COUNCIL MEETING

Commencing at 3pm

on

Tuesday 12 August 2014

Council Chamber
District Council Building
King George Place
Timaru
TIMARU DISTRICT COUNCIL

Notice is hereby given that a meeting of the Timaru District Council will be held in the Council Chamber, District Council Building, King George Place, Timaru on Tuesday 12 August 2014, at 3pm.

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

LOCAL AUTHORITIES (MEMBERS' INTERESTS) ACT 1968
Councillors are reminded that if you have a pecuniary interest in any item on the agenda, then you must declare this interest and refrain from discussing or voting on this item, and are advised to withdraw from the meeting table.

Peter Nixon
CHIEF EXECUTIVE
**AGENDA**

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<td>Recommendations from Standing Committees</td>
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<td>28</td>
<td>Receipt of Community Board and Committee Minutes</td>
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<tr>
<td>15</td>
<td></td>
<td>Consideration of Urgent Business Items</td>
</tr>
<tr>
<td>16</td>
<td></td>
<td>Consideration of Minor Nature Matters</td>
</tr>
<tr>
<td>17</td>
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<td>Public Forum Items Requiring Consideration</td>
</tr>
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<td>29</td>
<td>Exclusion of the Public</td>
</tr>
<tr>
<td>1</td>
<td>31</td>
<td>Confirmation of Minutes Council meeting 24 June 2014</td>
</tr>
<tr>
<td>2</td>
<td>33</td>
<td>Timaru District Holdings Ltd Board of Directors – Appointment</td>
</tr>
<tr>
<td>3</td>
<td>35</td>
<td>Confirmation of Minutes Community Development, Resource Planning and Regulation, and Policy and Development Committees 29 July 2014</td>
</tr>
<tr>
<td>4</td>
<td>36</td>
<td>Readmittance of the Public</td>
</tr>
</tbody>
</table>
TIMARU DISTRICT COUNCIL
FOR THE MEETING OF 12 AUGUST 2014

Report for Agenda Item No 6

Prepared by Peter Nixon
Chief Executive

Confirmation of Minutes – Council Meeting 24 June 2014

Minutes of the 24 June Council meeting.

Recommendation

That the minutes of the Council meeting held on 24 June 2014, excluding the public excluded section, be confirmed as a true and correct record.
TIMARU DISTRICT COUNCIL

MINUTES OF A MEETING OF THE TIMARU DISTRICT COUNCIL HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL BUILDING, KING GEORGE PLACE, TIMARU ON TUESDAY 24 JUNE 2014 AT 10.30AM

PRESENT
Mayor Damon Odey (Chairperson), Clrs Anthony Brien, Peter Burt, Steve Earnshaw, Dave Jack, Richard Lyon, Pat Mulvey, Kerry Stevens, Tracy Tierney and Steve Wills

IN ATTENDANCE
Wayne O'Donnell – Geraldine Community Board
Chief Executive (Peter Nixon), Group Manager District Services (Ashley Harper), Group Manager Corporate Services (Tina Rogers), Group Manager Community Services (Sharon Matson), Group Manager Regulatory Services (Chris English), Parks and Recreation Manager (Bill Steans)(for item 1), Council Secretary (Joanne Brownie)

OPENING PRAYER
Father Chinnappa Thumma of the Holy Family Catholic Parish of Timaru offered a prayer for the work of the Council.

1 PUBLIC FORUM – AORANGI PARK MOBILE FOOD VENDORS
Ali and Wayne Hitchcock of AliKatz mobile café tabled information and spoke to the Council of their concerns at the proposal to relocate all mobile food vendors at Aorangi Park to a new location at the northern end of the hockey turf. They fear they could lose business if they have to move and it could affect their profitability.

They gave background information on their operation at the park and their current location which they would like to retain. It is their view that the proposal to change has arisen out of unfair complaints from competitors at the venue.

They are upset that they had negotiated their new set-up last year and complied with all the regulations and feel they are now going to be penalised. They predict that if they have to leave, due to reduced profitability, the competitors' business will increase as a result. They said it seems unreasonable to change the rules based on an unfair complaint.

They would like to see the status quo remain.

In answer to questions from the councillors, Mrs Hitchcock said she had tried several locations at the park for her mobile food outlet and she feared that moving the 20m proposed, would be enough to negatively impact on her takings.

The Mayor referred to the decision of the Community Development Committee to receive a further report on the proposal for a new location but to retain the status
quo until a final decision is reached. The Hitchcock’s were reassured that all the information will be considered before a decision is made.

2 CONFIRMATION OF MINUTES – HEARINGS COMMITTEE MEETING - 1 MAY 2014

Proposed Clr Mulvey
Seconded Clr Tierney

“That the minutes of the Hearings Committee meeting, held on 1 May 2014, excluding the public excluded items, be confirmed as a true and correct record.”

MOTION CARRIED

3 CONFIRMATION OF MINUTES – COUNCIL MEETING - 13 MAY 2014

Proposed Clr Wills
Seconded Clr Jack

“That the minutes of the Council meeting held on 13 May 2014, be confirmed as a true and correct record.”

MOTION CARRIED

4 CONFIRMATION OF MINUTES – COUNCIL ANNUAL PLAN MEETING - 3 JUNE 2014

Proposed Clr Earnshaw
Seconded Clr Stevens

“That the minutes of the Council Annual Plan meeting held on 3 June 2014, be confirmed as a true and correct record.”

MOTION CARRIED

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

Proposed Clr Wills
Seconded Clr Burt

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

MOTION CARRIED

6 SCHEDULE OF FUNCTIONS ATTENDED BY THE CHIEF EXECUTIVE

Proposed Clr Jack
Seconded Clr Brien

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

MOTION CARRIED
7 AFFIXING OF THE COMMON SEAL

Proposed Clr Wills
Seconded Clr Stevens

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

<table>
<thead>
<tr>
<th>Date</th>
<th>Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>28 May 2014</td>
<td>Warrant of Appointment Rachel Hermens – Parking Warden, Enforcement Officer, Bylaw Officer</td>
</tr>
<tr>
<td>28 May 2014</td>
<td>Warrant of Appointment Jared Thomas Fitzgerald – Parking Warden, Enforcement Officer, Bylaw Officer</td>
</tr>
<tr>
<td>28 May 2014</td>
<td>Warrant of Appointment Michael Nicholls – Parking Warden, Enforcement Officer, Bylaw Officer</td>
</tr>
<tr>
<td>28 May 2014</td>
<td>Warrant of Appointment Paula Ridgway – Parking Warden, Enforcement Officer, Bylaw Officer</td>
</tr>
</tbody>
</table>

MOTION CARRIED

8 CONTRACTS LET BY THE CHIEF EXECUTIVE UNDER DELEGATED AUTHORITY

Proposed Clr Tierney
Seconded Clr Mulvey

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

<table>
<thead>
<tr>
<th>Contract Number / Description</th>
<th>Number of Tenders</th>
<th>Price Range $</th>
<th>Successful Tenderer and Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract 2119 - Coastal Revegetation Maintenance</td>
<td>3</td>
<td>$78,640.00 to $82,600.00</td>
<td>Coastal Maintenance $78,640.00</td>
</tr>
<tr>
<td>Contract 2125 – Social Housing Units Ground Maintenance</td>
<td>2</td>
<td>$81,242.00 to $508,817.82</td>
<td>Midland Contracting Ltd $81,242.00</td>
</tr>
</tbody>
</table>

Tenders were evaluated by the Weighted Attribute Method

All prices exclude GST.”

MOTION CARRIED
9 **ANNUAL PLAN 2014/15**
The Council considered a report by the Corporate Planning Manager recommending the adoption of the Council 2014/15 Annual Plan, and noting that the document now includes all the changes made as a result of the submissions.

Proposed Clr Tierney
Seconded Clr Brien

“That the Timaru District Council Annual Plan 2014/15 be adopted in accordance with Section 95 of the Local Government Act 2002.”

MOTION CARRIED

10 **BALANCED BUDGET REQUIREMENT** *(File C5/17/3)*
The Council considered a report by the Group Manager Corporate Services requesting permission for an unbalanced budget in the 2014/15 Annual Plan.

Proposed Clr Tierney
Seconded Clr Jack

“That in accordance with Section 100 of the Local Government Act 2002, the Council resolves to permit an unbalanced budget in the Annual Plan for the year commencing 1 July 2014.”

MOTION CARRIED

11 **RESOLUTION TO SET RATES** *(File R1/2)*
The Council considered the resolution to set the rates for the year commencing on 1 July 2014 and ending on 30 June 2015.

The Group Manager Corporate Services advised that some other councils have had difficulties regarding the completeness of their rates resolutions. However TDC’s rates resolution and funding impact statement have been reviewed by legal advisers and comply with all the necessary requirements.

Proposed Clr Burt
Seconded Clr Stevens

“That the following resolution to set and assess rates for the year commencing 1 July 2014, and ending on 30 June 2015, be adopted:

**TIMARU DISTRICT COUNCIL**

**RESOLUTION TO SET RATES**
Timaru District Council has adopted its Annual Plan for 2014-15. It has made no changes to its proposed rating policy as a result of submissions received during the special consultative procedure and is now moving to set and assess the rates described in its rating policy.

1 That the Timaru District Council set the following rates under the Local Government (Rating) Act 2002, on rating units in the district for the financial year commencing 1 July 2014 and ending on 30 June 2015. Such rates shall become due and payable by instalments on the dates prescribed in clause 13 of this resolution.
2 All rates and charges are inclusive of the Goods and Services Tax (GST).

3 General Rate

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

<table>
<thead>
<tr>
<th>Category</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Timaru District - Accommodation</td>
<td>$0.01246</td>
</tr>
<tr>
<td>Timaru District - Commercial Central</td>
<td>$0.01246</td>
</tr>
<tr>
<td>Timaru District - Commercial Other</td>
<td>$0.01246</td>
</tr>
<tr>
<td>Timaru District - Community Services</td>
<td>$0.00296</td>
</tr>
<tr>
<td>Timaru District - Industrial</td>
<td>$0.01246</td>
</tr>
<tr>
<td>Timaru District - Primary</td>
<td>$0.00106</td>
</tr>
<tr>
<td>Timaru District - Recreational</td>
<td>$0.00296</td>
</tr>
<tr>
<td>Timaru District - Residential General</td>
<td>$0.00296</td>
</tr>
<tr>
<td>Timaru District - Residential Multi Unit</td>
<td>$0.00607</td>
</tr>
</tbody>
</table>

4 General Charge

That pursuant to Section 15(1)(a) of the Local Government (Rating) Act 2002 a uniform annual general charge of $486.00 per rating unit be assessed on every rating unit within the Timaru District.

Provided that where any two or more separate rating units are owned by the same ratepayer; used jointly as a single unit and are contiguous or separated only by a road, railway, drain, water race, river or stream they shall be deemed to be one unit for the purpose of the setting and assessing of this uniform annual general charge.

5 Community Works and Services Rates

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

<table>
<thead>
<tr>
<th>Community Area</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Geraldine</td>
<td>$0.00151</td>
</tr>
<tr>
<td>Rural</td>
<td>$0.00006</td>
</tr>
<tr>
<td>Temuka</td>
<td>$0.00227</td>
</tr>
<tr>
<td>Timaru</td>
<td>$0.00142</td>
</tr>
</tbody>
</table>

6 Aquatic Centre Rate

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

<table>
<thead>
<tr>
<th>Type</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential – per separately used or inhabited part</td>
<td>$106.00</td>
</tr>
<tr>
<td>Other – per rating unit</td>
<td>$106.00</td>
</tr>
</tbody>
</table>
7 Rural Fire Protection Rate

That pursuant to Section 16(3)(b) and (4)(a) of the Local Government (Rating) Act 2002 a targeted rural fire protection rate set as a rate in the dollar on the land value of all rating units excluding the urban areas of Pleasant Point, Geraldine, Temuka and Timaru.

Rural Fire Protection $0.00007

8 Community Board Charges

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

Geraldine $2.00
Pleasant Point $5.00
Temuka $3.50

9 Sewer Charge

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

Sewer Charge $364.00

10 Waste Management Charge

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

(a) of $299.00 per standard size “three bins” provided to each rating unit;
(b) of $400.00 per large “three bins” provided to each rating unit;
(c) of $70.00 per additional small (140 litres) recycling bin provided to each rating unit; and
(d) of $80.00 per additional large (240 litres) recycling bin provided to each rating unit; and
(e) of $112.00 per additional small (140 litres) compost bin provided to each rating unit; and
(f) of $133.00 per additional large (240 litres) compost bin provided to each rating unit; and
(g) of $140.00 per additional small (140 litres) rubbish bin provided to each rating unit; and
(h) of $200.00 per additional large (240 litres) rubbish bin provided to each rating unit.
11 Water Charges

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

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

A differential annual charge of $247.00 per separately used or inhabited part on each rating unit or separately used or inhabited part of a residential rating unit receiving an ordinary water supply and $123.50 per rating unit on all rating units situated within 100 metres from any part to the water works to which water can be but is not supplied within the urban areas.

(b) Rural

(i) The Rangitata-Orari Water Supply District
   A targeted rate of $17.00 per hectare within the rating unit.

(ii) The Te Moana Downs Water Supply District
   a) A targeted rate of $255.00 for each unit of water supplied;
   b) A targeted rate of $497.50 for each tank except where there is more than one tank to any rating unit as a technical requirement of the scheme, in which case only one charge will apply.

(iii) The Orari Township Water Supply District
   A targeted rate of $364.00 for each unit of water supplied.

(iv) The Seadown Water Supply District
   a) A targeted rate of $14.70 per hectare within the rating unit;
   b) A targeted rate of $367.00 per separately used or inhabited part of a rating unit for each domestic supply;

(v) Beautiful Valley Water Supply District
   A targeted rate of $3.69 per hectare within the rating unit.

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

   a) A targeted rate of $458.00 for each separately used or inhabited part of a rating unit within the Pareora Township and for rating units used as halls within the scheme.
   b) A targeted rate of $785.50 per rating unit for rating units used as schools within the Pareora Township.
   c) In addition a targeted rate of $327.00 for each separate connection (excluding Pareora Township) to the water supply except where there is more than one connection to any rating unit as a technical requirement of the scheme, in which case only one charge will apply.
d) In addition to the charge assessed in (c) above, a targeted rate of $131.00 per unit of water or where water supplied in one half units a charge of $65.50 per half unit.

(c) Water by Meter

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

- Geraldine: $0.58
- Pleasant Point: $0.58
- Seadown: $0.82
- Temuka: $0.58
- Timaru: $0.58
- Winchester: $0.58

12 Community Centre Charges

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

- Claremont Community Centre: $20.00
- Fairview Community Centre: $30.00
- Kingsdown Community Centre: $36.00
- Otipua Community Centre: $20.00

13 Instalment Dates

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

<table>
<thead>
<tr>
<th>Instalment</th>
<th>Due Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>23 September 2014</td>
</tr>
<tr>
<td>2</td>
<td>22 December 2014</td>
</tr>
<tr>
<td>3</td>
<td>20 March 2015</td>
</tr>
<tr>
<td>4</td>
<td>22 June 2015</td>
</tr>
</tbody>
</table>

The due date for metered water targeted rates will be the 20th of the month following invoice date.

14 Method of Calculation of Each Instalment

All Ratepayers

Instalments 1-4: Each instalment will be equal to one quarter (1/4) of the total year’s rates (2014/2015).
15 Discount

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

A discount of 2.50% will be allowed on the total rates set, if the 2014/2015 rates, including any current additional charges, are paid in full on or before 23 September 2014.

16 Penalties

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

(a) A Penalty

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

<table>
<thead>
<tr>
<th>Instalment</th>
<th>Penalty Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>24 September 2014</td>
</tr>
<tr>
<td>2</td>
<td>23 December 2014</td>
</tr>
<tr>
<td>3</td>
<td>23 March 2015</td>
</tr>
<tr>
<td>4</td>
<td>23 June 2015</td>
</tr>
</tbody>
</table>

(b) Further Penalties

A further penalty under section 58(1)(b) and 58(1)(c) of 10% of the amount of the unpaid rates, including any penalties previously imposed will be added on 23 September 2014 and 23 March 2015 to all previous years’ rates and penalties remaining unpaid as at those dates.

Penalties will not be applied to the metered water targeted rate

17 Payment of Rates

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

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

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

MOTION CARRIED
12 RECEIPT OF COMMUNITY BOARD AND COMMITTEE MINUTES

Proposed Clr Jack
Seconded Clr Lyon

“That the minutes of the following meetings be received:

- Resource Planning and Regulation Committee 13 May 2014
- Pleasant Point Community Board 27 May 2014
- Geraldine Community Board 28 May 2014
- Community Development Committee 10 June 2014
- District Services Committee 10 June 2014
- Policy and Development Committee 10 June 2014.”

MOTION CARRIED

13 CONSIDERATION OF PUBLIC FORUM ITEM – AORANGI PARK MOBILE FOOD VENDORS

The Council discussed the viewpoint put forward by AliKatz on the proposal to relocate all mobile food vendors to a new location at Aorangi Park. AliKatz requests that the status quo continue. It was noted that customer support for the mobile food vendors may continue at a new location and vendors have not yet tried the suggested new site to know how it may impact on business. The meeting was advised that all vendors at the park have complied with Council’s regulations and all have the required certification. Council will await the additional report to the Community Development Committee before any further decision is made.

14 EXCLUSION OF THE PUBLIC

Proposed Clr Jack
Seconded Clr Wills

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

Confirmation of Minutes
Hearings Committee
Section 7(2)(b)(ii)

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

Confirmation of Minutes
Tenders Subcommittee Minutes
Section 7(2)(b)(ii)

The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.
**Confirmation of Minutes**  
**Policy and Development Committee and Resource Planning and Regulation Committee meeting**

<table>
<thead>
<tr>
<th>Section</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>7(2)(a)</td>
<td>The withholding of the information is necessary to protect the privacy of natural persons.</td>
</tr>
<tr>
<td>7(2)(b)(ii)</td>
<td>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.</td>
</tr>
<tr>
<td>7(2)(h)</td>
<td>The withholding of the information is necessary to enable the Council to carry out, without prejudice or disadvantage, commercial activities.</td>
</tr>
</tbody>
</table>

**Policy and Development Committee Recommendation - Directorship**

<table>
<thead>
<tr>
<th>Section</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>7(2)(a)</td>
<td>The withholding of the information is necessary to protect the privacy of natural persons.&quot;</td>
</tr>
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</table>

**District Licensing**

<table>
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</thead>
<tbody>
<tr>
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<td>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.</td>
</tr>
</tbody>
</table>

**PrimePort Timaru Ltd**

<table>
<thead>
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<th>Section</th>
<th>Explanation</th>
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</thead>
<tbody>
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<td>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.</td>
</tr>
</tbody>
</table>

**MOTION CARRIED**

**15 READMITTANCE OF THE PUBLIC**

Proposed the Mayor  
Seconded Clr Tierney

“That the public be readmitted to the meeting.”

**MOTION CARRIED**

The meeting concluded at 11.40am.

__________________  
Chairperson
TIMARU DISTRICT COUNCIL
FOR THE MEETING OF 12 AUGUST 2014

Report for Agenda Item No 7

Prepared by Peter Nixon
Chief Executive

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

-----------------------------------------------

Functions Attended by the Mayor

16 June  
Attended Bike and Walk SC Launch

17 June  
Attended SC Community Support Group meeting

18 June  
Met with ADBT Chairperson

19 June  
Met with Hunter Downs Irrigation representatives
Met with ADBT Chief Executive
Attended Volunteering Mid and South Canterbury launch of new database

20 June  
Attended Air Plan review public workshop

21 June  
Attended Aoraki Polytechnic Leadership session

23 June  
Met with Regional Civil Defence Group Controller
Chaired TDHL Board meeting
Met with PrimePort Timaru Ltd Chairperson and directors

24 June  
Chaired Council meeting
Conducted citizenship ceremony

25 June – 4 July  
Sister Cities visit to China and Japan

7 July  
Attended ADBT meeting

8 July  
Met with ADBT Chief Executive

9 July  
Attended Gigatown meeting
Met with St Vincent de Paul representatives
Met with NZ Fire Service
Attended St John Ambulance Challenge function

11 July  
Attended House of the Year function

12 July  
Hosted Orange Sister City representatives
In addition to the above duties I met with 14 members of the public on various matters.

**Functions Attended and Duties Undertaken by Deputy Mayor in Addition to Councillor Duties**

- **30 June**  
  Addressed Temuka/Geraldine Rotary Club

- **7 July**  
  Attended Orari-Opihi-Pareora Water Management Committee meeting

- **11 July**  
  Attended Orari-Opihi-Pareora Water Management Committee workshop

- **12 July**  
  Hosted Orange Sister City representatives

**Recommendation**

That the report be received and noted.
TIMARU DISTRICT COUNCIL
FOR THE MEETING OF 12 AUGUST 2014

Report for Agenda Item No 8

Prepared by Peter Nixon
Chief Executive

Schedule of Functions Attended by the Chief Executive

Functions Attended by the Chief Executive
17 June Te Ana Whakairo Ltd Board meeting
19 June Met with Hunter Downs Irrigation representatives
       Met with ADBT Chief Executive
23 June Met with Regional Civil Defence Group Controller
       Attended TDHL Board meeting
       Met with PrimePort Timaru Ltd Chairperson and directors
24 June Attended Council meeting
       Attended citizenship ceremony
25 June Met with Ministry for Primary Industries representatives
30 June Attended farewell for long serving staff member
2 July Attended roading collaboration meeting
7 July Attended ADBT meeting
12 July Hosted Orange Sister City representatives
14 July Attended Community Awards
15 July Attended National Land Transport Programme briefing
       Te Ana Wakairo board meeting
20-22 July Attended Local Government NZ conference
29 July Attended Standing Committee Meetings

Recommendation

That the report be received and noted.
Report for Agenda Item No 9

Affixing of the Common Seal

Recommendation

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

<table>
<thead>
<tr>
<th>Date</th>
<th>Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>24 July 2014</td>
<td>Warrant of Appointment Leonard Smythe, Development and Renewal Engineer – Enforcement Officer, Bylaw Officer</td>
</tr>
<tr>
<td>24 July 2014</td>
<td>Warrant of Appointment David Laws, Building Advisor – Authorised Officer for the purposes of the Building Act 2004</td>
</tr>
</tbody>
</table>
TIMARU DISTRICT COUNCIL

FOR THE MEETING OF 12 AUGUST 2014

Report for Agenda Item No 10

Prepared by Peter Nixon
Chief Executive

Contract Let by the Chief Executive Under Delegated Authority

Recommendation

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

<table>
<thead>
<tr>
<th>Contract Number / Description</th>
<th>Number of Tenders</th>
<th>Price Range $</th>
<th>Successful Tenderer and Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract 2133 – Domain Avenue Timaru Kerb and Channel Stage 3</td>
<td>6</td>
<td>$134,225.93 to $197,386.71</td>
<td>$134,225.93 Downer NZ Ltd</td>
</tr>
</tbody>
</table>

All prices exclude GST

Tenders were evaluated by the Lowest Price Conforming Method
Report for Agenda Item No 11

Prepared by - Mark Geddes
District Planning Manager

Council Representation for the Timaru District Plan Review

Report Purpose
The purpose of this report is to inform Council of the different representation options for the pending District Plan Review (DPR) and to request that Council agrees a representation model for the DPR. This matter needs to be determined prior to any further Council involvement in the DPR. Staff can commence work on the DPR as soon as Council confirms the representation model.

Background
Although Section 41A of the Local Government Act 2002 (LGA) provides Mayors with the power to establish Council committees, the Mayor has decided in this instance to refer this matter to the full Council. Accordingly, Council is required to determine what representation model will be used in making major decisions on the DPR.

Section 14 of the LGA provides principles for local authorities, one of which is to provide opportunities for Māori to contribute to its decision-making processes. Section 81 of the LGA specifically requires local authorities to:

- (a) establish and maintain processes to provide opportunities for Māori to contribute to the decision-making processes of the local authority; and
- (b) consider ways in which it may foster the development of Māori capacity to contribute to the decision-making processes of the local authority; and
- (c) provide relevant information to Māori for the purposes of paragraphs (a) and (b).

In making a judgment on this matter, a local authority must have regard to its role as prescribed by the LGA and such other matters as the local authority considers on reasonable grounds to be relevant to those judgments.

Note the second phase of the RMA reform proposes further Māori representation. However, these reforms have been put on hold due to lack of coalition party support.

Options

Option Identification
The following are representation options for the DPR for consideration:

1. All Councillors
2. Smaller group of Councillors
3. Mixture of Councillors and -
   a. Community Board Members; or
   b. Commissioner(s); or
   c. Iwi representative; or
   d. Community Board Members, Iwi representative and Commissioner(s)

4. Commissioner or Group of Commissioners.

A different representation model prior to and post notification is worth closely considering. For example, all Councillors could be involved prior to notification in developing the proposed plan, while a smaller group of Councillors could be involved post notification in the hearings and decision making on submissions. Alternatively, all Councillors could be involved post notification, but would be split into sub-groups, each dealing with separate matters.

Option Assessment

The pros and cons with each type of representation model are briefly addressed in turn below.

<table>
<thead>
<tr>
<th>All Councillors</th>
</tr>
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<tbody>
<tr>
<td><strong>Pros</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Cons</strong></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Small Group of Councillors</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Pros</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Cons</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Full Council and Iwi representative</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Pros</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Cons</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Mixture of Councillors and Community Board Members</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Pros</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Cons</strong></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Mixture of Councillors and Commissioner(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Pros</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Cons</td>
</tr>
<tr>
<td>- Expensive (with Commissioners)</td>
</tr>
</tbody>
</table>

Mixture of Councillors, Iwi representative, Community Board Members and Commissioner(s)

| Pros  | - Broader representation  |
| - Increased local knowledge  |
| - Increased technical knowledge  |
| - Less time commitment for whole Council (assuming not all Councillors involved)  |
| - Iwi representation  |

| Cons  | - Councillors not involved will have little understanding, ownership and control of the DPR  |
| - Most Community Boards have a representative on Council anyway  |
| - More expensive (with Commissioner(s))  |

Commissioner or Group of Commissioners

| Pros  | - Technically superior decisions  |
| - No/less time commitment for Councillors  |

| Cons  | - Expensive (with one Commissioner), extremely expensive (with Group of Commissioners)  |
| - Loss of local knowledge  |
| - No local representation  |
| - Councillors not involved will have little understanding, ownership and control of the DPR  |

### Discussion of Options

The importance of political ownership and knowledge of the DPR should not be underplayed. District Plan’s (DPs) are only effective if they are implemented appropriately. If Councillors have full knowledge and ownership of a DP, they are in a far better position to administer it appropriately.

Whatever representation model is used, it is often helpful to have a balance, or a variety of political views and experience represented. This will help ensure balanced decision making and assist in ensuring the community as a whole are represented.

Individual Councillors preferences are also relevant. Some Councillors may or may not have interest in the DPR. Full involvement of the Council in the DPR from the outset prevents the likelihood of Councillors wanting involvement at the decision stage of the process when they were not involved at the start. This could occur when contentious issues arise.

There are examples of all of the above decision making models working effectively. Western Bay of Plenty and Rotorua District Council included all Councillors in their DPR, which apparently worked extremely well. Hauraki District Council used a group of five Councillors, which also worked reasonably well, although they did find that the Councillors not involved lacked understanding and ownership of planning matters. All of Environment Canterbury’s Commissioners were involved in the production of their Proposed Regional Policy Statement. However, for timing and resource reasons, a
group of three independent Commissioners made the decisions on submissions. This cost approximately $1 million.

Whatever representation model is chosen, it should be recognised that the decision making group will need to make numerous hard decisions on often highly contentious and complicated issues. DP's can have significant effects on people and the environment, including effects which can have intergenerational consequences. There is often a lack of information about resource management issues and often individuals in the decision making group are likely to have diverse values, ideas and points of view. Unlike the decisions made under the LGA, the RMA allows appeals on the merit of the Council's decisions. This means that decisions have to be robust and defensible against possible appeals. Therefore, the robustness of decision making is a relevant consideration when considering any representation and decision making model under the RMA.

Some basic RMA training for Councillors was conducted on 11 June 2014. However despite this, it is important that any elected members participating in the DPR complete the Ministry for the Environment's ‘Making Good Decisions Programme’, if they have not already done so. This programme will provide elected members with a good working knowledge of the RMA; help them to make better decisions under the RMA; and give them the skills they will need to run fair and effective hearings. Successful completion of this course is now required by the RMA if Councillors are to take part in Hearings Panels. Councillors Mulvey, Stevens and Tierney are current certificate holders of the ‘Making Good Decisions Programme’. The Mayor and Councillors Lyon and Earnshaw have previously been certificate holders. Some Councillors may be required to attend the refresher course as registration expires after five years.

A Commissioner(s) could assist any of the above representation models at any stage of the process. Commissioners are most useful in running hearings and in helping make decisions on submissions. However, staff can also provide this service, which of course would be considerably cheaper. The Council can seek independent advice and legal Counsel at any time throughout the process. A useful approach may be to use Commissioners to assist Council on contentious or difficult decisions at the end of the process. Straight forward and less contentious matters could be dealt with by the Council.

In terms of iwi representation, the best option to establish and maintain processes to provide opportunities for iwi to contribute to the decision-making processes of the local authority, is to retain the current position that iwi have on the Resource Planning and Regulatory Committee and invite an iwi representative to all Council workshops that relate to the DPR.

In considering how to foster the development of the capacity of Māori to contribute to the decision-making processes of the local authority, a suitable option would be to engage a consultant specialising in Māori resource management to consult iwi and report back to Council. Environment Canterbury has recently used this approach with success in the development of their Regional Policy Statement. It is crucial that the consultant used is acceptable to Iwi.

Council should also make its best endeavours to provide all relevant information to iwi about the DPR.
Identification of Relevant Legislation, Council Policy and Plans
- Local Government Act
- Resource Management Act
- District Plan

Assessment of Significance
This matter is not deemed significant under Council’s significance policy.

Consultation
No public consultation is considered necessary on this matter.

Other Considerations
There are no other considerations relevant to this matter.

Funding Implications
As stated above, the involvement of Commissioners comes at a significant cost and therefore if they are to be used, they should be used judiciously. As salaries for elected members do not alter with the amount of meetings attended, there are no cost implications with having more elected members involved.

Conclusion
Taking into account the above assessment it is recommended that a split representation model is used. This would entail all Councillors (including an Iwi representative) being involved in the DPR prior to notification of a proposed plan. Post notification the Council could be broken into sub-groups to deal with separate parts of the proposed plan. At hearing stage, independent Commissioners may be used to chair the hearings committee and write decisions based on how complex and controversial the issues involved are. A consultant specialising in Māori resource management should be engaged to consult iwi and report back to Council.

Recommendations
1. That this report be received.
2. That all Councillors are involved in the District Plan Review prior to notification of the proposed plan.
3. That prior to notification of the proposed plan, all Council decisions on the District Plan Review should be made by the Resource Planning and Regulatory Committee.
4. That post notification of the proposed plan, the Council is broken into agreed sub-committees to deal with separate parts of the proposed plan. The composition of these sub-committees should be determined post notification when an understanding of what the major issues are can be obtained.
5. That at the stage of hearing submissions on the proposed plan, an Independent Commissioner(s) will be considered to chair the hearings committee and write decisions. The decision on whether to use a Commissioner(s) or not will be based on the complexity of the issues involved and the availability of Councillors with the appropriate hearing accreditation.
6. That Council’s statutory obligations regarding iwi contribution to decision making processing in relation to the District Plan Review are implemented by:

   a. Retaining a place for an Iwi representative on the Resource Planning and Regulatory Committee and any relevant sub-committee that addresses a matter of concern to Maori.

   b. Inviting the Iwi representative to all Council workshops on the District Plan Review.

   c. Council engaging a consultant acceptable to iwi who specialises in Maori resource management to liaise with local Iwi on behalf of Council.

   d. Council making best endeavours to provide all relevant information to iwi about the District Plan Review.

7. To ensure Council has an appropriate knowledge of the RMA, Councillors are recommended to complete the Ministry for the Environment’s ‘Making Good Decisions’ course if they have not already done so.
Based on the 2014/15 Annual Plan, the Council will during the course of 2014/15 raise by way of loan finance up to $21,288,200 in new loans, including a loan for Downlands Water Supply. Of this, $11,873,650 will be used to repay loans that are expiring. The net increase in borrowing will be $9,414,550.

**New Loans**

During 2014/15 the Council is planning to raise new loans for the following purposes:

- Subsidised Roading: $3,849,700
- Sewer upgrade: $6,431,600
- Urban water upgrades (replacement loan): $350,000
- Downlands Water Supply: $4,000,000
- Te Moana Water Supply: $1,900,000
- Solid Waste site development: $2,040,900
- Swimming pools (replacement loan): $1,512,500
- Parking (replacement loan): $783,300
- Parks development: $420,200

**Total for New Loans: $21,288,200**

The funds will be raised through the following loan:

- Development loan No. 1 2014: $17,288,200
- Development Loan No. 2 2014 (DWS): $4,000,000

These loans will be raised via a combination of bank debt facilities, bond issuance or via the Local Government Funding Agency.

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

- Subsidised Roading: $1,357,500
- Sewer: $6,100,300
- Urban Water: $360,000
- Solid Waste Operations: $1,032,250
- Aquatic Centre: $1,775,000
- Parks: $308,600
- Parking: $940,000

**Total for Loans Expiring: $11,873,650**
Recommendations

1 That this report be received and noted.

2 That the Council adopts the attached resolution in regard to the following loan:
   
   Development Loan No. 1 2014 $17,288,200
   Development Loan No. 2 2014 (DWS) $4,000,000
WHEREAS:

A. As required by the Local Government Act 2002 ("the Act"), the Council has adopted the funding and financial policies set out in section 102(2) of the Act, which are outlined in the Council's Long Plan ("LTP").

B. The Council borrows as it considers appropriate and exercises its flexible and diversified borrowing powers pursuant to the Local Government Act 2002 and the Local Government Borrowing Act 2011. The Council recognises that it can essentially act as a normal corporate entity in its borrowing activities. The Council approves, by resolution, the borrowing requirement for each financial year during the LTP or Annual Planning process.

C. It is necessary for the Council to delegate to certain Council officers, the authority to agree to precise terms and conditions of any borrowing or incidental arrangement, and any security to be given by the council.

RESOLUTIONS

It was therefore resolved by the Council that:

1. The Council borrows as provided in the LTP, Annual Plan and subsequent Council decisions as to any limits set out in the Liability Management policy under section 102(2)(b) of the Act.

2. Such borrowing shall be secured by the issue of Stock under the terms of the Council's Debenture Trust Deed dated 15 May 1998 (as amended 10 September 2002, 29 March 2004, 13 September 201 and 14 February 2014) and, in the case of borrowing from the Local Government Funding Agency ("LGFA"), shall also be secured by a cross guarantee entered into by the Council on 18 February 2013 (which is entered into by all councils borrowing from the LGFA).

3. The Council has considered the risks and benefits to the Council of undertaking such borrowing and incidental arrangements, and giving such security, as provided for in the LTP and the Annual Plan.

4. The Council is satisfied that the general terms and conditions of such borrowing, incidental arrangements and security are in accordance with the Annual Plan and LTP and, in particular, the limits and guidelines set out in the Liability Management Policy and other funding and financial policies of the Council.

5. The following officers of the Council (including any replacement or successor officer):
   - Group Manager Corporate Services; and
   - Finance Manager,
   ("Authorised Persons")
   be authorised to act on the Council's behalf in:
(a) negotiating and agreeing the terms and conditions of each borrowing and/or incidental arrangement entered into by the Council from time to time, in accordance with the LTP (including the funding and financial policies) and the Annual Plan;

(b) negotiating, agreeing and executing all documents and taking all actions as they consider necessary or desirable for the purpose of giving effect to any borrowing or incidental arrangement and any security which may be given in respect thereof.

6. Any Authorised Person may in writing appoint a substitute to exercise any of the authorities conferred upon the appointment or/and may revoke any such appointment from time to time and the references to “Authorised Person” in these Resolutions shall include any such substitute, provided that:

(a) the power of substitution conferred by this Resolution shall not be conferred upon any such substitute; and

(b) a substitute shall not be able to act hereunder jointly with the Authorised Person who appointed him, but may only act with another Authorised Person or a substitute appointed by another Authorised Person.

7. The authorisations set out in Resolutions 5 and 6 above:

(a) shall remain in full force and effect until written notice of their revocation by Council resolution has been received by the Authorised Persons, provided that any person dealing with the Authorised Persons (or any two or more of them) shall be entitled to assume that the authorisations have not been revoked and remain in full force and effect and, in so assuming, shall be protected unless and until he or she has actual notice of such revocation; and

(b) shall be exercisable by the Authorised Persons without, and be valid and effective to bind the Council notwithstanding the absence of, notice to, or approval by, the members of the Council, but (subject to the foregoing) shall not operate to the exclusion of the Councillors’ powers in respect of matters referred to therein, to the effect that the Councillors may continue to exercise those powers themselves notwithstanding the Authorisations.

THE COMMON SEAL of THE
TIMARU DISTRICT COUNCIL

was hereunto affixed by and in the
presence of:

________________________________________ Mayor

________________________________________ Chief Executive Officer
TIMARU DISTRICT COUNCIL
FOR THE MEETING OF 12 AUGUST 2014

Report for Agenda Item No 14

Prepared by Peter Nixon
Chief Executive

Receipt of Community Board and Committee Minutes

Minutes of Community Board and Committee Meetings

Recommendation

That the minutes of the following meetings be received:

Temuka Community Board 7 July 2014
Geraldine Community Board 9 July 2014
Community Development Committee 29 July 2014
Resource Planning and Regulation Committee 29 July 2014
District Services Committee 29 July 2014
Policy and Development Committee 29 July 2014
Exclusion of the Public

Recommendation

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

Confirmation of Minutes

Section 7(2)(a)  The withholding of the information is necessary to protect the privacy of natural persons."

Section 7(2)(b)(ii)  The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.

Section 7(2)(h)  The withholding of the information is necessary to enable the Council to carry out, without prejudice or disadvantage, commercial activities.