



MINUTES

Ordinary Council Meeting Tuesday, 8 October 2019

Ref: 1286660

**Minutes of Timaru District Council
Ordinary Council Meeting
Held in the Council Chamber, District Council Building, King George Place, Timaru
on Tuesday, 8 October 2019 at 3pm**

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

In Attendance: Ali Talbot – Temuka Community Board
Jan Finlayson – Geraldine Community Board

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), Chief Licensing Inspector/Enforcement Officer (Sharon Hoogenraad), Environmental Compliance Manager (Debbie Fortuin), Chief Financial Officer (David Codyre), Development Manager (Frazer Munro), Senior Planner (Megan Geng), Policy Analyst (Fabia Fox), Strategy and Corporate Planning Manager (Mark Low), Council Secretary (Joanne Brownie)

1 Opening Prayer and Karakia

Emma Howan of the Salvation Army offered a prayer for the work of the Council.

The Mayor opened the meeting with a karakia.

2 Apologies

The apology from Bernie Wilson of the Pleasant Community Board was accepted. Bernie has not sought re-election after 30 years of local government service. Bernie's service to the community was formally recognised at the meeting.

3 Public Forum – Ian Geary – Anti Corruption Policy

Ian Geary addressed the Council, referring to concerns he had previously expressed to Council. He believes he has been an unwilling participant in corruption and he is now advocating for anti corruption. He referred to 'corrupt practices in agencies', including councils. He noted there is a Fraud and Corruption Control policy on the TDC website in respect of elected members but he would like to see a corruption policy that applies to Council staff.

He explained his concerns relate to the neighbouring Rooney Holdings rock crushing plant which operates every day, and he queried how this operation can continue when it is within the city boundary. He believes this is an example of corruption. His complaints have not met with any satisfaction to himself. He said Council should have a policy that attempts to limit and address corrupt practices.

The Mayor explained that Council has an Audit and Risk Subcommittee and an Industrial Relations Subcommittee which have responsibilities for corruption and fraud. There are also prescribed audit processes which address any potential for corruption and fraud. The Mayor said he would never think there has been corruption at a staff level and the Audit and Risk and Industrial Relations Subcommittees have responsibility to ensure processes are robust to prevent and protect against corruption.

Mr Geary then indicated if nothing is done, he may organise the community through the Washdyke Action Group, to progress his complaint.

4 Identification of Urgent Business

Committee Resolution 2019/27

Moved: Clr David Jack

Seconded: Clr Paddy O'Reilly

That a property matter be considered as urgent business, with the public excluded.

Carried

5 Identification of Matters of a Minor Nature

There were no minor nature items identified.

6 Declaration of Conflicts of Interest

Clr Jack declared a conflict of interest in regard to the Gambling Venue Policy under the Statement of Proposal-Policy Review Consultation, as he is a director of Trust Aoraki Ltd.

Clr Bowen declared an interest, but no conflict, in the Soundsplash Festival Proposed Liquor Control Area issue, due to his occupation as a publican/event venue provider.

7 Confirmation of Minutes

7.1 Minutes of the Council Meeting held on 13 August 2019

Committee Resolution 2019/28

Moved: Clr Sally Parker

Seconded: Clr Kerry Stevens

That the Minutes of the Council Meeting held on 13 August 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 2019/29**

Moved: Clr David Jack

Seconded: Clr Steve Wills

That the report be received and noted, and the Mayor formally recorded his appreciation for the Deputy Mayor and councillors deputising for him as required during his term of office.

Carried

8.2 Schedule of Functions Attended by the Chief Executive**Committee Resolution 2019/30**

Moved: Clr Steve Wills

Seconded: Clr Peter Burt

That the report be received and noted.

Carried

9 Reports**9.1 Affixing of the Common Seal**

The Council considered the report noting the affixing of the Common Seal to the Loan Raising Programme 2019/2020.

Committee Resolution 2019/31

Moved: Clr Nigel Bowen

Seconded: Clr Kerry Stevens

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

19 August Loan Raising Programme 2019/2020.

Carried

9.2 Contracts Let Under Delegated Authority

The Council considered the report of contracts let by the Chief Executive under Delegated Authority.

Committee Resolution 2019/32

Moved: Clr David Jack

Seconded: Clr Andrea Leslie

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.			

Carried

9.3 Statement of Proposal - Policy Review Consultation

The Council considered 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.

To meet the requirements of the Gambling Act 2003, the Racing Act 2003, the Psychoactive Substances Act 2013 and the Building Act 2004, Council must prepare and adopt a Statement of Proposal detailing the proposal; the reasons for the proposal; an analysis of the options; a draft of the proposed policy; and details of the proposed changes to the policy.

a Committee Resolution 2019/33

Moved: Clr Steve Wills

Seconded: Clr Peter Burt

That Council adopts the Policy Review Consultation Statement of Proposal relating to the draft Gambling Venue Policy;

and agrees to the Statement of Proposal being the subject of a special consultative procedure.

Carried

Clr Jack did not take part in the discussion or voting on this issue.

b Committee Resolution 2019/34

Moved: Clr Kerry Stevens

Seconded: Clr Paddy O'Reilly

That Council adopts the Policy Review Consultation Statement of Proposal relating to the draft Local Approved Products Policy;

and agrees to the Statement of Proposal being the subject of a special consultative procedure.

Carried

c Committee Resolution 2019/35

Moved: Clr Steve Wills

Seconded: Clr Dave Jack

That Council adopts the Policy Review Consultation Statement of Proposal relating to the draft Dangerous, Affected and Insanitary Buildings Policy;

and agrees to the Statement of Proposal being the subject of a special consultative procedure.

Carried

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

The Council considered a report seeking final approval of Timaru District Plan Change No. 21 (PC21). The Mayor noted that this plan change represents the conclusion of a significant complex piece of work which will now enable increased residential development in this part of Timaru.

Committee Resolution 2019/36

Moved: Clr Kerry Stevens

Seconded: Clr Peter Burt

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

Carried

9.5 2020 Soundsplash Festival Proposed Liquor Control Area

The Council considered a report by the Chief Licensing Inspector on the request by the New Zealand Police for a temporary liquor ban for the Caroline Bay area during the 2020 Soundsplash Timaru Festival being held 17 - 19 January 2020. The professional work of staff to reach this point, bringing all parties together, was acknowledged.

Comment was made that the event will be a positive addition to Timaru's events calendar.

Clr Bowen did not take part in the discussion or voting on this issue.

Committee Resolution 2019/37

Moved: Clr Steve Wills

Seconded: Clr Peter Burt

That a temporary liquor control area is put in place over the entire Caroline Bay as per the map shown in Attachment 1 of the report, to ban liquor for the period 8.00am 17 January 2020 to 8.00am 20 January 2020.

Carried

9.6 Canterbury Water Management Strategy

The Council considered a report to present the Canterbury Water Management Strategy's (CWMS) updated and interim goals for 2025 and 2030, and to request that Council notes the Canterbury Mayoral Forum's commitment to these updated goals.

Council commented that it is important to recognise the work that has been done and the progress made.

Committee Resolution 2019/38

Moved: Mayor Damon Odey

Seconded: Clr Richard Lyon

That Council:

- (i) notes that the Canterbury Mayoral Forum has approved CWMS goals for 2025 and 2030 receive and note the Canterbury Water Management Strategy
- (ii) notes 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
- (iii) notes that implementation to deliver the goals will have resource implications that councils will need to consider in adopting long-term plans for 2021–31.

Carried

9.7 2018/19 Carry Forwards

The Council considered a report by the Chief Financial Officer on carried forward expenditure.

The reasons that funding needs to be carried forward were explained, with it being pointed out that a significant portion relates to the Downlands Water Supply Scheme.

While there were some concerns expressed at the level of carried forward balance, it was noted that it is unlikely that there would ever be a nil carried forward balance and Council is working towards minimising the issue in future years.

Committee Resolution 2019/39

Moved: Clr David Jack

Seconded: Clr Kerry Stevens

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).

Carried

9.8 Adoption of Annual Report 2018/19

The Council considered a report by the Chief Financial Officer and the Strategy and Corporate Planning Manager presenting the Annual Report 2018/19 for adoption.

Officers advised that the document has been reformatted in terms of presentation to make it more reader friendly for the community, highlighting key achievements against performance measures, and also what has not been achieved. The document has been through the audit process, and Audit New Zealand was providing an unmodified audit report which had now had been received.

In regards to the level of surplus this year, comment was made that it needs to be kept in perspective given the size of Council's operation. Adequate controls and systems are in place and the unmodified audit report gives assurance that all parts of the report have been given careful scrutiny and have met with approval from the audit office.

The Mayor acknowledged the work of the staff in preparing the budget and annual report.

Committee Resolution 2019/40

Moved: Clr David Jack

Seconded: Clr Kerry Stevens

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

Carried

10 Consideration of Urgent Business Items

The Council noted the urgent business item is to be considered with the public excluded.

11 Consideration of Minor Nature Matters

There were no minor nature matters.

12 Public Forum Items Requiring Consideration

The Chief Executive noted that the unmodified audit report provides assurance regarding matters of financial probity and that Council does have a Fraud, Corruption and Serious Wrongdoing Policy. It was suggested that the Chief Executive send a copy of the policy to Mr Geary and note we have comfort in Council's processes.

13 Resolution to Exclude the Public

Committee Resolution 2019/41

Moved: Clr Nigel Bowen

Seconded: Clr David Jack

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 commercial position of the person who supplied or who is the subject of the information</p>	<p>Commercial sensitivity</p>
<p>13.4 - Aoraki Development and Promotions Limited Directorships</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>To protect a person's privacy</p>

<p>13.5 - Restorative Justice Update</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)(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>
<p>- Property Matter Update</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>Commercial sensitivity</p> <p>To enable commercial activities</p>

Carried

Public Excluded Reports

- 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**
- 13.6 Property Matter Update**
- 14 Readmittance of public**

Committee Resolution 2019/42

Moved: Clr David Jack

Seconded: Mayor Damon Odey

That Council moves out of Closed Council into Open Council.

Carried

16 Valedictions

Members of the Council staff and elected members sang the Council waiata.

Deputy Mayor

The Deputy Mayor addressed the meeting to mark the end of this term of Council. He particularly recognised Mayor Odey's two terms as Mayor, preceded by one term as a councillor.

He noted the Mayor's common sense, judgement, friendship and business acumen. Council has had the value of Damon joining the Council as a young man and having the benefit of his skills. Of special note was the Mayor's leadership style, allowing councillors to make up their own minds without any influence from other parties. The Deputy Mayor wished him well, and hoped that he will continue to contribute to the District in another way.

The Deputy Mayor then thanked Cllr Andrea Leslie for her one term on Council – her fairness and social conscience has stood out. He acknowledged the constraints on her time that has led her to not seek reelection, and he thanked her for her contribution.

All councillors then gave their valedictory speeches -

Nigel Bowen – Cllr Bowen said he has appreciated the Mayor's wisdom and leadership style especially the freedom for councillors to make up their own minds without any influence or pressure, which is refreshing to see in politics. He thanked Cllr Lyon and Cllr Stevens for their guidance and advice, especially when he was first appointed, as they have sat either side of him during his time as a councillor.

Kerry Stevens – Cllr Stevens thanked the Mayor and Cllr Leslie for their selfless contributions to local government, balancing conflicting and competing interests in the public eye. He wished them both well as they resume normal life. He then thanked his fellow councillors for their support and friendship over the last 3 years and wished them well in the election. He also thanked staff for their assistance over the past 7 years, and said he is in awe of the professional support and commitment to elected members and the community those members serve. He has appreciated the high quality advice that he has consistently received and noted the Timaru District Council's award for the top customer service in New Zealand.

He also addressed the media representative, saying that he hoped the media would find what it is they are looking for in the struggling changing media world.

Paddy O'Reilly – Cllr O'Reilly said it has been a privilege to serve on Council for the last 3 years, with all councillors doing the job they were elected to do. He particularly noted that the Mayor has been an inspiration.

Sally Parker – Cllr Parker thanked the Mayor for his outstanding leadership, support, and coaching and also thanked her fellow councillors and the staff.

Dave Jack – Cllr Jack said it had been an honour to serve under Mayor Damon, who has been a great voice for the District with a passion for Timaru. He has led the team, been a huge attribute to the District, and he will be sadly missed. He wished Cllr Leslie good luck, and also thanked all the staff.

Steve Wills – Clr Wills thanked the staff for all the support over the last 6 years, noting the staff are key elements to the success of the Council. He thanked the Mayor and Clr Leslie for a job well done, and wished them all the best for the future.

Andrea Leslie– Clr Leslie said she was sad to not be seeking re election due to other commitments. She thanked the Mayor for his leadership and wisdom, his passion for the district, ability to think on the spot, and for being such a great ambassador for the district. She believes the District is very fortunate to have such a good staff who are a skilled professional team.

Peter Burt – Clr Burt acknowledged the leadership of the Mayor, allowing all councillors to be part of the decision making process, his ambassadorship has been second to none, his ability to articulate his views was noted and we will miss him as a Mayor. He thanked Clr Leslie for her input over the last 3 years. He also thanked the staff for their breadth of knowledge and phenomenal expertise and he noted the difficulties of having a job in a public space in the community.

The Mayor – Mayor Odey acknowledged the staff in the room and noted that his successes were not just his but can be attributed to everyone working as a team for good decision making. It had been a journey starting from fundraising for CBay to becoming a councillor – wanting to make a difference in the community.

He said every part of the Council’s operation has things happening every day, and our Council has been innovative in what it has undertaken and this has been noted elsewhere in New Zealand. Sometimes it is hard to get that story out to the community.

Despite the great projects, democracy is always reliant on the people. Robust debate, respect, unity, and a thick skin are all important factors in being part of the Council. He thanked the Senior Leadership Team for helping to deliver what Council does for the community. He thanked his family and said he is looking forward to relaxing more, after what has been a very rewarding journey.

The meeting closed at 5.20pm with a waiata and a closing karakia from Manu Whenua representative Tewera King. Tewera stated that Mayor Damon has helped the mana of the area and he thanked everyone for making the district a better place.



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Chairperson

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Chief Executive