

ORDINARY MINUTES

CORPORATE AND OPERATIONS COMMITTEE

DATE: Wednesday, 28 September
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 Corporate and Operations Committee in the decision making process and may not constitute Corporate and Operations Committee's decision until considered by Corporate and Operations Committee.

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MATAMATA-PIAKO DISTRICT COUNCIL

MINUTES of an Ordinary Meeting of the Corporate And Operations Committee held in the Council Chambers, 35 Kenrick Street, Te Aroha on 28 September 2011 commencing at 9:15

1 MEETING OPENING

The Chair welcomed everyone to the meeting and declared the meeting open.

2 PRESENT**MEMBERS PRESENT**

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 (in at 11.28 am)
Cr G R Stanley
Cr M P Steffert
Cr A B Tanner
Cr L M Tisch

OFFICERS PRESENT

Mr D McLeod	Chief Executive Officer
Mrs C Hubbard	Committee Secretary
Miss M Hawthorne (for item 6.1.2, 6.4.1)	Corporate and Legal Services Manager
Mr D Locke (for item 6.1.2)	Senior Projects Engineer
Mr N Baker (for item 6.1.4)	Policy Planner
Mr D Anglesey (for item 6.2.1)	Finance & Business Services Manager
Mr R Utting (for item 6.4.1)	Team Leader Operations
Mrs S Berry (for item 8.1.1)	Property Officer

IN ATTENDANCE

Mr S Edwards (out at 11.00am)	Piako Post
Mr B MacDonald (in at 10.15am out at 10.45am)	Presentation Waikato Community Response Model

3 APOLOGIES

MEMBERS APOLOGIES

There were no 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 enquired from members whether there were any additional items for consideration which qualify as extraordinary or urgent additional business.

There were no items of urgent additional business.

5 CONFIRMATION OF MINUTES

Minutes, as circulated, of the Ordinary Meeting of the Corporate And Operations Committee, held on 24 August 2011.

[Minutes August 24 2011 Corporate and Operations Committee.doc](#)

COMMITTEE RESOLUTION

That the Minutes of the Ordinary Meeting of the Corporate And Operations Committee held on 24 August 2011 be confirmed and signed as true and correct.

MOVED BY: Cr L M Tisch

SECONDED BY: Cr T M Cornes

CARRIED

6 OFFICER REPORTS**6.1 CHIEF EXECUTIVE****6.1.1 CHIEF EXECUTIVE OFFICERS REPORT TO MID SEPTEMBER 2011**

File No: SUP164601
Attachments: [CEOs Report for August to mid September2011](#)
Responsible Officer: D McLeod
Chief Executive Officer
Author: D McLeod
Chief Executive Officer

EXECUTIVE SUMMARY

A copy of the Chief Executive Officer's report for the period August to mid September 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.

Moved by: Cr J E Barnes

Seconded by: Cr N C Goodger

CARRIED

6.1.2 EASTERN WAIKATO REGIONAL SOLID WASTE COMMITTEE

File No: SWM520416

Attachments: [Draft ToR Solid Waste Shared Services Committee-21 Sept 2011.doc](#)

Responsible Officer: D McLeod
Chief Executive Officer

Author: M Hawthorne
Corporate and Legal Services Manager

EXECUTIVE SUMMARY

Thames-Coromandel District Council, Hauraki District Council and Matamata-Piako District Council (the Councils) have decided to enter into a shared solid waste services project. As part of this project, the Councils have completed a draft joint Waste Assessment and have also agreed to progress developing a joint Waste Management and Minimisation Plan (WMMP).

A joint Council committee is proposed to facilitate the development and adoption of the joint WMMP and to progress strategies for the implementation shared solid waste services. This report seeks the approval for:

- the terms of reference for the Eastern Waikato Regional Solid Waste Committee (EWRSW Committee)
- the delegation of authority to enable the EWRSW Committee to undertake its roles and responsibilities
- the appointment of two Council representatives to the EWRSW Committee

BACKGROUNDShared services

The Councils have entered into a joint project to consider having joint solid waste services contracts. Council approved on 10 August 2011 the expanded scope of the shared services project and appoint Councillors Stanley and Gribble to participate on the joint working party

All three Councils have now confirmed that they wish to proceed with a joint WMMP. The objective of the work will be to deliver a WMMP that will meet the requirements of the Waste Minimisation Act 2008 (WMA). The WMMP should contain a summary of the Councils' objectives, policies and targets with respect to waste management and minimisation. It should also clearly communicate how the Councils will deliver on these objectives through its activities.

Joint Waste Management and Minimisation Plan

The WMA (s 43) states that a WMMP must provide for the following:

- objectives and policies for achieving effective and efficient waste management and minimisation within the territorial authority's district:

- methods for achieving effective and efficient waste management and minimisation within the territorial authority's district, including –
 - collection, recovery, recycling, treatment, and disposal services for the district to meet its current and future waste management and minimisation needs (whether provided by the territorial authority or otherwise); and
 - any waste management and minimisation facilities provided, or to be provided, by the territorial authority; and
 - any waste management and minimisation activities, including any educational or public awareness activities, provided, or to be provided, by the territorial authority:
- how implementing the plan is to be funded:
- if the territorial authority wishes to make grants or advances of money in accordance with section 47, the framework for doing so.

The WMA does not prescribe specific waste management and minimisation targets, or the structure or content of WMMPs, allowing significant local flexibility in the approach taken.

It is proposed that the WMMP focuses on solid waste and excludes liquid and gaseous wastes, except where these are considered to have implications for solid waste management (for example biosolids, which are currently proposed to be composted by Council, or gas from landfills). This is in line with the Ministry for the Environment's Waste Management and Minimisation Planning: Guidance for Territorial Authorities which states:

"Councils need to determine the scope of their WMMP in terms of which wastes and diverted materials are to be considered within the plan".

It should be noted that the WMMP requires public consultation, and that consultation must take place in accordance with the Special Consultative Procedure set out in s83 of the Local Government Act 2002.

Joint Committee

In order to achieve a Joint WWMP, the Councils need to form a joint committee with delegated authority to recommend the draft WMMP, hear submissions and make a recommendation on the WMMP. It is envisaged that the joint committee will then report back to and seek adoption of its recommendations by each of the Councils.

An Eastern Waikato Regional Solid Waste Committee is being proposed to provide governance direction for shared services and overview the WMMP process including:

- develop the vision and high level goals, objectives and targets
- recommend the draft WMMP for the special consultative process
- provide deliberation for the special consultative process hearing
- recommend the final WMMP for the Councils' adoption
- other matters as they may be delegated to the joint committee by the Councils

The Eastern Waikato Regional Solid Waste Committee will comprise of two Councillors each from the Councils, it must be established under the Local Government Act 2002.

The Terms of Reference sets out the protocols and requirements, and currently includes Councillors Stanley and Gribble as the Council representatives.

STATUTORY ISSUES

The Local Government Act 2002, Schedule 7, clause 30 provides that a local authority may appoint a joint committee with another local authority or other public body. The Waste Minimisation Act requires the adoption of a WMMP by June 2012.

POLICY AND BYLAW ISSUES

The outcome of this process will result in new policy.

DELEGATED AUTHORITY

The Local Government Act 2002, Schedule 7, clause 32 provides that a local authority may (with some exceptions) delegate any of its responsibilities, duties, or powers to a committee or other subordinate decision-making body, community board, or member or officer of the local authority.

It is intended the Eastern Waikato Regional Solid Waste Committee will have the appropriate delegations to approve the deliverables and recommend the draft and adoption of the joint WMMP.

SIGNIFICANCE POLICY

Under the Council's Significance Policy, a decision in accordance with the recommendation is not considered to have a high degree of significance.

Council is required to comply with the decision-making provisions outlined in Part 6 of the Local Government Act 2002. Council's policy on significance details thresholds and criteria that the Council has determined it should consider in deciding whether a decision is significant.

Under the Council's Significance Policy, a decision on this matter is not considered to have a high degree of significance. Whilst the development of a WMMP is significant, the required special consultative process allows the community considerable opportunity for submission and providing direction to the final deliberations.

COMMUNICATION AND CONSULTATION ISSUES

Community views and preferences will be sought through the special consultative process. A proposed timeline has been developed for consultation as follows:

Step	Date
Approval of delegation to a Joint Committee	28 September
Approval of draft WMMP for recommendation to Council	30 September

Approval of draft WMMP by Council for consultation	12 October
Consultation	18 October – 21 November
WMMP Hearing	12 or 13 December
Council adoption of WMMP	February 2012

FINANCIAL IMPLICATIONS

The cost of developing the WMMP is being funded from waste levy funding which is acceptable to the Ministry for the Environment.

OPTIONS

1. Approve the Eastern Waikato Regional Solid Waste Committee delegation and Terms of Reference.
2. Approve the Eastern Waikato Regional Solid Waste Committee delegation and Terms of Reference with amendments.
3. Do not approve the Eastern Waikato Regional Solid Waste Committee delegation and Terms of Reference.

OFFICER RECOMMENDATION

That Council:

1. receives the report
2. approves the draft Terms of Reference for the Eastern Waikato Regional Solid Waste Committee
3. approves delegation of authority to enable the Eastern Waikato Regional Solid Waste Committee to undertake its roles and responsibilities as set out in the Terms of Reference
4. appoints two Councillors to represent Council on the Committee

OFFICER RECOMMENDATION/COMMITTEE RESOLUTION

That Council:

1. received the report
2. approved the draft Terms of Reference for the Eastern Waikato Regional Solid Waste Committee
3. approved delegation of authority to enable the Eastern Waikato Regional Solid Waste Committee to undertake its roles and responsibilities as set out in the Terms of Reference
4. appoints Councillors Stanley and Gribble to represent Council on the Committee

Moved by: Cr A B Tanner

Seconded by: Cr J E Barnes

CARRIED

6.1.3 WAIKATO COMMUNITY RESPONSE MODEL

File No: COM182401
Attachments: [Community Response Model Waikato Region](#)
Responsible Officer: D McLeod
Chief Executive Officer
Author: C Hubbard
Committee Secretary

EXECUTIVE SUMMARY

10.30 a.m.

Mr Brent MacDonald made a presentation to Council regarding The Community Response Model for the Waikato region.

POLICY AND BYLAW ISSUES

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

OFFICER RECOMMENDATION

That the information be received.

Moved by: Cr T M Cornes

Seconded by: Cr J E Barnes

CARRIED

This item was considered after item 6.1.4.

LONG TERM PLAN - RIGHT DEBATE RESULTS

File No: 11/1196
Responsible Officer: D McLeod
Chief Executive Officer
Author: N Baker
Policy Planner

EXECUTIVE SUMMARY

The consultation on the “Decisions for the Future of Our Community” (right debate) has been completed and the results compiled for the Committee’s consideration. A copy of the consultative document and feedback received was circulated separately. The report recommends the Committee receive the information and take the feedback in to consideration in developing the Long Term Plan.

The document was inserted in local newspapers on 10 August 2011. Submissions closed on 7 September 2011. An intensive schedule of consultation, community meetings, street-stalls, and school visits were undertaken as part of the Right Debate.

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 worked with Council to identify the issues which formed the right debate and Council approved the consultative document at its meeting on 14 July 2011. The following topics were included in the Right Debate:

- How much are you willing to pay? (this affects the financial strategy and levels of service across the organisation)
- Rates (Rating structure)
- Supporting economic growth (Economic development)
- Growth – who should pay (Development Contributions Policy)
- Paying for our roads (New Zealand Transport Agency subsidies and rates under the Roding activity)
- Water from the tap isn’t free (water conservation under the Water activity)

The right debate asked the community for their preferences on the above of issues, with a view to feeding them into the preparation of the LTP.

A summary of the timeline for the right debate is set out below.

- May/June 2011 – Council workshops to discuss potential right debate topics
- 14 July 2011 – Council approved the right debate for public consultation
- 10 August – 7 September 2011 – Consultation period with submissions invited
- 14 September 2011 – Staff presentation to Councillors on the consultation feedback
- 28 September 2011 – Council receives the information on the right debate options

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 (*How much are you willing to pay?*). 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.

The right debate document aimed 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. Feedback from our auditors to the right debate document has been positive; they have used it as an example to other clients on the LTP consultation process.

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 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.

POLICY AND BYLAW ISSUES

The right debate should provide Councillors with an indication of public opinion on the big issues so it can inform the preparation of the LTP. Councillors now need to give consideration the community feedback received.

RESULTS OF CONSULTATION

In total there were 812 submitters and 713 submissions made on the right debate consultation. Data analysis has been based on the number of submitters (not submissions). Where two names were identified on the submission form they were counted as two individual submitters. Community or business organisations were recorded as one submitter where Council staff were unable to identify how many people that organisation represents.

A summary of the overall feedback is provided below:

Right debate submitters - 812	Total Submitters
How much are you willing to pay?	
Option 1 - Stick with current services and concentrate on the "have to dos"	243
Option 2 - Do the "have to dos", but look at what current services can be reduced	293
Option 3 - Stick with the current services and add some of the "choose to dos"	238
Other	38
	812
Rates	
Option 1 - Keep the rating system as it is	393
Option 2 - Change to more user pays system	341
Option 3 - Make rates more tax based	40
Other	38
	812
Supporting economic growth	
Option 1 - Continue providing the current economic development services	458
Option 2 - Cut back on the current economic development services	149
Option 3 - Drive economic development in our community	163
Other	42
	812

Growth - who should pay?

Option 1 - Developers should pay for growth	582
Option 2 - Ratepayers pay for growth	12
Option 3 - Developers and ratepayers share the cost of growth	193
Other	25
	812

Paying for our roads

Option 1 - Increase rates to keep maintaining roads to the current standard	483
Option 2 - Reduce road maintenance to keep roading rates around the same level	243
Other	86
	812

Water from the tap isn't free

Option 1 - Install new water services to meet demand	65
Option 2 - Install water meters on all residential properties	183
Option 3 - Encourage water conservation by requiring new houses to install rooftop rainwater systems, and providing water rates rebates	436
Other	128
	812

LONG TERM COUNCIL COMMUNITY PLAN

COUNCIL ACTIVITIES

Community Development

Community Development has a focus on economic, social, environmental and cultural well being and includes activities such as Democracy, District Plan, the Long Term Council Community Plan and generally increasing community input into Council decision making. Improving representation in Council's decision making and finding other ways to improve the process of democracy in our district is important.

- *Democracy*
 - *To ensure that the community is well informed about Council plans, policies and strategies*

COMMUNITY OUTCOMES

The right debate topics relate particularly to the following community outcomes:

- Belonging to our Community
- Economic Development: Prosperity
- Planning and Development

- Transport: People Going Places

SIGNIFICANCE POLICY

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

COMMUNICATION AND CONSULTATION ISSUES

The document was inserted in local newspapers on 10 August 2011. Submissions closed on 7 September 2011. An extensive schedule of consultation, community meetings, street-stalls, and school visits were undertaken as part of the Right Debate. Copies of the Right Debate booklet were mailed-out to various community stakeholders' cafés, and churches.

During the consultation period, the Mayor, Councillors and Council's Chief Executive and other Council staff met with various community groups (such as Greypower, and the Business Associations, College students) to inform them of Right Debate and invite submissions. A meeting with Community Board members was held on 18 August 2011 and Federated Farmers on 22 August 2011.

The right debate was placed on the Te Manawhenua Forum Mo Matamata-Piako (Forum) 6 September 2011 meeting agenda. No formal resolution was recorded as at the time the item was discussed the Forum no longer had a quorum and the meeting had to be closed. However, the matter was discussed informally after closure of the meeting by the remaining Forum members.

Council staff also ran street/supermarket stalls in Morrinsville, Te Aroha and Matamata to inform the community of the proposals and hand out copies of the right debate.

The right debate was available electronically and could be viewed on the Council website 'Our Community Our Future'. Submissions could be made on-line through the website and via email. A display of the Right Debate material was placed at each Council office and library. 'Silhouettes' with attached 'speech bubbles' of the right debate topics were positioned at the front entrances to capture added public interest.

The consultation process now requires Council to give due consideration to all the submissions received and to make decisions on each right debate topic. Once Council has made decisions staff will publish the decisions on its website and in the Piako Post and Scene newspapers to inform the community.

FINANCIAL IMPLICATIONS

Consultation costs are covered within the existing budgetary allocation. Council will need to consider the financial implications of the right debate options.

OFFICER RECOMMENDATION/COMMITTEE RESOLUTION

That:

1. the information be received

2. Council take the feedback in to consideration in developing the Long Term Plan 2012-22

Moved by: Cr G R Stanley

Seconded by: Cr A B Tanner

CARRIED

This item was taken out of order and considered before Item 6.1.3.
Meeting adjourned for morning tea at 10.08 a.m. and reconvened at 10.25 a.m.

COMMUNITY AND SUPPORT**6.1.4 FINANCIAL EXCEPTION REPORT TO 31 AUGUST 2011**

File No: SUP 164601

Attachments: [Council Exception ReportWorkingPaper.xls](#)
[MCA NZ Limited 30 June report.pdf](#)
[Investment to 31 August 2011.xls](#)

Responsible Officer: M Te Wiata
Group Manager Business Services

Author: D Anglesey
Finance & Business Services Manager

EXECUTIVE SUMMARY

Council's financial result to 31 August 2011 is a deficit of \$560,000 compared to a budgeted \$188,000 surplus.

Expenses are usually low in the first two or three months of the financial year and that is so for this year also.

The two main variances identified in this report are:-

- Roothing – this activity is seasonal. Very little expense to date and consequently the subsidy income has not been claimed.
- PNZ Fund – This fund has decreased by \$1,639,248 to 31 August. This deficit has been offset somewhat by the gain in hedging of \$225,819.

At the Corporate and Operations Committee dated 24 August 2011, Council were advised and discussed the extra Insurance expense of \$249,288.48 that Council will face this year.

This extra expense will be brought to charge to the appropriate accounts monthly throughout the year.

BACKGROUND

The monthly financial report provides Council with a snapshot of the financial performance of the organisation.

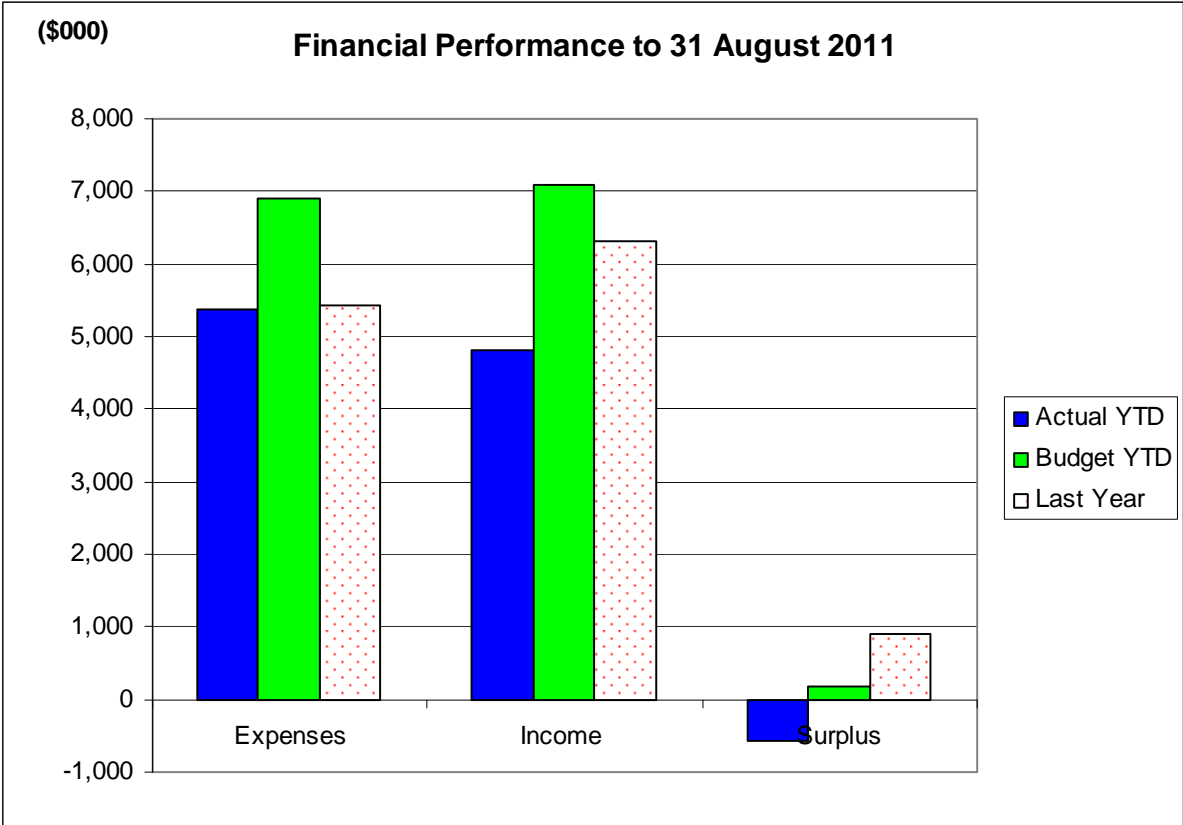
Management identifies budget variances to provide advice to Council on any action that should be taken. For example, management may recommend that works are deferred if it considers that budgets may be exceeded.

Management will make these recommendations after considering the overall financial situation. Budget variances in one activity may be able to be offset against another activity. Management may therefore consider that it is not necessary to take any action.

Issues

Overall Financial Performance

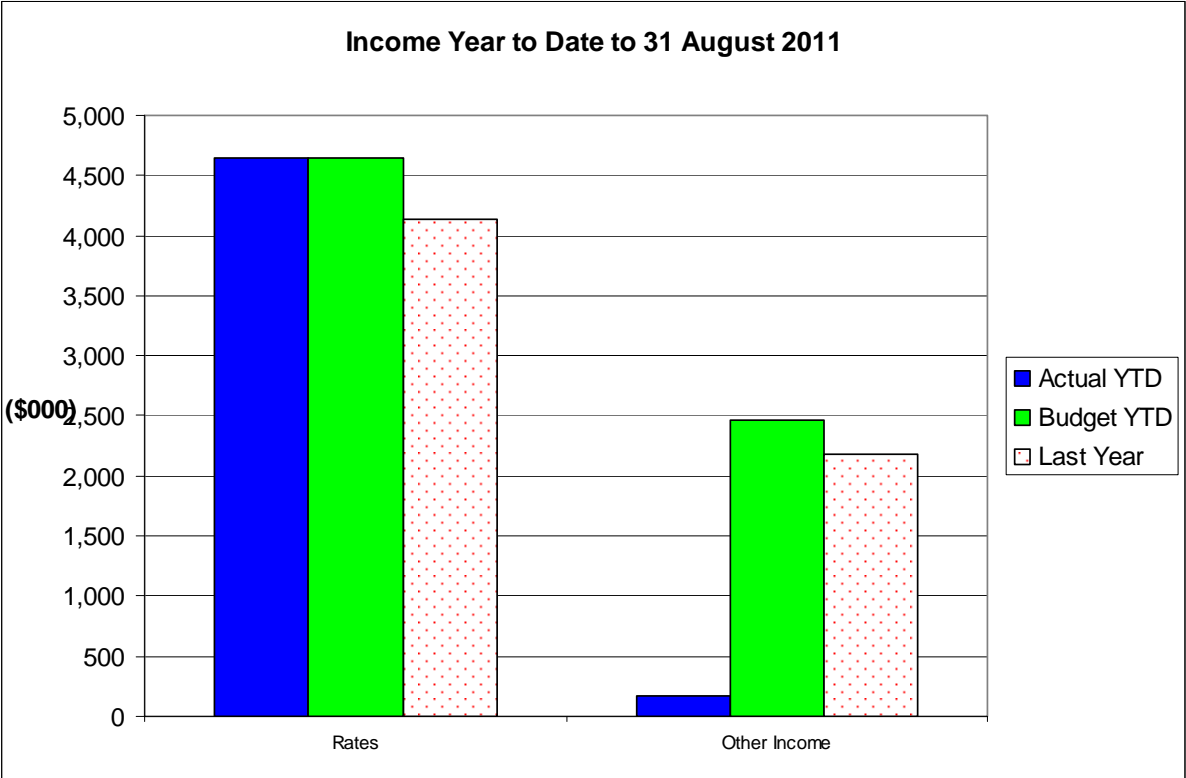
Both expenses and income are below budget as expected in the early part of the financial year, however, the larger variance is in the income, hence the overall deficit at this time.



Income

Rates income is as budgeted. Other income is below budget. The two main items are:

- PNZ investment income
- The LTNZ subsidy because roading work is seasonal.



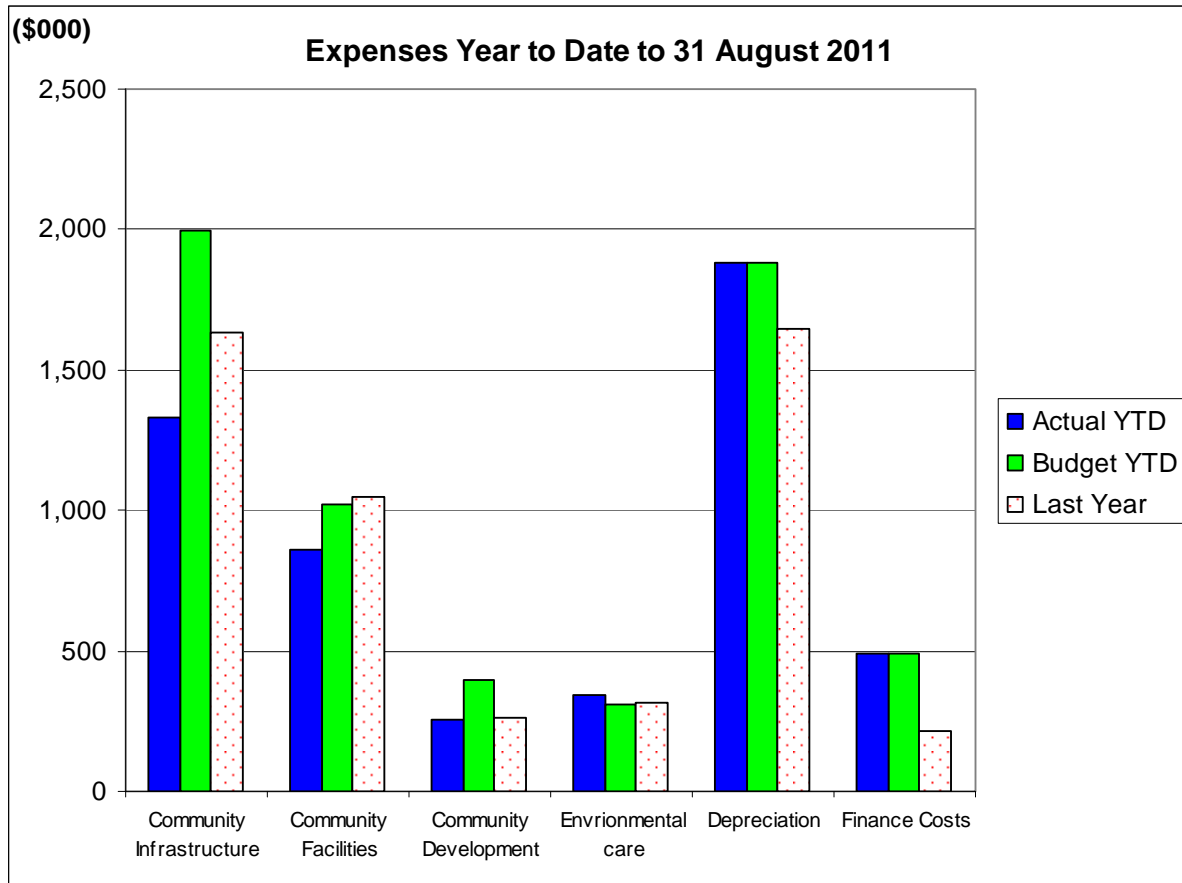
Expenses

Community Infrastructure is expanded in the next graph

In Community Facilities the overall expenses are below budget due to seasonal work. The low level of grants paid so far this year is the reason that Community Development is below budget.

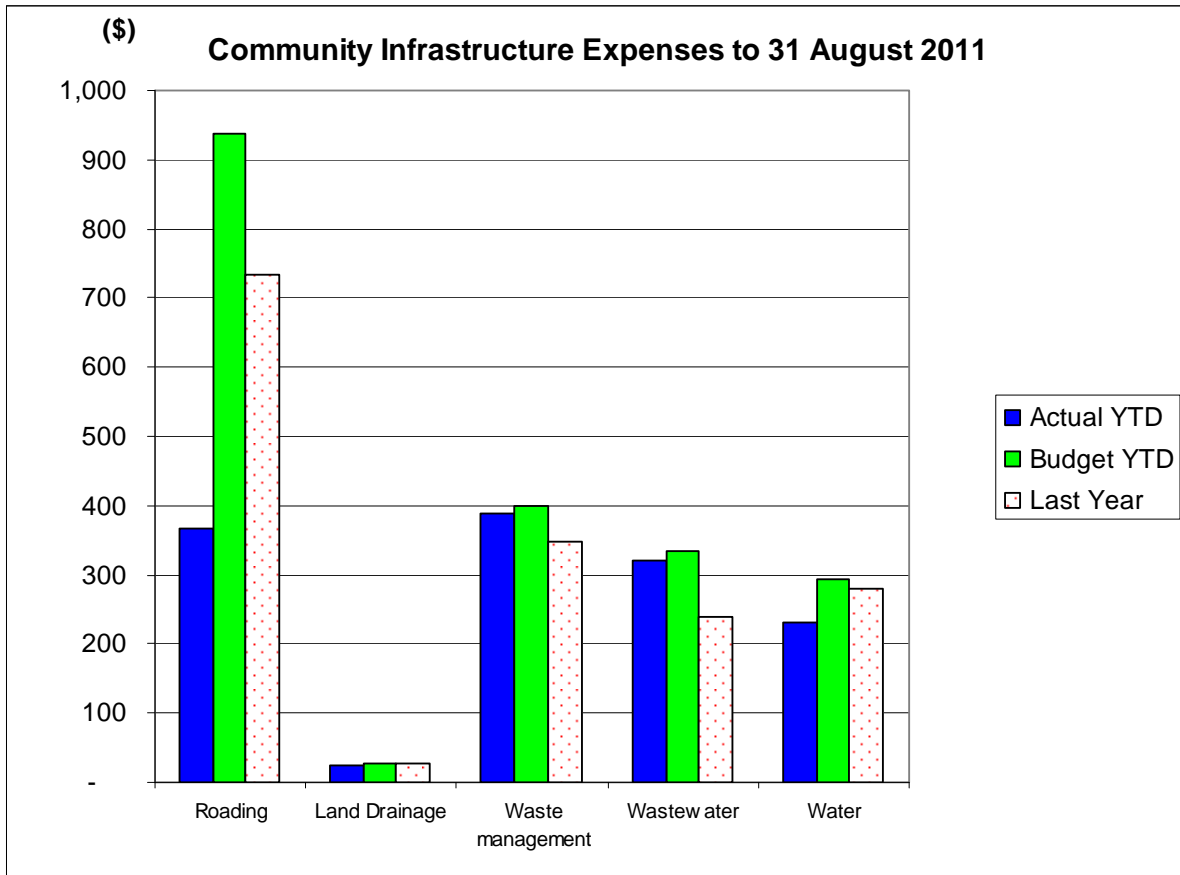
The Environmental Care area is higher than budget due to the high activity. This is offset by income in this area.

Depreciation and Interest costs are as budgeted.



Community Infrastructure Expenses

Roading is seasonal and tracking below budget as expected.
All other infrastructure activities are tracking just below budget.



MCA NZ Limited

2

PNZ Report to 30 June 2011 is attached to this report

Investment Report to 31 August 2011 attached.

FINANCIAL IMPLICATIONS

No financial resource impact.

OFFICER RECOMMENDATION/COMMITTEE RESOLUTION

That the information be received.

Moved by: Cr N C Goodger

Seconded by: Cr L M Tisch

CARRIED

COMMITTEE RESOLUTION

That Council have a workshop with Michael Chamberlain in an advisory position.

Moved by: Cr M P Steffert

Seconded by: Cr A B Tanner

CARRIED

Cr Gribble recorded his vote against the resolution.

6.2 ENVIRONMENTAL**6.2.1 MINUTES OF WAIKATO CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP MEETING SEPTEMBER 2011**

File No: CD180206
Attachments: [Waikato Civil Defence Emergency Group September 2011](#)
Responsible Officer: D Bellamy
Group Manager Community Development
Author: C Hubbard
Committee Secretary

EXECUTIVE SUMMARY

The minutes of the Waikato Civil Defence Emergency Management Group meeting held on Monday 5 September 2011 are attached.

DISCUSSION

Mayor Vercoe advised that Mr Gary Talbot has been appointed as the replacement for Mr R White in Thames. The Waikato Regional Council have also employed a full time civil defence person.

POLICY AND BYLAW ISSUES

There are no policy or bylaw issues.

OFFICER RECOMMENDATION

That the information be received.

Moved by: Cr N C Goodger

Seconded by: Cr T M Cornes

CARRIED

6.3 INFRASTRUCTURE

6.3.1 STORMWATER MANAGEMENT BYLAW 2009, SCHEDULE AMENDMENT

File No: LDS522402
Responsible Officer: F Vessey
Group Manager Service Delivery
Author: Robert Utting
Team Leader Operations

EXECUTIVE SUMMARY

The stormwater drainage from Charleston Street and the back portions of 4 Thames Street to 50 Thames Street drain into an open drain running along the old railway reserve to where it joins the Morrinsville Stream.

This drain requires regular maintenance but is under the control of the Office of Treaty Settlements and their responses to date to requests to clean the drain have been woeful.

BACKGROUND

The drainage system for Charleston Street in Morrinsville discharges into what is essentially a private drain running parallel with the railway line to eventually discharge via a culvert under the railway entrance to the Morrinsville Stream. The drainage system in Thames Street also discharges to the same open drain system but closer to the railway entrance.

About two years ago the Ontrack cleaned and deepened the drain for about 50% of its length and attempts by us for the Office of Treaty Settlements to clean the balance of the drain have been unsuccessful.

The commercial properties at the western end of Thames Street which back onto Charleston Street have traditionally been able to discharge water through a piped open drain between Charleston Street and Thames Street which then discharges via the Charleston Street outfall. The recent commercial developments for Piako Motors have highlighted the need for the open drain to be kept clean and in good order to allow stormwater to flow away from their property, notwithstanding that they have provided the onsite stormwater retention devices requested by Council.

The Storm Water Management By Law 2009 was adopted by a Council resolution that year. This document details the open drains within the District that Council keeps clear of obstructions and regularly sprays. This particular drain is not included but is an essential part of the storm water network.

ISSUES

Piako Motors are seeking assurance that flooding of their site will be mitigated by Council.

The drain is on Office of Treaty Settlements land and there appears to be a reluctance to keep the drain clean by them.

Stormwater off Charleston Street discharges into the drain and it is in the communities interest to keep the drain clean.

Annual costs to spray and clear blockages is estimated to be \$1000.00

OFFICER RECOMMENDATION/COMMITTEE RESOLUTION

That;

- 1 The report be received**
- 2 That the open drain between Charleston Street and the Railway entrance be added to the drain cleaning schedule.**

Moved by: Cr A B Tanner

Seconded by: Cr T M Cornes

CARRIED

7 URGENT ADDITIONAL BUSINESS

There were no items of urgent additional business.

8 EXCLUSION FROM THE PUBLIC

8.1.1 DAMAGE TO AN ELDERLY PERSONS FLAT- FLAT 5 AROHA

File No: HOU520802
Responsible Officer: F Vessey
Group Manager Service Delivery
Author: S Berry
Property Officer

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:

- Damages and costs totalling \$4,570.22 have been caused to an Elderly Persons Flat at Flat 5 Aroha due to the elderly tenant suffering from a delusional break down. This is being referred to council to see if the expenses need be claimed back from that tenant.

OFFICER RECOMMENDATION

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

- That Council do not pursue the ex tenant, for the recovery of the costs and repairs to Flat 5 Aroha, Centennial Drive, Te Aroha.

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)(a) Protect the privacy of natural persons, including that of deceased natural persons.**

Moved by: Cr N C Goodger

Seconded by: Cr A B Tanner

CARRIED

9 CLOSURE

The meeting closed at 11 55 a.m.

CONFIRMATION: 26 October 2011

SIGNED:

C L Greenville