

### 3.1 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 21 May 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, J Sparks, P W Reveley and B A Tasker.

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

Representatives of Te Runanga o Arowhenua, J Waaka and M Home and two members of the public attended.

**APOLOGY:** Cr K L P Lowe **Sustained**

Council received a traditional blessing from Joe Waaka of Te Runanga o Arowhenua.

The opening prayer was offered by Pastor David Brown.

#### ***Extraordinary Business***

“That pursuant to Section 7(2)(A) of the Local Government Official Information and Meetings Act 1987 the following items be introduced as extraordinary business and considered as items 4.11 and 5.6:

- Warrants of Authority for Security Services – to enable the contract to commence
- Electricity Ashburton Representatives – Section 7(2)(h) Commercial activities

Leadley/Tasker **Carried**

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

“That the minutes of the meeting of Ashburton District Council held on 9 April 2009, be taken as read and confirmed.”

Burgess/Holmes **Carried**

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

“That the report be received.”

Tasker/Kilworth **Carried**

#### **Councillor Reviews**

The Mayor confirmed his intention to undertake a review of Councillors' roles and appointments and advised that he will meet with each Councillor before the end of June.

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

“That the report be received.”

Leadley/Burgess **Carried**

#### **Canterbury Water Management Strategy**

The Chief Executive reported on stakeholder and public meetings which have taken place. The hearing of submissions will take place in the first week of June with over 1000 submissions expected on this issue.

### **NZ Transport Agency**

The Chief Executive and Operations Manager met with the Regional Director to discuss local issues and projects. Council's preference for upgrading the single lanes in Tinwald was put to the Regional Director, however NZTA's view is that double lanes are required.

Mr Lester reported that the matter will be followed up with the Minister of Transport through MP Jo Goodhew.

### **Zones 5/6 Meeting**

- **Waste Management Committee**

The Operations Manager reported that a letter has been sent expressing Council's concern at the lack of local government representation on the Board. The letter also asked where interest levies would be applied to waste minimisation. Mr Rouse said that no formal response has been received, however there has been some feedback in terms of the local government representation, noting the Advisory Board is seeking people with expertise, rather than representation from a particular sector.

- **Total Mobility**

Cr Beavan reported that a review of Total Mobility criteria has been completed. The local scheme is working well and a survey form is being made available to the 12 participating groups for comment on a 2-3 month basis.

The Chief Executive advised that there was discussion at the Zone meeting on the strict criteria associated with the scheme, particularly for elderly people who want to give up driving but may not have the level of impairment that meets the Total Mobility's criteria. There will be more discussion on the NZTA funding criteria and how it affects areas with limited access to public transport.

- **Dog attacks**

An amendment to the legislation is being sought to provide councils with the ability to seize and destroy dogs which are known to have attacked but have not been witnessed. The Chief Executive said this will address a technical anomaly. Council's Regulatory Manager will have input into the process.

### ***Operations Committee – 23 April 2009***

It was noted that Cr Holmes attended the Civil Defence meeting in Christchurch on 22 April.

"That the report and minutes of the Operations Committee meeting held on 23 April 2009, be received."

Tasker/Leadley

**Carried**

### ***Environmental Services Committee – 30 April 2009***

"That the report and minutes of the Environmental Services Committee meeting held on 30 April 2009, be received."

Kilworth/Beavan

**Carried**

### ***Finance & Corporate Services Committee – 7 May 2009***

"That the report and minutes of the Finance and Corporate Services Committee meeting held on 7 May 2009, be received."

Holmes/Brown

**Carried**

### ***Creative Communities Funding***

“That the report of the Creative Communities Assessment Committee, 1 May 2009, be received.”

Beavan/Sparks

**Carried**

### ***Discretionary Funding Application***

“That a payment of \$1,200 be made to the ComCare Charitable Trust from the Social Services Discretionary Fund to assist with rental costs of running the ActiveLinks Gym Group.”

Tasker/Burgess

**Carried**

### ***Ashburton Airport Authority Subcommittee***

“That the report of the Airport Authority Subcommittee meeting held on 7 May 2009, be received.”

Holmes/Brown

**Carried**

### ***Stockwater Race Closure***

“That the special consultative procedure be commenced to close the stockwater race running from Lot 2 DP 352761, running parallel to Company and Works Roads, and if required, to below Milton Road North on Lot 155 DP 459, pending the outcome of further consultation.”

Leadley/Tasker

**Carried**

### ***Warrants of Authority – Operations Group***

“1. That BRYAN LEWIS PITT, DAVID LIONEL O’DONNELL, and EVAN COLWYN PRICHARD, Water Rangers, be authorised under the seal of the Ashburton District Council to act as indicated below:

- Has the authority to enter private land under Sections 171-173 and 182 of the Local Government Act 2002.
- As an authorised Officer under the Ashburton District Council Bylaws 2008.
- As a Litter Control Officer under Section 5 of the Litter Control Act 1979.

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

2. That ROBERT STANLEY ROUSE, Operations Manager, DAVID HEDLEY ROBERTSON, Roading and Street Services Manager, ANTHONY JOHN MACPHERSON, Roading and Street Services Contracts Engineer, RODGER WAYNE HARRIS, Roading and Street Services Contracts Officer, be authorised under the seal of the Ashburton District Council to act as indicated below:

- Has the authority to enter private land under Sections 171-173 and 182 of the Local Government Act 2002.
- As an authorised Officer under the Ashburton District Council Bylaw 2008.
- Litter Control Officer under Section 5 of the Litter Control Act 1979.
- Authorised Officer under Section 356 of the Local Government Act 1974.

This warrant is issued pursuant to Sections 174 and 177 of the Local Government Act 2002, Section 5(3) of the Litter Act 1979 and Section 356 of the Local Government Act 1974.

*Cont’d*

3. That ANDREW RODERICK GUTHRIE, Water Services Manager; BARRY JOHN MARSHALL, Water Services Engineer; MAREE CHRISTINA CROZIER MCNALLY, Water Services Assets Information Officer; and GREGORY ALAN COUSTAS, Water Services Field Assistant, be authorised under the seal of the Ashburton District Council to act as indicated below:

- Has the authority to enter private land under Sections 171-173 and 182 of the Local Government Act 2002.
- Is an authorised Officer under the Ashburton District Council Bylaw 2008.

These warrants are issued pursuant to Sections 174 and 177 of the Local Government Act 2002.”

Tasker/Kilworth

Carried

### **Extraordinary Business – Warrants of Authority Talbot Security Group**

“That DEAN GRAEME TALBOT and BRENT JOHN CORBETT, be authorised under the seal of the Ashburton District Council to act under the legislation below:

- 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 Enforcement Officer for Ashburton District Council Bylaws.

These Warrants are issued pursuant to Sections 174 and 177 of the Local Government Act 2002.”

Holmes/Kingsbury

Carried

### **Business taken with the public excluded (2.18 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 – 9/04/09 <ul style="list-style-type: none"> <li>• Ashburton Aquatic Park Trust</li> <li>• Stadium Complex Trust</li> <li>• Property Matters</li> </ul>	Section 7(2)(h) Commercial activities Section 7(2)(i) Conduct of negotiations Section 7(2)(h) Commercial activities
5.1.2	Environmental Services – 30/04/09 <ul style="list-style-type: none"> <li>• Police presentation</li> </ul>	Section 7(2)(f) Maintain conduct of public affairs
5.1.3	Finance & Community Services – 7/05/09 <ul style="list-style-type: none"> <li>• BCI Ltd</li> <li>• Ashburton Aquatic Park Trust</li> <li>• Property matters</li> <li>• ACL draft Statement of Intent</li> <li>• Property matter</li> <li>• Property matter</li> </ul> <p>[now in open meeting]</p> <ul style="list-style-type: none"> <li>• Designline Building lease to SprayMarks</li> </ul>	Section 7(2)(h) Commercial activities Section 7(2)(h) Commercial activities Section 7(2)(h) Commercial activities Section 7(2)(h) Commercial activities Section 7(2)(h) Commercial activities Section 7(2)(h) Commercial activities

5.2	Archibald Street watermain replacement	Section 7(2)(h)	Commercial activities
5.3	Ashburton Business Estate – installation of telecommunications equipment	Section 7(2)(h)	Commercial activities
5.4	Ashburton Business Estate – landscaping	Section 7(2)(h)	Commercial activities
5.5	Trustpower Ashburton Community Awards	Section 7(2)(a)	Protection of privacy of natural persons
5.6	Extraordinary Business – representatives of Electricity Ashburton	Section 7(2)(h)	Commercial activities

Holmes/ Sparks

**Carried**

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

**Designline Building Lease to Spray Marks**

“That the lease be varied to provide purchase option at \$3,514,657 plus GST, or the market value applying at the time the option is exercised, whichever is the higher.”

Holmes/Kilworth

**Carried**

**Archibald Street Watermain Replacement**

“That Council approves:

1. Proceeding with the replacement of the Archibald Street watermain as soon as possible and prior to the planned road reconstruction works;
2. Negotiation with Ashburton Contracting Limited and approval of a variation to Contract AM-AH10 in the maximum amount of \$217,000 exc GST;
3. The allocation of the forecast favourable variance of \$166,000 in the Ashburton water supply cyclic renewal to offset the cost of the Archibald Street watermain replacement project; and
4. The allocation of ~\$68,000 from the 2009/10 cyclic renewals budget to offset the cost of the Archibald Street watermain replacement project.”

Tasker/Leadley

**Carried**

**Trustpower Ashburton Youth Community Spirit Award and Trustpower Ashburton Community Awards 2009**

“That the report of the TrustPower Ashburton Youth Community Spirit Award and the TrustPower Ashburton Community Awards Working Party meeting of 22 April 2009, be received.”

Kilworth/Tasker

**Carried**

The meeting concluded at 4.34 pm.

Confirmed this 30<sup>th</sup> day of June 2009 by \_\_\_\_\_

MAYOR