



Otorohanga District Council

# AGENDA

21 August 2018

10.00am

**Members of the Otorohanga District Council**

Mr. M Baxter (Mayor)  
Mrs. K Christison  
Mr. R Johnson  
Mrs. RA Klos  
Mr. P McConnell  
Mr. K Phillips  
Mrs. D Pilkington (Deputy Mayor)  
Mrs. A Williams

Meeting Secretary: Mr. CA Tutty (Governance Supervisor)

**OTOROHANGA DISTRICT COUNCIL**

21 August 2018

Notice is hereby given that an Ordinary meeting of the Otorohanga District Council will be held in the Council Chambers, 17 Maniapoto Street, Otorohanga on Tuesday 21 August 2018 commencing at 10am.

14 August 2018

**DC Clibbery**  
**CHIEF EXECUTIVE**

**AGENDA**

**ORDER OF BUSINESS:**

<b>ITEM</b>	<b>PRECIS</b>	<b>PAGE</b>
<b>PRESENT</b>		
<b>IN ATTENDANCE</b>		
<b>APOLOGIES</b>		
<b>OPENING PRAYER</b>		
<b>PUBLIC FORUM (UP TO 30 MINUTES)</b>		
<b>ITEMS TO BE CONSIDERED IN GENERAL BUSINESS</b>		
<b>CONFIRMATION OF MINUTES – OTOROHANGA DISTRICT COUNCIL – 24 JULY 2018</b>		
<b>RECEIVE &amp; CONFIRMATION OF MINUTES – OTOROHANGA COMMUNITY BOARD – 14 JUNE 2018</b>		
<b>CONFIRMATION OF MINUTES – OTOROHANGA COMMUNITY BOARD – 12 JULY 2018</b>		
<b>CONFIRMATION OF MINUTES – KAWHIA COMMUNITY BOARD – 8 JUNE 2018</b>		
<b>MATTERS ARISING</b>		
<b>DECLARATION OF CONFLICTS OF INTEREST</b>		
<b><u>REPORTS</u></b>		
<b>ITEM 280</b>	<b>MAORI ROADWAY OFF OTEWA ROAD</b>	<b>1</b>
<b>ITEM 281</b>	<b>ENVIRONMENTAL HEALTH OFFICER/LIQUOR LICENSING INSPECTOR'S REPORT FOR APRIL - JUNE 2018</b>	<b>11</b>
<b>ITEM 282</b>	<b>CIVIL DEFENCE AND EMERGENCY REPORT FOR APRIL - JUNE 2018</b>	<b>14</b>
<b>ITEM 283</b>	<b>ROUTINE ENGINEERING REPORT - MAY TO JULY 2018</b>	<b>19</b>
<b>ITEM 284</b>	<b>MATTERS REFERRED – 24 JULY 2018</b>	<b>24</b>
<b>GENERAL</b>		<b>24</b>
<b>ITEM 285</b>	<b>MOTION TO EXCLUDE THE PUBLIC</b>	<b>25</b>

**REPORTS**

**ITEM 280 MAORI ROADWAY OFF OTEWA ROAD**

**To: Mayor and Councillors  
Otorohanga District Council**

**From: Land Management Officer**

**Date: 21 August 2018**

---

**Relevant Community Outcomes**

- Ensure services and facilities meet the needs of the community
  - Provide for the unique history and culture of the district
- 

**Executive Summary**

A commitment from Council to the maintenance of the Maori roadway off Otewa Road is proposed. For Council to complete annual maintenance of the roadway acknowledging that Council and Council's invitees are the main commercial users of the road and therefore should be responsible for a larger portion of the road maintenance. For Council also to make available a stock pile of metal for the other land owners off the Maori roadway so they can manage minor maintenance of the road such as filling potholes in between Council's annual maintenance programme.

**Staff Recommendation**

1. That Council commits to an annual road maintenance regime of the Maori roadway off Otewa Road to include an annual grading and replenishment of road metal as required.
2. That Council commits to leaving a stock pile of metal available to the other landowners to undergo minor maintenance such as potholes throughout the remainder of the year as required.

**Background**

In April 2017 Council and Waikato Regional Council were issued with a trespass notice, preventing them from accessing the Council controlled land and river side area opposite the weir. The notice was issued by Linda Nichols but it was understood to be on behalf of some of the landowners and iwi members occupying land off the Maori roadway. The issuers expressed concern over damage caused by heavy trucks carrying out logs as a result of the Willow eradication and the Rerenoa River Restoration Project, a project that some of their iwi were themselves involved with. The issuers and supporters of the trespass notice against Council and WRC believed that not only had the trucks caused damage to the roadway but that they were also concerned with some safety aspects of the trucks using the roadway and their liability should an incident occur.

Council and their invitees along with one of the other non-Maori landowners were denied access by way of a new locked gate being installed. This had a significant impact on Council operations with Parks staff no longer being able to access the green waste site and being left with no notice to source an alternative suitable site.

The trespass notice placed on Council and WRC resulted in tension between some of the iwi landowners as not all of them agreed this should have occurred and not many of them had been consulted before the notice was issued. Some iwi members who had long established and positive relationships with Council were fearful that the situation may impact on their relationship with us.

Subsequently agreement could not be reached between iwi members as to who had legal ownership and of use of the roadway and who was responsible for maintenance and safety of road users. Two of the iwi members, Michaela Rangitaawa-Schofield and Bill Harris therefore made an application to the Maori Land Court seeking clarification on these matters.

**Report Discussion**

On 14 February 2018 and upon invitation from the Maori Land Court, Council's Land Management Officer and Rooding Asset Manager attended a hearing at the Maori Land Court in Hamilton on matters relating to the Maori roadway off 83 Otewa Road, Otorohanga, on behalf of Council as an interested party.

The application was made to the Maori Land Court (further referred to in this report as the Court) by Michaela Rangitaawa-Schofield and Bill Harris, seeking clarification from the Court as to matters of ownership, use and maintenance of the Maori roadway.

Lyndsay Wilson was appointed by the Court to clarify the underlying land status of the road which was confirmed as Maori land, however it was inconclusive whether legal interest in the roadway had been transferred out of Maori ownership through historic land transactions. Regardless of this the Judge confirmed that all owners of land, with access off the roadway, along with their invitees had legal right of access and use of the roadway – along with a shared responsibility for maintaining it. This also included Council as landowners and WRC as invitees of Crown in relation to the management of the river control reserve land.

An email exchange between an iwi representative and the Court Deputy Registrar on behalf of the Judge, copied to other working group representatives, further clarified ownership and right of use of roadway.

After an extensive hearing with all parties including Council staff being given the opportunity for contributing to the discussion, Judge Milroy ordered that a working group be established to address a number of issues relating to the roadway and its use. Judge Milroy subsequently appointed 7 iwi representatives along with Council's representative (the Council Land Management Officer) and delegated the task of facilitating the working group meetings to the Council.

The Judge proceeded to lay out the matters to be addressed in the discussions of the working group, which were;

- a) Maintenance of road and repair of particular damage that might be caused by council operations which require use of the road;
- b) Varying of the roadline to provide reasonable and practical access to the urupa, including council taking steps to obtain consent of the underlying owner and lessees of land surrounding the urupa, if not already obtained;
- c) Definition of users of the road and agreed uses of the road and limitations on users and uses (ie. who may use the road as a matter of course and for what purposes. Other users and uses would require consent of the owners);
- d) Offer back of council-owned/managed land if in future council or the Crown seeks to sell the land;
- e) Clarification as to health and safety liability and indemnity to owners if use of the roadway by council or council-authorized workers/contractors leads to an accident on the road;
- f) Council to facilitate discussion between the organisation that erected the cross near the urupa and the owners;
- g) Other issues ancillary to the above and to the future maintenance and protection of the roadway and the interests of the owners in it.

The Judge requested that Council report to the Court on progress made on these matters with the Council Land Management Officer doing so by submitting a Memorandum to the Court on 22 June 2018. The Memorandum included a commitment from Council to the iwi members of the working group representing the other land owners, to complete annual maintenance of the roadway acknowledging that Council and Council's invitees are the main commercial users of the road and therefore should be responsible for a larger portion of the maintenance. It was also agreed in the working group meetings that the other land owners off the Maori roadway would contribute to the ongoing minor maintenance of the road such as filling potholes, with Council leaving them a stock pile of gravel each year to make available for the minor repairs.

Refer **Appendix A** – Memorandum to the Maori Land Court from Council Land Management Officer on behalf of Council.

Judge Milroy accepted Council's position and responded with the following to the working group members;

"Having considered the report from Ms Ambury on behalf of the Council the Court will take the following steps:

- a) Contact LINZ to find out who might be able to speak/negotiate on behalf of the Crown with the owners' working group about improved access to the urupa and an exchange of land to extend the urupa;
- b) Commission a surveyor to undertake the resurvey of the roadline.
- c) Once these matters are on foot and some progress has been made, the Court will call a further judicial conference to establish the next steps."

**Patricia Ambury**  
**Land Management Officer**

**Attached - Appendix A**

**Memorandum to the Maori Land Court - 22 June 2018**

IN THE MAORI LAND COURT  
WAIKATO MANIAPOTO DISTRICT

**Application No: A20170004735**

In the matter of Orahiri 1 Section 17  
Roadline

And an Application by

**MICHAELA RANGITAAWA-**  
**SCHOFIELD and BILL HARRIS for**  
**and on behalf of NGATI**  
**URUNUMIA and Others**

**MEMORANDUM TO THE COURT  
BY  
OTOROHANGA DISTRICT COUNCIL**

**Dated 22 June 2018**

---

## **MAY IT PLEASE THE COURT**

1. On 14 February 2018 Her Honour Judge Milroy directed that the Otorohanga District Council ("the Council") form a working group and facilitate discussions relating to a number of matters.
2. The Council has completed those discussions. Two working group meetings have been held. This Memorandum is intended to report to the Court on the matters identified by Judge Milroy as follows:

### **Item 1 - Yearly maintenance of road and repair of particular damage that might be caused by council operations which require use of the road;**

4. The Council has reached agreement with the Owners that the Council will initiate, fund and carry out annual maintenance of the formed road way. This would consist of an annual grading of the road including further metal being added if necessary. The Council has also agreed to leave a supply of metal available to other landowners with properties off the roadway to undergo other minor maintenance as needed, for instance, the filling of potholes.
5. In addition to this, the Council has also agreed that it will be a condition of any significant project to be undertaken which requires access over the roadway that the roadway will be assessed prior to and at the completion of the project commencing and any remedial work required as a result of the works will be the responsibility of the contractor to complete. This will be incorporated into any contractual terms between the Council and the relevant third party.
6. If damage is caused by the Owners or another third party unrelated to the Council or any Council authorised work, it will be the responsibility of that party to complete any repair work.

7. It is the Council's position that these agreements address the Council's repair and maintenance obligations in respect of the roadway.
8. These matters have not yet been formalised into a written Agreement with the Owners. The Council is in the Court's hands as to whether a formal agreement is required or whether these matters can be covered by Orders made by the Court.

**Item 2 - Varying of the roadline to provide reasonable and practical access to the urupā, including council taking steps to obtain consent of underlying owner and lessees of land surrounding the urupā, if not already obtained;**

9. Underlying owner consent - At the working group meetings this matter became focussed also on the extension of the urupā and a possible land exchange between owners. This has been previously addressed by the Council, resulting with a Council resolution and the outcome being communicated to the iwi representative at the time when the request was made. The Council resolution was made on 14 December 2010 supporting the land exchange in principle and recommending the owners of the Kariki Urupā (Maori Freehold Land with 25 registered owners) approach the Crown (through Land Information New Zealand) to begin negotiations between themselves and Crown as the underlying land owner in regards to a possible land exchange and shifting of the legal access to match the formed physical one.
10. Lessee consent - Since the Court hearing Council staff have gained consent in principle from the Lessee for this to occur.

(Documents relating to urupā attached)

**Item 3 - Definition of users of road and agreed uses of the road and limitations on users and uses (ie. who may use the road as a matter of course and for what purposes. Other users and uses would require consent of the owners);**

11. At the conclusion of the Court hearing it was clarified that the landowners with properties off the roadway have lawful right of access, as do their invitees. The Council being one of these landowners and also being an invitee of the Crown in relation to the land the Council administers under a Service Level Agreement with Waikato Regional Council (as invitees of the Crown), also have lawful right of access, along with the Council's and Regional Council's invitees.
12. It has been clarified by the Council that the main use of the road by the Council and the Council's invitees are for the purpose of;
  - river management
  - weir maintenance
  - green waste use
  - grazing lease
  - other Council business as required
  - consideration of Council's responsibility around maintaining good access for members of the public visiting family members buried in the urupā (including both iwi and non-iwi)
13. These uses have been accepted by the working group.
14. It was agreed by the working group that other landowners with properties off the roadway and their invitees also have legal use of the road for the purpose of normal residential activities and access to the urupā.

15. In relation to the green waste though, it was identified by one of the iwi members of the working group that the location of the green waste was not appropriate as it was very close to the puna and the home of a very significant taniwha. Council staff have accepted this and are working to find an alternative and more appropriate site for the green waste. Council staff have also started the work of removing unauthorised tipplings of inorganic material from the green waste dump as requested by iwi. The gate to the green waste has also had the locks changed to minimise further unauthorised tipplings.

**Item 4 - Offer back of council–owned/managed land if in future the Council or the Crown seeks to sell the land;**

16. The underlying owner of the land is the Crown. The land was originally taken by the Crown under the Public Works Act for soil conservation and river control purposes. If that use was no longer required, the usual offer back provisions of the Public Works Act would apply.
17. Title searches relating to the land reveal the land was not acquired by Crown from Maori owners.

**Item 5 - Clarification as to health and safety liability and indemnity to owners if use of the roadway by the Council or council- authorised workers/contractors leads to an accident on the road;**

18. In respect of the health and safety requirements, Council has statutory requirements under the Health and Safety at Work Act 2015 ("the Act") when on the land, and in respect of any person authorised by Council to be on the land. These statutory obligations include ensuring hazards are identified and mitigated, and any person entering the land under the authority of Council is

aware of any health and safety risks and has appropriate health and safety plans in place.

19. Council (as a local authority organisation) carries public liability insurance which would apply in respect of any health and safety incident for which Council was liable.
20. In respect of the health and safety obligations for the owners of the land (including any person on the land under the authority of the owners), these are issues that the owners are required under the Act to identify and mitigate. They are unable to delegate that statutory responsibility to a third party such as Council.

**Item 6 - Council to facilitate discussion between the organisation that erected the cross near the urupā and the owners;**

21. The cross was erected by the Line Company pursuant to a resource consent granted by the Council. It was a requirement of the resource consent application process that the Lines Company consult with iwi. After iwi consultation the original proposed location of the cross was altered to its current position which was approved by iwi at the time.

(Copy of the Resource Consent application with supporting information attached)

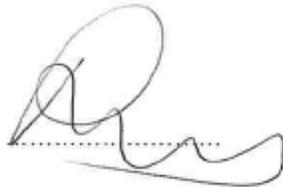
**Item 7 - Other issues ancillary to the above and to the future maintenance and protection of the roadway and the interests of the owners in it;**

22. From the Council's perspective, the primary issues requiring discussion and resolution revolve around clarifying the legal owners and users of the roadway and the responsibility for maintenance

and repair obligations. Those issues have been discussed and agreed at the meetings held.

23. Where possible Council has facilitated discussion between the owners and other third parties. There are some issues (particularly relating to Crown obligations and responsibilities) that the Council has been unable to assist with as they are outside of the Council's statutory jurisdiction. Further involvement from Council may not be beneficial to these discussions.

Dated this 22<sup>nd</sup> day of June 2018

A handwritten signature in black ink, appearing to be 'Patricia Ambury', written over a horizontal dotted line.

Patricia Ambury  
Land Management Officer  
Otorohanga District Council

Enclosures;

- Copy of working group minutes 2 March 2018
- Copy of working group minutes 23 March 2018
- Copy of documentation relating to urupā land
- Copy of Resource Consent application for Cross at urupā

ITEM 281

**ENVIRONMENTAL HEALTH OFFICER/LIQUOR LICENSING INSPECTOR'S REPORT FOR APRIL-JUNE 2018**

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

**From:** Environmental Health Officer / Licensing Inspector

**Date:** 21 August 2018

---

**Relevant Community Outcomes**

- The Otorohanga District is a safe place to live
  - Ensure services and facilities meet the needs of the Community
  - Promote the local economy and opportunities for sustainable economic development
  - Manage the natural and physical environment in a sustainable manner
- 

**Executive Summary**

The Environmental Health Officer and Licensing Inspector's report for the period April to June 2018.

**Staff Recommendation**

It is recommended that:

The Environmental Health Officer and Licensing Inspector's report for April to June 2018 be received.

**Report Discussion**

**Sale and Supply of Alcohol Act 2012**

A quarterly collaboration meeting took place between Otorohanga District Council, Waitomo District Council, Waipa District Council, New Zealand Police and Waikato District Health Board on 18 May 2018 at Te Kuiti Hospital.

This meeting satisfies the requirements of s.295 Sale and Supply of Alcohol Act 2012 under which reporting agencies have a duty to collaborate.

Discussions were centred on licensing and enforcement issues around the districts. No concerns were raised and no complaints received regarding licenced premises operating in the Otorohanga District.

A controlled purchase operation (CPO) was discussed and programmed for July 2018. This allows minors to enter into a licensed premises and attempt to buy alcohol. This is permissible only under police supervision as required by the Act. Two volunteers were being sought and the names of premises to be visited were agreed upon. At the time of writing no feedback had been received on this CPO.

### **Alcohol Licensing Processing Statistics**

• On Licences	New	1
	Renewals	0
• Off Licences	New	1 (remote seller)
	Renewals	1
• Club Licences	New	0
	Renewals	0
• Managers certificates	New	1
	Renewals	4
• Special licences		11
• Temporary Authority		1 (on hold)

The Otorohanga District Licensing Committee met 5 times in this period to decide on applications opposed by the reporting agencies. This involved one off-licence renewal, one BYO on-licence and three managers certificates (2 renewals and 1 new application). All were granted with conditions except a renewed manager's certificate for the reason the applicant had left New Zealand.

One special licence application was opposed but, due to time restraints, the District Licensing Committee could not convene for a hearing before the event date. The applicant was given a written reason why the application was opposed and subsequently declined.

### **The Food Act 2014**

Provisions of the Food Act 2014 commenced 1 March 2016 and all food businesses in the District are now registered under the new regime except for three businesses, who will transition before February 2019. Registration under the Food Hygiene Regulations 1974 is no longer available.

Nine verifications (inspection and audit) were undertaken this quarter and three applications for new businesses were processed and are now trading in the district.

There was one food complaint received this quarter and the matter was quickly remedied by the operator when it was brought to their attention. The complainant was satisfied with the outcome.

Another complaint was received regarding pest activity in a restaurant. Investigation found there to be an insect infestation which resulted in a closing order being served pursuant to the Food Act 2014. The premises were closed for over a week with the premises being given a thorough clean and the pest contractor confirming the infestation was under control. The closing order was lifted and the operator permitted to trade. The premises are being monitored to ensure there is no regression.

### **Resource Management Act 1990**

#### **Noise**

No complaints received this quarter resulted in equipment seizure.

**The Health Act 1956**

There were one complaint received this quarter regarding food waste being dumped in a residential garden.

The owner was contacted and a request made for them to remove the nuisance. The area to the rear of the premises has been cleaned and some refuse remains in the front garden which the owner has still to remove. This will be monitored and communication continues with the complainant and the affected property.

Mary Fernandez

**Mary Fernandez**  
**ENVIRONMENTAL HEALTH OFFICER / LICENSING INSPECTOR**

**ITEM 282**                    **Civil Defence and Emergency Report for April to June 2018**

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

**From:**                    **Local Civil Defence Controller and Emergency Management Operations Manager**

**Date:**                    **21 August 2018**

---

**Relevant Community Outcomes**

- The Otorohanga District is a safe place to live
  - Ensure services and facilities meet the needs of the Community
  - Promote the local economy and opportunities for sustainable economic development
  - Manage the natural and physical environment in a sustainable manner
- 

**EXECUTIVE SUMMARY**

To provide the quarterly update report on the Civil Defence Emergency Management (CDEM) activity for the period 1 April 2018 to 30 June 2018. This includes emergency management activities under the shared service arrangement between Waipa, Otorohanga and Waitomo District Councils and activities of the Waikato Civil Defence Emergency Management Group including the Joint Committee.

**RECOMMENDATION**

*That the information contained in the report of Andrew Loe, Local Civil Defence Controller and David Simes, Emergency Management Operations Manager be received.*

**DISCUSSION**

The Local Civil Defence Controller and Emergency Management Operations Manager submit a quarterly information report on emergency management activities affecting the Western Waikato Emergency Operating Area (WWEOA) which includes Waipa, Otorohanga and Waitomo District Councils. This is the final quarterly report for the 2017-2018 financial year. During the quarter the following civil defence emergency management activities have been undertaken.

**Reduction**

No activities undertaken under reduction for this quarter.

**Readiness**

Work Plan Priorities: Prioritised work is underway to improve the Western Waikato Area's "Readiness" to respond to significant Civil defence emergencies or disasters.

This will focus on the follow areas:

Local Emergency Operating Centres (EOC's) are maintained at high levels of readiness to support local, regional and national events.

Appropriate civil defence (CDC) facilities are identified and resourced to provide for evacuated or displaced persons, along with information to communities.

Community response plans and arrangements have the sustained capability to deliver effective, expedient and efficient responses tailored to local communities.

Civil Defence Resources: A full audit of all resources allocated to Civil Defence across the Western Waikato and stored within the 3 District Councils; Waipa, Otorohanga, Waitomo and also the Kihikihi Office is underway. Once completed any deficiencies will be addressed and a more robust audit process will be put in place coupled with improved service arrangements for communications and I.T. equipment.

Improved storage and access to Emergency Operating Centre (EOC) equipment and resources within the three Council buildings is also being addressed and will be of benefit during Civil Defence EOC activations.

## **Response**

While all three Districts have experienced severe weather events during this quarter, the impact of these did not necessitate the activation of emergency operating centres.

Of note was the severe weather event on 18 of June 2018 which brought gale-force winds, hail and thunderstorms along with tornados across the area. The tornadoes were experienced across parts of North Taranaki, and while proximate to Mokau – Waitomo District, it was fortunate the path avoided this community.

The Waitomo District Council had two monitoring events which involved the Local Controller, the Civil Defence Operations Manager along with Regional and local Council staff.

The first was a significant fire event at the Repco Building in Te Kuiti on 9 May 2018 where there was residual runoff oil from the fire/premises into a nearby waterway. This was contained with a local and Regional Council response. The second was a gas leak which occurred on 30 May 2018 during maintenance work on a major gas line at Oparure Road near Te Kuiti. An evacuation of a rural school and a small number of adjacent houses was required, along with the closing of the roads in the immediate vicinity of the leak.

Emergency Services attended and the gas leak was repaired by gas company workers within a number of hours. There were no long term effects or further response required.

The nationally significant mycoplasma bovis event has drawn CDEM support to the Ministry for Primary Industries in the Waikato, in the form of Welfare and Logistics functional roles. This has been facilitated and managed through the Waikato Region Group Office.

## **Recovery**

There were no recovery activities of any significance undertaken during this quarter.

## **GENERAL**

### **Emergency Management Operations**

David Simes was appointed to the vacant position Emergency Management – Operations Manager for the Western Waikato CDEM area and commenced on 23 April 2018.

Cathie Shaw was appointed to the newly established Western Waikato CDEM position as the Emergency Management Coordinator commencing on 2 July 2018.

### **Waikato Civil Defence Emergency Management Group Joint Committee**

The Waikato Civil Defence Emergency Management Group Joint Committee meeting was held in June 2018. The minutes of the extraordinary meeting in May (attached as Appendix 1) were confirmed. The extraordinary meeting adopted the proposed Group Plan and the amended Group Controller's Policy. Minutes from the 25 June meeting will not be confirmed until the meeting on 3 September.

Andrew Loe

**LOCAL CIVIL DEFENCE CONTROLLER**

David Simes

**EMERGENCY MANAGEMENT OPERATIONS MANAGER**

---

**Waikato Civil Defence Emergency Management Joint Committee  
MINUTES**

---

Minutes of an extraordinary meeting of the Waikato Civil Defence Emergency Management Joint Committee held in Te Puia Room, Genesis Building, Bryce Street, Hamilton on Monday 14 May 2018 at 9.55am.

**Present:**

<b>Hamilton City Council</b>	Cr Leo Tooman
<b>Hauraki District Council</b>	Cr Phillip Buckthought
<b>Matamata Piako District</b>	Cr Brian Hunter
<b>South Waikato District Council</b>	Cr Thomas Lee
<b>Coromandel District Council</b>	Cr Sally Christie
<b>Waikato Regional Council</b>	Cr Hugh Vercoe
<b>Waitomo District Council</b>	Cr Allan Goddard

**In Attendance:**

**Staff**

Langley Cavers – CEG Chair  
Lee Hazlewood – Group Controller  
Danielle Kruger -  
Sarah McLeay – Democracy Advisor

**Apologies**

Cr Anna Park - Taupō District Council  
Cr Noel Smith - Waikato District Council  
Cr Judy Bannon - Waipā District Council  
Cr Annette Williams – Otorohanga District Council

**Accepted**

**Confirmation of Agenda**

Agenda Item 2

Cr Christie moved/Cr Thomas Lee seconded

**CD18/17**

**RESOLVED**

**THAT the agenda of the extraordinary meeting of the Waikato Civil Defence Emergency Management Joint Committee of 14 May 2018, as circulated, be confirmed as the business for the meeting.**

**The motion was put and carried CD18/17**

**Disclosures of Interest**

Agenda Item 3

There were no disclosures of interest.

**Minutes of Previous Meeting**

Agenda Item 4 Doc 12003121

Cr Hugh Vercoe moved/Cr Sally Christie seconded

**CD18/18**

**RESOLVED**

**THAT the Minutes of the Waikato Civil Defence Emergency Management Joint Committee meeting of 26 March 2018 be received and approved as a correct record.**

**The motion was put and carried CD18/18**

**Waikato CDEM Group Plan 2016/2021 Public Consultation**

Agenda Item 6 Doc 12412316

Presented by the Group Controller (L Hazlewood) the report provided an overview of the notification process undertaken, the submissions received and an opportunity to consider the recommended changes to the Waikato Civil Defence Emergency Management Group Plan.

Cr Phillip Buckthought moved/Cr Allan Goddard seconded

CD18/19

**RESOLVED**

1. THAT the report Waikato CDEM Group Plan (Doc 12412316 dated 4 May 2018) be received; and
2. THAT the Joint Committee adopt the proposed Group Plan in accordance with s52(1)(e) of the Civil Defence Emergency Management Act.

The motion was put and carried CD18/19

**Waikato CDEM Group Controller Policy**

Agenda Item 7 Doc 12431241

Presented by the Group Controller (L Hazlewood) the report provided the Joint Committee with an opportunity to approve amendments made to the Waikato Civil Defence Emergency Management Group Controllers Policy.

Cr Sally Christie moved/Cr Thomas Lee seconded

CD18/20

**RESOLVED**

1. THAT the report Waikato CDEM Group Controller Policy (Doc 12431241 dated 8 May 2018) be received; and
2. THAT the Joint Committee adopt the amended Group Controllers' Policy.

The motion was put and carried CD18/20

Meeting closed at 10.04am

**ITEM 283     ROUTINE ENGINEERING REPORT - MAY TO JULY 2018**

**TO:            HIS WORSHIP THE MAYOR AND COUNCILLORS**  
**Otorohanga District Council**

**FROM:        ENGINEERING MANAGER**

**DATE:        21 AUGUST 2018**

---

**Relevant Community Outcomes**

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

**EXECUTIVE SUMMARY**

This is a routine report on engineering matters for the period May to July 2018.

**STAFF RECOMMENDATION**

It is recommended that the report be received.

**REPORT DISCUSSION**

**ROADING**

**Contract 1025 – Roads Maintenance  
(Services South East (NZ) Ltd)**

This contract came to a premature end when the contractor chose to relinquish their contractual obligations. The last day of SSE officially operating within Contract 1025 was on Friday 29 June. By this time most suppliers ceased providing goods and services to SSE and it became increasingly difficult to get any work done by them.

During this period Inframax and Fulton Hogan were engaged to provide services to maintain the road network on an ad-hoc urgent only basis while a new tender was drafted to replace SSE. This has caused a backlog of routine maintenance on the roads, like water table forming and repairing potholes that now requires urgent attention. Both Inframax and Fulton Hogan will continue to provide maintenance services until the commencement of the new maintenance contract which commences 1 October 2018 and the work done since the start of July has had a significant positive impact on the condition of the roading network.

**Contract 1070 – Roads Maintenance**

This contract supersedes Contract 1025. There were four contractors who attended the contractors meeting however only two finally submitting a tender. The four contractors were, Fulton Hogan, Broadspectrum, Inframax and Schick.

Only Inframax and Fulton Hogan submitted a tender.

- Tender Evaluation Price Inframax \$6 567 360.61
- Tender Evaluation Price Fulton Hogan \$8 412 478.38

Due process was followed and the Tender Evaluating Team accepted the price of Inframax. Budget for the first three-year contract period (the contract is potentially a 3 + 2 + 2 + 2 year contract period) is \$6,475,164.67 which is only slightly lower than the tendered sum for the same period.

**Contract 1009 – LED Streetlight Upgrade  
(The Lines Company)**

This contract has been completed with only a few additional street lights remaining for installation.

**Contract 1051 – Second Coat Sealing and Reseals 2017 – 2019  
(Higgins Construction Limited)**

Approximately \$80 000 worth of scheduled work could not be completed for the 2017 / 2018 year due to the weather and this is to be carried over into 2019. It is anticipated that these will be completed in the current year's schedule.

**Contract 1029 – Pavement Marking 2017 – 2020  
(Roadmarkers NZ Ltd)**

Roadmarkers New Zealand will commence the road marking in the upcoming construction season, as this work is weather dependent.

**Contract 1053 – Footpath Construction and Maintenance 2017/18**

Only the Kawhia footpaths have been completed. The Roading Manager is in talks with a potential contractor that may be willing to undertake the remaining work. Should this contractor also not want to do the work, or is as grossly overpriced as the other contractors, then another means of completing this work will be worked out.

The increased health and safety and traffic management requirements appear to be causing a lot of small contractors not to price this type of work.

**C1060 – Waikeria Road Bridge Widening**

Due to several weather and construction delays this work is now scheduled for completion at the end of August 2018. Initial delays with the design and subsequent unforeseen ground conditions caused the work to extend in to the winter period which in turn caused additional delays.

**C1061 – Waikeria Road Upgrade**

This road contract is substantially completed, although a practical completion certificate has not yet been issued.

**Contract 1026 – Mangaorongo Road Rehabilitation**

There was good interest in the Mangaorongo Road Rehabilitation tender. The contractors submitting prices were:

White Ridge Holdings Ltd	\$2,282,980.00
Inframax Construction Ltd	\$2,850,423.05
Schick Civil Construction	\$2,953,059.60
Broadspectrum Ltd	\$3,504,205.52
Citycare Civil	\$6,924,522.82

White Ridge Holdings Ltd supplied the lowest tender price submitted in the tender form without submitting any non-price attributes. Without any non-price attributes, they were immediately disqualified according to the evaluation rules. Their price was also wrongly copied onto the tender form and after checking their calculations their price was \$3,352,324.60.

The successful tenderer was Inframax after the Tender Evaluation Team had to set aside the lowest tenderer due to the contractor submitting a non-conforming tender in which a serious calculation error was also made.

**Contract 1049 – Bridge Painting Contract**

The tender for the routine painting of several bridges in the district is currently under way and will be awarded in August.

**Roading Budgets**

The roading budgets for the year have been well managed with overall figures under budget,

## **WATER AND COMMUNITY SERVICES**

### **Ministry of Health Drinking Water Compliance**

Nothing to report in this period.

### **Kawhia Community Water Supply**

#### Operations

No operational issues.

#### Resource Consents

Nothing to report for this period.

#### Budget/Actuals

In summary the overall budget for the Kawhia Scheme is tracking well. Slight cost overrun with staff time which is related to a greater emphasis on drinking water standards.

### **Arohena Rural Water Supply**

#### Ministry of Health Drinking Water Compliance

On 12 April 2018, during the annual Rural Water Supply Scheme Committee meeting, Council presented the committee (under section 131-135 Local Government Act 2002) a series of alternative options to the status quo relating to the schemes inability to meet the requirements of the Health Department Drinking-water Standards for New Zealand 2005 (Revised 2008).

It was agreed that scheme customers should be informed of these alternative options and their views sought through a survey and a meeting.

The meeting was held at 12.00 noon on Wednesday 23 May 2018 at the Arohena Hall, where the results of the survey were discussed, the committee has yet to indicate its proposed way forward, the matter is now with the Engineering Manager.

#### Operations

The operation of the Arohena scheme has been without incident during this reporting period.

#### Resource Consents

Nothing to report for this period

#### Budget/Actuals

In summary the overall operating budget for the Arohena scheme is tracking well. Operation costs are very close to those budgeted as is the income for the year.

### **Ranginui Rural Water Supply**

No capital works to report for this period.

#### Resource Consents

Nothing to report for this period

#### Ministry of Health

Water Services has received final sign off from the Medical Officer, Waikato District Health Board, that allows the designation of the scheme to change from potable water to stock feed only. All documentation from the scheme members is now complete and with the WDHB. Now the Medical Officer of Health has given sign off for the change of designation, The Engineering Manager is in the process of organising a meeting with the Committee relating to the ongoing chlorination of the supply and the winding back the other operational functions. This will inherently introduce cost saving to the scheme owners.

#### Budget/Actuals

As previously documented the operational costs for this scheme are significantly over budget due to the budget being done based on an agricultural drinking water scheme, not a potable water supply.

### **Tihiroa Rural Water Supply**

#### Ministry of Health Drinking Water Compliance

The challenges in complying with the Drinking Water Standards are the same as those facing the Arohena Scheme.

A subsequent committee meeting was convened on 14 June but unfortunately a quorum was again not achieved and hence no decision on the way forward has been reached.

#### Resource Consents

Nothing to report for this period.

#### Budget/Actuals

In summary the overall operating budget for the Tihiroa scheme is tracking well. Operation costs are some \$33k under budget, however income is also down on budget by 42k.

No capital works to report for this period.

### **Otorohanga/Waipā Water Supply/Plant**

#### Resource Consents

Nothing to report for this period

#### C1052 – Kakamutu Road water main replacement

This work is scheduled to start in mid-August and will be completed 3-4 weeks all going well, the residents along the proposed alignment have been notified as part of the consultation process and will be informed of any disruption to service as presented,

#### Budget/Actuals

In this reporting period there have been some additional costs incurred on essential asset maintenance.

No capital works to report for this period.

### **Otorohanga Sewerage Treatment**

Work is underway to remove some 7000m<sup>3</sup> of sludge from the oxidation pond and replace curtain 4. It is anticipated that this will have a positive effect on the discharge monitoring results.

#### Resource Consents

Nothing to report for this period.

#### Budget/Actuals

No additional or unexpected costs were incurred in this reporting period

### **Otorohanga Community Stormwater Drainage/Flood Protection**

Nothing to report for this period

#### Resource Consents

Nothing to report for this period

#### Budgets/Actuals

A summary review of the ledger for this end of the financial year does not reveal any areas of concern.

## **OTOROHANGA COMMUNITY PARKS & RESERVES**

Generally, the parks and reserves have operated well and without incident during this reporting period, with costs controlled and to budget.

### **Reg Brett Reserve**

Kiwiana Playground construction at the Reg Brett Reserve is due to commence in early August.

**RH Brady**  
**ENGINEERING MANAGER**

**ITEM 284                    MATTERS REFERRED – 24 JULY 2018**

**To:                            Mayor and Councillors  
                                  Otorohanga District Council**

**From:                        Governance Supervisor**

**Date:                         21 AUGUST 2018**

---

**ENVIRONMENTAL SERVICES MANAGER  
15 MAY 2018**

- I.     To arrange for Mr. Robert Quigley to speak to Council on the Waikeria Prison Expansion project, it's potential and social impact.
  
- II.    To explore options available in respect to Dog Registration tags and discs.

**COUNCIL  
24 JULY 2018**

- I.     To visit Xtreme Zero Waste facility in Raglan.

**CA Tutty  
GOVERNANCE SUPERVISOR**

**GENERAL**

**ITEM 285                    MOTION TO EXCLUDE THE PUBLIC**

**To:                            Mayor and Councillors  
                                  Otorohanga District Council**

**From:                        Chief Executive**

**Date:                         21 AUGUST 2018**

---

**STAFF RECOMMENDATION**

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

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

**Reason for Confidentiality**

	<b>Grounds</b>	<b>Reason</b>
	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: -	Subject to sections 6, 8 and 17 of the Local Government Official Information Act 1987, the withholding of the information is necessary to:
	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.	7(2i) Enable any local authority holding the information to carry out, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).