

SOUTHLAND DISTRICT COUNCIL

COUNCIL MEETING

10 OCTOBER 2007

MINUTES of a MEETING of the SOUTHLAND DISTRICT COUNCIL held in the Council Chambers, 15 Forth Street, Invercargill on WEDNESDAY, 10 OCTOBER 2007 at 1.03 PM.

PRESENT: Mayor F Cardno, Crs S M Anderson, L A Bailey, J D Copland, R A Dobson, B J Dillon, B W Drummond, P Duffy, JTC Frew, GEJ Harpur, D M McCallum and A D Ridley.

IN ATTENDANCE: Messrs L McKenzie (Acting Chief Executive) P Culling, Mrs J O'Shannessy, Mrs H Sutherland, Mrs K Ladbrook, Messrs P Thompson, R Hawkes, P Bell, and B McKenzie

1.0 **APOLOGIES**

An apology was received from Cr P G Goomes

Moved Cr Dillon, seconded Cr Duffy
and RESOLVED THAT THE APOLOGIES BE ACCEPTED.

2.0 **NOTIFICATION OF URGENT BUSINESS**

Moved Cr Dillon, seconded Cr Duffy
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:

- Cattle Flat Tenure Review
- Stewart Island Jetties - supplementary information

It was agreed that the items should be considered in order that any action required could be effected prior to the next meeting.

3.0 MINUTES**3.1 SOUTHLAND DISTRICT COUNCIL MEETING DATED 26 SEPTEMBER 2007**
Minutes for Confirmation.

Moved Cr Ridley, seconded Cr Drummond
and RESOLVED THAT THE MINUTES OF THE SOUTHLAND DISTRICT
COUNCIL MEETING DATED 26 SEPTEMBER 2007 BE CONFIRMED AS A
TRUE AND CORRECT RECORD.

3.2 SOUTHLAND DISTRICT COUNCIL ACTIVITIES PERFORMANCE AUDIT
COMMITTEE MEETING DATED 26 SEPTEMBER 2007

Minutes for Adoption.

Moved Cr Anderson, seconded Cr Duffy
and RESOLVED THAT THE MINUTES OF THE SOUTHLAND DISTRICT
COUNCIL ACTIVITIES PERFORMANCE AUDIT COMMITTEE MEETING
DATED 26 SEPTEMBER 2007 BE ADOPTED.

3.3 RIVERTON HARBOUR COMMITTEE MEETING DATED 11 SEPTEMBER 2007

Minutes for Adoption

Moved Cr Dobson, seconded Cr Frew
and RESOLVED THAT THE MINUTES OF THE RIVERTON HARBOUR
BOARD MEETING DATED 11 SEPTEMBER 2007 BE RECEIVED.

3.4 SOUTHLAND DISTRICT COUNCIL ACTION SHEET

Action Sheet to be Received.

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

4.0 REPORTS**4.1 DANGEROUS DOG CLASSIFICATION - APPEAL**

300/15/5/224

Report by Mr P Bell dated 1 October 2007, advising on 29 August 2007 the Southland
District Council declared a French Mastiff Cross dog, called Saber as dangerous in
accordance with Section 31(1)(b) of the Dog Control Act 1996.

The partner of the owner Edward Alexander Blackburn on behalf of the owner of this
dog, Jan Marie Black of 232 Main Street, Otautau had appealed the Council's
decision.

The owner of any dog, that had been classified by a territorial authority as dangerous,
was entitled to appeal the classification under Section 31(3) of the Dog Control Act
1996, and was entitled to appear before Council and speak in support of the objection.

Council passed the following resolution but rescinded it later in the meeting to allow for the owners of the dog to address Council under Public Forum. See Item 8.1 for decision.

Moved Cr Drummond seconded Cr McCallum

- (a) *That the report relating to the appeal against the classification of a dangerous dog known as Saber and owned by Jan Marie Black be received.*
- (b) *That Council confirm the classification of the French Mastiff Cross known as Saber, and owned by Jan Marie Black as Dangerous.*

4.2 REVIEW OF COUNCIL WATER AND WASTE BYLAWS

300/10/14/1, 300/10/21/1, 300/10/18/1, 300/10/23/1, 300/10/19/1

Report by Mr J Porter (Project manager, MWH New Zealand Ltd) and Mrs V Dillon dated 1 October 2007, asking Council to consider a proposal to make Bylaws under Section 146 of the Local Government Act 2002. The Bylaws would enable Council to manage and protect the infrastructure associated with water supplies, wastewater, drainage, sanitation and land drainage.

Moved Cr Harpur, seconded Cr Ridley
and RESOLVED THAT THE REPORT ON THE REVIEW OF COUNCIL WATER
AND WASTE WATER BYLAWS BE RECEIVED.

Moved Cr Duffy, seconded Cr Ridley
and RESOLVED:

- (a) THAT PURSUANT TO SECTION 155(1) OF THE LOCAL GOVERNMENT ACT 2002 THE COUNCIL RESOLVES THAT THE FOLLOWING BYLAWS ARE THE MOST APPROPRIATE WAY OF ADDRESSING PROTECTION AND MANAGEMENT OF INFRASTRUCTURE ASSOCIATED WITH WATER SUPPLIES, WASTEWATER, DRAINAGE, SANITATION AND LAND DRAINAGE:

SOLID WASTE BYLAW 2007
WATER SUPPLY BYLAW 2007
STORMWATER BYLAW 2007
WASTEWATER BYLAW 2007
TRADE WASTE BYLAW 2007

- (b) THAT A FURTHER REPORT BE SUBMITTED TO COUNCIL IN NOVEMBER 2007 OUTLINING FINAL DETAILS OF THE BYLAWS AND THE PROCESS FOR IMPLEMENTATION.

4.3 REVIEW OF CAMPING CONTROL BYLAW - PROPOSED CAMPING CONTROL BYLAW 2007

300/10/3/1

Report by Mrs V Dillon and Mr L Hare dated 2 October 2007, requesting Council to consider a proposal to review the Camping Control Bylaw in terms of Section 155(1) of the Local Government Act 2002.

Moved Cr Harpur, seconded Cr Copland
and RESOLVED:

- (a) THAT PURSUANT TO SECTION 155(1) OF THE LOCAL GOVERNMENT ACT 2002 THE COUNCIL RESOLVES THAT A BYLAW IS THE MOST APPROPRIATE MEANS OF ADDRESSING THE ISSUES ASSOCIATED WITH FREEDOM CAMPING CONTROL.
- (b) THAT A FURTHER REPORT BE SUBMITTED TO THE COUNCIL OUTLINING THE FINAL DETAILS OF THE BYLAW AND THE PROCESS FOR IMPLEMENTATION.

Cr Harpur will report back to the next meeting on the workshop on Freedom Camping being held at Clutha District Council on 12 October 2007.

4.4 FEEDBACK ON COMMITTEE STRUCTURES

240/10/5/7 and 240/10/1/4

Report by Mr D Adamson dated 1 October 2007, advising that following the elections Council must appoint Councillors to various committees. Prior to the preparation of this report, a memo was sent to Councillors to gather their feedback about the existing structures and frequency of meetings. The following report details the results of that request.

Moved Cr McCallum, seconded Cr Dobson
and RESOLVED THAT COUNCIL RECEIVES THE REPORT ON COMMITTEE STRUCTURES.

Cr Frew suggested that perhaps a smaller committee may be a more workable option for the Resource Planning Committee. Currently the seven member committee required a four person quorum. That was not always easy to acquire, so if the committee numbers were reduced to six, the quorum would then be three.

Cr Frew also queried the practice of having the appropriate Ward Member sit on the hearing committee. He suggested if that continued, every Councillor would have to go through the "Making Good Decisions" course.

4.5 STEWART ISLAND JETTIES

320/20/2/2

Report by Mr P Thompson dated 3 October 2007, advising the Stewart Island Wharf Users Group had identified and sourced local resources and expertise for the management and maintenance of the Stewart Island wharves. The Users Group and the Stewart Island Community Board had [informally] agreed to the proposal from South Port.

Moved Cr Ridley, seconded Cr Duffy

and RESOLVED THAT THE SUPPLEMENTARY INFORMATION ON STEWART ISLAND JETTIES BE RECEIVED.

A letter on behalf of the Stewart Island Wharf Users Group was tabled as supplementary information. The letter advised that at the group's most recent meeting (4 October 2007) confirmation was given of the approach suggested by the Southland District Council subject to the approval of the Stewart Island Community Board.

Moved Cr Ridley, seconded Cr Duffy

and RESOLVED:

- (a) THAT THE COUNCIL TAKE OWNERSHIP OF THE NON-COMMERCIAL JETTY STRUCTURES AT STEWART ISLAND (AT NO CHARGE TO COUNCIL).
- (b) THAT COUNCIL ACCEPT THE OFFER BY SOUTH PORT FOR THE PROVISION OF USE OF SOUTH PORT'S BARGE AND APPROPRIATE MANNED FLOATING PLANT FOR USE ON STEWART ISLAND UP TO A VALUE OF \$20,000.
- (c) THAT COUNCIL ACCEPT THE OFFER OF A CASH GRANT FROM SOUTH PORT OF \$5,000 PER ANNUM TO THE STEWART ISLAND COMMUNITY BOARD FOR THE NEXT FOUR YEARS.
- (d) THAT COUNCIL APPROVE THE PROPOSAL FROM THE STEWART ISLAND WHARF USERS GROUP.
- (e) THAT THE ABOVE RESOLUTIONS ARE SUBJECT TO FORMAL APPROVAL BY THE STEWART ISLAND COMMUNITY BOARD.

5.0 **MEMORANDA**

5.1 **MANAGEMENT REPORT**

10/4/47

Memorandum by Mr Lindsay McKenzie, Acting Chief Executive, dated 1 October 2007.

Mr McKenzie referred to the following matters:

- * Youth Council
- * Partnership with Niue
- * LGNZ FAQ's on the CLGF Pacific Project
- * Traffic Control Devices (TCD) Steering Group
- * Road Maintenance Contracts
- * Roading Contracts
- * Ingenium Study Tour
- * SOLGM Conference
- * Dog Control
- * Building Control
- * GEAC Conference
- * Communities for Climate Protection
- * Our Way Southland - Community Outcomes
- * Annual Report
- * Area Engineers Update
- * Elections
- * Milford Community Trust

Moved Cr Ridley, seconded Cr Harpur
and RESOLVED THAT THE MEMORANDUM ON THE ACTING CHIEF EXECUTIVE'S MANAGEMENT UPDATE BE RECEIVED FOR INFORMATION PURPOSES.

5.2 **SOUTHLAND DISTRICT COUNCIL'S SUBMISSION IN RESPONSE TO THE REVIEW OF SECTION 62 OF THE ELECTRICITY ACT 1962 ("CONTINUANCE OF SUPPLY")**

360/15/2/1

Memorandum by Mr M Bailey dated 28 September 2007.

Moved Cr Ridley, seconded Cr Bailey
and RESOLVED THAT THE MEMORANDUM ON SOUTHLAND DISTRICT COUNCIL'S SUBMISSION IN RESPONSE TO THE REVIEW OF SECTION 62 OF THE ELECTRICITY ACT 1962 ("CONTINUANCE OF SUPPLY") BE RECEIVED AS INFORMATION.

5.3 NON-NOTIFIED RESOURCE CONSENTS - SEPTEMBER 2007

360/15/3/5

Memorandum by Mr T Garnett dated 28 September 2007.

Moved Cr Frew, seconded Cr Anderson
and RESOLVED THAT THE MEMORANDUM ON THE NON-NOTIFIED
RESOURCE CONSENTS PROCESSED BY THE RESOURCE MANAGEMENT
DEPARTMENT STAFF UNDER DELEGATION FROM THE COUNCIL DURING
SEPTEMBER BE RECEIVED.

5.4 BUILDING CONSENTS AND VALUES FOR SEPTEMBER 2007

300/40/1/3

Memorandum by Mr K O'Connor dated 2 October 2007.

Moved Cr Frew, seconded Cr Copland
and RESOLVED THAT THE MEMORANDUM ON BUILDING CONSENTS AND
VALUES FOR SEPTEMBER 2007 BE RECEIVED AS INFORMATION.

5.5 COUNCIL COMMENT RE THE HISTORIC PLACES TRUST PROPOSAL TO
REGISTER THE MARAIRUA FARM COMPLEX AS A CATEGORY I SITE

1384/0070 and 100/30/5/20

Memorandum by Miss T Morse dated 1 October 2007.

Cr Duffy advised he had visited the site, and the complex was now owned by
descendants of the original owner.

Moved Cr Duffy, seconded Cr Harpur
and RESOLVED THAT THE MEMORANDUM ON COUNCIL COMMENT RE
THE HISTORIC PLACES TRUST PROPOSAL TO REGISTER THE MARAIRUA
FARM COMPLEX AS A CATEGORY I SITE BE RECEIVED AS INFORMATION.

6.0 VENTURE SOUTHLAND

6.1 ACTIVITY REPORT

930/15/2/3

Report by Mr Jeff Troon dated 2 October 2007 with the latest Activity Update for
Venture Southland. The Executive Summary covered:

- Stewart Island Energy
- Burt Munro Challenge - November
- Oil, Gas and Minerals
- Settlement support
- Sustainable Tourism
- Trade and Media Visits
- i-Site Award
- 30th Annual Fiordland Tourism Awards
- Cell Phone Coverage and Internet services in southern Southland.

Moved Cr Copland, seconded Cr Ridley
and RESOLVED THAT THE ACTIVITY REPORT FOR VENTURE
SOUTHLAND BE RECEIVED.

7.0 **LATE ITEM**

7.1 **CATTLE FLAT TENURE REVIEW**

340/20/3/6

Report by Mr Kevin McNaught dated 8 October 2007, asking Council to give consideration to a request from Land Information New Zealand to declare 11 km of farm track along the flats of the Mataura River at Cattle Flat to be legal road under Council's ownership and control.

The meeting was reminded the proposal was not the legal access requirement along the bank of the river, but it related to the existing farm track along the river flats adjacent to the river. Marginal strips already existed along some parts of the river bank and new ones would be created as required by statute.

Moved Cr Dillon, seconded Cr Copland
and RESOLVED THAT LAND INFORMATION NEW ZEALAND BE INFORMED THAT COUNCIL DOES NOT CONSENT TO THE 11 KILOMETRES OF FARM TRACK ALONG THE MATAURA RIVER FLATS BEING DECLARED LEGAL ROAD UNDER THE CONTROL AND MANAGEMENT OF COUNCIL, AS PART OF THE CATTLE FLAT STATION TENURE REVIEW.

8.0 **PUBLIC FORUM 2.15 PM**

8.1 **DANGEROUS DOG CLASSIFICATION APPEAL**

Prior to the suspension of Standing Orders, Council rescinded the following resolution passed earlier in the meeting. Refer to Item 4.1.

Moved Cr Drummond, seconded Cr McCallum

- (a) *That the report relating to the appeal against the classification of a dangerous dog known as Saber and owned by Jan Marie Black be received.*
- (b) *That Council confirm the classification of the French Mastiff Cross known as Saber, and owned by Jan Marie Black as Dangerous.*

Moved Cr McCallum, seconded Cr Dobson
and RESOLVED THAT STANDING ORDERS BE SUSPENDED TO ALLOW A PUBLIC FORUM TO BE HELD TO ALLOW DISCUSSION ON THE FOLLOWING:

- DANGEROUS DOG CLASSIFICATION - APPEAL

Mayor Cardno welcomed Mr Blackburn and Ms Black to the Public Forum section of the meeting and invited them to explain to Councillors why they believed their dog Saber should not be declared as dangerous.

Mr Blackburn explained he didn't believe the policeman should have been in the back area of his property. The dog was enclosed by a fence in the back yard and any visitor to the property would have been able to gain entry to the house by knocking at the front door. The Police also knew from previous visits there was a large dog on the property.

He was concerned that even though the Police had visited his property the day following the attack, no mention had been made of the visit the previous day when the attack took place. The first he heard of it was when the Council Dog Control Officer visited some two weeks later. He had also expected to see a medical report to confirm the police claim.

The members questioned Mr Blackburn regarding previous behaviour of the dog and in particular whether it had made attacks on people.

Cr Copland asked what adverse affects the declaration would have. Mr Blackburn explained he wanted to use the dog for breeding purposes sometime in the future so therefore did not want it desexed.

Mayor Cardno thanked Mr Blackburn and Ms Black for their attendance at the meeting.

Mr Blackburn and Ms Black left the meeting at 2.35 pm.

Moved Cr Frew, seconded Cr Dobson
and RESOLVED THAT STANDING ORDERS BE REINSTATED.

8.2 DANGEROUS DOG CLASSIFICATION - APPEAL
300/15/5/224

Report by Mr P Bell dated 1 October 2007, advising on 29 August 2007 the Southland District Council declared a French Mastiff Cross dog, called Saber as dangerous in accordance with Section 31(1)(b) of the Dog Control Act 1996.

Moved Cr Drummond, seconded Cr McCallum
and RESOLVED THAT THE REPORT RELATING TO THE APPEAL AGAINST THE CLASSIFICATION OF A DANGEROUS DOG KNOWN AS SABER AND OWNED BY JAN MARIE BLACK BE RECEIVED.

Edward Alexander Blackburn, the partner of owner Jan Marie Black of 232 Main Street, Otautau, had appealed the Council's decision and both were present to speak to their appeal in the Public Forum section of the meeting. Refer 8.1.

Moved Cr Drummond, seconded Cr McCallum
and RESOLVED THAT COUNCIL CONFIRM THE CLASSIFICATION OF THE FRENCH MASTIFF CROSS DOG KNOWN AS SABER AND OWNED BY JAN MARIE BLACK AS DANGEROUS.

9.0 EXCLUSION OF PUBLIC

Moved Cr Frew, seconded Cr Drummond
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 26 SEPTEMBER 2007
SECTIONS 7(2)(f), 7(2)(i), AND 7(2)(j)

SOUTHLAND DISTRICT COUNCIL CONFIDENTIAL ACTIVITIES PERFORMANCE AUDIT COMMITTEE MINUTES DATED 26 SEPTEMBER 2007
SECTIONS 7(2)(f), 7(2)(i), AND 7(2)(j)

PROPOSED EDENDALE AND WYNDHAM WATER SUPPLY SCHEME - PUBLIC CONSULTATION
SECTIONS 7 (b) (ii), 7(2)(f), 7(2)(i), AND 7(2)(j)

AND THAT THE REASON FOR THE PASSING OF THE RESOLUTION IS THAT IT WOULD BE LIKELY TO RESULT IN DISCLOSURE OF INFORMATION WHICH WOULD:

7(2)(b) PROTECT INFORMATION WHERE MAKING IT AVAILABLE WOULD:

(ii) BE LIKELY TO UNREASONABLY PREJUDICE THE COMMERCIAL POSITION OF ANY PERSON WHO SUPPLIED, OR WHO IS THE SUBJECT OF, SUCH INFORMATION.

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 Frew, seconded Cr Drummond
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.

ACTING CHIEF EXECUTIVE
GROUP MANAGER FINANCIAL AND CORPORATE SERVICES
GROUP MANAGER REGULATORY SERVICES
COMMUNICATIONS OFFICER
SENIOR ADMINISTRATION OFFICER

10.0 **VALEDICTORY**

Mayor Cardno thanked the Councillors for their contribution to the past term. They had worked together as a team and she was very sorry to be saying goodbye to two retiring Councillors. Crs McCallum and Frew had not sought re-election.

10.1 **Cr Debbie McCallum**

Cr McCallum had always had the community at heart and had been very proactive in her contribution to local newsletters helping keep the ratepayers up to date with Council happenings. She would be best remembered for her involvement with the Total Mobility Scheme, Mayor Cardno said.

Cr Copland endorsed the Mayors remarks and said his one enduring memory of Cr McCallum was her commitment to recycling.

Cr McCallum said she would miss all the Councillors, as they had become part of the SDC family. The time spent on Council had been a time of personal growth for her as she had gained knowledge and confidence. Cr McCallum then paid tribute to the dedication of staff members and said Council was lucky with the calibre of their managers.

She looked forward to reading about Council happenings in the newspapers, she concluded.

9.2 **Cr John Frew**

Mayor Cardno then referred to Cr Frew and his time on Council and said he would be truly missed.

She had watched his development over the years with his most recent council role being Chairman of the Resource Management Committee. Although they had some differences, Cr Frew had always cared about the community. Mayor Cardno concluded by thanking him for his leadership role in Council.

Cr Ridley said she and Cr Frew had both been elected to Council at the same time (1995). She thanked him for his friendship and support over the years and wished him well in the future.

Cr Copland said he had always appreciated Cr Frews' professionalism in his many roles in Council.

Cr Frew replied that he had enjoyed the experience and the relationships that came with being a Councillor. The "Open House" nature of Council had been welcome and he had learned a large amount during his time. He concluded by thanking everyone for their kind remarks.

The meeting closed at 3.10 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 D: