



# MINUTES

## Ordinary Council Meeting Tuesday, 10 August 2021

Ref: 1439191

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**Minutes of Timaru District Council  
Ordinary Council Meeting  
Held in the Council Chamber, District Council Building, King George Place, Timaru  
on Tuesday, 10 August 2021 at 3pm**

**Present:** Mayor Nigel Bowen (Chairperson), Cr Allan Booth, Cr Peter Burt, Cr Barbara Gilchrist, Cr Richard Lyon, Cr Gavin Oliver, Cr Paddy O'Reilly, Cr Stu Piddington, Cr Steve Wills

**In Attendance:** Janine Roux – Zone Facilitator, Orari-Temuka-Opihi-Pareora Water Zone Committee – for item 9.5

Wayne O'Donnell - Chairperson - Geraldine Community Board  
Jan Finlayson – Member – Pleasant Point Community Board

Chief Executive (Bede Carran), Group Manager Infrastructure (Andrew Dixon), Acting Group Manager Commercial and Strategy (Erik Barnes), Director Engagement and Culture (Hannah Goddard-Coles), Acting Chief Financial Officer (Jason Rivett), Strategy and Corporate Planning Manager (Mark Low), Risk and Assurance Manager (Ernest Bernard), Three Water Stimulus Manager (Ashley Harper)

## **1 Opening Prayer**

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

Brent read out the names of the five boys tragically killed in the weekend car accident in Timaru District, followed by a minute's silence.

This was followed by the singing of the Council Waiata.

## **2 Apologies**

### **Apology**

#### **Resolution 2021/118**

Moved: Cr Barbara Gilchrist

Seconded: Cr Paddy O'Reilly

That the apology from Cr Sally Parker be accepted and leave of absence granted.

That the apology from Anne Lemmens – Pleasant Point Community Board and Gaye Broker – Temuka Community Board be accepted.

**Carried**

## **3 Public Forum**

### **May 2021 Flood Event**

Chris Fauth - Environment Canterbury Flood controller attended to provide an update on the recent flood event in May 2021.

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Chris gave an overview of the flooding event via presentation, including a summary of the rainfall totals and the catchments where it fell, peak flows for key rivers and Average Recurrence Intervals (ARI) estimates. Serious flows occurred in northern district rivers – the Orari, Waihi and Temuka, with reasonable flows in Te Moana and Kakahu Rivers and lesser flows in Te Ana Wai, Opihi and Pareora Rivers. Flood breakouts were experienced from Kowhai Stream into Peel Forest. The Orari River suffered a large flood below State Highway One with flood breakouts into Coopers Creek channel. Photos and maps showed the extent of the flooding with serious on-farm damage, some house flooding and isolation and transport links severed. The Coopers Creek breakout occurred at a higher level than anticipated with Farm Road flooding unexpected.

Chris also outlined what had not occurred despite significant rainfall, including in Blandswood, Temuka and the south of the district. He emphasised the seriousness of the event and how conditions such as a previous dry period, low level of Lake Opuha, less impact in the Southern tributaries of the Opihi and key rivers remaining within their banks had saved the district from a much more extreme flood. The flooding event had left the district vulnerable, particularly in the Orari and Waihi Rivers, with significant gravel distribution and vegetation loss. Other events such as the 2019 Rangitata River flood and ocean swell event in June 2021 meant significant repair work and restoration was required across the district which would take years.

Councillors questioned the approach to future gravel control. Work would occur in the short term to physically redistribute via bulldozers in vulnerable locations. The significant change in gravel distribution and dynamics in how river channels had changed meant a long term management approach with gravel extraction to occur where appropriate, but balanced with the needs of the river. Congratulations was also offered to Environment Canterbury for work in previous years to protect townships.

### **Government Three Waters Reform**

Janya Lobb and Carol Keetley spoke to the government's Three Waters reform programme.

Janya emphasised Three Waters infrastructure has been paid for by successive generations of district residents. The 2021-31 TDC Long Term Plan had been prepared including the Three Waters. Inadequate and incomplete information had been provided by the government. The proposals needed close examination comparing the TDC LTP and proposed Scottish WICS model with the Three Waters excluded, including considering factors such as the effects on rating, projected asset replacement and maintenance, the loss of asset value and impact on Council finances and the effect of additional layers of administration and costs. The proposals would challenge the resilience of smaller community water schemes and the protection of rights of water to smaller areas, who should not be disadvantaged. Water contamination in privately added water assets should not be the responsibility of the provider when government regulation had failed. A local trust could be considered to own and manage local assets.

Carol emphasised concerns over a loss of control over water supply, the asset grab and the ability to get 75% iwi agreement when changes were needed. There would be a loss of control over future costs and how this would impact on the cost of water – rates and charges. The Scottish model did not align with New Zealand. The democratic process was being undermined via the bribe being offered by government and threatening Council with higher future costs.

Both speakers emphasised that the community expected consultation and/or a referendum on the Three waters programme. This should occur with full and complete information, considering the factors outlined earlier and to get a clear understanding of community feeling. The government's Three Waters campaign has been pitched at kindergarten level and adults needed to have a

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conversation with Council as our representatives. A ratepayers group – our district, our water - was being set up and was happy to support Council in its advocacy.

Councillors acknowledged the speakers' concerns that full information was unavailable, a need for full and factual information, the current system not being broken, and the links to other reviews underway such as the Resource Management and broader local government review.

#### **4 Identification of Urgent Business**

There were no matters of urgent business.

#### **5 Identification of Matters of a Minor Nature**

#### **Motion**

##### **Resolution 2021/119**

Moved: Cr Allan Booth

Seconded: Mayor Nigel Bowen

That the response to the government's Three Waters reform programme be discussed as a matter of Minor nature.

**Carried**

#### **6 Declaration of Conflicts of Interest**

There were no conflicts of interest declared.

#### **7 Confirmation of Minutes**

##### **7.1 Minutes of the Council Meeting held on 29 June 2021**

##### **Resolution 2021/120**

Moved: Cr Barbara Gilchrist

Seconded: Cr Paddy O'Reilly

That the Minutes of the Council Meeting held on 29 June 2021 be confirmed as a true and correct record of that meeting and that the Chairperson's electronic signature be attached.

**Carried**

##### **7.2 Minutes of the Tenders and Procurement Committee Meeting held on 29 June 2021**

##### **Resolution 2021/121**

Moved: Mayor Nigel Bowen

Seconded: Cr Peter Burt

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That the Minutes of the Tenders and Procurement Committee Meeting held on 29 June 2021 be confirmed as a true and correct record of that meeting and that the Chairperson's electronic signature be attached.

**Carried**

### **7.3 Minutes of the Extraordinary Council Meeting held on 14 July 2021**

#### **Resolution 2021/122**

Moved: Cr Peter Burt  
Seconded: Cr Barbara Gilchrist

That the Minutes of the Extraordinary Council Meeting held on 14 July 2021 be confirmed as a true and correct record of that meeting and that the Chairperson's electronic signature be attached.

**Carried**

### **7.4 Minutes of the Council Meeting held on 20 July 2021**

#### **Resolution 2021/123**

Moved: Cr Steve Wills  
Seconded: Cr Gavin Oliver

That the Minutes of the Council Meeting held on 20 July 2021 be confirmed as a true and correct record of that meeting and that the Chairperson's electronic signature be attached.

One change was requested for an error on item Two of the Minutes to record Cr Steve Wills as In Favour of Resolution 2021/116, not against the Resolution.

**Carried**

### **7.5 Minutes of the Tenders and Procurement Committee Meeting held on 27 July 2021**

#### **Resolution 2021/124**

Moved: Cr Barbara Gilchrist  
Seconded: Cr Peter Burt

That the Minutes of the Tenders and Procurement Committee Meeting held on 27 July 2021 be confirmed as a true and correct record of that meeting and that the Chairperson's electronic signature be attached.

**Carried**

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## **8 Schedules of Functions Attended**

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

#### **Resolution 2021/125**

Moved: Mayor Nigel Bowen

Seconded: Cr Steve Wills

That the report be received and noted.

**Carried**

### **8.2 Schedule of Functions Attended by the Chief Executive**

#### **Resolution 2021/126**

Moved: Cr Richard Lyon

Seconded: Cr Allan Booth

That the report be received and noted.

**Carried**

## **9 Reports**

### **9.1 Affixing of the Common Seal**

Council was presented with the affixing of the Common Seal to Warrants of Appointment.

#### **Resolution 2021/127**

Moved: Cr Steve Wills

Seconded: Cr Paddy O'Reilly

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

2 June 2021 Warrants of Appointment

9 July 2021 Warrants of Appointment

**Carried**

### **9.2 Contracts Let By Tenders and Procurement Committee**

Council was advised of contracts let by the Tenders and Procurement Committee.

#### **Resolution 2021/128**

Moved: Cr Barbara Gilchrist

Seconded: Mayor Nigel Bowen

**That the following information on a contract let by the Tenders and Procurement Committee be received.**

<b>Contract Description</b>	<b>Number of Tenders</b>	<b>Price Range</b>	<b>Successful Tenderer and Price</b>
<b>Contract 2522 – Timaru and Waimate District Council Resurfacing Contract 2021-2023</b>	<b>3</b>	<b>\$8,544,263.90</b> <b>to</b> <b>\$9,998,229.68</b>	Fulton Hogan Limited \$8,544,263.90
Contract 2522 - Tenders were evaluated using Timaru District Council price quality method.			
<b>Contract 2536 – Timaru Richard Pearse Airport – Partial Runway Reseal 2021</b>	<b>2</b>	<b>\$2,033,592.93</b> <b>to</b> <b>\$2,399,071.90</b>	Downer NZ \$2,033,593.93
Contract - Tenders were evaluated using Timaru District Council weighted attributes method.			

All prices exclude GST

**Carried**

### **9.3 Delegations Manual**

Council was presented with an updated delegations manual for approval. An outline of the manual was given by the Acting Group Manager Commercial and Strategy. Some delegations were required to remain with Council under the Local Government Act.

#### **Resolution 2021/129**

Moved: Cr Steve Wills

Seconded: Cr Peter Burt

That Council:

1. Receives the report: Timaru District Council Delegations Review 2021
2. Approves the delegations to the Chief Executive;
3. Approves the removal of delegations for committees and sub committees from the delegations manual; Noting these are approved under separate resolution by Council (October 2019 and November 2019 Ordinary meetings);
4. Receives and notes, as updates, the Financial Delegations, Statutory Delegations and Non-Statutory Delegations contained in the Delegations Manual (June 2021) from the Chief Executive to Council Officers.
5. Notes the Legal Authority and Reserved Powers to Council noted in Section 1.2 of the Delegations Manual including those under clause 32(1) schedule 7 of the LGA.

**Carried**

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#### **9.4 Risk Management Framework**

Council was provided with the revised Risk Management Policy and Risk Management Framework that has been endorsed by the Audit and Risk Committee for adoption. The Risk and Assurance Manager outlined the process of preparation, including the review of TDC risk management practices and recommendations that had led to the policy and framework development.

##### **Resolution 2021/130**

Moved: Mayor Nigel Bowen

Seconded: Cr Barbara Gilchrist

That Council adopts the revised Risk Management Policy and Risk Management Framework that has been endorsed by the Audit and Risk Committee.

**Carried**

#### **9.5 Orari-Temuka-Opihi-Pareora Water Zone Committee Letter of Shared Priorities**

The Draft Letter of Shared Priorities from the Timaru, Mackenzie, and Waimate District Councils and Environment Canterbury to the Orari-Temuka-Opihi-Pareora Water Zone Committee (OTOP) was presented to Council.

The Three Waters Stimulus Manager and Zone Facilitator, Orari-Temuka-Opihi-Pareora Water Zone Committee outlined the process of development and for Council to approve a Letter of Shared Priorities as outlined in the new Terms of Reference for zone committees. The letter included Timaru District's priorities for the zone committee to help guide their ongoing work.

##### **Resolution 2021/131**

Moved: Cr Barbara Gilchrist

Seconded: Cr Paddy O'Reilly

1. That Council approves the Orari-Temuka-Opihi-Pareora Water Zone Committee Letter of Shared Priorities.
2. That Council notes the confirmation and implementation of changes to the role and function of the CWMS Zone Committees, as reviewed in 2020.
3. That Council confirms the revised CWMS Terms of Reference for the CWMS OTOP Water Zone Committee.

**Carried**

#### **10 Consideration of Urgent Business Items**

There were no matters of urgent business.

#### **11 Consideration of Minor Nature Matters**

The government's Three Waters reform programme was discussed as an item of minor nature.



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The Three Waters Stimulus Manager gave an overview of reform progress. Information continued to come from the Department of Internal Affairs. Timaru District Council had appointed a consultant to review as a whole why Timaru District should be matched with the Scottish model, how the proposed agencies will achieve savings and implications of standalone authority for the next 30 years for the Timaru District. This would be reviewed by Council via a workshop on the next meeting day. The Communications Manager was preparing an approach for a conversation with the community on Three Waters reform during September to help inform Council's decision by the end of September.

The Mayor and Councillors highlighted a number of concerns regarding the reform process, including:

- The tight timeframe to make a decision, with limited opportunity to take it to the community and get adequate and robust facts;
- The lack of information and the need to be well-informed on the implications and impacts on the Timaru District of the proposed reforms;
- That the process was being steamrolled, with inadequate time to properly consider;
- The potential loss of \$½ billion of assets;
- The impact on rates and water metering charges and subsidisation of others debt;
- The loss of control of water assets and how funding would be used and protected for spending on the three waters, with questionable efficiency gains;
- The risk of loss of democracy with control given to appointed people and potential right to veto;
- The impact on Council finances, borrowing capacity and debt to revenue ratios;
- The uncertainty over the water regulatory regime and its application to Council;
- The lack of independence being shown by Local Government New Zealand and signing of a Heads of Agreement with government without full consultation with Councils along with lack of release of some information;
- The lack of visibility over thousands of smaller water schemes and their potential cost as well as significant repairs required in places like Christchurch, which would mean funding would prioritised in places with perceived greatest need at the expense of Timaru District.

A referendum was suggested as an option, but Councillors were advised that time available would not allow that to occur.

Council's \$50M programme spend on three waters in the future was highlighted and the ongoing commitment to improve three waters services.

It was questioned whether Community Boards would be consulted and Boards were assured that they would be fully informed via consultation and public meetings in the Board areas.

The 'stranded overheads' issue was discussed with potential for reduction in Council's overall capacity to borrow and fund future activities along with less efficiencies within Council with less activities over a smaller base.

It was questioned why water standards had not been adequately followed by other Councils and the reform was being driven by the least performing Council.

It was generally supported as important to go through the process, gather more information, stand up to Central government and present the facts from a Timaru District Council perspective. It was

also necessary to understand the impact of the water regulator with appropriate regulation being implemented. Other options could be considered instead of the proposed approach, such as better ways to address it in smaller communities or a Waka Kotahi type funding model. The Productivity Commission Funding and Financing Report water chapter was highlighted as a good summary of background and issues, and advocated other potential solutions.

## 12 Public Forum Items Requiring Consideration

There was no further discussion on public forum items.

## 13 Resolution to Exclude the Public

### Resolution 2021/132

Moved: Mayor Nigel Bowen

Seconded: Cr Barbara Gilchrist

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Plain English Reason
<b>13.1 - Public Excluded Minutes of the Tenders and Procurement Committee Meeting held on 29 June 2021</b>	s7(2)(b)(ii) - The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	Commercial sensitivity
<b>13.2 - Public Excluded Minutes of the Tenders and Procurement Committee Meeting held on 27 July 2021</b>	s7(2)(b)(ii) - The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	Commercial sensitivity
<b>13.3 - Orari-Temuka-Opihi-Pareora Water Zone Committee Refresh Membership</b>	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	To protect a person's privacy

**Carried**

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**14 Public Excluded Reports**

**13.1 Public Excluded Minutes of the Tenders and Procurement Committee Meeting held on 29 June 2021**

**13.2 Public Excluded Minutes of the Tenders and Procurement Committee Meeting held on 27 July 2021**

**13.3 Orari-Temuka-Opihi-Pareora Water Zone Committee Refresh Membership**

**15 Readmittance of the Public**

**Resolution 2021/133**

Moved: Mayor Nigel Bowen

Seconded: Cr Allan Booth

That the meeting moves out of Closed Meeting into Open Meeting.

**Carried**

**The meeting closed at 4.55pm.**

**Minutes Confirmed 21 September 2021**

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**Mayor Nigel Bowen**  
**Chairperson**