



Council

OPEN MINUTES

Minutes of a meeting of Council held in the Council Chamber, 15 Forth Street, Invercargill on Thursday, 14 November 2019 at 9am. (9.00am – 10.42am (10.13am – 10.42am))

PRESENT

| | |
|---------------------|------------------------------|
| Mayor | Mayor Gary Tong |
| Deputy Mayor | Ebel Kremer |
| Councillors | Don Byars (9.04am – 10.42am) |
| | Paul Duffy |
| | Darren Frazer |
| | George Harpur |
| | Julie Keast |
| | Christine Menzies |
| | Karyn Owen |
| | Margie Ruddenklau |
| | Rob Scott |

APOLOGIES

Councillor John Douglas
Councillor Bruce Ford

IN ATTENDANCE

Chief Executive – Steve Ruru
Group Manager, Services and Assets – Matt Russell
Group Manager, Community and Futures – Rex Capil
Chief Financial Officer – Anne Robson
People and Capability Manager – Janet Ellis
Group Manager, Customer Delivery – Trudie Hurst
Communications Manager – Louise Pagan
Committee Advisor – Fiona Dunlop

1 Apologies

There were apologies from Councillors Douglas and Ford.

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

That Council accept the apologies.

2 Declaration of Councillor Christine Menzies

Mayor Tong invited Councillor Menzies forward to make her declaration.

I, Christine Mary Menzies, declare that I will faithfully and impartially, and according to the best of my skill and judgment, execute and perform, in the best interests of Southland District, the powers, authorities, and duties vested in, or imposed upon me as a member of the Southland District Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

3 Leave of absence

There were no requests for leave of absence.

4 Conflict of Interest

Councillor Duffy declared a conflict of interest in relation to item C10.2 Possible Property Acquisition - Part Lot 300 at Curio Bay and advised that he would not take part in debate or voting on the matter.

5 Public Forum

There was no public forum.

6 Extraordinary/Urgent Items

There were no Extraordinary/Urgent items.

(Councillor Byars joined the meeting at 9.04am.)

Reports - Policy and Strategy

7.1 Draft Speed Limits Bylaw - amendments to consultation process

Record No: R/19/10/23842

Intermediate Policy Analyst – Carrie Adams, Roading Engineer – Ben Whelan and Strategic Manager Transport – Hartley Hare were in attendance for this item.

Mrs Adams advised that the purpose of this report is to provide information and to present options to Council, so that it can determine if amending of the statement of proposal to allow further public consultation on the draft Speed Limits Bylaw is appropriate.

The Council noted that during the consultation period, staff undertook a letterbox drop to residents of four roads for which there are proposed changes in the draft bylaw. These are Lillburn Valley Road, Centre Hill Road, Mavora Lakes Road and Mt. Nicholas Road. Residents of Lake Monowai and Borland Road received an email. The purpose of the letter or email was to inform residents of these roads of the proposal and invited them to provide feedback, due to the potentially significant impact on travel time for these residents, as a result of the proposed reductions in speed limits.

Mrs Adams further advised that in the report, staff have presented and discussed two potential options of how Council could proceed which were as follows:

- Option 1 – That Council make no changes to the statement of proposal endorsed on 21 August 2019.
- Option 2 - That Council amend the statement of proposal and accept further submissions on the draft bylaw. This would include conducting a letter drop to residents of roads that are analogous to the roads that have already received a letter or email.

During discussion the Council agreed to proceed with option 2.

Resolution

Moved Cr Keast, seconded Cr Kremer **recommendations a to d, e(ii) and f(ii) and g and resolved:**

That the Council:

- a) Receives the report titled “Draft Speed Limits Bylaw - amendments to consultation process” dated 31 October 2019.**
- 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 the options on how it could proceed.**
- e) **Endorses one of the following options:**
 - i. ~~Option 1 – That Council make no changes to the statement of proposal endorsed on 21 August 2019~~
or
 - ii. **Option 2 – That Council amend the statement of proposal and accept further submissions on the draft bylaw. This would include conducting a letter drop to residents of the roads that are analogous those that have already received a letter or email.**
- f) **If Council wishes to amend the statement of proposal, endorses the following options:**
 - i. ~~That Council endorse that the consultation period be re-opened from 8am on 19 November to 5pm on 3 December 2019.~~
 - ii. **That Council endorse conducting a letter drop to residents of the following roads to ensure consistency of process:**
 - 1. **Tokanui Haldane Road**
 - 2. **Haldane Curio Bay Road**
 - 3. **Otara Haldane Road**
 - 4. **Slope Point Road**
 - 5. **Richard Street, Riverton**
 - 6. **Waikawa Curio Bay Road**
- g) **Notes that with both options, a hearings and submissions report will be presented to Council at its 18 December 2019 meeting.**

Reports - Operational Matters

8.1 19/13 - Fortrose Otara Road Seal Widening Tender

Record No: R/19/10/24106

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

Mr Hayes advised that the purpose of the report was to obtain approval from Council on the next steps for the proposed Fortrose Otara Seal widening project following the outcome from the tender evaluation process.

The Council noted that the Fortrose Otara Road seal widening project was approved to proceed to tender by Council in May 2019 with a budget of \$0.9 million which consisted of seal widening of 11km of Fortrose Otara Road to a design width of 7m.

Mr Hayes further advised that three tenders were received with all tender prices being significantly over budget.

The Council further noted that three options were considered, which included; to proceed with a reduced scope, proceeding with unbudgeted expenditure or the recommended option to put the project on hold and reprioritise expenditure to the bridge replacement programme.

During discussion the Council agreed that it would like further information on the matter.

Resolution

Moved Cr Keast, seconded Cr Harpur **recommendations a to c and a new d (as indicated):**

That the Council:

- a) **Receives the report titled "19/13 - Fortrose Otara Road Seal Widening Tender" dated 5 November 2019.**
- 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 the project not proceed and funding be reallocated to bridge replacements.**~~

New d) Request staff to report back on the process that would need to be followed for seeking funds from NZTA for the widening of the Fortrose Otara Road, costs and risks, associated with the project and relative priority that projects would carry against other road projects across the district.

8.2 Monthly Financial Report - September 2019

Record No: R/19/9/21690

Project Accountant Dipal Patel was in attendance for this item.

Mrs Patel advised that the purpose of this report is to provide Council with an overview of the financial results to date by the nine activity groups of Council, as well as the financial position, and the statement of cash flows and that the report summarises Council financial results for the two months to 30 September 2019.

Resolution

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

That the Council:

- a) **Receives the report titled "Monthly Financial Report - September 2019" dated 8 November 2019.**

8.3 Management Report

Record No: R/19/10/24081

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

Resolution

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

That the Council:

- a) **Receives the report titled "Management Report" dated 6 November 2019.**

8.4 Final Confirmation of Road Stopping of McLean Road (Southern Dairy Hub)

Record No: R/19/9/21288

Property Advisor – Theresa Cavanagh was in attendance for this item.

Ms Cavanagh advised that the purpose of the report was to make the final resolution that the portion of McLean Road, Branxholme is stopped in order for it to be disposed of to the adjoining landowner, Southern Dairy Hub.

Council noted that at the meeting on 13 December 2017 it was agreed to commence the road stopping procedure for an unformed portion of McLean Road.

Resolution

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

That the Council:

- a) **Receives the report titled "Final Confirmation of Road Stopping of McLean Road (Southern Dairy Hub)" dated 31 October 2019.**
- 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 pursuant to Section 4 of the Tenth Schedule to the Local Government Act 1974 to publish a notice that Sections 1-3 SO Plan 527517 is stopped and shall thereafter cease to be road.
- e) Resolves that Sections 1-3 SO Plan 527517 be sold to the adjoining owners 'Southern Dairy Hub' and be amalgamated as follows:
 - Section 1 to be amalgamated with Lot 5 DP 501240
 - Section 2 to be amalgamated with Lot 2 DP 501240
 - Section 3 to be amalgamated with Lot 10 DP 37641

Public Excluded

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

Recommendation

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

C10.1 Land Disposal - 229 Great North Road

C10.2 Possible Property Acquisition - Part Lot 300 at Curio Bay

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 Disposal - 229 Great North Road | <p>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.</p> <p>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).</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. |
| Possible Property Acquisition - Part Lot 300 at Curio Bay | <p>s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.</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. |

| | | |
|--|---|--|
| | <p>without prejudice or disadvantage, commercial activities.</p> <p>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).</p> | |
|--|---|--|

That the Chief Executive, Group Manager, Services and Assets, Group Manager, Community and Futures, Chief Financial Officer, People and Capability Manager, Group Manager, Customer Delivery, Communications Manager and Committee Advisor be permitted to remain at this meeting, after the public has been excluded, because of their knowledge of the items C10.1 Land Disposal - 229 Great North Road and C10.2 Possible Property Acquisition - Part Lot 300 at Curio Bay. 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 Property Services Manager and Property Advisor – Theresa Cavanagh be permitted to remain at this meeting, after the public has been excluded, because of their knowledge of the items C10.1 Land Disposal - 229 Great North Road. 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 Property Services Manager be permitted to remain at this meeting, after the public has been excluded, because of their knowledge of the items C10.2 Possible Property Acquisition - Part Lot 300 at Curio Bay. 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 10.13am.

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 10.42am.

CONFIRMED AS A TRUE AND CORRECT RECORD AT A MEETING OF THE COUNCIL HELD ON THURSDAY 14 NOVEMBER 2019.

DATE:.....

CHAIRPERSON:.....