



Otorohanga District Council

AGENDA

11 April 2006

Members of the Otorohanga District Council

Mr DF Williams (Mayor)
Mrs S Blackler
Mrs D de Haan
Mr WH Earwaker (Deputy Mayor)
Mr AL Gower
Mr CE Jeffries
Mrs DM Pilkington
Mr GA Wilshier

Meeting Secretary: Mr CA Tutty (Customer Services Team Leader)

OTOROHANGA DISTRICT COUNCIL

11 April 2006

Notice is hereby given that an ordinary meeting of the Otorohanga District Council will be held in the Council Chambers, Maniapoto St, Otorohanga on Tuesday 11 April 2006 commencing at 10.00am.

5 April 2006

DR HALL
CHIEF EXECUTIVE OFFICER

AGENDA

VISITORS ATTENDING THE MEETING:

10.30 Representatives of Environment Waikato presenting their LTCCP Roadshow

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PRESENT

OPENING PRAYER

IN ATTENDANCE

APOLOGIES

CONFIRMATION OF MINUTES

OTOROHANGA DISTRICT COUNCIL - 21 MARCH 2006

OTOROHANGA COMMUNITY BOARD - 29 MARCH 2006

KAWHIA COMMUNITY BOARD - 30 MARCH 2006

REPORTS

Item-218 APPROVALS GIVEN UNDER DELEGATED AUTHORITY TO 31 MARCH 2006

**To: His Worship the Mayor and Councillors
Otorohanga District Council**

From: Environmental Services Manager

Date: 11 April 2006

Executive Summary

Attached is a list of the Resource Consents given under Delegated Authority from 1 January to 31 March 2006.

Suggested Recommendation

It is recommended that:

The Environmental Services Manager's report of approvals given under Delegated Authority from 1 January to 31 March 2006 be received.

Report Discussion

A summary of resource consents issued under delegated authority is as follows:

	01.01.2005 – 31.03.2005	01.01.2006 – 31.03.2006
Landuse	4	8
Subdivision	20	24

TOTAL	24	32
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Key to abbreviations of attached report:

LU - Landuse Resource Consent
SB - Subdivision Resource Consent
JM - Julie Meade Rose as Overseer
GDA - Granted under Delegated Authority

Julie Meade Rose
ENVIRONMENTAL SERVICES MANAGER

Attachments

- a. Resource Consents issued to 31 March 2006

Attachment: RC Issued to 31 March 2006

Item-219 ENVIRONMENT WAIKATO LTCCP ROAD SHOW PRESENTATION

**To: His Worship the Mayor and Councillors
Otorohanga District Council**

From: Environmental Services Manager

Date: 11 April 2006

Executive Summary

Environment Waikato Cr Andra Neeley and Mr Scott Fowlds will attend the meeting and give a presentation on their LTCCP Road Show.

Suggested Recommendation

It is recommended that:

The Environment Waikato Road Show presentation be received.

J Meade Rose
ENVIRONMENTAL SERVICES MANAGER

Item-220 APPLICATION FOR TEMPORARY ROAD CLOSURE TARGA ROTORUA 2006

**To: His Worship the Mayor and Councillors
Otorohanga District Council**

From: Engineering Support Officer

Date: 11 April 2006

Executive Summary

Application has been received from Club Targa Inc for the following road closures within the Otorohanga District, to enable the Targa Rotorua 2006 Event and associated activities to proceed. To assist with the stage security, Club Targa Inc have also requested the closures to include 100 metres of each adjoining road (with the exception of Waipapa Road), from where it intersects with the road being applied for.

Suggested Recommendation

It is recommended that approval be granted for the following road closures, including 100 metres of each adjoining road, from where it intersects with the road being applied for:

Purpose: Targa Rotorua 2006 Event

Date: Sunday, 11 June 2006

Details of Closure:

Stage No. 16

MANGARE ROAD – starting from its intersection with Rotongata Road, to its intersection with Pukewhau Road & Huirimu Road

PUKEWHAU ROAD – from its intersection with Mangare & Huirimu Roads, to finish at its intersection with Waipapa Road (by the Arohena Hall).

Period of Closure: 1.00pm to 4.30pm

Stage No. 17

KAHOREKAU ROAD – starting from its intersection with Waipapa Road, to its intersection with Aotearoa Road

AOTEAROA ROAD – from its intersection with Kahorekau Road, to finish outside House No. 168 at 140 metres from its intersection with Waipapa Road.

Includes the intersection with : Aotearoa Pa, No Exit.

Period of Closure: 1.15pm to 4.45pm

With the following conditions imposed:

1. Persons will be allowed through in the event of an emergency or necessity.
2. Club Targa Inc is to pay an application fee of \$400.00 towards administration of the road closure to Otorohanga District Council, payable 10 working days prior to the road closure.
3. Club Targa Inc is to pay for all advertising costs in appropriate newspapers. Public notice advertisements are to be published in the Waitomo News and Te Awamutu Courier.
4. Club Targa Inc is responsible for obtaining public liability insurance (and paying the cost thereof) to a minimum value of \$2,500,000. This is required to indemnify Council against any damage to property or persons as a result of rally activities during the road closure period. Council requires that it is held covered under the terms of such policy and accordingly the policy is required to be in both parties' names on the form prescribed by Council.
5. Club Targa Inc is to comply with the objection provisions contained in the Transport (Vehicular Traffic Road Closure) Regulations 1965.
6. Club Targa Inc is to liaise, and provide evidence of liaison with all operators and businesses that may be affected by the road closures.
7. Club Targa Inc is to consult with all residents of all properties on the roads intended to be closed and also residents on roads connecting with the roads intending to be closed, including any no exit roads. Mail drops to residents are also to be carried out. All mail drops to residents are to be approved by Council staff before distribution to residents commences and must include the date that objections close with council. The subsequent mail drop to be completed no later than ten full days before the proposed closures.
8. Club Targa Inc is solely responsible for signposting and policing of the roads to be closed, to ensure that only vehicles connected with the Rally have access to the road closure areas. This includes arranging the delivery, erection and staffing of all road closure barriers and the removal thereof after closures. All gates and entranceways are to be taped and tape is to be removed thereafter.
9. Signs advising of the road closures are to be erected at the start and end of the closed portions of roads and on each intersecting road two weeks prior to the road closure. All signs are to be removed immediately after the closure. A Club Targa representative is to meet with Council Engineering Staff regarding the required signs format, size, location and quantity of signs for approval before they are manufactured and erected.

Report Discussion

Club Targa Inc have applied for these road closures pursuant to the Tenth Schedule of the Local Government Act 1974. They are prepared to comply with the objection provisions contained in the Transport (Vehicular Traffic Road Closure) Regulations 1965, to build on the good relations they have with residents from the affected areas.

Robyn Hodges
Engineering Support Officer

Item-221 APPLICATION FOR TEMPORARY ROAD CLOSURE - HAMILTON CAR CLUB 2006

**To: His Worship the Mayor and Councillors
Otorohanga District Council**

From: Engineering Support Officer

Date: 11 April 2006

Executive Summary

Application has been received from Hamilton Car Club Inc for the following road closures within the Otorohanga District, to enable the 2006 Rally of Waitomo and associated activities to proceed.

Suggested Recommendation

It is recommended that approval be granted for the following road closures:

Purpose: 2006 Rally of Waitomo

Date: Saturday, 24 June 2006

Details of Closure:

HAURUA ROAD

WAITOMO VALLEY ROAD - from Haurua Road to Waitomo District boundary.

Period of Closure: 6.45am to 10.00am

HEWER AND TAHAIA ROADS – including intersections with Irvine, Shanks and Veale Roads, No Exits.

Period of Closure: 7.30am to 10.45am

NGAHAPE ROAD (from Otorohanga Rd / SH3) to Happy Valley Road

HAPPY VALLEY ROAD – including intersections with Gallagher, Waverley and Cottle Roads, No Exits.

Period of Closure: 9.45am to 12.45pm

SIRCOMBE ROAD

LURMAN ROAD - from Sircombe Rd ending at Rangiatea Road – includes intersection with Otoru Road, No Exit.

Period of Closure: 10.00am to 1.15pm

PUKETARATA ROAD – including intersections with Burr and Henderson Roads, No Exits.

Period of Closure: 9.00am to 12.15pm

With the following conditions imposed:

1. Persons will be allowed through in the event of an emergency or necessity.
2. Hamilton Car Club is to pay an application fee of \$400.00 towards administration of the road closure to Otorohanga District Council, payable 10 working days prior to the road closure.
3. Hamilton Car Club is to pay for all advertising costs in appropriate newspapers. Public notice advertisements are to be published in the Waitomo News and Te Awamutu Courier.
4. Hamilton Car Club is responsible for obtaining public liability insurance (and paying the cost thereof) to a minimum value of \$2,500,000. This is required to indemnify Council against any damage to property or persons as a result of rally activities during the road closure period. Council requires that it is held covered under the terms of such policy and accordingly the policy is required to be in both parties' names on the form prescribed by Council.
5. Hamilton Car Club is to comply with the objection provisions contained in the Transport (Vehicular Traffic Road Closure) Regulations 1965.
6. Hamilton Car Club is to liaise, and provide evidence of liaison with all rural delivery contractors, public transport operators and businesses that may be affected by the road closures.
7. No objections are to be received from N.Z. Police Department, Fonterra Dairy Group, N. Z. Road Transport Association or Transit New Zealand.
8. Hamilton Car Club is to consult with all residents of all properties on the roads intended to be closed and also residents on roads connecting with the roads intending to be closed, including any no exit roads. Mail drops to residents are also to be carried out. All mail drops to residents are to be approved by Council staff before distribution to residents commences and must include the date that objections close with council. The subsequent mail drop to be completed no later than ten full days before the proposed closures.
9. Hamilton Car Club is solely responsible for signposting and policing of the roads to be closed, to ensure that only vehicles connected with the Rally have access to the road closure areas. This includes arranging the delivery, erection and staffing of all road closure barriers and the removal thereof after closures. All gates and entranceways are to be taped and tape is to be removed thereafter.
10. Signs advising of the road closures are to be erected at the start and end of the closed portions of roads and on each intersecting road two weeks prior to the road closure. All signs are to be removed immediately after the closure. A Hamilton Club representative is to meet with Council Engineering Staff regarding the required signs format, size, location and quantity of signs for approval before they are manufactured and erected.

Report Discussion

These road closures are proposed pursuant to the Tenth Schedule of the Local Government Act 1974. Hamilton Car Club are prepared to comply with the objection provisions contained in the Transport (Vehicular Traffic Road Closure) Regulations 1965, to develop good relations with residents from the affected areas. This event takes the form of a time-trial (straight sprint with cars starting at set intervals). They are timed from the start to the finish.

Robyn Hodges
ENGINEERING SUPPORT OFFICER

Item-222 WAIPARI ROAD MAINTENANCE OPTIONS

To: His Worship the Mayor and Councillors
Otorohanga District Council

From: Engineering Manager

Date: 11 April 2006

Executive Summary

Options in relation to future maintenance of the southern portion of Waipari Road are considered.

Suggested Recommendation

It is recommended that:

Council commences the process for stopping the southernmost (900 metre long) section of Waipari Road, in accordance with Section 342 of the Local Government Act 2006. Liaison with potentially affected landowners is to be undertaken at an early stage to facilitate amicable and cost effective progress of the proposal.

Report Discussion

Issues relating to the maintenance of the southern section of Waipari Road were discussed at Council's meeting of 13 December 2005, and Council requested that staff conduct investigation of the legal and financial implications of other potential actions in respect of this section of road, including ceasing maintenance or stopping the road.

Consideration of this matter is seen as being important in the broader context of developing an appropriate strategy in respect of the maintenance of little used roads throughout the District

Potential Actions

Discussion at the meeting of 13 December 2005 and subsequent further consideration indicated that there are three main potential courses of action in respect of the previously maintained southern (900 metre long) section of Waipari Road, as follows:

- a) Undertake limited improvement and maintenance, as proposed in the previous report.
- b) Cease maintenance of this section of road.
- c) Stop this section of road.

Council has, on two previous occasions, considered legal issues associated with potentially ceasing to maintain or permanently stopping sections of public road. These instances related to consideration of stopping Taupaki Road in 1996, and issues surrounding Langdon's Bridge in the mid-1990's. In both cases Council obtained legal opinion on these matters from Gallie Miles, and some of this opinion appeared very relevant to issues at Waipari Road. This relevance has been confirmed by a further opinion recently received from Council's solicitors.

The legal content of the flowing sections is based on the abovementioned correspondence, and reference to Palmer's *Local Government Law in New Zealand*.

Ceasing Maintenance

The most unsatisfactory of the options, from a legal perspective, appears to be a policy decision by Council not to maintain the road.

Council does not have an explicit legal obligation to maintain roads, but is required under Section 353 of the Local Government Act 1974 to 'take sufficient precautions for the general safety of the public and traffic', and is also required not to create nuisance.

Issues regarding liability for failure to maintain or repair roads are however complicated by the 'nonfeasance' principle, that has emerged from legal history, whereby whilst Councils may be found to be liable if they have negligently done something in their work ('misfeasance'), they have been excused from liability if they have simply failed, in a passive way, to do anything at all ('nonfeasance').

This translates, in respect of roads, to a common law rule that 'a local authority having control of a highway is not liable for damage arising out of ordinary disrepair of a road or footpath'.

A decision by Council to formally adopt a policy of not maintaining a particular section of road is however somewhat different to circumstances under which nonfeasance might be most appropriately applied because in this case Council's decision not to act has arisen from an active rather than passive approach.

The existence of a known hazard (in this case the drop-out) also seems to require some form of work to ensure that Council's obligations under s353 are met, even if such work is only the placement and maintenance of warning signs and other safety-related devices.

A further factor that does not favour a formal adoption of a 'no maintenance' policy is that the validity of the principle of nonfeasance is being questioned by the legal community, and is out of step with other areas of the law, having been abandoned in other jurisdictions (such as the British Courts) many years ago. New Zealand Courts have previously shown reluctance to accept nonfeasance if misfeasance can be demonstrated, and the general principle of nonfeasance is likely to be further challenged in the future.

These issues together appear to make the formal cessation of maintenance a high risk option that is not recommended.

Low Level Improvement and Maintenance

In the report presented at Council's meeting of 13 December 2005 it was proposed that a program of low level maintenance and improvement be conducted in respect of this section of road, that would include:

- Widening at the dropout near the falls;
- Roadside scrub cutting;
- Basic road shape / water channel / culvert maintenance;
- Routine maintenance metalling;
- Formation and metalling of parking area and construction of gateway at southern end.

It is expected that such work would have an initial cost of \$10,000 to \$12,000 (the majority of this for widening at the dropout) and a subsequent ongoing maintenance cost in the order of \$2,000 per annum.

Whilst these costs are not very high it could be argued that this level of expenditure is still not justified for a section of road which offers very limited benefit to the public.

It was also suggested in the previous report to Council that the road be closed to general public motor vehicle access, with only adjoining landowners being permitted to use vehicles on the road, and with general public access being limited to pedestrian access to the Ngaroma Reserve.

Consideration of legal issues does however suggest that such access restrictions could be difficult to impose.

Road Stopping

If Council wished to cease providing maintenance inputs to a little used section of road, this could in many cases most practically be achieved by stopping and closing the section of road, under the powers provided to Councils under Section 342 of the Local Government Act 1974.

Such stopping does however require a number of conditions to be satisfied, including the following:

- Proposed stopping publicly advertised, and submissions invited;
- If objections are received the proposal must be referred to the Environment Court for decision;
- Ministerial consent required for road to be stopped.

On the basis of correspondence previously received in respect of Waipari Road, it seems likely that objections would be received, and that the matter would therefore be referred to Environment Court.

In considering proposals to stop roads the tests applied by the Environment Court have included:

- Is the road of public benefit, or likely to be of public benefit in the future?
- Does a significant section of the community have a need for the road?
- Is the road used by the local community?
- Can the surrounding roads absorb the traffic carried by the road?
- Is the road a necessary component of the overall road network?
- Have the users of the road got other adequate access to their properties?

It would appear that a sound case for approving the stopping of the southern section of Waipari Road can be made in relation to these tests, but approval is not assured and a significant cost (perhaps in the order of \$10,000 to \$15,000) might be incurred in taking the case to Court.

If approval was granted for the section of road to be stopped, Council might then be able to dispose of the land containing the road to the owners of the adjoining properties, relieving Council of all responsibilities. It is however possible that the owners of the adjoining properties might be reluctant to assume ownership of the land containing the road if it was required to function as a private roadway.

If a satisfactory arrangement could not be reached for such disposal of the land, then Council might consider retaining ownership and permit adjacent property owners to use the land for continuing access by granting them rights of way over the land. This would still leave Council with some responsibility for this road, but this responsibility would be judged on the basis of it being a private roadway rather than a public highway, and would therefore be expected to be at a lower level.

The option of Council retaining ownership of the land but preventing its use as a roadway is considered an unsatisfactory approach that would not benefit any party.

Summary

Establishing a formal policy that the southern section of Waipari Road will not be maintained would have significant risks to Council and is not recommended.

Undertaking low level and improvement and maintenance of Waipari Road would appear to be the simplest of the presented options, but leaves Council with ongoing costs that may be difficult to justify.

Stopping of the road, with a view to disposing of the land to adjoining property owners would be the most satisfactory long term solution, but the matter would probably have to be referred to the Environment Court for approval.

On balance it is believed that it is worthwhile to pursue the stopping option, as a mechanism towards both resolving issues at Waipari Road, and to perhaps establish a foundation for a policy of stopping other little used roads within the District.

Dave Clibbery
ENGINEERING MANAGER

Attachments

- a. Plan of Waipari Road

Attachment: Waipari Road

Item-223 RURAL WATER SUPPLY COMMITTEE MINUTES FEBRUARY 2006

To: His Worship the Mayor and Councillors
Otorohanga District Council

From: Engineering Manager

Date: 11 April 2006

Executive Summary

Attached are the minutes of the meetings of the Arohena, Ranginui, Tihiroa and Waipa Rural Water Supply Committees held on 8 and 9 February 2006.

Suggested Recommendation

It is recommended that:

The minutes of the meetings of the Arohena, Ranginui, Tihiroa and Waipa Rural Water Supply Committees held on 8 and 9 February 2006 be received.

D Clibbery
ENGINEERING MANAGER

Attachments

- a. Minutes of the Arohena, Ranginui, Tihiroa and Waipa Rural Water Supply Committees meetings held on 8 and 9 February 2006.

AROHENA RURAL WATER SUPPLY COMMITTEE

8 February 2006

Minutes of a meeting of the Arohena Rural Water Supply Committee held in the Arohena Community Hall on Wednesday 8 February 2006 commencing at 10.00am.

PRESENT

Messrs P Klos, G Bryant, G Hawkes, A Te Brake, M Owlsey, V Sinton and G Wilson.

IN ATTENDANCE

Messrs G Menzies (Aotearoa Station), D Clibbery (Engineering Manager), J Fields (Services Engineer), A Pellow (Services Engineer) and G Bunn (District Accountant).

APOLOGIES

His Worship the Mayor, DF Williams and L Gower.

MINUTES

Resolved that the Minutes of the meeting held on 17 June 2005, as previously circulated, be taken as read and approved as a true and correct record of that meeting.

Hawkes/Sinton

MATTERS ARISING

Mr Hawkes raised the issue of non-notification of restrictors being put back in and also concerns of the size of restrictor for Aotearoa Station. Mr Fields undertook to re-evaluate restrictors in the Scheme.

ENGINEERS SCHEME REPORT

The Services Engineer presented the Scheme Report. A number of issues were highlighted in the report including Water Consumption, Water Take issues and implementation of the 2005 Drinking Water Standards and Otorohanga District Council staff changes.

NEW CONNECTION – AOTEAROA STATION

Members considered an application for Aotearoa Trust for an additional water connection. Mr Menzies outlined the proposal. There were no objections from the Committee and the new connection was approved.

SCHEME TERMS AND CONDITIONS OF SUPPLY

The Services Engineer outlined the proposed Terms and Conditions of Supply. After discussion by

the Committee it was decided to accept the Conditions subject to rewording of the last paragraph. The Engineering Manager to redistribute Conditions back to Members once changes have been made.

BUDGET 2006/07 YEAR

The District Accountant presented the 2005/06 Estimated Actuals and 2006/07 Estimates. He highlighted the need to further increase the water charges for the 2006/07 year to attain the forecasted revenue.

Resolved that the water supply charges for the Arohena Rural Water Supply for the 2006/07 year be raised to 35c per m3 and \$425 per meter.

Sinton / Hawkes

GENERAL BUSINESS

Mr Menzies (Aotearoa Station) informed the Committee that the Station had put down a bore. He advised this was for risk management in times of shortage of water but they did not intend withdrawing from the Scheme.

The meeting closed at 11.15am.

RANGINUI RURAL WATER SUPPLY COMMITTEE

8 February 2006

Minutes of a meeting of the Ranginui Rural Water Supply Committee held in John Bell's Woolshed on Wednesday 8 February 2006, commencing at 1.00pm.

PRESENT

Messrs J Bell, S Buckley and T Limmer.

IN ATTENDANCE

Messrs D Clibbery (Engineering Manager), J Fields (Services Engineer), A Pellow (Services Engineer) and G Bunn (District Accountant).

APOLOGIES

Apologies were received from His Worship the Mayor, Mr DF Williams and Messrs L Gower and C Vanner.

MINUTES

Resolved that the Minutes of the meeting held 14 April 2005, as circulated, be taken as read and approved as a true and correct record of that meeting.

Limmer / Buckley

ENGINEERS SCHEME REPORT

The Services Engineer presented the Scheme Report. A number of issues were highlighted in the report including Water Consumption, implementation of the 2005 Drinking Water Standards and Otorohanga District Council staff changes.

SCHEME TERMS AND CONDITIONS OF SUPPLY

The Services Engineer outlined the proposed Terms and Conditions of supply. After discussion it was resolved to accept the Conditions subject to the addition of the words 'at the discretion of the Committee'.

Bell / Limmer

BUDGET 2006/07 YEAR

The District Accountant presented the 2005/06 Estimated Actuals and 2006/07 Estimates. With the forecasted income being on target subject to consumption, the metered water charges to remain the same for 2006/07 financial year.

Resolved that the Estimates be accepted.

Limmer / Bell

GENERAL

The Engineering Manager clarified that Moroney's still belonged to the Scheme although the meter had been removed and could be re-connected at any time.

The Ranginui Road sign has been removed and also bus signs outside Mr Scott Buckley's home. Mr Fields undertook to look into the matter.

The meeting closed at 2.15pm.

TIHIROA RURAL WATER SUPPLY COMMITTEE

9 February 2006

Minutes of a meeting of the Tihiroa Rural Water Supply Committee held in the Council Committee Room, Maniapoto Street, Otorohanga, on Thursday 9 February 2006, commencing at 3.04pm.

PRESENT

Cr D de Haan (Chairperson), Mr P Trubshaw and Mrs M Cowley, Mr P Empson and Mr H Snell (attended 3.12pm).

IN ATTENDANCE

His Worship the Mayor, Mr DF Williams, Messrs D Clibbery (Engineering Manager), J Fields (Services Engineer) and CA Tutty (Customer Services Team Leader).

MINUTES

Resolved that the minutes of the meeting held 19 April 2005, as circulated, be received and approved as a true and correct record of that meeting.

Mrs Cowley / Mr Trubshaw

SCHEME MANAGEMENT REPORT

The Services Engineer presented the Scheme Management Report on current issues. Mr Trubshaw reported he had approached the Services Engineer regarding the level of chlorine in the water. He said, last year, he had experienced problems with cows not drinking water from the troughs. He said when Council was approached the level of chlorine was lowered. He said this has happened again this year and following the testing of the water the level of chlorine was reduced from .8 to just over .5. Mr Trubshaw advised that an alteration had been carried out at the treatment plant to effect this result. He queried whether the water to his property was being double dosed. The Services Engineer undertook to investigate whether any back flow was occurring from the timber tank.

WATER CONSUMPTION

Mr Empson referred to the comment in the report that, following one of the larger users ceasing to take water through one of its meters, this has resulted in a reduced consumption by approximately six percent. He suggested this figure should read more like three percent.

Mr Trubshaw queried whether there was a variance between the total water consumption through the individual meters compared with that of the Water Treatment Plant. The Services Engineer replied it was difficult for meters to read correctly particularly small meters with only a trickle feed passing through them. The Engineering Manager advised that the difference between the billing and what goes through the plant is not worth being concerned about. A mechanical meter is installed at the plant.

DRINKING WATER STANDARDS

The Services Engineer reported that Council is not proposing to carry out any upgrade work at present as it is unable to obtain any direction from the Ministry of Health for what is required. The Chief Engineer advised he could see no benefit in complying with the proposed standards and intended to do as little as possible, as late as possible.

KIO KIO STATION ROAD

The Services Engineer advised interest was currently being ascertained from property owners along Kio Kio Station Road whether they would be interested in joining the Scheme. He said these are mainly life style blocks and would not be big users however, some upgrade would be required.

HIS WORSHIP THE MAYOR

His Worship left the meeting at 3.30pm.

TERMS AND CONDITIONS OF SUPPLY

The Services Engineer referred Members to the current Terms and Condition of Supply and outlined two proposed changes being -

i) Clause 2, Purpose of Schemes - 2.1

"The Schemes are designed, established and managed for the primary purpose of providing cost effective supply of water to farm properties to support agricultural activities. Provision of water to residential properties is considered a secondary function that in some cases may not positively contribute towards the primary purpose of the Scheme. For this reason the Rural Water Supply Scheme Committees may, at their discretion, impose additional controls on the supply of Scheme water to new subdivisions of land that are believed to be intended for non-farm related residential development.

ii) Type of Supply - 4.1

"The supply is a restricted flow supply and is defined as one where a small continuous flow is supplied through a flow control device across an air gap separation, and storage is provided by the customer to cater for demand fluctuations. It is important to recognise that the Rural Water Supply Schemes have limited supply capacity, and that the demand for water must be managed in a manner which ensures the reliability of supply to all customers. As a means towards this the instantaneous flow of water to any property (or group of properties subdivided from an original property) shall not exceed that allocated for the original property at the time of scheme design, unless this is specifically authorised by the relevant Rural Water Supply Scheme Committee.

Resolved that the Committee adopt the proposed changes to the Terms and Conditions of Supply as presented.

Mr Empson / Mr Trubshaw

BUDGETS 2005/06 FINANCIAL YEAR

The District Accountant attended the meeting and presented a financial statement in respect to the maintenance account detailing the 2004/05 Actual, 2005/06 Estimate, 2005/06 Estimated Actual and the 2006/07 through to 2015/16 Estimates. He reported that the Estimated Actual for the 2005/06

year was on line with the budget. With regard to the increase in activity operations the Services Engineer reported this was in the main, due to power cost fluctuation and Contract/fuel rates. The District Accountant suggested that the water charges remain as they are to allow a surplus to accrue. Members were informed there was no debt associated with the supply and that the 2006/07 year would see the last of the loan account.

Resolved that the Financial Statement, as presented, be accepted.

Mrs Cowley / Mr Empson

The Chief Engineer informed Members that the figures contained in this report would be included in Council's Estimates process.

GENERAL

Mr Empson reported one of his staff members had turned a main valve off, following which Council placed a cover over the top and sprayed it blue. The Services Engineer reported that Scheme identification had been carried out some seven years ago and it was desirable to have this done again. He said 'tags' identifying the Scheme would be placed adjacent to meters.

PLANT INSPECTION

The Chairperson queried whether Members would be interested in inspecting the Water Treatment Plant. Mr Empson indicated he would be.

FUTURE MEETINGS

The Services Engineer suggested that the Committee formally once a year and should any major operational matters occur then this can be tended to by phone. It was agreed, should additional issues need to be discussed then a special meeting could be held.

The meeting closed at 3.47pm.

WAIPA RURAL WATER SUPPLY COMMITTEE

9 February 2006

Minutes of a meeting of the Waipa Rural Water Supply Committee held in the Council Chambers, Maniapoto Street, Otorohanga on Thursday 9 February 2006, commencing at 1.05pm.

PRESENT

Messrs TM Wall (Chairperson), N Muller, GH Rawlings and C Murphy.

IN ATTENDANCE

His Worship the Mayor, Mr DF Williams, Messrs DC Clibbery (Engineering Manager), J Fields (Services Engineer) and CA Tutty (Customer Services Team Leader).

The Chairperson welcomed those present and extended a special welcome to His Worship the Mayor and staff.

APOLOGIES

Resolved that the apologies received from Messrs J Hogg and B Knutson, be sustained.

Mr Rawlings / Mr Muller

MINUTES

Resolved that the minutes of the meeting held 21 April 2005, as circulated, be received and approved as a true and correct record of that meeting.

Mr Rawlings / Mr Murphy

SCHEME MANAGEMENT REPORT

The Services Engineer presented his report on current issues in respect of the Scheme.

NEW CONNECTIONS

The Engineer pointed out to Members three alterations required to his report being -

- i) T Hall be amended to read T Wall
- ii) R Le Fleming be deleted from the list
- iii) Nigel Rawlings at 148 Mangawhero Road be added to the list.

FORMAL GAZETTE PROCESS

The Engineer circulated copies of a plan reconfirming the properties on the Scheme in order to re-

gazette the area. He requested Members give consideration to the Plan and come back to him with any changes so the formal gazette process can be undertaken.

Resolved that the plan of the properties on the Scheme, as amended by Committee Members by 17 February 2006, be forwarded to enable the formal gazette process to be undertaken.

Mr Murphy / Mr Rawlings

NEW WATER LEGISLATION

Mr Murphy queried with staff whether any approaches had been made to the Ministry of Health regarding advice on the new Drinking Water Standards. He reported that Federated Farmers were having difficulty in obtaining information from the Department. Mr Murphy advised that the rural area is to be faced with a new round of Resource Management Act demands which are going to affect the area because the Minister of the Environment is looking at water catchment areas in respect to water treatment stations. He expressed the opinion Federated Farmers will be with Council in order to show a united front. His Worship advised the proposed new Drinking Water Standards are to apply to public water systems not private systems. He said a large percentage of treated water doesn't get consumed by humans, and that no quantified information has been received. Mr Murphy expressed the opinion the Department was deliberately avoiding answering questions when approached. The Engineering Manager reported Council's approach will be not to carry out any work until it is known exactly what is required.

SCHEME TERMS AND CONDITIONS OF SUPPLY

The Services Engineer outlined proposed amendments to the existing Terms and Conditions of Supply. These referred to -

i) Clause 2, Purpose of Schemes - 2.1, to read

"The Schemes are designed, established and managed for the primary purpose of providing cost effective supply of water to farm properties to support agricultural activities. Provision of water to residential properties is considered a secondary function that in some cases may not positively contribute towards the primary purpose of the Scheme. For this reason the Rural Water Supply Scheme Committees may, at their discretion, impose additional controls on the supply of Scheme water to new subdivisions of land that are believed to be intended for non-farm related residential development.

ii) Clause 4, Type of Supply - 4.1, to read

"The supply is a restricted flow supply and is defined as one where a small continuous flow is supplied through a flow control device across an air gap separation, and storage is provided by the customer to cater for demand fluctuations. It is important to recognise that the Rural Water Supply Schemes have limited supply capacity, and that demand for water must be managed in a manner which ensures the reliability of supply to all customers. As a means towards this the instantaneous flow of water to any property (or group of properties subdivided from an original property) shall not exceed that allocated for the original property at the time of scheme design, unless this is specifically authorised by the relevant Rural Water Supply Scheme Committee.

Resolved that the Committee adopt the proposed changes to the Terms and Conditions of Supply as presented.

Mr Rawlings / Mr Murphy

ADDITIONAL PROPERTY

The Services Engineer reported on an approach he had received from a farmer to join the Scheme, who had estimated the value of his land to be around \$3.5M. The Engineer advised the Capital Contribution in this case would be significant and he had concerns whether the Scheme would be able to supply a property of this size. He confirmed the property will be dairy farming. The Engineer reported, should the property join the scheme, significant Scheme upgrade would be required and it could affect the supply to existing users. He said the Scheme is currently working very well and that such a connection could affect the whole Scheme. The Chairperson reported there were some properties remaining within the existing boundaries of the Scheme that could be supplied with water. He suggested that, should the Applicant wish to apply to connect, the Committee would then approach the Engineers for their recommendation. The Engineering Manager expressed the opinion that the Scheme could supply the water required but it did not have a huge margin of capacity. He suggested that the Otorohanga Community Board would need to be involved in the application. His Worship expressed the opinion that the Board would not be comfortable with such a large user coming at this point in time. The Engineering Manager confirmed that the current status of the plant would not be able to handle such a supply and would require significant upgrade.

BUDGETS - 2005/06 FINANCIAL YEAR

The District Accountant attended the meeting and presented the Maintenance Account in particular, highlighting the 2005/06 Estimated Actuals. He advised, with the current status of the account, he would recommend that the water supply charges remain at the same level. His Worship queried with staff, whether the surplus in the account, could be utilised to move the upgrade forward. The Engineering Manager replied, with the proposed new Drinking Water Standards, it would be desirable to hold off carrying out any upgrade work.

In reply to Mr Rawlings who queried why no funds had been shown in regards to new connections, he was advised that, during this current year, no new properties have come onto the Scheme.

Resolved that the Financial Statement, as presented, in respect to the 2004/05 Actual, 2005/06 Estimate, 2005/06 Estimated Actual and 2006/07 Estimates to 2015/2016 be accepted.

Mr Murphy / Mr Muller

The District Accountant informed Members the only change they may see in the Financial Statement is that required to include an item for inflation.

GENERAL

MEETINGS

The Services Engineer asked Members their opinion should the Committee hold only one formal meeting per year. He said should a particular issue need to be discussed then a special meeting could be arranged. Members agreed with this suggestion and requested the Engineer to forward a report halfway through the year to update Members.

The meeting closed at 2.05pm.

Item-224 WAIKATO REGIONAL AIRPORT - DRAFT STATEMENT OF INTENT

To: His Worship the Mayor and Councillors
Otorohanga District Council

From: Chief Executive

Date: 21 March 2006

Executive Summary

Attached is the draft Statement of Intent for Waikato Regional Airport Limited, as required by Section 64 of the Local Government Act 2002.

Suggested Recommendation

It is recommended that the draft Statement of Intent be received.

D R Hall
CHIEF EXECUTIVE

Attachments

- a. WRAL – Draft Statement of Intent.

Attachment: Draft Statement of Intent 2006/07

Item-225 MATTERS REFERRED FROM PREVIOUS MEETINGS - APRIL 2006

**To: His Worship the Mayor and Councillors
Otorohanga District Council**

From: Chief Executive

Date: 11 April 2006

Executive Summary

The following matters have been raised at previous Council meetings for further action.

Suggested Recommendation

It is recommended that the report be received.

Report Discussion

Matters Referred from Meeting Held 15 March 2005

CHIEF EXECUTIVE

Review Council's Stock Droving Bylaw.

D R Hall
CHIEF EXECUTIVE

GENERAL

MOTION TO EXCLUDE THE PUBLIC

Item-226 UPDATE ON MACPHERSON & STEVENS APPEAL CONFIDENTIAL

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 48(1) of the Local Government Official Information and Meetings Act 1987, which permits the meeting to be closed to the public for business relating to the following grounds: -

- 48(1a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.

Subject to sections 6, 8 and 17 of the Local Government Official Information Act 1987, the withholding of the information is necessary to:

- 7(2a) Protect the privacy of natural persons, including that of deceased natural persons.

