

ORDINARY MINUTES

TE MANAWHENUA FORUM MO MATAMATA PIAKO

DATE: Tuesday, 1 March 2011

TIME: 10.00 am

VENUE: Council Chambers
35 Kenrick Street
TE AROHA

MEMBERSHIP – Quorum (6)

Members:

Mayor G W H Vercoe QSM, ED, JP
Cr J E Barnes
Mr B Tuhakaraina
Mrs T Marama Maaka
Mr T Smith
Mr D Taipari
Mr W Ngamane
Mr M Baker
Mr N Kennedy
Ms G Wigg
Mr G Thompson
Ms J Taylor
Ms S Tutuki

Information and recommendations are included in the reports to assist Te Manawhenua Forum Mo Matamata Piako in the decision making process and may not constitute Te Manawhenua Forum Mo Matamata Piako's decision until considered by Te Manawhenua Forum Mo Matamata Piako.

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MATAMATA-PIAKO DISTRICT COUNCIL

MINUTES of an Ordinary Meeting of the Te Manawhenua Forum Mo Matamata Piako held in the Council Chambers, 35 Kenrick Street, Te Aroha on 1 March 2011 commencing at 10:00 am.

1 MEETING OPENING

The Chairman welcomed everyone to the meeting and declared the meeting open.

2 KARAKIA

The meeting opened with a karakia read by Mr Michael Baker.

3 PRESENT**MEMBERS PRESENT**

Mr B Tuhakaraina Chairman
Mayor G W H Vercoe QSM, ED, JP
Cr J E Barnes
Mrs T Marama Maaka
Mr T Smith
Mr W Ngamane
Mr M Baker
Mr N Kennedy
Ms G Wigg

OFFICERS PRESENT

Miss M Hawthorne	Corporate and Legal Services Manager
Mrs J Payze	Committee Secretary
Mr N Baker	Policy Planner
(for Items 7.1.1 & 7.1.2)	
Mr M Payne	Policy Planner
(for Item 7.2.1)	
Mr D Harris	Corporate Project Manager
(for Item 7.3.1)	

IN ATTENDANCE

Mr H Pa

4 APOLOGIES**MEMBERS APOLOGIES**

Ms J Taylor
Mr D Taipari
Mr G Thompson

MOVED BY: Mrs Marama Maaka

SECONDED BY: Mr Ngamane

CARRIED

5 NOTIFICATION OF URGENT BUSINESS

Pursuant to clause 3.7.5 and 3.7.6 of the Standing Orders NZS 9202:2003 and Section 46A (7) of the Local Government Official Information and Meetings Act 1987, the Chairman enquired from members whether there were any additional items for consideration which qualified as extraordinary or urgent additional business.

COMMITTEE RESOLUTION

That the following items be accepted for consideration as deferment until the next meeting will cause an unacceptable time delay and/or hardship to those parties involved in the issue now to be considered:

8.1 Community Outcomes

8.2 Civil Defence Update on Canterbury earthquake

MOVED BY: Cr J E Barnes

SECONDED BY: Mr W Ngamane

CARRIED

6 CONFIRMATION OF MINUTES

Minutes, as circulated, of the Ordinary Meeting of the Te Manawhenua Forum Mo Matamata Piako, held on 10 December 2010.

[Minutes December 10 2010 Te Manawhenua Forum Mo Matamata Piako.doc](#)

COMMITTEE RESOLUTION

That the Minutes of the Ordinary Meeting of the Te Manawhenua Forum Mo Matamata Piako held on 10 December 2010 be confirmed and signed as true and correct.

MOVED BY: Ms Wigg

SECONDED BY: Mr Baker

CARRIED

7 OFFICER REPORTS

7.1 CHIEF EXECUTIVE

7.1.1 HEADS OF AGREEMENT

File No: DEM020T02

Attachments: [HEADS OF AGREEMENT TMF.doc](#)
[MaoriParticipation LocalGovernment.pdf](#)

Responsible Officer: D McLeod
Chief Executive Officer

Author: N Baker
Policy Planner

EXECUTIVE SUMMARY

At the Te Manawhenua Forum Mo Matamata-Piako (Forum) meeting held on 11 June 2010, Mr Kennedy advised that he was working with Te Puni Kokiri on a review of the functions of Manawhenua Forums around the country.

Mr Kennedy suggested a review of the functions for this Forum to enhance Council's responsiveness to Maori. It was acknowledged that the Forum and Council currently have a very good relationship.

At that meeting the Forum resolved that the item be placed on this agenda and a copy of the Heads of Agreement be sent to all members in the interim. A copy of the Heads of Agreement was attached to this report.

At the Forum's meeting on 10 December 2010 it was requested that this item be deferred to the March 2011 meeting along with the attached paper for discussion.

The document tabled by Mr Kennedy is attached.

OFFICER RECOMMENDATION

That the information be received.

COMMITTEE RESOLUTION

That:

- 1. the information be received.**
- 2. a formal working party be established to consider, a review of the Heads of Agreement.**

Moved by: Mr N Kennedy

Seconded by: Mr T Smith

CARRIED

- 3. That the following people be appointed to a working party:
Mr Tuhakaraina, Mr Smith, Mr Baker, Mr Kennedy and Ms Wigg.**
-

Moved by: Mr M Baker

Seconded by: Mr T Smith

CARRIED

This item was taken out of order and considered after Item 7.1.2.

The Matamata Piako District Council Mana Whenua forum and the Heads of Agreement – Nathan Kennedy, March 2011

Statutory context – potential variations to the Matamata

Below are some of the Māori specific statutory requirements on local authorities, that are relevant to the Mana Whenua Forum.

1. Providing opportunities for Māori to contribute to decision-making – LGA Section 14 (1)(d)

In performing its role, a local authority must act in accordance with the principle that “a local authority should provide opportunities for Māori to contribute to its decision-making processes”

2. Council obligations to facilitate contributions to decision-making - LGA Section 81

Section 81 states council obligations to facilitate contributions to decision-making processes by Māori:

(1) A local authority must—

(a) establish and maintain processes to provide opportunities for Maori to contribute to the decision-making processes of the local authority; and

(b) consider ways in which it may foster the development of Maori capacity to contribute to the decision-making processes of the local authority; and

(c) provide relevant information to Maori for the purposes of paragraphs (a) and (b).

3. Māori capacity to participate –Section 81(1)(b)

Councils are required to consider ways in which they will foster Māori capacity to participate in decision making. They are arguably under no obligation to do anything about it, but must report their intentions, as per Clause 5 of Schedule 10 of the Act (which deals with the content of LTCCPs);

Clause 5 - Development of Maori capacity to contribute to decision-making processes

A long-term council community plan must set out any steps that the local authority intends to take, having considered ways in which it might foster the development of Maori capacity to contribute to the decision-making processes of the local authority, over the period covered by that plan.

4. Delegation of functions, etc, by local authorities - RMA Section 34 and LGA

RMA Section 34

A local authority may delegate to any committee of the local authority established in accordance with the [Local Government Act 2002] any of its functions, powers, or duties under this Act.

There are numerous examples now of council Mana Whenua type committees receiving delegated authority to carry out specific functions and duties. Some of these were described in the extract on this subject provided at the last Mana Whenua forum hui.

LGA Schedule 7, Clause 32

Under LGA Schedule 7, Clause 32, councils have the authority to delegate (with a few exceptions) any of its responsibilities, duties, or powers to a committee or other subordinate decision-making body, community board, or member or officer of the local authority. Delegations are to be made for the purposes of efficiency and effectiveness. The following are some examples of authority delegated to Māori in the form of committees of councils.

Te Taumata Runanga, a standing committee of Waitakere City, has delegated authority to develop and adopt goals, strategies, policies and programmes “within its own field of activity” (Waitakere City Council, 2009). The terms of reference for Environment BOP’s Māori Committee lists eight distinct delegated authorities, they include;

- Authority to review and determine how the steps that Council will take to develop Māori capacity to contribute to its decision-making processes should be described, planned and monitored in the draft and final Long Term Council Community Plan
- Authority to delegate to any subcommittee of the Maori Committee any authorities that have been delegated by Council to the committee and to appoint members
- Authority to formally receive iwi/hapu management plans
- Authority to make submissions on Maori related matters, except where the submissions may have a wide impact on Council’s activities.

The remaining four however are described as authorities to make various kinds of recommendations, which in theory represent little real authority (Environment Bay of Plenty, 2009).

An example of potential a delegation: Section 35 – Monitoring and Reporting

Section 35(1) of the RMA requires that every local authority shall gather such information, and undertake or commission such research, as is necessary to carry out effectively its functions under this Act. Section 35 (2) requires councils monitoring and report on:

- the state of the environment
- the suitability and effectiveness of policy statements and plans
- the exercise of any functions, powers or duties delegated or transferred by the local authority
- compliance with resource consent conditions
- complaints

Te Mana Whenua Forum could be delegated responsibility to monitor and assess councils Māori – specific Outcomes, develop indicators, and report on progress toward the achievement of these.

Potential changes to Matamata Piako District Council Mana Whenua forum Heads of Agreement

- Delegation of functions or authorities – council and the Forum should jointly investigate any delegations that might occur and report back on these
- Funding and technical support – we undertake all technical work ourselves – unfunded, this discussion is another example of this
- Members are expected to familiarise themselves with all agenda material – no resourcing is provided for this – capacity to contribute needs to be fostered
- Members to sit on other committees of Council
- Making Good decisions – Council might sponsor Forum members to undertake this course

7.1.2 DRAFT ANNUAL PLAN 2011-12 CONSULTATION

File No: 10/7360
Responsible Officer: D McLeod
 Chief Executive Officer
Author: N Baker
 Policy Planner

EXECUTIVE SUMMARY

The purpose of this report is to inform Te Manawhenua Forum Mo Matamata Piako (Forum) members of the upcoming draft Annual Plan 2011/12 consultation process. As part of this process, several other proposed documents will be released for public consultation being amendments to the Land Transport and Tradewaste Bylaws, Fees and Charges, Earthquake-Prone Building Policy, and District Tree Strategy. We invite the Forum to make a submission, as a collective or individually once submissions open.

Council is due to approve these proposals for public consultation at its meeting on 9 March 2011. As the Forum does not have a meeting scheduled during the submission period we are informing members of the consultation in advance of the consultation period opening.

This report provides an outline of the consultation process and timeframes.

BACKGROUND

The draft Annual Plan consultation process is prescribed by the Local Government Act 2002 (LGA 2002). The draft Annual Plan is currently being prepared for public release. Council must then proceed through the Special Consultative Procedure allowing the public to make submissions on any of the draft documents. The process to be followed and timeframes are outlined below:

Step	Process	Timeframe
1	Council to approve the draft Annual Plan and other documents for public consultation	9 March 2011
2	Public consultation on the draft Annual Plan in accordance with Special Consultative Procedure of the LGA 2002	30 March – 4 May 2011
	Public consultation on the draft Tradewaste Bylaw (2 month consultation period required by LGA 2002)	30 March – 30 May 2011
3	Council to hear submissions	1 June (2 June if required) 2011
4	Council confirm decisions on submissions (if necessary)	8 June 2011
5	Council adopt the Annual Plan and other documents and possible hearing of submissions to Tradewaste Bylaw and adoption of Bylaw	23 June 2011

CONSULTATION

Council has not yet approved any of these documents for public consultation and is schedule to do so on 9 March 2011. The following consultation summary is therefore based on the staff proposals:

Annual Plan

The Local Government Act (2002) requires that Council prepare and adopt an Annual Plan for each financial year in which no Long-Term Council Community Plan (LTCCP) is developed. The LTCCP was adopted by Council in 2009 so Council is required now to adopt its Annual Plan for the upcoming 2011/2012 financial year. This is the third and final year of the current LTCCP before a new Long-Term Plan is prepared in 2012.

The Annual Plan highlights any variances from what was indentified in the LTCCP. It contains the annual budget and funding impact statement and identifies any variations for the year to which the Annual Plan relates. It essentially provides the most up-to-date information we have for year three of the LTCCP budget.

In the draft Annual Plan we have shown where the variations are and indentified key projects within each of Council's activities. A summary of the draft Annual Plan will be distributed as a newspaper insert in the Piako Post and Matamata Chronicle on 30 March 2011.

Fees and Charges

Council's fees and charges are set annually. Council is yet to approve the proposed Fees and Charges 2011 for public release. An outline of the key changes staff have proposed are set out below:

Department / Service	Increases Proposed Y/N	Reasoning Summarised
Customer Services Records and Administration	Y	Rounding/Increased costs
Communications	N	
Legal	Y	Comparable with external solicitors
Parks and Reserves	N	
Public Amenities	Y	Increased maintenance costs
Housing and Other Properties	N	
Libraries	N	
Recreation and Culture	Y	Rounding/standardising options/comparable with other councils/increased costs
Building Control	Y	Comparable with other councils/increased costs
Animal Control	n/a	Set in March – to be advised
Community Protection	Y	Rounding/previously adopted fees
Regulatory Planning	Y	Rounding/restructured fee
Policy	Y	Rounding/restructured fee

Submissions on the proposed Fees and Charges 2011 will be open during the draft Annual Plan consultation period.

Bylaws

Council is due to approve the draft bylaws for public release at its meeting on 9 March 2011. Council is required to review the Tradewaste Bylaw 2006 to ensure compliance with the LGA 2002. The proposed Tradewaste Bylaw is based on the existing bylaw, with minor amendments proposed. In order to fulfil legislative requirements the Tradewaste Bylaw will be open for consultation until 30 May 2011 (allowing a 2 month consultation period).

Council is proposing to amend the Land Transport Bylaw 2008 by including variable speed zones (to 40km per hour) for Stanley Avenue School, in Te Aroha, and Matamata Primary School, Hohaia Street, Matamata. The purpose of this is to reduce the risk of harm to our children and reducing the speed that vehicles can travel past schools is one way to improve their safety. All schools have been prioritised and it is planned to introduce these measures at other schools in the future.

Submissions on all of the draft bylaws will be open during the draft Annual Plan consultation period.

Earthquake-prone, dangerous and insanitary buildings policy

Under the Building Act 2004, Council must adopt a policy on earthquake-prone, dangerous and insanitary buildings. The policy must be reviewed every five years. The existing policy was adopted in 2006 and is now due for review. The policy must state:

- the approach that Council will take in performing its functions regarding dangerous, earthquake-prone, and insanitary buildings
- its priorities in performing those functions
- how the policy will apply to heritage buildings

No major changes are proposed to the policy. Submissions on the proposed policy will be open during the draft Annual Plan consultation period.

District Tree Strategy

Council has prepared a District Tree Strategy which sets out guidelines to the care of protected trees and planting of trees in new subdivisions in our district. We have consulted with developers and arborists in the preparation of the strategy and now seek general public feedback using the Annual Plan process.

Community Board Grants

There are three Community Boards in Matamata, Morrinsville and Te Aroha which help represent the community. Each Community Board has \$5000 to distribute to community groups within each ward. Council is publicising the availability of these grants through the Annual Plan.

Significant Natural Features

Council has identified areas of significance in the District and offers support to landowners to protect these areas. This support is in the form of financial contributions towards the cost of fencing and rates remissions. Council is promoting the Significant Natural Features funding through the Annual Plan.

STATUTORY ISSUES

The Local Government Act 2002 requires that the development of the Annual Plan must follow the Special Consultative Procedure before it is adopted by Council. Council must develop and adopt an Annual Plan by July 2010. Consultation on the other documents (e.g. bylaws, fees and charges) will be run in conjunction with the draft Annual Plan process.

Input from Te Manawhenua Forum

All the draft documents outlined above and submission forms will be made available on Council's website and can be viewed at all Council offices and libraries. Submissions can also be made on-line through the website. We welcome the Forums comments and feedback on our proposals through the submission process.

POLICY AND BYLAW ISSUES

The outcome of this process may result in new bylaws and policy.

LONG TERM COUNCIL COMMUNITY PLAN**COUNCIL ACTIVITIES**

The Annual Plan relates to all Council activities described in the LTCCP.

COMMUNITY OUTCOMES

The Annual Plan relates to all community outcomes.

OFFICER RECOMMENDATION/COMMITTEE RESOLUTION

That the information be received.

Moved by: Mr N Kennedy

Seconded by: Mr T Smith

CARRIED

Mrs Maaka left the Chambers at 10:18 am and returned at 10:21 am.
This item was taken out of order and considered first on the Agenda.

7.2 ENVIRONMENTAL

7.2.1 DISTRICT PLAN PROVISIONS FOR PAKAINGA HOUSING

File No: DEM0208T02
Responsible Officer: D Bellamy
Group Manager Environmental Services
Author: M Payne
Policy Planner

EXECUTIVE SUMMARY

At the previous meeting of Te Manawhenua Forum Mo Matamata-Piako, held on 10 December 2010, questions were raised over how the Matamata-Piako District Plan provides for Papakainga housing. A presentation was given on how Papakainga developments can be undertaken in the district, in accordance with the Operative District Plan. A copy of the presentation is attached.

POLICY AND BYLAW ISSUES

There are no policy issues.

OFFICER RECOMMENDATION/COMMITTEE RESOLUTION


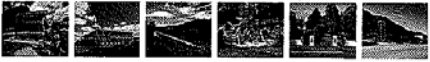
That:

- 1. the report be received.**
- 2. the Forum request Council report back in due course advising the priorities for the District Plan rolling review.**


Moved by: Mr N Kennedy

Seconded by: Mrs T Maaka

CARRIED





Papakainga Housing & the Matamata-Piako District Plan




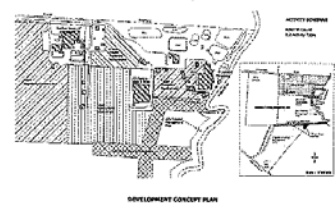
Options for Papakainga Development

- Development on or Adjoining a Marae
 - ❖ Iwi housing and Marae development
- Development in other area's
 - ❖ General provisions for development apply



Iwi Housing and Marae Development

- Iwi Housing and Marae Development Plans
 - ❖ Preparation or variation requires resource consent
 - ❖ Development in accordance with a development plan is permitted
 - ❖ Where no development plan exists or an activity is not included in a development plan a resource consent is required

DEVELOPMENT CONCEPT PLAN
Yakini Group Ltd

Activity Related Standards

- The development shall be on allotments on or adjoining a Marae
- The development shall not exceed a maximum of 25 dwelling units
- The development shall not exceed a density of one dwelling per 2,000m² of nett site area in the area covered by the application

Development that does not adjoin a Marae

- General provisions for development apply

District Plan Review

- Required by RMA
- Rolling review
- To be completed in 2015
- Council sets priorities
 - ◆ Rural Subdivision
 - ◆ Signage
 - ◆ Transportation

7.3 INFRASTRUCTURE

7.3.1 UPDATE ON TUI MINE REMEDIATION PROJECT

File No: RMR201202
Responsible Officer: G Ridley
Infrastructure Manager
Author: J Payze
Committee Secretary

EXECUTIVE SUMMARY

Corporate Project Manager, Mr Dave Harris gave an update on the Tui Mine Remediation Project.

POLICY AND BYLAW ISSUES

There are no policy or bylaw issues.

OFFICER RECOMMENDATION/COMMITTEE RESOLUTION

That the information be received.

Moved by: Cr J E Barnes

Seconded by: Mr M Baker

Mr Michael Baker left the Chambers at 11:47 am and returned at 11:48 am.

CARRIED

7.3.2 CYCLEWAY - KAIMAI EXPRESS TRAIL

File No: 10/2969
Responsible Officer: D McLeod
Chief Executive Officer
Author: C Smithers
Parks and Property Planner

EXECUTIVE SUMMARY

This report updates the Te Manawhenua Forum Mo Matamata Piako (Forum) of Councils progress on the project. Consultation is underway with lessees and iwi, and a project group has been formed with staff representatives from Matamata-Piako District Council and Hauraki District Council, to work on the plans for construction.

BACKGROUND

In November 2010 Matamata Piako District Council (MPDC) agreed to a financial contribution of \$500,000 towards the cycleway subject to:

1. a formal agreement between Hauraki District Council (HDC) and Matamata-Piako District Council detailing Stage 1 scope of works, design and timings; and
2. HDC confirming that the Te Aroha extension will be completed in recognition of Councils \$500,000 contribution.

Since then MPDC has been working with HDC on a draft construction timeframe and design but these are yet to be finalised. HDC are project managing the cycleway and MPDC is providing staff support on the project team.

HDC signed the agreement with the Ministry of Economic Development for the \$4 million on Wednesday 26th January. The Paeroa to Te Aroha leg was incorporated into this agreement.

HDC has tendered out for supply of services for bridge designs and resource consents and both have been contracted out.

Thames-Coromandel District Council has put the cycleway and a potential contribution of \$450,000 up for consultation as part of their Annual Plan process. Submissions for this opened on the 17th February and will close on the 18th March.

COMMUNICATION AND CONSULTATION ISSUES

MPDC will co-ordinate a Communications Plan between HDC, MPDC and key stakeholders. Consultation with farmers/lessee's is underway with more than half of the adjoining farmers already consulted. Any matters raised by the farmers are being worked through.

Consultation with iwi is ongoing and is being carried out on an individual iwi basis to ensure views or matters specific to each iwi are addressed. Council has been asked to carry out consultation with iwi that are within the Matamata-Piako District.

OFFICER RECOMMENDATION/COMMITTEE RESOLUTION

That the report be received.

Moved by: Cr J E Barnes

Seconded by: Mrs T Maaka

CARRIED

8 URGENT ADDITIONAL BUSINESS

8.1 COMMUNITY OUTCOMES UPDATE

File No: 10/10257
Responsible Officer: D McLeod
Chief Executive Officer
Author: J Payze
Committee Secretary

EXECUTIVE SUMMARY

The Corporate and Legal Services Manager gave an update on the Community Outcomes as follows:

1. staff have reviewed the outcomes and prepared a workshop for Council to review these, including the feedback from the forum's workshop.
2. the workshop with Council is yet to be held due to Annual Preparation, staff anticipate holding a workshop with Council on either 9 or 16 March 2011.
3. staff will send the community outcomes to Council formally at its next available meeting following the workshop.
4. the Council would like to invite representatives from the forum to speak to the Maori outcomes a Council meeting.

COMMITTEE RESOLUTION

That:

1. the information be received.
2. staff circulate work on the outcomes to date to the forum members.
3. Butch Tuhakaraina and Nathan Kennedy be nominated by the forum to speak to the Council.
4. forum members be given more notice of the process to identify indicators for the outcomes when staff start this exercise.

Moved by: Mr M Baker

Seconded by: Mr W Ngamane

CARRIED

8.2 CIVIL DEFENCE UPDATE FOR CANTERBURY EARTHQUAKE

File No: DEM021601
Responsible Officer: D McLeod
Chief Executive Officer
Author: J Payze
Committee Secretary

EXECUTIVE SUMMARY

Ms Wigg raised discussion regarding a relief fund for those affected by the Canterbury earthquake. Mayor Vercoe gave an overview of the Civil Defence initiatives for the earthquake.

COMMITTEE RESOLUTION

That the information be received.

Moved by: Mrs M Maaka

Seconded by: Mr T Smith

CARRIED

9 EXCLUSION FROM THE PUBLIC

There were no matters for exclusion from the public.

10 CLOSURE

The meeting closed at 12:27 pm.

CONFIRMATION: 7 June 2011

SIGNED:

Mr B Tuhakaraina