

Kaunihera | Council

Mēneti Wātea | Open Minutes



Minutes of an ordinary meeting of Matamata-Piako District Council held in the Council Chambers, 35 Kenrick Street, TE AROHA on Wednesday 9 November 2022 at 9.00am.

Ngā Mema | Membership

Koromatua | Mayor

Adrienne Wilcock, JP (Chair)

Koromatua Tautoko | Deputy Mayor

James Thomas

Kaunihera ā-Rohe | District Councillors

Caleb Ansell

Sarah-Jane Bourne

Sharon Dean

Bruce Dewhurst

Dayne Horne

Peter Jager

James Sainsbury

Russell Smith

Kevin Tappin

Gary Thompson

Sue Whiting

Ngā whakapāha | Apologies

Kaimahi i reira | Staff Present

Name	Title	Item No.
Don McLeod	Chief Executive Officer	
Stephanie Hutchins	Governance Support Officer	
Karen Hooper	Governance Support Officer	
Ellie Mackintosh	Legal Counsel	7.1, 7.2, 7.3
Sandra Harris	Placemaking and Governance Team Leader	7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8

I reira | In Attendance

There were no external speakers in attendance.

1 Whakatūwheratanga o te hui | Meeting Opening

Mayor Adrienne welcomed elected members, staff and public viewing the livestream and declared the meeting open at 9.01am.

2 Ngā whakapāha/Tono whakawātea | Apologies/Leave of Absence

There were no apologies and no leave of absence was requested.

3 Pānui i Ngā Take Ohore Anō | Notification of Urgent Additional Business

Section 46A(7) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“An item that is not on the agenda for a meeting may be dealt with at that meeting if-

- (a) The local authority by resolution so decides; and
- (b) The presiding member explains at the meeting, at a time when it is open to the public,-
 - (i) The reason why the item is not on the agenda; and
 - (ii) The reason why the discussion of the item cannot be delayed until a subsequent meeting.”

Section 46A(7A) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“Where an item is not on the agenda for a meeting,-

- (a) That item may be discussed at that meeting if-
 - (i) That item is a minor matter relating to the general business of the local authority; and
 - (ii) the presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but
 - (iii) no resolution, decision or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion.”

4 Whāki pānga | Declaration of interest

Members are reminded of their obligation to declare any conflicts of interest they might have in respect of the items on this Agenda.

- Cr James Sainsbury declared a conflict of interest for item 7.6 and did not take part in any discussion or vote on motion no. 6.
- Deputy Mayor James Thomas declared a conflict of interest for item 7.6 and did not take part in any discussion or vote on motion no. 2.

5 Whakaaetanga mēneti | Confirmation of minutes

WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That the minutes of the inaugural meeting of Matamata-Piako District Council - held at Silver Fern Farms Function Centre held on Tuesday, 1 November 2022, be confirmed as a true and correct record of the meeting.

Moved by: Cr K Tappin

Seconded by: Cr G Thompson

KUA MANA | CARRIED

6 Take i puta mai | Public Forum

There were no speakers scheduled to the public forum

7 Pūrongo me whakatau | Decision Reports

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7 Pūrongo me whakatau | Decision Reports

7.1 Standing Orders

CM No.: 2652824

Rāpopotonga Matua | Executive Summary

Under the Local Government Act 2002 (LGA), Council is required to adopt standing orders.

Council is required to operate in accordance with standing orders for the conduct of its meetings and the meetings of its committees and subcommittees. Standing orders must not contravene any Act.

The adoption of standing orders and any amendment to standing orders must be made by Council and by a vote of not less than 75% of the members present. Standing orders apply to all meetings of the local authority, its committees, subcommittees and subordinate decision-making bodies.

Council currently operates using the Local Government New Zealand (LGNZ) template with amendments.

Once adopted standing orders remain in force (even after triennial election) until any amendment is proposed.

WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

1. The information be received.
2. Council adopt MPDC Standing Orders 2022 (attached) with the following amendments:
 - a. No amendment required (audio/visual link attendance allowed in specific circumstances).
 - b. No amendment required (public forums allowed).
 - c. No amendment required (Chairperson has a casting vote)
 - d. Clause 22 Options for speaking and moving, set Option C as the default.
3. Pursuant to Clause 27, Schedule 7 of the Local Government Act 2002, Council adopt the Matamata-Piako District Council, Standing Orders with amendments as confirmed in 2. above.
4. Standing orders with amendments, (as per 2. above) (but will not contravene any Act) will apply to:
 - All other committees of Council.

Moved by: Cr J Sainsbury
Seconded by: Cr B Dewhurst

KUA MANA | CARRIED

Horopaki | Background

Once adopted, standing orders remain in force (even after triennial election) until any amendment is proposed, any change requires 75% of Council Members present.

A local authority or committee may temporarily suspend standing orders during a meeting by a vote of not less than 75% of the members present and voting, and the reason for the suspension must be stated in the resolution of suspension.

Committees of Council

Council's standing orders apply to all committees. Council's previous governance structure included:

- Corporate and Operations Committee
- Te Manawhenua Forum Mo Matamata-Piako - Heads of Agreement notes that following each Council election, the Forum shall adopt standing orders for the duration of the triennium.
- Waharoa (Matamata) Aerodrome Committee - Ngati Haua Claims Settlement Act 2004 under procedure of committee s91(3)(b) The committee must at its first meeting adopt a set of standing orders for the operations of the committee. Previously they have adopted Council's standing orders

- Audit and Risk Committee
- District Licensing Committee
- Chief Executive Officer Performance Committee
- Joint Committees

Ngā Take/Kōrerorero | Issues/Discussion

The key changes made to the standing order template include:

- the implications of the Regulatory Systems Bill, including emergency meetings and definitions of public notice etc.;
- guidance about the digitalisation of council minutes;
- a simpler resolution for excluding the public template;
- tweaks to sections to improve wording and reduce ambiguity; and
- addition of Treaty of Waitangi principles.

There are four provisions which need to be clarified by Council if they wish to include any or all:

A. Attend meetings by audio and audio-visual link and subsequent quorum and voting (SO 13.7 - 13.16)

Although not currently used it could be an option for the future. In order to accommodate this, Council would have to provide the functionality/facilities. Council could remove or keep this provision on the basis that criteria set in the Local Government Act 2002, Schedule 7, Clause 25A and Clause 27 being met.

B. Allowing Public Forums (SO 15.1 - 15.4)

Historically Council has allowed for public forums. Public forums are for a period of up-to 30 minutes, or longer if agreed by the chair, for members of the public to address the meeting, speakers have up-to five minutes per item.

C. Chairperson has casting vote (SO 18.3)

A chairperson casting vote is additional to their deliberative vote. MPDC current SOs include 'chair casting vote'. We reviewed other city and district councils and of the 40 councils that responded 35 have adopted chair casting vote. LGNZ note the casting vote option was included in the template to enable a meeting to conduct and conclude important business without the risk that a vote might be tied and as a result a significant statutory timeframe might be exceeded. For example: Councils must adopt a long term plan and an annual plan within defined statutory timeframes, if the vote is tied, a casting vote may be the only way that the council can avoid possible sanction for lateness.

D. Options for speaking and moving (SO 21.1 – 21.5). – Option A, B or C

The LGNZ template default is Option A unless noted otherwise. Previously we have conducted a survey of other Councils on their preferred option and option C was the more common response.

Option A is the most formal of the three and limits the number of times members can speak and move amendments, for example, members who have moved and seconded a motion cannot then move and second an amendment to the same motion and only members who have not spoken to a motion or substituted motion may move or second an amendment to it. (This is the framework used in the Standards New Zealand Model Standing Orders.)

Option B is less formal than Option A. While limiting the ability of movers and seconders of motions to move amendments it allows any other members, regardless of whether they have spoken to the motion or substituted motion, to move or second an amendment.

Option C provides flexibility by removing the limitations placed on movers and seconders by the other two options.

Ngā Tāpiritanga | Attachments

[A⇒](#) MPDC Standing Orders 2022 - For Adoption (*Under Separate Cover*)

Ngā waitohu | Signatories

Author(s)	Ellie Mackintosh Legal Counsel	
	Sandra Harris Placemaking and Governance Team Leader	

Approved by	Erin Bates Strategic Partnerships and Governance Manager	
	Don McLeod Chief Executive Officer	

7 Pūrongo me whakatau | Decision Reports

7.2 Declarations of Interests - Elected Members

CM No.: 2652202

Rāpopotonga Matua | Executive Summary

Elected members are required to file their declarations of interest. Recent changes to the Local Government Act 2002 through The Local Government (Pecuniary Interests Register) Amendment Act 2022 has increased the requirement on elected members. The purpose of these changes is to record members' interests to provide transparency and strengthen public trust and confidence in local government processes and decision-making.

WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

1. The information be received.
2. Elected members will check and complete their declaration of interest forms.
3. Council confirm delegation of Registrar under S54G the Local Government Act 2002 to the Chief Executive and his nominated staff member.

Moved by: Cr J Sainsbury

Seconded by: Cr C Ansell

KUA MANA | CARRIED

Horopaki | Background

Councillors are required to make a declaration of their interests.

The Local Authorities (Members' Interests) Act 1968

The two particularly significant sections of this Act relate to Contracting and Pecuniary Interests. A third consideration is Conflict of Interest. It is important to note that these provisions also relate to a member's spouse or partner.

Contracting- Section 5 of this Act provides that an Elected Member is disqualified from office or from election to office, if that Elected Member is concerned or interested in any contracts or subcontracts under which payments made by or on behalf of the Local Authority exceed \$25,000 (including GST) in any financial year, unless prior approval has been obtained from the Auditor General.

Voting and Discussion on Issues- Elected Members are prohibited from participating in any Council discussion or vote on any matter in which they have a pecuniary interest, other than an interest in common with the general public. The same rules also apply where the Elected Member's spouse contracts with the authority or has a pecuniary interest. Elected Members must declare their interests at Council meetings where matters in which they have a pecuniary interest arise.

Conflict of Interests- Elected Members must make a general declaration of interest as soon as practicable after becoming aware of any such interests. These declarations are recorded in a register of interests maintained by Council.

Elected Members may also contact the Office of the Auditor General for guidance as to whether

that Elected Member has a pecuniary interest. If there is a pecuniary interest, Council may seek an exemption to allow that Elected Member to participate or vote on a particular issue in which they may have a pecuniary interest.

Failure to observe the requirements of the Local Authorities (Members' Interests) Act 1968 could potentially invalidate the particular decision made or the action taken by Council. Failure to observe these requirements could also leave the Elected Member open to prosecution under the Local Authorities (Members' Interests) Act 1968. In the event of a conviction Elected Members can be disqualified from office.

Elected Members should also be familiar with the common law concerning non-pecuniary conflicts of interest. This includes issues of predetermination and bias (whether real or perceived) on the part of Elected Members when making a decision as an Elected Member of Council.

If an Elected Member decides that they have a non-pecuniary interest they must:

- declare that they have a non-pecuniary interest when the matter comes up at a meeting;
- ensure that their declaration is recorded in the minutes; and
- refrain from discussion or voting on the matter.

Failure to observe the common law in this area may result in a judicial review of a Council decision.

Guidance is provided by the Office of the Auditor General in relation to these matters and Councillors are encouraged to familiarise themselves with this information.
<https://www.oag.govt.nz/2007/conflicts-public-entities/docs/oag-conflicts-public-entities.pdf>

Local Government (Pecuniary Interests Register) Amendment Act 2022

This amendment was created to provide consistency between Councils across New Zealand. This is to be read alongside the requirements outlined in the Local Authorities (Members' Interests) Act 1968.

Under s54A, the local authority must keep a register of the pecuniary interests of elected members. This register must include the pecuniary interests returns (outlined below). Council then must;

- make a summary of the information contained in the register publicly available; and
- is maintained on the register for 7 years and then removed.

Pecuniary Interest Returns

These must be completed and returned to the Registrar for a 12 month period one month before the following dates, 120 days after the members come into office and the last day of February each subsequent year.

The pecuniary interest forms must contain:

- a. the name of each company of which the member is a director or holds or controls more than 10% of the voting rights and a description of the main business activities of each of those companies;
- b. the name of every other company or business entity in which the member has a pecuniary interest, other than as an investor in a managed investment scheme, and a description of the main business activities of each of those companies or business entities;

- c. if the member is employed, the name of each employer of the member and a description of the main business activities of each of those employers:
- d. the name of each trust in which the member has a beneficial interest:
- e. the name of any organisation or trust and a description of the main activities of that organisation or trust if—
 - i. the member is a member of the organisation, a member of the governing body of the organisation, or a trustee of the trust (as applicable); and
 - ii. the organisation or trust receives funding from, or has applied to receive funding from, the local authority, local board, or community board to which the member has been elected:
- f. the title and description of any organisation in which the member holds an appointment by virtue of being an elected member:
- g. the location of real property in which the member has a legal interest, other than an interest as a trustee, and a description of the nature of the real property:*
- h. the location of real property, and a description of the nature of the real property, held by a trust to which the following apply:*
- i. the member is a beneficiary of the trust; and
- ii. the member knows or ought reasonably to know that the member is a beneficiary of the trust; and
- iii. it is not a unit trust whose name is disclosed under subclause (1)(d); and
- iv. it is not a retirement scheme whose membership is open to the public.

** For (g) and (h) only the general location is required not the street address (for example, the suburb and city in which it is located).*

The member must notify the Registrar as soon as they become aware of an omission or error, the register will be amended accordingly.

It is the duty of the member to provide a new declaration before the end of February each year they are in office.

Ngā Take/Kōrerorero | Issues/Discussion

Staff will send electronic forms to elected members for completion and secure signing. Further guidance on this will be provided to elected members.

Staff will complete some research into elected member interests (particularly directorships and shareholdings) and if there is anything missing this will be discussed with the individual elected members.

An example of the declaration form is set out below

ANNUAL DECLARATION OF INTERESTS FORM

I _____, as an elected member of Matamata-Piako District Council (MPDC), set out below my interests, including any financial or other interests held or accruing to me, or a close family member, which might give rise to an actual or perceived conflict of interest.

Category	Please give details of the interest and whether it applies to yourself, or, where appropriate, a close family member. Please add/edit or delete as necessary.
The name of each company of which you are a director or hold/control more than 10% of the voting rights and a description of the main business activities.	
Name every other company or business entity in which you have a pecuniary interest, other than as an investor in a managed investment scheme, and a description of the main business activities.	
The name of each employer and a description of the main business activities of each.	
The name of each trust in which you have a beneficial interest.	
Membership of any professional bodies, special interest groups, trusts or organisations which have or could potentially have a financial transactions with MPDC	
Organisation in which the member holds an appointment by virtue of being an elected member.	
Location of property which you have a legal interest in, other than as a trustee, and a description of the nature of the real property (exact address not required just suburb and area)	
Property held by in trust where you are a beneficiary (not including unit trusts or retirement schemes where membership is open to the public).	
Appointments (voluntary or otherwise) for example, trusteeships, directorships, committees, boards, tribunals etc, including not-for-profit and charitable organisations.	
Current or past close personal relationship with an employee of MPDC	(this will not be placed on the public register)
Any other interests which might give rise to an actual or perceived conflict of interest	

Travel [Does not include travel paid by either you or a family member]

Country travelled to	Purpose	Names of persons who contributed to the costs of travel or accommodation.

Gifts [Only if gift(s) has market value or combined value (from same donor) of more than \$500]

Gift received	Name of Donor	Names of persons who contributed to the costs of travel or accommodation.

Activities Payments [does not include reimbursements under Remuneration Act or before became a member]

Activity member involved in	Description of payment

DECLARATION

I certify that the information outlined above is true and correct and declare, to the best of my knowledge, that I have complied with the requirements of the Local Authorities (Members' Interest) Act 1968 (where applicable), and have made full disclosure of interests so as to ensure compliance with PBE IPSAS 20 Related Party Disclosures is complete. I also undertake to immediately notify the Chief Executive or Mayor in writing if a conflict or potential conflict of interest arises in the future and to not be involved in any decision making process in which I may be compromised.

Ngā Tāpiritanga | Attachments

There are no attachments for this report.

Ngā waitohu | Signatories

Author(s)	Ellie Mackintosh Legal Counsel	
	Sandra Harris Placemaking and Governance Team Leader	

Approved by	Erin Bates Strategic Partnerships and Governance Manager	
	Don McLeod Chief Executive Officer	

7 Pūrongo me whakatau | Decision Reports

7.3 Council Code of Conduct

CM No.: 2652212

Rāpopotonga Matua | Executive Summary

The Local Government Act 2002 (LGA) requires Council to adopt a Code of Conduct (Code). It is appropriate for Council to review its Code following local government elections.

WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

1. Council requires elected members to declare they are an undischarged bankrupt.
2. Council adopts the draft Code of Conduct.

Moved by: Deputy Mayor J Thomas

Seconded by: Cr K Tappin

KUA MANA | CARRIED

Horopaki | Background

Pursuant to Clause 15, Schedule 7 of the LGA, Council is required to adopt a Code. Once adopted, the Code can only be amended or a new Code adopted, by a vote in support of not less than 75% of the members present at a meeting. The Code cannot be revoked without a replacement.

LGNZ has recently released the 2022 template Code of Conduct for use by Councils. The template and Council's existing Code of Conduct are attached for consideration.

Ngā Take/Kōrerorero | Issues/Discussion

The LGNZ Template Code compared to the existing code contains more details on process should a complaint alleging a breach be received. The LGNZ template Code also contains more discussion on the use of social media by elected members. Since 2019 LGNZ has updated the code with the following major changes:

- A clearer distinction between the code of conduct and the process for considering complaints
- Additional criteria for assessing complaints
- A bigger emphasis on behaviours that are inconsistent with the Code
- Incorporation of Te Tiriti principles as relevant to local government
- Additional case studies of behaviours found to be inconsistent with the Code
- An optional assessment stage to quickly deal with complaints that are trivial, vexatious, or politically motivated

OAG guidance on Codes of Conduct can be found at
<https://www.oag.govt.nz/2006/conduct/docs/conduct.pdf>

LGNZ guidance on the template Code can be found at [LGNZ Code of Conduct 2022](#)

The existing Code of Conduct has been updated to include additional legislation relevant to members, including;

- The Local Government (Pecuniary Interests Register) Act 2022 (page 19)
- Protected Disclosures (Protection of Whistleblowers) Act 2022 (page 21)
- The Serious Fraud Office Act 1990 (page 22)
- The Health and Safety Act at Work Act 2015 (page 23)
- The Harmful Digital Communications Act 2015 (page 23)

Mōrearea | Risk

The Code should clearly set out the expectations of Councillors in their behaviour. It must however not be so prescriptive that it impedes robust debate by Councillors.

Ngā Whiringa | Options

1. That Council adopts the draft Code of Conduct (by a vote in support of not less than 75% of the members present and voting at the meeting).
2. That Council adopts the LGNZ Code of Conduct template and authorises staff to make minor amendments such as formatting and consistency (by a vote in support of not less than 75% of the members present and voting at the meeting).
3. Council resolves not to adopt a new or amended Code, in which case the current Code will remain in place.

Ngā take ā-ture, ā-Kaupapahere hoki | Legal and policy considerations

The code of conduct must set out—

- understandings and expectations adopted by the local authority about the manner in which members may conduct themselves while acting in their capacity as members, including—
- behaviour toward one another, staff, and the public; and
- disclosure of information, including (but not limited to) the provision of any document, to elected members that—
 - is received by, or is in the possession of, an elected member in his or her capacity as an elected member; and
 - relates to the ability of the local authority to give effect to any provision of this Act; and
- a general explanation of—
 - the [Local Government Official Information and Meetings Act 1987](#); and
 - any other enactment or rule of law applicable to members.

A local authority may amend or replace its code of conduct, but may not revoke it without replacement.

A member of a local authority must comply with the code of conduct of that local authority.

A local authority must, when adopting a code of conduct, consider whether it must require a member or newly elected member to declare whether or not the member or newly elected member is an undischarged bankrupt (period during which a person is bankrupt and their financial affairs are managed).

After the adoption of the first code of conduct, an amendment of the code of conduct or the adoption of a new code of conduct requires, in every case, a vote in support of the amendment of not less than 75% of the members present.

To avoid doubt, a breach of the code of conduct does not constitute an offence under this Act.

Ngā Pāpāhonga me ngā Wātaka | Communications and timeframes

A copy of the Code of Conduct will be made available on the Council website. There are no timeframe considerations.

Ngā take ā-lhinga | Consent issues

There are no consent issues.

Te Tākoha ki ngā Hua mō te Hapori me te here ki te whakakitenga o te Kaunihera | Contribution to Community Outcomes and consistency with Council Vision

Theme: Healthy Communities

Community Outcome: We encourage community engagement and provide sound and visionary decision making.

Pānga ki te pūtea, me te puna pūtea | Financial Cost and Funding Source

There are no financial considerations.

Ngā Tāpiritanga | Attachments

A⇒ Council Existing Code of Conduct - November 2022 (*Under Separate Cover*)

B⇒ LGNZ Code of Conduct 2022 Template (*Under Separate Cover*)

Ngā waitohu | Signatories

Author(s)	Ellie Mackintosh Legal Counsel	
	Sandra Harris Placemaking and Governance Team Leader	
Approved by	Erin Bates Strategic Partnerships and Governance Manager	
	Don McLeod Chief Executive Officer	

7 Pūrongo me whakatau | Decision Reports

7.4 Appointment of Committees

CM No.: 2652257

Rāpopotonga Matua | Executive Summary

The purpose of this report is to establish:

- Formal Committees and Commissions of Council.
- Appoint Chairpersons, Deputy Chairpersons, Members or Representatives.
- Delegate responsibilities, duties and powers.

Under Section 41A of the Local Government Act 2002 (LGA) the Mayor has the power to lead the development of Councils plans, policies and budgets, and the power to appoint the deputy mayor, establish committees and appoint chairpersons of those committees. There is the ability under the LGA for these appointees and committees to be removed or discharged by Council, following the process set out in Schedule 7 of the LGA.

Pursuant to Section 41A(3) of the LGA, the Mayor is establishing the following committees of Council:

- Risk and Assurance Committee
- Te Manawhenua Forum Mo Matamata-Piako Committee
- Chief Executive Officer Performance Committee
- Hearings Commission.

The following committees are required under statute:

- District Licensing Committee
- Waharoa (Matamata) Aerodrome Committee.

To be determined:

- Corporate and Operations Committee.

WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

1. Risk and Assurance Committee

- 1.1 The information be received regarding the establishment of the Risk and Assurance Committee.
- 1.2 The Elected Members established as members of the Risk and Assurance Committee are:
 - Mayor Adrienne Wilcock
 - Deputy Mayor James Thomas
 - Councillor Bruce Dewhurst
 - Councillor Kevin Tappin
 - Councillor Gary Thompson
- 1.3 An independent member and Chairperson of the Risk and Assurance Committee will be appointed in due course.
- 1.4 Ms Joanne Aoake is appointed as an independent member of the Risk and Assurance Committee.
- 1.5 Pursuant to clause 32 of Schedule 7 to the Local Government Act 2002 Matamata-Piako District Council hereby delegates to the Risk and Assurance Committee the role of ensuring Council has appropriate risk management, internal and financial control systems and that the Risk and Assurance Committee be requested to propose a work programme for the fulfilment of this delegation, The Committee shall operate under a Terms of Reference approved by Council.

Moved by: Cr C Ansell

Seconded by: Cr D Horne

KUA MANA | CARRIED

WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

2. Te Manawhenua Forum Mo Matamata-Piako

- 2.1 The information be received regarding the establishment of Te Manawhenua Forum Mo Matamata-Piako.
- 2.2 The Elected Members established as members of Te Manawhenua Forum Mo Matamata-Piako are:
 - Mayor Adrienne Wilcock
 - Deputy Mayor James Thomas
 - Maori Ward Councillor Gary Thompson
- 2.3 The information be received that Iwi members shall be appointed by the respective Iwi.
- 2.4 Ms Te Ao Marama Maaka is appointed as Chairperson of Te Manawhenua Mo

Matamata-Piako Forum, and the Mayor be appointed Deputy Chairperson.

- 2.5 The Heads of Agreement be updated to include the Maori Ward Councillor as an Elected Member Representative (previously Mayor and Deputy Mayor only).
- 2.6 Pursuant to clause 32 of Schedule 7 to the Local Government Act 2002 Matamata-Piako District Council hereby delegates to Te Manawhenua Forum Mo Matamata-Piako those functions agreed to under the Heads of Agreement between Matamata-Piako District Council and Te Manawhenua Forum Mo Matamata-Piako (namely the right to appoint any non-elected members to Te Manawhenua Forum Mo Matamata-Piako).

Moved by: Cr S Whiting
Seconded by: Cr R Smith

KUA MANA | CARRIED

WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

3. Chief Executive Officer Performance Committee

- 3.1 The information be received regarding the establishment of the Chief Executive Officer Performance Committee.
- 3.2 The Elected Members established as members of the Chief Executive Officer Performance Committee are:
- Mayor Adrienne Wilcock
 - Deputy Mayor James Thomas
 - Councillor Bruce Dewhurst
 - Councillor James Sainsbury
 - Councillor Sue Whiting
- 3.3 Pursuant to clause 32 of Schedule 7 to the Local Government Act 2002 Matamata-Piako District Council hereby delegates to the Chief Executive Officer Performance Committee the authority to undertake a review of the performance and remuneration of the Chief Executive Officer on an annual basis in accordance with the Chief Executive Officer's employment agreement.

Moved by: Cr G Thompson
Seconded by: Cr C Ansell

KUA MANA | CARRIED

WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

4. The Hearings Commission

- 4.1 Matamata-Piako District Council resolves under the Local Government Act 2022 to establish a Hearings Commission and appoints the following Elected Members as members of the Hearings Commission:

- Councillor Kevin Tappin
- Councillor Sue Whiting
- Mayor Adrienne Wilcock

4.2 Matamata-Piako District Council resolves to:

Appoint a Councillor to the position of Coordinator (noting no elected member currently holds the Chairpersons accreditation) (under the Local Government Act 2002) of the Hearings Commission being Councillor Kevin Tappin.

4.3 The above appointments are made subject to each Elected Member holding the relevant required accreditation/recertification (Making Good Decisions).

4.4 Matamata-Piako District Council resolves that pursuant to section 34(1) of the Resource Management Act 1991, hereby delegates to not less than two members of the Hearings Commission the power to hear and determine all applications that are within Council's functions, powers and duties under the Resource Management Act 1991, except:

4.4i the approval of proposed policy statements or plans or any change to a policy statement or plan; or

**4.4ii the hearing of resource consent applications where:
a conflict of interest exists; or**

**a joint hearing is held with Waikato Regional Council
legislation requires a certain appointment process for Hearings
Commissioners; or**

**requirements under the RMA for commissioners and or chairperson to
have appropriate qualifications mean that an independent
commissioner/s should be appointed; or**

**Council's Hearing Commissioners prefer to opt out either because of
the technical or other nature of the application; or
none of the Council's Hearing Commissioners are available to hold a
hearing within the statutory timeframe.**

4.4iii where the above applies, pursuant to section 34A(1) of the Resource Management Act 1991 the Matamata-Piako District Council hereby delegates to one or more Independent Hearing Commissioner(s) appointed by the Chief Executive Officer, Group Manager Community Development, Group Manager Business Services or Group Manager Service Delivery, the power to hear and determine all applications that are within Council's functions, powers and duties under the Resource Management Act 1991.

4.5 Pursuant to clause 32 of Schedule 7 to the Local Government Act 2002 and section 34A(1) of the Resource Management Act 1991, the Matamata-Piako District Council hereby delegates to the Coordinator of the Hearings Commission or any other member in their absence the power to determine applications where:

4.5i in accordance with section 99 of the Act, a resolution has been

reached by all parties prior to the hearing; or

4.5ii in accordance with section 100 of that Act, the Applicant and all persons who have made a submission advises that they do not wish to be heard; or

4.5iii in accordance with section 357 of the Act, any person who has made an objection advises that they do not wish to be heard.

4.6 Pursuant to clause 32 of Schedule 7 to the Local Government Act 2002 and the Dog Control Act 1996, the Matamata-Piako District Council hereby delegates to not less than two members of the Hearings Commission the power to hear and determine all objections of:

4.6i a probationary owner classifications;

4.6ii a disqualified owner classifications;

4.6iii a menacing dog classifications; and

4.6iv a dangerous dog classification.

4.7 Pursuant to clause 32 of Schedule 7 to the Local Government Act 2002, pursuant to section 12, section 6 and clause 11 of the Fencing of Swimming Pools Act 1987 and section 9 of the Building (Pools) Amendment Act 2016 (effective 1 January 2017), the Matamata-Piako District Council hereby delegates to not less than two members of the Hearings Commission the power to hear and determine all applications.

4.8 Where an objection is raised by an affected party to the application, Council delegates to not less than two members of the Hearings Commission the power to hear and determine in accordance with Council's Class 4 Gambling Policy all applications that are within Council's functions, powers and duties under the Gambling Act 2003.

Moved by: Cr S Whiting

Seconded by: Cr G Thompson

KUA MANA | CARRIED

WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

5. The District Licensing Committee

5.1 In accordance with section 189 (2) and (3) of the Sale and Supply of Alcohol Act 2012, the Matamata-Piako District Council resolves the following:

- Elected Member appointed as Chairperson of the District Licensing Committee is Councillor Sue Whiting.
- Elected Member appointed as Deputy Chairperson of the District Licensing Committee is Councillor Russell Smith.

5.2 In accordance with section 192 of the Sale and Supply of Alcohol Act 2012, Council notes that Messrs. Neil Goodger, Ross Murphy and Dennis Taylor are

current list members of the Matamata-Piako District Licensing Committee.

Moved by: Cr K Tappin
Seconded by: Cr D Horne

KUA MANA | CARRIED

WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

6. Waharoa (Matamata) Aerodrome Committee

6.1 The information be received regarding the establishment of the Waharoa (Matamata) Aerodrome Committee:

6.2 The following Elected Members are established (under statute) as members of the Waharoa (Matamata) Aerodrome Committee:

- Mayor Adrienne Wilcock
- Deputy Mayor James Thomas
- Councillor Kevin Tappin

6.3 The information be received that three members shall be appointed to the Waharoa (Matamata) Aerodrome Committee by the Ngati Haua Trust Board trustees.

Moved by: Cr S Whiting
Seconded by: Cr R Smith

KUA MANA | CARRIED

Horopaki | Background

Historically Committees and Commissions have included:

- Audit and Risk Committee
- Te Manawhenua Forum Mo Matamata-Piako Committee
- Chief Executive Officer Performance Committee
- Hearings Commission
- District Licensing Committee
- Waharoa (Matamata) Aerodrome Committee
- Corporate and Operations Committee.

Ngā Take/Kōrerorero | Issues/Discussion

Under Section 41A of the Local Government Act 2002 (LGA) the Mayor has the power to lead the development of Councils plans, policies and budgets, and the power to appoint the deputy mayor, establish committees and appoint chairpersons of those committees. There is the ability under the LGA for these appointees and committees to be removed or discharged by Council, following the process set out in Schedule 7 of the LGA.

Pursuant to Section 41A(3) of the LGA, the Mayor is establishing the following committees of Council:

- Risk and Assurance Committee
- Te Manawhenua Forum Mo Matamata-Piako Committee
- Chief Executive Officer Performance Committee
- Hearings Commission.

The following committees are required under statute:

- District Licensing Committee
- Waharoa (Matamata) Aerodrome Committee.

To be determined:

- Corporate and Operations Committee.

The Risk and Assurance Committee (previously known as the Audit and Risk Committee)

This was originally recommended by the Office of the Auditor General and our auditors, Audit New Zealand. The purpose of this Committee is to ensure Council has appropriate risk management and internal and financial control systems. Under the Charter and Terms of Reference Council has flexibility to determine the Committee size and composition.

Te Manawhenua Forum Mo Matamata-Piako Committee - comprises two Elected Members, being the Mayor and Deputy Mayor and representatives from Iwi that are from, and connected to, the district. This Committee operates under a Heads of Agreement which has been signed by all of its members.

Chief Executive Officer Performance Committee - comprises of the Mayor, Deputy Mayor and other elected members, its role is to undertake a formal review of the Chief Executive Officer's performance.

Hearings Commission - has delegated authority to hear resource consent applications under the Resource Management Act 1991 (RMA). The members of the Hearings Commission have delegated power to hear and determine all objections under the Dog Control Act 1996 and to hear applications for exemptions under the Fencing of Swimming Pools Act 1987 and/or the Building (Pools) Amendment Act 2016 (effective 1 January 2017). The Hearings Commission also has authority to hear applications within Council's function, powers and duties under the Gambling Act 2003.

Under section 39B of the RMA, appointees on hearing panels must have accreditation to make decisions on:

- applications for resource consent
- notice of requirements given under section 168 or 189
- requests under clause 21(1) of Schedule 1 for a change to be made to a plan
- reviews of resource consents
- applications to change or cancel resource consent conditions
- proposed policy statements and plans that have been notified
- any hearing of an objection under section 357C of the RMA.

The requirement is for all members of RMA hearing panels given authority to perform an RMA function under sections 33, 34, or 34A to be accredited, unless there are exceptional circumstances. However, section 39C(2) states that no decision made by the person or group of persons is invalid solely because the person, chairperson of the group, or members of the group were not accredited as required.

Commissioners

A commissioner is a person appointed by a council to carry out statutory decision-making duties on council's behalf, or to serve as an independent adviser to the council in the making of those statutory decisions.

Commissioners may be generally classified as:

- internal commissioners – who are appointed from within a council (Councillors)
- independent commissioners – who are not a member of the council i.e. appointed from outside the elected members or staff of a council.

Internal commissioners may either be appointed to act alone, or with other commissioners or elected members of the council (councillors).

A council can appoint anyone to be an independent commissioner, but typically those appointed will have relevant skills and experience for the issue being decided (such as in planning, law, surveying, engineering or science). They may also be former councillors who are appointed for their chairing or hearing experience and expertise.

If an independent commissioner or commissioners are requested under section 100A, the council must appoint an independent commissioner or commissioners who are not a member (councillor or staff) of the council.

Mayor Adrienne Wilcock, Cr Kevin Tappin and Cr Sue Whiting are currently accredited under the Making Good Decisions programme with Mayor Wilcock and Cr Tappin accredited until 31 December 2025 and Cr Whiting until 30 June 2023. There are many independent commissioners that can be used to hear resource consents and other RMA applications within the Waikato which have skills in many relevant areas.

Other issues

Council may also wish to consider using independent commissioners to hear submissions and make decisions on proposed plans or plan changes (other than declaring a plan change operative which cannot by law be delegated).

Council has previously heard all Council initiated District Plan changes as a full Council. For Private Plan Change applications, Council in the past have delegated by (separate resolution) to an independent panel all of whom are accredited. This independent panel has predominately been an independent chair with two accredited Councillors. This practice has worked well in the past.

The District Licensing Committee - Section 186 of the Sale and Supply of Alcohol Act 2012 requires territorial authorities to appoint 1 or more licensing committees as, in its opinion, are required to deal with licensing matters for its district. The District Licensing Committee is required to consider and determine applications under the Sale and Supply of Alcohol Act 2012 as set out in Section 187 of that Act.

Each licensing committee must consists of 3 members. One member as the chairperson must be a member of that territorial authority. A territorial authority may also appoint a member of that territorial authority to be deputy chairperson to act in place of the chairperson if the chairperson is unable to act because of illness or absence from New Zealand, or for other sufficient reason.

The other 2 members of the licensing committee must be appointed from the territorial authority's list maintained under section 192. That Section sets out the requirements that Council must undertake to establish and maintain a list of licensing committee members. The current list members are Messrs. Neil Goodger, Ross Murphy and Dennis Taylor.

Waharoa (Matamata) Aerodrome Committee - comprises of the Mayor, Deputy Mayor and one Council appointed member and three members appointed by the Ngati Haua Trust Board trustees. The functions of the committee set out in the Ngati Haua Claims Settlement Act 2014 are:

- To make recommendations to Council in relation to any aspect of the administration of Waharoa Aerodrome land.

- Make final decisions on access and parking arrangements for the Waharoa Aerodrome land that affect Raungaiti Marae.
- Perform the functions of the administering body under section 41 of the Reserves Act 1977 in relation to any review of the reserve management plan that has been authorised by Council.
- Perform any other function delegated to the committee by Council.

Corporate and Operations Committee – historically has comprised of all the Elected Members of Council, one of whom holds the position of Chairperson. The Council has previously delegated all of its powers to the Corporate and Operations Committee, except those that are non-delegable under the LGA.

Ngā Tāpiritanga | Attachments

There are no attachments for this report.

Ngā waitohu | Signatories

Author(s)	Sandra Harris Placemaking and Governance Team Leader	
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Approved by	Erin Bates Strategic Partnerships and Governance Manager	
	Don McLeod Chief Executive Officer	

7 Pūrongo me whakatau | Decision Reports

7.5 Representation on Other Committees and Groups

CM No.: 2652288

Rāpopotonga Matua | Executive Summary

The purpose of this report is to appoint elected members (or others) to various other committees and groups not necessarily coordinated by Council.

WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

1. The information be received.

Waikato Civil Defence Emergency Management Group Joint Committee

2. Councillor Russell Smith be delegated the authority to act for the Mayor as Council's representative on the Waikato Civil Defence Emergency Management Group Joint Committee.
3. Council's representatives be granted delegated authority to commit to action and expenditure on behalf of the Council within approved budgets.

Waikato Regional Transport Committee

4. The Mayor be appointed as Council's representative on the Waikato Regional Transport Committee and in the absence the Deputy Mayor be appointed as the alternate.

Regional Triennial Agreement Forum

5. The Mayor be appointed as Council's representative on the Regional Triennial Agreement Forum and in the absence the Deputy Mayor be appointed as the alternate.

Hauraki Gulf Forum

6. Councillor James Sainsbury be appointed to the Hauraki Gulf Forum.

Waihou-Piako Flood Protection Advisory Subcommittee

7. Council nominates Councillor Sarah-Jane Bourne for appointment as representative on the Waihou-Piako Flood Protection Advisory Subcommittee of the Waikato Regional Council.

Waikato Plan Leadership Committee

8. Council defers the decision on the Waikato Plan Leadership Committee pending ongoing discussions between Matamata-Piako, Hauraki and Thames-Coromandel District Councils on representation.

Local Government New Zealand: Zone 2

9. The Mayor be appointed as Council's representative for Local Government New Zealand: Zone 2 and Deputy Mayor be appointed as an alternate. All other members are invited as attendees.

Future Proof Implementation Committee

10. The Mayor and Deputy Mayor be appointed as Council's representatives to the Future Proof Implementation Committee

Te Aroha Spa Governance Group

11. The Mayor be appointed as Council's representative on the Te Aroha Spa Governance Group.

Pare Hauraki Collective Working Group

12. The Mayor and Deputy Mayor be appointed as Council's representatives for the purposes of discussion on the Pare Hauraki Co-governance discussions.

Hauraki Rail Trail Charitable Trust

13. Mr Shaun O'Neill be nominated as Council's appointee on the Hauraki Rail Trail Charitable Trust.

Creative Communities Scheme Assessment Committee

14. Councillor Kevin Tappin and Councillor Gary Thompson be nominated as Council's representatives on the Creative Communities Assessment Committee.

Moved by: Cr B Dewhurst
Seconded by: Cr S Dean

KUA MANA | CARRIED

Horopaki | Background

Statutory and Regional Committees/Groups

Waikato Civil Defence Emergency Management Group Joint Committee

Civil Defence Emergency Management Act 2002 Clause 12, Part 2 states that "every regional council and every territorial authority within that region must unite to establish a Civil Defence Emergency Management Group for the purposes of this Act as a joint standing committee under clause 30(1)(b) of Schedule 7 of the Local Government Act 2002." Furthermore Clause 13(d) of the Civil Defence Emergency Management Act 2002 sets out the requirement for membership; "Each local authority that is a member of a Group with other local authorities must be represented on the Group by 1, and only 1, person, being the mayor or chairperson of that local authority or an elected person from that local authority who has delegated authority to act for the mayor or chairperson."

Waikato Regional Council provides the administration support for the Waikato Region Civil Defence Emergency Management Group Joint Committee. The group has the role of approving policy/strategy in respect of Civil Defence planning at a regional level. This group meets approximately four times per year.

Waikato Regional Transport Committee

The Waikato Regional Transport Committee comprises of elected members from the region's territorial authorities, Waikato Regional Council, and officials from the NZ Transport Agency and NZ Police.

The committee is responsible for:

- preparing the Regional Land Transport Plan (RLTP) for approval by the regional council
- providing the regional council with advice and assistance it may request in relation to transport
- advocating for transport investment in the region
- working collaboratively with local government and stakeholders across the region to prioritise and address transport issues
- undertaking monitoring to assess progress on implementing the RLTP.

Regional Triennial Agreement Forum

A forum/agreement required under the Local Government Act 2002 to encourage joint initiatives/awareness between councils with the Regional Council boundaries. This forum meets approximately two times per year.

Hauraki Gulf Forum

The Hauraki Gulf Marine Park Act binds those councils who have water shed into the wider gulf area to address policy/strategy in protection of the environment. The Act provides for Council to have a representative on the Forum. This forum meets approximately four times per year.

Waihou-Piako Flood Protection Advisory Subcommittee

The Waihou-Piako Flood Protection Advisory Subcommittee has the objective to provide advice and effective liaison between river and catchment ratepayers, iwi and stakeholders in relation to the operational performance of flood protection assets in the scheme area. The scope of activity includes: The Flood Protection Advisory Subcommittees each have an assigned geographical area of interest and their role is to provide local advice to the River and Catchment Management Committee and receive information pertaining to Council's catchment operational work programme. Specifically, to

- Provide input to river and catchment management activities and operations including the following:
- Proposed annual work programmes and budgets for the (relevant) scheme
- Flood protection scheme reviews, level of service reviews, and any other matters that will affect the operation, maintenance and renewal of scheme infrastructure
- Priority areas for catchment management investment.
- Assist Waikato Regional Council with dissemination of flood protection scheme information.

Waikato Plan Leadership Committee

The Leadership Committee has been established to facilitate and encourage the implementation of the Waikato Plan and undertake any reviews or updates to the Plan. The Leadership Committee will function as a clearinghouse, facilitator and influencer, encouraging the allocation of resources to achieve agreed regional priorities. It will also act as the facilitator of the Waikato message, building the authority and influence the Waikato has by encouraging the many legitimate voices in the region to say the same thing and advocate for the same outcomes for the region.

As a Committee of Waikato Regional Council, the Leadership Committee is not able to make decisions on behalf of other local authorities. The Terms of Reference of the Committee provides for one voting member jointly appointed by Hauraki District Council, Matamata-Piako District Council and Thames Coromandel District Council.

Local Government New Zealand: Zone 2

Representatives of local government organisations from throughout the central North Island meet on a regular basis to discuss sector issues. Zone 2 incorporates 19 district, city and regional councils in the area stretching coast-to-coast from Waikato in the north to Taupo and Gisborne in the south. All Councillors are invited to attend meetings. There are approximately three meetings per year.

Future Proof Implementation Committee

Future Proof is a joint partnership set up in 2007 to consider how the then sub-region (Hamilton City, Waipa District and Waikato District) should develop in the future. The aim of Future Proof is to work together to consider the important issues that affect us now and over the new 30 years. This includes but is not limited to managing the demand for housing, business and industrial land and how to plan collectively for infrastructure such as roads, water and wastewater treatment plants. It is noted that since its inception there has always been an open invitation for Matamata-Piako District Council to join because of the close relationship Morrinsville has to this area.

On 8 December 2021, Council resolved to become a member of the Future Proof and are working towards being included in the 2024 Strategy. In resolving to be part of Future Proof, Council has incorporated the whole district into the strategy; not just the Morrinsville ward.

The current partners for Future Proof are Ngā Karu Atua o te Waka, Waikato-Tainui, Tainui Waka Alliance, Waikato Regional Council, Waipa District Council, Waikato District Council, Hamilton City Council, Matamata-Piako District Council, Waka Kotahi and Waikato District Health Board.

Te Aroha Spa Governance Group

The Te Aroha Spa Governance Group have the role of progressing the Te Aroha Spa development project and providing advice to Council on this. The current phase of work is to prepare an Investment Case. The Project Manager, Graham Shortland and Governance members will provide an update to Council on the project at a later date.

The Te Aroha Spa Governance Group operate under a Terms of Reference approved by Council which will be reviewed as the project progresses. Current members are as follows:

- Barry Harris - Co-Chairperson
- Norm Hill - Co-Chairperson
- Jill Taylor - Ngāti Tumutumu
- Kiri Goulter - Regional Tourism specialist
- Francis Pauwels - Spa tourism

Pare Hauraki Collective Working Group

In 2009, the 12 Iwi of Hauraki formed the Pare Hauraki Collective for the purpose of negotiating a Treaty settlement. The 12 iwi are Hako, Ngāi Tai ki Tāmaki, Ngāti Hei, Ngāti Maru, Ngāti Paoa, Ngāti Porou ki Hauraki, Ngāti Pūkenga, Ngāti Rāhiri Tumutumu, Ngāti Tamaterā, Ngāti Tara Tokanui, Ngāti Whanaunga and Te Patukirikiri. The areas of interest of the Iwi of Hauraki extend from the Mahurangi coast in the north to the Western Bay of Plenty and include the islands of the Hauraki Gulf/Tīkapa Moana. The Crown acknowledges that Raukawa and Ngāti Hauā also have interests in the Waihou River that are of significant cultural, historical and spiritual importance to the Iwi. On 1 October 2010, the Crown and the Pare Hauraki Collective signed a Framework Agreement which outlined the process for ongoing negotiations towards settlement of shared claims and included the potential elements of a collective settlement.

On 22 July 2011, the Iwi of Hauraki all signed iwi-specific Agreement in Principle Equivalents which expanded upon the Framework Agreement and included iwi specific offers to negotiate further redress. On 22 December 2016, the Crown and the Pare Hauraki Collective initialled the Pare Hauraki Collective Redress Deed (the Deed). The Deed has been ratified by the members of the Iwi of Hauraki. The Deed includes both cultural redress and commercial redress. It does not include financial redress, which each of the 12 Iwi of Hauraki will receive through their iwi-specific settlements. The full and final settlement of historical Treaty of Waitangi claims of the Iwi of Hauraki will be made through iwi-specific settlements.

Negotiations between the Crown and the Collective are ongoing and complex, with issues such as co-governance, the allocation of the total quantum between each Iwi and Iwi specific packages for cultural redress all being progressed by the Crown in tandem.

The Crown has engaged with councils affected by the settlement negotiations in discussions over their preferences for the final settlement package. A key issue for Matamata-Piako in respect of the Treaty settlement negotiations is the proposal for a co-governance arrangement for the Waihou-Piako and Thames-Coromandel catchments.

Staff understand that the Crown is still working through the redress and at this time are not aware of any timeline as to when the redress will take effect.

Hauraki Rail Trail Charitable Trust

The Hauraki Rail Trail (HRT) follows the path of two historic railway lines, running from Kaiaua to Matamata; crossing the Hauraki, Thames-Coromandel and Matamata-Piako districts. The HRT is part of the New Zealand wide network of cycleways branded as Ngā Haerenga.

In March 2012, Thames-Coromandel, Hauraki and Matamata-Piako District Councils formally agreed to establish a charitable trust to be known as the Hauraki Rail Trail Charitable Trust (the Trust). The Trust's purpose under the Trust Deed (dated 26 February 2019) includes the following:

- Leasing and/or licensing land from any of the Settlers or any other party for the use of the cycleway;
- Developing and constructing extensions and additions to the cycleway;
- Maintaining all of the cycleway;
- Raising funds to carry out and complete any of the above charitable purposes.

The Trust holds primary responsibility for managing and maintaining the HRT and for completing any future development. Council is a stakeholder and funder for the HRT alongside the Hauraki District and Thames-Coromandel District Councils.

The Trust consists of a maximum of six trustees, one appointed by each of the Matamata-Piako, Thames Coromandel and Hauraki District Councils and three by local iwi. The council appointees do not have to be elected members. A person can only be appointed as a Trustee if they have one or more of the following attributes:

- a) An understanding of governance issues
- b) Business experience relevant to the development of tourism and/or the operation of a public cycleway
- c) Sound judgement
- d) Intellectual ability
- e) A high standard of personal integrity
- f) The ability to work as a member of a team; and/or
- g) An understanding of tikanga Māori and the significance to the iwi of the land to be used for the Cycleway.

Council's current trustee is Shaun O'Neill. The appointment of Council's appointee on the Board of Directors for the Trust is due for retirement in November 2022. The Council can either reappoint Council's existing member, or select a new appointee for the role.

Council staff have held informal discussions with the current appointed member with regards to this position. Mr O'Neill has advised he is willing to continue to act in the role, and is equally willing to step aside, should Council wish to appoint a new appointee. The current member has been part of the Board of Directors since 2015.

Creative Communities Scheme Assessment Committee

The Creative Communities Scheme (CCS) provides funding to support and encourage local communities to create and present diverse opportunities for accessing and participating in arts activities within the district. There are two funding rounds per year for the scheme. One of the requirements of the scheme is to have an Assessment Committee and its main role is assessing applications and allocating funding. The CCS assessment committee is an independent community committee, not a council committee.

Local councils may appoint up to two representatives to the assessment committee. These may be elected members with an arts and culture focus or knowledge.

Cr Kevin Tappin is Council's current representative on the committee.

Cr Gary Thompson is also on the committee and was nominated as an Iwi representative.

The remainder of the Committee comprises representatives from the local arts sector and the community.

Ngā Take/Kōrerorero | Issues/Discussion

Council is asked to consider making the appropriate appointments to joint committees and community organisations.

From time to time new committees, governance groups or working parties will be established for specific projects. Council will be asked to consider appointment of representation to these as and when required.

Mōrearea | Risk

If Council does not appoint representatives to the various joint committees and community organisations, there is a risk that the voice of Matamata-Piako community will not be heard at those committees/organisations.

Ngā take ā-ture, ā-Kaupapahere hoki | Legal and policy considerations

Joint Committees appointed under clause 30A of Schedule 7 Local Government Act 2002 requires that Council enter into an agreement with every other local authority or public body that is to appoint members of the committee. Council is part of the Waikato Triennial Agreement, which is an agreement between Waikato Regional Council and all local territorial authorities within the Waikato Region. The Regional Triennial Agreement Forum reviews this agreement every three years. The 2019-22 Triennial Agreement is expected to be reported to Council in February 2020.

Ngā Tāpiritanga | Attachments

There are no attachments for this report.

Ngā waitohu | Signatories

Author(s)	Sandra Harris Placemaking and Governance Team Leader	
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Approved by	Erin Bates Strategic Partnerships and Governance Manager	
	Don McLeod Chief Executive Officer	

The meeting adjourned for morning tea at 10.05am and reconvened at 10.27am.

7 Pūrongo me whakatau | Decision Reports

7.6 Elected Members Remuneration 2022/23

CM No.: 2652294

Rāpopotonga Matua | Executive Summary

The Remuneration Authority (Authority) is the independent body responsible for setting remuneration for elected positions in local authorities. It also sets the rules for reimbursement of costs incurred by elected members while engaged on local authority business.

Each local authority is allocated a Governance Pool (Pool), this is the total remuneration pool for all elected members excluding the Mayor. Individual councils are responsible for allocating its Pool to its elected members, and the Pool must be fully allocated.

Remuneration for the Mayor is set individually by the Authority.

The Determination issued by the Authority is attached to this report for members' information.

The purpose of this report is for Council to confirm how the Pool should be allocated to the 12 elected members, and to confirm if Council wishes to implement any of the allowances provided for within the Determination.

WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

1. The information be received.
2. Council confirms how the Governance Pool should be allocated and instructs staff to forward this to the Remuneration Authority;

Option C: A formula for setting the remuneration is used to recognise roles of extra responsibilities and workload;

Deputy Mayor (The Deputy Mayor exercises the same roles as other Elected Members, and may be called on to attend events where the Mayor cannot attend. In addition, the Deputy Mayor is appointed to additional committees as part of this role. If the Mayor is absent or incapacitated, the Deputy Mayor must perform all of the responsibilities and duties of the Mayor).

Ratio of 1.2 - \$45,627.25

Councillor (all other) 1 - \$38,022.70

Deputy Mayor James Thomas declared a conflict of interest due to the position of Deputy Mayor and abstained from voting or discussion on this motion.

**Moved by: Cr C Ansell
Seconded by: Cr P M Jager**

KUA MANA | CARRIED

WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

3. Council confirms its approach to Elected Members Allowances;

Vehicle Mileage Allowance

A) Council adopts the vehicle mileage allowance in accordance with the Remuneration Authority's Determination and Council's Sensitive Expenditure Policy;

Moved by: Cr G Thompson

Seconded by: Cr K Tappin

KUA MANA | CARRIED

WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

4. Travel Time Allowance

A) Council adopts the Travel Time Allowance in accordance with the Remuneration Authority's Determination and Council's Sensitive Expenditure Policy;

Moved by: Cr S Whiting

Seconded by: Cr S Bourne

KUA MANA | CARRIED

WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

5. Information or Communication Technology (ICT) Allowance

A) Council adopts the following ICT Allowance(s) in accordance with the Remuneration Authority's Determination in addition to the issuing of Council owned laptops with mobile data;

- i) Use of a member's own mobile telephone for the purpose of the member's work on local authority business; and staff investigate
- ii) Use of member's own mobile telephone service for the purpose of the member's work on local authority business.

Moved by: Cr K Tappin

Seconded by: Cr C Ansell

KUA MANA | CARRIED

WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

6. Childcare Allowance

A) Council adopts the Childcare Allowance in accordance with the Remuneration Authority's Determination and Council's Sensitive Expenditure Policy;

Cr James Sainsbury declared a conflict of interest and did not take part in the discussion or vote on this motion. Cr Sainsbury left the room when the discussion commenced and

voting had passed.

**Moved by: Cr B Dewhurst
Seconded by: Cr K Tappin**

KUA MANA | CARRIED

Horopaki | Background

The Authority sets a governance remuneration pool for elected positions in individual local authorities. It also sets the rules for allowances and reimbursement of costs met by members in undertaking their duties. Each council's governance pool is aligned with their ranking of the council on the relevant size index and within the framework of the local government pay scale. The governance pool provides the total amount available for allocation to councillors' remuneration in each individual council (aside from the mayor or regional council chair).

The total Pool for Matamata-Piako District Council that applies following the 2022 election is \$463,877.

The Minimum Allowable Remuneration for Councillors is \$32,437 per annum.

All allowances are paid at the discretion of Council, and are not part of the Pool.

In addition to the set remuneration, there is also provision for elected members to be paid for their involvement in hearings and related meetings under the Resource Management Act 1991. Those fees are not drawn from Council's Pool, and are not covered by this report.

The remuneration for the Mayor is set individually by the Authority, and is not part of the Pool. The annual remuneration for the Mayor set out in the Determination is the Total Remuneration and includes the annual value of their vehicle. The Determination includes a formula for calculating the annual value of their vehicle, and this varies depending on whether the Mayor chooses to have full, partial or restricted private use. The total remuneration for the Mayor of Matamata-Piako District Council is set at \$134,533.

Further details about how the Authority sets the Governance Pool, minimum allowable remuneration and the mayoral total remuneration can be found on the Remuneration Authority's website. There are also spreadsheets available to assist with calculated various scenarios; <https://www.remauthority.govt.nz/local-government-elected-members/governance-remuneration-pool/#allocating-the-pool-2>.

For information remuneration for elected members (11) in 2020/21 was:

Office	Annual remuneration (\$)
Deputy Mayor	39,983
Chair of Corporate and Operations Committee	39,983
Councillor (with no additional responsibilities) (9)	34,768
Councillor (Minimum Allowable Remuneration)	27,472

Ngā Take/Kōrerorero | Issues/Discussion

Governance Pool

Council needs to decide how it wants to allocate its Pool according to its priorities and circumstances. Roles to which additional differential remuneration can be attached may include not just 'internal' council roles such as deputy mayor, committee chair or portfolio holder, but also other 'external' responsibilities representing Council on external groups. The whole Pool must be allocated. Council will need to decide a "base remuneration" for councillors who have no additional responsibilities. This could be higher than the minimum allowable remuneration set by the Authority. Following its formal decision-making, the council will need to forward their proposal for additional remuneration to the Authority for consideration and inclusion in the determination.

Local Government Elected Members Allowances

Elected members of a local authority may be entitled to receive the following allowances. All allowances are entirely at the discretion of Council, within the limits set by the Remuneration Authority.

Council has adopted a Sensitive Expenditure Policy (attached) that applies to both employees and elected members. Elected Members are encouraged to familiarise themselves with the Policy.

The Policy covers some of these Allowances.

a. Vehicle Mileage Allowance

Refer page 10, clause 4.8 to 4.12 of the Policy.

The current Determination sets out the rates when a mileage allowance may be paid and the rates that can be paid;

- Petrol or diesel vehicle; 83 cents per kilometre for the first 14,000km and 31 cents per kilometre thereafter;
- Petrol hybrid vehicle; 83 cents per kilometre for the first 14,000km and 18 cents thereafter;
- Electric vehicle; 83 cents per kilometre for the first 14,000km and 10 cents thereafter.

b. Travel Time Allowance

The Policy clause 3.27 states that 'Travel time will not be paid, unless approved by the employee's Manager.'

The Determination sets the allowance amount a local authority may pay an elected member for eligible travel time. The allowance is set at \$40.00 for each hour of eligible travel time after the first hour of travel time.

c. ICT Allowances

The Determination sets the allowance amount. During the 2019-2022 triennium no similar allowance was paid.

The 2022 Determination provides for the following ICT Allowances;

- i) for the use of a personal computer, tablet, or laptop, including any related docking station, \$400:
- ii) for the use of a multi-functional or other printer, \$50:
- iii) for the use of a mobile telephone, \$200:
- iv) for the use of ICT consumables, up to \$200.

- v) for the use of member's own internet service, up to \$800
- vi) for the use of member's own mobile telephone service, up to \$500 or reimbursement of actual costs accrued for Council business

It is noted that all Elected Members are issued with a Council owned laptop with mobile data to be used for Council related business.

d. Childcare allowance

The Determination sets out the allowance amount and the eligibility criteria. The maximum allowance payable is \$6,000 per child per Determination term.

Mōrearea | Risk

There is a risk that elected members remuneration will be put under public scrutiny. The Authority has recognised this, and has responded by setting the total Pool and the Minimum Base Remuneration for elected members.

Ngā Whiringa | Options

Allocation of Governance Pool

Option A: The Pool is equally allocated to all 12 members.
 $\$463,877 / 12 = \$38,656.42$

OR

Option B: A formula (based on historic formula) for setting the remuneration is used to recognise roles of extra responsibilities and workload;

Deputy Mayor (The Deputy Mayor exercises the same roles as other Elected Members, and may be called on to attend events where the Mayor cannot attend. In addition, the Deputy Mayor is appointed to additional committees as part of this role. If the Mayor is absent or incapacitated, the Deputy Mayor must perform all of the responsibilities and duties of the Mayor)
Ratio of 1.15 – \$43,370.61

Chair of Corporate and Operations Committee (The Chair of the Corporate and Operations Committee chairs meetings attended by all Elected Members on a monthly basis (excluding January))

Ratio of 1.15 - \$43,370.61

Councillor (all other) Ratio of 1 - \$37,713.58

OR

Option C: A formula for setting the remuneration is used to recognise roles of extra responsibilities and workload;

Deputy Mayor (The Deputy Mayor exercises the same roles as other Elected Members, and may be called on to attend events where the Mayor cannot attend. In addition, the Deputy Mayor is appointed to additional committees as part of this role. If the Mayor is absent or incapacitated, the Deputy Mayor must perform all of the responsibilities and duties of the Mayor)
Ratio of 1.2 - \$45,627.25

Councillor (all other) 1 - \$38,022.70

OR

Option D: A new formula is used to recognise roles of extra responsibilities and workload.

Allowances

Vehicle Mileage Allowance

A) Council adopts the vehicle mileage allowance in accordance with the Remuneration Authority's Determination and Council's Sensitive Expenditure Policy;

OR

B) Council does not adopt a Vehicle Mileage Allowance.

Travel Time Allowance

A) Council adopts the Travel Time Allowance in accordance with the Remuneration Authority's Determination and Council's Sensitive Expenditure Policy;

OR

B) Council does not adopt the Travel Time Allowance.

Information or Communication Technology (ICT) Allowance

A) Council adopts the following ICT Allowance(s) in accordance with the Remuneration Authority's Determination in addition to the issuing of Council owned laptops with mobile data;

iii) Use of a member's own mobile telephone for the purpose of the member's work on local authority business; and/or

iv) Use of member's own mobile telephone service for the purpose of the member's work on local authority business.

OR

B) Council does not adopt an ICT Allowance in addition to the issuing of Council owned laptops with mobile data.

Childcare Allowance

A) Council adopts the Childcare Allowance in accordance with the Remuneration Authority's Determination and Council's Sensitive Expenditure Policy;

OR

B) Council does not adopt the Childcare Allowance.

Ngā take ā-ture, ā-Kaupapahere hoki | Legal and policy considerations

The Remuneration Authority's Local Government Members (2022/23) Determination 2022

The Determination (attached) sets the total Governance Pool available for Council. The total Pool must be allocated.

The Determination also sets the total annual remuneration for the Mayor, the maximum rates for Mileage/Vehicle Allowance, Childcare Allowance and ICT Allowance, and the eligibility criteria for these.

Sensitive Expenditure Policy

Employees and elected members are responsible for complying with the principles, procedures and other controls of the Policy. The Policy sets out the criteria for eligible claims for mileage and reimbursements.

Ngā Pāpāhonga me ngā Wātaka | Communications and timeframes

Elected members will be paid the minimum allowable remuneration from the date of taking office being 14 October 2022.

The new remuneration will be backdated to the date of which the decision was made.

Pānga ki te pūtea, me te puna pūtea | Financial Cost and Funding Source

Elected members remuneration and allowances are funded from the Democracy Operational budget in the Annual Plan.

Ngā Tāpiritanga | Attachments

- A⇒ Local Government Members 2022/23 Determination 2022 (*Under Separate Cover*)
- B⇒ Sensitive Expenditure Policy 24 July 2019 (*Under Separate Cover*)

Ngā waitohu | Signatories

Author(s)	Sandra Harris Placemaking and Governance Team Leader	
Approved by	Erin Bates Strategic Partnerships and Governance Manager	
	Don McLeod Chief Executive Officer	

7 Pūrongo me whakatau | Decision Reports

7.7 Schedule of Chief Executive Officer's decisions on urgent matters during the transition period between 14 October 2022 – 1 November 2022

CM No.: 2644561

Rāpopotonga Matua | Executive Summary

At the Council meeting on 28 September 2022, elected members delegated urgent decision making to the Chief Executive during the transition period of the new elected. There were no urgent decisions made during this period.

WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

1. The information be received.

Moved by: Deputy Mayor J Thomas

Seconded by: Cr R Smith

KUA MANA | CARRIED

Horopaki | Background

At the Council meeting on 28 September 2022 Council made the following resolution:

WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

1. *The information is received.*
2. *From the day following the Electoral Officer's declaration being 14 October 2022, until the new Council is sworn in 1 November 2022, the Chief Executive is authorised to make decisions in respect of urgent matters, in consultation with the Mayor elect. All decisions made under this delegation will be reported to the first ordinary meeting of the new Council on 9 November 2022.*
3. *Council considers whether to appoint Ms Adrienne Wilcock, Mr Kevin Tappin and Ms Sue Whiting as independent commissioners and delegate powers accordingly for the purposes of the Dog Control Act 1996, Building Act 2004 and Gambling Act 2003 for the period 14 October to 9 November 2022.*
4. *Council considers whether to recommend to the Chief Executive to appoint Ms Adrienne Wilcock as a Commissioner for the District Licensing Committee for the period 14 October to 9 November 2022.*

Moved by: Cr R Smith

Seconded by: Cr S Whiting

KUA MANA | CARRIED

During the transitional period for 2022 there were no urgent decisions made by the Chief Executive.

Ngā Tāpiritanga | Attachments

There are no attachments for this report.

Ngā waitohu | Signatories

Author(s)	Stephanie Hutchins Governance Support Officer	
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Approved by	Sandra Harris Placemaking and Governance Team Leader	
	Erin Bates Strategic Partnerships and Governance Manager	

7 Pūrongo me whakatau | Decision Reports

7.8 2022 Council and Committee Meeting Calendar

CM No.: 2652301

Rāpopotonga Matua | Executive Summary

The purpose of this report is to confirm Council and Committee meeting dates for the remainder of 2022. Meeting dates for 2023 will be confirmed at Council's final meeting in 2022.

WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

1. The calendar of meeting dates outlined in Option B (below) be approved for the remainder of 2022.

Moved by: Cr R Smith

Seconded by: Cr C Ansell

KUA MANA | CARRIED

Horopaki | Background

Option A - Proposed meeting dates based on historic meeting types and dates has been detailed below (including inductions):

- Thu 10 Nov – Induction workshop
- Wed 16 Nov – Induction workshop
- Thu 17 Nov – Induction workshop
- Wed 23 Nov – Corporate and Operations Committee Meeting*
- Thu 24 Nov – Induction workshop
- Wed 30 Nov – District Tour
- Thu 1 Dec – District Tour
- Tue 6 Dec – Te Manawhenua Forum* followed by Audit and Risk Committee*
- Wed 7 Dec – Council meeting
- Thu 8 Dec – Co-Lab Shared Council Induction
- Wed 14 Dec - Corporate and Operations Committee*

* - Meeting types to be confirmed in 'Appointment of Committees' report

Option B – Proposed meeting dates with potential amendments to meeting types (including inductions)

- Thu 10 Nov – Induction workshop
- Wed 16 Nov – Induction workshop
- Thu 17 Nov – Induction workshop

- Wed 23 Nov – Council Meeting
- Thu 24 Nov – Induction workshop
- Wed 30 Nov – District Tour
- Thu 1 Dec – District Tour
- Tue 6 Dec – Te Manawhenua Forum* followed by Risk and Assurance Committee*
- Wed 7 Dec – Workshop (TBC)
- Thu 8 Dec – Co-Lab Shared Council Induction
- Wed 14 Dec - Council

* - Meeting types to be confirmed in 'Appointment of Committees' report

Ngā Tāpiritanga | Attachments

There are no attachments for this report.

Ngā waitohu | Signatories

Author(s)	Sandra Harris Placemaking and Governance Team Leader	
Approved by	Erin Bates Strategic Partnerships and Governance Manager	
	Don McLeod Chief Executive Officer	

11.10am

The Chairperson thanked Members for their attendance and attention to business and declared the meeting closed.

CONFIRMED AS A TRUE AND CORRECT RECORD
OF THE ORDINARY MEETING OF KAUNIHERA |
COUNCIL HELD ON 9 NOVEMBER 2022.

KO TE RĀ | DATE:

TIAMANA | CHAIRPERSON: