

Time: 9.00am
Date: Tuesday 26 April 2011
Venue: Council Chambers, Waipa District Council, 101 Bank Street, Te Awamutu

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Minutes of Previous Meetings – 29 March 2011	2 (11 – 23)
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AGENDA ITEMS

Opening Prayer

1 MEMBERS

Chairperson

His Worship the Mayor AD Livingston

Members

EH Barnes, DG Finn, ML Gower, LWE Hoverd, SDC Milner, GG Scaramuzza, DL Sharpe, GW Simmons, BJ Taranaki, BS Thomas, GRP Webber, VT Wilson

2 APOLOGIES

3 DISCLOSURE OF MEMBERS' INTERESTS

4 VISITORS

5 MINUTES OF PREVIOUS MEETING

Pages: 11 - 23

Recommendation

That the minutes of the meetings of the Waipa District Council held on Tuesday 29 March 2011, having been circulated, be taken as read and confirmed as a correct record.

6 LATE ITEMS

7 CONFIRMATION OF ORDER OF MEETING

Recommendation

That the order of the meeting be confirmed.

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

File: 75-09-06 / Page: No Papers

Councillors who have attended a Conference, Seminar or Meeting on behalf of Council may present a report to Council.

9 USE OF COUNCIL SEAL

File: 01-22-30

Page: No Papers

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

Documents to which the Council seal has been applied under authority delegated to the Chief Executive, Group Manager Planning & Community Relations, Manager Planning & Regulatory, Manager Legal & Corporate Support, Environmental Health Services Team Leader, Senior Planner, Project Planner or Manager Property Services in accordance with Council Policy during March 2011.

Recommendation

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

Liquor Licenses

- a) *General Manager's Certificate – N O Reynolds*
File: 33-26-02
Pol Ref: 1.7.9

- b) *General Manager's Certificate – N B Sutcliffe*
File: 33-26-02
Pol Ref: 1.7.19

- c) *General Manager's Certificate – T T Nelly*
File: 33-26-02
Pol Ref: 1.7.19

- d) *General Manager's Certificate – R A Melgrew*
File: 33-26-02
Pol Ref: 1.7.19

- e) *General Manager's Certificate – R Cox*
File: 33-26-02
Pol Ref: 1.7.19

- f) *General Manager's Certificate – K A Bush*
File: 33-26-02
Pol Ref: 1.7.19

- g) *On Licence – Torah Limited trading as The Pioneer, Te Awamutu*
File: 33-26-02
Pol Ref: 1.7.19

- h) *On Licence – De Savoya Ltd trading as The Deli on the Corner, Cambridge*
File: 33-26-02
Pol Ref: 1.7.19

- i) *Off-Licence – G B & S Aitchison trading at Leamington Maxi Mart, Cambridge*
File: 33-26-02
Pol Ref: 1.7.19

10 ELECTED MEMBER EXPENSE AND ALLOWANCE RULES AND 2011/12 REMUNERATION POOL

File: 75 – 09-02
Pages: 25 - 31

The Remuneration Authority is seeking Council's recommendations in regard to elected member expense and allowance rules and the allocation of the 2011/12 remuneration pool.

The matter of recommending elected member expense and allowance rules was left 'lying on the table' at the 14 December 2010 meeting of Council due to concerns with the Authority's new direction for mileage reimbursements and communications allowance. These concerns were taken up with the Remuneration Authority and the position is now clear. The Remuneration Authority has accommodated the concerns on the communications allowance and has confirmed that the draft rules set out in Appendix 1 will be approved, if they are provided to it as a formal Council recommendation.

The remuneration pool for 2011/12 for Council has increased to \$369,885 from the current year's level of \$349,914, a 5.7% increase. Council staff recommend that this is pro-rated across all elected members. This gives every elected member an equal 5.7% increase and preserves the relativities recently established in the March 2011

Determination. The Authority has indicated its intention to review remuneration issues over the next 12 months with any change to be focussed on the 2012/13 year.

Recommendations for the allocation of the remuneration pool are also required from the two Community Boards at their May meetings.

Recommendation

That

- a) *The report of Group Manager Business Support Ken Morris be received.*
- b) *the draft Waipa District Council Elected Member Expense and Allowance Rules as set out in Appendix 1 (document number 11028042), be approved for recommendation to the Remuneration Authority for application to the 2010/11 post-election period and the 2011/12 year;*
- c) *Council recommends the following remuneration levels to the Remuneration Authority for payment of Waipa District Council elected members in the 2011/12 year:*

Position	Recommended Remuneration 2011/12
<i>Deputy Mayor/Committee Chairperson/Community Board appointee</i>	<i>\$32,300</i>
<i>Committee Chairperson</i>	<i>\$29,085</i>
<i>Councillor</i>	<i>\$25,366</i>
<i>Committee Chairperson/Community Board appointee</i>	<i>\$30,442</i>
<i>Councillor/Community Board appointee</i>	<i>\$28,299</i>
<i>Community Board Chairperson</i>	<i>\$12,685</i>
<i>Community Board Elected Member</i>	<i>\$6,874</i>

11 GRANTING OF AN EASEMENT OVER THE CAMBRIDGE TOWN BELT TO RESTHAVEN TRUST BOARD INCORPORATED

File: 01-95-02/1

Pages: 33 - 61

Council received a request from Resthaven Trust Board Incorporated ('RTB') to consider the granting of an easement in their favour over the Cambridge Town Belt, to enable RTB to expand their rest home facilities. The proposed access easement (shown on the map attached as Appendix 4 of the staff report) is adjacent to their existing property, which will link to a planned new development on land to the west and across the Town Belt.

The request was presented to Council at its meeting on 14th December 2010, where Council passed a resolution to publicly notify its intention to consider the granting of an easement over the Town Belt – Appendix 5 of the staff report. Council staff placed an advertisement in the Cambridge Edition calling for submissions on the proposal on 26th January 2011 (copy attached as Appendix 1 of the staff report).

Two submissions were received shortly before the submission period closed on 4th March 2011, one in support (copy attached as Appendix 3 of the staff report) and one in opposition (copy attached as Appendix 2 of the staff report). Council staff and the Mayor have made numerous attempts to set up a meeting with Waikato Tainui Te Kauhanganui Incorporated (Waikato Tainui) to discuss the submission in opposition to the proposal. Unfortunately, it has not been possible to hold a meeting due to the unavailability of key Waikato Tainui representatives. It is not possible to delay the process any further to accommodate a discussion, as there is a need to bring this matter to Council for consideration at this time. This is due to time constraints imposed through contractual arrangements entered in to by RTB, which has been advised to Waikato Tainui. Also a result of Council receiving these submissions, there is a statutory requirement for Council to consider the submissions at a public hearing.

The submission from Cambridge Tree Trust is supportive of the proposal, as the Trust sees an opportunity for this part of the Town Belt to be developed in to attractive community recreation and garden areas. Council staff have considered the submission and recommend it be accepted.

The submission from Waikato Tainui is based on a claim that the reserve is residual Crown land under the Waikato Raupatu Claims Settlement Act 1995, which gives Waikato Tainui sufficient standing to make an objection. Waikato Tainui has a statutory right to acquire residual Crown land where that land is disposed of in certain circumstances. In this case Waikato Tainui asserts that it has an interest and that creation of new third party property rights, through an easement over the reserve, would be at the expense of this interest.

To protect its interest, Waikato Tainui have suggested that the reserve status be revoked and Council subsequently obtain un-encumbered title through Waikato Tainui. Council staff have considered the claim and also sought legal advice on the matter. As a result of this advice, Staff consider that the rights on disposal would only be triggered in this instance if the reserve status of the Town Belt in this location is revoked, which is not anticipated by Council. Granting an easement in itself under the Reserves Act 1977 does not amount to disposal. The proposed easement can be granted under 48 of the Reserves Act, subject to completion of the required processes under the Act. Council staff recommend that the easement be granted, but also recommend that Council accept Waikato Tainui's third submission point for a notation of its rights to acquire residual Crown land to be put on the title.

Having given full consideration to the submissions, if Council wishes to proceed to grant the proposed easement, the decision will be subject to the consent of the Minister for Conservation.

The Minister for Conservation is to be provided with a copy of Council's resolution, a summary of submissions and objections, and the extent to which the submissions have been accepted or not accepted.

The Minister's role is limited to either consenting to or declining consent to Councils granting of the easement. The Minister does not have the authority to deal with the objections or allow or not allow these in the case of a vested reserve.

Recommendation:

That

- a) *The report of the Manager Property Service, Colin Windleborn be received;*
- b) *Council accept the submission from the Cambridge Tree Trust as set out in the Schedule below;*
- c) *Council accepts part 3 but not parts 1 and 2 of the submission from Waikato Tainui Te Kauhanganui Incorporated, as set out in the Schedule below;*

Schedule of Submissions

Cambridge Tree Trust

The Cambridge Tree Trust has made a submission supporting Council granting the proposed Easement for the following reasons:

- 1) *Cambridge Tree Trust have intensively planted the area with trees and daffodils and are finding that the present grazing arrangements are unsatisfactory for them.*
- 2) *The Cambridge Tree Trust sees the reserve area between the proposed access easement and State Highway 1 as being the gateway to Cambridge with the area being more intensively planted in gardens and trees with the public having a car park in order to utilise paths and gardens.*
- 3) *Cambridge Tree Trust also see the concept of a community Garden in the proximity will also have positive benefits or opportunities for local residents.*

Waikato Tainui Te Kauhanganui Incorporated (Waikato-Tainui)

Waikato-Tainui have made a submission opposing Council granting the proposed Easement for the following reasons:

- 1) The land is residual Crown land and the granting of an easement under the Reserves Act 1977 to a third party will infringe its rights to acquire that land on disposal under the Waikato Raupatu Claims Settlement Act 1995 .*
 - 2) Waikato Tainui have suggested that in order to extinguish this settlement redress obligation, Council seek to have the reserve designation uplifted and subsequently obtain unencumbered title through Waikato Tainui with the settlement obligation discharged.*
 - 3) Waikato Tainui request that Council arrange for noting its right to acquire the residual Crown land on the title in accordance with section 13 of the Waikato Raupatu Claims Settlement Act 1995.*
- d) Council grant an easement in favour of Resthaven Trust Board Incorporated across the Cambridge Town Belt from the current Resthaven facilities to a property to the west on the other side of the Town Belt, pursuant to section 48 of the Reserves Act 1977 for the following reasons (subject to any amendments):*
- Council does not contemplate that the reserve status of the land would ever be revoked or that the land would no longer be required and disposed of;*
 - The reserve is not likely to be materially altered or permanently damaged;*
 - The rights of the public in respect of the reserves are not likely to be permanently affected; and*
 - The proposed easement is within the authority contained in Section 48 of the Reserves Act 1977, subject to the completion of the processes under the Reserves Act; and*
- e) Council apply to the Minister of Conservation for consent to grant an easement under the Reserves Act 1977, being the draft proposed easement attached as Appendix 4 (document number 11028339).*

13 MIGHTY RIVER DOMAIN & KARAPIRO RESERVES COMMITTEE - RECOMMENDATIONS TO COUNCIL

File:

Page: No Papers

At its meeting on 21 February 2011, the Mighty River Domain & Karapiro Reserves Committee made recommendation to Council.

This was the first meeting of the Committee following the triennial elections and the Chairperson took the opportunity to review the purposes of the Committee.

That the Mighty River Domain and Karapiro Reserves Committee recommend to Council that the following amendments be made to the "Purposes" of the Committee:

- *To advise Council on the management of the Mighty River Domain, Lake Karapiro*
- *To advise Council on the implementation of the Karapiro Lake Domain Reserve Management Plan.*
- *To advise Council on the management, environmental, culture or other issues as they relate to Lakes Karapiro and Arapuni.*

Staff Comment:

Council can approve the change to the Committee's delegations by resolution at any time if it wishes. The relevant Council documents would need to be updated.

Recommendation

That Council make the following amendments to the Purposes of the Mighty River Domain and Karapiro Reserves Committee and that appropriate Council documentation be updated:

- *To advise Council on the management of the Mighty River Domain, Lake Karapiro*
- *To advise Council on the implementation of the Karapiro Lake Domain Reserve Management Plan.*
- *To advise Council on the management, environmental, culture or other issues as they relate to Lakes Karapiro and Arapuni.*

13 CAMBRIDGE COMMUNITY BOARD – RECOMMENDATIONS TO COUNCIL

File:

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At its meeting on 6 April 2011, the Cambridge Community Board made no recommendations to Council.

14 TE AWAMUTU COMMUNITY BOARD – RECOMMENDATIONS TO COUNCIL

File:

Page: No Papers

At its meeting on 12 April the Te Awamutu Community Board made no recommendations to Council.