

**MINUTES** of a Meeting of the **ASHBURTON DISTRICT COUNCIL** held in the Council Chamber, 5 Baring Square West, Ashburton, on Tuesday 17 December 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, J A Everest, K L Holmes, R J Kilworth, J A Kingsbury, L J Leadley, K W P Lowe, J Sparks, P W Reveley and B A Tasker.

In attendance Chief Executive, Manager Democracy & Community Services, Operations Manager, Community Planning Manager, Finance Manager, Water Services Manager and Committee Secretary.

Seven members of the public were in attendance.

The opening prayer was offered by Reverend Peter Taylor.

### ***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:

- 4.13 Proposed ‘Braided Waters Cycleway’ – Government funding application (*to meet deadline*)
- 4.14 2009 Allocation of Taxi stands in Burnett Street (*to reinstate stands and 60 minute parking*)
- 4.15 Acton Irrigation Agreements (*to signoff agreement to allow project to proceed*)
- 5.5 Barrhill Chertsey Irrigation Scheme – *Section 7(2)(h) Commercial activities*

Leadley/Tasker

**Carried**

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

“That the minutes of the meeting of Ashburton District Council held on 3 November 2009, be taken as read and confirmed.”

Burgess/Holmes

**Carried**

### ***Mayor’s Report***

“That the report be received.”

Kilworth/Kingsbury

**Carried**

### **Vandalism**

The Mayor reported that considerable damage to public property occurred at the weekend as a result of vandalism. Councillors shared the Mayor’s concern that vandalism is a frequent and costly occurrence which impacts on the whole community. Through the media, members of the public will be encouraged to report any suspicious activity to the Police through the 111 system.

### ***Chief Executive’s Report***

“That the report be received.”

Tasker/Sparks

**Carried**

The Property Manager attended the meeting at 1.45 pm.

### **LGNZ – Land Transport**

The Chief Executive reported that Land Transport funding is an ongoing issue and while alternative funding methods are being considered, no change is proposed in the short term. Mr Lester spoke about the announcement this week that part of the Transmission Gully project may be toll funded and work is ongoing looking at other ‘user pay’ systems to fund major capital projects such as this.

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### **Riskpool**

The Chief Executive reported that all but 23 councils no longer have liability cover in respect to 'leaky buildings', however Ashburton continues to be covered. Mr Lester explained that from the point of view of councils no longer covered, this relates to future claims. Ashburton is relatively low risk and the additional \$30,000 budgeted next year relates to existing claims that have been lodged and is unlikely to alter to any great extent.

Mr Lester acknowledged that Council's building accreditation process has been expensive, noting that there have been associated benefits. Cr Kilworth asked if ADC could negotiate to work for other councils. Mr Lester advised there is capacity in other districts and over the past 12 months offers have been received from other councils who want to do work on ADC's behalf. He said there will be ongoing costs to retain the status quo for reaccreditation even though the Ministry has signalled there will be changes. The impact of this has been discussed with the Ministry who have indicated they will work with councils in the new year and start the accreditation process earlier.

### **Stadium Project Group**

The Mayor reported on the first meeting of the Project Group, held to address the draft Terms of Reference. The meeting appointed the Mayor as Chairman of the Project Group and the Chairman of the Stadium Trust, Mr Maurice Myers, as Deputy Chair.

"That the Terms of Reference for the Stadium Project Group, as attached, be adopted."

Leadley/Tasker

**Carried**

### ***Operations Committee – 19 November 2009***

"That the report and minutes of the Operations Committee meeting held on 19 November 2009, be received."

Tasker/Lowe

**Carried**

### ***Environmental Services Committee – 3 December 2009***

"That the report and minutes of the Environmental Services Committee meeting held on 3 December 2009, be received."

Kilworth/Leadley

**Carried**

### ***Finance & Corporate Services Committee – 10 December 2009***

"That the report and minutes of the Finance and Corporate Services Committee meeting held on 10 December 2009, be received."

Holmes/Brown

**Carried**

### **2010 Meeting Schedule**

"That Council adopts the 2010 Meeting Schedule for Standing Committee, Council and Methven Community Board meetings."

Holmes/Brown

**Carried**

### ***Ashburton Aquatic Centre / Stadium Project Site Considerations***

#### **Technical Investigation of the A&P Showgrounds and Domain (Grigg Street Corner) Sites**

Following Council's decision of 24 September 2009, approving further technical investigation and assessment of the Ashburton Domain and the Ashburton A&P Showgrounds, the Operations Manager provided a report on the investigation completed to date.

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“That the report be received.”

Tasker/Kilworth

**Carried**

The Chief Executive then presented a report recommending the Ashburton Domain not be considered further as a site for the stadium complex and that a short list of other sites, as well as the A&P Showgrounds be revisited to ensure the best site is chosen. Mr Lester said that the report concludes the complex could be located on either site, but also confirms the issues that have been previously indicated to Council that the Domain option will have significant issues around consenting and the loss of community amenity values related to the green space which will be extremely difficult to mitigate against.

The Mayor supported this recommendation.

Cr Holmes advised he would abstain from voting on the recommendation and the process which is to be followed. He does not consider that the report gives Council an obligation to remove the domain site, as it is a technical report, and believes that the wider public should be given the opportunity to comment on those sites.

Cr Sparks concurred with the view that there will be a potential loss of amenity and difficulty in consenting the domain site, but would urge as central a location as possible for the benefit of getting children access to learn to swim. Cr Sparks gave notice that she would abstain from voting.

Cr Tasker supported the recommendation on the basis that the Domain was not on Council’s original site preference list and because of the difficulty in consenting the project.

Crs Kingsbury, Brown and Lowe also supported removing the Domain from the site options.

Cr Beavan supported the recommendation and made reference to when he supported the inclusion of six sites to be shortlisted with further investigation required on only the first three (the domain was not one of these).

Cr Leadley also supported removing the Domain site and believes that it was never an option because of the surrounding residential area and hospital.

Cr Everest reluctantly supported the recommendation because of the probable consenting difficulties and the likelihood that the project would be delayed. Cr Everest believes that there would be some community support for the Domain site had they been consulted.

Cr Reveley also supported removal of the Domain site and spoke in favour of locating the complex at the A&P Showgrounds.

The Chief Executive explained that Council’s consultation with the community will be undertaken early next year when the preferred site has been identified.

The Mayor said that the exercise has been beneficial and productive as it has highlighted issues that Council would have had to face up to. Supporting the recommendation he said that the Stadium Trust and Council will work together to identify a site that will meet the community’s needs and won’t be at risk of delay in the Environment Court or eventual construction.

Cr Kilworth referred to comments made that only one side of the argument has been heard and referred to the public meeting which was called by the Stadium Trust.

“That Council remove the Ashburton Domain from the list of sites to be considered for location of proposed aquatic centre and indoor stadium.

Kilworth/Burgess

**Carried**

Crs Holmes and Sparks abstained from voting.

The Chief Executive advised that the Stadium Project Group will determine the preferred site and will report back on the other sites considered and any reasons for them being discounted. Council will make the final decision.

Mr Lester believes that there is sufficient information available to Council and the Stadium Project Group without the need for further investigation.

In conclusion the Mayor said it is significant to note that, over the past six months, there has been no discussion or debate about not proceeding with the aquatic / stadium project.

1. That Council refer the site selection to the Stadium Complex Project Group (SCPG) and that the SCPG
  - report back to Council on 25 February 2010 on their methodology for assessment and progress, and
  - report back to Council on 8 April 2010 with their recommendation.
2. That Council confirms its intention to consult with the community on its preferred site, along with information on sites considered and discounted.”

Kilworth/Tasker

**Carried**

Council’s decision was carried unanimously.

### **Domain Petition**

Later in the meeting the Chief Executive reported that he was invited to meet with the ‘Friends of the Domain’ to receive their petition on Monday 14 December. Over 2000 people signed the petition opposing a stadium / pool complex being built on the Ashburton Domain.

### ***Water Demand Management – 2009/10 Summer***

“That Council approves the amendments to the Water Restriction Policy as follows (and detailed in this report:

- Lake Hood Water Supply to be incorporated into the policy
- Provision made in the policy for the application of infringement fines.”

Leadley/Tasker

**Carried**

### ***Ashburton Water Supply – Tinwald Borefield Development***

“That Council approves the drilling of another deep groundwater well in the vicinity of the Tinwald Domain.”

Leadley/Lowe

**Carried**

### ***Ashburton Water Supply – Domain Bore No:6 Development***

“That Council approves the drilling of a deep bore at a new site (to be confirmed) within the Ashburton Domain at the earliest possible opportunity.”

Kilworth/Brown

**Carried**

### ***Ashburton District Assessment of Water and Sanitary Services***

The Water Services Manager was asked to report on the action taken in response to a Grove Street resident who submitted his concerns through the LTCCP process that wastewater has been discharging onto his property. Mr Guthrie said that cctv investigation showed no obvious problems and it appears that infiltration is coming from upstream of that property. The option of one-way valve reticulation has been considered and the investigation area has been widened.

“That Council adopts the Ashburton District Assessment of Water and Sanitary Services.”

Tasker/Kingsbury

**Carried**

### ***Diverting of Road at Grahams Road / Stranges Road Intersection***

“That Council approves the diversion of Grahams Road at the Stranges Road intersection, in accordance with the draft plan SO 426817, and the disposal of the land severed by the diversion to the adjoining landowner as shown on this plan.”

Tasker/Holmes

**Carried**

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

The Mayor reported that the Canterbury region has been divided into 10 zones with endorsement through various regulatory authorities. In 2010 the Zone committees will be formed and their boundaries defined.

The Chief Executive said that the feasibility of Coleridge is a priority and further evaluation will be undertaken early in the process. It was noted that Lake Coleridge has a Water Conservation Order which needs to be revisited.

- “1. That the Ashburton District Council endorses the Canterbury Water Management Strategy as published on 5 November 2009.
2. That the Ashburton District Council supports the establishment of Zone Committees in line with the process outlined in the Strategy.”

Leadley/Lowe

**Carried**

“That Council and the community’s appreciation be recorded and the Mayor, Council’s Chief Executive and Cr Angus McKay be commended for the work they have undertaken on the development of the Canterbury Water Management Strategy.”

Leadley/Kilworth

**Carried**

Council adjourned for afternoon tea at 2.56 pm and resumed at 3.14 pm.

### ***Extraordinary Business – Proposed ‘Braided Waters Cycleway’ – Government Funding Application***

Cr Sparks spoke about the consultation with land owners which has taken place over the past week.

Cr Brown returned to the meeting at 3.18 pm.

Cr Holmes said concept plan is contestible by all others that are being developed. Will be positive if concept plan is accepted and progressed to next stage.

- “1. That Council receives this report; and
2. That Council supports the application being made to the national cycleway programme for funding to develop the Braided Waters Cycleway.”

Holmes/Sparks

**Carried**

### ***Extraordinary Business – 2009 Allocation of Taxi Stands in Burnett Street***

A recommendation from the Town Centre Subcommittee was received. It was reported that the Taxi company has requested that two of the three existing stands be retained. This has been supported by the Total Mobility Committee. A further change will see two car parks, which are currently not time restricted, become metered spaces for a 60 minute limit.

- “1. That two metered car parks on the north east side of Tancred St, at the north-west end of Tancred St be metered car parks of 60 minute duration.
2. That the two existing taxi stands either side of the alleyway on the south-east side of 161 Burnett St shall continue as taxi stands.”

Kingsbury/Holmes

**Carried**

**Extraordinary Business –  
Acton Irrigation Agreements**

"The Acton Irrigation Group draft 'Deed of Licence to Use Water Race System' and 'Agreement in Relation to Management of Water Race System' be completed and referred to the Executive Committee at the earliest opportunity for adoption and execution."

Leadley/Lowe

**Carried**

Cr Brown abstained from voting.

**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	<p><b>Council – 3/11/09</b></p> <ul style="list-style-type: none"> <li>• Ashburton Art Gallery &amp; Museum</li> <li>• Ashburton Railway Station mediation</li> <li>• Ashburton Aquatic Park Charitable Trust</li> <li>• Stadium Project Group [now in open meeting]</li> <li>• Temporary staff tea room</li> <li>• Contract 569 – Ashburton Business Estate Landscaping Stage 1</li> </ul>	<p>Section 7(2)(h) Commercial activities            Section 7(2)(h) Commercial activities            Section 7(2)(h) Commercial activities              Section 7(2)(h) Commercial activities</p>
5.1.2	<p><b>Operations Committee – 19/11/09</b></p> <ul style="list-style-type: none"> <li>• Water charge [now in open meeting]</li> <li>• Contract AM-AC10 – Operation &amp; Maintenance for ADC utilities 09/10</li> <li>• Wastewater servicing – Tarbottons Road</li> <li>• Contract AM-AJ10 – Watermain pipeline renewals</li> <li>• RDR – Klondyke storage pond</li> </ul>	
5.1.3	<p><b>Finance &amp; Community Services Committee – 3/12/09</b></p> <ul style="list-style-type: none"> <li>• Police report</li> <li>• Ashburton Aquatic Park Charitable Trust</li> <li>• Property Matters</li> <li>• Ashburton Airport Authority</li> </ul>	<p>Section 7(2)(f) Maintain effective conduct of public affairs            Section 7(2)(h) Commercial activities              Section 7(2)(h) Commercial activities            Section 7(2)(h) Commercial activities</p>

5.2	<b>Award of Contract AM-AJ11 Sewer pipeline renewals 2009-10</b>	Section 7(2)(h) Commercial activities
5.3	<b>Mayfield water supply upgrade – private bore drilling</b>	Section 7(2)(h) Commercial activities
5.4	<b>Ashburton Business Estate Project Board</b>	Section 7(2)(h) Commercial activities
5.5	<b>Extraordinary Business – Barrhill Chertsey Irrigation Scheme</b>	Section 7(2)(h) Commercial activities

Holmes/Burgess

**Carried**

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

**Stadium Complex Project Group (Council 3/11/09)**

- “1. That Council works with the Ashburton Stadium Complex Trust to establish a project group to undertake tasks as considered appropriate to provide day to day governance for the project to develop an indoor aquatic centre and stadium.”
2. That the project group be comprised of three Councillors and three members of the Ashburton Stadium Complex Trust.”

Holmes/Leadley

**Carried**

**Freeholding 14-16 Bryant Street, Tinwald – Gary McCormick Transport Ltd**

“That Council approves the sale of the land on 14-16 Bryant Street, being Lots 43 & 44 Deposited Plan 18524, containing approximately 2,041 m<sup>2</sup> comprised in Certificates of Title CB9K/611 and CB9K/612, to the Lessee (Gary McCormick Transport Limited) at the current market value established by an independent registered valuer.”

Holmes/Burgess

**Carried**

**Sale of Council Land - Klondyke**

“That Council approves the sale of the land described as Pt Lot 1 DP 1865, Pt RS 33984, being 5868m<sup>2</sup> contained in CT 222/73 to Rangitata Diversion Race Management Ltd at the price of \$1,000 plus GST (if any).”

Brown/Tasker

**Carried**

**Ashburton Airport Authority Subcommittee - District Plan Review**

“That the proposal to include the designation of all airport land, and that required for runway extensions as per the development plan, be included as part of the District Plan review as proposed in 2005.”

Leadley/Brown

**Carried**

**AM-AJ11 Sewer Pipeline Renewals 2009/10 – Tender Award**

“That the tender for AM–AJ11 Sewer Pipeline Renewals 2009/10 from Ashburton Contracting Limited in the amount of \$499,378.12 excluding GST, be accepted.”

Tasker/Kingsbury

**Carried**

**Mayfield Water Supply Upgrade – Results of Private Bore Drilling**

“That Council approves in principle meeting the cost of the bore drilling subject to no payment being made for bore drilling at this point in time.”

Reveley/Tasker

**Carried**

“That Council be given access to the bore to undertake further testing to confirm bore performance and water quality results.”

Reveley/Tasker

**Carried**

**Barrhill Chertsey Irrigation Scheme**

"That Council agrees in principle to underwrite the third cumec 'to maximum of one cumec' of BCI, subject to agreed conditions for repayment within four years."

Leadley/Brown

**Carried**

Confirmed this 25<sup>th</sup> day of February 2010 by

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MAYOR