



Ashburton District Council

AGENDA

A MEETING of the ASHBURTON DISTRICT COUNCIL
will be held as follows:

Date: Thursday 8 April 2010

Venue: Council Chamber
5 Baring Square West
Ashburton

Time: 1.30 pm

MEMBERS:

His Worship the Mayor, M B O'Malley
Cr R C Beavan
Cr N A Brown
Cr I J Burgess
Cr J A Everest
Cr K L Holmes
Cr R J Kilworth
Cr J A Kingsbury
Cr L J Leadley
Cr K W P Lowe
Cr P W Reveley
Cr J Sparks
Cr B A Tasker

B LESTER
Chief Executive

1 April 2010

AGENDA

	Page
1 APOLOGIES	
OPENING PRAYER	
– Pastor Rob Davison – New Life Church	
2 NOTIFICATION OF EXTRAORDINARY BUSINESS	
3 CONFIRMATION OF MINUTES	
3.1 Council Meeting – 25 February 2010	1
3.2 Extraordinary Council Meeting – 25 March 2010	8
3.3 Matters Arising from Minutes	
4 REPORTS	
4.1 Mayor	10
4.2 Chief Executive	Tabled
4.3 Operations Committee — 11 March 2010	11
— Recommendation <i>Receive minutes of meeting</i>	
— Recommendation <i>Area wide pavement treatment</i>	
4.4 Environmental Services Committee — 18 March 2010	17
— Recommendation <i>Receive Minutes of Meeting</i>	
— Recommendation <i>Draft District Plan</i>	
4.5 Finance and Community Services Committee — 25 March 2010	21
— Recommendation <i>Receive Minutes of Meeting</i>	
— Recommendation <i>Methven Heritage Association</i>	
— Recommendation <i>to uplift the Ashburton Car Club Road Closure application</i>	
4.6 Old Main South Road / State Highway One Intersection Closure	25
4.7 Warrant of Authority – Senior Planner	28
4.8 Closure of Stockwater Race – Racecourse Rd (to be circulated)	Attached
5 BUSINESS TRANSACTED WITH THE PUBLIC EXCLUDED	
5.1 Confirmation of Minutes	
5.1.1 Council Meeting – 25/02/10	31
• Ashburton Business Estate Project Board	Section 7(2)(h) Commercial activities
• Property Matter (Glasgow lease freehold)	Section 7(2)(h) Commercial activities
• Ashburton Stadium Complex Project Group	Section 7(2)(h) Commercial activities
• Staff matter	Section 7(2)(a) Protection privacy natural persons
[Now in open meeting]	
• Proposed declassification of reserve 2222, Mainwarings Road	
• RDR Management Ltd – loan security	
• Hydro Trader proposal	
• Options for siting 2 nd bridge (Ashburton River)	
• Ashburton Aquatic Park Charitable Trust	
• Ashburton Airport proposed designation	

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: 1/3/1
DATE: 8 April 2010
REPORT TO: Council
FROM: Mayor

4.1. MAYOR'S REPORT

4.1.1 LOCAL GOVERNMENT NEW ZEALAND CONFERENCE AND A G M

The Conference and Annual General Meeting will be held in Auckland this year from Sunday 25 to Wednesday 28 July. The Council's suggested guidelines for attendance at as North Island Conference, are that Council be represented by the Mayor, CEO and one Councillor. (ADC guidelines state that the Deputy Mayor should attend one conference in each term of Council). Councillors have been asked to register their interest in attending 2010 Conference.

Cr Leadley has registered his interest in attending.

Since 2005 attendance has been as follows:

2005	Christchurch	Mayor & CEO, Crs Holmes, Lowe & Tasker
2006	Wellington	Mayor & CEO, Crs Beavan & Kilworth
2007	Dunedin	Mayor & CEO, Crs Leadley, Brown & Glass
2008	Rotorua	Mayor & CEO, Cr Holmes
2009	Christchurch	Mayor & CEO, Crs Beavan, Burgess & Tasker <i>(Crs Kinsbury, Kilworth & Sparks (Day only registrants))</i>

RECOMMENDATION

1. That the Mayor, Chief Executive and Councillor represent the Ashburton District Council at the Local Government New Zealand Conference in 2009.
2. That the Mayor be the Presiding Delegate to vote on behalf of the Ashburton District Council at the Annual General Meeting.
3. That the Chief Executive be the Alternate Delegate to vote at the Annual General Meeting in the absence of the Presiding Delegate."

4.1.2 CALENDAR

Some of the meetings and functions I have attended since reporting to the last Council meeting on 25 February 2010 ---

- 1 March Met with Manager, Enterprise Ashburton
Met with Donna Favell
Met with Michelle Brett re Hakatere Marae presentation at Trustpower Awards
- 2 March Met with representative from Seniors Centre Trust
Attended ACL Liaison Group meeting
Met with Sue Newman re Guardian column
Led the Mayoral Bike Challenge
- 3 March Met with Mayors Garry Jackson and Ron Keating
Attended Advance Ashburton Trust meeting

- 4 March Attended Seniors Centre Trust meeting
- 5 March Attended World Day of Prayer Service
- 7 March Attended Children's Day Event
- 8 March Met with Laurence Cooney and Brian Lester
Attended Lake Hood Trust meeting
- 9 March Chaired Mayor's Wellbeing Forum
Attended Ellerslie Flower Show Garden Party
- 10 March Attended RDR Directors' meeting
Chaired Stadium Project Group meeting
- 12-14 March Attended Trustpower National Awards, Nelson
- 16 March Attended Agri Optics N Z Ltd function
- 17 March Met with representative from Ashburton A & P Association
Met with Sue Newman re Guardian column
Interview with Fairfax re Ashburton economic updates
Met with Chairman and General Manager of ACL
- 18 March Attended opening of Harris Reserve
- 19 March Chaired Canterbury Water Management Strategy meeting, Christchurch
- 20 March Attended Methven Show and visited Methven House
Opened new Art Gallery, Creek Road, Ashburton
- 23 March Took part in RDR Conference Call
- 24 March Met with representatives from Mid-Canterbury Cricket
Attended Advance Ashburton Trust meeting
- 26 March Presented Allenton School Badges to students
Attended St Johns Awards Presentation, Methven
- 28 March Attended Open Farm Day Visit at Macfarlane's property
- 29 March Attended Dawn Blessing for Mt Hutt Heritage Project
- 30-31 March Attended Auditor-General Advisory Group meeting, Wellington
- 31 March Visited Mrs Grace Ferguson on occasion of her 101st birthday at Rosebank
- 6 April Chaired Tinwald Bridge Proposed Siting Public meeting
- 7 April Chaired Ashburton Business Estate Project Board meeting
Met with Sue Newman re Guardian column
Attended Advance Ashburton Trust meeting
Met with A & P Association members

I have been represented at other functions / events during this time as follows:

Cr Leadley attended:

- 13 March Attended Mayfield Show
- 26 March Attended Agricultural ITO Training Awards Ceremony

Cr Tasker attended:

- 1 April Attended Ballance Agriculture Awards, Christchurch

M B O'MALLEY
Mayor

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: 1/3/3
DATE: 8 April 2010
REPORT TO: Council Meeting
FROM: Chief Executive

4.2 CHIEF EXECUTIVE'S REPORT

4.2.1 IANZ REVIEW EXIT MEETING

I attended this meeting on 26 February with relevant staff. The report back was generally positive with some corrective actions that are being addressed. The Government has indicated further changes to the building control sector related to group consents and accredited builders. The timing and impact of these is unknown.

4.2.2 CANTERBURY WATER MANAGEMENT STRATEGY

This is continuing, and has been recognized as a fundamental document in the changes with the Regional Council.

We will be working towards setting up a Zone committee for the district. There will be a briefing for Councillors on this, and advertising being prepared. It will require a Council resolution. Work is currently being undertaken on finalizing Zone boundaries (Rakaia) and protocols to consider common interests / issues with neighbouring zones.

4.2.3 OVERWEIGHT VEHICLES

The Government has announced its position with respect to increasing vehicle weight to allow 53 tonne loads. They have considered local government's position on this, which allows the increased tonnages on a permit system only. The permit system only allows such loads on specified routes. This will allow local roads to be protected.

B LESTER
Chief Executive

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: 0510-01
DATE: 8 April 2010
REPORT TO: Council
FROM: Asset Management Officer
SUBJECT: Old Main South Road Closure

4.6 OLD MAIN SOUTH ROAD / STATE HIGHWAY ONE INTERSECTION CLOSURE

4.6.1 SUMMARY

Concerns have been raised on the safety of the intersection on State Highway 1 and Old Main South Road, particularly at night due to road alignment and vehicle headlights.

The intention is to close the intersection of Old Main South Road and State Highway 1 and at Frisbys Road gate 1,560 metres off Old Main South Road to through traffic.

Adjacent property owners have been contacted by phone and they have no issues with the highway intersection being closed off to vehicle traffic or the section of road being closed to traffic. The length of road affected is approximately 1,560 metres (from State Highway 1 to Frisbys Road), 20 metres in width (boundary to boundary) and is unsealed. The road would not be disposed of. As a long term strategy it is recommended to be converted to a 'paper road' and offered for lease to adjacent property owners. The process for converting it to a paper road is still being investigated.

4.6.2 RECOMMENDATION

- | |
|--|
| <ol style="list-style-type: none">1. That Council proposes to close the intersection of Old Main South Road and State Highway 1 to vehicular traffic, to resolve safety issues associated with traffic operations.2. That the road reserve area of Old Main South Road, from State Highway 1 to Frisbys Road, be gated to general traffic." |
|--|

4.6.3 BACKGROUND

Transit New Zealand (now NZTA) initially raised the safety issue with this intersection with the Rooding and Street Services department.

The two key issues are the alignment relative to the State Highway and vehicle headlights potentially interfering with oncoming traffic.

The alignment is such that motorists could easily misread the intersection while northbound on Old Main South Road or southbound on State Highway 1. Such an error could occur at speed and result in a serious crash. Physical works are possible to realign the corner but this would be a significant expense and unjustifiable for the low traffic volumes.

At night vehicle headlights typically shine towards the oncoming traffic, from both northbound traffic on Old Main South Road and southbound traffic on State Highway 1. This has the potential to inadvertently misguide traffic towards an incorrect alignment.

During general usage vehicles can depart from the highway into Old Main South Road at speed. With the local road being unsealed a motorist could lose control when traversing to the gravel road.

Traffic volumes on Old Main South Road counted during 26 February / 5 March 2010 show the average daily traffic at the intersection is 27 vehicles per day. This count is approximately 100m from the State Highway.

Crash records were reviewed. There are no recorded crashes on Old Main South Road or the intersection with State Highway 1 in the period 2004/2009.

4.6.4 OPTIONS

The base line option is to retain the existing situation.

Option 1 is to block off the northern end (State Highway 1).

This will require a white sight fence and earth mound and sign the road as “no exit”. This would remove the potential safety issue and retain full public access to the road and adjacent properties.

Option 2 is to close the road to vehicle traffic as indicated in Option 1 and place a gate at Frisbys Road.

It would retain the road reserve property, so that any potential access issues to the surrounding surveyed areas are retained, and clearly direct traffic to the highway by Frisbys Road.

Following the implementation of Option 2, Council could investigate the process to convert it to a paper road and consider leasing the area out to adjoining property owners.

An advantage is that while the gated area would discourage traffic the maintenance level can be reduced.

This is the recommended option.

Option 3 is for full disposal of the road reserve. This option would have implications for future access to some surveyed land sections, Right of Way agreements may be required and greater consultation and disposal procedures would be required. The expected timeframe for this process is over 18 months.

4.6.5 STATUTORY IMPLICATIONS

Council would be acting in accordance with the Local Government Act 2002 Section 82, Principles of Consultation, by contacting adjoining property owners and, following Council’s decision, publically advertising the closure of the intersection and gating the road.

Council would be acting in accordance with the Local Government Act 1974 Section 319 General powers of councils in respect to roads; subsections:

(d) To divert or alter the course of any road

(h) To stop or close any road or part thereof in the manner and upon the conditions set out in section 342 and schedule 10 to this act.

Council will be discouraging traffic on this road section in order to resolve problems associated with traffic operations on a road network (still compliant with schedule 10 of the Act). The proposed recommendation does not stop traffic from using the road - it is only formally closing off the intersection with the highway.

Council would be acting within the Local Government Act 1974 Section 344 Gates and Cattle Stops across roads:

(1) The Council may, in writing, permit the erection of a swing gate or cattle stop or both across any road, where – (a) In the Councils opinion it is not practicable or reasonable to fence the road.

(2) Where a gate is erected across a road under (1) of this section, a board with the words “Public Road” legibly painted shall be fixed on each side of the gate....

4.6.6 CONSULTATION

Council staff contacted adjoining residents by phone and a letter will be sent out discussing the closure of Old Main South Road. Verbally there were no objections and Council will request written confirmation.

Adjoining residents are:

- R & F Keir (Tulliemet Farm Limited) I & S Thornton (Ealing Dairies Limited)
- D Tilson.

If Council accepts the recommendations.

- The intersection will be closed off using temporary barriers for a short period while a contractor is engaged to complete the permanent fence and earth mound. No exit signs will be placed.
- The gated (or full closure) will be publically notified as usual in the Ashburton Guardian and Christchurch Press newspapers.
- The Roding and Street Services department of Council will receive and collate any submitted correspondence and summarise it for elected members.

If Council does not receive any significant reaction from the public notice regarding the gate (or full closure) Frisbys road barriers will be placed first prior to the gate installation fully across the roadway.

Once the intersection closure and gate is in place Council would then consider the implications of:

- converting the area into a paper road
- potentially consider leasing the area to adjoining property owners
- Formal disposal of the road and creation of right of ways if required.

These processes are a longer and more formal action is required to proceed.

Consultation with Police or emergency services has not occurred.

ADC has not consulted with NZ Transport Agency or their Consultants since they initially raised this issue with ADC.

4.6.7 STRATEGIC LINKS

At this stage there are no strategic links of serious consideration. The section in question services various land properties but only three adjoining owners / businesses.

Through traffic is minimal and would have very minor issues by using Frisbys Road to access the highway.

Road safety is improved by using Frisbys Road intersection.

4.6.8 FINANCIAL

The financial costs for this proposal is minimal.

Costs would include public advertising, temporary barriers, gate installation, sight rail and an earth mound.

Prepared By:

T HOOK
Asset Management Officer

Approved by:

R ROUSE
Operations Manager

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO:
DATE: 8 April 2010
REPORT TO: Council
FROM: Environmental Services Manager
SUBJECT: Warrant of Authority – Senior Planning Officer

4.7 WARRANT OF AUTHORITY – SENIOR PLANNER

4.7.1 SUMMARY

This report seeks a delegation for an existing member of staff of Ashburton District Council.

4.7.2 RECOMMENDATION

“That the Ashburton District Council Staff member scheduled below be authorised under seal of the Ashburton District Council to act under the following legislation.

- Has authority to enter private land under Sections 171-173 of the Local Government Act 2002.
- Has all powers and functions of an Enforcement Officer under Section 38 of the Resource Management Act 1991.
- Has authority to seize property under Sections 164-166 of the Local Government Act 2002.
- As an Authorised Officer under the Ashburton District Council Bylaw 2008.

This warrant is issued pursuant to Sections 174 and 177 of the Local Government Act 2002, and Section 38(5) of the Resource Management Act 1991.

MARK DAVID STEVENSON

Statutory Function

The officer above may exercise all powers and duties including such power to enter land, conduct inspections, issue notices as provided by and for the purpose of the Acts and associated Regulations and Bylaws listed.”

4.7.3 BACKGROUND

The Senior Planner is required to be warranted under the provisions of the legislation listed in order to effectively carry out his function.

4.7.4 OPTIONS

Not applicable.

4.7.5 STATUTORY IMPLICATIONS

Local Government Act 2002, Resource Management Act 1991 and associated Regulations and Bylaws.

4.7.6 CONSULTATION

Not applicable.

4.7.7 STRATEGIC LINKS

The LTCCP Community Outcome 2 is relevant to this recommendation;-

Natural and developed environments are sustained for the enjoyment of current and future generations

- a. Water, land and air are managed sustainably. **(Priority)**
- b. Our towns and rural areas are developed in ways that respect the local environment and meet the needs of the community. **(Priority Objective)**
- c. Our community understands the need to protect our natural environment and acts to do so.

4.7.8 FINANCIAL

The issuing of a new photo identification warrant of authority card at \$20.00 plus GST per person.

JOHN MCKENZIE
Environmental Services Manager

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: SK-AR02
DATE: 8 April 2010
REPORT TO: Council
FROM: Water Services Manager
SUBJECT: Closure of Stockwater Race – Racecourse Road

4.8 CLOSURE OF STOCKWATER RACE – RACECOURSE ROAD

4.8.1 SUMMARY

A section of stockwater race running from a junction at Methven Highway, running parallel to Racecourse Road and to a junction below Allens Road into Mill Creek – a distance of approximately 4.6 kilometres, has been investigated for closure. Full support has not been obtained.

4.8.2 RECOMMENDATION

"That the special consultative procedure be commenced to close the stockwater race running from Pt RS 8053 below Methven Highway, running parallel to Racecourse Road, to a junction below Allens Road on Lot 4 DP 13291."

4.8.3 BACKGROUND

This race was nominated for closure by a property owner presently serviced by the subject race. The property owner is a developer of land off Racecourse Road and if the subject race cannot be closed, they propose to pipe the race through the development.

In June 2009 a standard letter and survey form was forwarded to all concerned property owners for an indication of support for closure of this race. The results of this survey and consultation are summarised in the consultation section of this report. A plan showing the location of the race is appended to this report (Refer to attached page).

The results indicated twelve properties opposed to closure. The reasons given by the parties opposing the closure are:

- Stock use
- Fire fighting
- Irrigation
- Aesthetic values
- Various other reasons (wildlife etc.)

At this point, consideration is given to whether the properties (where the property owner/s oppose closure) have a cost-effective alternative to the water race network.

In this case investigations have confirmed that of the twelve opposing parties eleven have groundwater bores and it is expected that they could provide for their stockwater requirements within the \$10,000 threshold. The remaining property is connected to the Ashburton Water Supply, has limited stockwater requirements, and utilises the race for drainage purposes.

4.8.4 STATUTORY IMPLICATIONS

Local Government Act 2002

If race closure was to be progressed, the mechanism will be in accordance with the Special Consultative Procedure as outlined in Section 83 of the Local Government Act 2002. The SCP is reproduced below:-

- (1) *Where this Act or any other enactment requires a local authority to use or adopt the special consultative procedure, that local authority must—*
 - (a) *prepare—*
 - (i) *a statement of proposal; and*
 - (ii) *a summary of the information contained in the statement of proposal (which summary must comply with section 89); and*
 - (b) *include the statement of proposal on the agenda for a meeting of the local authority; and*
 - (c) *make the statement of proposal available for public inspection at—*
 - (i) *the principal public office of the local authority; and*
 - (ii) *such other places as the local authority considers necessary in order to provide all ratepayers and residents of the district with reasonable access to that statement; and*
 - (d) *distribute in accordance with section 89(c) the summary of the information contained in the statement of proposal; and*
 - (e) *give public notice, and such other notice as the local authority considers appropriate, of the proposal and the consultation being undertaken; and*
 - (f) *include in the public notice a statement about how persons interested in the proposal—*
 - (i) *may obtain the summary of information about the proposal; and*
 - (ii) *may inspect the full proposal; and*
 - (g) *include in the public notice a statement of the period within which submissions on the proposal may be made to the local authority; and*
 - (h) *ensure that any person who makes a submission on the proposal within that period—*
 - (i) *is sent a written notice acknowledging receipt of that person's submission; and*
 - (ii) *is given a reasonable opportunity to be heard by the local authority (if that person so requests); and*
 - (i) *ensure that the notice given to a person under paragraph (h)(i) contains information—*
 - (i) *advising that person of that person's opportunity to be heard; and*
 - (ii) *explaining how that person may exercise that person's opportunity to be heard; and*
 - (j) *ensure that, except as otherwise provided by Part 7 of the Local Government (j) Official Information and Meetings Act 1987, every meeting at which submissions are heard or at which the local authority, community board, or committee deliberates on the proposal is open to the public; and*
 - (k) *subject to the Local Government Official Information and Meetings Act 1987, make all written submissions on the proposal available to the public.*
- (2) *The period specified in the statement included under subsection (1)(g) must be a period of not less than 1 month beginning with the date of the first publication of the public notice.*
- (3) *This section does not prevent a local authority from requesting or considering, before making a decision, comment or advice from an officer of the local authority or any other person in respect of the proposal or any submission or both.*

4.8.5 OPTIONS AND RISKS CONSIDERED

The Council has two options.

Option 1 – Retain the Status Quo

Race is retained. Council will be obligated to maintain a service on this system. Property owners will continue to be required to maintain the races traversing their properties.

Risks

- *None identified*

Option 2 – Progress Race Closure through SCP

The special consultative procedure (SCP) is commenced to close the race. This approach is considered to be consistent with Council's closure guidelines.

Risks

- *May be challenged through the SCP process and result in an inability to close the race.*

Our preferred option is Option 2. This option is consistent with Council's stockwater race closure guidelines.

4.8.6 STRATEGIC LINKS

The recommendations contained in this report are consistent with Outcomes and Strategic Objectives outlined in the LTTCP. In particular;

Outcome 1: A thriving and diverse local economy that provides the foundation for a quality lifestyle.

Strategic Objective – Our community has access to quality infrastructure (roading, water, footpaths, wastewater, and storm water) that is efficient and reliable (Priority Objective).

Outcome 2: Natural and developed environments are sustained for the enjoyment of current and future generations.

Strategic Objective – Water, land and air are managed sustainably (Priority Objective).

4.8.7 CONSULTATION

A survey was carried out to establish whether this stockwater race was still required for stockwater purposes. The covering letter and survey forms were sent out to all property owners on the affected race section in June 2009.

The final results of the consultation process are set out in the table below:

	Total	Percentage
Properties affected	33	
Surveys returned	27	82%
Supporting for Closure	15	56%
Opposition to Closure	12	44%

The high return rate of 82% provides confidence that the survey process represents the views of users on this race system.

This report was the subject of consideration by the water subcommittee at the 16 March meeting. The subcommittee support the recommendation.

The SCP provides an additional formal opportunity for affected property owners make their views known.

4.8.8 FINANCIAL

There are no financial implications arising from the recommendation contained in this report.

A R GUTHRIE
Water Services Manager