



AGENDA

Emergency Council Meeting Tuesday, 20 October 2026

Date Tuesday, 20 October 2026

Time 9:00 am

Location Council Chamber
District Council Building
King George Place
Timaru

File Reference 1880920

Timaru District Council

Notice is hereby given that a meeting of the Emergency Council will be held in the Council Chamber, District Council Building, King George Place, Timaru, on Tuesday 20 October 2026, at 9:00 am.

Council Members

Mayor Nigel Bowen (Chairperson), Cllrs Stacey Scott, Peter Burt, Stu Piddington, Scott Shannon, Michelle Pye, Owen Jackson, Graeme Wilson, Chris Thomas and Philip Harper

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 Apologies**
- 2 Declaration of Conflict of Interest**

3 Reports

3.1 Stock Underpass – Muff Road and Ohapi Settlement Road. Policy Exemption Request

Author: William Ching, Infrastructure Planner

Authoriser: Susannah Ratahi, General Manager Land Transport / Acting General Manager Parks and Property

Recommendation

That Council:

- 1 Receives and notes the Stock Underpass Report Muff Road and Ohapi Settlement Road;
- 2 Approves the installation of a stock underpass at approximately RP2.946 on Muff Road and RP0.285 on Ohapi Settlement Road, with a minimum structure length of approximately 16.0m, subject to all required engineering approvals and statutory consents;
- 3 Approves an exemption under Clause 4.3 of the Stock Underpass Policy to allow the Muff Road and Ohapi Settlement Road underpass structures to extend approximately 16.0m within the approximately 20m legal road reserve, rather than the full width of the road reserve;

Notes that:

- 4 No Council or NZTA funding contribution is being requested for the installation;
- 5 All investigation, design, consenting, legal, construction, traffic-management, inspection, maintenance, renewal, alteration, removal, reinstatement, and ongoing liability costs associated with either crossing remain the responsibility of the landowner;
- 6 All required resource consents, building consents, corridor access approvals and legal agreements must be obtained before construction, or installation work commences.

Purpose of Report

- 1 The purpose of this report is to seek Council approval for a stock underpass on Muff Road and Ohapi Settlement Road that does not fully comply with the current Stock Underpass Policy.

Assessment of Significance

- 2 This matter is considered to be of low significance under Council's Significance and Engagement Policy. It relates to site-specific infrastructure and operational approvals on low-volume rural roads and does not materially alter Council's strategic direction or financial position.
- 3 The decision does not commit Council or NZTA to funding the works. All costs and liabilities would remain with the landowner under the relevant approvals and legal agreements.

Background

- 4 Council has received a request from the adjacent landowner for permanent stock-crossing arrangements on Muff Road and Ohapi Settlement Road to support farm operations.

- 5 Both Muff Road and Ohapi Settlement Road have approvals for 20.0m underpasses.
- 6 On Muff Road, the applicant originally proposed a 20.0m box-culvert underpass that went boundary to boundary in line with policy. During construction, the contractor onsite made an error with the location of wing walls and has requested that a 16.0m underpass be approved. The proposed location is approximately RP2.946. The road has an approximately 6m sealed carriageway, carries approximately 386 vehicles per day including 18% heavy vehicles, estimated September 2026 and has a 100km/h speed environment.
- 7 The Muff Road underpass was approved based on a 20.0m structure extending across the road reserve. During construction, the contractor made an error in the location of the wing walls. As a result, the structure preparation work does not comply with the approved 20.0m arrangement, and an exemption is now being sought to allow a minimum structure length of approximately 16.0m.
- 8 The request for an exemption arises from a contractor error and not from a change initiated by Council. Consideration of the exemption does not transfer responsibility for the works to Council. All costs associated with the crossing, including investigation, design, consenting, legal, construction, alteration, removal, and reinstatement, remain the responsibility of the landowner under the required approvals and legal agreement.
- 9 The information available to staff identifies a contractor error relating to the location of the wing walls as the reason for the Muff Road request. The report does not identify cost reduction by the applicant as the reason for the requested exemption.
- 10 A road safety assessment during construction of the Muff Road underpass found that the abutments and wingwalls extend approximately 2.0m into the road reserve and sit approximately 4.4m from the carriageway edge, aligned with the existing power pole corridor.
- 11 On Ohapi Settlement Road, the applicant originally proposed a 20.0m box-culvert underpass that went boundary to boundary in line with policy. There has since been a request to reduce the underpass to a 16.0m width. The proposed location is approximately RP0.285. The road has an approximately 5.9m sealed carriageway, carries approximately 25 vehicles per day including 11% heavy vehicles, estimate September 2026, and has a 100km/h speed environment.
- 12 However, the Stock Underpass Policy envisages situations where this may not be ideal or necessary and provides elected members the discretion to approve such instances on a case-by-case basis if they are satisfied that it is appropriate in the circumstances and that any risks can be adequately mitigated.
- 13 Clause 4.3 of the policy states that, "Stock underpasses shall be constructed under the entire road reserve boundary, with the structure entrances within private property, unless specific approval is granted by Council. The legal road reserve at the proposed both Muff Road and Ohapi Settlement Road sites is approximately 20m wide.
- 14 In this instance, officers recommend that this be permitted because of the reasons contained within the report, and note that if Council were to approve this, the decision would be consistent with the current policy.

Discussion

- 15 The intent of the full-road-reserve policy requirement is to preserve Council's ability to use the legal corridor for future road widening, drainage, utilities, and other public works. The risk created by a shorter structure can be managed through detailed engineering review and a

- legal agreement requiring the landowner to extend, alter, remove, or reinstate the structure at their cost if the wider road reserve is required in future.
- 16 The 20.0m requirement reflects the approximate width of the legal road reserve rather than the width of the existing sealed carriageway. Its purpose is to preserve Council's ability to use the full legal corridor for future road widening, drainage, utilities, and other public works.
 - 17 Muff Road currently has an approximately 6.0m sealed carriageway and carries approximately 386 vehicles per day, including approximately 18% heavy vehicles. The underpass abutments and wingwalls are approximately 4.4m from the carriageway edge and align with the existing power-pole corridor. There is an existing cattle underpass on Muff Road with the same dimensions.
 - 18 A shorter structure could affect Council's future use of the wider road reserve. This risk would be managed through an appropriate legal agreement giving Council the ability to require the landowner to extend, alter, remove, or reinstate the structure at the landowner's cost if the road reserve is required for future public works.
 - 19 Regardless of the option selected, all costs associated with any new crossing infrastructure and all related ownership, maintenance and liability obligations should rest with the landowner and be secured through an appropriate legal instrument for occupation of the road reserve.
 - 20 As the proposal departs from the adopted policy position, staff consider it appropriate for Council to make the decision on whether an exemption should be granted in these instances.
 - 21 Council retains the option of requiring the works to proceed in accordance with the existing approval and current Stock Underpass Policy. This is reflected in Option 2. The alternative is presented because Clause 3 allows a departure from the full-road-reserve requirement where specific approval is granted by Council. Council is therefore being asked to determine whether the site-specific circumstances justify an exemption.
 - 22 The decision before Council is not whether responsibility for the construction error should transfer to Council. Rather, Council must determine whether strict adherence to the existing 20.0m approval remains necessary in the circumstances, or whether the identified risks associated with a reduced structure can be satisfactorily managed through engineering requirements and legal protections while all associated costs and liabilities remain with the landowner.
 - 23 The duration of the Muff Road closure and its impact on road users are relevant considerations in assessing the available options. Approval of the modified arrangement may avoid works that would otherwise be necessary to achieve the approved 20.0m arrangement.
 - 24 The New Zealand Transport Agency (NZTA) relevant monetised benefits calculation puts the cost of the six - twelve-kilometre detour at between \$2000-\$4500 per day to account for additional travel time and vehicle operating costs.
 - 25 Council acknowledges that the continuing road closure has resulted in inconvenience to road users. The impact of the respective options on the continuation of the closure is therefore one of the matters Council may consider alongside safety, policy compliance, and protection of the future road corridor.

Options and Preferred Option

- 26 **Option 1** is to approve the installation of minimum 16.0m stock underpasses on both Muff Road and Ohapi Settlement Road. This allows the works to proceed while the risk to future use of the road reserve is managed through engineering review and a legal agreement requiring the landowner to extend, alter or remove the structures at their cost if needed. It is expected if this option is selected, Muff Road will be open to Traffic in mid- late November.
- 27 **Option 2** is to decline the request to reduce the underpasses to 16.0m. The existing approvals for 20.0m underpasses on both Muff Road and Ohapi Settlement Road would remain in place, and the landowner could proceed with construction in accordance with those approvals and the current Stock Underpass Policy. This would maintain strict consistency with current policy and preserve maximum future flexibility in the road corridor.

Consultation

- 28 No formal public consultation has been undertaken or is considered necessary due to the low significance and site-specific nature of the proposal.
- 29 Internal consultation has been undertaken with relevant Land Transport staff regarding operational and corridor management considerations.

Relevant Legislation, Council Policy, and Plans

- 30 Local Government Act 2002.
- 31 Land Transport Act 1998.
- 32 Local Government Act 1974.
- 33 Building Act 2004.
- 34 Land Transport (Road User) Rule 2004.
- 35 Resource Management Act 1991.
- 36 Health and Safety at Work Act 2015.
- 37 Stock Underpass Policy.
- 38 Approval of this request would constitute an exemption under Clause 3 of the Stock Underpass Policy based on the circumstances of these sites. Any future request for an exemption would require consideration on its own circumstances against the applicable policy and technical requirements.
- 39 The current Stock Underpass Policy remains the applicable policy for this decision. Any review does not alter the requirement for Council to determine the current exemption request against the policy presently in force.

Financial and Funding Implications

- 40 No Council or NZTA funding contribution is being requested for the proposed stock underpass.
- 41 All costs associated with the design, consenting, construction, maintenance, inspection, renewal, alteration, or removal of the structure will remain the responsibility of the landowner.

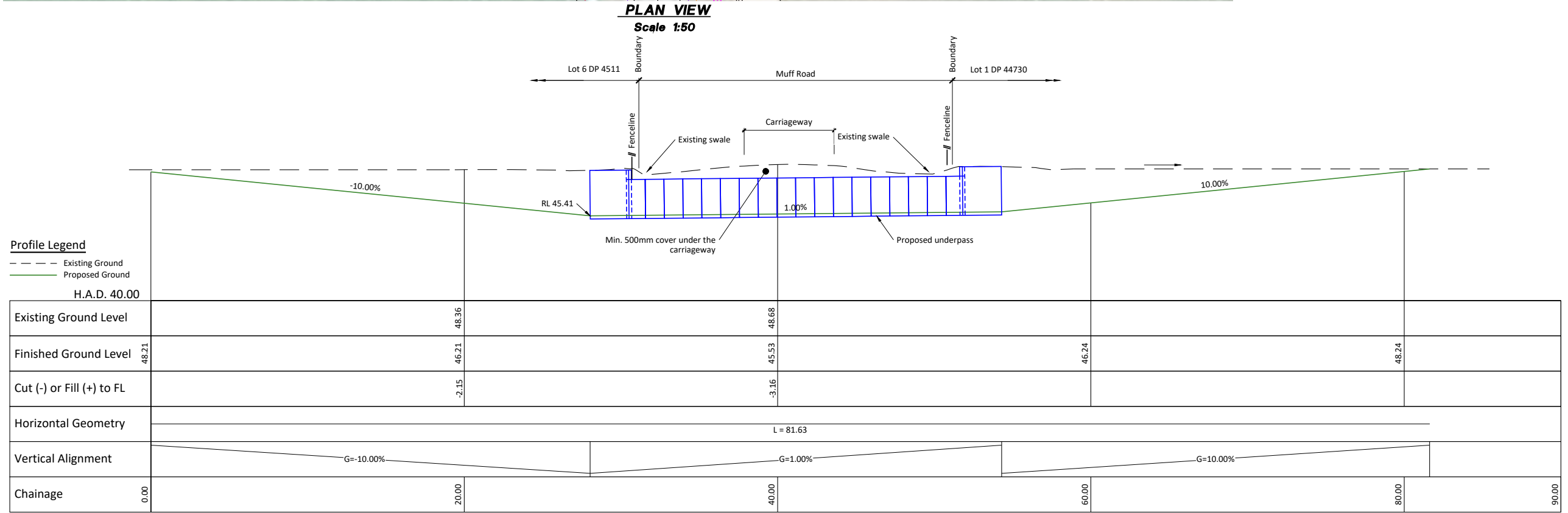
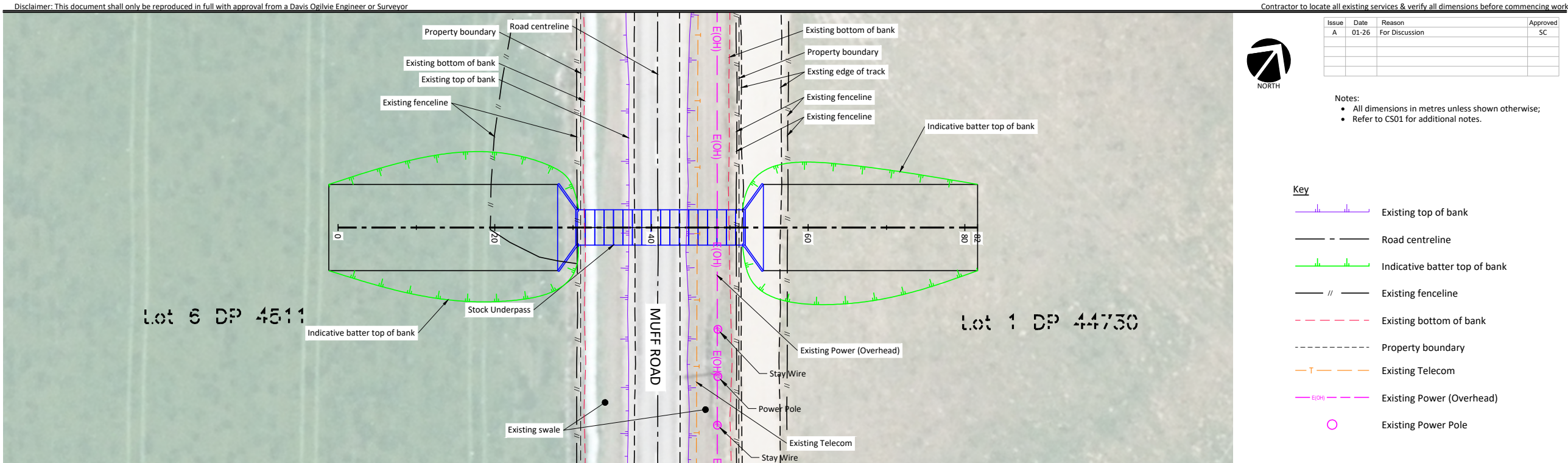
- 42 Any administrative, engineering, legal, or corridor management costs associated with processing the application and associated approvals will be recovered in accordance with Council's Fees and Charges Schedule where applicable.
- 43 Approval of the exemption would not constitute a Council funding contribution to remedy the circumstances giving rise to the application. The landowner will remain responsible for the costs associated with the crossing and the required approvals and legal arrangements.

Other Considerations

- 44 Should approval be granted, the applicant will still be required to obtain updated:
- 44.1 a Services Consent and/or Corridor Access approval;
 - 44.2 a Licence to Occupy, Deed of Grant, lease, or other legal agreement as required by Council;
 - 44.3 all required building and resource consents; and
 - 44.4 any other approvals identified through detailed design review.
- 45 The legal agreement should record ownership, inspection, access, maintenance, renewal, liability, insurance, alteration, removal, and reinstatement responsibilities, including Council's right to require changes at the landowner's cost if the road reserve is needed for future public works.
- 46 All future maintenance, inspections, renewal, and liability associated with the structure will remain the responsibility of the landowner.

Attachments

1. **Muff Road Underpass Plan**  
2. **Ohapi Settlement Road Underpass Plan**  



Longsection: Section

Scale: Horizontal 1:250; Vertical 1:250 @ A3

FOR DISCUSSION
NOT FOR CONSTRUCTION

CAD ref: C:\12d5\data\DO-TIMARU\31040 TM - Muff Road, Orari Temuka_11493\06 CADD\Draw\31040-Feasibility Plan.dwg

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P.O. Box 359 Timaru, NZ
Ph. 03 688 8350 / 0800 888 350
Also - Nelson, Christchurch, Greymouth

JACKO CONTRACTING AND CONSULTING LIMITED
MUFF ROAD ORARI TEMUKA

PRELIMINARY DESIGN
FEASIBILITY PLAN

Design SZ	Drawn SZ	QA Check SC	DWG FP01	Issue A
Scale @ A3	Date 02-26	File 31040		
AS SHOWN				

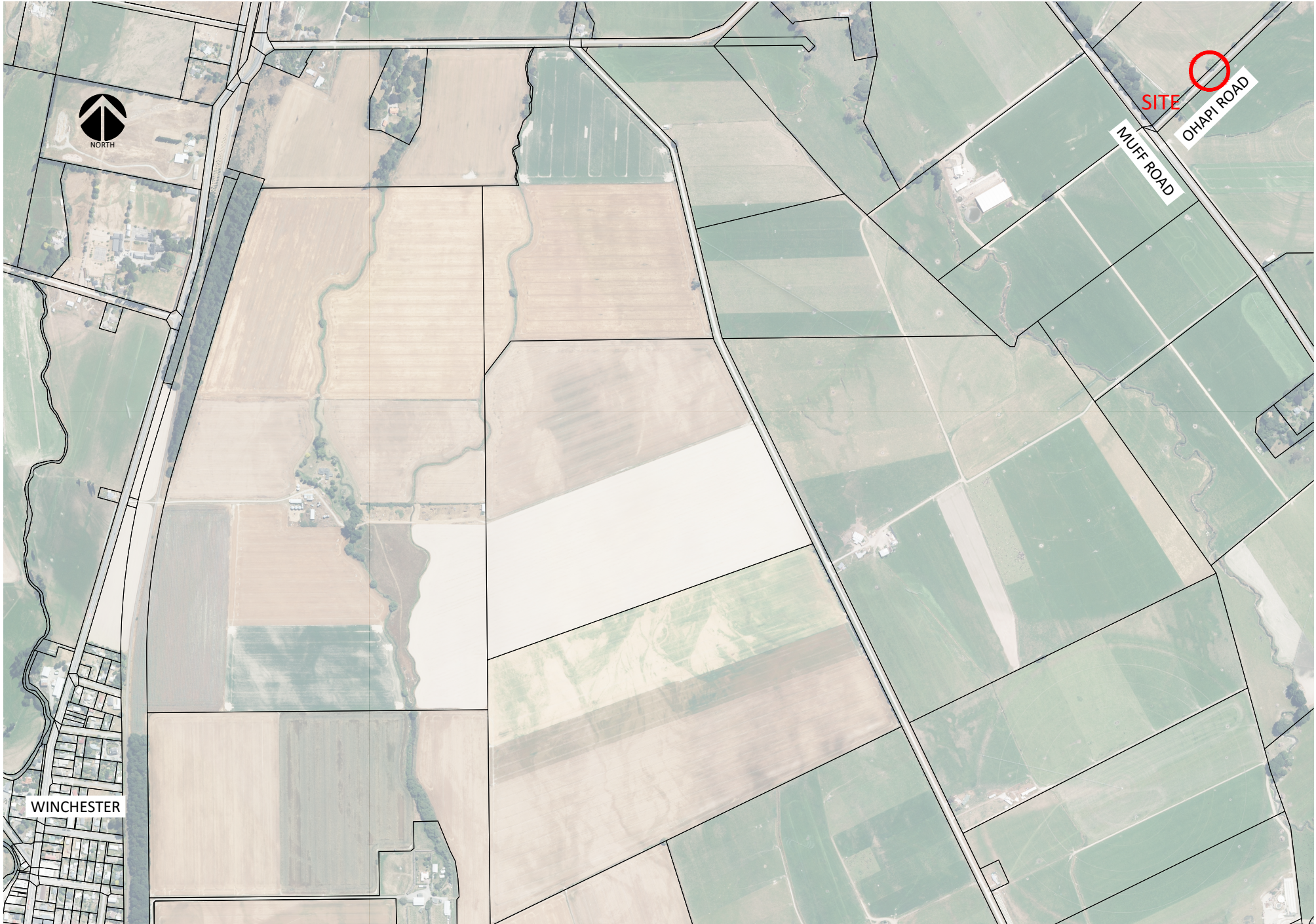
Disclaimer: This document shall only be reproduced in full with approval from a Davis Ogilvie Engineer or Surveyor

Contractor to locate all existing services & verify all dimensions before commencing work

Issue	Date	Reason	Approved
A	03-26	For Discussion	SC

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OHAPI-SETTLEMENT ROAD, WINCHESTER



- Notes:
- All dimensions in metres unless shown otherwise;
 - Existing boundaries and aerial map adopted from LINZ online database;
 - Horizontal Datum is New Zealand Transverse Mercator Projection;
 - Vertical Datum is NZVD 2016;
 - All earthworks are to be carried out in accordance with NZS 4431:2022. "Code of Practice for earth fill for residential purposes" and Davis Ogilvie Specifications;
 - Top survey carried out by Davis Ogilvie (Aoraki) Ltd;
 - Existing services located within the proposed works area, are not necessarily shown on this plan. It is the Contractor's responsibility to locate and protect all existing services, including liaison with the relevant service authority, council or land owner;
 - Contractor is responsible for obtaining all statutory approvals including Work Access Permits (WAP), Corridor Access Requests (CAR), shut down permits, and any necessary consents for temporary works prior to commencement of construction.

FOR DISCUSSION
NOT FOR CONSTRUCTION

CAD ref: C:\12d5\data\DO-TIMARU\31056 TM - Ohapi-Settlement Road, Winchester_11509\06 CADD\Draw\31056-Cover Sheet.dwg

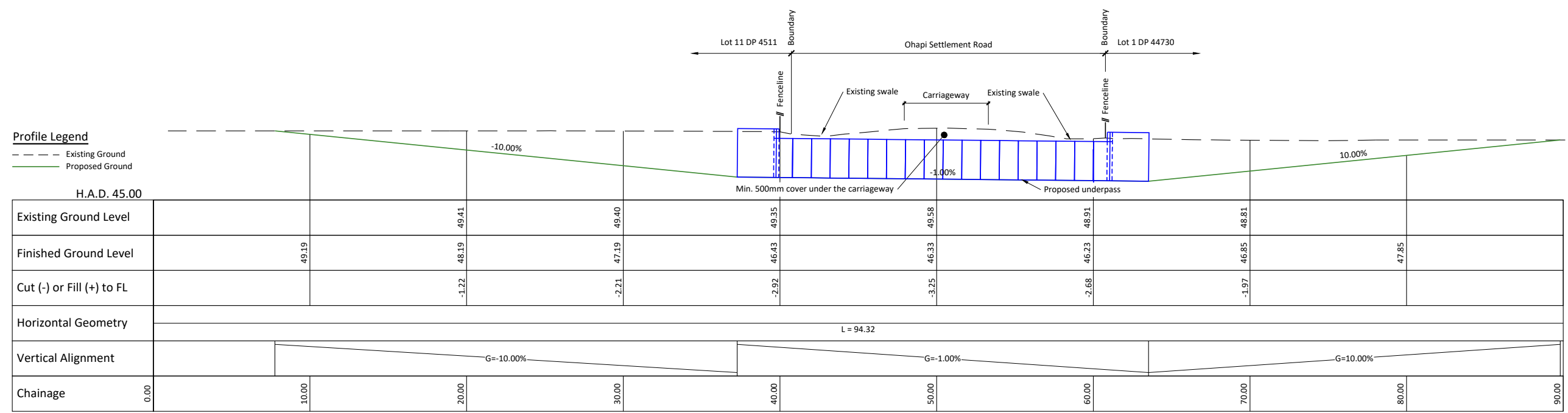
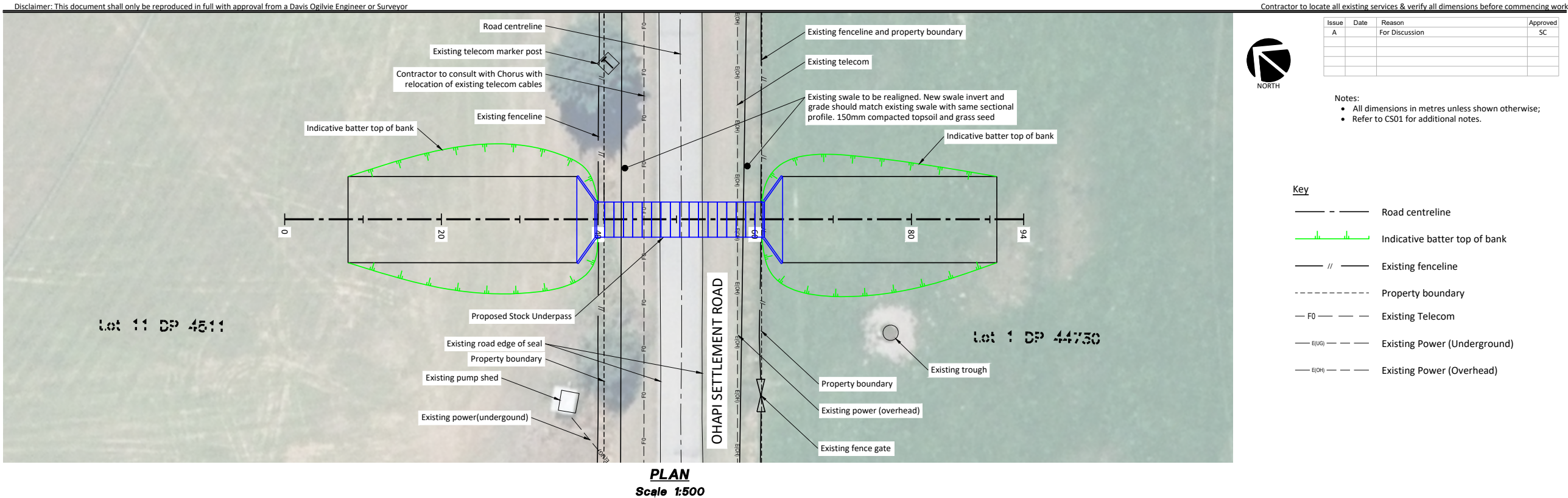


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JACKO CONTRACTING AND CONSULTING LIMITED
OHAPI-SETTLEMENT ROAD, WINCHESTER

ENGINEERING DESIGN
COVER SHEET

Design	Drawn	QA Check	DWG	Issue
SZ	SZ	SC	CS01	A
Scale @ A3	Date	File		
N.T.S	03-26	30156		



Longsection: Underpass

Scale: Horizontal 1:250; Vertical 1:250 @ A3

FOR DISCUSSION
NOT FOR CONSTRUCTION

CAD ref: C:\2d5\data\DO-TIMARU\31056 TM - Ohapi-Settlement Road_Winchester_11509\06 CADD\Draw\31056-Feasibility Plan.dwg

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OHAPI-SETTLEMENT ROAD, WINCHESTER

ENGINEERING DESIGN
FEASIBILITY PLAN

Design SZ	Drawn SZ	QA Check SC	DWG FP01	Issue A
Scale @ A3	Date 03-26	File 30156		
AS SHOWN				

4 Exclusion of Public

Recommendation

That the public be excluded from—

- *(a)the whole of the proceedings of this meeting; or
- *(b)the following parts of the proceedings of this meeting, namely,—

4.1 Contract 2813 - Stafford Street and Barnard Street Water Services Renewal

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Plain English Reason
4.1 - Contract 2813 - Stafford Street and Barnard Street Water Services Renewal	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 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)	To protect commercially sensitive information To enable Council to carry out commercial or industrial negotiations

*I also move that [\[name of person or persons\]](#) be permitted to remain at this meeting, after the public has been excluded, because of their knowledge of [\[specify\]](#). This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because [\[specify\]](#)

.

*Delete if inapplicable.

Note

[Section 48\(4\)](#) of the Local Government Official Information and Meetings Act 1987 provides as follows:

- “(4)Every resolution to exclude the public shall be put at a time when the meeting is open to the public, and the text of that resolution (or copies thereof)—
 - (a)shall be available to any member of the public who is present;
and
 - (b)shall form part of the minutes of the local authority.”