



Ashburton District Council

AGENDA

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

Date: Thursday 28 February 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

22 February 2008

AGENDA

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Timetable

1.30 pm	Ordinary Meeting Commences OPENING PRAYER
3 pm	Afternoon Tea
3.15 pm	Forest & Bird Society

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: 1/3/1
DATE: 28 February 2008
REPORT TO: Council
FROM: Mayor

4.1. MAYOR'S REPORT

4.1.1 *Calendar*

Some of the meetings and functions I have attended since reporting to the last Council meeting on 18 December are as follows:

- 18 December Met with Forest and Bird representatives
- 19 December Met with Ecan representatives re water issues
- 20 December Visited Methven House
- 21 December Meeting at Ecan with Kerry Burke and Jo Kane

2008

- 23 January R D R Management Ltd Directors' Meeting
- 24 January Met with Fat n Thin film company representatives
Met with representatives from Ashburton Youth Health Centre
- 25 January Met with Deloitte re Stadium
- 29 January Attended Mid-South Regional Councils representation meeting at Fairlie
- 30 January Attended Children's Day Chairpersons Committee meeting
Met with representatives from Art Gallery / Museum Trust
- 1 February Met with local Trustpower National Awards finalists re their presentation
- 4 February Met with representatives from BCI
- 5 February Video footage filming for health-related staff recruitment process in Ashburton
Met with three newly elected Councillors
Attended Ashburton Community Water Trust meeting
- 6 February Attended Waitangi Day celebration in Ashburton Domain
- 7 February Attended RDR Management Ltd Directors' meeting
- 8 February Attended Audit sub-committee meeting
- 10 February Attended Concert in the Park
- 11 February Attended Performing Arts Theatre Trust meeting
- 12 February Met with representative from Pacific Trust
Met with representatives from Ashburton Police
- 13 February Took part in Mobility Scooter Awareness Week event
- 14 February Met with Ecan representatives in Christchurch re RDR
Hosted 2008 Young Farmer of the Year Launch in Ashburton
- 15 February Met with 'Guardian' reporter
Attended Lunch meeting with Jo Goodhew and education representatives
- 16 February Officially opened 75th National Dahlia Show held in Ashburton

- 18 February Met with Brian Connell and Paul Clark
Opened Kickstart youth programme and addressed the students
Attended Ashburton Youth Health Centre public meeting
- 19 February Attended Ashburton Charitable Trust meeting
- 20 February Met with local Trustpower National Awards finalists re their presentation
Met with Ashburton resident re irrigation consent matter
Met with representative from Medifab – briefing on business and associated issues
Chaired Ashburton District Health Committee
- 21/22 February Attended LGNZ Provincial/Rural Sector meeting in Wellington
- 24 February Attended farewell function for Bishop David Cole, Christchurch Diocese
- 25 February Attended Mayoral Forum in Christchurch
Preceded by chairing Canterbury Strategic Water Study group meeting
Followed by Civil Defence Emergency Management group meeting
- 27 February Canterbury Strategic Water Study group meeting with central Government Ministers
Attended Seniors Centre Trust meeting

M B O'MALLEY
Mayor

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO:

DATE: 28 February 2008

REPORT TO: Council

FROM: Chief Executive

4.2 CHIEF EXECUTIVE'S REPORT

4.2.1 *Transit New Zealand 10 year State Highway Plan*

Transit NZ has prepared a draft Land Transport Programme (LTP) detailing forward activities for funding consideration and inclusion in the National Land Transport Programme.

Part of the plan preparation will be consultation with the other road controlling authorities (Council). Work has been fed through to this plan through the Regional Land Transport Committee. This will be considered along with the rest of the country's demands. The draft plan will include:

- summary of transport alternatives and preferred packages to address transport issues
- a list, in priority order, of state highway activity to respond to these issues, along with funding requests
- a list of expected expenditure for 2008/09
- expenditure to be funded from other sources (including tolling)
- a long term financial forecast
- an assessment of activities related to
 - economic development
 - personal safety and security
 - access and mobility
 - protection / promotion of public health
 - environmental sustainability

Submissions on the draft plan close in March, and will be heard in April. Staff will bring a report to the March Operations Committee meeting.

4.2.2 **Canterbury District Health Board Health Impact Assessment, Central Plains Water**

The Mayor and I attended an initial scoping workshop late last year. The Central Plains hearing starts on 25 February 2008. The workshop concluded the HIA should focus on health impacts related to:

- water quality
- Maori
- socio-economic

Research was summarised and reported back to the work group on Thursday 14 February - water quality / Maori (attended by Cr Reveley and myself); and Friday 15 February – socio-economic.

The final report will go to the Health Board on 4 March 2008, but will be circulated to participants prior to this. The report should allay many concerns raised late last year, particularly related to threats to the Christchurch City water supply.

The Health Board acknowledged the balance that Ashburton representatives brought to the workshops. While not directly affected by the Central Plains scheme, I believe our participation was important.

4.2.3 Society of Local Government Managers' Seminar

I attended a seminar on 3-5 February 2008 in Queenstown. There were some excellent presentations and discussion groups.

4.2.3.1 Buddle Findlay (Rachel Dunningham) – Development in Local Authority Liability in Negligence.

This included an analysis of Councils' duty of care, based on case law related to building and planning processes. Councils can be liable for negligence, but not all negligent acts or omissions will lead to liability. The Courts will determine the 'duty of care' in particular circumstances, considering:

- fair and reasonable — proximity (foresee, act and loss relationship)
— policy (legislative intention, flood gates consideration, less likely where the act / omission is in a quasi-judicial function)
- there is a move to differentiate between 'in-trade actions', and functions under statutory responsibility

4.2.3.2 Judge Graeme Colgan, Chief Judge, New Zealand Employment Court

Judge Colgan's presentation was on **Good Faith Bargaining**, starting with the comment that good faith is an inspired term, like fair and reasonable, but can be very much in the conscience of the beholder.

Good faith relates to all aspects of employment relationships, not just bargaining. He referred to a number of cases determined by the Court.

The question and answer session was particularly helpful, particularly related to evolving issues, such as Kiwi Saver.

4.2.3.3 Greg O'Connor, President NZ Police association, Community Policing and Safety

Greg's address was passionate, and resonated common sense. The key message was that police should be able to get on with the business of crime prevention and resolution, however it is instead run by politicians, who react to public opinion. With respect to youth gang problems, the answer is police on the street, but currently lack power (legislative support rather than manpower), and will. Suburban street crimes are after dark, community constables and police on marae has not worked. Police have become risk averse.

Necessary law changes are needed, but to do so, we need to look at our priorities. Police need to 'get in the faces' of potential offenders, as they have with drink driving. You can randomly stop drivers and check their personal details, but you cannot do the same for groups of teenagers roaming the streets in the early hours of the morning.

This may be an issue that the local government sector can take up this year.

4.2.4 Rugby World Cup 2001

With representatives from Mid-Canterbury Rugby, Enterprise Ashburton and Ashburton Tourism, we will meet with representatives from the organising company on 5 March 2008. A workshop will follow in Timaru that evening. The focus will be on what Mid-Canterbury has naturally, and the community support.

B LESTER
Chief Executive

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: 2/9/8/2
DATE: 11 February 2008
REPORT TO: Council
FROM: Emergency Management Officer
SUBJECT: Appointment of Local Civil Defence Emergency Management Controllers

4.6 APPOINTMENT OF LOCAL CIVIL DEFENCE EMERGENCY MANAGEMENT CONTROLLERS

4.6.1 SUMMARY

The purpose of this report is to recommend the appointments of Civil Defence Emergency Management Local Controller and Alternate Controllers for the Ashburton District.

At its meeting on 6 December 2007, the Operations Committee, within the recommendation to adopt the revised CDEM Local Arrangements, agreed to the appointment of Councillor Kelvin Holmes as an Alternate Controller to replace Darryl Nelson who has resigned from the position.

4.6.2 RECOMMENDATION

- “1. That Council adopts and recommends to the Canterbury CDEM Group Joint Committee the amendments to the list of appointments to the positions of Local and Alternate Controllers for the Ashburton district as described below–
- Local Controller – Operations Manager Rob Rouse
Alternate Controllers – Councillor Kelvin Holmes, Chief Executive, Brian Lester and Environmental Services Manager, John McKenzie.
2. That Councillor Kelvin Holmes be co-opted as a member of the Emergency Management Subcommittee.”

4.6.3 BACKGROUND

The Civil Defence Emergency Management Act 2002 has required the formation of the Canterbury CDEM Group and the development of a Group Plan. There is a requirement within the Group Plan for Local Controllers to be identified and their appointments approved by the Group Joint Committee.

4.6.3 OPTIONS

Not applicable.

4.6.3 STATUTORY IMPLICATIONS

Without local appointments formally approved by the Joint Committee, Council would lose the ability to manage its own declared emergency events.

4.6.4 CONSULTATION

Not applicable.

4.6.1 STRATEGIC LINKS

Not applicable.

4.6.2 FINANCE

Not applicable.

D GEDDES

Emergency Management Officer

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: 1/3/10
DATE: 14/02/2008
REPORT TO: Council
FROM: Environmental Services Manager
SUBJECT: Warrants of Authority – Regulatory Manager, Environmental Health Officer and Noise, Animal & Stock Control Officer

4.7 WARRANTS OF AUTHORITY

- **Regulatory Manager**
- **Environmental Health Officer**
- **Animal Control Officer / Noise Control Officer / Litter Control Officer**

4.7.1 REGULATORY MANAGER

This report seeks revised delegations for an existing member of staff of Ashburton District Council. The role of Animal Control Officer has been added to the delegation and the staff member's job title has been changed.

RECOMMENDATION

“That **Adrian John Humphries** be authorised under seal of the Ashburton District Council to act under the following legislation:

- As an EHO 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 Inspector under the Food Act 1981 Part 3 Sections 12 & 13.
- Is authorised to issue infringement notices under Section 229 of the Building Act 2004.
- As an inspector under sections 103 & 131 of the Sale of Liquor Act 1989.
- 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.

This Warrant is issued pursuant to Sections 23 & 28 of the Health Act 1956, Section 206 of the Building Act 2004, Section 38(5) of the Resource Management Act 1991, Section 13 of the Dog Control Act 1996, Section 63 of the Stock Impounding Act 1955, Section 5(3) of the Litter Act 1979 and Sections 174 and 177 of the Local Government Act 2002.

Statutory Function

The officer above may exercise all powers and duties including such power to enter land, conduct inspections, issue notices as provided by and for the purpose of the Acts and associated Regulations and Bylaws listed.”

4.7.2 ENVIRONMENTAL HEALTH OFFICER

This report seeks revised delegations for an existing member of staff of Ashburton District Council. The role of Animal Control Officer has been added to his existing delegations.

RECOMMENDATION

“That **Magnus Viljoen** be authorised under seal of the Ashburton District Council to act under the following legislation”:

- As an EHO 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 Inspector under the Food Act 1981 Part 3 Sections 12 & 13.
- Is authorised to issue infringement notices under Section 229 of the Building Act 2004.
- As an inspector under sections 103 & 131 of the Sale of Liquor Act 1989.
- 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.

This Warrant is issued pursuant to Sections 23 & 28 of the Health Act 1956, Section 206 of the Building Act 2004, Section 38(5) of the Resource Management Act 1991, Section 13 of the Dog Control Act 1996, Section 63 of the Stock Impounding Act 1955, Section 5(3) of the Litter Act 1979 and Sections 174 and 177 of the Local Government Act 2002.

Statutory Function

The officer above may exercise all powers and duties including such power to enter land, conduct inspections, issue notices as provided by and for the purpose of the Acts and associated Regulations and Bylaws listed.”

4.7.3 ANIMAL CONTROL OFFICER, NOISE CONTROL OFFICER, LITTER CONTROL OFFICER

This report seeks delegations for a new member of staff of Chubb Security, who provide contractual services to the Council.

RECOMMENDATION

“That **Graeme Chettleburgh** be authorised under seal of the Ashburton District Council to act under the following legislation:

- Animal Control Officer within the Ashburton District under Section 11 of the Dog Control Act 1996.
- Authorised Officer under the Ashburton District Council Dog Control Bylaw 1999.
- Stock Ranger in accordance with the Impounding Act 1955.
- Noise Control Officer in accordance with the Resource Management Act 1991.
- Litter Control Officer in accordance with the Litter Act 1979.

This warrant is issued pursuant to Sections 174 and 177 of the 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.

Statutory Function

The officer above may exercise all powers and duties including such power to enter land, conduct inspections, issue notices as provided by and for the purpose of the Acts and associated Regulations and Bylaws listed.”

JOHN McKENZIE

Environmental Services Manager

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: SK-AG02
DATE: 28 February 2008
REPORT TO: Council
FROM: Assets Information Officer
SUBJECT: Closure of Stockwater Race – Denshires Road South

4.8 CLOSURE OF STOCKWATER RACE – DENSHIRES ROAD SOUTH.

4.8.1 SUMMARY

Council initiated a Special Consultative Procedure in September 2007, to proceed with the closure of the stockwater race running from a junction above Denshires Road South, running parallel to Wrights Road, to the end of the race below Corbetts Road South – a distance of approximately 5.9 kilometres.

The Special Consultative Procedure has been completed with the Water Subcommittee having considered submissions at their meeting on 14 December 2007, passing a recommendation to Council to close the nominated race.

The purpose of this report is to seek Council approval to close the nominated race.

4.8.2 RECOMMENDATION

"That Council approves the closure of the stockwater race running from Lot 2 DP 8998 above Denshires Road South, running parallel to Wrights Road to the end of the race on Lot 2 DP 300866, to be effective 31 March 2008."
--

4.8.3 BACKGROUND

This race was nominated as suitable for closure by staff.

In September 2006, a standard letter and survey form was forwarded to all affected property owners for an indication of support for closure of this race. The results of this survey and consultation are summarised in the consultation section of this report. A plan showing the location of the race is appended to this report. Full ratepayer support has not been obtained for the closure of this race.

Page

Preliminary investigations indicate that all property owners opposed to its closure have "cost-effective" alternatives to the open stockwater race. On 27 September 2007, Council accepted the following recommendation:

"That the Special Consultative Procedure be commenced to close the stockwater race running from Lot 2 DP 8998 above Denshires Road South, running parallel to Wrights Road to the end of the race on Lot 2 DP 300866."

The Special Consultative Procedure was commenced with letters, a summary of the statement of proposal and submission forms sent to affected parties. The proposal was publicly notified and submissions closed on Monday, 19 November 2007.

Two submissions were received and none of these submitters wished to be heard in support of their submissions. The submissions were considered at the Water Subcommittee meeting on 14 December, 2007.

4.8.4 OPTIONS

The Council has two options.

Option 1 – Retain the status quo

Race is retained. Council will be obligated to maintain a service on this system.

Option 2 – Race closure

Race is closed at a junction above Denshires Road South, situated on Lot 2 DP 8998, to the end of the race on Lot 2 DP 300866. Total effective closure is 5.9 kilometres.

Our preferred option is **Option 2**. This option is consistent with race rationalisation and water conservation, Council’s stockwater race closure guidelines and the Local Government Act 2002.

4.8.5 STATUTORY IMPLICATIONS

The closure mechanism will be in accord with the special consultative procedure as outlined in the Local Government Act 2002.

4.8.6 CONSULTATION

A survey was carried out to establish whether this stockwater race was still required for stockwater purposes. The covering letter and survey forms were sent out to the property owners concerned.

The final results of the consultation process are set out below:

	Total
Properties affected	9
Surveys returned	7
Supporting for Closure	5
Opposition to Closure	2

The result indicated two properties opposed to closure. Both opposing parties have ground water bores for irrigation purposes.

It is considered that an alternative supply of stockwater can be provided by the property owners to each of their respective properties for less than \$10,000.

On 27 September 2007, Council accepted a recommendation to commence the Special Consultative Procedure to close this section of race. The Special Consultative Procedure was commenced, with letters, a summary of the statement of proposal and submission forms sent to affected property owners. The proposal was publicly notified and submissions closed on Monday, 19 November 2007.

Two submissions were received, and there were no submitters wishing to be heard in support of their submissions. One submitter was opposed to the closure for reasons including:

- *Stock race supplies water to 32ha of property and would like race to continue to supply reliable water for stock purposes.*

The submissions and the officer’s report were considered by the Rural Water Subcommittee meeting on 14 December, 2007. The Subcommittee accepted the following recommendation:

“That the Subcommittee recommends to Council the closure of the stockwater race running from Lot 2 DP 8998 above Denshires Road South, running parallel to Wrights Road to the end of the race on Lot 2 DP 300866”

4.8.7 STRATEGIC LINKS

The closure of inefficient stockwater races is consistent with Outcomes and Strategic Objectives outlined in the LTTCP. In particular;

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.

Through identifying inefficient stockwater races and progressively closing them, council is sustainably managing the finite water resource currently allocated. Council's Annual Plan also contains a target of 100 kilometres of stockwater race closure per year.

4.8.8 FINANCIAL

This race closure is from junction to the end of the race therefore the physical works to facilitate it are very minor. The costs of this work can be managed under existing budget provisions.

M C C McNALLY
Assets Information Officer

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: SK-AF02
DATE: 28 February 2008
REPORT TO: Council
FROM: Assets Information Officer
SUBJECT: Closure of Stockwater Race – Mackies Road Area.

4.9 CLOSURE OF STOCKWATER RACE – MACKIES ROAD AREA.

4.9.1 SUMMARY

Council initiated the Special Consultative Procedure in September 2007, to proceed with the closure of the stockwater race running from a junction above Mackies Road, running parallel to Farquhars Road, to a junction below Mitcham Road– a distance of approximately 5.1 kilometres.

The Special Consultative Procedure has been completed with the Water Subcommittee having considered submissions at their meeting on 14 December 2007, and passing a recommendation to close the race.

The purpose of this report is to seek Council approval to close the nominated race.

4.9.2 RECOMMENDATION

"That Council approves the closure of the stockwater race running from Lot 2 DP 22175 above Mackies Road, running parallel to Farquhars Road to a junction below Mitcham Road on Lot 1 DP 323353, to be effective 30 June 2008."
--

4.9.3 BACKGROUND

This race was nominated as suitable for closure by staff.

In September 2006 a standard letter and survey form was forwarded to all affected property owners for an indication of support for closure of this race. The results of this survey and consultation are summarised in the consultation section of this report. A plan showing the location of the race is appended to this report. Full ratepayer support has not been obtained for the closure of this race.

Page

Preliminary investigations indicate that all property owners opposed to its closure have “cost-effective” alternatives to the open stockwater race. On 27 September 2007, Council accepted the following recommendation:

"That the Special Consultative Procedure be commenced to close the stockwater race running from Lot 2 DP 22175 above Mackies Road, running parallel to Farquhars Road to a junction situated below Mitcham Road on Lot 1 DP 323353."

The Special Consultative Procedure was commenced with letters, a summary of the statement of proposal and submission forms sent to affected parties. The proposal was publicly notified and submissions closed on Monday, 19 November 2007.

Three submissions were received and one submitter wished to be heard in support of their submission. The submissions were considered at the Water Subcommittee meeting held on 14 December 2007.

4.9.4 OPTIONS

The Council has two options.

Option 1 – Retain the status quo

Race is retained. Council will be obligated to maintain a service on this system.

Option 2 – Race closure

Race is closed at a junction above Mackies Road situated on Lot 2 DP 22174, to a junction below Mitcham Road on Lot 1 DP 323353. Total effective closure is 5.1 kilometres.

Our preferred option is Option 2. This option is consistent with race rationalisation and water conservation, Council's stockwater race closure guidelines and the Local Government Act 2002.

4.9.5 STATUTORY IMPLICATIONS

The closure mechanism will be in accord with the special consultative procedure as outlined in the Local Government Act 2002.

4.9.6 CONSULTATION

A survey was carried out to establish whether this stockwater race was still required for stockwater purposes. The covering letter and survey forms were sent out to the property owners concerned.

The final results of the consultation process are set out below:

	Total
Properties affected	7
Surveys returned	7
Supporting for Closure	4
Opposition to Closure	3

The result indicated three properties opposed to closure. Two opposing parties have ground water bores for irrigation purposes.

The other opposing property owner thought when completing the race survey form, the proposed closure was for a race on their property that served the house. This not the case as the house is served by another race, which is not affected by the proposed closure.

It is considered that an alternative supply of stockwater can be provided by the property owners to each of their respective properties for less than \$10,000.

On 27 September 2007, Council accepted a recommendation to commence the Special Consultative Procedure to close this section of race. The Special Consultative Procedure was commenced, with letters, a summary of the statement of proposal and submission forms sent to affected property owners. The proposal was publicly notified and submissions closed on Monday, 19 November 2007.

Three submissions were received, and one submitter was heard in support of their submission. Two submitters were opposed to the closure for reasons including:

- *Stock water race provides water for 800-1000 pigs via a pipe service*
- *Stock water race only water on one side of farm*

The submissions and the officer's report were considered by the Water Subcommittee meeting on 14 December, 2007. The Subcommittee accepted the following recommendation:

“That the Subcommittee recommends to Council the closure of the stockwater race running from Lot 2 DP 22175 above Mackies Road, running parallel to Farquhars Road to a junction below Mitcham Road on Lot 1 DP 323353, to be effective 30 June 2008.”

4.9.7 STRATEGIC LINKS

The closure of inefficient stockwater races is consistent with Outcomes and Strategic Objectives outlined in the LTTCP. In particular;

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.

Through identifying inefficient stockwater races and progressively closing them, council is sustainably managing the finite water resource currently allocated. Council's Annual Plan also contains a target of 100 kilometres of stockwater race closure per year.

4.9.8 FINANCIAL

This race closure is from junction to junction therefore the physical works to facilitate it are very minor. The costs of this work can be managed under existing budget provisions.

M C C McNALLY
Assets Information Officer