

## Council Meeting

Minutes of the Council meeting held on Thursday 26 May, 2011, commencing at 1.30 pm, in the Council Chamber, 5 Baring Square West, Ashburton.

### Present

His Worship the Mayor, A R McKay; Councillors N A Brown, I J Burgess, D M Favel, J Sparks, L J Leadley, D G McLeod, D N Nelson, M J Nordqvist, A B Totty, P W Reveley and R S Wilson.

### In attendance

Chief Executive, Community Planning Manager, Operations Manager, Finance Manager, Property Manager, Senior District Planner and Committee Secretary

Eleven members of the public.

The Opening Prayer was offered by Rev Andrew McDonald, St Stephen's Church.

### 1 Apologies

Cr R J Kilworth

Sustained

### 2 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 item and considered as item 5.5:

- Canterbury Rural PHO Board representation

*Reason: Consideration of a Council appointee*

*Section 7(2)(a) Protection of privacy of natural persons*

Mayor/Burgess

Carried

### Order of Business

The Mayor gave notice that item 5.4, Art Gallery / Heritage Centre, will be taken in open meeting as item 4.11.

### 3 Confirmation of Minutes

It was noted that Cr Marshall served four terms as a District Councillor (1992-2004).

**That** the minutes of the Council meeting held on 14 April, 2011, as amended, be taken as read and confirmed.

Leadley/Nelson

Carried

### 4 Reports

#### 4.1 Mayor's Report

**That** the report be received.

Mayor/Nelson

Carried

#### • Local Government NZ Conference and AGM

- 1 **That** the Mayor, Chief Executive and Councillor Sparks represent the Ashburton District Council at the Local Government New Zealand Conference in 2011.
- 2 **That** the Mayor be the Presiding Delegate to vote on behalf of the Ashburton District Council at the Annual General Meeting.
- 3 **That** the Chief Executive be the Alternate Delegate to vote at the Annual General Meeting in the absence of the Presiding Delegate.

Leadley/Nelson

Carried

[\[click here to read the report\]](#)

## 4.2 Chief Executive's Report

### • Local Authority Protection Programme

A press release has today been made on the increases that Council will be faced with for its disaster insurance. Staff will investigate options and report back prior to adoption of the annual plan.

**That** the report be received.

Nelson/Sparks

Carried

[\[click here to read the report\]](#)

## 4.3 Environmental Services Committee

**That** the report and minutes of the Environmental Services Committee meeting held on 28 April, 2011, be received.

Leadley/Burgess

Carried

## 4.4 Operations Committee

**That** the report and minutes of the Operations Committee meeting held on 28 April, 2011, be received.

Leadley/Nelson

Carried

### **Contract C524 – Operation & Maintenance of the Roding & Footpath networks, Ashburton District 2007-08 to 2009-10 – One Year Extension**

**That** Council approves that the contract with Fulton Hogan Ltd for C524: Operation and Maintenance of the Roding and Footpath Networks, Ashburton District 2007/08 – 2009/10) be extended for a further 12 months to 30 June 2012.

Totty/Reveley

Carried

## 4.5 Finance & Community Services Committee

**That** the report and minutes of the Finance & Community Services Committee meeting held on 12 May, 2011, be received.

Brown/McLeod

Carried

## 4.6 District Plan Hearings – Delegations

- 1 **That** the report be received.
- 2 **That** Council delegates authority to the Hearings Panel to make a recommendation to the Minister of Police on a new designation for the Rakaia Police Station, and recommendations to relevant Requiring Authorities on other designations that are heard by the Hearings Panel, subject to meeting accreditation requirements under s39B of the Resource Management Act.
- 3 **That** Council delegates authority to Independent Commissioners to hear and make recommendations to the relevant Requiring Authorities on designations and other matters where Council has an actual or perceived conflict of interest.
- 4 **That** Council approves the release of recommendations made by the Hearings Panel and Independent Commissioners to the relevant Requiring Authorities ahead of decisions on other parts of the Proposed District Plan
- 5 **That** Council delegates authority to the Hearings Panel to make decisions on the validity and scope of submissions and further submissions, heard on 28 April 2011.

Leadley/Totty

Carried

[\[click here to read the report\]](#)

#### 4.7 Closure of Stockwater Race – Application 110405

**That** Council approves the closure of the stockwater race from PN 2421 – RS 38423 SEC 1 to a junction on PN 20426 – Lot 2 3 DP 368737 - a total distance of 9.3 kilometres, effective from 3 June 2011.

Nelson/Brown

Carried

[\[click here to read the report\]](#)

#### 4.8 Closure of Stockwater Race – SK-BK Crows Road

**That** Council approves the closure of the stockwater race from a junction on PN 4676 – Lot 1 DP 44858 to where it discharges into an Environment Canterbury drain on PN 4629 – Pt Lot 1 DP 2687 – a total distance of 1.5 kilometres, effective from 26 August 2011.

Nelson/Brown

Carried

**That** a report be provided on any race closure applications which are outstanding in the current timeframe.

Brown/McKay

Carried

[\[click here to read the report\]](#)

#### 4.9 Government Policy Statement on Land Transport Funding 2012-13 to 2021-22 – Council Submission

- 1 **That** Council approves the submission to the Government Policy Statement on Land Transport Funding 2012/13 – 2021/22; and
- 2 **That** the submission be lodged with the Ministry of Transport.

Leadley/Nelson

Carried

[\[click here to read the report\]](#)

#### 4.10 Warrants of Authority – Regulatory Manager

- 1 **That** the report be received.
- 2 **That Richard Wade** be authorised under seal of the Ashburton District Council to act under the following legislation:
  - 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 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 Officer under the Food Act 1981 Part 3 Sections 12 & 13.
  - As an Inspector under sections 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.
  - Noise Control Officer in accordance with the Resource Management Act 1991.

- 3 **That** a warrant be issued pursuant to Sections 174 and 177 of the Local Government Act 2002, Clause 32a 7<sup>th</sup> Schedule 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.

Nordqvist/Burgess

Carried

[\[click here to read the report\]](#)

#### 4.11 Art Gallery / Heritage Centre

The Chief Executive reported that the resource consent has been signed by all parties but is awaiting the Judge's signature. While there are no issues arising from the documentation, the Environment Court's administrative processes have been delayed because of the earthquakes.

**That** the Art Gallery / Heritage Centre project proceeds to tender on the West Street site, subject to sign-off by the Environment Court.

McLeod/Burgess

#### **A show of hands gave 6 for and 5 against and the motion was Carried**

In support: Crs McLeod, Burgess, Sparks, Leadley, Brown, Nelson  
 Against: Mayor, Crs Favel, Wilson, Reveley, Nordqvist  
 Abstention: Cr Totty, Treasurer of the Museum & Historical Society, declared an interest and abstained from voting.  
 Absent: Cr Kilworth

[\[click here to read the report\]](#)

Council adjourned for afternoon tea at 2.55 pm and resumed at 3.14 pm.

#### **Business transacted with the public excluded (3.14 pm)**

**That** the public be excluded from the following parts of the proceedings of this meeting, namely – 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>5.1</b>	<b>Confirmation of Minutes</b>		
<b>5.1.1</b>	Council 14/04/11- <ul style="list-style-type: none"> <li>Executive Committee</li> <li>Property matters</li> </ul>	Section 7(2)(h) Section 7(2)(h)	Commercial activities Commercial activities
<b>5.1.2</b>	Executive Committee 18/05/11 - <ul style="list-style-type: none"> <li>Performance review process</li> </ul>	Section 7(2)(a)	Protection of privacy of natural persons
<b>5.1.3</b>	Finance & Community Services 12/05/11 - <ul style="list-style-type: none"> <li>Property matters</li> </ul>	Section 7(2)(h)	Commercial activities
<b>5.1.4</b>	Environmental Services 28/04/11 <ul style="list-style-type: none"> <li>Mockford Investments Ltd</li> <li>Future dog pound</li> </ul>	Section 7(2)(h) Section 7(2)(h)	Commercial activities Commercial activities

<b>5.2</b>	Award of Contract AM-AL (ADC) Operations & Professional Services 2011-2014	Section 7(2)(h)	Commercial activities
<b>5.3</b>	Request for Remission of Development Contributions	Section 7(2)(h)	Commercial activities
<b>5.4</b>	Art Gallery / Heritage Centre	Section 7(2)(h)	Commercial activities

Mayor/Nordqvist

## **Business transacted with the public excluded now in open meeting**

**Ashburton Business Estate Agency** [Finance & Community Services 12/05/11

**That** the Agency agreement with Colliers International be extended for a further two years.

McLeod/Kilworth

Carried

### **Glasgow Lease at 106 South St**

**That** Council declines the purchase of the lessee's interest in Lease L922454.1 at 106 South Street, Ashburton.

Brown/Nelson

Carried

### **Tender Award – Contract AM-AL Ashburton District Council : Operations Professional Services 2011-2014**

- 1 **That** Council accepts the tender for Contract AM-AL ADC Operations Professional Services 2011-2014 from Opus International Consultants Ltd in the sum of two million, six hundred and thirty seven thousand, two hundred and thirty one dollars (\$2,637,231) excluding GST.
- 2 **That** Council approves the contract duration of three years plus an additional two years on a year by year basis (3+1+1) subject to Council approval.

Nelson/Leadley

Carried

### **Request for Remission of Development Contributions – Lochlea Lifestyle Resort, Racecourse Rd**

**That** the request from JWA Limited to reduce the development contributions and fees to be applied to each single unit within the Lochlea Lifestyle Resort development be declined.

Nelson/Totty

Carried

The meeting concluded at 4.55 pm.

Confirmed this 30<sup>th</sup> day of June 2011 by

---

MAYOR