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Minutes of the Ordinary Meeting of the Waimate District Council held in the Local Government Centre, Queen Street, Waimate on Tuesday 18<sup>th</sup> October 2005 at 8.30am

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### Present

His Worship the Mayor, Mr J.G. Coles (Chair)  
Councillors M.L. Andrew, M.J. Balchin, P Foley, J.S. Gibson, M Henderson,  
P.F. McIlraith, J.O. Rayner, A.M. Townend.

### In Attendance

Chief Executive Officer (J.E. Maxwell)  
Mayor's Personal Assistant (A. Patterson)  
Senior Clerk (M. Thomson)  
1 member of the media (Timaru Herald)

### Opening Prayer

His Worship the Mayor read the opening prayer.

### Councillor's Declaration

Councillor Matt Henderson attested to and signed his declaration, as required by Schedule 7 of the Local Government Act 2002.

### Minutes

**RESOLVED**, THAT THE MINUTES OF THE:

- ORDINARY MEETING OF COUNCIL HELD ON:  
(I) TUESDAY 20<sup>TH</sup> SEPTEMBER 2005

BE RECEIVED.

**Mov Cr Gibson / Sec Cr Rayner**

**Carried**

### Reports

His Worship the Mayor

His Worship the Mayor reported on the following:

- Representation Review
- Meridian Energy Rates
- PHO Committee Membership

**RESOLVED** THAT THE REPORT OF HIS WORSHIP THE MAYOR BE RECEIVED.

**Mov His Worship the Mayor / Sec Cr Rayner**

**Carried.**

Chief Executive Officer

The Chief Executive Officer reported on the following:

- Waimate 50 Car Race
- Water Allocation Board
- Council Building – Studholme Street

**RESOLVED**, THAT THE REPORT OF THE CHIEF EXECUTIVE OFFICER BE RECEIVED.

**Mov Cr Rayner / Sec Cr Townend**

**Carried.**

Matters Arising

Waimate 50 Car Race

Noted that a letter be forwarded to Waimate 50 encouraging them to plan early for next year.

Water Allocation Board

Noted that the Mayor send a letter to WWAB to acknowledge the good work of the Board regarding their Plan.

Council Building – Studholme Street

Noted that Cr McIlraith was uncomfortable with the current situation regarding the Abrahams building.

Noted that Cr Townend found the situation surrounding lack of Councillors decision making on the Abrahams building unacceptable.

## General Business

R 7

Objection to Conditions Imposed on Subdivision Consent RM041146  
Queen Street, Waimate

Council's Planning & Regulatory Manager Mr Brent Donaldson and Planning Officer Mr Kevin Tiffen were in attendance.

At the last meeting of Council on 20 September 2005, Council made a decision in respect of condition 9(h)(iv) in respect of the Open Space and Recreation contribution

but while discussed, no formal decision was made in respect of the other conditions objected to relating to stormwater provision [condition 9(f)(iv)] and contribution for upgrading part of Queen Street [condition 9(h)(v)].

**RESOLVED** THAT PURSUANT TO SECTION 357 OF THE RESOURCE MANAGEMENT ACT 1991, IT IS RECOMMENDED THAT COUNCIL ALLOW THE OBJECTION IN PART TO THE EXTENT PROVIDED IN THE FOLLOWING AMENDED CONDITIONS:

**CONDITION 9(F)(IV)**

**"THE PROVISION FOR A STORM-WATER SYSTEM WITH A CONNECTION TO EACH ALLOTMENT TO ADEQUATELY DISCHARGE STORM-WATER TO THE EXISTING STORM-WATER RETICULATION. [WHERE THIS IS NOT AVAILABLE, AN ALTERNATIVE DISPOSAL METHOD SHALL BE PROVIDED TO THE APPROVAL OF COUNCIL. THE DISCHARGE OF STORM-WATER INTO THE KERB AND CHANNEL ALONG THE FRONTAGES OF LOTS 2-7 AND UP TO THE EXISTING ACCESS OF LOT 1 IS NOT AN ACCEPTABLE METHOD OF DISPOSAL –DELETED]."**

**CONDITION 9(H)(V)**

**"THE APPLICANT SHALL PAY TO COUNCIL A 25% SHARE OF THE COST IN UPGRADING THE NORTH WESTERN SIDE OF QUEEN STREET TO COMPLY WITH COUNCIL'S STANDARDS, THIS TO PROVIDE FOR KERBING AND CHANNELLING, FLANK CONSTRUCTION AND SEALING, FOOTPATH AND BERM CONSTRUCTION, FROM THE HILLARY STREET CARRIAGEWAY EXTENDING TO A POINT NEXT TO THE NORTH-EAST SIDE BOUNDARY OF PROPOSED LOT 6, AND THE APPLICANT SHALL PAY TO COUNCIL A 50% SHARE OF THE COST IN UPGRADING THE NORTH WESTERN SIDE OF QUEEN STREET TO COMPLY WITH COUNCIL'S STANDARDS, THIS TO PROVIDE FOR KERBING AND CHANNELLING, FLANK CONSTRUCTION AND SEALING, FOOTPATH AND BERM CONSTRUCTION ALONG THE QUEEN STREET FRONTAGES OF LOTS [2, 3- DELETED,] 4, 5, 6 [, AND 7-DELETED] AND ALONG THAT PART OF THE QUEEN STREET FRONTAGE OF LOT 7 BETWEEN THE EXISTING ACCESS AND THE BOUNDARY WITH LOT 6.**

THE CONTRIBUTION SHALL BE PAID ON THE FOLLOWING BASIS:

CARRIAGEWAY: UNFORMED TO METALLED \$10.00 PER SQUARE METRE.  
UNFORMED TO SEALED \$12.00 PER SQUARE METRE, METALLED TO SEALED \$10.00 PER SQUARE METRE.

KERB AND CHANNEL: \$50.00 PER LINEAL METRE

FOOTPATH: \$20.00 PER LINEAL METRE AT 1.5METRES WIDE

BERM: \$20.00 PER LINEAL METRE AT 2.7METRES WIDE

INCLUSIVE OF 12.5% GST

THESE COSTS SHALL BE ADJUSTED IN ACCORDANCE WITH THE CONSTRUCTION PRICE INDEX APPLICABLE FROM 30 JUNE 1995."

**Mov Cr Gibson / Sec Cr Rayner**

**Carried.**

R 7

Setting Up of Hearings Committee to Hear Notified Applications for Resource Consent

It was proposed that those Councillors who had recently received some training on the accreditation of hearings panels and the Mayor be appointed to hear any notified applications for resource consent under the Resource Management Act 1991.

Resolved that Councillors Gibson, Rayner and Townend be appointed to comprise the hearings committee to determine decisions on notified applications for resource consents that require hearings to be held.

Mov Cr McIlraith / Sec Cr Andrew

**As an amendment**

**RESOLVED** THAT COUNCILLORS GIBSON, MCILRAITH, RAYNER TOWNEND AND THE MAYOR BE APPOINTED TO COMPRISE THE HEARINGS COMMITTEE TO DETERMINE DECISIONS ON NOTIFIED APPLICATIONS FOR RESOURCE CONSENTS THAT REQUIRE HEARINGS TO BE HELD.

**Mov Cr Foley / Sec His Worship the Mayor**

The amendment became the substantive motion and was put and **Carried.**

**RESOLVED** THAT COUNCILLORS GIBSON, RAYNER & TOWNEND BE APPOINTED TO HEAR THE RESOURCE CONSENT SCHEDULED FOR 18 OCTOBER 2005.

**Mov Cr Foley / Sec Cr Henderson**

**Carried.**

CO1

Information Reports

The information reports for October 2005 had been circulated to all Councillors.

The meeting adjourned at 10.17am

The meeting reconvened at 10.37am

Note: The Chief Executive Officer left the meeting at 10.17am

Note: The Planning & Regulatory Manager replaced the CEO for the remainder of the meeting

Public Excluded

**RESOLVED**, THAT THE PUBLIC BE EXCLUDED FROM THE FOLLOWING PARTS OF THIS MEETING, NAMELY:

1. **CONFIRMATION OF PUBLIC EXCLUDED MINUTES OF:**
  - a) ORDINARY MEETING OF COUNCIL HELD ON:
    - (I) TUESDAY 20<sup>TH</sup> SEPTEMBER 2005
2. **CONTRACT 05/1 RESEALING**
3. **SUBDIVISION RM051179 & LAND USE RM051180**
4. **REPORT ON WAIMATE TIMBER PRODUCTS**
5. **MEETING WITH WAIMATE MEDICAL CENTRE DIRECTORS**

**Mov Cr Rayner / Sec Cr Townend**

**Carried.**

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987, for the passing of this resolution, are as follows:

<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under Section 48(1) for the passing of this resolution</b>
1 Council Minutes	To protect information which is subject to an obligation of confidence	48(1)(a)(i)
2 Contract 05/1 Resealing	Enable any Local Authority holding the information to carry on without prejudice or disadvantage negotiations	48(1)(a)(i)
3 Subdivision RM051179 & Land Use RM051180	To protect information which is subject to an obligation of confidence	48(1)(a)(i)
4 Report of Waimate Timber Products	To protect information which is subject to an obligation of confidence	48(1)(a)(i)
5 Meeting with Waimate Medical Centre Directors	To protect information which is subject to an obligation of confidence	48(1)(a)(i)

This resolution is made in reliance of Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987, and the particular interest or interests protected by Section 6 or Section 7 of that Act or Section 6 or Section 7 or Section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public, are as follows:

Items 1, 4 & 5	To protect information which is subject to an obligation of confidence.	7(2)(c)
Item 2	To enable the Local Authority to carry on negotiations	7(2)(i)
Item 3	Maintain legal professional privilege	7(2)(g)

## On Resuming

**RESOLVED** THAT THE FOLLOWING DECISIONS MADE IN-COMMITTEE BE CONFIRMED AND MADE PUBLIC.

**Mov Cr Foley / Sec Cr Townend**

**Carried.**

THOSE DECISIONS BEING:

CEO PERFORMANCE REVIEW COMMITTEE

THAT A COMMITTEE BE SET UP CONSISTING OF THE MAYOR, DEPUTY MAYOR, CR MCILRAITH AND CR TOWNEND WITH THE AUTHORITY FROM COUNCIL TO REVIEW THE CEO'S PERFORMANCE REVIEW DOCUMENTATION.

CONTRACT 05/1 RESEALING

1. THAT THE TENDER OF BLACKTOP PAVEMENTS LTD FOR \$413,469 PLUS GST BE ACCEPTED FOR CONTRACT 05/1 RESEALING.

2. THAT THE ASSET MANAGEMENT DEPARTMENT PRIORITISE AND REPORT ON USE OF THE ADDITIONAL FUNDS OF \$107,000 FOR CONSIDERATION AT THE NEXT COUNCIL MEETING.

ST ANDREWS RESOURCE CONSENT

THAT IN TERMS OF SECTION 93(1)(B) OF THE ACT, THE APPLICATION SHALL BE PROCESSED ON A NON-NOTIFIED BASIS SINCE THE ADVERSE EFFECTS OF THE ACTIVITY ON THE ENVIRONMENT WILL BE MINOR AND IN TERMS OF SECTION 94, THOSE PERSONS CONSIDERED TO BE ADVERSELY AFFECTED BY THE ACTIVITY HAVE GIVEN THEIR WRITTEN APPROVAL.

**SUBDIVISION (RM051179):**

2. THAT AFTER HAVING REGARD TO SECTION 104, CONSENT IS GRANTED PURSUANT TO SECTION 104B OF THE RESOURCE MANAGEMENT ACT 1991, TO SUBDIVIDE THE EXISTING SEVEN CERTIFICATES OF TITLE INTO SEVEN RURAL ALLOTMENTS, SUBJECT TO THE FOLLOWING CONDITIONS IMPOSED PURSUANT TO SECTIONS 108 AND 220 OF THE ACT:

- a) THAT THE ACTIVITY SHALL BE UNDERTAKEN IN GENERAL ACCORDANCE WITH THE PLANS PREPARED BY CONNELL WAGNER LIMITED, PROJECT NO. 23874, DRAWING NO. 101 (OPTION 1) OR DRAWING NO. 104 (OPTION 2) AS APPLICABLE, AND THE INFORMATION RECEIVED BY COUNCIL ON 6 JULY 2005, EXCEPT WHERE MODIFIED BY THE FOLLOWING CONDITIONS OF CONSENT.
- b) THAT PRIOR TO CERTIFICATION OF THE SURVEY PLAN PURSUANT TO SECTION 223 OF THE ACT, THE APPLICANT SHALL ENSURE THE FOLLOWING:
  - i. THAT IF A REQUIREMENT FOR ANY EASEMENT FOR SERVICES IS INCURRED DURING THE SURVEY THEN THOSE EASEMENTS SHALL BE GRANTED OR RESERVED AND INCLUDED IN A MEMORANDUM OF EASEMENTS.
  - ii. THAT THE PROPOSED RIGHT OF WAYS 'A' AND 'B' SHALL BE GRANTED OR RESERVED AND INCLUDED IN A MEMORANDUM OF EASEMENTS.
  - iii. THAT OPTION 1 SHALL BE MODIFIED TO INCLUDE 6M X 6M CORNER SPLAYS IN RESPECT OF THE INTERSECTION OF THE UNNAMED ROAD AND BULWER TERRACE AND AFFECTING BOTH OF LOTS 1 AND 1A, AND SUCH SPLAYS SHALL BE VESTED IN THE WAIMATE DISTRICT COUNCIL AS ROAD.
  - iv. THAT IN RESPECT OF OPTION 1, THE FOLLOWING AMALGAMATION CONDITIONS SHALL BE ENDORSED ON THE SURVEY PLAN:
    - "THAT LOT 1 AND LOT 1A BE HELD IN THE SAME CERTIFICATE OF TITLE (SEE CSN REQUEST 476436)".
    - "THAT LOT 2 AND LOT 2A BE HELD IN THE SAME CERTIFICATE OF TITLE (SEE CSN REQUEST 476436)".
    - "THAT LOT 3 AND LOT 3A BE HELD IN THE SAME CERTIFICATE OF TITLE (SEE CSN REQUEST 476436)".
  - v. THAT LOT 8 ON OPTION 2 SHALL BE MODIFIED TO EXCLUDE THE HISTORIC GRAIN STORE AS REFERRED TO IN CONDITION VI BELOW, BUT INCLUDE A 6M X 6M CORNER SPLAY IN RESPECT OF ITS INTERSECTION WITH BULWER TERRACE AND AFFECTING

LOT 1; AND LOT 8 WITH A MINIMUM WIDTH OF 12M (BUT MODIFIED TO EXCLUDE THE HISTORIC GRAIN STORE AND TO INCLUDE THE CORNER SPLAY) SHALL BE VESTED IN THE WAIMATE DISTRICT COUNCIL AS ROAD.

- vi. THAT WITH OPTION 2, A NEW ALLOTMENT (LOT 9) BE CREATED TO INCLUDE THE SITE OF THE HISTORIC GRAIN STORE, THE ALLOTMENT SHALL MEASURE APPROXIMATELY 35M X 20M AND A RIGHT OF WAY 5M WIDE SHALL BE CREATED OVER LOT 9 IN FAVOUR OF LOTS 4 AND 5.
- c) THAT PRIOR TO CERTIFICATION OF THE SURVEY PLAN PURSUANT TO SECTION 224(C) OF THE ACT, THE APPLICANT SHALL COMPLETE THE FOLLOWING:
- i. THAT ANY PRIVATE WATER PIPES CROSSING THE NEW DIVIDING BOUNDARIES OF THE NEW ALLOTMENTS SHALL BE CUT AND PLUGGED.
  - ii. THAT THE APPLICANT SHALL CONSTRUCT AND FORM WITHIN THE EXISTING ROAD RESERVE OR THE REALIGNED ROAD (LOT 8 AS MODIFIED IN OPTION 2), A 6M WIDE CARRIAGEWAY WITH A SEALED WIDTH OF 4M OF 2 COAT CHIP SEAL AND 1M SHOULDER EACH SIDE WITH GRASSED BERMS. AN 18M DIAMETER TURNING HEAD SHALL BE PROVIDED AND THE SEALED CARRIAGEWAY SHALL CONNECT TO THE EXISTING SEAL IN BULWER TERRACE. THE COUNCIL SHALL PAY TO THE APPLICANT, 20% OF THE TOTAL COST OF THIS WORK.
  - iii. THAT THE CONSTRUCTION OF THE ROAD SHALL BE DESIGNED AND CARRIED OUT IN ACCORDANCE WITH NZS 4404: 2004 LAND DEVELOPMENT AND SUBDIVISION ENGINEERING, TO PLANS APPROVED BY COUNCIL.
  - iv. THAT A PLAN SHALL BE PREPARED SHOWING THE PROPOSED BUILDING SITES, CLEARLY IDENTIFIED AS "BUILDING PLATFORM" FOR EACH OF LOTS 1, 2, 3, 4, 5, AND 7 DIMENSIONED IN TERMS OF AREA AND IN RELATION TO BOUNDARIES. THE BUILDING PLATFORMS SHALL HAVE A MINIMUM DIMENSION OF 15M (WHERE IT IS POSSIBLE) AND BE LOCATED AT LEAST 7.5M FROM ANY ROAD BOUNDARY AND AT LEAST 20M FROM OTHER ALLOTMENT BOUNDARIES (UNLESS FURTHER RESOURCE CONSENT FOR A REDUCED SETBACK IS OBTAINED). NO BUILDING PLATFORMS SHALL EXTEND SEAWARD OF THE PROPOSED 100 YEAR COASTAL HAZARD LINE AS SHOWN ON THE PLAN (SOURCED FROM ENVIRONMENT CANTERBURY FLOOD HAZARD ASSESSMENT DATED 29 JULY 2005, ECAN REPORT REFERENCE: 05159). THE PLAN SHOWING THE BUILDING PLATFORMS IS TO BE ATTACHED TO THE CONSENT NOTICE REFERRED TO IN CONDITION V.
  - v. THAT A CONSENT NOTICE SHALL BE PREPARED TO BE REGISTERED ON THE CERTIFICATE OF TITLE FOR LOTS 1, 2, 3, 4, 5 AND 7 FOR THE FOLLOWING ON GOING CONDITIONS:
 

"THAT ANY DWELLING TO BE ERECTED ON THIS LOT SHALL BE LOCATED WHOLLY WITHIN THE BUILDING PLATFORM SHOWN ON THE PLAN ATTACHED TO THIS CONSENT NOTICE. ACCESSORY BUILDINGS ASSOCIATED WITH RESIDENTIAL ACTIVITY ARE ABLE TO BE LOCATED WITHIN 20M OF A BOUNDARY WITH A NEIGHBOUR AT A SETBACK AT LEAST EQUAL TO THE HEIGHT OF

THE BUILDING AND LOCATED WESTWARD OF THE 100 YEAR COASTAL HAZARD LINE.”

“THAT ANY DWELLING TO BE ERECTED ON THIS LOT SHALL BE PROVIDED WITH ADEQUATE SEWAGE AND STORM-WATER DISPOSAL SYSTEMS IN ACCORDANCE WITH EITHER REGIONAL RULES OR A DISCHARGE PERMIT ISSUED BY THE CANTERBURY REGIONAL COUNCIL OR ENVIRONMENT CANTERBURY.”

“THAT ANY FUTURE WORKS (INCLUDING RELOCATION OF BUILDINGS) REQUIRED TO ADDRESS ANY POTENTIAL EFFECTS OF COASTAL EROSION UPON BUILDINGS, STRUCTURES AND LAND ARE THE RESPONSIBILITY AND AT THE COST OF THE LANDOWNER.”

- vi. THAT A CONSENT NOTICE SHALL BE PREPARED TO BE REGISTERED ON THE CERTIFICATE OF TITLE FOR LOT 1 FOR THE FOLLOWING ON GOING CONDITION:

“THAT IF ANY FUTURE VEHICLE ACCESS TO THIS LOT IS TO BE FROM THE UNNAMED ROAD OR REALIGNED ROAD EXTENDING NORTHWARD FROM BULWER TERRACE, THEN SUCH ACCESS SHALL BE LOCATED AS FAR NORTHWARD AS PRACTICABLE, FROM THE INTERSECTION OF BULWER TERRACE.”

**ADVICE NOTE:** AT THE TIME OF BUILDING CONSENT FOR THE NEW DWELLINGS/BUILDINGS, IN ACCORD WITH SECTION 74 OF THE BUILDING ACT 2004, THE COUNCIL MAY REQUIRE AN ENTRY ON THE RESPECTIVE CERTIFICATES OF TITLE THAT RECORDS THAT A BUILDING CONSENT HAS BEEN GRANTED UNDER SECTION 72 AND PARTICULARS THAT IDENTIFY THE NATURAL HAZARD CONCERNED. SECTION 392 OF THE BUILDING ACT 2004 WILL ALSO APPLY.

**LAND USE (RM051180):**

3. THAT AFTER HAVING REGARD TO SECTION 104, CONSENT IS GRANTED PURSUANT TO SECTION 104B OF THE RESOURCE MANAGEMENT ACT 1991 TO ALLOW NEW RESIDENTIAL UNITS TO BE ERECTED ON LOTS 4, 5 AND 7 LOCATED WITHIN 500M OF AN EXISTING PIG FARM, SUBJECT TO THE FOLLOWING CONDITION IMPOSED PURSUANT TO SECTION 108 OF THE ACT:

- a) THAT THE ACTIVITY SHALL BE UNDERTAKEN IN GENERAL ACCORDANCE WITH THE PLANS PREPARED BY CONNELL WAGNER LIMITED, PROJECT NO. 23874, DRAWING NO. 101 (OPTION 1) OR DRAWING NO. 104 (OPTION 2) AS APPLICABLE, AND THE INFORMATION RECEIVED BY COUNCIL ON 6 JULY 2005.

**Mov Cr Gibson / Sec Cr Rayner**

**Carried.**

The meeting adjourned at 12.30pm

The meeting reconvened at 3.39pm

His Worship the Mayor advised that he has an interest in the following Waimate Medical Centre item and he vacated the chair.

The Deputy Mayor took the chair.

PUBLIC EXCLUDED

**RESOLVED** THAT THE PUBLIC BE EXCLUDED FROM THE FOLLOWING PART OF THE MEETING NAMELY:

MEETING WITH MEDICAL CENTRE DIRECTORS

**Mov Cr Andrew / Sec Cr Balchin**

**Carried.**

On Resuming

Note: His Worship the Mayor left the meeting at 3.35pm

The meeting concluded at 4.46 pm.

Confirmed at a meeting of Council held  
This 15<sup>th</sup> day of November 2005

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Mayor