

Council

Open Agenda



Notice is hereby given that an ordinary meeting of Matamata-Piako District Council will be held on:

Date: Wednesday 8 November 2017
Time: 9:15am
Venue: Council Chambers
35 Kenrick Street
TE AROHA

Membership

Mayor

Jan Barnes, JP

Councillors

Donna Arnold
Teena Cornes
Paul Cronin
Neil Goodger
Brian Hunter
Peter Jager

James Sainsbury
Ash Tanner
Kevin Tappin
James Thomas, JP
Adrienne Wilcock

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1 Meeting Opening

2 Apologies

At the close of the agenda no apologies had been received.

3 Leave of absence

At the close of the agenda no requests for leave of absence had been received.

4 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
- (b) 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.”

5 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.

6 Confirmation of minutes

Minutes, as circulated, of the Ordinary Meeting of Matamata-Piako District Council, held on 11 October 2017

7 Matters Arising

8 Announcements

9 Notices of Motion

Schedule of Meetings for 2018

Trim No.: 1929839

Executive Summary

Council are asked to give consideration to the meeting cycle which best suits their needs.

The schedule outlined below follows a similar schedule to that used this year.

Council meet every 2nd Wednesday of the month.

Corporate and Operations Committee (COC) meet every 4th Wednesday of the month.

In April 2018 the COC meeting falls on Anzac Day - Council has the options to hold a meeting on Tuesday 24 April, Thursday 26 April or have no COC meeting in April. Council is also asked to consider whether two meetings are required in December; an option would be to hold the Council meeting on 12 December, and have no COC meeting that month.

MONTH	COUNCIL	CORPORATE & OPERATIONS
January 2017	No Meeting	No Meeting
February 2017	14 February	28 February
March 2017	7 March (LTP draft adoption) 14 March	28 March
April 2017	11 April	24/26 April or no meeting
May 2017	9 May	23 May
June 2017	13 June 27 June (LTP and rates)	27 June
July 2017	11 July	25 July
August 2017	8 August	22 August
September 2017	12 September	26 September
October 2017	10 October	24 October
November 2017	14 November	28 November
December 2017	5* December or 12 December	12** December or no meeting
	* 1 st Wednesday	** 2 nd Wednesday

Recommendation

That:

- The Council confirm and adopt its schedule of meetings for 2018.**

Attachments

There are no attachments for this report.

Signatories

Author(s)	Caroline Hubbard Committee Secretary	
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Approved by	Michelle Staines-Hawthorne Corporate Strategy Manager	
	Don McLeod Chief Executive Officer	

Council Controlled Organisation Exemption for the Hauraki Rail Trail Charitable Trust

Trim No.: 1861649

Executive Summary

The Hauraki Rail Trail Charitable Trust (the Trust) is the Governance entity for the cycleway known as the Hauraki Rail Trail (HRT). Currently the Trust is responsible for developing, managing and promoting the HRT, which is part of the New Zealand wide network of cycleways branded as Nga Haerenga.

The purpose of this report is to undertake the third review of the Hauraki Rail Trail Charitable Trust (Trust) from being a Council Controlled Organisation (CCO) under the Local Government Act 2002 (LGA) and determine if the exemption is still appropriate.

Recommendation

That:

1. the report be received, and
2. Council resolve that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provisions of Section 79 of that Act determines that it does not require further information prior to making a decision on this matter;
3. Council grant the Hauraki Rail Trail Charitable Trust an exemption from the Council-Controlled Organisation requirements of the Local Government Act 2002 under section 7(3) of that Act.

Content

Background

CCO status

Section 6 of the LGA defines a CCO as an entity in respect of which one or more local authorities have, whether or not jointly with other local authorities or persons:

- control, directly or indirectly of 50% or more of the votes at any meeting of the members or controlling body of the entity; or
- the right, directly or indirectly to appoint 50% or more of the trustees, directors, or managers (however described) of the entity.

The Hauraki, Matamata-Piako and Thames-Coromandel District Councils are settlors to the Trust Deed and the Trust fits the legal definition of a CCO as defined in the LGA because the councils indirectly control 50% of the votes at the Trust meetings. In accordance with the Trust Deed there must be between three and six Trustees on the Board of the Trust. Each Council has appointed a Trustee and local Iwi have appointed three, where those Iwi have mana whenua status over the path of the HRT.

In 2011 it was recommended by the now disbanded Hauraki Rail Trail Joint Committee (Matamata-Piako, Thames-Coromandel and Hauraki District Councils) that the Trust be treated as an exempt CCO. Council granted the Trust an exemption from the CCO requirements of the LGA on 14 December 2011 and again on 12 November 2014. Under section 6(4)(i) of the LGA this means that the Trust is currently operating as a Council Organisation (CO), not a CCO.

Pursuant to section 7(6) of the LGA any decision to grant an exemption is required to be reviewed within three years after it is granted. Council is therefore required to consider the exemption and whether this should continue for another three years prior to 12 November 2017.

CCO requirements under the Local Government Act, 2002

Part 5 of the LGA (sections 55 to 74 and Schedules 8 and 9) outlines the requirements for CCOs. These requirements include half yearly and annual reporting obligations and a requirement to prepare a statement of intent.

Issues

Council needs to consider if the reasons for granting the Trust an exemption from the requirements of a CCO in 2011 and 2014 are still valid. Pursuant to section 7(3) of the LGA, Council may exempt a CCO from the requirements generally imposed on CCOs provided that they first consider the factors listed in section 7(5) of the Act.

Those factors are:

- the nature and scope of the activities provided by the CCO; and
- the costs and benefits of granting the exemption to Council, the CCO and the community.

Nature and Scope of Activities (s7(5)(a))

The nature and scope of the Trust's activities are set out in the attached Trust Deed. Section 5.1 of the Trust Deed states that '*the Board shall hold the Trust Fund on Trust for the charitable purpose of providing benefits to the communities within the Region by operating, maintaining, repairing, developing and facilitating the use and enjoyment of the Cycleway*'.

This includes:

- leasing and/or licensing land from any of the Settlers or any other party for use by the Cycleway;
- developing and constructing extensions and additions to the Cycleway including, without limitation; an extension to the Cycleway from Kaiaua to Kopu; and additions and detours from the Cycleway to sites of interest close to the Cycleway;
- maintaining all of the Cycleway;
- ensuring that the Cycleway is developed and maintained to the standard required for it to be included in the Nga Haerenga/National Cycleway network;
- raising funds to carry out and complete any of these charitable purposes.

The Hauraki District Council also entered into a Management Agreement with the Trust which outlines the responsibilities of the Trust, including many of the responsibilities given to Hauraki District Council under its funding agreement with the Crown. This agreement enables the Hauraki District Council to provide the Trust with some direction and provides the Trust flexibility to enter different funding arrangements with different funders. This model may be reviewed as the Trust takes on more management roles directly.

Costs and Benefits (s7(5)(b))

The CCO regime would impose costs on the Trust arising from:

- the time and costs associated with forming a Council Controlled Organisation by way of the special consultative procedure; and

- ongoing administration and additional reporting costs.

Given that the Trust is not projected to make a large profit over the next three years, any additional costs associated with the CCO regime would likely initially need to be funded by the Councils.

The question that therefore needs to be considered is whether these costs outweigh the potential benefits for Council in requiring the Trust to comply with the CCO regime.

These potential benefits are:

- receiving an annual Statement of Intent and additional financial reporting as outlined in the LGA; and
- the democratic benefit of providing for public consultation in relation to the Trust becoming a CCO.

Because the range of activities undertaken by the Trust is relatively narrow and limited to governance of the HRT, and there are several reporting and monitoring mechanisms already in place, both of these benefits are available to the Council without the costs and time delays associated with the CCO regime.

In addition to this, consultation was undertaken by Council prior to agreeing to the establishment of the Hauraki Rail Trail and by Hauraki District Council as part the process to designate the Hauraki Rail Trail under the Resource Management Act 1991.

Analysis

Options considered

Council could:

- decline to continue the exemption of the Trust from CCO status under the LGA; or
- continue the exemption of the Trust from CCO status under the LGA.

Analysis of preferred option

Council will need to consider if the rationale provided by the Hauraki Rail Trail Trust Joint Committee in 2011 and 2014 for the Trust exemption from the CCO regime is still valid.

The rationale for continuing the exemption is set out below:

- The requirements imposed on CCOs under the LGA are relatively onerous for the Trust given its size and scope of operation;
- The Trust can be subject to sufficient Council oversight and control outside the CCO regime under the terms of the Trust Deed and Hauraki District Council's Management Agreement;
- The Trust has neither the funds nor the responsibilities that necessitate the reporting or consultation requirements imposed on CCOs;
- There will be financial benefits and few, if any, costs to the local authority and the community in continuing the exemption;
- The Trust is a charity, and may become dependent upon the Councils (and therefore the community) to meet the costs of the CCO requirements;
- The Trust will not be in a position to meet the reporting requirements attaching to statements of intent without professional assistance, creating further costs, and those costs will outweigh any reporting benefits because of the small size of the organisation and it's not for profit basis;
- The Trust provides financial reports to the Charities Commission in order to maintain its status as a charitable organisation and those reports must also be provided to the Councils and to local Iwi upon request so there is still public transparency regarding its financial position; and

- In the event that the Trust's operations change over time, the Councils may revoke its status as an exempted organisation.

Legal and statutory requirements

The legal requirements under the LGA have been outlined above in this report. In order for the Trust to be exempted from CCO status under section 7(3) of the LGA, Council must grant the exemption by resolution.

Impact on significance policy

Under the Council's Significance and Engagement Policy 2017, a decision in accordance with the recommendation(s) is not considered to have a high degree of significance.

Communication, consultation and decision making processes

Council undertook extensive consultation prior to contributing funding to the Hauraki Rail Trail and Hauraki District Council undertook consultation in obtaining a designation over the rail corridor for the trail under the Resource Management Act 1991. No further consultation has been undertaken with the community on this matter.

Both Hauraki and Thames-Coromandel District Councils have reports seeking exemptions going to their Council meetings, it is anticipated that these exemptions will be granted by the respective Councils.

If Council resolves to extend the CCO exemption this will mean that the Trust's exemption will be reviewed again by all councils in 2020, the Trust will be advised in writing of Council's decision.

Consent issues

There are no consent issues.

Timeframes

Council must resolve whether to continue the CCO exemption prior to 12 November 2017.

Contribution to Community Outcomes

1.c) Council will encourage growth and prosperity to ensure the district is an attractive place to raise a family

3.d) The tourism potential in our district will be recognised and encouraged

Financial Impact

Should Council require the Trust to meet the requirements for CCOs under the LGA, it is anticipated that further discussions would be required with the Trust on the cost of meeting these requirements. Hauraki District Council report of 11 September 2017 (file reference: 2274463) to their council on 27 September 2017 states "*Based on the Councils' experience with Local Authority Shared Services Ltd, these additional costs are estimated at approximately \$30,000 per annum*".

Attachments

A. HRTCT Trust Deed - final signed copy

Signatories

Author(s)	Vicky Oosthoek Corporate Strategy Administration Officer	
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Approved by	Michelle Staines-Hawthorne Corporate Strategy Manager	
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	Don McLeod Chief Executive Officer	
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**TRUST DEED CREATING THE HAURAKI RAIL
TRAIL CHARITABLE TRUST**

between

**HAURAKI DISTRICT COUNCIL, THAMES
COROMANDEL DISTRICT COUNCIL and
MATAMATA PIAKO DISTRICT COUNCIL
("Settlers")**

and

**GRAEME OSBORNE, TEENA MAREE
CORNES, CHRISTOPHER JOHN ADAMS,
JILL TAYLOR, JOCELEEN HELEN KARU
and WALTER NGAKOMA NGAMANE
("Original Trustees")**



HARKNESSHENRY
LAWYERS

MOP-419922-1-53-V6-E2

TRUST DEED CREATING THE HAURAKI RAIL TRAIL CHARITABLE TRUST

Date: 2 March 2012 ~~2010~~

Parties

1. HAURAKI DISTRICT COUNCIL, THAMES COROMANDEL DISTRICT COUNCIL and MATAMATA PIAKO DISTRICT COUNCIL ("Settlers")
2. GRAEME OSBORNE, TEENA MAREE CORNES, CHRISTOPHER JOHN ADAMS, JILL TAYLOR, JOCELEEN HELEN KARU and WALTER NGAKOMA NGAMANE ("Original Trustees")

Background

- A. The Settlers have agreed to establish a charitable trust to be known as the Hauraki Rail Trail Charitable Trust
- B. The Settlers wish the Trust to own, operate, maintain, repair, develop and facilitate the use and enjoyment of a cycleway (or cycleways) on the terms set out in this Deed.
- B. The Original Trustees have agreed to act as the first Trustees of the Trust.

This deed records

1. Interpretation

- 1.1 In this Deed unless the context otherwise requires:

"Balance Date"	means 30 June or any other date adopted from time to time by the Trustees as the end of the Trust's Financial Year.
"the Board"	means the Board of Trustees of the Hauraki Rail Trail Charitable Trust established by this Deed.
"Chairperson"	means the Chairperson who is the Trustee appointed in accordance with clause 10.1.
"Charities Act"	means the Charities Act 2005 or any act passed in substitution for that Act.
"Council Trustee"	means a Trustee appointed pursuant to clause 9.1.
"Cycleway"	means the public cycleway known as the Hauraki Rail Trail together with its associated facilities (including, without limitation, bridges, toilets and user information boards).
"Deed"	means this deed including any amendments to it from time to time.
"Financial Year"	means any year or other accounting period ending on the Balance Date.
"Iwi"	means the following iwi: Ngati Maru, Ngati Paoa, Ngati Whanaunga, Ngati Tamatera, Ngati Hako, Ngati Tara Tokanui and Ngati Rahiri Tumutumu.

TRUST DEED CREATING THE HAURAKI RAIL TRAIL CHARITABLE TRUST 2

"Iwi Trustee"	means a Trustee appointed pursuant to clause 9.2.
"month"	means calendar month.
"Purposes"	means the charitable purposes of the Trust as set out in clause 5 of this Deed but subject to the limitation in clause 6.
"Region"	means the regions under the authority of the Hauraki District Council, the Thames Coromandel District Council and/or the Matamata Piako District Council.
"Report"	means a report prepared by the Board for the purpose set out in clause 11.6 and containing the information required by clause 11.7.
"Tax Act"	means the Income Tax Act 2007 or any act passed in substitution for that Act.
"the Trust Assets"	means any real and personal property owned or held by the Trustees on the trusts of this Deed from time to time including such further money or property as may from time to time be added by way of capital or income to be held by the Board upon the Trusts, for the charitable purposes and with the powers as set out in this Deed.
"the Trust"	means the charitable trust established by this Deed and known as the Hauraki Rail Trail Charitable Trust.
"the Trustees"	means the trustee or trustees of the Trust for the time being (including all or any of the Original Trustees who remain as trustees and any additional or substituted trustees and both Council Trustees and Iwi Trustees and for the avoidance of doubt Council Trustees and Iwi Trustees have exactly the same rights, obligations and duties unless specifically stated in this deed).

- 1.2 Clause and other headings are for ease of reference only and shall not be deemed to form any part of the context or to affect the interpretation of this Deed.
- 1.3 References to parties are references to parties to this Deed.
- 1.4 References to persons include references to individuals, companies, corporations, firms, partnerships, joint ventures, associations, organisations, trusts, estates, agencies of state, government departments, state-owned enterprises and municipal authorities in each case whether or not having separate legal personality.
- 1.5 Expressions defined in the main body of this Deed bear the defined meaning in the whole of this Deed including the recitals.
- 1.6 References to clauses and recitals are references to clauses and recitals of this Deed.
- 1.7 References to the singular include the plural and vice versa.
- 1.8 Any obligations not to do anything shall be deemed to include any obligation not to suffer, permit or cause that thing to be done.

1.9 References to statute include references to any regulations, orders or notices for the time being in force made under or pursuant to such statute, and references to a statute include references to all amendments to that statute or otherwise, and references to a statute or provision thereof include references to any statute or provision for the time being in force passed in substitution for that statute or provision thereof.

2. Establishment

2.1 The Settlers settle the sum of \$100.00 on the Trustees as an initial settlement on the Trust.

2.2 The Trustees agree to act as trustees of the Trust on the terms set out in this Deed.

2.3 The Trust shall comprise all Trust Assets which shall be held on trust by the Trustees and shall be managed and administered on the terms set out in this Deed.

2.4 The Trust shall commence on the date of this Deed and shall continue until terminated under clause 25.

3. Name of Trust

3.1 The Trust shall be known as the "Hauraki Rail Trail Charitable Trust".

4. Office

4.1 The office of the Trust and the Board shall be at any place determined by the Board from time to time.

5. Charitable Purposes

5.1 The Board shall hold the Trust Fund on Trust for the charitable purpose of providing benefits to the communities within the Region by operating, maintaining, repairing, developing and facilitating the use and enjoyment of the Cycleway. This charitable purpose shall include:

- a. leasing and/or licencing land from any of the Settlers or any other party for use by the Cycleway;
- b. developing and constructing extensions and additions to the Cycleway including, without limitation:
 - i. An extension to the Cycleway from Kaiaua to Kopu; and
 - ii. Additions and detours from the Cycleway to sites of interest close to the Cycleway;
- c. maintaining all of the Cycleway;
- d. ensuring that the Cycleway is developed and maintained to the standard required for it to be included in the Nga Haerenga/National Cycleway network; and
- e. raising funds to carry out and complete any of these charitable purposes.

5.2 In interpreting the terms of this Deed:

- a. the charitable purposes in clause 5.1 shall take precedence;

TRUST DEED CREATING THE HAURAKI RAIL TRAIL CHARITABLE TRUST

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- b. all other purposes shall be pursued to further the charitable purposes; and
- c. the Board shall have regard to the rights and responsibilities of the iwi as mana whenua of the land to be used for the Cycleway

5.3 In carrying out its Purposes, the Trust must take reasonable steps to protect any areas of spiritual and cultural significance to tangata whenua on any land where the Cycleway operates.

6. Limitation on Purposes

6.1 The Purposes of this Trust may not extend to any matter or thing which is not charitable within the meaning of the Tax Act or the Charities Act or not carried out within New Zealand.

7. Powers

7.1 The Trustees shall in addition to all other powers conferred by law have the widest possible powers and discretions to achieve the Purposes of the Trust and shall be empowered to exercise all the rights, powers and privileges and may incur all the liabilities and obligations of a natural person of full age and capacity.

7.2 Subject to the provisions of this Deed, the Trustees shall have all powers over and in respect of the Trust and the Trust Assets which they could exercise if they were the absolute and beneficial owners of the Trust Assets. In particular, without derogating from the foregoing and subject to the provisions of this Deed, the Trustees shall have full and absolute power to do the following:

- a. To raise money by all means and in particular to solicit, receive and enlist financial or other aid from individuals and organisations, including gifts and bequests from individuals and organisations, and to conduct fundraising activities;
- b. To promote and further the Purposes by the publication and distribution of papers, journals and other publications and by advertising in any medium or by any other means;
- c. To make such payments, grants, loans or provide such other financial assistance to any person on such terms and conditions as the Trustees think proper;
- d. To enter into any arrangements with any government, public or local authority or private person (whether incorporated or not) that may seem conducive to the Purposes and to obtain from any such party any rights, privileges or concessions which the Trustees may think is desirable to obtain, and to carry out and to comply with any such arrangements, privileges, rights and concessions;
- e. To purchase, sell, lease, or otherwise deal with the Trust Assets on such terms and conditions as the Trustees think fit;
- f. To maintain the Trust Assets;
- g. To provide such amenities as considered necessary;
- h. To operate any lawful trading activity;

TRUST DEED CREATING THE HAURAKI RAIL TRAIL CHARITABLE TRUST

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- i. To borrow money or provide guarantees on such terms, conditions or security (including mortgages) as the Trustees consider appropriate;
 - j. To invest or lend money on such terms as the Trustees decide and to vary such loans or investments from time to time;
 - k. To subscribe for, pay up and accept shares in any limited liability company and to purchase or otherwise acquire and hold shares in such companies and to join in and become a member of any partnership, joint venture or other business enterprise of which the Trustees approve. This includes the power to act as a shareholder and exercise all powers of a shareholder;
 - l. To employ and act as a good employer towards any person engaged to carry out the services of the Trust with power to dismiss such person as necessary;
 - m. To contribute to any tax charity (as defined in the Tax Act) having substantially similar purposes as the Purposes;
 - n. To receive from the New Zealand Government or any council, board or body under the jurisdiction thereof or any other government, state or national body or any international organisation, any grant, subsidy or payment whatsoever in order to further the Purposes;
 - o. To charge any person for use of the Trust Assets such charges as may be fixed by the Trust;
 - p. To join with any other person, group, body or organisation under such arrangement as the Trustees think fit to provide for the charitable purposes;
 - q. To pay all or any of the reasonable expenses incurred in and in connection with the establishment, incorporation and running of the Trust;
 - r. To insure against loss or damage by any cause whatsoever any insurable property forming part of the Trust Assets, and to insure against any risk or liability against which it would be prudent for a person to insure if he were acting for himself, for such amounts and on such terms as the Trustees may from time to time think fit;
 - s. To enter into contracts with any other person for the purposes of managing and operating the Trust;
 - t. To instruct agents and consultants to act in relation to the Trust Assets or assets intended to be acquired by the Trust;
 - u. To do the above things as principal, agent, contractor, trustee or otherwise and by or through agents, trustees or otherwise and either alone or in association with others.
 - v. To appoint committees as expedient to carry out the Purposes. Members of any committee need not be Trustees.
- 7.3 None of the powers conferred on the Trustees by this clause shall otherwise be deemed subsidiary or ancillary to any other power or authority and the Trustees shall be entitled to exercise all or any of the said powers and authorities independently of any other or others of them. In the event of any ambiguity this provision shall be construed so as to widen and not restrict the powers of the Trustees provided

however that at no time shall any provision be construed so as to detract from the charitable purposes of the Trust.

8. Number of Trustees

8.1 The number of Trustees shall be not less than three nor more than six. If at any time there are less than three Trustees the powers of appointment in clause 9.1 must be exercised to increase the number of such Trustees to three as soon as is reasonably practicable. The remaining Trustees shall be entitled to act until the number of Trustees appointed is so increased and no act or decision of the Trustees shall be called into question on such account provided that such actions are limited to essential administrative matters only.

9. Appointment and Removal of Trustees

9.1 Three Council Trustees shall be appointed as follows:

- a. the Hauraki District Council shall have the power to appoint one Trustee and to remove any Trustee it appoints;
- b. the Thames Coromandel District Council shall have the power to appoint one Trustee and to remove any Trustee it appoints;
- c. the Matamata Piako District Council shall have the power to appoint one Trustee and to remove any Trustee it appoints; and

9.2 Three Iwi Trustees shall be appointed as follows:

- a. one Iwi Trustee shall be appointed by the Iwi holding mana whenua between Thames and Hikutaia until such time as the Cycleway has been extended to include a section from Kaiaua to Kopu from which time this Iwi Trustee shall be appointed by the Iwi holding mana whenua between Kaiaua and Hikutaia;
- b. one Iwi Trustee shall be appointed by the Iwi holding mana whenua between Tirohia and Te Aroha; and
- c. one Iwi Trustee shall be appointed by the Iwi holding mana whenua between Hikutaia and Tirohia and between Paeroa and Waihi.

9.3 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 Maori and the significance to the Iwi of the land to be used for the Cycleway.

- 9.4 At the first annual meeting to be held three years after the date of this Deed and at every second annual meeting after that:
- a. the longest serving Council Trustee shall retire; and
 - b. the longest serving Iwi Trustee shall retire;
- provided that if two or more Council Trustees or two or more Iwi Trustees have served as trustees for the same length of time, the Trustee or Trustees (as the case may be) to retire shall be determined by lot. A trustee who is required to retire pursuant to this clause can be re-appointed. There is no limit to the number of times a trustee can be re-appointed.
- 9.5 A Trustee shall cease to hold office if the Trustee:
- a. is automatically removed pursuant to clause 9.4;
 - b. resigns as Trustee by giving written notice to the Chairperson;
 - c. dies while holding office as a Trustee;
 - d. becomes bankrupt or enters into any composition or scheme or arrangement with his or her creditors;
 - e. is convicted of an indictable offence without right of further appeal;
 - f. becomes subject to a personal order or a property order under the Protection of Personal and Property Rights Act 1988;
 - g. is removed by the Council which appointed that Trustee pursuant to clause 9.1;
 - h. becomes disqualified to be an officer of a charity in accordance with the Charities Act;
 - i. has been deemed by unanimous vote of the other Trustees to lack the attributes required of the Trustees as specified in clause 9.3;
- 9.6 The Trustees shall record in the minute book of the Trust every appointment, reappointment, removal or cessation of office of any Trustee and shall notify the Charities Commission of all changes of Trustees in accordance with the Charities Act.
- 10. Appointment and Election of Officers**
- 10.1 The Trustees shall appoint one of their number to be the Chairperson of Trustees.
- 10.2 The Trustees shall annually appoint a Secretary to hold office until the appointment is revoked by the Trustees.
- 10.3 The Trustees shall annually appoint a Treasurer to hold office until the appointment is revoked by the Trustees.
- 10.4 The Secretary and Treasurer may be the same person.
- 10.5 Only the Trustees are eligible to be an officer of the Board. Any officer of the Board shall automatically cease to hold office upon ceasing to be a Trustee.
- 10.6 A Trustee (other than the Chairperson) may resign from an office to which that Trustee has been appointed, without resigning as a Trustee.

TRUST DEED CREATING THE HAURAKI RAIL TRAIL CHARITABLE TRUST

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11. Duties and Functions of the Board

- 11.1 The Board shall conduct the business and activities of the Trust in an open and transparent manner.
- 11.2 The Board will set policies and resolve on courses of action and means of implementation so as to achieve the Purposes.
- 11.3 The Board will monitor the activities of the Trust to ensure its assets are used as effectively as possible to achieve the Purposes and to demonstrate to those bodies and agencies which fund and support the Trust's activities that the funding and support provided is being effectively applied and utilised.
- 11.4 The Settlers expressly declare that it is their intention that the Trust shall be a perpetual trust but that the Trustees shall have power to:
- a. deal with the income derived from the Trust Assets in accordance with clause 11.5; and
 - b. pay, appropriate or contribute such portion of the capital of the Trust Assets towards the attainment of the Purposes as the Trustees consider prudent taking into account the above intention;
- provided that nothing in this clause shall restrict the powers of the Trustees pursuant to clause 25 of this deed.
- 11.5 The Trustees shall stand possessed of the income derived from the Trust Assets upon the following trusts:
- a. To pay or apply the same or any part of the current net annual income for or towards the Purposes;
 - b. To appropriate for any of the Purposes the whole or any part of the net annual income arising from the Trust whether or not the same shall have been received by the Trustees;
 - c. To make or retain out of or charge against income in any income year any payments, reserves or any provision of a capital nature for any of the Purposes or incidental to the exercise of any of the powers, authorities or discretions conferred on the Trustees by this Deed in respect of the Trust Assets;
 - d. To accumulate the whole or any part of current net annual income derived by the Trust by investing the same in the resulting income therefore to the intent that the Trustees may elect either:
 - i. To resort to any accumulated surplus for the same purposes and subject to the same trusts and powers as set out in this Deed as for income; or
 - ii. To add any accumulated surplus as an accretion to the Trust Assets to be held by the Trustees upon the same trusts and with the powers declared in this Deed in respect of the capital of the Trust Assets.
- 11.6 At least 4 months before the Balance Date in each year the Board shall prepare a Report and forward a written copy of that Report to:

- a. Hauraki District Council;
 - b. Thames Coromandel District Council;
 - c. Matamata Piako District Council; and
 - d. any of the Iwi which request a copy of the Report from the Board.
- 11.7 Each Report shall include the following information:
- a. a copy of the Trust's most recent annual return filed with the Charities Commission as required by the Charities Act;
 - b. the Trust's proposed budget for the financial year following the next Balance Date; and
 - c. the Trust's proposed work programme for the financial year following the next Balance Date.
- 12. Proceedings of the Board**
- 12.1 All meetings of the Board shall be chaired by the Chairperson. Should the Chairperson not be present, those of the Trustees present shall elect an acting chairperson from their number to chair that meeting.
- 12.2 Voting at meetings of the Board shall be by simple majority, except for meetings held pursuant to clause 25.1. The Chairperson is not entitled to a second or casting vote.
- 12.3 Voting shall be by show of hands or oral indication unless a ballot is directed by the Chairperson or required by any 2 of the Trustees present at the meeting.
- 12.4 The Secretary shall post by ordinary mail, or send by email or fax, written notice of the date, time, place and agenda items of each meeting of the Board to all of the Trustees so that it is received in the ordinary course of the post or email or fax transmission not less than 7 clear days prior to the meeting. This procedure will not apply to meetings called by the Chairperson pursuant to clause 13.4.
- 12.5 A meeting of the Trustees may be impeached or called into question in any way solely on the ground that the requisite notice has not been given, but only by a Trustee.
- 12.6 A proper written record of all decisions and business transacted at every meeting of the Board shall be kept by the Secretary. The minutes may include notice of the next meeting if fixed at the meeting.
- 12.7 A resolution in writing approved by the Board shall be valid as if it had been passed at a meeting of the Board duly called and held. Any such resolution may consist of several documents in like form each signed by one or more members.
- 13. Meetings**
- 13.1 Within 2 months of the execution of this Deed and thereafter within 2 months of the end of each Financial Year a meeting ("the annual meeting") shall be called to:
- a. receive and consider the annual report and review the Board's activities during the preceding year;

TRUST DEED CREATING THE HAURAKI RAIL TRAIL CHARITABLE TRUST

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- b. receive, consider and adopt the income and expenditure account and balance sheet;
 - c. consider any resolution notice of which shall have been given in writing to the Secretary of the Board at least 14 clear days before the meeting;
 - d. consider any general business; and
 - e. appoint an Auditor who shall not be a Trustee.
- 13.2 The Trustees shall otherwise meet together for the conduct of the affairs of the Trust from time to time and shall regulate and conduct their meetings as they think fit and for such purpose they may make such rules and regulations as they consider desirable, including, without limitation, rules and regulations relating to the conduct of telephone meetings.
- 13.3 A quorum for meetings of the Trustees shall be three Trustees provided that the quorum must include at least one Iwi Trustee and at least one Council Trustee.
- 13.4 The Chairperson may call a special meeting of the Board (other than one at which it is proposed to move a resolution under clause 23.1) by any means (including by telephone) at any time provided that the Chairperson in so doing does in fact give at least 7 clear days notice which must include advice of the matters to be considered at the special meeting to each of the Trustees then within New Zealand.
- 14. Delegation by Trustees**
- 14.1 The Trustees shall have, to the extent permitted by law, full power to delegate to:
- a. any officers or employees of the Trustees; or
 - b. any attorney, agent or other person nominated or appointed by the Trustees,
- all or any of the powers, authorities and discretions exercisable by the Trustees under this Deed, but without in any way releasing the Trustees from their obligations under this Deed.
- 15. Bank Accounts and Property**
- 15.1 The Trust Assets will be held by and in the joint names of the Trustees until the Board is incorporated as a Board under the provisions of the Charitable Trusts Act 1957, in which case it will be held by and in the name of the Board.
- 15.2 Bank accounts shall be operated on the signatures of a minimum of any two of the Trustees, but one of the signatories must be the Chairperson or the Treasurer.
- 15.3 The Treasurer or other officer of the Board shall have the power to receive and give receipts for all legacies, donations, subscriptions or other moneys bequeathed, made or given to the Trust and every such receipt shall be an effective discharge for the money or other money stated to have been received.
- 16. Execution of Documents**
- 16.1 When the Board is incorporated under the Charitable Trusts Act 1957, documents to be executed by the Board shall be executed under its common seal and attested by any 2 of the Trustees, one of whom shall be the Chairperson.

17. Incorporation

17.1 The Trustees shall immediately apply for incorporation under Part 2 of the Charitable Trusts Act 1957 as a Board under the name "Hauraki Rail Trail Charitable Trust".

18. Accounts

18.1 a. The Board will cause complete and accurate records to be kept in such manner as it thinks fit of all its receipts credits payments liabilities and other matters necessary for showing the true state and condition of the Trust.

b. The annual accounts of the Trust shall be prepared by an independent accountant appointed for that purpose by the Trustees. The independent accountant may be an accountant employed by any of the Settlers.

c. The books of account shall be kept at the office of the Trust and shall be open at all reasonable times to inspection and copy by any of the Trustees.

d. The Board will have the Trust's accounts audited each year by an independent auditor appointed by the Trustees.

18.2 The Board will properly receive all payments and property paid or transferred to the Trust, will properly meet all liabilities and responsibilities incurred or undertaken by it, and will properly administer the Trust Assets.

19. Tax Returns and Annual Returns

19.1 The Trustees shall cause to be prepared or filed with the Inland Revenue Department and the Charities Commission all necessary tax accounts, annual returns, reports, declarations, notices, certificates, reconciliations and other information required to be prepared or filed so as to allow the Trust to retain its charitable status for taxation purposes and to meet all of its obligations under the Acts administered by the Inland Revenue Department and the Charities Commission.

20. Declarations of Interest

20.1 No Trustee shall vote on any matter in which he or she has any personal or pecuniary interest or in which any company or other body in which the Trustee has a personal or financial interest itself has any pecuniary interest.

20.2 Any Trustee shall declare any such interest in writing as soon as the Trustee concerned becomes aware of the existence of the interest, the declaration to include all relevant detail needed to result in a full and fair disclosure. All Trustees shall act in good faith in all such matters.

21. Remuneration of Trustees and Payments of Expenses

21.1 Subject to clause 21.3, each Trustee may be paid such remuneration for their services as a Trustee, as determined by the unanimous agreement of the Settlers, as may be reasonable having regard to their duties and responsibilities as Trustees provided that such remuneration must be determined on the basis of the current market rate for that type of work

21.2 Subject to clause 21.3, each Trustee shall be entitled to be indemnified against, and reimbursed for, all travelling, accommodation and other expenses properly incurred

TRUST DEED CREATING THE HAURAKI RAIL TRAIL CHARITABLE TRUST

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by them in attending to and returning from meetings or in connection with the trusts of this Deed as determined by the Trustees.

- 21.3 No Trustee receiving any remuneration referred to in clauses 21.1 or 21.2 shall take part in any deliberations or proceedings relating to the payment or otherwise of that remuneration nor shall that Trustee in any way determine or materially influence (directly or indirectly) the nature or amount of that payment or circumstance in which it is to be paid.

22. No Private Pecuniary Profit

- 22.1 Nothing expressed or implied in this Deed shall permit the activities of the Trust or any business carried on by or on behalf of or for the benefit of the Trust to be carried on for the private pecuniary profit of any individual.

23. Alterations and Additions

- 23.1 Subject to clauses 5 and the rest of clause 23, the Board may resolve to amend any provision of this Deed.

- 23.2 Any resolution to effect an alteration or addition must:

- a. be passed by a majority of not less than two-thirds of the Trustees at a meeting of the Board where not less than 21 clear days' prior written notice of intention to move the amendment is given to all the Trustees; and
- b. be approved in writing by all of the Settlers.

- 23.3 No amendment may be made to the Trust Deed:

- a. which would have the effect of causing the Trust to cease to be a charitable trust; or
- b. to amend the Purposes to include any objective which is not a charitable objective or one to be achieved outside New Zealand;
- c. to amend clauses 5, 20, 22, 23 and 25.

- 23.4 Notwithstanding anything set out in the rest of clause 23 the Board shall amend this Deed to comply with the Tax Act or the Charities Act.

24. Liability of Trustees

- 24.1 The Trustees are expressly authorised to exercise the powers of investment expenditure and acquisition conferred upon them notwithstanding that the Trust Assets may be subject to any liability or liabilities and the Trustees shall not be liable for any loss occurring on the realisation of any asset which pursuant to the exercise of those powers comprises part of the Trust Assets.

- 24.2 To the extent permitted by law no Trustee of the trusts of this Deed shall be subject to any duties except:

- a. the duty to act honestly and the duty not to commit wilfully any act known to be a breach;
- b. the duty not to omit wilfully any act when the omission is known by the Trustee to be a breach of trust;

- c. for the consequences of any act or omission or for any loss attributable to the Trustee's own dishonesty, or for the wilful commission by the Trustee of any act known by the Trustee to be a breach of trust.
- 24.3 No Trustee shall be bound to take any proceedings against a co-Trustee for any breach or alleged breach of trust by that co-Trustee.
- 24.4 A Trustee shall be indemnified by and out of the Trust Assets (whether as to the capital or the income thereof) for and in respect of any loss or liability incurred by the carrying out or omission of any function duty or power of the Trustees under this Deed unless such loss or liability is attributable to such Trustees dishonesty or to the wilful commission by such Trustee of an act known by such Trustee to be a breach of trust or to the wilful omission by such Trustee of any act when that omission is known by the Trustee to be a breach of trust.
- 24.5 The Board may effect insurance for the Trustees and will meet all costs associated with such insurance.
- 25. Winding Up**
- 25.1 The Trust may be wound up on a unanimous resolution of all the Trustees at a meeting of the Trustees called for that purpose.
- 25.2 In the event of the Trust being wound up and after all liabilities of the Trust have been discharged the Board shall transfer all remaining funds and assets comprising the Trust Assets to another organisation in New Zealand which is exclusively charitable and which has purposes similar to those of the Trust. The receipt of the treasurer or secretary or other proper officer of such regional trusts or organisations shall be a sufficient discharge to the Board and the Board will not be bound to further see the application of those funds and assets.
- 25.3 If the Board is unable to make such decisions the Trust Assets shall be disposed of in accordance with the directions of the High Court under section 27 of the Charitable Trusts Act 1957.
- 26. Governing Law**
- 26.1 The Trust shall be governed by and construed in accordance with the laws of New Zealand.

TRUST DEED CREATING THE HAURAKI RAIL TRAIL CHARITABLE TRUST 14

Signed by

Signed by **HAURAKI DISTRICT COUNCIL**
by affixing its common seal in the presence
of:



Common Seal

Authorised Witness

Authorised Witness

Signed by **THAMES COROMANDEL DISTRICT COUNCIL** by affixing its common seal in the presence of:



Common Seal

Authorised Witness

Authorised Witness

TRUST DEED CREATING THE HAURAKI RAIL TRAIL CHARITABLE TRUST

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Signed by **MATAMATA PIAKO DISTRICT COUNCIL** by affixing its common seal in the presence of:



Common Seal



Authorised Witness



Authorised Witness

Signed by **GRAEME OSBORNE** as Trustee in the presence of:




Signature of witness

GARRI TOWLER
Name of witness

PROJECT MANAGER
Occupation

46A THE CRESCENT WAIHI BEACH
Address



GRAEME OSBORNE

Signed by **TEENA MAREE CORNES** as Trustee in the presence of:



Signature of witness

GARRI TOWLER
Name of witness

PROJECT MANAGER
Occupation


46A THE CRESCENT WAIHI BEACH
Address





TEENA MAREE CORNES

TRUST DEED CREATING THE HAURAKI RAIL TRAIL CHARITABLE TRUST 16

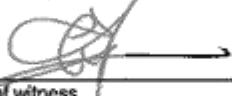
Signed by **CHRISTOPHER JOHN ADAMS**
as Trustee in the presence of:


CHRISTOPHER JOHN ADAMS
Signature of witness
GARRY TOWLER
Name of witness
PROJECT MANAGER
Occupation
46A THE CRESCENT WAIHI BEACH
Address

Signed by **JILL TAYLOR** as Trustee in the
presence of:

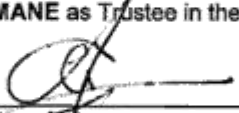

JILL TAYLOR
Signature of witness
GARRY TOWLER
Name of witness
PROJECT MANAGER
Occupation
46A THE CRESCENT WAIHI BEACH
Address

Signed by **JOCELEN HELEN KARU** as
Trustee in the presence of:


JOCELEN HELEN KARU
Signature of witness
GARRY TOWLER
Name of witness
PROJECT MANAGER
Occupation
46A THE CRESCENT - WAIHI BEACH
Address

TRUST DEED CREATING THE HAURAKI RAIL TRAIL CHARITABLE TRUST 17

Signed by **WALTER NGAKOMA NGAMANE** as Trustee in the presence of:


WALTER NGAKOMA NGAMANE

Signature of witness

Name of witness

Garry Fowler
Occupation

Project Manager - Hauraki District Council
Address
Marshall Street Paeroa
46 A THE CRESCENT - INWAHI BEACH

Item 10.2

Attachment A

Maori Representation

Trim No.: 1934256

Executive Summary

This report provides information detailing the process for establishing a Maori Ward in Matamata-Piako District and seeks a Council decision on whether to establish such a Ward. The body of the report sets out matters the Council may wish to take into account when considering its position.

The Local Electoral Act 2001 (Act) provides an opportunity for councils to establish Maori wards for the purpose of electing members. Those on the Maori electoral roll are entitled to vote for a Maori ward candidate.

Council can retain the current representation of the Council (subject to the representation review in 2018) and not introduce Maori Wards. Or, the Council can establish Maori Wards.

The establishment of Maori Wards can be achieved by a Council resolution or it as a result of a poll of electors. A poll can be initiated by a Council resolution or it can be demanded by five percent of electors. An option is for the council to initiate its own poll, for example in conjunction with the next triennial election, which will cost about \$34,000.

Five percent of electors equates to approximately 1,200 electors. The likelihood of 1,200 electors making a valid petition to demand a poll is unknown. If there was a valid petition, the cost of a poll would be in the order of \$38,000. The experience to date of other councils is that a poll generally overturns the council's resolution.

To take effect at the 2019 election a resolution to establish a Maori Ward would need to be made by 23 November 2017. If Council passes a resolution to establish one or more Maori Wards, a petition of five percent of electors may demand a poll on whether or not the Council should have Maori Wards.

Based on legal formula and the current number of Councillors, Council is entitled to one Councillor elected by a Maori ward. This member would be one of 11 Councillors (not including the mayor) and not an additional member. In order to meet the fair representation requirements in the Act (the +/- 10% rule) the overall representation arrangements would probably need to be modified to accommodate a Maori Ward by decreasing or increasing the numbers of general Ward Councillors.

Maori representation was discussed at the June and September 2017 meetings of the Te Mana Whenua Forum Mo Matamata Piako (Forum). The majority of Forum members support the creation of a Maori Ward. Members consider that whatever Council decide on the Maori Wards the Forum itself has continuing role as a representative body of mana whenua and a Maori Ward would not replace or be a substitute for the Forum.

Recommendation

That:

1. The information be received.
2. Council establishes a Maori Ward in the Matamata-Piako District which will take effect at the 2019 triennial general election.
OR
3. Council holds a poll on whether a Maori Ward should be established in the Matamata-Piako District.
OR
4. Council does not establish a Maori Ward in the Matamata-Piako District for the 2019 triennial general election.
5. If Option 2 or 3 is decided on Council confirm its communications approach.

Content

Background

The Act provides councils with the ability to introduce Maori Wards. However, it is optional.

The Act imposes statutory timeframes in respect of Maori representation.

If the Council decides to introduce specific Maori Ward representation for the 2019 triennial general election, it is required to do so no later than 23 November 2017, unless it decides to hold a poll of electors.

Issues

Maori Ward member calculations

Section 19V of the Act requires that for each ward the proportion of ward Councillors to the ward population remains within 10% of the proportion of all Councillors to the population for the district as a whole (referred to as the +/- 10% rule).

The population data obtained from the Local Government Commission/Statistics New Zealand indicates that pursuant to the +/- 10% rule a Maori Ward would only be entitled to one or potentially two Councillors if it is to be compliant. This is because Maori make up a proportionally small percentage of the total population of the district, and the number of electors per Councillor must remain approximately the same across the wards.

The population data used to make these calculations is based on Statistics NZ estimates for the wards. This means that the figures should be taken to be illustrative of what a Maori Ward could look like rather than a guarantee of the number of Councillors a Maori Ward would be entitled to.

Statistics New Zealand population estimates (as at 30 June 2016) for Maori Wards in Matamata-Piako District are as follows:

Maori Electoral Population*	General Electoral Population**	Total Population	Total Members*	Maori Ward Members	Maori Ward members (rounded)
3,900	30,300	34,200	11	1.25	1

*The Mayor is excluded from the member numbers. 2017 figures are not currently available.

*The Maori electoral population is a calculation based on the number of electors on the Maori electoral roll and proportions of those of Maori descent not registered and those under 18 years of age. It is determined by Statistics New Zealand.

**The general electoral population is the total ordinarily resident population at the last census less the Maori electoral population. It is determined by Statistics New Zealand.

The breakdown of the electoral populations by Ward is set out below:

Wards	Estimated Resident Population (as at 30 June 2016)		
	Maori Electoral Population	General Electoral Population	Total Electoral Population
Morrinsville Ward	1,400	11,050	12,450
Te Aroha Ward	770	7,340	8,110
Matamata Ward	1,700	11,850	13,550
Total population	3,870	30,240	34,110

It is noted the figures shown in the two tables above do not align. Statistics NZ advised due to independent calculation of populations at specific geographic levels, figures for the electoral areas in a district may not sum to the separate estimates for the district as a whole.

The process for determining the number of members to be elected from both Maori and general wards/constituencies involves:

- determining the total number of members of the Council
- multiplying the total number of members by the ratio of the Maori electoral population to the total (Maori and general) electoral population.

The number of Maori members to be elected to the Council depends on a mathematical formula based on the Maori and general electoral populations of the district and the total number of councillors as set out in the Act. Based on the 2016 figures, for Matamata-Piako District, the effect of applying this formula is:

Number of Maori Ward Councillors	1	2	3
Total number of Councillors	5-13	14-21	22-30

Therefore, for a Council comprising 11 Councillors, the total number of Maori Councillors is one, based on rounding the formula figure of 1.25 to the nearest whole number (i.e. one). Similarly, for 14 Councillors, the number is 1.60, rounded to the nearest whole number, being two. It should also be noted that if there were to be one or two Maori Councillors and maintaining the current number overall, there would need to be a corresponding reduction in the number of other (general ward) Councillors, unless the Council decides to increase the overall number of Councillors as a result of the representation review which is to be carried out by the Council in 2018.

For Matamata-Piako District, the likely scenarios for a Maori Ward system would be:

- One ward comprising electors on the Maori roll covering the whole of the district, electing one or two Councillors. Whether one or two Councillors are elected depends on the total number of Councillors, as shown in the table above, or
- Two wards comprising electors on the Maori roll covering different parts of the district, each Maori Ward electing one Councillor each. This option would only be possible if the Council is to comprise 14 or more Councillors.

If a Maori Ward or wards were established, the remaining Councillors would be elected by either a single ward for general electors or a number of wards, which might be along the lines of the current ward system that applies to the Council or by some other arrangement.

Relevant statistics

Population of Matamata-Piako District:

	2013 census	Projections*				
		2018	2023	2028	2033	2038
Maori Ethnic population	4,491	5,790	6,390	7,030	7,730	8,510
Total population	31,536	35,000	35,900	36,500	36,900	37,100

*Projections are from Statistics NZ Subnational Population Projections: 2013(base)–2043 update (medium projections) and Subnational Ethnic Population Projections: 2013(base)–2038 update (medium projections)

According to the 2013 census, 4,491 Maori usually live in Matamata-Piako District. This is an increase of 606 people, or 15.6%, since the 2006 Census.

Electoral statistics for Matamata-Piako District as at 23 September 2017:

Estimated Eligible Population	General Roll	Maori Roll	Total Enrolled
25,990	22,131	1,749	23,880

- The Maori population is 14% percent of Matamata-Piako’s total population.
- Those on the Maori electoral roll are seven percent of all those enrolled.
- Less than half of Maori in Matamata-Piako have chosen to go on the Maori roll and will be eligible to vote for a member elected by a Maori ward.

Candidacy and voting

With regard to candidacy, section 25 of the Act states that “Every parliamentary elector is qualified to be a candidate at every election to be held under this Act if that person is a New Zealand citizen”. This section is subject to section 58 which includes a prohibition of candidacy for both regional council and a territorial authority within that region. Every New Zealand citizen of 18 years or older is qualified to be a candidate for Territorial Authority elections.

This means that the candidate does not have to be a resident of the ward in order to be a candidate for its representation. Section 26 of the Act provides that in order for a candidate to stand in an election they must be nominated by two or more electors of the ward in which the candidate is to stand. This means that a candidate does not need to be affiliated with an Iwi within the Matamata-Piako District or indeed be a Maori elector at all. The eligibility criterion under the Act therefore means that it is possible for a person without mana whenua to be elected to represent a Maori Ward. This possibility should be balanced against the fact that Maori electors are unlikely to elect someone whom they feel is not representative of their community of interest.

Only people on the Maori electoral roll can vote in a Maori Ward. Candidates for a Maori Ward have to be nominated by two people on the Maori roll, but they do not have to be on the roll themselves or from local iwi.

Under sections 19C(5) and 24A of the Act an elector of a Maori Ward is defined as a residential elector of a district who is registered as a parliamentary elector at an address within a Maori Ward and is registered as a parliamentary elector of a Maori electoral district. This means that if a

person live within the area of the Maori Ward and is on the Maori electoral roll for parliamentary elections then they are an elector of the Maori Ward for local government elections.

Sections 24A and 24B of the Act contain provisions relating to electors and voting rights at triennial general elections where Maori Wards are established. An elector of a Maori Ward (being a person who is a residential / ratepayer elector and who is registered as an elector of a Maori electoral district) is entitled to vote at the election of the Mayor; at the election of the member who will represent the Maori Ward; and at the election of any members to be elected to represent the whole of the district (at large). They are not entitled to vote at the election of the members who will represent any other ward of the territorial authority.

Similarly, those on the General Electoral Roll are entitled to vote at the election of the Mayor; at the election of the members who will represent the ward in which they are a residential/ ratepayer elector; and at the election of members to be elected to represent the whole of the district.

Implications for representation review

The structure of the Council's wards and/or election at large and the overall number of Councillors is a matter to be considered during the representation review. The review will be undertaken in 2018. It is highly likely that having one or two members elected by a Maori Ward will require amendment to the current ward structure due to fair representation requirements in the Act. While decisions on a Maori Ward and the Representation review are related, they should be kept distinct at this stage.

Council must resolve its initial representation proposals after 21 February in the year before the next election. This is to ensure that the resolution is made after the time for lodging demands for a poll on Maori representation. The Council must wait for the result of any Maori Ward poll prior to considering an initial proposal for the wider representation review in 2018.

Role of the Local Government Commission

The Local Government Commission's role in respect of determination of appeals and objections on representation arrangements:

- does not extend to whether or not Maori Wards need to be established;
- Is limited to consideration of the detailed arrangements for such wards/constituencies such as the number of wards/constituencies, their boundaries, and number of members.

The decision to adopt Maori Wards is a precursor to the overall representation review process (rather than part of the review itself). The representation review implements the decision to adopt Maori wards by determining the total number of members of the council, and the detail such as the name, number and Maori Wards.

Submissions, appeals and objections on the representation review cannot relate to whether or not there should be Maori Wards. They can only deal with the things that can be decided as part of the representation review such as the wards, Councillor numbers etc. Likewise the role of the Local Government Commission is restricted to determining only those things that are part of the representation review. The Commission cannot revisit the Councils decision whether to adopt Maori Wards or not.

Forum feedback

The issue of Maori Wards was discussed by Forum discussed this matter at their meeting 6 June and 5 September 2017.

Although there were differing views expressed by members, it was generally considered members would like to see Council give recognition to representation of Maori at all levels. At the September Forum meeting no specific recommendation was made regarding Maori Wards as a range of views were held. Despite the limitations and challenges with Maori Wards expressed by Forum members, the majority of representatives have advised support for the establishment of a Maori Ward. The specific views of each Iwi are recorded below as expressed at the Forum meeting or through subsequent correspondence:

- Ngāti Haua - note that a Maori Ward is not limited to district wide representation that the candidate could come from outside the district and not necessarily Iwi, however they were willing to test it and so support a Maori Ward.
- Ngāti Paoa – Notes that it is not necessary to be of Maori origin and to live in the district to be on Maori Ward seat but supports the establishment of a Maori Ward;
- Ngāti Whanaunga – Would like value added to current forum rather than trying to establish a Maori Ward. Would support Maori Ward if it ensured that there was a Maori representative at the Council table as well as the current Forum continuing;
- Ngāti Maru – What is the relationship between a Maori Ward representative and the Forum – If there was a Maori Ward, then people may ask what is the point of the Forum. Support the establishment of a Maori Ward and retain the Te Manawhenua Forum;
- Ngāti Rahiri Tumutumu – does not oppose the establishment of a Maori Ward but supports the continuation of Te Manawhenua Forum as key to ensuring representation of Iwi within the MPDC area. Ngāti Rahiri Tumutumu would support a model of the Ward Seat at the Council Table and also on the Manawhenua Forum Table.
- Raukawa – no definitive stance was expressed at the Forum meeting. At the time of writing this report their position was unavailable.
- Ngāti Hinerangi – representative being one person only is of concern; this is not a true representation of different iwi. Following the Forum meeting Ngāti Hinerangi representatives have offered the following feedback:
 - What will happen to the Manawhenua forum if the Maori Ward proposal goes forward, we were to hear feedback from the councillors?
 - If only those who are on the Maori role are to only able to vote, when are people able to change from the general role to the Maori role, this could also make a difference to the number of possibly one to two Maori reps
 - How many iwi are within the Matamata Piako District Council area and how will one representative cover all iwi with equal representation, and how will this meet the commitment of the Treaty of Waitangi reflecting the needs of mana whenua and iwi of the rohe?
 - Where will the one representative source their iwi information or consensus from?
 - Where does the sign off of resource consents sit with regard to each iwi
 - Why is it that if the outcome is yes for a Maori ward this is only for two years then we need to vote again, why is this not continued?
 - At this point in time how does the MPDC fulfil their Legal and Statutory Obligations?
- Ngāti Hinerangi remain unable to make a decision as again we have not heard what the thoughts of the Council are with regard to the continuation of the Manawhenua Forum. Ngāti Hinerangi remain unsupportive of the Maori Ward proposal due to the questions above

At the June meeting Forum members indicated they would like to have a Maori representative sitting at the Council table but the issue needed to be discussed by iwi to confirm their position. Members asked staff to write them a letter outlining the timeframes and process for Maori representation so that they could take the issue back to their iwi for discussion and with a recommendation to be brought back to the September meeting. Letters were sent to Forum members in June on this.

Forum members were concerned as to the ongoing role and function Forum would have if a Maori Ward were established, and in particular how any Maori Ward Councillor would interact with Forum. Concern was expressed that the representation review process and the form of representation arrangements permitted by the Act are not based in on the principles of the Treaty of Waitangi and therefore do not reflect the status and needs of iwi with mana whenua. Forum members also indicated some unease with the limited number of Maori Councillors achievable under the Act, the inconsistencies between district and ward boundaries and individual rohe and the eligibility criteria for election to Maori Wards.

Forum members noted it is possible that a person from outside the district and not related to local iwi could be elected as the ward member. In addition, the practical workload and challenges of a Maori Ward Councillor representing a district-wide area (given the geographic spread) was also raised as an issue. Whilst Forum members saw the value that Forum could provide to that Councillor they questioned how such an interaction would occur and whether the Maori Ward Councillor would seek guidance and advice from the Forum.

Staff advised the Forum the Act is prescriptive in respect of ward structure and the number of Councillors to be permitted per ward. Council must ensure that the ratio of persons per member in each ward is within +/- 10% of the ratio for the district as a whole, as previously discussed in this report.

As discussed earlier in this report, Councils ward structure and Councillor numbers are based purely on population; there is no room in the legislation for providing ward representation for Maori that reflects the reality of the numerous individual iwi in the district. The result of this is that all iwi across the district would be represented by one or two Maori Councillors and that because of this the Maori Ward may end up being district-wide and representation would therefore not correspond to the rohe and relative population of each iwi.

If Maori were to be entitled to be represented by only one Councillor, a Maori Ward would then need to cover the whole district. Under the current system any Councillor elected to represent a Maori Ward would need to be representative of the district, including Maori the same as other Councillors. Council should consider whether such an arrangement would or would not provide effective representation.

Following the letter sent by Council staff to the Forum, some members had discussed the issue with their respective iwi and reported back their iwi position at the September meeting. At this meeting Forum members expressed mixed views on whether or not a Maori Ward should be established in the Matamata-Piako District, however the consensus was that Forum has its own value and should be retained even if a Maori Ward was to be established. It was considered that the Forum should have a continuing role as being mana whenua representatives.

Forum members have expressed a desire to continue the Forum even if a Maori Ward is to be established. The challenge this is that Council usually sets its governance structure at the start of each triennium. As a Maori Ward would not come into effect until at least the 2019 triennial election there can be no certainty given about what governance structure that would be in place and whether the Forum would continue after the next election. In addition, the Mayor has the

power to establish committees and appoint the chairperson of each, but not the members (s41A(3), LGA). Council can establish additional committees further to those set up by the Mayor and also appoint any member, including the chairperson (CI30(1) Schedule 7, read alongside s41A(4)(c-d), LGA).

Under legislation, only one member of an existing or new committee must be an elected member (Clause 31(3-4) Schedule 7, LGA). Council is empowered by legislation to appoint Maori representatives (who must not be Council staff) to a Committee if Council believes they have the skills, attributes or knowledge that will assist the work of the committee.

Potential considerations for Council

There are a number of matters Council may wish to reflect upon in considering this matter. Some aspects Council may wish to give consideration to are listed below:

The Treaty of Waitangi does not provide explicitly for dedicated seats in local government; however the provision of a Maori Ward would provide a formal means for Maori democratic representation.

The principles for acknowledging Treaty obligations have been developed through the courts and the Waitangi Tribunal. The provision of guaranteed seats could be said to be broadly consistent with the Treaty Principles of partnership, reciprocity and autonomy. There is formal recognition of the Treaty in the Local Government Act 2002: section 4 which recognises that it is the Crown which is the Treaty partner, and which places an obligation on local government to provide for participation by Maori.

Once elected, Maori ward representatives have the same responsibilities as other councillors to act in the best interests of the entire community, not just for their own ward. A Maori Ward may increase the Maori 'voice' on Council, enhance democratic participation and the level of voter response at elections.

Only electors on the Maori Electoral Roll can vote for Maori ward candidates. These electors would not be able to vote for general ward candidates. All electors can vote for Mayoral candidates and anyone elected 'at large' (across the whole district). This means those on the Maori electoral roll will only get to vote for one or two Councillors, whereas those on the general roll are will to be able to participate in voting for a greater number of Councillors, depending on the representation arrangements that are finally approved for the district.

However, as long as the affected electors are made aware of this they are probably in the best position to weigh up this matter. It is likely that in choosing to be registered on the Maori roll that their focus is having a Maori voice on issues of priority for them, and in doing so have foregone voting for general candidates.

The Act obliges Council to ensure the 'fair and effective representation for individuals and communities' and it is open for Council to consider whether creating a Maori Ward achieves this.

Council is required by law establish and maintain processes to provide opportunities for Maori to contribute to its decision-making processes and consider ways it can foster the development of Maori capacity to contribute to these. Maori representation may assist Council in meeting these legal obligations.

Council may also wish to reflect on the treaty settlement processing occurring in and around the district in considering the future of Maori representation. The outcome of treaty settlements may result in co-governance arrangements and change the relationship with iwi.

Other Council decisions

The table below shows that a number of councils have passed resolutions establishing Maori wards, and most have been subject to a petition for a poll.

Year	Council	Poll	Result of poll		Members
			For	Against	
2007	Whakatane District Council	Yes	30%	70%	
2011	Waikato Regional Council	No	-	-	2
2011	Nelson City Council	Yes	20%	80%	
2012	Waikato District Council	Yes	20%	80%	
2013	Hauraki District Council	Yes	19%	81%	
2015	New Plymouth District Council	Yes	17%	83%	
2015	Far North District Council	Yes	32%	68%	
2016	Wairoa District Council*	Yes*	54%	46%	3

*after the first resolution a poll was demanded which overturned the resolution; the council then conducted its own poll alongside the 2016 elections with the majority of responses in support.

Maori Wards or constituencies are currently in place for Bay of Plenty Regional Council (3 seats) and Waikato Regional Council (2 seats).

Bay of Plenty Regional Council established three Maori seats in 2001. This was after extensive consultation and passage of the Bay of Plenty Regional Council (Maori Constituency Empowering) Act 2001. Maori roll voters may only vote for candidates standing in those seats. The 13 Regional councillors are elected by voters in four general constituencies and three Maori constituencies, producing 10 general constituency councillors and three Maori constituency councillors.

The Waikato Regional Council added, in August 2012, two Maori constituencies to six general wards at the 2013 local body elections. The decision was made by council and there was no request for a poll.

In Wairoa District, a decision to introduce Maori Wards was taken and a poll was held at the 2016 elections. The poll approved Maori Wards by a slim majority (1727 (54%) of votes received were for the creation of a ward and 1468 (46%) were against). As Wairoa District voted in favour of having Maori Ward/s at the poll the Wairoa District Council to be elected at the 2019 elections will have members elected from Maori Ward/s. Wairoa has a majority Maori population.

Other than Wairoa, no district or city council has successfully implemented Maori Wards – where councils have proposed them all have been overturned through the binding referendum poll process.

Rotorua District Council did not proceed with a Maori Ward in November 2014, avoiding a poll, and instead, with local tribe Te Arawa, created the Te Arawa Partnership plan, which was approved in May 2015 despite heavy opposition. Accordingly, two representatives nominated by a new elected Te Arawa board will sit on the council's two main committees with voting rights.

The Masterton District Council in May 2016 approved the appointment of unelected iwi representatives, with speaking and voting rights, to its standing committees (policy and finance, and audit and risk committees). They also have speaking rights at full council meetings.

Council staff are aware of a number of councils that are currently giving consideration to the issue of Maori Wards or alternatives to Maori Wards. It is possible that more Maori Wards will be created as part of the current representation review cycle.

Following the defeat of the New Plymouth resolution by a poll, the then mayor, Andrew Judd, petitioned Parliament for a change to the law to allow the establishment of Maori wards as part of a council's review of representation arrangements and not subject to a poll. This petition will be considered by the Justice and Electoral Select Committee when it considers submissions on its Inquiry into the 2016 local government elections.

On 11 May 2017, a member's bill was pulled from the Parliamentary ballot which would achieve the same result as mooted by Andrew Judd. This bill had its first reading on 28 June 2017 but was not successful.

Analysis

Options considered

- Option 1 - Council may decide not to create a Maori Ward.
- Option 2 - Council may resolve to establish Maori Wards. Such a decision must be put to a poll if 5 percent or more of the electors of the district request it¹; or
- Option 3 - Council may decide to hold a poll on whether or not there should be a Maori Ward; or
- Option 4 - A poll on the issue can be requested at any time by a petition signed by 5 percent or more of electors of the district unless a poll took effect at the previous election or takes effect at the next election.

These options are set out in more detail below.

1. Status Quo

The Council can choose to do nothing and simply retain the status quo or provide for Maori involvement in ways other than elected representation.

Council currently engages with mana whenua of the district on both an operational level through consultation with individual iwi/hapu and on a governance level through the Forum. Council has previously considered iwi engagement matters as part of the Long-Term Plan 2018-28 process (refer 12 July 2017 meeting).

Formal Maori representation within Council's current governance structure is provided for by the Forum, which is a committee of Council established under a Heads of Agreement. The purpose of the Forum is to facilitate Mana Whenua contribution to our decision making. A review of the Heads of Agreement is currently being undertaken and this may impact on the role and functions of the Forum in the future.

The Forum operates differently to a Maori Ward in that once elected, the Maori councillors would have the same roles and responsibilities as other councillors, and can serve on a range of council committees. Council can appoint non-elected members to committees (such as the Audit and Risk Committee) under the Local Government Act 2002 but not to Council itself. Councillors must be elected by the community.

Other forms of engagement include:

- Resource consent processing – iwi input to resource consent applications;
- Treaty of Waitangi settlements - Iwi in and around the Matamata-Piako District are currently negotiating with the Crown and are at various stages of settling Treaty of Waitangi claims. Council has been engaged to provide feedback to the ongoing negotiations between the Crown and Iwi.
- Waharoa (Matamata) Aerodrome Committee – a co-governance committee comprising of Ngāti Haua and Council representatives.

¹ 5 percent or more of the electors of the district means the number of electors enrolled as eligible to vote at the previous Council election.

- As a result of Treaty Settlement legislation Council has included statutory acknowledgements for iwi in its District Plan.
- Changes to the Resource Management Act 1991 have enhanced opportunities for iwi input to the District Plan process and introduce a new process for establishing agreements between tangata whenua (through iwi authorities) and councils, called Mana Whakahono a Rohe (Iwi participation arrangements). Council has signalled it wishes to progress with these agreements.

2. Council Resolution to Introduce a Maori Ward

Council can resolve to have Maori representation by providing for the introduction of a Maori Ward.

The way in which the number of Maori Wards is calculated is detailed in Schedule IA of the Act.

Under the current membership of 11 Councillors, the number of Maori Ward councillors would be 1. However if a Maori Ward was adopted, the Council would be unable to retain the existing governance structure of 11 (general) Ward representatives if 11 Councillors were to be retained. The number and composition of Elected Members will be considered as part of the Representation Review that is required to be undertaken in 2018.

Any resolution to introduce a Maori Ward is required to be made by 23 November 2017 for it to come into effect for the 2019 triennial local election.

Section 19Z of the Act provides that the resolution takes effect for two triennial general elections (i.e. 2019 and 2022) and continues in effect after that until either a further resolution under this section takes effect; or a poll of electors of the territorial authority takes effect.

Council is required to give public notice of any Council resolution to introduce a Maori Ward no later than 30 November 2017. The public notice will include a statement that a poll will be required to countermand the resolution.

3. Council initiated poll

Council can ask voters if they want Maori representation. Council can do this by way of a poll of electors.

Should the Council wish to hold a poll to determine whether Maori Wards should be established, the Council must resolve to hold the poll on or before 21 February 2018 for it to be binding on the 2019 elections. The poll is then required to be held within 82 days of the Council providing public notice.

The outcome of a poll will be binding for the next 2 triennial elections.

Alternatively, Council could opt to hold a poll alongside the next triennial election in 2019. The outcome of the poll would then take effect for the 2022 election.

4. Public Demanded Poll

If the Council decides to retain the status quo, no Maori Ward is introduced.

5 per cent of the electors can demand a poll on Maori representation. This would be approximately 1,194 electors based on 23,880 people enrolled (as at 23 September 2017).

A public demand for a poll is required to be provided to Council by 21 February 2018. The poll is required to be undertaken within 89 days from the date that the public demand is certified as being correct, i.e. no later than 21 May 2018.

Those who sign the demand are required to provide their names and addresses so that these can be checked against the electoral roll.

If there are people who sign the demand who are not registered on the electoral roll, their names will be removed and this may affect the 5 per cent threshold making the demand invalid.

If a poll is held, the outcome of the poll is binding for two triennial local elections.

Analysis of preferred option

This is in essence a matter of political decision making and in that context officers have no fixed view. It is relevant to note that from the perspective of progressing the representation review each of the options has some implications.

It is for the Council's consideration that will take into account the many dimensions that are inherent in a decision of this nature. In this context officers do not consider it appropriate to make any formal recommendations. A range of options are discussed in this report to provide an opportunity for the Council to reflect on the most effective way to provide for Maori political representation.

Risks

The matter of Maori representation is likely to be of interest to the community and it is unlikely there will be a unified public view on the matter. There is likely to be positive and negative feedback generated in the media on this matter.

- There is a risk that a Council decision to establish a Maori Ward triggers a binding poll and the decision is overturned. Funding for holding of a poll is approximately \$38,000 + GST and this is currently an unbudgeted cost.
- There is a possibility that the matter of a Maori Ward will be confused with matters relating to the upcoming representation review.

To mitigate these risks it is suggested that if Council wishes to establish a Maori Ward Council may wish to articulate its reasons for doing so at the time it gives public notice of the decision. This would help the community understand the rationale for the decision and potentially avoid the need for a poll process.

Legal and statutory requirements

Under the Local Government Act 2002 Councils must:

- establish and maintain processes to provide opportunities for Maori to contribute to the decision-making processes of the local authority; and
- consider ways in which it may foster the development of Maori capacity to contribute to the decision-making processes of the local authority

A Maori Ward may assist Council in meeting these statutory obligations.

Impact on policy and bylaws

There is no impact on Council policies and bylaws.

Consistency with the Long Term Plan / Annual Plan

The Long-Term Plan must disclose how Council is providing for Maori to have input into decision-making. A Maori Ward would provide a way for Maori to have representation on Council.

Impact on Significance and Engagement Policy

The Significance and Engagement Policy does not apply to decision making under the Resource Management Act 1991 and or other legislation that includes a prescribed consultative/engagement process. In this case the Act provides a process whereby electors of the district have the opportunity to reverse Councils decision to establish a Maori Ward by demanding a poll be held. Therefore it is considered the Significance and Engagement Policy is not applicable. The statutory provision for establishing Maori Wards are set out in section 19Z-19ZH of the Act.

Communication, consultation and decision making processes

2012 Survey

As part of the 2012 representation review process a community survey was undertaken. This questionnaire asked, amongst other things, whether or not a Maori Ward should be established. Council received 71 submissions on the preliminary consultation questionnaire.

The feedback from the 2012 preliminary consultation on Maori Wards is presented below:

Issue	Yes	No	Not Specified	Total
Should a Maori Ward be established?	11 (16%)	50 (70%)	10 (14%)	71

70% of responses to the questionnaire stated that Maori Wards should not be introduced. Only 15.5% of submissions were in favour of the establishment of Maori Wards. This question was the most controversial of the issues raised by the questionnaire and extensive written comments were received from the public with the majority opposed to Maori Wards, particularly on the basis that they believe Maori to have sufficient and fair opportunity to be represented under the current representation system.

2017 Consultation

Council has engaged with the Forum on this issue and the views of the Forum. The Forum discussed this matter at the 6 June and 6 September meetings and the views of Forum members/iwi is discussed above.

No general community consultation has taken place.

If Council resolves to establish a Maori Ward, the public are required to be notified of this decision and the right to demand a poll no later than 30 November 2017.

Should Council wish to confirm the views of the community, it could resolve to hold a poll on the establishment of a Maori Ward. Similarly, if the council resolves to establish a Maori Ward, the community can demand a poll to countermand that decision. In both instances the outcome of the poll would be binding for the 2019 and 2022 triennial elections.

It is suggested that a story/public notice in Council in Focus and a news story on the website would assist in communicating the message around the Maori Ward. Council staff can develop a Communications Plan around this which may include sending an e-newsletter, Facebook posts, and letters/ meetings with iwi groups etc. to reach a wider audience.

The wider representation review in 2018 is subject to a consultation (and potentially an appeals) process. Maori Wards will not be a matter for submission during this process and the creation of a Maori Ward cannot be appealed to the Local Government Commission.

Consent issues

There are no consent issues.

Timeframes

The timeframes for Maori representation processes are:

- 23 November 2017: Deadline for Council decision to establish a Maori Ward for the 2019 election (note: this is optional – but if Council decides to establish a Ward the following steps apply):
 - 30 November 2017: Deadline for public notice advising of right to demand a poll
 - 21 February 2018: Deadline for Maori Ward poll demand;
 - 21 May 2018: Deadline for Maori Ward poll to be held;

The public are given the option to go on the Maori electoral roll every five years. The next 5-yearly Maori Electoral Option in which Maori electors can choose to be on the Maori roll or the general roll for the next 2 general elections is due around March to July 2018 (after the 2018 census).

Contribution to Community Outcomes

The overall representation review contributes to the following community outcomes in the Long-Term Plan 2015-25:

2) Decision making

- (a) Our community/Iwi will be informed and have the opportunity to comment on significant issues.
- (b) Tangata Whenua with manawhenua status (those with authority over the land under Maori lore) have meaningful involvement in decision making
- (c) Council's decision making will be sound, visionary, and consider the different needs of our community/Iwi.

Council has developed a new vision for 2018-28 Long Term Plan as: *Matamata-Piako – The Place of choice – Lifestyle. Opportunities. Home.* A new set of Community Outcomes for the 2018-28 Long Term Plan have been developed to support this vision. The outcomes relevant to this decision are:

Healthy Communities

Our community is safe, healthy and connected.

We encourage community engagement and provide sound and visionary decision making.

Economic Opportunities

We provide Actdership and advocacy is provided to enable our communities to grow.

Vibrant Cultural Values

We value and encourage strong relationships with iwi and other cultures, recognising waahi tapu and taonga/significant and treasured sites and whakapapa/ ancestral heritage.

Tangata Whenua with Manawhenua status (those with authority over the land under Maaori lore) have meaningful involvement in decision making.

A decision on establishing a Maori Ward relates to how the community can be engaged in decision-making through elected representation and how Maori are involved in Council decision making processes.

Financial Impact

i. Cost

The cost for a stand-alone poll for 23,000 electors would be in the order of \$38,000 + GST (23,000 @ \$1.65 + GST per voting paper) which would cover the election service provider and all third party costs (postage, voting mailers, insurance, public notices) but would exclude any in-house Council costs such as communications and marketing.

This figure would reduce to around 10% of this (say \$4,000 + GST) as an additional cost should the poll be held at the same time as the triennial 2019 election.

ii. Funding Source

The holding of a poll (whether Council or elector initiated) would incur a cost which is not provided for in the Annual Plan/Long Term Plan.

If a poll is to be held Council will need to identify a funding source.

Attachments

There are no attachments for this report.

Signatories

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Approved by	Michelle Staines-Hawthorne Corporate Strategy Manager	
	Don McLeod Chief Executive Officer	

Waikato Plan Minutes of meeting held 18 September 2017

Trim No.: 1934977

Item 10.4

Executive Summary

The purpose of this report is to provide the minutes of a meeting of the Waikato Plan Leadership Group meeting on 18 September 2017. This was the first meeting of the newly formed Leadership Group.

Recommendation

That:

1. The information be received.
2. The budget contribution to the Plan be confirmed.

Content

Background

The Waikato Plan provides a single voice about important issues for the region. The Plan is based on two principles:

- Together we are stronger. Collaboration builds strength and understanding, fills gaps, and cuts duplication
- To succeed as a region, all parts of the Waikato must be as successful as they can be.

The Plan:

- Provides a strategic direction for the region
- Identifies the top priorities to focus on over the next 30 years
- Identifies implementation actions.

Council adopted the Waikato Plan at its meeting on 12 July 2017. Council also endorsed the setup of the Waikato Plan Leadership Group to oversee the implementation of the plan with delegations and membership as per an agreement and terms of reference. This provided that the Joint Committee membership will be as follows:

- Independent Chairperson (non-elected member)
- Local Government – five representatives
- Tāngata whenua – up to six representatives
- Business / Community – up to four representatives
- Government Agencies – up to four representatives (non-voting)

One member representing each of the following sub-regions:

- Future Proof Group (Hamilton City Council, Waipa District Council, Waikato District Council)

- Eastern Waikato Group (Hauraki District Council, Matamata-Piako District Council, Thames-Coromandel District Council)
- Southern Waikato Group (Otorohanga District Council, South Waikato District Council, Taupo District Council, Waitomo District Council)
- Waikato Regional Council
- Hamilton City Council

Council has confirmed the appointment of Hauraki District Council Deputy Mayor, Toby Adams as Council's representative on the Waikato Plan Leadership Group.

At the 12 July Council meeting it was reported that the membership of the Leadership Group will be reviewed within 12 months of the adoption of the Waikato Plan, with the aim of reducing the number of members to 12. Council sought to ensure the Local Government membership would be maintained through this review and added this to its resolution.

In addition, Council passed a resolution to state that it is fully intended that the plan be fully funded by the partners in year one. In the second year 25% of the budget would come from external sources and this will increase to 50% in year three.

Local government membership

The local government membership has been confirmed as follows:

Waikato Regional Council	Chair Alan Livingston
Hamilton City Council	Mayor Andrew King
Eastern Sub-region	Deputy Mayor Toby Adams
Future Proof Sub-region	Mayor Allan Sanson
Southern Sub-region	Mayor Brian Hanna

Appointment of business and community members to Leadership Group

Expressions of interest were called for via a public notice in the Waikato Times on Monday 14th of August for a 2 week period for the business and community members of the Leadership Group.

The Waikato Plan website provided links to the application form, criteria and Terms of Reference from Monday 14th August until the Monday 28th August. It was noted on the application form that appointments are for an initial 12 month period and a review of membership will be undertaken by August 2018.

A total of nine applications were received for the four positions.

Appointments for the non-local government members (Community/Business) have been formally confirmed as:

Community	Bev Gatenby
Waikato Means Business/Business	Dallas Fisher
Hauraki District/Community	Eric Souchen
Agenda Waikato/Business	Lale Ieremia

Margaret Devlin has been appointed as Chair and Waitomo District Mayor Brian Hanna as Deputy Chair.

Tāngata whenua membership

The appointment of Iwi is still a work in progress and will be reported to the Leadership Group at a later date. It is intended there would be Iwi representatives in place by Christmas 2017.

Appointment of Government Agencies to Leadership Group

The government agency representation has been selected as follows:

Observers	
Waikato District Health Board	Cr Bob Simcock
New Zealand Transport Agency	Parekawhia McLean

Two other central government agency members are still to be selected.

Implementation arrangements

A key aspect of the implementation arrangements will be Waikato Plan Leadership Group reporting to partners on a 4-6 monthly basis and the Mayoral Forum and other entities as agreed. In addition it is proposed that Waikato Means Business reports to the Waikato Plan Leadership Group on a six monthly basis.

Draft Central Government Engagement Strategy

Central Government is identified as a key partner in the Waikato Plan. It has also had some involvement in the development of the Plan. Engagement with Central Government has been identified as a top priority for the first 18 months of Waikato Plan implementation (see the Waikato Plan Implementation Plan). The Plan provides a snapshot of the Waikato's aspirations and can be used in discussions with key Ministers, MPs and Government staff to assist with additional funding.

To assist with this a Draft Central Government Engagement Strategy was presented to the Leadership Group. There was a request for this to be modified and the strategy will come back to the next Leadership Group meeting on 16 October 2017 for final approval.

Draft Implementation and Funding Plan

This plan outlines priorities for action and investment identified in the Waikato Plan and the recommended projects for the next 10 years. The Leadership group requested this to be modified.

Proposed Implementation Budget

The funding allocation for implementation of the Waikato Plan for the first three years has been agreed. A copy of the implementation budget is attached.

The intention is that local government contributions to the implementation budget will reduce over time as business, community, government and other funders contributions increase. It is intended that the plan be fully funded by the partners in year one. In the second year 25% of the budget would come from external sources. This will increase to 50% in year three. The local government proportion of the budget has been divided by the same percentage allocation as 17/18 year.

External funding of the Waikato Plan is currently being sought.

Financial Impact

i. Cost

The Council contribution is \$35,873 for 2017/18 which is an 8% share of the total funding provided by the various Councils.

ii. Funding Source

Council currently has a budget \$50,000 for regional co-ordination projects such as the Waikato Plan.

Attachments

- A. Waikato Plan implementation budget for 2017-20
- B. MINUTES-Waikato-Plan-Leadership-Group-18-September-2017

Signatories

Author(s)	Niall Baker Acting Senior Policy Planner	
Approved by	Michelle Staines-Hawthorne Corporate Strategy Manager	
	Don McLeod Chief Executive Officer	

WAIKATO PLAN				
Implementation Support Budget 2017/18 - 2019/20				
	Proposed Budget	Proposed Budget	Proposed Budget	
	2017/18 ¹	2018/19	2019/20	
Budget				
Joint Committee Remuneration (incl Independent Chair)	86,667	80,000	80,000	
Support for iwi engagement - including setting up an iwi/Maori Forum	33,334	40,000	40,000	
Implementation Advice	125,000	150,000	150,000	
Senior Technical Support	58,334	70,000	70,000	
Development of an Implementation Plan	12,500	10,000		
Implementation of the 10 Priority Actions	62,500	50,000	50,000	
Aligned Planning Priority - continued implementation of this project	8,334	5,000		
Other implementation actions	29,167	30,000	25,000	
Submissions / input into national approaches or documents	12,500	15,000	15,000	
Alignment with Waikato Means Business	4,167	5,000		
Monitoring and reporting (annual report on progress)	8,334	10,000	10,000	
Branding/Website maintenance	16,667	20,000	20,000	
Project comms and engagement	8,334	10,000	10,000	
Contingency	20,834	25,000	25,000	
Total Project Expenditure	466,672	520,000	495,000	
Revenue Contributions				
Hamilton City Council ⁵	99,124	81,900	51,975	21%
Hauraki District	16,810	15,600	9,900	4%
Matamata-Piako District	35,873	31,200	19,800	8%
Otorohanga	11,213	7,800	4,950	2%
South Waikato District	17,445	15,600	9,900	4%
Taupo District	0	0	0	0%
Waikato District	66,100	54,600	34,650	14%
Waikato Regional Council	168,190	140,400	89,100	36%
Waipa District	44,017	35,100	22,275	9%
Watomo District	7,901	7,800	4,950	2%
Total Funding Contributions	466,672	390,000	247,500	100%
External funding contribution (minimum required for administration costs)		130,000	247,500	
		25%	50%	
Notes	<p>1. 2017/18 budget is for a period of 10 months as implementation will begin once the Waikato Plan is adopted.</p> <p>2. 2017/18 calculation based on current funding formulas. These will need to be revisited.</p> <p>3. 2018/19 funding will be 75% Local Government contribution, 25% external</p> <p>4. 2019/20 funding will be 50% Local Government contribution, 50% external</p> <p>5. The funding contribution of Hamilton City Council includes \$58,000 (Yr 1, 70k pa Yr2 onwards) of senior technical support as included in budget above. As a result HCC cash contribution will be the full contribution shown less the cost of the senior technical support HCC will pay directly themselves. The budget and funding contributions do not anticipate any internal resources or 'in kind' contributions from any of the other Waikato Plan partners.</p> <p>6. Any external funding received will be used in the first instance to reduce the WRC contribution reflecting that WRC is currently funding some of the implementation actions in the Waikato Plan eg. WMB, Waters Centre of Excellence.</p> <p>7. Taupo District Council wishes to abstain from contributing to the implementation phase. The Chief Executive's forum on 24 March 2017 have agreed to meet Taupo's allocation on a pro-rata basis through a reallocation of contributions between the remaining Councils in proportion to their original percentage allocation.</p>			



**Waikato Plan Leadership Group
OPEN MINUTES**

Minutes of a meeting of the Waikato Plan Leadership Group held Committee Room 1 at Hamilton City Council on 18 September 2017 at 9:30am.

Chairperson	Present:
Deputy Chairman	Margaret Devlin Mayor Brian Hanna
Waikato Regional Council	Members
Hamilton City Council	Chair Alan Livingston
Eastern Sub-region	Mayor Andrew King
Future Proof Sub-region	Deputy Mayor Toby Adams
Southern Sub-region	Mayor Allan Sanson Mayor Brian Hanna
Business/ Community Members	Bev Gatenby Dallas Fisher Eric Souchen Lale Ieremia
Observers	
Waikato District Health Board	Cr Bob Simcock
New Zealand Transport Agency	Parekawhia McLean
Staff	In Attendance:
Project Team	Bill Wasley (Governance Advisor) Rachael McMillan (Waikato Plan Programme Manager)
Waikato Regional Council	Vaughan Payne (Chief Executive) Alex Williams (Democracy Advisor) Stephen Ward (Waikato Regional Council Senior Communications Advisor) Urlwyn Trebilco (Principal Strategic Advisor)
Waikato District Council	Gavin Ion – Chief Executive
Hamilton City Council	Blair Bowcott – Executive Director Special Projects
Waipa District Council	Garry Dyet – Chief Executive

Minutes of Waikato Plan Leadership Group Meeting 18 September 2017

The Governance Adviser assumed the chair and opened the first meeting of the Waikato Plan Leadership Group.

Apologies

Apologies were received from Bev Gatenby for lateness.

Accepted

Confirmation of Agenda

(Agenda Item 2)

Cr moved/Cr seconded.

WPLG17/01

THAT the agenda of the meeting of the Waikato Plan Leadership Group of 18 September 2017, as circulated, be confirmed as the business for the meeting.

The motion was put and carried (WPLG17/01)

Disclosures of Interest

(Agenda Item 3)

There were no disclosures of interest.

Prior to the commencement of the substantive meeting, the Group congratulated New Zealand Transport Authority Representative: Parekawhia McLean on her recent election success being appointed Chair of Waikato-Tainui.

Proposed Appointment: Independent Chair – Waikato Plan Leadership Group

File: 03 04 32 (Agenda Item #4) Doc #11067909

Presented by Waikato Plan Governance Advisor (Bill Wasley) the report provided the group with a recommendation for an independent Chair of the Waikato Plan Leadership Group. Discussion at the chief advisory group level had recommended that Margaret Devlin (Waikato Plan Joint Committee Chair) be appointed Chair of the Waikato Plan Leadership Group.

Mayor A King moved/Mayor A Sanson seconded.

WPLG17/02

RESOLVED

THAT the Waikato Plan Leadership group:

- 1. Appoint Margaret Devlin as the Independent Chair of the Waikato Plan Leadership Group.**

The motion was put and carried (WPLG17/02)

The Independent Chair assumed the chair.

Proposed Appointment: Deputy Chair: Waikato Plan Leadership Group

File: 03 04 32 (Agenda Item #5) Doc #11067909

Presented by Waikato Plan Leadership Group Chair (Margaret Devlin) the report provided the Group with a recommendation for the appointment of a Deputy Chair of the Waikato Plan Leadership Group. Discussion at the chief advisory group level had recommended that Mayor Brian Hanna be appointed Deputy Chair of the Waikato Plan Leadership Group.

Chair A Livingston moved/Mayor T Adams seconded.

Minutes of Waikato Plan Leadership Group Meeting 18 September 2017

WPLG17/02

RESOLVED

THAT the Waikato Plan Leadership Group:

- 1. Appoint Mayor Brian Hanna Deputy Chair of the Waikato Plan Leadership Group.**

The motion was put and carried (WPLG17/02)

Appointment of non-Local Government representatives to the Waikato Plan Leadership Group.

File: 03 04 32 (Agenda Item #6) Doc #11067909

Presented by Waikato Plan Leadership Group Chair (Margaret Devlin) the local government members recommended to the Group the appointment of four business and community representatives to the Group. The Group was advised that the appointment of Iwi and two Government Representatives is still a work in progress and would be reported to the Group at a later date. It was intended there would be Iwi representatives in place by Christmas.

The Group had undertaken discussion of the potential community representatives prior to the commencement of this meeting. Candidates were considered against specific criteria to ensure the best people for supporting implementation of the Plan were selected. The recommended candidates were:

- Dr Bev Gatenby
- Eric Souchen
- Dallas Fisher
- Lale Ieremia

The Group was provided with a schedule of Business and Community members for information.

Mayor B Hanna moved/Chair A Livingston seconded.

WPLG17/03

RESOLVED

THAT the Waikato Plan Leadership Group:

- 1. Appoint Bev Gatenby, Eric Souchen, Dallas Fisher, and Lale Ieremia as the Community/Business representatives on the Waikato Plan Leadership Group.**
- 2. That these appointments be made for a term of 12 months.**

The motion was put and carried (WPLG17/03)

Waikato Plan Implementation

File: 03 04 32 (Agenda Item #7) Doc #11067909

Presented by Waikato Plan Governance Advisor (Bill Wasley) the report outlined the steps taken to date for implementation of the Waikato Plan, and further sought input from the Group on implementation.

During discussion the following points were noted:

- Remuneration for the non-local government members of the Group would be \$750/day, and \$1666/month for the Independent Chair.
- It is intended that the Chief Executive Steering Group will have a broader membership in the implementation phase, including the Waikato Means Business Programme Manager and further regional agency and government department key staff where appropriate.

Minutes of Waikato Plan Leadership Group Meeting 18 September 2017

- It was suggested that there should be a clear distinction between funding for administration and advocacy, and funding for projects. Funding for projects would come from several sources.
- Concern was raised that there were too many members on the Leadership Group and would prevent the group from being agile and fast moving. In response, the Group was advised that the intention was to not limit engagement on the Committee, to have many more groups involved but not necessarily around the table.

Chair A Livingston moved/Mayor B Hanna seconded.

WPLG17/04

RESOLVED

THAT the Waikato Plan Leadership Group:

- 1. Receive and note the report**

The motion was put and carried (WPLG17/04)

Draft Central Government Engagement Strategy

File: 03 04 32 (Agenda Item #9) Doc # 11068362

Waikato Plan Governance Advisor (Bill Wasley) presented the Group with the Draft Central Government Engagement Strategy. This strategy would come back to the next Leadership Group meeting on 16 October for final approval.

During discussion the following points were noted:

- There needed to be a sharper focus with regards to what the Groups expectations were about whom within central government would undertake what tasks/actions. Relationships between Waikato Plan and public organisations would be established as implementation began. There is a need to analyse the government agencies and their roles. Analysis should cover:
 - What are the agencies responsibilities?
 - What plans did they have in place that could potentially integrate with the Waikato Plan?
 - What are the priorities of the organisation and how can we use these to get traction on the Waikato Plan aspirations?

It was important to ensure that there was interconnected thinking across the 4 wellbeing's when considering appropriate organisations.

- Meetings with relevant agencies need to be undertaken. Identifying who these agencies, and the appropriate contacts within the organisation needed to be considered.
- Aspirations need to be developed in some detail before engagement with central government could be considered. The Group agreed to start with:
 - Future capacity for growth
 - Environment and Water
 - People related aspirations including education and health.

This would be considered by the Chief Executive Steering Group together with the Project Team.

- The Group agreed that step one for implementation was to draft a briefing paper for central government ministers and officials with the intention of meeting with ministers and local members of parliament within the next two months. The briefing should clearly provide central government officials and ministers with the following:
 - Outline the unison between councils and other groups that the Waikato Plan was created with.

4

Minutes of Waikato Plan Leadership Group Meeting 18 September 2017

- Identify the problems that the region is facing, based on the evidence gained to date.
- State the aspirations and successes the Waikato Plan is intended to achieve via the Leadership Group and challenge central government to respond to these.
- State that we want a commitment from central government to work with us being specific in regards to what we require both regionally and sub regionally but also outlining how the Waikato Plan can assist central government in delivering on their policies and commitments.

Staff reminded the Group that the actions were a result of engagement. What was not included in the plan was how those actions would be implemented, it was up to this Group to drive this. This was not as simple as appointing a 'lead agency' there needed to be consideration and agreement about who would undertake the work.

- A lot of the organisations that the Group was considering may not be in a position to respond to requests and were all set up differently. It was suggested that there needed to be an offer to organisations to entice them to buy-in and engage.
- The Group suggested that the Waikato Plan/WMB interconnection diagram be reframed to include all the other key lead actors for each section of the five priorities and top 10 actions.

The Group agreed that Governance Advisor (Bill Wasley) together with the Chief Executive Steering Group would provide a briefing paper to the Group for consideration after conversations were had with the Chief Executive Steering Group and the Project Team on interconnected thinking, and depth around the aspirations. The Group requested that aspirations were clarified in respect of what needs to be done and what is sought and considered a sub-regional approach as needs differ across the region and the need to clearly state to government Ministers, officials and agencies what the regional and sub-regional communities would like to see achieved in respect of issues including education and health.

Draft Implementation and Funding Plan.

File: 03 04 32 (Agenda Item #8) Doc #11067415

Following the discussion during the previous item, the Group agreed that the implementation plan needed some rework before the Group considered it in-depth.

A member suggested that South Waikato could make a good project area to begin with as Waikato Means Business was already undertaking work in this space with the indicated support of Government. A member stated that there is a need to consider education needs and outcomes as part of South Waikato economic action plan.

The Group agreed the implementation needed to be clearly outlined with the Waikato Plan as the overarching document, the five priorities down to the actions that will be broken down for consideration. Clear success measures needed to be established.

It was suggested that a 12 month work plan is developed with KPI's.

Minutes of Waikato Plan Leadership Group Meeting 18 September 2017

General Business

The Group was advised that the next meeting would be held on 16 October 2017. Apologies for this meeting were offered from Margaret Devlin, Bob Simcock, and Dallas Fisher. The deputy chair (Mayor Brian Hanna) is to chair the meeting.

- Invitations for the remaining meetings of 2017 would be provided to the Group.
- A list of contacts for the leadership group would be circulated.

The meeting closed at 10.55am.

Doc #11116068

Resource Consent Funding Application - Kaimai Ridgeway Trust - Te Whare Okioki Project

Trim No.: 1946353

Item 10.5

Executive Summary

An application for resource consent funding has been received from Kaimai Ridgeway Trust (KRT). KRT is seeking funding assistance to cover the costs of their resource consent application relating to construction of a hut (Te Whare Okioki backcountry hut) at the Ngamuwahine Shelter clearing in the southern Kaimai Range replacing the existing Ngamuwahine Shelter which is in poor condition. KRT lodged a resource consent application on 18 October 2017.

Matamata-Piako District Council (Council) has an annual fund of \$15,000 to contribute towards the Council related cost of processing resource consents for non-profit community organisations. This is the first application for the 2017/18 financial year so full annual budget of \$15,000 is available. Council Policy allows for funding of up to a maximum of \$5,000 (inclusive of GST if any) per application towards Council related costs of processing resource consents.

A copy of the Policy on Resource Consent Funding, previous applications and decisions summary and KRT application are attached to this report. Circulated separately are KRTs & DOCs Business Case, DOCs non-notified report, Kaimai Ridgeway Plan, site map and shelter photos, Ngati Hinerangi naming letter and letters of support. Council is asked to consider and make a decision on the funding application.

Recommendation

That:

1. **The information is received.**
2. **Council considers the funding application from Kaimai Ridgeway Trust and decides to approve, up to \$5,000 including GST, or decline the application.**

Content

Background

Kaimai Ridgeway Trust (KRT) volunteers maintains 160km of tramping tracks and 6 backcountry huts in the Kaimai Range under a single Management Agreement (signed by Auckland Tramping Club in 2014 then transferred to KRT when it was formed in February 2016) with the Department of Conservation. The KRT is an affiliation of 10 tramping groups and 2 branches of the NZ Deerstalkers Association, as well as other individuals who join other work parties.

Kaimai Ridgeway Plan outcomes:

- A significant increase in numbers of people engaging in backcountry activities in the Kaimai Range
- A named trail – the Kaimai Ridgeway – that attracts visitors from throughout New Zealand and from overseas, and leads to theme recommending it to their friends
- An enduring relationship with tangata whenua to advance mutual aspirations for the Kaimai Range

- A wider appreciation and enjoyment of all that is special in the Kaimai Range
- Facilities to support greater conservation protection throughout the Range
- The realisation of ownership of these outcomes by all participants
- Financial benefits to the surrounding regions from increased visitor numbers.

Te Whare Okioki backcountry hut:

The proposed hut is intended to replace the existing Ngamuwahine Shelter which is in poor condition. The proposal forms part of the greater Kaimai Ridgeway Project which aims to offer improved overnight and multi-day tramping opportunities in the Kaimai Range.

The location is in the Gordon Park Scenic Reserve which forms part of the greater Kaimai-Mamaku Conservation Park and is administered by the Department of Conservation. Matamata-Piako District Council administers lands adjacent to the greater Kaimai-Mamaku Conservation Park including tracks that join onto the track network administered by the Department of Conservation.

Council provides and maintains public carparks at Wairongomai and Wairere Falls (end of Goodwin Road). These carparks primarily facilitate access to the Kaimai-Mamaku Conservation Park and associated track network. Council intends upgrading the Wairere Falls carpark in response to current and future demand for parking. The proposed hut would be within a day's tramping of the Wairere Falls carpark.

The proposal to replace the Ngamuwahine Shelter with a 12 bunk hut will enhance recreational opportunities in the Kaimai-Mamaku Conservation Park by providing safer overnight accommodation for park visitors. It will also provide appropriate accommodation for volunteers and workers engaged in track maintenance and conservation activities.

Economic benefits

The Kaimai Ridgeway Project is likely to attract more tourists to the district as it will provide more accessible tracks and improved overnight accommodation opportunities within the Kaimai-Mamaku Conservation Park"

Hamilton-Waikato Tourism Opportunities Plan

The proposal appears to align with the Hamilton-Waikato Tourism Opportunities Plan which seeks to attract multiple night tourists and provide year round experiences for domestic and international tourists.

Community Outcomes

The proposal aligns with the following Community Outcome Themes/Community Outcomes:

Connected Infrastructure

Infrastructure and services are fit for purpose and affordable, now and in the future.

Quality infrastructure is provided to support community wellbeing.

We have positive partnerships with external providers of infrastructure to our communities.

Healthy Communities

Our Community is safe, healthy and connected.

Environmental Sustainability

Development occurs in a sustainable and respectful manner considering kawa/protocol and tikanga/customs.

We engage with our regional and national partners to ensure positive environmental outcomes for our community.

Vibrant cultural values

We promote and protect our arts, culture, historic and natural resources. Tangata Whenua with Manawhenua status (those with authority over the land under Maori lore) have meaningful involvement in decision-making.

Issues

KRT need to apply for Resource Consent for the following reasons:

- Rule 2.2.7.3 Any buildings on all public reserves – Non-Complying activity
- Rule 2.2.7.7 Clearing of vegetation - Discretionary activity
- Rule 2.2.7.8 The construction of any permanent building or structure not otherwise referred to in this table or any other table – Discretionary activity

DOC assessed the proposal and specifically in their Concession Report, Summary and Conclusions they state:

Application is not contrary to legislation and is consistent with statutory plans. Adverse effects have been avoided, remedied or mitigated by special conditions.

Building Consent was submitted on 20 October 2017.

If both the funding and the Building and Resource Consents are approved, KRT will begin the construction phase, being very weather dependent, taking in the region of 4 to 6 months.

Analysis

Options considered

1. Council approves the grant application, OR
2. Council declines the grant application.

Analysis of preferred option

There is no preferred option. Council should consider whether to approve or decline the application in light of the policy and criteria.

Financial Impact

i. Cost

As the consent application has only recently being lodged, the total cost of processing the application is not known. Council Policy provides for funding of up to a maximum of \$5,000 (inclusive of GST if any) per application to assist with Council related costs of processing the resource consent application.

ii. Funding Source

Council has allocated \$15,000 funding each financial year in its grant budget for resource consent community funding. There is currently \$15,000 available for allocation from the 2017/18 budget.

Attachments

- A. Policy on Resource Consent Funding (adopted 27 July 2011)
- B. Previous applications & decisions on resource Consent Funding
- C. Resource Consent Funding Application - Kaimai Rideway Trust

Signatories

Author(s)	Vicky Oosthoek Corporate Strategy Administration Officer	
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Approved by	Michelle Staines-Hawthorne Corporate Strategy Manager	
	Don McLeod Chief Executive Officer	

Policy on resource consent funding for non-profit community organisations



Department: Corporate & Legal Services/Regulatory Planning
Policy type: External policy
Council resolution date: 27 July 2011

Introduction

Matamata-Piako District Council (Council) provides annual funding to contribute towards the costs of processing resource consents for non-profit community organisations. The budget for this fund is set each year through the Annual Plan / Long Term Plan process. This policy provides guidance in administering the fund.

Objectives

The objectives of this policy are to ensure our distribution of funding:

- occurs in a consistent, efficient, effective manner
- is transparent, fair and accountable
- contributes to the social and cultural well-being of the community
- supports projects of community benefit

Who can apply?

Your group must be a non-profit community organisation and should:

- have a high ratio of volunteers to paid employees
- have a high degree of public access to the organisation
- primarily be funded from grants, donations, subscriptions or similar and not from fees, charges or funding from central government

You must provide evidence of a formal organisational structure. This may include (but is not limited to) a list of members, election of a committee, holding an annual general meeting, a constitution, incorporated society status or charitable trust status.

Individuals, government agencies, and organisations supported by government agencies (e.g. schools) are not eligible for this grant.

What kinds of projects are eligible for funding?

Applications must meet the following criteria:

- your resource consent application must be for an activity within the Matamata-Piako District
- the project must have no commercial aspect, and must clearly demonstrate community benefit
- you must have a business plan setting out in sufficient detail the proposal, timeline, long-term plans, confirmed and potential funding sources and any other relevant information for your project

Applications will be assessed for consistency with other Council plans and strategies.

What can funds can be used for?

Funds approved under this policy must be used to pay Council for the cost of processing a resource consent application (including staff time, consultants engaged by Council and peer reviews).

The cost of any hearing commissioners, your consultant's costs, regional council consents, appeals or other Council consent applications (such as building consent) are not covered under this policy.

Funding limit

There is a \$5,000 (inclusive of GST if any) cap on funds allocated under this policy. The total amount available each financial year (i.e. from 1 July to 30 June) is determined through the Annual Plan / Long Term Plan process. The funds are allocated on a first come first served basis until the funding is used up. Unallocated funds from the annual budget each year will not be available for allocation in the following year. Funds must be used within six months of the decision to grant funding to your group.

Your group cannot apply for funding more than once per project under this policy. Your group may apply for other Council funds separate to this policy (e.g. Community Board Grants, Significant Natural Features).

How to apply

There are no funding round application dates. This means that applications can be made at any time during the year. Applications under this policy may be made prior to a resource consent being lodged with Council. If Council awards funding prior to a resource consent being lodged with Council, a deposit will not be required.

If funding is granted after a resource consent application is lodged with Council, the organisation must pay its deposit for the resource consent to be processed. The deposit (up to \$5,000) will then be paid to the organisation as a reimbursement into the bank account stated in your application.

Council staff will process the resource consent in the usual way. Processing costs up to \$5,000 (the maximum funding under this policy) will not be charged to the organisation. If processing costs are less than \$5,000, the organisation is not entitled to request the remaining amount be used for any other costs. The organisation will be charged for all additional costs above \$5,000.

A decision by Council to grant funding to you does not mean that your resource consent application will be successful.

How will I know if funding has been approved?

Applications will be reported to a Council or Corporate and Operations Committee meeting for Councillors to determine whether or not funding will be awarded. There may be a delay of up to four weeks before a decision on your application is made due to the Council/Committee meeting cycle.

You will be notified of the decision in writing to the address on your application form. The decision of the Council or Corporate and Operations Committee is final.

Policy review

This policy will be reviewed annually alongside the Annual Plan or Long-Term Plan. The Corporate Strategy team will co-ordinate this policy review.

Relevant legislation

Local Government Act 2002,
Resource Management Act 1991,
Reserves Act 1977.

Related policies, strategies or guidelines

Council Fees and Charges,
District Plan,
Reserve Management Plans,
Activity Management Plans,
Arts, Culture and Heritage Strategy,
Active Leisure Strategy.

Audience

Council staff,
Councillors,
non-profit community organisations.



Previous applications and decisions on Resource Consent funding – October 2017

Financial Year	Applicant	Project	Council Decision	Funding approved
2011/12	Matamata Historical Society	Erection of a historic power pylon.	Approved	\$2,183.82
2011/12	Te Aroha Mountain Bike Club	Construct BMX facility	Approved	\$5,000.00
2011/12	Morrinsville Skateboarders Park	Construct Skatepark facility	Approved	n/a – Funded from other sources
2011/12	Morrinsville Netball Centre	Construct additional netball court & floodlight	Approved	\$ 1,502.17
2011/12	Tui Park Bowling Club	Construct floodlighting on bowling green	Approved	\$ 1,154.35
2013/14	Morrinsville Contract Bridge Club	Erect signage for the Morrinsville Bridge Club on the Morrinsville Bowling Club building	Approved	\$ 813.04
2014/15	Te Miro Mountain Bike Club Incorporated	construct spillway bridge to enhance access to current and future mountainbike tracks	Approved	\$ 1,641.53
2015/16	Matamata Public Relations Association	Erect a bus shelter outside the Gatehouse	Approved	\$ 1,035.58
2015/16	Soul Church	Convert offices to a place of assembly	Approved	\$ 695.65
2015/16	Starfish Social Services	Add additional building to current site	Approved	\$ 4,347.83
2015/16	Matamata Croquet Club Incorporated	Erect club house and establish croquet greens at Pohlen Park	Approved	\$ 2,652.00
2016/17	Te Aroha College Old Boys Rugby and Sports	Erect new clubhouse on Boyd Park	Approved	\$ 1,192.50
2016/17	Rotary Matamata Charitable Trust	Hold an outdoor event in Rural Zone	Approved	\$ 3,817.47
2016/17	Morrinsville Charity Jazz Day	Hold an outdoor concert at Oak Lane Lodge, Morrinsville	Approved	\$ 2,553.70
2016/17	Starfish Social Services	Property purchase 15 Gordon Terrace, Matamata	Approved (with condition RC approved)	\$5,000.00
2016/17	Morrinsville Volunteer Fire Brigade	Tanker shed extension, 91 Anderson Street, Morrinsville	Approved	\$906.52

Kaimai Ridgeway Trust – Te Whare Okioki backcountry hut Resource Consent Funding Grant Application

1. Applicant's Details

Name of applicant/community group	Kaimai Ridgeway Trust Charities Commission reference CC53508
Name of contact person	Tony Walton
Postal address for correspondence	11 Corbett-Scott Ave, Epsom, Auckland 1023
Phone Work, Home, Mobile	027 478 5223
Fax	N/A
Email	kaimairidgeway@gmail.com
Bank	BNZ
Account	02-0192-0212664-000

2. Land Owner Details

Name and contact details	Department of Conservation Tauranga Office
Name of contact person	Jeff Milham Ph 07 571 2734 Operations Manager – Rotorua and Tauranga
Name of contact person	Craig Summers Ph 07 571 2725 Senior Ranger Recreation/Historic
Postal address for correspondence	PO Box 9003 Tauranga 3142 Greerton West
Fax	N/A
Email	jmilham@doc.govt.nz csummers@doc.govt.nz

3. Declaration

I declare that the information supplied here and in the business plan is correct. If the application is successful, I agree to participate in any auditing of my project conducted by Council. I consent to the Council collecting the personal contact details provided above.

Name: Tony Walton
Signature:
Date: 2/10/2017

Please send your application and attachments to:
Corporate and Legal Services
Matamata-Piako District Council
PO Box 266
Te Aroha 3342

Office Use Only	File reference 11/1522	Document Number: _____
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Business Plan (MPDC Template)

Introduction

Please refer the supplied document - Business Case SKMBT_C284017080709311.pdf , prepared to a DOC template at the end of 2016. The project has taken a lot of work to get to this stage, so it is natural that the plan could be updated. However, since the original document meets the needs of DOC and the iwi approvers, it will not be updated at this stage, so the following information is provided to follow the structure of the MPDC template, using a lot of the information contained in the earlier document, also from the more recently created DOC document – the Concession Report (draft) – that will result in the final Concession Agreement

1. Kaimai Ridgeway Trust

The Kaimai Ridgeway Trust (KRT) volunteers maintains 160km of tramping tracks and 6 backcountry huts in the Kaimai Range under a single Management Agreement with the Department of Conservation. The KRT is an affiliation of 10 tramping groups and 2 branches of the NZ Deerstalkers Association, as well as individuals who join other work parties.

The KRT have developed a Kaimai Backcountry Management Plan which includes the following aims :

- A significant increase in numbers of people engaging in backcountry activities in the Kaimai Range
- A named trail – the Kaimai Ridgeway – that attracts visitors from throughout New Zealand and from overseas, and leads to them recommending it to their friends
- An enduring relationship with tangata whenua to advance mutual aspirations for the Kaimai Range
- A wider appreciation and enjoyment of all that is special in the Kaimai Range
- Facilities to support greater conservation protection throughout the Range
- The realisation of ownership of these outcomes by all participants
- Financial benefits to the surrounding regions from increased visitor numbers.

The original overall management agreement with DOC was first signed in 2014 with the Auckland Tramping Club (ATC), as the lead group, then transferred to the KRT when it was formed in February 2016, as a better way to fully represent the number of groups involved in the project. Volunteer work in the Kaimais by some of these tramping and deerstalkers groups predates both agreements by many years.

We are a solely volunteer organisation, registered as a charitable trust, and qualifying for tax donee status (donations to us qualify for the donations tax rebate). Since reporting commenced under the original ATC – DOC agreement, our direct volunteer hours worked in the Kaimais has been in excess of 7,500, plus an estimated over 1,000 hours in administration and meetings, and with all volunteer travelling time and costs being funded directly by the volunteers.

Our sole funding source (in addition to volunteer contributions) is grants and donations

2. Te Whare Okioki Project

The Kaimais is a spectacular place to be for day and multi day trips, but it is an area where at any time of the year the nights can be cold and damp. To provide an enjoyable multi day experience, huts suitable for multiple tramping groups are required. Te Whare Okioki is planned to be the first overnight stop on the full Kaimai Ridgeway route, but also a location that can be reached for a single night's tramp from a number of road ends on the western and eastern side of the southern Kaimais. So very suitable for a weekend trip, and for introducing more people, of all ages, into the joys of multi day tramping.

This is an area where the road ends are within 2 hours' drive of 50% of New Zealand's population, and in a part of the country where most similar backcountry experiences can only be reached in a significantly greater driving time. It is also easily accessible from their Auckland arrival point for overseas visitors seeking the true NZ backcountry experience to visit and enjoy not only the Kaimais themselves, but also the immediately surrounding areas.

The lead organisation for the hut construction and maintenance of the hut, on behalf of the KRT, is the Bay Of Plenty branch of the NZ Deerstalkers Association. They already maintain two old NZFS constructed huts in the southern Kaimais (Hurunui and Mangamuka), and have actually been working on obtaining permission from DOC for the new hut (now Te Whare Okioki) since 2011. The southern Kaimais is a popular hunting area, having a significant deer population, and large untracked areas of bush away from the standard tramping routes.

The new hut will be owned and maintained by the KRT, and will publicly available on the DOC booking system, with 85% of the hut fees being paid to the KRT to assist with ongoing maintenance. The major maintenance costs will be the helicoptered in supply of firewood for the woodburner in the hut, and the helicoptered out toilet waste and unavoidable rubbish which is not acceptable to be disposed of on site. As a result, it is expected that the hut fees will not pay all maintenance costs, and ongoing funding sources from grants and donations will be required.

To date funding sources for the KRT have been limited, but we expect to see a significant boost in our funding options once Te Whare Okioki is built, as real evidence that the KRT is contributing a major amount to recreation opportunities in the Kaimais.

The location of the hut is within the Matamata Piako District, being shown in the MPDC District Plan maps.

At this point we have confirmed funding for around \$90,000 GST excluded, but expect the final construction costs to now be higher by another \$30-40,000 as a result of additional items since the original costing. The original expected construction timetable has been delayed significantly this year as a result of the various consultation and planning processes required to get to the point of having sufficient documentation together to apply for the Building and Resource Consents. Once these are obtained, it is expected that the construction phase, being very weather and volunteer labour dependent, taking in the region of 4 to 6 months.

3. Timeline

Once the building and resource consents have been granted, and any required plan updates have been made, we will be in a position to arrange with the interested iwi for a site blessing, that must occur before any site works can commence.

From the point where the site work starts, we expect the construction period through to the formal opening ceremony to take in the region of 4 to 6 months. The key variables are weather conditions – which principally will limit helicopter operations, the supply of some of the materials, such as the galvanising of the steel foundations, the availability of the volunteer specialists, such as the bricklayer, and coordination of any required site visits from MPDC and DOC staff.

We have learnt from the project to date that while we have a good idea of what has to be done next, that the actual duration of each activity varies, dependent on unforeseen factors, and the day jobs of the volunteers needed to keep the project moving forwards.

4. Property Details

The agreed hut site is at the Ngamuwahine Shelter clearing in the southern Kaimai Range within part of the Gordon Park Scenic Reserve, located at NZTM E1856779 N5814906.

From the various road ends, the estimated tramping time with an overnight pack is :

Goodwin Road	5 hours	via Wairere Falls
Te Tuhi Road	3 hours	
SH29 Kaimai Summit	5-6 hours	via North South Track (Kaimai Ridgeway)
Old Kaimai Road	5-6 hours	via either Henderson Tramway Track
Ngamuwahine Road	4 hours	
Whakamarama Rd	3-4 hours	via Ngamuwahine Track
Whakamarama Rd	4-5 hours	via Leyland O'Brien Tramway Track

Mountain runners are typically covering a two day tramping trip in less than a day. Runners will be a noticeable user group of the hut surrounds for a mid run break, for water resupply, and for toilet usage.

4. Project Benefits

Many of these have been covered in previous points. The key ones are :

- Facilities to support a significant increase in numbers of people engaging in backcountry activities in the Kaimai Range, and through recreation, contributing positively towards their physical and mental wellbeing
- Hut locations such as this especially become a practical destination for school and youth groups to achieve enjoyable and long remembered outdoor experiences – introducing the next generation of trampers and hunters to our great outdoors
- Facilities to support greater conservation protection throughout the Range
- Facilities for track maintenance parties
- Financial benefits to the surrounding regions from increased visitor numbers
- Provision of a safe helicopter landing site in the southern Kaimais for use by SAR operations

5. Community consultation/support

This project has been developed in partnership with the Department of Conservation, guided by the scope and terms of the KRT – DOC Management Agreement. A number of DOC standard documents have been produced jointly along the way – Business Case, Works Approval, H&S Plan for Hut Construction and the Concession Report.

The project has also been reviewed with, and endorsed by, interested iwi – Ngati Hinerangi, Pirirakau and Ngati Ranginui.

During the DOC consideration of the proposal, consultation also occurred with the Bay Of Plenty Conservation Board, who support the project and agreed that it is consistent with the strategic goals of the Department of Conservation. This support also derives from DOC recreation and conservation rangers, and from an Historic Technical Adviser.

6. Funding/financial information

An initial grant from the NZ Outdoor Recreation Consortium, and a significant portion of a bequest from a former member has been committed by the Auckland Tramping Club. Now that the project planning process is coming to a conclusion, and the timetable for construction can be firmed up, the original costs assessed in detail at the start of 2016 are now being reworked significantly, taking into account a number of additional requirements identified along the way. The anticipated funding shortfall will now be able to be addressed by application to other funding organisations.

The funding approach requires payment for three key elements :

- Purchase of materials
- Helicopter costs
- Payment for professional and other fees, where the required services are not able to be provided by members of KRT affiliated organisations, principally the BOP Deerstalkers

The detailed costs were estimated originally at around \$90,000, and are now expected to rise by a further \$30 - \$40,000, all GST excluded.

The KRT is registered for GST, and files GST returns every six months.

All construction labour will be sourced on a voluntary basis from the BOP Deerstalkers and other KRT affiliated organisations. The major construction period will see a varying team of people working on site.

7. Resource Consent

A resource consent and building consent is being applied for as part of this project. The resource consent application is included with this information pack. We understand that the nature of the project, being the construction of a major replacement to an existing shelter in the Gordon Park Scenic Reserve, does require a resource consent.

8. Other Information

Please refer the document supplied “Te Whare Okioki Resource Consent Application” which summarises the project, and identifies the various documents provided as supporting information for the Building Consent, the Resource Consent, and this Application for Resource Consent Funding.

All of these documents, and the building consent application documents are available online in the [OneDrive MPDC documentation folder](#).

Request for Special Assessment - Norman's Transport, Avenue Road North/Keith Camp Place

Trim No.: 1942850

Item 10.6

Executive Summary

Development contributions are a charge imposed on a developer by a council to recover some of the capital costs incurred by a council when providing infrastructure services for the development. This report seeks a decision from Council whether it wishes to enter into a special assessment process with the applicant, Normans Transport, to waive or reduce the amount of Development Contributions payable on the extension of their storage facilities.

Under the 2015-25 policy Council can make the decision as to whether a special assessment be undertaken for specific developments or whether the DC be upheld and the applicant can proceed with a reconsideration and/or objection process.

The applicant requests that the Water and Wastewater Development Contributions be waived or reduced. It also requests to waiver or reduce the Roding Development Contributions

Recommendation

That:

1. Council receive the report; and
2. Council determine whether to enter into a special assessment with Normans Transport to waiver the Development Contributions for Water and Wastewater for the proposal to add a new storage shed at Avenue Road North/Keith Camp Place, Morrinsville.
3. Council determine whether to enter into a special assessment with Normans Transport to waiver or reduce the Development Contributions for Roding for the proposal to add a new storage shed at Avenue Road North/Keith Camp Place, Morrinsville.

Content

Background

Normans Transport are in the process of obtaining a building consent for the construction of an addition to their existing storage shed to store goods, Keith Camp Place in Morrinsville. The total gross floor area of the extension to the existing building is approximately 1,600m².

The purpose of development contributions is to recover the costs of growth related capital expenditures (e.g. roads, water, wastewater etc) from participants in the property development process, rather than from general rates or any other indirect funding source. In accordance with Council's Development Contributions Policy (Policy) the building consent application for the Development will trigger an assessment for development contributions (DC).

DCs for the Development have been assessed as approximately the following (inclusive of GST).

Development Contributions – LTP 2015-25				
Activity	Total m2	Credit m2	Extra m2	Total incl. GST
Water	1600m2	0	1600m2	\$17,938.24
Wastewater	1600m2	0	1600m2	\$12,318.24
Roading	1600m2	0	1600m2	\$14,418.08
Total to be paid	GST inclusive			<u>\$44,674.56</u>

**It must be noted that a formal building consent has not yet been submitted so final plans could still change.

Issues

The current policy allows for a reconsideration and objection process for Development Contributions but it is requested that Council consider this development as a special assessment under 7.6.2 under the policy. The reason for this being that it has the potential to lie outside the standard Household Equivalent unit (HEU) development requirement. This is also based on previous Council decisions for objections before the policy changed and made this an independent process.

Rule 7.6.2

Special assessment

Our policy on development contributions is based on the average infrastructure demands of a wide range of residential and non-residential developments. However, there may be instances where a development does not readily fit within the specified development categories, or where the infrastructure demands created by the development differ significantly from the averages upon which the policy is based. In these circumstances, we may undertake a special assessment at our sole discretion.

A decision on whether a special assessment will be undertaken will be made by Council at the application stage, once details of the development are known. Applicant will be expected to provide supporting information and detailed calculations of the likely demand for roading, water, wastewater and stormwater associated with the development. This information will be used to calculate the number of Household Equivalent Units for each activity for which the development will be liable.

Water and Waste water Contributions

Under the Policy, Council may require DCs at the time of resource consent, building consent or at the time of a service connection request to one of our networks (clause 7.3.3 of the Policy).

The applicant has indicated that no water or wastewater will be required for the building extension.

A summary of the relevant applications for which a reduction has been applied for in the past are as following:

Andy Smith Limited, Thames Street, Morrinsville	Reassemble of shed from Thames Street	No DC – subject to Thames Street site confirming in writing that they surrender their credit. Credit from existing site on Thames Street was
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		applied.
A Gurnick, Landsdowne Road, Matamata	New shed	No DC until the time of connection to our water services The building does not need to be supplied with water.
Cullen Engineering, 1 Mills Street, Te Aroha	New Fabrication Workshop	No DC until the time of connection to our water and wastewater services The building does not need to be supplied with water and wastewater.
Waharoa Properties Ltd, Dunlop Road, Waharoa	Relocation of existing coolstore and canopy to Waharoa Cold Store Site	DC was upheld Very minimal water required, but it will be connected to Council water services.
Garland Engineering, Waihou Street, Matamata	New Warehouse with a second level office/amenities	DC was upheld Very minimal water required, but it will be connected to Council water and wastewater services.
D B & J F Holdings Ltd, 5 Anderson Street, Morrinsville	2 New Storage Sheds	DC was waived (cannot be deferred until time of connection as it already has a connection to the property) The building does not need to be supplied with water.
Ryann Ltd 120 Avenue Road North, Morrinsville	New shed on existing site	DC was waived (cannot be deferred until time of connection as it already has a connection to the property) The building does not need to be supplied with water.
Secure Storage Solutions Ltd, Wild Street, Te Aroha	New sheds on existing site	DC was waived (cannot be deferred until time of connection as it already has a connection to the property) The building does not need to be supplied with water.

Roading Contribution

The site is located off Avenue Road North and Keith Camp Place and it is proposed to construct an extension to their goods storage shed and increase their operation.

The assessment for roading is undertaken on a ward basis and assumes that a residential property (the basis for a Household Equivalent Unit) will generate 10 vehicle movements per day. This is multiplied for non-residential development by a factor of 0.4 for every additional 100 square metres of gross floor area.

Roading DCs are not effects based in the same way that an assessment of roading effects for a resource consent would be assessed. Roding DC's take a network wide approach. Roding DC's are calculated with network-wide supply and demand issues in mind. The additional floor area provided will increase the traffic volumes to and from the site, this traffic will not be confined to just state highways.

The Applicant has indicated that there will be an increase in traffic but as part of the original subdivision a new road was put in – Keith Camp Place, which required significant investment from the applicant.

A summary of the applications for which a reduction has been applied for in the past are as following:

Piako Motors, 26 Thames Street, Morrinsville	New Car and Tractor workshop	50% reduction Improving traffic flow on Thames Street (SH26) - Entrance was shifting from Thames Street (SH26) to McRae Street. Not a Greenfield site so not full impact of additional traffic. The counter argument is that there is increased pressure on Thames/Avenue Road North/South intersection which is already at capacity during peak times. There is also additional traffic onto low volume local road (Mc Rae Street) which is not very wide and has thin road pavement. This could result in pavement failure much earlier than anticipated.
Landsdowne Road, Matamata	New shed	DC was upheld No additional traffic proposed, but future use of the building was considered.
Cullen Engineering, 1 Mills Street, Te Aroha	New Fabrication Workshop	50% reduction Improve traffic impact on Mills Street - New configuration of the site would decrease the number of trucks completing U-Turns on Hubbard Street and applicant advised surface will therefore have a longer life. The counter argument is that the site has the potential to increase activity and increase the traffic substantially in the future and there is no mechanism to receive further DC payments.
Andy Smith Limited, 2600 SH26, Morrinsville	Reassemble of shed from Thames Street	No DC – subject to Thames Street site confirming in writing that they surrender their credit. Credit from existing site on Thames Street was applied. No additional traffic proposed overall. The counter argument is that this proposal has no impact on local roads as site gains access off the SH.
Waharoa Properties Ltd, Dunlop Road, Waharoa	Relocation of existing coolstore and canopy to Waharoa Cold Store Site	DC was upheld Very minimal additional traffic proposed, but future use of the building was considered.
Garland Engineering, Waihou Street, Matamata	New Warehouse with a second level office/amenities	DC was upheld No additional traffic proposed, but future use of the building was considered.

D B & J F Holdings Ltd, 5 Anderson Street, Morrinsville	2 New Storage Sheds	DC was upheld Very minimal additional traffic proposed, but future use of the building was considered.
Mc Davitt, 54 Clothier Road, Te Aroha	2 new chicken sheds	DC was reduced to \$1,694.50 Very minimal additional traffic proposed. It was determined that the future use of the building was not likely to change and therefore should not be considered.
Inghams, 2 Banks Road, Matamata	Expansion of the chicken hatchery and additional plant areas	DC was upheld Very minimal additional traffic proposed, but future use of the building was considered.

Analysis

Options considered

1. Apply a special assessment to the development under Rule 7.6.2 in the policy which waivers or reduces the development contributions required on the development; or
2. Uphold the Development contributions and advise the applicant they can proceed with the reconsideration or objection process if they wish to pursue this matter further.

With respect to option 2, people who have concerns about the development contributions they are being charged have two avenues through which they can seek to have their concerns addressed:

- a) a *reconsideration process* whereby the person can formally request Council to reassess a development contribution because the person believes an error has been made or information that needed to be considered was incomplete; and
- b) a *development contribution objection process* whereby a person, regardless of whether or not they had sought a reconsideration, can formally object to a development contribution charge and have their objection considered by a commissioner selected from a register of independent commissioners appointed by the Minister of Local Government. The commissioners will have the power to make binding recommendations that the development contribution be quashed or amended, or may dismiss the objection.

Previous Decision

Water and Wastewater

From the special assessments listed above, there has been a consistent approach. For a building that will be provided with a service connection, the DC's apply. For a building that will not require a service connection, the DC's payable have been delayed until such a connection is requested from Council, irrespective of how much water or waste they will use and produce.

Roading

Development contributions have tended to be waived where the applicant has submitted that the development will improve the adjoining roading network. This could be as a result of improvements made or by the re-configuration of the site. DCs have generally been upheld where additional traffic is created or the building has the potential to increase traffic in the future as a complying activity or there will be no trigger for a future DC.

Analysis of preferred option

Council should only collect income from DCs where the development has a growth related component; however it should also be mindful that a failure to consistently apply the Policy to growth related costs may result in lower income for growth related projects which will need to be funded by the ratepayer.

It is often difficult to accurately identify growth and the need for new infrastructure when considering individual projects. The demand for new infrastructure is usually the result of the cumulative effects of development. The Policy uses Household Equivalent Units (HEU's), gross floor area and impervious surface area as an indicator of the demand likely to be caused from a development, and refines this through the identification of different uses (residential, commercial etc.). The use of this indicator allows Council to estimate the demand potential of a development regardless of its current use.

Water and Wastewater

The following assessment can be made:

- There is no water or wastewater connection required for the extension of the building.
- Although the GIS is showing a water and wastewater connection to Lot 1 DP 413203, the applicant has advised that as the lots were amalgamated in 2008 and as part of this Council informed us that the services that were in place would be disconnected as part of the amalgamation requirements.
- The use of buildings is not likely but could change in the future as a permitted activity. A service connection would then be required from Council and Development Contributions can be charged at such a time.

Using the criteria from the previous objections for building extensions not requiring water and waste, with no water connection to the site, it is recommended that Council waiver the DC for water and wastewater. Prior to the waiver of the Development Contributions, it is recommended that it be checked that the services have been disconnected. If the connections are still in place, the applicant shall be required to remove these prior to issuing the building consent and waiver the Development Contributions.

Roading

The following assessment can be made:

- There is an increase in traffic proposed.
- There is no proposed improvement or likely detriment to the adjoining roading network. The developer as part of the initial subdivision on Keith Camp Place created a public road. However a public Road is a requirement for access under the district plan as the subdivision created more than 6 lots.
- The use of buildings is unlikely but could change its use in the future as a permitted activity and as there is no increase in Gross Floor area, it would not trigger a Development Contribution.

Using the criteria from the previous objections, and the decisions made it is recommended that the Development Contributions be upheld as there is an increase in traffic and there is no opportunity to collect any contributions at any other times.

Legal and statutory requirements

Council should make a decision that is consistent with the purpose of the Policy and follow the principles of natural justice. Should the Council consider that it requires a hearing to consider the views of Normans Transport more fully it should resolve to do so by upholding the DC's and advising the developer that they have the right to a reconsideration process or objection to an independent commissioner.

Impact on policy and bylaws

Council's decision should be consistent with its Development Contributions Policy at the time of building consent. The Policy has been reviewed as part of the 2015-2025 LTP.

Impact on Significance and Engagement Policy

If Council makes a decision in accordance with the Development Contributions Policy this matter is not considered significant in terms of Council's significance policy.

Background information provided with this report is intended to provide an indication of the potential impact of a decision to waive contributions as part of a special assessment. A decision to waive contributions that brings in to question the basis of past and future assessments may be considered significant.

Communication, consultation and decision making processes

The Developer will be advised of Council's decision as per the policy.

Timeframes

In accordance with the Policy, once Council makes the decision on the special assessment and whether any DC's are reduced or waived, the applicant will be advised and issued the DC assessment accordingly.

If Council determines that no special assessment is completed for this development and the DC's are upheld, the applicant will be advised that they can request a reconsideration and/or objection. Once the final DC's are issued, the applicant has 10 working days to request a reconsideration and Council has 15 days to get back to them. For an objection this goes through the independent commissioner process and the applicant is required to lodge this within 15 days.

Attachments

- A. Normans Letter

Signatories

Author(s)	Susanne Kampshof Asset Manager Strategy and Policy	
Approved by	Don McLeod Chief Executive Officer	



Normans Transport & Storage 100 Avenue Road, Morrinsville
Postal | Po Box 212, Morrinsville P | 07 889 5900 W | www.normans.co.nz
Servicing Auckland, Hamilton, Tauranga and Rotorua Daily

9th October 2017

Matamata Piako District Council
P O Box 266
Te Aroha 3342

Attn: Susanne Kampshof

Further to our meeting on Friday 3rd October 2017 regarding the proposed building extension that would be sited on the land of which two titles were surrendered by amalgamation in to our present Lot 1 Deposited Plan 413203 and Lot 14.

The proposed building extension would not use council services such as water or wastewater however the building would require the storm water service. For the roading contributions our main usage of Council infrastructure is 200 metres then we connect to a state highway network the Council does receive funds from our Road User costs from LTNZ this contributes to the council costs of road maintenance.

I would like to draw your attention to the history of Keith Camp Place subdivision, the land was purchased for the purpose of a subdivision development at this time we met with Council Planners'. The discussions centred around the road construction as to whether it was going to be another Charlston Place type or whether we would go the extra mile and make it wider with all the services and in doing so that level of road would be able to be used for the extension off our industrial subdivision and on through the neighbouring property owned by Diane Te Waharau. We agreed to this for the future growth of the town to pay the extra for the wider road and extra services so as to enable the further development in this area. This was an extra cost for us to absorb into the subdivision as was the cost of development levies which was applied to all the sections. For the roading network for the Council future plans to work we also agreed to change our section designs so as to create a section at the end of Keith Camp Place Road this was to facilitate the connection to the Te Waharau property the section was then sold this at a reduced amount to the Council.

The council levies are all geared around the development and support to services provided with this in mind I think by outlining the above we have contributed greatly to developing the infrastructure of the town which in turn brings expansion and growth.

I therefore would like the Council to look realistically at the proposed building extension and keep our development contributions to a minimum so we in turn can keep our growing business in town.

Regards



Charles Norman
NORMANS TRANSPORT LTD

State of the Environment Report 2016/17

Trim No.: 1945970

Executive Summary

The Matamata-Piako District State of the Environment Report has been updated with 2016/17 information. Council planning staff will be in attendance to give a presentation on the report.

Recommendation

That the report be received.

Content

Background

The Matamata-Piako District State of the Environment Report 2016/17 was prepared to fulfil the requirements of section 35(2)(a) of the Resource Management Act 1991, which states that:

- (2) Every local authority shall monitor—
 - (a) the state of the whole or any part of the environment of its region or district—
 - (i) to the extent that is appropriate to enable the local authority to effectively carry out its functions under this Act.

It is based on indicators developed under the 1999 Matamata-Piako District Council Environmental Monitoring Strategy, and based on the ‘anticipated environmental results’ stated in the Matamata-Piako District Plan.

It is currently updated on an annual basis, using information from resource consents, and information from Council and other agencies, and is presented on the Council website.

The District Plan contributes to the community outcomes set out below (and as reported in the 2016/17 Annual Report):

Community Outcome	Rationale	Level of service	How we measure performance
4 c) Council will protect and regenerate our native flora, wetlands and significant natural features. 4 d) The adverse effects of development, industry and farming will be managed, monitored and minimised. 4 e) High quality soils in our	Monitoring and reporting on the state of our environment allows us to identify if we are achieving our objectives to protect the environment and highlights any issues that need to be	We will provide an annual update on progress on land use and development, and the protection of natural and physical resources of the district.	State of the Environment monitoring reports will be updated on Council’s website each year.

district will be protected.	addressed during District Plan reviews.		
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Attachments

There are no attachments for this report.

Signatories

Author(s)	Mark Hamilton Environmental Policy Planner	
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Approved by	Ally van Kuijk District Planner	
	Dennis Bellamy Group Manager Community Development	

Mayoral Diary For October 2017

Trim No.: 1947026

The Mayoral Diary for the period 1 October to 30 October is attached.

Recommendation

That the report be received.

Attachments

A. Mayoral Diary for October 2017

Signatories

Author(s)	Jan Barnes Mayor	
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Approved by	Don McLeod Chief Executive Officer	
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Mayoral Diary October 2017

<p>Monday 2 October</p>	<p>Regional Transport Committee meeting</p> <p>Meeting with council staff To discuss upcoming meeting agendas and projects.</p> <p>Three waters asset management interview MartinJenkins was commissioned by the Department of Internal Affairs to report on three waters asset management practices at the governance level. Council staff Fiona Vessey and Susanne Kampshof attended the meeting where we discussed funding and financing, asset management, compliance, monitoring and reporting including the information flows between asset management and governance.</p>
<p>Wednesday 4 October</p>	<p>Councillor proposed plan change site tour Planning staff organised a tour for our elected members to businesses in the district who currently have private plan change applications submitted for consideration.</p> <p>PC 50 – Hobbiton Development Concept Plan - to ensure alignment with Hobbiton’s existing resource consents and to provide for the operation and potential development of the venue.</p> <p>PC 51 – Open Country Dairy Development Concept Plan – to provide for the operation and potential expansion of OCD’s Waharoa milk processing facility.</p> <p>PC 52 – Tatua Dairy Company Development Concept Plan – to amend the DCP for the Tatua milk processing facility to ensure alignment with its existing resource consents and to provide for the operation and potential expansion of the facility.</p> <p>Councillors viewed and considered the activities proposed by each DCP from the surrounding environment.</p>
<p>Thursday 5 October & Friday 6 October</p>	<p>National Council Strategy Day and meeting This meeting over two days in Wellington saw our National Council members plan, discuss and set the main policy priorities for 2017/19, they are:</p> <ol style="list-style-type: none"> 1. Infrastructure 2. Risk and resilience 3. Environment 4. Social issues 5. Economic development

<p>Saturday 7 October</p>	<p>Te Aroha Cruise In The weather played its part for the 10th anniversary of this event which saw huge crowds descend upon Te Aroha for the annual Cruise In. I presented awards at the prize giving including best shop display which went to Te Aroha Veterinary Services.</p> <p>This event is run so well thanks to its dedicated organising committee. Sarah Matefeo-Ross is stepping down from the coordinating role, so if you think you have what it takes, contact the committee via their website page: http://www.cruisein.co.nz/contact/</p>
<p>Monday 9 October</p>	<p>National Council Roadshow The 2017 LGNZ Roadshow is an opportunity for LGNZ members to directly engage with National Council and discuss the key issues facing your councils and the wider local government sector as the National Council shapes LGNZ's priorities for the year ahead.</p> <p>The purpose of the roadshow is to:</p> <ul style="list-style-type: none"> • introduce the new President or Vice President and National Council members and discuss key issues for your council; and • engage on key issues and opportunities facing local government. <p>LGNZ's Chief Executive or Deputy Chief Executives will also attend.</p> <p>As a National Council member I supported the roadshow when they visited the Waikato District Council in the morning, and then the Waikato Regional Council in the afternoon.</p> <p>Meeting with Tuia representative I had a meeting with Hapairere where I continue to mentor her as part of our partnership in the Tuia programme. Hapairere is tasked with organising the NEET's ready for interviews with Silver Fern Farms. Eight out of 10 have passed their medical for the next step into their employment.</p>
<p>Tuesday 10 October</p>	<p>Audit and Risk meeting The LTP featured in a number of items on this meeting's agenda, as well as the Annual Report, legislative compliance framework, policy reviews, delegations and internal quality audits.</p> <p>Our Chair Sir Dryden Spring has formally indicated he will be stepping down from his role at the last meeting in December this year. We have been so lucky to have the experience of Sir Dryden to lead this committee since it formed in 2013. Our Audit and Risk Committee is often referred to in Local Government circles as an example of 'how to do it right' and that will be in no small part due to the role Sir Dryden has</p>

	<p>played in steering the committee. Thank you Sir Dryden for your words of wisdom and technical expertise over the past four years.</p> <p>I am pleased to announce that the Hon John Luxton has agreed to take on the chairman position. John was at the meeting in an observer role. We are very privileged to have John take over this role and his vast knowledge and experience in business and government will be another asset to our committee.</p> <p>Council accepted Sir Dryden's resignation and confirmed John's appointment at the Council meeting on 11 October.</p> <p>Morrinsville Youth Theatre production I was invited to attend the production of 'Shrek' at the Morrinsville Theatre. This is the first youth production in 21 years and they certainly put on a very entertaining show. I was blown away by the cast, costumes and overall performance on the night. Well done to everyone who took part in bringing this show to our community. We certainly have some talent on display in our district!</p>
<p>Wednesday 11 October</p>	<p>Council meeting This was another full agenda including presentations from Matamata Public Relations and our Volunteer Youth Ambassadors (VYA). I took the opportunity to bring Sarah Matefeo-Ross into the boardroom to give a quick overview of the recent Cruise In held in Te Aroha, and to thank Sarah for her work leading the organising over the past five years.</p>
<p>Thursday 12 October</p>	<p>LGNZ Conference Committee Teleconference Discussion and decisions were made around the programme, EXCELLENCE awards, the breakfast session speakers, special interest groups and sponsorship.</p> <p>Meeting with Morrinsville Community House I met with Julie from Morrinsville Community House along with Te Aroha locals. Some good ideas were shared and ways forward formulated for addressing ongoing needs of our community and transport issues.</p> <p>Business Night Out The Silver Fern Farms Event Centre in Te Aroha was the venue for the 2017 Business Night Out where we recognise the efforts and success of our local businesses. Approximately 210 people from across the district attended the event.</p> <p>The evening began with a mihi by Te Ao Marama Maaka, our chair of the Te Manawhenua Forum and MC for the evening Stu Smith held the crowds attention well!</p>

Keynote speaker Martin Sneddon spoke of his role as chief executive for the 2011 Rugby World Cup in New Zealand, a well received speaker.

Thank you to our elected members who supported the event, James Thomas, Neil Goodger, , Donna Arnold, , Kevin Tappin, Paul Cronin, Teena Cornes and Adrienne Wilcock, Peter Jager

Council's communications team did a wonderful job putting on another great event. Well done. This is Council's largest event of the year.

The winners were as follows:

Contribution to Community Award – Waterson Family of Matamata

Gull Customer Service Award

Matamata – Westpac

Morrinsville – House of Travel

Te Aroha – Gatman Glamour

Bayleys Business Excellence Award

Matamata – The Boltholder

Morrinsville – Café Frock

Te Aroha – Fitzone NZ

Congratulations to all of the finalists and winners! We are very proud of you all.



Contribution to community acknowledgement – the Waterson Family



Te Ao Marama Maaka, Martin Sneddon, Mayor Jan & Rangi Kaukau



District councillors with MP Tim Van Der Molen and MC Stu Smith

<p>Friday 13 October</p>	<p>Waikato Plan meeting A meeting was held with Hauraki District Council Deputy Mayor, Toby Adams, and Hauraki and MPDC staff to discuss the Waikato Plan. Toby will act as Councils representative on the Waikato Plan leadership group. Toby provided an overview of where the leadership group are at and their plans going forward. It was discussed how we can work together on the Waikato Plan initiative. I communicated that Council wishes to see value from the Waikato Plan implementation and the need for local iwi to be involved in the process. Toby will speak to Council going forward to keep us informed with the progress of the Waikato Plan.</p>
<p>Monday 16 October</p>	<p>Waikato Mayoral Forum A summary of the discussions from our meeting included:</p> <ul style="list-style-type: none"> • Waikato Plan • Forum Collaboration priorities • Community Facilities Funding – Waikato Regional Theatre • Briefing for the incoming government <p>For more information about our meetings, policies and plans, visit the website on http://waikatomayoralforum.org.nz/</p>

	<p>Visit from Wind Farm investors Ventus Energy is proposing a Kaimai Wind Farm in the northern end of the Kaimai Ranges located in the Hauraki District. If they are successful future stages could see the wind farm extended into our district. I met with Chinese investors in the project and we discussed how the project is going. For more information on this project visit http://www.kaimaiwind.nz/</p>
<p>Tuesday 17 October</p>	<p>Meeting with council staff I had meetings with staff to discuss the grants hearing coming up the next day and other projects they are working on.</p> <p>Thai Student Visit Te Aroha College are currently hosing 27 students and one teacher from Thailand and I had them visit the boardroom. As per usual, they were a lovely well mannered bunch of children with some interesting questions about the mayoralty and the district!</p>  <p>Visit from Jinshan District – Shanghai China I hosted a delegation from the Jinshan District, Shanghai whom I visited in 2015. Deputy Mayor of the Peoples Government of jinshan District Zhang Difang, along with five other representatives from education and government joined me in the council boardroom where we signed a Memorandum of Understanding. The MOU is to promote friendly and cooperative exchanges in education, sports, health, agriculture and tourism between our districts.</p> <p>I was well supported by Te Ao Marama Maaka whowelcomed the delegation and took part in our disucssions also.</p> <p>I was very happy to talk with Deputy Mayor Difang and her delegation and we had good discussion about the similarities of our district.</p>



Mayor Jan with the delegation



Mayor Jan and Deputy Mayor Zhang Difang signing the MOU

<p>Wednesday 18 October</p>	<p>Grants hearing Council had 48 applications to the LTP for funding, and heard from 29 submitters in person before heading into deliberations at the end of the day. Every applicant had a good case and it is a difficult decision to spread the ratepayer dollar.</p>
<p>Wednesday 25 October</p>	<p>Corporate and Operations Committee Discussion was had on Headon Stadium, Review of the Regional Emergency Services Fund, Health and Safety at Work Act, and the Chief Executive Officers Monthly report. At the conclusion of the meeting staff took a workshop on Water Charges.</p> <p>Meeting with council staff After the meeting and workshop I met with staff to discuss next week's</p>

	<p>Representation Review workshop.</p> <p>Meeting with Morrinsville property owner At their request I met with a property owner to talk about district plan rules, and potential land for sale in the town.</p>
<p>Thursday 26 October</p>	<p>Business Breakfast Council is are currently preparing our Draft Long Term Plan. As part of this work we have adopted a new Vision and Outcomes for our Council; Matamata-Piako – The Place of Choice. One of our key areas of priorities is enabling Economic Opportunities and attendees at the breakfast meeting all contribute to this, and the Major Business Breakfast is one way that Council and major industries can network and seek out potential partnership opportunities and build positive relationships.</p> <p>We had speakers from Waikato Means Business – Don Scarlett, and the NZ National Fieldays Society – Peter Carr and an update from Waikato Regional Council – Katie Mayes. Brendon Balle of Balle Brothers gave an update on their extension of storage at Waharoa.</p> <p>These meetings are very positive and great networking by attendees is gained, and many follow up meetings and ideas stem from it.</p> <p>Swim Zone hoist demonstration I attended a demonstration at Swim Zone in Matamata of the new hoist equipment funded by IHC. This very valuable piece of equipment is so beneficial to many members of our community and district. This piece of equipment is for stroke victims, accident rehabilitations and of course people with disabilities.</p> <p>Agenda Waikato I met with Tracey Plank from Agenda Waikato to get an update on this initiative and where they are at, along with discussion on ways we can work and support each other on issues and opportunities. Agenda Waikato's purpose is to support and drive initiatives that strengthen the voice of the region on the political stage (both public, in forums and by private influence) and that of potential business and investment opportunities as part of the sustainable growth of the region.</p>
<p>Friday 27 October</p>	<p>Walk though Matamata-Piako Civic and Memorial Centre Project manager Roger Lamberth led a group of staff and elected members through the work site to get an inside look at the build. An exciting project.</p>

Saturday 28 October	Marching club I took the 'march past' of all competing members at the competition held at Bedford Park. A keen and dedicated group of marching ladies! 15 teams assembled from Auckland to Wellington and in-between.
Monday 30 October	LGNZ Roadshow As noted earlier in my diary, the roadshow came to MPDC with National Council Chair Stuart Crosby and LGNZ Chief Executive Malcolm Alexander leading discussion. Malcolm and Stuart discussed what LGNZ's priorities are over the next year and we were able to discuss what our district key issues are, mainly tourism pressures and investment, water compliance and costs, and connectivity. The LGNZ board which I am a part of will be collating and addressing the priorities and similarities of all councils in NZ as a result of the roadshows.