

CHATHAM ISLANDS COUNCIL

Minutes of the Ordinary Monthly Meeting of the Chatham Islands Council, held in the Council Chambers, Tuku Road, Waitangi, on Wednesday, 10 June 2009, commencing at 1.35 p.m.

PRESENT: Deputy Mayor, A W M Preece (Chairman), and Councillors J I Clarke, A M Gregory-Hunt, N C Ryan, E C Tuck and N J Whaitiri.

IN ATTENDANCE: General Manager, Owen Pickles
Finance Manager, Deborah Goomes (from 1.41 p.m.)
Council Secretary, Lynette Pickles

In attendance for part of the meeting were:
MWH Engineer, Murray Keast
Downer EDi Works Contract Manager, Dave Maitland
Environment Canterbury Contract Manager, Mike Bowden
Bowden Consulting Partner, Maureen Toland

APOLOGIES: Apologies were received from His Worship the Mayor, Mr P F Smith and Councillor M Croon.

RESOLVED THAT the apologies from His Worship the Mayor, Mr P F Smith, and Councillor Croon be received.
E C Tuck / N C Ryan CARRIED

MINUTES: **2.1 Ordinary Meeting, 30 April 2009**

RESOLVED THAT the Minutes of the Ordinary Meeting of the Chatham Islands Council, held on Thursday, 30 April 2009, be confirmed and adopted as a true and correct record with the following amended words to Item 4.5 – final paragraph to read “Cr Ryan stated that those wharf users who were not interested in attending the”.

E C Tuck / J I Clarke CARRIED

MATTERS ARISING: 4.3 Road Safety Inspection Report
Cr Tuck asked for clarification on where the Owenga sealing was to start and end. The Chairman advised that Murray Keast and Dave Maitland would be attending the meeting later and they would be able to answer the question.

4.4 Tuanui Subdivision

The General Manager advised that, as he had expected, the subdivision and subsequent road legalisation was a

complicated issue. The roading inside the subdivision impacts on the roading outside the subdivision, hence the complication. He had spoken with Council's lawyer, Robin Buxton, who had advised that the road legalisation process was estimated to cost between \$25,000 and \$35,000. The General Manager had spoken with Council's Engineer, Murray Keast, to see if there was an opportunity to obtain road funding for the project. Murray advised that if the project were to cost over \$50,000, funding would be available.

Cr Gregory-Hunt asked what costs the applicant was responsible for. The General Manager advised that the only recovery from the applicant was the subdivision application fee of approximately \$3,000. All resource consent applications had a deposit provision linked to them which allowed for recovery of all costs from the applicant, but this did not apply to subdivisions. He suggested that Council should put a deposit provision in the fee structure for any future subdivisions.

8.2 Review of the Foreshore and Seabed Act

The General Manager advised that Council did get the opportunity to appear in front of the Ministerial Review Panel by way of a telephone conference. His Worship the Mayor attended with him to present Council's submission. He noted that Iwi representatives from Hokotahi Moriori Trust and Ngati Mutunga O Wharekauri Iwi Trust, who had already presented their submissions, were present to hear the Council submission, and it was pleasing that all three were consistent.

FINANCE:

3.1 Rates Rebate Scheme

A letter received from the Department of Internal Affairs, advising of the renewal of the rates rebate scheme, was presented to Council.

RESOLVED THAT the letter from the Department of Internal Affairs be received.

N J Whaitiri / E C Tuck CARRIED

3.2 Proposed Donations and Koha Policy

A proposed "Donations and Koha" Policy was presented to Council for adoption.

The Finance Manager advised that the Policy had been prepared using guidelines set by the Office of the Auditor-

General. Council already had a process in place for donations, but koha was slightly different, being a gift by Council.

Cr Ryan stated that he did not want to see the community sending in bills to Council for certain events and expect Council to pay for them. There needed to be a Policy in place to adhere to.

RESOLVED THAT the Donations and Koha Policy 2009 be adopted.

N C Ryan / A M Gregory-Hunt CARRIED

It was agreed to leave items 4.1 – 4.3 until later in the meeting when Murray Keast and Dave Maitland would be in attendance.

WORKS & SERVICES

4.4 Kaingaroa Solid Waste Management

The General Manager reported that Hokotehi Moriori Trust met over the weekend 16-17 May and considered the Council's request for lands to address the Kaingaroa solid waste management issues. The Trust Chairperson, Shirley King, advised by telephone that the lands requested would be made available, with preference being via a lease arrangement.

Council required two parcels of land, for a burial site to dispose of the present dump and a site for a proposed transfer station. A map showing the location of the proposed burial site was presented to Council.

The General Manager reported on the number of steps still to be undertaken before the project would be at an operational point.

The General Manager advised that while there had been an agreement in principle for the land, there was still a need for lease arrangements to be agreed on. Cr Whaitiri asked how long that would take. The General Manager stated that until he could establish a meeting date and time with the Acting Chief Executive Officer of Hokotehi Moriori Trust, Maui Solomon, nothing further could be done. He was still having difficulty making contact with Mr Solomon.

RESOLVED THAT the information on the Kaingaroa solid waste processes be received.

N J Whaitiri / E C Tuck CARRIED

COMMUNITY SERVICES:

5.1 Staff Houses

A report prepared by Opus Architecture on the condition of Staff Houses Nos 2 and 3 was presented to Council as an appendix to the Agenda. Included in the report was the Quantity Surveyor's estimate of costs to address the issues identified. It was estimated that each house would cost \$120,000 to bring up to standard, but the Quantity Surveyor qualified his estimate by stating that it assumed competitive tendering and took into account current market conditions. The General Manager noted that both of the assumptions had been flawed on recent projects to Staff House No. 1 (General Manager's) and the Community Flats.

Funding for the project would be by first mortgage secured over the properties.

The report covered Houses Nos 2 and 3 only as House No. 1 was in reasonable condition except for underfloor dampness. The General Manager advised that a sum of \$5,000 should be added to the project to fix the problem.

The Chairman stated that he had read the report and considered that the work required would only be patching up the problems. He suggested it could be worthwhile considering tendering the two houses 'as is, where is' for removal, and using the available land to build potentially four new residential units.

Cr Gregory-Hunt stated that Council would need to know that the tenderers had guaranteed funds to pay for the homes and their removal. She stated that not many home-seekers had family land available for building on. She preferred that Council built on other Council land in Hight Place or Tuku Road. The General Manager advised that the Reserve Status would need to be lifted on the Hight Place land before it could be used. Council had already been advised that there was a Claim under the Treaty of Waitangi on that block when it was looking for land for the Housing Trust to build on.

Crs Tuck and Clarke agreed with the Chairman that the work to be done on the houses would be a 'patch up' and that they should be tendered for removal with the land used to build new units. Cr Tuck stated that she was speaking from experience after undertaking alterations to her own home.

Cr Ryan agreed, stating that the last lot of work done on the houses (new roof, fireplaces, etc.) was still only patching up problems. Five years down the track more problems would appear.

The Chairman advised that by tendering the homes for removal, the purchasers would have the opportunity to do whatever renovations they wanted. Cr Gregory-Hunt agreed with selling the houses, but not for removal. She thought they would be very difficult to remove. Cr Clarke stated that removal would be the tenderers' problem and should be factored into what price they offered.

Cr Ryan expressed concern that if the houses and land were sold as two properties, the new owners could let them fall into disrepair, thus downgrading the look of the area. He asked if the Council needed to own houses.

The General Manager advised that Council did not have to own houses. All three houses were called 'staff houses' with No. 1 being for the General Manager. House No. 3 was currently occupied by a staff member, with House No. 2 being occupied by a former staff member. There was no current pressure on staff housing, but that could change if there was a need for more off-Island staff to reside on the Island, such as someone to manage the Pest Management Strategy on behalf of Environment Canterbury.

The Chairman stated that there were funding sources available for Council to utilise to be able to erect new homes. Cr Ryan suggested that this would give Council the opportunity to provide extra accommodation for short term workers. The General Manager agreed, stating that during the tourist season, accommodation for Council's off-island contractors became difficult to find and it was necessary for them to book well in advance. He suggested that Council should put the houses up for sale for removal to test the market. The Finance Manager stated that the current tenants should be kept informed of any developments, as they would be homeless if the houses were sold.

The General Manager stated that he put the report on the Agenda because the numbers came in much less than he was expecting, based on the cost of work undertaken at the General Manager's property. He considered the houses to be in a very sub-standard condition, therefore by letting a couple of local competent builders review the Quantity Surveyor's report, a better idea of the costs involved may be the result.

The Chairman stated that the needs of the current tenants still had to be taken into consideration. Cr Ryan thought that Council should offer the homes for tender for removal to see what response was received.

Cr Gregory-Hunt stated that if Council were to repair the homes, the option of having four new units built would not happen and there would not be the opportunity to have extra accommodation for visiting staff.

The General Manager suggested that a site visit by Council be undertaken before the July Council Meeting when he would present another report on the options. The Chairman stated that this would impact on the tenants, and the General Manager advised that he would keep them informed of developments and Council's wish to carry out a site inspection before the next meeting.

It was agreed that the General Manager arrange a site inspection of Houses 2 and 3, by members of the Council, so that they could see for themselves the extent of the work required.

REGULATORY:

6.1 Update from Environment Canterbury

The report for April/May 2009 from Environment Canterbury was presented, covering the progress of the various activities being undertaken on behalf of the Chatham Islands Council.

RESOLVED THAT the April/May 2009 report on the various activities undertaken by Environment Canterbury be received.

N C Ryan / A M Gregory-Hunt CARRIED

Murray Keast and Dave Maitland entered the meeting at 2.20 p.m.

WORKS & SERVICES: 4.1 Downer EDi Works Report, April 2009

The Chairman welcomed Murray and Dave to the meeting and asked them to comment on their reports.

Dave advised that Downer EDi Works were on track to have stage one of the Owenga Road sealing work finished by the end of the month, despite the bad weather. Two people were currently on the Island to carry out drainage work on the cliff face on Wharf Road and to install twin

culverts at Boundary Creek. Additional staff had arrived for two weeks work on the delineation project, including the installation of 1,200 new metal edge marker posts and the erection of new speed advisory signs. It was hoped to have the majority of the work completed before the end of the financial year.

Cr Ryan asked where the proposed sealing at Owenga was to begin and end. Dave advised that it was to begin just on the Waitangi side of the factory road. Cr Ryan thought that Council had agreed that it should start approximately 40 metres closer to Waitangi, from the first gateway past the road to the factory. The Chairman agreed, stating that this would prevent mud being tracked down to the factory. The seal was to end at Rhonda and Peter Preece's driveway. Cr Tuck asked if it could be extended approximately 40 metres past the driveway. The General Manager suggested that it should be left to Murray Keast and Dave Maitland to see if it could be stretched slightly further.

The Finance Manager asked what would happen to drainage from the road after sealing. She was advised that culverts were to be installed under all access ways and this should alleviate any drainage problems.

Dave assured Council that Benkelman Beam Tests would be undertaken before sealing and would need to show that the road was suitable for sealing before going ahead. The Chairman agreed that it did not make sense to seal until conditions were suitable.

Next financial year, pre-sealing work would involve a machine being brought in from the Mainland to undertake shoulder work to allow for settlement before sealing was carried out.

RESOLVED THAT the Downer EDi Works Report for April 2009 be received.

N C Ryan / A M Gregory-Hunt CARRIED

4.2 Engineer's April 2009 Report

Murray Keast advised that the New Zealand Transport Agency financial approval for the Roading Programme would not be received until July and an application was currently sitting with the Agency for Enhanced 'R' Funds.

RESOLVED THAT the Engineer's Report for April 2009 be received.

J I Clarke / E C Tuck CARRIED

4.3 Contract Extension for Downer EDi Works Ltd

The General Manager reported that the Council had previously confirmed its intentions to renew its Roading Maintenance Contract with Downer EDi Works Limited by negotiation, but to enable this to happen, the Transport Agency required two pieces of work to be done:

1. A survey of known contractors to assess interest in the contract; and
2. The preparation of a Procurement Strategy.

Both of the works had been completed, with the survey resulting in no serious interest due to the high cost of establishment. The Procurement Strategy had been lodged but was unlikely to be approved until after July 2009, therefore the Engineer had recommended that the contract be extended for a further three months, until 1 October 2009.

The General Manager stated that he believed the Council was being given the 'run around' by the New Zealand Transport Agency. When he had attended a Rural Sector Meeting in November 2008, he had questioned representatives of the Agency about the Procurement Strategy and was told that the Chatham Islands would not be a problem. Murray Keast stated that he got the same impression at a meeting he attended a week later.

Murray would be making one more attempt to get the Procurement Strategy approved by the Agency. If that approval was not forthcoming, the General Manager advised that Council would probably have to tender the contract. He was concerned that this was not a good way to build up Council's relationship with the current contractor as it left the contractor in the position of not being able to plan ahead.

Murray stated that there was a possibility that the Mayor or Deputy Mayor and the General Manager could meet with Mark Yaxley of the New Zealand Transport Agency to get a settlement on the issue as the contractor needed some certainty fairly soon. The General Manager suggested that Council wait until after Murray had held a further meeting with the Agency before resorting to that option.

RESOLVED THAT Contract CIC01, Roading Maintenance Contract, be extended until 12 noon on 1 October 2009.

N C Ryan / J I Clarke CARRIED

Mike Bowden and Maureen Toland entered the meeting at 2.55 p.m.

REGULATORY:

6.2 Minutes of District Licensing Agency Meeting

RESOLVED THAT the Minutes of the Chatham Islands District Licensing Agency Meeting, held on Thursday, 30 April 2009, be received.

E C Tuck / J I Clarke CARRIED

6.3 Transfer of Building Act Functions

The General Manager presented a letter received from the Minister for Building and Construction, Hon Maurice Williamson, acknowledging notice of the proposed transfer of Building Act functions to the Christchurch City Council.

The General Manager advised that the Chatham Islands were now at a higher level of compliance than what they had been accustomed to in the past. Once a Code of Compliance had been issued for a building project, it was essentially giving the property owner a 25 year insurance policy that if anything went wrong, the Council could be held liable. As Christchurch City Council was now the building compliance office for the Chatham Islands, it needed the comfort of knowing a project met the Building Act requirements.

RESOLVED THAT the letter from the Minister for Building and Construction be received.

E C Tuck / N C Ryan CARRIED

6.4 Proposed Registration of Tommy Solomon's Statue as a Wahi Tapu

Correspondence was received from the New Zealand Historic Places Trust advising Council that the NZHPT Maori Heritage Council was carefully considering a proposal to enter Tommy Solomon's Statue at Owenga in the NZHPT Register of historic places, historic areas, wahi tapu and wahi tapu areas.

The Chairman advised that Dave Maitland had noted that the statue was falling into a state of disrepair, with rust causing some plaster to fall off. Dave knew of a product that could be applied to repair the statue and was prepared to seek sponsorship for the work should he be asked. The Chairman would pass the information on to the appropriate people.

RESOLVED THAT the Council support the proposal to register Tommy Solomon's Statue as a wahi tapu.
E C Tuck / A M Gregory-Hunt CARRIED

**EMERGENCY
MANAGEMENT:**

7.1 Rural Fire

A report was presented from the Emergency Response Co-ordinator, Rana Solomon, covering the review of the Rural Fire Plan for the Chatham Islands and the membership of the Chatham Islands with the Wellington Regional Rural Fire Committee.

RESOLVED THAT the report on rural fire from the Emergency Response Co-ordinator be received.
J I Clarke / N C Ryan CARRIED

7.2 Emergency Training

A report was presented from the Emergency Response Co-ordinator, Rana Solomon, on the training to be undertaken by Emergency Volunteers during June. A Department of Conservation trainer, Rachael Thorp, would be coming to the Island to conduct an introductory Co-ordinated Incident Management System Course, and because Councillors were the backup support for the Emergency Operations Centre, they would need to undertake the training.

The Chairman reminded Councillors that they needed to attend the Co-ordinated Incident Management System (CIM's) training on 17 June.

RESOLVED THAT

1. The information on training be received.
2. Councillors attend the Co-ordinated Incident Management System introductory course as this year's annual Emergency Operations Centre training.

E C Tuck / N C Ryan CARRIED

Cr Ryan departed the meeting at 3.02 p.m.

7.3 Chatham Islands CDEM Group

A report was presented from the Emergency Response Co-ordinator, Rana Solomon, advising of a change of personnel on the CDEM Group.

His Worship the Mayor, Patrick Smith, had indicated last year that he was stepping down as Controller/Chair of

CDEM. Deputy Mayor, Alfred Preece, had undertaken to fill the role. This left the role of Operations Manager in the Emergency Operations Centre vacant. The position would need to be filled by another Councillor as it was a requirement under the CDEM Act 2002 that there be no less than three elected members on the CDEM Group.

The Chairman asked that Cr Clarke think about taking on the role of Operations Manager in the Emergency Operations Centre.

RESOLVED THAT

1. The information be received.
2. That Councillors give thought to who should be a member of the CDEM Group to take up the role of Operations Manager, once the Group had met and formalised the change of Controller and Chair to the Deputy Mayor, Alfred Preece.

J I Clarke / E C Tuck CARRIED

GOVERNMENT:

8.1 Diamond Jubilee of Queen Elizabeth II

A letter was received from The Monarchist League of New Zealand advising that 2012 would be the 60th year of Queen Elizabeth II's reign, and inviting Council to mark the occasion in some way.

RESOLVED THAT the information on Her Majesty's Diamond Jubilee be received.

J I Clarke / E C Tuck CARRIED

CLOSURE:

Meeting Closure

After consideration of the In Camera Agenda and there being no further business, the meeting was declared closed at 3.25 p.m.

CONFIRMED THIS 16th DAY OF JULY 2009

MAYOR