

# **MACKENZIE DISTRICT COUNCIL**

## **MINUTES OF THE MEETING OF THE FAIRLIE COMMUNITY BOARD HELD IN THE COUNCIL CHAMBERS, FAIRLIE, ON WEDNESDAY 30 MARCH 2011 AT 5.00 PM**

### **PRESENT:**

Owen Hunter (Chairman)  
Julia Bremner  
Ron Joll  
Graeme Page  
Ashley Shore

### **IN ATTENDANCE**

Claire Barlow (Mayor)  
Glen Innes (Chief Executive Officer)  
Paul Morris (Manager – Finance and Administration)  
Bernie Haar (Asset Manager)  
Garth Nixon (Community Facilities Manager)  
John O'Connor (Utilities Engineer)  
Frank Ledingham (Manager – Roading)  
Rosemary Moran (Committee Clerk)

## **II APOLOGIES:**

There were no apologies.

## **III DECLARATION OF INTERESTS:**

There were no declarations of interest.

## **I COMMUNITY FORUM:**

The Mayor introduced Mrs Alison Neil and Dr Paula Hyde to the meeting. She explained that they had attended to support her request that the Community Board reconsider its earlier decisions not to remove three trees from the Fairlie Domain which Riverview Terrace resident Mrs Audrey Mitchell said were causing distress because they shaded her house and caused an ice hazard in the winter.

The Mayor said she understood that the Board had already considered the issue in 2007, twice in 2008 and again in 2009; however she had promised Mrs Mitchell that she would raise it again. The Mayor said she was concerned about Mrs Mitchell's health and safety. She considered that as a good neighbour the Community Board should remove the trees. She understood the Board's fear that an unwelcome precedent could be created but was of the opinion that all such requests should be considered on their merits. She said that Mrs Mitchell had indicated she was prepared to fund the cost of removing the trees and replacing them with more suitable species. She noted the measures which Mrs Mitchell had already undertaken to mitigate the shading problem on her property.

Alison Neill said she supported the Mayor's request. She explained that she was familiar with the saga; she had visited Mrs Mitchell at her invitation on cold frosty mornings and could verify that there was a problem. She did not consider Mrs Mitchell was making a mountain out of a molehill. She could see that Mrs Mitchell's house was shaded by the trees for a long period. She acknowledged that while people enjoyed and valued Fairlie's glorious trees, she had to compare that with Mrs Mitchell's need for sunlight. Mrs Neill said old folk needed sunlight for their health and wellbeing. She questioned that the trees should be valued more highly than Mrs Mitchells' health.

Paula Hyde said she knew Mrs Mitchell well and was aware of her problem with the trees. She referred to a letter she had written to the Community Board about the issue in 2008 and said the situation had not changed since then.

Dr Hyde suggested there was nothing special about the trees in question and that most residents would not be aware of them. She asked how much the community valued them compared with the Peace Avenue trees. She noted that while she was not at liberty to discuss the particular effect the trees had on Mrs Mitchell's health, they did have a medical effect. She said that she had referred in her 2008 letter to the potential hazard of ice around Mrs Mitchell's house. She considered it would not look good if Mrs Mitchell was to slip and be injured because of an ice hazard on her property of which the Community Board was aware.

Dr Hyde said she could not understand why the trees should not be removed and replaced. She did not consider the risk of setting a precedent should be an issue in this case.

Ashley Shore said he had consulted a number of residents about their views but had not received a clear cut answer.

The Chairman said that he was aware of about six other residents who would demand further trees to be removed should the Board approve Mrs Mitchell's request. He acknowledged that the Board had inherited a problem with an overgrown hedge in the domain. He noted that the way Mrs Mitchell's house was sited was unfortunate in that her lounge was on the south side of the building which did not provide the opportunity for it to benefit from much sunlight.

Dr Hyde said Mrs Mitchell had said she originally got the sun when she first moved into the house but did not now.

Ron Joll said he had been involved in the earlier discussions. He considered the trees were valuable - as was Mrs Mitchell's good health; he was prepared to accept a compromise however he was aware of the pressure that removing the trees would bring to have others cut down. He noted that it took a long time for trees to grow and warned that the costs involved in removing them and replacing them, along with remediation of the area, would be significant.

Mr Joll said he had taken a series of photographs at about ten minute intervals on the shortest day in 2009. He noted the photographs showed a shadow cast on the roof of Mrs Mitchell's house which moved across quite quickly and was gone by 10.00 am. His observation was that effect of shadow from the trees after 10.00 am was negligible.

Cr Page said his compromise would be to remove the centre tree of the three to see what effect that would have. He was also aware that there would be pressure from other residents to have more trees removed from the Township.

The Mayor said she was also aware that more people could ask for more trees to be removed; however she considered that the consequences of not removing the trees in question could provoke a more adverse reaction from the community because of a perception of negligence by the Board in terms of the health and safety of a ratepayer.

Ashley Shore asked if the Board could be liable if an identified health and safety risk was not addressed.

The Chief Executive Officer said the Council had a tree policy and the removal of trees because of problems caused by shading was provided for in that policy. He suggested that the circumstances of Mrs Mitchell's issue warranted the Board making an exception from what it might normally do. He warned that if the Board held to its earlier decisions there was the potential for a court order to be sought for the removal of the trees.

The Chairman thanked Mrs Neill and Dr Hyde for attending. He assured them that the Board would reconsider the matter. The visitors left the meeting at 5.30 pm.

#### **IV MINUTES:**

Resolved that the Minutes of the meeting of the Fairlie Community Board held on 16 February 2011 be confirmed and adopted as the correct record of the meeting.

**Ron Joll/Ashley Shore**

#### **Footpath Budgets**

In response to concern expressed by Ashley Shore regarding the expenditure of the footpath budget, the Asset Manager advised that the Board's first priority need to be the maintenance of existing assets before the construction of new footpaths. He noted that the footpaths on Gall Street and Main Street (from Moreh to the town boundary) were in need of resurfacing.

#### **Communicating Community Board Decisions:**

Cr Page asked why the decision to approve the provision of a supermarket trolley park on the footpath outside the Four Square Supermarket and associated work, had been communicated only verbally to the applicants, Ashley and Melanie Shore. The Chief Executive Officer acknowledged that a letter should have been sent. He suggested that in future it would be standard practice to email copies of correspondence to community board chairs to ensure that communication processes were completed following board decisions on matters put before their meetings.

#### **VII PUBLIC EXCLUDED:**

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

1. Fairlie Water Main Tender

<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>
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Fairlie Water Main Tender	Commercial Sensitivity	48(1)(a)(i)
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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: *Fairlie Water Main Tender* Section 7(2)(b)(ii)

**Graeme Page/Ron Joll**

The Community Board continued in Open Meeting.

**V REPORTS:**

1. BUDGETS FOR 2011/2012:

The Manager – Finance and Administration referred to the draft budgets and the Fairlie Community Board’s responsibility to recommend to the Council a level of rates for 2011/2012.

He said the draft budgets represented ‘business as usual’ with the addition of a budget for projects which had been identified during the Township walkabout.

The Community Board considered the draft budgets in detail and made the following decisions:

**Mackenzie Community Centre**

Resolved that quotes be obtained for the painting of the stadium and authority be delegated to the Chairman and Julia Bremner to progress the project.

**Owen Hunter/Ashley Shore**

Resolved:

1. That the Fairlie Works and Services Reserve be reduced by \$17,000 to fund the projects budget of \$17,000.
2. That an application be made to Council for a \$15,000 grant from the Lake Alexandrina Reserve for the maintenance of Strathconan Park, the Fairlie Domain and the Strathconan Swimming Pool.

**Ron Jull /Julia Bremner**

Resolved that the budgets for 2011/2012 be adopted with the above amendments.

**Ron Joll/Ashley Shore**

## **DOMAIN TREES:**

The Chairman asked the Community Board to consider the request from the Mayor to review previous decisions not to remove three trees from the Fairlie Domain which Riverview Terrace resident Mrs Audrey Mitchell said were causing her distress because they shaded her house and caused an ice hazard in the winter.

The Community Facilities Manager referred to the presentations which the Board had heard earlier in the meeting. He suggested that, while Dr Hyde had pointed out the potential hazard of ice around Mrs Mitchell's house and that it would not look good if Mrs Mitchell was to slip and be injured because of an ice hazard on her property which the Community Board was aware of, icing was caused by Fairlie's heavy frosts rather than the presence of trees, and residents were aware of the need to mitigate ice hazards on their properties.

### **Motion**

That the middle one of the three trees in the Fairlie Domain which Mrs Mitchell wanted removed, be removed.

**Owen Hunter/Graeme Page**

The motion was defeated.

### **Motion:**

That three trees in the Fairlie Domain which Mrs Mitchell wanted removed, be removed.

**Julia Bremner/Ashley Shore**

The motion was defeated.

### **Motion**

That the Community Board's previous decisions not to remove the three trees in the Fairlie Domain which Mrs Mitchell wanted removed, be endorsed.

**Ron Joll/Graeme Page**

The motion was defeated.

**Resolved** that because the Community Board had reached an impasse, the request from the Mayor that it reconsider its earlier decisions not to remove three trees from the Fairlie Domain which Riverview Terrace resident Mrs Audrey Mitchell said were causing distress because they shaded her house and caused an ice hazard in the winter, be referred to the Council.

**Julia Bremner/Ashley Shore**

## **LATE ITEM**

### **REMUNERATION AUTHORITY DETERMINATION:**

**Resolved** that pursuant to the Local Government Official Information and Meetings Act 1987 the verbal report from the Chief Executive Officer "Remuneration Authority Determination" be considered.

**Murray Cox/Peter Maxwell**

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 the Chief Executive Officer to

meet the Remuneration Authority's deadline of 1 May 2012 which would be before the Community Board's next meeting.

**Remuneration Authority Determination**

The Chief Executive Officer advised that the Remuneration Authority's revised determination had increased the pool for the remuneration of the District's elected members by 1.31%. He said he would be recommending to the Council that the pool be allocated in the same way as had previously been agreed. This would have the effect of increasing the community board chairmen's stipend from \$3,908 per annum to \$3,959 and the community board members' from \$1,526 to \$1,546.

Resolved that the Fairlie Community Board:

1. notes the revised determination of the Remuneration Authority to increase Council's remuneration pool by 1.13% for 2011/12.
2. agrees with the continuation of the 2010/11 method of dividing remuneration among Board members and Councillors.
3. endorses the payment of the following annual salaries:
  - Community Board Chairman \$3,959 pa
  - Community Board Members \$1,546 paand that these recommendations be referred to the Council for its consideration.

**Ron Joll/Julia Bremner**

**THERE BEING NO FURTHER BUSINESS  
THE CHAIRMAN DECLARED THE MEETING CLOSED AT 10.10 PM**

**CHAIRMAN:** \_\_\_\_\_

**DATE:** \_\_\_\_\_