



Otorohanga District Council

AGENDA

6 June 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

6 June 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 6 June 2006 commencing at 10.00am.

31 May 2006

DR HALL
CHIEF EXECUTIVE OFFICER

AGENDA

VISITORS ATTENDING THE MEETING

1.00pm Habitat for Humanity Waikato

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PRESENT

OPENING PRAYER

IN ATTENDANCE

APOLOGIES

CONFIRMATION OF MINUTES

OTOROHANGA DISTRICT COUNCIL - 16 MAY 2006

OTOROHANGA COMMUNITY BOARD - 11 MAY 2006

REPORTS

Item-244 SPORT WAIKATO CONTRACT 2006/07

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

From: Chief Executive

Date: 6 June 2006

Executive Summary

Attached is a draft contract between the Council and Sport Waikato for the next financial year (1 July 2006 to 30 June 2007). The contract is based on the existing contract, although some aspects of the Key Performance Targets have been revised. The value of the contract has been increased from \$57,000 to \$60,000. This increase has been incorporated into the draft LTCCP currently out for public consultation.

Suggested Recommendation

It is recommended that the contract with Sport Waikato be approved and that the Mayor and Chief Executive be authorised to execute it.

D R Hall
CHIEF EXECUTIVE

Attachments

- a. Sport Waikato – Draft Contract 2006/07
-

SPORT WAIKATO

AGREEMENT made as at 1 July 2006.

BETWEEN the Trustees of Sport Waikato of the one part and the **Otorohanga District Council** of the other part.

WHEREBY IT IS AGREED as follows:

1. TERM OF CONTRACT

The Trustees of Sport Waikato agree to employ:

A District Sport Co-ordinator (called "The Co-ordinator")

from 1 July 2006 until the agreement is determined in any of the following events:

- a) Upon the termination date of 30 June 2007.
- b) Upon the expiration of three calendar months notice from one party to the other of that party's intentions in that behalf.

2. MONETARY VALUE OF CONTRACT

The Otorohanga District Council agrees to pay \$60,000 plus GST per annum towards the salary and expenses of the District Co-ordinator. Payments will be made in equal monthly instalments.

3. DISTRICT CO-ORDINATOR EMPLOYMENT

Sport Waikato will be responsible for the appointment and remuneration of the District Co-ordinator. The District Co-ordinator will be on contract with Sport Waikato and will be employed on a full time basis working 40 hours a week.

4. ROLE OF SPORT WAIKATO

Sport Waikato will focus its delivery strategies on three key target groups within the Otorohanga District:

- Under 5 years.
- Schools (Primary, Intermediate, Secondary)
- Participation in Physical Activity and Sport - Adults

To:

Educate and support parents to develop regular physical activity and exercise habits with their children that lay the foundations for a physically active life.

Continue to build on the success of current participation programmes and to help provide an environment where young people have opportunities to take part in regular sport and physical activity.

Provide education opportunities and support to sport associations, clubs, schools and other providers of physical activity, to assist them to run quality activities and events.

Market the benefits of regular exercise and participation in sport or active living to community groups and individuals to encourage more people more active more often.

5. KEY PERFORMANCE TARGETS

The following key targets, which will be used as a basis to measure the success of this contract, have been agreed:

1. To develop a written concept plan for the proposed "Kawhia Well-being Centre" in conjunction with the Kawhia Community Board.
2. To work towards implementing the concept plan, if that is appropriate following the considerations of the Kawhia Community Board and Council.
3. Spend (on average) one day each fortnight in Kawhia, measured from 1 July 2005 to the termination date.
4. Support Kawhia's Waka Tangata group and the annual whaleboat races.
5. Maintain a good relationship with the District's primary schools.
6. Promote Active Communities, especially with respect to the proposed Otorohanga Youth Centre.
7. Investigate funding (SPARC/NZRA) for, and the development of, a Leisure Plan with the Council.
8. Work towards implementing the recommendations arising from the "Sportsville" report, if that is appropriate, following the consideration of the Otorohanga Community Board and Council.
9. Meet with representatives of the Council in October / November each year in order to discuss Sport Waikato's performance against the above targets and develop measures for a new contract.

6. DUTIES

i) The District Co-ordinator:

The District Co-ordinator shall, on behalf of Sport Waikato, carry out the following duties within the Otorohanga District, to the best of his/her ability, subject to:

The District Co-ordinator shall be subject to and observe such directions as he/she may from time to time receive from the Sport Waikato Chief Executive Officer and or the Programmes Manager generally or in relation to a specific matter, including:

- The delivery of the Under 5's programme through:
 - Resources
 - Training and Support
 - Communication

- Delivery of Junior Sport through:
 - Programmes (KiwiSport, SportFit, Holiday Programmes)
 - Training and support
 - Communication

- Improve the Delivery of Sport through:
 - Sports Management Training
 - Encourage more people into coaching and refereeing and provide training
 - Communication
 - Support services and resources

- Getting more people active more often through:
 - Participation programmes (Seniors, Community Sport Programmes, Corporate Challenges etc.)
 - Education (marketing benefits of regular participation)
 - Partnerships with other delivery agencies
 - Participation events
 - Resources
 - Communication

- Assist when required with the recreation and sports planning in the defined district.
- Provide an advocacy role for women, people with disabilities, Maori and Fairplay to involve all people in programmes and activities.
- Provide an advocacy role for Council facility usage and provide feedback to Council.

7. ACTING OUTSIDE THE CONTRACT

The Otorohanga District Council shall:

- a) Be publicly supportive of Sport Waikato programmes.
- b) Where possible provide back-up resources such as facilities and manpower to ensure the success of Sport Waikato's programmes.

SIGNED BY-MATTHEW COOPER AS CHIEF EXECUTIVE OFFICER IN THE PRESENCE OF:

THE COMMON SEAL OF THE OTOROHANGA DISTRICT COUNCIL WAS HEREUNTO
AFFIXED PURSUANT TO A RESOLUTION OF COUNCIL IN THE PRESENCE OF:

MAYOR

CHIEF EXECUTIVE

Dated:

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

To: His Worship the Mayor and Councillors
Otorohanga District Council

From: Chief Executive

Date: 6 June 2006

Executive Summary

Attached is a draft Statement of Intent for the Local Authority Shared Services CCO (Council Controlled Organisation), which Council is a shareholder of.

Suggested Recommendation

It is recommended that the information be received.

Report Discussion

As required under Section 64 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. The draft has been sent to each shareholding Council and comments are requested.

D R Hall
CHIEF EXECUTIVE

Attachments

- a. Statement of Intent 2006/07

Local Authority Shared Service Limited

Statement of Intent for 2006-2007

Local Authority Shared Service Limited

Introduction

This Statement of Intent is a public declaration of the activities and intentions of a CCO in the form of a company, providing the directors' accountabilities to the shareholders for corporate performance, as intended by Section 8 of the Local Government Act 2002.

The local authorities within the boundaries of the Waikato Region have promulgated a shared service initiative to provide a vehicle for continuing to improve services and achieving cost reductions in joint services across the region. The benefits that will be realised by developing a joint service are:

- Improved level of service
- Co-ordinated approach to the provision of services
- Reductions in the cost of services
- Opportunity to develop new initiatives
- Opportunity for all councils irrespective of location or size to benefit from joint initiatives
- Leverage provided from economy of scales resulting from a single entity representing councils leveraging procurement opportunities.

These benefits have started to be realised through the initial development of the shared valuation data base service. It is envisaged that this service will continue to be improved over the coming year and will be built on with new projects being initiated.

Objective

The company has been set up to provide Waikato Region local authorities with a vehicle to procure shared services and provide them to local authorities.

The services that will be initiated under the umbrella of this company will only be promulgated if the business case shows that they provide benefit to the share holders in terms of improved level of service or reduced cost.

Governance

The company shall have six directors appointed as follows:

- a. One appointed by Waikato Regional Council
- b. One appointed by Hamilton City Council
- c. One by agreement between Franklin and Waikato District Councils
- d. One by agreement between Thames Coromandel, Hauraki and Matamata Piako District Councils
- e. One by agreement between Waipa, Otorohanga and Waitomo District Councils
- f. One by agreement between South Waikato, Taupo and Rotorua District Councils

Unless otherwise agreed by the board each appointee shall be a Chief Executive of a local authority. In addition the board may appoint up to three professional directors to supplement the Chief Executives' expertise.

The CCO will conduct itself in accordance with its constitution, its annual statement of intent agreed with shareholders, and provisions of the Local Government Act 2002.

Directors:

The current directors of Local Authority Shared Service Limited are:

Director	Position	Councils Director Represents
Harry Wilson (Chairperson)	CEO Environment Waikato	Environment Waikato
Tony Marryatt	CEO Hamilton city Council	Hamilton City Council
John Inglis	CEO Waipa District Council	Waipa, Otorohanga and Waitomo District Councils
Langley Cavers	CEO Hauraki District Council	Thames-Coromandel, Hauraki and Matamata-Piako District Councils
Phillippa Wilson	CEO Franklin District Council	Franklin and Waikato District Councils
Peter Guerin	CEO Rotorua District Council	Rotorua, South Waikato and Taupo District Councils

Nature and Scope of Activities

The principle nature and scope of the activity for the company is to:

1. Provide shared services to all local authorities within the Waikato Region. The company also intends to sell processes and systems as set up under individual agreements to local authorities outside the Region.
2. Pursue all opportunities to procure shared services that may benefit the community, either through enhanced services or reduced cost.
3. Give consideration to developing shared service products which a majority of local authorities of the Region believe are of value. The objective is to provide the most effective access to Regional information that may be of value to the community using modern technology and processes.
4. Explore all possible avenues to provide these services itself or contract them from outside parties, each depending on a rigorous business case.

Future Developments

- The shared valuation database will continue to be developed to provide greater flexibility of use of the data and identify other products that can be sold utilising this data.
- The company will explore other opportunities to partner with other local authorities within New Zealand with useful products.
- The company will continue to work on business cases for other services that can be provided in the region to its shareholders. Initially this is expected to include but not be limited to:
 - Library services
 - Aerial photographs,
 - Regional Database,
 - Regional and Urban Digital Networks, and
 - a Local Government Software suite.

Other shared services may be provided during the year after the Board has considered the individual business case including the proposed budget and agreed that the company should take on and deliver the service.

Performance Targets

Performance targets relate to the level of service and those products that are current or under development. It is envisaged that these targets will change as new products are developed.

1. All products to be fully costed, including development costs, and recovered from revenue for a maximum of five years.
2. The company will enter into long-term contracts of at least three years with each participating party for any product development to ensure costs of development are spread equitably between the partners and over a realistic time frame.
3. The participating parties will guarantee to provide capital and cash requirements of the organisation and provide guarantees to the company based on prevailing interest rates in the market to cover the cost of new product development.
4. Positive cash flow will be maintained so that equity ratio is maintained at least 40 percent.
5. Customers will be surveyed annually to ensure that there is at least 90 percent satisfaction with the services provided.
6. A business case will be developed for any new product that is to be proposed. This business case will be approved by the Directors prior to any development occurring.
7. The cost of product development will be fully underwritten by participating shareholders prior to any development occurring.
8. Financial statements will be provided to the directors on a three monthly basis.

Policy Statement

Statement of Accounting Principles

Financial statements would be for a company wholly owned by local authorities within the Waikato Region in the proportion of one share per local authority. Financial statements will be prepared in accordance with the requirements of the Local Government Act 2002 and the Finance Reporting Act 1993.

Measurement Basis

The company will follow generally accepted international accounting principles for reporting of earnings and financial position and any liability for overseas funding of equipment or processes would be based on the prevailing exchange rate as at balance day.

Specific Accounting Principles

The following particular principles which have a significant effect on measurement of financial position are to apply.

- Accounts Receivable are to be stated at their expected realisable value after writing off any known bad debts and providing for doubtful debts.
- Investments to be valued at the prevailing market value.
- Fixed assets to be recorded at cost, less accumulated depreciation, other than where freehold lands may be required. This to be based on the normal accounting processes for valuation of land.

Intangible Assets

- Where intangible assets are purchased, such as intellectual property, these are to be capitalised and written off on a straight line basis over their expected life, but no greater than four years.
- Depreciation is to be provided on a straight line basis on all assets other than land, and align with normal accepted depreciation for the types of services being developed.

Inventories

- It is not envisaged that the company will hold inventories, other than those that might relate to providing electronic services to a number of parties. They will be valued at net realisable value.

Taxation

- Taxation will be provided as required against the company in line with the required legislation.

In accordance with the Public Audit Act 2001 and the Local Government Act 2002, the office of the Auditor General will be responsible for audit of the company's financial statements.

It is not envisaged that the board will make any recommendation about dividend, as in the initial five years any savings will be used to reduce service costs or for reinvestment in new products and upgrades.

The Forecast Financial Statements for the 2006/2007 year is attached to this statement. It is prepared on the basis of the operation of the SVDS only, and will be updated as new products or services are developed.

In accordance with the Local Government Act 2002, the ratio of Consolidated Shareholders' Funds to Total Assets has been included within the Forecast Statement of Financial Position.

- Consolidated Shareholders' Funds are defined as the sum of retained earnings, reserves and paid-up share capital.
- Total Assets of the entity encompass Current and Non Current Assets as disclosed in the Forecast Statement of Financial Position. This includes, but is not limited to, Bank, Debtors and Operational Assets

Value of Shareholder's Investment

A Statement of the Directors estimate of the commercial value of the shareholders' investment in the LASS is attached. Reassessment of the value of this shareholding shall be undertaken on or about the 1 March each year.

Distribution of Profits to Shareholders

It is not anticipated there will be any distribution of profits to shareholders. Charges for the work undertaken by the LASS on behalf of its shareholders will be undertaken on a cost recovery basis.

Compensation

Directors of the LASS, will not receive any fees or expenses for work undertaken on behalf of the LASS. Directors of the LASS, who are not members of the shareholders Councils, will receive directors' fees as approved by the Board of Directors from time to time.

Procedures for the Purchase and Acquisition of Shares

The board of directors will give approval before the LASS subscribes for, purchases or otherwise acquires shares in any company or other organisation, which is external to the group.

Information to be provided to Shareholders

The company will deliver the following Statements to shareholders:

- On a three monthly basis the Financial Position and Cash flow
- Within two months of the end of the first half of the financial year: Financial Performance, Movements and Equities, Financial Position, Cash flow and Service Performance.
- Within three months of the end of the financial year the following audited statements: Financial Position, Movement and Equity, Cash flows, Service Performance plus a summary of how the company has fared against its objectives and prospects for the next financial year, and a report on the company's medium to long- term plans.

Review of Statement of Intent

The LASS shall approve by 1 March of each year a draft statement of intent for the consideration of shareholders.

The LASS must then consider any comments on the draft statement of intent that are made to it within two months of 1 March by the shareholders and deliver the completed statement of intent to the shareholders by 30 June.

Item-246 CREATIVE COMMUNITIES NZ - MINUTES 19 MAY 2006

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

From: Customer Services Team Leader

Date: 6 June 2006

Executive Summary

Below are the minutes of the meeting of the Creative Communities NZ - Local Arts Scheme held on 18 May 2006.

Suggested Recommendation

It is recommended that:

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

CA Tutty
CUSTOMER SERVICES TEAM LEADER

Attachments

- a. Creative Communities NZ - Local Arts Scheme - Minutes - 18 May 2006

Creative Communities NZ – Local Arts Scheme
18 May 2006

Minutes of a meeting of the Assessment Committee for Creative Communities NZ Local Arts Scheme held in the Council Committee Room, Maniapoto Street, Otorohanga on Thursday 18 May 2006, commencing at 3.30pm.

Present: Mr DF Williams (Mayor), Cr D de Haan, Mrs Sonya Hetet

In Attendance: Mr CA Tutty (Customer Services Team Leader)

Apologies: Cr L Gower, Cr C Jeffries

The Officer reported there was \$4469.00 excluding GST available to allocate for the remainder of the 2005/2006 year. He then presented a schedule of the Applications received.

Resolved that the allocations, as amended and detailed hereunder be approved for distribution:-

Organsiation:	Amount:	Reason:
Waka Tangata Trust dance	\$Nil	Teach & record traditional song and
Otorohanga Craft Fair	\$500.00	Organise and promote Christmas Craft
Te Karito Kura Wananga and call	\$500.00	Weekend Hui in Kawhia learning songs
Otorohanga Baptist Church accessories	\$500.00	To purchase a keyboard and
Otewa Mainly Music sessions	\$150.00	To purchase a sound system for music
Maihihi School concert	\$750.00	To purchase music equipment for a
Oparau Hall Society Inc.	\$750.00	To hold an Annual Music Festival
Harvest Centre promoting youth creativity	<u>\$1319.00</u>	To purchase sound system for
		<u>\$4469.00</u>

Mrs Hetet / Cr de Haan

The total funds have been allocated for the 2005/2006 year.

The meeting closed at 4.15pm

Item-247 ELECTIONS 2007

To: His Worship the Mayor and Councillors
Otorohanga District Council

From: Customer Services Team Leader

Date: 6 June 2006

Executive Summary

Council to consider appointment of Colin A Tutty as Electoral Officer.

Suggested Recommendation

It is recommended that:

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

Report Discussion

John Pevreal has indicated the desire to step aside from the roll of Electoral Officer however he will be available to act as deputy electoral officer. I will be working with Election Service providers and other Councils to put in place effective and efficient electoral systems for the election due to be held on Saturday 13 October 2007.

Colin Tutty
CUSTOMER SERVICES TEAM LEADER

Item-248 WINDSOR COURT EXTENSION - ADDITIONAL LAND FOR HOUSING

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

From: Finance & Administration Manager

Date: 6 June 2006

Executive Summary

Investigations along with the Housing for the Elderly development have revealed that the Windsor Court units were partly erected on Windsor Park.

Suggested Recommendation

It is recommended that:

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.

Report Discussion

Housing Corporation have indicated that their preferred security for the development is over the Title to Windsor Court. The units being erected across the boundary of the adjoining Park land is an issue and it is necessary to correct it.

This corrects an action of many years ago.

J L Pevreal
FINANCE & ADMINISTRATION MANAGER

Attachment: Windsor Court - Boundary Extension

Item-249 HOUSING FOR THE ELDERLY UNITS UPGRADE

To: His Worship the Mayor and Councillors
Otorohanga District Council

From: Finance and Administration Manager

Date: 6 May 2006

Executive Summary

Housing Corporation have approved the following amounts for up grading

Elizabeth Place	\$87,612
Windsor Court	\$360,000

The Board and Council are required to give approval to the proposed work.

Suggested Recommendation

It is recommended 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.

Report Discussion

Back ground

In 2004 Housing New Zealand announced details of the Local Government Housing Fund which is to provide an interest free suspensory loan of up to \$30,000 per unit to modernise/reconfigure existing Housing for the Elderly units.

The conditions are that the housing has to be retained for 20 years and disposal within this timeframe would require the loan and interest to be repaid. A loan agreement was negotiated some time ago and will be offered when the tender process has confirmed the costings/scope of the work. The loan will be secured by a mortgage over the properties. This will be the first time that security has been given over a Council property. The activity is GST exempt and accordingly no tax can be claimed on the payments made for any construction.

If the project does not proceed then we will not be able recover our costs to date (\$13,000). HNZ have indicated they will attempt to recover their costs from us also. The process has not gone smoothly up to date with HNZ changes and policy development as we have moved forward. They have attempted to push us further than the finances would allow.

Scope of the Work (including GST)

Windsor Court

12 Bathrooms @ \$13,000	176,000
1 Unit Extension	92,000
Additional Unit upgrade	52,000
Contingency	20,000

ODC Fees	<u>20,000</u>
	\$360,000

Elizabeth Place

Upgrade Parking Area	\$87,612
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Process

- Call for Tenders
- Consult with HNZN/Committee on Tenders received
- Change work to maximise available Funds or take work out to remain within budget
- Sign Loan agreement
- Consult with Tenants
- Organise temporary accommodation for affected tenants if necessary.

Financial

It appears that there will be another level of Flat/s available for Rent. The Committee will need to consider a new rental structure but may wish to leave this until the work is completed.

I believe there is capacity to borrow extra money to carry out more upgrading. This would need to be part of Councils normal Debt programme and has not been signaled in the LTCCP.

A copy of the Letter of offer is attached.

J L Pevreal

FINANCE AND ADMINISTRATION MANAGER

Attachments

- a. Letter of Offer
- b. Plans

Attachment: Letter of Offer of Loan for Housing for the Elderly Upgrade

Item-250 WALKING ACCESS - LGNZ CONSULTATION

To: His Worship the Mayor and Councillors
Otorohanga District Council

From: Chief Executive

Date: 6 June 2006

Executive Summary

Local Government New Zealand has requested feedback from Councils on the direction of a submission in respect of walking access in New Zealand.

Suggested Recommendation

No Recommendation.

Report Discussion

Attached is a memorandum from Local Government New Zealand requesting feedback from Councils on a proposed submission regarding walking access. The review of walking access may have a range of implications for local government and for private landowners.

Feedback from Councillors is requested on the matters raised by Local Government New Zealand.

It is noted that a public meeting on this matter will be held in Hamilton on 13 June 2006.

D R Hall
CHIEF EXECUTIVE

Attachments

- a. LGNZ Walking Access Consultation Document

Item-251 PROPOSED STOCK MOVEMENT BYLAW

To: His Worship the Mayor and Councillors
Otorohanga District Council

From: Engineering Manager

Date: 6 June 2006

Executive Summary

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.

Suggested Recommendation

It is recommended 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.

Report Discussion

A draft of a proposed Stock Droving Bylaw 2006 was presented to Council at a workshop on 16 May 2006, and feedback has also been received from Waikato Federated Farmers (WFF).

The key issues identified by WFF are listed in the following section. There is considered to be value in attempting to address these issues through modification of the draft Bylaw before submissions on the Bylaw are formally invited.

Issues Raised by Federated Farmers

1) Charging for Drover's Day Permits; It is argued that charging for these permits (the proposed charge was \$20) may discourage people from applying for them.

Suggested Response

That no charges are made for these permits. The number of such permits is expected to be relatively small, and as such it is believed that the associated administrative costs could be easily absorbed. If these charges are removed it may however also be appropriate that no charge is made for permits for recurrent droving activities.

2) Underpass Requirement Graph; It was observed that WFF were not happy with the recently adopted Waikato District Council (WDC) Stock Droving Bylaw which contains the 'Crossing Assessment Graph' that we have used in our draft Bylaw. They consider that the graph does not produce results that are sensible or in accordance with the stated objectives of the WDC Bylaw, with the imposition of underpass requirements on low traffic volume roads being a particular anomaly which they believe WDC may have to manage by 'massaging' the outputs of the graph.

WFF draw attention to the Road Controlling Authorities (RCA) Best Practice Guidelines for Stock Crossings, which states that prohibition of stock crossings (ie by imposition of requirements for an underpass) is '*only appropriate in limited circumstances, such as where there are very high traffic volumes, problems of visibility or significant amenity impact*'. WFF clearly believe that the proposed 'Crossing Assessment Graph' does not effectively identify such circumstances.

Comment is also made that the imposition of requirements for underpasses may impose unreasonable financial burdens on farmers, particularly where those requirements are imposed in the short term - ie within one or two years. It is also noted that ODC is less generous than WDC in providing subsidy towards underpasses, with WDC providing 25% subsidy, which is much more than ODC's contribution of \$2,500.

Suggested Response

It is acknowledged that the principles behind the WDC Crossing Assessment Graph (which originated from a graph produced by Matamata Piako District Council) are not clear, and that indeed some of the results that the graph provides do not appear to make sense. It has previously been noted that the WDC graph is relatively insensitive to variations of road traffic volumes in the range commonly encountered in the Otorohanga District, and further examination has also shown the graph gives very inconsistent results in respect of variations in stock numbers and crossing frequency.

Consider for example the following scenarios (on roads with the same levels of traffic), all of which given identical results in terms of underpass requirements (mid 'Zone B', requiring an underpass within 10 years):

Average Daily Vehicles on Road	Stock Number	Crossing % Days of Month	Total animal movements across road per month
400	400	39%	18720
400	200	60%	14400
400	100	71%	8520
400	50	76%	4560
400	20	80%	1920
400	10	82%	984

How a crossing activity with less than 1000 animal movements per month can be treated identically to one with almost 20 times as many movements on the same road is extremely difficult to justify, and such issues have to raise questions as to whether WDC have adequately considered the graph contained in their Bylaw.

As such it is believed that further consideration should be given to other graphs (such as that previously presented at the Council meeting of 2 May 2006) or formulae for the assessment of where underpasses are required, which may result in a more understandable and transparent process.

Some such alternative approaches will be presented and discussed at the meeting.

3) Distinction between 'Existing' and 'New' Crossing Activities; WFF consider that ODC's proposed Bylaw is unfair in that it imposes more stringent conditions on applications for crossings after a certain arbitrary date. It is argued that if the assessment criteria are sound everybody should be on an even playing field.

Suggested Response

The logic of WFF's comment is appreciated, and we need to be sure that the criteria set for 'new' crossings are not excessive, and that the use of differential criteria is legally sound.

4) Policy Objectives need Quantification; WFF noted that what is meant by "ongoing unacceptable levels of road damage" and "excessive delay to road users" should be quantified.

Suggested Response

It would not be difficult to add such quantification. Suggest "excessive delay" is considered to be any continuous interruption of vehicular traffic longer than 3 minutes.

Statement of Proposal

Though some changes may be required to the Bylaw to respond to the issues raised previously, it is believed that Council can proceed with actions to make the Bylaw.

The following is a summary of the Statement of Proposal as required by Sections 83 and 86 of the Local Government Act (LGA) 2002. The full statement of proposal is considered to include the Stock Movement Bylaw 2006, a copy of which is enclosed, to which changes may be made in accordance with the preceding items.

Reasons for Proposal

The proposed Otorohanga District Stock Movement Bylaw 2006 has been prepared with the intention of satisfying the requirements of Section 158 of the LGA 2002 (which requires a review of Council's Stock Droving Bylaw 1999) and to improve upon the effectiveness of the latter Bylaw and bring it into line with other more recent 'model' Bylaws adopted elsewhere.

The intended purpose of the proposed Bylaw is to impose restrictions on the movement of animals on roads within the Otorohanga District which will reduce damage caused to carriageways by animal droppings and mud etc carried on animal hooves, and minimise inconvenience, nuisance, and potential danger to motorists and other road users.

The most significant of the proposed changes in relation to the existing Stock Droving Bylaw 1999 are as follows:

- Imposing requirements for some dairy cattle crossings to be replaced by underpasses within specified timeframes;
- Establishment of a better defined regulatory response to inadequately cleaned stock crossings;
- Permitting non-routine dairy cattle movement on roads in some circumstances;
- Requiring permits to be obtained for some more significant stock droving activities outside of the Otorohanga Community;
- Imposing requirements for the health status of animals permitted to be driven on roads

Because some of these changes are considered to be relatively significant it is believed that such changes are best made through making a new Bylaw rather than by amending the existing Bylaw. The Otorohanga District Stock Droving Bylaw 1999 will be revoked immediately following the adoption of the Otorohanga District Stock Movement Bylaw 2006.

Appropriateness of Bylaw

As required by Section 155 of the LGA 2002, consideration has been given to the appropriateness of making a Bylaw to address the perceived issues. It is believed that in this case the matters addressed by the Bylaw are in accordance with the general provisions of Section 682 of the LGA 1974. Whilst these matters are not specifically referenced in Section 684 of the LGA 1974, it is believed that the implementation of similar Stock Droving Bylaws by many other Local Authorities strongly indicates that Otorohanga's adoption of this Bylaw is appropriate.

Bylaw Making Process

Public notice of this proposal will be given on 8 June 2006, and summaries of the Statement of Proposal and associated information will be forwarded to all existing stock crossing permit holders and any other relevant or interested parties in accordance with the Special Consultative Procedure requirements. Submissions will close on 10 July 2006 and will be considered by Council at its meeting on 26 July 2006.

Dave Clibbery
ENGINEERING MANAGER

Item-252 STATUS OF WALKER ROAD

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

From: Engineering Manager

Date: 6 June 2006

Executive Summary

Issues associated with the section of Walker Road owned by the Department of Corrections are discussed, and a course of action towards legalising this section as public road is proposed.

Suggested Recommendation

It is recommended 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.

Report Discussion

The status of a 650 metre long western section of Walker Road (off Waikeria Road, inside the Department of Corrections ('DoCor') lands at Waikeria Prison) has been a long-standing issue with Council. The section of road in question is owned by DoCor and is not a Public Road, though DoCor have in the past given permission for residents on the eastern end of Walker Road to use this road for access to the 8 occupied properties that are there.

The western (privately owned) section of road was sealed by Council in 1970, but has very limited operational value to DoCor, and for this reason they have done nothing to maintain it. The road is currently in an extremely poor condition, with numerous very large and deep potholes.

Deterioration of the western section of Walker Road has now reached a point where 'quick fix' remedial works cannot be sensibly undertaken. A quote of more than \$8,000 was received from Council's roading contactor for repair of the potholes, and this work would have only a relatively temporary effect, since the entire pavement is extensively cracked and new potholes will inevitably soon appear elsewhere. As such the execution of this work was not considered sensible, and we have instead simply placed metal in the potholes as a very temporary measure until a more comprehensive solution to the deterioration of this road can be found.

It is believed that such a solution would be an area wide pavement treatment over the whole 650 metre length, which is likely to have a cost in the order of \$50,000. A necessary precondition for such work to be undertaken would however need to be an agreement between Council and DoCor in respect of responsibilities for the operation and maintenance of this road.

Council has in the past made a number of approaches to DoCor requesting that they either undertake maintenance of the privately owned section road, or consider allowing Council to legalise it as public road and take over the responsibility for maintenance. Little success has been achieved in respect of the first of these approaches, but it is understood that on two occasions an agreement was almost achieved between DoCor and Council in respect of legalising the road, before staff changes at DoCor interrupted the process.

It seems appropriate to attempt to re-start this process, but before this is done an indication of Council's commitment to conduct improvements on this road is considered to be necessary.

Any agreement with the DoCor in respect of legalising this section as public road would also need to contain provisions to ensure that the ability of the public to use this road was not compromised by other future developments at the prison.

If a suitable agreement cannot be reached with DoCor to legalise the road, another option may be rip the existing seal on the western section and create a length of unsealed road, which Council could maintain in the normal fashion. This would arguably be an improvement on the current situation, where the size and extent of potholing has significant potential for vehicle damage, but such an approach is far from desirable.

Dave Clibbery
ENGINEERING MANAGER

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

To: His Worship the Mayor and Councillors
Otorohanga District Council

From: Environmental Services Manager

Date: 6 June 2006

Executive Summary

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

Suggested Recommendation

It is recommended that:

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

Report Discussion

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

As background, a summary of decisions under delegated authority is as follows:

1 March 06 – 31 May 06

	Landuse	Subdivision
Otorohanga	4	1
Kawhia	1	1
Rural	7	23
TOTAL	12	25

TOTAL = 37

Ninety seven percent of consents were issued within 15 working days.

	Landuse			Subdivision		
	2004	2005	2006	2004	2005	2006
Wharepuhanga	-	2	-	1	1	3
Kiokio	-	1	3	2	6	7
Waipa	1	-	-	5	5	6
Tihiroa	1	-	2	9	5	7
Otorohanga	2	2	4	2	4	1
Kawhia	2	7	3	3	3	1
TOTAL	6	10	12	22	23	25

Total Consents 2004 = 28
Total Consents 2005 = 33
Total Consents 2006 = 37

Julie Meade Rose
ENVIRONMENTAL SERVICES MANAGER

Attachments

- a. Consents issued under Delegated Authority – 1 March 2006 - 31 May 2006

Attachment: Resource Consent Decision 060301 - 060531

Item-254 MICRO CHIPPING FOR DOGS

To: His Worship the Mayor and Councillors
Otorohanga District Council

From: Environmental Services Manager

Date: 6 June 2006

Executive Summary

An overview of the dog control legislative requirements, other Council's approach to micro-chipping and enforcement procedures available is provided to assist Councillors debate the legislation and enforcements measures to be taken.

Suggested Recommendation

It is recommended that:

1. 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.

Report Discussion

Introduction

The purpose of this report is to assist Councillors a) debate the merits or otherwise of micro-chipping of dogs and b) decide when Council will enforce the legislation.

1. Dog Control Legislative Requirements

Amendments to the Dog Control Act 1996 now require certain dogs to be implanted with a functioning microchip transponder. The intent of the legislation is to provide dogs with a unique number to assist in the tracking of dogs classified as dangerous and to protect the interests of society as a whole.

There are five different categories of dogs that have to be micro-chipped.

Classified **DANGEROUS** after 1 Dec 2003

Classified **MENACING**

REGISTERED FOR THE FIRST TIME after 1 July 06

IMPOUNDED, REGISTERED FOR THE 2ND time after 1 July 06

IMPOUNDED, UNREGISTERED after 1 July 06

Details of the requirements for micro-chipping for each classification of dog are in Appendix 1.

In summary, the Dog Control Act 1996 and the Dog Control Amendment Act require all dogs that are registered for the *first* time in New Zealand **ON OR AFTER 1 JULY** 2006 to be micro-chipped

within two months of registration. Currently registered dogs will NOT need to be micro-chipped unless they are classified as menacing or dangerous, or are impounded twice after this date.

Dogs that are classified as dangerous or menacing will need to be micro-chipped by 1 September 2006.

2. Other Council's Approach to Micro-chipping

I have spoken to Animal Control Officers at Waitomo, Waipa, Taupo and Waikato District Councils and at this stage there is uncertainty as to how Councils view the legislation. However, if the legislation becomes operative as proposed, there is acknowledgement among Councils that we are obliged to follow the legislation whether one is for or against it.

Dog Control Officers indicated that for dogs classified as dangerous or menacing there was an infringement fee (\$300) if not micro-chipped.

While the same infringement fee applies to dogs registered for the first time, some Officers were uncertain as to how far they would go with enforcement of this classification of dog. At this stage some Officers consider enforcement of micro-chipping these dogs would be done but as and when possible.

In summary, Councils are still deciding how vigilant they will be with enforcement of micro-chipping legislation.

3. Enforcement Procedures Available

Essentially there are three stages to enforcement.

Firstly, a letter about legislative requirements for dog owners will be sent to all owners on our registered dog owners database prior to 1 July 2006.

Secondly, if, after 30 September 2006, any of the dogs classified **dangerous or menacing prior to 1 July 2006** do not have a recorded microchip number, an infringement notice will need to be issued advising them they have 14 days from the date of this notice to present their dog at the pound for verification that the dog has been implanted with a functioning microchip transponder.

Thirdly, failure to comply with the requirements of the notice will result in further enforcement action being taken.

For dogs being registered for the first time, if they are not micro-chipped within two months of registration, an infringement notice will need to be sent to the owner.

Our Animal Control Officer will need to be guided as to how vigilant the enforcement of micro-chipping of dogs is to be, for example: should we be more vigilant about micro-chipping dangerous and menacing dogs rather than those registered for the first time; should we give dog owners extra time before taking further action (for dangerous or menacing dogs, urban dogs or rural dogs).

Dogs being adopted, impounded for the second time, impounded unregistered must be micro-chipped before being released. Jim Clark or a vet will do this.

Our dog database operator has the ability to run a report to identify dogs and owners who have not complied. Infringement notices will be sent to these dog owners. Again, failure to comply with the requirements of the notice will result in further enforcement action being taken. Currently dog reports are compiled monthly and this pattern is expected to continue.

In summary, enforcement of micro-chipping is on dangerous or menacing dogs, and dogs registered for the first time after 1 July 2006. How vigilant the enforcement is to be needs to be discussed. Enforcement should not be an issue for dogs being adopted, impounded for the second time or impounded unregistered as they are to be micro-chipped before being released.

APPENDIX 1: DOGS REQUIRED TO BE MICRO-CHIPPED

Classified **DANGEROUS** after 1 Dec 2003

Note, the dog must be muzzled and restrained by a person other than the person implanting the transponder (legal requirement)

- Must cause the dog to be micro-chipped,
- All dogs classified dangerous between 1 Dec 2003 and 1 July 2006 must be micro-chipped within 2 months from 1 July 2006, therefore by 1 September 2006.
- All dogs classified as dangerous after 1 July 2006 must be micro-chipped within 2 months from the date of classification.
- Must make the dog available for verification of implanted micro-chip under reasonable instructions, therefore by 1 September 2006. (Can not produce certificate to certify chipping).
- Don't have to re-chip if already chipped with a functioning microchip, of the correct type and in the correct location.
- Don't have to make the dog available for verification of implanted micro-chip if TA has already verified.

Classified **MENACING** (includes those declared menacing because of action, and breed or type)

Note, the dog must be muzzled and restrained by a person other than the person implanting the transponder (legal requirement)

- Must cause the dog to be micro-chipped
- All dogs classified menacing between 1 Dec 2003 and 1 July 2006 must be micro-chipped within 2 months from 1 July 2006 therefore by 1 September 2006.
- All dogs classified as menacing after 1 July 2006 must be micro-chipped within 2 months from the date of classification.
- Must make the dog available for verification of implanted micro-chip under reasonable instructions, therefore by 1 September 2006. (Can not produce certificate to certify chipping).
- Don't have to re-chip if already chipped with a functioning microchip, of the correct type and in the correct location.
- Don't have to make the dog available for verification of implanted micro-chip if TA has already verified.

Dog **REGISTERED** for the **first time** after 1 July 2006

- Must cause the dog to be micro-chipped.
- All dogs being registered for the first time after 1 July 2006 must be micro-chipped within 2 months from the date of registration.
- Must make the dog available for verification of implanted micro-chip under reasonable instructions, or
- Don't have to re-chip if already chipped with a functioning microchip, of the correct type and in the correct location

- Provided a certificate issued by veterinarian certifying that the dog has been implanted.

IMPOUNDED REGISTERED for the second time

- Must micro-chip an impounded, registered dog before releasing
- Impounded, registered dog exempt from micro-chipping for 1st impounding
- Don't have to re-chip if already chipped with a functioning microchip, of the correct type and in the correct location.
- Don't have to verify if TA already has verification

IMPOUNDED UNREGISTERED

- Must micro-chip an impounded, unregistered dog before releasing
- Don't have to re-chip if already chipped with a functioning microchip, of the correct type and in the correct location
- Don't have to verify if TA already has verification

The format of a **CERTIFICATE** issued by a registered veterinary surgeon certifying that the dog has been implanted must contain;

- Micro-chip number
- Name of the dog
- Sex of the dog
- Physical description of the dog (may include breed, colour, markings)
- Current registration number
- Name of the owner
- D.O.B of the owner
- Address of the owner

J Meade Rose
ENVIRONMENTAL SERVICES MANAGER

GENERAL

MOTION TO EXCLUDE THE PUBLIC

Item-255 WAIPARI ROAD STOPPING PROCESS 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(2i) Enable any local authority holding the information to carry out, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

Item-256 PROPOSED RESIDENTIAL DEVELOPMENT - WAIWERA STREET, KAWHIA 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(1d) That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation in any proceedings to which this paragraph applies.

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

- 7(2i) Enable any local authority holding the information to carry out, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

