



Otorohanga District Council

# MINUTES

15 April 2014

# OTOROHANGA DISTRICT COUNCIL

15 April 2014

Minutes of an ordinary meeting of the Otorohanga District Council held in the Council Chambers, Maniapoto St, Otorohanga on Tuesday 15 April 2014 commencing at 10.03am.

## 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, DM Pilkington (Deputy Mayor), 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) and CA Tutty (Governance Supervisor).

## **OPENING PRAYER**

Cr Phillips read the Opening Prayer.

## **ITEMS TO BE CONSIDERED IN GENERAL BUSINESS**

Cr Johnson requested Council give consideration to the appointment of four new trustees to the Otorohanga District and Community Charitable Trust Inc.

The Environmental Services Manager reported he has a supplementary report on the appointment of a Hearings Committee to decide Resource Consent application RM130057.

**Resolved** that the above two items be considered in general business which may require a resolution.

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

## **CONFIRMATION OF MINUTES – 18 MARCH 2014**

**Resolved** that the minutes of the meeting of the Otorohanga District Council held on 18 March 2014, as previously circulated, be approved as a true and correct record of that meeting.

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

## **MATTERS ARISING**

Cr Klos referred to Page 9 relating to the Community Facilities Tour, the second paragraph and requested the second sentence reading 'She expressed the opinion that some of the facilities were not up to standard' be corrected to read 'She expressed the opinion that some of the facilities were scruffy'.

## **REPORTS**

### **Item 59 OTOROHANGA COMMUNITY BOARD MINUTES - 27 MARCH 2014**

#### **Resolved**

That the minutes of the meeting of the Otorohanga Community Board held on 27 March 2014, as circulated, be received.

### **Cr Phillips / Cr Prescott**

## **MATTERS ARISING**

### **THE LINES COMPANY**

Members were advised that it was never the intention of representatives of the Lines Company to attend a public meeting, without knowing who will be chairing the meeting. Cr Williams advised that to hold such a meeting, consideration needs to be given to the safety of the Company's employees. Cr Tindle expressed the opinion that it is embarrassing for the Board that one Member should go off in their own direction. His Worship agreed however, he felt that Members

still have the opportunity for freedom of speech. Cr Pilkington reported that apparently Mr Chetty is following up on an election promise.

## **TRAFFIC ISLANDS**

Cr Phillips referred to the recently installed traffic islands in Te Kawa, Haerehuka and Hinewai Streets and queried whether the one complaint received was relevant. The Engineering Manager replied that one particular traffic island needs to be improved by changing the exit point.

Cr Pilkington referred to Page 3 of the Minutes, the matter relating to the Annual Community Garden Competition and requested the surname of Ms Katrina Christian be corrected to read 'Ms Katrina Christison'

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

### **Resolved**

That the minutes of the meeting of the Kawhia Community Board held on 28 March 2014, as circulated, be received.

**Cr Pilkington / Cr Phillips**

## **MATTERS ARISING**

Cr Pilkington referred to page 2 of the minutes in particular to the Application for temporary road closure – ANZAC Day Commemorations, the second sentence in the first paragraph and requested that the reference to Mr Dockery be corrected to read Mrs Dockery.

Cr Pilkington then referred to the item regarding the Kawhia Foreshore – Pohutukawa Tree, the third paragraph on page 5 and requested the first sentence be expanded to read 'Mrs Pilkington advised that she has no issue in relocating the rocks around the Historic Tree, as long as the roots remain protected.'

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

### **Discussion**

The District Librarian attended the meeting and presented her report for the period January to March 2014.

His Worship thanked the District Librarian for the presentation of her report and said it is very pleasing to see the Wi-Fi sessions increasing.

### **Resolved**

That the District Librarians quarterly report for the period January to March 2014 be received

**Cr Klos / Cr Johnson**

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

### **Discussion**

The Environmental Services Manager presented the Environmental Health Officer/Liquor Licensing Inspector's report for January to March 2014.

The Environmental Services Manager acknowledged the Environmental Health Officer's input into the recent Kawhia Kai Festival and reported that his service and advice was provided at no charge to the stall holders, and had been well received. He extended special thanks to the Officer, Bryan Faris.

Cr Pilkington endorsed the Environmental Services Manager's comments and advised that the Environmental Health Officer's input into the Kai Festival is invaluable and that he works well with the stall holders.

**Resolved**

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

**Cr Pilkington / Cr Prescott**

**Item 63 PLANNING REPORT FOR JANUARY TO MARCH 2014**

**Discussion**

The Environmental Services Manager summarised a report on Resource Consents granted under Delegated Authority for the period 1 January to 31 March 2014.

**APPOINTMENT OF HEARINGS COMMITTEE – RESOURCE CONSENT APPLICATION RM130057**

The Environmental Services Manager presented a report on the confirmation of the Hearings Committee to hear and decide a Resource Consent application by A and A Grigg, to build a dwelling at 58 Ocean Ridge Place, Aotea.

**Resolved**

That the Members of the Hearings Committee to hear and decide Resource Consent application RM130057, will be His Worship the Mayor and an independent Commissioner, Mr Russell De Luca, who will be Chairman for the Hearing.

**Cr Pilkington / Cr Johnson**

**Item 65 ANIMAL CONTROL OFFICERS REPORT FOR JANUARY TO MARCH 2014**

**Discussion**

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

In reply to Cr Phillips query whether a dog is required to wear a collar with the relevant tags attached when in a public place, the Environmental Services Manager replied that when a dog is in a public area, it has to be under the control of the owner and therefore requires a collar and lead.

**Resolved**

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

**Cr Tindle / Cr Phillips**

**Item 67 APPEALS AGAINST PROVISIONAL LOCAL ALCOHOL POLICY**

**Discussion**

The Environmental Services Manager presented a report summarising the appeals lodged with the Alcohol Regulatory and Licensing Authority on the Otorohanga District Provisional Local Alcohol Policy (LAP). The Environmental Services Manager informed Members that when a license comes up for renewal this will be rolled over for a one year period until such time as the new Act comes into force. He said when this license comes up for renewal again the new policy will be in place.

## **Resolved**

That the Environmental Services Manager's report be received

### **Cr Prescott / Cr Klos**

## **Item 68 MINUTES OF WAIKATO CDEM JOINT COMMITTEE MEETING**

### **Discussion**

The Environmental Services Manager referred Members to minutes of the Waikato Civil Defence and Emergency Management Group Joint Committee meeting held 3 March 2014. He said the Joint Committee has agreed for these minutes to be included in Council's agenda's for Members information

### **Resolved**

That the 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 1.00pm Monday 3 March 2014, be received.

### **Cr Tindle / Cr Pilkington**

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

### **Discussion**

The Environmental Services Manager referred Members to minutes of Nga Wai O Waipa Co-Governance Forum & Bi-annual meeting held in Te Awamutu on 7 March 2014. He said the Members of the Forum had agreed that these minutes be placed in the Council's agendas, for Members information.

Cr Johnson referred to page 20 of the minutes, the last paragraph where it was recorded that 'the view was expressed that all Members of the Forum wish to progress the cleanup of the Waipa River...' He felt that from this comment there is an assumption that the Waipa River is dirty. His Worship replied that this comment could relate to other items such as fencing, Willows etc rather than the condition of the water itself.

### **Resolved**

That the minutes of Nga Wai O Waipa Co-Governance Forum & Bi-annual meeting held in Te Awamutu on 7 March 2014 be received.

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

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

### **Discussion**

The Environmental Services Manager presented the District Building Control Officer's quarterly report on Building Consents granted. In reply to Cr Prescott regarding a staff position within the Building Department, the Environmental Services Manager replied that this will be a new position which is based more around the processing of the various applications. He said hopefully with the new staff Member, the existing staff will cope with any increase in applications.

In reply to Cr Klos, the Environmental Services Manager advised that there are hundreds of undeveloped sections within the District with a further 100 or more sections that have been approved but where the subdivisions have not yet been completed. He said there are plenty of sections available for the District's needs.

## Resolved

That the District Building Control Officers report for the quarterly period 1 January to 31 March 2014 be received

### Cr Prescott / Cr Johnson

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

##### Discussion

The Engineering Manager presented a report informing Members that Council has documents requiring consent to legalising part of Ellis Road, being a length of 200m after the Kio Kio Hall. He said this section of road has never been constructed on the correct alignment and this survey corrects the situation.

In reply to Cr Phillips regarding when the road alignment was carried out, the Engineering Manager replied this would be at least 20 years ago. Cr Phillips queried why so long. The Engineering Manager advised that at the time, Council was eager to carry out physical works however, the legalisation of these works was never completed. The Engineering Manager advised that currently approximately two thirds of the back log including many of the more complex cases have been addressed.

##### Resolved

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**

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

<b>Second Schedule – Road to be Stopped and Vested by Amalgamation in Adjoining Properties</b>			
<i>Area</i>	<i>Description</i>	<i>Title</i>	<i>Owners</i>
236m <sup>2</sup>	Section 5 SO 445229	CFR 297494	CL Jackson
781m <sup>2</sup>	Section 6 SO 445229	CFR 247493	MJ Schumacher & TW Bustard

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

### Cr Phillips / Cr Tindle

**Item 71****STAGE 2 OF WAIKATO SPATIAL PLAN****Discussion**

The Chief Executive referred Members to a separate document outlining Stage 2 of the Waikato Spatial Plan. He said the Waikato Mayoral Forum is seeking approval from Council to progress to Stage 2 of the Waikato Spatial Plan Project, and to establish a Joint Committee structure to guide the development and adoption of the Spatial Plan.

The Chief Executive reported that the Mayoral Forum work programme consists of 6 work streams designed to get the best out of the regional economy and to identify opportunities for more efficient and effective service delivery to rate payers. He said the work streams that make up this programme include –

- Governance
- Planning
- Bylaws and Policies
- Economic Development
- Roothing
- Waters

In reply to a query regarding the level of delegation given to each of the Council representatives, the Chief Executive replied that this has not as yet been defined however, the next stage of the process will be quite challenging for Council as this will be much more specific.

In reply the Cr Klos regarding the type of issues the spatial plan will cover the Chief Executive replied that this Council has in place a District Plan which will need to be taken in account however, he felt there is merit in working together on transport issues. He said that the matter of regional landuse planning could be quite contentious. The Chief Executive advised that in his view, he felt there will be some great challenges for Council. He reported that Thames-Coromandel District Council is not part of the Spatial Plan. Cr Pilkington queried the cost involved to carry out all this work. The Chief Executive advised that each Council as a whole will provide feedback following which engagement will be required with the whole Community. He said the feedback from each Council representative may be quite different however, this will tell Council what is politically achievable. Cr Klos said she would like to see some scenarios on what the benefits will be in Council being party to this plan. The Chief Executive replied that there is approximately 640 separate policies which will require reviewing etc, therefore there will be a cost saving should the number of policies be reduced. The Chief Executive reported that more will be gained out of Central Government via one voice from the region. Cr Klos raised the matter of the two separate sectors of the District being rural and urban.

Cr Tindle queried where the point of no return is should Council wish to opt out of the plan. The Chief Executive replied that there is a number of points where Council could step out of the process. He said the Mayoral Forum has no Authority, it is only a discussion group.

**Resolved**

That –

1. The report be received
2. Council confirms its support for the development of the 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

**Cr Prescott / Cr Johnson**

**Item 64                    HARVEST CENTRE CHARITABLE TRUST PRESENTATION – YOUTH CONNECTION PROGRAMME**

**Discussion**

Mr Peter Coventry on behalf of the Harvest Centre Charitable Trust attended the meeting and made a presentation on the Otorohanga Youth Programmes. He thanked Council for the opportunity to make this presentation.

His Worship thanked Mr Coventry for his comprehensive presentation which he said will give new Councillors an understanding of the Otorohanga Youth Programmes as overseen by the Harvest Centre Charitable Trust.

**Resolved**

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

**Cr Prescott / Cr Johnson**

**Item 72                    BEATTIE HOME COMMUNITY TRUST RATES REMISSION**

**Discussion**

The Finance and Administration Manager presented a report requesting consideration be given to raise the percentage of rates remitted for Beattie Community Trust under Council's Rates Remission Policy. He said the properties under the current policy should be reviewed. His Worship queried whether Council should be looking at other organisations to be included under the policy. Cr Pilkington reminded Members that through the Estimates process, Council should be considering the whole situation of rate remissions.

The Finance and Administration Manager advised that under the Rating Act, an applicant must be the owner of the property or registered as a ten year lease on the title. In reply to Cr Tindle the Finance and Administration Manager advised that an application for a rate remission will require the applicant's financial statements etc. He said these are not generally presented to Council. Cr Phillips expressed the opinion he was not in favour of a total 100% remission as the applicant should really contribute a certain percentage themselves. Cr Johnson informed Members that the Beattie Home is a Community facility which is attempting to balance its books. His Worship suggested that the matter be discussed further in a workshop situation.

**Resolved**

That the Finance and Administration Manager's report be received

**Cr Phillips / Cr Tindle**

**Item 73                    APPOINTMENT OF COUNCILLORS TO VARIOUS TRUSTS**

**Discussion**

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

Cr Klos expressed her personal opinion that she felt it is unwise for a Councillor to represent Council on the various Trusts.

## **Resolved**

That the Finance and Administration Manager's report be received

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

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

### **Discussion**

The District Accountant attended the meeting and asked Members whether they had any questions/queries relating to the Draft Annual Plan 2014/15.

Cr Klos referred to Council's Fees and Charges and sought re-assurance that Council is introducing charges which relate to the costs incurred and not just picking figures out of the air. The Chief Executive replied that the real costs of some activities vary from year to year. He said however, he is confident that the fees are in the right order and in line with income projections in the Annual Plan.

The Finance and Administration Manager referred to the Building Consent fees and advised that these are often affected by the number of Consents issued.

Cr Pilkington referred to a breakdown in the back of the document and asked whether property owners can go online to calculate what their rates may be in the future. The District Accountant replied that at the present time they are unable to do this online but can phone the office. Cr Pilkington suggested that when this capability is online that it be highlighted in Councils six monthly newsletter.

## **Resolved**

That –

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

### **Cr Phillips / Cr Klos**

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

### **Discussion**

The Governance Supervisor took Members through the Matters Referred.

### **WAIKATO COUNCIL CONTROLLED ORGANISATION, LOCAL AUTHORITY SHARED SERVICES LTD (LASS)**

The Chief Executive confirmed that he provided Members via email with copies of the most recent reports relating to the Waikato Council Controlled Organisation, Local Authority Shared Services Limited.

### **BEATTIE HOME – HIGH WATER USER**

The Engineering Manager referred to Councils Water Services Bylaw and reported that under this Bylaw, Beattie Home may not be eligible for extraordinary water use charges. He said Beattie Home is a non-commercial residential facility and is much the same as Councils pensioner units, which are not metered. He understood that the Housing for the Elderly complexes are treated as one user. It was agreed that this item be placed on matters referred to consider with the rate remission policy.

## **GENERAL**

### **OTOROHANGA DISTRICT AND COMMUNITY CHARITABLE TRUST INC**

Cr Johnson as Chairman of the Trust sought approval from Council to appoint four new Trustees to the Trust. He said currently the Trust requires a quorum of five trustees however, due to the current number of Trustees, the latter should be increased. Cr Johnson informed Members of the proposed four new Trustees and their supporting information.

Cr Johnson reported that it is intended to hold a special meeting of the Trust at 4.00pm on 5 May 2014. He said the purpose of the meeting is to review the Trustees. Cr Johnson then explained how the Trust arose and reported that from the interest it receives on its investments it distributes half to the District and reinvests the remaining half. He said last year \$5,000 was made available to NZ Fire Services towards the purchase of a response vehicle. Cr Johnson advised that the Trustees are nominated by the Trust and appointed by Council. Cr Tindle queried how an opportunity would arise for a Member of the public to be nominated and/or place an objection to a nominated Trustee. Cr Williams queried what mechanism is in place for any Member of the public to get on to the Trust. Cr Johnson replied that anyone can apply just by writing a letter to him. Cr Klos advised that as Members of an Incorporated Society the power is with its Members. Cr Tindle expressed the opinion that it makes it difficult for Council to approve appointments as there does not appear to be a process in place.

The Chief Executive suggested that the Trust revise its Trust Deed and confirm a process for the appointment of Trustees. Cr Pilkington advised that it is a District Charitable Trust and should have representation on behalf of the District. His Worship agreed, as there appears to be some reservation around the table in respect of the process for nomination and appointment of a Trustee, that this matter be taken back to the Trust for further consideration. Cr Tindle queried whether Council should be making the decision to appoint Trustees however, Council is involved now and should continue to be involved or alternatively the Trust becomes its own identity. Cr Klos suggested that the Trust take advice as to the way ahead. Cr Pilkington suggested as one of the current Trustees is a solicitor, that she provides some clarification on the process.

The Chief Executive referred to the setting up of the Otorohanga District Development Board and advised that the Trust could be cut free of Council and the appointment of its own Members should be transparent. He said consideration should be given to reviewing the Trust Deed in respect to the appointment of Trustees and the freeing from Council the appointment of Trustees. He said however, Council will still provide an administration function to the Trust.

### **Resolved**

That the verbal report from Cr Johnson as to the election of Trustees to the Otorohanga District and Community Charitable Trust, be received.

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

### **LUNCHEON ADJOURNMENT**

Council adjourned for luncheon at 12.45pm and resumed at 1.15pm.

### **MAIHIIHI FUN RUN**

Cr Phillips reported he has moved address and that he attended the Maihihi Fun Run which he said was a very good event and encouraged Members to take part next year.

### **WATER FILTER – RURAL WATER SUPPLY**

Cr Klos reported approval had been given to purchase a new water filter within Council's Rural Water Supply Area however, instead the sand was replaced and provided the desired results. She said this action could have been taken some 6 months earlier.

## **ROAD RESERVE**

Cr Klos queried Council's stand on whether property owners can plant on Road Reserve. The Engineering Manager replied that it was not desirable for trees to be planted on Road Reserve however, should property owners wish to carry out planting on Road Reserve then they will be required to maintain their own frontage. Cr Phillips highlighted the fact that Pussy Willow is growing on Road Reserve on a section of Mangatutu Road.

## **LANDSCAPE PLAN**

The Environmental Services Manager informed Members that the Judge has told Council it cannot include areas in the Policy that were not previously notified in the Proposed District Plan Decisions Version. He said a debrief on this situation will be provided to Councillors in the near future.

## **ENTRANCEWAYS**

Cr Klos queried whether there is a process in place should changes be made to an entranceway into a property. The Engineering Manager replied that Council does try to control new entranceways or new activities off an existing entranceway.

## **STORM DAMAGE**

Cr Williams reported that following a storm last Wednesday evening, top soil was washed off a property onto the road. She said she used the website to highlight the problem. She said this created quite a dangerous situation and queried who is responsible to remedy it. The Engineering Manager replied Council's Roading Crew will deal with such matters in order to make the road safe.

## **MEMBERS INTEREST FORMS**

The Finance and Administration Manager advised that he is still waiting for 3 Councillors to return their completed Members Interest forms.

## **WI-FI NETWORK DEVELOPMENT**

The Finance and Administration Manager informed Members that Otorohanga has won a National Competition to place a 1000<sup>th</sup> Wi-Fi Hot spot point in Otorohanga. He said a request has been received as to where this should be located. This will be referred to the Otorohanga Community Board.

## **MEETING CLOSED**

The meeting concluded at 1.50pm

**MAYOR:**

**DATE: 20 May 2014**