



AGENDA

COUNCIL MEETING

Wednesday, 31 October 2018, 9.00am

in the Council Chambers, William Street, Paeroa



Membership

Mayor

J P Tregidga

Councillors

Cr D A Adams (Deputy Mayor)

Cr P D Buckthought

Cr C Daley

Cr R Harris

Cr G R Leonard

Cr M McLean

Cr P A Milner

Cr A Rattray

Cr D Smeaton

Cr A M Spicer

Cr D H Swales

Cr J H Thorp

Executive Leadership

L D Cavers

D Peddie

A de Laborde

P Thom

S Fabish

Public Distribution

Paeroa Office

Plains Area Office

Waihi Area Office

Chief Executive

L D Cavers

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COUNCIL AGENDA

Wednesday, 31 October 2018 – 9.00am

Council Chambers, Council Office, William Street, Paeroa

PRESENTATION:

10.00am Presenter: Lucy Taua'i of Versus Research
 Subject: Results of Hauraki District Council
 2018 Annual Satisfaction Survey

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HAURAKI DISTRICT COUNCIL MEETING

MINUTES OF A MEETING OF THE HAURAKI DISTRICT COUNCIL HELD IN THE COUNCIL CHAMBERS, WILLIAM STREET, PAEROA ON WEDNESDAY 26 SEPTEMBER 2018 COMMENCING AT 9.00 AM

PRESENT

J P Tregidga (His Worship the Mayor – 9.00am-1.58pm), Cr D A Adams (Deputy Mayor - 9.00am-1.58pm), Cr P D Buckthought, Cr C Daley, Cr R Harris, Cr G R Leonard (In the Chair 1.38-2.25pm), Cr M McLean, Cr P A Milner, Cr D Smeaton (9.00am-12.00), Cr A M Spicer, Cr D H Swales and Cr J H Thorp

IN ATTENDANCE

Messrs L D Cavers (Chief Executive), A de Laborde (Group Manager - Engineering Services), D Peddie (Group Manager - Corporate Services), P Thom (Group Manager - Planning & Environmental Services), S B Fabish (Group Manager - Community Services and Development), S Baker (Finance Manager), M Buttimore (Strategic Planning Projects Manager), J McIver (Community Engagement Manager), Ms C Mischewski (Policy Analyst), Mrs W Harris (Regulatory Services Manager), Mrs S Holmes (Strategic Planner), Ms K Quinn (Senior Strategic Planner), L de Haast (Transportation Manager), E J Wentzel (Water Services Manager), S de Laborde (Manager, Planning and Infrastructure Systems) and Ms D Bezuidenhout (Council Secretary)

APOLOGIES

RESOLVED

THAT the apology of Cr A Rattray be received and sustained.

C18/456

McLean/Harris

CARRIED

LATE ITEMS

Pursuant to Section 46A(7) of the Local Government Official Information and Meetings Act 1987, the Chairperson called for late items to be accepted.

RESOLVED

THAT pursuant to Section 46A(7) of the Local Government Official Information and Meetings Act 1987, the following late items be accepted for discussion.

- 2018 Young Achievers Award – Exemption from Age Criteria

The item was not on the agenda as it was not available at the time of the agenda deadline. Consideration of the item could not be delayed due to the urgency that a decision be made prior to the next Council meeting.

CSDC18/457

Milner/McLean

CARRIED

DECLARATIONS OF INTERESTS

There were no declarations.

CONFIRMATION OF COUNCIL MINUTES – 29.8.18 (2453255)

The Mayor presented the minutes.

RESOLVED

THAT the minutes of the meeting of the Hauraki District Council held on Wednesday, 29 August 2018 are confirmed and are a true and correct record.

C18/458

Smeaton/Buckthought

CARRIED

MATTERS TO BE TAKEN WITH THE PUBLIC EXCLUDED

RESOLVED

THAT the public be excluded from the following parts of the proceedings of this meeting. The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each 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:

Item No.	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) Under Section 48(1) for the Passing of this Resolution
1	2018 Young Achievers Award – Exemption from Age Criteria	Section 7(2)(a) – Protect the privacy of natural persons, including that of deceased natural persons.	Section 48(1)(a) That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.

C18/459

Milner/McLean

CARRIED

RESOLVED

THAT the public be re-admitted to the meeting and that the business in committee discussed be confirmed.

C18/462

Tregidga/Harris

CARRIEDCEO MONTHLY REPORT FOR SEPTEMBER 2018 (2453206)

The Chief Executive presented his monthly report for September 2018. The report covered key staff changes within the organisation, the August Mayoral Forum – Summary Report and the Waikato Regional Council Final Proposal for Representation Arrangements.

RESOLVED

THAT the report be received.

C18/463

Tregidga/Leonard

CARRIEDFINANCIAL REPORT FOR THE TWO MONTHS ENDING AUGUST 2018 (2453370)

The Group Manager - Corporate Services presented the Financial Report for the period to 31 August 2018.

RESOLVED

THAT the report be received.

C18/464

Tregidga/Adams

CARRIEDREQUEST TO CARRY FORWARD UNSPENT CAPITAL BUDGETS FROM 2017/18 INTO 2018/19 (2453368, 2453047, 2453048)

The Group Managers of Engineering Services and Community Services and Development presented a report which sought Council approval to carry forward into the 2018/19 financial year the financial amounts listed below from approved but unspent Capital Expenditure budgets from 2017/18, noting some of these carry forward requests will see the unspent budget from 2017/18 spread over multiple years, and acknowledge that due to timing issues a small number of planned operating spends that were anticipated to be undertaken in 2017/18 will now take place in 2018/19.

This will see some adverse budget variances in 2018/19 but positive variances in 2017/18.

RESOLVED

THAT the report be received.

C18/465

Adams/Harris

CARRIED**RESOLVED**

THAT Council:

- Approve the list of carry forward projects as identified in Appendix A to this paper to be added to the 2018/19 Capital Works programme.
- Approve the deferral of projects as identified in Appendix A that were set out in the LTP for delivery in 2018/19 that will be deferred to future years.

- Approve the new capital works projects of:
 - Mahuta Road North underslip \$528,000
 - East Coast Road underslip \$283,000
 - Victoria Park drinking fountain \$4,000
 - Paeroa dump station relocation \$50,000
 - Victoria Park dump station \$30,000
 - Skate and Leisure Centre – Paeroa re-roofing\$106,000
- Approve the reclassification of \$200,000 of the Wharf Street Jetty project from Operating expenditure to capital expenditure in light of the MOU with Historical Maritime Park Inc.
- Notes and approve the operational overspend that will occur in 2018/19 relating to timing differences associated with the following projects:
 - Unspent Economic Development funds \$34,000
 - Investigation Phase Ngatea library \$34,000
 - Digital enablement project \$30,000 (previously approved by Council) and

C18/466

Adams/Swales

CARRIED**RESOLVED**

THAT Council, note that while the projects listed in Appendix B are not currently proposed to be undertaken in the 2018/19 financial year, that they could be re-scheduled subject to Council approval at some future date. The list of projects in Appendix B be considered when the draft 2019/20 annual plan is constructed.

C18/467

Adams/Swales

CARRIED**2017/18 DRAFT ANNUAL REPORT REVIEW (2453084)**

The Finance Manager presented a working version of the draft 2017/18 Annual Report as developed to date, for review by the Council. The purpose of the report was to allow an opportunity to review and focus on the wording that describes the Council's performance results, achievements and project descriptions.

RESOLVED

THAT the report be received.

C18/468

Milner/McLean

CARRIED**PLANNING AND ENVIRONMENTAL SERVICES REPORT - AUGUST 2018 (2453178)**

The Group Manager Corporate Services updated Council on activities in the Corporate Services department.

RESOLVED

THAT the report be received.

C18/469

Milner/Leonard

CARRIED

ADOPTION OF PLAN CHANGE 1: RULE FOR PUBLIC NOTIFICATION 2018 (2453096)

The Group Manager – Planning and Environmental Services presented a report which outlined the Council resolution made at the April meeting that eight District Plan Rule Changes be progressed through the formal Plan Change process under Schedule 1 RMA.

RESOLVED

THAT the report be received.

C18/470

Tregidga/McLean

CARRIED

On 25 July 2018, following consultation with the Waikato Regional Council, the Councillors resolved that the provision for Comprehensive Residential Development (i.e. retirement living) in Ngatea as a controlled activity, be deleted from the tranche of rule changes agreed to at the 26 April 2018 meeting, leaving seven rule changes to be progressed through the formal process.

The Group Manager updated members on the progress with iwi consultation since the meeting on 25 July 2018 and sought Council approval of minor amendments to the rule changes that were approved. He also sought a Council resolution to adopt "Plan Change 1: Rule Plan Change" to the Operative Hauraki District Plan as set out in the "Section 32 RMA Evaluation Report - September 2018" (including Appendices A – H) for public notification.

RESOLVED

THAT the Council adopts "Plan Change 1: Rule Plan Change" to the Operative Hauraki District Plan as set out in the "Section 32 RMA Evaluation Report - September 2018" (including Appendices A – H) for public notification.

C18/471

Tregidga/Leonard

CARRIED**RESOLVED**

THAT the Council instructs staff to commence the public notification process in accordance with Clause 5 of the First Schedule to the Resource Management Act 1991.

C18/472

Tregidga/Leonard

CARRIEDKAIUA PUKOROKORO MIRANDA COMMUNITY PLAN (2452651)

The Policy Analyst presented a report which provided a scoping document for the Kaiaua Pūkorokoro/Miranda Community Plan project and proposes that a joint working party be formed to govern the project. Further, the report proposed that the working party investigate options for undertaking the community planning process, including a natural hazard and risk assessment for input into the community plan project, and report back to Council with detailed costings.

RESOLVED

THAT the report be received.

C18/473

Milner/Leonard

CARRIED**RESOLVED**

THAT Council accepts the Kaiaua Pūkorokoro/Miranda Community Plan project scope.

C18/474

Milner/Leonard

CARRIED

RESOLVED

THAT Council seek to form the Pūkorokoro/Miranda Community Plan joint working party with Waikato Regional Council and Iwi to govern the Kaiaua Pūkorokoro/Miranda Community Plan project.

C18/475

Milner/Tregidga

CARRIED**RESOLVED**

THAT Council appoints the Mayor, Crs Gill Leonard, Don Swales, Phillip Buckthought and Ross Harris to represent Council on the Kaiaua Pūkorokoro/Miranda Community Plan joint working party.

C18/476

Milner/Tregidga

CARRIED**RESOLVED**

THAT the Kaiaua Pūkorokoro/Miranda Community Plan joint working party investigate costs associated with undertaking the community plan and report back to Council on the preferred options for:

- a) The community plan project (options 1, 2, 3), and
- b) Undertaking a natural hazard and risk assessment (options a, b, c).

C18/477

Milner/Tregidga

CARRIED**DRAFT ANNUAL PLAN 2019/20 PROGRAMME TO COUNCIL (2452954)**

The Strategic Planner presented to the Elected Members the Draft Annual Plan 2019/20 proposed project approach and timeframes and sought initial clarification from them of any known proposed divergences from what is proposed in year two of '*Our Long Term Plan: 2018-28 | Tō Mātou Mahere Roa: 2018-28*' (2018-28 LTP).

RESOLVED

THAT the report be received.

C18/478

Tregidga/Milner

CARRIED**RESOLVED**

THAT approval be given for the Annual Plan 2019/20 process to begin in accordance with the confirmed project approach and timeframe.

C18/479

Tregidga/Buckthought

CARRIED**ANNUAL REPORT TO ALCOHOL REGULATORY AND LICENSING AUTHORITY ARLA 2017 2018 (2453228)**

The Regulatory Services Manager presented a report on Section 199 of the Sale and Supply of Alcohol Act 2012 which requires a report be submitted prior to the 30th September 2018 from the District Licensing Committee (DLC) to the Alcohol Regulatory and Licensing Authority (ARLA) covering the period ending 30th June 2018.

RESOLVED

THAT the report be received.

C18/480

Milner/McLean

CARRIED

RESOLVED

THAT the annual Hauraki District Licensing Committee report for period ending 30 June 2018 be submitted to the Alcohol Regulatory and Licensing Authority, Wellington.

C18/481

Milner/Leonard

CARRIEDAppointment of Wendy Harris to position of Regulatory Services Manager

Councillors congratulated Wendy Harris on her new position of Regulatory Services Manager and wished her well with the challenges that this position will bring.

Councillor Smeaton left the meeting at 12.00

POST TREATY SETTLEMENT ORGANISATIONAL READINESS FOR HAURAKI DISTRICT COUNCIL (2452908)

The Strategic Planning Projects Manager presented to the elected members the findings from the survey carried out in February/March 2018 by research company, Oceania Group. He advised of the recommended actions that could be considered, based on the results of this survey, to improve the organisations post treaty settlement readiness.

RESOLVED

THAT the report be received.

C18/482

Adams/Harris

CARRIED

To ensure Council as a whole is prepared to deal with post settlement matters; effective partnerships between Iwi are made a priority; legislative requirements of the RMA and LGA are met; and good practise is demonstrated, staff recommended three key actions in the short term, be taken:

1. The recruitment of a Maori policy advisor/Maori liaison officer/ Maori liaison coordinator/Iwi and Maori engagement officer role.
2. The recruitment of an external provider/s to undertake training with key staff and Elected Members to enhance understanding of local iwi and Maori history and its implications.
3. Approval for staff to enhance the understanding of Te Reo and embed Te Reo into consultative mechanisms and key documentation.

RESOLVED

THAT the recruitment of an Iwi/Maori Liaison role be approved.

C18/483

Tregidga/Spicer

CARRIED**RESOLVED**

THAT the recruitment of appropriate external provider/s to undertake training with key staff and Elected Members to enhance understanding of local iwi and Maori history and its implications be approved.

C18/484

Tregidga / Spicer

CARRIED

RESOLVED

THAT it be approved to enhance the understanding of Te reo and embed Te reo into consultative mechanisms and key documentation.

C18/485

Tregidga / Spicer

CARRIED

The meeting adjourned at 12.20pm
The meeting reconvened at 12.55pm

REPORT ON APPOINTMENT OF DLC LIST MEMBERS 2018 (2452718)

The Policy Analyst presented a report which sought the appointment of two new independent members to the list for the Hauraki District Council District Licensing Committee (DLC) and the reappointment of the three existing independent list members.

RESOLVED

THAT the report be received.

C18/486

Milner/Spicer

CARRIED**RESOLVED**

THAT in accordance with section 192 of the Sale and Supply of Alcohol Act 2012, the Council reappoints Mary Carmine, Denis Taylor and John Goodman to the list for the Hauraki District Council District Licensing Committee for a further five years from 1 October 2018.

C18/487

Spicer / Swales

CARRIED**RESOLVED**

THAT in accordance with section 192 of the Sale and Supply of Alcohol Act 2012, the Council appoints Brent Holmes and Ross Murphy to the list for the Hauraki District Council District Licensing Committee for a period of five years from 1 October 2018.

C18/488

Spicer/Swales

CARRIED**RESOLVED**

THAT section 9.6 'District Licensing Committee' of the Hauraki District Council Delegations Manual be amended to reflect the increase of independent District Licensing Committee list members from 3 list members to 5.

C18/489

Spicer/Swales

CARRIED**REVOCATION OF THE COUNCIL'S FIRE BYLAWS (2452531)**

The Policy Analyst presented a report which requested the revocation of the Hauraki District Council Fire Prevention Bylaw Involving Vegetation 1993, and The Franklin District Council Fires in the Open Air Bylaw 2008.

RESOLVED

THAT the report be received.

C18/490

Swales/Milner

CARRIED

The Council's fire bylaws need to be revoked as the Council no longer has the legislative power to make or enforce these bylaws. This is now the role of FENZ. However, before a fire bylaw can be revoked without public consultation, the Council must consult with FENZ and determine that the clauses in the bylaw are 'relevant' fire bylaws.

RESOLVED

THAT in accordance with section 152B (1) of the Local Government Act 2002 the Hauraki District Council Fire Prevention Bylaw Involving Vegetation 1993, and the Franklin District Council Fires in the Open Air Bylaw 2008 are revoked.

C18/491

Leonard/Adams

CARRIED

RESOLVED

THAT in accordance with section 152B (1) of the Local Government Act 2002, Council is not required to undertake public consultation and will publicly notify the decision.

C18/492

Leonard/Adams

CARRIED

RESOLVED

THAT section 6.10 Fire Control be removed from the Delegations Manual as the Council no longer has the power to remove fire hazards or declare fire seasons.

C18/493

Leonard/ dams

CARRIED

COUNCILMARK 2018 (2453121)

The Policy Analyst presented a report advising that Council has signed up as a participating council for the CouncilMARK local government excellence programme. The CouncilMARK programme was established to help councils demonstrate and lift the value and services they provide to their local communities. The participation in the programme has the full support of Council, confirmed by a resolution passed at its meeting held on 25 October 2017.

RESOLVED

THAT the report be received.

C18/494

Tregidga/Spicer

CARRIED

PAEROA PIPE BANDS AND TATTOO (2452949, 2444540)

The Mayor presented a report to advise Council and to seek support of a request from the Paeroa Pipe Bands and Tattoo Committee Inc. for financial support for the 26th event to be held in 2019.

RESOLVED

THAT the report be received.

C18/495

Tregidga/McLean

CARRIED

RESOLVED

THAT Council contribute the sum of \$3,000 from the District General Fund towards the 26th Highland Games and Tattoo event to Paeroa Pipe Bands and Tattoo Committee Inc.

C18/496

Milner/Harris

CARRIED

TRANSPORT REPORT – AUGUST 2018 (2453491)

The Transport Manager presented a report that provided the latest information on the Hauraki District Council's Roothing activities for the period ending 31 August 2018.

RESOLVED

THAT the report be received.

C18/497

Adams/Harris

CARRIED2018-19 AWT STRATEGY (2453080)

The Transport Manager presented a proposed strategy for implementation of the Sealed Pavement Rehabilitation programme in the current 3-year cycle of the Long Term Plan 2018-2028.

RESOLVED

THAT the report be received.

C18/498

Adams/Thorp

CARRIED**RESOLVED**

THAT Council approves the proposed strategy for Sealed Pavement Rehabilitation projects in the 2018/19 to 2020/21.

C18/499

Adams/Leonard

CARRIEDTRAFFIC CONTROL TRAINING (2453441)

The Group Manager – Engineering Services presented a report which sought Council's approval for traffic control training of six members of service organisations in the Paeroa, Plains and Waihi Wards.

RESOLVED

THAT the report be received.

C18/500

Spicer/Milner

CARRIED**RESOLVED**

THAT Council approve traffic control training for members of service organisations in the Paeroa (2), Plains (2) & Waihi (4) wards. The trainees to be made up of service organisations from each ward and the nominees be confirmed by the Ward Chair.

C18/501

Thorp/McLean

CARRIED**RESOLVED**

THAT the training fees of \$250 per person be funded from the Ward Community Grants Budget.

C18/502

Thorp/McLean

CARRIED

The Mayor vacated the chair at 1.58pm.
The Mayor, Deputy Chair and the Chief Executive left the meeting at this time.

Appointment of Chair in the Absence of Chair and Deputy Chair

RESOLVED

THAT Cr G Leonard be appointed as Chair in the absence of the Chair and Deputy Chair for the remainder of the meeting.

C18/503 Harris/Spicer CARRIED

Cr Leonard assumed the chair at 1.58pm.

SOLID WASTE REPORT TO COUNCIL - AUGUST 2018 (2453480)

A report summarising performance and issues in the Solid Waste work area was presented by the Infrastructure Systems and Planning Manager. The body of the report referred to August works.

RESOLVED

THAT the report be received.

C18/504 Milner/McLean **CARRIED**

HAURAKI RE-USE CENTRE (2453443)

The Infrastructure and Planning Manager presented a report which sought a decision whether or not to support the concept of a re-use centre in Paeroa based on the model the Seagull Centre employs in Thames.

RESOLVED

THAT the report be received.

C18/505 Tregidga/Spicer **CARRIED**

There was unanimous support for the initiative.

RESOLVED

THAT Council supports the concept of the Paeroa Re-use Centre initiative and that Cr Smeaton and Cr Milner work with the Paeroa Re-use team to establish the reuse centre.

C18/506 Tregidga/Spicer **CARRIED**

RESOLVED

THAT the Council acknowledge that, while no funding request has been made, there is likely to be a future request for funding for the initiative.

C18/507 Tregidga/Spicer **CARRIED**

DRAINAGE DISTRICT REPORT TO END AUGUST 2018 (2453479)

The Planning and Infrastructure Systems Manager presented the Land Drainage Activity report for the period ending 31 August 2018.

RESOLVED

THAT the report be received.

C18/508

Buckthought/Thorp

CARRIED

WATER SERVICES REPORT TO COUNCIL (COVERING AUGUST) SEPTEMBER (2453493)

The Water Services Manager presented the water services activity report. The body of the report referred to the August works.

RESOLVED

THAT the report be received.

C18/509

Spicer/Harris

CARRIED

The Group Manager - Engineering Services congratulated the Water Services Manager, E.J. Wentzel, in recognition of Councils' meeting full compliance of Water Safety Standards.

The meeting closed at 2.25pm

CONFIRMED

J P Tregidga
Mayor

Cr G Leonard
Appointed Chairperson

31 October 2018

HAURAKI DISTRICT
AUDIT AND RISK COMMITTEE

MINUTES OF A MEETING OF THE AUDIT AND RISK COMMITTEE HELD IN THE HAURAKI ROOM, WILLIAM STREET, PAEROA ON WEDNESDAY 25 SEPTEMBER 2018 COMMENCING AT 9.00 AM

PRESENT

Mr P Bennett (In the Chair), His Worship the Mayor Mr J P Tregidga, Crs D A Adams, G R Leonard, P A Milner and D Smeaton

IN ATTENDANCE

Cr R Harris, Messrs L D Cavers (Chief Executive), D Peddie (Finance Manager), S Baker (Finance Manager) and Mrs D Bezuidenhout (Council Secretary)

APOLOGIES

There were no apologies

LATE ITEMS

There were no late items.

DECLARATIONS OF INTERESTS

There was no declarations of interests.

CONFIRMATION OF AUDIT AND RISK COMMITTEE MINUTES – 7.8.18 (2452535)**RESOLVED**

THAT the minutes of the meeting of the Audit and risk Committee held on Tuesday 7 August 2018 are confirmed a true and correct record.

ARC18/88

Milner/Smeaton

CARRIED**2017/18 ANNUAL REPORT - AUDIT AND RISK REVIEW OF DRAFT ANNUAL REPORT (2452765)**

The report presented the draft 2017/18 Annual Report as developed to date, for review by the Audit and Risk Committee. Review of the draft Annual Report by the Audit and Risk Committee to allow an opportunity to review and focus on the wording that describes the Council's performance results, achievements and project descriptions, and to consider the Council's draft financial position.

RESOLVED

THAT the report be received.

ARC18/89

Adams/Tregidga

CARRIED

RESOLVED

THAT the Committee recommend to Council that the 2017/18 Annual report be adopted, subject to Audit New Zealand issuing an unmodified audit opinion, and

THAT any changes identified during the Audit New Zealand review be included in the final Annual Report to be adopted.

ARC18/90

Adams/Tregidga

CARRIED

The updated draft of Annual report was circulated separately.

INTERIM AUDIT MANAGEMENT LETTER 2018 (2452519)
APPENDIX A - MANAGEMENT REPORT - INTERIM DRAFT (2452517)

The Finance Manager presented the Interim Audit Management Report for year ended 30 June 2018 to the Audit and Risk Committee.

RESOLVED

THAT the report be received.

ARC18/91

Tregidga / Leonard

CARRIED

FBT COMPLIANCE REVIEW JUNE 2018 (2452520)
APPENDIX A - HAURAKI 2018 FBT REVIEW REPORT (DRAFT) (2452516)

The Group Manager - Corporate Services presented the PWC internal audit report regarding Fringe Benefit Tax to the Committee.

RESOLVED

THAT the report be received.

ARC18/92

Milner / Adam

CARRIED

TREASURY REPORT AS AT 31 AUGUST 2018 (2452518)

The Group Manager - Corporate Services presented an update on the current position of the loan/debt status, against the parameters outlined in the Council's Financial Strategy and Liability Management Policy.

RESOLVED

THAT the report be received.

ARC18/93

Adams / Leonard

CARRIED

Matters to be taken with the Public Excluded

The public be excluded from the following parts of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each 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:

Item No.	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) Under Section 48(1) for the Passing of this Resolution
1	Rates in Arrears – September 2018	Section 7(2) (a) – Protect the privacy of natural persons, including that of deceased natural persons.	Section 48(1)(a) That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.
2	Rates in Arrears – Subject Property – September 2018	Section 7(2) (a) – Protect the privacy of natural persons, including that of deceased natural persons.	Section 48(1)(a) That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.

ARC18/94

Adams / Milner

CARRIED

HAURAKI DISTRICT COUNCIL

HEARINGS AND JUDICIAL COMMITTEE

MINUTES OF A MEETING OF THE HEARINGS AND JUDICIAL COMMITTEE HELD IN THE COUNCIL CHAMBERS, WILLIAM STREET, PAEROA ON MONDAY, 09 JULY 2018 COMMENCING AT 9.05AM

PRESENT Cr P A Milner (Chairperson), Cr G R Leonard (Deputy Chairperson) and Cr A Spicer

IN ATTENDANCE Messrs P Thom (Planning & Environmental Services), Mrs W Harris (Senior Planner), Ms G Davies (Student Planner – in observance) and Ms C Black (Council Secretary)

APOLOGIES

There were no apologies.

LATE ITEMS

There were no late items.

DECLARATIONS OF CONFLICTS OF INTEREST

There were no conflicts of interest.

CONFIRMATION OF MINUTES – 13-06-18 (2397589)

RESOLVED

THAT the minutes of Hearings and Judicial Committee meeting held on Wednesday 13 June 2018 be confirmed and are a true and correct record.

HJC18/12

Leonard/Milner

CARRIED

The Chairperson opened the hearing at 9.15am.

SUBDIVISION APPLICATION FOR A BOUNDARY RELOCATION SUBDIVISION AT 27 CORBETT STREET, PAEROA – R & J DEVELOPMENTS LTD

Document: # 2398629

Appendix A: # 2350104 - Application

Appendix B: # 2395323& 2395136- Further Information

Appendix C: # 2371667 & 2385129 - Affected party's approval

Appendix D: # 2390652 – Development Engineer's Report

In attendance:

Mr Phillip Green (Surveyor) on behalf of Applicant
Rob Riedstra – R & J Developments Limited (Applicant)

Applicant/Party in support of Applicant/Appellant

Mr Green spoke to his statement of evidence on behalf of R & J Developments Ltd.

He stated that the land originally was developed in 1896 consisting of a string of 10 m wide titles which were formed.

Historically – the owner purchased both lots. Titles were never amalgamated into one parcel.

The result is that the land has been developed on the northern side of the property. The land is zoned residential. The 2 lots proposed are for residential purpose.

The site is located on the corner of Corbett and King Street, Paeroa. There is vacant land across the road from the site which is owned by Council to the north of the Council owned pensioner flats. The Rugby Club is located in the north east corner and the Paeroa Domain to the south of the site.

The site is not subject to water inundation and has no hazards noted on the LIM.

The land is flat in contour.

The garage on the property has been constructed the most recently.

The vehicle crossing is by King Street which accesses the garage of the existing dwelling.

The proposed subdivision was to be a boundary adjustment but this was varied because Council has asked for a corner snipe of the section.

The sewer line passes through the applicant's site. The applicant has spoken with the Council engineer who has allowed building over the sewer line.

The main issue is with the boundary adjustment. Two existing titles so would be two titles with no additional title created.

The existing dwelling is not able to create a shape acceptable to District Plan standard.

Some issues with the lots are:

Corner snipe - would comply if snipe was not coming off.
It would comply generally but not on a discretionary basis.
Neighbours have approved.

A waiver has been applied for to waive the garage yard requirement to make the building size as large as possible.

The garages would be joined at the rear on each lot to save space.

Mr Green believed it is in keeping with the surrounding lots. Other lots in neighbourhood vary in size.

1500m² is the total area of council flats – they are small (equating to 361m² - if calculated per lot).

The proposal will have accesses from King Street, which is the existing access to the property.

All services can be accessed easily.

Mr Green agreed with the planners report that the effects are less than minor and considered the proposed development to be an efficient use of land.

Questions

Cr Spicer – what are you referring to be ‘minor ‘?

Mr Green responded that the effects on character and amenity are minor. The existing owner is the ‘neighbour’ so there would be no issues.

Riedstra stated that the house proposed for development is similar in design to the existing house on Lot 1.

Mr Riedstra explained the layout of the proposed dwelling for construction on Lot 2. He stated it will be a good quality, three bedroom home.

Cr Milner referred to the boundary onto the domain, what sort of fencing would you be doing?

Mr Riedstra advised that they will retain the hedge that is already there which is a native Griselinia.

Cr Milner re the boundary consent application, you could do something else.
Mr Riedstra stated he would be building on it not selling the section.

Cr Leonard – garage on site what is it used for?

Mr Riedstra responded that the garage is used as a ‘garage’. Currently there is a single garage with a bedroom on one side. Previous owner built this.

Cr Leonard asked where the driveway to potential new house is.

Mr Riedstra stated the driveway would be right next to the garage. No driveway at park end of the development and will be 3.5m wide.

Cr Milner – Existing buildings – asked will the old house be removed.

Mr Green advised that this is long term development, there is no plan to remove the old house or existing garage off the site.

Mr Riedstra stated he had the experience to undertake the development of the property well (advised of his building construction industry experience).

Cr Milner asked if consent was granted, is there anything about this site that you believe could set a precedent.

Mr Green explained it is a boundary adjustment so there is no additional titles. He believed approving consent of the application would not set a precedent. He referred to the existing lot sizes, one complies with the 525m², and one does not. The average density of the lots just meets the rule.

Regarding the proximity to the Domain, he believed this was a positive feature, the Domain provides good recreational use so the property does not need to be developed significantly (e.g. outside area entertaining can be conservative).

Council Planning Staff

Senior Planner, Wendy Harris provided photos of the proposed development site and spoke to her report.

Mrs Harris explained the layout of proposed dwelling on lot 2 and advised that Lot 1 complies with the minimum lot area. There are no significant issues.

Lot 2 – size of the lot being less than 525m² being the minimum size.

The sewer line goes through the lot.

Engineers have said that the foundation needs to be raised so not to load up over sewer line.

Storm water disposal – soak pit for the dwelling in lot 1 runs over into lot 2. An easement would be required over the lots to allow access to the storm water soak pit.

Concern that this could create conflict between neighbours. Better to have all services contained on each lot, therefore no encroachment.

Under the previous District Plan, an infill site could be 350m². Feedback received from public consultation indicated the public were dissatisfied with this lot size. As a result, the minimum lot size was increased. For large Greenfield subdivisions – there is a different formula.

There are discussions at present that the Council may consider 450m². This is in a draft stage. Once consultation has been held, it will be decided whether Council will reduce the lot size or not. Therefore, this cannot be taken into consideration as this time.

Corner splay – believed it did not make any difference to the size of Lot 2.

Lot 1 is large and it has been reduced but still complies. Outdoor living area has been addressed.

No two lot subdivisions have been developed for anything under 525m². Other subdivisions have been granted smaller but they comply with the standard for more than three lots.

There are two existing titles, 4m² short on one lot.

There are a number of properties in the vicinity that are less than 525m². This is no difference from other properties around the district.

Questions:

Cr Spicer referred to the soak pit asking if it can be relocated.
Council Planner advised that the soak pit could be relocated.

Applicants - Right of Reply

Mr Green stated that the effects of the proposal on the character of the area are minor. He referred the Committee to a photo of the neighbourhood. There are varying lot sizes consisting of 770 – 1100m² (excl. Council pensioner flats). The character and amenity is already dominated by small sized lots. The current dwelling on lot 1 would not comply now but it is there. 10m width and 8m length being the older lot sizes. Small lots are dominant. Because the applicant owns both titles, he believed there to be no issue. Daylight and setback are less than minor. The garages back onto one another which is of benefit.

Objectives and policies – there is already small lots in the vicinity this proposal makes no difference.

Residential Zone – the proposal maintains and enhances the character of the existing neighborhood. All affected parties have approved of the development.

There is no hazards involved in this property.

To avoid, mitigate or remedy the affects, the proposed dwelling is to be of a similar character to the existing house. There is enough room for onsite parking and will have safe access to public road.

It will not establish a precedent.

In conclusion, there are ample features that set this subdivision apart from other subdivisions in this residential area. It is in keeping with other properties. Under discretionary activity, there are no effects to neighbours and they have given their approval of the development.

As part of consent, it will be noted on the title that the hedge be retained.

Mr Riedstra advised that at pre-purchase stage, there was no sewer line shown on the LIM report.

The Council engineer stated there was major issue with the manhole on the property as sewerage had overflowed in past.

Council staff had advised if the manhole needed to be reconstructed they would put cameras inside to investigate.

Council records now have the sewer line shown on their records.

Cr Leonard – asked if Mr Riedstra if he was wanting to have the sewer line shifted.

Mr Riedstra stated there was no need to shift the sewer line as it is working fine.

Cr Leonard suggested that a future owner of Lot 2 may not be satisfied with this.

Mr Riedstra commented an easement is there which is standard and allows access for maintenance of services and is no different from any other easement.

The Chairperson adjourned the hearing at 10.05am and advised that Council's decision was reserved until it had considered the evidence presented and all other relevant matters.

The members left the Council Chambers and undertook a site visit to the subject property at 10.05am.

The members returned to the Council chambers at 10.30am.

The Chairperson closed the hearing at 10.30am.

Deliberations commenced at 10.30am and concluded at 11.25am.

DECISION

R & J Developments Limited

RESOLVED

That pursuant to Sections 104 and 104B of the Resource Management Act 1991, Council declines consent to:

- A. The non-notified, discretionary activity application to undertake a boundary relocation subdivision between Lot 20 DP 1512 and Lot 21 DP 1512, located at 27 Corbett Street, Paeroa, and
- B. The non-notified, restricted discretionary activity land use consent application to reduce the side yard standard along the southern boundary of proposed Lot 1 to 1.06 metres and to depart from the daylight standard and outdoor living area standard in the Residential Zone in conjunction with the existing dwelling and garage on proposed Lot 1 of the proposed subdivision of Lot 20 DP 1512 and Lot 21 DP 1512, located at 27 Corbett Street, Paeroa.

For the following reasons:

1. Lot 2 would have a net lot area of 461m², which doesn't comply with the minimum net lot area of 525m² for a 2 lot subdivision, under Rule 9.4.3.1(1)(a)(i) of the Operative Hauraki District Plan (2014). It is acknowledged that the subdivision is a boundary relocation, and that Lot 21 DP 1512 is an existing non-complying lot, at 521m², which is 4m² less than the minimum net lot area of 525m². However, this existing non-complying lot would be reduced in size by a further 60m², resulting in Lot 2 being 64m² less than the minimum net lot area.
2. The existing house and garage are located over the boundary between the two existing Certificates of Title. The property is effectively being used as one lot, as the Titles cannot be sold separately. The two existing Certificates of Title therefore don't set this property apart from others. It is acknowledged that existing development on the property limits the size of proposed Lot 2. However, this is a common situation on many properties in the Residential Zone. Given the above, it is considered there are no unique circumstances which set the application property apart from other properties in the Residential Zone. Approval of the application would therefore set a precedent.

HJC18/13

Milner/Spicer

CARRIED

The meeting closed at 11.25am.

CONFIRMED

P A Milner
Chairperson

17 September 2018