

SOUTHLAND DISTRICT COUNCIL

COUNCIL MEETING

25 FEBRUARY 2009

MINUTES of a MEETING of the SOUTHLAND DISTRICT COUNCIL held at the Council Chambers, 15 Forth Street, Invercargill on WEDNESDAY, 25 FEBRUARY 2009 at 1.00 PM.

PRESENT: Mayor F Cardno, (Chairperson) Crs L A Bailey, J D Copland, R A Dobson, J Douglas, B J Dillon, B W Drummond, P Duffy, B Ford, G Harpur, W Jack and A D Ridley.

IN ATTENDANCE: Messrs D P Adamson, P Culling, C McIntosh, L McKenzie, Mrs J O'Shannessy.

Messrs P Bell, I Nicholson and Mrs R Heerdegen.

Messrs B Story and N Elder in attendance for the Public Forum.

1.0 **APOLOGIES**

Cr Macpherson.

Moved Cr Jack, seconded Cr Dillon
and RESOLVED THAT THE APOLOGY BE ACCEPTED.

2.0 **PUBLIC FORUM**

Moved Cr Douglas, seconded Cr Dobson
and RESOLVED THAT STANDING ORDERS BE SUSPENDED TO ALLOW A PUBLIC FORUM TO BE HELD.

2.1 **MS ALANA BARRETT**

Ms Barrett tabled a summary of her concerns - "Interpretation of Acts carried out by Council".

Ms Barrett spoke in favour of her paper and gave examples of her views.

The Group manager, Regulatory Services, expressed the view the interpretation of the various pieces of legislation referred to by Ms Barrett was legally incorrect.

2.2 SLOPE POINT WIND FARM PRESENTATION

Ms Doreen Marchesan - Development Manager, Wind Prospect CWP (NZ) Ltd, was in attendance to brief the members on the proposed Slopedown Wind Farm.

Ms Marchesan gave a Power Point presentation - refer Appendix I - that summarised the following:

- * The structure of the Wind Prospect Group and their core business.
- * Wind Prospect New Zealand Ltd and possible projects.
- * The site of the proposed Slopedown Wind Farm.
- * The Slopedown project statistics and development.
- * Timing of targets.

Ms Marchesan advised it was their intention to approach the Gore and Clutha District Councils as well.

In response to a question from the floor - Ms Marchesan said she didn't believe transmission lines would be a problem.

Ms Alana Barrett left the meeting at 1.30 pm.

A further question related to the weight of equipment etc to be carried on the roads. Those issues had been forwarded to their consultants to work on, Ms Marchesan replied. The consultant did not believe there was going to be any major problems.

Ms Marchesan suggested the members could visit the Wind Prospect web site as there was a lot of good information they could look at.

Ms Marchesan left the meeting at 1.25 pm.

Moved Cr Copland, seconded Cr Harpur
and RESOLVED THAT STANDING ORDERS BE REINSTATED.

3.0 NOTIFICATION OF URGENT BUSINESS

Moved Cr Jack, seconded Cr Ridley
and RESOLVED THAT SUBJECT TO 46A OF THE LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987 THE FOLLOWING ITEMS BE CONSIDERED AS A MATTER OF URGENT BUSINESS:

- * Supplementary Information - Roading Rate Report, Page 6033 of Agenda.
- * LGNZ Rural and Provincial Sector Meeting - supplementary information to be read in conjunction with Mayors Monthly Update, Page 7001 of Agenda.

It was agreed that the items should be considered as they were supplementary information to reports already listed and included in the agenda.

4.0 MISCELLANEOUS ITEMS

The following miscellaneous items were tabled for member's information:

Invercargill and Districts Citizens Advice Bureau Minutes of the Management Meeting held January 28th 2009.

5.0 MINUTES

- 5.1 SOUTHLAND DISTRICT COUNCIL MEETING DATED 28 JANUARY 2009
Minutes for Confirmation.

Moved Cr Jack, seconded Cr Dobson
and RESOLVED THAT THE MINUTES OF THE SOUTHLAND DISTRICT COUNCIL
MEETING DATED 28 JANUARY 2008 BE CONFIRMED AS A TRUE AND
CORRECT RECORD.

- 5.2 ACTIVITIES PERFORMANCE AUDIT COMMITTEE MEETING DATED
28 JANUARY 2009
Minutes for Adoption.

Moved Cr Bailey, seconded Cr Douglas
and RESOLVED THAT THE MINUTES OF THE ACTIVITIES PERFORMANCE
AUDIT COMMITTEE MEETING DATED 28 JANUARY 2009 BE ADOPTED.

- 5.3 ACTIVITIES PERFORMANCE AUDIT COMMITTEE MEETING DATED
11 FEBRUARY 2009
Minutes for Adoption.

Moved Cr Bailey, seconded Cr Douglas
and RESOLVED THAT THE MINUTES OF THE ACTIVITIES PERFORMANCE
AUDIT COMMITTEE MEETING DATED 11 FEBRUARY 2009 BE ADOPTED.

- 5.4 RESOURCE MANAGEMENT COMMITTEE HEARING - GREENER HORIZONS
WORKFORCE LIMITED - MEETING DATED 21 NOVEMBER 2008
Minutes for Adoption.

Moved Cr Ridley, seconded Cr Duffy
and RESOLVED THAT THE MINUTES OF THE RESOURCE MANAGEMENT
COMMITTEE HEARING - GREENER HORIZONS WORKFORCE LIMITED -
MEETING DATED 21 NOVEMBER 2008 BE ADOPTED.

- 5.5 RESOURCE MANAGEMENT HEARING - SOUTHERN FREERIDERS LTD - DATED
24 NOVEMBER 2008
Minutes for Adoption.

Moved Cr Ridley, seconded Cr Duffy
and RESOLVED THAT THE MINUTES OF THE RESOURCE MANAGEMENT
HEARING - SOUTHERN FREERIDERS LTD - DATED 24 NOVEMBER 2008 BE
ADOPTED.

- 5.6 RESOURCE MANAGEMENT COMMITTEE MEETING DATED 10 DECEMBER 2008
Minutes for Adoption.

Moved Cr Ridley, seconded Cr Duffy
and RESOLVED THAT THE MINUTES OF THE RESOURCE MANAGEMENT
COMMITTEE MEETING DATED 10 DECEMBER 2008 BE ADOPTED.

5.7 RESOURCE MANAGEMENT HEARING - A E AND L M MALONEY - DATED 16 DECEMBER 2008

Minutes for Adoption.

Moved Cr Ridley, seconded Cr Duffy and RESOLVED THAT THE MINUTES OF THE RESOURCE MANAGEMENT HEARING - AE AND LM MALONEY - DATED 16 DECEMBER 2008 BE ADOPTED.

5.8 GORGE ROAD AND DISTRICTS COMMUNITY DEVELOPMENT AREA SUBCOMMITTEE MEETING DATED 9 FEBRUARY 2009

Minutes for Adoption.

Moved Cr Jack, seconded Cr Copland and RESOLVED THAT THE MINUTES OF THE GORGE ROAD AND DISTRICTS COMMUNITY DEVELOPMENT AREA SUBCOMMITTEE MEETING DATED 9 FEBRUARY 2009 BE ADOPTED.

5.9 WAIKAIA COMMUNITY DEVELOPMENT AREA SUBCOMMITTEE ESTIMATES MEETING DATED 3 FEBRUARY 2009

Minutes for Adoption.

Moved Cr Dillon, seconded Cr Dobson and RESOLVED THAT THE MINUTES OF THE WAIKAIA COMMUNITY DEVELOPMENT AREA SUBCOMMITTEE ESTIMATES MEETING DATED 3 FEBRUARY 2009 BE ADOPTED.

5.10 SOUTHLAND DISTRICT COUNCIL ACTION SHEET

For Adoption.

Moved Cr Jack, seconded Cr Duffy and RESOLVED THAT THE SOUTHLAND DISTRICT COUNCIL ACTION SHEET BE ADOPTED.

6.0 **REPORTS**

6.1 DANGEROUS DOG CLASSIFICATION

300/15/5/538

r/09/2/2629 [dc]

Report by Mr P Bell dated 17 February 2008.

Sworn evidence had been received regarding the aggressive behaviour of a dog belonging to Arthur James Maxwell, which was a seven year five month old, black and white, Border Collie named Buddy and this had been attached to the report.

Moved Cr Ford, seconded Cr Duffy and RESOLVED THAT THE REPORT RELATING TO THE AGGRESSIVE BEHAVIOUR OF THE SEVEN YEAR FIVE MONTH OLD MALE BORDER COLLIE OWNED BY ARTHUR JAMES MAXWELL BE RECEIVED.

The evidence contained a medical report and photographs which outlined the events that had taken place on 16 January 2009 at 843 Wyndham Road, Wyndham.

It was recommended that the dog be classified as dangerous pursuant to the provisions of Section 31 of the Dog Control Act 1996.

The meeting discussed the report and agreed the dog should be classified as dangerous.

Moved Cr Ford, seconded Cr Duffy
and RESOLVED THAT PURSUANT TO THE PROVISIONS OF SECTION 31 OF THE DOG CONTROL ACT 1996, THE SEVEN YEAR FIVE MONTH OLD MALE BORDER COLLIE OWNED BY ARTHUR JAMES MAXWELL, BE CLASSIFIED AS DANGEROUS.

6.2 DISQUALIFICATION FROM OWNING A DOG

300/15/5/5

Report by Mr Lindsay McKenzie dated 17 February 2009.

As a consequence of the dog of Brett George Greenland, being a six year five month old black and tan German Shepherd, named Storm, acting aggressively toward Mathew Lindsay Freese on 27 November 2008, the Southland District Council classified the dog as dangerous.

The dog owner, and his partner Sandra M Hunter, appealed this classification, and appeared before Council during the meeting held 28 January 2009. Council confirmed the classification as dangerous.

New Zealand Police charged Mr Greenland with owning a dog that carried out an attack, pursuant to the provisions of Section 57 of the Dog Control Act 1996, and now that he had been convicted, Council must consider disqualifying Mr Greenland from owning a dog for a period not exceeding five years from the date of the offence.

Moved Cr Dobson, seconded Cr Ridley
and RESOLVED THAT THE REPORT RELATING TO MR BRETT GEORGE GREENLAND BEING CONVICTED OF AN OFFENCE IN TERMS OF SECTION 57 OF THE DOG CONTROL ACT 1996, FOLLOWING THE ATTACK OF THAT DOG ON A COURIER DRIVER, BE RECEIVED.

Mr McKenzie reminded the meeting that any person owning a dog that had been classified as dangerous could not transfer ownership to any person living at the same address.

Cr Jack said he believed disqualification of dog ownership would be a severe penalty for Council to impose. There was another dog on the property and disqualification would mean that dog had to leave the property as well. He asked about the possibility of imposing a 6 months disqualification.

Cr Ridley was not in favour of the disqualification, as the owners were not irresponsible, she advised.

Crs Douglas and Bailey also spoke against the disqualification of the owner as they believed Mr Greenland had learned a very expensive lesson.

The members then discussed the report and suggested the owners had lacked understanding of the implications of the Act. Taking dogs away from their owner for six months was just as bad as taking them away for five years.

Moved Cr Drummond, seconded Cr Ford
that Mr Brett George Greenland be disqualified from owning a dog until 27 November 2013.

The motion was put to the meeting and lost.

Moved Cr Ridley, seconded Cr Jack
and RESOLVED THAT MR BRETT GEORGE GREENLAND NOT BE DISQUALIFIED FROM OWNING A DOG IN THIS INSTANCE.

In reaching this decision, Council concluded that having regard to the circumstances of this incident, disqualification of the owner was not warranted.

6.3 ROADING RATE FOR 2009/10

380/10/4/2

r/09/1/559

Report by Mrs Rebecca Heerdegen dated 17 February 2009.

As part of the 2008 Annual Plan, Council had adopted a new model for the roading rate. The model, developed by Morrison-Low, allocated roading costs by tonnage and capital value. In response to submissions, Council also agreed to a further round of consultation and development with interested sector groups. Staff had met with Forestry and Mining Sector representatives, as well as Federated Farmers. In addition, further work had been carried out to verify and update the data in the model, in preparation for striking the rates for the 2009/10 financial year.

The report presented the results of that work, including the contributions and concerns of stakeholders. Significant changes to the model included:

- Livestock, and feed and grain tonnage added into the model (affecting dairy and non-dairy sectors).
- Additional aggregates tonnage (affecting all sectors).
- Moving fertiliser tonnage from dairy and non-dairy sectors to the industrial sector.
- Update of the variables in the model for most recent information (tonnage, property information, roading asset management plan).

Further work was still being undertaken regarding the Roding Asset Management Plan, including reviewing the total budget and smoothing the rate over the 10 year period. Any change in the projects would have implications for the split between general, rural pavement/structural, and urban pavement/structural. This would have flow-ons to the cost shares for each sector. Therefore the cost shares in the paper were *indicative only*. In addition, changes to the overall budget would have a further impact on the actual rates paid as well.

The report, therefore, recommended a set of principles for establishing cost shares, to sit alongside the model. Final decisions on the roading rate would be made as part of the adoption of the 2009 draft LTCCP for consultation. The report would also be used as a basis for feedback to the key stakeholders whose views were outlined in the report.

Moved Cr Copland, seconded Cr Jack
and RESOLVED THAT THE REPORT ON THE ROADING RATE FOR 2009/10 BE RECEIVED.

Mrs Heerdegen spoke to her report and explained the amendments made. Supplementary material for the Roding Rate Report had been accepted under Urgent Business at the start of the meeting - Refer Appendix II.

Cr Jack said he was concerned at the accuracy of the figures. Mrs Heerdegen advised she had used the best data available.

The Chief Executive said he believed the Morrison Low model was a lot more accurate than in the past. Each year it was getting better.

Cr Duffy said he agreed with the Chief Executives comment that the percentages looked better than previously.

Cr Bailey supported the amendments to the model and suggested the document would be looked at every year.

The figures on the supplementary page of the Roothing Rate Report were discussed as well as the percentages and proposed adjustments.

Moved Cr Bailey, seconded Cr Dobson
and RESOLVED:

- (a) THAT THE PROPOSED AMENDMENTS TO THE MORRISON LOW MODEL BE MADE.
- (b) THAT THE FOLLOWING PRINCIPLES BE USED TO DEVELOP COST SHARES:
 - THE "OTHER" SECTOR CONTINUE TO PAY A 1% COST SHARE, IN VIEW OF THE NOT FOR PROFIT STATUS OF MOST OF THE ORGANISATIONS IN IT.
 - THE RESIDENTIAL SECTOR CONTINUE TO PAY A 10% COST SHARE, ALLOWING FOR UNQUANTIFIED HEAVY VEHICLE MOVEMENT.
 - THE MINING SECTOR CONTINUE TO PAY APPROXIMATELY HALF OF THE COST SHARE DERIVED FROM THE MODEL IN VIEW OF THE SMALL NUMBER OF PROPERTIES IN THIS SECTOR.
 - THE NON-DAIRY, DAIRY, AND FORESTRY SECTORS TO PAY COST SHARES AS DERIVED FROM THE MODEL.
 - THE COMMERCIAL, INDUSTRIAL, AND LIFESTYLE SECTORS TO PAY COST SHARES REFLECTING THE MODEL, PLUS ANY SHORTFALLS RESULTING FROM THE ABOVE ADJUSTMENTS, TO REFLECT UNQUANTIFIED FREIGHT MOVEMENTS.
 - COST SHARES SHOULD BE ROUNDED TO HALF PERCENTS.
- (c) THAT FURTHER DISCUSSIONS WITH THE MINING, FORESTRY, AND AGRICULTURE SECTORS BE HELD IN MARCH.
- (e) THAT A FINAL PROPOSAL BE CONSIDERED AS PART OF THE ADOPTION OF THE DRAFT 2009 LTCCP.

6.4 STEWART ISLAND/RAKIURA CONSERVATION MANAGEMENT STRATEGY AND RAKIURA NATIONAL PARK MANAGEMENT PLAN

140/20/2/1, 240/20/23/1

r/09/2/2642 [dc]

Report by Mrs R Heerdegen dated 16 February 2009.

The report highlighted potential issues that the Council may wish to submit on, with regard to the Stewart Island/Rakiura Conservation Management Strategy and Rakiura National Park Management Plan (the CMS). A similar paper had also been sent to the Stewart Island Community Board for input.

The CMS had been drafted following significant community input, including written feedback on a discussion document (33 submissions from Stewart Island, a further 70 from the rest of the Southland region, and over 400 in total) and several workshops.

Following the Council and Community Board meetings, staff would draft a submission on the CMS and send it to the Department of Conservation by 11 March 2009.

The report also sought an indication as to whether the submission should be presented at a hearing.

Moved Cr Ford, seconded Cr Duffy
and RESOLVED THAT THE REPORT ON THE STEWART ISLAND/RAKIURA CONSERVATION MANAGEMENT STRATEGY AND RAKIURA NATIONAL PARK MANAGEMENT PLAN BE RECEIVED.

Overall, the submission was agreed to by the members with some further issues being noted. The submission could not be finalised until comments had been received from the Stewart Island Community Board.

Moved Cr Ford, seconded Cr Jack
and RESOLVED THAT THE POINTS OUTLINED IN THIS REPORT BE INCORPORATED IN A SUBMISSION TO THE DEPARTMENT OF CONSERVATION ON THESE DOCUMENTS. - REFER APPENDIX III.

6.5 APPROACH TO SUSTAINABLE DEVELOPMENT - LTCCP

100/55/1/2

140/15/4/1

r/09/2/2119

Report by Mesdames R Heerdegen, N Taylor and Mr D Adamson dated 11 February 2009.

The concept of sustainable development had been discussed at the Council's strategy workshop in June 2008. The workshop indicated that the Council held a variety of views about sustainable development and what was Council's approach to it. The paper proposed a framework approach to sustainable development which the Council could use in its planning, decision-making and operations.

Moved Cr Duffy, seconded Cr Dillon
and RESOLVED THAT THE REPORT ON THE PROPOSED FRAMEWORK APPROACH TO SUSTAINABLE DEVELOPMENT BE RECEIVED.

Moved Cr Duffy, seconded Cr Jack
and RESOLVED:

- (a) THAT COUNCIL APPROVES THE PROPOSED FRAMEWORK APPROACH TO SUSTAINABLE DEVELOPMENT FOR INCLUSION IN THE DRAFT LONG TERM COUNCIL COMMUNITY PLAN 2009-2019.
- (b) THAT COUNCIL CONFIRMS THAT ITS APPROACH TO SUSTAINABLE DEVELOPMENT MEANS ENDEAVOURING TO BALANCE THE SOCIAL, CULTURAL, ECONOMIC AND ENVIRONMENTAL OBJECTIVES FOR BOTH FUTURE AND CURRENT GENERATIONS IN COUNCIL'S PLANNING PROCESSES, DECISION-MAKING AND OPERATIONS.

Mr Adamson advised the members that Mrs Heerdegen would not be attending any more Council meetings for some time as she was going to be on parental leave. He thanked her for her work on behalf of Council and wished her well.

6.6 RATING - RELIEF, REMISSION AND POSTPONEMENT OF RATES POLICY

200/20/1/5

r/09/2/2707 [dc]

Report by Miss L Jackson dated 18 February 2009.

A review of the Rating - Relief, Remission and Postponement of Rates Policy had been undertaken recently and as a result of this review, and issues arising from application of the policy in practical terms, two amendments were proposed for Council to review and approve.

Moved Cr Douglas, seconded Cr Drummond
and RESOLVED THAT COUNCIL RECEIVES THE RATING - RELIEF, REMISSION
AND POSTPONEMENT OF RATES POLICY REPORT.

Mr Culling introduced Ms Lisa Jackson to the meeting and advised she had recently
been appointed as the Management Accountant.

The focus of the report with amendments to sections were as follows:

- Relief of Uniform Annual General Charges or Targeted Rates set on a
uniform basis.
- Remission of Rate Penalties.

Uniform Charge Relief

Ms Jackson suggested the original intention of the policy was not clear. The
Remission Policy only addressed properties that were not strictly contiguous. As
defined by the Act - rating units meeting the criteria of the Act were not required to
pay Uniform Annual Charges or Targeted Rates set on a Uniform Basis and therefore
were not affected by the Remission Policy.

The impact of removing the remission for both townships and rural areas was
estimated to be small as most ratepayers owning multiply properties only paid
uniform charges on one property, as their properties met the Local Government Act
criteria and were classified as contiguous.

Rate Penalty Remissions

The current Penalties Remission Policy allowed for the remittance of rates penalties
in certain circumstances, which generally had to be within five days of the due date of
the instalment.

It had been difficult for Council staff to apply the policy consistently and there had
been occasions where penalties had been reversed outside of the time restriction.

The Policy had been amended to reflect the issues Council currently considered
when remitting penalties and the delegated authority under which they were remitted.

The proposed amended policy had been attached to the report. One further
amendment was suggested by the meeting - *Page three of Appendix Two of the
proposed policy - second paragraph to read -*

“Policy

*The ~~Management Accountant~~ **Chief Executive or his delegated alternative** shall
have the authority to remit a portion or all of a ratepayers penalties in the following
circumstances: - - -“*

Moved Cr Ridley, seconded Cr Duffy
and RESOLVED THAT COUNCIL APPROVES THE AMENDMENTS TO THE
RATING - RELIEF, REMISSION AND POSTPONEMENT OF RATES POLICY AS
DETAILED IN THE REPORT AND AMENDED AT THE MEETING.

6.7 RESOURCE MANAGEMENT (SIMPLIFY AND STREAMLINE) AMENDMENT BILL 2009

360/15/1/5

r/09/2/2367 [dc]

Report by Mr B G Halligan dated 11 February 2009.

This report summarised some key aspects of the above recently announced bill; for Councillors' information.

Mr Halligan reminded the meeting that the SDC comments had been forwarded through Local Government New Zealand prior to Christmas 2008.

The Bill was currently going through the Select Committee process and was expected to be back before the House in late August 2009.

Some key changes that were of relevance to the Southland District Council were as listed below:

- * Frivolous, vexatious and anti-competitive objections.
- * Streamlining projects of National Significance and a new Environmental Protection Agency.
- * Improving Plan development and Plan changes.
- * Improving Resource Consent processes.
- * Streamlining decision making processes.
- * Improving workability and compliance.

Mr Halligan spoke to his report and commented on each of the proposed changes to the RMA.

Moved Cr Ridley, seconded Cr Copland
and RESOLVED THAT THE REPORT ON THE RESOURCE MANAGEMENT
(SIMPLIFY AND STREAMLINE) AMENDMENT BILL 2009 BE RECEIVED.

The Meeting adjourned for afternoon tea at 3.00 pm and reconvened at 3.15 pm.

6.8 PROPOSAL TO FORM A ROAD; PAPTOTARA

R/5025/1

r/09/2/2679 [dc]

Report by Mr M Voss dated 17 February 2009.

The Fan Family Trust had approached Southland District Council with a proposal to form a road on part of East Rowallan Road, Papatotara.

East Rowallan Road was currently a Type 2 road, formed but not maintained by Council, and was used by local property owners and foresters. The Family Trust planned to develop their property at the end of the section of road proposed for upgrading and required the road to be to a suitable standard for vehicular access. There was a vehicle track that wandered along part of the road reserve, however the Trust had had the road reserve surveyed and planned to construct the carriageway within the road reserve to ensure security of access.

Moved Cr Harpur, seconded Cr Jack
and RESOLVED THAT COUNCIL APPROVES THE CONSTRUCTION OF A TYPE 2
ROAD ALONG EAST ROWALLAN ROAD, PAPTOTARA.

6.9 RESERVATION OF PROPERTY AT 22 HALF MILE ROAD, TUATAPERE
2038/0022/0

r/09/1/849 [msc]

Report by Mr K McNaught dated 23 January 2009.

Seeking approval to reserve a section in Tuatapere as a Local Purpose Reserve (Sewerage Scheme) as opposed to leaving it as an unencumbered freehold title.

Moved Cr Harpur, seconded Cr Dobson

and RESOLVED THAT IN EXERCISING THE POWERS CONFERRED ON IT BY SECTION 14(1) OF THE RESERVES ACT 1977, THE SOUTHLAND DISTRICT COUNCIL HEREBY RESOLVES THAT THE LAND DESCRIBED IN THE SCHEDULE HERETO SHALL BE AND IS HEREBY DECLARED TO BE LOCAL PURPOSE RESERVE (SEWERAGE SCHEME) SUBJECT TO THE PROVISIONS OF THE SAID ACT.

SCHEDULE:

1468 SQUARE METRES MORE OR LESS BEING LOT 2 DP 11418 AND BEING ALL THE LAND CONTAINED IN COMPUTER FREEHOLD REGISTER SL 7B/509.

6.10 DELEGATION TO GROUP MANAGER - SERVICES AND ASSETS AND GROUP MANAGER REGULATORY SERVICES TO EXECUTE DOCUMENTS RELEVANT TO THEIR AREAS OF RESPONSIBILITY DURING ABSENCES OF THE CHIEF EXECUTIVE/PRINCIPAL ADMINISTRATIVE OFFICER WHEN NO ACTING CHIEF EXECUTIVE HAS BEEN APPOINTED

240/10/1/4

r/09/2/2669 [dc]

Report by Mrs V Dillon dated 17 February 2009.

Delegation to the Group Manager Services and Assets and the Group Manager Regulatory Services to sign documents on Council's behalf as required in cases where the Chief Executive was absent and no Acting Chief Executive had been appointed.

Moved Cr Douglas, seconded Cr Dobson

and RESOLVED THAT THE REPORT ON DELEGATION TO THE GROUP MANAGER SERVICES AND ASSETS AND THE GROUP MANAGER REGULATORY SERVICES TO EXECUTE DOCUMENTS RELEVANT TO THEIR AREAS OF RESPONSIBILITY DURING ABSENCES OF THE CHIEF EXECUTIVE/PRINCIPAL ADMINISTRATIVE OFFICER WHEN NO ACTING CHIEF EXECUTIVE HAS BEEN APPOINTED BE RECEIVED.

The members discussed the report and agreed with the recommendations.

Moved Cr Dillon, seconded Cr Harpur

and RESOLVED:

- (a) THAT COUNCIL DELEGATE AUTHORITY TO THE GROUP MANAGER SERVICES AND ASSETS AND THE GROUP MANAGER REGULATORY SERVICES TO EXECUTE DOCUMENTS ON COUNCIL'S BEHALF FOR DOCUMENTS RELATED TO THE SERVICES AND ASSETS GROUP OR REGULATORY SERVICES GROUP AS APPROPRIATE SUBJECT TO (B)
- (b) THE EXECUTION OF DOCUMENTS REFERRED TO IN (A) ABOVE IS LIMITED TO INSTANCES WHEN THE CHIEF EXECUTIVE/PRINCIPAL ADMINISTRATIVE OFFICER IS ABSENT AND NO ACTING CHIEF EXECUTIVE/PRINCIPAL ADMINISTRATIVE OFFICER HAS BEEN APPOINTED BY COUNCIL AND THERE IS A NECESSITY FOR SUCH DOCUMENTS TO BE SIGNED AS A MATTER OF URGENCY.

7.0 **MEMORANDA**

7.1 **MAYOR'S MONTHLY UPDATE**

240/10/7/2

r/09/2/2592

Memorandum by Mayor F Cardno dated 16 February 2009.

Moved Cr Jack, seconded Cr Dillon.

and RESOLVED THAT THE MEMORANDUM ON MAYOR'S MONTHLY UPDATE BE RECEIVED AS INFORMATION.

Mayor Cardno gave an update of the following matters she had recently been involved with:

- * Visit by new Minister of Conservation.
- * Work was under way on the presentation for the Trustpower Community Awards.
- * 25th anniversary of the Southland Floods in January.
- * Waitangi Day celebrations in Bluff.
- * At the end of the month, there will be an opportunity to meet several of the new cabinet ministers including the Minister of Local Government.
- * Attendance at the Mayors Taskforce meeting and the Rural/Provincial Sector meeting in Wellington.

Supplementary Information - LGNZ Rural and Provincial Sector Meeting

Mayor Cardno and Chief Executive Mr Adamson had attended the Rural and Provincial Sectors meeting of Local Government New Zealand in Wellington on Thursday 19 February and Friday 20 February 2009. Refer to Supplementary Report tabled under Urgent Business at the start of the meeting. The following notes outlined the highlights of the meeting.

Points raised in discussion with central government;

- * the national rate take was \$3.56 billion
- * local government asset value was \$83.6 billion
- * operating costs of local government were \$6.2 billion
- * local government charged \$1.1 billion in user charges.

The Hon Rodney Hide, Minister of Local Government, Minister of Regulatory Reform and Associate Minister of Commerce was the first minister to address the group. The Ministers main points were:

- his intention to review the building act
- he would ask officials to do a cost benefit on the water quality standards
- he would explore the options of rates capping
- he was keen to look at core activity constraint, he included roads, waste and libraries.
- he would like to see greater transparency and accountability in local government
- he would like to cut red tape and put responsibility back on the private individual
- he had little understanding of road funding.

The Minister concluded that he enjoyed debate over the issues raised as he was on a learning curve regarding local government.

The second ministerial address was by the Hon David Carter, Minister of Agriculture, Biosecurity and Forestry. Key points of Mr Carters address were:

- the importance to the rural sector of the Resource Management Act reform
- the need for a strategy for water especially around Canterbury
- the need for the government to explore an on going TB strategy

The third ministerial address of the day was by the Hon Dr Nick Smith, Minister of Environment and Climate Change issues. Dr Smith had come back from the House where he had just presented the Resource Management (simplifying and streamlining) Amendment Bill. Details of what was contained within this Bill were elsewhere in this agenda. The Minister also emphasised the need for national policy statements particularly on biodiversity versus private property rights and he intended to progress these in the near future.

The final ministerial address of the session was from the Hon Stephen Joyce, Minister of Transport, Associate Minister of Infrastructure. The Minister outlined his plans to set up an infrastructural section within the Treasury with an emphasis on building a 20 year Infrastructural Plan New Zealand. Mr Joyce recognised that Local Government led Central Government on asset management planning and was looking for collaboration from the sector. The new Road Safety Strategy was being prepared which would be called "Road Safety Strategy 2020".

Also on the agenda were updates from Local Government New Zealand, a presentation by the Auditor General and an address by Inland Revenue regarding the response to addressing adverse events in rural communities.

The final presentation was a panel discussion on Treaty Settlements and their implications and opportunities for Local Government. The discussion centred around the Tainui claim on the Waikato River and included the Chair and the Deputy Chief Executive from Environment Waikato, the Mayors from Opotiki and South Waikato Districts and a specialist in environment law. This address was very eye opening and identified how broad reaching the latest Treaty Settlements were. Each Settlement had three components an apology, a cultural redress and a financial/commercial redress. The main impact on Local Government was on the cultural redress which establish such things as working groups, name allocations, statutory plan interaction to name a few. The implications that these redressed clauses could have on Local Government was the full integration into RMA/LGA issues and the overriding of general legislation by the specifics. Examples are co-managed documents between Tainui and the local authorities which took the place of the District Plan is an LTCCP use and regional policy statements. This potentially has impact locally on any claims regarding rivers and foreshores.

7.2 MANAGEMENT REPORT

140/45/2/1

r/09/2/2571

Memorandum by Mr D Adamson dated 16 February 2009.

Moved Cr Copland, seconded Cr Duffy
and RESOLVED THAT THAT THE MEMORANDUM BEING THE FEBRUARY 2009
MANAGEMENT REPORT BE RECEIVED.

When referring to the Southland Rail Trail, Cr Douglas expressed interest in being involved in any discussions. Chief Executive to provide a draft of the paper to Cr Douglas.

7.3 BUILDING CONSENTS AND VALUES FOR JANUARY 2009

300/40/1/3

r/09/2/1884 [dc]

Memorandum by Mr K O'Connor dated 3 February 2009.

Moved Cr Harpur, seconded Cr Jack

and RESOLVED THAT THE MEMORANDUM ON BUILDING CONSENTS AND VALUES FOR JANUARY 2009 BE RECEIVED AS INFORMATION.

7.4 NON-NOTIFIED RESOURCE CONSENTS - JANUARY 2009

360/15/3/5

r/09/2/1946 [mc]

Memorandum by Miss J Green dated 4 January 2009.

Moved Cr Dillon, seconded Cr Dobson

and RESOLVED THAT THE MEMORANDUM ON THE NON-NOTIFIED RESOURCE CONSENTS PROCESSED BY THE RESOURCE MANAGEMENT DEPARTMENT STAFF UNDER DELEGATION FROM THE COUNCIL DURING JANUARY 2009 BE RECEIVED AS INFORMATION.

8.0 VENTURE SOUTHLAND

8.1 VERBAL UPDATE BY CR DUFFY

Cr Copland tabled a paper titled Key Elements of SDC funding for Venture Southland and Summary of Benefits.

9.0 LEAVE OF ABSENCE

Cr Ridley requested leave of absence from Council meetings from 2 March 2009 to 25 March 2009.

Moved Cr Drummond, seconded Cr Dillon

and RESOLVED THAT LEAVE OF ABSENCE BE GRANTED TO CR RIDLEY FOR THE PERIOD 2 MARCH 2009 TO 25 MARCH 2009.

10.0 EXCLUSION OF PUBLIC

Moved Cr Dobson, seconded Cr Harpur

and RESOLVED THAT PURSUANT TO SECTION 48(1) OF THE LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987 THAT THE PUBLIC BE EXCLUDED FROM THE MEETING WHILE THE FOLLOWING BUSINESS IS TRANSACTED:

SOUTHLAND DISTRICT COUNCIL CONFIDENTIAL MINUTES DATED 28 JANUARY 2009

SECTIONS 7(2)(f), 7(2)(i), AND 7(2)(j)

ACTIVITIES PERFORMANCE AUDIT COMMITTEE CONFIDENTIAL MINUTES DATED 28 JANUARY 2009

SECTIONS 7(2)(f), 7(2)(i), AND 7(2)(j)

ACTIVITIES PERFORMANCE AUDIT COMMITTEE CONFIDENTIAL MINUTES DATED 11 FEBRUARY 2009

SECTIONS 7(2)(f), 7(2)(i), AND 7(2)(j)

RESOURCE MANAGEMENT HEARING - GREENER HORIZONS WORKFORCE LIMITED - HELD 21 NOVEMBER 2008
SECTIONS 7(2)(f), 7(2)(i), AND 7(2)(j)

APPOINTMENT OF ACTING CHIEF EXECUTIVE
SECTIONS 7(2)(f), 7(2)(i) AND 7(2)(j)

RENTAL REVIEW - TE ANAU OFFICE
SECTIONS 7(2)(f), 7(2)(i), AND 7(2)(j)

WAITUNA FIRE
SECTIONS 7(2)(f), 7(2)(i), AND 7(2)(j)

- 7(2)(f) MAINTAIN THE EFFECTIVE CONDUCT OF PUBLIC AFFAIRS ARISING DIRECTLY FROM THE NEED TO PROTECT MEMBERS AND STAFF FROM IMPROPER PRESSURE OR HARASSMENT.
- 7(2)(i) ENABLE THE COUNCIL TO CARRY OUT NEGOTIATIONS WITHOUT PREJUDICE OR DISADVANTAGE (INCLUDING COMMERCIAL AND INDUSTRIAL NEGOTIATIONS);
- 7(2)(j) PREVENT THE DISCLOSURE OR USE OF OFFICIAL INFORMATION FOR IMPROPER GAIN OR ADVANTAGE.

9.1 **EXCLUSION OF PUBLIC - STAFF**

Moved Cr Dobson, seconded Cr Harpur
and RESOLVED THAT THE COUNCIL OFFICERS AND PUBLIC LISTED BELOW BE PERMITTED TO REMAIN AT THE MEETING AFTER THE PUBLIC HAVE BEEN EXCLUDED BECAUSE OF THEIR KNOWLEDGE OF

- (a) MEETING PROCEDURE AND/OR
(b) THE SUBJECT MATTER UNDER CONSIDERATION.

CHIEF EXECUTIVE
GROUP MANAGER CUSTOMER AND FINANCIAL SERVICES
GROUP MANAGER REGULATORY SERVICES
GROUP MANAGER SERVICES AND ASSETS
SENIOR ADMINISTRATION OFFICER

10.0 **CONFIDENTIAL DECISION RECORDED IN OPEN MEETING**

- 10.1 **APPOINTMENT OF ACTING CHIEF EXECUTIVE**
COUNCIL APPROVES THE APPOINTMENT OF PHIL CULLING IN THE ROLE OF ACTING CHIEF EXECUTIVE FOR THE PERIOD OF 12 MARCH 2009 TO 24 MARCH 2009.

COUNCIL ENDORSE THAT THE ACTING CHIEF EXECUTIVE BE APPOINTED TO ACT IN A CARETAKER ROLE ONLY, THEY WILL HAVE NO POWERS OR DELEGATED AUTHORITY TO EMPLOY OR DISMISS STAFF OR UNDERTAKE ANY RESTRUCTURING.

There being no further business, the meeting was declared closed at 4.00 pm.

C O N F I R M E D:

C H A I R P E R S O N:

D A T E: