



Kawhia Community Board

AGENDA

29 May 2015

1.00pm

Members of the Kawhia Community Board

Mr CE Jeffries (Chair)
Ms A Gane
Mrs DM Pilkington
Mr AJ Rutherford
Mr DM Walsh

Meeting Secretary: Mr CA Tutty (Governance Supervisor)

KAWHIA COMMUNITY BOARD

29 May 2015

Notice is hereby given that an ordinary meeting of the Kawhia Community Board will be held in the Community Meeting Room, Jervois St, Kawhia on Friday 29 May 2015 commencing at 1.00pm.

25 May 2015

DC Clibbery
CHIEF EXECUTIVE

AGENDA

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GENERAL		

PRESENT

IN ATTENDANCE

APOLOGIES

ITEMS TO BE CONSIDERED IN GENERAL BUSINESS

CONFIRMATION OF MINUTES – 27 MARCH 2015

REPORTS

Item 58 OMIMITI PARK/KAWHIA FORESHORE PLAYGROUND – SAFETY OF BOLLARD CHAINS

To: Chairperson & Members
Kawhia Community Board

From: Community Facilities Officer

Date: 29 May 2015

Relevant Community Outcomes

- The Otorohanga District is a safe place to live
 - Foster an involved and engaged Community
-

Executive Summary

A complaint was received after a ratepayer tripped on the low-slung chains in the Kawhia Foreshore Playground whereby she landed face first onto the concrete footpath in Jervois Street. She sustained severe dental injuries and facial abrasions.

The ratepayer suggests that Council either remove these chains, change to brightly coloured chains or raise them to a height whereby they won't be a trip hazard.

There is a possible liability to Council should someone injure themselves and subsequently take legal action.

Staff Recommendation

It is recommended:

That the chains be removed from between the bollards surrounding Omimiti Park.

Report Discussion

Around four years ago Kawhia Community Trust installed bollard chains at the Omimiti Park Kawhia Foreshore Playground; it is the understanding of the Engineering Manager that the bollards and chains installation was carried out after consultation with, and approval by, the Kawhia Community Board.

The Local Government Act 2002 casts the shadow of fiscal/legal responsibility on Council and, as such, a degree of accountability with regard to recreational facilities, in other words, Council, where appropriate, has a duty to (i) reduce incidents of injury to customers (ii) reduce fiscal risk to the body corporate and (iii) where possible and in particular in the case of recreational facilities, provide a safe environment for all to enjoy.

Colin Tutty, Governance Supervisor, contacted Ingrid Larkin from Echelon (Council Insurer) to gauge 'risk' potential or otherwise to allow status quo concerning whether to remove the chains in question.

Ingrid's response gave no definitive direction, nevertheless paragraph 2 point 2 of Ingrid's response *"Have the council created a foreseeable hazard"* arguably by Council not removing the chains when first notified of an accident caused by the chains could be interpreted in the broadest terms as been *"councils creation"*

There are no requirements of height for these types of chains in any New Zealand Standard or in the Building Code, but the required height for obstacles that could cause someone to fall is 700mm – eg low windows etc. The chains in question vary in height off the ground from 200mm to 300mm.

To further explore the ratepayers suggestion of raising the chains to a safe height, i.e. above 700mm the current level of the fixings to the bollards are between 300 and 400mm and the height of the bollards is between 500 and 600mm hence raising the height above 700mm is not possible. There is also the additional hazard posed to small children created by the chains which could then become at neck height should a young child run into them.

It is therefore Council's view that removing the hazard altogether is the most prudent option.

Excerpt from Ratepayer's email:

"On Friday, 27 March I tripped over the low-slung chain between the bollards on the Kawhia foreshore. I managed to sustain some pretty severe dental injuries and nasty facial abrasions.

While I saw and stepped over the chain as I approached the park to stand by a picnic table while taking a phone call, I failed to look down at my feet as I turned around to get back to the pavement.

The height of the chain (at ankle level) and its closeness to the table meant that I failed to see the chain. It took just the one step and I was pitched forward onto my face on the pavement.

If the chain was either brightly coloured or, better still, at a sufficient height (e.g. hip or waist high) I don't believe this sort of trip hazard would occur."

It has been brought to my attention from a Kawhia resident that they know of six other incidents where people have tripped on the chains. These six were lucky enough to fall inwards onto the grassed area and not outwards onto the concrete path or roadside.

Dianne Hooker
COMMUNITY FACILITIES OFFICER

Attachments

- a. Photo of bollards and chains
- b. Ingrid Larkin, Echelon Claims Officer feed back



Dave.

Colin Tutty

From: Ingrid Larkin <ingrid.larkin@echelon.co.nz>
Sent: Thursday, 30 April 2015 2:08 p.m.
To: Colin Tutty
Subject: argument of negligence

Hi Colin,

I am very sorry for my delay in reply! Thank you for following up with me!

In respect of your query as to whether the council could be deemed liable for injury occurring due to someone tripping over a bollard and chain fence.

My understanding is that the burden of proof falls to the person claiming against the council for such an event in respect of negligence.

- Have the council erected a fence unfit for a public area, was it none regulation, is there a regulation for such fences, was it maintained poorly etc
- Have the council created a foreseeable hazard, similar questions above could be raised.

There are a number of questions you could ask in respect of defence but this would be for the claimant to prove anyway. In the test of negligence however, the most important factor is identifying if there was a duty of care (owned by the council) and have you breach it thus causing the damage?

I would say not. It is reasonable to expect a fence or barrier of this nature in public reserves or areas as it is equally reasonable to expect that a person using this area would exhibit a basic awareness of their surroundings. I don't believe there is liability based on what would appear to be someone else's negligence. I do use the term negligence loosely when referring to someone tripping though as it's more an unforeseeable accident than anything else but you understand where I am going with that – how can the council be accountable for how others varied actions?

Please keep in mind that this is an opinion based on an understanding of the general rule of negligence and what I would likely do if an insurance claim was presented so this is by no means legal guidance. It would be recommended that if you did have an approach that you have the appropriate legal department review the matter.

I hope that is helpful and again I apologise for the delay in my sending of this email.

Kind regards



Ingrid Larkin
Echelon Claims Officer

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Item 59 PROPOSED KAWHIA FEES AND CHARGES 2015/16

**To: Chairperson & Members
 Kawhia Community Board**

From: District Accountant

Date: 29 May 2015

Executive Summary

A copy of the proposed fees and charges related to Kawhia and Aotea is attached.

Staff Recommendation

It is recommended:

That the Board approves the fees and charges as proposed.

Report Discussion

The proposed fees and charges for the Kawhia and Aotea communities is attached for discussion by the Board. Any changes the board wishes to make will be included in the staff submission to the Long-Term Plan 2015/25.

Brendan O’Callaghan
DISTRICT ACCOUNTANT

Attachments

- a. Schedule of Fees and Charges

Schedule of Fees and Charges

All Fees include GST at the prevailing rate.

NETWORK SERVICES

1 July 2014 1 July 2015

Kawhia Community

WATER CONNECTION CHARGES

Application Fee Within Kawhia Community

Application Fee		\$160.00	\$160.00
Standard Domestic Connection (for 20 / 25mm service within 4.0m of the watermain and includes water meter for Kawhia Peak Season Metered Water Charge)		\$1,125.00	\$1,400.00
Installation of Water Meter to existing connection for Kawhia Peak Season Metered Water Charge		\$250.00	\$250.00
All other connections	Fixed price quote to be provided by Council approved Contractor		

Application Fee Outside Kawhia Community

Application fee		\$160.00	\$160.00
Capital Contribution		\$1,595.00	\$1,595.00
Standard Domestic Connection	Approved Contractor	Quote	Quote
Extraordinary Use			
Right to withdraw from Fire Hydrant	1 day	\$100.00	\$100.00
Right to withdraw from Fire Hydrant	1 year	\$950.00	\$950.00

* Conditions Apply

COMMUNITY SERVICES

1 July 2014 1 July 2015

Kawhia Community

KAWHIA RECYCLING CENTRE

Recycling (sorted)

Plastic Milk bottles	Washed & squashed	Free	Free
Soft drink (1 & 2)	Washed & squashed	Free	Free
Steel cans	Washed & squashed	Free	Free
Aluminium cans	Washed & squashed	Free	Free
Paper	No food	Free	Free
Cardboard	No food / flattened	Free	Free

COMMUNITY SERVICES

		1 July 2014	1 July 2015
Scrap Metal		Free	Free
Lead-Acid battery		Each	\$5.00
LPG bottles (must be degassed)	Each	\$10.00	\$10.00
Computer	Each	\$15.00	\$15.00
Electric motor	Each	\$10.00	\$10.00
Clean reusable timber		Free	Free
Firewood timber	trailer	\$10.00	\$10.00
Car Tyres (must be derimmed)	Each	\$6.00	\$6.00
4x4 Tyres (must be derimmed)	Each	\$9.00	\$9.00
Truck Tyres (must be derimmed)	Each	\$20.00	\$20.00
Replacement Recycling Crate		\$20.00	\$20.00
<i>Cleanfill/Greenwaste</i>			
(no weeds or flax)			
Standard bag	Each	\$3.00	\$3.00
Large bag	Each	\$5.00	\$5.00
Car boot	Per load	\$10.00	\$10.00
6 x 4 trailer / ute	Per load	\$30.00	\$30.00
Other	Per m3	\$30.00	\$30.00
Refuse	Per m3	\$45.00	\$45.00
Official bag	Each	Free	Free
Standard bag	Each	\$4.50	\$4.50
Large bag	Each	\$7.50	\$7.50
Whiteware (must be degassed)	Each	\$10.00	\$10.00
Television	Each	\$25.00	\$25.00
Video recorder	Each	\$5.00	\$5.00
Toaster/kettle	Each	\$5.00	\$5.00
Timber	Per m3 load	\$55.00	\$55.00

CEMETERY

Plots

Adults	\$1,050.00	\$1,050.00
Children	\$250.00	\$250.00
Ash Wall	\$320.00	\$320.00

Interment

Adults	\$1,200.00	\$1,200.00
Extra Depth	\$1,350.00	\$1,350.00
Children 11 years and under	\$500.00	\$500.00
Stillborn	\$150.00	\$150.00
Ash Wall (inc. Council installation of plaque and interment)	\$400.00	\$400.00

COMMUNITY SERVICES

1 July 2014 1 July 2015

Ash Wall (inc. Own installation of plaque and interment)	\$150.00	\$150.00
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KAWHIA WHARF

Shed Rentals

NZ Steel	\$1,100.00	\$1,100.00
Other Sheds	\$900.00	\$900.00
Power Charge	per shed connected	\$200.00
	\$200.00	\$200.00

Berthage

NZ Steel	\$5,000.00	\$5,000.00
Other Permanent Users	\$1,000.00	\$1,000.00
Casual	per day	\$52.00
	\$52.00	\$52.00

**Item 60 VARIATION TO CONTRACT 1005 KAWHIA, AOTEA & OPARAU MOWING
TO INCLUDE KAWHIA CEMETERY EXTENSION**

**To: Chairperson and Members
Kawhia Community Board**

From: Community Facilities Officer

Date: 29 May 2015

Relevant Community Outcomes

- Ensure services and facilities meet the needs of the Community
 - Manage the natural and physical environment in a sustainable manner
 - Foster an involved and engaged Community
 - Recognise the importance of the Districts rural character
-

Executive Summary

The Kawhia Cemetery has been extended providing a new area for burials. This new grassed area now needs to be included in the existing mowing contract by way of a Variation.

Staff Recommendation

It is recommended:

That this variation be included in Contract 1005.

Report Discussion

With the completion of the Kawhia Cemetery extension we must now consider the mowing of the new burial area which consists of around 507sq m.

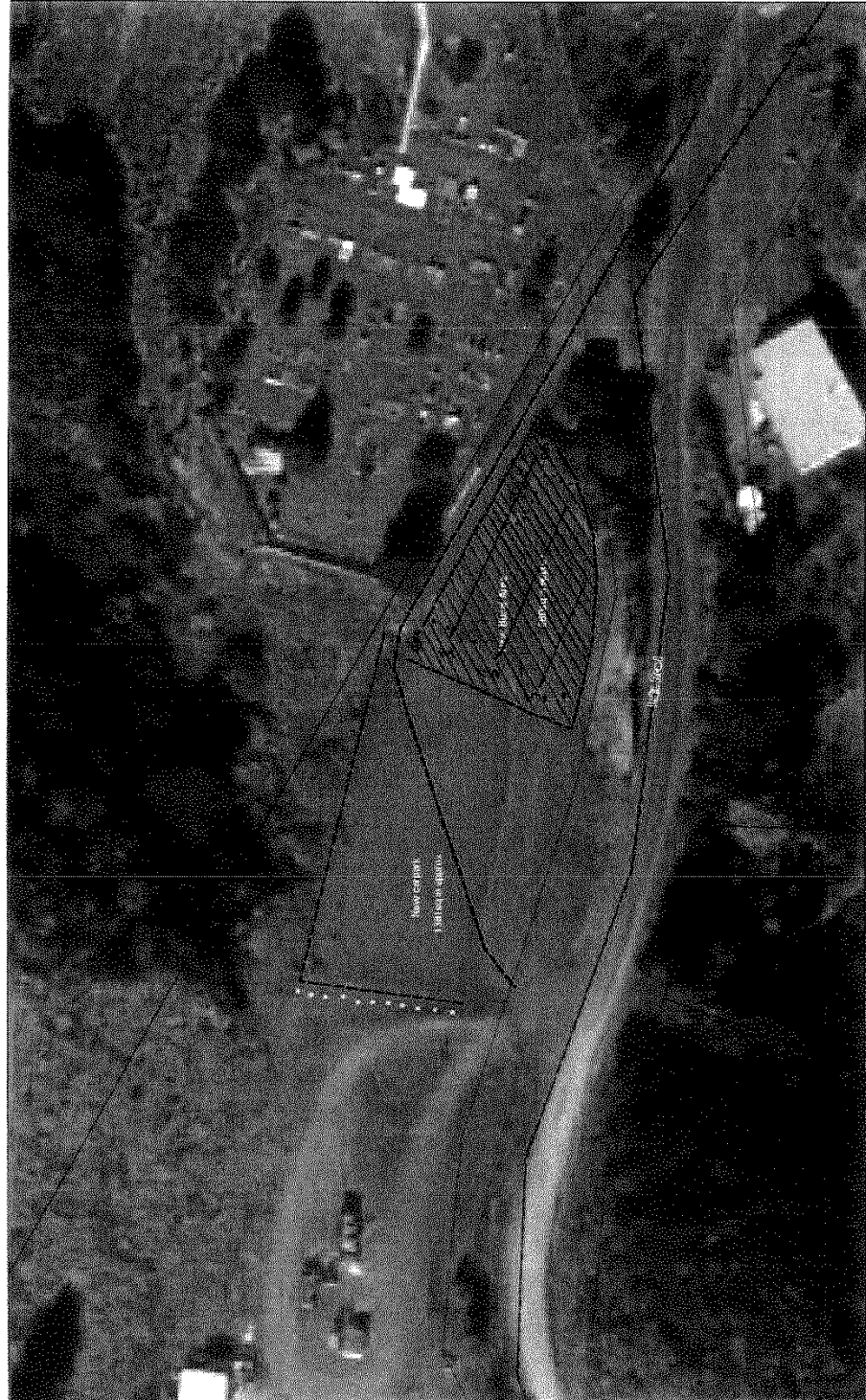
The current contractor has offered a price of \$816.00 per annum to mow this new area.

Dianne Hooker
COMMUNITY FACILITIES OFFICER

Attachments

- a. Aerial map

Kawhia Cemetary Extension 2014/15 – Black = existing fences, Red = new fences, Pink = traffic flow, Yellow = shrubs
variation to Contract 1005
 File Date: 3/15/2014
 Plot Time: 2:16:14



1. The proposed extension of the cemetery is shown in black. The existing cemetery is shown in pink. The proposed extension is shown in yellow. The proposed extension is shown in yellow. The proposed extension is shown in yellow.

2. The proposed extension of the cemetery is shown in black. The existing cemetery is shown in pink. The proposed extension is shown in yellow. The proposed extension is shown in yellow. The proposed extension is shown in yellow.

3. The proposed extension of the cemetery is shown in black. The existing cemetery is shown in pink. The proposed extension is shown in yellow. The proposed extension is shown in yellow. The proposed extension is shown in yellow.

Scale: 1:500
 Date: 15/05/2014



Item 61 KCB MATTERS REFERRED FROM 27 MARCH 2015

**To: Chairperson and Members
 Kawhia Community Board**

From: Governance Supervisor

Date: 29 May 2015

Executive Summary

1. BOARD MEMBERS

26 September 2014

- i. To give consideration to Council's 'New Resident' Pack, in particular to inserting issues of a local nature.

2. MR WALSH

27 March 2015

- i. To continue discussion with owners of land adjacent to the existing parking area opposite the Boat Ramp.

3. CHAIRPERSON

23 January 2015

- i. To follow up on the matter of whether the museum group has come up with a new image for the large museum sign and whether they require this to be placed in a different location.

4. ENGINEERING MANAGER

27 March 2015

- i. To check the design for the construction of the Foreshore Seawall as to whether the wall design would provide a flat land surface for the Reserve.

5. CHIEF EXECUTIVE

27 March 2015

- i. To have discussion with Mr Alan RuBay regarding the request from the Kawhia Rowing Regatta Club to restrict use of the Boat Ramp near their shed to non-powered craft only.

6. FINANCE & ADMINISTRATION MANAGER

27 March 2015

- i. To prepare a report listing all rentals in the Community and compare them with potential 'market' rates.

7. ENVIRONMENTAL SERVICES MANAGER

27 March 2015

- i. To arrange for staff to commence a process towards the potential establishment of a year-round Liquor Ban in public places in the Community.

CA Tutty
GOVERNANCE SUPERVISOR

GENERAL