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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 15<sup>th</sup> November 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.

### In Attendance

Chief Executive Officer (J.E. Maxwell)  
Corporate Services Manager (L.E. Rawstorn)  
Mayor's Personal Assistant (A. Patterson)  
Senior Accounts Clerk (M Thomson)  
4 members of the media (Timaru Herald / Waimate Publishing / Oamaru Mail /  
Christchurch Press)

### Opening Prayer

His Worship the Mayor read the opening prayer.

### Apologies

**RESOLVED** THAT AN APOLOGY BE RECEIVED ON BEHALF OF COUNCILLOR  
A.M. TOWNEND.

**Mov Cr Andrew / Cr Rayner**

**Carried.**

### Minutes

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

- ORDINARY MEETING OF COUNCIL HELD ON:  
(1) TUESDAY 18<sup>TH</sup> OCTOBER 2005  
BE RECEIVED.

**Mov Cr Rayner / Sec Cr McIlraith**

**Carried.**

- HEARINGS COMMITTEE MEETING HELD ON:  
(1) TUESDAY 18TH OCTOBER 2005  
BE RECEIVED.

**Mov Cr Rayner / Sec Cr Gibson****Carried.**

- EXTRAORDINARY MEETING OF COUNCIL HELD ON:  
(I) WEDNESDAY 26<sup>TH</sup> OCTOBER 2005  
BE RECEIVED.

**Mov Cr Henderson / Sec Cr Andrew****Carried.**

## Reports

### His Worship the Mayor

His Worship the Mayor reported on the following:

- Social, Cultural and Economic Focus Group Meetings
- Local Government Zone 5 Meeting
- Census

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

**Mov His Worship the Mayor / Sec Cr Gibson****Carried.**

### Chief Executive Officer

The Chief Executive Officer reported on the following:

- Workshop 7<sup>th</sup> November 2005
- Rural Sector Meeting
- Civil Defence Planning
- Vandalism

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

**Mov Cr Rayner / Sec Cr Henderson****Carried.**

### Corporate Services Manager

The Corporate Services Manager reported on the following:

- Statement of Financial Performance
- Statement of Financial Position
- Key Performance Indicators
- Cash Flow Trends
- Capital Expenditure

**RESOLVED**, THAT THE REPORT OF THE CORPORATE SERVICES MANAGER BE RECEIVED.

**Mov Cr Rayner / Sec Cr McIlraith**

**Carried.**

## General Business

**RESOLVED**, THAT THE ITEM "CORRECTION OF ERRORS IN NEWSPAPER ARTICLES" BE DISCUSSED IN COMMITTEE.

**Mov Cr Foley / Sec Cr Balchin**

**Carried.**

CO1

Consideration of Changes to Committees of Council

Organisational Representation

In May 2005, Council resolved to restructure committees. As a result, standing committees such as Finance & Community Support, Environmental Management and Infrastructure & Assets ceased to exist and a move to one full Council meeting was brought about. Councillor's portfolios have been reviewed and are seen as a suitable method of spreading the load between Councillors and encouraging good relationships between elected members and staff.

Some existing committees of Council and representation on external organisations needed to be changed to reflect these portfolios.

**RESOLVED**, THAT THE FOLLOWING CHANGES BE MADE:

COMMITTEES OF COUNCIL

**CREATIVE NEW ZEALAND ARTS COMMITTEE**  
COUNCILLOR M HENDERSON REPLACES CR L SHAW

**LIQUOR LICENSING SUB COMMITTEE**  
COUNCILLORS M BALCHIN & A TOWNEND REPLACE CR L SHAW

**FORESTRY COMMITTEE**  
CORPORATE SERVICES MANAGER BE ADDED

**WAIMATE TIMBER PROCESSING SAWMILL RELATIONSHIP COMMITTEE**  
COUNCIL'S CHIEF EXECUTIVE & CORPORATE SERVICES MANAGER BE ADDED

**HERITAGE FUND SUB COMMITTEE BE DISSOLVED**

ORGANISATIONAL REPRESENTATION

**WAIMATE CENTRE CARE**  
COUNCILLOR M HENDERSON REPLACES CR M ANDREW

**WAITAKI LAKES COMMITTEE**  
COUNCILLOR M ANDREW BE ADDED

**WAITAKI LAKES SHORELINE AUTHORITIES COMMITTEE**  
COUNCILLOR M ANDREW BE ADDED

**CANTERBURY REGIONAL WASTE JOINT STANDING COMMITTEE**  
COUNCILLOR P MCILRAITH REPLACES CR L SHAW

**WAIMATE DISTRICT RESOURCE TRUST**  
COUNCILLOR M ANDREW REPLACES CR L SHAW

**WHITEHORSE RECYCLING TRUST**  
COUNCILLOR A TOWNEND REPLACES CR L SHAW

**WAIMATE SPORTS STADIUM**  
COUNCILLORS M HENDERSON & P FOLEY BE ADDED

**Mov Gibson / Sec Cr Rayner**

**Carried.**

Noted: Cr McIlraith requested that Council seek legal clarification on Corporate Services Manager's involvement as a voting member on a committee. The resolution was subject to that opinion.

A3

Statement of Accounting Policies

The Corporate Services Manager reported on this item.

A change to the Council's current Statement of Accounting Policies was requested in order to prepare the way for the adoption of International Financial Reporting Standards (IFRS) in the year 2006/07.

**RESOLVED**, THAT THE COUNCIL APPROVES IN PRINCIPAL THE IMPLEMENTATION OF IFRS PRIOR TO THE BEGINNING OF THE 2006/07 FINANCIAL YEAR.

**Mov Cr McIlraith / Sec Cr Rayner**

**Carried.**

W6

Willowbridge Hall

The Willowbridge Hall Inc. Society requested that the Capital Contribution associated with connection to the Hook-Waituna water scheme be waived.

**RESOLVED**, THAT CLARIFICATION BE SOUGHT ON OTHER WATER SCHEMES REGARDING CAPITAL CONTRIBUTIONS PAID BY HALLS ON THE HOOK WAITUNA SCHEME AND BE REPORTED BACK TO THE NEXT COUNCIL MEETING.

**Mov Cr Rayner / Sec Cr Andrew**

**Carried.**

A10

Waimate Highland Pipe Band

The Waimate Highland Pipe Band had consistently opposed the sewerage rate charges included in their rate assessment, considering theirs to be unfair on the basis that the use of the hall is intermittent, and had requested a review of its sewerage rate charges.

**RESOLVED**, THAT WHEN COUNCIL REVIEW FUNDING POLICIES THIS MATTER THEN BE LOOKED INTO REGARDING THE SEWERAGE RATE.

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

**Carried.**

R11

Environment Canterbury

The Waimate District Council made submissions on aspects of Chapters 4 to 8 of the NRRP when preliminary submissions were called for. The opportunity is now open for further submissions of a more detailed nature to be prepared and presented to Environment Canterbury.

**RESOLVED**, THAT THE COUNCIL CREATES A SUB-COMMITTEE CONSISTING OF COUNCILLORS McILRAITH, FOLEY AND BALCHIN TO WORK WITH THE PLANNING AND REGULATORY MANAGER, THE ASSET MANAGER AND THE RESOURCE PLANNER TO PREPARE ANY FURTHER SUBMISSIONS TO THE NRRP.

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

**Carried.**

R4

Heritage Funding Guidelines

The Planning & Regulatory Manager reported on this item.

Council has operated a small Heritage Fund for 3 years. The guidelines (the guidelines are not rules) have allowed the Council to have maximum flexibility when giving consideration to requests for grants.

The fund has a very modest amount of \$5,000.00 voted per annum to a maximum amount of \$10,000.00 in any two year period. For this reason the Planning & Regulatory Manager suggested that the guidelines be changed that grant requests are considered up to \$1,000.00 only.

**RESOLVED**, THAT COUNCIL CONFIRM THE CURRENT "HERITAGE FUND" GUIDELINES SUBJECT TO:

- THE WORDING OF THE APPLICATIONS BEING CHANGED TO "NORMALLY GRANTS WOULD BE LIMITED TO \$1,000.00".
- ANOTHER BULLET POINT UNDER ELIGIBLE PROJECTS "FUNDING PRIORITY WILL BE GIVEN TO BUILDINGS AND SITES THAT ARE IN PUBLIC OWNERSHIP, EG. COMMUNITY ENHANCEMENT GROUPS, INCORPORATED SOCIETIES, TRUSTS ETC."
- UNDER A NEW MISCELLANEOUS COLUMN WORDING TO BE ADDED: "NOT MORE THAN 50% OF THE TOTAL COST OF A PROJECT CAN BE GRANTED FROM THE FUND".

**Mov Cr McIlraith / Sec Cr Balchin**

**Carried.**

R10

Waimate District Plan

Council formally approved the Waimate District Plan Changes 1 to 9.

**RESOLVED**, THAT PURSUANT TO SECTION 73 OF THE RESOURCE MANAGEMENT ACT 1991 AND CLAUSE 17 OF THE FIRST SCHEDULE OF THE RESOURCE MANAGEMENT ACT 1991 THE WAIMATE DISTRICT COUNCIL HEREBY APPROVES PLAN CHANGES 1 TO 9 TO THE WAIMATE DISTRICT PLAN. THIS APPROVAL IS TO BE EFFECTED BY THE AFFIXING OF THE SEAL OF THE WAIMATE DISTRICT COUNCIL. IT IS ALSO RESOLVED THAT THE WAIMATE DISTRICT PLAN SHALL BECOME OPERATIVE ON THE 10TH DECEMBER 2005.

**Mov Cr Rayner / Sec Cr Henderson**

**Carried.**

R7

Determination of Resource Consent Application  
Commercial Composting Operation – 351 Engelbrechts Road,  
Upper Hook, Waimate

The Resource Planner had requested that the above application should be considered and determined by an appointed independent commissioner.

**RESOLVED**, THAT COUNCIL APPOINT MR DAVID COLLINS AS COMMISSIONER TO CONSIDER AND FINALLY DETERMINE THE APPLICATION FOR RESOURCE CONSENT TO SET UP AND OPERATE A COMMERCIAL COMPOSTING PLANT AT ENGELBRECHTS ROAD, UPPER HOOK.

**Mov Cr Gibson / Sec Cr McIlraith**

**Carried.**

A6

Saturday Opening of Library

The Community Services Manager reported on the trial Saturday opening hours for the past year.

**RESOLVED**, THAT THE WAIMATE PUBLIC LIBRARY CONTINUE TO OPEN ON SATURDAYS FROM 10.00AM TO 1.00PM.

**Mov Cr Rayner / Sec Cr Henderson**

**Carried.**

RO16-05/2

Contract 05/1 Resealing

As a result of the Ordinary Council Meeting on 18 October 2005, Council resolved “that the Asset Management Department prioritise and report on the use of the additional funds of \$107,000 for consideration at the next Council meeting”.

The Roding Engineer sought approval to extend “Contract 05/1 Resealing” by a length of 8.3km.

**RESOLVED**, THAT THE RESEALING PROGRAMME BE EXPANDED BY 8.3KM AT AN ADDITIONAL COST OF \$103,000.

**Mov Cr McIlraith / Sec Cr Gibson**

**Carried.**

The meeting adjourned at 10.32 am  
The meeting reconvened at 10.52 am

## Hearings Committee

**RESOLVED**, THAT COUNCILLORS RAYNER, GIBSON & MCILRAITH HEAR TODAY'S HEARINGS COMMITTEE.

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

**Carried.**

R4

Heritage Fund Request

Frenchman's Gully, Maori Rock Art

Representative Mr Talbot, from the Historic Places Trust was in attendance and was heard.

The Historic Places Trust (South Canterbury Committee) sought assistance from the Heritage Fund to upgrade the Maori Rock Art site.

**RESOLVED**, THAT COUNCIL GRANT FROM THE HERITAGE FUND \$1,500.00 SUBJECT TO THE AMOUNT BEING REFUNDED TO COUNCIL IF THE PROJECT IS NOT COMPLETED BY 30 JUNE 2007.

**Mov Cr Henderson / Sec Cr Andrew**

**Carried.**

CO1

Dawson's Emporium Building

Councillor Balchin and His Worship the Mayor reported on this item.

Resolved, that this council give the CEO authority for his staff to prepare documents to place the Dawson's building situated at 84 Queen Street, Waimate for tender.

Mov Cr Foley / Sec Cr Balchin

Lost

Noted that Cr Gibson was opposed to the motion.

The meeting adjourned at 11.56am  
The meeting re-convened at 11.57am

**RESOLVED**, THAT COUNCIL REPORT TO THE DECEMBER MEETING OF COUNCIL ON:

1. OPTIONS FOR FUTURE USE OF DAWSON'S EMPORIUM BUILDING.
2. COSTINGS ASSOCIATED WITH THE UPGRADING OF DAWSON'S EMPORIUM FOR POTENTIAL USES INCLUDING USE AS A LIBRARY.
3. A COMPARISON OF COSTINGS BETWEEN UPGRADING DAWSON'S EMPORIUM FOR USE AS A LIBRARY VERSUS UPGRADING CURRENT LIBRARY.
4. TRY TO ASCERTAIN A CURRENT VALUATION AND SET OUT A DEFINED DECISION MAKING PROCESS.

Mov His Worship the Mayor / Sec Cr Rayner

As an amendment

**RESOLVED**, THAT A PROCESS AND A TIMELINE BE ESTABLISHED FOR THE DECISION MAKING PROCESS, A FALLBACK POSITION BE ESTABLISHED BY KNOWING A CURRENT VALUATION.

**Mov McIlraith / Sec Cr Foley**

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

Noted: The Chief Executive Officer advised that Council already has in place a method for consulting on major items which is set out in the LTCCP Volume 1 under the Governance Section – Consultation Policy.

The meeting adjourned at 12.30 pm  
The meeting re-convened at 1.10 pm

Note: Councillor Henderson left the meeting at 1.10pm

AN1

Dog Control Policy and Bylaw

John Stevens and Jeanette Allnutt were in attendance and were heard.

Council considered public submissions to the Council's proposed Dog Control Policy and Bylaw.

**RESOLVED**, THAT FROM THE PUBLIC SUBMISSIONS MADE ON THE PROPOSED DOG CONTROL POLICY AND BYLAW THE FOLLOWING CHANGES BE MADE.

- AMEND RULE 5.2 (3) TO READ:  
"THAT A DOG KENNEL OR PLACE OF CONFINEMENT BE ALLOWED NEAR NEIGHBOURING BOUNDARIES SUBJECT TO COUNCIL NOT RECEIVING FROM THE NEIGHBOURING PROPERTY OWNERS, ANY COMPLAINTS ON LOCATION OF THE SAID KENNEL/S OR CONFINEMENT.  
IF COMPLAINTS ARE RECEIVED COUNCIL MAY REQUIRE DOG KENNELS, PLACE OF CONFINEMENT, TO BE RELOCATED."
- THAT RULE 5.8 BE REWRITTEN TO:  
"THAT BITCHES IN SEASON SHALL NOT BE ALLOWED INTO ANY PUBLIC PLACE EXCEPT DOG EXERCISE AREAS, WHERE THE BITCH IS EXERCISED UNDER CLOSE CONTROL, WHEN OTHER DOGS ARE NOT PRESENT."
- THAT THE FOLLOWING SENTENCE BE ADDED TO THE END OF SECTION 5.5

“COUNCIL MAY BY REQUEST GIVE TEMPORARY DISPENSATION TO ALLOW DOGS ON ANY WAIMATE DISTRICT COUNCIL CEMETERY.”

- AMEND THE INDEX PAGE 2, 5.10 CONSENT TO KEEP MORE THAN “TWO URBAN DOGS”.  
D AREAS WHERE DOGS ARE “EXCLUDED DURING BIRD NESTING SEASON”.  
E “AREAS WHERE DOGS ARE PROHIBITED”.
- THAT RULE 5.3.6 BE REWRITEN TO:  
REQUIRES IMPOUNDED DOGS TO BE RELEASED ONLY ON THE PAYMENT OF REGISTRATION AND POUND FEES. COUNCIL MAY EXERCISE SOME DISCRETION IN THIS AREA.

THAT THE PROPOSED DOG CONTROL BYLAW AND POLICY SUBJECT TO THE ABOVE CHANGES BECOME EFFECTIVE FROM THE 1 DECEMBER 2006.

THAT PUBLIC NOTICE OF THE BYLAW AND POLICY BE ADVERTISED AS SOON AS PRACTICABLE.

**Mov Cr Rayner / Sec Cr Balchin**

**Carried.**

AN4

Dog Registration Fees 2006/07 Onwards

Council during the last LTCCP round was requested to change the dog registration fee structure to a graduated system.

The Planning & Regulatory Manager sought approval of wording for the advertisement “request for submissions” and also the closing date for submissions.

**RESOLVED**, THAT THE WORDING OF THE ADVERTISEMENT BE APPROVED – WITH AN AMENDMENT TO PARAGRAPH 2 “THE RESULT WOULD BE THAT DOG OWNERS WITH THREE OR MORE DOGS WOULD PAY LESS THAN THE CURRENT FEES.” - AND SUBMISSIONS TO CLOSE 14 DECEMBER 2005.

**Mov Cr McIlraith / Sec Cr Gibson**

**Carried.**

CO1

Information Reports

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

The meeting adjourned at 2.02pm  
The meeting re-convened at 3.23pm

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 18<sup>TH</sup> OCTOBER 2005

## 2. ALPINE ENERGY REPORT

**Mov Cr Rayner / Sec Gibson**

**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 Alpine Energy Report	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 & 2	To protect information which is subject to an obligation of confidence.	7(2)(c)
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### On Resuming

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

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

**Carried.**

### Correction of Errors in Newspaper Articles

1. *“Cr Anne Townend said the issue had been brought to the council at the sale and purchase of the building.”*

**RESOLVED**, THAT THE STATEMENT AS REPORTED WAS INCORRECT.

**Mov Cr Gibson / Sec Cr Rayner**

**Carried.**

2. *“The amount was supposed to be paid off over a 10 year period at 10% per year.”*

**RESOLVED**, THAT THE STATEMENT WAS INCORRECT.

**Mov Cr Rayner / Cr Foley**

**Carried.**

3. *“Mr Maxwell refused to discuss the financial details of the deal”*

**RESOLVED**, THAT THE STATEMENT WAS INCORRECT.

**Moved Cr Gibson / Sec Rayner**

**Carried.**

4. *“Mr Maxwell told councillors on Tuesday there was no penalty clause for early withdrawal but beyond that the matter was none of their business”*

Noted that Cr Gibson and Cr Balchin did not support that this statement was incorrect.

Noted that councillors were in favour of removing this correction.

5. Both the article and the editorial make references to governance versus management issues.

They both criticized the CEO for treating the decision to terminate the lease as a management issue and include quotes to that effect from councillors.

**RESOLVED**, THAT THE MAYOR, DEPUTY MAYOR AND CEO MEET WITH THE EDITOR.

**Mov Cr Foley / Sec Cr Gibson**

**Carried.**

**RESOLVED**, THAT THE COUNCIL CONSIDERED THAT THE STATEMENT “MR MAXWELL WAS WRONG” WAS HARSH IN THE LIGHT OF THE INFORMATION HE WAS FURNISHED WITH.

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

**Carried.**

The meeting concluded at 5.05pm.

Confirmed at a meeting of Council held  
This 20<sup>th</sup> day of December 2005

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Mayor