

Minutes of an ordinary meeting of the Gore District Council, held in the Council Chambers, 29 Bowler Avenue, Gore, on Tuesday 4 April 2017, at 7.38pm

**Present** His Worship the Mayor (Mr Tracy Hicks, JP), Crs Beale, Bolger, Davis, Dickson, Gardyne, D Grant, Highsted, Phillips, Reid and Sharp.

**In Attendance** The Chief Executive (Mr Stephen Parry), Chief Financial Officer (Mr Luke Blackbeard), General Manager Regulatory and Planning (Dr Ian Davidson-Watts), Parks and Recreation Manager (Mr Ian Soper), Transport Manager (Mr Peter Standring), HR/Administration Manager (Susan Jones), Communications/Promotions Manager (Sonia Gerken), 3 Waters Asset Manager (Mr Matt Bayliss), 3 Waters Project Manager (Mr Sam Bunting), Policy and Planning Officer (Miss Emma Williams) and 34 members of the public in the gallery.

**Apology** Cr P Grant apologised for absence.

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**1. NEW ZEALAND CITIZENSHIP CEREMONY (SC1068)**

His Worship conferred New Zealand citizenship on Tamara Basey-Wilson, an American citizen, Samuel Muntz, an Australian citizen and Gustav van Zyl, a South African citizen. All read the Oath of Allegiance and each family was presented with a New Zealand kowhai and the New Zealand citizenship story book provided by the Department of Internal Affairs.

The regional Town Crier read a message to the new citizens.

*The meeting adjourned at 7.48pm and resumed at 8.02pm with one member of the public in the gallery. The regional Town Crier departed at 7.55pm*

His Worship called for any conflicts of interest. None were declared.

## 2. CONFIRMATION OF MINUTES

**RESOLVED** on the motion of Cr Beale, seconded by Cr Highsted, **THAT** the minutes of the ordinary meeting of the Gore District Council, held on Tuesday 14 February 2017, as presented, be confirmed and signed by the Mayor as a true and complete record.

**RESOLVED** on the motion of Cr Dickson, seconded by Cr Phillips, **THAT** the report of the ordinary meeting of the Community Services Committee, held on Tuesday 14 March 2017, as presented, be confirmed and signed by the Mayor as a true and complete record.

**RESOLVED** on the motion of Cr Reid, seconded by Cr D Grant, **THAT** the recommendations contained within the report of the meeting of the Community Services Committee, held on Tuesday 14 March 2017, as presented, be ratified.

**RESOLVED** on the motion of Cr Davis, seconded by Cr D Grant, **THAT** the report of the meeting of the Operations Committee, held on Tuesday 14 March 2017, as presented, be confirmed and signed by the Mayor as a true and complete record.

**RESOLVED** on the motion of Cr Davis, seconded by Cr Reid, **THAT** the recommendations contained within the report of the meeting of the Operations Committee, held on Tuesday 14 March 2017, as presented, be ratified.

**RESOLVED** on the motion of Cr Beale, seconded by Cr Phillips, **THAT** the report of the meeting of the Regulatory and Planning Committee, held on Tuesday 14 March 2017, as presented, be confirmed and signed by the Mayor as a true and complete record.

**RESOLVED** on the motion of Cr D Grant, seconded by Cr Reid, **THAT** the recommendations contained within the report of the meeting of the Regulatory and Planning Committee, held on Tuesday 14 March 2017, as presented, be ratified.

**RESOLVED** on the motion of Cr Bolger, seconded by Cr Dickson, **THAT** the report of the meeting of the Finance and Policy Committee, held on Tuesday 14 March 2017, as presented, be confirmed and signed by the Mayor as a true and complete record.

**RESOLVED** on the motion of Cr Bolger, seconded by Cr Beale, **THAT** the recommendations contained within the report of the meeting of the Finance and Policy Committee, held on Tuesday 14 March 2017, as presented, be ratified.

## 3. YOUTH COUNCIL

A copy of the minutes of the Youth Council meeting held on 6 March had been circulated with the agenda.

The Deputy Chairperson, Hamish Goatley was in attendance at the meeting. He addressed the Council and advised the Gore Youth Awards would be held on 9 December. There were activities planned for Youth Week from 26 May to 4 June. The Youth Council also intended being involved with Environment Week in September.

Cr Phillips suggested having an informal gathering between the District Council and the Youth Council.

His Worship said there had been a “speed dating” evening held with the Youth Council for the past 5-6 years and he understood that would occur again this year. It was a worthwhile format.

4. VENTURE SOUTHLAND QUARTERLY REPORT – DECEMBER 2016 (SC1656)

A quarterly report from Venture Southland to December 2016 had been circulated with the agenda and was perused by the Council.

Discussion ensued on some items highlighted in the report.

Cr Reid asked about freedom campers and whether the Council had a policy.

His Worship said the Council did not have a policy but suggested it was worth investigating. He noted there were different rules in play in different areas which was confusing for visitors.

The Chief Executive said the bylaw process was a good one to pursue to identify whether one was required.

Cr Davis said freedom campers were using the showers at the multisports complex. The Council need to get ahead of the issue and ensure there were facilities available for those vehicles that were not self-contained.

**RESOLVED on the motion of Cr Davis, seconded by Cr Reid, THAT the report be received.  
2017/25**

5. LOCAL GOVERNMENT NEW ZEALAND CONFERENCE (SC1526)

A memo had been received from the Administration Manager advising that the 2017 Local Government New Zealand conference would be held in Auckland from 23-25 July. A copy of the programme had been circulated. The conference theme was “*Creating Pathways to 2050 – liveable spaces and loveable places.*”

**RESOLVED on the motion of Cr D Grant, seconded by Cr Davis, THAT the Council delegation to attend the 2017 Local Government New Zealand conference in Auckland comprise His Worship the Mayor, the Chief Executive and Cr Beale,**

**AND THAT His Worship the Mayor be the presiding delegate at the Annual General Meeting of Local Government New Zealand, with Cr Beale being the alternative delegate.**

**2017/26**

**6. HEALTH AND SAFETY REPORT – FEBRUARY 2017 (SC1669)**

A memo had been received from the Human Resources Manager providing a health and safety report for the information of the Council. The report covered an update on the Shared Services project, future work programme, incidents reported from 16 November 2016 to 10 February 2017 and first aid staff training undertaken.

**RESOLVED on the motion of Cr Highsted, seconded by Cr Dickson, THAT the report be received.**

**2017/27**

**7. SPORT SOUTHLAND BIENNIAL REPORT (SC1654)**

A copy of the biennial report from Sport Southland had been circulated with the agenda and was perused by the Council.

**RESOLVED on the motion of Cr Dickson, seconded by Cr Sharp, THAT the report be received.**

**2017/28**

**8. MATAURA COMMUNITY BOARD REPORT**

A copy of the report of the meeting of the Matura Community Board held on 6 March had been circulated with the agenda.

**Cr Phillips moved THAT the report be received,**

**AND THAT the recommendations contained in the report be ratified.**

**The motion was seconded by Cr Highsted.**

Cr Davis noted the Board's discretionary fund was sitting at \$14,000. She wondered if it was not being used should the Council review the amount being provided annually. It was money that needed to be rated for.

Cr Phillips said there was a project in mind for the funds.

Cr Beale questioned the location of the defibrillator outside the fire station and whether that was a safe place for it to be.

Cr Phillips advised the cabinet housing the defibrillator was alarmed and linked to the fire station. That location was quite common in other parts of the country.

**The motion was put and it was carried.**

**2017/29**

**9. COMMERCIAL USE OF PUBLIC LAND – ELECTRIC CAR CHARGING STATION (SC1703)**

A memo had been received from the Policy and Planning Officer together with a proposal from Charge Net to open dialogue for the installation of an electric vehicle charging station on public land, secured by way of a licence to occupy. Recent media attention had been a focus on electric car charging stations and Gore was the next town in Otago-Southland tipped to have one installed.

The proposed location for the charging station was a single car park on Norfolk Street, located at the eastern end of the car parking surrounding the trout statue. Council staff were of the opinion that private commercial use of that space could set an undesirable precedent and was not appropriate. There were also safety issues. Activities on public roads within the Gore District were governed by the Roothing and Mobile Trading Bylaws and the proposal was inconsistent with both of the bylaws.

The Chief Executive said a former staff member had instigated dialogue with the company and there was support for a suitable location to be found.

In response to Cr Highsted, the General Manager Regulatory and Planning advised there were examples of Council owned land used for charging stations, but more particularly car park sites rather than public road.

Cr D Grant noted Charge Net was involved with Z and he wondered why a charge station could not be located at the Z service station.

**RESOLVED on the motion of Cr Highsted, seconded by Cr D Grant, THAT the Council determine that Charge Net's proposal is not consistent with the Mobile Trading and Roothing Bylaws and therefore its application for a licence to occupy be declined,**

**AND THAT a further report be provided to the Council following consultation with the company involved.**

**2017/30**

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*The Policy and Planning Officer departed the meeting at 8.43pm*

10. OTAMA RURAL WATER SCHEME – FUTURE GOVERNANCE AND MANAGEMENT (sc0671)

A comprehensive report from the Chief Executive had been received about the future governance and management of the Otama rural water scheme. The following documents had been circulated with the agenda:

- Briefing paper to the Otama rural water scheme Committee, dated December 2015;
- Legal opinion obtained by the Council from Anderson Lloyd;
- Legal opinion obtained by the Otama Committee from Chen Palmer;
- A consultation document profiling the proposed options to change the ownership, governance and management of the scheme to be circulated to users of the scheme prepared by the Council; and
- A consultation document profiling the proposed options to change the ownership, governance and management of the scheme to be circulated to users of the scheme prepared by the Otama Committee.

The Otama scheme had been developed principally as a water supply for stock, however, it also served as a potable water supply to numerous dwellings, two schools and a marae. The scheme Committee had made it abundantly clear that it wished to sever ties with the Council and engage a private contractor to operate the scheme on its behalf. The Otama rural water supply Committee was not a legal entity and in the opinion of Anderson Lloyd, could not be considered to be the legal owner of the scheme's assets. The opinion from Chen Palmer asserted that ownership of the scheme is unclear.

There had been uniform agreement between both parties that consumers of the scheme need to be presented with options for the future and make an informed decision as to what best suited future needs. Two meetings had been held with the committee with Clutha-Southland MP, Todd Barclay as chair to determine a way forward to resolve the differences in opinion. The outcome of the meetings had been the development of two specific options to be put to consumers by way of a formal poll undertaken pursuant to the Local Electoral Act 2001. The Council's option was for the retention of a Council governed and operated scheme with the establishment of a sub-committee with a heavy representation of consumers but ultimately controlled by the Council and with maintenance and financial administration of the scheme still being undertaken by Council staff. The committee's option involved the establishment of a new company, governed by directors elected by scheme users. Maintenance of the scheme would be undertaken by a private company (unnamed) with all administrative services being provided by a party or parties other than the Council.

It was envisaged that both consultation papers would be circulated to each registered elector. Thereafter, a public meeting at a date to be determined would be held once the roll of electors had been established and the public inspection period completed. The meeting would be chaired by Mr Jim Copland and would consumers would be able to ask questions about each option. To comply with the criteria set down in the Local Electoral Act, polling day would be 1 July 2017.

Details of key timelines were tabled at the meeting.

Cr Beale asked for an indication of costs incurred to date by the Council and the scheme Committee and where they were being met from.

The Chief Executive said the legal expenses incurred by the scheme Committee had been funded from the Committee's reserves and totalled \$36,300 to date. The cost to the Council of retaining its own legal advice was \$4,600. He expected more expense would be incurred by the Committee.

Cr Davis expected there would be a significant amount of staff time put into the issue as well which had not been separately accounted for.

The Chief Executive said there had been a lot of his own time particularly, and also the 3 Waters Manager.

Cr Highsted was concerned at the value of legal expenses spent by the Committee. What was the brief given to the legal advisors?

The Chief Executive thought a lot of it may have come from the legal advisors rather than the Committee. A question had been raised with the last invoice from Chen Palmer about whether the voting could be weighted according to use or units used.

Cr Bolger said the scheme was currently maintained by the Council and was done on a cost only basis yet the Committee was favouring a private company that would have a profit margin factored into future costs. He noted the poll was only the start of what could be a long process and there would be additional costs incurred.

His Worship said the scheme had a healthy bank balance.

Cr Davis asked about the reserves that the scheme had.

The Chief Executive said the balance was about \$430,000.

The Chief Financial Officer said the reserve account was listed separately in the annual plan information.

Cr Davis thought at the rate the scheme was going and with what could potentially happen if the reserve was depleted, who would end up funding the costs then. It could take years to finalise. She asked where the Council's responsibility was to allow the scheme to deplete the reserve account.

His Worship said the Council allowed the Committee to use some of its reserve to obtain legal advice. There was no limit on it but perhaps that was something the Council needed to turn its mind to. The reserve had been built up from consumers over the years.

The Chief Executive said the MP, Todd Barclay was concerned there was a lack of information about cost being provided to consumers by the Committee. That also included the cost of setting up any company.

In response to Cr Dickson, the Chief Executive clarified who was entitled to vote, ie those registered as Parliamentary electors. There was likely to be ratepayer electors as well.

In response to Cr Sharp, the Chief Executive said the cost of the referendum would be a cost to the Council.

Cr Davis asked how much the poll was likely to cost.

The Chief Executive said he only had an indicative cost. It was a complex process.

Cr Highsted said the Committee's objective was to remove the Council from operating the water scheme. He believed the full cost of the referendum should therefore be met by the Committee.

**Cr Highsted moved THAT the cost of the entire process, including electoral costs, be charged to the Otama scheme Committee.**

**The motion was seconded by Cr Davis.**

Cr Davis said it was not something the Council had asked for. Council staff had often prioritised work at Otama over work in other places. The ratepayers should not be having to fund the process.

Cr Gardyne was a member of the scheme but thought the Council needed to be careful about where governance costs should lie.

Cr Davis said the costs were being imposed on the Council by a Committee that did not want to be involved with the Council. She did not believe the Council needed to be funding the costs.

Cr Bolger thought the Committee was ill-advised to go down the track it was. The scheme was important and the Council had supported the consumers. He thought the Council was the best avenue to continue to maintain the scheme and would not support the motion.

Cr Beale asked if the potential outcome would mean that future Committee members would be democratically elected.

His Worship could not answer that.

Cr Sharp said there had been historical issues with the scheme.

Cr Phillips did not think the consumers had been properly informed of what the outcome of the poll could mean. He was concerned that the reserve could be exhausted and any ability to upgrade the scheme in the future would be unable to happen as a result.

Cr Highsted said from a risk management issue, when issues like water quality and treatment come to the fore. It was a stock water scheme.

The Chief Executive said as a result of the issues that occurred at Havelock North last year changes to water treatment processes would likely be inevitable and probably on a national basis. While the Council was in charge of supplying the water it would honour its obligations for water treatment. The resource consent was in the Council's name.

His Worship said there were risks with the scheme. It was a stock water scheme and already this year there had been boil water notices issued.

**The motion was put and it was carried.**

**2017/31**

In response to Cr Dickson, the Chief Executive said if the poll favoured the Committee's option, there were a lot of hurdles to get over before an Act of Parliament ensued. If it did not, then the status quo would be retained. The Council would need to implement some changes if that occurred. If the Parliamentary process denied progress of a Bill, the Council would then need to consider whether it was morally acceptable to continue with something that had not been supported by the referendum.

Cr Highsted asked what the process would be to limit expenditure from the scheme reserve.

His Worship thought until 1 July, it would be unknown.

The Chief Executive said the Council could reasonably expect the scheme Committee to provide an estimate of costs to consumers to advance a Bill through Parliament and forming the private company.

The 3 Waters Asset Manager clarified that the scheme was classified as a small drinking water scheme and not a rural drinking water scheme. There needed to be a water safety plan instigated and the Council could commence work on that.

**RESOLVED on the motion of Cr Davis, seconded by Cr D Grant, THAT the report and enclosures be received,**

**THAT the Council note that a poll of electors who are recipients of water from the Otama rural water scheme or own land that the scheme services, will be polled on their preferred choice of either:**

- a) A Council governed, managed and administered scheme; or
- b) The establishment of a company with a board of directors elected by consumers and maintenance and administration be undertaken by parties other than the Council;

**THAT the proposed closing date of the poll be 1 July 2017,**

**AND THAT the Council determine that the poll will be binding.**

**2017/32**

**11. JOSEPH STREET - PETITION FOR REMOVAL OF TREES (SC1542)**

A memo had been received from the Parks and Recreation Manager following a request received from some residents of Joseph Street Gore for 15 Betula Pendula (silver birch) trees growing on a steep bank on the western side of the road between 33 and 55 Joseph Street be removed.

A copy of the petition submitted by the residents had been circulated, together with an aerial photograph of the area and a copy of the District Tree policy.

There were two options that the Council had to consider. One was to follow the process outlined in the District Tree policy, or step outside the policy and make a ruling based on the content of the petition alone.

Cr Davis was not supportive of holding a hearing. She noted that most of the comments from those signing the petition related to leaves.

Cr D Grant suggested sitting down with the residents to hear their concerns and perhaps removing every second tree may help.

The Chief Executive encouraged the Council to consider the policy process. The District was renowned for its trees. He suggested allowing those involved to put their case.

In response to Cr Phillips, the 3 Waters Manager was unaware of any infrastructural issues caused by the trees in Joseph Street. He would need to check whether the CCTV had been through the pipes.

The Parks and Recreation Manager said there had been two laterals replaced in the past ten years, partly due to the steep nature of the bank where the drains were.

Cr Reid noted the trees were causing health issues for some residents and the petition had been signed by two doctors. She thought the residents needed the opportunity to put their views forward.

Cr Beale was not sure the situation could be fixed by a policy. He supported having dialogue with the residents.

Cr Davis agreed having dialogue with the residents should be pursued. She also questioned whether silver birch was a suitable street tree.

The Manager advised he had not planted any silver birch as street trees in the past ten years. They were deciduous but in horticultural terms, were deemed to be less desirable than other species of trees.

Cr Highsted said the Council had a policy for a reason and it would provide the guidance to deal with the petition.

Cr Bolger suggested the street sweeper could be put into the street a little more frequently to clear the leaves.

His Worship was mindful of the time it took for the Main Street tree issue to be processed and asked how long it might take for Joseph Street.

The Manager said the residents could be invited to a meeting with Councillors by about mid-May.

In response to Cr Highsted, the Chief Executive said the Council was not tied to having qualified Commissioners but if there was a hearing then those Councillors who may be on the hearing panel should not be involved with the initial meeting.

**RESOLVED on the motion of His Worship, seconded by Cr Bolger, THAT the information be received,**

**THAT the Council meet with those residents who signed the petition as soon as possible to work through the issue and endeavour to achieve a resolution,**

**AND THAT after meeting with residents, the Council determine the next step.**

**2017/33**

**12. DELEGATIONS REGISTER – UPDATING (SC0112)**

A memo had been received from the Administration Manager advising that with the recent commencement of the General Manager Regulatory and Planning, Dr Ian Davidson-Watts and the pending appointment of a General Manager Infrastructure, the Council's current delegations register required amendment to take cognisance of the two new job titles.

The delegations previously held by the General Manager Community and Strategy would be transferred to the General Manager Regulatory and Planning. Those held by the former General Manager District Assets would be transferred to the General Manager Infrastructure.

In addition, the Resource Management Act (RMA) delegations did not specifically cover the former position of General Manager Community and Strategy. It was proposed that the suite of delegations assigned to the Chief Executive be also bestowed on the General Manager Regulatory and Planning. A schedule of the relevant RMA delegations had been circulated with the agenda.

**RESOLVED on the motion of Cr Davis, seconded by Cr Phillips, THAT the delegations register be updated to reflect the change in job titles from General Manager Community and Strategy to General Manager Regulatory and Planning, and from General Manager District Assets to General Manager Infrastructure,**

**THAT the schedule of delegations under the RMA assigned to the Chief Executive be also delegated to the General Manager Regulatory and Planning,**

**AND THAT the changes be effective from 4 April 2017.**

**2017/34**

**13. COSTER FUND DISTRIBUTION SUB-COMMITTEE (SC1736)**

A copy of the minutes of the Coster Fund Distribution Sub-Committee meeting held on 2 March 2017 had been circulated for the Council's information.

**RESOLVED on the motion of Cr Phillips, seconded by Cr D Grant, THAT the minutes be received.**

**2017/35**

**14. ADOPTION OF THE ANNUAL PLAN 2018 UPDATE DOCUMENT (SC1480)**

A memo had been received from the Chief Financial Officer advising that in the years between the Long Term Plan (LTP) the Council was required to prepare an annual plan. Changes to the Local Government Act meant that the annual plans were now truly an “exceptions” based document. As had been previously reported, the overall direction for 2018 was much the same as had been set out in the LTP. As there were no material changes to the LTP, the Council was not required to consult with the community. On that basis, an “update” document had been prepared and was tabled at the meeting. Also tabled, was a set of draft financial statements and rating examples.

There were no material changes from the LTP. Minor operational changes had been summarised in the update document and the LTP forecast district-wide rates increase for 2018 was 4.47%.

Feedback was able to be submitted to the update document and would be summarised and presented to the Council prior to the adoption of the final 2018 annual plan. The update document would be distributed to every household and business in the district.

**RESOLVED on the motion of Cr Sharp, seconded by Cr Davis, THAT the report be received,**

**THAT the supporting information be adopted,**

**AND THAT the 2018 Annual Plan update document be adopted and made available to the public.**

**2017/36**

**15. RURAL TRAVEL FUND SUB-COMMITTEE**

A copy of the report from the Rural Travel Fund Sub-Committee meeting held on Monday 27 March 2017 had been circulated with the agenda for the Council’s information.

**RESOLVED on the motion of Cr Sharp, seconded by Cr D Grant, THAT the information be received.**

**2017/37**

The meeting concluded at 10.04pm