

# COUNCIL MEETING MINUTES

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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 26 February 2009, commencing at 1.30 pm.

**PRESENT:** His Worship the Mayor, M B O'Malley; Councillors R C Beavan, N A Brown, I J Burgess, K L Holmes, J A Everest, 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, Democracy & Community Services Manager, Operations Manager, Community Planning Manager, Property Manager and Committee Secretary.

Eleven members of the public attended.

The opening prayer was offered by Pastor David Bayne.

## **Public Forum**

- **Queens Drive**

Mrs Dianne Favel and Mrs Alma Walls, Queens Drive residents, spoke about the damage caused to residents' properties during the recent heavy rain event when the area around Queens Drive, Pages Road and Trelloch Place was flooded. Mrs Favel referred to a previous flood event when she contacted Council's contractors and asked for the street to be closed; had this happened, less damage would have been inflicted. In the recent flood, traffic was instead diverted from SH1 along Queens Drive, worsening the problem. Mrs Favel was required to leave her property for three weeks while damage was repaired at significant cost and inconvenience.

The Mayor gave assurance that Council is taking the issue seriously. He reported that double sumps are to be installed as part of the solution and Council is also investigating the possibility of a stormwater bypass from Trellech Place to the Mill Creek detention pond. Budget allocation has also been made in the coming year to address issues with Mill Creek.

- **Elderly Persons Housing – heating upgrade**

Mr Ian Tunnicliffe, a Friendship Lane resident, spoke about his opposition to Council's proposal to install heat pumps in all of the EPH units. He noted that the \$10 / week component of the overall rent increase will be on a permanent basis but there is a misunderstanding with some tenants thinking this cost will be for one year only. Mr Tunnicliffe considers that the size of the proposed heat pumps are in excess of what small units require. He suggested that they should only be installed if required, by request, on a unit / unit basis.

The presentations concluded at 1.45 pm.

The Operations Manager left the meeting at 1.45 pm.

## **Confirmation of Minutes**

"That the minutes of the meeting of Ashburton District Council held on 18 December 2008, be taken as read and confirmed."

Leadley/Tasker

**Carried**

## **Mayor's Report**

"That the report be received."

Tasker/Kilworth

**Carried**

### **LGNZ Sector Meeting**

The Mayor reported on his recent meeting with the Hon David Carter MP, to discuss water issues for the local and Canterbury regions. He said that there is an understanding and will on Government's behalf to progress the issues before the Canterbury region; this has resulted in the appointment of a full time MAF senior officer to work with ECan on the Strategic Water Strategy.

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

"That the report be received."

Kilworth/Tasker

**Carried**

### **Canterbury Strategic Water Strategy**

The Chief Executive reported that the Strategy will be taken to various stakeholders during April. Territorial authorities will be required to sign-off on the Strategy before it is submitted to the Mayoral Forum by the deadline date of 30 June 2009.

### **SOLGM**

Council noted that development in Marlborough was a topic for discussion at the recent SOLGM retreat, attended by the Chief Executive and Environmental Services Manager. Reference was made to the number of major projects planned in the region, some of which have been joint public / private sector partnerships. Mr Lester confirmed that information on the way in which these projects have been managed can be made available to Councillors.

### ***Operations Committee – 29 January 2009***

"That the report and minutes of the Operations Committee meeting held on 29 January 2009, be received."

Tasker/Leadley

**Carried**

### ***Environmental Services Committee – 5 February 2009***

"That the report and minutes of the Environmental Services Committee meeting held on 5 February 2009, be received."

Kilworth/Beavan

**Carried**

### ***Finance & Corporate Services Committee – 12 February 2009***

"That the report and minutes of the Finance and Corporate Services Committee meeting held on 12 February 2009, be received."

Holmes/Brown

**Carried**

### **Elected Members' Remuneration 2009/ 2010**

"1. That the recommended remuneration for Councillors for the year 1 July 2009 to 30 June 2010, 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	\$26,541.64	1	\$26,541.64
Committee Chair	\$26,541.64	3	\$79,624.93
Councillor	\$17,540.56	8	\$140,324.52
Total Salaries			\$246,491.09

2. That Council adopts the remuneration basis determined by the Remuneration Authority, for the Mayor, for the year 1 July 2009 to 30 June 2010 – \$73,191.
3. That the recommended salaries for the Chair and members of the Methven Community Board for the year 1 July 2008 to 30 June 2009, 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	\$3,231.16	1	\$3,231.16
Community Board Member	\$923.19	4	\$3,692.75
Total Salaries			*\$6,923.91

\*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 of the Ashburton District Council for the recovery of expenses by elected members and community board members, as approved by the Remuneration Authority on 11 December 2007, be re-confirmed.”

Holmes/Brown

**Carried**

#### **Elderly Persons Housing – Rental and Heating Improvements**

Cr Burgess recommended that longer term funding options be explored and some measure of intergenerational equity be given to this project before the rental increase is approved.

“That the matter lie on the table and be reconsidered by the Elderly Persons Housing working group.”

Burgess/ Kingsbury

**Carried**

The Operations Manager and Water Services Manager were in attendance.

#### ***Ashburton Urban Stormwater Strategy***

The Mayor declared an interest and refrained from voting.

“That Council approves the Ashburton Urban Stormwater Strategy”.

Tasker/Leadley

**Carried**

#### ***Tancred Street Toilet Property Disposal***

- “1. That Council declares the property at 81 Tancred Street, Ashburton, legally described as Lot 2 DP27807 in Certificate of Title CB9K/151 containing 142m<sup>2</sup> more or less, surplus to requirements; and
2. That Council approves the sale of the property pursuant to Section 40 of the Public Works Act 1981.”

Leadley/Holmes

**Carried**

**Ashburton District Plan – Proposed Plan Change 6 (Boundary Adjustments) – Operative Date**

“That pursuant to clause 20 of the First Schedule to the Resource Management Act, the Ashburton District Council gives notice that Change 6 to the District Plan becomes operative on the 12<sup>th</sup> day of March 2009, and that the statutory authorities identified in sub clause 4 be notified accordingly.”

Kilworth/Beavan

**Carried**

**Canterbury Regional Council Hearing Panel  
Variation 13 to Chapter 3 (Air Quality) of Proposed Natural Resources Regional Plan**

“That Council approves the nomination of the Ashburton Joint Working Group on Air Quality that Cr Robin Kilworth be appointed to the Environment Canterbury Hearing Panel to hear submissions on Variation 13 to the Proposed Natural Resources Regional Plan.”

Leadley/Burgess

**Carried**

**Warrants of Authority –  
Enforcement officers, environmental health officers, building officials, noise, animal and stock control officers**

**“1. Environmental Services Manager**

That JOHN JAMES MCKENZIE, Environmental Services Manager, be authorised under seal of the Ashburton District Council to act under the legislation below:

- Has authority to enter private land under Sections 171-173 of the Local Government Act 2002.
- As an Enforcement Officer under Section 38 of the Resource Management Act 1991.
- Has authority of seize property under Sections 164-166 of the Local Government Act 2002.
- Is authorised to issue infringement notices under Section 229 of the Building Act 2004.
- 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, Section 206 of the Building Act and Section 38(5) of the Resource Management Act 1991.

**2. Building Services Manager**

That JOHN MARK FIELDS, Building Services Manager, be authorised under the seal of the Ashburton District Council to act as indicated below:

- Has the authority to enter private land under Sections 171 to 173 of the Local Government Act 2002.
- As an Authorised Officer of Ashburton District Council under Section 222 of the Building Act 2004.
- Is authorised to issue infringement notices under Section 229 of the Building Act 2004.
  - As an Authorised Officer under the Ashburton District Council Bylaws 2008.
  - The power to enter any land pursuant to Section 11 of the Fencing of Swimming Pools Act 1987.

This warrant is issued pursuant to Section 206 of the Building Act 2004 and Sections 174 and 177 of the Local Government Act 2002.

### **3. Building Officials**

That ROBERT ALISTAIR BANKS, LINDSAY JOHN BARNETT, GEORGE CUTHBERT, MICHAEL JOHN FARRELL, and LEONARD BLAISE SCHIMANSKI, Building Officials, be authorised under the seal of the Ashburton District Council to act as indicated below:

- Has the authority to enter private land under Sections 171 to 173 of the Local Government Act 2002.
- As an Authorised Officer of Ashburton District Council under Section 222 of the Building Act 2004.
- As an Authorised Officer under the Ashburton District Council Bylaws 2008.
- The power to enter any land pursuant to Section 11 of the Fencing of Swimming Pools Act 1987.

These warrants are issued pursuant to Section 206 of the Building Act 2004 and Sections 174 and 177 of the Local Government Act 2002.

### **4. Regulatory Manager**

That ADRIAN J HUMPHRIES, Regulatory Manager, be authorised under the seal of the Ashburton District Council to act as indicated below:

- As an Environmental Health Officer 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 seize property under Sections 164 to 166 of the Local Government Act 2002.
- Has authority to enter any dwellinghouse, 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.
- Is authorised to issue infringement notices under Section 229 of the Building Act 2004.
- As an Officer under the Food Act 1981 Part 3 Sections 12 & 13.
- As an inspector under section 103 of the Sale of Liquor Act 1989.
- As an Animal Control Officer within the Ashburton District under Section 11 of the Dog Control Act 1996.
- As a Stock Ranger in accordance with the Impounding Act 1955.
- As an Authorised Officer under the Ashburton District Council Bylaws 2008.

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 5(3) of the Litter Act 1979 and Sections 174 and 177 of the Local Government Act 2002.

### **5. Environmental Health Officer**

That AMY HUGHES, Environmental Health Officer, be authorised under the seal of the Ashburton District Council to act as indicated below:

- 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 dwellinghouse, 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 Officer under the Food Act 1981 Part 3 Sections 12 & 13.
- As an inspector under section 103 of the Sale of Liquor Act 1989.
- As an 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 2008.

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 5(3) of the Litter Act 1979 and Sections 174 and 177 of the Local Government Act 2002.

#### **. 6. Licensing Officer**

That ALISON BATCHELOR, Licensing Officer, be authorised under the seal of the Ashburton District Council to act as indicated below:

- As an inspector under section 103 of the Sale of Liquor Act 1989.
- As an Agent and Authorised Officer of Ashburton District Council under Sections 111 & 222 of the Building Act 2004.
- As an Authorised Officer under the Ashburton District Council Bylaws 2008.

This warrant is issued pursuant to Sections 174 and 177 of the Local Government Act 2002.

#### **7. Trade Waste Officer**

That DONALD WILLIAM ALISTAIR BOYD, Trade Waste Officer, be authorised under the seal of the Ashburton District Council to act as indicated below:

- 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.
- As an Authorised Officer under the Ashburton District Council Bylaws 2008.

This warrant is issued pursuant to Section 38(5) of the Resource Management Act 1991, Section 5(3) of the Litter Act 1979 and Sections 174 and 177 of the Local Government Act 2002.

#### **8. General Inspector**

That CHARLOTTE SPILMAN, General Inspector, be authorised under the seal of the Ashburton District Council to act as indicated below:

- 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.
- As an Agent and Authorised Officer of Ashburton District Council under Sections 111 & 222 of the Building Act 2004.
- Is authorised to issue infringement notices under Section 229 of the Building Act 2004.
- As an Authorised Officer under the Ashburton District Council Bylaws 2008.

This Warrant is issued pursuant to Section 206 of the Building Act 2004, Section 38(5) of the Resource Management Act 1991, Section 5(3) of the Litter Act 1979 and Sections 174 and 177 of the Local Government Act 2002.

**9. Monitoring Officer**

That RICHARD DURIE, Monitoring Officer, be authorised under the seal of the Ashburton District Council to act as indicated below:

- 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.
- As an Authorised Officer under the Ashburton District Council Bylaws 2008.

This Warrant is issued pursuant to Section 38(5) of the Resource Management Act 1991, Section 5(3) of the Litter Act 1979 and Sections 174 and 177 of the Local Government Act 2002.

**10. Animal Control Officer**

That LEANNE COPLAND, Animal Control Officer, be authorised under the seal of the Ashburton District Council to act as indicated below:

- As an Animal Control Officer in the Ashburton District under Section 11 of the Dog Control Act.
- As a Stock Ranger in accordance with the Impounding Act 1955
- 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.

**11. Council Contractors – Animal and Noise Control**

That GRAEME CHETTLEBURGH, PETER NORN, JODI FOLEY, JONATHAN MOULDEY, LESLIE KELLETT, WAYNE SMART, BRIAN SHIMMIN and ROSEMARY KELLETT, Animal and Noise Control Officers, be authorised under the seal of the Ashburton District Council to act as indicated below:

- As an Animal Control Officer in the Ashburton District under Section 11 of the Dog Control Act.
- As a Stock Ranger in accordance with the Impounding Act 1955
- As an Authorised Officer under the Ashburton District Council Dog Control Bylaw 2008.
- As a Noise Control Officer in accordance with the Resource Management Act 1991.
- As a Litter Control Officer in accordance with the Litter Act 1979.

These warrants are issued pursuant to Sections 174 and 177 of the Local Government Act 2002, Section 38(5) of the Resource Management Act.

Kilworth/Beavan

Carried

***Ashburton District Visitor Strategy***

“That Council adopts the Ashburton District Visitor Strategy.”

Holmes/Kingsbury

Carried

The Manager Democracy & Community Services left the meeting at 2.25pm.

***Council Agency Reports***

Reports of Council agencies were presented for the six months ending 31/12/09.  
Safer Community Council (K Clifford), Ashburton Community Pool (R Cruse & B Vessey),  
Sport Mid Canterbury ( J Cochrane) and Ashburton Community Water Trust (I Mackenzie).

Council adjourned for afternoon tea at 3.05 pm and resumed at 3.15 pm  
 The agency presentations concluded at 3.45 pm.

**Business taken with the public excluded (3.46 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	Council – 18/12/08 <ul style="list-style-type: none"> <li>• Property matter</li> <li>• Neighbourhood Support Trust</li> <li>• Ashburton Business Estate</li> <li>• Stadium Complex Trust</li> </ul> [Now in open meeting] <ul style="list-style-type: none"> <li>• Glasgow leased land – 215 Tancred St</li> <li>• Awarding Contract C551</li> <li>• Awarding Contract C552</li> <li>• Ashburton Performing Arts Theatre Management Trust – Council appointee</li> </ul>	Section 7(2)(h) Commercial activities Section 7(2)(a) Privacy natural persons Section 7(2)(h) Commercial activities Section 7(2)(i) Conduct of negotiations
5.1.2	Finance & Community Services Committee – 12/02/09 <ul style="list-style-type: none"> <li>• Property Matters</li> <li>• Council loan facilities</li> </ul> [Now in open meeting] <ul style="list-style-type: none"> <li>• Lease of recreation reserve – Chalmers Ave</li> <li>• Property &amp; Investment Subcommittee minutes</li> <li>• Ashburton Aquatic Park Trust – Council appointee</li> </ul>	Section 7(2)(h) Commercial activities Section 7(2)(h) Commercial activities
5.2	Ashburton Stadium Complex Trust	Section 7(2)(i) Conduct of negotiations
5.3	Ashburton Business Estate Project Board	Section 7(2)(h) Commercial activities

Leadley/Holmes

**Carried**

The meeting concluded at 5.38 pm.

Confirmed this 9<sup>th</sup> day of April 2009 by

\_\_\_\_\_ MAYOR