

Minutes of an ordinary meeting of the Gore District Council, held via Zoom, on Tuesday 12 October 2021, at 4.02pm.

**Present** His Worship the Mayor, Mr Tracy Hicks JP, Crs Bolger, Davis, Dickson, Gardyne, D Grant JP, N Grant, Highsted, McPhail, Phillips and Reid.

**In attendance** The Chief Executive (Mr Stephen Parry), Chief Financial Officer (Ms Lornae Straith), HR/Administration Manager (Susan Jones), Parks and Recreation Manager (Mr Keith McRobie), Communications-Marketing Manager (Sonia Gerken) and 3 Waters Asset Manager (Mr Matt Bayliss) and Roading Asset Manager, Mr Peter Standring.

**Apology** Cr MacDonell apologised for absence.

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**1. CONFIRMATION OF MINUTES**

**RESOLVED** on the motion of Cr Dickson, seconded by Cr Reid, **THAT** the minutes of the ordinary meeting of the Gore District Council, held on Tuesday 14 September 2021, as presented, be confirmed and signed by the Mayor as a true and complete record.

**RESOLVED** on the motion of Cr D Grant, seconded by Cr Phillips, **THAT** the minutes of the extraordinary meeting of the Gore District Council, held on Wednesday 22 September 2021, as presented, be confirmed and signed by the Mayor as a true and complete record.

**RESOLVED** on the motion of Cr Reid, seconded by Cr Bolger, **THAT** the minutes of the meeting of the Community Strategy Committee held on Wednesday 22 September 2021, as presented, be confirmed and signed by the Mayor as a true and complete record.

**Clause 5 – Event Strategy (SC1993)**

Cr Highsted said he would prefer the recommendation for the funding being approved via the annual plan process and including it for consideration in the 2021-22 annual

plan. He said the funding needed to be managed at annual plan time as opposed to agreeing to it now.

Cr Highsted moved as an amendment, **THAT** the second and third clauses of the recommendation read:

***THAT the Event Strategy be approved and implemented, with funding requirements to be considered at a future annual plan,***

***THAT funding to the value of \$27,440 for part-time event support be considered during the 2022-2023 Annual Plan process.***

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

**2021/120**

In response to His Worship, the Chief Executive said there was no issue with the change. He took the point that the Council did not know what other priorities may present themselves at annual plan time and the Council may be forced to reorder those priorities if there were bigger ticket items that were not expected between now and April 2022.

Cr McPhail said the strategy had been a matter discussed at a workshop previously. He wanted to ensure the correct process was followed.

Cr Highsted said the over 80s parking permit was a very good initiative. He questioned whether there had been much publicity in the community. The Communications Manager advised there had been an article included as part of a Ready for Living promotion. The full roll-out had been held back whilst the disks and other relevant information became available.

**RESOLVED on the motion of Cr Phillips, seconded by Cr Dickson, THAT recommendations contained within the minutes of the meeting of the Community Strategy Committee meeting held on Wednesday 22 September 2021, as amended, be ratified.**

## **2. RURAL HALLS**

A copy of the minutes of the Rural Halls and Domains Sub-Committee meeting held on Monday 20 September 2021 had been circulated with the agenda.

**RESOLVED on the motion of Cr Gardyne, seconded by Cr D Grant, THAT the minutes of the meeting be received,**

**AND THAT the recommendations contained within the minutes be ratified.**

**2021/121**

3. CEMETERY POLICY – REQUEST FOR ADDITIONAL PRE-PURCHASE AT PUKERAU CEMETERY (SC3266/SC0110)

A report had been received from the Parks and Recreation Manager together with a letter from the Pukerau Cemetery Support Group Trust seeking approval for additional burial plot pre-purchase outside the parameters of the current Council policy. The Manager advised that in recent times, the pre-selling of burial plots had been discouraged by Councils around the country because of problems keeping track of them and the fact that plots were sold at today's value but may not be used for another 50-60 years. The three main cemeteries at Gore, Charlton Park and Mataura currently had approximately 490 pre-sold plots which, in the main, had been purchased when the family of a buried person bought the adjoining plot.

In contrast, Pukerau Cemetery was a small, community-based cemetery with strong links to the area's history and families. Many of the current families had links back four to five generations, with the Pullar and Trapski families being quite prominent. Burial activity was very low.

The Manager noted that both the Cemetery Bylaw and Cemeteries Policy were in need of review to better reflect changes in society, particularly around cultural practices and family group makeup. This would be actioned and referred to the Council before the end of the year.

**Cr Reid moved THAT the Council allow option two, being the controlled pre-purchase of burial plots at Pukerau Cemetery noting the change would require an amendment to the Cemeteries Policy with a review being required anyway to bring the policy up to date.**

**The motion was seconded by Cr D Grant.**

In response to Cr Highsted, the Manager advised a controlled pre-purchase was where the family of a deceased person could purchase an adjoining plot. He thought the risk with offering the same option at other cemeteries would prove to be a difficult situation to manage.

Cr Dickson supported the proposal. The Trust members looked after the cemetery very well and had done a lot of work.

**The motion was put and it was carried.**

**2021/122**

4. SPORT NEW ZEALAND RURAL TRAVEL FUND

A copy of the report from the Sport NZ Rural Travel Fund Sub-Committee meeting held on 4 October 2021 had been circulated with the agenda.

**RESOLVED on the motion of Cr Highsted, seconded by Cr Davis, THAT the report be received.**

**2021/123**

*The Parks and Recreation Manager departed the meeting at 4.18pm*

**5. REPORT ON ABATEMENT NOTICE RECEIVED FOR STORMWATER DISCHARGE TO FALCONER CREEK AND DRAFT STORMWATER BYLAW (SC2967/SC3345)**

A report had been received from the 3 Waters Asset Manager advising that the Council held four resource consents associated with the discharge from its stormwater networks in Gore, Mataura, Waikaka, Pukerau and Mandeville. On 29 June, 6 July and 13 August 2020, Environment Southland had received complaints from the public about discharges to Cronin's Creek (more commonly known as Falconer Creek) which created conspicuous changes to the colour of water in the creek. Following an investigation into those incidents, Environment Southland issued the Council with a formal warning and an Abatement Notice. Following an appeal, a reviewed Abatement Notice (the Notice) was issued on 26 January 2021. The Notice required the Council to:

- a) *Implement a sampling programme within the Falconer Road catchment over a six month period from the date of the notice.*
- b) *Where the sampling programme confirms sources of sediment contamination from within private properties connected to the Council's stormwater network, prepare an appropriate policy framework ready for consultation, such as a stormwater bylaw, that can provide Gore District Council with the necessary tools to manage Stormwater discharges from private properties within the Falconer Road Industrial Zone (and may include a requirement for improvements to be completed by those landowners such as sealing driveways and yards). The appropriate policy framework must be ready for consultation within 12 months from the date of the notice.*
- c) *Undertake a trial installation of 'drain guards' in roadside sumps as a temporary measure to reduce the risk of further sediment runoff for a period of six months from the date of the notice.*

If the Council did not comply with the Notice, it may be prosecuted under section 338 of the Resource Management Act 1991. A copy of the Abatement Notice had been circulated with the agenda.

Details of the actions taken to meet the requirements of the Notice had been included in the report.

Also circulated with the agenda, was a draft Stormwater Management Bylaw. The requirements of the Abatement Notice meant the Council was required to "*prepare an appropriate policy framework ready for consultation, such as a Stormwater Bylaw, that could provide the Council with the necessary tools to manage stormwater discharges from private properties*". The Notice required the policy framework to be ready for consultation by 26 January 2022.

- Clause 5.1 of the draft Bylaw outlined the prohibited activities under the bylaw such as the discharge or storage of hazardous substances, chemical, wastewater, trade waste or other substance that caused or was likely to cause nuisance or contravene the Council's resource consent conditions, or the requirements of the Resource Management Act and associated Policy Statements and Plans.
- Clause 10 outlined the actions and penalties that could be enforced under the bylaw including non-compliant notification, the Council recovering costs for remedial works, prosecution or the issuing of an infringement notice.

The Manager also drew the Council's attention to clause 3.5 which outlined the requirements where private property stormwater and wastewater separation was required to be achieved. In recent history, all new houses being constructed had been required to achieve full separation. Additionally, in some situations, where significant extension and new ancillary buildings had been constructed, full or partial separation was also required. However, currently there was no clear guidance as to when the requirement to achieve separation was triggered. It required a judgment call to be made by Council officers at the time and could lead to inconsistency and uncertainty for the property owner. It was expected the inclusion of clause 3.5 would resolve that issue.

The Manager said there were multiple properties contributing to the problem. The worst areas would be targeted first and the discharge and quality would improve as a result. He added some of the conditions in the resource consent were quite onerous and difficult to achieve. It was proposed to revisit the consent and endeavour to achieve amended conditions.

In response to His Worship asking about the timing of the consultation process, the Manager said the Bylaw would apply to the entire urban networks in both Gore and Mataura. It was proposed that the consultation period, which was a minimum of 20 working days, would occur prior to Christmas. If there was a need for a hearing that it could be held later in January 2022. There were no particular time pressures for the consultation to be undertaken.

Cr Phillips asked whether the Bylaw should be District wide as it could also affect Waikaka and Mandeville. The Manager confirmed it would cover the stormwater networks across the District - wherever there was a reticulated stormwater network. Cr Highsted reflected on what was occurring in the rural community and catchment groups. He wondered whether there was an opportunity for the Council to work with industries and residents and facilitate the formation of a landowner led catchment group. He thought it could be a positive step the Council could take to bring out some leadership as the businesses embarked on the resolution of what they had to do in that area. He would be keen to see that incorporated into the recommendation.

Cr Dickson asked for clarification about the Council's responsibility to mitigate sediment from streams from private property. She understood it was Environment Southland's role. The Manager advised where stormwater discharged into the

Council's reticulated network, the Council held the resource consent for the resulting discharge into the environment and it became the Council's responsibility to manage any private property discharging into that network. It was different to a property that was discharging directly to the environment from the property and in that case, it was an Environment Southland process to manage.

Cr Dickson asked if it was not practical to sample the water upstream and downstream of the sump guards? Was it cost? The Manager said there were no sample points and it would be a matter of installing dedicated sampling and access points which could be done, but would be very costly to do per sump.

Cr Gardyne asked how it applied to the gravel roads in the urban and rural areas. Would the existing gravel roads need to be sealed in the urban area. The Manager said the Bylaw did not specifically apply to that but the principles did. He was not sure how Environment Southland planned on tackling that issue. Potentially it would become an issue and he was unsure how it would be handled going forward.

Cr McPhail agreed the Council needed to do something. He thought Cr Highsted's suggestion for a catchment group was a good one. There were strong groups in the rural areas. He thought something similar could be applied to the industrial area.

Cr Bolger asked if some of the Council's stormwater discharged into Falconer Creek and there was a business that could be contributing to that and the Council had knowledge of it, would it have to approach the business to do something inside its boundary. The Manager said the sampling undertaken had shown there was quite an increase in sediment in Falconer Creek downstream of the stormwater discharge points compared to upstream. The evidence was clear the sediment was coming from the Council's discharge into the creek. Where there were specific properties discharging a significant amount of sediment into the stormwater, the Council would work with the property owners to come up with a solution. The solution for each property could be different and there were a number of different approaches that could be taken rather than a one size fits all. Cr Bolger asked if the sediment was coming from the Council's roading network or from businesses who were discharging into the wastewater system that went into the stormwater. The Manager said it was a combination of both. He suspected a large majority of it was coming from private property but there was certainly a component that was coming from the Council's road reserve.

Cr D Grant said there were a number of businesses in the area that did not have hard seal. During heavy rain it turned to mud which was a major issue, he believed. He said one of the larger businesses in the area was a transport operator who may be able to solve some of its own problems. Cr Bolger added the transport operator came under considerable scrutiny from Environment Southland due to its fertiliser storage and had been subject to a lot of inspections. He was confident the company was containing its own discharge.

Cr D Grant moved THAT the report be received,

THAT the Council resolve pursuant to Section 146 of the Local Government Act 2002, that the adoption of a bylaw is the most appropriate way of managing stormwater within the Gore District,

THAT the Council approve the draft Stormwater Management Bylaw and accompanying Statement of Proposal for public consultation, pursuant to Sections 155 and 156 of the Local Government Act 2002,

THAT the Council investigate the potential to obtain a variation to its existing stormwater discharge consent to ensure it can realistically meet its compliance obligations,

AND THAT the Council facilitate the establishment of a catchment group comprising landowners in the Falconer Creek discharge area.

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

2021/124

Cr D Grant queried when the consultation would occur. He favoured it being delayed until February.

In response to His Worship, the Manager said the Abatement Notice required the Council to have the appropriate policy framework prepared by January 2022.

6. THREE WATERS REFORM – UPDATE (SC3225)

A memo had been received from the Chief Executive following an extraordinary Council meeting held on 22 September at which the Council's reaction to the Government's proposals for major reform of the Three Waters sector was discussed. The points raised in the staff report and the discussion at the meeting were subsequently collated into a letter that was forwarded to the Minister of Local Government before the deadline for feedback of 1 October. A copy of the letter signed by His Worship the Mayor had been circulated with the agenda. The Chief Executive noted the reforms had been strongly opposed by the majority of Councils within New Zealand. A response from the Government was due by the end of October.

Cr Reid said given all the information that Councillors had been inundated with, the ratepayers of the District could be assured that the letter to the Minister was concise and clear about the Council's view of the 3 Waters reform. Anyone who was interested in reading it all could find it on the website.

RESOLVED on the Cr Reid, seconded by Cr Dickson, THAT the letter to the Minister of Local Government be noted and endorsed.

2021/125

**7. HEALTH AND SAFETY REPORT (SC3177)**

A report had been received from the Human Resources Manager. The report covered staff training, an incident schedule profiling 25 incidents for the period 17 May to 16 August 2021 and abusive customers. A summary of incidents had also been provided.

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

**2021/126**

**8. ISSUING OF STAFF WARRANT AND AUTHORISATION (P/F)**

A memo had been received from the Human Resources Manager requesting the Council to appoint and authorise a new staff member for regulatory and enforcement functions under the Local Government Act 2002 and other relevant Acts. Mr Carlito Vargas had recently joined the Council as its Building Control Compliance Officer and needed to be appointed and warranted.

**RESOLVED on the motion of Cr Reid, seconded by Cr Gardyne, THAT Mr Carlito Vargas, Building Control Compliance Officer, be appointed and warranted as follows:**

- 1. Enforcement Officer under Section 177 of the Local Government Act 2002  
To carry out any and all of the functions and powers of an Enforcement Officer under the Local Government Act 2002 in the territorial area of the Gore District in relation to offences under the Act including without limitation:
  - 1. Offences against bylaws made under the Act**
  - 2. Infringement offences provided for by regulations made under Section 259 of the Act**
  - 3. Part 8 of the Act (regulatory, enforcement and coercive powers of local authority)**
  - 4. Part 9 of the Act (offences, penalties, infringement offences and legal proceedings).****
- 2. Enforcement Officer under sections 171, 172, 173 and 174 of the Local Government Act 2002 and Section 222 of the Building Act 2004  
To carry out all or any of the functions required to administer the Building Act 2004 and the Local Government Act 2002 and all associated Regulations and Bylaws.**

**2021/127**

The meeting concluded at 4.41pm