

MINUTES OF A MEETING OF THE WAIMAKARIRI DISTRICT COUNCIL HELD IN THE COUNCIL CHAMBER, 215 HIGH STREET, RANGIORA AT 2.30PM ON TUESDAY 7 OCTOBER 2008

PRESENT

Mayor R D Keating, Councillors N T Atkinson, D L Ayers, R R Blair, R J Brine, N D Cruickshank, P G Farrant, K Felstead, D B Gordon and S L Stewart.

IN ATTENDANCE

Messrs S Markham (Acting Chief Executive Officer) and K A Lamb (Administration Manager).

For part of meeting –C Sargison (Manager Community and Recreation), G Cleary (Manager Utilities and Roding), G Boot (Utilities Manager) and Mrs C Neason (Road Safety Co-ordinator).

BEREAVEMENT

Cr Gordon noted the recent passing of Mrs J Skurr, a former member of the Council and the Oxford County Council. Mayor Keating noted the contribution by Mrs Skurr to the district as a Councillor, Deputy Mayor and Mayor. Members stood in silence as a mark of respect for Mrs Skurr.

1. APOLOGIES

An apology was received and sustained from Cr E H B Cole.

2. CONFLICTS OF INTEREST

Conflicts of interest were received from Cr Brine for item 5.2 and Cr Felstead for item 7.5.

Cr Gordon questioned if item 7.5 should be considered by the Council as it is part of resource consent process. Mayor Keating advised this would be considered when this matter came up on the agenda.

3. CONFIRMATION OF MINUTES

3.1 Minutes of a meeting of the Waimakariri District Council held on Tuesday 2 September 2008

Moved Mayor Keating seconded Councillor Atkinson

THAT the Council

- (a) **Confirms** as a true and correct record the minutes of a meeting of the Waimakariri District Council held on Tuesday 2 September 2008.

CARRIED

3.2 Minutes of a meeting of the Waimakariri District Council held on Tuesday 16 September 2008

Moved Mayor Keating seconded Councillor Cruickshank

THAT the Council

- (a) **Confirms** as a true and correct record the minutes of a meeting of the Waimakariri District Council held on Tuesday 16 September 2008.

CARRIED

4. **MATTERS ARISING FROM THE MINUTES**

Nil

5. **REPORTS**

5.1 **Jeff Millward (Manager Finance and Business Support) : Annual Report for the year ending 30 June 2008 (FIN-12-02)**

Rachel Milne (Finance Manager) presented the report and noted the financials are as presented to the Audit Committee in August, apart from the vested assets and assets re-valued at year end.

Mr Andy Burns and Ms Ruth Farrell from Audit New Zealand were present during consideration of this report.

Mayor Keating expressed the Council's thanks to Jeff Millward and his staff for implementing and bringing the annual report in on time

Moved Councillor Stewart seconded Councillor Cruickshank

THAT the Council

- (a) **Receives** report N° 080924031282.
- (b) **Adopts** the Annual Report for the year ended 30 June 2008.
- (c) **Adopts** the draft Annual Report Summary for the year ended 30 June 2008.
- (d) **Notes** the Net Surplus after Vested Assets and Taxation for the Council parent of \$49.5m includes:
 - Vested assets received from developers of \$31.9m;
 - Recognition of development and other contributions totalling \$10.2m;
 - Ministry of Health subsidy towards the cost of capital works relating to the Eastern Sewers totalling \$1.3m.
- (e) Authorises the Manager Finance and Business Support to make necessary minor edits and corrections to the Annual Report prior to printing.

CARRIED

5.2 **Chris Neason (Road Safety Co-ordinator) on behalf of the Road Safety Co-ordinating Committee : Law Change to Reduce Blood Alcohol Levels from 0.08% to 0.05% (CMS-06-01 GOV-01-11)**

Mrs Neason advised the Council is being asked to support a law change to reduce the blood alcohol level.

Senior Sergeant Neville Hyland of the Highway Patrol gave a presentation in relation to the background to the recommendation and gave statistics on accidents and driving skills being impaired with high alcohol concentrations. The 0.08 (80mg/100ml) blood alcohol limit has been in place since 1978 and it is being recommended this be reduced to 0.05%.

Moved Councillor Ayers seconded Councillor Gordon

THAT the Council

- (a) **Receives** report N° 080923031067.

- (b) **Supports** a law change to reduce the present Blood Alcohol level from 0.08% to 0.05%.
- (c) **Advises** the point Zero Five Group of this decision.
- (d) **Notes** that other matters relating to the effects of high alcohol consumption on the community will be the subject of a further report to the Council.
- (e) **Circulates** this report to the Kaiapoi Community Board and Ward Advisory Boards for their information.

CARRIED

Cr Ayers whilst supporting a zero tolerance for young people noted that a report to the Road Safety Committee outlining the statistics would be appropriate and members could then have evidence for any decision. From the statistics outlined for other countries 0.05 has a favourable impact on reducing the road toll.

Cr Cruickshank in supporting the motion noted concern that the motion does not support a zero tolerance for young people.

Cr Ayers noted that the Council does have time to consider the youth issue later in the year or early next year.

5.3 Craig Sargison (Manager Community and Recreation) : Northern Pegasus Bay Coastal Management Plan (GOV-01-11 POL-08-03)

Mr Sargison noted this is a two stage process and a report will be presented back to the Council.

Mayor Keating noted that the plan is non-statutory and will rely on the Council and its partners furthering the plan.

Moved Cr Atkinson seconded Cr Farrant

THAT the Council

- (a) **Receives** report N° 080925031414.
- (b) **Receives** the Northern Pegasus Bay Coastal Management Plan
- (c) **Supports** the establishment of a Working Party and Governance Group as detailed in the attached letter from Environment Canterbury (Doc no 080922030858).
- (d) **Notes** that the Working Party will report back to the Council with recommendations relating to the potential implementation of the Plan.
- (e) **Appoints** Bruce Thompson, Manager Resource Planning and Regulation, and Craig Sargison, Manager Community and Recreation to represent the Waimakariri District Council on the Working Party.
- (f) **Appoints** Councillor Farrant and Blair to represent the Waimakariri District Council on the Governance Group.

CARRIED

Cr Atkinson noted that the process had been long and there would be a long process to follow. The good work of the working party was acknowledged to get to this stage.

Cr Brine noted that the issue is one of compromise and there will be no winners. The process should be driven by common sense as it has been to date.

Cr Farrant noted that the plan relies on the collective agreement of the parties involved including the proposal for a ranger.

6. COMMITTEE/COMMUNITY/WARD ADVISORY BOARD/WORKING PARTY MINUTES

6.1 Minutes of the Canterbury Mayoral Forum meeting held on Monday 25 August 2008

Moved Councillor Atkinson seconded Councillor Gordon

THAT the information be received.

CARRIED

6.2 Minutes of a meeting of the Woodend Ashley Ward Advisory Board held on Monday 1 September 2008

Moved Councillor Atkinson seconded Councillor Gordon

THAT the information be received.

CARRIED

6.3 Minutes of a meeting of the Rangiora Ward Advisory Board held on Wednesday 10 September 2008

Moved Councillor Atkinson seconded Councillor Gordon

THAT the information be received.

CARRIED

6.4 Minutes of a meeting of the Kaiapoi Community Board held on Monday 15 September 2008

Moved Councillor Atkinson seconded Councillor Gordon

THAT the information be received.

CARRIED

6.5 Minutes of a meeting of the Oxford Eyre Ward Advisory Board held on Wednesday 17 September 2008

Moved Councillor Atkinson seconded Councillor Gordon

THAT the information be received.

CARRIED

6.6 Minutes of a meeting of the Resource Management and Regulation Committee held on Wednesday 16 September 2008

Moved Councillor Atkinson seconded Councillor Gordon

THAT the information be received.

CARRIED

6.7 Minutes of a meeting of the Audit Committee held on Tuesday 16 September 2008

Moved Councillor Atkinson seconded Councillor Gordon

THAT the information be received.

CARRIED

6.8 Minutes of a meeting of the Utilities and Roading Committee held on Tuesday 23 September 2008

Moved Councillor Atkinson seconded Councillor Gordon

THAT the information be received.

CARRIED

7. MATTERS REFERRED FROM COMMITTEES/BOARDS/WORKING PARTIES

7.1 Jim Palmer (Chief Executive Officer) : Reappointment of trustee for Te Kohaka o Tuhaitara Trust (EXT-03-07)

Moved Councillor Gordon seconded Councillor Farrant

THAT the Council

- (a) **Appoint** Mrs Jo Kane as a trustee of Te Kohaka o Tuhaitara Trust for three years commencing 3 October 2008.

CARRIED

7.2 Jim Palmer (Chief Executive Officer) : Reappointment of Director for Waimakariri Irrigation Ltd (EXT-03-07)

Moved Councillor Felstead seconded Councillor Gordon

THAT the Council

- (a) **Appoints** Mr David Viles as a Director of Waimakariri Irrigation Limited for a further 3 years commencing 1 November 2008.

CARRIED

7.3 Don Young (Manager Utilities and Roading) : Objection to Permission for water bottling plant: Deep Waters (WAT-05-16-01)

Mr P Savage outlined the concern of Cust residents with the water bottling proposal. It is seen as more than an additional connection to the supply. It is a use which is different in kind and degree of the other domestic users, including restaurants and licensed premises. The Springbank aquifer will not be able to maintain the use necessary for the community.

Moved Councillor Farrant seconded Councillor Gordon

THAT the Council

- (a) **Supports** the staff decision, and declines to conduct any further review of the processing of the application by Council staff, on the basis that an adequate review has been undertaken firstly by the CEO and secondly by staff and legal advisors in preparing this report.

CARRIED

Cr Farrant noted there had been no new information presented by Mr Savage. If the Council overrides the original decision, then this may present more issues than the present ones. There has been a commitment by the Council to tidying up the priority allocation of water for essential use as compared to commercial use in a way which will be consistent with the Council goals and asset management plans. If the water bottling plant had decided to put down its own well, then there would be similar issues raised by the community. The matter has had a fair hearing and the council has given an undertaking to ensure the community are not disadvantaged by any decision.

Cr Gordon noted that there could have been more community engagement over the initial process. However, that does not change the Council decision. The formation of the Cust Water Supply Group will ensure there is engagement with the community with respect to their water supply.

Cr Cruickshank noted the issues relate to delegation, reasonableness and staff have acted properly throughout.

7.4 Don Young (Manager Utilities and Roothing) : Update on Flooding Issues from Recent Flood Events (DRA-16)

Mayor Keating noted the significant cost to the district during the recent flooding events.

Moved Councillor Farrant seconded Councillor Atkinson

THAT the Council

- (a) **Notes** the total estimated cost of flooding repairs for roads for the two events in July and August of \$450,000.
- (b) **Requests** staff seeks additional expenditure of \$200,000 from the New Zealand Transport Agency (NZTA) to cover flooding repairs.
- (c) If the above request is successful, budgets \$200,000 additional expenditure in the 2008/09 financial year for flooding repairs with \$98,000 from NZTA subsidy and the remaining \$102,000 of local share to be funded by an increase in the Roothing rate for 2009/10.
- (d) **Notes** that the remaining shortfall of approximately \$250,000 in roading flooding repairs will be met from existing roading maintenance budgets.

CARRIED

7.5 Extract from the minutes of a meeting of the Rangiora Ward Advisory Board held on 10 September 2008

Cr Felstead left the table during discussion and voting on this matter.

Mr Markham outlined the process for the land to be notified to become government purpose land.

Cr Brine advised that he withdrew from any discussion on the matter at the Rangiora Ward Advisory Board meetings.

Cr Cruickshank also noted he had not taken part in any discussion at the Rangiora Ward Advisory Board.

Cr Ayers noted that he spoke about the matter once the Council had appointed a Commissioner.

Cr Gordon noted he intended to abstain and did not wish to give a view on the matter and contended that the matter should be not before the Council today.

THAT the Rangiora Ward Advisory Board

Draws the Council's attention once more to its total opposition, plus the opposition of the local affected residents, to the approval of the Department of Conservation proposed new office site on River Road.

Moved Councillor Ayers seconded Councillor Stewart

THAT the information in Item 7.5 be received.

CARRIED

Crs Gordon, Blair and Atkinson abstained from voting.

8. SEALED AND SIGNED DOCUMENTS

s.223 RMA Certificate – Survey Plans	
RC075385	S E & R J Carmody, 64 Poyntzs Road
RC085165	237 Company Ltd, 237 High Street, Rangiora
RC085338	D Macdonald & R Kimber, Jeffs Drain Road & Gardiners Road, Clarkville
RC085049	K A & S M Rosie, 702 Rowns Road, West Eyreton
RC075127	Brookfield Holdings Ltd, 809 Depot Road, Oxford
RC035373	Willow Developments Ltd, 61 Easterbrook Road, Flaxton
RC045561	O M & J R Thompson, 90 Campions Road, Summerhill
RC065003	HMQ, Fuller Street, Kaiapoi
Bond Document	
RC065648	Pegasus Town Ltd
Contract	
Contr. 200829	Gary Coy Construction Ltd, Mandeville Toilet and Shower Block

Moved Councillor Cruickshank seconded Councillor Brine

THAT the Council:

- (a) **Receives** the schedule of signed and sealed documents.

CARRIED

9. MAYORS DIARY FOR SEPTEMBER 2008

Moved Mayor Keating seconded Councillor Cruickshank

THAT the Council:

- (a) **Receives** report no 080925031357.

CARRIED

10. QUESTIONS

Nil

11. URGENT GENERAL BUSINESS

Nil

12. MATTERS TO BE CONSIDERED WITH THE PUBLIC EXCLUDED

Section 48, Local Government Official Information and Meetings Act 1987

Moved Mayor Keating seconded Councillor Farrant

THAT the public be excluded from the following parts of the proceedings of this meeting.

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:

Item N°	Minutes/Report of:	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
12.1	Minutes of the In Committee Portion of a Council meeting of 2 September 2008	Confirmation of Minutes	Good reason to withhold exists under Section 7	Section 48(1)(a)
12.2	Minutes of the In Committee portion of a Council meeting of 16 September 2008	Confirmation of Minutes	Good reason to withhold exists under Section 7	Section 48(1)(a)

This resolution is made in reliance on 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 which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public are as follows:

Item N°	Reason for protection of interests	Ref NZS 9202:2003 Appendix A
12.1,) 12.2,)	Protection of privacy of natural persons To carry out commercial activities without prejudice	A2(a) A2(b)ii

CARRIED

CLOSED MEETING

OPEN MEETING

THAT open meeting resumes and that the resolution made with the public excluded in item 12.1 be made public and the business discussed with the public excluded in item 12.2 remains public excluded.

12.1 Minutes of the In Committee portion of a meeting of the Waimakariri District Council held on Tuesday 2 September 2008

THAT the Council

- (a) **Confirms** as a true and correct record the minutes of the In Committee portion of a meeting of the Waimakariri District Council held on Tuesday 2 September 2008, noting that an agreement has been reached for the purchase of Lots 2, 3 and 4

being a subdivision of Lot 3 DP 320695 and processed by way of a boundary adjustment incorporated into the existing Rangiora airfield.

CARRIED

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 4.19 pm

Confirmed

Chairman

4 November 2008