

MACKENZIE DISTRICT COUNCIL

MINUTES OF A MEETING OF THE MACKENZIE DISTRICT COUNCIL HELD IN THE COUNCIL CHAMBERS, FAIRLIE, ON TUESDAY 4 OCTOBER 2011 AT 9.33 AM

PRESENT:

Claire Barlow (Mayor)
Crs John Bishop
Peter Maxwell
Annette Money
Graham Smith
Evan Williams

IN ATTENDANCE:

Glen Innes (Chief Executive Officer)
Rosemary Moran (Committee Clerk)

I OPENING:

The Mayor welcomed everyone to the meeting.

II APOLOGY:

Resolved that an apology be received from Cr Page.

Evan Williams/Annette Money

IV BEREAVEMENTS:

The Mayor referred to the recent deaths of Nix Buick, Evan Miller, Helen Darmody, Alan Hubbard, Molly Wood and Andrew Lane. A motion of sympathy was passed and the Chief Executive Officer was directed to pass this on to those concerned.

V MAYORAL REPORT:

This was the report of Mayoral activities for the previous six weeks.

Resolved that the report be received.

Annette Money/Graham Smith

VI REPORTS REQUIRING COUNCIL DECISION:

1. OMBUDSMEN – GUDEx ROAD:

This report from the Chief Executive Officer referred to the recommendations of the Ombudsman into the complaint of GB Stone against the Mackenzie District Council in respect of access to the Opuha River off Gudex Road.

Resolved that the report be received.

Annette Money/Evan Williams

Resolved:

1. That the Council accepts the suggestion of the Ombudsman to exchange its present legal road for the deer lane across Raincliff Station.
2. That the Council enters into negotiations with Mr David Morgan of Raincliff Station, to give effect to the Ombudsman's provisional recommendations.

Graham Smith /John Bishop

The Chief Executive Officer undertook to keep Councillors information of the issue.

2. LAKE ALEXANDRINA CONSERVATION TRUST – REQUEST FOR FUNDING:

This report from the Community Facilities Manager was accompanied by a request for funding from the Lake Alexandrina Conservation Trust.

Resolved that the report be received.

Annette Money/Graham Smith

Resolved that the Council supports in principle a grant to the Lake Alexandrina Conservation Trust, subject to the receipt of more detailed justification of the budget.

Graham Smith/Annette Money

3. LOCAL AUTHORITIES MEMBERS' INTERESTS ACT:

This report from the Senior Policy Planner advised of the proposal to review the Local Authorities (Members' Interests) Act 1968, and sought feedback from Councillors.

Resolved that the report be received.

John Bishop/Evan Williams

The Senior Planner circulated the following four questions for the Council to consider in response to the proposed review and the consensus was as follows:

1. Should members declare interests in advance, and should there be a register held?
The Council had already determined not to have a Register of Members' Interests.
2. What interests should be covered, in managing conflicts of interest? Should this be limited to pecuniary interest, or include non-financial interests?
The interests should include both pecuniary and non-financial interests.
3. How prescriptive should the rules managing conflicts be?
It was felt it would be helpful if the rules regarding the managing of conflicts were more prescriptive.
4. Should it left to the local authority to decide how best to manage conflict or should there be third party oversight?
It was generally felt that the Council itself should manage conflicts of interest - in the knowledge of the Auditor General's role as a backup.

The Senior Planner referred to the **review of Elected Members' Remuneration** about which information had been circulated to the Councillors. She noted that submissions would close on 10 November 2011, before the next Council meeting. It was agreed that the subject be included on the Agenda for the Finance Committee meeting to be held on 8 November 2011.

XIII ADJOURNMENT:

The meeting was adjourned at 10.35 am for morning tea and reconvened at 10.50 am.

VI REPORTS REQUIRING COUNCIL DECISION (Continued):

4. MACKENZIE TOURISM AND DEVELOPMENT TRUST – UPDATING OF TRUST DEED:

This report from the Manager – Finance and Administration sought the endorsement of amendments to the Mackenzie Tourism and Development Trust Deed.

Resolved that the report be received.

Graham Smith/Peter Maxwell

Resolved that the Council endorses the amendment of the Trust Deed of Mackenzie Tourism and Development Trust dated the 30th day of November 2007 in the manner as follows:

1. Clause 9.4 of the Trust Deed is deleted and a new clause 9.4 is hereby substituted in place of the original clause 9.4 of the Trust Deed in the form as follows:

"9.4 The Trustees shall prepare a draft Statement of Intent by 1 March of each year. The Trustees shall consider any comments on the draft Statement of Intent that are made to it in writing by the Council by 1 May in each year and deliver the completed Statement of Intent to the Council on or before 30 June in each year."

- 2 Clause 9.7 of the Trust Deed is hereby deleted and a new clause 9.7 of the Trust Deed is hereby substituted in place of the original clause 9.7 of the Trust Deed in the form as follows:

"9.7 The financial records and the annual accounts shall be available to be inspected by the Trustees, the Council or any person specified for such purpose by the Council at all reasonable times."

- 3 Clause 10.1 of the Trust Deed is hereby deleted and a new clause 10.1 of the Trust Deed is hereby substituted in place of the original clause 10.1 of the Trust Deed in the form as follows:

"10.1 The Trustees may from time to time appoint any committee and may delegate in writing any of their powers and duties to any such committee or to any person. The committee or person (as the case may be) may, without confirmation by the Trustees, exercise or perform the delegated powers or duties in like manner and with the same effect as the Trustees could have exercised or performed them until such time as the committee or the person (as the case may be) shall receive notice in writing of the revocation of any such power or duty."

- 4 Clause 10.3 of the Trust Deed is hereby deleted and a new clause 10.3 is hereby substituted in place of the original clause 10.3 of the Trust Deed in the form as follows:

"10.3 Every such delegation shall be revocable by resolution of the Trustees at will, and no such delegation shall prevent the exercise of any power or the performance of any duty by the Trustees. The revocation of every such delegation shall be given by notice in writing to the committee or the person to whom the powers and duties were originally delegated."

- 5 Clause 13.2 of the Trust Deed is amended by deleting the inverted commas from around the word "Trust" at the end of clause 13.2.

- 6 Clause 1.1 of Schedule 2 of the Trust Deed is hereby deleted and a new clause 1.1 of Schedule 2 is hereby substituted in place of the original clause 1.1 of Schedule 2 of the Trust Deed in the form as follows:

"1.1 The number of Trustees shall be not more than seven and not less than two."

- 7 Clause 1.3 of Schedule 2 of the Trust Deed is hereby deleted and a new clause 1.3 of Schedule 2 is hereby substituted in place of the original clause 1.3 of Schedule 2 of the Trust Deed in the form as follows:

"1.3 The Trustees shall not include more than two Council councillors (including for the purposes of this clause the Mayor) or employees of the Council at any one time."

- 8 Clause 2.1 of Schedule 2 of the Trust Deed is hereby deleted and a new clause 2.1 of Schedule 2 is hereby substituted in place of the original clause 2.1 of Schedule 2 of the Trust Deed in the form as follows:

"2.1 Subject to clause 2.3 of this Schedule 2, the term for which each Trustee shall be a Trustee of the Trust shall be three years from the date on which each Trustee takes up office as a Trustee or such lesser time as shall be specified in writing by the Council at the time of making any such appointment."

- 9 Clause 3.3 of Schedule 2 of the Trust Deed is hereby deleted and a new clause 3.3 of Schedule 2 is hereby substituted in place of the original clause 3.3 of Schedule 2 of the Trust Deed in the form as follows:

"3.3 A Trustee shall cease to be a Trustee from the date specified upon receipt of written notice from the Council terminating his or her appointment as a Trustee or if no date is specified then immediately upon receipt of any such written notice by a Trustee."

- 10 Clause 4.1 of Schedule 3 of the Trust Deed is hereby deleted and a new clause 4.1 of Schedule 3 is hereby substituted in place of the original clause 4.1 of Schedule 3 of the Trust Deed in the form as follows:

"4.1 The chairperson or any two Trustees (or where there are less than three Trustees, any one Trustee) may at any time summons a meeting."

- 11 Clause 6 of Schedule 3 of the Trust Deed is hereby deleted and a new clause 6 of Schedule 3 is hereby substituted in place of the original clause 6 of Schedule 3 of the Trust Deed in the form as follows:

*"6 Voting
All decisions of the Trustees shall be decided by consensus. However, where a consensus decision cannot be readily obtained on a question, unless otherwise specified in this Deed, it shall be put as a motion to be decided by a majority of votes."*

- 12 Clause 9.1 of Schedule 3 is hereby deleted and a new clause 9.1 of Schedule 3 is hereby substituted in place of the original clause 9.1 of Schedule 3 of the Trust Deed in the form as follows:

"9.1 If a quorum is not present within 20 minutes after the time appointed for any meeting, the chairperson of the meeting may adjourn the meeting to such date, time and place as the chairperson of the meeting may appoint."

Graham Smith /Annette Money

5. DISPUTE – ASHWICK - OPUHA WATER RACE CHARGE:

This report from the Chief Executive Officer referred to a dispute in respect of the Ashwick-Opuha Water Race.

Resolved:

1. That the report be received.

2. That the Council agrees to remit the water race charge of \$254.00 incl GST levied against Mr Graham McDermid for the 2011/2012 year.

John Bishop/Annette Money

LATE ITEM

Resolved that pursuant to the Local Government Official Information and Meetings Act 1987 the report 'Recycling Charges' be considered.

Evan Williams/Annette Money

The report was not included on the Agenda because it was not available in time. Consideration of the issue at this meeting is required to enable an anomaly in the new Solid Waste charging regime to be addressed.

RECYCLING CHARGES

This report from the Asset Manager recommended the Council reconsider the policy not to charge for recycling material at the Resource Recover Parks in Twizel, Tekapo and Fairlie.

Resolved:

1. That the report be received.
2. That charging for recyclable material delivered to the three Resource Recovery Parks be reintroduced at a rate of \$8.00/m³ or part thereof, effective immediately.

Peter Maxwell/Evan Williams

VII INFORMATION REPORTS:

1. CHIEF EXECUTIVE OFFICER – GENERAL ACTIVITIES REPORT:

This report from the Chief Executive Officer referred to Council, Committee and Board Meetings, Other Meetings and Activities, Leave, Long Term Plan, Annual Report, Policy Review, Tourism Trust, Mackenzie Medical Trust and Twizel Rating.

Resolved that the report be received

Annette Money/Graham Smith

Resolved:

1. That the Council notes that Nathan Hole will be acting as Chief Executive Officer during Glen Innes' leave between 17 October and 22 November 2011.
2. That Council notes the Long-Term Plan preparation is running behind schedule at this stage and that additional effort will be needed to make up lost ground.

3. That a meeting of the Audit & Risk Committee be convened to be briefed on progress with the annual audit.
4. That Council considers revised policies for adoption at its meeting on 15 November 2011.
5. That Council approves in principle changes to the rating boundaries and rating system in Twizel to better reflect growth and development in the area and that formal consideration and public consultation on these issues be part of the Long-Term Plan process.

Annette Money /Peter Maxwell

2. COMMON SEAL

This report from the Committee Clerk advised of documents signed under the Common Seal from 19 August 2011 to 29 September 2011.

Resolved:

1. That the report be received.
2. That the affixing of the Common Seal to document numbers 720 and 721 be endorsed.

Annette Money/Graham Smith

3. CANTERBURY CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP JOINT COMMITTEE:

This report was the Minutes of the meeting held in the Selwyn District Council Chambers on 23 August 2011.

Resolved that the report be received.

Annette Money/Graham Smith

Cr Smith suggested that the new Emergency Management Officer attend the next Council meeting.

4. ALPS 2 OCEAN JOINT COMMITTEE:

This report was the Minutes of the meeting of the Alps 2 Ocean Joint Committee held on 17 August 2011.

Resolved that the report be received.

Annette Money/Graham Smith

The Chief Executive Officer circulated a copy of the *September 2011 Monthly Summary to Councils* from the Alps 2 Ocean Joint Committee.

The Mayor queried the reference in the Minutes to a proposal that more funding be sought from the local authorities for the development of a business plan. The Chief Executive Officer said that the Council had received no formal request for funding.

5. SPORT SOUTH CANTERBURY ANNUAL REPORT:

This report was the Annual Report from Sport South Canterbury to the Council for the period 1 July 2010 to 30 June 2011.

Resolved that the report be received.

Evan Williams/Claire Barlow

6. STAFF TRAINING FOR THE LAST FINANCIAL YEAR:

This report from the Chief Executive Officer provided a summary of all Council staff training that took place between 1 July 2010 and 30 June 2011.

Resolved that the report be received and the information noted.

Graham Smith/Annette Money

VIII COMMUNITY BOARD RECOMMENDATIONS:

This report from the Chief Executive officer was accompanied by the minutes of the meetings of the Twizel Community Board and Tekapo Community Board held on 12 September 2011.

Resolved:

1. That the report be received.

TEKAPO COMMUNITY BOARD:

2. **Request from Lake Tekapo Lions Club:**

That the Council notes that the Lake Tekapo Lions Club's request for land to be made available for amenity planting in the Lake Tekapo Township was approved in principle and that the Chairman, Peter Munro and the Community Facilities Manager are to liaise with the Lions Club regarding suitable sites and tree species and report back to the Community Board.

3. **Sundial Project**

That the Council approves the granting of up to \$7,000 to the sundial project for the completion of landscaping and signage.

4. **Trees Shading Aorangi Crescent:**

That Council notes that the shading of Aorangi Crescent is to be reduced by trimming and/or removing some of the trees adjacent to the road and that the corner is to be tidied up and beautified.

5. **Lake Tekapo Minor Improvements Budget:**
That the Council notes that costings are to be obtained for both chip seal and concrete for the Lakeside Drive safety footpath as the first priority project for the Minor Improvements fund.

TWIZEL COMMUNITY BOARD

6. **Alps2Ocean Cycle Trail:**
That the Council notes that the Twizel Community Board has responded to the letter from the Alps2Ocean Joint Committee as follows:
- a) **Access/Exit Routes:**
That the recommended entry points in to Twizel are to be Glen Lyon Road, Ruataniwha Road and Ostler Road and that the exit points are to be Nunsveil Road and Northwest Arch.
 - b) **Speed Limit:**
That the request to reduce the speed limit on Glen Lyon Road was declined.
 - c) **Car Parks**
That the car park in front of the Musterer's Hut was the preferred car parking area for day tripper cyclists setting out from Twizel.
7. **Car Parks in Twizel Which Could Either be Resealed or Turned into Grassed Areas:**
That the Council notes the following decisions:
- a) **Events Centre**
The car parking area near the Twizel Events Centre is to be retained and the boundary defined and the area resurfaced with shingle and grass.
 - b) **Wairepo Road:**
That a report is to be developed for consideration at the next Community Board meeting on what could be done with the car park on the Wairepo Road area.
 - c) **Glenbrook Terrace:**
That the car park in Glenbrook Terrace is to be returned to a grassed or similar surface to fit in with the surrounding area.
 - d) **Golf Club Lease:**
That the car parking area is to be inspected to ascertain its condition and retained in the meantime.
 - e) **Ohau Road, and Old Vet Clinic Site:**
That the car parking areas on Ohau Road and at the old Vet Clinic site are to be grassed.
 - f) **Access Road Down Past the Whitestone Depot:**
That sealed accessway down past the Whitestone Depot is to be retained but not maintained in the meantime, that the residents using the accessway are to be informed it is not legal access and that copies of the advice to the residents are to be included on the relevant property files.

8 **Horse Trekking Proposal**

That the Council notes that the Twizel Community Board supported the use of Lake Ruataniwha Reserve by Mackenzie Alpine Horse Trekking and that the Community Facilities Manager, in consultation with Phil Rive, was asked to provide further information and recommendations regarding conditions that would be appropriate to accompany resource consent for the activity.

9 **Ruataniwha Reserve:**

- a) That the Council notes that the reserve land adjoining Lake Ruataniwha Camp Ground is no longer to be leased to the camp ground because commercial activity on land zoned REC-P is a non-complying activity, and
- b) That a post and wire boundary fence is to be erected between the Ruataniwha Camping Ground and the adjacent reserve land.

Peter Maxwell/John Bishop

IX COMMITTEES:

Resolved that the Minutes of the meetings of the Finance Committee held on 23 August 2011, the Projects and Strategy Committee held on 23 August 2011 and 27 September 2011, and the Planning Committee held on 27 September 2011, including such parts as were taken with the Public Excluded, be received.

Graham Smith/Annette Money

X CONFIRMATION OF MINUTES:

Resolved that the Minutes of the meetings of the Mackenzie District Council held on 23 August 2011 and 30 August 2011, including such parts as were taken with the Public Excluded, be confirmed and adopted as the correct records of the meetings.

Claire Barlow/ Graham Smith

MATTERS UNDER ACTION

Twizel Transformer

Cr Smith suggested that a debt collector be charged with the recovery of the costs associated with the installation of a transformer for a two-lot subdivision in Twizel, which was not fully covered by the terms of the Resource Consent.

IX PUBLIC EXCLUDED:

Resolved that the public be excluded from the following part of the proceedings of this meeting namely:

1. Hayman Road Closure.

Reason for passing General subject of each matter to be considered	Ground(s) under this resolution in relation to each matter	Section 48(1) for the passing of this resolution
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Hayman Road Closure	Commercial Sensitivity	48(1)(a)(i)
Public Excluded Minutes of Council meeting of		48(1)(a)(i)

This resolution is made in reliance on Section 48(1)(a)(i) 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 the relevant part of the proceedings of the meeting in public are as follows: *Hayman Road Closure*, section 7(2)(b)(ii).

Graham Smith Evan Williams

The Council continued in Open Meeting.

X CONFIRMATION OF RESOLUTION TAKEN WITH THE PUBLIC EXCLUDED:

HAYMAN ROAD:

Resolved that the following resolution taken with the Public Excluded be confirmed:

That Hayman Road be closed under the Local Government Act 1974 from Friday 25 November 2011 to Sunday 11 December 2011.

Annette Money/Graham Smith

XIII ADJOURNMENT:

The meeting was adjourned at 12.10 pm for lunch and reconvened at 1.45 pm.

EXTRAORDINARY MEETING TO ADOPT ANNUAL REPORT FOR 2010/2011:.

It was agreed that an extraordinary Council meeting be held at 9.30 am on Wednesday 26 October 2011 to adopt the Annual Report fro 2010/2011. Cr Money offered her apology for the meeting.

WORKSHOP - INTERNAL DEBT FUNDING:

It was agreed that a workshop on Internal Debt Funding be held on Monday 7 November 2011 at 9.30 am.

AUDIT AND RISK COMMITTEE

It was agreed that a telephone conference call be arranged for the members of the Audit and Risk Subcommittee at 3.00 pm on Friday 7 October 2011 to update them on the audit process.

XI VISITOR:

The Mayor welcomed Barbara Nicholas, Environment Canterbury Facilitator for the Orari-Opihi-Pareora Water Zone Management Committee.

The Manager – Planning and Regulations, the Asset Manager and Utilities Engineer joined the meeting.

Ms Nicholas thanked the Councillors for the opportunity of meeting with them, noting her wish to ensure that elected members and staff were acquainted with the activities of the Zone Management Committee and the progress being made towards the completion of the Zone Implementation Plan.

Ms Nicholas explained the background of the Canterbury Water Management Strategy under the terms of which the ten zone committees and one regional committee had been established to give effect to the fundamental principles of the Strategy and targets for the zones. She then gave an update on the activities of Orari-Opihi-Pareora Zone Committee and outlined the progress which had been made.

The Mayor offered an apology from Melanie Schauer, the Environment Canterbury Facilitator for the Upper Waitaki Zone Water Management Committee who was unable to attend the meeting.

In Ms Schauer's absence the Mayor, in her role as a member of the Upper Waitaki Zone Water Management Committee, updated the Councillors and Staff on the progress which that Committee was making on the development of its Zone Implementation Plan.

The Mayor thanked Ms Nicholas who left the meeting at 2.20 pm.

**THERE BEING NO FURTHER BUSINESS,
THE MAYOR DECLARED THE MEETING CLOSED AT 2.20 PM**

MAYOR: _____

DATE: _____