



Otorohanga District Council

AGENDA

20 May 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

20 May 2014

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 20 May 2014 commencing at 10.00am.

13 May 2014

DC Clibbery
CHIEF
EXECUTIVE

AGENDA

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PRESENT

IN ATTENDANCE

APOLOGIES

OPENING PRAYER

ITEMS TO BE CONSIDERED IN GENERAL BUSINESS

CONFIRMATION OF MINUTES – 15 APRIL 2014

REPORTS

Item 76 DRAFT MANAGEMENT ACCOUNTS TO 31 MARCH 2014

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

From: District Accountant

Date: 20 May 2014

Relevant Community Outcomes

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

Executive Summary

The Draft Management Accounts for the year ended 31 March 2014 are attached under separate cover.

Staff Recommendation

It is recommended that:

The Draft Management Accounts for the year ended 31 March 2014 be received.

Brendan O'Callaghan
DISTRICT ACCOUNTANT

Attachments

Draft Management Account to 31 March 2014 under separate cover

Item 77 **GOVERNANCE STATEMENT 2014**

To: **Otorohanga District Council**

From: **Finance and Administration Manager**

Date: **20 May 2014**

Relevant Community Outcomes

- Foster an involved and engaged Community
-

Executive Summary

A Local Authority is required to prepare a Governance Statement and make this publically available following the triennial general election of members.

Staff Recommendation

It is recommended that:

The Governance Statement be made publicly available after incorporating any changes recommended by Council.

Report Discussion

- 1) Under Section 40 of the Local Government Act 2002, Council is required to prepare and make publicly available, following the triennial general election of members, a local governance statement that includes information on –
 - a) The functions, responsibilities, and activities of the local authority; and
 - b) Any local legislation that confers powers on the local authority; and
 - i) The bylaws of the local authority, including for each bylaw, its title, a general description of it, when it was made, and if applicable, the date of its last review; and
 - c) The electoral system and the opportunity to change it; and
 - d) Representation arrangements, including the option of establishing Maori wards or constituencies, and the opportunity to change them; and
 - e) Members' roles and conduct (with specific reference to the applicable statutory requirements and code of conduct); and
 - f) Governance structure and processes, membership, and delegations; and
 - g) Meeting processes (with specific reference to the applicable provisions of the Local Government Official Information and Meetings Act 1987 and standing orders); and
 - h) Consultation policies; and
 - i) Policies for liaising with, and memoranda or agreements with, Maori; and
 - j) The management structure and the relationship between management and elected members; and
 - k) Equal employment opportunities policy; and
 - l) Key approved planning and policy documents and the process for their development and review; and
 - m) Systems for public access to it and its elected members; and

- n) Process for requests for official information.
- 2) A local authority must comply with subsection (1) within 6 months after each triennial general election of members of the local authority.
- 3) A local authority must update its governance statement as it considers appropriate.

The Governance Statement is attached under separate cover for Council to review and make changes as it considers appropriate.

GD Bunn
FINANCE AND ADMINISTRATION MANAGER

Attachments

Governance Statement under separate cover

Item 78 ROUTINE ENGINEERING REPORT

**To: Mayor and Councillors
 Otorohanga District Council**

From: Engineering Manager

Date: 20 May 2014

Relevant Community Outcomes

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

Executive Summary

This is a routine report on engineering matters for the period February 2014 to April 2014.

Staff Recommendation

It is recommended that:

The report be received.

SECTION 1: ROAD MAINTENANCE

Contract 963 Road Maintenance 2012 – 2014

Inframax Construction

Additional and larger road signs have been installed at the Te Kawa / Ouruwhero Road intersection.

The slippery corner at the water reservoir on Ouruwhero Road has also been upgraded with a 160m length of excess bitumen being milled off the road surface, then the whole section re-laid with asphalt.

Several unsealed roads have been badly affected by corrugations during the summer, the only way to remove them is to cut them out completely with a grader but during long dry spells this can destroy the hard pavement. Once the roads are moist again following rain, they will be graded and rolled to remove all defects. A circuit of grading and rolling is programmed to be completed prior to the onset of winter.

A roadside mowing round using three tractors is currently being undertaken, cutting back vegetation that is above the normal three or four cut mow. This vegetation once wet tends to hang over the mowed areas obscuring vision and also looks unsightly. Following a discussion with the Contractor a trial was completed on Harbour road, which proved successful, we therefore decided to undertake a full round. The first tractor will cut the higher material then the other two machines carry out a normal three or four cut, which also mulches the material from the first cut. What has been completed looks very good, and will improve vision and sight distances, it will also improve the drying of pavements during good weather, leading to a safer road environment.

With winter almost upon us, drainage and culvert inlets and outlets are being improved on several roads. This involves walking a digger along the road and clearing cut outs drains and

culvert drainage in general. Inframax have three crews undertaking this project with work starting in Ranginui, Mangati and Wairehi roads.

Hauturu slip is still causing us some grief, it is still moving slowly requiring a clean-up every week or two, it is being constantly monitored by ourselves and the Contractor. Some shaping and compaction of the loose material in the slip face is planned before winter, to prevent this material from becoming water logged and mobile.

In the last week of April we had another spate of attacks on signage around the Bayley / Lethbridge road area, with sign posts either being cut off or ripped out of the ground.

Contract 981 Pavement Marking

(Roadrunner Markers)

Apart from a few yellow no parking lines and a repaint of the blue disabled parking zones all marking has been completed for the current year.

Contract 920 Street lighting

(The Lines Company)

This contract has been running with no problems, the new Contract 982 has been written and is currently out to tender.

North Power are currently working in the district replacing poles for The Lines Company.

Contract 994 2nd Coats & Reseals

Shared Services (Waitomo)

(Higgins Construction)

All physical works in this contract are completed, a drive over inspection of all sites in the District is to be undertaken to check all work is completed for final sign off.

Contract 980 Bulk Metalling (2012 – 2015)

(Inframax Construction)

Work on this contract is planned to be completed before the end of June.

Contract 973 Area Wide Pavement Treatment

(Inframax Construction)

Work began on this contract in the last week of January, involving seven sites to be treated. One site has been completed on each of Honikiwi, Ngaroma, Maihihi and Waitomo Valley Roads, with three sites still to finish, two on Otewa Road and one on Honikiwi Road. Work has progressed well on all sites to date, with very good end results, and it is expected that the outstanding works will be completed by the end of May.

Contract 1000 - Footpath Construction & Maintenance

This contract was tendered, but only one price was received, which was considered to be excessively high.

With none of the contract works being considered very urgent, a decision was made to combine the works proposed under this contract with similar works to be undertaken in the next financial year, and to tender the combined contract in the spring.

SECTION 2: CONSTRUCTION PROJECTS

Contract 990 Otorohanga West Stop Banks (Holden Earthmoving Ltd)

The contract is to top up levels of stop banks to original design levels when constructed in 1960.

The works have now been completed and very satisfactory results have been achieved in respect of the works and associated Resource Consent compliance.

Contract 999 Te Kanawa / Lawrence St & Te Kawa St Intersections & Stormwater works

The contract includes a 90 metre extension of a 300mm storm water line, associated sumps and manholes along Lawrence Street to aid drainage from adjacent properties, improvement of footpath and addition of traffic islands at Te Kawa St to improve intersection safety.

The works have now been completed with satisfactory results.

A minor extension of the footpath is to be made at the intersection of Te Kawa and Haerehuka Streets to improve the directness of pedestrian movement through the new traffic island.

Contract 995 Wharepuhunga Road Improvements

This contract is to conduct pavement renewals and improvements to an approximately 2km long section of Wharepuhunga Road from the intersection with SH3.

The completion of the work has been delayed until the 2014/15 year, but consultation with affected landowners has been recently conducted.

Contract 1008 Te Kanawa St Stormwater Improvement

This is a contract to pipe a short (19 metre) length of a large capacity storm water drain (currently open) which runs through the centre of a private residential property at 16 Te Kanawa Street, Otorohanga.

Tenders have been received for the contract, but following discussion by the Otorohanga Community Board a decision has been made not to proceed with the project, as it was considered that the project did not meet the criteria for full Council funding of the works.

Contract 821 Wahanui Crescent Upgrade

This contract is to conduct improvements to the Council and Otorohanga Timber Company entrances and surrounding areas, including adjacent kerb and channel and stormwater systems. This work will further develop the area as the 'transport hub' of the community.

Three tenders were received as follows:

Base Civil	\$85,989.30
Fulton Hogan	\$109,503.76
Inframax Construction	\$109,594.46

The contract was awarded to Base Civil and site works are expected to commence on 19 May.

Underpasses

Coull Farms have installed an underpass on Haurua Road following the purchase of the Martin property.

Lease of Land Under Road documents have been drawn up for underpasses on Ouruwhero Road, Awatane Road, Haurua Road and McRae Road.

SECTION 3: WATER SERVICES

Kawhia Water Supply

The supply of potable water to Kawhia has again been uneventful over the last three months.

The contract for the new UV filters and one micron filter along with associate telemetry which was awarded to UGL is on programme for completion by the end of May. Continuity of supply has been maintained with a couple of planned shut-downs being carried out in relatively short windows which placed no stress on the reservoir storage capacities.

Arohena Water Supply

There have been no major issues with any of the Arohena scheme plants with continuity of supply and water quality acceptable during this period. Low flow levels came close to critical on the Taupaki scheme however supply was maintained and thankfully the drought has broken.

There are ongoing challenges with the Taupaki sand filter operation, options have been explored and it was thought that to fix this a permanent solution would require the replacement of the filter vessel. The water services team have however, managed to remove and repair the exiting filter and replace the sand. The sand filter appears to be functioning well.

The replacement of the Huirimu dugout cover and liner is planned for the next financial year. Chlorine levels in the scheme will then be re-measured and need for a chlorine analyser will be revisited.

Tihiroa Water Supply

The work done in the last quarter of 2013 on the Tihiroa Plant and careful monitoring has resulted in the plant running to an acceptable level since. It is likely that the sand filter will again cause problems in approximately three months' time and options are currently being explored with the Scheme Committee to refurbish or possibly replace the sand filter. A report by consultant David Voss has been completed and Council is awaiting a decision from the Committee on their preferred course of action.

There is also the need for significant work on the electrical switchboard; two quotes have been requested from John Deere Electrical and JLE Electrical. These are expected to be delivered in the week ending 16 May 2014. Estimated cost is \$45 000.

The construction of the new PACI bund outside the building has been completed and the new storage tank has been ordered and delivery is expected on the 15th of May. The water services team will then install the new tank and remove the two smaller tanks currently located within the plant building.

There has been preliminary discussion with Nova Energy Ltd regarding potential synergies between the Tihiroa supply and the water needs of a proposed gas fired power station in the Tihiroa area.

Otorohanga and Waipa Water Supplies

The Otorohanga water treatment plant is running well. All pumps are performing as required and there are no known significant issues with any of the reticulation pipework. There have been a number of leaks in the pipework fittings due to age on both the Otorohanga and Waipa reticulation lines which have been repaired and this trend is likely to continue. The incidence and observation of leaks may have been exacerbated by the recent very dry weather and associated ground movement.

The low lifts pumps will no longer be replaced in this financial year, as once detailed investigation took place it became apparent that the cost of replacing "like for like" pumps would necessitate reconstruction of the intake structure which alone would cost \$45 800, thus making the exercise far more expensive than budgeted. An investigation and subsequent report was completed by consultant Cliff Boyt which identified the most cost effective solution with an acceptable risk profile as the use of self-priming submersible pumps located on the river bank at the level of the current intake structure platform.

The working parts of the lime hopper have been replaced along with an associated telemetry upgrade which means the pH level of the treated water can be controlled accurately. The old parts were simply worn out and beyond their useful life span.

Storm water Pump Stations

No issues have arisen with the pump stations during this period of low rain fall.

The Mair Street pump station electrical board upgrade has been awarded to Kiwi Control Systems for \$55 615 with works scheduled to commence 12 May 2014.

Otorohanga Waste Water

The waste water plant is functioning well, the additional bottom fed aeration system has achieved a significant reduction in the Ammoniacal Nitrogen and Total Nitrogen levels at the point of discharge. These were consistently outside resource consent levels and are now comfortably inside them.

The consent value for Ammoniacal Nitrogen is 15 g/m³. In September 2013 this level was 25, in March this had dropped to 11.7 and in April further reduced to 10.0.

For Total Nitrogen the consent value is 30 gm/m³. In September 2013 this level was 31, in March this had dropped to 14.9 and in April further reduced to 13.9, again an excellent result.

Problems were encountered with a length of sewer line running along Kakamutu Street which required jetting. This has resolved the problem to the satisfaction of the local residents.

SECTION 4: PARKS AND FACILITIES

Parks and Reserves

Parks and reserves are being well maintained, ANZAC day celebrations went off without a hitch in both Otorohanga and Kawhia. Some in-ground lighting in Memorial Park requires replacing and the brick paving has become uneven and would benefit from being re-laid.

Memorial Swimming Pool

Water quality is well within the required parameters and patronage levels were good over the summer period when the outdoor pool was open. Feedback has been positive and new hand driers and fans have been fitted to the changing rooms.

Kawhia

All the Kawhia parks and facilities are being maintained to a good standard, as is the cemetery. There have been no further significant issues with horses damaging parks and the Kaora Track and black poplars which were damaging the slopes and in danger of toppling over the track have been cut down

The work on the stone seawall which needed repairing / replacing has been completed.

The six new groynes and new retaining wall next to the boat ramp at the end of Kawhia Street will be completed by the end of June 2014.

The roof has been replaced on the Kawhia Museum and the painting of the parapet is complete.

Repairs and strengthening of the Kawhia Wharf is to be carried out in late May / early June. Details of the form of these works are currently being finalised after New Zealand Steel indicated that it did not support protective spray treatments to the concrete, and instead favoured use of the available funding to conduct further minor concrete repairs on the seaward end of the wharf.

Summary

The last three months have been pleasingly uneventful for the Water Services and Parks teams. Greater emphasis is being placed on preventative maintenance and future proofing and whilst this is in its early stages favourable results are beginning to be seen.

SECTION 5: REFUSE AND RECYCLING

Services are generally operating well, though one of the contractors specialist collection trucks was off the road for an extended period, requiring more intensive use of the other available collection vehicles, which resulted in kerbside collections in Otorohanga occurring much later in the day than normal.

There have been some reports of overflowing litter bins, but these reports have been irregular and the contractor has been extremely efficient in promptly responding to these reports and emptying the bins.

A number of refuse bins in Otorohanga have been upgraded, and two additional bins are being installed, near the Harvest Centre and at the Bob Horsfall Reserve.

The newly commissioned rural recycling centre at Maihihi appears to be operating well, and there has been an expression of community support for the proposed establishment of a further rural recycling centre at that location.

SECTION 6: OTHER MATTERS

Delivery of Technical Services

A decreased extent of construction projects has created a need to reappraise the way in which certain technical works, including survey and design, are undertaken.

For many years nearly all such works have been undertaken by Council staff, with negligible use of external consultants.

The reduced workload does however now makes it difficult to justify having specialist technical positions such as a surveyor. It had been previously agreed that there would be exploration and trials of using external service providers for this work, and the recent death of Council's Surveyor, Gerry Ford, will accelerate this.

Whilst it is intended to explore the potential for greater use of consultants, there are no expectations that Council's use of consultants will become as extensive as at some other local authorities, as it is still believed that delivery of some technical functions in-house is advantageous.

High Speed Internet Services

The work by Chorus Ltd to enable provision of high speed internet services to businesses on Progress Drive, Huiputea Drive and the southern part of Main North Road has now been completed.

The cost of \$51,600 is to be evenly shared by the Otorohanga Community Board and the Otorohanga District Development Board.

It has been suggested that a letter should be provided to businesses in that area making them aware of the availability of the service and encouraging them to connect to it.

Preparation for Long Term Plan

Staff are currently working on revision of the roading and water services asset management plans in preparation for next year's long term plan. Though it is not yet law, the currently proposed amendment of the Local Government Act will see the required duration of Council's 'planning window' for core infrastructure extend from the current 10 years to 30 years.

Another important input into the LTP will be the results of the Desired Level of Service Survey, which is also currently being prepared.

Telecom Wireless 'Hotspot'

Earlier this year Telecom invited its customers to nominate locations for its 1000th 'free WiFi Hotspot' where there is free access to internet in public places for the following persons:

- Telecom Pay Monthly or Prepaid Value Pack customers
- Gen-i mobile plan customers
- Anybody with a New Zealand or Australian mobile capable of receiving SMS messages will get 1 week free access, followed by an offer of charged access at \$9.95 for each 30 days.

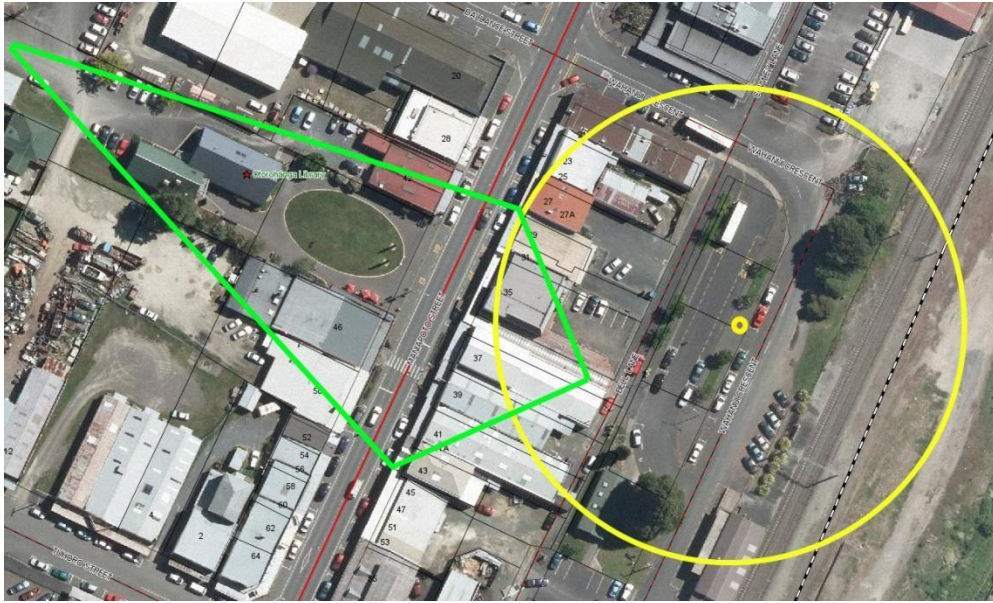
There were a number of nominations and the successful nomination was from James Robertson, whose suggestion was '*anywhere in Otorohanga – the Kiwiana Capital of New Zealand and the world*'.

Council has subsequently been informed of Telecom's decision to put this Hotspot in Otorohanga, and has asked Council to decide where in the community the Hotspot should be located. The WiFi service provided by a Hotspot is typically available within a radius of 60metres to 80 metres from the Hotspot.

There has been discussion with the Otorohanga Community Board as to where the Hotspot should be located and it has been agreed that a position at the centre of the Wahanui Crescent 'transport hub' area is most suitable.

The position of the Hotspot and the expected area of service coverage is shown in the figure below.

The diamond shape represents the approximate extent of the free WiFi service currently provided by the Otorohanga Library. The two areas together will provide extensive WiFi availability in the community areas most frequented by visitors.



Dave Clibbery
ENGINEERING MANAGER

Item 79 **WAIKATO SPATIAL PLAN**

To: **Mayor and Councillors**
Otorohanga District Council

From: **Chief Executive**

Date: **20 May 2014**

Relevant Community Outcomes

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

Executive Summary

The Waikato Mayoral Forum seek further approvals of Council to progress development of the Waikato Spatial Plan, and has provided the content of this report, the purpose of which is to :

1. Seek Council approval to establish the Waikato Spatial Plan Joint Committee to guide development and consultation of the Waikato Spatial Plan, and recommendation of the Spatial Plan to Councils for adoption.
2. Enable Council to nominate a representative to sit on the Spatial Plan Joint Committee

Staff Recommendation

It is recommended that:

Pursuant to clause 30 of Schedule 7 of the Local Government Act 2002, Otorohanga District Council resolves:

- (a) To adopt the attached Terms of Reference for the Waikato Spatial Plan Joint Committee;
- (b) To appoint Councillor [*insert Councillor's name*] as the Council member of the Waikato Spatial Plan Joint Committee.
- (c) To appoint Councillor [*insert Councillor's name*] as the alternate Council member of the Waikato Spatial Plan Joint Committee.

Report Discussion

Council confirmed its commitment to progress with a Waikato Spatial Plan on 15 April 2014.

The development, adoption and implementation of a spatial plan will require a governance structure representative of the Waikato region that can hear submissions and make decisions. The Mayoral Forum have received advice from Helen Atkins (Partner, Atkins, Holm, Majurey), who concludes that the most effective mechanism to aid in the preparation/development of the Spatial Plan is a joint committee of all the Councils' of the region.

The Mayoral Forum has identified the formation of a joint committee as the most appropriate mechanism for developing and adopting a Waikato Spatial Plan.

Terms of Reference

A terms of reference for the Joint Committee has been approved by the Mayoral Forum and is recommended to Councils for adoption. Features of the terms of reference include:

1. A membership representative of each participating local authority and strategic partner agencies in the Waikato
2. A specific set of delegations that ensure ongoing Council involvement in the Spatial Plan process.

Joint Committee Membership

Membership of the joint committee comprises a total of 15 members drawn from participating local authorities (10 members) and strategic partners (5 members). The strategic partners will be confirmed by the Joint Committee, and may include central government representation and Iwi.

Other features of the joint committee membership are:

- Observer status for Rotorua and Thames Coromandel District
- An independent chairperson to be nominated from amongst the non-local government members.
- Term of membership for local government members will be fixed to the triennial election process
- Term of membership for non-local government members will follow a rolling review process.

Whilst the membership may change through the life of the Joint Committee, the Committee itself will survive the triennial election process.

Councils are responsible for nominating a Council member for the Joint Committee. The attributes that might be considered on who to nominate for the Joint Committee will include a balance of knowledge and expertise across the whole of the Joint Committee in the following areas:

- knowledge and expertise in strategic planning, economic development, town and country planning, environmental management;
- knowledge of and expertise in relevant end-user/stakeholder industries, organisations and businesses that will influence implementation of the Spatial Plan.
- knowledge and expertise in the areas of public policy, public administration, and legal; and
- knowledge and expertise in Te Reo, Tikanga, Mātauranga;
- account to be taken of iwi, geographical representation; and gender balance

These same attributes will be applied to selection of the 5 non-local government members of the Joint Committee.

Delegations to the Joint Committee

The delegations enable the joint committee to drive the Spatial Plan project to deliver the desired outputs, but at key stages there is a report back for approval to the member Councils prior to the next stage proceeding.

Formal reporting back to each Council will take place in the following manner:

1. Community engagement strategy reported to Council for information
2. Form and content of the draft Spatial Plan and the process for community engagement to be reported for Council approval
3. Recommendation of the Spatial Plan back to Council for adoption following a special consultative procedure.

It is envisaged that the communications plan will enable Councils involvement throughout the project through a variety of formal and informal information exchanges. This may include:

- Workshopping important policy proposals with Council staff
- Minutes of the Waikato Spatial Plan Joint Committee being included on Council agendas for information
- Presentations to Council at key milestone points

The combination of information exchange and formal approval being sought at key milestone points will ensure that each Council has ongoing involvement in the project, its key findings and policy priorities.

Conclusion

The Spatial Plan will be an important document for the Waikato, as it will enable the region to speak with a collective voice on those matters identified as high priority strengths, opportunities and challenges in stage one of the project.

The Joint Committee will provide a robust governance structure for the Spatial Plan project, and provide a mechanism through which a special consultative procedure can be undertaken with the regional community.

Membership and delegations provided in the terms of reference enable Council to have confidence that the Waikato Spatial Plan Joint Committee will provide positive representation for the Waikato on the Spatial Plan project.

Dave Clibbery
CHIEF EXECUTIVE

Attachments

Terms of Reference for the Waikato Spatial Plan Joint Committee

Draft Terms of Reference for the Waikato Spatial Plan Joint Committee

Recommended by the Waikato Mayoral Forum, 28th April, 2014.

DRAFT

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DRAFT

1) Objectives of the Waikato Spatial Plan Joint Committee

This is a Committee established to govern, lead and resource the development and recommendation to adopt the Waikato Spatial Plan ("WSP") to Councils within the Waikato region.

The primary objective of the WSP itself is "to contribute to the Waikato's social, economic, environmental and cultural well-being through a comprehensive and effective long-term (30 year) strategy for Waikato's growth and development."

2) Specific Responsibilities of the Waikato Spatial Plan Joint Committee

Subject to the delegations set out in clause 6 below, the Committee's responsibilities include:

- a) To oversee the ongoing selection and recommendation of five (5) non-Local Government Members for appointment to the WSP Joint Committee.
- b) Stage 1 of the development of the WSP (common evidence base within the region) has already been completed.
- c) On behalf of all the Councils of the Waikato Region to take responsibility for overall guidance on and further development of the WRSP including the following stages, noting that Stage 1 is complete:
 - i. WSP : Stage 2 – Fill knowledge and research gaps
 - ii. WSP : Stage 3 – Community engagement on key issues
 - iii. WSP : Stage 4 – Plan formation and engagement
 - iv. WSP : Stage 5 – Special Consultative process, including hearings
 - v. WSP : Stage 6 – Consideration and adoption.
- d) For the avoidance of doubt the Committee does not have any specific role or responsibility in relation to the practical and detailed implementation of the WRSP. This is a matter that will be determined by the Councils at the appropriate time.

3) Membership

3.1 Quantum of Members

The membership will be 15 persons in total, made up and appointed by the Committee (from time to time), as follows:

Ten Local Government Members

One member nominated by each of the following constituent Local Authorities within the Region – namely Waikato Regional Council, Hamilton City Council, Hauraki District Council, Matamata-Piako District Council, Otorohanga District Council, South Waikato District Council, Taupo District Council, Waikato District Council, Waipa District Council, and Waitomo District Council.

The Local Government Members may be replaced from time to time by the respective Local Authorities providing written notice to the Committee confirming the amended nomination.

Five Non-Local Government Members

Five non-Local Government Members, recommended by the ten Local Government Members, appointed on the basis of skills, experience, standing and networks in the regional community relevant to the goals of the WSP.

At least one of the five non-Local Government Members must be a suitable person to represent the interests of Māori.

Local Government Members as Invited Observers

The two Local Authorities without specific membership are Thames-Coromandel District Council and Rotorua District Council. These Councils can nominate one member as invited observers at the discretion of the Joint Committee and subject to any limitations that the Joint Committee consider appropriate.

3.2 Chairperson

Appointment of the Chairperson and deputy to be determined by the full Committee when all 15 members have been appointed.

The Chairperson must be one of the five non-Local Government members.

3.3 Quorum

Must include the Chairperson or deputy Chairperson of the Committee and at least 50% of the remaining membership.

3.4 Alternates

Each of the Councils is entitled to appoint an alternate member who may attend and vote at meetings of the Committee, but only in the event that the nominated and appointed member is unable to do so.

3.5 Remuneration

Each Council shall be responsible for remunerating its representative on the Committee for the cost of that person's participation in the Committee.

The remuneration of the non-Local Government Members will be determined and approved by the Councils, following consideration of any recommendation by the Committee.

3.6 Term of Appointment

The initial ten Local Government Members shall be appointed for terms that expire on the date of each Local Government triennial election.

The subsequent Local Government Members shall be appointed in accordance with the process set out above as soon as possible after each Local Government triennial election, and for a term that expires on the date of the next Local Government triennial election.

The initial five non-Local Government Members shall be appointed for terms that expire on the date of the Local Government triennial election in 2016. Each of the initial five non-Local Government Members shall, subject to the following clauses, be eligible for re-appointment at the beginning of the Triennium following the 2016 elections:

- a) On 30 January 2017, and on each succeeding 30 January one of the five non-Local Government Members shall retire from office.
- b) The non-Local Government Members to retire in any year shall be the member who has been longest in office since the last appointment, but as between members who became or were appointed as members on the same day, the order in which members shall retire shall (unless they otherwise agree among themselves) be decided by lot.

4) Operating Principles

4.1 The Councils have agreed that they will not act independently of the Committee, so that any Joint Committee recommendations that the Council(s) are not prepared to accept will be referred back to the Committee for further consideration.

4.2 Local Authority Shared Services Ltd (LASS) will be the administering body for the Joint Committee.

5) Standing Orders

The Model Standing Orders are adopted.

6) Delegations

The Councils delegate to the Committee the following functions and powers to enable the Committee to achieve the specific responsibilities:

6.1 Membership

- a) To oversee the ongoing selection and recommendation of five (5) non-Local Government Members for appointment to the WSP Joint Committee.

6.2 WSP : Stage 2

- a) Management and oversight of the completion of Stage 2.

6.3 WSP : Stage 3

- a) Formulation of the community engagement strategy including the determining of the key issues;
- b) A recommendation on the community engagement strategy and key issues to be reported back to the Councils for information prior to Stage 4.

6.4 WSP : Stage 4

- a) Management and oversight of the development of a draft WSP and the process for further community engagement.
- b) A recommendation on the form and content of the draft WSP and the process for further community engagement to be reported back to the Councils for approval prior to Stage 5.

6.5 WSP : Stage 5

- a) Formulation, management and the oversight of the running of the special consultative process.

6.6 WSP : Stage 6

- a) Receiving and considering the recommendation from those hearing submissions on the draft WSP ("hearings panel");
- b) Making a recommendation on the hearings panel recommendation to the Councils.
- c) In the local authority sector, only the Councils can adopt the WSP.

7) Duration of the Committee

In accordance with clause 30(7) of Schedule 7 of the Local Government Act 2002, the Waikato Spatial Plan Joint Committee is not deemed to be discharged following each triennial election.

Item 80 **REWAREWA RECREATION RESERVE**

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

From: **Chief Executive**

Date: **20 May 2014**

Relevant Community Outcomes

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

Executive Summary

Contention has once again arisen in respect of the small (1.212 Ha) and remote Rewarewa Recreation Reserve, on Barber Road.

In this instance the validity of the Mandatory Rules provided for the operation of the Reserve Management Group is being challenged.

Staff Recommendation

It is recommended that:

The report be received.

Report Discussion

There has been a recent history of dispute in respect of the small Rewarewa Reserve on Barber Road. For new Councillors a summary of these issues can be found in the report 'Rewarewa Reserve' presented to Council on 17 September 2013, which will be provided separately.

The outcome of the discussion of this report was a resolution as follows (in italics):

1. *Council adopts the following stance in respect of the management of the Rewarewa Reserve:*
 - a. *Decisions in respect of reserve management are to be made by a clear majority of Management Group ('Committee') members.*
 - b. *Some enhancement of Committee meeting procedures is required to improve the clarity of decisions, including circulation of meeting agenda, voting on formal resolutions, confirmation of minutes and periodic election of Committee members.*
 - c. *Council's consideration of the validity of Committee decisions will be based only on whether proper process was followed and a majority of Committee members were in favour. Council has no interest in what the decisions are, so long as they do not require funding from Council, or expose Council to significant liability. Council does not care if a decision undoes something done previously, so long as there is no associated cost or liability for Council.*
 - d. *Council will not invest anything in discretionary 'improvements' or changes to the reserve that could potentially be undone in the future by changing membership of the Committee.*
 - e. *Council will not support the opposing views of a minority on the committee.*

- f. *Implementation of a set of Mandatory Rules for the function of the Committee that incorporates points a, b and e above subject to the amendments agreed by Council.*

2. *Previously Council approved works (removal of structures) are to proceed*

A draft copy of the Mandatory Rules that I proposed is presented as the first attachment to this report.

In the course of their discussion Council did however agree that some changes should be made to the 'Membership and Election' section of the proposed rules, in particular that the election of members should be by Barber Road residents, rather than ratepayers, and that elections should be at 3 year rather than 6 year intervals.

These agreed changes were incorporated into the final revised 'Mandatory Rules' a copy of which is also attached to this report, and these revised rules were provided to members of the Management Group.

It has however recently been brought to the attention of the Mayor that whilst there was a general reference to changes to the proposed Mandatory Rules in the resolution of Council (with the words '*subject to the amendments agreed by Council*' being added to part 1f of the proposed resolution) the specific details of these agreed amendments were not recorded in the minutes of the meeting.

Whilst there is reference in the minutes to the discussion of the ratepayer or resident electors and election interval issues, the finally agreed positions of Council in respect of these issues are not recorded.

Parties associated with Rewarewa are therefore challenging the validity of the changes to the 'Mandatory Rules' relative to the document that accompanied the report of 17 September.

Whilst this challenge of the 'Mandatory Rules' is clearly only an attempt to reopen the debate about Rewarewa in the hope that a change of councillors may enable a more favourable outcome for particular parties, it needs to be addressed to provide some closure.

My view is that despite the fact that it was not stated in the minutes, there is no question that there was general agreement amongst Councillors on the two specific changes that were to be made to the Mandatory Rules, as reflected in the revised document.

In respect of changing the electors from ratepayers to residents on the electoral roll my view was that it would be very difficult to dispute the justification for this in terms of democracy, as this is the general way in which elections are conducted, and in this case, where there is not going to be any significant rates input into associated activities, to exclude non rate paying residents from decision making would seem to be inappropriate.

That said it was my preference, as reflected in my initial proposal, that the election was amongst ratepayers as this seemed a pragmatic way of avoiding a potentially undesirable imbalance of influence between the few individuals who were actively interested in the management of the reserve. Despite this view (which I continue to hold) it was clear to me that the 'democratic' argument in favour of resident rather than ratepayer electors would be difficult to reasonably oppose.

In respect of the period between elections it was my view that having a longer period would be helpful in reducing the tensions that have existed in respect of the reserve.

The agreed shorter 3 year election period does however mean that a new election will be required in the relatively near future, since the Management Group was established on 30 November 2011, and hence the first term of this group will end on 29 November 2014.

This impending election date, and the potential for the decision on resident electors to shape the outcome of it, is almost certainly the motivation for the current challenge.

Further Actions

I do not intend to present a range of options in respect of how Council might respond to this latest resurrection of issues regarding Rewarewa, or to recommend any particular course of action. This matter has already consumed an amount of staff time that is completely disproportionate to its significance.

One option would however be for Council to resolve as follows (in italics):

'Council confirms that the revised Mandatory Rules for the Rewarewa Management Group, as previously provided to members of that Group, and as attached to this report, shall be applicable.'

To make such a resolution does not appear to be unreasonable, since nothing fundamental has changed in respect of the issues at Rewarewa since Council made decisions at its meeting of 17 September.

It is however recognised that a significant change of Council membership has occurred since the previous decisions were made and that there could therefore be reluctance to confirm these decisions without discussion.

All Councillors, and particularly new Councillors, should however be aware that despite previous extended deliberation, Council has never been able to identify a solution to issues at Rewarewa that is to the satisfaction of all parties, and should not expect that further deliberation will have greater success, as there are deep philosophical differences between these parties.

Dave Clibbery
CHIEF EXECUTIVE

Attachments

- a. Proposed Mandatory Rules for Rewarewa Reserve Management Group, as attached to the report of 17 September 2013.
- b. Revised 'final' Mandatory Rules for Rewarewa Reserve Management Group

DRAFT PROPOSED MANDATORY RULES FOR REWAREWA RESERVE MANAGEMENT GROUP (as presented to ODC meeting of 17 September 2013)

NAME

The name of the organisation shall be the “Rewarewa Reserve Management Group”, (hereinafter termed ‘the Group’)

MANDATORY RULES

The rules listed here are those required by Council for the functioning of the group. The group may adopt such other rules as it sees fit, provided that those additional rules do not nullify the effect of the Mandatory Rules

RELATIONSHIP WITH COUNCIL

The Group is an independent body that has been established at the request of Otorohanga District Council (‘Council’) to provide the local (Rewarewa) community with the ability of make decisions in respect of the Rewarewa Recreation Reserve, minimising the involvement of Council in such issues.

Whilst it is desirable that such decisions are mutually agreeable to all elements of the local community, experience suggests that this may not be achievable, and Council therefore seeks that the decisions made will at least reflect the desires of the majority of that community.

Where mutual agreement cannot be reached amongst Group members on particular matters, the majority view of the group will prevail. Council will not arbitrate or mediate on such matters, and will not listen to opposing views of a minority.

GROUP ROLE

The role of the group shall be to: -

1. Establish a long-term strategy for managing the Rewarewa Reserve. This is to be reflected by Council in a Reserve Management Plan.
2. Agree, arrange and undertake minor works on the reserve for which no Council funding is required.
3. Consult with Council in respect of works that are to be carried out on the Reserve that are proposed to be funded by Council, and (where Council has agreed to fund such works) manage those works in accordance with the specification and cost that has been approved by Council.

GROUP COORDINATOR

The group shall appoint one of its members to coordinate the meetings of the Group and to act as a point of contact with Council.

MEMBERSHIP AND ELECTION

Membership of the Group will be five persons, elected by the ratepayers of properties on Barber Road. Group members need not live or own property on Barber Road. A election process for all group members will be routinely conducted at 6 year intervals.

RESIGNATION

Any member of the Group may withdraw or resign from the Group on giving twenty-eight (28) days notice in writing to the Group Coordinator and Council. The resultant vacancy will be filled through an election process as described above.

CONVENING MEETINGS

There is no requirement by Council for regular meetings of the Group. Meetings shall be convened as required to address issues as they arise. Requests for meetings shall be directed to the Group Coordinator, who will endeavour to determine whether members see the need for such a meeting, and if so, a suitable time and place for a meeting.

NOTIFICATION OF MEETINGS

The Group Coordinator shall give at least 28 days notice to all members, in writing, of a proposed meeting, including an agenda that identifies the proposed topics of discussion, unless there is clear unanimous agreement of all members to forgo such notice requirements for a particular meeting.

VOTING

Voting shall be conducted on any decisions made at a meeting in respect of the reserve. At any Group meeting each member shall have one vote each. Every vote shall be on the voices or a show of hands.

A minimum of three votes supporting a particular motion is required for a decision to be made.

MEETING MINUTES

Minutes shall be taken at any meeting of the Group where decision making occurs. Such minutes shall record the motions (and any amendments to them) on which voting was conducted, a summary of the associated discussion of the matter, and the results of voting. If the minutes are confirmed a copy shall be provided to Council.

CONFIRMATION OF MINUTES

A draft copy of the minutes of any Group meetings at which decision making occurred shall be provided to all of the group members for their comment and/or approval within 14 days of the meeting.

Where possible the minutes of a meeting shall be confirmed at a subsequent meeting of the Group. Where this is not practical a copy of 'revised' minutes, that incorporates or reflects any comments made by other group members in response to the draft, shall be provided to all group members and Council within 30 days of the meeting.

GIVING EFFECT TO DECISIONS

No actions shall be taken in respect of any decisions made at the meeting until after these 'revised' minutes have been circulated.

Decisions made that would require funding or work from Council need to be approved by Council before any actions associated with these decisions is taken.

Decisions that do not require funding or work from council can be given effect by the group immediately after the circulation of the 'revised' minutes.

FINAL MANDATORY RULES FOR REWAREWA RESERVE MANAGEMENT GROUP (Revised, based on agreement at ODC meeting of 17 September 2013)

NAME

The name of the organisation shall be the “Rewarewa Reserve Management Group”, (hereinafter termed ‘the Group’)

MANDATORY RULES

The rules listed here are those required by Council for the functioning of the Group. The Group may adopt such other rules as it sees fit, provided that those additional rules do not nullify the effect of the Mandatory Rules

RELATIONSHIP WITH COUNCIL

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GIVING EFFECT TO DECISIONS

No actions shall be taken in respect of any decisions made at the meeting until after these 'revised' minutes have been circulated.

Decisions made that would require funding or work from Council need to be approved by Council before any actions associated with these decisions is taken.

Decisions that do not require funding or work from council can be given effect by the Group immediately after the circulation of the 'revised' minutes.

Item 81 **ODC MATTERS REFERRED FROM 15 APRIL 2014**

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

From: **Governance Supervisor**

Date: **20 May 2014**

Executive Summary

1. SERVICES MANAGER

15 April 2014

- i. To provide relevant information to enable Council to consider in a workshop, the matter of Beattie Home/Housing for the Elderly Complexes being eligible to be charged as extraordinary water users.

CA Tutty
GOVERNANCE SUPERVISOR

GENERAL