

Minutes of a meeting of Council held in the Council Chambers, Waipa District Council, 101 Bank Street, Te Awamutu on Tuesday 28 April 2009 commencing at 9.04am.

1 MEMBERS

His Worship the Mayor AD Livingston

Members

EH Barnes, MEH Cox, LWE Hoverd, GH Jull, PL Lee, EC Newlands, GG Scaramuzza, DL Sharpe, GW Simmons, BJ Taranaki, BS Thomas, GRP Webber

Public

There was one member of the press in attendance.

Others

Chief Executive, J Inglis; Deputy Chief Executive & Group Manager – Environmental Services, G Dyet; Group Manager – Finance & Corporate Services, S Kew; Group Manager – Engineering Service Delivery, J Kerr; Financial Accounting Manager, Y Simpson; Senior Planner, T Kelly; Committee Secretary, S King.

2 DISCLOSURE OF MEMBERS' INTERESTS

There were no disclosures.

3 APOLOGIES

There were no apologies.

4 LATE ITEMS

There were no late items.

5 CONFIRMATION OF ORDER OF MEETING

File: 01-22-21

RESOLVED

1/09/26

That the order of the meeting be confirmed.

Councillor Scaramuzza / Councillor Sharpe

6 VISITORS

There were no visitors.

7 MINUTES OF PREVIOUS MEETING

File: 01-22-21

Minutes of meeting held on 31 March 2009 were included in the agenda.

RESOLVED

1/09/27

That the minutes of the meeting of the Waipa District Council held on 31 March 2009 be confirmed as a true and accurate record, subject to the word 'commented' to be changed to 'commended' in Item 8.

Councillor Taranaki / Councillor Thomas

Councillor Barnes raised a possible purchase of 21 Leslie Street, Kihikihi for community purposes. She said the property is surrounded by Council land to the north and south whilst the remaining sides are bound by a road and a service lane. Mayor Livingston said staff could investigate the possible purchase and report back to Council.

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

File: 75-09-06

Councillor Cox attended the Te Awamutu Museum Trust Board meetings and Councillor Hoverd attended a biodiversity community group day and spoke on behalf of Council.

9 USE OF COUNCIL SEAL

File: 01-22-30

Council policy and delegated authority provides for use of the Council seal prior to notification to Council in specified cases.

Documents to which the Council seal has been applied under authority delegated to the Chief Executive, Group Manager Environmental Services, Planning Services Manager, Environmental Safety Manager, Senior Planner, or Project Planner in accordance with Council Policy during March 2009.

RESOLVED

1/09/28

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

Councillor Taranaki / Councillor Scaramuzza

Documents Sealed by Chief Executive

Sale and Purchase Agreements

- a) *Sale and Purchase Agreement – N & F Gunn*
File Reference – UR31/069
Resolution Number – 2/09/26
- b) *Sale and Purchase Agreement – Amber Views Limited*
File Reference – UR 25/25,26,27 & 504 – 90-02-25
Resolution Number – 1/03/324
- c) *Sale and Purchase Agreement – S Mackinder*
File Reference – 04652.111.05
Resolution Number – 2/09/26
- d) *Sale and Purchase Agreement – Maungatautari Ecological Island Trust*
File Reference – 04652/111.05
Resolution Number – 2/09/26

Other Documents

- e) *Agreement of Lease – Cambridge Softball Association Inc*
File Reference – 04361/626.00
Policy Number – s.5 (1) (b)
- f) *Compensation Certificate – T & M Dearing & G O'Brien*
File Reference – 04552/784.00
Resolution Number – 1/5/201
- g) *Compensation Certificate – TMG Mercantile Ltd*
File Reference – 04552/791.00
Resolution Number – 1/5/201
- h) *Memorandum of Agreement – I McDonald*
File Reference – 04552/373.01
Resolution Number – 1/5/201
- i) *Memorandum of Agreement – V & B Page*
File Reference – 04552/205.00
Resolution Number – 1/5/201

- j) *Memorandum of Agreement – A Barakat*
File Reference – 04552/191.00
Resolution Number – 1/5/201
- k) *Memorandum of Agreement – K Ashcroft*
File Reference – 04552/004.00
Resolution Number – 1/5/201
- l) *Memorandum of Agreement – B & J Boon*
File Reference – 04552/204.00
Resolution Number – 1/5/201
- m) *Memorandum of Agreement – J Haira*
File Reference – 04552/025.00
Resolution Number – 1/5/201
- n) *Memorandum of Agreement – T & E Ritchie*
File Reference – 04552/007.00
Resolution Number – 1/5/201
- o) *Memorandum of Agreement – T & S Swift*
File Reference – 04552/219.00
Resolution Number – 1/5/201
- p) *Memorandum of Understanding – T & M Dearing & G O'Brien*
File Reference – 04552/784.00
Resolution Number – 1/5/201
- q) *Transmission of Ownership – Waipa County Council*
File Reference – 04552/019.00
Policy Number – 1.71
- r) *Transmission of Ownership – Te Awamutu Borough Council*
File Reference – 04492/180.00
Policy Number – 1.71

Liquor Licenses

- s) *General Manager's Certificate – RM Hitchcock*
File Reference – 33-26-02
Policy Number – 1.7.19
- t) *General Manager's Certificate – AM Gisler*
File Reference – 33-26-02
Policy Number – 1.7.19
- u) *General Manager's Certificate – JD Harrison*
File Reference – 33-26-02
Policy Number – 1.7.19
- v) *General Manager's Certificate – L Paton*
File Reference – 33-26-02
Policy Number – 1.7.19

- w) *General Manager's Certificate – PG Takhar*
File Reference – 33-26-02
Policy Number – 1.7.19
- x) *General Manager's Certificate – SJ Dick*
File Reference – 33-26-02
Policy Number – 1.7.19
- y) *General Manager's Certificate – HL Broughan*
File Reference – 33-26-02
Policy Number – 1.7.19

10 FINANCIAL REPORT FOR THE PERIOD ENDED 31 MARCH 2009

File: 01-84-16

Financial Report for Period Ended 31 March 2009 was included in the agenda.

Group Manager – Finance & Corporate Services provided Council with an overview of the Financial Report.

RESOLVED

1/09/29

That the Financial Report for the period ended 31 March 2009 from Group Manager – Finance, be received.

Councillor Cox / Councillor Webber

11 THIRD QUARTERLY REPORT FOR 2008/09 FOR THE PERIOD ENDED 31 MARCH 2009

File: 01-84-16

Third Quarterly Report for 2008/09 for the period ended 31 March 2009 was included with the agenda.

Group Manager – Finance & Corporate Services outlined the Third Quarterly Report and said that it was a challenging budget due to the changes in the economic climate. In response to a question regarding seal extensions, Group Manager – Engineering Service Delivery said that un-sealable roads were to be identified in a list that is available to the public.

Members discussed the testing of water supply and pressure to ensure compliance with the Fire Service Standards which is currently contracted out and Group Manager – Engineering Service Delivery said that if an area of concern is identified then the Fire Service is notified immediately in case of an emergency. Members discussed the appropriateness of the Fire Service conducting the testing which would ensure familiarity with the locations of the hydrants.

RESOLVED

1/09/30

That the Group Manager – Engineering Service Delivery be given leave to put aside the WDC procurement policy in order to negotiate with the NZ Fire Service a service contract for the marking and testing of fire hydrants.

Councillor Lee / Councillor Newlands

Members discussed the enforcement report, in particular the use of skateboards, bicycles and mobility scooters on urban footpaths. Deputy Chief Executive said that a concerted effort would be made by Council's enforcement officers over the last financial quarter culminating in a report at the end of that time.

RESOLVED

1/09/31

That the Nine Months report for the period ended 31 March 2009 be received.

Councillor Cox / Councillor Scaramuzza

The meeting adjourned for the morning tea break at 10.17am and reconvened at 10.37am.

12 LOCAL GOVERNMENT NEW ZEALAND – ANNUAL CONFERENCE, CHRISTCHURCH

The Chief Executive said that it is Council's practice for up to four councillors to attend the Conference and he said that one executive staff member would attend as well. He then said that it would be appropriate for Mayor Livingston and Deputy Mayor Lee to attend which would allow two councillors to attend as well.

Mayor Livingston said that councillors Newlands, Thomas, Webber and Scaramuzza were due to attend as they had not attended a Conference recently. Councillor Scaramuzza said that he was unable to attend the Conference due to prior commitments.

Members noted that the Conference clashes with a Regulatory Committee meeting although the Council meeting has been moved to ensure that councillors are able to attend.

RESOLVED

1/09/32

That the Mayor discuss and determine the attendance with councillors as to who will attend the 2009 Local Government Conference with the Mayor and Deputy Mayor.

Mayor Livingston / Councillor Lee

13 AMENDMENTS TO DEVELOPMENT CONTRIBUTION DELEGATIONS

File: 02-13-08/1

Report of Senior Planner dated 3 April 2009 was included in the agenda.

RESOLVED

1/09/33

That

- a) *the report of Terrena Kelly, Senior Planner dated 3 April 2009 be received;*
- b) *Effective 1 July 2009, the Council delegates its powers, functions and duties in respect of Council's Development Contributions Policy as per the development contribution delegations set out below:*

DEVELOPMENT CONTRIBUTION DELEGATIONS

GENERAL DELEGATION

1. *Under clauses 32 and 32B of Schedule 7 of the Local Government Act 2002, the Council delegates its powers, functions and duties in respect of Council's Development Contributions Policy as set out below.*

DELEGATION TO THE POLICY COMMITTEE

2. *The Council delegates to the Policy Committee its functions, powers and duties in relation to hearing submissions on and determining proposed amendments to the Development Contributions Policy.*

DELEGATION TO THE REGULATORY COMMITTEE

3. The Council delegates to the Regulatory Committee:
- 3.1 Its functions, powers and duties in relation to hearing and determining applications for remission of the Development Contributions Policy where:
- 3.1.1 the remission sought is greater than \$10,000; or
- 3.1.2 the recommended remission is greater than \$10,000;
or
- 3.1.3 the applicant requests a hearing.
- 3.2 All the levels of authority (ie, 1, 2 and 3) set in paragraph 5 below.
- 3.3 The power to hear and determine any other matter arising from the operation and administration of the Development Contributions Policy. The Regulatory Committee does not have the authority to change the Development Contributions Policy but can make recommendations to Council.

OTHER DELEGATIONS

- 4 The Council delegates to the Officers below, all the Council's functions, powers and duties in relation to the Development Contributions Policy (except the functions, powers and duties described in delegation 3.1).

LEVELS OF AUTHORITY

Chief Executive Deputy Chief Executive	Level 1
Senior Managers (where Chief Executive or Deputy Chief Executive unavailable) <u>At least two of the following managers, acting jointly:</u> Group Manager Environmental and Community Services Group Manager Finance and Corporate Services Group Manager Infrastructure Management and Planning Group Manager Engineering Service Delivery Group Manager Strategic Policy and Planning	Level 1
Senior Planner –Development Contributions Planning Services Manager Senior Planner Building Services Manager Development Engineering Manager	Level 2
Planning Officer Project Planner Building Control Officer Senior Building Control Officer Engineer	Level 3

- 5 The following functions, powers and duties may only be exercised by the Regulatory Committee or Authorised Officer with the following specified level of authority or higher.

Function, Power or Duty	Level of Authority Required
<i>Determine development contributions assessment for non-residential development over 500m².</i>	Level 1
<i>Determine request for guarantee or development agreement.</i>	Level 1
<i>Authorise development agreement.</i>	Level 1
<i>Determine application for remission where no hearing required or requested.</i>	Level 1
<i>Administer refund provisions in all other cases.</i>	Level 1
<i>Assess non-residential development (retail, commercial, industrial) over 500m² and make recommendation to Level 1 Officer.</i>	Level 2
<i>Assess non-residential development (non-retail, non-commercial, non-industrial) over 500m² and make recommendation to Level 1 Officer.</i>	Level 2
<i>Re-assess development on or after 12 months of date of Development Contribution Notice.</i>	Level 2
<i>Determine development contributions assessment for all residential development and non-residential development under 500m².</i>	Level 2
<i>Determine whether development contributions are paid in land or money.</i>	Level 2
<i>Require special assessment.</i>	Level 2
<i>Require land valuation.</i>	Level 2
<i>Consider request for a guarantee and make recommendation to Level 1 Officer.</i>	Level 2
<i>Consider a request for development agreement and make recommendation to Level 1 Officer.</i>	Level 2
<i>Consider application for remission and make recommendation to Level 1 Officer.</i>	Level 2
<i>Administer refund provisions where development does not proceed or where Council does not provide specified reserve within 10 years.</i>	Level 2

<i>Function, Power or Duty</i>	<i>Level of Authority Required</i>
<i>Require developer to prove that it is the Crown.</i>	<i>Level 2</i>
<i>Authorise withholding of section 224(c) certificate, code compliance certificate or physical service connection if development contribution not paid.</i>	<i>Level 2</i>
<i>Register outstanding development contributions as charges against subject land.</i>	<i>Level 2</i>
<i>Administer development contributions systems.</i>	<i>Level 2</i>
<i>Assess residential development and make recommendation to Level 2 Officer.</i>	<i>Level 3</i>
<i>Assess non-residential development (retail, commercial, industrial) under 500m² and make recommendation to Level 2 Officer.</i>	<i>Level 3</i>

Councillor Thomas / Councillor Webber

14 PROPOSED TEMPORARY ROAD CLOSURES ON SECTIONS OF BUCKLAND, TAOTAOROA, MAUNGATAUTARI, PLANTATION, OREIPUNGA, STOKES AND THE WHOLE OF HEAD ROAD, AOTEAROA AND MANGARE ROADS FOR THE 2009 TARGA CAR RALLY EVENT

File: 55-21-02

RESOLVED

1/09/34

That as provided by s319(h), s342 of the Local Government Act 1974 and s11 and 11(e) of Schedule 10 of the same Act the roads and parts of roads described below be closed temporarily on the dates and time shown below for the purpose of the 2009 Targa Car Rally and the required public notice of Council's decision be given accordingly:

- *Aotearoa Road from a point on Aotearoa Road 140 metres south of Waipapa Road to the southern boundary of Waipa District on Sunday 14 June 2009 from 8.30am to 1.30pm*
- *Mangare Road from Rotongata Road to the southern boundary of Waipa District on Sunday 14 June 2009 from 8.00am to 1.00pm*
- *Buckland Road from Karapiro/Taotaoroa Road to the eastern boundary of Waipa District. Taotaoroa Road from Buckland/Karapiro Road to the eastern boundary of Waipa District on Sunday 14 June 2009 from 1.00pm to 5.30pm*

- *Maungatautari Road from the Horahora Domain (200 metres south east of State Highway 1) to Plantation Road, Plantation Road from Maungatautari Road to Oreipunga Road, Oreipunga Road from Plantation Road to Maungatautari Road, Maungatautari Road from Oreipunga Road to Stokes Road, Stokes Road from Maungatautari Road to Head Road, the whole of Head Road from Stokes Road to Maungatautari Road, Maungatautari Road from Head Road to Taane Road on Sunday 14 June 2009 from 10.30am to 3.00pm*
- *Any side road, intersecting with parts of the roads proposed for closure for a distance of 100 metres from its intersection with the roads proposed to be closed.*

Councillor Lee / Councillor Jull

15 CAMBRIDGE COMMUNITY SPORTS HALL – CAMBRIDGE HIGH SCHOOL

File: 4445/277.00

RESOLVED

1/09/35

That

- a) *Council confirms a grant of \$1,800,000 to the Cambridge High School Board of Trustees'*
- b) *Council enters into a 33 year lease of the facility from the Cambridge High School BOT;*
- c) *Council provide a licence to occupy the Cambridge High School BOY for 33 years;*
- d) *Council enters into a management and administration agreement with the Cambridge High School BOT for 33 years for the Community Sports Hall; and*
- e) *The Chief Executive be authorised to sign all necessary documents to give effect to the resolutions (b) to (e) above.*

Councillor Taranaki / Councillor Scaramuzza

16 GRANT A LEASE OF TE AWAMUTU STADIUM, ANCHOR PARK & SHERWIN PARK, TE AWAMUTU

File: 04482/108.00

RESOLVED

1/09/36

That

- a) *Council grant a lease of the Te Awamutu Stadium, Anchor Park and Sherwin Park to the Te Awamutu Association Football Club Incorporated for the purpose of providing sporting facilities for a term of five (5) years, with two (2) right of renewal for five (5) years each, and otherwise on the terms and conditions of Council's Community Leases Policy.*
- b) *The Common Seal of the Waipa District Council be affixed to the lease documents.*

Councillor Jull / Councillor Barnes

17 PURCHASE APPROXIMATELY 2.7 HECTARES ADJACENT TO THE FORMER TE AWAMUTU MARIST RUGBY GROUNDS

File: 01-31-10

RESOLVED

1/09/37

That

- a) *Council approve the purchase of approximately 2.7 hectares (being part of Lot 1 DPS 15889) to be amalgamated with the former Te Awamutu Marist Rugby Grounds (being Lot 1 DPS 90904 CT SA 70A/271) for a value supported by registered valuation;*
- b) *The purchase of the land be conditional upon Council obtaining:*
 - i *subdivision consent for amalgamation of the 2.7 hectares into Council's adjoining site (the former Te Awamutu Marist Rugby Grounds); and*
 - ii *land use consent for the completion of any physical site works necessary for Council's intended use of the land*

- c) *Council authorise staff to complete all steps necessary to subdivide the land and amalgamate with the adjoining Council land (being Lot 1 DPS 90904 CT SA 70A/271);*
- d) *The purchase of the property be funded by loan; and,*
- e) *The Common Seal of the Waipa District Council be affixed to all the sale, transfer and subsequent lease documents.*

Councillor Hoverd / Councillor Barnes

18 PROPOSAL TO PURCHASE LAND FOR DEPOT AND OFFICE/VISITOR CENTRE IN PUKEATUA

File: 60-12-18

RESOLVED

1/09/38

That

- a) *Council approve the purchase of approximately 0.5524 square metres of land (being Lot 1 DPS 86079 and Section 23) for a value supported by a third and new registered valuation;*
- b) *The purchase of the land be conditional upon the Maungatautari Ecological Trust (the "Trust") entering into an agreement with Council (satisfactory to Council in all respects) that includes -*
 - i. *an agreed buy-back of the property by the Trust at a future date;*
 - ii. *a lease of the property to the Trust prior to buy-back with the Trust to meet all costs of ownership (incl. interest lost from investing the Asset Sales Reserve, rates, insurance and maintenance) during that period;*
- c) *the Trust obtaining all necessary consents (including Resource Consent) to operate from the site.*
- d) *The Chief Executive be given authority to execute the agreement on behalf of Council;*
- e) *The purchase of the property be loan funded and the subsequent sale proceeds will be used to repay the loan; and,*
- f) *The Common Seal of the Waipa District Council be affixed to all the sale, transfer and subsequent lease documents*

Councillor Webber / Councillor Cox

19 SUBMISSION TO ENVIRONMENT WAIKATO

File: 01-91-08

Submissions prepared and forwarded to Environment Waikato on the Long Term Council Community Plan 2009-19 and the Draft Regional Land Transport Programme were included in the agenda.

RESOLVED

1/09/39

That the information be received.

Councillor Lee / Councillor Jull

20 WAIPA HERITAGE COUNCIL: RECOMMENDATIONS TO COUNCIL

File: 65-11-02

At its meeting on 19 February 2009, the Waipa Heritage Council passed the following recommendation:

That the Waipa Heritage Council request Council organise an appropriate celebration to commemorate the centenaries of the Cambridge Town Hall (16 December 2009) and Courthouse (9 September 2009) and any proposed improvements to these buildings, be completed with consideration of these celebrations.

Deputy Chief Executive said that Council, the focus group and the Community Board have been working on the upgrades and that a ceremony is being planned for between September and December.

At its meeting on 16 April 2009, the Waipa Heritage Council passed the following recommendation:

That the Waipa Heritage Council recommends that Council ensure the former Waipa County Chambers, in its role as a local government building, be appropriately interpreted.

Deputy Chief Executive said that staff would make contact with the property owner and arrange an interpretive sign which appropriately acknowledges the importance of the building to the District.

21 CAMBRIDGE COMMUNITY BOARD: RECOMMENDATIONS TO COUNCIL

File: 01-21-14

RESOLVED

1/09/40

That Council staff work with the Cambridge Community Board to determine the conversion of six car parks adjacent to the disabled car park on Queen Street outside the public toilets (Superloo) to cater for buses regularly stopping to allow passengers to use this facility and to determine the extension of a parallel recessed parking area towards the Queen and Dick Streets intersection, to create more car parks.

Councillor Lee / Councillor Webber

22 TE AWAMUTU COMMUNITY BOARD: RECOMMENDATIONS TO COUNCIL

File: 01-21-13

At its meeting on 7 April 2009, the Te Awamutu Community Board made no recommendations to Council.

23 RESOLUTION TO EXCLUDE THE PUBLIC

File: 01-37-01

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

RESOLVED

1/09/41

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

Councillor Taranaki / Councillor Simmons

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
24	Report provided separately	Maungatautari Ecological Island Trust: Guarantee	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		
24	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	Section 7(2) (i)

24 MAUNGATAUTARI ECOLOGICAL ISLAND TRUST: GUARANTEE

This item was taken with the public excluded.

The public were readmitted to the meeting at 12.36pm.

RESOLVED

1/09/42

That the nature of the project and facility created by the Trust is of particular importance to the Waipa District and Region and, given the circumstances that Council finds itself in, the issue of a guarantee to Maungatautari Ecological Island Trust be approved.

Councillor Cox / Councillor Barnes

There being no further business the meeting closed at 12.39pm.

CONFIRMED

.....

Mayor