

COUNCIL MEETING

MINUTES of a Meeting of the **ASHBURTON DISTRICT COUNCIL** held in the Council Chamber, 5 Baring Square West, Ashburton, on Thursday 25 February 2010, commencing at 1.30 pm.

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

In attendance Chief Executive, Manager Democracy & Community Services, Roading & Street Services Manager, Property Manager and Committee Secretary.

MCB Chairman, M Nordqvist, and 5 members of the public attended.

APOLOGY: Cr J A Everest **Sustained**

The opening prayer was offered by Reverend Rachel Judge.

Order of business

The Mayor gave notice that discussion on the Environment Canterbury review would be taken in open meeting. Copies of the review's executive summary were circulated.

Confirmation of Minutes

Ashburton Stadium Complex – the minutes (pg 3) were amended to record that Cr Reveley spoke against locating the proposed complex at the A&P showgrounds.

"That the minutes of the meeting of Ashburton District Council held on 17 December 2009, as amended, be taken as read and confirmed."

Leadley/Holmes **Carried**

"That the minutes of the meeting of Executive Committee held on 28 January 2010, be taken as read and confirmed."

Holmes/Tasker **Carried**

Mayor's Report

"That the report be received."

Leadley/Kilworth **Carried**

Environment Canterbury

On 24 February, the Mayor and Chief Executive met with Hon Nick Smith (Minister for the Environment) and Hon Rodney Hide (Minister of Local Government) to discuss the formal ECan review which was released this week by Government's Review Group after being first announced in October 2009.

The Mayor reported the meeting was productive and it has been useful for the Ministers to receive feedback from the Canterbury province.

The Operations Manager attended the meeting at 1.42 pm.

The Mayor said that the review has vindicated the actions of the Canterbury Mayors and highlighted the fact that issues were more serious than they envisaged, showing there was a need to take action quickly. The Ministers will report to Caucus and Parliament and the outcome of that is awaited. He said that it has become apparent that matter is not that of personalities and the Minister stated that on his first day he received a briefing from the Ministry for Environment who had collated considerable information on ECan.

The Mayor said that it was disappointing that Central Government had not reacted earlier to the concerns held by MfE and that issues around performance has not been addressed at an earlier stage. He said that it is incumbent now for all parties to treat the immediate future with an honest attempt to find a way forward.

The Mayoral Forum on Monday endorsed the Steering Group's recommendation – that zone boards be adopted as a regional committee and the implementation plan as outlined so far goes to the respective councils for their continued endorsement.

Council heard that over the next few weeks considerable work will be undertaken to seek a resolution. The other CEOs throughout the region will be paramount to that success as the review does advocate another level of advocacy beneath the Mayoral forum. It was noted that the input and time of Council's Chief Executive will be further required in evolving regional governance.

Council recognised the historical significance of having all of the Region's Mayors being unanimous on this issue.

Cr Tasker acknowledged the work the Mayor has undertaken on Council's behalf. She referred to the Canterbury waste management process which also reflects a good working relationship between the Canterbury councils.

The Chief Executive advised that if commissioners are appointed it will be on an interim basis.

Councillors expressed their appreciation of the work that the Mayor and Chief Executive have undertaken on behalf of Ashburton district in developing a strategy and endorsed the actions of the Mayoral Forum.

The Community Planning Manager attended the meeting at 1.54 pm.

Calendar of meetings and functions

In addition to the record of meetings shown, the Mayor reported that he also attended the Lake Clearwater Hut Holders Association AGM on 1 January.

The Mayor referred to the number of new businesses that have recently opened in the district – including the Filipino Produce Shop, the Warehouse Stationery Shop and Bull Rush Chocolate Shop; taking into account the economic situation, he said that this is encouraging and highlights that diversity in this district is strong.

Chief Executive's Report

"That the report be received."

Tasker/Kingsbury

Carried

Barrhill Chertsey Irrigation Ltd

The Chief Executive reported that BCI has advised that further interest has been shown – and, given the uptake is now close to 3 cumecs, BCI is confident to proceed without Council. BCI has thanked Council for its support.

Remits

Local Government New Zealand has given notice that remits proposed for consideration at the 2010 AGM are required to be with LGNZ by 17 May 2010.

QEII National Trust

The Chief Executive reported that candidates are being sought for two vacancies on the National Trust. He asked that Councillors interested in commenting on the 19 candidate profiles to contact him.

Operations Committee – 28 January 2010

"That the report and minutes of the Operations Committee meeting held on 28 January 2010, be received."

Tasker/Leadley

Carried

Domain and Tinwald bore developments

The Operations Manager reported that a site has been identified to drill a bore at the north-west corner of the Tinwald Domain and land access will now be negotiated with the Tinwald Domain Board. Mr Rouse said that the Ashburton Domain bore has reached a depth of 90m and tests are continuing to show positive results.

Town Centre Subcommittee

Provision of a One Hour Limited Parking Zone – Walnut Avenue, Community Pool

The Subcommittee's recommendation to decline the Community Pool's request for limited parking outside the Pool was not fully supported. Cr Holmes suggested that the parallel parks on the pool side of Walnut Avenue could be made more available, especially for families with small children using the pool. Crs Reveley and Lowe also supported restricted parking in this area and College students being asked to park further away.

Cr Kilworth noted that, since the Subcommittee meeting, no further information in support of the request had been received, and on that basis the recommendation should not be changed.

Cr Kingsbury spoke about her concern that a one hour restriction may result in some parents leaving children unsupervised in the pool while they left to shift their vehicle.

Cr Burgess said that trying to police such a restriction may be difficult and inconvenient.

Cr Reveley would support parking being restricted and the students being asked to park further away.

"That the request to provide a one hour parking zone in Walnut Avenue, outside the Ashburton Community Pool, be declined".

Leadley/Kilworth

Carried

Crs Holmes, Reveley and Lowe recorded their votes against the motion.

Provision of a Loading Zone – Cass Street (Between Burnett St and Tancred St)

Council supported the Subcommittee's recommendation on the basis that there are no loading zones in the CBD and it would not be Council's intention to set a precedent.

"That the request to install a loading zone in Cass Street, outside the new restaurant on the west side of the intersection of Burnett Street and Cass Street, be declined."

Leadley/Holmes

Carried

"That the minutes of the Town Centre meeting held on 22 February 2010, be received."

Leadley/Kilworth

Carried

Ashburton Town Centre Concept Plan – Upgrade of Baring Squares East and West

- "1. That the Town Centre Subcommittee approves the preferred design for the upgrade of Baring Square East with amendments including the retention of a water feature in its current location and the proposed area for a water feature (Area D) becoming open space.
2. The Town Centre Subcommittee receives the update of consultation undertaken on Concept designs for Baring Squares East and West."

Holmes/Kingsbury

Carried

Environmental Services Committee – 4 February 2010

“That the report and minutes of the Environmental Services Committee meeting held on 4 February 2010, be received.”

Kilworth/Leadley

Carried

Finance & Community Services Committee – 11 February 2010

“That the report and minutes of the Finance and Community Services Committee meeting held on 11 February 2010, be received.”

Holmes/Brown

Carried

Ashburton Youth Health Trust

“That the Ashburton Youth Health Trust be advised that Council nominates Cr Kingsbury as its Trustee representative.”

Holmes/Brown

Carried

Elected Members’ Remuneration July 2010 / Election Day

“That Council receives the report.”

Kilworth/Holmes

Carried

Triennial Elections 2010

A. Early Processing of Votes

“That the returned voting documents for the 2010 Ashburton District Council elections be processed during the voting period, such early processing to be undertaken in accordance with Section 79 of the Local Electoral Act 2001 and the Local Electoral Regulations 2001.”

Tasker/Beavan

Carried

B. Order of Candidates’ Names

“That the names of the candidates in the 2010 Ashburton District Council elections be arranged on the ballot paper in random order.”

Holmes/Leadley

Carried

Recreation Reserves Designations

The Property Manager advised that the reserve Boards not currently designated (Alford Forest and Dorie) won't be part of this roll-over but will require a separate process to designate.

The Wakanui Hall reserve, the total area of the hall land, is currently designated and of the total block of land, part is under the Reserves Act, the other Ministry of Education

“1. That Council agrees that as a Requiring Authority pursuant to the Resource Management Act 1991 section 166 it does not have any requirement to retain the current designation for the following sites:

- (i) Robilliard Park & Recreation Reserve - East Street to Chalmers Ave Ashburton;
- (ii) Digby Park - Chalmers Ave Ashburton
- (iii) Ashburton Domain - West St Ashburton
- (iv) Devon Park Creek Road – Kelvin Crescent Ashburton
- (v) Argyle Park – Middle Road Ashburton
- (vi) George Glassey Park – Agnes Street Tinwald

Cont'd

And advises the Ashburton District Council as Planning Authority pursuant to the provisions of the Resource Management Act 1991 sec 168A that it requires the present designations on the above sites be NOT rolled over into the Proposed Ashburton District Plan; and

2. That Council as a Requiring Authority pursuant to clause 166 Resource Management Act 1991 advises the Ashburton District Council as Planning Authority that pursuant to section 168A of the Resource Management Act 1991 that it requires the designations of the following lands:

- (i) Chertsey Domain – SH 1 Chertsey;
- (ii) Greenstreet Domain – Staveley Road Greenstreet;
- (iii) Hinds Domain – Islesworth Road Hinds;
- (iv) Lynford Domain – Boundary Road;
- (v) Mayfield Domain – Arundel Rakaia Gorge Road;
- (vi) Mt Somers Domain – Hoods Road Mt Somers;
- (vii) Pendarves Domain – Corner of Christys and Chertsey Kyle Roads;
- (viii) Rakaia Domain – Barrhill Methven Road;
- (ix) Ruapuna Domain – Corner of Ruapuna School and Ross Roads;
- (x) Highbank Domain – Corner of Highbank School and Cairnbrae Roads;
- (xi) Methven Domain – Methven;
- (xii) Tinwald Reserve – Maronan Road;
- (xiii) Seafield Domain – Seafield road;
- (xiv) Wakanui Hall Reserve – Corner of Beach and Wakanui School Roads

To be rolled over for inclusion in the proposed Ashburton District Plan.”

Kilworth/Tasker

Carried

Council Administration Building Site Designations

“That the Ashburton District Council, as a Requiring Authority pursuant to sec 166 Resource Management Act 1991, advises the Ashburton District Council as Planning Authority that it approves the rollover of the Designation of the Council Administration Building site, corner of Baring Square West and Havelock Street, Ashburton, for inclusion in the Proposed Ashburton District Plan pursuant to sec 168A Resource Management Act 1991.”

Tasker/Leadley

Carried

Business taken with the public excluded (2.22 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	<p>Council – 17/12/09</p> <ul style="list-style-type: none"> • Ashburton Aquatic Park Charitable Trust • Ashburton Business Estate Project Bd <p>[Now in open meeting]</p> <ul style="list-style-type: none"> • Stadium Complex Project Group • Freeholding 14-16 Bryant St • Sale of Council land – Klondyke • Airport Authority – District Plan review • Contract AM-AJ11 sewer pipeline • Mayfield water supply upgrade • Barrhill Chertsey Irrigation Ltd 	<p>Section 7(2)(h) Commercial activities Section 7(2)(h) Commercial activities</p>

5.1.2	Operations Committee – 28/01/10 <ul style="list-style-type: none"> • 2nd bridge across Ashburton River • Methven Community Board [Now in open meeting] <ul style="list-style-type: none"> • Hydro Trader proposal 	Section 7(2)(h) Commercial activities Section 7(2)(i) Conduct of negotiations
5.1.3	Finance & Community Services Committee – 11/02/10 <ul style="list-style-type: none"> • Audit & Budget Subcommittee • Property & Investment Subcommittee <ul style="list-style-type: none"> - Property matters (recommendations to Council) 	Section 7(2)(h) Commercial activities Section 7(2)(h) Commercial activities
5.3	Ashburton Stadium Complex Project Group	Section 7(2)(h) Commercial activities
5.4	Ashburton Airport – Proposed Designation	Section 7(2)(i) Conduct of negotiations
5.5	Ashburton Aquatic Park Charitable Trust	Section 7(2)(h) Commercial activities
5.6	Environment Canterbury review [Taken in open meeting]	
5.7	RDR Management Ltd	Section 7(2)(h) Commercial activities
5.8	Staff Matter	Section 7(2)(a) Protection of privacy of natural persons

Burgess/Kingsbury

Carried

Business taken with the public excluded now in open meeting

Proposed Declassification of Reserve 2222 – Mainwarings Road

- “1. That approval be given to commence the declassification of the Reserve 1391 pursuant to Section 24(1)(b) of the Reserve Act 1977; and
2. That in the event the Reserve 2222 is declassified, and land therein be disposed of by transfer to the Department of Conservation; and
3. The costs associated with the declassification be borne by the adjoining landowner.”

Holmes/Burgess

Carried

RDR Management Ltd – Loan Security

“That Council agrees to guarantee the loan portion of \$775,600 plus the associate portion of interest and costs as requested for the period of the loan (three years).”

Holmes/Kilworth

Carried

Hydro Trader Proposal (Operations 28/01/10)

“That the Committee declines the HydroTrader proposal at this time on the basis of the outstanding NRRP and resource consent processes.”

Reveley/Everest

Carried

Second Bridge across Ashburton River

- “1. That Council approves Option D-E– Chalmers Avenue to Grove Street as the preferred option for the second bridge across the Ashburton River for Stage 2 investigation and consultation with a view to identifying a site and land designation for a second bridge across the Ashburton River; and
2. That Council approves Option D as its second option, also to be part of the Stage 2 investigation and consultation.”

Leadley/Kilworth

Carried

Crs Beavan and Reveley recorded their votes against the motion
Cr Kingsbury abstained.

Ashburton Aquatic Park Charitable Trust

"That Council continues to assist the Trust by adopting its proposal of 10 February 2010 but varied by including the following conditions:

1. That Council takes ownership and has full control of the marketing and sale of the 20 sections.
2. That Council continues to hold its security over all of the lots as previously agreed in the Term Loan Agreement dated 1 October 2009. Until such time as the properties transfer to Council and the payment of \$1,747,875 plus interest is paid.
3. That in the event that the Trust fails to pay \$1,747,875 plus interest by 30 June 2010, then the Trust shall transfer all of the lots covered by the 24 September resolution to the Council forthwith.
4. That Council purchases Lots 4 and 11 for \$330,000 as previously agreed without the requirement to provide an acceptable budget.
5. That the proceeds of sale of the various lots shall be retained by Council and applied towards meeting all of the Council's costs including interest at the current commercial rate. Any surplus shall be applied to the ongoing development of the lake.
6. That in the event that the Trust does not accept the variations contained in 1-5 above then having regard to the original proposal from the Trust and the Heads of Agreement entered into on 30 September 2009 and fulfilled as to Council obligations, Council declines to amend the arrangement and advises the Trust to comply with its obligations forthwith."

Mayor/Kilworth

Carried

A show of hands gave 7 for and 5 against

Crs Holmes, Sparks, Kingsbury, Reveley and Beavan recorded their votes against the motion.

The meeting concluded at 5.20 pm.

Confirmed this 8th day of April 2010 by

MAYOR