



MINUTES OF THE ORDINARY MONTHLY MEETING OF THE GORE DISTRICT COUNCIL, HELD IN THE COUNCIL CHAMBERS, CIVIC ADMINISTRATION BUILDING, 29 CIVIC AVENUE, GORE, ON TUESDAY 28 APRIL 2009 AT 7:30 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, District Assets (Mr Paul Withers), General Manager, Corporate Services (Mr Russell Duthie), Roading Manager (Mr Murray Hasler), Parks and Recreation Manager (Mr Ian Soper), Planning Consultant (Mr Keith Hovell), Building Control Manager (Mr Russell Paterson), HR/Administration Manager (Susan Jones) and three members of the public in the Gallery.

1. CONFIRMATION OF MINUTES

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

Clause 2 – District Tree Register (18.5)

Cr Gardyne sought clarification about the breast height of trees.

The Planning Consultant advised breast height of trees was measured at a standard distance of 1.2m off the ground, with a number of district plans indicating that at that height indigenous trees with a width of 300 mm and exotic trees with a width of 500 mm were protected.

Paragraph 2, page 3, line 2, the Council *agreed* to Cr Dixey's request that the words "*and opposed*" be deleted.

RESOLVED on the motion of Cr Davis, seconded by Cr Dixey, THAT the Minutes of the Extraordinary Meeting of the Gore District Council, held on Tuesday 2 April 2009, as presented, be confirmed and signed by the Mayor as a true and complete record.

RESOLVED on the motion of Cr Harvey, seconded by Cr Dixon, THAT the report of the Community Services Committee meeting held on Wednesday 15 April 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 Community Services Committee meeting held on Wednesday 15 April 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 Wednesday 15 April 2009, be accepted as an accurate and complete record.

RESOLVED on the motion of Cr McLennan, seconded by Cr Davis, THAT the recommendations contained within the report of the Regulatory and Planning Committee meeting held on Wednesday 15 April 2009, as presented, be ratified.

RESOLVED on the motion of Cr Bolger, seconded by Cr Dixon, THAT the report of the Finance and Policy Committee meeting held on Wednesday 15 April 2009, be accepted as an accurate and complete record.

RESOLVED on the motion of Cr Bolger, seconded by Cr Davis, THAT the recommendations contained within the report of the Finance and Policy Committee meeting held on Wednesday 15 April 2009, as presented, be ratified.

2. URGENT LATE BUSINESS

His Worship referred to a tabled item of urgent late business about a water take charge being proposed by Environment Southland in its draft Long Term Council Community Plan.

RESOLVED on the motion of His Worship, seconded by Cr Highsted, THAT the item be accepted and considered as urgent late business.

2009/20

3. PRESENTATION FROM VENTURE SOUTHLAND – SUSTAINABLE BUSINESS STRATEGY (50.49.2)

A memo had been received from the Chief Executive together with a copy of a strategy for sustainable business in Southland developed by Venture Southland.

Ms Karen Owen and Mr Steve Canny from Venture Southland were in attendance at the meeting and provided a presentation on the strategy.

RESOLVED on the motion of Cr McLennan, seconded by Cr Highsted, THAT the report on the Strategy for Sustainable Business in Southland be received,

THAT the Strategy for Sustainable Business in Southland, Resources and Opportunities be endorsed,

AND THAT as the costs associated with implementing the strategy have yet to be established, any funding implications of the strategy be considered as they arise.

2009/21

His Worship extended thanks to the Venture Southland representatives for their presentation and for taking the time to meet with the Council.

4. GORE SISTER CITY COMMITTEE – RESIGNATION OF CHAIRPERSON (35.2.4)

A memo had been received from the Chief Executive together with a letter of resignation from Mrs Barbara MacKay from the position of Chairperson of the Sister City Committee. Mrs MacKay had been a member of the Committee for the best part of 10 years and had suggested that it may be time for the Council to review the operation of the Committee in order that it can be rejuvenated. Background material relating to the last review in 2002 had also been circulated. The 2002 constitution had been updated to recognised the Local Government Act 2002 and the disestablishment of the District Promotions Manager's position.

Cr Harvey suggested having an informal discussion with Mrs MacKay and once a new Chairperson had been appointed perhaps the Council should seek input from the Sister City Committee before referring the matter back to the Community Services Committee.

Cr Davis advised she was the Council appointee to the Committee and it had not met for some time, however, the exchanges between the schools, the essay competition and Young Ambassador events were well forged. Perhaps the Committee was unsure just where it needed to head to next.

RESOLVED on the motion of Cr Harvey, seconded by Cr Sharp, THAT the Chair of the Community Services Committee and other interested Councillors meet with the Sister City Committee and bring some recommendations back to the Community Services Committee.

2009/22

RESOLVED on the motion of Cr Davis, seconded by Cr Dixey, THAT the letter of resignation from Mrs Barbara MacKay be received,

AND THAT the Council formally acknowledge Mrs MacKay's contribution to the Sister City relationship between Tamworth City and the Gore District.

2009/23

5. SPARC RURAL TRAVEL FUND (18.81)

A copy of the minutes of the SPARC rural travel fund meeting held on 31 March had been circulated for the Council's information.

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

2009/24

6. DISPOSAL OF FORMER MATAURA TOWN HALL (37.9.1)

A comprehensive report from the Chief Executive had been received in support of a recommendation from the Mataura Community Board to dispose of the now disused Mataura town hall to a local Youth Trust.

A copy of the Council's current Land Disposal, Tendering and Significance Policies had been circulated, together with advice from Land Information Services stating that Section 40 of the Public Works Act 1981 did not apply.

A public meeting convened by the Mataura Community Board indicated there was support from the local community to divest ownership of the old town hall to the Mataura Youth Centre

Trust. The issue had also been discussed at two recent Board meetings and no contrary view had been generated.

Cr Dixon had no problem selling the property for \$1 but wondered if the Trust could be asked to pay for legal fees.

Cr McLennan said that could be included as part of the conditions of sale.

Cr McLennan moved THAT the Council endorse the recommendation of the Mataura Community Board to dispose of the former town hall in River Street, Mataura to the Mataura Youth Centre Trust for the nominal consideration of \$1.00,

THAT a covenant be registered on the certificate of title of the land to ensure that in the event of the Youth Centre Trust being wound up in the future, the property can be returned to the ownership of the Council,

THAT any other special conditions of sale be developed by the Chief Executive in consultation with the Mataura Community Board, and incorporated in the sale and purchase agreement,

AND THAT the Council note that the sale to the Mataura Youth Centre Trust will be a departure from its Land Disposal Policy.

The motion was seconded by Cr Grant.

In response to Cr Gardyne, His Worship said the approach from the marae in early 2008 was still being resolved. He believed the marae was a key part of the Mataura community. There was an active and capable group looking at regenerating the marae which it would take some time, but it had a future.

Cr Gardyne said the property had a value and the last rating valuation was \$38,000. He was not in favour of selling anything for \$1 but thought the Council should retain an interest in the property until the Trust was up and running satisfactorily.

Cr Heller wondered if the Council had considered the GST implications which would amount to \$4,750 based on the rateable value. Because the Council was registered for GST it could not sell anything for \$1 because it was below market value. It was an asset subject to GST legislation.

His Worship took his point, but thought there must be a way around it.

Cr Highsted suggested seeking an opinion about the GST issue.

Cr Harvey expressed concern about the rating requirement for the property, and was also concerned about the lack of funding the Trust would have and how it would get on with the maintenance requirements of the building.

Cr Highsted took the point the property had a value and there were holding and maintenance costs. He would prefer to see an amendment to the motion that in the event of the Trust being wound up, a covenant be placed on the title to protect the Council. The Trust could have funding issues.

His Worship agreed it was a good point. It was intended to have special conditions in a sale and purchase agreement and including a covenant would be appropriate.

Cr McLennan took it that the motion covered the special conditions talked about and would be included in the sale and purchase agreement. Once the Trust became the owner, it was its responsibility to pay for those things.

With the agreement of the mover and seconder to Cr Highsted's suggestion, the motion was put and it was carried.

2009/25

7. MATAURA COMMUNITY BOARD REPORT (46.36.2)

A copy of the report of the ordinary meeting of the Mataura Community Board held on 16 March 2009, had been circulated.

RESOLVED on the motion of Cr McLennan, seconded by Cr Dixey, THAT the report of the meeting held on 16 March be received,

AND THAT the recommendations contained within the report be ratified.

2009/26

8. AGRICULTURAL EFFLUENT PONDS (11.1.4)

A memo had been received from the Planning Consultant together with a copy of the draft submission to Environment

Southland on agricultural effluent ponds for consideration by the Council.

Following feedback from Councillors, the Planning Consultant tabled a revised draft of the submission at the meeting.

RESOLVED on the motion of Cr McLennan, seconded by Cr Highsted, THAT the amended submission be approved and forwarded to Environment Southland.

2009/27

9. ZONING OF CENTRAL GORE INDUSTRIAL AREA (11.14)

The Planning Consultant provided an update on the consultation undertaken to date on the proposal to rezone that portion of the industrial zone between the railway and north of Oldham Street and that portion fronting the State Highway to enable a mixture of commercial and industrial uses.

He reported that of the 60 letters circulated, 30 replies had been received. None were opposed. A number of businesses asked to be further consulted prior to reporting back to the Council. That would be done and a report to the Council would be provided in due course.

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

2009/28

10. PROPOSED BYLAW – KEEPING OF ANIMALS, POULTRY AND BEES IN AN URBAN ENVIRONMENT (22.20)

A memo had been received from the Chief Executive together with a revised Keeping of Animals, Poultry and Bees Bylaw which clarified areas of ambiguity identified at the Regulatory and Planning Committee meeting earlier in the month. The Chief Executive advised it was not intended to ensnare lifestyle blocks such as those at the end of Coutts Road in the Bylaw and the boundaries had been amended accordingly on the plans incorporated in it.

Cr Dixon referred to electric fences and barbed wire fences. There were kilometres of them. Was it intended to have them removed and if so, at whose cost? Some had been erected by the Council, particularly in Matura.

The Chief Executive asked if there were kilometres in the town?

Cr Dixon replied there were some that had been erected on Matura Terrace by the Council. He asked if electric fences and

Cncl\Mins\4.09

7

barbed wire fences could be allowed at the discretion of the staff.

Cr Gardyne suggested removing items (p) and (m) of Clause 4, and suggested that for (i) the minimum area for a horse should be 2 acres not ¼ acre.

The Council agreed to deleting (p) – relating to electric fences.

Cr Grant disagreed and said people who had horses on ¼ acre looked after them and fed them regularly.

Cr Dixey referred to Clause 6 about keeping poultry and asked whether people who were involved with showing poultry would whether a permit would cover that activity and would it be expensive.

The Chief Executive advised the permit would not be onerous and would be similar to the permit issued for those people who had three or more dogs. It was intended that staff would adopt a similar approach to that taken with the control of dogs. The Bylaw was being put in place to ensure nuisances were controlled. He added that roosters in urban areas would be banned.

Cr Sharp referred to impounding of animals and suggested adding in Clause 12 that any dog that attacked a citizen would be destroyed immediately.

The Chief Executive said any Bylaw the Council introduced had to be in accordance with the overarching statute from Parliament. The Dog Control Act covered dogs and a dog could only be shot on sight if it was worrying stock. This Bylaw applied to animals other than dogs.

RESOLVED on the motion of Cr McLennan, seconded by Cr Dixey, THAT pursuant to Section 146 of the Local Government Act 2002, the adoption of a bylaw is the most appropriate way of addressing the control of the keeping of animals, bees and poultry in an urban area,

AND THAT subject to the amendment agreed to, the Council approve the release of the draft Gore District Keeping of Animals, Bees and Poultry Bylaw 2009, for public consultation.

2009/29

11. PROPOSED FEES AND CHARGES REVIEW 2009/10 (17.3)

A memo had been received from the General Manager, Corporate Services together with a copy of the proposed fees and charges for the year commencing 1 July 2009. The bulk of the proposed fees were similar to those for the 2008-09 year with major exceptions being street asset deposits, certificates of registration and building consent fees. A copy of memos supporting those increases had also been circulated.

The Planning Consultant referred to Infrastructure on page 6 and noted there was a rule in the District plan about sewerage reticulation. It was proposed to reduce the existing figure of \$4,500 to \$2,283 for Waikaka residents to connect to the sewerage system as it was felt it was inequitable. Everyone would then pay the same fee. He said that on reflection, staff believed the scaled charge for parking spaces would be too difficult to implement.

The Roading Manager added that rather than having a scaled charge for parking spaces provided, it was intended that the cost would be at a rate of \$1,663 plus GST per parking space based on multiple parks.

The Consultant said currently if a developer did not provide car parking spaces they had to pay a financial contribution.

The Building Control Manager said when estimates were being considered the building activity was deemed to be user pays. The building accreditation process suggested a staffing of 4.6 which had now been achieved. The fees had been based on the expectation that building activity would be relatively constant at an annual value of between \$16-18 million would continue. An accreditation levy was also proposed to be introduced.

Cr Dixon considered it unfair that urban dog owners should face a higher late registration fee than rural owners.

Cr Dixon moved THAT the late registration fee for both urban and rural dogs be \$15.

The motion was seconded by Cr Dixey.

The motion was put and it was lost.

Cr Dixon questioned the rental of Hyde Park which was considerably higher than Hamilton and Newman Parks, yet was a smaller area.

The Parks and Recreation Manager said the rentals had been in force for a number of years and were inflation adjusted. They had initially been calculated on 7% of maintenance costs. He was unable to explain why Hyde Park was more expensive, but added the Council had lease agreements with the Clubs involved.

Cr Heller suggested improved wording to clarify the value of work for alterations not new dwellings. It was not very clear.

The Building Control Manager explained the reasoning behind the increase in fees for alterations and in particular to more fairly capture large scale industrial and commercial alterations.

Cr Heller questioned the hourly rate of \$150 for staff. He had raised it last year and it was to have been looked at but it seems to have been swept under the carpet. He did not believe the Department was justified in charging that amount.

Cr Grant asked why he would say that.

Cr Heller replied he looked at what the professionals charged. He thought \$150 was exorbitant for the level of staff the Council had.

The Manager responded most Councils charged in excess of \$100 an hour for building officials time. The current fee was set the previous year. The fee could be set lower and then charged by the minute for all work done. He said the Department did not charge the full rate if it was not warranted.

Cr Gardyne referred to marquees and thought there would be a discount package for events such as the Waimumu field days.

Cr Sharp suggested one fee for all tents erected.

The Manager advised he was working on a fee that would cover an entire site. It could be in the order of \$3-3,500.

Cr Gardyne said at an earlier meeting, the Chief Executive had mentioned the Waimumu field days in terms of BBQs, hospitality and gas heaters etc and suggested it was a mix that needed to be monitored. He rejected the statement and said it did not seem to him to be an involved process to erect a large marquee with multi-exits. He asked if there had been any cause for alarm about fires etc. He found it obnoxious and unfair to

the field days and would alienate the group and once a fee was imposed it would be asking the Council for a grant.

His Worship reminded the Council that there would be a cost to it to inspect marquees and issue permits because it had to comply with the law, but it was up to the Council to make the decision on what fees it charged.

Cr Grant felt the people who erected the tents were fully aware of the requirements and that the consent fees would be included in the hire cost anyway.

The Manager advised he had met with the Waimumu field days Committee recently about the requirements. He had also spoken with Waipa District Council in whose area the Mystery Creek field days were held and Selwyn District that hosted the Lincoln field days. Both offered site consents and he was investigating something similar. He suggested the Council consider having a site at the field days where elected members could also be in attendance.

Cr Grant said the consent requirement for marquees would also impact on the racecourse and the showgrounds.

RESOLVED on the motion of Cr McLennan, seconded by Cr Davis, THAT subject to a further report on Waimumu field days, Gore racecourse and the showgrounds, the schedule of fees and charges for 2009/10 be adopted, with effect from 1 July 2009.

2009/30

12. OPERATIONS BULLETIN

The Operations bulletin containing reports from the Roding Manager, Asset Manager, Utilities and the Animal Control Contractor was perused by the Council.

RESOLVED on the motion of Cr Davis, seconded by Cr Sharp, THAT the Operations bulletin be received.

2009/31

13. ENVIRONMENT SOUTHLAND PROPOSED WATER CHARGE (8.17.1)

A memo had been received from the Chief Executive advising that Environment Southland's draft LTCCP for 2009-19 provided for the levying of a new water charge. The charges proposed would be applied as an annual research and

monitoring levy and water takes that would attract it would include industrial users, irrigation, dairy sheds and community drinking water supplies. For the Gore District, the additional charges would result in \$35,000 being added to the urban water supply and treatment budget.

Cr Bolger pointed out that rural ratepayers would also be affected, not just urban. It effectively made the Council a collection agency on behalf of Environment Southland.

Cr Davis felt the proposal smacked of double dipping and how coincidental the charge was with the decrease of cruise ship visits to Milford Sound and the resultant loss of revenue to Environment Southland.

Cr Gardyne said the public had demanded the water monitoring and suggested the Council was careful in its submission. Environment Southland was "hell-bent" on increasing its staff because of the public demand for water monitoring.

His Worship added monitoring of the Council's water supply was undertaken by its own staff and was very important.

RESOLVED on the motion of Cr McLennan, seconded by Cr Bolger, THAT the Council oppose the proposed water charge being mooted by Environment Southland via a submission to its draft 2009-19 LTCCP.

2009/32

The meeting concluded at 9:33 pm