



COUNCIL MEETING

Commencing at 3pm

on

Tuesday 19 September 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 19 September 2017, at 3pm.

The meeting will be preceded by a citizenship ceremony at 2pm.

Council Members

Mayor Damon Odey, Cllrs Nigel Bowen, Peter Burt, Dave Jack, Andrea Leslie, Richard Lyon, Paddy O'Reilly, Sally Parker, Kerry Stevens, Tracy Tierney and Steve Wills

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

19 SEPTEMBER 2017

AGENDA

Item	Page	
1		Opening Prayer – Morven Sidal, St Davids Union Church
2		Apologies
3		Declaration by New Councillor Nigel Bowen
4		Public Forum
5		Identification of Urgent Business
6		Identification of Matters of a Minor Nature
7		Declaration of Conflicts of Interest
8	1	Confirmation of Minutes – Council Meeting – 8 August 2017
9	6	Schedule of Functions Attended by the Mayor and Deputy Mayor and Councillors
10	8	Schedule of Functions Attended by the Chief Executive
11	10	Sister Cities – Presentation of Awards 3.15pm
12	11	Sister Cities – Exchange Students to Report on their Trip to Eniwa – Japan 3.15pm
13	To be circulated	Proposed Sister Cities Visit
14	12	Timaru District Holdings Ltd Annual Report for the Year Ended 30 June 2017 and Appointment of Proxy
15	13	Civic Financial Services
16	17	Statement of Proposal for Easter Sunday Shop Trading Policy 2017
17	21	Statement of Proposal for Proposed Additional Resource Management Fees and Charges
18	24	Statement of Proposal for Consolidated Bylaw and Dog Control Policy 2017
19	29	Receipt of Community Board and Committee Minutes
20		Consideration of Urgent Business Items
21		Consideration of Minor Nature Matters

22		Public Forum Items Requiring Consideration
23	30	Exclusion of the Public
1	31	Receipt of Council Minutes
2	33	Receipt of Tenders Committee Minutes
3	36	Draft Growth Management Strategy - Hearing Panel Members
4	40	Heaton Street Rail Crossing
5	42	Timaru District Holdings Ltd Board of Directors – Appointment
6	51	Orari-Temuka-Opihi-Pareora Water Zone Committee Refreshment
7	53	Receipt of Committee Minutes
8	54	Readmittance of the Public

**TIMARU DISTRICT COUNCIL
FOR THE MEETING OF 19 SEPTEMBER 2017**

Report for Agenda Item No 8

**Prepared by Bede Carran
 Chief Executive**

Confirmation of Minutes –Council Meeting 8 August 2017

Minutes of the August Council meeting.

Recommendation

That the minutes of the Council meeting held on 8 August 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 8 AUGUST 2017 AT 3PM

PRESENT Mayor Damon Odey, Cllrs Dave Jack, Andrea Leslie, Richard Lyon, Paddy O'Reilly, Sally Parker, Kerry Stevens and Steve Wills

APOLOGIES Cllr Peter Burt
Ali Talbot – Temuka Community Board

IN ATTENDANCE Jennine Maguire – Geraldine Community Board (for public part of meeting)
Stephanie McCullough – Temuka Community Board (for public part of meeting)
Chief Executive (Bede Carran), Group Manager Infrastructure (Ashley Harper), Group Manager Corporate Services (Tina Rogers), Group Manager Environmental Services (Tracy Tierney), Group Manager Community Services (Sharon Taylor), Human Resource Manager (Symon Leggett), Development Manager (Frazer Munro), Communications Manager (Stephen Doran), Council Secretary (Joanne Brownie)

OPENING PRAYER Brent Richardson of the Timaru Presbyterian Parish offered a prayer for the work of the Council.

1 CONFIRMATION OF MINUTES

Proposed Cllr Stevens
Seconded Cllr O'Reilly

"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."

MOTION CARRIED

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

Proposed Cllr Jack
Seconded Cllr Stevens

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

MOTION CARRIED

3 SCHEDULE OF FUNCTIONS ATTENDED BY THE CHIEF EXECUTIVE

Proposed Cllr Wills
Seconded Cllr Parker

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

MOTION CARRIED

4 CONTRACT LET BY THE CHIEF EXECUTIVE UNDER DELEGATED AUTHORITY

Proposed Cllr Jack
Seconded Cllr Parker

"That the following information on a contract let by the Chief Executive under

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			

MOTION CARRIED

5 CHANGES ARISING FROM THE RESIGNATION OF FORMER COUNCILLOR TRACY TIERNEY

The Council considered a report by the Chief Executive on further appointments to be made as a result of changes arising from the resignation of Tracy Tierney as a councillor.

a Proposed Cllr Lyon
Seconded Cllr Wills

"That Cllr Jack, as the Infrastructure Chairperson, be appointed to represent the Timaru District Council on the Joint Standing Committee for Governance of the Downlands Water Supply Scheme.

MOTION CARRIED

b Proposed the Mayor
Seconded Cllr Lyon

That Council's representative on the Canterbury Regional Transport Committee continue to be Cllr Kerry Stevens."

MOTION CARRIED

6 LOAN RAISING PROGRAMME 2017/18

The Council considered a report by the Group Manager Corporate Services on the loan raising programme for 2017/18. It was noted that there are significant repayments scheduled for the year, the net increase in loans relates to major water supply projects, with the total loan programme being less than forecast.

Proposed Cllr Wills
Seconded Cllr Leslie

- 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."

MOTION CARRIED

7 DRAFT GROWTH MANAGEMENT STRATEGY HEARING

The Council considered a report by the District Planning Manager on how the submissions on the Draft Growth Management Strategy could be heard.

Proposed Cllr Stevens
Seconded Cllr Parker

- 1 "That the report be received.
- 2 That a Subcommittee comprising a Commissioner and Councillors, hear submissions and make decisions on the Draft Growth Management Strategy.
- 3 That a further report be submitted to the Environmental Services Committee regarding the councillor representation on the subcommittee and the time commitment involved."

MOTION CARRIED

8 REVOCATION OF CHAPTERS 20 AND 22 FROM TIMARU DISTRICT CONSOLIDATED BYLAW 2013

The Council considered a report by the Environmental Compliance Manager explaining the need to revoke Chapters 20 and 22 from the Timaru District Consolidated Bylaw 2013.

Proposed Cllr Jack
Seconded Cllr Leslie

"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."

MOTION CARRIED

9 RECEIPT OF COMMUNITY BOARD AND COMMITTEE MINUTES

Proposed the Mayor
Seconded Cllr Jack

"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."

MOTION CARRIED

10 EXCLUSION OF THE PUBLIC

Proposed Cllr Jack
Seconded Cllr Stevens

"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."

MOTION CARRIED

11 READMITTANCE OF THE PUBLIC

Proposed Cllr O'Reilly
Seconded Cllr Stevens

"That the public be readmitted to the meeting."

MOTION CARRIED

The meeting concluded at 3.25pm.

Chairperson

TIMARU DISTRICT COUNCIL
FOR THE MEETING OF 19 SEPTEMBER 2017

Report for Agenda Item No 9

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

Functions Attended by the Mayor

<i>1 August 2017</i>	Met with Central Business District Executive Committee Spoke to Northdown Te Rangi Scouts
<i>7 August</i>	Attended a Sister City Committee meeting
<i>8 August</i>	Conducted a citizenship ceremony Chaired Council meeting
<i>9 August</i>	Radio interview Attended Trades Sector Business Connection Group meeting
<i>11 August</i>	Welcomed students from Sister City of Weihei, China
<i>14 August</i>	Attended Conversation Café for youth engagement
<i>15 August</i>	Attended Identity and Signage meeting
<i>17 August</i>	Attended Safer Communities Committee meeting Chaired Tenders Committee meeting
<i>21 August</i>	Met with Chairperson Aoraki Development
<i>22 August</i>	Met with Combined Churches Prayer Service organiser Met with Oranga Tamariki representative
<i>24 August</i>	Attended Canterbury Mayoral Forum
<i>25 August</i>	Canterbury Mayoral Forum continued Attended Civil Defence Emergency Management Joint Committee meeting
<i>27 August</i>	Attended Combined Churches Prayer service
<i>29 August</i>	Attended Identity and Signage Group meeting Attended farewell for Chinese Consulate General, in Christchurch
<i>4 September</i>	Met with Aoraki Foundation representative
<i>5 September</i>	Attended Standing Committee meetings
<i>6 September</i>	Attended funeral for former Timaru District Council senior staff

member

7 September Attended visit to Port of Tauranga

8 September Attended National Suicide Awareness Day breakfast

In addition to these duties I met with 3 members of the public on issues of concern to them.

Functions Attended by the Deputy Mayor

7 July 2017 Attended a meeting regarding Pleasant Point information kiosk

7 August Attended Orari-Temuka-Opihi-Pareora Water Zone Committee workshop

14 August Attended Orari-Temuka-Opihi-Pareora Water Zone Committee workshop

21 August Attended Orari-Temuka-Opihi-Pareora Water Zone Committee meeting

25 August Attended opening of Geraldine High School refurbished science laboratories

2 September Master of Ceremonies for Pleasant Point Rugby/Netball Awards

4 September Attended Orari-Temuka-Opihi-Pareora Water Zone Committee workshop

Functions Attended by Councillors on Behalf of the Mayor

2 August 2017 Cllr Wills attended a welcome for two new Ara staff members from Weihai Municipal People's Government

Recommendation

That the report be received and noted.

TIMARU DISTRICT COUNCIL
FOR THE MEETING OF 19 SEPTEMBER 2017

Report for Agenda Item No 10

Schedule of Functions Attended by the Chief Executive

Functions Attended by the Chief Executive

<i>1 August 2017</i>	Met with Central Business District Executive Committee Visited Fonterra, Clandeboye
<i>3 August</i>	Met with Alpine Energy Ltd Chief Executive Met with PrimePort Timaru Ltd Chief Executive
<i>4 August</i>	Met with Aoraki Development Chief Executive Attended Technology Working Group meeting in Christchurch
<i>7 August</i>	Met with Redruth business representative
<i>8 August</i>	Attended citizenship ceremony Attended Council meeting Attended Washdyke tour
<i>11 August</i>	Attended Supporting Council performance webinar
<i>14 August</i>	Attended Conversation Café for youth engagement
<i>17 August</i>	Met with Washdyke business representative Attended Tenders Committee meeting
<i>23 August</i>	Met with Medical Officer of Health
<i>24 August</i>	Attended Canterbury Mayoral Forum
<i>25 August</i>	Canterbury Mayoral Forum (continued) Attended Civil Defence Emergency Management Joint Committee meeting
<i>29 August</i>	Met with Smart City representative
<i>31 August</i>	Met with Alpine Energy Ltd Chief Executive
<i>5 September</i>	Attended Standing Committee meetings Attended meeting in Christchurch with Air New Zealand Chief Executive Met with Chief Executive Canterbury Aero Club

6 September Attended Equip Ltd Board meeting
7 September Visited Port of Tauranga
8 September Met with Aoraki Development Chief Executive

Recommendation

That the report be received and noted.

TIMARU DISTRICT COUNCIL
FOR THE MEETING OF 19 SEPTEMBER 2017

Report for Agenda Item No 11

Prepared by Bede Carran
Chief Executive

Sister Cities – Presentation of Awards

The Mayor will present awards to

- Nachiko Schollum
- Eric Lindblom
- Barrie Suter

in appreciation of outstanding service to the Sister Cities Committee.

Recommendation

For information

TIMARU DISTRICT COUNCIL
FOR THE MEETING OF 19 SEPTEMBER 2017

Report for Agenda Item No 12

Prepared by **Bede Carran**
 Chief Executive

Eniwa Sister City Students Exchange Trip

Students will report on their exchange trip to Eniwa Japan.

Grace Piddington	Roncalli College
Lisa Ou	Craighead

Recommendation

For information

TIMARU DISTRICT COUNCIL
FOR THE MEETING OF 19 SEPTEMBER 2017

Report for Agenda Item No 14

Prepared by **Tina Rogers**
 Group Manager Corporate Services

Timaru District Holdings Ltd Annual Report for the Year Ended 30 June 2017 and Appointment of Proxy

Purpose of Report

1. To present the TDHL Annual Report for the year ended 30 June 2017 (circulated separately) and to appoint a proxy to attend the TDHL Annual General Meeting.

Background

2. The Timaru District Holdings Ltd Annual General Meeting will be held on 5 October 2017.
3. The Council is required to appoint a proxy to attend and vote at the meeting. An alternative proxy should also be appointed in case of illness etc.

Identification of Relevant Legislation, Council Policy and Plans

4. Timaru District Holdings Ltd Constitution.

Assessment of Significance

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

Other Considerations

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

Recommendations

- 1 That the TDHL Annual Report for the year ended 30 June 2017 be received and noted, and
- 2 That a proxy (and alternative proxy) be appointed to represent the Council at TDHL's Annual General Meeting on 5 October 2017.

TIMARU DISTRICT COUNCIL
FOR THE MEETING OF 19 SEPTEMBER 2017

Report for Agenda Item No 15

Prepared by **Tina Rogers**
 Group Manager Corporate Services

Civic Financial Services Limited

Purpose of Report

- 1 This report is to outline a proposal from Civic Financial Services Limited regarding them selling a property and the funds returning to shareholders.

Background

- 2 Timaru District Council is a shareholder in Civic Financial Services Limited. This company, under a variety of names in the past, was established to assist councils with insurances. Financial returns from the company are reinvested in the company.
- 3 Background on the current proposal has been provided by the company and is attached in Appendix A.
- 4 The proposed wording for the special resolution is:

“To approve the Directors using their best endeavours to achieve a satisfactory price for the sale of Civic Assurance House through the use of one or more professional real estate firms. It will be the Board’s decision as to what constitutes a satisfactory price.

That the Directors of the Company are authorized to finalise the sale, and the terms of conditions of sale (acting in their view in the best interests of the company) and to enter into and sign all documents and to take any and all other actions that they may deem necessary or appropriate to effectuate the purposes of this resolution.”

Options

- 5 The options available are to either support the resolution or not.
- 6 The implications of each option depend on the vote of all shareholders. If the resolution is passed, a special dividend would be paid to Timaru District Council equating to approximately \$156,000 as noted in the appendix.

Identification of Relevant Legislation, Council Policy and Plans

- 7 Not applicable.

Assessment of Significance

- 8 This matter is not deemed significant under the Council’s Significance and Engagement Policy.

Consultation

9 No consultation has occurred on this matter.

Other Considerations

10 There are no other considerations relevant to this matter.

Funding Implications

11 As noted in the Appendix, if the sale proceeds, the council would receive a special dividend. This would however reduce the ongoing profitability of the company and affect possible future dividends.

Conclusion

12 The company has changed over recent years due to changes in the insurance industry. The building is now no longer essential to their operations and given the changing Wellington property market is it considered for sale.

Recommendation

That the Special Resolution be approved.

APPENDIX 1 – POTENTIAL SALE OF CIVIC ASSURANCE HOUSE

Your Board is putting forward a proposal to all shareholders of Civic Financial Services Limited ("Civic") to consider whether Civic should sell or retain ownership of Civic Assurance House at 114-118 Lambton Quay, Wellington.

You will be invited to vote on this at a Special General Meeting ("SGM") to be held in Wellington at 11.30 am on Thursday 5 October 2017.

BACKGROUND

Building

In 1963 the directors of Municipalities Cooperative Insurance Company Limited, one of the companies that merged in 1989 to form Civic, agreed to erect a building in Lambton Quay. The Local Government Building, which was renamed Civic Assurance House in 2007, was completed in 1967. The building cost just over \$1 million to construct and today is valued at just under \$8 million.

Until recently Civic and a number of local government entities occupied the building but at present only two, being Civic and SOLGM, remain as tenants. The remainder of the current tenants include consultants, legal service providers, retail outlets, eateries and charitable organisations.

Operations

Your Board decided at the end of 2016 to withdraw Civic's application for a full insurance licence and not offer property insurance. This decision was not taken lightly, but in the current market Civic cannot write insurance profitably. However, Civic will be able to provide property insurance through Civic Property Pool (CPP) in the future if this is what the sector wants and market conditions favour doing so.

Civic continues to administer the local government SuperEasy KiwiSaver Scheme and the SuperEasy scheme and the four local government mutual pools: LAPP, Riskpool, CLP and CPP.

PROPOSAL

As at 31 December 2016 the net equity of Civic was \$17.2 million which includes a \$3.2 million net deferred tax asset.

As it will not be offering insurance, Civic is able to return some of its capital to shareholders. Your Board signalled in the 2017 Statement of Intent that it would ask shareholders whether they wished to retain ownership of Civic Assurance House or whether they wished to sell the building.

If shareholders supported a sale and a satisfactory price can be obtained, then the building will be sold and the sale price of the building net of selling costs will be distributed to shareholders.

Current Valuation

Civic Assurance House was valued at \$7.9 million on 31 December 2016. Two subsequent independent valuations have valued the building between \$7.8 - \$8.1 million and \$7.5 - \$8.0 million. These valuations take into account the age, state and earthquake rating (50% of NBS) of the building. The building currently has 85% occupancy with a weighted average lease term of two years. Obviously if the building had a greater occupancy it would be valued higher. We are however, with the current earthquake rating, having difficulty letting the vacant space.

Impact of Sale

Over the last five years Civic Assurance House has generated an average net income of \$0.368 million per annum. In December 2011 the building was valued at \$6.9 million. In December 2016 the building was valued at \$7.9 million. The five year capital growth has therefore been 2.73% per annum. The five year return (income and capital) to 31 December 2016 for the building has been 7.96% per annum.

On the assumption Civic Assurance House was able to be sold for a value of \$7.8 million – \$8.0 million and allowing for estimated transaction costs of \$0.4 million the sale price could return a special fully imputed cash dividend of around 68 cents per share. Resident withholding tax will not be deducted from the dividend payment.

For Timaru District Council's holding of 230,118 shares that approximates to \$156,480.24 plus \$60,853.43 imputation credits. These imputation credits fully offset the amount of tax that the shareholders would otherwise be liable to pay on those dividends.

If shareholders support the sale and a special dividend is paid obviously both Civic's profit and possible future dividends to shareholders would reduce. The 2017 Statement of Intent projects that Civic will continue to produce a surplus if Civic Assurance House is sold and the net proceeds from the sale are distributed to shareholders.

If the property sale is supported by shareholders a two month tender process will be initiated. If a satisfactory price is obtained through this process there is expected to be a one month settlement period. Distribution of the net proceeds of the sale via a special dividend would be completed within two months of the settlement date.

Impact of Retention of Civic Assurance House

If Shareholders vote against the sale of Civic Assurance House, Civic would retain the property income stream (both operating and capital).

Civic would also investigate using a portion of Civic's capital to carry out earthquake strengthening of Civic Assurance House. This would only be undertaken if it was considered the cost would lead to greater occupancy, rental returns and capital growth.

TIMARU DISTRICT COUNCIL
FOR THE MEETING OF 19 SEPTEMBER 2017

Report for Agenda Item No 16

Prepared by Paul Cooper
Environmental Compliance Manager

Mark Low
Corporate Planning Manager

Statement of Proposal for Easter Sunday Shop Trading Policy 2017

Purpose of Report

- 1 The purpose of this report is to adopt the Statement of Proposal (SOP) for the Easter Sunday Shop Trading Policy 2017.

Background

- 2 Central government amended the Shop Trading Hours Act 1990 (the Act) in late 2016, enabling changes as to how shops trading on Easter Sunday can be controlled at the local level.
- 3 The part of the Act relating to Easter Sunday prior to the 2016 amendment was quite prescriptive and was used to prevent shops trading on Easter Sunday, with some exceptions. It was administered and enforced by the Ministry of Business Innovation and Employment (MBIE) and has remained with them going forward.
- 4 The amendment has transferred the decision-making about whether or not shops in part or all of the District can open for business on Easter Sunday to territorial authorities by way of a “Local Easter Sunday Shop Trading Policy”.

5 Section 5A of the Act reads as follows:

5A Territorial authority may have local Easter Sunday shop trading policy

- (1) A territorial authority may have a local Easter Sunday shop trading policy to permit shops to open on Easter Sunday in an area comprising—
 - (a) the whole of its district; or
 - (b) any part or parts of its district.
- (2) A local Easter Sunday shop trading policy under subsection (1) may not—
 - (a) permit shops to open only for some purposes; or
 - (b) permit only some types of shops in the area to open; or
 - (c) specify times at which shops may or may not open; or
 - (d) include any other conditions as to the circumstances in which shops in the area may open.
- (3) Nothing in subsection (2) is intended to limit the territorial authority's power to control any of the matters in subsection (2)(a) to (d) under any other enactment.
- (4) A local Easter Sunday shop trading policy under subsection (1)(b) must include either or both of the following:
 - (a) a map of the area;
 - (b) a clear description of the boundaries of the area so that they are easily identifiable in practice.
- (5) However, where a local Easter Sunday shop trading policy includes both a map and a description of the area and there is an inconsistency between the map and the description, the description prevails.

6 The main points to note from section 5A can be summarised as follows:

1. Council may choose to develop and implement an Easter Sunday Shop Trading Policy (the policy).
2. The policy places control over shops, located either in part or the whole of the District, having the ability to open for business on Easter Sunday.
3. It only does this by way of geographical location – not by what types of shops can open, what activities they can undertake or what hours they may open.

7 The option as to whether or not Council wanted to develop and implement a policy was discussed at an Environmental Services Committee meeting on 7 February 2017. At that time elected members indicated a desire to give shop owners across the whole District the choice of whether or not they wished to trade on Easter Sunday. The proposed policy was subsequently developed for consultation alongside the Consolidated Bylaw Review consultation. A Statement of Proposal (SOP) has been prepared and is circulated separately.

Options

8 The options available to Council are:

- 1 to adopt the SOP for consultation as is; or
- 2 to not adopt the SOP and recommend changes.

9 If Council decides to adopt the SOP in this current form, the consultation will proceed along the planned timeline for the project. If Council recommends changes, this will extend the timeline for the development of the policy.

Options	Advantages and Disadvantages
No Policy The current legislation prevails – only certain shops can remain open on Easter Sunday	<p>Under the Shop Trading Hours Act (the Act) 1990 only a limited range of shops are permitted to open on Easter Sunday. This option preserves limited retail trading on Easter Sunday.</p> <p>Retaining the status quo will be seen as a benefit to some shop owners, residents and visitors and employees for recreational and religious reasons.</p> <p>Others will equally see this as a disadvantage.</p>
Introduce a policy that allows trading on Easter Sunday <i>in particular parts</i> of the Timaru District	<p>This option would allow shops to open in specified areas of the district.</p> <p>The disadvantages of this option are:</p> <ul style="list-style-type: none"> • the potential confusion about which shops can open • a perception that having different rules within the district is unfair on shop owners, shoppers, and employees.
<p>Introduce a policy that allows trading on Easter Sunday <i>throughout the entire</i> Timaru District</p> <p>Council's preferred option</p>	<p>This option would allow all shops within the Timaru District to trade on Easter Sunday if they choose to do so.</p> <p>Council recognises the importance of the retail sector to the district, and this policy would allow shop owners the choice to open on Easter Sunday. Residents and visitors to the District would therefore have the option to shop if they choose to do so.</p> <p>A policy that applies across the whole district avoids any confusion about which shops will be able to open on Easter Sunday, and removes any element of perceived unfairness by having different rules for different parts of the district.</p> <p>The decision whether to trade on Easter Sunday remains with the shop owner.</p>

Identification of Relevant Legislation, Council Policy and Plans

Local Government Act 2002

Shop Trading Hours Act 1990

Assessment of Significance

- 10 The matter has low significance as assessed against the Council's Significance and Engagement Policy. It is however noted that to a small portion of the community this issue may hold more significance than for the rest of the community. The Shop Trading Hours Act 1990 requires that the Council use a Special Consultative Procedure (SCP) to consult on the Draft Policy, despite any assessment of significance.

Consultation

- 11 Legislation requires that the SCP be used to develop the policy.
- 12 A mailing list has been created of stakeholder's that includes local iwi, retail or business organisations, religious organisations from LTP or Annual Plan consultations and key individuals and organisations who are anticipated to have a special interest in the proposed policy.
- 13 The process of consultation will allow Council to hear any strongly held views from members of the community and take those views into consideration during its decision making.
- 14 Consultation on the Statement of Proposal will include:
- A summary of the proposal delivered via the *Courier* on Thursday 28 September to all Timaru District residents.
 - Mailout to stakeholders
 - Availability through the Council offices, libraries and website.
 - Publicity via media releases, facebook etc.
- 15 The Easter Sunday Shop Trading Policy consultation is occurring alongside consultations on additional RMA fees and charges and the Bylaw/Dog Control Policy review.
- 16 Key dates for the consultation process are:
- | | |
|------------------------------|--|
| 28 September 2017 | Statement of Proposal released for consultation and submissions open |
| 30 October 2017 | Submissions close |
| Week of 13- 17 November 2017 | Council considers submissions (<i>hearing if required</i>) |
| 12 December 2017 | Council decision on Easter Shop Trading Policy |

Other Considerations

- 17 There are no other considerations relevant to this matter.

Funding Implications

- 18 Consultation on this matter has been budgeted for (estimated at <\$5,000 covering all 3 consultations).

Conclusion

- 19 Council is required to use the Special Consultative procedure to provide the public with the opportunity to make submissions and offer feedback on the proposed changes to the Easter Sunday Shop Trading Policy.

Recommendation

- (a) That this report be received.
- (b) That the Statement of Proposal and Summary for the proposed Easter Sunday Shop Trading Policy be adopted for public release and submissions be invited in accordance with sections 83 and 87 of the Local Government Act 2002.

TIMARU DISTRICT COUNCIL
FOR THE MEETING OF 19 SEPTEMBER 2017

Report for Agenda Item No 17

Prepared by Megan Geng
Intermediate Planner

Statement of Proposal for Proposed Additional Resource Management Fees and Charges

Purpose of Report

- 1 The purpose of this report is to adopt the Statement of Proposal (SOP) for the proposed additional Resource Management Fees and Charges for 2017/18 for public release inviting submissions. These fees arise as a consequence of the Resource Legislation Amendment Act 2017.

Background

- 2 The District Planning Unit of Council has a variety of functions that have an element of cost recovery under the Resource Management Act 1991 (RMA).
- 3 The Resource Legislation Amendment Act 2017, which received Royal Assent on 19 April 2017, has introduced a number of amendments to the RMA. This includes:
 - From 19 April 2017, local authorities may recover costs to monitor permitted activities specified in a National Environmental Standards (NES) if that NES allows it.
 - From 18 October 2017, certain boundary activities and other activities that do not comply with the relevant District Plan can be deemed Permitted Activities provided that Council has assessed the proposal and is satisfied it is appropriate to issue a Permitted Activity Notice for such activities. Costs to issue such notices can be recovered by Council.
- 4 It is considered appropriate that 100% of the reasonable costs incurred on the above matters are charged to the applicant / consent holder rather than some of this cost being apportioned to the general ratepayer.
- 5 Another minor change is the position title of the 'Development Planning Advisor. This has been changed to 'Subdivision and Compliance Officer' through the recent recruiting process to fill the position.
- 6 As a result, the following changes of the Resource Management Fees and Charges are proposed:
 - (i) Introducing a new category of 'Permitted Boundary Activity Notice' with a lodgement fee of \$525

- (ii) Introducing a new category of 'Permitted Activity Notice' with a lodgement fee of \$525
- (iii) Introducing a new category of 'Monitoring of Permitted Activity under the National Environmental Standards' with a charge 'At Cost'

7 The lodgement fees for the above mentioned Notices are consistent with other similar applications to recover costs for staff time to process the Notices.

8 A Statement of Proposal (SOP) has been prepared and is circulated separately.

Options

9 The Options available to Council are:

1. Introduce the additional categories of fees and charges for the remainder of the 2017/18 financial year
2. Council absorbs the additional cost of the work associated with the new processes for the remainder of the 2017/18 financial year, and considers the new charges for 2018/19.

Options	Advantages and Disadvantages
Introduce the additional categories of fees and charges for the remainder of the 2017/18 financial year Council's preferred option	This would ensure that 100% of the costs incurred are charged to the applicant / consent holder, rather than passed onto the general ratepayer. Enables Council to collect any revenue once the fees are approved, rather than from 1 July 2018.
Council absorbs the additional cost of the work associated with the new processes for the remainder of the 2017/18 financial year, and considers the new charges for 2018/19.	This would provide those who will be affected by the new processes and associated charges more lead in time before charges are introduced. The costs incurred would be paid for by the general ratepayer in the interim.

Identification of Relevant Legislation, Council Policy and Plans

- Resource Management Act 1991
- Resource Legislation Amendment Act 2017
- Timaru District Plan 2005
- Long Term Plan 2015-2025

Assessment of Significance

10 The matter has low significance as assessed against the Council's Significance and Engagement Policy. The Resource Management Act 1991 requires that the Council use a Special Consultative Procedure to consult on new fees, despite any assessment of significance.

Consultation

11 Legislation requires that the SCP be used to approve the fees (RMA Section 36).

- 12 Consultation on the Statement of Proposal will include:
- A summary of the proposal delivered via the *Courier* on Thursday 28 September to all Timaru District residents
 - Mailout to stakeholders
 - Availability through the Council offices, libraries and website
 - Publicity via media releases, facebook etc.
- 13 The RMA Additional Fees consultation is occurring alongside consultations on the Easter Sunday Shop Trading Policy and the Bylaw/Dog Control Policy review.

Key dates for the consultation process are:

28 September 2017	Statement of Proposal released for consultation and submissions open
30 October 2017	Submissions close
Week of 13 - 17 November 2017	Council considers submissions (<i>hearing if required</i>)
12 December 2017	Council decision on additional Resource Management Fees and Charges

Other Considerations

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

Funding Implications

- 15 Consultation on this matter has been budgeted for (estimated at <\$5,000 covering all 3 consultations).

Conclusion

- 16 Council is required to use the Special Consultative Procedure to provide the public with the opportunity to make submissions and offer feedback on the proposed additional Resource Management Fees and Charges.

Recommendation

- a) That this report be received.
- b) That the Statement of Proposal for proposed additional Resource Management Fees and Charges be adopted for public release and submissions be invited in accordance with sections 83 and 87 of the Local Government Act 2002.

TIMARU DISTRICT COUNCIL
FOR THE MEETING OF 19 SEPTEMBER 2017

Report for Agenda Item No 18

Prepared by Paul Cooper
Environmental Compliance Manager

Mark Low
Corporate Planning Manager

Statement of Proposal for Consolidated Bylaw and Dog Control Policy 2017

Purpose of Report

- 1 The purpose of this report is to adopt the Statement of Proposal (SOP) for the Consolidated Bylaw and Dog Control Policy 2017.

Background

- 2 The Bylaw Review for 2017 has been undertaken in order to ensure our Bylaw remains fit for purpose in terms of meeting the requirements of the legislative framework we operate within. The Local Government Act 2002 (the Act) requires that a new Bylaw be reviewed within 5 years of commencement, and an existing Bylaw that has been through the s158 review process be reviewed again within 10 years thereafter. The last review was undertaken in 2013 and changes were made; therefore Council has decided to review the Bylaw before April 2018. The Act requires that the Special Consultative Procedure be undertaken as part of the review process.
- 3 The main tests applied as to whether or not a Bylaw is fit for purpose are summarised as follows:
 1. Is the issue (nuisance) a real issue or a perceived issue?
 2. Is the proposed Bylaw the best way of dealing with the issue or do other mechanisms/strategies exist that might give better effect to the desired outcome?
 3. Is the proposed Bylaw contrary to the Bill of Rights Act 1990 and the freedoms protected by that Act?
 4. Is the proposed Bylaw practical and enforceable?
- 4 The Timaru District Consolidated Bylaw 2013 was subject to a legal review prior to commencement and was found to be fit for purpose. The Bylaw has operated relatively well without issue since that time. As a consequence, the purpose of the current review was determined by Council at a workshop to be a “light” review, to take this opportunity to make any minor adjustments and address emerging issues.
- 5 Anderson Lloyd law firm was engaged to provide legal advice based on the above approach. The review they completed focused on the correct referencing;

reflecting statutory requirements and ensuring controls are reasonable and necessary. They recommended a number of minor changes, however have left the choice, as to whether or not those changes are made, to Council. A large majority of the recommendations have been accepted and incorporated into the draft Bylaw document for consultation.

- 6 A minor change has been made to the Bylaw chapter relating to dog control, that being the inclusion of the Timaru District Dog Park as an exercise area. This change in the Bylaw requires the same change to be reflected in the Timaru District Council Dog Control Policy.
- 7 The Statement of Proposal (SOP) for the draft Consolidated Bylaw 2017 and Dog Control Policy 2017 has been completed and is separately circulated. It fulfils Council's statutory obligations in terms of the consultation process but equally as important it informs our community about the proposed changes, any options that might be available, the significance of those proposed changes and in some cases the reason for no change – for example no change to the setting of speed limits chapter of the Bylaw. The SOP does this in plain language to try and ensure that engagement in the consultation process is maximised.

Options

- 8 The options available to Council in terms of the Bylaw Review are:
 - 1 To adopt the SOP for consultation as is; or
 - 2 To not adopt the SOP and recommend changes.
- 9 If Council decides to adopt the SOP in this current form, the review will proceed along the planned timeline for the project. If Council recommends changes, this will push out the timeline for the review.
- 10 Advantages and disadvantages of the options are:

Option	Advantages	Disadvantages
<i>Option A - Restructure and amend the Draft Bylaw as set out in this document (Council's Preferred option)</i>	<ul style="list-style-type: none"> Update the existing bylaw for clarity and to better reflect the current legal and operational environment. 	<ul style="list-style-type: none"> New provisions of the Bylaw may cause confusion in community Costs for consultation/communications.
<i>Option B - Keep the Bylaw as it is</i>	<ul style="list-style-type: none"> No change to current situation, no new rules for the community. 	<ul style="list-style-type: none"> Does not provide recommended clarifications and may create uncertainties. Does not reflect best practice. Does not meet requirements for a five yearly review of new bylaws
Option C - Revoke the Bylaw	<ul style="list-style-type: none"> Reduces Council's enforcement requirements. 	<ul style="list-style-type: none"> Does not meet the needs of the community. To have no bylaw however would remove the Council's ability to regulate

Option	Advantages	Disadvantages
		<ul style="list-style-type: none"> Review analysis has shown the Bylaw is working well Not considered a reasonably practicable option in accordance with s77 (1)(a) of the LGA
Option D - Revoke the current bylaw and replace with a new Bylaw	<ul style="list-style-type: none"> No advantages identified 	<ul style="list-style-type: none"> The current bylaw addresses the specific identified problems, There is no technical need for a new bylaw. Will mean the bylaw is due for review in 5 years as it will be a new bylaw. Additional costs involved. Not considered a reasonably practicable option in accordance with s77(1)(a) of the Local Government Act.

Identification of Relevant Legislation, Council Policy and Plans

Local Government Act 2002

Dog Control Act 1996

Consolidated Bylaw 2013 (and associated legislation relating to particular chapters)

Dog Control Policy

Assessment of Significance

- 11 The matter has low to medium significance as assessed against the Council's Significance and Engagement Policy. It is however noted that aspects of the bylaw review (while relatively minor) may hold more significance to some sectors of the community. The Local Government Act 2002 requires that the Council use a Special Consultative Procedure to consult on new Bylaws, despite any assessment of significance.

Consultation

- 12 The review process started with input from all managers within the organisation who oversee an activity that involves the Consolidated Bylaw. They reviewed the performance of their part of the Bylaw since the last review in 2013. The advice and information was collated and in conjunction with elected members through a workshop, direction established in terms of what the review process might involve and the depth of that process in terms of anticipated changes. Elected members considered each chapter and applied the test provided by the Local Government Act 2002 to establish whether or not the Consolidated Bylaw was fit for purpose.
- 13 A pre-consultation was conducted for two weeks with submissions closing on 30 June 2017. The purpose of the pre-consultation was to establish if there were any emerging issues needing consideration for the preparation for the main consultation. 37 submissions were received on a variety of topics, some of which sat outside the scope of the Bylaw Review process. The main Bylaw topics identified through the process were dogs on Caroline Bay (for and against),

reducing the restrictions in the Bylaw generally for dogs, keeping of poultry or bees, speed limits, parking and overhanging vegetation.

- 14 The tangata whenua representative on the Environmental Services Committee at the time was spoken to early in the review process and indicated a preference for not having input until the formal consultation process began, at which time consideration would be given as to whether or not a submission would be made.
- 15 It is anticipated that the lack of significant changes proposed for the Consolidated Bylaw means that most of the community will not see any tangible difference in how the Bylaw is applied to day to day living.
- 16 A mailing list has been created from stakeholders on the LTP or Annual Plan mailing lists that includes retail or business organisations, clubs and key individuals and organisations who are anticipated to have a special interest in the Bylaw Review. The list also includes those submitters from the pre-consultation who provided contact details.
- 17 The process of consultation will allow Council to hear any proposed changes from members of the community and test those propositions against the provisions of the Local Government Act 2002 for potential inclusion in the new Consolidated Bylaw.
- 18 Consultation on the Statement of Proposal will include:
 - A summary of the proposal delivered via the *Courier* on Thursday 28 September to all Timaru District residents.
 - Mailout to relevant stakeholders
 - Availability through the Council offices, libraries and website.
 - Publicity via media releases, facebook etc.
- 19 The Bylaw/Dog Control Policy consultation is occurring alongside consultations on additional RMA fees and charges and the Easter Sunday Shop Trading Policy.
- 20 Key dates for the consultation process are:

28 September 2017	Statement of Proposal released for consultation and submissions open
30 October 2017	Submissions close
Week of 13- 17 November 2017	Council considers submissions (<i>hearing if required</i>)
12 December 2017	Council decision on Consolidated Bylaw and Dog Control policy

Other Considerations

- 21 There are no other considerations relevant to this matter.

Funding Implications

- 22 Consultation on this matter has been budgeted for (estimated at <\$5,000 covering all 3 consultations).

Conclusion

- 23 Council is required to use the Special Consultative procedure to provide the public with the opportunity to make submissions and offer feedback on the proposed changes to the Consolidated Bylaw and Dog Control Policy.

Recommendations

- a That this report be received.**
- b That the Statement of Proposal and Summary for proposed Consolidated Bylaw and Dog Control Policy 2017 be adopted for public release and submissions be invited in accordance with sections 83 and 86 of the Local Government Act 2002.**

TIMARU DISTRICT COUNCIL
FOR THE MEETING OF 19 SEPTEMBER 2017

Report for Agenda Item No 19

Prepared by Bede Carran
Chief Executive

Receipt of Community Board and Committee Minutes

Minutes of Community Board and Committee Meetings

Recommendation

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

Temuka Community Board	21 August 2017
Pleasant Point Community Board	22 August 2017
Geraldine Community Board	23 August 2017
Environmental Services Committee	5 September 2017
Infrastructure Committee	5 September 2017
Community Development Committee	5 September 2017
Policy and Development Committee	5 September 2017

TIMARU DISTRICT COUNCIL
FOR THE MEETING OF 19 SEPTEMBER 2017

Report for Agenda Item No 23

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:

Tenders

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.

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.

Hearing Panel Members and Directorship

Section 7(2)(a)

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