

Report of a meeting of the Operations Committee, held in the Council Chambers, 29 Bowler Avenue, Gore, on Tuesday 5 March 2019, at 4.48 pm.

Present His Worship the Mayor (Mr Tracy Hicks, JP), Cr Davis (Chairman), Crs Beale, Bolger, Dickson, Gardyne, D Grant, P 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), General Manager Infrastructure (Mr Ramesh Sharma), Parks and Recreation Manager (Mr Ian Soper), Transport Manager (Mr Peter Standing), Project Manager Infrastructure (Mr Hashem Ramezan-zadeh), Communications/Marketing Manager (Sonia Gerken), Building Control Manager (Mr Russell Paterson), Fran Davies (Planner), Frances Shepherd (Senior Regulatory Officer), Corporate Support Officer (Suzanne Lucas) and three members of the public in the gallery.

1. 3 WATERS OPERATIONS REPORT

A report from the 3 Waters Asset Manager had been received.

In the Manager's absence, the General Manager Infrastructure informed the Council the Coopers Well water level had improved thanks to rainfall in the headwaters. With regard to the resource consent for the new bore at Coopers Well, it was hoped confirmation of the amendment to the consent would be received in the coming weeks.

Cr Gardyne referred to E-coli identified in the Otama network in November and asked where it could have been detected. The General Manager said he would need to source that information.

Cr Dickson commented on the high levels of E-coli that had been found in the Mataura River and asked if Environment Southland was investigating the source. The General Manager said he would contact Environment Southland and make the necessary enquiries.

Cr Phillips asked if the GIS inspection was just for potable water. The General Manager confirmed the entire network of 3 Waters had been included.

Cr Philips referred to the odour issues at the industrial hub and asked if they had been rectified. The General Manager said the new industrial hub was working very efficiently but some complaints regarding odour issues had been received. Preliminary investigations had been undertaken and some minor improvements were required to address the issue. It would be closely monitored and lines of communication kept open with nearby residents.

Cr Philips congratulated the General Manager on his actions to rectify the situation.

RECOMMENDED on the motion of Cr Bolger, seconded by Cr Highsted, THAT the report be received.

2. BACKFLOW PREVENTION POLICY (SC0107)

A report from the 3 Waters Asset Manager had been received that explained backflow and included a draft prevention policy.

Backflow was an undesirable liquid/contaminant flowed back into the drinking-water supply causing a public health risk. To comply with the requirements of the Health Act 1956 the Council had drafted a policy that set out specific measures to be taken to minimise the risk of contamination to the network supply as a result of backflow.

The Chairman commented that it was a valid plan and a favourable report.

Cr D Grant asked if the financial cost increase suggested would be sufficient to cover any contingencies or would an increase of seven cents be prudent. The General Manager said he would support that. He said the team had taken a conservative approach and he felt confident all risks were covered but was happy to accept that increase.

Cr Phillips asked if the work was being undertaken in-house. The General Manager said it was and if a Contractor was to be involved, the cubic metre charge would need to be increased by 20 cents. Cr D Grant said he would like to recommend an increase of seven cents to the per cubic metre rate charged.

RECOMMENDED on the motion of Cr D Grant, seconded by Cr Phillips, THAT the report be received,

THAT the Council adopt the draft Backflow Protection Policy circulated with the report,

AND THAT the per cubic metre rate charged to extraordinary water users be increased by seven cents to \$0.97/m³ effective from 1 July 2019.

3. PROJECTS PROGRESS REPORT

A report from the General Manager Infrastructure had been received detailing progress on the infrastructure projects being undertaken by the Council.

The General Manager referred to the Gore waste treatment plant upgrade. He informed the committee that the design was almost complete. It had been necessary to revisit the matrix to make sure the long term solution was sustainable. Membrane filtration could be more cost effective solution but the Council would be presented with a full costing.

The General Manager congratulated the Project Manager Infrastructure and the Aquatic Centre Manager for the lighting replacement at the indoor event centre which had been completed within time and budget expectations.

Cr Beale asked for clarification of the Coopers bore consent and what the nature of the enquiry from Environment Southland was. The General Manager explained that Environment Southland was looking at a freshwater consent, but the Council had applied for a right to use the existing consent with a minor variation in water uptake. However it had now been decided not to draw more and uptake would be limited to 33 litres per second.

Cr Beale asked if that rate was sufficient and whether the Council should be looking at a higher level. The General Manager said the bore was capable of more but did not want to risk it and would prefer to hold demand at a rate of 33 litres per second.

Cr Reid referred to Tulloch Park and asked once the playground equipment had been installed when could the pump track be expected to be opened. The General Manager said the project was progressing well and he hoped that the playground could be operational by the next school holidays.

Cr Phillips said the Matura Community Board was happy with progress but would not rush the opening. He congratulated the Reserves staff on their achievements. The General Manager and His Worship concurred and praised the Parks and Recreation Manager and his team for their efforts.

RECOMMENDED on the motion of Cr P Grant, seconded by Cr D Grant, THAT the report be received.

4. REPORT FROM TRANSPORT MANAGER

A report from the Transport Manager had been received.

Cr Phillips declared a conflict of interest with regard to concrete repair works and said he would not participate in discussions should any arise.

Cr Reid asked if the road markings on Broughton Street could be discussed. The Manager said he had received good feedback from Councillors and it would be beneficial to meet on site. He said before settling on where the crossings would be placed, he wanted to see how traffic was acting before making a decision. An opportunity had arisen with the road markers in town and this crossing could be completed within the week.

Cr Reid asked if there were if there was any rules on the distance between pedestrian crossings. The Manager said there were standards around the layout and spaces between intersections. Distance was also governed, but there were different options available to work around those, such as building out so the crossing was less, or a refuge to divide travel.

Cr Beale said from the options he had been presented with, he preferred the crossing between Canning and Duke Streets.

It was agreed that those Councillors who were available would meet at the end of Crombie Street at 6.30pm on Wednesday 6 March.

His Worship the Mayor offered his apologies for the onsite discussion but was eager to be kept updated. He asked for clarification of the number of crossings and suggested locations.

The Manager said two crossings were being considered – both on Broughton Street with one being near Canning Street and the other near Crombie Street but away from the shopping area.

Cr Highsted asked what the plan was to consult with property owners. The Manager said there would be consultation with the property owners and there would be an effort not to interfere with parking and driveways.

His Worship expressed his concern about having a crossing too close to intersections as they could be challenging.

The Manager said since the writing of the report a lot of concrete work and road marking had been undertaken.

Cr Phillips commended NZ Roadmarkers on a good job at a good price.

Cr Gardyne expressed his interest in Pyramid Bridge and how the tender process was progressing.

The Manager said 16 parties had downloaded contract documents from Tenderlink and he expected seven or eight of those would bid for the contract.

RECOMMENDED on the motion of Cr Phillips, seconded by Cr Sharp, THAT the report be received.

5. WARD AND SINCLAIR – ROADSIDE PARKING AND STORAGE (SC2389)

A report from the Transport Manager had been received informing the Council of ongoing issues relating to the storage of wreck vehicles along the Council road reserve on River Street by Ward and Sinclair Ltd. The Manager added discussions had been undertaken and Mr Ward was happy to work with the Council to tidy the area.

The Chairman asked how much room would be left for pedestrian access if the recommendation was adopted. The Manager said approximately 3 – 3.5m but no pathway would be surrendered under the agreement.

The Chairman asked who was to cover the cost of a fence. The Manager replied the owner would be responsible for the cost but it would be to the standard agreed to with the Council. The Chairman asked if the fence would be enclosed and not see through. The Manager said it would be under the proposed agreement.

Cr Highsted asked for clarification as to what aspects of the recommendation differed to the previous agreement.

The Manager replied that the area to the north had already been negotiated. The area on the map, indicated in red and to the south which took up the verge area, was the space under negotiation.

Cr Highsted asked if this had been included in the previous agreement.

The Manager said the previous discussion was to tidy up the corner and to allow Ward and Sinclair that section of land to block off cars already stored there and to allow for extra storage. That to a large extent, had been resolved but the carpark to the south had always been an issue.

The General Manager Infrastructure said it had been agreed at a Council meeting in 2016 that the outside would be fenced and on the south side, the Council would construct car parking for customers, visitors and staff. However a counter offer had been received and instead of spending money on parking, Ward and Sinclair had suggested a Licence to Occupy for the road berm south of their workshop. The additional fenced space would keep the pedestrian right-of-way clear, and damaged vehicles would be taken inside within the fenced area. The front of workshop area would be reserved for customers and staff parking only. He said there would be no cost to the Council apart from signage.

Cr Beale asked if Mr Ward had clarified where the new damaged vehicles will go as in his opinion the fenced area would soon be filled. Cr P Grant said that would be his problem. Cr D Grant concurred with Cr Beale.

The Chairman asked the Chief Executive if he had any comment to make regarding the issue of Ward and Sinclair running out of storage space.

The Chief Executive said it would be Mr Ward's problem as there was no more reserve to give. There would be a Licence to Occupy and it should be made clear in the resolution this was a full and final offer of extra road reserve that would be given to this business. If more space was required, then the owners would need buy more land.

The Chairman asked what would happen if he did park in front of the fence. The Chief Executive said the Council would need to take a regulatory approach. The intention was that the business was being allowed a Licence to Occupy to give some breathing space in terms of space, and damaged vehicles would not be expected to be parked in front of a new fence. The process would be to work with the property owner to bring about a visual enhancement.

Cr P Grant asked how much notice would be required if the Council wished to have the land back. The Chief Executive said it would need to be worked through, but a Licence to Occupy tends to be year by year. That could be guided by Councillors to determine a certain timeline but it would need to be fair to the other party and reasonable commercial notice given.

His Worship said the only reason he could see for revoking the agreement would be if vehicles were stored outside of the fence. There would need to be a clear understanding by both parties that storage of any vehicles outside of the fence would nullify and void the agreement.

Cr Highsted asked if there would be conditions on stacking height of the vehicles behind the fence. The Chief Executive confirmed it would be the Council's job to impose conditions on the agreement.

Cr Beale said that in principle, the agreement sounded good but he emphasised it would need to be policed rigidly. There were safety issues to consider for pedestrians if vehicles were parked outside the fence and passers-by were pushed out onto the street which was also the heavy bypass.

The Chairman asked if the Licence to Occupy could be revoked if the conditions of the agreement were broken such as parking vehicles outside of the fenced area. The Chief Executive confirmed that the Licence could be revoked. Vehicles that were stacked above a certain height or spilled outside the licenced area would be considered unlawful.

Cr Bolger concurred with Cr Beale. He said Mr Ward had plenty of space within his own boundary and did not agree with giving extra land for nothing. He would like to see a time limit imposed on Mr Ward to allow him to make other arrangements for storage of his vehicles.

Cr Phillips expressed his concern for pedestrian safety and suggested a safety rail be added which would also serve to prevent parking along that area and storage of vehicles. That would be at Mr Ward's cost.

The General Manager stated that a decision needed to be made - implementation of the resolution of the 2016 Council meeting and agree to construct a carpark at an approximate cost of \$5000 or grant a Licence to Occupy. He said in his opinion the Council needed to bring Mr Ward into its confidence and explain what the Council was trying to achieve.

Cr Sharp expressed his concern that the footpath was close to the tar seal. The Manager said he was mindful of keeping safe pedestrians and further steps could be taken to form the footpath, but the priority was ensuring the area was clear of vehicles.

Cr Beale asked if the existing fence would be removed to make way for a new fence which would allow easier access to the stock. The Manager said he had a discussion with Mr Ward who said he was happy to operate within the space. Once No Parking areas were enforced he would be restricted and forced to operate within that zone. His Worship said the operation inside was not the Council's issue but enforcement of rules outside of the fence was. Cr D Grant asked if the proposed fence would have an allowance for a gate. If there was not one there would be no provision to drop off or load cars and could be a solution. The Manager said the proposal from Mr Ward was that he had open access to the yard.

The Chief Executive suggested that given the range of concerns raised, that the Council approve the concept of the Licence to Occupy in principle but pending further discussions with the landowner.

Cr Dickson expressed her concern over access to the yard crossing over the pedestrian access and the danger to the public.

Cr P Grant asked if the Council was going to be strong in enforcing the conditions of the agreement, as it had not been in the past.

The Chairman asked the committee if they wanted to meet with Mr Ward to discuss this matter or propose some questions to be presented to him.

Cr Sharp said he was happy to move THAT the Council meet with Mr Ward to clarify any questions the Council had regarding the Licence to Occupy.

Cr D Grant said he was eager to move the meeting on and that a decision be made. He said he agreed with the Chief Executive's idea to meet with Mr Ward but there was to be no mucking around. The Council needed to proceed with this.

The recommendation lapsed for want of a seconder.

Cr D Grant moved THAT a delegation of Councillors meet with Mr Ward, the Transport Manager and the General Manager Infrastructure if he wished, onsite, to find a solution.

The recommendation lapsed for want of a seconder.

Cr Bolger moved THAT a Licence to Occupy not be entertained and the rules be enforced as they currently stood and Mr Ward remains within the boundary.

His Worship asked for clarification of what the rules were.

The Chief Executive said the Council could argue it was litter on the roadside and have the abandoned vehicles forcibly removed.

The Chairman said the recommendation of Cr Bolger would involve going back to the 2016 resolution and spending \$5,000 on a carpark.

Cr Bolger said that was not his intention at all and withdrew his recommendation.

The Chairman suggested in order to progress the meeting that this issue be parked, there be an onsite meeting with a delegation of Councillors and staff, and it be progressed with Mr Ward before coming back to the Council.

Cr Highsted suggested having a draft Licence to Occupy drawn up so conditions could be made clear.

The Chief Executive advised having a meeting following a discussion onsite to discuss findings and ascertain if a mutually acceptable Licence to Occupy could be developed. If an agreement could not be reached the matter would then need to be referred back to the Council.

The Chairman asked if there would be a draft Licence to Occupy ready to be approved.

The Chief Executive confirmed there would be.

RECOMMENDED on the motion of Cr Bolger, seconded by Cr Phillips, THAT the report be received,

AND THAT a decision to grant Ward and Sinclair a further Licence to Occupy be placed on hold pending an onsite meeting with Councillors, staff and Mr Ward;

AND THAT a draft Licence to Occupy be presented to the Council for consideration.

The meeting concluded at 5.56pm.

