
MINUTES of a Meeting of the **ASHBURTON DISTRICT COUNCIL** held in the Council Chamber, 5 Baring Square West, Ashburton, on Thursday 31 May 2007, commencing at 1.30 pm.

PRESENT: His Worship the Mayor, Mr M B O'Malley; Councillors R C Beavan, N A Brown, I J Burgess, K L Holmes, R J Kilworth, L J Leadley, K W P Lowe, D N Nelson, B A Tasker, P W Reveley and M J Urquhart.

Also in attendance Chief Executive, Corporate Services Manager, Operations Manager, Community Consultation Manager, Property Manager and Committee Secretary.

APOLOGY: Cr D Glass (lateness) **Sustained**

The opening prayer was offered by Rev Jacqui Paterson.

Extraordinary Business

“That pursuant to Section 46A (7)(a) of the Local Government Official Information and Meetings Act 1987 the following items be introduced as extraordinary business and considered as items 4.13 and 4.14; and item 5.4:

- **Hakaterere Marae Road Sealing** Section 7(2)(h) Commercial activities

Reason To consider reallocation of grant funding

- **Warrants of Authority** Section 7(2)(h) Commercial activities

Reason To ensure the delegation requirements for staff employed by Council's contractor are current

- **Property Matter** Section 7(2)(h) Commercial activities

Reason To take opportunity of potential availability of leased accommodation

Holmes/Burgess

Carried

Confirmation of Minutes

Council Meeting 12/04/07

“That the minutes of the Meeting of Ashburton District Council held on 12 April , 2007, be taken as read and confirmed.”

Leadley/Holmes

Carried

Extraordinary Council Meeting 10/05/07

“That the minutes of the Extraordinary Meeting of Ashburton District Council held on 10 May, 2007, be taken as read and confirmed.”

Tasker/Kilworth

Carried

Mayor's Report

“That the report be received.”

Leadley/Tasker

Carried

Chief Executive's Report

“That the report be received.”

Tasker/Holmes

Carried

Water – Sustainable Programme of Action (MfE)

The Chief Executive reported on a meeting held with Mayor Lawrence Yule, the territorial local authority representative on LGNZ's Working group, set up to develop a local government approach to MfE's action programme. Because Canterbury tla's are concerned that representation on the group is primarily from regional councils, the appointment of an additional tla representative is being pursued by Zone 5 / 6 member councils.

Services and Operations Committee – 26 April 2007

"That the report and minutes of the Services and Operations Committee meeting held on 26 April 2007, be received."

Tasker/Nelson

Carried

Contract C418

"That Contract C418 : Supply of services for the collection and removal from kerbside of recyclable materials, residual waste and litter bin refuse, Ashburton District, 2004-2007, be extended for a further 12 months to 30 June 2008."

Tasker/Nelson

Carried

Environmental Services Committee – 3 May 2007

"That the report and minutes of the Environmental Services Committee meeting held on 3 May, 2007, be received."

Kilworth/Urquhart

Carried

Private Plan Change – Methven Trotting Club

- "1. That the report be received.
2. That the Committee recommends to Council that it accepts the proposed Methven Trotting Club Plan Change for public notification."

Beavan/Lowe

Carried

Finance & Corporate Services Committee – 10 May 2007

"That the report and minutes of the Finance and Corporate Services Committee meeting held on 10 May 2007, be received."

Holmes/Brown

Carried

Ashburton Stadium Complex Trust

In approving a variation to the lease, Council agreed to increase the number of trustees to seven. Clause 6 was amended to include the additional Trustee and, on the basis of the number of annual plan submissions received supporting an aquatic facility, it was agreed that the additional nomination would be sought from the Ashburton Community Pool Board.

"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 seven Trustees
 - ii. four Trustees will be as nominated by
 - Mid Canterbury Netball Inc
 - Mid Canterbury Basketball Association
 - Ashburton Centennial Sports Hall Society (Inc)
 - Ashburton Community Pool Board
 - 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.

Holmes/Lowe

Carried

Review of Council's Liquor Licensing Policy

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

Kilworth/Burgess

Carried

Stopping of Road – Rangitata Terrace Road

It was reported that the proposal attracted four objections, two of which have since been withdrawn. The two remaining objections, including one from ECan, have been referred to the Environment Court and it is considered that the concerns raised will be resolved through this process.

“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.”

Tasker/Reveley

Carried

Trustpower Ashburton Community Awards 2007

“That the report be received.”

Holmes/Burgess

Carried

Closure of Stockwater Race – Hepburns Rd / Ashburton Airport Area

“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.”

Leadley/Brown

Carried

Closure of Stockwater Race – Collisons Road

“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.”

Tasker/Nelson

Carried

Meeting of Mayors’ Taskforce

“That the report be received.”

Leadley/Kilworth

Carried

Extraordinary Business

Hakateri Marae – Sealed Entranceway

“That Council approves:

1. The reallocation of \$30,000 from previously approved grant funding to the design and construction of an appropriate entranceway off State Highway One onto the Hakateri Marae site;
2. The pursuit of additional funding from an appropriate external source/sources to provide an additional \$30,000 to complete the work; and
3. Council funding be increased up to \$60,000 if the additional \$30,000 from an external source cannot be secured.”

Tasker/Lowe

Carried

Warrants of Authority – Litter, Noise, Animal & Stock Control Officers

- “1. That the report be received.
2. That the contracting staff 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 1999.
 - Stock Ranger in accordance with the Impounding Act 1955.
 - Noise Control Officer in accordance with the Resource Management Act 1991 .
 - Litter Control Officer in accordance with the Litter Act 1979.

This warrant is issued pursuant to Sections 174 and 177 of the Local Government Act 2002, Section 13 of the Dog Control Act 1996, Section 63 of the Stock Impounding Act 1955, Section 38(5) of the Resource Management Act 1991 and Section 5 of the Litter Act 1979.

Nicholas Paul Gibbs
Peter Robertson Norn
Elizabeth Margaret Bell
Leora Jane Pengelly
Paul Cameron Elliot
Mark Andrew Herbert

Statutory Function

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

Kilworth/Beavan

Carried

Items taken with the public excluded (2.25 pm)

“That the public be excluded from the following parts of the proceedings of this meeting:

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

Item no	General subject of each matter to be considered:	In accordance with Section 48(1) of the Act, the reason for passing this resolution in relation to each matter:
5.1.1	Council 12/04/07 <ul style="list-style-type: none">• Staff Matters• Economic Development• Property Matters	Section 7(2)(a) Protection of privacy of natural persons Section 7(2)(h) Commercial activities Section 7(2)(h) Commercial activities
5.1.2	Extraordinary Council 10/05/07 [Now in open meeting] <ul style="list-style-type: none">• Contract C528	Section 7(2)(h)
5.1.3	Services & Operations 26/04/07 <ul style="list-style-type: none">• Contract 403 – Ashburton RRP	Section 7(2)(h) Commercial activities
5.1.4	Environmental Services 3/05/07 <ul style="list-style-type: none">• Geo-conservation sites	Section 7(2)(i) Conduct of negotiations
5.1.5	Finance & Corporate Services 10/05/07 <ul style="list-style-type: none">• Property Matters	Section 7(2)(h) Commercial activities
5.2	Proposed New Fire Legislation Submission preparation	Section 7(2)(i) Conduct of negotiations
5.3	Awarding Contract C529	Section 7(2)(h) Commercial activities
5.4	Extraordinary Business – Property Matter	Section 7(2)(h) Commercial activities

Holmes/Nelson

Carried

Business transacted with the public excluded now in open meeting

Awarding of Contract C532 – New and Replacement Kerb and Channel, Ashburton District, 2006/2007

1. That the tender from Ashburton Contracting Ltd for C532: “new and replacement kerb and channel, Ashburton District, 2006/2007” for the sum of \$446,233.16 plus GST, be accepted.
2. That the proposed kerb and channel work in Fairton (Wymouth Street) be delayed to 2007/08, and the proposed Annual Plan be amended to include the Wymouth Street new kerb and channel.”

Nelson/Leadley

Carried

Renewal of Lease – Designline Property

“That approval be given to varying the lease on renewal for the Designline property to provide for:

1. approval for the tenant to construct an addition of about 3,973m² to the main building and about 20m² to the paint booth building, subject to the plans (including an engineer’s producer statement) being approved by the landlord;
3. in the event that the tenant wishes to vacate the property, the tenant shall, at the sole discretion of the landlord, either reinstate the property to the condition it was in at 1 November 2006, or abandon the improvements which shall at that time become the property of the landlord.”

Holmes/Nelson

Carried

Awarding of Contract C529

Supply of Operations and Maintenance Services for the Ashburton Resource Recovery Park – Residual Waste 1 July 2007 to 30 June 2010

- “1. That Council accepts the tender from Wastebusters Canterbury in the sum of \$529,500 Five Hundred and Twenty Nine Thousand, Five Hundred Dollars (excluding GST) for Contract 529: The supply of Operations and Maintenance services for the Ashburton resource recovery park – residual waste 1 July 2007 to 30 June 2010; and
2. That the budget in the draft 2007/08 budget for the Operation and Maintenance of the Ashburton RRP be confirmed.”

Tasker/Holmes

Carried

Confirmed this 16th day of July 2007 by

MAYOR