

MINUTES of a Meeting of the **ASHBURTON DISTRICT COUNCIL** held in the Council Chamber, 5 Baring Square West, Ashburton, on Thursday 16 August 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, D Glass, K L Holmes, 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, Property Manager and Committee Secretary.

APOLOGY: Cr R J Kilworth **Sustained**

The opening prayer was offered by Major Dean Fairhurst.

Confirmation of Minutes

Council Meeting 28/06/07

"That the minutes of the Meeting of Ashburton District Council held on 28 June, 2007, be taken as read and confirmed."

Leadley/Burgess **Carried**

Extraordinary Council Meeting 19/07/07

"That the minutes of the Extraordinary Meeting of Ashburton District Council held on 19 July, 2007, be taken as read and confirmed."

Leadley/Brown **Carried**

Mayor's Report

"That the report be received."

Tasker/Holmes **Carried**

Christchurch School of Medicine

"That the Christchurch School of Medicine's donation of \$500 be given to the Salvation Army, to be used in the Ashburton District."

Leadley/Glass **Carried**

Canterbury Strategic Water Study

The Chief Executive reported that Stage 3 is nearing completion; Stage 4 involves environmental issues and public consultation and the timeframe has not been finalised. The Canterbury Strategic Water Study Group meets again on 4 September.

Chief Executive's Report

"That the report be received."

Holmes/Nelson **Carried**

Gambling Act

The Chief Executive reported on the representation which being made through LGNZ on the Bill. Mr Lester explained that technical amendments to the Gambling Act are being considered and the inclusion of transferability is to give effect to the Act and would be consistent with Council's policy.

Services and Operations Committee – 19 July 2007

“That the report and minutes of the Services and Operations Committee meeting held on 19 July 2007, be received.”

Tasker/Nelson

Carried

General Maintenance

Council made a request for a monitoring report to be provided to the Committee on the work being undertaken by contractors, in particular the remedial work on shingle roads.

Environmental Services Committee – 26 July 2007

“That the report and minutes of the Environmental Services Committee meeting held on 26 July, 2007, be received.”

Beavan/Burgess

Carried

Healthy Homes

Cr Beavan reported that applications for funding assistance from the Healthy Homes scheme will be considered by the Committee at a meeting tomorrow being held at the Seniors Centre. Approximately 45 applications have been received.

Liquor Licensing Policy

“That Council adopts the Ashburton District Liquor Licensing Policy (2007), as amended be adopted.”

Glass/Lowe

Carried

Public Places Liquor Control Bylaw

The Mayor reported that he has made a statement through the media in response to reported criticism of the measures which have been put in place to restrict the ‘Undie 500’ participants. He explained that the event organisers have implemented strict protocols for the sole purpose of reducing intoxication and public disorder and to minimise harm to the students participating.

“That the hours of the Public Places Liquor Control Bylaw 2005 be extended on 24 August 2007, to include the period from 7.00 am to 9.00 pm so that the prohibited acts set out in clause 4 of the Bylaw relating to possession and consumption of liquor will be controlled by that Bylaw during these daytime hours.

Leadley/Burgess

Carried

Cr Holmes said that the measures being taken are unnecessary and refrained from voting.

Finance & Corporate Services Committee – 2 August 2007

“That the report and minutes of the Finance and Corporate Services Committee meeting held on 2 August 2007, be received.”

Holmes/Brown

Carried

Argyle Park – Golfing Petition

The Community Services Manager reported that in response to the Committee’s discussion on Council’s liability a legal opinion was sought from Buddle Findlay. The opinion is not inconsistent with the Community Services Manager’s comments and supports the use of Argyle Park for golfing, on the proviso that Council minimises liability for personal injury or damage caused to members of the public by erecting appropriate signs and fences. The opinion makes references to boundary fences, stating that there would be no requirement to fence within the defined area.

In the debate, Councillors supporting the request to allow golfing on Argyle Park agreed that the Park should be available to all users, including golfers. They suggested that with a designated area in place that has adequate signage, golfing could be allowed on the basis that permission could be removed if problems arise.

Councillors opposing the request were mainly concerned about the safety of other park users and the potential for golfers to drive balls outside of the proposed defined area. Reference was also made to the adjacent walkway which attracts a number of people, and the lack of consultation that has taken place with soccer groups who make up the biggest group regularly using the park.

“That Council resolves to make part of Argyle Park (area B on the attached plan) available for practising golf.”

Holmes/Brown

(Lost)

A show of hands gave 6 for and 6 against. The Mayor opposed the recommendation and with his casting vote the motion for the status quo was **lost**.

Kate Valley – Acquisition of Coastal Farm for a Regional or Farm Park

“That Council does not support the purchase of Coast Farm by the Kate Valley regional landfill Council shareholders, and that Council shall not be a party to the purchase or development of Coast Farm.”

Tasker/Leadley

Carried

Staff Delegations

“1. That the Community Services Manager be given the following delegations –

- i) the power to enter into contracts up to the following limits
 - within budgeted levels \$150,000
 - emergency expenditure \$50,000within that officer’s areas of responsibility;
- ii) the power to authorise variations to existing contracts within budget and not greater than \$20,000 or ten percent of the contract price, whichever is the lower.
- ii) Administrative
 - Advertising, public notices
 - Civic ceremonies and functions
 - Road closures
 - Approve distribution of leaflets
 - Street appeals
 - Street parades
- iv) Regulatory
 - Licensing Secretary – Ashburton District Licensing Agency
- v) General
 - Legal opinions and professional advice
 - Council seal
 - Official information
- vi) Authority to approve allocation of community buildings and facilities.
- vii) Authority to allocate reserves.
- viii) Approval of applications to take up collections on reserves and beaches.
- ix) The allocation of staff and pensioner housing as appropriate.
- x) Remission of burial charges pursuant to Section 49 of the Burial and Cremation Act 1964.

- xi) Fixing of charges within the limits imposed by the Reserves Act 1977 for the use of Council reserves in conjunction with the Parks Manager.
- xii) With another delegated officer to open public tenders.
- xiii) Approval for the erection of commercial signs and sponsorship signs on sports and recreation grounds.
- xiv) Authority to sign and seal Council documents.
- xv) Bank Signatory

2. That the Finance Manager be given the following additional delegations –

- i) Property
 - Certification of documents
 - Land dealing – caveats etc
 - Leases, tenancies
- ii) The completion of sale and purchase agreements and other relevant documentation, including leases and tenancy agreements when such transactions have been previously approved, in principle, by Council, and to approve the terms and conditions contained therein whether as vendor, purchaser, lessee, landlord or other capacity.
- iii) Authority to seal and sign Council documents.
- iv) Authority to renew leases of property.
- v) Authority to enter into new leases for Council properties on the following basis:
 - (a) That the length of the lease be not more than five years.
 - (b) That the value of the property be not more than \$200,000.

3. That the following delegations be removed from the Corporate Services Manager area of authority –

- i) Property
 - Certification of documents
 - Land dealing – caveats etc
 - Leases, tenancies
- ii) Administrative
 - Advertising - Public Notices
 - Civic Ceremonies & Functions
 - Road Closures
- iii) Regulatory
 - Licensing - Secretary Ashburton District Licensing Agency
- iv) Authority to approve allocation of community buildings and facilities.
- v) Authority to allocate reserves.
- vi) The completion of sale and purchase agreements and other relevant documentation, including leases and tenancy agreements when such transactions have been previously approved, in principle, by Council, and to approve the terms and conditions contained therein whether as vendor, purchaser, lessee, landlord or other capacity.
- vii) Approval of applications to take up collections on reserves and beaches.
- viii) Approval for the erection of commercial signs and sponsorship signs on sports and recreation grounds.
- ix) The allocation of staff and pensioner housing as appropriate.
- x) Termination of tenancies of Council property for non-compliance with tenancy agreements.
- xi) Remission of burial charges pursuant to Section 49 of the Burial and Cremation Act 1964.
- xii) Fixing of charges within the limits imposed by the Reserves Act 1977 for the use of Council reserves in conjunction with the Parks Manager.

- xiii) Authority to renew leases of property.
- xiv) Authority to enter into new leases for Council properties on the following basis:
 - (a) That the length of the lease be not more than five years.
 - (b) That the value of the property be not more than \$200,000.

Leadley/Holmes

Carried

Environmental Services Manager

The Chief Executive tabled a supplementary report which sought Council's agreement to authorising a second delegated authority in the absence of the Environmental Services Manager.

"That the delegations authorised to the Environmental Services Manager be extended to the Senior District Planner."

Tasker/Beavan

Carried

Staff Delegations – Environmental Health Officers & General Inspector

"That Council delegates authority to act in accordance with the provisions of the Health Act 1956, Local Government Act 2002, Resource Management Act 1991, Building Act 2004, the Sale of Liquor Act 1989, the Litter Act 1979 and the Fencing of Swimming Pools Act 1987, to the following staff:

- Adrian John Humphries – Environmental Health Officer
- Magnus Viljoen – Environmental Health Officer
- Alison Batcheler – Environmental Health Officer and Liquor Licensing Inspector
- Charlotte Spilmann – General Inspector & Building Official."

Glass/Urquhart

Carried

Staff Delegations – Building Act 2004 & Fencing of Swimming Pools Act 1987

"That Council delegates authority to act in accordance with the provisions of the Building Act 2004 and the Fencing of Swimming Pools Act 1987, as detailed in the attached schedule, to the following staff –

- Brian Lester – Chief Executive Officer
- John James McKenzie – Environmental Services Manager
- John Nelson Bruce – Building Official
- Leonard Blaise Schimanski – Building Official
- Robert Alastair Banks – Building Official
- Michael John Farrell – Building Official
- James Stephen Linney – Building Official."

Glass/Brown

Carried

Annual NRB Residents Survey

The Community Services Manager reported that 'quality of life' questions were included in the survey for the first time; they will be used to measure progress with Community Outcomes and as a guide for policy development.

"That the NRB Residents Survey report be received."

Holmes/Leadley

Carried

Council adjourned for afternoon tea at 2.47 pm and resumed at 3.05 pm.

Elderly Persons Housing Survey

It was agreed that the Elderly Persons Housing Subcommittee will convene to address issues that were raised in the survey. A report will then be provided to the Finance and Corporate Services Committee.

“That the Elderly Persons Housing survey information be received.”

Burgess/Beavan

Carried

Ashburton District Tourism Survey

It was reported that the appointment of the Events Coordinator has been discussed by the Board with other stakeholders and will be further considered at the next Board meeting.

“That the Ashburton District Tourism survey information be received.”

Holmes/Nelson

Carried

Enterprise Ashburton Survey

It was reported that the Enterprise Ashburton Board membership is to increase from seven to ten.

“That the Enterprise Ashburton survey information be received.”

Holmes/Brown

Carried

Ashburton Promotions Association

“That the assets of the former Ashburton Promotions Association pass into the ownership of the Ashburton District Tourism Development Board Charitable Trust.”

Holmes/Nelson

Carried

Major Community Projects Funding Applications

A supplementary report and amended recommendation was tabled following a late application from the Ashburton Vintage Car Club.

Crs Leadley and Nelson declared their interest as members of the Aviation Museum Society and Vintage Car Club Inc respectively and withdrew from discussion and decision.

- “1. That Council allows the late filing of an application to the Major Community Project Fund from the Ashburton Branch of the New Zealand Vintage Car Club (Inc).
2. That the Major Community Projects fund be allocated as follows:

NZ Vintage Car Club Ashburton Inc	\$16,300
Ashburton Aviation Museum	\$83,700
Total	\$100,000
3. That the Rakaia Courts Revamp Committee be granted the sum of \$20,000 to be funded from the Reserves Contribution fund.”

Holmes/Tasker

Carried

Local Government New Zealand Conference / AGM

The Chief Executive reported on the Conference which was held in Dunedin from 15-18 July, and attended by the Mayor and Deputy Mayor, Councillors Brown and Glass and the Chief Executive.

“That the report be received.”

Glass/Leadley

Carried

Items taken with the public excluded (3.27 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 28/06/07 • Property Matters	Section 7(2)(h) Commercial activities
5.1.2	Extraordinary Council 19/07/07 • Transit Agreement [Now in open meeting] - Contract AM-AC10 - NE Ashburton Plan Change - Rifle Range Consent	Section 7(2)(i) Conduct of negotiations Section 7(2)(h) Commercial activities Section 7(2)(i) Conduct of negotiations Section 7(2)(i) Conduct of negotiations
5.1.3	Services & Operations 19/07/07 [Now in open meeting] - Contract AM-AC10 - Contract 497 - Contract 419	Section 7(2)(h) Commercial activities Section 7(2)(h) Commercial activities Section 7(2)(h) Commercial activities
5.1.4	Finance & Corp Services 2/08/07 • Property Matters	Sections 7(2)(h) & 7(2)(i) Commercial activities Conduct of negotiations
5.2	Property Matter	Section 7(2)(h) Commercial activities
5.3	Forestry Matter	Section 7(2)(h) Commercial activities
5.4	Electricity Ashburton Shareholder Committee	Section 7(2)(a) Protection of privacy of natural persons
5.5	Ashburton Performing Arts Theatre Trust	Section 7(2)(h) Commercial activities
5.6	Ashburton Contracting Limited – Appointment of Director	Section 7(2)(a) Protection of privacy of natural persons
5.7	NE Ashburton Industrial Park	Section 7(2)(h) Commercial activities

Nelson/Burgess

Carried

Business transacted with the public now in open meeting

Transit Agreement – SH1 – Northpark Road Intersection (Council 19/07/07)

“That Council approves the agreement for signing by the Chief Executive Officer, subject to any minor changes by Transit New Zealand and any editorial changes that do not change the intent of the document.”

Tasker/Nelson

Carried

Sale of Council Land – Hackthorne & Lismore Roads

“That the offer of \$20,000 plus GST from Carr Group Investments Ltd for the land held in CT 425/269 be accepted subject to the title being cleared of any reference to “being held in trust for a gravel pit.”

Holmes/Nelson

Carried

RDA – Fords Rd / Hassal St

1. That approval in principle be given to the sale at market valuation of the Council-owned land at Hassal Street to Mid Canterbury Riding for the Disabled Association Inc; and
2. That Riding for the Disabled be advised that Council is prepared to grant a 30 day first right of refusal.

Nelson/Tasker

Carried

Easement to Drill for and take Water

1. That approval be granted in principle for the granting of an easement in gross in favour of Mt Hutt Springs Ltd over Pt Lot 1 DP 3695 being a 4555m² piece of land at the confluence of Back Track and Barkers Road Mt Hutt Springs Ltd.
2. That negotiations be entered into and reported back to the Committee for final decision.”

Leadley/Lowe

Carried

Land Status of Plantations due for Harvest

“That the report be received and the plantations identified as suitable for disposal be offered to interested parties.”

Glass/Nelson

Carried

Electricity Ashburton Shareholder Representatives

“That Mr Chris Robertson be appointed as a Shareholder Representative on the Electricity Ashburton Shareholder Committee for a period of three years, ending 30 June 2010.”

Leadley/Brown

Carried

Ashburton Contracting Limited – Appointment of Directors

“That Messrs Frost and West be reappointed as directors of Ashburton Contracting Limited for a further period of three years to the 2010 Company annual general meeting.”

Leadley/Holmes

Carried

North East Ashburton Industrial Park

“That Council approves the preparation of evidence in support of the notified Plan Change including mitigation measures as follows:

1. a 50metre wide buffer area;
2. the noise mitigation mound location generally along the buffer area/industrial lot boundary;
3. the construction of a 4.5m wide stormwater swale constructed between the mound and the industrial lot boundary;
4. pedestrian and cycle access and stormwater conveyance through the mound be via 6 “retained open cuts” at 45⁰ to the mound alignment;
5. that at strategic locations the slope of the mound be increased and planted to break up the alignment of the mound and add form; and
6. that the stormwater swale on the rural residential side of the mound be included in the recreation area within the 50m buffer area.”

Leadley/Beavan

Carried

The meeting concluded at 5.23 pm.

Confirmed this 27th day of September 2007 by

MAYOR