



Otorohanga District Council

MINUTES

6 June 2006

OTOROHANGA DISTRICT COUNCIL

6 June 2006

Minutes of an ordinary meeting of the Otorohanga District Council held in the Council Chambers, Maniapoto St, Otorohanga on Tuesday 6 June 2006 commencing at 10.05am.

MINUTES

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PRESENT

Mr DF Williams (Mayor), Crs S Blackler, D de Haan, WH Earwaker, AL Gower, CE Jeffries, DM Pilkington (attended 11.57am) and GA Wilshier.

IN ATTENDANCE

Messrs DR Hall (Chief Executive), DC Clibbery (Engineering Manager), Mr CA Tutty (Customer Services Team Leader) and Mrs A Burdon (Executive Assistant).

OPENING PRAYER

Cr Blackler read the Opening Prayer.

APOLOGY

Resolved that that the apology received from Cr Pilkington, for lateness, be sustained.

Cr Earwaker/ Cr Blackler

CONFIRMATION OF MINUTES

OTOROHANGA DISTRICT COUNCIL - 16 MAY 2006

Resolved that the minutes of the meeting of the Otorohanga District Council held on 16 May 2006, as previously circulated, be approved as a true and correct record of that meeting.

Cr Earwaker / Cr de Haan

OTOROHANGA COMMUNITY BOARD - 11 MAY 2006

Resolved that the minutes of the meeting of the Otorohanga Community Board held on 11 May 2006 be received and the recommendations contained therein be adopted.

Cr Wilshier / Cr Jeffries

Matters Arising

Habitat for Humanity

Cr Blackler queried what the 'bigger project' was for Habitat for Humanity in Otorohanga and who will pay for the subdivision costs. His Worship replied that discussions had been held with Habitat to build houses in Kawhia, and additional houses in Otorohanga. He advised the Community Board will pay for subdivision costs for Merrins Avenue. In reply to Cr Blackler's query whether the other section would be sold, the Chief Executive advised the Otorohanga College have indicated they could be interested in purchasing it in the future.

REPORTS

Item-244 SPORT WAIKATO CONTRACT 2006/07

Discussion

The Chief Executive informed Members His Worship and himself had met with representatives from Sport Waikato and advised that, in addition to one or two items relating to Kawhia, in all other respects the proposed Contract was a standard one.

In reply to Cr Blackler regarding the value of the Contract being increased to \$60,000, His Worship replied that additional funds are contributed by Sport Waikato approximately 50 percent of the value of the Contract.

Resolved

That the Contract with Sport Waikato be approved and that the Mayor and Chief Executive be authorised to execute it.

Cr Wilshier / Cr Earwaker

Item-245 DRAFT STATEMENT OF INTENT - LOCAL AUTHORITY SHARED SERVICES

Discussion

The Chief Executive reported, as required under S64 of the Local Government Act 2002 a draft Statement of Intent has been adopted by the Board of Directors of the Local Authority Shared Services CCO. He said, to date, the most active part has been the shared valuation services although the Organisation is working through other options such as those relating to library activities. His Worship reported, Mr John Inglis, Waipa District Council Chief Executive, is this areas current Director. His Worship said Mr Inglis is keen to see how the Organisation develops to make sure the benefits are not outweighed by overheads and administration costs. Cr Blackler queried whether there were any reporting procedures in place. His Worship replied that the Mayors from each District meet every month however, a formal reporting process could be introduced. He said Mr Inglis would be prepared to visit Council to discuss the Organisation's proposals if Members desired.

Cr Jeffries referred to the performance targets section of the Statement of Intent in particular to item No 3 and questioned the whether local authorities could provide financial guarantees.

Resolved

That the Draft Statement of Intent - Local Authorities Shared Services be received.

Cr Jeffries / Cr de Haan

Item-246 CREATIVE COMMUNITIES NZ - MINUTES 19 MAY 2006

Discussion

The Customer Services Team Leader summarised minutes of a meeting of the Assessment Committee of Creative Communities NZ Local Arts Scheme held on 18 May 2006. His Worship referred to the application from the Harvest Centre and the recommendation that 'due to the costs of the project, no funds be granted at this time'. Following discussion, the Committee decided to amend other applications to make a small grant to the Centre in recognition of the extensive work already carried and still to be carried out.

Resolved

That the minutes of the meeting of the Creative Communities NZ - Local Arts Scheme held on 18 May 2006, be received.

Cr Gower / Cr Jeffries

Item-247 ELECTIONS 2007

Discussion

The Customer Services Team Leader presented a report on the appointment of an Electoral Officer for the 2007 Elections.

Resolved

That Pursuant to S.15 of the Local Electoral Act 2001 Colin Arthur Tutty be appointed Electoral Officer.

Cr Earwaker / Cr de Haan

Item-248 WINDSOR COURT EXTENSION - ADDITIONAL LAND FOR HOUSING

Discussion

The Finance & Administration Manager attended the meeting and presented a report on which revealed the Windsor Court units were partly erected on Windsor Park.

Cr de Haan queried whether Council should consider taking additional land from Windsor Park in case this is required for a Right of Way to serve the Otorohanga Kindergarten. Cr Jeffries advised that when the Right-of-Way proposal was considered by the Board and not all Members were in favour of the proposal. His Worship advised that the Board had decided not to pursue this proposal at the present time.

Resolved

That pursuant to Section 52 of the Public Works Act 1981, Section 1, SO 361383 (currently held in Part Orahiri M1 Block) be set apart for housing purposes and amalgamated with an adjoining title (owned by Otorohanga District Council) held in CT SA46D/818 Gaz.1949 p.142 Proc 12571 and that the District Plan be amended accordingly.

Cr Blackler / Cr Gower

Item-249 HOUSING FOR THE ELDERLY UNITS UPGRADE

Discussion

The Finance & Administration Manager presented a report on the Housing for the Elderly units upgrade. He advised Council's Community Facilities Officer will be calling for tenders for the proposed work in the near future. He said, if adopted, the Chief Executive will be signing a 'Letter of Intent' with Housing NZ.

ENGINEERING MANAGER

The Engineering Manager attended the meeting at 10.35am.

The Finance & Administration Manager advised that there has been no approval to exceed the budget and it is not the Committee's intention to do so. His Worship said it was proposed to have the work completed by Christmas 2006.

Resolved

That the Community Facilities Officer be authorised to call tenders for the upgrading of the bathrooms in the Windsor Court Units and an extension to one of the northern units in the same complex and the upgrading of the parking areas at Elizabeth Place.

Cr Blackler / Cr de Haan

Item-250 WALKING ACCESS - LGNZ CONSULTATION

Discussion

The Chief Executive advised Members may be interested in discussing Local Government New Zealand's submission in respect of Walking Access in NZ as this has a wide interest. Cr Gower felt that the most important issue was access requirements be determined by the local Council and are community based. Cr Blackler queried whether this Council had an inventory of unformed paper roads. The Chief Executive replied most likely not and that it was very difficult to identify many of these paper roads. His Worship said access was to allow 'the public' not just local people.

His Worship informed Members a public meeting on this matter is to be held in Hamilton on 13 June 2006 however, feed back to LGNZ is required by 12 June 2006. Cr Gower expressed the opinion that the legalisation of the 'Queen's Chain' was desirable. Cr Earwaker said river courses do change over time. Cr de Haan expressed the opinion that the proposal should allow access by 'permission only'. Cr Earwaker said it was very difficult to identify unformed paper roads as these were not fenced or sectioned off from existing land. His Worship referred to the key matters likely to be covered in the LGNZ submission and suggested that this Council agree to support that submission. Cr Jeffries felt that the emphasis would be different between urban and rural people with urban people being keen to gain access. Crs Earwaker and Gower both expressed the opinion a farm is a farmer's 'place of work' and therefore not a place for anyone to enter without permission.

Cr Jeffries requested a draft of Council's submission be sent to Councillors.

Resolved

That the Otorohanga District Council draft a submission in support of Local Government New Zealand's submission and that any Councillors able to attend the public meeting in Hamilton on 13 June 2006 do so.

His Worship the Mayor / Cr Blackler

ENVIROMENTAL SERVICES MANAGER

Council's Environmental Services Manager attended the meeting at 10.50am.

Item-251 PROPOSED STOCK MOVEMENT BYLAW

Discussion

The Engineering Manager presented a report on the Proposed Stock Movement Bylaw. He advised it is proposed that the Special Consultative Procedure be followed with the intention of adopting the Otorohanga District Stock Movement Bylaw 2006 at the meeting of Council on 26

July 2006. He said the draft Bylaw was presented to Council at a workshop on 16 May 2006 and feedback from the draft has been received from the Waikato Federated Farmers also. He said the Federated Farmers have identified four key issues being -

- Charging for Drivers Day Permits
- Underpass Requirement Graph
- Distinction between 'existing' and 'new' crossing activities
- Policy objectives need Quantification.

The Engineering Manager circulated a graph identifying a possible cattle crossing classification approach along with a table containing stock crossing data. Considerable discussion was held on the data with the Chief Executive suggesting it is necessary for Council to 'place a peg in the ground' and to be consistent in agreeing that all dates commence from the date the Bylaw is introduced. If, after a 10 year period an underpass had not been installed, a year's grace would be given. It was agreed that a formula, rather than a graph, be used to determine if and when underpasses are required. The Engineering Manager said Council's minimum contribution to an underpass is \$2,500 and a subsidy can be obtained from Land Transport NZ. Cr Blackler said there are properties that are not included in the data, who have not obtained a permit, that also need to be considered.

Cr Blackler expressed the opinion that, should the present Bylaw have been policed, Council would not be considering this proposal now. The Engineering Manager agreed that stronger emphasis needs to be on enforcing the conditions of the Bylaw and that it was only the extreme cases Council would be catering for. He advised that the Animal Control Officer, Mr Jim Clark, will be Council's Enforcement Officer. His Worship expressed the opinion that the proposed Bylaw was more lenient than Council would prefer. The Engineering Manager reported the next step was to place the draft Bylaw out for public submission. Cr Blackler said the largest benefit of installing an underpass is to the farmer concerned.

Resolved

That the Special Consultative Procedure as per Section 83 of the Local Government Act 2002 be commenced in respect of adopting the Otorohanga District Stock Movement Bylaw 2006 (subject to any further changes to the Bylaw agreed at this meeting) and revoking the existing Otorohanga District Stock Droving Bylaw 1999.

Cr Earwaker/ Cr Wilshier

Item-252 STATUS OF WALKER ROAD

Discussion

The Engineering Manager presented a report on the status of Walker Road. He said although Council sealed this privately owned road a number of years ago, the Department of Corrections have not maintained the road which is currently in an unsatisfactory state with numerous deep potholes. The Engineering Manager queried with Members their intention for this road and whether they believed Council should begin the process of securing its ownership to make it a public road. He further advised upgrading the road with AWPT would be a substantial cost to Council, possibly in the 2007/08 budget year. The Engineering Manager said in the meantime the road still requires a degree of repairing.

Cr Blackler requested a warning sign be put on the road immediately.

Resolved

That Council approves, in principle, future expenditure in the order of \$50,000 to undertake improvements to the western section of Walker Road, if a satisfactory agreement can be reached with the Department of Corrections for this section to be legalised as public road.

Cr Gower/ Cr Earwaker

Item-253 APPROVALS GIVEN UNDER DELEGATED AUTHORITY TO 31 MAY 2006

Discussion

The Environmental Services Manager presented a report on Approvals Given under Delegated Authority to 31 May 2006. She distributed a table on Resource Consent Applications received for various roads in the District.

In reply to Cr Gower's query regarding the improvement of septic tank systems and whether this would mean lot sizes would be decreasing, the Environmental Services Manager said she will seek further information from the Environmental Health Officer to report back.

In reply to Cr Jeffries query regarding the two upcoming Environmental Court Hearings, the Environmental Services Manager confirmed the Hearing date is 24 July 2006 in Hamilton. She reported the Kawhia Harbour Protection Society have appealed therefore Council is only a third party. Council is currently preparing evidence.

His Worship commented these numbers show the current District Plan is working and encouraging development in the District.

Resolved

That the Environmental Services Manager's report on Approvals given under Delegated Authority from 1 March – 31 May 2006 be received.

Cr de Haan / Cr Earwaker

Item-254 MICRO CHIPPING FOR DOGS

Discussion

The Environmental Services Manager presented the Micro-chipping for Dogs report. The Animal Control Officer attended the meeting to answer questions and to clarify any points raised. The Environmental Services Manager said she has spoken to other Councils who acknowledged they are obliged to follow legislation whether they were for or against it. She advised however, Councils are still deciding how vigilant they will be at enforcing the new legislation. The Environmental Services Manager advised Council has written to all dog owners advising them of the new legislation requirements.

Cr Gower stated he believed Council should only concentrate on dangerous and menacing dogs.

The Animal Control Officer reported the general feeling of other Dog Control Officers across the country is that they don't agree with Government and have advised them of this. He said chipping will not solve the problem of biting or roaming. He further advised if he sees a dog roaming or worrying cattle, he is not able to scan the animal until he has it impounded. The Officer said the benefits to Animal Control Officers are that if a dog is destroyed, there is no question of identity or ownership. He advised many dogs do not wear registrations tags but are in fact registered. The Officer said the majority of dogs that bite are not registered, which would also mean they will probably not be micro-chipped either.

The Officer advised he has the authority to place a 'menacing status' on a dog if necessary. He further advised there is a difference between rural house dogs and rural farm dogs. He said the rural house dogs are generally the ones that create problems in rural areas.

His Worship said Council has a legislative responsibility to comply with the Act whether Members agree with it or not. He advised Members clear guidance is needed for staff to administer the legislation and how diligent they wish staff to be. Cr Jeffries said he agreed with Cr Gower to concentrate on dangerous and menacing dogs only. The Animal Control Officer said he must also ensure the micro-chipping of new dogs registered after 1 July 2006. Cr Gower said although he does not agree with the legislation, as a Council we must be seen to be responsible.

The Animal Control Officer advised that in the past whatever happened in the District was kept in the District however, from 1 July 2006 because of the national database everything that happens in the District will be monitored by Government. He advised he will possibly set up a weekly clinic at the Pound for the public to bring in dogs to be micro-chipped at a cost of \$25 per animal. He further advised dogs are still required to be registration annually and to wear their tags regardless of micro-chipping. The Officer advised that Council has bought two scanners, one for the Pound and one for his vehicle.

Cr Pilkington queried whether it was possible to make enforcement of newly registered dogs, other than dangerous or menacing dogs, a low priority. The Chief Executive said this would mean not actively chasing up owners but if dogs were picked up, enforcement would happen. Cr Gower queried if one dog is picked up, what about other dogs owned by the same person. Members were advised that if an owner was irresponsible with one dog, they would generally be the same with all dogs. Cr Pilkington said the other dogs should also have to comply. The Animal Control Officer highlighted that the legislation covers this in that if the same dog is picked up a second time, it has to be micro-chipped.

Resolved

1. That the Environmental Services Manager's report be received.
2. Enforcement of micro-chipping of dogs be undertaken, the focus being on those classified as dangerous or menacing or impounded for the second time.

Cr Wilshier / Cr Earwaker

GENERAL

BROMLEY ROAD CONSTRUCTION WORK

Cr de Haan reported Emmett Construction had done a great job on Bromley Road taking three corners off. She said they clearly communicated with her as to how long it would take and when the work was finished and the road was cleaned up well.

STATE HIGHWAY 39/TE KANAWA STREET

Cr Jeffries queried what the present status of the discussions were with Transfield regarding speed restrictions. The Engineering Manager replied that Transfield Services have said they will undertake a speed survey and do physical work to enhance the perception that this area is a restricted speed area. He said Transit are also looking at undertaking major rehabilitation work at the SH3/31 intersection.

OKUPATA ROAD

Cr Pilkington queried what systems can be put in place when staff changes occur to avoid things such as the culvert work on Okupata Road, dragging on for a number of years. The Engineering Manager replied there were many internal changes at the time and this had unfortunately diminished the sense of urgency in respect of these works. He said the situation was clearly

unsatisfactory and measures would be put in place to try to avoid this happening in the future. His Worship said the breakdown of communication had been noted.

DISTRICT PLAN REVIEW

Cr Pilkington reported the Kawhia Community Board's concern with the tight timeframes. She advised Ms Wakeling had said the timeframe was not 'set in concrete' however, this had not been recorded in the minutes of the last meeting. His Worship said he was conscious of the major cost of the Review to ratepayers. He said the timeframe can work if everyone is willing to participate, however, he said if there are obstructions, the predicted costs will be exceeded.

HABITAT FOR HUMANITY

Cr Pilkington queried the rearranging of the notional shares and how these will be recorded for the future. The Chief Executive advised that this will be recorded on Council's Property database.

JERVOIS STREET TOILETS, KAWHIA

Cr Pilkington requested an update on the Maori names for the Kawhia toilets. The Engineering Manager reported he has requested the Community Facilities Officer get another independent opinion.

EFFLUENT ON ROADS

Cr Blackler said during the farming change over there was effluent on the roads from stock trucks. She advised she had spoken to the Road Maintenance Engineer regarding this and requested the Environmental Health Officer investigate. Cr Blackler said more effluent disposal sites are needed in this area. Cr de Haan reported she followed a truck on Honikiwi Road who she believed was emptying his tanks on the side of the road as he drove along. Cr Blackler requested an update of the situation from the Environmental Health Officer.

LUNCH BREAK

Members adjourned for lunch at 12.38pm and reconvened at 1.06pm

PARKING WARDEN

The Environmental Services Manager advised the Parking Warden had issued the first parking warnings today. She said 14 warnings were issued on the 120minute parking restriction and one for a vehicle parked on a yellow line.

His worship advised the following items -

QUEEN'S BIRTHDAY HONOURS LIST

Mrs June Douglas, Mr John Ash and Mr Peter Chandler from the District were among the recipients on this years Queen's Birthday Honour List. His Worship advised he has called and congratulated each recipient and will send a congratulatory letter.

FIRE & RESCUE SERVICES

To advise a review of all services is currently underway.

KAWHIA RMC MEETING

A good meeting was held at Mokai Kainga on 26 May. A number of issues were discussed, particularly around local subdivision applications. His Worship said good advice was given and there is a real willingness to work with Council. Cr Pilkington reiterated His Worships comments.

RMA REFRESHER COURSE

His Worship and Cr Earwaker attended a refresher course in Tauranga on 22 May 2006. His Worship advised the course was not very worthwhile attending. He said, in summarising scenarios no answers were given and each group had diverse outcomes to the same issue. His Worship advised from 1 August 2007 the majority of Members sitting on a Hearings Committee have to be certified and by 2008 everyone has to be certified. He said certification is expensive and takes 18 months to complete with the possibility of those certified changing every three years following elections. He advised however, a former Councillor can sit on a Hearings Committee. His Worship queried whether Council should employ a Commissioner to hear all Applications.

ENVIRONMENT WAIKATO REPRESENTATION REVIEW

Submissions close on 3 July 2006. In reply to Cr Gower's query whether EW had FPP or STV voting, the Chief Executive confirmed FPP but they would now have larger wards.

CITIZENSHIP CEREMONY

A ceremony will be conducted at the commencement of the meeting on 26 July 2006 whereat six candidates will be naturalized.

ART HOUSE

A meeting was held on 31 May with another to be held tomorrow. His Worship advised, at this stage, the land on the corner of Kakamutu Road and Hinewai Street is the preferred section to relocate the building to. He said discussions are well under way with the land owners. He further advised a Committee, consisting of 12 people, has been formed that will break into smaller working groups to undertake various tasks.

HARVEST CENTRE

An application has been made to the Youth Development Fund. His Worship advised the climbing wall is now finished and the official opening is planned for 1 November. He said a grant has been received to employ four school leavers to undertake painting and other tasks.

WAIKATO MAYORAL FORUM

To be held on 16 June at Hamilton City Council.

LTCCP

Eleven submissions have been received to date, with submissions closing at 3.00pm today. His Worship advised at this stage only a small number wish to be heard. He said no submissions have been received from the usual local submitters. Cr Gower said that he believed people rely on their ward Councillors to put their views forward.

Item-257 LOCAL GOVERNMENT MUTUAL LIABILITY RISKPOOL

Discussion

The Annual General Meeting of the Scheme is to be held on 23 June 2006 in Wellington. His Worship advised four Directors are retiring, as per their term, however they are offering themselves for re-election.

Resolved

That the Mayor and Chief Executive be authorised to nominate Directors and to appoint a Proxy on behalf of Council.

Cr Earwaker / Cr Pilkington

HOUSING FOR ELDERLY

The Customer Services Team Leader advised that currently a tenant is required for one unit at Elizabeth Place.

HABITAT FOR HUMANITY PRESENTATION

Mr Pete North, Shirley Bennett and Charlene Robertson attended the meeting and gave a presentation on Habitat for Humanity. Mr North said Habitat is excited about partnering with Otorohanga and said nowhere have Habitat received such a warm welcome as in Otorohanga. He advised there are 19 affiliates (separate Habitat locations) in NZ with Waikato being one of them. Mr North said there are currently 11,500 people on the State Housing waiting list in NZ. He said their target group were people living in substandard housing or paying a high proportion of their income in rent. Mr North reported there are currently 42 families in the Waikato. In reply to Cr Pilkington's query about the cost of a standard Habitat house, Mr North said it was approximately \$90,000 plus GST. He advised that the house is then 'sold' to the family at its valuation price.

His Worship thanked the representatives for attending the meeting and giving such an informative presentation.

Item-255 WAIPARI ROAD STOPPING PROCESS

The Engineering Manager presented the Waipari Road Stopping Process report. He reported, following discussion with affected parties, he believes the party who indicated they would object, would do so because they wished to have assurance of access to their forestry block. The Engineering Manager advised any objections received to the proposal would mean a hearing would have to be held in the Environment Court. He reported that if mediation can take place to avoid an objection, this would be preferable and less expensive to all parties. In reply to the question what would become of the stopped road, the Engineering Manager advised the land would be divested to surrounding land owners, with easements over the land for affected parties.

Resolved

That the Engineering Manager be authorised to include a conditional offer of road improvements in negotiations with potentially affected parties in respect of the proposed stopping of the southern section of Waipari Road.

Cr Wilshier / Cr de Haan

MOTION TO EXCLUDE THE PUBLIC

"THAT the Otorohanga District Council, pursuant to Section 48, Local Government Official Information and Meetings Act 1987, resolves that the public be excluded from the following parts of the proceedings of this meeting.

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act or Section 6 or Section 7 or Section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public."

Cr Pilkington / Cr Jeffries

**Item-256 PROPOSED RESIDENTIAL DEVELOPMENT - WAIWERA STREET,
KAWHIA CONFIDENTIAL**

MEETING CLOSED

The meeting concluded at 3.00pm.

MAYOR:

DATE:

