



Ashburton District Council

AGENDA

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

Date: Thursday 31 May 2007

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 D Glass
Cr K L Holmes
Cr R J Kilworth
Cr L J Leadley
Cr K W P Lowe
Cr D N Nelson
Cr P W Reveley
Cr B A Tasker
Cr M J Urquhart

B LESTER
Chief Executive

25 May 2007

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ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: 1/3/3
DATE: 31 May 2007
REPORT TO: Ordinary Meeting of Council
FROM: Chief Executive

4.2. CHIEF EXECUTIVE'S REPORT

4.2.1 *Canterbury Mayoral Forum*

This was held in Christchurch on Monday 30 April. Minutes have been circulated. Transpower presented on the need for grid upgrades. Given difficulties experienced in the Waikato area, upgrades are proving to be difficult. The process they go through is:

- A — identify area of concern
- C — identify a potential corridor, 5-10 km wide
- R — identify preferred route, 100 m wide
- E — seek necessary easements

Areas of concern include Timaru to Christchurch, and the North Island link.

A major difficulty is identifying early enough where the demand is increasing, and more significantly, where new generation is going to be sited. Their timeframe is 5-7 years to construction.

It was reported in the media recently that Auckland could be facing brown outs in the next two years due to delays in the Waikato transmission.

These issues highlight the lack of a comprehensive national energy strategy.

Other items included:

- presentation on NES for air quality
- update on Canterbury Strategic Water Study
- submissions to the Environmental Select Committee on the Waste Minimisation (Solids) Bill, with report back to the House expected by 29 June, with second reading in July
- Canterbury Museum, a brief discussion was held to gauge interest in regional involvement. This received little support.

4.1.2 *Water — Sustainable Programme of Action (MfE)*

Following the CMF meeting, I met with other TLA staff with Mayor Lawrence Yule regarding the local government position on this item. Mayor Yule is the TLA representative on the LGNZ committee.

4.1.3 *Sustainable Housing*

The opening of the Albert Street display home was undertaken by the Minister of Housing and Building on 3 May. We expect the subdivision plan for the next stage of this development will be lodged by the end of this month.

4.1.4 Zone 5/6 Meeting

This meeting was held in Christchurch on 1/2 May and attended by the Mayor, Cr Leadley and myself. The minutes have been circulated, along with the LGNZ report.

4.1.4.1 Key points from the LGNZ report included:

- rates inquiry, submission based around:
 - local government accountability, flexibility, good taxation but also recognise national contribution (ie part of a national infrastructure network).
 - retain purpose of Local Government
 - simplify LTCCP requirements
 - set robust principles of subsidiarity (central v local)
 - full cost benefit analysis for any imposed functions
 - increase FAR
 - use FAR type formula for other support (water, wastewater)
 - averaging of valuations of moderate savings
 - relating wastewater charges to water consumption (60/70% of winter usage)
 - remove rating exemptions
 - exemption from Securities Act requirements (prospectus)
 - need for public education (undertaking given by Central Government in 2003)
 - lift cap on UAGC

4.1.4.2 The Centre for Advanced Engineering on the New Zealand Energy Strategy

- currently 65% industrial energy use is the cleanest in the world
- using best practice, EECA target was for 0.5% improvement
- concerned over the lack of detail
 - aspirational goals, at what price? at what risk?
 - about consumption, should be about source
- does not recognise that cheap energy is needed to offset our distance to the world markets
- annual growth 150mw is equivalent to 300 wind turbines or 360,000 domestic solar water heaters

In summary, was very critical of key assumptions. Believed there is an urgent need to focus on realities first (Maui gas) and aspirations later. A copy of their published summary is attached.

The Canterbury Manufacturers' presentation was of a similar view. As a country, we need regulatory certainty (carbon tax?), transmission certainty (increase in our renewable base loads), but asked: "*Where is the leadership?*"

4.1.4.3 Dunedin City Council presented Its analysis on roading contract price increases. These costs have increased by 30-40% over the last five years. This is for \$2.8 billion roading maintenance expenditure (LTNZ). A notable factor was the reduced number of tenderers. The BERL forecast used for LTCCP's as 2.6%, compared to an actual inflation factor of 6%.

Richard Braae from LTNZ advised of the Government's commitment to fund planned transport works. With cost increases, maintenance will remain first priority, but Government is guaranteeing funding for State Highway projects. He commented on the need for more rigorous analysis on maintenance spending.

4.1.4.4 Dunedin Stadium

We received a presentation on the stadium proposal. Points of interest included:

- cost \$188 million (roof \$37.5 million)
- capacity 25,000, extendable to 30,000
- sloped roof for sunlight / ventilation to allow grass growth
- stormwater storage for irrigation / toilet use
- solar panels for electricity needs
- will contribute \$24 million per annum to Dunedin economy
- Dunedin residents cost \$1.35 per week
- ORC surveying all residents

4.1.4.5 Climate Change

A panel presented their perspectives on climate change. Key points made include:

- Jim Renwick (NIWA)
 - long term temperature changes have tracked similarly to current. There have been four ice ages in the last 500,000 years.
 - Temperatures peaked 120, 000 years
 - 240,000 years
 - 320,000 years
 - due to issues such as solar activity and volcanic activity
 - based on doubling pre-industrial CO², best guess is a temperature rise of 3°C (2050-2100). Southern oceans are cooler, so little change in New Zealand. More pronounced in the northern hemisphere.
- Phil Gurnsey – MfE
 - New Zealand contributes 0.2% of world emissions. Up to 2°C will see benefits to New Zealand, above this, negative impacts
 - opportunities to reduce agricultural emissions through research
 - flood risk, 1:20 events could become 1:5 events

4.1.5 Trustpower Community Awards

These were presented on Monday 21 May. The category winners were:

- Health and Wellbeing Ashburton Learning Centre
- Arts and Culture Variety Theatre, Ashburton
- Sport and Leisure Mayfield A & P Show Committee
- Education and Child Youth Development St David's Union Church Holiday Programme

The winner of the Supreme Ward was:

- Mayfield Lions – Mt Somers Classic Mountain Bike Race

4.1.6 ANZAC Day

I attended the Ashburton Dawn Service and later the Mayfield service. The dawn service attracted a very good turnout, however the sound system did not come up to expectation. This will be rectified.

The Mayfield service saw a very good attendance with many having to stand through the service. The turnout of younger people at both events was impressive.

4.1.7 Fire Service Review

The Emergency Management Subcommittee met on 22 May to consider the proposed framework for the New Zealand Fire and Rescue Services and their funding. While the document is clear as to direction, there is a significant shortage of detail, including costings.

A position paper is being prepared, subject to discussion with other locally affected parties. The Minister is having a brief forum in Timaru on the morning of 30 May. The submissions close on 30 June. We will bring the paper to Council on 28 June.

4.1.8 Stormwater

The ECan proposed NRRP is causing difficulties for some developers in our district. An update on the Council's response and future direction will be provided at the next Services and Operations Committee meeting on 7 June.

4.1.9 John Grigg Scholarship

Each year the Mayor and I consider applications from students for the award of the John Grigg Scholarship. The scholarship is connected with the science or practice of agriculture to be awarded to students of agriculture resident in the Ashburton District.

One student applied for the scholarship this year and after due consideration, and in view of the recommendation of the Principal of Ashburton College, we decided to award the \$300 scholarship to Jethro Lochhead. The scholarship will be used to help towards the costs associated with his studies.

On behalf of Council I take the opportunity to congratulate Jethro and wish him every success with his future studies.

B LESTER
Chief Executive

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: 1/3/4
DATE: 31 May 2007
REPORT TO: Council
FROM: Corporate Services Manager
SUBJECT: Ashburton Stadium Complex Trust

4.6 ASHBURTON STADIUM COMPLEX TRUST

4.6.1 SUMMARY

The Ashburton Stadium Complex Trust has been advised that its Trust Deed does not qualify for charitable status with the Inland Revenue Department. Alternatives have been suggested for Council approval.

4.6.2 RECOMMENDATION

“That approval is given to the Ashburton Stadium Complex Trust Deed being varied by

- 1) Amending clause 3 as follows:
 - 3.1.1 To research and determine such facilities to be included in any stadium/pool complex for the support of any or all of the various sporting, recreation, leisure, cultural and charitable organisations, which operate within, and exist for the benefit of the residents, of the Ashburton District;
 - 3.1.2 To acquire, develop and promote such facilities;
 - 3.1.3 To determine the ownership and operation of the facilities, having regard to the interests of those organisations;
 - 3.1.4 To make available at all reasonable times use of the facilities (on reasonable terms) for those organisations;
 - 3.1.5 To generally promote the health and well-being of the residents of the Ashburton District by the provision of such facilities;
 - 3.1.6 Those of a charitable trust (as those words are understood under the Charitable Trusts Act 1957 or elsewhere by the law applicable to New Zealand) for the advancement of education and in particular to provide financial and other assistance to and for the promotion of sport and recreation in educational institutions located in Ashburton;
 - 3.1.7 All things which are incidental or conducive to the attainment of the charitable objects and purposes described above and;
- 2) amending clause 6 to incorporate the following
 - i. there be six Trustees
 - ii. three Trustees will be as nominated by
 - Mid Canterbury Netball Inc
 - Mid Canterbury Basketball Association
 - Ashburton Centennial Sports Hall Society (Inc)
 - iii. two Trustees will be appointments of the Ashburton District Council
 - iv. one Trustee will be a community appointment
 - v. the chairperson will be a Trustee appointed by the Ashburton District Council and will have a casting vote.

4.6.3 BACKGROUND

The construction of a Trust Deed has significant bearing on whether or not a Trust can be registered for charitable purposes and the Inland Revenue Department's decision to allow a Trust to have charitable status.

The Deed prepared for the Stadium Trust has been rejected for the following reasons.

1. Inland Revenue Department believes the objectives contained in the current Trust Deed are a combination of both objectives and purposes and they have asked that they be clearly separated and:
2. The Council has Power of Appointment in respect of four of the seven Trustees, giving Council significant control which under the LG Act 2002 deems it to be a LATE.

The Inland Revenue Department has accepted that the above stated changes to the objectives meet their requirements. They also provide a more succinct set of directives for the Trustees.

In respect of the power to appoint trustees legal advice is that the Deed, if redrafted to incorporate 2. above, should be acceptable to the Charities Commission and consequently should be sufficient for Inland Revenue Department purposes providing both charitable and tax exempt status.

4.6.4 OPTIONS

1. Retain the status quo. Council would continue to appoint a majority of trustees. However without charitable status the Trust would not be tax exempt.
2. As recommended. The appointment of representatives of community sports organisations and from the community should provide assurance that the best interests of the community will be served.

4.6.5 STATUTORY IMPLICATIONS

The Charitable Trusts Act 1957 sets up an organisation as a legal entity. Registration under the Charities Act 2005 bestows eligibility for tax benefits on the ground of charitable purpose.

Acceptance as a charitable organisation will allow the Trust to be registered both Acts.

4.6.6 CONSULTATION

Not required.

4.6.7 STRATEGIC LINKS

The stadium concept is a significant contributor to Council's Community Outcome 6.

“A community with access to a variety of cultural, recreational and heritage experiences and facilities that enrich our quality of life” – with Council's contribution stated as funding and facilitating recreational facilities.

The Sports Stadium Complex proposal is discussed in depth in Council's Community Plan.

4.6.8 FINANCIAL

The recommendation has no financial implications for Council.

J G ROLLINSON
Corporate Services Manager

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: 6/8/1
DATE: 31 May 2007
REPORT TO: Council
FROM: Liquor Policy Review Working Group
SUBJECT: Review of Council's Liquor Licensing Policy

4.7 REVIEW OF COUNCIL'S LIQUOR LICENSING POLICY

4.7.1 SUMMARY

A review of the existing Council Liquor Licensing Policy is being undertaken. The Liquor Licensing Policy is to support the objective of the Sale of Liquor Act 1989, provide a framework for consistent decision making in the administration of the Act, and provide guidance to those seeking a liquor licence. A draft policy has now been finalised and is submitted for adoption for purposes of community consultation.

4.7.2 RECOMMENDATION

"That the draft Liquor Licensing Policy be adopted for the purpose of community consultation.

4.7.3 BACKGROUND

The Licensing Agency is charged by the Sale of Liquor Act, 1989 with exercising its jurisdiction, powers, and discretions under the Act in the manner that is most likely to promote the object of the Act, which is:

"to establish a reasonable system of control over the sale and supply of liquor to the public with the aim of contributing to the reduction of liquor abuse, so far as that can be achieved by legislative means."

The Liquor Licensing Authority (a tribunal in the Ministry of Justice) encourages District Licensing Agencies to develop local liquor licensing policies that reflect community preferences, and guide decision making on liquor licensing matters. Policy is considered in conjunction with the Act in the day-to-day administration and enforcement of the Sale of Liquor Act. The current policy was passed in 2000.

The Liquor Policy Review Working Group consisted of Councillors Kilworth, Lowe, Glass, Burgess, Leadley, Licensing Inspector Alison Batcheler, Grant Russell (Ashburton Police), Medical Officer of Health representative Chris Clark (ACADS), and Industry representatives Gordon Wilson (ALT), and David Den Baars (HANZ, and licensee), Secretary of the Licensing Agency, John Rollinson with Gavin Thomas (ADC Community Consultation Manager) assisting.

4.7.4 OPTIONS

Continued use of the current policy does not provide guidance to staff or prospective licensees on a number of issues that the District faces regarding liquor licensing. Review of the current policy is necessary.

4.7.5 STATUTORY IMPLICATIONS

The District Licensing Agency is empowered by Section 101 of the Sale of Liquor Act 1989 to exercise all such powers as are conferred on it by or under the Act or any other Act, and all such other powers as may be reasonably necessary to enable it to exercise its jurisdiction and perform its duties satisfactorily.

4.7.6 CONSULTATION

The community consultation part of the Policy Review allows for community input into the Policy. The outcome will be an updated policy which reflects the community's expectations and addresses issues that have been identified.

The review process is detailed in the attached. After adoption by Council, the policy will be available for community consultation from 5 June to 6 July 2007.

4.7.7 STRATEGIC LINKS

Liquor Licensing is linked to the Community Outcome:

“Healthy, active people enjoying a good quality of life in a caring and safe community.”

4.7.8 FINANCIAL

Not applicable.

ALISON BATCHELER
Licensing Inspector

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: 10/8/10
DATE: 31 May 2007
REPORT TO: Council
FROM: Property Manager
SUBJECT: Rangitata Terrace Road

4.8 STOPPING OF ROAD – RANGITATA TERRACE ROAD

4.8.1 SUMMARY

To consider progressing the stopping of unformed roads in the vicinity of the Cracroft water race intake and the creation of legal access into the Rangitata River in this area.

4.8.2 RECOMMENDATION

“That subject to the Minister of Lands concurring to the stopping of the unformed sections of road, the objections to the proposed stopping be referred to the Environment Court pursuant to the 10th Schedule of the Local Government Act 1974.”

4.8.3 BACKGROUND

On 25 May 2000 Council inter alia resolved to close the unformed roads in the Cracroft intake vicinity and to declare some parcels of land as road. A copy of the report and plan showing the proposal is attached.

Surveying the relevant land parcels has taken an inordinately long time due in part to the difficulty in finding original pegs and plans as some of the roads were legalised many years ago as was a reserve which seems to have been part of an old works depot.

When the survey was completed and approved in March 2007 the proposal was advertised and notices were affixed to fences and gates in the area as required by the 10th Schedule Local Government Act.

Objections were received from four sources. After discussions on clarification of location two objections were withdrawn prior to the closing date of 15 May, leaving two to be resolved.

Copies of both objections are attached.

Both objections stress the desire for access into the river. It is recognised that such access is important and the provision of the public road (shown green on the plan) will achieve this.

It will be noted from the May 2000 report that both landowners involved agreed to provide land for the new access arrangements. The deal struck was (is) that land for access would be in partial exchange for the land to be released out of stopped roads.

4.8.4 OPTIONS

The 10th Schedule of Local Government Act provides that if objections to a proposed stopping are received; Council may either allow the objections or refer the matter to the Environment Court.

Should Council allow the objections the status quo remains and the private landowners are at liberty to refuse access into the river.

Council's access to the intake is protected but is not a right that is transferable to other parties. The potential therefore is that no public access will be available into the river in this vicinity. (NB One portion of current unformed road does about the river but this is impassable as it is swamp.)

Should Council not allow the objection it is required to refer the matter to the Environment Court.

4.8.5 STATUTORY IMPLICATIONS

The process is pursuant to 10th Schedule of Local Government Act.

4.8.6 CONSULTATION

The adjoining landowners support the proposal. Consultation has been undertaken with interested groups and the proposal is supported by the Mid Canterbury Anglers and the Temuka Tramping Club. No submissions have been received from Fish & Game or Department of Conservation. The Roding Department supports the stopping and legalisation.

4.8.7 STRATEGIC LINKS

The provision of public access into the river will enhance the recreational opportunities in this area.

4.8.8 FINANCIAL

The costs of referral and a hearing are unknown. In the event the proposal is supported by the Court it may be that some legal costs will be recoverable.

The sale of the land released out the roads is not expected to greatly exceed the value of land exchanged as much of the closed areas is swamp and scrub. The portions that have been cultivated can only have LEI value.

J M ROONEY
Property Manager

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: 9/14/2
DATE: 31 May 2007
REPORT TO: Council
FROM: Administration Officer
SUBJECT: TrustPower Ashburton Community Awards 2007

4.9 TRUSTPOWER ASHBURTON COMMUNITY AWARDS 2007

Report and Minutes of a meeting of the Working Party to consider the **TrustPower Ashburton Community Awards 2007**, held in the Council Chamber, 5 Baring Square West, Ashburton, on Monday 4 May, 2007, commencing at 1.30 pm.

PRESENT: Cr K Holmes (Chair), Crs J Burgess, R Kilworth, D Nelson, M Urquhart, N Brown, J Leadley, K Lowe, P Reveley, B Tasker and D Glass.

Also in attendance TrustPower Limited Representative Ms R James (Community Relations Coordinator) and Administration Officer.

APOLOGIES: His Worship the Mayor, Mr B O'Malley and Cr R Beavan **Sustained**

The Chairman welcomed everyone to the meeting and thanked Ms James for attending.

Applications and Nominations for consideration

Community organisation and groups may apply for consideration under one of the following five categories:

- A Heritage and Environment
- B Health and Wellbeing
- C Arts and Culture
- D Sports and Leisure
- E Education and Child Youth Development

The winner in each category receives \$500 and the runner up receives \$250. The overall winning organisation will receive \$1500 and a trophy. Commendations may also be awarded.

The Working Party considered the 26 nominations for the Trustpower Ashburton District Community Awards. It was agreed that the awards be granted as follows:

Category A Heritage and Environment

Improve and revitalise the local environment, culture or heritage.

Commendation: Ashburton Museum & Historical Society

Category B Health and Wellbeing

Provide services that enhance the social well-being of people.

Winner: Ashburton Learning Centre Inc	\$500
Runner Up: Lions Club of Rakaia	\$250

Category C Arts and Culture

Enhance and increase participation in arts and creative leisure activities.

Winner: Variety Theatre Ashburton \$500

Runner Up: Mid Canterbury Children's Theatre \$250

Category D Sport and Leisure

Increase participation and enjoyment in physical sport, leisure activities and recreational pursuits.

Winner: Mayfield A & P Show Committee \$500

Runner Up: Mid Canterbury Rugby Union-Rugby Administration Council \$250

Category E Education and Child Youth Development

Improve and enhance the education of the community, or the educational or social development of children and youth.

Winner: St David's Union Church Holiday Programme \$500

Runner Up: Wakanui School Parent Support Group \$250

Supreme Winner: Mayfield Lions – Mt Somers Classic Mountain Bike Race \$1500

Commendations

- Ashburton Museum & Historical Society
- Friends of Regent Theatre
- Ashburton Pippins, Brownies, Guides & Rangers

The Chairman advised that the awards ceremony would be held at the MSA on Monday, 21 May 2007, commencing at 5.30 pm, with the winners to be announced on the night. Two representatives from each organisation and the nominators are invited to attend the awards, together with the Councillors and the media. The Working Party was reminded that winners are to be kept confidential until the award ceremony.

The meeting concluded at 2.30 pm.

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: SK-AA02
DATE: 31 May 2007
REPORT TO: Council
FROM: Assets Information Officer
SUBJECT: Closure of Stockwater Race – Hepburns Road / Ashburton Airport Area

4.10 CLOSURE OF STOCKWATER RACE – HEPBURNS RD/ ASHBURTON AIRPORT AREA

4.10.1 SUMMARY

The Council has initiated a Special Consultative Procedure to proceed with the closure of the stockwater race running from Hepburns Road, running parallel to Mitcham Road, to a junction on Seafield Road– a distance of approximately 8 kilometres.

The purpose of this report is to seek Council approval to close the section of race, as a conclusion of the Special Consultative Procedure.

4.10.2 RECOMMENDATION

"That Council approves the closure of the stockwater race running from Lot 1 DP 53734 at Hepburns Road to a junction situated on Pt Rural Section 23472 on Seafield Road, to be effective 30 June 2007."

4.10.3 BACKGROUND

This race was nominated as suitable for closure by staff.

In September 2006, a standard letter and survey form was forwarded to all concerned 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 (*Refer to attached page*). Full ratepayer support has not been obtained for the closure of this race.

Preliminary investigations indicate that all properties opposed to its closure have “cost-effective” alternatives to the open stockwater race. On 1 February 2007, the Services and Operations committee accepted the following recommendation:

"That the Special Consultative Procedure be commenced to close the stockwater race running from Lot 1 DP 53734 at Hepburns Road to a junction situated on Pt Rural Section 23472 on Seafield Road."

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 Thursday, 12 April 2007.

Thirteen submissions were received and three submitters were heard in support of their submissions at the Rural Water Sub-Committee meeting on 3 May 2007.

4.10.4 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 from Hepburns Road situated on Lot 1 DP 53734, to a junction at Seafield Road

situated on Pt Rural Section 23472. Total effective closure is 8.2 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.

4.10.5 STATUTORY IMPLICATIONS

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

4.10.6 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	53
Surveys returned	39
Supporting for Closure	26
Opposition to Closure	13

The result indicated 13 properties opposed to closure. Of these 13 properties, 12 had access to groundwater through a bore on their property. The other property had access to a community bore that provides water for other troughed areas of their farm.

Nine properties were less than two hectares in size – the main reasons for opposition from these properties were stock-use, irrigation, fire-fighting and aesthetic reasons. The larger properties reasons for opposition were for stock-water and fire-fighting reasons.

It is considered that an alternative supply of stockwater can be provided to all of these properties for less than \$10,000.

On 1 February 2007, the Services and Operations Committee 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 Thursday, 12 April 2007.

Thirteen submissions were received, and three submitters were heard in support of their submissions. Seven submitters were opposed to the closure for reasons including:

- Race used during June 2006 snow event for stock and domestic use
- Expensive to put in stockwater system for block.

- Fire-fighting
- Race main feature of garden.

The submissions and the officer's report were considered by the Rural Water Subcommittee meeting on 3 May, 2007. The Subcommittee accepted the following recommendation:

"That the Subcommittee recommends to Council the closure of the stockwater race running from Lot 1 DP 53734 at Hepburns Road to a junction situated on Pt Rural Section 23472 on Seafield Road, to be effective from 30 June 2007, subject to the notification of the occupier of the Council property."

Note: The occupier of the Council property has been notified of the race closure process.

4.10.7 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.

4.10.8 FINANCIAL

There will be some minor physical works required to facilitate the closure of this race. There is sufficient budget provision for this type of work under the "Race Closure/Piping Investigations" budget item.

M C C McNally
Assets Information Officer

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: SK-AB02
DATE: 31 May 2007
REPORT TO: Council
FROM: Assets Information Officer
SUBJECT: Closure of Stockwater Race – Collisons Road

4.11 CLOSURE OF STOCKWATER RACE – COLLISONS ROAD

4.11.1 SUMMARY

The Council has initiated a Special Consultative Procedure to proceed with the closure of the stockwater race commencing from a junction above Chertsey Road, running parallel to Collisons Road, to the end of the race– a distance of approximately 8.6 kilometres.

The purpose of this report is to seek Council approval to close the section of race, as a conclusion of the Special Consultative Procedure.

4.11.2 RECOMMENDATION

"That Council approves the closure of the stockwater race running from a junction situated on RS 26849 above Chertsey Road, running parallel to Collisons Road to the end of the race on Sec 2A Bruce Settlement, to be effective 30 June 2007."

4.11.3 BACKGROUND

This race was nominated as suitable for closure by staff.

In September 2006 a standard letter and survey form was forwarded to all concerned 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 (*Refer to attached page*). Full ratepayer support has not been obtained for the closure of this race.

Preliminary investigations indicate that all properties opposed to its closure have "cost-effective" alternatives to the open stockwater race. On 1 February 2007, the Services and Operations committee accepted the following recommendation:

"That the Special Consultative Procedure be commenced to close the stockwater race running from Rural Section 26849 above Chertsey Road, running parallel to Collisons Road to the end of the race on Sec 2A Bruce Settlement."

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 Thursday, 12 April 2007.

Two submissions were received and zero submitters wished to be heard in support of their submissions. The submissions were considered at the Rural Water Sub-Committee meeting on 3 May, 2007.

4.11.4 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 Chertsey Road situated on Rural Section 26849, to the end of the race on Sec 2A Bruce Settlement. Total effective closure is 8.6 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.

4.11.5 STATUTORY IMPLICATIONS

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

4.11.6 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	10
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 and permanently reticulated mainline on their properties.

One property's reason for opposing is stock use. The other property's reason for opposing is they have a consent from Environment Canterbury to take water from the race for irrigation and request that the race remain open to supply water for irrigation.

It is considered that an alternative supply of stockwater can be provided for to each of these properties is less than \$10,000.

On 1 February 2007, the Services and Operations committee 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 parties. The proposal was publicly notified and submissions closed on Thursday, 12 April 2007.

Two submissions were received, and zero submitters wished to be heard in support of their submissions. One submitter was opposed to the closure for reasons including:

- Stock do better on race water versus troughs.

The submissions and the officer's report were considered by the Rural Water Subcommittee meeting on 3 May, 2007. The subcommittee accepted the following recommendation:

"That the Subcommittee recommends to Council the closure of the stockwater race running from a junction situated on RS 26849 above Chertsey Road, running parallel to Collisons Road to the end of the race on Sec 2A Bruce Settlement, to be effective from 30 June 2007."

4.11.7 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.

4.11.8 FINANCIAL

This race closure is from junction to the end of the race, therefore the physical works to facilitate it are very minor. There is sufficient budget provision for this type of work under the "Race Closure/Piping Investigations" budget item.

M C C McNally
Assets Information Officer