

Minutes of a meeting of the Policy Committee held in the Council Chambers, Waipa District Council Offices, 101 Bank Street, Te Awamutu on Monday 11 December 2006 commencing at 9.00am.

1 ATTENDANCE

Councillor AJH Empson - Chairperson

Members

His Worship the Mayor AD Livingston; Councillors – EH Barnes, RJ Cooper, GC Flay, GH Jull, EC Newlands, GG Scaramuzza, DL Sharpe, BJ Taranaki, BS Thomas, GRP Webber and Committee Member G Roberts – from 11.04 am.

Staff

Chief Executive (JC Inglis), Deputy Chief Executive (GD Dyet) – until item 11, Group Manager Policy & Strategy (R McNeil), Environmental Safety Manager (J McFarlane) – item 9, Development Engineer (M Brown) – item 9, Policy Analyst (B Bouda), Secretary (C Plowright)

Public - 1

2 APOLOGIES

RESOLVED

2/06/122

That an apology for absence be received from Councillor Lee and for lateness from Committee Member Roberts.

Mayor Livingston/Cr Newlands

3 LATE ITEMS

RESOLVED

2/06/123

That a late item be added to the agenda on tourism in Waipa for information only.

Cr Flay/Cr Barnes

4 CONFIRMATION OF ORDER OF MEETING

File: 01-85-12

RESOLVED

2/06/124

That the order of the meeting be confirmed subject to item 10 being taken at 10.15am and item 9 being taken at 11.00am.

Mayor Livingston/Cr Newlands

5 VISITORS

Nil.

6 MINUTES OF PREVIOUS MEETINGS

File: 01-85-12

Minutes of Policy Committee meeting held on 13 November 2006 were included in the agenda.

RESOLVED

2/06/125

That the minutes of the meeting of the Policy Committee held on 13 November 2006 be received.

Cr Jull/Cr Cooper

7 WAIPA DISTRICT CLASS 4 GAMBLING VENUE AND BOARD VENUE POLICIES REVIEW

File: 02-13-06

Report of Policy Analyst dated 17 November 2006 was included in the agenda.

Group Manager Policy and Strategy, Ross McNeil, reminded the Committee that Council adopted a Class 4 Gambling Venue Policy and a Board Venue Policy in April 2004. He said a review of both policies had been undertaken by staff as required by Section 102(5) of the Gambling Act 2003 and Section 65E(5) of the Racing Act 2003. He explained that any amendments to these policies requiring a change in policy direction can only be confirmed as part of the special consultative procedure, and this process must be completed by 30 April 2007. However, he said the Department of Internal Affairs has advised that if there are no substantial changes required to the policies the Committee can refer them to Council for reconfirmation without using the special consultative procedure.

Mr McNeil explained the process undertaken by staff to review the policies. He said new regulations, introduced in 2004, set out restrictions on venues, requirements for gambling machines and in relation to problem gambling and staff recommend that an advisory note be included in both policies making reference to the new regulations.

Mr McNeil said based on the findings of the review process there does not appear to be any compelling reasons to change the existing policies.

RESOLVED

2/06/126

That the report of the Policy Analyst dated 17 November 2006 be received.

Cr Newlands/Cr Barnes

The Chief Executive said he felt it would be advisable for Council to put the review of the policies through the Special Consultative Procedure despite the advice received from the Department of Internal Affairs. However, the Chairperson said going through the Special Consultative Procedure in order to reduce the number of Class 4 gambling machines by 12 was not worth the effort or expense and several other Councillors supported that view.

RESOLVED

2/06/127

That -

- a) *The Policy Committee recommend to Council that an advisory note be included in the Waipa District Class 4 Gambling Venue Policy and the Waipa District Board Venue Policy that states:*

“Note: The provisions of this Policy shall not detract from any regulations made pursuant to the Gambling Act 2003 and its amendments.”

- b) *Subject to a), the Policy Committee, having regard to a review of the Waipa District Class 4 Venue Policy and the Waipa District Board Venue Policy, and pursuant to Section 102(5) of the Gambling Act 2003 and Section 65E(5) of the Racing Act 2003, recommend to Council that the Waipa District Class 4 Gambling Venue Policy and the Waipa District Board Venue Policy, as adopted in April 2004, be reconfirmed.*

Cr Sharpe/Mayor Livingston

8 REVIEW OF THE CEMETERIES AND PUBLIC LIBRARIES BYLAW

File: 45-02-03 & 45-02-01

Report of Policy Analyst dated 15 November 2006 was included in the agenda.

RESOLVED

2/06/128

That the report of Brandon Bouda, Policy Analyst, dated 15 November 2006 be received.

Cr Taranaki/Cr Jull

Group Manager Policy and Strategy, Ross McNeil, said the Local Government Act 2002 requires Council to review all of its Bylaws by July 2008 and the Cemeteries Bylaw 1991 and the Public Libraries Bylaw 1991 now need to be considered. He explained the process required to revoke or make any bylaws including requirements for public consultation.

Mr McNeil said the report recommends the revocation of the existing Waipa District Cemeteries Bylaw 1991 and Waipa District Public Libraries Bylaw 1991 and the making of a new bylaw called the Waipa District Cemeteries Bylaw 2006. He said there is no need for a new Public Libraries Bylaw as there are other mechanisms that can be used to manage the issues covered within the existing Libraries Bylaw.

The Chief Executive asked why the period for public comment has been limited to one month and suggested that it be released immediately to give a two-month period for submissions. Mr McNeil said it was felt the Christmas holiday period might deter people from making submissions. He suggested that the Statement of Proposal could be notified following the meeting and a reminder advertised at the end of January.

RESOLVED

2/06/129

That -

- a) *The following Statement of Proposal to revoke the Waipa District Cemeteries Bylaw 1991; and to make the Waipa District Cemeteries Bylaw 2006 is notified in accordance with the requirements of the Local Government Act 2002 and released for public comment.*
- b) *The following Statement of Proposal to revoke the Waipa District Public Libraries Bylaw 1991, is notified in accordance with the requirements of the Local Government Act 2002 and released for public submission.*
- c) *Submissions be received until 5.00pm on Friday 23 February 2007.*
- d) *Submissions be considered at a meeting of the Policy Committee to be held on Monday 16 April 2007.*
- e) *Following consideration of submissions on the statement of proposals, Council confirm the revocation of the Cemeteries Bylaw 1991 and the Public Libraries Bylaw 1991 and the making of the Waipa District Cemeteries Bylaw 2006 at its meeting in May 2007 with the new Bylaw coming into force on 4 June 2007.*

Cr Cooper/Cr Barnes

STATEMENT OF PROPOSAL

REVIEW OF THE CEMETERIES AND PUBLIC LIBRARIES BYLAWS

- 1 *This Statement of Proposal is prepared pursuant to sections 8,3 86, 89, 155, 158 and 159 of the Local Government Act 2002 (Act).*
- 2 *This is a proposal to revoke the:*
 - (a) *Waipa District Cemeteries Bylaw 1991; and*
 - (b) *Waipa District Public Libraries Bylaw 1991; and*
- 3 *This is also a proposal to adopt the following:*
 - (a) *Waipa District Cemeteries Bylaw 2006; and*
- 4 *A full copy of the draft bylaw as proposed to be adopted is attached and forms part of this Statement of Proposal.*
- 5 *The reasons for revoking the existing bylaws are:*

Waipa District Cemeteries Bylaw 1991

- (a) *Council is required to review all bylaws by 1 July 2008.*
- (b) *The introduction of the Act now gives Council a more defined scope for the purposes of making a bylaws. A number of clauses within the existing bylaw now fall outside this scope.*

Waipa District Public Libraries Bylaw 1991

- (a) *Council is required to review all bylaws by 1 July 2008.*
- (b) *The introduction of the Act now gives Council a more defined scope for the purposes of making a bylaw. All the clauses within the existing bylaw and other issues identified fall outside this scope.*

Review Process

- 6 *The Council is required to review its existing bylaws by 1 July 2008 pursuant to Section 158 of the Act. The determination to revoke the bylaws referred to in this Statement of Proposal has arisen as a result of that review process.*

The review under Section 158 must take the form of a reconsideration of the matters set out in Section 155 of the Act. This section requires the Council to determine whether a bylaw is the most appropriate way of addressing the perceived problem. As a result of the review, the Council considers that the proposed Cemeteries Bylaw 2006 as the most appropriate way of addressing the perceived problems and that there are other mechanisms in place that could address the perceived problems for the libraries.

Summary of Information

- 1 *Pursuant to the Local Government Act 2002 Council is required to review all bylaws by 1 July 2008.*

- 2 *The perceived problems and issues associated with the District's Cemeteries require the development of a bylaw.*
- 3 *The perceived problems and issues associated with the District's Public Libraries does not warrant the making of a bylaw and these issues and problems can be managed in various other ways.*
- 4 *As a result of this review the following existing bylaws are to be revoked:*
 - (a) *Waipa District Cemeteries Bylaw 1991; and*
 - (b) *Waipa District Public Libraries Bylaw 1991; and*
- 5 *As a result of this review the following new bylaw is proposed:*
 - (a) **Waipa District Cemeteries Bylaw 2006**; *this bylaw is to ensure that any structures and vegetation placed on and or around any grave site do not detract from the surrounding environment or cause any undue damage to the grave or surrounding graves, and ensures that there are mechanisms in place to protect people visiting any cemetery from those operating a vehicle or trying to solicit work.*

Public notification and submissions

It is proposed to release the draft 2006 bylaw for public comment before 22 January 2007. Submissions must be in writing, and will close at 5pm on 23 February 2007. Council will acknowledge in writing each submission received. It is proposed that submissions will be heard by the Policy Committee of Council at the meeting to be held in Te Awamutu on 16 April 2006 commencing at 9am. Submitters wishing to be heard in support of their submission must clearly state this in their submission. All submitters wishing to be heard will be given notice of the time.

Availability: Copies of the Statement of Proposal and Summary of Information and also submission forms will be available from:

Te Awamutu Council Offices, Bank Street, Te Awamutu (07 872 0030)
Council Library, Roche Street, Te Awamutu

Cambridge Council Offices, Wilson Street, Cambridge (07 823 3800)
Council Library, Wilson Street, Cambridge

Freephone 0800 924 723

Submissions can be made as follows:

- 1 *By mail to Waipa District Council, Private Bag 2402, Te Awamutu 3840.*
- 2 *By email to info@waipadc.govt.nz*
- 3 *By fax to (07) 872 0033*
- 4 *Delivery to Waipa District Council Offices, Bank Street, Te Awamutu or Wilson Street, Cambridge.*

[The meeting adjourned at 10.05am and reconvened at 10.26am when item 10 was taken and then item 9 was taken at 11.05am. Committee Member Roberts joined the meeting at 11.04am. Councillor Scaramuzza did not rejoin the meeting until after the lunchtime adjournment.]

9 REPORT TO THE POLICY COMMITTEE ON SPEED LIMITS UNDER THE WAIPA DISTRICT COUNCIL SPEED LIMITS BYLAW 2005

File: 55-28-15

Report of Development Engineer and Environmental Safety Manager dated 21 November 2006 was included in the agenda.

RESOLVED

2/06/130

That the report of Malcolm Brown, Development Engineer, and Jennie McFarlane, Environmental Safety Manager, dated 21 November 2006 be received.

Cr Barnes/Cr Jull

Committee Members were reminded that Council adopted the Speed Limits Bylaw in 2005 which has transitional provisions allowing Council to resolve at a later date to designate an urban traffic area and to validate all speed limits. It was explained that Council needs to implement those transitional provisions before it can set new or change existing speed limits and also needs to amend the Bylaw to correct some minor editorial errors.

The following road name amendments were noted –

- Lineham Road (in the table on pages 9 & 10 of the report) should be spelt “Linehan”.
- “Cambridge Middle School” (on page 128 of the agenda) should be “Cambridge High School.
- “Grace Road” (on page 172 of the agenda) should be “Grice Road”.
- “Pukeatua Primary School” (on page 172 of the agenda) should be “Puketaha School”.

Environmental Safety Manager, Jennie McFarlane, said the register of speed limits presented to Council with the Speed Limits Bylaw in 2005 was not adopted at that time because there were a number of outstanding queries and public submissions to consider.

She said Opus Consultants have investigated those issues and a report on their findings, together with an updated speed limits register, has been included in the agenda. Deputy Chief Executive, Garry Dyet, said Beca consultants have looked at the speed limits outside rural schools and are currently assessing the urban ones.

There was lengthy discussion about speed limits outside schools and concern was expressed by a number of Councillors that the speed limits should be lower than those recommended in the Opus report. Mr Dyet said staff would consult with all rural schools on the results of the Opus report and ask their views about the recommended speed limit. He said staff would bring the result of that consultation back to the Policy Committee for consideration and would then consult with the Director of Land Transport New Zealand (LTNZ) on what other traffic calming measures could be used outside those schools. However, Mayor Livingston said not all rural schools are of concern and consulting with them all again would only prolong the whole issue. Mr Dyet said staff would go back to the Director of LTNZ and ask what Council needs to do to secure a lower speed limit outside all rural schools. Mayor Livingston said that Council should approach Local Government New Zealand through the zone meetings with a view to changing the rules and legislation relating to speed limits in the longer-term.

[At 11.50am item 11 was taken. The meeting returned to consideration of item 9 when it reconvened at 1.15pm. Councillor Newlands did not rejoin the meeting until 1.25pm.]

With respect to the speed limits outside schools, it was agreed there is no need for further consultation with the community, and that staff should speak with the Director of LTNZ about this issue.

RESOLVED

2/06/131

That -

- a) *The transitional provisions detailed in Clause 8 of the Waipa District Council Speed Limits Bylaw 2005 be implemented and recommendations be made to Council to resolve to:*
 - i) *designate an urban traffic area for Waipa District as required by section 10.1(1) of the Land Transport Setting of Speed Limits 2003 Rule 54001, being the list of roads in Schedule 1 of the Waipa District Register of Speed Limits Version 2 December 2006 attached to the report of the Development Engineer and Environmental Safety Manager dated 21 November 2006 as Appendix 2; and*

- ii) *validate speed limits saved under section 4 of the Transport Amendment Act 1997, as required by section 10.1(2) of the Land Transport Setting of Speed Limits 2003 Rule 54001, as set out in the Waipa District Register of Speed Limits Version 2 December 2006 (being those speed limits identified by reference to NZ Gazette Notice or Speed Restriction Bylaw as the previous legal instrument); and*
- b) *The Policy Committee recommends to Council that those speed limits in the Waipa District Register of Speed Limits Version 2 December 2006 where the "Previous Legal Instrument" section refers to "None" be set by Council resolution under the Waipa District Speed Limits Bylaw 2005; and*
- c) *The Policy Committee accept the recommendations contained in the tables on pages 9 and 10 of the report, to set new or change existing speed limits and that those proposed speed limits (except where further consultation is required under section 7 of the Land Transport Setting of Speed Limits 2003 Rule 54001) be recommended to Council to be set by Council resolution under the Waipa District Speed Limits Bylaw 2005; and*
- d) *Council staff be instructed to carry out consultation with the Director of Land Transport New Zealand to determine mechanisms for reducing speed limits outside all schools in Waipa District and report back.*
- e) *The Waipa District Council Speed Limits Bylaw 2005 be amended as follows:*
 - Clause 4(3), the reference to Clauses 5(1) and 5(2) be amended to read Clauses 4(1) and 4(2);and*
 - Clause 4(4), the reference to Clauses 5(1) and 5(2) be amended to read Clauses 4(1) and 4(2); and*
 - Clause 5 be amended to read "Subject to Clause 5(2) before passing a resolution under Clause 4(1) or amending or revoking such a resolution under Clause 4(4), the Council shall undertake the consultation process proscribed in Section 7.1 of the Rule"; and*
 - Clause 5(2), the reference to Clause 6(1)be amended to refer to Clause 5(1);and*
 - Clause 5(3), the reference to Clause 5(2) be amended to refer to Clause 4(2) and the reference to Clause 5(4) be amended to refer to Clause 4(4);and*
 - Clause 8, the references to Clauses 9(1), 9(2),5(1) and 5(2) be amended to refer to Clauses 8(1), 8(2), 4(1) and 4(2) respectively; and*

Clauses 9 and 10 be deleted;

and that Public Notice is given of this Council resolution to amend the Waipa District Speed Limits Bylaw 2005, by the Public Notice attached as Appendix 5 to the report of the Development Engineer and Environmental Safety Manager dated 21 November 2006.

Cr Barnes/Cr Cooper

Mayor Livingston questioned the speed limits on Collinson Street and Chestnut Lane in Pirongia as they are inconsistent with the speed limit on other roads in Pirongia. Deputy Chief Executive, Garry Dyet, said the rule Council is working under says that the speed limit for these roads must be the same as those that they are connected to. He said the speed in such areas tends to be self-regulating because they are short roads and therefore high speeds cannot be reached. He said if Council wishes to reduce the speed limit on those roads staff would have to consult further with the Director of LTNZ to bring those roads in line with the Council's Urban Traffic Area. Mayor Livingston said he felt it was illogical to have a different speed limit for one part of Pirongia Village.

RESOLVED

2/06/132

That staff be instructed to ensure that the portion of Crozier Street, Pirongia from McClure Street to Penny Lane and Collinson Street and Chestnut Lane be reconsidered as an Urban Traffic Area.

Mayor Livingston/Cr Thomas

[Councillor Newlands rejoined the meeting at 1.25pm.]

**10 WAIPA URBAN GROWTH STRATEGY DISCUSSION DOCUMENT –
COMMERCIAL LAND**

File: 65-06-35

Report of Consultant Planner, David Needham of Harrison Grierson Consultants Limited dated December 2006 was included in the agenda and the draft Waipa Urban Growth Strategy Discussion Document – Commercial Land – dated June 2006 was distributed separately to Committee Members.

Consultant Planner from Harrison Grierson, David Needham, gave a presentation on the commercial growth issues identified in his report.

Councillor Taranaki asked if Leamington had been given any consideration as part of the study. Mr Needham said feedback from Council staff and real estate agents indicates the greatest demand for Greenfield land is in the north of Cambridge and there hasn't been a lot of received about Leamington.

Mr Needham spoke about the proposed Plan Change to rezone 40 hectares of rural land for commercial use in Tamahere. He said until a comprehensive economic analysis of the proposed Plan Change is provided by Waikato District Council it would be difficult to predict the impact it might have on Cambridge and Te Awamutu. Deputy Chief Executive, Garry Dyet, said the proposed development appears to contravene all the Urban Growth Strategies that exist.

Mr Needham said the outcome of the report is that there will be demand for additional retail space around Cambridge and Te Awamutu and the market is the best mechanism for allocating that space. He said the report suggests Council maintains the status quo with respect to commercial land and does not initiate the rezoning of any land for commercial purposes at this stage.

The Chairperson suggested that the report stay in a draft format until the two big issues affecting commercial growth in the District (proposed Bilimag and Tamahere developments) have been resolved. Mr Dyet said the document sets out the position, at this point in time, and recognises changes are going to occur in the marketplace. He said an important outcome is that Council does not undertake a Plan Change for large format retail in Waipa District.

RESOLVED

2/06/133

That the Policy Committee recommends that Council adopts the Waipa Urban Growth Strategy – Commercial Land – dated June 2006 as its interim position prior to review of the District Plan.

Cr Barnes/Cr Jull

Mayor Livingston said despite opting to retain the “status quo” Council is looking at a number of issues relating to commercial growth, through a working group, and prospective developers are aware of that.

11 LATE ITEM – TOURISM IN WAIPA

File: 01-67-01

There was a brief discussion about tourism in Waipa District and how Waipa might be branded and promoted in a more effective manner. Mayor Livingston said Council would need to give this issue further consideration during the 2007/08 estimates process to determine how much funding should be provided for tourism and promotion.

There being no further business the meeting closed at 1.25pm.

CONFIRMED AS A TRUE AND ACCURATE RECORD

CHAIRPERSON: _____

DATE: _____