



REPORT OF THE ORDINARY MONTHLY MEETING OF THE GORE DISTRICT COUNCIL, HELD IN THE MATAURA COMMUNITY CENTRE, MCQUEEN AVENUE, MATAURA, ON TUESDAY 24 MARCH 2009 AT 7:31 PM.

PRESENT His Worship the Mayor (Mr Tracy Hicks JP), Crs Bolger, Davis, Dixey, Dixon, Gardyne, Grant, Harvey, Heller, Highsted, McLennan and Sharp.

IN ATTENDANCE The Chief Executive (Mr Steve Parry), General Manager, Corporate Services (Mr Russell Duthie), Roading Manager (Mr Murray Hasler), Parks and Recreation Manager (Mr Ian Soper), Asset Manager, Utilities (Mr Ross Haslemore), Community Development Officer (Ms Colleen Te Au), Corporate Support Officer (Mrs Tracey Millan) and six members of the public in the Gallery.

1. CONFIRMATION OF MINUTES

RESOLVED on the motion of Cr Sharp, seconded by Cr Heller, THAT the Minutes of the Ordinary Monthly Meeting of the Gore District Council, held on Tuesday 24 February 2009, as presented, be confirmed and signed by the Mayor as a true and correct record.

RESOLVED on the motion of Cr Harvey, seconded by Cr Sharp, THAT the report of the Community Services Committee meeting held on Tuesday 10 March 2009, be accepted as an accurate and complete record.

RESOLVED on the motion of Cr Davis, seconded by Cr Dixey, THAT the recommendations contained within the report of the Community Services Committee meeting held on Tuesday 10 March 2009, as presented, be ratified.

RESOLVED on the motion of Cr Dixon, seconded by Cr Heller, THAT the report of the Operations Committee meeting held on Tuesday 10 March 2009, be accepted as an accurate and complete record.

RESOLVED on the motion of Cr Davis, seconded by Cr Heller, THAT the recommendations contained within the report of the Operations Committee meeting held on Tuesday 10 March 2009, as presented, be ratified.

RESOLVED on the motion of Cr McLennan, seconded by Cr Dixey, THAT the report of the Regulatory and Planning Committee meeting held on Tuesday 10 March 2009, be accepted as an accurate and complete record.

RESOLVED on the motion of Cr McLennan, seconded by Cr Dixon, THAT the recommendations contained within the report of the Regulatory and Planning Committee meeting held on Tuesday 10 March 2009, as presented, be ratified.

RESOLVED on the motion of Cr Bolger, seconded by Cr Highsted, THAT the report of the Finance and Policy Committee meeting held on Tuesday 10 March 2009, be accepted as an accurate and complete record.

RESOLVED on the motion of Cr Harvey, seconded by Cr Heller, THAT the recommendations contained within the report of the Finance and Policy Committee meeting held on Tuesday 10 March 2009, as presented, be ratified.

2. DISTRICT TREE REGISTER (18.5)

A report had been received from the Planning Consultant regarding an assessment that had been undertaken of trees in the Gore area that were worthy of recognition in the district plan as being “significant”.

The Council was asked to consider whether all, some or none of the trees listed in the report should be included in the proposed plan change. For those trees included in the plan change, land owners and other interested people may make a submission in support or opposition.

His Worship asked any Councillors who might become involved in the submission process to leave the meeting.

Crs Davis, Highsted and Harvey withdrew from the meeting.

The Planning Consultant provided a presentation about those trees currently on the tree register.

Cr Dixon was not opposed to protecting trees, but thought that if people were opposed to the tree register they should not be forced into having to protect them.

Cr Sharp agreed with Cr Dixon and thought it rather draconian to tell people what they had to do with trees on their private land.

Cr Dixey thought the list of land owners who supported their tree inclusion could be adopted, and the unsure and opposed could be considered by the panel. He thought maybe some tree owners may misunderstand the process and perhaps it needed some clarification.

Cr Heller thought the unsure or opposed tree owners should be left until another time. He wondered if the Council was trying to avoid the changes that would occur with the Resource Management Act in August 2009.

In response to Cr Heller, the Planning Consultant advised a number of Councils had rules in their district plan that any exotic trees more than 500 mm high at breast height and indigenous trees more than 300 mm high at breast height were protected, but not identified, so consent would be required to cut down trees of that size. A number of Councils, when they had prepared their plans under the Resource Management Act, deleted such provisions because they were not "effects based". Others did not. Parliament was looking at requiring Councils that had included those rules to remove them. The Gore District Council had looked at this type of rule in the plan, but it had not been pursued.

In response to Cr Sharp, the Consultant explained if there had been no response to the initial letter sent to tree owners, a second letter was sent. If the response stated they did not want to be contacted, no further contact was made. The Parks and Recreation Manager had contacted the landowners that had requested to be contacted.

In response to Cr Sharp, the Parks and Recreation Manager said when some land owners received the letter from the Council, they were unsure, however after speaking with them, a minority still held their initial view, but the majority were happy with the process.

Cr Grant was dismayed at the lack of response from schools and thought the Council needed to go and talk with them.

Cr Bolger thought there were trees worthy of being protected, and thought it was up to the Committee to make the decisions.

Cr Dixon thought the trees situated at the old hospital site, St Andrew's Church and those on the educational grounds should be on the unsure list to be examined.

Cr McLennan said until a definitive response was received from the tree owners for all trees tabulated, the process could not continue.

In response to His Worship, the Consultant advised that it was up to the landowner to respond to the letter they received. No response would be deemed as agreement. If a land owner was opposed, a report on that tree was prepared for the Committee. It was then up to the Committee to liaise with the tree owner.

Cr Bolger thought a no response from somebody could be deemed as not in being in agreement.

The Consultant advised that if no submission was lodged about a tree, the Council could not take it off.

Cr Grant suggested all the trees should be included and left to the hearing panel to sort out.

Cr Dixon thought the supported trees should go on the register, with the no response and unsure ones being approached one more time and leave the opposed off the register.

Cr Grant thought that approach could lead to losing some iconic trees.

The Consultant advised the Act required the Council notify the list of landowners with a summary of submissions once received, and the date for the hearing of submissions.

His Worship was in favour of a heritage tree register. He thought the community and others considered the special features of Gore to be the Mataura River, trees and the Hokonui Hills. The Council was obligated to do all it could to protect and enhance what it had been left as a sort of legacy. However, it did not want to step on people's property rights. He thought the correct process would be to put the supportive, no response or unsure landowners' trees forward to the hearing panel for a vote.

In response to Cr Sharp, the Consultant confirmed that an opposed landowner could opt in at a later date, although it may be several years before the process was considered again.

In response to his Worship, the Consultant confirmed there was a plan to address areas outside of the Gore township.

Cr Grant thought if areas were going to be looked at outside the town belt, it could set a precedent for new landowners to oppose the tree register and cut down trees.

His Worship thought Cr Grant's comments held some validity that Councillors should bear in mind.

In response to Cr Heller, His Worship confirmed there was one tree situated in Mataura on the register.

RESOLVED on the motion of Cr Dixey, seconded by Cr Dixon, THAT the Council, for the purposes of public notification, and subject to final determination by the Hearing Panel:

- 1. Adopt the list of trees contained in Appendix 1, except those opposed by landowners, for inclusion in the district plan list of Significant Trees;**
- 2. Provide for the plan change provisions to come into force on the date of public notification; and**
- 3. Amend the District Plan provisions as follows:**

Add to section 4.12.4 Information to accompany resource consent applications

(7) Any adverse effects caused by the tree (for example, difficulty of access, loss of amenity open space, icing of paths or road)

Add to section 8.12 Information to accompany subdivision consent (with consequential renumbering as required)

(19) Location of any tree listed as "Significant" (Refer to Rule 4.12.1)

2009/11

Crs Davis, Harvey and Highsted returned to the meeting.

4. PREPARATION OF DRAFT LTCCP (46.35.3)

A report had been received from the Chief Executive that provided an update on progress that had been made in the preparation of the draft Long Term Council Community Plan. The Chief Executive advised the Council had been successful in navigating through the review process of the LTCCP. The feedback received from the Auditor General had been very favourable and compliments had been received regarding the development of the Council's performance measures.

An extraordinary Council meeting would be held on Thursday 2 April to adopt the draft LTCCP for publication and submission.

His Worship congratulated all staff involved in the LTCCP process.

RESOLVED on the motion of Cr McLennan, seconded by Cr Dixey, THAT the report be received.

2009/12

5. GAMBLING VENUE POLICY – DELEGATION OF AUTHORITY
(54.12)

A memo had been received from the Chief Executive along regarding local authority requirements around the Gaming Venue Policy, along with a copy of the Council's current Class 4 Gambling and TAB Venue Policy, and a copy of the Council's approved Delegations of Authority.

The Chief Executive said the gambling policy was fairly submissive. An application had recently been received for a new venue to hold a gaming license. If the Council was again granted the delegated authority, he along with the Licensing Inspector would be involved in the process.

Cr Sharp said he would like to see applications for liquor licences.

Cr Harvey thought it would be too close to the bone to try and separate policy making and governing.

His Worship said the Council had a policy for gambling. The Chief Executive would have to work within the policy the Council had approved. There was no scope to work outside of it.

Cr Davis advised she had been involved in the submissions process against the current policy, and there had been a rather heated debate before adopting the current policy. Councillors needed to be mindful of setting policy, then trying to be involved in the process. She thought it needed to be a delegated task.

RESOLVED on the motion of Cr Dixon, seconded by Cr McLennan, THAT the Council delegate authority to issue licenses under its Class 4 Gambling and TAB Venue Policy, to the Chief Executive and note that this specific delegation will be incorporated into an updated Committee Structure and Delegations Register when it is next reviewed by the Council in April 2009.

2009/13

6. THE SOUTHLAND FLOOD RELIEF FUND (50.30.4)

A memo had been received from the General Manager, Corporate Services that advised the Gore District Council was a party to the operation of the Southland Flood Relief Fund.

An extract was also received from a report by the Group Manager Customer and Financial Services, to the Southland District Council, outlining the history of the fund along with a request that the fund be exempted from being a Council Controlled Organisation.

The General Manager advised a report with the same recommendations had already been approved through the Invercargill City and the Southland District Councils. From a practical point of view the recommendation was trying to remove the process from red tape.

RESOLVED on the motion of Cr McLennan, seconded by Cr Dixon, THAT the Southland Flood Relief Fund be exempted from being a Council Controlled Organisation pursuant to Sections 8(3) and 7(5) of the Local Government Act 2002.

2009/14

7. SOUTHERN RURAL FIRE AUTHORITY – STATEMENT OF INTENT 2009-2012 (15.6.3)

A memo had been received from the Roothing Manager along with a copy of the Southern Rural Fire Authority Draft Statement of Intent 2009-2012.

The Manager said it was pleasing to note the new Minister of Internal Affairs was promoting the SRFA model and adopting it nationally.

The figure shown in the report for the financial input required for the next 10 years was slightly higher than that shown in the draft budget.

In response to Cr Gardyne, the Manager advised the need for increasing funds required was due to a lot of old equipment that needed to be replaced.

In response to Cr Dixon, the Manager advised the service was partially funded through rural rates and also through the Department of Conservation and forestry companies.

RESOLVED on the motion of Cr Dixey, seconded by Cr Sharp, THAT the Southern Rural Fire Authority Statement of Intent 2009/2012 be approved by the Gore District Council.

2009/15

8. SHARED SERVICES FORUM MINUTES (46.34.1)

A memo had been received from the Chief Executive along with the most recent minutes of the Southland Shared Services Forum, held on 26 February.

His Worship had a view that an independent chairman was required. Each of local authorities had vested interests and he would be working to ensure there was an independent chair.

Cr Harvey was slightly disappointed that the Gore District Council had played a major role in saving money for three districts in the way of consultant fees, yet the report had not reflected that.

In response to His Worship, the Chief Executive endorsed Cr Harvey's comments and confirmed the Civil Defence activity had progressed well without the need for a consultant.

RESOLVED on the motion of Cr Harvey, seconded by Cr Davis, THAT the minutes be received.

2009/16

9. GRANT DISTRIBUTION – CREATIVE COMMUNITIES (18.45.2)

A memo had been received from the Chief Executive along with the minutes from the meeting of the Council's Creative Communities Assessment Committee held on 12 March that detailed the funding allocated for the first round of 2009.

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

2009/17

10. REPORT FROM COUNCILLORS (46.12.9)

His Worship reported the induction of the new Youth Council had been held on 23 March 2009. Last year's Youth Council had performed well and he saw it as a vital tool that the Council had to connect with youth issues. He thought the biggest single challenge the community had short term and long term was the ageing demographic. Being able to engage with the youth of the community was very encouraging.

Cr Harvey advised he had attended a Zone 6 meeting. There had been discussion about combining the South Island as one zone for meetings, but the idea was lost.

Cr Harvey had attended the multi cultural night and congratulated the Community Development Officer on a good job well done.

His Worship also attended the multi cultural night and had been very impressed with the organisation of the event He thought a lot of good connections had been made and he also congratulated the Community Development Officer on a successful event.

Cr McLennan had attended a Gore Health Inc meeting and reported that Robin McGowan was elected as Chairman. He advised that the X-ray machine would soon be obsolete and funds would need to be raised for a replacement. He said that the community needed to remember that it owned the hospital, not the District Health Board.

The meeting concluded at 8.23pm.