

## **COUNCIL MEETING 28/02/08**

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**MINUTES** of a Meeting of the **ASHBURTON DISTRICT COUNCIL** held in the Council Chamber, 5 Baring Square West, Ashburton, on Thursday 28 February 2008, commencing at 1.34 pm.

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

Also in attendance Chief Executive, Manager Democracy & Community Services, Operations Manager, Community Planning Manager and Committee Secretary.

The opening prayer was offered by Major Dean Fairhurst.

### ***Public Forum***

Mr John Williamson, a resident of William Street, spoke to Council about his concerns with the increasing number of heavy vehicles using William Street as a thoroughfare to access Moore Street. Contributing to this problem are frequent traffic delays at the South Street / SH1 intersection. Mr Williamson had videoed heavy traffic use of William Street over a period of several days and left Councillors with a copy of this. He asked Council to consult with Transit and seek a solution to the intersection problem.

Mr Williamson concluded that any traffic studies taking place on the South St / SH1 intersection may be flawed if heavy vehicle use on William Street is not taken into account. He suggested that there is potential for the same problem to occur in Wills and Walker Streets.

The Operations Manager reported that upgrade options for the South St / SH1 intersection have been part of the joint ADC / Transit Transportation Study which is about to be finalised. Mr Rouse confirmed that William Street is not on the list of roads identified for heavy vehicle use and Council will be contacting heavy truck operators requesting that they use Chalmers Avenue as the primary route.

Mr Williamson was thanked for his presentation and given assurance that he will be kept informed of developments.

The presentation concluded at 1.45 pm.

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

"That the minutes of the meeting of Ashburton District Council held on 18 December, 2007, be taken as read and confirmed."

Leadley/Holmes

**Carried**

### ***Matters Arising***

#### **Art Gallery and Museum Building**

The Chief Executive reported that he has received a draft revised agreement from the Licensing Trust and the Trust has confirmed its intention to progress the project.

#### **Triennial Agreement**

Following Council's approval of the Triennial Agreement in December, the Chief Executive reported that the Mayoral Forum this week proposed an amendment for each of the participating councils to confirm.

A new clause (4) on local government structure was included, along with a replacement to clause (c) in the Charter of Purpose – this to maintain consistency with the Local Government Act’s principle of sustainable development.

- “1. That the Triennial Agreement, as amended by the Mayoral Forum on 25 February 2008, be accepted.
2. That the Charter of Purpose for the Canterbury Mayoral Forum, as recommended from the Forum meeting on 25 February 2008, be accepted.”

Kilworth/Tasker

**Carried**

### **Mt Somers Water Supply**

Land access is being finalised and is currently the only outstanding issue.

### ***Mayor’s Report***

“That the report be received.”

Leadley/Burgess

**Carried**

In presenting his report, the Mayor acknowledged the work that has been carried out by the Deputy Mayor who has attended a number of meetings and functions on behalf of the Mayor.

### **Water Issues**

The Mayor spoke about his role with the Canterbury Strategic Water Study and reported concerns that a conflict of interest may exist because of Trustpower and involvement with the Trustpower Awards scheme. Council refuted the conflict of interest and unanimously supported the Mayor’s continued involvement in the awards scheme.

### ***Chief Executive’s Report***

“That the report be received.”

Holmes/Tasker

**Carried**

### **Rakaia Fire**

The Chief Executive reported briefly on the Rakaia River fire which occurred on 24 February. The fire involved some Council land and plantations with damage occurring to 11.7 ha of young trees. Some costs will be met by Council’s insurance, however 3.7 ha of older trees, which are not insured, will be harvested to ensure a salvageable value.

### ***Services and Operations Committee – 31 January 2008***

“That the report and minutes of the Services and Operations Committee meeting held on 31 January, 2008, be received.”

Tasker/Leadley

**Carried**

### **Annual Plan Kerb & Channel**

#### **Buckleys Terrace footpath**

“That the proposed work in the 2007/08 Annual Plan for new kerb and channel, and new footpath in Buckleys Terrace, from Tarbottons Road to the west end, be deleted from the programme as requested by the majority of Buckleys Terrace residents.”

Tasker/Leadley

**Carried**

### **Cairnbrae Road & Blands Road seal extension**

- “1. That the proposed subsidised seal extension on Cairnbrae Road (Line Road to Pole Road) and Wakanui School Road (Wilsons Road to River Road) be deleted from the 2007/ 08 Annual Plan; and
2. That a new section of road for subsidised seal extension, Blands Road (Methven Highway to Thompsons Track) be included in the Annual Plan 2007/ 08 at an estimated cost of \$175,000.”

Tasker/Holmes

**Carried**

### **Non subsidised sealing**

- “1. That the Council uses the non subsidised sealing budget of \$50,000 to provide short lengths adjacent to house sites on rural roads as a dust suppression measure; the cost of this work to be shared 43% by Council and 57% by the land owner receiving the benefit; and
2. That the maximum length of each seal section being laid at any one site is to be 300 metres; if there are multiple land owners contributing, then this can be increased in proportion.”

Tasker/Lowe

**Carried**

### **Rakaia Water Supply**

Cr Tasker acknowledged the work of staff and Council’s service provider which has resulted in a successful application to the Ministry of Health for capital assistance funding for the Rakaia water supply.

### ***Environmental Services Committee – 7 February 2008***

“That the report and minutes of the Environmental Services Committee meeting held on 7 February, 2008, be received.”

Kilworth/Beavan

**Carried**

### **Taxi Stand Fees**

- “1. That the \$150 fee per taxi be rescinded and the fee of \$75 be reinstated; and
2. That the \$75 fee per taxi be reviewed when the central Ashburton parking study has been completed.”

Kilworth/Beavan

**Carried**

Cr Holmes recorded his vote against the motion on the basis that the \$150 fee had been fully consulted on and adopted by Council.

### ***Finance & Corporate Services Committee – 14 February 2008***

“That the report and minutes of the Finance and Corporate Services Committee meeting held on 14 February 2008, be received.”

Holmes/Brown

**Carried**

### **Local Governance Statement**

“That Council adopts the Local Governance Statement 2008.”

Holmes/Sparks

**Carried**

### **Tinwald Domain Development**

Council heard that staff have contacted representatives of the Riding for the Disabled Group who will be included in further discussions.

## **Appointment of Local Civil Defence Emergency Management Controllers**

- “1. That Council adopts and recommends to the Canterbury CDEM Group Joint Committee the amendments to the list of appointments to the positions of Local and Alternate Controllers for the Ashburton district as described below–

Local Controller – Operations Manager Rob Rouse

Alternate Controllers – Councillor Kelvin Holmes, Chief Executive, Brian Lester and Environmental Services Manager, John McKenzie.

2. That Councillor Kelvin Holmes be co-opted as a member of the Emergency Management Subcommittee.”

Lowe/Leadley

**Carried**

## **Warrants of Authority**

- **Regulatory Manager**
- **Environmental Health Officer**
- **Animal Control Officer / Noise Control Officer / Litter Control Officer**

- “1. That **Adrian John Humphries** be authorised under seal of the Ashburton District Council to act under the following legislation:

- As an EHO under Sections 23 & 28 of the Health Act 1956.
- As an Enforcement Officer under Section 38 of the Resource Management Act 1991 and Section 177 of the Local Government Act 2002.
- As a Litter Control Officer under Section 5 of the Litter Act 1979.
- Has the authority to enter private land under Sections 171 to 174 of the Local Government Act 2002.
- Has the authority to seize property under Sections 164 to 166 of the Local Government Act 2002.
- Has authority to enter any dwelling house, buildings, land, ships or other premises under Section 128 of the Health Act 1956.
- As an Agent and Authorised Officer of Ashburton District Council under Sections 111 & 222 of the Building Act 2004.
- As an Inspector under the Food Act 1981 Part 3 Sections 12 & 13.
- Is authorised to issue infringement notices under Section 229 of the Building Act 2004.
- As an inspector under sections 103 & 131 of the Sale of Liquor Act 1989.
- Animal Control Officer within the Ashburton District under Section 11 of the Dog Control Act 1996.
- Stock Ranger in accordance with the Impounding Act 1955.
- As an Authorised Officer under the Ashburton District Council Bylaws.

This Warrant is issued pursuant to Sections 23 & 28 of the Health Act 1956, Section 206 of the Building Act 2004, Section 38(5) of the Resource Management Act 1991, Section 13 of the Dog Control Act 1996, Section 63 of the Stock Impounding Act 1955, Section 5(3) of the Litter Act 1979 and Sections 174 and 177 of the Local Government Act 2002.

### **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.

*Cont'd*

2. That **Magnus Viljoen** be authorised under seal of the Ashburton District Council to act under the following legislation:

- As an EHO under Sections 23 & 28 of the Health Act 1956.
- As an Enforcement Officer under Section 38 of the Resource Management Act 1991 and Section 177 of the Local Government Act 2002.
- As a Litter Control Officer under Section 5 of the Litter Act 1979.
- Has the authority to enter private land under Sections 171 to 174 of the Local Government Act 2002.
- Has the authority to seize property under Sections 164 to 166 of the Local Government Act 2002.
- Has authority to enter any dwelling house, buildings, land, ships or other premises under Section 128 of the Health Act 1956.
- As an Agent and Authorised Officer of Ashburton District Council under Sections 111 & 222 of the Building Act 2004.
- As an Inspector under the Food Act 1981 Part 3 Sections 12 & 13.
- Is authorised to issue infringement notices under Section 229 of the Building Act 2004.
- As an inspector under sections 103 & 131 of the Sale of Liquor Act 1989.
- Animal Control Officer within the Ashburton District under Section 11 of the Dog Control Act 1996.
- Stock Ranger in accordance with the Impounding Act 1955.
- As an Authorised Officer under the Ashburton District Council Bylaws.

This Warrant is issued pursuant to Sections 23 & 28 of the Health Act 1956, Section 206 of the Building Act 2004, Section 38(5) of the Resource Management Act 1991, Section 13 of the Dog Control Act 1996, Section 63 of the Stock Impounding Act 1955, Section 5(3) of the Litter Act 1979 and Sections 174 and 177 of the Local Government Act 2002.

#### **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.

3. That **Graeme Chettleburgh** be authorised under seal of the Ashburton District Council to act under the following legislation:

- 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 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.”

Kilworth/Burgess

**Carried**

### **Closure of Stockwater Race – Denshires Road South**

"That Council approves the closure of the stockwater race running from Lot 2 DP 8998 above Denshires Road South, running parallel to Wrights Road to the end of the race on Lot 2 DP 300866, to be effective 31 March 2008."

Leadley/Tasker

**Carried**

### **Closure of Stockwater Race – Mackies Road Area**

"That Council approves the closure of the stockwater race running from Lot 2 DP 22175 above Mackies Road, running parallel to Farquhars Road to a junction below Mitcham Road on Lot 1 DP 323353, to be effective 30 June 2008."

Tasker/Brown

**Carried**

The Regulatory Manager attended the meeting at 2.15 pm.

### **Statement of Proposal – Ashburton District Council Bylaws 2008**

The Regulatory Manager reported on the review process which has resulted in a draft document that will be released for public consultation until 7 April 2008. Submissions will be heard by Council in the period 12-14 May with the intention that the final bylaws will be adopted by Council on 22 May, to be effective from 1 July 2008.

"That Council adopts the Statement of Proposal – Ashburton District Council Bylaw 2008, and undertakes consultation in accordance with the special consultative procedure."

Beavan/Burgess

**Carried**

### **Items taken with the public excluded (2.28 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:

<b>Item no</b>	<b>General subject of each matter to be considered:</b>	<b>In accordance with Section 48(1) of the Act, the reason for passing this resolution in relation to each matter:</b>
5.1.1	Council Meeting – 18/12/07 <ul style="list-style-type: none"><li>• Property matters</li><li>• CEO appointment process</li></ul>	Section 7(2)(h) Commercial activities Section 7(2)(i) Conduct of negotiations
5.1.2	Operations Committee – 31/01/08 [now in open meeting] <ul style="list-style-type: none"><li>• Contract C537 footpath resurfacing</li></ul>	Section 7(2)(h) Commercial activities
5.1.3	Finance & Community Services Meeting – 14/02/08 <ul style="list-style-type: none"><li>• Methven Heritage Assn</li><li>• Performing Arts Theatre Trust</li><li>• Property Matter (Glasgow lease)</li><li>• Property Activity reports</li></ul>	Section 7(2)(i) Conduct of negotiations Section 7(2)(h) Commercial activities Section 7(2)(h) Commercial activities Section 7(2)(h) Commercial activities
5.2	Contract AM-AE10	Section 7(2)(h) Commercial activities
5.3	Contract AM-AE11	Section 7(2)(h) Commercial activities

Brown/Kingsbury

**Carried**

Council resumed in open meeting at 3.15 pm and adjourned for afternoon tea.

The meeting resumed at 3.27 pm.

### **Forest & Bird Presentation**

Representatives from the Ashburton Branch of the Royal Forest & Bird Society, Val Clemens, Bill Hood and Larry Rattray, were welcomed to the meeting. The purpose of the presentation was to update Council on the Society's work at the Scales Road nature reserve which contains Kanuka, native brooms and pittosporums.

Mrs Clemens reported that the group has made good progress clearing thistle and unwanted plants from the area and experimental tree regeneration has started. A gate and culvert is to be installed, maintenance on the creek has been carried out and fencing will be required. Consideration is now being given to whether the park should be a scientific or public reserve.

The Society has prepared a trust deed for the Ashburton Community Conservation Trust. Other community involvement includes the Project Crimson group (which promotes growth of Rata and Pohutakawa) and Ashburton College which has offered to assist with propagation. The Forest & Bird representatives were advised that the Rakaia Community Association has a project to replant along the new walking track which could include some native plantings.

Forest & Bird would like to see Council appoint a Bio-Diversity Officer, possibly jointly funded with ECan, who could work with groups to address issues such as Old Man's Beard. The Society would also like to develop a wetland and suggested Ashton reserve as an appropriate area.

In conclusion Mrs Clemens presented the Mayor with a unique, and as yet unnamed, species of Kanuka for eventual planting in the Ashburton Domain.

The Forest & Bird representatives were thanked and the presentation concluded at 3.45 pm.

### **Items taken with the public excluded (3.45 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:

<b>Item no</b>	<b>General subject of each matter to be considered:</b>	<b>In accordance with Section 48(1) of the Act, the reason for passing this resolution in relation to each matter:</b>	
<b>5.4</b>	Property Matter	Section 7(2)(h)	Commercial activities
<b>5.5</b>	SPARC Committee Appointments	Section 7(2)(a)	Protection of privacy natural persons
<b>5.6</b>	NE Ashburton Business Park	Section 7(2)(h)	Commercial activities
<b>5.7</b>	Ashburton Former Railway Station	Section 7(2)(h)	Commercial activities
<b>5.8</b>	Charles Upham Movie	Section 7(2)(h)	Commercial activities
<b>5.9</b>	Barrhill Chertsey Irrigation Scheme	Section 7(2)(h)	Commercial activities
<b>5.10</b>	Regional Council Functions	Section 7(2)(h)	Commercial activities

Leadley/Holmes

**Carried**

### **Items taken with the public excluded now in open meeting**

#### **Methven Heritage Association's NZ Grain & Snow Centre**

- "1. That the first project milestone of the NZ Grain and Snow Centre be the obtaining of the resource consent and the Quantity Surveyor's schedule of costs.
2. That upon achieving that milestone the Methven Heritage Association be advanced the sum of \$250,000 subject to the estimated cost of the project being confirmed as no greater than \$4.5 million."

Kilworth/Holmes

**Carried**

**Tender Award – Contract AM-AE10 – Water Pipeline Renewals 2007/08**

- “1. That Council accepts the tender for AM-AE10 Water Pipeline Renewals – 2007/08 from Ashburton Contracting Limited in the amount of \$ 698,981.44 excluding GST;
2. That the Havelock Street water main replacement (Cass Street to Chalmers Avenue) be removed from the 2007/08 annual plan programme; and rebudgeted as part of the 2008/09 Ashburton water supply cyclic renewal programme;
3. That the Main Street water main replacement (Racecourse Avenue to Lampard Street) be reduced to the section Racecourse Avenue to Spaxton Street, and the balance rebudgeted as part of the 2008/09 Methven water supply cyclic renewal programme;
4. That staff be authorised to negotiate the removal of the above sections from contract AM-AE10 in order to manage the total contract cost within existing overall budget provisions.”

Tasker/Leadley

**Carried**

**Tender Decline – Contract AM-AE11  
– Sewer & Stormwater Pipeline Renewals 2007/08**

“That Council declines all tenders for AM-AE11 Sewer and Stormwater Pipeline Renewals.”

Tasker/Lowe

**Carried**

“That the sewer main replacements in Short Street (MH o/s 34 to MH o/s 55 Short St) and South Street (Cass St to William St) be removed from the 2007/08 annual plan programme; and rebudgeted as part of the 2008/09 Ashburton wastewater cyclic renewal programme”

Tasker/Leadley

**Carried**

“That Council approves additional budget provision of up to \$39,000 in the Ashburton stormwater cyclic renewal account.”

Tasker/Burgess

**Carried**

“That staff be authorised to negotiate Contract AM-AE11 with Meyer Construction Ltd (and award in accordance with normal delegated authorities); subject to the removal of the above sections and in order to manage the total contract cost within the overall budget provisions as amended above.”

Tasker/Reveley

A show of hands gave 8 for and 5 against

**Carried**

**Sale of Freehold Land – Corner Arundel-Rakaia Gorge and McFarlanes Roads**

“That Council declines all tenders and considers other options.”

Kilworth/Lowe

**Carried**

**Appointments to SPARC Rural Travel Fund Assessment Committee**

“That the SPARC Rural Travel Fund Assessment Committee be as follows:

His Worship the Mayor (ex officio), Councillors K Lowe (Chair) and J Everest; C Murdoch, B Jonas, M Urquhart, P Patterson and M Hooper.”

Leadley/Tasker

**Carried**

**North East Ashburton Business Park**

“That the item on the agenda from the meeting on 22 November, 2007, be uplifted.

Holmes/Brown

**Carried**

- “1. That Council approaches three (one local) appropriate real estate firms to obtain marketing plans for further development by Council’s legal advisor;
2. That the marketing plans include draft policy on fees and appraisal of lots, methods of sale, leasing options, conditions of sale, size of lots, due diligence of potential purchasers, marketing strategy, staging of sales and any other issues which may add value to the document;
3. That the marketing plans be considered in a Council workshop at a suitable time.”

Kilworth/Kingsbury

**Carried**

**Ashburton Former Railway Station**

“That Council declines the offer to purchase the former Ashburton Railway Station site and building.”

Leadley/Holmes

**Carried**

**Regional Council Functions**

“That the Ashburton District Council agrees to fund \$30,000 towards this process.”

Tasker/Kilworth

**Carried**

Confirmed this 10<sup>th</sup> day of April 2008 by

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MAYOR