
Council

OPEN MINUTES

Minutes of a meeting of Council held in the Council Chambers, 15 Forth Street, Invercargill on Wednesday, 15 March 2017 at 1.03pm.

PRESENT

Mayor
Deputy Mayor
Councillors

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

IN ATTENDANCE

Chief Executive - Steve Ruru, Group Manager, Environmental Services – Bruce Halligan, Group Manager, Services and Assets – Ian Marshall, Group Manager, Community and Futures – Rex Capil, Chief Financial Officer – Anne Robson, Communications Manager – Louise Pagan and Committee Advisor - Fiona Dunlop.

1 Apologies

An apology had been received from Councillor Perham.

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

That the Council accept the apology.

2 Leave of absence

There were no requests for leave of absence.

3 Conflict of Interest

Cr Kremer advised that he had a conflict of interest in relation to item C10.2 – Fiordland Retirement Housing Trust. He advised that he would not take part in debate or vote on the matter.

4 Public Forum

There was no public forum.

5 Extraordinary/Urgent Items

There were no Extraordinary/Urgent items.

6 Confirmation of Council Minutes

Resolution

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

That Council confirms the minutes of the meeting held on 23 February 2017 as a true and accurate record of that meeting.

Reports - Policy and Strategy

7.1 Proposed Southland District Plan - Further Amendments

Record No: R/17/2/3088

Group Manager, Environmental Services – Bruce Halligan was in attendance for this item.

Mr Halligan advised that the purpose of the report was to seek approval to commence the scoping and preparation of a variation to the Proposed District Plan 2012.

The Meeting noted that the Proposed District Plan 2012, is a living document that should always be reviewed to ensure it is meeting the needs of its community. Since the decisions on the Proposed District Plan were released in October 2014, most of the plan has had legal effect and the rules have been applied to development

activities.

Mr Halligan also advised that in response to the plan now being implemented and other activities such as the new Signs and Objects on Roads and Footpaths Bylaw being developed, a number of potential changes to the Proposed District Plan have been identified.

Resolution

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

That the Council:

- a) **Receives the report titled “Proposed Southland District Plan - Further Amendments” dated 8 March 2017.**
- 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 scoping and preparing of a variation to the Proposed District Plan 2012.**

Reports - Operational Matters

8.1 Proposed Road Stopping - 182 Mandeville Kingston Crossing Road

Record No: R/17/2/3018

Group Manager, Services and Assets – Ian Marshall and Strategic Property Manager – Kevin McNaught were present for this item.

Mr Marshall advised that the purpose of the report was to consider a request from adjoining landowner to purchase the portion of Mandeville Kingston Crossing Road which has been occupied in conjunction with their property for many years.

The Meeting was advised that the width of the legal road at this location is 40.23 metres. The formation is constructed approximately on the centreline of the legal alignment and the road has been fenced a safe distance from the carriageway but well within the legal road boundary.

Mr Marshall also advised that the strip of road, about 13 metres wide, has been occupied by the adjoining landowner for approximately 50 years and upon which has been constructed two buildings.

The Meeting also noted that the Strategic Manager Transport considered that the current fence is at a safe distance from the road formation and that the fenced width of the road is sufficient to meet all foreseeable access requirements in this location.

Resolution

Moved Cr Paterson, seconded Cr Dillon **and resolved:**

That the Council:

- a) **Receives the report titled “Proposed Road Stopping - 182 Mandeville Kingston Crossing Road” dated 8 March 2017.**
- 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) **Agree to stop the portion of Road at 182 Mandeville Kingston Crossing Road being Section 1, SO Plan 507232 using the provisions of the Public Works Act 1981 if approved by the Minister of Lands and transfer the land to the adjoining landowner by way of amalgamation in the gazette notice at a value determined by a registered valuer.**

8.2 Assessment of Need for Section 17A Reviews - Outstanding Services

Record No: R/17/3/3724

Group Manager, Services and Assets – Ian Marshall was in attendance for this item.

Mr Marshall advised that the purpose of this report is to inform Councillors of the status of services, as yet, not reviewed in terms of the requirement under Section 17A of the Local Government Act 2002. The services identified that should be reviewed are the group of services that come under the Community Services portfolio. The 17A reviews that are required have to be completed by August 2017.

The Meeting noted that the information in the report (including attachments) will assist Council to be able to make a decision whether to carry out specific reviews or to not carry out a review.

Mr Marshall advised that the Council has already carried out a number of reviews of services in accordance with Section 17A and that this report covers assessment of the other services that have not been reviewed.

The Meeting also noted that a number of the services not already reviewed have been assessed in accordance with the criteria in Section 17A and the recommendation is they not be reviewed, the main reason being the cost of the review outweighs the potential benefit and or other imminent changes will negate the review findings.

Resolution

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

That the Council:

- a) **Receives the report titled “Assessment of Need for Section 17A Reviews - Outstanding Services” dated 8 March 2017.**
- 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) **Notes the requirement under Section 17A of the Local Government Act 2002 to review the delivery of services and that a number of the Council’s services have already been reviewed under Section 17A of the Act.**
- e) **Agrees that based on Section 17A(3) and the information at hand, the following activity groups are not required to be reviewed:**
 1. **District leadership (excluding forestry).**
 2. **Wastewater.**
 3. **Stormwater.**
 4. **Water supply.**
- f) **Agrees that after consideration of the provisions of Section 17A Delivery of Services of the Local Government Act 2002, the following activities are required to be reviewed:**
 1. **Community services; excluding community assistance, Stewart Island Electricity Supply and Heritage.**
 2. **Forestry.**

8.3 Grazing Part Mokoreta Cemetery Land

Record No: R/17/3/3770

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

Mr McNaught advised that the purpose of the report was to consider a recommendation that grazing of part of the Mokoreta cemetery be allocated.

The Meeting noted that the the Licence issued to Steven Bevins for grazing stock on part of the Mokoreta Cemetery expired on 31 October 2016 and that it is proposed that a new licence be issued to Mr Bevins for a term of five years from 1 November 2016.

Resolution

Moved Deputy Mayor Duffy, seconded Cr Douglas **and resolved:**

That the Council:

- a) **Receives the report titled “Grazing Part Mokoreta Cemetery Land” dated 8 March 2017.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) **Resolves that a licence under the Reserves Act 1977 over part of the Mokoreta cemetery being Section 3, SO 10516 and part of Part Section 35, Block IV, Mokoreta Survey District be issued to Steven Craig Bevins for a term of five years from 1 November 2016 at an annual rental of \$1,500 plus GST.**
- e) **Resolves that the draft licence agreement as appended be approved.**

8.4 Delegation to Approve and Execute Licences for Structures in Riverton Harbour

Record No: R/17/3/4254

Group Manager, Services and Assets – Ian Marshall and Strategic Property Manager – Kevin McNaught were present for this item.

Mr Marshall advised that the purpose of the report was to seek Council approval to delegate authority to either one of the Strategic Manager Property or the Group Manager Services and Assets.

The Meeting noted that the current arrangement for approving licenses for structures in Riverton Harbour was inefficient as it was required reporting to Council and then affixing of the Common Seal and signing by the Mayor.

Resolution

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

That the Council:

- a) **Receives the report titled “Delegation to Approve and Execute Licences for Structures in Riverton Harbour” dated 8 March 2017.**
- b) **Delegates authority to approve and execute licences for structures within the consented area in the Riverton Harbour to either one of the Strategic Manager Property or the Group Manager Services and Assets.**

8.5 Management Report

Record No: R/17/3/3820

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

Resolution

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

That the Council:

- a) **Receives the report titled “Management Report” dated 8 March 2017.**

Reports - Governance

9.1 Te Anau Wastewater Discharge Project Committee - Terms of Reference

Record No: R/17/2/2810

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

Mr Ruru advised that the purpose of the report was to enable Council to approve revised terms of reference for the Te Anau Wastewater Discharge Project Committee.

The Meeting noted that the Council has executed a Deed of Agreement with Fiordland Sewerage Options which requires Council to assess the viability of the Smith Block, as an alternative to the Kepler Block, for wastewater disposal.

Mr Ruru further advised that the decision to enter into the Deed of Agreement changed the scope of the project which was previously being pursued. In light of these changes Council asked officers to report back with suggested changes to the terms of reference for the Te Anau Wastewater Project Discharge Committee.

The Meeting also noted that the revised terms of reference which attempt to reflect the change in scope and the work that now needs to be completed prior to Council proceeding into the construction phase.

Resolution

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

That the Council:

- a) **Receives the report titled “Te Anau Wastewater Discharge Project Committee - Terms of Reference” dated 8 March 2017.**
- 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 Terms of Reference for the Te Anau Wastewater Discharge Project Committee dated 15 March 2017 (attached to the minutes as appendix 1).

9.2 Minutes of the Wallacetown Community Board Meeting dated 6 December 2016

Record No: R/17/2/3291

Resolution

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

That Council receives the minutes of the Wallacetown Community Board meeting held 6 December 2016 as information.

9.3 Minutes of the Stewart Island/Rakiura Community Board Meeting dated 6 December 2016

Record No: R/17/2/3292

Resolution

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

That Council receives the minutes of the Stewart Island/Rakiura Community Board meeting held 6 December 2016 as information.

9.4 Minutes of the Edendale-Wyndham Community Board Meeting dated 28 February 2017

Record No: R/17/3/3739

Resolution

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

That Council receives the minutes of the Edendale-Wyndham Community Board meeting held 28 February 2017 as information.

Public Excluded

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

Resolution

Moved Cr Paterson, seconded Deputy Mayor Duffy **and resolved:**

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

C10 1 Land Encroachment ANZAC Memorial Gates

C10.2 Fiordland Retirement Housing Trust

C10.3 Alternative Coastal Route Improvement Project - Tender Results

C10.4 Te Anau Wastewater - Land Access and Acquisition Agreement

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
Land Encroachment ANZAC Memorial Gates	s7(2)(g) - The withholding of the information is necessary to maintain legal professional privilege. 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.
Fiordland Retirement Housing Trust	s7(2)(b)(ii) - The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information. 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.
Alternative Coastal Route Improvement Project - Tender Results	s7(2)(b)(ii) - The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.	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.
Te Anau Wastewater - Land Access and Acquisition Agreement	s7(2)(b)(ii) - The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information. 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.

That the Chief Executive Officer, Group Manager – Community and Futures, Group Manager – Services and Assets, Group Manager – Environmental Services, Chief Information Officer, Chief Financial Officer, , Communications Manager, Committee Advisor and Strategic Property Manager be permitted to remain at this meeting, after the public has been excluded, because of their knowledge of the items C10.1 Land Encroachment ANZAC Memorial Gates, C10.2 Fiordland Retirement Housing Trust, C10.3 Alternative Coastal Route Improvement Project - Tender Results and C10.4 Te Anau Wastewater - Land Access and Acquisition

Agreement. This knowledge, which will be of assistance in relation to the matters to be discussed, is relevant to those matters because of their knowledge on the issues discussed and meeting procedure.

That Roding Asset Management Engineer - Hartley Hare, Commercial Lead, Transport - Dylan Rabbidge, Strategic Manager Transport - Joe Bourque and MWH Global Client Service Manager - John Laskewitz be permitted to remain at this meeting, after the public has been excluded, because of their knowledge of the items C10.3 Alternative Coastal Route Improvement Project – Tender. This knowledge, which will be of assistance in relation to the matters to be discussed, is relevant to those matters because of their knowledge on the issues discussed and meeting procedure.

The public were excluded at 1.35pm.

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

The meeting concluded at 3.07pm.

CONFIRMED AS A TRUE AND CORRECT
RECORD AT A MEETING OF THE COUNCIL
HELD ON WEDNESDAY 15 MARCH 2017.

DATE:.....

CHAIRPERSON:.....

APPENDIX 1

SOUTHLAND DISTRICT COUNCIL TE ANAU WASTEWATER DISCHARGE PROJECT COMMITTEE TERMS OF REFERENCE

Authorising Body:	<i>Southland District Council</i>
Title:	<i>Te Anau Wastewater Discharge Project Committee</i>
Approval Date:	15 March 2017
Delegated to:	
Alternative Role:	
Legislation:	

1. PURPOSE

The Te Anau Wastewater Discharge Project Committee shall assist the Southland District Council to progress implementation of the Te Anau Wastewater Discharge Project in accordance with the project scope approved by Council and the Deed of Agreement that it has entered into with Fiordland Sewerage Options.

2. ROLE OF THE PROJECT COMMITTEE

The Southland District Council has entered into a Deed of Agreement with Fiordland Sewerage Options (FSO). The Deed creates a contractual framework within which Council has agreed to progress the Te Anau Wastewater Discharge Project.

The Committee is required to provide guidance and assistance to the Council as it proceeds with meeting its obligations under the Deed and subsequent implementation of its preferred option.

The specific responsibilities of the Project Committee are to:

- a) Provide advice on how the Council might progress implementation of the Deed of Agreement it has with FSO
- b) Provide advice on how it might undertake the investigation of the Smith Block in accordance with the programme and budget approved by Council
- c) Provide advice on how Council might consult with and communicate with the community, affected parties and other stakeholders in an appropriate manner about the project and the disposal of wastewater generated in Te Anau
- d) Monitor the progress that is being made in progressing the evaluation of the Smith Block given the regulatory and timeframe constraints within which Council needs to operate. These include the need to ensure that Council has a consented wastewater discharge option available at all times
- e) Assist with the development of a robust business case for Council consideration in relation to the treatment and disposal systems which should be developed to meet the needs of the Te Anau community into the future
- f) Monitor the progress that is made in delivering on the overall project, and any sub-projects, relative to the approved milestones, budgets and project scope and business cases

- g) Provide guidance and where appropriate recommendations to Council, on how any variations between actual and planned delivery might be best addressed
- h) Ensure that appropriate reporting systems are maintained to provide accurate and timely information to the Committee and Council
- i) Provide advice to Council on the assessment of project risks and appropriate mitigation strategies given the overall scope of the project
- j) Assist with providing information to the Te Anau Community Board and the Manapouri Community Development Area Subcommittee on the project
- k) Recommend to Council any changes to the project objectives, timelines, budget and deliverables that the Committee consider might be required
- l) Ensure that Committee decisions and processes are well documented in accordance with Council policies and its statutory requirements.

2. DELEGATIONS

The Te Anau Wastewater Discharge Project Committee has delegated authority to provide advice and monitor the progress being made with the project in accordance with the responsibilities outlined above.

The Project Committee does not have delegated authority in relation to the following matters:

- a) The expenditure or committal of Council funds
- b) Approval of project timetable(s) and budget(s) within which the different stages of the project need to be progressed
- c) Negotiation and approval of any Land Access, Acquisition or Disposal Agreements
- d) Approval of the final business case and/or decisions in relation to the type of treatment and disposal systems to be developed
- e) Approval of the procurement strategy and/or methods to be used for services and other works which need to be progressed as part of the project
- f) The approval of any tenders or other expenditure associated with the project
- g) Negotiation, approval or limitation of any other contractual arrangements that Council might have and/or put in place including with its staff.

3. MEMBERSHIP

The membership of the Te Anau Wastewater Discharge Project Committee shall be:

- a) His Worship the Mayor, who will be the Committee Chair.
- b) Don Mowat, as a representative from Te Ao Mārama Incorporated.
- c) Allan Youldon
- d) Shirley Mouat
- e) Rachel Cockburn
- f) Cr Ebel Kremer
- g) Alan Bickers.

4. CHAIRPERSON

The Chairperson is responsible for:

- a) The efficient functioning of the Project Committee; and
- b) Setting the agenda for Project Committee meetings; and
- c) Ensuring that all members of the Project Committee receive sufficient timely information to enable them to be effective Project Committee members.

5. QUORUM

The quorum at any meeting of the Project Committee shall be not less than five members of the Project Committee including the Mayor and/or Councillor.

6. FREQUENCY OF MEETINGS

The Project Committee shall meet as often is necessary to make decisions in a timely manner so that the project stays on time.

7. RELATIONSHIPS WITH OTHER PARTIES

The primary relationship of the Project Committee will be with the Project Management Team through the Project Manager. The Project Committee will report via progress reports and meeting minutes to the Southland District Council.

8. CONTACTS WITH MEDIA AND OUTSIDE AGENCIES

The Project Committee Chairperson is the authorised spokesperson for the Project Committee, in all matters where the Project Committee has authority or a particular interest.

The Communications Manager will manage the formal communications between the Committee and its constituents and for the Committee in the exercise of its business.

Correspondence with central government, other local government agencies or other official agencies will only take place through Council staff and will be undertaken under the name of the Southland District Council.

9. CONDUCT OF AFFAIRS

The Committee shall conduct its affairs in accordance with the *Local Government Act 2002*, the *Local Government Official Information and Meetings Act 1987*, the *Local Authorities (Members' Interests) Act 1968*, Council's Standing Orders and Code of Conduct.

10. PUBLIC ACCESS AND REPORTING

Notification of meetings to the public and public access to meetings and information shall comply with Standing Orders, but it should be noted that:

- Any meetings of the Project Committee are subject to Standing Orders.
- Workshops meetings solely for information and discussions and at which there no resolutions or decisions are not subject to Standing Orders.
- Extraordinary meetings of the Project Committee may be held in accordance with Standing Orders.
- The public may be excluded from the whole or part of the proceedings of the meeting and information withheld on one or more of the grounds specified in the Local Government Official Information and Meetings Act 1987 Section 48.

The Project Committee shall record minutes of all its proceedings and after adoption at its next meeting will present the minutes to the next available Council meeting.

11. REMUNERATION

Remuneration will be in accordance with Elected Members' Remuneration Policy or as otherwise approved by Council.

12. FUNDING AND BUDGETS

Funding for the Te Anau Wastewater Discharge Project Committee will align with Council's Revenue and Financing Policy.

The Te Anau Wastewater Discharge Project Committee shall have no authority to expend or commit Council to the expenditure of funds.

Remuneration and expenses will be funded from the allocated budget within the Council's governance budget.

13. RELEVANT DOCUMENTS

Te Anau Wastewater Discharge Deed of Agreement.