



Otorohanga District Council

MINUTES

21 April 2015

OTOROHANGA DISTRICT COUNCIL

21 April 2015

Minutes of an ordinary meeting of the Otorohanga District Council held in the Council Chambers, Maniapoto St, Otorohanga on Tuesday 21 April 2015 commencing at 10.04am.

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), GD Bunn (Finance & Administration Manager), AR Loe (Environmental Services Manager), RH Brady (Engineering Manager) and CA Tutty (Governance Supervisor).

OPENING PRAYER

Cr Pilkington read the Opening Prayer.

STAFFING MATTER

The Chief Executive re-introduced Council's new Engineering Manager, Mr Roger Brady.

The Engineering Manager then introduced Council's new Services Manager, Mr David McKinley. He informed Members that Mr McKinley had recently returned from Australia and holds Town Planning and Civil Engineering qualifications. He has also had 10 years experience in Local Government. His Worship extended a warm welcome to Mr McKinley and hoped he enjoyed his stay with Council.

ITEMS TO BE CONSIDERED IN GENERAL BUSINESS

The Chief Executive advised that a revised report has been prepared on a Variation to Contract 1005 – Kawhia, Aotea and Oparau Mowing.

Resolved that the Community Facilities Officers report on Variation to Contract 1005 – Kawhia, Aotea and Oparau Mowing be considered in General Business which may require a resolution.

His Worship / Cr Prescott

CONFIRMATION OF MINUTES – 17 MARCH 2015

Resolved that the minutes of the meeting of the Otorohanga District Council held on 17 March 2015, as previously circulated, be approved as a true and correct record of that meeting.

Cr Johnson / Cr Prescott

MATTERS ARISING

OTOROHANGA I-SITE

Cr Pilkington reported that the Otorohanga i-Site facility employs the equivalent to two full-time employees.

VARIATION TO CONTRACT 1005 – KAWHIA, AOTEA & OPARAU MOWING

Cr Pilkington referred to her comments recorded in the minutes and advised that she required more detail on the proposal however, she did not question the benefit of mowing this area.

REPORTS

Item 189 OTOROHANGA COMMUNITY BOARD MINUTES 12 MARCH 2015

Resolved

That the minutes of the meeting of the Otorohanga Community Board held on 12 March 2015 be received.

Cr Prescott / Cr Tindle

Item 190 KAWHIA COMMUNITY BOARD MINUTES 27 MARCH 2015

Discussion

MATTERS ARISING

Cr Pilkington referred to the Kawhia Museum sign discussion wherein it was agreed that the Board approve the re-location of the sign to a position where it can be more visible. She advised that this is subject to agreement from the Kawhia Museum and Information Centre.

Cr Pilkington referred to her update of the activities of the Waikato Regional Council and said this was on behalf of the West Coast Zone not the Waikato Regional Council itself.

Resolved

That the minutes of the meeting of the Kawhia Community Board held on 27 March 2015 be received.

Cr Pilkington / Cr Tindle

Item 191 DISTRICT BUILDING CONTROL OFFICERS REPORT FOR JANUARY TO MARCH 2015

Discussion

The Environmental Services Manager presented the District Building Control Officer's report for the period January to March 2015. He reported that the BCA plays an important role in the RBW (Restricted Building Work) Scheme to administer the checking of the records of work and details provided to it by Licenced Building Practitioners. He said failure to receive a Record of Works under Section 92 (2A) does not prevent the BCA from issuing a Code Compliance Certificate, although it is noted that this could result in a request for further information from the BCA (Section 93 (4)) however, once an owner has responded, irrespective of whether the Record of Works is provided or not, the suspension period should cease and a Code Compliance Certificate can be issued.

Resolved

The District Building Control Officer's report for the period January to March 2015 be received.

His Worship / Cr Pilkington

Item 192 PLANNING REPORT FOR JANUARY TO MARCH 2015

Discussion

The Environmental Services Manager presented a report on Resource Consents granted under Delegated Authority for the period 1 January to 31 March 2015.

TE AWAMUTU REINFORCEMENT PROJECT

The Environmental Services Manager informed Members that the appeal period has now passed, but prior to construction starting there are further compliance and planning tasks to be completed. He said Waipa Networks Ltd must now lodge Outline Plans of Work with the three Councils which will include Construction Management Plans, Ecological Management Plans and Landscape Plans, all these being conditions placed on the designation. The Environmental Services Manager further advised that in addition Waipa Networks must obtain s177 RMA approvals where their new designation overlays an existing designation and complete all outstanding agreements with affected landowners. He said Waipa Networks Ltd plan to commence construction work as soon as these plans are approved.

Resolved

The Planning Report for January to March 2015 be received.

Cr Prescott / Cr Phillips

Discussion

The Environmental Services Manager presented a report advising that, following the initial review of the Bylaw in November 2014, an amendment was proposed to cover beehives located on or adjacent to rural roads. As this change was more than minor, the proposal was publically notified and submissions were invited on the amendment. Two submissions have been received with one party requesting to address Council on this matter.

Mrs Fiona O'Brien, on behalf of Beeline Apiaries, attended the meeting and spoke to her submission. Mrs O'Brien advised that bees get blamed for many stings which people receive whether these are actually by bees, wasps or other insects.

Mrs O'Brien commented on the Environmental Services Manager's report, in particular that the financial impact of the proposal is not one to their business but to the rural sector. She questioned the matter of the Bylaw being complaint driven and expressed the opinion this would open the issue up and allow the opportunity for people to complain. Mrs O'Brien reported that both the Federated Farmers and their business are in favour of the current Bylaw remaining as it is. She felt that the proposed amendment will not fit into the business model of bee keepers. Mrs O'Brien confirmed that consideration of a number of issues by the beekeeper is required prior to the siting of bee hives.

Mrs O'Brien referred to the proposed changes, clauses 6.2 and 6.3 and felt that the clauses did not marry together. She also questioned the inclusion of 'adjacent to' identified in 6.3.

The Environmental Services Manager reported that the proposal is to allow Council to deal with the issue of 'nuisance' and an attempt to put some enforcement procedure around an existing policy. He further reported that Council has no Enforcement/Monitoring officer in place therefore the only way for Council to react to such issues is from complaints received. He said it is hoped that discussion would take place to identify if the bee hives are causing the problem.

His Worship thanked Mrs O'Brien for her comprehensive submission. He said farmers can identify the difference between bees and wasps and that the proposed amendments will allow Council the opportunity to have bees moved back from the road, if required. He said the Bylaw allows Council the opportunity to act.

Cr Klos expressed concern regarding labelling bees as a 'nuisance' and felt that if they are labelled as such, this allows people to complain. Cr Phillips expressed the opinion it is laziness by bee keepers when the hives are placed close to the road. Cr Johnson felt that the matter comes down to the perception and questioned why the hives are not placed elsewhere on the property. He said Council cannot change the perception of people however, hives can be moved away. Cr Tindle said, should someone be stung by a bee/wasp and they look over and see bee hives, they will automatically assume that they have been stung by a bee from these hives.

It was agreed that the matter be considered further in the confidential section of the meeting.

Further discussion was held later in the meeting on the proposed amendment to the Keeping of Stock, Poultry and Bees Bylaw.

Resolved

That

1. The report by the Environmental Services Manager be received, and
2. The proposed amendment of the Keeping of Stock, Poultry and Bees Bylaw be confirmed to include the amendment proposed by Federated Farmers.

Cr Prescott / Cr Phillips

Item 194 DELEGATION & POLICY MANUAL 2014 REVISION

Discussion

The Environmental Services Manager referred Members to a review and update of the Delegation & Policy Manual which has been undertaken in order to reflect changes to Council staffing and the statutory requirements of the Local Government Amendment Act 2014. He asked Members if they had any questions on the report. Cr Williams said she had some concern with the wording 'greater than' and 'no limit on'. The Chief Executive replied that each Officer has a limit on what they can approve. He said it is necessary to look at each position and if this does not qualify then the matter has to go through a committee situation.

Resolved

That the Environmental Services Manager's report be received.

His Worship / Cr Klos

Item 195 HEALTH AND SAFETY REFORM BILL

Discussion

The Finance & Administration Manager summarised a report informing Members that the proposed Health & Safety Reform Bill will contain a number of changes to the existing Health & Safety Act, and these changes are likely to have an impact on this Council. The Finance & Administration Manager said the proposed Bill is not likely to become law until later this year. He advised that it has been prepared as a result of the Pike River enquiry.

The Finance & Administration Manager advised that the proposed major changes include

- Expanding the definition of primary duty holder to a 'person conducting a business or undertaking' (PCBU).
- The introduction of a *reasonably practicable* test in the assessment of a primary duty holder complying with obligations to identify and eliminate 'risks' as well as hazards.
- New due diligence obligations for directors and senior managers in business.
- A more significant focus on worker engagement in health and safety, and
- Substantially increased penalties and new enforcement tools.

The Chief Executive advised that staff do not know the exact form that the Bill will take or how this will affect Council. The purpose of the report is to inform Members of pending changes in legislation. He said it is desirable that Council has in place existing robust policies. Cr Williams queried as 'Councillors' where is the level of reporting. She said Council has a level of responsibility under this Bill. The Finance & Administration Manager reported that currently this is with the Chief Executive and Senior Management Staff however, how Councillors will fit in will depend on the particular case being considered. His Worship expressed the opinion that the responsibility currently stops at Senior Management.

The Chief Executive advised that the legislation, as it stands, elected members will be treated differently. He said the proposal to include elected members could be seen as a deterrent for future Local Authority representatives. He suggested that Council wait until the final form of the Bill is received. Cr Pilkington also queried how the reform Bill will impact on organisations such as the Otorohanga District Development Board. She said Members should be made aware of the Reforms and specific implications highlighted. Cr Tindle reported from his understanding, the reform will be very similar to the Australian model wherein the Chief Executive of a Council/Company is the person who may be jailed and the corporate fine be against the business itself. Cr Klos advised, as a Trustee of an organisation, a Trustee could be held responsible if the Trustee knowingly was aware of an issue and did not take any action to rectify it. She did not see why Council's situation would be any different.

The Chief Executive referred to work being contracted out by Council and advised that the Contractors are required to present to Council a Health & Safety Plan. He said accordingly,

Council has to satisfy itself that this plan is adequate. Cr Phillips queried, as Councillors employ the Chief Executive, then does this make them liable. Cr Tindle replied that this should definitely be dealt with by management and if someone does not take the necessary action, then they will be prosecuted. Cr Williams said there is a need to be assured that in the Chief Executive's KPI there is a culture to ensure people feel safe at work.

Resolved

That the Finance & Administration Manager's report on the Health & Safety Reform Bill be received.

Cr Phillips / Cr Klos

Item 198 RATES REMISSION POLICY, REMISSION & POSTPONEMENT OF RATES ON MAORI FREEHOLD LAND AND DEVELOPMENT & FINANCIAL CONTRIBUTION POLICY

Discussion

The Finance & Administration Manager presented a report informing Members that Council approved the draft Rates Remission Policy, Remission and Postponement of Rates on Maori Freehold land and the Development and Financial Contributions Policy and that these Policies were publicly advertised. He said no submissions have been received and they can now be adopted. The Finance & Administration Manager further advised that the Revenue & Financing Policy was also advertised but as this is also a requirement to be included in the Long Term Plan, it can be adopted then and included as part of the Consultation Document submission process as supporting information.

Resolved

That the Draft Rates Remission Policy, Remission and Postponement of Rates on Maori Freehold land and the Development and Financial Contributions Policy be adopted.

Cr Pilkington / Cr Phillips

Item 196 DRAFT LONG TERM PLAN 2015-25

Discussion

The Finance & Administration Manager referred Members to the complete Draft Long Term Plan which has been circulated. He requested that the District Accountant, who was in attendance at the meeting, summarise the key issues.

The District Accountant reported that the matter of the Fees & Charges has not been discussed recently by Council. He said building fees were increased in 2014.

In reply to Cr Pilkington regarding the Sexton fees at the Kawhia Cemetery, she was advised that this additional cost compared to Otorohanga is to allow for travel to and from Kawhia. Cr Pilkington also queried the low fee for Amusement Devices and was advised that this relates to Devices within a Amusement Park and is rarely used.

Cr Pilkington expressed the opinion that fees in respect to the Kawhia wharf and facilities should be placed for consideration by the Kawhia Community Board prior to submissions closing.

Cr Johnson referred to Public Health Fees for food premises in particular the annual fees which are graded by risk assessment. The Environmental Services Manager advised that in order to assist business owners, additional inspections may be required therefore this is a way of recouping the costs. Cr Prescott queried the term 'Offensive Trades'. Members were informed that this generally relates to waste collections, skins, hides, tannery, etc. His Worship referred to the Draft Long Term Plan and suggested that Members go through this document over the next couple of weeks. Cr Pilkington requested that the Ward map of Council needs to be updated with the combined Kawhia/Tihiroa Ward. Cr Klos said she is impressed with the detail contained within the Plan however, expressed the opinion that Council's approach to presenting the options

available is quite 'soft'. The Chief Executive replied that it is Council's intention to obtain public input by way of a consultation process rather than dictating what is to be done. The District Accountant advised that the document does indicate Council's preferred options. Cr Klos felt that this is confusing to the reader. The Finance & Administration Manager advised that the Draft Plan supports the consultation document. He acknowledged the work that the District Accountant has put into the preparation of the document. He said unlike larger Council's, this Council does not have the resources available to assist in the preparation of the document. His Worship also expressed Council's thanks to the District Accountant and acknowledged the pressure placed on staff due to this being a small Council.

Resolved

That the Draft 2015-2025 Long Term Plan be adopted.

His Worship / Cr Pilkington

Item 197 LTP CONSULTATION DOCUMENT

Discussion

The District Accountant circulated the Auditors (Deloitte) report on the Consultation Document. He said the following areas have been identified for improvement –

- Financial modelling
- Asset Management Plans
- Infrastructure Strategy Disclosure
- Accounting policy for useful lives of assets
- Controls surrounding the Levels of Service Surveys

The Finance & Administration Manager informed Members that in this Thursday's issue of the Waitomo News a public advertisement (full page, two sided) will be included providing a summary of what is included in the Consultation Document. Members were informed that the consultation period closes on Friday 29 May 2015.

Resolved

That the LTP 2015-2025 Consultation Document be adopted and be circulated for Public Consultation.

Cr Klos / Cr Phillips

Item 202 VARIATION TO CONTRACT 1005 - KAWHIA, AOTEA & OPARAU MOWING TABLED

Discussion

The Engineering Manager re-attended the meeting and presented the Community Facilities Officer's report on a request from an Oparau Community member that Council's mowing contractor could mow an area of Road Reserve at the end of the cul de sac on Rotoiti Road, Oparau.

Cr Prescott queried whether this area could be mowed by the roadside mowing contractor. The Chief Executive replied that the roadside mowing would not be regular enough for this area. Cr Pilkington felt that this area comprising a Club and Hall should be made more presentable. In reply to Cr Klos regarding comparable prices being obtained, the Engineering Manager replied that two prices were obtained which were very similar.

Resolved

That mowing a section of the road reserve opposite Oparau Hall with an area of approximately 172m² for the price of \$720 per annum be included as a variation to the Kawhia, Aotea and Oparau Mowing Contract 1005.

Cr Pilkington / Cr Prescott

MOTION TO EXCLUDE THE PUBLIC

"THAT the Otorohanga District Council, pursuant to Section 48, Local Government Official Information and Meetings Act 1987, resolves that the public be excluded from the following parts of the proceedings of this meeting.

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act or Section 6 or Section 7 or Section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public."

His Worship / Cr Pilkington

**Item 200 OBJECTION TO MENACING DOG CLASSIFICATION – RAYNA
CONFIDENTIAL**

**Item 201 OBJECTION TO MENACING DOG CLASSIFICATION – SHENZI
CONFIDENTIAL**

Item 199 SALE PROCESS FOR MAIR STREET LAND CONFIDENTIAL

GENERAL

DISTRICT LICENSING COMMISSION

Cr Johnson reported on his attendance at a recent District Licensing Commission meeting at which he obtained a template for writing a decision. He said most of the group of attendees were experienced people involved in the Sale and Supply of Alcohol laws.

BEATTIE HOME

Cr Johnson expressed the appreciation of Beattie Home for the grant Council made recently. He reported that Beattie Home has applied to Trust Waikato for a large amount of money towards the proposed extension. He said the result of the application will not be known until around September 2015. Should this be successful, he said the total funding will amount to approximately \$700,000 and that the balance will be by way of loan.

HEALTHY RIVERS

Cr Phillips reported on his attendance at a Regional Council presentation on healthy rivers held last Wednesday. He said it was a very good night and very informative. Cr Phillips reported that the Regional Council is looking for feedback and direction from the Community.

MANIAPOTO MAORI TRUST BOARD

Cr Pilkington reported on her attendance at a hui in Te Kuiti with the Maniapoto Marae Pact Trust. She said there were approximately 50 percent representation of the District Council's and that it was good to be in attendance. Cr Pilkington reported that six Crown research institutes have been engaged to maximise the Trust's ability to obtain economical benefit out of their land.

Cr Klos reported that she also attended the hui and that the Trust wished to do business with organisations/people that they know. She said they are requesting help in respect of economic development. Cr Klos said she would support Council in preparing a check list for Resource Consent applications to enable the Trust to work through the process.

Cr Williams advised she also attended the hui.

OPARAU CLUB

Cr Pilkington reported on the fundraising undertaken by the Oparau Club for the St John Ambulance and advised that over \$2500 was raised.

TRUST WAIKATO ROAD SHOW

Cr Pilkington requested that Members be advised of the date of the Trust Waikato Road Show in Otorohanga.

HAUTURU ROAD SLIP

Cr Pilkington expressed her disappointment at the time taken to make decisions regarding the Hauturu Road slip. She said Council has missed the opportunity for another year. The Chief Executive reported that there is continuing settlement of the slip however, it is desirable to take away as much debris as possible. Cr Pilkington reported that the locals have concerns around safety.

WAIKATO SPATIAL PLAN

Cr Klos referred to her attendance at a recent meeting of the Waikato Spatial Plan and said there is a need for leadership of the Committee to help the region to arrive at basic decisions for its benefit.

His Worship reported he shared the same level of frustration at the recent meeting as endured by Cr Klos. He said the Committee is struggling to arrive at a direction and the fact that the Hamilton City Council is of the opinion it can run independently from the Region is not assisting.

OTOROHANGA DISTRICT DEVELOPMENT BOARD

Cr Klos said she was delighted to attend a recent meeting of the Otorohanga District Development Board and suggested that minutes and financials of this organization should be presented to Council.

ECONOMIC DEVELOPMENT

Cr Klos said she hoped that this Council is intending to discuss economic development of the District. She said she would like to see clear economic development results for the money being contributed. His Worship advised that Cr Pilkington and himself have discussed the role of the District Development Board and that economic strategy will be the next stage of the further discussion.

ULTRA FAST BROADBAND

Cr Klos expressed the opinion that the provision of ultra fast broadband should be a Council decision. The Finance & Administration Manager advised that stage 2 will incorporate the rural part of the District.

AROHENA

Cr Klos reported there is a number of properties, such as the Arohena Hall, Church, etc which are having problems identifying their boundaries. Cr Klos queried where they should start to sort this matter out. The Chief Executive replied that this is a private landowners matter however, he undertook to obtain Council information such as boundaries and owners, to assist. Cr Pilkington expressed the opinion that this should be resolved between the affected parties.

LOCAL ALCOHOL POLICY

The Environmental Services Manager advised that Council's Provisional Local Alcohol Policy which is now under appeal shares much in common with the Waipa and Waitomo District policies. He said Harkness Henry Lawyers have been engaged to represent Council through the

appeal process, which is quite complex and there is potential for future appeals if this is not carried out correctly.

YOUTH PROGRAMMES

His Worship reported that the Harvest Centre Trust have had their Contract terminated as at 31 May 2015. He said there is \$50,000 available through the King Country Development Trust to carry out research as to where this issue is heading, in conjunction with the Waitomo District Council.

WAIKATO MAYORAL FORUM

His Worship reported on his attendance at a Mayoral Forum held yesterday. He said concern was expressed at the proposed partial closure of part of the Waikeria Prison and disappointment in the Waitomo News identifying this facility as being in the Waipa District not Otorohanga. His Worship said he has been to a meeting of the Union for Correction Officers and offered Council's support. He said it is intended to meet with the local MP and for a letter of concern to be prepared. His Worship reported that this proposed closure will have a big impact on the Otorohanga District and Te Awamutu and Kihikihi townships. He said no consultation was held at all on the proposal.

PIRONGIA SPORT & RECREATION CENTRE

The Finance & Administration Manager updated Members on the request from the Pirongia Sport & Recreation Centre for Council to introduce a uniform rate over an area of benefit, to assist with their funding. He outlined the history to the request and advised that the Waipa District Council currently collects a rate for this purpose. The Finance & Administration Manager advised that he is obtaining legal advice from Council's Solicitor regarding the request under the new Rating Act.

MEETING CLOSED

The meeting concluded at 12.53pm.

MAYOR:

DATE: