



Ashburton District Council

AGENDA

A MEETING of the ASHBURTON DISTRICT COUNCIL
will be held as follows:

Date: Thursday 18 December 2008

Venue: Council Chamber
5 Baring Square West
Ashburton

Time: 1.30 pm

MEMBERS:

His Worship the Mayor, M B O'Malley
Cr R C Beavan
Cr N A Brown
Cr I J Burgess
Cr J A Everest
Cr K L Holmes
Cr R J Kilworth
Cr J A Kingsbury
Cr L J Leadley
Cr K W P Lowe
Cr P W Reveley
Cr J Sparks
Cr B A Tasker

B LESTER
Chief Executive

12 December 2008

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Timetable

1.30 pm	Ordinary Meeting Commences OPENING PRAYER
3.00 pm	Afternoon Tea Cadet Corp
3.30 pm	Stadium Complex Trust

12 December 2008

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: 1/3/1
DATE: 30 October 2008
REPORT TO: Council
FROM: Mayor

4.1. MAYOR'S REPORT

The time since the last meeting of Council has been extremely busy, dominated by the general election and the swearing-in of the new National-led Government. The economic crisis has also played a significant role and will upset not only our Parliament's ability to govern the way the elected bodies campaigned, but also our local communities' appetite for the issues confronting local government. My local government commitments outside of Ashburton have meant that Cr Leadley has had to deputise for me on a number of occasions and I am grateful for his dedication.

I would also like to acknowledge the warm welcome Julie and I have received when attending the many seasonal social functions. Many of those present have gone out of their way to have a "special word", a truly humbling experience.

4.1.1 150 Year Celebrations

In October the District celebrated 150 years of settlement in Ashburton. Council entered into the spirit of the occasion by dressing in period costume for the Council meeting on 30 October. That day Council hosted a luncheon for direct descendants of the Turton family in acknowledgement of William and Frances Turton opening the first accommodation house in Ashburton.

During the next four weeks the community organised a variety of functions commemorating this important time in our District's history. I would like to acknowledge the enthusiasm and hard work of Council's Heritage Sub-committee, especially Cheryl Yates and the Museum's Curator Michael Hanrahan, who reminded us all of the milestone and certainly played a leading role in the celebrations. This was a special time in Ashburton's history and it was wonderful to see so many people participate in making it a memorable occasion.

4.1.2 Regional Transport Committee

The streamlined Regional Transport Committee has successfully assumed its new structure although the five community representatives are struggling with their reduced voting powers. Canterbury is well placed thanks to the work undertaken over the past 18 months, however the new Government could, by changing the rules, upset the progress of the Canterbury Regional Transport Committee. The Regional Land Transport Programme for the next 10 years has funding issues and officers have been directed to report on funding options (ie tolling and fuel tax) in order to overcome funding shortfalls. The Police are advocating for a lowering of the alcohol level from 86 to 50 (milligrams of alcohol per 100ml of blood) or 400 micrograms of alcohol per litre of breath to 250 micrograms. This view was supported by the Regional Transport Committee as was the intention to have a nil reading for under 20's.

4.1.3 LGNZ National Council

I have been allocated the water / wastewater portfolio again, an issue that is still rated the number one concern for Canterbury. The meeting focused primarily on the initial engagement with the new Government, and GPS's for freshwater management and transport. The new Minister of Transport, Hon Steve Joyce, has ordered a review of the Transport GPS, due to be released in February 2009, but with little or no consultation. The review is based upon no additional funding and more investment in road construction, especially the state highway network. It therefore suggests that as a result there will be less investment in other activity classes and that R funding could be under threat. The Minister for Local Government, Hon Rodney Hide, is now outside Cabinet and a vocal critic of local government. LGNZ President, Vice-President and CEO have begun an education process by:

- providing information on the regulatory framework under which local government operates
- the case for local government funding
- steps in place to develop council performance
- focusing on a shared concern about "central government dumping tough problems on local government", and the need to reduce the cost of regulation for councils

Obviously the public statements by the Minister and Governor of the Reserve Bank concerning the capability of local government have the potential to be very damaging, if only they were true. There is a tremendous challenge ahead to build a credible working relationship.

The Auditor-General and his assistant made a presentation and the LTCCP audit and audit fees once again provided lively debate. Despite the sectors well known concerns about this process, the simple fact remains that local government cannot set rates without an audited LTCCP. LGNZ is determined that the new Minister will be fully briefed on the complexity of the LTCCP process and their audits, as well as the sectors ability to charge actual and reasonable fees and the cost created by asset-revaluation and the introduction of International Financial Reporting Information Systems (IFRIS). It has been reported that the Minister was not fully aware of the requirement that local government must fund to renew / replace assets and fund for depreciation. This simple fact alone bears no relation to the CPI, which local government is constantly compared to.

The proposed National Policy Statement for freshwater management is an incredibly complicated document. The CEO has assisted me in making a submission and it is refreshing to see the calibre of Ministers available for the Water Forum planned for 20 December. The Canterbury position on water was promoted extensively in the lead up to the general election and this meeting is indeed encouraging.

4.1.4 Canterbury Water Management Study

The Canterbury Water Management Study Steering Group, which I chair and includes our CEO, provides advice to, and oversight on behalf of, the Canterbury Mayoral Forum, in relation to the development of Stage IV of the Strategy. The steering group is representative of and reflects a wide range of interests in water in Canterbury. This year has seen a continuation of key stakeholder engagement and a series of public meetings culminating in the release of a report summarising the current and future uses of Canterbury's water and the benefits these deliver to the region.

The community of Canterbury were invited to make submissions on this report and most submitters limited their comments to the fundamental Principles found in Section A. The Ten Principles cover Sustainability, Kaitiakitanga, Instream Values, Region-wide, Non Abstractive Uses, Efficient and Effective Water and Land Management, Drinking Water, Maintenance of Essential Character, Access and Stock Management.

As a result of the 16 December steering group meeting, the direction has been given that further refinement is required before the concept of guiding Principles is released to the public. This draft strategic framework will be developed during the next two months before further stakeholder and community engagement. It is anticipated that this public engagement on strategic options will be completed mid-2009 before being presented to the Canterbury Mayoral Forum. At the same time Ecan will be undertaking extensive biodiversity and water quality studies that will compliment the community engagement process. This work has attracted national attention and is vital to the future economic, environmental, social and cultural wellbeing within the Canterbury region.

4.1.5 The Year 2008

This year has seen the continuation of the hectic pace Council has experienced in the previous years. The highlight without question was the completion and opening of the Ashburton Trust Event Centre. The development of the Event Centre was a true community achievement, driven by a small band of volunteers, who had a dream and would not let that dream die. Rarely would a community project meet such wholehearted support and acceptance from day one and we have a facility that everyone can be justly proud of. During the year other community capital projects have continued to develop and the time for deciding the implementation of these projects is now before us.

The year has also seen a tremendous amount of work by staff and councillors in preparing the Annual Plan and Report, both being successfully achieved. Compounding the work load has been the beginning of the District Plan 10 year review and preparation of the LTCCP.

I would like to acknowledge all those who have been involved in these processes and thank them for their commitment and dedication in meeting very demanding timelines.

We are extremely fortunate to continue to enjoy the support and involvement of a fantastic network of volunteer groups throughout our district. The dynamics around our district continue to change and the commitment of the many volunteer groups is truly amazing – long may they continue to enjoy the good health that allows them to perform their ongoing work.

I believe that as a district we sometimes struggle to appreciate the qualities that make this place such a great place to live. It is therefore heartwarming to hear the views of how outsiders see Ashburton, and I am constantly reminded how fantastic Ashburton looks. This fact was reinforced by the exuberant Alan Dick, Editor of *'N Z Today'*, when he interviewed me earlier in December in preparation for December's issue, which will feature Ashburton. I know he won't let us down and we await his "verdict" with interest.

May all of you enjoy a safe and happy festive season.

4.1.6 Calendar

Some of the meetings and functions I have attended since reporting to the last Council meeting on 25 September 2008 are as follows:

- 31 October Attended meeting on BCI
- 1 November Attended Ashburton A & P Show
- 3 November Chaired North East Business Park Project Board Meeting
Met with CEO, Ashburton Trust
Attended Ashburton Trust Charitable Trust meeting
- 4 November Visited Wakanui School and presented cheque from Young Peoples Forum
- 5 November Chaired Canterbury Strategic Water Study meeting
Met with MP's Jo Goodhew and M Williamsons in Ashburton
Met with MP Tim Barnett
- 8 November Attended Celebration of 150 Years concert
- 9 November Attended St David's Church 150th Celebration
- 10 November Conducted Citizenship Ceremony
Met with Manager, Enterprise Ashburton
Chaired Ashburton Civic Music Council meeting
- 12 November Met with Garth Bateup & Rob Brawley at Ashburton Hospital
Met with District Commander of Police, Supt Dave Cliff
Attended District Health Committee meeting
Attended Mt Hutt College Prizegiving Ceremony
- 13 November Attended RDR Strategic Planning Workshop
- 14 November Attended Christchurch Royal A & P Show
- 17 November Chaired North East Business Park Project Board Meeting
Visited St Joseph's School and presented cheque from Young Persons Forum
Met with A Wing and J Howe
Attended Ashburton Silver Band meeting
- 18 November Attended Ashburton Resource Centre Trust meeting
- 19 November Attended RE D R Directors' meeting
Attended Mayor's Wellbeing Forum
Attended Ashburton College Volunteers' social function
- 20 November Attended Canterbury Economic Development meeting, Christchurch
Met with MP Jo Goodhew
- 21 November Attended Regional Transport Committee meeting
Attended Age Concern Christmas function
- 22 November Attended Methven Fire Brigade Gold Star Presentation
- 23 November Attended St Andrew's Church 150 Years Celebration Service
- 24 November Attended Mayoral Forum

- 25 November Attended Cameron Courts Rest Home
Attended Rural Women AGM and luncheon
Interview and photograph re White Ribbon Awareness
Attended Ashburton Resource Centre Trust meeting
- 26 November Visited Arowhenua
Attended Mt Somers Citizens Association AGM
- 28 November Met with Department of Labour and Ministry of Social
Development representatives
Attended Ashburton Hearing Association Christmas Lunch
Attended Time Capsule presentation at Event Centre
- 29 November Attended Ashburton Volunteer Fire Brigade Gold Star
Presentation
- 4 December Chaired North East Business Park Project Board Meeting
Attended Ashburton Foundation for the Blind Christmas
lunch
Attended Riding for the Disabled Prizegiving and Christmas
Party
- 5 December Attended Regional Transport Committee meeting
Interview with consultant working with Canterbury Strategic
Water Study
- 8 December Met with delegation from Heritage Trust re Railway Station
Met New Zealand Today Editor, Alan Dick
Met with Executive Committee and BCI representatives
- 9 December Opened Hui with Ngai Tahu re CSWS
Attended Aoraki Polytechnic Awards evening
- 10 December Visited Gertie Gregory on her 104th birthday
Visited residents of Rosebank Resthome
- 11/12 December Attended LGNZ National Council meeting, Wellington
- 15 December Chaired North East Project Board meeting
Attended switching on Christmas Tree lights at the Library
with Tinwald School
Visited patients at Ashburton Hospital and Tuarangi Hospital
- 17 December Chaired Canterbury Strategic Water Strategy meeting,
Christchurch

M B O'MALLEY
Mayor

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: 2/24/3
DATE: 18 December 2008
REPORT TO: Council Meeting
FROM: Chief Executive

4.2 CHIEF EXECUTIVE'S REPORT

4.2.1 Rural / Provincial Sector Meeting

I attended this on 20/21 November. The start of the meeting noted the passing of Graeme Weld, Mayor Western Bay of Plenty and former LGNZ Executive Member, handling the Transport portfolio.

With Mayor Lawrence Yule being elected to President of LGNZ, Mayor Peter Tennent is now Chair of the Provincial Sector.

4.2.1.1 Government Ministers

Eugene Bowen gave a quick run-down of the key government ministers related to local government –

Prime Minister Tourism

Bill English Finance, Infrastructure (key programmes including roading, water, Broadband)

Stephen Joyce Transport, Associate Infrastructure, Associate Finance

Rodney Hide Local Government

John Carter Associate Local Government

Gerry Browlee Economic Development

Simon Power State Owned Enterprises

Tony Ryall Health

Nick Smith Environment, Climate Change

4.2.1.2 Sale of Liquor Act

Geoffrey Palmer spoke regarding the current review being undertaken on this legislation. He referred to general issues of concern being raised which are related to the drinking age (too low), and the planning / outlet numbers (accessibility). From the point of alcohol consumption, the consumption per head in New Zealand is about the middle of developed countries – the problem is how we drink (ie binge drinking). The general view appears to be that we have gone too far in liberalising our alcohol laws. He noted that in Parliament, this issue is a conscience vote which is not a good thing as it leads to instability.

With respect to controls (price / outlets), he believes alcohol should not be considered as an 'ordinary product' due to health / harm questions, and therefore should not be subject to the normal competition regulations.

They (the Law Commission) will be preparing a discussion paper and will be seeking views from local government (effectively an Inquiry)

- is local government content with its role?
- do we want greater or lesser involvement?
- what are the enforcement and funding issues?

He sees the problems are of a minority but it needs wider society / responsibility to address. Access to alcohol versus family versus community values.

He noted that it used to be illegal to be intoxicated in a public place. This was removed from the statute when the problem was minor.

The discussion paper should be available mid 2009.

4.2.1.3 Public Libraries – Share of Systems

The National Library has commissioned a feasibility study for shared library management systems. This has been raised due to the small number of suppliers in the market, and the potential to reduce capital cost and to cost share. They are looking to develop a value for money proposition through sharing costs and expertise. No details yet. Looking to develop a full business case by August 2009, source development funds by June 2010, and be operational by July 2011.

Aiming at small / medium sized libraries with costs of 5% of turnover. This compares with our current costs of 1%.

4.2.1.4 NZ Transport Agency - Procurement

NZTA are requiring road controlling authorities to develop new procurement systems to become “approved organisations”. They believe the current CPP model is outmoded and that new systems could provide better value for money over the whole of the asset life. There are currently pilot groups, being – Auckland, Central Otago, Hamilton City, Wairoa, Matamata-Piako and Westland districts. They are expecting this process to be completed by July 2009.

4.2.1.5 Transport Issues

Geoff Swanson (LGNZ) updated on developing issues; largely around funding for the roading infrastructure, indicating that the current strategy is likely to be re-written. Current funding is not sufficient; issues include

- Changing of investment from infrastructure to service (ie passenger, rail, coastal)
- ‘R’ funding (Government changing criteria of ‘N’) a direct consequence, now delayed until June 2009.
- Government hypothecation. Problems projected for 5 years out now hitting, being higher fuel prices, meaning lower demand.
- RUC review.
- Indirect costs increasing (Policing, administration, maintenance).
- More being spent on road safety.

He added that the Utilities Advisory Group is likely to be disbanded. Their main aim seemed to be to shift costs to local government. Broadband, for example, they want shallower trenches making water reticulation and footpath maintenance more expensive.

Geoff used a lovely quote about “the winds of theory being wrecked on the rocks of reality”.

4.2.1.6 Broadband - Telecom

Paul Leslie gave an update on their work on the mobile system, investing \$574 million by June 2009, to bring the 3G mobile system to 97% population coverage. They are spending \$2 billion on upgrades over the two year period. The existing CDMA system will continue to 2012.

4.2.1.7 Member Development

LGNZ is continuing to develop elected member training. Their pilots on financial issues have been received positively, others being looked at are decision making (legal, consultation, sustainability) and effective meetings / communications.

4.2.1.8 Horowhenua Case Study – Life to the Maxx Programme

Involved co-ordinated central government agencies, focusing on ‘at risk’ families. Council facilitated but not funding. Key points –

- 3 years to develop (had to go high!)
- 9 people oversee, including Police
- initially 12 families
 - 24/7 support (getting to jobs, doctor, schools)
- \$500,000 budget, plus volunteer board (Mayor-Chair)
- now 60 families on books (unknown to Board)

4.2.2 Mayoral Forum

This was attended by the Mayor and Chief Executive on 24 November. The first item on the agenda was an update on the Canterbury Water Management Strategy. A copy of the presentation is attached. I will comment more on this under the heading below. **Pages 12-17**

We received an update on the Regional Transport work. A key milestone is the completion of the Memorandum of Understanding relating to the Canterbury Transport Project, between the Regional Council, Ministry of Transport and the New Zealand Transport Agency. This is to confirm the Crown Funding over the next 10 years of \$244 million. This is contingent on the implementation of the greater Christchurch Urban Growth Strategy. A copy of the agreement is attached. **Pages 18-23**

National MP Nicky Wagner attended to discuss the new Government’s priorities. Key targets against a worsening economic outlook include:

- Push to improve productivity in the public sector. Looking to reduce the cost of policy advice and communication, and focus on common sense in delivery of front line services. Reduce the growth in bureaucracy and compliance cost.
- Review Emissions Trading Scheme to provide a better balance.
- Regulatory review programme, with ongoing reviews.
- Work with regional and local government to facilitate development
- Tax cuts
- Lift education standards

With respect to local government, they recognise the challenges we face and recognise that one size does not fit all. They will continue with the Local Government Forum 6 monthly, and attend Zone meetings annually. They recognise the \$60 billion infrastructure investment hurdle and will seek to reduce the demands from Wellington.

The rates rebate scheme will be retained, and they will assist local government benchmarking for best practice. They will also provide a modest start up fund for Joint Service Delivery. With respect to solid waste management, they do not want to reinvent the wheel. They will also review the Local Government Electoral Act with respect to the $\pm 10\%$, believing this is too narrowly defined, and needs to better reflect the communities of interest.

With respect to the RMA, they will look to simplify, make it easier to undertake plan updates and remove frivolous and vexatious submissions.

They will set up an Environmental Protection Agency to consider major infrastructural projects, resourced from within the current Ministry for the Environment.

4.2.3 Canterbury Water Management Strategy

The Mayor and Chief Executive attended the Steering Group meeting on 5 November. An update report on the consultation process was later presented to the Mayoral Forum. A number of development options will be prepared to report back to local stakeholder meetings in March/April 2009. Once an agreed option is developed, this will then go to general public consultation mid-2009.

The Steering Group will meet on a number of days before the end of January, with a view to reporting back to the Mayoral Forum and respective Councils in February.

There is a forum being organised by MAF on 20 December (11am–5pm) for Ministers / Associate Ministers of Finance, Infrastructure and Agriculture on Canterbury water development infrastructure. I will be presenting on the study and the general forum. There will also be a presentation on local schemes.

4.2.4 Pensioner Housing Upgrade Concept

A survey form has been circulated to all tenants to seek feedback on options for upgrading units/ improving heating. Two forums have been arranged to enable discussion on concepts and questions. A representative from MSD will be present to comment on rental support schemes. The forums are set down for 11 December, with forms requested to be returned by
16 December.

4.2.5 Methven Lions

On 26 November I attended the Methven Lions Club meeting and presented on Council planning processes and current issues.

4.2.6 Rugby World Cup 2011

Initial feedback on the proposal for hosting a team in 2011 has been received. A further visit was made to the district on 11 December to look at venues. There has been positive local support, including the Gym Company, hockey, community pool and college. We will be following up with more information. A decision will be made late 2009, and will depend significantly on individual team requirements.

4.2.7 Regional Council Directors

The management team met with the Directors of the Regional Council on 2 December. There have been significant changes to the structure at ECan, so it was a good opportunity to meet and establish relationships. A wide variety of topics were discussed. This included the concept being developed for water charging. This will include community supplies so will have cost implications. Details have not been finalised to give an estimate of these costs.

Any proposed changes will be subject to consultation through their LTCCP.

Attached is copy of their new structure. The meeting was a positive initiative. This will be followed up with further meetings, likely to focus on more specific issues. **Page 24**

4.2.8 'N Z Today' Magazine

The magazine will be publishing a lengthy article on the Ashburton district in its December issue.

B LESTER
Chief Executive

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO:
DATE: 18 December 2008
REPORT TO: Council
FROM: Operations Manager
SUBJECT: Rakaia Pedestrian Safety

4.6 RAKAIA – SH1 PEDESTRIAN SAFETY WORKS

4.6.1 SUMMARY

Residents and stakeholder representatives have identified a number of concerns regarding pedestrian facilities on SH1 through the township of Rakaia.

The purpose of this report is to outline the results of the review work commissioned by the New Zealand Transport Agency (previously Transit NZ) and recommend Council's response to the proposed option to address the concerns raised by community representatives.

4.6.2 RECOMMENDATION

- “1. That Council supports the construction of kerb protrusions and pedestrian refuges on SH1; and
2. That a review of the 70kph speed limit on SH1 in the urban area of Rakaia be undertaken.”

4.6.3 BACKGROUND

The New Zealand Transport Agency (NZTA) has commissioned a review of existing pedestrian facilities on State Highway One (SH1) through the urban area of Rakaia and to identify possible improvement options.

This review was commissioned in response to concerns expressed by community and stakeholder representatives.

Options considered include:

- A pedestrian underpass
- The installation of a pedestrian crossing
- The installation of a signalized pedestrian crossing
- The installation of pedestrian kerb protrusions and refuge islands within the existing flush median.

Consideration was also given to the wider safety implications associated with the state highway.

The options considered and the results of the review are summarised below:

Site information

- Recent vehicle counts indicate approximately 10,200 vehicles per day travel north and approximately 8750 vehicles per day travel south.
- The highway is relatively flat and straight.
- The majority of the state highway has:
 - kerb and channel
 - 3.5m through traffic lanes
- There is a 3.0m flush median in the centre with right turn bays for the more significant intersections
- All side roads are “stop controlled”
- The speed limit is 70kph.
- Most south bound traffic travels at 66.2kph and most northbound traffic travels at 69kph.
- There are no pedestrian facilities to cross SH1 in Rakaia.
- Pedestrian volumes have not been fully surveyed. A “spot survey” determined 18 crossings between 7.45am and 9.00am and 36 crossings between 2.30pm and 4.00pm.
- There have been 10 reported crashes in the 70kph area over the last five years:
 - 7 were caused by inattention
 - 5 included excessive speed
 - 1 involved alcohol
- No accidents have been reported that involved pedestrians.

Options considered:

1. Pedestrian Underpass

- This option is preferred by community representatives
- Estimated cost \$500,000 to \$600,000
- May not meet the “desire line” of all pedestrians

Advantages

- no conflict between pedestrians and traffic
- no traffic delays
- no need to hurry across the road

Disadvantages

- ramp required at both ends to climb or descend 3.5 to 4.0m
- 90 to 100m total length compared to the road width of approx 14 to 15m
- advantages can only be provided at one location
- significant disruption to traffic during construction
- there may be a requirement to relocate existing services in the carriageway
- significant costs compared to benefits

- creation of other hazards and physical protection around access
- possible land purchase required
- high ongoing maintenance

2. Pedestrian crossing

- It is believed a warrant for a pedestrian crossing would not return a favourable result for this location.
- The estimated cost is \$15,000 to \$20,000 including kerbing outcrops and lighting
- Pedestrian crossings are not permitted in 70kph speed restricted areas without Ministry approval.

Advantages

- Pedestrians have right of way
- Advanced warning of crossing is possible
- Low cost
- Can be lit at night
- Low maintenance costs

Disadvantages

- Can give pedestrians a false sense of security
- Increased risk of pedestrian/vehicle crashes
- Increased nose to tail crashes
- Traffic delays

3. Signalised Crossing

- It is unlikely this option would achieve an installation warrant
- This option reduces risk compared with pedestrian crossing
- The estimated cost is \$150,000 to \$200,000 including kerbing, protrusions, signals and lighting

Advantages

- Pedestrians have right of way on the “cross” signal
- Advanced warning
- A perceived feeling of safety
- Relatively low operating and maintenance costs

Disadvantages

- High risk of signals not being observed by motorists in this environment
- Increases in pedestrian/vehicle crashes
- Increases in nose to tail crashes

- Fairly high installation costs
- Traffic delays
- Relatively high operating and maintenance costs

4. Kerb protrusions and central refuge islands

- This treatment has improved pedestrian safety in similar locations
- Installation costs are similar to a standard pedestrian crossing at \$15,000 to \$20,000.

Advantages

- Pedestrians only cross one “live” lane at a time
- Relatively low cost to install
- Consequential reduction in traffic speed due to kerb protrusions and central median refuge which act as traffic calming measures
- More defined lanes for vehicles where pedestrians are crossing
- Prevents vehicles overtaking on flush median
- Low operating and maintenance costs

Disadvantages

- Pedestrians do not have right of way
- Pedestrians feel more vulnerable when standing in the central refuge

After considering the above, the NZTA propose the following:

- The construction of kerb protrusions and central refuge island.
- That these could be located at up to three locations
- That these locations be the subject of consultation with the Rakaia Community Association.
- That consideration be given to reviewing the current 70kph speed limit and if appropriate, lowering it to 60kph.

4.6.4 STATUTORY IMPLICATIONS

The “approved organisation” with respect to State Highway One is the NZTA. They are responsible for the safety, management and administration of state highways.

Funding criteria are established by the NZTA.

4.6.5 OPTIONS AND RISKS CONSIDERED

The following options are available to Council with respect to progressing improvement options:

Option 1: to pursue a pedestrian underpass or other option that delivers a higher level of service than kerb protrusions and central pedestrian refuges

The advantages and disadvantages of this option are outlined in the background to this report. In order to progress this option, it is almost certain that works will need to be fully funded by Council. It will also be necessary to obtain the NZTA's approval for construction and location.

Because of the anticipated low benefit cost ratio for high level of service options, it is unlikely that the work will attract a subsidy.

Option 2: to support the installation of kerb protrusions and central pedestrian refuges

This option will be designed, constructed and funded by the NZTA with no cost implications for Council.

This option could be considered to be taking an incremental approach to addressing pedestrian safety issues and if necessary in the future, a higher level of treatment if required and as outlined in the background to this report could be carried out.

The recommended option is Option 2: to support the installation of kerb protrusions and central pedestrian refuges

4.6.6 STRATEGIC LINKS

The recommendations in this report are consistent with the following community outcomes in the LTCCP:

"Natural and developed environments are sustained for the enjoyment of current and future generations".

"Healthy active people enjoying a good quality of life in a caring safe community".

4.6.7 CONSULTATION

The results of the review have been discussed with community representatives.

The content of this report has not been the subject of specific consultation with the wider community.

The works proposed by the NZTA will be the subject of further consultation with Council and the Rakaia community.

4.6.8 FINANCIAL IMPLICATIONS

There are no financial implications arising from approving the recommendations in this report.

If Council wishes to pursue a higher level of treatment/service for pedestrians, the financial implications may be as follows:

Pedestrian underpass	\$500,000 to \$600,000
Pedestrian crossing	\$15,000 to \$20,000
Signalised crossing	\$150,000 to \$200,000

The above cost implications are based on:

- no funding from the NZTA because the costs significantly outweigh the benefits based on the funding criteria.

Prepared By

R ROUSE
Operations Manager

Approved By

B LESTER
Chief Executive

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: 0530-12
DATE: 18 December 2008
REPORT TO: Council
FROM: Operations Manager
SUBJECT: Hakatere Water Supply

4.7 HAKATERE WATER SUPPLY – STANDBY GENERATOR PUBLIC CONSULTATION

4.7.1 SUMMARY

As part of the 2008/09 Draft Annual Plan consultation process, Council received a submission signed by a number of Hakatere residents requesting removal of the recently installed standby power generator.

Specific consultation on the generator retention/removal has been carried out.

The purpose of this report is to outline the results of the consultation process and make a recommendation regarding the installation of the generator.

4.7.2 RECOMMENDATION

“That Council approves the retention of the standby generator to provide back up power to the Hakatere water supply.”

4.7.3 BACKGROUND

The Hakatere water supply is reliant on electricity supply to operate the bore pumps, pressure pumps and treatment systems. Without the operation of all of these items of equipment the availability and serviceability of the scheme is significantly compromised.

During the 2006 snow event, there was widespread loss of electricity supply affecting most of the district including the Hakatere area. This impacted on the water supply over a four day period and necessitated the deployment of a standby generator to provide power to the supply for a few hours per day during the event.

Installation of standby generation equipment is considered good practice and manages an identified risk which may occur at any time and potentially over an extended period.

During the 2008/09 Draft Annual Plan consultation process, Council received a submission signed by a number of Hakatere residents requesting removal of the recently installed standby generator.

Specific consultation on the generator installation has been carried out on this matter and is summarised below:

- Consultation material was mailed to residents on 21 November 2008.
- 57 consultation documents were sent out.
- Submissions closed on Friday 5 December.
- 27 submissions were received, a 47% response rate.

- Responses based on submissions received:
 - 37% keep the generator, 9 submissions
 - 59% remove the generator, 16 submissions
 - 4% no indication, 1 submission
- Responses based on documents sent out:
 - 18% keep the generator
 - 28% remove the generator
 - 2% no indication
 - 52% did not respond

Comments on the submission forms are indicated below:

- *We have insurance and a power board*
- *Main cause of power failure re snow storm 2006 was poor quality of poles & cross arms. Since then have been renewed - no need for back up.*
- *Like to see submission forms sent out before the work is done.*
- *If able to pay our share of cost of generator in full, we would be happy to retain the generator. If we must pay interest on the cost and have it added to our rates - no generator.*
- *We deplore the arrogance of the Council to purchase a generator without first consulting the Hakatere residents. The cost of the generator could have been reduced by installing a 20kVA unit and calling tenders*
- *Living without power in such times as 2006 was hard. Having water on hand in those times would of made it more bearable - cross fingers get our generator.*
- *Don't need generator in 2006 and don't need one now. We managed very well then and will do so again in future. Generator installation a knee jerk reaction so please remove generator.*
- *Take 31 heavy snow storms to pay for it and we can't afford it.*
- *Very few houses rely on power for water when power supply interrupts. We have large tanks. Better to maintain poles and power lines. What was response from Trustpower or EA with regard to paying for generator since it was their lines/poles that failed?*
- *Cost of plant compared to amount of times it will be required is excessive. Understand all properties have water tanks which with a little care would last residents at least a week.*
- *Don't respond to an unscheduled shut down. We can manage until the electricity is restored*
- *65 out of a possible 100 residents have already asked for removal of the generator. What more do you want?*

Based on the results of the specific consultation, it appears that 70% of the properties surveyed either wish to retain the generator or it is not considered to be a significant issue. Only 28% of the properties surveyed indicated they wished to see the generator removed.

4.7.4 STATUTORY IMPLICATIONS

There are no statutory implications arising from approving the recommendation in this report.

4.7.5 OPTIONS AND RISKS CONSIDERED

Options available to Council include the following:

Option 1: remove the generator already installed.

This option is only clearly supported by 28% of the properties in Hakatere. Not having a generator installed will expose the community to a loss of potable water services during power outages.

Option 2: Retain the installed generator

This option is clearly supported by 18% of properties in Hakatere however it appears that the issue of retaining the installed generator is not a concern to the 52% of properties in Hakatere who did not respond to the consultation process.

Based on the above, the preferred option is Option 2: Retain the installed generator.

4.7.6 STRATEGIC LINKS

The recommendation in this report is consistent with the following community outcomes in the LTCCP:

“a thriving and diverse local economy that provides the foundation for a quality lifestyle”.

4.7.7 CONSULTATION

The issue of removing or retaining the installed standby generator at Hakatere has been the subject of specific consultation with the Hakatere community.

4.7.8 FINANCIAL IMPLICATIONS

The financial implications arising from the retention of the generator are \$75/year/property.

A rough order of costs to remove the generator is \$1,000.

Prepared By

R ROUSE
Operations Manager

Approved By

B LESTER
Chief Executive

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: 0530-10
DATE: 18 December 2008
REPORT TO: Council
FROM: Operations Manager
SUBJECT: Rakaia Water Supply Upgrade – Resource Consent Replacement

4.8 RAKAIA WATER SUPPLY UPGRADE– RESOURCE CONSENT REPLACEMENT

4.8.1 SUMMARY

Council currently has a resource consent to take water for the Rakaia water supply. This has recently been the subject of a resource consent replacement process and a new consent has been issued.

The purpose of this report is to advise Council of a change to an agreed consent condition prior to the issue of the consent and recommend the condition be appealed.

4.8.2 RECOMMENDATION

“That Council confirms the formal appeal of Condition 10 of Resource Consent CRC073787 (Water Take for the Rakaia Community Water Supply)”

4.8.3 BACKGROUND

Council currently has consent to take water for the Rakaia water supply from two shallow bores.

The water supply upgrade includes a new deeper groundwater bore into a more reliable aquifer as the risk of the existing shallow bores going dry was considered to be high and there is no alternative supply for the township if this occurs.

The consent application was notified on 25 October 2007; one submission was received in support and the submitter provided their written approval. During the consent processing two further parties also provided their written approval.

As part of their consideration of the applications, ECan requested further information on a number of matters including:

- the aquifer parameters used in the modelling.
- population projections stated in the applications
- whether the volume sought was an efficient use of water.
- the allowance for leakage.

The consent for the new deep bore water take has now been granted.

The application was formally considered by ECan’s Hearing Committee on 28 November. During the consideration of the application, the Hearings Committee changed one of the conditions that had been agreed prior to the hearing with the Investigating Officer. The change relates to the auditing of the scheme, changing the audit frequency from 10 years as agreed with the Investigating Officer, to six years.

The changed condition is identified below:

- 10) *The consent holder shall undertake all practicable measures to minimise unreasonable and inefficient use of water, including but not limited to:*
- (a) implementing water restrictions in accordance with the Ashburton District Council Water Restrictions Policy;*
 - (b) undertaking an audit of the scheme, within twelve months of the date of commencement of this consent, and then once every six years for the duration of this consent, which shall identify:*
 - (i) any physical improvements that can reasonably be made to the scheme to minimise the loss of water and to improve the efficiency of water use; and*
 - (ii) measures, which can be implemented in the management of the scheme, to minimise the loss of water and to improve the efficiency of water use.*
 - (iii) Procedures that can be undertaken during times of water shortage.*

The audit shall consider the whole scheme, including, but not limited to, intake structures, pipe sealing, flow rates, the pipe system, infrastructure, and control mechanisms.

Within six months of each audit being completed, the consent holder shall provide the Canterbury Regional Council, Attention: RMA Compliance and Enforcements Manager, with:

- (i) A copy of the audit report;*
- (ii) A programme of any measures that the consent holder will implement as a result of the audit, and the timeframes by which they will be completed; and*
- (iii) Revised rates and volumes to be taken in accordance with condition (2) of this consent, if the audit indicates it is appropriate to do so to minimise the effects from unreasonable and inefficient use.*

Potential implications for Council include but are not limited to the following:

- Additional cost of the audit processes
- Potential differences of opinion regarding physical improvements that may be required to address water loss and efficiency
- Duplication of Council's existing maintenance, operations and upgrading reviews and plans
- Potential disagreements with ECan regarding how much of the consented takes can actually be taken.

A review of the other conditions attached of the consent will be carried out to determine if further changes have been made.

As a consequence of discussions with senior councillors and senior staff, a decision has been made to formally appeal the condition.

4.8.4 STATUTORY IMPLICATIONS

If Council wishes to continue the appeal of Condition 10, the appeal must be lodged with the Environment Court. The Notice of Appeal must be lodged within 15 days of receipt of the decision (decision sent 8 December and received by Council on 9 December 2008) and a copy of the Notice of Appeal forwarded to Environment Canterbury.

An extension to the CAP funding assistance contract may be required if physical works cannot proceed during any appeal period.

4.8.5 OPTIONS AND RISKS CONSIDERED

Options available to Council include the following:

Option 1: confirm the appeal of Condition 10 of CRC 073787 Rakaia Community Water Supply Water Take Consent

This option will allow Council to pursue an audit frequency that is in line with Council's original request and ensure any additional implications arising from the shorter audit frequency are eliminated.

Council can withdraw from the appeal process at any time.

Option 2: Not appeal Condition 10 of CRC 073787 Rakaia Community Water Supply Water Take Consent

This option potentially would expose Council to additional cost and may result in conflict with Council's Asset Management Plans and other infrastructure maintenance and development programmes and processes.

4.8.6 STRATEGIC LINKS

The recommendation in this report is not inconsistent with the following community outcomes in the LTCCP:

"A thriving and diverse local economy provides the foundation for a quality lifestyle."

"Natural and developed environments are respected and enhanced for the enjoyment of current and future generations."

4.8.7 CONSULTATION

The consent applications were publicly notified on 27 October 2007. The recommendation in this report has not been the subject of consultation with the wider community.

4.8.8 FINANCIAL IMPLICATIONS

Expenditure to date on progressing the consent application is summarised below:

• Pre-lodgement professional fees	\$8,850
• Constant rate discharge test	\$8,309
• ECan lodgement fee	\$1,000
Sub total	\$18,159
• Post application lodgement additional information requests and associated fees	\$14,053
• Because of comments regarding the quality of our application a peer review was carried out confirming the application was up to the required standards. The application was up to standard.	\$4,400
• Total resource consent related costs to date	\$36,612
• A further \$3-4,000 is anticipated	
• The estimated cost of the appeal process is estimated to be \$5,000 (this assumes the issue will be resolved through mediation)	
• The total estimated final resource consenting costs including appeal costs are:	\$45,612

Resource consenting costs cannot be funded from the CAP funding approved for this project There's an opportunity to appeal ECan costs once they are submitted for payment. This option will be investigated once invoices have been received

Prepared By

R ROUSE

Approved By

B LESTER

Operations Manager

Chief Executive

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: 0530-16
DATE: 18 December 2008
REPORT TO: Council
FROM: Water Services Manager
SUBJECT: Methven Springfield Water Supply – Restrictor Replacement

4.9 METHVEN SPRINGFIELD WATER SUPPLY – RESTRICTOR REPLACEMENT

4.9.1 SUMMARY

Concerns have arisen over the impact on levels of service on the Methven Springfield water supply as a result of high demand. It was suspected that the high demand may be as a result of interference to or bypassing of water restrictors.

The maintenance contractor was tasked to inspect a sample (~10%) of connections on the scheme to confirm the status of the restrictors. The results to date indicate that six connections out of eleven inspected have been tampered with in some way.

Correspondence has been received from the Chairman on behalf of the Methven Springfield Rural Water Supply Users Committee formally requesting that Council replace all restrictors on the scheme.

4.9.2 RECOMMENDATION

- “1. That Council approves the inspection of all service connections on the Methven Springfield water supply and the replacement of restrictors and removal of bypass plumbing where required, and
2. In cases where interference has been confirmed, the costs of remedial work shall be recovered from the property owner.”

4.9.3 BACKGROUND

The Methven Springfield water supply is a restricted supply. Each property receives a daily allocation of water based on an amount agreed to when the scheme was established. The daily allocation (which varies from property to property) is regulated by restrictor; a small device that physically limits the amount of water that can pass through the connection.

In response to concerns regarding high water use on the scheme and the possibility that some restrictors may have been interfered with, the maintenance contractor was tasked to inspect a sample of the connections on the scheme.

An update has been received from the maintenance contractor that shows of the 11 connections inspected to date, a total of five connections had no restrictor, and in two cases the restrictor had been bypassed.

There are 71 connections on the scheme. Based on the results of the inspections to date over half of the connections may have been interfered with.

This may have significant implications on our ability to maintain supply over what is potentially going to be a very dry summer. The current situation is particularly disappointing given that the restrictors were replaced scheme-wide in 2001 at the expense of the scheme.

The Water Supply Users Committee is aware of the inspection work and support the approach taken. The Committee has also now formally requested that all restrictors be replaced and resealed using a wire and lead tag (tamper evident seal). They support further action being taken against those who interfere with the devices in future.

4.9.4 STATUTORY IMPLICATIONS

The primary statutory implications relate to the enforcement of the Ashburton District Council Water Supply Bylaw 2008. This contains specific clauses in relation to protection of supply and interference with equipment.

The restrictor forms part of the service pipe. The service pipe is owned by Council and all maintenance on the service pipe is Council’s responsibility.

The relevant clauses from the current bylaw are reproduced below:

PROTECTION OF WATER SUPPLY

1403 Access to system. No person other than the WSA and its authorised agents shall have access to any part of the water supply system, except to connect to the point of supply, subject to 1407, and to operate the service valve.

1403.1 No person to connect to, or interfere with a water supply system, except as set out in 1404 and 1405 no person shall make any connection to, or otherwise interfere with, any part of the water supply system.

INTERFERENCE WITH EQUIPMENT

1431 Any tampering or interfering with WSA equipment, either directly or indirectly, shall constitute a breach. Without prejudice to its other rights and remedies, the WSA shall be entitled to estimate (in accordance with 1423.4) and charge for the additional water consumption not recorded or allowed to pass where a meter or restrictor has been tampered with, recover any costs incurred.

PENALTIES FOR BREACH OF BYLAWS

III Any person who commits an offence against this bylaw commits an offence against Section 238 of the Local Government Act 2002 and on summary conviction any person who commits an offence is liable for a penalty specified in Section 242 of the Local Government Act 2002. Maximum penalties (subject to amendment) are indicated in the table below:

(Table extract only)

<i>Chapter / Title</i>		<i>Maximum Penalty</i>	<i>Maximum Infringement Fine</i>
<i>13</i>	<i>Wastewater Drainage Bylaw</i>	<i>\$20,000 and/or 3 years imprisonment</i>	<i>\$500</i>
<i>14</i>	<i>Water Supply</i>		<i>\$500</i>
<i>15</i>	<i>Stockwater</i>		<i>\$500</i>

Similar clauses pertaining to interference with water supply equipment exist under the previous bylaw also.

4.9.5 OPTIONS AND RISKS CONSIDERED

The options available to Council are as follows:

Option One – Inspect, Replace, & Recover Costs

This would be a one-off project to inspect all connections on the Methven Springfield water supply and where necessary replace the restrictor. In cases where interference is apparent, a letter shall be sent to the property owner advising that the costs of inspection, replacement / remedy shall be invoiced and recovered. They will also be advised that future breaches of the bylaw may result in prosecution.

Risks

- *Cost recovery may be lengthy process*
- *May require prosecution to force payment*

Option Two – Inspect, Replace, & Charge to Scheme

This would be a one-off project to inspect all connections on the Methven Springfield water supply and where necessary replace the restrictor. In cases where interference is apparent, a letter shall be sent to the property owner advising that future breaches of the bylaw may result in prosecution and full cost recovery. The project costs will be charged to the additional maintenance account and may result in an over expenditure in the current year.

Risks

- *Complying users may feel aggrieved at subsidising non-compliant users*
- *Council may be criticised for non-enforcement of bylaw*

Option Three – Inspect & Replace Progressively & Charge to Additional Maintenance

This would be an ongoing project to progressively replace the restrictors under additional maintenance budget. Current funding levels mean that it may take 2 years to complete the work. In all cases where interference is apparent, a letter shall be sent to the property owner advising that future breaches of the bylaw may result in prosecution and cost recovery.

Risks

- *Scheme may not cope during periods of high demand resulting in loss of service*
- *Further increases in consumption may lead to breach of scheme resource consent*
- *Council may be criticised for non-enforcement of bylaw*

The recommended option is **Option One**. This will reinforce to the community that Council regards the matter seriously and will not tolerate interference with water supply equipment.

4.9.6 STRATEGIC LINKS

The replacement of restrictors on the Methven Springfield water supply is consistent with Outcomes and Strategic Objectives outlined in the LTCCP. In particular;

Outcome 1: A thriving and diverse local economy that provides the foundation for a quality lifestyle.

Strategic Objective c. A community with access to quality infrastructure (roading, water, footpaths, wastewater and storm water) that is efficient and reliable.

Outcome 2: Natural and Developed Environments are sustained for the enjoyment of current and future generations.

Strategic Objective a. Water, land and air are managed sustainably.

4.9.7 CONSULTATION

There has been no consultation with the wider water supply community on this matter but the Methven Springfield Rural Water Supply Users Committee support a strong response to the issue.

4.9.8 FINANCIAL IMPLICATIONS

The costs of the one-off inspection and replacement will be charged in the first instance to the scheme's additional maintenance account which has a total available budget of ~\$8,300.

The recommended option proposes that where interference has occurred, the costs associated with inspection, restrictor replacement or remedial work on the connection will be fully recovered from the property owner. This is estimated by the maintenance contractor to be between \$200 and \$430 exclusive of GST and travel per property.

In addition, the costs associated with inspections of complying properties would be incorporated into the charges applied to the offending property owners. This is estimated by the maintenance contractor at around \$60.00 exclusive of GST and travel per property.

While there is no defined budget for this work, it is expected to be fully compensated by the offenders identified through the process.

Prepared By

A R GUTHRIE
Water Services Manager

Approved By

R S ROUSE
Operations Manager

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: SUB07/0078
DATE: 27 November 2008
REPORT TO: Ashburton District Council
FROM: Senior District Planner
SUBJECT: Naming of Streets – Braebrook Subdivision

4.10 NAMING OF STREETS – BRAEBROOK SUBDIVISION

4.10.1 SUMMARY

To recommend the naming of new streets within Stage 1 of the Southmark Horticulture subdivision located off Tuarangi Road, Ashburton.

Pages 53-54

4.10.2 RECOMMENDATION

“That the new streets within the subdivision of Braebrook Developments Ltd, being consent SUB07/0078, be named as follows:

Road 1	Braebrook Drive;
Road 2	Orchard Grove.”

4.10.3 BACKGROUND

On 11 October 2007, the Southmark Horticulture subdivision consisting of 189 residential allotments, one recreation reserve and four local purpose reserves, was considered and approved. The subdivision incorporates new streets which will vest to the Council.

The consent holder has applied for Section 224 certification for Stage 1 of the subdivision which will enable separate titles to be issued. Stage 1 incorporates Roads 1 and 2 and hence it is desirable that they are formally named.

A condition of consent was that the consent holder was to suggest street names for the new roads, to be approved by the Council. The consent holder’s reasons for the suggested preferred names, being Braebrook Drive and Orchard Grove, are that they reflect the name of the subdivision and the previous land use.

4.10.4 OPTIONS AND RISKS CONSIDERED

The owners have provided three preferred names for each of the two new roads as follows:

Road 1	1. Braebrook Drive 2. Braeburn Creek Drive 3. Brookburn Drive
Road 2	1. Orchard Grove 2. Harvest Grove 3. Garden Grove

There are no other options and limited risk in the naming of a street.

4.10.5 STATUTORY IMPLICATIONS

Prior to the deposit of a survey plan and the issue of titles, all new roads to vest in Council must be named. This requirement of Land Information New Zealand is carried through to the District Plan.

4.10.6 STRATEGIC LINKS

The road name becomes a primary identifier in the property address. This address is not only used for the delivery of mail but is also essential in terms of the electoral rolls and emergency services.

The Council's policy register has a policy which states –

NAMING OF NEW ROADS VESTING UPON SUBDIVISION OF LAND

The District Plan rules require that all new roads vesting in the Council shall be given distinctive names not already in use within the area controlled by the District Council. The name shall be agreed to by the Council.

Where a subdivision consent is lodged with the Council for consent, and the subdivision contains a new road that is to vest in Council, then the applicant shall provide to the Environmental Services Committee three proposed names for the new street, in order of preference.

The proposed name must not duplicate any other street or road in the District.

While a name may be suggested by the developer or applicant, the final decision as to the naming will be made by the Committee.

The Council reserves the right to refer a proposed name (or names) to Land Information New Zealand before giving final approval.

The suggested names do not duplicate any existing streets or roads in the Ashburton District.

The road names are generally in accord with the following LTCCP Outcome:

Outcome 1: A thriving and diverse local economy that provides the foundation for a quality lifestyle

Our community has access to quality infrastructure (roading, water, footpaths, wastewater and storm water) that is efficient and reliable

4.10.7 CONSULTATION

There is no consultation required in relation to this process.

4.10.8 FINANCIAL IMPLICATIONS

Within the Ashburton District Plan, Subdivision and Financial Contributions Rule 6.6.5.2.2 (k) states:

Where any new road or road extension is to be vested in the Council or a named private access is provided, the applicant shall pay to the Council a financial contribution for the manufacture and erection of all necessary name plates which must be displayed at the intersections of all other roads. The financial contribution shall be the actual cost of the name plate.

Prepared By

P KLOOSTERMAN
Senior District Planner

Approved By

J McKENZIE
Environmental Services Manager

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: 0510/68/02
DATE: 18 December 2008
REPORT TO: Council
FROM: Community Services Officer
SUBJECT: Road Closure – Tinwald Cycling

4.11 ROAD CLOSURE – TINWALD CYCLING [\[Substitute report\]](#)

4.11.1 SUMMARY

The application for a temporary closure of roads in Ashburton, for the purpose of allowing Tinwald Cycling to hold their Annual Christmas Criterium, resulted in eight objections being received. Four objections have since been withdrawn after their concerns were addressed by Tinwald Cycling. One objector requested to be heard and under the provisions of the 10th Schedule of the Local Government Act 1974 a Hearing Panel consisting of Crs Kilworth, Leadley and Burgess was convened on 17 December, to consider the objections and the applicant's submission.

The Objector was Mrs Donna Favel, representing Mid Canterbury Movies (Regent Cinema), Cnr Wills and Cass Streets.

The Applicant (Tinwald Cycling) was represented by Mr Rob Hooper and Mrs Raeleen Wylie.

4.11.2 RECOMMENDATION

“1. That Council approves the following roads being closed to ordinary vehicular traffic from 11.30 am to 7.00 pm on Sunday December 28, 2008, for the purpose of allowing Tinwald Cycling to hold a Christmas Criterium.

- EAST STREET, from Havelock Street to Cameron Street
- HAVELOCK STREET, from East Street to Baring Square
- CAMERON STREET, from East Street to William Street
- VICTORIA STREET, from Cameron Street to Wills Street
- CASS STREET, from Havelock Street to Wills Street
- BARING SQUARE EAST, from Havelock Street to Cameron Street, Ashburton.

2. That approval be granted subject to the following conditions:

- a) No objections being upheld against the closure in response to the statutory advertisement;
- b) Provision of a Traffic Management Plan, conforming to the requirements of the Transit NZ Code of Practice for Temporary Traffic Management; this plan to be amended to show that East Street will be closed from Havelock to Cameron Street, with 'no through road' signage and appropriate road detour signs to be placed at the Wills Street intersection;
- c) Arrangements are to be made for a pre-event and post-event inspection with a representative from the Council's Operations Department. The inspections are to be completed within three days of the event and results of the inspections will be recorded by Council;

- d) Tinwald Cycling shall be responsible to ensure that the correct road signs and barricades are in place during the full period of the closure and promptly removed after the conclusion and clearance of the road;
- e) Tinwald Cycling shall comply strictly with the Traffic Management Plan requirement and road closure signs shall not be put in place until 11.30 am;
- f) The road must be reinstated to the condition that existed prior to the event. Any costs incurred by the Council as a result of this event, including maintenance costs or reinstatement costs, will be charged to Tinwald Cycling. Any restoration work required is to be carried out to an arranged programme with Council;
- g) Necessary arrangements are made for the tidying and clearing of the road on the closed section of the road and the disposal of any litter;
- h) Tinwald Cycling is required to arrange adequate insurance against its liability to pay damages to any person or entity in respect of any claim on account of damage to property or injury to persons where the damage or injury results from the holding of this event;
- i) The public address system shall be used, on a hourly basis throughout the event, to notify that the Limited Editions and Triangle Fish Shop businesses are open; and to notify the availability of facilities at the Ashburton Club & MSA and the public toilet facilities on East Street;
- j) The registration table shall be located not less than 10 metres away from any premises that are open on the day;
- k) Tinwald Cycling is required to provide adequate safety marshals in distinctive clothing for the event; and
- l) Should weather conditions become sufficiently adverse that the road could be damaged as a result of holding the event, the organisers shall take the necessary steps to protect the road. This may include delaying or cancelling the event.”

4.11.3 BACKGROUND

Tinwald Cycling's application for a road closure was publicly notified on 3 December, 2008, and objections were called for by 4.00 pm Wednesday 17 December, 2008. Eight objections were received as follows –

- Ashburton Club & MSA – partial objection (subsequently withdrawn). The MSA and Tinwald Cycling have agreed that closing Havelock Street to Baring Square and not Cass Street as originally requested will solve any issues the MSA have.
- Methodist Church (subsequently withdrawn). Tinwald Cycling has agreed to keep access to the Church clear until 11.30 am.
- Speights Ale House (subsequently withdrawn). After discussion with Tinwald Cycling, the management of the Ale House are satisfied that minimal disruption will occur to their trade.
- Ashburton Art Gallery (subsequently withdrawn).
- Devon Tavern – verbally indicated that objection will be withdrawn. Formal notification to be provided.

- Limited Editions book store, cnr East Street and Cameron Street. The proposal to close East Street from the Wills Street intersection will result in access to the store being completely blocked.
- Triangle Fish Shop. Trade was affected during the event last year. Any road closure in this area reduces business.
- Mid Canterbury Movies. Observed last year that the street closure greatly reduced foot traffic and access for cinema patrons. Also concerned that participants in the cycling event made use of the cinema restrooms and seating in front of building. Suggesting that consideration be given to relocating the event.

The Applicant advised the location of the course has historical significance and Tinwald Cycling has staged the event over the past 8-9 years. They consider that the course successfully promotes cycling and Ashburton, with participants ranging from junior through to senior and elite grades. Tinwald Cycling understands the concerns of the objectors and has undertaken to address these. Access to footpaths will be maintained and access across the course will be provided if necessary. The public address system will be used to promote the businesses that are operating and public facilities that are available around the course.

Tinwald Cycling has also agreed to provide access to the Methodist Church until 11.30 am. To assist the Limited Editions book store the event organisers would also support a change to the Traffic Management Plan that would allow access for parking along East Street between the Wills and Cameron Street intersections.

Mr Hooper tabled letters of support from the Ashburton Business Association and the Ashburton Police.

Mrs Favel advised that she has met with Tinwald Cycling to discuss the possibility of relocating the event or relocating the start / finish line. She acknowledged that at that time she hadn't fully understood that Havelock / East Street intersection would not be completely closed. Mid Canterbury Movies realises that it is now too late for the cycling event to be changed and would support the event continuing as planned this year on the condition that affected parties be consulted earlier when future events are organised. Mrs Favel noted that the Cinema, which trades 7 days per week, twelve hours per day (closing only on Christmas Day) is affected by road closures for three events within a short period of time – ie the Santa Parade, the Criterium and the New Year's Eve Street Party.

In their submission Mid Canterbury Movies has suggested that consideration be given to using areas such as the Riverside industrial area or Sealy Street where there would be a lesser effect on businesses.

It was noted that there is now parking behind the Event Centre which wasn't available to the Cinema last year.

The Hearing Panel concluded that Tinwald Cycling has endeavoured to mitigate the concerns raised by the objectors and that with additional measures put in place, the inconvenience to businesses operating around the event course would be minimal.

The Hearing Panel agreed that in granting the application the additional conditions of consent would be –

- to amend the Traffic Management Plan to show that East Street will be closed from Havelock to Cameron Street, with 'no through road' signage and appropriate road detour signs to be placed at the Wills Street intersection;

- road closure signs shall not be put in place until 11.30 am;
- the public address system shall be used, on an hourly basis throughout the event, to notify that the Limited Editions and Triangle Fish Shop businesses are open; and to notify the availability of facilities at the Ashburton Club & MSA and the public toilet facilities on East Street;
- the registration table shall be located not less than 10 metres away from any premises that are open on the day.

The Applicant acknowledged that earlier application should be made for any future events to allow sufficient time for public consultation. Mr Hooper gave assurance that, if the same course is used next year, then early contact will be made with affected parties.

4.11.4 STATUTORY IMPLICATIONS

Clause 11 of the Tenth Schedule of the Local Government Act 1974 provides –

“That Council may, subject to such conditions as it thinks fit... close any road or part of a road to all traffic (e)... for any exhibition, fair, market, concert, film making, race or other sporting event or public function.”

4.11.5 OPTIONS AND RISKS CONSIDERED

The event is run annually and has been managed without incident in the past. The responsibilities for risk free operation lie with the organisers and all contingencies are covered in the conditions of closure.

4.11.6 STRATEGIC LINKS

Not applicable.

4.11.7 CONSULTATION

The proposed road closure was publicly notified in the Ashburton Guardian on 3 December, 2008, and objections called for by 4.00 pm Wednesday 17 December, 2008. Eight objections were received and considered by a Hearing Panel on 17 December. The Applicant also undertook to contact the objectors to address their concerns.

4.11.8 FINANCIAL IMPLICATIONS

Not applicable.

Prepared By

V PRENDERGAST
Community Services Officer

Approved By

J G ROLLINSON
Manager Democracy & Community Services

ASHBURTON DISTRICT COUNCIL REPORT

DATE: 18 December 2008
REPORT TO: Council
FROM: Environmental Services Manager
SUBJECT: Ashburton Railway Station Mediation

4.12 ASHBURTON RAILWAY STATION MEDIATION

4.12.1 SUMMARY

To consider the outcome of the mediation of the appeal held on 12 December 2008, and the agreement reached to establish a working party. The working party is to be comprised of representatives of Redson Corporation Holdings Ltd, Ashburton District Council, the New Zealand Historic Places Trust and the Ashburton Heritage Trust.

4.12.2 RECOMMENDATION

“That Council’s appointees to the Ashburton Railway Station Working Party be Councillor Kilworth and the Manager Democracy & Community Services, John Rollinson.”

4.12.3 BACKGROUND

On 12 December 2008 Redson Corporation Holdings Limited, the Ashburton District Council, the Historic Places Trust and Ashburton Heritage Trust participated in a mediation to put forward various development proposals regarding the Ashburton Railway Station. The mediation resulted in a working party being established which will engage in further discussions on economically viable options for the site. The working party consists of representatives from Redson Corporation Holdings Limited, the Ashburton District Council, the Historic Places Trust and Ashburton Heritage Trust. The work party must report back to the Council by 31 March 2009. There is an intention to complete the mediation process by 30 June 2009.

4.12.4 STATUTORY IMPLICATIONS

Resource Management Act 1991 – Resource Consent Appeals

4.12.5 OPTIONS AND RISKS CONSIDERED

To not participate in mediation and address this matter in the Environment Court would reflect badly on the Council and its decision to decline the Resource Consent Application to demolish the Railway Station.

4.12.6 STRATEGIC LINKS

- *Outcome 1: A thriving and diverse local economy that provides the foundation for a quality lifestyle*
- *Outcome 2: Natural and developed environments are sustained for the enjoyment of current and future generations*
- *Outcome 3: A community with a strong sense of identity and heritage, which welcomes new residents and encourages diversity*

4.12.7 CONSULTATION

This matter has been subject to considerable consultation to date, in particular a publicly notified Resource Consent Application has progressed to an appeal stage.

4.12.8 FINANCIAL IMPLICATIONS

The cost of participating in this appeal and resultant Environment Court Mediation will be largely reflected in legal costs from Councils' Solicitor; those costs will be met from the Planning Legal Budget.

Prepared By

J McKENZIE

Environmental Services Manager

Approved By

B LESTER

Chief Executive

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: Project File
DATE: 18 December 2008
REPORT TO: Council **Item of Extraordinary Business**
FROM: Senior District Planner
SUBJECT: Ashburton Aquatic Park Charitable Trust - Application for a Private Plan Change

4.13 PRIVATE PLAN CHANGE – ASHBURTON AQUATIC PARK CHARITABLE TRUST

4.13.1 SUMMARY

This report relates to an application by the Ashburton Aquatic Park Charitable Trust for a private Plan Change to the Operative Ashburton District Plan. The purpose of the Plan Change is to provide an appropriate zoning and District Plan framework to enable an extension to the Ashburton Aquatic Park, including the construction and maintenance of a recreational lake for the Ashburton community and associated community and residential activities.

4.13.2 RECOMMENDATION

“1. That the report be received.
2. That Council accepts the proposed Ashburton Aquatic Park Charitable Trust Plan Change for public notification.”

4.13.3 BACKGROUND

Tonkin and Taylor Ltd has prepared a private Plan Change, incorporating an Outline Development Plan, to the Ashburton District Plan on behalf of the Ashburton Aquatic Park Charitable Trust. Any person may request a change to a District Plan under Schedule 1, Part 2, Clause 21 of the Resource Management Act 1991.

Boffa Miskell Ltd has reviewed the application on behalf of Ashburton District Council. Requests for further information to the applicant have been made and responded to and in an Email received from Boffa Miskell on 15 December Ms Claire Kelly states

Following the request for further information to Tonkin and Taylor Ltd we have now received the further information required to support the application (provided to us in electronic form) and we understand that the further information has been integrated into the full documentation provided directly to you.

We have reviewed this and consider the application is now sufficiently complete and ready for public notification. “

3.13.4 OPTIONS AND RISKS CONSIDERED

There are four options available to the Council in this matter –

It may either

1. Adopt the request as if it were a proposed Plan Change made by the Council itself and, if it does so,—

- (i) The request must be notified in accordance with clause 5 of the First Schedule within 4 months of the local authority adopting the request; and
 - (ii) The provisions of Part 1 of the First Schedule must apply; and
 - (iii) The request has effect once publicly notified; or
2. Accept the request, and proceed to notify the Plan Change within four months of the Council accepting the request.
3. The Council may decide to deal with the request as if it were an application for resource consent.
4. The Council may reject the request in whole or in part, but only on the grounds that—
 - The request or part of the request is frivolous or vexatious; or
 - The substance of the request or part of the request has been considered and given effect to or rejected by Ashburton District Council or the Environment Court within the last two years; or
 - The request or part of the request is not in accordance with sound resource management practice; or
 - The request or part of the request would make the District Plan inconsistent with Part 5; or
 - The District Plan has been operative for less than two years.

4.13.5 STATUTORY IMPLICATIONS – ADOPTION vs. ACCEPTANCE

If the Council adopts the Plan Change request it implies the Council supports it and it will be administered as if it were a Plan Change made by Ashburton District Council itself. The expectation is that Council will therefore bear all costs associated with the Plan Change from the date of adoption onwards.

If the Council accepts the Plan Change all costs associated with the Plan Change are borne by the Applicant.

4.13.6 CONSULTATION

The statutory process specified in the First Schedule requires that any Plan Change is publicly notified. In addition to public notification all persons the Council considers may be affected by the proposal Plan Change will be sent the public notice and any further information the Council considers relevant. Once the Plan Change is notified any person may make a submission to the Plan Change.

4.13.7 STRATEGIC LINKS

Not applicable.

4.13.8 FINANCIAL

If the Council chooses to adopt the privately initiated Plan Change there may be substantial costs incurred to the Council. A budgetary provision for such expenditure has not been made.

If the Council accepts the privately initiated Plan Change all costs will rest with the applicant

Prepared By

P KLOOSTERMAN
Senior District Planner

Approved By

J McKENZIE
Environmental Services Manager