

3.1 COUNCIL MEETING

MINUTES of a Meeting of the **ASHBURTON DISTRICT COUNCIL** held in the Council Chamber, 5 Baring Square West, Ashburton, on Thursday 13 August 2009, commencing at 1.00 pm.

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

In attendance Chief Executive, Manager Democracy & Community Services, Property Manager and Committee Secretary.

Six members of the public attended.

APOLOGY: Crs N A Brown and K L Holmes **Carried**

Council convened at 1.00 pm to receive the reports of the Ashburton Community Water Trust and Ashburton District Tourism. The presentations concluded at 1.30 pm.

The opening prayer was offered by Rev Rachael Judge.

Public Forum (1.30pm)

- **Youth Café / Bar concept** (L Bridge, M Smart, R Prendergast)

Lynne Bridge spoke about a proposal to provide a social outlet for 13-17 year olds. Ms Bridge and Michael Smart believe that Ashburton lacks a suitable facility for this age group. A draft model and a working committee has been established and the former Patchings building identified as a suitable site. The working committee is seeking Council input, through representation on a management board, financial support and general guidance.

The Mayor thanked Ms Bridge for bringing the proposal to Council's attention and detailing the proposed model. The matter will be referred for further consideration to the Finance and Community Services Committee.

The presentation concluded at 1.37 pm.

Extraordinary Business

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

- Ashburton District State of the Community Report
To receive the report prior to it being made available to the community

Leadley/Kilworth **Carried**

The Mayor sought Council's direction on whether the matter of the Art Gallery / Museum proposal would be taken out of committee and discussed in open meeting.

"That the matter of the Art Gallery and Museum remain in committee."

Kilworth/Tasker **Carried**

A show of hands gave 7 for and 4 against

Confirmation of Minutes

"That the minutes of the meeting of Ashburton District Council held on 30 June 2009, be taken as read and confirmed."

Leadley/Burgess **Carried**

Mayor's Report

“That the report be received.”

Leadley/Burgess

Carried

Chief Executive's Report

“That the report be received.”

Tasker/Reveley

Carried

Rangitata Diversion Race Management Ltd

“That the Deputy Mayor and Chief Executive be appointed by the Ashburton District Council to vote on its behalf at the Annual General Meeting of Rangitata Diversion Race Management Limited.”

Kilworth/Tasker

Carried

LGNZ Conference 26-29 July 2009

The Conference reports were received and discussed.

Operations Committee – 23 July 2009

“That the report and minutes of the Operations Committee meeting held on 23 July 2009, be received.”

Tasker/Lowe

Carried

Environmental Services Committee – 30 July 2009

“That the report and minutes of the Environmental Services Committee meeting held on 30 July 2009, be received.”

Kilworth/Kingsbury

Carried

Finance & Corporate Services Committee – 6 August 2009

“That the report and minutes of the Finance and Corporate Services Committee meeting held on 6 August 2009, be received.”

Lowe/Kingsbury

Carried

Canterbury Economic Development Co Ltd – Statement of Intent 2010

“That Council receives the Canterbury Economic Development Company Limited Statement of Intent 2010.”

Kilworth/Kingsbury

Carried

Lochhead Charitable Trust Private Plan Change – Final Consideration of Change to Ashburton District Plan

Cr Lowe declared an interest and withdrew from discussion and decision.

- “1. That the report be received.
2. That the the Lochhead Charitable Trust Private Plan Change to the Ashburton District Plan be approved in accordance with Clause 17, Schedule 1 of the Resource Management Act 1991, so that the Council seal can be affixed to the decision and the District Plan be amended in accordance with the decision.”

Beavan/Burgess

Carried

Ashburton Performing Arts Theatre Trust

The Manager Democracy & Community Services reported that \$2.3 has been budgeted for a grant to the Ashburton Performing Arts Theatre Trust to allow repayment of the Trust's loan with CBS Canterbury but that \$2.475m was required.

Mr Rollinson advised that the final account has been received from Bradfords, incorporating all of the contingency costs agreed during the construction. They have been approved as to cost, necessity and quality by the Quantity Surveyors. A number of capital expenses, removed from the original project to save costs, became obvious in the first operating year and additional expenditure for these essentials was required. Major capital outlay is now considered to be concluded with no further necessary capital expenses identified. Mr Rollinson said that if necessary, the Trust would pursue other means of funding. He also noted that the Trust is pleased with the revenue it has received in the first year of the Event Centre's operation and with the feedback from the community and performers who rate the venue as first class.

Council heard that the grant will be loan funded. Cr Leadley suggested that the loan be funded over 25 years as a table mortgage. Cr Kilworth recommended that other options also be considered, taking into account that Council owns the land and there may be opportunity to transfer reserve status.

1. That Council grants the Ashburton Performing Arts Theatre Trust the sum of \$2.475 million to be used to repay their loan liability.
2. That a report on loan options and ownership of the building / land be made to the Finance & Community Services Committee on 17 September."

Kilworth/Reveley

Carried

New Year's Eve Community Event – Funding Request

The recommendation to decline funding for the New Year's Eve family festival was supported by the majority of Councillors who agreed that the proposed siting on the Domain doesn't comply with the resource consent. Reference was made to the extensive process that was undertaken to obtain consent for events on the Domain, such as the Concert in the Park. Cr Kilworth explained that the difficulty had been to get a suitable result for the whole community, particularly those neighbours surrounding the Domain. It would be unlikely that the Commissioner's decision could be overturned to allow an event to be held later than the consent currently provides for.

Opposing the recommendation were Crs Sparks, Lowe and Kingsbury, who believe the community can have a festival without alcohol and that Council should give a lead and encourage the event organisers to find another venue. Cr Reveley also expressed concern that if Council defers the funding for 12 months, there may not be anyone willing to pick it up again.

Cr Beavan agreed that a number of issues need to be resolved and that there is insufficient time to plan for the event this year. To ensure that the \$15,000 is not lost to the community, he recommended that this money be retained for community grants funding.

In response to Councillors' concerns Cr Leadley acknowledged that these types of events are run successfully throughout New Zealand. He considers that the recommendation not to proceed is correct and by deferring for 12 months, the Safer Community Council will have the opportunity to further research the options so that a proposal could be made through next year's annual plan process.

The Mayor also opposed the Domain site, but agreed that an alcohol free New Year's Eve event should be able to take place. He noted that the main issue for CBD businesses with past events has been the closing off of East Street from 10 am on a major trading day; the clean-up following the events had always been good.

“That Council declines the application for funding from the Safer Community Council and asks that a more detailed proposal be provided for consideration through the Annual Plan 2010/ 11 submission process for an event in 2011.”

Tasker/Burgess

Carried

A show of hands gave 6 for 4 against

“That the \$15K previously allocated to the New Year's Eve event, be reallocated to the Community Grants fund.”

Beavan/Tasker

Carried

Warrants of Authority – Operations Group

“That KEVIN BRUCE BIRCHLER-STOCKDILL and JOHN LOVETT HUNT, 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.”

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

Tasker/Leadley

Carried

Council Agency Reports

Reports for the six months ending 30 June 2009, were presented by the following Council agencies –

Ashburton Community Water Trust – I Mackenzie	(1.00 pm)
Ashburton District Tourism – N Birt	(1.15 pm)
Safer Community Council – K Clifford	(2.30 pm)
Enterprise Ashburton – R Brawley	(2.45 pm)

Extraordinary Business

State of the Community Report

It was reported that the State of the Community Report has been printed and is now available to circulate to stakeholders. Council requested further opportunity to discuss the Report at the Finance & Community Services Committee meeting on 17 September.

“That the Ashburton District State of the Community Report be received by Council.”

Leadley/Kilworth

Carried

Council adjourned for afternoon tea at 2.55 pm and welcomed Methven Heritage Association representatives, Ms R Gadjadhar and Mr G Robertson. On behalf of Council, the Mayor presented a \$500,000 cheque being the balance of Council's contribution to the Methven Heritage Association's NZ Grain & Snow Centre project.

Council resumed at 3.17 pm.

Council Agency Report

The Community Pool report for the six months to 30 June 2009, was presented by the Pool Manager, R Cruse and Board Secretary, B Vessey.

Council acknowledged the resignation of Mr Cruse and thanked him for his contribution.

Business taken with the public excluded (3.28 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:

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 – 30/06/09 <ul style="list-style-type: none"> • BCI Ltd • Art Gallery / Museum Proposal • Ashburton Business Estate 	Section 7(2)(h) Commercial activities Section 7(2)(h) Commercial activities Section 7(2)(h) Commercial activities
5.1.2	Extraordinary Council – 16/07/09 <ul style="list-style-type: none"> • Ashburton Trust • Aquatic Centre / Stadium • BCI Ltd 	Section 7(2)(h) Commercial activities Section 7(2)(h) Commercial activities Section 7(2)(h) Commercial activities
5.1.3	Extraordinary Council – 23/07/09 <ul style="list-style-type: none"> • Art Gallery / Museum and Aquatic Centre / Stadium Decision Making 	Section 7(2)(h) Commercial activities
5.1.4	Extraordinary Council – 30/07/09 <ul style="list-style-type: none"> • Art Gallery / Museum and Aquatic Centre / Stadium Decision Making 	Section 7(2)(h) Commercial activities
5.1.5	Operations Committee – 23/07/09 <ul style="list-style-type: none"> • Trade Waste Bylaw 	Section 7(2)(h) Commercial activities
5.1.6	Environmental Services Committee – 30/07/09 [Now in open meeting] <ul style="list-style-type: none"> • Private Plan Change 	
5.1.7	Finance & Community Services – 6/08/09 <ul style="list-style-type: none"> • Police report • Property Matters • Electricity Ashburton Shareholder Committee 	Section 7(2)(f) Maintain conduct of public affairs Section 7(2)(h) Commercial activities Section 7(2)(a) Protection of privacy of natural persons

Tasker/Burgess

Carried

Business taken with the public excluded now in open meeting

Ashburton Art Gallery / Museum Proposal

“That Council proceeds with the Art Gallery / Museum proposal.”

Sparks/Tasker

Carried

Cr Beavan abstained from voting.

Sale of Council Land & Buildings – Tancred Street

- “1. That approval be given to call tenders for the sale of the former Women’s toilet and rest room building and the land on which it is located, being Lot 2 DP27807; and
2. That approval be given to the acceptance of the highest tender received above \$175,000 plus GST.”

Kilworth/Burgess

Carried

Reserve 1957 – Declassification

- “1. That approval be given to commence the declassification process of Reserve 1957 pursuant to the section 24(1) (b) of the Reserves Act 1977;
2. That in the event Reserve 1957 is declassified, the land therein be disposed of by transfer to the Department of Conservation; and
3. That costs and potential liabilities associated with the declassification be borne by the adjoining landowner.”

Kilworth/Reveley

Carried

The meeting concluded at 5.21 pm.

Confirmed this 24th day of September 2009 by

MAYOR