

Time: 9.00am
Date: Tuesday 30 August 2011
Venue: Council Chambers, Waipa District Council, 101 Bank Street,
Te Awamutu

1 PRESENT

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

Others

Chief Executive - G Dyet, Group Manager Business Support - K Morris, Group Manager Planning & Community Relations - R McNeil, Group Manager Service Delivery - B Bergin, Manager Finance - K Perumal, Policy Analyst - E Swete, Senior Communications Advisor - L Nairn, Financial Accountant - S Paterson (item 11), Senior Planner – S Des Forges (item 12), Governance Support Senior – C Shaw

Press and Public – 4

2 APOLOGIES

There were no apologies.

3 DISCLOSURE OF MEMBERS' INTERESTS

There were no new disclosures.

4 VISITORS

Council's Auditor Clarence Susan was in attendance for item 11 and two submitters for item 10.

5 MINUTES OF PREVIOUS MEETING

RESOLVED

1/11/56

That the minutes of the meetings of the Waipa District Council held on Tuesday 26 July 2011, having been circulated, be taken as read and confirmed as a correct record.

Cr Finn/Cr Thomas

6 LATE ITEMS

There were no late items.

7 CONFIRMATION OF ORDER OF MEETING

RESOLVED

1/11/57

That the order of the meeting be confirmed.

Cr Hoverd/Cr Gower

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

File: 75-09-06

Cr Simmons commended the Gold Medal and other performances that Te Awamutu competitors had achieved at the World Kickboxing Championships.

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 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 Analyst Planning, Consents Team Leader, Project

Planner or Manager Property Services in accordance with Council Policy during July 2011.

RESOLVED

1/11/58

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

Cr Finn/Cr Gower

Documents Sealed by Chief Executive

Sale and Purchase Agreements

There were no Sale and Purchase agreements.

Other Documents

- a) *Boundary Definition: Waipa Racing Club Incorporated*
File: P63723
Res: *Delegations Register 6.1(b) tenancies, leases and licences for up to 5 years*
(Subdivision Consent for Lots 1 and 2 being a subdivision of Lot 4 DP 424188 and Lot 6 DP424188)

- b) *Shareholders Resolution: WRAL*
File: 40-13-01)
Res: *Resolution of Council*
(Establishment of the Regional Tourism office as a subsidiary company to the Waikato Regional Airport Limited)

- c) *Deed of Renewal of Lease: Kawhia Art Collective*
File: 04605/003.00
Res: *Delegations Register 6.1(b) tenancies, leases and licences for up to 5 years*
(Deed of Renewal of Lease of premises at Franklin Street, Pirongia being lot 2, DPS 86240)

Liquor Licenses

- d) *General Manager's Certificate – D Irwin*
File: 33-26-02
Pol Ref: 1.7.19

- e) *General Manager's Certificate – A P Singh*
File: 33-26-02
Pol Ref: 1.7.19

- f) *General Manager's Certificate – P M Cox*
File: 33-26-02
Pol Ref: 1.7.19
- g) *General Manager's Certificate – D R King*
File: 33-26-02
Pol Ref: 1.7.19
- h) *General Manager's Certificate – B J Sullivan*
File: 33-26-02
Pol Ref: 1.7.19
- i) *General Manager's Certificate – R F A Foster*
File: 33-26-02
Pol Ref: 1.7.19
- j) *General Manager's Certificate – YAS Yan Li*
File: 33-26-02
Pol Ref: 1.7.19
- k) *General Manager's Certificate – L K Robson*
File: 33-26-02
Pol Ref: 1.7.19
- l) *General Manager's Certificate – R S Banks*
File: 33-26-02
Pol Ref: 1.7.19
- m) *Club Licence - Kihikihi Rugby Sports Club Incorporated, Kihikihi*
016/CL/0001/11
File: 33-26-02
Pol Ref: 1.7.19
- n) *Off Licence – McArthur Holdings Limited, 670 Cambridge Road, Te Awamutu,*
- known as "Henry's"
016/OFF/0003/11
File: 33-26-02
Pol Ref: 1.7.19
- o) *Off Licence – Joy Lindsay Enterprises Limited – trading as "Joy's Place"*
016/OFF/0003/11
File: 33-26-02
Pol Ref: 1.7.19

Planning Documents sealed by Manager Planning & Regulatory, Senior Analyst Planning, Team Leader Consents or Project Planner

There were no planning documents.

10 PROPOSED AMENDMENT TO WAIPA DISTRICT COUNCIL'S TREASURY MANAGEMENT POLICY AND TO THE LONG TERM COUNCIL COMMUNITY PLAN 2009-19

File: 01-9-42/19

At the request of His Worship The Mayor, Group Manager Business Support provided an assessment of the risks for Council in having an involvement with the Local Government Funding Agency (LGFA). He said that the sector regards this as a low risk. New Zealand has no history of local government debt default and this is considered a remote possibility. In the extraordinary event of a default the defaulting local authority and/or the trustees of its debenture trust deed would still have the power to rate and therefore any call on a cross-guarantee from other Council's would be expected to be a temporary matter while the relevant measures were put in place. Mr Morris said that the borrowing rules of the LGFA only require a guarantee from Council if it were to borrow in excess of \$20 million and given current borrowing arrangements and facility agreements it was expected to be a number of years before Council would be borrowing at those levels from the LGFA.

Council then heard submissions from:

Adrian Pyne from Fonterra
Bernard Westerbaan

Council commenced its deliberations at 9.40am.

RESOLVED

1/11/59

That

- a) The report of Emma Swete, Policy Advisor- Corporate and Community Planning be received; and*
- b) Pursuant to sections 93 and 102 of the Local Government Act 2002, and following consideration of submissions, the amendment to the Treasury Management Policy contained in Waipa District Council's Long Term Council Community Plan 2009-2019 be adopted, incorporating any revisions as a result of the hearings or deliberations; and*
- c) Council authorise the investment of \$100,000 into an establishment shareholding in the Local Government Funding Agency, being the minimum*

level of investment required by the Agency rules, such investment to be funded by district-wide endowment land reserve monies.

Cr Scaramuzza/Cr Finn

Cr Wilson asked that his vote against be recorded

11 ANNUAL REPORT FOR YEAR ENDING 30 JUNE 2011

File: 01-84-16

The Chief Executive introduced Council's Auditor Clarence Susan to the meeting and presented the Annual Report, highlighting a number of critical issues.

Group Manager Business Support presented the financial aspects of the report and answered questions for clarification. Group Manager Planning & Community Relations presented the non-financial aspects of the report and highlighted key projects that Council had listed.

Mayor Livingston invited Clarence Susan to comment from an Audit NZ perspective. Mr Susan said that once again the Audit had gone very well and only small changes were made to the report following the audit which highlights how well prepared Council was and how up to date with the finances, staff were. He said the non-financial reporting tells the story very well and indicates how well Council is in preparing and reporting on its activities. He said it was a pleasure to present an unmodified audit report on both the financial and non-financial performance of Council.

Mayor Livingston thanked Mr Susan for his comments and said that Council should take confidence in regard to the unmodified audit opinion, as this reflects well on Council and its staff.

Cr Webber wished to congratulate staff on another job well done.

RESOLVED

1/11/60

That

- a) *Pursuant to section 98 and Part 3 of Schedule 10 of the Local Government Act 2002, Council adopt the 2010/11 Annual Report for Waipa District Council (document number 11093933), subject to any further amendments and with the inclusion of the unqualified opinion to be received from Audit New Zealand.*
- b) *The Summary of the Annual Report for 2010/11 (document 11094091) be approved for public distribution with the inclusion of the unqualified opinion to be received from Audit New Zealand.*

Mayor Livingston/Cr Webber

The meeting adjourned for morning tea at 10.15am and reconvened at 10.49am

12 REVIEW OF THE ELECTORAL SYSTEM AND REPRESENTATION ARRANGEMENTS FOR WAIPA DISTRICT

File: 01-22-05

Group Manager Planning & Community Relations presented the review of the electoral system and representation arrangements for Waipa District and answered any questions for clarification. He outlined the process that would take place from here and highlighted the key milestone dates with regard to consultation.

RESOLVED

1/11/61

That

- a) *The report of the Senior Planner Sandra Des Forges be received;*
- b) *Council resolve that for the next two triennial general elections of the local authority and its community boards (if any) in 2013 and 2016, the same electoral system of First Past the Post (FPP) be used as for the previous triennial general election, and that public notification of that be given in accordance with the requirements of the Local Electoral Act 2001.*

Cr Barnes/Cr Gower

13 WAIKATO REGIONAL AIRPORT LIMITED: NOTICE OF ANNUAL GENERAL MEETING

Mayor Livingston said Council has been given notice that the Annual General Meeting of Waikato Regional Airport Limited will be held on Monday 17 October 2011. Council is to advise who will be its representative and proxy for the event. He said that he would be unable to attend this meeting so a proxy would need to be submitted for the Annual General Meeting.

RESOLVED

1/11/62

That Council appoint His Worship the Mayor (Alan Livingston), and in his absence the Deputy Mayor (Grahame Webber), as Council's Representative and Proxy, to vote on behalf of Council at the Annual General Meeting of Waikato Regional Airport Limited on 17 October 2011 and any adjournment of that meeting and any other meetings of the Waikato Regional Airport Limited that may be held prior to its next Annual General Meeting in 2012.

Cr Finn/Cr Taranaki

14 WAIPA DISTRICT COUNCIL SUBMISSION: PROPOSED REGIONAL RATE – NATIONAL CYCLING CENTRE

File 20-07-05/3

The Chief Executive said this item had been discussed at a Council workshop on 16 August 2011 and a draft submission had been prepared on the basis of that discussion. He said the submission was submitted as a draft to the Waikato Regional Council on the 22nd of August 2011 due to the close off date for submissions. Council was asked to confirm the submission that had been presented as a draft to the Regional Council.

RESOLVED

1/11/63

That Council confirms the submission dated 16 August 2011 from Council (document number 11086468), to the Waikato Regional Council on its proposal to fund the National Cycling Centre which:

- *reconfirms Council's support for the introduction of a regional rate to support the establishment of the National Cycling Centre as proposed by the Home of Cycling Trust*
- *confirms Council's preferred option for the Region-wide targeted rate (uniform charge) of \$3.18 per annum which is supported on the basis that Waipa District ratepayers are not differentiated from other ratepayers in the Waikato Region.*

Cr Sharpe/Cr Finn

[Crs Hoverd and Wilson asked that their votes against be recorded]

15 VICTORIA BRIDGE (HIGH LEVEL BRIDGE), CAMBRIDGE: UPDATE FROM MANAGER ROAD CORRIDOR

Ms Dawn Inglis, Manager Road Corridor, with the aid of a power point presentation, updated Council on issues relating to the Victoria Bridge in Cambridge. She said staff were awaiting a geotechnical report which would confirm the level of safety of the bridge. It was expected that this report would be available during the week beginning 5 September 2011. She said early indications pointed to a requirement for a solution involving "soil nailing" of the surface around the bridge supports and that 70 "nails" or more were likely to be required.

In response to a question regarding the availability of funding support from the New Zealand Transport Agency (NZTA), Ms Inglis advised that contact had been made with the Agency and there was a mechanism for providing financial support for emergency works which was considered by the Agency on a case by case basis. She said that

NZTA had indicated that it will support the work but that the level of subsidy was yet to be determined..

Discussion was held on the traffic management and the level of frustration that the Community was feeling due to the bridge being closed. Ms Inglis advised that the traffic management plan was being continually reviewed.

RESOLVED

1/11/64

That the information be received.

Cr Taranaki/Cr Thomas

16 RESOLUTION TO EXCLUDE THE PUBLIC

Page: No Papers

File: 01-37-01

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

Discussion was held as to the reasons for excluding the public from discussions in relation to item 18 on the Cambridge Covered Pool Fundraising. It was reported that the associated report and presentation contained sensitive information around a possible “cornerstone” funder and contract prices from a number of potential contractors.

RESOLVED

1/11/65

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

The general subject of the 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:

Cr Scaramuzza/Cr Taranaki

Crs Gower, Hoverd and Wilson asked that their votes against be recorded

| <i>Minutes / Report of:</i> | <i>General subject of each matter to be considered</i> | <i>Reason for passing this resolution in relation to each matter</i> | <i>Ground(s) under section 48(1) for the passing of this resolution</i> |
|---|--|--|---|
| 18 <i>Circulated separately to Councillors</i> | <i>Cambridge Covered Pool Fundraising</i> | <i>Good reason to withhold exists under section 7</i> | <i>Section 48(1)(a)</i> |

That 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:

- i Protect the privacy of natural persons, including that of deceased natural persons* Section 7(2)(a)
- ii Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)* Section 7(2)(i)

The Committee resolve that Jim Mylchreest be permitted to remain at this meeting, after the public has been excluded, because of his knowledge of the fundraising efforts to be discussed. This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter as he is the Fundraiser appointed to the project.

Cr Sharpe/Cr Finn

Cr Wilson asked that his vote against be recorded.

Item 18 was taken prior to item 17

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

RESOLVED

1/11/66

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

The general subject of the 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:

Cr Thomas/Cr Gower

| <i>Minutes / Report of:</i> | <i>General subject of each matter to be considered</i> | <i>Reason for passing this resolution in relation to each matter</i> | <i>Ground(s) under section 48(1) for the passing of this resolution</i> |
|--|---|---|--|
|--|---|---|--|

- 17 *Circulated separately to Councillors* *Chief Executives 'Performance Review* *Good reason to withhold exists under section 7* *Section 48(1)(a)*

That 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:

- i Protect the privacy of natural persons, including that of deceased natural persons* *Section 7(2)(a)*
- ii Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)* *Section 7(2)(i)*

17 CHIEF EXECUTIVES' PERFORMANCE MANAGEMENT COMMITTEE RECOMMENDATIONS TO COUNCIL

This item was taken with the public excluded.

18 CAMBRIDGE COVERED POOL FUNDRAISING

This item was taken with the public excluded.

19 REPORTING OF RESOLUTIONS MADE IN THE PUBLIC EXCLUDED SESSION

19.1 Cambridge Covered Pool Fundraising

RESOLVED

IC1/11/11

That

- a) The report of Jim Mylchreest on behalf of the Cambridge Swimming Pool Fundraising Committee be received.*
- b) The period of time allowed for the Cambridge Swimming Pool Fundraising Committee to achieve its fundraising target be extended to 5 December 2011*

when progress will be re-evaluated and a decision made on whether or not to continue.

- c) *Council agree to underwrite the fundraising costs of the Cambridge Swimming Pool Fundraising Committee between April 2011 and 5 December 2011 to a maximum amount of \$40,500, with this commitment to be met as necessary from Council's general funds. This underwriting exposure relates to \$30,000 of fundraised monies already approved for release by the Fundraising Committee, together with a further \$20,000 sought to resource the contracted fundraiser through to 5 December 2011, less the \$9,500 already confirmed as non-refundable. The underwriting exposure is to be further reduced by the amount of any non-refundable fundraising contributions proposed to be secured by the Fundraising Committee.*

Mayor Livingston/Cr Scaramuzza

Cr Wilson asked that his vote against be recorded

The public were readmitted at 12.57pm

There being no further business the meeting closed at 12.57pm

CONFIRMED

.....
MAYOR