



Rangitikei District Council

Council Meeting

Minutes – Thursday 28 May 2015 – 1:08 p.m.

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Present: His Worship the Mayor, Andy Watson
Cr Dean McManaway
Cr Cath Ash
Cr Richard Aslett
Cr Nigel Belsham
Cr Angus Gordon
Cr Tim Harris
Cr Mike Jones
Cr Rebecca McNeil
Cr Soraya Peke-Mason
Cr Ruth Rainey
Cr Lynne Sheridan

In attendance: Mr Ross McNeil, Chief Executive
Mr Michael Hodder, Community & Regulatory Services Group Manager
Ms Denise Servante, Strategy and Community Planning Manager
Ms Katrina Gray, Policy Analyst/Planner
Ms Gaylene Prince, Community & Leisure Services Team Leader
Ms Samantha Whitcombe, Governance Administrator

Deputation from Meridian Energy Limited:

Mr Humphrey Tapper, Associate General Counsel - RMA
Mr Steve Harding, Development Manager
Ms Chris Thomson, Environmental Manager

Tabled documents:

Item 3	Public Forum (Rangitikei Guardians – Project Central Wind, Madalene Frost – Project Central Wind, Charles Foot – Project Central Wind)
Item 7	Mayor’s report
Item 12	Project Central Wind: Consideration of objection from Meridian Energy to Council’s decision to decline the application to extend the lapse date (legal advice from Martin J E Williams)
Item 9	Rules Reduction Taskforce – Submission (updated submission)

1 Welcome

His Worship the Mayor welcomed everyone to the meeting.

2 Public Forum

Geoff and Gill Duncan – speaking on Item 12: Project Central Wind: Consideration of objection from Meridian Energy to Council’s decision to decline the application to extend the lapse date

- Mr and Ms Duncan presented legal advice they had obtained from MF McClelland, QC. This considered that it was beyond Council’s jurisdiction to consider a second extension, and also challenged whether Meridian had met the statutory tests.

His Worship the Mayor clarified that the legal opinion was to be treated as a tabled document, at which stage it was distributed to those present at the meeting together with a further opinion obtained from Council’s legal adviser. He then ruled that the matter was within Council’s jurisdiction to determine.

Rita Batley – speaking on Item 12: Project Central Wind: Consideration of objection from Meridian Energy to Council’s decision to decline the application to extend the lapse date

- Ms Batley highlighted the inaccuracies and lack of information provided in Meridian’s application and considered that this fell short of what was required, particularly the uncertainty of the need for additional electricity generation over the next 3-5 years. She observed that the community had understood that with the construction at Mill Creek that Project Central Wind would not proceed. s

Madalene Frost - speaking on Item 12: Project Central Wind: Consideration of objection from Meridian Energy to Council’s decision to decline the application to extend the lapse date

- Ms Frost took issue with the question of ‘substantial effort or progress’ and also highlighted the potential risk to native birds from the wind turbines.

3 Apologies/Leave of absence

Nil

4 Members’ conflict of interest

Members were reminded of their obligation to declare any conflicts of interest they might have in respect of items on this agenda.

5 Confirmation of order of business

His Worship the Mayor informed Council that there would be no change to the order of business from that set out in the agenda. Item 12 would be taken at 2.00 pm.

6 Confirmation of minutes

Resolved minute number **15/RDC/154** **File Ref**

That the Minutes and Public Excluded Minutes of the Council meeting held on 14 May 2015 be taken as read and verified as an accurate and correct record of the meeting.

Cr Belsham / Cr Harris. Carried

7 Mayor's report

His Worship the Mayor spoke to his report.

Resolved minute number **15/RDC/155** **File Ref** 3-EP-3-5

That the Mayor's report to Council's meeting on 28 May 2015 be received.

His Worship the Mayor / Cr Jones. Carried

8 Administrative matters – May 2015

Mr McNeil spoke to the items within the report.

Discussion was held around the following points:

- That regarding the upgrade of the ablution block at the Mangaweka Camp ground, Council Officers take into account Paul Eames' 'out-of-the-box' ideas and give him some flexibility.
- That Council Officers investigate the potential discharge of stormwater into the dam at Frae Ona Park, specifically in regards to issues around run-off from the bus depot up the road, with a report to the Assets/Infrastructure Committee.
- That any decision on the provision of a vehicle for the Mayor's use be made at a policy level that will be applicable to any future Mayor as well as the current one. Councillors acknowledged the substantial amount of work the Mayor does within the District.

Resolved minute number **15/RDC/156** **File Ref** 5-EX-4

That the report 'Administrative matters – May 2015' be received.

Cr McManaway / Cr Gordon. Carried

Resolved minute number **15/RDC/157** **File Ref** 5-EX-4

That Council grants a certificate of exemption under clause 14(3) of the Camping-Ground Regulations 1985 to the current operator of the Mangaweka Camping Ground (being a remote camping ground) for the requirements of the Schedule to those regulations for a

period of five years from 1 July 2015 subject to the Community & Leisure Assets Services Team Leader being satisfied that the camping ground provides a safe and hygienic environment.

Cr McManaway / Cr Aslett. Carried

Resolved minute number **15/RDC/158** **File Ref** 5-EX-4

That Council invites representatives of Powerco Limited to meet with Elected Members and key staff during a meeting of the Assets/Infrastructure Committee.

Cr McManaway / Cr Belsham. Carried

Resolved minute number **15/RDC/159** **File Ref** 5-EX-4

That Council records its preference that the Mayor of the Rangitikei District is allocated a vehicle for Mayoral and private use in accordance with the requirements of the Remuneration Authority, while acknowledging that this is a decision for the Mayor to make, and this be added as a footnote in the Council's Allowances and Reimbursements of Expenses Policy.

Cr Harris / Cr Sheridan. Carried

Cr McManaway left Chambers 1.52 pm / 1.56 pm

Discussion of item 8 stopped at 2.00 pm.

12 Project Central Wind: Consideration of objection from Meridian Energy to Council's decision to decline the application to extend the lapse date

Mr Tapper, Associate General Counsel – RMA, led Meridian's presentation. He outlined the basis for Meridian's objection to the Council's decision on 14 May 2015, reiterating the three tests that had been addressed in submitting the application (and on further enquiry from the Council): these were what Council need to consider when making its decision.

Mr Hodder spoke to the report, noting additional work and suggesting the proposed recommendations provided a reference point irrespective of what decision Council made.

Resolved minute number **15/RDC/160** **File Ref** 2-LP-5-RM08
(80065)

That the report 'Project Central Wind: Consideration of objection from Meridian Energy to Council's decision to decline the application to extend the lapse date' be received.

Cr Sheridan / Cr Jones. Carried

Resolved minute number **15/RDC/161** **File Ref** 2-LP-5-RM08
(80065)

That in considering the application from Meridian Energy to extend the lapse date for the consents granted by the Council for Project Central Wind (and the objection to Council's previous decision to decline it) Council notes (and agrees) that:

- a. regard is required to be had to the three matters to be taken into account specified by section 125(1A) of the Resource Management Act 1991 and
- b. the wider policy context for the project would be of potential relevance, including the practical and economic realities of constructing and completing a major development but not the company's financial position.

Cr Sheridan / Cr Jones. Carried

Resolved minute number **15/RDC/162** **File Ref** 2-LP-5-RM08
(80065)

That Council notes (and agrees) that

- a. the three matters to be taken into account specified by section 125(1A) of the Resource Management Act 1991 are evaluative, unprioritised, and inter-related, and that
- b. they do not comprise 'bottom lines' which must all be met conclusively, but instead they are a reasonable conclusion on each test must be reached, and an overall decision then made.

Cr Sheridan / Cr Belsham. Carried

Resolved minute number **15/RDC/163** **File Ref** 2-LP-5-RM08
(80065)

That Council notes (and agrees) that

- a. the quantum of effort and progress which has been (and continues to be) made towards giving effect to the Council's consents for Project Central Wind is substantial,
- b. no physical construction has been done, and that
- c. further delay with the physical construction will make an overall assessment of 'substantial progress or effort' increasingly uncertain and unlikely.

Cr Jones / Cr Sheridan. Carried

Cr Ash voted against

Motion

That Council notes (and agrees) that consideration may be needed to alternative technologies should the present application be approved and there is a further application to extend the lapse date made in five years' time.

Cr Sheridan / Cr Belsham. Lost

Motion

That Council notes (and agrees) that the evidence from reviewing consenting activity before and after the consents for Project Central Wind is that there is a very small number only of persons who may be potentially adversely affected from granting the extension to lapse the Council's consents.

Cr Sheridan / Cr Jones.

Amendment

, but also notes that parties that have not applied for consent have not been identified

Cr Gordon / Cr Rainey. Carried

Resolved minute number

15/RDC/164

File Ref

2-LP-5-RM08
(80065)

That Council notes (and agrees) that the evidence from reviewing consenting activity before and after the consents for Project Central Wind is that there is a very small number only of persons who may be potentially adversely affected from granting the extension to lapse the Council's consents, but also notes that parties that have not applied for consent have not been identified.

Cr Sheridan / Cr Jones. Carried

Cr Peke-Mason voted against

Resolved minute number **15/RDC/165** **File Ref** 2-LP-5-RM08
(80065)

That Council notes (and agrees) that the operative District Plan is not undermined by granting the application to lapse the Council's consents for Project Central Wind.

Cr Sheridan / Cr McManaway. Carried

Councillors expressed differing views on whether there was sufficient evidence to justify granting the extension.

Resolved minute number **15/RDC/166** **File Ref** 2-LP-5-RM08
(80065)

That Council, having considered the Notice of Objection dated 14 May 2015 from Meridian Energy Ltd,

- a. in terms of Standing Order 3.9.18, revokes resolution 15/RDC/127; and
- b. approves the application from Meridian Energy Ltd to extend the lapse date for the consents granted by Rangitikei District Council for Project Central Wind for five years (i.e. to 28 May 2020), thus resolving the objection.

Cr Belsham / Cr Sheridan. Carried

Cr Peke-Mason and Cr Ash voted against

Adjourned for afternoon tea 3.25 pm / 3.43 pm

8 Administrative matters – May 2015 - continued

Motion

That Council applies the savings in the award of the new roading contract by reducing the rates requirement for 2015/16.

Cr Jones / Cr Aslett. Lost (Equality of votes)

Motion

That Council applies the savings in the award of the new roading maintenance contract by applying the savings to Council's Emergency Roothing Reserve fund.

Cr Sheridan / Cr Gordon. Lost

Council requested that further investigation be undertaken on where to allocate the savings obtained from the newly awarded roading contract (C980)

Resolved minute number **15/RDC/167** **File Ref** 5-EX-4

That Council affirms its commitment to supporting a collaborative approach to securing improved facilities on Taihape Memorial Park, acknowledges the work done by Clubs Taihape to promote such a concept, and allows to lapse the commitment for a provisional lease to Clubs Taihape for part of Taihape Memorial Park until the current facilitation processes are complete and have identified a preferred option.

Cr Rainey / Cr Ash. Carried

Resolved minute number **15/RDC/168** **File Ref** 5-EX-4

That the Chief Executive (i) requests the New Zealand Transport Agency to improve safety at the intersection of State Highway 3 and Williamsons Line, by installing a refuge right-turning lane and (ii) writes to Vern McDonald thanking him for his concern and informing him of Council's action.

His Worship the Mayor / Cr Sheridan. Carried

Resolved minute number **15/RDC/169** **File Ref** 5-EX-4

That with respect to the annual domain fee of \$303 charged to the Hunterville Rugby Club, Council declines the request for waiver.

Cr Gordon / Cr Rainey. Carried

Cr McManaway left Chambers 3.48 pm / 3.50 pm

His Worship the Mayor left Chambers 4.12 pm / 4.17 pm, during this time the Deputy Mayor, Cr McManaway, took over as Chair.

Cr Sheridan the meeting 4.32 pm

Cr McManaway left the meeting 4.33 pm

9 Rules Reduction Taskforce – Submission

Resolved minute number **15/RDC/170** **File Ref** 3-OR-3-5

That the memorandum 'Rules Reduction Taskforce – Submission' be received.

Cr Belsham / Cr McNeil. Carried

Resolved minute number **15/RDC/171** **File Ref** 3-OR-3-5

That Council authorises the Mayor to sign the proposed submission to the Rules Reduction Taskforce.

Cr Sheridan / Cr Peke-Mason. Carried

10 Adoption of draft Schedule of Fees and Charges 2015/16

Mr McNeil spoke briefly to the item.

Cr Peke-Mason informed Council that the additional charge for the Ratana Urupa had been misunderstood by staff. Mr McNeil undertook to investigate this charge and make the appropriate amendments to the Schedule of Fees and Charges 2015/16.

Resolved minute number **15/RDC/172** **File Ref**

That Council adopts the final draft Schedule of fees and Charges 2015/16 as amended to come into force on 1 July 2015.

Cr Jones / Cr Sheridan. Carried

11 Adoption of draft Policy on Development Contributions

Mr McNeil spoke briefly to the item.

Resolved minute number **15/RDC/173** **File Ref**

That Council adopts the final draft Policy on Development Contributions without amendment} to come into force on 1 July 2015.

Cr Peke-Mason / Cr Rainey. Carried

13 Draft final 2015-25 Long Term Plan following Deliberations

Ms Servante spoke briefly to the report, highlighting the main changes that have been made to the Plan.

Council was informed that a petition in support of the Mangaweka Community's desire to have Council's preferred option of not maintaining the current wastewater treatment plant when the resource consent is due for renewal in 2024 removed from the 2015-2025 Long Term Plan was not considered during deliberations. Cr Aslett confirmed that the petition had been presented to the Taihape Office but inexplicably turned up in mail sent to his house. Council agreed to accept this petition as a submission to the 2015-2025 Long Term Plan

Resolved minute number **15/RDC/174** **File Ref** 1-LTP15-5-1

That the memorandum "Draft Final 2015-25 Long Term Plan following deliberations: be received.

Cr Aslett / Cr McNeil. Carried

Resolved minute number **15/RDC/175** **File Ref**

That the petition in support of the Mangaweka Community's desire to have Council's preferred option of not maintaining the current wastewater treatment plant when the resource consent is due for renewal in 2024 removed from the 2015-2025 Long Term Plan, be accepted as a submission to the 2015-2025 Long Term Plan.

Cr Aslett / Cr Gordon. Carried

Resolved minute number **15/RDC/176** **File Ref** 1-LTP15-5-1

- 1 That Council notes that (i) a review of the financial impact of the proposed revenue and financing policy showed that the allowable threshold for the Uniform Annual General Charge would be exceeded, and that (ii) amendments have been made to the policy so that its financial impact aligns with what was conveyed in "What's the Plan Rangitikei?..."
- 2 That the draft final 2015-25 Long Term Plan [as amended] be submitted to Audit New Zealand for scrutiny (and amendment as needed) prior to issue of its opinion and the adoption of the Plan by Council on 25 June 2015.

Cr Belsham / Cr McNeil. Carried

Ms Servante noted recent discussion with Trevor Nicholls, having regard for the closure of the dive well and the installation of a 25 metre bulkhead as part of the capital programme. These changes made it feasible to extend the swimming season at the Marton Pool from 1 September to the end of term 1 without additional operating expenditure.

Resolved minute number **15/RDC/177** **File Ref**

That Council accepts the proposal from Nicholls Swim Academy to alter the opening and closing dates of the Marton Swim Centre, provided this can be achieved within the existing budget.

Cr Belsham / Cr Harris. Carried

14 Draft response to submitters to "What's the Plan Rangitikei...?" and associated documents

Council noted that a response to submitters had been drafted and included as Article 8 'Response to Submitters' in the Draft final 2015-25 Long Term Plan following Deliberations.

15 Receipt of committee minutes and resolutions to be confirmed

Resolved minute number **15/RDC/178** **File Ref**

That the minutes of the following meetings be received:

- Turakina Community Committee, 2 April 2015
- Turakina Reserve Management Committee, 2 April 2015
- Omatane Rural Water Supply Management Sub-Committee, 15 April 2015
- Hunterville Community Committee, 20 April 2015
- Finance/Performance Committee, 30 April 2015
- Bulls Community Committee, 12 May 2015
- Erewhon Rural Water Supply Management Sub-Committee, 13 May 2015
- Marton Community Committee, 13 May 2015
- Assets/Infrastructure Committee, 14 May 2015

Cr McNeil / Cr Peke-Mason. Carried

Resolved minute number **15/RDC/179** **File Ref**

That the following recommendations from Hunterville Community Committee dated 30 April 2015 be confirmed:

15/HCC/003

That the Hunterville Community Committee recommends that Council provide a replacement picnic table and appropriate seating for Centennial Hall, Hunterville.

His Worship the Mayor / Cr Aslett. Carried

Resolved minute number **15/RDC/180** **File Ref**

That the following recommendations from Finance/Performance Committee dated 30 April 2015 be confirmed:

15/FPE/014

That the Finance/Performance Committee recommends to Council that it proceed with further action pursuant to the Local Government Rating Act 2002, including the sale of the properties owned by the six ratepayers identified in the report who have been through all the prescribed steps, to recover the overdue unpaid rates on these properties.

His Worship the Mayor / Cr Belsham. Carried

16 Public Excluded – 4.53 pm

Resolved minute number **15/RDC/181** **File Ref**

I move that the public be excluded from the following parts of the proceedings of this meeting, namely:

Item 1: Council Property

The general subject of the matter to be considered while the public is excluded, the reason for passing this resolution in relation to this matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of the matter to be considered	Reason for passing this resolution in relation to the matter	Ground(s) under Section 48(1) for passing of this resolution
Item 1 Council Property	Briefing contains information which if released would be likely unreasonably to prejudice the commercial position of the person who supplied it or who is the subject of the information and to enable the local authority holding the information to carry on, without prejudice or disadvantage negotiations (including commercial and industrial negotiations)	Section 48(1)(a)(i)

This resolution is made in reliance on Section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interests protected by Section 6 or Section 7 of the Act which would be prejudiced by the holding or the whole or the relevant part of the proceedings of the meeting in public as specified above.

Cr Aslett / Cr Belsham. Carried

17 Open Meeting – 4.56 pm

Resolved minute number **15/RDC/182** **File Ref**

I move that Council moves back into open meeting.

Cr Belsham / Cr Harris. Carried

18 Late items

Nil

19 Future items for the agenda

Nil

20 Next meeting

Thursday 25 June 2015, 1.00 pm

21 Meeting closed – 4.58pm

Confirmed/Chair: _____

Date: _____