
Minutes of the Ordinary Meeting of the Waimate District Council held in the Local Government Centre, Queen Street, Waimate on Tuesday 21st August 2007 at 8.30 am



Present

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

In Attendance

Chief Executive Officer (T Alden)
Administration Officer (J Larcombe)
1 Member of the Media (Waimate Advertiser)

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 24th JULY 2007
- MEETING OF THE WAIMATE DISTRICT COUNCIL HELD ON:
(I) TUESDAY 31ST JULY 2007
- ELEPHANT HILL DRAINAGE COMMITTEE MEETING HELD ON:
(I) THURSDAY 2ND AUGUST 2007

BE RECEIVED.

Mov Cr Gibson / Sec Cr Rayner

Carried

Matters Arising

Council Minutes of 24th July 2007 – Item Mr Don McCabe – Page 2

Noted that the minutes be amended by inclusion of “an acknowledgement to Mr D, McCabe”, and also reference to a once only “gratuity payment” to be deleted.

Knottingley Park

Action required at Knottingley Park to be assessed as to whether or not enforceable by way of a required Bylaw.

Council Minutes of 24th July 2007 – “Representation Whitehorse Recycling” – Page 4

Delete reference to an “Entity”, as now a Trust.

Elephant Hill Drainage Committee

Note to ensure Councillor McIlraith is invited to future meetings.

Audit Committee

RESOLVED, THAT A SUB-COMMITTEE OF COUNCIL BE SET UP TO LIAISE WITH CORPORATE SERVICES AND COUNCIL'S C.E.O IN ORDER TO CO-ORDINATE THE 2006/07 ANNUAL AUDIT.

Moved Cr McIlraith / Sec Cr Townend

Carried

COUNCILLORS MCILRAITH, TOWNEND AND HIS WORSHIP THE MAYOR TO BE THE MEMBERSHIP OF THE AUDIT SUB COMMITTEE.

Mov Cr Balchin / Sec Cr Andrew

Carried

Noted that Council's forthcoming Workshop address the terms and requirements of the Audit Sub-Committee.

Draft Minutes

Noted that these will be sent out to Councillors.

Reports

His Worship the Mayor

His Worship the Mayor reported on the following:

- Thank you to Mr John Maxwell
- Welcome to Mr Tony Alden
- Department of Internal Affairs
- Waimate 50 Motorsport Inc
- Waimate Medical Centre
- Alpine Energy AGM
- Mayoral Forum
- Meetings and Functions Attended
- North Bank Tunnel Hearing

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

Mov His Worship the Mayor / Sec Cr Rayner

Carried

Matters Arising

Department of Internal Affairs Performance Review

Noted that the terms of the proposed review to be advised prior to the review being undertaken.

Corporate Services Report

The Corporate Services Manager reported on the following:

- Significant Events
- Rates Strike
- Insurance and ACC renewals
- Annual Report Reconciliation
- Anuva Filing and Training
- Tendering Dawson's Building
- Civil Defence Emergency
- Waimate Medical Centre Ltd
- NZ IFRS Preparation
- Interim Financial Result June 2007
- Infrastructural Valuations
- Cash Flow Performance

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

Mov Cr McIlraith / Sec Cr Henderson

Carried

Matters Arising

Noted that more comprehensive reports be forthcoming back to Council with regards to Civil Defence situations.

To be workshopped with Council's incoming Civil Defence Co-ordinator.

General Business

Correspondence

Letter Received from Mr Eric Batchelor

A letter was received from Mr Eric Batchelor thanking Council for the honour of naming the new Council subdivision 'Eric Batchelor Place'.

RESOLVED, THAT THE LETTER BE DULY RECEIVED AND NOTED.

Mov Cr Townend / Sec Cr Henderson

Carried

Land Availability – Carbon Neutral Public Service

The Ministry for the Environment have developed a proposal to plant native forest so as to achieve a Carbon Neutral Public Service. Such costs would be funded by the Ministry for the Environment.

Council considered its involvement in this proposal.

RESOLVED COUNCIL PURSUE ITS INVOLVEMENT AND THIS BE FURTHER REPORTED BACK TO COUNCIL.

Mov Cr Townend / Sec Cr Rayner

Carried

Noted that Councillors Rayner, Henderson, and Foley expressed an interest in involvement in the topic.

Biodiversity Strategy for Canterbury

A Biodiversity Strategy for Canterbury has been prepared.

Biodiversity loss is a significant issue affecting New Zealand, Canterbury and the Waimate District. Unfortunately the management of biodiversity is extremely complex, and the need for a more coordinated and cooperative approach was identified. A regional Biodiversity Strategy, developed with input from key stakeholders involved in biodiversity management in the region, was seen as a way of achieving this. Environment Canterbury has been facilitating the development of a Biodiversity Strategy for the Canterbury region with a stakeholder advisory group. Membership of the advisory group included the following:

- all Canterbury TLAs (with the exception of Mackenzie DC, which has been on the mailing list, but not represented at meetings)
- Environment Canterbury
- DoC
- Ngai Tahu
- NZ Landcare Trust
- Federated Farmers
- Forest & Bird
- QEII Trust
- Fonterra
- Banks Peninsula Conservation Trust
- Landcare Research
- LINZ
- University of Canterbury
- Fish & Game (only attended first few meetings)

Waimate District Council was represented on the advisory group by Councillors Balchin and McIlraith.

One of the key concepts behind the strategy is that it is a region-wide Strategy rather than Environment Canterbury's Strategy, and ultimately, adoption of the Strategy will be sought from all key agencies and stakeholders involved in biodiversity management in the region. Workshops with the respective organisations represented on the Advisory Group are currently being held to provide an overview of the Strategy and to enable decision-makers to make an informed decision regarding adoption. Environment Canterbury staff presented to the Waimate District Council workshop on 7th August 2007.

Adoption will involve Council becoming a signatory to a 'Charter of Adoption'. The proposed wording for this Charter is shown on note 1.

The Strategy is a non-statutory document, and adoption of the Strategy is not binding on organisations. It is intended to sit alongside existing statutory and other instruments relating to biodiversity, and to provide guidance and a common focus for policy and decision-making, resource allocation, and the development of local biodiversity strategies, action plans, and/or programmes. The success of the Strategy will depend on on-going proactive involvement by key stakeholders, and on the level of commitment shown by those who adopt it, in incorporating actions from the Strategy into formal work programme planning processes as far as practicable.

RESOLVED, THAT COUNCIL ADOPTS THE BIODIVERSITY STRATEGY FOR THE CANTERBURY REGION.

THAT THE STRATEGY CHARTER OF ADOPTION BE SIGNED BY HIS WORSHIP THE MAYOR ON BEHALF OF COUNCIL.

Note 1: Canterbury Region Biodiversity Strategy Charter of Adoption

In signing this Charter, we acknowledge the importance of Canterbury's biodiversity and our role in sustaining it. While the Canterbury Regional Biodiversity Strategy is a non-binding, non-statutory document, we are committed to working collaboratively with our Strategy partners, communities and landowners to implement the Strategy and to achieve positive biodiversity outcomes for the Canterbury region.

Signatures of CEOs or Mayors/Chairpersons will appear here along the logo or seal of the signatory organisation.

Mov Cr Rayner / Sec Cr Henderson

Carried

Note – Supported only on the basis that it does not become statutory or binding.

Environment Canterbury - Southern Area Proposal

Some months ago the Mayors of Waitaki, Timaru, Mackenzie and Waimate Councils met with Environment Canterbury Chairmen and three E-Can councillors.

At this meeting the Mayors expressed their dissatisfaction at the level of service people in South Canterbury receive. The request made was that the Timaru office and the southern area should have greater autonomy.

From the Mayors meeting with Environment Canterbury a proposal came forward.

The first offer was to establish a new Southern Area Committee consisting of the two South Canterbury elected members of Ecan and the Chairman, Deputy Chairman and one other Ecan member.

A second committee to be established as an advisory body would consist of the Chair of the Southern Committee and the other South Canterbury councillor plus the mayors of the four territorial authorities or their appointees

To date the mayors of the southern area have not accepted the offer from the Chairman of Ecan, Sir Kerry Burke. There is some doubt as to whether the voice of South Canterbury will have the ability to make much of a difference. The proposal at this stage is to present this offer to the respective councils and consult with the communities before formally responding to the proposal.

RESOLVED THAT COUNCIL INSTRUCT THE MAYOR TO OPPOSE THE PROPOSAL CONSTRUCTED BY SIR KERRY BURKE THAT ATTEMPTED TO PROVIDE THE SOUTHERN REGION WITH MORE AUTONOMY. THE COUNCIL ASK THE MAYORS FORUM, THE OPPORTUNITY FOR MORE RESEARCHED OPTIONS SEEKING EXPERT ADVICE ON WHAT FORMS OF AUTHORITY ARE AVAILABLE, THEN CANVASSING SUPPORT FOR SUCH OPTIONS.

Mov Cr McIlraith / Sec Cr Townend

Carried

Drinking Water Standards

Asset Manager, Mr Graeme Hamilton reported the following:

HEALTH SELECT COMMITTEE REPORT OF AUGUST 2007

This report was released on Friday 3rd August 2007. The House Select Committee made 9 principal changes to the bill, namely: -

- That suppliers that are implementing an approved PHRMP be deemed to comply with the requirement to take all practicable steps to comply with the drinking water standards. [Note that affordability for an individual is also recognized now. Section 69H.]
- Longer timeframes for compliance, to align with LGA 2002 processes.
- Creation of a new category of drinking-water supply called a “rural agricultural drinking-water supply” with different and more flexible obligations.
- Extra protection to ensure that backflow regulation will not impair the effectiveness of fire sprinkler systems.
- Clearer definition of procedures for consultation on the adoption of the new drinking water standards.
- A clearer definition of “temporary drinking-water supplier”, to prevent the definition capturing shearing gangs and other itinerant agricultural workers.
- Lifting the threshold below which a supplier is not subject to the key duties in the bill.
- Explicitly disallowing the mandatory fluoridation of water through the drinking water standards.
- Requiring an annual report to Parliament on implementation issues.

LGNZ Development and Infrastructure, who forwarded the material, take credit for 4 changes signalled in the report. In essence they were: -

1. “All practicable steps” was deemed to be the following of an approved PHRMP.
2. Delay implementation dates. Instead of commencing on 1 April 2007 through 2012, the dates now move forward from 1 July 2009 through to 2013.
3. Statutory annual reporting to Parliament by the Minister of Health, on the five years following the Bill’s enactment.
4. The creation of a new category “rural agricultural drinking water supplies”. This sub-category applies across 5 of the 6 supply categories.

Such supplies would be temporarily exempt and included in a revision of the Drinking-water Standards. The new category would form a subset of all 5 categories, with the exception of "New Drinking-water Suppliers". It would consist of supplies that supply water primarily for agricultural purposes with only a small proportion of the water being used as drinking water in domestic dwellings. [Note: it is envisaged that all the Rural Water Schemes managed by Waimate DC would fall into this category].

The suggested amendment would be followed by an adjustment to the Standards that explicitly specifies that tailored solutions, such as "point of entry" type solutions are acceptable. Under the suggested amendment rural agricultural drinking water suppliers would have no obligations in relation to the Standards until either July 2013, or until the Standards are amended or reissued to include specific obligations for rural agricultural drinking-water supplies (or any later date specified by the Governor General), whichever comes later.

In our own situation here at Waimate DC, we have been advised by the District Drinking-water Assessor that we should pursue an application for the Urban Water Scheme via the Technical Assistance Programme (TAP) to ascertain any potential subsidy applicable under the Capital Assistance Programme (CAP) for upgrades likely to be required. This option is being investigated in preparing a PHRMP and appropriate submission.

RESOLVED THAT THE REPORT BE RECEIVED.

Mov Cr Gibson / Sec Cr Townend

Carried

Appeal - Subdivision Consent RM051193 Proposed subdivision of Lots 113, 144 and Part Lots 112 and 115 DP 467. Galletlys Road, St Andrews, Applicant: Saatchi Corporation Limited

Council need to decide on accepting a draft set of consent documents in relation to the above appeal.

In a decision dated 23 August 2006, Council partially granted consent for the creation of Lots 1-7 (with land use consent to erect dwellings on the new lots created) but declined consent to subdivide and erect dwellings on Lots 8-10. His Worship, the Mayor and Councillors Gibson and McIlraith were the members of the Hearing Committee that determined the decision.

In September 2006, the applicant lodged an appeal with the Environment Court against the declining of subdivision and land use consents for Lots 8-10 and conditions 1 and 2 of the subdivision consent.

Condition 1 requires that Lots 8-10 be held together in common while condition 2 relates to the formation of an access road along the western edge of the subdivision, requiring that a road reserve of a width of 15m be vested as legal road in the Council.

In the appeal, the applicant is seeking to overturn Council's decision and obtain subdivision and land use consent for Lots 8-10 and to amend condition 2 so as to provide a road reserve of a width of 10m or less.

The Canterbury Regional Council who originally lodged a submission to the subdivision consent application, gave notice that it wished to be a S.274 party and subsequently applied for an adjournment with the Environment Court so that other resource consents required from them could be determined first with any subsequent appeals considered together with this appeal. The Judge agreed to the adjournment.

Since then, Council staff (including staff of the Canterbury Regional Council) have been in negotiation with the applicant's representative and agreement in principle has been reached subject to ratification from the respective authorities. Subsequently, a draft consent order has been prepared and this matter is now referred to Council.

The draft consent order indicates that the applicant will withdraw the appeal in as far as it relates to the declining of subdivision and land use consents for Lots 8-10. They now agree to Lots 8-10 can be held in one title as required by condition 1.

In respect of condition 2, it is proposed that a road width of 12m is appropriate. This involves a minimum formed carriageway width of 6m and provides a 18m formed turning circle at the southern end of the road. Council's Roading Engineer considers that the road width and formation as proposed are adequate. There are two bridges/culverts required along the road length and specific standards have been included to satisfy the Canterbury Regional Council.

The parties involved have agreed that there is no issue as to costs. Because no appeal hearing has commenced with the Court, the costs to date are reasonably minimal in the overall context of the appeal process. It is unlikely that the Court would give an order for costs at this stage.

If this draft consent order is accepted by Council, then the consent memorandum and consent order can be put in front of the Environment Court for a resolution of the appeal.

RESOLVED THAT THE COUNCIL ACCEPTS THE DRAFT CONSENT ORDER (AS DETAILED IN THIS REPORT) IN RELATION TO THE APPEAL BY SAATCHI CORPORATION LIMITED TO SUBDIVISION CONSENT RM051193.

Mov Cr Rayner / Sec Cr Gibson

Carried

Citizenship Ceremony

Mr Keith Andrew
Ms Caroline Rivett
Ms Germaine Lawrence
Ms Elaine Smith-Davies

His Worship the Mayor welcomed and introduced Mr Keith Andrew, Ms Caroline Rivett, Ms Germaine Lawrence and Ms Elaine Smith-Davies who were in attendance to undertake the New Zealand Citizenship ceremony.

His Worship the Mayor invited the applicants to take the Oath/Affirmation of Allegiance.

His Worship the Mayor on behalf of Council congratulated the applicants on attaining New Zealand citizenship and accordingly presented the appropriate Citizenship Certificates and a gift to mark the occasion.

The applicants and their guests were then invited to attend morning tea with His Worship the Mayor and Councillors.

Note: The meeting adjourned at 10.20am.
Note: The meeting reconvened at 10.45am.

Te Aka Road

His Worship advised that he had discussed the Te Aka Road situation with Mr Mark France, who advised that the original agreement is to remain and that the road would not be maintained by Meridian

It was advised that the landowners are adamant that there is an implied agreement to maintain the road, with existing case law suggesting that the surface level cannot be tied to rates.

Further advised that the actions of Meridian were based on a 1992 agreement that was tied to the then general rate agreement.

There was considerable disquiet amongst the run holders serviced by the road. In their opinion there was an implied commitment to maintain this road as part of the original agreements related to the land acquisition that occurred at the time Aviemore was built.

Noted that this would be followed up by way of a meeting between Council's CEO, His Worship the Mayor and Mr France.

Pro-Ject Waimate Loan

Council considered a press release on the proposed loan to Pro-Ject Waimate for the restoration of the Quinns Arcade building which is for \$35,000, and made such amendments as appropriate.

RESOLVED, THAT THE PRESS RELEASE AS PROPOSED BE APPROVED.

Mov Cr McIlraith / Sec Cr Andrew

Carried

Information Reports

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

The following was reported:

- Asset Manager's report
- Community Services Manager's report
- Planning & Regulatory Manager's report
- Canterbury Mayoral Forum
- Letter from Hon Nanaia Mahuta re Dog Safety & Control
- Lower Waitaki River Management Society Inc.
- Police Act Review Submission
- Letter of Thanks from Royal NZ Navy
- Waitaki Lakes & Rivers Committee Inc.
- Resource Forest Managers
- Motorcycle Recreational Area – Update on Progress
- ECan Regional Fast Facts

The reports were duly received and noted.

Matters Arising

Community Services

A letter of appreciation for work undertaken to be forwarded to Mrs Boyce.

Planning & Regulatory

His Worship the Mayor to forward an appropriate reply to the letter received from the Hon. Nanaia Mahuta.

Note: The meeting adjourned at 12.10pm.
Note: The meeting reconvened at 12.20pm.

Selection of C.E.O – Waimate District Council

RESOLVED, THAT THE FOLLOWING MOTIONS CONFIRMED IN “PUBLIC EXCLUDED” SESSION OF THE COUNCIL MEETING HELD ON TUESDAY 31ST JULY 2007, BE CONFIRMED IN OPEN MEETING.

Mov Cr Rayner / Sec Cr Townend

Carried

- “THAT MR TONY ALDEN BE OFFERED THE POSITION OF CHIEF EXECUTIVE OFFICER OF THE WAIMATE DISTRICT COUNCIL FOR A TERM OF FIVE YEARS AS IN COMPLIANCE WITH THE LOCAL GOVERNMENT ACT COVERING THE EMPLOYMENT OF A C.E.O STARTING FROM THE DATE AT WHICH CONTRACT IS SIGNED BY THE MAYOR AND MR ALDEN.

Mov Cr Foley / Sec Cr Balchin

Carried Unanimously

- “THAT THE BASE SALARY OFFERED TO MR ALDEN BE \$130,000, PLUS THE REMUNERATION PACKAGE PARTICULARS CONTAINED WITHIN SCHEDULE “B” OF THE INDIVIDUAL EMPLOYMENT CONTRACT DATED 1ST AUGUST 2007, WITHIN THE FIRST SIX MONTHS AGREE ON A SET OF KEY PERFORMANCE INDICATORS, A BONUS WILL BE PAID OUT ON ACHIEVING THE THRESHOLD OF THE KEY PERFORMANCE INDICATORS, AT AN AGREED POINT IN THE FUTURE AFTER AGREEING KEY PERFORMANCE INDICATORS.”

Mov Cr Rayner / Sec Cr Andrew

Carried

- “THAT IF MR ALDEN DOES NOT ACCEPT THE POSITION OF C.E.O, THE POSITION WILL THEN BE RE-ADVERTISED.”

Mov Cr McIlraith / Sec Cr Townend

Carried

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 24 JULY 2007
- b) CEO SELECTION SUBCOMMITTEE MEETINGS HELD ON:
 - (i) THURSDAY 7 JUNE 2007
 - (ii) FRIDAY 6 JULY 2007
 - (iii) TUESDAY 31 JULY 2007

2. ALPINE ENERGY REPORTS

Mov Cr Gibson / Sec Cr Rayner

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	Enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities.	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:

1. Council Minutes	To protect information which is subject to an obligation of confidence.	7(2)(c)
2. Alpine Energy Reports	Enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities.	7(2)(c)

On Resuming

The meeting concluded at 12.50pm.

Confirmed at a meeting of Council held
This 18th day of September 2007

Mayor