



Otorohanga District Council

AGENDA

15 April 2014

10.00am

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

15 April 2015

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 15 April 2014 commencing at 10.00am.

7 April 2014

DC Clibbery
CHIEF EXECUTIVE

AGENDA

11.00am – Harvest Centre Charitable Trust Presentation
Approx. 3.00pm-4.00pm - Beattie Home Visit

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PRESENT

IN ATTENDANCE

APOLOGIES

OPENING PRAYER

ITEMS TO BE CONSIDERED IN GENERAL BUSINESS

CONFIRMATION OF MINUTES – 18 MARCH 2014

REPORTS

Item 59 OTOROHANGA COMMUNITY BOARD MINUTES FOR 27 MARCH 2014

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

From: Governance Supervisor

Date: 15 April 2014

Executive Summary

Minutes of the meeting of the Otorohanga Community Board held on 27 March 2014 as circulated.

Staff Recommendation

It is recommended that:

The minutes of the meeting of the Otorohanga Community Board held on 27 March 2014 be received.

CA Tutty
GOVERNANCE SUPERVISOR

Item 60 **KAWHIA COMMUNITY BOARD MINUTES FOR 28 MARCH 2014**

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

From: **Governance Supervisor**

Date: **15 April 2014**

Executive Summary

Minutes of the meeting of the Kawhia Community Board held on 28 March 2014 as circulated.

Staff Recommendation

It is recommended that:

The minutes of the meetings of the Kawhia Community Board held on 28 March 2014 be received.

CA Tutty
GOVERNANCE SUPERVISOR

Item 61 **DISTRICT LIBRARIANS REPORT FOR JANUARY TO MARCH 2014**

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

From: **District Librarian**

Date: **15 April 2014**

Relevant Community Outcomes

- Ensure services and facilities meet the needs of the Community
 - Foster an involved and engaged Community
-

Executive Summary

We successfully completed our summer holiday reading programme for children and staff are now planning an ANZAC-themed craft morning for the April school holidays. Library staff are participating in the Ministry of Education “Reading Together” programme and free computer mentoring sessions in the Library are now underway. Internet connections via wireless device and downloads of digital materials show marked increases for the quarter.

Staff Recommendation

It is recommended that:

That the District Librarian’s Quarterly Report for the period January to March 2014 be received.

Report Discussion

The Great Summer Beach Read

The completion rate for our summer holiday reading programme this year was 29 children (out of 35 registrations), which is slightly down on previous years. In order to successfully complete programme requirements, children need to read a minimum of four library books over the holidays, and report-in to the Library staff – we are quite firm in encouraging children and parents to meet this target and the majority of participants do make a serious commitment to the programme.

For a change this year, our finale event on Thursday 30 January comprised a group swim at the Te Awamutu leisure complex, followed by prize presentations and a subway lunch at the rose gardens. On the day, Councillor Pilkington presented awards to the children who had successfully completed the programme. Children, parents and caregivers all seemed to enjoy the out-of-town treat.

Below are some of the comments on the programme received from parents and caregivers:

- *“kids got challenged to read different books than they would normally choose”*
 - *“This is a great programme to encourage young readers”*
 - *“Using the library more regularly meant greater confidence and familiarity with it. Got us into more of a holiday routine of doing reading. Got to know the library staff better”*
 - *“The finale event was enjoyed by my son very much”.*
-

April School Holidays

Planning is currently underway for library staff to present an ANZAC-themed April school holiday craft activity. This activity will take place on Wednesday 23 April at the St John's Ambulance Hall and will be open to primary school-aged children. The number of registrations will be limited.

Reading Together

Library staff member Sheila Pulham attended a workshop in the Council chamber on 27 February convened by Linda Fraser, Senior Advisor at the Ministry of Education in Hamilton, to begin implementation of this programme in the King Country region.

The twenty-five participants who attended the meeting included representatives from six King Country schools (Aria, Benneydale, Kawhia, Kinohaku, Piopio, St. Joseph's), a library advisor from the National Library in Hamilton and a representative of the Ministry of Education from Auckland.

Schools who participate in the programme implement a series of four workshops in which parents are given instruction and advice to help their children with reading in the home. Library staff will be invited by the schools to participate in two of the workshops, to encourage parents to make use of their local library resources.

Sheila is looking forward to working with local schools (including Otorohanga South School) on this initiative.

Volunteer Computer Mentoring

Four people have expressed interest in becoming volunteer computer mentors at the Library. From Monday 31 March, our mentors will be in attendance three times each week, for two-hour sessions, to offer assistance to members of the public seeking help with their computing difficulties.

We have undertaken some local advertising of this new service but we are hoping that availability of a programme offering free computer help will spread by word of mouth.

This is an entirely new initiative for the Library, and will be a learning experience for both library staff and mentors – we will review its effectiveness after a 2-3 month period.

Library Usage Statistics

Otorohanga Library – (January to March 2014)

	2014	2013	Notes
Physical Visits	4,069	3,818	<i>Increase of 6.6%</i>
Materials Issued	11,285	11,953	<i>Decrease of 5.6%</i>
Digital Downloads	197	65	<i>Increase of 203%</i>
Computer Sessions (APNK)	2,163	2,278	<i>Decrease of 5.0%</i>
Wifi Sessions	4,924	2,315	<i>Increase of 113%</i>
Membership registrations	79	85	

Kawhia Library – (October to December 2013)

	2014	2013	Notes
Materials Issued	730	872	<i>Decrease of 16.3%</i>
Computer sessions (APNK)	96	146	<i>Decrease of 34.2%</i>
Wifi sessions	942	<i>(Wifi not installed)</i>	
Membership registrations	8	4	

Appendix: Library Revenue – Financial Year to date:

Library

Other Income

375723670. Interloans	-309.00	-378.00
375723671. Videos	-1,284.50	-870.30
375723672. Kawhia	0.00	-215.40
375723673. New Rental Fiction	-739.80	-810.70
375723676. Reserves	-183.30	-195.00
375723677. Sale of Books	-843.55	-945.78
375723678. Lost Books	-310.50	-363.07
375723679. Fines (Overdues)	-2,803.28	-3,226.39
375723680. Photocopies	-1,697.30	-1,480.50
375723681. Membership Cards	-660.73	-732.28
375723682. Internet	-12.18	0.00
375723683. Magazines	-185.32	-226.67
375723684. Fax	-74.50	-62.00
375723757. Donations	-48.00	-208.00
Other Income	-9,151.96	-9,714.09
Library	-9,151.96	-9,714.09

Sarah Osborne
DISTRICT LIBRARIAN

Item 62 ENVIRONMENTAL HEALTH OFFICER/LIQUOR LICENSING INSPECTOR'S REPORT FOR JANUARY – MARCH 2014

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

From: Environmental Health Officer / Liquor Licensing Inspector

Date: 15 April 2014

Relevant Community Outcomes

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

Executive Summary

The Environmental Health Officer/Liquor Licensing Inspector's report for the three month period 1 January to 28 March 2014.

Staff Recommendation

It is recommended that:

That the Environmental Health Officer / Liquor Licensing Inspector's report for 1 January to 28 March 2014 be received.

Report Discussion

Liquor

The Sale and Supply of Alcohol Act 2012 is fully operational and Karen and I are busy coming to grips with the new procedures as well as the new regulatory requirements.

We are finding that we are answering a lot more enquiries than under the previous Act and that we have to spend longer on applications and the required reports. Each license, renewal and managers certificate requires the Commissioner to sign all decisions. This means that the applicants need to apply early, particularly for Special Licences, for us to process them in time.

Liquor Licensing Statistics

• On Licences - New	0
Renewals	0
• Off Licences - New	0
Renewals	1
• Club Licences - New	0
Renewals	1
• Managers Certificates - New	3
Renewals	4
• Special licences	8
• Temporary Licence	0

Health

Trade waste from Countdown has created a potential health nuisance and a meeting has taken place between management of the Supermarket, the Building Control Officers and the Environmental Health Officer and as a result the Company has undertaken to redesign the whole system, and a letter under the Building Act has confirmed this.

Kawhia Kai Festival – I attended the Kai Festival again this year and inspected all of the food stalls. I found no serious defects and the general standard of food safety has improved.

Bryan Faris

ENVIRONMENTAL HEALTH OFFICER / LIQUOR LICENSING INSPECTOR

Item 63 PLANNING REPORT FOR JANUARY TO MARCH 2014

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

From: Environmental Services Manager

Date: 15 April 2014

Relevant Community Outcomes

- Manage the natural and physical environment in a sustainable manner
 - Protect the special character of our harbours and their catchments
 - Recognise the importance of the Districts rural character
-

Executive Summary

Reporting on Resource Consents granted under Delegated Authority for the period 1 January to 31 March 2014.

Staff Recommendation

It is recommended that:

The Planning Report for January to March 2014 be received.

Report Discussion

During this quarter 20 consents (17 Landuse, 3 Subdivision) were granted under Delegated Authority as set out in the table below. These approvals compare with 11 (7 Land Use, 4 Subdivision) granted in the same period last year.

Decisions by Ward

	Land Use	Subdivision
Wharepuhunga	0	0
Kio Kio Korakonui	4	3
Waipa	2	0
Tihiroa	0	0
Otorohanga	1	0
Kawhia Tihiroa	8	0
District Wide	2	0
Total	17	3

AR Loe
ENVIRONMENTAL SERVICES MANAGER

Attachment – Resource consent decisions

Resource Consent Decisions - 1/01/14 to 31/03/14

No	Applicant/Location/Proposal	O/S	Decision
130060	Maketu Marae Trustees 614 Kaora Street; Maketu Marae Upgrade Project	LU PRS GDA	9/01/14
130056	PC Trubshaw 613 Ouruwhero Road; Relocate a Second hand Dwelling.	LU ARL GDA	16/01/14
130058	Metrix District Wide; Certificate of Compliance Application to install Advanced Metering Infrastructure throughout the Otorohanga District	LU PRS GDA	22/01/14
130059	Metrix District Wide; Installation of Advanced Metering Infrastructure in ONFL Landscape Policy Areas	LU PRS GDA	22/01/14
140002	C R Grocott 307 Cooper Drive; To create a right of way over an existing formed vehicle access.	LU ARL GDA	22/01/14
140003	Jl Walker 445 Waikeria Road Build an Implement Shed within the 15 metre wide other yard	LU PRS GDA	30/01/14
140005	Megaw Farm Trust 855 Te Kawa Road Building additions within the 15 metre wide Other Yard.	LU PRS GDA	30/01/14
130049	R Isler Lawton Drive; Build a dwelling in the Aotea Extreme Hazard Risk Area	LU PRS GDA	7/02/14
130051	Elite Services Ltd 293 Awatane Road; Earthworks for Establishment of a dairy farm	LU PRS GDA	13/02/14
140004	Gregan Family Trust 715 Paewhenua Road Earthworks to build effluent pond, cowshed, improve farm race and upgrade entranceway.	LU PRS GDA	13/02/14
140009	WT & DM New 3 Hillcrest Avenue; Erect a garage 1.5m from side boundary.	LU PRS GDA	24/02/14
140010	P & J Crilly 237 Whawharua Road Additions to Dwelling Within the 15.0 metre Other Yard.	LU PRS GDA	24/02/14
140006	GT & CE Bennett 492 Okupata Road; Build a Shed Within the 15 metre wide `Other Yard`.	LU PRS GDA	27/02/14
140007	Sinclair Family Trust 530 Mangatutu Road; Earthworks for new Dairy Shed and Effluent Pond.	LU PRS GDA	27/02/14
140013	GD Campbell 114 Lawry Road; Earthworks for New Cowshed, Effluent pond, Ground works and Races.	LU PRS GDA	27/02/14
140014	G & L Mark Mangauika Road; To site a new Dwelling and Shed within the 15.0 metre wide Other Yard.	LU PRS GDA	12/03/14
140016	Department of Conservation Mt Pirongia; Construct a Tramping Hut in a Landscape Policy Area.	LU PRS GDA	14/03/14

Total for	LU		17
130054	BM & JL Chick 280 Wharepuhunga Road; Boundary Adjustment	SB	GDA 15/01/14
140001	L L Gower 27 Happy Valley Road; Boundary Relocation	SB PRS GDA	28/01/14
140008	Willomere Limited 404 Te Kawa Road; Boundary Relocation.	SB PRS GDA	24/02/14
Total for	SB		3
Grand Total			20 consents listed

Item 64 HARVEST CENTRE CHARITABLE TRUST PRESENTATION – YOUTH CONNECTION PROGRAMME

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

From: Governance Supervisor

Date: 15 April 2014

Relevant Community Outcomes

- Ensure services and facilities meet the needs of the Community
 - Promote the local economy and opportunities for sustainable economic development
 - Foster an involved and engaged Community
-

Executive Summary

A presentation will be made by the Harvest Centre Charitable Trust identifying what the Youth Connection Programme does and what benefits are achieved.

Staff Recommendation

It is recommended that:

The Harvest Centre Charitable Trust presentation on the Youth Connection Programme be received.

Report Discussion

A Presentation will be given by Peter Coventry on Otorohanga Youth Programmes. A report is separately attached.

CA Tutty
GOVERNANCE SUPERVISOR

Under Separate attachment – Harvest Centre Charitable Trust Report

Item 65 ANIMAL CONTROL OFFICERS REPORT FOR JANUARY TO MARCH 2014

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

From: Environmental Services Manager

Date: 15 April 2014

Relevant Community Outcomes

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

Executive Summary

A report from the Environmental Services Manager on Dog and Animal Control activities in the District for the period January to March 2014.

Staff Recommendation

It is recommended that:

The Animal Control Officer's report for January to March 2014 be received.

Report Discussion

	January	February	March
1. No. of Registration Notices issued	5	4	8
2. No. of Property visits for Registration Checks - Rural	23	19	21
3. No. of Property visits for Registration Checks – Urban	5	8	7
4. No. of Property visits for SOS	2	1	3
5. No. of Property visits for Two Dog Permit	1	-	1
6. No. of Complaints – Dogs Actioned	26	21	17
7. No. of Complaints – Stock Actioned	4	2	3
8. No. of Street Patrols Night – Otorohanga	5	6	6
9. No. of Street Patrols Day – Otorohanga/Kawhia	10	12	8
10. No. of Enquiries – Registration/Dog Control/General	23	19	14
11. No. of Dogs Impounded	8	8	2
12. No. of Stock Impounded	-	-	1 goat
13. No. of Written Warnings – Dog Infringement Notices	1	-	1
14. No. of Infringement Notices Issued	-	-	-
15. No. of Verbal Warnings – Dog Control	16	9	12

AR Loe
ENVIRONMENTAL SERVICES MANAGER

Item 66 DISTRICT BUILDING CONTROL OFFICERS REPORT FOR JANUARY TO MARCH 2014

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

From: District Building Control Officer

Date: 15 April 2014

Relevant Community Outcomes

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

Executive Summary

A quarterly report on Building Consents granted.

Staff Recommendation

It is recommended that:

The District Building Control Officer's report for the quarterly period 1 January to 31 March 2014 be received.

Report Discussion

BUILDING CONSENT ISSUED

**1 January to 31 March 2014
% Change**

Total Consents Issued	47	
+46%		
Includes New Dwellings	12	
+140%		
And Commercial / Industrial / Cowsheds	8	+100%
Value of Building Work	\$4,436,004	
+11%		
CCCs Issued	53	
+7%		

Consents approved over the same period in 2013

<i>Total Consents Issued</i>	32	
<i>Includes New Dwellings</i>	5	
<i>And Commercial / Industrial / Cowsheds</i>	4	
<i>Value of Building Work</i>	\$3,993,000	
<i>CCCs Issued</i>	46	

Consents Issued by Area

Rural	40	
Otorohanga		5
Kawhia / Aotea	2	

Report Discussion

The building department continues to be busy processing building consents, carrying out inspections, and completing audits. Building consents are steadily increasing and all the Districts statistics are up on this time last year. This trend is expected to continue as there is a major building boom occurring across the construction industry.

The Ministry of Building Innovation and Employment publishes a quarterly report on all sector trends in the building and construction areas. The latest report is current to the end of 2013 and can be downloaded from the Ministry website. To summarize building consent activity on a National basis with the figures for annual change – dwelling consents up 28.4%; residential alterations and additions up 25%; non-residential new consents up 13.8% and non-residential alterations and additions up 7.9%.

The team has been busy managing changes to legislation, for licensed Building Practitioners, Licensed Designers and changes to the new Clause C Documents of the NZ Building Code which relate to the fire safety design of public and commercial buildings. These amendments have meant that the consent paperwork and procedure has again increased and is causing delays which then puts pressure on meeting statutory deadlines. The situation has not been helped with the departure of a building inspector. A replacement position has been advertised and it is hoped an appointment will be made soon.

The building department has just been audited by building control staff drawn from the Waikato Cluster Group. The purpose of this audit is to ensure that the Otorohanga Building Consent processes are robust and compliant with the Building Regulations before the regular biannual audit in August by IANZ.

G Phillips
DISTRICT BUILDING CONTROL OFFICER

Attachments - Building Consent 3 Month Report

Owner Name	Location Address	Proposal	Issue Date	Estimated Value-01
K Sinclair	530 Mangatani Road	New Covered Herringbone	15/01/14	120,000
Narrow Way Farms Ltd	2555 Ross Street	Alter existing 1000sqm farm building	11/02/14	30,000
N & L Fitzgerald	2425 Pakenah Road	Alter existing Precast to Rural Grocery Vans with attached	11/02/14	30,000
Activa Holidays Limited	2546 Pakenah Road	Single story 3 Bedroom dwelling with attached garage	20/01/14	303,924
Activa Holidays Limited	480 Lawson Drive	To lift existing back by 1.0 metre and add a basement	21/01/14	102,000
RJ Wimmering	31 Kakamao Road	Change cladding type from metal roof/bavelboard weatherboard	25/03/14	5,000
Central North Island Kinoripaten Trust	411 Te Kaiti Road	Strengthening of Ceiling Structure to support	03/02/14	85,000
PC & DL Sweeney	411 Te Kaiti Road	Build a new 12m x 7m 3 Bay Impement Shed	20/01/14	26,500
DF Groombridge	511 State Highway 3 Chromanga Road	Construction of a New Home on a Concrete Slab Timber Frame	20/01/14	890,000
Kerwara Farms	29 & 37 Puketarua Road	New Three Bedroom Dwelling with Separate Skyline Garage	04/02/14	300,000
A Andrew Gilbey Family Trust	118 Hurumu Road	Alterations & Addition to existing home	17/01/14	35,000
M & T Edwards	21 Lawrence Street	Removal of existing building and rebuild facility new	20/01/14	15,000
N Northcott	806 Old Te Kaiti Road	New 3 Bay Four Storey Impement Shed at SED	24/01/14	17,000
Department of Conservation	67 Ormsby Road	Farm Building	22/01/14	24,000
Ngatape Corporation	Pirongia West Road	Replacement of existing 9 Bunk Hut on Mt Pirongia with a new	21/02/14	250,000
Ngatape Corporation	293 Awatane Road	Residential Dwelling, 4 Bedrooms, 2 x living areas, 2	13/02/14	235,000
Ngatape Corporation	293 Awatane Road	Residential Dwelling, 4 Bedrooms, 2 x living areas, 2	13/02/14	235,000
T Silcock	613 Dunawaka Road	Demolish Existing dwelling and rebuilding a secondhand 2	25/02/14	40,000
J Walker	80 Kaimanga Road	Adding wood fire and moving window.	12/02/14	5,000
R Gilbert and Wairibene	445 Waikato Road	Construction of BoatCar shed - 3 Bays	14/02/14	25,000
Megaw Farm Trust	7-3 Pirongia West Road	2 x x 10 solar panels reinstalled to existing 190L 10V	04/02/14	100,380
R & S Gilbert	525 Te Kawa Road	Convert Existing Garage into a 2 bedroom house	04/02/14	100,380
R & S Gilbert	525 Te Kawa Road	Convert Existing Garage into a 2 bedroom house	26/02/14	200,000
T & D Care	613 Pirongia West Road	2 x x 100 Solar Panels reinstalled to existing 180v, low	07/02/14	7,350
Judge Morgan	409 Tapuae Road	Addition of New Family Room to Existing Home	11/03/14	42,000
Turamoa Farms Ltd	4410 State Highway-31 Kawhia Road	Build an Impement Shed for Storage of equipment	05/02/14	35,000
Narandora Farms Ltd	1276 Orewa Road	Learn to Pole Shed	26/02/14	187,500
Maui Farm Trust	3144 Te Kaiti Road	Alterations to existing shed	26/02/14	13,500
K Henry	775 Te Raumapu Road	Extend Double Garage	21/02/14	19,695
J & D Neuhoff	222 Puketarua Road	To erect a 2 Bay Hay Bay	20/02/14	8,000
T Henderson	915 Raupai Road	Implement Shed	23/02/14	4,200
M & S Ditchburn	65 Ormsby Road	New residential home on concrete foundations	25/03/14	41,680
M & S Ditchburn	65 Ormsby Road	New residential home on concrete foundations	25/03/14	41,680
G & M Mark	775 Te Raumapu Road	New three bedroom residence with double garage and shed	28/03/14	207,000
P Donoh	591 Te Kawa Road	Installation of cattle Underpass	16/03/14	207,000
W H & O J Earleவர்	272 Te Kawa Road	Living area addition to existing home.	26/03/14	60,000
HighPeak Trust	422 Awatane Road	New Pit and Pit roof for Coved	3/03/14	24,550
G & L van de Watering	131 Bay of Plenty	New Pit and Pit roof for Coved	26/03/14	24,550
SC & RH Fleming Family Trust	15 Burr Road	To build a 4 Bedroom Family Home	26/03/14	322,538
CM & DL Sweeney	402 Awatane Road	Erection of 4 bay pole shed	26/03/14	18,000
P Colley	232 Ngapate Road	New on site sewage system.	26/03/14	10,000
Ngutuuni School	420 Ngapate Road	Install 2 ramp marquees for a school function 15x30m, will be	31/03/14	5,000
N Rose	28 Glenon Place	Installation of new window	31/03/14	4,000
Grand Total				4,436,004

Item 67 APPEALS AGAINST PROVISIONAL LOCAL ALCOHOL POLICY

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

From: Environmental Services Manager

Date: 15 April 2014

Relevant Community Outcomes

- The Otorohanga District is a safe place to live
 - Ensure services and facilities meet the needs of the Community
 - Promote the local economy and opportunities for sustainable economic development
 - Foster an involved and engaged Community
-

Executive Summary

A summary of appeals lodged with the Alcohol Regulatory and Licencing Authority on the Otorohanga District Provisional Local Alcohol Policy (LAP).

Staff Recommendation

It is recommended that:

The report be received.

Report Discussion

On 18 February Council approved the notification of the Provisional Local Alcohol Policy. Following public notification any person who made a submission on the Draft Local Alcohol Policy was able to lodge an appeal with the Alcohol Regulatory and Licencing Authority. Any appeal had to be made by 28th March 2014.

Three appeals were lodged with the Authority in Wellington. The appellants are Progressive Enterprises Ltd who own and operate the Countdown supermarket chain and Super Liquor Holdings Ltd, The Mill Retail Holdings and Independent Liquor (NZ) Ltd.

Super Liquor Holdings is New Zealand's largest alcohol franchise with over 100 stores located around the country. They also operate a number of restaurant and café style franchises. None of these businesses currently operate in Otorohanga District.

The Mill Liquorsave has 35 stores throughout New Zealand (29 Nth Island, 6 Sth Island). They do not have an outlet in Otorohanga District.

Independent Liquor (NZ) Ltd, is a manufacturer and distributor of alcoholic beverages. Their core business is in ready to drink (RTD) brands which is supported by high profile advertising promotions.

Any appeal against an element of the Provisional LAP must demonstrate why a particular section or part of the policy is unreasonable in the light of the object of this Act (*Sale and Supply of Alcohol Act 2012*).

Should the Licensing Authority considers that the appeal has merit and the element of the provisional LAP appealed against was unreasonable in the light of the object of this Act, the licensing authority will ask the territorial authority to reconsider the element of the provisional LAP.

At this stage appeals against LAPs have been put on hold by Chairman Judge Hole of the Alcohol Regulatory and Licencing Authority (see attached Minute). Crucial to the outcome of all of these appeals will be the determination of the meaning of 'unreasonable in the light of the object of this Act.' Once this matter has been decided the course of action for the remaining Council appeals will be clearer.

AR Loe
ENVIRONMENTAL SERVICES MANAGER

Under Separate Attachment

- Minute of Chairman Judge hole
- Appeal by Progressive Enterprise
- Appeal by Super Liquor holdings
- Appeal by Mill Retail Holdings and Independent Liquor

Item 68 MINUTES OF WAIKATO CDEM JOINT COMMITTEE MEETING

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

From: Environmental Services Manager

Date: 15 April 2014

Relevant Community Outcomes

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

Staff Recommendation

It is recommended that:

The minutes of the Waikato Civil Defence and Emergency Management Group Joint Committee meeting 3 March 2014 be received.

Minutes of the meeting of the Waikato Civil Defence Emergency Management Group Joint Committee, held in the Waikato CDEM Group Emergency Management Office 150 Victoria Street at 1.00 pm on Monday 3 March 2014.

MEMBERS PRESENT: Waikato Regional Council

Cr H Vercoe

Hamilton City Council Representative

Cr L Tooman

Matamata Piako District Council Representative

Cr B Hunter

Otorohanga District Council Representative

Mayor M Baxter

South Waikato District Council Representative

Cr T Lee /

Taupo District Council Representative

Cr A Park

Waikato District Council Representative

Cr J Church

Waipa District Council Representative

Cr J Bannon

Waitomo District Council Representative

Cr A Goddard

**IN ATTENDANCE: Ministry of Civil Defence and Emergency Management
S Vowles**

**STAFF CEG Chair
L Cavers**

Waikato Regional Council

Group Controller/Manager (L Hazelwood), GEMO Programme manager (G Ryan), Committee Administrator (D Atkinson)

APOLOGIES

Mayor JP Tregidga (Hauraki District Council), Cr P French and Mayor G Leach (Thames/Coromandel Council),

Accepted

In welcoming Joint Committee members to the meeting at the place where Group "business as usual" is undertaken, Group Controller/Manager (L Hazlewood) noted the facility is fitted out in a manner that enables it to instantaneously be turned into the Group Emergency Coordination Centre when a significant event occurs.

Confirmation of Agenda (Agenda Item 1)

Disclosures of Interest

There were no disclosures of Interest

CD13/1

Minutes of Previous Meeting

File: 03 04 18 (Agenda Item 3) Docs #2896156)

Cr Church moved/Cr Park seconded.

THAT the Minutes of the Waikato Civil Defence Emergency Management Group Joint Committee meeting of 18 November 2013 be received and approved as a true and correct record.

The motion was put and carried (CD13/1)

CD13/2

Controllers Report

File: 03 04 18, (Agenda Item 4) (Docs #2976527)

The purpose of the report presented by Group Controller/Manager (L Hazlewood) was to provide an Overview of the Group Controllers priority work areas. The report provided commentary on the following matters:

- Waikato Regional Council fit-for-purpose review
- Strategic direction of the Waikato CDEM Group
- Community Response Planning
- Expandable GECC
- EOC Training update
- Key Appointments within the Waikato CDEM Group

During questions, answers and discussion subsequent to the presentation the Committee noted:

- A former Chair of this Committee (Basil Morrison) has received a Silver Ministerial Award for contributions to Civil Defence. It was agreed the Chair would forward a letter of congratulations on behalf of the Committee.
- The request of this Committee for approval of the new role of Group Welfare Manager has been accepted by the Waikato Regional Council and will now go to public consultation in the proposed annual plan

The purpose of this item presented by GEMO Programme Manager (G Ryan) was to provide an update on the work the Group Emergency Management
cess.

Cr Tooman moved/Mayor Baxter seconded

THAT the report "Group Controller's Report" (Doc #2976527 dated 21 February 2014) **be received for information.**

The motion was put and carried (CD13/2)

CD13/3 GEMO Report

Office (GEMO) is currently undertaking. The report contained commentary on the following matters:

- GEMO activities
- GEMO financial update
- GEMO project update
- GRMO recruitment
- 2014/2015 GEMO work programme update

During questions, answers and discussion subsequent to the presentation the Committee noted:

- The recruitment of the GEMO Operation Coordinator has been completed and an appointment (J Snowball) confirmed.
- The Chair initiated a discussion regarding the recent appointment of an existing local controller to a second emergency operating area within the Group, while retaining the original appointment. Possible implications were discussed however no firm conclusions were reached.

Cr Hunter moved/Cr Bannon seconded

THAT the report "GEMO Report" (Doc #2979343 dated 21 February 2014) be received for information

The motion was put and carried (CD13/3)

CD13/4 Summarised minutes of CEG meeting held 14 February 2014

Chair moved/Cr Bannon seconded.

THAT the summarised minutes of the CEG meeting of 14 February 2014 be received and decisions noted.

The motion was put and carried (CD13/4)

CD13/5 Ministry of CDEM Update

File: 03 04 18, (Agenda Item 6) Docs #2977234

S Vowles (MCDEM), presented the report which outlined progress with the MCDEM work programme for the period ending 31 January 2014. Subsequent to the presentation the following matters were discussed or noted:

- Waikato CDEM Group is to be the pilot project in a new round of National Capability Assessments for CDEM Groups. Capability Assessments were last undertaken in 2009 and Waikato CDEM Group

recorded the lowest score in the country of 44.7. The Minister has set a target capability assessment score of 58 for the Waikato CDEM Group in the pilot project.

- In response to a question the Group Controller/Manager advised that in terms of present operating capability EMIS does not meet all event management needs and until the system can do so it will need supplementing by other systems. However, the use of multiple systems to provide full situational awareness is nothing unusual in many EOCs.

Cr Lee moved/Cr Hunter seconded

THAT the update report from the Ministry of Civil Defence (Doc 2977234 dated 13 February 2014) be received.

The motion was put and carried (CD13/)

Items for next meeting

File: 03 04 18 (Agenda Item)

There were no items identified by members. Meeting closed at 2.33 pm

AR Loe

ENVIRONMENTAL SERVICES MANAGER

Item 69 MINUTES OF NGA WAI O WAIPA CO-GOVERNANCE FORUM & BI-ANNUAL MEETING

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

From: Environmental Services Manager

Date: 15 April 2014

Relevant Community Outcomes

- Provide for the unique history and culture of the District
 - Promote the local economy and opportunities for sustainable economic development
 - Manage the natural and physical environment in a sustainable manner
 - Foster an involved and engaged Community
-

Staff Recommendation

It is recommended that:

The Minutes of Nga Wai o Waipa Co-Governance forum & Bi-annual meeting held in Te Awamutu on 7 March 2014 be received.

Minutes of the meeting of the Nga Wai o Waipa Co-Governance Forum held in Waipa District Council Chamber 101 Bank Street Te Awamutu at 10 am on Friday 7 March 2014.

PRESENT:

Maniapoto Māori Trust Board	Trustee Ray Wi, Trustee Eddie Neha, Trustee Weo Maag
Otorohanga District Council	Mayor Max Baxter
Waikato District Council	Mayor Allan Sanson
Waikato Regional Council	Councillor Paula Southgate
Waipa District Council	Mayor Jim Mylchreest
Waitomo District Council	Mayor Brian Hanna

IN ATTENDANCE :

Waikato District Council	Councillor Dynes Fulton, Councillor Moera Solomon
Waikato Regional Council	Councillor Timoti Bramley, Councillor Tipa Mahuta
Waipa District Council	Councillor Grahame Webber

STAFF:

Maniapoto Māori Trust Board	Policy Analyst Ben Ormsby, Policy Analyst Jo Kukutai
Waikato District Council	Chief Executive Gavin Ion
Waikato Regional Council	Deputy Chief Executive Clare Crickett
Waipa District Council	Iwi Liaison and Emergency Management Officer Chuck Davis
Waitomo District Council	Chief Executive Chris Ryan

Prior to the commencement of business Mayor Mylchreest welcomed all present to the meeting and the Waipa District Council venue.

Opening Karakia

The meeting was opened with a Karakia.
Clare Crickett (Deputy CEO Waikato Regional Council) then took the Chair until the confirmation of Co Chairs and Deputy Co Chairs had been completed.

Apologies

Apologies were received and accepted for Trustees Tiwha Bell and John Kati.

Confirmation of Agenda

W Maag moved/Mayor Hanna seconded

THAT the agenda of the Nga Wai o Waipa Co-Governance Forum of Monday, 7 March 2014 be confirmed as the business for the meeting.

The motion was put and carried.

Disclosures of Interest

There were no formal disclosures of interest. However W Maag noted he is a member of the Waikato River Authority. W Maag and Mayor Hanna further noted they are both members of the Healthy Rivers Plan for Change/Wai Ora He Rautaki Whakapaipai, Collaborative Stakeholders Group.

Establishment of Nga Wai o Waipa Co-Governance Forum

The purpose of this report is to request the Co-Governance Forum to:

- Formally constitute itself as a Co-Governance Forum.
- Appoint its permanent members
- Endorse and confirm the appointment of Co-Chairs and Deputy Co-Chairs and
- Adopt Terms of Reference and Standing Orders.

Nominations were called for the positions of Co Chair (two required) and Deputy Co Chair (two required)

W Maag moved/Mayor Baxter seconded

THAT the Nga Wai o Waipa Co-Governance Forum confirms Trustee Tiwha Bell and Cr Paula Southgate as the Co Chairs and Trustee Eddie Neha and Mayor Brian Hanna as the Deputy Co Chairs.

The motion was put and carried

Mayor Baxter moved/ Mayor Mylchreest seconded

- 1. That the report 'Establishment of the Nga Wai o Waipa Co-Governance Forum) be received.**
- 2. That the Nga Wai o Waipa Co- Governance Forum formally constitutes itself to give effect to the governance provisions under the Joint Management Agreement (JMA) between the Maniapoto Māori Trust Board, the Otorohanga District Council, the Waikato District Council, the Waikato Regional Council, the Waipa District Council, and the Waitomo District Council dated 3 April 2013 which was established pursuant to the Nga Wai o Maniapoto (Waipa River) Act 2012.**

3. That the Nga Wai o Waipa Co-Governance Forum confirms the following memberships from the Maniapoto Māori Trust Board, the Otorohanga District Council, the Waikato District Council, the Waikato Regional Council, the Waipa District Council and the Waitomo District Council:

Maniapoto Māori Trust Board

Trustee Tiwha Bell, Trustee John Kati, Trustee Ray Wi, Trustee Eddie Neha, Trustee Weo Maag

Otorohanga District Council

Mayor Max Baxter

Waikato District Council

Mayor Allan Sanson, Alternate: Councillor Dynes Fulton

Waikato Regional Council

Councillor Paula Southgate, Alternate Councillor Timoti Bramley

Waipa District Council

Mayor Jim Mylchreest, Alternate: Councillor Grahame Webber

Waitomo District Council

Mayor Brian Hanna, Alternate: Councillor Guy Whitaker

4. That the Nga Wai o Waipa Co-Governance Forum adopts the Terms of Reference, including Standing Orders The motion was put and carried Joint Management Agreement – Implementation Plan

The purpose of this item presented jointly by Celia Witehira (Kaiwhakarite) and Ben Ormsby (Senior Policy Analyst) was to provide the Forum with the Joint Management Agreement (JMA) Implementation Plan for the next twelve months. During the presentation and subsequent questions and answers the meeting noted or discussed:

- The Joint Management Agreement is a formal contract between Maniapoto and Local Government. This meeting provides opportunity to build on that relationship and there is no constraint on matters that may come before the forum.
- The issue was raised regarding the possibility of Waikato Regional Council receiving unaligned recommendations from authorities/entities having input into the Healthy Rivers/Wai Ora Plan Change. As an illustration it was noted that there were members at the current meeting that were also members of the Collaborative Stakeholders Group where they would be representing very different interests.
- Members noted that the Forum is an entity between Maniapoto and the five member Councils. The Collaborative Stakeholders Group would consider recommendations provided by technical staff. Staff were requested to provide “touchstones” between the two groups and inform the Healthy Rivers Team of the matters discussed.
- The view was expressed that all members of the Forum wish to progress the cleanup of the Waipa River and the Forum should be meeting twice annually in efforts to achieve this aim. Members expressed unanimity with this view and while no formal resolution was
- passed staff undertook to arrange a further meeting in the latter half of 2014.

Mayor Hanna moved/Mayor Mylchreest seconded

THAT the Report Joint Management Agreement Implementation Plan 2014/15 be received for information.

The motion was put and carried.

Waikato River Authority (WRA)

The purpose of this item was for the Forum to receive a presentation from Bob Penter (CEO Waikato River Authority). The intent of the presentation was to provide a background of WRA and outline both current activities, and future intentions. B Penter commenced the presentation by noting in a Global context, rivers of the United States have an economic value of US \$22 billion annually. Also nearly 80% of the world's population lives in areas where river waters are highly threatened. In a local context water provides great opportunities for us all. "To maximise these opportunities we need a better way to manage water in New Zealand – less confrontational, more collaborative, and more effective." (A Fresh Start for Freshwater, Land and Water Forum 2010) During the presentation and subsequent questions, answers and discussion the Forum noted or discussed:

- In December 2007 the Crown and Waikato-Tainui reached agreement on the outstanding Waikato River claim.
- Guardians Establishment Committee formed and developed the Vision and Strategy 2007/2009.
- Enabling legislation passed for Waikato River Authority in 2010.
- Nga Wai o Maniapoto (Waipa River) Act 2012.
- The WRA Vision is for a future where a healthy Waikato River sustains life and prosperous communities who, in turn, are all responsible for restoring and protecting the health and wellbeing of the Waikato River, and all it embraces for generations to come.
- The authority currently has \$172M invested and \$16M invested in clean-up projects.
- Water clarity is important for recreation. It is excellent leaving Lake Taupo and then declines substantially from thirteen metres in Taupo, to 1 to 2 metres in Hamilton, to unable to see your feet at Mercer.
- Similarly contact recreation is good in the upper catchment and poor in the lower catchment. Bacteria levels increase significantly towards the river mouth and via the Waipa River tributary. E. Coli comes from the dung of farm animals and animals living in the bush, such as pigs and goats and from birds such as ducks and swans. Municipal sources are
- a small percentage. Rural run-off is the main source of N in the lower catchment. Twenty five percent of N is thought to be naturally occurring, the rest from pasture and mostly thought to be a combination of cow urine and fertiliser.
- The Authority has two levers it can pull to influence positive change in the catchment towards achieving the vision
- Funding restoration initiatives in partnership with other organisations and landowners connected to the river, and
- High statutory status of the vision and strategy document in relation to the Regional Policy Statement, regional and district plans
- The Authority has a contestable, preference for practical projects, and does not fund projects normally funded by others.
- \$16M of funding has been awarded over three rounds to 100 large and small projects.

- There have been 16 Waipa River related projects funded over 3 years to a value of \$2M.
- Future Funding Strategy
- Strategy is reviewed annually. WRA has determined that this year it will be providing more direction to applicants.
- There will be greater emphasis on water quality and use of wetlands, projects that are collaborative and form part of wider strategic plans, Projects in the Lower Waikato and Waipa catchments.
- Collaboration is vital the WRA cannot clean up the river on its own.

Challenges

- Latency of river system
- Pool of applicants is limited
- Measuring effectiveness of funded projects.

Looking Ahead

- Move away from ad hoc funding
- Create groups of key organisations for integrated approach
- Giving effect to the Vision and Strategy via regional and district plans.

Summary

- An enormous challenge
- Look forward to working with the Nga Wai o Waipa Co-Governance Forum going forward
- Committed to realising the vision for a restored and healthy Waikato River catchment.

At the conclusion of the presentation members commended B Penter on the co-ordinated approach being taken by the Waikato River Authority in undertaking its work.

W Maag moved/Mayor Hanna seconded

THAT the presentation from Bob Penter Chief Executive, Waikato River Authority be received.

The motion was put and carried

Waipa Catchment Plan

The purpose of this item was for Waipa Zone Manager (Ross Abercrombie) to present the Waipa Catchment Plan Project.

During the presentation the Forum noted:

- The overall aim is to develop a Waipa Catchment Plan and commence its implementation.
- Key objectives – Corner stones are to:
- Better understand the catchment – in particular issues/opportunities related to land and water resources.
- Provide guidance on how the protection and restoration of the health and well being of the Waipa River could be undertaken.
- To do this in partnership with Waipa River iwi and other stakeholders/agencies

Progress to date

- Information reports in progress
- Mātauranga Māori – Maniapoto special project
- Farm planning to test models and approaches
- Overarching catchment plan – commenced Waipa Catchment Plan Conclusion
- The Waipa Catchment Plan Project changes the way WRC works with others to develop and implement catchment plans
- The Waipa Catchment Plan and future implementation will be based on robust, defensible information and become outcome focussed.
- A long term view is required to meet the aspirations of the Vision and Strategy.
- WRC is now seeking partnership opportunities in order to ensure the Waipa Catchment

Plan is well integrated/aligned and supported by partner agencies. During questions, answers subsequent to the presentation the Forum noted or discussed:

- Implementation of the plan will be the key. How will an application be made through the plan to the WRA?
- Are there any teeth that can be provided by the forum?
- Collaborative bids to provide up scaling will be a key.
- Community “buy in” is needed and the occasional project may not be able to meet all criteria.

Mayor Baxter moved/Mayor Hanna seconded

THAT the presentation from Ross Abercrombie, Waipa Zone Manager be received. The motion was put and carried

Closing Comments by Co-Chairs

Co-Chair Paula Southgate thanked everyone for their contributions, noting the meeting had been most productive and there is a long way to go. Co-Chair Eddie Neha expressed thanks to Chuck Davis for his efforts in assisting organisation of the meeting. He also expressed appreciation to all contributors and members for helping to replenish the taniwha that have assisted Maniapoto for many thousands of years

Closing Karakia

The meeting was closed with a karakia.

Meeting closed

A Loe

ENVIRONMENTAL SERVICES MANAGER

Item 70 **ROAD LEGALISATION PART ELLIS ROAD SO 445229**

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

From: **Engineering Manager**

Date: **15 April 2014**

Relevant Community Outcomes

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

Executive Summary

Council has documents requiring consent to legalising part of Ellis Road, being a length of 200m after the Kio Kio Hall. This section of road has never been constructed on the correct alignment and this survey corrects the situation.

Property owners involved are:

- RC Hutton Estate & DM Hutton
- PW Johnstone Ltd
- MJ Schumacher & TW Bustard
- CL Jackson

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

Staff Recommendation

It is recommended that:

1. The Otorohanga District Council hereby consents to the Minister of Land Information declaring:
 - a. Pursuant to Sec 114 of the Public Works Act 1981 the land described in the **First Schedule** below being declared road and vested in the Otorohanga District Council.
 - b. Pursuant to Sec 116 and 117 of the Public Works Act 1981 the land described in the **Second Schedule** below being stopped and vested in the adjoining properties by way of amalgamation with the titles listed and being subject to existing mortgages recorded on the titles.

South Auckland Land District – Otorohanga District

First Schedule - Land to be Declared Road			
<i>Area</i>	<i>Description</i>	<i>Title</i>	<i>Owners</i>
1162m ²	Section 1 SO 445229	CFR SA430/300	PW Johnstone Ltd
304m ²	Section 2 SO 445229	CFR SA24C/1265	RC & DM Hutton

Second Schedule – Road to be Stopped and Vested by Amalgamation in Adjoining Properties			
236m ²	Section 5 SO 445229	CFR 297494	CL Jackson
781m ²	Section 6 SO 445229	CFR 247493	MJ Schumacher & TW Bustard

- The Mayor and Chief Executive of Otorohanga District Council be authorised to sign and seal any documentation necessary to legalise plan SO 445229.

Report Discussion

These legal actions are to correct a long standing situations where Ellis Road has been constructed on private property in the vicinity of the corners immediately past the Kio Kio Hall.

Consultations have been undertaken with the current owners whose property the road passes over and compensation agreements obtained. Agreements have been reached with two owners on the other side of the road regards vesting of old legal road no longer required.

The details are as follows:

RC Hutton Estate & DM Hutton

Consultation with the owners has been protracted but has now been concluded with the executors of the Estate of RC Hutton and his daughter DM Hutton. The area of land to be acquired for road is 304m² from the lifestyle block of 3.04ha. The agreed compensation to be paid is \$1,000.00.

PW Johnstone Ltd

Consultation with the owners has been concluded and the compensation is based on the value of land to be acquired for road plus refund of rates paid on the land occupied by the road since the purchase of the property by PW Johnstone Ltd in 1980.

The area of land to be acquired is 1162m². The value per hectare was based on \$32,400, giving a land value of \$3,766.44 + GST. The calculation for the rates paid on this land is based on the current rates and gives a figure of \$7.00/yr for 31 years, giving \$217.00 + GST.

The agreed compensation is therefore \$3,982.36 + GST. There has been new fencing undertaken along this section of road on the Johnstone side and this has been undertaken and funded by PW Johnstone Ltd.

M J Schumacher & T W Bustard

Prior to the legal survey being undertaken there were discussions with the previous owners of this property, W B & S King, and agreement was reached regards the Kings paying Council for an area of 781 m² of old legal road to be transferred to their property. The property was then transferred to M J Schumacher and T W Bustard before the legal actions could be completed.

The area of land, 781 m², is a wet low lying area with a drain through the middle and has always been occupied by the property as the road was never constructed along the correct legal alignment.

Recent negotiations have been held with Schumacher and Bustard and they have agreed to contribute to Councils costs of survey and legal actions related to the changes to the road boundaries of Ellis road in this location ,up to a maximum of \$1000.00

CL Jackson

There is an area of old closed road that is available to be transferred to the Jackson property. The area of 236m² is low lying with a drain through it and has always been occupied by the Jackson property.

The owner has agreed to contribute to the legal and survey costs with a limit of \$500.00 to be paid.

General

As is standard practice, Council is meeting all survey and legal costs associated with the road legalisation along this section of Ellis Road. In this case two of the property owners are contributing to these costs to a limited extent in exchange for old road to be transferred to their ownership.

Dave Clibbery
ENGINEERING MANAGER

Attachments

- SO 445229



Title Plan - SO 445229

Survey Number SO 445229
Surveyor Reference Ellis Road Legalisation.nz
Surveyor Peter Thomas Cotter
Survey Firm Otorohanga District Council
Surveyor Declaration I Peter Thomas Cotter, being a licensed cadastral surveyor, certify that:
 (a) this dataset provided by me and its related survey are accurate, correct and in accordance with the Cadastral Survey Act 2002 and the Rules for Cadastral Survey 2010, and
 (b) the survey was undertaken by me or under my personal direction.
 Declared on 15 Dec 2011 02:52 PM

Survey Details

Dataset Description Section 1 - 6 SO 445229
Status Approved as to Survey
Land District South Auckland
Submitted Date 15/12/2011
Survey Class Class B
Survey Approval Date 22/12/2011
Deposit Date

Territorial Authorities

Otorohanga District

Comprised In

CT SA24C/1265
CT SA430/300

Created Parcels

Parcels	Parcel Intent	Area	CT Reference
Section 1 Survey Office Plan 445229	Legalisation	0.1162 Ha	
Section 2 Survey Office Plan 445229	Legalisation	0.0304 Ha	
Section 3 Survey Office Plan 445229	Fee Simple Title	158.6829 Ha	
Section 4 Survey Office Plan 445229	Fee Simple Title	3.0412 Ha	
Section 5 Survey Office Plan 445229	Legalisation	0.0236 Ha	
Section 6 Survey Office Plan 445229	Legalisation	0.0781 Ha	
Area A Survey Office Plan 445229	Road		
	Easement		
Total Area		161.9724 Ha	

Schedule / Memorandum
 Schedule / Memorandum

SCHEDULE OF AREAS

Land Registration District	Plan Number
South Auckland	SO 445229

Land to be Acquired for Road			
Shown	Description	Title Reference	Area
Sec 1	Pt. Puketarata No 16 Block	C.T. SA430/300	0.1162ha
Sec 2	Pt. Lot 1 DP 7950	C.T. SA24C/1265	0.0304ha

Road to be Stopped			
References			
Shown	Adjoining	Title Reference	Area
Sec 5	Lot 2 DP 373685	C.T. 297494	0.0236ha
Sec 6	Lot 1 DP 373685	C.T. 297493	0.0781ha

Schedule / Memorandum

Schedule / Memorandum

Land Registration District

South Auckland

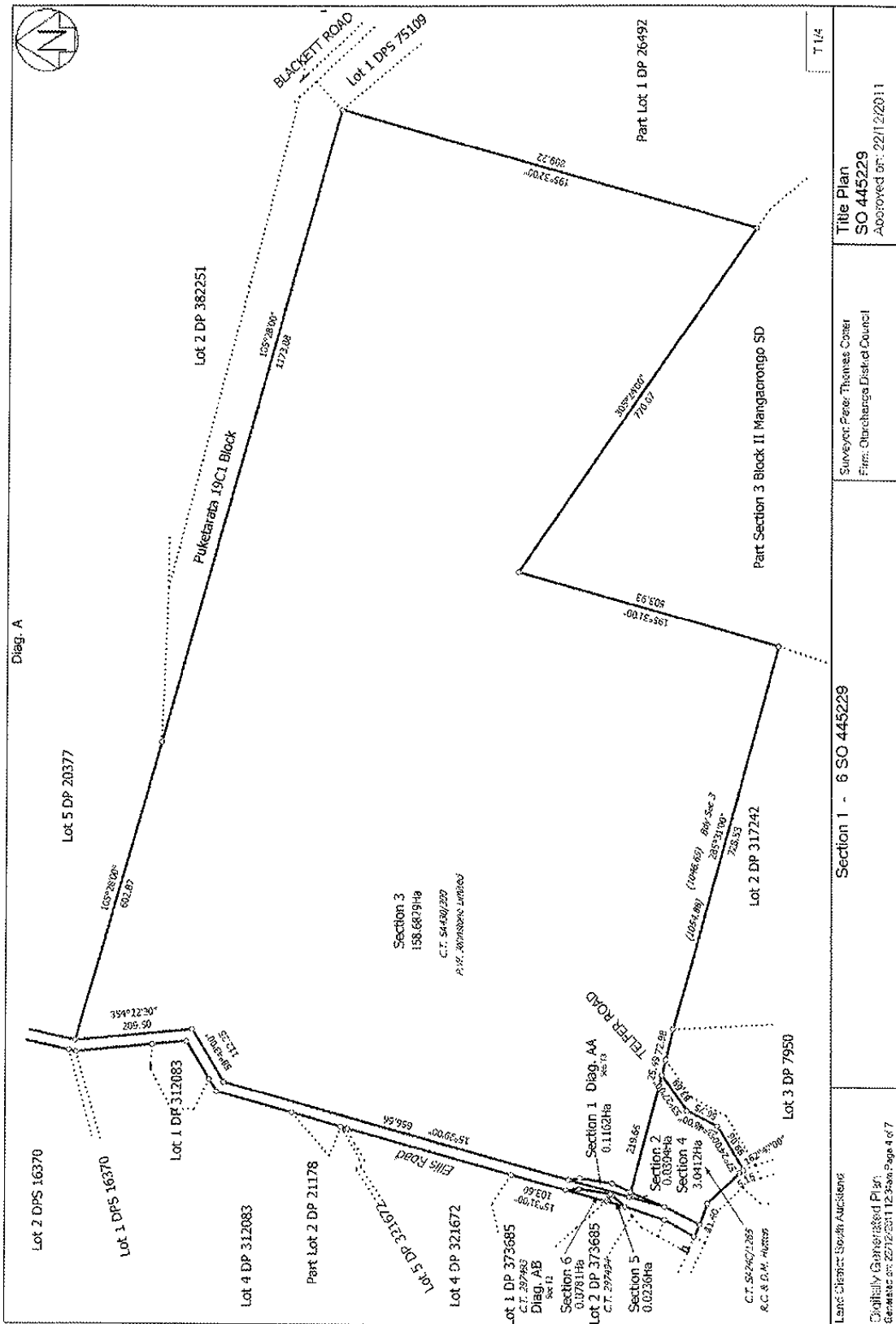
Plan Number

SO 445229

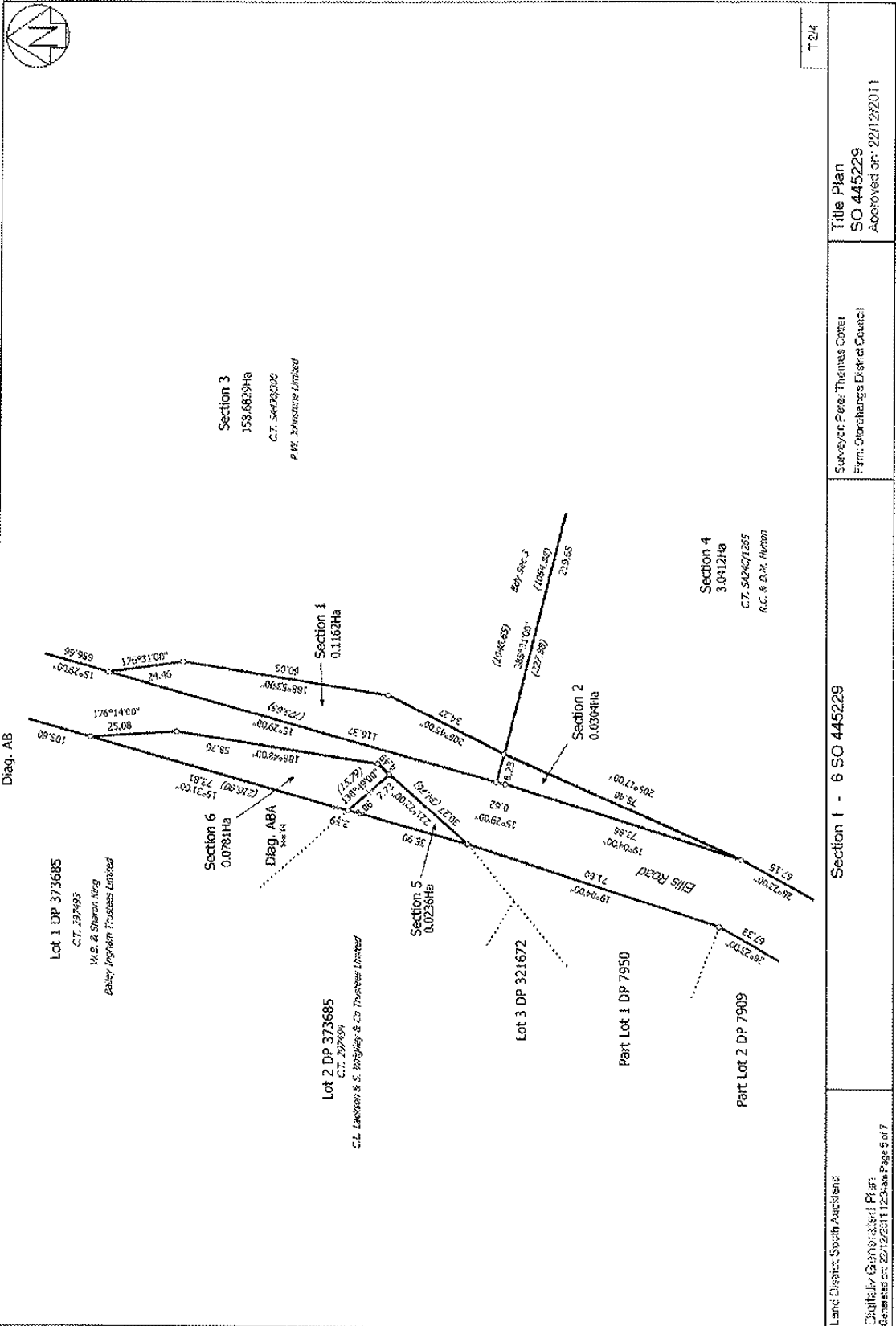
Territorial Authority (the Council)

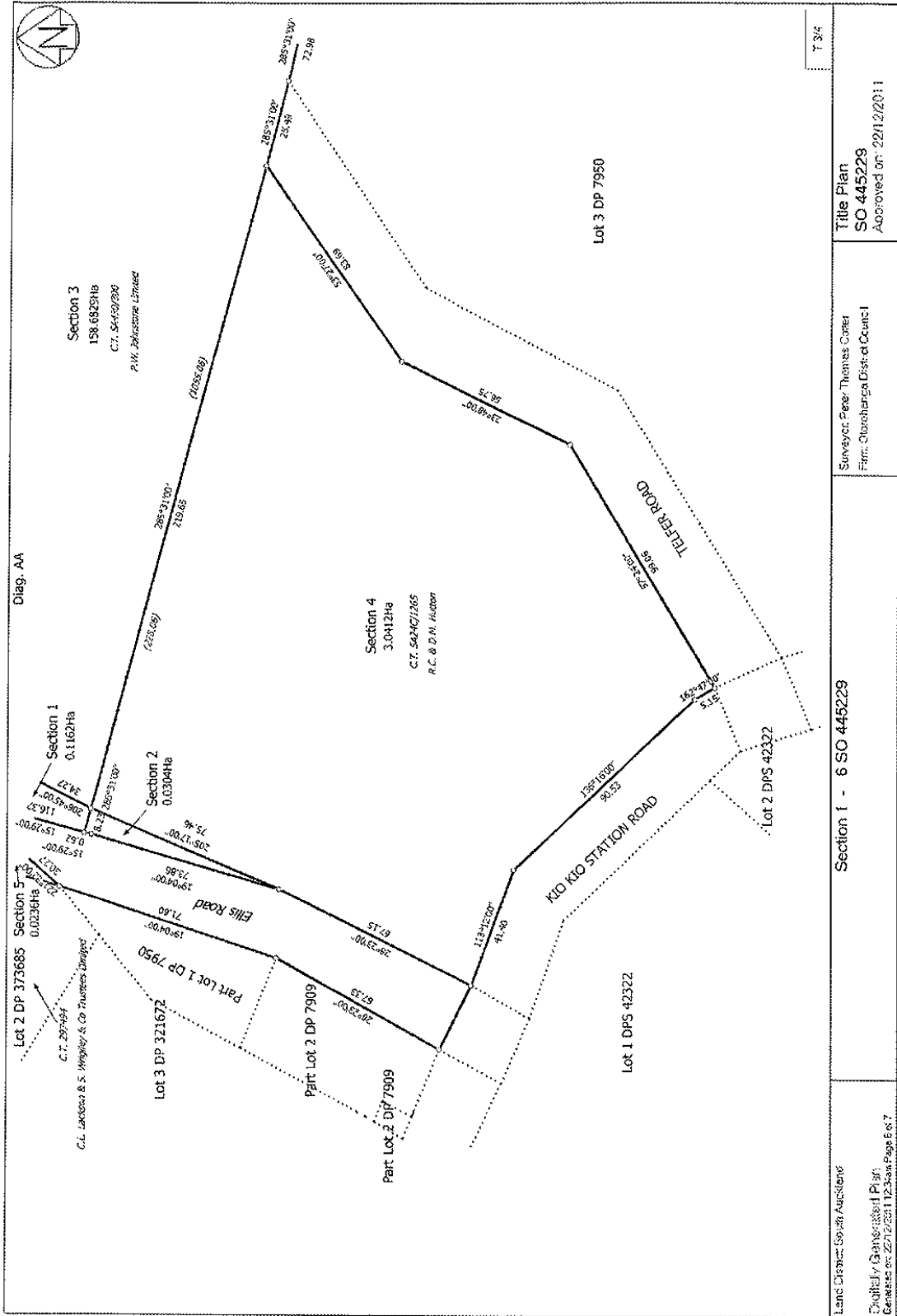
Otorohanga District Council

Schedule of Proposed Easements			
Purpose	Shown	Servient Tenement	Dominant Tenement
Right to transmit electricity and Telecommunications	A	Sec 6 SO 445229	Lot 2 D.P. 373685



<p>Section 1 - 6 SO 445229</p>	<p>Surveyor: Peter Thomas Coates Firm: Otorohanga District Council</p>	<p>Title Plan SO 445229 Approved on: 22/12/2011</p>
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Land District: South Auckland Title Plan: SO 445229 Generated on: 22/12/2011 12:34:06 Page: 6 of 7	Section 1 - 6 SO 445229	Surveyor: Peter Thomas Carter Firm: Cloughera District Council	Title Plan SO 445229 Approved on: 22/12/2011
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Item 71 **STAGE 2 OF WAIKATO SPATIAL PLAN**

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

From: **Chief Executive**

Date: **15 April 2014**

Relevant Community Outcomes

- The Otorohanga District is a safe place to live
 - Ensure services and facilities meet the needs of the Community
 - Manage the natural and physical environment in a sustainable manner
 - Foster an involved and engaged Community
 - Protect the special character of our harbours and their catchments
-

Executive Summary

The Waikato Mayoral Forum seeks approval from Council to progress to stage two of the Waikato Spatial Plan project, and to establish a Joint Committee structure to guide the development and adoption of the spatial plan.

Staff Recommendation

It is recommended that:

1. The report is received.
2. Council confirms its support the development of a draft Waikato Spatial Plan.
3. Council endorses the establishment of a Joint Committee to guide the development, adoption and implementation of the Waikato Spatial Plan, noting that the terms of reference of the Joint Committee will be presented to a future Council meeting for consideration.

Report Discussion

The background to this report is provided in the attachment produced on behalf of the Waikato Mayoral Forum.

DC Clibbery
CHIEF EXECUTIVE

Under Separate Cover - Waikato Mayoral Forum: Stage 2 of the Waikato Spatial Plan

Item 72 BEATTIE HOME COMMUNITY TRUST RATES REMISSION

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

From: Finance and Administration Manager

Date: 15 April 2014

Relevant Community Outcomes

- Ensure services and facilities meet the needs of the Community
 - Promote the local economy and opportunities for sustainable economic development
 - Foster an involved and engaged Community
-

Executive Summary

Consideration to be given to raise the percentage of Rates remitted for Beattie Community Trust under Councils Rates Remission Policy

Staff Recommendation

It is recommended that:

The Annual Rates Remission for Beattie Community Trust Inc be raised from 75% to 100% effective for the 2013/14 year.

Report Discussion






Currently, 75% of the Annual Rates levied for Beattie Community Trust Inc are being remitted under the following policy which has been adopted as part of the Long Term Plan process. Council has the discretion to remit all or part of the Annual Rates of any property that falls within the criteria of the policy.

Remission of Rates

This policy is prepared pursuant to Section 109 of the Local Government Act 2002.

Section 85 of the Local Government (Rating) Act 2002 states a Council can remit all or part of the rates if a Remission policy has been adopted and notice to the ratepayers is given.

The policy includes :

-  The objectives sought to be achieved by remission of rates ; and
-  Conditions and criteria to be met in order for rates to be remitted.
-  The policy may be amended or revoked by using the Special Consultative Procedure.
-  For the purposes of Rates Remissions Rates includes penalties payable on unpaid rates.
-  Remissions for Community, Sporting and Other Organisations

Objective

This policy is intended to facilitate the ongoing provision of non-commercial community services and recreational opportunities for the residents of Otorohanga District. The purpose of granting rates remission to an organisation is to:

- 🌱 Assist the continued existence of non-profit organisations.
- 🌱 Make membership of the organisation more accessible to the general public.

Conditions and Criteria

This part of the policy will apply to land owned by Council and/or owned and occupied by a registered charitable organisation, which is used exclusively or principally for sporting, recreation, or community purposes.

The policy does not apply to any body (including a society, associated organisation, whether incorporated or not) that is carried on for the purpose of profit or gain.

The policy does not apply to groups or organisations who engage in recreational, sporting or community services, as a secondary purposes only.

Organisations making applications should include the following documents in support of their application.

- 🌱 Statement of Objectives
- 🌱 Full financial statements
- 🌱 Information on planned activities and Programmes
- 🌱 Details of membership

All remissions made under this policy will be confirmed by Otorohanga District Council in open meeting.

Annual remissions of 50% will be applied to those societies and associations who qualify for the 50% non rateable category under Schedule 1, Part 2 of the Local Government (Rating) Act 2002.

All other community and sporting organisations fitting the criteria stated in this policy will receive due consideration for the remission of all or part of their rates.

For Reference, Schedule 1, Part 2 of the Local Government (Rating Act) defines Land 50% Non-Rateable as follows;

- 1) Land owned or used by a society incorporated under the Agricultural and Pastoral Societies Act 1908 as a showground or place of meeting.
- 2) Land owned or used by a society or association of persons (whether incorporated or not) for games or sports, except galloping races, harness races, or greyhound races.
- 3) Land owned or used by a society or association of persons (whether incorporated or not) for the purpose of any branch of the arts.

Notes:

For the purpose of this Part, unless the context otherwise requires,-
land does not include land used for the private pecuniary profit of any members of the society or association.

Land, in clause 2, excludes land in respect of which a club licence under the Sale of Liquor Act 1989 is for the time being in force.

As part of the Long Term Plan process, staff will prepare a schedule of existing rates remissions and potential rates remissions for Council to consider.

G.D Bunn
FINANCE AND ADMINISTRATION MANAGER

Item 73 APPOINTMENT OF COUNCILLORS TO VARIOUS TRUSTS

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

From: Finance and Administration Manager

Date: 15 April 2014

Relevant Community Outcomes

- Ensure services and facilities meet the needs of the Community
 - Promote the local economy and opportunities for sustainable economic development
 - Foster an involved and engaged Community
-

Executive Summary

The following report summarises the Trust Deeds for Beattie Community Trust and the North King Country Development Trust, the requirements for an appointment for a ODC Councillor to those trusts and the extent of the liability around those appointments.

Staff Recommendation

It is recommended that:

The Report be Received.

Report Discussion

After each triennial Election Council goes through a process of appointing various Elected Members to a variety of Organisations, Committees and Trusts. These include a Council appointment to the “North King Country Development Trust” and also the “Beattie Community Trust”. Council has requested further information on the extent of liability for trustees of these two trusts and any potential liability that could come back to Council.

Both Trust Deeds have been researched and the following conclusions made;

Beattie Community Trust

The Beattie Community Trust is an Incorporated Charitable Trust established in 2001 under the Charitable Trusts Act 1957.

The primary object of the trust as set out in Sec 2(b) of the their constitution is “*To provide residential accommodation of all kinds, and to provide care which shall include the provision of meals and sleeping accommodation, with or without payment, for elderly people, in particular to meet the demands of the Otorohanga District for local residential health care with the primary responsibility to elderly persons who require residential care.*”

The second part of Sec 2 (f) follows on to state “*Any income or profit made by the Trust as a result of any activities which it undertakes in the furtherance and achievement of the objects set out above, shall, without exception, be applied towards the charitable purposes set out in the objects*”

“*Limitation of Liability*” is covered in Sec 15. *The trustees shall not nor shall any of them be under any personal liability in connection with the affairs of the Board or in any way howsoever pursuant to this document nor shall any member be personally liable for any loss not contributed by his or her own dishonesty.*”

There appears to be no requirement under the constitution for a Council appointment on the board. Any Council appointee on to the Board is by way of a Council nomination, as opposed to a requirement for a Council appointee under the Trust Deed.

Sec 5 (a) states that six trustees shall be elected by the members, and at every AGM the members of the trust shall elect the Board. Two of the six trustees shall be appointed for a one year term, two for a two year term and two for a three year term.

The trustees elected and appointed shall have the power to co-opt such other person or persons from time to time to be members of the Board, but who shall not be trustees and shall not have voting rights.

North King Country Development Trust

The North King Country Development Trust is an Incorporated Charitable Trust established in 1997 under the Charitable Trusts Act 1957.

The primary object of the trust as set out in Part 4 of the Trust Deed is “*To enable the Trustees to apply the Trust Fund for or towards Charitable Purposes.*”

Liability is covered in Sec 14. “*No trustee acting or purporting to act in the execution of the trusts of this Deed shall be liable for any loss not attributable to that Trustee’s own dishonesty or to the wilful commission or omission by the Trustee of an act not known by that Trustee to be a breach of trust. In particular no Trustee shall be bound to take, or be liable for failure to take any proceedings against a co-Trustee for any breach or alleged breach of trust committed by such co-trustee.*”

Indemnity is covered in Sec 15 of the Trust Deed. “*Any Trustee, officer or employee of the trust shall be indemnified out of the assets of the Trust for and in respect of any loss or liability which such Trustee may sustain or incur by reason of the carrying out or omission of any function, duty or power of the Trustees under this Deed and also in respect of any expenses incurred by the Trustee in the management and administration of the Trust Fund unless such loss or liability is attributable to such Trustee’s dishonesty or to the wilful commission by such Trustee of an act known by the Trustee to be a breach of trust or to the wilful omission by such Trustee of any act when that omission is known by such Trustee to be a breach of trust.*”

Election of trustees is by appointment, there being no less than six and no more than eight trustees, and shall serve no more than a four year term. The original Trust Deed has the appointers as Otorohanga District Council, Waitomo District Council, Taupo District Council, Maniapoto Maori Trust Board, NZ Institute of Chartered Accountants, Waitomo Energy Services and the Hamilton District Law Society.

GD Bunn
FINANCE AND ADMINISTRATION MANAGER

Item 74 **DRAFT ANNUAL PLAN 2014/15**

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

From: **District Accountant**

Date: **15 April 2014**

Executive Summary

Council to consider adopting the Draft Annual Plan 2014/15.

Staff Recommendation

It is recommended that:

1. The Draft Annual Plan for 2014/15 be approved,
2. Submission be heard at the Council meeting to be held 17 June 2014

Report Discussion

The Draft Annual Plan sets out the services, activities and projects proposed to be undertaken during the period 1 July 2014 to 30 June 2015 and includes

- Council's Annual Plan for the 2014/15 year
- Details of the proposed 2014/15 rating levels
- Council Programme of Work for the 2014/15 year
- Rating impact of the plan and Financial Strategy
- Prospective Financial Statements

It is proposed that the Plan, if approved, will be advertised in the Waitomo News on Thursday 1 May 2014. Submissions will close on 6 June 2014 and be heard at the meeting of Council scheduled for 17 June 2014. It is proposed to adopt the Annual Plan together with the Management Plan at that meeting.

Brendan O'Callaghan
DISTRICT ACCOUNTANT

Under separate attachment – Draft Annual Plan 2014-15

Item 75 **ODC MATTERS REFERRED FROM 18 MARCH 2014**

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

From: **Governance Supervisor**

Date: **15 April 2014**

Executive Summary

1. CHIEF EXECUTIVE

18 March 2014

- i. To provide Members with copies of most recent reports relating to the Waikato Council Controlled Organisation, Local Authority Shared Services Ltd (LASS).

2. FINANCE AND ADMINISTRATION MANAGER

21 January 2014

- i. To arrange for Staff to investigate why Council appoints a Councillor/s to various Trusts e.g. Beattie Home Trust, and to clarify this by obtaining a legal opinion.

18 March 2014

- i. To advise whether it is possible for the 75% Rates Rebate applied to the Beattie Home Facility could be increased to 100%, if not, why not.

3. SERVICES MANAGER

18 March 2014

- i. To provide the criteria which classifies 'Beattie Home' as a high water user.

CA Tutty
GOVERNANCE SUPERVISOR

GENERAL
