

## ORDINARY MEETING OF COUNCIL – 23/02/06

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**MINUTES** of an Ordinary Meeting of the **ASHBURTON DISTRICT COUNCIL** held in the Council Chamber, 5 Baring Square West, Ashburton, on Thursday 23 February, 2006, commencing at 1.30 pm.

**PRESENT:** His Worship the Mayor, Mr M B O'Malley; Councillors R C Beavan, N A Brown, I J Burgess, D Glass, K L Holmes, R J Kilworth, L J Leadley, K W P Lowe, D N Nelson, P W Reveley, B A Tasker and M J Urquhart.

Also in attendance Chief Executive, Corporate Services Manager, Operations Manager and Committee Secretary.

Five members of St John's Cadets attended the meeting.

The opening prayer was offered by Rev David Brown of St Andrew's Church.

### ***Extraordinary Business***

"That pursuant to Section 46A (7)(a) of the Local Government Official Information and Meetings Act 1987 the following item be introduced as extraordinary business and considered later in the meeting with the public excluded:

- **Property Matter** – Section 7(2)(h) Commercial activities

*Reason* To consider acceptance of a tender which closed on 21 February 2006.

Kilworth/Nelson

**Carried**

### ***Order of Business***

The Mayor sought the Council's agreement to allowing item 4.9 to be taken after item 4.5 with the Wastebusters deputation in attendance.

"That speaking rights be granted to Mrs Stivens for agenda item 4.9, Trial of Putrescibles Collection and Processing."

Burgess/Holmes

**Carried**

### ***Confirmation of Minutes***

#### **Ordinary Meeting 15/12/05**

"That the minutes of the Ordinary Meeting of Ashburton District Council held on 15 December, 2005, be taken as read and confirmed."

Leadley/Tasker

**Carried**

#### **Extraordinary Meeting 8/02/06**

"That the minutes of the Extraordinary Meeting of Ashburton District Council held on 8 February 2006, be taken as read and confirmed."

Kilworth/Leadley

**Carried**

### ***Mayor's Report***

"That the report be received."

Leadley/Burgess

**Carried**

Council noted that the Mayor met with Senior Sergeant Kelly on 16 December, and agreed that it would be timely for an invitation to be extended to Senior Sergeant Kelly and Area Controller Gaskin to attend a Council meeting.

### **Chief Executive's Report**

The Chief Executive reported on issues addressed at the Zone meeting which was held in Ashburton on 20 February. The particular concerns with glass recycling and micro-chipping will be the subject of representation to central government.

Council heard that a delegation from Puyang, China, arrived in Ashburton today for a two day visit of some of the district's farming and business ventures. The delegation was met by the Mayor, Deputy Mayor and staff at an informal reception this morning.

"That the report be received."

Tasker/Holmes

**Carried**

### **Services and Operations Committee – 26 January 2006**

"That the report and minutes of the Services and Operations Committee meeting held on 26 January 2006, be received."

Tasker/Nelson

**Carried**

#### **Footpath Maintenance**

In response to the Committee's concern with excessive weed and grass growth appearing in footpaths, the contractor was requested to revisit the spraying work undertaken throughout the district.

#### **Carriageway Lighting**

It was noted that Electricity Ashburton has not yet been able to carry out the work at Pendarves.

#### **Gravity Main**

The Operations Manager confirmed that water is no longer being sourced from the gravity main for the town supply. Closing the supply access and removal of associated buildings is being progressed.

#### **Water Supplies**

The Operations Manager reported that a meeting with residents in the north east Ashburton area has been programmed for 1 March.

It is also intended to meet with affected residents in the Racecourse Road area before a decision is made on whether to proceed with capital works.

### **Environmental Services Committee – 2 February 2006**

"That the report and minutes of the Environmental Services Committee meeting held on 2 February 2006, be received."

Kilworth/Beavan

**Carried**

#### **Animal Control**

The Chief Executive reported that Council is not in the practice of issuing warrants of authority to agencies outside of its control other than that of its animal control contractor. He confirmed that the Rakaia Policeman is not warranted to act as an animal control officer.

Council recalled a decision made several years ago to provide the Rakaia Police with the power to act on Council's behalf when animal control incidents necessitated a prompt response. Council supported that the same authority be given to the current Police Officer and that the matter be pursued by the Environmental Services Manager.

## **Finance & Corporate Services Committee – 9 February 2006**

“That the report and minutes of the Finance and Corporate Services Committee meeting held on 9 February 2006, be received.”

Holmes/Brown

**Carried**

### **Capital Works Loan**

- “1. That the Finance Manager be authorised to borrow up to \$6,731,246 for the purpose of funding the capital works identified in the 2005 / 06 Annual Plan; the loans will be for a term not exceeding twenty five years on such terms and conditions consistent with Council’s Liability Management Policy, as may be negotiated by Finance Manager.
2. That Council has considered the risks and benefits to the local authority of the loan or incidental arrangement and the giving of security to be given in relation to the loan or incidental arrangement and Council believes the benefits of raising the loans outweigh the risks associated with the raising of the loan and the giving of security.
3. That the Finance Manager be delegated authority to negotiate and determine the amount, number and type of loan or facility, and the terms and conditions of the loan or loans, facility or facilities (and security), and to negotiate, agree enter into and execute any documentation which may be required, (including security documentation), and if required, to issue such debenture stock/bonds with a face value sufficient to yield up to the sum of \$6,731,246 and execute such; all arrangements entered into under this authority must be consistent with the Council’s Liability Management Policy.
4. That the loans may be external or internal loans depending on the interest market at the time of raising the loan. Should external debt be raised, this external debt will be by way of a fixed rate bond issue.”

Holmes/Brown

**Carried**

### **Renewal Loan – 2000 / 01 Works Loan - \$1,090,000**

- “1. That the Finance Manager be authorised to borrow up to \$841,341 for the purpose of repaying the 2000 / 01 works loan that matures on 15 March 2006. The loan will be for a term not exceeding twenty years on such terms and conditions consistent with Council’s Liability Management Policy, as may be negotiated by Finance Manager.
2. That Council has considered the risks and benefits to the local authority of the loan or incidental arrangement and the giving of security to be given in relation to the loan or incidental arrangement and Council believes the benefits of raising the loan outweigh the risks associated with the raising of the loan and the giving of security.
3. That the Finance Manager be delegated authority to negotiate and determine the amount, number and type of loan or facility, and the terms and conditions of the loan or loans, facility or facilities (and security), and to negotiate, agree enter into and execute any documentation which may be required, (including security documentation), and if required, to issue such debenture stock/bonds with a face value sufficient to yield up to the sum of \$841,341 and execute such; all arrangements entered into under this authority must be consistent with the Council’s Liability Management Policy.
4. That the loans may be external or internal loans depending on the interest market at the time of raising the loan. Should external debt be raised, this external debt will be by way of a fixed rate bond issue.”

Holmes/Brown

**Carried**

### **Enterprise Ashburton**

Council heard that a meeting of the Enterprise Ashburton Board was held on 21 February. Mr John Petrie was appointed Chairman and Mr Neil Pluck appointed as Vice Chairman.

### ***Trial of Putrescibles Collection and Processing***

Manager of Wastebusters Trust, Mrs Sheryl Stivens and Mrs Jo Knight (CEO Zero Waste NZ Trust) were welcomed to the meeting at 2.04 pm.

Speaking in support of the proposal to further investigate the removal of putrescibles from the waste stream, Mrs Stivens tabled information from ANDAR Holdings Limited, a company in partnership with Wastebusters. Their proposal is to develop a collection and processing system that will provide increased revenue by accepting commercial waste. The capital cost indicated in their report is \$1,204,275.

The Operations Manager reaffirmed the success of the putrescible collection trial which showed that there is a significant amount of putrescible material going into the waste stream. He said that further evaluation is required to determine the best disposal method and options for funding and service delivery. Consideration may be given to Council working in partnership with industry and / or another council.

Mr Rouse noted the suggestion that options for diverting waste from the wastewater stream be included in the investigation.

“That Council approves further investigation into the identification and evaluation of options for diverting putrescible waste from the waste stream and processing the waste.”

Tasker/Urquhart

**Carried**

### ***Contract 403 – Supply of Operations and Maintenance Services for the Ashburton Resource Recovery Park***

“That Council approves the assignment of Contract 403 – the supply of operations and maintenance services for the Ashburton resource recovery park, 1 January 2004 to 30 June 2007, from Onyx Group Ltd to Waste Management Ltd.”

Kilworth/Tasker

**Carried**

### ***Council Funded Agency Reports***

#### **Sport Mid Canterbury**

Sport Mid Canterbury’s report was presented by Mrs Jan Cochrane (Coordinator Sport Mid Canterbury) and Mr Julyan Falloon (Sport Canterbury Programme Manager)

The presentation concluded at 2.45 pm.

#### **Ashburton Community Pool**

The Ashburton Community Pool report was presented by The Board’s Chairman, Mr Maurice Myers, and Secretary Mr Barry Vessey. An apology was received from the Pool Manager, Andrew Colquhoun.

Council heard that the transfer of management and administration of the Tinwald Pool has been successful in the Board’s view, and that there is increased usage of this facility by schools.

The presentation concluded at 2.52 pm.

## ***Amendments to Engineering Standards for Subdivision***

“That the additional clauses and modifications to NZS4404:2004 as detailed in this report be adopted”.

Tasker/Burgess

### **AMENDMENT**

“That the additional clauses and modifications to NZS4404:2004 as detailed in the report be discussed and confirmed separately”.

Kilworth/Leadley

**The amendment became the substantive motion**

**Carried**

### **Property Connections and Drains in Common**

“That the proposed additional clauses 5.3.5.3.1 and 5.3.5.3.2 in the report be added to clause 5.3.5.3 in NZS4404:2004.”

Leadley/Tasker

**Carried**

Council adjourned for afternoon tea at 2.58 pm and resumed at 3.16 pm.

### ***Brian Connell MP***

Mr Brian Connell, MP for Rakaia, was welcomed to the meeting. Mr Connell provided Council with a brief overview of issues currently being addressed by Parliament.

The presentation concluded at 3.50 pm.

### ***Ashburton Performing Arts Trust***

Trust members, Messrs Russell Anstiss and George Brown were welcomed to meeting and invited to provide an update on the development of the new performing arts venue.

The Trust anticipates the first stage will be signed off and building consent applied for in June this year. Approximately \$3.2m has been raised to date, with a further \$1.5m from major Government funding yet to be confirmed. Should this not eventuate, other Government funding sources will be investigated. The Trust was advised today that a grant of \$150,000 has been confirmed from the Ashburton Charitable Trust.

The presentation concluded at 4.02 pm.

### ***Council Funded Agency Reports (Cont'd)***

#### **Safer Community Council**

The Agency's report was presented by the Coordinator, Mr Tony Henderson.

Of note has been the Agency's successful “Accent on Pacific” initiative in partnership with the Pacific Network in Christchurch.

The presentation concluded at 4.16 pm.

“That the reports of the Council funded agencies for the period 1 July 2005 to 31 December 2005, be received.”

Holmes/Brown

**Carried**

### ***Amendments to Engineering Standards for Subdivision (Cont'd)***

Council resumed discussion on the proposed clause that would require footpaths in new developments to be constructed against the kerb and channel. This was not fully supported and there was some preference for the construction to be alongside the property boundary.

“That where required to be provided, new footpaths shall be constructed adjacent to the boundary.”

Leadley/Kilworth

A show of hands gave 2 for and 11 against

**Lost**

“That where required to be provided, new footpaths shall be constructed against the kerb and channel.”

Tasker/Nelson

**Carried**

### ***Wastewater Servicing of Hakatere***

Council supported the development of a wastewater service for the entire Hakatere settlement and agreed that consultation would be undertaken with property owners who have individual titles, as well as those in the lower settlement who are part of a collective title.

The Operations Manager reported that the NRRP has specific requirements in respect to land disposal of effluent in water protection zones and the location of the Hakatere water supply has complicated disposal in that area. Drilling a deeper bore will be investigated as an option.

Council heard that it is unlikely that the scheme upgrade would attract Government subsidy, however this will be pursued by staff.

“That Council approves proceeding with further consultation into providing a full community wastewater scheme to both Upper and Lower Hakatere communities.”

Leadley/Tasker

**Carried**

### ***Warrant of Authority – Rural Fire Officer***

“That **Craig Terence WAKELIN, Kevin John DONALDSON, Paul Raymond STEWART, David Hedley ROBERTSON and Anthony John MACPHERSON** be authorised under seal of the Ashburton District Council to act under the following legislation:

Rural Fire Officer in accordance with the Forest and Rural Fires Act 1977.

This warrant is issued pursuant to Section 13 of the Forest and Rural Fires Act 1977.

#### **Statutory Function**

The officers above may exercise all powers and duties of a rural fire officer under section 36 (Powers of Principal Fire Officers at Fires) and section 58 (Inspection for purposes of the Act), as provided by and for the purpose of the Forest and Rural Fires Act 1977.”

Reveley/Nelson

**Carried**

### ***Warrants of Authority – Animal Control Officer***

“That **Dale Gregory Earnshaw and Matagaro Kamate**, be authorised under seal of the Ashburton District Council to act under the following legislation:

***Cont'd***

- Animal Control Officer within the Ashburton District under Section 11 of the Dog Control Act 1996.
- Authorised Officer under the Ashburton District Council Dog Control Bylaw 1999.
- Stock Ranger in accordance with the Impounding Act 1955.
- Noise Control Officer in accordance with the Resource Management Act 1991 .
- Litter Control Officer in accordance with the Litter Act 1979.

This warrant is issued pursuant to Sections 174 and 177 of the Local Government Act 2002, Section 13 of the Dog Control Act 1996, Section 63 of the Stock Impounding Act 1955, Section 38(5) of the Resource Management Act 1991 and section 5 of the Litter Act 1979.

### **Statutory Function**

The officers 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.”

Holmes/Nelson

**Carried**

### ***Elected Members’ Remuneration***

The Chief Executive explained the rationale of the formulae used to divide the salary pool and conceded that it is in need of the review which is currently being undertaken by the Authority.

- “1. That the recommended remuneration for Councillors for the 2006 / 2007 year to 30 June 2007, for consideration by the Remuneration Authority, be on a salary only basis as outlined in Model 1 and listed below:

<b>Position</b>	<b>Annual Salary</b>	<b>No.</b>	<b>Total Annual Salaries</b>
Deputy Mayor	\$22,527	1	\$22,527
Committee Chair	\$22,527	3	\$67,581
Councillor	\$14,887	8	\$119,096
<b>Total Salaries</b>			<b>\$209,204</b>

2. That Council adopts the remuneration basis determined by the Remuneration Authority, for the Mayor, for the 2006 / 2007 year to 30 June 2007 – \$65,273.
3. That the recommended salaries for the Chair and members of the Methven Community Board for the 2006 / 2007 year to 30 June 2007, for consideration by the Remuneration Authority be as outlined in Model 1 and listed below:

<b>Position</b>	<b>Annual Salary</b>	<b>No.</b>	<b>Total Annual Salaries</b>
Community Board Chair	\$2,742	1	\$2,742
Community Board Member	\$783	4	\$3,132
<b>Total Salaries</b>			<b>*\$5,874</b>

\*NB The total salaries figure is half of the remuneration of community board members. The other half is excluded from the indicative pool.

4. That the applicable rules for the recovery of expenses by elected members and community board members, for the 2005 / 2006 year to 30 June 2006, previously approved by the Remuneration Authority, be re-confirmed, namely:

(a) Private Vehicle Use

Where an elected member and community board member is required to use their own vehicle for Council and/or community board business, they will be reimbursed at rates set by the Remuneration Authority.

(b) Expenses

All authorised out-of-pocket expenses incurred by an elected member and/or community board member in the execution of their duties shall be reimbursed by the Council.

If an elected member and/or community board member is required to be absent from their home overnight in the execution of their duties, the Council shall make payment of actual authorised charges incurred for accommodation and meals.”

Holmes/Kilworth

**Carried**

Cr Beavan left the meeting at 4.49 pm.

**Items taken with the public excluded (4.49 pm)**

“That the public be excluded from the following parts of the proceedings of this meeting:

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each 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:

Item no	General subject of each matter to be considered:	In accordance with Section 48(1) of the Act, the reason for passing this resolution in relation to each matter:
5.1.1	<b>Council 15/12/05</b> <ul style="list-style-type: none"><li>• Property Matters</li><li>• Staff Matter</li></ul>	Section 7(2)(h) & Section 7(2)(i) Commercial activities & Conduct of negotiations Section 7(2)(a) Protection of privacy of natural persons
5.1.2	<b>Env Services Committee 2/2/06</b> <ul style="list-style-type: none"><li>• Resource Consent Matter</li></ul>	Section 7(2)(h) Commercial activities
5.1.3	<b>Finance &amp; Corp Services 9/2/06</b> <ul style="list-style-type: none"><li>• Property Matters</li><li>• Forestry Matter</li></ul>	Sections 7(2)(h), 7(2)(i) & 7(2)(a) Commercial activities, Conduct of negotiations & Protection of privacy of natural persons Section 7(2)(h) Commercial activities
5.2	<b>Property Matter</b>	Section 7(2)(h) Commercial activities
5.3	<b>Property Matter</b>	Section 7(2)(h) Commercial activities
5.4	<b>Forestry Matter</b>	Section 7(2)(h) Commercial activities
5.5	<b>Extraordinary Business – Property Matter</b>	Section 7(2)(h) Commercial activities

Brown/Tasker

**Carried**

**Business transacted with the public excluded now in open meeting**

Council resolved that the following resolutions become the business of open meeting –

**Sale of Land – Rakaia**

“That the sale of the Council owned land in Rolleston Street, Rakaia, described as Section 1 SO18370 Blk XIII Rakaia SD, containing 6480m<sup>2</sup> in CT CB34a/527, to Salmon Tales Rakaia Limited, be approved at a purchase price of \$135,000 plus GST (if any) with settlement to be at the time physical work on construction commences (within 3 months).”

Nelson/Brown

**Carried**

**Log Sale Review**

“That the District Forester invites potential log buyers to submit a proposal for an agency log sale and provide indicative prices for the plantations scheduled for harvesting at Westerfield.”

Reveley/Nelson

**Carried**

**Sale of Council Land – Dawsons Road**

“That the sale of part Lot 8 DP 415, being an area of 8094m<sup>2</sup> contained in CT 197/102, be sold to the adjoining owner at a price of \$6,000 plus GST, subject to the existing title being extinguished and the land included in the adjoining title.”

Holmes/Glass

**Carried**

**Sale of Council Land – Rangitata Mouth**

- “1. That approval be given to the sale of 1.5 hectares of land, being Part Lot 3 DP 26030, to the Rangitata Hut Holders Association.
2. That the sale be conditional on the land being amalgamated into the adjoining Hut Holders Association title.
3. That all legal costs relating to amalgamation of this land into the Hut Holders Association title and any rezoning be met by the Association.”

Nelson/Holmes

**Carried**

**Log Sale Proposals Evaluation**

“That Option Three, splitting of the sale between Rayonier and Forest Management be investigated and if no satisfactory agreement can be reached, then the Rayonier proposal be accepted.”

Nelson/Brown

**Carried**

The meeting concluded at 5.20 pm.

Confirmed this 6<sup>th</sup> day of April 2006 by

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MAYOR