



AGENDA

Ordinary Council Meeting Tuesday, 8 October 2019

Date Tuesday, 8 October 2019

Time 3pm

Location Council Chamber
District Council Building
King George Place
Timaru

File Reference 1286211

Timaru District Council

Notice is hereby given that a meeting of the Ordinary Council will be held in the Council Chamber, District Council Building, King George Place, Timaru, on Tuesday 8 October 2019, at 3pm.

Council Members

Mayor Damon Odey (Chairperson), Clrs Richard Lyon, Andrea Leslie, Peter Burt, Steve Wills, David Jack, Paddy O'Reilly, Sally Parker, Kerry Stevens and Nigel Bowen

Quorum – no less than 6 members

Local Authorities (Members' Interests) Act 1968

Councillors are reminded that if they have a pecuniary interest in any item on the agenda, then they 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

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- 1 Opening Prayer**
- 2 Apologies**
- 3 Public Forum – Mr. Ian Geary**
- 4 Identification of Urgent Business**
- 5 Identification of Matters of a Minor Nature**
- 6 Declaration of Conflicts of Interest**

7 Confirmation of Minutes

7.1 Minutes of the Council Meeting held on 13 August 2019

Author: Joanne Brownie, Council Secretary

Recommendation

That the Minutes of the Council Meeting held on 13 August 2019 be confirmed as a true and correct record of that meeting.

Attachments

- 1. Minutes of the Council Meeting held on 13 August 2019**



MINUTES

Ordinary Council Meeting Tuesday, 13 August 2019

Ref: 1286211

**Minutes of Timaru District Council
Ordinary Council Meeting
Held at the Council Chamber, District Council Building, King George Place, Timaru
on Tuesday, 13 August 2019 at 3pm**

Present: Mayor Damon Odey (Chairperson), Clr Richard Lyon, Clr David Jack, Clr Paddy O'Reilly, Clr Sally Parker, Clr Kerry Stevens, Clr Nigel Bowen

In Attendance: Public Forum

Fraser Ross and Linda Hughes – penguin volunteers
Clr Peter Scott, Chief Executive Bill Bayfield - Environment Canterbury

Community Board Members

Lloyd McMillan – Temuka Community Board
Jennine Maguire – Geraldine Community Board

Council Officers

Chief Executive (Bede Carran), Group Manager Commercial and Strategy (Donna Cross), Group Manager Infrastructure (Ashley Harper), Group Manager Community Services (Sharon Taylor), Group Manager Environmental Services (Tracy Tierney), Group Manager People and Digital (Symon Leggett), Parks and Recreation Manager (Bill Steans), Acting Art Gallery Manager (Hamish Pettengell), Chief Financial Officer (David Codyre), Development Manager (Frazer Munro), Company Secretary (Joanne Brownie)

1 Opening Prayer

Father Brian Fennessy of the Holy Family Catholic Parish of Timaru offered a prayer for the work of the Council.

The Mayor opened the meeting with a karakia.

2 Apologies

The apologies from Clr Andrea Leslie, Clr Peter Burt, Clr Steve Wills and Pleasant Point Community Board member John McDonald were accepted.

3 Public Forum

3.1 Proposed Penguin Platform Caroline Bay

Fraser Ross, representing concerns from a group of penguin volunteers, addressed the Council regarding the penguin platform that had been proposed at the port end of Caroline Bay. He outlined the group's activities to support and protect the little blue penguins, keeping visitors off the rocks and also engaging with sometimes up to 100 visitors (both locals and international). He also asked that it be noted for the record that a penguin had been killed by a dog.

The group was very concerned about not being directly consulted regarding the proposed penguin viewing platform, although the group is aware the platform is now not going to proceed. They felt upset at not being involved in the process in planning the platform as they see themselves as ambassadors for Timaru and important on-the-ground volunteers protecting the penguins. They

were not in support of the substantial structure proposed. They are now asking for Council to engage with this group should any other structure be proposed.

The Mayor explained the proposal arose from an incident with a penguin being run over, combined with becoming aware of a possible funding source to build a structure that would provide greater protection for the penguins.

3.2 Canterbury Water Management Strategy and Plan Change 7

ECan Councillor Peter Scott and Chief Executive Bill Bayfield updated the Council on Plan Change 7 and outlined the process that has led to the plan change. The Canterbury Water Management Strategy (CWMS) arose out of the Mayoral Forum and involves ten local authorities and the Regional Council, working towards achieving better water quality and quantity outcomes throughout the region.

The CWMS Regional Committee was asked by the Mayoral Forum to set goals for 2025-2030 and to review the CWMS as to whether it is still fit for purpose. The goals have now been reported to the Mayoral Forum and each local authority is to be asked to note these goals as part of their Long Term Plan processes.

The areas that will help to achieve the CWMS goals include –

- Leadership and accountability – places responsibility on local authorities to build the goals into their Annual Plans
- Strengthening the role of Ngai Tahu and the runangas
- Supporting the work of the zone committees as they end their planning phase and move into the implementation phase
- Resourcing and funding
- Monitoring, reporting and reviewing
- Communication – need to build understanding of the CWMS and its value, in the community.

Mr Bayfield and Clr Scott acknowledged the Timaru District Council's partnership in this work, at both management and governance level, which is hoped will continue with the next council.

The Mayor thanked the ECan representatives for the work that has been undertaken with the Canterbury Water Management Strategy and thanked them for attending to meeting to provide the update.

4 Identification of Urgent Business

There were no items of urgent business identified.

5 Identification of Matters of a Minor Nature

There were no minor nature items identified.

6 Declaration of Conflicts of Interest

There were no conflicts of interest declared.

7 Confirmation of Minutes**7.1 Minutes of the Council Meeting held on 25 June 2019****Committee Resolution 2019/14**

Moved: Clr Kerry Stevens

Seconded: Clr Nigel Bowen

That the Minutes of the Council Meeting held on 25 June 2019 be confirmed as a true and correct record of that meeting.

Carried

8 Schedules of Functions Attended**8.1 Schedule of Functions Attended by the Mayor, Deputy Mayor and Councillors****Committee Resolution 2019/15**

Moved: Clr David Jack

Seconded: Clr Sally Parker

That the report be received and noted.

Carried

8.2 Schedule of Functions Attended by the Chief Executive**Committee Resolution 2019/16**

Moved: Clr David Jack

Seconded: Clr Paddy O'Reilly

That the report be received and noted.

Carried

9 Reports**9.1 Resurfacing Caledonian Grounds Cycling Track**

The Council considered a report on the proposed resurfacing of the cycling track at the Caledonian Grounds. The Parks and Recreation Manager advised that since the report was written, he has spoken with the Chairman of Cycling Timaru who is comfortable with Council's intention to pause the resurfacing. It would be prudent to also carry forward the funding for this project.

Committee Resolution 2019/17

Moved: Clr Kerry Stevens

Seconded: Clr Nigel Bowen

That the Council agrees to pause the resurfacing project of the Caledonian Grounds cycling track until an assessment of the coastal erosion hazard has been completed.

Carried

9.2 Timaru City Hub Strategy and Geraldine Community Strategic Plan

The Council considered a report seeking the Council's support for the Geraldine Community Board's recommendation to develop a Geraldine Community Strategic Plan in conjunction with the impending Timaru City Hub Strategy.

Clr Stevens spoke in support of the proposal as he sees synergy between the Geraldine Community Strategic Plan and the Timaru City Hub Strategy – while there will be factors not common to both plans, he believes it would be a good opportunity to take advantage of the similarities of both projects. The Temuka and Pleasant Point Community Boards may also be interested in being involved.

It was noted that the original intention was for the City Hub Strategy to be developed and then assess if the model could be applied to the smaller communities over time.

Committee Resolution 2019/18

Moved: Mayor Damon Odey

Seconded: Clr Kerry Stevens

1. That the Council supports the development of a Geraldine community strategic plan in conjunction with the impending Timaru City Hub Strategy and requests the City Hub Steering Group to liaise with the Geraldine Community Board to achieve this outcome within the funding and resources already allocated.
2. That the Council considers the views of the Temuka and Pleasant Point Community Boards to determine what, if any, interest they may have in the City Hub Strategy and how this may benefit their communities.

Carried

9.3 City Hub Strategy - Update

The Council considered a report by the Development Manager updating the Council on the progress of the Project Steering Group on appointing the remaining external members, and presenting the Project Steering Group Terms of Reference for Council's approval. It was noted that the Steering Group is very aware of the importance of engaging a wide variety of stakeholders.

Committee Resolution 2019/19

Moved: Clr David Jack

Seconded: Clr Richard Lyon

1. That the updated Terms of Reference be approved.
2. That Council confirm Shaun Stockman as being a member of the Project Steering Group

3. That Council delegates authority to the Chairman of the Project Steering Group to finalise the appointment of an iwi representative to the Project Steering Group.

Carried

9.4 Aigantighe Art Gallery Strengthening Project Interim Report

The Council considered an update regarding the Aigantighe Art Gallery Strengthening project, including a proposed high level indicative project plan and a terms of reference for a Governance Group to oversee the successful delivery of the project.

The Acting Art Gallery Manager corrected a comment made recently in the media when it was reported that the project had been delayed, but in actual fact the work was always planned for this year. The project is a very complex one requiring a significant amount of specialist advice, particularly with the building's historic nature, family involvement and community profile. Time is being taken to take the right action which will benefit the community in the long term.

Council was advised that external funding sources would be explored.

Committee Resolution 2019/20

Moved: Clr Nigel Bowen

Seconded: Clr Sally Parker

That the Aigantighe Art Gallery Strengthening Interim Report be received and noted.

Carried

9.5 Theatre Royal Upgrade & New Heritage Facility - Project Update

The Council considered a progress update on the Theatre Royal/Heritage Facility development. The Group Manager Commercial and Strategy provided a brief overview of the project's progress. Councillors emphasised the need to engage with external stakeholders, particular in regard to closure of the theatre. Council was assured that appropriate stakeholder engagement is in place.

That report was received and noted.

9.6 Loan Raising Programme 2019/20

The Council considered a report by the Chief Financial Officer on the proposed borrowings for the 2019/2020 financial year, seeking approval for Council Officers to negotiate and enter into new loan borrowings.

Committee Resolution 2019/21

Moved: Mayor Damon Odey

Seconded: Clr Richard Lyon

That the Council adopts the attached resolution in regards to the following loans:

1. Development Loan No.1 2019 \$20,140,830
2. Development Loan No.2 2019 (DWS) \$12,753,000

Carried

10 Consideration of Urgent Business Items

There were no urgent business items for consideration.

11 Consideration of Minor Nature Matters

There were no minor nature items.

12 Public Forum Items Requiring Consideration

The public forum items did not require further consideration.

13 Resolution to Exclude the Public

Committee Resolution 2019/22

Moved: Clr David Jack

Seconded: Clr Paddy O'Reilly

That the public be excluded from the following parts of the proceedings of this meeting on the grounds under section 48 of the Local Government Official Information and Meetings Act 1987 as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Plain English Reason
13.1 - Timaru Library Roof Project	s7(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	Commercial sensitivity
13.2 - Property Matter	s7(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 s7(2)(h) - The withholding of the information is necessary to enable any local authority holding the information to carry out, without prejudice or	Commercial sensitivity To enable commercial activities To enable commercial or industrial negotiations

	<p>disadvantage, commercial activities</p> <p>s7(2)(i) - The withholding of the information is necessary to enable the Council to carry out, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	
<p>13.3 - Public Excluded Minutes of the Council Meeting held on 25 June 2019</p>	<p>s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p> <p>s7(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</p> <p>s7(2)(c)(ii) - The withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely otherwise to damage the public interest</p>	<p>To protect a person’s privacy</p> <p>Commercial sensitivity</p> <p>Due to an obligation of confidence and to protect the public interest</p>

Carried

Committee Resolution 2019/23

Moved: Clr Kerry Stevens

Seconded: Clr Paddy O'Reilly

That Council moves out of Closed Council into Open Council.

Carried

- 14 Public Excluded Reports**
- 13.1 Timaru Library Roof Project**
- 13.2 Property Matter**
- 13.3 Public Excluded Minutes of the Council Meeting held on 25 June 2019**
- 15 Readmittance of the Public**

The meeting closed at 5.15pm.

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Chairperson

8 Schedules of Functions Attended

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

Author: Alesia Cahill, Executive Assistant to the Mayor

Authoriser: Damon Odey, Mayor

Recommendation

That the report be received and noted.

Functions Attended by the Mayor for the Period 1 August 2019 to 4 October 2019

<i>1 August 2019</i>	Safer Communities Committee Meeting
<i>1 August 2019</i>	Attended Timaru District Holdings Ltd meeting
<i>9 August 2019</i>	Attended Canterbury Mayoral Forum in Christchurch Attended Canterbury CDEM Group Joint Committee meeting
<i>13 August 2019</i>	Attended Property workshop Attended ECAN Plan Change workshop Attended Productivity Commission Local Government Funding and Financing workshop Conducted Citizenship Ceremony Chaired Council meeting Attended Patiti Point Information sharing session
<i>14 August 2019</i>	Welcomed everyone to the Refugee Settlement Information Hui Mentoring session with Tuia programme candidate Meeting with Rooney Group
<i>16 August 2019</i>	Opened and attended The Big Sing Cadenza at Craighead School
<i>19 August 2019</i>	Met with the South Island Master Games committee
<i>20 August 2019</i>	Attended Timaru District Council and Port of Timaru PGF workshop with PDU Attended District Plan workshop Spoke to Highfield/Mountainview Scout Group on how local government works
<i>21 August 2019</i>	Attended Tenders Committee meeting
<i>22 August 2019</i>	Met with People and Places representatives on local tourism
<i>27 August 2019</i>	Attended Hui with Runanga
<i>29 August 2019</i>	Met with the Arcadian group

<i>30 August 2019</i>	Gleniti School footpath frenzy – walked to school with the Gleniti children. Presented awards to Gleniti School pupils
<i>2 September 2019</i>	Met with Minister Jones at Parliament regarding PGF port application
<i>4 September 2019</i>	Attended the Youth Initiatives Subcommittee meeting
<i>5 September 2019</i>	Attended Timaru District Holdings Ltd meeting Attended Alpine Energy shareholders meeting
<i>6 September 2019</i>	Monthly catch up with OJ, on the Breeze (Mayoral Musings)
<i>12 September 2019</i>	Met with local Ngai tahu representative about Provincial Growth fund Attended Theatre / Heritage Centre Project meeting Attended Donations and Loans subcommittee meeting
<i>14 September 2019</i>	Attended Alzheimer's walk
<i>15 September 2019</i>	Attended and laid wreath at the SC battle of Britain Service
<i>17 September 2019</i>	Attended Standing Committee meeting and workshops
<i>18 September 2019</i>	Met with Man up and Legacy Canterbury
<i>24 September 2019</i>	Attended City Hub Steering Group meeting
<i>25 September 2019</i>	Attended Geraldine High School solar panel opening
<i>30 September 2019</i>	Monthly catch up with South Canterbury Chamber of Commerce
<i>2 October 2019</i>	Attended Audit and Risk Subcommittee via teleconference Met with Secretary of Canterbury Mayoral Forum Met with Project Manager of Canterbury Mayoral Forum
<i>3 October 2019</i>	Attended Timaru District Holdings Ltd meeting

In addition to these duties I met with 8 members of the public on issues of concern to them.

Functions Attended by the Deputy Mayor for the Period 1 August 2019 to 4 October 2019.

<i>15 September 2019</i>	Attended SC battle of Britain Service
<i>28 September 2019</i>	Open and present at the National Daffodil show

Functions Attended by Councillors for the Period 1 August 2019 to 4 October 2019.

<i>24 August 2019</i>	Peter Burt attended Coastguard South Canterbury 25 year anniversary
<i>15 September 2019</i>	Steve Wills attended SC battle of Britain Service

Attachments

Nil

8.2 Schedule of Functions Attended by the Chief Executive**Author: Alesia Cahill, Executive Assistant to the Mayor****Authoriser: Damon Odey, Mayor****Recommendation**

That the report be received and noted.

Functions Attended by the Chief Executive for the Period 1 August 2019 and 4 October 2019.

<i>1 August 2019</i>	Attended Timaru District Holdings Limited meeting Attended Domestic Violence Manager Training
<i>5 August 2019</i>	Attended Communications Training session Attended Temuka Community Board meeting
<i>9 August 2019</i>	Attended Canterbury Mayoral Forum
<i>13 August 2019</i>	Attended Property workshop Attended ECAN Plan Change workshop Attended Productivity Commission Local Government Funding and Financing workshop Attended Citizenship Ceremony Attended Council meeting Attended Patiti Point Information sharing session Attended Public Patiti Point Information sharing session
<i>15 August 2019</i>	Met with Chief Executive Alpine Energy Limited Met with representative of Property Group
<i>16 August 2019</i>	Attended Digital Local Government Partnership meeting in Wellington Attended EquiP Board meeting in Wellington
<i>20 August 2019</i>	Meet with Port of Timaru and PGF representatives Attended District Plan workshop
<i>22 August 2019</i>	Met with Chief Executive Aoraki Development
<i>27 August 2019</i>	Attended Hui with Runanga Met with Deputy Valuer General
<i>29 August 2019</i>	Meet with the Arcadians Attended Young Enterprise Product Launch at ARA Timaru
<i>30 August 2019</i>	Attended The Three R's opening at the Museum.
<i>4 September 2019</i>	Met with ARA representatives

- 5 September 2019* Participated in conference call with Drainage and Water Manager and Massey University academics
Attended Tenders Committee meeting
Attended Timaru District Holdings Ltd meeting
Attended Alpine Energy shareholders meeting
- 6 September 2019* Attended Earth and Fire Exhibition at Aigantighe Gallery
- 9 September 2019* Attended Temuka Community Board meeting
Met with Chief Executive of Aoraki Development
Met with NZTA Representative
- 11 September 2019* Meet with representatives of FieldForce4
Met with Ara Chief Executive
Participated in conference call with ECan and regional forum representatives
- 12 September 2019* Attended Temuka end of triennium dinner
- 16 September 2019* Attended Canterbury Operations Forum in West Melton
- 17 September 2019* Attended Standing Committee meeting and workshops
- 18 September 2019* Attended Professional Ethics Workshop - Christchurch
- 19 September 2019* Attended 2019 Smart Communities Series – Smart Cities
Met with Chief Executive Environmental Protection Agency
- 20 September 2019* Met with local MP
Met with Audit New Zealand Representatives
- 26 September 2019* Met with Chair of Ministers Association
Attended Prime Port End of Year results announcement
Met with Chief Executive of Aoraki Development
Met with South Canterbury Manager Environment Canterbury
- 27 September 2019* Attended EquiP board meeting (by teleconference attendance)
- 2 October 2019* Attended Audit and Risk Subcommittee meeting
- 3 October 2019* Attended Timaru District Holdings Ltd meeting

Meetings were also held with various ratepayers, businesses and/or residents on a range of operational matters.

Attachments

Nil

9 Reports

9.1 Affixing of the Common Seal

Author: Joanne Brownie, Council Secretary

Authoriser: Donna Cross, Group Manager Commercial and Strategy

Recommendation

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

19 August Loan Raising Programme 2019/2020.

Purpose of Report

1 To report the affixing of the Common Seal to the Loan Raising Programme 2019/2020.

Attachments

Nil

9.2 Contracts Let Under Delegated Authority

Author: Ashley Harper, Group Manager Infrastructure

Authoriser: Bede Carran, Chief Executive

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 2304 – Washdyke Flat Road Upgrade	11	\$545,732.05 to \$1,254,105.50	Fulton Hogan Limited \$545,732.05
Contract 2381 – Redruth Resource Recovery Park and Waste Sorting Facility	4	\$595,657.72 to \$687,138.49	Rooney Earthmoving Ltd \$595,657.72
Tenders were evaluated using the Lowest Price Conforming Tender Method			

All prices exclude GST

Purpose of Report

- 1 To advise of contracts let by the Chief Executive under Delegated Authority.

Attachments

Nil

9.3 Statement of Proposal - Policy Review Consultation

Author: Fabia Fox, Policy Analyst
Debbie Fortuin, Environmental Compliance Manager
Jayson Ellis, Building Control Manager

Authoriser: Tracy Tierney, Group Manager Environmental Services

Recommendation

That Council adopt the Policy Review Consultation Statement of Proposal including the draft Gambling Venue Policy; draft Local Approved Products Policy; and draft Dangerous, Affected and Insanitary Buildings Policy (Attachment 1), and agree to it being the subject of a special consultative procedure.

Purpose of Report

- 1 To present to Council for adoption the draft Policy Review Consultation Statement of Proposal, including the draft Gambling Venue Policy; the draft Local Approved Products Policy; and the draft Dangerous, Affected and Insanitary Buildings Policy.

Assessment of Significance

- 2 Council's decision regarding the consultation on the Statement of Proposal for these draft policies has been assessed as low/medium significance for the general community.
- 3 The draft Gambling Venue Policy is assessed as high significance for gambling venues, gambling licence holders, public health and problem gambling organisations and iwi. The consultation process will ensure these stakeholders are appropriately consulted.
- 4 The draft Local Approved Products Policy is assessed as low/medium significance for key stakeholders including potential approved products retailers and public health organisations. No potential retailers have been identified. Public health organisations will be notified about the statement of proposal.
- 5 The draft Dangerous, Affected and Insanitary Buildings Policy is assessed as high significance for any owner or manager of a dangerous, affected or insanitary building, however these people are unlikely to be identified as part of the policy review consultation. The policy itself addresses appropriate consultation with owners and managers of dangerous, affected and insanitary buildings.
- 6 The Acts governing each of these policies all require the special consultative procedure to be undertaken in accordance with the Local Government Act (LGA) section 83.

Background**7 Gambling Venue Policy**

8 The Gambling Act 2004 and the Racing Act 2003 require Council to adopt a policy or policies relating to Class 4 gambling and Agency venues.¹ The policy must specify whether or not new Class 4 gambling venues and Agency venues may be established in the District and, if so, where they may be located; may specify any restrictions on the maximum number of gaming machines that may be operated at a Class 4 Venue; and may include a relocation policy.

9 Council must review the policy every three years and undertake a SCP if amendments or a new policy are proposed.

10 In adopting a policy, Council must have regard to the social impact of gambling within the District. Further, when considering whether to include a relocation policy for Class 4 gambling venues, Council must consider the social impact of gambling in high-deprivation communities within the District.

11 Council adopted a Gambling Venue Policy in 2004. The Policy was amended in 2007 to include Board venues (now called Agency venues) as required by the Racing Act 2003. Only minor amendments have been made to the policy since 2007 and the Policy has not undergone full public consultation since then.

12 Local Approved Products Policy

13 The Psychoactive Substances Act 2013 allows Council to adopt a policy relating to the sale of approved products within its district.

14 Psychoactive substances or products are a substance, mixture, preparation, article, device, or thing that is capable of inducing a psychoactive effect in an individual who uses the substance. They are also sometimes known as a 'legal highs' or 'synthetics'. A psychoactive substance or product must be approved by the Psychoactive Substances Regulatory Authority before it can be imported, manufactured or sold in New Zealand. Council's policy addresses 'approved products'.

15 Such a policy may cover the location of premises from which approved products may be sold within the District by reference to broad areas, proximity to other premises from which approved products are sold, and proximity to premises or facilities within the District (eg kindergartens, schools, places of worship). The policy is not able to ban the sale of an approved product in the District, only restrict the location and density of shops selling the products.

16 The Policy must be reviewed every five years and can be amended or replaced only in accordance with the SCP.

17 Council adopted the current Local Approved Products Policy in 2014.

18 Dangerous, Affected and Insanitary Buildings Policy

19 The Building Act 2004 requires all territorial authorities to adopt a policy on dangerous and insanitary buildings. The policy must state the approach Council will take in performing its functions under Subpart 6 of the Building Act 2004 – special provisions for dangerous, affected, and insanitary buildings. The policy must also state Council's priorities in performing

¹ Class 4 gambling covers gaming machines, commonly known as pokie machines, in venues that are not casinos. Agency venues are Racing Industry Transition Agency (formerly the New Zealand Racing Board) venues, also known as TAB venues. TAB outlets are not covered by this policy.

those functions and how the policy will apply to heritage buildings. As a result of an amendment in 2013, the policy must also take into account affected buildings.

- 20 Affected buildings are buildings that pose a risk to users and/or passers-by because of their proximity to dangerous buildings.
- 21 The Policy must be reviewed every five years and Council can amend or replace the policy only in accordance with the SCP.²
- 22 The Environmental Services Committee adopted the Dangerous and Insanitary Buildings Policy in November 2018 with a number of immaterial changes and resolved to review the Policy to include the affected building provisions and undertake a SCP as soon as practicable within 12 months.³

Discussion

- 23 The three policies are due for review by December 2019, which is why this process is occurring now.
- 24 At a workshop on 30 July 2019, Council discussed possible amendments to the current Class 4 Gambling Venue and Board Venue Policy; Local Approved Products Policy and Dangerous and Insanitary Buildings Policy.
- 25 The Statement of Proposal attached presents the three proposed policies, drafted according to direction received from Council at this workshop and staff recommendations.
- 26 The key proposed amendments to the current policies are detailed below.
- 27 **Draft Gambling Venue Policy**

Proposed Amendment	Rationale
Inclusion of a relocation policy	<p>Section 97A of the Gambling Act 2004 allows councils to have a relocation policy for Class 4 gambling venues which sets out if and when the council will grant consent for an existing venue to relocate. Under such a relocation policy the venue is able to grandparent the number of gaming machines from the existing venue to the new venue.</p> <p>The draft policy includes a relocation policy which allows venues to relocate in instances where they are unable to continue operating at the existing site, for example, the expiration of a lease, due to a fire, or the building being deemed earthquake-prone, dangerous, affected or insanitary. Venues must meet all other conditions of the policy.</p> <p>Currently, without a relocation policy, if an existing venue was to relocate, they would be subject to the maximum number of gaming machines allowed for new venues as set by this policy, which is 7. Existing venues subject to the higher grandparented</p>

² [Building Act 2004, section 131-133](#)

³ The introduction of sections 133AA -133AY of the Building Act 2004 on 1 July 2017 removed the requirement for territorial authorities to have policies on earthquake prone building. All references to earthquake prone buildings were removed from Council’s policy in November 2018.

	maximum number of machines, 18, would need to reduce their machines to a maximum of 7.
Removing “Recreation Zones” from areas where gambling venues may be established	<p>The policy currently excludes gambling venues from places where children, families, community groups and individuals congregate for physical, social, cultural and intellectual development.</p> <p>The inclusion of “<i>Recreation Zones used for organised sporting purposes or recreational non-profit purposes</i>” in the areas where gambling venues may be established is inconsistent with the intent of the policy.</p>
Removing the exemption clause	<p>This clause currently states “<i>not all venues, including existing venues, will be able to comply with the policy requirements. For this reason Council will consider applications for exemption made in respect to specific sites</i>”. This clause creates unnecessary ambiguity for Council officers processing applications.</p> <p>It is appropriate that only venues that meet the criteria detailed in the policy should be given consent to operate gaming machines. Further, the policy only applies to new applications for consent. Existing venues are not affected by this policy.</p>

- 28 In addition to these key policy amendments, the Policy has been revised to remove some unnecessary and verbose wording. These amendments do not alter the meaning or intent of the Policy. The title has also been simplified from Class 4 Gambling Venue and Board Venue Policy, to Gambling Venue Policy.
- 29 The Gambling Act 2003 and the Racing Act 2003 allow for a range of policy options relating to the number and location of gaming venues in a territorial authority district. Alternative options, not currently included in the draft policy, have been included and analysed in the Statement of Proposal to ensure the public and stakeholders are provided with an analysis of all reasonably practicable options.
- 30 **Draft Local Approved Products Policy**
- 31 No changes are proposed to the current Local Approved Products Policy.
- 32 Since the Psychoactive Substances Act was passed in 2013 there have been no approved products imported, manufactured or sold in New Zealand and no applications have been received by the Psychoactive Substances Regulatory Authority for product approval.⁴
- 33 Given this, Council’s Policy has not been tested against its objectives of minimising the harm to the community, the exposure and potential harm to vulnerable members of the community, and the potential adverse effects from the sale of psychoactive substances to sensitive sites and residential areas. Equally, there is no evidence to suggest amendments to the policy are required.

⁴ According to the Ministry of Health as at 31 May 2019.

- 34 While no amendments to the Local Approved Products Policy are proposed at this time, public feedback on the policy is encouraged through the consultation process.
- 35 **Draft Dangerous, Affected and Insanitary Buildings Policy**
- 36 In accordance with section 132A of the Building Act, the current Dangerous and Insanitary Buildings Policy has been amended to take into account affected buildings.
- 37 The draft Policy recognises and states that Council is required to consider whether any other buildings may be affected by a dangerous building and, if so, what action, if any, is appropriate.
- 38 The draft Policy also includes a definition of an ‘affected building’ and states “that the concept of an affected building arises in the context of a dangerous building that is physically close enough to potentially pose a danger to people within the affected building.”
- 39 In all areas of the Policy where dangerous buildings are referenced, affected buildings have now been included.
- 40 A small number of immaterial changes have also been made to clarify some wording.
- 41 This amendment has been driven by a legislative requirement, and the policy itself is largely dictated by the Building Act 2004. While no other changes are proposed to the Policy at this time, public feedback is encouraged through the consultation process.

Options and Preferred Option

- 42 In accordance with the section 83 of the LGA, to undertake the special consultative procedure Council must prepare and adopt a statement of proposal.
- 43 The options available to Council are:
- 43.1 adopt the Policy Review Consultation Statement of Proposal, including the draft policies as presented; or
 - 43.2 not adopt the Statement of Proposal and recommend changes to the proposal and/or draft policies.
- 44 If Council decides to adopt the Statement of Proposal in this current form, the consultation will proceed as detailed below. If Council recommends changes, this may extend the timeline for the consultation and policy review process.

Consultation

- 45 Council is required to use the SCP to amend or replace current policies.
- 46 The Gambling Act 2003 requires that when undertaking the SCP for the adoption of a gambling venue policy Council must give notice of the proposed policy to:
- 46.1 Each corporate society that holds a Class 4 venue licence for a venue in the District; and
 - 46.2 Organisations representing Maori in the District.
- 47 A mailing list has been created for these key stakeholders and also for those for the Local Approved Products Policy and the Dangerous, Affected and Insanitary Buildings Policy. These key stakeholders will be notified directly of the consultation and invited to submit their feedback.

- 48 The statement of proposal will be made widely available will be well publicised. This will provide those affected by the policies, and the wider public, an opportunity to submit their views, and for Council to take these views into consideration during the decision making process.
- 49 Consultation on the Statement of Proposal will include:
- 49.1 The Statement of Proposal published on the Timaru District Council website, www.timaru.govt.nz;
- 49.2 A summary of the proposal delivered via the Courier on Thursday 17th October to all Timaru District Residents;
- 49.3 Mailout to all stakeholders;
- 49.4 Statement of Proposal available at Council offices, service centres and libraries in Timaru, Geraldine and Temuka; and
- 49.5 Promotion of the consultation via media releases and social media.
- 50 Key dates for the consultation process are:

9 October 2019	Statement of Proposal released for consultation and submissions open
11 November 2019	Consultation closes
26 November	Extraordinary Council Meeting – Public Hearings (if required)
10 December 2019	Council Meeting – decision on final policies

Relevant Legislation, Council Policy and Plans

- 51 Gambling Act 2003: Requires Council to adopt a policy on Class 4 gambling venues, specifying whether new venues may be established in the District, and if so, where they may be located. The Act also specifies review timeframes and the use of the SCP when amending or replacing the policy.
- 52 Racing Act 2003: Requires Council to adopt a policy on Agency venues, specifying whether or not new venues may be established in the District, and if so, where they may be located. The Act also specifies review timeframes and the use of the SCP when amending or replacing the policy.
- 53 Psychoactive Substances Act 2013: Allows for Council to adopt a policy relating to the location of premises from which approved products may be sold. The Act also specifies review timeframes and the use of the SCP when amending or replacing the policy.
- 54 Building Act 2004: Requires Council to adopt a policy on dangerous, affected and insanitary buildings stating; the approach Council will take in performing its functions under the Act; and Council's priorities in performing these functions; and how the policy will apply to heritage buildings. The Act also specifies review timeframes and the use of the SCP when amending or replacing the policy
- 55 Local Government Act (section 83): Details the special consultative procedure that Council must undertake when proposing to amend or replace the policies under consideration. The Act also allows Council to undertake combined or concurrent consultation (Section 83A).

Financial and Funding Implications

56 The cost of the consultation will be drawn from existing budgets.

Other Considerations

57 There are no further considerations relevant to this matter.

Attachments

1. **Draft Statement of Proposal Policy Review Consultation**  

Statement of Proposal



Timaru District Council Policy Review Consultation

- **Gambling Venue Policy**
- **Local Approved Products Policy**
- **Dangerous and Insanitary Buildings Policy**

Let us know what you think of our draft policies



Submissions close 5.00pm Monday 11 November 2019

www.timaru.govt.nz

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Purpose of this Statement of Proposal

Timaru District Council has reviewed three policies and is now proposing a number of changes. This Statement of Proposal is seeking public feedback on these changes. Let us know what you think.....

Council is seeking feedback on:

- **The draft Gambling Venue Policy;**
- **The Local Approved Products Policy; and**
- **The draft Dangerous, Affected and Insanitary Buildings Policy**

This statement of proposal has been prepared in accordance with the requirements of section 83 and 87 of the Local Government Act 2002. It includes making publicly available –

- The draft policy and the rationale behind this;
- Other reasonably practicable options; and
- A description of the consultation and submission process, including the period within which views on the proposal may be provided.

Once the submission period closes, Council will conduct hearings for anyone who wishes to speak in support of their submission. See Page 20 for details.



1. Gambling Venue Policy

What is Being Proposed

Timaru District Council is proposing a number of changes to our current Class 4 Gambling Venue and Board Venue Policy. These changes have been included in the draft policy and the rationale for their inclusion is discussed on Page 5.

There are a number of other policy options which can be taken into account. The advantages and disadvantages of these options are discussed on Page 9.

Background

The Gambling Act 2003 and the Racing Act 2003 require all territorial authorities (city and district councils) to have a policies relating to Class 4 gambling venues and Racing Industry Transition Agency* (TAB) venues in their district. These policies must be reviewed every three years, taking into account the social impacts of gambling. Council’s current policy combines both Class 4 and Agency venues .

The oversight of Class 4 gambling venues and Agency (TAB) venues sits with the Department of Internal Affairs (DIA). However, territorial authorities are responsible for issuing consent to venues that wish to provide Class 4 or TAB gambling. Essentially, DIA may issue a licence to a venue once Council has issued consent for that particular venue in accordance with this policy.

*Formerly the New Zealand Racing Board

Quick Facts

What is Class 4 gambling?

Class 4 gambling covers gaming machines, commonly known as pokie machines, in venues that are not casinos.

And Agency venues?

This deals with stand-alone Racing Industry Transition Agency venues, or TAB, venues. It does not cover TAB outlets.

Gambling venues in the Timaru District

There are currently 14 Class 4 gambling venues in the Timaru District and a total of 165 gaming machines.*

There are no Agency venues in the District.*

*DIA gambling statistics as at 30 June 2019. www.dia.govt.nz

What does the Policy deal with?

Under the Gambling Act 2003 Council’s policy:

- **must** specify whether or not a Class 4 venues may be established and, if so, where they may be located within the District; and
- **may** specify any restrictions on the maximum number of gaming machines that may be operated at a venue; and
- **may** include a relocation policy.

The Gambling Act 2003 sets a maximum limit of nine machines for new venues. Council is able to set a lower limit through its policy.

Under the Racing Act 2003, Council’s policy:

- **must** specify whether or not new TAB venues may be established and, if so, where they may be located within the District.

What doesn’t the Policy cover?

Council’s policy cannot:

- reduce the number of machines in existing venues
- control the hours of operation for gambling venues
- close down an existing gambling venue
- control what happens to the proceeds of gambling - i.e. where, and to whom the proceeds are distributed.
- regulate casinos, internet gambling, or Lotto outlets

Current Policy

Class 4 Gambling Venue and Board Venue Policy

Adopted 22 November 2016

Policy Objectives:

- Recognise that gambling can be a serious problem;
- Ensure that Council and the community has influence over the provision of new gambling venues within the Timaru District;
- Allow those who wish to participate in controlled gambling to do so; and
- Minimise harm to our community caused by gambling.

Gambling Venue Locations:

New applications will be approved within the boundary of the Timaru township if:

- They are within Commercial 1, 2 and 3 Zones or Recreation Zones
- They are no closer than 200m by public access way to any Residential Zone;
- They are no closer than 100m by public access way to any school, early childhood centre, kindergarten, place of worship, other community facility, or any other gambling venue (TAB venues can apply for an exemption to this);
- The venue is not associated with family or children's activities, unless the activity is in a room separate from gaming machines;
- The venue (within the Recreation Zone) is within a recognised sports or other recreational non-profit club building.

New applications will be approved in all other areas of the Timaru District if:

- They are within Commercial 1 Zone or Recreation Zones.
- They are no closer than 25m by public access way to any Residential Zone;
- They are no closer than 25m by public access way to any school, early childhood centre, kindergarten, place of worship, other community facility, or any other gambling venue (TAB venues can apply for an exemption to this);
- The venue is not associated with family or children's activities, unless the activity is in a room separate from gaming machines;
- The venue (within the Recreation Zone) is within a recognised sports or other recreational non-profit club building.

Number of Gaming Machines:

- New Class 4 venues are allowed a maximum of 7 gaming machines.
- Existing venues with fewer than 7 gaming machines are allowed to increase the number of machines to 7.

Exemptions:

- It is acknowledged that not all venues, including existing venues, will be able to comply with these requirements. For this reason Council will consider applications for exemption made for specific sites.

Applications:

- All applicants must complete the required form.
- Application fees are set by Council and reviewed from time to time with the intention of recovering full costs from applicants.

A full copy of the current Class 4 Gambling Venue and Board Venue Policy is available at www.timaru.govt.nz or contact Council on 03 687 7200.

Proposed Changes

Council is proposing a number of changes to ensure the policy is fit for purpose, and continues meeting its objectives. These changes include:

Change	Reason
Simplifying the wording of the Policy and clarifying definitions	<ul style="list-style-type: none"> The current Policy is quite wordy and in some places is unnecessarily complicated. Council believes all our policies should be easily understood. Apart from the proposed changes detailed below, these wording changes do not alter the meaning or intent of the Policy.
Change the policy title to "Gambling Venue Policy"	<ul style="list-style-type: none"> The current Policy is titled "Class 4 Gambling Venue and Board Venue Policy", and it's a bit of a mouthful. Council thinks "Gambling Venue Policy" covers the purpose of the Policy just nicely.
Including a relocation policy	<ul style="list-style-type: none"> The current Policy does not allow for the relocation of Class 4 gambling venues in accordance with Section 97A of the Gambling Act. Under this section, if councils consent to a venue relocation, the maximum number of gaming machines permitted at the new venue would be the same as the number permitted at the original venue (up to a maximum of 18 machines). Council is proposing to include a policy which allows venues to relocate in instances where they are unable to continue operating at the existing site, for example, the expiration of a lease, due to a fire, or the building being deemed earthquake-prone, dangerous, affected or insanitary. Venues must meet all other conditions of the Policy. This would mean the Gambling Venue Policy does not negatively impact existing businesses when events beyond their control mean they must relocate. While this would not increase the overall number of gaming machines in the District, it will not decrease them either.
Removing "Recreation Zones" from areas where gambling venues may be established	<ul style="list-style-type: none"> The inclusion of "<i>Recreation Zones used for organised sporting purposes or recreational non-profit purposes</i>" in the areas where gambling venues may be established is inconsistent with the intent of the Policy. The policy currently excludes gambling venues from close proximity to places where children, families, community groups, and individuals congregate for physical, social, cultural or intellectual development and wellbeing: pre-schools; schools; places of worship; and community facilities; including playgrounds; halls; community centres; and swimming pools. As such, Recreation Zones used for organised sporting purposes or recreational non-profit purposes should also be excluded from the locations where gambling venues may be established.
Removing exemption clause	<ul style="list-style-type: none"> This clause currently states that: "<i>not all venues, including existing venues, will be able to comply with the policy requirements. For this reason Council will consider applications for exemption made in respect to specific sites.</i>" This clause creates unnecessary ambiguity for Council officers processing applications. Council believes that only venues who meet the criteria detailed in the policy should be given consent to operate gaming machines. Further, as the Policy applies to new applications for consent, existing venues and their licences are not affected by this policy, unless the venue proposes to increase the number of gaming machines or to relocate.

Tell us what you think of the proposed changes on Page 21



Draft Gambling Venue Policy

1. Purpose

- 1.1 The purpose of this Policy is to:
- 1.1.1 Detail Council's policy with regards to consenting applications for new Class 4 gambling venue and Racing Industry Transition Agency (TAB) venue licences, in accordance with the Gambling Act 2003 and the Racing Act 2003.
 - 1.1.2 Recognise that gambling can be a serious problem for people in our community.
 - 1.1.3 Ensure Council and the community has influence over the provision of new gambling venues within the Timaru District.
 - 1.1.4 To allow those who wish to participate in controlled gambling to do so within the Timaru District.
 - 1.1.5 To minimise harm to the community caused by gambling.

Note: The Gambling Venue Policy applies only to new applications for Class 4 gambling venues and Agency venues, it will not be applied retrospectively to venues with current licences.

2. Background

- 2.1 The Gambling Act 2003 was enacted on 18 September 2003. The Act requires councils to adopt a Class 4 gambling venue policy for their district. The Act also amended the Racing Act 2003 so that council consent is required to establish a new Agency (TAB) venue. Under that amendment Council is required to adopt a Agency venue policy for the District.
- 2.2 Both policies must be adopted in accordance with the special consultative procedure set out in the Local Government Act 2002.
- 2.3 The Gambling Act 2003 and the Racing Act 2003 together state that the Class 4 gambling venue and Agency venue policies:
- 2.3.1 Must specify whether or not Class 4 venues and Agency venues may be established in the District, and if so, where they may be located.
 - 2.3.2 May specify any restrictions on the maximum number of gaming machines that may be operated at any Class 4 gambling venue. The Gambling Act 2003 establishes a maximum limit of nine (9) machines for new venues and those venues that obtained a licence after 17 October 2001. This policy proposes a maximum of seven machines (see Clauses 6.1).
 - 2.3.3 In the development of this Policy Council must have regard for the social impacts of gambling on the Timaru District community.
- 2.4 In 2007 Council combined the Class 4 gambling venue and Agency venue policies.

Draft Gambling Venue Policy Continued...

3. Key Definitions

Agency Venue – means premises that are owned or leased by the Racing Industry Transition Agency (TAB) and where the main business carried out at the premises is providing racing betting or sports betting services under the Racing Act 2003. This does not include TAB outlets.

Class 4 Gambling – Means any activity that involves the use of gaming machines (i.e. pokies) in pubs and clubs (i.e outside a casino) which may only be conducted by a corporate society and only to raise money for an authorised (e.g. community and non-commercial) purpose.

Commercial Zones – As defined in the operative Timaru District Plan.

Community Facility – Any building, place or facility which provides for the physical, social, cultural or intellectual development or welfare of the community, including but not limited to; public playgrounds; recreational halls; community centres; community halls; libraries; museums; and public swimming pools.

Gambling Venue – Any Class 4 gambling venue or Agency Venue.

Residential Zones – As defined in the operative Timaru District Plan.

Sensitive Site – Early childhood centre, kindergarten, school, place of worship or community facility.

4. Policy - Timaru Township

- 4.1 Within the boundary of the Timaru Township, Gambling Venues may be established in Commercial 1, 2 and 3 Zones subject to:
- 4.1.1 Meeting application and fee requirements;
 - 4.1.2 Being no closer than 200 metres, by public access-way, to any Residential Zone;
 - 4.1.3 Being no closer than 100 metres, by public access-way, to any sensitive site (as defined in section 3 of this policy);
 - 4.1.4 Being no closer than 100 metres, by public access-way, to another gambling venue; excepting that Agency venues may, on application be exempt from this requirement; and
 - 4.1.5 Not being a venue that is associated with family or children's activity unless the activity is in a room separate from gaming machines.

5. Policy - Rest of Timaru District

- 5.1 For all the rest of the Timaru District, outside the boundary of the Timaru Township, Gambling Venues may be established in Commercial 1 Zone subject to:
- 5.1.1 Meeting application and fee requirements;
 - 5.1.2 Being no closer than 25 metres, by public access-way, to any Residential Zone;
 - 5.1.3 Being no closer than 25 metres, by public access-way to any sensitive site (as defined in section 3 of this policy);
 - 5.1.4 Being no closer than 25 metres, by public access-way, to any other gambling venue excepting that Agency venues may, on application, be exempt from this requirement; and
 - 5.1.5 Not being a venue that is associated with family or children's activity unless the activity is in a room separate from gaming machines.

6. Relocation of Venues

- 6.1 Consent for the relocation of Class 4 gambling venues is subject to:
- 6.2.1 The current premises being unable to continue to operate at the existing site. Examples of such circumstances include, but are not limited to the following:
 - expiration of lease
 - a natural disaster or fire making the venue unfit to continue to operate
 - the building in which the venue is located is deemed under the Building Act 2004 to be earthquake-prone, dangerous, affected or insanitary
 - 6.2.2 The total number of Class 4 gaming machines at the new premises must be the same, or less, than the existing Class 4 venue.
 - 6.2.3 The consent application meeting all other requirements of this Policy.

Draft Gambling Venue Policy Continued...

- 7. Number of Machines**
- 7.1 New Class 4 gambling venues shall be allowed a maximum of seven (7) gaming machines.
 - 7.2 Consent from Council is required if an existing Class 4 gambling venues operating fewer than seven (7) gaming machines wishes to increase the number of machines operated at the venue to seven (7).
-
- 8. Primary Activity of Venues**
- 8.1 The primary activity of any Class 4 gambling venue shall be:
 - 8.1.1 For the sale of liquor or for liquor and food; or
 - 8.1.2 For private club activities; or
 - 8.2 The primary activity for Agency venues, as defined by Section 5 of the Racing Act 2003, shall be :
 - 8.2.1 providing racing betting or sports betting services.
-
- 9. Application**
- 9.1 Applications for Council consent must be made on the correct form, accompanied by all required documentation and fees.
 - 9.2 Application forms are available on Council's website, www.timaru.govt.nz and at all Council service centres.
-
- 10. Application Fees**
- 10.1 Fees will be set by Council from time to time with the intention of recovering full costs from applicants/operators, and shall include consideration of:
 - 10.1.1 The cost of processing the application, including any consultation and hearings involved;
 - 10.1.2 The cost of triennially reviewing the Gambling Venue Policy;
 - 10.1.3 The cost of inspecting Class 4 gambling venues on a regular basis to ensure compliance with consent or licence conditions; and
 - 10.1.4 A contribution towards the cost of triennial assessments of the economic and social impact of gambling in the District.
 - 10.2 Council will comply with section 150 of the Local Government Act 2002 in setting such fees.
-
- 11. Application and Review**
- 11.1 This Policy will be reviewed at least ever three years, as required by the Gambling Act 2003 and the Racing Act 2003.
 - 11.2 This Policy does not cease to have effect because it is due for review, or being reviewed.
 - 11.3 This Policy takes effect from the date it is formally adopted by Council.



Other Options

While it is Council’s preferred option to adopt the draft policy as presented, there are other options available, taking into consideration the social impact of gambling within the Timaru District. These are:

Options	Advantages and Disadvantages
<p>Status Quo</p> <ul style="list-style-type: none"> ■ Maintain the current cap at 7 machines per venue. ■ Maintain the current location restrictions. ■ No Relocation Policy 	<ul style="list-style-type: none"> ■ Under the current Policy the total number of gaming machines in the Timaru District has fallen. As at 30 June 2019 there were 165 machines, down from 213 in 2016. This may suggest that, through natural attrition, machine numbers will continue to decrease. Yet in the year ending 30 June 2019 over \$38,000 more was spent on gaming machines than in the year ending 30 June 2016. This is to say, more money is being spent on less machines*. ■ The current policy may not be meeting its purpose to minimise harm caused to the community by gambling. ■ The level of funding available in the Timaru District from charitable trusts operating gambling machines is maintained. ■ Without a Relocation Policy, current venues are not able to relocate should circumstances require a change of venue. They need to apply for a new consent and the number of machines would be capped at 7, which may have adverse financial implications if the venue’s previous licence allowed for higher numbers of machines. <p><small>* DIA gambling statistics as at 30 June 2019. www.dia.govt.nz</small></p>
<p>Sinking Lid Policy</p> <ul style="list-style-type: none"> ■ No new consents will be issued by Council. ■ Venues will not be able to increase their number of machines ■ Gaming machines will not be able to be transferred to another venue if one venue closes. ■ Consent will not be given for venue relocations 	<ul style="list-style-type: none"> ■ Over time, this would lead to a decrease in the number of venues and machines in the Timaru District, potentially reducing the harm caused by problem gambling, while still allowing for existing venues to continue to operate. ■ If a venue is unable to continue operating in its current location (for example, due to a fire, or a building lease is not renewed), the venue would not be able to relocate its machines to any other venue. ■ A sinking lid policy takes time to have an effect on the total number of gaming machines and is reliant on current venues closing down. ■ May discourage some hospitality businesses from establishing within the District if they are unable to have gaming machines and negatively effect employment opportunities in the hospitality industry. ■ May reduce over time the level of funding available in the Timaru District from charitable trusts operating gambling machines
<p>Other Capping options</p> <ul style="list-style-type: none"> ■ Capping the total number of gaming machines in the District ■ Reduce the cap on the number of machines each new venue may operate 	<ul style="list-style-type: none"> ■ A district wide cap of machines would ensure no further potential for gambling harm is created. ■ A reduction in the cap on machines per venue may further reduce the potential for problem gambling by minimising any potential proliferation of machines in the District. ■ May discourage some hospitality businesses from establishing within the District if they are unable to have gaming machines and negatively effect employment opportunities in the hospitality industry. ■ May reduce over time the level of funding available in the Timaru District from charitable trusts operating gambling machines
<p>Ease Restrictions</p> <ul style="list-style-type: none"> ■ Increase the number of machines allowed at each venue to the legislative maximum.* <p><small>*18 machines for those venues which holding such a licence prior to 17 Oct 2017. 9 machines for those with such a licence issued after this date.</small></p>	<ul style="list-style-type: none"> ■ This approach would be more enabling for businesses, allowing a greater number of machines within the District as a whole, and possibly in each venue. As such, it may help enhance the benefits of gambling, including the economic success of local businesses, social enjoyment, and the availability of funding for the District. ■ However, this option might result in an increase in the current levels of gambling risk, which is not consistent with the general objectives of this policy.

Do you support any of these other policy options? Tell us on Page 21

2. Local Approved Products Policy

What is Being Proposed

Council has reviewed the Local Approved Products Policy and believes no changes are necessary at this time. We would like to know if you think that the policy is appropriate, or if you think we need to make some changes to make it more effective.

Background

The Psychoactive Substances Act 2013 regulates the manufacture and sale of psychoactive substances, also known as 'legal highs', in New Zealand. The Act was introduced to ensure manufacturers of these products underwent safety and risk testing, and to minimise the potential harm caused by psychoactive substances. Under the Act, councils are able to adopt a policy detailing the locations of premises from where approved products may be sold.

Under the legislation, Council does not have the power to prohibit the sale of 'legal highs'. This is regulated by the Psychoactive Substances Regulatory Authority (PSRA). The PSRA issues licences to people and businesses wanting to import, manufacture and sell psychoactive substances in New Zealand. All products must also undergo a rigorous approval process. The products must pose no more than a low risk of harm to users, and go through a process similar to that required for new medicines. If a product meets these strict criteria it is classified as an approved product.

In 2014 Council adopted a policy addressing the licencing and control of retailers wanting to sell approved products or legal highs. Council recognised that within the community there was considerable concern about the availability, effects and usage of these substances. Council further recognised a need to be mindful of the future and to ensure proper controls were in place for any potential development in this particular sector of retail.

What are Psychoactive Substances?

A psychoactive product or substance refers to a substance, mixture, preparation, article, device, or thing that is capable of inducing a psychoactive effect in an individual who uses the substance. They can also sometimes be known as 'legal highs' or 'synthetics'.

Approved Products in the Timaru District

Broadly, the current policy restricts retail outlets of approved psychoactive substances to Commercial Zone 1A in Timaru. Legal highs cannot be sold in other townships or in rural areas. Council cannot ban shops that sell legal highs. The law only permits our policy to restrict the location and density of shops selling legal highs. As at 31 May 2019 there were no approved products in Timaru or New Zealand, and no applications for approval have been received since the Psychoactive Substances Act was introduced in 2013.

Options

While it is Council's preferred option to maintain the existing Local Approved Products Policy, there are a couple of other options available:

Revoke the policy: The legislation does not require Council to have a policy. As there are currently no approved products in New Zealand, or any applications for approval, it could be concluded that it is unnecessary to have such a policy. However, Council would prefer to maintain the policy in the event that some psychoactive substances are approved in the future.

Amend the policy: Council's policy cannot ban psychoactive substances, or regulate them to such an extent that it effectively creates a ban, however the locations where approved products can be sold can be amended. Council is confident that the current policy provides the appropriate restrictions for potential retailers of approved products.

Do you support any of these other policy options? Tell us on Page 22

Local Approved Products Policy



1. Introduction

- 1.1 The Psychoactive Substances Act 2013 (the Act) came into force on 18 July 2013. It seeks to regulate the importation, manufacture, sale, supply and possession of psychoactive substances. These are the active ingredients in party pills, energy pills and herbal highs.
- 1.2 The purpose of the Act is to regulate the availability of psychoactive substances in New Zealand to protect the health of, and minimise harm to, individuals who use psychoactive substances.
- 1.3 To achieve this, the Act provides for licences to be issued by the Psychoactive Substances Regulatory Authority (PSRA) for the right to retail psychoactive substances. Sections 66 – 69 of the Act allows territorial authorities to develop a policy for their area which outlines where retail outlets of approved psychoactive substances can be located. The Act refers to these policies as Local Approved Products Policy.
- 1.4 The Act defines what a Council Local Approved Products Policy (LAPP) can address:
 - 1.41 Location of premises from which approved products may be sold by reference to broad areas within the district.
 - 1.42 Location from which approved products may be sold by reference to proximity to other premises from which approved products is sold within the district.
 - 1.43 Location of premises from which approved products may be sold by reference to proximity to premises or facilities of a particular kind or kinds within the district (for example, kindergartens, early childhood centres, schools, places of worship, or other community facilities).

2. Objectives

- 2.1 This LAPP will provide guidance to PSRA as to which locations it is appropriate to grant retail licences for approved products to be sold within the Timaru District.
- 2.2 The objectives of this policy are to:
 - 2.21 Minimise the harm to the community caused by psychoactive substances by defining the permitted location of retail premises.
 - 2.22 Minimise the exposure and potential for harm to vulnerable members of the community, from the sale of the psychoactive substances.
 - 2.23 Minimise the potential for adverse effects from the sale of psychoactive products to sensitive sites and residential areas.
 - 2.24 Ensure that the Council and the community have influence over the location of retail premises in the District.

3. Scope

- 3.1 This policy applies to any application for a licence as defined in the Act to sell approved products from a retail premise from the date that this policy comes into force.
- 3.2 This policy does not apply to retail premises where internet sales only, are made or to premises where the sale of approved products is by wholesale only.
- 3.4 This policy does not limit the number of retail premises or restrict the issue of new licences. Provided the applicant meets the policy criteria and the provisions of the Act.
- 3.5 The requirements of the Resource Management Act 1991 and the Hazardous Substances and New Organisms Act 1996 must be met in respect of any premises holding a licence.

Local Approved Products Policy continued...

4. Definitions

The Act	Means the Psychoactive Substances Act 2013
Approved location	Means an area where premises from which approved products may be sold are permitted to be located
Approved Product	Means a psychoactive product approved by the Authority under Section 37 of the Act.
Authority	Means the Psychoactive Substances Regulatory Authority (PSRA) established by Section 10 of the Act.
Central Business District	Means the area of Timaru defined by the operational Timaru District Plan Commercial 1A zone.
Childcare facilities	Means premises (public and private) where children are cared for or given basic tuition and includes a crèche, day or after-school care, pre-school, kindergarten, kohanga reo or play centre. This term excludes a school.
Educational Institution	Means institution as defined by the Education Act 1989 and amendments describing Schools, kindergartens, early childhood centres and tertiary education institutions.
Licence	Means a licence, as defined by the Act.
Psychoactive Product or product	Means a finished product packaged and ready for retail sale that is a psychoactive substance or that contains one or more psychoactive substance.
Psychoactive substance	Means a substance, mixture, preparation, article, device, or thing that is capable of inducing a psychoactive effect (by any means) in an individual who uses the psychoactive substance and defined further in s.9 of the Act
Regulations	Means regulations made under the Act.
Retailer	Means a person engaged in any business that includes the sale of products by retail.
Retail Premises	Means premises for which a licence to sell approved products by retail has been granted by the Authority
Specialist Treatment and Support Services	Means externally funded mental health, problem gambling, alcohol and other drug specialist treatment and/or support service.
Sensitive Site	Means sites which are used by people who are, or may be, more vulnerable to the influence of the sale of psychoactive substances. Includes: <ul style="list-style-type: none"> ■ District Court; Department of Corrections; Medical Centre; ■ Any premises occupied by a central social welfare agency such as Work and Income or Housing New Zealand; ■ Specialist Treatment and Support Service facility; ■ Any place of worship, school, childcare facilities, or other educational institution; ■ Any property located in the residential zone in the operative Timaru Council District Plan; ■ Any Council Owned library, museum, recreational facility, public toilets; ■ King George Place, Strathallan Corner, Piazza, Caroline Bay and Landing Services.

5. Broad Areas

- 5.1 The retail premises selling psychoactive substances shall be restricted to the Commercial 1A Zone as defined by the operative Timaru District Council District Plan.
- 5.2 Retailers shall be restricted to areas in the Commercial 1A zone that are covered by CCTV. Any retailer wanting to sell approved products from an area not covered by security cameras will require to negotiate a reasonable financial contribution to the installation of a camera based on Councils assessment of the balance of private/public good.

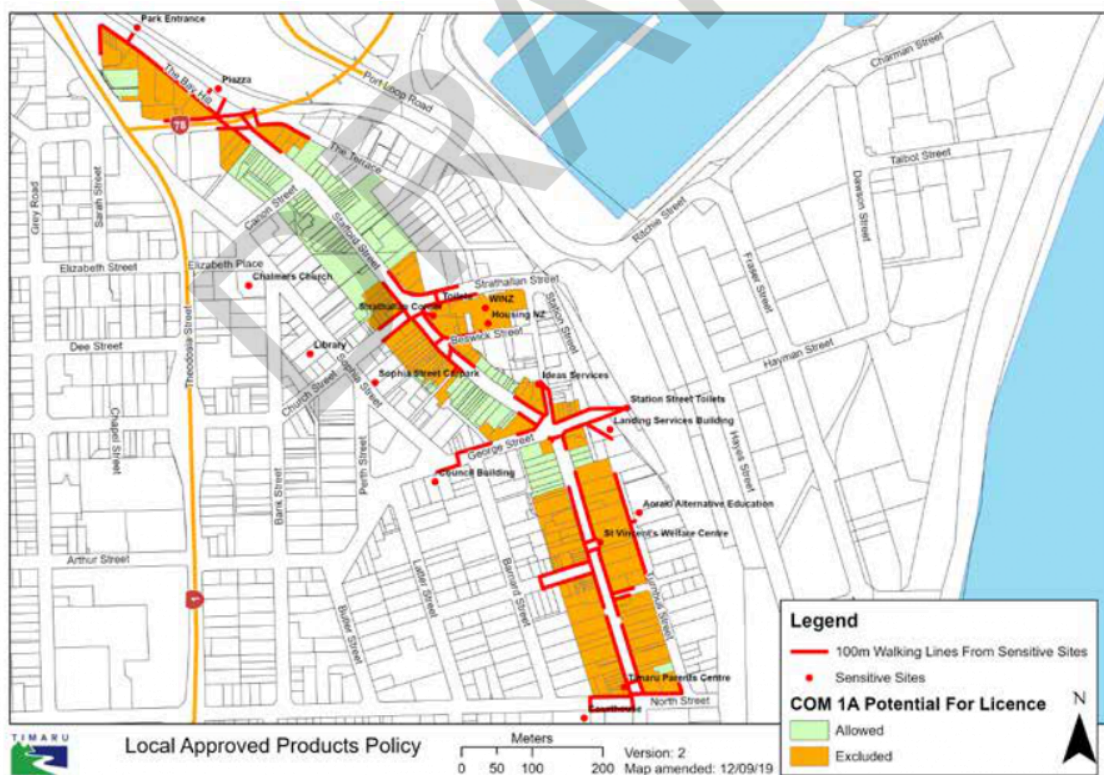
Local Approved Products Policy continued...

- 6. Proximity to Other Premises and Sensitive Sites**
 - 6.1 Licences for the sale of approved products will not be issued in respect of premises which are within 100 metres of premises for which a licence has been issued or premises which are within 100 metres of a sensitive site.
 - 6.2 The 100 metre exclusion zone shall be measured from the public entrance of the applicant’s premises and extend 100 metres in either direction along the thoroughfare on which the premises is situated. The measurement of the 100 metre exclusion zone shall also include any perpendicular intersecting thoroughfares and the opposite side of any such thoroughfare which falls within the 100 metre exclusion zone.
 - 6.3 Following the adoption of this Policy, if an organisation or entity which falls within the definition of a sensitive site operator moves within the specified buffer zone distance of a retail premises, there is no requirement for the retail premises to move premises outside the approved buffer distance

- 7. Review**
 - 7.1 This Policy will be reviewed:
 - every five years as required by the Act; or
 - at the request of Council; or
 - in response to District Plan Zoning changes; or
 - in response to legislative changes; or
 - in response to any issues that may arise.

Map

The map included is indicative and for explanatory purposes to identify sensitive sites. It is NOT part of the policy.



Tell us what you think of this policy on Page 22

3. Dangerous, Affected and Insanitary Buildings Policy

What is Being Proposed

Council is proposing to amend the Dangerous and Insanitary Buildings Policy to include 'affected buildings' to keep in step with changes to the Building Act 2004, and ensure our Policy is fit for purpose.

Background

We like to think of our Building Control Unit as the guardians of our built environment. They are responsible for ensuring a safe residential and commercial environment for workers, residents and visitors to our District, in accordance with the provisions of the Building Act 2004.

Council also has a responsibility as a regulator and Building Consent Authority to ensure the purposes of the Building Act 2004 are being met. This varies from inspecting and consenting building developments to the strict standards set by the legislation; to ensuring existing buildings are safe and hazards are dealt with.

Our current Dangerous and Insanitary Building Policy is an important tool to help us:

- reduce the risk unsafe buildings pose
- to improve the control of, and encourage better design and construction of buildings; and
- to provide a clear framework for how Council will manage buildings which may pose a risk to our community and visitors.

Proposed Changes

An amendment to the Building Act in 2013 requires Council's current Dangerous and Insanitary Buildings Policy to be amended to take into account 'affected buildings'.

Having reviewed the Policy, we are proposing to include consideration for affected buildings in all instances where Council currently considers dangerous buildings.

We have included the full draft policy in this Statement of Proposal with the proposed changes marked in **red**.

What is an "affected building"?

These are buildings that pose a risk to users and/or passers-by because of their proximity to dangerous buildings.

The Building Act states a building is an affected building if it is adjacent to, adjoining, or nearby to a dangerous building or a dangerous dam.*

*Building Act 2004, Section 121A.

Options

Council's preferred option is to adopt the draft Dangerous, Affected and Insanitary Buildings as presented. It is a legislative requirement for Council to take into account affected buildings so we don't have an option around this.

Because this Policy is largely dictated by the Building Act 2004, there isn't a lot of wiggle room on many of the provisions. However, we would like to know if you think there are areas we could change or improve on to make the Policy more efficient.

**Are there other policy options you think we should consider?
Tell us on Page 22**

Draft Dangerous, Affected and Insanitary Buildings Policy

Note: All the proposed changes to the current policy are marked in **red**.

- 1. Introduction**
- 1.1. The Dangerous, **Affected** and Insanitary Buildings Policy (Policy) has been prepared by the Timaru District Council to comply with section 131 of the Building Act 2004 (the Act). The Act requires Council to have a policy on Dangerous, **Affected** and Insanitary Buildings.
 - 1.2. This policy supersedes Council’s Dangerous and Insanitary Buildings Policy 2018 and sets out the policy adopted by Timaru District Council in accordance with the requirements of the Act.
 - 1.3. All requirements regarding earthquake-prone building were removed from the Policy on 27 November 2018, as they are now covered by sections 133AG - 133AY of the Act.
 - 1.4. Early detection and rectification of dangerous, **affected** or insanitary buildings has a strong relationship with Council’s strategy for a safe district. It is important that Council protects public health through a balanced, risk-based approach to ensure buildings are structurally sound, do not pose health risks, and perform their function without putting the health of residents and visitors at risk.
-
- 2. Purpose of the Policy**
- 2.1. The purpose of the Policy is to:
 - Reduce the potential risk posed to residents in the District by dangerous, **affected** and insanitary buildings;
 - Improve the control of, and encourage better practice in design and construction; and
 - Provide a clear framework of how Council will manage dangerous, **affected** and insanitary buildings.
 - 2.2. In setting the Policy, Council has endeavoured to strike a balance between the threats posed by dangerous, **affected** and insanitary buildings and the broader social and economic issues affecting the community that are involved.
 - 2.3. The relevant principles of section 4 of the Act have been taken into account in preparing the Policy, and will be taken into account in the performance of Council’s functions, powers and duties.
-
- 3. Policy Scope**
- 3.1. The Policy applies to all buildings within the Timaru District Council Territorial Authority District.
 - 3.2. The Policy sets out:
 - The approach that Council will take in performing its functions under Part 2 of the Act;
 - Council’s priorities in performing those functions; and
 - How the Policy will apply to heritage buildings.
-
- 4. Definitions**
- 4.1. For the purposes of the Policy the definitions in the table below shall apply.
 - 4.2. Where a definition has the same meaning as a definition in the Act, the definition for the purposes of the Policy includes any subsequent amendment to the definition in the Act. For the avoidance of doubt, where a definition in the Act differs from a definition in the Policy, the definition in the Act has precedence.

Term	Definition
The Act	means the Building Act 2004 (and its amendments)
Affected building	has the same meaning as section 121A of the Act, as follows: a building is an affected building for the purposes of this Act if it is adjacent to, adjoining, or nearby – (a) a dangerous building as defined in section 121; or (b) a dangerous dam within the meaning of section 153.
Authorised officer	has the same meaning as section 222 of the Act, as follows: means an officer of a territorial authority to whom either or both of the following applies: (a) he or she is authorised to carry out inspections; or (b) he or she is authorised to enter the land – (i) by this Act; or (ii) by an order of the District Court made under section 227.

Draft Dangerous, Affected and Insanitary Buildings Policy continued ...

Term	Definition
Building	<p>has the same meaning as section 8 of the Act, as follows: In this Act, unless the context otherwise requires, building –</p> <ul style="list-style-type: none"> (a) means a temporary or permanent movable or immovable structure (including a structure intended for occupation by people, animals, machinery, or chattels); and (b) includes - <ul style="list-style-type: none"> (i) a mechanical, electrical, or other system; and (ii) a fence as defined in section 2 of the Fencing of Swimming Pools Act 1987; and (iii) a vehicle or motor vehicle (including a vehicle or motor vehicle as defined in section 2(1) of the Land Transport Act 1998) that is immovable and is occupied by people on a permanent or long term basis; and (c) includes any 2 or more buildings that, on completion of building work, are intended to be managed as one building with a common use and a common set of ownership arrangements; and (d) includes the non-moving parts of a cable car attached to or servicing a building; and (e) includes the moving parts of a cable car attached to or servicing a building.
Council	means the Timaru District Council
Dangerous building	<p>has the same meaning as section 121 of the Act, as follows:</p> <ul style="list-style-type: none"> (1) A building is dangerous for the purposes of this Act, if - <ul style="list-style-type: none"> (a) In the ordinary course of events (excluding the occurrence of an earthquake), the building is likely to cause – <ul style="list-style-type: none"> (i) injury or death (whether by collapse or otherwise) to any persons in it or to persons on other property; or (ii) damage to other property; or (b) In the event of fire, injury or death to any persons in the building or to persons on other property is likely. (2) For the purpose of determining whether a building is dangerous in terms of subsection (1)(b), a territorial authority – <ul style="list-style-type: none"> (a) may seek advice from members of the Fire and Emergency New Zealand who have been notified to the territorial authority by the board of Fire and Emergency New Zealand as being competent to give advice; and (b) if the advice is sought, must have due regard to the advice.
Heritage building	<p>has the same meaning as section 7 of the Act, as follows: means a building that is included on -</p> <ul style="list-style-type: none"> (a) the New Zealand Heritage List/Rarangi Korero maintained under section 65 of the Heritage New Zealand Pouhere Taonga Act 2014; or (b) the National Historic Landmarks/Nga Manawhenua o Aotearoa me ona Korero Tuturu list maintained under s 81 of the Heritage New Zealand Pouhere Taonga Act 2014.
Household unit	<p>has the same meaning as section 7 of the Act, as follows:</p> <ul style="list-style-type: none"> (a) means a building or group of buildings, or part of a building or group of buildings, that is – <ul style="list-style-type: none"> (i) used, or intended to be used, only or mainly for residential purposes; and (ii) occupied, or intended to be occupied, exclusively as the home or residence of not more than one household; but (b) does not include a hostel, boardinghouse, or other specialised accommodation.

Draft Dangerous, Affected and Insanitary Buildings Policy continued ...

Term	Definition
Insanitary building	<p>has the same meaning as section 123 of the Act, as follows: a building is insanitary for the purposes of this Act if the building –</p> <ul style="list-style-type: none"> (a) is offensive or likely to be injurious to health because - <ul style="list-style-type: none"> (i) of how it is situated or constructed; or (ii) it is in a state of disrepair; or (b) has insufficient or defective provisions against moisture penetration so as to cause dampness in the building or in any adjoining building; or (c) does not have a supply of potable water that is adequate for its intended use; or (d) does not have sanitary facilities that are adequate for its intended use.
Inspection	<p>has the same meaning as section 222 of the Act, as follows: means the taking of all reasonable steps -</p> <ul style="list-style-type: none"> (a) to determine whether – <ul style="list-style-type: none"> (i) building work is being carried out without a building consent; or (ii) building work is being carried out in accordance with a building consent; or (iii) a notice to fix has been complied with; (b) to ensure that – <ul style="list-style-type: none"> (i) in relation to buildings for which a compliance schedule is issued, the inspection, maintenance, and reporting procedures states in the compliance schedule are being complied with; or (ii) in relation to buildings that have specified systems, the requirement for a compliance schedule is being complied with; (c) to enable an authority to – <ul style="list-style-type: none"> (i) identify dangerous, earthquake-prone or insanitary buildings within its district; and (ii) carry out its functions or duties in relation to those buildings; (d) to satisfy a territorial authority as to whether a certificate of acceptance for building work should be issued under section 96.
Owner	<p>has the same meaning as section 7 of the Act, as follows: in relation to land and any buildings on the land –</p> <ul style="list-style-type: none"> (a) means the person who - <ul style="list-style-type: none"> (i) is entitled to the rack rent from the land; or (ii) would be so entitled if the land were let to a tenant at a rack rent; and (b) includes - <ul style="list-style-type: none"> (i) the owner of the fee simple of the land; and (ii) for the purposes of sections 32, 44, 92, 96, 97 and 176(c), any person who has agreed in writing, whether conditionally or unconditionally, to purchase the land or any leasehold estate or interest in the land, or to take a lease of the land, and who is bound by the agreement because the agreement is still in force.
Territorial authority	<p>has the same meaning as section 7 of the Act, as follows:</p> <ul style="list-style-type: none"> (a) means a city council or district council named in Part 2 of schedule 2 of the Local Government Act 2002; and - <ul style="list-style-type: none"> (i) in relation to land within the district of a territorial authority, or a building on or proposed to be built on any such land, means territorial authority; and (ii) in relation to any part of a coastal marine area (within the meaning of the Resource Management Act 1991) that is not within the district of a territorial authority, or a building on or proposed to be built on any such part, means the territorial authority whose district is adjacent to that part; and (b) includes the Minister of Conservation or the Minister of Local Government, as the case may be, in any case in which the Minister of Conservation or the Minister of Local Government is the territorial authority under section 22 of the Local Government Act 2002.

Draft Dangerous, Affected and Insanitary Buildings Policy continued ...

- 5. Council's Role**
- 5.1. When buildings that may be dangerous or insanitary come to the attention of Council, Council will act promptly to investigate and, if determined to be dangerous or insanitary, ensure they are made safe.
 - 5.2. A building may become dangerous or insanitary due to a number of reasons such as unauthorised alterations being made from a fire, a natural disaster, or as a result of use by an occupant.
 - 5.3. Council has a statutory responsibility to act promptly to ensure the safety of persons or property when buildings that may be dangerous or insanitary come to Council's attention. **Council is also required to consider whether any other buildings may be affected by a dangerous building and if so, what action, if any, is appropriate.**
 - 5.4. **The concept of an affected building arises in the context of a dangerous building that is physically close enough to potentially pose a danger to people within the affected building. Note: affected buildings are defined as buildings which are adjacent to, adjoining, or nearby a dangerous building (see section 4 for definitions).**

6. Policy

Approach to dangerous, affected or insanitary buildings

- 6.1. Council will not actively inspect all buildings within the District, but will make it a priority to quickly and efficiently respond to any information received regarding potentially dangerous, affected or insanitary buildings.

Application of the Policy to heritage buildings

- 6.2. This Policy applies to heritage buildings in the same way it applies to all other buildings. Where Council receives information regarding buildings which have a heritage classification under Heritage New Zealand Pouhere Taonga, in addition to consulting with affected owners, Council will consider seeking advice from Heritage New Zealand Pouhere Taonga.

Co-operation with other agencies

- 6.3. Council will work with Heritage New Zealand Pouhere Taonga, Fire and Emergency New Zealand, the New Zealand Police and other agencies to achieve the purpose of the Building Act 2004.

Costs

- 6.4. Council may issue a notice under section 124(2)(c) of the Act requiring work to be carried out on dangerous or insanitary buildings to reduce or remove the danger, or to prevent the building from remaining insanitary. If work required under such a notice issued by Council is not completed or proceeding with reasonable speed, Council may invoke its powers under section 126 of the Act and apply to the District Court to gain authorisation to carry out building work required in the notice.
- 6.5. If Council carries out building work, it is entitled to recover costs associated with that work from the building owner, as set out in section 126(3) of the Act.

Immediate danger

- 6.6. If a building presents an immediate danger or health hazard to people within and/or around it, or to surrounding buildings, Council may choose to invoke its powers under section 129 of the Act.

7. Procedures

Detect

- 7.1. Once Council has received information regarding a potentially dangerous, affected or insanitary building, it will:
 - a. Check the details of the property against Council records;
 - b. Have an authorised officer undertake an inspection of the building in question. In doing this, Council may seek advice from Fire and Emergency New Zealand, or any other professional or organisation deemed appropriate by Council; and
 - c. Prepare an inspection record.

Assess

- 7.2. All inspections of potentially dangerous, affected or insanitary buildings will involve an assessment of the building's condition in terms of the definitions in sections 121 and 123 of the Act, and the current building code requirements. Inspection records will be prepared in all cases.

Draft Dangerous, Affected and Insanitary Buildings Policy continued ...

7. Procedures Act

- 7.3. Once Council is satisfied that a building is dangerous, **affected** or insanitary, it may:
 - a. Consult with the owner of the building to further determine the circumstances and decide on an appropriate course of action.
 - b. Inspect any building, except a household unit, to identify whether it is dangerous, **affected** or insanitary. Authorised officers are entitled at all times, during normal working hours, to inspect any building to identify any dangerous or insanitary buildings and are not required to inform or obtain approval for inspections to determine whether or not a building is dangerous or insanitary, unless the building is a household unit. In the case of a household unit Council must either obtain consent of the occupier of the household unit or an order from a District Court.
 - c. Invoke its powers under Section 124, 126 or 126 or 129 of the Act where a mutually acceptable outcome cannot be reached, or where the situation requires.
 - d. Inform complainants of the inspection results and Council’s intended course of action to deal with the situation.

Priorities

- 7.4. Council will give priority to buildings that have been determined to be immediately dangerous. Immediate action will be required in these situations to remove the danger, such as prohibiting any person from occupying or using the building. If necessary, the building will be secured to prevent entry.

Record keeping

- 7.5. Any buildings identified as being dangerous or insanitary will have a requisition placed on Council’s property database for the property on which the building is situated until the dangerous or insanitary condition is remediated.
- 7.6. In addition, the following information may be placed on any Land Information Memorandum (LIM):
 - a. copies of any notices issued where a building is dangerous, **affected** or insanitary and requires evacuation of the building; and
 - b. copies of any letters sent to the owner, occupier and any other person where a building is dangerous or insanitary; and
 - c. copies of any notices given under s124(1) which identifies the work to be carried out on a building and the timeframe given to reduce or remove the danger or insanitary condition.

State of emergency

- 7.7. Where a state of emergency has been declared (or following a state of emergency, when a transition period has been declared) the council may choose to exercise powers under the Civil Defence Emergency Management Act 2002 instead of or in addition to powers under the Building Act 2004.

8. Amendments

- 8.1. The Policy may be amended when required, subject to the provisions of the Act.

9. Application and review

- 9.1. This Policy will be reviewed at least every five years as required by section 132(4) of the Building Act 2004.
- 9.2. This Policy does not cease to have effect because it is due for review or it is being reviewed.
- 9.3. This Policy will take effect from [***date to be confirmed***] which is the date it was formally adopted by Council.

Tell us what you think of the proposed changes on Page 22

4. Have your say

Let us know what you think about our draft policies

You can do this by:

- Going to the Council website www.timaru.govt.nz and completing the online feedback form
- Filling out the submission form at the end of this document with your feedback and Freepost it back to Council (instructions on the next page)
- Scanning your feedback form and emailing this to: submission@timdc.govt.nz

Want More Information?

Submissions close 5.00pm Monday 11 November 2019

If you have any questions about the draft policies, you can contact:

Gambling Venue Policy and Local Approved Products Policy

Debbie Fortuin, Environmental Compliance Manager (debbie.fortuin@timdc.govt.nz)

Dangerous, Affected and Insanitary Buildings Policy

Jayson Ellis, Building Control Manager (jayson.ellis@timdc.govt.nz)

If you have any questions about the consultation process, please contact Mark Low or Fabia Fox at submission@timdc.govt.nz

Telephone: 03 687 7200

Timeline

Timeline for considering the draft policies.

9 October 2019 –

11 November 2019:

Consultation period

11 November 2019:

Submissions close

26 November 2019:

Council considers submissions (public hearings if required)

10 December 2019:

Council decision on Gambling Venue Policy; Local Approved Products Policy; and Dangerous, Affected and Insanitary Buildings Policy

Policy Review Consultation

Submission Form

Your details

First name:

Last name:

Organisation (if applicable):

Phone (landline or mobile):

Email address:*

Postal address:*

.....

.....

*we require your email address and/or your physical postal address.

Your feedback

Do you want to speak about your submission at a Council Hearing? (tick a box)**:

Yes No

**must complete. If you do not complete, we will assume you do not wish to speak.

Which policy are you providing feedback on? (tick as many as apply)

- Gambling Venue Policy
- Local Approved Products Policy
- Dangerous, Affected and Insanitary Building

Gambling Venue Policy

Do you support the draft Gambling Venue Policy as presented? (tick a box):

Yes No

Comments:

.....

.....

.....

What changes, if any, would you like to see in the Policy?

.....

.....

.....

.....

How to return this form via FreePost

Complete **Your details** and **Your feedback** sections

Put your form in a sealed envelope and address to:

FreePost Authority Number
95136
Policy Review Consultation
Timaru District Council
PO Box 522
TIMARU 7940

Thank you.

Local Approved Products Policy

Do you support the Local Approved Products Policy as presented? (tick a box):

Yes No

Comments:

.....
.....
.....

What changes, if any, would you like to see in the Policy?

.....
.....
.....

Dangerous, Affected and Insanitary Buildings Policy

Do you support the draft Dangerous, Affected and Insanitary Buildings Policy as presented? (tick a box):

Yes No

Comments:

.....
.....
.....

What changes, if any, would you like to see in the Policy?

.....
.....
.....
.....

Need more room?

Please use extra paper if required and attach with your submission.

Submissions are public information

Submissions made to Council, including submitters' name, will be included in papers available to the Council, media and the public.

If requested, Council is legally required to make all written and electronic submissions available to the public including the name and contact details of the submitter, subject to the provisions of the Local Government Official Information and Meetings Act 1987.

If you believe there are compelling reasons why your contact details or submission should be kept confidential, please contact us.



DRAFT

Timaru District Council

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9.4 Report to Council to make Plan Change 21 - Broughs Gully Outline Development Plan - Operative

Author: Megan Geng, Senior Planner

Authoriser: Tracy Tierney, Group Manager Environmental Services

Recommendation

That

1. The provisions of Plan Change 21 are approved as provided in Attachment 2.
2. Plan Change 21 becomes operative on 25 October 2019.

Purpose of Report

- 1 This report seeks Council's final approval of Timaru District Plan Change No. 21 (PC21)

Assessment of Significance

- 2 This matter is not deemed significant under the Council's Significance Policy.

Background

- 3 PC21 is a Council initiated plan change that proposes to incorporate an outline development plan (ODP) and associated provisions into the operative Timaru District Plan, for existing Residential 1 and Residential 4 zoned land at Broughs Gully. The purpose of PC21 is to facilitate the coordinated urban development and the cost-effective and equitable provision of network servicing infrastructure across the Broughs Gully area, which is an area that has significant servicing constraints.
- 4 The plan change was notified on 15 December 2016, five initial submissions and one further submission were received. Independent commissioner Allan Cubitt, made a decision to grant PC21 with modifications in September 2017.
- 5 Following notification of the decision, one appeal was lodged with the Environment Court by the landowner at 18 Hilton Highway. Following a number of meetings negotiating the terms of PC21 as they related to the appellant's site, the appellant and Council reached an Agreement. It was agreed to modify the areas of stormwater swales as shown on Appendix C: Broughs Gully Outline Development Plan of PC21. No other changes to PC21 were made.
- 6 A consent order (Attachment 1) was issued by the Environmental Court on 9 August 2019 in accordance with the Agreement.
- 7 The final provisions and outline development plan are provided as Attachment 2.

Discussion

- 8 Schedule 1 of the Resource Management Act 1991 (RMA) sets out the statutory process for plan changes.

- 9 Clause 17(2) states that *'a local authority may approve part of a policy statement or plan, if all submissions or appeals relating to that part have been disposed of'*. The appeal has been settled by the Environmental Court and Council can now approve the plan change.
- 10 Clause 20 of Schedule 1 sets out the process that is required to be undertaken for the notification of the operative date of a plan change. The operative date needs to be publicly notified a minimum of five days prior to the date the plan change becomes operative.

Options and Preferred Option

- 11 Option 1: Make PC21 operative.
- 11.1 Enabling PC21 will facilitate the coordinated urban development and the cost-effective and equitable provision of network servicing infrastructure across the Broughs Gully area.
- 12 Option 2: Do not make PC21 operative.
- 12.1 The plan change will be left unresolved and the benefits and the purpose of the plan change will not be achieved, despite the resources expended.

Consultation

- 13 PC21 was publicly notified, statutory bodies and iwi were also consulted during the process.
- 14 The Agreement reached with the appellant was outlined to the Policy and Development Sub Committee. The Agreement was subsequently finalised and signed by Chief Executive under delegated authority, prior to it being lodged with the Environment Court.

Relevant Legislation, Council Policy and Plans

- 15 Resource Management Act 1991
- 16 Local Government Act 2002
- 17 Timaru District Plan



Financial and Funding Implications

- 18 Any financial implications are addressed and approved in the agreement.

Other Considerations

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

Attachments

1. **Plan Change 21 - Broughs Gully - Consent Order 9 August 2019: ENV-2017-CHC-84 - Port Bryson Property Limited & hilton Trust Limited v Timaru District Council** [↓](#) 
2. **Plan Change 21 - Broughs Gully Outline Development Plan - Final Provisions - Consent Order version of the plan change post Appeal (clean version) 04.09.2019** [↓](#) 

**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

IN THE MATTER	of the Resource Management Act 1991
AND	of an appeal under Clause 14 of the First Schedule of the Act
BETWEEN	PORT BRYSON PROPERTY LIMITED AND HILTON TRUST LIMITED
	(ENV-2017-CHC-84)
	Appellants
AND	TIMARU DISTRICT COUNCIL
	Respondent

Environment Judge J J M Hassan – sitting alone pursuant to s279 of the Act

In Chambers at Christchurch

Date of Consent Order: 9 August 2019

CONSENT ORDER

A: Under s279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

- (1) the appeal is allowed to the extent that the Timaru District Council is directed to amend Appendix C (the Broughs Gully Outline Development Plan) of Plan Change 21 of the Timaru District Plan, as set out in Annexure A, attached to and forming part of this Order;
- (2) the appeal is otherwise dismissed.

B: Under s285 of the Resource Management Act 1991, there is no order as to costs.



Port Bryson Property Ltd & Hilton Trust Ltd v TDC - Consent Order 2019

REASONS**Introduction**

[1] This is an appeal by Port Bryson Property Limited and Hilton Trust Limited against a decision of the Timaru District Council on Plan Change 21 of the Timaru District Plan.

[2] The court has now read and considered the consent memorandum of the parties dated 30 July 2019, which proposes to resolve the appeal.


Other relevant matters

[3] The Canterbury Regional Council has given notice of an intention to become a party under s274 of the Resource Management Act ("the RMA") and has signed the memorandum setting out the relief sought.

Orders

[4] The court makes this order under s279(1) RMA, such order being by consent, rather than representing a decision or determination on the merits pursuant to s297. The court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this order;
- (b) all parties are satisfied that all matters proposed for the court's endorsement fall within the court's jurisdiction, and conform to the relevant requirements and objectives of the RMA including, in particular, pt 2.


J J M Hassan
Environment Judge



Annexure A



Road 1
 Legal width: 20m. Accession location of Jellicoe Street to boundary between Lot 11 DP 47318 and Lot 12 DP 47318, where after it gradually widens to 23m legal width by the eastern boundary of Lot 12 DP 47318. Remains 23m wide until the intersection of Tasman Street and Jellicoe Street.

Road 2
 Legal width: 20m. Accession location of Jellicoe Street to boundary between Lot 11 DP 47318 and Lot 12 DP 47318, where after it gradually widens to 23m legal width by the eastern boundary of Lot 12 DP 47318. Remains 23m wide until the intersection of Tasman Street and Jellicoe Street.

Road 3
 Legal width: 16m. The terminus being either a cul-de-sac or hammerhead.

Road 4
 Legal width: 16m

Burnett Street Extension
 Legal width: 16m

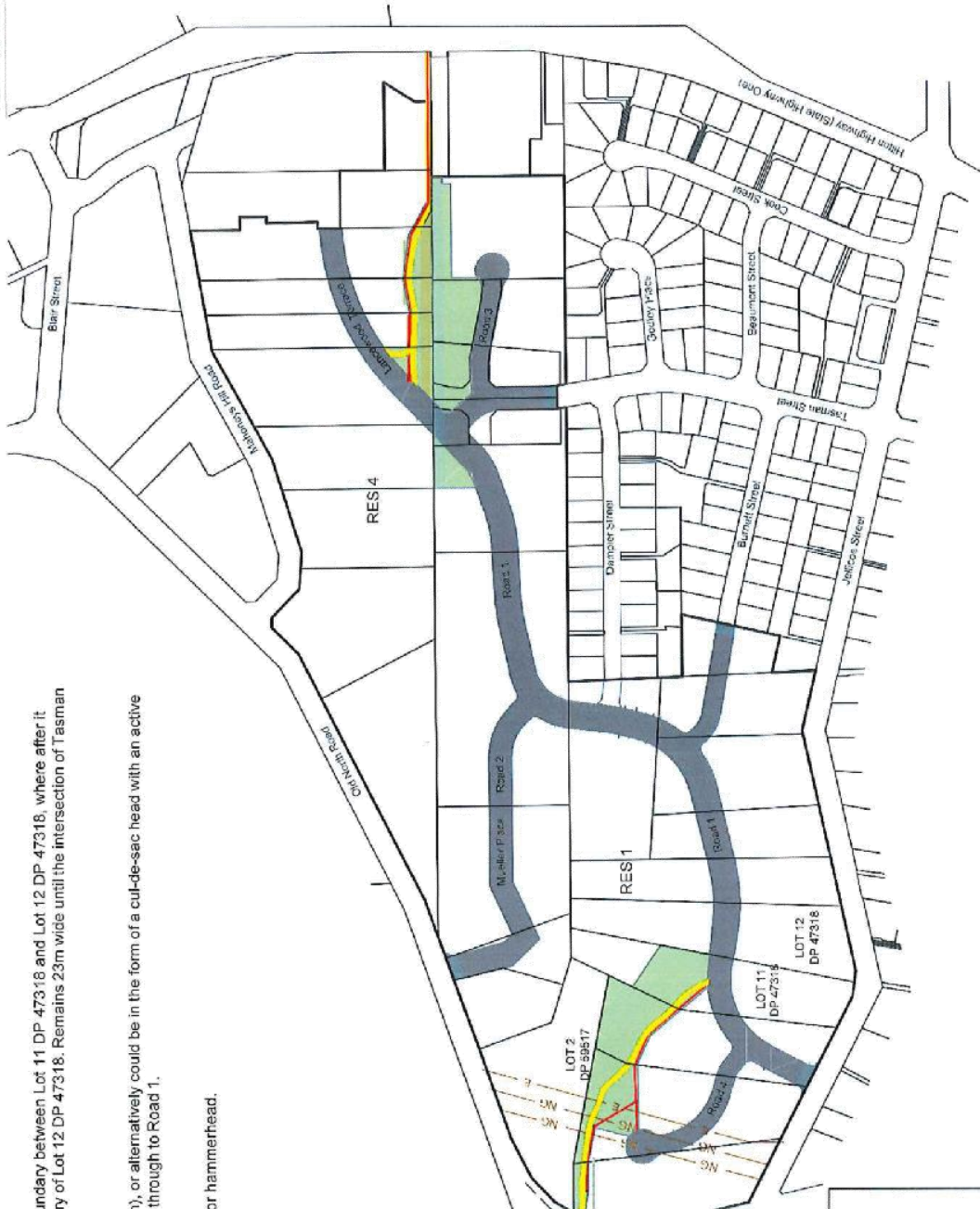
Damiger Street Extension
 Active transport link and services corridor only.

New Vehicle Access onto Old North Road
 New vehicle access onto Old North Road shall not be permitted as shown on this plan for traffic safety reasons. Note the extent of no access extends 68m along the northwest boundary of Lot 2 DP 39517.

Stormwater Retention Ponds and Swales
 Detailed design of these areas is to incorporate water sensitive and low impact design principles, current best practice and relevant elements from the Gleniti Zone 6 Green Space Design Guidelines.

Cycle and Pedestrian Path
 Off road cycle and pedestrian paths are to be formed and sealed with a width of 2.5m.

Location of services
 Sewer and stormwater services, where not shown otherwise, shall be located in the road reserve. Water services shall be located in the road reserve.



KEY:

- Road
- Stormwater
- Cycle and Pedestrian Path
- Sewer
- No access to Old North Road
- Existing power lines
- National Grid 110kV transmission lines

#4053162Y1

APPENDIX C: BROUGHTS GULLY OUTLINE DEVELOPMENT PLAN

APPENDIX 2 – DECISION VERSION OF THE PLAN CHANGE (CLEAN VERSION)

Part D2 – Residential Zones

Part D2, Policy 2.1.2.2

.....

Residential 1 Zone (Temuka North West)

Explanation and Principal Reason

The Temuka North West Residential Expansion - Outline Development Plan area is outlined in Appendix B of Part D 2 Residential Zones and comprises approximately 31 hectares of land situated west of King Street (State Highway 1) between Oxford Crossing Road in the north, the Temuka River Stopbank in the west, Cass Street in the south and Grant Street and Wallingford Road in the east and also includes the existing Residential 1 Zoned land north of Donald Street.

The Outline Development Plan includes the configuration of land use zoning, roads, walkways, reserve and linkages throughout the site. The Rules and Performance Standards of the Residential 1 Zone shall apply to this zone.

The northern areas of this zone are labelled as „deferred“ zones, i.e. Stages 1A and 2. The Residential 1 Zone rules shall not apply to those deferred zones until a sewer outfall is available to these stages. These stages are intended to be developed sequentially, as the sewer will first service Stage 1 and 1A and then progress northwards to Stage 2. This is to enable Council to budget for the funds it may choose to contribute to the development of services, such as the extension of the sewer.

Staged development will also ensure:

- *strategic and efficient use of land;*
- *provision of sewer on an ‘as required’ and coordinated basis;*
- *consolidation of urban form;*
- *progressive change in the character of the area;*
- *limitation of the potential effects on existing uses;*
- *provision of enough zoned land within the urban area to counter the demand for rural lifestyle developments.*

- Residential 1 Zone (Broughs Gully)

Explanation and Principle Reason

The Broughs Gully Outline Development Plan area is shown in Appendix C of Part D2 Residential Zones and comprises 27ha of land situated in the Washdyke area and generally bordered by Jellicoe Street, Old North Road, Mahoneys Hill Road and existing suburban development. It is predominantly zoned Residential 1, but also includes an area of Residential 4 zone to the north.

The Outline Development Plan includes the configuration of land use zoning, roads, services, walkways, stormwater basins and linkages throughout the site. The Rules and Performance Standards of the Residential 1 Zone (and Residential 4 zone for the northern portion of the Outline Development Plan area) apply to this zone.

Development of this area in general accordance with the Outline Development Plan will ensure:

- *efficient development of urban zoned land to provide housing choice;*
- *provision of sewer and stormwater infrastructure on a coordinated basis;*
- *provision of a connected, safe, and efficient roading network;*
- *the avoidance of new roading and access connections to major roads;*
- *the avoidance of adverse effects (including reverse sensitivity effects) on the National Grid;*
- *the avoidance of adverse effects on the water quality and hydraulic functioning of Waitarakao / Washdyke Lagoon.*

....

- Residential 4 Zone (Low Density Residential; Timaru only)

Explanation and Principal Reason

This is a low density zone provided for at several locations in Washdyke. Amenity values are intended to be of as high a standard as is compatible with its location near an industrial area. An integrated building location and planting regime is to be provided to detail means of achieving maximum visual amenity. A portion of the Residential 4 Zone is included within the Broughs Gully Outline Development Plan area shown in Appendix C of Part D2, which seeks to achieve the outcomes described above in the Residential 1 Zone (Broughs Gully).

New Part D2, Policy 2.4.2.4

Ensure that development in the Residential 1 and 4 zones within the Broughs Gully Outline Development Plan area (as set out in Appendix C of Part D2):

- (a) is efficient, coordinated and supported by adequate services;
- (b) is in general accordance with the roading and servicing layout shown in Appendix C of Part D2; and
- (c) avoids adverse effects (including reverse sensitivity effects) on the safe, effective and efficient operation, maintenance, upgrading and development of the National Grid transmission lines.

New Part D2, Policy 2.4.2.5

Ensure that stormwater resulting from development in the Residential 1 and 4 Zones at Broughs Gully (as set out in Appendix C of Part D 2) does not contribute to further degradation of water quality, aquatic ecosystems and mahinga kai, and the hydraulic functioning of the Waitarakao / Washdyke lagoon.

Part D2, Residential 1 Zone, Rule 3A

3A Restricted Discretionary Activities

The following is a Restricted Discretionary Activity provided it is not listed as a Prohibited, Non-Complying or Discretionary Activity and it complies with all the relevant Zone Performance Standards:

- 3A.1 Residential activities not in compliance with the Temuka North West Residential Expansion - Outline Development Plan (as set out in Appendix B of Part D 2). Discretion shall be limited to the matter(s) not complied with.
- 3A.2 Any activity that does not comply with the location(s) of infrastructure shown on the Broughs Gully Outline Development Plan (as set out in Appendix C of Part D2). Discretion shall be limited to the matter(s) not complied with.

Part D2, Residential 1 Zone, Rule 4

4 Non-Complying Activities

- 4.1 All other activities in this zone are non-complying unless they are provided for by a General Rule.
- 4.2 In the Residential 1 Zone at Broughs Gully (as set out in Appendix C of Part D2), any building, fence, earthworks or activity that does not meet Performance Standards 5.B.4, 5.B.5 or 5.B.6 is non-complying.

New Part D2, Residential 1 Zone, Rule 5B, Performance Standards

5B Supplementary Performance Standards for All Activities within the Broughs Gully Outline Development Plan area shown in Appendix C of Part D2

- 5B.1 No more than 60% of the area of an allotment shall comprise of impervious or hardstand surfacing.
- 5B.2 The runoff from the first 15mm of rainfall in any storm event (regardless of duration) from any impervious or hardstand surfaces shall be treated before discharging to a reticulated network. The treatment shall be by infiltration systems, which may include but is not limited to:
- Infiltration basins
 - Rain Gardens
 - Permeable Pavement
 - Constructed Wetlands
 - Catchpit Filter Inserts

- 5B.3 Materials used in the construction of roofs of all new dwellings shall be a material that minimises the release of heavy metal contaminants to stormwater. Uncoated galvanised and copper shall not be used.
- 5B.4 No building or activity sensitive to the National Grid shall be located within:
- 10 metres of the centre line of a National Grid transmission line on single poles;
 - 12 metres of the centre line of a National Grid transmission line on pi poles; and
 - 12 metres of the foundation of a National Grid transmission line support structure.
- 5B.5 Fences shall be located greater than 6 metres from a National Grid transmission line support structure.
- 5B.6 Earthworks:
- (a) shall not destabilise a National Grid transmission line support structures;
 - (b) shall not result in a reduction in the ground to conductor clearance distances below what is required by table 4 of NZECP34:2001; and
 - (c) shall be no deeper than:
 - 300mm within 2.2m of a National Grid transmission line support structure or stay wire; and
 - 750mm within 2.2m to 5m of a National Grid transmission line support structure; except where the earthworks are vertical holes not exceeding 500mm in diameter beyond 1.5m of a National Grid transmission line support structure or undertaken by a network utility operator.

Advice Note

- (a) Vegetation to be planted around the National Grid should be selected and managed to ensure that it will not breach the Electricity (Hazards for Trees) Regulations 2003.
- (b) Buildings and structures in the vicinity of the National Grid must also comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001).

Part D2, Residential 4 Zone, Rule 2

2 Controlled Activities

The following are controlled activities subject to complying with all the Performance Standards for this zone and the General Rules with the exercise of Council's discretion restricted to the matter(s) specified.

- Old North Road

- 2.1 Except within the Broughs Gully Outline Development Plan area (as set out in Appendix C, Part D2), one household unit per allotment provided for as part of a comprehensive development plan in that part of the zone west of Old North Road, or one household unit per proposed allotment south or east of Old North Road, Blair Street, or Mahoneys Hill Road. Council shall restrict its discretion to the environmental effects associated with the matters in Policy 2.1.2.2.

...

New Part D2, Residential 4 Zone, Rule 3A

- 3A Restricted Discretionary Activities – Broughs Gully Outline Development Plan area

The following is a Restricted Discretionary Activity provided it is not listed as a Prohibited, Non-Complying or Discretionary Activity and it complies with all the relevant Zone Performance Standards:

- 3A.1 Any activity that does not comply with the location(s) of infrastructure shown on the Broughs Gully Outline Development Plan (as set out in Appendix C of Part D2). Discretion shall be limited to the matter(s) not complied with.

New Part D2, Residential 4 Zone, Rule 5A, Performance Standards

- 5A Supplementary Performance Standards for All Activities within the Broughs Gully Outline Development Plan area shown in Appendix C of Part D2

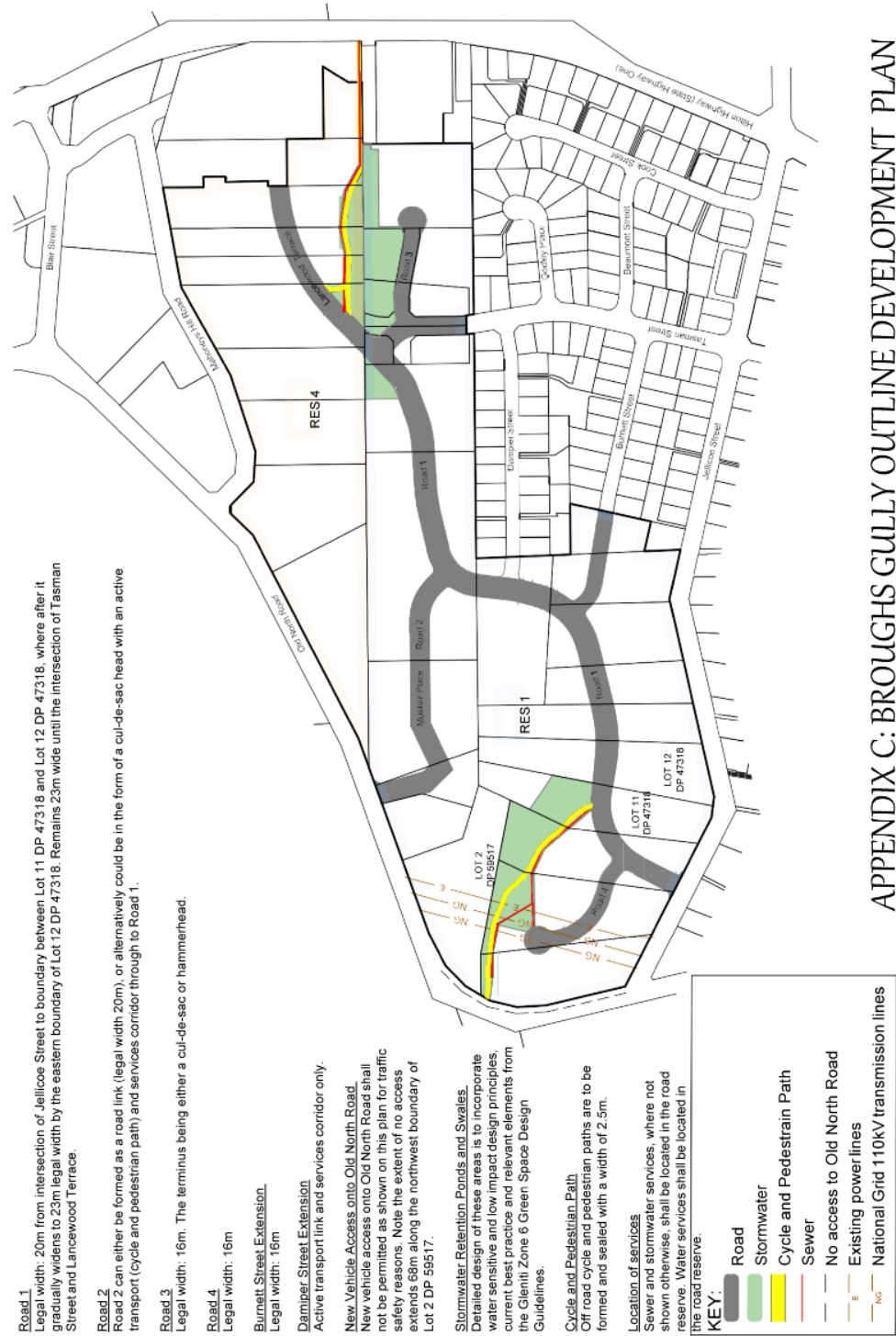
- 5A.1 No more than 60% of the area of an allotment shall comprise of impervious surfacing

- 5A.2 The runoff from the first 15mm of rainfall in any storm event (regardless of duration) from any impervious or hardstand surfaces shall be treated before discharging to a reticulated network. The treatment shall be by infiltration systems, which may include but is not limited to:

- Infiltration basins
- Rain Gardens
- Permeable Pavement
- Constructed Wetlands

- 5A.3 Materials used in the construction of roofs of all new dwellings shall be a material that minimises the release of heavy metal contaminants to stormwater. Uncoated galvanised and copper shall not be used.

Part D2, Appendix C: Broughs Gully Outline Development Plan



APPENDIX C: BROUGHES GULLY OUTLINE DEVELOPMENT PLAN

Road 1
Legal width: 20m from intersection of Jellicoe Street to boundary between Lot 11 DP 47318 and Lot 12 DP 47318, where after it gradually widens to 23m legal width by the eastern boundary of Lot 12 DP 47318. Remains 23m wide until the intersection of Tasman Street and Lancewood Terrace.

Road 2
Road 2 can either be formed as a road link (legal width 20m), or alternatively could be in the form of a cul-de-sac head with an active transport (cycle and pedestrian path) and services corridor through to Road 1.

Road 3
Legal width: 16m. The terminus being either a cul-de-sac or hammerhead.

Road 4
Legal width: 16m

Burnett Street Extension
Legal width: 16m

Damper Street Extension
Active transport link and services corridor only.

New Vehicle Access onto Old North Road
New vehicle access onto Old North Road shall not be permitted as shown on this plan for traffic safety reasons. Note the extent of no access extends 68m along the northwest boundary of Lot 2 DP 59517.

Stormwater Retention Ponds and Swales
Detailed design of these areas is to incorporate water sensitive and low impact design principles, current best practice and relevant elements from the Gleniti Zone 6 Green Space Design Guidelines.

Cycle and Pedestrian Path
Off road cycle and pedestrian paths are to be formed and sealed with a width of 2.5m.

Location of services
Sewer and stormwater services, where not shown otherwise, shall be located in the road reserve. Water services shall be located in the road reserve.

Part D6.3 – Subdivision

Part D6.3, Subdivision, Rule 6.3.5A

6.3.5A Restricted Discretionary Activities

The following shall be Restricted Discretionary Activities provided that they are not listed as a Prohibited, Non-Complying or Discretionary Activity, and they comply with all the relevant Zone standards:

....

- (v) Any subdivision not in compliance with the Broughs Gully Outline Development Plan (as set out in Appendix C of Part D 2). Discretion shall be limited to the matter(s) not complied with.

Part D6.3, Subdivision, Rule 6.3.6

6.3.6 Non-complying activities in all zones

The following are non-complying activities in all zones unless they are provided for by a General Rule:

...

- (iv) Any subdivision in the Broughs Gully Outline Development Plan area (as set out in Appendix C of Part D2) that does not meet the Performance Standard in Rule 6.3.8(21).

...

Part D6.3, Subdivision, Rule 6.3.8

6.3.8 Performance Standards for subdivision in Residential Zones

....

- (5) In the Residential 4 Zone all subdivisions shall comply with a comprehensive development plan for the contiguous land in the same zone, unless the sites:
 - (a) have access to Doncaster or Martin Streets, or
 - (b) are on the south or east side of Old North Road, Blair Street or Mahoneys Hill Road, or
 - (c) are within the Broughs Gully Outline Development Plan (as set out in Appendix C, Part D2).

Where (a), (b) or (c) above does not apply, the development plan need relate only to the existing allotment being subdivided. For the area subject to Appendix C, Part D2, all subdivisions are to be in accordance with the Broughs Gully Outline Development Plan.

...

- (9) Where fill is to occur in the Residential 1 Zone at Temuka North West (as set out in Appendix B of Part D 2) or within the Broughs Gully Outline Development Plan area (as set out in Appendix C, Part D2), a certificate in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development shall be provided in relation to the location, depth and nature of any fill. In addition, a report from a suitably qualified person is required confirming that the placement of fill will not create a flood hazard.

...

- (19) At the time of subdivision, new roads and water, sewer, and stormwater infrastructure shall be constructed and vested in general accordance with the layout shown on the Broughs Gully Outline Development Plan (as set out in Appendix C of Part D 2). It is the developer's responsibility to:
- a. Construct the portion of road contained within their land to be subdivided prior to Council's granting certification under section 224 of the Resource Management Act 1991.
 - b. Design and construct the roads and services in general accordance with the Outline Development Plan (as set out in Appendix C of Part D 2) and in accordance with Council's standards for urban subdivision. Road reserves are to be the minimum dimensions specified in Appendix C to enable inclusion of a stormwater swale system within the road reserve.
 - c. Ensure no methods are used to hinder or restrict the ability for adjoining land to link to the new road.
- (20) In the Broughs Gully Outline Development Plan area (as set out in Appendix C of Part D 2), all applications for subdivision consent shall be required to provide a financial contribution in accordance with Sections 6.5 and 6.6 of the District Plan for the following purposes:
- a. Sewer: to provide for an efficient sewage disposal system in accordance with Part D 6.5 Rule 6.5.4.2.
 - b. Stormwater: to provide for the maintenance and extension of stormwater systems in accordance with Part D 6.5 Rule 6.5.3.2 and Rule 6.5.3.3.
 - c. Water: to provide for the maintenance and development of the water supply in accordance with Part D 6.5 Rule 6.5.1.2.
 - d. Roading: to provide for safe and efficient road network in accordance with Part D 6.6 Rule 6.6.5(1).

- (21) In the Broughs Gully Outline Development Plan area (as set out in Appendix C of Part D2) any lots created must maintain access to the National Grid and must show a building platform that is greater than:
- a. 10 metres from the centre line of a National Grid transmission line on single poles;
 - b. 12 metres from the centre line of a National Grid transmission line on pi poles; and
 - c. 12 metres from the foundation of a National Grid transmission line support structure.

NOTE: Consultation with Transpower New Zealand Limited is necessary when considering subdivision within 20 metres of a high voltage electricity transmission line. The New Zealand Electrical Code of Practice (NZECP: 34 2001) contains restrictions on the location of structures and activities in relation to the lines.

Part D6.5 – Water, Sewer, Stormwater and Open Space and Recreation Contributions

Part D6.5, Stormwater, Rule 6.5.3.2

6.5.3.2 Rules on Financial Contributions

...

- (6) At Gleniti and Broughs Gully, where open drainage channels are to be established and managed as stormwater swales (with or without associated detention dams) as part of a comprehensive stormwater management system, financial contribution shall be calculated in accordance with all of the above provisions.

...

Part D6.5, Stormwater, Rule 6.5.3.3

6.5.3.3 Performance Standards for Stormwater

Where a financial contribution is taken in the form of works or services the following criteria shall be complied with:

...

- (l) For that area included in the Residential 6 Zone, Residential 6(a) Zone (Deferred), 6(b) Zone (Deferred) at Gleniti in Timaru, and within the Broughs Gully Outline Development Plan, the system shall be within the existing natural open drainage channels, stormwater swales and/or such other waterways as may be the subject of resource consent and shall:
- be located as identified in the Indicative Development Plan for Gleniti or Broughs Gully (or such other as may be the subject of resource consent)
 - be visually similar in appearance to a natural gully
 - include earth detention dams
 - be designed to manage a 2% annual exceedence probability rainfall event (i.e. 50 year/30 minute); and
 - be approved by a suitably qualified chartered professional engineer.
- ...
- (m) Detention dams within stormwater swales in the Residential 6 Zone, Residential 6(a) Zone (Deferred), 6(b) Zone (Deferred) at Gleniti in Timaru and within the Broughs Gully Outline Development Plan area, are to be constructed on, or about, the locations as indicated in the Indicative Development Plan for Gleniti and Broughs Gully, or in such other locations as are approved by resource consent.
- (i) Detention dams are to be constructed to the following specifications:
- Be made from local available material up to a height of 2 metres.
 - Suitable construction and the final integrity of each detention dam will need to be verified by a chartered engineer.
 - Each dam will have a single 300 millimetre diameter concrete culvert pipe installed at gully level, and a scour resistant overflow installed on top of the dam structure.
 - Once completed regular maintenance of each structure will be required to ensure there are no blockages or scouring.
 - Walkways, cycleways and plantings may be established as part of the stormwater swale.
- (ii) Additional detention dams may also be constructed, as and when required.
- (iii) No buildings and/or structures that conflict with the primary objective of stormwater management may be established within a stormwater swale.
- (n) Every person within the Residential 6 Zone, Residential 6(a) Zone (Deferred), 6(b) Zone (Deferred) at Gleniti in Timaru, and within the Broughs Gully Outline Development Plan area, has a duty to avoid the discharge of sediment from any site subject to land modification, development or subdivision. One or more sediment retention and/or filtering mechanisms may be necessary to ensure that this standard can be met. All measures to mitigate against the discharge of sediment from a site shall be:
- Implemented prior to, or shortly after, the commencement of any land modification activity;
 - Retained until the land-disturbing activity has been completed, and/or the potential for sediment discharge has ceased.

- (o) Within the Residential 6 Zone, Residential 6(a) Zone (Deferred), 6(b) Zone (Deferred) at Gleniti in Timaru, and within the Broughs Gully Outline Development Plan area, all bare earthwork surfaces shall be re-vegetated as soon as practicable. Hydroseeding, grassing or other means of re-vegetation shall be carried out on a progressive basis as soon as the earthworks have been completed on a particular part of the site, so as to prevent the future generation and discharge of any sediment from that site.
- (p) Earthworks, roading, tracking and trenching activities within the Residential 6 Zone, Residential 6(a) Zone (Deferred), 6(b) Zone (Deferred) at Gleniti in Timaru, and within the Broughs Gully Outline Development Plan area, shall be isolated from the path of any run-off from surrounding land to prevent it from washing across the site and eroding sediment from any exposed earth.
- (q) Within the Residential 6 Zone, Residential 6(a) Zone (Deferred), 6(b) Zone (Deferred) at Gleniti in Timaru, and within the Broughs Gully Outline Development Plan area, any stormwater run-off that is discharged from a piped outfall, or an overland flowpath, shall not cause any form of erosion.

...

Part D6.6 – Roading Hierarchy

Part D6.6, Roading Hierarchy, Rule 6.6.5

6.6.5 Rules for Financial Contributions

...

- (2) In the Broughs Gully Outline Development Plan area (as set out in Appendix C of Part D2), a financial contribution for roading shall be payable in accordance with the following cost share agreement:
 - a. The cost of all future and indicative roads within the Outline Development Plan will be determined and summed to give the total cost of future and indicative roads.
 - b. The direct benefit that each property receives from the roading on its land is determined and subtracted from the actual cost of the roading on its land. This could be a positive or negative value. The direct benefit shall be determined by assessing the potential new allotment yield for each existing allotment and multiplying this by the typical amount of road per allotment in recent developments. This is then multiplied by a square metre rate for new road to give a benefit value.
 - c. The sum of all the benefit costs determined in 6.6.5(1)(b) is subtracted from the total cost of all future and indicative roads determined in 6.6.5(1)(a). This residual cost represents the catchment wide benefit that each property receives from adjoining and surrounding properties developing.

- d. The residual cost determined in 6.6.5(1)(c) is apportioned to all properties in the catchment in accordance with their developable area.
- e. For each property, the cost of the direct benefit (determined in 6.6.5(1)(b)) plus the properties share of the apportioned residual cost (determined in 6.6.5(1)(c)) equals the total cost of that property's financial contribution. If the actual cost of roading on that property is greater than the financial contribution, then the property receives from Council a financial contribution credit (in the form of cash). If the actual cost of roading on that property is less than the financial contribution, then the property pays Council a financial contribution (in the form of cash).

NOTE: The Council's proposals for the basis of cost sharing will be made available to the subdividers in broad terms, i.e. rate of levy on defined areas, basis of adjustment and details of services proposed.

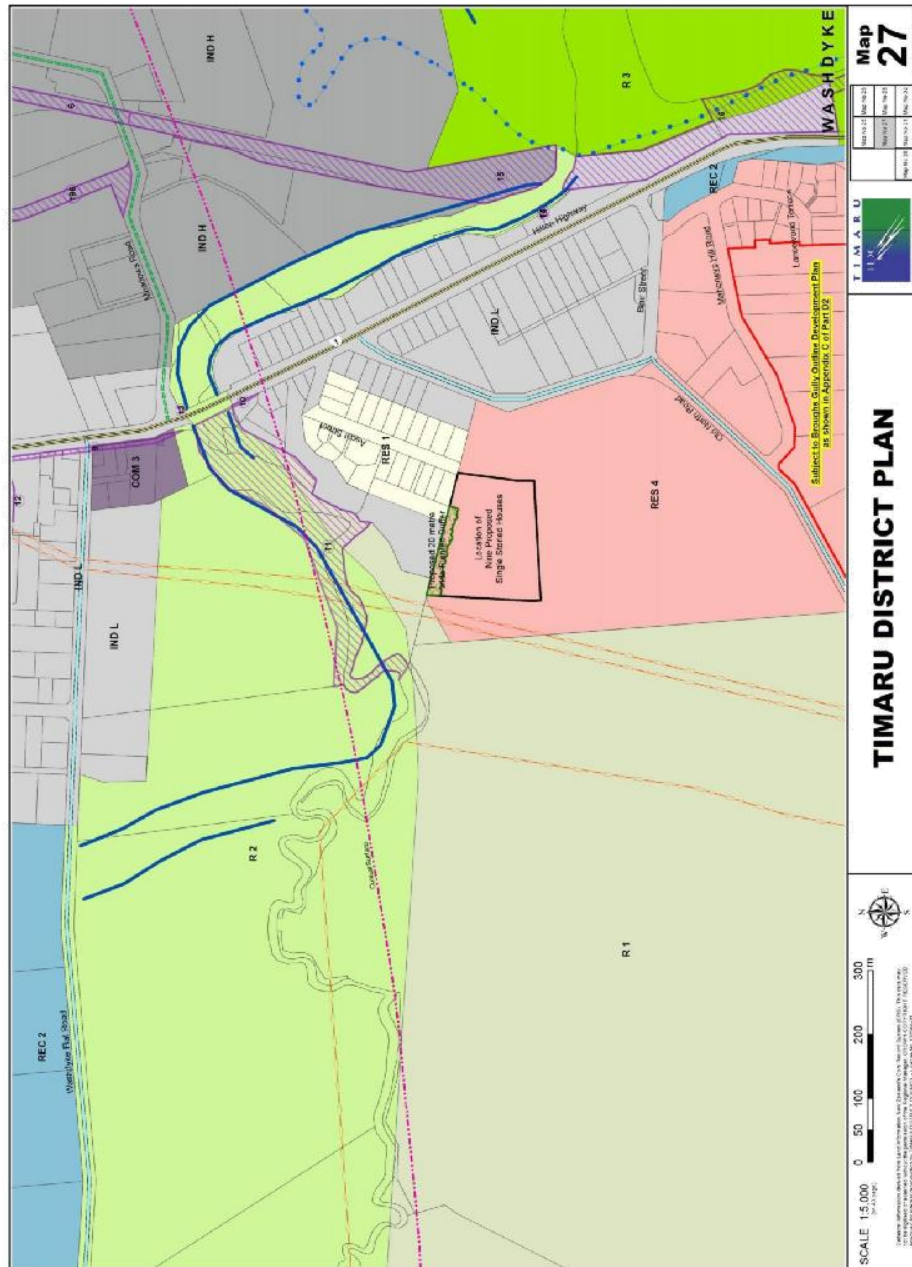
Part D7 – Definitions

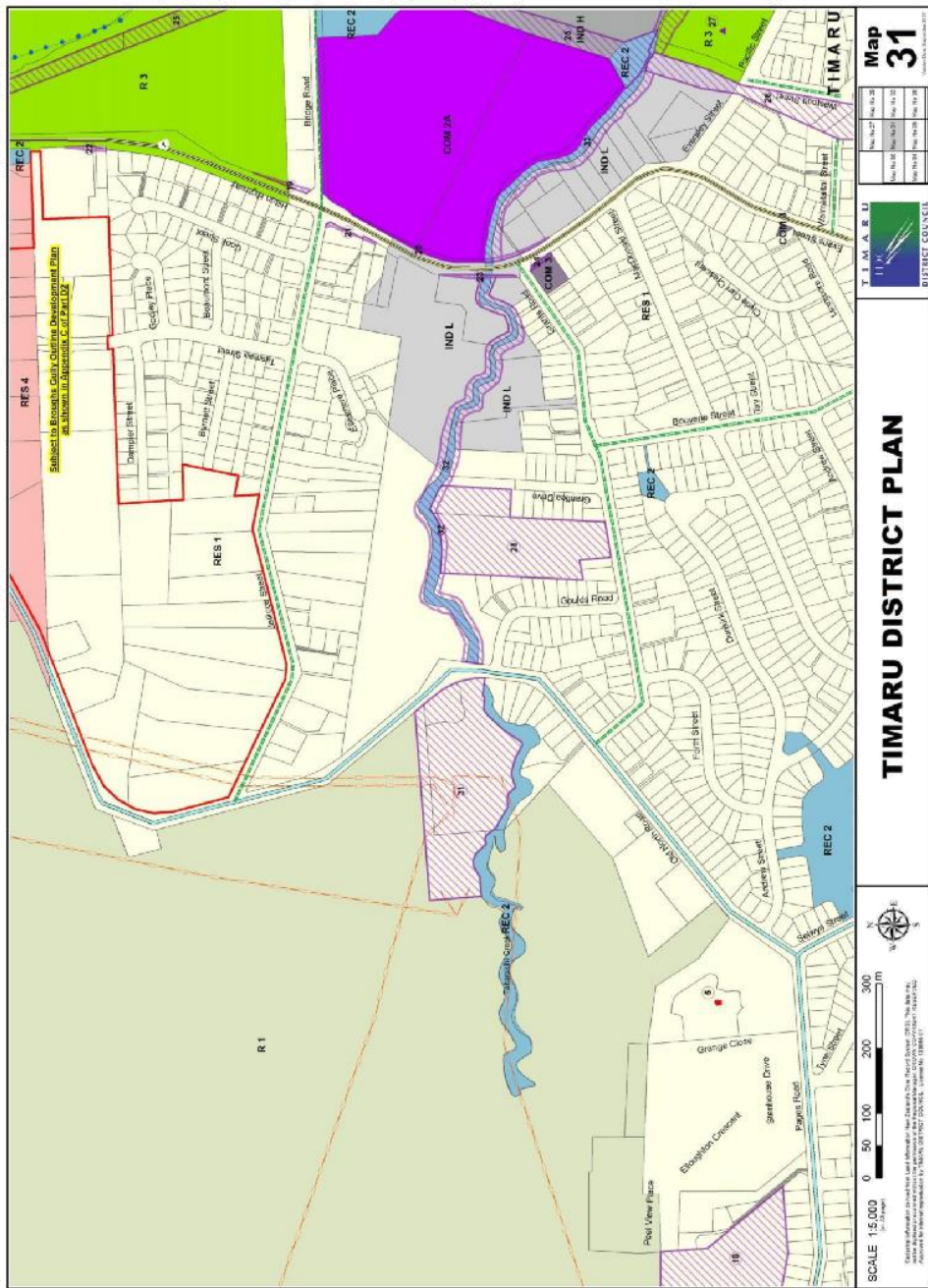
New definition into Part D7

Activity Sensitive to the National Grid - Means Boarding or Lodging House or Hostel, Camping Grounds/Caravan Parks, Community Care Facility, Community Facilities, Day Care Centres, Educational Establishments, Home Stay, Hospital, Household Unit, Kohanga Reo, Marae, Papakainga, and Place of Assembly as defined in this District Plan.

Part C – Planning Maps

Part C, Planning Maps 27 and 31





Road 1
 Legal width: 20m from intersection of Jellicoe Street to boundary between Lot 11 DP 47318 and Lot 12 DP 47318, where after it gradually widens to 23m legal width by the eastern boundary of Lot 12 DP 47318. Remains 23m wide until the intersection of Tasman Street and Lancewood Terrace.

Road 2
 Road 2 can either be formed as a road link (legal width 20m), or alternatively could be in the form of a cul-de-sac head with an active transport (cycle and pedestrian path) and services corridor through to Road 1.

Road 3
 Legal width: 16m. The terminus being either a cul-de-sac or hammerhead.

Road 4
 Legal width: 16m

Burnett Street Extension
 Legal width: 16m

Dampier Street Extension
 Active transport link and services corridor only.








New Vehicle Access onto Old North Road
 New vehicle access onto Old North Road shall not be permitted as shown on this plan for traffic safety reasons. Note the extent of no access extends 68m along the northwest boundary of Lot 2 DP 59517.

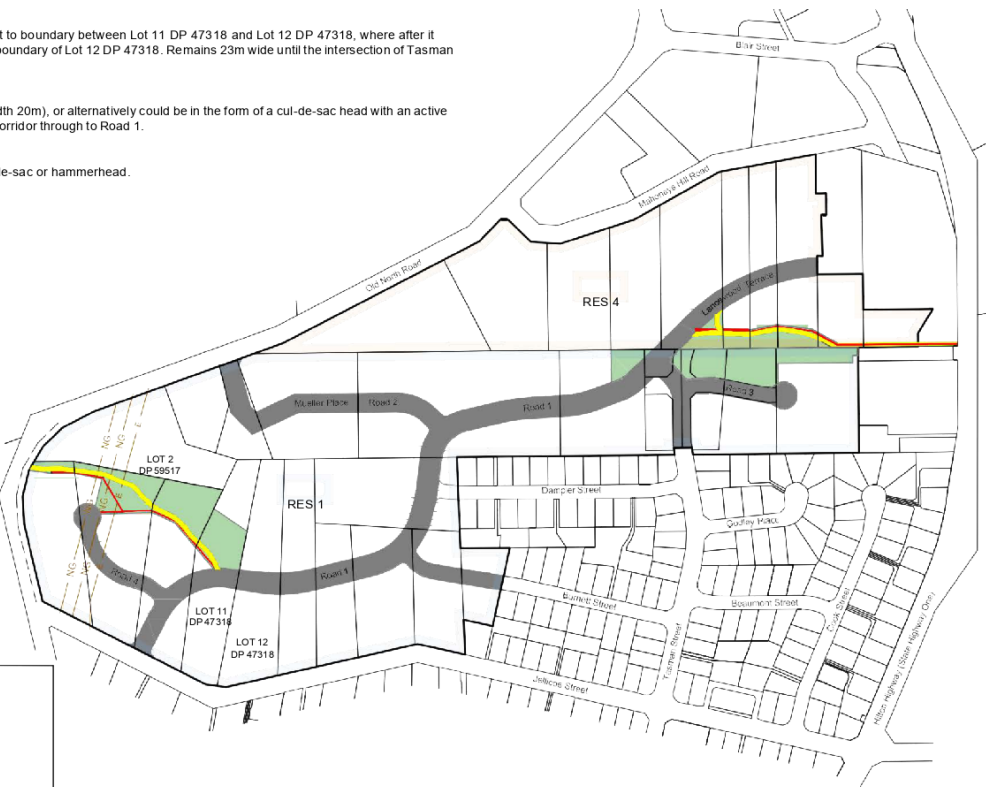
Stormwater Retention Ponds and Swales
 Detailed design of these areas is to incorporate water sensitive and low impact design principles, current best practice and relevant elements from the Gleniti Zone 6 Green Space Design Guidelines.

Cycle and Pedestrian Path
 Off road cycle and pedestrian paths are to be formed and sealed with a width of 2.5m.

Location of services
 Sewer and stormwater services, where not shown otherwise, shall be located in the road reserve. Water services shall be located in the road reserve.

KEY:

-  Road
-  Stormwater
-  Cycle and Pedestrian Path
-  Sewer
-  No access to Old North Road
-  Existing powerlines
-  National Grid 110kV transmission lines



APPENDIX C: BROUCHS GULLY OUTLINE DEVELOPMENT PLAN

#4053162v1

9.5 2020 Soundsplash Festival Proposed Liquor Control Area**Author:** Sharon Hoogenraad, Chief Licensing Inspector / Enforcement Officer**Authoriser:** Tracy Tierney, Group Manager Environmental Services**Recommendation**

That

1. A temporary liquor control area is put in place over the entire Caroline Bay (map shown Attachment 1) to ban liquor for the period 8.00AM 17 January 2020 to 8.00AM 20 January 2020.

Purpose of Report

- 1 The New Zealand Police have requested a temporary liquor ban for the Caroline Bay area during the 2020 Soundsplash Timaru Festival being held 17 - 19 January 2020 (Attachment 2).

Assessment of Significance

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

Background

- 3 The Soundsplash Festival is a three day music festival that has been held in Raglan over the past fifteen years. This year that event will take place in tandem with Timaru at Caroline Bay. There will be well known artists from New Zealand and overseas performing. Further details of the event can be found at www.soundsplash.co.nz. The Raglan event is held at Wainui Reserve where a liquor ban is in place.
- 4 The New Zealand Police have requested a liquor ban be temporarily put in place for the entire Caroline Bay area for the duration of the festival (with the licensed areas being excluded). Currently there is only a liquor ban at Caroline Bay from 31 December (New Years Eve) 7.00pm to 1 January (New Years Day) 7.00am.

Discussion

- 5 The organisers, Multi Events Limited, are estimating attendance of up to 8,000 including camping capacity for 1,500, over three days. Acts will be performing simultaneously at the Soundshell, the Rotunda and the Caroline Bay Hall.
- 6 The event will cover a large portion of the Caroline Bay with parking, camping and two licensed areas proposed (Attachment 3). The licensed areas are yet to be confirmed as the special licence application is in process. All areas being used by the festival will be fenced with security managing the perimeter. The event will be catering for all ages.
- 7 Extensive discussions have been held with the organisers and staff from various units within council to address legislative and service needs to support a successful event.

Options and Preferred Option

- 8 The preferred option is that the proposed temporary liquor control area (Attachment 1) is put in place. This is to promote a safe environment for the community to continue to enjoy the Caroline Bay area during the festival period without being concerned by people consuming alcohol outside the licensed areas. The proposed area extends out into the bay itself to remove the temptation for members of the public to utilise various personal watercrafts to listen to the music while consuming alcohol. The temporary liquor ban would also give the New Zealand Police the powers to issue Alcohol Infringement Offence Notices for 'Breach (of) a Liquor Ban' and powers of arrest.
- 9 The alternate option is to not put a temporary liquor control area in place. If a liquor ban is not implemented there is the potential for people to congregate outside the licensed areas consuming alcohol. This increases the risk of intoxicated persons interfering with the enjoyment of other members of the community wishing to use areas outside of the event for example the beach, paddling pools, playgrounds and skate park.

Consultation

- 10 Consultation has been undertaken between the New Zealand Police, the organisers of the event and the Timaru District Council Licensing Unit. The organisers fully support the proposal requested by the New Zealand Police (Attachment 4).

Relevant Legislation, Council Policy and Plans

- 11 Timaru District Consolidated Bylaw 2018 - Chapter 4, Section 402.1 states '*The Council may from time to time by resolution of Council declare any specified area to be subject to the provisions of this chapter of the bylaw for such times as are considered appropriate*'.
- 12 Timaru District Consolidated Bylaw 2018 - Chapter 4, Section 402.3 states '*This chapter of the bylaw does not prohibit the consumption or possessions of liquor in a place for which a liquor licence has been issued under the Sale and Supply of Alcohol Act 2012.*'

Financial and Funding Implications

- 13 There are no financial implications involved in this proposal.

Other Considerations

- 14 There are no other relevant considerations.

Attachments

1. **Proposed Temporary Liquor Control Area** [!\[\]\(05a3150ca7eafd44fce8deaa48838121_img.jpg\) !\[\]\(6ce459b4dcae8e7d92253a855b1dd385_img.jpg\)](#)
2. **New Zealand Police Proposed Liquor Ban Support Letter** [!\[\]\(9bc524f09d89ff34ea77fbf6b37ad4f3_img.jpg\) !\[\]\(41ec8d40095d046d596d359eb223c781_img.jpg\)](#)
3. **Proposed Event Layout** [!\[\]\(ee4b3385b5a317d3d780c06e4893dbbf_img.jpg\) !\[\]\(76b5899225450a6a4ce70ea89661f603_img.jpg\)](#)
4. **Event Organisers Support Letter** [!\[\]\(a3210ce2b13f768aaaa003e0d601963c_img.jpg\) !\[\]\(247f5b4be1bd7c30b686e2b03d6f39dc_img.jpg\)](#)





14 August 2019

To Whom it May Concern

This letter is written to support the request of the Timaru Police for the Timaru District Council to impose an Alcohol Ban for the Caroline Bay area as per the agreed map held by the Chief Licensing Inspector Sharon HOOGENRAAD for the duration of the proposed event 'Sound Splash' 17-19th January 2020.

The proposed Alcohol Ban area will not include any area covered by any On License issued for the event.

Traditionally an alcohol ban is imposed and enforced for Caroline Bay for the New Year's celebrations. This has shown to decrease offending and has significantly contributed to making the event more 'family friendly' and enjoyable.

Due to the location and time of year it is likely there will be high numbers of the public frequenting Caroline Bay during the period other than those attending this event.

Imposing an alcohol ban for all areas other than those covered by any license obtained will enable all the other's to enjoy Caroline Bay without the concern of intoxication, dangerous litter and exposing young persons and children to the consumption of alcohol.

A ban would also contribute to the control of intoxication in general as event attendees would not be able to 'pre load' in the immediate vicinity of the festival before entering the licensed area, which is a commonly recognised practice and contributes greatly to alcohol related harm.

Alcohol would have to be consumed within the licensed area which has the benefit of then having to comply with all aspects of the Sale and Supply Act and any conditions imposed on the license.

The organisers of the event have conveyed their support of the alcohol ban also. It would assist them in the successful running of the event as they would then only have to be concerned with monitoring the consumption of alcohol within the licensed area.

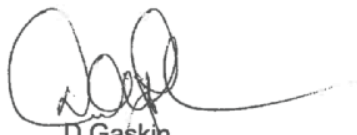
The North Island version of Sound Splash which has been held in previous years at Raglan is at a reserve which has an Alcohol Ban all year outside the licensed area.

Police in this community have commented that this contributes greatly to the successful and safe running of the event and they have very little problems related to alcohol.

Yours faithfully



S Winchester
Sergeant Alcohol Harm Reduction
Timaru



D Gaskin
Area Commander
Mid South Canterbury Police





19 September 2019

To Whom it May Concern,

If Multi Events Ltd is contracted to Sound Splash Timaru we are in full support of Sergeant Sam Winchester's proposal to enforce a temporary Liquor Ban for Caroline Bay, Timaru over the period of the Sound Splash Event being held in January 2020.

We whole heartedly agree that it would be extremely beneficial for all parties involved in the event if this Liquor Ban was in place.

If you have any further questions or concerns please do not hesitate to contact us.

Kind Regards,

Wendy Alfeld

027 548 1180
www.multieventsltd.com
wendy@multieventsltd.com



9.6 Canterbury Water Management Strategy

Author: Bede Carran, Chief Executive

Authoriser: Bede Carran, Chief Executive

Recommendation

That Council:

- (i) note that the Canterbury Mayoral Forum has approved CWMS goals for 2025 and 2030 receive and note the Canterbury Water Management Strategy
- (i) note that the Canterbury Mayoral Forum has asked Environment Canterbury to work with territorial authorities, Ngāi Tahu, industry and community partners to develop a regional work programme, with an implementation plan and monitoring framework to deliver the goals
- (i) note that implementation to deliver the goals will have resource implications that councils will need to consider in adopting long-term plans for 2021–31.

Purpose of Report

- 1 To present the Canterbury Water Management Strategy's (CWMS) updated and interim goals for 2025 and 2030 to Council and request that it note the Canterbury Mayoral Forum's commitment to these updated goals.

Assessment of Significance

- 2 This matter is not deemed significant under Council's Significance and Engagement Policy. There was significant community engagement during the development of the initial CWMS goals through a range of forums. The Orari-Temuka-Opihi-Pareora water management zone committee (OTOP Zone committee), which has reported to Council on a regular basis, have had staff involved in various working groups to provide input into the development of the interim goals.

Discussion

- 3 The CWMS was originally adopted by the Canterbury Mayoral Forum in 2009, and is a partnership between Environment Canterbury (ECan), Christchurch City Council, the district councils of Canterbury (including Waitaki District Council), Ngāi Tahu and a number of community stakeholders, eg Fish and Game and Federated Farmers. In May of this year the Mayoral Forum committed to interim goals for 2025 and 2030 which provide key milestones and greater clarity on progress towards the goals originally set for 2040.
- 4 In broad terms the revised goals of the CWMS seeks to identify key milestones towards the original 2040 goals which will help focus work programmes and increase the pace of progress towards the goals. The interim goals also reflect the increased knowledge and experience gained over the 10 years that the CWMS has been in place.
- 5 The CWMS has 10 collaboratively developed target areas which provide defined and time-limited goals. An overview of the updated CWMS goals for 2025 and 2030 is set out below:

Target area	Comment on proposed goals for 2025 and 2030
Environmental limits	Goals largely maintain the direction set in 2010 – with emphasis on review and attention to how these will be achieved
Ecosystem health and biodiversity	Ambitious new goals are proposed to prompt change in this area
Natural character of braided rivers	Ambitious new goals are proposed to prompt change in this area
Kaikiakitanga	Goals represent a move away from process objectives, with a greater focus on desired outcomes.
Drinking water	Goals largely maintain the direction set in 2010, with a key new goal relating to untreated community drinking water supplies
Recreational and amenity opportunities	Goals largely maintain the direction set in 2010, with inclusion of new goals relating to recreational water quality
Water-use efficiency	Goals largely maintain the direction set in 2010
Irrigated land area	Shift in emphasis, with more focus on reliable and efficient use of water rather than on irrigated land area (for which an indicative target was set for 2040)
Energy security and efficiency	Goals largely maintain the direction set in 2010
Indicators of regional and national economies	A range of more measureable goals is proposed to better reflect the links between water, economic resilience and incorporate externalities.

- 6 The goals of the CWMS are given effect through the policies and rules that are developed by the water management zone committees and ultimately adopted by ECan as part of the Canterbury Land and Water Regional Plan.
- 7 There are 10 water management zones throughout Canterbury and each has a committee made up of community and rūnanga appointees, as well as regional and local council representatives. Their role includes developing and reviewing Zone Implementation Programmes or ZIPs. The Timaru District Council is a member of the Orari-Temuka-Opihi-Pareora Zone (OTOP Zone) and Council received the OTOP zone committee’s implementation programme addendum, including its recommendations, at its meeting on 11 December 2018.
- 8 In addition to the 10 water zone management committees there is also a regional committee made up of representatives from Environment Canterbury, territorial authorities, rūnanga and Ngāi Tahu, as well as a member from each of the zone committees, community representatives and central government observers. The regional committee has been

responsible for determining the proposed goals for 2025 and 2030. The Canterbury Mayoral Forum then approved the goals at its meeting on 24 May 2019.

- 9 The next phase for meeting the interim goals is for a regional work programme to be developed and implemented which will involve consultation with individual organisations, confirm responsible agencies, fully scope and cost each area of work, and secure the necessary resources and funding (for example, through Long Term Plan processes). Aligned with the regional work programme will be an implementation plan, development of a monitoring framework to track implementation of the work programme (actions) and measure progress on achieving the CWMS goals (outcomes). Attached is a summary of a Draft Work Programme which shows the existing and new work programmes to support the CWMS 2025 and 2030 goals.
- 10 More specifically for Council, the work programme will be informed by the policies and rules that are adopted when Plan Change 7 of the Canterbury Land and Water Regional Plan (Plan Change 7), as it applies to the OTOP Zone, is finalised. The core of these policies and rules were developed by the OTOP zone management committee and if adopted largely as proposed will constitute a continuation of Council's existing work programme. It will also involve Council working closely and collaboratively with the community and key stakeholders to support the implementation of the new work programmes across the district. A further and important part of implementing the revised goals of the CWMS and the policies and rules of Plan Change 7 will be reflected in parts of the revised District Plan particularly as it relates to biodiversity.
- 11 It is through the Long Term Plan, mechanisms of the policies and rules implemented through Plan Change 7 and the District Plan Review that Council and the community will be giving effect to and seeking to meet the interim and ultimate goals of the CWMS.
- 12 As noted by the Mayoral Forum the CWMS goals and resourcing will be an important part of the community discussion at the next long term plan for both Council and ECan and represent the continuing increase in community expectation regarding the enhancement of the region and district's environment, waterways and use of our land.

Attachments

1. **Canterbury Water Management Strategy Fit for the Future Draft Work Programmes** [!\[\]\(511a36c244659513b679df9c639945de_img.jpg\) !\[\]\(2c0783baf87a2728b2fe49eb1c34c456_img.jpg\)](#)

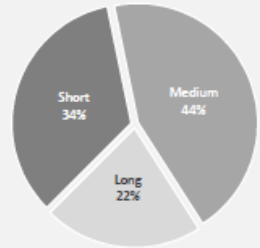
Canterbury Water Management Strategy: Emerging Draft Work Programmes to Support the Proposed 2025 Goals.

<h3>Environmental Limits</h3> <p>Programmes How many programmes are underway and how many new programmes are required? Existing: 8, New: 4</p> <p>Themes Environmental flows and catchment load limits</p> <p>Programme Partners Environment Canterbury Industry Zone Committees</p>	<h3>Ecosystem Health and Indigenous Biodiversity</h3> <p>Programmes How many programmes are underway and how many new programmes are required? Existing: 31, New: 47</p> <p>Themes Freshwater species and their habitat Wetlands Drylands Hapua, lagoons, estuaries Lowland streams and lakes High-country and foothill streams and lakes Understanding emerging contaminant risks</p> <p>Programme Partners Central Government Environment Canterbury Industry Ngal Tahu NGO Other Territorial Authorities Zone Committees</p>	<h3>Natural Character of Braided Rivers</h3> <p>Programmes How many programmes are underway and how many new programmes are required? Existing: 9, New: 15</p> <p>Themes Braided River Character Ecosystems, habitats and species/riparian wetlands, springs and lagoons</p> <p>Programme Partners Central Government Community Environment Canterbury Industry Runanga Territorial Authorities Zone Committees</p>	<h3>Kaitiakitanga</h3> <p>Programmes How many programmes are underway and how many new programmes are required? Existing: 11, New: 42</p> <p>Themes Marae water supply Working together in partnership Wāhi taonga and mahinga kai</p> <p>Programme Partners Environment Canterbury Ngal Tahu Runanga Territorial Authorities Zone Committees</p>	<h3>Drinking Water</h3> <p>Programmes How many programmes are underway and how many new programmes are required? Existing: 38, New: 5</p> <p>Themes Source water quality targets Catchment nutrient loads</p> <p>Programme Partners Central Government Community Environment Canterbury Industry Other Territorial Authorities Zone Committees</p>
<h3>Recreation & Amenity</h3> <p>Programmes How many programmes are underway and how many new programmes are required? Existing: 25, New: 9</p> <p>Themes Water-based recreational opportunities Recreational water flows Freshwater angling Recreational water quality Cyanobacteria</p> <p>Programme Partners Central Government Community Environment Canterbury NGO Other Territorial Authorities Zone Committees</p>	<h3>Water Use Efficiency</h3> <p>Programmes How many programmes are underway and how many new programmes are required? Existing: 1, New: 11</p> <p>Themes Best practice and benchmarking</p> <p>Programme Partners Community Environment Canterbury Industry Runanga Territorial Authorities</p>	<h3>Irrigated Land Area</h3> <p>Programmes How many programmes are underway and how many new programmes are required? Existing: 2, New: 6</p> <p>Themes Land area and reliability Infrastructure</p> <p>Programme Partners Environment Canterbury Industry Zone Committees</p>	<h3>Energy Security & Efficiency</h3> <p>Programmes How many programmes are underway and how many new programmes are required? Existing: 1, New: 7</p> <p>Themes Energy Security and Efficiency</p> <p>Programme Partners Environment Canterbury Industry</p>	<h3>Indicators of Regional & National Economies</h3> <p>Programmes How many programmes are underway and how many new programmes are required? Existing: 0, New: 11</p> <p>Themes Added value from water Externalities and Opportunity Costs</p> <p>Programme Partners Environment Canterbury Industry Ngal Tahu Other Territorial Authorities</p>

CWMS Fit for the Future Draft Work Programmes

to support the CWMS 2025 goals

Timing of draft work programmes



The chart shows the short, medium and long term work programme timing as a total for all target areas.

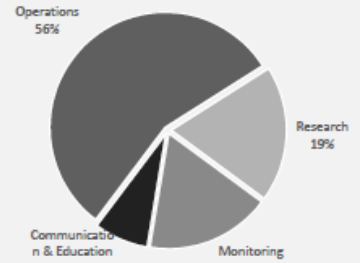
This provides an indication of the timing of work to deliver on the 2025 goals.

Short: Programmes that need to start as soon as possible to deliver on the goals (within 1-2 years); prerequisites for other programmes.

Medium: Programmes that should start within the next 2-3 years to effect the goals.

Long: Programmes that span a long duration, have prerequisites or can be started at a later date to deliver on the goals; within 3-4 years.

Programme types



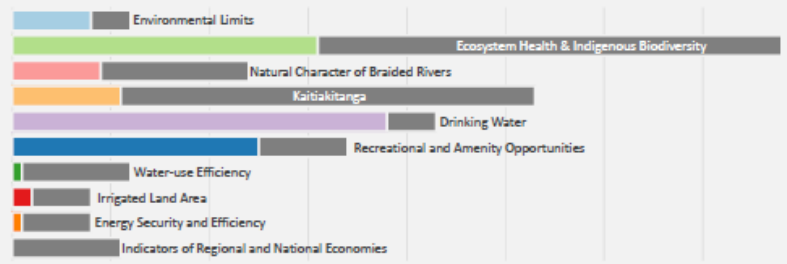
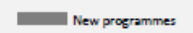
This chart identifies the split of programme activity type, for example, 19% of programmes are Research.

Committed and new programmes

Each coloured bar is a total of the committed programmes within each target area. The grey extension to each bar indicates the number of proposed new work programmes.

The total length of each bar identifies the size of each target area (by number of programmes).

The relation between the coloured and grey portion of each bar indicates the progress and the effort required to reach the specified goals.



9.7 2018/19 Carry Forwards**Author: David Codyre, Chief Financial Officer****Authoriser: Donna Cross, Group Manager Commercial and Strategy****Recommendation**

That the Council approves the \$16,031,368 carried forward expenditure outlined in this report and that the 2019-20 budget be amended to reflect this approved expenditure (noting it does not have an impact on rates for the current year).

Purpose of Report

- 1 The purpose of this report is to ensure that funding previously approved in the Long Term Plan 2018 – 2028 for capital expenditure and projects that were forecast to be completed or commenced during the 2018-19 financial year, and which for a variety of reasons remain as work in progress or not commenced, remains in place. This will keep in place the funding required for the capital expenditure and projects to ensure their purchaser and/or completion.

Assessment of Significance

- 2 The assessment of significance is low.

Background

- 3 Each year the Council forecasts the capital expenditure it expects to incur and the projects forecast due to be commenced or completed during the previous financial year. For a variety of reasons this may not occur, e.g. the capital expenditure may be able to be deferred as the capital item in question has an extended life or the design of the project has taken longer than originally forecast. The timing of such expenditure across multiple financial years is uncertain. Much of the project work has been commenced and remains a work in progress as at 30 June 2019.
- 4 When considering the financial results of the Council for the previous financial year, the Council has considered requests from the Council management to carry forward funding so that these projects are able to be completed.
- 5 The Carry forwards request includes \$757,004 relating to the Downlands Water Supply which are paid out of reserves and loans funded by the Downlands Water operation.

Discussion**Options and Preferred Option**

- 6 The carried forward projects outlined at the end of this report are considered by Council management as to be completing the programme of works as outlined by the Council in its previous Long Term Plan. Therefore the preferred option is to amend the 2019-20 Budget to reflect the projects outlined below.

Consultation

- 7 Consultation has been undertaken with the Senior Leadership Team and Tier Three managers on which projects are to be completed after the end of the financial year and the funding that is carried forward from the previous financial year. Previously consultation had been undertaken with the community on the projects during the previous year's Long Term Plan process.

Relevant Legislation, Council Policy and Plans

- 8 Section 101 (1) of the Local Government Act 2002, relating to Financial Management, states "A Local Authority must manage its revenues, expenses, assets, liabilities, investments, and general financial dealings prudently and in a manner that promotes the current and future interests of the community".
- 9 This section allows the Council to carry forward the projects as outlined for the "current and future interests of the community".

Financial and Funding Implications

- 10 Once the financial results for the 2018-2019 year have been finalized and audited, the Council will be able to determine the budget changes that can occur. It is important to note this does not affect the rates for the current year as the funding has already been provided for.
- 11 The table attached outlines the requested carried forward items from the 2018-19 financial year.
- 12 If the council wishes for the projects list attached to be commenced or completed during the current financial year, then the funding requires approval to be carried forward from the funds available from the previous financial year.
- 13 Funding for the carry forwards consists of \$7,079,603 by loans and bequest funds, \$850,949 by rates received previously but not applied to a reserve, with the remaining \$7,343,812 funded by way of NZTA subsidies and Special and Depreciation Reserves.
- 14 The Carry forwards request includes \$757,004 relating to the Downlands Water Supply which are funded by Rates, Water Charges and loans as part of the Downlands Water Scheme.

Attachments

- 1. Carry Forward Requests 2019/20 Year**

Appendix A: Funding to be Carried Forward from the 2018-19 financial year to 2019-20

<i>Budget Page</i>	<i>Capital / Operating</i>	<i>Project Description</i>	<i>Amount</i>	<i>Funding Source</i>	<i>Explanation why not spent in 2018-19</i>	<i>Expected Completion Date</i>
<u>Public Responsibility</u>						
Democracy						
PA1	Operating	Long Term Plan	\$14,340	Rate funded	Funding to be applied to consultations (e.g. Annual Plan) which didn't occur and LTP development work	LTP Ongoing development
Total Carried Forward Request			\$14,340			
<u>Community Support</u>						
Public Toilets						
CS6	Capital	Renewals	\$10,626	Depreciation Reserve	Project works came in under budget and can provide the community with an additional rural toilet	30 June 2020
Cemeteries						
CS7	Capital	Timaru District Replacement – Site Investigation	\$25,000	Depreciation Reserve	Insufficient funds to progress in isolation	30 June 2020
CS7	Capital	Timaru Cemetery Road Reseals	\$29,000	Cemetery Future Fund	Still serviceable for another year	30 June 2020
Civil Defence						
CS8	Capital	Sirens and Siren Renewals	\$59,400	Loan Funded	Includes a carry forward of \$67,000 from 17-18. The works were combined in order for better pricing. All sirens have been purchased and are in the country, still waiting on installation of all sites	30 November 2019

CS8	Capital	Communications Equipment	\$5,000	Depreciation Reserve	To purchase additional handheld Radios	30 June 2020
Total Carried Forward Request			\$129,026			
<u>District Planning and Environmental Services</u>						
District Planning						
P1	Operating	SNA Survey and monitoring	\$14,042	Rate funded	Awaiting work programme decisions in consultation with Upper Rangitata landowners for SNA surveys and riverbed work.	30 June2020
P1	Operating	SNA protection	\$47,901	Rate funded	Funding allocated but not spent in the 2018-19 year as awaiting claim information from successful applicants before being paid out.	30 June2020
P1	Operating	Built heritage protection	\$50,800	Rate funded	Funding allocated but not spent in the 2018-19 year as awaiting claim information from successful applicants before being paid out	30 June2020
P1	Operating	District Plan Review	\$704,617	Rate funded	As per Council reports, delays due to National Planning Standards decisions and human resourcing challenges meant the project had to be re-phased.	30 June2020
Dog Control						
P3	Capital	Purchase and erection of dog signs	\$2,000	Dog Control Reserve	Staff shortages meant that the signage audit and purchase of the signs only occurred late in the 2018-19 financial year. This meant that the erection of the signs could only be organised in the new financial year.	31 October 2019
Total Carried Forward Request			\$819,360			

Recreation and Leisure						
District Libraries						
RL1	Capital	Art resources	\$5,729	McKay Bequest	Materials not available, new subscription stated March	30 June 2020
RL1	Capital	Update furniture	\$23,212	Depreciation Reserve	Part of the refurbishment project – delayed	30 June 2020
RL1	Capital	Kiosks	\$20,000	Depreciation Reserve	Part of the refurbishment project – delayed	30 June 2020
RL1	Capital	Timaru / Geraldine carpet replacement	\$185,000	Depreciation Reserve	Part of the refurbishment project – delayed	30 June 2020
RL1	Capital	Timaru roof, heating, lighting, community room	\$1,417,908	Loan funded	Project delayed – due diligence undertaken	30 June 2020
RL1	Operating	Digital resources	\$25,893	Rate funded	New subscriptions delayed	30 June 2020
RL1	Operating	Update furniture, fittings and equipment	\$6,648	Rate funded	Part of the refurbishment project – delayed	30 June 2020
South Canterbury Museum						
RL3	Capital	Exhibition Upgrade: \$20,000 in 18-19 budget plus \$18,400 carried over from 17-18 budget	\$4,623	Depreciation Reserve	Some continuing upgrade work needed to complete project.	30 June 2020
RL3	Capital	Building capital works - heat pumps, etc.	\$113,570	Depreciation Reserve	One heating unit replaced, others assessed as functional for another year, funds to be moved forward for when needed	30 June 2020
RL3	Operating	Museum acquisition budget	\$1,048	Rate funded	Acquisitions obtained as and when available, unspent funds should be moved forward to provide more opportunities in following year	30 June 2020

Halls and Community Centres						
RL5	Capital	Building upgrades	\$3,855	Depreciation Reserve	This funding will enable purchase of furniture for Pleasant Point Hall in 2019/20	30 June 2020
Swimming Pools						
RL6	Capital	Geraldine Pool covers	\$8,000	Depreciation Reserve	Money not spent as covers survived summer season. Will need to be spent on some minor repairs pre 19/20 season and then probable replacement/repairs at end of season.	30 April 2020
RL6	Capital	Geraldine Pool inflatables	\$5,400	Depreciation Reserve	Were ordered in June but didn't arrive until July.	31 July 2019
RL6	Capital	Pleasant Point Pool	\$5,833	Depreciation Reserve	Repairs of tiles came in under budget. Request to use remainder towards new pool vacuum.	30 November 2019
RL6	Capital	Temuka Pool upgrade	\$15,000	Depreciation Reserve	Not spent due to impending renewal of pool. Request to carry forward to cover expenditure on items not covered within tender for upgrade eg Changing rooms, lane ropes, diving blocks etc.	30 June 2020
Aorangi Stadium						
RL7	Capital	Vanity unit replacement	\$3,500	Depreciation Reserve	Repair / replacement of vanity units was able to be done for much less than originally anticipated. Request to carry over remainder towards repair of other vanity units and structures in changing rooms / toilets.	29 February 2020
RL7	Capital	Batteries for driveable scrubber	\$4,200	Depreciation Reserve	Not required last financial year Had batteries tested and provider suggested we should get at least one more year's worth from them before replacement required.	30 June 2020

Parks and Recreation						
RL8	Capital	Temuka Domain Development	\$303,318	Loan funded	Unavailability of consultants and contractors	30 June 2020
RL8	Capital	Shared Urban tracks	\$75,361	Loan funded	Difficulty in completing negotiations on land tenure	30 June 2020
RL8	Capital	Esplanade Reserves acquisition	\$63,742	Depreciation Reserve	Dependant on subdivision consents	30 June 2020
RL8	Capital	Walkway Esplanade enhancement	\$52,213	Depreciation Reserve	Delay in supply of plants	30 June 2020
RL8	Capital	Caledonian Ground cycle track	\$277,614	Depreciation Reserve	Paused pending receipt of coastal erosion information	30 June 2020
RL8	Capital	Buildings	\$18,246	Depreciation Reserve	Delay in materials arriving from overseas	30 June 2020
RL8	Capital	Furniture	\$5,522	Depreciation Reserve	Delay in supply	30 June 2020
RL8	Capital	Services	\$45,627	Depreciation Reserve	Service life extended by a year	30 June 2020
RL8	Capital	Fence replacement	\$19,255	Depreciation Reserve	Delay with neighbouring property owners	30 June 2020
Motor Camps						
RL9	Capital	Road reseals	\$15,000	Depreciation Reserve	Will be used for Geraldine job which came in over budget and commencing October 2019	30 June 2020
Total Carried Forward Request			\$2,725,317			

<u>Roading and Footpaths</u>						
Road / Street Landscapes						
RD1	Capital	Welcome to Timaru signage	\$16,000	Depreciation Reserve	Design yet to be finalised and NZTA approved	30 November 2019
RD1	Capital	Geraldine signage	\$12,100	Depreciation Reserve	Awaiting further direction from Community.	31 December 2019
RD1	Capital	CBD refresh – District wide	\$18,500	Depreciation Reserve	Direction on furniture and trees were required from Community Boards. Council released funding for Timaru only recently.	31 March 2020
RD1	Capital	District entrance signs	\$112,500	Depreciation Reserve	Sign fabrication and material supply delays. Fabrication now underway.	30 September 2019
Geraldine Footpaths						
RD2	Capital	Additional footpaths – Barker Street	\$7,218	Depreciation Reserve, NZTA subsidy	Project deferred as insufficient remaining budget. Shortfall funded from the 2019-20 budget.	30 April 2020
Rural Footpaths						
RD3	Capital	Additional footpaths – Kabul Street and Pye Road	\$80,400	Depreciation Reserve, NZTA subsidy	Kabul St in Pleasant Point and Pye Road in Geraldine Downs - change in design as required plus new Kerb and Channel co-ordination delaying implementation.	31 December 2019
Timaru Footpaths						
RD5	Capital	New footpaths – Washdyke Flat Road	\$50,000	Depreciation Reserve, NZTA subsidy	Additional Design required – contract has been let.	31 December 2019
Subsidised Roding						
RD7	Capital	Cycleways - Old North Road	\$39,000	Depreciation Reserve, NZTA subsidy	Work commenced but not completed.	31 October 2019

RD7	Capital	New roads / bridges - Powerhouse Stream Ford	\$140,000	Depreciation Reserve, NZTA subsidy	Resource Consent issues have changed the concept of this project, and delayed construction.	30 April 2020
RD7	Capital	Temuka Road upgrades - Wallingford Road	\$200,000	Depreciation Reserve, NZTA subsidy	Land issues have delayed finalisation of design.	31 March 2020
RD7	Capital	Southern Port access - Heaton Street rail crossing upgrade	\$596,971	Depreciation Reserve, NZTA subsidy	KiwiRail consent requirements and design approval have yet to be received, delaying construction work.	30 November 2019
RD7	Capital	Washdyke network improvement - Washdyke Flat Road upgrade	\$450,824	Depreciation Reserve, NZTA subsidy	Issues with design and land development delayed construction. Contract has now been let.	31 December 2019
RD7	Capital	New kerb and channel – Old North Road	\$300,564	Depreciation Reserve, NZTA subsidy	Work commenced but not completed.	31 October 2019
Street Lighting						
RD8	Capital	LED Streetlight V Category conversions	\$600,000	Depreciation Reserve, NZTA subsidy	Awaiting NZTA approval re subsidy (probable 19/20).	30 June 2020
Land Transport Unit						
RD10	Capital	Traffic Counters	\$5,800	Depreciation Reserve	New units have been ordered, awaiting supply and delivery.	31 December 2019
Total Carried Forward Request			\$2,629,877			

<u>Waste Minimisation</u>						
Waste Minimisation						
RF2	Capital	Complementary business	\$1,448,982	Loan funded	Initially delays in consultation. Also procurement timing at end of financial year. Decided to hold tender for issue in August 2019 with build in 2019-20 construction season to have chance of better pricing	31 March 2020
RF2	Capital	Other purchases	\$141,829	Depreciation Reserve	Part of Stage 1 capping project that was delayed due to gas issues	30 September 2019
RF2	Operating	Removal of stock piled tyres	\$42,500	Waste Minimisation Reserve	Lack of resource to organise	30 June 2020
Total Carried Forward Request			\$1,633,311			
<u>Sewer</u>						
Sewer Drainage						
D2	Capital	New Reticulation – Broughs Gully sewerage	\$19,659	Loan funded	Project delayed due to District Plan change issues	30 June 2020
D2	Capital	Talbot Street Geraldine Siphon upgrade	\$33,723	Depreciation Reserve	Project investigations delayed due to complexity of crossing the Waihi River	30 June 2020
D2	Capital	Tradewaste Review	\$20,000	Depreciation Reserve	Review of capacity forecasting and industry discharge improvement plans and charging is necessary. Project delayed and not completed.	30 June 2020
D2	Capital	Small mains renewals and capital upgrades	\$370,959	Depreciation Reserve	Projects delayed and not completed	30 June 2020
D2	Capital	Maintenance Generated Renewals	\$42,944	Depreciation Reserve	Renewals instigated through general maintenance including road and foot path renewals. Projects not completed	30 June 2020

D2	Capital	Sewer modelling analysis and calibration	\$145,377	Depreciation Reserve	Modelling analysis is very complex and has been delayed	30 June 2020
D2	Capital	Renewal of pumps (Industrial Pump station)	\$172,118	Depreciation Reserve	Project delayed as pumps assessed as having at least one year extra remaining life.	30 June 2020
D2	Capital	Inland towns ponds, screens, and aerators	\$100,000	Depreciation Reserve	Leakage from Geraldine pond that resulted in Ecan non-compliance notice, which needs to be investigated and repaired. Investigations on leakage and options for upgrading are still underway	30 June 2020
Total Carried Forward Request			\$904,780			
<u>Stormwater</u>						
Geraldine Stormwater						
D3	Capital	Geraldine Domain stormwater upgrade	\$13,491	Depreciation Reserve	Leakage from Geraldine pond that resulted in Ecan non-compliance notice, which needs to be investigated and repaired. Investigations on leakage and options for upgrading are still underway	30 June 2020
Timaru Stormwater						
D5	Capital	Network environmental improvements and capital upgrades	\$64,461	Depreciation Reserve	Capital upgrades to the stormwater system not completed	30 June 2020
D5	Capital	Network Renewals	\$43,223	Depreciation Reserve	Renewals to stormwater reticulation not completed	30 June 2020
Rural Stormwater						
D6	Capital	Rural / Urban interface upgrades	\$5,000	Depreciation Reserve	Renewals to rural stormwater reticulation not commenced	30 June 2020
Total Carried Forward Request			\$126,175			

<u>Water Supplies</u>						
Rangitata – Orari Water Supply						
W5	Capital	Race Renewals	\$15,000	Depreciation Reserve	Projects not started, to combine with 2019-20 budget for greater work scope	30 June 2020
Seadown Water Supply						
W6	Capital	Reticulation Renewals	\$98,927	Depreciation Reserve	Projects not started as scheme reviews are necessary	30 June 2020
W6	Capital	Treatment upgrade and water storage	\$40,804	Depreciation Reserve	UV units ordered but supply delayed	30 June 2020
Te Moana Downs Water Supply						
W7	Capital	Reticulation renewals and upgrades	\$253,325	Depreciation Reserve	Renewals dependant on water treatment plant upgrade, delayed due to consenting delays	30 June 2020
Urban Water Supplies						
W8	Capital	Timaru Pareora Pipeline Renewal	\$2,759,188	Loan funded	Project completion delayed with consenting and approvals	30 June 2020
W8	Capital	Pleasant Point and Temuka treated water reservoirs and pump stations	\$533,297	Depreciation Reserve	Pleasant Point project delayed but now complete, Temuka delayed due to high tenders which were unacceptable.	30 June 2020
W8	Capital	Upgrade supply to Te Moana from Geraldine	\$20,000	Depreciation Reserve	Upgrade reticulation and pumps to supply Te Moana from Geraldine supply project delayed	30 June 2020
W8	Capital	Geraldine / Pleasant Point Treatment / Booster pump	\$100,000	Depreciation Reserve	Project completion delayed	30 June 2020

W8	Capital	Timaru Plant Renewals – Claremont Plant electrical and control upgrade	\$90,567	Depreciation Reserve	Project completion delayed	30 June 2020
W8	Capital	Opihi intake renewal and upgrade	\$75,355	Depreciation Reserve	Project completion delayed	30 June 2020
W8	Capital	Chemical storage and dosing upgrade	\$100,000	Depreciation Reserve	Project completion delayed	30 June 2020
W8	Capital	Staff office and control building replacement	\$398,215	Loan funded	Project completion delayed, contract now let for this work	30 June 2020
W8	Capital	Fence and gate upgrades - Security	\$50,000	Depreciation Reserve	Project completion delayed	30 June 2020
Downlands Water Supply						
W3	Capital	Mains, tanks, intake renewals, leak detection	\$230,807	Asset Replacement Reserve	Project completion delayed	30 June 2020
W3	Capital	Network analysis and metering – model recalibration	\$11,152	Asset Replacement Reserve	Project not completed	30 June 2020
W3	Capital	Te Ana Wai infiltration gallery and low lift pumps and Raw water storage	\$515,045	Loan funded	Projects delayed, with land purchase and consenting	30 June 2020
Total Carried Forward Request			\$5,291,682			
<u>Corporate Activities</u>						
Information Technology						
C3	Operating	Backscanning	\$552,572	Loan funded	This is a multi-year project and resourcing of staff has delayed the production phase.	30 June 2020

C3	Operating	Project Support	\$41,347	Overhead Recovery	This is in conjunction with the backscanning project.	30 June 2020
C3	Capital	Hardware and Software replacements / upgrades	\$662,000	Depreciation Reserve	Request of additional carry forward of \$500,000 from the 2017-18 year that was unspent for Civica 7.1 upgrade. This project was delayed due to software development issues.	30 June 2020
Council Building						
C4	Capital	Council Chamber furniture	\$35,400	Depreciation Reserve	Funding is available once furniture requirements are defined	30 June 2020
Properties						
C4	Operating	Army Hall demolition	\$120,000	Property Development Reserve	Work was deferred to enable cost savings to be made in conjunction with the Theatre Royal project	30 June 2020
C4	Capital	Cox Street Yard surface seal	\$45,000	Loan funded	Job came in above budget and can now proceed in 2019/20 with additional funding within existing Land Transport budget	30 June 2020
C4	Capital	Hopgood Lane acquisition	\$35,000	Endowment Fund	Obtaining owners consent to surrender right of way easements has proven to be time consuming resulting in delays	30 June 2020
C4	Capital	Century Gymsports facility	\$156,180	Depreciation Reserve	Facility re-roofing started in June 2019 and spans over two financial years	30 June 2020
Drainage and Water Management						
C11	Operating	Stormwater modelling and analysis	\$110,000	Overhead Recovery	Stormwater reticulation modelling project not started	30 June 2020
Total Carried Forward Request			\$1,757,500			
Grand Total Carry Forward Requests			\$16,031,368		Includes Downlands \$757,004	

9.8 Adoption of Annual Report 2018/19

Author: David Codyre, Chief Financial Officer
Mark Low, Strategy and Corporate Planning Manager

Authoriser: Donna Cross, Group Manager Commercial and Strategy

Recommendation

That the Council adopt the Timaru District Council Annual Report 2018/19.

Purpose of Report

- 1 To provide the Council with the Annual Report 2018/19 for adoption.

Assessment of Significance

- 2 This matter is of low significance under the Council's Significance and Engagement Policy. All Councils are required to report annually on their activities and financial performance under Section 98 of the Local Government Act.

Background

- 3 The Local Government Act 2002 (*the Act*) requires the Council to prepare and adopt an Annual Report within four months of the end of its financial year. The Council has a June 30 balance date which therefore requires it to adopt its Annual Report by 31 October 2019. The Act requires the Annual Report to be audited. Audit New Zealand performs the audit.
- 4 The purpose of an Annual Report is to:
 - compare the actual activities and the actual performance of the local authority in the year with the intended activities and the intended level of performance as set out in respect of the year in the long-term plan and the annual plan; and
 - promote the local authority's accountability to the community for the decisions made throughout the year by the local authority (*Local Government Act: S98:2*).
- 5 The Annual Report for 2018/19 outlines the achievements of Council and the financial and non-financial performance against Year 1 of the 2018-28 Long Term Plan.
- 6 Audit New Zealand were onsite from 9 September 2019 for two weeks carrying out work related to the audit, with the third week being performed off site. Additional Audit work was performed offsite and during the interim site visit in June 2019.

Discussion

Financial Performance

- 7 Timaru District Council had Total Revenue of \$119.4 million for the 2018/19 year. The result was \$36 million (rounded) above budgeted revenue for the year, and importantly noting it was bolstered by a \$30 million non-cash taxable dividend declared by Timaru District Holdings Limited (and paid by TDHL issuing 30 million \$1 shares). Adjusting for this the result was \$6 million (rounded) above budget. This can be attributed in part to:

- \$1.4 million additional fees and charges with refuse fees up \$460,000, metered water up \$100,000, and CBAY income \$70,000 more favourable than budget.
 - \$700,000 in additional bequests to the Art Gallery and Museum not budgeted.
 - \$1.9 million in unbudgeted vested assets including the Aorangi Pavilion, \$687,000, from the Aorangi Park Association situated on Council land in Morgans Road. The remainder of vested assets were received from infrastructure projects.
 - \$750,000 in extra NZ Transport Agency (NZTA) subsidies for footpaths.
 - \$642,000 in extra interest revenue due to higher investments held.
- 8 Total Operating Expenditure was \$77.4 million for the year. This is \$1.6 million (rounded) lower than budget. This can be attributed to:
- Finance and depreciation costs being \$2 million less than budget due to a combination of lower interest rates and deferred capital expenditure.
 - Operating and Personnel Costs were higher than budget by \$470,000 and include an unbudgeted loss of \$1.57 million on the value of Interest Rate Swaps.
- 9 Total surplus was \$42 million (rounded) for the year favourable against budget of \$4.2 million (rounded). The surplus includes the \$30 million non-cash taxable dividend from Timaru District Holdings Limited. Adjusting for this item, Total Surplus is \$8 million above budget, and is a combination of higher revenue and lower than budgeted expenses.
- 10 The Council has maintained a strong Balance Sheet this year. Timing of capital expenditure has resulted in Council holding more cash and taking on no new debt. The non-cash taxable dividend from Timaru District Holdings Limited (TDHL) increased Council's share capital in TDHL. Net Debt at Year end was \$34.4 million which is less than the \$83 million forecast in the Long Term Plan.
- 11 The Disclosure Statement which discloses Council's performance in regards to specific benchmarks (with one exception) have all have been met for the year. The one exception is the rates affordability benchmark, which was over by 0.1% – the reason being that the quantified limit on rates increases was exceeded due to additional rating units being added to the rating database between the adoption of the annual plan and the striking of rates for the year. Additional commentary has been provided to the benchmarks affected by the non-cash taxable dividend indicating all benchmarks being met net of the Dividend.

Non-Financial Performance

- 12 The document includes reporting against all of the non-financial measures included in Year 1 of the 2018-28 Long Term Plan for each Group of Activities. Several are not measured in 2018/19, due to the Community Survey only occurring biennially. Page 32 of the document gives an overview of non-financial performance with over 70% of targets met, 20% not achieved and the remainder not measured.
- 13 Many measures have been achieved as expected, with some exceeded due to various circumstances. For example, due to increased funding made available from the NZTA, additional footpath resurfacing was possible, meaning 9.15km of resurfacing was possible (target:7km).
- 14 Reasons for non-achievement vary including staff resourcing issues, changes in the way people are using our services and circumstances that are outside of the Council's control. While

targets are set with the intention of providing stretch targets (striving to deliver excellence), within reason, in some cases circumstances may mean these are not always achieved.

- 15 The document highlights achievements against the work programme of the Council for all of its activities, with particular highlights outlined in the front overview section and the start of each Group of Activities. For 2018/19, some of the key highlights have been:
- Development of a new Timaru District Visitor Strategy
 - Ongoing high performance in meeting statutory processing requirements for building and resource consents
 - A range of successful exhibitions, programmes and events at our key cultural and learning facilities (i.e. Aigantighe Art Gallery, South Canterbury Museum, Timaru District Libraries)
 - Introduction of new technology to increase access to resources at Timaru District Libraries
 - Strong usage of the Caroline Bay Trust Aoraki Centre (CBay), including classes
 - Replacement of the Centennial Park walk and cycle bridge
 - Increased sealing of roads and footpaths due to favourable contract pricing and additional funding becoming available
 - Various renewal works being completed in sewer, stormwater and water supply
 - Ongoing strong usage of waste minimisation facilities, including diversion of waste from landfill and increased transactions at the Crow's Nest Reuse shop
 - Completion of a new water reservoir at the Pleasant Point supply.
- 16 Some of the challenges faced by Council during the year have included:
- A change in timing, and delays, in capital projects (e.g. water supply upgrades, Timaru Library roof). This was due to a variety of reasons, including delays in consenting, a lack of suitable or available contractors, and projects which benefited from further professional assessment and analysis to determine the best solution for the community.
 - Historic landfill practices giving rise to leachate issues at Redruth landfill closing some closure of walking and cycling tracks to ensure public safety.
 - Coastal erosion issues accelerating at Patiti Point, Timaru.
- 17 The document has undergone a full review in line with our approach to refresh documents following every LTP cycle. This has improved its look and accessibility. We have also sought to include elements of our contribution towards improving Community Wellbeing into the document, as evidence on pages 25-26. This is to demonstrate our contribution to the purpose of local government being "to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future" (*Local Government Act 2002, s10*).

Options and Preferred Option

- 18 The Council is required to adopt an Annual Report by 31 October 2019. The Council has two options:
- To adopt the Annual Report 2018/19 (*preferred option*)

- Not to adopt the Annual Report 2018/19. Any delay in adoption may mean this is not able to be achieved by the legislative deadline, as a result of the triennial local elections.

Consultation

- 19 Consultation on the Annual Report is not required. It is a legislative requirement that all Councils must complete at the end of the financial year. The report is designed to encourage readership by the community of Council achievements and challenges during the financial year. A summary Annual Report is also prepared for the community.

Relevant Legislation, Council Policy and Plans

- 20 Local Government Act Section 98.

Financial and Funding Implications

- 21 The preparation and auditing of the Annual Report 2018/19 is budgeted for.

Other Considerations

- 22 A progress update was reported to the Audit and Risk Subcommittee on 2 October. The Subcommittee has recommended the Annual Report for adoption by Council.
- 23 Our Auditors, Audit New Zealand have conducted their annual audit. The Auditor's opinion will be tabled at the meeting.

Attachments

Annual Report 2018/19 provided separately

10 Consideration of Urgent Business Items

11 Consideration of Minor Nature Matters

12 Public Forum Items Requiring Consideration

13 Exclusion of Public

13.1 Public Excluded Minutes of the Council Meeting held on 13 August 2019

13.2 Tenders Committee Minutes 21 August 2019

13.3 Tenders Committee Minutes 5 September 2019

13.4 Aoraki Development and Promotions Limited Directorships

13.5 Restorative Justice Update

Recommendation

That the public be excluded from the following parts of the proceedings of this meeting on the grounds under section 48 of the Local Government Official Information and Meetings Act 1987 as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Plain English Reason
<p>13.1 - Public Excluded Minutes of the Council Meeting held on 13 August 2019</p>	<p>s7(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</p> <p>s7(2)(h) - The withholding of the information is necessary to enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - The withholding of the information is necessary to enable the Council to carry out, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>Commercial sensitivity</p> <p>To enable commercial activities</p> <p>To enable commercial or industrial negotiations</p>
<p>13.2 - Tenders Committee Minutes 21 August 2019</p>	<p>s7(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</p>	<p>Commercial sensitivity</p>
<p>13.3 - Tenders Committee Minutes 5 September 2019</p>	<p>s7(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</p>	<p>Commercial sensitivity</p>

	commercial position of the person who supplied or who is the subject of the information	
13.4 - Aoraki Development and Promotions Limited Directorships	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	To protect a person’s privacy
13.5 – Restorative Justice Update	<p>s7(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</p> <p>s7(2)(f)(i) - The withholding of the information is necessary to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to members or officers or employees of any local authority, or any persons to whom section 2(5) of this Act applies, in the course of their duty</p>	<p>Commercial sensitivity</p> <p>To allow free and frank expression of opinions.</p>