

ORDINARY AGENDA

COUNCIL

DATE: Thursday, 14 July 2011

TIME: 9:15 am

VENUE: Council Chambers
35 Kenrick Street
TE AROHA

MEMBERSHIP – Quorum (6)

Members:

Mayor G W H Vercoe QSM, ED, JP
Cr J E Barnes
Cr T M Cornes
Cr N C Goodger
Cr C L Greenville JP
Cr M L Gribble
Cr P M Jager
Cr R J McGrail
Cr G R Stanley
Cr M P Steffert
Cr A B Tanner
Cr L M Tisch

Information and recommendations are included in the reports to assist Council in the decision making process and may not constitute Council's decision until considered by Council.

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	MEETING OPENING	1
2	PRESENT	1
3	APOLOGIES.....	1
4	NOTIFICATION OF URGENT BUSINESS	1
5	CONFIRMATION OF MINUTES.....	1
6	MINUTES OF TE MANAWHENUA FORUM MO MATAMATA-PIAKO	2
6.1	MATTERS ARISING FROM MINUTES.....	2
7	OFFICER REPORTS.....	3
7.1	CHIEF EXECUTIVE.....	3
7.1.1	PROPOSED TRADE WASTE BYLAW 2011	3
7.1.2	MAYORAL DIARY FOR JUNE 2011	8
7.1.3	COMMUNITY BOARD REPORTS FOR JUNE 2011	9
7.1.4	HAURAKI RAILTRAIL JOINT COMMITTEE - TERMS OF REFERENCE AND IWI MEMBERSHIP	10
7.1.5	DOCUMENTS EXECUTED UNDER COUNCIL SEAL - JUNE 2011.....	15
7.1.6	REVIEW OF COUNCIL'S STATUTORY DELEGATIONS	16
7.1.7	RIGHT DEBATE - LONG-TERM PLAN CONSULTATION	19
7.2	ENVIRONMENTAL.....	22
7.2.1	NOTICE OF REQUIREMENT FOR ALTERATION OF DESIGNATION, MATAMATA-PIAKO DISTRICT COUNCIL, CAMPBELL STREET, WAIHOU..	22
7.2.2	GRANT - MORRINSVILLE GOLF CLUB CENTENNIAL	28
7.3	INFRASTRUCTURE.....	29
7.3.1	BMX TRACK - TE AROHA SPUR STREET.....	29
7.3.2	MORRINSVILLE NETBALL CENTRE NETBALL COURT ADDITION.....	32
7.3.3	PROPOSED PLAN CHANGE 30 - EYNON ROAD MIXED INDUSTRIAL/BUSINESS ZONE	35
7.3.4	SKATE BOARD PARK	37

- 7.3.5 WAHAROA RAUNGITI WATER SUPPLY EXTENSION 40
- 8 URGENT ADDITIONAL BUSINESS47**
- 9 EXCLUSION FROM THE PUBLIC48**
 - 9.1 CHIEF EXECUTIVE.....48**
 - 9.1.1 COMPENSATION FOR RESOURCE CONSENT COSTS 48
- 10 CLOSURE50**

1 MEETING OPENING**2 PRESENT****MEMBERS PRESENT****OFFICERS PRESENT****IN ATTENDANCE****3 APOLOGIES****MEMBERS APOLOGIES****4 NOTIFICATION OF URGENT BUSINESS**

Pursuant to clause 3.7.5 and 3.7.6 of the Standing Orders NZS 9202:2003 and Section 46A (7) of the Local Government Official Information and Meetings Act 1987, the Chairman to enquire from members whether there are any additional items for consideration which qualify as extraordinary or urgent additional business.

5 CONFIRMATION OF MINUTES

Minutes, as circulated, of the Ordinary Meeting of the Matamata Piako District Council, held on 22 June 2011

[Minutes June 22 2011 Council.DOC](#)

DRAFT RESOLUTION

That the Minutes of the Ordinary Meeting of Council held on 22 June 2011 be confirmed and signed as true and correct.

Minutes, as circulated, of the Confidential Meeting of the Matamata Piako District Council, held on 22 June 2011

[Minutes June 22 2011 Council.DOC](#)

DRAFT RESOLUTION

That the Minutes of the Confidential Meeting of Council held on 22 June 2011 be confirmed and signed as true and correct.

6 MINUTES OF TE MANAWHENUA FORUM MO MATAMATA-PIAKO

Minutes, as circulated, of the Ordinary Meeting of the Te Manawhenua Forum Mo Matamata Piako, held on 7 June 2011

[Minutes June 07 2011 Te Manawhenua Forum Mo Matamata Piako.doc](#)

DRAFT RESOLUTION

That the minutes of the Ordinary Meeting of the Te Manawhenua Forum Mo Matamata Piako held on 7 June 2011 be received by Council.

6.1 MATTERS ARISING FROM MINUTES

7 OFFICER REPORTS

7.1 CHIEF EXECUTIVE

7.1.1 PROPOSED TRADE WASTE BYLAW 2011

File No: 10/11375
Responsible Officer: D McLeod
Chief Executive Officer
Author: N Baker
Policy Planner

EXECUTIVE SUMMARY

Background

Matamata-Piako District Council's (Council) Trade Waste Bylaw 2011 (Bylaw) has worked through its five-yearly review. The Special Consultative Procedure where the public were invited to make submissions has been completed. Council is required to hear those submitters who wish to present their submissions and consider all submissions received. Council then needs to make its decisions in relation to the matters raised. A final copy of the Bylaw, submissions, antibiotic waste records (from pharmacies) and other material have been circulated separately.

Issues

Council proposed minor changes to the content of the Bylaw to provide consistency in definitions and to update dates.

Submissions

Six submissions were received. The Ministry of Health requested through the submissions process controls be placed on pharmaceutical waste in the Bylaw. This report discusses the Ministry of Health requests and the subsequent responses from pharmacies. One submitter wishes to present their submission in person, he is scheduled to do so at 9.30am.

Statutory Issues

Council has the ability to put in place a Bylaw under the Local Government Act 2002 (LGA 2002) following a prescribed process.

Communication and Consultation Issues

The proposed Bylaw has been made available for public submissions in accordance with the LGA 2002. A summary of the Bylaw was included in the draft Annual Plan 2011/12 summary. Submissions on the Bylaw were invited for a two month period.

Options

This report discusses the Options of:

- adopting the proposed Bylaw with the staff recommendation;
- adopting the proposed Bylaw subject to amendments;
- not adopting the proposed Bylaw.

BACKGROUND

Trade Waste is any waste water or liquid that is or may be discharged from a trade premises to the wastewater system in the course of any trade, industrial process or operation. Council has a Bylaw which regulates these matters. The Bylaw is based on the New Zealand Standard Trade Waste Bylaw.

ISSUES

Council proposed only minor changes to the content of the Bylaw to provide consistency in definitions and to update dates.

CONSULTATION PROCESS

The timetable for the reviewing the Bylaw is set out below

- 9th March 2011 – Council approved the Statement of Proposal (SOP) and draft Bylaw for public consultation purposes;
- 30th March 2011 – 30th May 2011 – Submissions invited and the Bylaw was formally submitted to the Minister of Health;
- 14 July 2011 – Council to hear and consider submissions
- Council adopts the Bylaw (date to be confirmed)

Sections 83 (Special Consultative Procedure) and 148 (Special Requirements for Bylaws relating to Trade Wastes) of the LGA set out two consultation processes which have been undertaken. Section 148(7) enables both processes to be undertaken simultaneously. Submissions on the Bylaw were invited at the same time as the draft Annual Plan 2011/12 but continued for an additional month. Accordingly a separate hearing of submissions is now required.

The community consultation process has been completed. The Bylaw was sent to the Minister of Health for comment. The Minister of Health asked the Ministry of Health to respond to Council, and the Ministry of Health made a submission to the proposed Bylaw requesting the inclusion of pharmaceutical waste as a prohibited substance.

The Ministry of Health instructed Council to undertake additional consultation with pharmacy owners and operators to seek feedback on the Ministry of Health submission. Accordingly, Council staff wrote to pharmacies, hospitals and medical centres to inform them of the Ministry of Health requests and invite submissions.

As a result of this process, five submissions were received. All submissions received related to the Ministry of Health's submission (no other issues were raised). The submissions were, in general opposed to the Ministry of Health's requests.

Council staff met with pharmacists on 30 June 2011 to discuss how the pharmacies could monitor and quantify the amount of pharmaceutical liquid waste being disposed, staff would then use that data to establish a maximum threshold for liquid waste disposal). At the meeting the pharmacists advised they could provide the quantity of antibiotic waste disposed over the past three months from their dispensing records.

The pharmacists have now submitted their records to Council enabling a level of permitted pharmaceutical waste discharges to be included within the Bylaw. The pharmacies have indicated they support the thresholds proposed.

The rationale behind establishing limits within the Bylaw, is that it allows Council a measure of control over pharmaceutical liquid waste disposal. There are currently no specific controls in the Bylaw around pharmaceutical waste. It is understood Council would be setting a precedent within the local government sector if it decides to include these controls within the Bylaw.

Council staff consider the inclusion of "any pharmaceutical waste" into the Bylaw is reasonable but would be difficult to enforce. Council staff therefore suggest if the quantity of waste disposed falls under the specified threshold (see below) it will be classified as a permitted activity. If the quantity disposed is above the limit it will trigger a move from being permitted to a controlled activity. This approach has been taken to ensure pharmacies can continue to dispose of limited quantities of waste operate without being subject to further regulatory controls.

One submitter has asked to present his submission to Council at its meeting on 14 July 2011.

RECOMMENDED CHANGES TO THE BYLAW

Staff recommend the following amendments be included within the Bylaw:

- Inclusion of limits of the volume and concentration of pharmaceutical liquid waste
- Inclusion of cytotoxic waste as a prohibited trade waste

It is recommended to include the following in section 1.5, Schedule 1A and 1B within the Bylaw (underlined words):

1.5 DEFINITIONS

PHARAMACUTICAL WASTE means liquid medicines, generally of an antibiotic nature that have been reconstituted from dry powder (a original pack), and either are in excess of the prescribed volume or have been returned to pharmacies for disposal.

SCHEDULE 1A PERMITTED DISCHARGE CHARACTERISTICS

1A.2.10 Liquid Pharmaceutical Waste

The monthly discharge of pharmaceutical waste shall not exceed the following volumes and concentrations of active ingredients:

<u>Volume Limit</u>	<u>Active Concentration</u>
<u>10 Litres</u>	<u>125mg / 5 ml</u>
<u>5 Litres</u>	<u>250mg / 5 ml</u>
<u>3 Litres</u>	<u>Above 250mg / 5ml</u>

Any discharge above these limits will be a controlled discharge and require a trade waste agreement.

SCHEDULE 1B PROHIBITED CHARACTERISTICS**1B.1 Introduction**

This schedule defines Prohibited Trade Wastes.

- i) Cytotoxic waste means waste that is contaminated by a cytotoxic drug. Any pharmaceutical liquid waste containing cytotoxic ingredients.

STATUTORY ISSUES

The Bylaw has been through the following process as required by the LGA 2002:

1. Council approval under Section 155(1) of the LGA 2002 that a bylaw is the best mechanism to deal with the issue;
2. Council approval under s155(2) of the LGA 2002 that the Bylaw was in the most appropriate form and not in conflict with any aspect of the New Zealand Bill of Rights Act 1990;
3. Released for public consultation using the Special Consultative Procedure as required under s156(1) and s148 of the LGA 2002

The final step in this process is for Council to adopt the Bylaw bringing it into force on the 1 August 2011.

POLICY AND BYLAW ISSUES

Council proposed no major changes to the Bylaw for the reasons set out in the SOP. The only proposed changes related to updating dates and amending definitions to align with Council's Consolidated Bylaw. Staff now recommend the inclusion of pharmaceutical Waste as outlined in this report.

Council's Consolidated Bylaw holds all of Council's Bylaws into a single document for easy reference, however the Trade Waste Bylaw was adopted by Council in 2006; and it currently sits outside the Consolidated Bylaw. It is proposed to incorporate the Trade Waste Bylaw into the Consolidated Bylaw.

LONG TERM COUNCIL COMMUNITY PLAN**COUNCIL ACTIVITIES**

This Bylaw relates to the Community Infrastructure activity (Water, Waste Management).

SIGNIFICANCE POLICY

Council has undertaken community consultation in accordance with the Special Consultation Procedure of the LGA as required by the Act.

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocations.

OPTIONS

Council now has the options of:

1. Confirming the staff recommendations; or
2. Requiring further amendments to the Bylaw.

Council could decide to adopt the Bylaw at this meeting or defer adoption of the Bylaw until a later date.

That:

1. **the report be received;**
2. **Council hears those submitters that wish to be heard and consider all submissions received;**
3. **Council confirms its decisions and the reasons for them in relation to each submission made to the proposed Trade Waste Bylaw 2011;**
4. **the recommendation of Council staff to include controls on liquid pharmaceutical waste within the Trade Waste Bylaw 2011 be approved;**
3. **pursuant to the provisions of the Local Government Act 2002 the draft Trade Waste Bylaw be adopted as the Trade Waste Bylaw 2011;**
3. **the Trade Waste Bylaw 2011 become operative on 1 August 2011.**

7.1.2 MAYORAL DIARY FOR JUNE 2011

File No: DEM021606
Attachments: [Mayoral Diary for June 2011](#)
Responsible Officer: D McLeod
Chief Executive Officer
Author: G W H Vercoe QSM, ED, JP
Mayor

EXECUTIVE SUMMARY

A copy of the Mayoral Diary for the period 1 June 2011 to 30 June 2011 is attached.

POLICY AND BYLAW ISSUES

There are no other Policy or Bylaw issues in relation to this matter.

OFFICER RECOMMENDATION

That the report be received.

7.1.3 COMMUNITY BOARD REPORTS FOR JUNE 2011

File No: DEM021201
Responsible Officer: D McLeod
Chief Executive Officer
Author: C Hubbard
Committee Secretary

EXECUTIVE SUMMARY

Representatives of the three community boards to be in attendance to advise Council of items of interest from their meetings.

Morrinsville Community Board

Matamata Community Board

Te Aroha Community Board

POLICY AND BYLAW ISSUES

There are no other Policy or Bylaw issues in relation to this matter.

OFFICER RECOMMENDATION

That the reports be received.

7.1.4 HAURAKI RAILTRAIL JOINT COMMITTEE - TERMS OF REFERENCE AND IWI MEMBERSHIP

File No: 11/1045
Responsible Officer: D McLeod
Chief Executive Officer
Author: M Hawthorne
Corporate and Legal Services Manager

EXECUTIVE SUMMARY

Hauraki District Council (HDC) staff have been progressing the development of the governance framework for the Hauraki Rail Trail Joint Committee. This report has been sent to HDC, Matamata-Piako District Council (Council) and Thames-Coromandal District Council (TCDC) (collectively referred to as the Parties) to:

- seek confirmation of the Hauraki Rail Trail Joint Committee's Terms of Reference;
- to establish the delegations needed from each Party to enable the Hauraki Rail Trail Joint Committee to undertake its roles and responsibilities until a trust or other council controlled organisation (CCO) is established to govern the Hauraki Rail Trail.
- seek support and ratification of the three Iwi nominees to the Hauraki Rail Trail Joint Committee;

BACKGROUND

Hauraki Rail Trail Joint Committee

The Hauraki Rail Trail Joint Committee is being established to:

- provide interim oversight and governance on the Hauraki Rail Trail's operational aspects;
- provide the Parties with a regular report on financial and other matters relating to the construction of the Hauraki Rail Trail and any recommendations in regard to its reports;
- recommend to the Parties action required to develop the operational aspects of the Hauraki Rail Trail on:
 - communication and publicity;
 - website establishment and updating;
 - business planning for Hauraki Rail Trail operation;
 - the appointment of a principle operator;
- provide assistance to the construction project team as requested;
- recommend to the Parties matters relating to the establishment of a CCO including a draft statement of intent;
- recommend to the Parties matters relating to the establishment of the entity (most likely a charitable trust) that the CCO will work within;

- other matters as they may be delegated to the Hauraki Rail Trail Joint Committee by the Parties.

As matters are progressed on the Hauraki Rail Trail the roles of the Hauraki Rail Trail Joint Committee and the Project Team need to be clarified to ensure responsibilities and accountabilities are clear. The Terms of Reference assist to clarify roles and responsibilities.

The current construction project team, lead by the HDC Chief Executive Officer and managed by the HDC Technical Services Manager (Project Director) has responsibility for all matters to do with the construction of the Hauraki Rail Trail including negotiations with landowners, legal agreements, construction works and other matters to do with the development of the physical rail trail. The project team and the Hauraki Rail Trail Joint Committee will work together to report regularly to the Parties on matters relating to the project and to develop the structure around the Hauraki Rail Trail for its future governance and operation.

The Joint Committee comprises the Mayors (and alternatives) from HDC, Council and TCDC together with three Iwi representatives and will be responsible for interim governance matters prior to the establishment of a trust and CCO.

The first formal meeting of the Hauraki Rail Trail Joint Committee is proposed to be in July and will occur monthly thereafter. It is envisaged the Hauraki Rail Trail Joint Committee will operate until approximately November/December 2011 when the CCO will take over.

ISSUES

Terms of Reference

It is recommended that the Hauraki Rail Trail Joint Committee Terms of Reference be confirmed as:

- 1 the Parties establish a Hauraki Rail Trail Joint Committee in accordance with the requirements of the Local Government Act 2002, to provide interim governance for the Hauraki Rail Trail and the formation of a CCO or other entity to operate the Hauraki Rail Trail.
- 2 the initial membership of the Hauraki Rail Trail shall consist of 50:50 representation the Parties and Iwi as follows:
 - one primary elected member from MPDC; and
 - one primary elected member from HDC; and
 - one primary elected member from TCDC;

Iwi may nominate a maximum of three representatives for appointment by the Parties to the Joint Committee.

- 3 The Parties may appoint one independent person who is not an elected member, and not an employee of any of the Parties and who, in the opinion of the Parties, has the technical skills, attributes, and knowledge to assist the work of the Joint Committee. The independent person shall be nominated by the Hauraki Rail Trail Joint Committee and appointed by the Parties. The

- independent person shall hold a non-voting position on the Hauraki Rail Trail Joint Committee.
- 4 The Parties shall nominate one alternate elected member each, who has authority to represent the Party should the primary elected member be unavailable.
 - 5 The delegation from the Parties to the Hauraki Rail Trail Joint Committee shall be agreed in writing between the Parties.
 - 6 The Hauraki Rail Trail Joint Committee shall report to the Parties on a monthly basis on its progress with its responsibilities to the Hauraki Rail Trail project, and make recommendations as appropriate to the Parties on issues that develop regarding the commercial operations of the Hauraki Rail Trail.
 - 7 The first meeting date of the Hauraki Rail Trail Joint Committee shall be agreed in writing between the Parties. Following the first meeting, the Hauraki Rail Trail Joint Committee shall meet once monthly at the offices of the Hauraki District Council and shall be serviced by the Hauraki District Council. Each of the Parties shall appoint one employee to support the Hauraki Rail Trail Joint Committee.
 - 8 The Hauraki Rail Trail Joint Committee shall be subject to the HDC standing orders and operate in compliance with the Local Government Official Information and Meetings Act 1987 and the Local Government Act 2002.
 - 9 The Chairperson of the Hauraki Rail Trail Joint Committee shall be appointed by Hauraki District Council.
 - 10 The role of the Hauraki Rail Trail Joint Committee shall generally be as follows:
 - making a recommendation to the Parties for the approval of a communication plan for the Hauraki Rail Trail and subsequently the implementation of that plan;
 - approval and release of communications with the public and media;
 - making a recommendation to the Parties for the approval of the development of a Hauraki Rail Trail website and booking system and the subsequent updating and implementation of these;
 - developing of a business plan for the operation of the Hauraki Rail Trail for the approval of the Parties and its subsequent implementation;
 - making a recommendation to the Parties on a Statement of Intent, a Statement of Proposal and consultation timeline for the formation of a CCO;
 - making a recommendation to the Parties on the appointment of a primary tourist operator for the Hauraki Rail Trail;
 - receiving information from the Project Team, the Parties employees and consultants on the progress of the Hauraki Rail Trail;
 - assistance with such matters that are requested by the Project Team.
-

Delegations

The Local Government Act 2002 provides for the Council to delegate its powers. Clause 32 of Schedule 7 authorises delegations generally, and clauses 32A and 32B provide for the power to issue warrants and for delegation of powers held by officers.

Section 32 Local Government Act 2002

- (1) *Unless expressly provided otherwise in this Act, or in any other Act, for the purposes of efficiency and effectiveness in the conduct of a local authority's business, a local authority may delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority any of its responsibilities, duties, or powers except—*
 - (a) *the power to make a rate; or*
 - (b) *the power to make a bylaw; or*
 - (c) *the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term council community plan; or*
 - (d) *the power to adopt a long-term council community plan, annual plan, or annual report; or*
 - (e) *the power to appoint a chief executive; or*
 - (f) *the power to adopt policies required to be adopted and consulted on under this Act in association with the long-term council community plan or developed for the purpose of the local governance statement.*
- (2) *Nothing in this clause restricts the power of a local authority to delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority the power to do anything precedent to the exercise by the local authority (after consultation with the committee or body or person) of any power or duty specified in subclause (1).*
- (3) *A committee or other subordinate decision-making body, community board, or member or officer of the local authority may delegate any of its responsibilities, duties, or powers to a subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by the local authority or by the committee or body or person that makes the original delegation.*

The Hauraki Rail Trail Joint Committee will need to be given delegations to allow it to undertake its responsibilities as listed under point 10 of the Terms of Reference above until such time as the proposed CCO is operative.

Iwi Representation

Extensive consultation was undertaken with Iwi with interests in the areas covered by the Parties with respect to their proposed candidates for appointment to the Hauraki Rail Trail Joint Committee. The below nominees reflect the wishes of the Iwi and are considered to be suitable to fulfil the functions as required. Each of the below has indicated their willingness and availability to participate in the Hauraki Rail Trail Joint Committee.

Waati Ngamane; Waati is the Chairman of Ngati Maru Runanga, and is an Early Childcare Educator

Jocleen Karu; Jocleen is a lecturer at Waikato University, and actively involved with Ngati Tara-Tokanui Tawhaki Iwi from Ngahutoitoi Marae Paeroa

Jill Taylor; Jill is an accountant. She is a representative of Ngati Tumutumu, Council contact person for resource consent matters that affect Ngati Tumutumu, a member of the Council Te Manawhenua Forum for Matamata-Piako and a treaty settlement negotiator for Ngati Tumutumu

The three nominees are well qualified to sit on the Hauraki Rail Trail Joint Committee and represent not only Iwi but all of the communities that make up the three districts.

By appointing these Iwi members of the Hauraki Rail Trail Joint Committee, Council achieves another milestone with the Hauraki Rail Trail project by confirming a governance structure that will allow the delegations to be implemented.

POLICY AND BYLAW ISSUES

There are no policy or bylaw issues.

SIGNIFICANCE POLICY

This issue is not considered significant in terms of Council's Significance Policy.

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

OFFICER RECOMMENDATION

That:

- 1. the report be received, and**
- 2. the Terms of Reference for the Hauraki Rail Trail Joint Committee, as recommended, be adopted; and**
- 3. pursuant to Section 32 of Schedule 7 of the Local Government Act 2002 the Hauraki Rail Trail Joint Committee be given delegated authority to implement its roles as defined under point 10 of the Terms of Reference recorded in this report; and**
- 4. Council appoint Waati Ngamane, Jocleen Karu and Jill Taylor as the Iwi representatives on the Hauraki Rail Trail Joint Committee**

7.1.5 DOCUMENTS EXECUTED UNDER COUNCIL SEAL - JUNE 2011

File No: REG140801
Attachments: [Schedule of Executed Documents - June 2011.doc](#)
Responsible Officer: D McLeod
Chief Executive Officer
Author: M O'Hagan
Junior Legal Advisor

EXECUTIVE SUMMARY

The schedule of documents executed under Council Seal is attached.

POLICY AND BYLAW ISSUES

There are no other Policy or Bylaw issues in relation to this matter.

OFFICER RECOMMENDATION

That the schedule of documents executed under Council Seal be approved.

7.1.6 REVIEW OF COUNCIL'S STATUTORY DELEGATIONS

File No:	SUP163401
Attachments:	Delegations under the Building Act 2004.doc Delegations under the Dog Control Act 1996.doc Delegations under the LGOIMA 1987.doc Delegations under the Fencing Act 1978.doc Fencing of Swimming Pools Act 1987.doc
Responsible Officer:	D McLeod Chief Executive Officer
Author:	M O'Hagan Junior Legal Advisor

EXECUTIVE SUMMARY

Under Clause 32(1) of Schedule 7 of the Local Government Act 2002, Council may delegate its statutory powers to Council Officers. Due to changes in legislation, officer roles, and job titles, it is necessary to review and update Council's existing statutory delegations.

Council has delegated its functions and powers under Section 34(1) of the Resource Management Act 1991 to Hearings Commissioners appointed by Council. Council staff have identified the potential for a voting deadlock and it is therefore necessary to review the voting arrangements for the Hearings Commissioners.

BACKGROUND

Delegations

Council delegations under the following Acts have been reviewed by staff:

- Building Act 2004;
- Local Government Official Information and Meetings Act 1987;
- Dog Control Act 1996; and
- Fencing Act 1978
- Fencing of Swimming Pools Act 1987.

Tables of proposed delegations for each of the Acts are attached. The delegations have been structured so that Council delegates its statutory powers to the CEO, who in turn sub-delegates the powers to the relevant Council Officers. The delegations have been structured in this way so as to provide flexibility. For example, should any minor amendments to the sub-delegated officers resulting from restructuring be necessary, such amendments can be made by the CEO without the need for a Council resolution.

In addition, Council is requested to resolve that where:

- a) any currently adopted delegations to Council staff refer to a position title; and
- b) the name of the position title has subsequently changed without substantial changes being made to the position holder's job description (in respect of the function to which the delegation relates); then

any current delegations in the name of the previous position title are and shall be effective for the position holder of the new position title.

Hearings Commissioners

On 10 November 2010 Council exercised its power under Clause 32 to Schedule 7 of the Local Government Act 2002 and Section 34(3) of the Resource Management Act 1991 to appoint Hearings Commissioners to a Hearings Commission in order to hear resource consent applications, as well as to reduce the number of Hearings Commissioners required to hear resource consent applications from three Commissioners to two. Because of the potential for a deadlock between the Commissioners it is now suggested that the Chairperson of the Hearings Commission have the casting vote.

STATUTORY ISSUES

Council is permitted to delegate its statutory powers under clause 32 of Schedule 7 of the Local Government Act 2002 and section 34(3) of the Resource Management Act 1991.

POLICY AND BYLAW ISSUES

There are no policy or bylaw issues.

CONSULTATION

The adoption of these delegations is an operational matter and is not of such significance that any consultation need be undertaken. The proposed delegations will enable Council to carry out its statutory functions efficiently.

OFFICER RECOMMENDATION

That:

Delegations

- 1. Council adopts the delegations under the Building Act 2004, the Local Government Official Information and Meetings Act 1987, the Dog Control Act 1996; Fencing of Swimming Pools Act 1987 and the Fencing Act 1978 as set out in the attached tables.**
- 2. All previous delegations under the Building Act 2004, the Local Government Official Information and Meetings Act 1987, the Dog Control Act 1996; Fencing of Swimming Pools Act 1987 and the Fencing Act 1978 be revoked.**
- 3. Where any currently adopted delegations to Council staff refer to a position title and the name of the position title has subsequently changed without substantial changes being made to the position holder's job description (in respect of the function to which the delegation relates), that any current delegations in the name of the previous position title are and shall be effective for the position holder of the new position title.**

Hearings Commissioners

4. **Council resolves that the Chairperson of the Hearings Commission when presiding at a meeting of the Hearings Commission:**
 - a) **has a deliberative vote; and**
 - b) **in the case of equality of votes the Chairperson has a casting vote.**

7.1.7 RIGHT DEBATE - LONG-TERM PLAN CONSULTATION

File No: 11/1198
Responsible Officer: D McLeod
Chief Executive Officer
Author: N Baker
Policy Planner

EXECUTIVE SUMMARY

Finalisation of the “Decisions for the Future of Our Community” document for community consultation is required. A copy of the consultative document was circulated separately.

The document is booked to be inserted in local newspapers on 10 August 2011. Submissions will close on 7 September 2011 with the feedback reported to Council at its September or October meeting.

BACKGROUND

The right debate is part of the Long-Term Plan (LTP) 2012-22 process. An important role of the right debate is to provide information about significant issues so the community can provide feedback to help set Council’s policy direction. The issues within the right debate should resonate as real matters we want to direct our communities’ attention to.

Staff have worked with Council to identify the issues which form the right debate over the past few months.

ISSUES

There is no obligation under the Local Government Act 2002 (LGA 2002) to run a ‘right debate’ consultation process. In 2008 Council carried out an extensive right debate process as part of the Long-Term Council Community Plan 2009-19. It was generally considered to be a successful exercise and the right debate is a recommended step in preparing a LTP.

The purpose of the current consultative document is for pre-consultation with the community prior to preparing the LTP. It could also lend itself to forming the basis of the LTP summary in 2012.

The right debate topics Councillors identified have a strong financial focus. One of the main issues included in the document is the financial strategy. The Office of the Auditor General has recommended a Council’s financial strategy should be presented to the community as a major right debate issue. The financial strategy provides a framework on which all other decisions will be based. Our right debate document aims to present the immediate and long-term implications of the financial strategy on the Council’s financial position, rating, debt levels and how our assets and activities are funded.

STATUTORY ISSUES

The right debate is not a required statutory process. However, it is recommended by the Office of the Auditor General and the importance of engaging the community in the right debate is signalled in Section 93(6)(f) of the LGA 2002:

(6) The purpose of a long-term plan is to ...

(d) provide a long-term focus for the decisions and activities of the local authority; and

(f) provide an opportunity for participation by the public in decision-making processes on activities to be undertaken by the local authority.

The LGA 2002 requires Council to use the special consultative procedure to provide that opportunity for participation. The special consultative procedure has its own detailed requirements and will require consultation on the draft LTP in 2012. An LTP is a large document containing a great deal of detail. Therefore, Council needs to find a way to effectively communicate the major issues, choices, and implications so they are readily apparent to the community.

In our view, it is useful to seek feedback on the important issues facing Council early on in the LTP process so the public can have input in Council's strategic direction. The community will then be invited to make further comment on the Council's planned approach to the right debate issues as part of the formal LTP consultation in 2012.

SIGNIFICANCE POLICY

Approval of the "Decisions for the Future of Our Community" document for consultation does not trigger the Council's Significance Policy. The decisions which result from the consultation process may be significant and can be included in the LTP.

COMMUNICATION AND CONSULTATION ISSUES

A communications plan will be discussed with Council at a later date.

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

OPTIONS

1. Council approves the "Decisions for the Future of Our Community" document for community consultation
2. Council approves the "Decisions for the Future of Our Community" document for community consultation, subject to amendments
3. Council resolves to not undertake consultation on the "Decisions for the Future of Our Community" document

OFFICER RECOMMENDATION

That:

- 1. the information be received**
- 2. Council approves the Decisions for the Future of Our Community document for community consultation.**

7.2 ENVIRONMENTAL

7.2.1 NOTICE OF REQUIREMENT FOR ALTERATION OF DESIGNATION, MATAMATA-PIAKO DISTRICT COUNCIL, CAMPBELL STREET, WAIHOU

File No: 105.2011.10315
Attachments: [Waihou WWTP - FINAL EVALUATION REPORT.doc](#)
Responsible Officer: D Bellamy
Group Manager Environmental Services
Author: L Feaver
Consultant Planner

EXECUTIVE SUMMARY

MWH New Zealand Limited (MWH) have made application for a Notice of Requirement on behalf of the Matamata-Piako District Council (MPDC) as the 'Requiring Authority', to alter an existing designation to incorporate a new land application process for the Waihou wastewater treatment system. The existing designation is scheduled within the District Plan as Designation 16.

It is proposed to alter existing Designation 16, scheduled within the Operative District Plan for 'Sewage Treatment and Buffer' purposes, by including approximately 2.2 hectares of the adjacent allotment into the designated area for the land disposal process.

It is recommended that the alteration to the designation be confirmed.

BACKGROUND

Designation 16 scheduled within the Operative District Plan for 'Sewage Treatment and Buffer' purposes allows for the current discharge of treated effluent from the Waihou township into the Waiwhero stream. The recent consent granted by Waikato Regional Council now includes a requirement for land discharge during low flows in the Waiwhero stream. This has required a further 2.2 hectares of the adjacent allotment to be included into the designation. This land is legally described as Lot 1 DP 2968.

The land application process will involve treated wastewater being disposed to the land via a permanent irrigation system below a eucalyptus tree plantation established to aide in the uptake of nitrogen and other nutrients. The application to land will only occur during dry summer months (from 1 November to 31 March) when the soil can accept the treated wastewater, and when there are low flows within the Waiwhero Stream.

A full description of the application and the Planners consideration of the relevant actual and potential environmental effect associated with the proposal are set out in the attached report.

STATUTORY ISSUES

The territorial authority may recommend to the requiring authority that it:

- 11 Confirms the requirement;
- 12 Modifies the requirement;
- 13 Withdraws the requirement; or
- 14 Confirms the requirement and imposes conditions.

In making this recommendation the Territorial Authority shall consider the following sections under the Resource Management Act:

Section 171(1A): Must not have regard to trade competition or the effects of trade competition:

No regard has been made to trade competition in making a recommendation for the Notice of Requirement.

Section 171(1)(a)(iv): Provisions of the District Plan:

The provisions of the District Plan were considered in Section 7 of the attached Report. It is considered that the effects created by the proposal will show an adequate degree of compliance with the relevant District Plan Rules, and that the application is not inconsistent with the Plan's Objectives and Policies.

Section 171(1)(b): Alternative sites, routes, or methods of undertaking the work:

These alternatives have been assessed in Section 8 of the attached report. The outcome of considering these alternatives is that the mixed land application and plant upgrade requirement (Option 5) is the most efficient use. As shown in the attached report, the effects associated with this option are considered to be less than minor.

Section 6: The Relationship of Maori with Ancestral Lands, Water, etc:

I do not consider the application to be capable of offending Tangata Whenua values as assessed in Section 6 of the attached report.

Section 7(b): Efficient Use and Development

Provided that appropriate conditions are imposed, it is my opinion that the activity can operate without adverse effects on the amenity of the surrounding area. In fact, due to the large separation distances to dwellings and the small size of the irrigation area, the site is considered a very efficient use of the land, as it will allow an activity to operate without having adverse effects on neighbouring properties. Therefore, I consider the activity to be an efficient use of the land.

Section 7(c) & (f): Amenity Values and Quality of the Environment

Subject to the odour, visual, traffic and noise effects being suitably mitigated, it is my opinion that the amenity values and quality of the environment will not be adversely affected by the proposal.

Section 7(g): Finite Characteristics of Resources

The only resource with finite characteristics relevant to this application is the soils on which the land is located. The proposal will involve the irrigation of treated wastewater onto the site which will be planted in eucalyptus trees to aide in nitrogen and other nutrient uptake. Given the small portion of land used for this purpose, the application will have a negligible effect on the finite characteristics of resources.

Section 5: Purpose of the Resource Management Act

In my opinion, the proposal is a sustainable activity which meets the purpose of the Resource Management Act. This is the case as the proposal will be capable of operating, without impacting on the quality and amenity of the area, and without long-term adverse effect on the soil resource or the productive capability thereof.

Further discussion on the statutory issues is set out in the attached report.

OFFICER RECOMMENDATION

That the Matamata-Piako District Council (Territorial Authority) recommends to the Matamata-Piako District Council (Requiring Authority) that the requirement for the alteration of designation in relation to the existing Wastewater Treatment Plant in the vicinity of Waihou (Designation 16) as depicted on the plans and in accordance with the information submitted by MWH New Zealand Limited (MWH) dated 17 May 2011 be confirmed, for the following reasons and subject to the conditions below:

Alteration of Designation 16:

The additional designated land shall be shown in the Operative Matamata-Piako District Plan as:

“Sewage Treatment and Buffer Purposes”.

Reasons:

- **The proposal involves no more than a minor change to the effects on the environment associated with the use or proposed use of land concerned.**
- **The adverse effects associated with the alteration of the designation are less than minor;**
- **The proposal is the best option as compared to other alternatives;**
- **The proposal is considered to be an efficient use of the physical resource, as it will improve the water quality of the Waiwhero Stream and efficiency the Waihou Wastewater Treatment Plant;**
- **Localised issues relating to other upgrade details of the Waihou Wastewater Treatment Plant can be assessed at the time of application for Outline Plan approval.**

Conditions:***General Accordance***

1. **That the Waihou wastewater treatment plant land application system shall be generally designed, built, operated and maintained in accordance with:**
 - a. **the ‘Assessment of Environmental Effects’ and documents submitted in support of the application; including**
 - b. **the document titled *“Waihou Wastewater Resource Consent Applications and Assessment of Effects on the Environment”*, dated December 2009.****and subject to the conditions of this recommendation.**

2. That the requiring authority shall inform the Matamata-Piako District Council's Group Manager: Environmental Services in writing at least 10 working days prior to the commencement of activities of the start date of the works authorised by this recommendation.

Compliance with associated Waikato Regional Council Consents

Advice Note:

It is advised that the Requiring authority shall at all times comply with the conditions of the Waikato Regional Council consents for Discharge to Water, Land and Air (References 120703 and 120706), and Earthworks (Reference 120705), and any other associated Waikato Regional Council consents.

Plantation, Riparian and Buffer Planting

3. That prior to the commencement of works (as determined by Condition 2), a 'Riparian and Buffer Planting Plan' shall be lodged with the Matamata-Piako District Council and shall be to the satisfaction of the Matamata-Piako District Council's Group Manager: Environmental Services. The plan shall include but not be limited to, areas to be planted, appropriate selected species type, density, weed control and maintenance schedules. This is to ensure the buffer zones and riparian margins which enclose the land application area for spray drift mitigation purposes and include planting for stream mitigation purposes on the northern bank of the Waiwhero Stream are satisfactorily planted and maintained.
4. That prior to the commencement of works (as determined by Condition 2), the requiring authority shall plant, implement and manage the riparian and buffer plantings in accordance with the approved 'Riparian and Buffer Planting Plan' outlined in the above condition.

Odour and Dust

5. That the operation, management and maintenance of the land application system shall not result in an odour that is objectionable to the extent that it causes an adverse effect at or beyond the boundary of the subject property on which the land application system is located.
6. That the operation, management and maintenance of the land application system shall not result in dust emissions that are objectionable to the extent that they cause an adverse effect at or beyond the boundary of the subject property on which the land application system is located.

Noise

7. That the noise level (L_{10}) from the total complex as measured within the notional boundary of any rural dwelling, shall not exceed the following limits:
 - 7.00am to 8.00pm 50dBA L_{10}
 - 8.00pm to 7.00am 40dBA L_{10} and 70dBA L_{max}

Seasonal or temporarily intermittent noise resulting from associated forestry activities consistent with the predominant character of the rural zone, are permitted provided that:

- a. The activity is conducted in accordance with good management practice; and
 - b. Machinery is operated in accordance with manufacturers' specifications.
8. That, if noise measurement is deemed necessary by Council, the noise shall be measured in accordance with the requirements of NZS 6801: 1991 Measurement of Sound and assessed in accordance with the requirements of NZS 6802:1991 - Assessment of Environmental Sound.
9. That noise from all construction activities shall not exceed the requirements of NZS 6803:1999 Acoustics – Construction Noise.

Vibration

10. That as a result of exercising any activities under this consent, vibration generated shall not exceed the following levels as measured 20 metres from any rural dwelling:

Time	Average Weighted Vibration Level
Monday to Saturday (7am to 6pm)	45mm/s ²
At all other times	15mm/s ²

11. That, if a vibration measurement is deemed necessary by Council, the weighted vibration levels W_b and W_d shall be measured according to BS6841:1987. The average vibration shall be measured over a time period not less than 60 seconds and not longer than 30 minutes.

Lighting and Glare

12. That any lighting within the site shall be selected, located, aimed, adjusted, and screened so as to ensure that glare resulting from the lighting does not cause a significant level of discomfort to adjacent residents and users of any road.

Advice Note:

The Requiring authority's attention is directed to Rule 5.4(iv) of the District Plan which limits the permitted added illuminance as a result of lighting on the site.

Archaeological

- 13. That if any archaeological sites or remains are discovered during site works then the following procedures shall apply:**
- **Works in the immediate vicinity of the site that has been exposed shall cease.**
 - **The site supervisor shall immediately secure the area in a way that ensures that any artefacts or remains are untouched.**
 - **The site supervisor shall notify representatives of local iwi, the New Zealand Historic Places Trust, the Council, and in the case of human remains, the Police. This notification includes such persons being given a reasonable time to record and recover archaeological features discovered, before work may recommence on the site.**

Complaints Register

- 14. The requiring authority shall maintain and keep a complaints register for all complaints made about the land application system and processes received by the requiring authority. The register shall record:**
- i) The date, time and duration of the event/incident that has resulted in the complaint,**
 - ii) Weather conditions at the time the event/incident was detected by the complainant;**
 - iii) The location of the complainant when the event/incident was detected,**
 - iv) The possible cause of the event/incident,**
 - v) Any corrective action taken by the requiring authority in response to the complaint.**

The register shall be available to the Matamata-Piako District Council at all reasonable times. Details of all complaints received by the requiring authority that may indicate non-compliance with the conditions of this recommendation shall be forwarded to the Matamata-Piako District Council within 5 working days of the complaint being received unless agreed upon in writing by the Matamata-Piako District Council.

- 15. That the Requiring authority shall record in the Complaints Log any complaints forwarded to it by the Council or the Regional Council. The complaint log shall be made available to the Council at all reasonable times and a copy shall be forwarded to the Council annually.**

Administrative

- 16. That the charges in accordance with Section 36 of the Resource Management Act 1991 be paid to Council for the processing, administration, monitoring and supervision of this recommendation.**

7.2.2 GRANT - MORRINSVILLE GOLF CLUB CENTENNIAL

File No: COM161601
Responsible Officer: M Te Wiata
Group Manager Business Services
Author: C Hubbard
Committee Secretary

EXECUTIVE SUMMARY

The Morrinsville Golf Club has approached Matamata Piako District Council for a \$1,000 grant towards preparation of a book marking the Centenary of the Morrinsville Golf Club.

POLICY AND BYLAW ISSUES

There are no policy or bylaw issues.

OFFICER RECOMMENDATION

That the Matamata Piako District Council approve a grant of \$1,000 towards preparation of a book marking the centenary of the Morrinsville Golf Club.

7.3 INFRASTRUCTURE

7.3.1 BMX TRACK - TE AROHA SPUR STREET

File No:	RCD 1396
Attachments:	Letter from Te Aroha Fish & Game Association Proposed BMX site
Responsible Officer:	D Bellamy Group Manager Community Development
Author:	C Smithers Parks and Property Planner

EXECUTIVE SUMMARY

The Te Aroha BMX group have confirmed that they want to proceed with a resource consent application for a BMX track at the end of Spur Street and within the boundaries of Boyd Park, Te Aroha.

A resource consent application will be required for a BMX track at this site as it is not provided for in the reserve management plan.

BACKGROUND

The Te Aroha BMX group have approached Council with an application to build a BMX track on an old landfill site at the end of Spur Street/Boyd Park, Te Aroha. A resource consent application was started in 2009 but was put on hold while Council developed the Reserve Management Plans. The Herries Park Management Plan provides for a BMX track but the Management Plan for Boyd Park (which covers the proposed Spur Street site) does not.

Council had asked that the BMX Group hold discussions with Te Aroha Fish and Game, to work through issues of the positioning of the track and the desire for Te Aroha Fish and Game to site their future club rooms in the same area. The two groups have since met and have agreed on a mutual way forward to accommodate both activities.

The Te Aroha BMX group have approached Council again and wish to continue their application for a resource consent for a BMX track at Spur Street.

ISSUES

The reserve management plan does not provide for a BMX track on the Spur Street/Boyd Park site and therefore a resource consent will be required.

The site is also listed as a contaminated site and an assessment would need to be undertaken on the land by a suitably qualified person to ensure it is safe for such an activity.

A letter was received from Guy Rasmussen, the President of Te Aroha Fish and Game Association, (which is attached) stating that if the BMX group agree to some

minor changes to their plans they will not object to the BMX track being sited at the end of the Spur Street/Boyd Park site.

Council staff met with Mr Rasmussen and two representatives from the BMX group and the BMX group confirmed that they want to locate the track at the end of Spur Street/Boyd Park and resume the resource consent process.

STATUTORY ISSUES

A resource consent will be required under the Resource Management Act 1991 for a BMX track to be constructed on the proposed site.

POLICY AND BYLAW ISSUES

There are no policy or bylaw issues.

LONG TERM COUNCIL COMMUNITY PLAN

COUNCIL ACTIVITIES

Community Facilities

Community Facilities are Council activities focused on recreational and cultural opportunities in the district. Previously, much of the work we have done in this area has been around the provision of services and assets, such as the libraries, swimming pools, parks and reserves and other public amenities. In the future, Council will be looking to see how it can enhance the provision of these services to the community through the forming of partnerships with other regional and national organisations focused on social and cultural wellbeing.

- *Parks and Reserves*
 - *Identify opportunities for improvement and implications of those improvements*

SIGNIFICANCE POLICY

This issue is not considered significant in terms of Council's Significance Policy.

COMMUNICATION AND CONSULTATION ISSUES

Consultation is likely to be required through the resource consent process under the Resource Management Act.

FINANCIAL IMPLICATIONS

There are no current resources allocated. This will need to be considered as part of the decision on the progression of the BMX track.

OPTIONS

Option 1: Council agree, as land owner, for the Te Aroha BMX group to use the Spur Street/Boyd park site for a BMX Track, subject to gaining a resource consent application for this activity.

Option 2: Council, as land owner, decline the use of the Spur Street/Boyd park site for a BMX Track.

OFFICER RECOMMENDATION

That Council decide whether to approve, subject to Te Aroha BMX group obtaining a resource consent, a BMX track to be constructed at the Spur Street/Boyd Park site.

7.3.2 MORRINSVILLE NETBALL CENTRE NETBALL COURT ADDITION

File No:	10/3030
Attachments:	Morrinsville Netball Centre request for funding assistance Aerial of Netball Centre
Responsible Officer:	D Bellamy Group Manager Community Development
Author:	C Smithers Parks and Property Planner

EXECUTIVE SUMMARY

The Morrinsville Netball Centre wish to expand their facilities with an additional court located on Council owned land covered by a designation for cemetery purposes. The Netball Centre has also requested financial assistance for the costs of a resource consent.

BACKGROUND

The Morrinsville Netball Centre at Campbell Park have approached Council with a request to use the area of land shown on the attached map for an additional netball court to accommodate growing demand. The land is owned by Council and is designated for cemetery purposes. The Morrinsville Netball Centre already have two courts located on this land parcel owned by Council and six courts in total located at Campbell Park.

Whilst the land is designated for cemetery purpose it is unlikely that it would be used for that purpose as the existing cemetery development does not give easy access to this land. A considerable amount of other land is also available for any future cemetery expansion.

Campbell Park is located in the residential zone, and the expansion of the netball facilities in this zone requires a resource consent. Main issues that would be considered as part of the resource consent process would be the traffic generation, lighting and noise.

Use of the land, if permitted, would need to be formalised through a licence to occupy (or similar agreement).

The Netball Centre have also requested assistance with funding for the consent process (see attached letter) from the fund Council created for community groups undertaking resource consents.

STATUTORY ISSUES

Under the Resource Management Act the Morrinsville Netball Centre cannot use the land designated for cemetery purposes without prior written consent from Council. The Netball Centre is requesting this approval prior to them lodging a resource consent application.

POLICY AND BYLAW ISSUES

There are no policy or bylaw issues.

LONG TERM COUNCIL COMMUNITY PLAN**COUNCIL ACTIVITIES*****Community Facilities***

Community Facilities are Council activities focused on recreational and cultural opportunities in the district. Previously, much of the work we have done in this area has been around the provision of services and assets, such as the libraries, swimming pools, parks and reserves and other public amenities. In the future, Council will be looking to see how it can enhance the provision of these services to the community through the forming of partnerships with other regional and national organisations focused on social and cultural wellbeing.

- *Public Amenities*
 - *Identify opportunities for improvement and subsequent implications of those improvements*

COMMUNITY OUTCOMES

- Our Social Infrastructure

SIGNIFICANCE POLICY

This issue is not considered significant in terms of Council's Significance Policy.

COMMUNICATION AND CONSULTATION ISSUES

Consultation is likely to be required through the resource consent process under the Resource Management Act.

FINANCIAL IMPLICATIONS

There are no current resources allocated. Council needs to consider whether funding should be granted for the costs of applying for a resource consent.

OPTIONS

Option 1: allow the Morrinsville Netball Centre to construct a new netball court (subject to resource consent) on the proposed site and formalise the use through a licence to occupy (or similar agreement) for the continual use of this land.

Option 2: do not allow the Morrinsville Netball Centre to construct a new netball court on the proposed site.

OFFICER RECOMMENDATION

That:

- 1. Council allow the Morrinsville Netball Centre to construct a new netball court on the proposed site, subject to resource consent and formalise the use through a licence to occupy or similar agreement and,**
- 2. Council consider funding towards the costs of applying for the required resource consent.**

7.3.3 PROPOSED PLAN CHANGE 30 - EYNON ROAD MIXED INDUSTRIAL/BUSINESS ZONE

File No: RMR200628
Attachments: [Eynon Road Issues Identification Report](#)
Responsible Officer: D Bellamy
Group Manager Community Development
Author: C Smithers
Parks and Property Planner

EXECUTIVE SUMMARY

The proposed Plan Change 30 – Eynon Road Mixed Industrial/Business Zone is to rezone the land area surrounding Eynon Road from rural to a mixed industrial/business zone, overlaid by a “structure plan”.

The Issues Identification Report has been developed to assist in the consultation process. The Resource Management Act outlines the process that has to be followed for a plan change and who should be consulted. Consultation so far has only involved preliminary discussions with Greenlea Meats.

Council now needs to decide whether to approve the Issues Identification Report for consultation.

BACKGROUND

The proposed Plan Change 30 – Eynon Road Mixed Industrial/Business Zone is to rezone the land area surrounding Eynon Road from rural to a mixed industrial/business zone, overlaid by a “structure plan”. The intention is to provide a high quality industrial and business development with superior amenity, creating an alternative offering within the market place.

At the Council meeting on 13th April 2011 Council approved the consultation plan to go out for public consultation. A Council workshop was then held on 19th May 2011 to give Councillors an update on what progress had been made to date.

The Issues Identification Report has been developed and provides a summary of the proposal and the background to the main issues with the proposed plan change.

STATUTORY ISSUES

The Resource Management Act is the relevant statutory document used in relation to this Plan Change, it specifically determines which parties are to be consulted with, and also gives Council discretion in determining other affected parties in relation to a Plan Change.

POLICY AND BYLAW ISSUES

There are no policy or bylaw issues.

LONG TERM COUNCIL COMMUNITY PLAN

COUNCIL ACTIVITIES

Community Facilities

Community Facilities are Council activities focused on recreational and cultural opportunities in the district. Previously, much of the work we have done in this area has been around the provision of services and assets, such as the libraries, swimming pools, parks and reserves and other public amenities. In the future, Council will be looking to see how it can enhance the provision of these services to the community through the forming of partnerships with other regional and national organisations focused on social and cultural wellbeing.

- *Housing and Other Property*
 - *Identify opportunities for improvement and subsequent implications of those improvements*

COMMUNITY OUTCOMES

- Economic Development: Prosperity

SIGNIFICANCE POLICY

This issue is not considered significant in terms of Council's Significance Policy.

COMMUNICATION AND CONSULTATION ISSUES

Consultation so far has involved preliminary discussions with Greenlea Meats as a significant land owner, who is on-side with the proposal in principle.

The Resource Management Act sets out the consultation requirements for a Plan Change.

The consultation plan was approved by Council on the 13th April 2011.

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

OPTIONS

Option 1: Council approves the Issues Identification report for consultation.

Option 2: Council approves the Issues Identification report with some amendments

Option 3: Council does not approve the Issues Identification report and requires it to be reconsidered.

OFFICER RECOMMENDATION

That the Issues Identification Report be approved for consultation

7.3.4 SKATE BOARD PARK

File No: CFA242007
Responsible Officer: D Bellamy
Group Manager Community Development
Author: C Smithers
Parks and Property Planner

EXECUTIVE SUMMARY

The Morrinsville Skateboard Club and St Johns have both requested to use selected areas of the old Museum site on the corner of Lorne and Anderson Streets, Morrinsville.

The smaller parcel will need to be offered back to BNZ in accordance with the Public Works Act as it is no longer being used for a public work. A lease can then be offered to St Johns. Remaining buildings and structures on the site will need to be removed prior to the site being developed.

Staff have met with both groups and discussed the resource consent requirements to use the site for the requested purposes.

Consultation will be carried out with affected parties through the resource consent process under the Resource Management Act.

BACKGROUND

Council was approached by the Morrinsville Skateboard Club seeking approval for the use of the former Morrinsville Museum site on the corner of Lorne and Anderson Street, Morrinsville.

At the meeting on the 13 April 2011, Council resolved:

That:

1. Council confirm that, in principle, they are prepared to offer a lease to St John for use of the smaller parcel of the site; and
2. the larger parcel of the site be offered to the Skateboard Club for the construction of a skateboard park; and
3. staff report back to Council on issues with the proposals and the lease arrangements prior to ratification.

Staff have met with the Morrinsville Skateboard Club and discussed the resource consent requirements for the skate park. The Club are working on a consent application and intend to form an incorporated society for the purposes of applying for funding to fund the balance required for the project. The Morrinsville Skateboard Club was granted \$75,000 in the 2009 LTCCP, subject to a suitable site being found.

Staff have also met with St Johns outlining the resource consent requirements and have advised that consultation with surrounding residents should be conducted in conjunction with the Morrinsville Skateboard Club to ensure a consistent message is being received by residents.

The next stage, once Council have confirmed their approval for both activities to use the site, is for both parties to proceed with resource consent applications and consultation with affected parties.

ISSUES

The main issues that will be considered as part of the resource consent process for the skate park are the noise and the impact on the visual amenity. Staff have recommended to both the Skateboard club and St Johns to consider how the two activities can exist on the site with minimal disruption to each other (e.g. Skateboard club including fencing along the boundary to prevent people spilling into St Johns land and car park, and St Johns using a surface for the car park which will discourage skateboarding).

St Johns will require a lease to ensure their exclusive use of the car parking area. The terms of this lease will include a period for the lease (of not more than 35 years), any rent to be charged and specify what use is allowed on the site. Prior to a lease being offered to St Johns, Council will need to offer the parcel back to BNZ under the Public Works Act.

There are currently still some structures (including a building and a historic canoe) on the site which will need to be relocated prior to any development occurring. The Historical Society's lease requires them to remove any building on vacating the site and the relocation of the canoe is the subject of a separate report to Council

STATUTORY ISSUES

A resource consent for both the skate park and the St Johns car park is required under the Resource Management Act.

POLICY AND BYLAW ISSUES

There are no policy or bylaw issues.

LONG TERM COUNCIL COMMUNITY PLAN

COUNCIL ACTIVITIES

Community Facilities

Community Facilities are Council activities focused on recreational and cultural opportunities in the district. Previously, much of the work we have done in this area has been around the provision of services and assets, such as the libraries, swimming pools, parks and reserves and other public amenities. In the future, Council will be looking to see how it can enhance the provision of these services to the community through the forming of partnerships with other regional and national organisations focused on social and cultural wellbeing.

- *Public Amenities*
 - *Identify opportunities for improvement and subsequent implications of those improvements*

FOUR WELL-BEINGS**SOCIAL**

The provision of a skate park would contribute to the social well being as Morrinsville currently has a shortage of youth facilities and there has been interest in having a skate park for several years.

COMMUNITY OUTCOMES

- Our Social Infrastructure
- Planning and Development

SIGNIFICANCE POLICY

This issue is not considered significant in terms of Council's Significance Policy.

COMMUNICATION AND CONSULTATION ISSUES

Consultation is likely to be required through the resource consent process under the Resource Management Act.

FINANCIAL IMPLICATIONS

Community Facilities operational budget will require additional funding for site maintenance of the skate park once complete. This would be determined once draft designs are complete.

OPTIONS

Option 1: Council grant approval for St Johns to lease the smaller parcel of land subject to it first being cleared for lease under the Public Works Act. Council grant approval for Morrinsville Skate board Club to use the larger parcel of land for a skate park, subject to resource consent.

Option 2: Council decline approval for either one or both of the parties to lease the land.

OFFICER RECOMMENDATION

That:

- 1. Council grant approval for St Johns to lease the smaller parcel of land subject to it first being cleared for lease under the Public Works Act.**
- 2. Council grant approval for Morrinsville Skate board Club to use the larger parcel of land for a skate park subject to resource consent.**

7.3.5 WAHAROA RAUNGITI WATER SUPPLY EXTENSION

File No: WAT522000
Responsible Officer: D Bellamy
Group Manager Environmental Services
Author: S Collecutt
Assets Engineer

EXECUTIVE SUMMARY

In February, Council committed to submitting an application for water supply subsidy on behalf of Raungaiti Marae and Village.

The Drinking Water subsidy application was prepared but not submitted, as consultation with the Raungaiti Community could not be effectively carried out before the application deadline. The estimated total capital cost of associated improvements is \$345,000 plus GST (see Raungaiti Capital Assistance Programme estimates).

Council needs to determine the level of assistance it is prepared to provide the Raungaiti Community to ensure adequate water services are provided and maintained for the wellbeing of the public.

BACKGROUND

The Raungaiti Marae committee requested that Council consider extending the water supply from Waharoa to Raungaiti in conjunction with the Waharoa / Raungaiti Sewerage Scheme.

In late December 2010 the government reinstated the small water supplies subsidy scheme, with up to 85% subsidy available. Subsequent discussions with the Waikato District Health Board concluded that Council should apply for a water supply subsidy on behalf of the Raungaiti Marae and Village.

In February 2011, Council committed to submitting an application for water supply subsidy on behalf of Raungaiti Marae and Village.

Applications for Drinking water subsidy are only received once per year. In 2011 the deadline was 31 March, in years 2012 - 2015 the deadline is 28 February.

Council staff prepared a Public Health Risk Management Plan (PHRMP) and an application for the Drinking Water Assistance Programme. However, the application was not submitted as consultation with the Raungaiti Community could not be effectively carried out before the application deadline (31 March 2011).

The PHRMP shows that the Raungaiti Community water supply is inadequate in quality and quantity. The estimated total cost of the associated improvements to the Raungaiti water supply is \$345,000 plus GST.

A significant portion of the total cost is the pipeline from Waharoa to Raungaiti – estimate \$165,000 plus GST. However, this estimate assumed potential cost savings

through installing the watermain at the same time as the sewer rising main from Waharoa to Raungaiti.

ISSUES

Existing Water Supply

The current water supplies serving Raungaiti Marae and Village are: sourced from shallow bores; open to potential contamination; untreated; limited in quantity during dry periods, extensive farm irrigation and/or large gatherings, and; generally run to failure, that is, no routine maintenance is carried out. In addition, some properties have inadequate on property storage and so connect to their neighbour's storage tank when their own water supply runs out due to the bore running dry (up to five or six weeks during summer).

The Waharoa Airfield water supply is: sourced from a shallow bore; undergoes UV treatment; operated and maintained by Kaimai Valley Services and; supplies the airfield, house, gliding club and campground. The Raungaiti Marae and Village have previously requested connections to the Waharoa Airfield water supply. These requests have been declined, due to uncertainty around ability to maintain bore quality and quantity.

There is sufficient water capacity available within the Matamata and Waharoa water supply schemes to serve Raungaiti Village (including Waharoa Airfield).

Council's Role

One of Council's stated goals is to *ensure that adequate water supplies are provided and maintained for the wellbeing of the public, both now and for the future* (LTCCP Volume 2, p137). However, Council needs to determine the level of assistance it is prepared to provide the Raungaiti Community in order to meet this goal.

The Raungaiti Community water supply is inadequate now and is unlikely to be improved without further technical and/or financial assistance. Council previously committed itself to submitting an application on behalf of the Raungaiti Community for drinking water subsidy. The application process involves the following steps:

1. Prepare draft Public Health Risk Management Plan (PHRMP)
2. Consultation with Raungaiti Community re: PHRMP
3. Submit PHRMP (including consultation undertaken with Raungaiti Community) to Ministry of Health for review and comment
4. Finalise PHRMP and implement
5. Submit application for Drinking Water Subsidy in February 2012

To date, the draft PHRMP has been prepared (step 1) and recommends improving the water supply source by extending the Waharoa water supply to Raungaiti. Steps 2 to 5 are yet to be undertaken.

Timing of Proposed Works

To install the watermain from Waharoa to Raungaiti separate from the sewer rising main will result in cost increases of approximately 40%; negative community perception of digging up the same road reserve twice within a few months; possible damage to the newly installed rising main, and; potential difficulties with which contractor is liable for repairing any reinstatement defects. In contrast, Council will know the amount of Ministry of Health funding available.

However, installing the watermain in conjunction with the Waharoa / Raungaiti Sewerage Scheme will mean that the work will be carried out prior to the drinking water application being submitted and approved and the subsidy will then be unavailable for this portion of the work and worst case, subsidy may not be approved for the remainder of the work. Estimated cost to Council is \$165,000 less development contributions received.

Benefit to Council

There is some benefit to Council in extending the water supply from Waharoa to Raungaiti Village (including Waharoa Airfield). The compliance costs and staff expertise for meeting the drinking water standards are shifted from the Community Facilities Activity to the Water Supply Activity where they more readily lie; Water storage (that allows for fire fighting purposes) would be sited within the airfield; quality and quantity of drinking water will be consistently better than it is currently, and; water would be available for new operations associated with the airfield.

Financial Contributions

The Marae and residents may not be in a position to pay for the full cost of the water supply extension, should the subsidy application be unsuccessful, or the remaining cost should the subsidy application be successful. However, there is sufficient money available within the water supply capital budgets to fund the total project.

The water supply development contribution in Matamata Ward for 2011/12 is \$1724.62 plus GST for a residential dwelling. There are 18 houses within Raungaiti Village, plus the Marae and Airfield. In accordance with the Development Contributions policy, the Marae and Airfield are equal to 7.1 and 4.7 Household Equivalent Units (HEU) respectively. Therefore, the minimum expected contribution from direct beneficiaries of the water supply extension, total \$51,394 plus GST (18 + 7.1 + 4.7 HEU x \$1,724.62).

To charge residents on the basis of development contributions only will result in a funding shortfall and to charge residents on the basis of nil cost to Council could result in the proposed extension becoming cost prohibitive, even with 85% Ministry of Health subsidy.

STATUTORY ISSUES

The Health (Drinking Water) Amendment Act 2007 requires drinking water suppliers to: monitor drinking water; take all practicable steps to comply with the drinking water standards, and; implement risk management plans.

The Health (Drinking Water) Amendment Act 2007 applies to all water supplies, regardless of size or type, because they relate to the health effects on people. Water supplies serving between 25 and 100 people for at least 60 days per year (e.g. Waharoa Airfield and Raungaiti Marae and Village) have until 1 July 2013 to demonstrate compliance with the New Zealand Drinking Water quality standards.

The Local Government Act (2002) requires Local Authorities to undertake an assessment of the water and sanitary services available to communities within its district.

The Health Act 1956 No 65 (2010) requires Local authorities to report on diseases, drinking water and sanitary services as and when the Medical Officer of Health may require.

POLICY AND BYLAW ISSUES

There are no policy or bylaw issues.

LONG TERM COUNCIL COMMUNITY PLAN

COUNCIL ACTIVITIES

Community Infrastructure

Community Infrastructure represents many of the responsibilities that Council has historically managed: maintenance and development of roads, stormwater, wastewater, water supply and waste (solid).

- *Water*
 - *Meet Council's legal obligations under the Local Government Act*
 - *Provide the linkage between Council's strategic goals on water supply and the current levels of service*

COMMUNITY OUTCOMES

- Healthy Air, Water, Land: Healthy People

SIGNIFICANCE POLICY

This issue has triggered the following in Council's Significance Policy:

- The extent to which there is, or is likely to be a change in the level of service in carrying out any significant activity

COMMUNICATION AND CONSULTATION ISSUES

Consultation should be undertaken with Raungaiti Community as soon as possible to advise them on: requirements of the Health (Drinking Water) Amendment Act 2007; potential costs of improving their water supply (with or without the subsidy), and; obtain their comments on the draft Public Health Risk Management Plan.

FINANCIAL IMPLICATIONS

There are no current resources allocated. However, there appears to be sufficient funding available within existing water supply capital budgets.

There is no guarantee that Ministry of Health funding will be secured for either option.

If the water supply extension proceeds, after the sewer rising main between Waharoa and Raungaiti is installed, the costs are as follows:

Construction Cost		
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Original estimate (including cost savings)		\$345,000
<i>plus</i> watermain cost (not installed with sewer main)		\$66,000
Total Construction Cost		\$411,000
Less contributions from:		
• Government Subsidy (to be confirmed)	\$349,350	
• Residential Contributions (18 properties)	\$31,043	
• Raungaiti Marae (estimate)	\$12,245	
• Waharoa Airfield (estimate)	\$8,106	
Total Contributions	\$400,744	
Balance for Council to fund		\$10,256
Council funding available		\$345,000

If the water main was installed at the same time as the sewer rising main between Waharoa and Raungaiti, the costs are as follows:

Construction Cost		
Original Estimate (including cost savings)		\$345,000
<i>less</i> watermain cost (install before subsidy approved)		(\$165,000)
Total Construction Cost		\$180,000
Less contributions from:		
• Government Subsidy (to be confirmed)	\$153,000	
• Residential Contributions (18 properties)	\$31,043	
• Raungaiti Marae (estimate)	\$12,245	
• Waharoa Airfield (estimate)	\$8,106	
Total Contributions	\$204,394	
Council to fund		(\$24,394)
<i>plus</i> cost of watermain (installed with sewer main)		\$165,000
Balance for Council to fund		\$140,606
Council funding available		\$345,000

OPTIONS

Regardless of option chosen, Council needs to meet with the Raungaiti Community to discuss the draft PHRMP, associated costs and benefits to improve the water supply and requirements of the Health (Drinking Water) Amendment Act 2007.

However, prior to any talks with the Raungaiti Community, the Council representative(s) need to know the level of assistance Council is prepared to fund.

Option One

Do Minimum: Fulfil previous commitment to work with Raungaiti Community to finalise and implement PHRMP and submit subsidy application. The implementation of the PHRMP is likely to require training or facilitation of training for the Marae / Village bore operators in operating and maintaining their water supply. The Raungaiti community will still require financial and technical assistance to improve their water supply.

Council will also need to prepare and implement a separate PHRMP for the Waharoa Airfield water supply by 1 July 2013.

Option Two

Extend Water Supply from Waharoa to Raungaiti as recommended by the draft PHRMP. If this option is agreed upon, then the timing of the work needs to be resolved.

Extending the water supply as part of the Waharoa / Raungaiti Sewerage Scheme will initially cost Council \$165,000 and expose Council to the risk of the subsidy for the remainder of the work not being approved.

Extending the water supply after the Waharoa / Raungaiti Sewerage Scheme is constructed will cost significantly more, but Council will have certainty about the level of subsidy available.

OFFICER RECOMMENDATION

That:

- 1. The Waharoa / Raungaiti Water Supply extension report be received.**
- 2. Council decide what level of assistance it is prepared to fund in order to ensure that adequate water supplies are provided and maintained for the wellbeing of the Raungaiti Community.**
- 3. Council consults with the Raungaiti Community.**

Timbertank

Conversation with Justin Jordan of Timbertanks 24/03/2011

Budget price for 180m ³ timber tank – 6.9m diameter x 6.5m height	\$40,700
<i>plus</i> inlet, outlet, scour pipework and valves	\$7,300
Foundation	\$6,500
Contingency	\$5,500
Total	\$60,000

Pipelines

Conversation with Bjarne Larsen estimator for Schick Construction 24/03/2011 (contractor for Waharoa / Raungaiti Sewerage Scheme)

Budget price for 2310m of 150mm diameter watermain (including associated valves & fittings, anchor blocks, contingency)	\$165,000
Budget price for 650m of 100mm diameter watermain (including associated valves & fittings, anchor blocks, manifolds, contingency)	\$55,000
Total	\$220,000

Other water supply equipment

Costs obtained from recent upgrade of water supply pressure pumpset at Waharoa.

Supply new CRE32-3 pump and stainless steel manifold (including PLC controller and switchboard)	\$17,000
Electrical work (including new telemetry installation)	\$8,000
100mm dia Magflo Meter	\$2,500
Installation (labour)	\$7,500
Total	\$35,000

Other

Pumpshed	
Skyline Garage	\$15,000
Consents – Resource / Building	\$10,000
<i>plus</i> Contingency	\$5,000
Total	\$30,000
Grand Total	\$345,000

8 URGENT ADDITIONAL BUSINESS

9 EXCLUSION FROM THE PUBLIC

9.1 CHIEF EXECUTIVE

9.1.1 COMPENSATION FOR RESOURCE CONSENT COSTS

File No: 11/7737
Responsible Officer: D McLeod
Chief Executive Officer
Author: M O'Hagan
Junior Legal Advisor

EXECUTIVE SUMMARY

A local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on one or more of the grounds specified in Section 48 of the Local Government Official Information and Meetings Act 1987.

That the public be excluded from the following part of the proceedings of this meeting:

- Compensation for Resource Consent Costs

OFFICER RECOMMENDATION

That the public be excluded from the following part of the proceedings of this meeting:

- Compensation for Resource Consent costs

The general subject of the matter to be considered while the public is excluded, the reason for passing this resolution in relation to the matter, and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

Reasons for passing this resolution in relation to each matter:

- Good reason to withhold exists under Section 7

Ground(s) under Section 48 (1) for the passing of this resolution

- Section 48 (1)(a)

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 which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as follows:

- **7(2)(g) Maintain legal professional privilege.**

10 CLOSURE