

CHATHAM ISLANDS COUNCIL

Minutes of the Ordinary Monthly Meeting of the Chatham Islands Council, held in the Council Chambers, Tuku Road, Waitangi, on Thursday, 10 July 2008, commencing at 1.35 p.m.

PRESENT: His Worship the Mayor, Mr P F Smith, Deputy Mayor A W M Preece, and Councillors M Croon, A M Gregory-Hunt, B J Mills, N C Ryan, E C Tuck and N J Whaitiri.

IN ATTENDANCE: General Manager, Owen Pickles
Council Secretary, Lynette Pickles
John Thomson, New Zealand Police

APOLOGIES: An apology was received from Councillor P R Christiansen.

RESOLVED THAT the apology from Councillor Christiansen be received.

A W M Preece / A M Gregory-Hunt CARRIED

MINUTES: **2.1 Special Meeting, 29 May 2008**

RESOLVED THAT the Minutes of the Special Meeting of the Chatham Islands Council, held on Thursday, 29 May 2008, be confirmed and adopted as a true and correct record.

M Croon / N C Ryan CARRIED

2.2 Ordinary Meeting, 29 May 2008

RESOLVED THAT the Minutes of the Ordinary Meeting of the Chatham Islands Council, held on Thursday, 29 May 2008, be confirmed and adopted as a true and correct record.

N C Ryan / M Croon CARRIED

MATTERS ARISING: Closure of Paper Roads

Cr Ryan stated that the Government was now making a move to close all paper roads. Cr Preece thought the Bill was more about restricting access to walking only.

The General Manager advised that he had received no advice which stated that all paper roads were to be

closed. Cr Ryan was to fax his information to the General Manager.

FINANCE:

3.1 Council Due, Potting Mix

A letter had been received from Kelvin Leslie of Leslie Shipping about the Due that should be charged on the importing of potting mix as there had been some confusion in the past.

The General Manager reported that all Garden and Landscape Supplies (including fertilisers, bark chips, potting mix, and seeds and plants) should be charged the same Due. His suggestion was for \$12.00 per tonne/m³.

RESOLVED THAT a Council Due rate for Garden and Landscape Supplies be \$12.00 per tonne/m³.

P F Smith / M Croon CARRIED

Cr Ryan asked how imported goods are checked for foreign bodies in them. He had received a consignment of metal and found broom growing in it. The General Manager advised that the staff at the Timaru and Napier wharves had been trained in what to check for. Metals were a problem as they were currently coming from Canterbury riverbeds.

Cr Croon stated that the potting mix that she received at her Hardware Supplies Shop was all sterilised before coming to the Island.

3.2 Public Satisfaction Surveys of Council Services

The Public Satisfaction Surveys of the Chatham Islands Council Services for 2008 were presented to Council. The Surveys were done to enable non-financial performance measures in the Annual Plan to be measured and reported against in the Annual Report.

The General Manager reported that as the target was not achieved in all of the Surveys, there was still work for the Council to do. This included improving how Council communicated to the community.

His Worship asked if the interviewer was off-Island. The General Manager advised yes, but the person did have on-Island knowledge.

Cr Croon thought that the questions were too broad. The General Manager advised that the questions were what Council had approved in the Annual Plan. His Worship suggested that Council should take a look at the questions. The General Manager advised that new questions could be set during the LTCCP process.

The General Manager stated that he was not particularly concerned about the individual results, but more that there seemed to be a lack of knowledge about Council and what it did in the community. He wanted to do something about that and had spoken with the Communications Manager, Jackie Curtis, at Environment Canterbury about running a public education programme. Jackie had suggested producing a Council newsletter similar to the environmental one sent to the community a couple of months ago.

Several Councillors agreed with the interviewer's suggestion of trying a postal survey, with perhaps a prize incentive being offered. Cr Gregory-Hunt advised that the Electricity Company had not received a good response to their survey.

Cr Mills stated that Council did advertise its work well, but people were lazy and did not bother reading all the material.

Cr Croon said that she was surprised and disappointed at the results. She thought that Council had done its job well in advertising what it was doing. She suggested that Councillors should upskill themselves so that they could be out in the community telling people what Council was doing. Cr Mills agreed and said that he was prepared to try talking more to people about Council and its work.

Cr Preece felt that the results were a reflection of the small population, making it difficult to obtain a fair result. Cr Tuck stated that the result could also be a reflection of how people in the community were feeling at the moment, with things being tough. The General Manager advised that the survey results were very similar to the last survey.

RESOLVED THAT the information on the Public Satisfaction Surveys be received.

N C Ryan / N J Whaitiri CARRIED

WORKS & SERVICES: 4.1 Downer EDi Works Report, May 2008

RESOLVED THAT the Downer EDi Works Report for May 2008 be received.

A W M Preece / N J Whaitiri CARRIED

4.2 Engineer's May 2008 Report

The monthly report for May 2008 from Council's Roading Engineer was enclosed with the Agenda.

RESOLVED THAT the May 2008 Progress Report from Council's Roading Engineer be received.

N J Whaitiri / E C Tuck CARRIED

There was some discussion on the safety kerbs being built near Te One School and if the speed limit through Te One would remain at 40kph after the work was completed. The General Manager advised that the Speed Restriction Bylaw would need to be reviewed. After the review, the areas outside of the safety kerbs could possibly have a higher speed limit than 40kph.

Cr Whaitiri suggested that at the time of the review of the Bylaw, Kaingaroa speed limits should be looked at. A new widened cattle stop was built very close to the Kaingaroa School, making it difficult to drop from 80kph to 40kph before reaching the school.

Crs Gregory-Hunt and Croon wanted any road signs erected in conjunction with the safety kerbs to be taken off the side of the road. The General Manager advised that speed signs have to be erected on the road reserve. Cr Preece noted that vandalism of signs not only happened on the Chatham Islands, but was also prevalent on the Mainland.

4.3 Road Safety Co-ordinating Committee Minutes

The Minutes of the Road Safety Co-ordinating Committee Meeting held on 28 May 2008 were presented to Council. Also tabled at the meeting was a letter from Chatham Islands Federated Farmers regarding the circular on the registering and warranting of vehicles.

In attendance at the meeting was John Thomson from New Zealand Police. John was invited to the meeting to speak to Council about a proposal adopted by the Road

Safety Committee to require all vehicles on the Islands to be registered and warranted by early 2009.

His Worship welcomed John to the meeting and opened the discussion by expressing the concerns he had received from the community about not being able to get a warrant of fitness for their vehicle because of rust. He wondered if there could be an 'Island standard'.

John advised that to obtain a full warrant of fitness, a vehicle had to be registered. He would expect to see all vehicles on the Chatham Islands up to full warrant standard, but would look at a looser standard. He had held discussions with the present operator on the Island about being a little more lenient on rust issues, but in due course would like to see all vehicles up to full standard.

John stated that a vehicle would not be registered if it only met the 'Island standard' of warrant of fitness. Some form of window sticker would need to be devised in order for the Police to know that the vehicle had been inspected and passed the 'Island standard'.

Cr Preece asked if the system would be legal and Cr Ryan expressed concern that the garage operator could be left in a difficult legal position. John advised that it would not 'stand up' for insurance purposes. The criteria for an 'Island standard' had not been worked out as yet.

Cr Preece stated that the main concern from the community was that the time frame to have a vehicle up to full warrant standard was too tight. There was concern that the local garage would not be able to cope with the workload. He wanted to see a system that was fair and realistic for everyone.

Cr Mills suggested that if a vehicle was issued with an 'Island standard' of warrant, a form of indemnity would need to be signed by the owner of the vehicle acknowledging that the vehicle was not up to a full standard.

Cr Croon stated that all new vehicles arriving on the Islands must be fully registered and warranted and that owners must be encouraged to keep these up to date.

John stated that he would still like to see vehicles warranted within six months. If that time frame was

extended, people would keep putting off having the work undertaken. He was keen to see the initiative up and running during his term on the Island, and with the support of Council and his employers, hoped that it would continue after his departure.

Cr Tuck advised that she had heard that the Government was looking at a policy whereby there should be an open mind when it came to applying legislation for rural conditions. She suggested under that policy, the Police would have the option to provide exemptions for rural areas.

Cr Tuck was also concerned that there was no public transport. She noted that Councils fund public transport with subsidies from the Government. An option could be that someone is assisted to set up a commercial venture.

The General Manager advised that public transport was administered by Regional Councils, however it is the one function that the Chatham Islands Council does not have. It would be necessary to pass legislation before the Council could undertake the function. If the legislation was passed, the main problem for the Council would be the frequency of any service. Cr Tuck suggested that Council should investigate public transport for the Chatham Islands.

RESOLVED THAT the Chatham Islands Council investigate the establishment of public transport on the Chatham Islands.

E C Tuck / A M Gregory-Hunt CARRIED

Cr Mills noted from the Road Safety Co-ordinating Committee Minutes that members had a discussion on a night shuttle service. Cr Croon, Chairperson of the Committee, advised that the initiative was discussed at the meeting. The Committee had some funding to provide an occasional service and this would be discussed further at the next meeting.

The General Manager made some suggestions about resolutions that Council could make. Cr Mills was concerned that Council not be seen to be supporting an arrangement that was not legal. He would like to know from Land Transport New Zealand, New Zealand Police and the Department of Internal Affairs that Council's actions were legal.

John advised that he would be finding out if a 'Chatham Island standard' would be considered legal.

RESOLVED THAT

1. The Minutes of the Road Safety Co-ordinating Committee Meeting be received.
2. That a letter be sent to the Road Safety Co-ordinating Committee advising of the following Council resolutions:
 - (a) that Council supports the Police with the initiative to improve the safety standard of Chatham Islands' vehicles;
 - (b) that Council considers that all vehicles should be up to full warrant of fitness standard following a phase-in period of five years; and
 - (c) that a Chatham Islands' warrant of fitness standard be informally applied and complied with within six months.
3. The letter from Chatham Islands Federated Farmers be acknowledged and they be advised of Council's resolutions.

N C Ryan / P F Smith CARRIED

Cr Tuck also asked what could be done about all the cattle on the roads. The General Manager advised that the only solution that had been thought of was a helicopter drive. This would not work.

Cr Croon asked if a road side shooting could be undertaken again. The General Manager stated that Council had the authority to impound stock and could, with the support of Police, shoot them. Without that support, the only option left to Council was impoundment.

Cr Mills suggested that public notices could be circulated stating that another cattle shoot was being considered and seeking views from the public.

RESOLVED THAT the public be advised that stock on the roads was creating a disturbance leading to Council considering another cattle shoot, and seeking views from the public.

E C Tuck / B J Mills CARRIED

John Thomson departed the meeting at 2.58 p.m.

4.4 Solid Waste Management Plan

A report was presented about the need for close Council control and support for the implementation of the Solid Waste Management Plan. Funding for the implementation of the first two years of programmed works had been received, and the year three funding was due to be paid to Council this month.

It was proposed that Council, or a Sub-Committee of Council with delegated authority to act, should meet once a month on solid waste management matters only.

RESOLVED THAT

1. A Solid Waste Management Plan Committee be formed with delegated authority to act.
2. The Committee be all members of Council.
3. The Committee meet monthly on the third Thursday at 1.30 p.m.

B J Mills / A M Gregory-Hunt CARRIED

4.5 Summary Offences (Graffiti Vandalism) Bill

A report was presented on the development of the STOP Strategy to address graffiti vandalism, incorporating a number of aspects – a Bill, funding, and a Strategy document.

RESOLVED THAT the report on the Summary Offences (Graffiti Vandalism) Amendment Bill be received.

N C Ryan / E C Tuck CARRIED

4.6 Owenga Wharf Funding Policy

The Council was invited by Land Transport New Zealand to consider a Proposed Funding Policy for Coastal Transport Links to Isolated Communities. Land Transport New Zealand cannot make a final decision on funding assistance for the Owenga Wharf without a supporting Policy.

The General Manager advised that the Policy would allow the Board to approve of the funding application for Owenga and should be endorsed by Council.

Cr Tuck asked if there was any way that the Chatham Islands Enterprise Trust could apply for funding through the Policy. The General Manager advised that the Trust, in its present form, could not apply as the funding is

through a partnership between Land Transport New Zealand and local authorities.

RESOLVED THAT the Land Transport New Zealand Funding Policy for Coastal Transport Links to Isolated Communities be approved in principle and that the questionnaire be responded to.

E C Tuck / N C Ryan CARRIED

4.7 Water and Wastewater Contract Report

The six monthly report for the Water and Wastewater Operations and Maintenance Contract, prepared by MWH New Zealand Limited, was presented to Council. The Engineer reported that throughout the period December 2007 through to June 2008 the water and wastewater systems had continued to perform well.

The General Manager advised that there needed to be further education of the public on their responsibilities to keep their own header tanks clean. Figure 1 in the report showed the water treatment processes were working. If the property owners were having contamination problems, they would be occurring in their own header tanks.

Cr Croon suggested that it could be the taste of the water that was generating complaints. She would also like to see a campaign undertaken on the need to save water, especially over the summer months.

RESOLVED THAT the report be received and that Council engage with the community to educate and inform consumers of water related issues such as water demand management and water quality to ensure that the infrastructure serves the consumers as intended.

A M Gregory-Hunt / N J Whaitiri CARRIED

COMMUNITY SERVICES:

5.1 Public Toilets for Kaingaroa

A letter was received from Mark Rogers requesting that Council address the issue of public toilets at Kaingaroa.

The General Manager reported that the Council budgets for the 2008/09 year did not include funding for toilets at Kaingaroa, although there was a toilet in stock “earmarked” for Waitangi West. Other options included making arrangements with the Kaingaroa Sports and Social Club.

His Worship asked if there would be a chance of utilising the Club's toilet facilities if Council installed a separate access and undertook the servicing and cleaning of the facility.

Cr Whaitiri advised that there used to be a flush toilet available down the road from the Club, but the building was now in a very shabby condition. This facility was on Hokotehi Moriori owned land.

RESOLVED THAT Council approach the Kaingaroa Sports and Social Club about the possibility of utilising their toilet facilities, with the servicing and cleaning of the facility to be met by Council.

A M Gregory-Hunt / N C Ryan CARRIED

5.2 Creative Communities Committee Minutes

The Minutes of the Creative Communities Scheme Assessment Committee Meeting held on 23 June 2008 were presented to Council.

RESOLVED THAT the Minutes of the Creative Communities Scheme Assessment Committee be received.

A W M Preece / N C Ryan CARRIED

5.3 Smoke Free Outdoor Spaces Policy

A letter was received from Maori Community Health requesting that the Council consider making its playgrounds smoke free.

The General Manager reported that when researching the matter, he found that many Councils had adopted such policies and, in many cases, expanded them to include all public outdoor spaces.

Cr Ryan advised that he was opposed to any smoke free restrictions being imposed. He stated that if there were to be smoke free areas then the whole of the Chatham Islands should be made tobacco free. He was concerned that people gathered in public places where the smell of 'dope' was prevalent, but nothing was done to ban that substance.

RESOLVED THAT

1. The Council owned playgrounds in Waitangi and at the Norman Kirk Memorial Reserve be made smoke free.

2. Council's intentions to make the playgrounds smoke free be open to public consultation before being further considered on 21 August 2008.

A W M Preece / E C Tuck CARRIED

REGULATORY:

6.1 Update from Environment Canterbury

The report for June 2008 from Environment Canterbury was presented, covering the progress of the various activities being undertaken on behalf of the Chatham Islands Council.

RESOLVED THAT the June 2008 report on the various activities undertaken by Environment Canterbury be received.

N J Whaitiri / E C Tuck CARRIED

The General Manager advised that during his meeting with Environment Canterbury staff late last month, discussions were held on extra monitoring programmes that should be undertaken. These included groundwater studies, contaminated sites study, an air quality study and a water quality study to determine that run off from land is not causing any harm. The General Manager stated that air quality would not be an issue on the Chatham Islands due to the prevailing winds. A formal contract would be drawn up for these studies to be undertaken.

Also discussed was a need for a public relations programme to be established and the need for an on-island person to handle monitoring and environmental issues on behalf of Environment Canterbury. This would preferably be a Chatham Islands resident.

Cr Preece asked if the studies would be undertaken on public or private land. With regard to the contaminated sites study, he was aware of a number of sheep dips on farms around the Island. Cr Tuck asked if the land owner would have to rectify any contaminated sites. The General Manager advised that the study would only be undertaken to identify any contaminated areas. The community would be widely consulted about the studies.

Cr Mills expressed concern that few people had turned up for the emergency management training undertaken by James Thompson. The General Manager advised that the Friday training coincided with another event at

Kopinga Marae, but the Saturday training was much better attended.

6.2 Building Consent Authority Accreditation

A letter was received from the Department of Building and Housing advising that the time allowed for accreditation or transfer had been further extended until 31 March 2009. The detail around the proposed function transfer to Napier City Council has still to be determined, so it is “business as usual” for the Chatham Islands Council in the mean time.

RESOLVED THAT the information on the extension of time for accreditation or transfer of building functions be received.

N C Ryan / N J Whaitiri CARRIED

6.3 Proposed Dog Control Policy and Bylaw

A Proposed Dog Control Policy and a Proposed Dog Control Bylaw 2008 were presented to Council for consideration before being made available for public consultation.

There was some discussion on the ‘prohibited dog areas’ list, especially in relation to the Department of Conservation Reserves. The General Manager advised that there had been consultation with the Department when the original Policy and Bylaw were drawn up. It was agreed that the Department of Conservation should be again consulted, along with Bruce and Liz Tuanui in relation to Sweetwater.

RESOLVED THAT the Proposed Dog Control Policy and the Proposed Dog Control Bylaw 2008 be publicly notified.

B J Mills / N J Whaitiri CARRIED

6.4 Aquaculture Management Areas

A report was presented on the recent Hui held to consider the economic benefits the Chatham Islands could gain from the establishment of aquaculture management areas (AMA’s). At the Hui, the facilitator, David Gregory, proposed that the Council could write ownership or control clauses into a tender document. The ability for the Council to do this was challenged and thought to be unwise without the support of robust legal advice.

The Hui resolved that Council seek the required legal advice and apply for funding to cover the cost. It was also considered that a second issue around the ability to transfer ownership of pre-2005 licences should be referred for legal advice as well.

RESOLVED THAT

1. The Council seek legal advice on its ability to apply exclusivity clauses to AMA tender documents and to clarify the transfer options for pre-2005 AMA licences.
2. The Council apply to the Ministry for Environment for funding to cover the costs of obtaining these opinions.

E C Tuck / M Croon CARRIED

6.5 Aquaculture Research Funding Application

A letter was received from David Gregory, Senior Resource Management Planner with Environment Canterbury, suggesting a way forward on the aquaculture issue. David suggested that grant money could be secured to investigate the potential for aquaculture. He considered that a basic study on the economic and environmental feasibility of aquaculture in the Chatham Islands should be the first step prior to seeking any legal advice about Aquaculture Management Areas.

The General Manager advised that he spoke briefly on the issue at the Fisheries Wananga held earlier in the month.

RESOLVED THAT Council make an application to Aquaculture New Zealand for funding to do a basic study on the economic and environmental feasibility of aquaculture in the Chatham Islands.

M Croon / A M Gregory-Hunt CARRIED

Afternoon tea was taken between 3.47 p.m. and 3.59 p.m.

GOVERNMENT:

8.1 Minutes of LGNZ Zone 5 Meeting

The Minutes of the Local Government New Zealand Zone 5 Meeting held on 7 March 2008 were presented to Council.

RESOLVED THAT the Minutes from the Zone 5 Meeting be received.

N C Ryan / M Croon CARRIED

8.2 Minutes LGNZ Rural/Provincial Meeting

The Minutes of the Local Government New Zealand Rural and Provincial Sectors Meeting held on 12 and 13 June 2008 were presented to Council.

RESOLVED THAT the Minutes from the Rural and Provincial Sectors Meeting be received.

A M Gregory-Hunt / E C Tuck CARRIED

The General Manager noted the resolution passed at the meeting to hold the June 2009 Rural-Provincial Sector meeting in the Chatham Islands.

8.3 Minutes Conservation Board Meeting

The Minutes of the Chatham Islands Conservation Board Meeting held on 26 February 2008 were presented to Council.

RESOLVED THAT the Minutes from the Conservation Board Meeting be received.

A M Gregory-Hunt / A W M Preece CARRIED

8.4 LGNZ Election for President and Vice-President

The nominations and candidate profiles for President and Vice-President for the Local Government New Zealand elections to be held in Rotorua on 30 July 2008 were presented to Council.

After some discussion about the candidates it was agreed that by empowering Council's delegates to vote on the day, they would have the opportunity to see and hear the candidates at the Annual General Meeting.

RESOLVED THAT the Mayor and Deputy Mayor be authorised to make the Council's voting choice at the Annual General Meeting to be held on 30 July 2008.

N C Ryan / A M Gregory-Hunt CARRIED

CHATHAM ISLANDS:

9.1 Minutes Council and Enterprise Trust Meeting

A late item was tabled at the meeting for Council's consideration. The reason for its lateness was that the

item was not available at the time the Agenda was printed. The reason for considering this matter under urgency was that undue delays in progress would occur if it was held over until the August meeting.

RESOLVED THAT the Late Item “Minutes of Joint Meeting Chatham Islands Enterprise Trust and Chatham Islands Council” be dealt with under urgency.

N J Whaitiri / E C Tuck CARRIED

The Minutes of a Joint Meeting of Representatives from the Chatham Islands Enterprise Trust and the Chatham Islands Council, held on 7 July 2008, were presented to Council.

Cr Mills stated that he was pleased to see that the Department of Internal Affairs and the Local Government Commission were to be advised of the resolutions made at the joint meeting.

Cr Tuck thought that the public should be consulted on the issue and approve of it before progressing further. The General Manager advised that the groundwork had to be undertaken before the proposal was put to the community for approval. Cr Mills stated that the Council and Enterprise Trust needed all the information before it could be put to the public.

RESOLVED THAT the Council adopt the resolutions made at the Joint Meeting of the Chatham Islands Enterprise Trust and the Chatham Islands Council, namely:

1. That the Chatham Islands Council and Chatham Islands Enterprise Trust agree to investigate future governance options for the Chatham Islands in the best interests of present and future residents of the Chatham Islands.
2. That a review of responsibilities be undertaken, with a view to finding the correct governance structure going forward.
3. That the President of Local Government New Zealand and a Chatham Islands Enterprise Trust appointment (possibly Mr Hugh Rennie), or their representatives, be engaged to carry out the review.
4. That the Department of Internal Affairs and the Local Government Commission be advised of these intentions.

B J Mills / M Croon CARRIED

GENERAL MANAGER: 10.1 Outwards Correspondence Schedule

RESOLVED THAT the outwards correspondence schedule from mid-May until the end of June 2008 be received.

M Croon / N J Whaitiri CARRIED

10.2 Outwards Email Schedule

RESOLVED THAT the outwards emails schedule from mid-May until the end of June 2008 be received.

A M Gregory-Hunt / N J Whaitiri CARRIED

MAYORAL:

11.1 Inwards and Outwards Correspondence

RESOLVED THAT the inwards and outwards Mayoral correspondence schedule for June 2008 be received.

E C Tuck / A W M Preece CARRIED

CLOSURE:

Meeting Closure

There being no further business, the meeting was declared closed at 4.20 p.m.

CONFIRMED THIS 21st DAY OF AUGUST 2008

MAYOR