



Ashburton District Council

AGENDA

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

Date: Thursday 24 September 2009

Venue: Council Chamber
5 Baring Square West
Ashburton

Time: 1.30 pm

MEMBERS:

His Worship the Mayor, M B O'Malley
Cr R C Beavan
Cr N A Brown
Cr I J Burgess
Cr J A Everest
Cr K L Holmes
Cr R J Kilworth
Cr J A Kingsbury
Cr L J Leadley
Cr K W P Lowe
Cr P W Reveley
Cr J Sparks
Cr B A Tasker

B LESTER
Chief Executive

18 September 2009

AGENDA

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Timetable	
1.30 pm	Ordinary Meeting Commences
	OPENING PRAYER
3.00 pm	Afternoon Tea

18 September 2009

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: 1/3/1
DATE: 24 September 2009
REPORT TO: Council
FROM: Mayor

4.1. MAYOR'S REPORT

4.1.1 CALENDAR

Some of the meetings and functions I have attended since reporting to the last Council meeting on 30 June 2009 ---

Some of the meetings and functions I have attended since reporting to the last Council meeting on 13 August 2009 ---

- 14 August Chaired CWMS Steering Group meeting, Christchurch
Met with Mayor Bob Parker in Christchurch
- 16 August Attended Legion of Frontiersmen Jubilee Church Service & Parade
M C at Ashburton Civic Music Choir Festival
Attended Mayoral Forum Dinner, Christchurch
- 17 August Attended Mayoral Forum meeting, Christchurch
Attended Regional Transport Committee meeting, Christchurch
- 18 August Met with representatives from Newcomers Network Mid-Canterbury
Governance Group
- 19 August Attended RDR Management Ltd Directors' meeting
- 24 August Met with media, Jo Goodhew & others re Youth / Jobs
Attended Unveiling of a roadblock at Ealing
Attended meeting of Te Hono Tangata Trust
- 25 August Hosted Robert Clark Trust presentation
Attended Ashburton Ashburton Resource Centre AGM
Attended Canterbury Economic Development Co Board meeting
- 26 August Attended ACL/ADC Liaison Group meeting
Met with Chairman of ACL
Met with Chair of Youth Health Trust and PHO CEO
Chaired Ashburton District Health Committee meeting
Guest speaker at St David's Presbyterian Church AGM
- 27 August Met with Principal, Ashburton College
- 28 August Chaired CWMS Steering Group meeting, Christchurch
- 3 September Attended CWMS media briefing in Christchurch
Attended CWMS Launch, Christchurch
- 4 September Met with representatives of CED Co
Attended Ashburton Trust lunch meeting
Met with MP Jo Goodhew
Attended CWMS Briefing, Ashburton Hotel
- 7 September Chaired Ashburton CBD Security meeting
- 9 September Met with Ministers in Wellington
- 11 September Chaired Ashburton Business Estate meeting
Hosted Adult Community Education Awards at ADC

- 13 September Attended opening of Sharplin Falls Track
- 14 September Interview with Sue Newman, Ashburton Guardian
Attended Official Opening of Community Law Canterbury office in Ashburton
Met with Chairman, Sport Canterbury
Visited Ms Ethel Malcolm on the occasion of her 104th birthday
- 15 September Visited Fairton School and read a book to students
Met with representatives Ashburton A & P Assn
- 16 September Attended update meeting with BCI, Electricity Ashburton, RDR
representatives
- 18 September Led Mayoral / Idea Services Users Bike Challenge at Ashburton Domain
- 21 September Attended 'Concert in the Park 2010' planning meeting
Took part in CREDS Teleconference meeting
Visited Wakanui School and read a book to students – Book Week
Attended Cancer Society Centre opening
Attended opening of new Science Block at Ashburton College
- 22 September Opened Kids Envirowaste Conference at Ashburton Borough School
Presented Environmental School Gold Awards at Ashburton Borough
School
- 23 September Met with representatives Canterbury PHO
Attended Launch of Research Document re Migrants & Newcomers at
Ashburton Marae

I have been represented at other functions / events during this time as follows:

Cr Leadley attended:

- 2 September Annual meeting of RDR, with Chief Executive.
- 3 September Mayor's meeting chaired by Mayor Bob Parker, to discuss future of
Environment Canterbury – Christchurch.
- 3 September Canterbury Water Strategy Launch at Mona Vale.
- 4 September Spoke and presented awards at closing ceremony of South Island Secondary
Schools Hockey tournament.

M B O'MALLEY
Mayor

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: 1/3/3
DATE: 24 September 2009
REPORT TO: Council Meeting
FROM: Chief Executive

4.2 CHIEF EXECUTIVE'S REPORT

4.2.1 BARRHILL CHERTSEY IRRIGATION LIMITED – ANNUAL GENERAL MEEING

The AGM is to be held at 8.00 pm on Wednesday 30 September 2009, at the Methven Resort, 51 Main Street, Methven. Council, as shareholder, is entitled to appoint a proxy to attend the meeting and vote on items of business.

RECOMMENDATION

“That the Deputy Mayor Cr Leadley, and the Chairman of Finance and Community Services Committee Cr Holmes, be appointed as proxies for the Ashburton District Council for the purposes of the AGM of Barrhill Chertsey Irrigation Ltd 2009.”

4.2.2 ELECTORAL MATTERS

I have had a response to my letter to the Associate Minister, Hon John Carter, in respect of electoral matters. I had raised the concern which we have voiced in different forums for several years, that there are real difficulties in having the District Health Board elections at the same time as our own, using a different voting system (STV) and choosing from 30-40 candidates from Kaikoura to Rangitata.

My letter was referred to the Minister of Health, Hon Tony Ryall, who has replied.

Pages 15-18

While short term change still seems unlikely the reply is somewhat different to the dogmatic approach adopted by the previous administration and does offer hope that eventually common sense will prevail.

4.2.3 R M A PROCESS

The Resource Management (Simplifying and Streamlining) Amendment Bill 2009 passed its second and third readings on 8 September. Most clauses in the amended Act will commence on 1 October 2009. The main areas covered include:

- improved mechanisms to manage frivolous and vexatious objections and appeals, and trade competition,
- improving processes for applications of national significance,
- improving plan development and change processes,
- improving the effectiveness of enforcement and compliance mechanisms

The final documentation is not yet available but will be available shortly

4.2.4 MAYORAL FORUM

This meeting was held on 17 September. The main focus was the sign off for the Canterbury Water Management Strategy. This was unanimously supported and finalised for the launch / presentation to the Minister of Agriculture and Forestry at a function on 3 September.

4.2.5 SOLGM CONFERENCE AND AGM

This was held in Palmerston North on 7/8 September and attended by Steve Allen and myself. There were a variety of speakers and workshops mainly focusing on changes in the sector.

The Minister for Local Government spoke on the proposed changes to the LGA to simplify processes, including the LTCCP. Regarding core services, he was not looking to inhibit activities, rather to provide better guidance. He exemplified the risks councils can get exposed to in non-core expenditure. He encourages diversity and differences.

He will be looking at standardising performance reporting and benchmarking along the lines of the MfE two-yearly monitoring.

He is still working on 'pre-election statements' regarding levels of service in an attempt to reconcile the "wants with the desire to pay". He also referred to less process mandated from central government, and more local autonomy.

Wade Jackson (author, JOLT Challenge) spoke of creative leadership, working from innovation to implementation. A high trust environment encourages innovation, and that we all respond to stimulus (events), but that we can largely choose how we respond, either positively or negatively. The environment we work in will largely affect the response, but regardless, it is the individual's choice.

Dr Keith Robertson (Chief Executive, Wiltshire Council – population 452,000) case studied their amalgamation process, four Councils and one county coming together. They have developed 18 area boards to ensure the community have the opportunity for face to face contact. Looking to change from clients / customers to participants. Big challenges for them are in the health sector and social services, with an ageing population and changing lifestyles, to develop sustainable services. In developing systems, have the organisation focus on the customer rather than the process. He commented that they under-estimated the resources needed for the transition, still a work in progress.

Amanda Gore (Australian) spoke about engaging people, getting enthusiasm and aligning goals and visions through recognition and acknowledgement. In recognising that from time to time things do go wrong, we need to 'build a bridge and get over it'. That individuals' moods do affect those around, and the productivity of an organisation. Greetings should not be 'how are you?', but rather "what is the best thing that has happened to you since we last met?" She was a quite refreshing speaker, though I am not quite ready to be the Chief Fun Fairy, look out for the rabbit ears.

An overseas perspective was given from:

- Canada
 - GDP – 3%
 - unemployment from 3% to 8.6%
 - local funding down (sales tax), looking to reduce expenditure (includes fire / police)

- Australia --- pressure on funding (State, Federal)
--- ongoing amalgamations, with difficult Minister
- United States --- weathering recession, but State Governments are levying some local authorities
--- income down, through declining income tax (down 18%)
--- retirement schemes in difficulty leading to people working longer
--- reviewing services (closing pools, 9 day fortnights)

To cap the change session, there was a panel discussion on the Auckland changes, and the management of organisation through this change. Presentations were from Waitakere, Franklin and Rodney. Total staff in the region affected is 7,000. One of the big challenges is to keep them informed, noting a significant amount of speculation in the media, and off the cuff political comment and rumour. The major focus of the managers has been in preparing staff for change.

B LESTER
Chief Executive

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO:

DATE: 24 September 2009

REPORT TO: Council

FROM: Manager Democracy & Community Services

SUBJECT: Aquatic Centre / Stadium Project

4.6 AQUATIC CENTRE / STADIUM PROJECT – SITE OPTIONS

4.6.1 PURPOSE

1. To update Council in respect of progress on the aquatic centre / stadium project.
2. To advise Council of the process for site selection and the timeframe and process for consultation.

4.6.2 RECOMMENDATION

- “1. That Council approves the technical investigation / assessment of
- i) the Ashburton Domain (picnic ground and tennis court area); and
 - ii) the A&P Showgrounds
- To determine their suitability as sites for an aquatic centre / stadium.
2. That Opus International Consultants be invited to provide a price proposal to carry out the investigation / assessment work.
 3. That Council approves a budget of up to \$95,000 to carry out the investigation / assessment work.
 4. That following the technical assessment Council will decide on one site to go out for public consultation using the special consultative procedure.
 5. That the proposed timeframe for the special consultative procedure is approved.”

4.6.3 BACKGROUND

Council has been working since 2001 on investigations and planning for a new aquatic centre and indoor stadium for the district. Council has budgeted funding in its Community Plans in 2004 and 2006 for the development of a new facility, and has provided funding to the Ashburton Stadium Complex Trust (ASCT) to develop options for a new aquatic centre and indoor stadium.

Following its deliberations on submissions made to the Community Plan 2009-19, Council has decided to provide up to \$25 million (with no adjustment for inflation) in funding towards the facility. Council will provide its funding contribution to enable the facility to be started in 2012 and completed by 2014 and to be built as consecutive projects. Council's funding commitment has, however, been made contingent on the community raising at least \$5 million towards the facility before Council funding is made available.

This is likely to mean some changes to the design specifications of the facility proposed in the draft Community Plan 2009-19. Council will work with the Ashburton Stadium Complex Trust to assess the best options.

Council has decided funding the loans required for the facility will come from a uniform annual charge on every property in the district regardless of the value of the property. This will see all properties paying around an extra \$136 a year.

What sort of facility is proposed?

The ASCT has worked with the Council, local user groups and recreation facility designers to identify the needs of our community and to design a swimming and sports facility that will meet these needs now and into the future. The concept design the ASCT presented to Council is for a single complex incorporating an indoor aquatic centre and sports stadium. It is important to note that the features of the facility are likely to change to meet the revised funding levels Council has committed to.

Aquatic Centre

Features proposed by the ASCT concept design include:

- A ten lane, 35 metres main pool. A moveable bulkhead wall is proposed to allow a 25 metre competition swimming pool and an area for alternative simultaneous use. The pool is proposed to have an adjustable floor to enable its use for sports such as water polo and synchronised swimming.
- A leisure pool of approximately 25 metres x 20 metres.
- A 'learn to swim' centre, separately partitioned.
- An aqua-slide attraction with two slides to suit different ages.
- Steam room, spa and sauna.
- Shower, changing and toilet facilities.

Indoor Stadium

- 110 metre x 40 metre floor area – sufficient for six netball and basketball courts.
- Moveable seating able to cover four courts enabling room for two courts for tournament play and warm-up area.
- Able to provide for sports such as netball, basketball, tennis, badminton, cricket, table tennis, gymnastics, volleyball.
- Able to be used as a venue for other entertainment events.

Where will it be sited?

Council and the ASCT have worked together to identify the most suitable sites. Site selection has included extensive research and evaluation and this preliminary exercise has now been completed. The scale of the information required and the possibility of a show-stopping cause for rejection being found means that no one site can be chosen at this point in time with sufficient confidence to eliminate all other possibilities. It is proposed that at this stage it is appropriate to narrow the scope to two sites.

After considering the merits of the various sites proposed and in particular traffic considerations and car parking, cost of providing services, geotechnical costs and effects on the community, it is proposed to conduct further investigation and research in respect of the following two sites:

- Ashburton Domain (Grigg Street corner)
- Ashburton A&P Showgrounds

The location of the proposed structure on the respective sites is clearly illustrated in the concept drawings attached to this report.

To be circulated

Preliminary discussions have been held with the A&P Association and while they reserve the right to reconsider if warranted by member feedback, their initial response is supportive. There are obvious synergies in the location and they would like to take advantage of that as well as being able to make a positive contribution to the Ashburton community. There has been no discussion at this stage in respect of terms of use of the land.

Technical assessments have been conducted in respect of the two sites, however work remains that is site specific and which only warranted being done when there was more certainty in respect of sites.

Council also considers there to be a need to have all technical investigations peer reviewed and that this review should be conducted by consultants independent of those used on the project to date.

Technical Investigation / Assessment

After a meeting of Councillors on 10 September 2009, a report was requested for consideration at the 24 September Council meeting regarding the process and timetable to finalize the site selection.

Council's directions are as follows –

- That Council will decide on one site to go out for public consultation
- That the consultation process will identify the other sites considered.

Council has indicated that the focus of further investigation is to be on the following two sites – the Domain, and the Ashburton A&P Showgrounds.

Detailed investigation has been carried out on six sites. The A&P Showgrounds was one of the sites investigated, the Domain site indicated above was not investigated as part of this process. The South Street area was discounted early in response to concerns by the NZTA (Transit). Since this time, however, the second bridge has been incorporated into the LTCCP and the Regional Transport Plan.

Set out below is a summary of the investigation work carried out on the A&P Showgrounds site.

Key findings:

- There were no fundamental geotechnical concerns identified at 'desk top' level. Specific on site geotechnical investigation work will need to be undertaken to accurately identify groundwater levels and possible impacts on swimming pool construction. 'Snapshot' groundwater measurements were taken in December 2008. These readings indicated groundwater levels of 4.6m and 5.8m (these must be considered as discrete observations).
- It is possible to service the site with water, wastewater, stormwater, power and telecommunications services. Capacity issues will require further investigation.
- There are no likely significant adverse traffic impacts that cannot be adequately mitigated. Access for pedestrians and cyclists may need to be improved and parking restrictions may be required in Brucefield Avenue.
- No significant planning issues relating to this site have been identified at this stage.
- Council does not own the land and land access would need to be negotiated / agreed with the land owners.

Set out below are cost estimates for site specific mitigation and land access costs relating to the A&P Showgrounds site. This summary information is shown to indicate the information to be gathered regarding the Domain site to facilitate site comparison and site selection –

- pedestrian and cycleway accessibility \$50,000 to \$100,000
- increased traffic mitigation to restrict vehicle access from Brucefield Avenue up to \$50,000
- soil and groundwater contamination – this has not been explored in detail but is unlikely to be significant minor cost
- soil suitability for foundations – likely to be good but requires further investigation \$40,000
- flooding / natural issues – not likely to be a significant issue yet to be determined
- groundwater levels will require further investigation yet to be determined
- land ownership access arrangements yet to be determined
- potable water – on site and off site works \$200,000 to \$330,000
- Stormwater – on site disposal to ground may be possible \$220,000 for treatment swales
- Wastewater – will require a pumped connection plus on site storage for backwash water \$185,000 to \$215,000
- Power and telecommunications minor cost

Set out below is further investigation work required on the A&P Showgrounds site to assist in the identification of a preferred site.

- Groundwater investigation (over an extended period).
 - Detailed investigation of –
 - existing wastewater capacity timing and location of programmed network upgrading to address capacity issues. *Note* significant mains are proposed in this area.
 - Potable water.
 - Geotechnical investigations to confirm suitability of ground material for foundations, stormwater disposal and swimming pool construction.
 - Completion of land access discussions to a point where access is formally agreed for the purposes of progressing with this site.
 - More detailed discussions with the NZTA on specific Land Transport matters.
 - More detailed analysis of traffic impacts
- Estimated cost (rough estimate) of the above investigation work is \$35,000 if the work is carried out by Opus; \$45,000 with another service provider.
- Some aspects of the above investigation work will need to be confirmed over an extended period, eg groundwater monitoring. The majority of the above work should be completed in 3 months (by Opus) and 3-5 months by another service provider (the need for project brief preparation, pricing, reviewing work completed to date will increase the timeframe).

As previously stated the proposed Domain site was not one of the three sites prioritised by Council for detailed investigation. It will be necessary to carry out investigation work to a similar level to that carried out for the A&P site to enable adequate consideration of the site.

Set out briefly below is the investigation work required –

- Wastewater assessment – there are only small pipelines located in this area (residential).
The work scope will include but not be limited to –
 - assessment of existing capacity against required capacity
 - the extent of upgrading or duplication of existing pipelines
 - preparation of cost estimates.
- Potable water supply assessment
 - assessment of existing capacity against required capacity
 - the extent of upgrading or duplication of existing pipelines
 - preparation of cost estimates.
- Stormwater disposal
 - geotechnical investigations, infiltration and / or investigation of options to discharge stormwater into the existing water course.
- Land Transport
 - parking – not likely to be significant
 - traffic movements
 - entry / exit into the site (existing road geometry)
 - safety
 - impacts on the existing site arising from access onto the site.
- Groundwater
 - groundwater conditions and any linkage with the existing water course
- Existing water course
 - identification of any impacts or issues arising from the existing water course.
- Statutory issues
 - Investigation and identification of any statutory or consenting issues that may affect this site.
- Power and telecommunications – not likely to be a significant issue.

The estimated cost (rough estimate) of completing the above is \$50,000 to \$55,000 if Opus carry out the work and \$65,000 to \$75,000 if another service provider carries out the work.

The estimated time to complete this work concurrently with finalizing work on the A&P Showground site is 4 to 6 months if Opus carry out the work and 6 to 8 months if another service provider carries out the work.

4.6.4 OPTIONS AND RISKS CONSIDERED

Council has indicated it wishes to proceed with the investigation of the two sites identified. There are, however, options available regarding who carries out the work. These options are as follows –

Option 1 – to engage Opus International Consultants to carry out the work (they have carried out work previously on this project).

Advantages of this option are as follows:

- they could / would be requested to start work immediately
- they are familiar with the project
- they would not require a significant amount of time to reactivate the project and commence work
- there would be a short briefing and pricing process
- based on the above, work should be able to be completed in a shorter timeframe and at less cost.

Disadvantages – this option removes the potential benefit of having a ‘fresh’ approach to the project.

Option 2 – to tender or seek price proposals for other service providers.

Advantages – this option provides the potential benefit of having a ‘fresh’ approach to the project.

Disadvantages –

- there will be significant time required to prepare a project brief and invite tenders and price proposals and their evaluation
- it will take time for a new service provider to review work already completed and commence new work, avoiding duplication
- it will be more difficult to price because of the lack of familiarity with the project
- probable programming and cost implications

The recommended option is Option 1 : to engage Opus to carry out the work and that work commence immediately.

4.6.5 STATUTORY IMPLICATIONS

There are no statutory implications arising from carrying out the technical investigations of the two sites identified. It should be noted however, that the A&P Showgrounds site is in private ownership

4.6.6 CONSULTATION

There are no direct statutory implications with respect to consultation and decision-making associated with any decision on where to site the facility but Council’s Policy on Significance will provide the guidance on the level of compliance required.

The criteria for assessing significance contained within Council’s policy point to two areas where the significance of any proposal will likely to be at the high end of significance.

These are –

- The long term implications. The longer the decision is likely to create consequences and the more difficult it is to reverse a decision, in general, the greater its significance.
- Precautionary Principle. Where the significance of a matter being considered or a decision being made is unclear or the matter is controversial then the Council will tend to treat the issue as of more rather than less significance.

It is, therefore, recommended that the consultation regarding the proposed site of the facility is undertaken using the special consultative procedure (SPC) approach detailed in section 83 of the Local Government Act 2002.

This approach will ensure the community has every opportunity to have views considered in the decision-making process and will likely lend weight to any subsequent resource consent application process required for the preferred site.

The consultation process can begin within two to three weeks of a decision being made on the preferred location – this time being needed to prepare the final site-specific elements of the consultation material.

The community consultation period will be a minimum of one month to meet the requirements of the SPC. During this time a summary of proposal document will be sent to all households in the district, the full statement of proposal will be sent to key stakeholders and made available at the usual places and any community engagement undertaken (such as open days, community meetings and sector meetings). Details of the consultation process will be included in the consultation plan for the project.

Following the consultation period staff will need two weeks to collate all submissions and to send them to councillors prior to the hearing of submissions. Following the hearing of submissions Council would then need to make its final decision on its preferred site (subject to resource consent).

Indicative timeline for consultation process.

Week	
0	Decision made on preferred site for consultation
3	Consultation material finalised and printed
4	Consultation and submission period begins
8	Consultation and submission period ends
10	Submissions collated and sent to councillors
11	Submissions heard
12	Submissions considered and final decision made
16	Submitters advised of decision and reasons

Given the time of year we are now in consideration will need to be made on how the Christmas holiday period might impact on the consultation process. If this period is within the consultation process timeline an extra two to three weeks may need to be added to the process, depending on what part of the process this time coincides with.

We can begin work now on developing the conceptual designs for the consultation documents if Council agrees. While this is unlikely to reduce the timeline outlined above it will reduce the risk of not meeting deadlines and will give Council the opportunity to sign off on the conceptual elements of the consultation material.

4.6.7 STRATEGIC LINKS

Strategic links considered in assessing site options are likely to include:

Ashburton District Community Outcomes

Outcome 1: A thriving and diverse local economy that provides the foundation for a quality lifestyle

c. Ashburton District has a growing population enjoying a high quality of life.

Outcome 2: Natural and developed environments are sustained for the enjoyment of current and future generations

- a. Our towns and rural areas are developed in ways that respect the local environment and meet the needs of the community. **(Priority)**

Outcome 3: A community with a strong sense of identity and heritage, which welcomes new residents and encourages diversity

- b. Ashburton District is a community that attracts and retains new residents.

Outcome 6: A community with access to a variety of cultural, recreational and heritage experiences and facilities that enrich our quality of life

- a. Cultural, recreational and heritage facilities are maintained and developed to meet community needs. **(Priority)**
- b. Cultural, recreational and heritage experiences and facilities are accessible to the community and actively used.

Outcome 7: A community that contributes to improving our quality of life through democratic participation

- b. The community is provided with opportunities to participate in local decision-making.
- c. There is active participation in elections and consultation processes.

4.6.8 FINANCIAL IMPLICATIONS

It is difficult to estimate the cost of this investigation work, however a rough order of costs is estimated to be \$85,000 to \$120,000. The indicated costs consider possible differences between continuing with the service provider who has carried out the works to date and the engagement of a 'new' service provider.

Based on the recommendation in this report the financial implications are estimated to be up to \$95,000.

Prepared By

J G ROLLINSON
Manager
Democracy & Community Services

Approved By

R ROUSE
Manager
Operations

B LESTER
Chief Executive

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: 10/8/9/2
DATE: 24 September 2009
REPORT TO: Council
FROM: Chief Executive
SUBJECT: Ashburton Golf Club – Lease Application

4.7 ASHBURTON GOLF CLUB – LEASE APPLICATION

4.7.1 BACKGROUND

The request to lease part of Council land, Lot 2, DP 28415, has been received by Council from the Ashburton Golf Club for the purposes of establishing a practice golf driving range. This went to the Council meeting of 13 August 2009 and was referred back to the Property & Investment Subcommittee for further consideration and recommendation. It is noted that the Mayor stood aside from this consideration.

The issue of non-pecuniary conflicts of interest was discussed at the Council meeting. I advised that ordinary membership of the Golf Club would not be considered a non-pecuniary conflict; however membership of the Club Executive or high profile membership should step aside. I realise this was a concern when the item first came before the Committee for consideration.

Currently the land is leased, due to expire in March 2010. If Council were to decide to lease the land to the Ashburton Golf Club, the existing lease would remain to March 2010. It is expected that the Golf Club would use this time to obtain the necessary resource consents.

This area of land has been subject to Council consideration a number of times in recent history. In 2001, it was considered as an option to provide land for light industry. This was not proceeded with; however the consideration did commence a wider process to investigate Council's longer term approach to industrial land and future sites.

In late 2001, the area was again considered for a 'golf leisure park', incorporating a driving range facility. The Council declined this proposal.

In 2006, Council was approached to sell the land. The proposal again was for use as a golf driving range, along with holiday accommodation. Council was advised that the driving range was not viable on its own. The recommendation to Council was that this request be declined, which was carried. Discussion at this time referred also to the upcoming review of the District Plan. The site was not identified for change of use in the Development Plan, nor at this time in the new District Plan. Since this time, the northern part of the site has been designated for possible future upgrade of the SH1/Northpark Road intersection. Any change of use would need to be compatible with this upgrade possibility.

4.7.1.1 Planning

Attached is a report from Urbis on planning issues. These have been discussed with our Senior District Planner. Comments are:

Pages 41-46

- Proposal is within the Rural A zone of the District Plan. The Rural A zone provides for smaller intensive farming blocks, while retaining a pleasant rural environment.

- Given the primarily commercial nature of a golf range and it being an activity undertaken by individuals as well as groups, it is a ‘Commercial Activity’ rather than a ‘Commercial Outdoor Recreation Activity’ for the purposes of the District Plan.
- As the proposal is a ‘Commercial Activity’, it is a **non-complying activity** and requires resource consent.
- The application would likely be notified as it would be difficult to argue the effects are no more than minor.
- Concern regarding buildings proposed for storage on this site for equipment that is not related to the golf range and their necessity given the intent of the District Plan is to retain the openness of the rural area.
- Ashburton Golf Club is identified as a Scheduled Activity in the District Plan and there are specific rules that would allow for storage buildings on the golf club.
Rule 7.6.6.1.2.4 permits up to 100m² in floor area for a single building and a combined total area for buildings not exceeding 5% of the total site area.
- Objectives and policies seek to maintain rural amenity including rural outlook
 - Key issues to address in retaining rural amenity including
 - rural outlook on surroundings from SH1
 - light pollution
 - traffic generation – While access is from Golf Links drive, the increased traffic generation may raise concerns for the NZTA.
- Site is not identified for development in the Ashburton District Development Plan (adopted June 2005).
- Other key issue to address is the impact on traffic safety, particularly from lighting but this would possibly be addressed with vegetation or other screening (cloth netting would not be considered sufficient screening). Early consultation with the NZTA would be important.

The issues raised would be capable of mitigation. If approved however, it is recommended that the building be minimal. Clarification is needed around the need to store trundlers / carts in this building.

I have discussed the proposal with NZTA (Colin Knaggs) who raised the same issues of lighting, traffic and outlook, but was in general concurrence that these could be managed. They could be happy to be further informed on these matters.

In conclusion, there would seem to be no fatal issues for a resource consent for this proposal. Indeed the use for recreation can be a good buffer between rural and urban uses, and the district does not have such a facility at present.

4.7.1.2 Lease Option

The Development Plan identifies the area to the immediate south of this site for potential rural residential. The site itself was not identified for any change to the current rural zoning. The part of Council land to the north has been identified as potential road upgrade for the Ashburton Business Estate.

This area could be an important buffer to this, so further rural residential on this block would be unlikely. Further, access to this site directly from SH1 is also unlikely.

While the Council has not identified any alternative use for the land, a lease can preserve the option for other use.

It may be difficult to not extend the lease in the future, the nature of the improvements proposed are not substantial and could be removed if there was a compelling alternative use that would be of greater community benefit. A lease would be appropriate to keep the options open.

Special conditions in the lease would include:

1. Consent

The lease shall become operative only on receipt by the Golf Club of any and all resource consents required to undertake the activity of a golf driving range on the land.

2. Permitted uses

The land shall be used solely for the purposes of a golf driving range. It shall not be a permitted activity to include any of the subject land as part of the Club's golf links (course). Specifically, the provision of any tee block associated with other than the driving range itself will not be permitted.

No golf hole 'green' shall be permitted on the land.

3. Erection of buildings

Only those buildings immediately associated with the driving range activity may be erected. In general terms this is limited to an open barn type structure to permit driving to be initiated under cover.

Any office enclosure serving the driving range itself may be accommodated within the 'barn' structure.

A storage shed for gear, machinery and equipment for exclusive use on the driving range may be erected.

4. Fencing

The Golf Club shall maintain all fences on all boundaries of the subject land to the complete satisfaction of the lessor.

Specifically, the boundary fence between the golf links (being the land owned by the Golf Club) and the subject land shall be maintained, on its current alignment, to a minimum of a rural stock-proof fence PROVIDED that an opening sufficient for the passage of users of the golf driving range and equipment necessary for the maintenance of the range may be created in the fence at the south eastern end of the common boundary between the Golf Club land and the subject land. In any event the opening created shall have a maximum width of 8 metres.

5. Ownership

The lessee specially acknowledges that the creation of this lease does not confer any interest beyond the covenants contained herein and does not confer or imply any ownership rights or occupancy rights beyond the final expiry date.

6. Balance Land

The lessee shall maintain the balance of the land not required for the golf driving range as a rural open space and shall either graze the land itself using sheep or horses or shall arrange a suitable sub-lease in accordance with clause #.

7. No compensation

At the final expiry of this lease, or earlier determination, the lessee may at its sole discretion remove any improvements from the land. In the event that the improvements are not removed there shall be no obligation on the lessor to compensate.

4.7.1.3 Other Consultation

The proposal has also been discussed with the Operations Manager and the Property Manager.

4.7.2 RECOMMENDATION FROM PROPERTY & INVESTMENT SUBCOMMITTEE

“That the request be approved subject to:

- Appropriate screen planting on the outside boundary of the range
- A lease for a period of ten years
- The Ashburton Golf Club obtaining a resource consent.”

B LESTER
Chief Executive

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: Project File
DATE: 24 September 2009
REPORT TO: Council
FROM: Senior District Planner
SUBJECT: Ashburton Aquatic Park Charitable Trust – Final consideration of change to the Ashburton District Plan

4.8 ASHBURTON AQUATIC PARK CHARITABLE TRUST PRIVATE PLAN CHANGE – Final consideration of change to Ashburton District Plan

4.8.1 SUMMARY

The Council's final consideration of the Ashburton Aquatic Park Charitable Trust Private Plan Change (No 5) is necessary for the Plan Change to become operative. There have been no appeals on the Council's decision dated 30 July 2009, and the Council can therefore approve the Plan Change.

4.8.2 RECOMMENDATION

“1. That the report be received.
2. That the Ashburton Aquatic Park Charitable Trust Private Plan Change to the Ashburton District Plan be approved in accordance with Clause 17, Schedule 1 of the Resource Management Act 1991, so that the Council seal can be affixed to the decision and the District Plan be amended in accordance with the decision.”

4.8.3 BACKGROUND

The Ashburton Aquatic Park Charitable Trust lodged a request for a Private Plan Change under the First Schedule of the Resource Management Act 1991 (“RMA”), to extend the existing Lake Hood Aquatic Park zone (APZ) and associated Lake Hood area to enable the further development for recreational and residential use, together with associated gravel extraction and processing activities involved in the formation of extensions to the overall area of the Lake.

The Proposed Private Plan Change was publicly notified in December 2008. A total of eight submissions and 22 further submissions were received, of which one submission and one further submission were subsequently withdrawn. Prior to the hearing further discussions took place between the Council's and Trust's Technical advisers and various submitters, which addressed the majority of the initial concerns raised in submissions.

An Independent Commissioner, Mr R Batty, held a hearing on the Proposed Plan Change on 9 June 2009. The report of the Commissioner, dated 21 July 2009, was considered and accepted by the Council at its meeting on 30 July 2009. The decision was sent to all submitters, following which a statutory appeal period of 30 working days commenced. The statutory period for appeals to the Environment Court has closed and no appeals have been received to the Plan Change decisions.

4.8.4 OPTIONS AND RISKS

There is one option available to the Council which is to approve Private Plan Change No 5.

4.8.5 STATUTORY IMPLICATIONS

Clause 17 to the First Schedule of the Resource Management Act 1991 states:

Final consideration of policy statements and plans other than regional coastal plans

(1) A local authority shall approve a proposed policy statement or plan (other than a regional coastal plan) once it has made amendments under clause 16 [or variations under clause 16A] (if any).

[(1A) However, a local authority may approve a proposed policy statement or plan (other than a regional coastal plan) in respect of which it has initiated a variation.]

[(1B) A variation to a proposed policy statement or plan approved under subclause (1A) must be treated as if it were a change to the policy statement or plan unless the variation has merged in and become part of the proposed policy statement or plan under clause 16B(1).]

(2) A local authority may ... approve part of a policy statement or plan, if all submissions or appeals relating to that part have been disposed of.

[(3) Every approval under this clause shall be effected by affixing the seal of the local authority to the proposed policy statement or plan.

The approval is in accordance with Clause 17 to the First Schedule of the Resource Management Act 1991

4.8.6 CONSULTATION

No further consultation is necessary for this stage of the Private Plan Change process.

4.8.7 STRATEGIC LINKS

Community Outcome 2: Natural and developed environments are sustained for the enjoyment of current and future generations

- a. Water, land and air are managed sustainably. (Priority)
- b. Our towns and rural areas are developed in ways that respect the local environment and meet the needs of the community. (Priority Objective)
- c. Our community understands the need to protect our natural environment and acts to do so.

4.8.8 FINANCIAL

No additional costs are incurred in approving the Lochhead Charitable Trust Private Plan Change.

Report Prepared By:

M STEVENSON
Senior District Planner

Report Approved By:

J McKENZIE
Environmental Services Manager

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: 3/7/4
DATE: 24 September 2009
REPORT TO: Council
FROM: Council Working Party
SUBJECT: Council Grant Scheme 2009-10

4.9 COUNCIL GRANT SCHEME 2009-2010

REPORT and **MINUTES** of a meeting of the **COUNCIL WORKING PARTY**, to consider Grant Applications and School Holiday Programmes, held in the Council Chamber, 5 Baring Square West, Ashburton, on Thursday 17 September, 2009, commencing at 9.30 am.

PRESENT: His Worship the Mayor, M B O'Malley; Councillors K Holmes (Chair), R Beavan, J Everest, J Burgess, B Tasker, R Kilworth, N Brown, J Leadley, J Kingsbury and J Sparks.

Also in attendance the Community Services Officers

APOLOGIES: Cr K Lowe (absence) and P Reveley (lateness) **Sustained**

"That the letters of thanks received from previous Annual Grant Scheme recipients be accepted."

Brown / Sparks **Carried**

Schedule of Council Grant Applications

Forty seven applications were received with \$50,000 available for distribution. The Working Party recommended that the following Council grants be allocated for the 2009/2010 financial year:

No	Name of Applicant	Amount Requested	Amount Granted
1	Fairton Hall Society	\$3,319	\$3,319

Cr Kingsbury attended the meeting at 9.36 am.

2	Alford Forest Reserve Board	\$1,100	\$1,100
3	Hinds Community Centre (Inc)	\$2,061	\$2,061
4	Tinwald War Memorial Hall Society	\$5,000	\$5,000
5	Rangitata Gorge Landcare Group Inc	\$5,000	Referral to be made
6	Longbeach Swimming Pool	\$2,847	\$2,847
7	Ruapuna Hall Committee	\$5,000	\$4,000
8	Ardamine Hall Dorie	\$1,878	\$1,878
9	Greenstreet Ashburton Forks Community Hall	\$1,000	\$1,000

10	Mt Somers Reserve Board	\$5,000	Referral to be made
11	Methven United Club	\$3,799	\$2,000
12	Ashburton Museum & Historical Society Inc	\$5,000	\$4,000
13	Ashburton Budget Advisory	\$2,289	\$1,000
14	Rakaia War Memorial Community Centre	\$1,500	\$1,500
15	Ashburton Mackenzie Community Group Inc	\$500	\$500
16	Methven Lawn Tennis Club	\$2,376	\$500
17	No. 24 (Ashburton) Sqn Air Training Corps	\$2,600	\$1,000
18	Ashburton Operatic Society T/A Variety Theatre	\$3,600	Declined
19	Ashburton Cadet Corps Association	\$1,699	\$1,000
20	Presbyterian Support (Upper South Island)	\$367	Declined
21	Presbyterian Support (Upper South Island)	\$823	\$400
22	Ashburton Trust Swim Team	\$1,558	\$1,000
23	Newcomers Network Mid Canterbury (2 projects) <i>His Worship the Mayor & Cr J Leadley declared an interest in this application</i>	\$2,653 \$2,000	\$2,000 Declined

The Working Party adjourned for morning tea at 10.35 am and resumed at 10.55 am

24	Ashburton Parents Centre	\$5,000	Declined
25	Ashburton Indoor Bowls Association	\$4,000	\$1,000
26	Methven Bowling Club	\$3,294	\$1,000
27	Methven Youth Cafe	\$4,961	Declined

Cr Reveley attended the meeting at 11.05 am

28	Ashburton Toastmasters <i>His Worship the Mayor declared an interest in this application</i>	\$1,400	\$750
29	Methven Plunket	\$5,000	\$3,000
30	Rakaia Rugby Club	\$3,423	\$1,500
31	Ashburton Senior Citizens	\$1,500	Declined
32	Depression Support Network	\$4,686	Declined
33	Ashburton College Cricket Club	\$3,000	Referral to be made
34	Ashburton Branch, NZ Historic Places Trust	\$5,000	\$2,000
35	Ashburton Safer Community Council & Ashburton Art Gallery Partnership Project	\$5,000	Declined

36	Mid Canterbury Cricket Association	\$2,410	\$2,000
37	Staveley Hall Society Inc	\$638	\$638
38	Hinds Lions	\$5,000	\$2,000
39	Rajah the Wonder Dog Methven (1926-1936)	\$5,000	Declined
40	Ashburton Art Gallery	\$10,000	Declined
41	Kidzmethven	\$5,000	Refer to Major Community Project 2010
42	Ashburton Horticultural Society (Inc)	\$400	Declined
43	Minerals to Art Charitable Trust	\$6,250	Declined
44	The Project HOPE Foundation	\$5,000	Declined
45	Longbeach Playcentre	\$4,178	Declined
46	Mayfield Playcentre	\$5,000	Declined
47	Dorie Preschool Trust	\$8,510	Declined
Total:		\$166,619	\$49,993

An application for funding received from The Order of St John Northern Region South Island Trust was not considered as it was received on 16 September and was therefore not eligible for consideration.

The working party discussed the funding of applications received from local service clubs through the Council Annual Grant Scheme for projects the clubs are undertaking in the district. It was agreed the funding policy be amended to show such groups will be ineligible for funding in the future.

Further amendments will be made to the summary table to show any funding applicants have received in past years from the Council Annual Grant Scheme.

School Holiday Programmes

Eight applications were received with \$3,000 available for distribution. The Working Party recommended that the following school holiday programme grants allocated for the 2009/2010 financial year:

No	Name of Applicant	Amount Requested	Amount Granted
48	Birthright (Ashburton) Incorporated	\$300	\$300
49	St David's Union Church	\$750	\$750
50	Sport Mid Canterbury	\$1,500	\$1,500
51	Young Embroiders Class	\$100	Declined
52	Methven New Life Church	\$250	\$250
53	Allenton Toytown & Stationers	\$250	Declined
54	Ashburton Golf Club Inc	\$335	Declined
55	Methven Golf Club Ladies Committee	\$480	Declined
Total :		\$3,965	\$2,800

As from 2010, a total of \$5,000 will be made available for the School Holiday Programme Grants Scheme. The working party request a review is made of the programme which currently limits applicants to receiving \$250 for the two week holiday periods and \$750 for the Christmas holiday period. A change in policy is also requested regarding the eligibility of sports clubs applying for funding through this avenue.

Funding Conditions

The Working Party agreed that funding for the organisation and projects listed below comply with the specified conditions:

No	Name of Applicant	Condition
21	Presbyterian Support (Upper South Island)	Funding is for garden shed only

RECOMMENDATION TO COUNCIL

“That the report of the Working Party meeting held on 17 September, 2009, be received and the grants listed confirmed.”

The meeting concluded at 12.25 pm.

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: 0600-05
DATE: 24 September 2009
REPORT TO: Council [Circulated 22 September 2009]
FROM: Regulatory Manager
SUBJECT: Ashburton District Council Bylaws - Infringement Notices

4.10 ASHBURTON DISTRICT COUNCIL BYLAWS INFRINGEMENT NOTICES – FINDINGS OF COUNCIL WORKSHOP

4.10.1 SUMMARY

Part of the 2008 bylaw review was to investigate methods of effectively enforcing the new bylaws. Historically bylaws were found to be difficult to enforce as each case could require a prosecution being brought under Summary Proceedings and this had been found to be expensive in both time and money. In turn this had led to very few prosecutions being taken to enforce the bylaws and subsequently many of them being ineffectual. Legal opinion was sought to examine the legitimacy of the use of Infringement Notices under the Bylaws Act 1910 and the Local Government Act 2002, the opinion (letter attached) indicated that Infringement Notices could be issued provided that:

- Council had passed a resolution for the level of fine for a particular breach of the bylaws.
- The fine did not exceed \$500, unless associated legislation allowed for greater fines.

A council workshop was held on Friday 18th September 2009 to examine the need for bylaw infringement notices and, if deemed necessary, to set infringement fines for breaches of specific elements of the bylaws. The process undertaken and the recommendations of the workshop are shown in the report below.

4.10.2 RECOMMENDATION

- | |
|---|
| <ol style="list-style-type: none">1. That the report be received; and2. That the level of fines identified in this report be confirmed.” |
|---|

4.10.3 BACKGROUND

The following Councillors took part the Workshop:

Cr Kilworth (Chair), Cr Beavan, Cr Burgess, Cr Everest, Cr Kingsbury, Cr Leadley
Cr Reveley, Cr Sparks, Cr Tasker

Apologies: The Mayor, Cr Brown, Cr Holmes, Cr Lowe

The brief provided to the workshop is below:

To:

Mayor
Councillors
CEO
Senior Managers

17th September 2009

BYLAW WORKSHOP – FRIDAY 18th SEPTEMBER 2009

PURPOSE

1. Under the Local Government Act 2002 (LGA) Ashburton District Council has the power to make bylaws for the purposes indicated below:

Section 145 General bylaw-making power for territorial authorities

- *A territorial authority may make bylaws for its district for 1 or more of the following purposes:*
 - *(a) protecting the public from nuisance:*
 - *(b) protecting, promoting, and maintaining public health and safety:*
 - *(c) minimising the potential for offensive behaviour in public places.*

2. In order for bylaws to be effective they must be enforced. One way in which this can be done is by the issuing of Infringement Notices, these are designed to allow minor breaches of legislation to be punished by a financial penalty. In the case of bylaws this is limited to a maximum of \$500. When the bylaws were reviewed in 2008 a resolution was passed by Council to allow issue of such notices (see Clause 109 & 111 of the ADC Bylaw).

3. In order to prevent a successful challenge to an infringement issued under the Bylaws, Council must make a resolution indicating a fine for a specific breach – see Para 3 of the Russell, Moon and Fail letter attached.

4. The purpose of this workshop is to give Councillors the opportunity to discuss the need for Infringement Notices and, if they are deemed to be required, the level at which the associated fines should be set (maximum \$500) for specific offences.

PREDICTED EFFECT

5. The intention is that the issuing of Infringement Notices will result in the following:
- a. Initial cost for the erection of signage in some areas.
 - b. Decrease in minor offences as the likelihood of being fined is far greater than previously experienced.
 - c. Reduction in time used by Police/Council Officers to process such minor offences.
 - d. Reduction in cost to council caused by use of legal representation.
 - e. Potential to investment the revenue generated into schemes to reduce offending in the area where the offence has been committed.

SPECIFIC OFFENCES

6. The table below indicates the areas where members of staff believe that the use of Infringement Notices would be of significant benefit.

Bylaw Chapter or Clause	Specific Offence	Penalty Fine	Remarks
206.2	Temp signs power poles and fences	\$	Issue with short term sales events primarily
3	Nuisance caused by Stock, Poultry and/or Bees in an urban area	\$	
307	Encouraging nuisance by feral animals	\$	
605	Exceeding number of dogs permitted in an urban area	\$	

609	Dogs Fouling in public	\$	
703	Fire in open air – urban areas	\$	ECan fine \$300
703.1	Fire in open air – hazard or nuisance	\$	Inc Rural areas
1017	Heavy Traffic	\$	Suggested \$500
1050	Driving Stock	\$	Suggested \$250
1051	Dairy Cattle on Roads	\$	Suggested \$250
11	Public Places	\$	
1120	Glass ban	\$	
1121	Liquor ban	\$	LION already available under Sale of Liquor Act \$200 (only for underage drinkers).
1430(e)	Water Supply	\$	
1510	Protection of Stockwater races	\$	
1602(b)	Hazardous waste	\$	
1613	Misuse of litter bins	\$	
18	Parks & Gardens	\$	Clause 1809 Particular problem

SUMMARY OF DECISIONS

7. Once the workshop is complete a summary of decisions will be produced and a full report made to the Council Meeting on 24th September 2009.

LEGISLATION CONSIDERED

8. The following legislation has been considered for this workshop:

- a. Local Government Act 2002 (LGA).
- b. NZ Bill of Rights Act 1990 Specifically Sections 21 & 25.
- c. Bylaws Act 1910.
- d. Summary Proceedings Act 1957.
- e. Ashburton District Council Bylaws 2008.

A J HUMPHRIES
Regulatory Manager
Ashburton District Council

4.10.4 SUMMARY OF DECISIONS

The workshop discussed the need for bylaw infringement fines and examined each part of the bylaws which staff had indicated as being potential infringement offences. The workshop also recognised that staff would be relied upon to judge the potential for using other forms of coercion prior to issuing Infringement Notices. The workshop agreed that infringement notices for bylaw offences would be of benefit and set fines which they believed were appropriate for such offences. The infringement fines for specific offences against the bylaws as agreed by the workshop are indicated in the table below:

TABLE SHOWING DECISIONS OF THE BYLAW INFRINGEMENT FINES
WORKSHOP

Bylaw Chapter or Clause	Specific Offence	Penalty Fine	Remarks
206.2	Temporary signs on power poles and fences	\$100 – 1 st offence \$250 – 2 nd offence \$500 – 3 rd offence	If more than three offences the fine will be \$500 or prosecution through District Court
Chapter 3	Nuisance caused by Stock, Poultry and/or Bees in an urban area	\$100 – 1 st offence \$250 – 2 nd offence \$500 – 3 rd offence	
307	Encouraging nuisance by feral animals	\$100	
605	Exceeding number of dogs permitted in an urban area	\$250 – 1 st offence \$500 – 2 nd offence	If more than two offences the fine will be \$500 or prosecution through District Court
609	Dogs Fouling in public	\$250 – 1 st offence \$500 – 2 nd offence	If more than two offences the fine will be \$500 or prosecution through District Court
703	Fire in open air – urban areas	\$300	
703.1	Fire in open air – hazard or nuisance	\$300	All areas
1017	Heavy Traffic	\$500	
1050	Driving Stock	\$500	
1051	Dairy Cattle on Roads	\$500	
Chapter 11	Public Places	\$100	General breach against Chapter 11
1121	Breach of Liquor ban	\$200	Ashburton and Methven
1430(e)	Water Supply	\$100 – 1 st offence \$250 – 2 nd offence \$500 – 3 rd offence	If more than three offences the fine will be \$500 or prosecution through District Court
1510	Protection of Stockwater races	\$500	
1602(b)	Hazardous waste	\$100 – 1 st offence \$250 – 2 nd offence \$500 – 3 rd offence	If more than three offences the fine will be \$500 or prosecution through District Court
1613	Misuse of litter bins	\$100 – 1 st offence \$250 – 2 nd offence \$500 – 3 rd offence	
18	Parks & Gardens	\$100 – 1 st offence \$250 – 2 nd offence \$500 – 3 rd offence	

4.10.5 OPTIONS & RISKS CONSIDERED

- Pass a resolution to confirm the summary of decisions reached by the workshop.
- Not confirm the summary of decisions.

4.10.6 STATUTORY IMPLICATIONS

Minor breaches of the Ashburton District Council bylaws may be penalised using infringements rather than through District Court summary proceedings. Accused parties still have the right to have a District Court Hearing if they dispute the infringement. If deemed necessary offenders can still be prosecuted through summary proceedings rather than the use of an infringement notice.

4.10.7 CONSULTATION

Council Solicitors Russell, Moon and Fail provided the information relating to the legitimacy of using infringement notices. Council passed by resolution the bylaws which included the use of infringement fines in Chapter 1. That resolution has been open to public submission using a Special Consultative Procedure as required under the Local Government Act 2002.

4.10.8 STRATEGIC LINKS

The information in this report and recommendations made are consistent with Council providing and supporting resources as an organisation to deliver the community outcomes in the Long Term Council Community Plan, namely;-

Outcome 2: Natural and developed environments are sustained for the enjoyment of current and future generations

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

4.10.9 FINANCIAL

There are no financial implications arising from the recommendation. Costs for the legal opinion were covered in the bylaw review

Financial implications arising from addressing any of the issues identified in the report can be budgeted on an annual basis, eg. Bylaw Signage and Infringement Notice Printing.

Prepared By:

A HUMPHRIES
Regulatory Manager

Approved By:

J McKENZIE
Environmental Services Manager