

Clutha District Council

Minutes of the meeting of Clutha District Council held in the Council Chambers, 1 Rosebank Terrace, Balclutha on Thursday, 15 September 2022 commencing at 1.30pm.

Present His Worship the Mayor Bryan Cadogan, Councillors Dane Catherwood, Stewart Cowie, Wayne Felts, Gaynor Finch, Mel Foster, Bruce Graham, John Herbert, Alison Ludemann, Lloyd McCall (via zoom), Kenneth Payne, Carol Sutherland, Jo-anne Thomson, Bruce Vollweiler and Selwyn Wilkinson

In Attendance Steve Hill (Chief Executive), Jules Witt (Group Manager Service Delivery), John Scott (Group Manager Corporate Services), Ian McCabe (Group Manager Regulatory & Planning), Peter Stafford (Senior Policy Advisor), Sarah Bedford (Communications Manager) and Julie Gardner (Service Delivery Administrator)

Apologies Councillor Carol Sutherland

Moved Councillors Finch/Vollweiler and Resolved:

“That the apology be sustained.”

Mayor Cadogan welcomed Councillors and Staff to the last meeting of the 2019-22 triennium.

A welcome was also extended to those in the public gallery and Milly and Richard from Otago University who were filming the first agenda item as part of a documentary on the Catlins.

Councillor Lloyd McCall said a karakia to open the meeting after which a minute’s silence was held in memory of Her Majesty Queen Elizabeth II.

LATE ITEM

Moved Councillors Vollweiler/Finch and Resolved:

“That the ‘Request to Accept a Late Item to the Council Meeting Agenda’ report be received.

That Council accepts the following item as a Late Item:

- ***Carbon Credit Advance Purchase.***

DECLARATIONS OF INTEREST

There were no declarations of interest.

PUBLIC FORUM

Correspondence from David Shaw was acknowledged.

1 VEHICLES ON BEACHES RECOMMENDATIONS

The Senior Policy Advisor (Contract) presented a report which provides options and recommends changes based on a review of submissions received and other investigations for the proposed Vehicles on Beaches Bylaw.

Mike Goldsmith was in attendance to provide clarification on the options as required.

The Chief Executive advised that a public workshop had previously been held to help council staff prepare this agenda item.

Moved Councillors Cowie/Finch and Resolved:

“That Council receives the ‘Vehicles on Beaches Recommendations’ report.”

Councillor Catherwood (Catlins Ward) acknowledged that this item had been the largest ever consultation in the Clutha District and thanked Councillors, staff and members of the public for their input.

All Councillors were in agreement that some form of bylaw needed to be implemented but were hesitant to propose ‘safe beach’ zones.

After a robust discussion Councillors agreed that there was a need to empower communities to look after their beaches and this would be best done through education and signage. It is possible to take incremental steps as part of the bylaw – take it slowly and get it right.

Moved Councillors Catherwood/Payne and Resolved:

That Council adopts the bylaw included as Attachment 2, with:

a. a set of district-wide rules,

and

b. a framework for adding safe zone beaches if required,

Vote: For 13, Against 1 – Councillor Vollweiler requested his vote be recorded.

Councillors discussed implementing a 30km/hr speed limit on the beaches as this speed had been mentioned through numerous submissions, agreeing that if it was done through Waka Kotahi there was an option to amend this.

Moved Councillors Vollweiler/Finch and Resolved:

“That Council approve the setting of speed limits on beaches to be in accordance with the requirements of Land Transport Rule Setting of Speed Limits 2022.

Vote: For 12, Against 1 – Councillor Cowie requested his vote be recorded.

Moved Councillors Vollweiler/Foster and Resolved:

That Council Officers determine safe and appropriate speed limits for beaches through the application of the Land Transport Rule Setting of Speed Limits 2022 and the Speed Management Guide, Road to Zero Edition.”

Vote: For 12, Against 1 – Councillor Cowie requested his vote be recorded.

At the end of the item, Mayor Cadogan expressed his thanks to Councillors and staff for what had been a contentious and exhaustive process.

2 OUR PLACE WEST OTAGO COMMUNITY PLAN

The Senior Policy Advisor (Contract) submitted the Our Place West Otago Community Plan for Council approval and requested Council move forward with the priority projects identified as part of the Our Place West Otago consultation.

Councillor Herbert expressed concern that the attachment to this item was different to what had been approved by the West Otago Community Board.

The Strategic Planning Manager advised that the document had been reviewed and reformatted after approval by the WOCB and was condensed into less pages but was still the same information as had been presented to the WOCB.

Moved Councillors McCall/Herbert and Resolved:

“That Council receives the ‘Our Place West Otago Community Plan’ report.

That Council approves the following project groupings, as set out in the project information, or as amended for:

- ***Residential development (Attachment 1)***
- ***Community facilities (Attachment 2)***
- ***Whiskey Gully and Black Gully reserves (Attachment 3)***
- ***Walking and Cycling (Attachment 4)***
- ***Main Street improvements (Attachment 5)***
- ***Opportunities to work and train (Attachment 6).***

That Council adopts the ‘Our Place West Otago Community Plan’ (Attachment 7).

That Council delegates authority to the Chief Executive to approve corrections to the ‘Our Place West Otago Community Plan’ if required, prior to publication of the final document.”

3 WEST OTAGO COMMUNITY BOARD RECOMMENDATION

The Group Manager Service Delivery submitted a recommendation made by the West Otago Community Board to Council at their meeting held on 17 August 2022.

Moved Councillors McCall/Herbert and Resolved:

That Council receives the ‘West Otago Community Board Recommendation’ report.

That Council notes the ‘Our Place West Otago Recommendation’.”

4 KAITANGATA-MATAU RESERVE MANAGEMENT PLAN

Mike Goldsmith (GHC Consulting) presented the amended Kaitangata-Matau Reserve Management Plan for adoption.

Moved Councillors Graham/Thomson and Resolved:

“That Council receives the ‘Kaitangata-Matau Reserve Management Plan’ report.

That Council adopts the Kaitangata-Matau Reserve Management Plan 2022-32.”

5 WATER TREATMENT PLANT COMPLIANCE UPGRADES BUDGET REQUEST

The Group Manager Service Delivery submitted a report seeking an additional budget for the supply and installation of new equipment at Water Treatment Plants, to comply with new Drinking Water Standards.

He further explained the report advising that an assessment had been done to ensure that this was the most cost-effective way to meet our compliance obligations with the new drinking water standards.

Moved Councillors Herbert/Finch and Resolved:

“That Council receives the ‘Water Treatment Plant Compliance Upgrades Budget Request’ report.

That Council approves a budget increase of \$411,000 for the Water Treatment Plant Compliance Upgrades and that this will be funded from reserves where these are available and interest only loan funded otherwise.”

6 NOTIFICATION OF WEIGHT AND SPEED LIMITS ON BRIDGES

The Senior Infrastructure Engineer and Roading Asset Management Officer presented information on weight and speed limits that are recommended to be imposed on bridges within the Clutha district.

Chris Bopp was in attendance for this item.

Moved Councillors Finch/Wilkinson and Resolved:

“That Council receives the ‘Notification of Weight and Speed Limits on Bridges’ report.

That Council accepts the September 2022 Notification of Weight and Speed Limits on Bridges Certificate and that the public notification process be initiated.”

7 ROAD STOPPING – TOWN HALL STREET, BALCLUTHA

The Senior Infrastructure Engineer submitted a report informing Council of the proposed road stopping of Town Hall Street, Balclutha.

Chris Bopp was in attendance for this item.

Moved Councillors Thomson/Felts and Resolved:

“That Council receives the ‘Road Stopping – Town Hall Street, Balclutha’ report.

That Council agrees to:

- ***The proposed road stopping of Town Hall Street, Balclutha (1,422m²) as per Attachment 8.1.***
- ***The initiating of the consultation process for the proposed road stopping in 2.1 as per the Local Government Act 1974 Schedule 10 procedures.”***

8 ROAD STOPPING – UNFORMED LEGAL ROADS, DANONE AREA

The Senior Infrastructure Engineer submitted a report on the Unformed Legal Roads in the Clutha Valley (Danone) area. A request has been received from R G Paterson Holdings Limited, now trading as Paterson Capital Limited to stop some of these unformed legal roads.

Chris Bopp was in attendance for this item and advised that the request had been withdrawn until further discussions had taken place with Fish & Game NZ as they have objected to the road stopping.

Moved Councillors Finch/Vollweiler and Resolved:

“That Council receives the ‘Road Stopping – Unformed Legal Roads, Danone Area’ report.

That Council notes the objection from Fish & Game NZ to the proposed road stopping.

That Council agrees to withdraw the original resolutions 2.1 to 2.8 in order for the applicant to continue discussions with regard to the proposed road stopping.”

~~2.1 The proposed Easement/Right of Way or other acceptable legal mechanism as per Attachment 8.2, to serve as legal access to the Clutha River in lieu of the proposed Road Stopping in 2.2 and 2.3 below.~~

- ~~2.2 The proposed Road Stopping of the Unformed Legal Road "Area A" (28,475m²) as per Attachment 8.3.~~
- ~~2.3 The proposed Road Stopping of the Unformed Legal Road "Area B" (6,254m²) as per Attachment 8.3.~~
- ~~2.4 The proposed Road Stopping of the Unformed Legal Road "Area C" (21,545m²) as per Attachment 8.3.~~
- ~~2.5 The obtaining of an independent valuation for the combined 56,274 m² area of Unformed Legal Road to be stopped in 2.2, 2.3 and 2.4 above.~~
- ~~2.6 That on agreement of the value of the 56,274 m² of road to be stopped, the obtaining of the approval of the Minister of Land Information for the proposed Road Stopping in 2.2, 2.3 and 2.4 above.~~
- ~~2.7 That on agreement of the value of the 56,274 m² of road to be stopped, the initiating of the consultation process for the proposed Road Stopping in 2.2, 2.3 and 2.4 as per the Local Government Act 1974 Schedule 10 procedures.~~
- ~~2.8 That on the successful completion of the Local Government Act 1974 Schedule 10 procedures, inclusive of approval of the Minister of Land Information and on the receipt of the agreed purchase price for the land (stopped road), the land is transferred to the ownership of Paterson Capital Limited."~~

The meeting was adjourned at 2.48pm.

9 WAS ITEM 13 IN AGENDA RUNNING ORDER: CITIZENSHIP CEREMONY

The following candidates were in attendance to participate in a New Zealand citizenship ceremony.

First Name	Surname	Nationality	Oath or Affirmation
Denise Lesley	Dent	England	Affirmation
Grant Hylton	Bradbury	South Africa	Oath
Tanya Dorothy Ann	Bradbury	South Africa	Oath
Christina Josine	Potgieter	South Africa	Oath
Evert Frederik	Potgieter	South Africa	Oath
Franceita Sybil	Martin	Jamaica	Oath
Katie Frances	Voaden	England	Affirmation
Joanne	Barber	United Kingdom	Affirmation

Andrew Ralph William	Barber	United Kingdom	Affirmation
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The meeting was reconvened at 4.00pm.

10 WAS ITEM 9 IN AGENDA RUNNING ORDER: TOSHVALE ROOF REPLACEMENT

The Senior Project Engineer submitted a report providing information regarding changes to the capital programme for the Toshvale Council Housing Units and also a rental review based on a cost recovery.

Evelyn Guiguet was in attendance for this item to provide further clarification on the item as required.

Moved Councillors Felts/Herbert and Resolved:

“That Council receives the ‘Toshvale Roof Replacement’ report.

That Council approve an increase in capital for the 2022/2023 year of \$372K to enable the roof renewal to be completed at Toshvale CHU and that this is funded by a mix of reserves and an additional \$200K loan.

That Council agrees to request quotes directly from interested parties.”

11 WAS ITEM 10 IN AGENDA RUNNING ORDER: REGULATORY SERVICES COMMITTEE RECOMMENDATION

The Regulatory Services Administrator submitted a recommendation made by the Regulatory Services Committee at their meeting held on 1 September 2022.

Moved Councillors Finch/Foster and Resolved:

“That the following recommendation made by the Regulatory Services Committee to Council at the meeting on 1 September 2022 be adopted:

Agenda Item 2 – Strategic Planning Manager’s Report

‘That Council retires the Policy on the Use of Council Venues for Itinerant Traders 2011, as the contents of the policy have been incorporated into the Trading in Public Places section of the Regulatory Bylaw 2022’.

12 WAS ITEM 11 IN AGENDA RUNNING ORDER: RISK & ASSURANCE COMMITTEE RECOMMENDATIONS

The Corporate Services Administrator submitted recommendations made by the Risk & Assurance Committee at their meeting held on 1 September 2022.

Moved Councillors Cowie/Ludemann and Resolved:

“That the following recommendations made by the Risk & Assurance Committee to Council at the meeting on 1 September 2022 be adopted:

Agenda Item 3 – Fraud Policy Review

‘That Council retires the Policy on Fraud 2013.

That Council approves the Fraud Policy 2022 (Attachment B)’.

13 WAS ITEM 12 IN AGENDA RUNNING ORDER: DELEGATIONS TO THE CHIEF EXECUTIVE

A report was submitted requesting Council delegate to the Chief Executive all of its responsibilities, duties and powers under all legislation without limitation, except for those set down in legislation that cannot be delegated, from election day until the inauguration of the new Council, in order for the normal business of the Council to be carried out without interruption. It also provides for the non-dissolution of the District Licensing Committee, the Regulatory Hearings Committee, Clutha District Youth Council, and Clutha District Creative Communities Assessment Committee until 28 October 2022.

Moved Councillors Ludemann/Payne and Resolved:

“That Council receives the Delegations to the Chief Executive report.

That subject to the limitations set out in Clause 32 (1) of the Seventh Schedule of the Local Government Act 2002, the Council delegates to the Chief Executive all of the functions, duties and powers of the Council, from the period of 8 October 2022 to 27 October 2022, subject to a requirement that the Chief Executive may only exercise this delegation after the following:

a. consultation with the person elected to the position of the Mayor.

b. may only attend to those matters that cannot reasonably await the first meeting of the new Council, and

c. shall be reported to the first meeting of the new Council.

That the District Licensing Committee, the Regulatory Hearings Committee, Clutha District Youth Council, and Clutha District Creative Communities Assessment Committee are not discharged until 28 October 2022 in accordance with Clause 30 (7) of Schedule 7 to the Local Government Act 2002.”

LATE ITEM: ADVANCE PURCHASE OF CARBON CREDITS

The Group Manager Corporate Services submitted a report which requests permission to buy carbon credits (NZUs or NZ’s unit for one metric tonne of carbon-dioxide equivalent emissions) in advance in anticipation of price increases and unit reductions that are likely from the Ministry for the Environment proposed changes to the NZ Emissions Trading Scheme flagged in the September 2022 consultation document.

Moved Councillors Finch/Foster and Resolved:

“That Council receives the ‘Advance Purchase of Carbon Credits’ report.

That Council agrees to:

- ***The proposed advance purchase of Carbon Credits upto \$1,892,000.”***

14 CONFIRMATION OF COUNCIL MINUTES

The minutes of the meeting of the Clutha District Council held on 4 August 2022 were submitted for confirmation.

Moved Councillors Vollweiler/Ludemann and Resolved:

“That the minutes of the meeting of the Clutha District Council held on 4 August 2022 be approved as a true and correct record subject to –

Item 6: remove ‘and Resolved’ from Recommendation 2.”

15 CONFIRMATION OF COMMITTEE OF THE WHOLE MINUTES

The minutes of the meeting of the Committee of The Whole held on 1 September 2022 were submitted for confirmation.

Moved Councillors Finch/Felts and Resolved:

“That the minutes of the Committee of The Whole meeting held on 1 September 2022 be approved as a true and correct record.”

16 SERVICE DELIVERY COMMITTEE MINUTES

The minutes of the meeting of the Service Delivery Committee held on 1 September 2022 were submitted for confirmation.

Moved Councillors Graham/Foster and Resolved:

“That the minutes of the meeting of the Service Delivery Committee held on 1 September 2022 be approved as a true and correct record.”

17 REGULATORY AND POLICY COMMITTEE MINUTES

The minutes of the meeting of the Regulatory and Policy Committee held on 1 September 2022 were submitted for confirmation.

Moved Councillors Vollweiler/Foster and Resolved:

“That the minutes of the meeting of the Regulatory and Policy Committee held on 1 September 2022 be approved as a true and correct record.”

18 CORPORATE & PROPERTY COMMITTEE MINUTES

The minutes of the meeting of the Corporate & Property Committee held on 1 September 2022 were submitted for confirmation.

Moved Councillors Payne/Felts and Resolved:

“That the minutes of the meeting of the Corporate & Property Committee held on 1 September 2022 be approved as a true and correct record.”

19 WEST OTAGO COMMUNITY BOARD MINUTES

The unconfirmed minutes of the meeting of the West Otago Community Board held on 17 August 2022 were submitted.

Moved Councillors Herbert/McCall and Resolved:

“That the unconfirmed minutes of the West Otago Community Board meeting held on 17 August 2022 be noted.”

20 LAWRENCE/TUAPEKA COMMUNITY BOARD MINUTES

The unconfirmed minutes of the Lawrence/Tuapeka Community Board meeting held on 17 August 2022 were submitted.

Moved Councillors Foster/Herbert and Resolved:

“That the unconfirmed minutes of the Lawrence/Tuapeka Community Board meeting held on 17 August 2022 be noted.”

21 RISK & ASSURANCE COMMITTEE MINUTES

The unconfirmed minutes of the Risk & Assurance Committee meeting held on 1 September 2022 were submitted.

Moved Councillors Payne/Graham and Resolved:

“That the unconfirmed minutes of the Risk & Assurance Committee meeting held on 1 September 2022 be noted.”

22 YOUTH COUNCIL MINUTES

The unconfirmed minutes of the Youth Council meeting held on 8 August 2022 were submitted.

Moved Councillors Finch/Ludemann and Resolved:

“That the unconfirmed minutes of the Youth Council meeting held on 8 August 2022 be noted.”

23 MAYORAL REPORT

The Mayor and Councillors provided an update on meetings and events they had attended since the previous meeting of Council.

Moved Mayor Cadogan/Councillor Herbert and Resolved:

“That the Mayoral Report and Councillors’ Attendances be received.”

24 CHIEF EXECUTIVE’S REPORT

Reports on events attended, the award of tenders and other matters in hand at present.

Moved Councillors Finch/Foster and Resolved:

“That the Chief Executive’s report be received.”

25 DOCUMENTS FOR CONSENT AND SEAL

A report was submitted advising use of the Clutha District Council Common Seal since the previous Council Meeting.

Moved Councillors Ludemann/Payne and Resolved:

“That Council approves the fixing of its seal, under the hands of the Chief Executive to the documents as listed.”

1	WARRANT OF APPOINTMENT
1.1	David Craig warranted by the Clutha District Council to support the Local Government Act 2002, Clutha District Council Water Services Bylaw 2019 and the General Bylaws of Council.
1.2	Christian Anthony Wakelin warranted by the Clutha District Council to support the Local Government Act 2002, Clutha District Council Water Services Bylaw 2019 and the General Bylaws of Council.
1.3	Daniel Thomas Sutherland warranted by the Clutha District Council to support the Local Government Act 2002, Clutha District Council Water Services Bylaw 2019 and the General Bylaws of Council.
2	CONTRACT AGREEMENT
2.1	Contract Agreement 821 – Road Network Maintenance 2022/27 between Southroads Limited and Clutha District Council
2.2	Contract Agreement 831 – Greenspace Maintenance 2022/27 between Southroads Limited and Clutha District Council

Before moving into Public Excluded Session, Mayor Cadogan gave a final speech as Mayor of the Clutha District for the 2019-2022 triennium.

26 REASONS TO MOVE TO PUBLIC EXCLUDED SESSION

Moved Councillors Finch/McCall and Resolved:

“That Council resolves to exclude the public on the grounds contained in Appendix 1 of the Clutha District Council’s Standing Orders under Sections A2 (b), A2 (b)(ii), A2 (i) and A2 (j).”

The meeting moved into public excluded session at 4.56pm.

The meeting moved out of public excluded session, with Councillor McCall saying a final karakia before the meeting closed at 5.07pm.

Read and Confirmed

**B A Cadogan
MAYOR**