



AGENDA

Ordinary Council Meeting Thursday, 31 October 2019

Date Thursday, 31 October 2019

Time 3pm

Location Council Chamber
District Council Building
King George Place
Timaru

File Reference 1291353

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 Thursday 31 October 2019, at 3pm.

Council Members

Clrs Richard Lyon, Peter Burt, Steve Wills, Paddy O'Reilly, Sally Parker, Nigel Bowen, Barbara Gilchrist, Allan Booth, Stu Piddington and Gavin Oliver

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

Order Of Business

1 Opening Prayer 5

2 Apologies 5

3 Public Forum 5

4 Identification of Urgent Business 5

5 Identification of Matters of a Minor Nature 5

6 Declaration of Conflicts of Interest 5

7 Reports 6

Swearing in Ceremony

7.1 Declaration by the Mayor..... 6

7.2 Declaration by Councillors..... 7

Council Reports

7.3 General Explanation by the Chief Executive 8

7.4 Community Board, Committee and Council Meeting Dates..... 12

7.5 Appointment of Deputy Mayor 13

7.6 Council Committees 15

7.7 Appointments..... 31

7.8 Appointments to Council Organisations and Joint Committees 34

7.9 Council Appointments and Delegations to Community Boards 45

7.10 District Plan Review - Drafting Process and Appointments 47

8 Consideration of Urgent Business Items..... 60

9 Consideration of Minor Nature Matters..... 60

10 Public Forum Items Requiring Consideration..... 60

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

7 Reports

7.1 Declaration by the Mayor

Author: Bede Carran, Chief Executive

Authoriser: Bede Carran, Chief Executive

Declaration

Nigel William Bowen who as a result of the Elections held during the period commencing on Friday 20 September 2019, and ending on Saturday 12 October 2019, was duly elected to be MAYOR of the Timaru District, will be requested to make and sign a declaration as required by the provisions of Clause 14, Schedule 7 of the Local Government Act 2002.

The wording of the declaration is below.

Declaration by Mayor

I, [insert name], declare that I will faithfully and impartially, and according to the best of my skill and judgment, execute and perform, in the best interests of Timaru District, the powers, authorities, and duties vested in, or imposed upon, me as Mayor of the Timaru District Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Attachments

Nil

7.2 Declaration by Councillors**Author:** Bede Carran, Chief Executive**Authoriser:** Bede Carran, Chief Executive**Declaration**

Those persons who as a result of the elections held during the period commencing on Friday 20 September 2019 and ending on Saturday 12 October 2019, were duly elected as Councillors of the Timaru District, will be requested to make and sign declarations as required by the provisions of Clause 14, Schedule 7 of the Local Government Act 2002.

Allan Peter BOOTH

Peter John BURT

Barbara Jane GILCHRIST

Richard Leslie LYON

Gavin Peter OLIVER

Patrick Anthony O'REILLY

Sally Belinda PARKER

Stuart Bruce PIDDINGTON*

Stephen Albert WILLS

* Stuart Piddington has given notice of an apology for the meeting and will make his declaration at the next Council meeting.

The wording of the declaration is below.

Declaration by Member

I, [full name of Member], declare that I will faithfully and impartially, and according to the best of my skill and judgment, execute and perform, in the best interests of Timaru District, the powers, authorities, and duties vested in, or imposed upon, me as Member of the Timaru District Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Attachments**Nil**

7.3 General Explanation by the Chief Executive

Author: Bede Carran, Chief Executive

Authoriser: Bede Carran, Chief Executive

Recommendation

That the Council notes the advice of the Chief Executive regarding key legislation that applies to members of the Council, its Committees and Community Boards.

Purpose of Report

- 1 To give the overview of key legislation applying to members of the Council, its Committees and Community Boards.

Assessment of Significance

- 2 This matter is important and the report is a statutory requirement. However, in respect of Council's Significance and Engagement Policy it does not require direct community engagement and consultation.

Background

- 3 Clause 21(5)(c) to Schedule 7 of the Local Government Act 2002 (**LGA**) requires the Chief Executive to give a general explanation of the following Acts at the first meeting:
 - The Local Government Official Information and Meetings Act 1987 (**LGOIMA**); and
 - Other laws affecting members, including:
 - The appropriate provisions of the Local Authorities (Members Interests) Act 1968; and
 - Sections 99, 105 and 105A of the Crimes Act 1961; and
 - The Secret Commissions Act 1910; and
 - Financial Markets Conduct Act 2013

Discussion

Local Government Official Information and Meetings Act 1987

- 4 The LGOIMA has the following purposes under section 4:
 - To increase progressively the availability to the public of official information held by local authorities, and to promote the open and public transaction of business at meetings of local authorities, in order –
 - to enable more effective participation by the public in the actions and decisions of local authorities; and
 - to promote the accountability of local authority members and officials,-and thereby to enhance respect for the law and to promote good local government in New Zealand.

- To provide for proper access by each person to official information relating to that person.
 - To protect official information and the deliberations of local authorities to the extent consistent with the public interest and the preservation of personal privacy.
- 5 Most requests for information held by Council (and Elected Members in their official capacity) that are made to Council come within the ambit of the LGOIMA. Any person can ask for official information. Broadly, official information is any information held by a local authority. There are exclusions for (in summary):
- information held in libraries and museums and held for reference or exhibition purposes;
 - information held as an agent or for safe custody and held on behalf of another person or local authority;
 - information contained in correspondence and communication that has taken place between the office of the Ombudsmen and the local authority;
 - information contained in correspondence and communication that has taken place between the office of the Privacy Commissioner and the local authority and which relates to an investigation by the Privacy Commissioner.
- 6 Section 5 of the LGOIMA stipulates that the principle to be applied when dealing with requests for information is that the information will be provided unless good reason exists for withholding it.
- 7 The 'good reasons' for withholding information are specified in sections 6 and 7 of the LGOIMA, and include (but are not limited to) the following:
- The making available of that information would be likely to prejudice the maintenance of the law, including the prevention, investigation and detection of offences, and the right to a fair trial (section 6(a)).
 - The making available of that information would be likely to endanger the safety of any person (section 6(b)).
 - To protect the privacy of natural persons, including that of deceased natural persons (section 7(2)(a)).
 - 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)(b)(ii)).
 - To enable the local authority to carry out without prejudice or disadvantage commercial activities (section 7(2)(h)).
 - To maintain legal professional privilege (section 7(2)(g)).
 - To enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial or industrial negotiations) (section 7(i)).
- 8 These grounds are always subject to considering whether the public interest justifies releasing the information.
- 9 The LGOIMA also contains 'rules' for the conduct of meetings of Council under Part 7. These 'rules', that must be observed, are additional to those contained in Schedule 7 of the LGA or in the Council's Standing Orders. The 'rules' imposed on meetings by LGOIMA are intended to ensure that:
- Meetings of Council and its Committees are publicly notified (section 46).

- Members of the public can obtain copies of agendas of all meetings, including the reports and other information to be provided to members for consideration and discussion at the meetings (section 46A).
- All the business dealt with at the meeting will be listed in the agenda for the meeting. However, an item that is not on the agenda can be considered at a meeting if special circumstances exist and procedures and restrictions imposed by the LGOIMA are observed (section 46A).
- The public may only be excluded from a meeting or part of a meeting on one of the grounds specified in the LGOIMA (section 48). In general terms, the LGOIMA permits an item to be discussed in private if to do so in public would be likely to result in the disclosure of information which the Council has good reason to withhold for one of the reasons set out in sections 6 or 7. The LGOIMA also stipulates the procedure to be followed at a meeting where it is intended to conduct some business in the absence of the public.

10 Compliance with LGOIMA by Elected Members and Council staff is supervised by the Office of the Ombudsman, which has wide powers to investigate and make recommendations.

Local Authorities (Members Interest) Act 1968

- 11 The Local Authorities (Members' Interest) Act 1968 (**Members' Interest Act**) stipulates that any member who has "...directly or indirectly, any pecuniary interest, other than an interest in common with the public" in any matter before the Council shall not vote on the matter or take part in its discussion (section 6(1)).
- 12 Instances where a member is deemed to have a pecuniary interest are set out in section 6 of the Members' Interest Act. In particular, the interest of a spouse and certain involvement in a company is deemed to be the interest of the member for the purposes of the Members' Interest Act.
- 13 Section 6 also identifies situations that are deemed not to create a pecuniary interest.
- 14 Section 3 of the Members' Interest Act limits the extent to which a member may act as a contractor [or subcontractor] to the Council. Any member who earns more than \$25,000 in any financial year from contracts with the Council is automatically disqualified from office unless prior Audit Office approval to the excess is obtained.

Crimes Act 1961

- 15 Under section 105(1) of the Crimes Act 1961, every "official" who corruptly accepts or obtains, or agrees or offers to accept or attempts to obtain, any bribe is liable to imprisonment for a term not exceeding seven years.
- 16 Under section 105(2) of the Crimes Act 1961, every "official" who corruptly gives or offers or agrees to give any bribe to any person with intent to influence any "official" is liable to imprisonment for a term not exceeding seven years.
- 17 Under section 105A of the Crimes Act 1961, every "official" who corruptly uses or discloses any information acquired by him in his official capacity to obtain directly or indirectly an advantage or a pecuniary gain for himself or any other person is liable to imprisonment for a term not exceeding seven years.
- 18 Section 99 is an interpretation clause and contains the definition of "official". The term includes "... any member or employee of any local authority..."

Secret Commissions Act 1910

- 19 As its title suggests, the Secret Commissions Act 1910 (**SCA**) has the purpose of prohibiting secret commissions which term includes gifts and all other forms of valuable consideration.
- 20 Under the SCA, a member of the Council could commit an offence by, for example:
- Corruptly accessing or soliciting gifts as an inducement or reward for carrying out, or forbearing to carry out some act in relation to the Council's business; or
 - Securing a Council contract for a third person in exchange for a reward; or
 - By falsifying receipts.

Financial Markets Conduct Act 2013

- 21 If the Council seeks to borrow money from members of the public, it must ensure that any offer of debt securities is made in compliance with the Financial Markets Conduct Act 2013 (**FMCA**) which includes issuing a product disclosure statement for a regulated offer. This is not something Council currently does or proposes to do at this time.
- 22 The penalties for breach of the FMCA are severe, with liability potentially applying to both the Council and members individually.

Health and Safety at Work Act

- 23 Council is the person conducting a business or undertaking (**PCBU**) and Councillors and the Chief Executive are the Officers of the PCBU.
- 24 Officers must exercise due diligence to ensure the PCBU is meeting its health and safety obligations.
- 25 Elected members are exempted from most offences but still have due diligence duties (section 52).

Financial and Funding Implications

- 26 There are no financial and funding implications arising from this report.

Attachments

Nil

7.4 Community Board, Committee and Council Meeting Dates

Author: Bede Carran, Chief Executive

Authoriser: Bede Carran, Chief Executive

Recommendation		
That for the period to 31 December 2019 Community Board, Committee and Council meetings be held as follows:-		
Community Boards		
Temuka	Monday 11 November	5.00pm
Pleasant Point	Tuesday 12 November	7.30pm
Geraldine	Wednesday 13 November	7.30pm
Safer Communities Committee	Wednesday 14 November	3.00pm
Committee Meetings		
Environmental Services <i>followed by</i>	Tuesday 26 November	9.30am
Infrastructure <i>followed by</i>		
Community Services <i>followed by</i>		
Commercial and Strategy		
Audit and Risk Committee	Tuesday 3 December	11am
Local Arts Assessment Subcommittee	Thursday 5 December	12.30pm
Council Meeting	Tuesday 26 November	9.00am
	Tuesday 10 December	3.00pm

Purpose of Report

- 1 To confirm the Community Board, Committee and Council meetings for the period to 31 December 2019.
- 2 The draft 2020 Council meeting planner will be presented to the 10 December Council meeting.

Attachments

Nil

7.5 Appointment of Deputy Mayor

Author: Nigel Bowen, Mayor

Authoriser: Bede Carran, Chief Executive

Recommendation

That Council:

- (a) Resolves which voting system (System A or System B under clause 25(4) of Schedule 7 of the Local Government Act 2002) is to be used to elect or appoint the deputy mayor; and
- (b) Elects or appoints the deputy mayor by way of the selected voting system, pursuant to clause 17(1) of the Local Government act 2002.

Purpose of Report

- 1 To elect or appoint the deputy mayor.

Background

- 2 Timaru District Council is a territorial authority under the Local Government Act 2002 (LGA).
- 3 Pursuant to clause 17(1) of the LGA, a territorial authority must elect 1 of its members to be its deputy mayor.
- 4 The role of deputy mayor:
 - (a) The deputy mayor of a territorial authority must perform all the responsibilities and duties, and may exercise all the powers, of the mayor,—
 - (i) with the consent of the mayor, at any time during the temporary absence of the mayor;
 - (ii) without that consent, at any time while the mayor is prevented by illness or other cause from performing the responsibilities and duties, or exercising the powers, of his or her office;
 - (iii) while there is a vacancy in the office of the mayor or chairperson.
 - (b) In the absence of proof to the contrary, a deputy mayor acting as mayor is presumed to have the authority to do so.
 - (c) A deputy mayor continues to hold his or her office as deputy mayor, so long as he or she continues to be a member of the territorial authority, until the election of his or her successor.
- 5 A mayor has the power to appoint the deputy mayor (s41A(3) LGA), for the purposes of fulfilling his or her own role as mayor (s41A(1)&(2)). A territorial authority does have the power to remove a deputy mayor appointed by a mayor (s41A(4)(a) LGA).

- 6 As I have declined to exercise my power to appoint the deputy mayor, Council must elect one of its members to be its deputy mayor (s41A(7)(a) LGA, clause 17(1) of Schedule 7 LGA). The election must be made in accordance with clause 25 of Schedule 7 of the LGA.

Discussion

- 7 Councillors will need to vote to appoint a deputy mayor, with nominations put forward at the meeting.
- 8 Council needs to determine which voting system will be used to elect or appoint the deputy mayor, System A or System B, under clause 25 of Schedule 7 of the LGA, and as explained below. Put simply, System A features potentially several rounds of voting with an unsuccessful candidate dropping off in each round. System B has one round of voting and if candidates tie, the decision is made by lot
- 9 If this clause applies, a local authority or a committee (if the local authority has so directed) must determine by resolution that a person be elected or appointed by using one of the following systems of voting:
- 10 **System A—**
- (a) requires that a person is elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee present and voting; and
 - (b) has the following characteristics:
 - (i) there is a first round of voting for all candidates; and
 - (ii) if no candidate is successful in that round there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and
 - (iii) if no candidate is successful in the second round there is a third, and if necessary subsequent, round of voting from which, each time, the candidate with the fewest votes in the previous round is excluded; and
 - (iv) in any round of voting, if 2 or more candidates tie for the lowest number of votes, the person excluded from the next round is resolved by lot.
- 11 **System B—**
- (a) requires that a person is elected or appointed if he or she receives more votes than any other candidate; and
 - (b) has the following characteristics:
 - (i) there is only 1 round of voting; and
 - (ii) if 2 or more candidates tie for the most votes, the tie is resolved by lot.

Relevant Legislation, Council Policy and Plans

Local Government Act 2002, Timaru District Council Standing Orders

Attachments

Nil

7.6 Council Committees

Author: Nigel Bowen, Mayor

Authoriser: Bede Carran, Chief Executive

Recommendation

1. That Council:
 - a. Establishes the Committees set out in this report, and as detailed in Annexure A.
 - b. Approves the delegations for each of the Committee, as set out in Annexure A.
 - c. Resolves that the Council's Delegations Manual be updated to include these Committees and delegations.

Purpose of Report

1. To establish Committees of Council, the membership of and delegations for those Committees, pursuant to clauses 30, 31 and 32 of Schedule 7 of the Local Government Act 2002 (LGA).

Discussion

2. Pursuant to clause 30(1)(a) of the LGA, a local authority may appoint the committees, subcommittees and other subordinate decision-making bodies that it considers appropriate.
3. Under clause 32(1) of Schedule 7 of the LGA, unless expressly provided otherwise in the LGA, or any other Act, for the purposes of efficiency and effectiveness in the conduct of a local authority's business, a local authority may delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority any of its responsibilities, duties, or powers except—
 - (a) the power to make a rate; or
 - (b) the power to make a bylaw; or
 - (c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan; or
 - (d) the power to adopt a long-term plan, annual plan, or annual report; or
 - (e) the power to appoint a chief executive; or
 - (f) the power to adopt policies required to be adopted and consulted on under this Act in association with the long-term plan or developed for the purpose of the local governance statement; or
 - (g) the power to adopt a remuneration and employment policy.
4. The Mayor wishes to recommend, at the Council meeting on 31 October 2019, that Council establishes the following Committees, with the functions and membership set out in Annexure A:

Standing Committees of Council with membership comprising the Mayor and all Councillors:

- (a) Environmental Services Committee
- (b) Community Services Committee (previously the Community Development Committee)

- (c) Infrastructure Committee
- (d) Commercial and Strategy Committee (previously the Policy and Development Committee)

Other Committees:

- (a) Hearings Committee
 - (b) People and Performance Committee (previously the Industrial Relations Committee)
 - (c) Audit and Risk Committee (previously a Subcommittee)
 - (d) Tenders and Procurement Committee
 - (e) Director and Trustee Appointment Committee
 - (f) Safer Communities Committee
5. Additionally, at the Council meeting on 31 October 2019, the Mayor intends to recommend to Council that it approves the delegations set out for each Committee in Annexure A, pursuant to clause 32(1) of Schedule 7 of the LGA. This is on the proviso the Council considers the financial delegations for the Committee and whether these ought to be limited, and is subject to the rights and powers reserved by Council. Additionally, and for clarity, the Council will continue to have all of the authority of the Committees.
6. Note the Mayor's appointments of the Chairpersons for the above Committees are set out in a separate report.
7. **Expectations of Committees:** Within its areas of jurisdiction, each Standing Committee is expected to:
- (a) Observe and pursue the goals, objectives and strategies in any strategic plan adopted by the full Council.
 - (b) Maintain regular communications with other committees and the full Council to ensure that the widest possible good is achieved for the community.
 - (c) Within the financial parameters of the Long Term Plan and Annual Plan, approve expenditure that exceeds the delegated authority of officers.
 - (d) Ensure appropriate consultation and communication is undertaken with the community and agencies affecting the activities of the committee.
 - (e) Monitor and respond to changes in legislation governing their jurisdiction.
 - (f) Support Council staff in the achievement of programmes and projects contained in the Long Term Plan.

Relevant Legislation, Council Policy and Plans

8. Local Government Act 2002.

Attachments

Nil

Annexure A – Committees to be established

Environmental Services Committee

Type of Committee	Council Committee
Subordinate to	Council
Subordinate Committees	
Legislative basis	<p>Committee established pursuant to clause 30 and 31 of Schedule 7 of the Local Government Act 2002</p> <p>Committee delegated powers by Council pursuant to clause 32 of Schedule 7 of the Local Government Act 2002</p>
Membership	Mayor, all Councillors, and a representative of Tangata Whenua
Quorum	Five
Functions	<ul style="list-style-type: none"> • Animal and Pest Control • Building Control • Civil Defence • Dangerous Goods • District Planning • Environmental Health • Forest and Rural Fire Control • General Bylaws • Liquor Licensing • Litter Control • Parking Enforcement • Road Naming
Delegations	<ol style="list-style-type: none"> 1. That subject to the following limitations the Environmental Services Committee shall have power to act in all matters concerning the functions granted by Council provided they do not conflict with the stated policy of the Council. 2. That in respect of matters requiring financial input: <ol style="list-style-type: none"> (a) The Committee has the power to approve expenditure where provision has been made in the annual Budget. (b) In respect of matters for which no provision or insufficient provision has been made in the annual Budget, the Committee has the power to approve funding for that activity or other matter provided that in doing so consideration must be given to the impact on and objectives of Timaru District Council.

	<p>(c) That recommendations be made to Council in respect of any proposals for which it is desirable, that provision be made in the Budget for the following financial year.</p> <ol style="list-style-type: none"> 3. That the Committee has delegated power to appoint subcommittees, and to give those subcommittees power to act. 4. That the Committee has delegated power to delegate its power to officers of the Council. 5. That the Committee makes recommendations to Council in respect of any matters within the scope of the Committee being matters contained in Clause 32 (1), Schedule 7 of the Local Government Act 2002. 6. That minutes of Committee meetings contain details of committee decisions made under delegated authority. 7. That Councillors in attendance at subcommittee meetings and working parties, have the opportunity to contribute to the debate.
--	---

Community Services Committee (previously the Community Development Committee)

Type of Committee	Council Committee
Subordinate to	Council
Subordinate Committees	Local Arts Scheme Subcommittee Others TBC
Legislative basis	Committee established pursuant to clause 30 and 31 of Schedule 7 of the Local Government Act 2002 Committee delegated powers by Council pursuant to clause 32 of Schedule 7 of the Local Government Act 2002
Membership	Mayor, all Councillors
Quorum	Five
Functions	<ul style="list-style-type: none"> • Art Gallery • Cemeteries • Community Awards • Community Liaison and Events • Community Grants and Loans (including Creative Communities [Local Arts] and Youth Initiatives) • Employment Initiatives • Forestry • International Relationships (Sister Cities) • Libraries • Monitoring and oversight matters related to the Safer Communities Committee • Museum • Parks and Reserves • Recreation and Sport • Swimming Pools • Tourism • Youth Engagement
Delegations	<p>The Council delegates to the Community Services Committee the following general powers, duties and responsibilities:</p> <ol style="list-style-type: none"> 1. That subject to the following limitations the Community Development Committee shall have power to act in all matters concerning the functions granted by Council provided they do not conflict with the stated policy of the Council. 2. That in respect of matters requiring financial input: <ol style="list-style-type: none"> (a) The Committee has the power to approve expenditure where provision has been made in the annual Budget. (b) In respect of matters for which no provision or insufficient provision has been made in the annual Budget, the Committee has the power to approve

	<p>funding for that activity or other matter provided that in doing so consideration must be given to the impact on and objectives of Timaru District Council.</p> <p>(c) That recommendations be made to Council in respect of any proposals for which it is desirable, that provision be made in the Budget for the following financial year.</p> <ol style="list-style-type: none"> 3. That the Committee has delegated power to appoint subcommittees, and to give those subcommittees power to act. 4. That the Committee has delegated power to delegate its power to officers of the Council. 5. That the Committee makes recommendations to Council in respect of any matters within the scope of the Committee being matters contained in Clause 32 (1), Schedule 7 of the Local Government Act 2002. 6. That minutes of Committee meetings contain details of committee decisions made under delegated authority. 7. That Councillors in attendance at subcommittee meetings and working parties, have the opportunity to contribute to the debate.
--	--

Infrastructure Committee

Type of Committee	Council Committee
Subordinate to	Council
Subordinate Committees	Joint Standing Committee for Governance of the Downlands Water Supply Scheme
Legislative basis	Committee established pursuant to clause 30 and 31 of Schedule 7 of the Local Government Act 2002 Committee delegated powers by Council pursuant to clause 32 of Schedule 7 of the Local Government Act 2002
Membership	Mayor, all Councillors
Quorum	Five
Functions	<ul style="list-style-type: none"> • Airport • Monitoring of Passenger Transport • Parking Areas / Buildings (provision) • Roads, Bridges, Footpaths, Street lighting • Sewerage • Stormwater • Waste Minimisation • Water Supply
Delegations	<p>The Council delegates to the Infrastructure Committee the following general powers, duties and responsibilities:</p> <ol style="list-style-type: none"> 1. That subject to the following limitations the Infrastructure Committee shall have power to act in all matters concerning the functions granted by Council provided they do not conflict with the stated policy of the Council. 2. That in respect of matters requiring financial input: <ol style="list-style-type: none"> (a) The Committee has the power to approve expenditure where provision has been made in the annual Budget. (b) In respect of matters for which no provision or insufficient provision has been made in the annual Budget, the Committee has the power to approve funding for that activity or other matter provided that in doing so consideration must be given to the impact on and objectives of Timaru District Council. (c) That recommendations be made to Council in respect of any proposals for which it is desirable, that provision be made in the Budget for the following financial year. 3. That the Committee has delegated power to appoint subcommittees, and to give those subcommittees power to act.

	<ol style="list-style-type: none"> 4. That the Committee has delegated power to delegate its power to officers of the Council. 5. That the Committee makes recommendations to Council in respect of any matters within the scope of the Committee being matters contained in Clause 32 (1), Schedule 7 of the Local Government Act 2002. 6. That minutes of Committee meetings contain details of committee decisions made under delegated authority. 7. That Councillors in attendance at subcommittee meetings and working parties, have the opportunity to contribute to the debate.
--	---

Commercial and Strategy Committee (previously the Policy and Development Committee)

Type of Committee	Council Committee
Subordinate to	Council
Subordinate Committees	None
Legislative basis	Committee established pursuant to clause 30 and 31 of Schedule 7 of the Local Government Act 2002 Committee delegated powers by Council pursuant to clause 32 of Schedule 7 of the Local Government Act 2002
Membership	Mayor, all Councillors
Quorum	Five
Functions	<ul style="list-style-type: none"> • Accounting (excluding the oversight of compliance with statutory obligations relating to financial responsibilities, which sits with the Audit and Risk Committee) • Budget, Annual Plan and Long Term Plan (LTP) • Economic Development • Electoral Matters • District Promotion • Finance, Investment and Debt • Halls • Housing • Information Systems • Insurance (referrals and recommendations from the Audit and Risk Committee) • Legal (excluding the oversight of legal risks, claims or proceedings to the extent this sits with the Audit and Risk Committee) • Motor Camps • Policy Co-ordination and Alignment • Property Management • Rating • Strategic Planning – Co-ordination, goals and achievement • Theatre Royal • Timaru District Holdings Limited (<i>excluding appointments</i>)
Delegations	<p>The Council delegates to the Commercial and Strategy Committee the following general powers, duties and responsibilities:</p> <ol style="list-style-type: none"> 1. That subject to the following limitations the Commercial and Strategy Committee shall have power to act in all matters concerning the functions granted by Council provided they do not conflict with the stated policy of the Council. 2. That in respect of matters requiring financial input:

	<ul style="list-style-type: none"> (a) The Committee has the power to approve funding where provision has been made in the annual Budget. (b) In respect of matters for which no provision or insufficient provision has been made in the annual Budget, the Committee has the power to approve funding for that activity or other matter provided that in doing so consideration must be given to the impact on and objectives of Timaru District Council. (c) That recommendations be made to Council in respect of any proposals for which it is desirable, that provision be made in the Budget for the following financial year. <ul style="list-style-type: none"> 3. That the Committee has delegated power to appoint subcommittees, and to give those subcommittees power to act. 4. That the Committee has delegated power to delegate its power to officers of the Council. 5. That the Committee makes recommendations to Council in respect of any matters within the scope of the Committee being matters contained in Clause 32 (1), Schedule 7 of the Local Government Act 2002. 6. That minutes of Committee meetings contain details of committee decisions made under delegated authority. 7. That Councillors in attendance at subcommittee meetings and working parties, have the opportunity to contribute to the debate.
--	---

Audit and Risk Committee

Type of Committee	Council Committee
Subordinate to	Council
Subordinate Committees	Nil.
Legislative basis	Committee established pursuant to clause 30 and 31 of Schedule 7 of the Local Government Act 2002
Membership	<p>The Mayor, Chairperson of the Commercial and Strategy Committee, Deputy Chairperson of the Commercial and Strategy Committee, another Councillor and at least one and up to two External Appointees (one of whom will be the Chairperson).</p> <p>With other Councillors able to attend as observers (including during any public excluded items).</p>
Functions	<ul style="list-style-type: none"> • liaise with external auditors, including review of the audit plan, and review of audit findings • review the Accounting Policies, Annual Report, the Audit Report, and be involved in any special audits or discussions with the appointed auditor on technical matters, and • review the internal audit programme and any internal audit findings; and • review Council’s insurance programme and make recommendations to Council and/or the Commercial and Strategy Committee in relation to renewals; • provide oversight of legal risks, claims or proceedings provided (excluding the approval of any legal settlements). • recommend the Annual Report to the Council for adoption, and • provide oversight of compliance with statutory responsibilities relating to financial responsibilities; and • review risk including technical insurance matters and participation in national risk management practices, health and safety risk management and implementation of risk management processes, and • monitoring of corporate risk assessment and the internal controls instituted; and • note any strategic risk be referred to the Policy and Development Committee.
Delegations	The Audit and Risk Committee provides oversight on behalf of Council, and provides advice and makes recommendations to Council (and/or other Committees) but is not authorised to make decisions on behalf of Council.

Hearings Committee

Type of Committee	Council Committee
Subordinate to	Council
Subordinate Committees	
Legislative basis	<p>Committee established pursuant to clause 30 and 31 of Schedule 7 of the Local Government Act 2002</p> <p>Committee delegated powers by Council pursuant to clause 32 of Schedule 7 of the Local Government Act 2002</p>
Membership	<p>Chairperson Environmental Services Committee or Deputy Chairperson Environmental Services Committee; and</p> <p>The Mayor or an alternate Councillor; and</p> <p>One other available Councillor.</p> <p>(All Elected Members on this Committee must have completed and passed the appropriate Resource Management Act training).</p>
Quorum	Two
Delegations	<p>Council delegates to the Hearing Committee all of the duties and decision-making powers within the following areas of responsibility:</p> <p>Resource Management Act 1991</p> <ol style="list-style-type: none"> 1. Matters relating to hearing and making of decisions on resource consent applications, including joint hearings. 2. The making of recommendations on requirements for a designation or heritage order. <p>Other</p> <ol style="list-style-type: none"> 3. Consideration of any matter relating to applications or enforcement action referred to the Committee by the Group Manager Environmental Services. 4. Matters relating to hearings under the provisions of the Dog Control Act 1996. 5. To review any objections to existing or proposed road encroachments and authority to make a final decision. 6. Any other matter that requires Council to hold a hearing that the Mayor refers to the Hearings Committee.

People and Performance Committee

Type of Committee	Council Committee
Subordinate to	Council
Subordinate Committees	None
Legislative basis	Committee established pursuant to clause 30 and 31 of Schedule 7 of the Local Government Act 2002 Committee delegated powers by Council pursuant to clause 32 of Schedule 7 of the Local Government Act 2002
Membership	The Mayor, Deputy Mayor, and the Chairpersons of the Community Services Committee, the Infrastructure Committee, the Commercial and Strategy Committee and the Environmental Services Committee, with other Councillors and the Chair of the Audit and Risk Committee able to attend as observers (including during any public excluded items).
Quorum	Three
Delegations	Council delegates to the People and Performance Committee all of the duties and decision-making powers within the following areas of responsibility: Delegated authority to provide a means of communication between Council and the Chief Executive on industrial/staff issues, and deal with contractual matters between Council and the Chief Executive.

Tenders and Procurement Committee

Type of Committee	Council Committee
Subordinate to	Council
Subordinate Committees	None
Legislative basis	Committee established pursuant to clause 30 and 31 of Schedule 7 of the Local Government Act 2002 Committee delegated powers by Council pursuant to clause 32 of Schedule 7 of the Local Government Act 2002
Membership	The Mayor, Chairperson Commercial and Strategy Committee, Chairperson of the appropriate Standing Committee whose work is being tendered or the Deputy Chairperson of the Commercial and Strategy Committee if work is in this area, Chairperson of the Environmental Services Committee (or their respective deputies).
Quorum	Three
Delegations	Council delegates to the Tenders Subcommittee all of the duties and decision-making powers within the following areas of responsibility: Delegated Authority to accept tenders in conjunction with the Chief Executive for items approved in the Council's Budget exceeding \$750,000.

Director and Trustee Appointment Committee

Type of Committee	Council Committee
Subordinate to	Council
Subordinate Committees	None
Legislative basis	Committee established pursuant to s41A or clause 30 of Schedule 7 of the Local Government Act 2002 Committee delegated powers by Council pursuant to clause 32 of Schedule 7 of the Local Government Act 2002
Membership	The Mayor, Deputy Mayor, Chairperson Commercial and Strategy Committee.
Quorum	Two
Delegations	Council delegates to the Director and Trustee Appointment Subcommittee all of the duties and decision-making powers within the following areas of responsibility: Delegated authority to conduct the process for new director and trustee appointments in accordance with the Council Director Appointment and Remuneration Policy, and provide a recommendation to Council.

Safer Communities Committee

Type of Committee	Council Committee
Subordinate to	Council
Subordinate Committees	None
Legislative basis	Committee established pursuant to clause 30 and 31 of Schedule 7 of the Local Government Act 2002 Committee delegated powers by Council pursuant to clause 32 of Schedule 7 of the Local Government Act 2002
Membership	The Mayor and an additional Councillor, plus a representative from the New Zealand Police, CCS Disability Action, Primary Schools Principals’ Association, Secondary School Principals’ Association, Work and Income New Zealand, Community Probation Service, National Council of Women, Timaru Christian Ministers’ Association, Greypower, Community Watch, Te Aitarakihī Trust, Child Youth and Family, Chamber of Commerce, Arowhenua Runanga, Public Health Nursing, NZ Fire Services, YMCA South and Mid Canterbury, YMCA South and Mid Canterbury Youth Workers, Aoraki Migrant Centre, and Neighbourhood Support South Canterbury. Deputy Chairperson to be determined by the Committee.
Quorum	Six including a minimum of one Councillor
Delegations	Council delegates to the Safer Communities Committee all of the duties and decision-making powers within the following areas of responsibility: Delegated authority to deal with policy issues and budgetary matters associated with Crime Prevention, Youth Workers and Project Turnaround.

7.7 Appointments

Author: Nigel Bowen, Mayor

Authoriser: Bede Carran, Chief Executive

Recommendation

That Council:

1. Notes the appointments to be made by the Mayor of the Chairpersons to Committees of Council.
2. Approves the other appointments as set out below.

Purpose of Report

- 1 To appoint the Chairpersons and Deputy Chairpersons of Committees of Council.

Background

- 2 Timaru District Council is a territorial authority under the Local Government Act 2002 (LGA).
- 3 The role of a mayor is to provide leadership to—
 - (a) the other members of the territorial authority; and
 - (b) the people in the district of the territorial authority;(s41A(1) LGA).
- 4 It is the role of a mayor to lead the development of the territorial authority's plans (including the long-term plan and the annual plan), policies, and budgets for consideration by the members of the territorial authority (s41A(2) LGA).
- 5 For the purposes above, a mayor has the power to establish committees of the territorial authority (s41A(3)(b) and appoint the chairperson of each committee (s41A(3)(c) LGA).
- 6 Council does have the power to remove a chairperson appointed by the mayor (s41A(4)(d) LGA).
- 7 Where the Mayor decides not to exercise to his or her power to appoint a chairperson, the Council may do so].

Discussion

- 8 On 31 October 2019, the Mayor intends to appoint the following persons as Chairperson of the following Council Committees and Subcommittees, and wishes to recommend the appointment of the deputy chairpersons as set out below:

Environmental Services Committee	
Chairperson*	Clr Barbara Gilchrist
Deputy Chairperson (Mayor's recommendation)**	Clr Gavin Oliver
Community Services Committee	
Chairperson*	Clr Richard Lyon
Deputy Chairperson (Mayor's recommendation)**	Clr Stuart (Stu) Piddington
Infrastructure Committee	
Chairperson*	Clr Sally Parker
Deputy Chairperson (Mayor's recommendation)**	Clr Patrick (Paddy) O'Reilly
Commercial and Strategy Committee	
Chairperson*	Clr Peter Burt
Deputy Chairperson (Mayor's recommendation)**	Clr Allan Booth
People and Performance Committee	
Chairperson*	Mayor
Audit and Risk Committee	
Chairperson*	Keiran Horne (external appointment)
Safer Communities Committee	
Chairperson*	Mayor
Deputy Chairperson (Mayor's recommendation)**	Clr Steve Wills
Tenders and Procurement Committee	
Chairperson*	Mayor
Director and Trustees Appointment Committee	
Chairperson*	Mayor

*Appointment by Mayor pursuant to s41A(3)(c) LGA. **Appointment by Council pursuant to clause 25(1)(c) LGA.

9 Council needs to determine which of the following voting systems will be used to elect or appoint the deputy chairpersons, System A or System B, under clause 25 of Schedule 7 of the LGA, and as explained below.

10 **System A—**

- (a) requires that a person is elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee present and voting; and
- (b) has the following characteristics:

- (i) there is a first round of voting for all candidates; and
- (ii) if no candidate is successful in that round there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and
- (iii) if no candidate is successful in the second round there is a third, and if necessary subsequent, round of voting from which, each time, the candidate with the fewest votes in the previous round is excluded; and
- (iv) in any round of voting, if 2 or more candidates tie for the lowest number of votes, the person excluded from the next round is resolved by lot.

11 System B—

- (a) requires that a person is elected or appointed if he or she receives more votes than any other candidate; and
- (b) has the following characteristics:
 - (i) there is only 1 round of voting; and
 - (ii) if 2 or more candidates tie for the most votes, the tie is resolved by lot.

Relevant Legislation, Council Policy and Plans

- 12 Local Government Act, Timaru District Council Standing Orders

Attachments

Nil

7.8 Appointments to Council Organisations and Joint Committees

Author: Nigel Bowen, Mayor

Authoriser: Bede Carran, Chief Executive

Recommendation

That Council makes the appointments to the Council Organisations and Joint Committees as set out in this report.

Purpose of Report

1. To make appointments to the Council Organisations and Joint Committees described in this report.

Background

2. Timaru District Council works collaboratively with other Councils on a number of issues. In such instances governance is by way of a joint committee for these activities, and membership of comprises members from 2 or more councils or other organisations. Council appoints its own members to these various joint committees governing bodies.
3. There are also other Council Organisations or affiliated organisations in respect of which Council has a right to appoint a committee member, trustee, director or other representative.
4. The Mayor's recommendations in relation to these appointments are set out below.

Relevant Legislation, Council Policy and Plans

5. Local Government Act, Canterbury Water Management Strategy, Agreement in relation to Joint Committee for Downlands Water Supply Scheme, Timaru District Holdings Limited Constitution, Aoraki Development and Promotions Limited constitution, Director Appointment and Remuneration Policy.

Appointments

6. **Canterbury Civil Defence Emergency Management Group (CDEM):**

Recommendation: That the Mayor be appointed to the Canterbury Civil Defence Emergency Management Group (CDEM), in accordance with Clause 31, Schedule 7 of the Local Government Act 2002.

7. **Canterbury Regional Transport Committee (Committee of the Canterbury Regional Council)**

Recommendation: That the Chairperson of the Infrastructure Committee be appointed to the Canterbury Regional Transport Committee, in accordance with Clause 31, Schedule 7 of the Local Government Act 2002.

8. **Canterbury Water Management Strategy Orari-Temuka-Opihi-Pareora Zone Joint Committee (OTOP)**

Recommendation: That the Chairperson of the Environmental Services Committee be appointed to the Canterbury Water Management Strategy Orari-Temuka-Opihi-Pareora Zone Joint Committee in accordance with Clause 31 of Schedule 7 of the Local Government Act 2002.

9. **Canterbury Joint Waste Committee**

Recommendation: That the Deputy Chairperson of the Infrastructure Committee be appointed to the Canterbury Joint Waste Committee in accordance with Clause 31, Schedule 7 of the Local Government Act 2002.

10. **Joint Standing Committee for Governance of Downlands Water Supply Scheme (reports through the Infrastructure Committee)**

Recommendation:

- (a) That Council, in accordance with the Agreement in relation to Joint Committee for the Downlands Water Supply Scheme (the Agreement), appoints Clr Richard Lyon as the elected member for the purpose of a quorum of the Downlands Committee; and
- (b) That Council appoints the Mayor and 3 additional members to the Downlands Committee in accordance with the Agreement.

Discussion: The Agreement provides that Council will appoint one elected member and 4 other members to the Downlands Committee.

The Mackenzie and Waimate District Councils will each appoint an elected member and one member jointly to the Downlands Committee. This gives the Downlands Committee a total of 8 members.

11. **AD Halley Trust Committee**

Recommendation: That the Mayor and Clr O'Reilly (representing the Temuka community as required by the Trust Deed) be appointed.

12. **District Licensing Committee**

Recommendation: That Clr Burt and Mr David Jack will continue as District Licensing Committee members for the remainder of their 5 year tenure, which expires on 8 August 2021, and that it be noted that Sharyn Cain was appointed for a 5 year period as Commissioner for the District Licensing Committee until 8 August 2024. (These roles are a requirement of the Sale and Supply of Alcohol Act 2012).

13. **Aoraki Development and Promotions Limited (AD)**

Recommendation

That Council make a decision on the appointment of an elected member as a director on the board of AD.

Discussion:

AD is Council's economic development agency. Under the Statement of Intent it has 3 key objectives which are:

- (i) Assisting business to retain and attract a skilled workforce

- (ii) Encouraging innovation and facilitating the growth of existing business
- (iii) Creating an environment to attract and assist new and developing business

There are currently 5 directors on AD, Mark Rogers (chairperson), Raeleen De Joux, Nicola Hyslop, Erin McNaught and Warren Park. The constitution does not set the number of directors, nor does it mandate an elected member being a director. It has been Council's practice to appoint an elected member as a director of AD. The purpose of this appointment is to provide a mechanism by which Council's vision, community outcomes and strategic direction can inform the decisions and strategies of the AD board.

If Council decides to appoint an elected member as a director of AD then Council will need to so appoint an elected member.

Council's Director Appointment and Remuneration Policy (attached) needs to be considered when approving the appointment of a director to a Council Controlled Organisation such as AD.

14. **Timaru District Holdings Limited (TDHL)**

Recommendation:

That Council address the circumstance of having 1 elected member director only by either:

- (a) appointing an additional elected member as a director; or
- (b) changing TDHL's constitution so that it does not require a minimum of 2 elected member directors to form a quorum, either on an interim or permanent basis.

Discussion: The constitution of TDHL provides that there must be a minimum of 3 directors, 2 of whom must be elected members (and 1 of the elected member directors has always been the Mayor). Currently there is only 1 elected member director (Clr Richard Lyon). There are two other directors, Ian Fitzgerald who is the chair, and Richie Smith. With only 1 elected member director it means that there is no quorum for any meetings of the directors. It is noted that this does not, at present, put TDHL in any jeopardy as there is no planned meeting until 7 November 2019 and there is at present no urgent business that requires the directors to meet.

To address the circumstance of having only 1 elected member director there are two options Council can consider. These are:

- (a) appoint an additional elected member director
- (b) change the constitution so that only 1 elected member director is required for a quorum either on an interim or permanent basis.

Analysis of Options

The appointment of an additional elected member director immediately provides for a quorum of directors. It has a number of advantages. With a total of 4 directors it provides slightly greater margin for director availability, in that with 1 director more than the minimum number of total directors required, should one of the external directors not be available a quorum can still be achieved. While the TDHL independent review is under way it provides

continuity of a minimum of 2 elected member representatives on the board which has been a requirement since the incorporation of TDHL and this supports preserving and building the institutional knowledge of elected members in regard to TDHL. It is noted that this requirement may be reviewed once the final report from the TDHL reviewer is received, nonetheless, institutional knowledge by elected members on TDHL will be helpful and relevant when considering the TDHL review. Essentially, appointing an additional elected member in the interim continues existing practice.

Amending the constitution so that only 1 elected member director is required to constitute a quorum would address the current circumstance. Council may wish to consider how effective it is to make changes to the constitution in isolation without a full review and considering whether consequential changes should be or would need to be made. The TDHL review will likely have recommendations on the constitution and Council may consider it more effective to consider changes to constitution as a holistic package.

Council's Director Appointment and Remuneration Policy (attached) needs to be considered when approving the appointment of a director to a Council Controlled Organisation.

Attachments

1. **Director Appointment and Remuneration Policy adopted 22 November 2016**  



Director Appointment and Remuneration

Approved by:	Policy and Development Committee
Date Approved:	22 November 2016
Keywords:	Director Appointment, Director Remuneration, Council Controlled Organisation (CCO)

1.0 Purpose

The policy is intended to provide clear guidance and requirements on director selection, appointment and remuneration. This policy sets out an objective and transparent process for identifying the skills required of a director and appointing such directors, and the matter of remuneration.

2.0 Background

The Local Government Act 2002 (the Act) section 57 requires Council to adopt a policy on the appointment and remuneration of directors to council organisations.
Definitions (refer section 6 of the Act)

3.0 Key Definitions

Organisation: means any partnership, trust, arrangement for the sharing of profits, union of interest, cooperation, joint venture, or other similar arrangement.

Council Organisation (CO): Any organisation in which one or more local authorities controls any proportion of the voting rights or the right to appoint directors.

Council Controlled Organisation (CCO): Any organisation in which one or more local authorities control 50 per cent or more of the voting rights or have the right to appoint 50 per cent or more of the directors.

Council Controlled Trading Organisation (CCTO): Any council controlled organisation that operates a trading undertaking for the purpose of making a profit.

Director: The directors and the board include trustees, managers, or office holders (however described in that organisation).

4.0 Policy

Council Controlled Organisations and Council Controlled Trading Organisations

Candidates for appointment to a CCO or CCTO are not restricted to Councillors. Staff or external candidates may be considered for appointment.

- 1 The Council will decide whether it is appropriate for the Mayor or a Councillor to fill a vacancy on a CCO or CCTO. If deemed appropriate, the appointment will be made at the Council meeting, although for a CCTO, a formal application will be required and if there is more than one applicant the Council may obtain external candidate assessment and advice.

- 2 If the Council determines to make an outside appointment then the process outlined below will be followed –

Identification of Skills Required

For each director appointment the Council will develop a director profile for the role. It will detail the skills, knowledge and experience required for that directorship role and will take into account:

- The nature and scope of the organisation, the organisation's future directions and its constitutional set up.
- The strategic objectives of the organisation and the attributes, skills and knowledge, which will be required to deliver the strategic objectives of the organisation.
- The skills of the current directors or the required skills of all the directors.
- Any specific skill, knowledge and experience that is currently required or may be required in the future.
- The role specification will detail:
 - The organisation's context
 - The functional relationships of the role
 - The responsibilities and liabilities of the role
 - The key results areas for the role
 - The personal attributes for the role
 - The specific skills/qualifications required for the role.
- Council appointees to CCO's or CCTO's that operate as companies are expected to become members of the New Zealand Institute of Directors for the duration of their appointment.

Appointment Process

The Council will decide whether to advertise a particular vacancy or make an appointment without advertisement. When making this decision the Council will consider the costs of advertising, the availability of qualified candidates, director turnover, and whether the incumbent wishes to be considered for reappointment.

A subcommittee of the Council, with the assistance of external assessment advice if required, will shortlist then interview shortlisted applicants and make a recommendation to the Council.

All Council Director Appointments to Council Organisations must complete and sign the Director Consent Form as appears in Appendix A.

The Council decision will be made with the public excluded, as provided for in the Local Government Official Information and Meetings Act 1987. Public announcement of the appointment will be made as soon as practicable after the decision is made, and all applicants have been advised.

Conflicts of Interest and Reputational Risk

The Council expects that directors of council organisations will strive to avoid situations where their actions could give rise to conflicts of interest or present a reputational risk to the Council. Directors will be expected to follow the provisions of the NZ Institute of Directors Code of Proper Practice for Directors. Breaches of this code could result in dismissal.

Remuneration

Remuneration of directors of council controlled organisations is a matter of public interest.

Remuneration and changes to it will therefore require Council approval, and will be based on the nature of the organisation, market rates for comparable positions and any specific process for determining remuneration specified in the organisation's constitution.

Performance Reporting

The Council's performance reporting obligations for CCTO's and CCO's are met via the statement of intent and financial reporting requirements in the Act (sections 64, 66, 67).

Council Organisations (Other Than CCO'S and CCTO'S)**Identification of Skills Required**

For each appointment to a council organisation, the Council will give consideration to the nature of the organisation and the skills required for the role.

Candidates are not restricted to Councillors. Staff or external candidates may be considered for appointment.

Appointment Process

All Council appointments to Council organisations will be made by the Council, except staff appointees who will be appointed by the Chief Executive.

All Council Director Appointments to Council Organisations must complete and sign the Director Consent Form as appears in Appendix A.

If the appointments are made with the public excluded a public announcement will be made as soon as practicable after the decision is made.

Remuneration

The Council will not normally pay any remuneration to its appointee(s) except as may be specified in the Council's policy on Councillors' remuneration. Remuneration may be paid by the organisation, but Council appointed staff are not permitted to accept any remuneration.

Conflicts of Interest and Reputational Risk

The council expects that directors of council organisations will strive to avoid situations where their actions could give rise to conflicts of interest or present a reputational risk to the Council. Directors will be expected to follow the provisions of the New Zealand Institute of Directors Code of Proper Practice For Directors. Breaches of this code could result in dismissal.

Performance Reporting

The Council's performance reporting obligations for CO's are met via the requirement that all Council appointees report to the Council at least annually following the organisation's annual general meeting.

Appendix A – Director Consent Form

Application Form Timaru District Council CCO Board Appointments

1. Consent and Certificate of Director - (Section 152 of the Companies Act 1993)

Company Name:

Company Number:.....

Director’s first name(s):.....

Director’s surname(s):

(Please ensure your full legal name is provided - Initials are not allowed)

I consent to be a director of the above company and certify that I am not disqualified from being appointed or holding office as a director of a company

Signature:

(Please read the disqualification details below)

Date of appointment:

Director’s residential address:.....

.....

2. Disqualification Details

Please ensure that you are not disqualified from being a director for this company before signing this consent form.

A person cannot be a director of a company if he or she is any of the following:

- a. Under 18 years of age; or
- b. An undischarged bankrupt. Search the bankruptcy database online for free at www.insolvency.govt.nz; or
- c. Prohibited from being a director or promoter of, or being concerned or taking part in the management of a company under any statutory provisions. This includes (but is not limited to) people who have been convicted of a crime involving dishonesty in the last 5 years or have been prohibited from managing a company by the Registrar of Companies. It also includes people who have been prohibited from being a director or promoter of, or being concerned or taking part in the management of, an overseas company under an order made, or notice given, under the law of a prescribed overseas jurisdiction in accordance with section 151(2)(eb) of the Companies Act 1993; or e.g. Auckland Council Property Limited 3025668; or
- d. subject to a property order under sections 30 or 31 of the Protection of Personal Property Rights Act 1988; or
- e. Not eligible because of requirements contained in the company’s constitution (if any); or
- f. A person who is disqualified under another Act.

A person who is not a natural person cannot be a director of a company.

For more information refer to sections 151 and 382 to 385 of the Companies Act 1993. A copy of the Act can be viewed online for free at www.companies.govt.nz.

3. Disclosure of Interests

You are required to disclose the nature and extent (including monetary value, if quantifiable) of all interests that you have or are likely to have, in matters relating to the CCO.

4. Other Questions

4.1 Has there been (or is there now pending) any claim against you in your capacity as director, officer, secretary, board or committee member, or employee of either the company/trust or any other company, association, trust or entity?

Yes No

4.2 Are you aware of any circumstances that might give rise to a claim against you or an investigation, examination or inquiry involving you?

Yes No

4.3 Have you ever been involved in a company that has been in receivership or non voluntary liquidation?

Yes No

4.4 Have you ever been involved in any criminal conduct, had a statutory demand placed on you, been the subject of any disciplinary action, been fined or penalised or been the subject of any inquiry in the last 5 years?

Yes No

4.5 Have you ever been refused Directors and Officers Liability insurance or had an insurer refuse to renew a policy as apply special terms or conditions in relation to your cover?

Yes No

If yes to any of these questions, please give details:

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

5 Nomination Confirmation

I,
(full legal name)

Confirm that the information I have given in this disclosure form is complete, true and correct.

In the event of any actual or potential conflict of interest or probity issue arising, I agree to promptly declare that conflict or probity issue to the Chair of the Board, who will consider how the conflict or probity issue can best be managed. I also agree to abide by any decisions about the management of that conflict or probity issue. I acknowledge that, in the event that a conflict or probity issue cannot be managed, the Chair will inform Timaru District Council. I acknowledge that, in the event I am appointed to the Board, the Timaru District Council will be informed of any interests I have declared.

I authorise the Timaru District Council and/or its nominated agency to verify the accuracy of the information I have provided in my application for appointment.

Signature:

Date:

5.0 Delegations, References and Revision History

5.1 Delegations - Identify here any delegations related to the policy for it to be operative or required as a result of the policy

5.2 Related Documents - Include here reference to any documents related to the policy (e.g. operating guidelines, procedures)

5.3 Revision History – Summary of the development and review of the policy

5.1 Delegations

Delegation	Delegations Register Reference
Subcommittee of Council – shortlist and interview applicants and make a recommendation to Council	

5.2 References

Title	Document Reference

5.3 Revision History

Revision #	Policy Owner	Date Approved	Approval by	Date of next review	Document Reference
1	Chief Executive	29/7/2014	Policy and Development Committee	December 2016	#829946, F2121 Council Policy Register
2	Chief Executive	22/11/16	Policy and Development Committee	November 2019	#829946, F8525 Council Policy Register

7.9 Council Appointments and Delegations to Community Boards

Author: Nigel Bowen, Mayor

Authoriser: Bede Carran, Chief Executive

Recommendation

1. That pursuant to Section 19F of the Local Electoral Act 2001, the following appointments be made:

Geraldine Community Board	Clr Gavin Oliver
Pleasant Point Community Board	Clrs Richard Lyon and Paddy O'Reilly
Temuka Community Board	Clrs Richard Lyon and Paddy O'Reilly

2. That pursuant to clause 32(6) of Schedule 7 of the Local Government Act 2002, the following delegations are approved:

- Where a community rate has been established, to determine how the monies so collected and provided for in the annual budget will be spent, in accordance with legislation; and
- In the case of the Temuka and Geraldine Community Boards, to make recommendations to the Public Trustee on Thomas Hobson Trust grant applications.

Purpose of Report

- 1 The purpose of this report is to appoint Council members to the Council's three Community Boards, and approve delegations to those Community Boards.

Background

2 *Appointments*

Council may include appointed members on Community Boards, as set out in section 19F of the Local Electoral Act 2001. The appointed members must be members of the Council representing the ward in which the community is situated. The number of appointed members must be less than half of the total number of members on the Community Board. Council has previously appointed the Geraldine ward representative to the Geraldine Community Board and the Pleasant Point-Temuka ward representatives to both the Pleasant Point and Temuka Community Boards.

3 *Delegations*

In accordance with Clause 32 (6), Schedule 7 of the Local Government Act 2002, Council must consider whether or not to delegate to a Community Board for it to best achieve its roles.

In order to achieve their roles in their communities the following delegations are recommended, for approval by Council:

- where a community rate has been established, to determine how the monies so collected and provided for in the annual budget will be spent, in accordance with legislation; and
- in the case of the Temuka and Geraldine Community Boards, to make recommendations to the Public Trustee on Thomas Hobson Trust grant applications.

Financial and decision making delegations from Council are limited to those specifically delegated by Council.

Relevant Legislation, Council Policy and Plans

4 Local Electoral Act 2001

Attachments

Nil

7.10 District Plan Review - Drafting Process and Appointments**Author:** Mark Geddes, District Planning Manager**Authoriser:** Tracy Tierney, Group Manager Environmental Services**Recommendation**

That:

1. The proposed plan drafting process for the District Plan Review illustrated as Figure 2 in this report is adopted.
2. Council appoints an elected member to sit on the District Plan Review's Tangata Whenua Steering Group.
3. Council amends the Terms of Reference for the Tangata Whenua Steering Group to include one additional cultural advisor from Aoraki Environmental Consultancy Limited.
4. Council approves former Councillor Kerry Stevens to continue as the Chairman of the Heritage Steering Group.

Purpose of Report

- 1 Seek approval for a revised drafting process for the District Plan Review;
- 2 Seek approval for an additional cultural advisor from Aoraki Environmental Consultancy Limited to sit on the Tangata Whenua Steering Group;
- 3 Request the appointment of an elected member to the Tangata Whenua Steering Group;
- 4 Seek approval for former Councillor Kerry Stevens to continue as Chair of the Heritage Steering Group.

Assessment of Significance

- 5 This matter is not considered to be significant in the context of Council's significance and engagement policy.

Background*District Plan Review Drafting Process:*

- 6 On 30 July 2019 the Environmental Services Committee received a report providing an update on the progress of the District Plan Review (Appendix 1). The report included a diagram (Figure 1) that illustrated the process for drafting the new District Plan. It is proposed to slightly change the process to draft the new District Plan (Figure 2). The key change is that individual draft District Plan chapters would no longer be brought to the Environmental Services Committee for adoption. Instead the draft provisions for each chapter would be workshopped with the Environmental Services Committee. Once all the draft chapters had been reviewed individually the Environmental Services Committee would be requested to adopt the completed draft District Plan (as a whole).

- 7 The reason for the suggested change is twofold. First to allow the Committee to have further input into the actual draft provisions in each chapter before they are finalised for inclusion in the whole plan. This would also provide a greater opportunity for particularly newly elected members to have input. Second, individual chapters of the new Draft Plan will likely need to be amended as part of a final plan integration check as provisions in each chapter are related to other chapters and often need to be amended once the drafting of each chapter is finalised. Therefore it may be less efficient to approve chapters individually if they need to be amended and approved again later.



Figure 1 – Previously agreed process for drafting of the new District Plan.

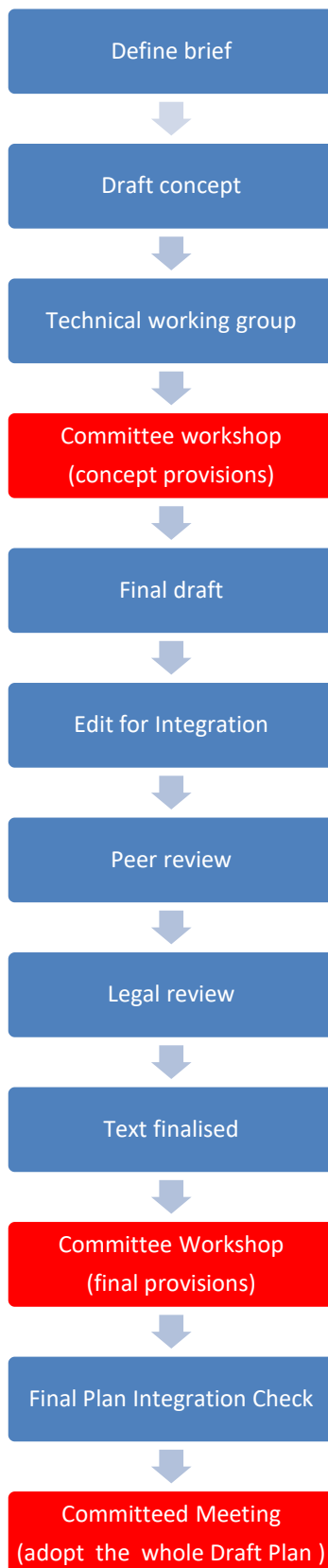


Figure 2 – Proposed process for drafting of the new District Plan.

Tangata Whenua Steering Group:

- 8 On 30 July 2019 the Environmental Services Committee resolved to approve a terms of reference for the District Plan Review's Tangata Whenua Steering Group. The purpose of the group is to recommend draft Tangata Whenua provisions for the new District Plan to the Environmental Services Committee. The adopted terms of reference state that the makeup of the Group will include:
- 8.1 An elected member of the Timaru District Council;
 - 8.2 Mark Geddes, District Planning Manager, Timaru District Council;
 - 8.3 A cultural advisor from Aoraki Environmental Consultancy;
 - 8.4 Sandra McIntrye, (Planner) representing Aoraki Environmental Consultancy.
- 9 Te Runanga O Arowhenua have recently requested that an additional cultural advisor is added to the Group.
- 10 Further, as former Councillor Kerry Stevens was appointed to Chair the Tangata Whenua Steering Group and has not been re-elected, Council no longer has a representative on that steering group. Please note that the Tangata Whenua Steering Group has not commenced any meetings to date and therefore there are no issues of continuity.

Heritage Steering Group:

- 11 On 8 May 2019 the Environmental Services Committee resolved to approve a terms of reference for the District Plan Review's Heritage Steering Group. The purpose of the group is to recommend draft provisions for the heritage chapter of the new District Plan. The terms of reference include an elected member on the Heritage Steering Group and Councillor (at the time) Kerry Stevens was appointed as that elected member.
- 12 The Heritage Steering Group has made significant progress over the past few months and is close to finalising the provisions for the draft chapter.
- 13 Given that Kerry Stevens was not re-elected, Council needs to resolve whether another elected member is appointed to the Heritage Steering Group or whether Kerry Stevens is approved to remain on the Group as an independent chair to complete the drafting process.

Options and Preferred Option*District Plan Review Drafting Process:*

- 14 In relation to the District Plan Review drafting process the options are to:
- 14.1 Adopt the proposed process; or
 - 14.2 Keep the existing drafting process; or
 - 14.3 Adopt an alternative process.
- 15 The preferred option is to adopt the proposed process as it will be more effective and efficient.

Tangata Whenua Steering Group:

- 16 In relation to the proposed addition of another cultural advisor on the Tangata Whenua Steering Group the options are to:
- 16.1 Include an additional cultural advisor on the Tangata Whenua Steering Group; or
 - 16.2 Decline the request for an additional cultural advisor.

- 17 The preferred option is to include another cultural advisor on the Tangata Whenua Steering Group. An additional cultural advisor will not change the balance of the group's decision making, which is by consensus. It will however bring additional knowledge and expertise to the group, provide additional resilience in the event of absence, and will meet the needs of Te Runanga o Arowhenua.
- 18 In relation to the appointment of an elected member to the Tangata Whenua Steering Group the options are to:
- 18.1 Appoint an elected member to the Tangata Whenua Steering Group; or
 - 18.2 Not appoint an elected member to the steering group; or
 - 18.3 Appoint another staff member to the steering group; or
 - 18.4 Appoint an external person to the steering group.
- 19 The preferred option is to appoint an elected member to the Tangata Whenua Steering Group. This will ensure the Council has an elected member fully engaged in the group and retains oversight. The Tangata Whenua provisions of the District Plan are an important part of the District Plan Review.

Heritage Steering Group:

- 20 In relation to the Heritage Steering Group the options are to:
- 20.1 Continue with Kerry Stevens as Chair of the Heritage Steering Group; or
 - 20.2 Appoint another elected member as Chair; or
 - 20.3 Appoint a staff member as Chair; or
 - 20.4 Appoint an external person as Chair
- 21 The preferred option is to continue with Mr Stevens as Chair of the Heritage Steering Group. Given that the Heritage Steering Group has almost completed its work, appointing Mr Stevens would ensure continuity. If another person was appointed they would not be familiar with the history of the project and may have to go over many matters that have already be discussed and agreed.

Consultation

- 22 Te Runanga o Arowhenua have been consulted in relation to the Tangata Whenua Steering Group and have requested another cultural advisor be part of the group.
- 23 Kerry Stevens has been consulted about continuing his role as chair of the Heritage Steering Group and has agreed to continue if that is Councils preference.

Relevant Legislation, Council Policy and Plans

- 24 Resource Management Act 1991.

Financial and Funding Implications

- 25 The inclusion of another cultural advisor in the Tangata Whenua Steering Group will increase costs. However, the cost would not be significant and could be managed within the current budget for the District Plan Review.

Other Considerations

26 There are no other relevant considerations.

Attachments

1. **Environmental Services Committee Report District Plan Review Update 30 July 2019** [↓](#) 

7.4 District Plan Review Update**Author:** Mark Geddes, District Planning Manager**Authoriser:** Tracy Tierney, Group Manager Environmental Services**Recommendation**

That

1. The report be received.

Purpose of Report

- 1 To provide an update on the progress of the District Plan Review.

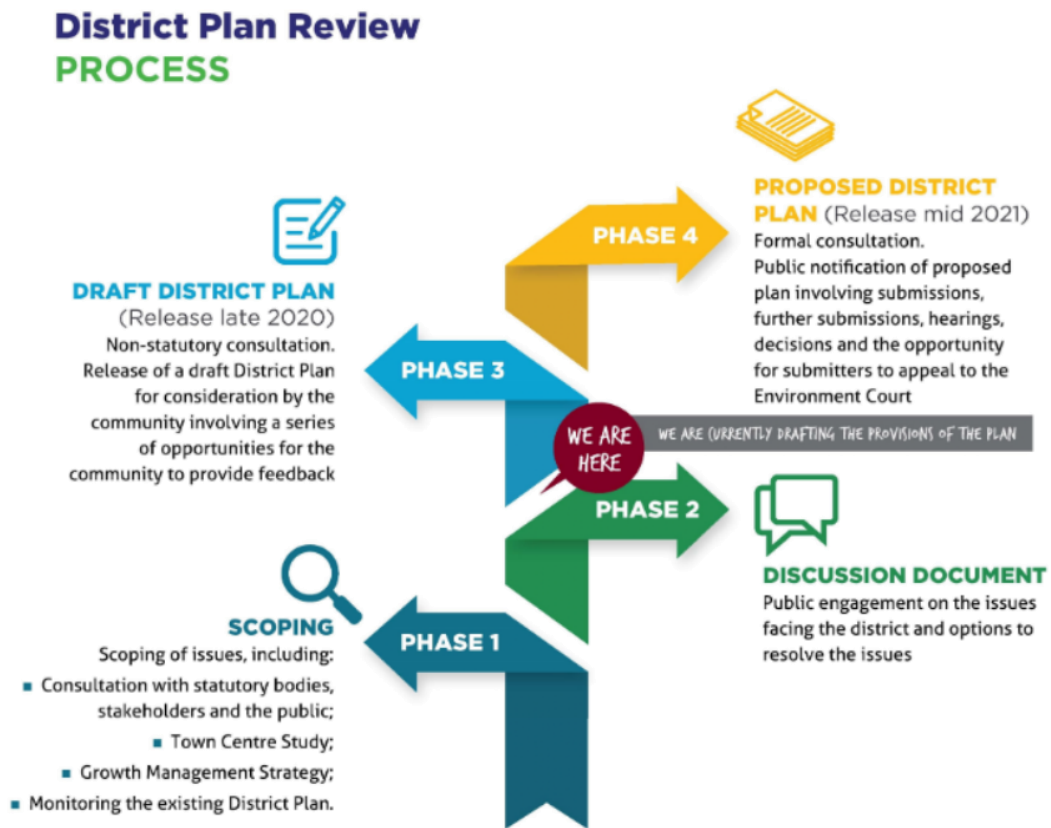
Assessment of Significance

- 2 This update is considered to be of low significance under the Council's Significance Policy.

DiscussionProject Process

- 3 On 28 October 2014 Timaru District Council agreed to a three phase District Plan Review process prior to notification of the new Proposed District Plan, including:
 - 3.1 Phase 1 (scoping);
 - 3.2 Phase 2 (discussion documents);
 - 3.3 Phase 3 (drafting).
- 4 A summary of each phase is provided in Appendix 1. On 8 May 2018 the Environmental Services Committee agreed to consult on a Draft District Plan, which introduced Phase 4 of the District Plan Review (see Figure 1).

Figure 1 – Agreed phases of the District Plan Review prior to notification of the Proposed Plan



Project Progress

- 5 The following summary is provided of the progress of the District Plan Review:
 - 5.1 Phase 1 (scoping) was mostly completed in 2015, but was finally completed in 22 May 2018 with the adoption of the Growth Management Strategy.
 - 5.2 Phase 2 (discussion documents) was completed in 2016-17 with the release of 19 discussion documents and subsequently the Environmental Services Committee’s release of their initial direction on the options presented in the discussion documents.
 - 5.3 Phase 3 (drafting) started in earnest in October 2018 using the process indicated in Figure 2. The progress with drafting of each chapter is indicated in Table 1. At this stage, it is predicted that a draft plan and accompanying report justifying the provisions should be completed during the June to August 2020 period in general accordance with the project plan workshopped with the Environmental Services Committee on 26 July 2019.
 - 5.4 Phase 4 (consultation on the draft) is scheduled to occur post June 2020.
- 6 It should be noted the District Plan Review is a complex, multi-year project and unanticipated and unplanned issues do arise that mean the work programme and corresponding budget need to be revised. An internal Council Project Steering Group closely monitors progress with the District Plan and reports annually to the Environmental Services Committee.

Figure 2 – Process for drafting of the District Plan chapters.



Table 1 – Progress of the draft District Plan chapters.

District Plan Topic	Not started	Consultant Engaged	Draft Concept	TWG or stakeholder Group	Committee workshop	Final Draft	Peer Review	Legal Review	Committee Adoption
Introduction			█						
Strategic directions					█				
Energy Infrastructure and Transport		█							
Natural Hazards		█							
Hazardous substances		█							
Historic Heritage				█					
Notable trees								█	
Sites of significant to Maori		█							

Environmental Services Committee Meeting Agenda

30 July 2019

District Plan Topic	Not started	Consultant Engaged	Draft Concept	TWG or stakeholder Group Committee workshop	Final Draft	Peer Review	Legal Review	Committee Adoption
Ecosystems								
Natural Character								
Natural features and landscapes								
Public access								
Versatile soils								
Subdivisions								
Activities on the surface of the water								
Coastal Environment								
Earthworks, quarrying and mining								
Light								
Noise								
Signs								
Temporary activities								
Relocated buildings								
Financial contributions								
General residential zone								
Medium density zone								
General rural zone								
Settlement zone								
Neighbourhood zone								
Local centre zone								
Large format zone								
Town Centre zone								
General industrial zone								
Natural open space zone								
Open space zone								
Sport and active recreation zone								
Caroline bay precinct zone								
Maori Purpose zone								
Hut zone								
Development areas								

Successes and Challenges

- 7 Some successes and challenges with the District Plan Review are worth mentioning in order to provide context to the progress of the project.
- 8 The Technical Working Group; the steering group approach; and the consultative approach are working well and are discussed in turn below.

- 8.1 The Technical Working Group's role is to agree the draft District Plan provisions before they are discussed with the Environmental Services Committee. That group has been very successful in that all members have provided valuable input. It has also provided a process for stakeholder participation and a means to build consensus and strengthen relationships which should help deliver a robust and effective District Plan. The groups represented on the Technical Working Group include:
- 8.1.1 TDC Planning staff;
 - 8.1.2 A TDC Infrastructure representative;
 - 8.1.3 Ecan staff;
 - 8.1.4 An Aoraki Environmental Consultancy representative.
- 8.2 Steering groups have been used to recommend draft District Plan provision on three topics, including biodiversity; heritage; and tangata whenua. Although the latter steering group has not commenced to date, the others have been very successful in terms of providing valuable input, building consensus which again should support delivery of a quality plan.
- 8.3 The highly consultative approach has also been a success. Each stage of the process has involved significant opportunities for public participation. This has provided valuable input and has helped ensure the public are provided with participation opportunities which will continue.
- 9 The following challenges with the District Plan Review have arisen:
- 9.1 The statutory environment (statutory requirements and policy) have changed throughout the process and are set to continue to change with another Resource Management Act amendment on the horizon and a number of National Policy Statements about to be released. At times this has pulled human resources away from the District Plan Review to provide input on national legislation or policy. The changing requirements or goals has also caused delays and/or further work.
 - 9.2 Obtaining the necessary human resources has also been a challenge which has led to some delays in producing work.
 - 9.3 The size and complexity of the project is and will likely remain a challenge. There will be more than 39 different chapters, hundreds of objectives, policies, rules (that have the force of a regulation) and standards, many of which relate to one another, all of which attempt to sustainably manage social, cultural, economic and environmental matters, which are in themselves complex, important, interrelated and evolving matters. Reviewing a District Plan is also not just a matter of experts deciding what the provisions should be, but a democratic process of consulting stakeholders, the public and elected members on a range of matters; trying to build consensus; ensuring compliance with a number of statutory planning documents; considering expert evidence; and finally producing a new Plan through a long legal process that has multiple decision makers.

Expenditure

- 10 Expenditure on the District Plan Review is below what was budgeted for in the 2018-19 financial year with \$688,067 year to date, compared with the budget of \$1,446,600. However, there is a further \$385,863 amount of expenditure that has been recently committed (but not spent) in the 2018-2019 financial year and a further \$262,000 that is about to be committed, with contracts waiting to be signed.

Environmental Services Committee Meeting Agenda

30 July 2019

- 11 The reasons for the lower than predicted expenditure is two-fold. First, the actual costs so far have been lower than predicted, mainly due to the competitive market keeping consultants quotes lower than anticipated. Second, is a timing issue in that the expenditure has occurred later than predicted. As part of the annual planning process we have taken the opportunity to rephase the expenditure to more closely match the updated work programme in the next two years. This resulted in a reduced projected spend in the 2018-19 and in the 2019/20 financial years so savings have been made.

Appendix

- 1 – District Plan Review Phases Initially Agreed by Council on 28 October 2014

Attachments

Nil

Appendix 1 – District Plan Review Phases Initially Agreed by Council on 28 October 2014

1. Scoping (establishing what needs to be done).
 - a. Undertake consultation with statutory bodies and Council Unit Managers.
 - b. Public notice to requiring authorities and heritage protection authorities.
 - c. Undertake background studies.
 - d. Review relevant statutory planning documents.
 - e. Undertake plan and state of the environment monitoring to ascertain what provisions work well and which do not.
 - f. Undertake some general public consultation to identify broad issues.
 - g. Develop a draft work programme.
 - h. Report and workshop the draft work programme with Council.
 - i. Agree and schedule the work programme.

2. Implemented work programme
 - a. Prepare discussion document on each chapter/topic identified as requiring significant changes.
 - b. Prepare draft consultation plan for each chapter/topic identified as requiring significant changes.
 - c. Workshop and agree discussion document and consultation plan with RP&R committee.
 - d. Release discussion document to public.
 - e. Undertake consultation in accordance with consultation plan.
 - f. Summarise consultation, prepare section 32 evaluation and draft plan provisions and workshop with Council.
 - g. Peer review section 32 and draft plan provisions.

3. Draft plan
 - a. Combine chapters and complete formatting to form Draft DP.
 - b. RP&R Committee approval of Draft DP.
 - c. Release Draft DP for public comment.
 - d. Public comments summarised.
 - e. Workshop public comments with Council.
 - f. Undertake additional targeted consultation where identified. Timaru District Council Timaru District Council #899626 4 28 October 2014
 - g. Summarise targeted consultation and amend Draft Plan provisions as required.

4. Proposed District Plan
 - a. Staff finalise Proposed DP.
 - b. Workshop final Proposed DP with Committee.
 - c. Approval of Proposed DP for notification by RP&R Committee.
 - d. Notification of Proposed DP.

8 Consideration of Urgent Business Items

9 Consideration of Minor Nature Matters

10 Public Forum Items Requiring Consideration