



Ashburton District Council

AGENDA

The **INAUGURAL MEETING** of the ASHBURTON DISTRICT COUNCIL will be held as follows:

Date: Thursday 21 October 2010

Venue: Council Chamber
5 Baring Square West
Ashburton

Time: 1.30 pm

B LESTER
Chief Executive

15 October 2010

AGENDA

- 1 **Apologies**
- 2 **Notification of Extraordinary Business**
- 3 **Invocation by representative of the Ashburton Ministers' Association**
Pastor Rob Davison – New Life Church

REPORTS

- 4 **Chief Executive's Report**
 - 4.1 Declaration by Mayor and Members of the Ashburton District Council **1**
 - 4.1.1 The making of the statutory declaration by the Mayor as required by cl.14, Schedule 7 of the Local Government Act 2002, witnessed by the Chief Executive.

Mayor to take the Chair
 - 4.1.2 The making of the statutory declarations by each Councillor as required by cl.14, Schedule 7 of the Local Government Act 2002.
 - 4.2 Explanation of Relevant Legislation
 - (i) The Local Government Official Information and Meetings Act 1987; and
 - (ii) other legislation that has relevance to elected members.
 - 4.3 Election of Deputy Mayor, in accordance with cl.17, Schedule 7, LGA 2002. **Tabled**
 - 4.4 Appointment of Committee Chairmen and appointments to committees, subcommittees, other subordinate decision-making bodies, and joint committees, in accordance with cl.30, Schedule 7, LGA 2002. **Tabled**
Mayor to circulate a list of recommendations
 - 4.5 Confirmation of 2010 Schedule of Meetings
 - 4.6 Nominations for Provincial Sector Elections – LGNZ
- 5 **Canterbury Water Management Strategy – Ashburton District Council Representation** **9**
- 6 **Basis of Remuneration of Elected Members** **17**
- 7 **Glass Ban – Lions Club of Rakaia** **23**
- 8 **Road Closures – Ashburton Car Club** **24**
- 9 **Presentation of Certificates to Outgoing Councillors**

Cont'd

Business transacted with the public excluded

10	Ashburton Contracting Ltd AGM Sections 7(2)(h) & 7(2)(a) Commercial activities & Protection of privacy of natural persons	27
11	Lauriston Fire Shed – Acceptance of Tender Section 7(2)(h) Commercial activities	29
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13	Sale of 42 Dunford Street, Rakaia Section 7(2)(h) Commercial activities	33
14	Civic Building Re-roofing – Acceptance of Tender Section 7(2)(h) Commercial activities	<i>Tabled</i>

15 October 2010

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: 1/3/3
DATE: 21 October 2010
REPORT TO: Inaugural Meeting of Council
FROM: Chief Executive

4. CHIEF EXECUTIVE'S REPORT

4.1 Declaration by Mayor and Members of the Ashburton District Council

No person is capable of acting as a member of a local authority until they have made the declaration that is set out below. The law states that you must make this declaration both orally and in writing. The procedure to be followed at the Inaugural Meeting is that the Mayor will make the declaration first and he will then sign a written copy which will be witnessed by myself as Principal Administrative Officer of the Council. Then the Mayor and I will take the declarations of each Councillor in turn.

In order that you may become familiar with the wording which you will be required to read out, I set out below a copy for you.

"I, declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of the Ashburton district, the powers, authorities, and duties vested in or imposed upon me as (Mayor / a Member) of the Ashburton District Council, by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987 or any other Act."

After you have read your declaration, you will then sign the official copy alongside your name.

4.2 Explanation of Relevant Legislation

The Local Government Act 2002, as amended, requires me to give you a general explanation of certain pieces of legislation. Further information is in the Elected Members Handbook, a copy of which will be made available to you.

4.2.1 The Local Government Official Information and Meetings Act 1987

The act sets out a list of meeting procedures and requirements. I would particularly note

- the requirement for meetings of the Council to be publicly notified and to be open to the public, except for that business for which good reason exists to exclude the public.
- The limiting of the basis on which new items of business can be considered at a meeting.
- The requirement for information held by the Council to be generally available to the public, and a right of appeal upon refusal, to the Ombudsman.

4.2.2 The Local Authorities (Members Interest) Act 1968

This act regulates situations where members' personal interests impinge, or could be seen as impinging, on their duties as elected members.

I especially draw your attention to the two main provisions of this Act -

- (a) You will be disqualified as a Councillor, if as a member of a firm or company in which you and/or your spouse hold 10% or more of the issued capital or through other means have a controlling interest in that firm or company, you do business with the District Council and if the payments made by the Council to you or your firm or company exceed \$25,000 in any financial year without the prior approval of the Audit Office.

This limit of \$25,000 per financial year applies whether it is one payment or a series of payments.

- (b) You are prohibited from voting or taking part in the discussion of any matter before the Council or Committee, in which you have directly or indirectly any pecuniary interest other than one that you share in common with the general public. The definition of pecuniary interest is not limited to yourself. The Act applies where:

- a councillor or committee member's spouse has a pecuniary interest
- where there is a company interest. A member is deemed to have a pecuniary interest in a matter before a council or committee where the member (or spouse):
 - holds more than 10 per cent issued capital
 - has a pecuniary interest in, and/or is managing director or general manager of, an incorporated company which is involved in a contract with the council.

Any member who has business dealings with Council should inform myself or Mr Rollinson. It is your responsibility to ensure that business between you and the Council does not exceed \$25,000 per financial year, and this covers any interest you may have in entities that are doing business with Council.

Failure to observe these requirements could leave the elected member open to prosecution under the Act. Successful prosecution will likely result in you being removed from office.

4.2.3 Crimes Act 1961

Under this Act, it is unlawful for an elected member (or officer) to advise anyone to enter into a contract with a third person in relation to business with Council and receive a gift or reward from that third person as a result, or to present false receipts to the Council.

4.2.4 Secret Commissions Act 1910

Under this Act it is unlawful for an elected member (or officer) to:

- accept or solicit for themselves (or anyone else) any gift or reward for acting or not acting in relation to the business of Council (s.105)
- use information gained in the course of their duties for their, or another persons, monetary gain or advantage (s.105A)

These offences are punishable by a term of imprisonment of seven years or more. Elected members convicted of these offences will automatically be removed from office.

The Act provides that no persons in any civil or criminal proceedings under this Act are to be excused from answering questions on the grounds that they may incriminate themselves.

The penalty on conviction under this Act involves a fine of \$2,000 for a corporation, imprisonment for two years or a fine of \$1,000 for a person.

If any Councillor has any questions on this matter, I ask that they refer them to Mr Rollinson or myself.

4.2.5 Securities Act 1978

The Securities Act 1978 essentially places elected members in the same position as company directors whenever Council offers stock to the public. Elected members may be personally liable if investment documents such as a prospectus contain untrue statements and may be liable for criminal prosecution if the requirements of the Act are not met.

4.3 Election of Deputy Mayor

[Recommendation to be tabled]

4.4 Appointment of Committee Chairmen and Appointments to Committees

[Recommendation to be tabled]

4.5 Confirmation of 2010 Schedule of Meetings

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In December 2009, Council adopted a schedule of meetings for the 2010 year. Meetings that have been scheduled for the period following the Triennial Election are subject to confirmation by the new Council. A copy of the proposed schedule is attached.

RECOMMENDATION

“That Council adopts the 2010 Schedule of Meetings for the period 21 October to 16 December 2010.”

4.6 Nominations for Provincial Sector Elections – LGNZ

Nominations for the Provincial Sector representative position on the National Council of Local Government New Zealand are now due as new appointments come into effect eight weeks after the local authority triennial elections. If more than one nomination is received, an election will be held. Nominations are required to be with Local Government New Zealand by 2 November 2010.

The current Provincial Sector representative is Mayor Lawrence Yule, Hastings District Council.

RECOMMENDATION

- “1. That the request for nominations be received.
2. That the Mayor be authorised to nominate or second any qualifying candidate as he sees fit.”

B LESTER
Chief Executive

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: 1/3/1
DATE: 21 October 2010
REPORT TO: Inaugural Meeting of Council
FROM: Mayor
SUBJECT: Appointment of Committee Chairmen and appointments to Committees, subcommittees, other subordinate decision making bodies and joint committees in accordance with cl.30, Schedule 7, LGA 2002.

4.4 APPOINTMENTS TO COMMITTEES AND SUBCOMMITTEES AND ASSOCIATED ORGANISATIONS

[Report to be tabled]

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO:

DATE: 21 October 2010

REPORT TO: Inaugural Council Meeting

FROM: Community Planning Manager

SUBJECT: Canterbury Water Management Strategy – Ashburton District Council Representation

5. CANTERBURY WATER MANAGEMENT STRATEGY – ASHBURTON DISTRICT COUNCIL REPRESENTATION

5.1 SUMMARY

Council approved its representatives to the Ashburton Zone Water Management Committee and the Canterbury Regional Water Management Committee prior to the election. These appointments were until the end of the last triennium and now need to be reviewed for the 2010-13 triennium.

5.2 RECOMMENDATION

- “1. That Council approves the appointment of Cr Neil Brown as the Council representative to the Ashburton Water Management Zone Committee for the 2010-13 triennium.
2. That Council approves the appointment of Mayor Angus McKay as the central Canterbury Council representative to the Canterbury Regional Water Management Committee for the 2010-13 triennium.”

5.3 BACKGROUND

The Canterbury Water Management Strategy has moved to its implementation phase with the establishment of Water Management Zone Committees which will develop implementation plans for the ten water management zones in Canterbury and the establishment of the Canterbury Regional Water Management Committee.

Ashburton Zone Water Management Committee

Ashburton District Council, under the Terms of Reference of the Ashburton Zone Water Management Committee, has one representative appointed to the Committee. The Council representative appointed through to the election was Cr Neil Brown. It is recommended Cr Brown's appointment now be approved by Council for the duration of the 2010-13 triennium.

Canterbury Regional Water Management Committee

The Terms of Reference for the Canterbury Regional Water Management Committee allows for one member to be appointed by the Mid Canterbury member Councils (Ashburton District and Selwyn District).

It had been agreed prior to the election that the representative for the coming triennium would come from Ashburton District Council. It had previously been decided by Council that its representative would be the Mayor. It is recommended that Mayor Angus McKay be appointed as the Mid Canterbury representative for the 2010-13 triennium.

5.4 STATUTORY IMPLICATIONS

Not applicable.

5.5 OPTIONS AND RISKS CONSIDERED

Not applicable.

5.6 STRATEGIC LINKS

The work of the Canterbury Water Management regional and zone committees are expected to contribute to achieving the following strategic goals of Council

Ashburton District Community Outcomes

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

- a. A growing population enjoying a high quality of life
- b. A prosperous and diverse local economy, and a skilled workforce
- c. A community with access to quality infrastructure (roading, water, footpaths, wastewater and storm water) that is efficient and reliable **(Priority Objective)**
- d. We recognise the importance of access to sustainable water sources for our economy and work together to make a water storage facility a reality **(Priority Objective)**

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 Objective)**
- b. Towns and rural areas are developed in a way which enhances the local environment and meets the needs of the community **(Priority Objective)**
- c. Our community understands the need to protect our natural environment and acts to do so

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

- a. The community is provided with opportunities to participate in local decision-making
- c. Advocacy by Community leaders for identified local concerns and issues at a local, regional and national level **(Priority Objective)**

Canterbury Water Management Strategy

The principles, vision and targets of the strategy

5.7 CONSULTATION

Not applicable.

5.8 FINANCIAL

Not applicable to this decision.

Prepared By:

G THOMAS
Community Planning Manager

Approved by:

B LESTER
Chief Executive

Appendix 1

Ashburton Zone Water Management Committee Terms of Reference

The area of the Ashburton Water Management Zone Committee is shown on the attached map.

Establishment

The Committee is established under the auspices of the Local Government Act 2002 in accordance with the Canterbury Water Management Strategy 2009.

The Committee is a joint Committee of Environment Canterbury (the Regional Council) and Ashburton District Council (the Territorial Authority).

Purpose and Functions

The purpose and function of the Committee is to:

- Facilitate community engagement in the development and periodic review of a Water Management Implementation Programme that gives effect to the Canterbury Water Management Strategy and takes into account the Implementation Programmes of other Committees where there is a common area of interest or interface; and
- Monitor progress in the implementation of the programme by the Water Executive.

Objectives and Delegated Powers

1. To develop a rolling 10 year Implementation Programme that seeks to advance the management of water and any associated documentation required to support the programme or as required by legislation.
2. Take into account and support other Implementation Programmes to the extent they have common areas of interest or interface.
3. Consult with other Committees throughout the development of their Implementation Programme on matters impacting on those Committees.
In particular, the Ashburton Zone Committee will implement the collaborative relationship as detailed in Appendix 1: Formal collaborative relationship between Ashburton Water Management Zone and the Selwyn-Waihora Zone.
4. Consult with relevant stakeholders throughout the development of the Implementation Programme.
5. Recommend the Implementation Programme to their respective Councils.
6. In developing the Implementation Programme ensure that the obligations to consult and obtain input from the public are met
7. To consider the Management Plan prepared by the Water Executive in response to the Implementation Programme and, if satisfied approve the Management Plan.
8. To monitor the performance of the Water Executive in relation to the implementation of the Management Plan.
9. To provide the relevant Territorial and Regional Authorities with updates on progress against the Implementation Programme.
10. To review the Implementation Programme on a three yearly cycle and amend as deemed necessary.

Limitation of Powers

No Zone Committee shall have the authority to commit any Council to any path or expenditure and shall operate in such a way as it does not compromise the Council's freedom to deliberate and make such decisions as it deems appropriate.

No Zone Committee shall have the authority to submit on resource consent matters in its own right.

Committee Membership

The Zone Committee will comprise members made up as follows:

1. 1 member appointed by the Regional Council who shall be an elected member
2. 1 member appointed by the Territorial Authority operating within the Zone Boundary (Ashburton District Council) who shall be an elected member
3. 1 member appointed by each Runanga with interests in the zone
4. Between 4-6 members appointed from the community and who come from a range of backgrounds and interests within the community

In determining the composition of the Zone Committee consideration shall be given to balancing the following interests in water management:

- Agricultural interests
- Indigenous biodiversity/ environmental groups
- Recreational users
- Economic development interests
- Energy/electricity interests
- General community interests
- Geographic spread

To be eligible to be considered for appointment to a Zone Committee a candidate must either live in or have a significant relationship with the zone.

Quorum

The quorum at a meeting consists of:

- (i) half of the members if the number of members (including vacancies) is even; or
- (ii) a majority of members if the number of members (including vacancies) is odd

Officers

The Committee shall appoint the Chair and Deputy Chair from the membership.

Term of Appointment

Members of Committees are appointed for a term of three years and can be reappointed for a second term of three years. To coincide with Local Government Election processes terms shall commence from December each year, with each Committee requiring confirmation of membership by the incoming Council.

Financial Delegations

None.

Operating Philosophy

The Zone Committees will at all times operate in accordance with the requirements of the Local Government Official Information and Meetings Act, but will observe the following principles in all its meetings.

1. Give effect to the fundamental principles, targets and goals of the Canterbury Water Management Strategy.
2. Be culturally sensitive observing tikanga Maori.
3. Give consideration to and balance the interests of all water stakeholders in the region in debate and decision-making.
4. Work in a collaborative and co-operative manner using best endeavours to reach solutions that take account of the interests of all sector of the community.
5. Members of the Committee are appointed on the basis of their experience and knowledge and not to represent a particular interest or group. Accordingly members will contribute their knowledge and perspective but not promote the views or positions of any particular interest and stakeholder group.
6. Promote a philosophy of integrated water management to achieve the multiple objectives of the range of stakeholders with interests in water.
7. The Committee will seek consensus in its decision-making where at all possible. Where, despite the best endeavours of members, unanimous agreement is not able to be reached a decision may be taken if in the view of the significant majority (i.e. 75% or more of members) it represents the best interest of all sectors of the community.
8. In the event that neither unanimous agreement is able to be reached nor a significant majority view formed, the Committee must in the first instance seek assistance from an external facilitator to further Committee discussions and deliberations.
9. Where the Committee encounters fundamental disagreements, despite having sought assistance and exhausted all avenues, they must recommend that the respective Councils disband them and appoint a new Committee.

Guidelines

1. The Committee is formed on a three-yearly basis.
2. Remuneration for members will be paid in the form of an honorarium at the following levels:
 - a. Appointed members - \$2,000 pa
 - b. Deputy Chair - \$3,000 pa
 - c. Chair - \$5,000 pa.

Staff or elected members of territorial authorities or the regional council shall not be eligible for remuneration.

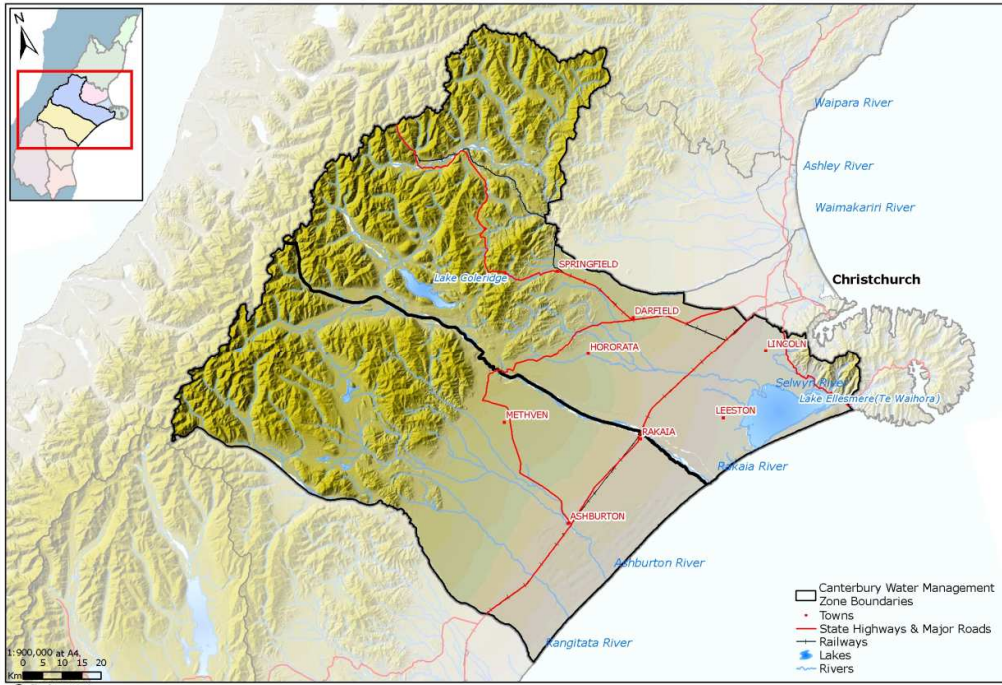
Reasonable travel expenses will be reimbursed.

3. The Committee will meet at least four times per annum and with workshops and additional meetings as required. In its first year of operation the Committee is likely to meet at least once a month.
4. Proxies or alternates are not permitted.
5. Any Committee may co-opt such other expert knowledge or advisory as it deems necessary to ensure it is able to achieve its purpose. Any such co-option will be on a non-voting basis.

Committee Support

1. The Committee shall be supported by the territorial and regional councils operating primarily through the Water Executive.

Ashburton Zone Map



Appendix 1:

Formal collaborative relationship between Ashburton Water Management Zone and the Selwyn-Waihora Zone

3 May 2010

Background

The Rakaia River forms the boundary between the Ashburton and Selwyn-Waihora Zones. This mirrors the boundary between Ashburton and Selwyn District Councils.

Both zones have a very strong interest in water management of the Rakaia River and its catchment. This interest includes supply of water from the Rakaia River (both for surface water takes and to groundwater systems), braided riverbed biodiversity, and recreation, cultural and amenity values of the river and catchment.

Selwyn and Ashburton District Councils, Canterbury Regional Council and the CWMS Water Executive agree on the imperative for the two zone committees to work collaboratively on water management of the Rakaia River and catchment. This collaboration will be formalised through a joint subcommittee of the two zone committees.

Subcommittee of Ashburton and Selwyn-Waihora Zone Committees

Subcommittee role

The subcommittee will ensure:

1. The Ashburton Zone Committee and the Selwyn-Waihora Zone Committee take a collaborative approach to water management of the Rakaia River and its catchment. This includes, but is not limited to, issues, strategies and management programmes relating to:
 - a. Water supply from the Rakaia River and its tributaries for surface water takes
 - b. Water supply from the Rakaia River to groundwater systems and associated lowland streams
 - c. Biodiversity and restoration of the Rakaia River and tributaries
 - d. Ecosystem health (including water quality) of the Rakaia River and its tributaries
 - e. Recreational, cultural and amenity values of the Rakaia River and its tributaries
 - f. Kaitiakitanga and customary values of the Rakaia River and its tributaries.
2. Zone Implementation Programmes of both zone committees reflect a collaborative approach to water management of the Rakaia River and its tributaries.
3. Engagement with the Regional Committee reflects a collaborative approach (across the two zone committees) for the Rakaia River and its tributaries. It is expected that the Subcommittee will be the Regional Committee's point of contact for engagement on water management issues, strategies and management programmes relating to the Rakaia River and its catchment.

The existence of the Subcommittee does not preclude joint meetings of all the members of both zone committees, including with the Regional Committee, on the Rakaia River and its catchment.

Subcommittee membership

The subcommittee will have eight members, four from each zone committee.

The subcommittee shall comprise:

1. A nominated representative of Selwyn District Council on the Selwyn-Waihora Zone committee

2. A nominated representative of Ashburton District Council on the Ashburton Zone Committee.
3. One of the nominated representatives of the Regional Council from one of the zone committees
4. A runanga representative from Taumutu or Arowhenua
5. Four other representatives from the Zone Committees selected to reflect the key water management interests of both committees. These key interests are expected to include, but not be limited to, water use (irrigation), recreation, and biodiversity/environment.

Quorum

A quorum will be at least three of the members of the subcommittee from the Ashburton Zone Committee and at least three of the members of the subcommittee from the Selwyn-Waihora Zone Committee.

Officers

The Subcommittee shall appoint the Chair from the membership.

Subcommittee support

The Subcommittee shall be supported by the territorial authorities (Ashburton and Selwyn District Councils) and the regional authority (Environment Canterbury) operating primarily through the Water Executive.

Administrative and day-to-day support for the subcommittee will be provided by Selwyn and Ashburton District Councils as part of their servicing of Zone Committees.

Machinery to give effective to this collaborative relationship

The TOR for Ashburton Zone Committee and the TOR for Selwyn-Waihora Zone Committee will both include material on the Subcommittee (as above). These TOR (including the material on the Subcommittee) will be agreed by the relevant councils (Ashburton DC, Selwyn DC and ECan) as part of establishing the Ashburton and Selwyn-Waihora Zone Committees.

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: 1/1/5
DATE: 21 October 2010
REPORT TO: Inaugural Council Meeting
FROM: Manager, Democracy & Community Services
SUBJECT: Basis of Remuneration of Elected Members

6. BASIS OF REMUNERATION OF ELECTED MEMBERS

6.1 INTRODUCTION

The Remuneration Authority (previously called the Higher Salaries Commission) has responsibility for determining the remuneration, allowances and expenses payable to elected local government representatives. The Authority is governed by the Local Government Act 2002 and the Remuneration Authority Act 1977 and this legislation requires the Authority to have regard to the need to:

- minimise the potential for types of remuneration to distort the behaviours of the elected member
- achieve and maintain fair relativity with levels of remuneration received elsewhere
- be fair both to the elected members and ratepayers
- attract and retain competent persons

In order to meet its statutory obligations, and in particular to achieve transparency, fairness and consistency between members, the Authority established appropriate models to assist in determining the cost of governance and representation for each local and regional authority. The models adopted four criteria that are transparent and readily verifiable from published data, namely:

- Population
- Operational expenditure
- Assets controlled
- Rate of population change

The application of these models results in an indicative pool of money notionally attributable to each local and regional authority. These indicative pools are used in general by the Authority to assist in ultimately determining the major portion of the remuneration for each member.

The Authority also determines allowances and expenses. The rules governing these are determined by the Authority and must be available for public scrutiny at each council.

6.2 LOCAL GOVERNMENT ELECTED MEMBERS (INTERIM) DETERMINATION 2010

This determination came into force, in respect of the Ashburton District Council and Methven Community Board, on the day in which the successful candidates in the 2010 local body elections were declared elected – ie Wednesday 13 October 2010, and will continue in force until Council has decided on its new structure and recommended to the Authority how its remuneration pool should be divided. A report will be prepared for Council's consideration on 25 November 2010.

The interim determination for Ashburton District Council and the Methven Community Board is as follows –

Office	Annual Salary (\$)
Mayor	79,200
Councillor	14,030
Methven Community Board member	*1,660

** The annual salary figure is the full (100%) remuneration cost of Community Board members. Half (50%) of the total salaries cost is included in the indicative pool.*

At the end of the interim period, once a new determination has been made for the Ashburton District Council, it is proposed that salaries will be backdated for –

- the deputy mayor, from the date of appointment
- chairpersons of committees and other specified positions, from the date of appointment
- councillors and community board members, and the community board chairperson, from the date of appointment.

The basis of calculation of the interim salaries is, in cases where there has been no change in the number of elected representatives:

1. The remuneration of mayors will remain as set out in this determination until 30 June 2011.
2. The remuneration of councillors and community board members, for the same period, will be no less than the amounts specified in this determination.
3. The remuneration of councillors and community board members is conservatively set at around 80% of the pre-election remuneration for the same positions. This is the practice adopted by the Authority in previous election years for two main reasons:
 - i) it would be problematic to reduce the remuneration of councillors or community board members once the organisational structure of a local authority has been decided after the election. An elected member so affected could reasonably claim to have been unfairly treated, having stood for election on the basis of one rate of remuneration and, after the election, being faced with a 3 year term on a lower rate; and
 - ii) in some councils, elected members are paid part through fixed remuneration, and in part through meeting fees. Setting the fixed component of elected members' remuneration at a low initial rate provides councils with the opportunity to recommend a meeting fee regime to the Authority, without the consequence of reducing the fixed component of their remuneration.
4. No additional remuneration is established for other positions (such as standing committee or community board chairs).

Once Council has finalised its structure, the Authority will notify the sum of money available (governance pool) and issue an amending determination for the remainder of the 2010-11 year. That amending determination will also provide an increase in the remuneration for those basic councillor and community board positions.

The adjustments finally approved by the Authority for specified positions (such as committee chairs) will be backdated to the date at which those committees are established and councillors are appointed to such positions. Any increase in the base remuneration for councillors or community board members will also be backdated to the date of their taking up office.

6.2.1 Schedule of Elected Member Expenses and Reimbursements

Council has comprehensive policies covering all forms of expense. There are no discretionary payments other than those described in policies. The policies provide clear guidelines for the benefit of councillors and community board members.

All claims are submitted for approval to Council's Committee Secretary and overseen by the Democracy and Community Services Manager. Any non routine queries are referred to the Democracy and Community Services Manager for consideration and decision. Reimbursement claims are documented by receipts and as can be seen from Council's policies are based on actual and reasonable expenditure. Payments are processed through payroll and are subject to the same internal and external audit.

In accordance with Council policy, as approved by the Remuneration Authority, the applicable rules for the recovery of expenses by elected members and community board members, are as follows –

6.2.2 Private Vehicle Use

Elected members are reimbursed at a maximum rate of \$0.70 per kilometre approved by the Remuneration Authority for Council related car running associated with payable in respect of the following meetings or events:

- Council meetings
- Standing Committee meetings
- Subcommittee meetings
- Working Group meetings
- Community Board meetings
- Community Association and Ratepayer Group meetings
- Hearings
- Meetings of outside bodies, where the member is attending as a formally appointed Council representative
- Council tours and site inspections
- Meetings with Mayor, Chief Executive, and Senior Managers
- Briefings

The purpose of the allowance is to reimburse a motor vehicle owner for the cost of using his / her vehicle on work-related business. The rate of 0.70 cents is based on AA calculations, taking into account the wide range of factors that influence the cost of running a motor vehicle – ie purchase price, engine capacity, repair and maintenance costs. In addition to these differentials, for the same make and model of vehicle purchased at the same time, the cost per kilometre will vary depending on the number of kilometres traveled each year. In general, the higher the usage, the lower the average cost per kilometre. The AA calculations are based on the vehicle travelling 14,000 kilometres per year. For travel over this amount, the cost reduces. In its most recent review of mileage allowance rates the Remuneration Authority saw no basis for adjusting the current maximum rate of 0.70c / kilometre.

6.2.3 Travel and Accommodation

• Taxis and other transport

Where it is impracticable for members to use a Council vehicle, the use of taxis or other transport is permitted.

The following members are entitled to the reimbursement of Council or Community Board related taxi and bus fares and parking charges:

- Mayor
- Deputy Mayor
- Councillors
- Community Board Chairman
- Community Board members

- **Car parks**

Car parks are provided for elected members.

- **Rental cars**

Where it is impracticable for members to use a Council vehicle, the Mayor, Deputy Mayor and Councillors may be provided with rental cars when attending conferences in other centres.

- **Air travel - domestic**

All elected members are entitled to utilise domestic air travel for Council related travel, where travel by air is the most cost effective travel option.

All such travel arrangements are made by the Chief Executive's Secretary with Council's preferred travel agents at the most economic cost available at the time of booking, unless travel costs are being met by an outside party.

- **Air travel - international**

Overseas travel is permitted where there is clear benefit to the Council.

As a general policy for all elected members and staff (where the costs of the fares are met by the Council) international air travel is by way of economy class.

All such travel arrangements are made by the Chief Executive's Secretary with Council's preferred travel agents at the most economic cost available at the time of booking unless travel costs are being met by an outside party.

- **Airline Clubs / Airpoints / Airdollars**

Subscriptions to airline clubs (such as the Koru Club) are not paid or reimbursed, however airpoints or airdollars earned on travel, accommodation etc, paid for by Council, are available for the private use of elected members.

- **Attendance at Conferences, Courses, Seminars and Training Programmes etc**

Attendance at conferences, training courses and seminars is per the following guidelines:

Local Government New Zealand Conference/Annual General Meeting

The Mayor, Chief Executive and up to two Councillors can attend North Island conferences, and the Mayor, Chief Executive and up to three Councillors can attend South Island conferences. Reasonable costs for the official representatives shall be reimbursed including partner's registration (if applicable) but excluding partner's travel expenditure and any separate partner programmes.

In selecting the Councillor(s) to attend, the following priorities will be given:

- i) The Deputy Mayor should attend at least one conference in each term of Council.
- ii) The longest serving Councillor(s) who have not attended the conference will be given priority. If all Councillors have attended, the one(s) who have not attended for the longest period will be given priority.
- iii) From time to time Councillors may attend other conferences/seminars (such as Planning, Recreation, Waste Management). Previous attendance at such conferences will be taken into consideration.

Attendance at conferences other than Local Government New Zealand conferences / courses / seminars requires specific approval by the Mayor or relevant Committee, who will consult with the Chief Executive on budgetary matters, and include details of approvals in the Mayor's report to Council.

In giving approval, consideration shall be given to:

- knowledge to be acquired
- new developments relevant to Council activities
- personal development relevant to the responsibilities of Council
- cost and value to the organisation

Councillors, after attendance at an approved course/seminar/conference, should submit a report to the next appropriate workshop or meeting on relevant matters including course content, matters of interest to other members and staff, and an assessment of the value of the course.

On approval, staff will make the arrangements for registration, travel and accommodation.

- **Accommodation costs whilst away at conferences, seminars etc**

Actual and reasonable costs reimbursed. On approval, accommodation will be arranged through the Chief Executive's Secretary.

- **Meals and sustenance, incidental expenses**

Actual and reasonable meal costs are paid for by the Council.

- **Private accommodation paid for**

Private accommodation (eg an apartment) is not provided to any member of Council.

- **Private accommodation provided by friends / relatives**

Allowances are not payable in respect of accommodation provided by friends / relatives when travelling on local authority business.

6.2.4 Entertainment and Hospitality

Council will not make payable or reimburse any hospitality or entertainment expenses.

6.2.5 Communications and Technology

- **Equipment and technology provided to elected members**

Council makes available the following equipment and technology to elected members for use at home on Council business:

- Fax
- Stationery and consumables

- **Home telephone rental costs and telephone calls (including mobiles)**

In the case of the Mayor, the Council supplies his cell phone and reimburses all Council related call charges.

- **Allowances paid in relation to communication and/or technology provided by elected member**

No allowances are paid in relation to communications and/or technology provided by the member relating to Council business.

6.2.6 Professional Development, Clubs and Associations

Where previously approved by the Mayor, Council funds elected members' attendance at professional development courses, conferences and seminars.

No expenses are reimbursed nor allowances paid in respect of elected members' subscriptions to clubs or associations.

6.2.7 Other Expense Reimbursements and Allowances

No other expense reimbursements are made nor allowances paid.

6.2.8 Taxation of Allowances

No allowances (as distinct from reimbursements of actual business expenses) are paid without deduction of withholding tax.

6.2.9 Resource Consent Hearing Fees Payable outside the Pool

A local authority may pay an elected member a hearing fee for the hearing time spent by the member on resource consent hearings. Hearing fee means \$68 per hour, pro rated for periods of less than one hour. A member who acts as the chairperson of a resource consent hearing is entitled to be paid a fee of \$85 per hour of hearing time. A resource consent fee for a formal pre-hearing meeting held as a preliminary step before a resource consent hearing may be paid only to one member.

The mayor of a district or city council must not be paid resource consent hearing fees unless the payment is first approved by the Remuneration Authority.

Resource consent hearings mean:

- a) a hearing arising from a resource consent application under section 88 of the Resource Management Act 1991; or
- b) a hearing arising from a notice of requirement given under section 168 of the Resource Management Act 1991; or
- c) a formal pre-hearing meeting held as a preliminary step before a resource consent hearing in paragraph (a) or (b) above; or
- d) a hearing relating to a private change in a district or regional plan or policy statement initiated under clause 21 of Schedule 1 of the Resource Management Act 1991; or
- e) a mediation hearing in the Environment Court as part of an appeal from a decision of a local authority; or
- f) a hearing on an objection against a charge fixed by the local authority under section 36 of the Resource Management Act 1991.

J G ROLLINSON
Manager
Democracy and Community Services

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: 6/4/5
DATE: 21 October 2010
REPORT TO: Inaugural Council Meeting
FROM: Community Services Officer
SUBJECT: Lions Club of Rakaia – application for a glass ban

7. GLASS BAN – LIONS CLUB OF RAKAIA

7.1 SUMMARY

The Rakaia Lions Club Inc is holding a fireworks display at the Rakaia Domain on Saturday 6 November 2010, or Sunday 7 November 2010 if the weather is inclement. In order to maintain safety for approximately 1500 attendees, the Club is requesting that a glass ban be imposed from midday on Saturday 5 November until midnight on Sunday 7 November, in the Rakaia Domain.

7.2 RECOMMENDATION

“That pursuant to the provisions of Chapter 11 Clause 1120 of the Ashburton District Council Bylaw 2008, specifically the fourth Schedule Para 3(e), a ban on the possession of glass drinking vessels and containers be imposed, from midday Saturday 6 November 2010 until midnight Sunday 7 November 2010, within the entire Rakaia Domain.”

7.3 BACKGROUND

The applicant, Lions Club of Rakaia Inc, has requested that a glass ban be imposed in the Rakaia Sports Domain for the purpose of holding the annual fireworks display. A glass ban is requested to maintain safety for approximately 1500 people who attend the event.

7.4 STATUTORY IMPLICATIONS

Chapter 11 Clause 1120 of the Ashburton District Council Bylaw 2010 provides that –

2. Prohibition of the use of glass drinking vessels and containers

1120 *The restrictions regarding the use of glass drinking vessels and containers in Public Places are contained within the Fourth Schedule of this chapter.*

Fourth Schedule Para 3.(e) of Chapter 11 of the Ashburton District Council Bylaw 2008 provides that –

3. Prohibition on possession of glass drinking vessels or containers in public places...

(e) *Council may from time to time and by publicly notified resolution place a temporary prohibition on the possession of glass drinking vessels and containers from any public place throughout the district.*

7.5 CONSULTATION

The proposed glass ban has been publicly notified in the Ashburton Guardian on Wednesday 6 October 2010, and objections called for by Wednesday 20 October 2010.

7.6 FINANCIAL

Adverting costs have been included in the standard “Council Notice board”.

Prepared By:
J NAYLOR
Community Services Officer

Approved by:
J G ROLLINSON
Manager Democracy & Community Services

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: 5/1/8/2
DATE: 21 October 2010
REPORT TO: Inaugural Council Meeting
FROM: Community Services Officer
SUBJECT: Road Closure – Ashburton Car Club

8. ROAD CLOSURE – ASHBURTON CAR CLUB

8.1 SUMMARY

To recommend the temporary closure of roads in Ashburton, for the purpose of allowing the Ashburton Car Club and ATV Club to hold a Gravel Sprint meeting and a Standing and Flying Quarter Mile meeting. Two individual applications were lodged.

8.2 RECOMMENDATIONS

“That the following road be closed to ordinary vehicular traffic from 9.00 am to 6.30 pm on Saturday 14 November 2010, for the purpose of allowing the Ashburton Car Club and ATV Club to hold a Gravel Sprint

RUTHERFORDS ROAD, from Lambies Road to Boyds Road.”

“That the following road be closed to ordinary vehicular traffic from 9.00 am to 6.00 pm on Saturday 4 December 2010, for the purpose of allowing the Ashburton Car Club to hold a Standing and Flying Quarter Mile meeting:

CHERTSEY ROAD, between Wards Road and Taverners Road.”

8.3 BACKGROUND

The Ashburton Car Club has applied for individual temporary road closures for the purpose of holding a Gravel Sprint meeting and a Standing and Flying Quarter Mile meeting for the following roads in Ashburton:

- RUTHERFORDS ROAD, from Lambies Road to Boyds Road
- CHERTSEY ROAD, between Wards Road and Taverners Road.

These applications must be considered by Council because New Zealand Motorsport, of which the Ashburton Car Club is a member, requires roads to be closed for motor sport events under the local Government Act, as event participants may be under 15 years of age.

The Ashburton Car Club has been advised of the conditions of closure as follows:

1. Approval by Council.
2. No objections being upheld against the closures in response to the statutory advertisements.
3. Arrangements are to be made for pre-event and post-event inspections with a representative from the Council’s Operations Department. The inspections are to be completed within three days of the event and results of the inspections will be recorded by Council.

4. The roads must be reinstated to the condition prior to the event. Any costs incurred by the Council as a result of this event, including maintenance costs or reinstatement costs, will be charged to the Ashburton Car Club and ATV Club. Any restoration work required is to be carried out to an arranged programme with Council.
5. Necessary arrangements are made for the tidying and clearing of the roads on the closed section of the road and the disposal of any litter.
6. The Ashburton Car Club and ATV Club is required to arrange adequate insurance against its liability to pay damages to any person or entity in respect of any claim on account of damage to property or injury to persons where the damage or injury results from the holding of these events. We hold a copy of insurance on file which is valid until 31 December 2010.
7. Provision of Traffic Management Plans, conforming with the requirements of the Transit NZ Code of Practice for Temporary Traffic Management. We have received these and are awaiting approval.
8. The Ashburton Car Club and ATV Club shall be responsible to ensure that the correct road signs and barricades are in place during the full period of the closures and promptly removed after the conclusion and clearance of the roads.
9. The Ashburton Car Club and ATV Club are required to provide adequate safety marshals in distinctive clothing for the events.
10. Should weather conditions become sufficiently adverse that the roads could be damaged as a result of holding the events the organisers shall take the necessary steps to protect the roads. This may include delaying or cancelling the events.

8.4 OPTIONS AND RISKS CONSIDERED

The events are run annually and have been managed without incident in the past. The responsibilities for risk free operation lie with the organisers and all contingencies are covered in the conditions of closures.

8.5 STATUTORY IMPLICATIONS

Clause 11 of the Tenth Schedule of the Local Government Act 1974 provides –

“That Council may, subject to such conditions as it thinks fit... close any road or part of a road to all traffic (e)... for any exhibition, fair, market, concert, film making, race or other sporting event or public function.”

8.6 CONSULTATION

The proposed road closures have been publicly notified in the Ashburton Guardian on Wednesday 29 September 2010 and Wednesday 6 October 2010 and objections called for by 4.00 pm Thursday 14 October 2010. There were no objections.

8.7 STRATEGIC LINKS

Not applicable.

8.8 FINANCIAL

Not applicable.

Prepared By:

J NAYLOR
Community Services Officer

Approved by:

J G ROLLINSON
Manager Democracy & Community Services