



COUNCIL MEETING

Commencing at 3pm

on

Tuesday 8 August 2017

**Council Chamber
District Council Building
King George Place
Timaru**

TIMARU DISTRICT COUNCIL

Notice is hereby given that a meeting of the Timaru District Council will be held in the Council Chamber, District Council Building, King George Place, Timaru on Tuesday 8 August 2017, at 3pm.

LOCAL AUTHORITIES (MEMBERS' INTERESTS) ACT 1968

Councillors are reminded that if you have a pecuniary interest in any item on the agenda, then you must declare this interest and refrain from discussing or voting on this item, and are advised to withdraw from the meeting table.

Bede Carran
CHIEF EXECUTIVE

TIMARU DISTRICT COUNCIL MEETING

8 AUGUST 2017

AGENDA

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1		Opening Prayer – Brent Richardson, Timaru Presbyterian Parish
2		Apology – Clr Burt
3		Public Forum
4		Identification of Urgent Business
5		Identification of Matters of a Minor Nature
6		Declaration of Conflicts of Interest
7	1	Confirmation of Minutes – Council Meeting – 27 June 2017
8	13	Schedule of Functions Attended by the Mayor and Deputy Mayor and Councillors
9	15	Schedule of Functions Attended by the Chief Executive
10	17	Contract Let by the Chief Executive Under Delegated Authority
11	18	Changes Arising from the Resignation of Former Councillor Tracy Tierney
12	20	Loan Raising Programme 2017/18
13	24	Draft Growth Management Strategy - Hearing
14	27	Revocation of Chapters 20 and 22 from Timaru District Consolidated Bylaw 2013
15	30	Receipt of Community Board and Committee Minutes
16		Consideration of Urgent Business Items
17		Consideration of Minor Nature Matters
18		Public Forum Items Requiring Consideration
19	31	Exclusion of the Public
1	33	Confirmation of Council Minutes 27 June 2017
2	35	Confirmation of Tenders Committee Minutes 27 June 2017
3	38	Confirmation of Tenders Committee Minutes 20 July 2017
4	41	Receipt of Committee Minutes
5	42	Readmittance of the Public

**TIMARU DISTRICT COUNCIL
FOR THE MEETING OF 8 AUGUST 2017**

Report for Agenda Item No 7

**Prepared by Bede Carran
 Chief Executive**

Confirmation of Minutes –Council Meeting 27 June 2017

Minutes of the June Council meeting.

Recommendation

That the minutes of the Council meeting held on 27 June 2017, excluding the public excluded items, be confirmed as a true and correct record.

TIMARU DISTRICT COUNCIL

MINUTES OF A MEETING OF THE TIMARU DISTRICT COUNCIL HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL BUILDING, KING GEORGE PLACE, TIMARU ON TUESDAY 27 JUNE 2017 AT 3PM

PRESENT Mayor Damon Odey, Cirs Peter Burt, Dave Jack, Richard Lyon, Paddy O'Reilly, Sally Parker, Kerry Stevens

APOLOGIES Cirs Andrea Leslie and Steve Wills
Noeline Clarke – Temuka Community Board
John McDonald – Pleasant Point Community Board

IN ATTENDANCE Wayne O'Donnell – Geraldine Community Board (for public part of meeting)
Chief Executive (Bede Carran), Group Manager Infrastructure (Ashley Harper), Group Manager Corporate Services (Tina Rogers), Group Manager Community Services (Sharon Taylor), Corporate Planning Manager (Mark Low)(for public part of meeting), Communications Manager (Stephen Doran), Council Secretary (Joanne Brownie)

OPENING PRAYER Father Brian Fennessy of the Catholic Parish of Timaru offered a prayer for the work of the Council.

MINUTES SILENCE IN HONOUR OF JOE CLARKE

The meeting held a minutes silence in honour of former Temuka Borough Council Mayor and Timaru District Councillor Joe Clarke who died recently.

1 PUBLIC FORUM Otipua Wetlands

Kevin Linscott addressed the Council on his proposal for Council to purchase the property adjacent to Otipua Wetlands, to enable completion and greater utilisation of the wetlands. He has spoken to the owner of the property, a landscape company and NZTA in regard to his suggestion. The meeting was advised that the proposal does not yet have the backing of the Otipua Wetlands Trust, as the Trust is yet to consider the proposal.

Walking Tracks in Geraldine

Graeme Wills spoke on behalf of the Geraldine Environmental Trust expressing concern at cyclists and dogs off leash along the Waihi walkway in Geraldine. The Trust believes the track is not wide enough to safely accommodate both walkers (many of whom are elderly), and cyclists and dogs off the leash, although the Trust believes mobility scooters are not so dangerous.

If the track was widened, trees would have to be cut down and the Trust is of the view that there are enough suitable alternative cycling tracks for bikers to be able to make the 1km Waihi track cyclist-free.

The Trust is seeking Council backing to ban cyclists and dogs off leash. If Council, ECan and the Department of Conservation are in agreement, Land Information may be prepared to work with the Trust to achieve what it wants.

2 CONFIRMATION OF MINUTES

Proposed Clr Lyon
Seconded Clr Stevens

“That the minutes of the Council meeting held on 9 May 2017, excluding the public excluded items, be confirmed as a true and correct record.”

MOTION CARRIED

3 SCHEDULE OF FUNCTIONS ATTENDED BY THE MAYOR, DEPUTY MAYOR AND COUNCILLORS

Proposed Clr Jack
Seconded Clr Parker

“That the schedule of duties and functions attended by the Mayor, Deputy Mayor and Councillors be received and noted.”

MOTION CARRIED

4 SCHEDULE OF FUNCTIONS ATTENDED BY THE CHIEF EXECUTIVE

Proposed Clr Stevens
Seconded Clr O'Reilly

“That the schedule of duties and functions attended by the Chief Executive be received and noted.”

MOTION CARRIED

5 AFFIXING OF THE COMMON SEAL

Proposed Clr Jack
Seconded Clr Parker

“That the affixing of the Common Seal to the following document be noted:

Date	Document
30 May 2017	Warrant of Appointment – Liquor Licensing Inspector - Angela May Lumsden

MOTION CARRIED

6 CONTRACTS LET BY THE CHIEF EXECUTIVE UNDER DELEGATED AUTHORITY

Proposed Clr Stevens
Seconded Clr Lyon

“That the following information on contracts let by the Chief Executive under delegated authority, be received.

Contract Description	Number of Tenders	Price Range	Successful Tenderer and Price
Contract 2246 – Martin Street and Doncaster Street Upgrade	5	\$505,226.75 to \$675,689.00	Fulton Hogan Limited \$505,226.75
Contract 2277 – Redruth Resource Recovery Park	2	\$361,595.80 to \$397,461.43	Paul Smith Earthmoving Limited \$361,595.80
Tenders were evaluated using the Lowest Price Conforming Tender Method			

All prices exclude GST.”

MOTION CARRIED

7 APPOINTMENT TO ROLES PREVIOUSLY HELD BY FORMER COUNCILLOR TRACY TIERNEY

The Council considered a report by the Mayor on appointments made to some of the positions previously held by former councillor Tracy Tierney.

Proposed Clr Parker
Seconded Clr O’Reilly

“That the Council notes that, pursuant to Section 41A, of the Local Government Act 2002, the Mayor has made the following appointments

Environmental Services Committee	Chairperson	Clr Stevens
Hearings Committee	Chairperson	Clr Stevens
Infrastructure Committee	Chairperson	Clr Jack
Industrial Relations Committee	Member	Chairperson of Environmental Services
Tenders Committee		Chairperson of Environmental Services
Fencing of Swimming Pools Exemption Subcommittee		Chairperson of Environmental Services.”

MOTION CARRIED

8 CODE OF CONDUCT OF ELECTED MEMBERS POLICY

The Council considered a report by the Group Manager Corporate Services presenting the Code of Conduct of Elected Members policy for approval. The three Community Boards have recommended the policy be approved as presented.

Proposed Clr Burt
Seconded Clr Parker

“That the Code of Conduct for Elected Members Policy be approved.”

MOTION CARRIED

9 TIMARU WARD BY ELECTION 2017 – ORDER OF CANDIDATE NAMES

Clr Burt declared an interest in this issue, as he had nominated a candidate for the by-election. Clr Burt did not participate in the discussion nor vote on the issue.

The Council considered a report by the Electoral Officer requesting Council’s decision on the order in which the candidates’ names are to be shown on the voting documents for the 2017 Timaru Ward By-election.

Proposed Clr Lyon
Seconded Clr Stevens

“That Council resolves that random order (all voting documents have a different order) be used for the order in which the candidates’ names are to be shown on the voting documents for the 2017 Timaru Ward By-election.”

MOTION CARRIED

10 DELEGATIONS MANUAL

The Council considered a report by the Group Manager Corporate Services presenting the updated Delegations Manual.

Proposed Clr Jack
Seconded Clr Burt

“That the Delegations Manual be adopted.”

MOTION CARRIED

11 ANNUAL PLAN 2017/18

The Council considered a report by the Corporate Planning Manager presenting the feedback on the 2017/18 Annual Plan and seeking the adoption of the Plan. The Mayor conveyed his thanks to all the staff involved in the process leading to the production of the final document.

Proposed Clr Jack
Seconded Clr Stevens

- 1 “That the report be received and noted.
- 2 That the feedback on the Annual Plan 2017/18, as attached, be considered by Council.
- 3 That the feedback on the Annual Plan 2017/18 be received and noted and fed into the 2018/28 Long Term Plan development.
- 4 That in considering this matter Council gives regard to Sections 76, 77, 78, 80, 81 and 82 of the Local Government Act 2002. These sections cover all aspects of Council decision-making. In particular, Council has considered

the views and preferences of persons likely to be affected by, or who have an interest in the matter.

- 5 That the Timaru District Council Annual Plan 2017/18, including the Fees and Charges 2017/18 is adopted in accordance with Section 95 of the Local Government Act 2002.”

MOTION CARRIED

12 RESOLUTION TO SET RATES

The Council considered the resolution to set and assess rates for the year commencing on 1 July 2017 and ending 30 June 2018.

Proposed Cllr Lyon
Seconded Cllr Stevens

TIMARU DISTRICT COUNCIL

RESOLUTION TO SET RATES

Timaru District Council has adopted its Annual Plan for 2017-18. It has made no changes to its proposed rating policy and is now moving to set and assess the rates described in its rating policy.

- 1 That the Timaru District Council set the following rates under the Local Government (Rating) Act 2002, on rating units in the district for the financial year commencing 1 July 2017 and ending on 30 June 2018. Such rates shall become due and payable by instalments on the dates prescribed in clause 13 of this resolution.

- 2 All rates and charges are inclusive of the Goods and Services Tax (GST).

3 General Rate

That pursuant to Section 13(2)(b) and Section 14 of the Local Government (Rating) Act 2002 a general rate set as a rate in the dollar on the land value of all rating units within the Timaru District, assessed on a differential basis as described below:

Timaru District - Accommodation	\$0.01164
Timaru District - Commercial Central	\$0.01164
Timaru District - Commercial Other	\$0.01164
Timaru District - Community Services	\$0.00291
Timaru District - Industrial	\$0.01164
Timaru District - Primary	\$0.00116
Timaru District - Recreational	\$0.00291
Timaru District - Residential General	\$0.00291
Timaru District - Residential Multi Unit	\$0.00582

4 General Charge

That pursuant to Section 15(1)(a) of the Local Government (Rating) Act 2002 a uniform annual general charge of \$535.00 per rating unit be assessed on every rating unit within the Timaru District.

Provided that where any two or more separate rating units are owned by the same ratepayer; used jointly as a single unit and are contiguous or

separated only by a road, railway, drain, water race, river or stream they shall be deemed to be one unit for the purpose of the setting and assessing of this uniform annual general charge.

5 Community Works and Services Rates

That pursuant to Section 16(3)(b) and (4)(a) of the Local Government (Rating) Act 2002 a targeted community works and services rate set as a rate in the dollar on the land value of all rating units within each of the community areas where the service is provided.

Geraldine	\$0.00170
Rural	\$0.00005
Temuka	\$0.00268
Timaru	\$0.00145

6 Aquatic Centre Rate

That pursuant to Section 16(3)(a) and (4)(b) of the Local Government (Rating) Act 2002 a targeted annual aquatic centre rate assessed as a fixed amount per separately used or inhabited part of a rating unit for residential (general or multi-use) rating units, per rating unit for other rating units (being the same amount as the amount assessed per separately used or inhabited part of a residential (general or multi-use) rating unit).

Residential – per separately used or inhabited part	\$109.00
Other – per rating unit	\$109.00

7 Community Board Charges

That pursuant to Section 16(3)(b) and (4)(a) of the Local Government (Rating) Act 2002 a targeted uniform annual Community Board charge on each separately used or inhabited part of a rating unit within each of the Temuka, Geraldine and Pleasant Point Wards.

Geraldine	\$2.00
Pleasant Point	\$5.00
Temuka	\$3.50

8 Sewer Charge

That pursuant to Section 16(3)(b) and (4)(a) of the Local Government (Rating) Act 2002 a targeted annual charge for sewerage disposal set per water closet or urinal connected either directly or through a private drain to a public sewerage drain subject to the proviso that every rating unit used exclusively or principally as a residence of not more than one household shall be deemed to have not more than one water closet or urinal.

Sewer Charge	\$369.00
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9 Waste Management Charge

That pursuant to Section 16(3)(b) and 16(4)(a) of the Local Government (Rating) Act 2002 a differential targeted rate on all rateable and non-rateable land to which the “three bin” waste collection service is actually provided

- (a) of \$279.00 per standard size “three bins” provided to each rating unit;
- (b) of \$379.00 per large “three bins” provided to each rating unit;

- (c) of \$72.00 per additional small (140 litres) recycling bin provided to each rating unit; and
- (d) of \$82.00 per additional large (240 litres) recycling bin provided to each rating unit; and
- (e) of \$112.00 per additional small (140 litres) compost bin provided to each rating unit; and
- (f) of \$133.00 per additional large (240 litres) compost bin provided to each rating unit; and
- (g) of \$138.00 per additional small (140 litres) rubbish bin provided to each rating unit; and
- (h) of \$199.00 per additional large (240 litres) rubbish bin provided to each rating unit.

10 Water Charges

That pursuant to Section 16(3)(b), (4)(b) and section 19 of the Local Government (Rating) Act 2002 targeted rates for the supply of water in the following areas as follows.

- (a) Geraldine, Pleasant Point, Peel Forest, Temuka, Timaru and Winchester urban supplies

A differential annual charge of \$297.00 per separately used or inhabited part on each rating unit or separately used or inhabited part of a residential rating unit receiving an ordinary water supply and \$148.50 per rating unit on all rating units situated within 100 metres from any part to the water works to which water can be but is not supplied within the urban areas.

- (b) Rural

- (i) **The Rangitata-Orari Water Supply District**

A targeted rate of \$17.30 per hectare within the rating unit.

- (ii) **The Te Moana Downs Water Supply District**

- a) A targeted rate of \$275.00 for each unit of water supplied;

- b) A targeted rate of \$542.20 for each tank except where there is more than one tank to any rating unit as a technical requirement of the scheme, in which case only one charge will apply.

- (iii) **The Orari Township Water Supply District**

A targeted rate of \$232.00 for each unit of water supplied.

- (iv) **The Seadown Water Supply District**

- a) A targeted rate of \$16.40 per hectare within the rating unit;

- b) A targeted rate of \$409.00 per separately used or inhabited part of a rating unit for each domestic supply;

- (v) **Beautiful Valley Water Supply District**

A targeted rate of \$3.69 per hectare within the rating unit.

- (vi) **Downlands Water Supply District**

On so much of the rating unit appearing on Valuation Rolls number 24640, 24660, 24670, 24680, 24690, 24700, 24710, 24820, 24840, 24850, 24860, and part 25033, as is situated within the Downlands Water Supply District.

- a) A targeted rate of \$566.00 for each separately used or inhabited part of a rating unit within the Pareora Township and for rating units used as halls within the scheme.
- b) A targeted rate of \$971.00 per rating unit for rating units used as schools within the Pareora Township.
- c) In addition a targeted rate of \$404.00 for each separate connection (excluding Pareora Township) to the water supply except where there is more than one connection to any rating unit as a technical requirement of the scheme, in which case only one charge will apply.
- d) In addition to the charge assessed in (c) above, a targeted rate of \$162.00 per unit of water or where water supplied in one half units a charge of \$81.00 per half unit.

(c) Water by Meter

A targeted rate for water supply, set under Section 19 of the Local Government (Rating) Act 2002 per cubic metre of water consumed to any rating unit situated in the following areas which has been fitted with a water meter:

Seadown	\$0.84
Urban	\$0.60

11 Community Centre Charges

That pursuant to Section 16(3)(b) and (4)(a) of the Local Government (Rating) Act 2002, the following uniform targeted rates in respect of each separately used or inhabited part of a rating unit situated in the following Community Centre Areas:

Claremont Community Centre	\$20.00
Fairview Community Centre	\$30.00
Kingsdown Community Centre	\$36.00
Otipua Community Centre	\$20.00

12 Instalment Dates

The above rates and charges are due and payable on the following dates:-

All Ratepayers

Instalment Due Date

1	20 September 2017
2	20 December 2017
3	20 March 2018
4	20 June 2018

The due dates for metered water targeted rates are as follows:-

Month invoice raised	Due Date
July 2017	21 August 2017
August 2017	20 September 2017

September 2017	20 October 2017
October 2017	20 November 2017
November 2017	20 December 2017
December 2017	22 January 2018
January 2018	20 February 2018
February 2018	20 March 2018
March 2018	20 April 2018
April 2018	21 May 2018
May 2018	20 June 2018
June 2018	20 July 2018

13 Method of Calculation of Each Instalment

All Ratepayers

Instalments 1-4: Each instalment will be equal to one quarter (1/4) of the total year's rates (2017/2018).

14 Discount

That pursuant to Section 55 of the Local Government (Rating) Act 2002, the following discount will apply:-

A discount of 2.50% will be allowed on the total rates set, if the 2017/2018 rates, including any current penalties, are paid in full on or before 20 September 2017.

15 Penalties

That pursuant to Section 57 of the Local Government (Rating) Act 2002 the District Council prescribes the following penalties to be added to unpaid rates:-

(a) A Penalty

A penalty under section 58(1)(a) of 10% of the amount of the unpaid instalment or portion of instalment will be added if not paid on or before the instalment due date, on the following dates:

Instalment	Penalty Date
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1	21 September 2017
2	21 December 2017
3	21 March 2018
4	21 June 2018

(b) Further Penalties

A further penalty under section 58(1)(b) and 58(1)(c) of 10% of the amount of any rates from previous financial years remaining unpaid on 3 July 2017 will be added on 21 September 2017. An additional penalty will be added to any unpaid rates from previous financial years that remain unpaid on 21 March 2018. This penalty will be added on 22 March 2018.

Penalties will not be applied to the metered water targeted rate

16 Payment of Rates

That rates shall be payable at any of the following places:

Timaru District Council offices, 2 King George Place, Timaru
Temuka Library, Information and Service Centre, 72-74 King Street,
Temuka
Geraldine Library and Service Centre, 76 Talbot Street, Geraldine

between the hours of 9.00am to 5.00pm, Monday to Friday.”

MOTION CARRIED

13 RECEIPT OF COMMUNITY BOARD AND COMMITTEE MINUTES

Proposed the Mayor
Seconded Cllr Lyon

“That the minutes of the following meetings, excluding the public excluded sections, be received:

Temuka Community Board	22 May 2017
Pleasant Point Community Board	23 May 2017
Geraldine Community Board	24 May 2017
Environmental Services Committee	13 June 2017
Community Development Committee	13 June 2017
Infrastructure Committee	13 June 2017
Policy and Development Committee	13 June 2017.”

MOTION CARRIED

14 PUBLIC FORUM ITEMS FOR CONSIDERATION

Otipua Wetlands

The Council discussed the request from Mr Linscott for Council support to purchase the property adjacent to the Otipua Wetlands. Councillors agreed that no action be taken at this time, as the Otipua Wetlands Trust should consider the proposal in the first instance and if the Trust approves, the Trust should endeavour to secure some funding for the project before approaching Council for support.

Geraldine Walking Tracks

The Council considered the access issue raised by Mr Wills in the public forum. Councillors noted the great job the Geraldine Environmental Trust does in the town, with landscaping, track maintenance and litter control. There is conflict between those who support the banning of bikes and dogs off the leash on the Waihi track and those who support cyclists and dogs having access. There is also difficulty with LINZ, Department of Conservation, Council and ECan all being involved, as well as the number of regulations and legislation that hampers the ability to easily resolve the issue.

Council concluded that while acknowledging the valuable work of the Trust, Council is not in a position to directly provide a solution to the Trust’s concerns.

15 EXCLUSION OF THE PUBLIC

Proposed Clr Jack
Seconded Clr Burt

“That the Council resolves to exclude the public on the grounds contained in Section 48(1) of the Local Government Official Information and Meetings Act:

Confirmation of Minutes

Rail Crossing

Section 7(2)(j)

The withholding of the information is necessary to enable the local authority holding the information to carry on, without prejudice or disadvantage, negotiations.

Receipt of Minutes

Temuka Oxidation Ponds

Section 7(2)(b)(ii)

The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.

Ecosystems & Indigenous Biodiversity Stakeholder Group

Section 7(2)(a)

The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons.

Aoraki Environmental Consultancy Ltd

Section 7(2)(b)(ii)

The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.”

MOTION CARRIED

16 READMITTANCE OF THE PUBLIC

Proposed the Mayor
Seconded Clr Parker

“That the public be readmitted to the meeting.”

MOTION CARRIED

The meeting concluded at 4pm.

Chairperson

TIMARU DISTRICT COUNCIL
FOR THE MEETING OF 8 AUGUST 2017

Report for Agenda Item No 8

Schedule of Functions Attended by the Mayor, Deputy Mayor and Councillors

Functions Attended by the Mayor

<i>18 June</i>	Spoke at Timaru Town and Country Club Travel Club
<i>19 June</i>	Met with Aoraki Development Chairman
<i>20 June</i>	Attended Audit and Risk Subcommittee meeting Attended Mid South Canterbury Volunteering 10 year Anniversary
<i>21 June</i>	Attended Waitaki District Council Chief Executive's Farewell
<i>22 June</i>	Attended Returned Services Association Annual General Meeting
<i>23 June</i>	Attended Canterbury Regional Economic Development launch in Christchurch
<i>27 June</i>	Chaired Industrial Relations Subcommittee meeting Conducted citizenship ceremony Chaired Council meeting
<i>28 June</i>	Attended Jump Jam competition Met with Trustpower Awards team Attended Infometrics training
<i>29 June</i>	Attended farewell function for Ministry of Social Development Regional Manager
<i>30 June</i>	Attended Tsunami Response Review team meeting
<i>5 July</i>	Radio interview Hosted United Way function Met with DB Breweries Brewery Manager
<i>6 July</i>	Chaired Timaru District Holdings Ltd Board meeting
<i>12 July</i>	Attended Labour Party public meeting
<i>17 July</i>	Met with Aoraki Development Chief Executive
<i>18 July</i>	Attended Standing Committee meetings Attended Long Term Plan workshop

- 20 July Met with Returned Servicemen's Association representative
Chaired Tenders Committee meeting
Chaired Alpine Energy Ltd Shareholders meeting
- 23-25 July Attend Local Government NZ conference
- 26 July Met with Alpine Energy Ltd director
- 27 July Attended ECan home heating industry information session
Chaired Timaru District Holdings Ltd Board meeting
Attended Alpine Energy Ltd Annual General Meeting
- 28 July Attended meeting on CREDS projects
Attended Prime Minister function
- 31 July Hosted Trustpower and Timaru District Council Community Awards

In addition to these duties I met with 2 members of the public on issues of concern to them.

Functions Attended by the Deputy Mayor

- 27 June Attended Industrial Relations Subcommittee meeting
- 3 July Attended Orari-Temuka-Opihi-Pareora Water Zone Committee meeting
- 10 July Attended Orari-Temuka-Opihi-Pareora Water Zone Committee meeting
- 17 July Attended Orari-Temuka-Opihi-Pareora Water Zone Committee meeting
- 31 July Attended Trustpower and Timaru District Council awards

Functions Attended by Councillors on Behalf of the Mayor

- 26 July Clr Wills and Clr Parker attended the Mike King mental health lecture
- 14 July Clr Wills attended the Master Builders Gala Awards

Recommendation

That the report be received and noted.

TIMARU DISTRICT COUNCIL
FOR THE MEETING OF 8 AUGUST 2017

Report for Agenda Item No 9

Schedule of Functions Attended by the Chief Executive

Functions Attended by the Chief Executive

<i>19 June</i>	Met with PrimePort Timaru Ltd management team Met with Fire and Emergency NZ representative
<i>20 June</i>	Attended Audit and Risk Subcommittee meeting
<i>21 June</i>	Met with Civil Defence representatives Attended Waitaki District Council Chief Executive farewell function
<i>22 June</i>	Met with ECan Clean Air Programme representatives Attended function hosted by Minister of Finance
<i>23 June</i>	Attended Canterbury Regional Economic Development launch
<i>27 June</i>	Attended Industrial Relations Subcommittee meeting Attended citizenship ceremony Attended Council meeting
<i>28 June</i>	Attended Infometrics Training
<i>30 June</i>	Attended Tsunami response review meeting
<i>4 July</i>	Attended Civil Defence training
<i>5 July</i>	Met with DB Breweries Brewery Manager
<i>6 July</i>	Met with ECan Timaru Regional Manager Attended Timaru District Holdings Ltd Board meeting Met with PrimePort Timaru Ltd Chief Executive
<i>12 July</i>	Met with Civic Financial Services representative
<i>18 July</i>	Attended Standing Committee meetings Attended Long Term Plan workshop
<i>19 July</i>	Met with Aoraki Development Chief Executive
<i>20 July</i>	Attended Tenders Subcommittee meeting Attended Alpine Energy Ltd shareholders meeting

21 July Met with Community Trust of Mid and South Canterbury
Community Relations Manager

23-25 July Attend Local Government NZ conference

25 July Attended NZ Airports briefing

26 July Met with Alpine Energy Ltd director

27 July Attended ECan home heating industry information session
Attended Timaru District Holdings Ltd Board meeting
Attended Alpine Energy Ltd Annual General Meeting

28 July Attended meeting on CREDS projects
Attended Prime Minister function

31 July Attended Trustpower and Timaru District Council Community
Awards

Recommendation

That the report be received and noted.

TIMARU DISTRICT COUNCIL
FOR THE MEETING OF 8 AUGUST 2017

Report for Agenda 10

Prepared by **Bede Carran**
 Chief Executive

Contract Let by the Chief Executive Under Delegated Authority

Recommendation

That the following information on a contract let by the Chief Executive under delegated authority, be received.

Contract Description	Number of Tenders	Price Range	Successful Tenderer and Price
Contract 2279 – Redruth Landfill Compost Site Improvements	3	\$308,222.06 to \$637,211.50	Rooney Earthmoving Limited \$308,222.06
Tenders were evaluated using the Lowest Price Conforming Tender Method			

All prices exclude GST

TIMARU DISTRICT COUNCIL
FOR THE MEETING OF 8 AUGUST 2017

Report for Agenda Item No 11

Prepared by **Bede Carran**
 Chief Executive

Changes Arising from the Resignation of Former Councillor Tracy Tierney

Purpose of Report

- 1 To make appointments as a result of changes arising from the resignation of Tracy Tierney as a councillor.

Background

2 Downlands Water Supply Committee

The resignation of Tracy Tierney as a Councillor leaves a vacancy on the Joint Standing Committee for Governance of Downlands Water Supply Scheme. A further check of the Downlands agreement confirms that the Committee '*...shall consist of one (1) elected member from each of the Councils, four (4) members appointed by the Timaru District Council and one (1) member appointed by the Waimate and Mackenzie District Councils (making a total of eight (8) members)...*'.

Current TDC membership is Clrs Lyon, Burt, Stevens and Mr John McDonald, therefore an additional TDC appointment is required.

3 Canterbury Regional Transport Committee

At the Inaugural Council meeting of 25 October 2016, Council appointed the Infrastructure Committee Chairperson to the Canterbury Regional Transport Committee. At that time Clr Stevens was the Infrastructure Committee Chairperson. As a result of Councillor Tierney's resignation, Clr Stevens has taken over the Environmental Services Committee Chairmanship and Clr Jack has been appointed as Infrastructure Committee Chairperson. However, with Clr Steven's experience on the Regional Transport Committee and to provide continuity, it is proposed to amend that appointment - from the Chairperson of the Infrastructure Committee, to Clr Kerry Stevens.

Options

- 4 The following options are presented for consideration –
 - Downlands
 - a To appoint a further councillor to the Downlands Joint Standing Committee, or
 - b To appoint a community person to the Downlands Joint Standing Committee.

Regional Transport Committee

- c To appoint Clr Stevens to represent Council on the Canterbury Regional Transport Committee, or
- d To appoint another Councillor to the role, or
- e To retain the status quo ie the representative be the Chairperson of the Infrastructure Committee – Clr Jack.

Consultation

- 5 Clr Jack has been consulted and supports the continuation of Clr Stevens in the role due to his experience and commitment to the work of the Regional Committee.
- 6 Clr Stevens has indicated he is interested in continuing as the Council's representative on the Canterbury Regional Transport Committee.
- 7 It is understood that the Canterbury Regional Transport Committee wishes to retain the depth of knowledge and commitment of Clr Stevens.

Conclusion

- 8 Appointing a replacement member to the Joint Standing Downlands Committee is required to meet the terms of the Joint Standing Committee for Governance of Downlands Water Supply Scheme.
- 9 Clr Stevens remaining in the regional transport committee role would ensure continuity, and his knowledge and enthusiasm for the role will benefit both regional decision making and our district.

Recommendations

- a **That a further appointment be made to represent the Timaru District Council on the Joint Standing Committee for Governance of the Downlands Water Supply Scheme.**
- b **That Council's representative on the Canterbury Regional Transport Committee be Clr Kerry Stevens.**

TIMARU DISTRICT COUNCIL
FOR THE MEETING OF 8 AUGUST 2017

Report for Agenda Item No 12

Prepared by Tina Rogers
Group Manager Corporate Services

Loan Raising Programme 2017/18

- 1 Based on the 2017/18 Annual Plan, the Council will during the course of 2017/18, raise by way of loan finance up to \$29,037,400 in new loans, including a loan for Downlands Water Supply. Of this, \$18,564,350 will be used to repay loans that are expiring. The net increase in borrowing will be \$10,473,050. Of this, \$8,706,000 relates to borrowing that was originally forecast to occur in 2016/17 but was not required due to reduced capital expenditure.
- 2 At the conclusion of 2017/18, it is expected that loans outstanding will be \$103.2 million, which is slightly less than the \$107.6 million forecast in the 2015-25 Long Term Plan.

New Loans

- 3 During 2017/18 the Council is planning to raise new loans for the following purposes:

Subsidised Roading	\$ 1,103,000
Civil Defence	64,000
Sewer upgrades (primarily replacement loan)	14,604,300
Sewer extensions	110,000
Urban water upgrades	2,818,900
Downlands Water Supply	7,783,500
Te Moana Water Supply	1,282,000
Seadown Water Supply	100,000
Solid Waste site	486,800
Swimming pools (replacement loan)	191,000
Airport	100,000
Parks development (majority is a replacement loan)	393,900
	<u>\$29,037,400</u>
- 4 The funds will be raised through the following loans:

Development Loan No. 1 2017	\$21,253,900
Development Loan No. 2 2017 (DWS)	\$7,783,500
- 5 These loans will be raised via a combination of bank debt facilities, bond issuance or via the Local Government Funding Agency.

Loan repayments

6 The activities where loans are expiring which will be repaid are:

Subsidised Roding	\$ 364,800
Sewer	16,425,150
Urban Water	797,900
Solid Waste Operations	551,700
Aquatic Centre	229,200
Parks	<u>195,600</u>
	<u>\$18,564,350</u>

Recommendations

- 1 That this report be received and noted.
- 2 That the Council adopts the attached resolution in regard to the following loans:

Development Loan No. 1 2017	\$21,253,900
Development Loan No. 2 2017 (DWS)	\$7,783,500 .

TIMARU DISTRICT COUNCIL
("the Council")

LOAN RESOLUTIONS

WHEREAS:

- A. As required by the Local Government Act 2002 ("the Act"), the Council has adopted the funding and financial policies set out in section 102(2) of the Act, which are outlined in the Council's Long Plan ("LTP").
- B. The Council borrows as it considers appropriate and exercises its flexible and diversified borrowing powers pursuant to the Local Government Act 2002 and the Local Government Borrowing Act 2011. The Council recognises that it can essentially act as a normal corporate entity in its borrowing activities. The Council approves, by resolution, the borrowing requirement for each financial year during the LTP or Annual Planning process.
- C. It is necessary for the Council to delegate to certain Council officers, the authority to agree to precise terms and conditions of any borrowing or incidental arrangement, and any security to be given by the council.

RESOLUTIONS

It was therefore resolved by the Council that:

1. The Council borrows as provided in the LTP, Annual Plan and subsequent Council decisions as to any limits set out in the Liability Management policy under section 102(2)(b) of the Act.
2. Such borrowing shall be secured by the issue of Stock under the terms of the Council's Debenture Trust Deed dated 15 May 1998 (as amended 10 September 2002, 29 March 2004, 13 September 2012 and 14 February 2013) and, in the case of borrowing from the Local Government Funding Agency ("LGFA"), shall also be secured by a cross guarantee entered into by the Council on 18 February 2013 (which is entered into by all councils borrowing from the LGFA).
3. The Council has considered the risks and benefits to the Council of undertaking such borrowing and incidental arrangements, and giving such security, as provided for in the LTP and the Annual Plan.
4. The Council is satisfied that the general terms and conditions of such borrowing, incidental arrangements and security are in accordance with the Annual Plan and LTP and, in particular, the limits and guidelines set out in the Liability Management Policy and other funding and financial policies of the Council.
5. The following officers of the Council (including any replacement or successor officer):
 - Group Manager Corporate Services; and
 - Finance Manager,
("Authorised Persons")
be authorised to act on the Council's behalf in:

- (a) negotiating and agreeing the terms and conditions of each borrowing and/or incidental arrangement entered into by the Council from time to time, in accordance with the LTP (including the funding and financial policies) and the Annual Plan;
 - (b) negotiating, agreeing and executing all documents and taking all actions as they consider necessary or desirable for the purpose of giving effect to any borrowing or incidental arrangement and any security which may be given in respect thereof.
6. Any Authorised Person may in writing appoint a substitute to exercise any of the authorities conferred upon the appointment or/and may revoke any such appointment from time to time and the references to "Authorised Person" in these Resolutions shall include any such substitute, provided that:
- (a) the power of substitution conferred by this Resolution shall not be conferred upon any such substitute; and
 - (b) a substitute shall not be able to act hereunder jointly with the Authorised Person who appointed him, but may only act with another Authorised Person or a substitute appointed by another Authorised Person.
7. The authorisations set out in Resolutions 5 and 6 above:
- (a) shall remain in full force and effect until written notice of their revocation by Council resolution has been received by the Authorised Persons, provided that any person dealing with the Authorised Persons (or any two or more of them) shall be entitled to assume that the authorisations have not been revoked and remain in full force and effect and, in so assuming, shall be protected unless and until he or she has actual notice of such revocation; and
 - (b) shall be exercisable by the Authorised Persons without, and be valid and effective to bind the Council notwithstanding the absence of, notice to, or approval by, the members of the Council, but (subject to the foregoing) shall not operate to the exclusion of the Councillors' powers in respect of matters referred to therein, to the effect that the Councillors may continue to exercise those powers themselves notwithstanding the Authorisations.

THE COMMON SEAL of THE)
TIMARU DISTRICT COUNCIL)
 was hereunto affixed by and in the)
 presence of:)

Mayor

Chief Executive Officer

TIMARU DISTRICT COUNCIL
FOR THE MEETING OF 8 AUGUST 2017

Report for Agenda Item No 13

Prepared by - Mark Geddes
District Planning Manager

Draft Growth Management Strategy - Hearing

Report Purpose

1. To resolve how the submissions on the Draft Growth Management Strategy (hereafter GMS) will be heard and determined.

Background

2. On 28 October 2014 Timaru District Council resolved to prepare a GMS to inform the District Plan Review. The GMS is a 30 year (non-statutory) strategy to manage land use growth. The GMS will inform the supply of zoned land provided through the District Plan Review. The approved GMS will also inform the Long Term Plan, particularly the provision of infrastructure services, along with the provision of infrastructure by non-Council agencies. The GMS also seeks to manage land use growth in accordance with the Canterbury Regional Policy Statement and the National Policy Statement for Urban Development Capacity.
3. After extensive consultation with stakeholders, the GMS was notified for public submissions on 1 April 2017. The consultation plan for the GMS¹ stated that submitters will be given an opportunity to be heard in support of their submission. It also stated that a suitably experienced consultant would be engaged to provide the Environmental Services Committee with independent expert advice on the submissions. However, it did not state how the GMS is to be heard. Accordingly, Council is now requested to resolve how the GMS is to be heard and also clarify who will make the decisions on the submissions.
4. Before assessing the options to hear and determine the GMS, there are a number of salient procedural matters (set out below) that the Council should consider:
 - a. The hearing for the GMS will likely take place in September / October 2017.
 - b. The Hearings Committee does not have delegated authority to hear the GMS².
 - c. The Environmental Services Committee³ could hear the GMS and has delegated authority to appoint a subcommittee⁴ to hear the GMS.

¹ Approved by the Environmental Services Committee on 22 November 2016

² As per the Council committee delegations resolved in the inaugural Council meeting on 25 October 2016

³ Minimum quorum 3 elected members

⁴ Minimum quorum 2 people

- d. Non-elected members can be a part of a subcommittee⁵. This means a Commissioner could chair a subcommittee to hear the GMS.
 - e. Preparation, hearing and deliberation time would likely be at least a week or two for elected members (similar to an LTP hearing).
 - f. Despite any way in which the GMS would be heard and determined, the ES Committee has the right to not adopt the GMS.
 - g. Considering that TDHL has made a submission on the GMS, Council will need to ensure that conflicts of interests are managed appropriately.
5. In addition, it should be noted the GMS is a complicated matter involving elements of spatial planning, economics, infrastructure, natural environment and cultural matters.

Options

6. The main options to hear the GMS and make decisions on submissions are as follows:
- a. Commissioner only;
 - b. Environmental Services Committee;
 - c. Subcommittee including a Commissioner and Councillors.
7. These options are discussed in greater detail below.
- a. **Commissioner Only**
A Commissioner could be delegated authority to sit alone to hear and determine the submission on the GMS. The ES Committee would still need to adopt the GMS.
 - b. **Environmental Services Committee**
This option would mean the Environmental Services Committee would hear and determine the submissions on the GMS. The hearing would need to be chaired by the Environmental Services Committee Chairperson and elected members would have to remove themselves if they felt they had a conflict of interest. A Commissioner could potentially be delegated authority to hear any matters where there was not a quorum of elected members available and would still be available to advise the Committee.
 - c. **Subcommittee including a Commissioner and Councillors**
The subcommittee could include a Commissioner and could be accompanied by all, or a selection of elected members. The subcommittee could also include experts, members of the public or staff.
8. The inclusion of a Commissioner in the decision making should increase the perceived robustness of the decision. If the Commissioner sits alone, it would mean any Council conflicts of interest would be avoided. It would also avoid a time commitment from elected members. However, if a Commissioner sat alone to hear and determine the GMS, it reduces representation and may also reduce elected members continued ownership of the GMS.
9. While hearing and determining the GMS through the Environmental Services Committee would ensure continued elected member ownership, it would result in the largest time commitment from elected members. As stated above, the Environmental Services Committee could be assisted by a Commissioner. This

⁵ Clause 31, Schedule 7 of the Local Government Act 2002

would help increase the robustness of the decision and reduce any perceptions of a conflict of interest, although may not completely dispel them.

10. A Subcommittee would combine the benefits of a Commissioner and elected members, including enabling the Commissioner to chair the hearing. It would help reduce any perceptions of a conflict of interest, although may not completely dispel them. It would be a considerable time commitment for those elected members involved.

Identification of Relevant Legislation, Council Policy and Plans

11. The following are relevant:
 - Local Government Act 2002
 - Resource Management Act 1991
 - Timaru District Plan
 - Long Term Plan.

Assessment of Significance

12. This matter is not deemed significant under the Council's Significance and Engagement Policy.

Consultation

13. Council's Chief Executive, Group Manager Environmental Services and the Chairperson of the Environmental Services Committee have been consulted on this matter.

Other Considerations

14. There are no other relevant considerations.

Funding Implications

15. Sufficient funds exist in the District Plan Review Budget to pay for the hearing, whichever of the above mentioned options are used.

Conclusion

16. The Council should consider the options to hear and determine the submissions on the Draft GMS.

Recommendations

- 1 That the report be received.**
- 2 That the Council determines who will hear and determine the Draft Growth Management Strategy.**

TIMARU DISTRICT COUNCIL
FOR THE MEETING OF 8 AUGUST 2017

Report for Agenda Item No 14

Prepared by - Paul Cooper
Environmental Compliance Manager

Revocation of Chapters 20 and 22 from Timaru District Consolidated Bylaw 2013

Purpose of Report

1. The purpose of this report is to briefly outline the circumstances around a proposal to revoke *Chapter 20 Fire Prevention Involving Vegetation* and *Chapter 22 Food Safety* from the Timaru District Consolidated Bylaw 2013 document.

Background

Fire and Emergency New Zealand (FENZ)

2. The Fire and Emergency New Zealand Act (FENZ Act) became law on 11 May 2017. Its purpose is to reform the law relating to fire and emergency services which include unifying urban and rural fire services and establishing structures that better reflect the modern emergency response environment. Many of the provisions of the FENZ Act for firefighting became effective on 1 July 2017. The FENZ Act brings a number of changes for territorial authorities, which include having rural firefighting responsibilities pass from the territorial authorities to Fire and Emergency New Zealand (FENZ).
3. A significant consequential change for councils, following the enactment of the FENZ Act, is the redundancy of council bylaws preventing the spread of fires involving vegetation (pursuant to section 146(c) of the Local Government Act 2002). The obligation for preventing the spread of fires involving vegetation now lies with FENZ.
4. Council's bylaw preventing the spread of fires involving vegetation was covered *Chapter 20 Fire Prevention Involving Vegetation* of the Timaru District Consolidated Bylaw 2013. Matters covered under Chapter 20 of the bylaw included:
 - Removal of fire hazards
 - Declaring fire seasons
 - Controlling the lighting of fires in open air; and
 - Preventing the spread of fires involving vegetation.
5. As noted above these matters are now covered by the FENZ Act and from 1 July 2017 have become the responsibility of FENZ.

6. The Department of Internal Affairs has directed that territorial authorities must, by Council resolution, amend or revoke relevant fire bylaws to remove any inconsistency or overlap with the FENZ Act. Section 152B of the Local Government Act 2022 provides the authority to revoke the bylaw without consultation.

Food Act 2014

7. The Food Act 2014 became law on 1 March 2016, replacing the Food Act 1981. It changed the emphasis of the regulatory framework in terms of food preparation, handling, storage and managing risks around those activities. The onus for delivering safe food for sale in a manner that manages risk to the community, was placed on the people in business selling the food. This was done by way of introducing several risk based measures (including Food Control Plans and National Programmes).
8. The Food Safety chapter of the Consolidated Bylaw requires food handlers to attend compulsory training in order to obtain a Level 1 Food Safety Certificate.
9. The implementation of the Food Act 2014 has rendered *Chapter 22 Food Safety of the Timaru District Consolidated Bylaw 2013* obsolete by managing the risk around food safety through an alternative mechanism. As a consequence the chapter no longer serves its intended purpose, meaning that in terms of section 155 of the Local Government Act 2002 the bylaw is no longer the most appropriate way of dealing with the issue. Section 446 of the Food Act 2014 provides the power to revoke the Bylaw without consultation.

Option

10. Given that there are to be no inconsistencies between the legislative requirements of the FENZ Act and the Food Act and the relevant Bylaws, it is appropriate that these bylaws are now revoked:
Chapter 20 Fire Prevention Involving Vegetation and *Chapter 22 Food Safety*, as both chapters have been rendered obsolete by new legislation.

Identification of Relevant Legislation, Council Policy and Plans

11. The relevant legislation relating to this issue is as follows:
 - FENZ Act 2017 (as of 1 July 2017)
 - Food Act 2014
 - Local Government Act 2002
 - Timaru District Consolidated Bylaw 2013.

Assessment of Significance

12. This matter is not deemed significant under the Council's Significance and Engagement Policy.

Consultation

13. No consultation is required in relation to the revocation of these two chapters of the Consolidated Bylaw, however a Bylaw Review is currently underway and all Bylaw matters will be formally consulted on through the Special Consultative Procedure in October 2017.

Other Considerations

14. There are no other considerations relevant to this matter.

Funding Implications

15. There are no funding implications in relation to the revocation of these chapters of the Consolidated Bylaw.

Conclusion

16. The Local Government Act 2002 dictates that the standard of appropriateness applied to the creation of a Bylaw is that it must be the most appropriate way of dealing with an issue. When the FENZ Act 2017 and the Food Act 2014 became law it effectively rendered the two chapters of our Consolidate Bylaw redundant. As mentioned previously in this report, both new Acts obviate the requirement of the Local Government Act 2002 for using the Special Consultative Procedure to revoke a Bylaw.
17. For the reasons outlined in this report it is recommended that Council resolves to revoke *Chapter 20: Fire Prevention Involving Vegetation* and *Chapter 22: Food Safety* of the Timaru District Consolidated Bylaw 2013.

Recommendation

That Council resolves to revoke the following chapters of the Timaru District Consolidated Bylaw 2013, effective immediately:

- **Chapter 20 Fire Prevention Involving Vegetation; and**
- **Chapter 22 Food Safety.**

TIMARU DISTRICT COUNCIL
FOR THE MEETING OF 8 AUGUST 2017

Report for Agenda Item No 15

Prepared by **Bede Carran**
 Chief Executive

Receipt of Community Board and Committee Minutes

Receipt of Community Board and Committee Minutes

Recommendation

That the minutes of the following meetings, excluding the public excluded sections, be received:

Geraldine Community Board	5 July 2017
Environmental Services Committee	18 July 2017
Community Development Committee	18 July 2017
Infrastructure Committee	18 July 2017
Policy and Development Committee	18 July 2017

TIMARU DISTRICT COUNCIL
FOR THE MEETING OF 8 AUGUST 2017

Report for Agenda Item No 19

Prepared by **Bede Carran**
 Chief Executive

Exclusion of the Public

Recommendation

That the Council resolves to exclude the public on the grounds contained in Section 48(1) of the Local Government Official Information and Meetings Act:

Confirmation of Minutes

Rail Crossing

Section 7(2)(j)

The withholding of the information is necessary to enable the local authority holding the information to carry on, without prejudice or disadvantage, negotiations.

Tenders Committee Minutes

Section 7(2)(b)(ii)

The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.