



Otorohanga District Council

AGENDA

25 January 2011

Members of the Otorohanga District Council

Mr DF Williams (Mayor)
Mr MM Baxter
Mrs S Blackler (Deputy Mayor)
Mr RM Johnson
Mr A Ormsby
Mr KC Phillips
Mrs DM Pilkington
Mr R Prescott

Meeting Secretary: Mr CA Tutty (Governance Supervisor)

OTOROHANGA DISTRICT COUNCIL

25 January 2011

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 25 January 2011 commencing at 10.00am.

18 January 2011

AR Loe
ACTING CHIEF EXECUTIVE

AGENDA

VISITORS ATTENDING THE MEETING -

11.00am - National Cycling Centre representatives

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PRESENT

OPENING PRAYER

IN ATTENDANCE

APOLOGIES

ITEMS TO BE CONSIDERED IN GENERAL BUSINESS

CONFIRMATION OF MINUTES - 14 DECEMBER 2010

REPORTS

Item-52 OTOROHANGA COMMUNITY BOARD MINUTES 9 DECEMBER 2010

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

From: Governance Supervisor

Date: 25 January 2011

Executive Summary

Minutes of the meeting of the Otorohanga Community Board meeting held on 9 December 2010 as previously circulated.

Staff Recommendation

It is recommended that:

The minutes of the meeting of the Otorohanga Community Board held on 9 December 2010 be received.

CA Tutty
GOVERNANCE SUPERVISOR

Item-53 KAWHIA COMMUNITY BOARD MINUTES 17 DECEMBER 2010

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

From: Governance Supervisor

Date: 25 January 2011

Executive Summary

Minutes of the meeting of the Kawhia Community Board held on 17 December 2010 as circulated.

Staff Recommendation

It is recommended that:

The minutes of the meeting of the Kawhia Community Board held on 17 December 2010 be received.

CA Tutty
GOVERNANCE SUPERVISOR

**Item-54 DISTRICT BUILDING CONTROL OFFICERS REPORT FOR
OCTOBER TO DECEMBER 2010**

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

From: District Building Control Officer

Date: 25 January 2011

Executive Summary

A comprehensive report from the District Building Control Officer was tabled in December 2010. This report is a summary of Building Control statistics for the period October to December 2010 being the remainder of the calendar year.

Staff Recommendation

It is recommended that:

The District Building Control Officer's report for October to December 2010 be received.

Report Discussion

Building Consents Issued

1 October 2010 to 31 December 2010

% Change

Total Consents Issued	46	- 6.12%
Includes New Dwellings	4	- 50.0%
And Commercial / Industrial / Cowsheds	3	0
Value of Building Work	3,358,854	+ 11%
CCCs Issued	100	

1 October 2009 to 31 December 2009

<i>Total Consents Issued</i>	<i>49</i>	
<i>Includes New Dwellings</i>	<i>8</i>	
<i>And Commercial / Industrial / Cowsheds</i>	<i>3</i>	
<i>Value of Building Work</i>	<i>3,020,706</i>	
<i>CCCs Issued</i>	<i>105</i>	

Gavin Phillips
DISTRICT BUILDING CONTROL OFFICER

Item-55 DISTRICT PLANNERS REPORT FOR OCTOBER - DECEMBER 2010

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

From: District Planner

Date: 25 January 2011

Executive Summary

Reporting on Resource Consents granted under Delegated Authority for the period 1 October to 31 December 2010.

Staff Recommendation

It is recommended that:

The District Planners report for October to December 2010 be received,

Report Discussion

Resource consents:

The number of Resource Consents granted under Delegated Authority in this period was 21 Consents (13 Land Use, 8 Subdivision). In the same period in 2009 a total of 15 consents were granted, being eight land use and seven subdivision approvals.

	Landuse	Subdivision
Wharepuhanga	1	1
Kiokio	2	2
Waipa	1	0
Tihiroa	0	3
Otorohanga	7	2
Kawhia	2	1
TOTAL	13	9

Aimee Bishop
DISTRICT PLANNER

Attachments

- a. Resource Consent Decisions October to December 2010

Resource Consent Decisions - 1/10/10 to 31/12/10

No	Applicant/Location/Proposal	O/S	Decision
<u>100064</u> 20/10/10	LA & MJ Neustroski Family Trust 16-18 Progress Dr Construct a New Building Within the 3m Other Yard Setback & Dispensation from On-Site Carparking Requirements	LU AB	GDA
<u>100063</u> 2/11/10	R Hickman 44B Te Kawa St Relocate a studio/storeroom building that is more than 5 years old & an 'other yard' waiver for boundary encroach	LU AB	GDA
<u>100069</u> 2/11/10	Otorohanga College Board of Trustees 2-8 Bledisloe Ave Outline Plan for Internal Refurbishment of C Block Classrooms	LU AB	GDA
<u>100036</u> 11/11/10	J Booth & A Grennell 307 Cooper Dr Construct a dwelling on land that has been identified as being potentially subject to erosion and encroaches into the	LU AB	GDA
<u>100066</u> 12/11/10	PD Crilly 237 Whawharua Rd Yard Waiver to Construct a Two Bay Implement Shed Building within the 15m Other Yard Requirement	LU KBI	GDA
<u>100074</u> 17/11/10	Otorohanga District Council 268 Tahuri St Outline Plan for Kawhia Water Storage Reservoir	LU AB	GDA
<u>100077</u> 29/11/10	Department of Corrections Waikeria Rd Outline Plan for New Water Pipeline & Reservoir	LU AB	GDA
<u>100081</u> 30/11/10	Kio Kio School Board of Trustees 1701 State Highway 3 Otorohanga Rd Outline Plan for Special Needs Modifications including Upgrading External Access & New Special Needs Unit	LU AB	GDA
<u>100070</u> 1/12/10	Whip Limited 6 Rangitahi St Side Yard Waiver to Construct New Garage 1.5m from Side Boundary	LU OP	GDA
<u>100076</u> 8/12/10	BE Tillett 48 Davies Dr Side Yard Waiver to Extend Dwelling 1.3m into Side Boundary	LU AB	GDA
<u>100082</u> 9/12/10	Otorohanga South School 2 Rangipare St Outline Plan Application for the Refurbishment of the Manual Block	LU AB	GDA
<u>100068</u> 15/12/10	Ranginui Hydro Ltd 466 Ranginui Rd Establish, Operate & Maintain a Small Hydro Power Generation Scheme	LU AB	GDA

100080 SN & MD Sircombe LU AB GDA
 16/12/10 46 & 46A Haerehuka St
 Side Yard Waiver to Construct Garage 2.5m from Other Yard
 Boundary

 Total for L 13

100048 K R K Gawne, Bailey Trustees Ltd & Redoubt T SB AB GDA
 1/10/10 36 Hanning Rd

Subdivision to Create One Additional Allotment
 100050 CA & JG Mitchell SB OP GDA
 1/10/10 1047 Rangiatea Rd

Subdivision to Create Two Additional Allotments
 090050 Alecia Collins & CWC Trustee Services Ltd SB AB GC
 12/10/10 660 Lawton Dr

Subdivision Around Two Existing Dwellings to Create an
 Additional Allotment
 100051 PAL & MR Fraser SB OP GDA
 12/10/10 24 Innes Rd

Subdivision to Create One Additional Allotment
 100067 Chattertons Holdings Limited SB AB GDA
 10/11/10 1221 Pokuru Rd

Subdivision to Create One Additional Allotment
 100022 FD Lands Ltd SB AB GDA
 11/11/10 536 Bayley Rd

Subdivision to Create Three Additional Allotments
 100075 Beattie Community Trust SB AB GDA
 18/11/10 16A Orahiri Tce

Application for a Certificate under Section 226(1)(e)(ii)
 Resource Management Act (1991).
 100073 JT & JA Appleton SB AB GDA
 2/12/10 Ngahape Rd

Subdivision by way of Boundary Relocation & Amalgamation
 100072 PJ & CT Barker SB AB GDA
 7/12/10 1 Old Te Kuiti Rd

Subdivision to Create One Additional Allotment

Total for S 9

 Grand Total 22

Item-56 WAIPAPA RESERVE – MANAGEMENT AGREEMENT

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

From: Engineering Manager

Date: 25 January 2011

Executive Summary

Progress has been made with the creation of a Management Agreement related to the proposed development of the lakeside parking and picnic area at Lake Waipapa between Waipapa Road and the Lake.

There is a need for Council to resolve to accept the conditions of the Management Agreement which will be signed by the Crown (Commissioner of Crown Lands), Otorohanga District Council and Mighty River Power Limited.

Staff Recommendation

It is recommended that:

1. The Otorohanga District Council approves the conditions of the Draft Management Agreement for the Waipapa Picnic Area to be signed by the Crown, Otorohanga District Council and Mighty River Power Ltd.
2. The Mayor and Chief Executive of Otorohanga District Council be authorised to sign and seal any documentation related to the Management Agreement for the Waipapa Picnic area.

Report Discussion

Progress has been made with the consultation process related to the proposed development of the lakeside parking and picnic area at Lake Waipapa between Waipapa Road and the Lake.

Good progress was made with Mighty River Power and an agreement on specific details was reached.

The land is Crown Land under the Control of Land Information NZ and considerable delay has been encountered in dealing with the Crown (LINZ).

A detailed extensive proposed Draft Management Agreement between the Crown (LINZ), Otorohanga District Council and Mighty River Power Ltd was forwarded to LINZ in December 2009. At the end of August 2010 the Management Agreement was returned from LINZ with some minor changes but has been accepted by LINZ on behalf of the Crown.

A requirement of LINZ was that Council consult with relevant iwi regards the Management Agreement for the proposal. In September 2010 consultation was commenced with Aotearoa Marae and Raukawa Trust Board, Tokoroa. Aotearoa Marae responded immediately saying they do not object to the proposal. The Raukawa Trust Board consultation was more detailed and protracted, but Council has now received a very positive written approval giving their support for the application and offering their support in making the project a success.

THE MAIN POINTS IN THE MANAGEMENT AGREEMENT ARE:

Parties to the Agreement

- The Crown (Crown)
- Otorohanga District Council (ODC)
- Mighty River Power Limited (MRP)

Background

- A The Crown owns the land
- B Crown has registered Operating Easement in favour of MRP over the land. The operating easement grants MRP the right to store water on the land (within defined levels)
- C ODC proposes to re-establish a lakeside picnic area between Waipapa Road and Lake Waipapa and to undertake the on-going management and maintenance of the picnic area.
- D ODC wishes to construct, manage and maintain a picnic area and MRP consents to ODC's management of the Picnic Area in terms of the Agreement.
- E ODC use of the land is subject to water storage by MRP within maximum and minimum lake levels as set out in Operating Easement.
- F The Crown has agreed to ODC re-establishing the Picnic Area and for ODC to manage and maintain the Picnic Area subject to MRP operating easement.

Some Relevant Definitions

- Commencement Date: 1 November 2010
- Term: Initial term of 25 years with right of renewal for further 25 years.
- Land: Approximately 7500m² being Part Lake Waipapa block XVI Waipapa SD

Appointment as Manager

The Crown hereby appoints ODC etc

Renewal of Term

At the completion of the second term (50 years) the Crown and MRP will consider granting such further term or terms as may be agreed at that time.

Consideration

The Crown shall pay ODC and MRP a fee of one dollar per annum plus GST if demanded to perform the obligations under this Agreement. ODC shall pay all rates, taxes and charges in respect of the land.

ODC accepts and acknowledges existence of Operating Agreement in favour of MRP. MRP's rights shall take precedence over ODC's rights. This Agreement, subordinate to Operating Easement. MRP gives its consent to ODC's management and maintenance of the Picnic Area.

Responsibilities and Duties of ODC

- a. Remain within the land.
- b. Maintain the land and all improvements in good clean and tidy condition, comply with all laws etc.
- c. Obtain consent of Crown and MRP in respect of design, location of any buildings and structures or improvements etc that it wishes to construct on the land.

- d. Not remove damage or interfere with existing structures on the land etc.
- e. Manage any conflicts that may arise between Picnic Area users.
- f. Cut back foliage encroaching on the land where reasonably necessary to maintain the Picnic Area.
- g. Comply with the requirements of the Health and Safety in Employment Act.
- h. Promptly notify the Crown and MRP once ODC is aware that
 - i. any hazard exists etc
 - ii. accident has occurred etc
 - iii. improvement or prohibition notice.
- i. Facilitate and encourage general public's recreational use of the land.
- j. Erect and maintain signs to warn people that land subject to flooding from time to time.
- k. Not to do anything to cause disturbance annoyance or nuisance to Crown or MRP.
- l. Prevent the siting of any residential dwelling or building on the land.
- m. Not (in capacity as Manager and this Agreement) object to, oppose, or otherwise impede any application under the RM Act 1991 which may relate to operation of Hydro System and promptly sign approvals if requested by MRP.
- n. Not (in its capacity as Manager under this Agreement) permit to be done, omit, act etc that has the effect of restricting the Hydro System in any way including taking any civil action.
- o. Not (in its capacity as Manager under this Agreement) make claim etc against Crown or MRP for any loss or damage arising from Hydro System.
- p. Not (in its capacity as Manager under this Agreement) fund, encourage, others etc which if carried out by ODC would breach clauses 7.1 (m), (n) and (o).

Rights of Occupancy and Use

Parties agree that this management right is not intended to create an estate or interest in the land.

ODC not to register caveat or record on title to the land.

No Assignment by ODC Without Consent

Insurance

ODC to maintain public liability cover of minimum of \$2,000,000.

ODC will not do anything to make Insurance policy void.

Notice

List of legal addresses for The Crown, ODC, MRP.

Termination

The Crown or ODC may terminate this agreement prior to expiry of term as follows:

- a. If land becomes flooded to extent land cannot be used as picnic area.

All assets transfer to Crown on termination and ODC cannot claim any damages or expenses.

Crown may require ODC to remove improvements and make good damage on termination.

If ODC fails to meet obligations Crown may remedy default at cost to ODC.

Actions if default continues for 30 days after written notice.

ODC to pay costs of Crown and/or MRP any cost incurred in remedy of breach of terms of agreement.

Emergency and Public Safety

If Crown and/or MRP considers emergency re public safety then public may be excluded.

Right to Erect Warning Signs

Crown and/or MRP have right to erect warning signs re safety of public.

Resolution of Disputes

Details re negotiations, mediation, arbitration processes.

The document will include the form of the Operating Easement held by Mighty River Power Limited related to Waipapa Hydro Lake.

The document will include Council's development plans numbers 3746/08/01-06 inclusive.

A Council resolution approving the proposed Management Agreement together with the Iwi consultation details will enable the Crown to proceed with preparation of the Formal Management Agreement and signing of the document by all parties.

When the document is signed the Council will then need to proceed with the development of the picnic area.

Roy Chadwick
ENGINEERING MANAGER

**Item-57 APPLICATION FOR TEMPORARY ROAD CLOSURE - NKC
MOTORCYCLE CLUB**

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

From: Engineering Support Officer

Date: 25 January 2011

Executive Summary

An application has been received from Northern King Country (NKC) Motorcycle Club for the following road closure within the Otorohanga District, to enable the NKC Motorcycle Club to hold a King of the Hill Gravel Sprint event.

Suggested Recommendation

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

Purpose: King of the Hill Gravel Sprint

Dates: Saturday, 12 and Sunday, 13 March 2011

Details of Closure: **TOLLEY ROAD, NGAROMA** (No exit) – entire length

Period of Closure: 8.00am to 6.00pm, both days

With the following conditions imposed:

1. Persons will be allowed through in the event of an emergency.
2. NKC Motorcycle Club is to pay an application fee of \$400.00 towards administration of the road closure to Otorohanga District Council, payable no later than 10 working days prior to the road closure.
3. Public notice advertisements are to be published in the Waitomo News. NKC Motorcycle Club is to pay for all advertising costs in appropriate newspapers.
4. NKC Motorcycle 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. Council requires that it is held covered under the terms of such policy and accordingly the policy is required to be in both parties' names on the form prescribed by Council.
5. A bond of \$4,000 is required no later than 10 working days prior to the event. The bond is based on \$2,000 per road per day and is applicable to unsealed roads only.
6. NKC Motorcycle Club is to consult with all residents of all properties on the road intended to be closed. Mail drops to residents are also to be carried out no later than ten full days before the proposed closure, and to be approved by Council staff prior to distribution.
7. NKC Motorcycle 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.

8. 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 NKC Motorcycle Club representative is to meet with Council Engineering staff regarding the required signs format, size, location and quantity of signs for approval before they are manufactured and erected.

Report Discussion

NKC Motorcycle Club has applied for these road closures pursuant to the Tenth Schedule of the Local Government Act 1974. They have provided evidence of consultation with affected residents and therefore wish to apply under the Tenth Schedule of the Local Government Act 1974. They are prepared to let traffic through in between events, should the need arise.

Robyn Hodges
ENGINEERING SUPPORT OFFICER

Item-58 NATIONAL CYCLING CENTRE PRESENTATION

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

From: Chief Executive

Date: 25 January 2011

Executive Summary

Trust representatives have requested the opportunity to present to this Council the Draft Proposal of establishing a National Cycling Centre of Excellence being established in the Waipa District.

Staff Recommendation

It is recommended that:

The presentation be received.

Report Discussion

An email has been received from Ross McNeil, Waipa District Council as follows -

You will be aware that SPARC are seeking proposals (by way of an RFP process) for the establishment of a national cycling centre of excellence, which will be based around an indoor velodrome. The Centre will be the national base for Bike NZ (as anchor tenant), and NZ's High Performance and cycling development programmes across all disciplines - road, track, bmx and mountain biking. The centre will also provide a base for the development of recreational cycling across the region in which it is located.

In addition to the Waikato, regions that have indicated interest in the opportunity are Auckland, Rotorua, Taupo, Wanganui, Manawatu, Hawkes Bay and Christchurch. SPARC have indicated that \$7 million is available from Government to support the establishment of the centre. Proposals need to be submitted by 11 February 2011, after which a short-list will be finalised and those proposals presented to SPARC/Bike NZ. A preferred proposal is expected to be announced in April 2011, with the final details to be confirmed some time after that date.

The criteria and associated requirements for such a centre make the Waikato an ideal location. On that basis a working group made up of stakeholder representatives (Sport Waikato, community funding agencies, city/district councils, cycling community, high performance expertise, etc) has recently been established to develop a proposal, and the group has identified a preferred location adjacent to St Peter's School - situated between Hamilton and Cambridge. The working group is currently exploring opportunities for the proposal to be a genuine Waikato/Bay of Plenty initiative.

While many of the details of the proposal are still being worked through, the preferred governance model will see the establishment of the Home of Cycling Trust, which will own and operate the Centre. The Trust is currently being established, and a small initial group of Trustees appointed. This group will be expanded once the full extent of the proposal is known.

From a council perspective, the RFP process is not well timed. That said, the timeframes are fixed and this process is the only opportunity to enable the establishment of such a facility in the region. A critical success factor for a Waikato (/BoP) proposal is having councils on board. To this end representatives of

the Trust would welcome the opportunity to present the draft proposal to councils as soon as possible in the new year (i.e. before draft Annual Plans are finalised). The presentation to Waipa DC is scheduled for the morning of 8 February 2011.

Many thanks

Ross

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Ross McNeil Deputy Chief Executive and GM Planning & Community Relations **WAIPA DISTRICT COUNCIL**

Dave Clibbery
CHIEF EXECUTIVE

Item-59 CONFIRMATION OF DOG CONTROL POLICY & BYLAW

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

From: Environmental Services Manager

Date: 25 January 2011

Executive Summary

The five yearly review of the Otorohanga District Council Dog Control Policy and Bylaw has been completed and no submissions or recommendations to change the Policy have been received.

Staff Recommendation

It is recommended that:

Following public consultation as required by section 10AA of the Dog Control Act 1996, the Otorohanga District Council Dog Control Policy and Bylaw be approved without any amendment.

Report Discussion

On 26 October 2010 Council approved the notification of the Otorohanga District Council Dog Control Policy and Bylaw for public consultation. The consultation period closed on 24 December 2010 with no submissions being received.

Accordingly no changes have been suggested to the Policy or the Bylaw. To complete this review process Council must now reconfirm the Dog Control Policy and Bylaw. Under the provisions of section 158 of the Local Government Act 2002 this bylaw and policy will not be due for review for another 10 years.

AR Loe
ENVIRONMENTAL SERVICES MANAGER

Item-60 REVIEW OF GOVERNANCE STATEMENT

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

From: Chief Executive

Date: 25 January 2011

Executive Summary

A revised Governance Statement is presented for the approval of Council.

Staff Recommendation

It is recommended that:

Council adopts the proposed Governance Statement dated January 2011.

Report Discussion

Section 40 of the Local Government Act 2002 requires local authorities to review and make publicly available a Governance Statement within 6 months of a triennial election.

The Governance Statement must contain a range of information as specified by the Act, including details of governance structures, membership and delegations.

Such a reviewed Governance Statement that meets these statutory requirements has been prepared. This document is largely the same as the previous document, with changes generally limited to straightforward updating and revision of Councillor details.

A copy of the proposed new governance statement is provided to Councillors under separate cover.

Dave Clibbery
CHIEF EXECUTIVE

Item-61 ODC MATTERS REFERRED FROM 14 DECEMBER 2010

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

From: Governance Supervisor

Date: 25 January 2011

1. CRS JOHNSON & PHILLIPS

17 December 2010

- i. To organise a meeting with interested parties regarding the Rewa Rewa Recreation Reserve.

**CA Tutty
GOVERNANCE SUPERVISOR**

GENERAL

