

Notice is hereby given that a Meeting of the Riverton Harbour Subcommittee will be held on:

Date: Monday, 20 March 2017
Time: 4.30pm
Meeting Room: Southland District Council Riverton Office
Venue: 117 Palmerston Street, Riverton

Riverton Harbour Subcommittee Agenda

OPEN

MEMBERSHIP

Chairperson	Nick White
Members	Hayley Nelson
	Blair Stewart
	Graeme Stuart
	Councillor Nick Perham
	Muriel Johnstone
	Lyndon Cleaver
	Ian Coard

IN ATTENDANCE

Committee Advisor	Alyson Hamilton
Community Engineer	Greg Erskine

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

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

Terms of Reference for Riverton Harbour Committee

This committee is a subcommittee of Southland District Council and is responsible for:

- The management and control of all Riverton harbour assets
 - The control and management of all Riverton harbour endowment lands
 - Parking and traffic management on harbour endowment land
 - Control of the berthing of vessels
 - Management of activities in the harbour, including health and safety
 - Preparing an annual budget, including ensuring any income from assets and activities are spent on the harbour and endowment lands, and on purposes that benefit the Riverton community
 - Appointing a harbourmaster
 - Recommending legal action in cases of breaches of the bylaw
-

TABLE OF CONTENTS

ITEM **PAGE**

PROCEDURAL

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

REPORTS FOR RESOLUTION

7.1	Riverton Harbour - Living on Boats	13
------------	---	-----------

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

Subcommittee Members are reminded of the need to be vigilant to stand aside from decision-making when a conflict arises between their role as a member and any private or other external interest they might have.

4 Public Forum

Notification to speak is required by 5pm at least two days before the meeting. Further information is available on 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 committee 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 Minutes

6.1 Meeting minutes of Riverton Harbour Subcommittee, 12 December 2016

Riverton Harbour Subcommittee

OPEN MINUTES

Minutes of a meeting of Riverton Harbour Subcommittee held in the Southland District Council Office, 117 Palmerston Street, Riverton on Monday, 12 December 2016 at 4.30pm.

PRESENT

Members

Nick White
Hayley Nelson
Graeme Stuart
Blair Stewart

Councillor

Nick Perham

IN ATTENDANCE

Strategic Manager, Property
Team Leader, Community Engineers
Community Engineer
Environment Southland
Environment Southland
Oraka Aparima Runaka
Committee Advisor

Kevin McNaught
Ray Hamilton
Greg Erskine
Ian Coard
Lyndon Cleaver
Muriel Johnstone
Alyson Hamilton

1 Apologies

There were no apologies received.

2 Membership Of Riverton Harbour Subcommittee

Mrs Hamilton (Committee Advisor) advised that following 2016 Local Body Elections the Terms of Reference regarding membership to the subcommittee was revisited and presented to Council for confirmation at its meeting held on 16 November 2016.

Mrs Hamilton advised membership of the Riverton Harbour Subcommittee as approved by Council will comprise as follows:

- One Councillor from the Waiau-Aparima Ward
- Four members nominated by the Riverton/Aparima Community Board: one representative from the Community Board, two representatives from berth owners and one representative from either Riverton Rowing Club or Riverton Coastguard
- One member nominated by the local Iwi Aparima Oraka Runaka
- One representative from Environment Southland (with no voting rights)

Following discussion Members suggested representation from the Rowing Club or Coastguard be amended to "Harbour Group Users" and requested staff note the amendment when the Terms of Reference are next reviewed which is to be undertaken following the next triennial elections.

Mr McNaught commented that a complete review of the harbour delegations is to be undertaken at that time.

Mrs Hamilton advised representation of the Harbour Subcommittee as nominated by the Riverton/Aparima Community Board and subject to approval by Council for the 2016-2019 term will comprise the following:-

- Cr N Perham (Waiau/Aparima, Ward Member)
- Mr G Stuart (Riverton/Aparima Community Board)
- Mr R B Stewart (Riverton/Aparima Community Board ex-officio)
- Ms H Nelson (Riverton Berth Owner)
- Mr N White (Riverton Berth Owner)
- Representative from either Riverton Rowing Club or Riverton Coastguard yet to be appointed.

Mrs Hamilton informed that representation from the Te Runanga o Ngai Tahu would remain status quo. This being Mrs M Johnstone.

3 Election of Chairperson

Councillor Perham (Acting Chair) invited nominations for the position of Chairperson of the Riverton Harbour Subcommittee.

Nominee

Moved

Seconded

Member White

Member Stewart

Member Stuart

There were no further nominations.

The nomination of Member White as Chairperson of the Riverton Harbour Subcommittee for the 2016-2019 term was PUT and declared CARRIED.

Member White was duly elected Chair of the Riverton Harbour Subcommittee.

Resolution

Moved Member Stewart, seconded Member Stuart and **resolved:**

That the Riverton Harbour Subcommittee:

- a) **Elects Member White to be Chair of the Harbour Subcommittee for the 2016-2019 Triennium.**

Councillor Perham vacated the seat and the Chair, Member White proceeded to chair the meeting from this point.

2 Leave of absence

There were no requests for leave of absence received.

3 Conflict of Interest

There were no conflicts of interest declared.

4 Public Forum

There were no requests for public forum.

5 Extraordinary/Urgent Items

There were no Extraordinary/Urgent items.

6 Confirmation of Minutes

Resolution

Moved Member Stewart, seconded Member Johnstone **and resolved:**

That the minutes of Riverton Harbour Subcommittee meeting held on 15 August 2016 be confirmed as a true and correct record.

Reports

7.1 Action Sheet

Record No: R/16/12/19857

Committee Advisor (Alyson Hamilton) presented this report.

Issues reported to the subcommittee included;

Bay Road Embankment

The Community Engineer advised concrete patchwork is to be undertaken to the areas of most concern.

Bay Road Car Park

The meeting was advised a quote is to be obtained for the repair work required to the rock wall within the area adjacent the car park.

Causeway repair work (old railway bridge)

The meeting was informed that LINZ is to obtain pricing from three contractors for the repair work to the causeway.

The subcommittee to be advised of the outcome in due course.

Removal of Railway Irons

The Community Engineer advised a consultant identified a clause within the Environment Southland plans that the piles situated in the river could be removed without consent. Mr Erskine explained a local contractor was subsequently tasked to undertake this work.

The meeting was advised that a complaint regarding this work was received by Environment Southland who requested the Contractor cease this work advising that further clarification be sought on whether consent is required for the removal of the piles.

Mrs Johnstone advised that at the previous meeting of the Harbour Subcommittee she had requested prior knowledge when this work is to occur so monitoring by the Iwi can be undertaken due to the close proximity of the railway irons to the Maori Cemetery.

Mrs Johnstone commented no such notification was received.

Mrs Johnstone advised she has since written to Environment Southland on behalf of the Iwi confirming support of the removal of the railway irons on the proviso that the Iwi be informed prior to the work being undertaken so cultural monitors can be onsite to inspect the pile holes as the railway irons are being removed.

Mr Erskine responded to Mrs Johnstone acknowledging her letter of support to Environment Southland advising he is awaiting confirmation from Environment Southland that this work can proceed.

Lead light - Taramea (Howells Point)

The meeting was advised that due to recent vandalism to the fence surrounding the lead light situated at Taramea (Howells Point) it was drawn to the Community Engineer's attention that the surrounding fence is in need of urgent repair work or removal.

Mr Erskine advised electricians have indicated the fence is a safety issue due to being difficult to negotiate to access the site where the lead light is located for inspections and repair work required.

It was noted recent repair work to the light due to water getting inside the light and causing condensation. Mr Erskine advised electricians have undertaken repair work and are monitoring the situation.

Following discussion members agreed that the fence surrounding the lead light be removed and the beacon be raised to deter vandalism.

Mr Erskine advised the subcommittee that notification is to be channelled to Maritime Users of the extended height of the lead light.

Resolution

Moved Member Stewart, seconded Member White **and resolved:**

That the Riverton Harbour Subcommittee:

- a) **Receives the report titled “Action Sheet” dated 5 December 2016.**
- b) **Requests the fence surrounding the lead light situated at Taramea (Howells Point) be removed and that the lead light be raised.**
- c) **Arrange for notification from Land Information New Zealand to Maritime Users once the light has been raised.**

7.2 Works and Finance Report to Riverton Harbour Subcommittee for the period ended 31 October 2016

Record No: R/16/10/16883

Greg Erskine (Community Engineers) presented this item.

Issues reported to the subcommittee included;

- Te Anau Earthworks has completed a replacement of the stormwater outlet near the butcher shop; repair work was undertaken to the south wall of the boat ramp at the same time.
- Community Board members have looked at possible beautification to the small area near the T-wharf entrance.
- The large willow near the T-wharf car park along with a large sycamore above that area on Towack Street have been removed.
- The skate park on Koi Koi Park has a shelter added.
- A meeting with the “long-wharf” owners has been held; letters to confirm the berth owner sites to be forwarded to the same in due course.

Resolution

Moved Member Stewart, seconded Chairperson White **and resolved:**

That the Riverton Harbour Subcommittee:

- a) **Receives the report titled “Works and Finance Report to Riverton Harbour Subcommittee for the period ended 31 October 2016” dated 5 December 2016.**

7.3 Financial Report to Riverton Harbour Subcommittee for the year ended 30 June 2016

Record No: R/16/8/12496

Greg Erskine (Community Engineer) presented this report.

Mr Erskine outlined the key reasons for the most significant budget variances which included;

- Public liability insurance is a new expenditure item this year amounting to \$2,000.
- General projects includes \$8,000 consulting fees and \$4,500 to Environment Southland application fees for the harbour resource consent.
- Lights maintenance expenditure is above budget by \$1,880 due to multiple repairs on the various lights in the harbour area.

The meeting noted that as at 30 June 2016 the total funds held in reserves is \$90,761, with \$2,354 transferred to the reserve.

Resolution

Moved Member White, seconded Member Stewart **and resolved:**

That the Riverton Harbour Subcommittee:

- a) **Receives the report titled “Financial Report to Riverton Harbour Subcommittee for the year ended 30 June 2016” dated 16 November 2016.**

7.4 Annual Plan 2017/2018 - Confirmation of Budgets

Record No: R/16/10/17743

Community Engineer (Greg Erskine) presented this item.

Mr Erskine advised the report provides an overview of the forecasted services for the Riverton Harbour subcommittee in 2017/2018.

The subcommittee noted it includes any variations from what was forecasted in year three of the 10 Year Plan 2015-2025.

Mr Erskine advised Council has streamlined its 2017/2018 Annual Plan process and as a result the subcommittee is only required to review the budgets for significant changes and that consideration should be given to funding any significant changes from reserves where appropriate.

Members noted the draft budgets will be incorporated into the Council's Draft Annual Plan. If consultation is required, this will occur in February 2017 and March 2017.

Mr Erskine advised once the plan is finalised (and subject to any changes resulting from submissions), the budgets shown for 2017/2018 will be used to set rates for the year beginning 1 July 2017.

Resolution

Moved Member Stewart, seconded Cr Perham **and resolved:**

That the Riverton Harbour Subcommittee:

- a) **Receives the report titled “Annual Plan 2017/2018 Confirmation of Budgets” dated 16 November 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 variations in the Riverton Harbour Subcommittee budgets from year three of the 10 Year Plan.
- e) Adopts the budgets for the year commencing 1 July 2017 for inclusion in the Council's Draft Annual Plan.
- f) Requests the setting of the following fees and charges (including GST) for the year commencing 1 July 2016 based on the approved budgets in (e) above.

<u>Fee Description</u>	<u>Fee (GST Incl)</u>
Transfer Fee	\$154.34
Wharf Licence Fee	\$ 14.96 (per metre)

- g) Advises there are no key highlights to be noted for this subcommittee.

7.5 Riverton Harbourmaster resignation and consideration of options for a replacement

Record No: R/16/11/19392

Mr McNaught (Strategic Manager Property) presented this report.

Mr McNaught advised of the resignation tendered by the current Riverton Harbourmaster and requested the subcommittee consider options for filling the position.

Mr McNaught advised the requirement to have and appoint the Riverton Harbourmaster currently sits within the Southland District Council, through the Riverton Harbour Subcommittee.

Mr McNaught explained the incumbent Mr Ian Coard has recently tendered his resignation, due to his having accepted a full time position of Deputy Harbourmaster/Maritime Officer, with Environment Southland. Mr Coard's letter of resignation was tabled.

Mr McNaught informed the Subcommittee that it is required to appoint a replacement Harbourmaster and an option is for Environment Southland to have one of its Maritime team undertake this role.

Following discussion the subcommittee agreed an approach be made to Environment Southland with the view of providing a member of its Maritime team to the position of Riverton Harbourmaster.

Resolution

Moved Member Stewart, seconded Chairperson White **and resolved:**

That the Riverton Harbour Subcommittee:

- a) **Receives the report titled “Riverton Harbourmaster resignation and consideration of options for a replacement” dated 5 December 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) **Receives the resignation of Ian Coard from the position of Riverton Harbourmaster effective from 14 November 2016.**
- e) **Supports an approach being made to Environment Southland for it to provide the Riverton Harbourmaster from within its Maritime Team.**

The meeting concluded at 6.00pm

CONFIRMED AS A TRUE AND CORRECT
RECORD AT A MEETING OF THE RIVERTON
HARBOUR SUBCOMMITTEE HELD ON
MONDAY, 12 DECEMBER 2016.

DATE:.....

CHAIRPERSON:.....

Riverton Harbour - Living on Boats

Record No: R/17/2/3527

Author: Colin Pemberton, Property Asset Management Officer

Approved by: Ian Marshall, Group Manager Services and Assets

☒ Decision

☐ Recommendation

☐ Information

Purpose

- 1 To consider putting in place rules for people staying/living on board vessels berthed at wharves in Riverton Harbour.

Executive Summary

- 2 As part of the ongoing “bedding in” of the resource consent and licences for the structures in Riverton Harbour, Environment Southland (ES) has raised the issue of people living on vessels berthed at wharves licenced under the resource consent held by Council. Furthermore ES has advised that Council may well be in breach of its consent, if people are in fact living on vessels.
- 3 This paper considers options to clarify when living on vessels berthed at the Riverton Harbour wharves is allowed.

Recommendation

That the Riverton Harbour Subcommittee:

- a) Receives the report titled “Riverton Harbour - Living on Boats” dated 13 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) Considers that it is not appropriate to have people living on vessels without adequate holding tanks for both greywater and sewage.
- e) Agrees for persons being allowed to stay on vessels berthed at wharves in Riverton Harbour for a maximum of 5 nights only, where the vessel has adequate and separate greywater and sewage holding tanks.

Content

Background

- 4 The activities allowed under both the resource consent (AUTH-20158262) held by Council and the licences issued by Council to individual wharf owners, do not include anything in relation to staying/living on the vessels. The Resource Consent states:

"If sewage (polluting substance) or a mixture of sewage and greywater is discharged from a vessels while they are at the wharf this would breach consent AUTH-20158262 condition 3 (b).

This would also breach the Resource Management (Marine Pollution) Regulations 1998, Rule 11 (2) (a) and potentially Rule 11 (2) (c).

Resource Management (Marine Pollution) Regulations 1998, Rule 11 (2) (a) & (c)

On or after 1 July 2000, no person may discharge sewage in the coastal marine area from a ship or offshore installation unless that discharge occurs—

(a) more than 500 metres (0.27 nautical miles) seaward from mean high water springs; and

(c) in water depths greater than 5 metres;

ES further advises that, *"There is the potential that the vessels being in lived in are in breach of consent AUTH-20158262 and the Marine Regulations 1998. As SDC is the consent holder any breach of the consent by a vessel means that SDC are also in breach of the consent."*

- 5 The licences state:

"Operative Provisions

1 Licence

"The purpose of the occupation is to allow the Licensee to use and maintain the Wharf and for berthing of vessels... and for the purpose of loading and unloading passengers and freight from those vessels."

4 Use of Wharf

(a) The licence shall use the Wharf only for the purposes specified in this licence and in accordance with the conditions of the coastal permit and terms of this licence."

- 2 ES has advised that it has had reports of people living on board vessels berthed at Riverton Harbour wharves and asked Council to investigate this and put in place some rules around if and when such an activity is allowed.
- 3 Council indicated that 5 nights might be an acceptable length of time. This would cover occasions when fishing boats returned to port to unload and were heading out again within a couple of days. Likewise a similar situation could apply to a charter vessel.
- 4 ES has accepted a maximum of 5 nights for any one stay.
- 5 If vessel owners suggest there is a need for a greater length of stay, the response should be that Riverton has suitable accommodation options and opportunities available.
- 6 The bottom line is that Council does not want to be deemed to be in breach of the ES granted consent.

Issues

- 7 Whilst there have been no known contaminant spills, the risk is there with people living on board and this only increases with the numbers and the length of the stays.

Factors to Consider

Legal and Statutory Requirements

- 8 The Council is bound to comply with the conditions of the resource consent it holds (AUTH-21058262) and any direction given by ES in this regard.

Community Views

- 9 Community representation on the Riverton Harbour Subcommittee is considered sufficient for this purpose.

Costs and Funding

- 10 None identified at this stage. Breach of resource consent could result in compliance action by ES and therefore costs to Council.

Policy Implications

- 11 Council activities shouldn't breach conditions of consents held.

Analysis

Options Considered

- 12 It is a reasonable expectation that Council has in place policies around people living on vessels in Riverton Harbour.

Analysis of Options

Option 1 – Status quo. No policy and no enforcement

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none">No input required	<ul style="list-style-type: none">Could result in longterm residents on vessels and potential for contamination through discharge – intentional or not.Likely to place Council in breach of its Resource Consent

Option 2 –Adopt a position whereby people may only stay/live on vessels in Riverton Harbour for a maximum of 5 nights in any three week period.

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none">• Greater level of control over risk of discharge/contamination.• Ensures compliance with ES resource consent	<ul style="list-style-type: none">• Some vessel owners may not stay as long as they would without a policy.• Loss of contribution to local economy – but minimal

Assessment of Significance

- 13 Not considered significant

Recommended Option

- 14 Option 2 is recommended.

Next Steps

- 15 If the recommendation is approved, Council staff will inform Environment Southland of the position taken.

Attachments

There are no attachments for this report.