



Ashburton District Council

AGENDA

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

Date: Thursday 25 October 2007

Venue: Council Chamber
5 Baring Square West
Ashburton

Time: 1.30 pm

B LESTER
Chief Executive

18 October 2007

AGENDA

- 1 Apologies
- 2 Notification of Extraordinary Business
- 3 Invocation by representative of the Ashburton Ministers' Association
Rev Alan Judge – St David's 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 1
 - (i) The Local Government Official Information and Meetings Act 1987; and
 - (ii) other legislation that have 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
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Section 7(2)(h) Commercial activities

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: 1/3/3
DATE: 25 October 2007
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 2007 Schedule of Meetings

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In November 2006, Council adopted a schedule of meetings for the 2007 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 2007 Schedule of Meetings for the period 29 October to 18 December 2007.”

4.6 Nominations for Provincial Sector Elections – LGNZ

Nominations are called for the Provincial Sector representative. If more than one nomination is received, an election will be held. Nominations are required to be with Local Government New Zealand by 30 October 2007.

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: 13/20
DATE: 25 October 2007
REPORT TO: Inaugural Meeting of Council
FROM: Property Manager
SUBJECT: Albert Street Subdivision

5. ALBERT STREET SUBDIVISION

5.1 SUMMARY

To advise Council of the calling of tenders for the sale of sections in the Albert Street subdivision. **Pages 7**

5.2 RECOMMENDATION

- “1. That Council notes that tenders for the sale of Lots 4-11 and Lots 53 & 54, will be called on 7 November 2007, closing 4 December 2007; and
2. That tenders will be referred to Council for consideration on 18 December 2007.”

5.3 BACKGROUND

On 12 October 2007, approval of the subdivision plan for Stage 1 of the Albert Street subdivision was received. The consent approval requires the submission of engineering and landscape plans to Council for approval. These drawings are nearing completion and it is hoped that we will be in a position to call tenders for the engineering works late December. The required consent for stormwater is lodged.

Given that we anticipate commencing physical works on the infrastructural installation in early 2008, it is considered timely to call tenders for the sale of a number of lots. Tenders will be on the basis of any sale being subject to titles issuing. All lots within the subdivision will be subject to conditions as shown on the attached “Conditions of Tender”.

Calling tenders for Lots 4-11, 53 & 54, will provide a reasonable guide to future price expectations as the lots are a mixture of front and rear sections and are of varying sizes.

Expressions of interest in the subdivision have been received from individuals and building companies.

It is proposed that further sales will be on the basis of private treaty and tenders, depending on interest shown.

5.4 OPTIONS

Council could advertise at this time for private treaty sales but it is considered that tendering will provide a good benchmark for future pricing, again noting the covenants that relate to the sustainable homes that will be on the titles. (Refer attached Schedule 1) **Pages 13-15**

It is an option to delay tendering, however it is considered that tendering now will heighten awareness and will provide an opportunity for any building company to schedule construction to coincide with infrastructure installation.

5.5 STATUTORY IMPLICATIONS

The project is included in the adopted LTCCP.

5.6 CONSULTATION

Not applicable.

5.7 STRATEGIC LINKS

The sale of residential sections is part of Council's goal to encourage sustainable development in the district.

5.8 FINANCIAL

Tenders received will need to meet Council's financial expectations.

J M ROONEY
Property Manager

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: 1/3/1
DATE: 25 October 2007
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: 5/1/8/2
DATE: 25 October 2007
REPORT TO: Council Meeting
FROM: Community Services Officer
SUBJECT: Road Closure – Ashburton Car Club

6. ROAD CLOSURE – ASHBURTON CAR CLUB

6.1 SUMMARY

To recommend the temporary closure of Malcolm McDowell Avenue in Ashburton, for the purpose of allowing the Ashburton Car Club to hold a Motorkhana meeting.

6.2 RECOMMENDATION

“That the following road be closed to ordinary vehicular traffic from 10.00 am to 6.00 pm on Sunday 28 October 2007, for the purpose of allowing the Ashburton Car Club to hold a Motorkhana meeting:

MALCOLM MCDOWELL AVENUE, from Bremners Road to the end of the road.”

6.3 BACKGROUND

The Ashburton Car Club has applied for a temporary road closure for the purpose of holding a Motorkhana meeting, on the following road in Ashburton:

- Malcolm McDowell Avenue, from Bremners Road to the end of the road.

This application 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 this Committee.
2. No objections being upheld against the closure in response to the statutory advertisement.
3. Arrangements are to be made for a pre-event and post-event inspection 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 road 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. 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 road on the closed section of the road and the disposal of any litter.

6. The Ashburton Car 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 this event.
7. Provision of a Traffic Management Plan, conforming with the requirements of the Transit NZ Code of Practice for Temporary Traffic Management.
8. The Ashburton Car Club shall be responsible to ensure that the correct road signs and barricades are in place during the full period of the closure and promptly removed after the conclusion and clearance of the road.
9. The Ashburton Car Club is required to provide adequate safety marshals in distinctive clothing for the event.
10. Should weather conditions become sufficiently adverse that the road could be damaged as a result of holding the event the organisers shall take the necessary steps to protect the road. This may include delaying or cancelling the event.

6.4 OPTIONS

Not applicable.

6.5 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.”

6.6 CONSULTATION

The proposed road closure has been publicly notified in the Ashburton Guardian on Wednesday, 12 September 2007 and objections called for by 4.00 pm Wednesday 26 September 2007. No objections were received.

6.7 STRATEGIC LINKS

Not applicable.

6.8 FINANCIAL

Not applicable.

V PRENDERGAST
Community Services Officer

ASHBURTON DISTRICT COUNCIL REPORT

FILE NO: 2/22 6/4/5
DATE: 25 October 2007
REPORT TO: Inaugural Meeting of Council
FROM: Democracy and Community Services Manager
SUBJECT: Glass Ban – Lions Club of Rakaia

7. GLASS BAN – LIONS CLUB OF RAKAIA

7.1 SUMMARY

The Lions Club of Rakaia Inc is holding a fireworks display at the Rakaia Domain on Saturday 3 November, 2007. In order to maintain safety, for approximately 1500 attendees the Club is requesting that a glass ban be imposed from 6.00 pm until midnight on Saturday 3 November 2007.

7.2 RECOMMENDATION

“That pursuant to the provisions of Chapters 16 (A) 01.5 and 01.6 of the Ashburton District Council Bylaw 1999, a ban on the possession of glass drinking vessels and containers be imposed, from 6.00 pm to 12.00 midnight on Saturday 3 November 2007, within the Rakaia Domain.”

7.3 BACKGROUND

The Lions Club of Rakaia has requested that a glass ban be imposed in the Rakaia Domain during the annual fireworks display, to maintain safety. A glass ban has been successfully imposed for this event in the past two years.

7.4 STATUTORY IMPLICATIONS

Chapter 16 (A) 01.5 of the Ashburton District Council Bylaw 1999 provides that –

“Council may from time to time and by publicly notified resolution place a temporary ban on the possession of glass drinking vessels and containers from any public place throughout the district.”

Chapter 16 (A) 01.6 of the Ashburton District Council Bylaw 1999 provides that –

“A resolution imposing a temporary ban pursuant to clause 16 (A) 01.5 shall clearly specify and describe the public place on which a temporary ban is to be imposed and shall set out the duration of such a ban.”

Chapter 16 (A) 01.7 of the Ashburton District Council Bylaw provide that –

“Where a temporary ban on the possession of glass drinking vessels or containers from any public place has been imposed and that ban has been publicly notified there shall be displayed at that public place a notice informing the public of the time and duration of that ban.”

Glass ban notices will be provided by Council to be displayed in the Rakaia Domain.

7.5 CONSULTATION

The proposed glass ban was publicly notified in the Ashburton Guardian and the Rakaia News on Wednesday 10 October, and objections called for by Wednesday 24 October 2007.

7.6 FINANCIAL

The Lions Club of Rakaia are required to meet advertising costs.

J G ROLLINSON

Democracy & Community Services Manager