
Minutes of the Ordinary Meeting of the Waimate District Council held in the Local Government Centre, Queen Street, Waimate on Tuesday 17th April 2007 at 8.30 am



Present

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

In Attendance

Chief Executive Officer (J E Maxwell)
Administration Officer (J Larcombe)
1 Member of the Media (Waimate Advertiser)
1 Member of the Media (Oamaru Mail)
1 Member of the Media (Timaru Herald)

Apologies

RESOLVED, THAT APOLOGIES BE RECEIVED ON BEHALF OF COUNCILLORS
J.S. GIBSON AND M.J BALCHIN.

Mov Cr Townend / Sec Cr Henderson

Carried

Opening Prayer

His Worship the Mayor read the opening prayer.

Minutes

RESOLVED, THAT THE MINUTES OF THE:

- ORDINARY MEETING OF COUNCIL HELD ON:
(i) TUESDAY 20TH MARCH 2007
- FORESTRY COMMITTEE MEETING HELD ON:
(i) TUESDAY 3RD APRIL 2007

BE RECEIVED.

Mov Cr Rayner / Sec Cr Townend

Carried

Reports

His Worship the Mayor

His Worship the Mayor reported on the following:

- Water Users Group
- Government Rates Review
- Waimate Medical Centre
- Environment Canterbury's Draft Annual Plan
- Civil Defence
- Meetings and Functions Attended

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

Mov His Worship the Mayor / Sec Cr Rayner

Carried

Matters Arising

Hunter Downs & Waihao Downs Irrigation

RESOLVED, THAT COUNCIL SUPPORT BOTH ENTERPRISES IN PRINCIPLE AS LONG AS THEY ARE NOT IN CONFLICT WITH THE SUBMISSION PROPOSALS.

Mov Cr McIlraith / Sec Cr Townend

Carried

Meridian Energy Water Consent Application

RESOLVED, THAT SUPPORT BE GIVEN TO MERIDIAN ENERGY FOR THEIR CONSENT APPLICATION TO TAKE WATER FROM THE WAITAKI RIVER FOR PROPOSED POWER GENERATION.

Mov Cr Foley / Sec Cr Rayner

Carried

Note: In consideration of this item, Councillor McIlraith declared an interest and did not take part in voting.

Chief Executive Officer

The Chief Executive Officer reported on the following:

- Representation Review
- Civic Assurance
- Rates Inquiry

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

General Business

Proposed Road Stopping Studholme - NZ Dairies Ltd

In conjunction with the dairy processing plant installation at Studholme, New Zealand Dairies Ltd are requesting Council consent to stop some of the ancillary roads in the immediate vicinity of its new complex.

The proposal is deemed integral to the company's plans for expansion beyond the current development stage and as a consequence includes a request to purchase the land comprising the stopped roads.

The roads proposed to be stopped are:

- Barrars Road
- Nansen Street
- Murray Street from Hansen Street to Quinn Street
- Quinn Street from Murray Street to the south

It is advised that the proposal does not obstruct legal access by any third party and consolidates land owned by New Zealand Dairies Ltd.

As a result, heavy and overweight vehicle operation, health and safety, site security and future expansion would be facilitated whilst at the same time alleviating Council of future road maintenance.

The primary user of these roads will be New Zealand Dairies Ltd vehicles or machinery.

Should Council consent, then the following procedure will be required to formalise the road stopping:

- Obtain approval in principle from Council
- Preparation by a Registered Surveyor of a Survey Office Plan to define the area of road to be stopped
- Public notification of the proposal and relevant public signs on the subject land
- Provided no objections are received, then the Council may declare the roads to be stopped
- If objections are received, then the matter must be referred to the Environment Court for a decision
- If no objections are received, or the Court approves of the stopping, Council may then dispose of the land
- Legal requirements by the applicant's solicitors to formalise the land acquisition and process to obtain relevant title

All costs incurred by Council including legal fees, surveyors fees, transfer charges, disbursements, etc, plus the actual cost of the land are payable to Council.

New Zealand Dairies Ltd intends to advise and discuss the proposal with affected adjoining land owners and will advise Council of the outcome of these discussions.

RESOLVED THAT COUNCIL APPROVE IN PRINCIPLE THE STOPPING OF THE ROADS AS REQUESTED BY NEW ZEALAND DAIRIES LTD.

Mov Cr Townend / Sec Cr Andrew

Carried

Council noted the following;

- That New Zealand Dairies intend to consult and discuss the road stopping proposals with affected land owners.
- The letter received from Mr E.J. Wilson of Molloys Road, Studholme, is noted. Mr Wilson to be advised of the appropriate road stopping procedure.

Liaison Committee

RESOLVED, THAT AN APPROPRIATE LIAISON COMMITTEE CONSISTING OF HIS WORSHIP THE MAYOR, THE DEPUTY MAYOR, COUNCILLOR TOWNEND, PLUS CO-OPTED STAFF, BE SET UP TO DEAL WITH NEW ZEALAND DAIRIES LTD WITH REGARD TO ITS OVERALL FACTORY PROPOSAL.

Mov Cr McIlraith / Sec Cr Foley

Carried

Knottingley Park – Proposed Area Name

The Friends of Knottingley Park have written requesting that the area in the Park bordered by Horgans Road in the vicinity of the tree that was planted the Prime Minister, be named "Ross Bell Field"

RESOLVED THAT THE AREA OF KNOTTINGLEY PARK BORDERED BY HORGANS ROAD BE NAMED 'ROSS BELL FIELD'.

Mov Cr Foley / Sec Cr Andrew

Carried

Hearings Panel

Limited Notified Resource Consent Application – Land Use Consent:
RM061226 – Consent to plant trees within 15m of neighbour's boundary
– Back Line Road, Waimate – Surewood Forest Joint Venture (Forest Bliss Ltd)

The application for resource consent relates to a proposal to plant trees within 15m of the neighbour's boundary as part of a forestry venture on a property located at Back Line Road (near the Government track).

The application has been notified on a limited basis and has attracted two submissions. This application was due to be heard in July 2006 but was postponed by the applicant. One submitter has since withdrawn their submission. The remaining submission is from S.K. & I.G. Emerson (Otaio Gorge Station).

The applicant now wishes to proceed with the proposal.

Council needs to appoint a new councillor to replace Councillor Gibson who was originally appointed as part of the Hearings Committee to hear this application. Councillor Rayner indicated that he would be available as a replacement. Councillor McIlraith and Councillor Henderson are the other members of the Hearings Committee.

A day to hear the application has been set now as 19 April 2007 and advice of the hearing and Planner's report has been circulated.

RESOLVED THAT COUNCIL APPOINT COUNCILLOR J. RAYNER TO BE A FURTHER MEMBER OF THE HEARINGS COMMITTEE TO CONSIDER AND FINALLY DETERMINE THE APPLICATION FOR RESOURCE CONSENT (RM061226) TO PLANT TREES WITHIN 15M OF THE NEIGHBOUR'S BOUNDARY.

Mov Cr Townend / Sec Cr Henderson

Carried

Committee Chair

RESOLVED, THAT COUNCILLOR M. HENDERSON BE APPOINTED AS THE HEARINGS PANEL COMMITTEE CHAIR.

Mov Cr Rayner / Sec Cr Andrew

Carried

Guidance for Subdivisions in the Residential Zone where there is no Existing Footpath

At its last meeting on 20 March 2007, Council resolved that the Mayor and Councillors Balchin and Rayner formulate guidelines to apply to subdivisions in the Residential Zone where there is no existing footpath.

At the last meeting, the need to establish guidelines for when footpaths are required in the Residential Zone was determined to be necessary by the Council when they were considering an objection by Camerick Investments Limited to conditions (vi) and (vii) imposed on Subdivision Consent RM061272 (see separate report). These conditions required the subdivider to meet the full cost of constructing a footpath along the frontages of the subject site and also meet a share of the cost of constructing a footpath along a neighbouring property.

The Mayor and Councillors Balchin and Rayner have met and have concluded that a subdivider should meet the full cost of providing a footpath along the length of the frontage of the particular site being subdivided. However, they did not consider that the subdivider should contribute to a footpath along the frontage of a neighbouring site.

It is usual that when a subdivision occurs (creating additional lots) there is an expectation of an increase in residential development or density and depending on the number of additional lots there is a subsequent demand for a footpath to be required where there is none currently provided. Usually, it is solely the subdivision alone that creates the need for the footpath. If there was no subdivision, then no change would likely occur, i.e. the status quo of no footpath would remain. Often, these subdivisions are fragmented and do not directly connect to an existing footpath.

So while the subdivider should meet the full cost of constructing a footpath along the frontage of the site being subdivided, it is not always essential that the footpath be constructed immediately until an appropriate density of development has occurred in the locality. For this reason, a cash contribution by the subdivider is favoured at the time of subdivision that would then go into a pool of contributions so the footpath can be constructed later. At the time of the construction of this footpath by the Council, it is likely the footpath in the street will be more extensive than just providing a footpath

along the subdivider's frontage. Any new footpath will probably connect or link to existing established footpaths.

The Subdivision and Development Section of the District Plan under Assessment Matter 8d does specify situations when an existing road needs to be formed or upgraded. This assessment matter or existing policy is unchanged by the following recommendation which are seen as an interim measure only until such time that Council has formally established an overall subdivision and development contribution or strategy in respect of providing public services in the urban areas.

RESOLVED THAT WITH SUBDIVISION PROPOSALS (INVOLVING ADDITIONAL LOTS) IN THE RESIDENTIAL ZONE WHERE THERE IS NO EXISTING FOOTPATH, THE SUBDIVIDER SHALL PAY A CONTRIBUTION TO THE COUNCIL EQUIVALENT TO 100% OF THE COST OF PROVIDING A FOOTPATH ALONG THE LENGTH OF THE FRONTAGE OF THE SITE BEING SUBDIVIDED.

Mov Cr Townend / Sec Cr Rayner

Carried

Noted that the subdivider's contribution is considered a contribution to the overall footpaths network.

Objection to Conditions Imposed on Subdivision Consent RM061272

At its last meeting on 20 March 2007, Council resolved to defer a decision on this objection until the Mayor and Councillors Balchin and Rayner formulated guidelines to apply to subdivisions in the Residential Zone where there is no existing footpath.

The previous agenda item details the conclusion reached by the Mayor and Councillors Balchin and Rayner and contains the resolution.

In January 2007, the Manager – Planning and Regulatory, acting under delegated authority, granted resource consent to allow for the creation of six residential allotments subject to certain conditions.

In February 2007, the applicant exercised his right of objection (or review) as provided pursuant to Section 357 of the Resource Management Act 1991, in respect of conditions (vi) and (vii). The applicant has accepted the other parts of the decision.

Mr Warrick Brown of Camrick Investments Limited was in attendance to answer questions from Councillors.

Each of the conditions objected to were considered separately as follows:

Condition (vi) states:

That a 1.5m asphaltic concrete footpath shall be provided along the Edinburgh Street and Princes Street frontages of the subject site (except at the access points) for a total distance of 90m.

Condition (vii) states:

That a 1.5m asphaltic concrete footpath shall be provided along the Edinburgh Street and Princes Street frontages of Lot 22 DP 277 (except at the access points) for a total distance of 91m. The Council shall pay to the applicant 50% of the cost of this work.

The applicant is concerned with the timing for the construction of the footpaths associated with the subdivision, the extent of his contribution for the work, and that

there is no connection or linkage to any existing footpaths should the footpaths required by the subdivision be constructed. In that sense, the applicant considers the footpaths could be constructed later (i.e. after the subdivision) when the lots are developed or when the entranceways are established. The applicant prefers to make an agreed cash contribution towards the work with Council being responsible for carrying out the actual footpath construction later.

The applicant also considers that he should not contribute to the new footpath to the extent that has been imposed in front of his neighbour's property (i.e. half the cost).

The Waimate District Plan provides provision to assess whether a financial contribution is to be imposed on a proposed subdivision.

Assessment Matter 8d(ii) states:

'Where any subdivision in any zone has frontage to any existing road(s) that is/are not constructed to the standards set out in Rule 7 b l above and/or where road widening is required; whether the land uses that will be established on the proposed allotments will increase the use of that road(s) to the extent that forming or upgrading the existing road(s) is required and, therefore, whether there is any need for the applicant to pay to the Council a financial contribution towards the forming or upgrading of the road(s). Such financial contribution shall not exceed the extent to which the road(s) serves or is intended to serve the subdivision and, where the road(s) is/are adjacent to the subdivision, shall not exceed half the cost of the formation or upgrading works. The maximum cost of providing carriageway formation and widening, berm formation, footpaths, kerb and channel, as the case may be, shall be assessed in accordance with the following formula:

Carriageway -unformed to metalled \$10.00 per m²

-unformed to sealed \$12.00 per m²

-metalled to sealed \$10.00 per m²

Kerb and Channel -\$50.00 per lineal metre

Footpath -\$20.00 per lineal metre at 1.5m wide

Berm - \$20.00 per lineal metre at 2.7m wide

inclusive of 12.5% GST

These costs shall be adjusted annually on 30 June of each financial year, in accordance with the Construction Price Index beginning on 30 June 1995'.

The above assessment matter provides a guide to establishing the contribution but is not definitive or binding. The above assessment suggests that the applicant's contribution should be up to half of the cost of the work outside the frontage of the subject site and not the full cost as proposed in condition (vi). In this instance, the density or number of lots involved in the proposed subdivision solely creates the need for the proposed footpath. If there was no subdivision, the footpath would not be necessary, i.e. the status quo would remain. It is on that basis that the full cost of the new footpaths was imposed with condition (vi).

In respect of condition (vii), half of the cost of the new footpath outside the neighbour's property is imposed. This additional footpath is required to link the Edinburgh Street and the Princes Street frontages of the site being subdivided. It is on that basis that half of the cost of this footpath was imposed. There is no requirement to link or

connect the new footpaths to the existing footpath in Edinburgh Street, some 120m south.

It is fair to compare the contributions required on this subdivision to other recent subdivisions where roading contributions were required. With the Buckingham subdivision (RM041146) in Queen Street, Waimate, Council required 50% of the cost of the new footpath outside the subject site and 25% of the cost of new footpath outside the neighbour's property to connect to the Hillary Street intersection. With the St Andrews coastal subdivision (RM051179) which involved a new road being constructed and no footpaths, Council required 80% of the cost of the work to be met by the subdivider.

With the present subdivision, the applicant is being required to make a greater percentage of contribution (i.e. 100% and 50% respectively) but is not required to connect the new footpaths to the existing footpath further south in Edinburgh Street.

RESOLVED THAT TAKING INTO ACCOUNT, THE RECOMMENDATION OF THE MAYOR AND COUNCILLORS BALCHIN AND RAYNER IN RESPECT OF GUIDELINES TO APPLY TO SUBDIVISIONS IN THE RESIDENTIAL ZONE WHERE THERE IS NO EXISTING FOOTPATH, IT IS RECOMMENDED:

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

CONDITION (VI):

THAT THE APPLICANT SHALL PAY TO COUNCIL THE FULL COST IN PROVIDING A 1.5M WIDE ASPHALTED CONCRETE FOOTPATH ALONG THE EDINBURGH STREET AND PRINCES STREET FRONTAGES OF THE SUBJECT SITE FOR A TOTAL DISTANCE OF 103.3M.

CONDITION (VII):

THAT THIS CONDITION BE DELETED.

Mov Cr Rayner / Sec Cr Henderson

Carried.

Information Reports

The information reports for April 2007 had been circulated to all Councillors.

The following was reported:

- Asset Manager's Report
- Planning & Regulatory Manager's Report
- Community Services Manager's Report
- Ecan Regional Fast Facts issues 222, 223

The reports were duly received and noted.

Matters Arising

RESOLVED, THAT WAIMATE 50 BE REQUESTED TO MAKE A CONTRIBUTION TO COUNCIL TOWARDS THE COSTS FOR STREET SEAL REPAIRS AFTER THE RUNNING OF ITS RECENT BENT SPRINT RACE.

Mov Cr Townend / Sec Cr Rayner**Carried**

The meeting adjourned at 10.05 am.
The meeting reconvened at 10.25 am.

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 20th MARCH 2007
 - b) FORESTRY COMMITTEE MEETING HELD ON:
 - (i) TUESDAY 3RD APRIL 2007
- 2. ALPINE ENERGY REPORTS**
- 3. GRIGSON STREET TOILETS**
- 4. WAIMATE TIMBER PROCESSING LIMITED**
- 5. AUDIT MANAGEMENT REPORT**
- 6. GIRL GUIDES**
- 7. MEDICAL CENTRE**
- 8. APPOINTMENT OF CEO**

Mov Cr Rayner / Sec Cr McIlraith**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:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
1. Council Minutes	To protect information which is subject to an obligation of confidence	48(1)(a)(i)
2. Alpine Energy Reports		
3. Grigson Street Toilets		
4. Waimate Timber Processing Ltd		
5. Audit Management Report		
6. Girl Guides		
7. Medical Centre		
8. Appointment of CEO		

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 - 8	To protect information which is subject to an obligation of confidence.	7(2)(c)
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On Resuming

Gambling Venue Policy

At its Ordinary meeting of 20 February 2007, the Council resolved that:

“Council confirms the proposals (from agenda item at that meeting) to be written into a revised Gambling Venue Policy, to be made available for public consultation for a period of one month prior to revision”.

In response to a requirement to periodically review its Gambling Venue Policy, and to a presentation by the Problem Gambling Foundation of New Zealand, Council has now concluded consultation on a draft revised Gambling Venue Policy. The key points of this draft revised policy were to place a moratorium on any new venues and any new gambling machines within the Waimate District.

A total of 11 submissions were received, summarised as follows:

1. Pro-Ject Waimate Incorporated, in support of the current level of gaming machines (40) and venues (12).
2. Margaret Leathwick, as a member of the Waimate Croquet Club, objecting to any change in gambling policy.
3. D.M Mackay, as a member of the Waimate Croquet Club, objecting to Council decision to change the present regime for gaming machines.
4. Martin Cheer, Compliance Manager, The Lion Foundation, substantial submission, detailing The Lion Foundation's (TLF) grant distributions nationally and in Waimate District, stating that current studies dismiss number of gaming machines as a factor in prevalence of problem gambling, citing low numbers of calls to gambling helpline from Waimate District and opposing Council's proposed draft policy. **Mr Cheer attended by the form of a teleconference to speak to his submission.**
5. NZ Racing Board, via Jurrian Kiewik, solicitor at Harkness Henry & Co, Hamilton. That Council should retain the existing cap of 40 machines and 12 venues. That a reduction in machine numbers will not reduce the prevalence of problem gambling, but will reduce the amount of community funding available to Waimate District non-profit organisations. **Mr Kiewik attended by the form of a teleconference to speak to this submission.**
6. Francis Weavers, CEO, Charity Gaming Assn. Substantial submission, opposing both, Council's current policy and proposed policy, on the basis that there is no scientific basis to suppose that a reduction in the number of gaming machine numbers will be reflected in any reduction in the prevalence of problem gambling. **Mr Weavers attended by the form of a teleconference to speak to his submission.**
7. Brian Chave. In support of status quo and current policy

8. Tony Stevenson, President, Waimate Rugby Football Club. Support for status quo.
9. David Matthews, Regional Manager, CCS South Canterbury. In support of retaining at least the current allowable number of machines.
10. Robbie Crawford, Trustee Waimate Racecourse Reserve, and Treasurer Waimate Trotting Club. Recommend allowing the status quo to remain.
11. Problem Gambling Foundation of New Zealand, Substantial submission, congratulating Waimate District Council on it's commitment to preventing and minimizing harm caused by gambling. Recommending a policy which places a moratorium on new venues and additional machines. Including an appendix which shows an analysis of grants made in the Waimate District, from gaming revenues. **The Problem Gambling Foundation attended by the form of a teleconference to speak to their submission.**

The Council considered the submissions placed before it, and note the requirement to weigh the benefits of gaming revenues as donations to community and sporting groups, against the harm which may be caused to the community by problem gambling.

MOVED THAT COUNCIL CONFIRM ITS DRAFT POLICY.

Mov Cr Foley

Note: The Motion lapsed for want of a Secunder.

MOVED, that Council retains its original policy

Mov Cr Henderson / Sec Cr Rayner

As An Amendment

MOVED, THAT THE ORIGINAL GAMBLING VENUE POLICY BE RETAINED WITH THE NUMBER OF GAMBLING VENUES BEING CAPPED AT 8.

Mov Cr Townend / Sec His Worship the Mayor

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

The meeting concluded at 4.00pm.

Confirmed at a meeting of Council held
this 15th day of May 2007

Mayor