

Council

Open Minutes



Minutes of a meeting of Matamata-Piako District Council held in the Council Chambers, 35 Kenrick Street, TE AROHA on Wednesday 8 March 2017 at 9:15am.



Present

Mayor	Jan Barnes, JP	
Councillors	Donna Arnold	James Sainsbury
	Teena Cornes	Ash Tanner
	Paul Cronin	Kevin Tappin
	Neil Goodger	James Thomas, JP
	Brian Hunter	Adrienne Wilcock
	Peter Jager	

Also Present

Don McLeod	Chief Executive Officer	
Caroline Hubbard	Committee Secretary	
Michelle Staines-Hawthorne	Corporate Strategy Manager	Items 10.1,10.2,10.3,10.4,10.5,10.6
Ally van Kuijk	District Planner	Items 10.1,10.7
Vicki Oosthoek	Policy Officer	Items 10.2,10.3,10.4,10.5,10.6,10.7
Susanne Kampshof	Asset Manager Strategy and Policy	Items 10.2,10.3,10.4,10.5,10.6
Raymond Short	Roading Asset Engineer	Item 10.2,
Graeme Robertson	Senior Utilities Engineer	Items 10.3,10.4,10.5,10.6
Manaia Te Wiata	Group Manager Business Support	Items 10.3,10.4,10.5,10.6
Ann-Jorun Hunter	Policy Planner	Items 10.5,10.6,10.7,10.8,11.1,12.1,12.2
Eion Scott	Communications Manager	Items 10.6,10.8,11.1,12.1,12.2

In Attendance

Mike Bain

Fairfax Media out at 11.35am

1 Meeting Opening

Mayor Jan Barnes welcomed everyone and declared the meeting open at 9.15am

2 Apologies

There were no apologies.

3 Leave of absence

No leave of absence was requested.

4 Notification of Urgent Additional Business

To consider, and if thought fit, to pass a resolution to permit the Council to consider any further items which do not appear on the Agenda of this meeting and/or the meeting to be held with the public excluded.

Such resolution is required to be made pursuant to Section 46A(7) of the Local Government Official Information and Meetings Act 1987, and the Chairperson must advise:

- (i) The reason why the item was not on the Agenda, and
- (ii) The reason why the discussion of this item cannot be delayed until a subsequent meeting.

Item 13.1 Chief Executive Officer Recruitment

Moved by: Mayor Jan E Barnes
Seconded by: Cr Peter Jager

CARRIED

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

COUNCIL RESOLUTION

That the minutes of the meeting of the Ordinary Meeting of Matamata-Piako District Council held on Wednesday, 8 February 2017, be confirmed as a true and correct record of the meeting.

Moved by: Cr Ash B Tanner
Seconded by: Cr Adrienne J Wilcock

CARRIED

7 Matters Arising

8 Announcements

There were no announcements.

9 Notices of Motion

There were no notices of motion.

DECISION MAKING

10 Executive

10.1 Local Alcohol Policy - bringing into force

Executive Summary

This report explains that the Matamata-Piako District Council Local Alcohol Policy (LAP) has been approved by the Alcohol Regulatory and Licensing Authority (ARLA) and outlines what the next steps are to bring the policy into force and the options for doing this.

On 12 February 2016, Council resolved to adopt its Provisional Local Alcohol (LAP). The provisional policy was notified during the week of 26 February 2016. It was then subject to appeal to the Alcohol Regulatory and Licensing Authority (ARLA) by any person or agency that made a submission on the Draft LAP for a period of 30 days.

During the appeal period, three appeals were received. Negotiations were held with the appellants and agreement reached on changes to the Provisional LAP. ARLA has now confirmed that the issues raised in the appeals have been resolved and the Provisional LAP can now be adopted and brought into force by Council.

COUNCIL RESOLUTION

That:

1. The information be received.
2. Council resolves to bring the adopted Local Alcohol Policy into force.
3. Council resolves that the Local Alcohol Policy, with the exception of clauses 3.6, 4.6. 5.5 and 6.3, comes into force on 22 March 2017.
4. Council resolves that clauses 3.6, 4.6. 5.5 and 6.3 of the Local Alcohol Policy relating to maximum trading hours come into force 3 months later on 22 June 2017.

Moved by: Cr Teena M Cornes

Seconded by: Cr Kevin R Tappin

CARRIED

Cr P Cronin voted against Clause 4.5.

10.2 Land Transport Bylaw Review

Executive Summary

Under sections 158 to 160 of the Local Government Act 2002 (LGA), Council is required to review all bylaws within five years of their adoption and every 10 years thereafter. The purpose of this report is to review the Land Transport Bylaw 2008 (bylaw). Following the review it is proposed to amend the bylaw. Adoption of the proposed bylaw and corresponding Statement of Proposal for public consultation is sought.

A copy of the Statement of Proposal and draft bylaw amendments are circulated separately.

COUNCIL RESOLUTION

That:

1. Council approves the amendments to the draft Land Transport Bylaw as a result of a review of the Bylaw in accordance with section 158 and 160 of the Local Government Act 2002.
2. Council determines that in accordance with section 155(1) of the Local Government Act 2002, a bylaw is the most appropriate way of addressing the perceived problems.
3. Council determines that the proposed amended Bylaw meets the requirements of section 155 of the Local Government Act 2002, in that it:
 - i. is the most appropriate form of bylaw
 - ii. does not give rise to any implications under the New Zealand Bills of Rights Act
4. Council adopts the Statement of Proposal, including the amended Land Transport Bylaw for public consultation using the special consultative procedure in accordance with section 156 of the Local Government Act 2002.

Moved by: Cr Ash B Tanner
Seconded by: Cr James A F Thomas

CARRIED

10.3 Solid Waste Management and Minimisation Bylaw

Executive Summary

Under sections 158 to 160 of the Local Government Act 2002 (LGA), Council is required to review all bylaws within five years of their adoption and every 10 years thereafter. The purpose of this report is to review the Solid Waste Bylaw 2008. Following the review it is proposed to revoke the existing bylaw and replace with a Solid Waste Management and Minimisation Bylaw 2017. Adoption of the proposed bylaw and corresponding Statement of Proposal for public consultation is sought.

A copy of the Statement of Proposal and draft bylaw amendments are circulated separately.

COUNCIL RESOLUTION

That:

1. **Council approves the proposed Solid Waste Management and Minimisation Bylaw 2017 to revoke and replace the Solid Waste Bylaw 2008 as a result of a review of the Bylaw in accordance with section 158 and 160 of the Local Government Act 2002.**
2. **Council determines that in accordance with section 155(1) of the Local Government Act 2002, a bylaw is the most appropriate way of addressing the perceived problems.**
3. **Council determines that the proposed amended Bylaw meets the requirements of section 155 of the Local Government Act 2002, in that it:**
 - i. **is the most appropriate form of bylaw**
 - ii. **does not give rise to any implications under the New Zealand Bills of Rights Act**
4. **Council adopts the Statement of Proposal, including the proposed Solid Waste Management and Minimisation Bylaw 2017 for public consultation using the special consultative procedure in accordance with section 156 of the Local Government Act 2002.**

Moved by: Cr Paul Cronin
Seconded by: Cr Adrienne J Wilcock

CARRIED

10.4 Stormwater Management Bylaw Review

Executive Summary

Under sections 158 to 160 of the Local Government Act 2002 (LGA), Council is required to review all bylaws within five years of their adoption and every 10 years thereafter. The purpose of this report is to review the Stormwater Management Bylaw 2009 (bylaw). Following the review it is proposed to amend the bylaw. Adoption of the proposed bylaw and corresponding Statement of Proposal for public consultation is sought.

A copy of the Statement of Proposal and draft bylaw amendments are circulated separately.

Comments:

Add definition- retention capacity

COUNCIL RESOLUTION

That:

1. **Council approves the amendments to the draft Stormwater Management Bylaw 2009 as a result of a review of the Bylaw in accordance with section 158 and 160 of the Local Government Act 2002.**
2. **Council determines that in accordance with section 155(1) of the Local Government Act 2002, a bylaw is the most appropriate way of addressing the perceived problems.**
3. **Council determines that the proposed amended Bylaw meets the requirements of section 155 of the Local Government Act 2002, in that it:**
 - i. **is the most appropriate form of bylaw**
 - ii. **does not give rise to any implications under the New Zealand Bills of Rights Act**
4. **Council adopts the Statement of Proposal, including the amended Stormwater Management Bylaw for public consultation using the special consultative procedure in accordance with section 156 of the Local Government Act 2002.**

Moved by: Cr Paul Cronin

Seconded by: Cr Neil C Goodger

CARRIED

10.5 Wastewater Bylaw Review

Executive Summary

Under sections 158 to 160 of the Local Government Act 2002 (LGA), Council is required to review all bylaws within five years of their adoption and every 10 years thereafter. The purpose of this report is to review the Wastewater Bylaw 2008 (bylaw). Following the review it is proposed to amend the bylaw. Adoption of the proposed bylaw and corresponding Statement of Proposal for public consultation is sought.

A copy of the Statement of Proposal and draft bylaw amendments are circulated separately.

COUNCIL RESOLUTION

That:

That:

1. **Council approves the amendments to the draft Wastewater Bylaw 2008 as a result of a review of the Bylaw in accordance with section 158 and 160 of the Local Government Act 2002.**
2. **Council determines that in accordance with section 155(1) of the Local Government Act 2002, a bylaw is the most appropriate way of addressing the perceived problems.**
3. **Council determines that the proposed amended Bylaw meets the requirements of section 155 of the Local Government Act 2002, in that it:**
 - i. **is the most appropriate form of bylaw**
 - ii. **does not give rise to any implications under the New Zealand Bills of Rights Act**
4. **Council adopts the Statement of Proposal, including the amended Wastewater Bylaw 2008 for public consultation using the special consultative procedure in accordance with section 156 of the Local Government Act 2002.**

Moved by: Cr Neil C Goodger
Seconded by: Cr James P Sainsbury

CARRIED

10.6 Water Supply Bylaw Review

Executive Summary

Under sections 158 to 160 of the Local Government Act 2002 (LGA), Council is required to review all bylaws within five years of their adoption and every 10 years thereafter. The purpose of this report is to review the Water Supply Bylaw 2008 (bylaw). Following the review it is proposed to amend the bylaw. Adoption of the proposed bylaw and corresponding Statement of Proposal for public consultation is sought.

A copy of the Statement of Proposal and draft bylaw amendments are circulated separately.

COUNCIL RESOLUTION

That:

1. Council approves the amendments to the draft Water Supply Bylaw 2008 as a result of a review of the Bylaw in accordance with section 158 and 160 of the Local Government Act 2002.
2. Council determines that in accordance with section 155(1) of the Local Government Act 2002, a bylaw is the most appropriate way of addressing the perceived problems.
3. Council determines that the proposed amended Bylaw meets the requirements of section 155 of the Local Government Act 2002, in that it:
 - i. is the most appropriate form of bylaw
 - ii. does not give rise to any implications under the New Zealand Bills of Rights Act
4. Council adopts the Statement of Proposal, including the amended Water Supply Bylaw 2008 for public consultation using the special consultative procedure in accordance with section 156 of the Local Government Act 2002.

Moved by: Cr Ash B Tanner

Seconded by: Cr James A F Thomas

CARRIED

Meeting adjourned for morning tea at 10.20am and reconvened at 10.38am

10.7 Resource Consent Funding Application - Starfish Social Services Trust

Executive Summary

An application for resource consent funding has been received from Starfish Social Services Trust (Starfish Trust), Matamata. Starfish Trust is seeking funding assistance to cover the costs of their resource consent application relating to its new potential property purchase at 15 Gordon Terrace, Matamata.

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. Council has previously approved two applications for the 2016/17 financial year, leaving a balance available for allocation of \$8,628.83. At the time of writing this report, Starfish Trust has not yet lodged their resource consent application. The cost of processing the application is unknown. 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 Starfish Trust's application are attached to this report. Council is asked to consider and make a decision on the funding application.

Comments;

No application in writing has been received as yet, approve in principle only

Do a lot for all the community, support them

This entity should be centrally government funded

Endorse the programme

Approve up to \$5000 if they are successful in their resource consent.

COUNCIL RESOLUTION

That:

1. **The information is received.**
2. **Council considered the funding application from Starfish Social Services Trust and approve the application up to \$5,000 (incl. GST) when the resource consent is approved.**

Moved by: Cr Brian L Hunter

Seconded by: Cr Adrienne J Wilcock

CARRIED

Cr J Sainsbury declared a conflict of interest.

Crs P Jager, P Cronin voted against the motion.

10.8 Ngati Rahiri Tumutumu representation on Te Manawhenua Forum

Executive Summary

Ngati Rahiri Tumutumu has submitted a letter to inform Council and Te Manawhenua Forum that Ms Jill Taylor and Ms Shelley Turner have been nominated to replace Greg Thorne and Lee Guthrie as the representative and alternative representative for Ngati Rahiri Tumutumu on Te Manawhenua Forum.

Te Manawhenua Forum has previously requested that minutes of the relevant hui should be attached with any request to change iwi representation on the Forum. The minutes of Ngati Rahiri Tumutumu Settlements Komiti hui held 11 February are attached to this report. A copy of the Forum's Heads of Agreement and letter from Ngati Rahiri Tumutumu are also attached.

The purpose of this report is to seek Council's approval of their appointments.

COUNCIL RESOLUTION

That:

1. **Ms Jill Taylor (principal) and Ms Shelley Turner (alternate) be appointed as the representatives of Ngati Rahiri Tumutumu on Te Manawhenua Forum Mo-Matamata-Piako.**

Moved by: Cr James A F Thomas

Seconded by: Cr Ash B Tanner

CARRIED

11 Community Development

11.1 Health & Safety Report – December 2016 & January 2017

Executive Summary

Attached is a copy of the Health and Safety report for December 2016 and January 2017.

The Health and Safety Manager will be in attendance to discuss.

Comment;

Very good indepth report.

COUNCIL RESOLUTION

That:

1. The report be received.

Moved by: Cr Teena M Cornes

Seconded by: Cr Donna C Arnold

CARRIED

INFORMATION ONLY

12 Executive

12.1 Youth Update

Executive Summary

Following the successful application to Ministry of Youth Development a Matamata-Piako Youth Volunteer Ambassador Group has been set up. The group held its first meeting Tuesday 28 February. Staff will be in attendance to provide a verbal update on the initiative.

Mayor Jan commented;

At the first meeting held this month at Youth Empowerment Services in Te Aroha;

- a core group was set up with sub-groups in each town
- appointed Kaleb Reid to lead the core group
- agreed on purpose of group and what they would like to achieve
- setup draft terms of reference
- core group to drive this initiative, adults (staff councillors others) providing support and mentoring

Comments:

- Make sure 12-24 youth are all included and not just youth attending college.
- Is the age spread too great?

COUNCIL RESOLUTION

That:

- 1. The report be received.**

Moved by: Mayor Jan E Barnes

Seconded by: Cr Neil C Goodger

CARRIED

12.2 Mayoral Diary For February 2017

The Mayoral Diary for the period 1 February to 28 February 2017 is attached.

Comments:

N Goodger congratulated Mayor Jan Barnes, C Hubbard, D Burge on their Citizenship ceremonies and how well received they are. Cr J Thomas also reported how recipients had commented that they found the ceremony very special and the atmosphere so welcoming and relaxed.

COUNCIL RESOLUTION

That the report be received.

Moved by: Mayor Jan E Barnes

Seconded by: Cr James A F Thomas

CARRIED

- 13 Urgent Additional Business
13 Procedural motion to exclude the public

COUNCIL RESOLUTION

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

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

C1 Chief Executive Officer Recruitment

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	s7(2)(g) - The withholding of the information is necessary to maintain legal professional privilege. s7(2)(i) - The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.

The text of these resolutions is made available to the public who are present at the meeting and form part of the minutes of the meeting.

Moved by: Cr James Thomas
Seconded by: Cr Ash B Tanner

CARRIED

11.35 am The public were excluded.

11.43 am The meeting moved out of public excluded.

Moved by: Cr James Thomas
Seconded by: Cr Brian Hunter

CARRIED

11.45 am

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

CONFIRMED AS A TRUE AND CORRECT RECORD
AT A MEETING OF COUNCIL HELD ON

DATE: 12 April 2017

CHAIRPERSON:.....

J E Barnes, JP