



Otorohanga District Council

# AGENDA

19 November 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

19 November 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 19 November 2013 commencing at 9.00am.

11 November 2013

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

## AGENDA

### VISITORS ATTENDING THE MEETING –

10.00am Hamilton & Waikato Tourism

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**PRESENT**

**IN ATTENDANCE**

**APOLOGIES**

**OPENING PRAYER**

**ITEMS TO BE CONSIDERED IN GENERAL BUSINESS**

**CONFIRMATION OF MINUTES – 29 OCTOBER 2013**

**REPORTS**

**Item 14            OTOROHANGA COMMUNITY BOARD MINUTES 31 OCTOBER 2013**

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

**From:             Governance Supervisor**

**Date:              19 November 2013**

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**Executive Summary**

Minutes of the meeting of the Otorohanga Community Board held on 31 October 2013 as circulated.

**Staff Recommendation**

It is recommended that:

The minutes of the meeting of the Otorohanga Community Board held on 31 October 2013 be received.

**CA Tutty**  
**GOVERNANCE SUPERVISOR**

**Item 15            KAWHIA COMMUNITY BOARD MINUTES FOR 1 NOVEMBER 2013**

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

**From:             Governance Supervisor**

**Date:              19 November 2013**

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**Executive Summary**

Minutes of the meeting of the Kawhia Community Board held on 1 November 2013 as circulated.

**Staff Recommendation**

It is recommended that:

The minutes of the meetings of the Kawhia Community Board held on 1 November 2013 be received.

**CA Tutty**  
**GOVERNANCE SUPERVISOR**

**Item 16            ROUTINE ENGINEERING REPORT FOR AUGUST TO OCTOBER 2013**

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

**From:                Engineering Manager**

**Date:                 19 November 2013**

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**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 August to October 2013.

**Staff Recommendation**

It is recommended that:

The report be received.

**Report Discussion**

The period covered by this report encompasses the late winter / early spring season during which there is limited construction activity.

**Section 1: Road Maintenance**

**Contract 963 Road Maintenance (Inframax Construction)**

Road side marker pegs and signage have again featured high on our list of tasks receiving a lot of attention. All of the roads with marker pegs on have improved and are now at, or very close to, the low volume roads standard. This in the past has proven very difficult to achieve. Large tractors are the main cause of damage to these pegs.

The culvert replacement program is on track with another schedule of earthenware pipes over three roads to be upgraded with new concrete pipes. Some of the pipes being replaced are in sections of road which are also programmed for reseal this season. Excavators will be carrying out other culvert and drainage work as they move along roads between culverts which are to be replaced.

Storm damage works from June were completed during August and into September, with another severe storm in September affecting Moerangi and Harbour roads. A resident from Moerangi reported that 120mm of rain fell in four hours, and this extremely intense rainfall caused the blockage of 36 culverts.

In several places rubble, small trees and detritus was washed down the hill side, through fences, over the top of fences in several places down and across the road. The result of this was that the road was blocked in several places, one of the farmers used a tractor to open the road for single lane access. Most of the hill section going up into Moerangi was badly scoured, with metal washed off the road.

This intense rainfall event also triggered movement of a large slip on Hauturu Road at route position 685. This slip is continuing to slowly move, with approximately 8,000 to 10,000 cubic metres of material apparently in motion. The slip is being monitored on a regular basis, with

material being removed from the road as necessary to keep it open. To date 150 truck loads of material have been removed.

There is a Urepa at the top of the hill within 2.5 meters of the slip face, and the stability of this site is at risk as the slip material continues to move. A letter has been sent to the Chairman of the Trust who own the land to make them aware of the problem, as there is nothing that Council can realistically do to stabilise the site at this time.

The first round of roadside mowing started in late September and was completed in the third week of October, with the second round to start on the 8<sup>th</sup> of November. Two rounds of Tutsan spraying were completed in August and September. Spraying is conducted prior to mowing with a follow up spray being done as well. The spraying appears to be effective.

Planning for Yellow Bristle grass spraying has been completed and this will also be undertaken, if not already started, we will be generating a data base of locations for both of these weeds.

The annual stabilising and digout program for the sealed road network is well underway, this year we again have Gideon Contractors subcontracted to Inframax completing this program.

Sealed roads are in good condition at the present time, but will improve once the repair program is completed.

Unsealed roads are also in a good condition, apart from a few corrugations on steeper sections through corners. With the regular application of metal and grading these roads are performing better than they did through winters a few years ago.

#### **Contract 981 Pavement Marking (Road runner Markers)**

The annual remark of all sealed roads is due to be completed with a schedule of work having been sent to the Contractor.

#### **Contract 920 Street Lighting (The Lines Company)**

This Contract continues to run along smoothly with few problems, a new contract is due to be tendered in the new year.

#### **Contract 980 Bulk Metaling (Inframax Construction)**

Work for the current year in this contract has started with two roads being completed. This is an annual program that covers all unsealed roads through the district over a five year cycle.

#### **Contract 983 Footpath Maintenance ( Downer)**

Work on this Contract has been completed with a new contract is currently being prepared for tender.

#### **Contract 973 Area Wide Pavement Treatment**

This new contract will go to tender in second week of November, with seven sites over five roads to be treated. Honikiwi Road has two sites, Otewa Road two sites, and one site each on Ngaroma, Maihihi and Waitomo Valley Roads. Turitea Road also has a site programmed but completion of this is dependent on tender prices and budgets.

#### **Contract 968 Mangawhio Bridge Cleaning and Painting**

This Contract has been tendered, but tender prices were substantially higher than anticipated, and staff suspected that lower prices might be obtained if the work was tendered on a revised basis, in particular a if a fully functional under-bridge access carriage was provided by Council, and there were lesser constraints on the scheduling of the works.

The contract was therefore not awarded, and alternative options will be investigated with a view to re-tendering the work in 2014.

### **Contract 987 Whittington Lane Truck Park (Higgins construction)**

The bulk of work in this Contract was completed in July, with fill to be placed and levelled behind the new kerb to complete.

### **Contract 994 2<sup>ND</sup> Coats and Reseals**

This contract was tendered as a joint contract between Otorohanga and Waitomo District Councils, with separable portions of the contract for each Council.

The Tenders received contained the following prices for the separable portion for this Council:

Higgins Contractors Waikato	\$833,293	
HEB Construction Ltd	\$862,657	
Fulton Hogan Ltd	\$920,259	
Johnstone and Masters Ltd	\$2,222,006	for both portions; individual portions not identified
Ireland Roothing	\$1,052,944	
J & J Walters	\$1,289,430	

The Engineer's price estimate for this work (which was inclusive of a \$50,000 contingency that was not reflected in tendered prices) was \$908,178.

The tender of Higgins Contractors Waikato also has the lowest overall price for both portions, and hence the contract was awarded to this tender.

Pre-reseal repairs in preparation for for this Contract are well under way and should be completed by mid November, with sealing to start in early January.

The tendering process highlighted some of the challenges that exist in respect of joint tendering of contracts. This particular contract was considered to be a particularly straightforward one that was well suited to joint procurement, but nevertheless some issues did arise associated with differing approaches and imperfect communication between the two Councils.

It is difficult to judge what degree of cost saving was achieved through joint tendering, but it is suspected that in percentage terms it was modest, though the relatively high value of the contract translated this into a worthwhile dollar figure.

Whether joint tendering of other more complex or lower value contracts can be justified seems uncertain at this time.

## **Section 2: Services Activities**

### **Kawhia Water Supply**

Supply of water to Kawhia has been largely uneventful over the last four months with the only significant issue being cattle getting into the South Spring. The area immediately around the spring has been fenced off and the wider issue is currently being assessed prior to a solution being agreed with NZ Forestry Ltd.

Some challenges have arisen in respect of the project to upgrade the water treatment plant. The upgrade was intended to comprise the installation of extremely fine (1 micron) cartridge filters after the existing sand filter to further remove particulates prior to treatment with ultraviolet ('UV') light to kill protozoa.

Two practical trials of 1 micron filters have however proved unsuccessful, with much higher concentrations of fine particles than was expected, that resulted in the filters quickly becoming blinded off, which if implemented as an upgrade would require frequent renewal of filters that would make operation of the system very expensive.

Scheduling pressures in respect of the funding available from the Ministry of Health have however resulted in a decision to invite tenders on the upgrade as originally designed, with the intention of using this as a starting point from which further improvements, if required, can be added.

The sand in the existing sand filter is to be replaced later this month, and this may reduce the amount of particles been carried to the fine filter.

The main upgrading works are scheduled to take place in February 2014.

### **Arohena Water Supply**

There have been no major issues with any of the Arohena scheme plants although extreme weather events caused minor disruption with intakes blocking and high turbidity readings. Maintenance work was completed on the track to the Kahorekau plant at a shared cost with the farm owner and faulty actuators on the Taupaki backwash system are currently awaiting parts for repair.

### **Tihiroa Water Supply**

The Tihiroa water treatment plant sand filter has had some challenges due to poor design decisions on the roses draining the filter. This resulted in the backwash system gradually becoming less effective and hence the filter blocking up. The team worked hard to resolve this giving the sand a "caustic wash" and manually moving the sand around within the filter to water-blast the blocked roses. This was done with no disruption to the water supply. It is anticipated that the process will have to be completed again in approximately a years' time.

There was also a total failure of the one low lift intake pump due to age and this has been replaced, the second "old" pump is acceptable for standby service but will need replacing soon.

### **Otorohanga and Waipa Water Supplies**

The plant has operated well with the only significant issue being caused by extreme weather resulting in very high turbidity at the intake and hence placing huge stress on the clarifiers and filters.

The final *Cryptosporidium/Giardia* test has taken place with the anticipated result (due next week) being satisfactory to meet the 3 Log credit value requirement and hence no plant upgrade will be required.

The clear well at the Otorohanga water plant has been cleaned out and the accumulated silt removed.

New Resource Consents to take water for the Otorohanga Supply (and associated activities) have been obtained from Waikato Regional Council. The conditions associated with these consents are, as is normally the case, somewhat stricter than what existed previously, with requirements for improved monitoring and reporting of water quantities, additional restrictions on water takes during periods of low river flow and a need for commitment to water conservation.

These requirements will naturally be accompanied by some (relatively minor) increase in operational cost.

### **Flood Pump Stations**

All the flood pump stations performed as designed during the heavy rains as did the retention areas.



## **Parks and Facilities**

### **Rotary Park**

Work has been done on the tracks and also the lower section of the park around the bottom two ponds, removing secondary growth and opening up the ponds for viewing from the picnic tables which were also cleaned.

A joint strategy meeting took place attended by representatives from the Community Board, Council, Rotary and the Kiwi House.

### **Domain Playing Fields**

Discussion has commenced to add cricket nets to the domain.

### **Memorial Swimming Pool**

A new and more efficient boiler has been installed and a more efficient chlorination system has also been tested which has received positive feedback from pools users. This will be installed permanently during November.

### **Waikato River Authority Funding**

The Waikato River Authority (WRA) has notified Council that it has approved funding of \$100,000 for works to improve Lake Huiputea and its surrounds. This is somewhat less than Council applied for, and it is understood that this is because some of the works for which funding had been sought (which included aspects such as the integration of the Huiputea Tree with the Huiputea Reserve, and riparian planting along the Mangaorongo Stream) did not meet the criteria for funding.

Council staff are currently awaiting further advice from the WRA in respect of the conditions associated with this funding.

Whilst not the full amount applied for, this level of funding nevertheless has the potential to enable significant improvements to be made.

### **Kawhia**

Issues with horses damaging the parks and tracks have been addressed to some degree with signs being installed and community awareness raised.

## **Section 3: Refuse and Recycling**

### **TV TakeBack**

132 TVs have been collected in the first two weeks of TV TakeBack at the Otorohanga Recycling Centre in Progress Drive.

Council's allocation from the Ministry for the Environment is \$20 for the first 422 televisions received. Council is using its Waste Minimisation Levy to subsidise a further \$5 per TV, therefore making it free to residents to dispose safely of TVs and avoiding contamination at landfill.

Kawhia residents can also take their TVs to the Kawhia Recycling Centre where they will be transferred to Otorohanga for transporting to Auckland.

EnviroWaste and e-cycler RCN are managing the process on behalf of the Ministry and Council.

### **Kerbside and Street Litter Bin Collection**

No problems have been reported and the Contract is being managed well. Communication between the Contractor and Council is good.

### **Maihihi Rural Recycling Centre**

It is currently expected that this new facility will be operational by the time of the council meeting.

#### **Section 4: Other Matters**

##### **New Staff Position**

A new staff position of 'Technical Support Officer (Water Services)' is to be created. The primary focus of this new role will be on the effective management of water services information and systems, ensuring that appropriate data is collected, stored, managed, analysed and presented to help support effective operation of these services and associated compliance requirements. A particular objective of having this new role will be to improve the reliability of Council information on water services assets, which has become a point of weakness in recent years.

The creation of this new position will provide some additional resource that is expected to be beneficial to all of Council's engineering team.

##### **Electrical Energy Supply Contract**

Council's current primary contract for electrical energy supply with King Country Energy ('KCE') expires at the end of December 2013. Previous investigation has consistently shown that the KCE has offered the best available terms for Council.

Last year it was however agreed that Council should explore options for the electrical energy supply through an 'All of Government' ('AoG') contract, and for this reason the previous contract with KCE was extended for 1 year only to provide an opportunity for this exploration.

Council staff have however been unable to obtain a firm offer of supply through AoG, and with the current contract soon to expire another supply arrangement was required. KCE have recently presented an offer to supply for the next three years on very favourable terms, that offers a significant saving relative to what is currently paid, which is in the order of \$150,000 per annum. This offer has therefore been accepted.

**Dave Clibbery**  
**ENGINEERING MANAGER**

**Item 17            REVIEW OF STOCK MOVEMENT BYLAW**

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

**From:                Engineering Manager**

**Date:                 19 November 2013**

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**Relevant Community Outcomes**

- The Otorohanga District is a safe place to live
  - 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**

Council is required to review its existing Stock Movement Bylaw 2006. The attached report reviews the performance of the existing Bylaw and recommends that the Bylaw is replaced by a new Bylaw the 'Otorohanga District Stock Movement Bylaw 2014' which is largely the same as the 2006 Bylaw, but with two principal amendments.

**Staff Recommendation**

It is recommended that:

1. The report be received.
2. Public consultation, in accordance with the Special Consultative Process of the Local Government Act 2002, be conducted in respect of a proposal (further described in the attached Statement of Proposal' that a new Bylaw – the 'Stock Movement Bylaw 2014' – be made to replace the Stock Movement Bylaw 2006, with the new Bylaw having substantially the same content as the previous Bylaw, with two principal amendments, these being:
  - a. Increased penalties for non-compliance; and
  - b. A requirement for immediate installation of underpasses for new stock crossing activities where the extent of interference with road traffic is above a specified level

**Report Discussion**

**Background**

Council made a Stock Droving Bylaw in 1999. This put in place a framework that required those moving farm stock across (or in some cases along) a road to obtain a permit to do so, which then imposed certain conditions relating to this movement.

95 such permits were issued under the 1999 bylaw, with variable degrees of compliance with the permit conditions and the objectives of the Bylaw being achieved.

The Local Government Act 2002 introduced a requirement for all existing Bylaws to be reviewed within 5 years of the Act taking effect, and hence a review of the stock Droving Bylaw commenced in 2005, intended to both meet the requirements of the Act and to potentially address issues that included the following:

- A general move towards greater restrictions on the use of 'at grade' (over the road) stock crossings, associated with the hazards created by the presence of the stock and resultant slippery road conditions. At that time some other local authorities appeared to be moving towards requirements for the replacement of all 'at grade' crossings with underpasses for safety reasons.
- A need for a better process to address inadequately cleaned stock crossings which, in addition to creating safety hazards and nuisance, had in extreme cases resulted in severe and extensive damage to the road pavement.
- The failure of the 1999 bylaw to adequately recognise the needs of farmers (including dairy farmers) to occasionally move stock along roads at relatively short notice, that would make it impractical to obtain a drovers permit in each instance.
- A desire to remove of barriers that might deter farmers from obtaining Stock Driving Permits in circumstances where such permits were required.

Extensive consultation was undertaken with parties potentially affected by changes to the Bylaw, and in particular Federated Farmers, and changes were made to the bylaw that were considered to effectively address all of the issues that existed at that time, but were not as restrictive as some of the regulations being proposed by other Councils.

The changes that were made at that time, relative to the 1999 Bylaw, are listed in the attached table.

These changes, and in particular the extended provisions in relation to stock crossings and underpasses, led to the Bylaw being given the broader title of 'Stock Movement' rather than Stock Driving.

The implementation of the revised Bylaw, though potentially contentious, proceeded smoothly and painlessly, despite the strong feelings that have arisen elsewhere in relation to matters such as compulsory installation of underpasses. As expected Council staff received a number of phone calls from farmers in response to the introduction of the Bylaw and the associated issue of permits, but almost without exception these calls were polite enquiries, corrections to our data on stock numbers or movement frequencies, or constructive suggestions.

Even those farmers for whom underpass installation requirements had been set appeared to be generally accepting of this. These responses were considered to indicate that the revisions to the Bylaw had been good and fair.

Having completed the initial review of the Stock Driving Bylaw in 2006, it was considered that the current Bylaw (which whilst having a different title to the 1999 Bylaw is a direct product of the review and serves the same purpose) was required to be reviewed at intervals of 10 years in accordance with section 158(4) of the LGA.

As such it was believed that the Stock Movement Bylaw was required to be reviewed before 2016, and that this is an appropriate time at which to conduct such a review. As discussed later in this report a different interpretation – that the Bylaw is overdue for review – could however also potentially be made.

### **General Performance of Current Bylaw**

Since its introduction staff have found the bylaw relatively easy to administer with no complaints having been received regarding its content or the procedures it encompasses.

The activities that are regulated by the Bylaw are temporary, sometimes irregular, and often occur at times and places where the road is relatively lightly trafficked by road users who are themselves likely to be involved in agricultural activities. As such non-compliance with the provisions of the bylaw may often go unobserved, and even when it is observed, it may not be reported.

With over 800 kilometres of roads in the district and relatively few council staff it is generally not considered practical (or even desirable) to actively look for non-compliance, and enforcement of the bylaw is therefore typically based on complaints received, even though the number of such complaints may significantly under-represent the actual extent of non-compliance.

Since the introduction of 2006 Bylaw there have been no formally reported cases of traffic accidents associated with stock on roads, though it may be that some such minor accidents have not been reported, as often occurs in the rural areas.

There have however been a number of reports of 'near misses' most of which were associated with the slippery road conditions caused by stock being on those roads, and also a number of other complaints about stock being on roads.

The main issues on which complaints have been received are driving stock without adequate control or warning systems and inadequate cleaning and supervision of stock crossings. In most instances staff have been able to resolve the issues through informal contact, making the farmer aware that Council has a Stock Movement Bylaw and sending them a copy. Very few formal warning letters have had to be sent, and no prosecutions have been made.

There are a very small number of cases where the relatively informal approach adopted by Council has not been successful in addressing the reported issues, with complaints continuing to be received. In some cases it is relatively straightforward to escalate Council's response; for example if a stock crossing is being inadequately cleaned the evidence of this will be clearly visible, and a contractor can be instructed to clean it with the cost being charged to the offending party.

In other cases – such as complaints of inadequate supervision of occasional stock movements – it can be more difficult to collect conclusive evidence, if the suspected offending party denies it. Furthermore in such situations even if responsibility is proven, the penalties that Council can impose are weak – a fine not exceeding \$1,000 upon conviction.

Given the work that might be required to obtain conclusive evidence of non-compliance, and the cost of taking the matter to court, the party that would be most severely penalised through such a conviction would be Council (and through it the community) rather than the person responsible for the movement of the stock.

It is therefore suggested that if council is to effectively address these few cases of persistent non-compliance (which might ultimately require prosecution) the level of potential penalty under the bylaw needs to be increased.

### **Underpass Requirements**

The 2006 Bylaw set requirements for 14 existing 'at grade' stock crossings to be converted to underpasses within specified timeframes which were based on the size and frequency of stock movements, and the volume of traffic on the road being crossed.

Since its introduction, 14 stock crossings have been converted to underpasses, not all of which were required by the Bylaw. A number of landowners have elected to install an underpass rather than a new stock crossing.

To date just over half of the stock crossings that have reached the dates where an underpass is required by the Bylaw have installed such an underpass. Three underpass installations are however overdue, and two of these were required to be installed in 2010 and 2011 and are now substantially overdue, despite requests from staff for installation to occur.

The two substantially overdue underpasses are also on a section of road that has (for the Otorohanga District at least) a relatively high traffic volume, resulting in these crossings having some of the highest levels of traffic interference (as reflected in the 'Assessment Index' of the Bylaw) of any crossings in the district.

It is believed that adequate opportunities have been provided to the owners of these properties for voluntary compliance, and that the appropriate next stage would be to require the

underpasses to be installed within the next 12 months, and if this does not occur continuing use of the existing on-grade crossing will not be permitted, and if use continues Council will resort to prosecution under the Bylaw.

### **Need for Increased Penalties**

It is believed that a firm approach to enforcement is now required to prevent the underpass requirements of the Bylaw being perceived as 'toothless'.

The current level of penalties contained in the Bylaw - a fine upon conviction not exceeding \$1000 – is low in relation to the costs likely to be incurred by Council in taking a prosecution, and is also unlikely to be significant deterrent to non-compliance where the immediate cost of achieving compliance (that of installing an underpass) is \$50,000 or more.

When the 2006 Bylaw was introduced it was the recommendation of staff that a stronger form of penalty be provided for continuing non-compliance, as follows (in italics):

*Every person committing any breach of the Bylaw shall be liable upon conviction to a fine not exceeding \$1,000.00 and where the breach is a continuing one, to a further fine not exceeding \$100.00 for every day on which the breach has continued.*

Council did however at that time decide against such a continuing penalty.

It is therefore suggested that an increased level of penalty under the bylaw could take one of two forms:

- a. Retaining the existing simple maximum fine, but increase the amount to \$10,000, or;
- b. Introduce the continuing penalty as originally recommended, perhaps with a slight increase of the penalty amounts, for example:

*Every person committing any breach of the Bylaw shall be liable upon conviction to a fine not exceeding \$3,000.00 and where the breach is a continuing one, to a further fine not exceeding \$150.00 for every day on which the breach has continued.*

### **Immediate Underpass Requirement for Some New Crossings**

The disappointing fact that two of the stock crossings in the district with the greatest extent of 'vehicle interference' have been the most reluctant to comply raises the question of whether permits should be issued to any new 'at grade' stock crossings with particularly high levels of traffic interference.

Under the current (2006) bylaw Council could, if so requested, have no option other than to issue a permit for a new 'at grade' crossing for an almost unlimited number of stock, crossing the busiest roads in the district, 365 days per year.

The 2006 Bylaw – through the associated *Council Policy – Underpass Requirements* - would stipulate a requirement for a stock crossing to be installed at that location, but this will not be required for a period of two years, regardless of the level of vehicle interference as reflected in the Underpass Assessment Index.

Such potential temporary approval of a new and virtually unlimited 'on-grade' stock crossing seems inappropriate, and it would seem sensible that some type of additional control is included in the bylaw to prevent this.

It is suggested that this could be done by imposing a requirement for immediate installation of an underpass for any new crossing activity that has an Assessment Index of 30,000 or more, with crossing permits not being issued for such activities.

Some theoretical examples of crossing activities which would have an Assessment Index of over 30,000 are shown in the table below.

Maximum Herd Size	Days Per Year when Crossing Used	Road Traffic – Vehicles Per Day	Assessment Index
350	200	200	38,356
500	180	150	36,986
400	270	115	34,027
100	220	550	33,150

It is believed that when the Bylaw was introduced in 2006 the two year minimum period before the installation of an underpass was required was entirely appropriate, since this was a completely new rule and existing activities had to be given a reasonable period in which to achieve compliance.

Now, 7 years later, the situation is considered to be different, and there appears no sound reason why council should allow a new activity to be initiated that is from the start not appropriate.

### **Other Bylaw Amendments**

Other than an increase in penalties and the introduction of requirements for immediate installation of an underpass where the level of vehicle interference caused by a stock crossing is high, it is believed that only a few very minor updates of the 2006 bylaw and the associated schedules are required, primarily to reflect changes of the names of government agencies referred to within the document, and to improve the clarity of the document.

One other minor change is however suggested to the wording of clause 8 of the First Schedule *Conditions for Driving of Animals – Drivers Permits*, with the underlined words being added:

*‘Only cattle from a TB free herd or from an accredited herd will be allowed to be driven into, within or through the District.’*

### **Form of Review**

As discussed previously, the Stock Movement Bylaw 2006 is the product of a review of a previously Bylaw. It is however, by both name and content, different to the Bylaw that preceded it. It is therefore believed that the ‘clock’ in respect of Bylaw reviews referred to in section 158(4) of the LGA should be re-started in 2006, and hence the 2006 bylaw should have been reviewed by 2011.

That it has not could invalidate provisions of both the 2006 Bylaw and any review undertaken of the same Bylaw. For this reason it is proposed that a process is conducted now to make a new Bylaw having substantially the same content as the 2006 Bylaw (albeit with two significant changes) but with a different name, and that the 2006 bylaw is then revoked.

**Dave Clibbery**  
**ENGINEERING MANAGER**

### **Attachments**

- a. Stock Moving Bylaw 2014 – Statement of Proposal

# Otorohanga District Council

## Statement of Proposal

### Making of Stock Movement Bylaw 2014

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#### 1. Introduction

Otorohanga District Council adopted a Stock Droving Bylaw in 1999. The Bylaw was reviewed in 2006 at which time significant changes were made and a new bylaw – ‘The Stock Movement Bylaw 2006’ was introduced.

Bylaws need to be periodically reviewed in accordance with Section 158 of the Local Government Act 2002 (the Act).

The Stock Movement Bylaw 2006, though a product of the review of a previous bylaw, was a new bylaw, and as such it is arguable that it is overdue for review, and it is therefore proposed that this Bylaw will be replaced by a similar new Bylaw.

The Act empowers Council to make Bylaws for its district for one or more of the following purposes (Section 145):

- a. Protect the public from nuisance
- b. Protect, promote and maintain public health and safety
- c. Minimise the potential for offensive behaviour in public places.

The Act also requires Council to consider whether a bylaw is the most appropriate way of addressing the relevant issues, whether the Bylaw is in the most appropriate form, and that it does not give rise to any implications under the NZ Bill of Rights Act.

#### 2. Purpose of this Statement of Proposal

The Council must follow the Special Consultative Procedure contained in the Local Government Act for community consultation and comment in respect of a review or making of a Bylaw.

As part of the Special Consultative Procedure the Council must produce a Statement of Proposal, which contains a summary of information that is a fair representation of the major matters in the proposal, and make it available to the community. This document is the Statement of Proposal. The information contained in this Statement of Proposal has been approved by Council for notification and consultation.

#### 3. Stock Movement Bylaw 2006

This Bylaw was intended to:

*Impose controls on the movement of animals on public roads within the Otorohanga District which will reduce damage caused to carriageways by animal droppings and mud etc carried on animal hooves, and minimise inconvenience, nuisance, and potential danger to motorists and other road users.*

The main provisions of the 2006 Bylaw can be summarised as follows:

- Prohibition of the movement of animals along or across public roads in certain circumstances and/or locations
- Requirement for persons droving large numbers of animals for substantial distances along public roads to obtain a permit for such droving which imposes certain controls on the droving activity;



- Requirement for persons constructing cattle races on road reserve land to obtain a permit to do so which imposes certain controls on the construction and use of the race;
- Requirement for persons regularly moving animals across public roads at particular locations to obtain a permit for such an activity which imposes certain controls on the activity, including in some cases the need to install an underpass.

The Bylaw, though a significant change to previous practice when it was introduced, has generally been implemented with little difficulty or objection from those affected, and has proved to be beneficial in respect of managing issues of nuisance and hazard associated with the movement of animals along or across roads.

It is hence considered that the purpose of the bylaw is in accordance with Section 145 of the Act.

There have however been a very small number of cases of persistent non-compliance with the provisions of the Bylaw, which is considered warrant some minor change.

#### **4. Proposal**

The content of the Stock Movement Bylaw 2006 is considered to be largely appropriate to current and future needs, but it is considered important that the few cases of persistent non-compliance are effectively dealt with, to prevent the overall effectiveness of the bylaw being eroded.

Towards this end it is proposed:

*That the content of the Stock Movement Bylaw 2006, subject to minor amendment and updating, be retained in a new Bylaw, titled the Otorohanga District Council Stock Movement Bylaw 2014, subject only to the following significant changes:*

- a. That the penalty for every person committing any breach of the Bylaw shall be liable upon conviction to a fine not exceeding \$10,000.\**

*\* the figure was \$1,000 in the 2006 bylaw*

*And;*

- b. That a new provision is introduced that prohibits any new 'at grade' (over the road) stock crossing that creates a degree of interference with road traffic above a certain defined level, that is high by the typical standards of such activities in the Otorohanga District. Such movements of stock must occur through an underpass.*

#### **5. Report under Section 155 of the Local Government Act 2002**

In proposing a Bylaw Section 155 of the Local Government Act 2002 requires the Council to:

- a. determine whether a Bylaw is the most appropriate way of addressing the "perceived problem", and
- b. if so, determine whether the proposed Bylaw is the most appropriate form of Bylaw, and whether it gives rise to any implications under the New Zealand Bill of Rights Act 1990

Bylaws cannot be inconsistent with the New Zealand Bill of Rights Act.

The perceived problem in this case is that the movement of animals along or across public roads can, if not conducted in an appropriate manner, create nuisance and hazard for other road users, and such animal movement along roads is not effectively regulated by the Local Government Act or other statutory provisions.

Whilst the movement of animal along and across roads is not one of the activities for which the making of bylaws is specifically authorized under sections 145 to 148 of the LGA, the

making of bylaws by local authorities for this purpose is widespread and generally accepted.

The Stock Movement Bylaw 2006 has not been subject to any significant challenges since it was introduced. This suggests that the content of the Bylaw is appropriate.

The Bylaw is considered to be consistent with the NZ Bill of Rights Act. It is not considered to impose any unreasonable restrictions on individuals and is not discriminatory.

It is therefore considered that the proposed Stock Movement Bylaw 2014, having similar functional content to the Water Services Bylaw 2006, meets all of the tests set by the Act.

**Dave Clibbery**  
**CHIEF EXECUTIVE OFFICER**

## Proposed Advertisement

### **Making of Stock Movement Bylaw 2014**

Otorohanga District Council (ODC) introduced its 'Stock Movement Bylaw 2006' to impose controls on the movement of animals on public roads within the Otorohanga District that would reduce damage caused to carriageways by animal droppings and mud carried on animal hooves, and minimise inconvenience, nuisance, and potential danger to motorists and other road users.

The content of this Bylaw has been reviewed, and its content is believed to meet statutory requirements and the needs of the community, but with two proposed amendments:

- a) That the potential penalties for breach of the Bylaw be increased to more effectively address a very few cases of persistent non-compliance;*
- b) That a new provision is introduced that prohibits any new 'at grade' (over the road) stock crossing that creates a degree of interference with road traffic above a certain defined level, that is high by the typical standards of such activities in the Otorohanga District. Such movements of stock must occur through an underpass.*

The existing Bylaw has passed the date at which it was due for formal review, and it is therefore proposed that the ODC Stock Movement Bylaw 2006 is revoked, and a new Bylaw – the 'ODC Stock Movement Bylaw 2014' – is made that has the similar functional content to that of the 2006 bylaw, other than the amendments above.

A more detailed Statement of Proposal, a copy of the proposed new Bylaw and associated information is available from Council on request.

Submissions in respect of the making of the Stock Movement Bylaw 2014 can be made in writing, and should be addressed to

The Chief Executive  
Otorohanga District Council  
PO Box 11  
OTOROHANGA

Submissions must be received by Monday 6 January 2014.

**Item 18            HAMILTON & WAIKATO TOURISM PRESENTATION**

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

**From:                Chief Executive**

**Date:                 19 November 2013**

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**Relevant Community Outcomes**

- Ensure services and facilities meet the needs of the Community
  - Promote the local economy and opportunities for sustainable economic development
  - Recognise the importance of the Districts rural character
- 

**Executive Summary**

Hamilton & Waikato Tourism Chief Executive, Ms Kiri Goulter, will attend the meeting and give a presentation to Councillors regarding their activities.

**Staff Recommendation**

It is recommended that:

The Hamilton & Waikato Tourism presentation be received.

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

**Item 19 ELECTED MEMBERS REMUNERATION**

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

**From: Finance & Administration Manager**

**Date: 19 November 2013**

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**Executive Summary**

Elected members remuneration for the 2013/14 year as determined by the Remuneration Authority is presented.

**Staff Recommendation**

It is recommended that the report be received.

**Report Discussion**

Elected members salaries are set by the Remuneration authority. In determining salaries the Remuneration Authority use a 'size index' based on each council's population, expenditure and anticipated hours of governance.

This differs from the pool system, which was in use up until the 2013 elections, where the Remuneration Authority allocated a pool of funds for non-mayoral remuneration to each individual council, who then had to apportion this between Council, Community Boards etc.

Under the new system, Councils have some discretion where Elected Members are performing additional duties, and can apply to the Remuneration Authority for additional funds of up to 1.5 times the base Council Salary. In the case of the Deputy Mayor, the Remuneration will approve a maximum of 40% loading over the base Council salary.

Community Board salaries are also determined by the Remuneration Authority, with the Community Board chair receiving twice that of a Community Board member. There is no additional remuneration for Community Board deputy chairs.

The following table sets out the salaries that will be effective from 12/10/13

<b>Position</b>	<b>2012/13 Rem</b>	<b>2013/14 Rem</b>
Mayor	\$61,100	\$63,450
Deputy Mayor	\$26,465	\$21,000
Other Councillors	\$12,088	\$15,000
Chair - OCB	\$9,500	\$13,000
Deputy Chair - OCB	\$7,436	Not Applicable
Members - OCB	\$7,452	\$6,500
Chair - KCB	\$2,542	\$3,000
Deputy Chair - KCB	\$2,034	Not Applicable
Members - KCB	\$1,525	\$1,500

The Remuneration Authority is currently reviewing Councils Allowances and Reimbursement Policy. A draft of this policy is attached to the report.

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**G D BUNN**  
**FINANCE AND ADMINISTRATION MANAGER**

**Attachments**

- b. Councillors' Allowances and Reimbursements Policy

# COUNCILLORS' ALLOWANCES AND REIMBURSEMENTS POLICY

## 1. Introduction

Schedule 7, section 6 of the Local Government Act 2002 requires the Remuneration Authority to determine the “remuneration, allowances and expenses” payable to Councillors of local authorities. Section 6 further states that the Remuneration Authority may approve the rules under which expenses are reimbursed to Councillors.

Remuneration, allowances and expense reimbursements not determined by the Remuneration Authority cannot be paid.

The Remuneration Authority have reviewed their approach to the approval of expense rules and reimbursing allowances. In doing so the Remuneration Authority advised the following:

- 1. The Remuneration Authority is required to satisfy itself that its determinations on the remuneration of members are not distorted by the payments of expense reimbursements or allowances.*
- 2. Local authority members carry out their responsibilities on a diverse basis and in accordance with local conditions. A “one size fits all” approach would be inappropriate and thus approvals on a local authority by local authority basis should continue.*
- 3. There are, however, some common principles and guidelines which, as public entities, all local authorities need to follow when reimbursing expenses or paying allowances, including those set out in the Auditor-General’s 2007 publication “Controlling Sensitive Expenditure: Guidelines for Public Entities” (available at [www.oag.govt.nz](http://www.oag.govt.nz)) . If those principles and guidelines are followed the risk of distortion (paragraph 1) is significantly reduced.*
- 4. The Remuneration Authority approval should be based on sufficiently detailed information to enable the Authority to have satisfied itself that no distortion is occurring. Accordingly, that information needs to be provided by the local authority in a standard format determined by the Remuneration Authority.*
- 5. A member of the public exercising their right to inspect the approved expense reimbursement rules (including the payment of reimbursing allowances) should be able to reach an informed view of the local authority’s policies and practices.*
- 6. The local authority, the Remuneration Authority, and the public should have access at any time to one, up to date, approval document.*

In developing this policy, a key factor has been administrative efficiency. Therefore, where it is possible to do so, an effort has been made to provide standard allowances based on a fair and reasonable rate for the costs incurred, rather than requiring a claim to be made.

## 2. Related Guidelines and Policy Documents

- Office of the Auditor-General publication – “Controlling sensitive expenditure: Guidelines for public entities” is available at [www.oag.govt.nz](http://www.oag.govt.nz)
- Guidelines for Reimbursing Expenses of Elected Members of Local Authorities. (Remuneration Authority, 6 September 2010).
- Council Fraud Policy and Procedures (2007)

## 3. Council Process for Payment of Allowances and Reimbursements

Payment for allowances and reimbursements require a claim form to be signed and submitted.

Councillor claims are processed and paid at the next fortnightly payrun after receipt.

- Claim forms are to be submitted to the District Accountant who will vet, approve and arrange payments into members bank accounts.
- Claim forms are to be received by the Friday preceding the fortnightly payrun.
- Claims submitted after three months will not be entertained except in extraordinary circumstances.
- All reimbursement claims are to be supported with a detailed receipt or tax invoice. It is not sufficient for payments made by credit card or EFTPOS to be supported by only the credit card/EFTPOS receipt.
- Payment will be included in the next fortnightly payrun by direct credit.

#### **4. Vehicles**

##### **4.1 Mayor's Vehicle**

The Mayor of the Council will not be provided with a vehicle.

##### **4.2 Vehicle Provision**

The Council does not provide Council vehicles for members attending Council/Community Board meetings.

#### **5. Mileage Allowances**

##### **5.1 Mileage Rate**

The Remuneration Authority determines the maximum mileage rate payable and reflects both cost recovery and an element of remuneration for travelling time. A mileage allowance, which is equal to the approved IRD rate (currently 77 cents per kilometre) up to 5,000 kilometres per annum for all mileage incurred on "Council business" is paid and this is the maximum amount allowable. Travel in excess of 5,000 kilometres will be reimbursed at 37 cents per kilometre. Only travel by the most direct route to Council approved meetings will be considered. No reimbursements of costs are chargeable to others (eg. private company).

Councillors are to include on the claim form details of all meetings (including Council/Community Board) for which a mileage allowance is being claimed. Reimbursement will only be made for mileage listed on the claim form. Sufficient details relating to "Council Business" meetings are to be included.

For Community Board members that may have two places of residence then the mileage claim for each Community Board meeting will be from the actual place of residence on the day of the meeting.

##### **5.2 Mileage for "Council Business"**

Subject to the interpretation and exceptions listed below, Councillors are entitled to a mileage allowance when using their own vehicle for "Council business".

A threshold of 30 kilometres of distance travelled for any one event, with only distance in excess of the threshold qualifying for payment. The maximum payment of 5,000 kilometres, can be claimed by any one elected member in any one year at a mileage allowance which is equal to the approved IRD rate (currently 77 cents per kilometre).

Travel in excess of 5,000 kilometres will be reimbursed at 37 cents per kilometre.

##### **Interpretation**

With respect to mileage allowances, the term "council business" includes attendance at the following:



- Official meetings of the Council and Community Board meetings.
- Council/ Committee workshops/ briefings
- Statutory hearings (excluding Hearings relating to the Resource Management Act (RMA))
- An external event or meeting where there has been:
  - a resolution of Council; or
  - authorisation by the Mayor
- Formal meetings/ visits within the Councillor's constituency (details to be provided).
- Seminars and training courses where the Councillor's attendance has been authorised.
- Formal meetings with Mayors, territorial authority committee Chairs or elected members.
- Official Councillor briefings by Council staff.

At no time does "council business" include events where the primary focus is on social activities, political meetings or electioneering.

#### **Exceptions**

- If the Council is providing transport, and a Councillor chooses – for personal reasons – to travel independently, they may not be entitled to a vehicle allowance.
- Where a Councillor chooses – for personal reasons – to travel by private motor vehicle to a conference or seminar outside of the Otorohanga District they will be entitled to reimbursement of the mileage travelled, up to the value of equivalent airfares.

## **6. Travel and Accommodation**

### **6.1 Taxis and Other Transport**

Other than for agreed conference/ meeting attendance, there may be occasions when a Councillor requires a taxi service. Actual costs associated with approved use, will be reimbursed upon production of an official receipt.

### **6.2 Use of rental cars**

There may be occasions when rental cars are required for use by Councillors. Approval by the Chief Executive (including the company to be used) is required.

### **6.3 Air Travel – Domestic**

Domestic air travel may be considered for conferences approved by Council, only where travel by air is the most economic way.

It is current practice that no one airline is favoured – the cheapest possible flight is booked to meet requirements.

Members requiring booking of approved air travel should arrange this with the Executive Assistant.

### **6.4 Air Travel – International**

International air travel needs to be approved in advance by Council.

It is current practice that all international air travel will be economy class except where exceptional circumstances arise.

It is also current practice that no one airline is favoured – the cheapest possible flight is booked to meet requirements.

Members requiring booking of approved international air travel should arrange this with the Executive Assistant.

#### **6.5 Airline Clubs/ Airpoints/ Airdollars**

Airpoints or Airdollars earned on travel, accommodation, etc, paid for by the Council are available for the private use of Councillors.

#### **6.6 Accommodation Costs**

Councillors attending any Council, Committee or Council Workshop meetings are entitled to any expense incurred in attending the meeting. Such expenses could include accommodation.

Actual and reasonable accommodation costs will be paid/ refunded (upon production of receipts) where appropriate. Such costs are appropriate when a member is required to travel long distances (in excess of 100 km one-way) to a meeting, or it is not practicable to return home on the same day, or in exceptional circumstances.

#### **6.7 Meals and Sustenance, Incidental Expenses**

It is policy to provide a lunch for members attending meetings when the meeting or meetings extend past the lunch period.

Members may claim fair and reasonable costs for meals when travelling on official business, with the production of receipts. See Section 3 for Council's process for payment of allowances and reimbursements.

There will be no reimbursement of meals provided by others.

Costs of telephone/ toll calls necessary while staying away from home may be refunded. It should be noted that some hotels add a surcharge to calls made through their system.

- Cost of one call home per night can be claimed
- Costs of calls in contacting constituents may be refunded provided the call is for the business of the Council.

### **7. Communications and Technology**

#### **7.1 Equipment and Technology provided to Councillors**

Councillors will not be supplied with a PC or facsimile/printer.

##### **7.1.1 Home Telephone Rental Costs and Telephone Calls (including mobiles)**

##### **7.1.2 Mobile Telephones**

The Council will provide a mobile phone for the Mayor and cover all expenses associated with the use of that phone. The phone remains the property of the Council. The Mayor will not receive a mobile phone allowance

##### **7.1.3 Residential telephone connections**

The Council will reimburse the Mayor for the full cost of line rental for a listed phone.

##### **7.1.4 Reimbursement of landline call costs**

The Council will reimburse costs to the Mayor for toll calls incurred in the business of the Council upon provision of appropriate detailed accounts. All personal costs are a cost to be borne by the Mayor

The Council will not reimburse costs to other Councillors for landline outgoing toll calls.

#### **7.1.5 Reimbursement of communications and technology entitlements**

In order to minimise administrative costs, a single yearly payment of \$750 (GST inclusive), pro-rated as applicable, will be made to any Ward Councillor living in a remote location, where there is additional costs incurred. The payment will partly cover the costs of an internet connection, mobile phone allowance and residential line rental.

### **8. Professional Development, Clubs and Associations**

#### **8.1 Conferences, Courses, Seminars etc**

An annual budget will be set aside for Councillor attendance at conferences/ courses/ seminars.

When considered appropriate for a Councillor to attend a conference/ course/ seminar at the cost of the Council, approval shall only be given for the purpose of acquiring knowledge, including new developments, or transacting business that is appropriate to that Councillor. Costs of attendance must be able to be met within the approved budgets.

Attendance will generally be authorised by resolution in a public session of Council, but may be authorised in writing by the Mayor.

Councillors who have been authorised to attend a conference, course, seminar etc will have attendance fees, travel, accommodation and meals paid for. Unless otherwise agreed by the Chief Executive, all travel and accommodation will be booked through the Executive Assistant.

The Council will not meet costs of partners/ spouses attending conference/ course/ seminars.

Councillors, after attendance at an approved conference/ course/ seminar should present a report to an appropriate meeting on relevant matters including course content, matters of interest to other members and staff and an assessment of the value of the attendance.

#### **LGNZ Conference**

Attendance at the LGNZ Conference will be considered and resolved by the Council.

The Council will meet the costs of registration, travel, meals and accommodation for Councillors.

### **9. Other Expense Reimbursements & Allowances**

#### **9.1 Other Expenses**

Certain items have been confirmed as not refundable as follows:

- a. increased clothing standard because of attendance at Council and other meetings;
- b. constituent expenses
- c. lost time or the additional payments incurred in having normal work undertaken by someone else;
- d. childcare
- e. personal subscriptions to magazines
- f. personal subscriptions to clubs and organisations

- g. hospitality extended to constituents in private home on Council business and community contacts; and
- h. spouses costs in attending functions, eg. Clothing and hairdressing

## **9.2 Salary Adjustments**

When a Community Board Chairperson has been granted extended leave of absence by Council, the Deputy Community Board Chairperson may, by approval of the Mayor or by resolution of Council, be paid the equivalent of the Chairperson's salary, for the appropriate period. In justifying any decision to increase the salary of the Deputy Community Board Chairperson under these circumstances, due consideration should be given to the length of leave of absence and the anticipated workload during that period.

The Community Board Chairperson, by virtue of being on leave of absence, will forfeit that proportion of salary.

## **9.3 Taxation of Allowances**

Taxation on allowances shall be deducted at the prevailing taxation rates as determined by the Inland Revenue Department.

Otorohanga District Council shall furnish details of taxable payments made and deductions for every tax year, upon request.

**Item 20                    DRAFT MANAGEMENT ACCOUNTS TO 30 SEPTEMBER 2013**

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

**From:                    District Accountant**

**Date:                    19 November 2013**

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**Relevant Community Outcomes**

- Ensure services and facilities meet the needs of the Community
- 

**Executive Summary**

The Draft Management Accounts for the year ended 30 September 2013 are attached under separate cover.

**Staff Recommendation**

It is recommended that:

The Draft Management Accounts for the year ended 30 September 2013 be received.

**Brendan O'Callaghan**  
**DISTRICT ACCOUNTANT**

## Item 21            **CONFIRMATION OF LIQUOR CONTROL BYLAW**

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

**From:**            **Environmental Services Manager**

**Date:**             **19 November 2013**

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### **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 further proposal to amend Council's Liquor Control Bylaw 2007 was notified for public submissions on 11 October 2013 with the period for submissions closing on 11 November 2013. Eight submissions have been received. There is one submission that opposes the proposal. That submitter has requested to be heard and will be invited to attend the Council meeting on 19 November 2013.

### **Staff Recommendation**

It is recommended that:

The Confirmation of Liquor Control Bylaw report be received.

### **Report Discussion**

At their meeting on 13 September 2013 Council was not able to support the adoption of a permanent 24/7 liquor ban in the Kawhia and Aotea communities.

Following this decision, a community meeting in Kawhia held at the request of the Kawhia Community Board discussed various options to extend the term of the liquor ban in a form that would be acceptable to a majority of the local community. The outcome of this meeting was that the Kawhia Community Board recommended to the next meeting of Council that the current Bylaw be extended so as to run from Christmas Eve until the day after Waitangi Day.

On the basis of this recommendation a Statement of Proposal outlining such changes to the bylaw was approved for public consultation. An amendment to a local bylaw such as this proposal is subject to the Special Consultative Procedure of the Local Government Act 2002.

At the close of the submission period on 11 November 2013, eight submissions had been received. Seven of the submissions supported the proposal. Copies of all the submissions are provided under separate cover.

When considering a change to a bylaw, Council must have regard to the general bylaw making provisions of s155 of the Local Government Act 2002 that requires the Council to:

*'determine whether a bylaw is the most appropriate way of addressing the perceived problem',  
and:*

*'if so, determine whether the proposed bylaw is the most appropriate form of bylaw, and  
whether it gives rise to any implications under the New Zealand Bill of Rights Act 1990'*

The process of amending this bylaw has generated a high degree of local interest and comment. While there has been wide and divergent comments and attitudes about the role of a prohibiting

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bylaw, the exercise of proposing a change to the bylaw and the review of public submissions has created a greater understanding of liquor control issues in Kawhia and Aotea.

There now appears to be general acceptance that the security and public safety offered by extending the bylaw power until February outweighs concerns about loss of personal liberties.

**Andrew Loe**  
**Environmental Services Manager**

#### **Attachments**

- c. Submissions – will be sent under separate cover

**Item 22                    APPLICATION FOR TEMPORARY ROAD CLOSURE - CELEBRATION OF  
150 YEARS OF KIWIRAIL**

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

**From:                    Engineering Support Officer**

**Date:                    19 November 2013**

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**Relevant Community Outcomes**

- The Otorohanga District is a safe place to live
  - Ensure services and facilities meet the needs of the Community
  - Foster an involved and engaged Community
  - Recognise the importance of the Districts rural character
- 

**Executive Summary**

An application has been received from the Otorohanga Community Board for the following road closure within the Otorohanga township for the purpose of holding a celebration of 150 years of KiwiRail and associated events.

**Staff Recommendation**

It is recommended that:

Approval be granted for the following road closure and associated events to be held in a section of Wahanui Crescent near and around the Railway Station:

Purpose:                    Celebration of 150 years of KiwiRail

Date:                      Sunday, 1 December 2013

Details of Closure:    **WAHANUI CRESCENT** – from its intersection with Cowley Lane to its  
intersection with Whittington Lane  
**BELL LANE** – entire length

Period of Closure:    9.00am to 4.00pm

Detour:                    By way of Whittington Lane and Cowley Lane

With the following conditions imposed:

1. No objections are received from the NZ Police Department, or New Zealand Transport Authority.
  2. During the proposed period of road closures, emergency services will be allowed through in the event of an emergency.
  3. The Community Board is to pay for all advertising costs in appropriate newspapers. Public notice advertisements are to be published in the Waitomo News.
  4. The Community Board is to notify the local information centre, bus and taxi operators, and affected businesses and residents of the closures.
  5. Any damage to the road surface or roadside furniture shall be made good to the satisfaction of the Otorohanga District Council Roading Manager, at the cost of the applicant.
-



6. All litter is to be removed from the road reserve prior to re-opening the road.

### **Report Discussion**

Receipt of this application does not allow enough time to abide by the objection provisions contained in the Transport (Vehicular Traffic Road Closure) Regulations 1965 but Council can approve this road closure under the Tenth Schedule of the Local Government Act 1974.

Council has public liability insurance to a value of \$5m that will adequately indemnify Council against any damage to property or persons as a result of this event during the road closure period.

Council staff have agreed to provide a Traffic Management Plan and provide signage for this event. The organisers will be responsible for the management of both periods of road closure and will be solely responsible for adequate sign posting and policing of the roads to be closed to ensure that no vehicles have access to the closed portion of road, which includes arranging delivery, erection and staffing of all barriers and detour signs, and the removal thereof after the closures.

**Robyn Hodges**  
**ENGINEERING SUPPORT OFFICER**

**Item 23                    ODC MATTERS REFERRED FROM 29 OCTOBER 2013**

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

**From:                    Governance Supervisor**

**Date:                    19 November 2013**

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**Executive Summary**

**1.            ENGINEERING MANAGER**

29 October 2013

- i.            To arrange for staff to investigate the breakup of seal on part of Rangiatea Road.
- ii.           To look into the issue of whether road marker pegs are actually required at all.

**2.            GOVERNANCE SUPERVISOR**

29 October 2013

- i.            To extend an invitation to Population Health to make a presentation to Council early in the New Year.

**CA Tutty  
GOVERNANCE SUPERVISOR**

**GENERAL**