



Ashburton District Council AGENDA

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

Date: Thursday 14 April 2011

**Venue: Council Chamber
5 Baring Square West
Ashburton**

Time: 1.30 pm

MEMBERS:

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

B LESTER
Chief Executive

8 April 2011

AGENDA

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[Now in open meeting]

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Section 7(2)(h) Commercial activities

*To be
circulated*

Timetable

1.30 pm	Ordinary Meeting commences OPENING PRAYER
2.30 pm	Ashburton District Tourism [K Holmes & N Birt – Earthquake response]
2.45 pm	Afternoon tea

8 April 2011

Ashburton District Council Report

File No 1/3/1
Date 14 April 2011
Report to Council
From Mayor

4.1 Mayor's Report

4.1.1 Calendar

Some of the meetings and functions I have attended since my last report to Council are as follows:

- 28 Feb Chaired Ashburton Civic Music Council meeting
- 1 March Met with Ashburton Trust representatives re Braided Rivers Restaurant proposed outdoor seating plans
Attended ACL/ADC Liaison Group meeting
Guest speaker at Mayfield Lions Club meeting
- 4 March Met with Wastebusters' representatives
Attended Ashburton Community Water Trust meeting
- 6 March Attended part of Children's Day Event at Tinwald Domain
- 7 March Chaired Executive Committee meeting
Attended Methven Community Board meeting
- 8 March Met with DOC representative re freedom camping, signage
- 9 March Attended farewell function for Art Gallery Curator, Kathryn Mitchell
- 10 March Met with Ashburton Ministers' Association representative Pastor Rob Davison, and CEO Brian Lester
Attended public meeting to discuss forming Ashburton Citizens Association
- 12 March Attended Mayfield Show
- 14 March Attended public meeting held at ADC – relocation of businesses to Ashburton as result of Christchurch earthquake
- 15 March Attended Fundraising Auction at Collegiate Clubrooms
- 16 March Attended Clean Heat process meeting
Attended Advance Ashburton Charitable Trust meeting
- 18 March Attended Ashburton Memorial Service for earthquake victims
- 19 March Attended Methven Show as an official guest
- 20 March Opened World Farm Management Congress held in Methven
- 21 March Presented School Council badges to students at Allenton School
Attended opening of new tennis courts at Longbeach School
- 22 March Met with CEO, Grow Mid-Canterbury
- 23 March Attended Clean Heat Process meeting
- 24 March Attended RDR Management Directors' meeting
Met with CEO, Ashburton Hospital and CDHB representative, and ADC CEO Brian Lester
- 25 March Attended Zonta Youth Art Awards
- 28 March Attended ALT AGM, and ALT Charitable Trust meeting
- 29 March Met with concerned ratepayer re water cylinders
- 30 March Attended opening of Ashburton Business Estate
Attended Prime Minister's public forum in Ashburton
Attended meeting at Grow Mid-Canterbury
- 31 March Met with Canterbury Employers' Assn representative
- 1 April Chaired Ashburton Age Concern AGM
Opened Methven Community Courts
- 4 April Attended Methven Annual Plan meeting

- 5 April Attended Ashburton Annual Plan meeting
- 6 April Guest speaker at Ashburton Lions Club meeting
- 7 April Met with Trustpower representative re Regional Awards
Met with HDT Architecture representatives re Stadium Project
Attended Mayfield Annual Plan meeting
- 8 April Attended Regional St John Awards function, held at Leeston
- 11 April Attended Hinds Annual Plan meeting
- 12 April Attended CWMS Regional Committee field day, followed by meeting

4.1.2 National Trustpower Community Awards

The Deputy Mayor attended the National Trustpower Community Awards which were held in Tauranga on 18 March.

On 7 April I met with TrustPower's Community Awards representative to discuss the Ashburton awards process. TrustPower have indicated that the judging format will be changing this year to comprise a smaller judging panel with a mix of Council and community representatives. I encourage all Councillors to take the time to consider and nominate worthy volunteers within our community.

Nominations are now open, closing 13 May 2011. Nomination forms can be obtained from Community Services Officer, Jo Naylor.

A R McKAY
Mayor

Ashburton District Council Report

File No 1/3/3
Date 14 April 2011
Report to Council
From Chief Executive

4.2 Chief Executive's Report

4.2.1 Christchurch Earthquake Response

There are a number of work streams underway related to this event. We do not have any staff currently deployed to provide direct assistance nor any requests.

Government has announced the formation of the Canterbury Earthquake Recovery Authority (CERA) to co-ordinate the recovery effort. This will be a stand-alone government department based in Christchurch to co-ordinate the recovery effort in Canterbury. CERA is tasked with developing a recovery strategy (September/October), followed by an implementation plan (what, where, when, how, whom) covering the social, economic, cultural and infrastructural / environmental needs. CERA has the ability to acquire land and buildings (compulsorily if needed) and change areas of land use. It will have call-in powers over local authority functions. It will be subject to the Official Information Act.

Checks on the use of the powers include:

- requirement to work with local government, Ngai Tahu and other relevant community groups
- four person independent review panel with respect to law changes, chaired by a retired High Court judge
- cross party forum of local Members of Parliament
- a forum of some 20 community leaders
- some decisions may be appealed to the High Court

The life of CERA is expected to be 5 years.

Other areas of activity include:

- 14/3 local business meeting facilitated by Mayor / Grow Mid Canterbury
- Business Leaders Forum (2nd Monday evening) – CEO
- Meeting with health / social agencies – Mayor / CEO
- Accommodation Request for Proposal – Grow Mid Canterbury
- Ongoing liaison with Grow Mid Canterbury on business issues and opportunities
- Ongoing liaison with Tourism sector
- Supporting retailer initiatives

As a result of the earthquake, the Triennial Agreement has not been completed. A forum on building consent processing in Timaru with the Department of Building and Housing was cancelled.

4.2.2 Ashburton Flour Mill

The fire at the Mill led to a potential health hazard related to rotting grain stored in silos and processing areas. Council facilitated a solution for this problem with the responsibility accepted by the owner / insurer. The site is now cleared of this problem.

4.2.3 Business Estate Opening

Undertaken on 30 March by the Prime Minister. There was good attendance despite the relatively short notice period.

4.2.4 Rugby World Cup

Christchurch is now not to be host to either games or visiting teams, however the All Blacks will be based there to show support for Christchurch as well as ensuring that Christchurch remains involved.

This has no effect on Ashburton's role in hosting Romania. The team manager will be in Ashburton on 9 / 10 May. The team's training schedule should be available shortly, and their availability for community engagement by 1 July. The team arrives in Christchurch at 2.20 pm on 1 September where there will be a short welcome (20 minutes) involving the Mayor. The remaining formal function will be in Ashburton. The team / support will consist of 53 people. A team from RWC Ltd visited on Monday to check arrangements / facilities.

The Rugby World Cup is an important opportunity to show the world that New Zealand is functioning strongly despite the earthquake.

4.2.5 MAF Irrigation Fund

I supported a presentation on the fund application on 5 April. This relates to engineering design for the Terraces project (Stage II of BCI). This was also supported by the Ashburton Community Water Trust (consent holder). I believe the presentation went well, supporting many of the principles around the Canterbury Water Strategy. Decisions are expected around the end of the month.

4.2.6 Prime Minister

I attended a breakfast meeting with the Prime Minister and Minister Gerry Brownlee on 31 March. While discussion focused on the Christchurch situation and Government's financial and welfare commitment, it clearly recognised the importance of economic activity continuing in Christchurch related to recovery and wider community wellbeing. Government clearly sees the strong rural Canterbury input here and the importance of water and storage. Tourism does have a national impact and Government will look to support initiatives here down the track.

4.2.7 Reserve Bank

The Finance Manager and I met with representatives from the Reserve Bank on 6 April. This is a three yearly event where they visit regions to see what is happening. This assists their macro projections. GDP growth for the December quarter was 0.2, however projections further out are larger with unknowns such as the impact of the Christchurch earthquake and the direction of oil prices.

B LESTER
Chief Executive

Ashburton District Council Report

File No 1/1/5
Date 14 April 2011
Report to Council
From Manager, Democracy & Community Services
Subject Elected Members Remuneration

4.6 Elected Members Remuneration

4.6.1 Purpose

To consider the Mayoral remuneration and the indicative pool that is available for distribution to Councillors and Methven Community Board Members in the 2011-12 year.

4.6.2 Recommendation

- 1 **That** the recommended remuneration for Councillors and Methven Community Board Members, for the 2011-2012 year to 30 June 2012, for consideration by the Remuneration Authority, as outlined in Model 1 and listed below, be on a salary only basis:

Position	Annual Salary	No.	Total Annual Salaries
Deputy Mayor	27,861.73	1	27,861.73
Committee Chair	27,861.73	3	83,585.20
Councillor	18,412.97	8	147,303.78
Community Board Chair	3,391.86	1	**3,391.86
Community Board Member	969.10	4	**3,876.42
Total Salaries			\$266,018.99

***The total salaries figure is half of the remuneration of community board members. The other half is excluded from the indicative pool and is funded by a targeted rate.*

- 2 **That** Council adopts the remuneration basis determined by the Remuneration Authority, for the Mayor, for the 2011-2012 year to 30 June 2012.
- 3 **That** the applicable rules for the recovery of expenses by elected members and community board members, for the 2011-2012 year to 30 June 2012, be referred to the Remuneration Authority for approval.

4.6.3 Background

The Remuneration Authority has notified the indicative pool available for distribution amongst elected members for the 2011-12 year, along with the Mayoral remuneration for the same period. The Council is required to respond to the Authority with its recommendations for distribution by 6 May 2011.

The Authority has applied a 2% increase to the base lines in the model used to determine pools although where pool levels would have reduced the indicative pool has been maintained at 2010-11 levels. Mayoral salaries are based on a 1.5% increase in the 2010 payline and do not form part of the pool.

The indicative remuneration pool and Mayor's salary to apply in Ashburton District amounts to:

Total Remuneration Pool	*266,019	<i>Attached</i>
Mayor's Salary	84,000	

*Net annual amount available for Councillors and Community Board Members.

Allowances and Reimbursements:

When Council adopted its Expense Rules in the post election period, it was noted that the Remuneration Authority had amended its vehicle mileage allowance. The additional rules set a threshold of distance able to be travelled for any one event (a round trip of 30km or more) with only distance in excess of the threshold qualifying for payment. Mileage claimed up to 5,000km per annum would be paid at 70c / km and additional kilometres travelled at 35c/km. This Rule was non-negotiable and Council amended its current policy accordingly.

The post election determination also introduced new transport and communications allowances and the ability to include these in the Expense Rules has been further considered. The Finance & Community Services Committee (on 31 March 2011) resolved that Council's Expense Rules be amended to include the Travel Time and Communications allowances. The amended Expense Rules have since been forwarded to the Remuneration Authority for sign-off and the outcome of that process is awaited.

Resource consent hearing fees:

The determination also prescribes the meeting fees payable to members who attend resource consent hearings. A member who acts a Chairperson of a resource consent hearing is entitled to be paid a fee of \$85 per hour of hearing time. Other members attending a resource consent hearing are entitled to be paid a fee of \$68 per hour of hearing time. Sections 7(1) and 7(2) of the Determination set out the meaning of a resource consent hearing. By definition a resource consent hearing does not include hearing of submissions as part of the process of preparation of or variation to the District Plan.

4.6.4 Options and Risks Considered

The Remuneration Authority proposes further work in the area of council and community board remuneration this year, with the view to any changes being implemented in the 2012-13 year. As work progresses, the Authority will engage with Local Government New Zealand and councils to seek their views.

As reported to Council on 25 November 2010, councils may elect to be paid on a meeting basis which was the method of payment in Ashburton until 2004. At that time the issue of meeting fees versus salaries was workshopped and discussed extensively. Among considerations for retention of the meeting fee were:

- The enormous amount of time involved in administering the payment of meeting fees, and in resolving disputes with elected members as to whether particular meetings/events qualify for payment of meeting fees.
- If meeting fees are payable, the staff need to closely monitor the expenditure on meeting fees throughout the year, to ensure that the remuneration pool is not under/over spent at some point in the financial year. Some Council's have implemented a block on meeting fee claims that go back beyond on month from the claim date.
- Reported difficulties with the salaries and meeting fees system. For example, overpayment of meeting fees during a financial year.

In support of elected members remuneration on a salary and meeting allowance basis, payment of a meeting fee could be seen to be a fair manner in which to recognise the additional time that Councillors are prepared to commit to Council business. However, the Council of the day agreed that the reasons for moving to straight salaries outweighed the reasons for retaining a mixture of salaries and meeting fees. Of the 51 local authorities who adopted the new remuneration and expenses which came into effect on 1 July 2003, 32 moved to a straight salary basis. There has been a general move towards salaries since that time.

4.6.5 Statutory Implications

The Remuneration Act 1977 and the Local Government Act 2002 (Clause 6, Schedule 7).

4.6.6 Strategic Links

Not applicable.

4.6.7 Consultation

Any person or organisation may make a written submission to the Remuneration Authority about a determination to be made by the Remuneration Authority. The Authority is required to publish each determination in the Gazette within 14 days of delivering it to the Minister responsible for the Remuneration Authority.

4.6.8 Financial

Councillors' remuneration is drawn from Council's Democracy budget, a total of \$349,728 being allowed for the Council and Community Board in the 2011-12 year. This amount will need to be increased by \$7,560.

Prepared By:

J G ROLLINSON

Manager
Democracy & Community Services

Approved by:

B LESTER
Chief Executive

Ashburton District Council Report

File No
Date 14 April 2011
Report to Council
From Policy Advisor
Subject Smoke-free Playgrounds and Sports Fields Policy Amendment

4.7 Smoke-free Playgrounds and Sports Fields Policy Amendment

4.7.1 Summary

Smokefree Mid Canterbury, following their March meeting, have requested in a letter to Council that Council's Smokefree Playgrounds and Sports Fields Policy be amended to include the Ashburton Skate Park. **Page 34**

This report recommends that Council adopts this policy amendment.

4.7.2 Recommendation

That Council extends the existing Smoke-free Playgrounds and Sports Fields Policy to include the Ashburton Skate Park by adopting the policy amendment below –

SMOKEFREE PLAYGROUNDS AND SPORTS FIELDS POLICY

Policy Objective: Ashburton District Council believes the children and young people of our district have a right to be able to enjoy playground and sport field facilities provided by Council in a smoke free environment.

All Council-owned playgrounds, the Ashburton Skate Park and sports field facilities listed below are smoke-free areas.

The community will be advised through appropriate signage and ongoing communication, as deemed necessary by Council.

Sports fields covered by this policy are those located in
Ashburton Domain
Argyle Park
Robilliard Park
Digby Park

4.7.3 Background

Council's existing Smokefree Playgrounds and Sports Fields Policy was initially launched in 2007, as an educative smokefree policy for all Council owned playgrounds. This was extended by Council in 2010 to include the sports fields in Argyle Park, the Ashburton Domain, Robilliard Park and Digby Park.

Smokefree Mid Canterbury has requested that Council amend the policy to include the Ashburton Skate Park, an important Council-owned recreation facility for Ashburton's young people. It is proposed that, if adopted, the launch of the smoke-free status of this facility will align with a planned World Smokefree Day event, targeting youth, and also with Youth Week 2011.

3.1 Youth Smoking

Young people are particularly at risk, as the average age of smoking initiation in New Zealand is 14.6 years. Most adult smokers start as adolescents, and once established most will smoke for around 40 years. Furthermore, children who start smoking at a young age are more likely to become regular smokers (Everett, Warren & Sharp, 1999).

Youth smoking figures are difficult to ascertain for the district. On a national level, there has been some research undertaken. Youth smoking rates are declining, with a consistent decline in smoking prevalence in Year 10 (aged 14-5) students between 1999 and 2007. Daily smoking prevalence amongst 14-15 year olds in 2007 was 7% compared to 12% in 2003 and 16% in 1999 (Paynter, 2008). Two thirds of youth have tried cigarettes, with most of these instances happening with friends (Tobacco Use Survey, 2006).

3.2 Rationale for including the Skate Park

The existing policy covers Council-owned playgrounds and all Council-owned and maintained sports fields. The message in this policy, and the accompanying signage is "Kids copy what they see" – a clear focus on children and young people. The Ashburton Skate Park is a Council-owned recreation facility used mostly by young people. International research suggests the majority of skate-parks are used by people between the ages of 10 and 21 (Goldenberg & Shooter, 2009).

Smokefree Mid Canterbury believes including the Ashburton Skate Park in the Council's smoke-free policy will contribute to achieving the following:

- Clearly focus the efforts of smoke-free promotion on our young people
- Promote a smoke-free lifestyle to youth that engage in alternative sporting opportunities such as skateboarding, to extend the current policy which currently only reaches sportspeople on our main sports-grounds
- De-normalise smoking in the eyes of young people
- Promote the smoke-free message to youth at the most at-risk smoking initiation age
- Also de-normalise smoking for adults and provide extra triggers to encourage those who smoke to stop
- Empower non-smokers to speak up and be more vocal about not wanting to be around smoking, as smoke-free areas increasingly become the status quo.
- Help to lessen inequalities in health caused by smoking
- Help to reduce the environmental impacts of smoking

3.2.1 - Promotional event

Smokefree Mid Canterbury, in coordinating the district's World Smokefree Day activities (on 31 May), intends to align the addition of the skate park to the Smokefree Playgrounds and Sports Fields policy with a youth-focused event. This event is likely to include adding smoke-free signage in the form of street-art to the existing murals at the skate park, along with a skate-boarding competition and demonstration run by the Cheapskates Skate Skool (which is itself a smoke-free initiative).

3.2.2 Communicating the Policy

The policy amendment will be communicated through Council's existing channels and media connections (such as the Community Noticeboard, a media release, the District Diary and Council website), with no additional cost to Council.

Further to this, the launch event would be communicated via the Cheapskates Skate Skool, who are able to run a series of 'taster' sessions in schools to promote the launch in the weeks leading up to the event, flyers, and in-school communication.

The other members of Smokefree Mid Canterbury, particularly Community and Public Health, will use their communication channels and resources to promote the event and policy.

The street art at the skate park will provide the initial signage. Community and Public Health has indicated they can provide additional signage in the form of smoke-free signs like those used at the other smoke-free sports fields. This option will be looked at in more detail in the future, as the danger of vandalism may circumvent the wisdom of erecting a conventional sign.

3.2.3 De-Normalisation

The key rationale for extending the number of smoke-free open spaces is based on the idea of "de-normalisation". With smoke-free policy, it can appear that Council is interfering with people's free right to make choices which are only harmful to the individual. Smoking, after all, is not illegal for youth, although it is illegal for them to purchase cigarettes before the age of 18. Many people choose to smoke in the open air, young people at the skate park included.

It could be argued however, that by increasing the number of smoke-free areas, collectively public acceptance and attitudes towards smoking will change. The social acceptance of smoking over the last ten years has altered significantly, with an increasing number of people who now find smoking in public places unacceptable. By widening the smoke-free message to public open spaces then there is the opportunity to de-normalise smoking in these locations through reduced public tolerance.

Evidence of this can be found in the Opotiki District Council's case. A survey was completed before and after the introduction of a blanket smoke-free policy in 2008. The policy included all outdoor areas, and extended to council events.

When asked '**do you think people should be able to smoke in the following places?**' Respondents "**No**" answers are tabled below:

Location	Before	After
Childrens playgrounds	79%	94%
Sports fields or courts	53%	77%
Parks or reserves	41%	62%

3.4 What are other Council's doing?

Twenty three councils in New Zealand have smoke-free open area policies, to varying degrees. A number of Councils include skate parks in their policies, including the Western Bay of Plenty District Council, Christchurch City Council, Manukau City Council, Waitakere City Council and Opotiki District Council. The rationale behind the decisions of these councils is to minimise the visibility of smoking in areas that are primarily used by children or young people for sport or recreation.

Seventy percent (50 out of 73) of territorial local authorities appear to **not** have a smoke-free policy at all. Ashburton District and Christchurch City appear to be the only councils in the Canterbury region to do so.

4.7.4 Statutory Implications

The Local Government Act (2002) (Section 10) states that one of the purposes of Council is to promote the social, economic, environment and cultural wellbeing of communities, in the present and for the future.

The Health Act (1956) (Section 23) states it is the duty of every local authority to improve, promote and protect public health within its district.

The Smoke-free Environments Act (1990) requires all school and early childhood centre buildings and grounds to be smoke free and licensed premises and workplaces to be smoke free indoors amongst other statutory requirements.

Council is not obligated by the Smoke-free Environments Act to designate public open spaces as smoke free, however, in promoting the broad objectives of the Local Government Act (2002) and Health Act (1956) Council may choose to do so.

4.7.5 Options and Risks Considered

OPTION 1 – Extend the policy to include the Ashburton Skate Park (Recommended)

Council could choose to extend the existing Smoke-free Playgrounds and Sports Fields Policy to include the Ashburton Skate Park by adopting the Policy Amendment in this report.

Advantages

Council would be making a commitment to keeping youth smoke-free, providing leadership for a healthy community. The policy has the potential to reach young people who may not currently be reached under the existing policy.

Extending the policy to a popular youth facility will further de-normalise tobacco use in our community, decreasing the social acceptability of smoking in the eyes of young people.

Disadvantages

As with the existing smoke-free policy, this will be an educative policy and will not be actively enforced by Council. Youth who smoke may pay little regard to the policy or signage. There is also a small risk that youth may stop using the facilities if they become smoke-free.

Assessment

Inclusion of the skate park is consistent with Ashburton District's community outcomes and the intention of the Smoke-free Playgrounds and Sports Fields Policy – providing healthy and safe environments for children and young people.

As there is no financial risk, and smoke-free outdoor policies are generally shown to be well-supported by the community in most national surveys, this is seen as the recommended option.

The lack of enforcement options is offset by the impact of community-level de-normalisation, the primary objective of educative policies.

OPTION 2 - Status Quo – Continue with the existing Smoke Free Policy

Council could choose to continue with the status quo and retain the existing policy, opting not to include the skate park.

Advantages

There are no advantages to maintaining the status quo.

Disadvantages

There is a risk that youth involved in alternative sporting pursuits are not engaged in the smoke-free community message promoted with the current signage.

Council would not be making a commitment to keeping youth smoke-free, providing leadership for a healthy community.

Assessment

There are no real benefits to the community in adopting this option.

4.7.6 Strategic Links

- **Ashburton District Community Outcomes**

Outcome 5: Healthy, active people enjoying a good quality of life in a caring and safe community

- d) Young people are supported to lead healthy and safe lives and are active participants in community life.

- **Sport and Recreation Strategy**

Vision: A healthy community that supports lifelong participation in sport and recreation.

- **Social Wellbeing Strategy**

Outcome: Our children and young people are safe and secure and have the opportunity to participate, succeed and engage in positive activities

4.7.7 Consultation

Safer Ashburton District has, in the past, taken ownership for community maintenance of the Skate Park, including organising the existing street-art murals on the park. They have indicated their support for the facility to become smoke-free, and to add smoke-free signage to the mural.

No other consultation is considered necessary to make this amendment.

4.7.8 Financial Implications

There are no financial implications to Council to arise from adopting the policy amendment.

Report Prepared By

Alicia Jenkins
Policy Advisor

Report Approved By

Gavin Thomas
Community Planning Manager

Implications For:	
Statutory Requirements	No
Approved Budget	No
LTCCP	No
Council Policies	Yes
Risk Management	No
Methven Community Board	No
Consultation	No

APPENDIX 1



04 April 2011

Attention: Ashburton District Council

Proposed Smokefree Playgrounds and Sports Fields Policy Amendment – Ashburton Skate Park

Dear Elected Members,

Smoke-free Mid Canterbury is a multi-sector community group that strives to promote smoke-free lifestyles and environments for the entire community.

The group comprises representatives from the Cancer Society; CDHB; Community and Public Health; Hakatere Marae Komiti; Maternity Care Services; Mid Canterbury School Principals Association; Plunket; Presbyterian Support Services; Public Health Nurses; Rural Canterbury PHO and Ashburton District Council.

On behalf of this group, I would like to propose that the Ashburton District Council extends the Smokefree Playgrounds and Sports Fields Policy to include the Ashburton Skate Park. The skate park, like playgrounds, is a Council owned facility designed principally with the recreation of children and young people in mind.

Protecting the health of young people and promoting a smoke-free lifestyle to the next generation, the intention of the existing policy, will be further enabled by making this amendment.

Including the Ashburton Skate Park in the Smokefree Playgrounds and Sports Fields Policy will

- Clearly focus the efforts of smoke-free promotion on our young people
- Promote a smoke-free lifestyle to youth that engage in alternative sporting opportunities such as skateboarding, to extend the current policy which currently only reaches sportspeople on our main sports-grounds
- Further “de-normalise” smoking for our young people, in accordance with research which shows that increased smoke free environments decreases smoking initiation in youth
- Promote the smoke-free message to youth at the most at-risk smoking initiation age (the average age of smoking initiation in New Zealand is 14.6 years)
- Also de-normalise smoking for adults and provide extra triggers to encourage those who smoke to stop
- Help smoke free areas become the ‘status quo’
- Empower non-smokers to speak up and be more vocal about not wanting to be around smoking
- Help to lessen inequalities in health caused by smoking
- Help to reduce the environmental impacts of smoking

Please give this matter your urgent and thoughtful attention.

Sincerely,

A handwritten signature in black ink, appearing to read "Karena Hart".

Karena Hart

Smokefree Mid Canterbury Chairperson

Health Promoter - Smoking Cessation Practitioner

Ashburton District Council Report

File No 6/9/44/1
Date 14 April 2011
Report to Council
From Heritage Assessment Subcommittee
Subject Heritage Grant Scheme

4.8 Heritage Assessment Subcommittee

Report and Minutes of a meeting of the **Heritage Assessment Subcommittee**, held in the Council Chambers, 5 Baring Square West, Ashburton, on Thursday 31 March 2011, commencing at 11 am.

Present

Cr J Sparks (Chair), Cr D McLeod, Cr M Nordqvist

In attendance

Assistant Planner and Community Services Officer (minutes).

1 Apologies

Nil

2 Heritage Grants Policy

The Canterbury Earthquakes have highlighted the inflexibility of the Heritage Grants Policy to allow for financial assistance in emergency situations.

RECOMMENDATION TO THE ENVIRONMENTAL SERVICES COMMITTEE

That the Heritage Grants Policy be reviewed to allow for flexibility to the policy during exceptional/emergency circumstances.

Nordqvist/McLeod

Carried

3 Correspondence

The Community Services Officer received a letter from the Methven Public Library expressing an interest in the funding but explaining that they are currently awaiting reassessment from their insurers. Several other enquiries have also been received via telephone with owners reporting that they are still awaiting assessments from EQC or Insurance companies.

4 Schedule Of Applications For Funding Assistance

The Heritage Subcommittee met to allocate funding for Heritage items damaged in the Canterbury Earthquakes. The funding available was \$48,331 carried over from the 2010 funding round. The subcommittee was mindful of the Council's policy for Heritage grants, but also the exceptional circumstances for which the funding is being offered.

One (1) application was received:

Rakaia Hut – (Heritage Museum building at Rakaia Bach Settlement)

The Assistant Planner has confirmed that this building holds a Group B classification under the Proposed District Plan. District Plan ID 126.

Rakaia Hut sustained cracks to walls and chimney damage following the September 4 2010 earthquakes. EQC inspected the property and it was placed off limits until repair work had been completed. The South Rakaia Bach Owners Association undertook repairs to ensure the building was safe. They were unaware at that time that this funding would be available, hence the retrospective application.

The Subcommittee agreed that this application was eligible.

Recommendation to Council

- 1 **That** the application from South Rakaia Bach Owners Association for Rakaia Hut, Rakaia Bach Settlement, for funding from the District Council’s Heritage Reserve Fund be accepted and a grant of \$2500.00 made, subject to Council staff gaining reassurance that the reserves held are appropriate;
- 2 **That** the balance of the Heritage Grant fund stands at \$45,831 as a result of this decision;
- 3 **That** approval be granted to carry over the funds from (2) above to the 2011-12 funding round;
- 4 **That** the 2011-12 funding be available to consider applications from Heritage Items which sustained damage from the earthquakes, in conjunction with usual Heritage Grants requests.

McLeod/Nordqvist

Carried

General Business

A letter was received from New Zealand Historic Places Trust inviting Councillors on a trip to look at heritage buildings and heritage trail. The committee agreed it may be appropriate to decline the invitation due to potential conflicts of interest surrounding District Plan hearings.

Alex Shand and Company Ltd has advised that contractors will begin cleaning up the stock food and site following the recent fire. A resource consent application will be lodged to demolish parts of the building.

The meeting closed at 11.45am.

Ashburton District Council Report

File No SK-BG
Date 14 April 2011
Report to Council
From Operations Manager
Subject Mount Hutt-Riverbank water supply

4.9 Mount Hutt-Riverbank Water Supply

4.9.1 Summary

In 2010 Council was approached by members of the Mount Hutt Riverbank Stockwater Supply Incorporated regarding a formal proposal to pipe stockwater from the Pudding Hill intake to service approximately 50 properties with a private combined potable water/stockwater scheme.

Investigation work has been carried out, the scheme has been confirmed as feasible and the Mount Hutt-Riverbank Stockwater Supply group have formally advised that they wish to progress the project and have requested formal approvals from Council.

The purpose of this report is to provide a summary of the project, results of the investigation work and seek Council's approval to transfer water to the Mount Hutt-Riverbank group and provide assistance as the project progresses.

4.9.2 Recommendation

That Council

1. does not supplement the Methven potable water supply from the proposed Mount Hutt-Riverbank water supply;
2. approves the transfer of 20 l/sec from the Pudding Hill stockwater intake to the Mount Hutt-Riverbank Stockwater Supply Incorporated for a private stockwater supply; and
3. approves funding in the sum of \$7,500 to prepare and lodge a water transfer resource consent application.

4.9.3 Background

In 2010 the Mount Hutt-Riverbank Stockwater Supply Incorporated formally approached Council presenting a proposal they felt may be beneficial to landowners in the upper plains area.

They advised the area proposed to be serviced is not well serviced for potable water. A large proportion of this area has no available aquifers which can be accessed by wells and is therefore dependent on the stockwater race network for stockwater and rainwater for domestic potable water supply.

The incorporated society currently provides water from a consented supply on Mount Hutt Station to 24 farms on the eastern side of the area identified for servicing.

The Society's proposal involves the taking of water from the Pudding Hill Stream intake (Council's stockwater intake). This would involve a pipeline being laid eastwards meeting the Rakaia River Road (a fall of approximately 100m).

Feeder lines would service all farms in the area and supply extra water currently supplied from Mount Hutt Station.

The group also indicated the pipeline could be increased in size to supplement the Methven potable water supply.

Property owners in the area to be serviced had been approached and there appeared to be support for the proposal and access to land to lay pipes would be approved.

Set out below is a brief outline of the scheme/proposal:

- There are currently 25 properties accessing water from the Mount Hutt Station scheme.
- Approvals by farmers for the proposal to date have been informal.
- The proposal would be a combined scheme (note a potable water supply will have more onerous requirements than a stand-alone stockwater supply).
- 1,000m³/day (1,000,000 l/day) has been requested. This equates to 11.57 l/sec. The consented take from Pudding Hill Stream is 500 l/sec (note this quantity is not always available).
- This volume of water would need to be transferred to the Society.
- The main driver for the proposal is for stockwater.
- 50 properties would be serviced.
- The proposal currently involves approximately 12km of gravity pipeline that would be "mole ploughed in".
- All work (directly related to the proposal) would be funded by the serviced properties.
- The society has indicated that it would like to start physical works etc within the next 12 months.

At the time of considering the proposal, the following wider community benefits were identified:

- Race closures (lengths yet to be determined)
- Increasing the number of properties that receive potable water (note it appears the Mt Hutt Station supply provides an adequate service).

After considering the above, investigation work was identified as follows:

- The impact the take will have on the stockwater system.
- The length of race that could potentially be closed.
- Statutory requirements around the transfer of part of the Pudding Hill take to the Society.
- Any additional benefits the piping of part of the stockwater network may deliver.
- Implications on the proposal of using the system to provide potable water.
- Further liaison with the Society.

At the 20 May 2010 meeting of Council, Council resolved the following:

"That Council grants up to \$15,000 for the investigation of a concept design for a stockwater supply for the Mount Hutt-Riverbank development area."

Investigation work has been carried out and the results of this work are summarised below:

- The scheme, as proposed, appears feasible.
- The new scheme would allow some races to be closed.
- Will result in a reduction of the current quantity of water required to service the area.
- Piping stockwater in the area will be better than the open races.
- There appears to be sufficient interest in the scheme.
- Water quality from the Pudding Hill intake is generally good, however the water can be turbid from time to time.
- The investigation did not consider turbidity mitigation options.

- Potential silting of the pipelines may be a maintenance issue.
- The most cost effective way of providing water would be through a restricted supply.
- The total serviced area is approximately 6,345ha.
- An assessment of water requirements has determined the following:
 - 72l/day/ha for dry land stock
 - 230l/day/ha for dairying
 (A survey of property owners was carried out as part of the investigation work)
- Peak water demand was calculated at 1545m³/day or approximately 19l/sec continuous flow.
- A hydraulic model was used to prepare a preliminary design/concept design.
- The investigation work was limited to providing a connection to property boundaries. Property owners would be responsible for on farm works and costs.
- Initial modelling shows that pipes from 40 to 150mm nominal internal diameter would be required.
- If the scheme is to be a private scheme the following process has been proposed:
 - A formal transfer of some of the water allocation (20l/sec) from ADC to the Mount Hutt-Riverbank (MHRS) Society. This would result in an additional consent held by the MHRS who would then be responsible for consent compliance.
 - The right to take, dam and divert water would remain in the ADC consent.
 - Up to 16.5km of race could be potentially closed.
 - The capital cost of the scheme is estimated to be \$950,000 including a 15% contingency sum.
 - The cost to obtain an additional resource consent is likely to be in the order of \$5,000 to \$10,000.

There have been two meetings with members of the MHRS to discuss the results of the investigation work. The MHRS have formally advised/requested the following:

- 1) *The members are willing to proceed with the Pudding Hill supplementation project.*
- 2) *All members and proposed new members have been contacted and with one exception (an overseas owner who has been difficult to contact), all are happy to join the expanded scheme.*
- 3) *MHRWS will fund, design and manage the scheme as a private entity. If the Council wishes to incorporate into the scheme provision to supplement the Methven water supply, we are happy to oblige, and if this did eventuate we would be willing to have Council input on our management board.*
- 4) *We therefore formally request that the Council transfer consent for the water to our Society.*

In addition to the above investigation, a desktop level consideration of the possibility of supplementing the Methven potable water supply from this scheme has been carried out. The results of this are outlined below:

- There are no quantity issues regarding the existing supply. There is sufficient capacity to cope with growth.
- There are technical solutions to any potential quantity issues.
- Water from the proposed scheme would adversely impact on the water quality prior to treatment of the Methven supply.
- The reduction in water quality would require a higher level of treatment technology and increased costs on the Methven water supply.
- Potable water supply requirements are likely to impact on the scheme's management and costs.

- The estimated costs to add capacity for an additional 20 l/sec are \$400,000. These costs relate to increasing the pipe sizes and an additional 3.6km of pipe to deliver water to the reservoirs.
- Periodic turbidity requires a higher level of treatment which could cost more than \$1.0M.

4.9.4 Options & Risks Considered

The following options are available to Council.

Options available relating to transferring water to the Mount Hutt-Riverbank Society:

1. To approve the transfer of 20l/sec.

This option will:

- allow the piped scheme to progress
- result in less water requirement to service the area
- will facilitate race closures
- increased flexibility and certainty for landowners

2. To decline the request to transfer 20l/sec.

- Results in the retention of the open race network
- Will not deliver any of the benefits a piped scheme will deliver

The recommended option is Option 1: to transfer 20l/sec

Options available to Council regarding supplementing the Methven water supply:

1. To supplement the Methven water supply.

This option:

- will result in more water being available in the Methven supply
- there may be resource consenting implications
- the cost to increase the new piped scheme capacity and treatment are very high
- may impact on the management of the piped scheme because of priorities required by a potable supply

2. To decline supplementing the Methven water supply

- No cost implications
- At this time no level of service implications arising from capacity issues have been identified regarding the existing intake

The recommended option is Option 2: to not supplement the Methven water supply.

4.9.5 Statutory Implications

There are no statutory implications arising from the approval of the recommendations in this report.

Implementation of the Mount Hutt-Riverbank Group's proposal, however, will require the formal transfer of part (20l/sec) of Council's consented take at Pudding Hill to the group.

Compliance with relevant conditions would be the responsibility of the group.

4.9.6 Consultation

This proposal has been the subject of discussion with members of the Mount Hutt-Riverbank Group.

The Water Subcommittee and Operations Committee have been updated on progress.

This report, as a draft has been considered by:

- The Water Services Manager
- Members of the Water Subcommittee
- Representatives of the Mount Hutt-Riverbank Group

4.9.7 Strategic Links

The recommendations in this report and the proposal are consistent with the following community outcomes in the 2010/2019 LTCCP:

- *A thriving and diverse local economy that provides the foundation for a quality life style.*
- *Natural and developed environments are sustained for the enjoyment of current and future generations.*

4.9.8 Financial

- The estimated cost of the scheme based on investigation work to date is \$950,000. These costs will be met by Mount Hutt-Riverbank group.

There are no cost implications for Council.

- The estimated costs to Council of supplementing the Methven water supply from the scheme are:

Pipe work	\$400,000
Increased treatment	\$1m +

This would be a cost to the Methven community.

The option of supplementing the Methven water supply is not recommended.

- In May 2010, Council approved \$15,000 to fund the investigation of a concept design. To date expenditure incurred is \$7,500.

The estimated cost of the resource consent to transfer 20l/sec from the Pudding Hill intake to the Mount Hutt-Riverbank group is \$5,000 to \$10,000.

The remaining budget of \$7,500 will fund the consent application work.

Prepared By:

R ROUSE
Operations Manager

Approved by:

B Lester
Chief Executive

Ashburton District Council Report

File No 0560-0600
Date 14 April 2011
Report to Council
From Water Services Manager
Subject Warrants of Authority for Acton Irrigation Limited

4.10 Warrants of Authority – Acton Irrigation Limited

4.10.1 Summary

Acton Irrigation Limited is now responsible for operation and management of the stockwater network in the area now supplied by the Acton Irrigation Scheme.

The purpose of this report is to seek Council approval of Warrants of Authority for staff employed / engaged by Acton Irrigation Limited.

4.10.2 Recommendation

That SHAUN PAUL FITZGERALD, Acton Race Manager, Acton Irrigation Limited, WAYNE ANDREW DUNGEY, Machine Operator, Rooney Earthmoving Limited, and SCOTT WILLIAM McMILLAN, Raceman, Rooney Earthmoving Limited, be authorised under the seal of the Ashburton District Council to act as indicated below:

- Has the authority to enter private land under Sections 171-173 and 182 of the Local Government Act 2002, being limited to those properties serviced by the stockwater network in the Acton Irrigation scheme and as detailed in Schedule 4 of the "Deed of Licence to Use the Water Race System" between the Ashburton District Council and Acton Irrigation Limited,
- As an authorised Officer under the Ashburton District Council Bylaws 2008.

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

4.10.3 Background

The Acton Irrigation Scheme (AIS) has been constructed using Council's Acton stockwater main race. This has been enlarged to convey irrigation water as the principal conduit for the AIS. Prior to the scheme proceeding Council entered into an agreement with Acton Irrigation Limited (AIL) which set out the responsibilities of each party in relation to the activities and functions of the new irrigation scheme and ongoing operation of the stockwater service.

Under the terms of the ADC/AIL agreement ("Deed of License to Use the Water Race Scheme", Action Irrigation Limited are responsible for day-to-day operation of the stockwater race network in the area served by the Acton Irrigation Scheme. Those responsibilities include on-property stockwater race inspection and stockwater bylaw enforcement where necessary.

The personnel in this report recently commenced employment for the Acton Irrigation Limited (or its parent company Rooney Earthmoving Limited). They have been managing the AIS and the stockwater network from earlier this year. Until now, Ashburton District Council water rangers have been available to assist AIL personnel when a breach of stockwater bylaws was identified. This period of time has permitted the relevant training to be completed.

It is now appropriate that the AIL personnel be given the appropriate authorities to enable them to undertake all functions of the work expected under the ADC/AIL agreement.

4.10.4 Options & Risks Considered

The following options are available.

Option One – Approve the issue of warrants of authority

The warrants of authority are issued to the nominated personnel. This provides the personnel with all powers necessary to enter land for network inspections and enforce Council stockwater bylaws as and where required.

Risks

- *No risks identified.*

Option Two – Do not approve the issue of warrants of authority

The personnel are not issued with a warrant of authority. This means that AIL staff will have no statutory power to enter private land and be unable to enforce Council bylaw. This would mean Council would have to continue to carry out this function.

Risks

- *Delays in enforcement procedures and resolution of issues.*

The recommended option is **Option One**.

4.10.5 Statutory Implications

The following legislation is relevant -
Local Government Act 2002.

The clauses that are referenced in the recommendation are reproduced below-:

171 General power of entry

(1) For the purpose of doing anything that the local authority is empowered to do under this Act or any other Act, a local authority may enter any land or building other than a dwellinghouse.

(2) If a local authority exercises the power under subsection (1) to enter occupied land or occupied buildings, it must give reasonable notice of its intention to enter—

(a) to the occupier, which notice must be given not less than 24 hours in advance; and

(b) to the owner, if the occupier is not also the owner,—

(i) as early as reasonably practicable before entry; or

(ii) as soon as reasonably practicable after entry has been made.

(3) In determining how to exercise the power of entry under subsection (2) and what notice is reasonable in the circumstances, the local authority must have regard to—

(a) the interests and convenience of persons who may be affected; and

(b) the requirements of any business utilising the land or buildings.

(4) If a local authority exercises the power under subsection (1) to enter unoccupied land or unoccupied buildings, the local authority must notify the owner—

(a) not less than 24 hours in advance of the intended entry if it is reasonably practicable to do so; or

(b) as early as reasonably practicable, whether before or after entry has been made.

(5) This section does not limit section 172 or section 173.

172 Power of entry for enforcement purposes

(1) A warranted enforcement officer may enter land for the purpose of detecting a breach of a bylaw or the commission of an offence against this Act if the officer has reasonable grounds for suspecting that a breach of the bylaw or the commission of the offence has occurred or is occurring on the land.

(2) Before exercising the power in subsection (1), the officer must, if practicable, give reasonable notice to the occupier of the land of the intention to exercise the power, unless the giving of notice would defeat the purpose of entry.

(3) The power in subsection (1) to enter a dwellinghouse must not be exercised unless—

(a) the entry is authorised by a warrant given by a District Court Judge on written application on oath; and

(b) when exercising the power, the enforcement officer is accompanied by a constable.

(4) Before exercising the power in subsection (1), the officer must produce evidence of his or her identity and authority to exercise the power,—

(a) if practicable, on first entering the land or premises; and

(b) whenever subsequently reasonably requested to do so.

173 Power of entry in cases of emergency

(1) A local authority may, for the purpose of doing anything that it is authorised to do under this Act or any other enactment, enter occupied land or buildings without giving prior notice, if—

(a) there is a sudden emergency causing or likely to cause—

(i) loss of life or injury to a person; or

(ii) damage to property; or

(iii) damage to the environment; or

(b) there is danger to any works or adjoining property.

(2) If a local authority exercises the power in subsection (1), it must, as soon as practicable after doing so, inform the occupier and, if the occupier is not the owner, the owner of the land or building.

182 Power of entry to check utility services

(1) An enforcement officer of a local authority may enter any land or building (but not a dwellinghouse) for the purpose of ascertaining whether—

(a) water supplied from any waterworks or water race to any land or building is being wasted or misused; or

(b) any drainage works on any land are being misused; or

(c) any appliance or equipment associated with a local authority utility service on the land is in a condition that makes it dangerous to life or property.

(2) The power under subsection (1) may only be exercised if the enforcement officer—

(a) believes on reasonable grounds that the circumstances in any of paragraph (a), paragraph (b), or paragraph (c) of that subsection exist; and

(b) the local authority gives reasonable notice to the occupier of the land or building of the intention to exercise the power.

(3) If an enforcement officer is refused entry or obstructed when exercising the power in subsection (1), the local authority may restrict the water supply to the land or building, as provided for in section 193.

The authorities are issued pursuant to the following:-

174 Authority to act

(1) If an officer of a local authority or other person is authorised by this Act or another enactment to enter private land on behalf of the local authority, the local authority must provide a written warrant under the seal of the local authority as evidence that the person is so authorised.

(2) The production of a warrant issued under subsection (1) is sufficient proof of a person's authorisation.

(3) An authorised person must, if requested, produce the warrant provided under subsection (1) before entering private land under the authority.

(4) An officer or other person must surrender to the local authority the warrant provided under subsection (1) if—

(a) the officer's appointment is terminated; or

(b) the authorisation referred to in subsection (1) is terminated.

(5) *This section does not apply to—*

(a) a dog control officer or dog ranger acting under a power of entry conferred by the Dog Control Act 1996; or

(b) an enforcement officer acting under a power conferred by the Resource Management Act 1991; or

(c) an inspector or authorised person acting under a power conferred by the Biosecurity Act 1993.

Appointment of enforcement officer

(1) A local authority may appoint persons to be enforcement officers in the district or region of the local authority in relation to any offence under this Act, including, without limitation,—

(a) offences against bylaws made under this Act:

(b) infringement offences provided for by regulations made under section 259.

(2) A local authority must issue warrants in writing to enforcement officers appointed under this section, specifying—

(a) the responsibilities and powers delegated to them; and

(b) the infringement offences in relation to which they are appointed.

(3) An enforcement officer must produce his or her warrant and evidence of identity whenever reasonably required to do so by any person.

(4) Enforcement officers may exercise the power to seize an object under section 164.

4.10.6 Consultation

Not applicable.

4.10.7 Strategic Links

Approval of the recommendations contained in this report is consistent with Outcomes and Strategic Objectives outlined in the LTCCP. In particular;

Outcome 2: A thriving and diverse local economy that provides the foundation for a quality lifestyle.

Strategic Objective. Water, land and air are managed sustainably (Priority Objective).

4.10.8 Financial

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

Prepared By:

A R GUTHRIE
Water Services Manager

Approved by:

R S ROUSE
Operations Manager

Ashburton District Council Report

File No 6/5/1
Date 14 April 2011
Report to Council
From Environmental Services Manager
Subject Warrant of Authority – Noise, Animal & Stock Control Officer

4.11 Warrant of Authority – Animal Control Officer

4.11.1 Summary

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

4.11.2 Recommendation

That the contracting staff member scheduled below 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.
- 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.

Dawn Elizabeth Norn

Statutory Function

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

4.11.3 Background

A new staff member employed by Council’s Animal Control Contractor is required to be warranted under the provisions of the Local Government Act 2002 to act on behalf of the Council.

4.11.4 Options and Risks Considered

Not applicable.

4.11.5 Statutory Implications

Local Government Act 2002, other Acts and associated Regulations and Bylaws.

4.11.6 Consultation

Not applicable.

4.11.7 Strategic Links

Not applicable.

4.11.8 Financial

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

Prepared By:

J McKENZIE
Environmental Services Manager

Approved by:

B Lester
Chief Executive