



AGENDA

Ordinary Council Meeting Tuesday, 13 February 2024

Date Tuesday, 13 February 2024

Time 3pm

Location Council Chamber
District Council Building
King George Place
Timaru

File Reference 1650264

Timaru District Council

Notice is hereby given that a meeting of the Ordinary Council will be held in the Council Chamber, District Council Building, King George Place, Timaru, on Tuesday 13 February 2024, at 3pm.

Council Members

Mayor Nigel Bowen (Chairperson), Cllrs Allan Booth, Peter Burt, Gavin Oliver, Sally Parker, Stu Piddington, Stacey Scott, Scott Shannon, Michelle Pye and Owen Jackson

Quorum – no less than 5 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.

Nigel Trainor

Chief Executive

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- 1 Opening Prayer and Waiata**
- 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 Confirmation of Minutes

7.1 Minutes of the Council Meeting held on 28 November 2023

Author: Jessica Kavanaugh, Corporate Planner

Recommendation

That the Minutes of the Council Meeting held on 28 November 2023 be confirmed as a true and correct record of that meeting and that the Chairperson's electronic signature be attached.

Attachments

- 1. Minutes of the Council Meeting held on 28 November 2023**



MINUTES

Ordinary Council Meeting Tuesday, 28 November 2023

Ref: 1650264

**Minutes of Timaru District Council
Ordinary Council Meeting
Held in the Council Chamber, District Council Building, King George Place, Timaru
on Tuesday, 28 November 2023 at 11am**

Present: Mayor Nigel Bowen (Chairperson), Cllrs Allan Booth, Peter Burt, Gavin Oliver, Stu Piddington, Stacey Scott, Scott Shannon, Michelle Pye, Owen Jackson

In Attendance: Bede Carran (Chief Executive), Paul Cooper (Acting Group Manager Commercial and Strategy), Beth Stewart (Group Manager Community Services), Debbie Fortuin (Acting Group Manager Environmental Services), Andrew Dixon (Group Manager Infrastructure), Hannah Goddard Coles (Group Manager Engagement and Culture), Nigel Trainor (Incoming Chief Executive), Andrea Rankin (Chief Financial Officer), Stephen Doran (Communications Manager), Nicole Timney (Manager of Property Services and Client Representative), Alesia Cahill (Governance Coordinator), Andrew Feary (Property Facilities Officer), Alana Hobbs (Governance & Executive Support Administrator), Rachel Scarlett (Governance Coordinator), Jessica Kavanaugh (Corporate Planner)

Presenters: Sarah Simmers (Anderson Lloyd) for item 9.2, Jessica Kibblewhite (RDT Pacific Limited), Leonard Pagan (Rawlinsons Quantity Surveyors), Heath Turnbull (Southbase Construction Limited), Darren Askew (Southbase Construction Limited), Geraint Williams (Southbase Construction Limited), Alex Haley (Southbase Construction Limited) for item 13.4

1 Opening Prayer

Mayor Nigel Bowen conducted an opening karakia

2 Apologies

2.1 Apologies Received

Resolution 2023/93

Moved: Mayor Nigel Bowen

Seconded: Cllr Owen Jackson

That the apology of Cllr Sally Parker be received and accepted.

Carried

3 Public Forum

There were no public forum items.

4 Identification of Urgent Business

No items of urgent business were received.

5 Identification of Matters of a Minor Nature**5.1 Local Government Consensus Position**

Mayor Nigel Bowen requested a discussion a steer for consensus and view for Local Government ahead of the Special General Meeting.

6 Declaration of Conflicts of Interest

No conflicts of interest were declared.

7 Confirmation of Minutes**7.1 Minutes of the Council Meeting held on 17 October 2023****Resolution 2023/94**

Moved: Clr Scott Shannon

Seconded: Clr Michelle Pye

That the Minutes of the Council Meeting held on 17 October 2023 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 Council Meeting held on 31 October 2023**Resolution 2023/95**

Moved: Mayor Nigel Bowen

Seconded: Clr Gavin Oliver

That the Minutes of the Council Meeting held on 31 October 2023 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 November 2023**Resolution 2023/96**

Moved: Clr Allan Booth

Seconded: Clr Peter Burt

That the Minutes of the Extraordinary Council Meeting held on 14 November 2023 be confirmed as a true and correct record of that meeting and that the Chairperson's electronic signature be attached.

Carried

8 Schedules of Functions Attended

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

Resolution 2023/97

Moved: Mayor Nigel Bowen

Seconded: Cllr Allan Booth

That the Schedule of Functions Attended by the Mayor, Deputy Mayor and Councillors be received and noted.

Carried

8.2 Schedule of Functions Attended by the Chief Executive

Resolution 2023/98

Moved: Mayor Nigel Bowen

Seconded: Cllr Scott Shannon

That the Schedule of Functions Attended by the Chief Executive be received and noted.

Carried

9 Reports

9.1 Affixing of the Common Seal

Council considered the report noting the affixing of the Common Seal to an Approval of Warrants of which names have been redacted to protect the privacy of employees.

Resolution 2023/99

Moved: Mayor Nigel Bowen

Seconded: Cllr Peter Burt

That the following warrants have been approved by the Chief Executive and are being reported to the Council for noting:

1. 16 October 2023 – Approval of Warrants
2. 24 October 2023 – Approval of Warrants
3. 1 November 2023 – Approval of Warrants
4. 20 November 2023 – Approval of Warrants

Carried

9.2 Council Controlled Organisations - Review of Company Constitutions

The Chief Executive spoke to the report to present to the Council for the adoption of new Constitutions for Timaru District Holdings Limited (TDHL) and Venture Timaru Limited (VT) and an updated External Governance Appointments Policy (Policy). The Policy has been updated to reflect amendments to the Constitutions of TDHL and VT.

A discussion was had on possible conflicts of interest as Directors on the Council Controlled Organisation Boards, however, the Chief Executive advised that Elected Members are acting in a Councillor capacity and have the ability to bring an open mind thinking all elected members can participate.

Clarification was sought on the advantage of amending the Policy rather than the Constitution. The quorum is a majority of the group at the time.

There was clarification sought from Councillors on the following items;

- Minimum and maximum number of directors, it was discussed that both Council Controlled Organisations should have 3-6 and this minimum and maximum number and be stated in the policy rather than the constitution.
- Minimum and maximum number of Elected Member Directors should sit within the Policy, not the Constitution.
- Maximum tenure for Directors should sit within the Policy, not the Constitution.
- Appointment of the Chairperson should sit within the Policy, not the Constitution

Make an amendment in 7.2 of TDHL and VT Constitution it states "Elected Members of Council may be appointed as Directors" which should be amended to "Elected Members of Council can be a Director"

Feedback is discussed on the External Governance Policy including the Purpose and Objectives being more succinct along with minor graphical errors.

Resolution 2023/100

Moved: Mayor Nigel Bowen

Seconded: Cllr Allan Booth

That Council:

1. Decide on:
 - i. Timaru District Holdings Limited (**TDHL**) and Venture Timaru Limited's (**VT**) Constitutions should prescriptively set a minimum and/or maximum number of Directors within the Policy;
 - ii. TDHL and VT's Constitutions should set a minimum and/or maximum number of Elected Member Directors within the Policy; and
 - iii. whether to set a maximum tenure for TDHL and VT Directors within the Policy; and
 - iv. how TDHL and VT's Chairperson and Deputy Chairperson are to be appointed within the Constitution;
2. adopts the attached new Constitutions for TDHL and VT and the updated External Governance Appointments Policy, with any changes required to reflect the decisions made

by Council on the above matters and the amendment to 7.2 of TDHL and VT Constitution to state "Elected Members of Council can be a Director";

3. delegates power to the Mayor and Chief Executive to confirm that the finalised Constitutions and External Governance Appointments Policy reflect the decisions made by Council on the above matters; and
4. authorises the Mayor and Chief Executive (jointly and severally) to sign on behalf of Council Shareholder Resolutions and any other documents that need to be signed to adopt the updated Constitutions.
5. the TDHL and VT Constitutions be brought back to Council once amendments completed and updated External Governments Policy be brought back to Council for final adoption.

Carried

10 Consideration of Urgent Business Items

No items of urgent business were received

11 Consideration of Minor Nature Matters

11.1 Local Government Consensus Position

Mayor Nigel Bowen advised the Special General Meeting with LGNZ on 11 December 2023, to get a consensus of position on the five themes;

- (i) Build a new system of Government that is fit for purpose, the council agreed on this theme
- (ii) Rebalance the countries' tax take between Central and Local Government, the council agreed on this theme
- (iii) Stronger more authentic relationships between Local Government, Iwi, Hapu and Māori, the council disagreed on this theme
- (iv) Align Central, Regional and Local Government priorities, the council agreed on this theme
- (v) Strengthen local democracy and leadership, the council agreed on this theme.

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12 Public Forum Items Requiring Consideration

There were no public forum items.

13 Resolution to Exclude the Public at 11.37am

Resolution 2023/101

Moved: Deputy Mayor Scott Shannon

Seconded: Cllr Owen Jackson

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Plain English Reason
13.1 - Public Excluded Minutes of the Council Meeting held on 17 October 2023	<p>s6(b) - Good reason for withholding official information exists if the making available of that information would be likely to endanger the safety of any person</p> <p>s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p> <p>s7(2)(b)(ii) - The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(c)(i) - The withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source and is in the public interest that such information should continue to be supplied</p>	<p>To protect a person's safety</p> <p>To protect a person's privacy, including the privacy of deceased persons</p> <p>To protect commercially sensitive information</p> <p>To protect information that is subject to an obligation of confidence and/or that was required by law to be provided; and to ensure that the supply of such information is not affected in the future, when it is in the public interest for it to be provided.</p>
13.2 - Public Excluded Minutes of the Council Meeting held on 31 October 2023	<p>s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p>	<p>To protect a person's privacy, including the privacy of deceased persons</p>

13.3 - Recommendation from Extraordinary Directors and Trustees Appointment Subcommittee meeting	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, including the privacy of deceased persons
13.4 - Theatre Royal and Heritage Facility Design and Construction Contract	<p>s7(2)(h) - The withholding of the information is necessary to enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - The withholding of the information is necessary to enable the Council to carry out, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>To enable Council to carry out commercial activities</p> <p>To enable Council to carry out commercial or industrial negotiations</p>

Carried

14 Public Excluded Reports

13.1 Public Excluded Minutes of the Council Meeting held on 17 October 2023

13.2 Public Excluded Minutes of the Council Meeting held on 31 October 2023

13.3 Recommendation from Extraordinary Directors and Trustees Appointment Subcommittee meeting

13.4 Theatre Royal and Heritage Facility Design and Construction Contract

15 Readmittance of the Public

Resolution 2023/102

Moved: Mayor Nigel Bowen

Seconded: Cllr Owen Jackson

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

Carried

The meeting closed at 1.31pm.

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Mayor Nigel Bowen
Chairperson

7.2 Minutes of the Council Meeting held on 12 December 2023

Author: Jessica Kavanaugh, Corporate Planner

Recommendation

That the Minutes of the Council Meeting held on 12 December 2023 be confirmed as a true and correct record of that meeting and that the Chairperson's electronic signature be attached.

Attachments

- 1. Minutes of the Council Meeting held on 12 December 2023**



MINUTES

Ordinary Council Meeting Tuesday, 12 December 2023

Ref: 1650264

**Minutes of Timaru District Council
Ordinary Council Meeting
Held in the Council Chamber, District Council Building, King George Place, Timaru
on Tuesday, 12 December 2023 at 3pm**

Present: Mayor Nigel Bowen (Chairperson), Clrs Allan Booth, Gavin Oliver, Sally Parker, Stu Piddington, Stacey Scott, Scott Shannon, Michelle Pye, Owen Jackson

In Attendance: **Community Board Members:** Shane Minear (Geraldine Community Board), Charles Scarsbrook (Temuka Community Board), Ross Munro (Pleasant Point Community Board)

Officers: Nigel Trainor (Chief Executive), Paul Cooper (Acting Group Manager Commercial & Strategy), Andrew Dixon (Group Manager Infrastructure), Suzi Ratahi (Land Transport Manager), Debbie Fortuin (Acting Group Manager Environmental Services), Stephen Doran (Communications & Engagement Manager), Andrea Rankin (Chief Financial Officer), Vincie Billante (LTP Project Lead), Diana Somerville (Senior Finance Business Partner), Nicole Timney (Manager of Property Services and Client Representative), (Rachel Scarlett (Governance Advisor), John Liddiard (Senior Accountant), Bill Steans (Parks and Recreations Manager) Brendan Madley (Policy Advisor), Claire Copeland (Group Coordinator Environmental Services), Jessica Kavanaugh (Corporate Planner), Stanley Hansen (Airport Operations & Safety Manager)

CCOs: Frazer Munro (Timaru District Holdings Ltd General Manager), Mark Rogers (Timaru District Holdings Ltd Chairperson), Tony Howey (Venture Timaru Chairperson)

Public Forum: Karen Naylor, Angela Habraken (Netball South Canterbury), Abbie Ross (Basketball South Canterbury), Peter Stayt (Hockey South Canterbury), Shaun Campbell (Sport Canterbury)

1 Opening Prayer

Mark Pavelka (Gleniti Baptist Church) conducted the opening prayer.

Clr Sally Parker led the waiata.

2 Apologies

2.1 Apologies Received

Resolution 2023/93

Moved: Mayor Nigel Bowen

Seconded: Clr Sally Parker

That the apology of Clr Peter Burt be received and accepted.

Carried

3 Public Forum

3.1 Aorangi Stadium

Abbie Ross (Basketball South Canterbury) presented their long term plan to the Council, some of which included their current figures of growth, current figures of participation in the region, its growth compared to other regions and play in South Canterbury being above the national average. The group has also been putting in place shorter playing times and being creative with facilities to accommodate growing player numbers as they are at full capacity. South Canterbury Basketball is in favour of the time frames and options being presented by the Council.

Peter Stayt (Hockey South Canterbury & South Canterbury Hockey Turf Trust) spoke to the Council about the impaired physical conditions of their turfs, the high numbers of players that use their facilities, and their concern about the future of Aorangi Stadium if demolition occurs. The group is in support of the options the council is considering.

Karen Naylor and Angela Habraken (Netball South Canterbury) presented to the council, with discussion including the board's support of the development of Aorangi Stadium, netball participation growth in South Canterbury, South Island National events and the space required to deliver such events. Netball South Canterbury expressed the importance of the need for a timely decision from the Council so action can be taken by sports groups at the stadium.

Shaun Campbell (Sport Canterbury) spoke to the Council regarding the different sports groups and positively recognised them and the future of Aorangi Stadium. Discussion included, post covid recovery and new sporting opportunities being created, high sports participation numbers and asking that the future of Aorangi Stadium provide users with higher access to the facilities. The South Canterbury Regional Manager requested that the Council provide the groups with a timely decision and is endorsing that the council and Sport Canterbury collaborate to trial new operations of the facility.

4 Identification of Urgent Business

No items of urgent business were received

5 Identification of Matters of a Minor Nature

5.1 Minor Nature Items Presented

The Mayor advised the Council that the minor nature items would be addressed at the end of the meeting.

6 Declaration of Conflicts of Interest

No conflicts of interest were declared.

7 Reports

7.1 Aorangi Park Sports Stadium Options

The Group Manager Infrastructure and Parks and Recreation Manager spoke to the report to consider options for the increase in court numbers of the Aorangi Park Sports Stadium and confirm the preferred option.

Discussion amongst the Officers and Councillors included ideas of a shared administration hub at the stadium, functional sharing of sports facilities that cater to both sporting and social gatherings, utilisation of the stadium and court hire costs. The ability to apply possible learnings from the new stadium development in Christchurch and facility considerations for the older users.

The Councillors requested to trial opening the current stadium on weekends over the January period.

Resolution 2023/94

Moved: Clr Stu Piddington

Seconded: Clr Sally Parker

That Council endorses the proposal to build a new stadium facility (Option 1) within the area currently used for the netball courts at Aorangi Park, and undertakes further community consultation on this proposal.

Carried

7.2 Actions Register Update

The Chairperson spoke to this report to provide the Council with an update on the status of the action requests raised by councillors at previous Council meetings.

Resolution 2023/95

Moved: Mayor Nigel Bowen

Seconded: Clr Allan Booth

That the Council receives and notes the updates to the Actions Register.

Carried

7.3 Affixing of the Common Seal

The Council considered the report noting the affixing of the Common Seal to an Approval of Warrants of which the name has been redacted for the privacy of the employees.

Resolution 2023/96

Moved: Clr Owen Jackson

Seconded: Clr Allan Booth

That the following warrants have been approved by the Chief Executive and are being reported to the Council for noting:

1. 29 November 2023 – Approval of Warrants

Carried

7.4 Release of Public Excluded Reports

The Chairperson spoke to the report to provide the Council with an updated status of Public Excluded Reports released to the Public.

It was confirmed the resolution of the Theatre Royal and Heritage has been released to the public.

Resolution 2023/97

Moved: Clr Owen Jackson

Seconded: Clr Scott Shannon

That the Council notes the following public excluded reports have been released to the public:

1. Disposal of Land 3 Russell Square Timaru
2. Meadows Road Land Transfer

Carried

7.5 Presentation of Timaru District Holdings Limited Annual Report 2022/23

The Timaru District Holdings Ltd General Manager and Timaru District Holdings Ltd Chairperson spoke to the report to present the Timaru District Holdings Limited Annual Report for the financial year 01 July 2022 – 30 June 2023.

Discussion included a progress update of the Letter of Expectations, with the draft being finalised by 01 March 2024.

Resolution 2023/98

Moved: Clr Allan Booth

Seconded: Clr Gavin Oliver

That Council receives and notes the audited Timaru District Holdings Limited Annual Report for the financial year 01 July 2022 – 30 June 2023.

Carried

7.6 Timaru District Holdings Limited Quarterly Report for the period 01 July to 30 September 2023

The Timaru District Holdings Ltd General Manager and Timaru District Holdings Ltd Chairperson spoke to the report to present the Timaru District Holdings Limited quarterly report for the period 1 July – 30 September 2023.

It is noted the 10-year anniversary of the port of Tauranga and Timaru District Holding and Prime Ports joint venture.

Councillors expressed concern with implications that may carry through to Council if the Bay of Plenty Regional Council decides to sell some of its stake in the profitable Port of Tauranga, Timaru District Holdings Limited stated that they will keep Councillors updated with the Bay of

Plenty Regional Council decision. The discussion also included interest income financials that TDHL is currently holding.

Resolution 2023/99

Moved: Mayor Nigel Bowen

Seconded: Cllr Stacey Scott

That the Timaru District Holdings Limited quarterly report for the period 1 July – 30 September 2023 be received and noted.

Carried

7.7 Presentation of Venture Timaru Limited Annual Report 2022/23

The Venture Timaru Chairperson spoke to the report and presented the audited Venture Timaru Limited Annual Report for the financial year 01 July 2022 – 30 June 2023. This includes a financial summary, non-financial monitoring indicator results and service level highlights for the year.

It is noted an error in the covering report at point 3 the funding sources should not include Bayhill Development.

Discussion included that moving forward, Venture Timaru and Councillors will collaborate to discuss Venture Timaru's reporting of their Key Performance Indicators.

Resolution 2023/100

Moved: Mayor Nigel Bowen

Seconded: Cllr Michelle Pye

That the Council receives and notes the audited Venture Timaru Limited Annual Report for the financial year 01 July 2022 – 30 June 2023.

Carried

7.8 Venture Timaru Quarterly Report for the period 01 July to 30 September 2023

The Venture Timaru Chairperson spoke to the report and presented the Venture Timaru quarterly report for their Economic Development and Visitor Promotion operations for the period 01 July – 30 September 2023.

Discussion included clarification of Venture Timaru's cruise season funding requests and current applications. It is requested to show how much each of the major event funding applicants received.

The Letter of Expectations and Statement of Intent are to be discussed with CCO chairs.

Resolution 2023/101

Moved: Cllr Allan Booth

Seconded: Cllr Michelle Pye

That Venture Timaru's quarterly report for the period 01 July – 30 September 2023 be received and noted.

Carried

7.9 Cemeteries Bylaw Amendment: Decision

The Parks and Recreations Manager and the Policy Advisor spoke to their report to update the Council on the submissions received from the Cemeteries Bylaw Consultation and determine whether to amend the relevant clause of the Bylaw.

Discussion included the committee's endorsement to amend the relevant clause to subsequently increase flexibility around burial and how amending the clause will reflect the community and carry no negative community impact. The positive community feedback was noted.

Resolution 2023/102

Moved: Mayor Nigel Bowen

Seconded: Cllr Scott Shannon

1. That Council receive and note the submissions.
2. That Council amend Clause 905.2 of the Cemeteries Bylaw to read:
Natural burials are defined as chemical free interments (without embalming and using shrouds or coverings or rapidly biodegradable caskets) in a separate area and does not have a traditional headstone or memorial on the grave. Burials may be recorded separately in a book, via approved on-site signage, or digitally. This approach enables natural processes to take place, returning the body's nutrients to the ecosystem rapidly and without pollution.

Carried

7.10 Aorangi Stadium Trust 2022/23 half year report.

The Senior Accountant spoke to the report to present the unaudited Aorangi Stadium Trust half-yearly report for 2022/23.

Resolution 2023/103

Moved: Mayor Nigel Bowen

Seconded: Cllr Owen Jackson

That Council receives and notes the unaudited Aorangi Stadium Trust half-yearly report for 2022/23.

Carried

7.11 Presentation of Aorangi Stadium Trust Annual Report 2022/23

The Senior Accountant spoke to the report to present the Aorangi Stadium Trust's (Trust) audited Annual Report for the financial year 1 July 2022 – 30 June 2023.

Resolution 2023/104

Moved: Cllr Allan Booth

Seconded: Cllr Gavin Oliver

Council receives and notes the audited Aorangi Stadium Trust Annual Report for 2022/23.

Carried

7.12 Aorangi Stadium Trust Statement of Intent 2023/24

The Senior Accountant spoke to the report to provide Council with Aorangi Stadium Trust's Statement of Intent (Sol) for 2023/24 and obtain feedback to the Trust.

Resolution 2023/105

Moved: Cllr Stu Piddington

Seconded: Cllr Michelle Pye

1. That the Aorangi Stadium Trust (AST) Statement of Intent be received.
2. That Council provides feedback to Aorangi Stadium Trust on its Statement of Intent.

Carried

7.13 Airport Upgrade Update

The Group Manager Infrastructure and Airport Operations & Safety Manager spoke to the Council to provide an update on the Timaru Richard Pearce Airport Terminal extension design and seek support to proceed to call for design service proposals.

Discussion included the number of the Timaru Airport aircrafts declining, opportunities around having available aircrafts to accommodate passengers and increasing their weekend service. The future fuelling options and aircraft upgrades and the possibility of future aviation security requirements.

Resolution 2023/106

Moved: Mayor Nigel Bowen

Seconded: Cllr Scott Shannon

That the Council confirms support for the proposal to extend the existing passenger terminal at Timaru Richard Pearce Airport to meet future requirements in principle subject to approval of capital programme and to defer current year spend to future years.

Carried

7.14 Section 17A Review - Parks

The Group Manager Infrastructure and Parks & Recreation Manager spoke to the Council to receive the Parks and Greenspace Service Delivery Review carried out under section 17A of the Local Government Act.

Discussion amongst councillors and officers the parks contracts being due to expire in June 2024, delivery of service and maintenance within the parks declining, current processes involved with hiring contractors and issues experienced. The possibility of a change in the level of service.

Councillors discussed options to resolve the issue within parks, for instance, hiring casual university students to help maintain the parks, the benefits of moving it in-house and creating a full in-house

model or creating a hybrid model to provide optimal delivery of service. The Councillors require a quick turnaround on this further investigation.

Resolution 2023/107

Moved: Mayor Nigel Bowen

Seconded: Cllr Owen Jackson

That Council

1. Receive the report from Rationale on the Parks and Greenspaces Services Review.
2. Note that Rationale's recommended option is that Council pursue a mixed inhouse and outsourced service delivery model.
3. Requests further investigation into the cost of delivering a mixed in-house and outsourced model relative to the status quo and a full inhouse model.

Carried

7.15 Annual Plan 2023/24 Three Month Performance Report to 30 September 2023

The Group Manager Infrastructure, Acting Group Manager Commercial & Strategy and Chief Financial Officer spoke to the report to outline progress on implementing the Annual Plan 2023/24 (Year One of the 2024-34 Long Term Plan (LTP)). This includes the key performance indicators, work programme and the financial results for the three months ended 30 September 2023.

Discussion included the budgeted estimate for waste across the weighbridge and the relation with the Peel Forest Landfill, there was a further in-depth investigation requested on waste. The fees and charges were discussed further.

Further discussion between councillors and officers included the damage to public toilets. There was an acknowledgement of the completion of CPlay. It was confirmed that further resources are being dedicated to close the loop with public requests. The direction and allocation of cost increases for water renewals and road maintenance.

Resolution 2023/108

Moved: Cllr Sally Parker

Seconded: Cllr Michelle Pye

That Council receives and notes the three month report to 30 September 2023 with particular attention to the:

1. Key performance indicators progress report to 30 September 2023;
2. Council's financial performance as at 30 September 2023; and the
3. Capital work programme progress report to 30 September 2023.

Carried

8 Consideration of Urgent Business Items

No items of urgent business were received.

9 Consideration of Minor Nature Matters**9.1 Ombudsman Investigation Update**

Clr Sally Parker requested a report to be brought to Council on the Ombudsman Report and an update of the actions being undertaken.

9.2 Investigate Payment Option for Freedom Campers

Mayor Nigel Bowen requested an investigation for a payment solution for our freedom camping areas – with a focus on Caroline Bay.

9.3 Traffic Management

Mayor Nigel Bowen requested a report on the cost of traffic management as a dollar value.

9.4 Investigation of Sub-Contracting

Mayor Nigel Bowen requested a report on sub-contracting across the council where sub-contracting is occurring with the consideration of, if these services can be delivered in-house.

Examples include – Street sweeping and rubbish collection.

9.5 Investigation of Small Trades

Mayor Nigel Bowen requested a report on Trades - to investigate the value of small trades outside of large contracts with the consideration of these being offered in-house. With an analysis of both procurement and spending on invoices under \$10k.

9.6 Request OIA to NZTA on State Highway 1 Funding

Mayor Nigel Bowen requested an OIA to NZTA/Waka Kotahi on SH1 funding in the district for the previous year.

9.7 Waste Losses Investigation

Mayor Nigel Bowen requested an investigation into the losses last year and again YTD with waste, what are the actions required to run the activity at break even.

9.8 Process of Agenda Preparation

Mayor Nigel Bowen requested a clearer process around working with chairs on agendas, to ensure the timing is built in for the chairs to check the agendas and have further input.

9.9 Quarterly Activity Reports

Mayor Nigel Bowen requested a quarterly activity report to also include a quarterly forward work programme.

9.10 Underutilised Assets

Mayor Nigel Bowen requested an investigation on assets that are not being utilised that could be sold. For example small pieces of land.

9.11 Template for Financial Impact

Clr Stu Piddington requested a template for financial impact when there is a recommendation to do something, rate or loan funded, ongoing costs, and expiry of Capital projects.

9.12 Kennels Road

Clr Sally Parker requested an update on the Resource Management Act process for Kennels Road. The Acting Group Manager Commercial and Strategy provided an update on the mandatory requirements.

10 Public Forum Items Requiring Consideration

There were no public forum items.

11 Public Excluded Reports

No Public Excluded Reports.

The meeting closed at 5.14pm.

.....
Mayor Nigel Bowen
Chairperson

7.3 Minutes of the Extraordinary Council Meeting held on 30 January 2024

Author: Rachel Scarlett, Governance Advisor

Recommendation

That the Minutes of the Extraordinary Council Meeting held on 30 January 2024 be confirmed as a true and correct record of that meeting and that the Chairperson's electronic signature be attached.

Attachments

- 1. Minutes of the Extraordinary Council Meeting held on 30 January 2024**



MINUTES

Extraordinary Council Meeting Tuesday, 30 January 2024

Ref: 1650264

**Minutes of Timaru District Council
Extraordinary Council Meeting
Held in the Council Chamber, District Council Building, King George Place, Timaru
on Tuesday, 30 January 2024 at 1pm**

Present: Mayor Nigel Bowen (Chairperson), Cllrs Allan Booth, Peter Burt, Sally Parker, Stu Piddington, Stacey Scott, Scott Shannon, Michelle Pye, Owen Jackson

Officers: Nigel Trainor (Chief Executive), Andrew Dixon (Infrastructure Manager), Beth Stewert (Group Manager Community Services), Stephan Doran (Communications and Engagement Manager) Jessica Kavanaugh (Team Leader Governance) Rachel Scarlett (Governance Advisor)

1 Apologies

1.1 Apologies Received

Resolution 2024/1

Moved: Mayor Nigel Bowen

Seconded: Cllr Michelle Pye

That the apology of Cllr Gavin Oliver be received and accepted.

Carried

2 Declaration of Conflicts of Interest

No conflicts of interest were declared.

3 Reports

4.1 Discontinuation of 3 Waters Court of Appeal Action

Mayor Nigel Bowen spoke to the report to seek a Council resolution to withdraw formally from its appeal of the High Court decision of 21 February 2023 in ***Timaru District Council and Ors v Minister of Local Government*** [2023] NZHC 244 [CIV-2021-485-641].

There was clarification on the status of the other two councils part of the appeal with the Timaru District Council. The Waimakariri Council has a upcoming meeting to formally withdraw, and the Whāngarei Council did not formally rejoin the appeal.

Resolution 2024/2

Moved: Mayor Nigel Bowen

Seconded: Cllr Peter Burt

That Council:

1. Approve the withdrawal of the appeal from the High Court decision of ***Timaru District Council and Ors v Minister of Local Government*** [2023] NZHC 244 [CIV-2021-485-641].
2. Note that there will be modest legal costs associated with the withdrawal of the appeal but that these will be substantially less than continuing with the appeal.

Carried

The meeting closed at 1.06pm.

.....
Mayor Nigel Bowen
Chairperson

8 Schedules of Functions Attended

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

Author: Alesia Cahill, Executive Support Manager

Authoriser: Nigel Bowen, Mayor

Recommendation

That the Schedule of Functions Attended by the Mayor, Deputy Mayor and Councillors be received and noted.

Functions Attended by the Mayor for the Period 11 November 2023 to 26 January 2024.

<i>11 November 2023</i>	<p>Attended and opened Animates Timaru</p> <p>Spoke at Armistice Day Service</p> <p>Attended Tongan Day at Caroline Bay</p>
<i>12 November 2023</i>	<p>Attended Sustainability Festival</p>
<i>14 November 2023</i>	<p>Chaired Tenders and Procurement Committee meeting</p> <p>Chaired Extraordinary Council meeting</p> <p>Attended Standing Committee meetings</p> <p>Attended Council workshops</p>
<i>15 November 2023</i>	<p>Met with Venture Timaru CE for monthly meeting</p> <p>Attended Aoraki Foundation Partners Lunch</p> <p>Attended Theatre Royal & Heritage Facility Governance Reference</p> <p>Attended AD Hally Trust meeting</p>
<i>16 November 2023</i>	<p>Attended and spoke at The Geraldine Alpine Energy Art Exhibition 2023</p>
<i>17 November 2023</i>	<p>Chaired Extraordinary Directors and Trustees Appointment Committee</p> <p>Attended Pleasant Point Christmas Community morning tea</p>
<i>20 November 2023</i>	<p>Attended site visit on Cruise Ship Noordam</p> <p>Met with three local Mayors</p>
<i>21 November 2023</i>	<p>Attended Council workshops</p>
<i>22 November 2023</i>	<p>Attended ECan South Branch workshop</p>
<i>24 November 2023</i>	<p>Chaired Canterbury Mayoral Forum in Christchurch</p>
<i>25 November 2023</i>	<p>Visited Milford Huts</p>
<i>27 November 2023</i>	<p>Attended Civil Defence Emergency Management Joint Committee meeting</p> <p>Attended Canterbury Regional Transport Committee meeting</p>

<i>28 November 2023</i>	Attended Economy Update at Brosnan Transport Chaired Council meeting Attended Council workshops
<i>30 November 2023</i>	Attended Affordable Housing for Generations Research Summit in Christchurch
<i>3 December 2023</i>	Judged Timaru's Christmas Parade
<i>4 December 2023</i>	Met with South Canterbury Chamber of Commerce
<i>5 December 2023</i>	Attended Donations, Funds & Loans Portfolio Review Meeting Attended Council workshops
<i>6 December 2023</i>	Attended Councils Team Talk meeting and introduced new CE Nigel Trainor Attended TDHL AGM
<i>7 December 2023</i>	Met with South Canterbury Mayors and Zone Committee meeting Presented at Craighead Diocesan School prizegiving Attended Safer Communities Committee meeting Attended SADD end of year function
<i>11 December 2023</i>	Attended Homelessness Working Group meeting
<i>12 December 2023</i>	Attended Council workshops Chaired People and Performance Committee meeting Conducted Citizenship Ceremony Chaired Council meeting
<i>13 December 2023</i>	Completed a site tour of Fraser Park
<i>14 December 2023</i>	Attended Sister Cities Subcommittee meeting
<i>15 December 2023</i>	Hosted Community Christmas morning tea for local stakeholders
<i>16 December 2023</i>	Attended Keeva Release – 100 th Raptor release under programme
<i>18 December 2023</i>	Chaired Tenders and Procurement Committee meeting Met with South Canterbury Chamber of Commerce Attended Former Refugee Celebrations
<i>19 December 2023</i>	Attended Rangitata South Irrigation Ltd Stakeholder meeting
<i>20 December 2023</i>	Opened Public fishing pontoon at Timaru Port
<i>21 December 2023</i>	Mayoral Musings on the Breeze with OJ
<i>16 January 2023</i>	Interviewed 5 students for the Eniwa, Japan exchange
<i>23 January 2023</i>	Interviewed 5 students for the Eniwa, Japan exchange
<i>24 January 2023</i>	Attended Official Opening of the Mokihi Hauora facility
<i>26 January 2023</i>	Open Exhibition - Trevor Askin: Time Flies

In addition to these duties, I met with 54 members of the public on issues of concern to them.

Functions Attended by the Deputy Mayor for the Period 11 November 2023 to 26 January 2024.

24 November 2023 Attended Temuka Christmas Parade

Functions Attended by the Councillors on Behalf of the Mayor for the Period 11 November 2023 to 26 January 2024.

9 December 2023 Cllr Jackson closed Christmas on the Bay

10 December 2023 Cllr Scott officially Opened CPlay

Attachments

Nil

8.2 Schedule of Functions Attended by the Chief Executive**Author:** Alana Hobbs, Executive Support Coordinator**Authoriser:** Nigel Trainor, Chief Executive**Recommendation**

That the Schedule of Functions Attended by the Chief Executive be received and noted.

Functions Attended by the Chief Executive for the Period 4 December 2023 and 31 January 2024.

<i>4 December 2023</i>	Attended Local Government training
<i>5 December 2023</i>	Attended Local Government training
<i>6 December 2023</i>	Attended Venture Timaru Limited Annual General Meeting Attended Timaru District Holdings Limited Annual General Meeting
<i>11 December 2023</i>	Attended Local Government Funding Agency Economic and Market Update Attended 3Waters Reform Meeting Attended Local Government New Zealand Special General Meeting
<i>12 December 2023</i>	Attended Council Workshops Attended People and Performance Committee Meeting Attended Citizenship Ceremony Attended Council Meeting
<i>14 December 2023</i>	Meeting with representatives from Audit New Zealand
<i>18 December 2023</i>	Attended Tenders and Procurement Meeting Meeting with South Canterbury Chamber of Commerce
<i>19 December 2023</i>	Meeting with Waimate District Council Chief Executive
<i>20 December 2023</i>	Meeting with representatives from CORDE
<i>12 January 2024</i>	Meeting with General Manager Timaru District Holdings Limited
<i>16 January 2024</i>	Meeting with representatives from Audit New Zealand
<i>18 January 2024</i>	Attended Taituara Chief Executive Hui
<i>24 January 2024</i>	Meeting with Chief Executive Venture Timaru Limited
<i>26 January 2024</i>	Meeting with Managing Director Midland Contracting Limited
<i>29 January 2024</i>	Attended Chief Executives Forum Attended Civil Defence Emergency Management Coordinating Executive Group Meeting
<i>30 January 2024</i>	Attended Tenders and Procurement Meeting

Attended Council Workshops

Attended Extraordinary Council Meeting

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

Attachments

Nil

9 Reports

9.1 Affixing of the Common Seal

Author: Alana Hobbs, Executive Support Coordinator

Authoriser: Nigel Trainor, Chief Executive

Recommendation

That the following warrants have been approved by the Chief Executive and are being reported to the Council for noting:

1. 14 December 2023 – Approval of Warrants
2. 18 December 2023 – Approval of Warrants
3. 18 December 2023 – Approval of Warrants
4. 17 January 2024 – Approval of Warrants
5. 17 January 2024 – Approval of Warrants
6. 17 January 2024 – Approval of Warrants
7. 17 January 2024 – Approval of Warrants
8. 17 January 2024 – Approval of Warrants
9. 17 January 2024 – Approval of Warrants
10. 31 January 2024 – Approval of Warrants

Purpose

1. To report the Chief Executive has approved the Warrant of Appointments and is reporting that as required under the delegation manual (Clause 3.4.5).
2. To note the names have been redacted for the privacy of the employees.

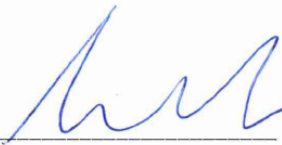
Attachments

1. **Approval of Warrants - 14.12.23**  
2. **Approval of Warrants - 18.12.23**  
3. **Approval of Warrants - 18.12.23**  
4. **Approval of Warrants - 17.01.24**  
5. **Approval of Warrants - 17.01.24**  
6. **Approval of Warrants - 17.01.24**  
7. **Approval of Warrants - 17.01.24**  
8. **Approval of Warrants - 17.01.24**  
9. **Approval of Warrants - 17.01.24**  
10. **Approval of Warrants - 31.01.24**  




Approval of warrants

I, Nigel Trainor, Chief Executive of the Timaru District Council have delegated authority pursuant to clause 3.4 of the Timaru District Council delegations manual to appoint and authorise the Council Officers listed in the table below, and issue warrants to those Council Officers under the relevant legislation and the Council's bylaws, including delegating the exercise of powers under those warrants, and affixing the Council's common seal to warrants. I hereby approve the attached warrants.



 Nigel Bowen
14/12/2023
 Date



 Nigel Trainor





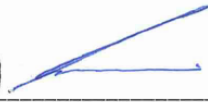
Name	Title	Unit
	Operational Support	Citycare
	Operational Support	Citycare
	Operational Support	Citycare
	Drainage and Water Serviceman	Citycare
	Drainage and Water Serviceman	Citycare
	Drainage and Water Serviceman	Citycare
	CCTV Supervisor	Citycare
	Drainage and Water Serviceman	Citycare
	Operational Support	Citycare
	Drainage and Water Serviceman	Citycare
	Drainage and Water Serviceman	Citycare
	Drainage and Water Serviceman	Citycare
	Branch Manager	Citycare
	Drainage and Water Trainee	Citycare
	Drainage and Water Serviceman	Citycare
	Operational Support	Citycare
	Operational Support	Citycare
	Civil Project Manager	Citycare
	Drainage and Water Trainee	Citycare
	CCTV Operator	Citycare
	Operational Support	Citycare
	Operational Support	Citycare
	Drainage and Water Trainee	Citycare

#1637550



Approval of warrants

I, Nigel Trainor, Chief Executive of the Timaru District Council have delegated authority pursuant to clause 3.4 of the Timaru District Council delegations manual to appoint and authorise the Council Officers listed in the table below, and issue warrants to those Council Officers under the relevant legislation and the Council's bylaws, including delegating the exercise of powers under those warrants, and affixing the Council's common seal to warrants. I hereby approve the attached warrants.

Nigel Bowen
18/12/2023
 Date

Nigel Trainor

Name	Title	Unit
	Team Leader Consents and Compliance	Planning
	District Planning Manager	Planning
	Team Leader Policy	Planning
	Resource Consents Planner	Planning
	Resource Consents Planner	Planning
	Policy Planner	Planning
	Subdivision and Compliance Officer	Planning
	Senior Policy Planner	Planning
	Senior Policy Planner	Planning
	Safety Engineer	Infrastructure

#1638346



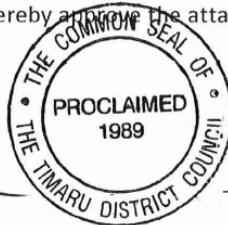
Approval of warrants

I, Nigel Trainor, Chief Executive of the Timaru District Council have delegated authority pursuant to clause 3.4 of the Timaru District Council delegations manual to appoint and authorise the Council Officers listed in the table below, and issue warrants to those Council Officers under the relevant legislation and the Council's bylaws, including delegating the exercise of powers under those warrants, and affixing the Council's common seal to warrants. I hereby approve the attached warrants.

Nigel Bowen

18/12/2023

Date



Nigel Trainor

Name	Title	Unit
	Building Control Manager	Building
	Team Leader Building Compliance	Building
	Team Leader Building Inspections	Building
	Team Leader Building Approvals	Building
	Building Control Officer	Building
	Building Control Officer	Building
	Building Control Officer	Building
	Building Control Officer	Building
	Building Control Officer	Building
	Building Control Officer	Building
	Building Control Officer	Building
	Building Control Officer	Building
	Building Control Officer	Building
	Building Control Officer	Building
	Building Control Officer	Building
	Building Control Officer	Building
	Building Compliance Officer	Building
	Building Compliance Officer	Building
	Building Compliance Monitoring Officer	Building
	Compliance & Enforcement Advisor	Building

#1637880



Approval of warrants

I, Nigel Trainor, Chief Executive of the Timaru District Council have delegated authority pursuant to clause 3.4 of the Timaru District Council delegations manual to appoint and authorise the Council Officers listed in the table below, and issue warrants to those Council Officers under the relevant legislation and the Council's bylaws, including delegating the exercise of powers under those warrants, and affixing the Council's common seal to warrants. I hereby approve the attached warrants.





Nigel Bowen

Nigel Trainor

17/01/24

Date

Name	Title	Unit
	Licensing Inspector & Enforcement Officer	Environmental Services
	Licensing Inspector & Enforcement Officer	Environmental Services
	Environmental Health Officer, Enforcement Officer & Licensing Inspector	Environmental Services
	Team Leader Animal Control and Parking	Environmental Services
	Animal Control Officer	Environmental Services
	Animal Control Officer	Environmental Services
	Parking Warden	Environmental Services
	Parking Warden	Environmental Services
	Parking Warden	Environmental Services
	Parking Warden	Environmental Services
	Parking Warden	Environmental Services
	Group Manager Environmental Services	Environmental Services
	Environmental Compliance Manager	Environmental Services
	Animal Control Officer	Environmental Services
	Parking Warden	Environmental Services
	Animal Control Officer	Environmental Services
	Animal Control Officer	Environmental Services

#1641711



Approval of warrants

I, Nigel Trainor, Chief Executive of the Timaru District Council have delegated authority pursuant to clause 3.4 of the Timaru District Council delegations manual to appoint and authorise the Council Officers listed in the table below, and issue warrants to those Council Officers under the relevant legislation and the Council's bylaws, including delegating the exercise of powers under those warrants, and affixing the Council's common seal to warrants. I hereby approve the attached warrants.

Nigel Bowen



Nigel Trainor

17/01/24

Date

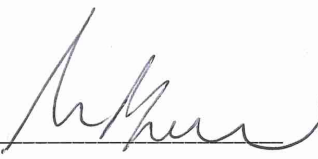

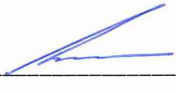
Name	Title	Unit
	Survey Technician	Land Transport
	Survey Design Technician	Land Transport
	Projects and Contracts Officer	Land Transport
	Road Network Operations Technician	Land Transport

#1641710



Approval of warrants

I, Nigel Trainor, Chief Executive of the Timaru District Council have delegated authority pursuant to clause 3.4 of the Timaru District Council delegations manual to appoint and authorise the Council Officers listed in the table below, and issue warrants to those Council Officers under the relevant legislation and the Council's bylaws, including delegating the exercise of powers under those warrants, and affixing the Council's common seal to warrants. I hereby approve the attached warrants.

Nigel Bowen

Nigel Trainor

17/01/24

Date

Name	Title	Unit
	Environmental Health Support Officer, Enforcement Officer and Licensing Inspector	Environmental Services
	Environmental Health Support Officer, Enforcement Officer and Licensing Inspector	Environmental Services
	Environmental Health Support Officer, Enforcement Officer and Licensing Inspector	Environmental Services
	Environmental Health Officer, Enforcement Officer & Licensing Inspector	Environmental Services
	Environmental Health Officer, Enforcement Officer & Licensing Inspector	Environmental Services
	Environmental Health Officer, Enforcement Officer & Licensing Inspector	Environmental Services
	Food Verifier	Environmental Services
	Food Verifier	Environmental Services
	Bylaws Monitoring Officer	Environmental Services
	Environmental Health Officer, Enforcement Officer & Licensing Inspector	Environmental Services

#1641709



Approval of warrants

I, Nigel Trainor, Chief Executive of the Timaru District Council have delegated authority pursuant to clause 3.4 of the Timaru District Council delegations manual to appoint and authorise the Council Officers listed in the table below, and issue warrants to those Council Officers under the relevant legislation and the Council's bylaws, including delegating the exercise of powers under those warrants, and affixing the Council's common seal to warrants. I hereby approve the attached warrants.

Nigel Bowen



Nigel Trainor

17/01/24

Date

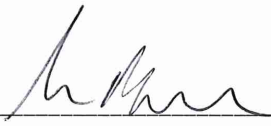

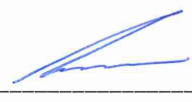
Name	Title	Unit
	Driver	Envirowaste
	Driver	Envirowaste
	Driver	Envirowaste
	Driver	Envirowaste
	Driver	Envirowaste
	Bin Inspector	Envirowaste
	Operations Manager	Envirowaste
	Driver	Envirowaste
	Driver	Envirowaste
	Community Business Advisor	Envirowaste
	Community Business Advisor	Envirowaste
	Driver	Envirowaste
	Driver	Envirowaste
	Driver	Envirowaste
	Driver	Envirowaste
	Driver	Envirowaste

#1641707



Approval of warrants

I, Nigel Trainor, Chief Executive of the Timaru District Council have delegated authority pursuant to clause 3.4 of the Timaru District Council delegations manual to appoint and authorise the Council Officers listed in the table below, and issue warrants to those Council Officers under the relevant legislation and the Council's bylaws, including delegating the exercise of powers under those warrants, and affixing the Council's common seal to warrants. I hereby approve the attached warrants.

Nigel Bowen

Nigel Trainor

17/01/24

Date

Name	Title	Unit
	Drainage and Water Manager	Drainage and Water
	Water Services Reticulation Engineer	Drainage and Water
	Drainage Technician	Drainage and Water
	Water Services Technician	Drainage and Water
	Water Services Technician	Drainage and Water
	Water Services Operations Engineer	Drainage and Water
	Wastewater Treatment Team Leader	Drainage and Water
	Wastewater Treatment Operator	Drainage and Water
	Wastewater Treatment Operator	Drainage and Water
	Wastewater Treatment Operator	Drainage and Water
	Wastewater Treatment Operator	Drainage and Water
	Wastewater Compliance Officer	Drainage and Water
	Trade Waste Officer	Drainage and Water
	Water Treatment Team Leader	Drainage and Water
	Water Treatment Operator	Drainage and Water
	Water Treatment Operator	Drainage and Water
	Water Treatment Operator	Drainage and Water
	Water Treatment Operator	Drainage and Water
	Water Treatment Operator	Drainage and Water
	Water Treatment Operator	Drainage and Water

#1641712



	Three Waters Compliance Officer	Drainage and Water
	Principal Three Waters Specialist	Drainage and Water
	Water Services Project Team Leader	Drainage and Water
	Water Services Project Manager	Drainage and Water
	Water Services Project Manager	Drainage and Water
	Water Services Project Manager	Drainage and Water
	Water Services Strategy Officer	Drainage and Water
	Water Services Project Advisor	Drainage and Water
	Stormwater Team Leader	Drainage and Water
	Stormwater Engineer	Drainage and Water

#1641712



Approval of warrants

I, Nigel Trainor, Chief Executive of the Timaru District Council have delegated authority pursuant to clause 3.4 of the Timaru District Council delegations manual to appoint and authorise the Council Officers listed in the table below, and issue warrants to those Council Officers under the relevant legislation and the Council's bylaws, including delegating the exercise of powers under those warrants, and affixing the Council's common seal to warrants. I hereby approve the attached warrants.


Nigel Bowen




Nigel Trainor

31/1/2024

Date

Name	Title	Unit
	Water Services Technician	Drainage and Water

#1437377

9.2 Actions Register Update

Author: Rachel Scarlett, Governance Advisor

Authoriser: Paul Cooper, Acting Group Manager Commercial and Strategy

Recommendation

That the Council receives and notes the updates to the Actions Register.

Purpose of Report

- 1 The purpose of this report is to provide the Council with an update on the status of the action requests raised by councillors at previous Council meetings.

Assessment of Significance

- 2 This matter is assessed to be of low significance under the Council's Significance and Engagement Policy as there is no impact on the service provision, no decision to transfer ownership or control of a strategic asset to or from Council, and no deviation from the Long Term Plan.

Discussion

- 3 The Actions register is a record of actions requested by councillors. It includes a status and comments section to update the Council on the progress of each item.

Attachments

1. Council Actions Required [↓](#) 

Information Requested from Councillors (Council)

Information Requested	Budget Reallocation Trial		
Date Raised:	17 October 2023	Status:	On Going
Issue Owner	Group Manager Commercial and Strategy	Completed Date:	
<p>Background: The Councillors requested that a trial is to commence that includes officers work to advise the Chair of the relevant committee when budget reallocation occurs which is each Group Managers responsibility and provide an update to the Commercial and Strategy Committee in the Financial Report. This trial will be reviewed in March.</p> <p>Update: This has been implemented in the Monthly Financial Update to the Commercial and Strategy Committee for September 2023 and will continue to feature in these reports until a review of the trial in March 2024.</p>			

Information Requested	Trial Opening Aorangi Stadium Park in Weekends		
Date Raised:	12 December 2023	Status:	On Going
Issue Owner	Group Manager Community Services and Group Manager Infrastructure	Completed Date:	
<p>Background: The Councillors requested that a trial is to commence on the opening of the current stadium on weekends over the January period.</p> <p>Update:</p>			

Information Requested	Workshop with Venture Timaru		
Date Raised:	12 December 2023	Status:	On Going
Issue Owner	Group Manager Commercial and Strategy	Completed Date:	
<p>Background: The Councillors requested a workshop within the next three months to include an update on how much each major event funding a pplicant received and any history of funding.</p> <p>Update: In progress – time to be arranged with Venture Timaru.</p>			

Information Requested	Report requested on Ombudsman Report actions update		
Date Raised:	12 December 2023	Status:	On Going
Issue Owner	Group Manager Commercial and Strategy	Completed Date:	
<p>Background: The Councillors requested a report to be brought to Council on the Ombudsman Report and an update of the actions being undertaken.</p> <p>Update: Report going to Council on 13 February 2024.</p>			

Information Requested	Investigate Payment Option for Freedom Campers		
Date Raised:	12 December 2023	Status:	On Going
Issue Owner	Group Manager Infrastructure	Completed Date:	
<p>Background: The Councillors requested an investigation for a payment solution for our freedom camping areas – with a focus on Caroline Bay</p> <p>February 2024 Update: Currently investigating options and legislative framework that will allow for this.</p>			

Information Requested	Investigate Traffic Management		
Date Raised:	12 December 2023	Status:	On Going
Issue Owner	Group Manager Infrastructure	Completed Date:	
<p>Background: The Councillors requested a report on the cost of traffic management as a dollar value.</p> <p>February 2024 Update: Information has been gathered around current delivery model. An analysis of potential alternative options for delivery is underway which will be presented for consideration following completion.</p>			

Information Requested	Investigate Subcontracting Across Council		
Date Raised:	12 December 2023	Status:	On Going
Issue Owner	Group Manager Infrastructure	Completed Date:	
<p>Background: The Councillors requested a report on sub-contracting across council where sub-contracting is occurring with the consideration to if these services can be delivered in – house.</p> <p>Examples include – Street sweeping, rubbish collection.</p> <p>Update:</p>			

Information Requested	Investigate Small Trades		
Date Raised:	12 December 2023	Status:	On Going
Issue Owner	Group Manager Commercial and Strategy	Completed Date:	

<p>Background:</p> <p>The Councillors requested a report on Trades - investigate the value of small trades outside of large contracts with the consideration to these being offered in-house. With an analysis of both procurement and spend on invoices under \$10k.</p> <ul style="list-style-type: none"> o Are we getting competitive pricing with a preferred supplier. o Do we get to a level whereby in-house provision of the particular trade could be the better way forward. <p>Update:</p>
--

Information Requested	Request OIA		
Date Raised:	12 December 2023	Status:	Complete
Issue Owner	Group Manager Infrastructure	Completed Date:	13/02/2024
<p>Background:</p> <p>The Councillors requested an OIA to NZTA/Waka Kotahi on SH1 funding in the district for the previous year.</p> <p>February 2024 Update: Representatives from New Zealand Transport Agency are scheduled to meet with a representative group on 13 February to share information and respond to any questions.</p>			

Information Requested	Waste Losses Investigation		
Date Raised:	12 December 2023	Status:	Complete
Issue Owner	Group Manager Infrastructure	Completed Date:	13/02/2024
<p>Background:</p> <p>The Councillors requested an investigation into the losses last year and again YTD with waste, what are the actions required to run the activity at break even.</p> <p>February 2024 Update: This has been included as part of the Long Term Plan.</p>			

Information Requested	Process on Agenda Preparation		
Date Raised:	12 December 2023	Status:	On Going
Issue Owner	ALL Group Manager's	Completed Date:	
<p>Background: The Councillors requested a clearer process around working with chair's on agendas, to ensure the timing is built in for the chairs to check the agendas and have further input.</p> <p>Update: Environmental Services held a meeting on 31 January 2024 with the committee Chair, Deputy Chair, Group Manager and Unit Managers to discuss the development of the process and set some parameters for continuous improvement.</p> <p>Infrastructure – discussed with committee Chair who confirmed they are comfortable with current agreed process.</p>			

Information Requested	Quarterly Activity Reports		
Date Raised:	12 December 2023	Status:	On Going
Issue Owner	ALL Group Manager's	Completed Date:	
<p>Background: The Councillors requested a quarterly activity reporting to also include quarterly forward work programme.</p> <p>Update: Infrastructure – the forward work programme for both Land Transport and Drainage and Water is currently available on the website, work is under way for Parks information to be available in the same format.</p>			

Information Requested	Underutilised Assets		
Date Raised:	12 December 2023	Status:	On Going
Issue Owner	Manager of Property Services and Client Representative	Completed Date:	

<p>Background: The Councillors requested an investigation on assets that are not being utilised that could be sold. For example small pieces of land.</p> <p>Update: A property list has been sent to the Programme Delivery Manager for Infrastructure to check off and add or delete any properties, as well as note if they are available for possible sale/divestment. Manager of Property Services and Client Representative is working on the vertical property list. This should be tabled at the next meeting.</p> <p>We will look at small trades and sub-contracting as a larger piece of work connected to LTPs once they are locked in.</p>

Information Requested	Template for Financial Impact		
Date Raised:	12 December 2023	Status:	On Going
Issue Owner	Chief Financial Officer	Completed Date:	
<p>Background: The Councillors requested a template for financial impact when there is a recommendation to do something, rate or loan funded, ongoing costs, expiry of Capital projects.</p> <p>Update: This is a work in progress and will be developed over time.</p>			

9.3 Release of Public Excluded Reports

Author: Rachel Scarlett, Governance Advisor

Authoriser: Paul Cooper, Acting Group Manager Commercial and Strategy

Recommendation

That the Council notes the following public excluded reports have been released to the public:

1. Purchase of Meadows Road property, Washdyke
2. Appointment of Civil Defence Emergency Management Controllers and Recovery Manager

Purpose of Report

- 1 The purpose of this report is to provide the Council with an updated status of Public Excluded Reports released to the Public.

Assessment of Significance

- 2 This matter is assessed to be of low significance under the Council's Significance and Engagement Policy as there is no impact on the service provision, no decision to transfer ownership or control of a strategic asset to or from Council, and no deviation from the Long Term Plan.

Discussion

- 3 The following reports have been released to the public and are available on the Timaru District Council website under the following links;
 - (i) Purchase of Meadows Road property, Washdyke
<https://www.timaru.govt.nz/council/council-and-committee-meetings/meeting-dates-calendar/council/2023/council-30.05.23>
 - (ii) Appointment of Civil Defence Emergency Management Controllers and Recovery Manager
https://www.timaru.govt.nz/__data/assets/pdf_file/0009/831915/Item-13.2-Civil-Defence-17.10.23.pdf

Attachments

Nil

9.4 Aorangi Park Sports Stadium Options

Author: Andrew Dixon, Group Manager Infrastructure

Authoriser: Nigel Trainor, Chief Executive

Recommendation

1. That Council endorses two options being an extension of the existing stadium (Option 1) extending from the existing stadium out towards and onto the area currently used for the netball courts at Aorangi Park together with the build a new 10 court stadium on the existing netball courts (Option 2).
2. That an expression of interest process for the design and build be undertaken to explore these options.
3. Note that consultation has been undertaken under the Long Term Plan 2021/31 as acknowledged by Council as per resolution 2021/95.

Purpose of Report

- 1 To consider further options for the increase in the number of indoor courts at the Aorangi Park sports stadium to potentially reduce cost.

Assessment of Significance

- 2 This matter is assessed as of medium-high significance in terms of the Timaru District Council Significance and Engagement Policy. The changed project scope remains within the financial envelope approved as part of the Long Term Plan 2021-31 and therefore the need for additional consultation has not been triggered.

Background

- 3 At the meeting on 12 December 2023, Council considered a report assessing options for increasing the number of indoor sports courts at Aorangi Park. This included the extension and strengthening of the existing stadium to the west (as per the Long Term Plan 2021-31) and a new 10 court facility. It was recommended that community consultation on the proposal to build a new 10 court stadium be undertaken.
- 4 At the meeting Council resolved:
"That Council endorses the proposal to build a new stadium facility (Option 1) within the area currently used for the netball courts at Aorangi Park, and undertakes further community consultation on this proposal."

Discussion

- 5 The affordability for the community is a key driver and a desire to reduce costs lead to two alternative options being considered alongside the previously approved new 10 court stadium.
- 6 These options are:

- to strengthen the existing stadium and build a stand-alone six-court stadium that includes a covered walkway between the two buildings.
- to extend the existing stadium towards the netball courts. This involves dismantling the lounge and gym area structure that has structural capacity and earthquake issues. The addition of the extension allows the existing stadium earthquake prone issues to be remedied as this addition will provide additional support to the existing structure. Previously options to extend the stadium have been considered however, an extension towards the existing netball courts was not investigated. By extending the stadium in the direction of the netball courts, efficiencies can be gained through linking the old and new structures in a specific way which will reduce the costs for strengthening.

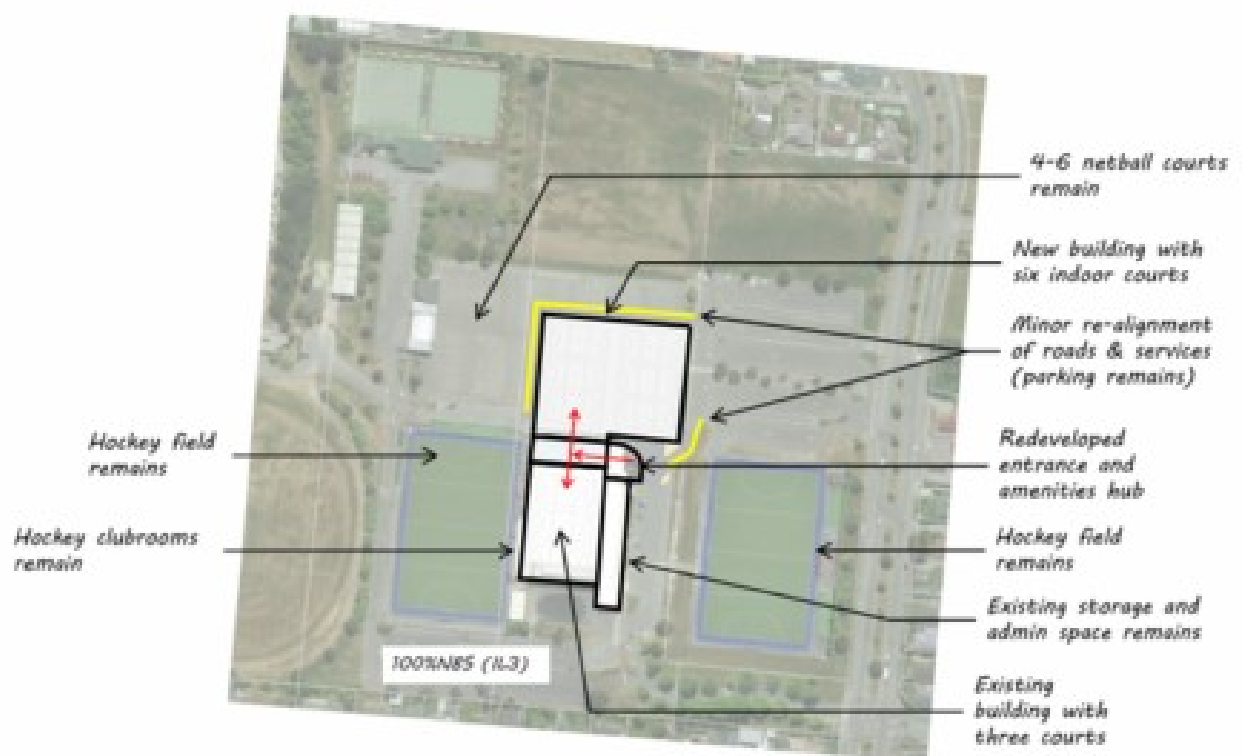
7 It was considered prudent that further consideration should be given to these options so high-level costings were sought.

Options and Preferred Option

8 There are three viable options for consideration.

9 **Option 1 Extension of existing stadium towards the netball courts**

10 The initial high-level costings for this build is \$17.8M, which indicates that this option would be financially viable.



11 The following should be noted in consideration of the option to extend the stadium towards the netball courts:

- The section currently housing the gym would be repurposed into changing areas and offices. The existing gym space would be decommissioned entirely.
- The flooring for the upstairs lounge would be removed and this would become the viewing area for each section of the stadium. Consideration can be given at the detailed

design stage if this should be open or enclosed which would allow for this to be hired separately.

- The upstairs kitchen would be retained providing opportunity to give consideration for a commercial operation to service the stadium.
- There is opportunity to repurpose other areas within the existing stadium that are currently not well utilised such as the ground floor commercial kitchen. While the upstairs kitchen is retained the ground floor one could be repurposed to a meeting room.
- The existing stadium can be operated for a broad variety of purposes beyond sports. As a bookable multi-purpose facility this can provide additional revenue.
- The old and new stadiums would be able to be operated separately for smaller events.
- Both hockey turfs would be undisturbed and an area between the netball pavilion and stadium would be able to accommodate four netball/tennis courts.
- The existing road would need to be re-aligned around the proposed extension and additional carparking could be added alongside the western wall of the stadium extension.
- Existing services sewer and stormwater may need to be relocated or protected if built over.
- The existing stadium would be able to remain largely open during construction.

12 Option 2 Construction of a new 10 court stadium on the existing netball courts and demolition of the existing stadium

- 13 This option has previously been considered and supported by Council. The high-level costing for this is somewhat higher at \$23.3M, though still achievable within the \$28M budget currently available. This option is the construction of a new 'no frills' stadium on the existing outdoor netball courts. Based on the available footprint a total of 10 indoor netball or basketball courts could be accommodated. The existing Netball Pavilion would be retained. Little change is required to road layouts and other sports are not impacted. Part of this proposal is the demolition of the existing stadium. The site can then be developed to provide some outdoor courts and new changing facilities for other outdoor sports. The construction of the new stadium can occur while the existing stadium remains operational, however, netball would have a significant disruption as the existing outdoor courts and pavilion will not be available for use during this time. Ideally construction would occur over one calendar year therefore only one season would be disrupted for netball users.

14 Option 3 Construction of a new 6 court stadium on the existing netball courts and strengthening of the existing stadium.

- 15 This option would be a similar cost to option 1, however, is not preferred as having two separate stadiums would be more difficult to manage for large events especially given a road carriageway would run between the two stadiums. The high-level costing for this option is \$19.9M. This option however, would not require the re-routing of the road which would bring the total cost closer to the cost of extending the existing stadium. Though the difference in

costs would be negligible, having the stadium as one structure allows more efficient management and use of the facility.

Consultation

- 16 As noted consultation has been undertaken in the Long Term Plan 2021/31 (Resolution 2021/95).

Relevant Legislation, Council Policy and Plans

- 17 The Trusts Act 2019
 18 Building Act 2004
 19 Timaru District Long Term Plan 2021-31
 20 Resource Management Act 1991
 21 Aorangi Park Management Plan and Reserves Act 1977

Financial and Funding Implications

- 22 Option 1 - \$17.8M, this option could deliver significant cost savings with the project being delivered comfortably within the budget currently available.
- 23 Option 2 – \$23.3M, this option could be delivered within the budget current budget but it is not anticipated that there could be any savings.
- 24 Option 3 - \$19.9M this option could deliver significant cost savings with the project being delivered comfortably within the budget currently available.
- 25 The project will be funded using a combination of Timaru District loan funding identified in the 2021- 31 LTP budget, community fundraising and part of the 3Waters tranche 1 'Better Off funding' related to the three waters transition.
- 26 The funding currently available is as follows:

Funding Source	\$ Amount (million)
Long Term Plan 2021-31	\$23.0
3Waters Better Off funding	\$2.0
Community Fundraising (proposed)	\$2.3
Trust Aoraki funding	\$0.8
Total	\$28.1

Other Considerations

- 27 The costings obtained from a Quantity Surveyor for each of the options high level and used for comparative purposes. Further costings will be obtained from potential stadium design/build contractors in the market during the Expression of Interest process.
- 28 While carrying out investigative work, it has become apparent that some earthquake strengthening of the existing stadium will be required to keep it at an operational level. It is

proposed that this work be carried out immediately to ensure the safety of users. This work would be required if the stadium is to remain open for the duration of either the extension or the new build.

- 29 Previously Council had resolved that a gym for the 50 plus age group be included, this is currently not included in any of the options presented and Council have subsequently discussed this and agreed to proceed without this included.
- 30 At the detailed design stage, further consideration would need to be given to the configuration and usage of office space as multiple options would be available.
- 31 The existing Stadium is owned by the Aorangi Stadium Trust. The modification, alteration or demolition of this existing stadium would require the consent of the Trust.

Attachments

Nil

9.5 Public Excluded Meetings and Workshops Policy**Author:** Mark Abbot, Acting Strategy and Corporate Planning Manager**Authoriser:** Nigel Trainor, Chief Executive**Recommendation**

That Council

1. Receives the “Public Excluded Meetings and Workshops Policy”
2. Adopts the “Public Excluded Meetings and Workshops Policy”.
3. Provide a joint delegation to the Mayor and Chief Executive to release material from being public excluded.

Purpose of Report

- 1 To provide to Council, for its adoption, the “Public Excluded Meetings and Workshops Policy” as per draft approved by the Audit and Risk Committee (Resolution 2023/219 - 27 November 2023) subject to an amendment relating to the clarification as to where accountability for the record keeping of meetings and workshops being a faithful representation, rests.
- 2 The governing presumption is that all meetings and workshops, by default, should be open to the public.
- 3 Officers consider that the “Public Excluded Meetings and Workshops Policy”, as presented, now meets the requirements of law and the expectation of the Ombudsman in relation to report findings of that office (October 2023).
- 4 Management believes that this matter should be considered in open session.

Assessment of Significance

- 5 In terms of Council’s Significance and Engagement Policy, this matter is of low significance as it does not affect levels of service, strategic assets, or rates. However, while not significant in respect of Council’s policy, it is a matter of public interest and is relevant to the open conduct of Council business.

Background

6. In August 2022 the Ombudsman initiated an investigation to test concerns that councils across New Zealand were using workshops and other informal meetings in which to improperly make decisions without sufficient public oversight and transparency.
7. Timaru District Council was one of the eight Councils selected for review in relation to both council meetings held under the Local Government Official Information and Meetings Act 1987 (LGOIMA); and workshops, or informal meetings, to which LGOIMA meeting provisions do not apply. In particular, the Ombudsman explored whether Councils met their obligations both under Part 7 of the LGOIMA in relation to council meetings, and good administrative practice in relation to workshops, briefings and informal meetings.

8. At the 27 November 2023 meeting of the Audit and Risk Committee a “Draft Public Excluded Meetings and Workshops Policy” was presented. The covering report “Adoption of Public Excluded Meetings and Workshops Policy” provides further background and is attached for reference.
9. The Audit and Risk Committee (27 November 2023) resolved (2023/219) to recommend to Council the adoption of the “Public Excluded Meetings and Workshops Policy” largely as presented, but subject to the following:
 - (i) Noting that the subsequent release of any information, previously withheld as excluded, was to be a joint decision delegated to the Chief Executive and the Mayor;
 - (ii) Noting that the governing body alone has the power to overrule a decision not to release information, subject to LGOIMA protocols;
 - (iii) That clarification is to be provided stating that it is the governing body which approves the faithful representation of a meeting or workshop.

Discussion

10. The purpose of the “Public Excluded Meetings and Workshops Policy” is as detailed in the attached report to the Audit and Risk Committee (27 November 2023) where that draft was recommended and resolved to be approved by Council.
11. This action is a result of the review by the Ombudsman into Council meetings, being held under the auspices of LGOIMA, and workshops or informal meetings where the statutory requirements of LGOIMA may not apply but where “best practice” is sought in terms of local government openness and transparency.
12. A further update on Council’s actions in addressing, and responses to, the Ombudsman’s general recommendations regarding Council meetings (LGOIMA applicable) and expectations regarding Workshops and informal sessions (to which LGOIMA provisions may not apply) will be provided to elected members by way of a separate report.

Options and Preferred Option

- 13 The two options recommended to Council are:
 - 13.1 For Council to adopt the “Public Excluded Meetings and Workshops Policy” as recommended thereby satisfying the Ombudsman’s recommendations and expectations in response to the matters of public exclusion. This adoption supports a best practice approach through an on-going commitment to open and transparent governance.
 - 13.2 For Council to request a comprehensive and independent review of this Policy, including a focus on public consultation. Caution is noted in this option as it significantly delays a policy implementation that has been initiated following investigation by the Ombudsman, and already factors constructive feedback from that office; an iterative approach can be taken, as with council’s general policy approach, in reviewing as necessary.
- 14 It is recommended that Council adopt Option 1, as per paragraph 13.1.

Consultation

- 15 The Office of the Ombudsman has provided comment and feedback which has been incorporated into this Policy.

Relevant Legislation, Council Policy and Plans

- 16 The following have been considered in the drafting of this Policy:
- (i) The Local Government Official Information and Meetings Act 1987
 - (ii) The Local Government Act 2002
 - (iii) Council's Significance and Engagement Policy

Financial and Funding Implications

- 17 No specific funding or financing requirement are necessary for implementation of this policy as in the main they relate to proceeding at meetings and workshops.

Other Considerations

- 18 Officers note that, in an initial working draft of this Policy, it was proposed that all decisions on whether an item, or part thereof, should remain public excluded would be required to go back to Council or relevant committee for consideration and decision. However, it was considered more administratively efficient and effective if a delegation be given to the Mayor and Chief Executive, jointly, to assess whether items should be released from "public excluded". It is anticipated that most decisions will be decided using this delegation and a regular report provided which specifies the items released into the public domain. This approach is factored into the Policy as presented.
- 19 If the Policy is adopted by Council, it will therefore be necessary to update delegations to provide the Mayor and Chief Executive with the delegation to release material from being public excluded. The Chief Executive can make that amendment.

Attachments

1. **Audit and Risk Committee Report Adoption of "Public Excluded Meetings and Workshops Policy" 27 November 2023** [!\[\]\(0f13e74bece43321be4542883500ac30_img.jpg\)](#) 
2. **Public Excluded Meetings and Workshops Policy** [!\[\]\(c03b623d46cc76dcf514be21d5657bcb_img.jpg\)](#) 

6.11 Adoption of "Public Excluded Meetings and Workshops Policy"**Author:** Jessica Kavanaugh, Corporate Planner**Authoriser:** Bede Carran, Chief Executive**Recommendation**

That the Audit and Risk Committee:

1. Recommend to Council that that Council adopt the attached draft "Public Excluded Meetings and Workshops Policy 2023."

Purpose of Report

- 1 To provide the Committee with a draft Public Excluded Meetings and Workshops Policy 2023 (Draft Policy) which has arisen from the recent investigation by the Ombudsman of Timaru District Council (and other councils) meetings and workshops practices and procedures.
- 2 The governing presumption is that all meetings and workshops, by default, should be open to the public.
- 3 Management considers that the draft policy now meets the requirements of law and the expectations of the Ombudsman.
- 4 Management recommends that this matter be considered in open session.

Assessment of Significance

- 5 In terms of Council's Significance and Engagement Policy, this matter is of low significance, as it does not affect levels of service, strategic assets or rates. While not significant in respect of Council's policy it is a matter of public interest and relevant to the open conduct of Council business.

Background

- 6 In August 2022 the Ombudsman initiated an investigation to a number of councils, including Timaru, to test concerns that councils were using workshops and other informal meetings to make decisions.
- 7 The scope of the Ombudsman's investigation was to investigate eight councils' actions and decisions in relation to both council meetings held under the Local Government Official Information and Meetings Act 1987 (LGOIMA); and workshops (or informal meetings) to which LGOIMA meeting provisions do not apply. In particular, the Ombudsman explored whether councils met their obligations under Part 7 of the LGOIMA in relation to council meetings, and good administrative practice in relation to workshops, briefings and informal meetings. The timeframe of matters considered in his investigation was from the electoral term beginning 12 October 2019 until 30 June 2023.
- 8 While the importance of openness of meetings and workshops is not to be understated and is of sovereign importance, it is also important for the community understand the process by which a decision is made to hold an item in public or public excluded. For this reason, officers believe it is helpful to have a policy that guides Council, its committees and the community boards on the

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relevant considerations and process for determining whether an item is held in public or public excluded. The Draft Policy seeks to address these matters.

Discussion

- 9 The purpose of the Draft Policy is to:
 - (i) increase the transparency and accountability of the Council’s decision-making process, in line with the principles of open and best practice governance and statutory requirements;
 - (ii) establish a clear operating framework to ensure Council meets both the community’s expectations and its legal requirements of accountability and transparency when considering whether a matter should be heard or considered in a public excluded session;
 - (iii) uphold the Community’s trust and confidence in Council’s decision-making processes and continuously build greater community awareness and participation in the democratic functions and decision-making processes of Council.
- 10 The Policy sets out two “Fundamental Principles,” as follows:
 - (i) **Fundamental Principle 1:** To support the open and transparent conduct of Council’s business in a manner that is consistent with and complies with the preamble to LGOIMA which provides as follows:

An Act to make official information held by local authorities more freely available, to provide for proper access by each person to official information relating to that person which is held by local authorities, to provide for the admission of the public to meetings of local authorities, to protect official information held by local authorities and the deliberations of local authorities to the extent consistent with the public interest and the preservation of personal privacy, and to establish procedures for the achievement of those purposes.
 - (ii) **Fundamental Principle 2:** All meetings and workshops of Councils will be held in open session where members of the public and the media are invited to attend, unless there is good and specific reason to exclude the public and their exclusion is permitted by law.
- 11 The remainder of the Draft Policy document specifies how those two principles are to be given effect.
- 12 Management sought the views of the Ombudsman’s office on the draft and received a number of suggestions which did not alter the principles or materially affect the Draft Policy. These suggestions from the Ombudsman’s Office have been incorporated into the draft.
- 13 Additionally, the Ombudsman’s Office suggested we consider whether Council should consult with the public on the draft before adoption. On balance, management does not consider this to be a necessary pre-condition to adoption. The policy complies with both the law and with the expectations of the Ombudsman’s Office. Officers welcome the comments from the Committee prior to presenting to Council for adoption.
- 14 However, management does recommend that the adoption of the policy be publicised and a copy made publicly available on the Council’s website together with a standing invitation to the public to make constructive suggestions to improve it. Any constructive suggestions received that comply with law, would then be periodically reviewed to determine whether

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they should be incorporated into the Policy. Officers see more value in this approach, in contrast to consulting, as it means Council has a policy to inform its decisions and processes that meets the expectations of a number of interested parties.

Options and Preferred Option

- 15 There are broadly two options open to the Committee. The first is to recommend to Council, either with or without significant amendment, that it adopts the Draft Policy. The advantage of this is that it progresses the Draft Policy with strong support for Council to adopt it and put in place an important policy for open and transparent governance.
- 16 Alternatively, the Committee may resolve that the recommendation is for the Draft Policy to be substantially reworked or put out for public consultation. Officers caution this approach carries some risk, as it is likely to see adoption of the Policy put back many months when much of it has been drafted and includes the Ombudsman's suggestions for improvement. While Officers acknowledge that it may well be improved by wider consultation, on balance it is likely that the improvements will not outweigh the benefits of a policy that has been substantially drafted and socialisation and implementation can be commenced imminently.

Consultation

- 17 The Ombudsman's Office has been invited to comment and has provided feedback on the Draft Policy.

Relevant Legislation, Council Policy and Plans

- 18 The following have been considered in drafting the Draft Policy:
 - (i) The Local Government Official Information and Meetings Act 1987
 - (ii) The Local Government Act 2002
 - (iii) Council's Significance and Engagement Policy.

Financial and Funding Implications

- 19 No specific funding or financing requirements are necessary for implementation of the policy as in the main they relate to proceedings at meetings and workshops.

Other Considerations

- 20 Officers note that in a working draft of the Draft Policy it was proposed that all decisions on whether an item, or part thereof of an item, should remain public excluded would go back to Council or relevant committee for consideration and a decision. However, during a period where this has been 'field tested' it will be very significantly more administratively efficient if a delegation can be given to the Mayor and Chief Executive to assess whether items should be released from public excluded. It is expected that the majority of decisions will be decided using this delegation and a regular report provided which specifies the items released into the public. This will likely enable a much more efficient administration of what can and cannot be released from public excluded.
- 21 If the Draft Policy is adopted by Council, it will be necessary to update delegations to, for example, provide the Mayor and Chief Executive with the delegation to release material from being public excluded.

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Attachments

- 1. Draft Public Excluded Meetings and Workshops Policy incorporating Ombudsman's comments 18 October 2023**

Public Excluded Meetings and Workshops Policy



Approved by:	Council
Group:	Corporate Planning and Governance
Responsibility:	Governance
Date adopted:	(To be dated following adoption by Council)
Review:	Every 3 years, or as required This policy does not cease to have an effect because it is due for review, or being reviewed.
Community Consultation:	Not Required
Policy Type	Council Internal Operational
Related Legislation:	Local Government Act 2002 (LGA) Local Government Official Information and Meetings Act 1987 (LGOIMA)
Title:	Public Excluded Meetings and Workshops Policy

Purpose

- 1 The purpose of the Public Excluded Meetings and Workshops Policy (Policy) is to:
 - (i) increase the transparency and accountability of the Council's decision-making process, in line with the principles of open and best practice governance and statutory requirements;
 - (ii) establish a clear operating framework to ensure Council meets both the community's expectations and its legal requirements of accountability and transparency when considering whether a matter should be heard or considered in a public excluded session;
 - (iii) uphold the community's trust and confidence in Council's decision-making processes and continuously build greater community awareness and participation in the democratic functions and decision-making processes of Council.

Background

- 2 As part of Council enabling democratic local decision-making and action by, and on behalf of, communities and promoting the social, economic, environmental, and cultural well-being of its communities in the present and for the future¹, it has a legal obligation to conduct its business and meetings in an open and transparent manner ensuring compliance with both the statutory

¹ Refer section 10 Local Government Act 2002
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Public Excluded Meetings and Workshop Policy

obligations and intent of the Local Government Official Information and Meetings Act 1987 (LGOIMA).

- 3 Openness and transparency in Council's decision-making processes and in the conduct of its business ensures greater public confidence and democratic participation in the decisions of Council. It also enables Council to explain and be accountable for the consequences of the decisions it makes on behalf of the community it represents.
- 4 LGOIMA, along with guidance from the Ombudsman², provide direction on how Elected Members (EMs), Independent Members and Officers can achieve Council's objective of open and transparent governance. The Policy provides greater detail and guidance on how to implement the Fundamental Principle of openness and transparency.

Fundamental principles

- 5 **Fundamental Principle 1:** To support the open and transparent conduct of Council's business in a manner that is consistent with and complies with the preamble to LGOIMA, which states as follows:

An Act to make official information held by local authorities more freely available, to provide for proper access by each person to official information relating to that person which is held by local authorities, to provide for the admission of the public to meetings of local authorities, to protect official information held by local authorities and the deliberations of local authorities to the extent consistent with the public interest and the preservation of personal privacy, and to establish procedures for the achievement of those purposes

- 6 **Fundamental Principle 2:** All meetings and workshops of Councils will be held in open session where members of the public and the media are invited to attend, unless there is good and specific reason to exclude the public and their exclusion is permitted by law.

Scope

- 7 The Policy applies to:
 - (i) Council's Elected Members,
 - (ii) Independent members who are appointed by Council to sit as members of various Council committees, such as the Audit and Risk Committee,
 - (iii) Council Officers
 - (iv) Council Controlled Organisations, their directors and officers when attending meetings or workshops.

Policy structure – two parts

- 8 The Policy is divided into two parts. Part 1 deals with Public Excluded Meetings and Workshops. Part 2 deals with Recording and livestreaming of meetings and workshops. The Policy shall also

² <https://www.ombudsman.parliament.nz/resources/lgoima-local-government-agencies-guide-processing-requests-and-conducting-meetings>
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be read in conjunction with the Council's Code of Conduct for Elected Members³, its Standing Orders⁴ and the Ombudsman's Guidance referenced above.

Part 1

Definitions

- 8 In the context of Part 1 of the Policy the following definitions apply:

Council: refers to Timaru District Council, its Standing Committees, Committees and Community Boards

Elected Members (EMs): the Mayor, Councillors and Community Board Members

Independent Members: unelected persons appointed by Council to sit on its Committees to support EMs in their decision making by bringing independent and expert perspectives

Meeting: as defined in the Local Government Official Information and Meetings Act 1987 (LGOIMA)

Officers: employees of Council, contractors and advisors presenting to a meeting or a workshop

Public: includes bona fide members of the media

Public excluded session: refers to a meeting, or part of a meeting, of Council that is heard in a public excluded session pursuant to section 48 of LGOIMA

Workshop: an interactive session for EMs, independent members and officers to introduce ideas and concepts, and to facilitate information exchanges in an environment which is not a meeting and where no decision is made. For the avoidance of doubt, this policy considers briefings to be a form of workshop.

Policy Statements - meetings

- 9 The default position is that all meetings of Council will be open to the public.
- 10 Meetings, or part of a meeting, may only be held in a public excluded session where permitted by LGOIMA and where Council has recorded its reasons for the public exclusion with the requisite particulars and details in compliance with LGOIMA. Providing a forum for free and frank discussion is not a basis for holding a meeting or item in a public excluded session.
- 11 LGOIMA provides the statutory test for excluding the public from a meeting and the procedure that must be followed to exclude the public from a meeting, or part of a meeting.
- 12 In accordance with LGOIMA consideration of whether a meeting or an agenda item should be held in a public excluded session must be debated when the meeting is open to the public, and the decision is also to be formally recorded when the meeting is open to the public.

³ https://www.timaru.govt.nz/_data/assets/pdf_file/0017/712151/Timaru-District-Council-Adopted-Code-of-Conduct-2022-27-October-pdf-version.PDF

⁴ https://www.timaru.govt.nz/_data/assets/pdf_file/0007/37429/Timaru-District-Council-Standing-Orders-2022-Final.pdf
#1647368

- 13 Consideration of whether a meeting, or part of a meeting, should be held in a public excluded session must consider also whether there are any countervailing public interest considerations which favour hearing the material in an open session. The record of the meeting should record this consideration and why the determination on the application of the public interest was made in the manner that it was so made.
- 14 Where a decision of Council is made in a public excluded session, the resolution on the item must, where practicable, state expressly what can be released to the public and in what timeframe.
- 15 As stated at clause 30, below, the decision on whether a meeting, or a part of a meeting, should be held in a public excluded session, rests solely with EMs.
- 16 Where Council is unable to immediately release to the public some or all of the decision and material considered in the public excluded session or set a timeframe for release, the Mayor and Chief Executive jointly are delegated the authority to subsequently review whether it is appropriate for some or all of the report and resolutions to be released. Where the Mayor and Chief Executive jointly form a view that there should be no release of material to the public the report and resolutions must be brought back to Council for its consideration and a decision to be made unless Council has already determined that the material is to remain permanently public excluded. [Note that it is the respective Committee, Standing Committee or Community Board that heard the matter in public excluded that reconsiders releasing the material to the public, although Council reserves the right to overrule the respective Standing Committee, Committee or Community Board decision].
- 17 Council acknowledges there may be occasions where it is appropriate that the decision and/or material is to remain public excluded for an extended or indefinite period of time and that LGOIMA contemplates this, such as when it involves the privacy and or safety of a person. In such circumstances Council must resolve and record with particulars why the matter is to remain in public excluded for an extended or indefinite period of time. Notwithstanding this, each individual LGOIMA request to any such information must be assessed on its own merits each time a request is received. The Mayor and Chief Executive jointly hold a delegation to determine whether to release the requested information in whole or redacted in part.
- 18 Requests for the minutes, reports or other material presented at a publicly excluded meeting or item must be dealt with as a LGOIMA request and in accordance with LGOIMA and the Ombudsman's guidance on requests for information.
- 19 Officers will provide regular reporting (normally as an agenda item at each ordinary meeting) to Council on items released from public excluded and if released in part will specify which parts are released and which remain excluded and the legislative provisions under which the material remains public excluded.

Policy Statements - workshops

- 20 The default position is that Council's workshops will be open to the public and the media. As with meetings, providing a forum for free and frank discussion is not a basis for holding a workshop or workshop item in a public excluded session.
- 21 Workshops can be held for a variety of reasons and provide an opportunity for EMs and Independent Members to meet with Officers outside of the decision-making process to be briefed, provided information, explore options and engage in question and answer sessions.

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Public Excluded Meetings and Workshop Policy

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- 22 A workshop is a session held for the reasons set out in the definitions and no decisions can be made or resolutions passed.
- 23 The test to be followed for determining whether a workshop, or part of a workshop, can be held in a public excluded session is the same test as is applied by LGOIMA for holding a meeting or part of a meeting in a public excluded session.
- 24 Consideration of whether a workshop or part of a workshop is to be held in a public excluded session must be debated and the decision formally recorded when the workshop is open to the public.
- 25 Where a workshop, or part of a workshop, is held in a public excluded session, consideration must be given at the conclusion of the public excluded session to what material can be released to the public and in what timeframe.
- 26 Where Council is unable to release to the public all of the workshop material considered in the public excluded session, it will follow the same procedures as is adopted for meetings and as set out earlier in this policy at clauses 16 and 17.
- 27 Council acknowledges there may be occasions where it is appropriate that material is to remain public excluded for an extended or indefinite period of time, such as when it involves the privacy and or safety of a person. In such circumstances, Council must record with particulars why the matter is to remain in public excluded for an extended or indefinite period of time.
- 28 Requests for the minutes, reports or other material presented at a publicly excluded workshop must be dealt with as a LGOIMA request and in accordance with the Ombudsman's guidance.
- 29 The requirements that apply for notifying a meeting will inform the principles for notifying a workshop, that is the workshop will be publicly notified as soon as practicable and the material made publicly available once it has been prepared and ready for presentation to the workshop.

Role of EMs, Independent Members and Officers

- 30 EMs and Independent Members as the governing body must make the decision on whether a meeting or workshop is to be in a public excluded session.
- 31 EMs and Independent Members must bring an open mind to the consideration of whether a matter for a meeting or a workshop is to be considered in a public excluded session.
- 32 EMs and Independent Members must be particularly alert to the risk of a conflict of interest, or perceived conflict of interest, when considering whether a matter should be heard in a public excluded session.
- 33 Where an EM or an Independent Member identifies a conflict of interest, or a perceived conflict of interest it must be declared and managed in accordance with the relevant provisions in the Local Authorities (Members' Interest) Act 1968 and as required by the Code of Conduct for Elected Members⁵
- 34 Identifying and declaring conflicts of interest, or perceived conflicts of interest, must be recorded in the minutes of the meeting and in the written record of the workshop.

⁵ Timaru District Council "Code of Conduct".
https://www.timaru.govt.nz/_data/assets/pdf_file/0017/712151/Timaru-District-Council-Adopted-Code-of-Conduct-2022-27-October-pdf-version.PDF
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- 35 The role of Officers is to advise EM's on the reasons why, and why not, a meeting, or item on the agenda of a meeting, should be considered in a public excluded session. This includes providing advice to EM's as to whether there are any countervailing public interest reasons which might favour having the material considered in an open session.
- 36 To support the decision of the EMs and Independent Members on whether a matter is to be heard in a public excluded session, Officers are to provide professional and impartial advice to EMs and Independent Members in a manner consistent with the responsibilities applying to the Public Service set out in the Public Service Act 2020⁶.

Compliance with the Public Records Act 2005 (PRA)

- 37 At a meeting or workshop of Council the minutes along with any reports and material presented or created constitute a public record and must be managed in accordance with the statutory requirements of the PRA and LGOIMA.

Part 2

- 38 This part of the Policy deals with audiovisual recording and livestreaming of meetings and workshops.
- 39 To support the fundamental principles of the Policy, Council provides a number of mechanisms for attendance and participation at its meetings and workshops.
- 40 Council acknowledges that in addition to attendance in person, audio visual livestreaming and recording offers the best range of options for attendance at its meetings and workshops. Council also acknowledges there are technical and resourcing constraints that makes livestreaming and recording of all meetings and workshops in all instances challenging. Given the challenges of universal livestreaming and recording, Council acknowledges a heightened obligation to ensure it actively facilitates participation where attendance via livestreaming and/or recording is not available.
- 41 The Policy sets out below how Council intends to prioritise recording and livestreaming of its meetings and workshops.
- 42 In the context of Part 2 of the Policy the following definitions apply:
Committees: refers to Council's Committees and Sub-committees other than Standing Committees
Community Boards: refers to the Community Boards of the Timaru District Council
Council: refers to the Timaru District Council
- 43 **Standing Committees:** refers to Committees that Council has nominated as its Standing Committees and which usually meet on a regularly scheduled basis and have more significant decision making delegations than Committees and Sub-committees.

Recording and livestreaming of Council and Standing Committee's meetings and workshops

- 44 Meetings of Council and its Standing Committees are to be livestreamed and recorded. A copy of the recording is to be made publicly available.

⁶ Section 12 Public Service Act 2020; public service principles are politically neutral, free and frank advice, merit based appointments, open government, and stewardship.

- 45 Workshops of Council and its Standing Committees must be audiovisually recorded where they are not able to livestreamed. Any livestreaming of a workshop must also be recorded, and the recording of the workshop must be made publicly available.
- 46 It is the role of Officers to ensure that an adequate record of a meeting or workshop is made, and to make it publicly available immediately. If that is not possible for technical reasons in a particular case, then a publicly available record should be made available as soon as is reasonably possible. It is the role of the governing body to approve the faithful representation of its meetings and workshops.

Recording and livestreaming of Other Committees, and Community Board meetings and workshops

- 47 Meetings of other Committees and Community Boards will be livestreamed and recorded where it is practicable to do so. Any livestreaming of a meeting must also be recorded, and the recording of the meeting must be made publicly available.
- 48 Where livestreaming or recording of a Committee or Community Board meeting is not available, minutes that provide a faithful representation of the meeting and that comply with LGOIMA must be kept and made publicly available.
- 49 Workshops of Other Committees and Community Boards will be livestreamed and recorded where it is practicable to do so. Any livestreaming of a workshop must also be recorded, and the recording of the meeting must be made publicly available.
- 50 Where livestreaming or recording of a Committee or Community Board workshop is not available, minutes, along with any material presented, that provide a faithful representation of the workshop discussion must be kept and made publicly available.
- 51 It is the role of Officers to ensure that an adequate record of a Committee or Community Board meeting or workshop is made, and to make it publicly available immediately. If that is not possible for technical reasons in a particular case, then a publicly available record should be made available as soon as is reasonably possible. It is the role of the Committee or Community Board to approve the faithful representation of its meetings and workshops.

Compliance with the Public Records Act 2005 (PRA)

- 52 At a meeting or workshop of Council, its Standing Committees, Committees and Community Boards the recording, minutes along with any reports and material presented or created constitute a public record and must be managed in accordance with the statutory requirements of the PRA and LGOIMA.

53

Delegations, References and Revision History					
Delegations					
Identify here any delegations related to the policy for it to be operative or required as a result of the policy					
Delegation	Delegations Register Reference				
Delegation for the Mayor and Chief Executive to jointly determine whether to release public excluded information	To be added to the Delegations Register if the policy is approved in its current format				
References					
Include here reference to any documents related to the policy (e.g. operating guidelines, procedures)					
Title	Document Reference				
Ombudsmen guidance for processing requests and conducting meetings	https://www.ombudsman.parliament.nz/resources/lgoima-local-government-agencies-guide-processing-requests-and-conducting-meetings				
Revision History					
Summary of the development and review of the policy					
Revision	Owner	Date Approved	Approval By	Next Review	Doc Ref
V1 – Draft	Strategy and Corporate Planning Manager	TBC	Council	TBC	#1647368

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9.6 Update on Report by the Ombudsman - Meeting and Workshop Practices at Timaru District Council

Author: Mark Abbot, Acting Strategy and Corporate Planning Manager

Authoriser: Nigel Trainor, Chief Executive

Recommendation

That Council

1. Receives the Report "Update on Report by the Ombudsman - Meeting and Workshop Practices at Timaru District Council"
2. Notes that this report will form the basis of an update to the Ombudsman, due 1 March 2024.

Purpose of Report

1. To provide to Council, for information, the "Update on Report by the Ombudsman – Meeting and Workshop Practices at Timaru District Council".
2. Officers consider that this matter be considered in open session.

Assessment of Significance

3. In terms of Council's Significance and Engagement Policy, this matter is considered of low significance as it does not affect levels of service, strategic assets or rates. However, while not significant in respect of Council's policy, it is a matter of interest and is relevant to the open conduct of council business.

Background

4. In August 2022 the Ombudsman initiated an investigation to test concerns that councils across New Zealand were using workshops and other informal meetings in which to make decisions.
5. Timaru District Council was one of the eight Councils selected for review in relation to both council meetings held under the Local Government Official Information and Meetings Act 1987 (LGOIMA); and workshops, or informal meetings, to which LGOIMA meeting provisions do not apply. In particular, the Ombudsman explored whether Councils met their obligations both under Part 7 of the LGOIMA in relation to council meetings, and good administrative practice in relation to workshops, briefings, and informal meetings.
6. At the 12 December meeting of Council, a request was made (Reference: Minutes 9.1) for a report to be brought to Council on the Ombudsman Report and an update of the actions being undertaken in respect to that.
7. The attached Update Report on actions taken, includes two reporting cycles being 8 August 2023 and 22 January 2024, is attached.
8. The original and full report by the Ombudsman (Meeting and Workshop Practices at Timaru District Council) is available at:

<https://www.ombudsman.parliament.nz/sites/default/files/2023-10/Timaru%20District%20Council.pdf>.

Discussion

9. The Ombudsman's 2022-2023 review focused on eight councils being: Clutha District; Palmerston North City; Rangitīkei District; Rotorua Lakes; Taranaki Regional; Taupō District; Waimakariri District; and Timaru District Councils. It is noted that no large metropolitan councils were selected for review at that time.
10. This update report is a result of the review by the Ombudsman into Council meetings, being held under LGOIMA, and workshops or informal meetings where the statutory requirements of LGOIMA may not apply but where "best practice" is sought in terms of local government openness and transparency.
11. A further update on Council's actions in addressing changes to the "Public Excluded Meetings and Workshops Policy" is provided to elected members by way of a separate report to this meeting.
12. Officers are confident that significant progress has been made in terms of policy update; meeting notifications, recordings and accessibility; and the general handling of Public Excluded rationale and reporting.
13. Officers consider that, while already largely compliant with the requirements of LGOIMA as per current Standing Orders and the clear differentiation between meetings as a decision-making forum to which LGOIMA applies, and workshops being informal sessions of council where LGOIMA does not universally apply, the process has supported a best practice approach to governance, which was already underway.

Attachments

1. **Summary of Actions following Ombudsman Report.docx**  

UPDATE REPORT

Table of Action points

Meeting and workshop practices at
Timaru District Council

Following the Report of the Ombudsman
(October 2023)

Actions as at: 22 January 2023

BACKGROUND

In August 2022 the Ombudsman initiated an investigation to test concerns that councils across New Zealand were using workshops and other informal meetings in which to improperly make decisions without sufficient public oversight and transparency.

Timaru District Council was one of eight Councils selected for review in relation to both council meetings held under the Local Government Official Information and Meetings Act 1987 (LGOIMA) and workshops, or informal meetings, to which LGOIMA meeting provisions do not apply.

In particular, the Ombudsman explored whether Councils met their obligations both under Part 7 of the LGOIMA in relation to Council meetings, and good administrative practice in relation to workshops, briefings and informal meetings.

The resulting report “Meeting and workshop practices at Timaru District Council October 2023” contains a number of recommendations, or expectations in relation to workshops, as little jurisdiction is held by that office outside the scope of LGOIMA.

The following tables summarise the progress that Timaru District Council has made in meeting these expectations, either as required by legislation or a demonstration of adhering to best practice.

Commentary is noted as at 8 August 2023, as provided to the Ombudsman at that time, and as at 22 January 2024.

The later will inform the updated requested of the Ombudsman’s office at the 1st March 2024.

Leadership and Culture

Action point	
1. Prioritise actions to ensure an environment where staff feel safe raising concerns or suggestions about Council practices.	<p><i>Council's comments on its progress as of 8 August 2023:</i></p> <p>Following our most recent engagement survey we have worked with teams at different levels to understand where the barriers are. We have just completed our second engagement survey of the year and while we are awaiting full results, the initial survey findings signal an increase in engagement.</p> <p>A review of protected disclosure policy for employees, contractors & volunteers has been carried out and this policy will be shared with the team to ensure they are aware of this avenue of raising concerns if they feel unsafe. Council also ran (in June) fraud and corruption awareness training which covered the importance of an open culture and the support available to speak up.</p> <p><i>Council's comments on its progress as of 22 January 2024:</i></p> <p>The employee Induction process is to be reviewed by Engagement and Culture in the 2024 work program to include an introduction, or refresher where relevant, on the role of local government and the relationship between council officers and elected members.</p> <p>This module will cover LGOIMA, TDC's approach to preparing for, reporting, and presenting to, Council Meetings and committees.</p> <p>Corporate Planning, Strategy & Governance will facilitate an open session to be held on 27 February 2024 with Council Officers, discussing current issues and improvement initiatives in preparing, the approval phase, and presenting reports to Council and committees. The Mayor has agreed to provide an introduction, including and covering the expectation of Councillors in terms of the quality and standard of information and reporting provided.</p>
2. Continue to strengthen communication between report authors and reviewers about changes made to reports for meetings.	<p><i>Council's comments on its progress as of 8 August 2023:</i></p> <p>Report writers now present their reports directly to the Senior Leadership Team and are included as part of the review discussion; this ensures that the report writers are receiving the feedback directly at the time. We also see this as a learning and development opportunity for the report writers and as supporting a culture of continuous improvement.</p> <p><i>Council's comments on its progress as of 22 January 2024:</i></p> <p>Further work is underway in closing the loop concerning report review. The open session, noted above, will provide further input into options available to continuously improve the review cycle.</p>

Local Authority Meetings

Action points	
3. Formalise the process of revisiting and considering for release material heard in the public excluded part of Council meetings.	
<i>Council's comments on its progress as of 8 August 2023:</i>	
<p>(i) The proposed PX meetings and workshops policy requires the meeting/workshop to specifically consider what can be released and is premised on the presumption that material will be released from PX meetings and workshops unless there is a specific resolution to withhold the information and material.</p> <p>(ii) a spreadsheet recording the date and items that are discussed in PX (for both meetings and workshops) is now being maintained, and the meeting must formally consider what if no decision is made to the contrary it is deemed to be publicly available and ready for release (after a period of 6 months).</p>	
<i>Council's comments on its progress as of 22 January 2024:</i>	
<p>The spreadsheet noted above is in place and updated routinely under internal reference (CM9) 1565929. Any release, once approved, results in the report being released onto the website and included in the routine report to Council advising of the PX information released.</p>	
4. Either adopt the 'Resolution to exclude the public' form in Schedule 2A of the LGOIMA, or amend the InfoCouncil template to ensure it contains all information required in the Schedule 2A form.	
<i>Council's comments on its progress as of 8 August 2023:</i>	
<p>We are currently working with InfoCouncil to update our templates to reflect this (estimated completion date – end of August 2023)</p>	
<i>Council's comments on its progress as of 22 January 2024:</i>	
<p>InfoCouncil are currently working through the changes as required.</p>	
5. Restate the topic(s) of previous public excluded minutes when confirming them.	
<i>Council's comments on its progress as of 8 August 2023:</i>	
<p>This has now been implemented.</p>	
6. Ensure the 'Plain English reason' is detailed enough to give the public a clear sense of the harm the Council is trying to avoid by hearing the item in a public excluded meeting (except where explaining the harm itself might create a prejudice to the protected interest), and the reason(s) why it is considered the public interest in release does not outweigh the harm.	
<i>Council's comments on its progress as of 8 August 2023:</i>	
<p>We have sent these for a legal review to update as necessary within InfoCouncil (estimated completion date – end of August 2023)</p>	

Action points	
	<p><i>Council's comments on its progress as of 22 January 2024:</i></p> <p>Legal opinion provided in terms of the 'plain English' text with this to be updated in InfoCouncil.</p>
7.	<p>Provide Ombudsman with a draft of the Council's public excluded policy before finalising.</p> <p><i>Council's comments on its progress as of 8 August 2023:</i></p> <p>Provided for review and comments with these received 29 September 2023.</p> <p><i>Council's comments on its progress as of 22 January 2024:</i></p> <p>Policy approved by Audit & Risk Committee for Council adoption.</p>
8.	<p>Record the reasoning behind public excluded advice and decisions, including any consideration of the public interest for hearing the item in a public meeting.</p> <p><i>Council's comments on its progress as of 8 August 2023:</i></p> <p>We are now recording this for all items being heard in public excluded.</p>
9.	<p>Ensure LGOIMA refresher training is available to both elected members and staff.</p> <p><i>Council's comments on its progress as of 8 August 2023:</i></p> <p>We have engaged Anderson Lloyd to run training sessions as previously delivered (last year) in September 2023. They are also working with our team to develop a LGOIMA 101 for all employees that will be delivered as part of our induction programme.</p> <p>We are also encouraging our Elected Members to engage with the content available to them via LGNZs Ākona platform.</p> <p><i>Council's comments on its progress as of 22 January 2024:</i></p> <p>Refer to comments above regarding changes to induction and local government forum.</p>
10.	<p>Ensure targeted LGOIMA refresher training is delivered to elected members and relevant staff on reasons to exclude the public from meetings held under Part 7 of the LGOIMA, as well as the proper application of the public interest test.</p> <p><i>Council's progress as of 8 August 2023:</i></p> <p>This will be incorporated in the training above.</p>
11.	<p>Incorporate Ombudsman's suggestions into the Council's policy on public excluded meetings.</p> <p><i>Council's comments on its progress as of 8 August 2023:</i></p> <p>This has been provided for review and feedback which was received n 29 September 2023.</p> <p><i>Council's comments on its progress as of 22 January 2024:</i></p> <p>Council's Policy on Public Excluded Meetings and Workshops has been approved by Audit & Risk Committee for adoption by Council.</p>

Accessibility of Meetings

Action points	
12. Consider additional ways of making meeting dates and times more visible to the public.	
<i>Council's comments on its progress as of 8 August 2023:</i>	
We are continuing our investigation into a system to allow members of the public to subscribe to receive notifications of meeting dates and have increased our use of social media for advising of meetings.	
<i>Council's comments on its progress as of 22 January 2024:</i>	
Meeting dates and times are notified via the Courier newspaper in the Timaru District Council noticeboard. Meetings are also advertised on the TDC Facebook page and website.	
13. Ensure the full agenda, including any reports and supporting materials, is in a searchable format.	
<i>Council's comments on its progress as of 8 August 2023:</i>	
We are currently investigating the formats we can use to ensure they are searchable and are looking to have this complete by the end of the year.	
<i>Council's comments on its progress as of 22 January 2024:</i>	
All materials are now searchable on the website.	

Workshops

Action points	
14. Ensure the public is informed of closed workshops (such as the date of the workshop, the topic(s) it covers and the reason(s) as to why the workshop is closed).	
<i>Council's comments on its progress as of 8 August 2023:</i>	This has now become part of our standard practice.
15. Establish a practice of publishing workshop materials on the Council's website in advance of a workshop being held.	
<i>Council's comments on its progress as of 8 August 2023:</i>	This has now become part of our standard practice.
16. Ensure details about previous workshops, and any related materials, are available to the public.	
<i>Council's comments on its progress as of 8 August 2023:</i>	This has now become part of our standard practice.
<i>Council's comments on its progress as of 22 January 2024:</i>	A dedicated placeholder has been provided on the website.
17. Consider ways of making workshops more visible to the public and actively promoting them to the media and local interest groups.	
<i>Council's comments on its progress as of 8 August 2023:</i>	We are now promoting workshops in the same manner we would for Council Meetings.
18. Review Standing Orders to ensure compliance with the Public Records Act (PRA), and as part of the review, seek advice from Archives New Zealand about whether the Council's practices (including its Standing Orders) are compliant with section 17 of the PRA.	
<i>Council's comments on its progress as of 8 August 2023:</i>	These are currently under review to ensure compliance with the PRA and if necessary amendments will be made.
<i>Council's comments on its progress as of 22 January 2024:</i>	It is noted that these were subject to legal review prior to adoption by Council post the triennial elections in 2022. Further review, including advice from Archives will be sought.

Action points	
19. Formalise the process of revisiting and, where appropriate, releasing material heard in closed workshops.	
<i>Council's comments on its progress as of 8 August 2023:</i>	The Policy now addresses this, and as noted above the presumption is that material will be released, unless a resolution to the contrary is passed, and the process of revisiting material is also now part of Council's standard practice.
<i>Council's comments on its progress as of 22 January 2024:</i>	The spreadsheet noted above is in place and updated routinely under internal reference (CM9) 1565929. Any release, once approved, results in the report being released onto the website and included in the routine report to Council advising of the PX information released.
20. Incorporate Ombudsman's suggestions into the Council's workshop policy and provide a draft before finalising.	
<i>Council's comments on its progress as of 8 August 2023:</i>	Provided for review and comments with feedback provided 29 September 2023.
<i>Council's comments on its progress as of 22 January 2024</i>	Policy presented to Council for adoption.
21. Ensure induction and refresher training on workshops is delivered to relevant staff and to elected members.	
<i>Council's comments on its progress as of 8 August 2023:</i>	This will be incorporated into both the training delivered around LGOIMA and the training we are arranging regarding report writing and presenting at meetings/workshops.
<i>Council's comments on its progress as of 22 January 2024:</i>	Refer comments above regarding induction and training.

9.7 Annual Plan 2023/24 Six Month Performance Report to 31 December 2023

Author: Mark Abbot, Acting Strategy and Corporate Planning Manager
Andrea Rankin, Chief Financial Officer
Diana Somerville, Senior Finance Business Partner

Authoriser: Nigel Trainor, Chief Executive

Recommendation

That Council receives the Report: Annual Plan 2023/24 Six Month Performance Report to 31 December 2023 and notes it includes:

- (a) Key performance indicators progress report to 31 December 2023;
- (b) Council's financial performance as at 31 December 2023; and
- (c) Capital work programme progress report to 31 December 2023.

Purpose of Report

1. The purpose of this report is to outline progress on implementing the Annual Plan 2023/24 (Year Three of the 2021-31 Long Term Plan (LTP)). This includes the key performance indicators, work programme and the financial results for the three months ended 31 December 2023.

Assessment of Significance

2. This matter is considered to be of low significance in terms of Council's Significance and Engagement Policy. It is a regular report to Council on its financial performance, activity performance and delivery of capital work programme during the current financial year.

Background and Discussion

3. Council's three-month reporting cycle includes progress reporting of key performance indicators, capital work programme, and financial results to Council for the quarterly periods of the Long Term or Annual Plan. In this instance, the reporting covers the period 1 October 2023 to 31 December 2023.

Activity Highlights and Issues

4. This section summarises the key activity highlights and issues during the reporting period:
 - (i) **Public Toilets**
 - A self-contained portaloo toilet has been installed at Pleasant Point cemetery.
 - New toilet block identified at Caroline Bay with installation not likely until next financial year. Issues with plumbing requirements to be resolved.
 - ANZAC Square old block of toilets to be fitted with security gates and keys given to the sports clubs that utilise the ground.
 - A minor renovation to Station St toilets being considered but not likely to occur until next Financial Year.

- On-going vandalism at Marchwiell Park and Pareora (block boarded up awaiting new fittings).

(ii) **Cemeteries**

- Cemeteries ByLaw updated.

(iii) **Emergency Management**

- Highlighting of staffing issues post-Cyclone Gabrielle review: additional volunteers to be recruited.
- Changes to legislation including the revision of the Emergency Management Act and the review of Canterbury CDEM Group both have the potential to require a change in direction and strategy for the Emergency Management team.

(iv) **Safer Communities**

- Two working groups established including multi-agency group focusing on homelessness and alternative housing options, and Aoraki Settling-In Collective, a multi-agency focused on the integration of migrants.
- Implementation of a Social Café in collaboration with other service providers is under consideration.

(v) **Social Housing**

- Work in progress to reduce the wait list for Council units including increasing the number of serviceable units.
- Several notices of anti-social behaviour issued to tenants in Timaru and Temuka.

(vi) **Building Control**

- Trialling a new process for managing Code of Compliance stage of consent.
- All Building Consents processed within statutory timeframes.
- Consent numbers are down 20% on Q1.

(vii) **District Planning**

- Additional staff recruited and starting - February 2024.
- Major consents, including the Taiko Landfill, successfully completed in this quarter.
- Hearings now delayed until mid-2024.

(viii) **Environmental Compliance**

- Joint Local Alcohol Policy review is complete with a report to Council expected early 2024.

(ix) **Museum**

- 2023 calendar year user numbers at highest level recorded - 26,734. Over 7,000 students took part in education programmes, exceeding previous record of 6,000.
- Forest & Bird 100 exhibition opened in October, a community collaboration between Museum and local branch of Forest & Bird.

(x) **Art Gallery**

- The 78th South Canterbury Arts Society Alpine Energy Awards and Annual Exhibition which took place in October with 158 entries.
- Jock Fraser "artist in the Tempest" Collection Exhibition and published Catalogue and Touring Art show "Gathered Voices"
- Highlights from the Fletcher Trust exhibitions opened at the end of November.
- Farrells Contracting were awarded the contract for strengthening, work on the heritage house began on the historic Aigantighe Gallery in December 2023.
- The Gallery's collection storage is at full capacity and placing the collection at risk. This will be ongoing until the completion of the Aigantighe Art Gallery redevelopment. The current 1978 wing has experienced leaks to the building with hailstorm.

(xi) **Libraries**

- 49 entries in the Ursula Moray Williams Creative writing competition for students.
- Timaru Library hosted the Electoral Commission, who had an advanced polling booth located in the Community Room for 2 weeks prior to election day.
- Temuka Library had new shelving installed during this quarter. Whilst the library was closed for the shelving project the interior received a freshen up.
- Geraldine Library had the Heart Foundation take some heart health workshops, which received a good response from the public.

(xii) **Recreational Facilities**

- Smooth opening of District Pools which are operating really well. Fitness numbers remain high.

(xiii) **Parks**

- Timaru Botanic Gardens and Trevor Griffiths Rose Garden retained Gardens of National Significance status.
- CPlay playground was completed and officially opened in December 2023 and is attracting many visitors from Dunedin, Christchurch and further afield.
- Temuka Domain courts were resurfaced and provides a multi-purpose surface for users.
- A new shared use section of path across Geraldine Domain is being well used and is another section of the Geraldine Sculpture Trail.
- Erosion has been evident in a number of locations. This is coastal, riparian and over land stormwater. Slips and gouging of surfaces are evident in several locations.

(xiv) **Roading & Footpaths**

- With change of Central Government, came a change in direction for investment in the Land Transport network. Unfortunately work completed to secure funding from the Climate Emergency Relief Fund for Timaru District has now been withdrawn.

- Feedback from road user satisfaction surveys reveals declining satisfaction with the state highway network, which is managed by Waka Kotahi. However, this is affecting perceptions of all district roads, including local ones.

(xv) **Three Waters**

- Major capital works and initiatives underway.
- Change of government direction regarding 3-Waters still uncertain.

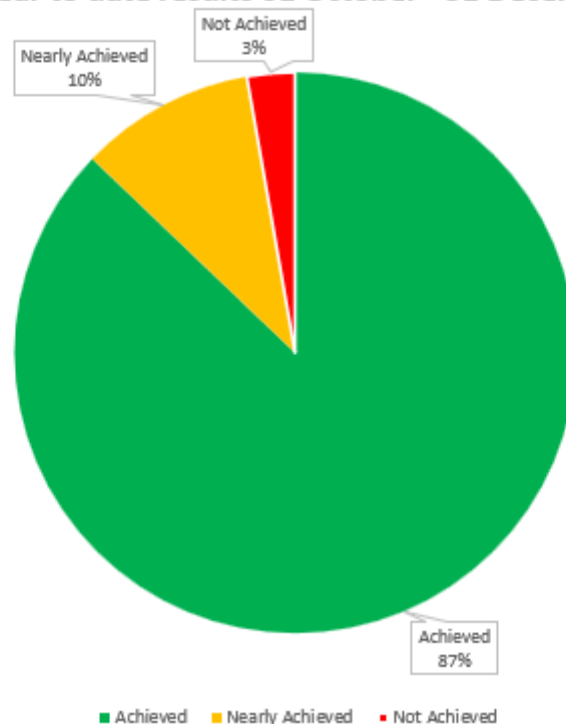
(xvi) **Waste Minimisation**

- Enviro NZ have picked up the Waste Minimisation focus and the 2 local Educators report directly to them.
- The MfE changes to Kerbside collection will impact on the community when they are introduced on 1 February 2024. This includes the removal of a number of items, notably recyclables, previously scheduled.

Key Performance Indicator Results

5. The key performance indicators (KPIs) for 2023/24 are set in the Long Term Plan 2021-2031. At the end of December 2023 the majority of KPIs that are measured are tracking satisfactorily. In a number of instances where performance is not yet achieved, the projections for the year-end result indicate a correction to that. These have not been highlighted as failing to reach target.

KPI Year to date results 01 October - 31 December 2023



6. A range of measures that are currently marginal or not on target, excluding those noted above, are:

KPI	Result to 31 December 2023	Comment
District Plan Resource Consents processed within statutory timeframes	79.59%	These are preliminary results pending review prior to submission to the National Monitoring System. Highlight current issues with resourcing.
Roading & Footpaths Percentage of customer service requests responded to within 10 working days - Roothing (Mandatory)	36.31%	The response rate improved this quarter due to ongoing improvements of the automation system. There were 471 Land Transport related CRM's.
Waste Minimisation: Materials Recovery Facility (MRF) - level of contamination of recycling	20.26%	Contamination rates continue to exceed target of 10%. Further monitoring will show the impact of kerbside changes.

Financial Results

7. The following is a summary of the financial performance for the quarter ending 31 December 2023 (refer to Attachment 1 for the Council Financial Performance & Variance Analysis Summary, including a full year reforecast, as at 31 December 2023).
8. Council achieved an operating deficit of \$2.64 million for the period ending 31 December 2023. This is an unfavourable variance to budget by \$5.5 million.
9. Total Operating Revenue was \$61.0 million which is \$3.6 million lower than budgeted revenue.
10. Total operating expenditure of \$63.4 million (comprising personnel costs, operating costs, finance costs and depreciation costs), which is \$2.0 million higher than the budgeted operating expenditure to 31 December 2023.
11. Total capital expenditure of \$29.0 million was incurred compared to \$27.0 million budgeted.
12. The following is a summary of the financial performance for the year ended 31 December 2023.

	Actuals to 31 December 2023 (\$000)	Budget to 31 December 2023 (\$000)	Full year Budget (\$000)	Forecast year (\$000)
Total Revenue	60,794	64,413	128,432	117,825
Total Expenses	63,434	61,508	122,751	127,847
Operating Surplus/(Deficit)	(2,640)	2,905	5,681	(10,022)
Capital Expenditure	29,050	26,818	81,746	65,816

13. Total borrowings as at 31 December 2023 were \$205 million. The net debt position at the same date is \$185 million. Net debt is total borrowings less cash reserves held by Council.

Total borrowings	205,532
Cash and deposits	(1,318)
Other financial assets	
- Current @75% of \$28,911	21,683
Total cash	20,365
Net Debt	185,167

14. Debt to revenue ratio as at 31 December 2023 is 158%. Council's debt to revenue ratio limit is 210% as set out in its Financial Strategy. This is comfortably within Councils ceiling limit.

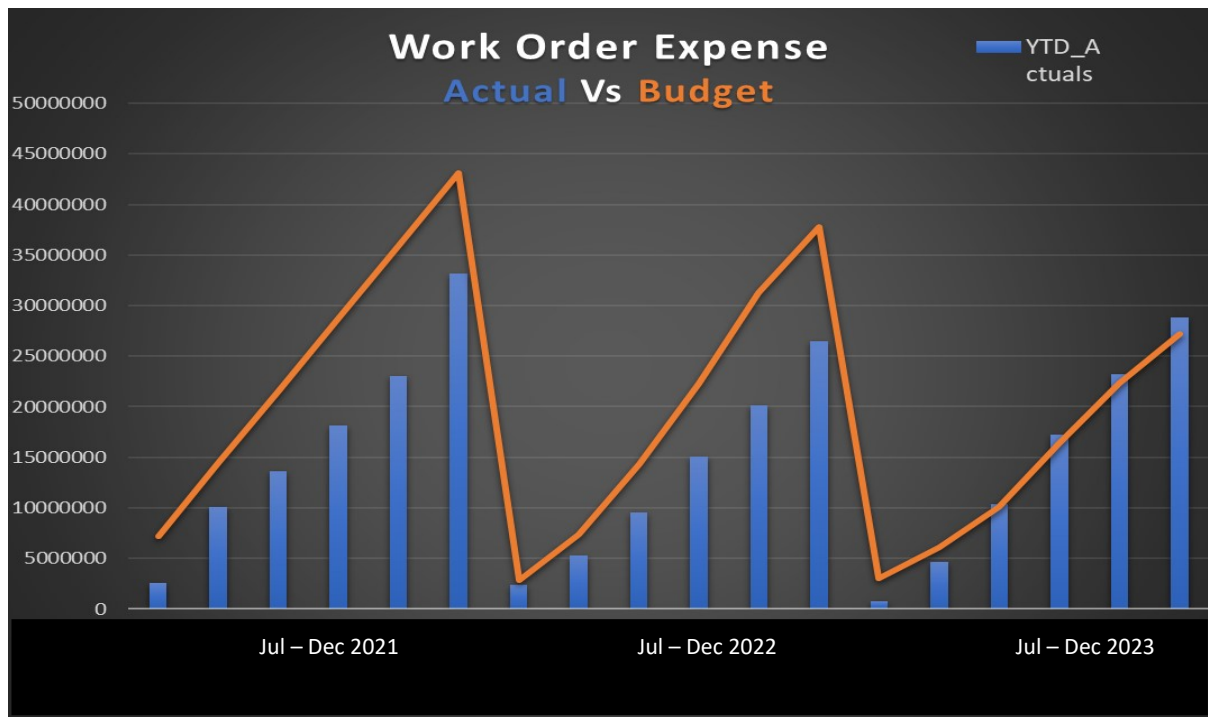
Net Debt	185,167
Budgeted Revenue	117,000
Debt to revenue ratio	158%

15. The below table outlines the available funds after reforecast revenue, adjusting for theatre grants not being received and a decrease in other better off funding delays due to projects not being started. Waste revenue has also been adjusted for lack of tonnage over the weigh bridge.

Budgeted revenue 2023/24	128,432
Forecast revenue 2023/24	117,000
Net Debt cap - limit	
210% - as per policy	245,700
Available funds (adjusted for unguaranteed)	60,533
280% - LGFA policy	327,600
Available funds (adjusted for unguaranteed)	142,433

Capital Work Programme

16. Timaru District Council's Annual Plan 2024 has a capital expenditure programme comprising of 122 projects and amounting to a value of \$90.8 million for 2023/2024 financial year (including Downlands Water Supply Scheme at 82%).
17. An assumption of 90% capital delivery was used during the 2024-34 Long Term Plan resulting in a capital budget of \$81.7 million for 2023/2024 financial year.
18. As of 31 December 2023, the total capital expenditure was \$29.0 million comprising of \$26.8 million for TDC and \$2.2 million for the Downlands Water Supply scheme (82%).
19. This capital expenditure represents an increase compared to the previous year, however the capital expense as of 31 December 2023 is higher than the capital expense as of 31 December 2022 and lower than the capital expense as of 31 December 2021 as shown in the graph below.



20. Several large projects are currently in the planning or construction phase, in progress or are planned to be completed by the end of the financial year. Those projects include:
- (i) Theatre Royal (\$1.8 million spent as of 31 December 2023, annual budget of \$9.6 million). This project is now awaiting the LTP process.
 - (ii) CityHub Strategy (\$777,448 spent as of 31 December 2023, annual budget of \$1.6 million).
 - (iii) Urban Water Reticulation (\$3.0 million spent as of 31 December, annual budget of \$1.1 million).
 - (iv) Urban Water Fixed Plant & Equipment (\$203,729 spent as of 31 December 2023, annual budget of \$11.8 million).
 - (v) Seadown Water Reticulation (\$107,149 spent as of 31 December 2023, annual budget of \$1.8 million).
 - (vi) Timaru Storm Water Drainage (\$661,587 spent as of 31 December 2023, annual budget of \$2.7 million).
 - (vii) Roading Improved Level of Service (\$1.5 million spent as of 31 December 2023, annual budget of \$9.9 million)
 - (viii) Roading Reseals and Renewals (\$4.5 million spent as of 31 December 2023, annual budget of \$3.5 million).
 - (ix) Road Capital Work (\$3.1 million spent as of 31 December 2023, annual budget of \$6.3 million).
 - (x) Sewer Reticulation (\$662,658 million spent as of 31 December 2023, annual budget of \$2.4 million).
 - (xi) Art Gallery Earthquake Strengthening (\$104,635 spent as of 31 December 2023, annual budget of \$3.4 million).

- (xii) Downlands Water Supply Reticulation Renewals and Upgrades (82%: \$2.7 spent as of 31 December 2023, annual budget \$2.0 million).
- (xiii) Museum New Capital – Improved Level of Service (\$9,510 spent as of 31 December 2023, annual budget of \$790,350).
- (xiv) Aorangi Stadium (\$198,285 spent as of 31 December 2023, annual budget of \$2.1 million).
- (xv) Timaru Airport Terminal Upgrade (\$nil spent as of 31 December 2023, annual budget of \$2.5 million).
- (xvi) Parking Facilities – New Capital Growth (\$nil spent as of 31 December 2023, annual budget of \$5.0 million), this project is unlikely to be completed this financial year.

Risks

- 21. Ongoing risks associated with the capital work programme are attributed to:
 - (i) Market Saturation: Insights from the market reveal that our local contractors are extremely busy at present. Going forward, we may need to consider allowing for longer construction period to ensure sufficient participation from the market and / or to reduce the financial impact of this constraint.
 - (ii) Other Cost Escalations: There is likely to be cost escalation on a number of other projects given the state of the global and national economy and the current inflationary environment. Combined, this may be significant. Key contract escalations for three water renewals and roading maintenance are estimated to be between 16% to 20%.

Consultation

- 22. As a regular scheduled report consultation is not required. The year end results are publicly reported in the audited Annual Report.

Relevant Legislation, Council Policy and Plans

- 23. Local Government Act 2002
- 24. Timaru District Plan Long Term Plan 2021-31
- 25. Annual Plan 2023/24

Financial and Funding Implications

- 26. There are no financial or funding implications as a result of reporting progress to Council.

Other Considerations

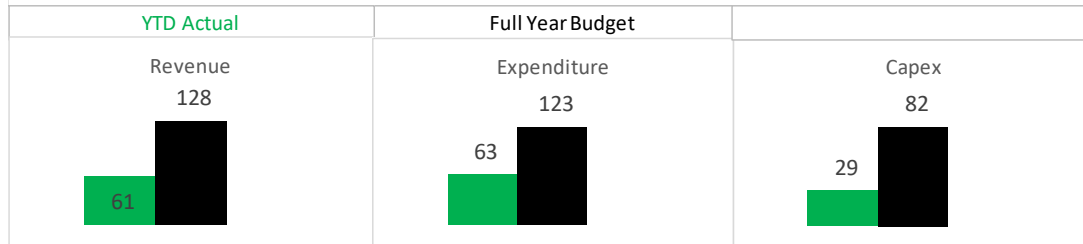
- 27. There are no other considerations.

Attachments

- 1. Council Financial Performance Variance Analysis - Dec 2023 [↓](#) 

Council Financial Performance & Variance Analysis Summary as at 31st December 2023

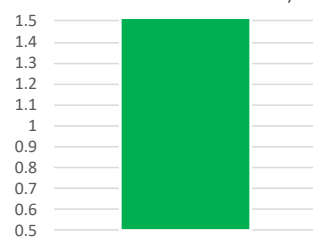
YTD \$ Actual vs FY \$ Budget



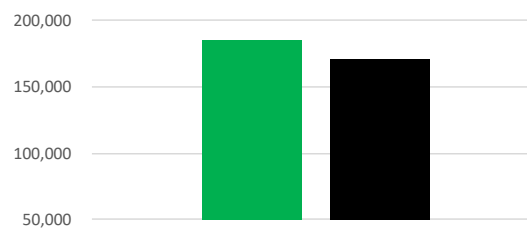
Financial Strategy

YTD Actual	30th June 2023
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Debt / Revenue Ratio (Based on YTD Debt & Year End Revenue)

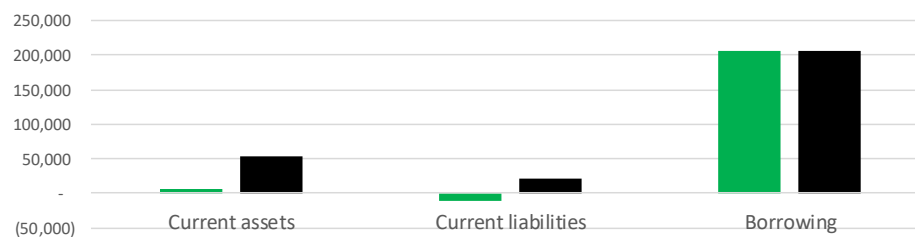


Net Debt



Financial Position - Balances (\$'000's)

YTD Actual	30th June 2023
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




YTD \$ Actual vs FY \$ Budget			Council Performance				as at 31 Dec 2023		
YTD Actual	Full Year Budget								
Revenue	Expenditure		Capex						
<div><div></div><div>128</div></div>	<div><div></div><div>63</div></div>	<div><div></div><div>123</div></div>	<div><div></div><div>29</div></div>	<div><div></div><div>82</div></div>					
Year to Date					YTD 2022	Full year	Full year	YTD Actual % of	
Actual	Budget	Variance	Budget	Actual	Budget	Forecast	YTD Actual % of		
\$000's	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's	FY Budget		
Operating Revenue									
Rates revenue	36,247	36,171	76	32,509	72,342	72,342	50%		
Subsidies and grants	9,833	13,434	(3,601)	5,124	26,869	18,427	37%		
Fees & charges	9,564	10,475	(911)	9,115	20,557	18,640	47%		
Other revenue	2,431	2,884	(453)	2,123	5,768	4,373	42%		
Finance revenue	1,970	891	1,079	1,402	1,781	2,736	111%		
Dividend revenue	500	558	(58)	500	1,115	1,058	45%		
Development and financial contributions	249	-	249	159	-	249	0%		
Other gains	-	-	-	1,061	-	-	0%		
Total Operating Revenue	60,794	64,413	(3,619)	51,993	128,432	117,825	47%		
Operating Expenditure									
Personnel costs	14,272	13,454	(818)	12,501	25,576	28,667	56%		
Depreciation expense	16,394	16,500	106	16,478	33,000	34,060	50%		
Finance costs	4,923	3,390	(1,533)	2,717	6,780	10,245	73%		
Other expenses	27,845	28,164	319	27,851	57,395	54,875	49%		
Total Operating Expenditure	63,434	61,508	(1,926)	59,547	122,751	127,847	52%		
Operating Surplus/(Deficit)	(2,640)	2,905	5,545	(7,554)	5,681	(10,022)			
Capital Expenditure									
Community Support	271	417	146	974	2,841	-	10%		
Corporate Support	1,876	1,247	(629)	1,484	3,095	-	61%		
Recreation and Leisure	4,813	5,487	674	4,863	21,714	-	22%		
Roading and Footpaths	12,826	10,849	(1,977)	7,005	26,123	-	49%		
Sewer	1,153	2,887	1,734	1,212	4,434	-	26%		
Stormwater	899	1,011	112	1,129	3,874	-	23%		
Waste Minimisation	591	615	24	809	1,838	-	32%		
Water Supply	6,621	4,305	(2,316)	8,316	17,827	-	37%		
Total Capital Expenditure	29,050	26,818	(2,232)	25,792	81,746	-	36%		

YTD Variance for Activity Groups Actuals 2023/24 to Budget 2023/24**Notes to the Financial Statements for 31st December 2023****Interpretation**

1. Variances greater than \$100,000 are explained below.
 - i. **F** (favourable variance) means that either actual revenue is greater than budget or actual expenditure is less than budget.
 - ii. **U** (unfavourable variance) is when actual revenue is less than budget or actual expenditure is greater than budget.
2. Downlands Water is reported at 82% (TDC's shareholding in the scheme) in these financial reports.
3. Variance analysis for year to date actuals against budget for each Activity Group (Actuals 2023/24 to Budget 2023/24) is presented on the following pages:

1. COMMUNITY SUPPORT

YTD \$ Actual vs FY \$ Budget			Community Support as at 31 Dec 2023			
YTD Actual	Full Year Budget		Year to Date			YTD Actual % of FY Budget
Revenue	Expenditure	Capex	Actual \$000's	Budget \$000's	Variance Budget \$000's	Full year Budget \$000's
7	6	5				
						
Operating Revenue						
Rates revenue			2,277	2,264	13	4,529
Subsidies and grants			-	28	(28)	56
Fees & charges			1,150	1,143	7	2,286
Other revenue			108	24	84	48
Total Operating Revenue			3,535	3,459	76	6,919
Operating Expenditure						
			-	-	-	-
Personnel costs			265	442	177	884
Depreciation expense			371	371	-	743
Finance costs			158	158	-	316
Total Operating Expenditure			3,229	3,131	(98)	6,263
Operating Surplus/(Deficit)			306	328	(22)	656
Capital Expenditure						
Community Support			271	417	146	5,398
Total Capital Expenditure			271	417	146	5,398

1.1 Personnel Costs - \$177K F

Reason for variance

- Personnel costs under budget, due to staff favourable salary in Climate & sustainability by \$21K F, Airport operations by \$20K F, civil defence by \$10K F and Safer communities-Project Expenditure by \$123K F. The variance is due to last restructure.

1.2 CAPEX - \$146K F

Reason for variance

- Community Support under budget by \$146K F. Main variances exist in Public amenities \$48K U, Airport Capital works by \$160K F, Cemetery \$8K F, Community Housing by \$90K F, Civil Defence by \$15K U and Capex Renewal \$48K U

2. CORPORATE ACTIVITIES

YTD \$ Actual vs FY \$ Budget			Corporate Activities as at 31 Dec 2023				
YTD Actual	Full Year Budget		Year to Date			Full year Budget	YTD Actual % of FY Budget
Revenue	Expenditure	Capex	Actual \$000's	Budget \$000's	Variance Budget \$000's	\$000's	
45	71	82					
	29	32					
Operating Revenue							
Rates revenue			387	572	(185)	1,144	34%
Subsidies and grants			-	185	(185)	370	0%
Fees & charges			370	457	(87)	913	41%
Other revenue			999	1,190	(191)	2,381	42%
Finance revenue			1,965	891	1,074	1,781	72%
Dividend revenue			500	558	(58)	1,115	47%
Development and financial contributions			-	-	-	-	0%
Total Operating Revenue			4,221	3,853	368	7,704	55%
Operating Expenditure							
Personnel costs			7,286	6,276	(1,010)	12,552	58%
Depreciation expense			610	610	-	1,220	50%
Finance costs			2,356	885	(1,471)	1,770	133%
Other expenses			2,501	1,181	(1,320)	2,362	106%
Total Operating Expenditure			12,753	8,952	(3,801)	17,904	71%
Operating Surplus/(Deficit)			(8,532)	(5,099)	(3,433)	(10,200)	
Capital Expenditure							
Corporate Support			1,876	1,247	(629)	5,836	32%
Total Capital Expenditure			1,876	1,247	(629)	5,836	32%

2.1 Rates Revenue - \$185 K U

Reason for variance

- Rates rebates \$107K U were processed in Sep contributing to the variance. DOI will reimburse the rates rebate.
- Rates Penalties of \$39K U applied unbudgeted.
- Rates written off of \$36K U unbudgeted

2.2 Subsidies & Grants - \$185K U

Reason for variance

- No LTU subsidies & Grants of \$185K U received as budgeted YTD.

2.3 Other Revenue - \$191K U

Reason for variance

- Three Waters Funding transition support from Internal affairs under D & W not received.

2.4 Finance Revenue - \$1,074K F

Reason for variance

- Interest received from Banks and Specials funds is \$1,001K F above the budget due to rising interest rates.
- Intercompany interest received above budget by \$73K F

2.5 Dividend Revenue - \$58K U*Reason for variance*

- Dividends received from TDHL year to date is \$500K against budget of \$ 536K resulting in **\$36K U**
- Dividend from Power companies year to date is \$ Nil against budget of \$21K K resulting in **\$21K U**

2.6 Personnel Costs - \$1,010K U*Reason for variance*

- Personnel costs above budget, largely related to CE office **\$191K U**, People & Digital Management **\$152K U**, People & Capability \$85K F, Community Services **\$282K U**, Communications \$145K F, Commercial & Strategy \$62K F, IT Services **\$33K U**, Property Management **\$27K U**, Infrastructure Management \$24K F, Planning & Regulatory **\$86K U**, Corporate Planning \$79K F, Programme Delivery \$96K F, Risk & Assurance\$64K F, Parks & Rec \$25K F, Drainage & Water \$535K F and LTU Unit \$284K F. Recreation & Culture Services \$103K F and the Efficiency Savings (Vacancy Factor) **\$1,700K U**. The variance is due to last restructure.

2.7 Finance Costs - \$1,471K U*Reason for variance*

- Interest rates paid are higher than budgeted (interest rates were based upon weighted average cost of borrowings of 3.62%.

2.8 Other Expenses - \$1,320K U*Reason for variance*



Other expenses includes expenses related to Professional services, staff training, offices admin expenses, Health and Safety, Recruitment costs etc.

- People & Capability above budget by **\$59K U**.
- Community services Management \$32K F
- Communications \$26K F
- Financial Services **\$42K U**
- Commercial & Strategy **\$61K U**
- IT services computer/IT cost above budget by **\$218K U**
- Properties Maintenance & operations- Building below budget by \$147K F
- Planning & Regulatory **\$67K U**
- Corporate Planning unit **\$76K U**
- Parks & Rec **\$100K U**
- Drainage & Water **\$195K U**
- LTU unit cost \$166K F
- Other expenses are unfavourable mainly due to internal charges relating to wages **\$981K U** yet to be recoded to capital expenditure projects

2.9 Capital Expenditure - \$629K U*Reason for variance*

- **\$589K U** relates to IT – Computer Hardware and Software Projects are above budget year to date due to the Palo Alto Network, Firewall, Security, WAN upgrade
- Vehicle purchases - **\$286K U**
- Properties Capital work related to Building Under budget by \$223K F
- Council Building \$20K F

3. ENVIRONMENTAL SERVICES

YTD \$ Actual vs FY \$ Budget			Environmental Services as at 31 Dec 2023				
YTD Actual	Full Year Budget		Year to Date			Full year Budget	Full year Forecast
Revenue	Expenditure		Actual \$000's	Budget \$000's	Variance Budget \$000's	\$000's	YTD Actual % of FY Budget
6	9						
							
Operating Revenue							
Rates revenue			1,014	1,005	9	2,010	2,019
Fees & charges			2,225	2,110	115	3,827	3,758
Other revenue			18	134	(116)	269	139
Total Operating Revenue			3,257	3,249	8	6,106	5,916
Operating Expenditure							
Personnel costs			2,130	2,204	74	4,408	4,252
Depreciation expense			5	5	-	10	10
Finance costs			26	26	-	51	51
Other expenses			1,339	2,067	728	4,135	3,952
Total Operating Expenditure			3,500	4,302	802	8,604	8,265
Operating Surplus/(Deficit)			(243)	(1,053)	810	(2,498)	(2,349)
Capital Expenditure							
Total Capital Expenditure			-	-	-	-	0%

3.1 Fees & charges - \$115K F*Reason for variance*

- Planning Revenue \$130K F
- Building Control **\$211K U**
- Animal Control \$151K F
- Environment Health \$45K F

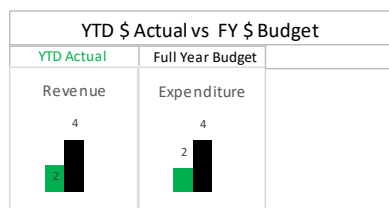
3.2 Other Revenue - \$116K U*Reason for variance*

- Planning revenue – Reimbursements below budget by **\$102K U**
- Building control below budget by **\$11K U**.

3.3 Other Expenses - \$728K F*Reason for variance*

- District Plan Review costs are \$680K F, due to lower project spend to date. This work is expected to occur throughout the year.
- Consultants & Legal Fees are **\$167K U**
- The remaining variance relates to favourable variances below \$100K in Building Control, Animal Control, Planning, Environment Health & Internal Charges

4. GOVERNANCE AND STRATEGY



Governance and Strategy as at 31 Dec 2023

	Year to Date			Full year Budget \$000's	YTD Actual % of FY Budget
	Actual \$000's	Budget \$000's	Variance Budget \$000's		
Operating Revenue					
Rates revenue	1,979	1,970	9	3,940	50%
Total Operating Revenue	1,979	1,970	9	3,940	50%
Operating Expenditure					
Personnel costs	381	394	13	789	48%
Depreciation expense	-	-	-	-	0%
Finance costs	1	1	-	1	100%
Other expenses	1,438	1,575	137	3,150	
Total Operating Expenditure	1,820	1,970	150	3,940	46%
Operating Surplus/(Deficit)	159	-	159	-	
Capital Expenditure					
Total Capital Expenditure	-	-	-	-	0%

4.1 Other Expenses - \$137K F

Reason for variance

- Audit reports fees \$71K F
- Mayor & elected members – Solicitors Fees \$145K U & Advertising \$22K F
- internal overheads \$88K F.
- Favourable variances below \$100K budget in Professional fees \$51K F, Water Committee Fess \$20k F & Grants/Donations \$11K F

5. RECREATION AND LEISURE

YTD \$ Actual vs FY \$ Budget			Recreation and Leisure as at 31 Dec 2023				
YTD Actual	Full Year Budget		Year to Date			Full year	YTD Actual %
Revenue	Expenditure	Capex	Actual	Budget	Variance Budget	Budget	of FY Budget
\$000's	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's	
Operating Revenue							
Rates revenue	7,315	7,293	22	14,585	50%		
Subsidies and grants	29	6,049	(6,020)	12,098	0%		
Fees & charges	560	794	(234)	1,587	35%		
Other revenue	1,238	1,153	85	2,305	54%		
Development and financial contribution	-	-	-	-	0%		
Total Operating Revenue	9,142	15,289	(6,147)	30,575	30%		
Operating Expenditure							
Personnel costs	3,275	3,190	(85)	6,381	51%		
Depreciation expense	1,184	1,184	-	2,367	50%		
Finance costs	405	400	(5)	800	51%		
Other expenses	4,017	4,517	500	9,034			
Total Operating Expenditure	8,881	9,291	410	18,582	48%		
Operating Surplus/(Deficit)	261	5,998	(5,737)	11,993			
Capital Expenditure							
Recreation and Leisure	4,813	5,487	674	41,258	12%		
Total Capital Expenditure	4,813	5,487	674	41,258	12%		

5.1 Subsidies and Grants - \$6,020K U

Reason for variance

- Theatre Royal grants are budgeted on a half yearly basis at \$3,100K year to date with \$0.00K actual received. These grants are received in lump sums based on stage of completion.
- Parks Capital Grants year to date budgeted at 1,558K, which \$0.00 received.
- \$1,000K for Aorangi Stadium budgeted with \$0.00 received
- \$350K for Aigantighe Art Gallery budgeted with \$0.00 actual received. These grants are drawn down from Better Off Funding at milestone completions.

5.2 Fees and Charges - \$234K U

Reason for variance

- CBay Learn to Swim \$53K U and Aquatics \$96K U not received due to pools being closed for a fortnight between 17 – 28 July for annual maintenance.
- Theatre Royal User fees under budget by \$78K U

5.3 Other Revenue - \$85K F

Reason for variance

- CPlay donations, unbudgeted, previously held in Trust were received \$168K F for construction on this project.
- CBAY total revenue **\$17 U**
- Aorangi Stadium Revenue \$28K F
- Museum revenue \$43K F
- Fishing Huts Revenue **\$52K U**
- Forestry revenue **\$71K U**

5.4 Other Expenses - \$500K F

Reason for variance

Relates to operating expenses




- Parks Ground maintenance costs are \$ 173K F year to date.
- Parks Building maintenance costs are **\$298K U** year to date
- Parks other operating expenses \$164K F
- Libraries operating expenses \$169K F
- CBAY operating expenses **\$87K U**
- Aorangi stadium costs are \$183K F relating to on-charges between TDC and the Aorangi Stadium Trust.
- Museum operating expenses \$125K F
- Theatre Royal expenses \$83K F
- The remaining favourable variance relates to multiple activities below budget, none above \$50K within Temuka, Geraldine & Pleasant pint pools expenses, motor camps, Forestry, Halls & Community, Art Gallery and CBAY Cafe

5.5 Capital Expenditure - \$674K F

Reason for variance

- Parks and Recreation capital projects are currently \$50K F, a timing difference against budgeted spend.
- Libraries **\$46K U**
- Geraldine Pool **\$62K U**
- Halls & Community **\$119K U**
- Aorangi Stadium Capex **\$114K U**
- Museum \$356K F
- Art Gallery \$120K F
- Motor Camps building \$384K F
- Theatre Royal \$93K F
- The remaining favourable/unfavourable variance relates to multiple projects with minor variations to budget.

6 ROADING AND FOOTPATHS

YTD \$ Actual vs FY \$ Budget			Roading and Footpaths as at 31 Dec 2023			
YTD Actual	Full Year Budget		Year to Date			YTD Actual % of FY Budget
Revenue	Expenditure	Capex	Actual \$000's	Budget \$000's	Variance Budget \$000's	Full year Budget \$000's
30	25	50				
						
Operating Revenue						
Rates revenue	7,748	7,696	52	15,393	50%	
Subsidies and grants	9,514	6,722	2,792	13,445	71%	
Fees & charges	701	541	160	1,082	65%	
Other revenue	18	44	(26)	87	21%	
Total Operating Revenue	17,981	15,003	2,978	30,007	60%	
Operating Expenditure						
Personnel costs	157	64	(93)	127	124%	
Depreciation expense	6,642	6,642	-	13,284	50%	
Finance costs	371	371	-	743	50%	
Other expenses	4,754	5,441	687	10,883		
Total Operating Expenditure	11,924	12,518	594	25,037	48%	
Operating Surplus/(Deficit)	6,057	2,485	3,572	4,970		
Capital Expenditure						
Roading and Footpaths	12,826	10,849	(1,977)	49,634	26%	
Total Capital Expenditure	12,826	10,849	(1,977)	49,634	26%	

6.1 Subsidies and Grants - \$2,792K F

Reason for variance

- LTNZ capital subsidies and grants are budgeted at \$6,722K YTD with \$9,514K received to date giving a favourable variance of \$2,792K F. Subsidy income is reflective of actual capital and operating expenditure incurred with favourable variances in both operating and capital expenditure offsetting this favourable variance. Subsidies are claimed after the month and money is received the following month.

6.2 Fees & charges - \$160K F

Reason for variance

- Parking Enforcement revenue of \$160K F above budget mainly due to Parking Infringements & Fines

6.3 Other Expenses - \$687K F*Reason for variance*

- CBD maintenance (CityTown) costs are below budget by \$715K F.
- Subsidised roading & footpaths maintenance costs are below budget by \$436K F.
- Parking facilities & Enforcement **\$168K U**
- City Hub strategy above budget by **\$251K U**.
- Internal Charges **\$45K U**

6.4 Capital Expenditure - \$1,977K U*Reason for variance*

- Subsidised roading capital expenditure is above budget. Variances currently exist withing the following roading budgets:
 - Purchase of Land **\$1,064K U**
 - Road Capital Works \$1,082K F
 - Reseals/Overlays **\$2,537K U**
 - Bridge and Culvert **\$558KU**
 - Kerb and Channel \$230K F
 - Bus shelter, signs, New Capital Growth **\$103K U**
 - Levels of Service Upgrades \$1,119K F
 - Subsidised Roding -Capital Renewals **\$792KU**
 - City Hub \$52K F
 - Fixed Plant & Equipment **\$13K U**
 - Street Lighting \$64K F
 - Parking Facilities \$542K F

7 SEWER

YTD \$ Actual vs FY \$ Budget			Sewer as at 31 Dec 2023			
YTD Actual	Full Year Budget		Year to Date			YTD Actual % of FY Budget
Revenue	Expenditure	Capex	Actual \$000's	Budget \$000's	Variance Budget \$000's	Full year Budget \$000's
10	10	8				
5	5	1				
Operating Revenue						
Rates revenue	3,403	3,403	-	6,806	50%	
Fees & charges	1,648	1,529	119	3,059	54%	
Other revenue	-	47	(47)	93	0%	
Development and financial contribution	102	-	102	-	100%	
Total Operating Revenue	5,161	4,979	182	9,958	52%	
Operating Expenditure						
Personnel costs	249	224	(25)	-	0%	
Depreciation expense	2,529	2,529	-	5,059	50%	
Finance costs	683	683	-	1,366	50%	
Other expenses	1,505	1,542	37	3,532		
Total Operating Expenditure	4,966	4,978	12	9,957	50%	
Operating Surplus/(Deficit)	195	1	194	1		
Capital Expenditure						
Sewer	1,153	2,887	1,734	8,425	14%	
Total Capital Expenditure	1,153	2,887	1,734	8,425	14%	

7.1 Fees & charges - \$119K F

Reason for variance

- Trade waste charges of \$88K F and waste disposal of \$31K F received above Year to date budget

7.2 Development Contribution - \$102K F

Reason for variance

- Unbudgeted Sewer contribution fee of \$102K F received

7.2 Personnel Costs - \$25K U

7.3 Other Expenses - \$37K F*Reason for variance*




- Insurance \$49K F
- Utilities **\$95K U**, mainly due to unbudgeted Electricity costs
- Treatment pump station & Equipment maintenance \$55K F
- Internal charges \$32K F

.

7.4 Capital Expenditure - \$1,734K F*Reason for variance*

- Relates to reticulation costs \$1,704K F and Fixed Plant & Equipment \$30KF

8 STORMWATER

YTD \$ Actual vs FY \$ Budget			Stormwater as at 31 Dec 2023			
YTD Actual	Full Year Budget		Year to Date			YTD Actual % of FY Budget
Revenue	Expenditure	Capex	Actual \$000's	Budget \$000's	Variance Budget \$000's	Full year Budget \$000's
4	4	7				
						
Operating Revenue						
Rates revenue			2,142	2,142	-	4,284
Total Operating Revenue			2,142	2,142	-	4,284
Operating Expenditure						
Depreciation expense			1,581	1,581	-	3,161
Finance costs			43	43	-	87
Other expenses			392	518	126	1,036
Total Operating Expenditure			2,016	2,142	126	4,284
Operating Surplus/(Deficit)			126	-	126	-
Capital Expenditure						
Stormwater			899	1,011	112	7,361
Total Capital Expenditure			899	1,011	112	7,361

8.1 Other Expenses - \$126K F

Reason for variance

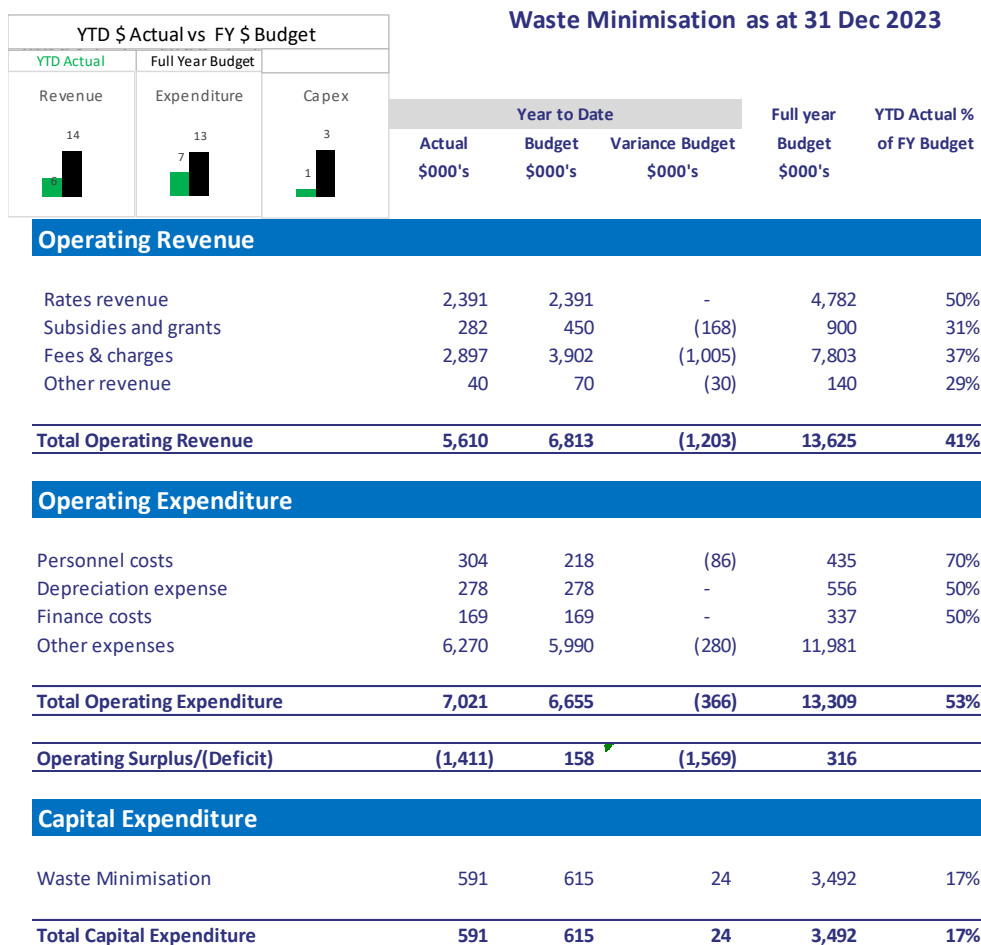
- Temuka Storm water \$53K F
- Geraldine Stormwater \$40K F
- Rural Stormwater \$35K F

8.2 Capital Expenditure - \$112K F

Reason for variance

- Timaru Stormwater drainage \$85K F
- Temuka Stormwater drainage **\$23K U**
- Geraldine Stormwater drainage of \$82K F
- Rural Stormwater drainage of **\$31K U**

9 WASTE MINIMISATION



9.1 Subsidies and Grants - \$168K U

Reason for variance

- MFETA levy are received on Quarterly basis

9.2 Fees & charges - \$1,005K U

Reason for variance




- Refuse fees are below budget **\$1,035K U** due to lower than budgeted tonnage to landfill

9.3 Other Expenses - \$280K U

Reason for variance

- Waste carbon credit of **\$299K U** were purchased due to low prices at the time
- Kerb Side collection \$26K F
- Waste Minimisation Professional expenses above budget by **\$121K U**
- Landfill aftercare & Remediation expenses under budget by \$48K F
- Govt Waste levy \$58K F

10 WATER SUPPLY

YTD \$ Actual vs FY \$ Budget			Water Supply as at 31 Dec 2023			
YTD Actual	Full Year Budget		Year to Date			YTD Actual % of FY Budget
Revenue	Expenditure	Capex	Actual \$000's	Budget \$000's	Variance Budget \$000's	Full year Budget \$000's
15	15	34				
						
Operating Revenue						
Rates revenue	7,593	7,435	158	14,869	51%	
Fees & charges	13	-	13	-	0%	
Other revenue	9	222	(213)	444	2%	
Finance revenue	4	-	4	-	100%	
Development and financial contribution:	147	-	147	-	100%	
Total Operating Revenue	7,766	7,657	109	15,313	51%	
Operating Expenditure						
Personnel costs	226	310	84	-	0%	
Depreciation expense	3,194	3,300	106	6,600	48%	
Finance costs	711	654	(57)	1,307	54%	
Other expenses	3,195	3,171	(24)	6,963		
Total Operating Expenditure	7,326	7,435	109	14,870	49%	
Operating Surplus/(Deficit)	440	222	218	443		
Capital Expenditure						
Water Supply	6,621	4,305	(2,316)	33,871	20%	
Total Capital Expenditure	6,621	4,305	(2,316)	33,871	20%	

10.1 Rates Revenue - \$158KF

Reason for variance

- Rates revenue of Targeted rates- Water by meter \$158K F

10.2 Other Revenue- \$213K U

Reason for variance

- Downlands new connections revenue is below budget year to date

10.3 Development & financial Contribution- \$147K F

Reason for variance

- Contributions received for Urban Water \$13K F, Seadown water \$9K F, Te Moana water \$18KF and Downlands \$107K F.

10.4 Personal costs - \$84K F*Reason for variance***10.5 Depreciation - \$106K F***Reason for variance*

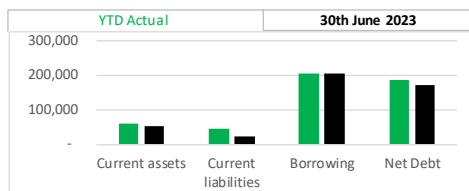
- Relates to Downlands depreciation \$106K F

10.6 Other Expenses - \$24K U*Reason for variance*

- Urban water operations overbudget \$71K U
- Rural water operations including Downlands under budget by \$49K F

10.4 Capital Expenditure - \$2,316K U*Reason for variance*

- Urban Water reticulation projects are currently \$1,580K U, Beautiful Valley \$18K F, Seadown \$576K F, Te Moana projects \$295K U, and Downlands reticulation projects are \$1,049K U. These are timing difference with costs incurred ahead of the budgeted monthly spend profile.



Financial Position as at 31 Dec 2023

	YTD Actual \$'000's	30th June 2023 Actual \$'000's
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ASSETS

Current assets

Cash and deposits	(1,318)	14,296
Debtors and other receivables	32,325	12,720
Inventories	2	34
Other financial assets	28,911	27,111

Total current assets	59,920	54,161
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Non-current assets

Property plant & equipment	1,894,252	1,884,990
Intangible assets	5,630	5,075
Forestry	1,373	1,373
Investment property	1,955	1,955
Investment in cco's & other similar	55,618	55,589
Other financial assets	7,929	7,929

Total non-current assets	1,966,757	1,956,911
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Total assets	2,026,677	2,011,072
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LIABILITIES

Current liabilities

Trade and other payable	40,809	17,864
Employee benefit liabilities	3,514	3,587

Total current liabilities	44,323	21,451
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Non-current liabilities

Provisions	10,192	10,192
Employee benefit liabilities	407	407
Non current borrowing	205,532	205,532

Total non-current liabilities	216,131	216,131
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Total liabilities	260,454	237,582
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Net Assets	1,766,223	1,773,490
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EQUITY

Retained earnings	776,852	784,119
Special funds	17,097	17,097
Separate funds	23,871	23,871
Asset revaluation	948,403	948,403

Total equity	-	1,773,490
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Statement of Cashflow as at 31 Dec 2023

	YTD Actual \$000's	30th June 2023 Actual \$000's
OPERATING ACTIVITIES		
Rates	71,823	65,621
Other revenue received	19,768	45,604
Interest received	2,314	3,739
Dividends received	500	1,010
Payments to suppliers and employees	(74,294)	(91,576)
Finance costs	(5,267)	(7,782)
Net operating activities	14,844	16,616
INVESTING ACTIVITIES		
Reduction of term investment	(1,829)	(4,919)
Proceeds from sale of property, plant and equipment	125	1,126
Purchase of property, plant and equipment	(28,754)	(54,888)
Net investing activities	(30,458)	(58,681)
FINANCING ACTIVITIES		
Drawdown / (repayment) of borrowings	-	40,713
Net financing activities	-	40,713
Cash movement	(15,614)	(1,352)
Opening Balance 1st July	14,296	15,648
Closing Bank Balance	(1,318)	14,296

9.8 Review of External Governance Appointments Policy

Author: Mark Abbot, Acting Strategy and Corporate Planning Manager

Authoriser: Nigel Trainor, Chief Executive

Recommendation

That Council

1. Receives the report “Review of External Governance Appointments Policy: and
2. Approves and adopts the “External Governance Appointments Policy”.

Purpose of Report

- 1 To present to Council for approval and adoption an amended “Review of External Governance and Appointments Policy” following discussion at the Council Meeting, 28 November 2023.
- 2 Council Resolution 2023/100 (28 November 2023) requires amendment to the Timaru District Holdings Limited (TDHL) and Venture Timaru Limited’s (VT) Constitutions with respect to Director tenure and composition, supported by an amendment to the Policy (as attached).
- 3 This Report covers the review and amendment of the Policy document.
- 4 Management considers that this matter be considered in open session.

Assessment of Significance

- 5 In terms of Council’s Significance and Engagement Policy, this matter is of low significance as it does not affect levels of service, strategic assets directly, or rates. However, while not significant in respect of Council’s policy, it is a matter of interest and is relevant to the open conduct of Council business, notably the implications of selected governance roles across major Council organisations.

Background

- 6 The “External Governance Appointments Policy provides guidance to Council in the considerations and protocols required when appointing elected members and independent members to Council Organisations (CO), including Council Controlled Organisations (CCO), and Committees.
- 7 A review of this policy is recommended every three years.
- 8 Council’s meeting of 28 November considered the constitution changes required of its CO’s to better define the minimum and maximum number of Directors with this to be reflected in the Policy; to set a minimum and maximum number of elected members as directors; to set a maximum tenure for directors within the policy; and to determine how the Chairperson and Deputy Chairperson of Timaru District Holding Limited and Venture Timaru Limited are to be appointed within the Constitution. Resolution 2023/100 is noted.
- 9 This report factors the Policy requirements of the Resolution 2023/100.

Discussion

- 10 Following the Council Meeting of 28 November 2023, officers initiated a review of the External Governance Appointments Policy with specific focus on:
- (i) TDHL and VT's Constitutions should set a minimum and / or maximum number of Elected Member Directors within the Policy (see 7.2.1 of amended Policy); and
 - (ii) Whether to set a maximum tenure for TDHL and VT Directors within the Policy (see 7.3 of amended Policy).
- 11 Through the process of review to deal with matters noted in paragraph six, a general review of the Policy has been undertaken with an overview of changes made as follows.
- (i) A change to 1.1.1 to ensure the Purpose of the Policy is more explicit and covers the process to be taken, and criteria to be considered, when seeking to recruit, appoint or reappoint Directors to Council Organisations and external membership to Council Committees and Subcommittees.
 - (ii) Greater leniency is provided to the Directors and Trustees Appointments Committee in determining the skills and competencies required for each appointment process, along with the method of recruitment. An **example** of a Director Competency Framework is provided as a base, rather than a prescriptive model to adhere to. The engagement of an external recruitment agency is also to be considered by the Committee rather than specified.
 - (iii) Each Council Organisation noted explicitly as having a minimum of three and a maximum of seven directors.
 - (iv) The term of appointment, along with remuneration and allowances if any, will be determined by the Mayor in consultation with Council in addition to having sought advice from the Chief Executive. Tenure for each appointment will be assessed on a case-by-case basis while remaining cognisant of retirement and rotation requirements. There is provision for Council to appoint a member in excess of the default term limits if deemed appropriate.
 - (v) The maximum number of elected members is set at two. The mayor may not be appointed as a director or remain as a director if appointed to the mayoralty.
 - (vi) The process flow-chart for Council Organisations has been simplified to cover all appointments, rather than organisationally specific, as before.
 - (vii) The Chief Executive may now only amend the appointment process as directed by the Director and Trustees Appointments Committee (6.8).
 - (viii) General formatting and grammatical amendments have been made.

Options and Preferred Option

- 12 The options considered in the review of this Policy were to:
- (i) Review and amend the Policy with a sole focus on the matters noted via Resolution, being the determination of the number and tenure of directors and the definition of elected members servicing in governance roles on CO's or

(ii) To include both the requirements of the Resolution 2023/100 and extend this to a more comprehensive policy review in line with the three yearly review cycle.

- 13 Option 13.2, being a comprehensive review of the Policy be undertaken, was chosen as the preferred option. This has resulted in the document, attached, which includes input and recommended changes from members of previous Directors and Trustees Appointments Committee members.

Consultation

- 14 Feedback was sought from Councillors, notably those appointed to Directors and Trustees Appointments Committee, with this incorporated into the Policy document as presented.

Relevant Legislation, Council Policy and Plans

- 15 The relevant Policy is the “External Governance Appointments Policy”.
- 16 Constitutions of Council Organisations.

Financial and Funding Implications

- 17 There are no budget implications.

Other Considerations

- 18 There are no additional or further considerations.

Attachments

1. External Governance Appointments Policy - 24.1.24  

External Governance Appointments Policy



Policy Name	External Governance Appointments Policy
Approved by:	Timaru District Council
Group:	Governance
Responsibility:	Chief Executive
Date adopted:	
Review:	Every 3 years aligned to the local authority election cycle. This Policy does not cease to have effect because it is due for review, or being reviewed.
Consultation:	Not Required
Policy Type	Council Operational Management

Introduction

1. Purpose and Objectives

- 1.1. The purpose of this policy is to:
 - 1.1.1. To provide clear guidelines outlining the process to be taken, and criteria to be considered, when seeking to recruit, appoint or reappoint Directors to Council Organisations and external membership to Council Committees and Subcommittees.
 - 1.1.2. To provide clear guidelines and requirements (while ensuring sufficient transparency and objectivity) outlining the optimal skills required for directorship and the Council's director appointment process to Council organisations.
 - 1.1.3. To provide clear guidelines and requirements (while ensuring sufficient transparency and objectivity) outlining the optimal skills required for external membership and the Council's appointment process to committees or subcommittees.

2. Scope

This policy covers:

- 2.1. The appointments of Directors to all Council Organisations (COs), particularly Council Controlled Organisations (CCOs). See Appendix A for current CCOs covered by this policy.
- 2.2. Any other director appointments to outside organisations made by the Council through resolution. These positions are not remunerated by Council.
- 2.3. The appointment of all external appointments to Council Committees and Subcommittees.

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External Governance Appointments Policy

Page 1 of 11

3. Definitions

3.1. In this Policy, unless the context otherwise requires:

Candidate means a person who has submitted a written application for a Director's position or Council appointment, or has agreed in writing to be considered for such a position.

Committee/Subcommittee means a Committee/Subcommittee established by the Mayor pursuant to section 41A (3) of the LGA or by Council in accordance with schedule 7, clause 30 of the LGA. This includes any other subordinate decision-making body appointed under this clause regardless of the name of the body.

Company has the meaning set out in section 2(1) of the Companies Act 1993.

Council means Timaru District Council (or its statutory successors).

Council Organisation (CO) has the meaning set out in section 6 of the LGA, which includes any entity in which the Council has a voting interest or the right to appoint a director, trustee or manager (however described). This is a wide-ranging definition, covering a large number of bodies, including Council-Controlled Organisations and Council-Controlled Trading Organisations.

Council-Controlled Organisation (CCO) has the meaning set out in section 6 of the LGA, which includes any organisation in which one or more local authorities control 50% or more of the voting rights or have the right to appoint 50% or more of the directors.

Council-Controlled Trading Organisation (CCTO) has the meaning set out in section 6 of the LGA and means a CCO that operates a trading undertaking for the purpose of making a profit.

Director with respect to a CO includes, where the CO is not a company, includes a trustee, manager, or office holder (however described in that organisation).

Director and Trustees Appointments Committee means the committee responsible for appointing directors to Council organisations or outside organisations with a reserved Council seat. At a minimum, the Committee will comprise the Mayor, the Deputy Mayor, the Chair of the Commercial & Strategy Committee (or equivalent), and one additional Councillor. The Committee Chair has the delegated authority to appoint a replacement member(s) should any of the sitting member(s) be unavailable for an appointment process.

Elected Member means any elected Timaru District Councillor and Community Board Member.

External Member means an individual who is not an Elected Member or employee of Timaru District Council, appointed to CO governance roles or to Committees or Subcommittees of Timaru District Council.

LGA means the Local Government Act 2002.

Organisation includes a company, body corporate or other incorporated entity, partnership including a limited liability partnership, trust, arrangement for the sharing of profits, union of interest, cooperation, joint venture, or other similar arrangement.

Policy Statements

4. Legislative Context

- 4.1. Section 57 of the LGA requires Council to adopt a policy that establishes an objective and transparent process for:
 - 4.1.1. The identification and consideration of the skills, knowledge, and experience required of directors of a council organisation;
 - 4.1.2. The appointment of directors to a council organisation; and
 - 4.1.3. The remuneration of directors to a council organisation.
- 4.2. Clauses 30-31, Schedule 7 of the LGA provides that Council may appoint Committees, Subcommittees, and other subordinate decision-making bodies, and may appoint a person who is not an elected member if that person has the skills, attributes, and knowledge that will assist the work of the Committee or Subcommittee. Other members cannot include an employee of Council.

5. Identification of Skills Required

- 5.1. Skills and competencies are to be determined for each role. Appendix B sets out an example of a Director Competency Framework. This is subject to review and may be amended by the Chief Executive as directed by the Director and Trustees Appointment Committee as needed in order to be responsive to the needs of each CO accordingly.
- 5.2. For each Director appointment, the Council will develop a director profile for the role, outlining the specific skills, knowledge and experience required. This will take into account:
 - 5.2.1. The nature and scope of the organisation, the organisation's future directions, and its constitutional set up;
 - 5.2.2. The strategic objectives of the organisation and the attributes, skills, and knowledge required to deliver those objectives;
 - 5.2.3. The skills of the current directors (core competencies) and the required cumulative skills (collective competencies) of all the directors;
 - 5.2.4. The responsibilities and obligations of that role;
 - 5.2.5. Any specific skill, knowledge, qualification, and experience that is currently required or may be required in the future; and
 - 5.2.6. Whether knowledge of tikanga Māori may be relevant and of benefit to the organisation, as per section 57(3) of the Local Government Act 2002.
- 5.3. Council appointees to COs that operate as companies are required to become members of the New Zealand Institute of Directors (IoD) for the duration of their appointment, and undertake IoD membership requirements for continuing professional development.

- 5.4. Council appointments of external members to Committees or Subcommittees will also consider the skills, attributes, knowledge, and experience relevant to the specific role that will contribute towards the collective competencies of all the Committee or Subcommittee members, and the overall objectives of the organisation.
- 5.5. The expectation of all appointed persons is that they will demonstrate exemplary standards of professional conduct and integrity in carrying out the functions of the position(s) to which they are appointed. Failure to meet these standards may result in dismissal from the appointed position.

6. Appointment Process

- 6.1. Each CO shall have a minimum of three and a maximum of seven Directors.
- 6.2. The appointment process for directors to COs is administered by the Director and Trustees Appointment Committee, with the assistance of external assessment advice as required.
- 6.3. That Committee will appoint and convene an interview and selection panel to make the recommendations to Council for director appointments to any COs in a public-excluded meeting (in accordance with Local Government Official Information and Meetings Act 1987) followed by public notification when appropriate. The Mayor is not eligible to be on the selection panel.
- 6.4. All director appointments to COs must complete the Director Consent Form as per Appendix C.
- 6.5. Subject to clause 7.2, Council may appoint elected members to be Directors of:
 - 6.5.1. COs; and
 - 6.5.2. other organisations where there is a requirement for elected member representation.
- 6.6. The appointments of external members onto Council Committees and Subcommittees will be made by Council via resolution in a Council meeting, acting on the recommendations of the Director and Trustees Appointments Committee and recorded in the minutes. Council will ensure as part of the appointment process that appropriate inquiries are made to satisfy itself that the external appointee is, in respect of both character and competence, a fit and proper person capable of discharging the requirements of the position to an exemplary standard.
- 6.7. All appointments are based on the following three principles:
 - 6.7.1. **Merit** – providing a choice of high-quality candidates whose skills, experience, and qualities have been judged to best meet the needs of public office.
 - 6.7.2. **Fairness** – selection processes that are objective, impartial, and consistently applied to all candidates.
 - 6.7.3. **Openness** – information about the requirements of the post and the selection process must be publicly available.

- 6.8. Appendix D sets out the appointment processes for Council Organisations. This is subject to review and may be amended by the Chief Executive as directed by the Director & Trustees Appointments Committee. This flexibility allows the process to be responsive to the needs of each CO appointment.

7. Terms of Appointment

- 7.1. All external appointments to Council Committees and Subcommittees are made by Council. The terms for the appointments with remuneration and allowances will be determined by the Mayor in consultation with the Council and on advice from the Chief Executive, and will be valid for the period for which they are set.
- 7.2. Council makes all Director appointments to its COs. External applicants may be considered for Council appointments to COs or other organisations. In the case of Timaru District Holdings Limited (TDHL) and Venture Timaru (VT):
- 7.2.1. No more than two Directors shall be Elected Members. The Mayor may not be a Director.
- 7.2.2. An Elected Member Director will cease to hold office:
- (a) Immediately if he or she ceases to be an Elected Member for any reason other than as a result of the triennial elections for the election of officers of Council; and
 - (b) If an Elected Member Director is not re-elected to Council in the triennial elections for the election of officers of Council, on a date specified by Council, being not more than 6 months after the elections; or
 - (c) If they are elected to the Mayorality.
- 7.2.3. The Chairperson and Deputy Chairperson of each CO shall each be Independent Directors.
- 7.3. At each annual meeting for COs:
- 7.3.1. One-third of the Directors (or, if their number is not a multiple of three then the whole number nearest to one third, and rounded up to a whole number if it is a half) shall retire from office. The Directors to retire shall be those who have been longest in office since their last appointment. If two or more of those Directors were appointed on the same day, the Director(s) to retire shall (unless they otherwise agree among themselves) be determined by lot.
- 7.3.2. Where clause 7.3.1 would cause a director/trustee to serve a term exceeding three years, then that Director must also retire from office.
- A retiring Director is eligible for reappointment but shall not serve more than 9 years in total (including non-consecutive terms).
- 7.4. Council may invite a person to serve longer than three terms if it believes it is in the CO's interests for this to occur.

8. Conflicts of Interest and Reputational Risk

- 8.1. The Council expects all Directors of COs, and all external appointments to Committees and Subcommittees, to strive to avoid situations where their actions could give rise to perceived or real conflicts of interest, or present a reputational risk to Council.
- 8.2. If such a situation occurs, the appointed member shall raise this with the Chair of the Board or Committee, the Mayor or the Chief Executive as soon as practicable.
- 8.3. Each CO Chairperson will maintain a conflicts of interest register available to the Chief Executive or Mayor, and reported on annually as part of the annual meeting.
- 8.4. Directors of COs will be expected to follow the provisions of the Institute of Directors Code of Practice for Directors. Breaches of this code could result in dismissal.

9. Monitoring

- 9.1. Compliance with this policy will be reviewed on a cyclical basis as part of the Timaru District Council's internal audit process.

10. Reporting

- 10.1. A report on the efficacy of this policy and the internal audit results will be reported annually to the Audit and Risk Committee by the Governance Team Leader.

Delegations, References and Revision History					
Delegations					
Identify here any delegations related to the policy for it to be operative or required as a result of the policy					
Delegation		Delegations Register Reference			
References					
Include here reference to any documents related to the policy (e.g. operating guidelines, procedures)					
Title		Document Reference			
Local Government Act 2002					
TDHL Frameworks & Processes		#1343698; #1343699; #1341014			
Revision History					
Summary of the development and review of the policy					
Revision	Owner	Date Approved	Approval By	Next Review	Doc Ref
1	Chief Executive	27 October 2022	Council	August 2025	#1549815
2	Chief Executive	[] 2023			

Appendix A:

Council Organisations Subject to this Policy

	Timaru District Holdings Ltd (TDHL)	Venture Timaru Ltd (VT)	Aorangi Stadium Trust
Type	CCO	CCO	CCO
Ownership Structure	100% Council owned	100% Council owned	A charitable trust incorporated under the Charitable Trusts Act and registered under the Charities Act
Directors Appointments	Council appoints all directors	Council appoints all directors	Council appoints all trustees
Remuneration	Paid by TDHL; fees set by Council	Paid by VT; fees set by Council	None
Scope of Activity	TDHL is an investor in companies in which Council has a substantial interest, specifically, at the time of this policy: Alpine Energy Ltd – 47.5% shareholding PrimePort Timaru Ltd – 50% shareholding TDHL also owns a portfolio of investment properties surrounding the port in Timaru.	To facilitate and support economic development and deliver tourism and business services for the District.	To continue development, maintenance and operation of the Aorangi Stadium and adjoining areas on Aorangi Park in Timaru.
Rationale and objectives for Council ownership	To manage the commercial assets and investments of Council.	To support economic growth and tourism for the district.	Aorangi Park and Stadium significant Council assets.

These details are correct at the time this policy was approved, and are subject to change.

Appendix B:

EXAMPLE: Director Competency Framework

This table should be completed for each individual Director prior to the annual Board evaluation. The results will inform the Board's discussion on its collective skill strengths and gaps.

Each Director should identify their top three or four skills, and grade them as follows:

(E) Expert – has strong knowledge of key concepts and principles and more than five years relevant experience

(P) Proficient – has a sound knowledge of key concepts and principles but less than three years relevant experience

(D) Developing – has a knowledge of key concepts and principles but limited direct or applied experience

Skill Area	Description	D1	D2	D3	D4	D5	D6	D7
Strategy and planning	Ability to think strategically; identify and critically assess strategic opportunities and risks. Experience to develop effective strategies in the context of the strategic objectives of the CO and TDC.							
Governance, Risk and Compliance	Experience in the application of governance principles in a commercial enterprise, public sector body or other entity.							
	Ability to identify key risks to the CO and TDC in a wide range of areas including financial, legal and regulatory compliance.							
Financial Performance	Qualifications and experience in governing commercial investment, including to: <ul style="list-style-type: none"> Analyse key financial statements Contribute to strategic financial planning Oversee budgets and the efficient use of resources 							
Business and commercial	Experience in, or understanding of, business management principles.							
Community engagement	Understanding of, and connections with, the interests and needs of Timaru District communities, including the ability to effectively engage and communicate with key stakeholders, including iwi as appropriate.							

Appendix C: Directors' Consent Form

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 they are 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 and, if requiring more space, use a separate page:

.....

5. Nomination Confirmation

I, (full legal name) confirm that the information I have given in this disclosure form is complete, true and correct.

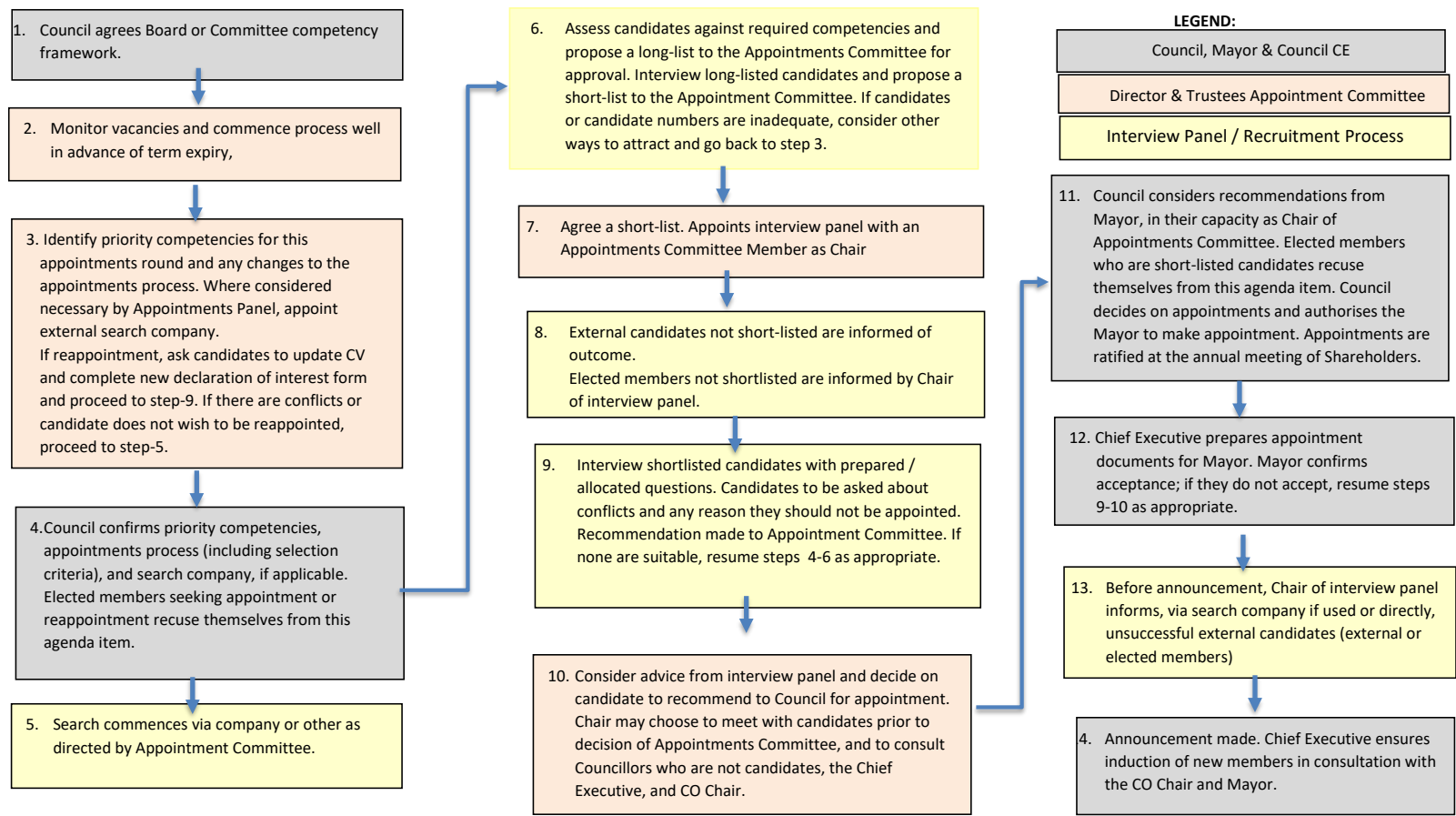
In the event of any actual or potential conflict of interest or probity issue arising, I agree to promptly declare that conflict or probity issue to the Chair of the Board, who will consider how the conflict or probity issue can best be managed. I also agree to abide by any decisions about the management 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:

APPENDIX DFLOWCHART: Director or External Member Appointment to Council Organisations, Committees & Subcommittees



9.9 Local Alcohol Policy adoption

Author: Brendan Madley, Policy Advisor
Debbie Fortuin, Environmental Compliance Manager

Authoriser: Paul Cooper, Group Manager Environmental Services

Recommendation

That Council:

1. Adopt the Local Alcohol Policy recommended by the Joint Local Alcohol Policy Committee.

Purpose of Report

- 1 The purpose of this report is to enable Council to decide whether to adopt the Local Alcohol Policy (LAP) as recommended by the Joint Local Alcohol Policy Committee (the Joint Committee), or whether to seek amendments to the policy from the Joint Committee.

Assessment of Significance

- 2 The LAP is assessed as being of high significance to stakeholders and the community as a whole, as it allows local variations to the controls of the sale and supply of alcohol. Accordingly, the Sale and Supply of Alcohol Act 2012 (the Act) requires the community to be consulted using the Special Consultative Procedure (SCP) for any amendment to the LAP.
- 3 Specifically, this report is deemed to be of high significance because Council is, potentially, making a final decision on the content of the policy.

Background

Legislative context

- 4 The Act provides for local authorities to create LAPs. LAPs are intended to allow for local variations and nuances to alcohol licencing within nationally specified parameters, and overall to give effect to the 'Object' outlined in section 4 of the Act, as shown below. In this way, the LAP can be designed to reflect local views and alleviate concerns.

4 Object

- (1) The object of this Act is that—
 - (a) the sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and
 - (b) the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.
- (2) For the purposes of subsection (1), the harm caused by the excessive or inappropriate consumption of alcohol includes—
 - (a) any crime, damage, death, disease, disorderly behaviour, illness, or injury, directly or indirectly caused, or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol; and
 - (b) any harm to society generally or the community, directly or indirectly caused, or directly or indirectly contributed to, by any crime, damage, death, disease, disorderly behaviour, illness, or injury of a kind described in paragraph (a).

- 5 The permitted content of LAPs is outlined in section 77 of the Act, as shown below. LAPs are not permitted to implement policies outside of this scope.

77 Contents of policies

- (1) A local alcohol policy may include policies on any or all of the following matters relating to licensing (and no others):
 - (a) location of licensed premises by reference to broad areas:
 - (b) location of licensed premises by reference to proximity to premises of a particular kind or kinds:
 - (c) location of licensed premises by reference to proximity to facilities of a particular kind or kinds:
 - (d) whether further licences (or licences of a particular kind or kinds) should be issued for premises in the district concerned, or any stated part of the district:
 - (e) maximum trading hours:
 - (f) the issue of licences, or licences of a particular kind or kinds, subject to discretionary conditions:
 - (g) one-way door restrictions.
- (2) Paragraphs (a) to (d) of subsection (1) do not apply to special licences, or premises for which a special licence is held or has been applied for.
- (3) A local alcohol policy must not include policies on any matter not relating to licensing.

- 6 Section 117 of the Act provides for the District Licensing Committee (DLC) to make licensing decisions that are inconsistent with the LAP if they have sufficient cause and evidence to believe that an alternative decision more appropriately meets the object of the Act. Therefore, the LAP can be seen as the starting point and guide for licensing decisions, rather than the totality of what is available to the DLC.

117 Other discretionary conditions

- (1) The licensing authority or licensing committee concerned may issue any licence subject to any reasonable conditions not inconsistent with this Act.
- (2) The generality of subsection (1) is not limited or affected by any other provision of this Act.

The South Canterbury LAP

- 7 The Timaru, Mackenzie and Waimate District Councils (the three Councils) first adopted a joint LAP in 2015, which has been in force since March 2016. The three Councils selected to develop and adopt a joint LAP to ensure consistency and administrative efficiency in licensing decisions throughout South Canterbury.
- 8 The Act requires a LAP to be reviewed every six years. An existing LAP remains in effect whilst under review, even if it has been longer than six years since it was adopted. The current review commenced in late 2021.
- 9 To undertake the review, the three Councils convened the Joint Committee – comprised of two elected members from each Council – and Terms of Reference were agreed.
- 10 The Joint Committee members are currently:
 - (i) Clr Sandy McAlwee (Chairperson; Waimate District Council)
 - (ii) Clr Matt Murphy (Deputy Chairperson; Mackenzie District Council)
 - (iii) Clr Owen Jackson (Timaru District Council)
 - (iv) Clr Karen Morgan (Mackenzie District Council)
 - (v) Clr Michelle Pye (Timaru District Council)
 - (vi) Clr Lisa Small (Waimate District Council)
- 11 The Joint Committee has delegated authority from each of the three Councils to, broadly:
 - (i) review the existing policy;

- (ii) recommend a draft policy for public consultation to each Council;
- (iii) to consider submissions and hold a hearing and;
- (iv) recommend a provisional policy for adoption to each Council, pending approval from the Alcohol Regulatory and Licensing Authority (ARLA).

Note that formal decision-making powers remain vested in each of the three Councils.

- 12 After holding a Hearing and making deliberations on 7 December 2023, the Joint Committee is now unanimously recommending that the three Councils adopt the LAP as attached to this report.
- 13 Each of the three Councils is separately considering this report.
- 14 The LAP will be finalised and the review concluded if all three Councils resolve to adopt the policy recommended by the Joint Committee. Under the Sale and Supply of Alcohol (Community Participation) Amendment Act 2023, appeals cannot be made by submitters or stakeholders against a LAP that has been adopted by, in this case, the three Councils.
- 15 If any of the three Councils resolve to reject the policy recommended by the Joint Committee, then the Joint Committee will reconvene to work towards a policy that all three Councils are able to support. Alternatively, the three Councils could decide to have separate LAPs instead of a joint LAP. In the event of disagreement, officers' preference would be to reconvene the Joint Committee, at least in the first instance.

Consultation

- 16 Sections 79 and 97 of the Act requires local authorities to use a SCP when developing or reviewing a LAP.
- 17 Pre-engagement was undertaken with identified stakeholders, including iwi, in October 2021 – January 2022, and in May – June 2022. This included consultation with the Medical Officer of Health, NZ Police and Chief Licencing Inspector, as required by section 78(4) of the Act.
- 18 The formal community consultation occurred between 28 September and 30 October 2023. Timaru District Council facilitated the consultation on behalf of the three Councils.
- 19 Eleven written submissions were received. Of these, five submitters supported the draft LAP, and six submitters did not support the draft LAP. The six submitters that did not support the policy sought specific amendments, as detailed below and in Attachment 3; they did not express dissatisfaction with the policy beyond these points.
- 20 Seven submitters requested to speak to their submissions at a Hearing, which was held on 7 December 2023.
- 21 Further information about the consultation process and submissions themes is contained in the Discussion section of this report, below, and the "Consultation Summary and Hearing" report for the 7 December 2023 Joint Committee meeting. The latter report is attached for reference.

Discussion

- 22 The proposed LAP is identical to the current LAP, apart from two proposed amendments, as it is considered that the current LAP is broadly fit-for-purpose and achieving its intended outcomes. These two amendments are considered to be minor in nature.

- 23 The first amendment, which was consulted on, is to Clause 56. The second amendment, which was identified during the deliberations, is to Clause 55(i). Both amendments have been assessed as being of low significance.

Proposed amendment	Rationale	Location in policy
Add <i>“When setting discretionary conditions for special licences, the District Licensing Committee (DLC) must have regard to the previous proven responsible history (if any) of the applicant”</i>	This clause reflects the Joint LAP Committee’s view that an applicants’ previous behaviour and responsibility (or lack thereof) should be a factor that the DLC takes into account when determining which discretionary conditions should, or should not, apply to a special licence application. Their view is that an applicant with a proven record of responsible behaviour in relation to alcohol licences (and especially previous special licences) should be treated more leniently, all other things being equal, than an applicant without such a proven record. The DLC retains the discretion about how to apply such potential leniency and determine which discretionary conditions should apply to any particular application.	Clause 56
Amend <i>“Sale of Ready to Drink (RTD) alcoholic beverages to be under 5% alcohol”</i> to <i>“Sale of Ready to Drink (RTD) alcoholic beverages to be 5% or under in alcohol content”</i>	This clause applies only to discretionary conditions for special licences, i.e. the DLC may choose to impose this condition. This Joint Committee believes that this wording is more appropriate and realistic given the range of RTD products available for purchase. A large number of RTDs are rated at exactly 5% alcohol content, and it did not seem sensible to potentially restrict these given that the alcohol-related harm caused by 4.9% versus 5.0% is negligible.	Clause 55(i)

- 24 A number of submitters suggested amendments to the draft LAP during the submissions and Hearings process. Attachment 3 outlines the main amendments considered by the Joint Committee as a result of the submission and Hearing process; whether the Joint Committee accepted, partially accepted or declined the proposal, and; a brief explanation of their rationale for doing so.
- 25 Where submitters proposed amendments that are not specified in the table above, officers will endeavour to communicate directly with them about the decision made in relation to their amendment and the rationale for it.

Options and Preferred Option

- 26 **Option One – Adopt the Local Alcohol Policy as recommended by the Joint Local Alcohol Policy Committee (Preferred Option)**
- 27 The Joint Committee considers that the current policy is broadly fit-for-purpose and operating effectively. Whilst it is difficult to acquire meaningful and up-to-date statistics, those available

indicate that alcohol-related harm in South Canterbury is comparable to the New Zealand average.

- 28 It believes that, with these two relatively minor amendments to the policy and several other procedural changes, that it strikes the right balance between reducing alcohol-related harm and reflecting local nuances and community views.
- 29 **Option Two – Decline to adopt the Local Alcohol Policy as recommended by the Joint Local Alcohol Policy Committee, and seek amendments**
- 30 Council may determine that the recommended LAP requires further amendment prior to endorsement. From a procedural perspective, any amendments will result in additional officer time and resource as the Joint Committee would be required to reconvene.
- 31 An advantage of this option is that Council may identify improvements to the policy. The advantages and disadvantages of this option in respect to its effect on alcohol-related harm, would be determined by the amendments that Council resolves to make.

Relevant Legislation, Council Policy and Plans

- 32 Local Government Act 2002 – specifically schedule 7 clause 30A (Joint Committees), section 83 (Special Consultative Procedure) and section 87 (additional consultation requirements)
- 33 Sale and Supply of Alcohol Act 2012
- 34 Sale and Supply of Alcohol (Community Participation) Amendment Act 2023
- 35 The current Joint Local Alcohol Policy
- 36 The Operative District Plans of the Mackenzie, Timaru and Waimate Districts
- 37 The Local Alcohol Policy Joint Committee Agreement and Terms of Reference adopted by the Mackenzie, Timaru and Waimate District Councils

Financial and Funding Implications

- 38 The costs of administering the District Licencing Committee and reviewing the Local Alcohol Policy is sourced from existing budgets. The three Councils all make a financial contribution to funding the activity.

Other Considerations

- 39 There are no other considerations.

Attachments

1. **Draft Local Alcohol Policy** [!\[\]\(564903337f30b845a5f6979939a95fe6_img.jpg\)](#) [!\[\]\(6799d2cf9a6546bbe2fea4f3991acfa2_img.jpg\)](#)
2. **Consultation Summary and Hearing report - from Joint Local Alcohol Policy Committee 7 December 2023 meeting** [!\[\]\(de7c1d2bea2115f02a9062a37836c733_img.jpg\)](#) [!\[\]\(9a280f33c8437d678f52e9a3e3cb51f7_img.jpg\)](#)
3. **Main amendments proposed by submitters** [!\[\]\(c0e8bdcd7d546e1e314fd026183ba127_img.jpg\)](#) [!\[\]\(05248885c2b0c473b2ba23c2a4a871b7_img.jpg\)](#)

Joint Local Alcohol Policy



 **Approved by:**

 **Prepared by:**

 **Responsible:**

Date adopted: TBC

Review: Every 6 years or as required
This Policy does not cease to have effect because it is due for review, or being reviewed

Consultation: Required – Special Consultative Procedure

Policy Type Council External Operational

Introduction

Policy Purpose

1. To provide a framework for the safe and responsible sale, supply and consumption of alcohol in South Canterbury;
2. To clearly outline the decision-making approach for applicants and the community, and to enable consistent decisions to be made;
3. To contribute to the minimisation of alcohol-related harm in South Canterbury, consistent with the object of the Sale and Supply of Alcohol Act 2012 (the Act), and;
4. To allow for the views of the local community to be reflected in licensing decisions.

Scope

5. This policy applies to any licensing application made to a District Licensing Committee in the Mackenzie, Timaru and Waimate Districts.

Definitions

6. Alcohol: has the same meaning as in the Act.
7. Alcohol Management Plan: a plan of measures and actions designed to manage the sale and supply of alcohol to achieve the objectives of the Act.
8. Alcohol-related harm: has the same meaning as in the Act.
9. Amenity and good order of the locality: has the same meaning as in the Act.
10. Authorised customer: in relation to a premises a club licence is held for, means a person who is a member of the club concerned, or; is on the premises at the invitation of, and is accompanied by, a member of the club concerned, or; is an authorised visitor.

11. Authorised visitor: in relation to a premises for which a club license is held for, means a member of some other club with which the club concerned has an arrangement for reciprocal visiting rights for members.
12. Bar: has the same meaning as in the Act.
13. Bottle store: means retail premises where at least 85% of the annual sales revenue is expected to be earned from the sale of alcohol for consumption somewhere else.
14. Business/ commercial zone: means land zoned for business or commercial activities in the relevant district plan at the time when the relevant off-licence application is determined. For the avoidance of doubt, the term includes land zoned for business activities (in contrast to industrial or residential activities) in any subsequent district plan, irrespective of the specific name of the zone.
15. Club: has the same meaning as in the Act.
16. Discretionary condition: the licensing authority or licensing committee concerned may issue a licence subject to particular conditions if there is any relevant local alcohol policy and in its opinion, the issuing of the licence or the consequences of the issuing of the licence without those conditions would be inconsistent with the policy or purpose of the Act.
17. District: has the same meaning as in the Act.
18. Early child education: A centre licensed under the Education (Early Childhood Centres) Regulations 1998 and meets Section 310 of the Education Act 1989.
19. Food product: has the same meaning as section 33 of the Act.
20. Grocery store: has the same meaning as section 33 of the Act.
21. Inspector: has the same meaning as in the Act.
22. Large event: means an event that the territorial authority believes on reasonable grounds will have a patronage of more than 400 people.
23. Local alcohol policy: has the same meaning as in the Act.
24. Medium event: means an event that the territorial authority believes on reasonable grounds will have patronage of between 100 and 400 people.
25. Off-licence: is a licence for premises where the licensee can sell alcohol for consumption somewhere else.
26. On-licence: is a licence for premises where the licensee can sell and supply alcohol for consumption on the premises and can let people consume alcohol. This includes "Bring your own" restaurants and caterers.
27. One-way door restriction: has the same meaning as in the Act.
28. Primary school: schools offering education to children from years 1 to 8, or a variation of these years.
29. Ready to Drink Product (RTD): means a pre-packaged, pre-measured, and pre-mixed alcoholic beverage combining a spirit, wine, malt or fruit base with a carbonated soft drink or juice.

- 30. Restaurant: has the same meaning as in the Act.
- 31. Secondary School: schools offering education for students from years 9 to 15, and sometimes years 7 and 8 as well.
- 32. Small event: means an event that the territorial authority believes on reasonable grounds will have a patronage fewer than 100 people.
- 33. Supermarket: means premises with a floor area of at least 1000m² including any separate departments set aside for foodstuffs such as fresh meat, fresh fruit and vegetables, and delicatessen items.
- 34. Tavern: Has the same meaning as in the Act.

Policy Statements

Licence Conditions

- 35. The following conditions will be applicable to licensed premises in all three districts unless otherwise stated.

On-Licence

- 36. On the premises where an On-Licence (other than an on-license endorsed under section 37 of the Act) is held, the licensee:
 - (i) can sell and supply alcohol for consumption there; and
 - (ii) can let people consume alcohol.
- 37. Policies related to On-licenses also apply to:
 - (i) Bring Your Own (BYO) restaurants (endorsed under section 37 of the Act), and;
 - (ii) Caterers (endorsed under section 38 of the Act).
- 38. An application for an On-license must comply with the Resource Management Act 1991 and Building Act 2004 before it is lodged.
- 39. Hours of operation are regulated as follows:
 - (i) The operation of On-License (Function centres, Restaurants and Cafes) premises are a Monday to Sunday: 7.00am to 1.00am (the following day);
 - (ii) The operation of On-License, (Taverns, Hotels, Bars and Nightclubs) premises are Monday to Sunday: 7.00am to 3.00am (the following day), and;
 - (iii) In the case of Hotels, alcohol may be sold or supplied at anytime to any guest residing on the premises.
- 40. Discretionary conditions of On-licenses (Function centres, Restaurants and Cafes) may include:
 - (i) restriction on the consumption of alcohol in outdoor areas after midnight (0000 hours).
- 41. Discretionary conditions for On-Licenses (Taverns, Hotels, Bars and Nightclubs) may include:

- (i) Dedicated door security staff must be provided on Thursday, Friday, Saturday nights and for any event occurring at any Tavern, Hotel, Bar and Nightclub with 100 or more people attending;
- (ii) Restriction on the consumption of alcohol in outdoor areas after midnight (0000 hours);
- (iii) No new licensed premise to be within 100 meters of any Early Childhood Centre, Primary school or Secondary school, and;
- (iv) No shots or double spirit mixes should be sold from 30 minutes prior to closing.

42. Locations of premises are regulated as follows:

- (i) From the date this LAP comes into force, no further On-licenses are to be issued for any premises unless that premises is located on the applicable zoned land described in the District Plan or a Resource Consent has been granted by Council for its operation.

Off-Licence

43. The premises where an Off-License is held, the licensee can sell alcohol for consumption off the premises.

44. While these premises are open the licensee can supply alcohol free for consumption on the premises as a sample up to 40ml. This excludes samples of undiluted spirits which are to be supplied as a sample of up to 25ml.

45. The holder of an Off-License may sell alcohol on or from the premises for it to be delivered elsewhere endorsed under section 40 of the Act.

46. An application for an Off-license must comply with the Resource Management Act 1991 and Building Act 2004 before it is lodged.

47. Hours of operation are regulated as follows:

- (i) The hours of operation for Off-Licenses apply to premises in the Mackenzie, Timaru and Waimate Districts after consideration of the reports from the Licensing Inspectors, Police and Medical Officer of Health.
- (ii) The operation of Off-License premises (Grocery Stores, Hotel style, Supermarkets and Bottle stores) are Monday to Sunday: 7.00am to 9.00pm.
- (iii) The following hours apply to hotel in-bedroom (mini-bar) sales Monday to Sunday: 24 hours per day.

48. Discretionary conditions of Off-Licenses (Hotel style, supermarkets and bottle stores) may include:

- (i) The main façade of the premises, being the principal front of a building that faces onto a street or open space of any new licensed premise must not be within 100

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Joint Local Alcohol Policy

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meters of any Early Childhood Centre, Primary school or Secondary school, except that this policy shall not apply to premises that are located in a business zone of the Waimate District Plan or Mackenzie District Plan, or the commercial zone of the Timaru District Plan, and;

- (ii) Supervised designation for bottle stores (excluding supermarkets and grocery stores) to ensure unaccompanied minors do not enter bottle store premises.

49. Locations of premises are regulated as follows:

- (i) From the date this LAP comes into force, applications for new Off-licenses for any premises will only be granted if that premise is located on the applicable zoned land described in the District Plan or once a Resource Consent has been granted by Council for its operation.

Club Licences

50. On premises for which a club licence is held, the licensee can sell and supply alcohol to authorised customers (within the meaning of section 60(3)), for consumption there.

51. A significant number of clubs are in or adjacent to residential areas. The sale of liquor must be ancillary to the Club's activities, and the licensed hours must reflect the hours of the operation of the principle club activity.

52. Hours of operation are regulated as follows:

- (i) The operation of Club Licence premises are Monday to Sunday: 9.00am to 1.00am (the following day).

Special Licences

53. Hours of operation are regulated as follows:

- (i) Restrictions on hours will be imposed if the District Licensing Committee considers it appropriate in respect of any environmental or other considerations which may require constraints on the hours of operation. Such issues may be raised by the Licensing Inspector, Police, Medical Officer of Health or other relevant affected parties, and;
- (ii) No Special Licence will be granted to extend later than 2am.

54. Special licences can cover an event or series of related events to a maximum of 20 events per premise per year (1 July to 30 June). A maximum of 15 events will be issued per 6 month period.

55. Discretionary conditions of special licences may include:

- (i) Sale of Ready to Drink (RTD) alcoholic beverages to be 5% or under in alcohol content
- (ii) Provide an Alcohol Management Plan.
- (iii) No alcohol is to be sold in glass containers for events exceeding 100 people

- (iv) License area to be clearly defined where liquor is to be consumed eg Beer tent.
- (v) Wine not to be sold by the bottle.
- (vi) Maximum number of alcoholic drinks per purchase may be specified.

56. When setting discretionary conditions for special licences, the District Licensing Committee must have regard to the previous proven responsible history (if any) of the applicant.

One Way Door

57. All premises licensed to open to 3.00am shall apply a one way door restriction at 2.00am on Friday, Saturday and Sunday morning and for any event exceeding 100 people occurring at the premises.

Transitional provisions

58. The provisions of this policy come into effect after the Provisional policy is adopted as the final policy.

Exemptions

59. Any application for a new license or license renewal for any premises which had a current license at the date this policy came into effect is exempt from the provisions of this policy relating to the location of licensed premises. The exemption remains in force for as long as the premises remains continuously licensed and will cease to exist when the current license or any subsequent license for the premises is surrendered or not renewed.

Relationship to the Act

60. This policy does not include all the provisions that may apply to license applications and should therefore be read in conjunction with the Act, which contains a number of additional provisions.

Monitoring

- 61. The three territorial authorities, in conjunction with the Police and Medical Officer of Health, will monitor the policy to ensure it is operating to full effect. This includes active inspections of all types of licences.
- 62. An evaluation will be conducted 18 months after the policy comes into effect. If this evaluation results in an assessment that changes may be needed, the policy will be reviewed.

Reporting

63. Officers will report monthly to the Alcohol Regulatory and Licensing Authority (ARLA) about all licences which have been granted.

64. Officers will provide an annual report to ARLA and Council.

65. Officers will participation in the annual survey undertaken by the Ministry of Justice.

Adoption

66. The final policy was adopted following approval from ARLA on **X date**. The policy was implemented from **Y date**.

Delegations, References and Revision History

Delegations

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

Delegation	Delegations Register Reference

References

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

Title	Relevant Reference within Document
Text	

Revision History

Summary of the development and review of the policy

Revision	Owner	Date Approved	Approval By	Next Review	Doc Ref
V1	Environmental Compliance Manager	21 December 2015 (by ARLA)	Timaru, Mackenzie and Waimate District Councils	March 2022	-
V2	Environmental Compliance Manager	TBC	Timaru, Mackenzie and Waimate District Councils	TBC	#1591426

4.2 Draft Joint Local Alcohol Policy: Consultation Summary and Hearing

Author: Brendan Madley, Policy Advisor

Authoriser: Debbie Fortuin, Acting Group Manager Environmental Services

Recommendation

That the Joint Local Alcohol Policy Committee:

1. Receives and notes the written and oral submissions, and officer comments on the Draft Joint Local Alcohol Policy.

Purpose of Report

- 1 To provide a summary of written submissions made to the Joint Committee, with accompanying officer comments, on the Draft Joint Local Alcohol Policy.
- 2 To provide, in accordance with section 83(d) of the Local Government Act 2002, an opportunity for persons to present oral submissions to the Joint Committee on the Draft Joint Local Alcohol Policy.

Assessment of Significance

- 3 In totality, the review of the LAP is considered a matter of significant public interest for the South Canterbury area. Additionally, sections 79 and 97 of the Sale and Supply of Alcohol Act 2012 (the Act) requires Councils to use the Special Consultative Procedure (SCP) to review the LAP every six years.

Background

- 4 The Act gives territorial authorities the option to adopt a LAP.
- 5 The three South Canterbury councils selected to develop and adopt a joint LAP to ensure that licencing decisions were consistent, and to allow them to be implemented efficiently. This LAP has been in place since 2016.
- 6 The Act requires the LAP to be reviewed every six years. Thus, this review started in late 2021.
- 7 On 5 September, 19 September and 26 September respectively, the Timaru, Waimate and Mackenzie District Councils adopted the draft LAP and Statement of Proposal for community consultation.

Consultation

- 8 Initial consultation with identified stakeholders, including iwi, was undertaken in October 2021 – January 2022, and in May – June 2022.
- 9 The formal community consultation occurred between 28 September and 30 October 2023. Timaru District Council facilitated the consultation on behalf of the three Councils.
- 10 A Statement of Proposal was prepared to help inform submitters about the draft policy, its legislative context, and possible alternatives. The Statement of Proposal is attached to this report for reference.

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- 11 The consultation – including the Statement of Proposal – was promoted to the public on Council websites, via official social media channels, in local newspapers, and in community facilities such as libraries. Identified key stakeholders, such as the Medical Officer of Health and licence holders, were directly contacted via email and invited to make a submission.
- 12 Submissions were made digitally through an online portal on the Timaru District Council website, or by completing and returning a physical submission form.

Discussion of submissions

Written submissions received

- 13 Eleven written submissions were received. Of these, ten were made on behalf of an organisation or business, and one was made in a personal capacity.
- 14 An index of the written submissions is below. The full submissions are attached to this report as a separate document.

Submission #	Submitter name	Organisation	Attachment	Page # ¹
1	Erika Sirisomboonwong	Te Mana Ora (Community and Public Health)	Yes	1
2	James Dennison	Point Bush Estates Ltd	No	10
3	Charlotte Herd	The Grosvenor	No	12
4	Nikki Rogers	Hospitality NZ South Canterbury	Yes	14
5	Dennis Veal	Alcohol Action South Canterbury	Yes	20
6	Paul Radich	General Distributors Limited	Yes	23
7	Greg Hoar	Super Liquor Holdings Limited	Yes	26
8	Di Hay	Venture Timaru	Yes	32
9	Wendy Smith	South Canterbury Chamber of Commerce	Yes	36
10	Andrew Galloway	Alcohol Healthwatch	Yes	40
11	John (McGregor) Simpson	-	No	46

Hearing schedule

- 15 Seven submitters have requested to speak to their submission, which necessitates the holding of a Hearing.
- 16 A draft schedule is below. The information is correct at the time of writing, however, is subject to change prior to the Hearing.

¹ Of separate attachment "Written submissions (including attachments)"

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Hearing time	Presenter name/s	Organisation	Attending
10:00am	Wendy Smith	South Canterbury Chamber of Commerce	In person
10:15am	Erika Sirisomboonwong and Matthew Reid	Te Mana Ora (Community and Public Health)	In person
10:30am	Andrew Galloway	Alcohol Healthwatch	Remotely
10:45am	Dennis Veal, Alison Gray and Gordon Rosewall	Alcohol Action South Canterbury	In person
11:00am	John (McGregor) Simpson	-	In person
11:15am	Greg Hoar and colleagues	Super Liquor Holdings Limited	In person and remotely
11:45am	Nikki Rogers and colleagues	Hospitality NZ South Canterbury	Remotely

Submissions summary

- 17 Of the eleven submissions, five submitters support the draft LAP, and six submitters do not support the draft LAP.
- 18 Submissions coalesced around several key topics. These topics either proposed amendments to the policy, or provided alternative policy options that could be considered. The topics are summarised below and accompanied by officer comment. The full version of all submissions are attached to this report (personal details redacted).

Topic One: the overall balance of the LAP

- 19 The submissions were broadly split on whether the LAP should be more restrictive to facilitate potentially improved health outcomes, or to default to the provisions in the Act which may be more permissive in some cases to facilitate a more business friendly environment.
- 20 Health agencies – specifically Te Mana Ora and Alcohol Healthwatch – submitted their belief that the draft LAP is currently too permissive. They state that international evidence indicates that, for example, earlier closing hours and more stringent distance requirements in commercial zones, reduces alcohol-related harm. Further, they cite 2020 data showing that hospitalisations wholly attributable to alcohol in South Canterbury is approximately a third higher per capita than the national average; additionally, there is a wider disparity between Māori and non-Māori in South Canterbury relative to the national average.
- 21 Business and hospitality sector representatives – specifically the South Canterbury Chamber of Commerce, Hospitality NZ South Canterbury and Venture Timaru – submitted that they believe the draft LAP is too restrictive. Instead, they prefer a shift towards the “default” settings outlined in the Act, which they state apply currently to the “vast majority” of premises

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in New Zealand. The inference is that the draft LAP is unreasonably onerous and that there is a valid precedent for more relaxed settings.

- 22 It is worth noting that the two submissions that were received directly from licence holders did not state concerns with balance of the current LAP. One submission supported the draft LAP, and other did not due to an objection with the wording of the amendment but otherwise expressed no concerns.
- 23 Finally, submissions from the liquor industry – comprising of submissions from General Distributors Limited and Super Liquor Holdings Limited – stated that they were comfortable with the overall balance of the LAP.
- 24 *Officer comment:* The application of more stringent distance requirements pose practical challenges in small towns and can have unintended consequences, such as creating clusters of licenced premises. The Sale and Supply of Alcohol (Community Participation) Act 2023 provides additional mechanisms for community voices to be heard as part of licencing decisions, and Council looks forward to seeing this in effect.
- 25 It is valid for a LAP to be more restrictive than the defaults set out in the Act because it is meant to reflect local conditions and community views. Most territorial authorities have a LAP as of March 2022 (41 out of 67 councils). This covers the minority of the population (35%) because larger cities such as Auckland and Christchurch do not have a LAP. In Auckland’s case, their LAP has been provisional and subject to legal appeals since 2017; a recent Supreme Court decision in Council’s favour means that it is likely to become operative in 2024. In Christchurch’s case, they attempted to commence a LAP in 2013 but abandoned the project five years later due to ongoing appeals and associated costs; the 2023 Amendment Act may give Christchurch reason to re-attempt to institute a LAP. The Act’s object is to, broadly, reduce alcohol-related harm, and not to facilitate business considerations.

Topic Two: Proposed addition of clause 56

- 26 Submissions were similarly divided on the proposed addition of clause 56 to the draft LAP. The reasons for the support or lack thereof echoed the sentiments expressed in Topic One.
- 27 Te Mana Ora oppose the additional amendment, stating that, “the rationale... is of concern”. Alcohol Action South Canterbury indicated that they support the proposed amendment, though questioned how the leniency and discretion might be applied. Alcohol Healthwatch did not state a view on the proposed amendment.
- 28 Submitters representing business and hospitality support the proposed amendment. They state that the applicant should be able to appeal the decision if it is unfavourable or provide further information to support their application if necessary. The submissions are silent on how an appeal would be managed.
- 29 Submissions from the liquor industry either support or are silent on the proposed amendment.
- 30 *Officer comment:* All comments are noted. The wording of the proposed amendment has been reviewed by a lawyer who specialises in alcohol licencing.

Topic Three: Other aspects of the policy

- 31 Submitters commented on other aspects of the draft LAP, or on alternative policy options outlined in the Statement of Proposal. The main ones are outlined below.

- 32 *One way door policy*: several submitters commented on the one way door policy, which the draft LAP proposes to retain in its current form. This is a restriction from 2am on Friday, Saturday and Sunday mornings, and for any event exceeding 100 people, so that patrons who leave the venue cannot be readmitted after this time. Health agencies support the one way door policy because it minimises the likelihood of a congregation of intoxicated patrons. Alcohol Healthwatch recommended that it apply to every night in the week, and be moved to earlier such as midnight or 1am.
- 33 Conversely, hospitality and business representatives submitted that the one way door policy should be removed as the benefits are minimal and the reduction in foot traffic and impact on business viability is high. They argue that the measure does not reduce alcohol-related harm overall as it shifts drinking to locations with fewer or no restrictions. From a crime and potential disorder perspective, the measure results in crowds congregating outside venues waiting for friends or trying to be readmitted, and that overseas evidence indicated that it shifts criminal activity to adjacent areas.
- 34 *Discretionary conditions for special licences*: Hospitality and business representatives submit that discretionary conditions for special licences should reflect the type of event and maturity of audience, and express dissatisfaction that, in their view, “the same discretionary conditions have been set no matter who the audience is”. They submit that this approach is currently deterring events and additional economic activity from coming to South Canterbury because the conditions are not attractive to event organisers, for instance the inability to purchase wine by the bottle. No examples of deterred events are provided.
- 35 Conversely, health agencies recommend that several of the discretionary conditions should be mandatory and applied to all special licences. However, their submissions do not specify which conditions should, in their view, be mandatory.
- 36 *Opening hours*: Te Mana Ora supports the continuation of 9pm closing times for off-licensed premises and believes that the starting time of 7am for on-licences should revert to 8am, in line with the default stated in the Act. Further, they state that closing times for taverns, hotels, nightclubs and bars should change to 1am or 2am, citing evidence that this reduces the number of assaults reported by Police. Alcohol Healthwatch submit that clubs are associated with a heightened level of alcohol-related harm, and thus recommend that consideration is given to reducing their opening and closing hours.
- 37 Conversely, business and hospitality representatives recommend that closing hours for off-licences should revert to the default settings of 11pm specified in the Act. The rationale provided is that this will better reflect the expectations of visitors and tourists, of whom, “many... arrive later in the evening”. Further, because the Mackenzie District has a significant night-time economy related to its International Dark Sky Reserve, it is argued that the LAP should support this economic initiative by enabling alcohol to be purchased and consumed at later hours.
- 38 Super Liquor Holdings Limited submit that any changes to hours should apply to all licences – for instance bottle stores and supermarkets – to prevent an unfair commercial advantage being generated for any premise. They believe there is no evidence that shows that alcohol harm differs based on the whether the alcohol is purchased in a supermarket, bottle store or grocery store.
- 39 *Sensitive sites*: Health agencies support the existing principle of creating distance between sensitive sites and licenced premises to protect vulnerable persons, such as school children. They submitted that the requirements should be increased by broadening the definition of

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sensitive sites to include, for instance, places of worship and medical and drug treatment centres, and not permitting an exemption for commercial or business zones.

- 40 *Density requirements or a cap on licences:* Alcohol Healthwatch, Alcohol Action South Canterbury and Te Mana Ora recommend consideration be given to the introduction of a density cap or limit on certain types of licenced premises, and cite evidence that reducing density is effective in reducing alcohol-related harm. Te Mana Ora note that Timaru, Waimate and Mackenzie Districts all have higher per capita rates of licenced premises than the national average; Mackenzie District's is four times the national average and the second highest in the country.
- 41 Conversely, Super Liquor Holdings Limited argue against a cap or ban on licenced premises, on the basis that there are legitimate reasons for new premises such as new developments or population growth. They argue that DLC should retain the discretion to judge applications on their merits and set of circumstances, rather than being restricted by a ban.
- 42 *Miscellaneous:* Super Liquor Holdings Limited submit that any sale of a business should not necessitate a licence re-application, in-so-far as the venue is already existing and not new.
- 43 Te Mana Ora and Alcohol Healthwatch submit that a discretionary condition should be added banning the use of "buy now, pay later" facilities at off-licence premises.
- 44 *Officer comment:* We believe that we are applying the tenet of the Act correctly, as evidenced by only one out of nine decisions being appealed since the inception of the joint LAP in 2016; in this instance, the Alcohol Regulatory and Licencing Agency (ARLA) upheld our decision. The DLC applies discretionary conditions based on the merits of each application, and the information obtained during monitoring visits can inform decision making regarding discretionary conditions for future licence applications.
- 45 The Act is clear on the circumstances when a business sale does, or does not, require a licence reapplication; this is adhered to in all circumstances and there is no room for discretion. It is correct that the current and draft LAP contains off-licence discretionary conditions that do not apply to, for instance, on-licences; however, it is stated that these explicitly apply to grocery stores, bottle stores and supermarkets (amongst others) equally, which appears to address the main concern of the submitters.
- 46 In regards to opening hours, licence applications from premises in the Mackenzie District have not had any discernible theme or request for later closing times. However, this is something that the Joint Committee can consider, as different provisions can exist for different areas of South Canterbury; Police feedback may also be useful if this is considered further.
- 47 While density caps and limits on certain types of premises may be of value, it would be difficult to determine what this would look like for the three different districts, given the diversity of each district. There is also no evidence based methodology that we are aware of that has been researched and implemented within New Zealand that provides us with confidence in terms of the value of such an approach.
- 48 All other comments are noted.

Relevant Legislation, Council Policy and Plans

- 49 Local Government Act 2002 – specifically schedule 7 clause 30A (Joint Committees), section 83 (Special Consultative Procedure) and section 87 (additional consultation requirements)
- 50 Sale and Supply of Alcohol Act 2012

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- 51 Sale and Supply of Alcohol (Community Participation) Amendment Act 2023
- 52 The current Joint Local Alcohol Policy
- 53 The Operative District Plans of the Mackenzie, Timaru and Waimate Districts
- 54 The Local Alcohol Policy Joint Committee Agreement and Terms of Reference adopted by the Mackenzie, Timaru and Waimate District Councils

Financial and Funding Implications

- 55 The cost of the policy review and normal licensing activities are funded from existing budgets. Depending on the outcome of the Joint Committee's deliberations, it is not anticipated that there will be any additional significant funding implications.

Other Considerations

- 56 At the conclusion of the Hearing, the Joint Committee will deliberate on the submissions and any amendments to the draft policy. Details about the deliberation are contained in the subsequent report "Draft Joint Local Alcohol Policy: Deliberations".

Attachments

- 1. **Statement of Proposal - Draft Joint Local Alcohol Policy 2023**
- 2. **Written submissions (including attachments)**



Statement of Proposal

Policy Review Consultation

Joint Local Alcohol Policy

Let us know
what you think
of our draft
policy.

Submissions close Monday
30 October at 5pm

www.timaru.govt.nz/current-consultations

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The Joint Local Alcohol Policy sets rules for the purchase and supply of alcohol in South Canterbury.

We are proposing to renew the policy with one change, and want to know what you think.

Submissions close on Monday 30 October 2023 at 5pm.

Summary

The Mackenzie, Timaru and Waimate District Councils have reviewed the Joint Local Alcohol Policy (LAP) and are proposing that it is renewed, apart from one amendment.

To undertake the review, the three Councils formed the Joint Local Alcohol Policy Committee. The Joint Committee consists of two elected Councillors from each of the three Councils.

This Statement of Proposal is seeking public feedback on these proposed changes. We invite your views and feedback via the submission process outlined later in this document. Timaru District Council is hosting the consultation on behalf of the three Councils.

Submissions are invited from Thursday 28th September until Monday 30th October at 5pm. At the end of this period, the Joint Local Alcohol Policy Committee will:

- Consider submissions;
- Conduct a hearing for anyone who wishes to speak in support of their written submission, and;
- Recommend a policy to each of the three Councils.

This document has been prepared to meet the requirements of Sections 83 and 87 of the Local Government Act 2002.

Background

The Sale and Supply of Alcohol Act 2012 (the Act) gives local authorities the ability to create local alcohol policies (LAPs). It is intended that LAPs allow communities to set certain rules about alcohol that reflect their local views and meet local needs.

The Mackenzie, Timaru and Waimate District Councils have decided to have a joint LAP to ensure consistent licensing rules throughout South Canterbury. The current policy came into effect in March 2016, and must be reviewed every six years. This review commenced in late 2021.

The Act also creates a District Licensing Committee (DLC), which administers the requirements of the Act and makes licensing decisions in South Canterbury. Find out more about the DLC on their website: www.timaru.govt.nz/services/environment/liquor-control/district-licensing-committee.

The DLC has to consider the LAP when making licensing decisions. Under the Act, the DLC has the discretion to make decisions that are not consistent with the policy if it has justification for doing so.

What can the policy include?

Section 77 of the Act states that the LAP may include statements on the following:

- location of licensed premises by reference to broad areas;
- location of licensed premises by reference to proximity to premises of a particular kind or kinds;
- location of licensed premises by reference to proximity to facilities of a particular kind or kinds;
- whether further licences (or licences of a particular kind or kinds) should be issued for premises in the district concerned, or any stated part of the district;
- maximum trading hours;
- the issue of licences, or licences of a particular kind or kinds, subject to discretionary conditions, and;
- one-way door restrictions.

What can the policy not include?

- Liquor ban areas (in South Canterbury, these are specified by Council bylaws);
- The types and quantities of alcohol that can be sold, and;
- Any matter not relating to alcohol licensing.

What is being proposed

The Mackenzie, Timaru and Waimate District Councils have reviewed the Joint Local Alcohol Policy and are proposing that it is renewed with one amendment, which is considered of a minor nature.

We would like to know if you think the draft policy is appropriate, or if you think we need to make changes to make it more effective.

Our review to date indicates that the policy is broadly effective and is working as intended.

To reach this view, the Joint LAP Committee:

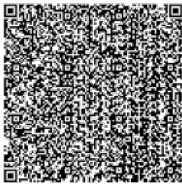
- considered research about alcohol and alcohol-related harm in South Canterbury and New Zealand;
- considered the LAPs of other Councils, and the effect that different policies have had in those areas;
- received written feedback from approximately forty identified stakeholders, including but not limited to iwi, the Medical Officer of Health, Chief Licensing Inspector, Police, and the District Licensing Commissioner, and;
- received oral feedback from approximately ten identified stakeholders.

Proposed amendment

The proposed amendment and rationale is as follows.

Proposed amendment	Rationale	Location in draft policy
Add "When setting discretionary conditions for special licences, the District Licensing Committee (DLC) must have regard to the previous proven responsible history (if any) of the applicant"	This clause reflects the Joint LAP Committee's view that an applicants' previous behaviour and responsibility (or lack thereof) should be a factor that the DLC takes into account when determining which discretionary conditions should, or should not, apply to a special licence application. Their view is that an applicant with a proven record of responsible behaviour in relation to alcohol licences (and especially previous special licences) should be treated more leniently, all other things being equal, than an applicant without such a proven record. The DLC retains the discretion about how to apply such potential leniency and determine which discretionary conditions should apply to any particular application.	Clause 56.

Further information about the policy review (including research considered, meeting agendas and minutes) can be located on the Timaru District Council website at this link, or by scanning the QR code.



Joint Local Alcohol Policy

Approved by:

Group:

Responsibility:

Date adopted: TBC

Review: Every 6 years, or as required

This Policy does not cease to have effect because it is due for review, or being reviewed

Consultation: Required – Special Consultative Procedure

Policy Type Council External Operational

Introduction

1. Policy Purpose

1. To provide a framework for the safe and responsible sale, supply and consumption of alcohol in South Canterbury;
2. To clearly outline the decision-making approach for applicants and the community, and to enable consistent decisions to be made;
3. To contribute to the minimisation of alcohol-related harm in South Canterbury, consistent with the object of the Sale and Supply of Alcohol Act 2012 (the Act), and;
4. To allow for the views of the local community to be reflected in licensing decisions.

2. Scope

5. This policy applies to any licensing application made to a District Licensing Committee in the Mackenzie, Timaru and Waimate Districts.

3. Definitions

6. Alcohol: has the same meaning as in the Act.
7. Alcohol Management Plan: a plan of measures and actions designed to manage the sale and supply of alcohol to achieve the objectives of the Act.
8. Alcohol-related harm: has the same meaning as in the Act.
9. Amenity and good order of the locality: has the same meaning as in the Act.
10. Authorised customer: in relation to a premises a club licence is held for, means a person who is a member of the club concerned, or; is on the premises at the invitation of, and is accompanied by, a member of the club concerned, or; is an authorised visitor.
11. Authorised visitor: in relation to a premises for which a club licence is held for, means a member of some other club with which the club concerned has an arrangement for reciprocal visiting rights for members.
12. Bar: has the same meaning as in the Act.
13. Bottle store: means retail premises where at least 85% of the annual sales revenue is expected to be earned from the sale of alcohol for consumption somewhere else.
14. Business/ commercial zone: means land zoned for business or commercial activities in the relevant district plan at the time when the relevant off-licence application is determined. For the avoidance of doubt, the term includes land zoned for business activities (in contrast to industrial or residential activities) in any subsequent district plan, irrespective of the specific name of the zone.
15. Club: has the same meaning as in the Act.
16. Discretionary condition: the licensing authority or licensing committee concerned may issue a licence subject to particular conditions if there is any relevant local alcohol policy and in its opinion, the issuing of the licence or the consequences of the issuing of the licence without those conditions would be inconsistent with the policy or purpose of the Act.
17. District: has the same meaning as in the Act.

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Joint Local Alcohol Policy Continued...

18. Early child education: A centre licensed under the Education (Early Childhood Centres) Regulations 1998 and meets Section 310 of the Education Act 1989.
19. Food product: has the same meaning as section 33 of the Act.
20. Grocery store: has the same meaning as section 33 of the Act.
21. Inspector: has the same meaning as in the Act.
22. Large event: means an event that the territorial authority believes on reasonable grounds will have a patronage of more than 400 people.
23. Local alcohol policy: has the same meaning as in the Act.
24. Medium event: means an event that the territorial authority believes on reasonable grounds will have patronage of between 100 and 400 people.
25. Off-licence: is a licence for premises where the licensee can sell alcohol for consumption somewhere else.
26. On-licence: is a licence for premises where the licensee can sell and supply alcohol for consumption on the premises and can let people consume alcohol. This includes "Bring your own" restaurants and caterers.
27. One-way door restriction: has the same meaning as in the Act.
28. Primary school: schools offering education to children from years 1 to 8, or a variation of these years.
29. Ready to Drink Product (RTD): means a pre-packaged, pre-measured, and pre-mixed alcoholic beverage combining a spirit, wine, malt or fruit base with a carbonated soft drink or juice.
30. Restaurant: has the same meaning as in the Act.
31. Secondary School: schools offering education for students from years 9 to 15, and sometimes years 7 and 8 as well.
32. Small event: means an event that the territorial authority believes on reasonable grounds will have a patronage fewer than 100 people.
33. Supermarket: means premises with a floor area of at least 1000m² including any separate departments set aside for foodstuffs such as fresh meat, fresh fruit and vegetables, and delicatessen items.
34. Tavern: Has the same meaning as in the Act.

Policy Statements

Licence Conditions

35. The following conditions will be applicable to licensed premises in all three districts unless otherwise stated.

On-Licence

36. On the premises where an On-Licence (other than an on-licence endorsed under section 37 of the Act) is held, the licensee:
 - (i) can sell and supply alcohol for consumption there; and
 - (ii) can let people consume alcohol.
37. Policies related to On-licenses also apply to:
 - (i) Bring Your Own (BYO) restaurants (endorsed under section 37 of the Act), and;
 - (ii) Caterers (endorsed under section 38 of the Act).
38. An application for an On-licence must comply with the Resource Management Act 1991 and Building Act 2004 before it is lodged.
39. Hours of operation are regulated as follows:
 - (i) The operation of On-Licence (Function centres, Restaurants and Cafes) premises are a Monday to Sunday: 7.00am to 1.00am (the following day);
 - (ii) The operation of On-Licence, (Taverns, Hotels, Bars and Nightclubs) premises are Monday to Sunday: 7.00am to 3.00am (the following day), and;

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(iii) In the case of Hotels, alcohol may be sold or supplied at anytime to any guest residing on the premises.

40. Discretionary conditions of On-licenses (Function centres, Restaurants and Cafes) may include:

(i) restriction on the consumption of alcohol in outdoor areas after midnight (0000 hours).

41. Discretionary conditions for On-Licenses (Taverns, Hotels, Bars and Nightclubs) may include:

(i) Dedicated door security staff must be provided on Thursday, Friday, Saturday nights and for any event occurring at any Tavern, Hotel, Bar and Nightclub with 100 or more people attending;

(ii) Restriction on the consumption of alcohol in outdoor areas after midnight (0000 hours);

(iii) No new licensed premise to be within 100 meters of any Early Childhood Centre, Primary school or Secondary school, and;

(iv) No shots or double spirit mixes should be sold from 30 minutes prior to closing.

42. Locations of premises are regulated as follows:

(i) From the date this LAP comes into force, no further On-licenses are to be issued for any premises unless that premises is located on the applicable zoned land described in the District Plan or a Resource Consent has been granted by Council for its operation.

Off-Licence

43. The premises where an Off-Licence is held, the licensee can sell alcohol for consumption off the premises.

44. While these premises are open the licensee can supply alcohol free for consumption on the premises as a sample up to 40ml. This excludes samples of undiluted spirits which are to be supplied as a sample of up to 25ml.

45. The holder of an Off-Licence may sell alcohol on or from the premises for it to be delivered elsewhere endorsed under section 40 of the Act.

46. An application for an Off-licence must comply with the Resource Management Act 1991 and Building Act 2004 before it is lodged.

47. Hours of operation are regulated as follows:

(i) The hours of operation for Off-Licenses apply to premises in the Mackenzie, Timaru and Waimate Districts after consideration of the reports from the Licensing Inspectors, Police and Medical Officer of Health.

(ii) The operation of Off-Licence premises (Grocery Stores, Hotel style, Supermarkets and Bottle stores) are Monday to Sunday: 7.00am to 9.00pm.

(iii) The following hours apply to hotel in-bedroom (mini-bar) sales Monday to Sunday: 24 hours per day.

48. Discretionary conditions of Off-Licenses (Hotel style, supermarkets and bottle stores) may include:

(i) The main façade of the premises, being the principal front of a building that faces onto a street or open space of any new licensed premise must not be within 100 meters of any Early Childhood Centre, Primary school or Secondary school, except that this policy shall not apply to premises that are located in a business zone of the Waimate District Plan or Mackenzie District Plan, or the commercial zone of the Timaru District Plan, and;

(ii) Supervised designation for bottle stores (excluding supermarkets and grocery stores) to ensure unaccompanied minors do not enter bottle store premises.

49. Locations of premises are regulated as follows:

(i) From the date this LAP comes into force, applications for new Off-licenses for any premises will only be granted if that premise is located on the applicable zoned land described in the District Plan or once a Resource Consent has been granted by Council for its operation.

Joint Local Alcohol Policy Committee Meeting Agenda

7 December 2023

Joint Local Alcohol Policy Continued...

Club Licences

- 50. On premises for which a club licence is held, the licensee can sell and supply alcohol to authorised customers (within the meaning of section 60(3)), for consumption there.
- 51. A significant number of clubs are in or adjacent to residential areas. The sale of liquor must be ancillary to the Club's activities, and the licensed hours must reflect the hours of the operation of the principle club activity.
- 52. Hours of operation are regulated as follows:
 - (i) The operation of Club Licence premises are Monday to Sunday: 9.00am to 1.00am (the following day).

Special Licences

- 53. Hours of operation are regulated as follows:
 - (i) Restrictions on hours will be imposed if the District Licensing Committee considers it appropriate in respect of any environmental or other considerations which may require constraints on the hours of operation. Such issues may be raised by the Licensing Inspector, Police, Medical Officer of Health or other relevant affected parties, and;
 - (ii) No Special Licence will be granted to extend later than 2am.
- 54. Special licences can cover an event or series of related events to a maximum of 20 events per premise per year (1 July to 30 June). A maximum of 15 events will be issued per 6 month period.
- 55. Discretionary conditions of special licences may include:
 - (i) Sale of Ready to Drink (RTD) alcoholic beverages to be under 5% alcohol
 - (ii) Provide an Alcohol Management Plan.
 - (iii) No alcohol is to be sold in glass containers for events exceeding 100 people
 - (iv) License area to be clearly defined where liquor is to be consumed eg Beer tent.
 - (v) Wine not to be sold by the bottle.
 - (vi) Maximum number of alcoholic drinks per purchase may be specified.
- 56. When setting discretionary conditions for special licences, the District Licensing Committee must have regard to the previous proven responsible history (if any) of the applicant.

One Way Door

- 57. All premises licensed to open to 3.00am shall apply a one way door restriction at 2.00am on Friday, Saturday and Sunday morning and for any event exceeding 100 people occurring at the premises.

Transitional provisions

- 58. The provisions of this policy come into effect after the Provisional policy is adopted as the final policy.

Exemptions

- 59. Any application for a new license or license renewal for any premises which had a current license at the date this policy came into effect is exempt from the provisions of this policy relating to the location of licensed premises. The exemption remains in force for as long as the premises remains continuously licensed and will cease to exist when the current license or any subsequent license for the premises is surrendered or not renewed.

Relationship to the Act

- 60. This policy does not include all the provisions that may apply to license applications and should therefore be read in conjunction with the Act, which contains a number of additional provisions.

Monitoring

- 61. The three territorial authorities, in conjunction with the Police and Medical Officer of Health, will monitor the policy to ensure it is operating to full effect. This includes active inspections of all types of licences.
- 62. An evaluation will be conducted 18 months after the policy comes into effect. If this evaluation results in an assessment that changes may be needed, the policy will be reviewed.

Joint Local Alcohol Policy Committee Meeting Agenda

7 December 2023

Reporting

- 63. Officers will report monthly to the Alcohol Regulatory and Licensing Authority (ARLA) about all licences which have been granted.
- 64. Officers will provide an annual report to ARLA and Council.
- 65. Officers will participate in the annual survey undertaken by the Ministry of Justice.

Adoption

- 66. The final policy was adopted following approval from ARLA on X date. The policy was implemented from Y date.

Alternative Policy Options

The policy could have aspects added, removed or changed. Some of these alternative options are outlined below.

Options	Perceived advantages and disadvantages
Introduce density criteria or a cap on the number of licenced premises (or certain types of licenced premises)	<ul style="list-style-type: none"> ■ A density cap may help ensure that the temptation to drink and availability of alcohol is relatively limited in communities that are known to be more vulnerable to the effects of problem drinking, thus reducing alcohol-related harm. ■ It can be administratively difficult to create density rules that are effective and remain up-to-date. ■ A density cap may not be effective given existing licenced premises.
Amend the opening hours of licenced premises - Note, hours specified in the LAP are more restrictive than the national default hours specified in the Act	<ul style="list-style-type: none"> ■ Expanding hours (within the constraints of the maximum hours specified in the Act) could be considered to be more business-friendly and would also increase the availability of alcohol. It could therefore also increase alcohol-related harm relative to the status quo. ■ Decreasing hours could have the opposite effect. ■ Certain areas could have different hours to recognise local circumstances, for example tourism demands in the Mackenzie District. ■ Being overly prescriptive could reduce the ability for the DLC to apply discretion.
Amend discretionary conditions for any of the four classes of licences	<ul style="list-style-type: none"> ■ Amending discretionary conditions changes the broad guidance given by the LAP to the DLC when it is making licencing decisions. ■ This will not necessarily directly impact alcohol-related harm as the DLC retains the discretion to impose conditions that are different to the LAP if it believes that doing so is more likely to achieve the objective of the Act.
Amend the definition or scope of sensitive sites	<ul style="list-style-type: none"> ■ The LAP could increase or decrease the distance that on-licence premises and/or off-licence premises can be located from education facilities, could expand the number of sites considered sensitive (for instance include marae), or change how the zoning is applied to licencing decisions. ■ Amending distance requirements can create unintended consequences or become overly restrictive, especially when applied to small townships. For example, this could preclude any licenced premises from operating in the township. ■ Making the definition of a sensitive site too prescriptive could reduce the ability of licencing officers to apply appropriate discretion.

Have your say

Let us know what you think about our draft policies.

You can do this by:

- Completing the online submission form at <https://www.timaru.govt.nz/tell-us/current-consultations>, or;
- Completing the physical submission form at the end of this document and posting it back to Council, or;
- Completing the physical submission form at the end of this document, scanning it and emailing it to submission@timdc.govt.nz.

Want more information?

Submissions close Monday 30 October 2023 at 5pm.

If you have any questions about the draft policy, email: lap@timdc.govt.nz

If you have any questions about the submissions process, email: submission@timdc.govt.nz

Alternatively, contact us via telephone: 07 687 7200.

Timeline

Thursday 28 September 2023 – 5pm Monday 30 October 2023

Consultation period

Early-to-mid November 2023

Joint LAP Committee considers submissions (and holds a Hearing if required)

Mid-to-late November 2023

Joint LAP Committee recommends policy to three Councils

December 2023

Council decisions on Joint Alcohol Policy (making the policy provisional)

Note: Additional public consultation may be necessary if the policy is amended as a result of submissions received.

Note: The provisional policy approved by the three Councils will then be submitted to the Alcohol Regulatory and Licensing Authority (ARLA).

Privacy Statement

All submissions are public information and will be included on Council's website or in public documents located at Council offices and Libraries/Service Centres. This will include your name.

Your contact information (phone number and/or email address and/or postal address) will not be made publicly available.

Your contact information will be accessible to, and used by, Council staff for submission administration purposes, such as contacting you if you want to speak at the Hearing.

All information is held by Council in accordance with the Privacy Act 2020. You have the right to access and correct personal information.

Complete this form to make a submission on the Joint Local Alcohol Policy.

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

All submissions must be received by Council by the close of consultation, being 5pm Monday 30th October.

Statement of Proposal Timaru District Council Policy Review Consultation Joint Local Alcohol Policy 11



Timaru District Council

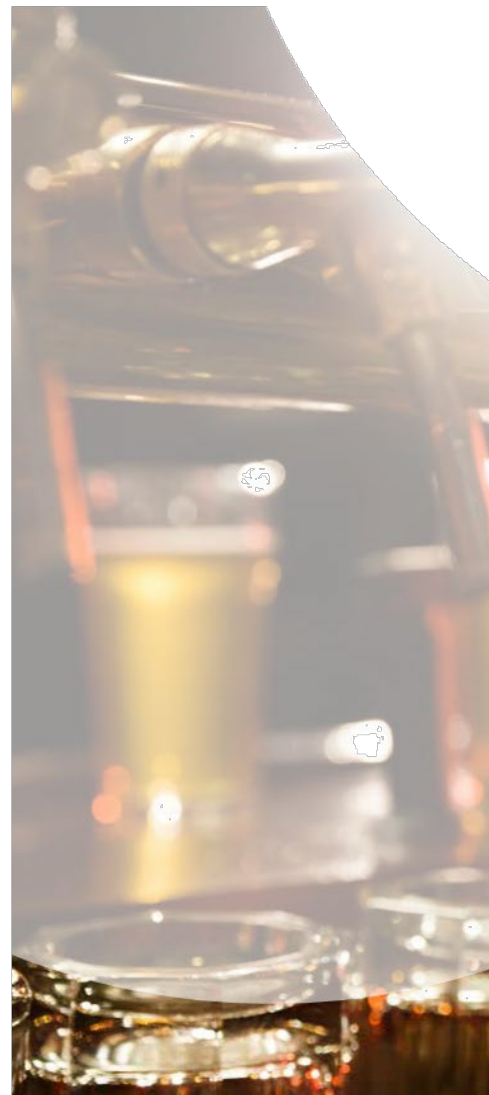
2 King George Place
PO Box 522, Timaru 7940
T (03) 687 7200
E enquiry@timdc.govt.nz

Temuka Service Centre

72-74 King Street, Temuka
T (03) 687 7591

Geraldine Service Centre

73 Talbot Street, Geraldine
T (03) 693 9336



Joint Local Alcohol Policy Committee Meeting Agenda

7 December 2023

22/11/2023, 10:43

Squiz Consult

[807270]

First name

Erika

Surname

Sirisomboonwong

Organisation (if applicable)

Te Mana Ora (Community and Public Health)

Phone number

Email

[REDACTED]

Postal address

Do you want to speak about your submission at a Joint Committee Hearing?

Yes

Privacy Statement

Do you support the Draft Local Alcohol Policy as presented?

No

Make any comments about why you do or do not support the policy

Please see attachment for further explanation.

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

Please see attachment for further explanation.

Upload files (if applicable)

JointLAPReviewSubmission231025.pdf, type application/pdf, 358.5 KB

<https://www.timaru.govt.nz/tdc-consult/print#/full/797438>

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5/16

27 October 2023

Policy Review Consultation
Timaru District Council
PO Box 522
Timaru 7940
submission@timdc.govt.nz

Tēnā koutou,

**Submission on the Joint Local Alcohol Policy – Mackenzie, Timaru, and
Waimate District Councils**

1. Thank you for the opportunity to submit on the Joint Local Alcohol Policy (Joint LAP) for Mackenzie, Timaru, and Waimate District Councils. This submission has been compiled by Te Mana Ora (Community and Public Health) on behalf of the National Public Health Service (NPHS) South Canterbury, Te Waipounamu. Te Mana Ora recognises its responsibilities to improve, promote, and protect the health of people and communities of Aotearoa New Zealand under the Pae Ora Act 2022 and the Health Act 1956.
2. Te Mana Ora commends Mackenzie, Timaru, and Waimate District Councils in having a Joint LAP and we appreciate that our input has been sought in the review process. Te Mana Ora has a long history of working collaboratively to deliver alcohol licensing functions across the South Canterbury region. Strengthening the current Joint LAP will support our combined efforts to reduce alcohol-related harm.
3. This submission sets out matters of interest and concern to Te Mana Ora, NPHS, and Te Whatu Ora South Canterbury, consistent with our objective to reduce alcohol-related harm in our community. It also addresses the proposed amendment (Clause 56) in the Joint LAP.

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General Comments

4. The harmful use of alcohol is a major contributor to the worldwide burden of disease.¹ It is well established that alcohol is a carcinogen and there is no safe level of consumption for human health.²
5. Alcohol-related harms are multidimensional and can be felt at the individual, whānau, community, and societal level.³ The social cost of alcohol in Aotearoa New Zealand (inclusive of factors such as healthcare costs, crime costs, and lost productivity) has been estimated to be between \$1.3 billion and \$6.7 billion each year (after adjusting for inflation to 2023 values).^{4,5}
6. Compared with other drugs against their personal, community-level, and societal-level harms, alcohol is the most harmful drug in Aotearoa New Zealand.⁶ Its consumption is a key driver of health and social inequities.³ The death rate attributable to alcohol is more than twice as high for Māori than for non-Māori.⁷
7. Alcohol-related harm places a significant burden on our health system. It has been estimated that 1 in 20 deaths in New Zealanders under 80 years old can be attributed to alcohol, predominantly from injuries and cancer.⁷
8. Adopting healthy public policies and reducing the availability of alcohol are important ways to reduce levels of alcohol use and alcohol-related harm, with an extensive

¹ World Health Organization. (2018). *Global status report on alcohol and health 2018*. Geneva: World Health Organization. <https://www.who.int/publications/item/9789241565639>

² Anderson, B. O., Berdzuli, N., Ilibawi, A., Kestel, D., Kluge, H. P., Krech, R., Mikkelsen, B., Neufeld, M., Poznyak, V., Rekke, D., Slama, S., Tello, J., & Ferreira-Borges, C. (2023). Health and cancer risks associated with low levels of alcohol consumption. *Lancet Public Health*, 8(1), e6-e7. [https://doi.org/https://doi.org/10.1016/S2468-2667\(22\)00317-6](https://doi.org/https://doi.org/10.1016/S2468-2667(22)00317-6)

³ New Zealand Law Commission. (2010). *Alcohol in our lives: curbing the harm*. NZLC R114. Wellington: New Zealand Law Commission. <https://www.lawcom.govt.nz/sites/default/files/project/AvailableFormats/NZLC%20R114.pdf>

⁴ Slack, A., Nana, G., Webster, M., Stokes, F., & Wu, J. (2009). *Costs of Harmful Alcohol and Other Drug Use*. Report to Ministry of Health and ACC. Wellington: BERL.

⁵ Crompton, E., Burgess, M., & Taylor, B. (2012). What's in a cost? Comparing economic and public health measures of alcohol's social costs. *New Zealand Medical Journal*, 125(1360), 66-73. <https://journal.nzma.org.nz/journal-articles/whats-in-a-cost-comparing-economic-and-public-health-measures-of-alcohol-social-costs>

⁶ Crossin, R., Cleland, L., Wilkins, C., Rychert, M., Adamson, S., Potiki, T., Pomerleau, A. C., MacDonald, B., Faleanosi, D., Hutton, F., Noller, G., Lambie, I., Sheridan, J. L., George, J., Mercier, K., Maynard, K., Leonard, L., Walsh, P., Ponton, R., . . . Boden, J. (2023). The New Zealand drug harms ranking study: A multi-criteria decision analysis. *Journal of Psychopharmacology* 37(9), 891-903. <https://doi.org/10.1177/02698811231182012>

⁷ Connor, J., Kydd, R., Shield, K., & Rehm, J. (2015). The burden of disease and injury attributable to alcohol in New Zealanders under 80 years of age: marked disparities by ethnicity and sex. *New Zealand Medical Journal*, 128(1409), 15-28.

national and international evidence-base for their efficacy.⁸ Increased availability of alcohol can contribute to social and cultural norms that perpetuate its harmful use.⁸

9. Over 20% of adults in South Canterbury report drinking at a level that is hazardous to their health.⁹ The age-standardised rate of hospitalisations wholly attributable to alcohol is higher than the national rate; 88 per 100,000 population in South Canterbury compared to 66 per 100,000 population for the whole of Aotearoa New Zealand (Figure 1).¹⁰

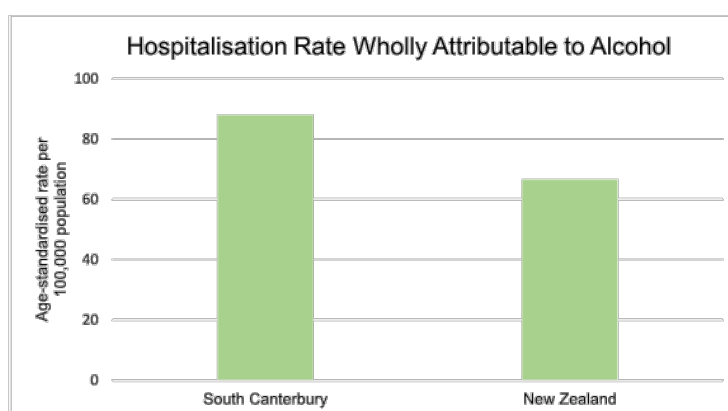


Figure 1: Hospitalisation rate wholly attributable to alcohol in persons 15+ years, 2019 (age-standardised rate per 100,000 population).

Source: Environmental Health Intelligence New Zealand, 2020

10. Alcohol-related harm is not equitably distributed amongst South Canterbury residents. As shown in Figure 2, the age-standardised hospitalisation rate attributable to alcohol is significantly higher in Māori residents (134 per 100,000

⁸ World Health Organization. (2010). *Global strategy to reduce the harmful use of alcohol*. Geneva: World Health Organization. <https://www.who.int/publications/i/item/9789241599931>

⁹ Ministry of Health. (2021). *Regional Data Explorer 2017–20: New Zealand Health Survey [Data File]*. https://minhealthnz.shinyapps.io/nz-health-survey-2017-20-regional-update/#w_2db778e8 [Accessed 2023 Oct 18]

¹⁰ Environmental Health Intelligence New Zealand (2020). *Hospitalisations wholly attributable to alcohol by District 2001–2019 [Data File]* <https://www.ehinz.ac.nz/indicators/alcohol-related-harm/alcohol-related-harm-data/> [Accessed 2023 Oct 18]

population) compared to non-Māori residents (72 per 100,000 population).¹¹ This disparity between Māori and non-Māori is less pronounced in the whole population.¹¹

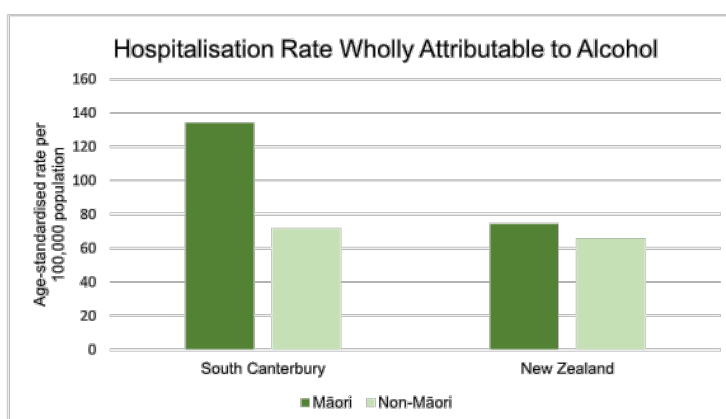


Figure 2: Māori and Non-Māori hospitalisation rate wholly attributable to alcohol in persons 15+ years, 2014-2019 (age-standardised rate per 100,000 population). Source: Environmental Health Intelligence New Zealand, 2020

11. People living in rural areas are more likely to have consumed alcohol in the last week, less likely to drink within the recommended daily and weekly limits, and less likely to follow low-risk drinking advice than people living in urban areas.¹²

Specific Comments and Recommendations

Trading hours

12. Te Mana Ora agrees that decreasing the opening hours of licensed premises can decrease alcohol-related harm, as stated in the 'Alternative Policy Options' section of the Statement of Proposal.

¹¹ Environmental Health Intelligence New Zealand (2020). *Hospitalisations wholly attributable to alcohol by District 2001-2019 [Data File]* <https://www.ehinz.ac.nz/indicators/alcohol-related-harm/alcohol-related-harm-data/> [Accessed 2023 Oct 18]

¹² Nielsen. (2021). *Alcohol Use in New Zealand Survey (AUINZ) 2019/20: High-level results*. Wellington: Te Hīringa Hauora/Health Promotion Agency. <https://www.hpa.org.nz/research-library/research-publications/alcohol-use-in-new-zealand-survey-auiNZ-2019-20-%E2%80%93-high-level-results-2019-20>

13. Te Mana Ora commends that the closing time for trading hours at off-licensed premises is 9:00 pm in the Joint LAP. International evidence supports reducing trading hours as an effective policy measure for reducing the availability of alcohol and the resulting alcohol-related harm.^{13,14}

14. Te Mana Ora does not support the 7:00 am start time for trading hours at on-licences. Te Mana Ora recommends that the start time for on-licences be delayed to at least 8:00 am to be consistent with the default start of trading hours in the Act (section 43). It would also be in line with many LAPs across Aotearoa New Zealand; the majority of LAPs permit on-licensed premises to start trading between 8:00 am and 10:00 am.¹⁵

15. Te Mana Ora recommends that the trading hours at on-licences are also reduced by having closing times of 1:00 or 2:00am for taverns, hotels, nightclubs, and bars. This would be consistent with the on-licence closing times present in the majority of LAPs.¹⁵ Within Aotearoa New Zealand, reduced trading hours have been shown to result in a reduction in Police-documented nocturnal assaults.¹⁶

Discretionary conditions for licensed premises

16. Te Mana Ora supports the presence of the condition for licensed premises to not be within 100 metres of any Early Childhood Centre, Primary School, or Secondary School. We recommend that this condition be consistently enforced rather than discretionary.

17. We also recommend that greater consideration be given to the location of licensed premises with respect to any Early Childhood Centre, Primary School, or Secondary School even in business or commercial zones. Within South Canterbury, the

¹³ Popova, S., Giesbrecht, N., Bekmuradov, D., & Patra, J. (2009). Hours and Days of Sale and Density of Alcohol Outlets: Impacts on Alcohol Consumption and Damage: A Systematic Review. *Alcohol and Alcoholism*, 44(5), 500-516. <https://doi.org/10.1093/alcalo/agg054>

¹⁴ Sanchez-Ramirez, D. C., & Voaklander, D. (2018). The impact of policies regulating alcohol trading hours and days on specific alcohol-related harms: a systematic review. *Injury Prevention*, 24(1), 94. <https://doi.org/10.1136/injprev-2016-042285>

¹⁵ Jackson, N., & Robertson, H. (2017). *A Review of Territorial Authority Progress Towards Local Alcohol Policy Development (2nd edition)*. Auckland: Alcohol Healthwatch. https://www.ahw.org.nz/Portals/5/Resources/Documents/other/2017/LAPReport_2017_FINALWEB%20%2819_1_18%29.pdf

¹⁶ Connor, J., MacLennan, B., Huckle, T., Romeo, J., Davie, G., & Kypri, K. (2021). Changes in the incidence of assault after restrictions on late-night alcohol sales in New Zealand: evaluation of a natural experiment using hospitalization and police data. *Addiction*, 116(4), 788-798. <https://doi.org/https://doi.org/10.1111/add.15206>

prevalence of hazardous drinking was highest among young adults aged 15 to 24.¹⁷ Restricting licensed premises around surrounding schools could therefore benefit young people who are disproportionately affected by hazardous drinking by reducing their exposure and access to alcohol and its advertising.

18. Te Mana Ora recommends that restrictions on licence proximity should also include sites such as places of worship, marae, and healthcare facilities providing drug and alcohol services.

19. Te Mana Ora supports the discretionary condition for restricting alcohol consumption in outdoor areas after midnight.

One Way Door Restrictions

20. Te Mana Ora commends the inclusion in the Joint LAP of a mandatory one-way door restriction at 2:00 am on Friday, Saturday, and Sunday mornings and for events exceeding 100 people. To strengthen this policy we would recommend that it be set earlier to 1:00 am. This would also make it consistent with the one-way door policy in Ashburton District Council's LAP.¹⁸

Special Licence Amendment – Clause 56

21. Te Mana Ora does not support inclusion of clause 56 into the Joint LAP. We recommend that the discretionary conditions detailed in clause 55 be considered the baseline at which special licences should be granted, particularly the provision of an Alcohol Management Plan. The rationale behind the proposed amendment in permitting discretionary conditions to be more lenient for some special licence holders is of concern.

Further recommendations

22. Te Mana Ora recommends that the Joint LAP includes a provision that controls alcohol licence density across Mackenzie, Timaru, and Waimate Districts. All three

¹⁷ Ministry of Health. (2021). *Regional Data Explorer 2017–20: New Zealand Health Survey [Data File]*.

https://minhealthnz.shinyapps.io/nz-health-survey-2017-20-regional-update/#w_2db778e8# [Accessed 2023 Oct 18]

¹⁸ Ashburton District Council (2017). *Local Alcohol Policy*. https://www.ashburtondc.govt.nz/_data/assets/pdf_file/0024/8495/Local-Alcohol-Policy-2017-Adopted.pdf

districts have comparatively high numbers of licensed premises per population. The density of licensed premises across Aotearoa New Zealand in 2016 (the latest available data) was 29.6 per 10,000 population aged 15 and over, in comparison to Timaru (39.8), Waimate (43.3) and Mackenzie (136.6).¹⁹ Mackenzie District therefore has more than four times the density of licensed premises per population compared to the New Zealand average, and is exceeded only by Kaikoura District (138.7) for licenced premises in Aotearoa New Zealand.¹⁹ Compared to other tourist locations, the alcohol licence density in Mackenzie District is 30% higher than Central Otago District and almost twice as high as Queenstown-Lakes District.¹⁹ New Zealand data has shown that the presence of alcohol outlets is associated with increased antisocial behaviour, sexual offences, and binge drinking.^{20,21} Reducing the density of alcohol outlets is an effective measure for reducing the availability of alcohol and alcohol-related harm.^{22,23}

23. Te Mana Ora suggests that a discretionary condition be present in the Joint LAP that prohibits the use of 'buy now, pay later' (BNPL) services at off-licences. BNPL services increase the economic accessibility of alcohol and may lead to increased alcohol use and harm, as well as financial hardship for vulnerable populations.²⁴

Conclusion

24. Te Mana Ora supports the retention of a Joint LAP across Mackenzie, Timaru, and Waimate District Councils. As part of our objective to reduce alcohol-related harm in the region, we support a number of conditions present in the Joint LAP and have recommended further ways in which it could be strengthened. However, we do not

¹⁹ Environmental Health Intelligence New Zealand (2019). *Alcohol outlet licence density by TA, Area unit 2016 [Data File]* <https://www.ehinz.ac.nz/indicators/alcohol-related-harm/alcohol-related-harm-data/> [Accessed 2023 Oct 18]

²⁰ Cameron, M. P., Cochrane, W., & Livingston, M. (2016). *The relationship between alcohol outlets and harms: A spatial panel analysis for New Zealand, 2007–2014*. Wellington: Health Promotion Agency.

<https://www.hpa.org.nz/sites/default/files/The%20relationship%20between%20alcohol%20outlets%20and%20harm.pdf>

²¹ Connor, J., Kypri, K., Bell, M., & Cousins, K. (2011). Alcohol outlet density, levels of drinking and alcohol-related harm in New Zealand: a national study. *Journal of Epidemiology and Community Health*, 65(10), 841-846.

<https://doi.org/https://ejch.bmj.com/content/ech65/10/841.full.pdf>

²² Campbell, C. A., Hahn, R. A., Elder, R., Brewer, R., Chattopadhyay, S., Fielding, J., Naimi, T. S., Toomey, T., Lawrence, B., & Middleton, J. C. (2009). The Effectiveness of Limiting Alcohol Outlet Density As a Means of Reducing Excessive Alcohol Consumption and Alcohol-Related Harms. *American Journal of Preventive Medicine*, 37(6), 556-569. <https://doi.org/10.1016/j.amepre.2009.09.028>

²³ Sher, A., Stockwell, T., Chikritzhs, T., Andréasson, S., Angus, C., Gripenberg, J., Holder, H., Holmes, J., Mäkelä, P., Mills, M., Norström, T., Ramstedt, M., & Woods, J. (2018). Alcohol Consumption and the Physical Availability of Take-Away Alcohol: Systematic Reviews and Meta-Analyses of the Days and Hours of Sale and Outlet Density. *Journal of Studies on Alcohol and Drugs*, 79(1), 58-67. <https://doi.org/10.15288/jsad.2018.79.58>

²⁴ Alcohol Healthwatch. (2021). *Submission to the Ministry of Business, Innovation & Employment on the Buy-Now, Pay-Later Discussion Document*. Auckland: Alcohol Healthwatch. <https://www.mbie.govt.nz/dmsdocument/18960-alcohol-healthwatch-buy-now-pay-later-submission-pdf>

support the proposed amendment (clause 56) as part of the Joint LAP and suggest other conditions to consider as outlined above. These measures will contribute to reducing the accessibility and availability of alcohol and reduce alcohol-related harm within our communities.

25. Te Mana Ora wishes to speak in support of our submission at the hearing.

Ngā mihi,



Vince Barry

Regional Director Public Health Te Waipounamu
National Public Health Service

Contact details

Dr Erika Sirisomboonwong
For and on behalf of Te Mana Ora



Joint Local Alcohol Policy Committee Meeting Agenda

7 December 2023

22/11/2023, 10:43

Squiz Consult

[808987]

First name

James

Surname

Dennison

Organisation (if applicable)

Point Bush Estates Ltd

Phone number

[REDACTED]

Email

[REDACTED]

Postal address

[REDACTED]

Do you want to speak about your submission at a Joint Committee Hearing?

No

Privacy Statement

Do you support the Draft Local Alcohol Policy as presented?

No

Make any comments about why you do or do not support the policy

Amendment needs to be in stronger legal language. It is a pre-requisite to Policy considerations

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

Edit Amendment to Add "When setting discretionary conditions for special licences, the District Licensing Committee (DLC) shall have due regard to the previous proven responsible history (if any) of the applicant"

Upload files (if applicable)

James Dennison.pdf, type application/pdf, 634.3 KB

<https://www.timaru.govt.nz/ldc-consult/print#/full/797438>

Page 10 of 46

7/16

Joint Local Alcohol Policy Submission Form

Complete this form to make a submission on the Joint Local Alcohol Policy.

First name*: J a m e s

Last name*: D e n n i s o n

Organisation (if applicable): P o i n t B u s h E s t a t e s L t d

Phone (landline or mobile): [REDACTED]

Email*: [REDACTED]

[REDACTED]

.....

.....

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

Your feedback

Do you want to speak about your submission at a Joint Committee Hearing? (tick a circle)**: ☐ Yes ☒ No

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

Do you support the draft Draft Joint Local Alcohol Policy as presented? (tick a box): ☐ Yes ☒ No

Make any comments about why you do or do not support the policy.

... Amendment needs to be in stronger legal language. It is a pre-requisite to Policy considerations

.....

.....

.....

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

... **Edit Amendment to** Add "When setting discretionary conditions for special licences, the District Licensing Committee (DLC) shall have due regard to the previous proven responsible history (if any) of the applicant"

.....

.....

.....

Need more room?

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

.....

.....

Page 11 of 46 **11**

Joint Local Alcohol Policy Committee Meeting Agenda

7 December 2023

22/11/2023, 10:43

Squiz Consult

[808988]

First name

Charlotte

Surname

Herd

Organisation (if applicable)

The Grosvenor

Phone number

[REDACTED]

Email

[REDACTED]

Postal address

[REDACTED]

Do you want to speak about your submission at a Joint Committee Hearing?

No

Privacy Statement

Do you support the Draft Local Alcohol Policy as presented?

Yes

Make any comments about why you do or do not support the policy

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

Upload files (if applicable)

Charlotte Herd.pdf, type application/pdf, 283.6 KB

<https://www.timaru.govt.nz/tdc-consult/print#/full/797438>

Page 12 of 46

8/16

Joint Local Alcohol Policy Committee Meeting Agenda

7 December 2023

Joint Local Alcohol Policy Submission Form
Complete this form to make a submission on the Joint Local Alcohol Policy.

First name* Charlotte
Last name* Herd
Organisation (if applicable) The Grosvenor
Phone (landline or mobile) [REDACTED]
Email [REDACTED]
Postal address* [REDACTED]

Make your submission by either:
1) Putting this form in a sealed envelope and posting it to
FreePost Authority Number 95136
Policy Review Consultation
Timaru District Council
PO Box 522
TIMARU 7940
or
2) Scanning this form and emailing it to submission@timdc.govt.nz
All submissions must be received by Council by the close of consultation, being 5pm Monday 30th October.

We require your email address and/or your physical postal address.

Your feedback
Do you want to speak about your submission at a Joint Committee Hearing? (tick a circle)**
☐ Yes ☒ No
**must complete. If you do not complete, we will assume you do not wish to speak.

Do you support the draft Draft Joint Local Alcohol Policy as presented? (tick a box)
☒ Yes ☐ No

Make any comments about why you do or do not support the policy.

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

Need more room?
Please use extra paper if required and attach with your submission.

Statement of Proposal Timaru District Council Policy Review Consultation Joint Local Alcohol Policy 11

Page 13 of 46

Joint Local Alcohol Policy Committee Meeting Agenda

7 December 2023

22/11/2023, 10:43

Squiz Consult

[808989]

First name

Nikki

Surname

Rogers

Organisation (if applicable)

Hospitality NZ South Canterbury

Phone number

[REDACTED]

Email

[REDACTED]

Postal address

[REDACTED]

Do you want to speak about your submission at a Joint Committee Hearing?

Yes

Privacy Statement

Do you support the Draft Local Alcohol Policy as presented?

No

Make any comments about why you do or do not support the policy

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

Upload files (if applicable)

Hospitality NZ.docx, type application/vnd.openxmlformats-officedocument.wordprocessingml.document, 266.4 KB

<https://www.timaru.govt.nz/tdc-consult/print#/full/797438>

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9/16

Hospitality New Zealand South Canterbury Branch



**TO TIMARU DISTRICT COUNCIL
FEEDBACK ON THE JOINT LOCAL ALCOHOL POLICY FOR
TIMARU DISTRICT COUNCIL, WAIMATE DISTRICT COUNCIL &
MACKENZIE DISTRICT COUNCIL
October 2023**

CONTACT DETAILS: Hospitality New Zealand
Contact: Nikki Rogers
Phone: [REDACTED]
www.hospitality.org.nz

About Hospitality New Zealand

Hospitality New Zealand is a member-led, not-for-profit organisation representing around 2,500 businesses throughout New Zealand, including Taverns, Pubs, Bars, Restaurants, Cafes, Retail Liquor and Commercial Accommodation providers such as Camping Grounds, Lodges, Motels, Hotels and Backpackers.

We have a team of 8 locally based Regional Managers across the country, with a National Head Office based in Wellington. We have in-house legal support, who specialise in employment and alcohol licensing matters as well as being able to advise on the entire range of hospitality-related statutes and legislation. Our team is available 12 hours per day, 365 days per year for members to obtain assistance, advice and guidance on a range of topics, questions and queries as they arise, and we have over 130 written resources available to members.

As well as our own resources, Hospitality New Zealand also works closely with Police, Local Government and Te Whatu Ora to educate and ensure correct legal guidance for our members through the production of additional resources and interactive workshops.

Hospitality New Zealand also offers training and up-skilling courses to our members and their staff. Some of these modules include but are not limited to: 'LCQ training' and 'Host Responsibility'. In addition, Hospitality New Zealand administers an online learning management system designed for the Hospitality industry, this aims to get easy to consume, relevant training including our purposefully designed 'Responsible Service of Alcohol Standards' into the hands of our teams.

Based on the aforementioned information, Hospitality New Zealand considers themselves as part of the solution to preventing alcohol related harm by helping our members provide a safe and regulated environment for the consumption of alcohol.

Hospitality New Zealand has a 121-year history of advocating on behalf of the hospitality and tourism sector and is led by Chief Executive, Steve Armitage. The South Canterbury branch president is Lachland Broadfoot from Silverstream Hotel, and the Hospitality New Zealand Regional Manager for the branch is Nikki Rogers.

The South Canterbury Branch of Hospitality New Zealand represents the Timaru, Waimate, Mackenzie and Waitaki regions, which is made up of 79 members, 56 being hospitality businesses with liquor on-licences, and 25 of these also holding liquor off-licences.

We appreciate the opportunity to make a submission on the Local Alcohol Policy.

TIMARU, WAIMATE, MACKENZIE DISTRICT COUNCIL'S JOINT LOCAL ALCOHOL POLICY (LAP)

Introduction and Overall Comments

1. The Hospitality industry is not only a significant employer in New Zealand, but it is the cornerstone of our culture and plays a vital role in our social life.
2. The production and sale of alcohol is a significant driver of economic activity, with more than 137,000 full-time equivalent employees working Nationwide in the food and beverage sector, or rather 172,458 filled jobs (Infometrics, 2021). The food and beverage sector in particular, is now the fifth largest area of financial spend for both international and domestic tourism, behind accommodation services, air transport and recreational activities.
3. Following the International lockdowns of 2020 & 2021 the value of hospitality venues in a post-COVID world have been identified in various international studies. One found 66% of adults polled across 10 countries agreed the social and mental wellbeing of the general population has been negatively impacted as a direct result of the closure of hospitality venues. It also went on to determine that 1 in 5 people said hospitality venues have a greater significance as places to avoid feelings of loneliness and 18% say they have increased in value as a place to meet new people. (IARD, 2021) We believe that this highlights the importance of having successful hospitality venues of varying styles to create a vibrant hospitality and night-time scene.
4. Government research shows 80% of New Zealand drinkers are staying at or below the Ministry of Health's recommended number of standard drinks per week. (HPA, 2021). Furthermore, the same data reported individuals drinking less frequently to intoxication and being more aware of moderating behaviours through food consumption and low alcohol beverages.

Comments relating specifically to the Timaru, Waimate and Mackenzie District Councils review of the Joint LAP, implemented in 2016

5. Hospitality New Zealand supports the objectives of the Sale & Supply of Alcohol Act 2012, to ensure the safe and responsible sale, supply and consumption of alcohol, and to minimise the harm caused by the excessive or inappropriate consumption of alcohol.
6. Hospitality New Zealand believes that the current Local Alcohol Policy suitably addresses the objectives of the Act with regards to restrictions on on-licensed premises. We note that the current joint LAP contains more restrictive conditions than the National Default settings prescribed in the act which cover the vast majority of licensed premises in New Zealand.
7. **Proposed Amendment: Clause 56** "When setting discretionary conditions for special licences, the District Licensing Committee (DLC) must have regard to the previous proven responsible history (if any of the applicant)".

Joint Local Alcohol Policy Committee Meeting Agenda

7 December 2023

8. Hospitality New Zealand requests provision for the ability to appeal discretionary conditions imposed on an event should the applicant feel a prior event analysis was an unfair basis to put onerous discretionary conditions in the special licence.
9. It has been seen that the same discretionary conditions have been set no matter who the audience is. We want to welcome the events to the region, not push them away.
10. For example, Rock and Hop, and The Heart Kids Ball, both have mature audiences however there are restrictions that they cannot buy a bottle of wine to enjoy at a leisurely pace.
11. We would recommend that any conditions be bought more in line with successful operations of a business and the maturity of the audience. For example, how many drinks can be served to a customer at one given time. If highly restrictive, particularly at the start of an event, i.e., one drink per customer, this impacts on the enjoyment of the event creating frustration and people to leave the event.

One-way Door Policy

12. Members of Hospitality New Zealand have raised concerns about the LAP conditions being more restrictive than the national settings, particularly where one-way door policies are introduced.
13. One-way door policies (or lockouts as they have been called elsewhere) restrict access to on-premise licenced venues after a set time – patrons already inside can stay on until closing time but no new patrons may be admitted. One-way door policies are typically implemented in an effort to curb alcohol-related violence and crime. However, they often have an adverse impact on the viability of businesses in a precinct.
14. Sydney famously implemented lockouts which they have since reversed. While crime did drop in the areas covered by the lockouts, there were corresponding increases in other areas and a drop in foot traffic and patronage. A report from the NSW Bureau of Crime Statistics and Research (BOCSAR) released in April 2015 showed a 26% reduction in assaults in the lockdown area. However, a subsequent report indicated areas adjacent to the lockdown precinct showed a 12% increase in assaults, with a 17% increase in "easy-to-reach" areas. In the meantime, 82% of foot traffic in Kings Cross dropped, with 42 local bars, clubs, and small businesses closing their doors as takings fell by 40 per cent.
15. We have noted that this is consistent in a number of cases. While the number of incidents may drop, there is limited empirical evidence to suggest one-way door policies notably reduces alcohol-related harm because overall foot-traffic in restricted areas reduces, and more consumption occurs in other areas outside of the area impacted by lockdowns. What is evident is the reduction in sales and subsequent impact on businesses in a lockdown area as foot traffic falls.
16. Prior to the LAP being implemented, some bars chose to implement a one-way door policy voluntarily, because it enabled their staff to wind down and start cleaning the venue. In their experience, customers missing the closing cutoff simply hung around at the entrance, disturbing punters and creating issues for security staff.
17. We do not see one-way door policies as an effective way to minimise alcohol harm. In addition to potentially encouraging more off-premise drinking without restrictions, they can present safety issues where punters are left to congregate outside a premise if they can't get in, or are waiting for friends still to leave.

Page 18 of 46

18. We recommend one-way doors are removed.

Off-licence default setting

19. At present, off-licences across the districts are to close at 9pm. Given our region relies on domestic tourism (especially Mackenzie District), many travellers may arrive later in the evening and find they are not able to purchase any alcohol on arrival. This is a missed opportunity for our local businesses.

20. The Aoraki Mackenzie International Dark Sky reserve builds a night time economy providing unique world class experiences and attracting people into the regions, and to stay longer. This brings economic value to the regions and ratepayers.

21. With later flights into Timaru and people arriving into Timaru or other regions after 9pm, this is a missed business opportunity for people who want to purchase alcohol on arrival.

22. Additionally, the neighbouring district of Waitaki has the default national setting of 11pm closing for off-licences. It presents confusion for customers as they could travel a short distance and purchase from off-licences up to two hours later.

23. For the sake of continuity, and better servicing our domestic tourism market, we recommend the LAP defers to default national settings of 11pm closing for off-licensed premises.

Summary of recommendations from Hospitality New Zealand

24. In summary, Hospitality New Zealand is supportive of the Review of the LAP, however outlines recommendations for changes of the current LAP, specifically;

- Discretionary conditions are only applied on special licences on a case-by-case basis, taking into account the audience, the successful operations of a business, and with the ability for the licensee to oppose if they don't agree.
- One way door policy is removed.
- Off-licence hours revert to the national default setting of 11pm.

25. We welcome the opportunity to work closely with the Timaru Licensing team, Police & Public Health to further support licensing for our hospitality members.

26. Thank you for the opportunity to provide feedback on the joint LAP. Hospitality New Zealand will continue to be involved in the formal review process and we look forward to further opportunities to contribute.

Joint Local Alcohol Policy Committee Meeting Agenda

7 December 2023

22/11/2023, 10:43

Squiz Consult

[808991]

First name

Dennis

Surname

Veal

Organisation (if applicable)

Alcohol Action South Canterbury

Phone number

[REDACTED]

Email

[REDACTED]

Postal address

[REDACTED]

Do you want to speak about your submission at a Joint Committee Hearing?

Yes

Privacy Statement

Do you support the Draft Local Alcohol Policy as presented?

Yes

Make any comments about why you do or do not support the policy

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

Please see attached.

Upload files (if applicable)

<https://www.timaru.govt.nz/tdc-consult/print#/full/797438>

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10/16

Joint Local Alcohol Policy Committee Meeting Agenda

7 December 2023

RECEIVED
25 OCT 2023
BY: *AL*

Joint Local Alcohol Policy Submission Form

Complete this form to make a submission on the Joint Local Alcohol Policy.

First name* *DENNIS*

Last name* *VEAL*

Organisation (if applicable) *Alcohol Action South Canterbury*

Phone (landline or mobile) [REDACTED]

Email* [REDACTED]

Postal address* [REDACTED]

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

Make your submission by either:

1) Putting this form in a sealed envelope and posting it to:
FreePost Authority Number 95136
Policy Review Consultation
Timaru District Council
PO Box 522
TIMARU 7940

or

2) Scanning this form and emailing it to:
submission@timdc.govt.nz
All submissions must be received by Council by the close of consultation, being 5pm Monday 30th October

Your feedback

Do you want to speak about your submission at a Joint Committee Hearing? (tick a circle)**: ☒ Yes ☐ No

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

Do you support the draft Draft Joint Local Alcohol Policy as presented? (tick a box): ☒ Yes ☐ No

Make any comments about why you do or do not support the policy.

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

Please see attached

Need more room?
Please use extra paper if required and attach with your submission.

Statement of Proposal Timaru District Council Policy Review Consultation Joint Local Alcohol Policy 11

Page 21 of 46

From: Dennis Veal [REDACTED]
Subject: Joint Local Alcohol Policy
Date: 24 October 2023 at 7:55 pm
To: [REDACTED]

JOINT LOCAL ALCOHOL POLICY

SUBMISSION OF ALCOHOL ACTION SOUTH CANTERBURY

Proposed Amendment

This amendment makes sense, however we question the use of the word leniency in the Rationale. Surely rules are rules and discretion is discretion; why then is leniency added. Applicants for liquor licences are marketing a commodity with an acknowledged potential to cause harm in the community. Responsibility rather than leniency is to be preferred as the amendment demonstrates.

Alternative policy options

We strongly recommend

(a) Introduce density criteria or a cap on the number of licensed premises (or certain types of licensed premises).

Given the experience of other regions (South Auckland and Dunedin spring to mind) it will be useful to have the ability to limit the number of retail outlets in an area.

We recommend with caution

(b) Amend the opening hours of licensed premises

We are more cautious about amending the opening hours bearing in mind the potential for increased alcohol harm in the community. It can be discretionary like other aspects of the LAP. South Canterbury has a proven record being complimented by the police at the last major review of alcohol regulation.

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Joint Local Alcohol Policy Committee Meeting Agenda

7 December 2023

22/11/2023, 10:43

Squiz Consult

[808992]

First name

Paul

Surname

Radich

Organisation (if applicable)

General Distributors Limited

Phone number

Email

[REDACTED]

Postal address

Do you want to speak about your submission at a Joint Committee Hearing?

No

Privacy Statement

Do you support the Draft Local Alcohol Policy as presented?

Yes

Make any comments about why you do or do not support the policy

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

Upload files (if applicable)

General Distributors Limited.pdf, type application/pdf, 37.9 KB

<https://www.timaru.govt.nz/tdc-consult/print#/full/797438>

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11/16

**SUBMISSION ON THE MACKENZIE, TIMARU AND WAIMATE DISTRICT COUNCILS
JOINT LOCAL ALCOHOL POLICY**

To: Mackenzie, Timaru and Waimate District Councils ("Council")

Submitter: General Distributors Limited ("GDL")

Summary

1. GDL welcomes the opportunity to submit on the Joint District Council Draft Local Alcohol Policy ("LAP"). As an off-licence holder in the South Canterbury region, GDL has an interest in the matters raised in the LAP. GDL supports the objectives of minimising alcohol-related harm in the district and the general use of local alcohol policies as a tool for Council to assist with the safe consumption of alcohol.
2. GDL supports the proposed LAP on the basis it does not propose to change any clauses relating to supermarkets. GDL has no concerns with the proposed amendment to Clause 56, which would require the District Licensing Committee to have regard to the history of an applicant when setting conditions for special licences.

GDL as an off-licence holder

3. GDL is a wholly owned subsidiary of Woolworths and is responsible for operating Countdown stores nationwide. GDL owns and operates 190 supermarkets under the Countdown and Metro banners, and four "eStores" across New Zealand. Another subsidiary of Woolworths, Wholesale Distributors Limited, is the franchisor for over 70 SuperValue and FreshChoice supermarkets, which are locally owned and operated businesses.
4. GDL has been part of New Zealand communities for more than 90 years. GDL's purpose across its business is to make Kiwis' lives a little better every day. GDL is committed to contributing positively to New Zealand communities, and our team of more than 20,000 people work hard to deliver safe, fresh and affordable groceries to New Zealanders.
5. As a holder of over 175 off-licences in New Zealand, GDL is an experienced licence holder and is committed to being a responsible retailer of alcohol. GDL acknowledges that it has a shared responsibility to prevent alcohol-related harm and ensure that consumption of alcohol is undertaken safely and responsibly.
6. In the South Canterbury region, GDL holds two off-licences for Countdown Browne Street and Countdown Timaru North. Under both stores' licences, the maximum trading hours are Monday to Sunday 7.00am to 9.00pm. These are the maximum off-licence trading hours under the current LAP and are proposed to be retained in the proposed LAP.

Reason for submission

7. GDL supports the retention of the current LAP as drafted and agrees with Council that the LAP has worked well since it came into force on 24 March 2016. Retention of the LAP, as it relates to

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Joint Local Alcohol Policy Committee Meeting Agenda

7 December 2023

off-licences, will enable GDL's stores in the South Canterbury region to continue to trade in an efficient and responsible manner. GDL does not have any concerns with the proposed amendment to Clause 56, relating to discretionary conditions for special licences. GDL does not see any need for the LAP to be amended further than the proposed amendment to Clause 56.

8. If the Joint LAP Committee proposes any other amendments to the LAP, GDL would like to consider these amendments and how they relate to its stores at Countdown Browne Street and Countdown Timaru North. In terms of the alternative policy options outlined in the Statement of Proposal for the LAP, GDL would oppose any amendments to decrease the opening hours for off-licensed premises or amend the discretionary conditions for off-licences (should these options be amended by the Committee following consultation).

Signature:**GENERAL DISTRIBUTORS LIMITED**

Paul Radich

National Alcohol Responsibility Manager

Date:

30 October 2023

Address for Service:Paul Radich


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Joint Local Alcohol Policy Committee Meeting Agenda

7 December 2023

22/11/2023, 10:43

Squiz Consult

[808994]

First name

Greg

Surname

Hoar

Organisation (if applicable)

Super Liquor Holdings Limited

Phone number

[REDACTED]

Email

[REDACTED]

Postal address

[REDACTED]

Do you want to speak about your submission at a Joint Committee Hearing?

Yes

Privacy Statement

Do you support the Draft Local Alcohol Policy as presented?

Yes

Make any comments about why you do or do not support the policy

Please refer to the attached submission

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

Please refer to the attached submission

Upload files (if applicable)

<https://www.timaru.govt.nz/tdc-consult/print#/full/797438>

Page 26 of 46

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Joint Local Alcohol Policy Committee Meeting Agenda

7 December 2023

Joint Local Alcohol Policy Submission Form

Complete this form to make a submission on the Joint Local Alcohol Policy.

First name* **Greg**

Last name* **Hoar**

Organisation (if applicable) **Super Liquor Holdings Limited**

Phone (landline or mobile) [REDACTED]

Email* [REDACTED]

Postal address* [REDACTED]

[REDACTED]

[REDACTED]

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

Make your submission by either:

1) Putting this form in a sealed envelope and posting it to

FreePost Authority Number 95136

Policy Review Consultation

Timaru District Council

PO Box 522

TIMARU 7940

or

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All submissions must be received by Council by the close of consultation, being 5pm Monday 30th October.

Your feedback

Do you want to speak about your submission at a Joint Committee Hearing? (tick a circle):**

☒ Yes

☐ No

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

Do you support the draft Draft Joint Local Alcohol Policy as presented? (tick a box):

☐ Yes

☐ No

Make any comments about why you do or do not support the policy.

Please refer to the attached submission

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

Please refer to the attached submission

Need more room?

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

Statement of Proposal Timaru District Council Policy Review Consultation Joint Local Alcohol Policy 11

Please refer to the attached submission

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Submission

by



to the

Timaru, Mackenzie & Waimate District Councils

on the

Proposed Joint Local Alcohol Policy

October 2023

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Super Liquor Background

Super Liquor Holdings (SLH) is a New Zealand franchisor with over 180 stores across New Zealand, including stores in Geraldine, Temuka, Timaru, Waimate and Twizel. Each store has entered into a franchise agreement with SLH and receives the benefits of, and honours the obligations of participating in, the Super Liquor branded system. The Super Liquor franchisee offer is based on creating a long-term sustainable retail business.

Super Liquor franchisees represent a broad spectrum of small and medium sized businesses that are positioned in both urban and rural locations. Franchisees pride themselves on being part of the communities they serve. Super Liquor has a co-operative group culture.

Super Liquor:

- a) provides franchisees with extensive support in the way of retail expertise and advice,
- b) requires compulsory and ongoing training in the Sale & Supply of Alcohol Act 2012 for all serving staff through the Super Liquor Academy (a comprehensive online training system),
- c) conducts on-site audits of all Super Liquor stores quarterly,
- d) requires high in-store retail standards,
- e) provides security training and advice,
- f) provides comprehensive retail management systems, IT support & training,
- g) requires specific store branding standards to be met – including no alcohol branding on the exterior of stores.

At Super Liquor, we do not aim to lead on price (i.e., our products are not always the cheapest in town). Instead, we pride ourselves on providing the best quality in-store experience, customer service and product range.

All Super Liquor store owners have invested significant capital in their businesses. They appreciate that obtaining an alcohol licence and then having it renewed every three years is a privilege upon which their significant capital investment is dependent.

Because of their significant investment, they also want to have the confidence that licensing application or renewal assessments by District Licensing Committees (DLC's) and the Alcohol Regulatory Licensing Authority (ARLA) are based on balanced and reasonable criteria aimed at achieving the object of the Act. Assessments also need to be based on matters that the licensee can control or influence.

Super Liquor takes its responsibilities towards the minimisation of alcohol harm very seriously. We understand the objectives of the proposed Joint LAP and would like to make the following comments on the Policy statements.

Proposed Amendment: "When setting discretionary conditions for special licences, the District Licensing Committee (DLC) must have regard to the previous proven responsible history (if any) of the applicant"

We agree with proposed amendment that an applicants' previous behaviour and responsibility (or lack thereof) should be a factor that the DLC takes into account when determining which discretionary conditions should, or should not, apply to a special licence application.

Joint Local Alcohol Policy Committee Meeting Agenda

7 December 2023

In relation to the Alternative Policy Options listed on Page 9 of the consultation document, SLH makes the following comments:

1. Introduce density criteria or a cap on the number of licenced premises (or certain types of licenced premises)

SLH opposes this condition.

SLH submits that this approach is unreasonable in that there may be valid reasons why a new off-licence could be permitted (for example future residential developments, areas of population growth, growth in commercial sectors etc). The District Licencing Committee should have the responsibility for determining any further applications for a new off-licence based on the information provided by an applicant and recognising that every application is unique to the particular site in question.

We would also need to ensure that if a business sells, that the new owner's application for a liquor licence is not considered to be a new licence. The new licence issued would be exempt from any new location restrictions as the premises would be deemed as existing and not 'new'.

2. Amend the opening hours of licenced premises – Note: hours specified in the LAP are more restrictive than the national default hours specified in the Act.

It is the preference of SLH that the current hours should be the same for all licenses, which enables flexibility to meet specific situations for example, shift workers and over holiday periods. We are not suggesting that stores must open for these hours, but does provide them the ability to do so, if required. Some Super Liquor stores also use website orders to dispatch and have trade customers (such as bars and restaurants) that may require the flexibility of earlier opening hours to purchase product, to enable them to set up their venues for the day's trading.

We are open to the proposal to changing hours of off-licences **providing** the same hours are applied to **all licences**. Alcohol related harm stems from alcohol, not specific types of alcohol. There is no evidence that Super Liquor can find that demonstrates the sale, supply and consumption of alcohol will be undertaken any more safely and responsibly by differentiating between supermarkets, grocery stores, and bottle stores. Nor is there any evidence that demonstrates the harm caused by inappropriate consumption is minimised by licence type differentiation.

We are seeking a level playing field amongst all off premise outlets (bottle stores and supermarkets) and **strongly oppose** any proposal that differentiates on the basis of hours or any other discretionary conditions.

Such inequitable conditions do nothing to reduce alcohol harm, they simply shift customer behaviour and create commercial advantage and disadvantage (an uneven commercial playing field) between alcohol retailers.

To differentiate between supermarkets and other retail operators (such as bottle stores), would further consolidate their perceived duopoly retail power in the retail system and serve to further perpetuate their competitive advantage over other retailers.

Page 30 of 46

3. Amend discretionary conditions for any of the four classes of licences.

SLH strongly opposes discretionary conditions. This policy needs to be applicable to all types of licences. Any conditions should be included in the LAP and not applied in a discretionary manner to avoid the risk of creating an unlevel playing field.

4. Amend the definition or scope of sensitive sites.

Super Liquor submits that consistent application of policy to the three types of off licenses described – these being On, Off (including supermarkets) & Clubs will ensure a level playing field between these retail outlets and a consistent application of control and compliance.

Super Liquor requests that the committee takes into consideration that if a business with a licence is sold or changes ownership with the same 'use', is not deemed a new licence. This provides store owners the confidence that they can sell their business as a going concern, including the goodwill that they have built up over the years.

Sensitive sites (for example an early childhood centre) moving into an area may lead to a long-standing licence being declined on renewal concerns us. This seems excessive and unjust. The consequences of this are:

- Businesses with significant levels of capital investment, could be forced to close down next time they applied for a renewal of their licence, regardless of whether they are a good operator, regardless of support they may have from the local community and ignoring that their store may be able to demonstrate they are not creating alcohol related harm.
- Employees will lose their jobs.

Two additional points for Council's consideration:

1. We request that if there are changes made to the LAP, that whatever is settled (eg Trading hours, licence cap or density criteria, discretionary conditions, etc) should apply to all premises that hold an off-licence (including bottle stores, supermarkets, grocery stores, off-licence held in the same premises as a club licence and remote licences).
2. Super Liquor also submits that an off-licence where a change of ownership occurs is not considered a new licence.

We strongly support a licencing system that recognises and drives responsible liquor retail. I am happy to answer any questions regarding this submission or speak at a hearing.

Thank you for allowing Super Liquor the opportunity to present a submission.

Yours sincerely



Greg Hoar
National Operations Manager
Super Liquor Holdings Limited

Joint Local Alcohol Policy Committee Meeting Agenda

7 December 2023

22/11/2023, 10:43

Squiz Consult

[808995]

First name

Di

Surname

Hay

Organisation (if applicable)

Tourism & Visitor Advisory Panel - Venture Timaru

Phone number

[REDACTED]

Email

[REDACTED]

Postal address

[REDACTED]

Do you want to speak about your submission at a Joint Committee Hearing?

No

Privacy Statement

Do you support the Draft Local Alcohol Policy as presented?

No

Make any comments about why you do or do not support the policy

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

Upload files (if applicable)

Venture Timaru.pdf, type application/pdf, 158.3 KB

<https://www.timaru.govt.nz/tdc-consult/print#/full/797438>

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13/16



**Feedback from the Tourism & Visitor Advisory Panel, facilitated by
Venture Timaru, on the Joint Local Alcohol Policy for Timaru,
Waimate and Mackenzie District Councils.**

25 October 2023

About the panel:

The Tourism & Visitor Advisory Panel was established in April 2020 by Venture Timaru when it assumed the role of the Regional Tourism Organisation for Timaru District. The role of the panel is to provide industry input, sector knowledge and business & community networks, to help support and inform Venture Timaru's Tourism & Visitor operation in the Timaru District and enhance collaboration with the sector locally.

Membership includes representatives from different areas of our local tourism and visitor sector including tourism operators, accommodation providers, mana whenua representation and events related organisations and businesses.

Overview:

The panel acknowledges the importance of the hospitality industry as an integral part of our community in the Timaru, Waimate and Mackenzie districts, offering venues for social connection and interaction for locals and visitors, plus showcasing our local produce. The hospitality sector adds an important vibrancy to our communities through the established businesses and through the variety of events that take place attracting many people to attend from our local communities and much further afield. Thus, the hospitality sector is a significant driver for our economy and the importance of the sector as a major employer throughout New Zealand should not be underestimated.

Comments on the review of the Joint LAP:

The panel supports the objectives of the Sale & Supply of Alcohol Act 2012, to ensure the safe and responsible sale supply and consumption of alcohol, and to minimise the harm caused by the excessive or inappropriate consumption of alcohol.

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Joint Local Alcohol Policy Committee Meeting Agenda

7 December 2023

However the panel considers that the current joint LAP contains more restrictive conditions than the national default settings in the act, which cover the vast majority of licensed premises in New Zealand and as a result, the panel urges for changes for the local area.

One of the most significant changes requested is the ability for events to sell bottles of wine to patrons, rather than single glasses. This would be more in line with common practice at hospitality establishments and could be done depending on the type of event and the audience – for instance the South Canterbury Business Excellence Awards or South Canterbury Sports Awards would be events that could be approved to sell wine by the bottle for patrons. Further, the requirement that restricts the number of drinks that can be served to a customer at one given time should be removed, as this inhibits the enjoyment of the patrons and unnecessarily clogs the bars at the events, causing significant, unnecessary queues.

These changes would help encourage events to be held in the region, rather than deterring organisers who might well look to other more lenient areas for their events. Encouraging events is important for our region as they draw attendees from throughout the wider region, South Island and rest of NZ which combine to have a positive economic impact for the region.

The panel also believes that it is important when setting discretionary conditions for special licences, that the District Licensing Committee (DLC) has regard to the previous proven responsible history of the applicant. If the applicant has a good history of carrying out well-run events, this should be taken into account, instead of opting for a one-size-fits-all approach. The applicant should also have the right to appeal the decision and if necessary to provide further information that may result in a more favourable outcome.

One-way Door Policy:

The panel supports the members of Hospitality New Zealand in raising concerns about the LAP conditions, which are currently more restrictive than the national settings, particularly where one-way door policies are introduced. While one-way door policies are usually implemented to reduce alcohol related violence and crime, they also unfortunately have an adverse effect on the viability of businesses in a precinct.

Hospitality NZ reports that there is limited empirical evidence to suggest one-way door policies notably reduces alcohol-related harm because overall foot-traffic in restricted areas reduces, and more consumption occurs in other areas outside of the area impacted by lockdowns. What is evident is the reduction in sales and subsequent impact on businesses in a lockout area as foot traffic falls.

The panel supports Hospitality NZ in their recommendation to remove one-way doors.

Off-licence default setting:

At present, off-licences across the districts are required to close at 9pm, however the panel recommends that the LAP defers to default national settings of 11pm closing for off-licensed premises. This would further support the visitor sector, so travellers arriving late in the region (especially Mackenzie District) have the opportunity to purchase any alcohol on arrival. This would make our region consistent with regulations enforced in other parts of NZ.

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Joint Local Alcohol Policy Committee Meeting Agenda

7 December 2023

Summary of recommendations:

The Tourism & Visitor Panel is supportive of the Review of the LAP, however urges that the following changes are made to bring our region more in line with national practices for the benefit of the community, our businesses and our visitors:

- Discretionary conditions are only applied on special licenses on a case-by-case basis, taking into account the audience, the successful operations of a business, and with the ability for the licensee to oppose if they don't agree.
- Removal of the one way door policy.
- Off-licence hours are changed to be consistent with the national default setting of 11pm.

The Tourism & Visitor Advisory Panel members are:

Clarissa Doran – The Oxford
 Maria Christie – PrimePort
 Patricia Jenney – Timaru Information Centre
 Noriko Cosgriff – Geraldine Information Centre
 Karl Jackson – Te Rūnanga o Arowhena
 Kim Rogers – Hospice South Canterbury (Caroline Bay Rock and Hop)
 Shaun Campbell – Sport Canterbury
 Rachel Solomon – Te Ana Māori Rock Art Centre
 Kristy Phillips – Hospitality NZ
 Nicky Donkers – Geraldine NZ
 Chris Thomas – Special Events
 Karen Paddon – SC Car Club (Levels International Raceway)
 Andrew Adeane – Timaru District Council
 Sharnae Naysmith – Venture Timaru
 Di Hay Venture Timaru

Contact details:

Di Hay
 Operations & Destination Manager
 Venture Timaru



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Joint Local Alcohol Policy Committee Meeting Agenda

7 December 2023

22/11/2023, 10:43

Squiz Consult

[808996]

First name

Wendy

Surname

Smith

Organisation (if applicable)

South Canterbury Chamber of Commerce

Phone number

[REDACTED]

Email

[REDACTED]

Postal address

[REDACTED]

Do you want to speak about your submission at a Joint Committee Hearing?

Yes

Privacy Statement

Do you support the Draft Local Alcohol Policy as presented?

No

Make any comments about why you do or do not support the policy

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

Upload files (if applicable)

South Canterbury Chamber of Commerce.pdf, type application/pdf, 179.6 KB

<https://www.timaru.govt.nz/tdc-consult/print#/full/797438>

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14/16

South Canterbury Chamber of Commerce Submission on the Joint Local Alcohol Policy

Date: October 2023

Background

1. This is a submission from the South Canterbury Chamber of Commerce ("the Chamber") on the **Joint Local Alcohol Policy** (LAP) covering the Timaru, Waimate and Mackenzie Districts.

2. The South Canterbury Chamber of Commerce is the voice of South Canterbury business, serving the community since 1905. With over 520 members and with a strong national and international Chamber family, we work together to build business success - together. We recognise that healthy business cultures lead to the improved wellbeing of all South Cantabrian's.

3. The contents of this submission are based on insights raised by members of the South Canterbury Chamber of Commerce and the wider business community, they continue to endorse the position as presented in person to "the committee" and align closely with Hospitality New Zealand's position.

4. The Chamber appreciates the opportunity provided to provide feedback.

Overarching Comments

The Hospitality industry is a significant employer in New Zealand, the businesses that operate in this space are the cornerstone of our business hubs and play a vital role in our social life.

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The production and sale of food and beverages including alcohol are a significant driver of economic activity and act as a key attractor for both locals, domestic and international tourists.

South Canterbury is dependent upon these sectors to be effective, professional vibrant industries that demonstrate currency and opportunity.

Specific Commentary

1. The Chamber supports the objectives of the Sale & Supply of Alcohol Act 2012, to ensure the safe and responsible sale supply and consumption of alcohol, and to minimise the harm caused by the excessive or inappropriate consumption of alcohol.
2. The Chamber believes that the current Local Alcohol Policy suitably addresses the objectives of the Act with regards to restrictions on on-licensed premises. However, we note that the current joint LAP contains more restrictive conditions than the National Default settings prescribed in the act which cover the vast majority of licensed premises in New Zealand.

Special Licences

3. As raised previously we are concerned that the discretionary conditions overlayed on Special Licences are too restrictive and are damaging to the overall aspirations of the South Canterbury community. They are damaging and create barriers to our ability to attract events and create unnecessary restrictions for our businesses and our communities. With investments of millions of dollars in the Theatre Royal and associated events spaces we must ensure we are customer focused and have current industry practices. Investment in infrastructure without the associated good and fit for purpose business actions will lead to failure!
4. The Proposed Amendment: Clause 56 "When setting discretionary conditions for special licences, the District Licensing Committee (DLC) must have regard to the previous proven responsible history (if any of the applicant)" is a positive step in the right direction and should include a provision for the ability to appeal discretionary conditions imposed.
5. Currently it appears that the same discretionary conditions have been set irrespective of the hosts or the attendees. As an example, The Rock and Hop, The Heart Kids Ball and the Chamber's Business Excellence Awards all have mature audiences however there are restrictions that they cannot purchase a bottle of wine to enjoy at a leisurely pace. These types of restrictions will simply drive business and events out of town and limit South Canterbury's ability to host sophisticated high profile and beneficial events.

Off-license default setting

6. At present, off-licenses across the districts are to close at 9pm.

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Our three districts benefit from significant domestic and international tourism (especially the Mackenzie District - Average total monthly visitors 5,346 and monthly spend \$9.3m July

2023 source Christchurch NZ). Many travellers arrive later in the evening and expect to be able to purchase alcohol on arrival. The inability to be able to enjoy a quiet glass of wine at their accommodation frequently has a negative impact on the entire tourism experience.

7. The Aoraki Mackenzie International Dark Sky reserve has created a globally recognized brand and tourism experience attracting thousands of tourists and is a staple of the Mackenzie economy. The LAP must recognize this opportunity and play its part in enabling a fulfilling and customer focused experience.
8. It is understood that the neighbouring district of Waitaki uses default national settings of 11pm closing for off-licenses and it is recommended that our LAP follows this model. Tourists and travellers become very confused about the distinct differences in operating hours.

Summary

The Chamber supports the Review of the LAP, however the Chamber recommends further changes to ensure our districts reflect our modern and changing society, the value of tourism and the need to become a more customer focused and tourism friendly destination.

The changes are:

- Discretionary conditions are only applied on special licenses on a case-by-case basis as needed, taking into account the audience, past history and with the ability to appeal.
- That Off-license hours revert to the national default setting of 11pm.

Thank you for the opportunity to provide feedback on the joint LAP.

Yes we would like to speak to our submission.

Submitter: The South Canterbury Chamber of Commerce.

Name: Wendy Smith

Position: Chief Executive

Phone: [REDACTED]

Email: [REDACTED]

Address: [REDACTED]

Joint Local Alcohol Policy Committee Meeting Agenda

7 December 2023

22/11/2023, 10:43

Squiz Consult

[808997]

First name

Andrew

Surname

Galloway

Organisation (if applicable)

Alcohol Healthwatch

Phone number

[REDACTED]

Email

[REDACTED]

Postal address

[REDACTED]

Do you want to speak about your submission at a Joint Committee Hearing?

Yes

Privacy Statement

Do you support the Draft Local Alcohol Policy as presented?

No

Make any comments about why you do or do not support the policy

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

Upload files (if applicable)

Alcohol Healthwatch.pdf, type application/pdf, 438.9 KB

<https://www.timaru.govt.nz/tdc-consult/print#/full/797438>

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15/16

**Submission on the Mackenzie, Timaru, Waimate District Councils
Draft Joint Local Alcohol Policy 2023
30 October 2023**

Thank you for the opportunity to provide feedback on the Joint Draft Local Alcohol Policy 2023.

We would like the opportunity to speak (virtually) to our submission.

If you have any questions on the comments we have included in our submission, please contact:

Andrew Galloway
Executive Director
Alcohol Healthwatch

P: [REDACTED]
E: [REDACTED]

About Alcohol Healthwatch

Alcohol Healthwatch is an independent national charity working to reduce alcohol-related harm and inequities. We are contracted by Te Whatu Ora-Health New Zealand to provide a range of regional and national health promotion services. These include: providing evidence-based information and advice on policy and planning matters; coordinating networks and projects to address alcohol-related harms, such as alcohol-related injury and fetal alcohol spectrum disorder; and coordinating or otherwise supporting community action projects.

General Comments

1. Alcohol Healthwatch commends the Mackenzie, Timaru and Waimate District Councils on their commitment to review their Local Alcohol Policy (LAP).
2. We wish to acknowledge the efforts of Council members and staff generally in reviewing the LAP on behalf of their communities. We further acknowledge the effort that Council officers have put into consulting with key agents and stakeholders, particularly Licensing Inspectors, the Police and the Medical Officer of Health (Te Whatu Ora) to inform the review of the LAP.¹

3. We strongly believe that a LAP is a package of measures which, when used comprehensively, can significantly minimise rates of hazardous drinking and subsequent alcohol-related harm. For this reason, we recommend that LAPs are considered not just as a collection of isolated elements but as a cohesive package to reduce alcohol-related harm, insofar as can be achieved with measures relating to licensing.
4. A LAP which has the effect of reducing the overall availability of alcohol has significant potential to further minimise alcohol-related harm and improve community well-being. Measures that reduce accessibility and availability of alcohol have particular benefits for those who experience significant inequities in harm (i.e. Māori and those socio-economically disadvantaged). To date, alcohol outlets in Aotearoa New Zealand have been inequitably distributed to the most deprived neighbourhoods and the unequal harms from this must be addressed.²
5. By incorporating evidence-based measures to address both the physical and temporal availability of alcohol, a LAP can support other harm reduction interventions in the local area and assist in sending a strong signal to communities regarding the harms associated with alcohol use.
6. Alcohol Healthwatch supports provisions in the LAP that are aligned to the object of the Sale and Supply of Alcohol Act 2012, that reflect the needs of the community and are supported by evidence for reducing alcohol-related harm.
7. We see the benefits of continuing with a joint LAP as it enables greater efficiency and supports a consistent, collaborative approach across the districts and statutory agencies. It also provides greater clarity to applicants and recognises that the public are mobile and may access premises outside of their own district or locality.
8. We believe that the review of the joint LAP is timely, and provides an opportunity for the LAP to reflect:
 - The Supreme Court decision on the Auckland Council Provisional LAP,³
 - The Sale and Supply of Alcohol (Community Participation) Amendment Act 2023,⁴ and
 - The desirability of ensuring greater consistency and synergy with LAPs (and proposed LAPs) in Canterbury and Aotearoa New Zealand.

Specific Comments

Location of Premises – clauses 41(iii), 42, 48(i) and 49

9. **We support** the presumption that on and off licences must only be located in “applicable zoned land”, but **recommend** that this condition should have additional wording to clarify

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if it restricts the location to commercial and mixed use and/or industrial zones under the relevant District Plan (unless resource consent has otherwise been granted). We further **recommend** that restricting the location of premises also applies to club licences.

10. **We recommend** that a mandatory policy on proximity to other premises be included, together with a specified distance/radius from other premises.
11. **We support** the inclusion of a provision restricting on and off licensed premises from being established within 100 meters from early childhood centres, primary schools and secondary schools, but **recommend** that this limited list should be broadened to include other sensitive premises/facilities such as children's playgrounds, places of worship, marae and medical and drug treatment centres. We also **recommend** that this discretionary condition be mandatory restriction.
12. **We support** the policy on the issuing of further licences with the presumption that no new licences will be issued in certain areas, but **recommend** that consideration be given to density and limiting or capping the number of licences in areas of high socio-economic deprivation, where there is high number of children and young people, where there is high crime rate, or where there would generally be an impact on the amenity and good order of the area.

Maximum Trading Hours – clauses 39, 47, 52, 53

13. **We support** the alignment of trading hours for on-licences, off-licences and club licences across the three districts, and **support** consistent hours of operation for all off-licences with no exceptions. However, given the level of harm associated with clubs, **we recommend** that consideration be given to further restricting the opening and closing hours of club licences.

One-way door restrictions – clause 57

14. **We support** the inclusion of a mandatory one-way door restriction covering the three districts for all premises including where there are more than 100 people attending an event. One-way door restrictions would help prevent a large number of people coming out of licensed premises at the same time (as would be the case with a universal maximum closing time) and the potential for intoxicated patrons migrating between venues or interacting with others with an increased likelihood of disorder and crime. These conditions also have the potential to reduce the burden on Police, ambulance and hospital services and can have a positive benefit for not only the patrons of premises but the community generally.
15. **We recommend** that (as is the case with most council LAPs with a mandatory one-way door policy) the one-way door restriction should be for every night of the week, and the restriction commencing at an earlier hour (see for example, midnight for Hurunui District

Council draft LAP 2023⁵). Applying a mandatory one-way door policy across the three districts treats all licence holders equally. It also recognises that patrons are mobile and can move out of the city/town centres to other licensed venues.

Discretionary Conditions

16. **We support** the inclusion of discretionary conditions but **recommend** that a number of these be mandatory conditions.
17. **We recommend** that Crime Prevention Through Environmental Design (CPTED) principles be referenced in the LAP, as these principles could provide additional guidance for a District Licensing Committee (DLC).
18. **We recommend** that each DLC explicitly has the discretion to fully restrict alcohol brand, product and price signage at off-licensed premises and, at the very least, to no more than small percentage of main façade.⁶
19. **We support** the discretionary conditions for a special licence including an alcohol management plan, a limit on the number of events in any year/six-month period, and that RTD be under 5% alcohol.
20. **We recommend** the LAP include provisions that protect children and youth in the district, by not allowing special licences to be granted for family-focussed events, namely those events where a significant proportion of attendees are aged under 18 years.
21. **We recommend** additional discretionary conditions be included in the LAP, such as those prohibiting the use of Buy Now Pay Later payment schemes for the purchase of alcohol from off-licensed premises.

Conclusion

22. Alcohol Healthwatch supports many of the provisions in the joint LAP, but recommends some additional protections to be put in place for the duration of the policy to address availability and associated alcohol-related harm.
23. Strengthened measures can be effective in meeting the object of the Sale and Supply of Alcohol Act 2012 and reduce the significant burden placed on communities from alcohol-related harm.

References

1. Mackenzie, Timaru and Waimate District Councils Joint Local Alcohol Policy Committee Meeting, 9 March 2022, including Research Report (March 2022)
2. New Zealand Law Commission. Alcohol in Our Lives: Curbing the Harm [Internet], New Zealand Law Commission, 2010. NZLC Report No.: 114. Available from: <https://www.lawcom.govt.nz/sites/default/files/projectAvailableFormats/NZLC%20R114.pdf>
3. Courts of New Zealand. Foodstuffs North Island Limited v Auckland Council, Woolworths New Zealand Limited and Alcohol Regulatory and Licensing Authority – SC 140/2021 [Internet]. Wellington (NZ): Supreme Court of New Zealand; 2023 [cited 2023, Sep 18]. Available from: <https://www.courtsofnz.govt.nz/cases/foodstuffs-north-island-limited-v-auckland-council-woolworths-new-zealand-limited-and-alcohol-regulatory-and-licensing-authority>
4. Sale and Supply of Alcohol (Community Participation) Amendment Act 2023, No. 60. Available from: [Sale and Supply of Alcohol \(Community Participation\) Amendment Act 2023 No 60, Public Act – New Zealand Legislation](#).
5. Hurunui District Council. Draft Local Alcohol Policy 2023-2029. Available from: https://www.hurunui.govt.nz/repository/libraries/id:23wyoavbi17q9ssstcid/hierarchy/Regulatory_Services/Consultation/Local%20Alcohol%20Policy%20%28LAP%29%202023/Appendix%201%20Draft%20Local%20Alcohol%20Policy.pdf
6. See for example, Auckland District Licensing Committee Practice Note: Off-Licence Premises External Advertising, 13 March 2023, available at <https://www.aucklandcouncil.govt.nz/licences-regulations/business-licences/alcohol-licences-fines/docsdlcpracticenotes/dlc-practice-note-external-signage.pdf>

Joint Local Alcohol Policy Committee Meeting Agenda

7 December 2023

Joint Local Alcohol Policy Submission Form

Complete this form to make a submission on the Joint Local Alcohol Policy

First name: John
 Last name: SIMPSON
 Organisation (if applicable): _____
 Phone (landline or mobile): _____
 Email: None
 Postal address: _____

We require your email address and/or your physical postal address.

Make your submission by either:
 1) Putting this form in a sealed envelope and posting it to
 FreePost Authority Number 95136
 Policy Review Consultation
 Timaru District Council
 PO Box 522
 TIMARU 7940
 or
 2) Scanning this form and emailing it to
 submission@timdc.govt.nz
 All submissions must be received by
 Council by the close of consultation, being
 5pm Monday 30th October.

Posted: 17 October 2023 3:55 pm

Your feedback

Do you want to speak about your submission at a Joint Committee Hearing? (tick a circle)**

☒ Yes ☐ No

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

Do you support the draft Draft Joint Local Alcohol Policy as presented? (tick a box):

☒ Yes ☐ No

Make any comments about why you do or do not support the policy:

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

Need more room?

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

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Main amendments proposed by submitters

Proposed amendment	Joint Committee decision	Summary of Rationale
Remove the special licence discretionary condition that prohibits bottles of wine being sold at functions	Decline to remove this condition in the policy; make some administrative (non-policy) arrangements, e.g. making clear that applicants can request for this condition to not apply, more clearly advising of appeal rights, and more clearly communicating the DLC's standards for whether such a clause will or will not be imposed	<p>The Joint Committee gave primacy to evidence from the NZ Police and Chief Licencing Inspector that there is value in retaining this clause.</p> <p>The amendment requiring the DLC to take into consideration the applicant's history is considered an appropriate balance between the DLC retaining valuable discretion to consider applications on their merits, meeting the object of the Act, and addressing the concerns of submitters.</p> <p>Regardless of its inclusion or exclusion in the LAP, section 117 of the Act provides the DLC with the option to impose this condition.</p>
Amend opening hours, for instance to change the earliest permitted opening hour for off-licences from 7am to 8am, or extend the latest permitted closing time for off-licences from 9am to 11pm	Decline to make an amendment to the policy	<p>The Joint Committee believes that the current hours suitably balance the characteristics of our region with minimising alcohol-related harm. For instance, the Committee felt that the relatively high number of overnight shift-workers in the region justified the earlier opening hour.</p> <p>In regard to the request for later closing hours and the unique case of the Mackenzie District's dark-sky economy, the Committee notes that no submissions were received from Mackenzie-based hospitality or tourism businesses, and Councillors are not aware of any significant community desire to make a change.</p> <p>Further, it is considered desirable that opening hours are consistent throughout the region. The Committee considers that any late-night travellers in Canterbury already have sufficient opportunity to purchase alcohol at a location throughout the course of their travel.</p>
Remove the one-way door policy, or expand it to apply	Decline to make an amendment to the policy	Whilst being provided with conflicting evidence about the effects of one-way door policies on, for example, foot-traffic and crime rates, the Joint Committee decided to give primacy to the NZ

to more days than the current policy		Police's view to retain the clause. The Committee did not believe that certain research was highly applicable to Timaru.
Impose a density restriction or cap on the number of licenced premises	Decline to include in the policy	<p>The Joint Committee believes that this is not currently an issue for South Canterbury, but commits to monitoring this. The predominately rural nature of our region (with a number of small settlements) results in it being over-represented in licenced premises per capita statistics, and is, of itself, not an indication of disproportionate alcohol-related harm.</p> <p>Notwithstanding this, the Joint Committee is confident that market forces in rural settlements imposes a natural cap on the number of premises in an area.</p>
Expand the definition of sensitive sites, for example to include churches or marae, and expand the distances between these and licenced premises	Decline to include in the policy	The Joint Committee is satisfied that the existing policy is appropriate given the characteristics of the region; for instance, it is considered that the impact of stricter distance requirements would be too onerous and lead to unintended consequences for small settlements.
Include an off-licence discretionary condition preventing "buy-now, pay-later" arrangements	Decline to include in the policy	The Joint Committee has no evidence that this is currently in wide use or posing an issue in South Canterbury. Regardless, normal business practice already permits the use of credit cards (a form of "buy-now, pay-later"); the Committee has no desire to prevent the use of credit cards for alcohol purchases.
Remove the proposed amendment Clause 56, or amend its wording to improve its legal effect	Decline to make an amendment	<p>The Joint Committee is confident that the wording is sufficient given that the policy has received a legal review.</p> <p>Whilst some submitters were concerned that the amendment encouraged the DLC to adopt a more lenient approach, the Committee is satisfied that the DLC will continue to make decisions independently, in the spirit of the legislation and policy, and on the individual merits of each application and applicant. The amendment clarifies and confirms the Joint Committee's expectation that the DLC will consider the prior history of the applicant, as this is considered material to the likelihood of alcohol-related harm at an event that they hold under a special licence.</p>

9.10 Timaru District Holdings Limited - Application for Local Government Funding Agency (LGFA) Funding

Author: Nigel Trainor, Chief Executive

Authoriser: Nigel Trainor, Chief Executive

Recommendation

1. That Council approves of Timaru District Holdings Limited applying to borrow funds directly from the Local Government Funding Agency.

Purpose of Report

- 1 To detail Timaru District Holdings Ltd (TDHL) funding arrangements and seek Council to approve of TDHL's application to borrow funds directly from the Local Government Funding Agency (LGFA).

Assessment of Significance

- 2 This matter is low significance in terms of Council's Significance and Engagement Policy. Its direct impact on residents and communities is low and there is no change to the levels of service. It does not create a financial or rating burden.

Background

- 3 LGFA is a specialist financing organisation for the local government sector, which in recent years extended eligibility to include wholly owned Council Controlled Organisations (CCO's) and Council Controlled Trading Organisations (CCTO's) such as TDHL.
- 4 Given the rates offered by LGFA are considerably less than TDHL's current commercial and intercompany loan rates, TDHL would like to refinance its borrowings to LGFA.
- 5 The first step requires TDHL to apply to the LGFA Board to join LGFA. A requirement of this application is a resolution from Council (as 100% shareholder) that approves of TDHL application.
- 6 Therefore, the purpose of this report is to seek a Council resolution to approve of TDHL's application to join LGFA. For the sake of clarity, this resolution is solely to support the application and does not alter any existing financing arrangements between Council and TDHL or impose any new or additional financial burden on Council. If TDHL's application is successful, then TDHL will review the structure and source of its loans.

Discussion

- 7 As at 31 December 2023, TDHL held a total of \$27.08m in borrowings, being a \$5.4m commercial bank facility and a \$21.68m intercompany loan facility with Timaru District Council. Both of these facilities are at commercial floating rates.

- 8 With eligibility to LGFA funding now open to CCO/CCTO's and as a result of recent interest rate increases, TDHL has investigating re-financing options that could unlock potential rate savings of approximately 0.9%.
- 9 The first step for TDHL in accessing LGFA funding is to apply to the LGFA Board to join. If successful, TDHL will subsequently review the structure and source of its borrowings based on the covenants negotiated with LGFA.
- 10 TDHL will report back to Council if the application is successful and upon completion of the review of its borrowing structure.

Options and Preferred Option

- 11 Option 1 – preferred option.
Resolve to approve that TDHL can apply to borrowing funds directly from the Local Government Funding Agency.
This will allow TDHL to apply to LGFA and subsequently review the structure of its borrowings.
- 12 Option 2
Do not approve TDHL application to join LGFA.
This will result in TDHL having to retain its existing borrowing arrangements.

Consultation

- 13 Not applicable.

Relevant Legislation, Council Policy and Plans

- 14 Local Government Act 2002

Financial and Funding Implications

- 15 At this stage of application, there are no financial or funding implications to Council.
- 16 Longer term options around the intercompany loan facility and any changes to the existing uncalled capital will be discussed with Council if the application to LGFA is successful. For clarity, a successful application does not automatically result in changes to TDHL's borrowing arrangements.
- 17 It is also noted that LGFA tests covenant compliance at a parent level rather than a group level. Therefore, any future changes to TDHL borrowings would not affect Councils borrowings.

Other Considerations

- 18 Not applicable.

Attachments

Nil

9.11 Council Investments and Borrowing**Author:** Ashlea Whyte, Finance Manager**Authoriser:** Andrea Rankin, Chief Financial Officer**Recommendation**

That the Commercial and Strategy Committee receives and notes the Council Investments and Borrowing report.

Purpose of Report

- 1 To update the Committee on the status of Council's treasury activities at 30 June 2023.

Assessment of Significance

- 2 This matter is assessed to be of low significance under the Council's Significance and Engagement Policy. This is a regular report to the Council on the status of Council's borrowing and investments. Council's Financial Strategy is consulted on as part of each Long Term Plan review cycle.

Background

- 3 Council's treasury management involves holding a range of investments and borrowing to fund long term capital projects and operational expenditure as agreed in the Annual Plan or Long Term Plan.
- 4 Council treasury activities are managed in compliance within the limits of the Council's Treasury Management Policy (TMP).
- 5 Bancorp Treasury Services Limited provide external treasury advice to Council on borrowing and investment decisions.
- 6 As at 31 December 2023, all transactions have been transacted in compliance with Council Policies and performance of Council Treasury activities are well managed.

Discussion

- 7 This report is to be read in conjunction with the attached detailed report titled "Treasury Reporting Dashboard – 31 December 2023".
- 8 Liquidity and Funding
 - (i) Liquidity and funding refers to total external Council drawn debt and undrawn bank facilities. The funding profiles and sources must agree with policy control limits.
 - (ii) Timaru District Council has access to three key sources of funding from the Local Government Funding Agency ("LGFA"). These are:
 - Commercial Paper ("CP") – unsecured money market instrument issued in the form of a promissory note;
 - Floating Rate Notes ("FRN") – debt instruments with variable interest rates; and

- Fixed Rate Bonds ("FRB") – fixed rate throughout the life of the bond.

(iii) Total borrowings as at 31 December 2023 were \$205.5 million. The net debt position at the same date is \$184.5 million. Net debt is total borrowings less cash reserves held by Council.

(iv) Debt to revenue ratio as at December 2023 is 158%. Council's debt to revenue ratio limit is 210% as set out in its Financial Strategy.

(v) All Liquidity and Funding limits are compliant with policies.

9 Interest Rate Risk

(i) The Interest rate risk section of the report refers to whether Council's hedging profile is within policy limits as well as the split between Fixed Debt and Floating cover.

(ii) The chart on the attached hedging profile on page 5 is based on 75% of LTP debt projections scenario which the Council believes is realistic and achievable. This illustrates that the Council is within the policy bands contained in the LTP.

(iii) All Up Weighted Average Cost of Funds Including Margin is 3.91%.

(iv) All interest rates are within policy bands.

(v) As at 31 December 2023, the Council has a total of \$61 million of interest rate swaps with various maturity start and end dates through to June 2028. The net increase in fair value gain on revaluation for the current quarter is \$1.1 million.

10 Investment Management

(i) Cash investments are broken down by special and general funds.

(ii) Special Funds are held for specific purposes as set out in the Long Term Plan, Annual Plan and Annual Report. These funds are invested for approved future expenditure, to implement strategic initiatives, support intergenerational allocations, bequests and other reserves.

(iii) General Funds are cash reserves held for day to day operating activities. General Fund balances fluctuate across the quarter depending on operational income and expenditure cash flows. Council has a financial strategy to maintain a minimum of \$10 million general funds for liquidity purposes.

(iv) The total cash investments of Council as at 31 December 2023 is \$19.8 million.

Attachments

1. Treasury Reporting Dashboard - 31 December 2023 [📄](#)



Treasury Reporting Dashboard

31 December 2023

STRICTLY PRIVATE AND CONFIDENTIAL



Economic Commentary

2

Global (for the December 2023 quarter)

The December quarter saw what has been described as epic moves in the benchmark US 10-year Treasury bond. The markets started the quarter with expectations of one further rate increase as the Fed reiterated its commitment to fighting inflation, concerns about the ability of the market to attract sufficient buyers to purchase US bonds as a result of the ever-increasing US deficits and continuing fallout from Fitch's downgrade of the US credit rating in early August.

These factors saw the 10 year yield hit 17-year highs, peaking at 5.02% on the 20th of October, however since then the fall in US bond yields has been startling, with the market moving from 'higher-for-longer' outlook, to one of 'we have seen the top and then to pricing in six rate cuts at one point, the US 10 year bond closed the year at 3.76%, which represented a remarkable 1.26% fall in 72 days.

The Fed released a dovish statement on the 13th of December, where it appeared to pivot from the prospect of raising rates in earlier statements to talk of three rate cuts in 2024, the market then seized on this statement and as indicated above moved to price in six rate cuts at one point. However, many commentators make a good argument that economic data has not yet validated these significant market moves, and it is premature given that the battle against inflation is far from won and that the concerns around government bond issuance and the possibility of further US credit rating downgrades continue.

Despite the above, from a global perspective, the US still stands out as one of the few bright lights as we enter 2024. China continues to struggle to recover from the lifting of its Covid-19 restrictions, with China consumer prices declining for a third month in December, highlighting persistent deflationary pressures. These factors remain a concern for global growth given China's standing as the world's second-largest economy.

European inflation has fallen significantly from the 10.6% highs seen in late 2022, November inflation had fallen to 2.4% (on an annual basis) but increased back to 2.9% in December after seven straight monthly declines as food prices rose and support for high energy bills ended in some countries. The rise in price levels fueled debate over how soon interest rate cuts could be expected from the European Central Bank.

Across the Tasman, the Reserve Bank of Australia continued to increase its cash rate to 4.35% in November. However, at its December meeting, it kept rates unchanged, stating that any further moves would be data-dependent, however, its tone was seen as relatively hawkish. There is a widely held perception that it sits six to twelve months behind the rest of the world in its inflation settings. Like New Zealand though it has high levels of immigration which has increased aggregate demand which may see inflation higher than it would be otherwise.

Geopolitical issues also weigh on the global economy with the Ukraine and Russian war dragging on and with the tragic events in Palestine spilling over into tensions in the Red Sea. The impact on the global economy is strained supply lines and higher shipping costs.

Economic Commentary

New Zealand (for the December 2023 quarter)

3

	OCR	90 day	2 years	3 years	5 years	7 years	10 years
30 Sep 2023	5.50%	5.74%	5.72%	5.48%	5.22%	5.17%	5.18%
31 Dec 2023	5.50%	5.63%	4.64%	4.32%	4.09%	4.07%	4.14%
Change	+0%	-0.11%	-1.08%	-1.16%	-1.23%	1.10%	-1.04%

December was a significant quarter, with the shape of the new government being known, a continuing hawkish Reserve Bank of New Zealand ("RBNZ"), a market which is challenging the RBNZ's stance by pricing in multiple rate cuts, poor economic data, and a divergence in views amongst economists.

The new coalition government's first piece of legislation was to change the RBNZ's mandate back to a single mandate, requiring the RBNZ's Monetary Policy Committee to target inflation, not price stability and "maximum sustainable employment". The change is not expected to materially impact the RBNZ's monetary policy settings.

On 29th November, the RBNZ's *Monetary Policy Statement* stated that *"The Committee is confident that the current level of the OCR is restricting demand. However, ongoing excess demand and inflationary pressures are of concern, given the elevated level of core inflation. If inflationary pressures were to be stronger than anticipated, the OCR would likely need to increase (rates) further"*.

However, this statement was effectively ignored by the market, as it instead focussed on the sharp fall in US Treasury bonds and then the higher-than-expected local unemployment data (September quarter unemployment up from 3.60% to 3.90%). This was followed by the release in December of the shocking third quarter GDP data which saw GDP contract by 0.3% versus expectations of a 0.3% increase. Even worse, Q2 GDP was revised downwards from 0.9% to 0.5%, occurring in a backdrop of soaring migration (at levels not seen since 1947) and the downward revision to the Q1 data once again put the country into recession for the six months ending 31st March 2023. The market then moved to a stance where it was pricing in 4-5 rate cuts in 2024.

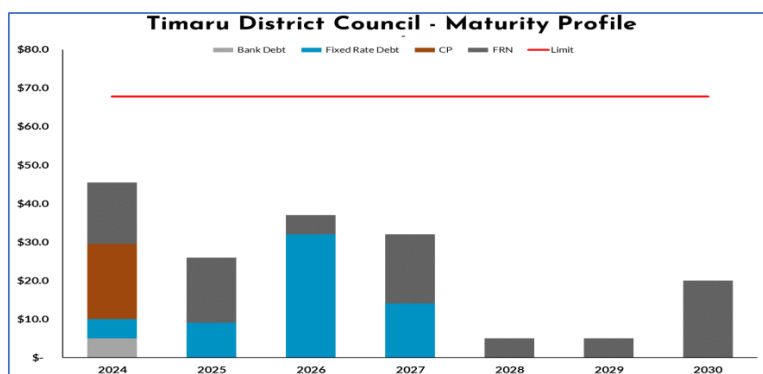
In looking at the bank's economists' views, we have a clear divergence in views, with some banks picking multiple rate cuts in 2024, with others such as Westpac and ANZ being much more cautious on the inflation outlook, particularly the sticky nature of non-tradeable inflation. By the end of the December, the markets were pricing in the first OCR cut in May 2024 and for it to fall to 4.0% by May 2025.

Swap rates saw significant levels of volatility, with the reference 5-year swap rate peaking at 5.40% in early October and falling to a low of 4.06% in late December (in very thin trading). The downward momentum was initiated by but falling US Treasury bond yields, a change to the Fed's dot plots (which inferred 3 rate cuts in 2024 and then the shocking Q3 GDP data).

The new government's policy agenda will be of interest with tax cuts potentially providing support to the economy which may see inflation remain higher for longer.

Liquidity and Funding

4



Debt

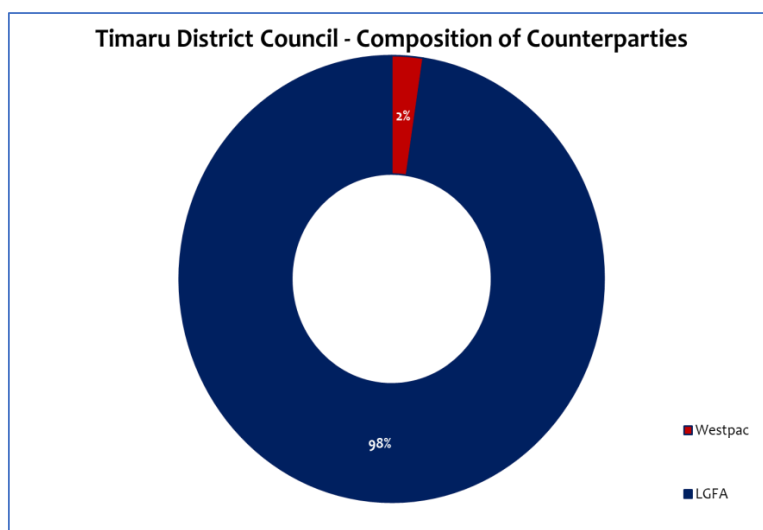
\$205.5m

Total External Council Drawn Debt

LGFA

\$205.5m

Funds Drawn from LGFA



Net debt

\$184.5m

Debt, less cash, term deposits and SFP bond investments

Headroom/Bank facility

\$5.0m

Undrawn Bank Facilities

Liquidity Ratio (minimum LGFA requirement 110%)

112.65%

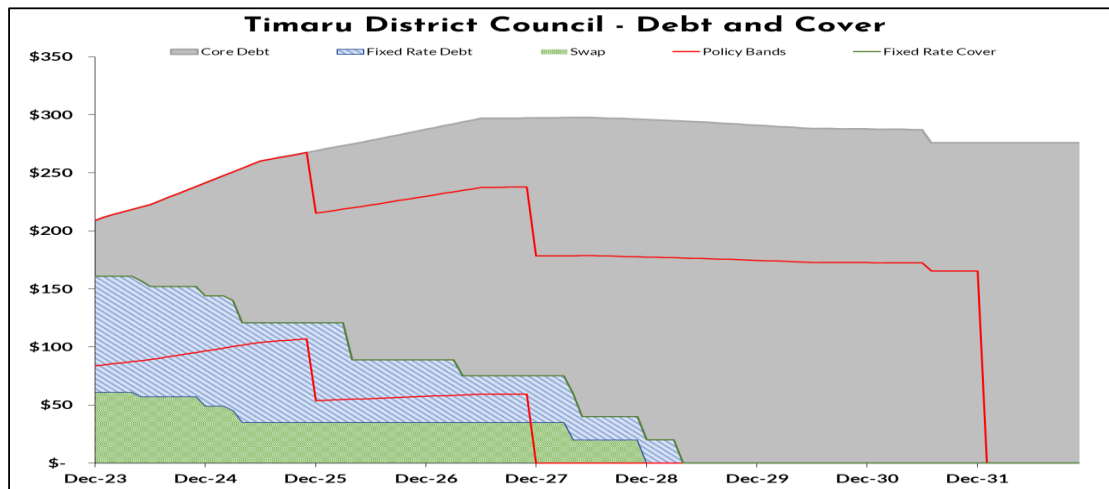
Definition: (Cash + term deposits + longer dated financial assets that can be sold + committed undrawn bank facilities+ Drawn Debt)/Drawn Debt

Policy Bands			
	Minimum	Maximum	
0 - 2 years	40%	100%	Compliant
2 - 4 years	20%	80%	Compliant
4 - 8 years	0%	60%	Compliant

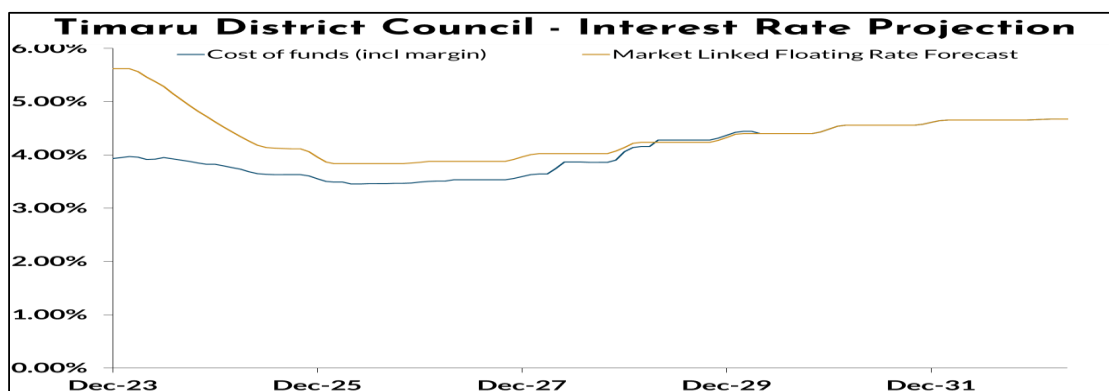
Policy Compliance	Compliant	Flag
Have all transactions been transacted in compliance with policy?	Yes	
Is fixed interest rate cover within policy control limits?	Yes	
Is the funding maturity profile within policy control limits?	Yes	
Is liquidity within policy control limits?	Yes	
Are all counterparty exposures within policy control limits?	Yes	

Interest Rate Risk

5



Current % of Debt Fixed	77.0%
Current % of Debt Floating	23.0%
Value of Fixed Rate (m)	\$161.0
Weighted Average Cost of Fixed Rate Instruments	3.13%
Weighted Average Cost of Fixed Rate Instruments (incl margin)	3.30%
Value of Forward Starting Cover	\$0.0
Value of Floating Rate (m)	\$48.0
Current Floating Rate	5.55%
Current Floating Rate (incl margin)	5.99%
All Up Weighted Average Cost of Funds Including Margin	3.91%
Total Facilities In Place	\$205.5



Investment Management

6

Special Funds Portfolio Summary

As of 31st December 2023, TDC's Special Funds Portfolio ("SFP") had a nominal value of \$1,170,000 and a market value of \$1,100,537. The makeup of the SFP as of 31 December, including its valuation, is shown in the following table.

Issue	Rating	Maturity Date	Nominal Value	Coupon Rate	Purchase Yield	Yield	Duration	Capital Price	Accrued Interest	Gross Price
Meridian	BBB+	27-Jun-25	\$170,000	4.21%	4.20%	5.52%	1.42	\$166,857	\$78	\$166,935
ANZ	A-	17-Sep-26	\$1,000,000	3.00%	3.00%	6.04%	2.52	\$924,948	\$8,654	\$933,602
Total			\$1,170,000	3.18%	3.01%	5.96%	2.57	\$1,091,805	\$8,732	\$1,100,537

LGFA Borrowing Rates

7

As at 31 December 2023

Listed below are the credit spreads and applicable interest rates as at the end of December for Commercial Paper ("CP"), Floating Rate Notes ("FRN") and Fixed Rate Bonds ("FRB"), at Timaru District Council could source debt from the Local Government Funding Agency ("LGFA").

Maturity	Margin	FRN (or CP Rate)	FRB
3-month CP	0.15%	5.78%	N/A
6-month CP	0.20%	5.86%	N/A
April 2024	0.34%	5.97%	6.03%
April 2025	0.40%	6.03%	5.83%
April 2026	0.46%	6.09%	5.53%
April 2027	0.56%	6.19%	5.43%
May 2028	0.71%	6.34%	5.44%
April 2029	0.78%	6.41%	5.42%
May 2030	0.82%	6.45%	5.44%
May 2031	0.94%	6.57%	5.56%
April 2033	0.98%	6.61%	5.66%
May 2035	1.07%	6.70%	5.80%
April 2037	1.09%	6.72%	5.91%

Funding

8

As at 31st December 2023, TDC had \$205.5 million of core debt, all of which is sourced from the LGFA using FRNs, and FRBs. TDC also has a bank facility with Westpac Bank for \$5.0 million which matures in October 2024. Details of TDC's drawn debt as at 31st December 2023 is as follows:

Instrument	Maturity	Yield	Margin	Amount
LGFA CP	18-Mar-24	5.82%	N/A	\$19,579,806
LGFA FRN	15-Apr-24	6.20%	0.49%	\$5,000,000
LGFA FRN	15-Apr-24	6.13%	0.42%	\$5,000,000
LGFA FRN	15-Apr-24	6.10%	0.39%	\$6,000,000
LGFA FRB	15-Jun-24	3.40%	N/A	\$5,000,000
LGFA FRB	15-Apr-25	3.87%	N/A	\$5,000,000
LGFA FRN	15-Apr-25	6.13%	0.42%	\$5,000,000
LGFA FRN	15-Apr-25	6.05%	0.34%	\$5,000,000
LGFA FRN	15-Apr-25	6.18%	0.47%	\$7,000,000
LGFA FRB	15-Apr-25	5.50%	N/A	\$4,000,000
LGFA FRB	15-Apr-26	1.63%	N/A	\$10,000,000
LGFA FRN	15-Apr-26	6.09%	0.38%	\$5,000,000
LGFA FRB	15-Apr-26	5.32%	N/A	\$4,000,000
LGFA FRB	15-Apr-26	5.08%	N/A	\$8,000,000
LGFA FRB	15-Apr-26	5.31%	N/A	\$10,000,000
LGFA FRB	15-Apr-27	1.84%	N/A	\$10,000,000
LGFA FRN	15-Apr-27	6.13%	0.42%	\$10,000,000
LGFA FRB	15-Apr-27	5.21%	N/A	\$4,000,000
LGFA FRN	15-Apr-27	6.32%	0.61%	\$8,000,000
LGFA FRB	15-May-28	2.09%	N/A	\$20,000,000
LGFA FRN	15-May-28	6.22%	0.58%	\$5,000,000
LGFA FRB	20-Apr-29	2.25%	N/A	\$20,000,000
LGFA FRN	20-Apr-29	6.30%	0.63%	\$5,000,000
LGFA FRN	15-Apr-30	6.25%	0.54%	\$10,000,000
LGFA FRN	15-Apr-30	6.38%	0.67%	\$10,000,000

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9.12 Proposed District Plan Hearing Update

Author: Hamish Barrell, Planning Manager - Consents, Compliance & Strategy

Authoriser: Paul Cooper, Group Manager Environmental Services

Recommendation

That Council receives this briefing 'Proposed District Plan Hearing Update' and notes the contents.

Purpose of Report

- 1 This report provides to Council an update for information on the revised schedule and organisation for the Proposed District Plan hearing process, including that of decision makers, staff and consultants.
- 2 Management considers that this matter be considered in open session.

Assessment of Significance

- 3 In terms of Council's Significance and Engagement Policy, this matter being an update is of low significance as it does not directly affect levels of service, strategic assets or rates.
- 4 That being said, it relates to a process of change for one of Council's key policies. The District Plan process is considered to carry a high level of significance and is proceeding in accordance with what has been previously authorised. Refer to Council report from October 2023 where Council approved that any and each District Plan Hearing Panel be heard by at least three members of the Hearings Panel that comprise of at least one Councillor and at least two Commissioners.



Discussion

- 5 The Proposed District Plan was notified in September 2022. Over 280 submitters and 85 further submitters made a total of 5300 and 3000 submission points respectively, with 170 wishing to be heard.
- 6 The District Plan hearings are scheduled to get underway in May 2024, which potentially allows time for some measure of re-notification around the summary of decisions to ensure that the many submission points have been accurately captured. The Minister will also be requested to allow for an extension of time later this year so as to conclude the hearing process.
- 7 The first hearing encompasses overarching matters and high-level strategic directions. Subsequent hearings, relating to key topics, themes, and chapters, are spaced out to provide the ability for deliberations and responses from the Panel. Depending on how many Variations are warranted there will be between 6 and 9 hearings. The hearings are expected to be concluded by the end of next year as set out in attachment 1.
- 8 The Chair of the Hearings Panel is Cindy Robinson. Cindy Robinson is a Christchurch based specialist resource management lawyer and an experienced Independent Hearings Commissioner with Chair endorsement. Cindy has worked in the resource management field

for 30 years. Cindy was a partner in a Christchurch law firm from 2000-2009 and since that time has been a sole practitioner specialising in decision making functions and related advisory roles under the Resource Management, Local Government and Sale and Supply of Alcohol Acts and related legislation.

- 9 The Chair will be supported by Planning Commissioners Ros Day-Cleavin and Jane Whyte, Iwi Commissioners Raewyn Solomon and Megan McKay and Clr Stacey Scott (details set out in attachment 2).
- 10 To run the hearings and provide advice to the Panel a bespoke District Plan team with a number of specialist roles have been or are in the process of being created from the existing Planning Unit including that of a newly created position of Manager – District Plan. The team are backed by a wide range of consultants to cover specialist topics and/or legal aspects.
- 11 In conclusion it is noted that late last year the new Government repealed the Natural and Built Environment and Spatial Planning Act 2023. It also signalled its intention to make various changes to current National Direction, whilst reconsidering the previous focus of RM Reform. Until the intention and timing of any changes becomes clearer it can't be speculated what implications this may have for the Proposed District Plan, if any, and matters will be assessed during the hearings based on the national and regional planning framework in place at the time.

Attachments

1. **PDP Hearings schedule for 2024-25** [↓](#) 
2. **PDP Hearing Panel Profiles** [↓](#) 

Hearings Schedule

The Hearings Schedule below contains the topics and chapters of each hearing for the Proposed Timaru District Plan. It is important to note the following:

- The Hearings Schedule is indicative and may be subject to change.
- Hearing Notice will be serviced on all parties with hearing dates, times, location and the procedure prior to each hearing.
- Prior to each hearing a hearing stream webpage will open containing the following information:
 - A list of submitter names to be heard in that hearing (released 20 working days prior to each hearing).
 - Section 42a reports published for that hearing (released 20 working days prior to each hearing).
 - Any additional information relevant to that hearing (minutes from the Panel, Joint Witness Statements etc).
 - Submitter evidence and legal submissions.

Hearing	Chapters to be considered	Hearing Dates
Hearing A -	Part 1 - Introduction and General Provisions	May 2024
Overarching Matters	<ul style="list-style-type: none">• Foreword or mihi	
Part 1 - Introduction and General Provisions	<ul style="list-style-type: none">• Contents• Purpose	
High level Strategic Directions	<ul style="list-style-type: none">• Description of the district• Statutory context• General approach• Cross boundary matters• Relationships between spatial layers• Definitions - <i>General definitions only</i>• Abbreviations	

	<ul style="list-style-type: none"> • Glossary • National policy statements and New Zealand Coastal Policy Statement • National environmental standards • Regulations • Tangata whenua/mana whenua <p>Strategic Directions</p> <ul style="list-style-type: none"> • SD – Strategic Direction • UFD – Urban form and development 	
Hearing B -	B1	B1 July 2024
B1 Rural Zones	<ul style="list-style-type: none"> • GRUZ - General Rural Zone 	B2 July 2024
B2 Urban Zones	<ul style="list-style-type: none"> • RLZ - Rural Lifestyle Zone • SETZ - Settlement Zone • VS - Versatile Soil • Special Purpose Zones in Rural environment • Relevant Planning Maps • Relevant definitions 	
Note: submitters who have submitted on both subtopics will be allowed to speak in one of the hearings (B1 or B2) on both subtopics.		
Note: Māori Purpose Zone and Open Space Zones are in Hearing D.	B2	
	<ul style="list-style-type: none"> • GRZ - General Residential Zone • MRZ - Medium Density Residential Zone 	

	<ul style="list-style-type: none">• NCZ - Neighbourhood Centre Zone• LCZ - Local Centre Zone• LFRZ - Large Format Retail Zone• MUZ - Mixed Use Zone• TCZ - Town Centre Zone• CCZ - City Centre Zone• GIZ - General Industrial Zone• PORTZ - Port Zone• Special Purpose Zones in urban environment <p>Relevant Planning Maps</p> <p>Relevant definitions</p>
<p>Hearing C -</p> <p>Natural Environment</p> <p>Hazards and Risk</p>	<p>Hazards and Risks</p> <p>Sep 2024</p> <ul style="list-style-type: none">• CL - Contaminated Land• NH - Natural Hazards• HS - Hazardous Substances <p>Natural Environment</p> <ul style="list-style-type: none">• ECO - Ecosystems and Indigenous Biodiversity• NATC - Natural Character• NFL - Natural Features and Landscapes• PA - Public Access

	<ul style="list-style-type: none">• ASW - Activities on the Surface of Water• CE - Coastal Environment <p>Relevant Planning Maps</p> <p>Relevant definitions</p>	
<p>Hearing D -</p> <p>Cultural Values</p> <p>Open Space Zones</p>	<p>Cultural Values</p> <ul style="list-style-type: none">• HH - Historic Heritage• TREES - Notable Trees• SASM - Sites and Areas of Significance to Māori• MPZ - Māori Purpose Zone <p>Open Space Zones</p> <ul style="list-style-type: none">• NOSZ - Natural Open Space Zone• OSZ - Open Space Zone• SARZ - Sport and Active Recreation Zone <p>Relevant Planning Maps</p> <p>Relevant definitions</p>	<p>November 2024</p>
<p>Hearing E -</p>	<p>Infrastructure</p>	<p>February 2025</p>

Infrastructure	<ul style="list-style-type: none">• EI - Energy and Infrastructure
Subdivision	<ul style="list-style-type: none">• SW - Stormwater Management
Growth	<ul style="list-style-type: none">• TRAN - Transport• DWP - Drinking Water Protection
	Subdivision
	<ul style="list-style-type: none">• SUB - Subdivision• FC - Financial Contribution
	Growth
	<ul style="list-style-type: none">• FDA - Future Development Area• DEV1 - Brouchs Gully Residential Development Area• DEV2 - Gleniti Residential Development Area• DEV3 - Washdyke Industrial Development Area• DEV4 - Temuka North West Residential Development Area• Rezone request for growth<ul style="list-style-type: none">◦ <i>a short s42A report identifying information required for each rezone request will be released in July 2024;</i>◦ <i>submitters to provide required information by October 2024.</i>

Relevant Planning Maps		
Relevant Definitions		
Hearing F	General District-Wide Matters	April 2025
Other District-wide Matters	<ul style="list-style-type: none">EW - EarthworksLIGHT - LightNOISE - Noise-SIGN - SignsTEMP - Temporary activitiesRELO - Relocated Buildings and Shipping ContainersSIGN - SignsTREES - Notable Trees	
Designations		
	Designations	
	<ul style="list-style-type: none">CNZ - Chorus NZ LtdECAN - Canterbury Regional CouncilKRH - KiwiRail Holdings LtdMEDU - Minister of EducationMJUS - Minister of JusticeMPOL - Minister of Police / NZ PoliceMSNZ - Meteorological Service of New Zealand LimitedNZTA - New Zealand Transport Agency	

	<ul style="list-style-type: none">• SPK – Spark New Zealand Trading Limited• TDC - Timaru District Council <p>Relevant Planning Maps</p> <p>Relevant Definitions</p>	
Hearing G Variation 1	Place holder for mandatory national directions which requires immediate implication	July 2025
Hearing H Variation 2	Place holder for potential Variation to rezone FDA1 & FDA2	Sep 2025
Hearing I Sweep Up	TBC	November 2025

Hearing Panel Commissioner Profiles

Cindy Robinson - Chair

Cindy Robinson is a Christchurch based specialist resource management lawyer and an experienced Independent Hearings Commissioner with Chair endorsement. Cindy has worked in the resource management field for 30 years. Cindy was a partner in a Christchurch law firm from 2000-2009 and since that time has been a sole practitioner specialising in decision making functions and related advisory roles under the Resource Management, Local Government and Sale and Supply of Alcohol Acts and related legislation.

Megen Mckay

Megen McKay is an experienced Director and Independent Hearing Commissioner, and recent appointee onto Selwyn District Council to represent Taumutu Rūnanga. She has broad governance and management experience in commercial, not-for-profit, and public service sectors - as a board member, senior manager, private practice lawyer (Associate level), strategic advisor and political engagement consultant. As an accredited Commissioner, Megen provides specialist knowledge of legal matters, Māori communities and tikanga, to enable good public decision-making. Megen holds various leadership roles within her Ruahikihiki hapū community and has a reputation for enabling strategic partnering with mana whenua for enduring outcomes for hapū and wider communities.

Rosalind Day-Cleavin

Ros Day-Cleavin is an experienced resource management planner with 25 years' experience across the local government, central government, private practice, and tertiary education sectors. She is an accredited and experienced RMA Hearings Commissioner (chair endorsement) with recent commissioner experience on the district plan review panel in the MacKenzie District and on the panel for a private plan change in the Waimakariri District. Based in Dunedin, she undertakes commissioner roles throughout Otago and Canterbury regions.

Raewyn Solomon

Raewyn Solomon has experience and knowledge of Ngai Tahu iwi values and locality specific hapu values - Ngati Kuri and Ngai Te Ruahikihiki. Values and knowledge gained from her coastal, rural upbringing and from 18 years' experience and employment with Te Runanga o Kaikoura. She is now employed by Te Taumutu Runanga as an environmental adviser and project manager for marae based environmental projects. Her experience includes engagement and advocacy in environmental processes, IMP development and implementation, project management marae based, funding and

	<p>budgets, permitting, engaging service providers, archaeological and cultural monitoring processes, hapua, river and repo restoration. In tandem to this, Raewyn has 23 years hearing experience including with: District councils - plan reviews (Kaikoura, Tasman, Selwyn and current McKenzie DP review), plan changes, variations, a reserve management plan and numerous resource consents</p> <p>Canterbury Regional Council LWRP – including several plan changes as well as variation 1 and 2, an omnibus (PC7, PC2), (eg) river/flow allocation plans, a stormwater management plan as well as various resource consent hearings. Environmental Protection Authority - Board of Inquiry – Stage 2 Southern Motorway.</p>
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Jane Whyte

No photo provided

Jane Whyte is a Christchurch based planning consultant. She has a wide range of experience having worked in planning and resource management, within local and central government and in private practice for over 30 years. A key focus of Jane's work has been on District and Regional Plan development and plan and policy implementation. She has undertaken this work from a range of perspectives, including as decision maker, advisor and expert witness. She is an accredited Hearing Commissioner (chair endorsement) and has been a Hearing Commissioner on a number of private plan changes and resource consents within Canterbury.

Stacy Scott



Stacey Scott is a Timaru District Councillor and accredited RMA Hearings Commissioner. Born and raised in Timaru, Stacey is a proud and passionate member of the community. Stacey leaves with her husband and children in Lyalldale, St Andrews on a 750ha mixed arable cropping farm. For the past 16 years Stacey has been running her own business, delivering project management and administration services in the region. Her business works across both private, public and the not-for-profit sectors.

10 Consideration of Urgent Business Items

11 Consideration of Minor Nature Matters

12 Public Forum Items Requiring Consideration

13 Exclusion of Public

13.1 Public Excluded Minutes of the Council Meeting held on 28 November 2023

13.2 Parks Section 17a Review

Recommendation

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Plain English Reason
13.1 - Public Excluded Minutes of the Council Meeting held on 28 November 2023	<p>s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p> <p>s7(2)(h) - The withholding of the information is necessary to enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - The withholding of the information is necessary to enable the Council to carry out, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>To protect a person's privacy, including the privacy of deceased persons</p> <p>To enable Council to carry out commercial activities</p> <p>To enable Council to carry out commercial or industrial negotiations</p>
13.2 - Parks Section 17a Review	<p>s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p> <p>s7(2)(i) - The withholding of the information is necessary to enable the Council to carry out, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>To protect a person's privacy, including the privacy of deceased persons</p> <p>To enable Council to carry out commercial or industrial negotiations</p>