

ORDINARY AGENDA

CORPORATE AND OPERATIONS COMMITTEE

DATE: Wednesday, 30 September
2009

TIME: 9.15 am

VENUE: Council Chambers
Matamata-Piako District Council
35 Kenrick Street
TE AROHA

MEMBERSHIP – Quorum (6)**Members:**

Mayor G W H Vercoe QSM, ED, JP
Cr J E Barnes
Cr S D Gillard JP
Cr C L Greenville JP
Cr M L Gribble
Cr J W Harris
Cr P M Jager
Cr T J M Johnston JP
Cr R J McGrail
Cr G R Stanley
Cr M P Steffert
Cr L M Tisch

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

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1 MEETING OPENING**2 PRESENT**

MEMBERS PRESENT

OFFICERS PRESENT

IN ATTENDANCE

3 APOLOGIES

MEMBERS APOLOGIES

4 NOTIFICATION OF URGENT BUSINESS

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

5 CONFIRMATION OF MINUTES

Minutes, as circulated, of the Ordinary Meeting of the Corporate and Operations Committee, held on 26 August 2009.

[Minutes August 26 2009 Corporate and Operations Committee.doc](#)

DRAFT RESOLUTION

That the Minutes of the Ordinary Meeting of the Corporate And Operations Committee held on 26 August 2009 be confirmed and signed as a true and correct record.

6 OFFICER REPORTS**6.1 CHIEF EXECUTIVE OFFICER'S REPORT**

File No: SUP164601
Attachments: [CHIEF EXECUTIVES REPORT- August 2009.doc](#)
Responsible Officer: D McLeod
Chief Executive Officer
Author: J Payze
Committee Secretary

EXECUTIVE SUMMARY

A copy of the Chief Executive Officer's report for the period August 2009 is attached.

POLICY AND BYLAW ISSUES

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

OFFICER RECOMMENDATION

That the Chief Executive Officer's report for August 2009 be received.

6.2 FINANCIAL EXCEPTION REPORT TO 31 AUGUST 2009

File No: SUP164601
Responsible Officer: M Te Wiata
Community and Support Services Manager
Author: M Te Wiata
Community and Support Services Manager

EXECUTIVE SUMMARY

The Financial Exception report to 31 August 2009 will be circulated separately.

OFFICER RECOMMENDATION

That the information be received.

6.3 RISKPOOL - NEED FOR CALL ON COUNCIL FUNDS

File No: SUP163805
Attachments: [Riskpool Call - NZ Mutual Liability](#)
Responsible Officer: M Te Wiata
Community and Support Services Manager
Author: M Te Wiata
Community and Support Services Manager

EXECUTIVE SUMMARY

Council is a member of New Zealand Mutual Liability and has contributed to Riskpool since 1997.

The scheme was established to provide public liability and professional liability cover to members.

New Zealand Mutual Liability has advised that it will be making a call of approximately \$33,000 in 2009/2010 on Council.

The call is required to ensure that the scheme remain financially viable and solvent.

This situation has arisen due to local government sector liabilities arising from the "leaky building" problem.

We are advised that calls may also be made in the next two years.

We have no provision in the budget for this or future calls.

BACKGROUND

Council has paid \$551,000 in contributions (or premiums) to the fund since 1997.

Our contribution last year was \$41,625.

We have made one claim of approximately \$29,000 against the fund.

Further background on the scheme is included in the attachment.

ISSUES

Council is a member of the scheme and must make the payment for this and future calls as requested.

We do not have a budget for this expense for the current or future years.

SIGNIFICANCE POLICY

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

OPTIONS

1. Council fund the current and future calls from special funds.
2. Council fund the 2009/2010 amount from special funds and make budget provision in the subsequent two financial years.
3. Council absorb the expense within the existing budgets.
4. Council absorb the expense within the existing budgets and fund any short-fall from special funds.

Options 1 and 2 provide certainty and do not impact on existing budgets or levels of service.

Options 3 and 4 will place additional pressure on existing budgets. We already have a \$65,000 operational saving we must achieve this financial year. The options do provide Council with the opportunity to take advantage of any additional savings made during the year. Option 4 in particular provides Council with a fall-back position.

OFFICER RECOMMENDATION

That Council fund the 2009/2010 amount from special funds and make budget provision in the subsequent two financial years.

6.4 TE AROHA MINERAL SPA - COMPLIANCE WITH RECOMMENDED GUIDELINES FOR SOLO BATHING

File No: P0514/0102P
Responsible Officer: M Te Wiata
Community and Support Services Manager
Author: M Te Wiata
Community and Support Services Manager

EXECUTIVE SUMMARY

Management temporarily ceased solo bathing at the Te Aroha Mineral Spa in compliance with recommended minimum guidelines for Thermal pools.

Council considered the issue at the August Corporate and Operations Committee meeting.

The Committee resolved as follows:

Staff be asked to consider the following actions:

- *Regulate the temperature of the pools so a “reasonable” maximum temperature can be achieved.*
- *Changing one tub to reticulated water so that the temperature can be controlled the same as any private household spa.*
- *Replacing some tubs with “Slipper Baths” for those who want to bathe solo.*
- *Restrict the length of bathing time to a maximum of 30 minutes.*
- *Solo bathing patrons to sign a disclaimer – similar to when you bungy jump or sky dive. You are acknowledging that you are aware of the risks of the activity and accept these.*
- *Provide translations of all signage, wellness checks etc in various languages but particularly Korean, Japanese, Chinese and German.*
- *An intercom or similar call system between the patron and staff to regularly check on the solo bather with the objective of providing safe bathing for all customers.*

The Committee clearly wanted to reinstate the level of service and also reduce the risk of serious harm to customers.

The Health and Safety manager has since received further advice from the Department of Labour clarifying the Department’s view of the guidelines.

The advice confirms Management’s opinion that compliance with the guide-line would be an expectation of the Department.

Council may wish to consider its position on solo bathing in light of this additional information.

BACKGROUND

Staff became aware of a guideline for thermal pools recommending a minimum of two bathers for unsupervised private pools.

Staff implemented this standard.

The level of service provided at Council facilities is ultimately a Council decision.

Solo bathers comprise approximately 8% of the Spas business (by value).

We anticipated and received some negative reaction from our regular customers.

The Facilities Operations Manager and Health and Safety Manager investigated the issue further and tabled information at the Committee meeting.

The key conclusions from this information are:

- A small percentage of our customers have had health & safety incidents after bathing at the Spa;
- Individual tolerance to heat and/or non-compliance with our recommended safety guide-lines appear to be the main factors;
- There are opportunities to reduce the risk of these types of incidents (as identified by the Health & Safety manager);
- The Facilities Operations Manager advises that other major thermal pool operators (e.g. Polynesian pools) conform with the minimum standards;
- The consequences of non-compliance with the recommended minimum standard could be significant.

ISSUES**Risk Management**

Council would clearly prefer to offer solo bathing as an option at the facility.

The information we have collated confirms management's view that:

- The Department of Labour would expect that we conform to the recommended minimum guidelines;
- That if we do not and have a further serious harm incident/fatality Council would be exposed to prosecution.

We are aware from our experience and other cases that the potential financial penalties could be significant for Council.

We have not investigated the issue of any personal liability to Councillors or staff.

We cannot quantify:

- the impact that a further serious incident may have on the profile of the facility
- the emotional "cost" to affected parties (families, staff etc.)

If we adopt a risk management approach to remove any emotional considerations we would conclude:

- the probability of another fatality is low and would be reduced further if we implement a number of the Health and Safety Managers recommendations;
- the consequences would be high – serious harm or fatality. Council would be prosecuted and incur a significant financial penalty.

This assessment suggests a high risk rating which is consistent with the rating under our Health and Safety system.

We estimate that solo bathing accounts for approximately \$35,000 per annum.

We can eliminate the risk by continuing with our current practice of not allowing unsupervised solo bathing.

Management focus

Management focus to date has been to try and promote alternative options for our solo bathers e.g.:

- supervised solo bathing by arrangement, especially for people who use the facility for therapy for medical conditions;
- promotions – two for the price of one.

We have been approaching this on an ad-hoc basis pending Council's final decision.

The majority of our customers are not solo bathers.

Our goal is to provide the opportunity for solo bathers to explore whether they can enjoy a different Spas experience.

Health & Safety issues

The Health & Safety manager identified a number of possible actions to further improve the safety at the Spas.

This will remain a management objective.

STATUTORY ISSUES

Council must comply with the requirements of the Health and Safety in Employment Act 1992. The Department of Labour administers and enforces the provisions of the Act.

POLICY AND BYLAW ISSUES

There are no issues.

SIGNIFICANCE POLICY

The decision to remove solo bathing has resulted in some negative public reaction.

Our customers might argue that this reduction in the level of service is significant.

Ratepayers might argue that a decision to expose Council to the risk of a large financial penalty is significant.

Our view is that this is an issue of compliance and as such does not trigger the significance policy.

FINANCIAL IMPLICATIONS

We estimate that solo bathing attracts revenue of approximately \$35,000 per annum.

Our Spas custom is affected by a number of factors including:

- Climate – a cold Christmas is good for our Spas business;
- Economic conditions – in these recessionary times the volume of customers dropped by 30% (although revenue dropped by 16%)
- Marketing – how many of our solo bathers can we retain through marketing?

It is difficult to provide an absolute financial impact on the removal of solo bathing.

We do expect there to be a drop in business and we would hope it is no worse than the \$35,000 noted above.

We are monitoring this closely and may need to make further difficult decisions to reduce our costs.

At this stage our revenue at the Spas is consistent with the same time last year.

OPTIONS

1. Unsupervised solo bathing not be permitted in line with the minimum recommended guidelines.
2. Solo bathing be permitted.

We recommend that Council investigate any personal liability issues if it decides to proceed with Option 2.

In both options, we would continue to investigate the effectiveness of the recommendations made by the Health and Safety Manager.

OFFICER RECOMMENDATION

That unsupervised solo bathing not be permitted in line with the minimum recommended guidelines

6.5 DISABLED PARKING SPACES

File No: CFA100802
Attachments: [Disabled parking in Gisborne District Council.doc](#)
[Disabled parking photos.doc](#)
Responsible Officer: G Ridley
Infrastructure Manager
Author: J Payze
Committee Secretary

EXECUTIVE SUMMARY

Presentation time: 10.30 am.

Mrs Cushla Thornton-Brown will be in attendance to give a presentation to Council regarding the advantages of having disabled parking spaces painted blue. These include:

- High visibility.
- Less abuse - Gisborne has found a 40% decrease in abuse.
- The advantage of having a “parallel to kerb” parking space - better safety factor as a rear exit van exits into the line of traffic if diagonal parking is used.

POLICY AND BYLAW ISSUES

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

OFFICER RECOMMENDATION

That the information regarding disabled parking be received.

6.6 PROPOSAL FOR A TE AROHA COMMUNITY SPORT AND EVENTS CENTRE

File No: CFA460801
Responsible Officer: G Ridley
Infrastructure Manager
Author: R Blackstock
Infrastructure Support Officer

EXECUTIVE SUMMARY

Presentation time: 11.00 am.

Mr Stuart Armistead is to make a presentation to Council to discuss a proposal for a Community Sport and Events Centre in Te Aroha.

Stanley Avenue School has been granted \$400,000 towards 'non-teaching space' by the Ministry of Education. After due consideration the school Board of Trustees has decided it would like to see the funding go towards a full size indoor court community sport and events facility that would benefit all of Te Aroha. The only stipulation by the Ministry is that the facility be built on the school grounds.

The proposal is to build the community sport and events centre alongside Stanley Avenues existing sports turf at the front of the school so that it is easily accessible for community use and has a car park readily available.

POLICY AND BYLAW ISSUES

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

OFFICER RECOMMENDATION

That the report "Proposal for a Te Aroha Community and Events Centre" be received.

6.7 SOLID WASTE MANAGEMENT REVIEW

File No: SWM520401
Responsible Officer: G Ridley
Infrastructure Manager
Author: D Locke
Waste Management Officer

EXECUTIVE SUMMARY

This report has been compiled to keep Council abreast of the developments in the Waste Minimisation and Management portfolio. Details are of progress made to date of the working party formed to review the draft waste strategy and its action plans and also the Waste Minimisation Education programmes, which are to be introduced into schools in July.

BACKGROUND

The Waste Minimisation Act (WMA) 2008 was passed into law last year and its main focus is the reduction of waste that New Zealanders send to landfill each year. To achieve this a nominal waste levy of \$10 a tonne on waste sent to landfill was introduced in July. The money collected is deposited into the waste fund of which 50% is distributed back to local authorities. This is to help fund waste minimisation infrastructure. To be entitled to their share each Local Authority must conduct waste management assessments and write a Waste Minimisation and Management plan.

Current situation

Council adopted the Draft Waste Strategy in July this year, which has replaced the outdated 2005 strategy. To conduct the assessment require by WMA 2009, a waste minimisation working party, chaired by Councillor Tim Johnston has been set up to review the current level of services and investigate and propose options for implementing the draft waste strategy. The strategy will then undergo comprehensive consultation with key stakeholders and be incorporated in the 2010 Annual Plan. The working party has already had a few meetings and excellent progress has been made. The analysis of the component waste stream has been identified and a diversion target of 60% had been agreed on, while further investigation on best practise management currently employed in New Zealand is ongoing. The timeframes to achieve the review in time for incorporation into the annual plan are tight. Appendix 1(attached separately) shows the consultation programme that has been developed.

ISSUES

Waste Minimisation Working Party

Consultation Phase one is due to start on 28 September 2009 and will continue until October. This phase of consultation will involve key stakeholders such as Grey Power and Federated Farmers. Participation by Ward Councillors as part of the working party has proved invaluable. A consultation document (Appendix 2 attached separately) has been prepared and will be handed out at the stakeholders meeting. We have also set up a separate email address to receive submissions electronically. wastemin@mpdc.govt.nz

A summary of any submissions is expected at the end of October. A meeting with the industry participants has been arranged to gain partial insight into how industry see the current developments in the waste area of industry.

Waste Minimisation Education Programme

Matamata-Piako District Council (MPDC) has contracted Environmental Education Resource Sustainability Trust to introduce their Zero Waste Education Programme into twenty three schools in the District as part of waste minimisation initiatives. The aim of the programme is to teach school children, year three to year eight, the importance of living sustainably.

Robyn Richardson has been employed as Educator to teach the programme in the Matamata-Piako District schools and started the lessons in August this year. Each month we receive comments from the class teachers at the school of their impressions of both the programme and the content of the material. The reports to date are attached as Appendix 3.

The impact of this programme being introduced into the schools has been immediate. We have had a request from the children from Kiwitahi Schools (letters, attached separately are Appendix 4) for recycling facilities, which recently featured in the Piako Post. A photo in the article shows the Mayor and the sponsor for the collection, Kevin Anderson of Wheelie Bin Services handing the collection bins over to the children.

POLICY AND BYLAW ISSUES

It has become apparent that as a result of the material examined so far and with the public consultation to follow, the current level of service and the contracts in place will be altered following the findings of the working party. These should be incorporated into the new contracts in 2011.

SIGNIFICANCE POLICY

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

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

OFFICER RECOMMENDATION

That the report "Solid Waste Management Review" be received.

7 URGENT ADDITIONAL BUSINESS

8 EXCLUSION FROM THE PUBLIC

9 CLOSURE