



Otorohanga District Council

# MINUTES

19 November 2013

## OTOROHANGA DISTRICT COUNCIL

19 November 2013

Minutes of an ordinary meeting of the Otorohanga District Council held in the Council Chambers, Maniapoto St, Otorohanga on Tuesday 19 November 2013 commencing at 9.03am.

### MINUTES

Minutes are unconfirmed and subject to amendment at the next meeting of Council.

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## **PRESENT**

Mr MM Baxter (Mayor), Crs RA Klos, RM Johnson, KC Phillips (attended 9.30am), DM Pilkington, RJ Prescott, PD Tindle and AJ Williams.

## **IN ATTENDANCE**

Messrs DC Clibbery (Chief Executive & Engineering Manager), GD Bunn (Finance & Administration Manager), AR Loe (Environmental Services Manager), CA Tutty (Governance Supervisor) and Ms D Levy (Customer Services Officer).

## **OPENING PRAYER**

Cr Johnson read the Opening Prayer.

## **APOLOGY**

An apology was received from Cr K Phillips for lateness.

His Worship declared the meeting open and welcomed those present.

## **CONFIRMATION OF MINUTES – 29 OCTOBER 2013**

**Resolved** that the minutes of the meeting of the Otorohanga District Council held on 29 October 2013, as previously circulated, be approved as a true and correct record of that meeting.

**Cr Pilkington/ Cr Tindle**

## **REPORTS**

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

#### **Resolved**

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

**Cr Prescott / Cr Tindle**

### **Item 15 KAWHIA COMMUNITY BOARD MINUTES - 1 NOVEMBER 2013**

#### **Discussion**

#### **MATTERS ARISING**

#### **LYCH GATE**

Cr Pilkington reported she has been unable to find any reference in the Kawhia Community Board minutes to confirm the amount (if any) agreed to pay towards the renovation of this gate. It was agreed that the Governance Supervisor investigate the matter further.

#### **Resolved**

That the minutes of the meeting of the Kawhia Community Board held on 1 November 2013 be received.

**Cr Pilkington/ His Worship**

## **Item 19 ELECTED MEMBERS REMUNERATION**

### **Discussion**

The Finance & Administration Manager presented a report on elected members remuneration for the 2013/14 year as determined by the Remuneration Authority.

The Finance & Administration Manager summarised the Councillors Allowances and Reimbursements Policy and referred Members to Clause 4.1, Mayors Vehicle, and suggested that the wording 'for private purposes' be added to the sentence under this heading.

The Finance & Administration Manager referred Members to the matter of mileage for 'Council business' and advised that, subject to the interpretation and exemptions listed in the report, Councillors are entitled to a mileage allowance when using their own vehicle for 'Council business'. He said there is a threshold of 30km of distance travelled for any one event, with only distances in excess of the threshold qualifying for payment. A maximum of 5,000km 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 77c/km). He said travel in excess of 5,000km will be reimbursed at 37c/km.

### **Resolved**

That the Finance & Administration Manager's report be received.

**Cr Prescott / Cr Pilkington**

## **Item 24 QUOTABLE VALUE PRESENTATION**

### **Discussion**

Messrs Richard Allen (Regional Manager) and Ben Radich (Rating Team Leader) attended the meeting. Mr Allen made a presentation to Councillors on the Otorohanga 2013 revaluation. He outlined the re-valuation process being,

1. Rating valuations are assessed in accordance with the legislation and its associated rules – which are the Rating Valuations Act 1998, Rating Valuations Regulations 1998 and the Rating Valuations Rules 2008 (version: October 2010)
2. A detailed market analysis is undertaken across all categories of property (QV has all NZ sales information)
3. QV utilises advanced valuation and mapping technology when undertaking a re-valuation.
4. Majority of sales inspected by valuers
5. Computerised statistical tests for accuracy
6. Inspections – roadside inspection by valuers to check and adjust valuations.

Mr Allen reported that, while the rating values are based on market sales, they are a 'snapshot' of the market at a single point in time. He said, as real estate tends to fluctuate over time, a rating valuation cannot be expected to represent the market value for an extended period. Mr Allen confirmed that rating values do not include chattels.

Mr Allen informed Members that the Otorohanga District is now worth \$3.5B with a 4.3 percent decrease in capital value and a 6 percent decrease in land value.

Mr Allen further advised that the valuations are as at 1 August 2013 and that notices were posted to owners from 28 October 2013. He said the last day for objections is 5 December 2013, however, to date 26 objections have been lodged.

Mr Allen thanked Council for the opportunity to make his presentation and to answer queries on the Otorohanga re-valuation 2013.

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

### **Discussion**

The Environmental Services Manager presented a report informing Members that 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. He said eight submissions have been received, including one submission that opposes the proposal.

The Environmental Services Manager reported that a late submission had been received from H & L Whiu which is in support of the amendment. Mr I Besley, who opposes the amendment, expressed the opinion that any change to the current Liquor Ban will not be of any assistance in situations like that which occurred earlier in the year involving the local Kawhia Police Constable. He also felt that the public submission process used to amend the Liquor Control Bylaw was corrupt.

Cr Pilkington advised Members that the amendment was proposed to be in place for the forthcoming Christmas period. She said this amendment is 'no magic bullet' but will be a tool available to help the local Police and Community to ensure that the Community is a safer place. Cr Pilkington expressed her belief that the amended period is when most of the anti-social behavior could occur. She thanked Council for their patience in this matter. His Worship agreed and said that the issue has raised Community awareness of the situation.

The Environmental Services Manager reported that it is planned for the Liquor Ban signs with the new dates to be erected shortly and that the usual information flyers will be distributed to liquor outlets.

Cr Klos queried whether a review of the amended Bylaw will be undertaken after this summer. Cr Pilkington replied that this will happen as part of a 'debrief'. The Environmental Services Manager advised that the Bylaw is now in place and that Council has no legal requirement to revisit it until 2023. He said however, should a need be identified to review the Bylaw, then this could happen. Cr Phillips suggested that an evaluation of the amended Bylaw be carried out rather than a review. Cr Pilkington requested that a report be included in the next Kawhia Community Board agenda updating Board Members on this matter.

### **Resolved**

That the Confirmation of Liquor Control Bylaw 2007 report be received.

### **Cr Phillips / Cr Pilkington**

### **Resolved**

That the currently proposed amendment to the Liquor Control Bylaw 2007, as detailed in the Statement of Proposal, be confirmed.

### **Cr Pilkington / Cr Phillips**

## **Item 18                    HAMILTON & WAIKATO TOURISM PRESENTATION**

### **Discussion**

Ms Kiri Goulter, Chief Executive, and Mrs Liz Cowan, Otorohanga representative, attended the meeting. Ms Goulter gave a presentation to Council on the background and current activities of Hamilton & Waikato Tourism Ltd (H&WT). Ms Goulter informed Members that the H&WT is funded by the seven Councils within the District, under a three year agreement. She said a total of \$810,000 is funded from the Council's, with \$320,000 from the private sector.

Ms Goulter referred to Mrs Cowan and said she is Otorohanga's representative and as part of the group, offers support and monitors performance.

Ms Goulter reported that the role of the organisation is to –

1. promote the region to international, domestic and business events visitors.
2. support Tourism NZ by facilitating and coordinating their activities on the ground.

Ms Goulter advised that the following activities are carried out by her organisation –

1. Work in partnership with Central North Island RTD's to encourage long haul international markets to explore the Central North Island.
2. Undertake domestic campaigns in key markets in partnership with the tourism industry.
3. Provide promotional opportunities and platforms for tourism businesses.
4. Encourage industry collaboration, networking and development.
5. Provide a voice for the region.
6. Support the development of tourism products/experiences.

Ms Goulter informed Members that there are 27 regional tourism organisation across the country with tourism providing \$23.9B to NZ's economy.

Ms Goulter advised that her organisation's success is measured by -

1. Growth in the market and what the region has to offer
2. Growth in market share of delegated days (convention activity)
3. Growth in visitor expenditure
4. Industry investment and growth in online activity.

Ms Goulter confirmed that the lack of appropriate accommodation does act as a restraint in promoting the region.

Ms Goulter concluded by outlining the benefits her organisation provides to the Otorohanga District Council in that it enables a partnership between her organisation and local government. The visitor sector is promoted through shared services, to achieve beneficial results for the region.

Ms Goulter extended her thanks to Council for its partnership and support.

His Worship thanked Ms Goulter for her comprehensive presentation.

### **Resolved**

That the Hamilton & Waikato Tourism presentation be received.

### **Cr Pilkington / Cr Johnson**

## **Item 17 REVIEW OF STOCK MOVEMENT BYLAW**

### **Discussion**

The Engineering Manager presented a report informing Members that Council is required to review its existing Stock Movement Bylaw 2006. He said his 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 principle amendments.

The Engineering Manager advised that the two principle amendments to be considered are –

- A Increased penalties for non-compliance
- 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.

Cr Pilkington referred to the suggestion that 'every person committing a breach of the Bylaw shall be liable on conviction to a fine not exceeding \$3000...'. She suggested that this sum be increased to at least \$5000. Cr Johnson requested that Council ensure its liability is removed should someone drive into stock on the road. Cr Phillips advised that stock being driven down a road is a different issue to that of the provision of an underpass. He also suggested, in considering the matter of a fine, whether this should perhaps be considered on the number of crossings rather than the number of days. The Engineering Manager felt that should this be based on the number of crossings, it would be very difficult for Council staff to monitor. He suggested that the proposal be kept simple and should a particular crossing be identified as causing a problem then staff will monitor it. The Engineering Manager said that Council would require evidence should this be based on the number of crossings. Cr Klos suggested that the word 'safety' be used when considering a penalty under the Bylaw. Cr Phillips said there is a need for Council to quantify the level of hazard. Cr Klos felt that there is a hazard occurring right from day one and that any stock movement on roads is dangerous. She felt that control of the activity should be 'cost neutral' to Council. Cr Pilkington queried the situation in regards to state highways. She was advised that this would come under NZTA rulings. The Engineering Manager advised that he would expect a total ban on stock crossing state highways. Cr Phillips raised another issue with people installing races along Road Reserves. He said these also become a hazard.

Cr Pilkington said that, in the first instance, Council would need to receive a complaint concerning stock crossing a certain road. Cr Tindle expressed the opinion that only after discussion and letters written to the offending farmer, that consideration be given to introducing a fine. It was agreed that should the offence go through to legal proceedings, then a Judge will be required to use a substantial amount of discretion when imposing a fine.

### **CRS KLOS & WILLIAMS**

Crs Klos & Williams left the meeting at 11.35am to attend training for Newly Elected Members in Hamilton.

Cr Phillips felt that consideration also needs to be given to the number of cars travelling on a certain road. He queried whether staff were confident with the figures and suggested that a car counting machine be installed at various crossings. Cr Johnson suggested that not only the number of crossings need to be considered, but also the number of cows involved. Cr Pilkington stressed the need for Council's advertisement to be more specific around penalties.

### **Resolved**

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 Statement of Proposal with appropriate amendments) 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 as per option b of this report, with the \$3000 figure replaced with \$10,000; 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 as outlined in the draft Bylaw previously presented to Council.

### **Cr Prescott / Cr Johnson**

## **STOCK DROVING**

Cr Phillips referred to the issue of stock droving and queried whether Council is going to install the same penalties. The Engineering Manager replied that any decision on the rate of penalty would come down to that imposed by the Judge. The Environmental Services Manager reported that the quality of the evidence provided would also need to be taken into account. Cr Johnson queried, should Council be faced with a complaint, how would it deal with it. His Worship replied that, in adopting the amended Bylaw, this will provide Council with a 'tool' to use in obtaining compliance. Cr Phillips felt that it is necessary for Council to work with Federated Farmers (FF) to ensure the correct message gets out there. The Engineering Manager replied that representatives of FF have already agreed in principle to introducing a penalty.

Cr Phillips abstained from voting on the motion.

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

### **Discussion**

Council's Road Maintenance Engineer, Mr L Pulman and Services Manager, Mr R Brady, attended the meeting. The Roading Maintenance Engineer presented that part of the report relating to road maintenance issues.

Cr Pilkington said she would like to acknowledge staff input in relation to roadside mowing and the spraying of Tutsan.

Cr Pilkington referred to the matter of road signage at the Ngutunui School. She said since the re-seal the 'School' signs have disappeared. The Road Maintenance Engineer replied that the signs were replaced but have disappeared again. Cr Pilkington was advised that the pavement will be marked with 'school'.

Cr Pilkington asked for clarification on the matter of bulk metalling. She said Members were advised that this Account was underspent due to the weather and that a 'catchup' will be undertaken this financial year as this work is under a three year cycle. She queried whether last years work has been caught up. The Road Maintenance Engineer replied that 'yes, work has now commenced on this years programme'. Cr Pilkington requested a copy of Council's bulk metalling schedule.

His Worship reported on the state of the footpath in Maniapoto Street outside the Otorohanga Club. The Road Maintenance Engineer replied that this is due to trucks unloading goods into the Otorohanga Club.

Cr Phillips referred to the narrowness of a section of Rangiatea Road known as Hurley's Straight, where there is a steep drop off. He said he has received a number of complaints regarding this. The Road Maintenance Engineer replied that recently the vegetation has been scraped off however, consideration is being given to building up the shoulder of the carriageway.

Council's Services Manager confirmed to Cr Pilkington that all reasonable checks have been made to the Kawhia water supply to ensure this is running correctly prior to the Christmas influx. The Services Manager then continued with the presentation of the Engineering report relating to services activities.

## **LUNCHEON ADJOURNMENT**

Council adjourned for luncheon at 12.37pm and resumed at 1.06pm.

## **OTOROHANGA & WAIPA WATER SUPPLIES**

Members were advised that all new Resource Consents to take water from the Waipa River will be limited to 85 percent of the approved take when the river level comes below a certain point.

Cr Prescott queried when an annual inspection of the flood pumps, etc will be undertaken. Cr Johnson referred to the induction tours where new Councillors are given the opportunity to look at the various Council activities. Cr Tindle felt that not only from the induction tour but ongoing inspections provide a continued learning experience. The Engineering Manager referred to the usual triennial road programmes tour and suggested that a similar tour could be undertaken to enable Councillors to look at the various examples of work being undertaken. It was agreed that the Services Manager arrange a tour for Councillors and Otorohanga Community Board Members of the Communities facilities.

## **PARKS & RESERVES**

Cr Prescott reported that a Contractor, Community Board representative Mr Dave Williams and himself have been in the Bob Horsfall Reserve where the mountain bike track has been shaped and formed. He said it is just a matter of contouring the track and it will be ready for use. Cr Prescott paid tribute to Mr Williams for his work in creating this track.

## **RECYCLING CENTRE**

Members were informed that the Maihihi Recycling Centre is almost up and running and should be in operation within the next two weeks.

### **Resolved**

That the Engineering Manager's routine report for the period August to October 2013 be received.

### **Cr Johnson / Cr Pilkington**

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

### **Discussion**

The District Accountant attended the meeting and presented the draft Management Accounts to 30 September 2013. He informed Members that Council has installed a new accounting programme which has enabled him to produce these accounts in a new updated format.

The District Accountant advised that rates and insurance is now split out separately in the individual accounts and paid at the commencement of the new financial year. He said currently Council is looking at reducing its debt by \$1M.

It was agreed that Council's Community Facilities Officer look into the matter of the opening hours of the cold pool at the Memorial Pool Complex in Otorohanga.

### **Resolved**

That the draft Management Accounts to 30 September 2013 be received.

### **Cr Johnson / Cr Phillips**

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

### **Discussion**

The Engineering Manager summarised the Engineering Support Officer's report on an application received from the Otorohanga Community Board for road closures within the Otorohanga township for the purpose of holding a celebration of 150 years of KiwiRail and associated events.

### **Resolved**

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.

### **Cr Prescott / Cr Tindle**

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

##### **Discussion**

The Governance Supervisor took Members through Matters Referred.

##### **PART RANGIATEA ROAD**

The Engineering Manager reported that Council's Contractor, Inframax, have agreed, at their costs, to repair the breakup of seal on part of Rangiatea Road.

##### **ROAD MARKER PEGS**

The Engineering Manager informed Members that marker pegs are not an absolute requirement but they are part of the road standard we try to meet.

##### **POPULATION HEALTH**

The Governance Supervisor confirmed that an invitation has been extended to Population Health to make a presentation to Council at its meeting to be held in either January or February 2014.

It was agreed that all items under matters referred be deleted.

##### **GENERAL**

##### **PROPOSED COMMUNITY/SPORTS CENTRE**

Cr Johnson reported on his recent attendance at a meeting regarding a proposed Community/Sports Centre in Otorohanga. He said this was a good meeting and that there were representatives from a fundraising group present which suggested that Central Government

could fund such a proposal up to two thirds of the cost. He said the remaining one third would come from the Community.

### **WAITANGI TRIBUNAL HEARING**

Cr Prescott reported he attended a recent Waitangi Tribunal Hearing held in Otorohanga where consideration was given to pockets of land within the Otorohanga District being -

- Tuhoro Street
- Huiputea Drive
- Water Treatment land.

Cr Prescott said he will be sent copies of their decisions in due course.

His Worship reported he attended the Hearing on Thursday 7 November for the afternoon.

### **CELEBRATION OF 150 YEARS OF KIWIRAIL**

Cr Prescott confirmed he is one of a group involved in the holding of a celebration of 150 years of KiwiRail and associated events to be held in Otorohanga on Sunday 1 December 2013.

### **WAIPAPA RESERVE**

The Chief Executive reported that Council Contractor, Mr Peter Cotter, is working through the process to explore the option of selling the Waipapa Reserve.

### **OTOROHANGA DISTRICT DEVELOPMENT BOARD**

Cr Phillips extended congratulations to the Otorohanga District Development Board regarding a TV programme promoting Otorohanga. He said this has received very positive feedback for Otorohanga.

### **ZONE 2 MEETING**

Cr Phillips reported on his attendance, along with His Worship, at a Zone 2 meeting held on 8 November in Opotiki. He said this was an opportunity to introduce new Mayors and Councillors to those present. Cr Phillips also referred to a presentation by Tuhoe Maori regarding land taken from them. He said the Chief Executive of Local Government spoke regarding roading standardisation.

### **TENDERS**

Cr Phillips raised the issue of processing Council tenders and questioned whether Council always accepts the lowest tender. He referred in particular to a situation regarding the supply of concrete from outside the District to carryout an extension to the basketball court at the Reg Brett Reserve. The Chief Executive replied that cost is always a significant factor in such decisions and whilst using local suppliers is also desirable, it is sometimes difficult to balance the two factors. He said price was a determining factor in this situation. The Chief Executive advised that, for this type of work (simple jobs), Council usually attempts to engage local Contractors.

### **HARBOUR ROAD**

Cr Pilkington reported that a couch has been dumped along Harbour Road. The Chief Executive advised that Council's Kawhia employee will collect this item.

### **COUNCIL MEETING – 17 DECEMBER 2013**

Cr Pilkington queried whether consideration has been given to changing the commencement time of Council's meeting to be held on 17 December 2013. It was agreed that this matter be considered further. Members will be advised as soon as the time is decided.

### **NGUTUNUI SCHOOL CARPARK**

Cr Pilkington reported that the school is investigating the option to install an entrance off Pekanui Road. She also raised again the matter of the provision of 'school' signs.

### **GAMBLING MACHINES**

The Environmental Services Manager reported that the Class 4 Gambling Machines have been removed from the Services & Citizen Club in Otorohanga which leaves only two locations within the District where machines are available – one each in Otorohanga and Kawhia.

### **CIVIL DEFENCE REGIONAL JOINT COMMITTEE**

The Environmental Services Manager reported on his attendance, along with His Worship, at a recent Civil Defence Regional Joint Committee meeting. His Worship expressed the opinion that the facility at Mystery Creek is outstanding for Civil Defence purposes.

### **HIS WORSHIPS ATTENDANCE AT MEETINGS**

His Worship reported he attended meetings of the Waitangi Tribunal, Zone 2, Civil Defence Regional Joint Committee, White Ribbon programme and the Otorohanga College Senior Prizegiving.

### **MEETING CLOSED**

The meeting concluded at 3.04pm.

**MAYOR:**

**DATE:** 17 December 2013