



Notice is hereby given that an Extraordinary meeting of the Stewart Island/Rakiura Community Board will be held on:

Date: Thursday, 22 February 2024
Time: 7.30am
Meeting room: Stewart Island Pavilion
Venue: 7 Ayr St, Stewart Island

Extraordinary Stewart Island/Rakiura Community Board Agenda OPEN

MEMBERSHIP

Chairperson	Aaron Conner
Deputy chairperson	Aaron Joy
Members	Mike Douglass Rakiura Herzhoff Daniel Meads Andrea Young Councillor Jon Spraggon

IN ATTENDANCE

Committee advisor/customer support partner	Kirsten Hicks
Community partnership leader	Karen Purdue

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

Health and safety – emergency procedures

Toilets – The location of the toilets will be advised at the meeting.

Evacuation – Should there be an evacuation for any reason please exit via the exits indicated at the venue.

Earthquake – Drop, cover and hold applies in this situation and, if necessary, once the shaking has stopped we will evacuate the building to a safe location.

Phones – Please turn your mobile devices to silent mode.

Recording - These proceedings may be recorded for the purpose of live video, both live streaming and downloading. By remaining in this meeting, you are consenting to being filmed for viewing by the public.

Community board terms of reference

TYPE OF COMMITTEE	Community board (board)
RESPONSIBLE TO	Boards are responsible to Council Each board will also have relationships with Council committees (these committees are outlined in the delegations manual).
SUBCOMMITTEES	Some subcommittees will report to community boards – these are outlined in section 8.5 of the delegations manual.
MEMBERSHIP	Oreti and Waihopai Toetoe boards have seven members elected by the local authority triennial elections plus a member appointed by Council. All other boards have six members plus a member appointed by Council. The chairperson is elected by the board. Councillors who are not appointed to boards can only remain for the public section of the board meeting. They cannot stay for the public excluded section unless the board agrees.
FREQUENCY OF MEETINGS	Every second month, but up to 12 ordinary meetings a year with the approval of the chief executive.
QUORUM	Not less than four members
THE ROLE OF COMMUNITY BOARDS	<p>Governance</p> <p>Elected members are responsible for providing leadership, setting direction and for overseeing performance (at a high level).</p> <p>The chief executive and staff are responsible for management activities including the allocation of resources, overseeing the day to day operations of the community board, providing policy advice and implementing governance decisions.</p> <p>Roles outlined in the Local Government Act 2002</p> <ul style="list-style-type: none"> • appoint a chairperson and deputy chairperson • represent, and act as an advocate for, the interests of its community • consider and report on all matters referred to it by the territorial authority, or any matter of interest or concern to the board • maintain an overview of services provided by the territorial authority within the community • prepare an annual submission to the territorial authority for expenditure within the community • communicate with community organisations and special interest groups within the community • undertake any other responsibilities that are delegated to it by the territorial authority. <p>Additional roles of boards</p> <p>Community wellbeing</p>

- a) promote the social, economic, environmental and cultural well-being of local communities
- b) monitor the overall well-being of local communities.

Community leadership

- a) to provide leadership to local communities on the strategic issues and opportunities that they face
- b) identify key issues and opportunities that will affect the future of the board’s community and work with Council staff and other local representatives to facilitate multi-agency collaborative opportunities
- c) promote a shared vision for the board’s community and develop and promote ways to work with others to achieve positive outcomes
- d) provide a local community perspective on Council’s long term plan key performance indicators and levels of service as detailed in the long term plan, and on local expenditure, rating impacts and priorities
- e) develop and manage community board plans including keeping these up to date and relevant to community needs and aspirations.

Engagement and relationships

- a) to develop relationships and communicate with key community organisations, special interest groups, residents and businesses within the community.

Advocacy

- a) as part of the long term plan or annual plan process, prepare a submission to Council on the proposed levels of service, income and expenditure within the community of interest
- b) as part of the long term plan or annual plan process, outline the relative priorities for the delivery of District services and levels of service within the board area (Council sets the levels of service for **District Activities**⁽ⁱⁱ⁾ if a board seeks a higher level of service, they need to recommend that to Council, and the higher level of service will need to be funded in an appropriate way (locally).

Local activities

For local activities⁽ⁱⁱⁱ⁾

- a) recommend to Council levels of service⁽ⁱⁱⁱ⁾ and budgets for local activities, having regard to Council budgets in the long term plan or annual plan process
- b) recommend to Council rates, user charges and fees to fund local activities

	<ul style="list-style-type: none"> c) recommend to Council or a relevant committee the approval of project definitions or business cases and procurement plans for capital expenditure over \$300,000 d) recommend to Council or a relevant committee unbudgeted capital expenditure e) monitor the services Council delivers its communities and assess the extent these services meet community needs or the expected level of service f) support the development of local management plans where required by statute or in support of the district plan, or other plans (reserves, harbours, or other community facilities). <p>These plans should then be recommended to Council. There are times when local management plans^(iv) should not be developed</p> <p>Environmental management and spatial planning</p> <ul style="list-style-type: none"> a) provide comment on resource consent applications referred to the community board for comment b) to make recommendations to Council about bylaws and about enforcing bylaws within the community, having regard to the need to maintain consistency across the District c) provide advice to Council and its committees on any matter of interest or concern to the community board in relation to the sale of alcohol, where statutory ability exists to seek such feedback d) provide input into regulatory activities not otherwise specified above, where process allows e) recommend to Council initiating an appeal to the environment court on decisions relating to resource consent applications that the board has made submissions on f) provide support to the development of community plans for a civil defence emergency and the recovery afterwards.
<p>DELEGATIONS</p>	<p>In exercising the delegated powers, boards will operate within:</p> <ul style="list-style-type: none"> a) policies, plans, standards or guidelines that have been established and approved by Council b) the needs of the local communities c) the approved budgets for the activity. <p>1) Boards shall have the following delegated powers and be accountable to Council for the exercising of these powers^(v).</p> <p>Community wellbeing</p> <ul style="list-style-type: none"> a) develop local strategies to improve areas of wellbeing (where a need has been identified) b) to develop local community outcomes that reflect the desired goals for their community or place.

	<p>Community board plans</p> <p>a) Regularly review and update the community board plan to keep the plan relevant.</p> <p>Decisions on locally funded assets and services</p> <p>a) accept donations of a local asset (e.g. a gas barbeque, park bench, etc) with a value of less than \$30,000</p> <p>b) approve project definitions or business cases for approved budgeted capital expenditure up to \$300,000.</p> <p>Unbudgeted expenditure</p> <p>a) approve unbudgeted operating expenditure for local activities of up to \$20,000</p> <p>b) approve up to a \$20,000 increase in the projected cost of a budgeted capital works project/item that is included in the annual plan or long term plan</p> <p>c) authority to delegate to the chief executive, when approving a project definition or business case, over-expenditure of up to \$10,000 for capital expenditure against the budget detailed in the annual plan or long term plan.</p> <p>Leases and licenses</p> <p>In relation to all leases and licences of land and buildings for local activities within their own area, and subject to any relevant legislation and/or policy requirement, on behalf of Council;</p> <p>a) accept the highest tenders for rentals more than \$10,000</p> <p>b) approve the preferential allocation^(vi) of leases and licenses where the rental is \$10,000 or more per annum.</p> <p>Community assistance</p> <p>a) establish a system for prioritising allocations, based on criteria provided by Council</p> <p>b) grant funds from the Community Partnership Fund</p> <p>c) allocate bequests or grants generated locally, consistent with the terms of the bequest or grant fund.</p> <p>Northern Southland development fund</p> <p>a) the Northern board can make decisions regarding funding applications to the Northern Southland development fund.</p>
LIMITS TO DELEGATIONS	<p>Boards have no financial or decision-making delegations other than those specifically delegated by Council.</p> <p>Boards shall only expend funding on purposes for which that funding was originally raised and in accordance with the budgets approved by Council through its long term plan or annual plan.</p> <p>In accordance with the provisions of section 39(2) of Schedule 7 of the Local Government Act 2022 the board may not incur expenditure in excess of the approved budget.</p>

	<p>Matters that are not delegated</p> <p>Council has not delegated to boards the power to:</p> <ul style="list-style-type: none"> a) make a rate or bylaw b) acquire, hold or dispose of property c) direct, appoint, suspend or remove staff d) engage or enter into contracts and agreements and financial commitments e) institute an action for recovery of any amount f) issue and police building consents, notices, authorisations and requirements under acts, statutes, regulations, bylaws and the like; g) institute legal proceedings other than the delegation to recommend to Council the initiating of an appeal to the environment court on decisions in respect to resource consent applications on which the board has made submissions.
CONTACT WITH MEDIA	<p>The board chairperson is the authorised spokesperson for the board in all matters where the board has authority or a particular interest.</p> <p>Board members, including the chairperson, do not have delegated authority to speak to the media or outside agencies on behalf of Council on matters outside of the board’s delegations.</p> <p>The leadership team member will manage the formal communications between the board and its constituents and for the board in the exercise of its business. Correspondence with central government, other local government agencies or official agencies will only take place through Council staff and will be undertaken under the name of Council.</p>
REPORTING	<p>Boards are unincorporated statutory bodies which are elected to represent the communities they serve.</p> <p>Copies of board meeting minutes are retained by Council.</p>

- (i) **District activities include:**
- a) community leadership at a district level (including district community grants)
 - b) wastewater
 - c) waste services
 - d) water supply
 - e) district open spaces (parks and reserves)
 - f) roading
 - g) district community services (library services, cemeteries, community housing and heritage/culture)
 - h) district community facilities (public toilets, library buildings, offices and amenity buildings)
 - i) environmental services (building services, resource management, environmental health, animal services, emergency management)
 - j) stormwater
 - k) corporate support services

- (ii) **Local activities include:**
- a) community leadership at a local board level (including local community grants)
 - b) local community facilities (halls and other amenity buildings within Council's overarching policy for community facilities)
 - c) water facilities (boat ramps, wharves, jetties and harbour facilities)
 - d) local open spaces (parks and reserves, playgrounds and streetscapes)
 - e) parking limits, footpaths and streetlights
 - f) Te Anau/Manapouri Airport (Fiordland board)
 - g) Stewart Island Electricity Supply Authority (SIESA) (Stewart Island/Rakiura board)
 - h) for the above two local activities only
 - i) recommend levels of service and annual budget to Council or a relevant committee
 - j) monitor the performance and delivery of the service
 - k) naming reserves, structures and commemorative places
 - l) authority to decide upon requests from the community, regarding names of reserves, the placement of structures and commemorative places.
 - m) naming roads
 - n) authority to decide on the naming for public roads, private roads and rights of way
 - o) assisting the chief executive by providing comment (through the board chairperson) to consider and determine temporary road closures applications where there are objections to the proposed road closure.
- (iii) Levels of service is a term in asset management referring to the quality of a given service. Defining and measuring levels of service is a key activity in developing infrastructure asset management plans. Levels of service may be tied to physical performance of assets or be defined by customer expectation and satisfaction.
- (iv) Local management plans should not be developed where powers:
- a) have been delegated to Council staff
 - b) would have significance beyond the board's area or otherwise involves a matter of national importance (Section 6 Resource Management Act 1991)
 - c) involve the alienation of any part of a proposed or existing esplanade reserve by way of width reduction, easement, lease or otherwise.
- (v) Local Government Act 2002, s.53
- (vi) A preferential allocation is when there is a preference that a lease or license is given to a particular person or group, rather than having an open process. For example, a neighbouring land owner or a community group that use a building may be asked if they want to lease the land/building, rather than giving the wider public the opportunity to tender or apply.
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TABLE OF CONTENTS

ITEM		PAGE
PROCEDURAL		
1	Apologies	11
2	Leave of absence	11
3	Conflict of interest	11
4	Extraordinary/urgent items	11
5	Public participation	11
REPORTS		
6.1	Ulva Island wharf	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

Community board 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 Extraordinary/urgent items

To consider, and if thought fit, to pass a resolution to permit the community board 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.”**

5 Public participation

Notification to speak is required by 12noon at least one clear day before the meeting. Further information is available at www.southlanddc.govt.nz or by phoning 0800 732 732.

Ulva Island wharf

Record no: R/24/2/4887
Author: Simon Moran, Strategic project lead
Approved by: Cameron McIntosh, Chief executive

Decision Recommendation Information

Purpose

- 1 To discuss a proposal received from the Hunter Family Trust to take over the ownership and management of the Ulva Island wharf at Post Office Cove.
- 2 To seek recommendations from the community board for a paper to Council in which it will be asked to make a decision on the future of the Ulva Island wharf replacement project and the associated new walking track to create a link to the existing island track network.

Executive summary

- 3 Council and the community board have been working to find a sustainable solution for the replacement of the Ulva Island wharf for some time. The preferred option ended up being a new wharf in Bathing Bay, however, that option also requires the construction of a section of new track approximately 400m long to link into the existing track network.
- 4 Ulva Island wharf is a locally funded piece of infrastructure. Estimates are that it will cost approximately \$1.5 million for this work with \$600,000 potentially available from a successful Tourism Infrastructure Fund (TIF) application. There is currently approximately \$300,000 allocated as a grant from the Stewart Island Visitor Levy and further applications could be made. If those applications are not successful, however, then the community will need to be rated to pay for any loan taken out on its behalf to fund the capital costs of the project. It will also be responsible for the ongoing maintenance of the structure.
- 5 The Department of Conservation (DOC) and Council have worked together to identify a preferred new track alignment. DOC has agreed in principle to taking over the ownership and maintenance obligations for the track once it is constructed but is unable to contribute to its capital funding. Preliminary estimates are that it could cost between \$400,000 and \$500,000 to construct with \$200,000 potentially available from a successful Tourism Infrastructure Fund (TIF) application. The community will need to fund the local share to match the TIF funding and cover any additional construction costs.
- 6 Recently, Council has received a proposal from the Hunter Family Trust to take over the existing wharf. Its proposal is included in the report for the community board to consider whether or not it supports Council giving it consideration.

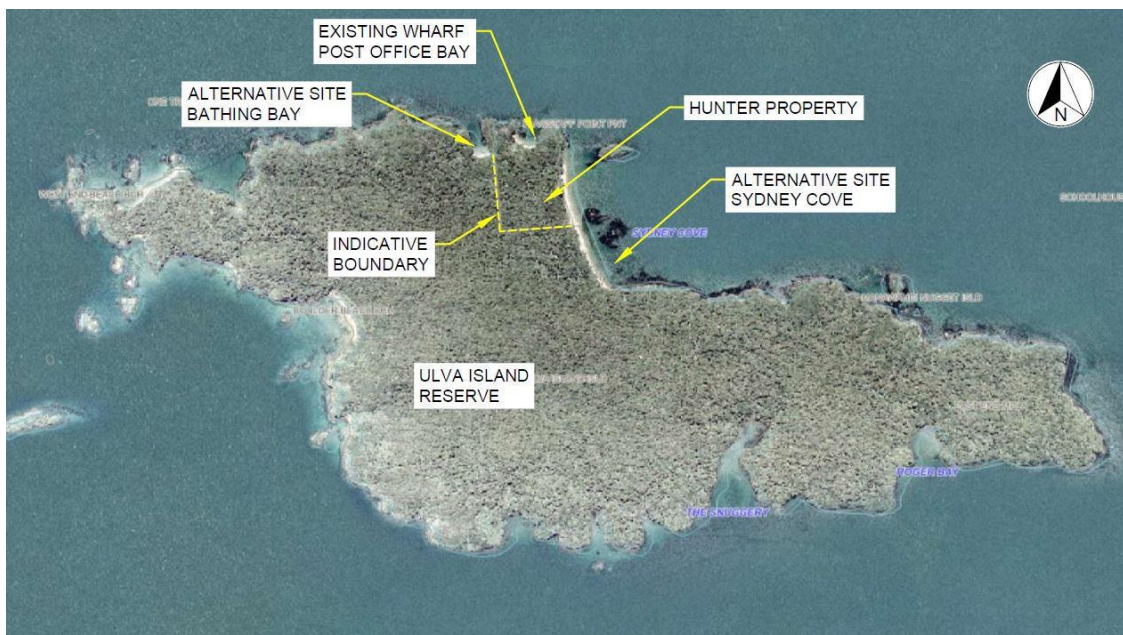
Recommendation

That the Stewart Island/Rakiura Community Board:

- a) **Receives the report titled “Ulva Island wharf”.**
- 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 it supports / does not support consideration of the proposal by the Hunter Family Trust.
- e) [If the decision in recommendation (d) is ‘does not support’ then the board needs to determine the following] Determines that it supports / does not support in principle the community funding the local share of the cost of rating the community for the cost of replacing the Ulva Island wharf at Bathing Bay and building a new linking track if they are constructed.

Background

- 7 There has been a significant amount of work undertaken over several years towards identifying a suitable replacement option for the current wharf, which is in Post Office Cove.



- 8 Council has an engineering report that says the wharf is no longer ‘fit for purpose’ and is at the end of its commercial life. Council was also concerned about the potential health and safety risk of larger vessels using the structure resulting in vessel weight restrictions being put in place for the 2023/2024 summer season and operators being advised that the wharf would be permanently closed on 31 March 2024.
- 9 Access to Ulva Island is typically via the only wharf on the island which is located at Post Office Cove. The wharf attaches to an old causeway partially located on road reserve and the causeway is periodically inundated on king high tides. The causeway leads to the start of the Ulva Island track network which at this point is located on land owned by the Hunter Family Trust. The Hunter Family Trust and DOC have a legally binding access contract to allow the public access to tracks across the private land. Contracts have been in place since 2000, and prior to those being established the Hunter Family had informal arrangements with the Department of Forestry and DOC permitting public access since their ownership began in 1922.
- 10 In late December 2023 representatives of the Hunter Family Trust approached Council to discuss the possibility of the trust taking over the existing Ulva Island wharf. In late January 2024 Council then received an indicative proposal from the Hunter Family Trust. That proposal outlines the trust’s position in the event that Council decides either to proceed with building a new wharf at Bathing Bay or not.

The Hunter Family Trust proposal

- 11 The trustees are concerned that Southland District Council’s (SDC) proposed closure of the Ulva Island wharf will cause significant issues with access to the island for the Hunter family, commercial users, DOC and the general public. Although it is noted that any final agreement would need a lot more detail, the following high level approach is proposed:

- that the ownership of the Post Office Bay wharf and causeway transfer from the Southland District Council to the Hunter family
- we would continue to allow public and commercial use
- commercial users would need to be registered
- if significant repairs are required a funding plan would be worked through with commercial users
- existing conditions of use put in by SDC would stay
- in transferring the ownership, the Hunter family would take over the risk from SDC
- should SDC build the new wharf in Bathing Bay the Hunter Family would close the Post Office Bay wharf to the public and commercial users
- the Hunter Family understands the wharf and causeway’s historical significance and would undertake best endeavors to preserve its heritage
- SDC will not object to any applications made by the Hunter family to extend the wharfs resource consent.

ISSUES

- 12 Uncertainty for operators – With Council indicating the need to close the existing wharf and the decision on whether to replace it with a new one at Bathing Bay not yet taken, there is uncertainty for Ulva Island operators. The use of the wharf has been able to continue for this season under

reduced operating parameters but in Council's view the structure is at the end of its economic life. This uncertainty may not disappear entirely if the wharf were to be sold as any owner will be faced with the same underlying issues.

- 13 Uncertainty for Council – There are a number of matters, such as land tenure, consents and approvals, funding and cost, that make the decision of whether or not to invest in the replacement of the Ulva wharf a complex one.
- 14 Funding – whilst there is currently TIF funding available, due to increasing construction costs, it may not be sufficient to meet 50% of the final cost of the project. Tendering a project is the only way to properly understand what proposed wharf replacement and track projects would cost but based on estimates it could be around \$2 million. The opportunity cost of allocating funding one project is that you may not be able to fund others. Therefore, it would be helpful for Council to understand whether the community believes that potentially spending in the order of \$1.2 million on a replacement wharf and track is a priority for the community.
- 15 Perception regarding a possible change of ownership – If the wharf were to be sold it would be returning to the type of ownership it had previously before Council took responsibility for it when Southport was disposing of the structure.
- 16 The issues don't necessarily go away if ownership changes – the issues with the wharf and its operations identified in the reports commissioned by Council that resulted in Environment Southland agreeing to the restrictions on the use of the wharf still exist and will still need to be addressed.

Factors to consider

Legal and statutory requirements

- 17 If the wharf is closed for use at the end of March, then the requirement in the consent to remove the wharf is likely to be triggered and Council will have three months to do so unless another solution is found. There would be a cost to remove the wharf, including needing to obtain resource consent to authorise the activity.
- 18 Structures that were built before 1900 are defined as archaeological sites under the Heritage New Zealand Pouhere Taonga Act 2014. It is possible that the causeway the wharf attaches to was built before 1900 and that the relationship between the two structures may mean that an authority to demolish the wharf would be required from Heritage New Zealand Pouhere Taonga.
- 19 As noted above, Council has responsibilities as the owner of the wharf under the Health and Safety at Work Act 2015. Feedback received during engagement undertaken by Offshore and Coastal Engineering Ltd indicated there are concerns with the accessibility and operability limitations of the existing wharf. These would be issues that will need to be addressed regardless of who owns the wharf.
- 20 Given the cost of the project the final decision whether to proceed with constructing a new wharf and track rests with Council. In order to make that decision, Council will want to take into account the views of the community. Community discussions with board members and the opportunity to speak at the community board meeting will inform the recommendations of the community board to Council.

Community views

- 21 It is clear from the previous discussions on the project to replace the wharf that there are mixed views within the community.

- 22 It is understood that some operators have already directly approached the Hunter family trustees to see whether there is an opportunity for the trust to take over the ownership and operation of the wharf in Post Office Cove.
- 23 It is also understood that there is a concern about the ratepayers having to pay to construct the linking track on public conservation land as well as for a wharf that is primarily used by commercial operators. That said, there is a view that without good access to Ulva Island there may be an effect on the island's economy from a reduction in the number of people visiting Stewart Island/Rakiura if they could not visit Ulva Island.
- 24 As stated above, one of the purposes of this paper is to gain a current understanding of the community board's and community's view of the proposal to inform the paper to Council. It would be useful for the board to state its view on the following:
- its view on public vs private ownership of the Ulva Island wharf
 - its view on the community's appetite being rated for the local share of the costs to construct a new wharf and the new linking track
 - whether its preference is to fund the Ulva Island wharf and track or to prioritise other projects for Stewart Island/Rakiura.

Costs and funding

- 25 Structures such as wharves are locally funded. This means that the Stewart Island/Rakiura community will be responsible for repaying any loan required to pay for the capital costs of the project as well as future maintenance and depreciation costs.
- 26 Council has however, been successful with applications to the Tourism Infrastructure Fund in obtaining agreements in principle through the Ministry of Business, Innovation and Employment (MBIE) for a contribution of \$600,000 and \$200,000 for the wharf replacement and new track respectively. At the current time, that funding is still available. It should be noted though that it is on a 50:50 basis up to those maximum values and if the projects cost more, then the funding shortfall needs to be met by local funding.

Policy implications

- 27 There are no policy implications for the community board itself as it is making recommendations to Council on the matters in this paper. There may however, be policy implications that Council needs to consider and they would be addressed in the paper to it.

Analysis

Options considered

- 28 The options considered relate specifically to the Hunter Family Trust proposal. Council is however, also interested in the investment priorities of the community and preparedness to pay the increased rates necessary to repay any loan taken out for the capital costs in the event Option 2 is chosen.

Analysis of options

Option 1 – **Support consideration of the Hunter Family Trust's proposal**

<i>Advantages</i>	<i>Disadvantages</i>
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<ul style="list-style-type: none"> • there is no guarantee that Council will decide to continue with the project so this is an opportunity to consider another option that wasn't previously available. • If the proposal ended up being successful <ul style="list-style-type: none"> - the board and Council would no longer be responsible for this piece of infrastructure - no new track would need to be constructed 	<ul style="list-style-type: none"> • there is no guarantee that a final agreement will be reached and that the process may just have delayed the project • any delay in making a decision to proceed may have implications for accessing external funding if a new wharf needs to be constructed.
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Option 2 – Not support consideration of the Hunter Family Trust’s proposal

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"> • there are no clear advantages with a decision not to consider the proposal. 	<ul style="list-style-type: none"> • there may be an opportunity cost of not being able to undertake other projects if it is decided to go ahead with the wharf and track project • the opportunity to consider another option that wasn't previously available will not have been taken.

Assessment of significance

- 29 Whilst there is a specific community of ratepayers, for whom the costs of the project will have a marked effect on rates, the matter is not considered significant as it has been largely anticipated for some time in the long term planning for infrastructure replacement on the island.
- 30 The Hunter’s proposal is another infrastructure management option and as such it is not considered significant under Council’s Significance and Engagement Policy.

Next steps

- 31 The community’s views will be included in a paper to Council about whether to proceed with the Ulva Island wharf replacement and construction of a linking track.

Attachments

There are no attachments for this report.