



Otorohanga District Council

MINUTES

10 December 2009

OTOROHANGA DISTRICT COUNCIL

10 December 2009

Minutes of an ordinary meeting of the Otorohanga District Council held in the Council Chambers, Maniapoto St, Otorohanga on Tuesday 10 December 2009 commencing at 10.03am.

MINUTES

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PRESENT

Mr DF Williams (Mayor), Crs SR Adam, S Blackler, WH Earwaker, AL Gower, AG Ormsby, DM Pilkington and RJ Prescott.

IN ATTENDANCE

Messrs DC Clibbery (Chief Executive), R Chadwick (Engineering Manager), GD Bunn (Finance & Administration Manager) (attended 10.35am), AR Loe (Environmental Services Manager), RF Proffit (Policy Manager)(attended 10.42am) and CA Tutty (Governance Supervisor).

OPENING PRAYER

His Worship read the Opening Prayer.

CONFIRMATION OF MINUTES - 17 NOVEMBER 2009

Resolved that the minutes of the meeting of the Otorohanga District Council held on 17 November 2009 as previously circulated, be approved as a true and correct record of that meeting.

Mrs Pilkington / Cr Earwaker

MATTERS ARISING

Wharepuhanga Road

Cr Pilkington reported that it was Cr Blackler that had informed the Engineering Manager of two locations along Wharepuhanga Road which were being undermined by a stream and required urgent attention, not herself.

Farmers Market

Cr Prescott requested confirmation of what was actually resolved at the Council meeting in regards to the proposed Farmer's Market. His Worship replied that the resolution was that the Organisers only receive one market day free in order to ascertain support for the market, with the annual Permit Fee coming into effect after this.

Request for Extension of Contract - EnviroWaste

Cr Pilkington reported on a workshop meeting held prior to the Kawhia Community Board meeting on 27 November 2009 whereat it was agreed that Council agrees, in principle, to the potential extension of the EnviroWaste Contract provided that adequate benefit is indicated. She said however, the benefits would have to be substantial as the Board is interested in going out to the public to 'test the market'. In reply to Cr Earwaker regarding who would make the final decision, Cr Pilkington advised that the Engineering Manager, following further consultation with the Otorohanga Community Board, would come back to Council with a more precise proposal. The Engineering Manager reported it was proposed to hold a workshop following the meeting of the Otorohanga Community Board to be held 10 December 2009. He said following this workshop staff will then be made aware of how the Otorohanga Community Board feels in regard to the proposal. The Chief Executive confirmed this is likely to involve quite an extended process.

PROPOSED GENERAL BUSINESS

His Worship advised that the Environmental Services Manager would like to table an item to be discussed under General Business - Enforcement Action - 164 Ormsby Road.

Resolved that the tabled item - Enforcement Action - 164 Ormsby Road - to be discussed in General Business, be included in the Agenda.

Cr Pilkington / Cr Earwaker

REPORTS

Item-279 REQUEST TO REDUCE DEVELOPMENT CONTRIBUTION

Discussion

The Environmental Services Manager presented a report advising that Mr & Mrs Kudeweh have written to Council to request that payment of a Development Contribution for their proposed dwelling on Hanning Road be reduced by \$2,300.

The Applicants, Richard and Samantha Kudeweh attended the meeting.

Mr Kudeweh made a presentation to Council advising that this was a new situation to them however, he believed they did everything possible to work out their costs. He said that prior to making application they established what the fee would be and this was confirmed by staff at \$10,500. He said they had spoken on three to four occasions with Council and at no time were they told that there was a possibility that a change in the fee could occur. He said the extra of \$2,300 will make it difficult for them.

His Worship asked Mr & Mrs Kudeweh what they thought Council could have done differently. Mr Kudeweh said Council could have advised people that the levy was under review and could increase. His Worship replied that 'everything' is under review cost-wise including fees and charges. Mr Kudeweh said he understood however, as the amount of the fee had already been provided, they assumed this would remain as indicated. Cr Gower suggested that Council should put some indication that the fee is 'subject to change'. Cr Pilkington asked that staff state the fee is 'subject to change' as at 1 July and will be confirmed after this date. Cr Blackler referred to the incident of Rating and advised that when a property is purchased and the annual rates indicated these are often higher in the first instalment received by the new purchaser. The Chief Executive reported that this fee referred to a specific fee in the LTCCP and therefore three years inflation has to be incorporated into the reviewed fee. In reply to Cr Earwaker regarding when the fee was passed by audit, he was advised this was approximately two weeks prior to 1 July 2009.

His Worship thanked Mr & Mrs Kudeweh for attending the meeting, Council appreciated the opportunity to hear their presentation.

Discussion was held on the request from Mr & Mrs Kudeweh for their Development Contribution to be reduced by \$2,300. It was agreed that from now on Council will indicate on Applications forms that the fees and charges are subject to change.

Resolved

That

1. The report from the Environmental Services Manager be received,
2. The request for a reduction of the Development Contribution fee by Richard and Samantha Kudeweh is declined.

Cr Earwaker / Cr Blackler

Item-277 RURAL CULVERT MAINTENANCE

Discussion

The Engineering Manager summarised his report advising that over recent months there has been some concerns expressed over the cleaning of culverts in the rural area and how Council staff can better monitor the performance of the Contractor in this work. He advised that there are approximately 5,200 culverts throughout the District.

Cr Pilkington referred to the actual Contract itself and reported on a drain associated with a culvert which is substantially longer than 5m from the structure, and when this blocks water backs up through the culvert. His Worship said clearing such a blockage would require a request for further work. Cr Pilkington reported on a swampy area on Harbour Road near a metal pit which requires attention. His Worship asked the Engineering Manager whether he was comfortable that inspections were being carried out and that the work is being undertaken in accordance with the Contract. The Engineering Manager replied, there has been a problem with follow up work not being carried out. His Worship suggested the Engineering Manager report back to Council in March 2010 as to what has been found and what the issues are.

In reply to Cr Adam regarding cyclic inspections, the Engineering Manager replied that Council staff will undertake more thorough inspections of the culverts as part of their cyclic inspections. This will include checking the culverts identified by the Contractors as requiring attention after the end of the following month to ensure that the remedial work has been completed within the required time frame. He confirmed that discussions have been held with the Contractor.

FINANCE & ADMINISTRATION MANAGER

The Finance & Administration attended the meeting at 10.35am.

Cr Adam then raised the question of cost and queried if the Contractor is charged with inspecting and maintaining culverts, and if these are found to be blocked, do they get paid extra to go back and remedy the situation. The Engineering Manager replied no, not normally however, discussion has been held on whether this has been some time in the making for which the Contractor is responsible or following a one off occurrence of storm damage where they have paid extra.

Resolved

That

1. The Engineering Manager's report be received
2. He prepare a follow up report on rural culvert maintenance for presentation at Council's meeting to be held in March 2010.

Cr Adam / Cr Blackler

POLICY MANAGER

The Policy Manager attended the meeting at 10.42am.

Item-278 APPLICATION FOR TEMPORARY ROAD CLOSURE - HAMILTON CAR CLUB

Discussion

The Engineering Manager summarised the Engineering Support Officer's report on an Application received from the Club for various road closures within the Otorohanga District, to enable the Hamilton Car Club to hold a speed weekend.

In reply to Cr Pilkington regarding whether property owners on the feeder roads have been consulted, the Engineering Manager replied that those properties on No Exit Road or where there is no other alternative route, will be consulted.

Resolved

That approval is granted for the following road closures:

Purpose: Speed Weekend

Date: Saturday 27 February 2010

Details of Closure: **PUKETAWAI ROAD** – starting from its intersection with Old Te Kuiti Road to its intersection with Whawharua Road.

WHAWHARUA ROAD – starting from its intersection with Puketawai Road to its intersection with Mangawhero / Tahaia Roads. Includes intersection with Smith Road (no exit)

Period of Closure: 9.00am to 5.00pm

Date: Sunday, 28 February 2010

Details of Closure: **PEKANUI ROAD** – entire length. Includes intersection with Scott Road (no exit)

Period of Closure: 9.00am to 5.00pm

With the following conditions imposed:

1. Persons will be allowed through in the event of an emergency.
2. Hamilton Car Club is to pay an application fee of \$400.00 towards administration of the road closure to Otorohanga District Council.
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.
4. Hamilton Car Club is responsible for obtaining public liability insurance (and paying the cost thereof) to a minimum value of \$2,000,000. This is required to indemnify Council against any damage to property or persons as a result of rally activities during the road closure period.
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 operators and businesses that may be affected by the road closures.
7. Hamilton Car Club is to consult with all residents of all properties on the road intending to be closed and also residents on roads connecting with the roads intending to be closed, including any no exit roads. Two mail drops to residents are also to be carried out. All initial mail drops to residents are to be approved by Council staff before distribution commences. The subsequent mail drop is to be completed no later than ten full days before the proposed closures.
8. Hamilton Car Club is solely responsible for signposting and policing of the roads to be closed, to ensure that only vehicles connected with the event 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 Hamilton Car 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.

Cr Blackler / Mrs Pilkington

Item-280 COMMUNITY OUTCOMES PROGRESS REPORT

Discussion

The Chief Executive summarised his report on progress towards identified Community Outcomes, as required by the Local Government Act.

Resolved

That

1. The report be received, and;
2. The 'Community Outcomes Progress Report - November 2009' be adopted by Council to meet the requirements of Section 92 of the Local Government Act 2002.

Cr Gower / Cr Prescott

Item-281 ROAD LEGALISATION PART ANSO ROAD SO 422087

Discussion

The Engineering Manager presented a report advising that Council has documents requiring its consent to the legalisation of the part of Anso Road that joins State Highway 3.

Resolved

That

1. The Otorohanga District Council hereby consents to the Minister of Land Information declaring:
 - a. Pursuant to Sec 114 of the Public Works Act 1981 the land described in the **First Schedule** below to be road vested in the Otorohanga District Council.
 - b. Pursuant to Sec 116 and 117 of the Public Works Act 1981 the road described in the **Second Schedule** below being stopped and vested by way of exchange in Murray John Willis and Neil Robert Parker by way of amalgamation with the land in Computer Freehold Register SA631/181.

South Auckland Land District – Otorohanga District

First Schedule - Land to be Declared Road

Area	Description	Owners
582m ²	Part Lot 2 DPS 7809 shown as Section 1 on SO 422087	<i>MJ Willis NR Parker</i>

Second Schedule – Road to be Stopped and Amalgamated with Computer Freehold Register SA631/181

6908m ²	Adjoining Part Lot 2 DP 789 Marked as Sec 2 on SO 422087	<i>MJ Willis NR Parker</i>
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2. The Mayor and Chief Executive of Otorohanga District Council be authorised to sign and seal any documentation necessary to legalise plan SO 422087.

Cr Earwaker / Cr Adam

Item-282 2010 ELECTIONS TIMETABLE

Discussion

The Governance Supervisor presented a report providing information relating to the 2010 Local Body Elections.

Resolved

That the Governance Supervisor's report enclosing the 2010 Local Body Elections timetable be received.

Cr Pilkington / Cr Ormsby

Item-283 MATTERS REFERRED FROM 17 NOVEMBER 2009

Discussion

The Governance Supervisor took Members through Matters Referred.

ZERO WASTE POLICY

The Engineering Manager referred to recent discussions with the Kawhia Community Board and proposed discussions with the Otorohanga Community Board (OCB). He said a draft of the new Policy has been prepared which, following discussions with the OCB, will be circulated to Members for comment. He said it is proposed to hold a further workshop on the matter.

SPRAYING OF ROADSIDE MARKERS

The Engineering Manager reported there were one or two areas where the Contractor had over sprayed. He confirmed that this work is sub-contracted out however, the main Contractor has been informed of the matter.

RUMBLE STRIPS

The Engineering Manager reported that the Roothing Manager had had discussions with Transit NZ and that they have forwarded a copy of their Policy in respect to the installation of rumble strips. He said it was indicated in the Policy that 'Rumble strips' should not be installed within 100m of a residential home. The Engineering Manager reported that the Roothing Manager had difficulty in identifying where the complaints referred to. It was agreed Cr Ormsby inform the Roothing Manager of these areas.

It was agreed all items be deleted from Matters Referred except 1.i.

GENERAL

ROADSIDE MOWING

Cr Prescott referred to a number of roadside embankments within the Community that required mowing. He said the grass looked like that of a hay paddock. His Worship advised that the Community roadside banks were sprayed twice a year however, the Mowing Contractor was not helping the situation by mowing further away from the edge of the bank. Cr Blackler expressed the opinion that the length of the grass does create a safety issue particularly coming down Main North Road.

The Engineering Manager reported Council has approximately 20-30 embankments around town which the mowing does not form part of the normal Mowing Contract. He said Council agreed to mow these once a year separate from the Mowing Contract.

The Engineering Manager confirmed a meeting has been held recently with the Contractor and should their work not improve, the Contract will be terminated. He said the Contractor recognised they have a problem and have not performed as required.

ISLAND RESERVE

The Engineering Manager reported an approach had been received from the Island Reserve Management Committee requesting that they carry out the mowing of the Island Reserve themselves, at the same price paid to the existing Contractor. Members were informed that the Contractor will give this proposal consideration however, it will reduce their workload. His Worship queried why this suggestion is being considered when the existing Contractor hasn't performed and is contracted to do this work.

ROAD TRANSPORT COMMITTEE

Cr Earwaker reported on his attendance at a Road Transport Committee meeting held last week. He said with Central Governments' policy on roading, all funds are going towards expressways. He further reported that there is no funding for public transport.

WAIKATO FEDERATED FARMERS ECONOMIC MEETING

Cr Earwaker reported on his attendance, and that of Cr Pilkington and Council's Policy Manager, at the Waikato Federated Farmers Economic meeting. He said this was a very interesting meeting with an economic model being presented. Cr Earwaker reported that Environment Waikato's Policy Statements are based on output/inputs on a regional not national basis. He said their Policy Statements are prepared on flawed information. Members were informed that the Tourism activity in the Region use a higher multiplying factor and accordingly are not comparing 'apples with apples'. Cr Pilkington agreed that adequate consideration was not being given to the Region's economic wellbeing.

OTOROHANGA DISTRICT DEVELOPMENT BOARD

Cr Pilkington queried whether any information has been received from the Otorohanga District Development Board on Constitutional issues. The Chief Executive replied, not to date.

WEST ZONE TARGETED RATE

Cr Pilkington referred to a recent meeting of the West Coast River Zone whereat there was a very good cross-section of the Community represented. She said the message from this 'middle area' was 'no' to Environment Waikato's proposal that a 'target rate' be introduced in order for work to be carried out.

TE TAHI ROAD SUBDIVISIONS

Cr Pilkington referred to subdivisions along Te Tahī Road and queried whether the recent application was another one from Eugene Bourke. The Environmental Services Manager outlined the situation and confirmed that this latest subdivision application was just to subdivide the house from the existing block.

REWA REWA RESERVE

Cr Blackler reported that His Worship, staff and herself had visited Rewa Rewa to ascertain what was happening in regard to the Rewa Rewa Reserve. She reported that local residents were keen to retain the school building and that it is proposed to fill in the swimming pool and demolish the other buildings.

WAIPAPA ROAD

Cr Gower queried when the road edge white line would be installed on Waipapa Road. The Engineering Manager agreed to follow this matter up.

Cr Gower also queried when the Roothing Review would be undertaken. His Worship replied this will be considered through the Estimates process.

WAIKATO RIVER SETTLEMENT

The Policy Manager referred to the initial signing of the Deed last August and reported that an independent review was undertaken which recommends amendments. In light of these amendments, Crown and Waikato Tainui are undertaking another signing of the Deed. The Policy Manager said it was proposed to make use of Joint Management Agreements and to clarify Iwi and Local Governments inter-relationships. He said the Ministers involved have agreed to a certain level of detail covering -

1. Monitoring and enforcement
2. Resource Consents
3. Plans and Policy writing.

He said it all comes back to the health and wellbeing of the river.

IWI HUI

The Policy Manager reported that the Iwi Hui on the District Plan Review held last Tuesday was a very good meeting and all parties were very much in line with their thinking.

2010 JANUARY MEETING

His Worship reminded Members that the first meeting of Council in 2010 is to be held, as originally indicated, on Tuesday 26 January 2010.

MAYORAL FORUM

Rural Sector

His Worship reported that on 19 February 2010 a Mayoral Forum is to be held and also on 18/19 February 2010 a Rural Sector meeting is to be held in Wellington. His Worship said he would be unable to attend these meetings however, the Rural Sector meeting is very valuable and this would be an opportunity for Councillors to attend one or both meetings.

His Worship summarised comments from MP Maurice Williamson's presentation in respect of Licenced Building Practitioners by 2012

1. Exemptions for 'Do it yourself', info to be placed on LIMS.
2. No consent for low risk builders
3. Consent for high value builders - one consent Nation-wide
4. TLA's merge role
5. Online consent process
6. Building Warranty - separate from Council liability

His Worship then summarised comments from MP Bill English,

1. Highest exchange rate since WWII.
2. Jobs have to come from the export sector
3. Reducing time and cost of making decisions
4. Australia banks strong.

5. Public sector recession still coming
6. Too many Councils, Regional Councils, Departments, TLA's, etc

His Worship referred to climate change and LGNZ's statement on this issue. He referred to a Leaders Position Statement which defines the position that Councils have collectively adopted on Climate Change. LGNZ wish to have all leaders sign the Statement. His Worship requested Councillors comment on the signing of this statement which he said was not a Council statement, but rather that of leaders.

YOUTH PROGRAMMES

His Worship informed Members of a luncheon to be held on Tuesday 22 December 2009 from 12.30-2.00pm. He said funding for the luncheon has been approved by Mayor's Taskforce.

His Worship extended formal congratulations and appreciation to Members for their contribution throughout the year. He said it is a privilege to be working with Members which he enjoys very much. His Worship extended Christmas greetings to Members and Staff.

TAFM FORUM

The Finance & Administration Manager reported that the District Accountant and himself had attended the TAFM Forum in Hamilton on Tuesday 1 December 2009. He advised there is widespread concern at the growth in expenditure and decisions made, rates increases are in excess of CPI, Local Authorities are expanding their role beyond 'Core Services' and not enough accountability and transparency. Items included in the Bill presents changes that are needed to get Local Authorities to focus on their core business. The Finance & Administration Manager then presented what is, and what is not happening. He advised that the LTCCP will have a name change to LTP - Long Term Plan.

LUNCHEON ADJORNMENT

Council adjourned for a workshop meeting followed by lunch at 12.05pm.

The meeting reconvened at 2.40pm.

Item-284 ENFORCEMENT ACTION - 164 ORMSBY ROAD TABLED ITEM

Discussion

The Environmental Services Manager presented a report advising that Aaron & Cheryl Schruer are operating a light engineering business from a workshop they built at 164 Ormsby Road. This operation has been the subject of complaints from neighbours and the NZ Transport Agency. The Environmental Services Manager reported that on 20 November 2009 he served an Abatement Notice under the Resource Management Act 1991 on Mr & Mrs Schruer. He said there appears to be no response to the notice so Council must now consider further enforcement proceedings.

His Worship informed Members that Council cannot put conditions on the operation of the business because no Consent has been obtained. The Environmental Services Manager advised he will discuss an enforcement strategy and course of action with Council's Solicitor before proceeding further.

Resolved

1. The report from the Environmental Services Manager be received
2. The Enforcement Proceedings in the Environment Court (Enforcement Order) or the District Court (Summary Proceedings) be commenced against Aaron & Cheryl Schruer for

operating an engineering business from 164 Ormsby Road, in breach of an abatement notice issued under the Resource Management Act 1991.

Cr Prescott / Cr Earwaker

HAMILTON AIRPORT

His Worship informed Members to be aware of future publicity regarding Hamilton Airport and the proposed Customs charge for their service.

BIRD HEARING

Members were informed that the Bird Hearing will be held on 16 December 2009. There is only one submitter.

TIGHT FIVE

His Worship referred to MP John Carter's message to the Tight 5 regarding Super Cities. He said the Government, at this stage, will not enforce the issue but will welcome any proposals. Central Government would also be in support of legislation for Council's who have mutually agreed to go forward.

He said Central Government is of the opinion there are too many LTA's and favoured Shared Service Deliveries.

MEETING CLOSED

The meeting concluded at 3.15pm.

MAYOR:

DATE: 26 January 2010

