

NOTICE IS HEREBY GIVEN THAT THE ORDINARY MEETING OF THE GORE DISTRICT COUNCIL WILL BE HELD IN THE MATAURA COMMUNITY CENTRE, McQUEEN AVENUE, MATAURA, ON TUESDAY 24 MARCH 2009, AT 7.30 pm

- **A briefing from the Chief Executive will commence at 6.45 pm**
- **Please note the change of meeting venue**

**Stephen Parry
CHIEF EXECUTIVE**

18 March 2009

A G E N D A

1. CONFIRMATION OF MINUTES

Confirmation of the Minutes of the Ordinary Monthly Meeting of the Gore District Council, held on Tuesday 24 February 2009.

Confirmation of the Report of the Community Services Committee meeting, held on Tuesday 10 March 2009.

Confirmation of the Report of the Operations Committee meeting, held on Tuesday 10 March 2009.

Confirmation of the Report of the Regulatory and Planning Committee meeting, held on Tuesday 10 March 2009.

Confirmation of the Report of the Finance and Policy Committee meeting, held on Tuesday 10 March 2009.

2. URGENT LATE BUSINESS – as tabled at the meeting, pursuant to Section 46 (a)(7) of the Official Information and Meetings Act 1987.

3. DISTRICT TREE REGISTER

(Pages 1-13)

4. PREPARATION OF DRAFT LTCCP (Page 14)
5. GAMBLING VENUE POLICY – DELEGATION OF AUTHORITY (Pages 15-21)
6. THE SOUTHLAND FLOOD RELIEF FUND (Pages 22-24)
7. SOUTHERN RURAL FIRE AUTHORITY – STATEMENT OF INTENT (Pages 25-26)
8. SHARED SERVICES FORUM MINUTES (Pages 27-35)
9. GRANT DISTRIBUTION – CREATIVE COMMUNITIES (Page 36-38)
10. REPORTS FROM COUNCILLORS
11. APPROVED URGENT LATE ITEMS
12. BUSINESS TO BE CONSIDERED PURSUANT TO THE LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987:
- (i) COMMITTEE REPORT
- Confirmation of the Report of the Operations Committee Meeting, held in Committee, on Tuesday 10 March 2009.
- (ii) OTHER BUSINESS
- Mataura Valley Milk Ltd

COUNCIL MEETING AGENDA

MARCH 2009

3. DISTRICT TREE REGISTER

(Report from Planning Consultant – 13.03.09)

Introduction

At the Council meeting in November it was reported that an assessment was being undertaken of trees in the Gore area that were worthy of recognition in the district plan as being “significant” and that consultation was occurring with affected land owners. It was proposed that a plan change be prepared with the usual opportunity for land owners and interested people to make submissions on the trees identified, prior to finalization of what would be added to the district plan.

The Council noted the report and resolved that Crs Davis, Highsted and Harvey be appointed as a Hearing Panel to consider the trees identified and any submissions received.

Work on assessing trees in the Gore area, and consultation with land owners has now been completed. This report summarises the work undertaken and the responses received from land owners. Appended to this report is list of the trees recommended for inclusion in the plan change for the purpose of public notification. A slide show presentation will be made at the Council meeting showing details of each of the trees.

The Council is being asked to consider whether all, some or none of the trees listed in this 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. It will be the task of the Hearing Panel to finalise the list taking into account any submissions received.

Background

Trees contribute towards the amenity and the quality of the environment throughout the district, but are particularly important in the urban area of Gore because of its size and general layout. Within the town, trees they are the largest, most significant natural elements in the landscape and they provide a sense of scale and setting. The most visually attractive parts of the town are those where trees make a substantial visual impact. As well as enhancing the landscape, trees have a number of

benefits, including:

Environmental Benefits

- Absorbing carbon dioxide, sulphur and nitrogen from the burning of fossil fuels
- Releasing oxygen
- Modifying extremes in temperature
- Creating a local microclimate, providing shelter from wind, shade and reducing the impact of frosts
- Providing habitat for birds and animals
- Reducing soil erosion
- Reducing noise
- Screening of buildings and unsightly storage areas
- Framing views
- Softening the harshness of the built environment

Financial Benefits

- Adding value (Studies in the USA have estimated that homes in areas with trees can have a market value 7% - 20% higher than those areas with no trees)
- Landscaped homes with trees have a higher value than homes without such landscaping
- Heating costs are lower in homes sheltered from winter winds

Social Benefits

- Some overseas studies have shown that people who live near trees have better relationships with their neighbours.
- Providing privacy
- Trees add peace, serenity and tranquility to outdoor spaces providing “good vibes” for people who live there
- Ill people have been shown to recover more quickly (particularly from surgery) when their room or living area has views of, or access to, trees

Communal Benefits

- Although trees may be on private land their size makes them part of the community as well

It is accepted that trees can also have detrimental impacts, including:

- Loss of views
- Damage to water and sewer pipes from roots
- Shading and loss of light to internal areas of houses
- Danger from falling, particularly during high winds
- Cluttering of gutters
- Reducing development options on land

Trees are one of the natural resources of the district and the Resource Management Act 1991 requires regard to be given to their management. A flexible approach is required in dealing with trees, recognising the benefits they bring to individuals, properties and the community while also in place procedures enabling modification and removal for those trees no longer suitable for their location. Those procedures enable regard to be given to options other than removal.

The issues related to the protection of trees are the same as those relating to heritage buildings. The character of a town is determined in part both by the trees present and the heritage buildings retained. Both require balancing of the private and public benefit that accrues and the impacts upon land owners. Council has recently sought a report assessing the values of buildings suitable for inclusion on the Council's register. Such a process is also consistent with the consideration of "significant trees".

District Plan Provisions

The district plan presently contains 39 individual or groups of trees identified as being significant. The district plan rules enable the following to be undertaken without the need for any approval from the Council:

- (1) Minor trimming and maintenance of significant trees by hand-operated pruning shears or secateurs in accordance with accepted arboricultural practice.
- (2) Emergency works on any significant tree to safeguard life or property, provided that written advice is given to the Gore District Council within one week of the works being undertaken.

The district plan requires approval from the Council to remove or modify a significant tree. In considering any request, Council is required to have regard to:

- (1) Reasons for the proposed works and alternatives methods that could be adopted.
- (2) The health and quality of the tree and the effect that the proposed works will have on the tree.
- (3) An assessment of the values of the tree and the manner in which those values will be modified.
- (4) Impacts on the amenities of the locality.
- (5) Consultation undertaken with the Gore District Council Manager Parks and Reserves.

- (6) A description of the measures proposed to be taken to avoid, remedy or mitigate any adverse effects on the tree.

It is not intended as part of the current plan change to amend the district plan rules.

Feedback through the consultation process for this plan change indicates that there would be greater acceptance of inclusion of trees on the district plan register if:

- Advice was freely available to land owners on the carrying out of acceptable trimming and maintenance of trees listed as significant in the district plan. This is the case now, but that is not widely known.
- Procedures could be simplified and undertaken without cost where approval is sought to alter or remove a tree listed as significant in the district plan. The procedures can be simplified by providing delegations to qualified staff, such as the Manager of Parks and Recreation to consider requests to modify trees. The issue of processing consents without cost to applicants requires further assessment and will be the subject of a separate report to Council.
- Regard was given to any adverse effects arising from the tree on the site, for example, causing damage to drains, or significantly reducing the amenity of the site it is located on. This is accepted as a valid issue. Arising from that, an addition is recommended to the matters Council will have regard to in assessing any request to modify or remove a significant tree. As a corollary, an addition is also required to the list of matters assessed in processing of subdivision consents.

Plan Change Process

The Resource Management Act 1991 sets out the procedure to be followed where a Council wishes to introduce a change to its district plan, as follows:

- Consult with effected people. This includes:
 - Preparing information on a proposal not fully decided on
 - Providing full information to affected people
 - Providing sufficient time for a response
 - Considering any response in a fair and open manner
 - Deciding what will be done
- Assess options, costs and benefits (section 32)

- Adopt the plan change for the purposes of public notification
- Call for submissions (either in support or opposition)
- Provide an opportunity for submissions to be supported or opposed
- Hold a hearing
- Issue a decision (with a right of appeal)

The consultation phase of the process is now complete. All effected land owners have been written to, provided with information on the trees being considered, and asked for their views. If no response was received within one month, a second letter was sent. Where no reply was received, uncertainty expressed or opposition voiced then a further assessment of the values of the tree has been undertaken. This second evaluation has resulted in nine trees being deleted from the list recommended for inclusion in the district plan. This process (even where no response has been received) meets the obligations for Council to consult.

Having regard to the responses received from land owners the trees are can grouped under the following headings:

- Land owner supports inclusion (26 property owners)
- No response received from land owner (8 property owners)
- Land owner is unsure whether to support or oppose inclusion (9 land owners)
- Land owner opposes inclusion (10 land owners)

Attached as Appendix 1 to this report is a list of the recommended trees and the responses received. Some land owners indicated a willingness to discuss issues with Council staff, and this has resulted in changes from one category to another, including changes from “opposed” to “support”. Some land owners indicated in their replies that they did not wish Council staff to contact them during the consultation process. It is likely that some of those who are “unsure” or who express opposition to the inclusion of the tree(s) on their land on the list of district plan significant trees will change to “support” once dialogue takes place. That can only occur during the more formal notification and submission process. It would be rash to exclude the trees from the plan change process where the land owner has expressed opposition on the basis of an initial response from them. Rather, discussion is required prior to a final decision being made. The final decision can then be left to

the Hearing Panel to determine.

It should also be noted, that in the letter sent to affected land owners they were advised that where land owners opposed their tree being included on the register, further assessment would be carried out by staff before a final recommendation to Council. If staff considered any tree to have significant values (after reassessment) and the tree was included on the list publicly notified, then they would have a right of objection. They were also advised that where an objection is lodged then additional work would be carried out, and the matter would be referred to a Hearing Panel for consideration of that objection.

As most assessments to date have been carried out from public spaces (roads and reserves), the additional work referred to above would include a site visit by Council staff. If retention of a tree subject to objection was still considered appropriate and the land owner still disagreed after discussions then an assessment would be carried out by an independent arborist and their views conveyed to the Hearing Panel as part of the hearing process.

To assist in understanding the context of the replies received and the way they have been classified, attached as Appendix 2 is a copy of the reply form sent to affected land owners.

Values of Particular Trees

At this stage of the process Council needs to determine which trees it will agree to include in the plan change for the purpose of notification.

There is no issue with the inclusion of those trees on land where the land owner is agreeable to their inclusion. Attached as Appendix 3 is a table listing those trees where “no response” has been made or where land owners are “unsure” or “opposed”. The table summarises the reasons for the inclusion of trees.

Any decisions at this time also must be made in the context of the section 32 of the Resource Management Act 1991. Attached in Appendix 4 is a draft report assessing the section 32 matters.

RECOMMENDATION

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 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 a subdivision consent (with consequential renumbering as required)

(19) Location of any tree listed as “significant” (Refer to Rule 4.12.1).

APPENDIX 1

**Gore District Council
Recommended Additions to Trees Register
Responses Received**

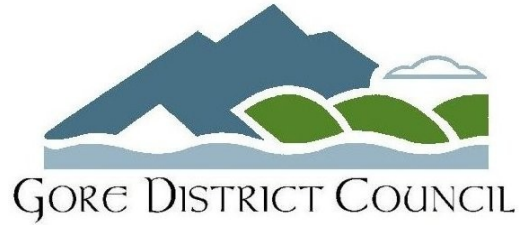
| Tree No. | Tree | Response | Location |
|-------------------|--|-----------------|----------------------|
| T3 | Oak | Support | 40 Albany Street |
| T7 | Walnut (2) | Support | 80 Ruia Street |
| T8 | Red Beech | Support | 70 Kakapo Street |
| T9 | Cedar | Support | 90 Kakapo Street |
| T12 | Horizontal Spreading Elm | Support | 36 Broughton Street |
| T18 | Wellingtonia | Support | 13 Ardwick Street |
| T19 | English Beech (2) | Support | 24 Albany Street |
| T20 | Walnut | Support | 22 Albany Street |
| T21 | Red Beech | Support | 141 Broughton Street |
| T22 | Oak | Support | 10 Park Street |
| T23 | Oak | Support | 79 Hokonui Drive |
| T26 | Redwood | Support | 52 Johnson Street |
| T31 | Maple | Support | 14 Crewe Street |
| T32 | Maple | Support | 28 Crewe Street |
| T33 | Walnut Maple Pin Oak Golden Cedar Copper Beech | Support | 12 High Street |
| T34 | Horizontal Spreading Elm | Support | 8 Willis Street |
| T35 T36 T37 | Maple Copper Beech Spruce Lime(2) | Support | 5 Garnet Street |
| T41 | Native Mountain Beech, | Support | 1 Garnet Street |
| T44 | Oak | Support | 5 Thistle Street |
| T47 T48 | Copper Beech Ash | Support | 11 Norton Street |
| T52 | Copper Beech | Support | 3 Latham Lane |
| T53 | Copper Beech | Support | 11 Rock Street |
| T57 | Horizontal Spreading Elm, | Support | 49 Hamilton Street |
| T58 T59 | Oak Atlas Cedar | Support | 61 Hamilton Street |
| T65 | Oak Prunus (4, various varieties) | Support | 101 Coutts Road |
| T66 | Kauri | Support | 136 Broughton Street |

| Tree No. | Tree | Response | Location |
|-----------------|--|-----------------|--|
| T69 | Red Oak | Support | Legal Road, William Street |
| H1-H13 | Various (see below) | No Response | Wigan Street (ex Hospital) |
| T4 T5 | Red Beech Lime Blossom (2) | No Response | 28 Coutts Rd (Ministry of Education) |
| T10 | Various | No Response | 129 Kakapo Street (St Peter's College) |
| T28 | Oak Lime Elm Ash | No Response | 2 Devon St (St Andrews Church) |
| T30 | Horizontal Spreading Elm | No Response | 39 Ardwick Street (Ministry of Education) |
| T45 T46 | Walnut Red Maple | No Response | 7 North Tce Sth |
| T56 | Maple | No Response | 9 Halton St |
| T60 | Red Beech | No Response | 17 Gordon Tce |
| T6 | Horizontal Spreading Elm | Unsure | 290 Main St |
| T24 T25 | Red Beech Silver Birch | Unsure | 27 William St |
| T33 | Walnut Maple Pin Oak Golden Cedar Copper Beech | Unsure | 12 High St |
| T38 | Lime | Unsure | 64 Ardwick St |
| T49 | Oak | Unsure | 16 Hilbre St |
| T61 | Weeping Ash | Unsure | 38 Wentworth St |
| T67 | Group 1 | Unsure | State Highway No. 1 Main Street |
| T68 | Group 2 | Unsure | State Highway No. 1 Main Street |
| T1 | Blue Atlas Cedar Cedar English Beech | Oppose | 7 Lewis St Nth |
| T2 | Black Beech | Oppose | 3 Garnet St |
| T13 T14 | Beech Elm Copper Beech | Oppose | 244 Main St |
| T16 | Horizontal Spreading Elm | Oppose | 2A Crombie St |
| T29 | Red Beech | Oppose | 5 Hobson St (Housing Corporation) |
| T43 | Maple | Oppose | 4 Preston St |

| Tree No. | Tree | Response | Location |
|-----------------|--------------|-----------------|-----------------|
| | Pin Oak | | |
| T50 | Redwood | Oppose | 2 Rimu St |
| T54 | Ash | Oppose | 36 Huron St |
| T55 | Copper Beech | Oppose | 30 Huron |

Trees on former Gore Hospital site in Wigan Street:

1. Fir tree, *Abies procera*
2. English Oak *Quercos robur*
3. English Beech *Fagus sylvatica*
4. English Oak *Quercos robur*
5. Sycamore *Acer pysesoplatanus*
6. English Beech *Fagus sylvatica*
7. Sycamore *Acer pysesoplatanus*
8. English Ash *Fraxinus excelsior*
9. English Beech *Fagus sylvatica*
10. English Oak *Quercos robur*
11. English Oak *Quercos robur*
12. English Oak *Quercos robur*
13. English Oak *Quercos robur*



**Significant Trees
Consultation Response**

**To: Keith Hovell
Gore District Council

P O Box 8
GORE 9740**

No. of Tree(s):

Address of Tree:

Name:

Contact Address:

If any details are incorrect, please enter correct details here:

Are you agreeable to the tree(s) referred to above being included as significant trees in the Gore District Plan?

Yes Unsure No

If you have reasons for your answer or wish to comment, please do so:

Please turn over

Please return by Friday ~~xxx~~ **2009** in stamped addressed envelope, or fax to (03) 209-0357

4. PREPARATION OF DRAFT LTCCP

(Memo from Chief Executive – 17.03.09)

This report provides an update to elected members on progress being made in preparing a draft Long Term Council Community Plan.

As Councillors will be aware, the draft LTCCP was profiled in a workshop held on 17 February, before being passed onto our auditors for a thorough perusal. Over the past four weeks our auditors have been critiquing every section of the plan and seeking a number of minor amendments which can safely be consigned to the “fine tuning” category. Performance measures and linkage to community outcomes appears to be an area of considerable interest and focus to our auditors, who are of course agents of the Auditor General.

While the auditing process is an exacting exercise and has consumed a good deal of time of both auditors and staff alike, it has been valuable in terms of allowing an independent set of eyes to run over our assumptions, plans and objectives, as well as generally test the rigour of our thinking.

At the time of writing the auditors were almost completed in their task and booked a “hot review” with the Auditor General’s specialist LTCCP team in Wellington. This review is due to take place on Thursday 19 March, with the results and feedback due to be known by Tuesday 24 March.

Provided that the “hot review” does not produce anything out of left field in terms of requested amendments, it is hoped that the draft LTCCP, complete with an unqualified audit opinion, can be presented to an extraordinary meeting of the Council for an invitation to approve its release for public submission, at the end of this month. Therefore, it is likely an extraordinary meeting will be required on 30 March, 31 March or 1 April. No doubt I will be able to provide an update on this timetable at the Council meeting.

RECOMMENDATION

THAT the report be received.

5. GAMBLING VENUE POLICY: DELEGATION OF AUTHORITY

(Memo from Chief Executive – 16.03.09)

As some Councillors will be aware, under Section 102 of the Gambling Act 2003, local authorities are required to establish and periodically review a Gaming Venue Policy. This policy specifies the number and location of Class 4 gambling facilities that may be permitted to be established in a District. Class 4 gambling is defined as any activity involving licensed gambling, outside a casino.

↳ The Council's current Class 4 Gambling and TAB Venue Policy which was approved, following a formal review, in February 2007, is attached.

The Council has recently received an application for a license to operate gaming machines at a new venue. The consideration of whether to grant a license will be made pursuant to the criteria specified in the Council's Class 4 Gambling and TAB Venue Policy.

↳ This is the first application for a license received since the policy was put in place originally by the Gore District Council in March 2004. Enclosed please find a copy of the Council's approved Delegations of Authority made to the Planning and Regulatory Committee and in turn to the Chief Executive.

The Delegations of Authority are reviewed on an annual basis and will be due for perusal by the Council next month. However in the interim, it is suggested that the Council make its intentions clear in respect of processing license applications under the approved Class 4 Gambling and TAB Venue Policy.

Given that the actual policy is reviewed by the Council at three yearly intervals, it is suggested that authority to process and approve any license applications under the policy be delegated to the Chief Executive. If the Council agrees to this approach the following recommendation should suffice.

RECOMMENDATION

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.**

6. THE SOUTHLAND FLOOD RELIEF FUND

(Memo from General Manager, Corporate Services – 17.03.09)

- ✦ The Gore District Council is a party to the operation of the Southland Flood Relief Fund. Attached is an extract 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 for the reasons outlined.

As this fund is simply held at present in trust for the possible future claims of flooding or other natural disaster events, preparation of a Statement of Intent would seem to be extremely difficult, given that the events in question cannot be predicted. On that basis it would appear that this suggestion is the most pragmatic solution.

RECOMMENDATION

THAT the Southland Flood Relief Fund be exempted from being a Council Controlled Organisation pursuant to Sections 7(3) and 7(5) of the Local Government Act 2002.

7. SOUTHERN RURAL FIRE AUTHORITY - STATEMENT OF INTENT 2009 - 2012

(Memo from Roothing Manager – 16.03.09)

- ↳ Please find enclosed a copy of the Southern Rural Fire Authority Draft Statement of Intent 2009-2012.

Purpose

The purpose of this report is to advise the Council of the intentions of the Southern Rural Fire Authority (SRFA) for the three year period from 1 July 2009 to 30 June 2012 and to seek the approval of its Statement of Intent from the Gore District Council.

Background

The SRFA has been providing a collaborative response to the stakeholder's rural fire responsibilities since 2003.

The Statement of Intent for 2009-2012 generally describes a business as usual approach. There are no new initiatives, but there is continued development of some existing projects.

The total financial input requested from the Gore District Council for the 2009/10 year is \$41,965, which is 8% of the total amount levied from the members of the SRFA.

The previous Government unsuccessfully attempted to change the way in which rural fire fighting was organised which may have had an effect on the obligation for local authorities to make provision for this activity.

It is interesting to note that the new Minister of Internal Affairs, Dr Richard Worth, has recognised the success of the collaborative SRFA model and is promoting it as the model to be adopted nationally.

Conclusion

Participation by the Gore District Council as a partner in the SRFA has successfully provided adequate and appropriate rural fire response capability in the Gore District since the inception of the SRFA. The ongoing calamitous bush fires that are being experienced in Victoria, Australia, although less likely to be repeated in Southland, are not beyond the realms of possibility,

therefore should serve as a reminder to us that we need to continue to be prepared.

The Statement of Intent provides for the continued successful delivery of this service in the Gore District.

RECOMMENDATION

THAT the Southern Rural Fire Authority Statement of Intent 2009/2012 be approved by the Gore District Council.

8. SHARED SERVICES FORUM MINUTES

(Memo from Chief Executive – 17.03.09)

Attached are the most recent minutes of the Southland Shared Services Forum, held on 26 February.

RECOMMENDATION

THAT the minutes be received.

9. GRANT DISTRIBUTION – CREATIVE COMMUNITIES

(Memo from Chief Executive – 17.03.09)

Attached are the minutes from the meeting of the Council's Creative Communities Assessment Committee, held on 12 March, detailing the funding allocated for 2009.

RECOMMENDATION

THAT the information be received.

EXCLUSION OF THE PUBLIC

His Worship to move

I move that the public be excluded from the following parts of the proceedings of this meeting, namely the items as listed below.

The general subject of each matter to be considered while the public is excluded, the reason for passing the resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987, for the passing of this resolution are as follows:

| <u>General Subject Matter</u> | <u>Reason for passing this resolution in relation to each matter</u> | <u>Grounds under Section 48(1) for the passing of this Resolution</u> |
|-------------------------------|--|---|
|-------------------------------|--|---|

Confirmation of Minutes

Confirmation of Report of the Meeting of the Operations Committee, held in Committee, on Tuesday 10 March 2009.

Other Business

| | | |
|-------------------------|--|-----------|
| Mataura Valley Milk Ltd | Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) | 7 (2) (i) |
|-------------------------|--|-----------|