Minutes of an ordinary meeting of the Gore District Council, held in the Council Chambers, 29 Civic Avenue, Gore, on Tuesday 11 August 2015, at 7.39pm

Present: His Worship the Mayor (Mr Tracy Hicks, JP), Crs Beale, Bolger, Byars, Davis, Dixon, Gover (from 8.26pm), D Grant, Highsted, Page and Sharp.

In Attendance: The General Manager District Assets (Mr Paul Withers), General Manager Community and Strategy (Dr Aaron Fox), Chief Financial Officer (Mr Luke Blackbeard), Parks and Recreation Manager (Mr Ian Soper), Roading Manager (Mr Murray Hasler), HR/Administration Manager (Susan Jones), Building Control Manager (Mr Russell Paterson), Senior Planner (Mr Howard Alchin), Communications Manager (Sonia Gerken) and Mr Steve Canny from Venture Southland.

Apologies: Cr Gover apologised for lateness and Cr P Grant apologised for absence.

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

1. CONFIRMATION OF MINUTES

RESOLVED on the motion of Cr Dixon, seconded by Cr Bolger, THAT the minutes of the ordinary meeting of the Gore District Council, held on Tuesday 9 June 2015, 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 Beale, THAT the minutes of the extraordinary meeting of the Gore District Council, held on Tuesday 23 June 2015, as presented, be confirmed and signed by the Mayor as a true and complete record.

RESOLVED on the motion of Cr Highsted, seconded by Cr Byars, THAT the minutes of the extraordinary meeting of the Gore District Council, held on Tuesday 30 June 2015, as presented, be confirmed and signed by the Mayor as a true and complete record.
RESOLVED on the motion of Cr Beale, seconded by Cr Highsted, THAT the report of the ordinary meeting of the Community Services Committee, held on Tuesday 30 June 2015, 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 Page, THAT the recommendations contained within the report of the meeting of the Community Services Committee, held on Tuesday 30 June 2015, as presented, be ratified.

RESOLVED on the motion of Cr Davis, seconded by Cr Beale, THAT the report of the meeting of the Operations Committee, held on Tuesday 30 June 2015, as presented, be confirmed and signed by the Mayor as a true and complete record.

RESOLVED on the motion of Cr Byars, seconded by Cr Page, THAT the recommendations contained within the report of the meeting of the Operations Committee, held on Tuesday 30 June 2015, as presented, be ratified.

RESOLVED on the motion of Cr Highsted, seconded by Cr Page, THAT the report of the meeting of the Regulatory and Planning Committee, held on Tuesday 30 June 2015, as presented, be confirmed and signed by the Mayor as a true and complete record.

RESOLVED on the motion of Cr Highsted, seconded by Cr Bolger, THAT the recommendations contained within the report of the meeting of the Regulatory and Planning Committee, held on Tuesday 30 June 2015, as presented, be ratified.

RESOLVED on the motion of Cr Bolger, seconded by Cr Byars, THAT the report of the meeting of the Finance and Policy Committee, held on Tuesday 30 June 2015, 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 Highsted, THAT the recommendations contained within the report of the meeting of the Finance and Policy Committee, held on Tuesday 30 June 2015, as presented, be ratified.

3. URGENT LATE BUSINESS

An item of urgent late business was tabled at the meeting concerning a review of Council bylaws.

RESOLVED on the motion of Cr D Grant, seconded by Cr Dixon, THAT pursuant to section 46 (a)(7) of the Local Government Official Information and Meetings Act 1987, the Council address the following which requires urgent attention:
Subject

Consideration of a report from the General Manager Community and Strategy, tabled at the meeting.

Reason for not being on agenda
Issue was brought to the Council’s attention after the agenda had been published.

Reason for Urgency
To ensure that the Water Supply Bylaw does not lapse.

PRESENTATION BY YOUTH COUNCILLORS

Youth Councillors Olivia Samson and Emily Chamberlain addressed the Council and provided an update on activities of the Youth Council and their views on some items that would be considered at the Council meeting.

The Youth Councillors departed the meeting at 7.49pm

REPORT OF AUDIT AND RISK COMMITTEE (SC1007)

A copy of the report of the Audit and Risk Committee meeting held on 14 May 2015 had been circulated.

RESOLVED on the motion of Cr Page, seconded by Cr Bolger, THAT the report of the Audit and Risk Committee meeting held on 14 May 2015 be received.

SCHEDULE OF BUILDING CONSENTS

A copy of the schedule of building consents issued for June and July 2015, together with a comparison of the previous two years had been circulated.

RESOLVED on the motion of Cr Highsted, seconded by Cr Dixon, THAT the information be received.

AMENDMENT TO CEMETERY BYLAW (SC0107)

A memo had been received from the Chief Executive following a decision by the Council to amend the Cemetery Bylaw to allow that in circumstances involving the death of a child aged 25 years or under, for any relative of a person buried to purchase two additional plots. A copy of the amendment had been circulated.
RESOLVED on the motion of Cr Bolger, seconded by Cr D Grant, THAT the Cemetery Bylaw 2008, Amendment No 1 2015, be approved.

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8. SHARED SERVICES FORUM

A copy of the confirmed minutes from the Shared Services Forum meeting held on 16 March 2015 and the draft unconfirmed minutes from the meeting held on 22 June 2015 had been circulated.

RESOLVED on the motion of Cr D Grant, seconded by Cr Bolger, THAT the minutes from the Shared Services Forum meeting held on 16 March 2015 and the unconfirmed minutes from the meeting held on 22 June 2015, be received.

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9. ESPLANADE MOTELS (2011) LIMITED (SC1167)

A report had been received from the Senior Planner advising that resource consent had been granted in November 2014 to allow for the establishment of two additional motel units on the site at 35 Railway Esplanade, Gore. A financial connection was struck as part of the resource consent process to allow for the connection of the new units to the Council’s reticulated system for water and sewerage.

His Worship asked about the review of financial contributions that had been flagged during the LTP process.

The Chief Executive said a review of financial contributions would get underway within the next couple of months. He thought it would be unlikely that there would be any retrospective refunds should the Council change its policy on financial contributions.

Cr D Grant said he had spoken with the owners of the motels and while they were complimentary about the service received from Building Control Officer, Mr Tony Osborne, and reference to financial contributions had been made in the decision, they were unaware of the amount of fees until after building had commenced and the decision had been signed off. He said Southland and Clutha District did not have such a policy. The owners did not mind paying something but they had built two units that would have a maximum of four people for about 80% of the time.

Cr Beale had also spoken with the owners and referred to the Council’s wish to be “open for business.” The extra units would have very little impact on the Council’s infrastructure.

Cr Bolger referred to a comment from Cr D Grant about why the Gore District had a contributions policy but Southland and Clutha Districts did not. He suggested both Clutha and Southland Districts would be making more use of the valuation base
which would result in motels having a higher rate imposed. The Council’s infrastructure had to be paid for and maintained either through financial contributions or through the valuation component of rates.

Cr Highsted said in terms of process, the Council had agreed to undertake a review of its financial contributions policy. He had a sympathy for being “open for business” but questioned whether the Council should discount its contributions policy for that to happen. Perhaps there was a mechanism available for this request to be reviewed after the review had been completed.

Cr Page said there was no discretion but wondered if the Council did something retrospectively for the Esplanade Motels would it have to do the same for Oakleigh Motels which had also added additional units.

His Worship agreed with the sentiments about being open for business and that had been signalled throughout the LTP along with undertaking a review of financial contributions. He thought if there were one-off requests made the Council would end up in a shambles. He did not believe the request could be considered at the meeting.

The Senior Planner advised the value of the development was not high enough to trigger a reserves contribution. He also confirmed that the information provided to the owners of the Esplanade Motels outlined what the cost of the financial contribution would be.

The Chief Executive said the review that would be undertaken was for residential subdivision. That would not save the Esplanade Motels from its request for its contributions to be reviewed.

Cr Beale said the motel owners were contemplating another two units in a couple of year’s time and expected to be faced with another $13,000 cost then.

His Worship was loathe to make policy on the hoof and wondered if it should be held over and reconsidered following a report to the Regulatory and Planning Committee.

Cr Davis asked at what point the owners were aware of the costs. Were they aware of the costs before they started building.

The Senior Planner confirmed they were.

Cr Highsted thought it would be good for the review to be expanded to include infilling expansion on existing sites, whether it was residential or commercial.

**Cr Sharp moved THAT the request from Esplanade Motels be held over in the meantime,**
AND THAT a report on the process to be undertaken for reviewing financial contributions be prepared for the next meeting of the Regulatory and Planning Committee.

Cr D Grant asked where that left the motelliers. Would the decision impede its business?

The Senior Planner advised the units were currently available for occupation.

The motion was seconded by Cr D Grant, was put and it was carried.

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10. 1 IRK STREET – STATUS OF RESOURCE CONSENT APPLICATION (SC1167)

A memo had been received from the Senior Planner explaining why a planning application relating to 1 Irk Street (former Methodist church) had been returned as incomplete. There had been changes made recently to the Resource Management Act which required local authorities to assess all applications against amended criteria to determine whether they were complete. If an application was deemed to be incomplete, it had to be returned to the applicant.

The Planner advised the property had recently changed ownership.

RESOLVED on the motion of Cr Bolger, seconded by Cr Davis, THAT the information be received.

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11. VENTURE SOUTHLAND – UPDATE ON ULTRAFAST BROADBAND, RURAL BROADBAND AND MOBILE BLACKSPOT FUND (SC1077)

A report had been circulated from Venture Southland providing an update on the registration of interest for the Ultrafast Broadband 2, Rural Broadband 2 and Mobile Blackspot Fund that had been submitted on behalf of the Invercargill City, Southland District and Gore District Councils. The report detailed an overview of the state of internet and mobile telecommunications revealed through the consultation process and the two bids submitted.

Mr Steve Canny from Venture Southland was in attendance at the meeting and provided a presentation about the update.

Cr Gover attended the meeting from 8.25pm

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

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Mr Canny departed the meeting at 8.26pm
12. RURAL HALLS AND DOMAINS ALLOCATION

A copy of the report of the Rural Halls and Domains Sub-Committee meeting held on 24 July 2015 had been circulated.

RESOLVED on the motion of Cr Sharp, seconded by Cr Byars, THAT the report of the meeting held on 24 July 2015, be received.

2015/65

13. GORE MULTISPORTS COMPLEX – DRAFT MASTER PLAN FOR PUBLIC CONSULTATION
(SC1251)

A report had been received from the Parks and Recreation Manager seeking approval from the Council to publicly notify for consultation, a draft Master Plan for the Gore Multisports Complex site. For clarification, that title also included Newman Park and Wayland Park.

Cr Dixon did not think the timing of the master plan was appropriate. A recreational facility had recently been withdrawn from Mataura and he thought the master plan was a slap in the face for those residents.

His Worship took his point, but the plan had been in the making for quite some time. The onus was on the Council to consider a plan.

Cr Bolger concurred. The Council had invested in recreational facilities in Mataura.

Cr Highsted said it was a plan to ensure an orderly process for when sporting codes wanted to locate themselves in the area.

His Worship wondered if one month was long enough given there were sporting clubs involved that may only meet on a monthly basis.

Cr Sharp thought the future fitness elite circuit should be removed and the area made into car parking which was an issue every weekend.

Cr Davis asked if the hearing panel made the decision or would a recommendation be made to the Council which could then potentially open it up to relitigation.

His Worship said there was a risk it could be relitigated but the whole Council could be the hearing panel.

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

THAT the Council approve the Gore Multisports Complex draft Master Plan for public consultation,
THAT the Council note that the consultation period will comprise of:

- Draft plan notified on 21 August 2015
- Submissions closing on Friday 30 October 2015
- Hearing of submissions on Tuesday 17 November 2015; and
- Final decision made on plan on Tuesday 15 December 2015

THAT the Council be appointed to hear submissions and make decisions raised by submitters,

AND THAT a further report to the Council be forthcoming at the conclusion of the consultation process.

2015/66

14. UPDATING RESERVE MANAGEMENT PLANS (SC1248)

A memo had been received from the Parks and Recreation Manager seeking Council approval to proceed with the process of updating existing Reserve Management Plans. A hearing panel was also required to be appointed.

Cr Dixon questioned whether some parcels of land should be classified as reserve as it could prevent possible “swaps” in the future.

The Manager noted the parcels were not the entire reserve and one area was only 49 square metres. The Council had the ability to instigate change in the future.

Cr Highsted asked if there were any consequences of not tidying up the classification.

The Manager advised it was primarily for completeness. A classification was required to be in place and the procedures and descriptions had to follow the process set out in the Reserves Act 1977.

In response to His Worship the Mayor, the Manager advised the hearing panel would make a recommendation to the Council.

Cr Beale asked for reassurance that the land to be classified would not result in service that would increase the budget.

The Manager advised absolutely not.

Cr Davis asked if a workshop would suffice.

The Manager said the process was set out in the Reserves Act but the hearing panel did not have to comprise RMA certified commissioners.
Cr Davis said if it was just clarifying what was already in place, would it be better to be considered in a workshop and then considered at a future meeting. Was there a need to have a hearing?

The Manager explained the process.

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

**THAT** the Council instruct staff to progress updating all Reserve Management Plans in accordance with the Reserves Act 1977,

**THAT** the Council notify the public of its intention to classify those reserves listed in schedule 1 in accordance with the requirements of the Reserves Act 1977,

**AND THAT** the Council appoint Crs Beale, Davis and Page to the hearing panel to hear submissions received on the reserve classifications and reserve management plans.

2015/67

15. **SOUTH GORE – PLAN CHANGE (SC1022)**

A report from the Senior Planner had been circulated that set out the background to the south Gore industrial plan change. A formal request was made for approval to allow the proposed plan change to proceed as set out in schedule 1 of the Resource Management Act.

The proposal was for re-zoning of two areas of land currently zoned rural which were located adjacent to land zoned industrial in south Gore. A copy of the plan showing the areas proposed to be re-zoned had been circulated with the agenda. Details of the process to be followed had also been provided.

Cr Beale advised he had a telephone call from a resident complaining about the communication process notifying residents in the south Gore area and questioning why the residents had not been notified earlier than the day prior to the Council meeting.

The Planner advised residents were notified of the proposed change and the process to be undertaken. No decisions had been made.

**RESOLVED** on the motion of Cr Bolger, seconded by Cr Dixon, **THAT** the report be received,

**THAT** the Council approve the formal commencement of the plan change process to be known as the South Gore industrial plan change.
AND THAT the Council confirm the appointment of a hearings panel comprising Mr David Pullar as chair, to sit with Crs Bolger, Davis, Highsted and D Grant as hearings commissioners.

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16. REPORTS FROM COUNCILLORS

Reports from His Worship the Mayor and Crs Beale, Gover, Davis and Byars had been circulated.

17. REVIEW OF COUNCIL BYLAWS – TIMETABLES AND PROCEDURES UNDER THE LOCAL GOVERNMENT ACT 2002 (SC0107)

A report had been tabled from the General Manager Community and Strategy advising that a recent communication from the Department of Internal Affairs reminded local authorities of the bylaw review requirements within the Local Government Act 2002.

The Council had undertaken an extensive review of its bylaws in 2008 and a number were revoked as a result. Eight new bylaws were adopted and came into effect from 1 July 2008. These bylaws need to be reviewed no later than 1 July 2018.

A stocktake of the bylaws made after 1 July 2008 had revealed that two were now outside of the review period, while one required immediate review. Both the Trade Waste Bylaw 2008 and the Keeping of Animals, Poultry and Bees Bylaw 2009 were outside of the review timeframe. Work would need to commence on drafting new bylaws for public consultation.

In order to ensure that the Water Supply Bylaw 2010 remained in effect, it had to be reviewed no later than 1 October 2015. The Council needed to determine if the bylaw remained the most appropriate means of addressing the perceived problem, if the bylaw was the most appropriate form and whether or not it gave rise to any implications under the New Zealand Bill of Rights Act 1990.

RESOLVED on the motion of Cr Highsted, seconded by Cr Byars, THAT the Council determine that the Gore District Council Water Supply Bylaw 2010 remains the most appropriate means of managing Council water supplies in the District, that the current Bylaw without amendment is in the most appropriate form, and that the Bylaw does not give rise to any implications under the NZ Bill of Rights Act 1990,

THAT the Council direct that consultation with the public on the Gore District Council Water Supply Bylaw 2010 be by means of the special consultation procedure, due to the significance of water supply in the Council’s Significance and Engagement Policy, and that the consultation process will be concluded before 1 October 2015.
THAT the Council direct that work commence on the drafting of new bylaws for public consultation to replace the Gore District Council Keeping of Animals, Poultry and Bees Bylaw 2009 and the Gore District Council Trade Waste Bylaw 2010,

AND THAT the Council note that a systematic review of all other Council bylaws will be completed no later than 1 October 2017, given that the Council’s next Long Term Plan is due in 2018.

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The meeting concluded at 8.57pm