

Minutes of a meeting of the Policy Committee held in the Council Chambers, Waipa District Council Offices, 101 Bank Street, Te Awamutu on Monday 13 August 2007 commencing at 9.00am.

1 PRESENT

Councillor AJH Empson - Chairperson

Members

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

Staff

Chief Executive (JC Inglis), Deputy Chief Executive (GD Dyet) – items 9, 10 & 12 and part of items 8 & 11, Group Manager Policy & Strategy (R McNeil), Group Manager Assets & Community Facilities (JM Mills) – from item 8, Project Manager Heritage Development & Reserves Planning (T Roxburgh) – item 11, Policy Analyst (B Bouda) – items 4-7, Community Liaison Officer (C Davis) – item 11, Secretary (C Plowright)

Public - Nil.

Policy Committee Members stood in silence for a moment to acknowledge the recent passing of Mayor Livingston's mother, Margaret, and Councillor Lee's mother in law, Ruveé. Council's condolences have been extended to both families.

2 APOLOGIES

RESOLVED

2/07/98

That apologies for absence be received from Councillors Flay and Jull.

Cr Cooper/Cr Barnes

3 LATE ITEMS

Councillor Barnes asked for a late item concerning Council's policy on dangerous dogs following a recent incident in Kihikihi. The Chairperson said information would be obtained and provided at the end of the meeting.

[Councillor Newlands joined the meeting at 9.07am.]

4 CONFIRMATION OF ORDER OF MEETING

File: 01-85-12

RESOLVED

2/07/99

That the order of the meeting be confirmed subject to item 8 being taken at 9.30am and item 11 being taken at 10.30am.

Cr Sharpe/Cr Webber

5 VISITORS

Nil.

6 MINUTES OF PREVIOUS MEETINGS

File: 01-85-12

6.1 Minutes of Policy Committee meeting held on 9 July 2007 were included in the agenda.

RESOLVED

2/07/100

That the minutes of the meeting of the Policy Committee held on 9 July 2007 be received.

Mayor Livingston/Cr Cooper

Matters Arising -

6.1.1 Hautapu Industrial Structure Plan and Plan Change Project Update

File: 65-07-46

The Chief Executive said staff have obtained more information on this issue and it would be presented and discussed in a workshop following the Policy Committee meeting.

6.2 Minutes of Public Excluded Policy Committee meeting held on 12 December 2005 were included in the agenda.

It was explained that the Public Excluded Policy Committee meeting minutes of 12 December 2005 had not been reported in open session and they had been included in the agenda so they could be made public.

RESOLVED

2/07/101

That the minutes of the public excluded meeting of the Policy Committee held on 12 December 2005 be received.

Cr Scaramuzza/Cr Barnes

7 PROPOSED WAIPA DISTRICT MAUNGATAUTARI SCENIC RESERVE BYLAW 2007 – CONSIDERATION OF SUBMISSIONS

File: 04-03-50

Proposed Waipa District Maungatautari Scenic Reserve Bylaw 2007 was included in the agenda.

The Policy 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. The proposed Waipa District Maungatautari Scenic Reserve Bylaw, prepared in accordance with the Reserves Act 1977, received endorsement from the Maungatautari Reserve Committee and was publicly notified in June 2007. No submissions were received.

Mayor Livingston asked whether it was appropriate to specify the penalty of \$250, for contravention of the Bylaw, as Council is currently attempting to have the penalty increased. Group Manager Policy and Strategy, Ross McNeil, said he has received advice from the Prime Minister's office that central government will be investigating Council's request, concerning review of the penalties that apply under the Reserves Act, and a response will be provided in due course. He said he would raise the matter with Waikato Conservator, Greg Martin, at a meeting later in the week and the outcome of that meeting would be reported at the August Council meeting.

Mayor Livingston suggested that "liable to a penalty of \$250.00" should be replaced with "liable to the appropriate penalty" because it is likely this amount will be changed in the near future. Mr McNeil explained that the provisions of the Reserves Act would take precedence over Council's Bylaw and an amendment to the penalty contained within it would simply require Council to note that amendment and update the Bylaw. He said the penalty amount should be left in the Bylaw, as all of Council's other Bylaws have a penalty specified, and because it is uncertain how long it will take to have the penalty provisions reviewed by central government.

Following discussion, and further advice provided by staff, it was **moved** Mayor Livingston, **seconded** Councillor Barnes -

That the penalties section of the proposed Waipa District Maungatautari Scenic Reserve Bylaw 2007 be amended to read "Every person who contravenes this Bylaw commits an offence and is liable to a penalty in accordance with the provisions of the Reserves Act 1977". (Resolution 2/07/102)

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

RESOLVED

2/07/103

That -

- a) *The proposed Waipa District Maungatautari Scenic Reserve Bylaw 2007 be recommended to Council for affirmation of Council's intent to make the Bylaw.*
- b) *Subject to a) above, the Policy Committee recommends that Council submit the proposed Bylaw and minutes of the Council meeting to the Minister of Conservation for approval.*

Cr Cooper/Cr Barnes

8 CAMBRIDGE TRAFFIC STUDY

File: 28-06-75

Report of Group Manager – Assets and Community Facilities dated 26 July 2007 was included in the agenda.

Policy Committee members were reminded that, in April 2006, traffic and transportation consultants, Gabites Porter, were engaged to undertake a traffic study of Cambridge. Five key objectives of the study were to -

- Identify the traffic impacts of the Cambridge Bypass.
- Identify any minor network improvements.
- Establish the need for an interchange at the Bypass SH1/Victoria Road intersection.
- Determine whether a third bridge across the Waikato River is required.
- Investigate and recommend a road network infrastructure strategy.

The Chief Executive said the Cambridge Traffic Study has now been completed and a précis of the executive summary of the Study had been included in the agenda.

The Chief Executive said Opus Consultants, who are undertaking the design work for the Cambridge Bypass on behalf of Transit New Zealand (TNZ), have had the opportunity to comment on the report and are using it for their design work.

Gabites Porter Senior Traffic Engineer, John Winter, gave a presentation on the findings of the Cambridge Traffic Study. The following issues were raised during the presentation -

- In answer to a question from Councillor Sharpe, Mr Winter said drivers have not been surveyed as part of the Cambridge Traffic Study. He said the Study is based on data developed over a number of years, which was originally gathered from interviews, and from information obtained by Opus Consultants a few years ago.
- Several Councillors queried the population figures used in the Study, as the actual growth figures for Cambridge have been double that amount for the last few years. Mr Winter said the population figures are based on predictions obtained by Census and from discussions with Council staff. He said it was not certain whether the current levels of growth would be sustained over the next 10-20 years.
- A number of Councillors asked questions about the design/location of an interchange. Mr Winter said Opus Consultants are using the Cambridge Traffic Study, and modelling used within it, to assist with the design of the Bypass. He said the Study has given them a firmer indication of actual effects which would allow for more accurate projections on the control of intersections and the interchange itself. He said it appears there would still be a relatively high demand for the existing State Highway as a road coming into Cambridge.
- Councillor Scaramuzza asked how realistic it would be to make Victoria Street to Shakespeare Street four lanes. Mr Winter said it could not be undertaken without the purchase of land and significant intersection problems would have to be addressed.
- Mayor Livingston asked if it would be appropriate to install a round-about at the St Andrew's Church corner. Mr Winter said priorities would change considerably in that area and it is uncertain, at this stage, whether it would need a full round-about or some other form of intersection control. Group Manager Assets and Community Facilities, John Mills, said Toll National would not be interested in losing its land designation in that area.

RESOLVED

2/07/104

That Council receive the report on the Cambridge Traffic Study prepared by traffic and transport consultants, Gabites Porter and dated May 2007, and that Council accept the findings and recommendations in the report and use the information as the basis for deliberations and decisions on traffic management in the area covered by the report in and around Cambridge.

Cr Cooper/Cr Webber

[The meeting adjourned at 10.15am and reconvened at 10.34am when item 11 was taken. Item 9 was taken next, at 11.50am, and then the meeting adjourned for lunch at 12.00pm. The meeting reconvened at 12.34pm when it went back to consideration of item 9 and then took item 10. It then went back to give further consideration to item 8.]

Councillor Scaramuzza said he was concerned that the population figures provided to TNZ, through the Cambridge Traffic Study, are out of line with the actual growth levels being experienced in Cambridge. He said growth figures are two to three times higher than the figures in the Study which would show a much higher need for the Bypass. He said it should also be emphasised to TNZ that the four-laning option is not feasible. The Chairperson said plans for future growth around Cambridge could see the population predictions in the Study being reached long before 2026. He asked if it was possible for the Study to have an amendment added to it.

The Chief Executive said the Policy Committee could tell Gabites Porter it does not agree with the growth assumptions used in the Study and ask them to re-look at them.

It was **moved** Councillor Newlands, **seconded** Chairperson Empson –

That Council advise consultants, Gabites Porter, that -

- a) *Council has some concerns about the growth assumptions used in the Cambridge Traffic Study and, based on the number of new subdivisions currently being progressed for Cambridge, the Cambridge Traffic Study should be reviewed to reflect a higher growth rate in the coming 10 years.*
- b) *It needs to be acknowledged in the Cambridge Traffic Study that it would be unrealistic to make State Highway one (Victoria Street to Shakespeare Street) four lanes if the Bypass is not built.*
(Resolution 2/07/105)

Councillor Scaramuzza said TNZ has already seen the Cambridge Traffic Study and Council should be advising them that the above changes need to be made to it. The Chief Executive said the correct procedure would be for Council to ask Gabites Porter to revisit the assumptions used in the Study and to report back to Council.

Mayor Livingston suggested that the Chief Executive should firstly speak to Council's planning and roading staff, to check on the accuracy of the growth assumptions made, before contacting Gabites Porter. Mr Mills said Gabites Porter might decide to present the information on higher levels of growth in an addendum to the Cambridge Traffic Study.

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

9 DISTRICT PROMOTION FUND – REPORT FOR YEAR ENDING 30 JUNE 2007

File: 02-03-01

Report of the Economic Development Facilitator dated 30 July 2007 was included in the agenda.

Council sponsored 24 events from the 2006/07 District Promotion Fund allocation. The events were predominantly of a sporting and recreational nature but also include cultural and commemorative promotions. Total funding approved by Council amounted to \$55,250. A summary of the funding allocations for 2006/07 is included in the report of the Economic Development Facilitator dated 30 July 2007.

RESOLVED

2/07/106

That the report of the Economic Development Facilitator dated 30 July 2007 be received.

Cr Cooper/Cr Taranaki

It was noted that AVEX has been postponed until 2008 and it is anticipated there will be a further application for funding this year.

Councillor Sharpe referred to some inconsistencies in the estimated number of participants recorded for each event and the Chairperson said it appeared some of the organisers had taken a different meaning from the word "participant". It was agreed that this should be clarified for event organisers in the next funding round.

Councillor Lee spoke about the need for a full-time promotions person on Council's staff to work with event organisers. It was explained that this is something currently being reviewed by the Chief Executive.

[The meeting adjourned for lunch at 12.00pm and reconvened at 12.34pm.]

Mayor Livingston said Council is obtaining good mileage from its District Promotion Fund allocations, on top of what has been quantified in the report, as a number of the events are televised.

10 WAIPA RURAL FIRE AUTHORITY – RURAL FIRE PLAN

File: 55-40-01

Report of the Principal Rural Fire Officer dated 30 July 2007 was included in the agenda.

RESOLVED

2/07/107

That the report of the Principal Rural Fire Officer dated 30 July 2007 be received.

Cr Newlands/Cr Thomas

The Chief Executive said the Forest and Rural Fire Regulations 2005 requires Council, as the Rural Fire Authority, to review the matters contained under the “Readiness” and “Response” headings of the Fire Plan not more than two years after the date the plan was adopted. He said staff had identified some minor editing and updating issues as a result of the review process.

Councillor Sharpe said she understood all peat areas were restricted all year and not just the specially protected areas noted in the Plan (Lake Maratoto and a section of the Moanatuatua swamplands). This will be checked.

Councillor Newlands asked for the wording of 2.10.1 (Open Fire Season) to be checked and it was agreed to also check on the first paragraph of 2.10.2 (Restricted Fire Season).

RESOLVED

2/07/108

That the Policy Committee approve the alterations to Part 2 Readiness and Part 3 Response of the Waipa Rural Fire Authority Rural Fire Plan, and, subject to clarification of 2.10.1 and the first paragraph of 2.10.2 of the Plan, recommend that Council adopt the amended Plan.

Cr Newlands/Cr Lee

11 DRAFT AGREEMENT IN PRINCIPLE WITH WAIKATO-TAINUI OVER THE WAIKATO RIVER

File: 61-01-01

Draft Agreement in Principle with Waikato-Tainui over the Waikato River dated 26 May 2007 had been provided, separately to the agenda, for Policy Committee members.

Deirdre Tolerton, John Grant and Amelia Manson from the Office of the Minister in Charge of Treaty of Waitangi Negotiations attended the meeting at 10.30am to present this proposal to the Policy Committee.

The Committee was advised that a draft Agreement in Principle between the Crown and Waikato-Tainui for the settlement of Tainui's historical Treaty claims to the Waikato River was released on 26 May 2007. The draft agreement has been released publicly to allow the Crown and Waikato-Tainui to consult with affected parties before signing the final document.

It was explained that the draft agreement proposes a new management structure for the Waikato River. It proposes to create Guardians of the Waikato River, the role of which is to develop a vision and strategy for the river. The Guardians would comprise representatives of the Crown, Environment Waikato and Waikato-Tainui. Provision has been made for other Iwi with an interest in the river to sit on the Guardians. The proposal also seeks to establish a statutory board made up of equal numbers of Environment Waikato Councillors and Waikato-Tainui to implement the strategy.

John Grant said the Office of Treaty Settlements is currently engaged in the process of informing and consulting with interested parties in the affected area, including 14 councils. He said the consultation process is important because the level of redress proposed in the draft agreement is quite unique. He said it is hoped to discuss any changes required to the draft agreement with Waikato-Tainui, as a result of this process, by the end of this year.

In answer to a question from Councillor Lee, Mr Grant said the proposal is not about ownership or the establishment of any property rights around the Waikato River. He said it is focussed on the health and wellbeing of the river and proposes the co-management of the river by the Crown and Waikato-Tainui. It was later emphasised that this will be the final settlement of the Waikato-Tainui claim over the Waikato River

Chairperson Empson said the definition of the Waikato River provided in the draft agreement is confusing and requires clarification. Mr Grant said other considerations that might determine those definitions would need to be worked through as the process advances.

In answer to another question from Chairperson Empson, Mr Grant said the Guardians Establishment Committee would be a temporary body. He said the Guardians of the Waikato River would be involved with the whole river whereas the Waikato River Statutory Board would apply to the Tainui area of the river (from Lake Karapiro to the mouth of the river). He said the Waikato River Statutory Board would be assessing planning and consent activities in that area and would have recommendatory powers on general, as opposed to specific, issues.

In answer to a question from Councillor Lee, Mr Grant said the draft agreement is not proposed to replace any existing statutory regimes, but those regimes would have to have regard to the draft agreement's vision. He said the Waikato Regional Plan and policy would be required to give effect to that vision.

Councillor Lee said some councils in the affected area may wish to have direct involvement in the Waikato River Statutory Board rather than being represented by Environment Waikato. Mayor Livingston said, as the consenting authority, Environment Waikato should possibly have no direct involvement with that group and representation should be from those closer to community interests along the river and with a closer association to local Iwi and landowners. Mr Grant said the broader issue of membership and criteria is being identified during discussions.

Mr Grant briefly outlined the process that would take place between obtaining a draft Agreement in Principle through to a Deed of Settlement with Waikato Tainui. He said that process could take somewhere between 18 months to three years to reach completion.

Committee Member Ingley asked if there would be any Maori members representing this area on the Waikato River Statutory Board. Mr Grant said it would be up to Waikato-Tainui to determine who its members should be.

Councillor Lee asked who will be funding the new regime. Mr Grant said the financial aspects of the new arrangement are yet to be settled with the Minister in Charge of Treaty of Waitangi Negotiations.

Mr Grant said the Office of Treaty Settlements is listening carefully to what councils have to say about the proposal so it has a good understanding of all existing responsibilities and processes. He suggested that Council write to them with its views on the proposal. He said it is hoped to have the terms of the finalised Agreement in Principle going to Cabinet for sign off in mid-October 2007, so written feedback from councils would be appreciated as soon as possible.

[John Grant, Deirdre Toterton and Amelia Manson left the meeting at 11.40am.]

Group Manager Policy and Strategy, Ross McNeil, said it would be beneficial to obtain input from the Iwi Consultative Committee on this issue and a draft submission to the Office of Treaty Settlements will be placed on the agenda of the next meeting, on 5 September 2007, for consideration.

Councillor Webber said the key issue is representation and the comments made by Mayor Livingston earlier in the discussion are very appropriate. He said it is also critical that the whole thing is funded by central government and not Environment Waikato or local authorities.

Councillor Sharpe said she was concerned about existing relationships with Iwi being undermined by the proposal. Committee Member Ingley said she hoped the representation issue could be sorted out for everyone's benefit.

Mayor Livingston said Waipa is the middle of the area in question and has a responsibility to hear the issues raised by the various Iwi in that area and take them into account.

12 LATE ITEM – DANGEROUS DOGS

File: 33-15-25 & 26

The Committee was advised that whilst there has not been a significant increase in the number of dog attacks since last year, heightened public awareness has led to a lot more complaints relating to dog attacks and aggressive dog instances. Deputy Chief Executive, Garry Dyet, said Council's Dog Control Officer has seized the mother dog, and two pups, from the address causing problems in Kihikihi and is looking at classifying the mother dog as menacing. This will require the owners to keep the property fenced and the dog neutered and muzzled in public under Council's Dog Control Policy. He said staff are satisfied with the way the Dog Control Policy is working.

In answer to a question from Councillor Barnes, Mr Dyet said some dogs are classified as dangerous, by virtue of their breed, whereas dogs such as the one in Kihikihi can only be classified as dangerous or menacing because of behaviour they have exhibited.

There being no further business the meeting closed at 1.20pm.

CONFIRMED AS A TRUE AND ACCURATE RECORD

CHAIRPERSON: _____

DATE: _____

