

Minutes of a meeting of the Policy Committee held in the Committee Room, Cambridge Service Centre, 23 Wilson Street, Cambridge on Monday 16 April 2007 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 – from item 6.4, PL Lee – until item 8, EC Newlands, GG Scaramuzza, DL Sharpe, BJ Taranaki, BS Thomas and GRP Webber

Staff

Chief Executive (JC Inglis), Group Manager Policy & Strategy (R McNeil), Policy Analyst (B Bouda) – items 7-10, Secretary (C Plowright)

Public - 1

2 APOLOGIES

Nil.

3 LATE ITEMS

Nil.

4 CONFIRMATION OF ORDER OF MEETING

File: 01-85-12

RESOLVED

2/07/21

That the order of the meeting be confirmed.

Cr Webber/Cr Taranaki

5 VISITORS

Nil.

6 MINUTES OF PREVIOUS MEETINGS

File: 01-85-12

Minutes of Policy Committee meeting held on 12 March 2007 were included in the agenda.

RESOLVED

2/07/22

That the minutes of the meeting of the Policy Committee held on 12 March 2007 be received.

Cr Cooper/Cr Thomas

6.1 Objection to Stopping of Addison Street, Cambridge

File: 90-02-25

Res: 2/07/06

The Chief Executive said Council's lawyer has advised that Council needs to complete the road stopping process, now that it has been started, and allow the objection. He said Council can then start a new process to stop just one section of the road, in front of the applicant's property, which was the original intention. He said staff will be liaising with affected landowners to ensure everyone is clear about the process.

6.2 Pensioner Housing Rentals – Proposed Changes for 2007/08

File: 20-03-07, 20-03-15 & 20-03-16

Res: 2/07/15

The Chief Executive said updated valuations have been requested for Council's pensioner housing units but are not available yet.

6.3 To Declare Land Adjoining Kaipaki Road Surplus to Requirements and Available for Sale to the Adjoining Landowner

File: 04641/244.00 & 90-02-25 & OL 7/328

Res: 2/07/08

The Chief Executive said staff have advised the landowner who adjoins the two parcels of land on Kaipaki Road that there could be some restrictions on the relocation of those titles into his existing property, because of access issues, and they are now waiting to hear whether he still wishes to proceed with purchase of the land.

[Councillor Jull joined the meeting at 9.15am.]

6.4 Footpath Alterations on Arawata Street, Te Awamutu

File: 55-09-01

Res: 2/07/20

The Chief Executive said the proprietor of the Ale House has been given a list of requirements that he must comply with in order to continue with modification of the footpath and gardens outside the Ale House for outdoor dining. He said Council is waiting to hear back from him about those requirements.

Several Committee Members said the situation should be resolved as quickly as possible because the unfinished work looks unsightly. It was **moved** Councillor Newlands, **seconded** Councillor Scaramuzza -

That the Ale House be given a month to comply with Council's requirements and finalise the modification of the area outside the Ale House for outdoor dining, or Council reinstates it as footpath and gardens.

Mayor Livingston said although he supported the sentiments of the motion he did not feel the Committee had enough information on which to base the proposed timeline. He suggested that Council give the matter further consideration at its next meeting on 24 April, which would provide more time for staff to liaise with the Ale House, and would be fairer for all concerned. He **moved an amendment, seconded** Councillor Sharpe-

That no decision is made on timelines for completion of the work outside the Ale House until after the Council meeting on 24 April 2007 to which the Chief Executive will be providing a recommendation on timelines. (Resolution 2/07/23)

Chairperson Empson put the amendment which was **carried**. This because the substantive motion which was put and **carried**.

7 WAIPA DISTRICT CLASS 4 GAMBLING VENUE AND BOARD VENUE POLICIES REVIEW – CONSIDERATION OF SUBMISSIONS

File: 02-13-06

Report of Policy Analyst dated 26 March 2007 was included in the agenda.

The Committee was reminded that legislation requires Council to have a District Class 4 Gambling "Venue Policy" and a District Board Venue Policy and to review these within three years of their adoption. These policies were adopted by Council in April 2004 and the review process was commenced in December 2006.

Group Manager Policy and Strategy, Ross McNeil, said the proposed District Class 4 Gambling Venue and Board Venue policies have been notified and submissions have been received. He said three submitters indicated they wished to speak in support of their submissions, but two submitters have since given their apologies for non-attendance, and the other submitter has not arrived.

Mr McNeil summarised the issues raised in the submissions on the proposed Class 4 Gambling Venue Policy. He also reminded the Committee that an assessment of the social impact of gambling in Waipa District has been undertaken, and was presented to the Committee in December 2006. The assessment suggests that there does not appear to be any significant problems with gambling in Waipa District.

RESOLVED

2/07/24

That the report of the Policy Analyst dated 26 March 2007 be received.

Cr Scaramuzza/Cr Taranaki

RESOLVED

2/07/25

That following the consideration of submissions Council confirm the Waipa District Class 4 Gambling Venue Policy as adopted by Council in April 2004 with the inclusion of the advisory note:

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

Cr Barnes/Cr Cooper

In explaining the two submissions received on the proposed Board Venue Policy, Mr McNeil said the issue raised in the submission from the Cambridge Cosmopolitan Club is not a matter for Council’s consideration, because the provision of TAB facilities within Clubs is determined by the New Zealand Racing Board.

RESOLVED

2/07/26

That following the consideration of submissions Council confirm the Waipa District Board Venue Policy as adopted by Council in April 2004 with the inclusion of the advisory note:

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

Cr Sharpe/Cr Scaramuzza

[The meeting adjourned at 10.15am and reconvened at 10.40am.]

**8 REVIEW OF THE CEMETERIES AND PUBLIC LIBRARIES BYLAW –
CONSIDERATION OF SUBMISSIONS**

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

Report of Policy Analyst dated 26 March 2007 was included in the agenda.

The Committee was advised that review of the Cemeteries and Public Libraries Bylaw was publicly notified in December 2006 and two submissions have been received.

RESOLVED

2/07/27

That the report of the Policy Analyst dated 26 March 2007 be received.

Cr Barnes/Cr Flay

Mayor Livingston asked if the three issues identified in the submission from the Minister of Health should be included in the proposed Cemeteries Bylaw 2007.

The first issue (Section 7.2 of the proposed Bylaw) related to whether approval should be obtained, from either the funeral director or by special permit in writing, for the taking of photographs at funerals. Following discussion it was **moved** Councillor Taranaki, **seconded** Councillor Thomas –

That clause 7.2 of the proposed Cemeteries Bylaw 2006 be amended to read “No person shall without the consent of the funeral director take any photographs or moving images at a funeral.” (Resolution 2/07/28)

Several Committee Members said they opposed the motion because it is unenforceable and that it would be preferable to completely remove that clause of the proposed Bylaw. Chairperson Empson put the motion which was **carried** on a show of hands (8 for, 4 against).

The second issue (Section 9 of the proposed Bylaw) related to disinterment licences.

RESOLVED

2/0729

That clause 9 of the proposed Cemeteries Bylaw 2006 be amended to read “Where an application for disinterment is received by Council, no disinterment may be carried out unless a disinterment licence has been issued under the Burial and Cremation Act 1964 and subject to the payment of all relevant fees (if any).”

Mayor Livingston/Cr Lee

The third issue raised by the Minister of Health asked for the fees payable under the proposed Bylaw to be placed on Council's website. It was explained that this is a procedural matter and not one that requires consideration under the Bylaw.

RESOLVED

2/07/30

That following the consideration of submissions the Waipa District Cemeteries Bylaw 1991 be recommended to Council for revocation at a meeting scheduled for 29 May 2007.

Mayor Livingston/Cr Taranaki

[Councillor Lee left the meeting at 11.00am.]

RESOLVED

2/07/31

That following the consideration of submissions on the proposed Waipa District Cemeteries Bylaw 2006, the proposed Bylaw be amended to take into account the advice given in a submission from the Minister of Health as set out below and the Bylaw, so amended, be recommended to Council for adoption at a meeting scheduled for 29 May 2007, with the new Bylaw coming into force on 4 June 2007.

- *That clause 7.2 of the proposed Cemeteries Bylaw 2006 be amended to read "No person shall without the consent of the funeral director take any photographs or moving images at a funeral."*
- *That clause 9 of the proposed Cemeteries Bylaw 2006 be amended to read "Where an application for disinterment is received by Council, no disinterment may be carried out unless a disinterment licence has been issued under the Burial and Cremation Act 1964 and subject to the payment of all relevant fees (if any)".*

Mayor Livingston/Cr Barnes

RESOLVED

2/07/32

That the Waipa District Public Libraries Bylaw 1991 be recommended to Council for revocation at a meeting scheduled for 20 May 2007.

Cr Sharpe/Cr Taranaki

9 REVIEW OF THE LICENSING AND CONTROL OF APARTMENT BUILDINGS AND BOARDINGHOUSES BYLAW 1991

File: 45-02-12

Report of Policy Analyst dated 26 March 2007 was included in the agenda.

RESOLVED

2/07/33

That the report of the Policy Analyst dated 26 March 2007 be received.

Cr Webber/Mayor Livingston

Group Manager Policy and Strategy, Ross McNeil, said the proposal contained in the agenda suggests the revocation of the Waipa District Licensing and Control of Apartment Buildings and Boardinghouses Bylaw 1991 because the matters that this Bylaw dealt with are now covered by other legislation; namely the Resource Management Act, the Building Act and the District Plan.

RESOLVED

2/07/34

That -

- a) *The following Statement of Proposal to revoke the Waipa District Licensing and Control of Apartment Buildings and Boardinghouses Bylaw 1991 is notified in accordance with the requirements of the Local Government Act 2002 and released for public comment on Monday 23 April 2007.*
- b) *Submissions be received until 5.00pm on Monday 28 May 2007.*
- c) *Submissions be considered at a meeting of the Policy Committee to be held on Monday 9 July 2007.*
- d) *Subject to the consideration of submissions on the statement of proposal, Council confirm the revocation of the Licensing and Control of Apartment Buildings and Boardinghouses Bylaw 1991 at its meeting scheduled for 31 July 2007.*

Cr Jull/Cr Webber

STATEMENT OF PROPOSAL

REVIEW OF THE LICENSING AND CONTROL OF APARTMENT BUILDINGS AND BOARDINGHOUSES BYLAW 1991

- 1 *This Statement of Proposal is prepared pursuant to sections 83, 86, 89, 155, 158 and 159 of the Local Government Act 2002 (Act).*
- 2 *This is a proposal to revoke the Waipa District Licensing and Control of Apartment Buildings and Boardinghouses Bylaw 1991.*
- 3 *The reasons for revoking the Bylaw are:*
 - a) *Council is required to review all bylaws by 1 July 2008.*

- b) *The introduction of the Resource Management Act 1991, the District Plan and the Building Act 2004 provides Council with the ability to regulate and enforce the issues that are contained within the existing bylaw.*

Review Process

- 4 *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 most appropriate way of addressing the perceived problems are through other legislative requirements that Council must enforce.

Public notification and submissions

*It is proposed to release the recommendation for the revocation of the bylaw for public comment no later than 26 April 2007. **submissions must be in writing, and will close at 5pm on 1 June 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 9 July 2007 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 (07-823 3800)
Council Library, Wilson Street, Cambridge

Freephone 0800 924 723

Copies can also be downloaded from www.waipadc.govt.nz

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*

10 REVIEW OF THE REFUSE REMOVAL AND DISPOSAL BYLAW 1991

File: 45-02-10

Report of Policy Analyst dated 26 March 2007 was included in the agenda.

The Committee was advised that the proposal in the agenda suggests that Council revokes the Refuse Removal and Disposal Bylaw 1991 and replaces it with the Waipa District Refuse Collection and Disposal Bylaw 2007.

RESOLVED

2/07/35

That the report of the Policy Analyst dated 22 March 2007 be received.

Cr Thomas/Cr Scaramuzza

Councillor Sharpe asked who would be responsible for refuse collection and disposal on Peacocke Road, Rukuhia as the boundary between Waipa District and Hamilton City is on the southern side of the road. The Chief Executive said that issue requires clarification, and an explanation should be provided in the Statement of Proposal, because a Council cannot make a Bylaw that would apply to residents in another local authority. He said staff would speak to Hamilton City Council about the issue and residents on Peacocke Road, and any other roads affected in this way, would be advised accordingly.

The Chief Executive said clause e) in the recommendation is not required at this stage in the process and he suggested it be removed and replaced with a new clause d) providing an explanation about the cross-boundary issue.

With respect to 5.5 and 6.6 of the proposed Bylaw, Chairperson Empson said clarification on the placement of the refuse/recycling containers is required because not many rural properties have a "kerbside".

RESOLVED

2/07/36

That -

- a) *The following Statement of Proposal to revoke the Waipa District Refuse Removal and Disposal Bylaw 1991 and to make the Waipa District Refuse Collection and Disposal Bylaw 2007, subject to amending 5.5 (a) and 6.6 (a) to explain that “kerbside” is used where there is a kerb and “roadside” is used where there is no kerb to cover both urban and rural situations, is notified in accordance with the requirements of the Local Government Act 2002 and released for public comment no later than Thursday 26 April 2007.*
- b) *Submissions be received until 5.00pm on Friday 1 June 2007.*
- c) *Submissions to be considered at a meeting of the Policy Committee to be held on Monday 9 July 2007.*
- e) *Owners and occupants fronting roads not within Waipa District be individually informed of Council’s proposals and the circumstances relating to their properties.*

Cr Taranaki/Cr Sharpe

STATEMENT OF PROPOSAL

**REVIEW OF THE REFUSE REMOVAL AND DISPOSAL BYLAW
1991**

- 1 *This Statement of Proposal is prepared pursuant to sections 83, 86, 89, 155, 158 and 159 of the Local Government Act 2002 (Act).*
- 2 *This is a proposal to revoke the:*
 - (a) *Waipa District Refuse Removal and Disposal Bylaw 1991*
- 3 *This is also a proposal to adopt the following:*
 - (a) *Waipa District Refuse Collection and Disposal Bylaw 2007*
- 4 *The reason for revoking the existing Refuse Removal and Disposal Bylaw is Council is required to review all bylaws by 1 July 2008.*

The reason for proposing to adopt the new Bylaw is to ensure that any health and safety issues, nuisance issues or offensive behaviour emulating from the refuse stream is minimised.

Review Process

- 5 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 Refuse Collection and Disposal Bylaw 2007 is the most appropriate way of addressing the perceived problems.

Public notification and submissions

It is proposed to release the draft 2007 bylaw for public comment no later than 26 April 2007. Submissions must be in writing, and will close at 5pm on 1 June 2007. Council will acknowledge in writing each submission received. It is proposed that submissions will be heard by Council's Policy Committee at the meeting to be held in Te Awamutu on 9 July 2007 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:

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11 THE LOCAL GOVERNMENT RATES INQUIRY

File: 75-22-04

Report of Group Manager Finance dated 23 March 2007 was included in the agenda.

The Committee was advised that, as a result of public concern about financial projections and rates in Councils' Long Term Council Community Plans (LTCCPs), the Government has set up an independent inquiry to look at issues relating to rates and other revenue-raising mechanisms. A copy of a discussion paper on this issue, developed by Local Government New Zealand (LGNZ) and the Society of Local Government Managers (SOLGM), was included in the agenda.

RESOLVED

2/07/35

That Council consider and discuss the issues covered in the LGNZ/SOLGM paper.

Cr Webber/Cr Cooper

[Councillor Newlands rejoined the meeting at 11.45am.]

The Committee raised the following issues in relation to Local Government Rates Inquiry and the LGNZ/SOLGM discussion document -

- Confusion about the need to address "Exemption of local government from disclosure and signature requirements of the Securities Act" in the LGNZ/SOLGM submission.
- Confusion about the need to address "Potential for education and training in financial matters for local authorities, the media and general public" in the LGNZ/SOLGM submission.
- No need to put additional tax on transportation.
- Local Government needs to be more vigilant in asking Central Government to cover the cost of the additional demands it places on Local Government, such as the real cost of providing for the revaluation of infrastructural assets and depreciation.
- Local Government needs to be more vigilant with its funding regime.
- Questions the workability of the Rates Rebate Scheme and suggests this is better administered through Work and Income New Zealand.

- Questions the power of Regional Councils to levy Development Contributions.

RESOLVED

2/07/38

That Council agrees to support the LGNZ/SOGLM discussion paper and that the points raised above be added to it.

Cr Empson/Mayor Livingston

12 REPORT ON DEVELOPMENT CONTRIBUTIONS POLICY – 1 JULY 2006 TO 28 FEBRUARY 2007

File: 02-13-08

Report of Senior Planner dated 26 March 2007 was included in the agenda.

RESOLVED

2/07/39

That the report of Terrena Kelly, Senior Planner, dated 26 March 2007 be received.

Cr Scaramuzza/Cr Cooper

The Committee was reminded that, on 1 July 2006, Council adopted a Development Contributions Policy that requires developers to pay the growth related capital expenditure costs of providing community facilities. The policy applies to all resource consents, building consents and authorisations for service connections granted after 1 July 2006. The policy requires a report to the Policy Committee at monthly meetings and a progress report for the period 1 July 2006 to 28 February 2007 was included in the agenda.

RESOLVED

2/07/40

That further reports on the financial aspects of the Development Contributions Policy be provided with the routine monthly financial report to Council.

Cr Webber/Cr Thomas

13 COUNCIL CONTROLLED ORGANISATIONS – STATEMENTS OF INTENT

File: 40-13-01 & 01-22-38

Report of Deputy Chief Executive dated 29 March 2007, draft statements of intent and half yearly reports from the Waikato Regional Airport and the Local Authority Shared Services were included in the agenda.

The Committee was advised that the Board of a Council-controlled organisation must deliver a draft Statement of Intent to shareholders by 1 March each year and consider any comments on the draft that are made by the shareholders by 30 April. It must then deliver the completed statement of intent to the shareholders by 30 June.

Draft statements of intent and half yearly reports have been received from the Waikato Regional Airport and the Local Authority Shared Services and were included in the agenda. However, a statement of financial position for the Local Authority Shared Service was not available at time of preparing the agenda.

RESOLVED

2/07/41

That the half-yearly report for Waikato Regional Airport Limited be received.

Cr Cooper/Cr Flay

RESOLVED

2/07/42

That the draft Statement of Intent for Waikato Regional Airport Limited be received, and that Council agree to it and advise the Board of Directors accordingly.

Mayor Livingston/Cr Sharpe

RESOLVED

2/07/43

That the half-yearly report for the Local Authority Shared Service be received.

Cr Webber/Cr Barnes

RESOLVED

2/07/44

That the draft Statement of Intent be received, and that Council agree to it subject to inclusion of a Statement of Financial Position and advise the Board of Directors accordingly.

Mayor Livingston/Cr Scaramuzza

There being no further business the meeting closed at 12.25pm.

CONFIRMED AS A TRUE AND ACCURATE RECORD

CHAIRPERSON: _____

DATE: _____