

SOUTHLAND DISTRICT COUNCIL

COUNCIL MEETING

26 APRIL 2007

MINUTES of a COUNCIL MEETING of the SOUTHLAND DISTRICT COUNCIL held in the Turnbull Room, Te Anau Hotel and Villas, Lake Front Drive, Te Anau on THURSDAY, 26 APRIL 2007 at 1.00 PM.

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

IN ATTENDANCE: Messrs L McKenzie, P Culling and Mrs J O'Shannessy.

1.0 **APOLOGIES**

Cr Dillon and Crs Copland, Duffy and Ridley for lateness.

Moved Cr Harpur, seconded Cr Frew
and RESOLVED THAT THE APOLOGIES BE ACCEPTED.

2.0 **PUBLIC FORUM**

There were no requests to speak at the Public Forum.

3.0 **NOTIFICATION OF URGENT BUSINESS**

Moved Cr Drummond, seconded Cr Goomes
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:

- * MILFORD COMMUNITY TRUST - ADOPTION OF TRUST DEED.
REPORT BY MR L FORBES DATED 19 APRIL 2007.
- * SUPPLEMENTARY INFORMATION ON THE COMMONWEALTH
LOCAL GOVERNMENT CONFERENCE. MEMORANDUM BY
CR J FREW DATED 23 APRIL 2007.

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

4.0 **MINUTES**

4.1 SOUTHLAND DISTRICT COUNCIL MEETING DATED 28 MARCH 2007

Minutes for Confirmation.

Moved Cr Anderson, seconded Cr Frew
and RESOLVED THAT THE MINUTES OF THE SOUTHLAND DISTRICT
COUNCIL MEETING DATED 28 MARCH 2007 BE CONFIRMED AS A TRUE
AND CORRECT RECORD.

4.2 SOUTHLAND DISTRICT COUNCIL ACTIVITIES PERFORMANCE AUDIT COMMITTEE MEETING DATED 14 MARCH 2007.

Minutes for Adoption.

Moved Cr Harpur, seconded Cr Anderson
and RESOLVED THAT THE MINUTES OF THE SOUTHLAND DISTRICT
COUNCIL ACTIVITIES PERFORMANCE AUDIT COMMITTEE MEETING
DATED 14 MARCH 2007 BE ADOPTED.

4.3 SOUTHLAND DISTRICT COUNCIL ACTIVITIES PERFORMANCE AUDIT COMMITTEE MEETING DATED 28 MARCH 2007

Minutes for Adoption.

Moved Cr Anderson, Cr Dobson
and RESOLVED THAT THE MINUTES OF THE SOUTHLAND DISTRICT
COUNCIL ACTIVITIES PERFORMANCE AUDIT COMMITTEE MEETING
DATED 28 MARCH 2007 BE ADOPTED.

4.4 SOUTHLAND DISTRICT COUNCIL ACTIVITIES PERFORMANCE AUDIT COMMITTEE MEETING DATED 11 APRIL 2007

Minutes for Adoption.

Moved Cr Anderson, Cr McCallum
and RESOLVED THAT THE MINUTES OF THE SOUTHLAND DISTRICT
COUNCIL ACTIVITIES PERFORMANCE AUDIT COMMITTEE MEETING
DATED 11 APRIL 2007 BE ADOPTED.

4.5 SOUTHLAND DISTRICT COUNCIL FORESTRY OPERATIONS COMMITTEE DATED 14 MARCH 2007

Minutes for Adoption.

Moved Cr Dobson, seconded Cr Frew
and RESOLVED THAT THE MINUTES OF THE SOUTHLAND DISTRICT
COUNCIL FORESTRY OPERATIONS COMMITTEE DATED 14 MARCH 2007
BE ADOPTED.

- 4.6 SOUTHLAND DISTRICT COUNCIL POLICY REVIEW COMMITTEE MEETING DATED 11 APRIL 2007
Minutes for Adoption.

Moved Cr Goomes, seconded Cr Harpur
and RESOLVED THAT THE MINUTES OF THE SOUTHLAND DISTRICT COUNCIL POLICY REVIEW COMMITTEE MEETING DATED 11 APRIL 2007 BE ADOPTED.

- 4.7 RIVERTON HARBOUR COMMITTEE MEETING DATED 6 MARCH 2007
Minutes for Adoption.

Moved Cr Dobson, seconded Cr Frew
and RESOLVED THAT THE MINUTES OF THE RIVERTON HARBOUR COMMITTEE MEETING HELD 6 MARCH 2007 BE ADOPTED.

- 4.8 COLAC BAY COMMUNITY DEVELOPMENT AREA COMMITTEE MEETING DATED 8 FEBRUARY 2007
Minutes for Adoption.

Moved Cr Dobson, seconded Cr McCallum
and RESOLVED THAT THE MINUTES OF THE COLAC BAY COMMUNITY DEVELOPMENT AREA COMMITTEE MEETING DATED 8 FEBRUARY 2007 BE ADOPTED.

- 4.9 OREPUKI COMMUNITY DEVELOPMENT AREA COMMITTEE MEETING DATED 8 FEBRUARY 2007
Minutes for Adoption.

Moved Cr Dobson, seconded Cr Frew
and RESOLVED THAT THE MINUTES OF THE OREPUKI COMMUNITY DEVELOPMENT AREA COMMITTEE MEETING DATED 8 FEBRUARY 2007 BE ADOPTED.

- 4.10 WOODLANDS COMMUNITY DEVELOPMENT AREA COMMITTEE MEETING DATED 19 FEBRUARY 2007
Minutes for Adoption.

Moved Cr McCallum, seconded Cr Anderson
and RESOLVED THAT THE MINUTES OF THE WOODLANDS COMMUNITY DEVELOPMENT AREA COMMITTEE MEETING DATED 19 FEBRUARY 2007 BE ADOPTED.

- 4.11 SOUTHLAND DISTRICT COUNCIL ACTION SHEET
Action Sheet to be Received.

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

5.0 URGENT BUSINESS**5.1 MILFORD COMMUNITY TRUST - ADOPTION OF TRUST DEED**

240/20/15/6

Report by Mr Lindsay Forbes dated 19 April 2007 advising the Trust Deed to establish the Milford Community Trust as the local governance entity for Milford had been prepared and was presented to the Council for adoption to allow for incorporation under the provisions of the Charitable Trusts Act 1957.

Moved Cr Harpur, seconded Cr Dobson
and RESOLVED THAT THE REPORT ON THE MILFORD COMMUNITY TRUST DEED BE RECEIVED.

The Trust Deed identified:

- * The name of the Trust.
- * The objects of the Trust.
- * The funds of the Trust.
- * The relevant issues for the Trustees including terms of office, trustee election/appointment criteria; provisions for a Trustee ceasing to hold office; remuneration etc.
- * The structure of the Trust.
- * The operational requirements of the Trust in relation to meetings, quorums, voting, financial controls and the general powers of the Trustees.
- * The requirements for liquidation of the Trust should it not be possible to carry out the objectives of the Trust.

The above were all matters which needed to be addressed in any application for incorporation of the Trust.

The Trust Deed had been signed by all seven Trustees of the Milford Community Trust and was ready to be executed under seal by the Council as the Settlor of the Trust to allow an application for incorporation of the Trust to be made.

Moved Cr Frew, seconded Cr Anderson
and RESOLVED:

- (a) THAT THE SOUTHLAND DISTRICT COUNCIL EXECUTE THE MILFORD COMMUNITY TRUST DEED UNDER THE SEAL OF THE COUNCIL TO ALLOW FOR MAKING AN APPLICATION FOR INCORPORATION UNDER THE CHARITABLE TRUSTS ACT 1957 OF THE TRUST.
- (b) THAT THE SEVEN TRUSTEES NAMED IN THE SCHEDULE TO THE TRUST DEED BE APPOINTED AS TRUSTEES TO THE MILFORD COMMUNITY TRUST.

6.0 **REPORTS**

6.1 **ADDITIONAL LAND FOR THE TE ANAU CHILD CARE CENTRE** 3528/0018

Report by Mr K McNaught dated 22 March 2007 asking Council to consider a request from the Te Anau Child Care Centre for additional land to be added into its existing lease from Council.

The additional land was comprised of two lots. Lot 1 was part of the Recreation Reserve and Lot 2 was part of the Local Purpose Reserve. Both Lots needed to be Local Purpose Reserve before they could be leased.

If Council agreed to the lease of the additional land, the following process would be followed:

1. The Te Anau community would be consulted on the proposal - The Board approved the request at its meeting on 21 March 2007.
2. Council would be requested to approve the change of classification for Lot 1 and that adding of the land to the existing lease - the current step.
3. DOC to be consulted on the change of classification for Lot 1.
4. Public notification given to change the classification of Lot 1.
5. If no objections were received, the survey to be undertaken to define both Lots 1 and 2.
6. DOC be requested to publish the change of classification for Lot 1 in the Gazette.
7. The notice be registered with LINZ against the title.
8. The lease document be varied to incorporate Lots 1 and 2 and registered with LINZ.

Moved Cr Dobson, seconded Cr McCallum
and RESOLVED:

- (a) THAT SUBJECT TO NO PUBLIC OBJECTIONS BEING RECEIVED THE SOUTHLAND DISTRICT COUNCIL CHANGE THE CLASSIFICATION OF 324 M² FORMING PART OF THE TE ANAU GARDENS FROM RECREATION RESERVE TO LOCAL PURPOSE (COMMUNITY CENTRE AND SPORTS BUILDING) RESERVE.
- (b) THAT IF THE 324 M² HAS ITS CLASSIFICATION CHANGED THEN THE SOUTHLAND DISTRICT COUNCIL APPROVES OF 480 M² OF LAND BEING ADDED TO THE EXISTING LEASE OF THE TE ANAU CHILD CARE CENTRE INCORPORATED.

6.2 DOG CONTROL POLICY

300/15/4/1

Report by Mr L McKenzie dated 30 March 2007.

The Southland District Council had resolved to initiate the consultation process so as to amend the Southland District Council Dog Control Policy so as to provide that dogs must be on a lead when:

- (a) On the land known as Howells Point Recreation Reserve and the adjacent road reserves, and
- (b) On the land known as Horseshoe Point - Braggs Bay Walking Track.

Moved Cr Goomes, seconded Cr Dobson
and RESOLVED:

- (a) THAT THE REPORT RELATING TO THE POSSIBLE AMENDMENT TO THE SOUTHLAND DISTRICT COUNCIL DOG CONTROL POLICY THAT WOULD IDENTIFY TWO ADDITIONAL AREAS WHERE DOGS MUST BE ON A LEAD BE RECEIVED.
- (b) THAT PURSUANT TO THE PROVISION OF SECTION 83 OF THE LOCAL GOVERNMENT ACT 2002, AND SECTION 10 OF THE DOG CONTROL ACT 1996, THE CONSULTATION PROCESS BE INITIATED SO AS TO CONSIDER THE POSSIBLE AMENDMENT TO THE SOUTHLAND DISTRICT COUNCIL DOG CONTROL POLICY SO AS TO PROVIDE THAT DOGS MUST BE ON A LEAD WHEN ON THE PROPERTY KNOWN AS HOWELLS POINT RECREATION RESERVE AND THE ADJACENT ROAD RESERVES, AND ON THE PROPERTY KNOWN AS THE HORSESHOE POINT-BRAGGS BAY WALKING TRACK, AND
- (c) THAT THE STATEMENT OF THE PROPOSAL TO AMEND THE DOG CONTROL POLICY BE ADOPTED AND APPROVED FOR INITIATING THE CONSULTATIVE PROCESS, AND
- (d) THAT THE SUMMARY OF INFORMATION RELATING TO THE PROPOSED AMENDMENT TO THE DOG CONTROL POLICY BE APPROVED, AND
- (e) THAT THE STATEMENT OF PROPOSAL TO AMEND THE DOG CONTROL POLICY BE MADE AVAILABLE AT EVERY OFFICE OF THE SOUTHLAND DISTRICT COUNCIL FOR PERUSAL, AND
- (f) THAT THE SUMMARY OF INFORMATION BE FORWARDED TO EVERY DOG OWNER WHO HAD A DOG REGISTERED WITH THE SOUTHLAND DISTRICT COUNCIL DURING THE 2006/2007 REGISTRATION YEAR, AND BE MADE AVAILABLE FOR UPLIFTING FROM EVERY OFFICE OF COUNCIL, AND

- (g) THAT SUBMISSIONS BE INVITED IN RESPECT TO THE PROPOSED AMENDMENT TO THE DOG CONTROL POLICY CLOSING 31 JULY 2007.

7.0 **MEMORANDA**

7.1 MAYOR'S MONTHLY UPDATE

240/10/7/2

Memorandum by Mayor Cardno dated 14 April 2007.

Mayor Cardno referred to the following matters:

- * Commonwealth Local Government Conference.
- * Delivering development through local leadership in the Commonwealth.
- * Visit by Commonwealth Local Government Conference Delegates.
- * Toi Rakiura Arts Trust - Island Exhibition.
- * New Zealand Women's Autumn Foursomes.
- * Speaking engagement at Women's RSA Friendship Day.
- * Meeting with Minister of Health, Hon Pete Hodgson.
- * Attendance at Mayoral Reception for the Mobil NZ Silver Ploughing Competition.
- * Meeting of the Community Board and CDA Chairpersons.

Commonwealth Local Government Conference

240/10/7/2

Cr Frew had prepared a memorandum containing supplementary information on the Commonwealth Local Government Conference which was read in conjunction with the Mayors Monthly Update.

One of the biggest challenges the Commonwealth faced was the huge comparison between the well off countries such as the United Kingdom, Australia, New Zealand and Canada and some of the poorer countries as in Central Africa. They had large populations but lacked the financial ability to even fund basic infrastructure like clean water.

Another problem in poor countries was the "leaky bucket syndrome" and one way to help fix that was to decentralize aid down to the local level instead of at National level.

Cr Frew concluded by thanking Council for giving him the opportunity to attend the conference.

Moved Cr Dobson, seconded Cr Anderson

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

Crs Ridley, Copland and Duffy entered the meeting at 1.18 pm.

7.2 MANAGEMENT REPORT

Memorandum by Mr D Adamson dated 13 April 2007.

Mr Adamson referred to the following matters in his report:

- * Subdivision and Land Development Bylaw to Gore District Council.
- * Fire and Rescue Services Review.
- * Development Contributions.
- * Upukerora River Flood Plan.
- * Appointment to Hansen Users Group committee.
- * Marine Protected Areas.
- * Milford Community Trust.
- * Sewer Service - Oban.
- * Meeting with representatives of the office of the Auditor General.
- * Dog and Animal Control.
- * Building Control.
- * Resource Management.
- * Community Board and CDA Chairs Meeting.
- * Communications.

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

7.3 NON-NOTIFIED RESOURCE CONSENTS - MARCH 2007

360/15/3/5

Memorandum by Mr T Garnett dated 13 April 2007.

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

7.4 BUILDING CONSENTS AND VALUES FOR MARCH 2007

300/40/1/3

Memorandum by Mr K O'Connor dated 12 April 2007.

Moved Cr Goomes, seconded Cr McCallum.
and RESOLVED THAT THE MEMORANDUM ON BUILDING CONSENTS AND
VALUES FOR MARCH 2007 BE RECEIVED AS INFORMATION.

8.0 LEAVE OF ABSENCE

The following requests for leave of absence were received:

Cr Bailey	21 May 2007 to 7 June 2007
Cr Goomes	22 May 2007 to 7 June 2007
Cr Frew	9 June 2007 to 8 August 2007
Cr Dobson	21 June 2007 to 20 July 2007
Cr Duffy	28 June 2007 to 12 August 2007

Moved Cr Drummond, seconded Cr Bailey
and RESOLVED THAT LEAVE OF ABSENCE BE GRANTED TO THE ABOVE LISTED COUNCILLORS FOR THE DATES SHOWN.

9.0 EXCLUSION OF PUBLIC

Moved Cr Frew, seconded Cr Dobson
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:

CONFIDENTIAL SOUTHLAND DISTRICT COUNCIL MEETING DATED
28 MARCH 2007
SECTIONS 7(2)(f), 7(2)(i), AND 7(2)(j)

LEASE OF TE ANAU DEPOT - TE ANAU EARTHWORKS AND EXCAVATING
LIMITED
SECTION 7(2)(b)(ii)

AND THAT THE REASON FOR THE PASSING 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 Dobson
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.

GROUP MANAGER REGULATORY SERVICES
COMMUNICATIONS OFFICER
ADMINISTRATION OFFICER

The meeting closed at 1.40 pm..

CONFIRMED:

CHAIRPERSON:

DATED: