

Council

Open Minutes



Minutes of a meeting of Matamata-Piako District Council held in the Council Chambers, 35 Kenrick Street, TE AROHA on Wednesday 9 November 2016 at 9:15am.



Present

Mayor

Jan Barnes, JP

Councillors

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

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

Also Present

Don McLeod
Caroline Hubbard
Sandra Harris

Niall Baker

Mark Hamilton

Ally van Kuijk

Chief Executive Officer	
Committee Secretary	
Acting Strategic Policy	Items
Manager	10.1,10.2,10.3,10.4
Acting Senior Policy	Items
Planner	10.1,10.2,10.3,10.4
Environmental Policy	Item 12.1
Planner	
District Planner	Item 12.1

In Attendance

1 Meeting Opening

Mayor Jan Barnes welcomed everyone and declared the meeting open.

2 Apologies

There were no apologies.

3 Leave of absence

COUNCIL RESOLUTION

That Paul Cronin be given leave of absence from the Corporate and Operations meeting to be held on 23 November 2016.

Moved by: Cr Ash B Tanner

Seconded by: Cr James Thomas

CARRIED

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.

There was no urgent additional business.

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, 2 November 2016, be confirmed as a true and correct record of the meeting.

Moved by: Mr James Sainsbury

Seconded by: Mr Paul Cronin

CARRIED

7 Matters Arising

There were no matters arising.

8 Announcements

There were no announcements.

9 Notices of Motion

There were no notices of motion.

DECISION MAKING

10 Executive

10.1 Adoption of Standing Orders

Executive Summary

Under the Local Government Act 2002 (LGA), Council is required to adopt Standing Orders. The purpose of Standing Orders is to provide rules for the conduct of Council meetings.

Once adopted any amendment to the Standing Orders requires the consensus of at least 75% of the Council Members present.

Council generally adopts a form of Standing Orders published by Standards New Zealand with an amendment to the casting vote provision described in this report.

COUNCIL RESOLUTION

That:

1. Pursuant to Clause 27 Schedule 7 of the Local Government Act 2002, Council adopt NZS 9202:2003 incorporating Amendment No. 1 New Zealand Standard Model Standing Orders for Meetings of Local Authorities and Community Boards with the following amendment:

Delete clause 2.5.1(2)(b) and 3.14.2(b) and substitute with:
'In the case of equality of votes the chairperson has a casting vote.'

Moved by: Mr Paul Cronin
Seconded by: Cr Brian L Hunter

CARRIED

10.2 Appointment Of Committees

Executive Summary

This report formally appoints the following Committees and Commissions of Council and the Chairpersons:

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

COUNCIL RESOLUTION

That:

Corporate and Operations Committee

1. The information be received regarding the establishment of the Corporate and Operations Committee and appointment of the Chairperson:
 - 1.1. the Elected Members established as members of the Corporate and Operations Committee are the Mayor and all Councillors;
 - 1.2. the Elected Member appointed as the Chairperson of the Corporate and Operations Committee is Councillor Ash Tanner.
2. That pursuant to clause 32 Schedule 7 to the Local Government Act 2002 Matamata-Piako District Council hereby delegates all of its responsibilities, duties and powers to the Corporate and Operations Committee except:
 - 2.1. the power to make a rate;
 - 2.2. the power to make a bylaw;
 - 2.3. the power to borrow money, or purchase or dispose of assets, other than in accordance with the long term plan;
 - 2.4. the power to adopt a long term plan, annual plan, or annual report;
 - 2.5. the power to appoint a chief executive;
 - 2.6. the power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the long term plan or developed for the purpose of the local governance statement;
 - 2.7. the power to adopt a remuneration and employment policy
 - 2.8. all of the responsibilities, duties and powers that are delegated by Council to the Hearings Commission.

Moved by: Cr Peter M Jager
Seconded by: Cr Adrienne Wilcock

CARRIED

The District Licensing Committee

3. The information be received regarding the establishment of the statutory District Licensing Committee and appointment of the Chairperson:
 - 3.1. the Elected Member appointed as Chairperson of the District Licensing Committee is Councillor Teena Cornes.
4. Matamata-Piako District Council resolves that the Elected Member appointed as Deputy Chairperson of the District Licensing Committee is Councillor Neil Goodger.
5. In accordance with section 192 of the Sale and Supply of Alcohol Act 2012, Council appoints the following individual as a list member of the Matamata-Piako District Licensing Committee:
 - 5.1.1. Neil Goodger
6. In accordance with section 192 of the Sale and Supply of Alcohol Act 2012, Council notes the following people are current list members of the Matamata-Piako District Licensing Committee:
Ross Murphy
Dennis Taylor
7. In accordance with section 189(6) of the Sale and Supply of Alcohol Act 2012 the power to appoint two list members to the District Licensing Committee shall be delegated to the Chairperson and District Licensing Secretary.
8. The information be received that the District Licensing Committee is required under the Sale and Supply of Alcohol Act 2012 and shall carry out the functions of a District Licensing Committee under that Act.

Moved by: Cr Kevin Tappin
Seconded by: Cr Donna Arnold

CARRIED

The Audit and Risk Committee

9. The information be received regarding the establishment of the Audit and Risk Committee:
 - 9.1. the Elected Members established as members of the Audit and Risk Committee are:
 - 9.1.1. the Mayor
 - 9.1.2. Councillor Ash Tanner;
 - 9.1.3. Councillor Brian Hunter;

- 9.1.4. Councillor James Sainsbury;
- 9.1.5. Councillor Neil Goodger;
- 9.1.6. Deputy Mayor James Thomas; and
- 9.2. the following individual is established as a member and appointed Chairperson of the Audit and Risk Committee:
 - 9.2.1. Sir Dryden Spring

10. That pursuant to clause 32 of Schedule 7 to the Local Government Act 2002 Matamata-Piako District Council hereby delegates to the Audit and Risk Committee the role of ensuring Council has appropriate risk management, internal and financial control systems and that the Audit and Risk Committee be requested to propose a work programme for the fulfilment of this delegation.

Moved by: Cr Brian Hunter
Seconded by: Cr Teena Cornes

CARRIED

Te Manawhenua Mo Matamata-Piako Committee

11. The information be received regarding the establishment of Te Manawhenua Mo Matamata-Piako Committee:

11.1. the membership of the Committee shall be:

- | | | |
|----------|------------------|-----------------------|
| 11.1.1. | the Mayor | |
| 11.1.2. | the Deputy Mayor | |
| 11.1.3. | Mrs T Maaka | Ngati Haua |
| 11.1.4. | Mr W Ngamane | Ngati Maru |
| 11.1.5. | Mrs K Ngamane | Ngati Maru |
| 11.1.6. | Ms G Wigg | Ngati Paoa |
| 11.1.7. | Mr G Thompson | Ngati Paoa |
| 11.1.8. | Mr T Smith | Raukawa |
| 11.1.9. | Mr G Thorne | Ngati Rahiri-Tumutumu |
| 11.1.10. | Mrs L Guthrie | Ngati Rahiri-Tumutumu |
| 11.1.11. | Mr M Baker | Ngati Whanaunga |
| 11.1.12. | Mr P Samuels | Ngati Hinerangi |
| 11.1.13. | Ms D Vaimoso | Ngati Hinerangi |

12. That pursuant to clause 32 of Schedule 7 to the Local Government Act 2002 Matamata-Piako District Council hereby delegates to Te Manawhenua Mo Matamata-Piako Committee those functions agreed to under the Heads of Agreement between Matamata-Piako District Council and Te Manawhenua Mo Matamata-Piako Committee.

Moved by: Cr James Sainsbury
Seconded by: Cr Teena M Cornes

CARRIED

Waharoa (Matamata) Aerodrome Committee

13. The information be received regarding the establishment of the Waharoa (Matamata) Aerodrome Committee:
 - 13.1. the following Elected Members are established (under statute) as members of the Waharoa (Matamata) Aerodrome Committee:
 - 13.1.1. the Mayor; and
 - 13.1.2. the Deputy Mayor.
14. That Matamata-Piako District Council resolves to appoint the following Elected Member to the Waharoa (Matamata) Aerodrome Committee:
 - 14.1. Councillor Kevin Tappin.
15. The information be received that three members shall be appointed to the Waharoa (Matamata) Aerodrome Committee by the Ngati Haua Trust Board trustees.
16. The information be received that the Waharoa (Matamata) Aerodrome Committee is required under the Ngati Haua Claims Settlement Act 2014, and shall carry out the functions as described under that Act.

Moved by: Cr Paul Cronin
Seconded by: Cr James Sainsbury

CARRIED

Chief Executive Officer Performance Committee

17. The information be received regarding the establishment of the Chief Executive Officer Performance Committee:
 - 17.1. the following Elected Members are established as members of the Chief Executive Officer Performance Committee
 - 17.1.1. the Mayor;
 - 17.1.2. the Deputy Mayor;
 - 17.1.3. Councillor Brian Hunter;
 - 17.1.4. Councillor Ash Tanner; and
 - 17.1.5. Councillor Teena Cornes.
18. That pursuant to clause 32 of Schedule 7 to the Local Government Act 2002 Matamata-Piako District Council hereby delegates to the Chief Executive Officer Performance Committee the authority to undertake a review of the performance and remuneration of the Chief Executive Officer on an annual basis in accordance with the Chief Executive Officer's employment agreement.

Moved by: Cr Ash B Tanner
Seconded by: Cr Neil C Goodger

CARRIED

The Hearings Commission

19. That Matamata-Piako District Council resolves to establish a Hearings Commission and appoints the following Elected Members as members of the Hearings Commission:

- 19.1.1. Councillor Adrienne Wilcock**
- 19.1.2. Councillor James Sainsbury**
- 19.1.3. Councillor Donna Arnold**
- 19.1.4. Councillor Kevin Tappin**
- 19.1.5. Councillor Teena Cornes**

20. The above appointments 19.1.1 – 19.1.4 are made subject to the successful completion by each member of the required accreditation programme (Making Good Decisions).

21. That Matamata-Piako District Council resolves that:

21.1. pursuant to clause 32 of Schedule 7 to the Local Government Act 2002 and section 34(1) of the Resource Management Act 1991, the Matamata-Piako District Council hereby delegates to not less than two members of the Hearings Commission the power to hear and determine all applications that are within Council's functions, powers and duties under the Resource Management Act 1991, except:

- 21.1.1. the approval of proposed policy statements or plans or any change to a policy statement or plan; and**
- 21.1.2. the hearing of resource consent applications where a conflict of interest exists.**
- 21.1.3. where 21.1.2 applies, pursuant to section 34(1) of the Resource Management Act 1991 the Matamata-Piako District Council hereby delegates to one or more Independent Hearing Commissioner(s) appointed by the Group Manager Community Development or Chief Executive Officer, the power to hear and determine all applications that are within Council's functions, powers and duties under the Resource Management Act 1991, except the approval of proposed policy statements or plans or any change to a policy statement or plan.**

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

- 21.2.1. in accordance with section 99 of the Act, a resolution has been reached by all parties prior to the hearing; or**
- 21.2.2. in accordance with section 100 of that Act, the**

Applicant and all persons who have made a submission advises that they do not wish to be heard; or
21.2.3. in accordance with section 357 of the Act, any person who has made an objection advises that they do not wish to be heard.

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

- 21.3.1. a probationary owner classifications;
- 21.3.2. a disqualified owner classifications;
- 21.3.3. a menacing dog classifications; and
- 21.3.4. a dangerous dog classification.

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

21.5. where an objection is raised by an affected party to the application and/or the applicant is exempt under section 5.2.1 of Council's Class 4 Gambling Policy, Council delegates to not less than two members of the Hearings Commission the power to hear and determine in accordance with Council's Class 4 Gambling Policy all applications that are within Council's functions, powers and duties under the Gambling Act 2003.

Moved by: Cr Neil C Goodger
Seconded by: Cr Peter M Jager

CARRIED

Teena Cornes has been Hearings Commissioner for the last 6 years and has served the Council very well. Have to be a commissioner for 3 years before you can become a chairman.

10.3 Representation On Committees and Community Organisations

Executive Summary

Council has a number of internal and external committees that it has historically appointed Councillors to.

These can be separated into three categories:

- Statutory and regional bodies
- Council user groups/trusts
- Other organisations

The purpose of this report is to allow Council to consider what appointments it should make to these groups.

COUNCIL RESOLUTION

That:

1. the information be received.

Waikato Civil Defence Emergency Management Group Joint Committee

2. the Mayor be appointed as Council's representative on the Waikato Civil Defence Emergency Management Group Joint Committee and in the absence of the Mayor, Councillor Brian Hunter (as alternative) have delegated authority to act for the Mayor as the Council's representative.

Thames Valley Civil Defence Emergency Management Group

3. the Mayor and Councillor Brian Hunter be appointed as Council's representatives on the Thames Valley Civil Defence Emergency Management Group.
4. Council's representatives be granted delegated authority to commit to action and expenditure on behalf of the Council within approved budgets.

Moved by: Cr Teena M Cornes

Seconded by: Cr Adrienne Wilcock

CARRIED

Regional Land Transport Committee

5. the Mayor be appointed as Council's representative on the Regional Land Transport Committee and in the absence of the Mayor, Deputy Mayor James Thomas be appointed as her alternate.

Regional Triennial Agreement Forum

6. the Mayor be appointed as Council's representative on the Regional Triennial Agreement Forum and in the absence of the

Mayor, Deputy Mayor James Thomas be appointed as her alternative.

Moved by: Cr Neil C Goodger
Seconded by: Cr Brian Hunter

CARRIED

Hauraki Gulf Forum

7. Councillor Paul Cronin be appointed to the Hauraki Gulf Forum.

Waihou-Piako Catchment Sub-committee

8. Council nominates Councillor Donna Arnold for appointment as a representative on the Waihou-Piako Catchment Sub-Committee of the Waikato Regional Council.

Moved by: Cr Paul Cronin
Seconded by: Cr Peter M Jager

CARRIED

Waikato Plan Joint Committee

9. As required by the Waikato Plan Joint Committee terms of reference the Mayor be appointed as a member of the Waikato Plan Joint Committee and Councillor Adrienne Wilcock be appointed as the alternate member

Local Government New Zealand: Zone 2

10. the Mayor be appointed as Council's representative for Local Government New Zealand: Zone 2 and in the absence of the Mayor, Deputy Mayor James Thomas be appointed as her alternate. All other members are invited as attendees.

Hauraki Rail Trail Charitable Trust

11. Council resolves to confirm the appointment of Shaun O'Neil as the Matamata-Piako District Council Trustee for the Hauraki Rail Trail Charitable Trust.

Other community groups

12. Council resolves not to approach other community groups regarding Councillor representation at this time.

Moved by: Cr Ash B Tanner
Seconded by: Mr Kevin Tappin

CARRIED

Note that Paul Cronin would be interested in attending the Hauraki Rail Trail Charitable Trust meetings in the future.

10.4 Delegations - Committee, Financial, Warranted and Statutory

Executive Summary

Council may be given responsibilities, duties or powers by Acts of Parliament, Regulations or Ministerial Delegations. Under the Local Government Act 2002, Council may delegate its statutory powers and its functions to Council Officers.

This report seeks to present to Council the Draft Delegations Policy and Delegations Register 2016 (circulated separately). It is appropriate that the newly elected Council considers and adopts the Delegations Policy and Delegations Register 2016.

COUNCIL RESOLUTION

That:

- 1. the information be received.**
- 2. Council revoke the Delegations Policy and the Statutory delegations only within the Delegations Register 2015**
- 3. Council adopts the Delegations Policy and Statutory delegations within the Delegations Register 2016, as circulated separately.**
- 4. where any current delegations to Council staff refer to a position title and the name of the position title subsequently changes, without substantial changes being made to the position holder's job description (in respect of the function to which the delegation relates), that any current delegations of the previous position title are and shall be effective for the position holder of the new position title.**

Moved by: Cr James A F Thomas

Seconded by: Mr Paul Cronin

CARRIED

10.5 Schedule of Meetings For November/December 2016 and 2017

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 which was used in the previous term.

Council meet every 2nd Wednesday of the month.

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

MONTH	COUNCIL	CORPORATE & OPERATIONS
November 2016	9 November	23 November
December 2016	7 December*	14 December**
January 2017	No Meeting	No Meeting
February 2017	8 February	22 February
March 2017	8 March	22 March
April 2017	12 April	26 April
May 2017	10 May	24 May
June 2017	14 June	28 June
July 2017	12 July	26 July
August 2017	9 August	23 August
September 2017	13 September	27 September
October 2017	11 October	25 October
November 2017	8 November	22 November
December 2017	6 December*	13 December**
	* 1 st Wednesday	** 2 nd Wednesday

COUNCIL RESOLUTION

That:

- The schedule of meetings for the remainder of 2016 and for 2017 be adopted.

Moved by: Cr Neil C Goodger

Seconded by: Cr Peter M Jager

CARRIED

11 Business Support

11.1 Annual Declarations Of Interest

Executive Summary

Each year we require elected members and other key management personnel to complete an annual declaration of their interests. This is in order to assist members in complying with the Local Authorities (Member's Interest) Act 1968, and to assist Council staff to compile the Annual Report disclosure on related party transactions.

COUNCIL RESOLUTION

That:

- 1. The information be received.**

Moved by: Cr Adrienne Wilcock

Seconded by: Cr Teena M Cornes

CARRIED

11.2 Documents Executed Under Seal - August and September 2016

Executive Summary

Certain documents need to be executed under the Council Seal, these documents are typically warrants of appointment, agreements, consent forms and bonds. These documents are reported to Council every two months. The schedule of documents executed under Council Seal for August and September 2016 is attached.

COUNCIL RESOLUTION

That the report of the schedule of documents executed under Council Seal be received.

Moved by: Cr James A F Thomas

Seconded by: Cr James Sainsbury

CARRIED

INFORMATION ONLY

12 Community Development

12.1 State of the Environment Report 2015/16

Executive Summary

The Matamata-Piako District State of the Environment Report has been updated with 2015/16 information. Council planning staff will be in attendance to give a presentation on the report.

COUNCIL RESOLUTION

That the report be received.

Moved by: Cr Adrienne Wilcock

Seconded by: Cr Teena M Cornes

CARRIED

13 Urgent Additional Business

There was no urgent additional business.

10.23 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: 7 December 2016

CHAIRPERSON:

Mayor J E Barnes