

Minutes of a meeting of the Council held in the Council Chambers, Waipa District Council Offices, 101 Bank Street, Te Awamutu on Tuesday 29 May 2007 commencing at 9.00am.

Opening Prayer

1 MEMBERS

His Worship the Mayor AD Livingston

Members

RJ Cooper, AJH Empson, GC Flay – from item 7.2.1, GH Jull, PL Lee, EC Newlands – from item 11, GG Scaramuzza, DL Sharpe – from item 3, BJ Taranaki, BS Thomas, GRP Webber

Staff

Chief Executive (JC Inglis), Deputy Chief Executive (GD Dyet) – from item 5.2, Group Manager Assets & Community Facilities (JM Mills) –items 16-18, Promotions & Stakeholders Manager (B Aspin) –items 16-18, Secretary (C Plowright)

Public – 1

Mayor Livingston noted the passing of former Councillor Joe Oliver, that had been acknowledged by Councillors at the last Policy Committee meeting, and of past Councillor Patricia Tindle's husband, Patrick. He said Council had been represented at both funerals and Council's condolences conveyed to the families.

2 APOLOGIES

RESOLVED

1/07/80

That an apology for absence be received from Councillor Barnes and apologies for lateness be received from Councillors Flay and Newlands.

Mayor Livingston/Cr Empson

[Councillor Sharpe joined the meeting at 9.05am.]

3 LATE ITEMS

Nil.

4 CONFIRMATION OF ORDER OF MEETING

File: 01-22-21

Mayor Livingston said retiring Environmental Health Officer, Bryan Faris, would be joining the meeting at 12.15pm to give Councillors the opportunity to acknowledge his contribution to local government.

RESOLVED

1/07/81

That the order of the meeting be confirmed.

Cr Jull/Cr Empson

5 MINUTES OF PREVIOUS MEETINGS

File: 01-22-21

Minutes of meeting held on 24 April 2007 were included in the agenda.

RESOLVED

107/82

That the minutes of the meeting of the Waipa District Council held on 24 April 2007, having been circulated, be taken as read and confirmed as a correct record.

Cr Cooper/Cr Lee

Matters Arising

5.1 Pirongia Fire Force

File: P11521

Councillors were advised that, in accordance with the resolution from Council, a meeting with the Pirongia Reserves Management Committee has been scheduled for Wednesday 30 May 2007. The Chief Executive said any recommendations from the Pirongia Reserves Management Committee would be considered by Council at its June meeting.

5.2 Concrete Plinth – Cenotaph, ANZAC Green

File: 60-12-34

Res: 6/06/135

The Chief Executive said an archaeologist recommended by the Historic Places Trust will be inspecting the cenotaph plinth next week and providing Council staff with a report.

5.3 Transit New Zealand Signage

File: 55-35-36

Res: 6/07/005

The Chief Executive said Transit New Zealand's policy only allows for two destinations on their signage and, following consultation with tourist operators, Waitomo and New Plymouth were selected for signage in this area. He said Council staff will be discussing this with Transit New Zealand over the next few weeks.

5.4 Shape Correction Treatment – Robinson Street, Cambridge

File: 27-07-05

Res: 1/07/67

Councillor Taranaki asked about the timeframe for completion of this work and Councillor Cooper asked why it was necessary to dig so deeply into the road. The Chief Executive said he would make enquiries and report back to Councillors.

5.5 Proposed Road Stopping – Addison Street, Cambridge

File: 90-02-25

Res: 1/07/73

The Chief Executive said the new road stopping proposal has not progressed far due to a lack of available surveyors.

5.6 Waikato Regional Airport

File: 40-13-01

Res: 1/07/79

The Chief Executive gave a brief verbal update on the special meeting of the shareholders of Waikato Regional Airport that he attended on behalf of Council on 27 April 2007.

6 COUNCIL COMMITTEE MINUTES

6.1 Policy Committee

File: 01-85-12

6.1.1 Minutes of meeting held on 16 April 2007 were included in the agenda.

RESOLVED

1/07/83

That the unconfirmed minutes of the meeting of the Policy Committee held on 16 April 2007 be received.

Cr Empson/Cr Webber

- 6.1.2 Minutes of meeting held on 14 May 2007 will be included in the June Council agenda.

7 COMMUNITY BOARD MINUTES

7.1 **Cambridge**
File: 01-21-14

- 7.1.1 **Minutes of meeting held on 2 May 2007 were included in the agenda.**

RESOLVED

1/07/84

That the unconfirmed minutes of the meeting of the Cambridge Community Board held on 2 May 2007 be received.

Cr Webber/Cr Taranaki

Matters Arising -

- a) **Queen Street Footpath**
File: 55-26-06
Res: 5/07/113

The Chief Executive said the Community Board's request for 40 metres of broken footpath outside RD1 in Queen Street, Cambridge will be presented to the Board as part of the footpath renewals and replacement programme.

Councillor Scaramuzza asked whether it would be appropriate to upgrade this section of footpath to the same standard as that used for the Cambridge CBD upgrade. He said the footpaths around the new National Hotel development (Alpha and Empire Streets and the slope from Victoria Square into Alpha Street) are also worthy of consideration. Mayor Livingston said extension of that higher standard of paving into other parts of the CBD could be explored as part of the investigations into the future development of the CBDs for Cambridge and Te Awamutu. He asked the Chief Executive to look into the matter.

7.2 Te Awamutu
File: 01-21-13

7.2.1 Minutes of meeting held on 19 March 2007 were included in the agenda.

RESOLVED

1/07/85

That the confirmed minutes of the meeting of the Te Awamutu Community Board held on 19 March 2007 be received.

Cr Empson/Cr Jull

Matters Arising -

a) Petition asking for the removal of Silver Birch Trees on Eden Avenue and Ascot Place, Te Awamutu

File: 01-68-01

Res: 6/07/059 & 060

Councillors were advised that the Community Board has asked for the removal of some Silver Birch trees in Eden Avenue and Ascot Place, in light of a petition received from 93% of residents surveyed, and has asked Council to re-visit its policy on trees to take into account the potential danger trees have on life, health, wellbeing and property.

The Chief Executive said the first aspect of the Board's request, concerning removal of the Silver Birch trees, is covered by authority delegated to Council's Parks and Reserves Manager. He said the Board's request for review of Council's tree policy would be the subject of a report to the Policy Committee.

[Councillor Flay joined the meeting at 9.40am.]

Councillor Empson said he felt the Board's request for removal of the Silver Birch trees warrants further investigation and professional advice.

7.2.2 Minutes of meeting held on 8 May 2007 were included in the agenda.

RESOLVED

1/07/86

That the unconfirmed minutes of the meeting of the Te Awamutu Community Board held on 8 May 2007 be received.

Cr Empson/Cr Scaramuzza

Matters Arising -

a) Disabled Car Park

File: 55-13-01

Res: 6/07/073

The Chief Executive said the Community Board's request concerning disabled car parks would be investigated and a report provided to the Board.

b) Footpaths, Alexandra Street

File: 55-09-01

Res: 6/07/075

Councillor Empson said it has already been established that the footpath between Mutu and Tawhiao Streets is sub-standard and the Community Board should leave it to staff to decide how it can best be remedied.

Councillor Jull said Alexandra Street residents should be consulted on the issue because many of them are not happy with the Ginko trees, and the effect the fallen fruit has on their properties, as well as the condition of the footpath. Mayor Livingston said staff would be asked to include that sort of consultation in their investigations and to keep the Board informed.

c) Administration and Allocation of Community Grants – Review of Council Policy

File: 01-31-10

Res: 6/07/102

The Chief Executive said the Community Board's suggested amendment to the current policy on administration and allocation of community grants would be provided in a report to the Policy Committee together with any comments received from the Cambridge Community Board.

d) Request for Bike Racks

File: 55-09-01

Res: 6/07/076

Councillor Scaramuzza asked if issues such as bike racks and cycle lane networks would be covered in one policy, such as the Cycle Strategy, which is due for completion at the end of the year.

It was agreed that Council should have a comprehensive policy on cycling related issues and the Chief Executive was asked to check and provide a response to Councillors.

e) Seating – Alexandra Street

File: 60-14-01

Res: 6/07/97

The Chief Executive said staff are giving careful consideration to how this situation can be addressed. He said issues such as who donated the seats, why they were placed where they are, where seats might be more appropriately located, seat design, etc are being investigated.

f) Protected Trees

File: 01-68-01

Res: 6/07/99

In response to a suggestion from Councillor Scaramuzza, the Chief Executive said staff would be asked to compile a list of trees that require protection throughout Waipa District. The list will record information about why the trees were planted.

8 COUNCILLORS REPORTS FROM CONFERENCES, SEMINARS AND MEETINGS ATTENDED ON BEHALF OF COUNCIL

File: 75-09-06

Reports were provided from members who attended the following meetings:

- Waikeria Prison Liaison Group meeting.
- Waipa and Middle Waikato River and Catchment Liaison Sub-Committees meetings.
- Sister Cities Conference in Te Anau.

[The meeting adjourned at 10.16am and reconvened at 10.42am.]

9 USE OF COUNCIL SEAL

File: 01-22-30

RESOLVED

1/07/87

That the following schedule of documents to which the Common Seal of the Waipa District Council has been applied under delegated authority be received.

Documents Sealed by Chief Executive

- a) Right to convey telecommunications and computer media easement in gross – Amber Views Ltd (for easements imposed as part of an approved subdivision by Amber Views Ltd and the sale of stopped road arising from Plan Change 13 – resolution 1/03/324.
File: 90-02-25
Ref: Delegated authority to CE pursuant to s5.1(b)
Delegations Manual*
- b) Right to drain water easement – Amber Views Ltd (for easements imposed as part of an approved subdivision by Amber Views Ltd and the sale of stopped road arising from Plan Change 13 – resolution 1/03/324.
File: 90-02-25
Ref: Delegated authority to CE pursuant to s5.1(b)
Delegations Manual*

- c) *Surrender of water right easement in gross – Amber Views Ltd (this water line is now redundant. The surrender of the water right is required as part of the conditions imposed as part of an approved subdivision by Amber Views Ltd and the sale of stopped road arising from Plan Change 13 – resolution 1/03/324)*
File: 90-02-25
Ref: Delegated authority to CE pursuant to s5.1(b)
Delegations Manual
- d) *Right to drain water easement in gross – Amber Views Ltd (for easements imposed as part of an approved subdivision by Amber Views Ltd and the sale of stopped road arising from Plan Change 13 – resolution 1/03/324.*
File: 90-02-25
Ref: Delegated authority to CE pursuant to s5.1(b)
Delegations Manual
- e) *Right to convey gas easement in gross – Amber Views Ltd (for easements imposed as part of an approved subdivision by Amber Views Ltd and the sale of stopped road arising from Plan Change 13 – resolution 1/03/324.*
File: 90-02-25
Ref: Delegated authority to CE pursuant to s5.1(b)
Delegations Manual
- f) *Right to convey water easement in gross – Amber Views Ltd (for easements imposed as part of an approved subdivision by Amber Views Ltd and the sale of stopped road arising from Plan Change 13 – resolution 1/03/324.*
File: 90-02-25
Ref: Delegated authority to CE pursuant to s5.1(b)
Delegations Manual
- g) *Right to convey electricity easement in gross – Waipa Networks Ltd as Grantee (for easements imposed as part of an approved subdivision by Amber Views Ltd and the sale of stopped road arising from Plan Change 13 – resolution 1/03/324).*
File: 90-02-25
Ref: Delegated authority to CE pursuant to s5.1(b)
Delegations Manual
- h) *Appointment of Proxy to vote at special meeting of Waikato Regional Airport.*
File: 40-13-01
Res: 1/07/79

- i) *Authority to erect fence on road – RD & J Wallace (for authority to erect pest proof fence on an over width portion of Fergusson Gully Road Maungatautari)*
File: 90-02-25
Ref: Authority delegated to CE pursuant to s5(b)
Delegations Manual

Liquor Licenses

- j) *Notice of Renewal of On Licence – The Olde Creamery Café, 317 Kaipaki Road, Cambridge*
File:
Pol Ref: 1.7.19
- k) *On Licence – Commercial Hotel, 97 Alexandra Street, Te Awamutu*
File: 4492/177.00
Pol Ref: 1.7.19
- l) *Off Licence – Commercial Hotel, 97 Alexandra Street, Te Awamutu*
File: 4492/177.00
Pol Ref: 1.7.19

Survey Plans sealed by Environmental Services Manager, Planning Services Manager or Senior Planner

- m) *Cancellation of Stormwater Easement – Bond One Limited*
File: 04481/053.00
- n) *Creation of an Easement in Gross to Drain Sewage and Water – Bond One Limited*
File: 04481/053.00
- o) *Sewage Easement in Gross – Brockbank Properties Ltd*
File: 4481/113
- p) *Cancellation of Consent Notice – Bromley Bloodstock Ltd, Parallel Road, Cambridge*
File: 04582/029.01
- q) *Fencing Covenant – GA Johnston & JD Darragh*
File: 4541/131.03

Cr Cooper/Cr Sharpe

10 NOTIFIABLE CONTRACTS

File: 02-12-01

RESOLVED

1/07/88

That the following Notifiable Contracts be received.

10.1 Contract No 27-07-01 – 2006/07 Seal Extensions

File: 27-07-01

Contract for seal extension on Clothier Road (0.260km), Karl Road (0.750km), Sainsbury Road (0.840km) and Waite Road (1.050km). Eight tenders were received ranging from \$769,691.79 - \$1,170,746.79. The contract was let to the tender of \$769,691.79 (excluding GST) from Fulton Hogan (Waikato) Ltd.

10.2 Contract No 27-07-11 – Vaile Street Realignment

File: 27-07-11

Contract for the new realignment of Vaile Street, including a new parking area adjacent to the Medical Centre, and new angle parking on Bank Street and Teasdale Street. Seven tenders were received ranging from \$286,911.51 - \$424,409.25. The contract was let to the tender of \$286,911.51 (excluding GST) from Potter Civil Engineering Contractors.

Cr Jull/Cr Thomas

11 FINANCIAL REPORTS

File: 01-84-16

11.1 Financial Report for Period Ended 30 April 2007 was included in the agenda.

RESOLVED

1/07/89

That the Financial Report for period ended 30 April 2007 be received.

Cr Flay/Cr Empson

The Chief Executive said Council's engineering staff have advised that capital works expenditure will be a lot closer to the budget of \$23 million by the end of the financial year than the current expenditure of \$8 million. There was discussion about how the work is programmed throughout the year and how the availability of contractors has an effect on the work programme.

[Councillor Newlands joined the meeting at 10.55am.]

Mayor Livingston said he understood Council is to receive a schedule detailing reserve development levies in the monthly financial report.

Mayor Livingston asked when the programme of reserve development projects would be reviewed and whether that process would require input from the Community Boards and the Pirongia Ward Consultative Committee. The Chief Executive said the list of projects is due for review by the end of the financial year. He said Council would decide on which major projects require funding throughout the District, and include bulk funds for each project, and then the Boards and the Pirongia Ward Committee would decide on the detail for projects within their areas.

12 TRANSPOWER WHAKAMARU-AUCKLAND TRANSMISSION LINE PROPOSAL – REGULATORY DELEGATIONS AND APPOINTMENT OF INDEPENDENT HEARING COMMISSIONERS

File: 40-02-12

Report of the Planning Services Manager dated 7 May 2007 was included in the agenda.

Deputy Chief Executive, Garry Dyet, said the Notice of Requirement to designate the transmission line route was lodged with Council on 28 May 2007. Mr Dyet explained why some minor changes to the regulatory delegations are now necessary and that a new Chairperson for the Hearing Commissioners' panel needs to be appointed due to the unavailability of Peter Skelton. He said the recommended Hearing Commissioner and Chairperson is Paul Cavanagh QC and that a curriculum vitae for Mr Cavanagh had been provided separately to Councillors.

RESOLVED

1/07/90

That -

- a) *The report of the Planning Services Manager dated 7 May 2007 be received.*
- b) *Pursuant to Section 34A(1) of the Resource Management Act 1991 the following functions, powers or duties are delegated to the Planning Services Manager and the Senior Planner in the processing of the Transpower Whakamaru-Auckland Transmission Line Notice of Requirement application as it affects Waipa District:*

Section of RMA	Function, Power or Duty Delegated to Planning Services Manager and Senior Planner
36(3)	<i>Where a charge fixed in accordance with Section 36(1) is, in any particular case, inadequate to enable a local authority to recover its actual and reasonable costs in respect of the matter concerned, the power to require the person who is liable to pay the charge, to also pay an additional charge to the local authority, is delegated.</i>
36(3A)	<i>The power to provide an estimate of any additional charge likely to be imposed under Section 36(3) upon request by any person liable to pay a charge under this section is delegated.</i>
36(5)	<i>The power to remit the whole or any part of any charge of a kind referred to in Section 36 which would otherwise be payable is delegated.</i>
36(7)	<i>The power to determine not to perform the action to which a charge of a kind referred to in Section 36(1) relates until the charge has been paid to the local authority in full is delegated.</i>
36A	<i>The power to determine not to consult any person about the application and the duty to consult under any other enactment to consult any person about the application is delegated.</i>
37(1)	<i>The power to extend a time period specified in the RMA or in regulations, whether or not the time period has expired, and the power to waive a failure to comply with a requirement under the RMA, regulations, or a plan for the time or method of service of documents, are delegated.</i>
37(2)	<i>When a person is required to provide information under the RMA, regulations, or a plan and the information is inaccurate or omitted, or a procedural requirement is omitted, the power to waive compliance with the requirement or direct that the omission or inaccuracy be rectified is delegated.</i>
37A(1)	<i>In determining whether to extend a time limit or waive compliance with a time limit, a method of service, or the service of a document in accordance with section 37, the power to determine and take into account the following is delegated:</i> <i>(a) the interests of any person who may be directly affected by the extension or waiver; and</i> <i>(b) the interests of the community in achieving adequate assessment of the effects of a proposal, policy statement, or plan; and</i> <i>(c) the duty under section 21 to avoid unreasonable delay.</i>
37A(2)	<i>The power to determine the extended time period under section 37 is delegated.</i>

37A(3)	<i>The power to determine and notify every person who is directly affected by the extension of a time limit or the waiver of compliance with a time limit, a method of service, or the service of a document, is delegated.</i>
41C(1) – (2)	<p><i>The following powers and duties relating to directions or requests before hearings are delegated:</i></p> <ul style="list-style-type: none"> • <i>The power to direct the order of business at the hearing, including the order in which evidence and submissions are presented.</i> • <i>The power to direct that evidence and submissions be recorded, or taken as read, or limited to matters in dispute.</i> • <i>The power to direct the applicant or a person who has made a submission, when presenting evidence or a submission, to present it within a time limit.</i> • <i>The power to request a person who has made a submission to provide further information.</i>
42	<i>The power to make an order for the protection of sensitive information is delegated.</i>
42A	<i>The power to require the preparation of a report on information provided on any matter described in section 39(1) by the applicant or any person who made a submission is delegated. The duty to distribute the report to the applicant and submitters, or the power to determine that there is no material prejudice and waive compliance with this requirement, is also delegated.</i>
92	<i>The power to require the applicant to provide further information, including the commissioning of reports, relating to the application is delegated.</i>
92A(2)	<i>The power to set a reasonable time within which the applicant must provide the information and the power to notify the applicant in writing of this date is delegated.</i>
92A(3)	<i>The power to decline the application is delegated if the applicant:</i> <ol style="list-style-type: none"> <i>i. does not respond within the time limit specified, or</i> <i>ii. responds but does not comply with the time limit specified,</i> <i>and the consent authority considers that it has not received sufficient information during the time frame to enable it to determine the application.</i>
92B(2)	<p><i>The power to decline the application in the following circumstances is delegated:</i></p> <ul style="list-style-type: none"> • <i>If the applicant does not respond within the time limit specified; or</i> • <i>The consent authority receives a written notice refusing the applicant's agreement to the commissioning of the report; and the authority considers that it has insufficient information to enable it to determine the application.</i>

93(2)	<i>The power to publicly notify the application in the prescribed form and serve notice of it on every person prescribed in regulations is delegated.</i>
96	<i>The power to receive submissions is delegated.</i>
98	<i>The power to provide the applicant with a list of all submissions received is delegated.</i>
99(1) – (7)	<i>The power to invite or require the applicant and some or all of the persons that have made submissions on the application to attend a pre-hearing meeting is delegated. The power to determine that any person who is a member, delegate, or officer of the authority, and who has the power to make the decision on the application that is the subject of the meeting, should be able to attend and participate is delegated. The power to appoint a chairperson, and for that chairperson to undertake the duties set out in sections 99(5) and 99(6), is delegated.</i>
99(8)	<i>If a person required to attend a meeting fails to do so, and does not give a reasonable excuse, the power to decline to process the person's application or to consider the person's submission is delegated.</i>
99A	<i>The power to refer to mediation a person who has made an application for resource consent and some or all of the persons who have made submissions on the application is delegated. The power to mediate under this section, or to appoint a mediator is delegated.</i>
100	<i>The power to determine the obligation to hold a hearing is delegated.</i>
101	<i>The power to fix a commencement date and time, and the place, of the hearing and the power to serve notice of the hearing on the applicant and every person who made a submission on the application stating his or her wish to be heard, is delegated. Where a joint hearing is to be held under section 102, the duty to ensure that every applicant and every person who made a submission is aware of the joint hearing is delegated.</i>
169	<i>The power to process a notice of requirement, in accordance with sections 92, 92A, 92B, and 95 to 103 (with all necessary modifications in respect of a requirement notified under section 168) is delegated. The power to notify the application in accordance with section 93(2) is also delegated.</i>
173	<i>The power to serve a notice of a decision and a statement of the time within which an appeal against the decision may be lodged is delegated.</i>
357C	<i>The power to consider an objection made under sections 357 to 357B and to provide written notice to the objector of the date, time, and place for a hearing of the objection is delegated.</i>

357D	<i>The power to make a decision on an objection made under sections 357 to 357B and to give written notice of the decision is delegated.</i>
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- c) *Pursuant to Section 34(A)(1) of the Resource Management Act 1991 Paul Cavanagh QC (Chair), Professor Leeka Kheifets and Philip McDermott be appointed as Hearing Commissioners for the purposes of considering the Transpower Notice of Requirement application detailed in Schedule 1 below, the submissions lodged and making a recommendation on the application to the Requiring Authority in accordance with Section 171 of the Resource management Act 1991.*

Schedule 1

Requiring Authority Application

Transpower NZ Ltd Designation of a route for the construction and operation of the Whakamaru-Auckland transmission line.

- d) *Council Resolution Number 1/06/63 be rescinded.*

Cr Sharpe/Cr Empson

In answer to a question from Councillor Lee, Mr Dyet said it is likely Transpower would have to go through another process to increase the line from 220Kv to 400Kv when required. He said Transpower has indicated that if it receives consent for the new power lines it will remove the existing 100Kv power lines and associated infrastructure.

Mr Dyet provided a brief update on Council's submission to the Electricity Commission which was presented last week. Council expects to have a decision from the Electricity Commission by the end of July 2007.

13 ROAD CLOSURES FOR THE 2007 DUNLOP TARGA EVENT

File: 55-21-02

Report of the Regulatory Engineer dated 7 May 2007 was included in the agenda.

The Chief Executive said Council had received an application from the organisers of the Dunlop Targa event asking to have Council roads north east of Cambridge closed on 10 June 2007 for approximately three hours.

He said the proposed road closures had been advertised and Council had to consider objections that had been received from residents in the Whitehall area.

RESOLVED

1/07/91

That -

- a) *The report of JP Snyman, Regulatory Engineer dated 7 May 2007 be received.*
- b) *Council, having considered the objections from the petitioners, dismisses the objections and approves the closure of the roads in the Whitehall district for three hours on 10 June 2007.*

Cr Newlands/Cr Lee

**14 ADOPTION OF WAIPA DISTRICT CEMETERIES BYLAW 2007 AND
REVOCAION OF WAIPA DISTRICT PUBLIC LIBRARIES BYLAW 1991**

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

Proposed Waipa District Cemeteries Bylaw 2007 was included in the agenda.

Councillors were reminded that the review of the Waipa District Cemeteries Bylaw 1991 and Waipa District Public Libraries Bylaw 1991 was initiated in December 2006. The review process recommended that the Public Libraries Bylaw 1991 be revoked, as the issues covered by the Bylaw are able to be effectively managed through other means, and that a new Waipa District Cemeteries Bylaw 2007 be made. These proposals were publicly notified in February 2007; two submissions were received, and were heard by the Policy Committee at its meeting on 16 April 2007.

It was **moved** Councillor Empson, **seconded** Councillor Flay -

That pursuant to Sections 83, 145, 146, 155, 156 and 157 of the Local Government Act 2002, and following consideration of public submissions, Council make the Waipa District Cemeteries Bylaw 2007, as recommended by the Policy Committee on 16 April 2007 and attached to this agenda, with the Bylaw coming into force on 4 June 2007.

There was discussion about whether clause 7.2 of the proposed Cemeteries Bylaw 2007 is appropriate as it is not possible to prevent photographs being taken in a public place and Council would not have the ability to enforce that part of the Bylaw. It was asked why the proposed Cemeteries Bylaw was dated 2006 when it is being made in 2007. The Chief Executive said he would check and the most appropriate date would be used.

[Following the meeting staff confirmed it would be more appropriate for the Bylaw to be dated "2007" as that is when it was made.]

Councillor Webber **moved an amendment, seconded Councillor Lee -**

That pursuant to Sections 83, 145, 146, 155, 156 and 157 of the Local Government Act 2002, and following consideration of public submissions, and subject to the removal of clause 7.2, Council make the Waipa District Cemeteries Bylaw 2007, as recommended by the Policy Committee on 16 April 2007, as follows,, with the Bylaw coming into force on 4 June 2007. (Resolution 1/07/92)

WAIPA DISTRICT CEMETERIES BYLAW 2007

In pursuance and exercise of the powers and authorities vested in it by Sections 145 and 146 of the Local Government Act 2002 and the Burial and Cremation Act 1964 and their respective amendments and of each and every other power and authority it thereto enabling the Waipa District Council makes and ordains this Bylaw.

1 Title

This Bylaw shall be cited and referred to as the "Waipa District Cemeteries Bylaw 2007".

2 Definition

For the purpose of this Bylaw the following definitions shall apply:

"Authorised Officer" means any member of Council staff given delegated powers to control or manage or to assist in the control or management of any cemetery under the jurisdiction of the Council and to carry out burials as provided in the Bylaw.

"Cemetery" means any cemetery vested in or under the control of the Council from time to time but excludes any closed cemetery.

"Council" means the Waipa District Council.

"Sexton" means any person employed by the Council to manage the day-to-day activities of any cemetery under its jurisdiction.

"Vegetation" means any shrub, tree, flower or plant of any kind.

"Vehicles" shall have the same meaning as in the Land Transport Act 1998 but shall not include skateboards, in-line skates, or roller blades.

3 Disclaimer

Nothing in the Bylaw should derogate from any provision of or the necessity for compliance with, including but not limited to, the:

- (a) Burial and Cremation Act 1964;*
- (b) Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967;*
- (c) Health (Burial) Regulations 1946.*

4 Erection and Maintenance of Monuments, Headstones and Other Structures

- 4.1** *All above ground enclosures, memorial headstones, monuments and other structures shall not exceed 1000mm in height unless written approval from the Authorised Officer is obtained prior to erection of the same.*
- 4.2** *All above ground enclosures, memorial headstones, monuments and other structures shall be installed to NZS 4242:1995 (Headstones and Cemetery Monuments) and in compliance with any other enactment as required.*
- 4.3** *All above ground enclosures, memorial headstones, monuments and other structures are to be kept in good order or repair by the purchasers of the plots or their representatives.*
- 4.4** *All vases and containers for flowers and plants in any cemetery shall be of non-breakable material and placed in such a manner so as not to inhibit the maintenance of the cemetery or to cause nuisance to the public.*
- 4.5** *Subject to the provisions of the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967, the Authorised Officer may remove or direct the removal of any installations of any kind that shall fall into a state of decay, disrepair or which are, in the opinion of the Authorised Officer or the Sexton, considered unsafe.*

5 Vegetation

- 5.1** *No person shall plant any vegetation in any cemetery except with the written permission of the Authorised Officer.*
- 5.2** *Any vegetation planted in any portion of any cemetery must be at any time trimmed, or removed, by order of the Authorised Officer.*

6 Vehicles

- 6.1** *No person shall drive or operate any vehicle in any cemetery except between the hours of sunrise and sunset or such other times as the Authorised Officer permits in writing.*
- 6.2** *No person shall drive or operate a vehicle on any part of any cemetery except the sealed carriageway provided for vehicular traffic, unless permitted by the Authorised Officer.*
- 6.3** *Every person driving or in charge of any vehicle in any cemetery shall stop or move such vehicle as directed by the Sexton or the Authorised Officer.*
- 6.4** *No person shall drive or operate a vehicle at a speed greater than 20 km/hr, or any other speed that may be indicated on any carriageway within any cemetery.*

- 6.5 *No person shall drive, operate, or park a vehicle contrary to any posted signs within any cemetery.*
- 6.6 *All vehicles (other than hearses) shall yield unconditional right of way to any funeral procession.*
- 6.7 *Any person installing or attending a memorial in a cemetery shall withdraw for the duration of an adjoining funeral service.*

7 Soliciting of Orders

- 7.1 *No person shall, in any cemetery, advertise or solicit any order from any other person for any work.*

8 Removal of Headstones, Monuments or Other Items

- 8.1 *No person shall, without written permission from the Authorised Officer, remove from any cemetery or from any grave, any kerb, headstone, monument or tablet.*
- 8.2 *No person shall, without authority, remove or take from any cemetery, or from any grave in any cemetery, any vase, wreath, plant, flower or any other thing except that the Council may cause to be removed any neglected or broken material of this nature.*

9 Disinterment

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).

10 Fees

The Council may, by resolution, set fees for all services necessary for the operation and maintenance of any cemetery and a copy of those fees shall be made available to the public upon request from any Council office.

11 Penalties

Every person who shall do or cause to be done or permit to be done anything whatsoever contrary to or otherwise as provided by this Bylaw commits an offence, and shall be liable on summary conviction to the penalties set out in Section 242 (4) under Part 8 of the Local Government Act 2002 which may include a maximum fine of \$20,000.00.

12 Revocation

The Waipa District Council Cemeteries Bylaw 1991 is hereby revoked.

Mayor Livingston put the amendment which was **carried**. This became the substantive motion which was **carried**.

RESOLVED

1/07/93

That -

- a) *Council revoke the Waipa District Cemeteries Bylaw 1991, with effect from 4 June 2007.*
- b) *Council revoke the Waipa District Public Libraries Bylaw 1991, with effect from 4 June 2007.*

Cr Newlands/Cr Taranaki

15 LOCAL GOVERNMENT NEW ZEALAND ANNUAL CONFERENCE

File: 01-19-02

Councillors were advised that the Local Government 2007 Annual Conference will be held in Dunedin on 15 – 18 July 2007 and were reminded that Council policy allows for the Mayor and Deputy Mayor to attend the conference each year. Council policy allows for other elected members of Council to attend the Conference on a biennial basis, but following the triennial elections any new members will have priority.

Mayor Livingston said there had been a good attendance from Councillors at the first conference of the current term which had allowed new Councillors to obtain maximum benefit.

No Councillors asked to attend the 2007 conference.

[Items 19, 20 and the supplementary item were taken at 11.51am. Retiring Environmental Health Officer, Bryan Faris, joined the meeting at 12.13pm to give Councillors the opportunity to acknowledge his contribution to local government over the last 30 years. Mr Faris and Environmental Services Manager, Jennie McFarlane, joined Councillors for lunch at 12.35pm, when the meeting adjourned. The meeting reconvened at 1.20pm when items 16-18 were taken.]

16 RESOLUTION TO EXCLUDE THE PUBLIC

File: 01-37-01

(Section 48, Local Government Official Information and Meetings Act 1987)

RESOLVED

1/07/94

That the public be excluded from the following parts of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

Item Nos	Minutes/Report of:	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
17	Report from Group Manager Assets & Community Facilities	Purchase of land at Park Road, Te Awamutu	Good reason to withhold exists under section 7	Section 48(1)(a)
18	Report from Council's Solicitor	Te Awamutu Events Centre Operating Contract	Good reason to withhold exists under section 7	Section 48(1)(a)

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public are as follows:

Item No		
17	Protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.	Section 7(2)(b)
18	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	Section 7(2) (i)

Cr Cooper/Cr Empson

17 TO PURCHASE THE FREEHOLD INTEREST IN THE PROPERTY (LAND ONLY) AT PARK ROAD, TE AWAMUTU OWNED BY TE AWAMUTU MARIST

File: P13445

Report of Group Manager Assets and Community Facilities dated 23 May 2007 had been distributed separately to Councillors and was considered with the public excluded.

18 TE AWAMUTU EVENTS CENTRE OPERATING CONTRACT

File: 15-03-11

Report of Council's Solicitor dated 21 May 2007 had been distributed separately to Councillors and was considered with the public excluded.

The public was readmitted at 3.15pm.

19 OTHER MINUTES

19.1 Waipa Heritage Council

File: 65-11-02

Minutes of meeting held on 15 March 2007 were included in the agenda.

RESOLVED

1/07/95

That the minutes of the meeting of the Waipa Heritage Council held on 15 March 2007 be received.

Cr Taranaki/Cr Thomas

Mayor Livingston said staff are in discussions with the landowners adjoining the Orakau battle site about acquiring some land for off-road parking and better interpretive signage for the battle site.

Mayor Livingston said a working group comprising himself, the Deputy Mayor, Councillor Taranaki and Cambridge Museum Curator, Eris Parker, has been formed to look at how best to celebrate the 100th anniversary of Victoria Bridge in Cambridge. A civic function is to be held in late December, to which the Governor General has been invited, and the working party are considering a permanent acknowledgement for the event – such as uplighting the bridge's superstructure or upgrading the height restriction barriers in an appropriate theme.

19.2 Waipa Biodiversity Council

File: 65-09-05

Minutes of meeting held on 19 April 2007 were included in the agenda.

RESOLVED

1/07/96

That the minutes of the meeting of the Waipa Biodiversity Council held on 19 April 2007 be received.

Cr Sharpe/Cr Lee

20 RATEPAYER ASSOCIATION REPORTS

20.1 Pirongia Residents and Ratepayers Association

File: 01-08-07

Minutes of meeting held on 4 April 2007 were included in the agenda.

RESOLVED

1/07/97

That the minutes of the meeting of the Pirongia Residents and Ratepayers Association held on 4 April 2007 be received.

Cr Thomas/Cr Taranaki

20.2 Ohaupo Ratepayers Association

File: 01-08-37

Minutes of meetings held on 29 March and 26 April 2007 were included in the agenda.

RESOLVED

1/07/98

That the minutes of the meetings of the Ohaupo Ratepayers Association held on 29 March and 26 April 2007 be received.

Cr Sharpe/Cr Cooper

Councillor Sharpe said the upgrade of the public toilets at the Memorial Hall is going to cost more than the funding put aside in the current year. She asked that those funds be carried over to next year, with some additional funding, so that work can be done.

21 SUPPLEMENTARY ITEM – WAIPA DISTRICT COUNCIL REPRESENTATION ON MAUNGATAUTARI ECOLOGICAL ISLAND TRUST

File: 01-85-26

The Maungatautari Ecological Island Trust has advised that, in accordance with the Trust Deed, it will be reviewing its membership at a meeting in early June 2007 and Council has been asked to make an appointment as required by the Deed.

RESOLVED

1/07/99

That Mayor Livingston has been appointed by the Waipa District Council as a Trustee of the Maungatautari Ecological Island Trust for a further term of four years.

Cr Cooper/Cr Flay

22 REPORTING OF RESOLUTIONS MADE IN PUBLIC EXCLUDED SESSION

22.1 To Purchase the Freehold Interest in the Property (Land Only) at Park Road, Te Awamutu Owned by Te Awamutu Marist

File: P13445

Res: IC1/07/06 – IC1/07/12

That -

- a) *Council purchase the property at Park Road, Te Awamutu, described as containing 4.7763 hectares more or less being Lot 1 DPS 90904 comprised in Certificate of Titles SA 70A/271 at a price supported by registered valuation and negotiated in accordance with Council policy.*
- b) *Council raises a loan sufficient to meet the purchase price.*
- c) *Te Awamutu Marist clears all debt secured against the said property and produces a set of accounts within three months verifying that the club has no outstanding debts as at the date of the report.*
- d) *Council requires the formation of an incorporated society to which ownership of all facilities currently owned by Te Awamutu Marist will be transferred. The incorporated society will comprise equal representation of each of the sports and community groups that will become based at the "Park" and the constitution will provide equal voting and representation for each group and include provision for Council representation and participation.*
- e) *Council approve the lease of the property to the Management Group (in accordance with resolution IC1/07/09) at an annual rental in accordance with Council's community leases policy.*
- f) *Council approve the lease of the property to the Management Group (in accordance with resolution IC1/07/09) at an annual rental in accordance with Council's community leases policy.*
- g) *Council requires Te Awamutu Marist to commit to and fund from the proceeds of sale the upgrade of buildings and facilities to a standard and configuration determined and approved by Council that will support the use of the grounds by the Management Group, including connection to the reticulated sewerage system, and that ongoing responsibility and maintenance for the building rests with the Management Group.*
- h) *That the Chief Executive be authorised to sign all documents and affix Council's seal as appropriate to give effect to the above resolutions.*

[Crs Lee and Newlands asked for their votes to be recorded against.]

There being no further business the meeting closed at 3.15pm.

CONFIRMED

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MAYOR

Completed and despatched 5 June 2007
Next Meeting: 26 June 2007