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# Council

## OPEN MINUTES

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Minutes of a meeting of Council held in the Council Chambers, 15 Forth Street, Invercargill on Wednesday, 6 September 2017 at 1.02pm.

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### PRESENT

<b>Deputy Mayor</b>	Paul Duffy
<b>Councillors</b>	Brian Dillon
	John Douglas
	Bruce Ford
	Darren Frazer
	Julie Keast
	Ebel Kremer
	Gavin Macpherson
	Neil Paterson
	Nick Perham

### IN ATTENDANCE

Chief Executive Officer – Steve Ruru  
Group Manager, Environmental Services – Bruce Halligan  
Group Manager, Community and Futures – Rex Capil  
Chief Financial Officer – Anne Robson  
People and Capability Manager – Janet Ellis  
Group Manager, Customer Support – Trudie Hurst  
Governance and Democracy Manager – Clare Sullivan  
Committee Advisor – Fiona Dunlop

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**1 Apologies**

Apologies for absence have been received from Councillors Baird and Harpur and Mayor Tong.

**Resolution**

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

**That the Council accept the apologies.**

**2 Leave of absence**

Councillor Duffy requested a leave of absence from 27 September 2017 to 4 October 2017.

Moved Cr Ford, seconded Cr Paterson and **resolved that Council agree to the leave of absence for Councillor Duffy from 27 September 2017 to 4 October 2017.**

**3 Conflict of Interest**

Councillor Ford advised he had a conflict of interest in relation to item C10.4 – Golden Bay Wharf Ownership.

**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 Frazer, seconded Cr Keast and **resolved:**

**That Council confirms the minutes of the meeting held on 19 July 2017 as a true and correct record of that meeting.**

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**Reports - Policy and Strategy**

**7.1 Proposed Water Supply Bylaw 2017**

**Record No: R/17/8/18467**

Ian Evans – Strategic Manager, Water and Waste and Rebecca McElrea – Policy and Planning Consultant were in attendance for this item.

Ms McElrea advised that the purpose of the report was to seek Council approval of a new Draft Water Supply Bylaw 2017 for public notification.

The Meeting noted that the water supply to the district is the responsibility of the Council and is vital for the wellbeing of the District. Section 146 of the Local Government Act 2002 enables territorial authorities to make specific bylaws for its district to regulate water supply and to manage, regulate against, or protect from the misuse of infrastructure associated with water supply. Under section 159 of the Local Government Act 2002 the Water Supply Bylaw 2008 is due for review by 2018.

Ms McElrea further advised that the proposed Water Supply Bylaw attached to this report was prepared by Council staff and MWH NZ Limited in 2013. Due to limited resources, the proposed bylaw did not progress through to Council. It has since been updated to reflect the present day and is presented to Council in this report for Councils approval in proceeding with the special consultative procedure in in terms of Sections 83 and 86 of the Local Government Act 2002 regarding the making of a bylaw.

**Resolution**

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

**That the Council:**

- a) **Receives the report titled “Proposed Water Supply Bylaw 2017” dated 30 August 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) **Determines that a bylaw is the most appropriate way of addressing the issues around regulation of the supply of water.**
- e) **Determines that the Proposed Water Supply Bylaw 2017 is the most appropriate form of bylaw pursuant to Section 155(2)(a) of the Local Government Act 2002.**
- f) **Determines that the Proposed Water Supply Bylaw 2017 does not give rise to any implications under the New Zealand Bill of Rights Act 1990**

pursuant to Section 155(2)(b) of the Local Government Act 2002.

- g) **Considers the Proposed Water Supply Bylaw 2017 and the Statement of Proposal attached to this report and approves proceeding with the special consultative procedure in terms of Sections 83 and 86 of the Local Government Act 2002.**

## **7.2 Proposed Stormwater Drainage Bylaw 2017 - Report**

**Record No: R/17/8/18904**

Ian Evans – Strategic Manager, Water and Waste and Rebecca McElrea – Policy and Planning Consultant were in attendance for this item.

Ms McElrea advised that the purpose of the report was to seek Council approval of a new Draft Stormwater Bylaw 2017 for public notification.

The Meeting noted that the stormwater drainage to the district is the responsibility of the Council and is vital for the wellbeing of the District. Section 146 of the Local Government Act 2002 enables territorial authorities to make specific bylaws for its district to regulate stormwater drainage and to manage, regulate against, or protect from the misuse of infrastructure associated with stormwater drainage. Under section 159 of the Local Government Act 2002 the Stormwater Drainage Bylaw 2008 is due for review in 2018.

Ms McElrea further advised that the proposed Stormwater Drainage Bylaw attached to this report was prepared by Council staff and MWH NZ Limited in 2013. Due to limited resources, the proposed bylaw did not progress through to Council. It has since been updated to reflect the present day and is presented to Council in this report for Councils approval in proceeding with the special consultative procedure in terms of Sections 83 and 86 of the Local Government Act 2002 regarding the making of a bylaw.

### **Resolution**

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

**That the Council:**

- a) **Receives the report titled “Proposed Stormwater Drainage Bylaw 2017 - Report” dated 23 August 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) **Determines that a bylaw is the most appropriate way of addressing the issues around regulation and management of stormwater drainage.**

- e) **Determines that the Proposed Stormwater Drainage Bylaw 2017 is the most appropriate form of bylaw pursuant to Section 155(2)(a) of the Local Government Act 2002.**
- f) **Determines that the Proposed Stormwater Drainage Bylaw 2017 does not give rise to any implications under the New Zealand Bill of Rights Act 1990 pursuant to Section 155(2)(b) of the Local Government Act 2002.**
- g) **Considers the Proposed Stormwater Drainage Bylaw 2017 and the Statement Of Proposal attached to this report and approves proceeding with the special consultative procedure in terms of Sections 83 and 86 of the Local Government Act 2002.**

### **7.3 Proposed Wastewater Drainage Bylaw 2017**

**Record No: R/17/8/18947**

Ian Evans – Strategic Manager, Water and Waste and Rebecca McElrea – Policy and Planning Consultant were in attendance for this item.

Ms McElrea advised that the purpose of the report was to seek Council approval of a new Draft Wastewater Drainage Bylaw 2017 for public notification.

The Meeting noted that the wastewater drainage for the district is the responsibility of the Council and is vital for the wellbeing of the District. Section 146 of the Local Government Act 2002 enables territorial authorities to make specific bylaws for its district to regulate wastewater drainage and to manage, regulate against, or protect from the misuse of infrastructure associated with Wastewater drainage. Under section 159 of the Local Government Act 2002 the Wastewater Drainage Bylaw 2008 is due for review in 2018.

Ms McElrea further advised that the proposed Wastewater Drainage Bylaw attached to this report was prepared by Council staff and MWH NZ Limited in 2013. Due to limited resources, the proposed bylaw did not progress through to Council. It has since been updated to reflect the present day and is presented to Council in this report for Councils approval in proceeding with the special consultative procedure in terms of Sections 83 and 86 of the Local Government Act 2002 regarding the making of a bylaw.

#### **Resolution**

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

**That the Council:**

- a) **Receives the report titled “Proposed Wastewater Drainage Bylaw 2017” dated 26 August 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) Determines that a bylaw is the most appropriate way of addressing the issues around regulation and management of wastewater drainage.
- e) Determines that the Proposed Wastewater Drainage Bylaw 2017 is the most appropriate form of bylaw pursuant to Section 155(2)(a) of the Local Government Act 2002.
- f) Determines that the Proposed Wastewater Drainage Bylaw 2017 does not give rise to any implications under the New Zealand Bill of Rights Act 1990 pursuant to Section 155(2)(b) of the Local Government Act 2002.
- g) Considers the Proposed Wastewater Drainage Bylaw 2017 and the Statement of Proposal attached to this report and approves proceeding with the special consultative procedure in terms of Sections 83 and 86 of the Local Government Act 2002.

## Reports - Operational Matters

### 8.1 Projects from 2016/2017 to be carried forward into the 2017/2018 Financial Year

Record No: R/17/7/15284

Susan McNamara – Management Accountant and Anne Robson – Chief Financial Officer were in attendance for this item.

Miss McNamara advised that the purpose of the report was to inform Council of the projects approved for delivery in the 2016/2017 year that were not completed by year end and to seek approval from Council to carry these projects or dollars related to these projects forward into the 2017/2018 year.

The Meeting noted that every year as part of the Annual Plan/Long Term Plan process, Officers, in conjunction with elected members, identify projects to be undertaken and the funding requirements to complete such work. Due to various reasons, these projects are not always completed in the financial year for which they are budgeted to occur, and therefore need to be carried forward.

#### Resolution

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

**That the Council:**

- a) Receives the report titled “Projects from 2016/2017 to be carried forward into the 2017/2018 Financial Year” dated 29 August 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 projects/expenditure below to be carried forward into the 2017/2018 financial year.

Category/Town	Project Name	Amount
<b>Not Started</b>		
District Leadership	Net proceeds for the Replacement of vehicles (for 11 vehicles)	\$201,273
District Wide - Wastewater	CCTV – WW910	\$4,989
District Wide - Wastewater	CCTV – WW911	\$51,900
Environmental Health	Surplus to fund future contract work	\$10,000
Riversdale - Wastewater	Sludge Removal	\$115,986
Riverton/Aparima	Footpaths	\$49,000
Winton	Florence Road sealing, curb and channel on West side	\$10,000
<b>In Progress</b>		
District - Library	Furniture & Fittings	\$8,189
Information Management	Aeromagnetic Survey	\$71,805
Information Management	Digitisation Back Capture	\$433,782
Information Management	Core System Review	\$87,419
District Wide - Water	District Monitoring Project - WAT951	\$50,000
District Wide - Water	District Monitoring Project – WAT988	\$17,000
District - Regulatory	District Plan - General Projects	\$29,882
District - Regulatory	District Plan - Plan Changes	\$39,999
Roading	Southern Scenic Route	\$1,894,717
Roading	Minor Improvements	\$648,414
Athol	Railway Project	\$15,000
Athol	Beautification upgrade	-\$198
Browns	Upgrade of Hall	\$15,000
Manapouri	Township Entrance signs & feature	\$10,000
Manapouri	Commemorative rock	-\$3,318
Manapouri - Wastewater	Pump Station	\$20,760
Mararoa Waimea	Minor road improvements particularly the sealing of unsealed roads	\$50,000
Ohai - Wastewater	Pumps	\$18,192
Ohai/Nightcaps/Wairio - Water	SCADA interface to Wairio	\$5,751
Riverton/Aparima	Road & Kerb widening- Walker Street	\$105,884
Riverton/Aparima	Replacement Grandstand Facility	\$115,000
Riverton - Water	Upgrade Alum Sludge Area	\$11,976
Riverton - Water	Capacity	\$38,940



Riverton - Water	Scheme Improvements	\$256,247
Riverton Harbour	Wharf upgrade	\$5,000
Stewart Island - Wastewater	Pumps to stage 1 sewer pump stations	\$13,030
Stewart Island - Wastewater	Balance of project associated with disposal field improvement	\$103,468
Te Anau	Kerb & Channel renewals	-\$4,061
Te Anau	Town Entrance Signs	\$20,000
Te Anau	New Pontoon	-\$7,899
Te Anau	Water Park - New Track	\$30,000
Te Anau	Skate Park upgrade	\$12,643
Ramparts - Water	Pipeline Renewal (Ramparts)	\$64,104
Takitimu – Water	Pipeline renewal (Takitimu)	\$105,526
Kakapo - Water	Pipeline renewal (Kakapo)	\$161,494
Airports	Main runway apron resealing	\$65,000
Tuatapere - Water	Metering - District Metered Site	\$6,565
Eastern Bush - Water	Increase Storage	\$22,303
Eastern Bush - Water	Water Supply Upgrade - Stage 1	-\$178
Otautau	Upgrade camping ground - sewerage connection, new ablution block, new kitchen, new huts & chalets	\$175,305
Otautau - Wastewater	SCADA upgrade at 4 stations	\$80,000
Otautau - Wastewater	Sewer Pumps	\$72,768
Winton - Water	Rising Main replacement	\$572,791
Winton - Wastewater	Treatment Upgrade (1)	\$460,441

## **8.2 Delegation to the Te Anau Community Board to hear and decide on submissions and objections to the proposal to remove trees from the Henry Street Reserve**

**Record No: R/17/7/16291**

Rex Capil – Group Manager, Community and Futures was in attendance for this item.

Mr Capil advised that the purpose of the report was to seek approval for a delegation for the Te Anau Community Board to hear oral submissions and consider objections received to remove trees from the Henry Street Reserve.

### **Resolution**

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

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

- a) **Receives the report titled “Delegation to the Te Anau Community Board to hear and decide on submissions and objections to the proposal to remove trees from the Henry Street Reserve” dated 29 August 2017.**
- b) **Resolves pursuant to s.120 of the Reserves Act 1977 that the Te Anau Community Board shall have full power to hear and determine those submissions and objections received in regard to the removal of the Beech trees situated on the Henry Street reserve in Te Anau.**



### 8.3 Lumsden Railway Precinct Upgrade

Record No: R/17/8/18630

Kelly Tagg – Community Partnership Leader and Rex Capil – Group Manager, Community and Futures were in attendance for this item.

The Officers advised that the purpose of the report was to seek retrospective approval from Council for unbudgeted expenditure relating to the Lumsden Railway Precinct upgrade. The seeking of approval for this expenditure is following consideration of reports by the Lumsden Community Board and the Services and Assets Committee.

#### Resolution

Moved Cr Paterson, seconded Cr Douglas, **recommendations a to c and replacement recommendations d to h (as indicated) and new i (as indicated)**

**That the Council:**

- a) **Receives the report titled “Lumsden Railway Precinct Upgrade” dated 30 August 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 request for unbudgeted expenditure for the “Lumsden Toilet Facilities Upgrade” project at a budgeted total cost to Council of \$146,171 to be brought forward from the 2018-19 financial year to the 2017-18 year.**
- e) **Approves the request for the unbudgeted expenditure for the Lumsden toilet upgrade subject to the application to the Tourism Infrastructure Fund being successful.**
- f) **Approves a contribution of \$5,000 from the Mararoa Waimea Ward Reserve to assist with the funding of the Lumsden Visitor Management Upgrade Project, subject to the application to the Tourism Infrastructure Fund being successful.**
- g) **Approves a contribution \$69,395 from the Lumsden Community Development Area Subcommittee towards the Lumsden Visitor Management Upgrade project to be funded from the Subcommittee’s local funds and reserves, subject to the application to the Tourism Infrastructure Fund being successful.**
- h) **Approves the unbudgeted expenditure of \$74,395 for the Lumsden Visitor Management Upgrade Project subject to the application to the**

**Tourism Infrastructure Fund being successful.**

- i) Approves an application for funding in the amount of \$220,565 (representing 50% of the total project cost of \$441,131) be submitted to the Tourism Infrastructure fund.**
- ~~d) Approves the request for unbudgeted expenditure for the “Lumsden Toilet Facilities Upgrade” project at an estimated total cost to the Council of \$149,226 to be brought forward from the 2018-19 financial year to the 2017-18 year. The remaining 47% (\$131,226) to be funded by applying to the MBIE Tourism Infrastructure Fund. Note that the total cost of the project is \$280,452.~~
- ~~e) Approves the request for the unbudgeted expenditure for the Lumsden toilet upgrade subject to the application to the Tourism Infrastructure Fund being successful.~~
- ~~f) Approves a contribution of \$5,000 from the Mararoa Waimea Ward Reserve to assist with the funding of the Lumsden Visitor Management Upgrade Project.~~
- ~~g) Approves the request from the Lumsden Community Development Area Subcommittee for unbudgeted expenditure for the Lumsden Visitor Management Upgrade project at an estimated cost to the Subcommittee of \$69,395 to be funded from the Subcommittee’s local funds and reserves. The remaining 50% (\$74,395) to be funded by applying to the MBIE Tourism Infrastructure Fund. Note the total cost of the project is \$148,790.~~
- ~~h) Approves the unbudgeted expenditure of \$74,395 for the Lumsden Visitor Management Upgrade Project subject to the application to the Tourism Infrastructure Fund being successful.~~

**8.4 Offer to Gift the Former Ohai Bowling Buildings to Council**

**Record No: R/17/8/18778**

Rex Capil – Group Manager, Community and Futures and Kelly Tagg – Community Partnership Leader were in attendance for this item.

The Officers advised that the purpose of the report was to consider a recommendation from the Ohai Community Development Area Subcommittee to accept the offer to gift the former Ohai Bowling Club buildings to Council.

The Meeting noted that the Ohai Bowling Club has been located on the town’s reserve for many years, however, the club is in the process of winding it self-up and has offered to gift the building assets on the site to Council. The Ohai Community Development Area Subcommittee has recommended to Council that the offer be accepted.

## Resolution

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

**That the Council:**

- a) **Receives the report titled “Offer to Gift the Former Ohai Bowling Buildings to Council” dated 26 August 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) **Agrees to accept the offer from the Ohai Bowling Club to gift its building assets located on the Council property at Ohai, to Council.**
- e) **Determines that any future costs associated with the buildings after transfer be funded by the Ohai Community Development Area Subcommittee.**

## 8.5 1362 Blackmount Redcliff Road Pipeline Renewal

**Record No: R/17/8/19294**

Joe Findlay – Contracts Administrator and Ian Evans Strategic Manager Water and Waste were in attendance for this item.

The Officers advised that the purpose of the report was to seek approval to proceed with the renewal of 4,750metre of pipeline on the Takitimu Rural Water Scheme which is within the Te Anau Basin and that approval of the funding methodology is also sought in this report.

The Meeting noted that a 4,750 metre section of rural water main on the Takitimu Rural Water Scheme, has experienced 35 failures along its length. This number of failures is regarded as very high and the instance of failure is increasing. The proposed works involves the replacement of 4,750 metres of 63 mm diameter PVC/PE pipeline and associated valves and fittings, using open trench methodology.

The Officers further advised that the Te Anau Basin Water Supply Subcommittee, at their meeting dated 8 August 2017, agreed to recommend to Council that the 1362 Blackmount Redcliff Road pipeline project be approved for construction and that funding for the project comes from the remaining sum left over from the loans allowed for in the 2016/17 Annual Plan.

### Resolution

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

**That the Council:**

- a) **Receives the report titled “1362 Blackmount Redcliff Road Pipeline Renewal” dated 29 August 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 this project for construction at an estimated cost of \$156,000.**
- e) **Approves the funding for this unplanned project comes from the remaining amount left over from the loans allowed for in the 2016/17 Annual Plan to fund renewals in the Te Anau Basin, of which Contract 17/14 was previously awarded.**

## 8.6 Management Report

**Record No: R/17/8/19318**

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

### Resolution

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

**That the Council:**

- a) **Receives the report titled “Management Report” dated 28 August 2017.**

## Reports - Governance

### 9.1 Electoral System for the 2019 Local Triennial Election

**Record No: R/17/8/18470**

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

The purpose of the report was to provide the Council with information on the requirements of the Local Electoral Act 2001 that relate to the choice of electoral system to be used for the 2019 triennial election and any associated election to enable the Council to decide whether it wishes to adopt the First Past the Post or

Single Transferable Voting electoral system.

The Meeting noted that one of the purposes of the Act is to allow diversity through local authorities deciding which electoral system can be used for local elections and polls. There are two electoral systems that can be used – First Past the Post and Single Transferable Voting. Previously this Council has adopted the First Past the Post system. The council resolved to use First Past the Post for the 2016 and preceding elections.

#### **Resolution**

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

**That the Council:**

- a) **Receives the report titled “Electoral System for the 2019 Local Triennial Election” dated 26 August 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) **Retains the First Past the Post Electoral System for the 2019 Local Triennial General Election and any associated election.**
- e) **Notes that Public Notice under section 28 of (1) of the Local Electoral Act 2001 will be given on the Council’s decision and of the right of 5 percent of electors to demand a poll on the future electoral system.**

Councillor Duffy requested that his dissenting vote be recorded.

#### **9.2 Recommended Changes to Terms of Reference - Ohai Railway Fund Subcommittee**

**Record No: R/17/6/12093**

Clare Sullivan – Governance and Democracy Manager, Alyson Hamilton – Committee Advisor and Kelly Tagg – Community Partnership Leader were in attendance for this item.

Mrs Hamilton advised that the purpose of the report was to seek approval of Council to amend the terms of reference for the Ohai Railway Fund Subcommittee.

#### **Resolution**

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

**That the Council:**

- a) **Receives the report titled “Recommended Changes to Terms of**

**Reference - Ohai Railway Fund Subcommittee” dated 26 August 2017.**

- b) Approves the changes to the Ohai Railway Fund Subcommittee Terms of Reference as recommended by that Subcommittee (appended to the minutes as appendix 1).**

**9.3 Milford Community Trust Appointment**

**Record No: R/17/8/17741**

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

Mr Ruru advised that the purpose of the report was to seek Council approval to reappoint Brad Johnstone as the Trustee representing the Milford Community Association.

The Meeting noted that under the terms of the Trust Deed, the Trustee on the Milford Community Trust representing the Milford Community Association is nominated and elected by members of the Milford community.

Mr Ruru further advised that the current term of the Trustee representing the Milford Community Association (Brad Johnstone) has expired. The position was publicly advertised and the only nomination received was from Mr Johnstone.

**Resolution**

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

**That the Council:**

- a) Receives the report titled “Milford Community Trust Appointment” dated 25 August 2017.**
- b) Agrees that Mr Brad Johnstone is appointed to the Milford Community Trust as the Trustee representing the Milford Community Association.**

**9.4 Minutes of the Community and Policy Committee Meeting dated 21 June 2017**

**Record No: R/17/8/18130**

**Resolution**

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

**That Council receives the minutes of the Community and Policy Committee meeting held 21 June 2017 as information.**

**9.5 Minutes of the Finance and Audit Committee Meeting dated 3 May 2017**

**Record No: R/17/6/12855**

**Resolution**

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

**That Council receives the minutes of the Finance and Audit Committee meeting held 3 May 2017 as information.**

**9.6 Minutes of the Regulatory and Consents Committee Meeting dated 29 June 2017**

**Record No: R/17/8/18616**

**Resolution**

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

**That Council receives the minutes of the Regulatory and Consents Committee meeting held 29 June 2017 as information.**

**9.7 Minutes of the Otautau Community Board Meeting dated 15 June 2017**

**Record No: R/17/8/18965**

**Resolution**

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

**That Council receives the minutes of the Otautau Community Board meeting held 15 June 2017 as information.**

**9.8 Minutes of the Riverton/Aparima Community Board Meeting dated 19 June 2017**

**Record No: R/17/8/19322**

**Resolution**

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

**That Council receives the minutes of the Riverton/Aparima Community Board meeting held 19 June 2017 as information.**



**9.9 Minutes of the Winton Community Board Meeting dated 6 June 2017**

**Record No: R/17/8/18468**

**Resolution**

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

**That Council receives the minutes of the Winton Community Board meeting held 6 June 2017 as information.**

**9.10 Minutes of the Balfour Community Development Area Subcommittee Meeting dated 19 April 2017**

**Record No: R/17/8/19124**

**Resolution**

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

**That Council receives the minutes of the Balfour Community Development Area Subcommittee meeting held 19 April 2017 as information.**

**9.11 Minutes of the Colac Bay Community Development Area Subcommittee Meeting dated 30 May 2017**

**Record No: R/17/8/20214**

**Resolution**

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

**That Council receives the minutes of the Colac Bay Community Development Area Subcommittee meeting held 30 May 2017 as information.**

**9.12 Minutes of the Dipton Community Development Area Subcommittee Meeting dated 10 May 2017**

**Record No: R/17/8/19137**

**Resolution**

Moved Cr Frazer, seconded Cr Perham

**That Council receives the minutes of the Dipton Community Development Area Subcommittee meeting held 10 May 2017 as information.**

**9.13 Minutes of the Lumsden Community Development Area Subcommittee Meeting dated 12 June 2017**

**Record No: R/17/8/19146**

**Resolution**

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

**That Council receives the minutes of the Lumsden Community Development Area Subcommittee meeting held 12 June 2017 as information.**

**9.14 Minutes of the Manapouri Community Development Area Subcommittee Meeting dated 25 March 2017**

**Record No: R/17/7/16279**

**Resolution**

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

**That Council receives the minutes of the Manapouri Community Development Area Subcommittee meeting held 25 March 2017 as information.**

**9.15 Minutes of the Mossburn Community Development Area Subcommittee Meeting dated 22 May 2017**

**Record No: R/17/8/19128**

**Resolution**

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

**That Council receives the minutes of the Mossburn Community Development Area Subcommittee meeting held 22 May 2017 as information.**

**9.16 Minutes of the Nightcaps Community Development Area Subcommittee Meeting dated 18 May 2017**

**Record No: R/17/7/17328**

**Resolution**

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

**That Council receives the minutes of the Nightcaps Community Development Area Subcommittee meeting held 18 May 2017 as information.**

**9.17 Minutes of the Ohai Community Development Area Subcommittee Meeting dated 18 May 2017**

**Record No: R/17/7/17319**

**Resolution**

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

**That Council receives the minutes of the Ohai Community Development Area Subcommittee meeting held 18 May 2017 as information.**

**9.18 Minutes of the Orepuki Community Development Area Subcommittee Meeting dated 30 May 2017**

**Record No: R/17/8/17483**

**Resolution**

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

**That Council receives the minutes of the Orepuki Community Development Area Subcommittee meeting held 30 May 2017 as information.**

**9.19 Minutes of the Riversdale Community Development Area Subcommittee Meeting dated 19 April 2017**

**Record No: R/17/8/19120**

**Resolution**

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

**That Council receives the minutes of the Riversdale Community Development Area Subcommittee meeting held 19 April 2017 as information.**

**9.20 Minutes of the Thornbury Community Development Area Subcommittee Meeting dated 11 May 2017**

**Record No: R/17/7/17274**

**Resolution**

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

**That Council receives the minutes of the Thornbury Community Development Area Subcommittee meeting held 11 May 2017 as information.**

## 9.21 Minutes of the Riverton Harbour Subcommittee Meeting dated 20 March 2017

Record No: R/17/7/16903

### Resolution

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

**That Council receives the minutes of the Riverton Harbour Subcommittee meeting held 20 March 2017 as information.**

## Public Excluded

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

#### Resolution

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

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

**C10.1 Milford Sound Tourism Annual Report**

**C10.2 Rating Sale - 17 Hulme Street, Otautau**

**C10.3 Rating Sale - 3 Queen Street, Otautau**

**C10.4 Golden Bay Wharf Ownership**

**C10.5 Lease - Riverton Depot, 112-114 Havelock Street, Riverton**

**C10.6 Public Excluded Minutes of the Lumsden Community Development Area**

**Subcommittee Meeting dated 12 June 2017**

**C10.7 Public Excluded Minutes of the Finance and Audit Committee Meeting dated 3 May 2017**

**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 Annual Report	<p>s7(2)(c)(i) - The withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information or information from the same source and it is in the public interest that such information should continue to be supplied.</p> <p>s7(2)(h) - The withholding of the information is necessary to enable the local authority to carry out,</p>	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.

	without prejudice or disadvantage, commercial activities.	
Rating Sale - 17 Hulme Street, Otautau	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.
Rating Sale - 3 Queen Street, Otautau	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.
Golden Bay Wharf Ownership	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.
Lease - Riverton Depot, 112-114 Havelock Street, Riverton	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)(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.
Public Excluded Minutes of the Lumsden Community Development Area Subcommittee Meeting dated 12 June 2017	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.
Public Excluded Minutes of the Finance and Audit Committee Meeting dated 3 May 2017	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.

That the Chief Executive Officer, Group Manager, Environmental Services, Group Manager, Community and Futures, Chief Financial Officer, People and Capability Manager, Group Manager, Customer Support, Governance and Democracy Manager, Committee Advisor and Community Partnership Leader be permitted to remain at this meeting, after the public has been excluded, because of their knowledge of the items C10.1 Milford Sound Tourism Annual Report, C10.2 Rating Sale - 17 Hulme Street, Otautau, C10.3 Rating Sale - 3 Queen Street, Otautau, C10.4 Golden Bay Wharf Ownership, C10.5 Lease - Riverton Depot, 112-114 Havelock Street, Riverton, C10.6 Public Excluded Minutes of the Lumsden Community Development Area Subcommittee Meeting dated 12 June 2017 and C10.7 Public Excluded Minutes of the Finance and Audit Committee Meeting dated 3 May 2017. This knowledge, which will be of assistance in relation to the matters to be discussed, is relevant to those matters because of their knowledge on the issues discussed and meeting procedure.

That the Finance Manager be permitted to remain at this meeting, after the public has been excluded, because of their knowledge of the items C10.2 Rating Sale - 17 Hulme Street, Otautau and C10.3 Rating Sale - 3 Queen Street, Otautau. This knowledge, which will be of assistance in relation to the matters to be discussed, is relevant to those matters because of their knowledge on the issues discussed and meeting procedure.

That the Community Partnership Leader (Michelle Stevenson), Management Accountant (Robert Tweedie) and Community Engineer (Brendan Gray) be permitted to remain at this meeting, after the public has been excluded, because of their knowledge of the item C10.4 Golden Bay Wharf Ownership. 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 1.57pm.

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 2.53pm.

CONFIRMED AS A TRUE AND CORRECT  
RECORD AT A MEETING OF THE COUNCIL  
HELD ON WEDNESDAY 6 SEPTEMBER 2017.

**DATE:**.....

**CHAIRPERSON:**.....

APPENDIX 1



**SOUTHLAND DISTRICT COUNCIL**  
**OHAI RAILWAY FUND SUBCOMMITTEE**  
**TERMS OF REFERENCE**

**1. Ohai Railway Fund Area**

“The boundaries of the Ohai Railway Fund Area are generally defined as:-

- East the Aparima River and from the Hundred Line at Aparima North to Home Creek.
- West the Wairaki River from the Wairaki River bridge on the Clifden/Blackmount main highway north along its course into the Takitimu Mountains.
- South the Hundred Line from Aparima to Scotts Gap, along the Scotts Gap Feldwick Road to Feldwick, along the Clifden Gorge Road to Eastern Bush, and the Otahu - Eastern Bush Road to the Wairaki River Bridge.
- North Takitimu Mountains to Home Creek, then along its water course to the Aparima River.”

The boundary of the defined area is indicatively demonstrated on the map attached to this Terms of Reference and is legally described in the New Zealand Gazette Notice, page 1671 of 11 May 1916 that is also attached to this Terms of Reference.

**2. Purpose of Fund**

The purpose of the fund is to provide grant(s) for the benefit of the “residents” of the former “Ohai Railway Board Area” as defined on the attached map. A “resident” being a person or a descendant of a person whose name appeared on the Parliamentary Electoral Roll for a nine year period during the years 1960 to 1999, both years inclusive, and whose address at this time or times was within the area of the district of the former Board.

From the date of the Triennial elections of members of the Subcommittee to be held in 2017, the reference in the above subclause to the year ‘1999’ shall read as a reference to ‘2011’, and on the date of each subsequent Triennial election of members of the Subcommittee shall be amended by the addition of a further three years to that reference.”

**3. General Information**

The Ohai Railway Fund Subcommittee has the discretion to change the level of grants allocated annually.



The Background Paper for the creation of the Ohai Railway Fund Subcommittee is the Local Government Commission Determination on the former Ohai Railway Board 1993.

Ohai Railway Fund Subcommittee, is a Subcommittee of Southland District Council, and will be subject to Southland District Council's Code of Conduct.

#### **4. Eligible Purposes**

Listed below is a summary of eligible purposes:

- The provision of bursaries for post-secondary school study or adult education.
- To facilitate Employment Opportunities.
- The development of:
  - Community facilities, reserves and resources.
  - Recreational and leadership opportunities.
  - Community programmes, activities, events and charitable purposes.
  - Operating costs can be considered where they are incorporated into a specific project. NOTE: This is not to be interpreted as an offsetting of rates.
- Assistance may also be provided to individuals or groups taking part in events, which reflect credit or provide benefit to the community.
- Consideration may be given to projects aimed at providing public utilities.
- Loans
- Community Education and Training
- Transport - Transport Allowance may be considered for specific projects, but does not allow for transport to and from work or study.
- Assistance for other initiatives outside the above broad categories may be provided at the discretion of the Subcommittee.

#### **5. Fund Allocation Criteria**

Priority is given to assisting new ventures and developments, particularly those that provide ongoing benefit.

The level of assistance should reflect the level of contribution from the applicant and the potential benefits.

Priority may be given to applications where there are limited alternative means of raising funds.

Priority will be given to supporting educational initiatives for applicants whose opportunities are limited by difficult circumstances.

Where projects are of equal merit levels of previous assistance may be considered when establishing priority.

## 6. Membership

The Ohai Railway Fund Subcommittee comprises the following members:

- Three representatives whom are appointed by the Southland District Council.
- Four local representatives whom are elected at the Subcommittee's Triennial meeting.

## 7. Triennial Meeting

The Triennial meeting of the Subcommittee is held within the first three months of the year following the Triennial elections of the Southland District Council.

The venue of the Triennial meeting is to alternate between Ohai, Nightcaps and Wairio.

The Triennial meeting is chaired by the current Chairperson of the Ohai Railway Fund Subcommittee.

Advertisement of the Triennial Meeting to be placed in local and public newsletters and flyers placed in local communities.

## 8. Eligibility of Local Representatives

Persons who are entitled to stand as a local representative on the Ohai Railway Fund Subcommittee must qualify as a 'resident', and must reside in the area for a minimum of nine (9) years.

**DEFINITION:** A "resident" being a person, or a descendant of a person, whose name appeared on the Parliamentary Electoral Roll in any year from 1960 to 1999 (both years inclusive) and whose address at the time was within the area of the former Board.

From the date of the Triennial Elections of members of the Subcommittee to be held in 2017, the reference above to the year '1999' shall read as a reference to '2011'. On the date of each subsequent Triennial Election of members of the Subcommittee the closing year shall be amended by the addition of a further three years to that reference ie: Triennial Election in 2017 - the applicable years will be amended to read "1960 to 2005 (inclusive)".

## 9. Election of Local Representatives

The election of the four local representatives to the Subcommittee is held at the Triennial meeting.

The successful candidates are the four nominees whom receive the highest number of votes at the Triennial meeting.

The election process is by way of nomination from "the floor" from members of the public attending the triennial election.

Numbered voting papers are to be issued to eligible voters on their entrance to the Triennial meeting.

Following the Triennial election in 2017, in the event of a local elected representative retiring during the three year term, a new election will be held to appoint a replacement local representative.

## 10. Voting Rights at the Triennial Meeting

Persons entitled to voting rights at the triennial meeting:

- Must qualify as a 'resident.'
- Must have resided within the defined area for a minimum period of three years immediately preceding the date of the triennial election; and
- Must be in attendance at the triennial meeting. Proxy votes at the triennial meeting are NOT ACCEPTED.

All persons must sign a declaration at the Triennial Meeting confirming their residency in the Ohai Railway Fund defined area for a minimum period of three years.

## 11. Election of Chairperson and Deputy Chairperson

The Chairperson and Deputy Chairperson shall be elected at the first ordinary meeting of the Subcommittee following the Triennial meeting, and are elected by the members of the Ohai Railway Fund Subcommittee.

## 12. Applications

Any application submitted for building alterations or extensions to an existing building must have copies of plans, specifications and quotes attached.

Applicants seeking funding in excess of \$15,000 must be accompanied by a Long-Term Management Plan.

In the event of an organisation winding up within five years of receiving grant monies that organisation must repay the Ohai Railway Fund Subcommittee a portion of the funds allocated on a pro rata basis of 20% depreciation per annum.

Organisations seeking funding must submit their latest financial accounts with their application.

Grants for post-secondary school or adult education assistance are to be allocated as follows:

- Students who reside in the defined area up to \$1,500.
- Non-resident students who qualify for funds up to \$1,000.
- Short courses (12 months or less) and reside in the defined area up to \$1,000.

- Short courses (12 months or less) and the applicant is not a resident in the defined area up to \$700.

Applicants who qualify for post-secondary school or adult education grants are entitled to one grant only and cannot re-apply for similar type applications.

NOTE: Only applications from residents' children and grandchildren of the Ohai Railway Fund defined area will be considered, and those applicants who reside 'outside the defined area' with a parent or grandparent still residing in the area will be given priority, however the Subcommittee has the discretion in respect of every application that is lodged.

Grant monies will not be released until confirmation is received of the project's commencement date. Unless an extension is received by the Subcommittee, in writing, and the said project has not commenced by six months from date of confirmation of successful grant application, the grant will become null and void.

Applications that are deemed to have commenced will be classed as retrospective and in normal circumstances will not be considered, however, in special circumstances the Subcommittee has the right to consider same.

### **13. International Opportunities**

For those undertaking a recognised overseas opportunity the following terms of reference applies:

- Those who qualify under eligibility criteria, reside in the defined area, and the length of the exchange is a minimum of seven months are entitled up to \$1,500.
- Those who qualify under eligibility criteria, reside in the defined area, and the length of the exchange is up to six months are entitled up to \$1,000.
- Those who qualify under eligibility criteria but do not reside in the defined area and:
  - the length of the exchange is for a minimum of seven months are entitled to a maximum figure of \$1,000;
  - the length of the exchange is between one-six months are entitled to a maximum figure of \$500.

Applicants who qualify for international opportunities grants are entitled to one grant only and cannot re-apply for similar type applications.

### **14. Community Education and Training Fund**

This Subcommittee supports a community education and training fund for persons aged 15 years and older who wish to undertake non-traditional leadership or life skills education programmes, and such applicants must reside in the defined area of the Ohai Railway Fund, and the maximum amount available to any one applicant being \$1,500.

Applicants who qualify for community education and training fund grants are entitled to one grant only and cannot re-apply for similar type applications.

## 15. Loans

This Subcommittee agree to have loans included as part of its terms of reference with each loan application treated on its own merits.

This Subcommittee has the right to place a caveat on the title of any land and property of the applicant, or next of kin, and such caveat to have 'first-call' status.

Applications for loans by individuals or community groups shall include the following information:

- applicant's details.
- the loan requirements.
- bank statements.
- an audited copy of the latest annual financial report (or a schedule of assets and liabilities for an application by an individual).
- income and expenditure details.
- details of security offered.

Applications for commercial loans shall include the following information:

- a company profile.
- a proposed summary.
- historical data.
- a business plan.
- certification by the applicant.

An independent consultant, with suitable qualifications in the relevant industry, shall assess applications for commercial loans and make a recommendation to the Subcommittee.

The applicant shall meet all costs associated with the independent assessment. Such costs will be met from an initial non-refundable application fee of **\$500**. If costs are going to exceed the initial application fee the applicant will be asked to agree to the costs before any further work shall proceed.

Where loans have been advanced to a business, the company/partnership will be expected to submit financial reports to the Subcommittee on either a quarterly, six monthly or an annual basis. The basis for reporting will be at the discretion of the Subcommittee.

Loans are to be secured over the assets of the business in accordance with the provision of the Land Transfer Act or the Properties Securities Act 1999. The assets to be secured shall be determined on a case-by-case basis.

Recipients of loan monies will pay an interest rate calculated on a yearly basis (31 March) and based on the current weighted average rate of return of Southland District Council investments.

## 16. Declaration of Interest

If a Subcommittee member has any connection to an application greater than that of the general public that member should declare an interest in the said application, prior to it being considered.

In such circumstances, the member affected shall still be entitled to speaking and voting rights, unless that member has a pecuniary interest in said application.

#### **17. Applications Received After Closing Date**

Applications lodged but received after the closing date for applications are decreed to be out of time and not to be considered for allocation of grant monies, unless the Subcommittee determines there is a special case that requires consideration.



