

- they are in a properly constructed house covered in with a rainproof roof
- the poultry house has a floor made of solid wood, concrete, or another appropriate material, with a surrounding nib wall where a poultry run shall be attached
- the poultry house/poultry run keep the poultry contained
- both the poultry house and any poultry run are least 10 metres from any dwelling, factory, or wholly/partially occupied building
- the poultry house and poultry run are at least two meters from any boundary not separated by a solid fence
- the poultry house and poultry run are clean and in good condition, and free from any offensive smell, overflow or vermin.

### Additional information on keeping animals in an urban zone

---

There are no restrictions on keeping cats or bee hives on private land in an urban zone, unless specific restrictions have been imposed by Council.

There are no restrictions on the number of sheep that may be kept on private land in an urban zone.

## 6. Rules for industrial zone

### Animals not allowed in industrial zone unless a permit is obtained

---

It is an offence to keep any pigs on land in an industrial zone without obtaining a permit from Council.

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## Restrictions on poultry

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The same restrictions apply to keeping poultry in an industrial zone, as apply in an urban zone. These restrictions are outlined in section 5 of this bylaw.

## 7. Other specific rules

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### Pigs

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It is an offence to build or allow any pigsty to remain, or any pigs to be at large or to range, at a less distance than 50 metres from a:

- dwelling
- wholly or partly occupied building
- street or public place
- place used for the preparation, storage, or sale of food for human consumption
- boundary of any adjoining property.

---

### Cats

---

Council may impose a limit on the number of cats that may be kept on a private land (a limit being not more than five) where:

- Council has received a complaint about the number of cats kept on private land, and
- Council considers cats are being kept in a way that is, or is likely to become, a nuisance, offensive or injurious to health, and
- the person keeping the cats fails to comply with any reasonable request of the officer to abate or prevent the nuisance or health concern.

It is an offence to not comply with any limit imposed by Council, on the number of cats that may be kept.

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### Bees

---

Council may impose conditions limiting the number and location of hives on private land where:

- Council observes or receives a complaint that bees are being kept in a way that is, or is likely to become, a nuisance, dangerous, offensive or injurious to health, and
- Council has consulted with the complainant(s) (where possible), and
- Council has consulted with the person keeping the bees (where possible), and
- Council has requested the person keeping the bees to keep them in way that is not, or is not likely to become, a nuisance, dangerous, offensive or injurious to health (this may include specific requests such as moving a hive), and
- the person keeping the bees has failed to comply with Council's request.

Council may seek advice from experts in the keeping of bees through this process.

It is an offence not to comply with conditions imposed by Council, limiting the number and location of hives on private land.

## Buildings for animals

Where animals are kept in a building, any required resource consent must be obtained. The building must also be properly constructed in accordance with the New Zealand Building Code, and appropriate building consent obtained where the proposed building is not exempt from the need of a building consent under Schedule 1 of the Building Act 2004.

### 8. Permits

~~To obtain a permit, please complete~~ If you wish to keep an animal that is not otherwise permitted by this bylaw, a permit can be requested by completing the 'Permit to Keep an Animal form' that is available on Council's website under 'Apply For It' and then under 'Environmental Health'.

To determine whether a permit should be granted, a Council staff member may choose to:

- seek further information from the applicant
- visit the premises to assess whether keeping the animal/s is appropriate
- require the applicant to seek approval from their neighbours.

If an application is successful, a written permit will be issued to the applicant by post or e-mail. The permit may include conditions about how the animal is kept. It is an offence to not comply with any conditions imposed by a permit.

### 9. Dispensing Power

It shall be lawful for Council in any particular case or cases, by resolution, to dispense with any of the foregoing requirements of this bylaw.

### 10. Enforcement

In addition to enforcing the provisions in this bylaw, Council may elect to take action relating to animals, poultry and bees under the Health Act 1956 or the Resource Management Act 1991.

### 11. Penalties

Every person who commits a breach of this bylaw is liable to a fine not exceeding \$20,000.

**Appendix A - List of the townships that have an urban zone**

- Balfour
- Browns
- Colac Bay/Oraka
- Edendale
- Lumsden
- Manapouri
- Mossburn
- Nightcaps
- Oban/Rakiura
- Ohai
- Otautau
- Riversdale
- Riverton/Aparima
- Te Anau
- Tokanui
- Tuatapere
- Waikaia
- Wallacetown
- Winton
- Wyndham



## The Keeping of Animals, Poultry and Bees Bylaw 2010

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**Document Revision**

Date	Amendment	Amended by	Approved by	Approval date

Pursuant to the provisions of the Local Government Act 2002 and the Bylaws Act 1910, the Southland District Council resolves to make the following Bylaw:

### Short Title and Commencement

This Bylaw shall be known as the “Keeping of Animals, Poultry and Bees Bylaw 2010” and shall come into force on 5 July 2010.

### Repeals

The Southland District Council Keeping of Animals, Poultry and Bees Bylaw 2005 is hereby repealed.

### Definition

NUISANCE shall have the meaning assigned to it by the Health Act 1956.

## 1.0 Pig Keeping

1.1 No person shall keep or allow to be kept any pigs in a Southland District Urban Resource Area or Industrial Resource Area as identified in the Operative Southland District Plan.

1.2 No person shall keep any pigs so as to be or be likely to become or create a nuisance or any conditions injurious to health or offensive or in such a manner as to pollute or be likely to pollute any fresh or coastal water as defined in the Resource Management Act 1991.

1.3 No person shall construct or allow any pigsty to remain, or any pigs to be at large or to range, at a less distance than 50 m from any dwelling, or any wholly or partly occupied building, or any street or public place or any place used for the preparation, storage, or sale of food for human consumption, or from any boundary of any adjoining property.

## 2.0 Animal Keeping

2.1 No horse or other beast of burden, cattle, goats, deer or ostriches shall be kept or permitted to remain in a Southland District Urban Resource Area as identified in the Operative Southland District Plan unless the owner has first sought and obtained a resource consent from Council under the Resource Management Act 1991.

2.2 Where any such horse or other beast of burden, cattle, goats, deer or ostriches are kept in a building, the building shall be properly constructed in accordance with the New Zealand Building Code, and appropriate consent obtained where the proposed building is not exempt from the need of a building consent under Schedule 1 of the Building Act 2004

2.3 An Environmental Health Officer may impose a limit on the number of cats which may be kept on a private land (such limit being not more than five) where:

- (a) the Council has received a complaint about the number of cats kept on the private land; and
- (b) the officer considers that the number of cats is creating a nuisance or is likely to create nuisance; and

- (c) the person keeping those cats fails to comply with any reasonable request of the officer to abate or prevent the nuisance.

### **3.0 Poultry Keeping**

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3.1 No poultry, caged or otherwise, (which shall include geese, ducks, pigeons, turkeys and domestic fowls of all descriptions) shall be kept or permitted to remain in a Southland District Urban Resource Area or Industrial Resource Area as identified in the Operative Southland District Plan, except in a properly constructed poultry house covered in with a rainproof roof and provided with a floor of concrete or other approved material with a surrounding nib wall, to which a confined poultry run shall be attached. Every poultry house and poultry run shall be maintained in good repair, in a clean condition free from any offensive smell, vermin, or overflow. The maximum number of birds is limited to 10 on any individual property unless the owner has first sought the resource consent of Council under the Resource Management Act 1991.

3.2 No poultry house or poultry run shall be erected or maintained any part of which is within 10 m from any dwelling, factory, or any other building, whether wholly or partially occupied, or within its own height of the boundary of adjoining premises.

### **4.0 Noise from Animal, Bird or Fowl**

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4.1 No person shall keep within any premises, any noisy animal, bird, or poultry which shall be, or cause, a nuisance to residents in the neighbourhood.

### **5.0 Bee Keeping**

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5.1 No person shall keep bees in a manner that:

- (a) is, or is likely to become, a nuisance, or
- (b) is, or is likely to become, offensive, injurious to health, or dangerous.

5.2 The Council may prescribe conditions limiting the number of hives kept and the fixing of the location of such hives on the premises or place.

5.3 Where complaints are received in respect of the location of hives in any part of Southland District and the Chief Executive or Group Manager Environment and Community of the Southland District Council is satisfied, following consultation with the complainant(s) and owners of the hives, and with any other experts in the keeping of bees, that the location of the hives has resulted in bees causing a nuisance on any property located in the vicinity of the hives, then the owner of the hives may be directed to relocate or remove the hives completely.

### **6.0 Dispensing Power**

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6.1 It shall be lawful for the Council in any particular case or cases, by resolution, to dispense with any of the foregoing requirements of this Part of this bylaw.

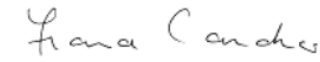
## 7.0 Penalties

---

7.1 Every person who commits a breach of this Bylaw is liable to a fine not exceeding \$20,000 in any case.

This Bylaw has been made and confirmed by resolution passed at a meeting of the Southland District Council held 30 June 2010.

THE COMMON SEAL of the        }  
SOUTHLAND DISTRICT COUNCIL       }  
was hereunto affixed in the presence of:       }



MAYOR



CHIEF EXECUTIVE



## Keeping of Animals, Poultry and Bees Bylaw 2010

### Dispensation for Ohai

---

Ohai Urban Zone:

(Approved by Council on 27 June 2012)

Clause 2.1 of the Keeping of Animals, Poultry and Bees Bylaw 2010 within the Ohai Urban Zone does not apply, in any case where the keeping of the animal meets all of the following conditions:

- a) the animals are confined to the property; and
- b) the owner or occupier of the property upon which the animals are being kept has given approval; and
- c) the animals do not cause any damage to a neighbouring fence or property; and
- d) the animals do not create a nuisance, as defined in the Health Act 1956.

## Amended Southland Region Agreement - Position of River Mouths

Record No: R/20/8/47916

Author: Rebecca Blyth, Senior Resource Planner - Policy, Resource Management

Approved by: Fran Mikulicic, Group Manager Environmental Services

☐ Decision

☐ Recommendation

☐ Information

### Purpose

- 1 To present the amended Southland Region Agreement relating to the defined position of river mouths for endorsement by Council.
- 2 To endorse the mayor to sign and affix the Council seal on behalf of Southland District Council.

### Executive Summary

- 3 The 'Agreement as to position of River Mouths' is part of the Regional Coastal Plan, which is currently under review.
- 4 The agreement effectively sets the extent of the Coastal Marine Area (CMA) in relation to the landward boundary at river locations. This is used to determine the boundary between where the Coastal Plan applies and where the Water and Land Plan (and the District Plan) applies.
- 5 The regional council has reviewed the positions set out in the current agreement as part of the wider coastal plan review process.
- 6 This report considers the results of the review, likely implications and proposes that Council endorse and sign the agreement.
- 7 Overall it is concluded, as there are only minor changes arising from the review, there are minimal known adverse user impacts.

## Recommendation

### That Council:

- a) **Receives the report titled “Amended Southland Region Agreement - Position of River Mouths” dated 21 September 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) **Directs the mayor to sign the agreement and affix the Council seal on behalf of Southland District Council.**

## Background

- 8 The ‘Agreement as to position of River Mouths’ is part of the Regional Coastal Plan, which is currently under review. The agreement effectively sets the extent of the Coastal Marine Area (CMA) in relation to the landward boundary at river locations. This is used to determine the boundary between where the Coastal Plan applies and where the proposed Water and Land Plan (pWLP) and the District Plan applies.
- 9 The Resource Management Act 1991 (RMA) defines the landward boundary of the CMA as the line of mean high water springs (MHWS), except where that line crosses a river. The landward boundary at a river is defined as whichever is the lesser of:
  - one kilometre upstream from the mouth of the river; or
  - the point upstream that is calculated by multiplying the width of the river mouth by five.

Both methods require the location of the river mouth to be determined, and that is the process that has been followed in this instance.

- 10 Under the RMA, an agreement for the position of river mouths must be set, in the period between consultation on and notification of, the proposed Coastal Plan.

## Issues

### Issues identified through the review

- 11 The regional council has reviewed the positions set out in the current agreement as part of the wider coastal plan review process. That review had identified two main issues with the current agreement.
- 12 The first issue is that the current agreement defines specific river mouth positions using co-ordinate in the old NZ Map Grid mapping system which was superseded in 2001, NZ now uses a system called the NZ Transverse Mercator (2000) system. The conversion of the points from the old to the new system had created errors that needed correcting.

- 13 The second issue was that there were errors in the co-ordinates, duplications and supporting descriptions that needed refinement.
- 14 On 17 September 2019, Environment Southland undertook a workshop with all key stakeholders to review and update the co-ordinates where required. Environment Southland provided a GIS online map layer showing the results of the review. This was shared with key stakeholders in March 2020.
- 15 Most rivers have had minor co-ordinate adjustments to address the errors, with only 10 river mouths (out of 44 rivers on the list) being relocated (six of which are within Department of Conservation controlled land).
- 16 Two rivers had the CMA area reduced (Aparima and Big River).
- 17 Seven rivers had the CMA increased Doughboy Creek, Mill Creek, Tokanui River, Waikawa River, Wairaurahiri River, Waitutu River, and Hollyford River
- 18 The changes were agreed in principle by all stakeholders and create a more logical boundary.
- 19 The amended agreement is attached as attachment one to this report.

### **Implications for plan users**

#### **Awareness**

- 20 Once the agreement is signed by all stakeholders it will supersede the existing agreement. This document forms part of the coastal plan review and so will not be widely publicly known about until that plan is notified for public submission in late 2021.
- 21 There is potential for the refined boundary to create confusion with applicants applying for coastal permits when they are now within the freshwater framework.
- 22 The regional council has identified that there is a minimal chance of this occurring given the minor nature of the changes. In addition, this would be addressed at the time of application.
- 23 Further the regional council proposed to place a copy of the agreement on the council's Coastal Plan webpage to alert plan users and potential applicants to the change. The new map layer showing the river mouth locations and CMA boundaries will be made accessible via Beacon.

#### **Existing activities**

- 24 The biggest potential impact will be on permitted activities where the CMA will extend further up the river. This could result in change to the level of permitted activity currently provided for under the pWLP.
- 25 The regional council has assessed the potential impact of this and concluded of the 10 boundary changes six are within the Department of Conservation jurisdiction and the changes have been agreed to by the department. The remaining four are within the Southland District.
- 26 The regional council has reviewed the GIS maps and arials to identify if there could be permitted activities happening within those areas. Two are on private land (on Stewart Island and a lodge on the Hollyford) that could be potentially undertaking permitted activities. The

regional council will be contacting the property owners to advise them of the changes and the need to check the most up to date information before they undertake any activity.

- 27 A consent / permit will need to be obtained for any permitted activity occurring that will no longer meet the conditions of the relevant rule/plan (due to the boundary change) when the agreement becomes active. The chance for this occurring is very low and only likely at the three properties identified.
- 28 The other potential for permitted activities is utility operators, New Zealand Transport Agency, internal territorial/regional authority departmental teams, eg catchment team. The regional council will provide the wording to be sent out to external contractors/operators but are asking each territorial authority to notify the external contractor/operator that is active in their areas.

### **Existing permits**

- 29 There are approximately 11 Coastal Permits for whitebait stands that will now be outside the CMA and within the jurisdiction of the pWLP. There is no immediate effect of this change on those existing permits. Any future change or new activity will be considered under the relevant plan at that time.
- 30 The regional council has concluded that there are no known user impacts of changing the boundary locations.

### **Factors to Consider**

#### **Legal and Statutory Requirements**

- 31 As noted above the agreement sets the extent of different resource management plan jurisdiction, if an activity falls within the CMA boundary it will be considered under the regional Coastal Plan, if it falls outside of the CMA it will be within the jurisdiction of the pWLP and the District Plan.
- 32 Environment Southland have considered the potential impacts of the change in jurisdiction. They have identified that there are 11 coastal permits for whitebait stands on the Aparima River that will no longer be in the CMA as a result of the river mouth position changing.

#### **Community Views**

- 33 Environment Southland has engaged with the key stakeholders related to this agreement (ICC, SDC, LINZ and DOC) via a comprehensive stakeholder workshop. Each area within SDC's jurisdiction was reviewed and agreement as to the extent of the coastal waters and river mouth confirmed or refined.
- 34 Te Ao Marama Incorporated was also invited to the stakeholders meeting and copied into all correspondence.
- 35 There is no legal requirement to undertake consultation nor any ability for community to influence the setting of the boundary. The RMA sets out the process which must be followed to set the jurisdiction and must be adhered to.

#### **Costs and Funding**

- 36 There are no costs or funding implications directly to the organisation arising from the signing of this agreement. It is likely that activities of the District Council requiring consent would incur similar costs whether the activity is sought to be undertaken in the CMA or within freshwater.

### **Policy Implications**

- 37 While the changes will refine the extent of the District Plan jurisdiction it will not alter the policy approach taken within the current District Plan provisions. The amended agreement does not affect policy associated with resource management.

### **Analysis**

#### **Options Considered**

- 38 Council has two options with regard to this agreement:
- not to sign the agreement
  - to sign the agreement.

### **Analysis of Options**

#### **Option 1 – Do not sign agreement**

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"><li>• nil</li></ul>	<ul style="list-style-type: none"><li>• creates confusion for plan users</li><li>• creates non-compliance with the RMA in regard to defined river mouth positions</li></ul>

#### **Option 2 – Sign the agreement**

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"><li>• provides clarity for plan users</li><li>• updates existing mapping and defined points to latest information</li><li>• ensures the Regional Coastal Plan complies with the RMA requirements</li></ul>	<ul style="list-style-type: none"><li>• nil</li></ul>

### **Assessment of Significance**

- 39 This decision is not considered to be significant in terms of the Council Significance Policy.

### **Recommended Option**

- 40 Option 2 – Sign the agreement is recommended for the reasons outlined above.

### **Next Steps**

- 41 Council agrees that it endorses the agreement to be signed and directs the Mayor to sign and affix the Council seal on behalf of Southland District Council.

**Attachments**

- A Southland Region Agreement for Position of River Mouths and subsequent definition of the landward boundary of the Coastal Marine Area 2020 update ES SIGNED [↓](#)

**SOUTHLAND REGION  
AGREEMENT FOR THE POSITION OF RIVER MOUTHS**

*AND THE SUBSEQUENT DEFINITION OF THE  
LANDWARD BOUNDARY OF THE COASTAL MARINE AREA, 2020*

**This agreement** is made the \_\_\_\_ day of \_\_\_\_\_ 2020 pursuant to Section 2 of the Resource Management Act 1991 (the Act)

**between** Eugenie Meryl Sage, Minister of Conservation (the Minister) of the first part,

**and** Southland Regional Council (Council) of the second part,

**and** Invercargill City Council and Southland District Council (Territorial Authorities) of the third part.

**Whereas**

A Section 2 of the Act provides that the 'mouth' of a river, for the purpose of defining the landward boundary of the coastal marine area (CMA), means the mouth of the river either

- (i) as agreed and set between the Minister, the Council, and the appropriate territorial authorities in the period between consultation on, and notification of, a proposed regional coastal plan (the Plan); or
- (ii) as declared by the Environment Court (under RMA section 310) upon application made by the Minister, the Council, or the appropriate territorial authorities prior to the Plan becoming operative,

and once so agreed and set or declared, shall not be changed or otherwise varied, altered, questioned, or reviewed in any way until the next review of the regional coastal plan, unless the Minister, the Council, and the appropriate territorial authorities agree.

B The landward boundary of the CMA where the mean high water springs line crosses any river shall be the lesser of

- (i) 1 kilometre upstream from the mouth of the river; or
- (ii) the point upstream that is calculated by multiplying the width of the river mouth by 5.

C The Regional Coastal Plan (RCP) for Southland became fully operative on 16 March 2013. The original 'Southland Region Agreement for Position of River Mouths and Subsequent Definition of the Landward Boundary of Coastal Marine Area' (the Original Agreement) was dated 5 November 1996 and signed by the parties to this agreement; schedule 1 shows the river mouth boundaries as originally defined. The Original Agreement is recorded in Appendix 2 of the RCP. The Council intends to notify an update to the RCP (Proposed Plan) which will include the new river mouth boundaries agreed and set pursuant to this agreement.

D This agreement replaces the Original Agreement and amends the specified river mouths and the landward boundary of the coastal marine area accordingly as set out in the attached schedules of this agreement. This agreement will have immediate effect upon being signed by all parties, notwithstanding that the Proposed Plan may not have been notified or made operative.

E The Original Agreement will cease to have effect from the time this agreement is signed by all parties.

SOUTHLAND REGION AGREEMENT FOR THE POSITION OF RIVER MOUTHS - AND SUBSEQUENT DEFINITION OF THE LANDWARD BOUNDARY OF COASTAL MARINE AREA, 2020

Pursuant to Section 2 of the Act the Minister, the Council, and both of the Territorial Authorities (in relation only to their respective territorial boundaries in so far as such boundaries are contained within the regional boundaries of the Council) **agree and set** the mouth of each river within the Council boundaries as follows.

- F For each river identified in Schedule 1, the mouth shall be a straight line drawn from bank to bank through the grid reference relating to that river at right angles to the river flow at the grid reference. The grid reference for each river is the point taken in the middle of the main river channel.
- G For rivers not identified in Schedule 1, the mouth shall be a straight line representing a continuation of the mean high water springs on each side of the river in accordance with the diagram in Schedule 2.

Signed by the DIRECTOR - PLANNING, PERMISSIONS, AND LAND (Department of Conservation) acting for and on behalf of the MINISTER OF CONSERVATION pursuant to the Resource Management Act 1991 and dated

SIGNATURE

NAME

\_\_\_\_\_ day of \_\_\_\_\_ 2020

The Common Seal of the SOUTHLAND REGIONAL COUNCIL was affixed in the presence of

NAME

SIGNATURE

N. G. HORRELL

R. A. PHILLIPS



The Common Seal of the INVERCARGILL CITY COUNCIL was affixed in the presence of

NAME

SIGNATURE

\_\_\_\_\_  
\_\_\_\_\_



The Common Seal of the SOUTHLAND DISTRICT COUNCIL was affixed in the presence of

NAME

SIGNATURE

\_\_\_\_\_  
\_\_\_\_\_



SOUTHLAND REGION AGREEMENT FOR POSITION OF RIVER MOUTHS - AND SUBSEQUENT DEFINITION OF THE LANDWARD BOUNDARY OF COASTAL MARINE AREA, 2020

## Schedule 1

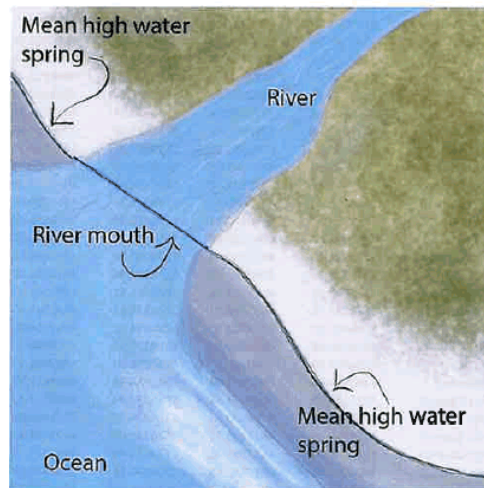
River Name	Territorial Authority	River Mouth		CMA		CMA Location Notes
		Eastings NZTM2000	Northing NZTM2000	Eastings NZTM2000	Northing NZTM2000	
Aparima River	Southland District Council	1216028.19	4858999.44	1216223.76	4859142.97	Downside of Riverton Otatau Road bridge
Arthur River	Southland District Council	1196258.48	5039758.54	1195937.43	5039374.47	Beside shelter
Awarua River	Southland District Council	1210675.13	5083063.27	1210656.28	5082938.58	Downstream side of footbridge
Big River	Southland District Council	1131697.57	4863942.79	1131866.76	4864660.41	Seaward side of historic land slump
Camelot River	Southland District Council	1145647.54	4966405.37	1145839.81	4966493.88	
Cledau River	Southland District Council	1197617.83	5040263.63	1197686.75	5040330.78	
Clifton Channel	Invercargill City Council	1243052.74	4845516.03	1243102.89	4845512.49	Downstream side of tidegates
Coal River	Southland District Council	1109995.90	4942042.95	1110199.84	4942062.56	
Doughboy Creek, Stewart Island	Southland District Council	1199305.34	4775960.33	1199409.24	4776021.97	
Freshwater River, Stewart Island	Southland District Council	1212849.03	4796854.41	1212837.60	4796934.45	Footbridge
Harrison River	Southland District Council	1196008.85	5045938.45	1195967.35	5046116.13	
Heron River, Stewart Island	Southland District Council	1232642.99	4778469.04	1232539.52	4778580.23	
Hollyford River	Southland District Council	1202854.11	5073924.74	1203304.41	5073125.74	
Irene River	Southland District Council	1146696.14	4988475.84	1146944.21	4988500.86	
Kaipo River	Southland District Council	1195555.89	5070474.75	1195876.96	5070616.40	
Kingswell Creek	Invercargill City Council	1243096.62	4846216.48	1243131.40	4846239.87	Downstream side of railway bridge
Lords River, Stewart Island	Southland District Council	1226084.46	4772884.92	1226090.08	4773036.62	
Mataura River	Southland District Council	1273057.94	4840181.85	1272989.44	4840421.22	Downstream side of SH 92 road bridge
Mill Creek, Stewart Island	Southland District Council	1228540.45	4795133.81	1228537.11	4795141.17	
Mokotua Stream	Invercargill City Council	1246181.63	4841878.81	1246248.87	4841847.41	Downstream side of SH 1 road bridge
Muddy Creek	Invercargill City Council	1255483.59	4832356.50	1255434.61	4832358.33	Downstream side of road bridge
Murray River, Stewart Island	Southland District Council	1218130.89	4806913.61	1218071.82	4806909.82	Footbridge
Oreti River	Invercargill City Council	1236557.58	4846104.60	1236816.03	4847081.47	Downstream side of Dunns Road bridge
Otepunu Creek	Invercargill City Council	1241827.96	4849413.91	1241883.38	4849417.76	Downstream side of Bond Street bridge
Pourakino River	Southland District Council	1211148.82	4859173.63	1211133.84	4859327.73	Downstream side of Centre Road bridge
Rakeahua River, Stewart Island	Southland District Council	1211158.03	4784030.22	1211199.86	4783946.56	Boat landing
Rowallan Burn	Southland District Council	1176750.46	4873880.72	1176733.00	4873984.84	Downstream side of road bridge
Seaforth River (Supper Cove)	Southland District Council	1130076.80	4921886.45	1130484.43	4921871.47	
Smoky River, Stewart Island	Southland District Council	1204862.05	4814638.68	1204944.55	4814570.67	Footbridge
Stillwater Creek	Southland District Council	1152153.37	4995708.36	1152228.60	4995563.27	
Titiroa River	Southland District Council	1276645.68	4836846.20	1276640.27	4836899.45	Upper side of tidegate pipes
Toitoti River, Stewart Island	Southland District Council	1220206.20	4769882.39	1220165.46	4770178.38	
Tokanui River	Southland District Council	1280970.82	4829570.06	1280970.72	4829623.89	
Unnamed River at Maori Beach, Stewart Island	Southland District Council	1224682.00	4799245.82	1224658.29	4799235.98	
Waiau River	Southland District Council	1184662.26	4869989.59	1184801.63	4870272.99	Extrapolation westwards of the centreline of Fishing Camp Road
Waihopai River	Invercargill City Council	1242220.85	4851997.12	1242275.78	4852083.75	Downstream side of SH 6 bridge
Waikawa River	Southland District Council	1303838.23	4832548.61	1303928.27	4832603.33	Base of Niagara Falls
Waikoau River	Southland District Council	1171085.07	4874318.85	1171071.90	4874368.22	Downstream side of road bridge
Waimatua (Duck) Creek	Invercargill City Council	1245048.49	4843689.45	1245144.02	4843662.66	Downstream side of railway bridge
Waimatuku Stream	Southland District Council	1226879.65	4854977.42	1226964.35	4855073.69	
Waipapa Stream	Southland District Council	1289750.27	4824891.75	1289750.27	4824891.75	
Wairaurahiri River	Southland District Council	1154260.37	4860531.64	1154269.85	4860845.64	
Waitutu River	Southland District Council	1142665.12	4861996.32	1142574.05	4862308.21	
Yankee River, Stewart Island	Southland District Council	1209251.38	4816171.42	1209177.00	4816076.00	Beside hut

N.B. NZTM2000 uses a Transverse Mercator projection and is based on the NZGD2000 datum using the GRS80 reference ellipsoid

SOUTHLAND REGION AGREEMENT FOR THE POSITION OF RIVER MOUTHS - AND SUBSEQUENT DEFINITION OF THE LANDWARD BOUNDARY OF COASTAL MARINE AREA, 2020

## Schedule 2

The following diagram illustrates the position of a river mouth for rivers not outlined in Schedule 1.



## Freedom Camping in the Catlins

**Record No:** R/20/8/32442  
**Author:** Michael Sarfaiti, Environmental Health Manager  
**Approved by:** Fran Mikulicic, Group Manager Environmental Services

☒ Decision ☐ Recommendation ☐ Information

### Purpose

- 1 The purpose of the report is to request that Council amend the Freedom Camping Bylaw 2015, and to endorse staff requesting web and app providers to remove Weirs Beach from their apps and websites as a designated freedom camping site.

### Executive Summary

- 2 The Weirs Beach freedom camping site has been overcrowded, and there are not enough toilets there. To reduce pressure at this site, it is proposed to request camping app providers to remove the site from their maps.
- 3 The Waikawa freedom camping site has wet weather problems. Council's community facilities team sought to fund the sealing and fencing of the area next to the toilets at Waikawa. It is proposed to shift the designated freedom camping to this new sealed area.

### Recommendation

#### That the Council:

- a) **Receives the report titled "Freedom Camping in the Catlins" dated 21 September 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) **Authorises staff to request freedom camping web and app providers to remove the presence of the Weirs Beach designated site from their apps and websites, and also from Council's website.**
- e) **Authorises an amendment to the Freedom Camping Bylaw 2015, by replacing the existing page 40 "W2 – Waikawa" with the version in Attachment D, which moves the designated freedom camping site from its current location to the new sealed carpark.**
- f) **Agrees that staff publicly notify this amendment in the Southland Express and the Gore Ensign.**

## Background

- 4 Council reviewed freedom camping in 2015 resulting in the Freedom Camping Bylaw 2015.
- 5 The bylaw generally permits freedom camping on Council controlled land, but has local rules. These are illustrated by way of maps in the schedule to that bylaw – see Attachment A.
- 6 The Catlin's rules from those maps are in summary:
- a) no camping permitted in Curio Bay (other than the camping ground) and Tokanui
  - b) self-contained camping permitted in Edendale and Wyndham townships, and at designated sites at Waikawa and Fortrose (seasonal only at Fortrose, for whitebaiters)
  - c) non self-contained camping permitted in designated sites at Fortrose and Weirs Beach ('Haldane' map).

Also, the Department of Conservation (DoC) has two sites in the area that are permitted for non self-contained camping, though they are not actively promoted. These are at Waipohatu and Waipapa.

The Waihopai Toetoe Community Board on 30 June 2020 considered these issues, and resolved to make a recommendation to the Regulatory and Consents Committee to:

- i. endorse the removal of the presence of the Weirs Beach designated site from apps and Council's website
- ii. seek to change the self-contained designated site in Waikawa from the existing site, to the new sealed area beside the toilets.

The Regulatory and Consents Committee meeting considered these recommendations at its meeting on 6 August 2020, and agreed with them, and in turn resolved the same to Council.

## Issues

### Weirs Beach

- 7 This location has a designated site for all types of freedom camping. Council retained freedom camping at this site in the 2015 review, being a popular spot for locals. Since then the site has increased in popularity to the extent that it is overcrowded, and more toilets are needed. There are usually between 30 and 50 vehicles there every day.
- 8 Council operated a shared freedom camping ranger service last year with DoC, and this included the education of campers at Weirs Beach, advising of their other options of camp sites such as at Waipohatu.
- 9 Options to address this issue are discussed below.

### Waikawa

- 10 This location has a designated site for self-contained camping. Council received funding from the Tourism Infrastructure Fund (TIF) to upgrade the toilet disposal field. As part of the project, Council's community facilities team sought to fund the sealing and fencing of the area next to the disposal area, with the intention that this new area would be used for freedom camping.
- 11 The new sealed area is larger than the existing freedom camping designated site, and is shown in Attachment B.

- 12 The existing designated camping area has flooding problems and locals are having to pull campers out in wet weather (there is no reception to phone tow truck); further the new sealed area is desirable as it is closer to the toilets (self-contained campers do use them).
- 13 Options to address this issue are discussed below.
- 14 Attachment E shows the proposed boundary of the site more clearly, and also shows the location of where staff propose to fix a left arrow sign, advising campers to park to the left of this sign.

### **Covid**

- 15 It is expected that freedom camping numbers will be affected in the short term due to reduced tourism. However the recommendations in this report are still applicable, in terms of improving the management of freedom camping in the area moving forwards.

## **Factors to Consider**

### **Legal and Statutory Requirements**

- 16 Legal advice has been obtained concerning the recommended options of this report.

### **Weirs Beach**

- 17 The proposed measure to manage overcrowding by requesting the removal of the site from apps does not require a full consultation process, and is lawful.
- 18 This action is not actually exercising any statutory power, and the act does not address the way that the sites are administered or managed by Council staff in these circumstances. This proposed action is to help manage the effects of the overcrowding being experienced at present.

### **Waikawa**

- 19 The Waikawa camping area can be amended, by transferring the designated site from one to the other, by a publicly notified resolution, as a minor amendment as per section 11(6) of the Freedom Camping Act 2011. The amendment would be achieved by replacing the existing page 40 “W2 – Waikawa” (Attachment C) with the version in Attachment D, which moves the designated freedom camping site from its current location to the new sealed carpark.
- 20 To meet the requirements of section 5(1) of the Local Government Act 2002, this decision would be publicly notified in the Southland Express and the Gore Ensign.
- 21 A ‘no camping’ sign will be installed at the existing designated site. Shifting the existing site to the carpark will make the existing site a prohibited area for freedom camping. This is permissible in accordance with Section 11(2) of the Freedom Camping Act 2011, where there is a need to protect the area and to protect access to the area.

### **Community Views**

- 22 As mentioned above, the local community board supports the recommendations in this report.
- 23 The author of this report has consulted with the direct neighbours of the proposed Waikawa camping area concerning the proposal to move the designated site.

- 24 A summary of this consultation is:

PROPERTY	OWNER	OCCUPIER
14 and 18 Larne Street (owned by same person)	Supports proposal	Supports proposal
10 Larne Street	Supports proposal; and requests plantings (e.g. low maintenance such as Tussock) to reduce visual presence.	Supports proposal
592 Waikawa - Curio Bay Road	Supports proposal	Owner is occupier
603 Waikawa - Curio Bay Road	Unable to contact the owner, the owner's wife, who is not the owner, does not support the proposal, and does not support freedom camping in Waikawa in the first place. She favoured some plantings to reduce visual presence.	Owner is occupier

- 25 It can be concluded from this consultation that direct neighbours generally support the proposal, and that Council should provide some plantings to reduce the visual presence of campers, on top of the existing mound used for sewage disposal, beside the toilet block.

### Costs and Funding

- 26 Staff time to progress these matters is funded by existing budgets, and the board has agreed to contribute to signage.

### Policy Implications

- 27 There are no policy implications.

### Analysis

#### Options Considered

- 28 The following are the options for addressing the issues in this report.

### Analysis of Options

#### Option 1 – Authorises staff to request freedom camping web and app providers to remove the presence of the Weirs Beach designated site from their websites and apps, and also from Council's website

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"> <li>in line with the resolutions from the Waihopai Toetoe Community Board</li> <li>may reduce the overcrowding at this site</li> <li>any problems arising from this, could be reversed by adding the site back on to the apps; or addressed through the review of the Freedom Camping Bylaw</li> </ul>	<ul style="list-style-type: none"> <li>increasing numbers of campers at other locations may become a problem; for example, DoC may elect to close their two sites, or Fortrose could become overcrowded</li> </ul>

**Option 2 – Authorises an amendment to the Freedom Camping Bylaw 2015, so that the self-contained designated site in Waikawa is moved from the existing site to the new sealed area beside the toilets.**

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"><li>• in line with the resolutions from the Waihopai Toetoe Community Board and Regulatory and Consents Committee</li><li>• utilises a suitable area that has been recently developed</li><li>• eliminates the problem of vehicles getting stuck in the existing area in wet weather</li></ul>	<ul style="list-style-type: none"><li>• some campers may prefer to camp by the water</li></ul>

**Option 3 – Make Weirs Beach a prohibited area under the Freedom Camping Bylaw; or changing the rules there (eg changing to self-contained only)**

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"><li>• eliminates or reduces freedom camping problems in these two locations</li><li>• cost savings in maintaining these sites</li></ul>	<ul style="list-style-type: none"><li>• contrary to the resolutions from the Regulatory and Consents Committee</li><li>• would require a full consultation process of the whole Freedom Camping Bylaw, and Council indicated during the Lumsden amendment proposal that it does not wish to do this prior to the next review of the Bylaw</li><li>• Council unlikely to authorise a review of the bylaw at this time</li></ul>

**Option 4 – Provide more toilets at Weirs Beach**

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"><li>• resolves the sanitary concerns</li><li>• would make the site suitable</li></ul>	<ul style="list-style-type: none"><li>• contrary to the resolutions from the Regulatory and Consents Committee</li><li>• may not reflect the vision that Council has for that site, as holiday spot for locals, not the tourist market</li></ul>

**Option 5 – Do nothing**

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"> <li>avoids unintended consequences that may arise from option 2</li> </ul>	<ul style="list-style-type: none"> <li>contrary to the resolutions from the Regulatory and Consents Committee</li> <li>does not resolve the issues raised in this report</li> </ul>

**Assessment of Significance**

- 29 Not significant, as legal advice received concluded that the only consultation required was with the direct neighbours of the proposed Waikawa area.

**Recommended Option**

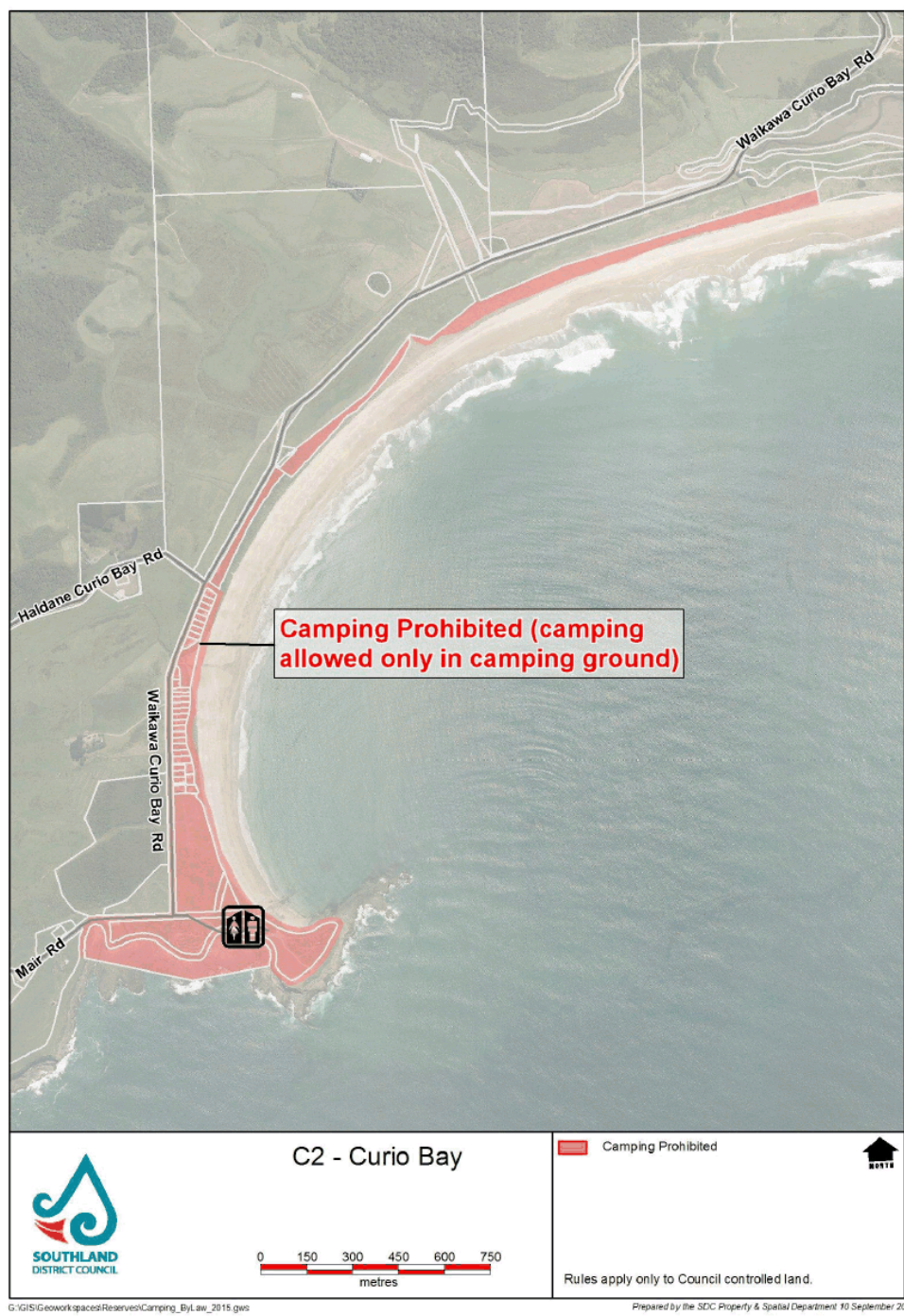
- 30 Options 1 and 2, being the recommendations from the Regulatory and Consents Committee.

**Next Steps**

- 31 If options 1 and 2 are approved public notification will be arranged as soon as practicable, and the other recommendations are expected to be completed by the start of the freedom camping season, being late October.

**Attachments**

- A Local maps from the Freedom Camping Bylaw in the Catlins area [↓](#)
- B New sealed area at Waikawa [↓](#)
- C Waikawa Map - Current [↓](#)
- D Waikawa Map - Proposed [↓](#)
- E Information only: boundaries of the proposed new site in Waikawa [↓](#)



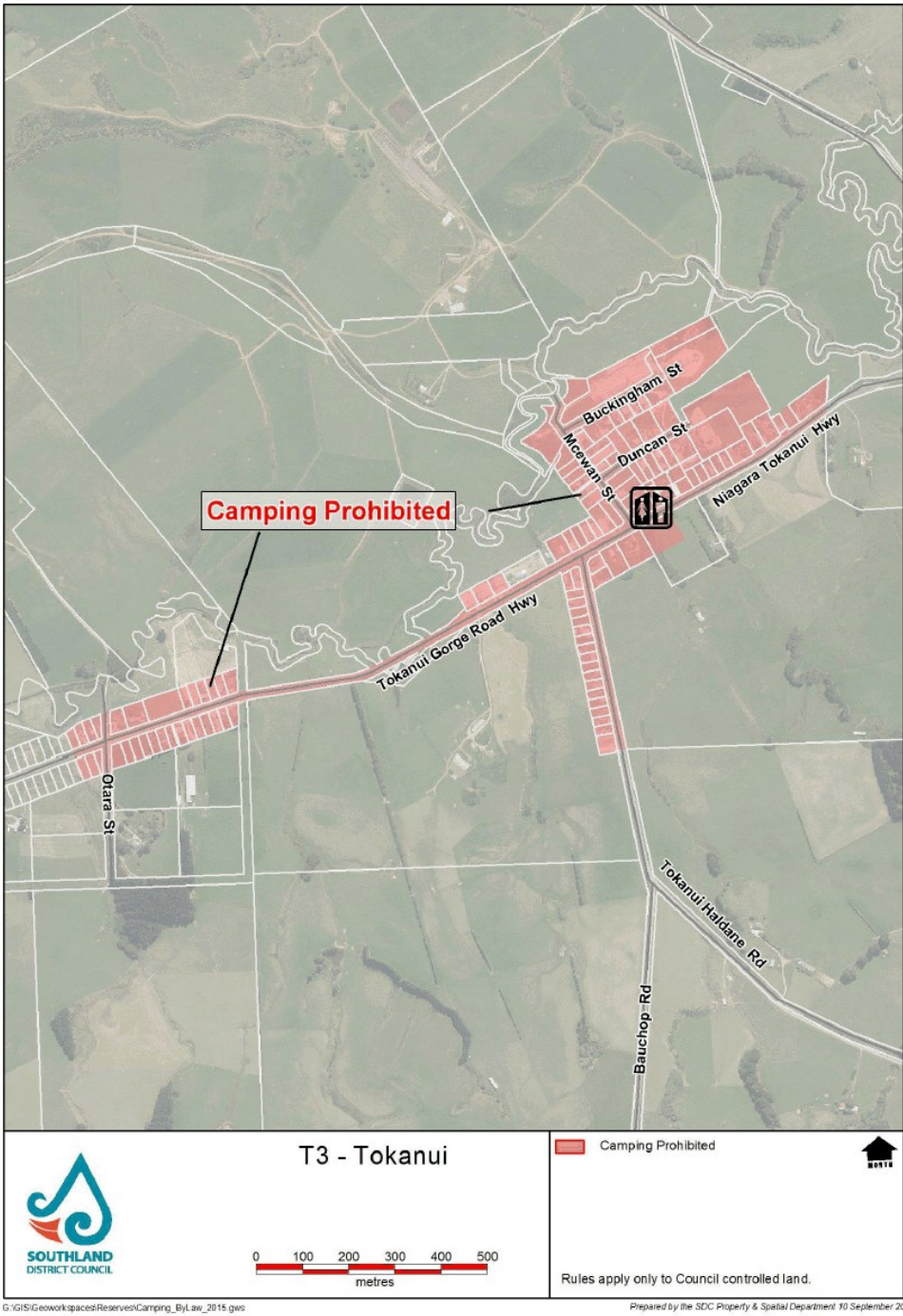


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Prepared by the SDC Property & Spatial Department 10 September 2018





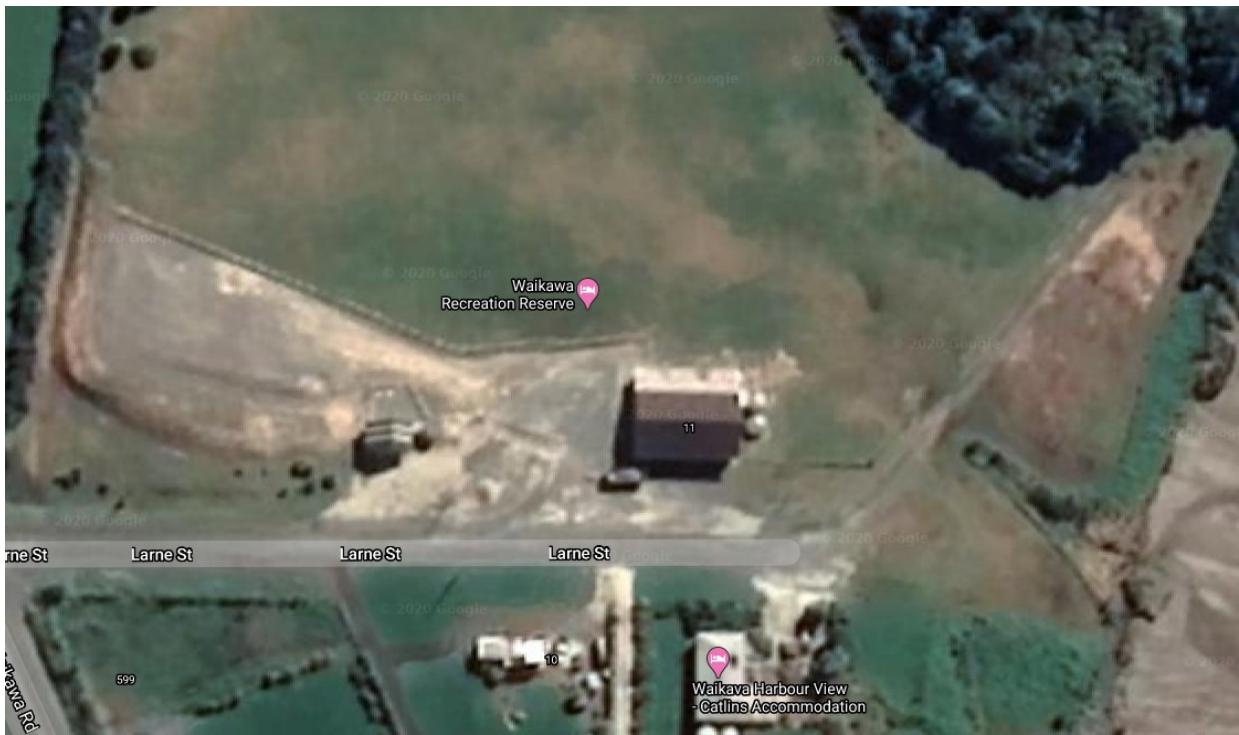


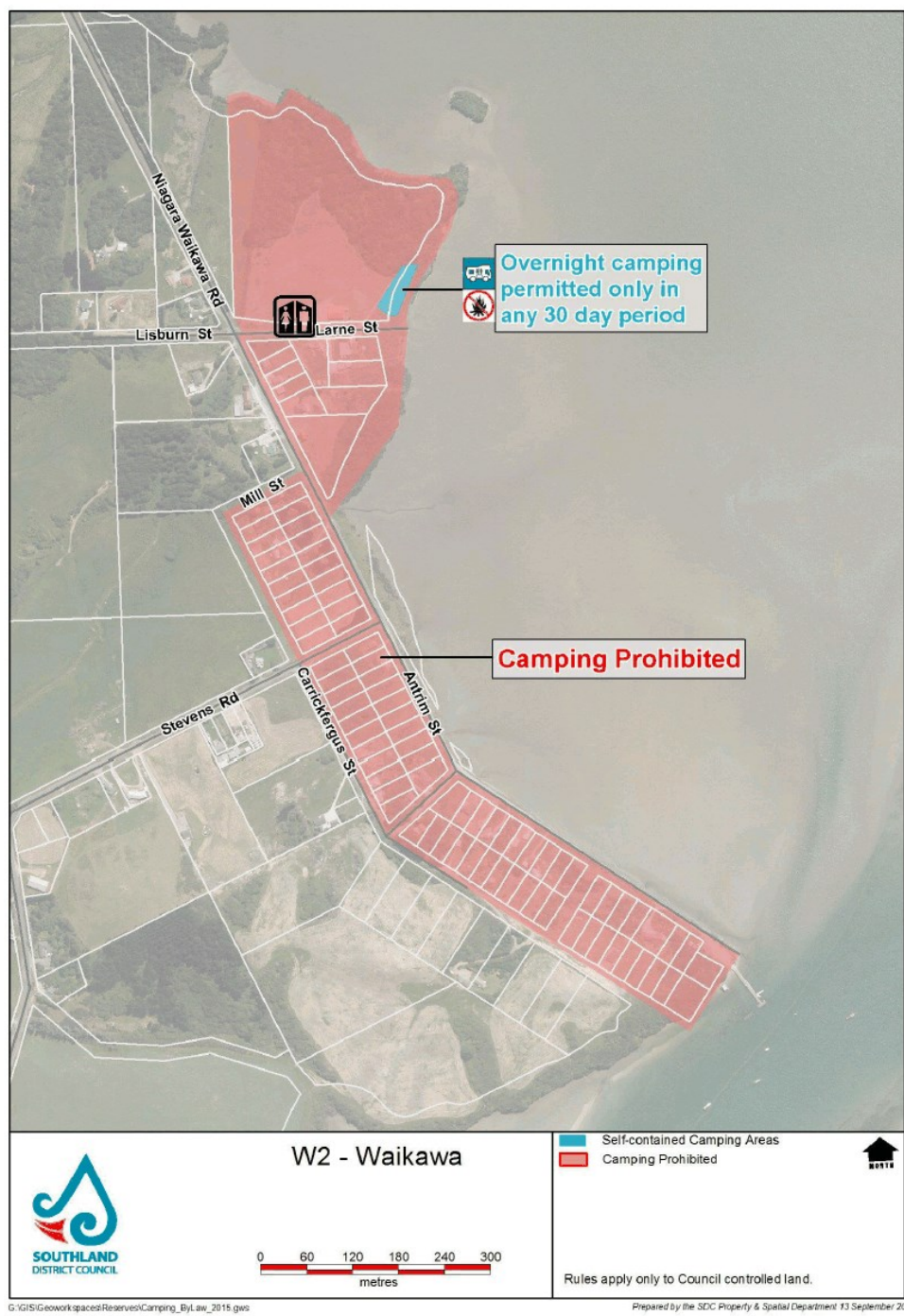


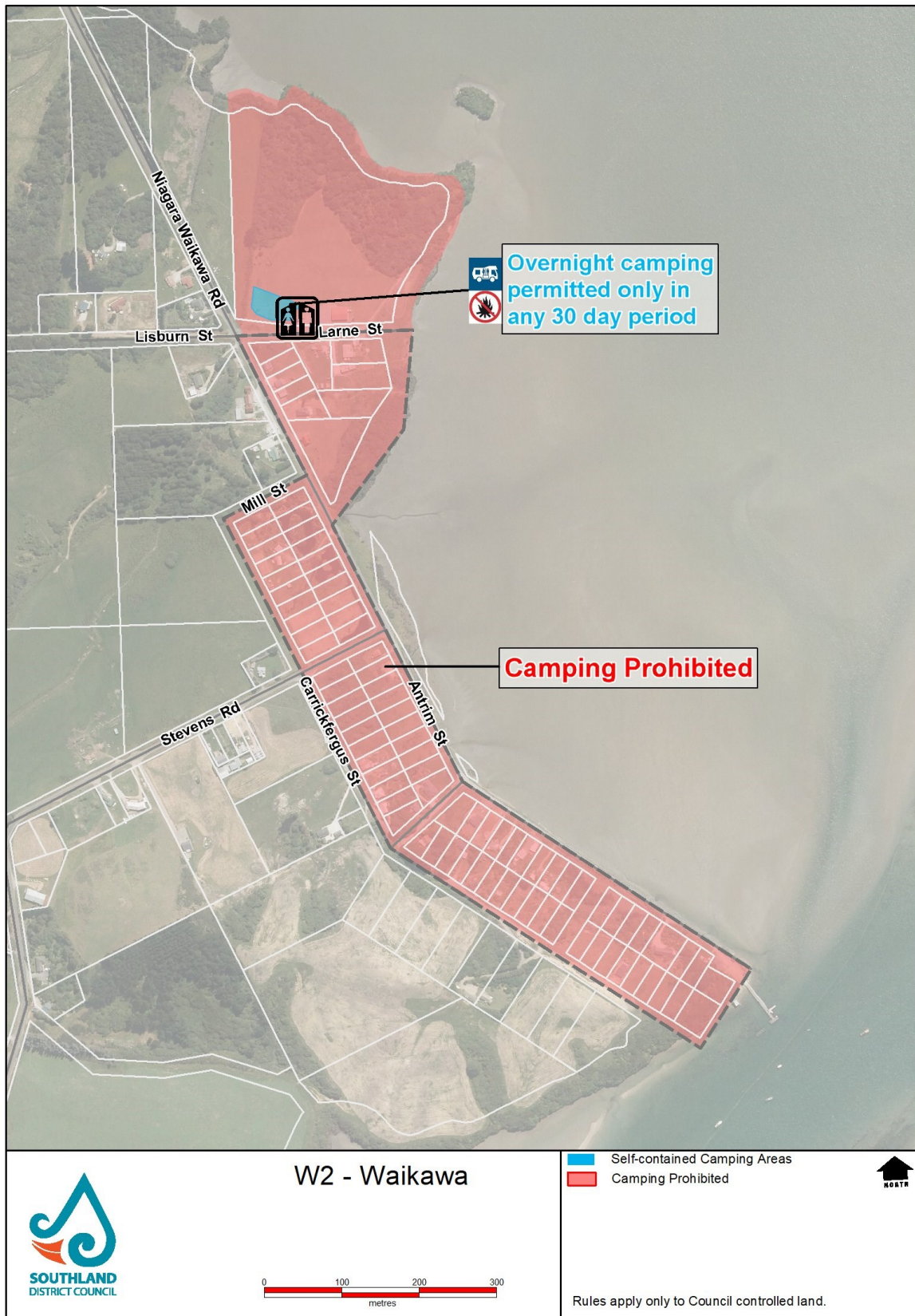
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Prepared by the SDC Property & Spatial Department 13 September 2018









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Prepared by the SDC Property & Spatial Department 03 August 2020



Park arrow-left sign to be located on this corner post





## Gap Road East, Winton - Sewer Pump Rising Main

**Record No:** R/20/8/47689  
**Author:** Dave Inwood, Asset Manager Wastewater  
**Approved by:** Steve Ruru, Chief Executive

☒ Decision

☐ Recommendation

☐ Information

### Purpose

- 1 To seek approval from Council for the retrospective unbudgeted expenditure for the cost share installation of a new sewer pump main, pipe size upgrade from 63mm dia to 90mm dia to accommodate potential future connection of further properties.

### Executive Summary

- 2 There are issues with some existing rural properties dwellings septic tank effluent disposal fields along Gap Road East, Winton, that are just outside the current Winton wastewater boundary.
- 3 A request has been made from a landowner to connect to the Winton wastewater scheme (at their cost) via a pumped main of approximately 1 km length to the wastewater treatment plant.
- 4 This proposal will connect to the Council sewer and some other properties nearby have also shown interest in connecting to the same pipeline, provided it is designed with specifications to enable their appropriate connection, including backflow prevention.
- 5 Council officers support the proposal for the Rata Park Rest Home to connect and the owners have obtained a quotation to connect to the council reticulated wastewater scheme.
- 6 To ensure other neighbouring properties can connect it is vital to have the pipe sized accordingly and to also consider the potential for further connections in the future.
- 7 It is proposed that Council contribute financially to the project to have the pipe installation upsized from 63mm diameter to 90 mm diameter to future-proof it. The total cost of the upgraded main pressure pipeline proposal is \$70,113.95 with Council paying directly \$18,441.09 to offset this increase in cost to the land owner to upsize the pipe, plus include another \$5,500 contingency. This upgrade difference would be funded from the Sewerage Contribution Account – Winton, which has a balance of \$154,742 as at 1 October 2019.
- 8 The estimate includes and allows for installing capped tees off the main, but not the laterals or boundary kits. It is proposed that these other properties would be responsible for the lateral and boundary kit installation at the time they wish to connect to the sewer.
- 9 It is our assessment that these properties would not be able to proceed on their own as it would be cost prohibitive.

## Recommendation

### That the Council:

- a) **Receives the report titled “Gap Road East, Winton - Sewer Pump Rising Main” dated 22 September 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 up to \$24,000 for the proposed work for a sewer pipeline size upgrade to compliment the proposal for a new private pumped connection to Winton wastewater treatment plant, to be funded from the Winton – sewerage contribution reserve account.**

## Background

- 10 Council has recently been approached by a property owner on Gap Road East seeking permission to connect to the Winton township wastewater scheme by pressure sewer due to a failing disposal field associated with their septic tank system.
- 11 Through discussion they have also indicated that there are also other land owners in close proximity with similar problems that have expressed interest in connecting to the same proposed pressure pipeline.
- 12 These properties lie outside the current scheme boundary and the scheme boundary would require extending to ensure future annual wastewater rates were attracted as the first stage of expansion.
- 13 There is currently significant proposed changes with the Local Government Three Waters Reform, including wastewater improvements to protect the environment and this solution satisfies the intention of the review/reform principles.

## Issues

- 14 Council could approve the connection, subject to suitable design and construction methodology being received and accepted.
- 15 The property owner would be responsible for any future works beyond the boundary kit (shut off valve and check valve) if this new pumped main was constructed and vested in Council.
- 16 Arranging for this work to occur and paying for the work would be the responsibility of the property owner, with the cost difference to upsize the pipe being a contribution to them after works are completed to the satisfaction of the Engineer.

## **Factors to Consider**

### **Legal and Statutory Requirements**

- 17 There are no legal or statutory requirements, but it should be noted that this would attract further annual rates for the scheme.

### **Community Views**

- 18 Elected members for this community have been communicated with and there have been no detrimental effects identified to the wider community with this proposal.

### **Costs and Funding**

- 19 This construction work is unbudgeted in the Annual Plan.
- 20 It is proposed to fund the cost difference to develop this as a future public asset by vesting it to Council at the cost difference of up to \$24,000 excl GST.
- 21 As the proposal is to fund the costs from reserves there is no impact on the district wastewater rate.

### **Policy Implications**

- 22 There are no identified policy implications relating to this work.

## **Analysis**

### **Options Considered**

- 23 The options to be considered, include Do Nothing and remain status quo by declining the request; Accept the request and it remains as private ownership; or Accept the request and have it vested in Council to future-proof other possible connections.

## **Analysis of Options**

### **Option 1 – Decline the request for connection i.e. Do Nothing**

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"><li>No change to current network scheme flows or connection numbers.</li></ul>	<ul style="list-style-type: none"><li>Places landowner in a situation to remain stand-alone to deal with pending Three Waters Reform impacts and Regional Council inputs and any detrimental effects on the environment as a result of private onsite failures.</li></ul>

**Option 2 – Approve the request for connection, to be retained as private pipework**

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"> <li>• Supports the landowner and land use</li> <li>• Increases ratepayer base.</li> </ul>	<ul style="list-style-type: none"> <li>• Fails to adequately future-proof Council's desire to consider other improvements.</li> </ul>

**Option 3 – Approve the request for connection, to be upgraded and vested to Council**

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"> <li>• Improves environmental concern and regional council considerations.</li> <li>• Increases ratepayer base</li> <li>• Provides opportunity to enable further future connections as development increases.</li> </ul>	<ul style="list-style-type: none"> <li>• Increased future pipeline length ownership and operation for Council.</li> </ul>

**Assessment of Significance**

- 24 The proposal is assessed as not being significant.

**Recommended Option**

- 25 That Council adopts Option 3 to approve the sewer connection, with Council funding to upgrade the pipeline to 90 mm diameter with financial contribution up to \$24,000 from the Winton sewerage contribution fund.

**Next Steps**

- 26 Report Council's recommendation to the landowner/developer to allow the next appropriate steps to be taken.

**Attachments**

There are no attachments for this report.

## Isla Bank War Memorial Restoration - Accessing Waiau Aparima Ward Reserve Funds

Record No: R/20/9/50604  
Author: Kathryn Cowie, Community Liaison Officer  
Approved by: Rex Capil, Group Manager Community and Futures

☒ Decision

☐ Recommendation

☐ Information

### Purpose

- 1 The purpose of this report is to gain approval from Council for the Wallace Takitimu Community Board to use up to \$13,428 from the Waiau Aparima ward reserve to partially fund the restoration of the Isla Bank Cemetery War Memorial.

### Executive Summary

- 2 The Isla Bank War Memorial requires restoration work at a cost of up to \$29,966 + GST. Originally it was quoted to complete the restoration for \$18,436 + GST, but it has now become apparent that an estimated up to \$11,530 extra funding is required, mainly for more work that needs to be done to make the soldier at the top of the structure completely secure.
- 3 In March 2020 it was approved by the Wallace Takitimu Community Board to use funds from the Calcium Cemetery reserve for this project, but since then Council staff have also advised that it is necessary to retain \$10,000 in this reserve for future possible burial costs. This is because when the cemetery transferred to Council there were identified pre payments for plots. At this stage it is unknown if these are for burial costs of exclusive right of burial. If required, funding to offset burial costs must be available.
- 4 Council staff have therefore advised to keep \$10,000 in the Calcium Cemetery reserve, and obtain the remaining funds for the war memorial restoration from the Waiau Aparima ward reserve. In order to access this fund, the Wallace Takitimu Community Board made a resolution at their last meeting on 3 September to recommend to Council to allow them to access this reserve to complete the project.

## Recommendation

### That Council:

- a) **Receives the report titled “Isla Bank War Memorial Restoration - Accessing Waiau Aparima Ward Reserve Funds” dated 22 September 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 use of up to \$13,428 from the Waiau Aparima ward reserve for the Wallace Takitimu Community Board to complete the Isla Bank war memorial restoration.**

### Background

- 5 In 2015 a condition report was completed on the Isla Bank War Memorial after Venture Southland received funding to have assessments completed on several memorials around the District. The report highlighted that the memorial required some major restoration work, mainly stabilisation of the base and restoration of the lettering.
- 6 Several local members of the community (some were previously members of the Calcium Cemetery Trust) have been regularly maintaining the area surrounding the memorial and are keen to see it restored.
- 7 A small amount of funding was obtained from the Southland Regional Heritage Fund in 2016 (which now makes up part of the Calcium Cemetery Reserve Fund) for this project, and around this time Venture Southland had earmarked a portion of funding (\$5,000) they received from the Community Trust of Southland specifically for war memorial restorations to this particular monument. This has been paid to Southland District Council in the 2019/2020 financial year. The Calcium Cemetery reserve total is currently \$19,487, with an expected increase of \$7,050 when the end of financial year process is finalised (bringing the total to \$26,538).
- 8 Quotes were obtained in 2019 to complete the work, and the total cost was originally quoted at \$18,436 + GST.
- 9 In March 2020 the Wallace Takitimu Community Board approved the unbudgeted expenditure from the Calcium Cemetery reserve to pay for the restoration work in full.
- 10 Since then, Council staff have advised that it is necessary to retain \$10,000 in this reserve for future possible burial costs. This is because when the cemetery transferred to Council there was identified pre payments for plots. At this stage it is unknown if these are for burial costs of exclusive right of burial. If required, funding to offset burial costs must be available.
- 11 In addition to the above, it is now apparent that the cost to complete the repairs has now increased up to an estimated \$29,966 as it has been established that additional work is required to sufficiently secure the soldier at the top of the monument. This work includes the removal of the top sections, the insertion of a metal rod and then replacing the removed sections.

- 12 Council staff have therefore suggested that the remaining funds required are sourced from the Waiau Aparima ward reserve. This reserve currently sits at \$269,320. Since there are no ward committees in this triennium, the community board has resolved at its last meeting on 3 September to make a recommendation to Council to approve access to the ward reserve for this project.

### **Issues**

- 13 If it is not approved that funds from the Waiau Aparima ward reserve can be used for this project, then the restoration will not be able to be completed at this time. It is imperative that the soldier at the top of the monument is secured properly. If the work is not done now it will only cost more to complete in the future.

### **Factors to Consider**

#### **Legal and Statutory Requirements**

- 14 None identified.

#### **Community Views**

- 15 Local community members are assisting with the project, some who were on the former Calcium Cemetery Trust. They have dedicated a lot of their own time to looking after the memorial site and would like to see it repaired and restored.

#### **Costs and Funding**

- 16 The cost to fully repair the memorial has been estimated at \$29,966.
- 17 The Wallace Takitimu Community Board have previously approved unbudgeted expenditure from the Calcium Cemetery reserve to fund this, but it is now proposed to use \$16,538 from this fund and the remaining up to \$13,428 from the Waiau Aparima ward reserve.

#### **Policy Implications**

- 18 None identified.

### **Analysis**

#### **Options Considered**

- 19 To approve or not approve the use of funds from the Waiau Aparima ward reserve for this project.

## Analysis of Options

### Option 1 – approve the use of funds from the Waiau Aparima Ward reserve for the restoration project

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"> <li>the restoration is completed, and contractors are paid</li> <li>the monument is in a safe and secure condition</li> <li>a valuable and significant memorial in our District commemorating our fallen soldiers is restored</li> </ul>	<ul style="list-style-type: none"> <li>none identified</li> </ul>

### Option 2 – do not approve the use of funds from the Waiau Aparima Ward reserve for the restoration project

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"> <li>none identified</li> </ul>	<ul style="list-style-type: none"> <li>potential delay or non-completion of the restoration</li> <li>the monument is not in a safe or secure condition</li> <li>no back up funds are left in the cemetery reserve and they may be needed at a later date for burial costs</li> </ul>

## Assessment of Significance

- 20 Not considered significant.

## Recommended Option

- 21 Option 1 – approve the use of funds from the Waiau Aparima Ward reserve for the restoration project.

## Next Steps

- 22 Providing Council approve the use of funds from the Waiau Aparima Ward reserve, the restoration will be completed as soon as is practicable.

## Attachments

There are no attachments for this report.

## Management Report

**Record No:** R/20/9/50430  
**Author:** Steve Ruru, Chief Executive  
**Approved by:** Steve Ruru, Chief Executive

☐ Decision

☐ Recommendation

☒ Information

## Chief Executive

### Three Waters

1. Work on the Three Waters reform programme is continuing, with a series of 14 workshops being held in July to explain to the local government sector the reform programme and the conditions attached to receipt of the tranche 1 stimulus funding. All of the 67 eligible local authorities have agreed to 'opt in' to the first stage of the reform programme, suggesting that there is wide acceptance across the sector about the need for reform.
2. To support the work of the joint central and local government steering committee in leading the reform work two new groups are being established. These are a system design group, whose role will be to test issues around overall system and institutional design, entity purpose, ownership, governance, accountability, funding models, etc, and a water technical infrastructure group that will look at the more technical infrastructure issues arising from the reforms.
3. To progress the work that needs to be considered across Otago and Southland the two mayoral forums are currently considering a proposal to establish a joint committee and establish a secretariat to support a joined up approach to thinking about the issues arising from the three waters reform process for local government.
4. In early September the five Hawkes Bay councils released the report that they had commissioned in 2019 to examine the opportunities that might be created by a move to a more integrated regional service delivery model for the delivery of water and wastewater services.
5. A copy of the full report is available on their three waters review website (<https://www.hb3waters.nz/hawkes-bay-three-waters-service-delivery-report/>).
6. The Hawkes Bay report evaluates five different structural options:
  - enhanced status quo
  - a shared service business unit
  - a management council controlled organisation (CCO)
  - a sub-national CCO which extends beyond Hawkes Bay
  - an asset owning CCO.
7. It concludes that an asset owning CCO is the most appropriate model when evaluated against the objectives and principles originally set by the Hawkes Bay councils. It also goes on to assess the implications of establishment of such a model on the other council functions including addressing issues relating to, for example, stranded overheads.

8. While much of the analysis in the report has been ‘superseded’ by the central government three waters reform programme, there are a number of lessons to be drawn from the report that will be of interest to all local authorities.

## **Future of Local Government**

9. Local Government New Zealand and SOLGM are advancing work to scope a future of local government work stream which will look at the changing role of the sector, particularly in light of the extensive changes that are likely to occur as a result of the three waters reform and resource management reform processes.
10. The work stream will have a particular focus on the role of local government in supporting community well-being and how this might further evolve in the future including the relationship between central and local government, the relative importance of the civic leadership role played by the sector and community led development.
11. The reducing role of the local government sector in both the infrastructure provision and regulatory service areas are likely to have an impact on the number, shape and form of local authorities in the future. This is expected to include discussion about whether it remains relevant to have a distinction between regional and territorial local authorities.

## **Climate Change**

12. Local Government New Zealand (LGNZ) have recently released a report that looks at the approaches being used to adapt to the impacts of climate change on three different communities.
13. The report is available on the LGNZ website (<https://www.lgnz.co.nz/our-work/publications/case-studies-community-engagement-on-climate-change-adaptation/>).
14. The communities included in the case studies are the Ruawai Flats in Kaipara, South New Brighton and Southshore in Christchurch, and South Dunedin.
15. Although all three case studies focus on the issue of coastal inundation, each of them are at different stages of their climate change adaptation planning work and are effectively having to develop their own policy frameworks to guide their work raising issues around the desirability of developing greater national guidance in the adaptation area.

## **Environmental Services**

### **Building Solutions**

16. The building solutions team have continued to face challenges with the processing of building consents for the month of August 2020. Additional funding has been approved by Council to increase capacity and address the core issues experienced by the team.
17. During the month, four Dangerous Notices and one Insanitary Notice were placed on buildings across two locations (Winton and Orepuki) after complaints from the public were received relating to non-compliant building works. Conversations with the owners of each property are ongoing and monitoring is underway to ensure that full compliance with each notice is achieved.
18. The current Covid-19 environment has created a greater expectation from the community that buildings very promptly obtain Code Compliance Certificates. Financial impacts resulting in delays in this space are more noticeable, however with the whole industry working under pressure

right now a trend of designers, builders and owners ‘drip feeding’ information into Council has created a large workload and noticeable time delays between Council receiving information and a Code Compliance Certificate being issued. This is due to repeat requests for information being required before all information is received.

## **Animal Control**

19. The dog registration process is to be reviewed. There have been a number of teething problems with the various online/email changes this year, and hence the need to simplify the process to make it as easy as practicable for our customers.
20. Another example of an animal control issue that struggles to find a regulatory owner has arisen (like cat and geese problems). Alleged feral pigs, that may be being kept, are getting on the road from a property in Blackmount, causing safety concerns. Council along with DoC, the police and Environment Southland all have roles, however in this case an agreement had been reached with the owner that if honoured, should resolve the issue.

## **Environmental Health**

21. The team has completed the first remote verification. This is a verification of a food business that is completed using Zoom or similar app. The Ministry of Primary Industries has enabled verifiers to conduct these verifications, as a result of Covid-19.
22. The team has started work on introducing online applications for alcohol and food licensing applications. Currently applications are mostly completed by hand; and so this will improve the customer experience for those wanting an online option, and increase efficiency.

## **Resource Management**

23. Covid-19 has not noticeably affected incoming workloads. Incoming resource consent applications remain consistent with the same period in 2019.
24. Dark Skies Plan Change for Rakiura – the decision on this plan change was released on 6 August and there is now a 20 day appeal period in which submitters can appeal Council’s decision. If no appeals are received the plan change will be made operative by Council.
25. Up until the alert level 4 restrictions coming into force, ongoing policy focused work was occurring on the regional work streams for Climate Change, Biodiversity, Landscapes and Natural Character. In the national space, Covid-19 has delayed some anticipated national direction. Particularly, the national policy statements on highly productive land and indigenous biodiversity have been delayed and it is anticipated that they will now be released in April 2021.
26. Council has endorsed a report to bring forward the review of the landscapes section of the district plan. Work is now underway to understand the unique nature of Southland’s landscapes, cultural values and local areas of significance. There are a number of pieces of work that will inform a review and also a number of conversations with communities and land owners. It is anticipated that a plan change will be notified in the middle of 2021.
27. SDC was part of the TA reference group providing feedback to the Ministry of the Environment on the proposed National Policy Statement on Indigenous Biodiversity and the proposed New

Zealand Biodiversity Strategy. Consultation on the NPS for Indigenous Biodiversity closed in March 2020.

28. Council submitted stating that in its opinion, achieving the requirements of the statement will require a significant body of work identifying potentially significant natural areas, mapping them and revising rules within the district plan to protect and enhance them. It is anticipated that there will be a significant cost associated with this. There is estimated to be 1.7 million hectares of potentially significant biodiversity which equates to 57% of our District. Approximately, 94,000ha of this area is indicated to be on private land. Council has provided input into the LGNZ submission and Council is one of the case study councils forming part of that submission. It was anticipated that the National Policy Statement will likely be gazetted prior to the general election in September but this has been delayed until approximately April 2021.
29. Resource consent data for the previous few months is below:
- June – 21 applications received, 26 decisions issued.
  - July - 27 applications received, 28 decisions issued.
  - August – 18 applications received, 29 decisions issued.

## Community and Futures

### Strategy and Policy

30. Staff have begun identifying the national, regional and District strategies that are relevant to Council. Staff will undertake a needs assessment to assess the strategies that are necessary to focus work/service delivery and to guide decision making, both from a Council and community perspective. Staff will produce a strategy development plan that will outline an intended work programme, why particular strategies will be prioritised, and the ongoing commitments Council will need to make, such as any strategy review requirements.
31. Council have finished formal consultation on the draft Keeping of Animals, Poultry and Bees Bylaw, and councillors have received the submissions. On 29 September 2020 Council is scheduled to deliberate and adopt a final bylaw.
32. Council are still reviewing the charging method for non-recreational jetty usage on Stewart Island/Rakiura. The next steps for this piece of work are to discuss three charging options with the Stewart Island/Rakiura Community Board, and then request Council to endorse a charging method to be included and consulted on in the draft Long Term Plan.
33. Staff have been revising the Procurement Policy and developing a draft Procurement Manual. Staff presented the draft Procurement Policy to the Finance and Assurance Committee on 11 September 2020. Council will be asked in late October to release the draft policy in November 2020 for consultation.
34. Review of a suite of policies that will inform the Long Term Plan is underway. This includes the Revenue and Finance Policy, the Policy on Development and Financial Contributions, and the Significance and Engagement Policy. Draft policies will be presented to committees in September and to Council in October. Following Council approval, the formal consultation period for these policies is planned for the period from 4 November to 4 December 2020. Staff are also working on the asset management, contract management, risk management and grants and donations policies.

35. Work has begun to undertake the in-depth analysis of Council's top corporate risks. Finance and Assurance Committee members will discuss in detail selected risks from the top 10 corporate risks in each quarter beginning September 2020. Staff will also begin work on reviewing Council's operational risk framework in the up-coming months.
36. The annual report period is now underway and due to be completed by late October/early November 2020. The Finance and Assurance Committee met on 11 September to review the draft Annual Report 2019/2020 for release to Audit NZ.
37. The Long Term Plan is moving into a key development phase as Council continue to discuss the key issues facing the District. Activity management plan discussions were held in August, alongside the key policy development that informs this process. Council has provided initial guidance to staff that will assist in determining in developing key issues and options for further discussions in September that will form the basis of the LTP consultation document. Throughout September, another round of community board workshops are occurring for staff and elected members to further discuss levels of service and funding options.

## **Community Leadership**

### **SDC Holiday Programme**

38. Council were presented with a proposal from Sport Southland for the January 2021 SDC Holiday Programme. This proposal was accepted and planning will commence for the 2021 programme.
39. The programme will run in eight locations on eight dates throughout the District. Council were also presented with a proposal for expanding the programme beyond January 2021, which was endorsed and Council staff will now work with Sport Southland to develop this proposal further.

### **Community Partnership Fund**

40. Four of the nine community board areas have had their first funding deadline round for the Community Partnership Fund (Oraka Aparima, Northern, Wallace Takitimu and Tuatapere Te Waewae). A total of 37 applications have been received, and Council staff will now work with the boards regarding the allocation decisions.

### **Milford Opportunities Project**

41. In January this year Stantec, the governance group and the project working group went to Fiordland to experience and discuss the place and the work on the project that had previously been undertaken by WSP-Opus in Stage 1. Unfortunately, the following week the Fiordland floods happened closing State Highway 94 for a number of weeks and whilst that was happening Covid-19 was becoming an issue around the world to the point where New Zealand's alert level 4 lockdown was declared.
42. The original intention had been to have a number of public drop-in sessions/meetings and meetings with reference groups representing a number of interests in Milford Sound Piopiotahi and tourism operations generally. Obviously the lockdown meant that could not happen but the project has been able to have the reference groups meet via the Zoom meetings platform.
43. Stantec has continued to work on gathering and analysing the background data that will be needed to determine their recommendations to the governance group for the long list of options

that should be given further consideration. More recently, Stantec have been able to travel to Fiordland and meet directly with stakeholders and in July there was a nationally advertised survey for people to engage with the project and provide their thoughts.

44. The Milford Opportunities Project is a chance for the public to shape the future of one of New Zealand's most iconic areas. Gathering feedback from a diverse range of New Zealanders is absolutely crucial. On 5 October 2020 the project will launch another nationwide campaign. This will be the final chance for large-scale engagement on this project as the team makes the decisions for the final master plan in December.

## **Services and Assets**

### **Stewart Island Electrical Supply Authority (SIESA)**

45. The current SIESA management agreement with PowerNet has been extended until 30 September to facilitate negotiation and approval of a renewed agreement. Negotiation meetings have continued and key elements have been agreed including scope and the management fee. Reporting for award of contract is progressing in parallel to finalising the contract documents. An asset management strategy, plan and works programme will be redeveloped at the outset of the new contract.
46. Progress on securing either of the two preferred sites for the wind power project has faced setbacks. The airstrip site is ruled out at this stage due to strong objections. The alternative Mamaku headland site has drawn some objections. If agreement cannot be reached on a suitable site then the project may need to be abandoned.
47. A proposal for a replacement generator has been provided by PowerNet with supply prices obtained from three suppliers. Further work is being done on understanding whole of life costs for the various options and this is being co-ordinated with the renewal of the management and service agreement as well as AMP development.

### **Forestry (IFS)**

48. The financial year 2020/2021 harvesting programme is underway out of Waikaia Block 4. The crop age is 30 years and estimated tonnes are 19,000 with a forecast return of \$933,000.
49. A valuation report has recently been completed including a site visit. The outcome has been a \$360,000 revaluation against a budgeted devaluation of \$1,570,000. This is primarily due to market price and growth changes.
50. The Ardlussa Community Board has initiated a discussion about establishing mountain bike trails within the Waikaia forest. Their vision was presented at a recent board meeting and work is underway to scope and outline delivery of this work.

### **Around the Mountains Cycle Trail**

51. The contract for repairs to the trail, associated with the February flood event, has been awarded to The Roding Company. The contract period is eight weeks and work has commenced on site.
52. A flood damaged culvert has been identified and work is underway to evaluate the damage and develop a solution.

53. The New Zealand Cycle Trail board is scheduled to visit Invercargill and the cycle trail in September, providing an opportunity to showcase this activity.

### **Te Anau Manapouri Airport**

54. A consultant has prepared a 10 year maintenance works programme which indicates \$1.3 million of pavement rehabilitation capital spending need over financial years 2021/2022 and 2022/2023.
55. Maintenance spending need of \$192,000 is indicated for the 2020/2021 year and includes items such as patch repairs and cracked sealing.
56. A workshop is scheduled with the community board to discuss options and approach over the next LTP.

### **Property**

57. The property disposal of the Ohai bowling club building is underway. The disposal of the former Stewart Island museum and the Hokonui hall has been completed as has the road stopping of the road intersecting the Southern dairy hub and the registration of all documents for the realignment and easements for Ringaringa Road on Stewart Island. Finalising the updated landowner consent for the coastal route boundary adjustments and payment of compensations is also almost complete. Once this is done the legalisation Gazette Notice can be issued.

### **Strategic Water and Waste**

#### **Te Anau Wastewater Discharge Project**

58. Following Council resolutions from 23 October 2018 meeting, when it was resolved to proceed with a sub-surface drip irrigation as disposal route, staff have been progressing work on a number of fronts including development of resource consents for the sub-surface drip irrigation field, as well as advancing towards a detailed design.
59. Work on the pipeline element has now been completed with practical completion issued in July.
60. Work is also continuing on detailed design of MF plant and SDI field following Council approval to award contracts to Downer and Fulton Hogan respectively. These designs underwent further HAZOP and value engineering in September with physical works programmed to get underway in October.
61. The resource consent application for the discharge to the Upukerora has also been lodged with Environment Southland and with affected party approval provided by a number of stakeholders. Currently awaiting approval from Te Ao Marama before a decision on notification is made.

#### **Land and Water Plan Implementation**

62. Environment Southland released their proposed Land and Water Plan in 2017.
63. In total 25 appeals were received by Environment Southland of which Council has identified 10, which it will join as a Section 274 party. Council has also lodged an appeal to the decision. The basis of Council's appeal, is largely around the 'non-complying' activity status on wastewater discharges to water. The latest direction issued from the Environment Court outlines a proposed

path, where appeals to objectives will be heard ahead of mediation, by grouped topic on policies and rules. Evidence in support of the appeals have been filed with the Environment Court.

- 64. Interim decisions were released by the Environment Court in late December with a recommendation that further expert conferencing be undertaken in early 2019.
- 65. A further hearing was held in mid-June 2020 where evidence was presented on additional information that the courts required Environment Southland to provide based on their interpretation of a number of key principles underpinning the plan. Agreement has now been reached on all outstanding appeals related to the objectives and policies with a further hearing planned to cover all outstanding appeals. At this stage the timing of this is not known.

### **Project Delivery Team (PDT)**

- 66. PDT now meeting fortnightly with services and assets managers on works programme.
- 67. Currently working with CAMMS to look at options for simplified access for community boards and councillors.
- 68. TAWW project is progressing well with design in full swing and contracts now in place.
- 69. The first office shift project is now complete with staff moving into 42 Don Street on 7 September 2020.
- 70. With Council now approving Winton library, this will progress quickly into design and consents.
- 71. The bridge works programme continues to progress well.
- 72. Fencing of waste water ponds is now underway after Covid-19 delays and securing final location agreements with neighbours.

### **Community Facilities**

- 73. The community facilities team has been working through the second round of the Long Term Plan workshops with community boards. This has focused on the budgets associated with the opex and capex to meet the levels of service over the period of the plan and follows on from meetings previously held with the boards that highlighted the assets that were within their respective board areas of responsibility.
- 74. Three of the mowing tenders are set to go to the Services and Assets committee for approval to be awarded. Direct negotiations are in progress with the incumbent contractors for the Ardlussa Community Board. The remainder of the areas will be packaged up and put out to tender.
- 75. We are working through revising the requirements to become an approved contractor with the Health and Safety and Wellbeing Advisor to make sure that our traffic management and STMS obligations are being met.
- 76. The asset manager is now looking at progressing the work to get the community facilities assets into Council's asset management system (IPS).
- 77. Community facilities staff are completing projects that were carried forward from last year and starting the projects that are in this year's capital works programme.

## **Strategic Transport**

### **National Land Transport Plan**

78. The transport team continues to wait on the release of the final Government Policy Statement on Land Transport 2021 (GPS) to ensure activity plans and funding application align with the GPS strategic direction.
79. The continued delay of GPS is potentially putting the legislative requirements for the Regional Land Transport Plans (RLTP) at risk. Development of the RLTP is being progressed on the expectation that the strategic direction of the GPS will not change. This means that projects can be developed and included in the draft RLTP without the GPS being finalised.

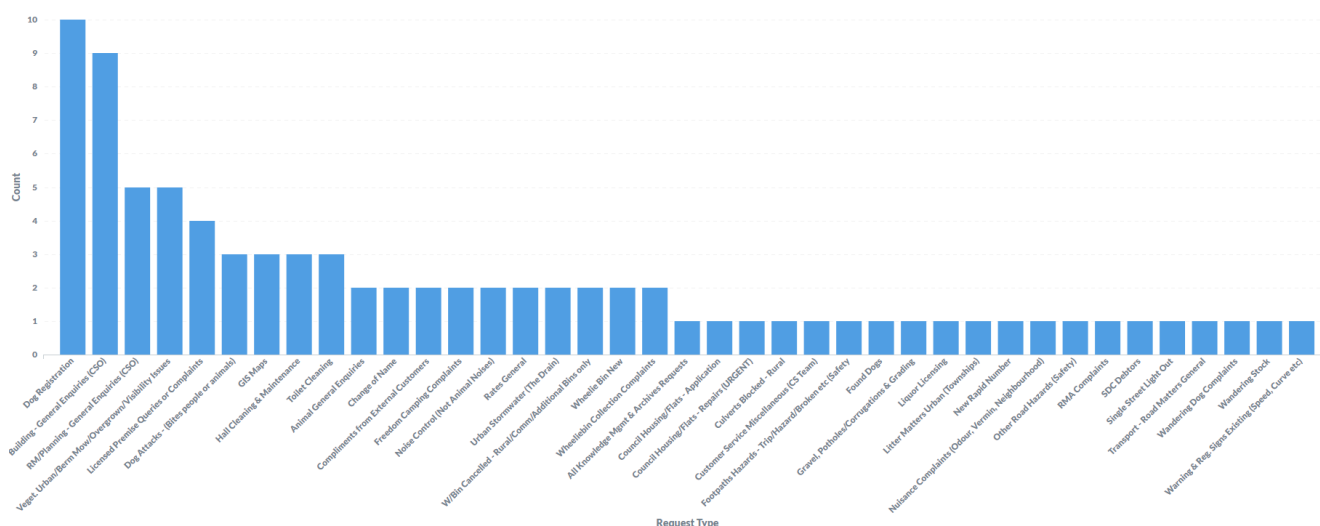
### **District Wide Roading Programme**

80. Evaluation of the District-wide resurfacing contracts have been completed and approved by the Services and Assets committee. This activity covers the resurfacing of approximately 3,000,000 m<sup>2</sup> of urban and rural roads across the District over the next three years. Contracts have been awarded to Fulton Hogan and Downer.
81. The 2020/2021 pavement rehabilitation program which consists of approximately 7km of sealed roads has been approved. Procurement of these works is currently underway with the first site expected to be completed prior to Christmas.

## **Customer Delivery**

### **Customer Support**

82. We answered 3,926 calls in the month of July, with an average wait time for our customers of 21 seconds. We had a steady number of late dog registrations. There are now just 1,086 dogs needing to be registered which will trickle in over the next few weeks.
83. Now that dogs and rates dates have passed, calls to 0800 732 732 have reduced. Staff are now able to focus on business improvement programs of work such as removing customer duplicates, enabling a customer call back process and reducing leave balances.



## Libraries

84. Alert level 2 has been a challenge for many of our library staff and community members. Our original restrictions for alert level 2 were designed for a short period of time and not a drawn out phase. A fortnight ago, after many great suggestions from our libraries team, we relaxed some of our alert level 2 restrictions to fall in line with other similar libraries of our size and allow for a much easier system to both manage and experience.
85. During this time at alert level 2, most of our programming has been put on hold to adhere to social distancing requirements, though we have started to allow our adult focused programming to start up again.
86. We are currently planning for the October school holiday programme in the hopes that the country will be back at alert level 1, however we are cognisant this may not occur and will plan for this possibility as well.

## Knowledge Management

87. While LIM numbers are lower than previous years they continue to trend upward. Over the month of August the team lodged 45 LIM applications and issued 39, compared to only 29 in August 2019. When looking at last year's numbers you can clearly see a drop started in May 2019 and continued until June 2020.
88. August had 161 unique property file requests. It is worth pointing out this data can't show if a property is requested more than once, ie properties subject to a LIM can be requested multiple times but this figure isn't able to be shown in the analysis currently.
89. The average over August is still eight requests per working day. We are now live with our first module with Pathway Records Manager integration. The property module is live and work is progressing on the applications and NAR modules.

## Business Solutions

90. August continues to be another busy month as the team prepared for the relocation to 42 Don Street while also supporting staff in the transition to a fat client environment and the small issues that are being encountered. There were several resourcing challenges during the month which resulted in an increase in the number of backlog tickets over July.

## Service Desk: 1 August 2020 – 31 August 2020

### Summary

676 ▼ 13.55% RECEIVED TICKETS	626 ▼ 18.28% RESOLVED TICKETS	475 ▲ 30.14% BACKLOG TICKETS	12:35 ▼ 5.08% AVERAGE RESPONSE TIME (IN HRS)	17:26 ▲ 6.73% AVERAGE FIRST RESPONSE TIME (IN HRS)	39:07 ▼ 27.58% AVERAGE RESOLUTION TIME (IN HRS)
1.5 ▲ 1.04% AVERAGE CUSTOMER	0.9 AVERAGE AGENT INTERACTIONS	166 ▼ 11.70% NUM. OF REOPENS	100 ▲ 58.73% NUM. OF REASSIGNS	83.7% ▲ 9.60% SLA %	70.1% ▼ 1.80% FCR %

91. In August we dedicated a resource to deploying the new laptops to speed up the process, but this resulted in an increase in overdue tickets in the service desk due to reduced resources.
92. Pathway to RM8 integration progressed well and we were able to enable the first integration in Pathway production for the property module. We also conducted user testing on the NAR integration and application container creation and plan to release to production in September.
93. The shared service solicitors' portal with Environment Southland (ES) went live at the end of August after a significant effort to align Council rates data with ES.
94. Preparation work has started on setting up an online resource consent application process to support our customers in an online environment.

## Recommendation

### That the Council:

- a) **Receives the report titled "Management Report" dated 14 September 2020.**

## Attachments

There are no attachments for this report.



## Ohai/Nightcaps and Districts Doctors House and Surgery Committee - Wind up and Distribution of Fund

Record No: R/20/9/52130  
Author: Louise Pagan, Communications Manager  
Approved by: Rex Capil, Group Manager Community and Futures

☒ Decision ☐ Recommendation ☐ Information

### Purpose

- 1 The purpose of this report is for Council to confirm the recommendation of the Wallace Takitimu Community Board to wind up and allocate the remaining funds from the Ohai/Nightcaps and Districts Doctors House fund.

### Executive Summary

- 2 The Ohai/Nightcaps and Districts Doctors House and Surgery Committee was not re-established as a subcommittee of Council as part of the terms of reference and delegations for the 2019-2022 governance structure.
- 3 Instead, the Wallace Takitimu Community Board was given delegated authority to consider and make a decision on whether or not to wind-up and allocate the remaining funds from the Ohai/Nightcaps and Districts Doctors House and Surgery Committee Fund.
- 4 The most recent funding applications were received in 2016.
- 5 The last committee appointed for the 2013-2016 triennium had expressed an interest in winding up the fund and distributing it to organisations providing medical facilities in the Ohai and Nightcaps area.
- 6 The Wallace Takitimu Community Board, at its meeting dated 3 September agreed to recommend to Council that the fund be wound-up with the remaining funds being allocated to the community, by way of an unbudgeted expenditure request.

## Recommendation

### That Council:

- a) **Receives the report titled “Ohai/Nightcaps and Districts Doctors House and Surgery Committee - Wind up and Distribution of Fund” dated 22 September 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) **Agrees with the recommendation of the Wallace Takitimu Community Board that the Ohai/Nightcaps and Districts Doctors House and Surgery Committee Fund be wound-up with the remaining funds of \$40,334.95 being allocated to the community as follows;**
  - **50% of the funds are to be distributed to the Nightcaps Area. Of that 50%,**
    - **60% is to be allocated to the Nightcaps Community Medical Centre and**
    - **40% to the Nightcaps Fire Brigade**
  - **50% of the funds are to be distributed to the Ohai Area. Of that 50%,**
    - **60% is to be allocated to the Ohai First Response / Ohai Fire Brigade and**
    - **40% to the Ohai Health Centre.**
- e) **Notes the conditions suggested by the Ohai Nightcaps Lions Club being;**
  - i. **All monies must be used for health services and/or medical facilities in the Ohai and Nightcaps area.**
  - ii. **All monies must be spent in Ohai and Nightcaps area.**
  - iii. **All monies spent must be accounted for back to the original committee partners, ie the Ohai Nightcaps Lions Club, Kelly Day representing the former Ohai Community Development Area Subcommittee and Bev Evans representing the former Nightcaps Community Development Area Subcommittee, eg an accountability form to be returned within 12 months.**

## Background

- 7 The Ohai/Nightcaps and Districts Doctors House and Surgery Committee was a previously constituted committee of Council with delegated authority to administer houses for doctors in Ohai and Nightcaps.
- 8 It was established in the late 1970s to attract doctors to the area. Properties were bought with public donations and funds raised by the Ohai Nightcaps Lions Club.
- 9 When the doctors' houses in Ohai and Nightcaps were sold in the mid-1990s a fund from the sale proceeds was set up to provide funding assistance to medical facilities in the Ohai and Nightcaps areas.

- 10 Traditionally, membership of the committee comprised members of the former Ohai Community Development Area Subcommittee, the Nightcaps Community Development Area Subcommittee and the Ohai/Nightcaps Lions Club.
- 11 The fund was open to applications year-round and the committee would meet to hear applications as they were received.
- 12 At the committee's meeting on 28 January 2016, a request was made to staff to investigate winding up and distributing the fund.

### **Issues**

- 13 The Ohai/Nightcaps and Districts Doctors House and Surgery Committee was not re-established for the 2019-2022 triennium.
- 14 The decision not to re-establish the committee was largely based on the request of the previous committee that the fund be wound up and distributed to the local medical providers in the area – namely the Nightcaps Medical Clinic, the Nightcaps Fire Brigade, the Ohai Medical Clinic and the Ohai First Response/Fire Brigade.
- 15 This issue would have been discussed at a subsequent meeting but no further formal meetings of the committee were held to receive applications as no applications have been received since 2016.
- 16 This fund is open to receive applications year-round from providers of medical services in the Ohai and Nightcaps areas but is not formally advertised.

### **Factors to Consider**

#### **Legal and Statutory Requirements**

- 17 The Wallace Takitimu Community Board was given delegated authority by Council to consider and make a decision on whether or not to wind-up and allocate the remaining funds from the Ohai/Nightcaps and Districts Doctors House and Surgery Committee Fund.

#### **Community Views**

- 18 The previous Ohai/Nightcaps and Districts Doctors House and Surgery Committee requested at their meeting of 26 January 2016 that staff provide further advice on how to wind up the fund.
- 19 The committee as advised at the time of their request that they did not have delegation to do this but could make a recommendation to Council.
- 20 The Ohai/Nightcaps Lions Club, which has had significant involvement with the fund in the past, has also indicated its support for the fund being wound up and allocated to the community.
- 21 The position of the Wallace Takitimu Community Board will be taken to represent the views of the community.

#### **Costs and Funding**

- 22 The current balance of funds as at 30 June 2020 is \$40,334.95 which includes the end of financial year interest allocation.

<b>Southland District Council</b> <b>Ohai/Nightcaps and District Doctors House &amp; Surgery Committee</b> <b>as at 30 June 2020</b>	
Summary	Actual
Opening Balance as at 1 July 2019	39,381.91
Interest	953.04
<b>Total</b>	<b>40,334.95</b>
<u>Less</u>	- -
Grant	- -
Funds Available for General Distribution	<b>40,334.95</b>

### Policy Implications

- 23 There are no policy implications.

### Analysis

#### Options Considered

- 24 Council is being asked to confirm the recommendation by the Wallace Takitimu Community Board that the Ohai/Nightcaps and District Doctors House and Surgery fund be wound-up and distributed back to the community.

### Analysis of Options

**Option 1 – that the Ohai Nightcaps and Districts Doctors House and Surgery Committee Fund be wound-up with the remaining funds being allocated to the community, by way of an unbudgeted expenditure request, as follows;**

- **50% of the funds are to be distributed to the Nightcaps Area. Of that 50%,**
  - **60% is to be allocated to the Nightcaps Community Medical Centre and**
  - **40% to the Nightcaps Fire Brigade**
- **50% of the funds are to be distributed to the Ohai Area. Of that 50%,**
  - **60% is to be allocated to the Ohai First Response / Ohai Fire Brigade and**
  - **40% to the Ohai Health Centre.**

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"> <li>• uses the remaining funds for medical services in the Ohai/Nightcaps area</li> <li>• provides funds to these organisations providing health services to the communities</li> <li>• completes and ends the fund while maintaining the purpose for why it was set up</li> </ul>	<ul style="list-style-type: none"> <li>• no obvious disadvantages</li> </ul>

**Option 2 – to not wind up the Ohai Nightcaps and Districts Doctors House and Surgery Committee fund and continue to receive funding applications.**

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"><li>• funding continues to be available to the community</li></ul>	<ul style="list-style-type: none"><li>• there has been no applications received for several years so the fund has remained dormant</li><li>• the fund is not being used in the communities in the way it was intended</li></ul>

**Assessment of Significance**

- 25 This is not considered significant.

**Recommended Option**

- 26 Option 1 is the recommended option.

**Next Steps**

- 27 Once approval has been received the fund will be distributed to the Ohai Medical Clinic, the Nightcaps Medical Clinic, the Nightcaps Fire Brigade and the Ohai First Response/Fire Brigade.

**Attachments**

- A Ohai Nightcaps and District Doctors House and Surgery Committee 2183/0017/0 and 2152/0087/0 [↓](#)
- B Minutes - Ohai-Nightcaps and Districts Doctors House and Surgery Subcommittee - 28 January 2016 [↓](#)
- C Letter from Ohai Nightcaps Lions Club - suggested distribution of Ohai Nightcaps & Districts Doctors House and Surgery Committee - July 2020 [↓](#)

Ohai Nightcaps and  
District Doctor's  
House  
and Surgery  
Committee

2183/0017/0  
2152/0087/0

## History

The Committee is a constituted committee of Council with delegated authority to administer houses for doctors in Ohai and Nightcaps. It was established in the late 1970s to attract doctors to the area. Properties were bought with public donations and funds raised by the Ohai Nightcaps Lions Club.

## Timeline of Events

December 1991	Discussions initiated re future of providing houses for doctors.
March 1993	Considered there was no longer a need to provide a house for a doctor and felt they could be disposed of. The doctor who practiced at Nightcaps resided in Otautau and the doctor in Ohai practiced from another surgery.
November 1993	Resolved to accept tenders for sale of properties.
April 1996	Committee discussed future of fund. Consideration was given to allocating funds to Nightcaps Medical Centre and Ohai Surgery on a 50/50 basis.  Status quo was to remain with Committee to administer funds to assist medical facilities within the district.

## Criteria

Distribution of funds be for medical facilities and/or equipment in the Ohai, Nightcaps and surrounding area.

## Financial Position

Closing balance at 30 June 2001 \$42,008  
(plus approx - interest for period 1/7/01 - 31/10/01 = \$700)

## Funding Distribution - Summary of Grants

### May 1992

Ohai	- assist with running costs and maintenance	\$3,000
Nightcaps	- assist with running costs and maintenance	\$3,000

### November 1993

Ohai	- refurbishing of surgery	\$3,000
Nightcaps	- surgical equipment	\$3,000

### August 1994

Ohai	- purchase medical equipment	\$4,400
Nightcaps	- construction of concrete sump and toilet for disabled persons	\$4,400

### April 1996

Ohai	- purchase of medical equipment	\$1,826.24
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### June 1998

Otautau	- St John's - purchase new paging system	\$2,000
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### February 2001

Nightcaps	- general equipment and surgery items	\$1,700
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### November 2001

Ohai	- purchase of laptop computer	\$3,000
Nightcaps	- repainting of surgery	\$3,000

## General

Chris Dolan administers this fund and should be contacted to discuss future applications.



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# **Ohai-Nightcaps and Districts Doctors House and Surgery Subcommittee**

## **OPEN MINUTES**

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Minutes of a meeting of Ohai-Nightcaps and Districts Doctors House and Surgery Subcommittee held in the Nightcaps Hall, Johnston Road, Nightcaps on Thursday, 28 January 2016 at 10am.

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### **PRESENT**

<b>Chairperson</b>	Councillor Stuart Baird
<b>Members</b>	John Carmichael Bev Evans Shirley Paterson Mark Wishart

### **IN ATTENDANCE**

<b>Committee Advisor</b>	Kelly Tagg
<b>Community Development Planner</b>	Kathryn Cowie

**1 Apologies**

There were no apologies.

**2 Leave of absence**

No requests for leave of absence were received.

**3 Conflict of Interest**

There were no conflicts of interest declared.

**4 Public Forum**

Moved Member Evans, seconded Member Paterson and **resolved that the Ohai-Nightcaps and Districts Doctors House and Surgery Subcommittee go into public forum to allow members of the public to speak.**

Mrs Margaret Gutsell addressed the meeting on behalf of the St John Otautau Area Committee where she confirmed that the Committee was now seeking \$2,000 rather than the \$10,000 that they had initially applied for.

Moved Member Paterson, seconded Member Wishart and **resolved that the Ohai-Nightcaps and Districts Doctors House and Surgery Committee moves out of public forum.**

**5 Extraordinary/Urgent Items**

There were no Extraordinary/Urgent items.

**6 Confirmation of Minutes****Resolution**

Moved Member Evans, seconded Member Wishart

**Confirms the minutes of Ohai-Nightcaps and Districts Doctors House and Surgery Subcommittee, held on 21 October 2014.**

**Reports****7.1 Financial Report to 30 June 2015**

**Record No: R/15/12/22791**

The Financial Report for the year ended 30 June 2015, was tabled.

The Subcommittee was advised that \$38,413.20 is available for distribution.

At this point, Member Evans queried if it was worthwhile keeping this fund going and suggested that the proceeds be given out to local organisations.

The Committee Advisor informed the meeting that the Subcommittee did not have delegated authority to wind-up this fund but it could make a recommendation to Council to do so.

Members discussed this suggestion and agreed that further discussions be held with Council staff in order to address this matter.

### **Resolution**

Moved Member Paterson, seconded Member Wishart

**That the Ohai-Nightcaps and Districts Doctors House and Surgery Subcommittee:**

- a) **Receives the report titled “Financial Report to 30 June 2015” dated 11 January 2016.**
- b) **Requests that further discussions be held with Council staff in order to consider options for the future of the fund.**

## **7.2 Otautau St John Area Committee funding application**

**Record No: R/16/1/628**

The subcommittee considered a request from the Otautau St John Area Committee for a grant of \$2,000 to assist with the purchase of a new health shuttle vehicle.

The meeting was informed that the current Western Southland Health Shuttle is 15 years old and has travelled 150,000 km.

The subcommittee noted that the Otautau St Johns Western Southland Health Shuttle has been in operation for five years and during that time has proved to be a much needed service in Ohai, Nightcaps, Otautau and Tuatapere.

The meeting was advised that in 2014, the shuttle transported a total of 156 people to Kew Hospital and other medical centres for a variety of health related appointments. Furthermore, of the 156 people transported, 36 were from Ohai, 22 from Nightcaps, 45 from Tuatapere and 53 from Otautau.

The subcommittee was informed that the service relies on donations from clientele, Ministry of Health travel reimbursements and various other donations; in 2014 there was a loss of close to \$3,000. This loss was covered by the St John Otautau Area Committee; as of July 2015 the committee is facing a 270% increase in Regional levies (currently \$3,499 and increasing to \$12,885).

The meeting noted that the preferred quote to replace the vehicle is in the amount of \$45,351 (incl. GST) and that to date, the Otautau St John Area Committee has secured grants totalling \$38,500 which includes a grant from the Ohai Railway Fund Subcommittee in the amount of \$14,000 which was approved in October 2015.

The subcommittee agreed to approve grant of \$2,000 to the St John Otautau Area Committee.

### **Resolution**

Moved Member Evans, seconded Member Paterson

**That the Ohai-Nightcaps and Districts Doctors House and Surgery Subcommittee:**

- a) **Receives the report titled “Otautau St John Area Committee funding application” dated 15 January 2016.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) **Approves a grant of \$2,000 to the Otautau St John Area Committee to assist with the purchase of a new health shuttle.**

10.39am

CONFIRMED AS A TRUE AND CORRECT  
RECORD AT A MEETING OF THE OHAI-  
NIGHTCAPS AND DISTRICTS DOCTORS  
HOUSE AND SURGERY SUBCOMMITTEE  
HELD ON 28 JANUARY 2016

**DATE:**.....

**CHAIRPERSON:**.....

**LIONS CLUB OF OHAI / NIGHTCAPS****P.O. Box 6,  
NIGHTCAPS 9644**20<sup>th</sup> July, 2020

Kelly Tagg,  
Community Partnership Leader  
Southland District Council.  
P.O. Box 903,  
Invercargill. 9840

Dear Kelly,

**Ohai Nightcaps & Districts Doctors House & Surgery Committee**

The Ohai / Nightcaps Lions Club, as representatives on the above committee, agree with the decision of the Wallace Takitimu Community Board to wind up the Doctors House and Surgery Fund and distribute the funds back to the Ohai Nightcaps Community.

This matter has been discussed by our club Directors and we have reached the following decision;

50% of the funds are to be distributed to the Nightcaps Area. Of that 50%,  
60% is to be allocated to the Nightcaps Community Medical Centre and  
40% to the Nightcaps Fire Brigade

50% of the funds are to be distributed to the Ohai Area. Of that 50%,  
60% is to be allocated to the Ohai First Response / Ohai Fire Brigade and  
40% to the Ohai Health Centre.

We also insist on the following conditions;

1. All monies must be used for Health Services and/or Medical facilities in the Ohai and Nightcaps area.
2. All monies must be spent in Ohai and Nightcaps Districts.
3. All monies spent must be accounted for back to the original committee partners, i.e. the Ohai Nightcaps Lions Club, Kelly Day representing the former Ohai CDA and Bev Evans representing the former Nightcaps CDA, e.g. An Accountability Form to be returned within 12 months.

It is understood that the balance of the fund as at 28<sup>th</sup> February, 2020 was \$39,381.91. We would appreciate being provided with a full and final balance sheet of the fund when it is finally wound up.

Yours Sincerely,

John Carmichael,  
Representative.



## Use of Fonterra contribution fund interest

**Record No:** R/20/9/50986  
**Author:** Louise Pagan, Communications Manager  
**Approved by:** Rex Capil, Group Manager Community and Futures

☒ Decision ☐ Recommendation ☐ Information

### Purpose

- 1 This report is to establish a fund from the interest gained from the Fonterra contribution fund.

### Executive Summary

- 2 Fonterra has paid several financial contributions to Council when carrying out development of the Edendale plan since 1997. Those funds have been used for different projects, but the last set of payments in 2002-03 have not been fully used.
- 3 It has been recommended in previous reports to use the leftover funds from the contribution fund to purchase land at Curio Bay. However, there is also an amount of interest that has been paid on the contribution reserve during the past 17 years, to a total of \$232,503.51. This report recommends the establishment of a fund for the Waihopai-Toetoe Community Board to use in its community.
- 4 Discussions have been held with the board about the recommendations made to the Community and Strategy Committee about the establishment of such a fund and the setting of criteria around the fund. This report incorporates the board's feedback and makes recommendations to establish the fund based on that feedback and the feedback from the early committee meeting.

## Recommendation

### That the Council:

- a) **Receives the report titled “Use of Fonterra contribution fund interest” dated 21 September 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) **Approves that the interest amount of \$232,503.51 be used as a fund for the Waihopai Toetoe Community Board to apply to for projects.**
- e) **Approves the adjusted set of criteria on which funds can be granted – being**
  - **The Waihopai Toetoe Community Board to recommend to Council the allocation of funds for planned community board projects to benefit the Waihopai Toetoe community**
  - **The fund is of a finite value and once it is fully allocated the fund will no longer exist.**
  - **The allocation of funds can be made on an as required basis by way of a recommendation from the board to Council.**
  - **The fund can be used for replacement or renewals of existing assets, particularly if that is needed because of growth.**

## Background

- 5 Fonterra has given multiple financial contributions during the development of the Fonterra plant. Some of the contributions since 1999 haven't been spent and some of the planned expenditure has altered.
- 6 Since 1997 \$894,018 GST exclusive has been received over six contributions and as of 27 January 2020, there is \$402,173 left. Of that, \$112,990 has been put aside for a layby project at the school, and \$113,523 to go to Council for the community water scheme. Neither of these tagged amounts have been paid over, but, the \$113,523 will go to Council for the water scheme. The layby project was superseded by the state highway upgrade.
- 7 Council in 2019 agreed to allocate funding from the Financial and Reserve Contribution Fund to three community groups in the Edendale-Wyndham area. After that funding was given out, the then Edendale-Wyndham Community Board provide a draft list of possible projects linked to seeking Financial and Reserve Contribution Funds to carry out work, including fencing around the Edendale Bowling Club, extra street lights and water fountains in various reserves.
- 8 That draft report by staff was put on hold so the review of the fund could be carried out.

- 9 Council's financial team carried out a detailed review of the monies received from Fonterra and staff identified that a number of the consents issued made comment about how each would be spent.
- 10 Section 6.2.2 of the Southland District Plan 2001, outlines the specifics around development of the Edendale Dairy Plant development. Section 6.2.6 Financial Contributions of this states:
- (a) The Council may impose a financial contribution for developments in the Edendale Dairy Plan Development Plan Area the value of which exceed \$500,000.*
  - (b) The financial contribution shall not exceed 0.5% of the value of which exceed \$500,000.*
  - (c) The purpose of the imposition of the financial contribution shall be to remedy, mitigate or offset adverse effects arising from, in consequence of, or in association with, any development.*
  - (d) The use of the financial contributions shall be for one or more of the following in the Edendale Township, its environs or the District generally;*
    - Offsetting additional demands on infrastructure and utility services by Council.*
    - Offsetting additional demands on community and recreational facilities.*
    - Restoring or enhancing amenity values.*
    - Restoring or enhancing open space and landscaping*
  - (e) The Council will assess the need for, and quantum of, a financial contribution on a case by case basis as development occurs having regard to:*
    - The significance of the adverse effect.*
    - The extent to which the adverse effect can be dealt with successfully by other means.*
    - Any proposals to mitigate or remedy the adverse effects.*
    - Any direct positive community benefits arising from the development.*
  - (f) If applying the provisions of this clause Council shall regard to the fact that in the circumstances money is the preferred form of contribution.*
- 11 It was recommended in an earlier report titled Update on the Financial and Reserve Contribution Fund (includes Fonterra Contributions) to this committee, that the funds left over from the Fonterra contributions could go to the Curio Bay reserve purchase made last year.
- 12 However, the interest from these funds could be used for other projects as it is not bound by the District Plan requirements. This report is specifically about the interest that remains, which as of 14 September 2020 is a total of \$232,503.51.
- 13 This was discussed at the 11 February Community and Strategy Committee and it was recommended a fund be set up and discussion be held with the Waihopai Toetoe Community Board and Fonterra.
- 14 Both those discussions have happened, with staff and councillors and the community board chair meeting with Fonterra to talk about the contribution fund, and staff meeting with the community board to discuss the interest fund.

## **Issues**

- 15 It is considered appropriate and consistent with the rationale developed for the community partnership fund concept, that the community board be provided the opportunity to utilise the interest funds for projects in its boundary area. The community board is in full agreement that these funds can be used within its community and provide benefit to residents and ratepayers across the area.
- 16 The board feels that it has been a challenge to find out information about the contribution fund and what it has been used for. It is keen to be able to complete projects that are inherited issues and that should have been dealt with a long time ago, eg, lighting or improving open spaces that everyone can use.
- 17 The suggested criteria for the use of the interest funds which were taken to the community board were:
- The Waihopai Toetoe Community Board to recommend to Council the allocation of funds for planned community board projects to benefit the Waihopai Toetoe community
  - Community groups can apply to the fund and that decision will be made by the Waihopai Toetoe Community Board directly.
  - The fund is of a finite value and once it is fully allocated the fund will no longer exist.
  - The allocation of funds can be made on an as required basis by way of a recommendation from the board to Council.
  - Any project will be funded on a 50-50 principle – 50% from rates and 50% from the fund.
  - The fund can be used for replacement or renewals of existing assets, particularly if that is needed because of growth.
  - The board will liaise with Fonterra on all applications prior to making its recommendation to Council.
- 18 The board's recommended criteria for this fund are:
- The Waihopai Toetoe Community Board to recommend to Council the allocation of funds for planned community board projects to benefit the Waihopai Toetoe community
  - ~~• Community groups can apply to the fund and that decision will be made by the Waihopai Toetoe Community Board directly.~~
  - The fund is of a finite value and once it is fully allocated the fund will no longer exist.
  - The allocation of funds can be made on an as required basis by way of a recommendation from the board to Council.
  - ~~• Any project will be funded on a 50-50 principle – 50% from rates and 50% from the fund.~~
  - The fund can be used for replacement or renewals of existing assets, particularly if that is needed because of growth.
  - ~~• The board will liaise with Fonterra on all applications prior to making its recommendation to Council.~~
- 19 The board believes deleting the three criteria would show Council trusts it to be responsible with funds. The board said both Council and it are accountable to the ratepayers.

- 20 The board felt the criteria about the 50-50 principle in particular was like giving some funding to the community and then taking some of that back. The board understood the need to be very conscious about what the funds were used for and how any project that might be funded fits into the planning process of Council, including the long term plan.

The board also believed this fund should not be available to community groups as the new community partnership fund was for that. It felt liaison with Fonterra was not needed on all applications.

## **Factors to Consider**

### **Legal and Statutory Requirements**

- 21 Council has considered all requirements around the contribution funding as per past agreements and statements in the District Plan.

### **Community Views**

- 22 Liaison with the community board and Fonterra has been carried out.

### **Costs and Funding**

- 23 This fund will be established from the interest received from Fonterra financial contributions.

### **Policy Implications**

- 24 The fund and the criteria will become part of any updated community assistance policy.

## **Analysis**

### **Options Considered**

- 25 To approve the establishment of a fund for the Waihopai Toetoe Community Board from the interest from the Fonterra contribution fund or to not approve the establishment of the fund.

## **Analysis of Options**

### **Option 1 – To establish a fund for the Waihopai Toetoe Community Board**

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"><li>• Funding is available for the community board to assist in delivery of projects.</li><li>• The funding benefits the community and can help with development pressures or improvements.</li><li>• The principles are consistent with the community partnership fund approach and also support the community led development approach being supported by Council.</li></ul>	<ul style="list-style-type: none"><li>• There are none.</li></ul>

**Option 2 – To not establish a fund for the Waihopai Toetoe Community Board**

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"><li>• The interest is not spent and will gain more interest on it.</li></ul>	<ul style="list-style-type: none"><li>• The community does not benefit from this fund.</li><li>• The community board does not have funding available for projects.</li></ul>

**Assessment of Significance**

- 26 The decisions is not considered significant under Council's significance and engagement policy.

**Recommended Option**

- 27 Option 1 – to establish a fund for the Waihopai Toetoe Community Board.

**Next Steps**

- 28 Council will set up the fund and inform the community board the funds are available for applications.

**Attachments**

There are no attachments for this report.

## Long Term Plan August 2020 Workshop Summary

**Record No:** R/20/9/49413  
**Author:** Jason Domigan, Corporate Performance Lead  
**Approved by:** Rex Capil, Group Manager Community and Futures

☒ Decision

☐ Recommendation

☐ Information

### Purpose

- 1 The purpose of this report is to confirm the Long Term Plan August 2020 Workshop outcomes as part of the Long Term Plan 2031 process.

### Executive Summary

- 2 As part of the 2031 Long Term Plan development process, Council recently participated in a two-day workshop on 24-25 August 2020.
- 3 Over the two days, Council staff facilitated a workshop with elected members including the mayor and councillors.
- 4 The purpose of the workshop was to provide an overview of the Activity Management Plans, Infrastructure and Financial Strategies and seeking confirmation of direction for the Revenue and Financing Policy ahead of another round of community board workshops.
- 5 A further summary session was held on 27 August 2020 to finalise the guidance from Council for staff ahead of the next workshop on 30 September - 1 October 2020.
- 6 The workshop provided the opportunity to generate conversations about Council activities and seek guidance on where staff needed to prioritise for the next workshop at the end of September.
- 7 Some key guidance has been captured to assist with developing an approach to undertake next steps in the Long Term Plan 2031 process.

## **Recommendation**

### **That the Council:**

- a) **Receives the report titled “Long Term Plan August 2020 Workshop Summary” dated 22 September 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) **Endorses the key guidance provided at the Long Term Plan Workshop 24-27 August 2020 – being:**
  - **Provide more detailed options and/or scenarios to Council to further enable prioritisation at the next Long Term Plan Workshop**

**Bridges:**

  - **consider options for loan funding over the 10 years for \$25 million**
  - **consider consultation option around the rationalisation of bridges that reach the end of their life**
  - **in conjunction with the bridge matrix, consider the principles of not replacing those where there is a viable alternative**

**Roading:**

  - **provide detailed cost reduction options and known consequences or risks**
  - **principle of reducing costs and ways to do that and any implications**

**Community Facilities:**

  - **open to consider rationalisation, staff to provide options and implications**

**Environmental Services:**

  - **provide options to consider graduated compliance with Resource Management requirements over years 1-3**

**3 Waters:**

  - **provide options that meet regulation and legislative requirements including maximising additional government funding options as known**

**Water Structures:**

  - **provide alternative redevelopment options for Golden Bay wharf**

## **Background**

- 8 Every three years Southland District Council prepares the LTP to ensure that Council activities and projects align with community outcomes.
- 9 The purpose of the Southland District Council Long Term Plan 2031 is to:
- provide a long term focus for Council decisions and activities
  - provide an opportunity for community participation in planning for the future
  - define the community outcomes desired for the District
  - describe the activities undertaken by Council
  - provide integrated decision-making between Council and the community
  - provide a basis for performance measurement of Council.
- 10 On 30 January 2020, Council confirmed the guidance provided to activity managers as part of the development of activity management plans. This guidance was used to develop the draft activity management plans and summaries of those documents were provided to Council including raw financial information to provide an overall picture of each activity.
- 11 The workshop ran over two and a half days. The key focus of the first two days were on presentations and discussions with activity managers about the 13 activity management plans to inform the Long Term Plan 2031. The final half day focused on providing a financial overview of the activities for Council and getting priority guidance and direction.
- 12 In addition to the activity management plans, an LTP scene setting presentation, overviews of the infrastructure and financial strategies and further Revenue and Financing Policy guidance was discussed with Council.

## **Issues**

- 13 Staff still need to finalise draft activity management plans and further refined guidance still needs to be provided in order to finish this process. The final draft activity management plans are due to be presented to Council in November 2020.
- 14 A final prioritisation workshop still needs to occur to determine which changes to the current management of the activities will be included in the Long Term Plan 2031.

## **Factors to Consider**

### **Legal and Statutory Requirements**

- 15 Council is required to produce an LTP every three years in accordance with the Local Government Act 2002 (the act), and it must cover a period of not less than 10 financial years.
- 16 The LTP must include the information required in Part 1 of Schedule 10 of the act including significant forecasting assumptions, a financial strategy and infrastructure strategy, a revenue and financing policy and a significance and engagement policy.

### **Community Views**

- 17 To create a robust LTP, both early and formal engagement will be undertaken with communities. This engagement will seek to identify key outcomes and objectives for the local communities. Engagement began in early 2019 (e.g. pulse surveys at A&P shows, Young Farmers events and with the Southland District Council Youth Council) and will continue throughout the process.
- 18 Council must also undertake formal consultation with the community through the use of a consultation document. The consultation document sets out, identifies and explains the significant and other important issues and choices facing the local authority and the district and any consequences and opportunities of the choices.

### **Costs and Funding**

- 19 The LTP project is budgeted for as per the current annual plan and is expected to be delivered within budget.

### **Policy Implications**

- 20 A number of policy work streams arise during the development of the LTP.
- 21 LTPs are required to include the Revenue and Financing Policy and Significance and Engagement Policy and therefore these policies are currently being reviewed. It is proposed to consult on these two policies in November 2020. In addition, it is good practice to review Council's broader financial and treasury policies.
- 22 The guidance received from Councillors may alter the Revenue and Financing Policy, especially if there are changes to whether certain activities are local or district rated. The levels of service for the activities may also be altered for certain activities and this will need to be consulted on with the public in 2021 prior to the adoption of the LTP.

### **Analysis**

#### **Options Considered**

- 23 There are three options to be considered in this report:
- Option 1: Council confirms the outcomes from the August workshop
- Option 2: Council confirms the outcomes from the August workshop with variations
- Option 3: Council does not confirm the outcomes from the August workshop

## **Analysis of Options**

### **Option 1 – Council confirms the outcomes from the August workshop**

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"><li>• staff can continue developing the activity management plans with the guidance provided</li><li>• the development of the LTP will continue on track with the project plan</li><li>• staff can begin creating community engagement material based on the potential changes that may occur within the activity management plans</li></ul>	<ul style="list-style-type: none"><li>• if the guidance is confirmed by Councillors and later amended, then this may result in late changes to the activity management plans after they have been developed. This could result in late changes to the LTP and potentially impact the timeframe for adoption.</li></ul>

### **Option 2 – Council confirms the outcomes from the August workshop with variations**

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"><li>• staff have accurate guidance from the Councillors and they can continue developing the activity management plans accordingly</li><li>• the development of the LTP continues on track</li><li>• staff can begin creating community engagement material based on the potential changes that may occur within the activity management plans</li></ul>	<ul style="list-style-type: none"><li>• depending on the variations to the guidance, staff may need to include additional workshops to get further clarity from the Councillors. This could result in a delay to the drafting of the activity management plans and will impact the determination of levels of service, consultation topics, and other key LTP processes.</li></ul>

### **Option 3 – Council does not confirm the outcomes from the August workshop**

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"><li>• further discussion can occur prior to the development of the activity management plans</li></ul>	<ul style="list-style-type: none"><li>• the development of the LTP, the activity management plans and community engagement will be delayed beyond the project plan timeframes.</li></ul>

## **Assessment of Significance**

- 24 The implications of the guidance provided to staff may be significant to the public if it is incorporated into the Long Term Plan. Once the implications are considered and if then incorporated into the LTP 2031, it will become part of the formal consultation for the Long Term Plan 2031 in March 2021.
- 25 This report is not deemed significant as it does not trigger Section 76 of the Local Government Act nor the Southland District Council Significance and Engagement Policy.

### **Recommended Option**

- 26 Staff recommend that Council support Option 1, to confirm the outcomes from the August workshop.

### **Next Steps**

- 27 Staff are preparing options and scenarios for Council to consider so further prioritisation can occur at the next LTP workshop. Once prioritisation is complete, the key issues for consultation will need to be established so preparation of key documents can be finalised during October to December 2020.

### **Attachments**

There are no attachments for this report.

## 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 Milford Sound Tourism Limited - 2019/2020 Annual Report**

#### **C10.2 Golden Bay Wharf Ownership Transfer**

#### **C10.3 Appointment of Interim Chief Executive**

#### **C10.4 Appointment of Chief Executive**

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
Milford Sound Tourism Limited - 2019/2020 Annual Report	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.  s7(2)(h) - The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.	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.
Golden Bay Wharf Ownership Transfer	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).	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 Interim Chief Executive	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.  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.
Appointment of Chief Executive	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.

