

CHATHAM ISLANDS COUNCIL

Minutes of the Ordinary Monthly Meeting of the Chatham Islands Council, held in the Council Chambers, Tuku Road, Waitangi, on Thursday, 30 September 2010, commencing at 1.35 p.m.

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

IN ATTENDANCE: General Manager, Owen Pickles
Corporate Services Manager, Deborah Goomes
Council Secretary, Lynette Pickles
Emergency Response Co-ordinator, Rana Solomon (from 2.37 p.m.)
ECan Biosecurity Officer, Chatham Islands, Alison Turner
Murray Keast, MWH Engineer (from 1.50 p.m.)

His Worship also welcomed former Mayor, Patrick Smith, and advised that a presentation would be made to Patrick during afternoon tea at the conclusion of the meeting.

APOLOGIES: Apologies were received from Deputy Mayor, J I Clarke and Councillor P R Christiansen.

RESOLVED THAT the apologies from Deputy Mayor Clarke and Councillor Christiansen be received.
N C Ryan / A M Gregory-Hunt CARRIED

MINUTES: **2.1 Ordinary Meeting, 19 August 2010**

RESOLVED THAT the Minutes of the Ordinary Meeting of the Chatham Islands Council, held on Thursday, 19 August 2010, be confirmed and adopted as a true and correct record.

E C Tuck / N J Whaitiri CARRIED

MATTERS ARISING: 4.1 Downer NZ Report

His Worship stated that the area outside the Te One School was looking good. Cr Croon stated that there was no longer a problem with traffic congestion at the beginning and end of the school day.

4.3 Engineer's Report

Cr Ryan advised that he had inspected the end of the Owenga Wharf with Engineer, Murray Keast. They

agreed that the tyres should be chained together to prevent them swinging around.

5.4 Treaty Claims Over Council Property

The General Manager advised that he had received a legal opinion from Jared Ormsby, of Wynn Williams & Co., on Council's rights as owners of the Hight Place Reserve and the Chudleigh Reserve. The opinion stated that both properties were vested in the Council and that under current policy of the Crown, "land owned or vested in a local authority is not available for use in Treaty Settlements, unless the local authority offers it for use".

The opinion further reminded Council of its obligations under the Treaty of Waitangi whereby "... consultation could be undertaken with relevant iwi bodies before any final decisions are made ...".

The General Manager advised that the legal opinion would be included in a future Council Agenda.

5.6 Museum and Cultural Heritage Project

His Worship complimented the staff on the work undertaken to tidy up the Museum.

6.4 Tb Guidelines for the Chatham Islands

His Worship advised that representatives from the Animal Health Board would be holding a meeting in the Council Chambers on Monday evening, 4 October, to talk about Tb on the Chatham Islands.

His Worship thanked Alison Turner for her efforts in this regard. Alison advised that the Animal Health Board were pleased that there was some action happening at the Chatham Islands' end.

FINANCE:

3.1 Debtor Report to 20 September 2010

The Debtor Report for the period ending 20 September 2010 was presented to Council.

RESOLVED THAT the Debtor Report as at 20 September 2010 be received.

A M Gregory-Hunt / N C Ryan CARRIED

The General Manager advised that he had the same story to tell as the previous month in regard to Council Dues. Payments had been received by the 20th, but the end net result was very similar to the last month.

The General Manager stated that the Auditors had sought further clarification on the outstanding Dues. They were looking to provide for an 'impairment' on Dues outstanding as at 30 June 2010. This would affect Council's 'bottom line' hugely and created potential for 'not a going concern' action. What the Auditors needed to see was evidence that the Dues were collectable and that Council had the authority to collect off principals involved with the shipping companies. He had shown the Auditors a legal opinion which stated that Council had claim on any person involved with the company, and not just the company itself. This had given the Auditors some comfort.

LATE ITEM:

3.2 Council Dues GST

In accordance with the Local Government Official Information and Meetings Act, the Council is required to consider a late item, with reasons, or defer until the next meeting.

The General Manager explained that the Council Dues had mistakenly been reported in the 2010-2011 Annual Plan as being GST inclusive. There was a need to change the Dues Schedule to state that they were GST exclusive.

RESOLVED THAT Council consider the following item as a late item at the September 2010 Council Meeting: "Council Dues GST" – the reason being the need for the correction to the Annual Plan to be made and adopted before 1 October 2010 when GST is raised to 15%.

M Croon / N J Whaitiri CARRIED

The General Manager advised that the Schedule of Dues, as produced in November 1991, would stand and be GST exclusive. The traders would add GST to the bottom of manifests at the correct rate of 15%.

RESOLVED THAT the 1991 Schedule of Dues, exclusive of GST, be adopted.

A M Gregory-Hunt / M Croon CARRIED

Murray Keast entered the meeting at 1.50 p.m.

WORKS & SERVICES: 4.1 Downer NZ Report, August 2010

RESOLVED THAT the Downer NZ Report for August 2010 be received.

E C Tuck / A M Gregory-Hunt CARRIED

Cr Gregory-Hunt asked if fresh soil and grass seed could be applied to the footpath berms on Tuku Road. She stated that the soil and seed had never been replaced since the search for koimi/koiwi had been undertaken and the area was looking untidy.

4.2 Engineer's August 2010 Report

RESOLVED THAT the Engineer's Report for August 2010 be received.

N C Ryan / N J Whaitiri CARRIED

The Engineer, Murray Keast, gave a rundown of the MWH Report. He advised that it was necessary to post a reduced speed limit on the Te One bridge due to corrosion of the beams. A report was now with the New Zealand Transport Agency (NZTA) seeking funding. This was likely to come from the T-Fund and be 97% funded.

Questions were asked about the item in the referring to a cattle stop to be installed on Port Hutt Road at Whangatete. It was confirmed that there would not be a cattle stop installed at Whangatete.

His Worship advised that when the new Council was installed, a trip to Pitt Island would be organised. There was a need to meet with Pitt Islanders to discuss if they wanted to have cattle stops installed there. If they did not, Council could then decide where to put them on Chatham Island. Te Matarae Road was mentioned as a possibility.

The General Manager advised that he, along with His Worship and the Engineer, had met with Bruce and Liz Tuanui that morning to assess Tuku Road at the south coast end. Murray Keast stated that the road was the least maintained on the network and was very rough. He would not recommend anything less than a four wheel drive vehicle to negotiate it.

His Worship stated that they had received verbal agreement with the Tuanui's to legalise the other side of the valley. He advised that the Department of Conservation (DoC) had given \$10,000 towards the cost of maintaining the road, but that would not go far. The

road was the worst that he had seen it. They had discussed the possibility of asking DoC to put in an annual contribution towards the cost of upgrading the road.

Murray Keast advised that there was approximately \$100,000 available for draining and grading, made up of \$10,000 from DoC with the balance coming from NZTA funds. If more funding could be obtained, some gravel could be laid as well.

The General Manager advised that DoC had provided \$10,000, believing that would be enough to fix the road. He would be writing to them advising that the one-off \$10,000, as the local contribution to gain the extra NZTA funding, would not be enough to cover the upgrade to the road. He would be seeking a commitment of an annual \$10,000 payment for the foreseeable future to bring the road up to a more useable standard.

Cr Tuck asked where the Grade 4 road stopped. His Worship advised that it stopped at the bridge. The legalisation process would cover from over the bridge to the top of the hill.

Murray Keast stated that maintenance would begin on the road when it was drier.

Cr Croon asked what options were available to alleviate the dust problem on North Road. Murray Keast advised that different material had been used on the road near Joe Tapara's property and they would be continuing with that strategy in the mean time.

Cr Croon advised that Te One School had acquired another bus shelter through the Total Span project. They were now trying to find some funding to install the shelter, but no final decision had been made on where it would be located.

4.3 Road Closure Request

A letter received from Cameron and Donna Gregory-Hunt was presented to Council, requesting permission to close off the paper road known as the "Scallop Track" to vehicular access. They were in the process of purchasing the property, and intended to re-fence the boundaries. They would like to allow walking access only and would install a stile with a sign permitting access to the beach.

The General Manager reported that there were two options available to the Council:

- declare the paper road as being only available for pedestrian access; or
- close the paper road and sell the land to the adjoining land owners (Cameron and Donna Gregory-Hunt).

Both options would require consultation with the public through the special consultative process.

The General Manager advised that consideration should also be given to the establishment of off-road car parking.

Cr Tuck asked how often the track was used by vehicles. His Worship asked Patrick Smith if he could give some history on the track. Patrick advised that it was an easement established as a horse track.

Cr Croon advised that the school children use it for their cross country races each year.

Cr Gregory-Hunt stated that it should be used by pedestrians only as there was a lot of erosion in the sand dunes.

RESOLVED THAT

1. Council declare the road, known as the “Scallop Track”, to be for pedestrian use only.
2. Provision for off-road car parking be made.
3. Public notice of the Council’s intentions be given with a call for submissions to be received by the November Council Meeting.
4. The Council make its final decision at the November Council Meeting.

E C Tuck / N C Ryan CARRIED

4.4 Fish Waste Disposal

The General Manager reported that a meeting of fish factory operators was held on 20 September 2010. The operators were advised that the fish waste disposal hole at Te One Dump would no longer be available. An alternative disposal option had been provided on land owned by Mr Alfred Preece. This would be a temporary arrangement until a more permanent solution was found, and costs associated with the site would be recovered via a targeted rate over factory properties.

Operators were also encouraged to introduce recycling measures, namely recycling the fish waste for bait. This would be subject to freezer space being available at affordable costs, with the high cost of electricity being the main prohibiting factor.

His Worship stated that during the meeting held with Prime Minister, John Key, the Chatham Islands' delegation had advised him of the problems associated with dumping fish waste, it currently being uneconomic to recycle it.

RESOLVED THAT

1. The report be received.
2. Council supports the actions taken.

N C Ryan / E C Tuck CARRIED

4.5 Waste Management Plan – Revised Budgets

A report prepared by Council's Engineer, John Cocks, updating the Waste Management Plan budgets, was presented to Council. The report provided the results of a review of the proposed budget taking account of inflation (using Statistic New Zealand cost indices), and work carried out to date. An allowance for inflation of 25% on 2005 costs was made.

Cr Croon asked if Council would get funding for the extra \$500,000+. The General Manager advised that savings could possibly be made if the site selection and RMA processes went smoothly.

Cr Croon asked if another 6' fence could be erected across the road from the Te One dump to protect the property on that side of the road. His Worship stated that the plan was to erect another fence on the dump site to block debris from flying out of the hole and out the gateway. The contractor is waiting for the ground to dry out so that a new road can be put in before erecting the fence. He advised that this solution was the adjoining land owner's suggestion.

RESOLVED THAT

1. The report be received.
2. A copy be forwarded to the Department of Internal Affairs.
3. A Workshop of Council be held following the Elections to further consider this report.

N J Whaitiri / A M Gregory-Hunt CARRIED

4.6 Waitangi Wharf

The General Manager presented a report on progress towards the Council purchasing the Waitangi Wharf from the Chatham Islands Enterprise Trust. A meeting, held between the two organisations on 16 September 2010, agreed that subject to funding being confirmed, the wharf and assets supporting coastal shipping would be sold to the Council for \$1.00. The Pitt Island Wharf was to be included in the deal.

An application to the New Zealand Transport Agency (NZTA) resulted in a direction from the Minister to assist, provided the wharf was owned by the Council. The Land Transport Act refers to “assets that support coastal shipping” as being qualifying works, with the Council able to attract 97% subsidy for capital works and 87% for maintenance.

A Memorandum of Understanding (MOU) between the Chatham Islands Enterprise Trust and the Council was being drawn up and Finance Managers representing both parties would report back on the implications of the decision by the end of November 2010.

The General Manager advised that the MOU was presented to the Trustees of the Enterprise Trust who asked that some amendments to the wording be made. The request was declined, leading to a delegation from the Trust meeting with the General Manager with another request for amendments. During that meeting the General Manager was advised that the MOU was to be between the Council and the Chatham Islands Ports Company Limited, not the Chatham Islands Enterprise Trust.

The General Manager stated that the MOU was now in the hands of the Port Company for agreement and signing, but any decision that Company made was to be reported to its shareholder, the Enterprise Trust, before anything could go ahead. He said they were still working on the details in the MOU, which was extremely frustrating and disappointing, with what seemed to be a simple transfer of ownership becoming very complicated. The hold up with the signing of the MOU was the one barrier to progress being made with NZTA.

Cr Croon asked the General Manager if he had any expectations on when the deal would be concluded. He stated that he was hoping within the next few days.

Cr Tuck asked if the Port Company was aware that they were holding up progress with NZTA. The General Manager advised that they were, stating that the longer the delay, the less chance of NZTA progressing the project.

His Worship stated that the hold up appeared to be based on the Port Company wanting a 'get out' clause inserted in the MOU.

Cr Tuck asked if the Trustees/Directors had been reminded that it was the Enterprise Trust who wanted the Council to take over the Wharf, not the other way around.

RESOLVED THAT the progress report on the purchase of the Waitangi Wharf be received.

E C Tuck / N C Ryan CARRIED

COMMUNITY SERVICES:

5.1 Burial and Cremation Act 1964

Correspondence had been received from the Law Commission advising that it was to undertake a first principles review of the legislation which regulated the burial or cremation of the dead in New Zealand. The Burial and Cremation Act's primary objective was to ensure that cemeteries were available to the public and that they, and crematoria, were managed appropriately.

The General Manager advised that the review offered an opportunity to recognise the Chatham Islands' process, and to obtain legalisation of the burial practices he had observed here since he arrived. He stated that he had received a number of queries from people over the Chatham Islands' practice.

As the Act was being reviewed, the General Manager thought it prudent that Council made a submission seeking legalisation of the Chatham Islands' process. Council could continue to 'turn a blind eye' or take a proactive stand.

RESOLVED THAT Council engage with the Law Commission with the view to recognising Chatham Islands' customary process under the Burial and Cremation Act.

N C Ryan / E C Tuck CARRIED

REGULATORY:

6.1 Update from Environment Canterbury

The report for September 2010 from Environment Canterbury was presented, covering the progress of the various activities being undertaken on behalf of the Chatham Islands Council.

RESOLVED THAT the September 2010 report on the various activities undertaken by Environment Canterbury be received.

A M Gregory-Hunt / M Croon CARRIED

The General Manager advised that staff were still busy working on the Annual Report and were awaiting Audit sign-off. He stated that it would not be signed by this Council, but as there was a legal obligation to have it signed off before the end of October, it would likely occur at the time of the Statutory Meeting on 28 October.

Alison Turner stated that she did not have much to add to the report. She advised that while undertaking an inspection at Waitangi Wharf, she had found some unknown thistle seeds in a piece of imported machinery. She would like to have some input into the design of the new wharf in order to have facilities included for the handling and cleaning of freight suspected of being a biosecurity threat. Currently there was no facility available.

Cr Tuck asked why the machinery was able to get through checking facilities at Timaru or Napier. Alison advised that there was a process undertaken at those Ports, but sometimes things still got through.

The Emergency Response Co-ordinator, Rana Solomon, entered the meeting at 2.37 p.m.

EMERGENCY MANAGEMENT:

7.1 Emergency Management Quarterly Report

The quarterly report from Council's Emergency Response Co-ordinator, Rana Solomon, was presented to Council. The report covered the ERC's activities over the previous three months, and also impending responsibilities.

RESOLVED THAT the report from the Emergency Response Co-ordinator be received.

E C Tuck / A M Gregory-Hunt CARRIED

The ERC briefed Council on 'Exercise Tangaroa', which would occur on Wednesday, 20 October 2010. The Exercise would involve the whole of New Zealand and also approximately thirty other countries. On the Chatham Islands, the Exercise would involve the evacuation of school children. For this Exercise, the Waitangi Hall would be used as an evacuation centre rather than Kopinga. She hoped to have the final draft back next week to allow her to advise the community of the Exercise. Staff from the Ministry of Civil Defence and Emergency Management would be on the Islands during the Exercise to evaluate how the local systems work.

The ERC advised that an Exercise using the EMIS (Emergency Management Information System) would be run in November. She and Jacqui Nielsen undertook training in the system and Jacqui would be the person to run it.

Cr Tuck asked if there would be any tsunami signage erected on the Chatham Islands. The ERC advised that it was up to each territorial authority to provide signage.

Cr Croon expressed concern that there was no warning siren in Te One. The ERC advised that the mobile sirens were only used when there was ample time to warn of an approaching tsunami, and in that case sufficient time would be available to contact Te One residents.

Cr Ryan pointed out that the Kopinga evacuation centre for Owenga residents could be inaccessible if the Te One Bridge was out.

Deborah Goomes, Rana Solomon, Alison Turner, Murray Keast and Patrick Smith departed at 2.46 p.m. before the meeting went In Camera.

At 2.55 p.m., at the conclusion of the In Camera section of the meeting, Alan Stanton and Les Woodrow from Downer NZ, Rana Solomon and Patrick Smith entered the meeting.

FINAL MEETING:

40 Years Service

His Worship congratulated the General Manager, Owen Pickles, on being presented with his 40 year Service Award at the recent Society of Local Government Manager's Conference in Queenstown. It was acknowledged that almost nine of those years had been spent with the Council on the Chatham Islands.

Retiring Council Members

His Worship acknowledged the retirements of two Councillors, Eva-Cherie Tuck and Toni Gregory-Hunt. He thanked them for their service to the community and wished them well.

His Worship also wished those members standing again in the Elections the best of luck. Councillors also wished His Worship well for the Election.

CLOSURE:

Meeting Closure

The meeting was declared closed at 3.00 p.m. after which an afternoon tea was held to recognise Patrick Smith's many years of service to the community, both as a Councillor and as the Mayor.

CONFIRMED THIS 28th DAY OF OCTOBER 2010

MAYOR