

Agenda

**Notice is hereby given of
an Extraordinary Council Meeting**

Tuesday 30 July 2019

Commencing at 9.00am

Council Chamber
Waimate District Council
125 Queen Street
Waimate

www.waimatedc.govt.nz

Notice is hereby given that a meeting of the Council will be held in the Council Chamber, Waimate District Council, 125 Queen Street, Waimate, on Tuesday 30 July 2019, commencing at 9.00am.

Elected Members

Craig Rowley	Chairperson
Sharyn Cain	Deputy Chairperson
David Anderson	Councillor
Peter Collins	Councillor
Miriam Morton	Councillor
Jakki Guilford	Councillor
Tom O'Connor	Councillor
David Owen	Council Rep
Sheila Paul	Councillor

Quorum – no less than five members

Significance Consideration

Evaluation: Council officers, in preparing these reports have had regard to Council's Significance and Engagement Policy. Council and Committee members will make the final assessment on whether the subject under consideration is to be regarded as being significant or not. Unless Council or Committee explicitly determines that the subject under consideration is to be deemed significant then the subject will be deemed as not being significant.

Decision Making

The Council, in considering each matter, must be:

- i. Satisfied that it has sufficient information about the practicable options and their benefits, costs and impacts, bearing in mind the significance of the decision;
- ii. Satisfied that it knows enough about and will give adequate consideration to the views and preferences of affected and interested parties bearing in mind the significance of the decisions to be made.

Stuart Duncan
Chief Executive

Order Of Business

Opening	5
1 Council Prayer	5
2 Public Forum.....	5
3 Apologies	5
4 Visitors	5
5 Conflicts of Interest	5
6 Identification of Major (Urgent) or Minor Items Not on the Agenda	5
Reports	6
7 General Reports	6
7.1 Report on the Result of June 2019 Special Joint Consultation: Dangerous Buildings Policy	6
7.2 Report on the Result of June 2019 Special Joint Consultation: Property Maintenance & Nuisance Bylaw	41
7.3 Report on the Result of June 2019 Special Joint Consultation: Waste Management & Minimisation Plan 2018-28	47
7.4 Road Resealing 2019-21 Multi Party Funding Agreement	51
Meeting Closure	59

OPENING

1 COUNCIL PRAYER

There is no Council Prayer taken at this meeting

2 PUBLIC FORUM

There is no Public Forum at this meeting.

3 APOLOGIES

The Chair will call for any apologies.

4 VISITORS

5 CONFLICTS OF INTEREST

As per the Local Authorities (Members' Interests) Act 1968 (as below), the Chair will enquire if there are any Conflicts of Interest to be declared on any item on the agenda, and if so, for any member to declare this interest.

Local Authorities (Members' Interests) Act 1968

Councillors are reminded that if they have a pecuniary interest in any item on the agenda, then they must declare this interest and refrain from discussing or voting on this item and are advised to withdraw from the meeting table.

6 IDENTIFICATION OF MAJOR (URGENT) OR MINOR ITEMS NOT ON THE AGENDA

1. The Chair will call for any major (urgent business) or minor items not on the agenda to be raised according to Standing Orders, as below:

- a. **Standing Orders 3.7.5 – Major Items**

An item not on the agenda for a meeting may be dealt with at the meeting if the local authority by resolution so decides, and the presiding member explains at the meeting at a time when it is open to the public –

- i. The reason why the item was not listed on the agenda; and
 - ii. The reason why discussion of the item cannot be delayed until a subsequent meeting.

- b. **Standing Orders 3.7.6 – Minor Items**

An item not on the agenda for a meeting may be dealt with at the meeting if –

- i. That item is a minor matter relating to the general business of the local authority; and
 - ii. The presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but
 - iii. No resolution, decision, or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion.

REPORTS













7 GENERAL REPORTS

7.1 REPORT ON THE RESULT OF JUNE 2019 SPECIAL JOINT CONSULTATION: DANGEROUS BUILDINGS POLICY

Author: Leonardo Milani, Policy Analyst

Authoriser: Carolyn Johns, Community and Strategy Group Manager

Attachments:

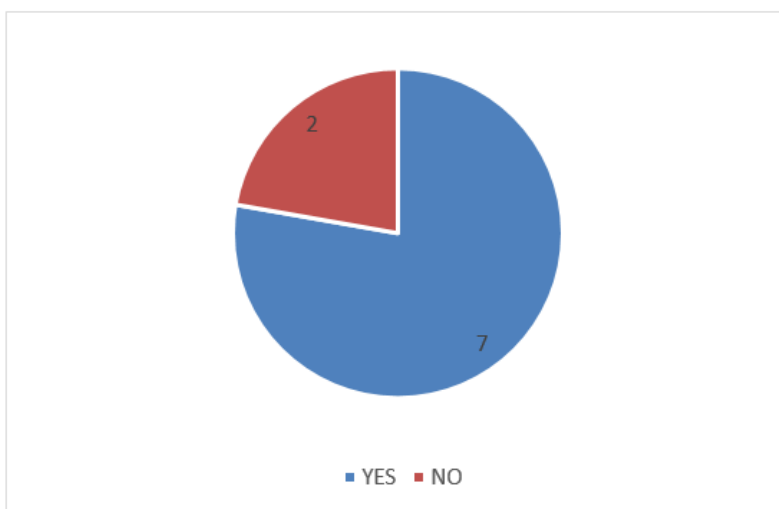
1. Dangerous Buildings Policy [↓](#) 
2. Joint Consultation Submission 2019- No.1 [↓](#) 
3. Joint Consultation Submission 2019- No.2 [↓](#) 
4. Joint Consultation Submission 2019- No.3 [↓](#) 
5. Joint Consultation Submission 2019- No.4 [↓](#) 
6. Joint Consultation Submission 2019- No.5 [↓](#) 
7. Joint Consultation Submission 2019- No.6 [↓](#) 
8. Joint Consultation Submission 2019- No.7 [↓](#) 
9. Joint Consultation Submission 2019- No.8 [↓](#) 
10. Joint Consultation Submission 2019- No.9 [↓](#) 
11. Joint Consultation Submission 2019- No.10 [↓](#) 
12. Joint Consultation Submission 2019- No.11 [↓](#) 

BACKGROUND

1. Under the Sections 131 and 132 of the Building Act 2004, amendments to any provisions of the Act yielding material effect on implemented building policies, such as Waimate District Council's Dangerous Building Policy, subject such policies to Special Consultative Procedure. Accordingly, as Section 132A of the Act is amended to expand its scope to include 'affected buildings', the Council's Dangerous Building Policy is automatically deemed subject to the provisions of the Special Consultative Procedure under Section 83 of the Local Government Act 2002 and Section 132 of the Building Act 2004.
2. Accordingly, Council adopted the draft Dangerous Building Policy for consultation on 12 March 2019.
3. The consultation was conducted, as part of a joint consultation procedure, in the timeframe of 6 June 2019 - 8 July 2019. The other two matters as part of the joint consultation are Property Maintenance & Nuisance Bylaw and Waste Management and Minimisation Plan, which we provide individual reports following this report.

SUBMISSION SUMMARY

4. Submitters were asked: "*The term 'affected building' must be included in this policy - do we have it right?*"
5. 9 submitters responded to the above question, with 7 submitters in favour, 2 against; classification of response visualised in the chart below:



6. Five submitters provided comments in support of their stated preference. Excerpts from, or summaries of, accompanying comments presented below in three categories of a) in favour, b) against, c) preference unspecified:
- a. Comments in favour:
 - i. One submitter questions, that whether, considering the existing legislative framework, any changes via consultation can be introduced to the policy.
 - ii. Unrelated to the question of dangerous building or the proposed policy, one submitter states his displeasure as to the existence of a structure (i.e. a shed on Allan Street, Waimate) in the vicinity of his property.
 - b. Comments against:
 - i. One submitter observes that there already exists sufficient legislation in this regard.
 - ii. One submitter contends that the provided 'definition' adds little clarity, and that any building could potentially become 'dangerous' by the adverse effects of causes such as lack of maintenance or environmental causes. Furthermore, the submitter argues that the policy is further limited by its failure to define a heritage building by 'local acknowledgement of heritage context' instead of through using the national listing framework.
 - c. Preference unspecified:
 - i. On behalf of Heritage New Zealand, one submission contains a series of recommendations, as listed below:
 - (1) That the Council changes any references to the 'Historic Places Trust' to 'Heritage New Zealand';
 - (2) That the description of heritage buildings be broadened to recognise the range of heritage buildings within the Waimate District, including buildings that are not included on the list.
 - (3) That ... "wording is inserted into the proposed policy that sets out Council's approach to addressing risks to heritage building that may ultimately lead them to becoming dangerous or insanitary such as deferred maintenance and un-consented alterations."
 - (4) That a broader statement of the matter be included that "Council will consider in relation when making decisions on the need to facilitate the preservation of dangerous heritage buildings including: providing extended timeframes where possible to compliance notices, restricting public access

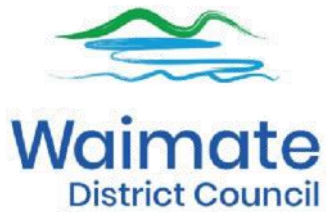
and ensuring that any written notice requiring work provides option to repair the building if appropriate.”

RESPONSE ANALYSIS

7. Approximately 78% of submitters support the adoption of the amended Dangerous Building Policy.
8. Submission by Heritage New Zealand, as summarised in Section 5C of the present report, neither supports nor opposes the proposed policy, as the primary purpose of the submission is to convey the organisation’s recommendations irrelevant of the consultation question.

RECOMMENDATION

1. That the Dangerous Building Policy report is accepted; and
2. That Council provide a decision on the Dangerous Building Policy in light of submissions.



**WAIMATE
DISTRICT COUNCIL**

Dangerous Buildings Policy

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Contents

1. Introduction.....	3
2. Purpose	3
3. Scope	3
4. Definitions.....	3
5. General.....	4
6. Recording Dangerous Buildings	5
7. Taking Action on Dangerous Buildings.....	5
8. Procedure for Remediation of Dangerous Buildings	6
9. Publication Details.....	7

1. Introduction

This policy is a result of changes to the Building (Earthquake-prone Buildings) Amendment Act 2016, taking effect from 1 July 2017, which removed earthquake prone buildings from the previously titled "Dangerous, Insanitary and Earthquake Prone Buildings Policy".

2. Purpose

This Policy meets the requirements of sections [131](#), [and 132](#), and [132A](#) of the [Building Act 2004](#) (the Act) for territorial authorities to adopt a policy on dangerous [and affected](#) buildings. This is a review of existing policy under section 132 of the Act.

3. Scope

Council has adopted a reactive approach regarding this policy so that:

- When it comes to Council's attention that a building may be dangerous, [or is an affected building](#), Council's role is to undertake an assessment of the building within 5 working days to establish whether it is dangerous [or affected building](#) within the terms of the Act, and the likelihood of immediate or any danger.
- Where a building has been deemed to be dangerous [or affected building](#), Council will work with the owner of the building to make it safe.
- It is the building owner's responsibility to undertake works to remove or reduce the danger. This includes full financial responsibility.

4. Definitions

These and other provisions relating to dangerous buildings are contained in the following sections of the Act.

- [Section 121](#) defines the meaning of dangerous building
- [Section 121A](#) defines the meaning of affected building
- [Section 123A](#) defines the meaning of "parts of a building"
- [Section 124](#) describes powers of territorial authorities in respect of dangerous, affected buildings
- Sections [125-130](#) describe procedures to be applied in the exercise of those powers
- [Section 131](#) provides that a territorial authority must adopt a policy on dangerous buildings
- [Section 132](#) describes procedures in relation to the adoption and review of Council's policy on dangerous buildings

Waimate District Council – Dangerous Buildings Policy 313– [5-12 December-March 2017-2019](#) – Page | 3

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- [Section 132A](#) provides that the policy must take into account affected buildings
- For the purposes of this policy: **Heritage building** is defined as "A building which is registered under the [Heritage New Zealand Pouhere Taonga Act 2014](#)."

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5. General

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When a building is brought to Council's attention, it will be inspected, assessed and addressed according to this policy and the relevant procedures.

Council will determine whether it is in fact a dangerous building. In so doing, Council may request advice from Fire and Emergency New Zealand.

Council will be proactive in addressing identified dangerous [or affected](#) buildings.

Where a building is deemed [to be either a dangerous or an affected building](#), immediate action will be taken to contact the owner/s and work towards remediation.

Where Council is satisfied a building is dangerous it will also assess the level or risk to public health and/or safety that is presented.

Options for immediate action include:

- Prohibiting any person from occupying or using the building;
- If necessary, erecting barriers and warning signs, or requiring barriers to be erected, plus securing the building to prevent entry until such time as remedial action can be taken;
- Undertaking remedial action where there is immediate danger under [section 129](#) of the Act.

Council will hold the owner of any dangerous [or affected](#) building liable for the cost of any remedial action undertaken to reduce or eliminate the danger posed by that building to its occupants or to the general public. (The work may include the demolition of the building and clearance of the site at the owner's cost.)

Heritage buildings will be assessed in the same way as other dangerous buildings and discussions held with the owners and the Historic Places Trust to identify a mutually acceptable way forward. In the event the discussions with these two parties do not yield a mutually acceptable approach and proposal, notice will be served requiring improvement or demolition within a time stated in the notice.

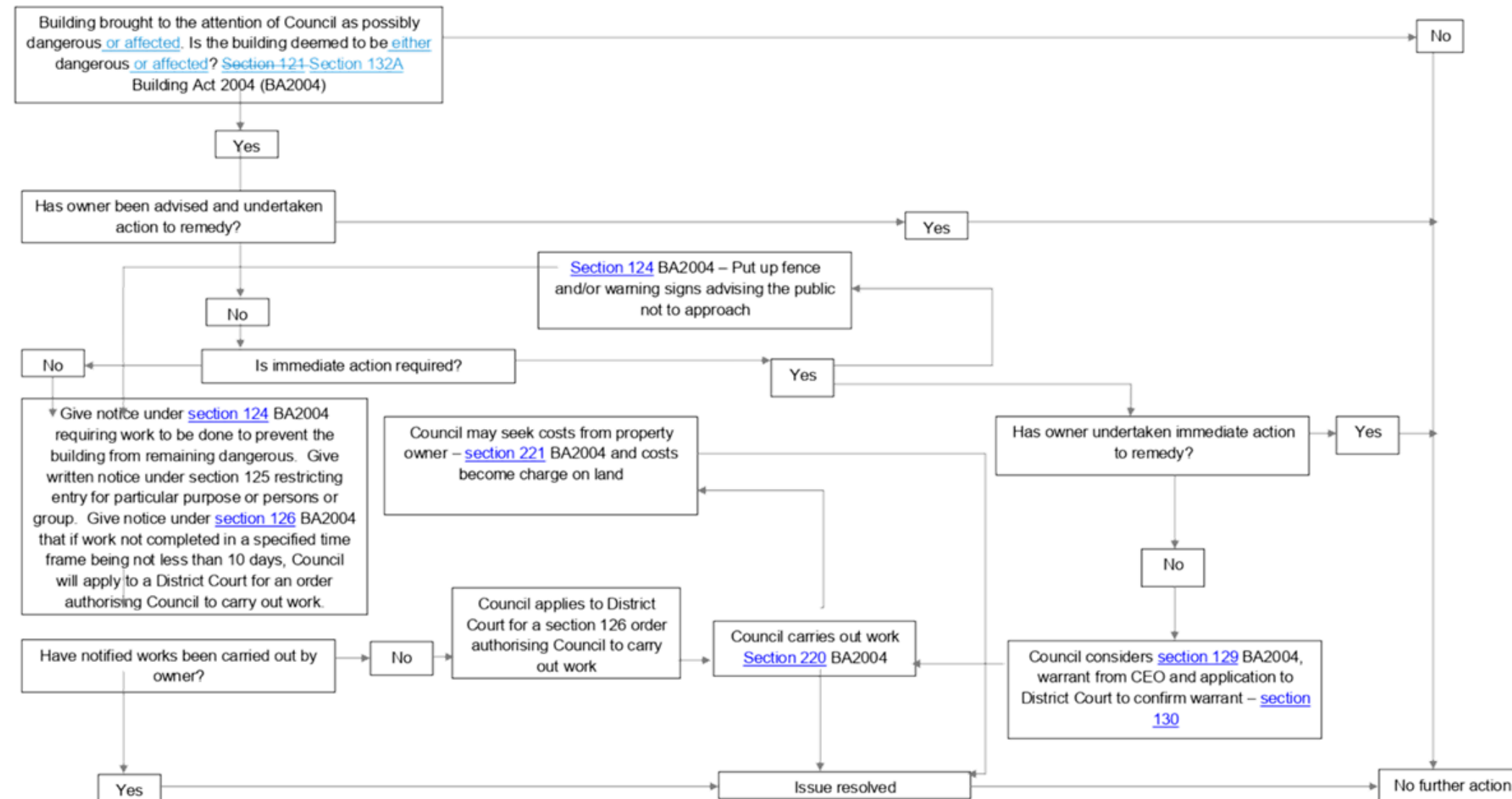
6. Recording Dangerous Buildings

Whenever Council has information on a building that it is satisfied is dangerous [or an affected building](#), the information will be included when a Land Information Memorandum (LIM) is issued by the Waimate District Council. The LIM will note any action taken under section 124 and the status of any requirement by the Council for improvements to the building, or the results of any improvements carried out, as applicable.

7. Taking Action on Dangerous Buildings

When taking action on a potentially dangerous building, Council will follow its "Procedure for Remediation of Dangerous Buildings".

8. Procedure for Remediation of Dangerous or Affected Buildings



9. Publication Details

All inquiries or suggestions regarding this document should be referred to:	Regulatory & Compliance Group Manager
Revision:	Final
Revision Dates:	(with amendments) 12 March 2019 5 December 2017
Effective Date:	Adoption 5 December 2017 12 March 2019
Minimum Review by:	5 years
Document Owner – Release Signature:	Regulatory & Compliance Group Manager
Chief Executive – Release Signature:	
Policy can only be amended by:	Resolution of Council
Policy filed at:	L:\POLICIES, MOU's & STRATEGIES\Policies\313 Dangerous Buildings Policy_5 December_2017.pdf
Policy Writer:	Paul Cooper

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No. 1



Name	Adam rivett
Organisation	
Address	244 broad gully rd morven
Phone	0274288143
Email	Adam.rivett@farmlands.co.nz

Do you wish to have your name withheld?	No
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Do you wish to speak to your submission?	No
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Property Maintenance & Nuisance Bylaw

Do you agree that we should adopt the Property Maintenance and Nuisance Bylaw	Yes
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Should we make changes? (If yes, please give details)	No
--	----

Additional comments

Dangerous Buildings Policy

The term "affected building" must be included in this policy - do we have it right?	Yes
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Is there any other way of including this in our policy? (If yes, please give details)	No
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Additional comments

Waste Management & Minimisation Plan

Nearly 50% of current refuse is green and food waste which could be diverted away from landfill if we have a multi-bin service. Do you agree we should implement this? Yes

A mandatory service in defined areas such as Waimate Town, Glenavy, Makikihi and St Andrews is likely to increase the total number of properties serviced and the total number of bins. In order to make this viable it is likely that frequency and bin size will change. For example, fortnightly vs. weekly and alternate collections eg recycling one week, waste the next, glass monthly and greenwaste weekly. Do you agree? Yes

Does the current rural kerbside collection service extend far enough? No

If not, where should Council consider providing the service? It would be nice to cover morven.

Should Council implement a multi-bin service along the existing rural kerbside collection routes? Yes

Do you have any other comments? Council needs to make recycling as easy as possible so that more people do it. Green bins as well as proper wheelie bins as they do in timaru would be awesome!

Do you have any comments you would like to make about any of these issues? Environment is the big one. We owe it to future generations to do everything we can to protect our environment however i see a real lack of national leadership by central govt. Around recycling. I think local council must take every opportunity to pressure central govt into sorting the lack of recycling processing in our country.

No. 2



Name

Organisation

Address

Phone

Email

Do you wish to have your name withheld? Yes

Do you wish to speak to your submission? No

Property Maintenance & Nuisance Bylaw

Do you agree that we should adopt the Property Maintenance and Nuisance Bylaw Yes

Should we make changes? (If yes, please give details) Yes

Additional comments

Dangerous Buildings Policy

The term "affected building" must be included in this policy - do we have it right? Yes

Is there any other way of including this in our policy? (If yes, please give details)

Additional comments

Waste Management & Minimisation Plan

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A mandatory service in defined areas such as Waimate Town, Glenavy, Makikihi and St Andrews is likely to increase the total number of properties serviced and the total number of bins. In order to make this viable it is likely that frequency and bin size will change. For example, fortnightly vs. weekly and alternate collections eg recycling one week, waste the next, glass monthly and greenwaste weekly. Do you agree? No

Does the current rural kerbside collection service extend far enough? Yes

If not, where should Council consider providing the service?

Should Council implement a multi-bin service along the existing rural kerbside collection routes? Yes

Do you have any other comments?

No matter how careful you are with rubbish you get a big family the red rubbish bin is not big enough we ourselves are a family of 4 with 2 cats and 2 dogs I carefully watch what I buy I recycle everything I can we have a compost bin yet we still manage to all most overfill the bin and changing it to each fortnight would be a nightmare for most people.

Do you have any comments you would like to make about any of these issues?

No. 3



Name	Laura Richardson
Organisation	Please select
Address	13 Goldsmith Street Waimate
Phone	273863683
Email	marcpimmlaurarichardson@gmail.com

Do you wish to have your name withheld? No

Do you wish to speak to your submission? No

Property Maintenance & Nuisance Bylaw

Do you agree that we should adopt the Property Maintenance and Nuisance Bylaw Yes

Should we make changes? (If yes, please give details) Yes

Additional comments People should not have to live with other people's mess it should also extend to unacceptable lawn length as that is a fire hazard at times.

Dangerous Buildings Policy

The term "affected building" must be included in this policy - do we have it right? Yes

Is there any other way of including this in our policy? (If yes, please give details) No

Additional comments

Waste Management & Minimisation Plan

Nearly 50% of current refuse is green and food waste which could be diverted away from landfill if we have a multi-bin service. Do you agree we should implement this? Yes

A mandatory service in defined areas such as Waimate Town, Glenavy, Makikihi and St Andrews is likely to increase the total number of properties serviced and the total number of bins. In order to make this viable it is likely that frequency and bin size will change. For example, fortnightly vs. weekly and alternate collections eg recycling one week, waste the next, glass monthly and greenwaste weekly. Do you agree? Yes

Does the current rural kerbside collection service extend far enough? No

If not, where should Council consider providing the service?

I think bigger bins. They are to small also so many times the bins are not getting empty.

Should Council implement a multi-bin service along the existing rural kerbside collection routes? Yes

Do you have any other comments?

Do you have any comments you would like to make about any of these issues?

No. 4

**First Name****Surname****Organisation****Address**

Waimate

Phone**Email****Do you wish to have your name withheld?**

Yes

Do you wish to speak to your submission?

No

Property Maintenance & Nuisance Bylaw

Do you agree that we should adopt the Property Maintenance and Nuisance Bylaw

Yes

Should we make changes? (If yes, please give details)

No

Additional comments

Dangerous Buildings Policy

The term "affected building" must be included in this policy - do we have it right?

Yes

Is there any other way of including this in our policy? (If yes, please give details)

No

Additional comments

Waste Management & Minimisation Plan

Nearly 50% of current refuse is green and food waste which could be diverted away from landfill if we have a multi-bin service. Do you agree we should implement this? Yes

A mandatory service in defined areas such as Waimate Town, Glenavy, Makikihi and St Andrews is likely to increase the total number of properties serviced and the total number of bins. In order to make this viable it is likely that frequency and bin size will change. For example, fortnightly vs. weekly and alternate collections eg recycling one week, waste the next, glass monthly and greenwaste weekly. Do you agree? Yes

Does the current rural kerbside collection service extend far enough? Yes

If not, where should Council consider providing the service?

Should Council implement a multi-bin service along the existing rural kerbside collection routes? Yes

Do you have any other comments?

Should the council decide to implement a 3 bin system (which we do need!) then it would be in your best interests to move away from Metallic Sweeping, who i am told runs our local refuse centre.

If the council were astute it would look into other waste service providers. For example Waste Management have implemented a 3 bin system in Timaru and Oamaru. it only make sense that their expertise would be valuable.

I am a regular user of our local dump and it is sad to see that we are behind the times, lets be honest those trucks have seen better days. the equipment the workers have looks to be very out dated and can the council not hire anymore staff to work there?

our population is growing at a phenomenal rate so would it not be advisable to have a better system in place to deal with our own rubbish rather than sending it somewhere else at a what i can only assume is a high cost?

**Do you have any comments you would like to make
about any of these issues?**

No. 5

Protecting Our Environment, Our Property & Our Buildings Submission Form

Your Details

Full name.....

Organisation (if applicable).....

Address

Phone .. Email

Verbal Submission

Do you wish to speak to your submission at the Council Hearing on Tuesday 30 July 2019? ☐ Yes ☒ No
(If yes, please tell us your daytime phone number above and we will contact you to arrange a suitable time.)

Privacy

All submissions will be public unless you state otherwise. Do you want your name withheld? ☒ Yes ☐ No

Property Maintenance and Nuisance Bylaw

Do you agree that we should adopt the Property Maintenance and Nuisance Bylaw? ☐ Yes ☐ No

Should we make changes? (If yes, please give details) ☐ Yes ☐ No

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Dangerous Buildings Policy

The term "affected building" must be included in this policy - do we have it right? ☐ Yes ☐ No

Is there any other way of including this in our policy? (If yes, please give details) ☐ Yes ☐ No

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Waste Management & Minimisation Plan

1. Nearly 50% of current refuse is green and food waste which could be diverted away from landfill if we have a multi-bin service. Do you agree we should implement this? ☐ Yes ☐ No

2. A mandatory service in defined areas such as Waimate Town, Glenavy, Makikihi and St Andrews is likely to increase the total number of properties serviced and the total number of bins. In order to make this viable it is likely that frequency and bin size will change. For example, fortnightly vs. weekly and alternate collections eg recycling one week, waste the next, glass monthly and greenwaste weekly. Do you agree? ☐ Yes ☐ No

3. Does the current rural kerbside collection service extend far enough? If not, where should Council consider providing the service (go to waimatedc.govt.nz to see a map of the existing area)? ☐ Yes ☐ No

4. Should Council implement a multi-bin service along the existing rural kerbside collection routes? ☐ Yes ☐ No

5. Do you have any other comments?

I wish to make a submission regarding offensive odours
For at least the last three years we have had offensive odours coming from a large dairy indoor complex and have over the years rang E can hot line regarding the offensive odours (Please refer to E can log book)

General Comments

Having lived in the area for many years we have never had offensive odours until the dairy complex was built.

Why do we have to live with this offensive odour as it is detrimental to the health of the Waimate ~~Bristow~~ District.

No. 6



First Name	John
Surname	Guthrie
Organisation	
Address	38 Allan Street Waimate
Phone	03 689 7586
Email	karunayoga@kinect.co.nz

Do you wish to have your name withheld?	No
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Do you wish to speak to your submission?	No
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Property Maintenance & Nuisance Bylaw

Do you agree that we should adopt the Property Maintenance and Nuisance Bylaw	Yes
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Should we make changes? (If yes, please give details)	No
--	----

Additional comments

Dangerous Buildings Policy

The term "affected building" must be included in this policy - do we have it right?	Yes
--	-----

Is there any other way of including this in our policy? (If yes, please give details)	No
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Additional comments	I am not sure how you would make changes.
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Waste Management & Minimisation Plan

Nearly 50% of current refuse is green and food waste which could be diverted away from landfill if we have a multi-bin service. Do you agree we should implement this?

No

A mandatory service in defined areas such as Waimate Town, Glenavy, Makikihi and St Andrews is likely to increase the total number of properties serviced and the total number of bins. In order to make this viable it is likely that frequency and bin size will change. For example, fortnightly vs. weekly and alternate collections eg recycling one week, waste the next, glass monthly and greenwaste weekly. Do you agree?

No

Does the current rural kerbside collection service extend far enough?

No

If not, where should Council consider providing the service?

I am not sure if the current rural service is sufficient and this is for rural landowners to comment on.

Instead of a multi service, composting foodstuffs should be mandatory and there should be a ban on food stuffs going into rubbish bins.

We take our rose prunings to the recycling centre.

Should Council implement a multi-bin service along the existing rural kerbside collection routes?

No

Do you have any other comments?

Again this the rural landowners to decide. Rural properties should be able to compost organic waste easily.

Do you have any comments you would like to make about any of these issues?

Smoke from stubble burn-off is unacceptable in this day and age. Last March or April there was smoke coming over the town on more than one occasion. There was at least one occasion when visibility was terrible; so that is not acceptable.

In the state of Victoria in Australia I believe it is banned. A visitor staying with us in March was amazed that it is still allowed here.

No. 7

**First Name****Surname****Organisation****Address****Phone****Email**

Do you wish to have your name withheld? Yes

Do you wish to speak to your submission? No

Property Maintenance & Nuisance Bylaw

Do you agree that we should adopt the Property Maintenance and Nuisance Bylaw Yes

Should we make changes? (If yes, please give details) Yes

Additional comments

Given that the policy states it covers the whole district it would be good to clarify if offensive odours from farming activities would be covered. For example: effluent smells affecting households outside the farm producing them, or fertilizer stockpiles giving off odours and gas, burn off smoke affecting health and quality of life. Currently there is some scope for this to be dealt with through the regional council, but the district council has not taken a leading role in these sorts of issues. Will the bylaw make the council take more or less responsibility for these sorts of issues?

Dangerous Buildings Policy

The term "affected building" must be included in this policy - do we have it right? No

Is there any other way of including this in our policy? (If Yes
yes, please give details)

Additional comments

The definition given adds little clarity, every building that is not currently dangerous has the potential to get there through environmental issues, or lack of maintenance. The dangerous building policy is limited in other ways, particularly in only defining a heritage building by national listings, rather a local acknowledgement of heritage context.

Waste Management & Minimisation Plan

Nearly 50% of current refuse is green and food waste which could be diverted away from landfill if we have a multi-bin service. Do you agree we should implement this? Yes

A mandatory service in defined areas such as Waimate Town, Glenavy, Makikihi and St Andrews is likely to increase the total number of properties serviced and the total number of bins. In order to make this viable it is likely that frequency and bin size will change. For example, fortnightly vs. weekly and alternate collections eg recycling one week, waste the next, glass monthly and greenwaste weekly. Do you agree? Yes

Does the current rural kerbside collection service extend far enough? Yes

If not, where should Council consider providing the service?

Should Council implement a multi-bin service along the existing rural kerbside collection routes? Yes

Do you have any other comments?

Multi bin use for green and food waste is a good idea, just not necessarily as per the example given. The easier it is to recycle, the more that will occur. The council should consider also taking a lead on recycling one of the biggest waste streams on farms and lifestyle blocks: bale wrap. Currently for lifestyle blocks and small farms it is difficult to find a viable way to recycle this waste, despite

central government initiatives. There has been national coverage of how the Waimate District Council is remaining in a minority of councils and refusing to sign a climate change emergency declaration. Given the quote from the Mayor that "we believe there is more value in actions rather than words , and this has been the focus of council for some time when making decisions" an initiative such as placing recycling bags for bale wrap from smaller properties at the recovery park would show a positive action the council taking regarding an increasing problem that the provinces are facing.

Do you have any comments you would like to make about any of these issues?

No. 8



First Name	Josephina
Surname	van den Oort
Organisation	
Address	17 Browns Avenue Waimate
Phone	021-1386539
Email	josevandenoort@gmail.com

Do you wish to have your name withheld?	No
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Do you wish to speak to your submission?	No
---	----

Property Maintenance & Nuisance Bylaw

Do you agree that we should adopt the Property Maintenance and Nuisance Bylaw	Yes
--	-----

Should we make changes? (If yes, please give details)	No
--	----

Additional comments

Dangerous Buildings Policy

The term "affected building" must be included in this policy - do we have it right?	Yes
--	-----

Is there any other way of including this in our policy? (If yes, please give details)	No
--	----

Additional comments

Waste Management & Minimisation Plan

Nearly 50% of current refuse is green and food waste which could be diverted away from landfill if we have a multi-bin service. Do you agree we should implement this? Yes

A mandatory service in defined areas such as Waimate Town, Glenavy, Makikihi and St Andrews is likely to increase the total number of properties serviced and the total number of bins. In order to make this viable it is likely that frequency and bin size will change. For example, fortnightly vs. weekly and alternate collections eg recycling one week, waste the next, glass monthly and greenwaste weekly. Do you agree? Yes

Does the current rural kerbside collection service extend far enough? Yes

If not, where should Council consider providing the service?

Should Council implement a multi-bin service along the existing rural kerbside collection routes? Yes

Do you have any other comments?

We need more education!
Some people have no idea.
Put a weekly article appropriate to ideas for recycling in the Trader, which goes to every household.
Or send a flyer with updated recycling information to each letterbox.
Good luck!

Do you have any comments you would like to make about any of these issues?

No. 9



First Name	Dominique
Surname	Davaux-Guthrie
Organisation	
Address	38 Allan Street
Phone	03 689 7586
Email	dmdavaux@hotmail.com

Do you wish to have your name withheld? No

Do you wish to speak to your submission? No

Property Maintenance & Nuisance Bylaw

Do you agree that we should adopt the Property Maintenance and Nuisance Bylaw Yes

Should we make changes? (If yes, please give details) No

Additional comments Where we lived before we had neighbours on both sides who had junk & smelly rubbish and tall weeds in their back garden. This bylaw would have been great then.

Dangerous Buildings Policy

The term "affected building" must be included in this policy - do we have it right? Yes

Is there any other way of including this in our policy? (If yes, please give details) No

Additional comments My issue here is not a dangerous building as such but the

ugly black shed that was built in our street not far from us. And how anyone in their right mind would think it was a good idea to shade an old lady's home like that + it created storm water problems for 3 neighbours. We should have been all consulted.

Waste Management & Minimisation Plan

Nearly 50% of current refuse is green and food waste which could be diverted away from landfill if we have a multi-bin service. Do you agree we should implement this? Yes

A mandatory service in defined areas such as Waimate Town, Glenavy, Makikihi and St Andrews is likely to increase the total number of properties serviced and the total number of bins. In order to make this viable it is likely that frequency and bin size will change. For example, fortnightly vs. weekly and alternate collections eg recycling one week, waste the next, glass monthly and greenwaste weekly. Do you agree? No

Does the current rural kerbside collection service extend far enough? Yes

If not, where should Council consider providing the service?

Our recycling bin is full every week, that is why I don't want this service to be every fortnight. Unless that bin becomes larger. The amount of packaging from products is still too much.

Should Council implement a multi-bin service along the existing rural kerbside collection routes? Yes

Do you have any other comments?

But we would not need the third bin as we compost everything, kitchen scraps and weeds etc....

Do you have any comments you would like to make about any of these issues?

My main comment is that we just realised that a splendid homestead has been destroyed on Point Bush Road. It used to belong to Annette and Norm Davis. We have visited it in the past and it was very grand. What is wrong with kiwis that they have to destroy all their heritage and historic places ??? Who gave the authorisation for it to be burnt???? It could have been restored and become a touristic place.

No. 10

HERITAGE NEW ZEALAND
POUHERE TAONGA

Ref no: 33002-102

6 July 2019

Waimate District Council
125 Queen Street
Waimate
Canterbury

Via email: submission@waimatedc.govt.nz

Dear Sir/Madam

**SUBMISSION OF HERITAGE NEW ZEALAND POUHERE TAONGA ON THE PROPOSED UPDATE TO
WAIMATE DISTRICT COUNCIL POLICY: DANGEROUS BUILDINGS POLICY**

1. Thank you for the opportunity to make a submission on the proposed update to the Dangerous Buildings Policy (the proposed Policy).
2. Heritage New Zealand Pouhere Taonga is an autonomous Crown Entity with statutory responsibility under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) for the identification, protection, preservation and conservation of New Zealand's historical and cultural heritage.
3. The policy states that Heritage New Zealand will be consulted where the identified building is listed on the New Zealand Heritage List (the List), and this is supported by Heritage New Zealand. We recommend changing any references to the 'Historic Places Trust' to 'Heritage New Zealand Pouhere Taonga' (or shortened to 'Heritage New Zealand').
4. Heritage New Zealand recommends that the description of heritage buildings is broadened to recognise the range of heritage buildings within the Waimate District, including buildings that are not included on the List. An example of how this could be achieved is the Hurunui Dangerous, Insanitary and Affected Building Policy, adopted by Hurunui District Council on 26 April 2018¹. The relevant paragraph of this policy as it applies to heritage is:

Heritage buildings

In addition to the above process, where the building is identified as a historic building or structure in Schedule 14.1 of the Hurunui District Plan, Council Officers will discuss possible solutions with the property owner to ensure a mutually acceptable solution that meets both heritage objectives and Building Act requirements. As far as reasonably possible any remediation works should protect the heritage values of the building.

Heritage New Zealand Pouhere Taonga will be consulted on all remediation works to buildings listed on the New Zealand Heritage List/Rārangi Kōrero.

¹ <http://www.hurunui.govt.nz/assets/Documents/Policies/2018-Policies/Dangerous-Insanitary-and-Affected-Buildings-policy-26.04.2018.pdf>

Owners of historic buildings or structures identified in Schedule 14.1 of the Hurunui District Plan should be aware any improvement works might require resource consent.

5. In 2007, the then Historic Places Trust produced guidance for local authorities on preparing policies for earthquake prone, dangerous and insanitary buildings. A copy of this guidance is available <http://www.heritage.org.nz/resources/sustainable-management-guides>.
6. The proposed updated policy covers a number of suggestions in the above guidance, including considering alternative methods to avoid unnecessary demolition of heritage buildings through consulting with owners and Heritage New Zealand. The Heritage New Zealand guidance stresses the importance of facilitating the preservation of buildings of significant cultural or historic heritage value, but the proposed Policy does not address the role of prevention of degradation of heritage buildings. We therefore recommend that wording is inserted into the proposed Policy that sets out council's approach to addressing risks to heritage building that may ultimately lead them to becoming dangerous or insanitary such as deferred maintenance and un-consented alterations. This could include information on assistance available to repair and upgrade heritage buildings.
7. We also recommend including a broader statement of the matters that council will consider in relation when making decisions on the need to facilitate the preservation of dangerous heritage buildings including: providing extended timeframes where possible to compliance notices, restricting public access and ensuring that any written notice requiring work provides options to repair the building if appropriate².

Heritage New Zealand does not wish to be heard in support of our submission

Yours faithfully



Jon Trewin

Address for Service:

Jon Trewin |
Planner (Canterbury/West Coast) |
Heritage New Zealand Pouhere Taonga |
PO Box 4403 Christchurch

² Hutt City have developed a policy around this in their Dangerous and Insanitary Building Policy 2016 (page 8).
<http://portal.huttcity.govt.nz/Record/ReadOnly?Query=container:%5buri:3677911%5d%20&Tab=31&Uri=4318600&Page=1>

No. 11

Protecting Our Environment, Our Property & Our Buildings Submission Form

Your Details

Full name Grant Buchanan and Dawn Bryant

Organisation (if applicable).....

Address 34 Allan St.

Phone 03 689 6277 Email



Verbal Submission

Do you wish to speak to your submission at the Council Hearing on Tuesday 30 July 2019? ☐ Yes ☒ No
(If yes, please tell us your daytime phone number above and we will contact you to arrange a suitable time.)

Privacy

All submissions will be public unless you state otherwise. Do you want your name withheld? ☐ Yes ☒ No

Property Maintenance and Nuisance Bylaw

Do you agree that we should adopt the Property Maintenance and Nuisance Bylaw? ☐ Yes ☒ No

Should we make changes? (If yes, please give details) ☐ Yes ☐ No

There must be enough legislation already in place
we agree with the concept but have little faith in the councils
ability to make fair judgement. See other comments

Dangerous Buildings Policy

The term "affected building" must be included in this policy - do we have it right? ☐ Yes ☒ No

Is there any other way of including this in our policy? (If yes, please give details) ☐ Yes ☐ No

Again, surely there is sufficient legislation already for this
as above.

Waste Management & Minimisation Plan

1. Nearly 50% of current refuse is green and food waste which could be diverted away from landfill if we have a multi-bin service. Do you agree we should implement this? ☐ Yes ☒ No

2. A mandatory service in defined areas such as Waimate Town, Glenavy, Makikihi and St Andrews is likely to increase the total number of properties serviced and the total number of bins. In order to make this viable it is likely that frequency and bin size will change. For example, fortnightly vs. weekly and alternate collections eg recycling one week, waste the next, glass monthly and greenwaste weekly. Do you agree? ☐ Yes ☒ No

3. Does the current rural kerbside collection service extend far enough? If not, where should Council consider providing the service (go to waimatedc.govt.nz to see a map of the existing area)? ☒ Yes ☐ No

4. Should Council implement a multi-bin service along the existing rural kerbside collection routes? ☐ Yes ☒ No

5. Do you have any other comments?

Green and food waste can be composted, for those who do not want to should pay for a green waste bin. We put out one council bag every 4-5 weeks and it would take us about the same amount of time to fill the recycling bin so we find our present system more than adequate. An education programme should be placed before we make any changes. The present system is fine, the education of the people using it needs to be improved.

General Comments

We live opposite to the huge black shed that council allowed to be built on Allan St that completely blocks the winter sun and view of Mavis Pirini. This shed has had a major influence on her quality of life. After reading the town plan, we feel we should have been consulted as we too feel directly affected. We have made complaints to the council and feel fobbed off. The council process for affected residents does not go far enough. The town plan and bylaws shouldn't be just a rough guideline - we realise common sense must prevail. The council completely disregarded the town plan and bylaw and called it 'discretionary'.

the town plan, we feel we should have been consulted as we too feel directly affected. We have made complaints to the council and feel fobbed off.

The council process for affected residents does not go far enough.

The town plan and bylaws shouldn't be just a rough guideline - we realise common sense must prevail. The council completely disregarded the town plan and bylaw and called it 'discretionary'!

Another classic example of the town plan disregarded and lack of consultation with neighbours is the ugly blue storage sheds on Timaru Rd. We were gobsmacked to hear that the historic homestead on Point Bush road 'Huriroa' was intentionally burned down and think the council should look at protecting our other buildings of significance.

We must also mention that the council, on our behalf, address the crop burn off issue. We have had soot landing and a smoke haze over our property. Meanwhile, it seems unfair that townfolk are being forced to update their logburners just because they are over 15 years old. Many of these are burning efficiently.

It seems hypocritical.

We don't mean to undermine the council's good work, but we feel

7.2 REPORT ON THE RESULT OF JUNE 2019 SPECIAL JOINT CONSULTATION: PROPERTY MAINTENANCE & NUISANCE BYLAW

Author: Leonardo Milani, Policy Analyst

Authoriser: Carolyn Johns, Community and Strategy Group Manager

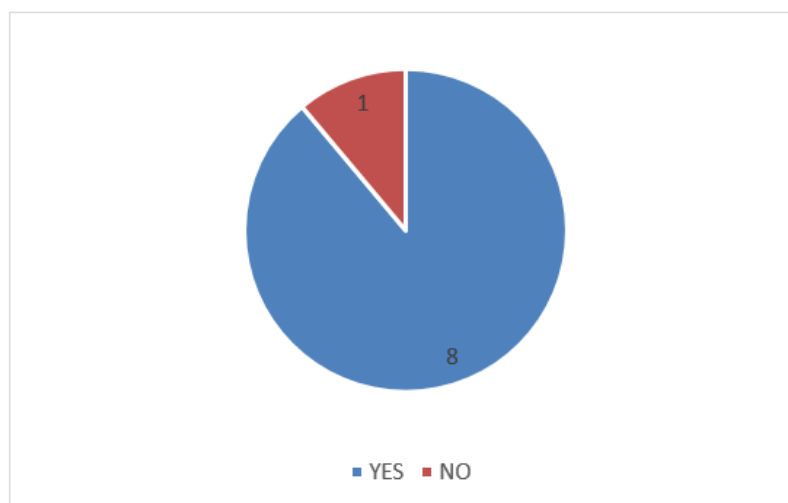
Attachments: 1. Property Maintenance and Nuisance Bylaw 22  

BACKGROUND

1. The Property Maintenance & Nuisance Bylaw is specifically formulated- pursuant to Section 145 of the Local Government Act 2002, Sections 23, 64 of the Health Act 1956, and Section 12 of the Litter Act 1979 to require private properties across the entire Waimate District to be maintained and managed as to protect, promote, and maintain public health and safety, and to protect the residents of the district from a defined range of nuisances.
2. Accordingly, Council adopted the draft Property Maintenance & Nuisance Bylaw for consultation on 12 March 2019.
3. To such an end, the proposed bylaw was subjected to public consultation, in compliance with provisions outlined in the Local Government Act 2002 regarding Special Consultative Procedure. The consultation was conducted, as part of a joint consultation procedure, in the timeframe of 6 June 2019 – 8 July 2019. The other two matters as part of the joint consultation are Dangerous Building Policy and Waste Management and Minimisation Plan, which we provide individual reports.

SUBMISSION SUMMARY

4. Copy of each submission is attached to the Dangerous Building Policy report.
5. Submitters were asked: “*Do you agree that we should adopt the Property Maintenance & Nuisance Bylaw?*”
6. 9 submitters responded to the above question, with 8 submitters in favour, 1 against; classification of responses visualised in the chart below:



7. Five submitters provided comments in support of their stated preference. Excerpts from, or summaries of, accompanying comments presented below in three categories of a) in favour, b) against, c) general comments:
 - a. Comments in favour:
 - i. One submitter observes that instances of nuisance/risk should be further expanded to include excessive lawn height, as it potentially constitutes fire hazard.

- ii. One submitter seeks clarification as to the scope of the proposed bylaw, specifically whether offensive odours generated by farming activities are to be included. The submission presents instances of such offensive odours: “effluent smells, affecting households outside the farm producing them, or fertilizer stockpiles giving off odours and gas, [or] burn off smoke affecting health and quality of life.” It further observes that while such instances are currently dealt with “through the regional council, the district council has not taken a leading role in [regulating such matters].” Finally, the submission enquires whether, by the force of the proposed bylaw, “the Council [would] take more or less responsibility for [the outlined matter]?”
 - iii. One submitter contends that smoke generated by stubble burn-off is an unacceptable occurrence, and that as the result of such a practice overall visibility in Waimate had dropped to critically low levels in at least one occasion.
- b. Comment against:
- i. One submitter argues that there exist adequate legislation in countering nuisance, thus questioning the *raison d'être* of the proposed bylaw. Furthermore, the submission states that its authors “have little faith in the Council’s ability to make fair judgement.”
- c. Preference unspecified:
- i. One submitter assumes no position vis-à-vis the proposed bylaw, but provides a complaint in the General Comments section, potentially related to purpose of the bylaw. The submission states that “for at least the last three years, [the author has had] offensive odours coming from a large dairy indoor complex”, and that Environment Canterbury has been contacted on this regard, apparently to no avail. The submitter asks, “why do [they] have to live with this offensive odour as it is detrimental to the health of the Waimate residents.”
- d. General comment:
- i. One submitter presents their views as to the undesirability of a construct (i.e. “black shed”) on the Allan Street, as well other views on what the submission considers to be a practice of inadequate consultation. [For full content see Submission No. 11, General Comments Section]

RESPONSE ANALYSIS

- 8. Approximately 89% of submitters support the adoption of the Property Maintenance & Nuisance Bylaw.
- 9. A common pattern in submission is the focus on farming-generated environmental hazards, especially in terms of smoke/haze and offensive odours.

RECOMMENDATION

- 1. That the Property Maintenance & Nuisance Bylaw report is accepted; and
- 2. That Council provide a decision on the Property Maintenance & Nuisance Bylaw in light of submissions.

WAIMATE DISTRICT CONSOLIDATED BYLAW 2019**CHAPTER 22****22 PROPERTY MAINTENANCE AND NUISANCE****2200 Title**

2200.1 The title of the bylaw shall be the Waimate District Council Property, Maintenance and Nuisance Bylaw 2019.

2201 Commencement

2201.1 This bylaw shall come into force after Council resolves to adopt the bylaw and the date of commencement of the bylaw shall be identified in Council's resolution.

2202 Purpose

2202.1 The purpose of this bylaw is to require private property to be maintained and managed so as to protect, promote and maintain public health and safety, and to protect the public from nuisances.

2202.2 This bylaw applies to the entire Waimate District.

2202.3 This bylaw is made pursuant to Sections 145 and 146 of the Local Government Act 2002, Section 23 and 64 of the Health Act 1956 and Section 12 of the Litter Act 1979.

2203 Explanatory Note

2203.1 This bylaw is not the only legislative document relating to property maintenance and nuisances. Compliance with this bylaw does not avoid the need to comply with all other applicable Acts, regulations, bylaws or rules of law.

2204 Definitions

In this bylaw, unless the context requires otherwise:

2204.1 **Abandoned** means empty, deserted, derelict or uninhabited.

2204.2 **Building** means a temporary or permanent moveable or immoveable structure including a structure intended for occupation by people, animals, machinery or chattels or includes part of a building.

2204.3 **Litter** has the meaning given in the Litter Act 1979.

2204.4 **Material or thing** means, but is not limited to:

- a. Building material or equipment associated with building activities and including asbestos
- b. Household goods/furniture

- c. Litter
- d. Manure
- e. Metal
- f. Paper
- g. Plastic
- h. Timber
- i. Tyres
- j. Vehicles including vehicles with wheels or other parts removed
- k. Waste.

2204.5 **Nuisance** means a person, animal, thing, or circumstance causing unreasonable interference with the peace, comfort, or convenience of another person. This includes, but is not limited to:

- a. Where any accumulation or deposit of material or thing is in such a state or is so situated as to be offensive or likely to be injurious to health
- b. Where there exists on any land or premises any condition giving rise or likely to give rise to the breeding of pests or vermin or is suitable for the breeding of pests or vermin, which are capable of causing or transmitting disease, ie long grass or vegetation
- c. Where there exists on any land or premises any condition or activity that creates or is likely to create an odour that is objectionable or offensive at or beyond the boundary of the land
- d. Where any premises, including any accumulation or deposit or any material or thing thereon, are in such a state as to harbour or to be likely to harbour pests or vermin
- e. Where any premises are so situated, or are in such a state, as to be offensive or likely to be injurious to health
- f. Where any buildings or premises used for the keeping of animals are so constructed, situated, used or kept, or are in such a condition, as to be offensive or likely to be injurious to health
- g. Where any animal, or any carcass or part of a carcass, is so kept or allowed to remain as to be offensive or likely to be injurious to health
- h. Where any street, road, right of way, passage, yard, premises or land is in such a state as to be offensive or likely to be injurious to health.

2204.6 **Occupier** means the inhabitant occupier of that property or premises.

2204.7 **Owner** means the person named on the certificate of title for the land or their attorney or agent.

2204.8 **Pest or vermin** means animals that may attack or infest or are parasitic on living being and plants, and includes but is not limited to:

- a. Ants
- b. Cockroaches
- c. Ferrets

- d. Flies
- e. Mice
- f. Mosquitos
- g. Mites
- h. Pigeons
- i. Possums
- j. Rats
- k. Stoats
- l. Ticks
- m. Wasps

2204.9 **Property** means any parcel of land and/or building capable of being transferred, sold, rented, leased or otherwise disposed of separately from any other parcel of land and/or building(s).

2204.10 **Vehicle** has the same meaning given by the Land Transport Act 1998.

2204.11 **Waste** has the same meaning as defined in Section 5 of the Waste Minimisation Act 2008.

2205 **Property Maintenance**

2205.1 A person must not allow any material or thing to be deposited, accumulated, used, processed or stored on any private property under their control in a manner that causes or may cause a nuisance.

2205.2 A person must not allow any property under their control to become overgrown with long grass or vegetation to an extent that it causes or may cause a nuisance.

2205.3 The owner of any building that is abandoned, in the opinion of an authorised officer, must ensure that the building is secured so as not to allow access by the public.

2206 **Enforcement, Offences and Penalties**

2206.1 The Council may use its powers under the Local Government Act 2002, (including its powers to enter any land, building or dwelling house pursuant to sections 172 to 173 and/or the Health Act 1956 and/or the Litter Act 1979 to enforce this bylaw.

2206.2 The Council may remove or cause to be removed from any private property any material or thing found on that private property in breach of this bylaw and may recover any costs of removal from the person who committed the breach.

- 2206.3 The Council may, pursuant to Section 163 of the Local Government Act 2002, remove or alter a work or thing that is, or has been, constructed in breach of this bylaw and may recover the costs of removal from the person who committed the breach.
- 2206.4 The removal of any material or thing under clause 7.2 and/or the removal or alteration of any work or thing under clause 7.3, and/or the recovery of costs under either of those clauses, does not relieve the person who committed the breach from any liability for any penalty for breach of this bylaw.
- 2206.5 Every person who breaches this bylaw commits an offence.
- 2206.6 Every person who commits an offence under this bylaw is liable to a penalty under the empowering legislation set out in clause 2206.1 above.
- 2206.7 Note: Please refer to the Bylaws Administration Bylaw 2017, Clause 9 Serving of Orders and Notices and Clause 18 Right of Appeal.
- 2207 Adoption of bylaw**
- The foregoing bylaw was duly adopted by resolution of the Waimate District Council following completion of the Special Consultative Procedure prescribed by Sections 83 & 86 of the Act.

I, Stuart Duncan, Chief Executive of Waimate District Council, CERTIFY that this bylaw was made by Resolution on the *xxth* day of *month* 2019, to come into effect on the *xxth* day of *month* 2019.

7.3 REPORT ON THE RESULT OF JUNE 2019 SPECIAL JOINT CONSULTATION: WASTE MANAGEMENT & MINIMISATION PLAN 2018-28

Author: Leonardo Milani, Policy Analyst

Authoriser: Carolyn Johns, Community and Strategy Group Manager

Attachments: 1. Draft Waimate Waste Management and Minimisation Plan - 2018-2028 (under separate cover) 

BACKGROUND

1. The Waste Minimisation Act 2008 requires Council to complete a full review of the Waste Management and Minimisation Plan (WMMP) every six years. The first WMMP was adopted in June 2012, and the review of the 2018 WMMP has occurred in 2018/19 by staff and then through a workshop with Council on 30 April 2019. The Act also requires Council to notify the latest waste assessment with the Statement of Proposal (i.e. the WMMP).
2. Accordingly, Council adopted the draft WMMP 2018-2028 for consultation on 4 June 2019.
3. The consultation was conducted, as part of a joint consultation procedure, in the timeframe of 6 June 2019 – 8 July 2019. The other two matters as part of the joint consultation are Property Maintenance & Nuisance Bylaw and Dangerous Building Policy, which we provide individual reports.

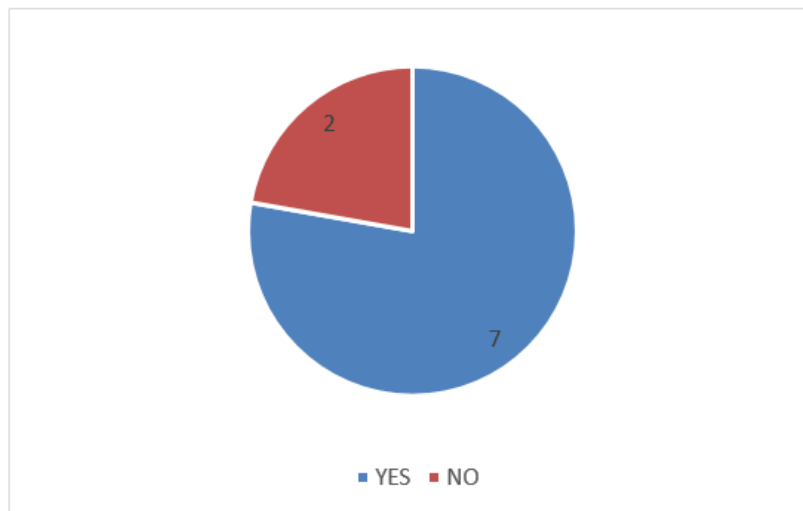
SUBMISSION SUMMARY

4. Copy of each submission is attached to the Dangerous Building Policy report.
5. Submitters were asked 4 questions:
 - a. *“Nearly 50% of current refuse is green and food waste which could be diverted away from landfill if we have a multi-bin service. Do you agree we should implement this?”*
 - b. *“A mandatory service in defined areas such as Waimate Town, Glenavy, Makikihi, and St Andrews is likely to increase the total number of properties serviced and the total number of bins. In order to make this viable, it is likely that frequency and bin size will change. For example, fortnightly vs. weekly and alternate collections (e.g. recycling one week, waste the next, glass monthly, and green-waste weekly). Do you agree?”*
 - c. *“Does the current rural kerbside collection service extend far enough? If not, where should Council consider providing the service?”*
 - d. *“Should Council implement a multi-bin service along the existing rural kerbside collection routes?”*

6. Nine submitters responded to the above questions. Due to the fragmentation of questions, response statistics and analysis are presented in 4 separate segments, each segment dedicated to one question, as below:

a. Question (a):

- i. In response to the proposal to establish a multi-bin service, 7 submitters in favour, 2 against, as visualised in the chart below:



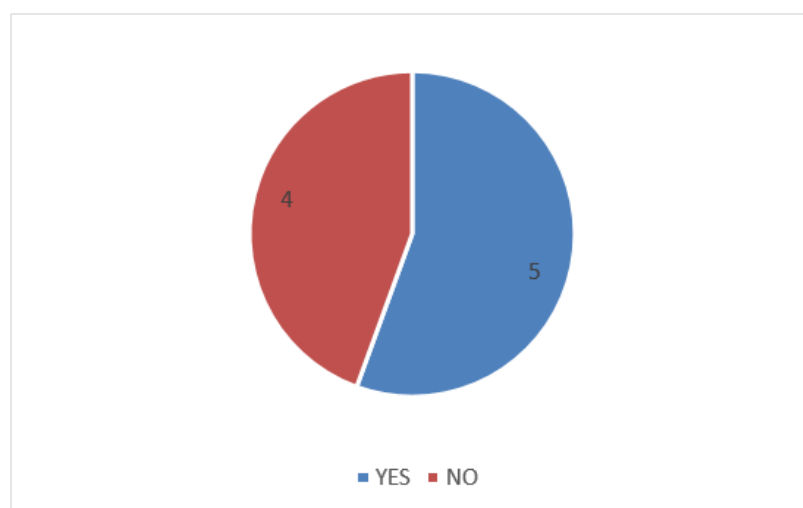
- ii. 1 submitter provided comment in support of their stated preference, the summary of which is reported below:

(1) Comment against:

- (a) Submitter contends that residents must not pay for a green waste bin as green and food waste can instead be composted.

b. Question (b):

- i. In response to the proposal to the establishment of mandatory service, 5 submitters in favour, 4 against, as visualised in the chart below:



- ii. 2 submitters provided comment in support of their stated preference, the summary of which is reported below:

(1) Comments against:

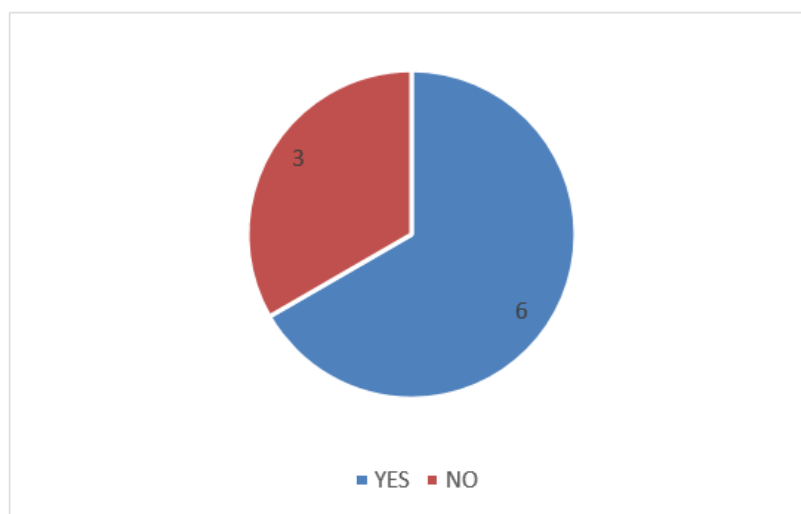
- (a) One submitter opposes the proposal for a fortnightly collection scheme; he contends that unless the size of bins are increased to accommodate a larger storage of waste, a fortnightly service would

result in the volume of produced waste to far exceed the capacity of provided bins.

- (b) One submitter opposes the fortnightly collection scheme as it is argued that the provided bin's capacity is inadequate to accommodate the volume of produced waste.

c. Question (c):

- i. In response to the enquiry as to adequacy of the current range of kerbside collection service, 6 submitters in favour, 3 against, as visualised in the chart below:



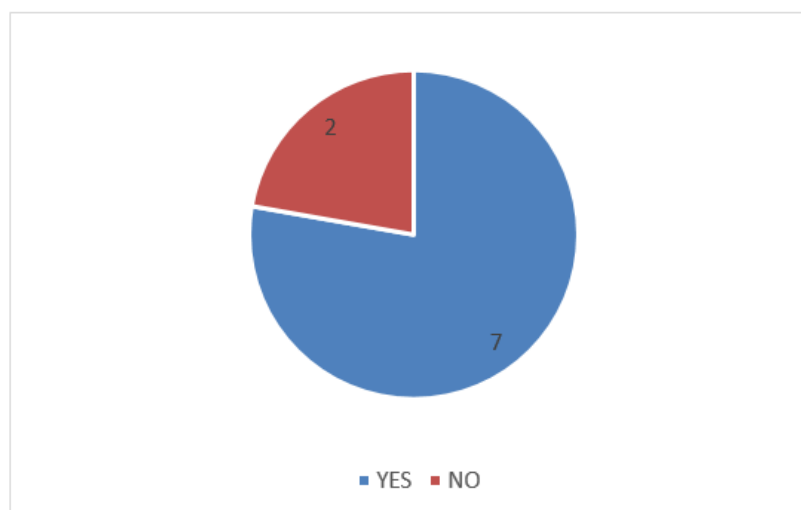
- ii. 1 submitters provided comment in support of their stated preference, the summary of which is reported below:

(1) Comment in favour of extending the range of collection service:

- (a) One submitter proposes that the service be extended to Morven.

d. Question (d):

- i. In response to the enquiry as to whether multi-bin service along the existing rural kerbside collection routes be implemented, 7 submitters in favour, 2 against, as visualised in the chart below:



- ii. Five submitters provided comment in support of their stated preference, the summary of which is reported below:
- (1) Comments in favour:
- (a) One submitter suggests “Council needs to make recycling as easy as possible” as to encourage greater members of the community to embrace the practice of recycling; and that the introduction of green and ‘wheelie’ bins will be most desirable.
 - (b) One submitter supports the introduction of the 3-bins system, but argues that the Council ought to consider other waste management contractors as to, it is argued, increase efficiency and cost-effectiveness of the provided service.
 - (c) One submitter proposes that the Council “should consider... taking a lead on recycling one of the biggest waste streams on farms and lifestyle blocks: bale wraps;... it is difficult to find a viable way to recycle this waste, despite central government initiatives.” The submission further suggests that an initiative such as placing recycling bags for bale wrap from smaller properties would be a positive starting point.
- (2) Comments against:
- (a) One submitter argues that since composting is an option, a multi-bin service should be redundant.

RECOMMENDATION

1. That the Waste Management & Minimisation Plan report is accepted; and
2. That Council provide a decision on the Waste Management & Minimisation Plan 2018-28 in light of submissions.

7.4 ROAD RESEALING 2019-21 MULTI PARTY FUNDING AGREEMENT

Author: Rob Moffat, Roading Manager

Authoriser: Dan Mitchell, Asset Group Manager

Attachments: 1. Resurfacing Contract Multi Party Funding Agreement [↓](#) 

PURPOSE

1. The purpose of this report is to present Council with a recommendation to approve the Multi Funding Agreement for Resealing.

BACKGROUND

2. Council undertakes resealing every summer as part of road maintenance renewals programme. A reseal is the addition of a thin chip and bitumen surface layer on an existing seal surface to repair surface defects, improve surface grip, improve waterproof abilities of the surface and reduce the rate of further deterioration of the pavement under the surface.
3. Timaru District Council, Mackenzie District Council and Waimate District Council are parties to an agreement to collaborate on Road Management and Operation. As part of the agreement joint resurfacing contracts have been successfully completed for the last four years.
4. The Resealing Contract is a single contract, NZS3910 format. Timaru District Council (TDC) is the Principal and there is one schedule consisting of the combined quantities for all Councils. There is a single Engineer to Contract from TDC and Engineer's Representatives for each Districts' portion of the work. The Multi Party Funding Agreement covers the financial aspects.

PROPOSAL

5. It is proposed to continue with a joint resurfacing contract with Timaru District Council and Mackenzie District Council for the 2019-21 years.
6. A Multi Party Funding Agreement between Timaru District Council, Mackenzie District Council and Waimate District Council in respect of road resurfacing contract for the period 1 July 2019 to 30 June 2021 is attached.

Options

7. Continue with a joint resurfacing contract with Timaru District Council and Mackenzie District Council; or
8. Prepare a Contract Document and Tender for the Waimate District Council Resealing only.

ASSESSMENT OF SIGNIFICANCE

9. This matter is not deemed significant under the Council's Significance and Engagement Policy.

CONSIDERATIONS

10. The councils with the joint contract have obtained cost saving and other benefits. Although difficult to assess the quantum of any direct cost savings, it is felt that larger quantities of scheduled works have resulted in lower pricing (more likely for the smaller councils) based on economies of scale and being more keenly contested due to the contract value.
11. The contract document, tender process and core contract administration, previously done three times, is now done once. The smaller councils have been able to use the scale of the combined quantities to ensure they receive a level of service from their contractor not always provided with their smaller quantity contracts. There is greater flexibility of programming for the contractor, with one district or another usually further ahead with its pre-seal repairs.

Territorial or Regional Council Regulations, Plans or Bylaws

12. Waimate District Council Procurement Strategy / Policy.

FINANCIAL**Budget**

13. 2019-20 \$1,270,000; 2020-21 \$1,270,000

Cost-effectiveness

14. Chip seal is a good, cost-effective surfacing material for most roads. It provides good waterproofing and still gives good texture for road safety in all weather conditions.
15. Economies of scale is obtained through a combined contract.

RECOMMENDATION

1. That the Road Resealing 2019-21 Multi Party Funding Agreement report is accepted; and
2. That Council enters into to the Multi Party Funding Agreement between Timaru District Council, Mackenzie District Council and Waimate District Council in respect of road resurfacing contract for the period 1 July 2019 to 30 June 2021; and
3. The Waimate District Council Chief Executive be given delegated authority to advise the Timaru District Council of Council's acceptance of the preferred tender and authorise a Purchase Order for the Resealing Contract; and
4. That Waimate District Council Chief Executive be given delegated authority to approve invoices for payment for the Resealing Contract.



MULTI PARTY FUNDING AGREEMENT (MPFA)

BETWEEN

TIMARU DISTRICT COUNCIL,

AND

MACKENZIE DISTRICT COUNCIL,

AND

WAIMATE DISTRICT COUNCIL

IN RESPECT OF ROAD RESURFACING CONTRACT

FOR PERIOD 1 JULY 2019 TO 30 JUNE 2022

1.0 Date of Agreement

- 1.1 This Agreement is made on: 3rd July 2019

2.0 Funding Parties

- 2.1 Timaru District Council ("TDC") a territorial authority constituted under the Local Government Act 2002 and an approved organisation and road controlling authority under the Land Transport Management Act 2003.
- 2.2 Mackenzie District Council ("MDC") a territorial authority constituted under the Local Government Act 2002 and an approved organisation and road controlling authority under the Land Transport Management Act 2003.
- 2.3 Waimate District Council ("WDC") a territorial authority constituted under the Local Government Act 2002 and an approved organisation and road controlling authority under the Land Transport Management Act 2003.

3.0 Recitals

- 3.1 Section 3.11 of New Zealand Transport Agency's Programme and Funding Manual stipulates that multi-party projects involving more than one road controlling authority or approved organisation receiving financial assistance from New Zealand Transport Agency for the activity is conditional on the Funding Partners entering into a formal funding agreement.
- 3.2 Timaru District Council, Mackenzie District Council and Waimate District Council being road controlling authorities that are party to a collaborative road resurfacing contract arrangement in South Canterbury and receiving New Zealand Transport Agency financial assistance for the activity, have agreed to enter into a formal funding agreement and wish to record the terms of that agreement.

4.0 Scope

- 4.1 The activity comprises of the resurfacing of roads in Timaru, Mackenzie and Waimate Districts through a Timaru District Council contract titled "Contract 2419: Timaru, Waimate & Mackenzie Districts, Road Resurfacing 2019-21".

5.0 Activity Funding and Costs

- 5.1 The contract is a measure and value contract with one combined schedule of prices with separable portions for years one and two. Work in each District is identified in separate work schedules and each District agrees to pay for all work completed on their own road network.
- 5.2 The tender evaluation for this contract will be completed using the total contract price with conforming tenders only considered.
- 5.3 Each district will be responsible for seeking New Zealand Transport Agency's financial assistance funding for the work completed in their district and any associated project management costs.
- 5.4 Awarding of the contract will require acceptance by Timaru, Mackenzie and Waimate District Councils as joint funding parties.

6.0 Project Management

- 6.1 It is recognised that Timaru District Council, as the lead authority, has responsibility for the overall management of the contract.
- 6.2 It is also recognised that each district will coordinate, supervise and certify completion of contract works within their own road network.
- 6.3 It is acknowledged that Mackenzie District Council and Waimate District Council are partners with Timaru District Council in achieving efficiency gains of a joint road resurfacing contract.
- 6.4 The Engineer to the Contract nominated in the contract document is:
- Andrew Dixon,
Land Transport Manager,
Timaru District Council,
PO Box 522, Timaru
Tel: 03 687 7284
Fax: 03 687 7206
Email: andrew.dixon@timdc.govt.nz
- 6.5 Each District will appoint a separate Engineer's representative to manage the contract works on roads in their district.
- 6.6 Timaru District Council as the lead agency shall keep Mackenzie District Council and Waimate District Council fully informed of progress and any issues during the contract and agreement period.

7.0 Cost Sharing

- 7.1 Each District is responsible to fund and claim NZTA financial assistance for work done in their District.
- 7.2 Each District shall arrange direct payment to the Contractor of the certified contract payment certificates and buyer created invoices for the work completed in their district as certified by the Engineer.
- 7.3 Where any amount expressed in this Agreement is stated to exclude GST, GST shall be added to any invoice rendered by one party to the other where it is payable.
- 7.4 This Agreement does not and is not intended to offer any benefit or create any obligation enforceable at the suit of any person not a party to this Agreement.
- 7.5 The Timaru District Council shall keep Mackenzie and Waimate District Council's fully informed of the Contractor's progress and programme during the agreement period.
- 7.6 The Contract cost escalations as specified in the contract document, shall be apportioned based on the actual escalation cost relating to the timing and work completed in each district.

8.0 Activity Change Reporting to New Zealand Transport Agency

- 8.1 Each party, as it may affect them, will make requests for changes to the activity funding as and when necessary.

9.0 Termination

9.1 This Multi Party Funding Agreement (**MPFA**) may be terminated

9.1.1 If any of the parties to this Agreement cannot obtain sufficient funds from New Zealand Transport Agency then that party may terminate this Agreement immediately. The costs for work up to that time relating to the terminating party including any contract penalty payments applicable shall be met by that party.

9.1.2 If the Project Cost shall at any time exceed the funding available to any of the Parties which is unable to obtain the necessary additional funds to meet the excess cost, then it may immediately terminate this Agreement. The costs for work up to that time relating to the terminating party including any contract penalty payments applicable shall be met by that party.

9.2 This Agreement will terminate on 30 June 2022 and the completion by each party of its obligations under this Agreement.

9.3 Should any of the Parties terminate this Agreement, then the remaining Funding Partners may resolve to continue the relationship specified in this Agreement without the terminating party by entering into a new Agreement.

9.4 Amendments to this Agreement shall only be effective if agreed by all the Funding Partners in writing.

10.0 Protection of Parties Separate Interests

10.1 Nothing in the Agreement is intended to create or be construed as creating the relationship of partnership, principal and agent, or joint venture between the parties and neither party has fiduciary duties to the other.

10.2 Each party recognises that the other has statutory accountabilities and obligations, including reporting obligations, that each must perform without improper influence of or consideration for the other.

10.3 A waiver of any provision of this Agreement shall not be effective unless given in writing, and then it shall be effective only to the extent that is expressly stated to be given. A failure, delay or indulgence by any of the Parties in exercising any power or right shall not operate as a waiver of that power or right.

11.0 Invalidity

11.1 If any part of this Agreement or its application to any person, organisation or circumstance is or becomes invalid or unenforceable the remaining provisions remain valid and enforceable fully permitted by law; but the parties agree to negotiate in good faith to achieve a similar economic effect for each party.

12.0 Disputes

12.1 All differences and disputes between the parties concerning this Agreement shall be dealt with as follows;

12.1.1 The parties shall meet and discuss in good faith any dispute between them arising out of this Agreement.

- 12.1.2 If the discussions referred to in 12.1.1 fail to be resolved within **30** days of first being raised in writing, the issues shall be elevated to a meeting between the Chief Executives or their nominees to reach an agreed position.
- 12.1.3 If the discussions referred to in 12.1.1 and 12.1.2 above fail to resolve the relevant dispute within **60** days of first being raised in writing, either party may (by written notice to the other party) require that the dispute be submitted for mediation by a single mediator agreed between the parties. In the event of any such submission to mediation:
- (a) the mediator shall be deemed to be not acting as an expert or as an arbitrator;
 - (b) the mediator shall determine the procedure and timetable for the mediation; and
 - (c) the cost of the mediation shall be shared equally between the parties.
- 12.1.4 Neither party may issue any legal proceedings (other than for urgent interlocutory relief), in respect of any such dispute, unless that party has first taken all reasonable steps to comply with clauses 12.1.1 and 12.1.2.

13.0 Publicity

- 13.1 Notwithstanding the right for the media to report on any public meeting, all parties, prior to release, will agree to any media release.
- 13.2 In all public statements and in any written publications relating to the South Canterbury Road Resurfacing Contract activities, Timaru District Council, Mackenzie District Council and Waimate District Council shall be identified as cost contributing partners.

14.0 Signing

- 14.1 IN WITNESS WHEREOF this Multi Party Funding Agreement has been executed as at the date first written above

Signed for **Timaru District Council** by:

Bede Carran
Chief Executive

Signed for **Waimate District Council** by: Stuart

Duncan
Chief Executive

Signed for **Mackenzie District Council** by:

Suzette van Aswegen
Chief Executive

MEETING CLOSURE