



Otorohanga District Council

AGENDA

17 December 2013

Members of the Otorohanga District Council

Mr MM Baxter (Mayor)
Mr RM Johnson
Mrs RA Klos
Mr KC Phillips
Mrs DM Pilkington (Deputy Mayor)
Mr R Prescott
Mr TD Tindle
Mrs AJ Williams

Meeting Secretary: Mr CA Tutty (Governance Supervisor)

OTOROHANGA DISTRICT COUNCIL

17 December 2013

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 17 December 2013 commencing at **12.30pm**.

6 December 2013

DC Clibbery
CHIEF EXECUTIVE

AGENDA

12 noon Lunch

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PRESENT

IN ATTENDANCE

APOLOGIES

OPENING PRAYER

ITEMS TO BE CONSIDERED IN GENERAL BUSINESS

CONFIRMATION OF MINUTES – 19 NOVEMBER 2013

REPORTS

Item 24 APPOINTMENT OF DISTRICT LICENSING COMMITTEE CHAIRPERSON, DEPUTY CHAIRPERSON AND MEMBERS

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

From: Environmental Services Manager

Date: 17 December 2013

Relevant Community Outcomes

- The Otorohanga District is a safe place to live
 - Ensure services and facilities meet the needs of the Community
-

Executive Summary

Council is required to appoint a District Licensing Committee (Chairperson, Deputy Chairperson and members) pursuant to section 186 of the Sale and Supply of Alcohol Act 2012 and to allow that committee to begin hearing and determining licence and certificate applications when the Act comes in to force on 18 December 2013.

Staff Recommendation

It is recommended:

- a. That the report by the Environmental Services Manager be received;
 - b. That the following persons be approved as members of the Otorohanga District Licensing Committee members list for a period of three years pursuant to section 192 of the Sale and Supply of Alcohol Act 2013
 - i. Ross Murphy
 - ii. Brett McEwan
 - iii. Patsi Davis
 - iv. Michael Cameron
 - c. That Councillor Johnson be appointed as the Deputy Chairperson of the Otorohanga District Licensing Committee for a period of three years pursuant to section 189(3) of the Sale and Supply of Alcohol Act 2013;
 - d. That Council recommend to the Chief Executive that Diane Sharpe be appointed as Commissioner to Chair the Otorohanga District Licensing Committee for a period of three years pursuant to section 193 of the Sale and Supply of Alcohol Act 2012;
-

- e. That authority be delegated to the Otorohanga District Licensing Committee Chairperson and Secretary to select members from this list for the Otorohanga District Licensing Committee as and when required.

Report Discussion

On the 18 December 2013 the Sale and Supply of Alcohol Act will replace the current Sale of Liquor Act 1989.

One of the most significant changes is that the District Licensing Agency (which is currently the Council should it convene to consider a matter under the Sale of Liquor Act 1989), will cease to exist, and will need to be replaced by a District Licensing Committee effective from that date.

Council has previously discussed at its meeting of 12 March 2013 the issue of forming a Committee for Otorohanga District, and made a recommendation to work collaboratively with Waipa and Waitomo District Councils to develop a list of approved persons to sit on the District Licensing Committee. Later in August 2013 during discussions on the Draft Alcohol Policy it was recognised that an arrangement whereby the three Councils pooled committee members was the most effective model and a decision was made to participate in a joint advertisement for committee members.

A District Licensing Committee (DLC) is formed of three members. The Chairperson can either be an elected councillor appointed by Council, or Council can recommend to the Chief Executive that a Commissioner be appointed as Chairperson.

An elected Councillor can in either case be appointed as a Deputy Chairperson who sits as the second member of the DLC, and relieves for the Chairperson/Commissioner when required, and in all other instances acts as a member only.

The third member is appointed to the DLC from a list of approved members who meet the criteria set in section 192 of the new Act. A list of suitable members shall be approved by Council for this purpose, and can be appointed to the committee as and when required. The DLC has a quorum of three for all hearings and meetings, except in cases where there are no objections to an application. In these cases the Chair can sit alone.

Otorohanga District Council joined with Waitomo, Waipa, Waikato and Hamilton Councils with a joint call for expressions of interest that appeared in all major and local Waikato newspapers in September 2013. As a result 28 expressions of interest for the combined Waipa, Otorohanga and Waitomo DLC were received. These have been reviewed by staff, and those applicants assessed as meeting the minimum requirements as set by the Act have been interviewed by a joint panel representing the Councils.

Role of the District Licensing Committee

On the 18 December 2013 the Sale and Supply of Alcohol Act will replace the current Sale of Liquor Act 1989.

One of the most significant changes is that the District Licensing Agency, which was formally Council's Regulatory Committee by delegation from Council, will cease to operate, and will need to be replaced by a District Licensing Committee effective from that date. If a DLC is not operational, Council will not be able to perform its duties under the Act and there will be no ability to issue or renew liquor licenses and managers certificates in the District.

The objectives of the new Act focus on the reduction of alcohol related harm, and by allowing the development of Local Alcohol Policies and by requiring the formation of District Licensing Committees the government has clearly signalled a desire for local communities to be involved in the decisions around alcohol sale and supply in their Districts.

DLC's will hear all applications, including those with opposition, with only enforcement applications (applications by Police and Inspectors to suspend or cancel licenses) and appeals of DLC decisions still going to the Alcohol Regulatory and Licensing Authority. DLC's are effectively

Commissions of Enquiry, able to require attendance of witnesses and the presentation of documents as required, and will hear all applications and reports from reporting agencies. The Act is clear that member of DLC's must have experience in matters related to alcohol licensing, and that Chairpersons or Commissioners must have good standing in the community and sufficient skills and knowledge to manage hearings.

The Selection Process

It was immediately clear to staff that the process of identifying persons who met the Act's criteria of having experience related to licencing, but who were not in the industry or subject to any other type of bias may not be straight-forward, and that every Council was in a position of having to do that on a similar timeframe.

The joint advertisement calling for expressions of interest in DLC membership for Waikato Councils appeared in the *Waikato Times*, *Te Awamutu Courier* and the *Waitomo News*, as well as other local newspapers across the Waikato. It was advertised on Council websites, and other on-line sources. As a result 28 expressions of interest were received from persons interested in either the position of Commissioner/Chair of the DLC or as a member of the committee.

Staff representatives from Waipa, Otorohanga and Waitomo met on 15 October 2013 to review the expressions of interest. Those applicants that all three Councils agreed did not meet the criteria or would not be likely to be considered for other reasons (such as distance) were jointly notified their expressions were not proceeding on 17 October 2013.

Those who it was agreed met the criteria were jointly interviewed on 7 November 2013 by a panel comprising the delegated District Licensing Agency Secretaries from Waitomo, Waipa and Otorohanga Districts and an independent HR advisor.

As a result, the three Districts have opted to recommend the appointment of the same Commissioner, and the same list of approved members, with the exception of Councillors appointed as deputy chairpersons.

While Council has incurred some costs through this process, these have been largely shared by the joint approach to advertising and other processes with other Councils. It is the Government's intention that the full costs of running District Licensing Committees, including payments to members, and administrative support, will be covered by the new risk-based fees which are to be set by regulation. These are also designed to cover the monitoring and enforcement functions undertaken by inspectors employed by Council.

The formation of the DLC links with the Local Alcohol Policy that has been provisionally approved by Council and will be advertised in the New Year. The DLC will assess licence applications against the new policy. From a procedural standpoint changes will also be required to the delegations register which is not uncommon with the introduction of new legislation.

AR Loe
ENVIRONMENTAL SERVICES MANAGER

Item 25 MAKING OF WATER SERVICES BYLAW 2013

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

From: Engineering Manager

Date: 17 December 2013

Relevant Community Outcomes

- The Otorohanga District is a safe place to live
- Ensure services and facilities meet the needs of the Community

Executive Summary

A proposal to make a new Bylaw in response to a need to review Council's Water Services Bylaw 2007 was notified for public submissions on 29 October 2013 with the period for submissions closing on 4 December 2013. No submissions have been received.

Staff Recommendation

It is recommended that:

1. The Otorohanga District Water Services Bylaw 2013 is made in accordance with the Statement of Proposal, and shall come into immediate effect.
2. That upon making the new Bylaw, the Otorohanga District Water Services Bylaw 2007 is revoked.

Report Discussion

At its meeting on 29 October 2013 Council resolved to invite submissions on a proposal to make a new Water Services Bylaw – The Otorohanga District Water Services Bylaw 2013 in response to a need to review the existing Otorohanga District Water Services Bylaw 2007.

The new Bylaw was proposed to have the same functional content as the old Bylaw, with a new Bylaw making process only being undertaken because the five year period within which the review of the 2007 Bylaw should have taken place had expired.

A Statement of Proposal was prepared and submissions invited. The period for submissions closed on 4 December 2013, with no submissions being received.

Dave Clibbery
ENGINEERING MANAGER

Item 26 ROAD LEGALISATION PART RANGIATEA ROAD SO 465328

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

From: Engineering Manager

Date: 17 December 2013

Relevant Community Outcomes

- Manage the natural and physical environment in a sustainable manner
-

Executive Summary

Council has documents requiring consent to legalising part of Rangiatea Road, being a length of 600m in the vicinity of McRae Road and Lurman Road. This being part of the recent improvements to Rangiatea Road.

Property owners involved are:

MF & JM Sanson
GP & MEJ Voogt

The consent relates to land to be acquired for road and road to be stopped and vested in adjoining properties.

Staff Recommendation

It is recommended 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 being declared road and vested in the Otorohanga District Council.
 - b. Pursuant to Sec 116 and 117 of the Public Works Act 1981 the land described in the **Second Schedule** below being stopped and vested in the adjoining properties by way of amalgamation with the titles listed and being subject to existing mortgages recorded on the titles.

South Auckland Land District – Otorohanga District

First Schedule - Land to be Declared Road			
<i>Area</i>	<i>Description</i>	<i>Title</i>	<i>Owners</i>
42m ²	Section 3 SO 465328	CFR SA50B/595	GP & MEJ Voogt
1136m ²	Section 6 SO 465328	CFR SA50B/595	GP & MEJ Voogt
983m ²	Section 5 SO 465328	CFR 216771	MF & JM Sanson
211m ²	Section 9 SO 465328	CFR 216771	MF & JM Sanson

Second Schedule – Road to be Stopped and Vested by Amalgamation in Adjoining Properties			
630m ²	Section 1 SO 465328	CFR SA40B/595	GP & MEJ Voogt
680m ²	Section 4 SO 465328	CFR SA40B/595	GP & MEJ Voogt
284m ²	Section 8 SO 465328	CFR SA40B/595	GP & MEJ Voogt
3890m ²	Section 2 SO 465328	CFR 216771	MF & JM Sanson
1416m ²	Section 7 SO 465328	CFR 216771	MF & JM Sanson

2. The Mayor and Chief Executive of Otorohanga District Council be authorised to sign and seal any documentation necessary to legalise plan SO 465328.

Report Discussion

These legal actions are to put in place adjustments made to Rangiatea Road as a result of the recent upgrade and realignment of part of Rangiatea Road.

Consultation was undertaken with the current owners before the physical works commenced and consents to enter and compensation agreements obtained from the owners Memorandum of Agreements have been prepared in terms of the Agreements reached and the details on the plan SO 465328.

The details are as follows:

GP & MEJ Voogt

Consultation with the owners was undertaken prior to road works beginning. The area of land to be acquired for road is 1178m² and the area of legal road to be stopped and vested is 1594m².

The Council undertook the replacement of the fences impacted by the road works. The owners are well satisfied with the end result of the roading improvements along their Rangiatea Road road frontage.

MG & SM Sanson

Consultation with the owners was undertaken prior to road works beginning. The area of land to be acquired for road is 1194m² and the area of legal road to be stopped and vested is in two parts being 1416m² plus 3890m². The larger area is an area opposite McRae Road that has always been occupied by Sansons but is legal road that is not required for road. The agreement with the owners also included Council undertaking improvements to their existing farm entrance to tie in with the roading improvements.

In exchange for the larger area of legal road to be vested in the owners and the improvement to the farm entrance, the owners took full responsibility for removal of existing roadside fencing, temporary fencing, and replacement of fencing along the full length of roadworks on their side of the road.

As is standard practice, Council is meeting all survey and legal costs associated with the road legalisation along this section of Rangiatea Road.

Dave Clibbery
ENGINEERING MANAGER

Attachments

- a. SO 465328



Title Plan - SO 465328

Survey Number SO 465328
Surveyor Reference Rangiatea MoRae Legalisation nzt
Surveyor Peter Thomas Cotter
Survey firm Otorohanga District Council
Surveyor Declaration I Peter Thomas Cotter, being a licensed cadastral surveyor, certify that
 (a) this dataset provided by me and its related survey are accurate, correct and in accordance with the
 Cadastral Survey Act 2002 and the Rules for Cadastral Survey 2010, and
 (b) the survey was undertaken by me or under my personal direction
 Declared on 04 Nov 2013 03:56 PM

Survey Details

Dataset Description Section 1 - 11 SO 465328
Status Approved as to Survey
Land District South Auckland
Submitted Date 04/11/2013
Survey Class Class B
Survey Approval Date 06/11/2013
Deposit Date

Territorial Authorities

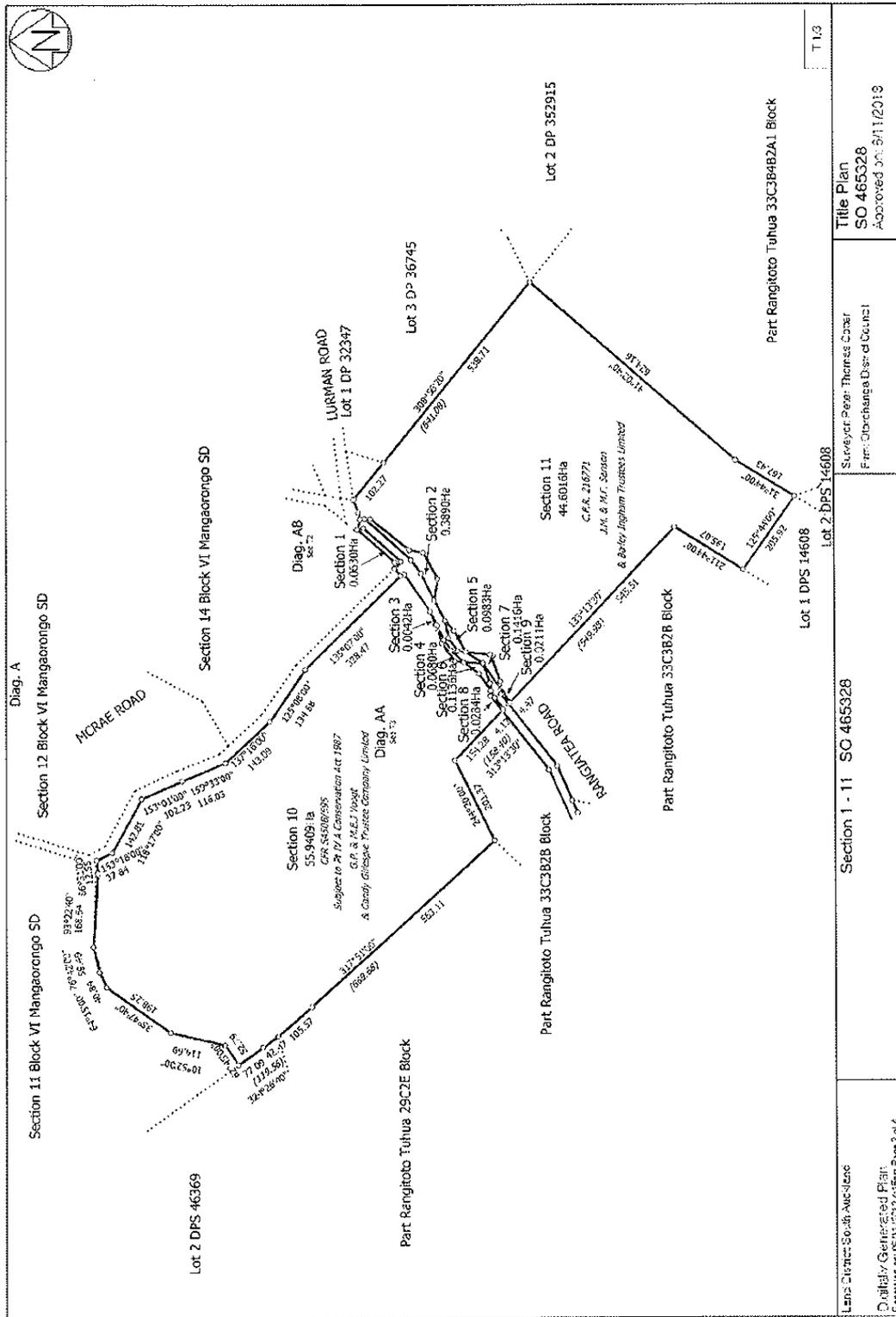
Otorohanga District

Comprised In

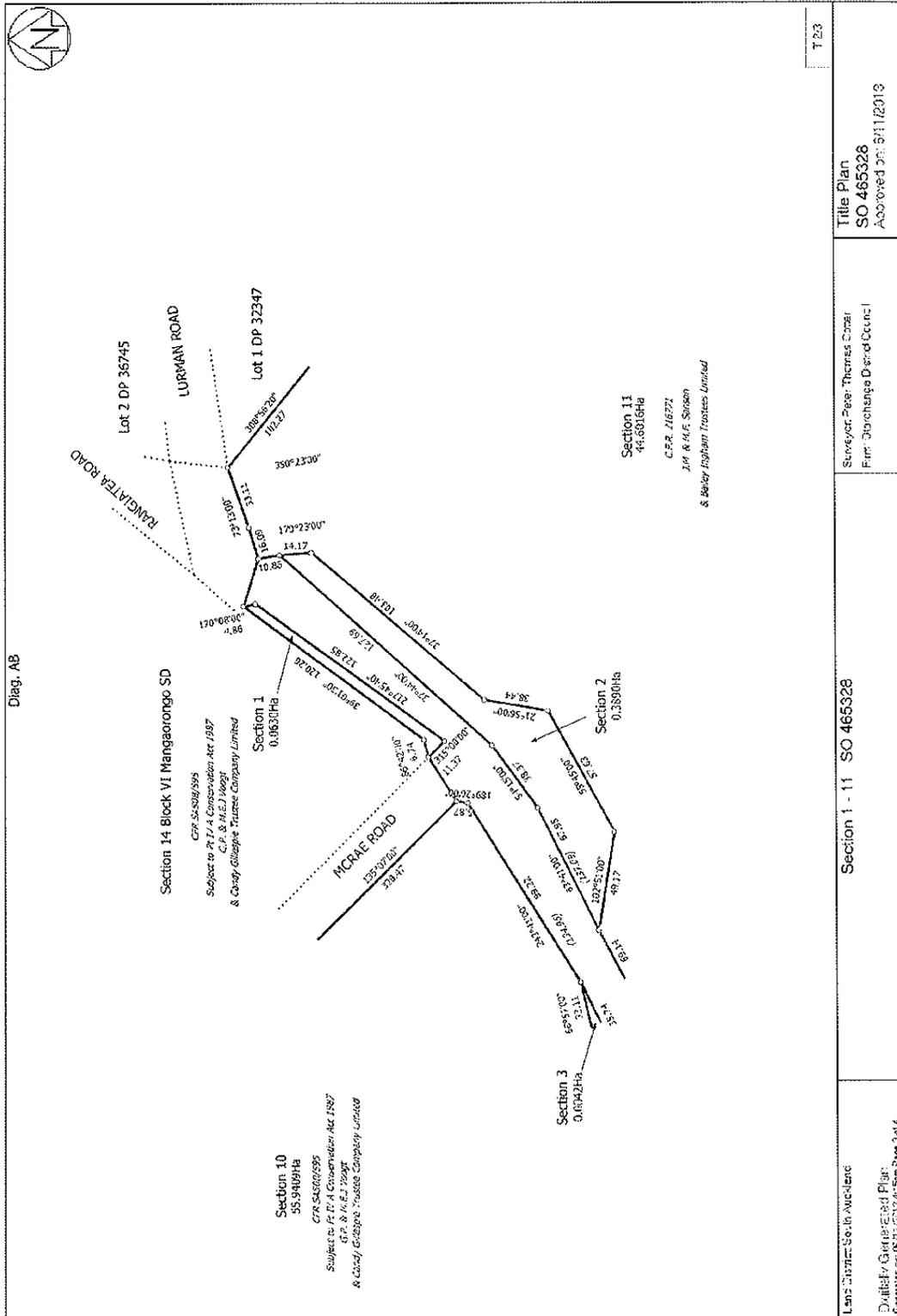
CT SA50B/595
CT 216771

Created Parcels

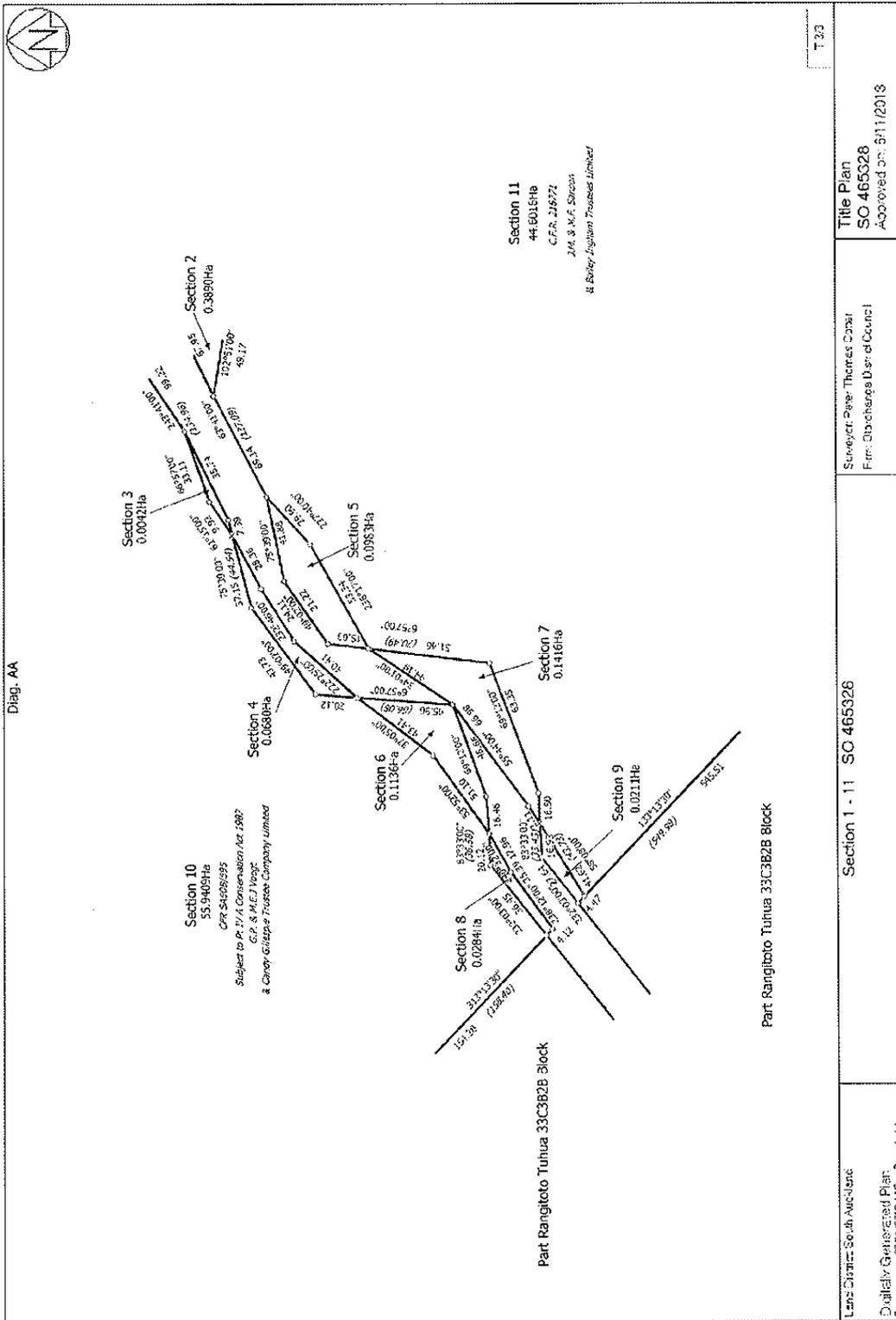
Parcels	Parcel Intent	Area	CT Reference
Section 1 Survey Office Plan 465328	Legalisation	0.0630 Ha	
Section 2 Survey Office Plan 465328	Legalisation	0.3890 Ha	
Section 3 Survey Office Plan 465328	Legalisation	0.0042 Ha	
Section 4 Survey Office Plan 465328	Legalisation	0.0680 Ha	
Section 5 Survey Office Plan 465328	Legalisation	0.0983 Ha	
Section 6 Survey Office Plan 465328	Legalisation	0.1136 Ha	
Section 7 Survey Office Plan 465328	Legalisation	0.1416 Ha	
Section 8 Survey Office Plan 465328	Legalisation	0.0284 Ha	
Section 9 Survey Office Plan 465328	Legalisation	0.0211 Ha	
Section 10 Survey Office Plan 465328	Fee Simple Title	55.9409 Ha	
Section 11 Survey Office Plan 465328	Fee Simple Title	44.6016 Ha	
	Road		
	Road		
Total Area		101.4697 Ha	



Title Plan SO 465328 Approved on: 5/11/2018		T 1/3	
Surveyor: Peter Thomas Cochrane Firm: Otorohanga District Council		Section 1 - 11 SO 465328	
Lands Council South Auckland Digitally Generated Plan Generated on: 21/12/2016 15:06:56 Page 3 of 4			



Land District: South Auckland	Section 1 - 11 SO 465328	Surveyor: Peter Thomas Cooper Firm: Discharge District Council	Title Plan SO 465328 Approved on: 21/11/2013
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Item 27 ODC MATTERS REFERRED FROM 19 NOVEMBER 2013

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

From: Governance Supervisor

Date: 17 December 2013

Executive Summary

1. MAYOR, COUNCILLORS, CHIEF EXECUTIVE

19 November 2013

- i. To give consideration to the time the next meeting of Council will commence on 17 December 2013.

2. ENVIRONMENTAL SERVICES MANAGER

19 November 2013

- i. To include in the Kawhia Community Board's agenda for its meeting to be held on 13 December 2013 a report updating members on the confirmation of Liquor Control Bylaw 2007.

3. SERVICES MANAGER

19 November 2013

- i. To arrange for a tour of the Otorohanga Community's facilities for both Councillors and Otorohanga Community Board members.
- ii. To arrange for the Community Facilities Officer to investigate the opening hours of the cold pool at the Otorohanga Memorial Pools.

4. GOVERNANCE SUPERVISOR

19 November 2013

- i. To ascertain the amount (if any) the Kawhia Community Board agreed to contribute to the upgrade of the lych gate at Kawhia.

CA Tutty
GOVERNANCE SUPERVISOR

GENERAL
