



Otorohanga District Council

AGENDA

19 May 2015

10.00am

Members of the Otorohanga District Council

Mr MM Baxter (Mayor)
Mr RM Johnson
Mrs RA Klos
Mr KM Phillips
Mrs DM Pilkington (Deputy Mayor)
Mr R Prescott
Mr PD Tindle
Mrs AJ Williams

Meeting Secretary: Mr CA Tutty (Governance Supervisor)

OTOROHANGA DISTRICT COUNCIL

19 May 2015

Notice is hereby given that an ordinary meeting of the Otorohanga District Council will be held in the Council Chambers, Maniapoto St, Otorohanga on Tuesday 19 May 2015 commencing at 10.00am.

12 May 2015

DC Clibbery
CHIEF EXECUTIVE

AGENDA

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PRESENT

IN ATTENDANCE

APOLOGIES

ITEMS TO BE CONSIDERED IN GENERAL BUSINESS

CONFIRMATION OF MINUTES – 21 APRIL 2015

REPORTS

Item 203 OTOROHANGA COMMUNITY BOARD MINUTES 23 APRIL 2015

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

From: Governance Supervisor

Date: 19 May 2015

Executive Summary

Minutes of the meeting of the Otorohanga Community Board held on 23 April 2015 as previously circulated.

Staff Recommendation

It is recommended that:

The minutes of the meeting of the Otorohanga Community Board held on 23 April 2015 be received.

CA Tutty
GOVERNANCE SUPERVISOR

Item 204 **DISTRICT LIBRARIANS QUARTERLY REPORT FOR JANUARY TO MARCH 2015**

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

From: **District Librarian**

Date: **19 May 2015**

Relevant Community Outcomes

- Ensure services and facilities meet the needs of the Community
 - Foster an involved and engaged Community
 - Recognise the importance of the Districts rural character
-

Executive Summary

During the first quarter of 2015, library staff time has been fully committed to the Kōtui migration process, culminating in “going-live” on 12 March. Our Wriggle & Rhyme sessions have recommenced for the year, and staff are looking forward to working with a newly-appointed Sport Waikato advisor. Quotations are currently being sought for re-carpeting of the library premises.

Staff Recommendation

It is recommended:

That the District Librarian’s Quarterly Report for the period January to March 2015 be received.

Report Discussion

Kōtui Implementation

We went “live” on the Kōtui shared library system on Thursday 12 March – following a two-day closure to the public, during which time Kōtui project management staff (John Truesdale and Ruth Lewis) from Christchurch made sure that all system components were operating correctly at both the Otorohanga and Kawhia Libraries. Additional staff training also took place over the two days.

A “go-live” afternoon tea was held in the Library on Wednesday 11 March. This was a low-key function, attended by the Mayor and Deputy Mayor, and Council management and IT staff. Corin Haines, the National Library’s Manager of Services to Public Libraries, made a trip to Otorohanga for the day, as did Sue Sutherland, representing the Kōtui Board.

Since the “go-live” the system has been working well, although library staff have found it necessary to liaise with the APNK/ Kōtui helpdesk over a variety of technical issues.

Members of the public have responded favourably to our new online library presence and library staff have been helping people on a one-to-one basis over any problems they have encountered.

Once day-to-day system operations have settled down, staff will investigate ways to raise awareness amongst the community about the wealth of library resources that are now easily accessible online. Small group presentations outside of the library environment may be a good approach.

At the “go-live” function, the Mayor remarked that joining Kōtui has provided Otorohanga with a 21st-century library service. I would like to thank Councillors, Council management and IT staff for their support over this project.

Wriggle & Rhyme

Weekly Wriggle & Rhyme sessions for children aged under-two years have recommenced for the year. We have some new faces participating this year, with previous regular attendees having moved on to pre-school.

A new Under 5 Fundamental Skills Advisor, Robyn Polley, has been appointed at Sport Waikato. Polley is keen to strengthen the delivery of Wriggle & Rhyme in our region and will arrange regular opportunities for staff from the Otorohanga and Waipa libraries to meet to develop and refine programme content. A refresher training morning was held in Cambridge on 18 March, which was attended by Sheila Pulham and Gaylene Cumpstone.

Library re-carpeting

Quotes are currently being sought from Murray Hunt Furnishing and Carpet Mill (in Hamilton) for the supply and installation of replacement carpet for the library area of our building.

Replacement of library carpet in occupied premises does present a logistical challenge. Carpet tiles can be laid with the use hydraulic lifting equipment to raise the shelving units while leaving the book stock in place, but regular carpet-laying would necessitate the removal of all book stock and shelving units.

Quarterly Usage Statistics

Otorohanga Library – (January to March)

	2014/15	2013/14	Notes
Physical Visits	10,752	12,706	<i>Decrease of 15%</i>
Materials Issued	9,076*	11,285	<i>*Kotui migration Decrease of 20%</i>
Digital Downloads	219	197	<i>Increase of 11%</i>
Computer Sessions (APNK)	1,671	2,163	<i>Decrease of 23%</i>
Wifi Sessions	6,607	4,924	<i>Increase of 34%</i>
Membership registrations	36	79	<i>Decrease of 54%</i>

Kawhia Library – (January to March)

	2014/15	2013/14	Notes
Materials Issued	633	572	<i>Increase of 11%</i>
Computer sessions (APNK)	72	96	<i>Decrease of 25%</i>
Wifi sessions	1,367	942	<i>Increase of 45%</i>
Membership registrations	8	8	<i>No change</i>

Library Income

	YTD Actuals	YTD Actuals 2013/14
Building Rental	0	-6
i-Site Rental	-7500	-7500
Interloans	-429.1	-309
Videos	-1095.3	-1284.5
Kawhia	-196	0
New Rental Fiction	-809.5	-739.8
Reserves	-190.2	-183.3
Sale of Books	-810.51	-843.55
Lost Books	-225.36	-310.5
Fines (Overdues)	-2255.67	-2803.28
Photocopies	-1841	-1697.3
Membership Cards	-521.41	-660.73
Internet	-1.74	-12.18
Magazines	-163.16	-185.32
Fax	-79.7	-74.5
Donations	-17	-48
	-16135.7	-16658

Sarah Osborne
DISTRICT LIBRARIAN

Item 205 MANAGEMENT ACCOUNTS FOR THE PERIOD ENDING 31 MARCH 2015

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

From: District Accountant

Date: 19 May 2015

Relevant Community Outcomes

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

Executive Summary

The Draft Management Accounts for the period ended 31 March 2015 are attached under separate cover.

Staff Recommendation

It is recommended:

That the Draft Management Accounts for the period ended 31 March 2015 be received.

Brendan O’Callaghan
DISTRICT ACCOUNTANT

Item 206 ROUTINE SERVICES REPORT FEBRUARY TO APRIL 2015

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

From: Engineering Manager

Date: 19 May 2015

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 to April 2015.

Staff Recommendation

It is recommended:

That the report be received.

Report Discussion

Contract 963 Road Maintenance 2012 – 2014 (Inframax Construction)

This Contract is progressing well and has been extended into its second to last year. We still have some unsealed roads which have been badly affected by corrugations which should be resolved as we progress around with the current Maintenance Metaling contract and scheduled grading round.

Road side mowing, we are currently in a reduced third mowing round with predominantly just the collector roads being mowed due to the grass growth slowing down. This will allow us to focus on other necessary works such as high vegetation or high shoulder removal. A high level mowing round will be undertaken from now till the end of the year.

With autumn and winter upon us, the crews are constantly inspecting and maintaining the drainage facilities both in the urban and rural areas.

Contract 981 Pavement Marking (Roadrunner Markers)

Pavement marking has continued throughout the network, the majority having been completed, post reseal and AWT marking. The total remark has continued with some issues arising which have been addressed with the contractor. Additional directional arrow markings have been added to several one lane bridges to ensure road users continue their journey on the correct side of the road after coming off the bridge. With the upcoming winter period they are soon to undertake the replacement of raised pavement markers and any outstanding fire hydrant marking that requires completing.

Contract 982 Street Lighting (The Lines Company)

We are still having some light outages in Kawhia which look to be occurring at the time of high wind events, but are working with both The Lines Co and Waipa Networks to minimise these occurrences, if not eliminating them.

All LED trial lights have now been installed and are working well. A customer survey has been sent out and the results will be summarised in the report.

Contract 994 2nd Coats & Reseals - Shared Services Waitomo (Higgins Construction)

Physical works have been completed before their scheduled completion date and within budget. We have had some damage to a building and one of the sites' road surfaces which Higgins have taken responsibility for and have repaired. Once again Higgins has delivered a great product and we would have no issues having them back to undertake this work in future.

This was the final year for the shared services contract and we are currently in the process of preparing a new tender in house for the coming two, possibly three years.

Contract 980 Bulk Metalling (2012 – 2015) (Inframax Construction)

Works have started again and are on schedule to be completed by the end of June with the next financially separate portion starting in July.

Contract 1007 AWPT (Inframax Construction)

Work has been completed for this year's separable portion to a high standard. The Contract was completed 2½ weeks after the schedule completion date but with no negative impact on the end result.

The scheduled sites for 2015/16 are Waipapa Rd, Te Kawa Rd and Lurman Rd, all of which are still awaiting confirmation of NZTA funding before these are confirmed.

Contract 1000 Footpath Construction & Maintenance (Inframax Construction)

Work started on the proposed date of 2 March. This contract is still currently ongoing due to non-performance by the Contractor. The Contractor is aware that this is unacceptable and the Engineer's Representative has made a concerted effort to remedy this (poor performance from subcontractors is the apparent issue). This contract is now moving into its final stages with construction being undertaken on Hinewai and Haerehuka Streets.

Contract 995 Wharepuhunga Road Sealed Smoothing (Inframax Construction)

All works on the above contract have been completed. By the time Council meets, a Defects Liability walkover will have been completed and the contractor released from their obligations under this contract.

Contract 997 Harbour Road Sealed Smoothing 2015/16

Waikato Regional Council requires completion of one resource consent requirement, which is in hand. This contract will go out to tender in July 2015.

Contract 1015 Harbour Road Sealed Smoothing 2019/20

Design has commenced on this project which will be complete in the 2015/16 financial year with construction scheduled during the 2019/2020 year.

Contract 1013 Hauturu Road Slip and Slump (Inframax Construction – Emergency works)

Weekly ran events have caused failure of the pavement at the slump site. Emergency works under Section 330 of the Resource Management Act have been instigated to extract metal from the river to save the road from subsidence, and the river from continued sediment discharge. A rock wall is being placed to protect the road, the stream and the public. A report has been compiled for Waikato Regional Council.

The slip site has presented a major hazard to road users in regards to sight distance and the blind corner. The slip was cleared from the carriageway to improve public safety. A detailed report is being prepared by Ross Roberts to further manage erosion on this site. Some further movement of the slip material down the slope is evident.

Contract 1012 Kawhia Foreshore Seawall (Ross Dockery)

Ross Dockery was awarded this contract for the tender price of \$41,622.00. Pole installation has been completed and works on installing the retaining timbers and geotextile continue. Once timber wall works have been completed a rock facing layer will be placed in front of the wall and a set of access steps constructed. It is expected that works will be completed by the end of June 2015, with re-contouring to increase the usable space of the adjacent reserve.

Contract 1002 Ouruwhero Road Sealed Smoothing 2015/16

Initial design has been completed on this project. Consultation with residents and landowners continue, with all completed to date, achieving extremely positive outcomes. John Harris has been consulted to assist with a design safety audit before the final design is confirmed. Progress continues on the specification for this contract, with a targeted tender date of July 2015.

Contract 1010 Ouruwhero Road Sealed Smoothing 2016/17

Initial design has been completed on this project also. As the project is due to be constructed in the 2016/17 year the design and tender documents will be completed in the 2015/16 year.

Contract 968 – Mangawhio Bridge Surface Preparation and Painting (Avalon Industrial Services Limited)

Commencement of work was held up due to the presence of asbestos under the bridge deck. During February and March work progressed well. The cold weather early-April held up work, and since then the temperatures under the bridge have dropped and work has not been able to commence until mid-morning. As at 8 May, 6m² of painting was left to do, but again weather has held up work. It is anticipated that the work will be completed the week commencing 18 May. Additional funding assistance of \$140,000, from NZTA for the cost of mitigation of the asbestos, has been confirmed.

Kawhia Boardwalk

Initial survey has been completed on this project. Design work will continue to progress with this project to be constructed during the 2015/16 financial year.

Underpasses

A Building Consent Application has been made by C McLennan on Rangiataea Road at approximately RP3140. This underpass is a result of requirements under Council's Stock Movement Bylaw.

Water Services

Kawhia Water Supply

The supply of potable water during the quarter was consistent with no major supply issues and the quality of the water continued to be acceptable.

Operating and maintenance costs are very much as budgeted so for the time being there are no plans to explore further cryptosporidium and giardia testing, with the goal of reducing the log credit requirement to 3 log.

There have been some minor leaks and one large leak occurred in the reticulation, which were dealt with quickly and efficiently by the water services team.

Arohena Water Supply

The supply of potable water during the quarter was consistent from each of the three treatment plants with no major supply issues and the quality of the water continued to be acceptable.

There have been some minor leaks occur in the reticulation which were dealt with quickly and efficiently by the water services team.

There are no known significant issues with any of the reticulation pipework.

The Huirimu dugout cover has been replaced and the contractor has not taken action to rectify the poor workmanship, which has caused excessive creasing in the cover. The cover is fully functional, the concern being limited life expectancy. The contractor has not been paid to date.

Overall costs and income year to date are within budget.

Tihiroa Water Supply

The supply and quality of potable water during the quarter was maintained.

The sand filter nozzles which were cleaned in September continue to be performing well since.

The switchboard upgrade has been successfully completed.

There are no known significant issues with any of the reticulation pipework.

There have been some minor leaks and two large leaks which occurred in the reticulation. These were dealt with quickly and efficiently by the water services team.

Overall costs and income for the year to date are within budget. \$61 000 worth of capital works, which was mainly allocated for the sand filter upgrade, will be carried forward into next year due to uncertainty about future developments which may affect the plant. A final decision on this work will be made once a clear picture is in the place with regard to these other developments.

Ranginui Water Supply

The supply of potable water during the quarter was maintained and the issues with the functionality of the water take inlet structure and low-lift pumps continue. The quality of the water continued to be acceptable.

The RWS Committee have now decided not to address the possible closing down of the scheme until the next committee meeting in January 2016. With no decision on this and a hold on capital works to improve the functionality of the intake structure, maintenance cost over-runs will continue as the water services team continue to ensure continuity of supply.

There are no known significant issues with the reticulation pipework.

As per the last report the operating expenditure has exceeded the budget. Year to date variance is an overrun of \$14,520. Capital expenditure in the shape of work to replace part of the second high lift pump is an overrun of \$6,413. Income is up by \$3,416, giving a net year to date budget overrun of \$17,517.

Otorohanga and Waipa Water Supplies

The Otorohanga water treatment plant continues to run well. All pumps have been performing as required, however the motor on one of the high lift pumps for the Otorohanga supply has ceased to function (after 38 year of service) and is currently being replaced.

There are no known significant issues with any of the reticulation pipework.

There have been a number of minor leaks in the pipework fittings due to age in both the Otorohanga and Waipa reticulation systems, and one significant leak on the Waipa line, which has been repaired by water services staff.

The replacement of the electrical switchboard by John Deere Electrical is due to start shortly. Plastering and replacement of sand in the sand filters is underway.

The replacement of the Meredith Reservoir liner and associated work to maintain the integrity of the roof, and to vermin and bird proof both the Meredith and Malcolm Reservoirs, is underway and scheduled for completion by the end of May.

Overall Waipa RWS, Otorohanga water supply and Otorohanga water treatment plant costs and income for the year to date are within budget.

Storm Water and Sewer Pump Stations

No issues have arisen with the pump stations during this period which is usually the case in the dryer months and as yet there has not been sufficient rainfall to run the pumps for testing.

Costs and income for the year to date are within budget.

Waste Water

The waste water treatment plant is functioning well and the additional bottom fed aeration system has continued to operate without problems.

February, March and April discharge test results were again excellent for most categories. The ongoing challenge with phosphorus continues, although some work will be undertaken later in the year to test a method of dealing with this. March and April results for e-coli are slightly above the consent levels. This appears to be caused by an infestation of duckweed in the wet cells, which plans are underway to deal with.

There were no significant issues with the sewer reticulation and preventative maintenance in the way of hydraulic jetting to clear key strategic sewer lines, which are forced to run at peak capacity during high rainfall events has been completed.

Overall costs and income for the year to date are within budget.

Parks and Facilities

District Parks and Reserves

The parks and reserves throughout the district are being well maintained and there were no significant issues in the quarter.

Anzac day events went off well and the RSA were very happy with the presentation and lighting of Memorial Park.

All the Kawhia parks and facilities are being maintained to a good standard.

Construction of the foreshore seawall has commenced and is scheduled for completion at the end of June.

Overall costs for the year to date are within budget.

Memorial Swimming Pool and Gym

The operations of the pool and gym have run smoothly over the last three months. Council did not receive any complaints in this quarter.

Overall costs for the year to date are within budget.

Roger Brady
ENGINEERING MANAGER

Item 207 ANIMAL CONTROL OFFICERS REPORT FOR JANUARY TO MARCH 2015

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

From: Environmental Services Manager

Date: 19 May 2015

Relevant Community Outcomes

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

Executive Summary

A report from the Environmental Services Manager on Dog and Animal Control activities in the District for the period January to March 2015.

Staff Recommendation

It is recommended that:

The Environmental Services Manager's report on Dog and Animal Control for January to March 2015 be received.

Report Discussion

	January	February	March
1. No. of Registration Notices issued	5	7	4
2. No. of Property visits for Registration Checks - Rural	24	17	15
3. No. of Property visits for Registration Checks – Urban	26	34	28
4. No. of Property visits for SOS	2	3	2
5. No. of Property visits for Two Dog Permit	2	1	1
6. No. of Complaints – Dogs Actioned	13	14	23
7. No. of Complaints – Stock Actioned	5	1	5
8. No. of Street Patrols Night – Otorohanga	5	5	5
9. No. of Street Patrols Day – Otorohanga/Kawhia	11	7	8
10. No. of Enquiries – Registration/Dog Control/General	18	23	16
11. No. of Dogs Impounded	8	8	12
12. No. of Stock Impounded	0	0	0
13. No. of Written Warnings – Dog Infringement Notices	1	0	1
14. No. of Infringement Notices Issued	1	2	0
15. No. of Verbal Warnings – Dog Control	14	17	21

AR Loe
ENVIRONMENTAL SERVICES MANAGER

Item 208 PROPOSED STRUCTURES AND WORKS IN PUBLIC PLACES BYLAW

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

From: Chief Executive

Date: 19 May 2015

Relevant Community Outcomes

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

Executive Summary

It is proposed to commence the formal process for the making of the new Structures and Works in Public Places Bylaw.

Staff Recommendation

It is recommended that:

1. The Statement of Proposal in respect of the making of the Otorohanga District Council Structures and Works in Public Places Bylaw 2015 is approved.
2. The Special Consultative Procedure as per Section 83 of the Local Government Act 2002 be commenced in respect of making the Otorohanga District Council Structures and Works in Public Places Bylaw 2015 in accordance with the content of this report.

Background

At the meeting of Otorohanga District Council on 28 October 2014 a report titled 'Maintenance of Shop Front Facades and Verandahs' was presented.

That report raised the issue that a significant number of shop front facades and verandahs in Otorohanga have been observed to be in a relatively poor state of repair, and some could be at significant risk of collapsing onto public spaces in not only an earthquake, but also in more common natural events such as strong winds or heavy hailstorms.

Over the past five years Council staff have inspected about 30% of the shop front verandahs in the Otorohanga main street. These inspections have revealed a general lack of maintenance, corroded connections to facades, additional loading from air conditioning units and poorly secured signage. Brief inspection reports were written and sent to the relevant building owners, but most of these requests to building owners to repair or upgrade their verandahs have not been responded to, or even acknowledged.

With such a lack of response and the current general low level of maintenance to verandahs, their condition is inevitably going to continue to deteriorate, probably at an accelerating rate.

Currently council has a very limited ability to ensure that verandahs and other structures attached to buildings over public spaces are maintained in a sound condition. Whilst Council has the power to require that these structures are removed, it is generally not considered desirable to do this as the presence of verandahs provides shade and shelter that is likely to contribute positively to retail trade.

In response to this situation Council resolved that a draft bylaw covering the construction, inspection and maintenance of shop fronts and verandahs over public places in the Otorohanga District is prepared for consideration by Council.

Whilst the primary purpose of introducing the bylaw is to address issues relating to shop fronts and verandahs, the opportunity has also been taken to include some more general provisions in the bylaw relating to building works in or adjacent to public places that are not currently effectively controlled under the existing regulatory framework, and which will become relevant as the required works on shop fronts and verandahs are undertaken.

Such a draft bylaw has now been prepared and initial consultation undertaken on it with the Otorohanga and Kawhia Community Boards, which have indicated their support subject to some very minor amendments.

It should be noted that whilst provisions have been included regarding matters such as limiting heights and widths of verandahs and other building projections and associated lighting, there are also clauses which mean that these limits will not be retrospectively applied to structures existing at 1 January 2015, unless prior requests has been made by Council to address these issues in relation to that particular property.

There is no intention to put in place a new bylaw that immediately creates a need for extensive changes to shop fronts and verandahs where the structures currently in place are physically and functionally sound.

Administrative Process

The making of a new bylaw needs to be conducted in accordance with the requirements of the Local Government Act 2002. Initial requirements of this are to determine whether there is a problem needing remedy (which has been discussed previously, and agreed to be the case) and whether there are appropriate grounds to make a bylaw in accordance with section 145 of the Act, which identifies the following legitimate purposes for bylaws:

- a. protecting the public from nuisance:
- b. protecting, promoting, and maintaining public health and safety:
- c. minimising the potential for offensive behaviour in public places.

In this case it is believed that purpose b) will clearly be satisfied in terms of protecting public safety, and that purpose a) will also be satisfied to some degree.

A secondary requirement of the Act is to determine, in accordance with section 155:

1. Whether a bylaw is the most appropriate way of addressing the perceived problem;
2. Whether the proposed bylaw is the most appropriate form of bylaw; and
3. If the bylaw gives rise to any implications under the NZ Bill of Rights Act 1990.

In response to requirement 1 above, the previous failure of Council's informal efforts to get property owners to undertake verandah maintenance and repair work strongly suggests that a degree of compulsion is needed if these issues are to be effectively addressed, and the making of a bylaw appears the only practical means of achieving this.

In respect of requirement 2, the proposed bylaw is considered to be relatively straightforward, and is in large part based on content of a bylaw adopted by the Auckland Council, which has been well tested through both legal review and practical application.

In respect of requirement 3 a bylaw of this type does not in any way infringe on any of the categories of rights contained within the NZ Bill of Rights.

Having satisfied these requirements it is believed that the proposed bylaw meets the requirements of the Local Government Act, and as such the next step is to follow the Special Consultative Procedure set out in sections 83 and 86 the Local Government Act.

This requires preparation of a Statement of Proposal, which is attached to this report.

Dave Clibbery
CHIEF EXECUTIVE

Attachments

- a. Statement of Proposal
- b. Draft Structures & Works in Public Places Bylaw 2015 (Attached under separate cover)**

Otorohanga District Council

Statement of Proposal

Making of Structures and Works in Public Places Bylaw 2015

1. Introduction

Over the past five years inspections of the street verandahs of some business premises in the centre of Otorohanga have revealed a general lack of maintenance, corroded connections to facades, additional loading from air conditioning units and poorly secured signage.

The current poor state of some verandahs suggests that they are at risk of collapsing not only in an earthquake, but also during more common natural events such as strong winds or heavy hailstorms. This is an unsatisfactory situation because of the risks posed to the public.

Lack of maintenance of these structures in some cases also creates other issues of public nuisance or hazard, such as water leaks or lack of adequate lighting.

Currently council has a very limited ability to ensure that verandahs and other structures attached to buildings over public spaces are maintained in a sound condition, or how associated works in public places are conducted.

Whilst Council has the power to require that such structures are removed, it is generally not considered desirable to do this as the presence of verandahs provides shade and shelter that is likely to contribute positively to retail trade.

Informal requests to property owners to remedy deficiencies of existing verandahs have been largely unsuccessful, and it is therefore believed that new powers are required to protect public safety whilst retaining the centre of town in an attractive form that is conducive to strong retail trade. The making of a bylaw is considered the only practical means of giving such powers.

The Local Government Act 2002 empowers councils to make Bylaws for its district for one or more of the following purposes (Section 145):

- a. Protect the public from nuisance*
- b. Protect, promote and maintain public health and safety*
- c. Minimise the potential for offensive behaviour in public places.*

The making of the proposed Bylaw will contribute to purposes a. and b. above, and therefore is in accordance with this requirement of the Act.

2. Purpose of this Statement of Proposal

The Council must follow the Special Consultative Procedure contained in the Local Government Act for community consultation and comment in respect of making a Bylaw.

As part of the Special Consultative Procedure the Council must produce a Statement of Proposal, which contains a summary of information that is a fair representation of the major matters in the proposal, and make it available to the community. This document is the Statement of Proposal. The information contained in this Statement of Proposal has been approved by Council for notification and consultation.

3. Proposed Structures and Works in Public Places Bylaw 2015

This Bylaw is intended to address issues related to the construction, maintenance and demolition of structures in or adjacent to public places that are not addressed by the

Building Act, Building Regulations, other legislation or the Otorohanga District Plan. Provisions of the Bylaw include:

- 1. Establishing placement and minimum height requirements for verandahs, balconies and awnings extending over public places and allowing council to remove such structures if they do not comply with this bylaw. Provisions also allow the council to request building owners to temporarily remove verandahs, balconies and awnings to enable construction work to occur beneath or near to them.*
- 2. Requirements for verandahs, balconies and awnings over public places to be adequately maintained by the owner of the building to which they are attached.*
- 3. Establishing conditions on the use of public places during construction, excavation and demolition activities in order to protect public safety.*
- 4. Provisions for street damage deposit charges.*

The provisions apply to all public spaces in the Otorohanga District, but will have have most significance for the central business areas of Otorohanga and Kawhia where over-street verandahs are common.

The provisions relating to form and dimensions of verandahs and similar structures will not be retrospectively applied to structures existing at 1 January 2015, unless prior requests has been made by council to address these issues in relation to that particular property.

4. Report under Section 155 of the Local Government Act 2002

In proposing a Bylaw Section 155 of the Local Government Act 2002 requires the Council to:

- a. determine whether a Bylaw is the most appropriate way of addressing the "perceived problem", and*
- b. if so, determine whether the proposed Bylaw is the most appropriate form of Bylaw, and whether it gives rise to any implications under the New Zealand Bill of Rights Act 1990*

Bylaws cannot be inconsistent with the New Zealand Bill of Rights Act.

The primary perceived problem in this case is the likely continuing deterioration of privately owned verandahs and similar structures over public places in Otorohanga and Kawhia, which if not addressed will result in increasing risks of severe injury to the public if such a structure was to collapse.

There is also a range of secondary issues in respect of public safety (associated with matters such as maintaining lighting under verandahs, and conducting works in public places) nuisance (such as lack of weather-tightness of verandahs) and supporting commercial activity through ensuring that business areas are well presented.

The content of the Bylaw is similar to that applied with apparent success in some other urban centres in New Zealand, and hence is believed to be suitable for the intended purpose within this District.

The Bylaw is not considered to infringe on any of the types of rights that are protected under the NZ Bill of Rights Act, and is therefore not inconsistent with this Act.

It is therefore considered that the proposed Structures and Works in Public Places Bylaw 2015 meets all of the tests set by the Act.

5. Summary of Information

A summary of information in respect of the proposed making of the bylaw, which will also be used for advertising purposes, is as follows:

Making of Structures and Works in Public Places Bylaw 2015

Summary of Information

Over the past five years inspections of the street verandahs of some business premises in the centre of Otorohanga have revealed a general lack of maintenance, corroded connections to facades, additional loading from air conditioning units and poorly secured signage.

The current poor state of some verandahs over these public places suggests that they are at risk of collapsing not only in an earthquake, but also during more common natural events such as strong winds or heavy hailstorms, with potential to cause injury to the public.

Lack of maintenance of these structures in some cases also creates other issues of public nuisance or hazard, such as water leaks or lack of adequate lighting.

Currently Council has a very limited ability to ensure that verandahs and other structures attached to buildings over public spaces are maintained in a sound condition. Whilst Council has the power to require that these structures are removed, it is generally not considered desirable to do this as the presence of verandahs provides shade and shelter that is likely to contribute positively to retail trade.

Informal requests to property owners to remedy deficiencies of existing verandahs have been largely unsuccessful, and it is therefore believed that new powers are required to protect public safety whilst retaining the centre of town in an attractive form that is conducive to strong retail trade. The making of a bylaw is considered the only practical means of giving such powers.

This proposed new bylaw – the Structures and Works in Public Places Bylaw 2015 - will address issues related to the construction, maintenance and demolition of structures in or adjacent to public places that are not addressed by the Building Act, Building Regulations, other legislation or the Otorohanga District Plan.

A more detailed Statement of Proposal, including a copy of the proposed new Bylaw and associated information, is available from Council on request.

Submissions in respect of the making of the Structures and Works in Public Places Bylaw 2015 can be made in writing, and should be addressed to:

*The Chief Executive
Otorohanga District Council
PO Box 11
OTOROHANGA*

Submissions can be made from 21 May 2015 and must be received by 5.00pm on Friday 26 June 2015.

6. Special Consultative Process

As stated in the Summary of Information submissions on the proposed new bylaw will open on 21 May 2015 and will close at 5.00pm on Friday 26 June 2015. Submissions will be considered by Council at its meeting of 21 July 2015, and submitters will be provided with the opportunity to speak to their submission at this meeting if they wish to do so.

**Item 209 MINUTES OF WAIKATO CIVIL DEFENCE EMERGENCY MANAGEMENT
GROUP JOINT COMMITTEE MEETING 2 MARCH 2015**

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

From: Environmental Services Manager

Date: 19 May 2015

Relevant Community Outcomes

- The Otorohanga District is a safe place to live.
 - Promote the local economy and opportunities for sustainable economic development
 - Manage the natural and physical environment in a sustainable manner
 - Foster an involved and engaged Community
-

Executive Summary

Minutes have been received for the Waikato Civil Defence Emergency Management Group Joint Committee held on 2 March 2015.

Staff Recommendation

It is recommended that:

The minutes of the Waikato Civil Defence Emergency Management Group Joint Committee meeting held in the Council Chamber, Waikato Regional Council, Grey Street, Hamilton on 2 March 2015 be received.

A Loe
ENVIRONMENTAL SERVICES MANAGER

Attachments

- c. Waikato Civil Defence Emergency Management Group Joint Committee minutes 2 March 2015 (**attached under separate cover**)

**Item 210 MINUTES OF NGA WAI O WAIPA CO-GOVERNANCE FORUM MEETING 5
MARCH 2015**

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

From: Environmental Services Manager

Date: 19 May 2015

Relevant Community Outcomes

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

Executive Summary

Minutes have been received from the meeting of the Nga Wai o Waipa Co-Governance Forum held on 5 March 2015.

Staff Recommendation

It is recommended that:

The Minutes of Nga Wai o Waipa Co-Governance Forum meeting held at the Waikato Regional Council, Grey Street, Hamilton in the Council Chamber on 5 March 2015 be received.

A Loe

ENVIRONMENTAL SERVICES MANAGER

Attachments

- d. Nga Wai o Waipa Co-Governance Forum minutes 5 March 2015 **(attached under separate cover)**

Item 211 **ODC MATTERS REFERRED FROM 21 APRIL 2015**

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

From: **Governance Supervisor**

Date: **19 May 2015**

Executive Summary

1. DISTRICT ACCOUNTANT

21 April 2015

- i. To ensure that Kawhia Fees and Charges are placed on the agenda for the next meeting of the Kawhia Community Board meeting to be held on 29 May 2015.

CA Tutty
GOVERNANCE SUPERVISOR

GENERAL