

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 June 2007 commencing at 9.00am.

1 PRESENT

Councillor AJH Empson - Chairperson

Members

His Worship the Mayor AD Livingston; Councillors – EH Barnes, RJ Cooper, GC Flay, GH Jull, PL Lee, EC Newlands – from item 7, GG Scaramuzza, DL Sharpe – from item 6, BJ Taranaki, BS Thomas, GRP Webber and Committee Member V Ingley – from item 4.

Staff

Chief Executive (JC Inglis), Group Manager Policy & Strategy (R McNeil), Group Manager Business & Asset Services (JM Mills) – from item 7, Planning Services Manager (W Allan) – item 11, Environmental Services Manager (J McFarlane) – item 7, Environmental Health Officer (K Tutty) – item 7, Policy Analyst (B Bouda) – from item 7, Project Manager – Heritage Development & Reserves Planning (T Roxburgh) – items 7 & 8, Secretary (C Plowright)

Public – 1

2 APOLOGIES

Notification of late arrival had been received from Councillors Barnes and Newlands.

3 LATE ITEMS

Nil.

[Committee Member Ingley joined the meeting at 9.05am.]

4 CONFIRMATION OF ORDER OF MEETING

File: 01-85-12

RESOLVED

2/07/59

That the order of the meeting be confirmed.

Cr Flay/Mayor Livingston

5 VISITORS

Nil.

6 MINUTES OF PREVIOUS MEETINGS

File: 01-85-12

Minutes of Policy Committee meeting held on 14 May 2007 were included in the agenda.

RESOLVED

2/07/60

That the minutes of the meeting of the Policy Committee held on 14 May 2007 be received.

Cr Cooper/Cr Taranaki

[Councillor Sharpe joined the meeting at 9.06am.]

Matters Arising -

6.1 Pensioner Housing Rentals – Proposed Changes for 2007/08

File: 20-03-07, 20-03015 & 20-03-16

Res: 2/07/15

The Chief Executive said he would check and advise Committee members when the policy paper being prepared on pensioner housing rentals is to be presented to the Committee.

6.2 Proposed Road Stopping – Addison Street, Cambridge

File: 90-02-25

Res: 2/07/06

The Chief Executive said it has not been possible to make much progress with the new road stopping proposal due to a lack of available surveyors.

**7 PROPOSED WAIPA DISTRICT FIRE CONTROL BYLAW 2007 –
CONSIDERATION OF SUBMISSIONS**

File: 45-02-07

Report of Policy and Strategy Group Manager, Ross McNeil dated 21 May 2007 was included in the agenda.

RESOLVED

2/07/61

That the report of Group Manager Policy and Strategy dated 21 May 2007 be received.

Cr Cooper/Cr Barnes

The Committee was reminded that, as part of its review of all existing bylaws prior to 1 July 2008, Council released the proposed Waipa District Fire Control Bylaw 2007 for public comment on 3 April 2007. A total of 14 submissions were received and four of the submitters had asked to be heard in support of their submissions. Group Manager Policy and Strategy, Ross McNeil, said only two of the four submitters wishing to be heard were in attendance at the meeting. Their submissions were presented as follows -

Submission from Paul Garland

Mr Garland leases a property at 26 Maungatautari Road, part of which lies within the proposed Fire Control Bylaw area. The property has a lot of trees and he has a designated area for burning tree clippings and vegetation, which he does on a monthly basis. He said he is concerned about the extra effort and expense required to obtain a permit for every fire he wishes to light under the requirements of the proposed Bylaw. It was noted that the part of Mr Garland's property used for burning vegetation is within the 500 metre buffer zone around the Fire Control Bylaw area, whereas other parts of the property are not. Mr Garland said if the buffer zone was brought back to say, 250 metres, he would find the proposed Bylaw acceptable.

Submission from Grant Redshaw

Mr Redshaw explained that, under the terms of the American Foul Brood (AFB) Pest Management Strategy, beekeepers are required burn any AFB infected hives within seven days of detection. He said applying for a fire permit would delay that process and could see the disease being spread. It was suggested that beekeepers should be exempt from the fire permit requirements in the proposed Bylaw or that provision should be made for them to obtain a permit through a phone call to Council so there are no delays incurred.

Mayor Livingston asked for clarification on the \$50 charge for a fire permit as both submitters had referred to it. Mr McNeil said the current Bylaw has provision to charge a fee although current practice is to not charge because Council had not set the fee. He said the proposed Bylaw states that where a site visit is required for the issue of a fire permit there is a charge of \$50 plus mileage and that it will be charged to the applicant.

[Councillor Newlands joined the meeting at 9.22am.]

Environmental Health Officer, Karl Tutty, said staff generally visit an urban site when a permit is first applied for but there is usually no need for subsequent visits. Typically staff undertake three to four site inspections per month.

He said Customer Support staff advise him, when an application has been received, if they think a site inspection is required. He said the duration of the permit issued is left to the discretion of the Council officer based on individual circumstances.

The Committee then considered each of the submissions received on the proposed Fire Control Bylaw 2007, during which the following was noted -

- A number of the submitters feel the proposed 500 metre buffer zone is excessive and some have suggested that 100 metres is more appropriate.
- Further clarification may be necessary on the use of barbeques, braziers and traditional cooking fires.
- A note on “existing guidance” may be required (i.e. what materials must not be burnt in open fires and reference to any national regulations).

It was **moved** Councillor Jull, **seconded** Councillor Barnes -

That the 500 metre “buffer zone” used in the proposed Waipa District Fire Control Bylaw 2007 maps be reduced to 100 metres. (Resolution 2/07/62)

Councillor Webber said it would be fairer to define the boundaries by roads around the urban areas but it was explained that it would be a huge logistical exercise to determine which sides of a road are in or out of the proposed Fire Control Bylaw area. Councillor Sharpe said she felt the proposed Rukuhia Urban Fire Area should only show the area within Waipa District as the balance was within Hamilton City Council and Waipa District Council does not have the authority to control both sides of Peacocke Road.

Chairperson Empson asked if it would be necessary to consult with the public again if the buffer zone is reduced to 100 metres. Mr McNeil said that would not be necessary as the concept of a buffer zone has been universally accepted and no submissions have been received asking for the 500 metre buffer to be retained.

As a point of clarification it was explained that the buffer zone would be measured 100 metres out from a parcel of land zoned residential or rural residential.

Chairperson Empson put the motion which was **carried**.

With respect to the submission concerning the possible exemption of beekeepers from the requirements of the proposed Bylaw, it was explained that a fire permit can generally be obtained within 24 hours, which would conform with the AFB Pest Management Strategy requirements of burning an infected hive within seven days. Therefore the Committee did not think it was necessary to provide an exemption to beekeepers.

Councillor Lee said one of the major causes of fires in buildings is LPG heaters and he said the Bylaw should state that gas appliances should be New Zealand approved.

RESOLVED

2/07/63

*That 5.2 (a) of the proposed Waipa District Fire Control Bylaw 2007 be amended to read "in a properly constructed and maintained fireplace, **New Zealand approved** gas appliance or fixed or portable heating device burning liquid or fuel; or".*

Cr Lee/Mayor Livingston

It was asked if the list of substances Environment Waikato has prohibited from being burnt could be included in the Bylaw. Mr McNeil suggested the addition of an advisory note, rather than including a statement in the Bylaw, as Council is not responsible for enforcing something that has been put in place by another authority.

RESOLVED

2/07/64

That there is an Advisory Note attached to the proposed Waipa District Fire Control Bylaw 2007 which outlines Environment Waikato's list of prohibited materials for burning.

Cr Newlands/Cr Lee

Councillor Sharpe said it should be explained in Section 9 of the proposed Bylaw (Permits and Conditions) that it is permissible to use barbeques, braziers and traditional cooking fires during the hours of darkness as there is currently a general prohibition as set out in Section 4.

RESOLVED

2/07/65

That clarification be provided in the proposed Waipa District Fire Control Bylaw 2007 on the use of barbeques, braziers and traditional cooking fires during the hours of darkness.

Cr Sharpe/Cr Thomas

It was asked whether there should be some discretion included in the proposed Bylaw to waive the fire permit fee if staff feel it is necessary. Following lengthy discussion it was **moved** Councillor Scaramuzza, **seconded** Councillor Sharpe -

That the fee for a fire permit requiring a site visit in the proposed Waipa District Fire Control Bylaw 2007 is between zero to \$50.00.

Mayor Livingston said the motion would put too much unnecessary pressure on staff and it would be fairer to make the fee “up to \$50 plus mileage” at the discretion of the Council officer. Chairperson Empson put the motion which was **lost**.

RESOLVED

2/07/66

That a fee of \$50.00 plus mileage may be charged for a fire permit requiring a site visit in the proposed Waipa District Fire Control Bylaw 2007.

Mayor Livingston/Cr Jull

RESOLVED

2/07/67

That following the consideration of submissions, and subject to the above amendments, the proposed Waipa District Fire Control Bylaw 2007 be recommended to Council for making at a meeting scheduled for 26 June 2007, with the new Bylaw coming into force on 2 July 2007.

Cr Barnes/Cr Lee

RESOLVED

2/07/68

That subject to resolution 2/07/67 above, the Waipa District Fire Prevention Bylaw 1991, the Waipa District Fire Prevention Involving Vegetation Bylaw 1992 and the Waipa District Urban Area Fire Control Bylaw 2000 be recommended to Council for revocation at a meeting scheduled for 26 June 2007, with effect on 2 July 2007.

Mayor Livingston/Cr Taranaki

[The meeting adjourned at 10.47am and reconvened at 11.05am.]

**8 PROPOSED WAIPA DISTRICT MAUNGATAUTARI SCENIC RESERVE
BYLAW 2007**

File: 04-03-50

Report of Policy Analyst, Brandon Bouda dated 8 May 2007 was included in the agenda.

RESOLVED

2/07/69

That the report of the Policy Analyst dated 8 May 2007 be received.

Cr Lee/Cr Flay

The Committee was reminded that, In December 2005, it endorsed the need for a Bylaw to assist in the ongoing management of the Maungatautari Scenic Reserve in light of the Ecological Island Project and asked that staff proceed with the drafting of a Bylaw. The Maungatautari Reserve Committee has since considered and endorsed the draft Maungatautari Scenic Reserve Bylaw 2007 and recommended that it be referred to the Policy Committee for approval and subsequent public notification.

Councillor Webber said he was astounded that Council would only charge a penalty of \$250 for contravening the Bylaw. Group Manager Policy and Strategy, Ross McNeil, explained that this is the maximum penalty allowed under the Reserves Act, which is the legislation under which the Bylaw has been developed. Councillor Webber asked if Council could do anything to change the level of penalty given the special status of the Maungatautari Scenic Reserve and Mr McNeil said that would require a review of the provisions of the Reserves Act, which would be a lengthy process requiring support from central government.

RESOLVED

2/07/70

That -

- a) *The following Statement of Proposal to make the Waipa District Maungatautari Scenic Reserve Bylaw 2007 is notified in accordance with the requirements of the Reserve Act 1977 and released for public comment on Friday 15 June 2007.*
- b) *Submissions be received until Friday 20 July 2007.*
- c) *Submissions be considered at a meeting of the Policy Committee to be held on Monday 13 August 2007.*

- d) *Following consideration of submissions on the proposed Waipa District Maungatautari Scenic Reserve Bylaw 2007, Council confirms, at its meeting on 28 August, its intention to make the Bylaw and submits the Bylaw and minutes of the Council meeting to the Minister of Conservation for approval.*

Cr Flay/Cr Barnes

STATEMENT OF PROPOSAL

**PROPOSED MAKING OF THE WAIPA DISTRICT
MAUNGATAUTARI SCENIC RESERVE BYLAW 2007**

1. *This Statement of Proposal is prepared pursuant to Section 107(a) of the Reserves Act 1977 and Sections 83, 87, and 89, of the Local Government Act 2002.*
2. *This is a proposal to make the Waipa District Maungatautari Scenic Reserve Bylaw 2007.*
3. *The reasons for proposing to make the Bylaw are:*
 - (a) *to enable the management of the Maungatautari Scenic Reserve as an area free from predators and non-indigenous animals; and,*
 - (b) *to regulate access to the Reserve through specified gateways; and*
 - (c) *to control entry to Environmental Protection Areas within the reserve.*

Public notification and submissions

*It is proposed to release the Proposed Bylaw for public comment no later than 15 June 2007. **Submissions must be in writing, and will close at 5 pm on 20 July 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 13 August 2007 commencing at 9 am. 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 the submission form 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.*

RESOLVED

2/07/71

That staff be asked to initiate a process with central government to increase the penalty for contravening a bylaw made under the Reserves Act to a fine commensurate with the international environmental significance of Maungatautari.

Cr Webber/Cr Barnes

[Item 11 was taken at 11.24am and then the meeting adjourned for lunch at 12.15pm. The meeting reconvened at 1.00pm when it returned to consideration of item 11 and then item 9 was taken at 1.20pm.]

9 IDENTIFICATION OF FEE SIMPLE LAND IN THE CAMBRIDGE AND MAUNGATAUTARI WARDS

File: 33-45-05

Report of Group Manager Business and Asset Services, John Mills dated 24 May 2007 was included in the agenda.

RESOLVED

2/07/72

That the report of Group Manager Business and Asset Services dated 24 May 2007 be received.

Cr Lee/Cr Cooper

The Committee was reminded that, at its April 2007 meeting, Council resolved that all fee simple land in the Cambridge and Maungatautari wards be identified for possible development and sale with the proceeds used to fund the new covered swimming pool for Cambridge.

Group Manager Business and Asset Services, John Mills, said fee simple land within the two wards has been identified as part of the report but full feasibility studies on the land have not yet been completed. He said three or four key sites identified could be progressed through to sale reasonably quickly whereas some of the other sites would require a lot more work to reach that stage. He said the sites at Addison, Taylor/Vogel and Arnold Streets would provide the greatest opportunity for return.

It was noted that the Sawdust Pit on Arapuni Road is in the Kakepuku Ward and is not available for consideration as part of this exercise.

With respect to Addison Street, Mr Mills explained that Council would need to go through a public consultation process, in order to release the land for sale, because of the way it is designated in the District Plan. It was also mentioned that a part of the land in Vogel Street is designated as endowment land, which would involve another process in order to free it up for sale.

Responding to a comment from Councillor Barnes, Chairperson Empson said the land identified in the report is surplus to Council's core requirements and the community is currently getting no benefit from it. He said selling the land in order to provide some funding for the Cambridge pool would be of advantage to the community. He said Cambridge still has the green belt surrounding the town which can never be sold.

Councillor Lee asked that staff also look into the sale of some surplus land at the Cambridge Golf Course.

RESOLVED

2/07/73

That Council progress the sale of the following land, which is surplus to Council's core activities, to achieve the best advantage for Council and maximise the benefit to the community –

- a) *Addison Street – Allotment 8 Town of Cambridge West*
- b) *Vogel Street – Part Allotments 505 to 508 and Part Allotments 510 and 511 Town of Cambridge East.*
- c) *Arnold Street – Lot 2 DP 3517 (Arnold Street Depot).*

Cr Webber/Cr Taranaki

Mr Mills mentioned the surplus land available in Bath Street and Vogel Place which, for several reasons, is not suitable for sale. He suggested that the land identified in Froude Street should stay as reserve in the short-term, pending a strategic review of all Council reserve land, but Mayor Livingston said as the polo fields (Lamb Street) are now available for recreation purposes the section on Froude Street is surplus to the recreational needs of that area.

RESOLVED

2/07/74

That Council progress the sale of the land on Froude Street, Cambridge (Allotment 411 Town of Cambridge West), which is surplus to Council's core activities, to achieve the best advantage for Council and maximise the benefit to the community.

Cr Newlands/Cr Taranaki

RESOLVED

2/07/75

That Council progress the sale of the following land, which is surplus to Council's core activities, to achieve the best advantage for Council and maximise the benefit to the community –

Burns Street, Leamington (Allotments 170 and 199 Town of Cambridge West and the unformed road in this area).

Cr Taranaki/Cr Webber

Mr Mills said the land identified in the Cambridge CBD (Browning and Fort Streets) had been included in the report because of its fee simple status but is inappropriate for sale at this stage. He said some work is required on the land on the corner of Albert/Queen Streets before a decision can be made on its disposal. The land identified on Kaipaki Road has been the subject of a report to Council earlier in the year and confirmation is being sought from the adjoining landowner on whether they wish to purchase the property.

RESOLVED

2/07/76

That Council progress the sale of Section 42 Te Miro Settlement (Quarry Reserve), which is surplus to Council's core activities, to achieve the best advantage for Council and maximise the benefit to the community.

Cr Webber/Cr Newlands

Mr Mills said the land identified on Taotaoroa Road would need to go through a process with DOC to make it available for sale.

RESOLVED

2/07/77

That Council progress the sale of Lot 1 DP 33439 (Roto o Rangi Road Gravel Reserve), which is surplus to Council's core activities, to achieve the best advantage for Council and maximise the benefit to the community.

Cr Cooper/Cr Webber

10 PIRONGIA VOLUNTARY RURAL FIRE FORCE – APPLICATION FOR CONSENT TO REDEVELOP LEASE SITE, FRANKLIN STREET, PIRONGIA

File: P11521

Report of Property Advisor, Paula Dugan dated 30 May 2007 was included in the agenda.

The Committee was reminded that, at its meeting on 24 April 2007, Council resolved to support the Pirongia Voluntary Rural Fire Force's request to redevelop the lease property at 766 Franklin Street, Pirongia, in principle, and to refer the request to the Pirongia Reserves Management Committee for comment. The Pirongia Reserves Management Committee met on 30 May 2007 and recommended that the Fire Force be granted consent to redevelop the lease property subject to it obtaining all other necessary consents to undertake the development. The Committee accepted the building design concept and colour scheme as being in keeping with an historic or heritage theme for Pirongia.

In answer to a question from Councillor Newlands, it was confirmed that Council owns the building because it is the rural fire authority.

Councillor Lee asked why the Pirongia Management Reserves Committee felt the redevelopment work would be in keeping with the heritage theme for Pirongia. The Chief Executive said the proposed buildings are little different to what is currently on the property and the Committee is satisfied that the appearance of the buildings is largely unchanged.

RESOLVED

2/07/78

That -

- a) *The report of the Property Advisor dated 30 May 2007 be received.*
- b) *The Pirongia Voluntary Rural Fire Force be granted consent to redevelop the lease property at 766 Franklin Street, Pirongia, subject to:*
 - i) *It obtaining all other necessary consents to undertake the development, and;*
 - ii) *It surrendering its existing lease of the property at 766 Franklin Street, Pirongia, and entering into a new lease of that property in accordance with Council's community leases policy.*

- c) *The Chief Executive be delegated authority to negotiate and finalise the surrender of the existing lease and a new lease of the property at 766 Franklin Street, Pirongia, to the Pirongia Voluntary Rural Fire Force.*
- d) *The common seal of the Waipa District Council be affixed to all documents relating to the redevelopment of the property and to the lease.*

Cr Sharpe/Cr Thomas

11 HAUTAPU INDUSTRIAL STRUCTURE PLAN AND PLAN CHANGE PROJECT UPDATE

File: 65-07-46

Report of Richard Douch, Consultant Planner from Beca Carter Hollings & Ferner Ltd dated 25 May 2007 was included in the agenda.

Planning Services Manager, Wayne Allan, introduced the team from Beca Carter Hollings and Ferner (Richard Douch, John Duffy and Richard Jenkins) who attended the meeting for this item. He said the report provides an update on the Hautapu Industrial Structure Plan/Plan Change project, with recommendations for the next stages of work, and he outlined some of the key issues for consideration.

Consultant Planner, Richard Douch, explained the changes that have been made to the Structure Plan since it was last presented to the Policy Committee in October 2006 and he outlined the areas requiring some policy direction from Council before the Plan Change can be notified.

The first issue for consideration was the request from Richard Hannon for release of the Hannon southern block for initial development. Following discussion it was agreed that the request should be declined as no detailed analysis has been undertaken on the capacity of Hannon Road or of an intersection at Hannon Road/ Hautapu Road. It was noted that the request from Mr Hannon had not been received until 11 May 2007, which is very late in the process.

The next issue for consideration related to a request for incorporation of parcels of land to the north of Hautapu Road into the Structure Plan. This request was not supported by the consultants, as the detailed analysis in the Structure Plan is based on the area it is proposed to service, and undertaking more analysis would lead to more delays. Mr Allan said the landowners have other options available to them to have the land zoned as deferred industrial until services have been investigated. Following discussion it was agreed that the request should be declined.

The next issue related to use of the central reserve area and it was agreed that this area should be an open reserve only.

Turning to the issue of Financial Contributions, Mr Douch advised that Section 9 of the Structure Plan report has been amended since the agenda was distributed, and the updated information was tabled. He said the updated estimate for financial contributions is \$54.83 per m³ and this figure excludes any contribution to an interchange with Victoria Road and the Cambridge Bypass.

[The meeting adjourned for lunch at 12.15pm and reconvened at 1.00pm.]

With respect to the recommendation in the report that Council takes Financial Contributions to assist in the funding of the proposed Victoria Road/Cambridge Bypass Interchange, the Chief Executive said it would be helpful if the Committee could record that it has received and given consideration to the Cambridge Traffic Study before making a decision on this issue. He said Councillors have not actually received the document yet and it would add weight to the decision on funding of the Interchange if they firstly considered the implications for Cambridge in having, or not having, the Interchange.

He said the Committee should also be provided with information on the implications for Local Government generally if Councils start funding substantial works associated with State Highways. He said staff would pull together information on any cost-sharing arrangements between local Authorities and Transit New Zealand (TNZ) and the amount of development contribution levies involved.

He said staff would aim to have the above information available for consideration at the July Policy Committee meeting.

The next issue for consideration related to the provision of infrastructure/staging and involved bringing forward work identified in the LTCCP for water supply upgrades. It was agreed to defer this decision, and a number of other decisions relating to release of the documents for public notification, until a later meeting.

RESOLVED

2/07/79

That the request for the southern 20ha parcel of land to be made available for industrial development prior to the Structure Plan (as currently proposed) being implemented be declined (refer to Attachment A of the report for identification of the site).

Mayor Livingston/Cr Sharpe

RESOLVED

2/07/80

That the request to incorporate the northern land into the Structure Plan be declined (refer to Attachment A of the report for identification of the site).

Cr Thomas/Cr Cooper

RESOLVED

2/07/81

That the northern parcel of land be identified as a potential location for future industrial development (refer to Attachment A of the report for identification of the site).

Cr Jull/Cr Cooper

RESOLVED

2/07/82

That the use of the central area be confirmed as an open reserve rather than a retention pond for stormwater purposes (refer to Attachment A of the report for identification of the site).

Cr Sharpe/Cr Taranaki

There being no further business the meeting closed at 2.30pm.

CONFIRMED AS A TRUE AND ACCURATE RECORD

CHAIRPERSON: _____

DATE: _____