

Council

Open Agenda



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

Date: Wednesday 14 November 2018
Time: 9:00am
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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INFORMATION ONLY

11	Urgent Additional Business	
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1 Meeting Opening

2 Apologies

At the close of the agenda apologies from Cr Brian Hunter have 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 10 October 2018

7 Matters Arising

Adoption of Standing Orders and Review of Code of Conduct

Trim No.: 2072087

Executive Summary

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

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

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

Council currently operates under NZ Standards Model Standing Orders 9202:2003 (Incorporating Amendment No. 1). It is proposed that Council adopt new standing orders based on the template developed by Local Government New Zealand (LGNZ).

Council's Code of Conduct (adopted 7 December 2016) in conjunction with standing orders were workshopped with Council on 26 September 2018, no changes were identified for the Code of Conduct. At this workshop a summary of the differences between LGNZ and NZ Standards Model Standing Orders were presented. The LGNZ template is attached to the agenda with red text for any proposed amendments and headings of clauses to be confirmed by Council.

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

Recommendation

That:

1. The information be received.
2. Council confirm its amendments to the LGNZ template document for Matamata-Piako District Council, Standing Orders as follows:
 - a. Clause 8.6 delete 'extraordinary' and replace with 'emergency'.
OR no amendment required.
 - b. Clauses 12.7, 12.8, 12.9, 12.10, 12.11, 12.12, 12.13, 12.14, 12.15, 12.16 relating to attending meetings by audio or audio visual link not to be included by showing as struck through of clauses 12.7 to 12.16.
OR no amendment required.
 - c. Clause 14. Public Forums (inclusive of clauses 14.14 to 14.17) not to be included by showing as struck through of clause 14 (inclusive 14.14 to 14.17).
OR no amendment required.
 - d. Clause 18.3 Chairperson has a casting vote
OR no chairperson casting vote to be included by showing as struck through of clause 18.3.
 - e. Clause 21.1 Options for speaking and moving, Option A as default
OR set Option B as the default.
OR set Option C as the default.
 - f. Clauses 27.1 and 28.1 remove all reference to the 'keeping in hard copy' of minutes and replacing with 'electronic keeping' of minute books.
3. Pursuant to Clause 27, Schedule 7 of the Local Government Act 2002, Council adopt the Matamata-Piako District Council, Standing Orders with all amendments as confirmed in 2. above.
4. Standing orders with amendments, (as per 2. above) will apply to:
OR apply with further amendments to the following (but will not contravene any Act):
 - a. COC
 - b. All other committees of Council

Content

Background

Council currently operates under NZ Standards Model Standing Orders 9202:2003 (Incorporating Amendment No. 1). It is proposed that Council adopt new standing orders based on the template developed by LGNZ.

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

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

LGNZ Template Standing Orders (SOs)

- Has less copyright restrictions.
- Is set out in three sections to cover General Matters, Pre-Meeting Procedures and Meeting Procedures.
- Has greater use of 'plain english', a logical arrangement for the meeting process to follow, and streamlines and clarifies elements of standing orders that in the past have been difficult to interpret.
- Contain statutory and non-statutory meeting provisions which are by-and-large the same as our current standing orders.
- Provides for legislative changes, electronic devices, audio visual links and webcasting of meetings allowing provision for current and possible future technological advancements.
- Has several appendices covering various matters such as workshops, webcasting protocols and a sample order of business. *Note:* the appendices are not formally part of the standing orders and can be amended at any stage by Council.

Following a workshop with Council on 26 September 2018, the following clauses were identified to review/amend:

- Clause 8.6 delete 'extraordinary' and replace with 'emergency' – proposed to update the wording now to reflect the wording proposed in the Local Government Regulatory Systems Amendment Bill.
- Clauses 12.7 to 12.16 relating to attending meetings by audio or audio visual link.
- Clause 14. Public Forums (clauses 14.14 to 14.17).
- Clause 18.3 Chairperson casting vote.
- Clause 21.1 Options for speaking and moving.
- Clauses 27.1 and 28.1 remove all reference to the 'keeping in hard copy' of minutes and replacing with 'electronic keeping' of minute books.

Committees of Council

Council's standing orders apply to all committees.

- Corporate and Operations Committee
- Te Manawhenua Forum Mo Matamata-Piako - Heads of Agreement notes that following each Council election, the Forum shall adopt standing orders for the duration of the triennium.
- Waharoa (Matamata) Aerodrome Committee - Ngati Haua Claims Settlement Act 2004 under procedure of committee s91(3)(b) The committee must at its first meeting adopt a set of standing orders for the operations of the committee.
- Audit and Risk Committee
- District Licensing Committee
- Chief Executive Officer Performance Committee
- Joint Committees

Staff review of other councils noted that 50 out of 66 councils are now operating using LGNZ template. Of our surrounding councils Hauraki Thames-Coromandel, Waikato and Waipa District Councils operate using LGNZ template for their standing orders.

Issues

LGNZ template has three optional provisions which need to be clarified by Council if they wish to include any or all:

1. Attend meetings by audio and audio-visual link and subsequent quorum and voting (SO 12.7 - 12.16)

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

2. Chairperson has casting vote (SO 18.3)

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

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

LGNZ template default is Option A unless noted otherwise. This was included in the review of other councils and of the 18 councils that responded noted below are their default option:

- 4 - Option A
- 4 - Option B
- 10 - Option C

Attachments

[A↓](#). MPDC Draft Standing Orders based on LGNZEQUIP Standing Orders Territorial Local Authority Template

Signatories

Author(s)	Vicky Oosthoek Committee Secretary	
Approved by	Sandra Harris Acting Strategic Policy Manager	
	Don McLeod Chief Executive Officer	



Matamata-Piako District Council

Standing Orders

For adoption:

14 November 2018

Preface

Standing orders contain rules for the conduct of the proceedings of local authorities, committees, subcommittees and subordinate decision-making bodies, and local and community boards. Their purpose is to enable local authorities to exercise their decision-making responsibilities in a transparent, inclusive and lawful manner.

In doing so the application of standing orders contributes to greater public confidence in the quality of local governance and democracy in general.

These standing orders have been designed specifically for local authorities, their committees, subcommittees and subordinate decision-making bodies, and local and community boards. They fulfil the requirements of the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987 with regard to the conduct of meetings.

Please note standing orders do not apply to advisory bodies or workshops unless incorporated in their specific terms of reference.

It is mandatory that councils adopt standing order for the conduct of their meetings and the meetings of any subordinate bodies, such as committees and subcommittees (see cl. 27 Schedule 7 of the Local Government Act 2002).

For clarity's sake whenever a question about the interpretation or application of these standing orders is raised, particularly where a matter might not be directly provided for, it is the responsibility of the Chairperson of each meeting to make a ruling.

All members of a local authority must abide by standing orders.

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1. Introduction

These standing orders have been prepared to enable the orderly conduct of local authority meetings. They incorporate the legislative provisions relating to meetings, decision making and transparency. They also include practical guidance on how meetings should operate so that statutory provisions are complied with and the spirit of the legislation fulfilled.

To assist elected members and officials the document is structured in three parts:

- Part 1 deals with general matters
- Part 2 deals with pre-meeting procedures
- Part 3 deals with meeting procedures.

Following Part 3 the Appendices provide templates and additional guidance for implementing provisions within the standing orders. Please note; the Appendix is an attachment to the standing orders and not part of the standing orders themselves, consequently amendments to the Appendix do not require the agreement of 75% of those present). In addition the 'Guide to Standing Orders' provides additional advice for Chairpersons and staff on implementation of the standing orders and are not part of the standing orders.

1.1 Principles

Standing orders are part of the framework of processes and procedures designed to ensure that our system of local democracy and in particular decision-making within local government is transparent and accountable. They are designed to give effect to the principles of good governance, which include that a local authority should:

- conduct its business in an open, transparent and democratically accountable manner;
- give effect to its identified priorities and desired outcomes in an efficient and effective manner;
- make itself aware of, and have regard to, the views of all of its communities;
- take account, when making decisions, of the diversity of the community, its interests and the interests of future communities as well;
- ensure that any decisions made under these standing orders comply with the decision-making provisions of Part 6 of the LGA; and
- ensure that decision-making procedures and practices meet the standards of natural justice.

These are reinforced by the requirement that all local authorities act so that "governance structures and processes are effective, open and transparent" (s. 39 LGA 2002).

1.2 Statutory references

The Standing Orders combine statutory provisions with guidance on their application. Where a statutory provision has been augmented with advice on how it might be implemented the advice (so as not to confuse it with the statutory obligation) is placed below the relevant legislative

reference. In some cases the language in the statutory provision has been modernised for ease of interpretation or amended to ensure consistency with more recently enacted statutes.

It is important to note that during a meeting any statutory references in the standing orders apply throughout the period of the meeting, regardless of whether or not parts or all of the Standing Orders have been suspended. These provisions must also be carried through into any amendment of the standing orders that might be made. Please note, where it is employed the word 'must', unless otherwise stated, identifies a mandatory legislative requirement.

1.3 Acronyms

LGA 2002	Local Government Act 2002
LGOIMA	Local Government Official Information Act 1987
LAMIA	Local Authority Members' Interests Act 1968

1.4 Application

For the removal of any doubt these standing orders do not apply to workshops or meetings of working parties and advisory groups.

2. Definitions

Adjournment means a break in the proceedings of a meeting. A meeting, or discussion on a particular business item, may be adjourned for a brief period, or to another date and time

Advisory group means a group of people convened by a local authority for the purpose of providing advice or information that is not a committee or subcommittee. These standing orders do not apply to such groups. This definition also applies to workshops, working parties, working group, panels, forums, portfolio groups, briefings and other similar bodies.

Agenda means the list of items for consideration at a meeting together with reports and other attachments relating to those items in the order in which they will be considered. It is also referred to as an 'order paper'.

Amendment means any change of proposed change to the original or substantive motion.

Audio link means facilities that enable audio communication between participants at a meeting when one or more of the participants is not physically present at the place of the meeting.

Audio visual link means facilities that enable audiovisual communication between participants at a meeting when one or more of them is not physically present at the place of the meeting.

Chairperson means the person presiding at a meeting – the presiding member.

Chief executive means the chief executive of a territorial authority or regional council appointed under section 42 of the LGA 2002, and includes, for the purposes of these standing orders, any other officer authorized by the local authority.

Clear working days means the number of working days (business hours) prescribed in these standing orders for giving notice and excludes the date of the meeting and date on which the notice is served.

Committee includes, in relation to a local authority:

- (a) A committee comprising all the members of that authority;
- (b) A standing committee or special committee appointed by that authority;
- (c) A joint committee appointed under clause 30A of Schedule 7 of the LGA 2002; and
- (d) Any subcommittee of a committee described in (a), (b) and (c) of this definition.

Community board means a community board established under s.49 of the LGA 2002.

Contempt means being disobedient to, or disrespectful of, the chair of a meeting, or disrespectful to any members, officers or the public.

Council means, in the context of these standing orders, the governing body of a local authority.

Deputation means a request from any person or group to make a presentation to the local authority which is approved by the Chairperson and which may be made in English, te reo Māori or New Zealand Sign Language.

Electronic link means both an audio and audio visual link.

Emergency meeting has the same meaning as defined in Schedule 7 of the LGA 2002.

Extraordinary meeting has the same meaning as defined in ~~cl. 22 of~~ Schedule 7 of the LGA 2002.

Foreshadowed motion means a motion that a member indicates their intention to move once the debate on a current motion or amendment is concluded.

Joint committee means a committee in which the members are appointed by more than one local authority in accordance with clause 30A of Schedule 7 of the LGA 2002.

Karakia timatanga means an opening prayer.

Karakia whakamutunga means a closing prayer.

Lawfully excluded means a member of a local authority who has been removed from a meeting due to behaviour that a Chairperson has ruled to be contempt.

Local authority means in the context of these standing orders a regional council or territorial authority, as defined in s. 5 of the LGA 2002, which is named in these standing orders, and any subordinate decision-making bodies established by the local authority.

Mayor means the Mayor of a territorial authority elected under the Local Electoral Act 2001.

Meeting means any first, inaugural, ordinary, or extraordinary meeting of a local authority, subordinate decision-making bodies and any community or local board of the local authority convened under the provisions of LGOIMA.

Member means any person elected or appointed to the local authority.

Mihi whakatau means a brief welcome typically delivered by one person without any further formalities.

Minutes means the record of the proceedings of any meeting of the local authority.

Motion means a formal proposal to a meeting.

Mover means the member who initiates a motion.

Newspaper means a periodical publication published (whether in New Zealand or elsewhere) at intervals not exceeding 40 days, or any copy of, or part of any copy of, any such publications; and this includes every publication that at any time accompanies and is distributed along with any newspaper.

Notice of motion means a motion given in writing by a member in advance of a meeting in accordance with, and as provided for, in these standing orders.

Open voting means voting that is conducted openly and in a transparent manner and may be conducted by electronic means. The result of the vote must be announced immediately it has concluded. Secret ballots are specifically excluded.

Order paper means the list of items for consideration at a meeting together with reports and other attachments relating to those items set out in the order in which they will be considered. An order paper is also referred to as an agenda.

Ordinary meeting means any meeting, other than the first meeting, of a local authority publicly notified in accordance with sections 46(1) and (2) of LGOIMA.

Petition means a request to a local authority which contains at least 20 signatures.

Powhiri means a formal welcome involving a Karanga from the Tangata Whenua (the home people) followed by formal speech making. A Powhiri is generally used for formal occasions of the highest significance.

Presiding member means the person chairing a meeting.

Procedural motion means a motion that is used to control the way in which a motion or the meeting is managed as specified in standing orders 24.1 – 24.7.

Public excluded information refers to information which is currently before a public excluded session, is proposed to be considered at a public excluded session, or had previously been considered at a public excluded session and not yet been released as publicly available information. It includes:

- any minutes (or portions of minutes) of public excluded sessions which have not been subsequently released by the local authority;
- any other information which has not been released by the local authority as publicly available information.

Public excluded session, also referred to as confidential or in-committee session, refers to those meetings or parts of meetings from which the public is excluded by the local authority as provided for in LGOIMA.

Public forum refers to a period set aside usually at the start of a meeting for the purpose of public input.

Publicly notified means notified to members of the public by a notice contained in a newspaper circulating in the district of the local authority, or where there is no such newspaper, by notice displayed in a public place. The notice may also be replicated on a council's website.

Qualified privilege means the privilege conferred on member by s. 52 and s. 53 of LGOIMA.

Quasi-judicial means a meeting involving the consideration of issues requiring the evaluation of evidence, the assessment of legal argument and/or the application of legal principles.

Quorum means the minimum number of members required to be present in order to constitute a valid meeting.

Regional Council Chairperson means the member of the governing body of a regional council elected as Chairperson of that regional council under cl.25 Schedule 7 LGA 2002.

Resolution means a motion that has been adopted by the meeting.

Right of reply means the right of the mover of a motion to sum up the debate and reply to those who have spoken against the motion. (The right can also apply to an amendment.)

Second means the member who seconds a motion.

Sub judice means under judicial consideration and therefore prohibited from public discussion elsewhere.

Subordinate decision-making body means committees, subcommittees, and any other bodies established by a local authority that have decision-making authority, but not local or community boards or joint committees.

Substantive motion means the original motion. In the case of a motion that is subject to an amendment, the substantive motion is the original motion incorporating any amendments adopted by the meeting.

Substantive resolution means the substantive motion that has been adopted by the meeting or a restatement of a resolution that has been voted on in parts.

Subcommittee means a subordinate decision-making body established by a council, or a committee of a council, local board or community board. See definition of "Committee".

Working day means any day of the week other than:

- (a) Saturday, Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's Birthday, and Labour Day and, if Waitangi Day or Anzac Day falls on a weekend, the following Monday.
- (b) A day in the period commencing with the 25th day of December in any year and ending with the 15th day of January in the following year.

Should a local authority wish to meet between the 25th of December and the 15th day of January in the following year any meeting must be notified as an extraordinary meeting unless there is sufficient time to notify an ordinary meeting before the commencement of the period.

Working party means a group set up by a local authority to achieve a specific objective that is not a committee or subcommittee and to which these standing orders do not apply.

Workshop means in the context of these standing orders, a gathering of elected members for the purpose of considering matters of importance to the local authority at which no decisions are made and to which these standing orders do not apply. Workshops may include non-elected members. See definition of "advisory group". Workshops are also described as briefings.

General matters

3. Standing orders

3.1 Obligation to adopt standing orders

A council is required to operate in accordance with standing orders for the conduct of its meetings and the meetings of its committees and subcommittees. Local boards and community boards must also adopt standing orders. Standing orders must not contravene any Act.

cl. 27(1) & (2), Schedule 7, LGA 2002.

3.2 Process for adoption and alteration of standing orders

The adoption of standing orders and any amendment to standing orders must be made by the Council and by a vote of not less than 75% of the members present. Similarly, in the case of a local and community board the adoption of standing orders and any amendments also requires a vote of not less than 75% of the members of the specific board.

cl. 27(3) Schedule 7, LGA 2002.

3.3 Members must obey standing orders

All members of the local authority, including members of committees and subcommittees, must obey these standing orders. Local boards and community boards which have adopted these standing orders must also comply with them.

cl. 16(1) Schedule 7, LGA 2002.

3.4 Application of standing orders

These standing orders apply to all meetings of the local authority, its committees, subcommittees and subordinate decision-making bodies. They will also apply to any local boards and community boards unless stated otherwise. This includes meetings and parts of meetings that the public are excluded from.

3.5 Temporary suspension of standing orders

Any member of a council, committee, subcommittee and subordinate body, and local and community board, may move a motion to suspend standing orders at a meeting of which they are a member. Any such motion must also include the reason for the suspension. If seconded, the Chairperson must put the motion without debate and at least 75 per cent of the members present and voting must support the motion for it to be carried.

cl. 27(4), Schedule 7, LGA 2002.

A motion to suspend standing orders may also identify the specific standing orders to be suspended. In the event of suspension those standing orders prescribed in statute will continue to apply, such as the quorum requirements.

3.6 Quasi-judicial proceedings

For quasi-judicial proceedings the local authority or a local or community board may amend meeting procedures. For example, committees hearing applications under the RMA 1991 have additional powers under the Commissions of Inquiry Act 1908.

3.7 Physical address of members

Every member of a local authority, local board and community board must give to the chief executive a physical residential or business address within the district or region of the local authority and, if desired, an electronic or other address, to which notices and material relating to meetings and local authority business may be sent or delivered. Members are to provide their address within 5 working days of the publication of the declaration of the election results.

4. Meetings

4.1 Legal requirement to hold meetings

The local authority must hold meetings for the good government of its city, district or region. The same requirement applies to local boards and community boards in respect of their communities. Meetings must be called and conducted in accordance with:

- (a) Schedule 7 of the LGA 2002;
- (b) Part 7 of LGOIMA; and
- (c) These standing orders.

A meeting can be adjourned to a specified time and day if required by resolution of the meeting.

4.2 Meeting duration

A meeting cannot continue more than six hours from when it starts (including any adjournments) or after 10.30pm, unless the meeting resolves to continue. If there is no such resolution any business on the agenda that has not been dealt with must be adjourned, transferred to the next meeting or transferred to an extraordinary meeting.

No meeting can sit for more than three hours continuously without a break of at least ten minutes unless the meeting resolves to extend the time before a break.

4.3 Language

A member may address a meeting in English, te reo Māori or New Zealand Sign Language. A Chairperson may require that a speech is translated and printed in English or te reo Māori.

If a member intends to address the meeting in New Zealand Sign Language, or in te reo Māori when the normal business of the meeting is conducted in English, they must give prior notice to the Chairperson not less than 2 working days before the meeting. Where the normal business of the meeting is conducted in te reo Māori then prior notice of the intention to address the meeting in English must also be given to the Chairperson not less than 2 working days before the meeting.

4.4 Webcasting meetings

Webcast meetings should be provided in accordance with the protocols contained in Appendix 5.

4.5 First meeting (inaugural)

The first meeting of a local authority following a local authority triennial general election must be called by the chief executive as soon as practicable after the results of the election are known. The chief executive must give elected members not less than 7 days' notice of the meeting. However in the event of an emergency the chief executive may give notice of the meeting as soon as practicable.

cl. 21(1) - (4), Schedule 7, LGA 2002.

4.6 Requirements for the first meeting

The chief executive (or, in the absence of the chief executive, their nominee) must chair the first meeting until the Chairperson has made an oral declaration and attested the declaration (see cl. 21(4), Schedule 7 (LGA 2002)).

The business to be conducted at the first meeting following a general election must include the following:

- (a) The making and attesting of the declarations required of the mayor (if any) and members under cl.14, Schedule7, (LGA 2002), and
- (b) The election of the Chairperson (if any) and the making and attesting of the declaration required of the Chairperson under cl. 14 Schedule7, (LGA 2002), and
- (c) A general explanation, given or arranged by the chief executive, of:
 - i. LGOIMA; and
 - ii. Other laws affecting members, including the appropriate provisions of the Local Authorities (Members Interests) Act 1968; and sections 99, 105, and 105A of the Crimes Act 1961; and the Secret Commissions Act 1910; and the Financial Markets Conduct Act 2013;
- (d) The fixing of the date and time of the first meeting of the local authority, or the adoption of a schedule of meetings; and
- (e) The election of the deputy Mayor or deputy Chairperson in accordance with cl.17 Schedule7, (LGA 2002).

cl. 21(5), Schedule 7, LGA 2002.

It is common for councils to adopt standing orders at the first meeting; however this is not always necessary as, if not amended, standing orders will remain in force after each triennial election.

Please note that the election of a deputy mayor is not required if the Mayor has already made the appointment under s. 41A (3)(a) of the LGA 2002 prior to the meeting. Nothing limits a territorial authority from removing a deputy Mayor from office in accordance with cl.18 of Schedule 7 LGA 2002.

5. Appointments and elections

5.1 Mayoral appointment of deputy Mayor, committee chairs and members

A Mayor may appoint the deputy Mayor, the Chairperson and the members of each committee of the territorial authority. The names of any appointments made by the Mayor must be tabled at the first meeting of the council after the appointments are made. The Mayor may also appoint him or her self.

s. 41A (3) LGA 2002.

5.2 Council Discharge of a Mayoral Appointment

Nothing, however, limits or prevents a territorial authority from discharging deputy Mayor, a Chairperson or a member of a committee appointed by the Mayor. Any decision by the territorial authority to discharge a deputy Mayor shall follow the procedure in Standing Order 5.5.

If the Mayor declines to appoint a deputy Mayor or committee Chairpersons in accordance with s.41A LGA 2002, the council (or a committee, if so directed by the council) must elect those positions in accordance with standing order 5.4.

cl. 31, Schedule 7 LGA 2002

5.3 Establishment of committees by the Mayor

The Mayor may establish committees of the territorial authority. Where a Mayor exercises this right a list of the committees and their terms of reference must be tabled at the next following meeting of the Council. Should the Mayor decline to establish committees under s. 41A then any decision to establish committees must follow the processes set out in these standing orders.

Nothing, however, limits or prevents a territorial authority from discharging or reconstituting, in accordance with cl. 30 of Schedule 7, LGA 2002, a committee established by the Mayor or appointing, more committees in addition to any established by the Mayor.

s. 41A (3) and (4) LGA 2002.

5.4 Elections of regional Chairpersons, deputy Mayors and deputy Chairpersons

The council (or a committee responsible for making the appointment) must decide by resolution to use one of two voting systems (see standing order 5.5) when electing people to the following positions:

- the Chairperson and deputy Chairperson of a regional council;
- the deputy Mayor;
- the Chairperson and deputy Chairperson of a committee; and
- a representative of a local authority.

Please note, this provision does not apply in situations where a mayor has used their appointment powers under s.41A to appoint a deputy Mayor or committee chairs. See Appendix 7.

cl. 25 Schedule 7, LGA 2002.

5.5 Removal of a deputy Mayor

A deputy Mayor, whether appointed by the Mayor under standing order 5.1 or elected by the council, can only be removed in accordance with cl. 18, Schedule 7, of the LGA 2002. See Appendix 8.

cl. 18, Schedule 7, LGA 2002.

5.6 Voting system for chairs, deputy Mayors and committee chairs

When electing a regional council chair, a deputy Mayor or a committee chair the local authority must resolve to use one of the following two voting systems.

System A

The candidate will be elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee who are present and voting. This system has the following characteristics:

- (a) there is a first round of voting for all candidates;
- (b) if no candidate is successful in the first round, there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and
- (c) if no candidate is successful in the second round, there is a third round, and if necessary subsequent rounds, of voting from which, each time, the candidate with the fewest votes in the previous round is excluded.

In any round of voting, if two or more candidates tie for the lowest number of votes, the person to be excluded from the next round is resolved by lot.

System B

The candidate will be elected or appointed if he or she receives more votes than any other candidate. This system has the following characteristics:

- (a) there is only one round of voting; and
- (b) if two or more candidates tie for the most votes, the tie is resolved by lot.

cl. 25 Schedule 7, LGA 2002.

6. Delegations

6.1 Limits on delegations

Unless clearly stated in the LGA or any other Act, a council may, for the purposes of efficiency and effectiveness, delegate to a committee, subcommittee, subordinate decision-making body, community board, local board, member, or officer of the local authority, any of its responsibilities, duties, or powers except:

- (a) the power to make a rate;
- (b) the power to make a bylaw;
- (c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan;
- (d) the power to adopt a long-term plan, annual plan, or annual report;
- (e) the power to appoint a chief executive;
- (f) the power to adopt policies required to be adopted and consulted on under the LGA in association with the long-term plan or developed for the purpose of the local governance statement;
- (g) *Repealed*;
- (h) the power to adopt a remuneration and employment policy.

cl. 32 (1) Schedule 7, LGA 2002.

6.2 Committees may delegate

A committee, subcommittee, subordinate decision-making body, local board, community board, member, or officer of the local authority, may delegate any of its responsibilities, duties, or powers to a subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by the body that made the original delegation.

cl. (2) & (3), Schedule 7, LGA 2002.

6.3 Use of delegated powers

The committee, subcommittee, other subordinate decision-making body, community board, or member or officer of the local authority to which or to whom any responsibilities, powers, duties are delegated may, without confirmation by the council, committee or body or person that made the delegation, exercise or perform them in the like manner and with the same effect as the local authority could itself have exercised or performed them.

cl. 32(2) & (3)(4) Schedule 7, LGA 2002.

6.4 Decisions made under delegated authority cannot be rescinded or amended

Nothing in these standing orders allows a council, committee and subcommittee to rescind or amend a lawfully made decision of a subordinate decision-making body carried out under a delegation authorising the making of that decision. The same requirement applies to a local board and community board in relation to any committees or subcommittees with delegated authority.

cl. 30 (6), Schedule 7, LGA 2002.

6.5 Committees and sub committees subject to the direction of the local authority

A committee, subcommittee or other subordinate decision-making body is subject in all things to the control of the local authority, and must carry out all general and special directions of the local authority given to them.

cl. 30 (3) & (4), Schedule 7, LGA 2002.

6.6 Duty to consider delegations to community boards

The council of a territorial authority must consider whether or not to delegate to a community board if the delegation would enable the community board to best achieve its role.

cl. 32(6) Schedule 7, LGA 2002.

7. Committees

7.1 Appointment of committees and subcommittees

A council may appoint the committees, subcommittees, and other subordinate decision-making bodies that it considers appropriate. A committee may appoint the subcommittees that it considers appropriate, unless it is prohibited from doing so by the council.

cl. 30(1) & (2), Schedule 7, LGA 2002.

7.2 Discharge or reconstitution of committees and subcommittees

Unless expressly provided otherwise in legislation or regulation:

- (a) a local authority may discharge or reconstitute a committee or subcommittee, or other subordinate decision-making body; and
- (b) a committee may discharge or reconstitute a subcommittee.

A committee, subcommittee, or other subordinate decision-making body is, unless a council resolves otherwise, discharged when members elected at a subsequent triennial general election come into office.

cl. 30 (5) & (7), Schedule 7, LGA 2002.

Please note: s.12 (2) of the Civil Defence and Emergency Management Act 2002 states that a Civil Defence and Emergency Management Group is not deemed to be discharged following a triennial election.

7.3 Appointment or discharge of committee members and subcommittee members

A council may appoint or discharge any member of a committee and, if established by the council, a subcommittee. A committee may appoint or discharge any member of a subcommittee appointed by the committee unless directed otherwise by the council.

cl. 31 (1) & (2), Schedule 7, LGA 2002

7.4 Elected members on committees and subcommittees

The members of a committee or subcommittee may be, but are not required to be, elected members of a local authority. A council or committee may appoint a person who is not a member of the local authority to a committee or subcommittee if, in the opinion of the council or committee, the person has the skills, attributes or knowledge to assist the committee or subcommittee.

At least one member of a committee must be an elected member of the council. In the case of a committee established by a local board or community board at least one member must be a member of that board. A staff member of the local authority, in the course of their employment, can be a member of a subcommittee but not a committee.

cl. 31(4) Schedule 7, LGA 2002.

7.5 Local authority may replace members if committee not discharged

If a local authority resolves that a committee, subcommittee or other subordinate decision-making body is not to be discharged under cl. 30 (7) Schedule 7, LGA 2002, the local authority may replace the members of that committee, subcommittee or subordinate decision-making body after the next triennial general election of members.

cl. 31(5) Schedule 7, LGA 2002.

7.6 Membership of Mayor

The Mayor is a member of every committee of the local authority.

s. 41A (5), LGA 2002.

7.7 Decision not invalid despite irregularity in membership

For the purpose of these standing orders a decision of a local authority, committee, local board and community board is not invalidated if:

1. there is a vacancy in the membership of the local authority, committee, local or community board at the time of the decision; or
2. following the decision some defect in the election or appointment process is discovered and/or that the membership of a person on the committee at the time is found to have been ineligible.

cl. 29, Schedule 7, LGA 2002.

7.8 Appointment of joint committees

A local authority may appoint a joint committee with another local authority or other public body if it has reached agreement with each local authority or public body. The agreement must specify:

- (a) the number of members each party may appoint; and
- (b) how the Chairperson and deputy Chairperson are to be appointed; and
- (c) the terms of reference of the committee; and
- (d) what responsibilities, if any, are to be delegated to the committee by each party; and
- (e) how the agreement may be varied.

The agreement may also specify any other matter relating to the appointment, operation, or responsibilities of the committee agreed by the parties.

cl. 30A (1) & (2), Schedule 7, LGA 2002.

7.9 Status of joint committees

A joint committee is deemed to be both a committee of a council and a committee of each other participating local authority or public body.

cl. 30A (5), Schedule 7, LGA 2002.

7.10 Power to appoint or discharge individual members of a joint committee

The power to discharge any individual member of a joint committee and appoint another member in their stead must be exercised by the council or public body that made the appointment.

cl. 30A (6)(a), Schedule 7, LGA 2002.

Pre-meeting

8. Giving notice

Please note; the processes described in this section (standing orders 8.1 – 8.13) apply as appropriate to local boards and community boards.

8.1 Public notice – ordinary meetings

All meetings scheduled for the following month must be publicly notified not more than 14 days and not less than 5 days before the end of every month, together with the dates on which and the times and places at which those meetings are to be held. In the case of meetings held on or after the 21st day of the month public notification must be given not more than 10 nor less than 5 working days before the day on which the meeting is to be held.

s. 46, LGOIMA.

8.2 Notice to members - ordinary meetings

The chief executive must give notice in writing to each member of the local authority of the time and place of any meeting. Notice must be given at least 14 days before the meeting unless the council has adopted a schedule of meetings, in which case notice must be given at least 14 days before the first meeting on the schedule.

cl. 19 (5), Schedule 7, LGA 2002.

8.3 Extraordinary meeting may be called

An extraordinary council meeting may be called by:

- (a) resolution of the council, or
- (b) a requisition in writing delivered to the chief executive which is signed by:
 - i. the Mayor or Chairperson, or
 - ii. no less than one third of the total membership of the council (including vacancies).

cl. 22 (1) Schedule 7, LGA 2002.

8.4 Notice to members - extraordinary meetings

Notice in writing of the time and place of an extraordinary meeting called under standing order 8.3 and of the general nature of business to be considered must be given by the chief executive to each member of the council at least 3 working days before the day appointed for the meeting. If the meeting is called by a resolution then notice must be provided within such lesser period as is specified in the resolution, as long as it is not less than 24 hours.

cl. 22 (3), Schedule 7, LGA 2002.

8.5 Public notice - extraordinary meetings

Where an extraordinary meeting of a local authority was called and notice of that meeting was inconsistent with these standing orders the local authority must, as soon as practicable following the meeting, give public notice stating that:

- (a) the meeting has occurred;
- (b) the general nature of business transacted; and
- (c) the reasons why it was not correctly notified.

s. 46 (3) & (4), LGOIMA.

8.6 Process for calling an extraordinary emergency meeting at an earlier time

If the nature of business requires a meeting to be held at an earlier time than is allowed by the notice requirements specified in standing order 8.4, a meeting may be called by the Mayor or Chairperson, or if the Mayor and Chairperson are not available, the chief executive.

cl. 22 (2) Schedule 7, LGA 2002.

8.7 Notification of extraordinary meetings held at an earlier time

Notice of the time, place and matters to be considered of a meeting called under Standing Order 8.6, must be given by the person calling the meeting or by another person on that person's behalf. Notice must be given to each member of the council and the chief executive by whatever means is reasonable in the circumstances and at least 24 hours before the time appointed for the meeting.

cl. 22 (4), Schedule 7 LGA 2002.

8.8 Chief executive may make other arrangements

The chief executive is to make any other arrangement for the notification of meetings, including extraordinary meetings, as the local authority may, from time to time, determine.

s. 46(5) LGOIMA.

8.9 Meetings not invalid

The failure to notify a public meeting under these standing orders does not of itself make that meeting invalid. However, where a local authority becomes aware that a meeting has been incorrectly notified it must, as soon as practicable, give public notice stating:

- that the meeting occurred without proper notification;
- the general nature of the business transacted; and
- the reasons why the meeting was not properly notified.

s. 46 (6), LGOIMA.

8.10 Resolutions passed at an extraordinary meeting

A local authority must, as soon as practicable, publicly notify any resolution passed at an extraordinary meeting of the local authority unless -

- (a) the resolution was passed at a meeting or part of a meeting from which the public was excluded; or
- (b) the extraordinary meeting was publicly notified at least 5 working days before the day on which the meeting was held.

s. 51A, LGOIMA.

8.11 Meeting schedules

Where the local authority adopts a meeting schedule it may cover any period that the council considers appropriate and may be amended. Notification of the schedule, or an amendment, will constitute notification to members of every meeting on the schedule or the amendment. This does not replace the requirements under LGOIMA to also publicly notify each meeting.

cl. 19 (6) Schedule 7, LGA 2002.

8.12 Non-receipt of notice to members

A meeting of a local authority is not invalid if notice of that meeting was not received, or not received in due time, by a member of the local authority or board unless:

- (a) it is proved that the person responsible for giving notice of the meeting acted in bad faith or without reasonable care; and
- (b) the member concerned did not attend the meeting.

A member of a local authority may waive the need to be given notice of a meeting.

cl. 20 (1) & (2) Schedule 7, LGA 2002.

8.13 Meeting cancellations

The Chairperson of a scheduled meeting may cancel the meeting if, in consultation with the chief executive, they consider this is necessary for reasons that include lack of business, lack of quorum or clash with another event.

The chief executive must make a reasonable effort to notify members and the public as soon as practicable of the cancellation and the reasons behind it.

9. Meeting agenda

9.1 Preparation of the agenda

It is the chief executive's responsibility to prepare an agenda for each meeting listing and attaching information on the items of business to be brought before the meeting so far as is known, including the names of the relevant members.

When preparing business items for an agenda the chief executive should consult the Chairperson.

9.2 Process for raising matters for a decision

Requests for reports may be made by a resolution of the council, committee, subcommittee, subordinate decision-making body, local boards or community board and, in the case of all decision-making bodies other than the council, must also fall within the scope of their specific delegations. A process for requesting reports is described in Appendix 11.

9.3 Chief executive may delay or refuse request

The chief executive may delay commissioning any reports that involve significant cost or are beyond the scope of the committee that made the request. In such cases the chief executive will discuss options for meeting the request with the respective Chairperson and report back to a subsequent meeting with an estimate of the cost involved and seek direction on whether the report should still be prepared.

If a member makes a direct request to a chief executive asking that a report is prepared the chief executive may refuse. In such cases an explanation should be provided to the member.

9.4 Order of business

At the meeting the business is to be dealt with in the order in which it stands on the agenda unless the Chairperson, or the meeting, decides otherwise. An example of a default order of business is set out in Appendix 10.

The order of business for an extraordinary meeting must be limited to items that are relevant to the purpose for which the meeting has been called.

9.5 Chairperson's recommendation

A Chairperson, either prior to the start of the meeting and/or at the meeting itself, may include a recommendation regarding any item on the agenda brought before the meeting. Where a Chairperson's recommendation varies significantly from an officer's recommendation the reason for the variation must be explained.

9.6 Chairperson's report

The Chairperson of a meeting has the right, through a report, to direct the attention of a meeting to any matter which is on the agenda or which falls within the responsibilities of that meeting.

9.7 Public availability of the agenda

All information provided to members at a local authority, or local or community board, meeting must be publicly available except where an item included in the agenda refers to a matter reasonably expected to be discussed with the public excluded.

s. 5 & 46A, LGOIMA.

9.8 Public inspection of agenda

Any member of the public may, without payment of a fee, inspect, during normal office hours and within a period of at least 2 working days before a meeting, all agendas and associated reports circulated to members of the local authority and local and community boards relating to that meeting. The agenda:

- (a) must be available for inspection at the public offices of the local authority (including service centres), at public libraries under the authority's control and on the council's website, and:
- (b) must be accompanied by either:
 - i. the associated reports; or
 - ii. a notice specifying the places at which the associated reports may be inspected.

s. 46A (1), LGOIMA.

9.9 Withdrawal of agenda items

If justified by circumstances an agenda item may be withdrawn by the chief executive. In the event of an item being withdrawn the chief executive should inform the Chairperson.

9.10 Distribution of the agenda

The chief executive must send the agenda to every member of a meeting at least two clear working days before the day of the meeting, except in the case of an extraordinary meeting (see Standing Order 8.4).

The chief executive may send the agenda, and other materials relating to the meeting or other council business, to members by electronic means.

9.11 Status of agenda

No matter on a meeting agenda, including recommendations, may be considered final until determined by formal resolution of that meeting.

9.12 Items of business not on the agenda which cannot be delayed

A meeting may deal with an item of business that is not on the agenda where the meeting resolves to deal with that item and the Chairperson provides the following information during the public part of the meeting:

- (a) the reason the item is not on the agenda; and
- (b) the reason why the discussion of the item cannot be delayed until a subsequent meeting.

s. 46A (7), LGOIMA

Items not on the agenda may be brought before the meeting through a report from either the chief executive or the Chairperson.

Please note that nothing in this standing order removes the requirement to meet the provisions of Part 6, LGA 2002 with regard to consultation and decision-making.

9.13 Discussion of minor matters not on the agenda

A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and the Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However, the meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion.

s. 46A (7A), LGOIMA.

9.14 Public excluded business on the agenda

Items that are likely to be discussed under public excluded must be indicated on each agenda and state the general subject of the item. The chief executive, however, may exclude public access to any reports, or parts of reports, which are reasonably expected to be discussed with the public excluded.

s. 46A (9), LGOIMA.

9.15 Qualified privilege relating to agenda and minutes

Where any meeting is open to the public and a member of the public is supplied with a copy of the agenda, or the minutes of that meeting, the publication of any defamatory matter included in the agenda or in the minutes is privileged. This does not apply if the publication is proved to have been made with ill will or improper advantage has been taken of the publication.

s. 52, LGOIMA.

Meeting Procedures

Opening and closing

Local authorities, local boards and community boards may, at the start of a meeting, choose to recognise the civic importance of the occasion through some form of reflection. This could be an expression of community values, a reminder of the contribution of members who have gone before or a formal welcome, such as a mihi whakatau. Options for opening a meeting could include a karakia timitanga, mihi whakatau, or powhiri as well as a karakia whakamutunga to close a meeting where appropriate.

10. Quorum

10.1 Councils

The quorum for a meeting of the council is:

- (a) half of the members physically present, where the number of members (including vacancies) is even; and
- (b) a majority of the members physically present, where the number of members (including vacancies) is odd.

cl. 23 (3)(a) Schedule 7, LGA 2002.

10.2 Committees and subcommittees

A council sets the quorum for its committees and subcommittees, either by resolution or by stating the quorum in the terms of reference. Committees may set the quorums for their subcommittees by resolution provided that it is not less than two members.

In the case of subcommittees the quorum will be two members unless otherwise stated. In the case of committees at least one member of the quorum must be a member of the council, or if established by a local board or community board, the relevant board.

cl. 23 (3)(b) Schedule 7, LGA 2002.

10.3 Joint Committees

The quorum at a meeting of a joint committee must be consistent with Standing Order 10.1. Local authorities participating in the joint committee may decide, by agreement, whether or not the quorum includes one or more members appointed by each local authority or any party.

cl. 30A (6)(c) Schedule 7, LGA 2002.

10.4 Requirement for a quorum

A meeting is constituted where a quorum of members is present, whether or not they are all voting or entitled to vote. In order to conduct any business at a meeting, a quorum of members must be present for the whole time that the business is being considered.

cl. 23(1) & (2) Schedule 7, LGA 2002.

10.5 Meeting lapses where no quorum

A meeting must lapse, and the Chairperson vacate the chair, if a quorum is not present within 30 minutes of the advertised start of the meeting. Where members are known to be travelling to the meeting, but are delayed due to extraordinary circumstance, the Chairperson has discretion to wait for a longer period.

No business may be conducted while waiting for the quorum to be reached. Minutes will record when a meeting lapses due to a lack of a quorum, along with the names of the members who attended.

10.6 Business from lapsed meetings

Where meetings lapse the remaining business will be adjourned and be placed at the beginning of the agenda of the next ordinary meeting, unless the Chairperson sets an earlier meeting and this is notified by the chief executive.

11. Public access and recording

11.1 Meetings open to the public

Except as otherwise provided by Part 7 of LGOIMA, every meeting of the local authority, its committees, subcommittees, local boards and community boards, must be open to the public.

s.47 & 49(a), LGOIMA.

11.2 Grounds for removing the public

The Chairperson may require any member of the public whose conduct is disorderly, or who is creating a disturbance, to be removed from the meeting.

11.3 Local authority may record meetings

Meeting venues should contain clear signage indicating and informing members, officers and the public that proceedings may be recorded by the local authority and may be subject to direction by the Chairperson.

11.4 Public may record meetings

Members of the public may make electronic or digital recordings of meetings which are open to the public. Any recording of meetings must be notified to the Chairperson at the commencement of the meeting to ensure that the recording does not distract the meeting from fulfilling its business.

Where circumstances require the Chairperson may stop the recording for a period of time.

12. Attendance

12.1 Members right to attend meetings

A member of a local authority, or of a committee of a local authority, has, unless lawfully excluded, the right to attend any meeting of the local authority or committee.

cl. 19(2), Schedule 7, LGA 2002.

If the member of the local authority is not an appointed member of the meeting at which they are in attendance they may not vote on any matter at that meeting. However, they may, with the leave of the chair, take part in the meeting's discussions.

A member attending a meeting of which they are not an appointed member is not a member of the public for the purpose of s.48 LGOIMA. Consequently, if the meeting resolves to exclude the public any members of the local authority who are present may remain unless they are lawfully excluded.

Please note: this section does not confer any rights to non-elected members appointed to committees of a local authority.

12.2 Attendance when a committee is performing judicial or quasi-judicial functions

When a committee is performing judicial or quasi-judicial functions members of the local authority who are not members of that committee are not entitled to take part in the proceedings.

12.3 Leave of absence

A council, local board or community board may grant a member leave of absence following an application from that member.

In addition a council, local board or community board may delegate the power to grant a leave of absence to the Chairperson in order to protect a member's privacy. The Chairperson will advise all members of the council, local board or community board whenever a member has been granted leave of absence under delegated authority. Meeting minutes will record that a member has leave of absence as an apology for that meeting.

12.4 Apologies

A member who does not have leave of absence may tender an apology should they be absent from all or part of a meeting. The Chairperson must invite apologies at the beginning of each meeting, including apologies for lateness and early departure. The meeting may accept or decline any apologies.

For clarification, the acceptance of a member's apology constitutes a grant of 'leave of absence' for that meeting.

12.5 Recording apologies

The minutes will record any apologies tendered before or during the meeting, including whether they were accepted or declined and the time of arrival and departure of all members.

12.6 Absent without leave

Where a member is absent from the council, local board or community board for four consecutive meetings without leave of absence (not including extraordinary meetings) then the office held by the member will become vacant. A vacancy created in this way is treated as an extraordinary vacancy.

cl. 5 (d) Schedule 7, LGA 2002.

12.7 Right to attend by audio or audio visual link

Provided the conditions in these standing orders are met members of the local authority or its committees have the right to attend meetings by means of an electronic link, unless they have been lawfully excluded.

12.8 Member's status: quorum

Members who attend meetings by electronic link will not be counted as present for the purposes of a quorum.

12.9 Member's status: voting

Where a meeting has a quorum, determined by the number physically present, the members attending by electronic link can vote on any matters raised at the meeting.

12.10 Chairperson's duties

Where the technology is available and a member is attending a meeting by audio or audio visual link, the Chairperson must ensure that:

- (a) the technology for the link is available and of suitable quality;
- (b) procedures for using the technology in the meeting will ensure that:
 - i. everyone participating in the meeting can hear each other;
 - ii. the member's attendance by audio or audio visual link does not reduce their accountability or accessibility of that person in relation to the meeting;
 - iii. the requirements of Part 7 of LGOIMA are met; and
 - iv. the requirements in these standing orders are met.

If the Chairperson is attending by audio or audio visual link then chairing duties will be undertaken by the deputy chair or a member who is physically present.

cl. 25A (3) schedule 7, LGA 2002.

12.11 Conditions for attending by audio or audio visual link

The Chairperson may give approval for a member to attend meetings by electronic link, either generally or for a specific meeting. Examples of situations where approval can be given include:

- (a) where the member is at a place that makes their physical presence at the meeting impracticable or impossible;
- (b) where a member is unwell; and
- (c) where a member is unable to attend due to an emergency.

12.12 Request to attend by audio or audio visual link

Where possible, a member will give the Chairperson and the chief executive at least 2 working days' notice when they want to attend a meeting by audio or audio visual link. Should, due to illness or emergency, this is not possible the member may give less notice.

Where such a request is made and the technology is available, the chief executive must take reasonable steps to enable the member to attend by audio or audio-visual link. However, the council has no obligation to make the technology for an audio or audio-visual link available.

If the member's request cannot be accommodated, or there is a technological issue with the link, this will not invalidate any acts or proceedings of the local authority or its committees.

12.13 Chairperson may terminate link

The Chairperson may direct that an electronic link should be terminated where:

- (a) use of the link is increasing, or may unreasonably increase, the length of the meeting;
- (b) the behaviour of the members using the link warrants termination, including the style, degree and extent of interaction between members;
- (c) it is distracting to the members who are physically present at the meeting; and
- (d) the quality of the link is no longer suitable.

12.14 Giving or showing a document

A person attending a meeting by audio or audio visual link may give or show a document by:

- (a) transmitting it electronically;
- (b) using the audio visual link; or
- (c) any other manner that the Chairperson thinks fit.

cl. 25(A) (6) schedule 7, LGA 2002.

12.15 Link failure

Where an audio or audio visual link fails, or there are other technological issues that prevent a member who is attending by link from participating in a meeting, that member must be deemed to be no longer attending the meeting.

12.16 Confidentiality

A member who is attending a meeting by audio or audio visual link must ensure that the meeting's proceedings remain confidential during any times that the public are excluded. At such times, the Chairperson may require the member to confirm that no unauthorised people are able to view or hear the proceedings.

13. Chairperson's role in meetings

13.1 Council meetings

The Mayor or Chairperson of the council or local or community board must preside at meetings of the council or board unless they vacate the chair for a part or all of a meeting. If the Chairperson is absent from a meeting or vacates the chair, the deputy Mayor/chair must act as Chairperson. If the deputy Mayor/chair is also absent the local authority members who are present must elect a member to be Chairperson at that meeting. This person may exercise the meeting responsibilities, duties and powers of the Mayor/Chairperson for that meeting. This provision also applies to committees and subcommittees.

cl. 26(1), (5) & (6) Schedule 7, LGA 2002.

13.2 Committee meetings

The appointed Chairperson of a committee must preside at all committee meetings, unless they vacate the chair for a particular meeting or part of a meeting. If the Chairperson is absent from a meeting or vacates the chair, the deputy Chairperson (if any) will act as Chairperson. If the deputy Chairperson is also absent, or has not been appointed, the committee members who are present must elect a member to act as Chairperson at that meeting who may exercise the meeting responsibilities, duties and powers of the Chairperson.

This standing order also applies to subcommittees and subordinate decision-making bodies.

cl. 26(2), (5) & (6), schedule 7 LGA 2002.

13.3 Addressing the Chairperson

Members will address the Chairperson in a manner that the Chairperson has determined.

13.4 Chairperson's rulings

The Chairperson will decide all procedural questions where insufficient provision is made by these standing orders and with regard to all points of order. Any refusal to obey a Chairperson's ruling or direction constitutes contempt.

13.5 Chairperson standing

Whenever the Chairperson stands during a debate members are required to sit down and be silent so that they can hear the Chairperson without interruption.

13.6 Member's right to speak

Members are entitled to speak in accordance with these standing orders. Members should address the Chairperson when speaking. They may not leave their place while speaking, unless they have the leave of the Chairperson.

13.7 Chairperson may prioritise speakers

When two or more members want to speak the Chairperson will name the member who may speak first. Other members who wish to speak have precedence where they intend to:

- (a) raise a point of order, including a request to obtain a time extension for the previous speaker; and/or
- (b) move a motion to terminate or adjourn the debate; and/or
- (c) make a point of explanation; and/or
- (d) request the chair to permit the member a special request.

14. Public Forums

Public forums are a defined period of time, usually at the start of a meeting, which, at the discretion of a meeting, is put aside for the purpose of public input. Public forums are designed to enable members of the public to bring matters to the attention of the local authority.

In the case of a committee, subcommittee, local or community board, any issue, idea or matter raised in a public forum must also fall within the terms of reference of that meeting.

14.14 Time limits

A period of up to 30 minutes, or such longer time as the meeting may determine, will be available for the public forum at each scheduled local authority meeting. Requests must be made to the meeting secretary at least one clear day before the meeting; however this requirement may be waived by the Chairperson.

Speakers can speak for up to 5 minutes. No more than two speakers can speak on behalf of an organisation during a public forum. Where the number of speakers presenting in the public forum

exceeds 6 in total, the Chairperson has discretion to restrict the speaking time permitted for all presenters.

14.15 Restrictions

The Chairperson has the discretion to decline to hear a speaker or to terminate a presentation at any time where:

- a speaker is repeating views presented by an earlier speaker at the same public forum;
- the speaker is criticising elected members and/or staff;
- the speaker is being repetitious, disrespectful or offensive;
- the speaker has previously spoken on the same issue;
- the matter is subject to legal proceedings;
- the matter is subject to a hearing, including the hearing of submissions where the local authority or committee sits in a quasi-judicial capacity.

14.16 Questions at public forums

At the conclusion of the presentation, with the permission of the Chairperson, elected members may ask questions of speakers. Questions are to be confined to obtaining information or clarification on matters raised by a speaker.

14.17 No resolutions

Following the public forum no debate or decisions will be made at the meeting on issues raised during the forum unless related to items already on the agenda.

15. Deputations

The purpose of a deputation is to enable a person, group or organisation to make a presentation to a meeting on a matter or matters covered by that meeting's terms of reference. Deputations are approved by the Chairperson or an official with delegated authority.

15.1 Time limits

Speakers can speak for up to 5 minutes. No more than two speakers can speak on behalf of an organisation's deputation.

15.2 Restrictions

The Chairperson has the discretion to decline to hear or terminate a deputation at any time where:

- a speaker is repeating views presented by an earlier speaker at the meeting;
- the speaker is criticising elected members and/or staff;

- the speaker is being repetitious, disrespectful or offensive;
- the speaker has previously spoken on the same issue;
- the matter is subject to legal proceedings;
- the matter is subject to a hearing, including the hearing of submissions where the local authority or committee sits in a quasi-judicial capacity.

15.3 Questions of a deputation

At the conclusion of the deputation members may, with the permission of the Chairperson, ask questions of speakers. Questions are to be confined to obtaining information or clarification on matters raised by the deputation.

15.4 Resolutions

Any debate on a matter raised in a deputation must occur at the time at which the matter is scheduled to be discussed on the meeting agenda, and once a motion has been moved and seconded.

16. Petitions

16.1 Form of petitions

Petitions may be presented to the local authority or any of its committees, local boards or community boards. Petitions must contain at least 20 signatures and consist of fewer than 150 words (not including signatories). They must be received by the chief executive at least 5 working days before the date of the meeting at which they will be presented.

Petitions must not be disrespectful, use offensive language or include malicious statements (see standing order 19.9 on qualified privilege). They may be written in English or te reo Māori. Petitioners planning to make a petition in te reo Māori or sign language should advise the relevant Chairperson at least two working days before the meeting to enable the petition be translated and reprinted, if necessary.

16.2 Petition presented by petitioner

A petitioner who presents a petition to the local authority or any of its committees and subcommittees, local boards or community boards, may speak for 5 minutes (excluding questions) about the petition, unless the meeting resolves otherwise. The Chairperson must terminate the presentation of the petition if he or she believes the petitioner is being disrespectful, offensive or making malicious statements.

Where a petition is presented as part of a deputation or public forum the speaking time limits relating to deputations or public forums shall apply. The petition must be received by the chief executive at least 5 working days before the date of the meeting concerned.

16.3 Petition presented by member

Members may present petitions on behalf of petitioners. In doing so, members must confine themselves to presenting:

- (a) the petition;
- (b) the petitioners' statement; and
- (c) the number of signatures.

17. Exclusion of public

17.1 Motions and resolutions to exclude the public

Members of a meeting may resolve to exclude the public from a meeting. The grounds for exclusion are those specified in section 48 of LGOIMA (see Appendix 1).

Every motion to exclude the public must be put while the meeting is open to the public, and copies of the motion must be available to any member of the public who is present. If the motion is passed the resolution to exclude the public must be in the form set out in schedule 2A of LGOIMA (see Appendix 2). The resolution must state:

- (a) the general subject of each matter to be excluded;
- (b) the reason for passing the resolution in relation to that matter; and
- (c) the grounds on which the resolution is based.

The resolution will form part of the meeting's minutes.

s. 48 LGOIMA.

17.2 Specified people may remain

Where a meeting resolves to exclude the public, the resolution may provide for specified persons to remain if, in the opinion of the meeting, they will assist the meeting to achieve its purpose. Any such resolution must state, in relation to the matter to be discussed, how the knowledge held by the specified people is relevant and be of assistance.

No such resolution is needed for people who are entitled to be at the meeting, such as relevant staff and officials contracted to the council for advice on the matter under consideration.

s.48 (6) LGOIMA.

17.3 Public excluded items

The chief executive must place in the public-excluded section of the agenda any items that he or she reasonably expects the meeting to consider with the public excluded. The public excluded section of the agenda must indicate the subject matter of the item and the reason the public are excluded.

s.46A (8) LGOIMA.

17.4 Non-disclosure of information

No member or officer may disclose to any person, other than another member, officer or person authorised by the chief executive, any information that has been, or will be, presented to any meeting from which the public is excluded, or proposed to be excluded.

This restriction does not apply where a meeting has resolved to make the information publicly available or where the chief executive has advised, in writing, that one or both of the following apply:

- (a) there are no grounds under LGOIMA for withholding the information;
- (b) the information is no longer confidential.

17.5 Release of information from public excluded session

A local authority may provide for the release to the public of information which has been considered during the public excluded part of a meeting.

Each public excluded meeting must consider and agree by resolution, what, if any, information will be released to the public. In addition the chief executive may release information which has been considered at a meeting from which the public has been excluded where it is determined the grounds to withhold the information no longer exist. The chief executive will inform the subsequent meeting of the nature of the information released.

18. Voting

18.1 Decisions by majority vote

Unless otherwise provided for in the LGA 2002, other legislation or standing orders, the acts of and questions before a local authority (or local and community boards) must be decided at a meeting through a vote exercised by the majority of the members of that meeting voting.

cl. 24 (1), Schedule 7, LGA 2002.

18.2 Open voting

An act or question coming before the local authority must be done or decided by open voting.

cl. 24 (3) Schedule 7, LGA 2002.

18.3 Chairperson has a casting vote

The Mayor, Chairperson or any other person presiding at a meeting has a deliberative vote and, in the case of an equality of votes, has a casting vote.

cl. 24 (2) Schedule 7, LGA 2002.

18.4 Method of voting

The method of voting must be as follows:

- (a) the Chairperson in putting the motion must call for an expression of opinion on the voices or take a show of hands, the result of either of which, as announced by the Chairperson, must be conclusive unless such announcement is questioned immediately by any member, in which event the Chairperson will call a division;
- (b) the Chairperson or any member may call for a division instead of or after voting on the voices and/or taking a show of hands; and
- (c) where a suitable electronic voting system is available that system may be used instead of a show of hands, vote by voices or division, and the result displayed notified to the Chairperson who must declare the result.

18.5 Calling for a division

When a division is called, the chief executive must record the names of the members voting for and against the motion and abstentions and provide the names to the Chairperson to declare the result. The result of the division must be entered into the minutes and include members' names and the way in which they voted.

The Chairperson may call a second division where there is confusion or error in the original division.

18.6 Request to have votes recorded

If requested by a member immediately after a vote the minutes must record the member's vote or abstention.

18.7 Members may abstain

Any member may abstain from voting.

19. Conduct

19.1 Calling to order

When the Chairperson calls members to order, they must be seated and stop speaking. If the members fail to do so, the Chairperson may direct that they should leave the meeting immediately for a specified time.

19.2 Disrespect

No member may speak or act in a manner which is disrespectful of other members or inconsistent with the local authority's Code of Conduct at any meeting.

19.3 Retractions and apologies

In the event of a member or speaker who has been disrespectful of another member or contravened the council's Code of Conduct, the Chairperson may call upon that member or speaker to withdraw the offending comments, and may require them to apologise. If the member refuses to do so the Chairperson may direct that they should leave the meeting immediately for a specified time and/or make a complaint under the Code of Conduct.

19.4 Disorderly conduct

Where the conduct of a member is disorderly or is creating a disturbance the Chairperson may require that member to leave the meeting immediately for a specified time.

If the disorder continues the Chairperson may adjourn the meeting for a specified time. At the end of this time the meeting must resume and decide, without debate, whether the meeting should proceed or be adjourned.

The Chairperson may also adjourn the meeting if other people cause disorder or in the event of an emergency.

19.5 Contempt

Where a member is subject to repeated cautions by the Chairperson for disorderly conduct the meeting may, should it so decide, resolve that the member is in contempt. Any such resolution must be recorded in the meeting's minutes.

19.6 Removal from meeting

A member of the police or authorised security personnel may, at the Chairperson's request, remove or exclude a member from a meeting.

This standing order will apply where the Chairperson has ruled that the member should leave the meeting and the member has refused or failed to do so; or has left the meeting and attempted to re-enter it without the Chairperson's permission.

19.7 Financial conflicts of interests

Every member present at a meeting must declare any direct or indirect financial interest that they hold in any matter being discussed at the meeting, other than an interest that they hold in common with the public.

No member may vote on, or take part in, a discussion about any matter in which they have a direct or indirect financial interest unless an exception set out in s.6 LAMIA applies to them, or the Auditor-General has granted them an exemption or declaration under s.6.

Members with a financial interest should physically withdraw themselves from the table unless the meeting is in public excluded in which case they should leave the room.

Neither the Chairperson nor the meeting may rule on whether a member has a financial interest in the matter being discussed. The minutes must record any declarations of financial interests and the member's abstention from any discussion and voting on the matter.

s. 6 & 7 LAMIA.

19.8 Non-financial conflicts of interests

Non-financial interests always involve questions of judgement and degree about whether the responsibility of a member of a local authority (or local or community board) could be affected by some other separate interest or duty of that member in relation to a particular matter. If a member considers that they have a non-financial conflict of interest in a matter they must not take part in the discussions about that matter or any subsequent vote.

The member must leave the table when the matter is considered, but does not need to leave the room. The minutes must record the declaration and member's subsequent abstention from discussion and voting.

Neither the Chairperson nor the meeting may rule on whether a member has a non-financial interest in the matter being discussed.

19.9 Qualified privilege for meeting proceedings

Any oral statement made at any meeting of the local authority in accordance with the rules adopted by the local authority for guiding its proceedings is privileged, unless the statement is proved to have been made with ill will or took improper advantage of the occasion of publication.

s. 53, LGOIMA.

19.10 Qualified privilege additional to any other provisions

The privilege referred to above is in addition to any other privilege, whether absolute or qualified, that applies as a result of any other enactment or rule of law applying to any meeting of the local authority.

s. 53, LGOIMA.

19.11 Electronic devices at meetings

Electronic devices and phones can only be used to advance the business of a meeting.

Personal use may only occur at the discretion of the chair. A Chairperson may require that an electronic device is switched off if its use is likely to distract a meeting from achieving its business or a member is found to be receiving information or advice from sources not present at the meeting which may affect the integrity of the proceedings.

20. General rules of debate

20.1 Chairperson may exercise discretion

The application of any procedural matters in this section of the standing orders, such as the number of times a member may speak, is subject to the discretion of the Chairperson.

20.2 Time limits on speakers

The following time limits apply to members speaking at meetings:

- (a) movers of motions when speaking to the motion – not more than 10 minutes;
- (b) movers of motions when exercising their right of reply – not more than 5 minutes;
- (c) other members – not more than 5 minutes.

Time limits can be extended if a motion to that effect is moved, seconded and supported by a majority of members present.

20.3 Questions to staff

During a debate members can ask staff questions about the matters being discussed. Questions must be asked through the Chairperson and how the question should be dealt with is at the Chairperson's discretion.

20.4 Questions of clarification

At any point of a debate a member may ask the Chairperson for clarification about the nature and content of the motion which is the subject of the debate and the particular stage the debate has reached.

20.5 Members may speak only once

A member may not speak more than once to a motion at a meeting of a local authority or any local or community board except with permission of the Chairperson.

20.6 Limits on number of speakers

If three speakers have spoken consecutively in support of, or in opposition to, a motion, the Chairperson may call for a speaker to the contrary. If there is no speaker to the contrary, the Chairperson must put the motion after the mover's right of reply.

Members speaking must, if requested by the Chairperson, announce whether they are speaking in support of or opposition to a motion.

20.7 Seconder may reserve speech

A member may second a motion or amendment without speaking to it, reserving the right to speak later in the debate.

20.8 Speaking only to relevant matters

Members may speak to any matter before the meeting; a motion or amendment which they propose; and to raise a point of order arising out of debate, but not otherwise. Members must confine their remarks strictly to the motion or amendment they are speaking to.

The Chairperson's rulings on any matters arising under this standing order are final and not open to challenge.

20.9 Restating motions

At any time during a debate a member may ask, for their information, that the Chairperson restate a motion and any amendments; but not in a manner that interrupts a speaker.

20.10 Criticism of resolutions

A member speaking in a debate may not unduly criticise the validity of any resolution except by a notice of motion to amend or revoke the resolution.

20.11 Objecting to words

When a member objects to any words used by another member in a speech and wants the minutes to record their objection, they must object at the time when the words are used and before any other member has spoken. The Chairperson must order the minutes to record the objection.

20.12 Right of reply

The mover of an original motion has a right of reply. A mover of an amendment to the original motion does not. In their reply, the mover must confine themselves to answering previous speakers and not introduce any new matters.

A mover's right of reply can only be used once. It can be exercised either at the end of the debate on the original, substantive or substituted motion or at the end of the debate on a proposed amendment.

However, the original mover may reserve their right of reply and speak once to the principal motion and once to each amendment without losing that right of reply. If a closure motion is carried the mover of the motion has the right of reply before the motion or amendment is put to the vote.

20.13 No other member may speak

In exercising a right of reply, no other member may speak:

- (a) after the mover has started their reply;
- (b) after the mover has indicated that they want to forego this right;
- (c) where the mover has spoken to an amendment to the original motion and the Chairperson has indicated that he or she intends to put the motion.

20.14 Adjournment motions

The carrying of any motion to adjourn a meeting must supersede other business still remaining to be disposed of. Any such business must be considered at the next meeting. Business referred to, or referred back to, a specified committee or local or community board, is to be considered at the next ordinary meeting of that committee or board, unless otherwise specified.

20.15 Chairperson's acceptance of closure motions

The Chairperson may only accept a closure motion where there have been at least two speakers for and two speakers against the motion that is proposed to be closed, or the Chairperson considers it reasonable to do so.

However, the Chairperson must put a closure motion if there are no further speakers in the debate. When the meeting is debating an amendment, the closure motion relates to the amendment. If a closure motion is carried, the mover of the motion under debate has the right of reply after which the Chairperson puts the motion or amendment to the vote.

21. General procedures for speaking and moving motions

21.1 Options for speaking and moving

This subsection provides three options for speaking and moving motions and amendments at a meeting of a local authority, its committees and subcommittees, and any local or community boards.

Option A applies unless, on the recommendation of the chairperson at the beginning of a meeting, the meeting resolves [by simple majority] to adopt either Option B or Option C for the meeting generally, or for any specified items on the agenda.

21.2 Option A

- The mover and seconder of a motion cannot move or second an amendment. (This does not apply when the mover or seconder of a motion to adopt a report of a committee wants to amend an item in the report. In this case the original mover or seconder may also propose or second the suggested amendment).
- Only members who have not spoken to the original or substituted motion may move or second an amendment to it.
- The mover or seconder of an amendment whether it is carried or lost cannot move or second a subsequent amendment.
- Members can speak to any amendment and, provided they have not spoken to the motion or moved or seconded an amendment, they can move or second further amendments.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

21.3 Option B

- The mover and seconder of a motion cannot move or second an amendment. (This does not apply when the mover or seconder of a motion to adopt a report of a committee wants to amend an item in the report. In this case the original mover or seconder may also propose or second the suggested amendment).
- Any members, regardless of whether they have spoken to the original or substituted motion, may move or second an amendment to it.
- The mover or seconder of an amendment that is carried can move or second a subsequent amendment. A mover or seconder of an amendment which is lost cannot move or second a subsequent amendment.
- Members can speak to any amendment.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

21.4 Option C

- The mover and seconder of a motion can move or second an amendment
- Any members, regardless of whether they have spoken to the original or substituted motion, may move or second an amendment to it.
- The mover or seconder of an amendment whether it is carried or lost can move or second further amendments.
- Members can speak to any amendment.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

21.5 Procedure if no resolution reached

If no resolution is reached the Chairperson may accept a new motion to progress the matter under discussion.

22. Motions and amendments

22.1 Proposing and seconding motions

All motions and amendments moved during a debate must be seconded (including notices of motion). The Chairperson may then state the motion and propose it for discussion.

Amendments and motions that are not seconded are not in order and are not entered in the minutes.

22.2 Motions in writing

The Chairperson may require movers of motions and amendments to provide them in writing, signed by the mover.

22.3 Motions expressed in parts

The Chairperson, or any member, can require a motion that has been expressed in parts to be decided part by part.

22.4 Substituted motion

Where a motion is subject to an amendment the meeting may substitute the motion with the amendment, provided the mover and seconder of the original motion agree to its withdrawal. All members may speak to the substituted motion.

22.5 Amendments to be relevant and not direct negatives

Every proposed amendment must be relevant to the motion under discussion. Proposed amendments cannot be similar to an amendment that has already been lost. Any amendment which, if carried, would have the effect of defeating a previous motion that was carried is a direct negative and is therefore not allowed.

22.6 Foreshadowed amendments

The meeting must dispose of an existing amendment before a new amendment can be foreshadowed. However, members may notify the Chairperson that they intend to move further amendments and the nature of their content.

22.7 Lost amendments

Where an amendment is lost, the meeting will resume the debate on the original or substituted motion. Any member who has not spoken to that motion may speak to it, and may move or second a further amendment.

22.8 Carried amendments

Where an amendment is carried the meeting will resume the debate on the original motion as amended. This will now be referred to as the substantive motion. Members who have not spoken to the original motion may speak to the substantive motion, and may move or second a further amendment to it.

22.9 Where a motion is lost

In a situation where a motion that recommends a course of action is lost a new motion, with the consent of the Chairperson, may be proposed to provide direction.

22.10 Withdrawal of motions and amendments

Once a motion or amendment which has been seconded has been put to the meeting by the Chairperson the mover cannot withdraw it without the consent of the majority of the members who are present and voting.

The mover of an original motion, which has been subject to an amendment that has been moved and seconded, cannot withdraw the original motion until the amendment has either been lost or withdrawn by agreement, as above.

22.11 No speakers after reply or motion has been put

A member may not speak to any motion once:

- (a) the mover has started their right of reply in relation to the motion; and
- (b) the Chairperson has started putting the motion.

23. Revocation or alteration of resolutions

23.1 Member may move revocation of a decision

A member may give the chief executive a notice of motion for the revocation or alteration of all or part of a previous resolution of the council, subordinate body, local or community board. The notice must set out:

- (a) The resolution or part of the resolution which the member proposes to revoke or alter;
- (b) The meeting date when the resolution was passed;
- (c) The motion, if any, which the member proposes to replace it with; and
- (d) Sufficient information to satisfy the decision-making provisions of sections 77-82 of the LGA 2002.

If the mover of the notice of motion is unable to provide this information, or the decision is likely to be deemed a significant decision, the notice of motion should provide that the proposal is referred to the chief executive for consideration and report.

23.2 Revocation must be made by the body responsible for the decision

If a resolution is made under delegated authority by a committee, subcommittee or subordinate decision-making body, or a local or community board, only that body may revoke or amend the resolution, assuming the resolution is legally made.

This provision does not prevent the body that made the delegation from removing or amending a delegation given to a subordinate body or local board or community board.

cl. 32 (2)4 Schedule 7, LGA 2002.

23.3 Requirement to give notice

A member must give notice to the chief executive at least 5 working days before the meeting at which it is proposed to consider the motion. The notice is to be signed by not less than one third of the members of the local authority, including vacancies. Notice can be sent via email and include the scanned electronic signatures of members. If the notice of motion is lost, no similar notice of motion which is substantially the same in purpose and effect may be accepted within the next twelve months.

23.4 Restrictions on actions under the affected resolution

Once a notice of motion to revoke or alter a previous resolution has been received no irreversible action may be taken under the resolution in question until the proposed notice of motion has been dealt with. Exceptions apply where, in the opinion of the Chairperson:

- (a) the practical effect of delaying actions under the resolution would be the same as if the resolution had been revoked;
- (b) by reason of repetitive notices, the effect of the notice is an attempt by a minority to frustrate the will of the local authority or the committee that made the previous resolution.

In either of these situations, action may be taken under the resolution as though no notice of motion had been given to the chief executive.

23.5 Revocation or alteration by resolution at same meeting

A meeting may revoke or alter a previous resolution made at the same meeting where, during the course of the meeting, it receives fresh facts or information concerning the resolution. In this situation 75 per cent of the members present and voting must agree to the revocation or alteration.

23.6 Revocation or alteration by recommendation in report

The local authority, on a recommendation in a report by the Chairperson, chief executive, or any committee or subcommittee, local or community board, may revoke or alter all or part of a resolution passed by a previous meeting. The chief executive must give at least two clear working days' notice of any meeting that will consider a revocation or alteration recommendation.

cl. 30 (6) Schedule 7, LGA 2002.

24. Procedural motions

24.1 Procedural motions must be taken immediately

A procedural motion to close or adjourn a debate will take precedence over other business, except points of order and rights of reply. If the procedural motion is seconded the Chairperson must put it to the vote immediately, without discussion or debate.

24.2 Procedural motions to close or adjourn a debate

Any member who has not spoken on the matter under debate may move any one of the following procedural motions to close or adjourn a debate:

- (a) that the meeting be adjourned to the next ordinary meeting (unless the member states an alternative time and place);
- (b) that the motion under debate should now be put (a closure motion);
- (c) that the item being discussed should be adjourned to a specified time and place and not be further discussed at the meeting;
- (d) that the item of business being discussed should lie on the table and not be further discussed at this meeting;
- (e) that the item being discussed should be referred (or referred back) to the relevant committee or local or community board.

A member seeking to move a procedural motion must not interrupt another member who is already speaking.

24.3 Voting on procedural motions

Procedural motions to close or adjourn a debate must be decided by a majority of all members who are present and voting. If the motion is lost no member may move a further procedural motion to close or adjourn the debate within the next 15 minutes.

24.4 Debate on adjourned items

When debate resumes on items of business that have been previously adjourned all members are entitled to speak on the items.

24.5 Remaining business at adjourned meetings

Where a resolution is made to adjourn a meeting, the remaining business will be considered at the next meeting.

24.6 Business referred to the council, committee or local or community board

Where an item of business is referred (or referred back) to a committee or a local or community board, the committee or board will consider the item at its next meeting unless the meeting resolves otherwise.

24.7 Other types of procedural motions

The Chairperson has discretion about whether to allow any other procedural motion that is not contained in these standing orders.

25. Points of order

25.1 Members may raise points of order

Any member may raise a point of order when they believe these standing orders have been breached. When a point of order is raised, the member who was previously speaking must stop speaking and sit down (if standing).

25.2 Subjects for points of order

A member who is raising a point of order must state precisely what its subject is. Points of order may be raised for the following subjects:

- (a) disorder – bringing disorder to the attention of the Chairperson;
- (b) language – use of disrespectful, offensive or malicious language;

- (c) irrelevance – the topic being discussed is not the matter currently before the meeting;
- (d) misrepresentation – misrepresentation of any statement made by a member or by an officer or council employee;
- (e) breach of standing order – the breach of any standing order while also specifying which standing order is subject to the breach;
- (f) request the recording of words, such as a request that the minutes record words that have been the subject of an objection.

25.3 Contradictions

Expressing a difference of opinion or contradicting a statement by a previous speaker does not constitute a point of order.

25.4 Point of order during division

A member may not raise a point of order during a division, except with the permission of the Chairperson.

25.5 Chairperson's decision on points of order

The Chairperson may decide a point of order immediately after it has been raised, or may choose to hear further argument about the point before deciding. The Chairperson's ruling on any point of order, and any explanation of that ruling, is not open to any discussion and is final.

26. Notices of motion

26.1 Notice of intended motion to be in writing

Notice of intended motions must be in writing signed by the mover, stating the meeting at which it is proposed that the intended motion be considered, and must be delivered to the chief executive at least 5 clear working days before such meeting. [Notice of an intended motion can be sent via email and include the scanned electronic signature of the mover.]

Once the motion is received the chief executive must give members notice in writing of the intended motion at least 2 clear working days' notice of the date of the meeting at which it will be considered.

26.2 Refusal of notice of motion

The Chairperson may direct the chief executive to refuse to accept any notice of motion which:

- (a) is disrespectful or which contains offensive language or statements made with malice;
or
- (b) is not related to the role or functions of the local authority or meeting concerned; or

- (c) contains an ambiguity or a statement of fact or opinion which cannot properly form part of an effective resolution, and where the mover has declined to comply with such requirements as the chief executive officer may make; or
- (d) is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned; or
- (e) fails to include sufficient information as to satisfy the decision-making provisions of s.77-82 LGA 2002; or
- (f) concerns a matter where decision-making authority has been delegated to a subordinate body or a local or community board.

Reasons for refusing a notice of motion should be provided to the mover. Where the refusal is due to (f) the notice of motion may be referred to the appropriate committee or board.

26.3 Mover of notice of motion

Notices of motion may not proceed in the absence of the mover unless moved by another member authorised to do so, in writing, by the mover.

26.4 Alteration of notice of motion

Only the mover, at the time the notice of motion is moved and with the agreement of a majority of those present at the meeting, may alter a proposed notice of motion. Once moved and seconded no amendments may be made to a notice of motion.

26.5 When notices of motion lapse

Notices of motion that are not put when called by the Chairperson must lapse.

26.6 Referral of notices of motion

Any notice of motion received that refers to a matter ordinarily dealt with by a committee of the local authority or a local or community board must be referred to that committee or board by the chief executive.

Where notices are referred the proposer of the intended motion, if not a member of that committee, must have the right to move that motion and have the right of reply, as if a committee member.

26.7 Repeat notices of motion

When a motion has been considered and rejected by the local authority or a committee, no similar notice of motion which, in the opinion of the Chairperson, may be accepted within the next 12 months, unless signed by not less than one third of all members, including vacancies.

Where a notice of motion has been adopted by the local authority no other notice of motion which, in the opinion of the Chairperson has the same effect, may be put while the original motion stands.

27. Minutes

27.1 Minutes to be evidence of proceedings

The local authority, its committees, subcommittees and any local and community boards must keep minutes of their proceedings. These minutes must be ~~kept in hard copy~~, signed and included in the council's **electronic** minute book and, when confirmed by resolution at a subsequent meeting and signed by the Chairperson, will be prima facie evidence of the proceedings they relate to.

cl. 28 Schedule 7, LGA 2002.

27.2 Matters recorded in minutes

The chief executive must keep the minutes of meetings. The minutes must record:

- (a) the date, time and venue of the meeting;
- (b) the names of the members present;
- (c) the Chairperson;
- (d) any apologies or leaves of absences;
- (e) the arrival and departure times of members;
- (f) any failure of a quorum;
- (g) a list of any external speakers and the topics they addressed;
- (h) a list of the items considered;
- (i) the resolutions and amendments related to those items including those that were lost, provided they had been moved and seconded in accordance with these standing orders;
- (j) the names of all movers, and seconders;
- (k) any objections made to words used;
- (l) all divisions taken and, if taken, a record of each members' vote;
- (m) the names of any members requesting that votes or abstentions be recorded;
- (n) any declarations of financial or non-financial conflicts of interest;
- (o) the contempt, censure and removal of any members;
- (p) any resolutions to exclude members of the public;
- (q) the time at which the meeting concludes or adjourns;
- (r) the names of people permitted to stay in public excluded.

Please Note: hearings under the RMA, Dog Control Act 1996 and Sale and Supply of Alcohol Act 2012 may have special requirements for minute taking.

27.3 No discussion on minutes

The only topic that may be discussed at a subsequent meeting, with respect to the minutes, is their correctness.

27.4 Minutes of last meeting before election

The chief executive and the relevant Chairpersons must sign the minutes of the last meeting of the local authority and its local and community boards before the next election of members.

28. Minute books

28.1 Inspection

An ~~hard-copy~~ **electronic** copy of the local authority's minute books must be kept by the chief executive and be open for inspection by the public, ~~This does not preclude the complementary use of electronic minutes~~ in accordance with the Electronics Transactions Act.

Note: The Authority to retain public records in electronic form only is issued by the Chief Archivist under section 229(2) of the Contract and Commercial Law Act 2017 (CCLA).

s. 51 LGOIMA.

28.2 Inspection of public excluded matters

The chief executive must consider any request for the minutes of a meeting or part of a meeting from which the public was excluded as a request for official information in terms of the Local Government Official Information and Meetings Act 1987.

Referenced documents

- Commissions of Inquiry Act 1908
- Sale of Alcohol Act 2012
- Crimes Act 1961
- Financial Markets Conduct Act 2013
- Local Authorities (Members' Interests) Act 1968 (LAMIA)
- Local Electoral Act 2001 (LEA)
- Local Government Act 1974 and 2002 (LGA)
- Local Government Official Information and Meetings Act 1987 (LGOIMA)
- Marine Farming Act 1971
- Resource Management Act 1991 (RMA)
- Secret Commissions Act 1910
- Securities Act 1978
- **Contract and Commercial Law Act 2017**

Appendix 1: Grounds to exclude the public

A local authority may, by resolution, exclude the public from the whole or any part of the proceedings of any meeting only on one or more of the following grounds:

- A1** That good reason exists for excluding the public from the whole or any part of the proceedings of any meeting as the public disclosure of information would be likely:
- (a) to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or
 - (b) to endanger the safety of any person.
- A2** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to:
- (a) Protect the privacy of natural persons, including that of deceased natural persons; or
 - (b) Protect information where the making available of the information would:
 - i. disclose a trade secret; or
 - ii. be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; or
 - (c) In the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991, to avoid serious offence to tikanga Māori i, or to avoid the disclosure of the location of waahi tapu; or
 - (d) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would:
 - i. be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or
 - ii. be likely otherwise to damage the public interest; or
 - (e) Avoid prejudice to measures protecting the health or safety of members of the public; or
 - (f) Avoid prejudice to measures that prevent or mitigate material loss to members of the public; or
 - (g) Maintain the effective conduct of public affairs through –the protection of such members, officers, employees, and persons from improper pressure or harassment; or
 - (h) Maintain legal professional privilege; or
 - (i) Enable any Council holding the information to carry out, without prejudice or disadvantage, commercial activities; or
 - (j) Enable any Council holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or

- (k) Prevent the disclosure or use of official information for improper gain or improper advantage.

Provided that where A2 of this Appendix applies the public may be excluded unless, in the circumstances of the particular case, the exclusion of the public is outweighed by other considerations which render it desirable, in the public interest, that the public not be excluded.

- A3** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information, the public disclosure of which would:
- (a) Be contrary to the provisions of a specified enactment; or
 - (b) Constitute contempt of Court or of the House of Representatives.
- A4** That the purpose of the whole or the relevant part of the proceedings of the meeting is to consider a recommendation made to that Council by an Ombudsman under section 30(1) or section 38(3) of this Act (in the case of a Council named or specified in Schedule 1 to this Act).
- A5** That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council to deliberate in private on its decision or recommendation in:
- (a) Any proceedings before a Council where
 - i. A right of appeal lies to any Court or tribunal against the final decision of the Council in those proceedings; or
 - ii. The Council is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings; and

Appendix 2: Sample resolution to exclude the public

THAT the public be excluded from the following parts of the proceedings of this meeting, namely:

- *Name of report(s)*

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 are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
1 <i>Put in name of report</i>	Good reason to withhold exists under Section 7.	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)
2	Good reason to withhold exists under Section 7.	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)
3	Good reason to withhold exists under Section 7.	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)

4 <i>Hearings Committee</i>	<p>To enable the Committee to consider the application and submissions.</p> <p>OR</p> <p>To enable the Committee to consider the objection to fees and charges.</p> <p>OR</p> <p>To enable the Committee to.</p>	<p>That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council/Committee to deliberate in private on its decision or recommendation in any proceedings where :</p> <ul style="list-style-type: none"> i) a right of appeal lies to any Court or tribunal against the final decision of the Council/Committee in those proceedings; or ii) the local authority is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings. <p>Use (i) for the RMA hearings and (ii) for hearings under LGA such as objections to Development Contributions or hearings under the Dog Control Act s. 48(1)(d).</p>
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This resolution is made in reliance on sections 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 7 of that Act, which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public are as follows:

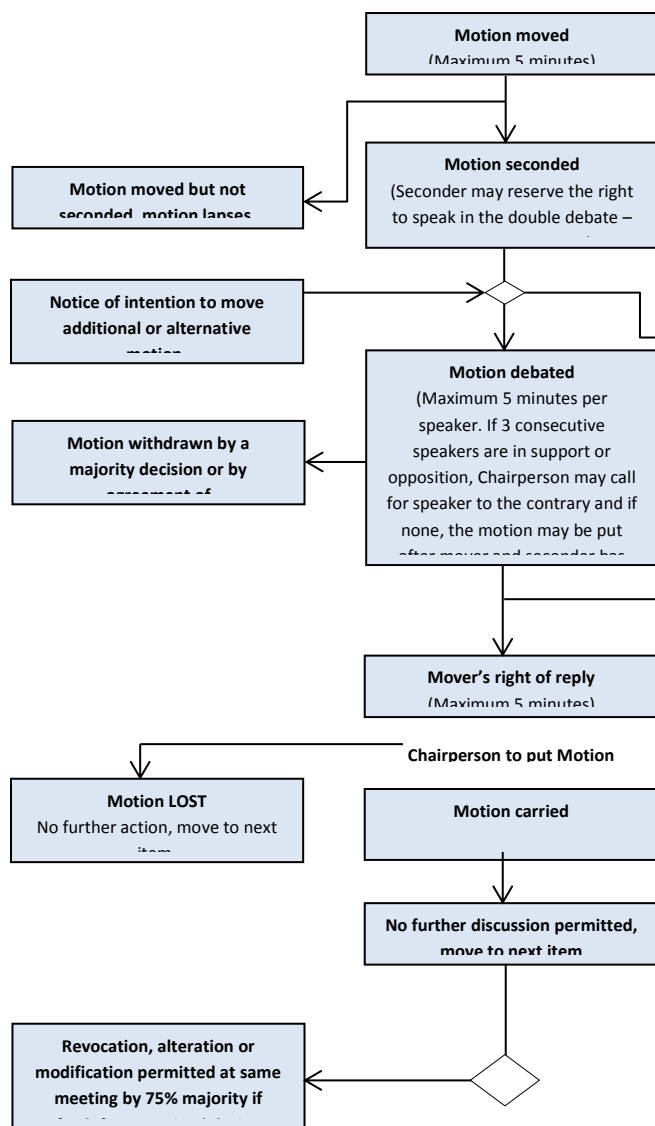
Item No	Interest
	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (Schedule 7(2)(i))
	Protect the privacy of natural persons, including that of deceased natural persons (Schedule 7(2)(a))
	Maintain legal professional privilege (Schedule 7(2)(g))

Item No	Interest
	Prevent the disclosure or use of official information for improper gain or improper advantage (Schedule 7(2)(j))
	Protect information where the making available of the information <ul style="list-style-type: none"> (i) would disclose a trade secret; or (ii) would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information (Schedule 7(2)(b))
	In the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991, to avoid serious offence to Tikanga Māori, or to avoid the disclosure of the location of waahi tapu (Schedule 7(2)(ba))
	Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information - <ul style="list-style-type: none"> (i) would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or (ii) would be likely otherwise to damage the public interest (Schedule 7(2)(c))
	Avoid prejudice to measures protecting the health or safety of members of the public (Schedule 7(2)(d))
	Avoid prejudice to measures that prevent or mitigate material loss to members of the public (Schedule 7(2)(e))
	Maintain the effective conduct of public affairs through the protection of members or officers or employees of the Council, and persons to whom Section 2(5) of the Local Government Official Information and Meetings Act 1987 applies in the course of their duty, from improper pressure or harassment (Schedule 7(2)(f)(ii)).
	Enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities (Schedule 7(2)(h))

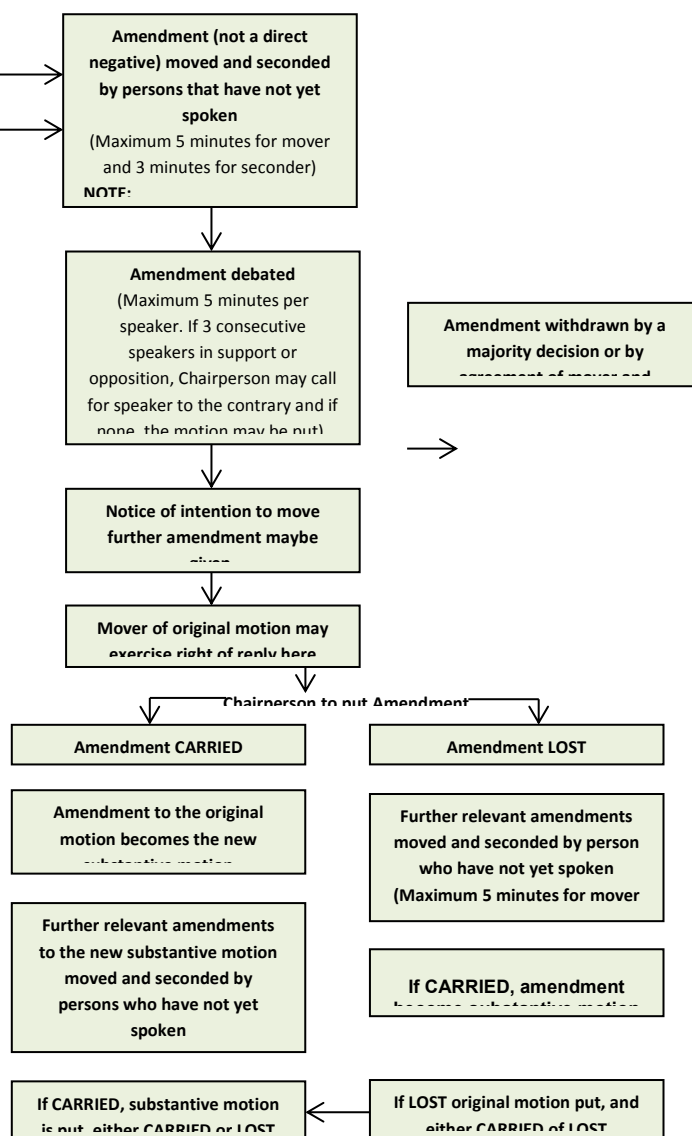
THAT XXXX be permitted to remain at this meeting, after the public has been excluded, because of their knowledge of XXXX. This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because XXXX.

Appendix 3: Motions and amendments (option A)

Motions without amendments



Motions with amendments



Appendix 4: Table of procedural motions

Motion	Has the Chair discretion to refuse this Motion?	Is seconder required?	Is discussion in order?	Are amendments in order?	Is mover of procedural motion entitled to move this motion?	Are previous participants in debate entitled to move this motion?	Can a speaker be interrupted by the mover of this motion?	If lost, can motion be moved after an interval?	Position if an amendment is already before the Chair	Position if a procedural motion is already before the Chair	Remarks
(a) "That the meeting be adjourned to the next ordinary meeting, or to a stated time and place"	No	Yes	No	As to time and date only	No	No	No	Yes – 15 minutes	If carried, debate on the original motion and amendment are adjourned	If carried, debate on the original motion and procedural motion are adjourned	On resumption of debate, the mover of the adjournment speaks first. Members who have spoken in the debate may not speak again
(b) "That the motion under debate be now put (closure motion)"	No	Yes	No	No	No	No	No	Yes – 15 Minutes	If carried, only the amendment is put	If carried, only the procedural motion is put	The mover of the motion under debate is entitled to exercise a right of reply before the motion or amendment under debate is put
(c) "That the item of business being discussed be adjourned to a stated time and place"	No	Yes	No	As to time and date only	No	No	NO	Yes – 15 minutes	If carried, debate on the original motion and amendment are adjourned	If carried, debate on the original motion and procedural motion are adjourned	

Motion	Has the Chair discretion to refuse this Motion?	Is second required?	Is discussion in order?	Are amendments in order?	Is mover of procedural motion entitled to move this motion?	Are previous participants in debate entitled to move this motion?	Can a speaker be interrupted by the mover of this motion?	If lost, can motion be moved after an interval?	Position if an amendment is already before the Chair	Position if a procedural motion is already before the Chair	Remarks
(d) "That the item of business being discussed does lie on the table and not be discussed at this meeting"	No	Yes	No	No	No	No	No	Yes – 15 minutes	If carried, the original motion and amendment are both laid on the table	Motion not in order	
(e) "That the item of business being discussed be referred (or referred back) to the local authority or to the relevant committee"	No	Yes	No	As to committee, time for reporting back etc only	No	No	No	Yes – 15 minutes	If carried, the original motion and all amendments are referred to the committee	If carried, the procedural motion is deemed disposed of	
(f) "Points of order"	No – but may rule against	No	Yes – at discretion of Chairperson	No	No	Yes	Yes	No	Point of order takes precedence	Point of order takes precedence	See standing order 3.14

Appendix 5: Webcasting protocols

The provisions are intended as a good practice guide to local authorities that are webcasting meetings or planning to do so.

1. The default shot will be on the Chairperson or a wide-angle shot of the meeting room.
2. Cameras will cover a member who is addressing the meeting. Cameras will also cover other key participants in a meeting, including staff when giving advice and members of the public when addressing the meeting during the public input time.
3. Generally interjections from other members or the public are not covered. However if the Chairperson engages with the interjector, the interjector's reaction can be filmed.
4. PowerPoint presentations, recording of votes by division and other matters displayed by overhead projector may be shown.
5. Shots unrelated to the proceedings, or not in the public interest, are not permitted.
6. If there is general disorder or a disturbance from the public gallery, coverage will revert to the Chairperson.
7. Appropriate signage will be displayed both in and outside the meeting room alerting people that the proceedings are being web cast.

Appendix 6: Powers of a Chairperson

This Appendix sets out the specific powers given to the Chairperson contained in various parts of these Standing Orders.

Chairperson to decide all questions

The Chairperson is to decide all questions where these standing orders make no provision or insufficient provision. The Chairperson's ruling is final and not open to debate.

Chairperson to decide points of order

The Chairperson is to decide any point of order and may do so immediately after it has been raised or may first hear further argument before deciding. The ruling of the Chairperson upon any point of order is not open to any discussion and is final. No point of order may be raised during a division except by permission of the Chairperson.

Items not on the agenda

Major items not on the agenda may be dealt with at that meeting if so resolved by the local authority and the Chairperson explains at the meeting at a time when it is open to the public the reason why the item was not listed on the agenda and the reason why discussion of the item cannot be delayed until a subsequent meeting.

Minor matters not on the agenda relating to the general business of the local authority may be discussed if the Chairperson explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at that meeting, but no resolution, decision or recommendation may be made in respect of that item except to refer it to a subsequent meeting.

Chairperson's report

The Chairperson, by report, has the right to direct the attention of the local authority to any matter or subject within the role or function of the local authority.

Chairperson's recommendation

The Chairperson of any meeting may include on the agenda for that meeting a Chairperson's recommendation regarding any item brought before the meeting. The purpose of such a recommendation is to focus debate on a suggested motion.

Chairperson's voting

The Chairperson at any meeting has a deliberative vote and, in the case of equality of votes, has a casting vote where standing orders make such provision.

Motion in writing

The Chairperson may require the mover of any motion or amendment to submit it in writing signed by the mover.

Motion in parts

The Chairperson may require any motion expressed in parts to be decided part by part.

Notice of motion

The Chairperson may direct the chief executive to refuse to accept any notice of motion which:

- (a) Is disrespectful or which contains offensive language or statements made with malice; or
- (b) Is not within the scope of the role or functions of the local authority; or
- (c) Contains an ambiguity or statement of fact or opinion which cannot properly form part of an effective resolution, and the mover has declined to comply with such requirements as the chief executive may have made; or
- (d) Is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned.

Reasons for refusing a notice of motion should be provided to the proposer.

Where a notice of motion has been considered and agreed by the local authority, no notice of any other motion which is, in the opinion of the Chairperson, to the same effect may be put again whilst such original motion stands.

Action on previous resolutions

If, in the opinion of the Chairperson the practical effect of a delay in taking action on a resolution which is subject to a notice of motion, would be equivalent to revocation of the resolution; or if repetitive notices of motion are considered by the Chairperson to be an attempt by a minority to frustrate the will of the meeting, action may be taken as though no such notice of motion had been given.

Repeat notice of motion

If in the opinion of the Chairperson, a notice of motion is substantially the same in purport and effect to any previous notice of motion which has been considered and rejected by the local authority, no such notice of motion may be accepted within six months of consideration of the first notice of motion unless signed by not less than one third of the members of the local authority, including vacancies.

Revocation or alteration of previous resolution

A Chairperson may recommend in a report to the local authority the revocation or alteration of all or part of any resolution previously passed, and the local authority meeting may act on such a recommendation in accordance with the provisions in these standing orders.

Chairperson may call a meeting

The Chairperson:

- (a) May call a meeting to dispose of the business to be transacted following the lapsing of a meeting due to failure of a quorum, if such business cannot be delayed until the next meeting;
- (b) May requisition an extra meeting to be held at a specified time and place, in order to conduct specified business.

Irrelevant matter and needless repetition

The Chairperson's ruling preventing members when speaking to any motion or amendment from introducing irrelevant matters or indulging in needless repetition is final and not open to challenge.

Taking down words

The Chairperson may order words used and objected to by any member, to be recorded in the minutes, provided such objection is made at the time the words are used and not after any other members have spoken.

Explanations

The Chairperson may permit members to make a personal explanation in addition to speaking to a motion, and members who have already spoken, to explain some material part of a previous speech in the same debate.

Chairperson rising

Whenever the Chairperson rises during a debate any member then speaking or offering to speak is to be seated and members are to be silent so that the Chairperson may be heard without interruption.

Members may leave places

The Chairperson may permit members to leave their place while speaking.

Priority of speakers

The Chairperson must determine the order in which members may speak when two or more members indicate their wish to speak.

Minutes

The Chairperson is to sign the minutes and proceedings of every meeting once confirmed. The Chairperson and chief executive are responsible for confirming the correctness of the minutes of the last meeting of a local authority prior to the next election of members.

Questions of speakers

The Chairperson may permit members to ask questions of speakers under public forum or deputations/presentations by appointment, for the purpose of obtaining information or clarification on matters raised by the speaker.

Withdrawal of offensive or malicious expressions

The Chairperson may call upon any member to withdraw any offensive or malicious expression and may require the member to apologise for the expression.

Any member who refuses to withdraw the expression or apologise, if required by the Chairperson, can be directed to withdraw from the meeting for a time specified by the Chairperson.

Chairperson's rulings

Any member who refuses to accept a ruling of the Chairperson, may be required by the Chairperson to withdraw from the meeting for a specified time.

Disorderly behaviour

The Chairperson may:

- (a) Require any member or member of the public whose conduct is disorderly or who is creating a disturbance, to withdraw immediately from the meeting for a time specified by the Chairperson.
- (b) Ask the meeting to hold in contempt, any member whose conduct is grossly disorderly and where the meeting resolves to find the member in contempt, that resolution must be recorded in the minutes.

Failure to leave meeting

If a member or member of the public who is required, in accordance with a Chairperson's ruling, to leave the meeting, refuses or fails to do so, or having left the meeting, attempts to re-enter without the permission of the Chairperson, any member of the police or officer or employee of the local authority may, at the Chairperson's request, remove or exclude that person from the meeting.

Audio or audio visual attendance

Where the technology is available and a member is attending a meeting by audio or audio-visual link, the Chairperson must ensure that:

- (a) the technology for the link is available and of suitable quality
- (b) procedures for using the technology in the meeting will ensure that:
 - i. everyone participating in the meeting can hear each other
 - ii. the member's attendance by audio or audio-visual link does not reduce their accountability or accessibility in relation to the meeting
 - iii. the requirements of Part 7 of LGOIMA are met
 - iv. the requirements in these standing orders are met.

If the Chairperson is attending by audio or audio visual link then chairing duties will undertaken by the deputy chair or a member who is physically present

Appendix 7: Mayors' powers to appoint under s.41A

The role of a Mayor is:

- (a) to provide leadership to councillors and the people of the city or district.
- (b) to lead development of the council's plans (including the long-term and annual plans), policies and budgets for consideration by councillors.

The Mayor has authority to:

- (a) Appoint the deputy Mayor.
- (b) Establish Council committees, their terms of reference, appoint the Chairperson of each of those committees and the members.
- (c) Appoint themselves as the Chairperson of a committee.
- (d) Decline to exercise the powers under clause a) and b) above but may not delegate those powers to another person.

The Council retains the ability to:

- (a) Remove a deputy Mayor appointed by the Mayor.
- (b) Discharge or reconstitute a committee established by the Mayor.
- (c) Discharge a committee Chairperson who has been appointed by the Mayor.

The Mayor is a member of each committee of the Council.

Appendix 8: Process for removing a Chairperson and deputy Mayor from office

1. At a meeting that is in accordance with this clause, a territorial authority or regional council may remove its Chairperson, deputy Chairperson, or deputy Mayor from office.
2. If a Chairperson, deputy Chairperson, or deputy mayor is removed from office at that meeting, the territorial authority or regional council may elect a new Chairperson, deputy Chairperson, or deputy mayor at that meeting.
3. A meeting to remove a Chairperson, deputy Chairperson, or deputy Mayor may be called by:
 - (a) a resolution of the territorial authority or regional council; or
 - (b) a requisition in writing signed by the majority of the total membership of the territorial authority or regional council (excluding vacancies).
4. A resolution or requisition must:
 - (a) specify the day, time, and place at which the meeting is to be held and the business to be considered at the meeting; and
 - (b) indicate whether or not, if the Chairperson, deputy Chairperson, or deputy Mayor is removed from office, a new Chairperson, deputy Chairperson, or deputy Mayor is to be elected at the meeting if a majority of the total membership of the territorial authority or regional council (excluding vacancies) so resolves.
5. A resolution may not be made and a requisition may not be delivered less than 21 days before the day specified in the resolution or requisition for the meeting.
6. The chief executive must give each member notice in writing of the day, time, place, and business of any meeting called under this clause not less than 14 days before the day specified in the resolution or requisition for the meeting.
7. A resolution removing a Chairperson, deputy Chairperson, or deputy Mayor carries if a majority of the total membership of the territorial authority or regional council (excluding vacancies) votes in favour of the resolution.

cl. 18 Schedule 7, LGA 2002.

Appendix 9: Workshops

Definition of workshop

Workshops, however described, provide opportunities for members to discuss particular matters, receive briefings and provide guidance for officials. Workshops are not meetings and cannot be used to either make decisions or come to agreements that are then confirmed without the opportunity for meaningful debate at a formal meeting.

Application of standing orders to workshops

Standing orders do not apply to workshops and briefings. The Chairperson or workshop organisers will decide how the workshop, briefing or working party should be conducted.

Calling a workshop

Workshops, briefings and working parties may be called by:

- (a) a resolution of the local authority or its committees
- (b) the Mayor,
- (c) a committee Chairperson or
- (d) the chief executive.

Process for calling workshops

The chief executive will give at least 24 hours' notice of the time and place of the workshop and the matters to be discussed at it. Notice may be given by whatever means are reasonable in the circumstances. Any notice given must expressly:

- (a) state that the meeting is a workshop
- (b) advise the date, time and place
- (c) confirm that the meeting is primarily for the provision of information and discussion, and will not make any decisions or pass any resolutions.

Public notice of a workshop is not required and workshops can be either open to the public or public excluded.

Appendix 10: Sample order of business

Open section

- (a) Apologies
- (b) Declarations of interest
- (c) Confirmation of minutes
- (d) Leave of absence
- (e) Acknowledgements and tributes
- (f) Petitions
- (g) Public input
- (h) Local and/or community board input
- (i) Extraordinary business
- (j) Notices of motion
- (k) Reports of committees
- (l) Reports of local and/or community boards
- (m) Reports of the chief executive and staff
- (n) Mayor, deputy Mayor and elected members' reports (information)

Public excluded section

- (o) Reports of committees
- (p) Reports of the chief executive and staff
- (q) Mayor, deputy Mayor and elected members' reports (information)

Appendix 11: Process for raising matters for a decision

Matters requiring a decision may be placed on an agenda of a meeting by a:

- report of chief executive
- report of a Chairperson
- report of a committee
- report of a community and/or local board
- notice of motion from a member.

Where a matter is urgent and has not been placed on an agenda, it may be brought before a meeting as extraordinary business by a:

- report of chief executive
- report of Chairperson

Although out of time for a notice of motion, a member may bring an urgent matter to the attention of the meeting through the meeting chair.

Schedule of Meetings for 2019

Trim No.: 2078492

Executive Summary

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

Circulated separately to the agenda is a planner for 2019 showing the proposed meeting dates for Council and the Corporate and Operations Committee, also included are possible dates for Audit and Risk, Te Manawhenua Forum and Waharoa (Matamata) Aerodrome Committee though each committee will confirm their meeting dates. Also included are known Local Government NZ commitments to ensure no clash.

The schedule outlined in the below table follows a similar schedule to that used this year, with the overall pattern of meetings set as:

- Council meet monthly every 2nd Wednesday, with extra meetings for hearings and adoption of documents as required.
- Corporate and Operations Committee (COC) meet monthly every 4th Wednesday.
- Audit and Risk Committee meet quarterly on Tuesday, based on respective Council meeting but always in October before Annual Report adoption.
- Te Manawhenua Forum meet quarterly on 1st Tuesday.
- Waharoa (Matamata) Aerodrome Committee meet three times a year on the third or fourth Thursday of a month.

MONTH	COUNCIL	CORPORATE & OPERATIONS
January	30 th - TBC	
February	13 th	27 th
March	13 th	27 th
April	10 th	24 th - TBC
May	8 th & 15 th (hearing)	22 nd
June	12 th & 26 th (Annual Plan adoption)	26 th
July	10 th	24 th
August	14 th	28 th
September	11 th	25 th
October	2 nd	-
November	6 th (swearing in) & 13 th	27 th
December	4 th	11 th - TBC

Recommendation

That:

1. The information be received.
2. Council confirm and adopt its meeting schedule for Council and Corporate and Operations Committee for 2019.
3. Meeting dates to be provided to respective Committees.

Issues

Have proposed the first meeting of the year in January on the 30th.

The April 2019 COC meeting falls on the Wednesday between two statutory holiday days, Easter Monday and ANZAC Day on Thursday. Council to consider if the meeting is required for COC in April or moved, however there is no Wednesday following this in April and if it is brought forward one week, the meeting will be the week immediately after the Council meeting of 10 April.

Council is also asked to consider whether two meetings are required in December, have proposed the same format as 2018 with Council on the first Wednesday and COC on the second Wednesday of December.

Any meeting scheduled after swearing in of new Council on 6 November 2019 would be subject to change by that Council.

Attachments

There are no attachments for this report.

Signatories

Author(s)	Vicky Oosthoek Committee Secretary	
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Approved by	Sandra Harris Acting Strategic Policy Manager	
	Don McLeod Chief Executive Officer	

Delegations - Various Acts

Trim No.: 2078706

Executive Summary

Under Clause 32(1) of Schedule 7 of the Local Government Act 2002, Council may delegate its statutory powers and functions. As part of a legislative review it is necessary to review and update Council's existing delegations relating to Council's powers under the various pieces of legislation.

Recommendation

That:

1. Council adopts the amended delegations as set out in the attached delegation document;
2. All previous delegations be revoked; and
3. Where any currently adopted delegations to Council staff refer to a position title and the name of the position title has subsequently changed 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 in the name of the previous position title are and shall be effective for the position holder of the new position title.

Content

Background

The Delegations Policy and delegations on committees, warranted and statutory was present to the Audit and Risk Committee at its meeting of 9 October 2018 and the Committee had no feedback on the delegations prior to Council adopting the Delegations 2018.

Delegations/Warrants of Appointment

Proposed delegations including the updated delegations policy are circulated separately.

Additions have been underlined in red, and deletions have been ~~struck through in red~~.

It is recommended that where:

- (a) any currently adopted delegations to Council staff refer to a position title; and
- (b) the name of the position title has subsequently changed without substantial changes being made to the position holder's job description (in respect of the function to which the delegation relates); then

any current delegations in the name of the previous position title are and shall be effective for the position holder of the new position title.

Warrants of Appointment issued to staff are currently being updated to reflect changes. Staff position title changes are continually changing and updated.

Issues

Amendments made to Delegations Policy and Register 2018 include:

- Delegation Policy - wording/legislation updates.
- Committee delegations - updated to reflect operational processes and appointments made.
- Financial delegations - updated as per details supplied from HR on staffing changes.
- Warrant and Statutory - Keys amended to reflect staff tier levels and position titles updated/added including notations about Hauraki District Council restrictions on exercising powers, removing reference to LGA section 183 and the Forest and Rural Fires Act 1977 as legislative change gave delegation rights to Fire and Emergency NZ.
- Statutory delegations – reviewed alongside legislative compliance checklist. Food Act 2014 and Local and Electoral Act 2001 delegations added. Reference added to delegations set in MPDC policy documents through LGA section 102 and removing reference to LGA section 183 as legislative change gives delegation rights to Fire and Emergency NZ. An internal review of statutory delegations is underway (identifying the need to include the Public Bodies Leases Act 1969 in the review) and will be completed and reported on in 2019.

Analysis

Legal and statutory requirements

Section 48 of the Local Government Act 2002 provides that delegations must be carried out in accordance with Part 1 of Schedule 7 to that Act. Clause 32(1) of Part 1 to Schedule 7 of the Local Government Act 2002 provides that, for the purposes of efficiency and effectiveness in conduct of a local authority's business, a local authority may delegate to a committee or other subordinate decision-making body, or member or officer of the local authority of its responsibilities, duties, or powers excepting the powers specified under paragraphs (a)-(f) of that sub-clause. None of the powers proposed to be delegated in the delegation document are powers that come within these exceptions and therefore these delegations comply with Section 48 of the Local Government Act 2002.

Impact on policy and bylaws

There is no impact on policy and bylaws. These delegations provide the framework within which Council may exercise its powers under the Act in accordance with its Class 4 Gambling Policy.

Impact on significance policy

This issue is not considered significant in terms of Council's significance policy.

Attachments

[A](#). Delegation Policy and Delegation Register 2018 (showing amendments to 11 October 2017 adopted document) - to Council 14 November 2018

Signatories

Author(s)	Vicky Oosthoek Committee Secretary	
Approved by	Sandra Harris Acting Strategic Policy Manager	
	Don McLeod Chief Executive Officer	

Delegation Policy and Delegation Register 201~~8~~7

Department	Corporate and Legal Services
Policy Type	Internal
Trim Reference	15/7396 Current Delegations
Resolution Date	11 October 2017 14 November 2018
Review Frequency	Ongoing as required by Council or legislative changes
Review Date	Ongoing
Policy Supersedes	Delegation Policy and Register 201 6 7

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Delegation Policy

Background

This document sets out the policy for the Matamata-Piako District Council for delegations of responsibilities, powers and duties to a range of different parties as provided for in the Local Government Act 2002 (the Act) and other legislation.

Objectives

The objectives of this Policy are twofold - to provide a framework which:

- provides for the delegation of powers to create efficient and effective decision-making within Council;
- allows Council to concentrate on the delegations (or the decision not to delegate matters) of greatest magnitude and risk.

The above objectives will enable Council to consistently determine all delegations that it makes.

Policy

Efficient and effective decision making

The volume and diversity of decisions that need to be made and the powers that are required to be exercised for the operation and development of the district means that elected members do not have the capacity to undertake all these functions. The role of Council is to develop the set of policies and manage the policy settings that govern the individual decisions and exercise of powers of those to whom the detailed decision making has been delegated.

Part of good management practice is to encourage delegation of decision making to the lowest competent level, and it is Council's policy to do so. This will best utilise the Council's resources and promote the development of effective people. However, the emphasis is on competency, as those with responsibility for a task or function should always have the training and authority to carry it out effectively. Those with authority should always be responsible and accountable for its wise use.

Managing risk

Delegations do not remove from the Council or management ultimate accountability for the affairs of the Council. Poor decision making can expose Council to significant risks. Council has identified the following 'top five risks' which are to be considered by Council and staff when making a delegation:

- whether the delegation could allow a decision that would be significantly inconsistent with the Long Term Plan, Annual Plan or other legislative requirements;
- whether the delegation would allow a decision that involves a governance matter, for example setting of external policies and plans for the organisation;
- whether there is a risk of significant additional unbudgeted costs to Council (for example in excess of agreed contractual obligations);
- whether there is a significant risk associated with litigation (either exposure to or commencement of on);
- whether there is a significant risk of controversy or reputational damage to the organisation.

Council's policy is to retain or restrict the delegation of decision making on matters where it considers the above to be a real risk to the organisation.

Guidance

When making delegations to give effect to this Policy, Council and staff will give consideration to the following matters:

Efficient and effective decision making

- When making a delegation, the delegator must give consideration to the nature of the decisions to be made, or powers or duties to be undertaken under the delegation.
- It is expected that matters of governance, including the development and approval of external policy will sit at a governance level.
- The lowest competent level means the lowest position within the Council hierarchy that has adequate skills to undertake the delegated powers, duties or responsibilities.
- The assessment of the adequacy of skills will be made by the Executive Team or Third Tier Manager in association with the proposed delegate and will include the assessment of the knowledge, skills, understanding of any relevant legislation, attitude and experience of the holder of the office of the proposed delegate.
- It is the responsibility of the Executive Team or Third Tier Manager to ensure that the holder of the office with the delegation has the competencies required for the delegation.

Managing risk

- Delegations should distinguish between those necessary to facilitate ordinary operations in the district and matters that are extraordinary or carry high risk.
- Matters that should be considered extraordinary or as carrying high risk in particular are those identified in this policy, however this is not an exhaustive list, and matters should also be considered in light of Council's Risk Management Policy.
- In general, matters relating to civil litigation will not be delegated by Council.
- In general matters relating to litigation associated with the enforcement of regulatory matters should be restricted to the Chief Executive and relevant Executive Team member(s).
- Delegations which carry a higher risk should be clearly identified in the delegation tables.

Delegation categories

The categories of delegation have been identified below, as detailed in the following sections. Whilst the differentiation between some of these categories is imprecise, the separation is useful in identifying the different responsibilities that are delegated to different areas of the Council structure, the different levels and types of accountability appropriate for each and the different parties to whom delegations have been made.

- Powers retained by Council
- Mayoral Powers
- Committee delegations
- Hearings Commission delegations
- Financial delegations
- Warranted officer appointments
- Statutory delegations

Relevant legislation

The Council has extensive powers of delegation under the Act. These powers are limited only to those items excluded under sub-clause 1. The preparatory work on those items may be delegated, but Council must make the final decision.

Clause 32 of Schedule 7 to the Act is the primary legislative authority that empowers the Council to make delegations. It provides as follows:

- (1) *Unless expressly provided otherwise in this Act, or in any other Act, for the purposes of efficiency and effectiveness in the conduct of a local authority's business, a local authority may delegate to a committee or other subordinate decision-making body, Community Board, or member or officer of the local authority any of its responsibilities, duties, or powers except—*
 - (a) *the power to make a rate; or*
 - (b) *the power to make a bylaw; or*
 - (c) *the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term ~~Council community~~ plan; or*
 - (d) *the power to adopt a long-term ~~Council community~~ plan, annual plan, or annual report; or*
 - (e) *the power to appoint a ~~chief executive~~CEO; or*
 - (f) *the power to adopt policies required to be adopted and consulted on under this Act in association with the long-term ~~Council community~~ plan or developed for the purpose of the local governance statement; or*
 - (g) *[repealed]*
 - (h) *the power to adopt a remuneration and employment policy.*
- (2) *Nothing in this clause restricts the power of a local authority to delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority the power to do anything precedent to the exercise by the local authority (after consultation with the committee or body or person) of any power or duty specified in sub-clause (1).*
- (3) *A committee or other subordinate decision-making body, community board, or member or officer of the local authority may delegate any of its responsibilities, duties, or powers to a subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by the local authority or by the committee or body or person that makes the **original** delegation.*
- (4) *A committee, subcommittee, other subordinate decision-making body, community board, or member or officer of the local authority to which or to whom any responsibilities, powers, or duties are delegated may, without confirmation by the local authority or committee or body or person that made the delegation, exercise or perform them in the like manner and with the same effect as the local authority could itself have exercised or performed them.*
- (5) *A local authority may delegate to any other local authority, organisation, or person the enforcement, inspection, licensing, and administration related to bylaws and other regulatory matters.*
- (6) *A territorial authority must consider whether or not to delegate to a community board if the delegation would enable the community board to best achieve its role.*
- (7) *To avoid doubt, no delegation relieves the local authority, member, or officer of the liability or legal responsibility to perform or ensure performance of any function or duty.*

- (8) *The delegation powers in this clause are in addition to any power of delegation a local authority has under any other enactment.*

Implementation procedure

Guidance on the process for creating delegations is contained in Promapp.

Audience

- Staff
- Councillors
- Mayor
- Community

Authorisation

Authorised by: Don McLeod
Chief Executive
Matamata-Piako District Council

Delegation Register

Powers retained by Council

Council retains the following non-delegable powers.

- the power to make a rate;
- the power to make a bylaw;
- the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan or annual plan;
- the power to adopt a long-term plan, annual plan, or annual report;
- the power to appoint a Chief Executive;
- 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;
- the power to adopt a remuneration and employment policy.

Mayoral Powers

Section 41A of the Act provides the following Role and Powers of Mayors

- 1) *The role of a mayor is to provide leadership to:*
 - a) *the other members of the territorial authority; and*
 - b) *the people in the district of the territorial authority.*
- 2) *Without limiting subsection (1), it is the role of a mayor to lead the development of the territorial authority's plans (including the long-term plan and the annual plan), policies, and budgets for consideration by the members of the territorial authority.*
- 3) *For the purposes of subsections (1) and (2), a mayor has the following powers:*
 - a) *to appoint the deputy mayor;*
 - b) *to establish committees of the territorial authority;*
 - c) *to appoint the chairperson of each committee established under paragraph (b), and, for that purpose, a mayor—*
 - i) *may make the appointment before the other members of the committee are determined; and*
 - ii) *may appoint himself or herself.*
- 4) *However, nothing in subsection (3) limits or prevents a territorial authority from—*
 - a) *removing, in accordance with clause 18 of Schedule 7, a deputy mayor appointed by the mayor under subsection (3)(a); or*
 - b) *discharging or reconstituting, in accordance with clause 30 of Schedule 7, a committee established by the mayor under subsection (3)(b); or*
 - c) *appointing, in accordance with clause 30 of Schedule 7, 1 or more committees in addition to any established by the mayor under subsection (3)(b); or*
 - d) *discharging, in accordance with clause 31 of Schedule 7, a chairperson appointed by the mayor under subsection (3)(c).*
- 5) *A mayor is a member of each committee of a territorial authority.*
- 6) *To avoid doubt, a mayor must not delegate any of his or her powers under subsection (3).*
- 7) *To avoid doubt,—*
 - a) *clause 17(1) of Schedule 7 does not apply to the election of a deputy mayor of a territorial authority unless the mayor of the territorial authority declines to exercise the power in subsection (3)(a);*
 - b) *clauses 25 and 26(3) of Schedule 7 do not apply to the appointment of the chairperson of a committee of a territorial authority established under subsection (3)(b) unless the mayor of the territorial authority declines to exercise the power in subsection (3)(c) in respect of that committee.*

Committee delegations

These functions are delegated to provide for the efficient and effective provision of Council's governance responsibilities and the operation of Council. Delegations under this category include:

- setting policy and monitoring performance for a set of functions,
- consulting with the community on proposals and options,
- hearing submissions from community members under the consultative procedures,
- approving expenditure that exceeds the delegated authority of officers.

Council shall review its governance structure immediately following each triennial election. Council's current Committee structure and delegations are set out below, these may be updated from time to time.

The Corporate and Operations Committee

The Mayor has established the Corporate and Operations Committee. The members of the Corporate and Operations Committee are the Mayor and all Councillors.

The Chair of the Committee shall be established at the time of the triennial elections, and may be changed as circumstances require.

Council hereby delegates all of its responsibilities, duties and powers to the Corporate and Operations Committee except:

- the power to make a rate;
- the power to make a bylaw;
- the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan;
- the power to adopt a long-term plan, annual plan, or annual report;
- the power to appoint a Chief Executive;
- 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;
- the power to adopt a remuneration and employment policy;
- all of the responsibilities, duties and powers that are delegated by Council to the Hearings Commission.

The District Licensing Committee

The Council is required to establish a District Licensing Committee under the Sale and Supply of Alcohol Act 2012.

The Chair and Deputy Chair of the Committee shall be established at the time of the triennial elections, and may be changed as circumstances require. Any further appointments shall be made to the District Licensing Committee in accordance with the Sale and Supply of Alcohol Act 2012. 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.

The Audit and Risk Committee

The Mayor has established the Audit and Risk Committee. The membership of the Committee shall be:

- the Mayor
- five Councillors
- an Independent Chairperson

The member Councillors and Chair of the Committee shall be established at the time of the triennial elections, and may be changed as circumstances require.

Council delegates to the Audit and Risk Committee the role of ensuring Council has appropriate risk management and internal and financial control systems and that the Audit and Risk Committee be requested to propose a work programme for consideration by Council for the fulfillment of this delegation.

Te Manawhenua Forum Mo Matamata-Piako Committee

The Council has established the Te Manawhenua Forum Mo Matamata-Piako Committee. The membership of the Committee shall be established at the time of the triennial elections and updated from time to time as follows:

- the Mayor
- the Deputy Mayor
- a principle and alternate representative from
 - Ngāti Haua
 - Ngāti Maru
 - Ngāti Paoa
 - Raukawa
 - Ngāti Rahiri Tumutumu
 - Ngāti Whanaunga
 - Ngāti Hinerangi

Ngāti Tamatera has the ability to join the Committee. Council delegates to the Te Manawhenua Forum Mo Matamata-Piako Committee those functions agreed to under the Heads of Agreement between Matamata-Piako District Council and the Te Manawhenua Mo Matamata-Piako Committee.

Waharoa (Matamata) Aerodrome Committee

The establishment of the Waharoa (Matamata) Aerodrome Committee is provided for under the Ngāti Haua Settlement Act 2014. The following Elected Members are established (under statute) as members of the Waharoa (Matamata) Aerodrome Committee:

- the Mayor
- the Deputy Mayor

A third appointment shall be made by Council following each triennial election. Three members shall be appointed under statute to the Waharoa (Matamata) Aerodrome Committee by the Trustees of the Ngāti Haua Iwi Trust. The Waharoa (Matamata) Aerodrome Committee has the powers set out in its enabling legislation, the Ngāti Haua Settlement Act 2014, and shall carry out the functions of the Waharoa (Matamata) Aerodrome Committee under that Act. Council has provided no further delegations to the Waharoa (Matamata) Aerodrome Committee.

Chief Executive Officer Performance Committee

The Mayor has established the Chief Executive Officer Performance Committee by

- the Mayor
- the Deputy Mayor
- three Councillors

The member Councillors and Chair of the Committee shall be established at the time of the triennial elections, and may be changed as circumstances require. Council delegates to the Chief Executive Officer Performance Committee the authority to undertake a review of the performance

and remuneration of the Chief Executive Officer **and based upon the review findings make a remuneration offer** on an annual basis in accordance with the Chief Executive Officer's employment agreement.

Waikato Civil Defence Emergency Management Group Joint Committee

The Mayor is 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

~~The Mayor and~~ Councillor Brian Hunter **with delegated authority to act for the Mayor and Councillor Kevin Tappin** are appointed as Council's representatives on the Thames Valley Civil Defence Emergency Management Group.

Council have appointed Julian Snowball, Manager/Controller of the Thames Valley Emergency Operating Area, to act as a Local Controller for the Matamata-Piako District Council.

Council's representatives are granted delegated authority to commit to action and expenditure on behalf of the Council within approved budgets.

Regional Land Transport Committee

The Mayor is appointed as Council's representative on the Regional Land Transport Committee and in the absence of the Mayor, Councillor James Thomas is appointed as her alternate.

Regional Triennial Agreement Forum

The Mayor is appointed as Council's representative on the Regional Triennial Agreement Forum and in the absence of the Mayor, Councillor James Thomas is appointed as her alternative.

Hauraki Gulf Forum

Councillor Paul Cronin is appointed to the Hauraki Gulf Forum.

Waihou-Piako Catchment Sub-committee

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

Waikato Plan Joint Committee

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

Local Government New Zealand: Zone 2

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

Hauraki Rail Trail Charitable Trust

Shaun O'Neill is the Matamata-Piako District Council Trustee for the Hauraki Rail Trail Charitable Trust.

Waikato Spatial Plan

The Deputy Mayor of the Hauraki District Council is appointed as Council's representative on the Leadership Committee.

Hearings Commission delegations

Council has established the Hearings Commission. The membership of the Commission shall be established at the time of the triennial elections and updated from time to time as follows:

- Up to five Councillors with one Councillor appointed as Chairperson.

Resource Management Act 1991

Hearing Commissioners who are acting in a capacity under the Resource Management Act 1991 must be appropriately accredited in order to exercise the following delegations.

Council has delegated to not less than two (2) 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 (RMA), except:

- the approval of proposed policy statements or plans or any change to a policy statement or plan;
- the hearing of resource consent applications where a conflict of interest exists;
- where a joint hearing is held with Waikato Regional Council;
- where legislation requires a certain appointment process for Hearings Commissioners;
- where requirements under the RMA for commissioners and/or a chairperson to have appropriate qualifications mean that an independent commissioner must be appointed;
- where Council's hearings commission prefer to opt out either because of the technical or other nature of the application; or
- where none of Council's hearing commissioners is available to hold a hearing within the statutory timeframe.

Where one or more of the above circumstances exists, Council delegates to one or more Independent Hearing Commissioner(s) appointed by the Group Manager Community Development Group Manager Business Services, the Group Manager Service Delivery or Chief Executive Officer, the power to hear and determine all applications that are within Council's functions, powers and duties under the RMA, except the approval of proposed policy statements or plans or any change to a policy statement or plan.

Council has delegated 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:

- in accordance with section 99 of the RMA, a resolution has been reached by all parties prior to the hearing; or
- in accordance with section 100 the RMA, the Applicant and all persons who have made a submission advises that they do not wish to be heard; or
- in accordance with section 357 of the RMA, any person who has made an objection advises that they do not wish to be heard.

Dog Control Act 1996

Council has delegated to not less than two (2) members of the Hearings Commission the power to hear and determine all objections under the Dog Control Act 1996 to:

- a probationary owner classification;
- a disqualified owner classification;
- a menacing dog classification;
- a dangerous dog classification.

Building Act 2004

Council has delegated to not less than two (2) members of the Hearings Commission the power to hear and determine all applications pursuant to-section 67A of the Building Act 2004.

Gambling Act 2003

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 (2) 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.

Financial delegations

These are delegations of powers and responsibilities to facilitate the effective and efficient financial management of the Council.

The Council delegates to the Chief Executive Officer the ability to sub-delegate purchasing authority to Council staff in accordance with the Delegations Policy and to update amend financial delegations below from time to time on this basis.

Where any currently adopted delegations to Council staff refer to a position title and the name of the position title has subsequently changed 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 in the name of the previous position title are and shall be effective for the position holder of the new position title.

Purchasing authority \$	Position	Council	Eteam	Third tier	Fourth tier	Fifth tier
Unlimited	Council <i>NB provided that Council has given due consideration to its decision-making and long term planning requirements under the Act.</i>	X				
	Corporate and Operations Committee <i>NB provided that the Committee has given due consideration to its decision-making and long term planning requirements under the Act.</i>	X				
500,000.00 or as authorised by Council resolution	Chief Executive Officer		X			
200,000.00	Group Manager Service Delivery <i>NB Authority to approve payments on behalf of the CEO in his absence*</i>		X			
100,000.00	Kaimai Consultants Manager			X		
50,000.00	Group Manager Business Support <i>NB Authority to approve payments on behalf of the CEO in his absence*</i>		X			
	Group Manager Community Development <i>NB Authority to approve payments on behalf of the CEO in his absence*</i>		X			
	Asset Manager Strategy and Policy			X		
	Team Leader Projects				X	
	Team Leader Contracts (vacant)				X	
	Coordinator Operations & Projects					X
40,000.00	Kaimai Valley Services Manager			X		
35,000.00	Information & Technology Manager			X		
25,000.00	Finance & Business Services Manager			X		
20,000.00	Engineering Officer - Roading					X
	Senior Contract Supervisor - Roading					X
	Design Engineer - Roading					X

Purchasing authority \$	Position	Council	Eteam	Third tier	Fourth tier	Fifth tier
	Road Asset Engineer					X
	Property Maintenance Supervisor					X
	Urban Consents Engineer (vacant)					X
	Utilities Engineer (vacant)					X
15,000.00	Water Operations Manager				X	
	Wastewater Operations Manager				X	
	Business Operations Manager				X	
	Works Manager				X	
	Wastewater Operations Controller Team Leader (vacant)					X
	Kaimai Consultants Officer					X
	Senior Utilities Engineer - Assets					X
	Community Parks and Facilities Planner					X
	Utilities Asset Engineer					X
10,000.00	Mayor <i>NB Applies only to the expenditure of the Mayoral fund budget as identified in the LTP/Annual Plan each year, currently \$10,000.</i>	X				
	Councillors (by majority by ward) <i>NB Applies only in accordance with the Community Ward Grants policy and budget as identified in the LTP/Annual Plan each year.</i>	X				
	Facilities Operations Manager			X		
	Human Resources Manager (including acting)			X		
	District Planner			X		
	Corporate Strategy Manager (including Acting Strategic Policy Manager)			X		
	Parks & Reserves Operations Manager				X	
	Communications Manager				X	
	Asset Systems Team Leader				X	
	Projects Engineer - Roading					X
	Design Engineer - Utilities					X
	KVS Technical Advisor					X
	Senior Communications Officer					X
5,000.00	District Library Manager			X		
	Building Control Manager			X		
	Health & Safety/Quality Manager			X		
	Customer Services Manager			X		
	Swim Zone Matamata and Morrinsville Facility Manager				X	
	Swim Zone Te Aroha Facility Manager				X	
	Te Aroha Mineral Spas Facility Manager				X	
	Customer Services Supervisor - TA				X	
	Information Team Leader				X	
	Deputy Finance Manager				X	

Purchasing authority \$	Position	Council	Eteam	Third tier	Fourth tier	Fifth tier
	KVS Office Manager (vacant)				X	
	Financial Accountant					X
	HR Advisor (including Acting)					X
	Facilities Operations Advisor					X
	Asset Systems Officer					X
	HR Administration Officer (fixed term)					X
	Surveyor					X
	Property Services Officer					X
	Graphic Designer					X
	Executive Assistant to Mayor					X
	Assets Project Management Officer Asset Management Project Coordinator					X
	HR Administration Officer (vacant)					X
	EA to Group Manager Service Delivery					X
	Online Services Developer					X
3,000.00	Customer Services Supervisor - MM & MV				X	
	Payroll Officer					X
2,500.00	Community Librarian - Morrinsville				X	
	Communications Administration Officer Graduate Communications Officer					X
	Swim Zone Te Aroha Team Leader					X
2,000.00	Wastewater Operations Controller (vacant)					X
	Health & Safety Facilitator					X
	Depot & Fleet Officer					X
1,500.00	Quality Coordinator					X
	Committee Secretary					X
1,000.00	Animal Control Manager				X	
	Facilities Operations Administration Assistant					X
	Acting Senior Policy Planner					X
	Policy Planner (inclusive graduate Senior)					X
	Acting Policy Officer					X
	Corporate Strategy Administration Officer (fixed term)					X
	Consents Engineer (Support) (vacant)					X
	Parks and Reserves Team Leader					X
	Health & Safety Administration Officer					X
	Engineering Administrator					X
	Works Team Leader					X
	Reticulation Team Leader					X
500.00	Te Aroha i-SITE Visitor Centre Manager				X	
	Swim Zone Matamata Team Leader				X	X
	Community Librarian - Matamata				X	

Purchasing authority \$	Position	Council	Eteam	Third tier	Fourth tier	Fifth tier
	Library Team Leader – Te Aroha				X	
	Systems & Network Administrator					X
	GIS Administrator					X
	Planning Officer					X
	Animal Control Officer					X
	IT Support Officer					X
	Planning Administration Officer					X
	Te Aroha i-SITE - Information Advisor					X
	Administration Team Leader (KVS)					X
	KVS Workflow Administration					X
	KVS Administration Officer					X
	Property Maintenance Assistant					X
	Planning & Environmental Health Administration Officer					X
	Building Control Administration Officer					X
	Building Compliance Officer					X
00.00	Assistant Accountant					X
	Financial Assistant					X
	Financial Officer					X
	Customer Services & Administration Advisor					X
	Librarian – Collections Support					X
	Senior Librarian					X
	Librarian					X
	Records Officer					X
	KVS Office Clerk					X

Item

Attachment A

* The Chief Executive Officer shall be considered absent if:

- s/he is at a course/conference/meeting, on annual leave or incapacitated, for more than 24 hours; or
- the position is vacant.

Warrants of Appointment delegations

These are delegations of powers and responsibilities for warranted powers exercised on behalf of Council.

The Council has delegated to the Chief Executive Officer the ability to warrant Council staff in accordance with the Delegations Policy and to update/amend warranted appointments below from time to time on this basis.

Key to position titles/department groups	
Eteam	
GMCD	Group Manager Community Development
GMSD	Group Manager Service Delivery
Third tier	
AMSP	Asset Manager Strategy & Policy
BCM	Building Control Manager
CSM	Customer Services Manager
DP	District Planner
KCM	Kaimai Consultants Manager
KVSM	Kaimai Valley Services Manager
HSQM	Health & Safety/Quality Manager
Fourth tier	
ACM	Animal Control Manger
BCTL	Building Control Team Leader
CSS	Customer Services Supervisor
PROM	Parks & Reserves Operations Manager
TLC	Team Leader Contracts
TLP	Team Leader Projects
TLRC	Team Leader Resource Consents
WOM	Water Operations Manager
WWOM	Wastewater Operations Manager
WM	Works Manager
Fifth tier (inclusive contractors)	
ACO	Animal Control Officer
APMO	Assets Project Management Officer (fixed term)
BCompO	Building Compliance Officer
BCO	Building Control Officer (inclusive senior)
CFP	Community Facilities Planner
COP	Coordinator Operations & Projects

CP	Consent Planner (inclusive of graduate)
CSA	Customer Services Advisor (inclusive of senior)
EA	Engineering Administrator
EHO	Environmental Health Officer
EOR	Engineering Officer - Roothing
EPP	Environmental Policy Planner
HSF	Health & Safety Facilitator
KC	Kaimai Consultants (Engineers, Surveyors, Property Services Officers)
KCO	Kaimai Consultants Officer
KVSW	Kaimai Valley Services Workers
KVSTA	Kaimai Valley Services Technical Advisor
MO	Monitoring Officer
MALO	Monitoring & Alcohol Licensing Officer
MEO	Monitoring & Engineering Officer
PMS	Property Maintenance Supervisor
PP	Policy Planner (inclusive of graduate)
RAE	Roothing Assets Engineer
RTL	Reticulation Team Leader
SCSR	Senior Contract Supervisor - Roothing
SUEA	Senior Utilities Engineer - Assets
WTL	Works Team Leader
	Contractors:
CR	Contractor - Roothing
EHOHDC	Environmental Health Officer Hauraki District Council Note: delegations can only be exercised in accordance with the current shared services agreement between MPDC and HDC
NCC	Noise Control Contractor
GMPEHDC	Group Manager Planning & Environmental Services Hauraki District Council Note: delegations can only be exercised in accordance with the current shared services agreement between MPDC and HDC
RSMHDC	Regulatory Services Manager Hauraki District Council
SSSWCM	Shared Services Solid Waste Contract Manager
ACSC	Animal Control Security Contractor

Local Government Act 2002		Eteam	Third tier	Fourth tier	Fifth tier
An authorised person pursuant to section 174 of the Local Government Act 2002	<p>Power to enter any land or building (other than a dwelling house) pursuant to sections 171 of the Local Government Act 2002 for the purposes of contracted work.</p> <p><i>171 General power of entry</i> <i>(1) For the purpose of doing anything that the local authority is empowered to do under this Act or any other Act, a local authority may enter any land or building other than a dwellinghouse....</i> <i>(4) If a local authority exercises the power under subsection (1) to enter unoccupied land or unoccupied buildings, the local authority must notify the owner—</i> <i>(a) not less than 24 hours in advance of the intended entry if it is reasonably practicable to do so; or</i> <i>(b) as early as reasonably practicable, whether before or after entry has been made.</i> <i>(5) This section does not limit section 172 or section 173.</i></p>				CR
Enforcement Officer pursuant to section 174 and 177 of the Local Government Act 2002	<p>Power to seize and impound property pursuant to sections 164-166 of the Local Government Act 2002</p> <p><u>These powers shall only be exercised with the approval of the CEO or a group manager.</u></p> <p><i>164 Seizure of property not on private land</i> <i>(1)An enforcement officer may seize and impound property that is not on private land if—</i> <i>(a)the property is materially involved in the commission of an offence; and</i> <i>(b)it is reasonable in the circumstances to seize and impound the property; and</i> <i>(c)before seizing and impounding the property, the enforcement officer—</i> <i>(i)directed (orally or in writing) the person committing the offence to stop committing the offence; and</i> <i>(ii)has advised (orally or in writing) the person committing the offence that, if he or she does not stop committing the offence, the enforcement officer has power to seize and impound the property; and</i> <i>(iii)provided the person with a reasonable opportunity to stop committing the offence.</i></p> <p><i>165 Seizure of property from private land</i> <i>(1) An issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) may issue a warrant authorising an enforcement officer to enter private property involved in the commission of an offence, and seize and impound property.</i></p> <p><i>166 Conditions for exercise of warrant to seize property on private land</i> <i>(1) An enforcement officer executing a warrant issued under section 165(1) must be accompanied by a constable.</i></p>	GMCD GMSD	AMSP BCM CSM DP KCM KVSM	ACM BCTL CSS PROM TLC TLP TLRC	ACO BCO CFP CP CSA EHO EOR EPP KC KCO KVSTA MALO MEO MO PMS PP SCSR SUEA WM SSSWCM ACSC

Local Government Act 2002		Eteam	Third tier	Fourth tier	Fifth tier
	<p>Power to enter private land pursuant to sections 171-173 of the Local Government Act 2002</p> <p><u>These powers shall only be exercised with the approval of the CEO or a group manager.</u></p> <p><i>171 General power of entry</i> (1) For the purpose of doing anything that the local authority is empowered to do under this Act or any other Act, a local authority may enter any land or building other than a dwellinghouse.... (4) If a local authority exercises the power under subsection (1) to enter unoccupied land or unoccupied buildings, the local authority must notify the owner— (a) not less than 24 hours in advance of the intended entry if it is reasonably practicable to do so; or (b) as early as reasonably practicable, whether before or after entry has been made. (5) This section does not limit section 172 or section 173.</p> <p><i>172 Power of entry for enforcement purposes</i> (1) A warranted enforcement officer may enter land for the purpose of detecting a breach of a bylaw or the commission of an offence against this Act if the officer has reasonable grounds for suspecting that a breach of the bylaw or the commission of the offence has occurred or is occurring on the land. (2) Before exercising the power in subsection (1), the officer must, if practicable, give reasonable notice to the occupier of the land of the intention to exercise the power, unless the giving of notice would defeat the purpose of entry. (3) The power in subsection (1) to enter a dwellinghouse must not be exercised unless— (a) the entry is authorised by a warrant given by an issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) on application made in the manner provided for an application for a search warrant in subpart 3 of Part 4 of that Act; and (b) when exercising the power, the enforcement officer is accompanied by a constable.</p> <p><i>173 Power of entry in cases of emergency</i> (1) A local authority may, for the purpose of doing anything that it is authorised to do under this Act or any other enactment, enter occupied land or buildings without giving prior notice, if— (a) there is a sudden emergency causing or likely to cause— (i) loss of life or injury to a person; or (ii) damage to property; or (iii) damage to the environment; or (b) there is danger to any works or adjoining property. (2) The provisions of Part 4 of the Search and Surveillance Act 2012 (except subparts 2 and 3, and sections 118 and 119) apply.</p>	GMCD GMSD	AMSP BCM CSM DP KCM KVSM	ACM BCTL CSS PROM TLC TLP TLRC WOM WWOM	<p>ACO APBCO BCO CFP CP CSA EHO EOR EPP KC KCO KVSTA KVSW MALO MEO MO PMS PP RTL SCSR SUEA WTL</p> <p>SSSWCM ACSC</p>

Local Government Act 2002		Eteam	Third tier	Fourth tier	Fifth tier
	Power of enforcement pursuant to section 177 of the Local Government Act 2002 in relation to offences under the Local Government Act 2002	GMCD GMSD	AMSP BCM CSM DP KCM KVSM	ACM BCTL CSS PROM TLC TLP	ACO BCO CFP CP CSA ECCPM EHO EOR EPP KC KCO KVSTA MALO MEO MO PMS PP SCP SCSR SUEA <u>BCompO</u> SSSWCM <u>ACSC</u>
	<p>Power of enforcement pursuant to section 177 of the Local Government Act 2002 in relation to offences against bylaws made under the Local Government Act 2002</p> <p><i>177 Appointment of enforcement officer</i> <i>(1)A local authority may appoint persons to be enforcement officers in the district or region of the local authority in relation to any offence under this Act, including, without limitation,—</i> <i>(a)offences against bylaws made under this Act;</i> <i>(b)infringement offences provided for by regulations made under section 259.</i> <i>(2)A local authority must issue warrants in writing to enforcement officers appointed under this section, specifying—</i> <i>(a)the responsibilities and powers delegated to them; and</i> <i>(b)the infringement offences in relation to which they are appointed.</i> <i>(3)An enforcement officer must produce his or her warrant and evidence of identity whenever reasonably required to do so by any person.</i> <i>(4)Enforcement officers may exercise the power to seize an object under section 164.</i></p>		AMSP BCM CSM DP KCM KVSM	ACM BCTL CSS PROM TLC TLP TLRC	ACO BCO CFP CP CSA EHO EOR EPP KC KCO KVSTA MALO MEO MO PMS PP SCSR SUEA BCompO SSSWCM ACSC

Local Government Act 2002		Eteam	Third tier	Fourth tier	Fifth tier
	<p>Power to direct a person to give information pursuant to section 178 of the Local Government Act 2002</p> <p><i>178 Enforcement officers may require certain information</i> <i>If an enforcement officer believes on reasonable grounds that a person is committing or has committed an offence under this Act, the officer may direct the person to give—</i> <i>(a) his or her name and address; and</i> <i>(b) the name and address and whereabouts of any other person connected in any way with the alleged offence.</i></p>	GMCD GMSD	AMSP BCM CSM DP KCM KVSM	ACM BCTL CSS PROM TLC TLP	ACO BCO CFP CP CSA EHO EOR EPP KC KCO KVSTA MALO MEO MO PMS PP SCSR SUEA SSSWCM BCompO ACSC
	<p>Power to enter any land or building (excluding dwelling houses) to check utility services pursuant to section 182 of the Local Government Act 2002</p> <p><i>182 Power of entry to check utility services</i> <i>(1) An enforcement officer of a local authority may enter any land or building (but not a dwellinghouse) for the purpose of ascertaining whether—</i> <i>(a) water supplied from any waterworks or water race to any land or building is being wasted or misused; or</i> <i>(b) any drainage works on any land are being misused; or</i> <i>(c) any appliance or equipment associated with a local authority utility service on the land is in a condition that makes it dangerous to life or property.</i> <i>(2) The power under subsection (1) may only be exercised if the enforcement officer—</i> <i>(a) believes on reasonable grounds that the circumstances in any of paragraph (a), paragraph (b), or paragraph (c) of that subsection exist; and</i> <i>(b) the local authority gives reasonable notice to the occupier of the land or building of the intention to exercise the power.</i> <i>(3) If an enforcement officer is refused entry or obstructed when exercising the power in subsection (1), the local authority may restrict the water supply to the land or building, as provided for in section 193.</i></p>		AMSP BCM CSM DP KCM KVSM	ACM BCTL CSS PROM TLC TLP WOM WWOM	ACO APMO BCO CFP CP CSA EHO EOR EPP KC KCO KVSTA KVSW MALO MEO MO PMS PP RTL SCP SCSR SUEA WTL

Local Government Act 2002		Eteam	Third tier	Fourth tier	Fifth tier
	<p>Power to require the removal of fire hazards pursuant to section 183 of the Local Government Act 2002</p> <p><i>183 Removal of fire hazards (1) A territorial authority may, by notice in writing, require the occupier or (if there is no occupier) the owner of land to cut down, eradicate, or remove any growth on the land or to remove or destroy any matter on the land if the growth or matter is likely to become a source of danger from fire</i></p>	GMCD GMSD	<p>AMSP BCM CSM DP KCM KVSM</p>	<p>ACM BCTL CSS PROM TLC TLP TLRG</p>	<p>ACO BCO CFP CP CSA EHO EOR EPP KC KCO KVSTA MALO MEO MO PMS PP SCSR SUEA</p>
	<p>Power to issue infringement notices pursuant to section 245 of the Local Government Act 2002</p> <p><i>245 Issue of infringement notices (1) An infringement notice may be served on a person if an enforcement officer— (a) observes a person committing an infringement offence; or (b) has reasonable cause to believe that an infringement offence is being or has been committed by that person. (2) An infringement notice not relating to a breach of an alcohol ban may be served— (a) by an enforcement officer (not necessarily the person who issued the notice) personally delivering it (or a copy of it) to the person alleged to have committed the infringement offence concerned; or (b) by post addressed to that person's last known place of residence or business.</i></p>		<p>AMSP BCM CSM DP KCM KVSM</p>	<p>ACM BCTL CSS PROM TLC TLP TLRC</p>	<p>ACO BCO CFP CP CSA EHO EOR EPP KC KCO KVSTA MALO MEO MO PMS PP SCSR SUEA</p>

Local Government Act 2002		Eteam	Third tier	Fourth tier	Fifth tier
	Power to enforce Matamata-Piako District Council bylaws	GMCD GMSD	AMSP BCM CSM DP KCM KVSM	ACM BCTL CSS PROM TLC TLP TLRC	ACO APMO BCO CFP CP CSA EHO EOR EPP KC KCO KVSTA MALO MEO MO PMS PP SCSR SUEA BCompO SSSWCM
	Power to enforce Hauraki District Council bylaws				SSSWCM
	Power to enforce Thames-Coromandel District Council bylaws				SSSWCM

Resource Management Act 1991		Eteam	Third tier	Fourth tier	Fifth tier
Enforcement Officer pursuant to section 38 of the Resource Management Act 1991	<p>Power to direct a person to give information pursuant to section 22 of the Resource Management Act 1991</p> <p><i>22 Duty to give certain information</i> <i>(1) This section applies when an enforcement officer has reasonable grounds to believe that a person (person A) is breaching or has breached any of the obligations under this Part.</i> <i>(2) The enforcement officer may direct person A to give the officer the following information:</i> <i>(a) if person A is a natural person, his or her full name, address, and date of birth;</i> <i>(b) if person A is not a natural person, person A's full name and address.</i> <i>(3) The enforcement officer may also direct person A to give the officer the following information about a person (person B) on whose behalf person A is breaching or has breached the obligations under this Part:</i> <i>(a) if person B is a natural person, his or her full name, address, and date of birth;</i> <i>(b) if person B is not a natural person, person B's full name and address.</i></p>	GMCD GMSD	AMSP BCM DP KCM	BCTL TLC TLP TLRC	BCO CFP COP CP EHO EOR EPP KC KVSTA MO MALO MEO PP RAE SCSR SUEA
Enforcement Officer pursuant to section 38 of the Resource Management Act 1991	<p>Power to issue and serve an abatement notice pursuant to section 322 of the Resource Management Act 1991.</p> <p><i>322 Scope of abatement notice</i> <i>(1) An abatement notice may be served on any person by an enforcement officer—</i> <i>(a) requiring that person to cease, or prohibiting that person</i></p>	GMCD GMSD	AMSP BCM DP KCM	BCTL TLC TLP TLRC	BCO CFP COP CP EHO EOR

Management Act 1991	<p>from commencing, anything done or to be done by or on behalf of that person that, in the opinion of the enforcement officer,—</p> <p>(i)contravenes or is likely to contravene this Act, any regulations, a rule in a plan, or a resource consent; or</p> <p>(ii)is or is likely to be noxious, dangerous, offensive, or objectionable to such an extent that it has or is likely to have an adverse effect on the environment:</p> <p>(b)requiring that person to do something that, in the opinion of the enforcement officer, is necessary to ensure compliance by or on behalf of that person with this Act, any regulations, a rule in a plan or a proposed plan, or a resource consent, and also necessary to avoid, remedy, or mitigate any actual or likely adverse effect on the environment—</p> <p>(i)caused by or on behalf of the person; or</p> <p>(ii)relating to any land of which the person is the owner or occupier:</p> <p>(c)requiring that person, being—</p> <p>(i)an occupier of any land; or</p> <p>(ii)a person carrying out any activity in, on, under, or over a water body or the water within the coastal marine area,— who is contravening section 16 (which relates to unreasonable noise) to adopt the best practicable option of ensuring that the emission of noise from that land or water does not exceed a reasonable level.</p> <p>(2)Where any person is under a duty not to contravene a rule in a proposed plan under sections 9, 12(3), 14(2), or 15(2), an abatement notice may be issued to require a person—</p> <p>(a)to cease, or prohibit that person from commencing, anything done or to be done by or on behalf of that person that, in the opinion of the enforcement officer, contravenes or is likely to contravene a rule in a proposed plan; or</p> <p>(b)to do something that, in the opinion of the enforcement officer, is necessary in order to ensure compliance by or on behalf of that person with a rule in a proposed plan.</p> <p>(3)An abatement notice may be made subject to such conditions as the enforcement officer serving it thinks fit.</p> <p>(4)An abatement notice shall not be served unless the enforcement officer has reasonable grounds for believing that any of the circumstances in subsection (1) or subsection (2) exist.</p>				<p>EPP</p> <p>KC</p> <p>KVSTA</p> <p>MO</p> <p>MALO</p> <p>MEO</p> <p>PP</p> <p>RAE</p> <p>SCSR</p> <p>SUEA</p>
Enforcement Officer pursuant to section 38 of the Resource Management Act 1991	Power of entry pursuant to section 323 of the Resource Management Act 1991	<p>GMCD</p> <p>GMSD</p>	<p>AMSP</p> <p>BCM</p> <p>DP</p> <p>KCM</p>	<p>BCTL</p> <p>TLC</p> <p>TLP</p>	<p>BCO</p> <p>CFP</p> <p>COP</p> <p>CP</p> <p>ECCPM</p> <p>EHO</p> <p>EOR</p> <p>EPP</p> <p>KC</p> <p>KVSTA</p> <p>MO</p> <p>MALO</p> <p>MEO</p> <p>PP</p> <p>RAE</p> <p>SCP</p> <p>SCSR</p> <p>SUEA</p>
Enforcement Officer pursuant to section 38 of	Power to issue excessive noise direction pursuant to section 327 of the Resource Management Act 1991	<p>GMCD</p> <p>GMSD</p>	<p>AMSP</p> <p>BCM</p> <p>DP</p> <p>KCM</p>	<p>BCTL</p> <p>TLC</p> <p>TLP</p> <p>TLRC</p>	<p>BCO</p> <p>CFP</p> <p>COP</p> <p>CP</p>

the Resource Management Act 1991	<p>327 Issue and effect of excessive noise direction <i>(1)Any enforcement officer, or any constable acting upon the request of an enforcement officer, who—</i> <i>(a)has received a complaint that excessive noise is being emitted from any place; and</i> <i>(b)upon investigation of the complaint, is of the opinion that the noise is excessive,—</i> <i>may direct the occupier of the place from which the sound is being emitted, or any other person who appears to be responsible for causing the excessive noise, to immediately reduce the noise to a reasonable level.</i> <i>(2)A direction under subsection (1) may be given in writing or orally.</i> <i>(3)Every direction under subsection (1) shall prohibit the person to whom it is given, and every other person bound by the direction, from causing or contributing to the emission of excessive noise from or within the vicinity of the place at any time during the period of 72 hours or such shorter period as the enforcement officer or constable specifies, commencing at the time the direction is given.</i> <i>(4)The powers under this section are in addition to the powers under sections 322 to 325 to issue abatement notices relating to unreasonable noise and to seek an enforcement order under section 316.</i></p>				<p>EHO EOR EPP KC KVSTA MO MALO MEO PP RAE SCSR SUEA</p> <p>NCC</p>
Enforcement Officer pursuant to section 38 of the Resource Management Act 1991	<p>Power of entry pursuant to section 328 of the Resource Management Act 1991</p> <p>328 Compliance with an excessive noise direction <i>(1)Every person who is given a direction under section 327 shall immediately comply with the direction.</i> <i>(2)Every person who knows or ought to know that a direction under section 327 has been given in respect of a particular place shall comply with that direction as if he or she were the recipient of it, while on or in the vicinity of that place.</i> <i>(3)If a person against whom an excessive noise direction is made fails to comply immediately with the notice, an enforcement officer (accompanied by a constable), or a constable may enter the place without further notice and—</i> <i>(a)seize and remove from the place; or</i> <i>(b)render inoperable by the removal of any part from; or</i> <i>(c)lock or seal so as to make unusable—</i> <i>any instrument, appliance, vehicle, aircraft, train, or machine that is producing or contributing to the excessive noise.</i> <i>(4)Where a direction under section 327 is unable to be given because there is no person occupying the place from which the sound is being emitted or the occupier of the place cannot reasonably be identified, and there is no other person who appears to be responsible for causing the excessive noise, an enforcement officer (accompanied by a constable) or a constable may enter the place without notice and—</i> <i>(a)seize and remove from the place; or</i> <i>(b)render inoperable by the removal of any part from; or</i> <i>(c)lock or seal so as to make unusable—</i> <i>any instrument, appliance, vehicle, aircraft, train, or machine that is producing or contributing to the excessive noise.</i> <i>(5)Where any enforcement officer or constable enters any place under subsection (4), he or she must leave in that place, in a prominent position,—</i> <i>(a)a copy of the relevant written excessive noise direction issued under section 327; and</i> <i>(b)a written notice stating—</i> <i>(i)the date and time of the entry;</i> <i>(ii)the name of the person in charge of the entry;</i> <i>(iii)the actions taken to ensure compliance with the excessive noise direction;</i> <i>(iv)the address of the office at which inquiries may be made in relation to the entry.</i></p>	<p>GMCD GMSD</p>	<p>AMSP BCM DP KCM</p>	<p>BCTL TLC TLP TLRC</p>	<p>BCO CFP COP CP EHO EOR EPP KC KVSTA MO MALO MEO PP RAE SCSR SUEA</p> <p>NCC</p>

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	<p>(6)Any enforcement officer or constable exercising any power under this section may use such assistance as is reasonably necessary.</p> <p>(7)Any constable may, in exercising any power under this section, use such force as is reasonable in the circumstances.</p>				
Enforcement Officer pursuant to section 38 of the Resource Management Act 1991	<p>Power to take steps (accompanied by a constable) pursuant to section 328 of the Resource Management Act 1991 when there is a failure to comply with an excessive noise direction</p> <p><i>328 Compliance with an excessive noise direction</i></p> <p>(1) <i>Every person who is given a direction under section 327 shall immediately comply with the direction.</i></p> <p>(2) <i>Every person who knows or ought to know that a direction under section 327 has been given in respect of a particular place shall comply with that direction as if he or she were the recipient of it, while on or in the vicinity of that place.</i></p> <p>(3) <i>If a person against whom an excessive noise direction is made fails to comply immediately with the notice, an enforcement officer (accompanied by a constable), or a constable may enter the place without further notice and—</i></p> <p>(a) <i>seize and remove from the place; or</i></p> <p>(b) <i>render inoperable by the removal of any part from; or</i></p> <p>(c) <i>lock or seal so as to make unusable—</i> <i>any instrument, appliance, vehicle, aircraft, train, or machine that is producing or contributing to the excessive noise.</i></p> <p>(4) <i>Where a direction under section 327 is unable to be given because there is no person occupying the place from which the sound is being emitted or the occupier of the place cannot reasonably be identified, and there is no other person who appears to be responsible for causing the excessive noise, an enforcement officer (accompanied by a constable) or a constable may enter the place without notice and—</i></p> <p>(a) <i>seize and remove from the place; or</i></p> <p>(b) <i>render inoperable by the removal of any part from; or</i></p> <p>(c) <i>lock or seal so as to make unusable—</i> <i>any instrument, appliance, vehicle, aircraft, train, or machine that is producing or contributing to the excessive noise.</i></p> <p>(5) <i>Where any enforcement officer or constable enters any place under subsection (4), he or she must leave in that place, in a prominent position,—</i></p> <p>(a) <i>a copy of the relevant written excessive noise direction issued under section 327; and</i></p> <p>(b) <i>a written notice stating—</i></p> <p>(i) <i>the date and time of the entry:</i></p> <p>(ii) <i>the name of the person in charge of the entry:</i></p> <p>(iii) <i>the actions taken to ensure compliance with the excessive noise direction:</i></p> <p>(iv)</p>	GMCD GMSD	AMSP BCM DP KCM	BCTL TLC TLP TLRC	BCO CFP COP CP ECCPM EHO EOR EPP KC KVSTA MO MALO MEO PP RAE SCSR SUEA NCC

	<p>the address of the office at which inquiries may be made in relation to the entry.</p> <p>(6) Any enforcement officer or constable exercising any power under this section may use such assistance as is reasonable</p>				
Enforcement Officer pursuant to section 38 of the Resource Management Act 1991	<p>Power of entry (including dwelling house when accompanied by a Constable) pursuant to section 330 of the Resource Management Act 1991</p> <p>These powers shall only be exercised with the approval of the CEO or a group manager.</p> <p>330 Emergency works and power to take preventive or remedial action (1)Where— (a)any public work for which any person has financial responsibility; or (b)any natural and physical resource or area for which a local authority or consent authority has jurisdiction under this Act; or (c)any project or work or network utility operation for which any network utility operator is approved as a requiring authority under section 167; or (ca)any service or system that any lifeline utility operates or provides— is, in the opinion of the person, authority, network utility operator, or lifeline utility, affected by or likely to be affected by— (d)an adverse effect on the environment which requires immediate preventive measures; or (e)an adverse effect on the environment which requires immediate remedial measures; or (f)any sudden event causing or likely to cause loss of life, injury, or serious damage to property— the provisions of sections 9, 12, 13, 14, and 15 shall not apply to any activity undertaken by or on behalf of that person, authority, network utility operator, or lifeline utility to remove the cause of, or mitigate any actual or likely adverse effect of, the emergency. (1A)Subsection (1) applies whether or not the adverse effect or sudden event was foreseeable. (2)Where a local authority or consent authority— (a)has financial responsibility for any public work; or (b)has jurisdiction under this Act in respect of any natural and physical resource or area— which is, in the reasonable opinion of that local authority or consent authority, likely to be affected by any of the conditions described in paragraphs (d) to (f) of subsection (1), the local authority or consent authority by its employees or agents may, without prior notice, enter any place (including a dwellinghouse when accompanied by a constable) and may take such action, or direct the occupier to take such action, as is immediately necessary and sufficient to remove the cause of, or mitigate any actual or likely adverse effect of, the emergency.</p>			BCTL TLC TLP TLRC	BCO CFP COP CP EHO EOR EPP KC KVSTA MO MALO MEO PP RAE SCSR SUEA
Enforcement Officer pursuant to section 38 of the Resource Management Act 1991	<p>Power of entry (excluding dwelling house) for inspection and collection of samples pursuant to section 332 of the Resource Management Act 1991</p> <p>These powers shall only be exercised with the approval of the CEO or a group manager.</p>			BCTL TLC TLP TLRC	BCO CFP COP CP EHO EOR EPP KC

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	<p>332 Power of entry for inspection <i>(1)Any enforcement officer, specifically authorised in writing by any local authority or consent authority to do so, may at all reasonable times go on, into, under, or over any place or structure, except a dwellinghouse, for the purpose of inspection to determine whether or not—</i> <i>(a)this Act, any regulations, a rule of a plan, a resource consent, section 10 (certain existing uses protected), or section 10A (certain existing activities allowed), or section 20A (certain lawful existing activities allowed) is being complied with; or</i> <i>(b)an enforcement order, interim enforcement order, abatement notice, or water shortage direction is being complied with; or</i> <i>(c)any person is contravening a rule in a proposed plan in a manner prohibited by any of sections 9, 12(3), 14(1), 15(2), and 15(2A).</i> <i>(d)[Repealed]</i> <i>(2)For the purposes of subsection (1), an enforcement officer may take samples of water, air, soil, or organic matter.</i> <i>(2A)Where a sample is taken under subsection (2), an enforcement officer may also take a sample of any substance that the enforcement officer has reasonable cause to suspect is a contaminant of any water, air, soil, or organic matter.</i> <i>(3)Every enforcement officer who exercises any power of entry under this section shall produce for inspection his or her warrant of appointment and written authorisation upon initial entry and in response to any later reasonable request.</i> <i>(4)If the owner or occupier of a place subject to inspection is not present at the time of the inspection, the enforcement officer shall leave in a prominent position at the place or attached to the structure, a written notice showing the date and time of the inspection and the name of the officer carrying out the inspection.</i> <i>(5)An enforcement officer may not enter, unless the permission of the landowner is obtained, any land which any other Act states may not be entered without that permission.</i></p>				<p>KVSTA MO MALO MEO PP RAE SCSR SUEA</p>
<p>Enforcement Officer pursuant to section 38 of the Resource Management Act 1991</p>	<p>Power of entry (excluding dwelling house) for surveys, investigations, tests, or measurements pursuant to section 333 of the Resource Management Act 1991</p> <p>333 Power of entry for survey <i>(1)For any purpose connected with the preparation, change, or review of a policy statement or plan, any enforcement officer specifically authorised in writing by any local authority or consent authority to do so, may do all or any of the following:</i> <i>(a)carry out surveys, investigations, tests, or measurements:</i> <i>(b)take samples of any water, air, soil, or vegetation:</i> <i>(c)enter or re-enter land (except a dwellinghouse),— at any reasonable time, with or without such assistance, vehicles, appliances, machinery, and equipment as is reasonably necessary for that purpose.</i> <i>(1A)[Repealed]</i> <i>(2)Reasonable written notice shall be given to the occupier of land to be entered under subsection (1)—(a)that entry on to the land is authorised under this section:</i> <i>(b)of the purpose for which entry is required:</i> <i>(c)how and when entry is to be made.</i></p>			<p>BCTL TLC TLP TLRC</p>	<p>BCO CFP COP CP EHO EOR EPP KC KVSTA MO MALO MEO PP RAE SCSR SUEA</p>
<p>Enforcement Officer pursuant to section 38 of</p>	<p>Power to execute warrant pursuant to section 335 of the Resource Management Act 1991</p> <p>335Direction and execution of warrant for entry for search</p>			<p>BCTL TLC TLP TLRC</p>	<p>BCO CFP COP CP</p>

the Resource Management Act 1991	(1)Every warrant under section 334 shall be directed to and executed by— (a)any specified constable; or (b)any specified enforcement officer when accompanied by a constable; or (c)generally, every constable; or (d)generally, every enforcement officer when accompanied by a constable.				EHO EOR EPP KC KVSTA MO MALO MEO PP RAE SCSR SUEA
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Item 10.3

Building Act 2004		Eteam	Third tier	Fourth tier	Fifth tier
Authorised Officer pursuant to section 222 of the Building Act 2004;	Power, at all times during normal working hours or while building work is being carried out: (a) to inspect: (i) land on which building work is or is proposed to be carried out; and (ii) building work that has been or is being carried out on or off the building site; and (iii) any building; and (b) to enter premises for: (i) the purpose of inspecting the building; or (ii) the purpose of determining whether the building is dangerous, earthquake prone, or insanitary within the meaning of subpart 6 of the Building Act 2004.	GMCD	BCM DP	BCTL	BCO EHO MALO MEO MO BCompO
Enforcement Officer pursuant to sections 370 and 371B of the Building Act 2004	Power to issue infringement notices under section 371A, 371B and 372 of the Building Act 2004 <i>372 Issue of infringement notices</i> (1)An infringement notice may be served on a person if an enforcement officer— (a)observes the person committing an infringement offence; or (b)has reasonable cause to believe that an infringement offence is being or has been committed by that person. (2)An infringement notice may be served— (a)by an enforcement officer (not necessarily the person who issued the notice) personally delivering it (or a copy of it) to the person alleged to have committed the infringement offence; or (b)by post addressed to the person's last known place of residence or business. (3)An infringement notice sent to a person under subsection (2)(b) must be treated as having been served on that person when it was posted.				

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Health Act 1956		Eteam	Third tier	Fourth tier	Fifth tier
Environmental Health Officer pursuant to sections 23 and 28 of the Health Act 1956	<p>Power to carry out all of the functions of an Enforcement officer pursuant to sections 23 and 28 of the Health Act 1956</p> <p><i>23 General powers and duties of local authorities in respect of public health</i> <i>Subject to the provisions of this Act, it shall be the duty of every local authority to improve, promote, and protect public health within its district, and for that purpose every local authority is hereby empowered and directed—</i> <i>(a) to appoint all such environmental health officers and other officers and servants as in its opinion are necessary for the proper discharge of its duties under this Act:</i> <i>(b) to cause inspection of its district to be regularly made for the purpose of ascertaining if any nuisances, or any conditions likely to be injurious to health or offensive, exist in the district:</i> <i>(c) if satisfied that any nuisance, or any condition likely to be injurious to health or offensive, exists in the district, to cause all proper steps to be taken to secure the abatement of the nuisance or the removal of the condition:</i> <i>(d) subject to the direction of the Director-General, to enforce within its district the provisions of all regulations under this Act for the time being in force in that district:</i> <i>(e) to make bylaws under and for the purposes of this Act or any other Act authorising the making of bylaws for the protection of public health:</i> <i>(f) to furnish from time to time to the medical officer of health such reports as to diseases, drinking water, and sanitary conditions within its district as the Director-General or the medical officer of health may require.</i></p> <p><i>Section 28 relates to the technical aspects of appointing a health officer.</i></p>	GMCD	DP		<p>EHO MALO MEO MO</p> <p>RSMHDC* EHOHDC*</p> <p>Note: delegations can only be exercised in accordance with the current shared services agreement between MPDC and HDC</p>

Health Act 1956		Eteam	Third tier	Fourth tier	Fifth tier
	<p>Power to, without further warrant, take a person failing to comply with an inform or neglected persons order and place them in the custody of the Medical Superintendent or manager or other person in charge of such hospital or institution</p> <p><i>126 Infirm and neglected persons</i> <i>(1) If any aged, infirm, incurable, or destitute person is found to be living in insanitary conditions or without proper care or attention, a District Court may, on the application of the medical officer of health, make an order for the committal of that person to any appropriate hospital or institution available for the reception of such persons.</i> <i>(2) An order under this section may be made in respect of any such person who habitually lives in any such conditions as aforesaid, notwithstanding that at the time of the application or of the order he may have been temporarily removed from such conditions or such conditions may have been temporarily remedied.</i> <i>(3) If any person in respect of whom an order is made under this section refuses to comply with that order, any environmental health officer under this Act or any constable may, without further warrant than this section, take that person and place him in the custody of the Medical Superintendent or manager or other person in charge of such hospital or institution as aforesaid, who shall have authority to detain him pursuant to the order of committal.</i></p>				
	<p>Power to abate nuisance without notice pursuant to section 34 of the Health Act 1956</p> <p><i>34 Power to abate nuisance without notice</i> <i>(1) Where by reason of the existence of a nuisance on any premises within the district of any local authority immediate action for the abatement of the nuisance is necessary in the opinion of the engineer or environmental health officer of the local authority, the engineer or environmental health officer, with such assistants as may be necessary, and without notice to the occupier, may enter on the premises and abate the nuisance.</i> <i>(2) All expenses incurred in the abatement of a nuisance under this section shall be recoverable from the owner or the occupier of the premises in respect of which they are incurred, as a debt due to the local authority.</i></p>				

Health Act 1956		Eteam	Third tier	Fourth tier	Fifth tier
	<p>Power to disinfect premises and destroy infected articles pursuant to sections 81 and 83 of the Health Act 1956</p> <p><i>81 Power of local authority to disinfect premises Where the local authority is of opinion that the cleansing or disinfection of any premises or of any article is necessary for preventing the spread or limiting or eradicating the infection of any infectious disease, the local authority may authorise any environmental health officer, with or without assistants, to enter on the premises and to carry out such cleansing and disinfection.</i></p> <p><i>83 Infected articles may be destroyed Where any article dealt with by a local authority or any environmental health officer under section 81 or section 82 is of such a nature that it cannot be effectively disinfected, the local authority or environmental health officer may cause the article to be destroyed.</i></p> <p>Power to require a person to state their name and address pursuant to section 134 of the Health Act 1956</p>				
<p>Authorised Officer pursuant to sections 42, 45 and 128 of the Health Act 1956</p>	<p>Power to carry out the functions of an Authorised Officer to require repairs, issue and determine a closing order pursuant to sections 42 and 45 of the Health Act 1956</p> <p><i>A Local authority may require repairs and issue closing order for any dwellinghouse within that district is, by reason of its situation or insanitary condition, likely to cause injury to the health of any persons therein, or otherwise unfit for human habitation.</i></p> <p>Power to at all reasonable times enter any dwelling house, building, land, ship, or other premises and inspect the same, and may execute thereon any works authorised under or pursuant the Health Act 1956 pursuant to section 128 of the Health Act 1956</p> <p><u>These powers shall only be exercised with the approval of the CEO or a group manager.</u></p> <p><i>128 Power of entry and inspection For the purposes of this Act any medical officer of health, or any health protection officer, or any other person authorised in writing in that behalf by the medical officer of health or by any local authority, may at all reasonable times enter any dwellinghouse, building, land, ship, or other premises and inspect the same, and may execute thereon any works authorised under or pursuant to this Act.</i></p>				

Food Act 2014		Eteam	Third tier	Fourth tier	Fifth tier
Food Safety Officer and Authorised Officer pursuant to the Food Act 2014	Power to carry out all of the functions and duties of Matamata-Piako District Council pursuant to sections 173 and 174 of the Food Act 2014				<p>EHO</p> <p>RSMHDC*</p> <p>EHOHDC*</p> <p>GMPEHDC*</p> <p>Note: delegations can only be exercised in accordance with the current shared services agreement between MPDC and HDC</p>
<p>173 Functions of territorial authority</p> <p>(1) A territorial authority has the following functions:</p> <p>(a) to perform the function of a registration authority;</p> <p>(b) to manage and train its staff to carry out functions and activities in relation to this Act;</p> <p>(c) to manage verification functions (including acting as a recognised agency) in relation to certain food control plans and national programmes, and as otherwise provided for under this Act;</p> <p>(d) to investigate non-compliance and complaints regarding the safety and suitability of food in relation to food control plans or, as the case may be, food businesses subject to national programmes registered by the territorial authority, or to investigate any other matters;</p> <p>(e) to instigate appropriate corrective and preventative actions for matters described in paragraph (d);</p> <p>(f) to enable its food safety officers to enforce the applicable requirements of this Act;</p> <p>(g) to respond to recalls and to respond in an emergency situation;</p> <p>(h) to disseminate information and provide advice promoting the safety and suitability of food to food businesses and the public;</p> <p>(i) to perform administrative functions relating to this Act, including—</p> <p>(i) gathering information;</p> <p>(ii) receiving applications for registration of food control plans and of food businesses subject to national programmes;</p> <p>(iii) transferring information to the Ministry;</p> <p>(iv) if requested under section 184(1)(b), reporting to the chief executive;</p> <p>(j) in relation to its district, to carry out monitoring and information-gathering activities for the purpose of ascertaining compliance with the applicable requirements of this Act;</p> <p>(k) to perform any other function relevant to its role.</p> <p>(2) A territorial authority may, by written agreement, combine with 1 or more other territorial authorities for the purpose of performing the function of a registration authority referred to in subsection (1)(a) in the combined district of the territorial authorities that are parties to the agreement.</p> <p>(3) If 2 or more territorial authorities have combined under subsection (2), they may designate any of them as the territorial authority responsible for performing the function of a registration authority for the combined district.</p> <p>(4) A territorial authority may not contract out any of the following functions, except to another territorial authority:</p> <p>(a) the function of a recognised agency; and</p> <p>(b) any of the functions referred to in subsection (1)(a) and (d) to (h).</p> <p>(5) A territorial authority may not contract out the function referred to in subsection (1)(c) to a person who is not recognised to carry out that function under this Act.</p> <p>(6) If a territorial authority contracts out 1 or more of its functions, it continues to have responsibility for that function.</p>					
<p>174 Duties of territorial authority</p> <p>A territorial authority must—</p> <p>(a) take all reasonable steps to ensure it has adequate resources and capability to carry out its role, functions, and duties and to exercise its powers under this Act;</p> <p>(b) take all reasonable steps to ensure its functions, duties, and powers under this Act are managed, performed, and exercised in accordance with any relevant national outcomes issued under section 175;</p> <p>(c) take all reasonable steps to ensure that relevant persons who are employed or engaged by the territorial authority are able to carry out their functions and activities under this Act, including verification, investigation, and enforcement activities;</p> <p>(d) take all reasonable steps to ensure that relevant persons who are employed or engaged by the territorial authority for the purposes of this Act maintain their competencies;</p> <p>(e) take all reasonable steps to ensure that any person who is employed, engaged, or used by the territorial authority is not placed in a situation that compromises his or her impartiality or independence in relation to the performance of his or her functions or activities under this Act;</p> <p>(f) monitor its performance of its functions and duties and its exercise of its powers under this Act and provide written reports on these matters to the chief executive annually or at intervals specified in a notice under section 405 (which reports must include any details specified in the notice under that section);</p> <p>(g) provide capability to respond as required in an emergency situation;</p> <p>(h) if it is being reviewed under section 185, facilitate the conduct of the review and provide any information required under section 189 by the person conducting the review;</p> <p>(i) carry out any other function, duty, or direction imposed or given by or under this Act.</p>					

Sale and Supply of Alcohol Act 2012		Eteam	Third tier	Fourth tier	Fifth tier
Inspector pursuant to section 197 of the Sale and Supply of Alcohol Act 2012 with all of the functions, powers, and duties conferred on them by or under the Sale and Supply of Alcohol Act 2012	Power to monitor licensees' compliance with the Sale and Supply of Alcohol Act 2012		DP		MALO MEO MO
	Power to issue infringement notices pursuant to section 262 of the Sale and Supply of Alcohol Act 2012 <i>262 Infringement notices</i> <i>(1) If a constable observes a person committing an infringement offence, or an inspector observes a person committing a specified infringement offence, or he or she has reasonable cause to believe that such an offence is being or has been committed by that person, an infringement notice in respect of that offence may be served on that person.</i> <i>(2) Any constable or inspector (not necessarily the person who issued the notice) may deliver the infringement notice (or a copy of it) to the person alleged to have committed an infringement offence personally or by post addressed to that person's last known place of residence.</i>				
	Power to enter licensed premises pursuant to section 267 of the Sale and Supply of Alcohol Act 2012 <i>267 Powers of entry on licensed premises</i> <i>(1) A constable or an inspector may at any reasonable time enter and inspect any licensed premises, or any part of any licensed premises, to ascertain whether the licensee is complying with the provisions of this Act and the conditions of the licence.</i> <i>(2) A constable or an inspector may at any time enter and inspect any licensed premises when he or she has reasonable grounds to believe that any offence against this Act is being committed on those licensed premises.</i> <i>(3) For the purposes of exercising the power conferred by this section, a constable or an inspector may—</i> <i>(a) require the production of any licence, or any book, notice, record, list, or other document that is required by this Act to be kept, and examine and make copies of it; and</i> <i>(b) require the licensee or manager to provide any information or assistance reasonably required by a constable or an inspector relating to any matter within the duties of the licensee or manager.</i>				

Inspector pursuant to section 197 of the Sale and Supply of Alcohol Act 2012 with all of the functions, powers, and duties conferred on them by or under the Sale and Supply of Alcohol Act 2012	Power to seize samples of alcohol from any licensed premises pursuant to section 268 of the Sale and Supply of Alcohol Act 2012	GMCD	DP		MALO MEO MO
	<p><i>268 Power to seize samples of alcohol</i></p> <p><i>(1) This section applies where a constable or inspector has entered and is conducting an inspection of any licensed premises under section 267.</i></p> <p><i>(2) If a constable or an inspector has reasonable cause to suspect that any person on the premises has committed, is committing, or is attempting to commit any offence against this Act, he or she may seize, without warrant, for the purpose of analysis, any liquid (including the container holding the liquid) in the possession of that person that is suspected of being alcohol.</i></p>				
	Power to give notice in writing give to the appropriate territorial authority details of the respects in which a building or site work is believed not to comply with the Sale and Supply of Alcohol Act 2012 pursuant to section 279 of the Sale and Supply of Alcohol Act 2012				
	Power to apply to the licensing authority for the Variation, suspension, or cancellation of licences other than special licences pursuant to section 280 of the Sale and Supply of Alcohol Act 2012				
Chief Licensing Inspector pursuant to section 197 of the Sale and Supply of Alcohol Act 2012 with all of the functions, powers, and duties conferred on them by or under the Sale and Supply of Alcohol Act 2012	Power to seize samples of alcohol from any licensed premises pursuant to section 268 of the Sale and Supply of Alcohol Act 2012				EHO
	Power to give notice in writing give to the appropriate territorial authority details of the respects in which a building or site work is believed not to comply with the Sale and Supply of Alcohol Act 2012 pursuant to section 279 of the Sale and Supply of Alcohol Act 2012				
	Power to apply to the licensing authority for the Variation, suspension, or cancellation of licences other than special licences pursuant to section 280 of the Sale and Supply of Alcohol Act 2012				

Secretary of MPDC licensing committee pursuant to section 198 of the Sale and Supply of Alcohol Act 2012	Power to carry out all of the functions and duties of a licensing committee secretary pursuant to section 198 of the Sale and Supply of Alcohol Act 2012	GMCD or in absence of above delegate to GMBS or GMSD			
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Litter Act 1979	Eteam	Third tier	Fourth tier	Fifth tier
<p>Litter Control Officer pursuant to section 5 of the Litter Act 1979</p> <p><i>7 Powers and duties of Officers</i> <i>(1)Every Officer appointed by a public authority who is for the time being in possession of his or her warrant of appointment, and every other Officer who is in possession of a warrant or other evidence of that Officer's authority to act as such, is authorised to enforce the provisions of this Act and may, without further authority than this section, summarily intervene to prevent any of the following:</i> <i>(a)the deposit or attempted deposit of litter in any public place in which the Officer is authorised to act:</i> <i>(b)the deposit or attempted deposit of litter from any such public place onto private land, if the Officer has good reason to believe the deposit or attempted deposit has been or is being made without the consent of the occupier of that private land:</i> <i>(c)the wilful damage or attempted wilful damage of any litter receptacle in any such public place.</i> <i>(2)Where any such Officer finds a person depositing litter (whether inadvertently or otherwise) in a public place in which he is authorised to act or from any such public place onto private land without the consent of the occupier of that private land, or has good cause to believe that a person has deposited litter (whether inadvertently or otherwise) in or onto any such place or land, the Officer may require that person to remove the litter from that place or land and to dispose of it in such a manner as the Officer may direct or as will not contravene the provisions of this Act.</i> <i>(3)Where any such Officer has reasonable cause to believe litter has been deposited from any motor vehicle or trailer he may require the user or owner of the motor vehicle or trailer, on that motor vehicle or trailer being stationary, to give his name and place of residence and also the name and place of residence of any other person or persons whom the Officer has reason to believe deposited litter from that motor vehicle or trailer, and the user or owner of the motor vehicle or trailer shall on such demand give the information requested.</i> <i>(4)An Officer may, if permitted or requested to do so by the occupier of any private land, enter that land if so required for the discharge of his duty</i></p>	GMCD GMSD	AMSP DP KCM KVSM	TLC TLP PROM	CFP COP EA ECCPM EHO EOR KC KCO KVSTA MALO MEO MO PMS RAE SCSR SUEA

	<p>Power to require occupier of private land to clear litter pursuant to section 10 of the Litter Control Act 1979</p> <p><i>10 Territorial authority may require occupier of private land to clear litter</i> <i>(1) Any territorial authority may serve or cause a Litter Control Officer appointed by it to serve, on its behalf, on the occupier of any private land or any land vested in or controlled by the Crown or any local authority (within the meaning of section 5(1) of the Local Government Act 2002) a notice in writing requiring the occupier, to the satisfaction of an Officer,—</i> <i>(a) to clear away, or remove, from the land; or</i> <i>(b) to clean up; or</i> <i>(c) to screen, cover, or otherwise obscure from view—such litter as may be specified in the notice within 14 days or such further time as may be so specified, being litter which, in the opinion of the territorial authority, tends to grossly deface or to defile the area in which the private land is sited.</i></p> <p>Power to issue infringement notices pursuant to section 14 of the Litter Control Act 1979</p> <p><i>14 Infringement notices</i> <i>(1) Where a Litter Control Officer observes a person committing an infringement offence or has reasonable cause to believe such an offence is being or has just been committed by that person, an infringement notice in respect of that offence may be issued to that person by that Officer.</i></p>				
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Hazardous Substances and New Organisms Act 1996	Eteam	Third tier	Fourth tier	Fifth tier
<p>Enforcement Officer and District Hazardous Substances Officer pursuant to sections 98 and 100 of the Hazardous Substances and New Organisms Act 1996</p>	<p>Power to undertake the functions of a Enforcement Officer and District Hazardous Substances Officer pursuant to the Hazardous Substances and New Organisms Act 1996</p> <p><i>The purpose of this Act is to protect the environment, and the health and safety of people and communities, by preventing or managing the adverse effects of hazardous substances and new organisms.</i></p>	<p>GMCD</p>	<p>DP</p>	<p>EHO MALO MEO MO</p> <p>RSMHD C* EHOHDC *</p> <p>Note: delegations can only be exercised in accordance with the current shared services agreement between MPDC and HDC</p>

Reserves Act 1977		Eteam	Third tier	Fourth tier	Fifth tier
Ranger pursuant to section 8 of the Reserves Act 1977	<p>Power to instruct persons to stop committing an offence pursuant to section 93 of the Reserves Act 1977</p> <p><i>93 Powers of constables, rangers, and other officers</i> (1) Any officer may summarily interfere to prevent any actual or attempted breach of this Act or of any regulation or bylaw thereunder, and he or she may require any person found offending to desist from the offence. If any person when so required continues the offence, he or she commits a further offence against this Act.</p>	GMCD	DP KCM KVSM	PROM	CFP COP EHO EOR KC MALO MEO MO RAE
	<p>Power to instruct persons to provide certain information pursuant to sections 93 and 102 of the Reserves Act 1977</p> <p><i>93 Powers of constables, rangers, and other officers</i> (2) It shall be lawful for an officer to require any person found offending against this Act or any regulation or bylaw made under this Act to disclose his or her true first name, surname, and place of abode</p> <p><i>102 Evidence of offences</i> (2) If within a reserve or in its vicinity any person is found in possession of any wood, tree, shrub, fern, plant, stone, mineral, bird, egg, nest, animal, taonga tūturu, relic, or any part of any such thing, and, upon being thereunto required by any constable or ranger or any employee of the Crown or of any administering body employed in the reserve or by any ranger appointed under the Wildlife Act 1953, fails or refuses to give a satisfactory account of the manner in which he or she became possessed of the same, he or she shall be deemed to have wilfully removed or taken the same in breach of this Act, unless he or she satisfies the court to the contrary.</p>				
	<p>Power to stop and search boats pursuant to sections 100 of the Reserves Act 1977</p> <p><i>100 Stopping and searching of boats</i> (1) Any officer who has good cause to suspect that an offence against this Act or any regulations made under section 123 or any bylaw made under section 106 has been committed on or from or in respect of any boat or by any person on any boat, he or she may, while that boat is within the territorial sea of New Zealand (as defined in section 3 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977),— (a) stop, board, and search the boat; and (b) inspect, seize, and detain any specimens of flora or fauna or rock mineral or soil or protected New Zealand objects on board which he or she has good cause to suspect of having been taken from a reserve; and (c) arrest without warrant any person whom he or she has good cause to suspect of having committed such an offence.</p>				

	<p>Power to remove and dispose of vehicles and boats pursuant to section 110 of the Reserves Act 1977</p> <p><i>110Removal and disposal of vehicles and boats (1)Any ranger, any person employed by the administering body of any reserve, or, in the case of a reserve that is not under the management and control of an administering body, any officer of the Department who has reason to believe that any vehicle or boat has been abandoned in a reserve may remove it or cause it to be removed to any place authorised for that purpose by the administering body or, as the case may be, by the Commissioner.</i></p> <p>Power to seize property pursuant to section 95 of the Reserves Act 1977</p> <p><i>95Seizure and forfeiture of property (1)Any animal or bird or the nest or egg of any bird or the body of any animal or bird, or any part thereof, or anything specified in section 94(1)(f), or any boundary mark, sign, or poster, found in the possession of any person in a reserve may be seized by any officer as defined in section 93(5), if he or she has good cause to suspect that that person in obtaining possession thereof has committed an offence against this Act.</i></p>				
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Dog Control Act 1996		Eteam	Third tier	Fourth tier	Fifth tier
Dog Control Officer pursuant to section 11 of the Dog Control Act 1996	<p>Power to enter on to land or premises pursuant to section 14 of the Dog Control Act 1996</p> <p><i>14 Power of entry</i> <i>(1)Where any dog control officer has good cause to suspect that an offence against this Act or against any bylaw made under this Act is being committed on any land or premises, the dog control officer, and all persons he or she calls to his or her assistance, may enter at any reasonable time onto the land or premises—</i> <i>(a)to inspect any dog for the time being appearing to be kept on that land or premises or to inspect the conditions in which any such dog is kept; and</i> <i>(b)if authorised under any other provision of this Act, to seize or take custody of any dog on the land or premises.</i> <i>(2)Where any dog control officer has good cause to suspect that an offence against this Act or against any bylaw made under this Act has, at any time in the preceding 6 months, been committed in respect of any dog for the time being appearing to be kept on any land or premises, the dog control officer, and all persons he or she calls to his or her assistance, may enter at any reasonable time onto the land or premises—</i> <i>(a)to inspect any dog on the land or premises; and</i> <i>(b)if authorised under any other provision of this Act, to seize or take custody of any dog on the land or premises.</i> <i>(3)Nothing in this section shall authorise any dog control officer to enter any dwellinghouse unless—</i> <i>(a)the entry is authorised by a warrant given by an issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) on application by a dog control officer in the manner provided in subpart 3 of Part 4 of the Search and Surveillance Act 2012; and</i> <i>(b)he or she is accompanied by a constable.</i></p>	GMCD		ACM	ACO ACSC

	<p>Power to request information pursuant to sections 19 and 19A of the Dog Control Act 1996</p> <p><i>19 Power of constable, dog control officer, or dog ranger to request information about owner</i> (1)A constable, dog control officer, or dog ranger may, for the purposes of this Act, request the following persons to state his or her full name, date of birth, address, telephone contact number, and place of work (if applicable): (a)any person appearing to be in charge of a dog; or (b)any person appearing to be the occupier of any land or premises on which a dog for the time being is being kept. (1A)If a person referred to in subsection (1)(a) or (b) claims not to be the owner of the dog, the person must state the name, address, and place of work of the owner of the dog (if known).</p> <p><i>19A Power of constable, dog control officer, or dog ranger to request information about dog</i> (1)A constable, dog control officer, or dog ranger may, for the purposes of this Act, request the owner of a dog to state the name, gender, and a description of the dog.</p>				
Dog Ranger pursuant to section 12 of the Dog Control Act 1996	<p>Power to issue infringement notices pursuant to section 66 of the Dog Control Act 1996</p> <p><i>66 Infringement notices</i> (1)Where a dog control officer or dog ranger has reasonable cause to believe that any person has committed an infringement offence under this Act, an infringement notice may be issued to that owner by the dog control officer or dog ranger or by any person so authorised by the territorial authority.</p>				ACO
	<p>Power to seize and impound dogs pursuant to the Dog Control Act 1996</p> <p><i>Under section 57 and 59 of the Dog Control Act 1996, dog rangers have the ability to seize dogs if they are attacking persons or animals or are at large and is an immediate disturbance or threat to any protected wildlife</i></p>				ACO ACSC

Impounding Act 1955		Eteam	Third tier	Fourth tier	Fifth tier
Pound keeper and Ranger pursuant to section 8 of the Impounding Act 1955	<p>Power to impound stock pursuant to the Impounding Act 1955</p> <p><i>The Impounding Act 1955 provides for local authorities to impound stock, operate a pound for stock and to auction uncollected stock, as well as charge fees for doing so.</i></p>	GMCD		ACM	ACO ACSC

Waste Minimisation Act 2008		Eteam	Third tier	Fourth tier	Fifth tier
Enforcement Officer pursuant to section 76 of the Waste Minimisation Act 2008	Power to ensure compliance with any regulations made under section 23(1)(a) of the Waste Minimisation Act 2008			TLC	SSSWCM
	Power to ensure compliance with any bylaw made under section 56 of the Waste Minimisation Act 2008				
	<p><i>The bylaw in relation to this section is the MPDC Solid Waste Bylaw</i></p> <p>Power to inspect property and obtain information (except a marae or dwelling house unless consent or a warrant is obtained) pursuant to sections 79 and 80 of the Waste Minimisation Act 2008</p> <p><u>These powers shall only be exercised with the approval of the CEO or a group manager.</u></p> <p><i>79 Power to inspect property and obtain information</i> <i>(1)An enforcement officer may, if he or she believes on reasonable grounds that an offence against this Act or a bylaw made under section 56 has been or is being committed,—</i> <i>(a)enter any land, building, or place at any reasonable time:</i> <i>(b)inspect and examine any property and any books, accounts, records, or documents (including records or documents held in electronic or any other form):</i> <i>(c)require any person to produce any books, accounts, records, or documents (including records or documents held in electronic or any other form) in that person's possession or under that person's control, and allow copies of or extracts from those books, accounts, records, or documents to be made or taken.</i> <i>(2)Before exercising the power in subsection (1)(a), the officer must, if practicable, give reasonable notice to the occupier of the land, building, or place of the intention to exercise the power, unless the giving of notice would defeat the purpose of the entry.</i></p> <p><i>80 Consent or warrant required to inspect dwellinghouse or marae</i> <i>(1)An enforcement officer may not exercise the power of entry under section 79(1)(a) in relation to a dwellinghouse or marae—</i> <i>(a)except with the consent of the occupier of the dwellinghouse or marae; or</i> <i>(b)unless—</i> <i>(i)authorised to do so by a warrant issued under subsection (2); and</i> <i>(ii)when exercising the power, the enforcement officer is accompanied by a constable.</i></p>				

	<p>Power to seize property not on private land pursuant to section 81 of the Waste Minimisation Act 2008</p> <p><i>81 Seizure of property not on private land</i> <i>(1)An enforcement officer may seize and impound property that is not on private land if—</i> <i>(a)the property is materially involved in the commission of an offence; and</i> <i>(b)it is reasonable in the circumstances to seize and impound the property; and</i> <i>(c)the property is in possession of a person at the time the officer proposes to seize and impound it, and before seizing and impounding it, the officer—</i> <i>(i)directs (orally or in writing) the person committing the offence to stop committing the offence; and</i> <i>(ii)advises (orally or in writing) the person committing the offence that, if he or she does not stop committing the offence, the enforcement officer has the power to seize and impound the property; and</i> <i>(iii)provides the person with a reasonable opportunity to stop committing the offence.</i> <i>(2)As soon as practicable after seizing and impounding property, an enforcement officer must give notice—</i> <i>(a)to the person in possession of the property at the time it was seized and impounded; or</i> <i>(b)to any person who the enforcement officer can ascertain is the owner of, or has an interest in, the property, if paragraph (a) does not apply.</i></p> <p>Power to seize property from private land (on issue of a warrant from an issuing officer within the meaning of section 3 of the Search and Surveillance Act 2012) pursuant to section 82 of the Waste Minimisation Act 2008</p> <p><u>These powers shall only be exercised with the approval of the CEO or a group manager.</u></p> <p><i>82 Seizure of property from private land</i> <i>(1)An issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) may issue a warrant authorising an enforcement officer to enter private land and seize and impound property materially involved in the commission of an offence.</i> <i>(2)A warrant may be issued only if—</i> <i>(a)the application for it is made in the manner provided for an application for a search warrant in subpart 3 of Part 4 of the Search and Surveillance Act 2012; and</i> <i>(b)the issuing officer is satisfied that—</i> <i>(i)the property is materially involved in the commission of an offence; and</i> <i>(ii) it is reasonable in the circumstances for the property to be seized; and</i> <i>(iii)the enforcement officer has—</i> <i>(A)directed the person committing the offence to stop committing the offence; and</i> <i>(B)advised the person that, if he or she fails to do so, the officer intends to apply for a warrant; and</i> <i>(C)given the person committing the offence a reasonable opportunity to stop committing the offence.</i></p>				
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Burial and Cremations Act 1964		Eteam	Third tier	Fourth tier	Fifth tier
Authorised Officer pursuant to section 19 of the Burial and Cremations Act 1964	<p>Power to carry out all of the functions and duties of an Authorised Officer pursuant to the Burial and Cremations Act 1964</p> <p><i>The purpose of the Burial and Cremations Act 1964 is to provide for the establishment, maintenance and regulation of cemeteries by Councils. This includes, provision of cemeteries, ensuring they are open to the public, naming and general management of cemeteries, erection of monuments etc.</i></p>		CSM KVSM	CSS PROM	CSA

Health and Safety at Work Act 2015		Eteam	Third tier	Fourth tier	Fifth tier
Authorised Health and Safety Officer	<p>Power to undertake all the duties and functions of a person conducting a business or undertaking under the Health and Safety at Work Act 2015</p> <p><i>Purpose</i> <i>(1) The main purpose of this Act is to provide for a balanced framework to secure the health and safety of workers and workplaces by—</i> <i>(a) protecting workers and other persons against harm to their health, safety, and welfare by eliminating or minimising risks arising from work or from prescribed high-risk plant; and</i> <i>(b) providing for fair and effective workplace representation, consultation, co-operation, and resolution of issues in relation to work health and safety; and</i> <i>(c) encouraging unions and employer organisations to take a constructive role in promoting improvements in work health and safety practices, and assisting PCBUs and workers to achieve a healthier and safer working environment; and</i> <i>(d) promoting the provision of advice, information, education, and training in relation to work health and safety; and</i> <i>(e) securing compliance with this Act through effective and appropriate compliance and enforcement measures; and</i> <i>(f) ensuring appropriate scrutiny and review of actions taken by persons performing functions or exercising powers under this Act; and</i> <i>(g) providing a framework for continuous improvement and progressively higher standards of work health and safety.</i> </p>		HSQM		HSF

Forest and Rural Fires Act 1977		Eteam	Third tier	Fourth tier	Fifth tier
Principal Rural Fire Officer pursuant to section 13 of the Forest and Rural Fires Act 1977	Power to carry out all of the functions and duties of a Principal Rural Fire Officer pursuant to section 36 of the Forest and Rural Fires Act 1977				EOR
	<p><i>36 Powers of Principal Fire Officers or Rural Fire Officers at fires</i></p> <p><i>For the purposes of fire control upon the outbreak of fire the Principal Fire Officer or Rural Fire Office may exercise wide ranging powers to control and extinguish fire, including entry of land or dwelling on fire, removal of vegetation, direction of fire service personnel and volunteers, shutting off of water mains, streets gas or electricity.</i></p> <p>Power to direct people regarding the maintenance of apparatus for cutting timber pursuant to section 33 of the Forest and Rural Fires Act 1977</p> <p><i>The Principal Rural Fire Officer of any district may, from time to time, by notice in writing, require that any person who is felling trees for any commercial or industrial purpose or who is producing timber in a sawmill in that district shall provide and maintain in effective working order such apparatus and observe such other requirements as may be specified by the Principal Rural Fire Officer for the purpose of fire control among the standing trees or the debris of the tree felling operations or the refuse from the sawmilling operations.</i></p>				
Rural Fire Officer pursuant to section 13 of the Forest and Rural Fires Act 1977	Power to carry out all of the functions and duties of a Rural Fire Officer pursuant to section 36 of the Forest and Rural Fires Act 1977				SCSR

Public Amenities Bylaw 2008		Eteam	Third tier	Fourth tier	Fifth tier
Cemetery Manager pursuant to Matamata-Piako District Council Public Amenities Bylaw 2008	Power to carry out all of the functions and duties of a Cemetery Manager pursuant to Matamata-Piako District Council Public Amenities Bylaw 2008			PROM	

Statutory delegations

These are delegations of powers, duties and responsibilities to facilitate the effective and efficient conduct of the Council's statutory responsibilities. Examples of the types of delegations that will be made under this category are:

- Specific obligations under legislation
- Consideration and granting of licenses and consents,
- Monitoring, compliance and enforcement of statutes, regulations and bylaws,
- Administration of regulatory and bylaw matters.

The following statutory delegations have been approved by Council. The delegations are set out in more detail in the following pages. Highlighted delegations denote matters where there is a higher risk associated with the decision making authority.

In adopting the statutory delegations Council has also resolved the following matters:

- all previous delegations under the relevant legislation are revoked
- where any currently adopted delegations to Council staff refer to a position title and the name of the position title has subsequently changed 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 in the name of the previous position title are and shall be effective for the position holder of the new position title.

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Gambling Act 2003	54 58	
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Local Authorities (Members' Interests) Act 1968	56 61	
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Sale and Supply of Alcohol Act 2012 (inclusive CEO Delegations) & Sale and Supply of Alcohol (Fees) Regulations 2013	83	99	
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Delegations – Airport Authorities Act 1966

Any local authority, with the prior consent of, and in accordance with any conditions prescribed by, the Governor-General by Order in Council, may establish, improve, maintain, operate, or manage airports (including the approaches, buildings, and other accommodation, and equipment and appurtenances for any such airports) and may acquire land for any such purpose either within or without its district or region. Any local authority empowered to carry out any undertaking under this section may carry on or cause to be carried on in connection therewith any subsidiary business or undertaking. The Matamata-Piako District Council delegates the following powers:

Key to position titles	
Eteam	
CEO	Chief Executive Officer
GMBS	Group Manager Business Support
GMCD	Group Manager Community Development
GMSD	Group Manager Service Delivery
Third tier	
ITM	Community Facilities Operations Manager
Fifth tier	
PSO	Property Services Officer

Section	Power	Eteam	Third tier	Fourth tier	Fifth tier
4	Power to improve, maintain, operate, or manage an airport, whether or not the airport was established under this Act in accordance with Council's Reserve management Plans or other Council resolution.	CEO GMBS GMCD GMSD	CFOM		PSO
6	Power to grant a lease of all or any part of any land, buildings, or installations vested in the airport authority for any purpose that will not interfere with the safe and efficient operation of the airport.	CEO GMBS GMCD GMSD	CFOM		PSO

Delegations – Building Act 2004

Key to position titles	
Eteam	
CEO	Chief Executive Officer
GMCD	Group Manager Community Development
Third tier	
BCM	Building Control Manager
CORPSM	Corporate Strategy Manager
CSM	Customer Services Manager
DP	District Planner
Fourth tier	
BCTL	Building Control Team Leader
CSS	Customer Services Supervisor
TLRC	Team Lead Resource Consents
Fifth tier (inclusive contractors)	
ASO	Assets Systems Officer
BCAO	Building Control Administration Officer
BCompO	Building Compliance Officer
BCO	Building Control Officer (inclusive senior)
CP	Consent Planner (inclusive of graduate & intermediate)
CSA	Customer Services Advisor (inclusive of Senior)
CSAA	Customer Services Administration Advisor
MALO	Monitoring & Alcohol Licensing Officer
MEO	Monitoring & Engineering Officer
MO	Monitoring Officer

Section	Power	Eteam	Third tier	Fourth tier	Fifth tier
33	Power to require information in relation to an application for a project information memorandum.	CEO GMCD	BCM CSM	BCTL CSS	BCAO BCO CSA CSAA
34 and 35	Power to issue project information memorandum.	CEO GMCD	BCM CSM	BCTL CSS	BCAO BCO CSA CSAA
36	Power to issue a development contribution notice ¹⁰²	CEO GMCD	BCM CSM	BCTL CSS	ASO BCAO BCO CSA CSAA

37	Power to issue a certificate restricting building work until issue of resource consent	CEO GMCD	BCM CSM DP	BCTL CSS TLRC	BCAO BCO CP CSA CSAA
45A	Power to grant or refuse minor variations to building consents	GMCD	BCM	BCTL	BCO
48(1) and 49	Power to grant or refuse an application for building consent	CEO GMCD	BCM	BCTL	BCO
48(2)	Power to require further reasonable information in respect of a building consent application, and to suspend the time limit until such further reasonable information is received.	CEO GMCD	BCM	BCTL	BCO
51(3)	Power to grant building consent without section 51(1)(b) or (ba) information.	CEO GMCD	BCM	BCTL	BCO
52	Power to allow extension of period after lapse of building consent.	CEO GMCD	BCM	BCTL	BCO
54	Power to advise the building consent applicant of the amount of their levy.	CEO GMCD	BCM CSM	BCTL CSS	BCAO BCO CSA CSAA
59	Power to pay the Chief Executive of the Department of Building and Housing all applicable levies and issue relevant certificates.	CEO GMCD	BCM	BCTL	BCAO BCO
60	Power to retain part of levy	CEO GMCD			
62	Power to recover unpaid levy from applicant for building consent	CEO GMCD			
63	Power to request that information provided to Chief Executive be treated as confidential.	CEO GMCD	BCM		
67	Power to grant building consent subject to waiver or modifications of the building code.	CEO GMCD	BCM	BCTL	BCO
71, 72	Power to grant building consent on land subject to natural hazards.	CEO GMCD	BCM	BCTL	BCO
74	Power to determine if a previous entry is no longer required and duty to notify where a previous entry is no longer required.	CEO GMCD	BCM		
75	Power to place conditions on the construction of a building on two or more allotments.	CEO GMCD	BCM	BCTL	BCO
83	Power to approve or decline an application to have an entry under section 78 removed.	CEO GMCD	BCM	BCTL	BCO

90	Power to authorise an agent to inspect to ensure that building work is being carried out in accordance with a building consent and to issue a warrant accordingly; and the power to revoke such authorisation.	CEO GMCD	BCM		
91	Power to issue code compliance certificate where Council did not grant the consent and where appropriate persons agree.	CEO GMCD	BCM	BCTL	BCO
93, 94	Power to issue or refuse to issue code compliance certificate	CEO GMCD	BCM	BCTL	BCO
93(4)	Power to require further reasonable information in respect of the application for a code compliance certificate	CEO GMCD	BCM	BCTL	BCO
96, 98	Power to issue certificate of acceptance	CEO GMCD	BCM	BCTL	BCO
98(2)	Power to require further reasonable information in respect of an application for certificate of acceptance	CEO GMCD	BCM	BCTL	BCO
99	Power to qualify the scope of a certificate of acceptance to the extent that Council was able to inspect the building work.	CEO GMCD	BCM	BCTL	BCO
102	Power to issue compliance schedule	CEO GMCD	BCM	BCTL	BCO
106, 107	Power to review and amend compliance schedule	CEO GMCD	BCM	BCTL	BCO
109	Power to accept or refuse recommendation to amend compliance schedule	CEO GMCD	BCM	BCTL	BCO
110	Power to require reports relating to a compliance schedule	CEO GMCD	BCM	BCTL	BCO
111	Power to authorise an agent to inspect a building for which a compliance schedule has been issued and to issue a warrant accordingly; and the power to revoke such authorisation and warrant.	CEO			
112	Power to grant building consent for the alteration of an existing building.	CEO GMCD	BCM	BCTL	BCO
113	Power to grant building consent on buildings with specified intended lives of less than 50 years	CEO GMCD	BCM	BCTL	BCO
115	Power to give written notice that a building's change in use will comply with certain provisions of the building code	CEO GMCD	BCM	BCTL	BCO
116	Power to consent to the extension of the specified intended life of a building	CEO GMCD	BCM	BCTL	BCO

124	Powers in respect of dangerous, earthquake prone or insanitary buildings	CEO GMCD	BCM DP	BCTL	BCO MALO MEO MO
126	Power to apply to the District Court for authorisation to carry out building work.	CEO GMCD	BCM		
130	Power to apply to the District Court for confirmation of a warrant issued under section 129(2).	CEO GMCD	CORPSM		
133AH	Power to request engineering assessment of potentially earthquake-prone buildings	CEO GMCD	BCM	BCTL	BCO
133AI	Engineering assessments (2) Power to cancel a request for an engineering assessment and give the owner of the building or part written notice of that fact. (3) Power to obtain an engineering assessment of the building or part and recover, as a debt due from the owner of the building or part, the costs of doing so.	CEO GMCD	BCM	BCTL	BCO
133AJ	Power to grant or decline an extension of time to provide engineering assessment	CEO GMCD	BCM	BCTL	BCO
133AK	Power to determine whether building is earthquake prone	CEO GMCD	BCM	BCTL	BCO
133AL	Power to issue EPB notice for earthquake-prone buildings	CEO GMCD	BCM	BCTL	BCO
133AN	Power to grant or decline an exemption from requirement to carry out seismic work	CEO GMCD	BCM	BCTL	BCO
133AO	Power to grant or decline an extension of time to complete seismic work on certain heritage buildings	CEO GMCD	BCM	BCTL	BCO
133AP	Power to attach EPB notices and EPB exemption notices to earthquake-prone buildings	CEO GMCD	BCM	BCTL	BCO
133AQ	Power to assess information relating to earthquake-prone building status at any time	CEO GMCD	BCM	BCTL	BCO
133AR	Power to impose safety requirements	CEO GMCD	BCM	BCTL	BCO
133AS	Power to authorise carrying out seismic work	CEO GMCD	BCM	BCTL	BCO

133AT	Alterations to buildings subject to EPB notice (2) Power to determine whether or not to grant a building consent for the alteration of the building subject to EPB notice (3) Power to specify 1 or more of the provisions of the building code referred to in subsection (2) and allow the alteration of the building or part without the building complying with the specified provisions	CEO GMCD	BCM	BCTL	
162D(1)	Power to undertake periodic inspections of residential pools	CEO GMCD	BCM	BCTL	BCO BCompO
162D(2)	Power to accept or to not accept a certificate of periodic inspection from an independently qualified pool inspector	CEO GMCD	BCM	BCTL	BCO BCompO
164, 165	Power to issue notice to fix.	CEO GMCD	BCM	BCTL	BCO
164	Power to notify another responsible authority that it is more appropriate to issue the notice to fix.	CEO GMCD	BCM	BCTL	BCO
167	Power to inspect and confirm or refuse to confirm whether or not a notice to fix has been complied with.	CEO GMCD	BCM	BCTL	BCO
177	Power to apply to the Chief Executive of the Department of Building and Housing for a determination	CEO GMCD	BCM		
180	Power to withdraw application for a determination	CEO GMCD	BCM	BCTL	BCO
213	Power to make arrangements for 1 or more other building consent authorities to perform functions of a building consent authority.	CEO GMCD	BCM		
215	Power to apply for accreditation and registration as a building consent authority under Part 3 of the Building Act 2004.	CEO GMCD	BCM		
220(1)(b)(ii)	Power to issue certificate that building work required is urgent.	CEO GMCD	BCM	BCTL	BCO
220	Power to apply to the District Court for an order authorising Council to carry out building work.	CEO GMCD	CORPSM		
221(2)	Power to dispose of materials resulting from Council's performing building work.	CEO GMCD	BCM	BCTL	BCO

222	Power to authorise officer to inspect and enter premises and to issue a warrant accordingly; power to revoke such authorisation and warrant.	CEO			
281C	Power to waive or refund fee or charge in whole or in part, for a function or service performed by Council under the Building Act 2004.	CEO GMCD			
363A(2)	Power to issue certificate for public use.	CEO GMCD	BCM	BCTL	BCO
363A(5)	Power to require further reasonable information in relation to the certificate for public use.	CEO GMCD	BCM	BCTL	BCO
371A, 371B, 372	Power to authorise officers to issue infringement notices under section 372 and to issue a warrant accordingly; Power to revoke such authorisation and warrant.	CEO			
371A, 371B, 372	Power to issue infringement notices	CEO GMCD	BCM	BCTL	BCO
375	Power to prosecute offences	CEO GMCD	CORPSM		
377	Power to lay information for an offence	CEO GMCD	CORPSM		
381	Power to apply to District Court for an injunction	CEO GMCD	CORPSM		
436	Power to consider and determine an application for a code compliance certificate in respect of building work carried out under a building consent issued under section 34 of the Building Act 1991.	CEO GMCD	BCM	BCTL	BCO

Delegations – Dog Control Act 1996

Key to position titles	
Eteam	
CEO	Chief Executive Officer
GMCD	Group Manager Community Development
Third tier	
CORPSM	Corporate Strategy Manager
CSM	Customer Services Manager
HRM	Human Resources Manager (including Acting)
Fourth tier	
ACM	Animal Control Manager
CSS	Customer Services Supervisor
Fifth tier (inclusive contractors)	
ACO	Animal Control Officer
CSA	Customer Services Advisor (inclusive of Senior)

Section	Power	Council	Eteam	Third tier	Fourth tier	Fifth tier
11	Power to appoint and to revoke appointment of Dog Control Officers		CEO GMCD	HRM		
12	Power to appoint and to revoke appointment of Dog Rangers		CEO GMCD	HRM		
13	Power to supply warrant of appointment to Dog Control Officers and Dog Rangers		CEO GMCD			
21	Power to classify any person as probationary owner		CEO GMCD		ACM	ACO
22	Power to consider and determine objections to probationary classifications	Hearings Commission as a Committee of Council				
23A	Power to require probationary owner to undertake training		CEO GMCD		ACM	ACO
25	Power to disqualify any person from being the owner of any dog		CEO GMCD			
26	Power to consider and determine objections to disqualification	Hearings Commission as a Committee of Council	CEO			
28(6)	Power to extend the disqualification period of any person		CEO GMCD			

31	Power to classify dog as dangerous dog		CEO GMCD			
31(3)	Power to hear and determine objections to the classification of any dog as a dangerous dog under section 31(1)	Hearings Commission as a Committee of Council.				
32(1)(f)	Power to consent to the disposal of any dangerous dog to any other person		CEO GMCD		ACM	ACO
33A	Power to classify a dog as a menacing dog		CEO GMCD		ACM	ACO
33B	Power to hear and determine objections to the classification of any dog as menacing under section 33A of this Act. Includes power to uphold or rescind the classification.	Hearings Commission as a Committee of Council.				
33C	Power to classify certain breeds as menacing		CEO GMCD		ACM	ACO
33D	Power to hear and determine objections to classification of dog as menacing	Hearings Commission as a Committee of Council.				
33E(1)	Power to require that menacing dog be neutered		CEO GMCD		ACM	ACO
35	Power to request register information		CEO GMCD		ACM	ACO
35(5)	Power to determine whether or not a dog should be delivered into the custody of a Dog Control Officer or Dog Ranger		CEO GMCD			
36A	Power to instruct any owner to make any dog available for verification that it has been implanted with a functioning microchip transponder		CEO GMCD	CSM	ACM CSS	ACO CSA
39	Power to issue refunds or reduce fees.		CEO GMCD	CSM	ACM CSS	ACO CSA
40	Power to require written statement that a dog is a working dog of a specified class and to require production of a certificate that the dog has been neutered.		CEO GMCD	CSM	ACM CSS	ACO CSA
46	Power to issue registration label or disc, and to issue replacement label or disc		CEO GMCD	CSM	ACM CSS	ACO CSA
48	Power to issue registration label or disc upon change of ownership of dog		CEO GMCD	CSM	ACM CSS	ACO CSA
49	Power to issue registration		CEO	CSM	ACM	ACO

	label or disc upon transfer of dog.		GMCD		CSS	CSA
55	Power to hear and determine objections to any notice served on any owner under section 55 of this Act requiring abatement of loud barking or howling by any dog.	Hearings Commission as a Committee of Council.				
64(5)	Power to collect the reasonable costs of the collection, destruction and disposal of any dog.		CEO GMCD	CSM	ACM CSS	ACO CSA
66	Power to commence proceedings in accordance with section 21 of the Summary Proceedings Act 1957 where an infringement notice has been issued.		CEO GMCD	CORPSM		
69	Power to impound and dispose of any dog.		CEO GMCD		ACM	ACO
70	The power to hear and determine applications for the return of a dog being held under section 56 (Removal of a barking dog causing distress) of this Act.	Hearings Commission as a Committee of Council.				
70(5)	Power to determine whether or not the dog is to be kept in custody		CEO GMCD		ACM	ACO
70(7)	Power to determine whether or not to dispose of the dog.		CEO GMCD		ACM	ACO
71(1)(d)	Power to authorise retention of a dangerous dog.		CEO GMCD		ACM	ACO
71(5)	Power to hear and determine applications for the release of any dog being held under sections 57 (dogs attacking persons or animals), 57A (dogs rushing at persons, animals or vehicles, and 58(Dogs causing serious injury).	Hearings Commission as a Committee of Council.				
71A	Power to dispose of dog seized under section 15 or 33EC		CEO GMCD		ACM	ACO
	Power to bring a prosecution for offences under the Dog Control Act 1996		CEO GMCD	CORPSM		
	Power to lay information for offences under the Dog Control Act 1996		CEO GMCD	CORPSM		

Delegations - Fencing Act 1978

Key to position titles	
Eteam	
CEO	Chief Executive Officer
GMSD	Group Manager Service Delivery
Third tier	
CORPSM	Corporate Strategy Manager
FOM	Facilities Operations Manager
Fifth tier (inclusive contractors)	
PSO	Property Services Officer

Section	Description	Eteam	Third tier	Fourth tier	Fifth tier
10(1)	Power to serve notice to contribute to cost of fence	CEO GMSD	CORPSM FOM		PSO
11(1)	Power to serve a cross-notice of objection to notice under section 10(1)	CEO GMSD	CORPSM FOM		PSO
18(1)	Power to serve notice on person taking advantage of fence	CEO GMSD	CORPSM FOM		PSO
19(1)	Power to serve notice requiring contribution towards value of fence.	CEO GMSD	CORPSM FOM		PSO
25	Power to come in and defend proceedings	CEO GMSD	CORPSM		

Delegations – Food Act 2014

Key to position titles	
Eteam	
CEO	Chief Executive Officer
GMSD	Group Manager Service Delivery
GMCD	Group Manager Community Development
GMBS	Group Manager Business Support
Third tier	
CORPSM	Corporate Strategy Manager
FOM	Facilities Operations Manager
Fifth tier (inclusive contractors)	
PSO	Property Services Officer

Section	Description	Eteam	Third tier	Fourth tier	Fifth tier
41 Food control plan: form	Power to accept an application				EHO *EHOHDC *GMPESHDC *under the direction of 3 rd tier or Eteam
45 Operator may amend food control plan based on template or model issued under section 39 or approved under section 40	Power to accept an application				EHO *EHOHDC *GMPESHDC *under the direction of 3 rd tier or Eteam
54 Registration authority may refuse to process application for registration	Power to refuse to process application for registration (Application must contain all appropriate information or can be refused)	GMCD GMSD CEO GMBS	DP		EHO *EHOHDC *GMPESHDC *under the direction of 3 rd tier or Eteam
55 Registration authority may require further information	Power to require further information	GMCD GMSD CEO GMBS	DP		EHO *EHOHDC *GMPESHDC *under the direction of 3 rd tier or Eteam
62 Mandatory suspension	Power to suspend a registered food control plan	GMCD GMSD CEO GMBS			
63 Registration authority may extend mandatory suspension	Power to extend mandatory suspension	GMCD GMSD CEO GMBS			

67 Cancellation of registration	Power to cancel the registration of a food control plan	GMCD GMSD CEO GMBS			
84 Registration authority may refuse to process application for registration	Power to refuse to process an application for registration	GMCD GMSD CEO GMBS	DP		EHO *EHOHDC *GMPESHDC *under the direction of 3 rd tier or Eteam
85 Registration authority may require further information	Power to request further information	GMCD GMSD CEO GMBS	DP		EHO *EHOHDC *GMPESHDC *under the direction of 3 rd tier or Eteam
90 Mandatory suspension	Power to suspend operations of a business subject to a national programme	GMCD GMSD CEO GMBS			
91 Registration authority may extend mandatory suspension	Power to extend suspension	GMCD GMSD CEO GMBS			
95 Cancellation of registration	Power to cancel registration	GMCD GMSD CEO GMBS			
280 Person to whom directions may be given under sections 281 to 286	Power to give direction under section 281-286	GMCD GMSD CEO GMBS	DP		EHO *EHOHDC *GMPESHDC *under the direction of 3 rd tier or Eteam
281 Give general directions to operators and other persons required to comply with Act	Power to give general directions to operate and other persons required to comply with Act	GMCD GMSD CEO GMBS	DP		EHO *EHOHDC *GMPESHDC *under the direction of 3 rd tier or Eteam
282 Give directions to complete and supply declarations	Power to give directions to complete and supply declarations	GMCD GMSD CEO GMBS	DP		EHO *EHOHDC *GMPESHDC *under the direction of 3 rd tier or Eteam
283 Give directions to impose movement or related controls	Power to give directions to movement or related controls	GMCD GMSD CEO GMBS	DP		EHO *EHOHDC *GMPESHDC *under the direction of 3 rd tier or Eteam
285 Give directions to manage food or food-related accessory	Power to give directions to manage food or food-related accessory	GMCD GMSD CEO GMBS	DP		EHO *EHOHDC *GMPESHDC *under the direction of 3 rd tier or Eteam

Item 10.3

Attachment A

Delegations - Gambling Act 2003

Subject to section 48 and clause 32 of the 7th Schedule to the Local Government Act 2002, the Matamata-Piako District Council hereby makes the following delegations:

1. Where no objection is raised by an affected party to the application and the applicant is not exempt under section 5.2.1 of Council's Class 4 Gambling Policy, Council delegates to its Chief Executive Officer and Group Manager Community Development 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, being a delegation of the statutory powers set out in Schedule 1 below; and
2. 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 (2) 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, being a delegation of the statutory powers set out in Schedule 1 below.*

Key to position titles	
Eteam	
CEO	Chief Executive Officer
GMCD	Group Manager Community Development

Section	Power	Eteam	Third tier	Fourth tier	Fifth tier
s100(1)(b)(i)	Power to grant consent to a gambling venue application with or without a condition specifying the maximum number of gaming machines that may be operated at the venue.	CEO GMCD			
s100(1)(b)(ii)	Power to refuse consent to a gambling venue application.	CEO GMCD			
s100(2)(a)	Power to determine an application for an amendment to a class 4 venue licence without condition specifying the maximum number of machines operable at the venue.	CEO GMCD			

Delegations - Health and Safety at Work Act 2015

Key to position titles	
Eteam	
CEO	Chief Executive Officer
GMBS	Group Manager Business Support
GMCD	Group Manager Community Development
GMSD	Group Manager Service Delivery
Third tier	
HSQM	Health and Safety and Quality Manager
Fourth tier	
HSF	Health and Safety Facilitator

Health and Safety at Work Act 2015		Eteam	Third tier	Fourth tier	Fifth tier
Entire Act	Power to undertake all the duties and functions of a person conducting a business or undertaking under the Health and Safety at Work Act 2015	CEO GMCD GMBS GMSD	HSQM		HSF

Delegations - Impounding Act 1955

Key to position titles	
Eteam	
CEO	Chief Executive Officer
GMBS	Group Manager Business Support
GMCD	Group Manager Community Development
GMSD	Group Manager Service Delivery
Third tier	
ACM	Animal Control Manager
Fifth tier	
ACO	Animal Control Officer

Section	Power	Eteam	Third tier	Fourth tier	Fifth tier
8	Power to appoint poundkeepers and rangers.	CEO GMCD			
9(1)	Power to appoint a deputy of any poundkeeper.	CEO GMCD			
10	Power to remove or suspend from duty any poundkeeper, deputy poundkeeper or any ranger or other person appointed for the purposes of this Act.	CEO GMCD			
22(2)	Power to authorise a ranger to convey trespassing stock to a pound.	CEO GMCD		ACM	ACO
32(1)	Power to declare an area a temporary pound.	CEO GMCD		ACM	ACO
32(3)	Power to appoint a keeper for each temporary pound.	CEO GMCD			
42(1)	Power to authorise the destruction of wild stock.	CEO GMBS GMCD GMSD			
46	Power to issue impounding notice.	CEO GMCD		ACM	ACO
50(2)	Power to authorise a person to act as an auctioneer.	CEO GMCD			
52(2)	Power to give written notice of an intention to destroy an animal.	CEO GMCD		ACM	
55(1)	Power to apply to the District Court for an order that damages be paid out of the proceeds of sale of impounded stock.	CEO GMCD			
	Power to authorise action under this Act on behalf of Council in its capacity as an occupier of land.	CEO			
63	General delegation of the local authority's powers under this Act.	CEO			

Delegations - Local Authorities (Members' Interests) Act 1968

Key to position titles	
Eteam	
CEO	Chief Executive Officer
GMBS	Group Manager Business Support
GMCD	Group Manager Community Development
GMSD	Group Manager Service Delivery

Section	Power	Eteam	Third tier	Fourth tier	Fifth tier
3(3)(a)	Power to apply to the Audit Office for prior approval of a contract in which an elected member is concerned or interested.	CEO GMBS GMCD GMSD			
3(3)(aa)	Power to apply to the Audit Office for subsequent approval of a contract in which an elected member is concerned or interested.	CEO GMBS GMCD GMSD			
6(3)(f)	Power to apply to the Audit Office for its opinion as to whether the pecuniary interest of a member is so remote or insignificant that it cannot reasonably be regarded as likely to influence him in voting.	CEO GMBS GMCD GMSD			

Delegations - Local Electoral Act 2001

Key to position titles	
EO	Dale Ofsoke of Independent Election Services Limited as Electoral Officer
DEO	Niall Baker

Section	Power	Contractor	Eteam	Third tier	Fourth tier	Fifth tier
12	Appointment of an electoral officer	EO				
13	Appointment of a deputy electoral officer				DEO	

Delegations - Local Government Official Information and Meetings Act 1987

Key to position titles	
Eteam	
CEO	Chief Executive Officer
GMBS	Group Manager Business Support
GMCD	Group Manager Community Development
GMSD	Group Manager Service Delivery
Third tier	
CORPSM	Corporate Strategy Manager
CSM	Customer Services Manager
HRM	Human Resources Manager (including Acting)
Fourth tier	
CM	Communications Manager
CSS	Customer Services Supervisor
ITL	Information Team Leader
Fifth tier (inclusive contractors)	
CSA	Customer Services Advisor (inclusive of Senior)
SCO	Senior Communications Officer

Section	Description	Eteam	Third tier	Fourth tier	Fifth tier
8	Power to give notice neither confirming or denying the existence or non-existence of information.	CEO GMBS GMCD GMSD	CORPSM CSM HRM	CM ITL	SCO
12	Power to transfer request to another local authority or a Department or Minister of the Crown or organisation	CEO GMBS GMCD GMSD	CORPSM CSM HRM	CM ITL	SCO
13(1)	Power to determine whether or not a request for information is granted, and in what manner and for what charge such request is to be granted.	CEO GMBS GMCD GMSD	CORPSM CSM HRM	CM ITL	SCO
13(1A)	Power to charge for the supply of official information	CEO GMBS GMCD GMSD	CORPSM CSM HRM	CM ITL	SCO
13(4)	Power to require payment in advance	CEO GMBS GMCD GMSD	CORPSM CSM	ITL	SCO

13(5)	Power to decide on request that has been transferred	CEO GMBS GMCD GMSD	CORPSM CSM	ITL	SCO
14	Power to extend the time limits set out in section 12 and 13	CEO GMBS GMCD GMSD	CORPSM CSM	ITL	SCO
15(2)	Power to determine whether information should be made available in the way preferred by the person requesting it.	CEO GMBS GMCD GMSD	CORPSM CSM	ITL	SCO
17A(1)	Power to decide whether fixing a charge or extending the time limit would enable the request to be granted where substantial collation or research required.	CEO GMBS GMCD GMSD	CORPSM CSM	ITL	SCO
17B	Power to decide whether consulting with the requester would assist that person to make the request in a form that would remove the reason for the refusal.	CEO GMBS GMCD GMSD	CORPSM CSM	ITL	SCO
22(1A)(b)	Power to determine that information relates to a person and that disclosure of information would be likely to prejudice the physical or mental health of that person.	CEO GMBS GMCD GMSD	CORPSM CSM	ITL	SCO
24	Power to determine identity of person making request.	CEO GMBS GMCD GMSD	CORPSM CSM	CSS	CSA SCO
26(1)	Power to refuse to disclose any personal information requested under section 23(1)	CEO GMBS GMCD GMSD	CORPSM CSM	ITL	SCO
29(2)	Power to extend time limit within which Local Authority must comply with requirement under section 29(1)	CEO GMBS GMCD GMSD	CORPSM CSM	ITL	SCO
42(1)	Power to delegate any of the powers of the local authority under Parts 2 to 5 of this Act (except s32) to any officer or employee of the local authority.	CEO			
44A	Power to determine and include other relevant information in a LIM.	CEO GMBS GMCD	CORPSM CSM	CSS	CSA
44A	Power to issue LIM	CEO GMBS GMCD	CORPSM CSM	CSS	CSA

Delegations - Local Government (Rating) Act 2002

Key to position titles	
Eteam	
CEO	Chief Executive Officer
GMBS	Group Manager Business Services
Third tier	
FABSM	Finance and Business Service Manager
Fifth tier	
RVO	Rating and Valuation Officer

Section	Power	Eteam	Third tier	Fourth tier	Fifth tier
27	Power to authorise the division of a rating unit	CEO GMBS	FABSM		RVO
29(3)	Power to decide on an objection relating to information contained in the Rating Information Database	CEO GMBS	FABSM		
39(3)	Power to decide on an objection relating to information contained in the rates records	CEO GMBS	FABSM		
54(1)	Power to decide not to collect rates payable on a rating unit due to it being uneconomical to collect them.	CEO GMBS	FABSM		
61	Power to recover rates from the owner if a ratepayer other than the owner, defaults in paying the rates on the rating unit.	CEO GMBS	FABSM		
62	Power to accept payment of rates from persons with an interest in a rating unit and recover rates as a debt from the first mortgagee of a rating unit if the owner is in default	CEO GMBS	FABSM		
63(1)	Power to authorise commencement of proceedings for the recovery of debt rates.	CEO GMBS	FABSM		
66(3)	Power to consent to the registration of a dealing against a rating unit that is subject to a charging order.	CEO GMBS			
72(1)	Power to consent to the sale or lease of a rating unit by private treaty for any consideration the Registrar thinks reasonable.	CEO GMBS			
77(2)	Power to authorise the giving of public notice of Council's intent to have land declared abandoned and to sell or lease the land.	CEO GMBS			
77(5)	Power to decide whether to proceed under section 67 to sell or lease abandoned land.	CEO GMBS			
79(3)	Power to refuse any tender for the sale or lease of abandoned land.	CEO GMBS			

90(1)	Power to authorise the registration of a notice of charge on a rating unit where the rating unit is subject to a postponement of rates.	CEO GMBS			
90(2)	Power to consent to the registration of a dealing by the owner of the rating unit against the land comprising the rating unit that is subject to a notice of charge under section 90(1).	CEO GMBS			
94(2)	Power to apply to the Maori Land Court for the appointment of 1 owner to receive rates assessments and rates invoices for Maori freehold land in multiple ownership.	CEO GMBS	FABSM		
99(1)	Power to apply to the Maori Land Court for an order charging unpaid rates against rateable Maori freehold land.	CEO GMBS	FABSM		
104(a)	Power to consent to an owner dealing with land subject to a charging order made under section 101.	CEO GMBS			
108(1)	Power to apply to the Maori Land Court to enforce an unsatisfied charging order made under section 101.	CEO GMBS			
111(1)	Power to apply to the Maori Land Court for an order for the payment of unpaid rates where the Court has made a charging order under section 101.	CEO GMBS			
116(1)	Power to consent to the exemption of Maori freehold land from some or all liability for rates.	CEO GMBS			
117N(2)	Power to decide whether to cancel an election to make a lump sum payment or to recover the amount owing in a Court as a debt due.	CEO GMBS			
130(b)	Power to determine that it would be unreasonable not to cancel the requirement to pay a deficit in a particular case.	CEO GMBS			

Delegations - Local Government Act 2002

Key to position titles	
Eteam	
CEO	Chief Executive Officer
GMBS	Group Manager Business Services
GMCD	Group Manager Community Development
GMSD	Group Manager Service Delivery
Third tier	
AMSP	Asset Manager Strategy and Policy
DP	District Planner
KCM	Kaimai Consultants Manager
Fourth tier	
TLP	Team Leader Projects
TLC	Team Leader Contracts
Fifth tier	
MALO	Monitoring & Alcohol Licensing Officer
MEO	Monitoring & Engineering Officer
MO	Monitoring Officer
RAE	Roading Asset Engineer
WTL	Works Team Leader

Section	Power	Eteam	Third tier	Fourth tier	Fifth tier
	Delegation to exercise any powers granted to any subordinate Council Officer under Council's staff delegations in respect of any statute.	CEO			
	Delegation to affix the Council's common seal.	CEO GMBS GMCD GMSD			

102	<p>Delegation of certain decision-making functions as stated (if any) in the:</p> <ul style="list-style-type: none"> • revenue and financing policy; • liability management policy; • investment policy; • policy on development contributions/financial contributions; • policy on the remission and postponement of rates on Māori freehold land; • rates remission policy; • rates postponement policy. 	Delegations are as stated in each individual policy.			
162	Power to apply to the District Court for an injunction restraining a person from breaching a bylaw or an offence.	CEO GMBS GMCD GMSD			
163	Power to enforce bylaw to remove a work constructed in breach of bylaw and to recover the costs of removal.	CEO GMBS GMCD GMSD	AMSP DP	TLP TLC	MALO MEO MO WTL
168	Power to dispose of property seized and impounded under s164.	CEO GMCD	AMSP DP KCM	TLP TLC	MALO MEO MO RAE WTL
171, 172, 174	Power to authorise Council Officer to Act under sections 171, 172, 173, 174 in respect of the power of entry onto private property.	CEO GMBS GMCD GMSD			
177	Power to appoint Enforcement Officers.	CEO GMBS GMCD GMSD			
181	Power to authorise Council Officers to enter private land to inspect, alter, renew, repair or clean any public work constructed under subsection (1).	CEO GMBS GMCD GMSD	AMSP KCM		
183	Power to require the occupier or owner of land to remove growth or matter on land likely to become a source of danger from fire.	CEO GMBS GMCD GMSD	AMSP DP	TLP TLC	MALO MEO MO RAE WTL
185(1)	Power to approve the doing of work by an occupier where the owner has defaulted in doing work required under this Act.	CEO GMBS GMCD GMSD	AMSP DP KCM	TLP TLC	MALO MEO MO RAE WTL
215	Power to apply to the District Court for a removal order requiring an owner or occupier of any property to remove or alter a fence/structure/vegetation.	CEO GMBS GMCD GMSD			

220	Power to authorise work under s220(2) to enforce removal order.	CEO GMBS GMCD GMSD			
220(3)	Power to register Statutory Land Charge in respect of unpaid costs incurred in enforcing removal order.	CEO GMBS GMCD GMSD			
241	Power to lay information for a summary offence under this Act.	CEO GMBS GMCD GMSD			
241	Power to authorise any Council Officer to lay information for a summary offence under this Act.	CEO			
249(2)(b)	Power to appoint a Council Officer or other person to represent Council in District Court proceedings.	CEO			
Schedule 7, Part 1, Clause 32A	Power to issue warrants to Enforcement Officers without restrictions under clause 32A(2).	CEO GMBS GMCD GMSD			

Item 10.3

Attachment A

Delegations - Local Government Act 1974

Key to position titles	
Eteam	
CEO	Chief Executive Officer
GMBS	Group Manager Business Services
GMCD	Group Manager Community Development
GMSD	Group Manager Service Delivery
Third tier	
AMSP	Asset Manager Strategy and Policy
DP	District Planner
ITM	Information & Technology Manager
KCM	Kaimai Consultants Manager
KVSM	Kaimai Valley Services Manager
Fourth tier	
ITL	Information Team Leader
TLP	Team Leader Projects
TLC	Team Leader Contracts
Fifth tier	
MALO	Monitoring & Alcohol Licensing Officer
MEO	Monitoring & Engineering Officer
MO	Monitoring Officer/
RAE	Roading Asset Engineer
SCSR	Senior Contract Supervisor – Roading
WTL	Works Team Leader

Section	Power	Eteam	Third tier	Fourth tier	Fifth tier
318(1)	Power to request determination from Commission relating to control and maintenance of boundary roads.	CEO			
319, 319A	Power to repair local roads.	CEO			
319B	Power to allocate property numbers.	CEO GMBS	ITM	ITL	
326(1) & (2)	Power to make a claim for the payment of betterment in respect of adjoining land where a road is formed or widened.	CEO			
327A	Power to cancel building line restrictions.	CEO GMCD	DP		

331	Power to provide for the formation of footpaths.	CEO GMBS	AMSP KCM	TLP	RAE
333	Power to provide for erection of dividing strips.	CEO GMBS	AMSP KCM	TLP	RAE
334	Power to provide for erection of monuments.	CEO GMBS	AMSP		
334A	Power to provide for lighting of roads.	CEO GMBS	AMSP		
335(1)	Power to require by written notice the occupier or owner of land to pay for the cost of construction of a vehicle crossing.	CEO GMBS GMCD GMSD	AMSP KCM	TLP	RAE
335(4)	Power to apply to the District Court for an order confirming a notice under s335(1) relating to the cost of construction of a vehicle crossing.	CEO GMBS GMCD GMSD			
335(9)	Power to serve notice on occupier/owner of intention to remove a vehicle crossing.	CEO GMBS GMCD GMSD	AMSP KCM	TLP	RAE
337	Power to require alteration to any pipe, drain or other apparatus on or under a road.	CEO GMBS	AMSP KCM	TLP	RAE
338	Power to grant rights to lay pipes.	CEO GMBS	AMSP		
341(1)	Power to grant a lease of the airspace above the surface of any road or of the subsoil beneath the surface of any road.	CEO GMBS GMCD GMSD	AMSP		
344(1)	Power to permit the erection of a swing gate and or/cattle stop across any road.	CEO GMBS GMCD GMSD	AMSP	TLP	RAE
344(3)	Power to require that a gate and/or cattle stop across any road be removed.	CEO GMBS GMCD GMSD	AMSP	TLP	RAE
345(1)(a)(i)	Power to authorise sale of land not required for road to owners of adjoining land.	CEO			
345(1)(a)(ii) & 345(1)(c)	Power to grant lease over land not required for road.	CEO GMBS GMCD GMSD			
346A	Declare roads to be limited access roads	CEO			
346C(c)	Power to witness affixing of Council Seal to certificate authenticated under this section.	CEO			

346E	Power to give notice authorising crossing places on limited access roads.	CEO GMBS	AMSP KCM	TLP	RAE
346F	Power to authorise movement to or from limited access road.	CEO GMBS	AMSP KCM	TLP	RAE
346G	Power to issue notice to the District Land Registrar specifying conditions on which limited access road may be deemed a road.	CEO GMBS	AMSP KCM	TLP	
347-349	Power to impose conditions and approve right of way plans.	CEO GMCD	AMSP DP		
348	Power to grant permission to form any private road or private way or grant/reserve a right of way over any private way; and Power to require in respect of any private road or private way.	CEO GMCD	DP		
349	Power to issue notice in respect of offence of laying out private roads in contravention of Act.	CEO GMCD GMBS			
353	Power to require owner or occupier of land adjoining road to take safety provisions.	CEO GMBS	AMSP KCM	TLP	RAE
356(2)(a)	Power to remove and store any category A, B or C motor vehicle abandoned on a road within the district.		KCM	TLP	MALO MEO MO SCSR
356	Powers in respect of abandoned vehicles on roads.		AMSP	TLP	MALO MEO MO SCSR
356A(2)(a)	Power to remove abandoned vehicle from road or public place.		KCM	TLP	MALO MEO MO SCSR
356A	Powers in respect of abandoned vehicles on roads or in public places.		AMSP	TLP	MALO MEO MO SCSR
357(1)	Power to lay information with the Court in respect of the offence of doing or causing damage to roads.	CEO GMCD GMBS			
511(1)	Power to give notice requiring the removal of obstructions from drainage channel or watercourse.	CEO GMSD	KCM KVSM	TLP TLC	WTL

512(1)	Power to give notice requiring the removal of obstructions in watercourses outside the district.	CEO GMSD	KCM KVSM	TLP TLC	WTL
Schedule 10(11)	Power to exercise powers conferred on the Council under Schedule 10 Clause 11 relating to the temporary prohibition of traffic.	CEO GMSD	KCM	TLP	

Delegations - Privacy Act 1993

The New Zealand Privacy Act 1993 established the Office of the Privacy Commissioner and sets out its functions. It sets out the principles of privacy the Council must adhere to and matters relating to the collection, use and storage of private information and response to requests/complaints regarding private information. Pursuant to sections 124 and 125 of the Privacy Act 1993, the Matamata-Piako District Council delegates the following powers:

Key to position titles	
Eteam	
CEO	Chief Executive Officer
GMBS	Group Manager Business Support
GMCD	Group Manager Community Development
GMSD	Group Manager Service Delivery
Third tier	
CORPSM	Corporate Strategy Manager
CM	Communications Manager
CSM	Customer Services Manager
HRM	Human Resources Manager
Fourth tier	
ITL	Information Team Leader

Section	Power	Eteam	Third tier	Fourth tier	Fifth tier
23	Privacy officers Appointment of one or more Privacy Officers responsibilities include— <ul style="list-style-type: none"> the encouragement of compliance: dealing with requests working with the Commissioner in relation to investigations otherwise ensuring compliance 		CORPSM CM	ITL	
27	Power to refuse access to personal information under section 27 (Security, defence, international relations, prejudice to the maintenance of the law, endangering the safety of any individual)	CEO GMBS GMCD GMSD	CORPSM CM CSM HRM	ITL	
28	Power to refuse access to personal information under section 28 (Trade secrets, prejudice the commercial position of the person who supplied or who is the subject of the information)	CEO GMBS GMCD GMSD	CORPSM CM CSM HRM	ITL	

29	Power to refuse access to personal information under section 28 for other reasons including: <ul style="list-style-type: none"> unwarranted disclosure of the affairs of another individual or of a deceased individual; the disclosure would breach an express implied promise of confidence breach legal professional privilege; the disclosure of the information, being information contained in material placed in any library or museum or archive, would breach a condition subject to which that material was so placed; the disclosure would constitute contempt of court the request is frivolous or vexatious, the information requested is trivial the information requested is not readily retrievable; or does not exist or cannot be found; or is not held by the agency 	CEO GMBS GMCD GMSD	CORPSM CM CSM HRM	ITL	
32	Power to refuse access to personal information where the interest protected by section 27 or section 28 would be likely to be prejudiced by the disclosure of the existence or non-existence of such information, give notice in writing to the applicant that it neither confirms nor denies the existence or non-existence of that information.	CEO GMBS GMCD GMSD	CORPSM CM CSM HRM	ITL	
39	Power to transfer of requests where the information is believed by the person dealing with the request to be held by another agency.	CEO GMBS GMCD GMSD	CORPSM CM CSM HRM	ITL	
40	Power to decide whether the request is to be granted and, if it is to be granted, in what manner.	CEO GMBS GMCD GMSD	CORPSM CM CSM HRM	ITL	
41	Power to extend the time limit set out in section 39 or section 40(1) in respect of the request if <ul style="list-style-type: none"> the request is for a large quantity of information or necessitates a search through a large quantity of information, consultations necessary to make a decision on the request. 	CEO GMBS GMCD GMSD	CORPSM CM CSM HRM	ITL	
43	Power to delete of information from documents where there is good reason for withholding some of the information contained in that document.	CEO GMBS GMCD GMSD	CORPSM CM CSM HRM	ITL	

Delegations - Property Law Act 2007 and in respect of Council Land

Key to position titles	
Eteam	
CEO	Chief Executive Officer
GMBS	Group Manager Business Support
GMCD	Group Manager Community Development
GMSD	Group Manager Service Delivery

Power	Eteam	Third tier	Fourth tier	Fifth tier
Agreements for Sale and Purchase of Land:				
Power to sign agreements for sale and purchase and related edealing authority and instruction forms in respect of Council land in accordance with Council resolution.	CEO GMBS GMCD GMSD			
Power to cancel agreement for sale of Council land and to issue notice to the purchaser in respect of that cancellation in accordance with sections 28 and 29 of the Property Law Act 2007.	CEO GMBS GMCD GMSD			
Power to apply to the Court for an order for the possession of Council land in accordance with section 28(4)(a) of the Property Law Act 2007.	CEO GMBS GMCD GMSD			
Power to apply to the Court for relief against the cancellation of an agreement for the purchase of land in accordance with section 33 of the Property Law Act 2007.	CEO GMBS GMCD GMSD			
Power to apply to the Court as purchaser under an agreement for sale and purchase for order requiring refund of deposit under section 37 of the Property Law Act 2007.	CEO GMBS GMCD GMSD			
Underpass and Sewer Encumbrances:				
Power to sign encumbrance instruments and related authority and instruction forms in respect of encumbrances over Council land	CEO GMBS GMCD GMSD			
Power to sign discharge of mortgage instrument and discharge the encumbrance in accordance with section 83 of the Property Law Act 2007.	CEO GMBS GMCD GMSD			
Power to sign a variation of mortgage instrument and to vary the terms of the encumbrance in accordance with section 85 of the Property Law Act 2007.	CEO GMBS GMCD GMSD			
Leases:				
Power to sign and authorise leases over Council land and related authority and instruction forms and to issue any notices in respect of land other than land falling under the Reserves Act 1977	CEO GMBS GMCD GMSD			

Power to give consent in respect of a covenant under a lease in accordance with sections 225-228 of the Property Law Act 2007.	CEO GMBS GMCD GMSD			
Power to cancel lease and to give notice in accordance with sections 243-247 of the Property Law Act 2007.	CEO GMBS GMCD GMSD			
Power to apply to Court for an order for possession of the Land in accordance with section 244 of the Property Law Act 2007.	CEO GMBS GMCD GMSD			
Where Council is the lessee under the lease, the power to apply to the Court for relief against the cancellation of the lease in accordance with section 253 of the Property Law Act 2007.	CEO GMBS GMCD GMSD			
Easements:				
Power to sign easement instruments and related authority and instruction forms in respect of easements over Council land	CEO GMBS GMCD GMSD			
Power to apply to Court for order modifying or extinguishing easement pursuant to sections 316 and 317 of the Property Law Act 2007	CEO GMBS GMCD GMSD			
Statutory Land Charges:				
Power to sign statutory land charges and related authority and instruction forms in respect of statutory land charges over Council land	CEO GMBS GMCD GMSD			
Caveats:				
Power to sign caveats and related authority and instruction forms in respect of Council land	CEO GMBS GMCD GMSD			
Building Line Restrictions:				
Power to sign Building Line Restrictions and related authority and instruction forms in respect of Council land	CEO GMBS GMCD GMSD			
Fencing Covenants:				
Power to sign, approve and register fencing Covenants over Council land in accordance with Part 2 of the Fencing Act 1978	CEO GMBS GMCD GMSD			
Landlocked Land:				
Power to apply to Court for relief in respect of landlocked land under section 327 of the Property Law Act 2007.	CEO GMBS GMCD GMSD			
Trees and unauthorised structures:				

Power to apply to Court for order for removal or trimming of trees or removal or alteration of structures under sections 332-338 of the Property Law Act 2007.	CEO GMBS GMCD GMSD			
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Delegations – Public Records Act 2005

This Act establishes a recordkeeping framework, and focuses on supporting good recordkeeping in government. The Council is to create and maintain records and to dispose of them in accordance with the authority of the Chief Archivist. The Matamata-Piako District Council delegates the following powers:

Key to position titles					
Eteam					
CEO	Chief Executive Officer				
GMBS	Group Manager Business Support				
GMCD	Group Manager Community Development				
GMSD	Group Manager Service Delivery				
Third tier					
ITM	Information & Technology Manager				
Fourth tier					
ITL	Information Team Leader				

Section	Power	Eteam	Third tier	Fourth tier	Fifth tier
17	Power to maintain records in an accessible form, so as to be able to be used for subsequent reference, all protected records that are in its control, until their disposal is authorised by or under this Act.	CEO GMBS GMCD GMSD	ITM	ITL	
30 and 51	<p>The Chief Archivist may, on such terms and conditions (if any) that the Chief Archivist thinks appropriate, exempt a public office or a local authority that has requested the exemption from compliance with a standard or instruction issued by the Chief Archivist.</p> <p>Power to appeal to the Minister against a decision of the Chief Archivist to decline a request for an exemption under section 30.</p>	CEO GMBS GMCD GMSD			
38	Power to transfer a prescribed record to the possession of Archives New Zealand, an approved repository, a public office, or a local authority as directed by the Chief Archivist.	CEO GMBS GMCD GMSD	ITM	ITL	
40	<p>Power to consult with the Chief Archivist regarding the declaration that a local authority record is a protected record for the purposes of this Act.</p> <p>Power to dispose of a protected record following written notice to the Chief Archivist of his or her intention to dispose of the protected record.</p>	CEO GMBS GMCD GMSD	ITM	ITL	
45	<p>Power to classify a local authority archive as either an open access record; or a restricted access record.</p> <p>Power to at any time, change the classification of a local authority record in accordance with section 46.</p>	CEO GMBS GMCD GMSD	ITM	ITL	

49	Power to prohibit the public from accessing or copying a local authority archive for any period that he or she thinks necessary in the interest of preserving the local authority archive; or pending the classification, repair, or other treatment of the local authority archive.	CEO GMBS GMCD GMSD	ITM	ITL	
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Delegations – Public Works Act 1981

This act provides the framework for Council to take land for the purposes of public works; it also provides the framework for the disposal of land no longer required for a public work. The Matamata-Piako District Council delegates the following powers:

Key to position titles	
Eteam	
CEO	Chief Executive Officer
GMBS	Group Manager Business Support
GMCD	Group Manager Community Development
GMSD	Group Manager Service Delivery
Third tier	
KCM	Kaimai Consultants Manager
Fourth tier	
Fifth tier	
PSO	Property Services Officer
PER	Projects Engineer - Roading

Section	Power	Eteam	Third tier	Fourth tier	Fifth tier
16	Power to acquire under this Act any land required for a local work for which it has financial responsibility.	CEO GMBS GMCD GMSD			
17	Power to enter into an agreement to purchase any land for any public work by agreement	CEO GMBS GMCD GMSD			
18	Power to undertake negotiations required for acquisition of land for essential works prior to compulsory acquisition process.	CEO GMBS GMCD GMSD	KCM		
19	Power to register Compensation certificate to protect agreement	CEO GMBS GMCD GMSD	KCM		
23	Power to give notice of intention to compulsorily take land	CEO GMBS GMCD GMSD			

27	Power to acquire or take natural material on land for public work	CEO GMBS GMCD GMSD			
40	Power to dispose of land not required for public work to former owner	CEO GMBS GMCD GMSD			
42	Power to dispose of land other where an offer to sell land under section 40(2) has not been accepted within 40 working days or such further period as the local authority considers reasonable; or any land is no longer required for a public work and subsections (2) and (4) of section 40 do not apply.	CEO GMBS GMCD GMSD			
43	Power to sell land on deferred payments	CEO GMBS GMCD GMSD			
45	Power to lease/licence land held for public works	CEO GMBS GMCD GMSD	KCM		PSO
48	Power to grant easement over land held for Public Work	CEO GMBS GMCD GMSD			
50	Power to transfer existing public works to the Minister or another local authority, for a public work, whether of the same kind or not	CEO GMBS GMCD GMSD			
79	Power to take proceedings to determine compensation if person entitled fails to make claim	CEO GMBS GMCD GMSD			
103	Power to grant easements, in lieu of compensation	CEO GMBS GMCD GMSD			
105	Power to grant land as compensation where equivalent land not readily available	CEO GMBS GMCD GMSD			
106	Power to grant with the agreement of the person entitled, in payment or satisfaction or in part payment or part satisfaction of the compensation payable to that person, for any land taken or acquired for a public work, or for any damage done or injurious affection caused by reason of the construction or use of a public work, any Crown land or any land held for any public work.	CEO GMBS GMCD GMSD			

107	In granting to person so entitled any land under section 105 or section 106, the power to enter into an agreement with that person for the repayment to the local authority of any money agreed to be due by way of equality of exchange on such terms and conditions (including interest) as may be agreed upon.	CEO GMBS GMCD GMSD			
107A	Power to grant lease or licence as compensation	CEO GMBS GMCD GMSD			
110	Powers of entry for certain survey purposes	CEO GMBS GMCD GMSD	KCM		PER
111	Powers of entry for other survey and investigation purposes	CEO GMBS GMCD GMSD	KCM		PER
14	Power to declare land to be road	CEO GMBS GMCD GMSD			
115	Power to register certificate of consent where it is proposed that land shall be declared to be road pursuant to section 114.	CEO GMBS GMCD GMSD	KCM		
116	Power to consent to the stopping of a road	CEO GMBS GMCD GMSD			
133	Power to remove trees, hedges, etc, that obscure visibility or interfere with a public work	CEO GMBS GMCD GMSD	KCM		PER PSO
135	Power to carry out emergency work on trees if there is imminent danger to life or property, or a likelihood of serious interference with any road or public work, arising from any tree, hedge, plant, or debris.	CEO GMBS GMCD GMSD	KCM		PER PSO
238	Power to bring action for damage to public work	CEO GMBS GMCD GMSD			
239	Power to remove and dispose of abandoned property from public works land	CEO GMBS GMCD GMSD	KCM		PER PSO
240	Power to recover of land from persons holding illegal possession	CEO GMBS GMCD GMSD	KCM		

Delegations - Reserves Act 1977

Key to position titles	
Eteam	
CEO	Chief Executive Officer
GMBS	Group Manager Business Support
GMCD	Group Manager Community Development
GMSD	Group Manager Service Delivery
Third tier	
AMSP	Asset Manager Strategy and Policy
CORPSM	Corporate Strategy Manager
KCM	Kaimai Consultants Manager
KVSM	Kaimai Valley Services Manager
Fourth tier	
PROM	Parks & Reserves Operations Manager
Fifth tier (inclusive contractors)	
PRGL	Parks & Reserves Gardeners/Labourers

Section	Power	Eteam	Third tier	Fourth tier	Fifth tier
8(9)	To appoint person to be a ranger for the purposes of the Act; power to sign warrant of appointment	CEO			
16(1)	Power to declare by notice in the <i>Gazette</i> in accordance with Council resolution that a reserve shall be known by a specified name.	CEO			
23(3)	Power to give public notice prohibiting access to the whole or any specified part of a local purpose reserve; Power to issue permit permitting access to a local purpose reserve.	CEO GMSD			
24A(1)	Power to change the purpose for which a local purpose reserve is classified by notice in the <i>Gazette</i> in accordance with Council resolution.	CEO GMSD			
42(2)	Power to consent to the cutting or destruction of trees and bush on any recreation reserve, or Government purpose reserve or local purpose reserve administered by Council.	CEO GMSD	KCM	PROM	PRGL
48(1)	Power to grant rights of way and other easements over a reserve vested in Council; power to sign documents on behalf of Council necessary for the grant of any such rights of way and other easements.	CEO GMBS GMCD GMSD			

48A	Power to grant a licence relating to the use of a reserve for a communications station; power to sign documents on behalf of Council necessary for the grant of any such licence.	CEO GMBS GMCD GMSD			
50(1)	Power to consent in writing to the taking or killing by any person of any specified kind of fauna found within the reserve.	CEO GMBS GMCD GMSD	KVSM		
52(1)	Power to consent to the union of reserves.	CEO GMSD			
53	Power to exercise powers (other than leasing) in respect of recreation reserves.	CEO GMSD	AMSP		
54	Power to exercise powers in respect of the leasing of recreation reserves (except for farming, grazing, or afforestation leases); power to sign any documents on behalf of Council necessary for the granting of any lease under this section.	CEO GMBS GMCD GMSD			
55	Power to exercise powers (other than leasing) in respect of scenic reserves.	CEO GMSD	AMSP		
56	Power to exercise powers in respect of the leasing of scenic reserves; power to sign any documents on behalf of Council necessary for the granting of any lease under this section.	CEO GMBS GMCD GMSD			
57	Power to exercise powers in respect of nature reserves.	CEO GMSD	AMSP		
58	Power to exercise powers in respect of historic reserves.	CEO GMSD	AMSP		
58A	Power to exercise powers in respect of the leasing of historic reserves; power to sign any documents on behalf of Council necessary for the granting of any lease under this section.	CEO GMBS GMCD GMSD			
59	Power to exercise powers in respect of scientific reserves.	CEO GMSD	AMSP		
60	Power to exercise powers in respect of Government purpose reserves.	CEO GMSD	AMSP		
61	Power to exercise powers (excluding leasing) in respect of local purpose reserves.	CEO GMSD	AMSP		
61(2), (2A)	Power to exercise powers in respect of the leasing of local purpose reserves; power to sign any documents on behalf of Council necessary for the granting of any lease under this section.	CEO GMBS GMCD GMSD			
63	Power to exercise powers in respect of Reserves not vested in the Crown.	CEO			

73	Power to exercise powers in respect of the leasing of recreation reserves for farming, grazing, afforestation or other purposes; power to sign any documents on behalf of Council necessary for the granting of any lease under this section.	CEO GMBS GMCD GMSD			
74(2)	Power to grant licence to occupy reserves temporarily.	CEO GMSD	AMSP		
75	Power to enter into a contract for the afforestation of any recreation or local purpose reserve.	CEO GMSD	AMSP		
77(1)	Power to enter into a conservation covenant in respect of private or Crown land; power to sign any documents on behalf of Council necessary in order to enter into any such conservation covenant.	CEO GMBS GMCD GMSD			
101(1)	Power to lay any information in respect of offences against this Act.	CEO GMBS GMCD GMSD	CORPSM		
115	Power to consent to the transfer, sublease or mortgage of a lessee's or licensee's interest in a lease or licence in respect of a reserve.	CEO GMSD			

Delegations - Reserves Act 1977: Ministerial Delegations

Key to position titles	
Eteam	
CEO	Chief Executive Officer
GMBS	Group Manager Business Support
GMCD	Group Manager Community Development
GMSD	Group Manager Service Delivery
Third tier	
AMSP	Asset Manager Strategy and Policy
FOM	Facilities Operations Manager
KVSM	Kaimai Valley Services Manager
Fourth tier	
PROM	Parks & Reserves Operations Manager
Fifth tier	
PRTL	Parks & Reserves Team Leader
PRGL	Parks & Reserves Gardeners/Labourers

Section	Power & Limitations	Council	Eteam	Third tier	Fourth tier	Fifth tier
6(3)	Power to revoke a Gazette notice and issue a fresh notice or amend the original notice where any error of description has been made. <i>This only applies to notices in the Gazette given by the territorial authority.</i>		CEO			
14(4)	Decision to gazette resolution to declare vested land to be a reserve where Council has by resolution declared land vested in it to be a reserve. <i>Note: it is, therefore no longer necessary to consult the Commissioner in terms of sec14(3) of the Act.</i>		CEO			
15(1)	Authorise or decline to authorise, by Gazette notice, the exchange of land in any reserve or any part(s) of a reserve for any other land to be held for purposes of that reserve where Council has resolved to do so. <i>Only to be exercised where the territorial authority did not derive title from the Crown, or title would be deemed not to be derived from the Crown if the reserve was going through</i>		CEO			

	<i>a revocation process (s.25).</i> <i>The territorial authority must consult with the Crown before making a decision under s.15(1) if the land it proposes to grant in exchange was purchased with funds provided either wholly or partly by the Crown.</i>					
15(3)	Power to do all things necessary to effect any exchange authorised by the local authority under Section 15(1) of the Act, or by the Crown in the case of vested reserves derived from the Crown, including the payment or receipt of any money by way of equality of exchange in the case of non Crown derived reserves.		CEO GMBS GMCD GMSD			
16(1)	Power to classify a reserve, by Gazette notice, according to their principal or primary purpose all reserves.		CEO			
16(4)	Power to advertise the intention to classify a reserve in accordance with sec 16(1).		CEO GMBS GMCD GMSD			
18(2)(e) 19(2)(a) 19(3)(a)	Power in relation to Historic and Scenic Reserves to determine in which cases exceptions can be made to the preservation of flora and fauna and the natural environment.		CEO GMSD	AMSP		
24(1)	Power to change the classification or purpose of a reserve by notice in the Gazette following a Council resolution. <i>Does not apply to the revocation of reserves</i>		CEO			
24(2)(e)	Power to consider all objections received to a proposed change of classification or purpose.	No staff delegation – remains with Council				
24(3)	Power to form an opinion that the change of classification or purpose of a scenic, nature or scientific reserve is justified.					
24(5)	Power to form an opinion that the change in the classification of a historic reserve is justified.					
25(1)	Upon revocation of the reservation of any public reserve (or part of one) pursuant to section 24, dispose of that land in such manner and for such purpose as the Minister specifies. <i>The delegation only applies where the title to the reserve was not derived from the Crown, or is deemed not to be derived from the Crown in terms of s24(4) or (5).</i>		CEO GMSD	AMSP		

	<i>Note this delegation is intended to allow territorial authorities to decide how and for what purpose the land may be disposed of.</i>					
41(1)	Power to approve reserve management plans.	No staff delegation – remains with Council				
42(1)	Power to give or decline to give express written consent to the cutting or destruction of trees and bush on any historic, scenic, nature, or scientific reserve. Determine terms and conditions subject to which written consent is given.		CEO GMBS GMCD GMSD			
44(1)	Power to consent to the use of a reserve for temporary or permanent personal accommodation.		CEO GMBS GMCD GMSD			
44(2)	Power to consent to any vehicle caravan, tent or removable structure remaining on a reserve during the period 1 November to 31 March.		CEO GMBS GMCD GMSD	FOM		
45	Power to give or decline to give prior approval to administering body to erect, or authorise any voluntary organisation or educational institution to erect shelters, huts, cabins, lodges etc., on any recreation or scenic reserve, provided it is not inconsistent with the management plan for that reserve.		CEO GMBS GMCD GMSD			
48(1)	Power to consent or refuse consent to granting rights of way and other easements over any part of a vested reserve for any of the purposes specified in section 48(1) Impose such conditions as it thinks fit in giving the consent. Provided that granting the easement does not interfere with the use and enjoyment of the reserve by the public.		CEO GMBS GMCD GMSD			

48A(1)	Power to consent or refuse consent to granting a licence over a vested reserve to any person or department of State- a) to erect, maintain and use buildings, dwellings, masts and other structures, and plant and machinery; and b) to construct, maintain, and use tracks and engage in other works -for any of the purposes of communication stations as specified in section 48A		CEO GMBS GMCD GMSD			
48A(3)	Power to approve terms and conditions for the grant of a licence for the purposes of communication stations as specified in section 48A		CEO GMBS GMCD GMSD			
49	Power to grant or decline to grant in writing any qualified person a right to take specified specimens of flora or fauna or rock mineral or soil from a reserve for scientific or educational purposes. Form opinion as to whether qualified person has the necessary credentials. Impose conditions on the grant in writing. <i>With regard to fauna, the delegation of for exotic fauna which are not protected under the Wildlife Act 1953.</i>		CEO GMBS GMCD GMSD	KVSM		
50(1)	Power to authorise or decline to authorise any person to take and kill any specified kind of fauna that may be found in any scenic, historic, nature or scientific reserve. Authorise or decline to authorise the use of firearms, traps, nets or other like objects within reserve for the foregoing purposes. <i>This delegation is for non-protected exotic fauna only</i>		CEO GMBS GMCD GMSD	KVSM		
51(1)	Power to authorise or decline to authorise in writing an administering body to introduce indigenous flora or fauna or exotic flora into any scenic reserve for any of the purposes referred to in section 51(1). Impose conditions on the giving of authorisation.		CEO GMBS GMCD GMSD	KVSM		
52(1)	Power to declare by Gazette notice that any 2 or more reserves, or parts of 2 or	No staff				

	<p>more reserves, or parts of one or more reserves and the whole of one or more other reserves, are to be united to form one reserve.</p> <p><i>All affected reserves or parts of reserves must have the same administering body and must all either be vested in that body or held under an appointment to control and manage.</i></p>	delegation – remains with Council				
53(1)(d)	To consent to an increase in the number days the public shall not be entitled to have admission to a reserve.		CEO GMSD	AMSP		
53(1)(e)	To approve the fixing of charges generally or with respect to any specified occasion or event.		CEO GMSD	AMSP		
54(1)	<p>Power to give or decline to give prior consent, in the case of a recreation reserve vested in it, to grant leases for any of the purposes specified in paragraphs (a), (b), (c). These purposes include:</p> <p>(a) lease any area set out under section 53(1)(h) for baths, a camping ground, a parking or mooring place, or other facilities for –public recreation or enjoyment. The lease-</p> <p>i) may require the lessee to construct, develop, control or manage the facilities for public recreation or enjoyment, or may require the lessee to control and manage those facilities provided by Council.</p> <p>ii) shall be subject to further provisions set out in Schedule 1 relating to leases of recreation reserves.</p> <p>(b) lease to any voluntary organisation part of the reserve for the erection of stands, pavilions, gymnasiums and, subject to section 44 and 45, other buildings and structures associated with and necessary for the use of the reserve for outdoor sports, games, or other recreational activities, or to lease to any voluntary organisation any structures or buildings already on the reserve. Provided that a lease granted be consider to be in the public interest.</p> <p>(c) lease to any voluntary organisation the whole or part of the reserve for the playing of any outdoor sport, games or other recreational activity where the preparation and maintenance of the area for such sport, games or other</p>		<p>CEO GMBS GMCD GMSD</p> <p>CEO GMBS GMCD GMSD</p>			

	<p>recreation activity requires the voluntary organisation to spend a sum of money that in the opinion of Council is substantial. The lease shall be subject to the further provisions set out in Schedule 1 relating to the lease of recreation reserve.</p> <p>and to grant a lease or licence for any of the purposes specified in paragraph (d):</p> <p>(d) for the carrying out of any trade, business, or occupation on any specified site within the reserve, subject to the provisions set out in Schedule 1 relating to the leases or licences of a recreation reserves.</p> <p>Provided that the trade, business, or occupation must be necessary to enable the public to obtain the benefit and enjoyment of the reserve or for the convenience of persons using the reserve.</p> <p>and to exercise all powers of the Minister referred to in the First Schedule that pertain to leases under s.54(1)(a), (b), (c) and (d).</p> <p>Provided it is not inconsistent with the management plan for that reserve.</p>					
55(2)(a) (d), (e) (f) and (g)	<p>In the case of a scenic reserve, power to give or decline to give consent to:</p> <ul style="list-style-type: none"> • The enclosure and grassing or grazing of open parts of the reserve; • The setting apart of areas for other purposes; • The erection of buildings and other structures and amenities; • Such things considered necessary for the public to obtain benefit of the reserve; • The setting apart of sites for residences and other building and structures necessary for the management of the reserve. <p>Provided it is not inconsistent with the management plan for that reserve.</p>		CEO GMSD	AMSP		
56(1)	<p>In respect of Scenic Reserves, the power to give or decline prior consent, in the case of a scenic reserve vested in it, to grant lease or licences for the purposes set out in s.56(1) and to exercise all powers of the Minister referred to in the First Schedule that</p>		CEO GMBS GMCD GMSD			

	<p>pertain to leases under s.56(1)(a) and (b).</p> <p>Consent or decline consent to variations or amendments to leases and licences, and consent to the carrying out of any other necessary actions arising out of the leases and licences consistent with the First Schedule, Reserves Act.</p> <p>Provided it is not inconsistent with the management plan for that reserve.</p>					
56(2)	<p>In respect of Scenic Reserves, the power to give public notice in accordance with section 119 of the Act and give full consideration in accordance with section 120 to all objections and submissions.</p>	<p>No staff delegation – remains with Council</p>				
58(b)	<p>In respect of Historic Reserves, the power to set apart and use part of a reserve as a site for residences and other buildings.</p> <p>Provided any decision is not inconsistent with the management plan for that reserve.</p>		<p>CEO GMSD</p>	<p>AMSP</p>		
58A(1)	<p>Power to give or decline prior consent, in the case of an historic reserve vested in it, to grant leases or licences to any person, body, voluntary organisation, or society for domestic residential purposes or for the carrying on of any activity, trade, business, or occupation in any building or on any specified site within the reserve and grant leases of any such building or site for any such purpose or purposes.</p> <p>Consent or decline consent to variations or amendments to leases and licences and consent to the carrying out of any other necessary actions arising out of the leases and licences, consistent with the First Schedule, Reserves Act.</p> <p>Provided any decision is not inconsistent with the management plan for that reserve.</p>		<p>CEO GMBS GMCD GMSD</p>			
59A(1)	<p>In accordance with Part 3B Conservation Act 1987, grant or refuse a concession in respect of any reserve controlled or managed by an administering body under s.28 Reserves Act so that the administering body may apply Part 3B as if</p>		<p>CEO GMBS GMCD GMSD</p>			

	<p>references in that Part to a conservation area where references to such a reserve and references to the Minister of Conservation and to the Director-General of Conservation are references to an administering body.</p> <p>Provided any decision is not inconsistent with the management plan for that reserve.</p>					
67(1)(b)	<p>Power to consent or decline consent to lease of recreation reserve set apart for race course purposes, to a racing club.</p> <p>Provided it is not inconsistent with the management plan for that reserve.</p>		<p>CEO GMBS GMCD GMSD</p>			
72(1)	<p>To enter into and agree the terms of a lease or other agreement for the farming of a recreation or local purpose reserve.</p> <p>Provided any decision is not inconsistent with the management plan for that reserve.</p> <p><i>Note Section 72(3) applies.</i></p>		<p>CEO GMBS GMCD GMSD</p>			
73(1)	<p>Power to consent or decline prior consent to grant a lease of recreation reserve in the circumstances specified in s.73(1), where the reserve is vested in the administering body, and consent or decline prior consent to an administering body granting a lease in the circumstances specified in section 73(1) in all other cases.</p> <p>Exercise all powers of the Minister referred to in the First Schedule that pertain to leases under s.73(1).</p> <p>Provided it is not inconsistent with the management plan for that reserve.</p>		<p>CEO GMBS GMCD GMSD</p>			
73(2)	<p>Power to consent or decline prior consent to an administering body granting a lease of recreation reserve for afforestation where the reserve is vested in the administering body, and consent or decline prior consent to an administering body granting a lease of recreation reserve for afforestation purposes in all other cases.</p> <p>Exercise all powers of the Minister referred to in the First Schedule that pertain to leases under s.73(2).</p> <p>Provided any decision is not inconsistent with the management plan for that reserve.</p>		<p>CEO GMBS GMCD GMSD</p>			

73(3)	<p>Form an opinion as to whether recreation reserve is not likely to be used for purposes of a recreation reserve.</p> <p>Power to consent or decline consent to administering body granting leases of whole or part of reserve vested in administering body.</p> <p>Grant of decline to grant leases of whole or part of a reserve held under an appointment to control and manage.</p> <p>Exercise all powers of the Minister referred to in the First Schedule that pertain to leases under s.73(3).</p> <p>Provided any decision is not inconsistent with the management plan for that reserve.</p> <p><i>Note the provisions of Part 3B Conservation Act apply (s.73(3A)(b)).</i></p> <p><i>Note s.73(3A)(a) applies.</i></p>		CEO GMBS GMCD GMSD			
73(5)	<p>Power to consent or decline consent in writing to a member of an administering body becoming the lessee of any land under the control of that body.</p> <p>Provided any decision is not inconsistent with the management plan for that reserve and any procedures for leasing of reserves.</p>		CEO GMBS GMCD GMSD			
73(6)	<p>Power to consent or decline consent to surrender of lease.</p> <p><i>Only exercisable where the original approval for the lease was given by the territorial authority under this delegation.</i></p>		CEO GMBS GMCD GMSD			
74(1)(b)(i) i) (proviso)	<p>Power to consent or decline consent to granting of a licence to occupy a historic, scenic or scientific reserve.</p> <p>Provided any decision is not inconsistent with the management plan for that reserve.</p>		CEO GMBS GMCD GMSD			
75(1) and (2)	<p>Power to consent or decline to consent to the afforestation of a recreation or local purpose reserve.</p> <p>Provided any decision is not inconsistent with the management plan for that reserve.</p>		CEO GMSD	AMSP		
121	Where under the provisions of the Act consent or approval is required, give consent or approval subject to such conditions as are thought fit.		CEO GMBS GMCD GMSD	AMSP KVSM	PROM	PRGL PRTL

	<p>Provided any decision is not inconsistent with the management plan for that reserve</p> <p><i>Only exercisable in respects of matters delegated under this Instrument of Delegation.</i></p>					
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Delegations – Residential Tenancies Act 1986

This Act regulates the relationship between tenant and landlord in residential tenancies.

Key to position titles	
Eteam	
CEO	Chief Executive Officer
GMBS	Group Manager Business Services
GMCD	Group Manager Community Development
GMSD	Group Manager Service Delivery
Third tier	
AMSP	Asset Manager Strategy and Policy
KCM	Kaimai Consultants Manager
Fifth tier	
PSO	Property Services Officer

Section	Power	Eteam	Third tier	Fourth tier	Fifth tier
n/a	Power to enter in to tenancy agreements	CEO GMBS GMCD GMSD	AMSP KCM		PSO
13B	Power to vary/renew a tenancy agreement.	CEO GMBS GMCD GMSD	AMSP KCM		PSO
22	Power to apply for payment of a bond, or part of a bond where the application is made with the agreement of the other party; or in favour of the other party.	CEO GMBS GMCD GMSD	AMSP KCM		PSO
22A	Power to apply for payment of a bond, or part of a bond, without the agreement of the other party.	CEO GMBS GMCD GMSD	AMSP KCM		PSO
22B	Power to apply to the Tribunal for an order determining to who the bond, or any part of it, is to be paid.	CEO GMBS GMCD GMSD	AMSP KCM		PSO
24	Power to increase rent payable in respect of any tenancy*. *This power only relates to residential tenancies which are subject to and in accordance with market rents.	CEO GMBS GMCD GMSD	AMSP KCM		PSO
24A	Power to grant a temporary rent reduction.	CEO GMBS GMCD GMSD	AMSP KCM		PSO

28	Power to rent in case of substantial improvements, improved facilities, or variation of terms. This may be done either by agreement with the tenant or by application to the Tribunal.	CEO GMBS GMCD GMSD	AMSP KCM		PSO
28A	Power to make an application to the Tribunal for an increase of rent by order in case of unforeseen expenses.	CEO GMBS GMCD GMSD	AMSP KCM		PSO
42	Power to consent to tenant's fixtures, renovation, alteration, or addition of or to the premises.	CEO GMBS GMCD GMSD	AMSP KCM		PSO
44	Power to consent to assignment, subletting, or parting with possession by tenant.	CEO GMBS GMCD GMSD	AMSP KCM		PSO
48	Power to exercise Landlord's right of entry.	CEO GMBS GMCD GMSD	AMSP KCM		PSO
50A	Power to terminate tenancy following death of sole tenant.	CEO GMBS GMCD GMSD	AMSP KCM		PSO
51	Power to terminate tenancy by notice (e.g. 90 notice to vacate premises)	CEO GMBS GMCD GMSD	AMSP KCM		PSO
52	Power to apply to the tribunal for shorter notice.	CEO GMBS GMCD GMSD	AMSP KCM		PSO
55	Power to apply to the Tribunal for termination on non-payment of rent, damage, or assault.	CEO GMBS GMCD GMSD	AMSP KCM		PSO
56	Power to apply to the Tribunal for termination for non-payment of rent and other breaches of the tenancy agreement.	CEO GMBS GMCD GMSD	AMSP KCM		PSO
59	Power to give notice where otherwise than as a result of a breach of the tenancy agreement (whether for a fixed-term tenancy or a periodic tenancy), the premises are destroyed, or are so seriously damaged as to be uninhabitable.	CEO GMBS GMCD GMSD	AMSP KCM		PSO
59A	Power to terminate a tenancy where as a result of a breach of the tenancy agreement (whether for a fixed-term tenancy or a periodic tenancy), the premises are destroyed or are so seriously damaged as to be uninhabitable.	CEO GMBS GMCD GMSD	AMSP KCM		PSO

61	Power to apply to the Tribunal for an order terminating a tenancy where the tenant has abandoned the premises and the rent is in arrears.	CEO GMBS GMCD GMSD	AMSP KCM		PSO	Item 10.3
62	Power to dispose of foodstuffs or other perishable goods left on premises on the termination of the tenancy.	CEO GMBS GMCD GMSD	AMSP KCM		PSO	
62A	Power to dispose of abandoned goods following assessment of market value.	CEO GMBS GMCD GMSD	AMSP KCM		PSO	
62B	Power to apply and dispose of abandoned goods in accordance with Tribunal order.	CEO GMBS GMCD GMSD	AMSP KCM		PSO	
64	Power to apply to the Tribunal for an order for possession of the premises following the termination of a tenancy.	CEO GMBS GMCD GMSD	AMSP KCM		PSO	Attachment A
65	Power to apply to the Tribunal for an order for the eviction of squatters.	CEO GMBS GMCD GMSD	AMSP KCM		PSO	
66	Power to apply to the Tribunal for an order reducing the term of the tenancy by a period stated in the order, and making such variations in the terms of the tenancy as are necessary because of the reduction of the term, where it is satisfied that, because of an unforeseen change in the applicant's circumstances, the severe hardship which the applicant would suffer if the term of the tenancy were not reduced would be greater than the hardship which the other party to the tenancy would suffer if the term were reduced.	CEO GMBS GMCD GMSD	AMSP KCM		PSO	
106	Power to file possession orders with the District Court.	CEO GMBS GMCD GMSD	AMSP KCM		PSO	
107	Power to file orders other than possession orders and work orders with the District Court.	CEO GMBS GMCD GMSD	AMSP KCM		PSO	
108	Power to lodge with the Tribunal an application for the enforcement of a work order.	CEO GMBS GMCD GMSD	AMSP KCM		PSO	
109	Power to apply to the Tribunal for an order requiring any other person to pay to the applicant an amount in the nature of exemplary damages on the ground that that other person has committed an unlawful act.	CEO GMBS GMCD GMSD	AMSP KCM		PSO	

112B	Power to apply to the chief executive for contact information about a judgment debtor named in the order to be made available to the court in which enforcement proceedings against the judgment debtor have been, or may be, commenced.	CEO GMBS GMCD GMSD	AMSP KCM		PSO
117	Power to lodge an appeal with the District Court where dissatisfied with the decision of the Tribunal.	CEO GMBS GMCD GMSD			
119	Power to lodge an appeal on questions of law to the High Court Where Council is dissatisfied with the decision of the District Court Judge as being erroneous in point of law may appeal to the High Court on that question of law.	CEO GMBS GMCD GMSD			
120	Power to appeal under section 119, with the leave of the High Court or (if that leave is refused) with special leave of the Court of Appeal, appeal to the Court of Appeal against the determination of the High Court.	CEO GMBS GMCD GMSD			
134	Power to waiver breach of tenancy agreement by tenant.	CEO GMBS GMCD GMSD	AMSP KCM		PSO
135	Power to make an application for recovery of money paid by mistake.	CEO GMBS GMCD GMSD	AMSP KCM		PSO

Delegations - Resource Management Act 1991

Key to position titles	
Council	
HC	Hearings Commission*
IHC	Independent Hearings Commissioner*
CHC	Chairman Hearings Commission*
Eteam	
CEO	Chief Executive Officer
GMBS	Group Manager Business Support
GMCD	Group Manager Community Development
GMSD	Group Manager Service Delivery
Third tier	
DP	District Planner
Fourth Tier	
TLRC	Team Leader Resource Consents
Fifth Tier	
CP	Consents Planer (including graduate)

*Hearing Commissioners who are acting in a capacity under the Resource management Act 1991 must be appropriately accredited in order to exercise the following delegations.

Section & Power		Eteam	Third tier	Fourth tier	Fifth tier
<p>All of its functions, powers, or duties under the Resource Management Act 1991, except:</p> <ul style="list-style-type: none"> a) The approval of a policy statement or plan or any change to a policy statement or plan; b) The power of delegation; c) In respect of the District Planner only, the decision on application for a resource consent in respect of Discretionary, Non-Complying. d) In respect of the District Planner only, the making of a recommendation on a requirement for a designation; and e) In respect of the District Planner only, the decision on time limit extensions in respect of District Plan changes pursuant to section 37 of the Resource Management Act 1991. f) The power to make a decision on a request to refer the decision on an application for resource consent 		<p>CEO GMBS GMCD GMSD</p>	DP		

<p>directly to the Environment Court pursuant to section 87E of the Resource Management Act 1991.</p> <ul style="list-style-type: none"> • PROVIDED THAT: • This delegation does not prevent the said position holders from doing anything before a final decision on any matter referred to in (a) through (d) (inclusive) above. • Where any application is recommended for refusal or if the position holders would not grant it, the matter shall be determined by the Hearings Commission upon a hearing being held. 					
The power to grant deemed permitted activity certificates under sections 87BA and BB		CEO GMBS GMCD GMSD	DP	TLRC	CP
<ul style="list-style-type: none"> • Pursuant to section 48 and clause 32 of • the 7th schedule to the Local Government • Act 2002 and section 34A(1) of the • Resource Management Act 1991 the • Matamata-Piako District Council hereby • delegates the following powers severally • to the Group Manager Community • Development, Group Manager Business • Support, Group Manager Service Delivery • and the District Planner: • a) To require a development plan and to exercise all the powers and rights of the Council in relation to developments; b) To accept cash in lieu of parking in accordance with a policy adopted by the Council; c) To issue certificates of compliance under Section 139 of the Resource Management Act 1991, and certificates of compliance with that Act for other purposes, such as motor vehicle dealers' licences, alcohol licences, education facilities, land promotion settlement and the like. 		CEO GMCD GMBS GMSD	DP		
Pursuant to section 48 and clause 32 of the 7 th schedule to the Local Government		All staff			

<p>Act 2002 and section 34A(1) of the Resource Management Act 1991 the Matamata-Piako District Council hereby delegates severally to each of its employees, those of its functions, powers and duties under that Act:</p> <ul style="list-style-type: none"> a) Of an administrative nature; or b) Relating to the receiving and processing of applications for resource consent; or c) Relating to the administration, monitoring and supervision of resource consents including certificates of compliance. d) This delegation does not include: e) The approval of a policy statement or plan or any change to a policy statement or plan; or f) The power to make the final decision on an application for resource consent; or g) The power of delegation. h) The power to make a decision on a request to refer the decision on an application for resource consent directly to the Environment Court pursuant to section 87E of the Resource Management Act 1991. <p>But does include, in accordance with section 36(6) of the Resource Management Act 1991, the power to do anything to assist with any of the functions referred to in paragraphs (a) through (f) (inclusive) above, other than conducting a hearing or making a final decision.</p>		
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**Delegations - Sale and Supply of Alcohol (Fees) Regulations 2013,
Sale and Supply of Alcohol Act 2012 inclusive of CEO Delegations**

Key to position titles	
Eteam	
CEO	Chief Executive Officer
GMCD	Group Manager Community Development
GMBS	Group Manager Business Support
GMSD	Group Manager Service Delivery
SDLC	Secretary District Licensing Committee
Third tier	
CORPSM	Corporate Strategy Manager
CSM	Customer Services Manager
DP	District Planner
Fourth tier	
CSS	Customer Services Supervisor
Fifth tier	
CSA	Customer Services Advisor
CSAA	Customer Services & Administration Advisor
EHO	Environmental Health Officer
MALO	Monitoring & Alcohol Licensing Officer
MEO	Monitoring & Engineering Officer
MO	Monitoring Officer
PEHAO	Planning and Environmental Health Administration Officer
PO	Planning Officer
SCSA	Senior Customer Services Advisor

Sale and Supply of Alcohol (Fees) Regulations 2013					
Section	Power	Eteam	Third tier	Fourth tier	Fifth tier
10(2)	Assign a fee category, which is one level lower than prescribed under the Regulations	GMCD SDLC	DP		
Sale and Supply of Alcohol Act 2012					
Section	Power	Eteam	Third tier	Fourth tier	Fifth tier

198	Authority for the CEO to delegate any of the CEO's functions, powers and duties under the Act.	CEO			
201(3)	Power to issue summonses requiring the attendance of witnesses before the licensing committee, or the production of documents, or to do any other act preliminary or incidental to the hearing of any matter by the committee.	CEO			
203(8)	Power to sign any decision, order, direction, certificate, or other document issued by the licensing committee on its behalf.	CEO			
261(1)(a)	Power to lay information under the Summary Proceedings Act 1957 for an infringement offence.	CEO GMBS GMCD GMSD	DP CORPSM		
Sale and Supply of Alcohol Act 2012 - CEO Delegations					
Section	Power	Eteam	Third tier	Fourth tier	Fifth tier
66(3)	Power to send, on behalf of the Secretary, copies of applications and decisions made by the licensing committee to the licensing authority.	GMBS GMCD GMSD	DP	CSS	CSA CSAA SCSA PEHAO
72	Power to issue, on behalf of the Secretary, a duplicate licence or certificate.	GMBS GMCD GMSD	DP	CSS	CSA CSAA SCSA PEHAO
73	Power to notify the Secretary of the licensing authority that a licence has been surrendered.	GMBS GMCD GMSD	CSM DP	CSS	CSA CSAA PEHAO PO SCSA
103(1)	Power to send, on behalf of the Secretary, a copy of a licence application to the police, an inspector and the Medical Officer of Health.	GMBS GMCD GMSD	CSM DP	CSS	CSA CSAA PEHAO PO SCSA
103(5)	Power to send, on behalf of the Secretary, an inspector's report filed with the licensing committee to the applicant.	GMBS GMCD GMSD	CSM DP	CSS	CSA CSAA PEHAO PO SCSA
128(4)	Power to send, on behalf of the Secretary, a copy of every objection to the applicant.	GMBS GMCD GMSD	CSM DP	CSS	CSA CSAA PEHAO PO SCSA

139	Power to require, on behalf of the Secretary, that an applicant for a special licence attach the notice of the application on or adjacent to the application site.	GMBS GMCD GMSD	DP		
140	Power to require, on behalf of the Secretary, the period within which an objection must be filed with the licensing committee. Power to give, on behalf of the secretary, a copy of every objection to the applicant.	GMBS GMCD GMSD			
141	Power to send, on behalf of the Secretary, a copy of a special licence application to the police, an inspector and the Medical Officer of Health. Power to send, on behalf of the Secretary, an inspector's report filed with the licence committee, to the applicant.	GMBS GMCD GMSD	CSM DP	CSS	CSA CSAA PEHAO PO SCSA
155(6)	Power to send documents to the secretary of the licensing authority on behalf of the Secretary.	GMBS GMCD GMSD	CSM DP	CSS	CSA CSAA PEHAO PO SCSA
193	Power to appoint a commissioner to a licensing Committee on the recommendation of Council.	GMBS GMCD GMSD			
197	Power to appoint 1 or more licensing inspectors, and, if more than one inspector is appointed, to appoint one inspector as chief licensing inspector.	GMBS GMCD GMSD			
201(3)	Power to issue summonses requiring the attendance of witnesses before the licensing committee, or the production of documents, or to do any other act preliminary or incidental to the hearing of any matter by the committee.	GMBS GMCD GMSD	DP		
203(8)	Power to sign a decision, order, direction, certificate, or other document issued by the licensing committee on its behalf.	GMBS GMCD GMSD			
220	Power to send, on behalf of the Secretary, a copy of the manager's certificate application to the police and an inspector. Power to send, on behalf of the Secretary, a copy of the inspector's report to the applicant.	GMBS GMCD GMSD	CSM DP	CSS	CSA CSAA EHO MALO MEO MO PEHAO PO SCSA

225	Power to send to the applicant, on behalf of the Secretary, a copy of the manager's certificate renewal application to the Police and to an inspector. Power to send, on behalf of the Secretary, a copy of the inspector's report.	GMBS GMCD GMSD	CSM DP	CSS	CSA CSAA EHO MALO MEO MO PEHAO PO SCSA
283(4)	Power to send, on behalf of the Secretary, a copy of an application under s283(1) to the licensee, to fix the earliest practicable date for a public hearing of the application, and to give notice of the date, time and place of the hearing to the applicant and the licensee.	GMBS GMCD GMSD	CSM DP	CSS	CSA CSAA EHO MALO MEO MO PEHAO PO SCSA
284(3)	Power to send, on behalf of the Secretary, a copy of an order made under s284(1) to the secretary of the licensing authority.	GMBS GMCD GMSD	CSM DP	CSS	CSA CSAA EHO MALO MEO MO PEHAO PO SCSA

Delegations - Trespass Act 1980

Key to position titles	
Eteam	
CEO	Chief Executive Officer
GMBS	Group Manager Business Support
GMCD	Group Manager Community Development
GMSD	Group Manager Service Delivery
Third tier	
CORPSM	Corporate Strategy Manager
CSM	Customer Services Manager
DLM	District-Library Manager
DP	District Planner
FOM	Facilities Operations Manager
HSQM	Health and Safety/Quality Manager
KCM	Kaimai Consultants Manager
KVSM	Kaimai Valley Services Manager
Fourth tier	
CL	Community Librarian
CSS	Customer Services Supervisor
LTL	Library Team Leader
SWFM	Swim Zone Facility Manager
TASFM	Te Aroha Spas Facility Manager
Fifth tier (inclusive contractors)	
PSO	Property Services Officer
SWTL	Swim Zone Team Leader

Delegations to the following positions are limited to issuing Trespass Notices within the position titles area of operation.

•

• Section	• Power	Eteam	Third tier	Fourth tier	Fifth tier
4(1) & (2)	Power to issue warning to stay off.	CEO GMBS GMCD GMSD	CORPSM CSM DLM DP FOM HSQM KCM KVSM	CL CSS LTL SWFM TASFM •	PSO SWTL •

9(1)	<ul style="list-style-type: none"> Power to require any person found trespassing to give particulars of his name and place of abode and give the number of his firearms licence if he is in possession of a firearm. 	CEO GMBS GMCD GMSD	CORPSM CSM DLM DP FOM HSQM KCM KVSM	CL CSS LTL SWFM TASFM	PSO SWTL • •
10	Power to lay information for proceedings under the Trespass Act 1980.	CEO GMBS GMCD GMSD	CORPSM	•	•

Legislative Compliance Framework

Trim No.: 2074693

Executive Summary

The Audit and Risk Committee previously requested that staff develop a legislative compliance framework for its review on an annual basis. A draft was reported to the Committees February 2017 meeting for discussion, the Committee resolved that the framework should be adopted and completed annually by staff alongside the Annual Report. The Framework was reported back to the Committee's October 2017 meeting where it was formally adopted. The Framework has been updated for the 2017/18 financial year and reviewed by the Audit and Risk Committee at its October 2018 meeting. The Committee recommended Council adopt the framework and accordingly it is now presented for adoption. The updated legislative compliance framework is attached.

Recommendation

That:

1. the information be received; and
2. Council adopt the Legislative Compliance Framework.

Content

Background

The Audit and Risk Committee previously requested that staff develop a legislative compliance framework for its review on an annual basis. A draft was reported to the Committees February 2017 meeting for discussion, the Committee resolved that the framework should be adopted and completed annually by staff alongside the Annual Report. The Framework was reported back to the Committee's October 2017 meeting where it was formally adopted. The Framework has been updated for the 2017/18 financial year and reviewed by the Audit and Risk Committee at its October 2018 meeting. The Committee recommended Council adopt the framework and accordingly it is now presented for adoption. The updated legislative compliance framework is attached.

Issues

What is the legislative compliance framework? The legislative compliance framework describes how the Council ensures its activities are undertaken within the law. In line with other Council frameworks (e.g. Delegations, Risk Management and Procurement) managers (Legislation Owners) have been assigned responsibilities to ensure Council compliance with relevant New Zealand legislation and associated regulations.

Why do we need a legislative compliance framework?

The Council could face severe penalties for failing to comply with legislation. Consequences can include:

- loss of reputation
- loss of accreditation
- civil and criminal proceedings
- investigation and censure from monitoring bodies
- breaches of banking and other key covenants

What is a Legislation Owner?

A 'Legislation Owner':

- is usually a member of the Management Team
- is accountable for ensuring that requirements under legislation are met
- reviews changes to legislation and informs staff of any impact of these changes
- is responsible for reporting to Executive Team on an annual basis or when a serious breach is identified
- is someone who ensures that, on a day to day basis, compliance is achieved and has processes in place that enables regular monitoring to occur by, for example,
- providing access to training for key staff
- ensuring that inspections have been conducted and situations assessed as appropriate
- reports of instances of breaches including the outcomes of any such instance, what steps have been taken to prevent further breaches, and where there are on-going compliance issues

The framework sets out:

- The key Acts and other legal obligations or requirements
- The general elements which have a duty or compliance requirement
- The member of staff responsible for each element
- Any reporting requirements, general comments by reporting staff as relevant

For reporting on compliance, legislation has been grouped per the major functions of the Council. The reference to any Statute includes all relevant amendments.

Every effort has been made to identify the legislation which staff and others are likely to encounter in the normal course of their employment. It is imperative to note the requirements that the Council, its staff, agents and contractors must comply with all New Zealand statute law and common law obligations. The list of statutes and other obligations are set out in this Legislative Compliance policy cannot hope to be exhaustive. If staff and others learn of legislation (including new statutes or regulations) or relevance to their roles within the Council, such legislation should be referred to the Legal Officer, for review and possible inclusion in this document.

New legislation - We have added the Public Bodies Leases Act 1969 to the framework and is currently a work in progress.

Attachments

[A](#). Legislative Compliance Checklist October 2018

Signatories

Author(s)	Niall Baker Acting Senior Policy Planner	
Approved by	Sandra Harris Acting Strategic Policy Manager	
	Don McLeod Chief Executive Officer	

Legislative Warrant of Fitness –Draft for Council adoption, 14 November 2018

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Council as a good employer

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments and Signature
1	<p>Anzac Day Act 1966 The Act regulates the observance of Anzac Day and commercial activities after noon.</p> <p>Where Anzac Day falls on a Sunday it shall be observed as a Sunday. Where Anzac Day does not fall on a Sunday, it is observed up to 1 o'clock in the afternoon as if it were a Sunday, and after that hour on that day such activities shall be permitted as may lawfully take place after noon on a Saturday. The Act is subject to section 45A of the Holidays Act 2003 (which concerns the transfer of the public holiday for the purposes of Part 2, subpart 3 of that Act when Anzac Day falls on a Saturday or a Sunday).</p>	Compliance with the requirements to observe Anzac Day and limit commercial activities.	Human Resources Manager	No delegation required as Council is not exercising a power under the legislation.	<p>Leave Policy</p> <p>Individual and Collective Employment Agreements</p>	Yes	<p>Council offices and Libraries close on ANZAC Day, office and Library staff are not required to attend work. Staff that are required to work on ANZAC Day for the celebration events are paid in accordance with the Holidays Act 2003</p> <p>Pool facilities are open after 1pm. KVS staff not required to work excepting those that are on call/standby or undertaking work for the ANZAC Day celebration events.</p>
2	<p>New Zealand Bill of Rights Act 1990 (NZBORA)</p> <p>The NZBORA protects the rights of peoples in New Zealand – freedom of thought, conscience, religion, expression, peaceful assembly, discrimination etc.</p>	Maintenance of the rights and freedoms as set out in the NZBORA.	Human Resources Manager	No delegation required as Council is not exercising a power under the legislation.	<p>Equal Employment Opportunities Policy, Harassment (including bullying and discrimination) policy, Recruitment and Selection Policy, Substandard Performance, Misconduct and Disciplinary Policy, Employment Relations Policy</p>	Yes	Council is an equal opportunity employer and undertakes a number of steps to ensure the workplace is free from harassment (including bullying and discrimination)
3	<p>Criminal Records (Clean Slate) Act 2004</p> <p>The Criminal Records (Clean Slate) Act establishes a clean slate regime that enables eligible individuals to conceal their criminal record in some circumstances. As a part of the state sector and an employer there are implications for the questions that can be asked of people.</p>	Compliance with the prohibition to ask or require a person to disregard the effect of the clean slate scheme when answering a question about their criminal records. It is also an offence to require or request an individual to disregard the effect of the clean slate and disclose, or give consent to the disclosure of, his or her criminal record.	Human Resources Manager	No delegation required as Council is not exercising a power under the legislation.	<p>Application for employment form</p> <p>Ministry of Justice Criminal Conviction checks undertaken on all new staff.</p> <p>Promapp process - Criminal conviction and police vetting checks</p>	Yes	The requirements of the Act are met in Council's application form and during Criminal Conviction checks
4	<p>Employment Relations Act 2000</p> <p>This Act covers the negotiation of employment agreements and procedures for employment relations problems. It is integral to the function of the Council as an employer.</p>	Compliance with legislative requirements regarding employment agreements, bargaining, union membership, personal grievance processes, record keeping etc.	Human Resources Manager	No delegation required as Council is not exercising a power under the legislation.	<p>Policies - Employment Relations Policy, Hours of Work Policy, Storage of Employee Records Policy</p> <p>Collective and Individual</p>	Yes	The requirements of this act are met and HR ensures compliance with all Individual and Collective Employment Agreements. Various policies are in place such as: Employment Relations Policy, Hours of Work Policy,

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments and Signature
					<p>Employment Agreements</p> <p>Partnership for Quality Agreement with the Unions, Bargaining Process Agreements</p> <p>Processes – creating an individual employment agreement, Employee opts to join Union, Employee opts out of Union, Staff request for flexible hours, review process, MPDC info security and control</p>		Storage of Employee Records Policy
5	<p>Equal Pay Act 1972</p> <p>This Act enables the elimination and prevention of gender discrimination in remuneration rates in all sectors of paid employment.</p>	Rates paid to women are to be based on the rates paid to male employees with the same (or substantially similar) skills, responsibilities and service.	Human Resources Manager	No delegation required as Council is not exercising a power under the legislation.	<p>Equal Opportunities policy</p> <p>Remuneration Policy</p> <p>SP5 Job Sizing system</p>	Yes	The SP5 Job Sizing system is used to evaluate most positions at Council. This system has been proven to meet the Standard for Gender Inclusive Job Evaluation. This system then determines what rates are paid for positions. Note this system is only used for some positions at KVS but we will be looking into this further in the future. We have previously investigated whether to undertake a PAEE review but we determined it was not required based on the SP5 system and staff views on pay equality at MPDC.
6	<p>Fees and Travelling Allowances Act 1951</p> <p>This Act sets out the framework for members of statutory boards to any remuneration by way of salary, fees, or otherwise for his services as a member of the Board, the remuneration shall, subject to any determination of the Remuneration Authority, be paid at such rate as the Minister from time to time approves in that behalf.</p>	Where, under any enactment, a member of a local authority is entitled to receive payment of travelling allowances or travelling expenses, the provisions of this Act, as far as they are applicable and with the necessary modifications, shall apply to that member as if the local authority were a statutory Board.	Human Resources Manager	No delegation required as Council is not exercising a power under the legislation.	<p>Calculate employee travel allowance</p> <p>Travel Allowance Form</p> <p>Mileage claim form</p>	Under review	We have received some advice on this matter and it's one of our tasks to undertake soon.
7	<p>Health and Safety at Work Act 2015</p> <p>An Act relating to the health and safety of employees and other people at work, to promote health and safety management by employers.</p>	Compliance with the requirements of as person conducting a business or undertaking under the Health and Safety at Work Act 2015.	Health & Safety/Quality Manager	Yes - Power to undertake all the duties and functions of a person conducting a business or undertaking	<p>Health and safety training resources</p> <p>Internal audit of health and safety procedures by H&S Reps & H&S team</p> <p>Council H&S Charter</p> <p>Operational H&S Policy</p> <p>H&S management</p>	Underway	The 2019 Work plan & objectives are being prepared now based on discussions with Council, H&S Committee & E-Team. This also takes into account the H&S Climate survey results.

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments and Signature
				under the Health and Safety at Work Act 2015	system The Vault Various policies & procedures.		Mike Cosman (external consultant) will be re-auditing Council in February 2019 against the new Safe+ standard.
8	Holiday Act 2003 The purpose of this Act is to promote balance between work and other aspects of employees' lives and, to that end, to provide employees with minimum entitlements to annual holidays, public holidays, sick leave and bereavement leave.	The Act provides to enforce several days for the worker as holidays. As an employer, the Council must ensure that its employment contracts comply with the legislation and employees and allowed leave accordingly. All required records are kept of this.	Human Resources Manager	No delegation required as Council is not exercising a power under legislation.	Leave Policy Individual and Collective Employment agreements Promapp process - MPDC info security and control, Average and Ordinary hourly rate calculation, Pay MPDC and KVS Employees	Yes	HR ensures compliance with the Holiday Act and Individual and Collective Employment Agreements
9	Human Rights Act 1993 This Act governs the protection of human rights in New Zealand. It is applicable to the Council in employment and the provision of access to the disabled.	Compliance with requirement not to discriminate based on a prohibited ground * <i>*Prohibited Grounds:</i> Discrimination on the basis of gender, pregnancy and childbirth, marital status, religious ethical belief, colour, race, ethnic or national origins, disability, age, political opinion, employment or family status, sexual orientation.	Human Resources Manager	No delegation required as Council is not exercising a power under legislation.	Employment Relations Policy, Equal Employment Opportunities Policy, Harassment (including bullying and discrimination) policy, Recruitment and Selection Policy, Substandard Performance, Misconduct and Disciplinary Policy	Yes	HR ensures compliance with the Human Rights Act. Various policies are in place and the Application for Employment Form has been checked by an Employment Lawyer for compliance
10	Injury Prevention, Rehabilitation and Compensation Act 2001 This Act regulates the area of accident compensation coverage.	Comply with obligations as an employer for the payment of levies and premiums.	Health & Safety/Quality Manager Human Resources Manager	No delegation required as Council is not exercising a power under legislation.	Calculating lost time injury frequency rates Information is supplied to ACC as required for the calculation of levies and premiums. Payments are made within required timeframes. Payroll information is also supplied to ACC for the calculation of earnings for injured employees.	Yes	Calculating the lost time of LTIs (lost time injuries). Injuries monitored on ACC website. Return to work (RTW) programme in place. LTI's are reported to Council monthly in the H&S report.
11	Kiwi Saver Act 2006 This Act is to encourage a long-term savings habit and asset accumulation by individuals for retirement. The Act aims to increase individuals' well-being and financial independence, particularly in retirement, and to provide retirement benefits.	Provision of employees with information packs, meet enrolment requirements for employees, compulsory contributions and tax credit entitlements etc.	Human Resources Manager	No delegation required as Council is not exercising a power under legislation.	Employee payroll start form Kiwisaver employee information sheet (including the investment statement from our preferred provider)	Yes	A number of processes are in place to ensure the requirements of the KiwiSaver Act are met (as outlined in the promapp processes column)

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments and Signature
					Kiwisaver information – existing staff wanting to join Cease KiwiSaver Compulsory Employer Contribution		
12	Local Government Act 2002 This Act sets out the requirements of Council to be a good employer, and certain disclosure requirements regarding employee salaries in its Annual Reporting.	Compliance with requirement to be a good employer and other reporting requirements under this legislation. <i>42 Chief executive A chief executive appointed under subsection (1) is responsible to his or her local authority for— (c)ensuring that all responsibilities, duties, and powers delegated to him or her or to any person employed by the local authority, or imposed or conferred by an Act, regulation, or bylaw, are properly performed or exercised; and (g)employing, on behalf of the local authority, the staff of the local authority (in accordance with any remuneration and employment policy); and (h) negotiating the terms of employment of the staff of the local authority (in accordance with any remuneration and employment policy).</i>	Human Resources Manager	Council has delegations under the LGA but not specifically in relation to employment. The Local Government Act 2002 specifically identifies the CE as the employer of Council staff. S42 of the Act provides authority for the CE to comply with legislation.	There are a number of policies that relate to Council being a good employer such as: Staff Occupational Health Monitoring, Leave policy, Employment relations policy, Remuneration Policy, Equal Employment Opportunities Policy, Harassment (including bullying and discrimination) policy, Recruitment and Selection Policy, Substandard Performance, Misconduct and Disciplinary Policy, Training and Development Policy Appointment Approval form – signed off by CEO	Yes	The HR Manager is responsible for meeting the reporting requirements under the Local Government Act 2002 in relation to employee salaries and the number of employees
13	Minimum Wage Act 1983 The Act provides for minimum wage rates for adults and for youth workers to be paid. The Minister has discretion to set the minimum wage order.	Compliance with minimum wage rates.	Human Resources Manager	No delegation required as Council is not exercising a power under the legislation	Process - Process payroll end of tax year Individual and Collective Employment Agreements	Yes	HR ensures compliance with the Minimum Wage Act and Individual and Collective Employment Agreements
14	Parental Leave and Employment Protection Act 1987 Prescribes the minimum entitlement with respect to parental leave for male and female employees and protects employees during pregnancy and parental leave.	Comply with the requirements regarding parental leave under this legislation	Human Resources Manager	No delegation required as Council is not exercising a power under the legislation	Leave Policy, Employment Relations Policy Harassment (including bullying and discrimination) policy Process – Employee Parental Leave, HR Parental Leave process	Yes	Requirements are met as outlined in Council's employee parental leave process
15	Protected Disclosures Act 2000 An employee of the Council (including a former employee and a person working under contract of services) may disclose information about serious wrongdoing in or by the organisation which the employee believes on reasonable grounds to be true or likely to be true and the purpose is to	Compliance with the requirements regarding protection of employees, advising staff of Council's protected disclosures policy as required by legislation.	Human Resources Manager	No delegation required as Council is not exercising a power under the legislation	Protected Disclosures – Whistleblowers policy Protected Disclosures procedure	Yes	There have been no protected disclosures in the 2017/18 financial year.

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments and Signature
	enable investigation of the allegations and the employee wishes the disclosure to be protected.				Fraud and Corruption, Conflicts of Interest and Protected Disclosures brochure		
16	Smoke Free Environments Act 1990 The Act is intended to protect persons from cigarette smoke within all premises other than private homes. Another part limits sponsorship by tobacco companies.	Hold a written policy on smoking in the workplace and maintain a smoke free work environment.	Human Resources Manager Health & Safety Manager	No delegation required as Council is not exercising a power under the legislation	Designated smoking areas policy. No smoking in vehicles policy.	Yes	Designated smoking areas policy and No smoking in vehicles policy in place.
17	Waitangi Day Act 1978 The Act prescribes the observance of Waitangi Day as a public holiday.	Observance of Waitangi day as a public holiday.	Human Resources Manager	No delegation required as Council is not exercising a power under the legislation	Leave Policy Individual and Collective Employment Agreements	Yes	HR ensures compliance with the Holidays Act and Individual and Collective Employment Agreements
18	Wages Protection Act 1983 This legislation restricts the ability of an employer to deduct money from an employee's wages.	Comply with restrictions on making deductions from employee wages.	Human Resources Manager	No delegation required as Council is not exercising a power under the legislation	Individual and Collective Employment Agreements COSACS deduction authority form Staff member wants to change payroll deductions including Maintenance Form Induction packs for new staff	Yes	HR ensure compliance with legislation and Individual and Collective Employment Agreements
19	Vulnerable Children Act 2014 One of the purposes of this Act is to reduce the risk of harm to children by requiring people employed or engaged in work that involves regular or overnight contact with children to be safety checked.	Compliance with the requirements to carry out checks on any staff who are classified as working with children under this Act.	Human Resources Manager	No delegation required as Council is not exercising a power under the legislation	Promapp process - Criminal conviction and police vetting checks.	Underway – Child Protection Policy	<ul style="list-style-type: none"> Staff are working on developing a policy around this. We are safety checking 'children's workers' as per legislative requirements. A 'Children's worker' is defined in the Act as meaning a person who works in, or provides, a regulated service, and the person's work— (a) may or does involve regular or overnight contact with a child or children (other than with children who are co-workers); and (b) takes place without a parent or guardian of the child, or of each child, being present. <p>There are various 'regulated services' defined in the Act such as</p>

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments and Signature
							<p>services provided at community facilities, including (but not limited to) sports and recreation centres, libraries, swimming pools, galleries, and community centres.</p> <p>No consideration given at this time to volunteers doing H&S work i.e. tracks, parks, gardens etc.</p> <p>Also no consideration of work undertaken by Contractors on Council facilities i.e. pools, libraries where there are children.</p>

Council as a landlord and land owner

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments and Signature
20	Fencing Act 1978 This Act sets out the rights and obligations of property owners when fencing common boundaries.	Compliance with Council's obligations under the legislation as a property owner.	Kaimai Consultants Manager	Y	Boundary Fencing Procedure	Yes	Council as an Authority has no obligation under the Fencing Act to contribute to the cost of boundary fences on roads. All modern Reserves acquired by Council as part of subdivisions in the past decade have covenants on them that exclude Council from contributing to a boundary fence, older reserves and general Council owned property still require Council to make a contribution. When asked to contribute Council checks that no covenant exists.
21	Property Law Act 2007 This act sets out various laws regarding leases (other than residential), easements and mortgages etc.	Compliance with obligations under the Act – the area most commonly dealt with is obligations around commercial leases.	Kaimai Consultants Manager Corporate Strategy Manager	Y	Leasing procedure/ guidelines Sale/purchase of Own your own and other properties	Yes	Council staff follow set processes for the leasing of land, and the sale/purchase of property. These include controls such as obtaining valuations and using external legal firms for conveyancing. Other legislative requirements – such as residential tenancies, public works act and reserves act requirements are also considered on a case by case basis depending on the nature of the land and transaction.
22	Residential Tenancies Act 1986 This Act regulates the relationship between tenant and landlord in residential tenancies.	Compliance with the requirements of the act regarding tenancy agreements, bonds, notices etc.	Kaimai Consultants Manager	Y	Elderly persons housing rent reviews- policy Selection of own your own housing and elderly persons housing occupants	Yes	Staff follow promapp processes for the leasing of residential property as well as accessing resources/guidance provided by the Tribunal services. Council also undertakes a survey of residents annually to gauge their satisfaction with Council as a land lord – these results are available on request.

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments and Signature
							Council has not been taken to the tenancy tribunal by a resident. Council has not taken any tenant to the service for any reason this financial year.
23	Trespass Act 1980 This act sets out the ability of person/entity to warn and trespass persons from land that they occupy or own	Compliance with processes regarding trespassing person from Council property. Persons who are trespassed have been done so on a sound legal basis.	District Librarian Corporate Strategy Manager Community Facilities Operations Manager	Y	Issuing a Trespass Notice	Yes	Community Facilities Operations Manager – has issued one trespass notice for pools and one for the aerodrome this financial year. Libraries issued one trespass notice in last financial year. The trespass order issued for the Aerodrome related to occupation of the campground after it was closed. The trespass order for the pools was in relation to inappropriate behavior impacting on children. A trespass order was given at the libraries due to a customer being aggressive, abusive & throwing a computer across the room.
24	Public Bodies Leases Act 1969 This Act relates to the powers of certain public bodies to lease land. There is an interface between the Reserves Act 1977 and the Public Bodies Leasing Act 1969 with regard to Local Purpose Reserves.		Asset Manager Strategy and Policy	N	Underway	To be confirmed	Council staff are reviewing this Act to check what (if any processes are affected) and whether delegations are required.

Council as an information holder and provider

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments and Signature
25	Copyright Act 1994 The Copyright Act protects the property right associated with ownership of original works. The Council has compliance risks in relation to the use of original works by the Commission's staff in conducting their work, for example in communications and outreach.	The Council must not copy, or allow to be copied, original works for which it does not have this right.	Communications Manager	No delegation required as Council is not exercising a power under the legislation	No processes	Yes	How this could be reflected in Promapp needs to be reviewed further.
26	Local Government Official Information and Meetings Act 1987 The intent of this Act is to make official information more freely available, to provide for proper access by each person to official information relating to that person, to protect official information to the extent consistent with public interest and the preservation of personal privacy. Where the Council makes official information available in good faith no civil or criminal proceedings should lie against it.	Compliance with the requirements to release information under LGOIMA	Communications Manager Corporate Strategy Manager	Y	LGOIMA or OIA request management overview	Yes	Promapp process and guidelines for staff are documented, and new staff required to respond to LGOIMA requests are provided with training. There were four LGOIMA requests in 2017/18 that were not responded to within the statutory timeframe. We are investigating using registers to enter and process LGOIMA requests to provide better measures around response times.
	This act also provides for the provision of Land Information Memorandums, which can attract liability if incorrect information is provided.	Compliance with requirements to release information in LIMS	Customer Services Manager	Y	Public access requirements for information release	Yes	Council's customer services team have established processes and templates to ensure information is collected and checked. No LIMs missed either the legislative or urgent deadlines in the 2017/18 financial year.
27	Privacy Act 1993 The New Zealand Privacy Act 1993 established the Office of the Privacy Commissioner and sets out its functions. It sets out the principles of privacy the Council must adhere to and matters relating to the collection, use and storage of private information and response to requests/complaints regarding private information.	Compliance with privacy principles and obligation to release/update private information.	Corporate Strategy Manager	Y	MPDC information security and control	Yes	To the best of knowledge this has been complied with, staff are given training as part of their induction on LGOIMA and Privacy Act requirements.
28	Public Records Act 2005 This Act establishes a recordkeeping framework, and focuses on supporting good recordkeeping in government. The Council is to create and maintain records and to dispose of them in accordance with the authority of the Chief Archivist.	The Council is required to create and maintain full and accurate records in accordance with normal, prudent business practice. These records must also be accessible over time. The Council must gain the Chief Archivist's authorisation before disposing of public records.	Information & Technology Manager Communications Manager	Y	Document management	Yes	The Public Records Act also applies to our websites and Social Media. We are working towards complying with this Act by capturing logs on the MPDC website of who made changes, when, and what the change was. Our Disaster Recovery processes also provide the ability to restore old versions of the website, however, these do not comply with the requirements of the Records Act. We have identified the need to manage records from Social Media. This is a known issue in our sector, with a limited number of suitable products available on the market at this time.

Council as a governance body

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments and Signature
29	Births Deaths Marriages and Relationships Registration Act 1995 This Act provides for the recording/registration of births, deaths, marriages and other related matters in New Zealand	Issuing of marriage licences and performance of marriage ceremonies in accordance with the Act	Customer Services Manager	No delegation required as Council is not exercising a power under the legislation – specific staff members are appointed by the DIA to carry out marriages in towns where this service is not available.	Births Deaths and marriages Marriage licenses	Y	Licences and marriage ceremonies are conducted in accordance with the Act. This service is available at the Te Aroha and Matamata Offices only. Morrinsville applications are issued from the Court House.
30	Citizenship Act 1977 Provides for Councils to facilitate citizenship ceremonies on behalf of the government.	Undertaking citizenship ceremonies in accordance with legislation	Corporate Strategy Manager	No delegation required as Council is not exercising a power under the legislation – specific staff members and the Mayor are appointed by the DIA to carry out ceremonies.	Citizenship ceremony Taking photos at citizenship ceremonies	Y	Citizenship ceremonies are carried out 6-8 times per year depending on demand, they have all been carried out in accordance with the Council's MOU with the DIA.
31	Civil Defence Emergency Management Act 2002 The purpose of this Act is to improve and promote the sustainable management of hazards and provide for planning and preparation for emergencies and for response and recovery in the event of an emergency.	Compliance with Council's obligations to co-ordinate civil defence readiness and operations under the Act.	Group Manager Community Development	On 9 May 2018 Council approved Councillor Brian Hunter, with delegated authority to act for the Mayor, and Councillor Kevin Tappin be appointed as members of the Thames Valley Civil Defence and Emergency Management Joint Committee. Council also appointed Julian Snowball, Manager/Controller of the Thames Valley Emergency Operating Area, to act as a Local Controller for the Matamata-Piako District Council. All other appointments are made by the Civil Defence Emergency Management Group	Joint Council approach (HDC/TCDC/MPDC). Staff training on-going. Incident Management team appointed and trained. Regular attendance at meetings. Various processes incl. Utilising the civil defence status board Civil defence brief form Managing a crisis/emergency What to do in a crisis / emergency	Y	Several staff are trained to a level where they can respond to events nationally. Civil Defence Emergency Management Group meets regularly for planning, exercises etc.
32	Ngāti Hauā Claims Settlement Act 2014 The purpose of this Act is to record the acknowledgements and apology given by the Crown to Ngāti Hauā in the deed of settlement; and to give effect to certain provisions of the deed of settlement that settles the non-raupatu historical claims of Ngāti Hauā.	Compliance with the requirements to convene a committee for governance matters on the Waharoa (Matamata) Aerodrome.	Corporate Strategy Manager District Planner	No delegation required as Council is not exercising a power under the legislation – Council has appointed members to the Committee	Meeting processes in Promapp	Y	Waharoa Aerodrome Committee meetings are held three times per year. The District Plan has been updated to include the Ngati Haua Claims Settlement as a statutory acknowledgment.
33	Local Authorities (Members' Interests) Act 1968 This Act sets limits on the total of all payments made or to be made by or on behalf of the local authority in respect of all contracts made by it to elected members, and restrictions regarding voting where the elected member has a pecuniary interest	Compliance with limits for contract payments, voting restrictions and disclosures to Auditor General	Finance and Business Service Manager	Y	Members Interests process in Promapp	Y	To the best of staff's knowledge this legislation has been complied with. Two applications have been made on behalf of the Mayor (for \$85,000 including GST – relating to Fizog trading as Rex Barnes Engineering) and Councillor Tenna Cornes (\$35,000 including GST – relating to Deli Thyme).
34	Local Electoral Act 2001 The purpose of this Act is to provide uniform rules in relation to the timing of local elections; and the right of individuals to vote, stand for election, and nominate candidates for election.	Compliance with the obligations to undertake local body elections every three years	Corporate Strategy Manager	Y – Council delegates directly to the EO to carry out functions. SOLGM Electoral Working party calendar and handbook for EO's EO/DEO training provided.	Issuing special votes process. SOLGM Electoral Working party calendar and handbook for EO's	Y	Dale Ofoske, of Election Services Ltd has been appointed as Council's external Electoral Officer by Council resolution. A staff member will act as the DEO & as a point of contact for the external EO. Delegation added to the Delegations Register (Statutory Delegations).

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments and Signature
				EO appointed via Council resolution. Service provider contracts signed.	EO/DEO training provided. EO appointed via Council resolution. Service provider contracts signed.		
35	Local Government Act 2002 The purpose of this Act is to provide for democratic and effective local government that recognises the diversity of New Zealand communities. The Act provides a framework and powers for local authorities to decide which activities they undertake and the manner in which they will undertake them; and promotes the accountability of local authorities to their communities; and provides for local authorities to play a broad role in meeting the current and future needs of their communities for good-quality local infrastructure, local public services, and performance of regulatory functions.	Compliance with the obligations of local authorities relating to community outcomes, the purpose of local government, Maori decision making and decision making/consultation processes under the Act.	Corporate Strategy Manager	No delegation required as Council is not exercising a power under the legislation	Policy Making Guide and Information for Council Policies Determining if a project is significant and needs consultation (no processes on Maori decision)	Y	To the best of staff's knowledge these matters have been complied with.
36	Local Government Official Information and Meetings Act 1987 This act provides for the public notification of meeting to ensure the community has reasonable knowledge of when they will be held.	Compliance with obligations to publicly notify meetings and agendas/minutes.	Corporate Strategy Manager	No delegation required as Council is not exercising a power under the legislation	Adding minutes and agendas to the website How to place a notice of meetings advertisement Advertising notice of meetings deadlines Adding minutes and agendas to the website	Y	Meetings have all been notified in accordance with legislation this year. Agendas and minutes have been provided as required.
37	Ombudsmen Act 1975 The purpose of this Act is to create the Ombudsmen's office and set out its functions and powers.	Comply with obligations to respond to and assist ombudsmen's investigations under LGOIMA and the Ombudsmen Act 1975	Corporate Strategy Manager	No delegation required as Council is not exercising a power under the legislation	No Processes identified – Council would be expected to comply with Ombudsmen directions.	N/A	No directions from the Ombudsman's office have been provided in the 17/18 financial year. Two complaints were made to the Ombudsmen's office in 2017/18. For one of these complaints we were advised in March 2018 that the Ombudsman's office was proposing that no further action will be taken on the complaints, on the basis that they have been resolved through informal enquiries or investigation otherwise appears unnecessary. For the other complaint Council was asked by the Ombudsman's office to provide information and a response. At this stage we have not been advised if any further action will be taken.

Council as a policy maker

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments and Signature
38	Building Act 2004 The purpose of this Act is to regulate the building of structures in New Zealand, and deal with dangerous, insanitary and earthquake prone buildings.	Earthquake prone , Dangerous and Insanitary buildings policy in place and reviewed in accordance with legislative requirements	Corporate Strategy Manager	Y	Multiple processes sitting in the Building Accreditation module	Y	Earthquake prone , Dangerous and Insanitary buildings policy –due for review in 2021 <i>(Note: The Building (Earthquake-prone Buildings) Amendment Act 2016 commenced on 13 May 2018 which means all parts of this Policy relating to earthquake-prone buildings need to be removed. References to dangerous and insanitary buildings will remain. The Policy will be renamed to the Dangerous and Insanitary Buildings Policy 2016 and will be renumbered accordingly). This can be done by Council resolution and a report will be presented to Council for this in 2018/19.</i> <i>Staff are currently working on a policy to identify roads, footpath, or other thoroughfares where parts of an unreinforced masonry building could fall in an earthquake etc. Public consultation is required and this is tentatively planned for early 2019).</i>
39	Dog Control Act 1996 This act provides for the regulation of dog control , registrations, offences etc.	Policy on Dogs in place and reviewed in accordance with legislative requirements Dog Control Bylaw in place and reviewed in accordance with legislative requirements	Corporate Strategy Manager	Y	Multiple processes in pro-map	Y	Policy on Dogs – due for review in 2026. Dog Control Bylaw – due for review in 2026. <i>(see also Bylaws)</i>
40	Gambling Act 2003 This act regulates the issuing of gambling licenses in New Zealand	Gambling Venue policy in place and reviewed in accordance with legislative requirements	Corporate Strategy Manager	Y	Consultation processes in Promapp	Y	Gambling Venue Policy – due for review in 2019. This review is underway.
41	Hauraki Gulf and Marine Park Act 2000 The purpose of this Act is to— <ul style="list-style-type: none">integrate the management of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments:establish the Hauraki Gulf Marine Park:establish objectives for the management of the Hauraki Gulf, its islands, and catchments:recognise the historic, traditional, cultural, and spiritual relationship of the tangata whenua with the Hauraki Gulf and its islands:establish the Hauraki Gulf Forum.	Compliance with the requirements of the Act in the District Plan	District Planner	Councilor Paul Cronin is appointed to the Hauraki Gulf Forum on behalf of Council, no other delegations are required.	There are District Plan review and update processes that are relevant to this act.	Y	This act takes the role of an NPS under the RMA and therefore we are required to give effect to it when reviewing the District Plan and processing resource consents. All updates and any decision sought are put on the Council or COC agenda.
42	Local Government Act 2002 The purpose of this Act is to provide for democratic and effective local government that recognises the diversity of New Zealand communities. The Act provides a framework and powers for local authorities to decide which activities they undertake and the manner in which they will undertake them; and promotes the accountability of local authorities	The following documents in place and reviewed in accordance with legislative requirements: <ul style="list-style-type: none">Development Contributions PolicySignificance and Engagement PolicyPolicy on the Remission and Postponement of Rates	Corporate Strategy Manager	Y	Consultation processes in Promapp Calculating Development contributions Determining if a project is	Y	Development Contributions Policy – due for review in 2021 Significance and Engagement Policy – due for review in 2021 <i>(review timeframe not prescribed by legislation)</i> Policy on the Remission and Postponement of Rates — due for review in 2021 Rates Remission Policy – due for review in 2021

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments and Signature
	to their communities; and provides for local authorities to play a broad role in meeting the current and future needs of their communities for good-quality local infrastructure, local public services, and performance of regulatory functions. (see also bylaws below)	<ul style="list-style-type: none"> • Rates Remission Policy • Revenue and Financing Policy • Investment Policy • Liability Management Policy • Infrastructure Strategy • Financial Strategy • Long Term Plan • Annual Plan • Annual Report • Code of Conduct • Governance Statement • Triennial Agreement • Representation review • Pre-election report 			significant and needs consultation New Investments Long term plan Annual Plan Annual report Triennial Update - Code of Conduct and Local Governance Statement Pre-Election Report as required by LGA Section 36		Revenue and Financing Policy — due for review in 2021 (<i>review timeframe not prescribed by legislation</i>) Investment Policy — due for review in 2021(<i>review timeframe not prescribed by legislation</i>) Liability Management Policy — due for review in 2021 (<i>review timeframe not prescribed by legislation</i>) Infrastructure Strategy – due for review in 2021 Financial Strategy — due for review in 2021 Code of Conduct — due for review in 2019 Governance Statement — due for review in 2019 Triennial Agreement – due for review in 2019 Pre-election report- due in 2019
43	Local Electoral Act 2001 The purpose of this Act is to provide uniform rules in relation to the timing of local elections; and the right of individuals to vote, stand for election, and nominate candidates for election.	Representation review	Corporate Strategy Manager	Not required – Council decision process	Processes are being recorded as the current representation review is being undertaken	Y	Representation review - Due to be complete in 2018/2019. Project underway. Appeals to be forwarded to Local Government Commission, who must make a determination by April 2019.
44	Psychoactive Substances Act 2013 The purpose of this act is to regulate the sale of psychoactive substances.	Local Approved Products Policy in place and reviewed in accordance with legislative requirements	Corporate Strategy Manager	Not required – Council had adopted a policy which MoH must refer to when making a decision to grant a license.	Legal Highs Sensitive Site Map updates	Y	Local Approved Products Policy – due for review in 2019. This review is underway.
45	Racing Act 2003 This act provides for the preparation of a TAB licensing policy by Council, and other functions regarding racing in NZ by other bodies.	TAB Board venue policy in place and reviewed in accordance with legislative requirements	Corporate Strategy Manager	Not required – Council had adopted a policy	Consultation processes in Promapp	Y	TAB Board Venue Policy – due for review in 2019. This review is underway.
46	Reserves Act 1977 This act provides for the classification and management of public reserves	Reserve Management Plans in place and reviewed in accordance with legislative requirements	Asset Manager Strategy and Policy	Y	Reserve Management Plan Process	Y	General Policies - underway Special Purpose Parks (e.g. Aerodrome RMP) - aerodrome underway; cemeteries planned for 2020-21 Sports Parks - planned for 2019-20 Natural Parks - planned for 2018-19 Linkage Parks - planned for 2023-24 Outdoor Adventure Parks - planned for (e.g. Te Miro) - planned for 2018-19 Neighbourhood Parks - planned for 2019-20 Amenity Parks - planned for 2019-20 Premier Parks (e.g. Te Aroha Domain, Hetana St, Firth Tower, Howie Park) - planned for 2019-2021 <i>Note: Note these dates are aspirational and the time taken to complete RMPs is dependent on public consultation processes etc.</i>
47	Resource Management Act 1991	District Plan in place and reviewed in	District Planner	Y	Update District	Currently	District Plan Operative 25 July 2005 - A review of

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments and Signature
	The purpose of this Act is to promote the sustainable management of natural and physical resources.	accordance with legislative requirements, including compliance with requirements in RPS, RP, NES and NPS documents.			Plan Council district plan change process	reviewing	all provisions needs to be commenced no later than every 10 years. Council has committed to a rolling review of the District Plan. A number of reviews have been completed or are in progress however a complete list of all reviews has been established. We are currently reviewing our processes in regards to the amendment act.
48	Sale and Supply of Alcohol Act 2012 This act regulates the sale and supply of alcohol, including who can purchase it and where it can be sold and under what conditions – through licencing and inspection frameworks.	Local Alcohol Policy in place and reviewed in accordance with legislative requirements	Corporate Strategy Manager	Y	Consultation processes in Promapp	Y	Local Alcohol Policy – due for review in 2023
49	Shop Trading Hours Act 1990 This act regulates the days and times which particular categories of retail shops may be open.	Easter Trading Policy in place and reviewed in accordance with legislative requirements	Corporate Strategy Manager	Not required – Council has adopted a policy which DoL(MBIE) must refer to.	Consultation processes in Promapp	Y	Easter Trading Policy – due for review in 2022
50	Waste Minimisation Act 2008 The purpose of this Act is to encourage waste minimisation and a decrease in waste disposal in order to protect the environment from harm; and provide environmental, social, economic, and cultural benefits.	Waste Minimisation and Minimisation Plan in place and reviewed in accordance with legislative requirements	Corporate Strategy Manager	Not required – Council has adopted a policy which DoL(MBIE) must refer to	Consultation processes in Promapp	Y	Waste management and minimisation plan – reviewed in 2017. The plans have to be reviewed every six years.
51	Prostitution Reform Act 2003 Bylaws Act 1910 Local Government Act 2002 Council Bylaws The above acts have provisions regarding the creation of bylaws by local authorities.	The following documents in place and reviewed in accordance with legislative requirements: <ul style="list-style-type: none"> • Introductory Bylaw • Fires In The Open Air Bylaw • Land Transport Bylaw • Public Amenities Bylaw • Public Safety Bylaw • Solid Waste Bylaw • Wastewater Bylaw 2008 • Water Supply Bylaw 2008 • Stormwater Management Bylaw 2009 • Trade Waste Bylaw • Dog Control Bylaw 	Corporate Strategy Manager	Not required – Council adopts the bylaws. Staff have appropriate warrants to enforce bylaws.	Consultation processes in Promapp	Y	Introductory Bylaw – due for review in 2020 Fires In The Open Air Bylaw - due for review in 2024 Land Transport Bylaw - due for review in 2020 Public Amenities Bylaw - due for review in 2024 Public Safety Bylaw - due for review in 2024 (alcohol bans due for review in 2026) Solid Waste Bylaw - due for review in 2027 Wastewater Bylaw 2008 - due for review in 2020 Water Supply Bylaw 2008 - due for review in 2027 Stormwater Management Bylaw 2009 - due for review in 2020 Trade Waste Bylaw – due 2021 Dog Control Bylaw - due for review in 2026 (alongside the Policy on Dogs – see above)

Council as a financially prudent public entity

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments and Signature
52	Good and Services Tax 1985 This act provides the framework and rules for the payment of goods and services tax.	The Council must account for and pay GST	Finance and Business Service Manager	No delegation required as Council is not exercising a power under the legislation – this is a compliance matter.	GST – Invoice compliance	Y	To the best of staff's knowledge these matters have been complied with. Advice is sought from Tax Professionals as/when required (for more complex matters). An external review of Council's GST procedures was last undertaken in Feb 2015. Property transactions (or a sample thereof) are reviewed by our external auditors on an annual basis for compliance with GST requirements.
53	Income Tax Act 1996 The main purposes of this Act are to define, and impose tax on, net income, to impose obligations concerning tax and to set out rules for calculating tax and for satisfying the obligations imposed.	The Council must deduct and pay to the Commissioner of Inland revenue the following taxes or levies: <ul style="list-style-type: none"> • ACC • PAYE • Fringe Benefit Tax • Withholding tax The Council must comply with disclosure and tax rules relating to the sale and purchase of land	Finance and Business Service Manager Human Resources Manager	No delegation required as Council is not exercising a power under the legislation – this is a compliance matter.	FBT Return PAYE reporting and payment to IRD - mid month PAYE reporting and payment to IRD – end of month AP Withholding Tax Induction packs for new staff	Y	To the best of staff's knowledge these matters have been complied with.
54	Local Government Act 1974 The parts of the LGA 1974 which have not been repealed relate to fuel tax, roading powers and land drainage	Requirements for accounting of fuel tax are complied with under the act.	Finance and Business Service Manager	No delegation required in respect of these functions as Council is not exercising a power under the legislation – this is a compliance matter. Council has made other delegations for this Act.	No Processes	Y	To the best of staff's knowledge these matters have been complied with. An annual return is submitted to Hamilton City Council, the administrator for the Waikato Region's fuel tax pool.
55	Local Government Act 2002 The purpose of this Act is to provide for democratic and effective local government that recognises the diversity of New Zealand communities. The Act provides a framework and powers for local authorities to decide which activities they undertake and the manner in which they will undertake them; and promotes the accountability of local authorities to their communities; and provides for local authorities to play a broad role in meeting the current and future needs of their communities for good-quality local infrastructure, local public services, and performance of regulatory functions.	Compliance with the statutory disclosures required in the Long Term Plan, Annual Plan and Annual Report and associated regulations.	Finance and Business Service Manager Corporate Strategy Manager	No delegation required as Council is not exercising a power under the legislation in these instances – this is a compliance matter.	Consultation processes in promapp and AP, LTP and AR processes.	Y	To the best of staff's knowledge these matters have been complied with.
56	Local Government Borrowing Act 2011 The purpose of this Act is to facilitate the operation of the New Zealand Local Government Funding Agency Limited. The Act authorises local authorities to deal with the Funding Agency in a manner in which they would otherwise not be authorised to do so; and authorises or requires local authorities, in certain situations, to act in a manner in which they would	Compliance with the requirements for Local Authorities under the Act	Finance and Business Service Manager	No delegation required as Council is not exercising a power under the legislation in these instances – this is a compliance matter following a Council	No Processes	Y	To the best of staff's knowledge these matters have been complied with.

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments and Signature
	otherwise not be authorised or required to act.			decision to use the LGFA.			
57	Local Government (Rating) Act 2002 This Act provides local authorities with flexible powers to set, assess, and collect rates to fund local government activities, ensures that rates are set in accordance with decisions that are made in a transparent and consultative manner and provides for processes and information to enable ratepayers to identify and understand their liability for rates.	Compliance with the processes for establishing rating structures and striking/collecting rates.	Finance and Business Service Manager	Y	No Processes	Y	To the best of staff's knowledge these matters have been complied with.

Council as a regulator and matters of compliance

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments
58	Airport Authorities Act 1966 Any local authority, with the prior consent of, and in accordance with any conditions prescribed by, the Governor-General by Order in Council, may establish, improve, maintain, operate, or manage airports (including the approaches, buildings, and other accommodation, and equipment and appurtenances for any such airports) and may acquire land for any such purpose either within or without its district or region. Any local authority empowered to carry out any undertaking under this section may carry on or cause to be carried on in connection therewith any subsidiary business or undertaking.	Compliance with requirements to operate as an airport authority under this Act. Section 6 of the Act enables airport authorities to grant leases and regulates matters concerning such leases.	Community Facilities Operations Manager	Y	Yes – several process relating to the management of the MM Aerodrome	Y	Council does not have many issues as a non-certificated aerodrome in the Airport Authorities Act, which has been confirmed by our consultant, Simon Lockie.
59	Building Act 2004 The purpose of this Act is to regulate the building of structures in New Zealand, and deal with dangerous, insanitary and earthquake prone buildings.	Compliance with functions as the building control authority, building consents, swimming pool inspections, building warrant of fitness, dangerous insanitary and earthquake prone buildings – and associated regulations.	Group Manager Community Development Building Control Manager	Y	Section 75 certificate building act 2004 Several processes under Building accreditation module	Majority compliance	To the best of our knowledge the vast majority of work is in compliance with the legislation with 762 out of 763 building consents issued within statutory timeframes in 2017/18. Various regulations are in place regarding aspects such as asbestos management, Earthquake-prone buildings, Dangerous or Insanitary Buildings etc. are made under the provisions of the Building Act and Council is responding to these.
60	Building Research Levy Act 1969 This act provides for the authority for the Crown to collect building research levies	Payment of research levies in accordance with the Act	Group Manager Community Development Building Control Manager	No delegation required as Council is not exercising a power under the legislation – this is a compliance matter.	Several processes under Building accreditation module	Y	The building levy is stated in Council's fees and charges and collected for every building consent over \$20,000, on behalf of the Crown.
61	Burial and Cremations Act 1964 This act provides for the creation management and regulation of cemeteries by local authorities.	Management of Council cemeteries in accordance with the Act	Kaimai Valley Services Manager	No delegation required as Council is not exercising a power under the legislation – this is a compliance matter. Appropriate staff have been warranted to manage cemeteries.	Cemeteries Policy and procedures	Y	To the best of staff's knowledge these matters have been complied with.
62	Civil Aviation Act 1990 This act sets out the functions, powers, and duties of participants in the civil aviation system	Compliance with duties under the act and co-operation with the CAA when required.	Community Facilities Operations Manager	No delegation required as Council is not exercising a power under the legislation – this is a compliance matter.	Yes – several process relating to the management of the MM Aerodrome	Yes	Non certificated airport. Small part of Pt 139 only. 1. Identify obvious hazards on the aerodrome. 2. Make sure that the landing plate on the AIP shows any local hazards for aircraft. 3. Able to provide the director of CAA with record of annual aircraft movements
63	Dog Control Act 1996 This act provides for the regulation of dog control , registrations, offences etc.	Compliance with processes and carrying out of functions as the Dog Control Authority.	Group Manager Community Development	Y	Adding in a dog Annual registration process	Y	We received 847 requests for animal control assistance in 2017/18. We responded to 87% of calls within set timeframes (737/847) as per the

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments
					Unregistered dog Maintain existing records		Long-Term Plan (these timeframes are not statutory).
64	Impounding Act 1955 This act provides for Council and individuals to impound stock and for Council to operate a stock pound.	Compliance with processes and carrying out of functions as the pound keeper.	Group Manager Community Development	Y	Barking dog Impounding of dog Impounding of stock	Y	To the best of staff's knowledge these matters have been complied with.
65	Food Act 2014 The purpose of this Act is to achieve the safety and suitability of food for sale.	Carrying out the role of Council under section 19 of the act.	District Planner	Y	Food Act 2014 verification Food premises health licence renewal	Y	We have established processes to achieve the Food Act 2014 requirements and are working with business to transition.
66	Gambling Act 2003 This act regulates the issuing of gambling licenses in New Zealand	Carrying out Council functions in relation to gambling licences under the act and Council's policy	District Planner	Y	No Processes		In the last 10 years we have not received an application under the Gambling Act. It was intended that we would write a process when the first application came in.
67	Hazardous Substances and New Organisms Act 1996	Carrying out the functions of the Council under the act.	District Planner Health and Safety/Quality Manager	Y	No processes in place Numerous but all require review to reflect new Reg. Purchasing new hazardous substances Chemical spill emergency procedure Obtaining specialist advice for managing hazards Determining safety sensitive roles ERP's require review – some still not started. Working party set-up to consider new Reg and a way forward.	Under review Underway	Although the act sets out Council's requirements, in practice this is overridden by the fire and police as they have always been the first responder and therefore take charge of the incident under the Act. This issue has been raised at a national level and we recently attended a meeting lead by the EPA to flesh out local authorities concerns and current practices. Through this meeting it was evident that our current practices are consistent with other small Councils. Has been updated with Health and Safety at Work (Hazardous Substances) Regulations 2017 which became effective 1 December 2017.
68	Hauraki Gulf and Marine Park Act 2000 The purpose of this Act is to— <ul style="list-style-type: none"> integrate the management of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments: establish the Hauraki Gulf Marine Park: establish objectives for the management of the Hauraki Gulf, its islands, and catchments: recognise the historic, traditional, cultural, and spiritual relationship of the tangata whenua with the Hauraki Gulf and its islands: establish the Hauraki Gulf Forum. 	Compliance with the requirements of the Act requirements in the assessing resource consents	District Planner	No delegation required as Council is not exercising a power under the legislation – this is a compliance matter. To meet the requirements of the RMA we need to consider the HGMPA and there are delegations under the RMA which are relevant.	Assessed as part of a resource consent and included in the resource consent templates. There are promapp processes in regards to resource consents.	Y	Councilor Cronin and a staff member regularly attend the forum meetings. The Acts requirements are considered as part of the District Plan and applications for resource consent.

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments
69	Health Act 1956 This act regulates drinking water standards and reporting requirements, requires Councils to provide sanitary services, and provides powers to deal with nuisances and insanitary sites.	Compliance with drinking water standards/reporting	Asset Manager Strategy and Policy	Y	Bacterial testing and result reporting for council water supplies	N	Council is taking a proactive stance towards full compliance with the drinking water standards for New Zealand (DWSNZ). Using UV light disinfection, reviewing compliance data are examples of this. An improvement plan is being developed and capital and renewal projects will be prioritised for the 2018/19 year. This matter is disclosed in our Annual Report 17/18.
		Carrying out functions as a local authority regarding nuisances and insanitary sites	District Planner	Y	This is recorded through the CRM system which there are processes for. We are currently in the process of developing an enforcement policy which will sit alongside the CRM process.	Underway	We are currently in the process of developing an enforcement policy which will sit alongside the CRM process.
		Require local authorities to provide 'sanitary works' which includes services Council provides to the public (includes cemeteries and public toilets for example).	Asset Manager Strategy and Policy	N	No Processes	Y	Council has undertaken a sanitary services assessment of some of its 'sanitary works'.
70	Heritage New Zealand Pouhere Taonga Act 2014 This superseded the former Historic Places Act 1993. The purpose of the Act is to promote the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand.	Compliance with the requirements of the act in relation to historic sites/buildings	District Planner	No delegation required as Council is not exercising a power under the legislation – this is a compliance matter.	This is assessed through the resource consent processes. There are promapp processes in regards to resource consents.	Y	Heritage buildings and archeological sites are considered as part of the resource consent process.
71	Litter Act 1979 This act provides powers to Council to require the removal of litter.	Complying with the requirements of the act in carrying out powers as Litter Control Officers	Kaimai Consultants Manager	Council staff have been warranted as litter control officers pursuant to the legislation.	No Processes	Y	In practice very little enforcement is carried out. Fly tipping in urban areas is often collected by KVS and by Fulton Hogan in rural areas. If and 'owner' can be identified they are sent a letter warning of consequences.
72	Local Government Act 1974 The parts of the LGA 12974 which have not been repealed relate to fuel tax, roading powers and land drainage	Councils functions and powers in relation to roading and land drainage are carried out in accordance with the act.	Kaimai Consultants Manager Asset Manager Strategy and Policy	Y	Road stoppage procedure	Y	This is a PSO function in conjunction with AMS&P and generally applies to the sale of "paper" roads
73	Local Government Act 2002 The purpose of this Act is to provide for democratic and effective local government that recognises the diversity of New Zealand communities. The Act provides a framework and powers for local authorities to decide which activities they undertake and the manner in which they will undertake them; and promotes the accountability of local authorities to their communities; and provides for local authorities to play a broad role in meeting the current and	Council's powers in relation to utilities and entry of land are performed in accordance with the act.	Kaimai Consultants Manager KVS Manager Water and Waste Manager	Y	KVS interruption to services KVS – district utilities asset sign in	Y	Involvement here is mainly to do with powers to enter land to undertake survey and investigation work. It will also enable contractors engaged by the council to undertake physical work.

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments
	future needs of their communities for good-quality local infrastructure, local public services, and performance of regulatory functions.						
74	Ngāti Hauā Claims Settlement Act 2014 The purpose of this Act is to record the acknowledgements and apology given by the Crown to Ngāti Hauā in the deed of settlement; and to give effect to certain provisions of the deed of settlement that settles the non-raupatu historical claims of Ngāti Hauā.	Compliance with the requirements to disclose certain matters in the district plan and implement them through resource consent processing.	Corporate Strategy Manager	No delegation required as Council is not exercising a power under the legislation – this is a compliance matter. To meet the requirements of the RMA we need to consider the NHCSA and there are delegations under the RMA which are relevant.	District Plan amendments processes This is assessed through the resource consent processes and is therefore included in the resource consent templates. There are promapp processes in regards to resource consents	Under review	This will link with the amendments to the resource management act and as a result we are currently reviewing our processes. The District Plan has been updated to include the Ngati Haua Claims Settlement as a statutory acknowledgment.
75	Public Works Act 1981 This act provides the framework for Council to take land for the purposes of public works; it also provides the framework for the disposal of land no longer required for a public work.	Land is acquired for public works in accordance with the act Land no longer required for public works is disposed of in accordance with the act	Kaimai Consultants Manager Corporate Strategy Manager	Y	Easements and covenants on reserve land Property disposal procedure Esplanade reserve deferral bond preparation		To the best of staff's knowledge these matters have been complied with.
76	Racing Act 2003 This act provides for the preparation of a TAB licensing policy by Council, and other functions regarding racing in NZ by other bodies.	Carrying out Council functions in relation to TAB licences under the act and Council's policy	District Planner	No delegations – only power is to consent to a Board venue, which can be undertaken as a Council decision.	No Processes	Y	In the last 10 years we have not received an application under the Racing Act. It was intended that we would write a process when the first application came in.
77	Railways Act 2005 The purpose of this Act is to promote the safety of rail operations by stating the duty of rail participants to ensure safety; and authorising the Minister to make rules relating to rail activities; and clarifying the nature of approved safety systems established by rail participants restate and amend the law relating to the management of the railway corridor consolidate legislation relating to railways.	Complying with the requirements of Kiwirail in relation to railway corridors as provided for in the act.	Kaimai Consultants Manager	No delegation required as Council is not exercising a power under the legislation – this is a compliance matter.	No Processes	Y	Any council work in the rail corridor has a kiwi rail staff member "watching over"
78	Resource Management Act 1991 The purpose of this Act is to promote the sustainable management of natural and physical resources.	Implementation of the District Plan, processing of resource and other consents within statutory timeframes, investigation on breached of the District Plan and Act, including unreasonable and excessive noise complaints. Compliance with NES and NPS	District Planner	Y	Noise complaints (office hours) Entering after hours noise complaints Alert staff to a district plan or bylaw non-compliance relating to a property	Review underway	We have a number of resource consent processes and delegations in place to ensure compliance. We are currently reviewing these in light of the Amendment Act. We processed 206 applications for Resource Consents in 2017/18. Of these, 100% of applications were processed within the adopted timeframe.

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments
					CRM process Resource Consent processes		
		Compliance with resource consents issued to Council	Asset Manager Strategy and Policy	No delegation required as Council is not exercising a power under the legislation – this is a compliance matter.	N	Y	Council has a number of wastewater discharge consents, water takes and stormwater comprehensive discharge consents issued from the Regional Council. There were no abatement notices; infringement notices; enforcement orders, or convictions, received in relation to those resource consents.
		Compliance with the Regional Plan and Regional Policy Statement	District Planner	No delegation required as Council is not exercising a power under the legislation – this is a compliance matter. To meet the requirements of the RMA we need to consider the Regional Plan and RPS and there are delegations are under the RMA which are relevant.	This is assessed through the resource consent processes and is therefore included in the resource consent templates. There are promapp processes in regards to resource consents	Y	Council works closely with the Regional Council on both the Regional Plan and the RPS.
79	Raukawa Claims Settlement Act 2014 The purpose of this Act is to record the acknowledgements and apology given by the Crown to Raukawa in the deed of settlement; and to give effect to certain provisions of the deed of settlement that settles the historical claims of Raukawa.	Compliance with the requirements to disclose certain matters in the district plan and implement them through resource consent processing.	District Planner	No delegation required as Council is not exercising a power under the legislation – this is a compliance matter. To meet the requirements of the RMA we need to consider the NHCSA and there are delegations are under the RMA which are relevant.	District Plan amendments processes This is assessed through the resource consent processes and is therefore included in the resource consent templates. There are promapp processes in regards to resource consents	Review underway	This will link with the amendments to the resource management act and as a result we are currently reviewing our processes. The District Plan has been updated to include the Raukawa Claims Settlement as a statutory acknowledgment.
80	Reserves Act 1977 This act provides for the classification and management of public reserves	Management of reserves in accordance with the act	Asset Manager Strategy and Policy	Y	Reserve management plan process	Y	All of Councils reserves have a Reserve Management Plan and there is a programme to have these reviewed over the next few years. Some staff are also warranted and appointed as

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments
							Rangers under the provisions of the Act. There has been no enforcement action taken under this Act during the past year.
81	Sale and Supply of Alcohol Act 2012 This act regulates the sale and supply of alcohol, including who can purchase it and where it can be sold and under what conditions – through licencing and inspection frameworks.	Compliance with requirements to issue licences and carry out inspections in accordance with the act.	District Planner	Y	Application for new on/off/club liquor licence Application for renewal of liquor licence Liquor hearing preparation Undertaking annual inspections of licensed premises	Yes	District Licensing Committee hears opposed applications.
82	Search and Surveillance Act 2012 The purpose of this Act is to facilitate the monitoring of compliance with the law and the investigation and prosecution of offences in a manner that is consistent with human rights values by— <ul style="list-style-type: none"> modernising the law of search, seizure, and surveillance to take into account advances in technologies and to regulate the use of those technologies; and providing rules that recognise the importance of the rights and entitlements affirmed in other enactments, including the New Zealand Bill of Rights Act 1990, the Privacy Act 1993, and the Evidence Act 2006; and ensuring investigative tools are effective and adequate for law enforcement needs. 	Compliance with requirements to issue notices and record warrantless searches and otherwise obtain warrants in accordance with legislation.	District Planner Group Manager – Community Development	No delegation required as Council is not exercising a power under the legislation – this is a compliance matter.	No Processes	Underway	Currently reviewing the enforcement policy which will link into this.
83	Walking Access Act 2008 The purpose of this Act is to provide the New Zealand public with free, certain, enduring, and practical walking access to the outdoors (including around the coast and lakes, along rivers, and to public resources) so that the public can enjoy the outdoors; and to establish the New Zealand Walking Access Commission with responsibility for leading and supporting the negotiation, establishment, maintenance, and improvement of walking access (including walkways, which are one form of walking access) over public and private land; and types of access that may be associated with walking access, such as access with firearms, dogs, bicycles, or motor vehicles.	Compliance with the act where Council is the administering authority.	Asset Manager Strategy and Policy	No delegation required as Council is not exercising a power under the legislation – this is a compliance matter. Other decisions around declaring land as walk ways would be considered by Council.	No Processes	Underway	There are numerous paper roads within the district. There is currently no enforcement of the compliance in place and council deals with compliance on a one off basis where complaints have been received. Council has not to date been appointed as the controlling authority of any public walkways under the provisions of the Act.
84	Waste Minimisation Act 2008 The purpose of this Act is to encourage waste minimisation and a decrease in waste disposal in order to protect the environment from harm; and provide environmental, social, economic, and	Carry out Council's functions to monitor waste disposal and administer the waste minimisation levy in accordance with the act	Kaimai Consultants Manager	No delegation required as Council is not exercising a power under the legislation – this is a compliance	No Processes	Y	Solid Waste Contract Manager has powers within MPDC area as they are employed by TCDC under a shared services agreement

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments
	cultural benefits.			matter. Appropriate staff have warrants of appointment.			
85	<p>Weathertight Homes Resolution Services Act 2006</p> <p>This act provides for an alternative process for home owners to resolve 'leaky building' claims</p>	<p>Disclosure of information as required under this act in LIMs</p> <p>Participation in the claims process under the act.</p>	<p>Customer Services Manager</p> <p>Corporate Strategy Manager</p>	No delegation required as Council is not exercising a power under the legislation – this is a compliance matter.	<p>Handling Weathertight Homes Resolution Service (WHRS) Notifications</p> <p>Generate Lim report</p>	Y	Documentation found on property files/council systems is included in the LIM Report.
86	<p>Utilities Act 2010</p> <p>The purpose of this Act is to require utility operators and corridor managers to comply with a national code of practice that regulates access to transport corridors; and provide for the making and administration of that code.</p>	Compliance with the code as required under legislation.	Kaimai Consultants Manager	No delegation required as Council is not exercising a power under the legislation – this is a compliance matter.	Corridor Access Request processes in Promapp	Y	
87	Council Bylaws	<p>Implementation and investigation of breaches of Council bylaws -</p> <ul style="list-style-type: none"> • Introductory Bylaw • Fires In The Open Air Bylaw • Land Transport Bylaw • Public Amenities Bylaw • Public Safety Bylaw • Solid Waste Bylaw • Wastewater Bylaw 2008 • Water Supply Bylaw 2008 • Storm water Management Bylaw 2009 • Trade Waste Bylaw • Dog Control Bylaw 	<p>District Planner – only Public Safety Bylaw and some of Fires in the Open Bylaw</p> <p>Asset Manager Strategy and Policy</p> <p>Kaimai Consultants Manager</p>	Y – under the LGA 2002 and warrants to various staff	This is recorded through the CRM system which there are processes for. We are currently in the process of developing an enforcement policy which will sit alongside the CRM process.	Underway	<p>Currently reviewing enforcement policy which will link to this.</p> <p>It is intended to revoke the Fires in the Open Air Bylaw (fully or partly) due to the Fire and Emergency Services New Zealand Act 2017 (FENZ Act) which means FENZ now govern and administer:</p> <ul style="list-style-type: none"> • rural and urban fire seasons, • the removal of fire hazards, • controlling the lighting of fires in the open, and • Preventing the spread of fires involving vegetation. <p>These matters were previously governed by Council bylaws, however Councils no longer have the legislative mandate for these.</p>

Hauraki Rail Trail Charitable Trust - Trust Deed change

Trim No.: 2073654

Executive Summary

The purpose of the report is for the Council to consider requested amendments to the Hauraki Rail Trail Charitable Trust Deed.

Council is a settlor for the Trust and currently appoints one of the six Trustees and is a funder for the Hauraki Rail Trail with the Hauraki District Council and Thames Coromandel District Council. The trail is managed by the Hauraki Rail Trail Charitable Trust. Council's operational funding for the trail is determined by way of an underwriting agreement, which was reviewed at the beginning of 2018.

Recommendation

That:

1. The report be received.
2. Council approves the requested amendments to the Hauraki Rail Trail Charitable Trust Deed as contained in Attachment A.

Content

Background

The Hauraki Rail Trail (HRT) is managed by the Hauraki Rail Trail Charitable Trust (the Trust). Hauraki District Council (HDC) was the main driver of the original trail and funded the development with Thames Coromandel District Council (TCDC) and Matamata-Piako. Council's involvement was linked to increasing visitor numbers in the district and to realise the economic benefits that would follow.

The three Councils invested capital into the trail with this Council's share being \$500,000. The Councils also entered into an underwriting agreement (reviewed in 2018) to provide financial certainty for the Trust.

The original Trust Deed was adopted in 2012 and was focussed on the establishment of the Trust.

The amendments requested by the Trust reflect the current operations of the Trust without the establishment focus and include minor changes to enable more streamlined operations for some processes.

As per section 22.2b of the original Trust Deed, Council's written permission is requested for these amendments.

22. Alterations and Additions

- 22.1 *Subject to clauses 5 and the rest of clause 23, the Board may resolve to amend any provision of this Deed.*
- 22.2 *Any resolution to effect an alteration or addition must:*
- a. *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.*

Issues

Matamata-Piako District Council, as one of the settlers of the Trust, is required to approve amendments to the Hauraki Rail Trail Charitable Trust Deed.

Amendments to the Trust Deed include:

- Changes that reflect it is no longer an establishment deed - small changes throughout the amended Deed
- Updating the current members of the Trust
- Expanded definition of Chairperson
- New definition for 'signatories'
- An additional clause under 9.5 for when a trustee shall cease to hold office - "if the trustee has been deemed by unanimous vote of the other Trustees to have the potential to bring the Trust into disrepute"
- Allowance for meetings to be chaired in the absence of the Chairperson (12.1)
- Change to the signatures for the bank accounts (15.2)

The amended Trust Deed is attached as **Attachment A** and includes track changes to show the proposed amendments.

The Trust's General Manager, Diane Drummond has advised that all but one Trustee has supported the proposed changes, with one Trustee wishing to have noted her objection to the provisions within Section 9 regarding the requirement to have Trustee appointments re-confirmed by the appointing body in writing when their term has expired.

The proposed changes have been through a legal review by Matthew Peploe, from Harkness Henry. He was clear that the requirement to have a re-appointment letter was necessary.

Analysis

Options considered

Approve the amendments in the report
Reject the amendments
Seek further information on the amendments

Legal and statutory requirements

All legal issues will be reviewed before any agreement is signed.

Impact on policy and bylaws

There are no impacts on Council policy and bylaws.

Consistency with the Long Term Plan / Annual Plan

The proposal is consistent with Council's long term plan.

Impact on Significance and Engagement Policy

This matter is not considered significant.

Timeframes

The Trust has requested a response in time for their 2018 AGM scheduled for 27th November 2018.

Financial Impact

i. Cost

There are no additional costs as a result of these proposed amendments to the Trust Deed.

ii. Funding Source

The contributions for the HRT are funded from general rates.

Attachments

[A](#). Hauraki Rail Trail Charitable Trust Deed - proposed amendments

Signatories

Author(s)	Vicky Oosthoek Committee Secretary	
Approved by	Sandra Harris Acting Strategic Policy Manager	
	Don McLeod Chief Executive Officer	

Staff Long Service Presentation

Trim No.: 2072142

Executive Summary

Christene Hollingsworth will be presented with a Long Service Award in recognition of 20 years' service to Matamata Piako District Council.

Recommendation

That:

1. The information be received

Attachments

There are no attachments for this report.

Signatories

Author(s)	Meghan Lancaster Committee Secretary	
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Approved by	Sandra Harris Acting Strategic Policy Manager	
	Don McLeod Chief Executive Officer	

TRUST DEED ~~CREATING OF~~ THE
HAURAKI RAIL ~~_~~TRAIL CHARITABLE TRUST

between

HAURAKI DISTRICT COUNCIL, THAMES
COROMANDEL DISTRICT COUNCIL and M
ATAMATA PIAKO DISTRICT COUNCIL
("Settlers")

and

~~WALTER NGAKOMA NGAMANEGRAEME
OSBORNE, TEENA MAREE CORNES, C
HRISTOPHER JOHN ADAMS, JILL TAYLO
R, JOCELEEN HELEN KARU, SHAUN
O'NEILL, BASIL MORRISON and STRAT
PETERS~~ ~~WALTER NGAKOMA NGAMANE~~
("Original-Trustees")

TRUST DEED ~~CREATING OF~~ THE HAURAKI RAIL TRAIL CHARITABLE TRUST

Date: 201~~80~~

Parties

1. HAURAKI DISTRICT COUNCIL, THAMES COROMANDEL DISTRICT COUNCIL and MATAMATA PIAKO DISTRICT COUNCIL ("Settlers")
2. ~~GRAEME OSBORNE, TEENA MAREE CORNES, CHRISTOPHER JOHN ADAMS, WALTER NGAKOMA NGAMANE,~~ JILL TAYLOR, JOCELEEN ~~HELEN KARU, BASIL MORRISON, SHAUN O'NEILL~~ and ~~STRAT PETERS WALTER NGAKOMA NGAMANE~~ ("~~Original~~ Trustees")

Background

- A. The Settlers have ~~agreed to~~ establish~~ed~~ a charitable trust ~~to be~~ known as the Hauraki Rail Trail Charitable Trust ~~in 2012.~~
- ~~B.~~ The Settlers ~~wish established~~ 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 the Original Trust DeedDeed.~~
- ~~C.~~ The Trustees are the current trustees of the Trust.
- ~~B.D.~~ The Trust was incorporated under the Charitable Trusts Act on 7 June 2012.
- ~~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 <u>or, for the purpose of any Committee meeting, the chair for that meeting pursuant to clause 12.1.</u>
"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.

"Iwi Trustee" means a Trustee appointed pursuant to clause 9.2.

"month" means calendar month.

"Original Trust Deed" means the trust deed dated 2 March 2012 creating the Trust.

"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.

"Signatories" means each Trustee and the Trust's general manager.

"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~~Trust Deed

2.1 The Trustees, in exercise of their powers of variation in clause 23 of the Original Trust Deed have resolved to amend the terms of the Original Trust Deed by replacing the Original Trust Deed with this deed, which shall be the trust deed for the Trust from the date of this deed on the basis that:

- a. The amendments comply with the requirements for variations contained in the Original Trust Deed;
- b. No amendments have been made to clauses 5, 20, 22, 23 and 25 (although they are now numbered clauses 5, 19, 21, 22 and 24 due to the deletion of the previous clause 17); and
- c. The Trustees have adopted this new trust deed so that all variations can be incorporated in a single document for ease of reference.

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

~~2.12.2~~ The Trustees agree to continue to act as trustees of the Trust on the terms set out in this Deed.

~~2.22.3~~ 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.

~~2.32.4~~ The Trust shall ~~commence on the date of this Deed and shall~~ continue until terminated under clause ~~25~~24.

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;
- 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;
- 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~~the Trust's incorporation 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; and/or
- i. has been deemed by unanimous vote of the other Trustees to have the potential to bring the Trust into disrepute.;

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.

~~10.1~~10.2 The Trustees shall appoint one of their number to be the Deputy Chairperson of Trustees.

~~10.2~~10.3 The Trustees shall annually appoint a Secretary to hold office until the appointment is revoked by the Trustees.

~~10.3~~10.4 The Trustees shall annually appoint a Treasurer to hold office until the appointment is revoked by the Trustees.

~~10.4~~10.5 The Secretary and Treasurer may be the same person.

~~10.5~~10.6 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~~10.7 A Trustee (~~other than the Chairperson~~) may resign from an office to which that Trustee has been appointed, without resigning as a Trustee.

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~~24 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, the Deputy Chairperson shall be the chairperson for the meeting. If neither the Chairperson or the Deputy Chairperson are present then 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~~24.1. 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~~5 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;
- 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~~22.1) 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 and/or the General Manager~~Signatories, ~~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.~~17. Accounts

- ~~18.1~~17.1 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 Settllors.
- 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~~17.2 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.~~18. Tax Returns and Annual Returns

~~19.1~~18.1 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.~~19. Declarations of Interest

~~20.1~~19.1 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~~19.2 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.~~20. Remuneration of Trustees and Payments of Expenses

~~21.1~~20.1 Subject to clause ~~21.0~~20.3, each Trustee may be paid such remuneration for their services as a Trustee, as determined by the unanimous agreement of the Settllors, 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~~20.2 Subject to clause ~~20.1~~20.3, each Trustee shall be entitled to be indemnified against, and reimbursed for, all travelling, accommodation and other expenses properly incurred by them in attending to and returning from meetings or in

connection with the trusts of this Deed as determined by the Trustees.

[21.320.3](#) No Trustee receiving any remuneration referred to in clauses [240.1](#) or [240.2](#) 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.

[22.21. No Private Pecuniary Profit](#)

[22.121.1](#) 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.

[23.22. Alterations and Additions](#)

[23.122.1](#) Subject to clauses 5 and the rest of clause [232](#), the Board may resolve to amend any provision of this Deed.

[23.222.2](#) 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.

[23.322.3](#) 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, [2019](#), [2221](#), [23-22](#) and [2524](#).

[23.422.4](#) Notwithstanding anything set out in the rest of clause [23-22](#) the Board shall amend this Deed to comply with the Tax Act or the Charities Act.

[24.23. Liability of Trustees](#)

[24.123.1](#) 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.

[24.223.2](#) 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~~23.3 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~~23.4 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~~23.5 The Board may effect insurance for the Trustees and will meet all costs associated with such insurance.

~~25.~~24. Winding Up

~~25.1~~24.1 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~~24.2 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~~24.3 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.~~25. Governing Law

~~26.1~~25.1 The Trust shall be governed by and construed in accordance with the laws of New Zealand.

Signed by

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

Authorised Witness

Authorised Witness

Common Seal

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

Authorised Witness

Authorised Witness

Common Seal

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

Authorised Witness

Authorised Witness

Common Seal

Signed by ~~GRAEME OSBORNE~~SHAUN O'NEILL as Trustee in the presence of:

~~GRAEME OSBORNE~~SHAUN O'NEILL

Signature of witness

Name of witness

Occupation

Address

Signed by ~~TEENA MAREE CORNES~~BASIL MORRISON as Trustee in the presence of:

~~TEENA MAREE CORNES~~BASIL MORRISON

Signature of witness

Name of witness

Occupation

Address

Signed by ~~CHRISTOPHER JOHN-ADAMS~~**STRAT PETERS**
as Trustee in the presence of:

~~CHRISTOPHER JOHN-ADAMS~~**STRAT PETERS**

Signature of witness

Name of witness

Occupation

Address

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

JILL TAYLOR

Signature of witness

Name of witness

Occupation

Address

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

JOCELEEN ~~HELEN~~**KARU**

Signature of witness

Name of witness

Occupation

Address

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

WALTER NGAKOMA NGAMANE

Signature of witness

Name of witness

Occupation

Address

Sport Waikato – 2018 first quarter presentation

Trim No.: 2072078

Executive Summary

Lou Beer, Sport Waikato Matamata-Piako District Coordinator in attendance at 10.40am presenting on first quarter report for 2018.

Recommendation

That the report be received.

Attachments

[A↓](#). Sport Waikato Report 1 July - 30 September 2018

Signatories

Author(s)	Vicky Oosthoek Committee Secretary	
Approved by	Sandra Harris Acting Strategic Policy Manager	
	Don McLeod Chief Executive Officer	



Sport Waikato Report 1 July 2018 – 30 Sept 2018

Contents:

1. [Foreword – Michelle Hollands, Sport Waikato GM Regional Leadership](#)
2. [Regional Sport Waikato Team Updates](#)
3. [Local Delivery Updates](#)
4. [General Interest](#)

FOREWORD

Nationally – Last month, Prime Minister Jacinda Ardern and Minister of Sport Grant Roberson announced the Women and Girls in Sport and Active Recreation strategy specifically focused on improving outcomes for Women and Girls. As part of this announcement Sport New Zealand signalled its commitment to spending at least \$10 million over three years on initiatives to enable more women and girls to realise their potential, in and through, sport and active recreation. The focus of this investment will be on three themes: leadership, participation and values and visibility.

Sport New Zealand – Are currently in consultation on the Integrity in Sport Review. The review is open for public consultation and anyone wishing to provide feedback can complete an online survey via the link https://www.surveymonkey.com/r/sport_integrity_review. Sport Waikato also hosted Peter Miskimmin on the 19th of September at our Hamilton office. Peter shared insights into the future direction of Sport New Zealand as they work towards the development of their new strategy for 2020 and beyond.

Play.Sport – Sport Waikato has partnered with Sport New Zealand to pilot the introduction of Play.Sport in Hamilton City. Working with a community of learning the goal is to extend the capability inside the schools involved in the COL to enhance outcomes for sport, recreation and physical activity.

Regionally – the Regional Sports Facilities Plan 2018 Edition has now been drafted and prepared for presentation to the Waikato Mayoral Forum in early December. Matthew, Michelle and Leanne will visit CE's and Mayors in the lead up to the Mayoral forum to share the key components of the plan prior to presentation to councils for adoption. All councils have been involved in the development and review of the 2018 plan.

REGIONAL SPORT WAIKATO TEAM UPDATES

Secondary Schools	See article link above plus launching a new website to keep all secondary schools and families up to date with events results and more.
Project Energize	Ben Bonnar has resigned so a new Energizer will be appointed to cover Matamata and Te Aroha schools. Renee Mouat will shortly be taking maternity leave and a fixed term employee for the Morrinsville Schools will shortly be appointed.
Active and Well	<p>Green Prescriptions remain the main focus for assisting residents who do not meet Physical Activity Guidelines.</p> <p>Local Success story: A lady was referred onto the green prescription programme by her doctor. Aged 66 with several medical conditions including diabetes, and her weight (127kg) being her and doctor's main health concerns.</p> <p>Healthy eating plan was started with a daily exercising routine including swimming at SwimZone Matamata and exercise at the Pohlen Hospital outdoor recreation facility plus daily walks.</p> <p>After 3 months this client had lost 15kg, had increased her cardio vascular fitness, had begun with 2 laps of pools, increased to 40 laps of the pools, was able to walk to the Tower and back with ease. Her exercise programme at Pohlen had built strength, balance and fitness.</p> <p>Diabetes, and blood pressure reading were now under control.</p> <p>The highlight was when this lady said.</p> <p>"You know I can actually mow my lawns again and I hadn't been able to do that for 5 years!"</p> <p>This lady also participated in the World Day Challenge another high light and great achievement.</p>
Under 5's	The Sport Waikato Under Fives Fundamental Skills Advisor works with organisations in the Matamata-Piako District to help

	<p>improve the physical development of children under the age of 5 years.</p> <ul style="list-style-type: none"> • In July, 15 Educators from Early Childhood Education Centres attended a 'Crossing the Midline' Workshop in Morrinsville where they learned activities they can engage children in, to assist brain development and influence their learning in later life. • In August, 19 parents, 4 educators, and 15 children attended 4 workshops in Matamata or Morrinsville. These were 3 'Infant Massage' workshops, and 1 'Toddler Movement' workshop. These workshops are held at community organisations and provided for parents to improve the physical activity outcomes for their young children. • In September, an 'Infant Movement' workshop was held in Matamata which saw 7 parents and 1 educator attend.
Sport Capability	<ul style="list-style-type: none"> • Northern Districts Cricket is currently working with the Waikato Valley Cricket Association (along with the other 5 minor associations within their catchment) on some restructuring of development roles however haven't officially received any confirmed details as yet. Hopefully there will be some additional resourcing placed into Waikato Valley to help in the development space. • Working with TV Basketball on funding for coach and official development – NZBB and Waikato BB Council are also on board which means there will be some "Cross association" development opportunities from February next year. • Parkour have been doing deliveries in Morrinsville and Te Aroha • Swimming Waikato are working on a swim club forum for December to which all clubs will be invited • Athletics have appointed a "Development Advisor" who will work directly with clubs on running courses to recruit and grow coach capability – this will impact on Te Aroha, Matamata clubs and could also assist with reinvigorating Morrinsville club
This is Me	<p>Have released a video encouraging women to be active their way. This can be viewed https://www.facebook.com/ThisisMENZ/ and you can also follow progress and initiatives on Instagram https://www.instagram.com/thisisme_nz/ or our website https://thisisme.org.nz/ The video received 10,000 views within the first 12 hours and we were grateful to MPDC Communications for sharing the link</p>

LOCAL DELIVERY

KPI	Activity/Club	Summary of Actions
Our People – To grow participation in sport, recreation and physical activity to increase the health outcomes of the community.	Te Aroha Swimming Club/Te Aroha College	Initial discussions with TAC and TASC looking at barriers and potential solutions to making the college pool available to the public. Also met with Paul Matthews at HDC to find out how they run their college/community pools. If community use proposal made and agreed then likely to be a submission in next LTP.
	Piako Triathlon	Planning fifth triathlon to take place in March 2019.
	Tower Run	Establishing an organising committee for March 2019 event
	Trail Trilogy	A great second year for the organisers of this event. A marathon distance event started at the Te Aroha Train Station managed by myself and marshalled by Te Aroha Lions. Many of the competitors travel a long distance to participate and overnight in Te Aroha. I hope to see participation levels grow in future years.
	Waitangi Day	I am involved with Waitangi Day planning and SW will run active games on the day.
	Waharoa Recreation Reserve	Alongside the playground I am working with council and the local community to create a place for the community to meet, connect and play together.
	Xyst Support	Met with Pip re Morrinsville Recreation Grounds
	ECHO Walking Festival	Confirmed 2019 dates as 6 – 28 th April but am lacking walk leaders in this area. I have contacted each town I site but they are unable to support and am advertising via local community social media and Volunteering Waikato with minimal success. I will lead 3 lower level activities but may lack the draw for external visitors
Building Communities – To work with the deliverers of sport, recreation and physical activity to provide sustainable, quality experiences	Piako Gymnastics: Facility	Establishing a strategic sub-committee to progress this.
	Club Funding /Finances	Have refreshed my understanding of funding by attending workshops held by Lion Foundation and Trust Waikato. I have assisted several clubs with enquiries around funding and how to apply.
	Morrinsville Lacrosse	Met with a proposed group with the aim to promote and support lacrosse in Morrinsville. This will be an ongoing relationship to assist with set up and processes.
	Club of the Year	4 clubs nominated for Club of the Year - I have had contact with all in different capacities and it is exciting to see clubs revitalised and taking the initiative to adapt to

		changing communities.
	HR for Clubs	Workshop trialled with gymnastics clubs educating on employment legislation and pay regulations. Useful for the clubs considering employing staff.
	Volunteer Recognition/Support	Ongoing project to look at best way to support sport and recognise sport volunteers
District Leadership – To develop ,maintain and grow quality stakeholder relationships	Matamata Piako District Sport Plan	Just waiting on finalised copy. Service Delivery and partner projects were identified as part of the Sport plan process and these are ongoing
	Xyst Support	Met with Pip re Morrinsville Recreation Grounds; Assisted with providing information in regards to users and potential users for Headon Stadium and future indoor facilities.
	District Level Insights	In progress
Healthy Lifestyles – To promote and advocate for healthy, active lifestyles	Te Aroha Senior Citizens Association	Presented on opportunities to be active locally. Follow up with written material as very few access internet for information and were unaware of many opportunities.
	Nutrition Policy	Good nutrition habits are a vital part of being healthy and SW has recently developed a new policy to encompass all our activities and help organisations and groups take steps to address the food and drinks offered at events and in public places.
	Quarterly newsletters	First of a new regular Sport Waikato newsletter was sent to clubs and stakeholders. Building up a distribution list for the next one and widening the focus.

GENERAL INTEREST

- **Good Sorts for Sport:** <https://www.sportwaikato.org.nz/news/sport-waikato's-'good-sorts-for-sport'.aspx>
- **Secondary School Sport:** <https://www.sportwaikato.org.nz/news/secondary-schools-moving-ahead-with-key-projects.aspx>
- **Health and Safety petition:** https://www.nzherald.co.nz/business/news/article.cfm?c_id=3&objectid=12119825
- **Integrity Issues in Children's Sport:** <https://sportnz.org.nz/assets/Sport-Integrity-Review/Sport-Integrity-Review-Discussion-Document-Chapter-3.pdf>

Lou Beer | Matamata-Piako District Coordinator | 027 2265297 | [sportwaikato](http://sportwaikato.org.nz)



Mahia te mahi hei painga mo te iwi – we strive every day to 'do the work for the betterment of the people' – Te Puea Herangi

Headon Stadium Design Options

Trim No.: 2080315

Executive Summary

The 2018-28 Long Term Plan allocated \$1.5 Million towards upgrading Headon Stadium.

Following a period of consultation with users, an architectural brief was developed. A construction project manager and architect were procured and design concepts developed.

The report presents a summary of user feedback and design concept options.

Initial design concepts were discussed at a Council Workshop on 19 September. The following four options were presented:

- Option 1 - New roof structure and beams
- Option 1b - New roof retaining existing beams
- Option 2 - Retain sports floor and complete new single storey structure
- Option 3 - Undertake minimal enhancements but meet the terms of the Building Act

Following feedback from the workshop an additional design concept was developed.

Council is asked to indicate its preferred design option to enable the project to proceed.

Recommendation

That:

1. The report be received;
2. Council indicates its preferred design option for Headon Stadium;
3. Staff to finalise design drawings for the preferred option with any enhancements agreed by Council;
4. Council decides if it wishes to include heating and/or ventilation into the preferred option;
5. A project plan outlining realistic timeframes for project completion be finalised;
6. Headon Stadium and Pohlen Park users be advised of the decision and that the preferred design concept be made available for information;
7. Council authorises the Chief Executive to seek tenders for the preferred option and enter into a contract for construction in keeping with Council's procurement policies.

Content

Background

Council for some time been concerned about the poor condition of Headon Stadium.

In November 2017 CoveKinloch, Building Consultants reported back to Council on their review of the buildings condition and options for renewal and maintenance. CoveKinloch ultimately identified that attending to deferred maintenance would cost approximately \$480,529. Alternatively to address both deferred maintenance and undertake upgrades to the building would cost approximately \$1,197,103.

On 13 December 2017 Council decided to proceed with planning and implementation for upgrading Headon Stadium and made provision for a budget of \$1.5 million with work to be undertaken in the 2018/19 year.

The 2018-28 Long Term Plan allocated \$1.5 Million towards upgrading Headon Stadium.

In keeping with Council's procurement process a building project manager (WSP/Opus – Sunny Tutlani) was appointed followed by an architect (MOAA Architects – Tim Horne) earlier this year.

The architect was provided a brief dated 14 June 2018 which reflected both the user feedback through the initial consultation and also Council's desires for the building.

Issues

Desired Outcomes

The brief to the architect explained that Council wish to, where possible, future proof the facility to ensure it remains safe and functional for the next 50 years. Future proofing needs to take into account a new two court facility currently being considered for Matamata located away from Headon Stadium which will likely draw a number of the established users away from Headon Stadium in time.

There is no expectation that the existing sports hall (sports floor) will be increased in size to cater for the needs of netball for example as provision for both netball and basketball is expected to be made elsewhere in the longer term. Future proofing will instead need to consider current and potential future users requirements, which will create maximum benefit to the community.

To inform who these users might be, and what their needs are, a phase of consultation was undertaken in May and June 2018 led by Xyst Consultants.

Table 1 below summarises feedback from users.

Table 1: Summary of user feedback

What is good	<ul style="list-style-type: none">• Floor is excellent• Change facilities are functional• Facility is still used by a large number of groups
What isn't good	<ul style="list-style-type: none">• Court is undersized• Roof leaks• Cold interior• Tired décor• Rose York Lounge is not used

	<ul style="list-style-type: none"> • More/ better storage is required • Poor indoor outdoor flow • Condensation
--	--

Vision for Headon Stadium:

A vision was developed for the future of Headon Stadium.

For the next 5 to 10 years:

A safe, functional and attractive facility that meets the basic requirements for indoor court sports and recreation activity for Matamata

Once the Futures Trust facility is developed (i.e. in 5 years or more):

To transition into a more specific sports “hub” facility that:

- caters for more permanent fixtures not necessarily compatible with the Futures Trust facility (i.e. gym sports/ karate for example) and;
- provides for the needs of the Pohlen Park sports users (i.e. social space for cricket and football).

Design options

At a Council Workshop held on 19 September elected members were presented with design options for Headon Stadium (Table 2) as well as an assessment against desired outcomes (Table 3).

Table 2: Summary of design options

Option 1	New roof structure and beams
Option 1b	New roof retaining existing beams
Option 2	Retain sports floor and complete new single storey structure
Option 3	Undertake minimal enhancements but meet the terms of the Building Act

Table 3: Summary of Outcomes and Level of Achievement by Design Option

Desired Outcomes	Option 1a	Option 1b	Option 2	Option 3
Future proof building for next 50 years	Partial	Yes	Yes	As existing
Lack of disabled facilities or wheelchair access	Yes	Yes	Yes	As existing (Can be improved)
Kitchen and toilet facilities in need of refurbishment	Yes	Yes	Yes	3a – Yes 3b – As existing
Poor condition of the exterior of the building	Partial roof replaced	Roof replaced with vent removed	Yes	Partial roof replaced
Limited storage facilities on ground floor	Yes	Yes	Yes	As existing
External fire escape stairs could be dangerous for children to use	Yes	Yes	Not required	As existing
Condensation occurring on the sports hall floor	To be discussed (Potential to be included)	To be discussed (Potential to be included)	To be discussed (Potential to be included)	To be discussed (Potential to be included)
Health and safety risks of access for maintenance and inspection of the roof of the building	Improved from existing	Improved from existing	Improved from existing	As existing
Sports scorers seating bench	Yes	Yes	Yes	Yes
Requirements of fire sprinkler system	Not required	Not required	Not required	No
Appropriateness and design of changing rooms to meet both the sports field and	Yes	Yes	Yes	As existing

Desired Outcomes	Option 1a	Option 1b	Option 2	Option 3
facility users				
Ability to access roof for maintenance purposes	Compliant system	Compliant system	Compliant system	As existing
Earthquake Strengthening if possible - Current 51% targeting 67%	Yes 67%	Yes 67%	Yes 100%	As existing

The majority of members favoured Option 2. It was also suggested that a modified Option 2 should be explored. It was felt the design should provide:

- Retention of the existing sports floor
- Centralised facilities including changing rooms, meeting room, toilets, showers
- Access to changing rooms directly from inside the stadium and also from the park for outdoor sports users
- Increased side run off areas for basketball and netball
- Natural light to the playing areas without negatively impacting on users experiences
- A public toilet accessible from the park only
- A structure that provided in excess of 67% earthquake approval
- Improved storage compared to existing in Headon Stadium
- Potential to address heating and ventilation either as part of the current renewal works or alternatively to be able to consider making provision for installation at a later date (subject to budget)
- A structure that was future proofed enough to provide a flexible space so that in time should a new facility be constructed in Matamata Headon Stadium would still be attractive to wider community users.

Option 2B

The Architects have developed Option 2B based on feedback from elected members.

This option is a rework of an earlier concept design which has addressed and reduced the areas of windows while still retaining enough to ensure that natural light enters the building at ground level.

A centralised services area provides two large changing rooms with access directly onto the park and wide entrance doors more easily accessible with large cricket bags. Changing rooms also provide direct access to the stadium.

Four unisex toilets and four unisex showers are provided in a central area. A toilet and shower are designed to be accessible for people with disabilities or limited mobility.

A single unisex toilet solely accessible from the exterior of the building is provided which may be operated as a public toilet facility for park users.

A reasonable sized dedicated meeting room is provided which will comfortably accommodate at least 30 people. In addition an informal meeting area is included in the foyer of the building.

Design documents and cost estimates

Presentation drawings of the design were still in preparation when the Agenda closed. The documents will be circulated prior to the meeting as soon as they become available.

A specialist engineer has been engaged to provide a cost estimate to provide both heating and ventilation to the building. Further information on the options available and costs will be provided at the meeting.

A quantity surveyor has been engaged to provide a cost estimate for Option 2B as soon as the final design plans have been prepared. The cost estimate will be available for consideration at the meeting.

Analysis

Options considered

The design concept options are summarised in Tables 2 and 3 above.

Analysis of preferred option

Council is asked to identify its preferred design option.

Consistency with the Long Term Plan / Annual Plan

Council has allocated \$1.5 Million towards upgrading Headon Stadium in the Long Term Plan 2018-28. Council has also allocated \$50,000 towards consultation, feasibility and design work.

Impact on Significance and Engagement Policy

Upgrading Headon Stadium was consulted on as part of the Long Term Plan.

Communication, consultation and decision making processes

Upgrading Headon Stadium was consulted on as part of the Long Term Plan.

More detailed consultation was undertaken with various user groups of Headon Stadium and Pohlen Park around the general upgrade of the existing structure.

Contribution to Community Outcomes

Upgrading Headon Stadium is likely to contribute to the following Community Outcomes:

- Connected Infrastructure
- Healthy Communities
- Vibrant Cultural Values

Financial Impact

i. Cost

Recent cost estimates were not available at the time the Agenda closed but will be provided once available.

ii. Funding Source

Council has allocated \$1.5 Million towards upgrading Headon Stadium in the Long Term Plan 2018-28. Council has also allocated \$50,000 towards consultation, feasibility and design work.

Attachments

There are no attachments for this report.

Signatories

Author(s)	Mark Naude Parks and Facilities Planner	
Approved by	Susanne Kampshof Asset Manager Strategy and Policy	
	Manaia Te Wiata Group Manager Business Support	

Community Facilities & Properties Bulk Fund 2018-19

Trim No.: 2072011

Executive Summary

The Long Term Plan 2018-28 allocated \$95,000 annually to the Community Facilities and Properties Bulk Fund. The Bulk Fund is intended to fund small to medium-sized capital projects relating to the activities that fall under the Community Facilities and Property activity group in the Long Term Plan. The Bulk Fund can also be used to fund renewals in cases where there is no dedicated renewal budget or the cost is likely to exceed the available budget. Council is asked to consider the list of potential projects and identify the priority projects to be funded in the 2018-19 Financial Year

A number of potential projects have been identified and business cases have been developed.

Council Staff consider the following to be the highest priority projects:

1. Howie Park ponds water reticulation improvements.
2. Te Aroha Domain retaining wall/drainage improvements.

It is recommended that Council allocates funding to these projects first and then considers how it wishes to allocate the remaining Bulk Funds.

Recommendation

That:

1. The report be received;
2. Council allocates funding to Howie Park water reticulation improvements
3. Council allocates funding to the projects it considers to have the highest priority

Content

Background

The Long Term Plan 2018-28 allocated \$95,000 annually to the Community Facilities and Properties Bulk Fund. The Bulk Fund is intended to fund small to medium-sized capital projects that fall under the Community Facilities and Property activity group in the Long Term Plan. The Bulk Fund can also be used to fund renewals in cases where there is no dedicated renewal budget or the cost is likely to exceed the available budget.

Council is asked to consider a list of potential projects and identify the priority projects to be funded in the 2018-19 Financial Year.

Issues

Potential projects

A number of potential projects have been identified (Table 1) and business cases have been developed. Copies of the business cases have been circulated separately.

Table 1: Potential Bulk Fund Projects

Ref	Location	Description	Cost Estimate	Score	Remarks
1	Waihou Recreation Ground	Driveway extension	\$2,500	52	Partner project. Council contribution \$2,500. Total project cost approx. \$7,000.
2	Howie Park	Water reticulation improvements	\$12,800	48	Compliance issue.
3	Te Aroha Domain	Retaining wall and drainage improvement near gallery	\$15,000	48	To prevent future flood damage
4	Civic Centre	Branding improvements	\$5,000	48	
5	MV Office/Library	Branding improvements	\$5,000	48	
6	Herries Park	Fence extension	\$2,100 or \$4,700	38	Cost depends on option
7	Wilson Street	Lighting improvement	\$2,000	13	Request from a resident
8	Waharoa Rest Area	Lighting improvement	Yet to be costed	13	Request from local business. Due to the timing of the request staff have not had the opportunity yet to estimate the cost prior to the Agenda closing. Redevelopment of this area is funded in LTP.
9	Peria-Dawson Walkway	Construct a deer fence on boundary with residential section	\$8,400	4	Request from a member of the public.

Priority projects

Council Staff consider the following to be the highest priority projects:

1. Howie Park ponds water reticulation improvements.
2. Te Aroha Domain retaining wall/drainage improvements.

The Howie Park project is required to ensure compliance with regional council requirements.

The retaining wall and drainage improvements at Te Aroha Domain will prevent further damage to buildings on the park as a result of flooding.

It is recommended that Council allocates funding to these projects first and then considers how it wishes to allocate the remaining Bulk Funds.

Partnership opportunity

The Waihou Recreation Ground driveway extension was requested by Riding for the Disabled. Fulton Hogan have put forward a special price for this project. Council has been asked to contribute \$2,500 towards the cost of materials only. The cost would otherwise be around \$7,000.

Other capital/renewal projects that may require additional funding

The Bulk Fund may be a potential source of additional funding to complete the Number 2 Bath House restoration project that is funded in the LTP but may require additional funding.

There are also a number of potential improvement projects at Te Aroha Domain that have been identified by the Te Aroha Domain Working Party. If Council wished to address some of the smaller projects in the short-term (e.g. upgrading of entrance gates from Boundary Street) a portion of the Bulk Fund could potentially be allocated towards some of these projects. A report can be brought back to Council to prioritise the allocation of funding of smaller projects in the Domain. Council may wish to delay any major development projects in Te Aroha Domain until more information is available from the Provincial Growth Fund sponsored feasibility study.

Lower priority projects

Council may wish to consider lower priority projects at a later date, for example to consider them as potential projects during the 2019-20 Bulk Funds deliberations.

Analysis

Options considered

The business cases outline and discuss options for the various potential projects.

Legal and statutory requirements

The Business Cases discuss legal and statutory requirements where relevant.

Impact on policy and bylaws

Any potential impacts on policy are highlighted in the business cases.

Consistency with the Long Term Plan / Annual Plan

The Long Term Plan 2018-28 allocated \$95,000 annually to the Community Facilities and Properties Bulk Fund.

Impact on Significance and Engagement Policy

None of the potential projects are considered to be significant in terms of the policy.

Communication, consultation and decision making processes

Communication, consultation and decision-making issues are addressed in the business cases where relevant.

Consent issues

Consent and compliance issues are discussed in the business cases.

Timeframes

Timeframes for individual projects are discussed in the business cases.

Contribution to Community Outcomes

The potential projects address various community outcomes particularly Connecting Infrastructure, Healthy Communities, Environmental Sustainability.

Financial Impact

i. Cost

Cost estimates are included in the business cases.

ii. Funding Source

\$95,000 is available for allocation in the 2018-19 Financial Year.

Attachments

There are no attachments for this report.

Signatories

Author(s)	Mark Naude Parks and Facilities Planner	
Approved by	Susanne Kampshof Asset Manager Strategy and Policy	
	Manaia Te Wiata Group Manager Business Support	

Revocation of Reserve Status: Ngarua Recreation Reserve

Trim No.: 2066158

Executive Summary

The Ngarua Recreation Reserve is Crown Land. Council has held an appointment to 'control and manage' the Reserve for a number of years. Council has not identified a strategic purpose for the land and previously advised the Department of Conservation that it wishes to relinquish its appointment to control and manage the Reserve which contains the former Ngarua Hall and ancillary structures.

A reserve may be disposed of only after its reservation is revoked. Council (in its capacity as Administering Body of the Reserve) has to initiate the revocation process. On 22 August 2018 Council resolved to give public notice of its intention to revoke the Reserve status of the land. Public notices were subsequently published in the *Piako Post* and *Matamata Chronicle* on 29 August 2018. No objections have been received. Under Section 24(2)(h) of the Reserves Act 1977 any person who does not lodge an objection within the one month period is deemed to have assented to the revocation.

Council is asked to confirm by resolution that it wishes to revoke the reserve status of the Ngarua Recreation Reserve. This will enable staff to inform the Minister of Conservation of the decision and to request Ministerial approval of the revocation. If the Minister consents, a gazette notice will be published revoking the Reserve status and cancelling Council's appointment to control and manage the land.

Current Department of Conservation policy allows Administering Bodies of Reserves to share in any potential surplus of disposal up to 100% share. Council would need to apply to share in any proceeds and state what the funds would be used for. It is recommended that Council applies for any such funds be used for capital and renewal works for assets that are complimentary to the conservation estate or public track networks within the Matamata-Piako District.

Recommendation

That:

1. The report be received.
2. Council resolves to revoke the Reserve status of the Ngarua Recreation Reserve (Part Section 6 Block VIII Maungakawa Survey District).
3. Council confirms that (a) it wishes to apply for a share in any potential proceeds of disposal of the land and (b) that such funds would be used for capital or renewal work on assets that are complimentary to the conservation estate or public track networks within the Matamata-Piako District.

Content

Background

The Ngarua Recreation Reserve is Crown Land. Council has held an appointment to 'control and manage' the Reserve for a number of years.

Council has previously advised the Department of Conservation that it wishes to relinquish its appointment to control and manage the Ngarua Recreation Reserve which contains the former Ngarua Hall and ancillary structures.

A reserve may be disposed of only after its reservation is revoked. Council (in its capacity as Administering Body of the Reserve) has to initiate the revocation process. The process is as follows:

- Council must publish a public notice of the proposed revocation of reservation, specifying the reason or reasons for the proposal;
- A month must be allowed to receive any objections;
- Council must consider any objections and make a final decision.
- The Minister of Conservation must be notified of the decision;

If the Minister consents to the revocation, the Reserve status is uplifted by notice in the *New Zealand Gazette* and Council's appointment to control and manage is cancelled. DOC can then proceed with the subsequent administrative procedures.

On 22 August 2018 it was resolved that:

"Council publishes the required public notice of its intention to revoke the Reserve Status of the Ngarua Recreation Reserve pursuant to Section 24(2)(b) of the Reserves Act 1977 (Attachment A);"

On 29 August 2018, public notices inviting public submissions on the proposal were placed in two newspapers circulating within the District namely the *Piako Post* and *Matamata Chronicle*. The submission period closed on Monday, 1 October 2018. No objections or other submissions were received. There are therefore no submissions for Council to consider. According to Section 24(2)(h) of the Reserves Act 1977, any person who does not lodge an objection within the one month period shall be deemed to have assented to the revocation.

Council is asked to confirm by resolution that it wishes to revoke the reserve status of the Ngarua Recreation Reserve. This will enable staff to inform the Minister of Conservation of the decision and to request Ministerial approval of the revocation. If the Minister consents, a gazette notice will be published revoking the Reserve status and cancelling Council's appointment to control and manage the land.

Issues

Disposal

A reserve may be disposed of only after its reservation is revoked.

Potential proceeds of disposal (if any)

It is now possible for Councils that have been controlling and managing Crown Land to apply for a share in any potential proceeds of disposal up to 100%. In the past the potential share was capped at 50%. Council is asked to consider whether it wishes to apply for a share in any potential proceeds of sale.

Current DOC Policy allows administering bodies to share in any potential surplus of disposal up to 100% share.

Council must apply to share the proceeds and must state what the funds will be used for. The funds may only be applied to capital expenditure not operational expenditure. The proposal should take account of community goals and strategies for reserves and open space.

If Council wishes to apply for a share of any proceeds in the disposal of the Ngarua Recreation Reserve, it is recommended that Council applies for any such funds be used for capital and renewal works for assets that are complimentary to the conservation estate (e.g. Kaimai-Mamaku Conservation Area) and/or public track networks within the Matamata-Piako District. The funds can then be applied to Council-maintained tracks, carparks and ancillary assets such as Te Aroha Domain track network, Wairongomai Carpark, Wairere Falls carpark etc. The application of the funds in that manner would also benefit DOC.

Analysis

Options considered

- A. Council could ask for the Reserve status to be revoked and apply for a share in any potential proceeds of property disposal.
- B. Council could ask for the Reserve status to be revoked and choose not to apply for a share in any potential proceeds of property disposal.

Analysis of preferred option

Option A is the preferred option.

Legal and statutory requirements

Council has previously placed public notice of its intention to revoke the Reserve status of the land in accordance with Sections 24(2) and 119 of the Reserves Act 1977. No objections have been received. Under Section 24 (2)(h) of the Reserves Act, any person who does not lodge an objection within one month of the public notice is deemed to have assented to the revocation of reservation set forth in the public notification.

Council is asked to confirm by resolution that it wishes to revoke the reserve status of the Ngarua Recreation Reserve. This will enable staff to inform the Minister of Conservation of the decision and to request Ministerial approval of the revocation. If the Minister consents, a gazette notice will be published revoking the Reserve status and cancelling Council's appointment to control and manage the land.

Before deciding whether or not to approve the revocation the Minister may at their discretion seek further submissions on the matter.

Impact on policy and bylaws

None.

Impact on Significance and Engagement Policy

The matter is not considered significant in terms of the Policy.

Communication, consultation and decision making processes

The consultation process is discussed in the Background and Legal and Statutory Requirements sections of the report.

Timeframes

DOC have advised that the time from revocation to disposal could be as long as 18 months.

Financial Impact

i. Cost

The cost of public notices was approximately \$1500. The cost of a Gazette Notice will be around \$60 to \$80.

ii. Funding Source

Operational budgets.

Attachments

[A↓.](#) Public Notice - Piako Post

[B↓.](#) Public Notice - Matamata Chronicle

Signatories

Author(s)	Mark Naude Parks and Facilities Planner	
Approved by	Susanne Kampshof Asset Manager Strategy and Policy	
	Manaia Te Wiata Group Manager Business Support	

Public Notices



Naming of Reserve

Pursuant to Section 16(10) of the Reserves Act 1977, Matamata-Piako District Council seeks to name the Recreation Reserve described in the Schedule that is located between Seales Road and Deanna Avenue, Morrinsville.

Council is proposing the following official name(s) for the Reserve:

- Gregdon Reserve

The Reserve was originally planned as a road to link between Deanna Avenue and Seales Road to be known as Gregdon Street after the sons of the developer, Gregory and Brendon. The land was later vested in Council as reserve in 1996 and a public walkway was constructed over the land. The reserve is currently referred to as Seales Road Reserve.

Written comments about the proposal may be submitted to Council until 5pm on 29 September 2018.

Submissions must be addressed to:

The Chief Executive
Matamata-Piako District Council
Attention: Parks & Facilities Planner
35 Kenrick Street
Te Aroha 3320

Electronic submissions may be submitted with the subject line 'Gregdon Reserve' to: info@mpdc.govt.nz

Schedule
Lot 21 DP5 72438
Certificate of Title 588/221

Proposal to revoke the reserve status of Ngarua Recreation Reserve

Matamata-Piako District Council invites submissions or objections from persons with an interest in the Ngarua Recreation Reserve, formerly known as Ngarua Domain, situated at the corner of Ngarua Lane and State Highway 27, Ngarua.

Pursuant to Section 24(2)(b) of the Reserves Act 1977, Matamata-Piako District Council hereby notifies its intention to seek the approval of the Department of Conservation to the revocation or up-lifting of the reserve status over the land parcel Ngarua Recreation Reserve legally described as Part Section 6 Block VIII Maungakawa Survey District.

The reserve is partially occupied by the former Ngarua Hall, tennis courts and clubhouse building. A map showing the Reserve is available for inspection at the following offices of the Matamata-Piako District Council:

- Main Office, 35 Kenrick Street, Te Aroha
- Matamata Area Office, Civic and Memorial Centre, Talbot Street, Matamata
- Morrinsville Area Office, Canada Street, Morrinsville

The Reserve is Crown Land. Matamata-Piako District Council has held an appointment to 'control and manage' the Land since 1989 when it succeeded the former Ngarua Domain Board. The land is a classified as Recreation Reserve under the Reserves Act 1977.

The Ngarua Hall ceased to operate as a community hall in 2005 and was decommissioned. Council has not identified a strategic purpose for the site and no longer wishes to control and manage the Reserve. It is therefore proposed to revoke the reserve status and to allow control of the land to revert to the Crown.

Any person wishing to make submissions in support or objections to the proposed revocation may do so in writing, addressed to the Chief Executive, Matamata-Piako District Council, Attention: Parks & Facilities Planner, 35 Kenrick Street, Te Aroha, 3320. Submissions must be received no later than 5.00 pm on Monday 1 October 2018.

Alternatively, submissions and objections may be emailed to info@mpdc.govt.nz with the subject line 'Ngarua Recreation Reserve'.

Any information provided to the Council will become subject to the Local Government Official Information and Meetings Act 1977 and may be released by the Council under that Act. Any submitter should state in their submission if the whole or any part of the objection is to be kept confidential.

Donald J McLeod
Chief Executive
Matamata-Piako District Council

Public Notices

Have your say!
Waikato Regional Council is seeking feedback on the Draft Waikato Regional Public Transport Plan 2018-2028

The Regional Public Transport Plan, which sets out the priorities and needs of public transport services and infrastructure to be delivered in the Waikato in the next 10 years, is up for review.

This is your opportunity to have your say on the new draft plan, which aims to:

- move towards a mass transit oriented network for Hamilton and neighbouring towns over time
- expand the public transport network to include more areas within our region
- ensure public transport system is easy to use for everyone
- develop partnerships and new approaches to deliver public transport services
- increase the attractiveness of public transport by improving end-to-end journey experiences.

Visit www.waikatoregion.govt.nz/submit-rptp for more information and to make a submission.

Making a submission on the draft plan

The draft plan is available for inspection online, and at Waikato Regional Council offices in Hamilton (401 Grey Street), Paeroa (13 Opatito Road), Taupō (cnr Titiruaupunga and Paora Hapi streets) and Whitianga (33-35 Albert Street). The draft plan can also be viewed at the Hamilton Transport Centre (373 Anglesea Street, Hamilton) and public libraries within the Waikato region.

Consultation is open for a month from 23 August to 19 September 2018. If you make a submission, you can request the opportunity to present your comments in person to the hearings committee. Submissions will be heard from 1 October to 1 October 2018.

Complete your submission online at www.waikatoregion.govt.nz/submit-rptp, or post your submission to: Transport Policy Team, Waikato Regional Council, Freepost 18509, Private Bag 3038, Waikato Mail Centre, Hamilton 3240. Please visit www.waikatoregion.govt.nz to request a submission form, the full draft plan or the summary, or call the council's freephone 0800 800 401.

Submissions must be received by 5pm on Wednesday, 19 September 2018.

VRJ Payne
Chief Executive

www.waikatoregion.govt.nz



Public Notices

Public notice of application for on-licence.
Section 101, Sale and Supply of Alcohol Act 2012

The Te Aroha Licensing Committee at Te Aroha for the removal of an on-licence in respect of the premises situated at State Highway 26, Waikato known as Willow Tavern.

The general nature of the business conducted under the licence is hotel.

The days on which and the hours during which alcohol is sold under the licence are Monday to Saturday, 9am to 11pm and Sunday, 10am to 11 pm.

The application may be inspected during ordinary office hours at the office of the Matamata-Piako District Council, District Licensing Committee at 35 Kenrick Street, Te Aroha.

Any person who is entitled to object and who wishes to object to the issue of the licence may, not later than 15 working days after the date of the publication of this notice, file a notice in writing of the objection with the Secretary of the District Licensing Committee at Matamata-Piako District Council, PO Box 289, Te Aroha 3342.

No objection to the renewal of a licence may be made in relation to a matter other than a matter specified in section 131 of the Sale and Supply of Alcohol Act 2012.

This notice was first published on 22 August 2018.

Public notice of application for on-licence.
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No objection to the renewal of a licence may be made in relation to a matter other than a matter specified in section 131 of the Sale and Supply of Alcohol Act 2012.

This notice was first published on 22 August 2018.

MORRINSVILLE Intermediate School
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YEAR 7 & 8 ENROLMENTS FOR 2019

Prospective students and their families are invited to the following school events:

Open Evening
Wednesday 29th August 2018
6.30 to 8.30pm (starting in school hall)

Open Days
Tuesday 4th September at 11am
Thursday 13th September at 1.30pm
Thursday 31st January 2019 at 1.30pm

During both the Open Evening and Open Days families will have the opportunity to meet our teaching staff and senior leadership team plus have a guided tour around the school to see the many opportunities available to students.

Enrolment enquiries: 0800 800 401

All welcome!

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Public Notices

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- ensure public transport system is easy to use for everyone
- develop partnerships and new approaches to deliver public transport services
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Submissions must be received by 5pm on Wednesday, 19 September 2018.

VRJ Payne
Chief Executive

www.waikatoregion.govt.nz



Public Notices



**Waikato Branch of
The New Zealand
Thoroughbred
Breeders' Association (Inc)**

Notice is hereby given that the Annual general meeting will be held at:

The Onyx bar and Café Cambridge, Tuesday 11th September 2018 at 7.00pm

Business

- Adoption of minutes from previous Annual General Meeting
- Adoption of Annual Accounts
- Adoption of presidents report
- Election of officers

President

Vice President

Committee: Chris Camplin, Richard Wright, Morgan Carter & Derek Mayne retire by rotation. Derek Mayne has advised he will offer himself for reselection.

All nominations will be taken from the floor

- General Business

Keith Lunn
President

Damaged or wet paper?

VISIT
my.stuff.co.nz

Public Notices



Naming of Reserve

Pursuant to Section 16(10) of the Reserves Act 1977, Matamata-Piako District Council seeks to name the Recreation Reserve described in the Schedule that is located between Seales Road and Deanna Avenue, Morrinsville.

Council is proposing the following official name(s) for the Reserve:

- Gregdon Reserve

The Reserve was originally planned as a road to link between Deanna Avenue and Seales Road to be known as Gregdon Street after the sons of the developer, Gregory and Brendon. The land was later vested in Council as reserve in 1996 and a public walkway was constructed over the land.

The reserve is currently referred to as Seales Road Reserve.

Written comments about the proposal may be submitted to Council until 5pm on 29 September 2018.

Submissions must be addressed to:

The Chief Executive
Matamata-Piako District Council
Attention: Parks & Facilities Planner
35 Kenrick Street
Te Aroha 3320

Electronic submissions may be submitted with the subject line 'Gregdon Reserve' to info@mpdc.govt.nz

Schedule

Lot 21 DP5 72438

Certificate of Title S68/221

Proposal to revoke the reserve status of Ngarua Recreation Reserve

Matamata-Piako District Council invites submissions or objections from persons with an interest in the Ngarua Recreation Reserve, formerly known as Ngarua Domain, situated at the corner of Ngarua Lane and State Highway 27, Ngarua.

Pursuant to Section 24(2)(b) of the Reserves Act 1977, Matamata-Piako District Council hereby notifies its intention to seek the approval of the Department of Conservation to the revocation or uplifting of the reserve status over the land parcel Ngarua Recreation Reserve legally described as Part Section 6 Block VIII Maungakawa Survey District.

The reserve is partially occupied by the former Ngarua Hall, tennis courts and clubhouse building. A map showing the Reserve is available for inspection at the following offices of the Matamata-Piako District Council:

- Main Office, 35 Kenrick Street, Te Aroha
- Matamata Area Office, Civic and Memorial Centre, Tainui Street, Matamata
- Morrinsville Area Office, Canada Street, Morrinsville

The Reserve is Crown Land. Matamata-Piako District Council has held an appointment to 'control and manage' the Land since 1989 when it succeeded the former Ngarua Domain Board. The land is a classified as Recreation Reserve under the Reserves Act 1977.

The Ngarua Hall ceased to operate as a community hall in 2005 and was decommissioned. Council has not identified a strategic purpose for the site and no longer wishes to control and manage the Reserve. It is therefore proposed to revoke the reserve status and to allow control of the land to revert to the Crown.

Any person wishing to make submissions in support or objections to the proposed revocation may do so in writing, addressed to the Chief Executive, Matamata-Piako District Council, Attention: Parks & Facilities Planner, 35 Kenrick Street, Te Aroha, 3320. Submissions must be received no later than 5.00 pm on Monday 1 October 2018.

Alternatively, submissions and objections may be emailed to info@mpdc.govt.nz with the subject line 'Ngarua Recreation Reserve'.

Any information provided to the Council will become subject to the Local Government Official Information and Meetings Act 1977 and may be released by the Council under that Act. Any submitter should state in their submission if the whole or any part of the objection is to be kept confidential.

Donald J McLeod
Chief Executive
Matamata-Piako District Council

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Naming of Reserve in Waharoa

Trim No.: 2078057

Executive Summary

In August 2018, Council discussed naming a Recreation Reserve in Waharoa after the late Bruce Clothier who donated the land to Council in 1999.

This report:

- provides an update on the process
- asks Council to confirm the proposed name(s) it wishes to consult on
- asks Council to authorise the publication of the relevant public notice.

Recommendation

That:

1. **The report be received.**
2. **Council confirms that “Bruce Clothier Memorial Park” is its preferred name for the Lot 2 DP 386916, a Recreation Reserve located in Waharoa.**
3. **The required public notice regarding the proposed name change be placed.**

Content

Background

Council has discussed naming a Recreation Reserve in Waharoa after the late Bruce Clothier who donated the land to Council in 1999.

On 22 August 2018, Council resolved that:

“Council determines to proceed with the reserve naming process to name the Recreation Reserve comprising Lot 2 DP 386916 “Bruce Clothier Memorial Park” and will consult the Te Manawhenua Forum.”

Council's process for naming a reserve is as follows:

1. Consult with donors, user groups, community groups and Iwi in the vicinity and come up with a short list of potential names.
2. Council Resolution to name/rename with list of suggested names to go out for consultation.
3. Allow a month for consultation.
4. Consider submissions.
5. Resolution to approve chosen name.
6. Publish a notice in the Gazette to give effect to the name.



Figure 1: Location of Reserve (delineated in yellow)

The land in question is relatively undeveloped. It mainly consists of a grassed area and shrub gardens. A public toilet block and a portion of the carpark occupies a small corner of the Reserve. There are no organised user groups associated with the Reserve.

The public toilets on the Reserve as well as the carpark and picnic areas on the adjacent land are mainly used by passing motorists and tourists.

Council Staff have sought preliminary feedback on the proposal from the following groups:

- Te Manawhenua Forum mo Matamata-Piako
- Ngāti Hauā Iwi Trust
- Waharoa Mainstreet Committee

A report was taken to Te Manawhenua Forum on 4 September 2018. The Forum had no particular view on the matter and suggested that comment be sought from Ngāti Hauā.

Ngāti Hauā Iwi Trust neither supports nor opposes the naming of the Bruce Clothier reserve.

Staff have also contacted the new Waharoa Mainstreet Committee for comment. No comments were received by the time the agenda closed.

Council is asked to confirm the name or list of names that it wishes to consult on and to authorise staff to publish the required public notice.

Issues

Process

Council's process for naming a reserve is as follows:

1. Consult with donors, user groups, community groups and Iwi in the vicinity and come up with a short list of potential names.
2. Council Resolution to name/rename with list of suggested names to go out for consultation.
3. Allow a month for consultation.
4. Consider submissions.
5. Resolution to approve chosen name.
6. Publish a notice in the Gazette to give effect to the name.

Timings

The first available date to publish the required notice in a local newspaper is Wednesday, 21 November 2018. The deadline to receive submissions would be 21 December 2018. This means Council would not be able to consider any submissions or objections until Council reconvenes early in 2019.

Analysis

Legal and statutory requirements

The General Policies Reserve Management Plan 2009 prescribes the process to be followed when naming a Reserve.

Impact on Significance and Engagement Policy

The matter is not regarded as significant in terms of the policy.

Communication, consultation and decision making processes

The General Policies Reserve Management Plan 2009 prescribes the process to be followed. The report seeks authorisation to publish the required notice to initiate the public consultation phase of the process.

Timeframes

The first available date to publish the required notice in a local newspaper is Wednesday, 21 November 2018. The deadline to receive submissions would be 21 December 2018. This means Council would not be able to consider any submissions or objections until the new Council reconvenes early in 2019.

Financial Impact

i. Cost

Given that the Reserve is located close to Matamata it is recommended that the public notice be published in a Matamata newspaper. The cost of the public notice is likely to be \$500 to \$750.

ii. Funding Source

The cost of advertising would need to be funded from operational budgets.

Attachments

[A.1](#). Draft Public Notice - Naming of Reserve - Bruce Clothier

Signatories

Author(s)	Mark Naude Parks and Facilities Planner	
Approved by	Susanne Kampshof Asset Manager Strategy and Policy	
	Manaia Te Wiata Group Manager Business Support	

Public Notice

Naming of Reserve

Pursuant to Section 16(10) of the Reserves Act 1977, Matamata-Piako District Council seeks to name the Recreation Reserve described in the Schedule located on Seddon Street/State Highway 27, Waharoa.

Council is proposing the following official name for the Reserve:

- Bruce Clothier Memorial Park

The land was donated to Council in 1999 by the late Bruce Clothier.

Written comments about the proposal may be submitted to Council until 5pm on 21 December 2018.

Submissions must be addressed to:

The Chief Executive
Matamata-Piako District Council
Attention: Parks & Facilities Planner
35 Kenrick Street
Te Aroha 3320

Electronic submissions with the subject line 'Bruce Clothier Memorial Park' may be sent to:

info@mpdc.govt.nz

Schedule

Lot 2 DP 386916
Certificate of Title Identifier 347977

Donald J McLeod
Chief Executive

Waikato Plan Leadership Group Terms of Reference and Committee

Trim No.: 2064806

Executive Summary

Following the recent review of the Waikato Plan some changes are occurring to the Waikato Plan project. This report provides an update on these changes and recommends that Council's existing Waikato Plan Leadership Group Joint Committee be disestablished to make way for the new Waikato Plan Leadership Committee of the Waikato Regional Council.

The terms of reference for the new committee does not need to be adopted by Council, as the new committee is a committee of Waikato Regional Council.

This report also updates Council on the Waikato Plan Leadership Group Joint Committee meeting held on 24 August 2018. The meeting minutes are attached to this report. A copy of the agenda has also been made available in the Big Tin Can (Councillor hub).

Recommendation

That:

1. **The information be received.**
2. **Pursuant to Clause 30(7), Schedule 7 of the Local Government Act 2002, the Waikato Plan Leadership Group Joint Committee be disestablished.**
3. **Council notes the Waikato Plan Leadership Committee is a Committee of Waikato Regional Council.**
4. **Council confirms the appointment of Toby Adams, Deputy Mayor of Hauraki District Council as its representative on the new Waikato Plan Leadership Committee.**

Background

The Mayoral Forum endorsed the development of a Waikato Plan in 2013. The draft Waikato Plan was prepared and adopted by the Waikato Plan Joint Committee on 27 February 2017. Following a consultation and submissions process (which was overseen by the Joint Committee) the Waikato Plan was adopted by council on 12 July 2017.

The Waikato Plan Leadership Group Joint Committee was constituted in August 2017. The elected Council representation was divided into sub-regions with Matamata-Piako represented in the 'Eastern sub-region' through Hauraki District Council Deputy Mayor Toby Adams.

It has long been recognised that given both the diversity and significance of the Waikato region, that it is important that the region's various leaders have an agreed common vision and plan for our region.

The Waikato Plan has been recognised by central government as an important platform to understand the region, its diversity, and the important issues that need attention and investment. At the April 2018 meeting of both the Waikato Mayoral Forum and the Waikato Plan Leadership Group discussion was had on the challenges and opportunities that plan implementation has presented.

The Review

Peter Winder from McGredyWinder, who has undertaken a number of independent reviews related to local government and collaborative processes for the Waikato, was commissioned to undertake the Review. The report, *'Review of the Waikato's 4 Well Beings Implementation Structures and Processes 2018'*, included a suite of recommendations that provided direction for a refreshed approach to the Waikato Plan. A full copy of the report was previously provided at Councils 2 July 2018 meeting.

The Report noted that the Waikato Plan has provided a valuable evidence base, set a vision for the development of the region, and identified a range of actions that if implemented, could help to achieve the vision for the Waikato. A key observation made was the considerable opportunity for the Waikato Plan, and specifically for core collaboration between the partners to make a significant contribution to the development of the Waikato. It notes that in order to achieve this contribution, where multi-year and multi-party responses are necessary, a more structured approach to implementation with central oversight from a single agency would be of benefit. The Report concluded that the Waikato Plan project was at a cross-roads, stating that it needed to be re-shaped or re-energised or concluded in its current form.

The Report states that for the Waikato Plan process to continue, and to be a success, the partners need to have greater confidence that:

- The plan can be translated into discrete and implementable projects.
- The Waikato Plan Leadership Group functions as a clearinghouse, facilitator and influencer rather than a director.
- The Waikato Plan Leadership Group functions as the facilitator of the message and the point at which parties are encouraged to say the same thing, rather than to be the one voice.
- The Chief Executive's steering group can provide the meaningful support to the Waikato Plan Leadership Group, including support to respond to change and emerging opportunities.

The Way Forward

Both the Mayoral Forum and the Waikato Plan Leadership Group Joint Committee endorsed the refreshed approach to the Waikato Plan, and endorsed the way forward from the McCredyWinter report where the following six key elements were outlined:

- a) Make changes to the Terms of Reference for the Waikato Plan Leadership Group to reflect the refined role and function of the Group as a clearinghouse, facilitator and influencer, encouraging the allocation of resources rather than as the place that directs other people's resources.*
- b) Make changes to the Terms of Reference for the Waikato Plan Leadership Group to reflect the refined role as the facilitator of the message and the point at which the parties are encouraged to say the same thing rather than as the 'one voice' for the Waikato region.*
- c) Strip implementation funding out of the Waikato Plan budget and secure implementation funding on a project-by-project basis based on the merits of the business case and the willingness of the partners to fund the activity.*
- d) Allocate specific resources through the regional council to undertake the critical project manager, programme development, programme coordination, and business case work that is required to make the transition from the plan making phase to the plan implementation phase.*

- e) *Establish a core Waikato Plan project team at the regional council and manage an appropriate transition from the existing contracted project support resources to the new team.*
- f) *Establish project-specific governance, reporting and funding arrangements for each implementation activity that reflect the nature of the activity and the partners. All implementation activity should be reported to the Leadership Group so that it can undertake its core facilitation clearinghouse roles.*

Taking into consideration the above, the Report recommends that the core Waikato Plan project team is likely to evolve around two roles, with one of these being a part time co-ordination role. These roles will be funded from the Waikato Plan budget.

A phased approach has been planned to work through the transition, which is being led by Waikato Regional Council:

PHASE 1 – Transition Plan (July-Aug)

- Focus on a detailed implementation plan.
- Revise terms of reference for leadership group and chief executive steering group.
- Inventory of existing and possible projects.

PHASE 2 – Project re-shape (Sept-Nov)

- Ensure necessary framework, structures and disciplines are in place
- Clarify roles, responsibilities and budgets
- Develop position descriptions for Programme Manager and Programme Co-ordinator (2 full time roles based at Waikato Regional Council)
- Develop templates for project business cases.

PHASE 3 – Setting the future framework

- Confirmation of project structure, budget, funding model (including recommendations for Year 2 amendments to LTPs), external funding strategy, implementation work-streams and project packages.
- Confirm the Position descriptions for the Programme Manager and Co-ordinator roles ready for advertising in Phase 4.
- Measures of success and an effectiveness framework will be developed that can feed into an 'annual report' of Waikato Plan success in June 2019.

PHASE 4 – Completing the project reset

- Conclusion of the transition phase and project reset completed.
- Oversight for support and delivery of the Waikato Plan project will have completed the transition to Waikato Regional Council.

Amended Terms of Reference, Committee of Waikato Regional Council

In items a) and b) above a key action was the refresh of the Terms of Reference for the Waikato Plan Leadership Group. These changes are included in the new Terms of Reference attached. The Terms of Reference also change the Waikato Plan Leadership Group from being a Joint Committee of councils' to a Waikato Plan Leadership Committee that becomes a Committee of Waikato Regional Council.

Waikato Regional Council staff consider that moving from a Joint Committee under s30A of the Local Government Act 2002 to a Committee of Waikato Regional Council, with members invited

onto the Committee, will contribute to increased project efficiencies, that is, the Terms of Reference do not have to be approved by every Council in the region. The constitution of the Committee remains unchanged.

As a Committee of Waikato Regional Council, it is not able to make decisions on behalf of other local authorities. This is reflected in the revised terms of reference for the Committee which sets out its objective as being a clearinghouse, facilitator and influencer, encouraging the allocation of resources rather than as the place that directs other people's resources.

In approving the Terms of Reference, and endorsing the Waikato Plan Leadership Committee, as a Committee of Council, there is the need for Council to pass a recommendation disestablishing the Waikato Plan Leadership Group Joint Committee. Each Council who presently is party to the Joint Committee will also need to pass a resolution that disestablishes the Joint Committee.

The amended Terms of Reference for the Waikato Plan governance entity will give effect to the recommendations from the independent Review undertaken of the Waikato Plan Implementation process. The recommendations are supported by both the Mayoral Forum and the Waikato Plan Leadership Group. The Terms of Reference provide the refocus for the Waikato Plan Leadership Committee, disestablishment and make the Committee one of the Waikato Regional Council.

Chair of Waikato Plan Leadership Group

Margaret Devlin, has resigned as Chair of the Waikato Plan Leadership Group. Margaret had chaired the project since its inception. Brian Hanna, deputy chair is currently fulfilling the chair role. The process around a replacement chair is outlined in the new terms of reference and that process is that the Committee will be co-chaired.

The Co-Chair and Deputy Co-Chair is to be appointed by Iwi representatives of the Waikato Plan Leadership Group with the other Co-Chair and Deputy Co-Chair to be appointed by the Waikato Plan Leadership Group at large.

Decisions by the Waikato Plan Leadership Joint Committee and Waikato Regional Council

The Waikato Plan Leadership Joint Committee discussed the revised terms of reference in their August 2018 meeting and resolved amongst other things:

- To note that the refreshed Waikato Plan Leadership Group is anticipated to be a Standing Committee of Waikato Regional Council, where the existing members of the Group will be invited to join the Committee.
- Two Co-Chairs and Deputy Co-Chairs be appointed from the membership of the Standing Committee. A Co-Chair and Deputy Co-Chair is recommended to be appointed by Iwi representatives of the Group, with the other Co-Chair and Deputy Co-Chair recommended to be appointed by the Committee.
- Recommended for approval the changes identified in the minutes to the draft Terms of Reference

On 27 September 2018 Waikato Regional Council resolved:

- The Waikato Plan Leadership Group be disestablished
- The Waikato Plan Leadership Committee be established as a committee of Waikato Regional Council and that the Committee has the terms of reference and membership attached
- The Waikato Plan Leadership Committee be delegated the authority to implement the Waikato Plan in accordance with the delegated functions set out in the Terms of Reference

- the Co-Chairs and Deputy Co-Chairs of the Waikato Plan Leadership Committee be appointed in accordance with the Terms of Reference
- The appointment of Chair Alan Livingston as the Waikato Regional Council representative on the Waikato Plan Leadership Committee is confirmed.

Shifting from Joint Committee to a Committee of Waikato Regional Council

As above, the Waikato Plan Leadership Group will transition from a Joint Committee arrangement to a Committee of the Waikato Regional Council.

It is unclear exactly what the rationale, or intended outcome is for the change from a Joint Committee to a Committee of Waikato Regional Council is. The Waikato Plan Leadership Group is Joint Committee and has only been in operation in since July 2017 (in its current form). The existing arrangement took some time be established with each partner Council having to approve its formation, agree on membership etc. and iwi appointments have only recently been made. It is now proposed the Joint Committee is abolished but a new Committee formed with the same members.

The table below summarises the changes or where it will lead to little or no change:

Joint Committee - current arrangements	Committee of Waikato Regional Council – new arrangements
Under clause 30A(5), Schedule 7 of the LGA 2002 a joint committee is deemed to be both a committee of the appointing local authority (i.e. MPDC) and a committee of each other local authority that has appointed members to the committee (e.g. Hauraki, Waipa)	This will no longer be a Joint Committee so does not remain a Committee of MPDC and the other participating Councils. In effect it will operate similar to one of MPDC's own Committee's e.g. Corporate & Operations but with external appointments.
Terms of Reference can be may be varied but only with the endorsement of the Leadership Group.	Terms of reference can be changed by Waikato Regional Council without our Council approval. As its will be their own Committee they will have control of it. There is a risk that Waikato Regional Council remove or change members or make another change to the Terms of Reference that does not have Council's support. The new terms of reference states ' <i>A vacancy in membership of the Leadership Committee shall not limit its ability to meet and fulfil its purpose</i> '.
The Terms of Reference provides delegation for: <ul style="list-style-type: none"> • Implementation & monitoring, • Advocacy, Engagement and Consultation • Leadership Group Operations 	The headings remain the same however the focus of the new Terms of Reference is about facilitating & encouraging the implementation of the Waikato Plan and undertake any reviews or updates to the Plan rather than directly implementing the plan itself.
A Joint Committee agreement (a requirement of the Local Government Act	No Joint Committee agreement is needed as it will be a Committee of Waikato Regional

Joint Committee - current arrangements	Committee of Waikato Regional Council – new arrangements
2002) was put in place to establish the Joint Committee that will oversee implementation of the Waikato Plan.	Council.
As a Joint Committee decisions can be made on behalf of all Councils, within the scope of the terms of reference.	As a Committee of Waikato Regional Council, it is not able to make decisions on behalf of other local authorities.
Objective to govern, lead and resource the implementation of the Waikato Plan and any reviews or updates to the Plan.	Objective is to be a clearinghouse, facilitator and influencer, encouraging the allocation of resources rather than as the place that directs other people's resources.
Council resolved that the Waikato Plan Leadership Group will endure and will not be discharged at the point of the next election period in line with Clause 30(7) of Schedule 7 of the Local Government Act 2002	The Waikato Plan Leadership Committee will not endure and will be discharged at the point of the next election period in accordance with Clause 30(7), Schedule 7 of the Local Government Act 2002. Waikato Regional Council refreshes its committees at each triennium so the Committee will be reviewed at the time. There is a risk that the Committee would not be re-established after the election.
The Leadership Group is chaired by an independent chairperson (non-elected member) to be appointed by the Leadership Group. Role previously filled by Margaret Devlin.	Co-chairing arrangement. Co-chairing by one iwi representative and any other voting member of the Leadership Group (this means the community & business representatives could not hold the chair role). Change means there is no provision for an independent chairperson.
The membership shall include One voting member jointly appointed by Hauraki District Council, Matamata-Piako District Council and Thames Coromandel District Council	No changes
For non-elected member positions (community, business iwi), remuneration is provided where the role is not part of a person's normal employment.	This is a very similar arrangement with the members of the Leadership Group to bear their own costs of participation and those members whose participation is not part of their other governance or employment arrangements may receive appropriate remuneration from the Waikato Regional Council
Administered by Waikato Regional Council staff with technical support from a Hamilton City Council staff member.	Administered by Waikato Regional Council staff. A project manager and programme co-ordinator is to be recruited by Waikato Regional Council to support the Committee

Joint Committee - current arrangements	Committee of Waikato Regional Council – new arrangements
	and the associated work.
Funding for implementation and support of the committee divided amongst the participating Councils	Refer below under Financial Impact section.

Issues

At the 24 August 2018 Waikato Plan Leadership Group meeting there were some additional items discussed (other than the project changes outlined above) and these are summarised below for Councils information:

Waikato Regional Economic Development Agency (WREDA) update

A verbal update was provided to the WPLG on the activities undertaken by the Waikato Regional Economic Development Agency (WREDA). The minutes record the key matters of discussion.

Hamilton to Auckland Corridor Plan update

A verbal update on the Hamilton to Auckland Corridor Plan was provided at the meeting. The following overviews the Corridor Plan project.

The Auckland to Hamilton Corridor Spatial Plan (the Corridor Plan) is a government initiative being led by the Ministry of Business Innovation and Employment. Benefits anticipated from the project include:

- Enhancing the quality of the built and natural environments and the vitality of Auckland and
- Hamilton and the communities within the corridor
- Improving housing affordability and choices
- Improving access to employment, public services and amenities.

Drawing on the work undertaken in Auckland and the Waikato Region, including Future Proof and the Auckland Plan, the Corridor Plan will integrate the work undertaken, identify any evidence gaps, and will recommend an overarching plan for quality integrated development with the Corridor.

While the government recognises the Future Proof Strategy is a quality example of spatial planning for high growth areas it is limited to the high growth sub-region with the Waikato regional boundary. The benefit of the Auckland-Hamilton corridor work is that it is pan-regional spanning the governance boundaries of regional councils.

National Waterscape update

This report provided an overview of some key national initiatives regarding water management including:

- Overview of government priorities
- Regional targets for contact recreation for lakes and rivers
- National instruments for freshwater
- Setting limits under the National Policy Statement for Freshwater Management (NPSFM)
- Understanding sediment
- At risk catchments
- Three Waters Review

- Land and Water Group (LAWF).

The graphic attached is an attempt to capture in a simplified manner the many strands that need to be woven together.

Waipa Discovery Centre in Te Awamutu

Waipa District Council wished to provide early advice to the WPLG of its desire to make an application to the Government's Provincial Growth Fund for the further development of the Discovery and Heritage Centre to be based in Te Awamutu.

Through the project development, Waipa District Council has engaged with the Waikato REDA, Hamilton Waikato Tourism and is looking forward to engagement with Central Government and Waikato Plan members.

Waipa District Council has established a standing committee of Council to provide a governance and strategic overview for the Te Awamutu Hub and Discovery Centre project. At least half of the membership of the Governance Committee comprises Māori with valuable individual skills, expertise and experience working together with four elected members. The current Chair is Lee-Ann Muntz (Chair Tainui Waka Tourism). Chair will be by rotation.

The concept for the Discovery Centre is to create a central visitor 'go-to' space that will include an operating Museum (the relocated Te Awamutu Museum), an exhibitions space and i-Site.

Financial Impact

i. Cost

The Waikato Plan Implementation budget agreed in 2017 identifies Council's contributions between 2017/18 and 2019/20 as follows:

2017/18 - \$35,873
2018/19 - \$31,200
2019/20 - \$19,800

Council's contribution towards the Waikato Plan is an 8% share of the total funding provided by the various Councils.

It was intended that all Council contributions would decrease as more central government funding is obtained over time. As has been previously reported to Council the expected central government funding did not materialise.

As above, one of the McGredy Winder report recommendations was to "*Strip implementation funding out of the Waikato Plan budget and secure implementation funding on a project-by-project basis based on the merits of the business case and the willingness of the partners to fund the activity*".

In accordance with the business case principles outlined in the McGredy Winder Report, it is expected that any further costs for Council to implement the Waikato Plan will be on a case-by-case basis should Council opt to participate in any future Waikato Plan initiatives or projects.

It is understood the future administration and co-ordination funding for the Waikato Plan will come from a combination of funding from Waikato Regional Council, the other Councils and stakeholder entities who are supportive of the Waikato Plan and its outcomes (and who have expressed a willingness to contribute).

Given the changes with the project Council staff sought clarification from Waikato Regional Council staff on what contributions, if any, are expected from Council for the 2019/20 year. They have advised that at this stage it's anticipated that the funding levels previously agreed (refer above) would continue for now.

Funding has been included in the draft 2019/20 Annual Plan budget to cover Council's contributions as per the Implementation budget above.

Attachments

- A [↓](#). Waikato Plan Leadership Group Minutes 24 Aug 2018
- B [↓](#). Water graphic
- C [↓](#). Joint Committee agreement & Terms of Reference
- D [↓](#). New Waikato Plan Committee Terms of Reference

Signatories

Author(s)	Niall Baker Acting Senior Policy Planner	
Approved by	Sandra Harris Acting Strategic Policy Manager	
	Don McLeod Chief Executive Officer	



Waikato Plan Leadership Group Committee OPEN MINUTES

Minutes of a meeting of the Waikato Plan Committee held on 24 August 2018 at 10.00am in the Waikato Regional Council Chambers, 401 Grey Street, Hamilton East.

	Present
Independent Chair	Vacant
Deputy Chairperson	Mayor Brian Hanna
Waikato Regional Council	Cr 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
Business/ Community Members	Bev Gatenby
	Dallas Fisher
	Eric Souchon
	Lale Ieremia
Waikato-Tainui	Rukumoana Schaafhausen
Maniapoto	Weo Maag
Raukawa	Vanessa Eparaima
Te Arawa	Eugene Berryman-Kamp
Observers (Represented Through the WDHB Chair (or nominee) and NZTA Regional Director (or nominee) as Observers with speaking rights but non-voting.)	
Waikato District Health Board	Pippa Mahood
New Zealand Transport Agency	Parekawhia McLean
Ministry of Social Development	Te Rehia Papesch
In Attendance	
Waikato Regional Council	T May – Director Science and Strategy
	G Dawson – Democracy Advisor
Hamilton City Council	B Bowcott – Executive Director Special Projects
	H Martin – Waikato Plan Administrator
Waipa District Council	G Dyet – Chief Executive

Doc # 12957958

Minutes of Waikato Plan Committee Meeting date 24 August 2018

Item 10.12

Attachment A

SECTION A: COMMITTEE HAS DELEGATED AUTHORITY TO MAKE DECISION

Welcome

(Agenda Item 1)

Mayor Brian Hanna opened the meeting and welcomed everyone present. He announced that the Independent Chair of the Waikato Plan Leadership Group had resigned from the role. It was noted that she had done a great job during her tenure and assisted in the progression of the Plan. It was agreed that a letter of thanks be sent to her from the Committee to reflect that sentiment.

Apologies

(Agenda Item 2)

Mayor Hanna moved/W Maag seconded.

WPLG18/15

THAT the apologies from Parekawhia McLean for lateness be accepted.

The motion was put and carried (WPLG18/15)

Confirmation of Agenda

(Agenda Item 3)

Cr Livingston moved/L Ieremia seconded.

WPLG18/16

THAT the agenda of the meeting of the Waikato Plan Leadership Group Committee of 24 August 2018, as circulated, be confirmed as the business for the meeting.

The motion was put and carried (WPLG18/16)

Disclosures of Interest

(Agenda Item 4)

There were no disclosures of interest.

Confirmation of Minutes

(Agenda Item 5) Doc #12716180

The following matters were discussed:

- It was noted that the surname of Eric Souchon was spelt incorrectly and needed to be corrected from 'Souchen' to 'Souchori'.

Cr Livingston moved/L Ieremia seconded.

WPLG18/17

THAT the Minutes of the Waikato Plan Leadership Group meeting of 2 July 2018 be received and approved as a true and correct record.

The motion was put and carried (WPLG18/17)

SECTION B: FOR RECOMMENDATION TO COUNCIL

Minutes of Waikato Plan Committee Meeting date 24 August 2018

Waikato Plan Project Refresh Update

(Agenda Item 6) Doc #12938978

This report was presented by the Director of Science and Strategy (T May) and the Chief Executive of Waipa District Council (G Dyet). The report explained and outlined the proposed governance and operational changes to the Waikato Plan Leadership Group.

The following matters were discussed:

- It was noted that the revised Terms of Reference were developed as a result of the findings of a review and reflects the issues and challenges that were identified in the Winder Report.
- It was noted that under the proposed governance arrangements for the Committee, it is anticipated that the existing Joint Committee will become a Standing Committee of the Waikato Regional Council. The decision to form this Standing Committee will progress through Waikato Regional Council at their September meeting.
- It was noted that the proposed Standing Committee will have autonomy to act, following the model used by the Regional Transport and Civil Defence Committees.
- The matter of whether the proposed new structure should include Co-Chairs, Deputy Co-Chairs was discussed.
- It was noted that there was a need to find fit for purpose representatives for various interest groups and sectors on the proposed Standing Committee of the Plan. It was emphasised that the representatives needed to genuinely represent various stakeholders and sectors, and be able to give meaningful input into the matters that would be considered by the Standing Committee.
- The role of Central Government agencies in the proposed Standing Committee was discussed. It was noted that a range of agencies would be involved on a range matters that would be considered, and a fit for purpose approach was needed when considering which agencies should be involved.
- The remuneration of members of the Committee was discussed.
- The Committee agreed that the work to date was positive and provided a solid base to move forward from.

- The following changes to the proposed Terms of Reference were requested:
 - Page 14, line 8 under section 'Constitution': Inclusion of the *'Thames Coromandel District Council'*.
 - Page 15, line 22 under section 'Constitution': Inclusion of *'the Ministry of Social Development and Ministry of Education'*.
 - Page 15, line 23 under section 'Constitution': the deletion of *'Up to two'* at the beginning of the sentence and insertion of *'as required'* at the end of the sentence
 - Page 15, line 24 under section 'Constitution': the deletion of *'relevant Government Agencies'* insertion of *'other representatives of relevant agencies as required'*
 - Page 15, line 25 under section 'Constitution': that the sentence in the original proposed Terms of Reference be replaced with *'The Leadership Group will be co-chaired by one iwi representative and any other voting member of the Leadership Group'*.

Doc # 12957958

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- Page 15, line 27 under section 'Constitution': that the section in the original proposed terms of Reference be replaced with *'That two Co-Chairs and Deputy Co-Chairs are appointed from the membership of the Waikato Plan Leadership Group. One (1) Co-Chair and Deputy Co-Chair will be appointed by Iwi representatives of the Group. The other Chair and Deputy Co-Chair shall be appointed by the Group at large'.*
- Page 15, line 30 under section 'Constitution': Inclusion of 'Co' in front of 'Chairperson' and minor consequential changes.
- Page 15, line 2 under section 'Resourcing': the deletion of *'except that the Chair of the Leadership Group'*

W Maag moved/Cr L Livingston seconded.

WPLG18/18

RESOLVED

1. THAT the report 'Waikato Plan Project Refresh Update' (Doc # 12938978 dated 16 August 2018) be received.
2. THAT the Waikato Plan Leadership Group Committee notes that the refreshed Waikato Plan Leadership Group is anticipated to be a Standing Committee of Waikato Regional Council, where the existing members of the Group will be invited to join the Committee.

RECOMMENDS

3. THAT two Co-Chairs and deputy co-chairs are appointed from the membership of the Standing Committee. A Co-Chair and Deputy Co-Chair is recommended to be appointed by Iwi representatives of the Group, with the other Co-Chair and Deputy Co-Chair recommended to be appointed by the Committee.
4. THAT the Waikato Plan Leadership Group recommends for approval the changes identified in the minutes to the draft Terms of Reference titled attachment one on page four of Doc #12938978 dated 16 August 2018.

The motion was put and carried (WPLG18/18)

SECTION A: COMMITTEE HAS DELEGATED AUTHORITY TO MAKE DECISION

Waikato Regional Economic Development Agency

(Agenda Item 7) Doc #12938604

This report was presented by the Community and Business Representative (D Fisher). The report outlined the Committee with an update on the activities of the Waikato Regional Economic Development Agency.

The following matters were discussed:

- It was noted that the development and implementation of governance, management, and operations had progressed well to date and a positive and effective team has been gathered.
- It was noted that number of service agreements and partnerships had been formed to date, which would provide the Agency with a strong network to operate and work with across a number of sectors and stakeholders throughout the Waikato region.

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- It was noted that events such as the Waikato Economic Summit has had a lot of interest from Central Government and other private sector interests.
- The programme for the Summit was discussed, along with the benefits that collaboration and mutually beneficial relationships can develop.
- It was noted that Central Government is supportive of a region wide holistic approach to economic, social, and cultural development in the Waikato. This support emphasised the need to work towards developing long term high impact projects and programmes, which would generate a high level of return for as many stakeholders and sectors as possible.
- It was noted that an integrated approach was needed which pulled together both Local Government and Central Government plans and strategies. This view was seen as the best way to maximise funding opportunities from the Provincial Growth Fund.

W Maag moved/E Souchon seconded.

WPLG18/19

RESOLVED

THAT the 'Waikato Regional Economic Development Agency (WREDA) update'(Doc # 12938604 dated 17 August 2018) be received.

The motion was put and carried (WPLG18/19)

Housing Priority Update

(Agenda Item 8) Doc #12998438

This verbal report was presented by the Community and Business Representative (L Ieremia). The report updated the Committee on the Regional Housing Stocktake.

The following matters were discussed:

- The need to develop low cost building solutions through the supply of local labour and supplies was discussed, along with other local and national level responses to the ongoing policy issue.
- The healthy homes project and related matters was discussed.
- It was noted that appropriate and healthy housing were important factors in the development of a strong and vibrant Waikato region.
- The various roles and dynamics in relation to development and provision of housing by the public and private sector was discussed. It was noted that there was a need to be more holistic in the design, planning, and building of future housing developments.
- The need for a common vision by all stakeholders from around the Waikato region on housing was discussed. It was noted that Central Government was looking at innovative ways in which their housing policy priorities could be achieved, and a collective response was noted as a possible way forward.
- It was noted how the Housing Data collection project has provided a more accurate assessment of what has happened within the housing sector in the Waikato region. In addition, it was noted that the data has covered the whole region and was being sourced from a range of source points from throughout the region.

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- The important role that the private sector had in the development of the Waikato region was noted, along with need for greater levels of collaboration between all levels of government and the private sector.

L Ieremia moved/Cr Livingston seconded.

WPLG18/20

RESOLVED

THAT the verbal update on the 'Waikato Plan 18/19 – Regional Housing Stocktake priority' (Dated 24 August 2018) be received.

The motion was put and carried (WPLG18/20)

Hamilton to Auckland Corridor Plan Update

(Agenda Item 9) Doc #12938502

This report was presented by the Executive Director, Special Projects, Hamilton City Council (B Bowcott). The report updated the Committee on the Hamilton to Auckland Corridor Plan.

The following matters were discussed:

- The size and scope of the corridor was described and discussed.
- It was noted that an innovative, inclusive, joined, and integrated approach was needed, in order for the corridor to be developed successfully for current and future generations.
- It was noted that the corridor is part of a wider national urban growth agenda that has progressed through the Cabinet, and the need for an enduring and sustainable approach was needed.
- It was noted that there was a need for both the Auckland and Waikato regions to work together in genuine partnership, to achieve more strategic and lasting outcomes throughout the corridor.

Cr Livingston moved/Mayor B Hanna seconded.

WPLG18/21

RESOLVED

THAT the update on the 'Hamilton to Auckland Corridor Plan update' (Doc # 12938502 dated 16 August 2018) be received.

The motion was put and carried (WPLG18/21)

National Waterscape Update

(Agenda Item 10) Doc #12926968

This report was presented by the Director of Science and Strategy (T May) and the Chief Executive of Waipa District Council (G Dyet). This report provided the Committee with an overview of key influences, drivers, and direction in relation to national and regional waterscapes.

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The following matters were discussed:

- It was noted that water quality is a priority area for the Waikato Regional Council and the development of plans, policies, and strategies to achieve water quality targets was ongoing.
- The matter of water allocation throughout the Waikato region discussed. It was noted that a strategic and long term approach was needed to ensure that allocation is equitable and sustainable.
- It was noted that an integrated and whole of Government approach was being used to ensure that water quality goals and interventions were aligned with all levels of government.
- It was noted that a region wide approach is being used in the leadership of drinking water and waste water. In addition, it was noted the increased costs in upgrading waste water systems was an ongoing challenge that local government is working on through.
- Members asked that this be a key discussion topic that be given time for consideration at the next Waikato Plan Leadership Group meeting.

W Maag moved/B Gatenby seconded.

WPLG18/22

RESOLVED

THAT the report 'National waterscape overview' (Doc # 12937901 dated 16 August 2018) be received.

The motion was put and carried (WPLG18/22)

Waipa Heritage Proposal

(Agenda Item 11)

This report was presented by the Chief Executive of Waipa District Council (G Dyet). The report provided the Committee with information on the Waipa District Council's desire to apply to the Government's Provincial Growth Fund for the further development of the Discovery and Heritage Centre to be based in Te Awamutu.

The following matters were discussed:

- The natural and physical heritage features of the Waipa District were described and discussed. It was noted that it was important to make those features form part of wider story of the history and development of the District. The history of the District is important and should be promoted, along with other existing features such as the Waitomo Caves and the New Zealand Land Wars.
- It was noted that the Provincial Growth Fund was an important mechanism to achieve the aim of heritage preservation, maintenance, and promotion in the District.
- The range of stakeholder groups involved at present and in the future was discussed.
- It was agreed by the Committee that the proposal would benefit the Waipa District and should be supported to the next stage of the proposal.

Cr Livingston moved/E Berryman-Kamp seconded.

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WPLG18/23

RESOLVED

THAT the report 'Waipa Heritage Proposal Report' (Dated 24 August 2018) be received and be endorsed by the Joint Committee of the Waikato Plan Leadership Group.

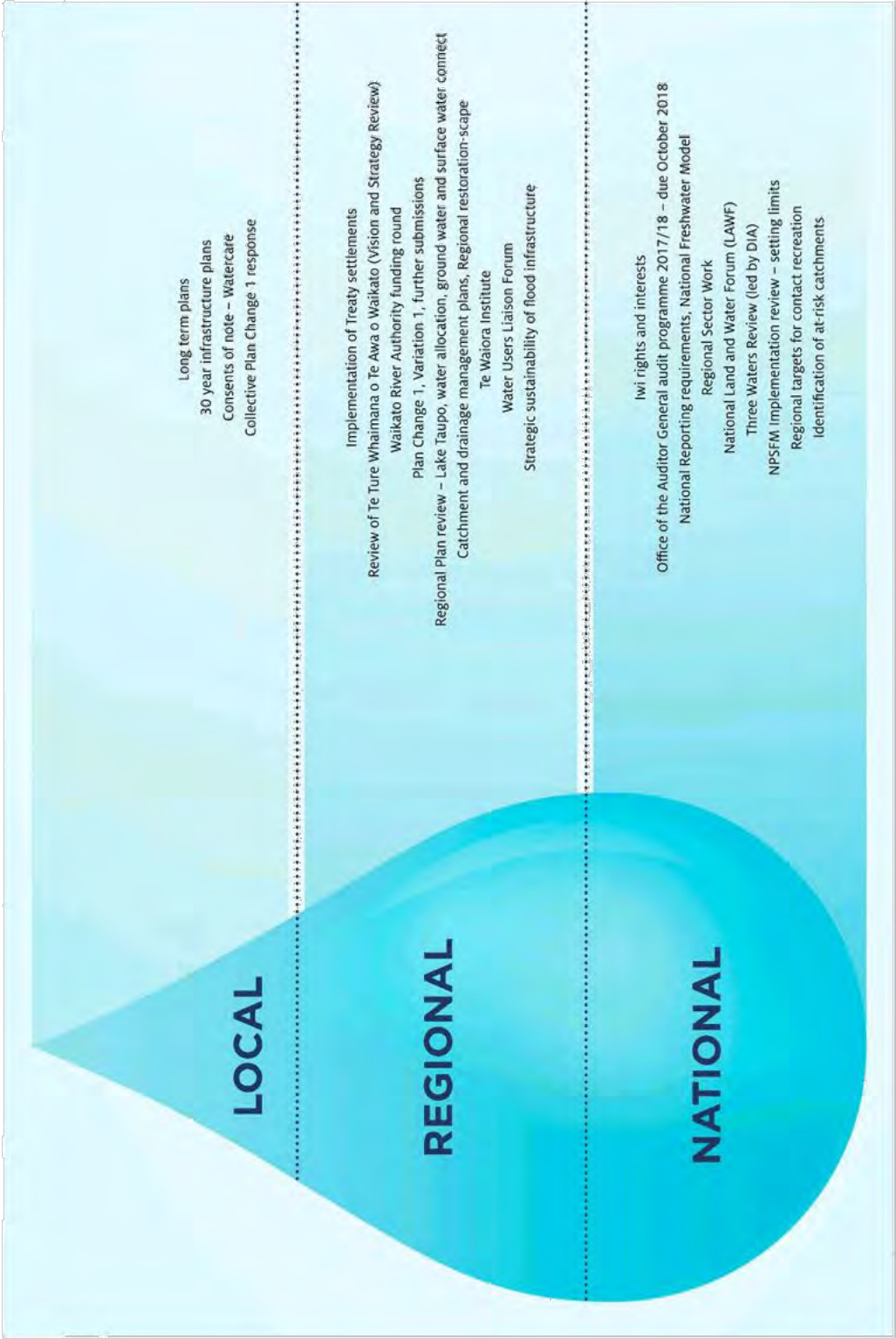
The motion was put and carried (WPLG18/23)

Meeting closed at 12.28pm.

Doc #12957958

Item 10.12

Attachment A



Waikato Plan Leadership Group (Joint Committee) Agreement¹

1. Purpose

This Agreement is made pursuant to Clause 30A, Schedule 7 of the Local Government Act 2002. The purpose is to provide for a Joint Committee of Hamilton City Council, Hauraki District Council, Matamata-Piako District Council, Otorohanga District Council, South Waikato District Council, Taupo District Council, Thames-Coromandel District Council, Waikato District Council, Waikato Regional Council, Waipa District Council, Waitomo District Council and tāngata whenua with additional representation from business and the wider community as well as government agencies to implement the Waikato Plan. This joint committee is known as the 'Waikato Plan Leadership Group'.

Note: It is still to be confirmed whether all of the partner councils named above wish to be part of Waikato Plan implementation.

There will be a sub-regional approach to Local Government representation with five members being appointed in total. One member will represent each of the following:

- 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

The Leadership Group will remain a Joint Committee of all of the participating councils as listed above.

The Waikato Plan Leadership Group has been established to implement the Waikato Plan in accordance with the functions as set out in the Terms of Reference attached to this Agreement as **Appendix 1**.

The Leadership Group is a formal joint committee pursuant to the Local Government Act 2002 (Clauses 30 and 30A, Schedule 7). The Leadership Group, as an entity, will not be discharged at the point of the next election period (in line with Clause 30(7) of Schedule 7).

2. Membership

The Waikato Plan Leadership Group is to be comprised of local government, tāngata whenua representatives, independent non local government members (representing business and the community) and non-voting members (government agencies).

¹ 13 June 2017

The membership shall be comprised 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)

An Independent Chairperson (non-elected member) is to be appointed by the Leadership Group to chair the Committee. The Independent Chair may be appointed from the business / community members or as a separate appointment outside of any committee membership. The Independent Chairperson has speaking rights and voting capacity. A Deputy Chairperson is also to be appointed by the Leadership Group, who may be an elected member and a committee member.

There will be five members representing Local Government. Each group of councils will elect one member as follows:

- 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 (Rotorua District Council, South Waikato District Council, Taupo District Council, Waitomo District Council)

Waikato Regional Council and Hamilton City Council will appoint one representative each.

The (up to) six voting tāngata whenua representatives are to be selected in a manner determined by Iwi.

The (up to) four voting business / community members will be appointed by the Leadership Group, in accord with a process agreed by the Leadership Group..

There will be (up to) four members appointed to represent Government agencies. Two of these members will be the New Zealand Transport Agency and the Waikato District Health Board to be represented through the Regional Director (or nominee) and the Chair (or nominee). The other two members will come from other Government agencies. These four representatives will be non-voting members but with speaking rights.

The standing membership of the Committee shall be limited to 20 members (including the Independent Chairperson), but with the power to co-opt up to a maximum of 2 additional non-voting members where required to ensure the effective implementation of any part or parts of the plan.

No provision has been made for the use of alternates.

In accordance with Clause 30A of Schedule 7 to the Local Government Act 2002, the quorum at a meeting of the Leadership Group shall be half of the voting members if the number of members is

an even number; or a majority of members if the number of members is an odd number.

Other representatives of voting and non-voting organisations are permitted to attend meetings of the Leadership Group; however attendance at any public excluded session shall only be permitted with the prior approval of the Chairperson. Likewise, speaking rights of other representatives at Committee meetings (whether in public session or not) shall only be granted with the prior approval of the Chairperson.

3. Term of Appointment

All members of the Leadership Group shall be appointed for terms that expire on the date of each Local Government triennial election.

Members shall be appointed in accordance with the process set out above as soon as possible after each Local Government triennial election, and for a term that expires on the date of the next Local Government triennial election.

4. Meeting Frequency

Bi-monthly, or as necessary and determined by the Independent Chairperson.

Notification of meetings and the publication of agendas and reports shall be conducted in accordance with the requirements of Part 7 of the Local Government Official Information and Meetings Act 1987, and will be undertaken by the administration authority for the Waikato Plan Leadership Group.

5. Delegations

The Leadership Group is delegated the following functions in support of its overall purpose:

Implementation and Monitoring

- Provide regional leadership on the strategic direction and top priorities identified in the Waikato Plan.
- Oversee the implementation of the Waikato Plan, in particular the actions, and any changes to the Plan.
- Recommend to Council partners any finalised plan changes or amendments for adoption.
- Take responsibility for progressing those actions specifically allocated to the “Waikato Plan Leadership Group” in the Plan.
- Champion integration through partner strategies, programmes, plans and policy instruments (including National Policy Statements, the Regional Policy Statement, Regional and District Plans, Long Term Plans (LTPs), Annual Plans, transport plans and triennial agreements) and through partnerships with other sectors such as health, education and business.

- Establish protocols to ensure that strategy implementation, where necessary, is consistent, collaborative and/or coordinated to achieve optimal outcomes.
- Monitor and report progress against Waikato Plan actions and Key Performance Indicators.
- Ensure organisation systems and resources are in place to support plan implementation and any subsequent changes to it.
- Overview the management of identified risks.
- Formulate and adopt a funding plan to achieve support from non-local government agencies.

Advocacy, Engagement and Consultation

- Undertake advocacy in respect of plan implementation and facilitating engagement with relevant agencies and sectors.
- Engage with Central Government and other regions on matters relevant to the Waikato Plan.
- Make and approve submissions to local authorities, central government and other agencies on Waikato Plan related matters as required.
- Formulate, manage and have oversight of the running of any special consultative procedure or any other consultation, including those associated with any changes or amendments to the plan. This may involve adopting any draft plans or strategies for public consultation.
- Undertake early engagement with plan partners, the Waikato Mayoral Forum and other entities in respect of undertaking any changes or amendments to the adopted plan.
- Provide and maintain partner relationships and provide for the resolution of any conflict.
- Establish, maintain and engage with any Waikato Plan Partner Forums.

Leadership Group Operations

- Oversee the ongoing selection and appointment of representatives to the Waikato Plan Leadership Group.
- Select and appoint an Independent Chairperson and a Deputy Chairperson.
- Implement any Memorandum of Understanding agreed between the partners.
- Approve and implement the Agreement as adopted by the Leadership Group.

6. Standing Orders

The model Standing Orders apply.

7. Variation of this Agreement

This agreement may be varied from time to time, but only with the endorsement of the Leadership Group.

Appendix 1: Terms of Reference for the Waikato Plan Leadership Group (Joint Committee)

Waikato Plan Leadership Group (Joint Committee)

Purpose: Pursuant to Clauses 30 and 30A, Schedule 7 of the Local Government Act 2002, to establish a joint Committee of Hamilton City Council, Hauraki District Council, Matamata-Piako District Council, Otorohanga District Council, South Waikato District Council, Taupo District Council, Thames-Coromandel District Council, Waikato District Council, Waikato Regional Council, Waipa District Council, Waitomo District Council and tāngata whenua with additional representation from business and the wider community as well as government agencies to implement the Waikato Plan. This joint committee is known as the 'Waikato Plan Leadership Group'.

Objectives: The Leadership Group has been established to govern, lead and resource the implementation of the Waikato Plan and any reviews or updates to the Plan.
The aim of the Waikato Plan is for the region to speak with 'one voice' on agreed top priorities, so that our messages are consistent and collectively shared.
The Waikato Plan's aim for the region is "to build champion communities together".

Membership: The membership shall be comprised 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

Delegations: The Leadership Group is delegated the following functions in support of its overall purpose:

Implementation and Monitoring

- Provide regional leadership on the strategic direction and top priorities identified in the Waikato Plan.
- Oversee the implementation of the Waikato Plan, in particular the actions, and any changes to the Plan.
- Recommend to Council partners any finalised plan changes or amendments for adoption.
- Take responsibility for progressing those actions specifically allocated to the "Waikato Plan Leadership Group" in the Plan.
- Champion integration through partner strategies, programmes, plans and policy instruments (including National Policy Statements, the Regional Policy Statement, Regional and District Plans, Long Term Plans (LTPs), Annual Plans, transport plans and triennial agreements) and through partnerships with other sectors such as

health, education and business.

- Establish protocols to ensure that strategy implementation, where necessary, is consistent, collaborative and/or coordinated to achieve optimal outcomes.
- Monitor and report progress against Waikato Plan actions and Key Performance Indicators.
- Ensure organisation systems and resources are in place to support plan implementation and any subsequent changes to it.
- Overview the management of identified risks.
- Formulate and adopt a funding plan to achieve support from non-local government agencies.

Advocacy, Engagement and Consultation

- Undertake advocacy in respect of plan implementation and facilitating engagement with relevant agencies and sectors.
- Engage with Central Government and other regions on matters relevant to the Waikato Plan.
- Make and approve submissions to local authorities, central government and other agencies on Waikato Plan related matters as required.
- Formulate, manage and have oversight of the running of any special consultative procedure or any other consultation, including those associated with any changes or amendments to the plan. This may involve adopting any draft plans or strategies for public consultation.
- Undertake early engagement with plan partners, the Waikato Mayoral Forum and other entities in respect of undertaking any changes or amendments to the adopted plan.
- Provide and maintain partner relationships and provide for the resolution of any conflict.
- Establish, maintain and engage with any Waikato Plan Partner Forums.

Leadership Group Operations

- Oversee the ongoing selection and appointment of representatives to the Waikato Plan Leadership Group.
- Select and appoint an Independent Chairperson and a Deputy Chairperson.
- Implement any Memorandum of Understanding agreed between the partners.
- Approve and implement the Agreement as adopted by the Leadership Group.

Meeting frequency: Bi-monthly or as necessary and determined by the Independent Chairperson.

Attachment 1: Waikato Plan Leadership Group – DRAFT Revised WRC Committee Terms of Reference Case

Waikato Plan Leadership Committee

Reporting to: Waikato Regional Council, and partner agencies

Constitution: The membership shall be comprised as follows:

- One voting member appointed by the Waikato Regional Council
- One voting member appointed by the Future Proof Group (Hamilton City Council, Waipa District Council, Waikato District Council)
- One voting member jointly appointed by Hauraki District Council, Matamata-Piako District Council and Thames Coromandel District Council.
- One voting member jointly appointed by Otorohanga District Council, South Waikato District Council, Taupo District Council, and Waitomo District Council
- One voting member appointed by Hamilton City Council
- Up to six voting members appointed by Tāngata whenua and confirmed as members by the Waikato Regional Council
- Up to four voting members being business and/or community representatives confirmed as members by the Waikato Regional Council
- One non-voting member being a representative of the Waikato District Health Board
- One non-voting member being a representative of the
 - New Zealand Transport Agency
 - Ministry of Social Development
 - Ministry of Education

Non-voting members being representatives of relevant Government Agencies as required.

The Leadership Committee will be co-chaired by one iwi representative and any other voting member of the Leadership Group. Both Chair

Roles will have deputies appointed.¹

The Co-Chairpersons and Deputy Chairpersons will be selected from the members of the Leadership Committee and appointed by the voting members of the Group at its first meeting after each local government election. The term of appointment for the Chairpersons and Deputy Chairpersons will be until the next local government election.

A vacancy in membership of the Leadership Committee shall not limit its ability to meet and fulfil its purpose.

Quorum: The quorum will be half of the appointed voting members of the Leadership Committee.

Any vacancy in an appointed voting member position will result in the quorum being reduced accordingly.

Meeting Frequency Bi monthly or as necessary and determined by the Co-Chairs of the Leadership Committee

Objectives: The Leadership Committee has been established to facilitate and encourage the implementation of the Waikato Plan and undertake any reviews or updates to the Plan.

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

As a Committee of Waikato Regional Council, the Leadership Committee is not able to make decisions on behalf of other local authorities

SCOPE OF ACTIVITY

1. Implementation, Monitoring and Reporting

¹ (Note: the Waikato Plan Leadership Group will be guided in its selection of the Iwi Chair roles by Iwi representatives)

- Provide regional leadership on the strategic direction and priorities identified in the Waikato Plan.
- Oversee, facilitate and encourage the implementation of the Waikato Plan, in particular the actions.
- Develop and recommend to Council partners any finalised changes or amendments to the Waikato Plan for adoption.
- Oversee the development of business cases targeting the implementation of Waikato Plan actions.
- Act as a clearinghouse and reporting forum for implementation actions, ensuring that partners understand what each other is doing and can identify opportunities for effective collaboration.
- Champion the integration of partner strategies, programmes, and plans and encourage partnerships with other sectors such as health, education and business.
- Encourage consistent, collaborative and/or coordinated activity designed to implement the Waikato Plan actions and to achieve optimal outcomes.
 - Monitor and regularly report progress against Waikato Plan actions and Key Performance Indicators to partner organisations and the public.
 - Encourage partners and other organisations to allocate the resources necessary to implement the Waikato Plan actions.

2. Advocacy, Engagement and Consultation

- Facilitate and encourage the many legitimate voices in the Waikato to say the same thing when advocating for the Waikato and agreed Waikato Plan priorities.
- Develop and recommend to partners draft submissions to decision makers and advocacy plans designed to support the implementation of the Waikato Plan.
- Formulate, manage and have oversight of the running of any special consultative procedure or any other consultation, including those associated with any changes or amendments to the plan.
- Undertake early engagement with plan partners, the Waikato Mayoral Forum and other entities in respect of undertaking any changes or amendments to the adopted plan.
- Prepare and consult with partner agencies each year on a draft workplan.
- Report to partner agencies annually on progress with implementing the Waikato Plan and the annual work programme.

3. Leadership Group Operations

- Oversee the ongoing selection and appointment of representatives to the Waikato Plan Leadership Group.
- Implement any Memorandum of Understanding agreed between the partners.

DELEGATIONS

1. To oversee the implementation, monitoring and review of the Waikato Plan

-
2. To report back to Council and partner agencies on Waikato Plan implementation

ADMINISTRATION

The Waikato Regional Council will provide administration and support for the Leadership Group.

RESOURCING

The members of the Leadership Group will each bear their own costs of participation and those members whose participation is not part of their other governance or employment arrangements may receive appropriate remuneration from the Waikato Regional Council.

COMMUNICATION

Communication with the media and the wider public will be in accordance with an agreed communications protocol to be approved from time to time by the Leadership Committee.

REVIEW

A review of the Leadership Committee and its Terms of Reference will be undertaken at the beginning of each electoral term as part of the development of the Waikato Triennial.

District Licensing Committee

Trim No.: 2077204

Executive Summary

The Sale and Supply of Alcohol Act 2012 requires Council to have a District Licensing Committee to consider and determine new and renewals of licences and managers certificates, temporary authorities, special licences and various other matters under the Act.

The Council has appointed Councillor Cornes as the Chair of the Committee, as a member of Council, and in December 2013, authorised the inclusion of four other people on the list to be appointed as members of the Committee as required.

Section 192 of the Act states that list members are only approved for inclusion for a period of five years. Council now needs to approve Messrs Murphy and Taylor for a further five years.

Recommendation

That:

1. **In accordance with section 192 of the Sale and Supply of Alcohol Act 2012 Council approves Ross Murphy and Denis Taylor to be list members of the Matamata-Piako District Licensing Committee.**

Content

Background

The Sale and Supply of Alcohol Act 2012 requires each council to establish a District Licensing Committee and to appoint a member of that territorial authority as the Chairperson. Council appointed Councillor Cornes as Chair of the Licensing Committee. The Act also allows the territorial authority to appoint a member to act as deputy chairperson.

Each licensing committee must consist of three members and the territorial authority must maintain an approved list of people that can be appointed to act as the other two members of the committee. People approved to be included on the list must have experience relevant to alcohol licensing matters.

In December 2013 Council approved the following people to be list members of the Matamata-Piako District Licensing Committee:

Leonie Tisch
Ross Murphy
Brett McEwan
Denis Taylor

Brett McEwan resigned from his appointment to the list and Leonie Tisch resigned on standing down from Council in 2016. Neil Goodger was appointed as deputy chair and also approved as a list member on 9 November 2016.

Issues

Ross Murphy and Denis Taylor have both acted as members of the Licensing Committee since their appointment in December 2013 and their five year term required by section 192(3) will finish

in December this year. Both have indicated that they would like to continue with their inclusion on the list. A brief summary of their experience is attached.

The majority of the Licensing Committee's work is done by the Chair, on the papers, and the full Committee only need to meet to hear opposed applications and temporary authorities. The requirement for the full Committee to hear unopposed temporary authorities resulted from a drafting error in the legislation and a Bill is currently passing through the parliamentary process to rectify this.

To date, having three people on the list has not caused any delay in hearing applications as only two list members and the Chair are required for any Committee siting.

Council now needs to consider the approval of Messrs Murphy and Taylor to the list and/or if other persons need to be added to the list,

Analysis

Options considered

1. Approve Ross Murphy and Denis Taylor as list members of the Matamata-Piako District Licensing Committee.
2. Seek and approve other persons to be list members of the Matamata-Piako District Licensing Committee.

Analysis of preferred option

Option 1 – Messrs Murphy and Taylor have experience in liquor licensing matters and have acted as members of the District Licensing Committee on a number of occasions. If they are not approved as list members then at least two other people will need to be sourced and approved before 11 December 2018 to act as Members of the Committee

Legal and statutory requirements

Section 189 states:

- (1) *Each licensing committee consists of 3 members appointed by the territorial authority for that territorial authority's district.*
- (2) *A territorial authority must appoint 1 member as the chairperson and that person must be a member of that territorial authority or a commissioner appointed to the licensing committee.*
- (3) *A territorial authority may appoint a member of that territorial authority to be deputy chairperson, and act in place of the chairperson if the chairperson is unable to act because of illness or absence from New Zealand, or for other sufficient reason.*
- (4) *While acting in place of the chairperson, the deputy chairperson is a member of the committee and has all the powers and duties of the chairperson.*
- (5) *No act done by the deputy chairperson serving as acting chairperson in the chairperson's absence, and no acts done by the committee while the deputy chairperson is so serving, can in any proceedings be questioned on the ground that the occasion for his or her so serving had not arisen or had ceased.*
- (6) *The other 2 members of each licensing committee must be appointed from the territorial authority's list maintained under section 192.*
- (7) *For the purposes of subsection (2), a member of a territorial authority means an elected member of a territorial authority and, in relation to the Auckland Council, includes a member of the governing body (as defined in section 4 of the Local Government (Auckland Council) Act 2009) or a member of a local board established under section 10 of that Act.*

Section 192 states:

- (1) *A territorial authority must either—*
 - (a) *establish, maintain, and publish its own list of persons approved to be members of the territorial authority's licensing committee or committees; or*
 - (b) *together with 1 or more other territorial authorities, establish, maintain, and publish a combined list of persons jointly approved by those authorities to be members of the territorial authorities' licensing committees.*
- (2) *A territorial authority must not approve a person to be included on the list unless that person has experience relevant to alcohol licensing matters.*
- (3) *A person may be approved for inclusion on the list for a period of up to 5 years and may be approved for any 1 or more further periods of up to 5 years.*
- (4) *The name of a person must be removed from the list—*
 - (a) *when 5 years have elapsed since the territorial authority approved the person's name on the list unless the approval is renewed under subsection (3); or*
 - (b) *if the person resigns or is removed under section 194.*
- (5) *A person must not be included on the list if—*
 - (a) *the territorial authority believes that person has, directly or by virtue of his or her relationship with another person, such an involvement or appearance of involvement with the alcohol industry that he or she could not perform his or her duties without actual bias or the appearance of bias; or*
 - (b) *the person is a constable, a Medical Officer of Health, an inspector, or an employee of the territorial authority*

Impact on policy and bylaws

There are no impacts on Council's policies or bylaws.

Consistency with the Long Term Plan / Annual Plan

The matters discussed in this report are statutory requirements imposed under the Sale and Supply of Alcohol Act 2012.

Impact on Significance and Engagement Policy

The matters discussed in this report will not have an impact on the significance policy.

Financial Impact

i. Cost

All costs to implement the matters covered by this report are provided through existing budgets and resources or through the liquor licensing fees.

ii. Funding Source

No additional funding source is required.

Attachments

[A](#). DLC list members

Signatories

Author(s)	Dennis Bellamy Group Manager Community Development	
Approved by	Don McLeod Chief Executive Officer	

Matamata-Piako District Licensing Committee – Applicants for list members

Ross Murphy

40 years' experience working with the law and 30 years of that has been in the alcohol licensing environment. This includes;

- 25 years with the Courts and Justice Department administering many different statutes including a large part working on various licensing matters, Clerk of Licensing Committee managing hearings with the appointed Judge.
- Attending hearings before the previous Liquor Licensing Authority representing many clients whether they be applicants, respondents or objectors by preparing evidence and final submissions.
- Providing on the job training for Licensing Inspectors and DLC staff.
- Giving presentations on the sale and supply of alcohol to Councils, Police and District Health Board.
- NZQA private training establishment providing the Licence Controllers Qualification (LCQ).
- Acting as Licensing Inspector for a number of Councils including Hamilton City Council.

Denis Taylor

Over 35 years of experience in policing and operating liquor outlets and familiar with Courts, hearings and tribunals. This includes;

- Member of the NZ Police from 1966 to 1990
- Inspector of Chartered Clubs
- Owner/operator of Super Liquor Waihi 1994 to 2008
- Waihi Area Security Patrol
- List member for Hauraki and Matamata-Piako District Councils.

Council Study - Private Property Rubbish

Trim No.: 2065826

Executive Summary

Nuisance (Bylaw)

This report seeks consideration of a specific nuisance issue related to dumping or stockpiling of domestic refuse on **private property**. Additionally this report is provided to assist consideration of approaches in respect the potential broader issue of increasing occurrences of stockpiling of rubbish (on private property). This, anecdotally, is post the change in the provision of rubbish bags to rateable addresses within the District as at July 2018. In this matter it is recommended that with authority from Delegated Officers, Council staff may provide either rubbish bags or collection services to conclude any complaint and that actual costs are recovered, where possible.

Recommendation

That Delegated Authority be given to the Executive Team:

In instances of stockpiling of rubbish on private property (non-adversarial), provision is made to:

- 1) Provide rubbish bags and recover costs, and/or:
- 2) Collect the rubbish and dump as is. Recover costs. Or:

That in instances of stockpiling of rubbish on private property where the property owner is (adversarial) obstructive and/or unmotivated to engage and/or remedy:

- 3) Complete work at the property and seek formal cost recovery against the property owner, as per **The Consolidated Bylaws, Introductory Bylaw 2008, Section 4 (Serving or orders and notices) and Section 13 (Removal or works)**.

Content

While events of stockpiling rubbish on private property are few, there is some anecdotal evidence that such occurrences are increasing in frequency. In extreme circumstances of stockpiled rubbish on private property such occurrences may meet the threshold to be determined as a nuisance and require an urgent intervention, where Council is looked at to provide that intervention. Where instances of this type occur on public property Council have processes in place to remedy the issue. It is the gap in the ability to remedy a private property related event that this paper seeks to address. Whilst attending a recent Compliance Forum with other Local Government authorities, it was reported that an increase of 300% in illegal/nuisance dumping across both private and public properties was experienced following a similar change in provision of rubbish bags to rateable dwellings. Whilst that increase is significant in itself, the incidence of complaints related to nuisance rubbish on private property within the Matamata-Piako District is very small (4 – 5 in the last year). In general there are two types of property owner that we encounter when dealing with the issue of 'nuisance property':

- 1) The non-adversarial person who would welcome a helping hand to assist their management of their domestic waste disposal, and:
- 2) The adversarial person who doesn't.

Background - Specific

This presentation relies on specific events related to a complaint in Te Aroha, and is provided as a contemporary example.

The property in Te Aroha, came to attention following a nuisance complaint. The substantial matter made by the complainant was that a vermin infestation and offensive odour emanated from a nearby private property and negatively impacted neighbouring private properties. This was reported as being related to the state of the property as shown in **Attachments Photos One and Two**.

At the address it was evident there was a significant accumulation of rubbish and scrap metal spread across the rear section with a stock pile of an estimated twenty-thirty large bags of household refuse stacked on and around a trailer on the driveway. There was no evidence of vermin at the time of the site visit. There was an odour of decaying refuse confined within the property boundary. It can be assumed that in the warmer months, the waste will likely become increasingly offensive and any resident vermin will move from any present cover. These matters are exacerbated by vegetation overgrowth at the rear of the property. A letter was sent to the property owner and subsequently the property owner invited the writer to meet with him, and, this has occurred.

The property owner described being able to appropriately care for his property prior to his grown children returning to the home. Prior to the family returning to take up residence the previous allocation of Council rubbish bags had catered for usual household refuse requirements. Since that time, the property owner has not been able to keep up with the increase in household refuse and this has been allowed to accumulate on the property.

The property owner accepts the complaint as entirely valid and accepts responsibility for any remedy that is required to conclude matters. In this matter he suggested a solution. He has asked for assistance to access Council approved rubbish bags stating he could pay these off, that is where he is provided the privilege of time (50 bags @ \$2 = \$100 with incremental payments made over six months).

The property owner pays rates by monthly automatic payment. While not in arrears, the property owner will only manage full annual rates payments where there is no default in automatic deductions made to Council.

To date this matter has not progressed to Council's 'In House' legal Department for comment. The property owner is fully engaged with Council staff and while that position continues it is assessed that a remedy can be achieved with time and with some patience.

Issues

General: More than ever people are in transit from career to career, community to community, and therefore necessarily move from house to house (transients). Expectations related to societal norms will vary from community to community and it may be unrealistic to expect everyone who moves in or out of each community to have the same sense of communal or collective responsibility. This is likely a factor that impacts on a lot of situations that Council, deals to on an annual basis. In such matters Council is often looked at to remedy the negative effects caused by situations where people are unable to meet 'societal norms' or simply care not to. Council are asked to consider the recommended contingency to address rubbish accumulating or being dumped on private property.

The working poor, the unwell, the vulnerable and displaced or dislocated (student communities, supported housing cohorts) live in our towns and while they are not the only residents that have or cause issues it maybe that they are as responsive to a helping hand as anyone otherwise would be.

Specifically: In respect to the complaint in Te Aroha, the complaint involves a motivated and essentially compliant family who evidence very modest resources.

Council Rules and Regulations are assessed as applying in this situation and were referenced in a letter to support engagement with the property owner by Council staff. Additionally, the Health Act 1956 was cited to support that engagement.

To date Council staff have managed a positive engagement with the property owner and together we have agreed an initial working plan to achieve some tidying of the property. Some rubbish disposal has occurred. It is a work in progress and there remains a lot more bagged and other rubbish to dispose of legally and a significant amount of landscaping to be completed.

Analysis

Options considered

Processes for illegally dumped rubbish on **public property**, for example roads and reserves, are already provided for. We highlight this, as the existing processes (related to dumping on Public Property) may, after consideration, provide a practical and functional way to support a remedy in matters of accumulated or dumped rubbish on private property.

Councillors are therefore asked to consider a remedy in regard the present complaint and additionally to consider contingency options should such incidences increase in frequency. Further, and as noted previously, Council are asked to consider options where Council Officer's encounter obstructive and unmotivated property owners when they are asked to act on these types of complaints.

To assist - the below options are not considered exhaustive.

1) Determine this situation as civil in nature requiring no action by MPDC.

Pros – Resource use negligible. No expenditure. No financial precedent set for future reference.

Cons - No remedy of the complaint.

Reputational Risk:

(i) MPDC Rules and Regulations may look irrelevant.

(ii) Ongoing dissatisfaction and complaints with widening negative impact on the local community.

Potentially greater wider negative impact with increased future costs for remedy.

Sets a precedent as to acceptable property and landscape standards.

2) After failed approaches/negotiations – Enforce and complete work at the property and formally recover costs against the property owner.

Pros – Remedies the complaint

Cost recovery.

Holds the property owner to account.

Transparent.

Reputational Gains:

(i) Council is assessed as progressing a potential remedy without fear or favour.

- (ii) Council is assessed as endorsing its right to uphold rules and regulations.

Cons –Adversarial

Potential legal implications.

Not a guarantee of remedy or of cost recovery.

Offending may reoccur given no engagement with the property owner.

Reputational Risks:

- (i) Punitive or victimisation of a vulnerable individual.
- (ii) Slow and protracted duration for remedy.
- (iii) Council is assessed as exercising poor financial stewardship given potential for recoverable.

3) Take any presenting opportunity to remedy the complaint and provide rubbish bags (or other rubbish collection and disposal options) and agree a time limited pay-back option. IN THE SECOND PART: Ensure a process to provide a waste removal service to private properties option to address an increasingly new issue.

Pros – Remedies the complaint.

Provides a dignified process and remedy.

May prevent illegal dumping.

May provide a workable process for potential increases in incidents of this type.

Provides a formal process for repayment of debt for a vulnerable cohort in the District (low income households/working poor).

Is transparent, obligatory and contractual, doesn't limit the choice to employ other remedies.

Costs recovered/met. User pays.

Reputational Gains:

- (i) Council is assessed as progressing a potential remedy for a vulnerable cohort.
- (ii) Council is assessed as endorsing its right to uphold rules and regulations.
- (iii) Council is assessed as having responsible financial stewardship.
- (iv) Council is assessed to be preventing a worse problem (illegal dumping).

Cons –Requires administrative processes and negotiated agreements, requiring layers of administration that may not be cost recoverable.

May be cited as a precedent with financial implications.

May be assessed as unfair or disproportionately beneficial to one group of people.

Does not hold the property owner to fullest account.

4) Prosecution Only.

Pros –Fine acts as a deterrent for repeat offending, or as a deterrent to others.

Holds the property owner to account.

Sets a precedence for following similar issues.

Is transparent.

Justice is seen to be done.

Reputational Gains:

(i) Council is assessed as progressing a potential remedy without fear or favour.

(ii) Council is assessed as endorsing its right to uphold rules and regulations.

Cons –Is purely punitive.

Expensive.

Slow process.

Reputational Risks:

(i) Punitive or victimisation of a vulnerable individual.

(ii) Slow and protracted duration for remedy.

(iii) Council is assessed as exercising poor financial stewardship given potential for recoverable.

Analysis of preferred option

As noted in the Recommendation and with respect to the non-adversarial property owner - Option three provides a remedy in two ways:

- 1) Provide rubbish bags and recover costs, and/or:
- 2) Collect the rubbish and dump as is. Recover costs.

Both parts in this option require administration and the meeting of up-front costs by Council. Part 2 may, in this option, prove more cost effective (fill a part load on a KVS truck/trailer that may already be heading to a refuse centre) and recover actual expenses over a negotiated term. In matters related to private property, the private property owner (usually able to be identified) would be required to sign an agreement to repay all costs within a fixed period and a remedy would be achieved.

Therefore, we promote option three (both parts) as providing the most appropriate resolution in the instance similar to that of the property in Te Aroha, where we assist an engaged and motivated property owner. It is important to note that this remedy will only apply to an essentially motivated and engaged property owner.

Each case needs consideration in light of the actual effect caused which is balanced against circumstance. The present complaint process allows for this assessment where a complaint is referred to Councils monitoring officers who look to assess and then promote a remedy following a complaint. Any remedy needs to adjust to the uniqueness of the situation.

Given the general ingredients in the problem of refuse stockpiling on private property, it has been noted that a process already exists to deal with instances of illegal dumping in or on public places. The operational functions associated with a remedy for dumping on public property are costed and supported by administrative processes and budgetary provision. Existing staff and resource are already available to make a remedy.

Where in the course of a usual complaints response by a monitoring officer an assessment is made of a motivated offender and the monitoring officer concludes a contract to assist a private

property owner, a broadening of the public property process can be envisioned to encompass the issue of rubbish/nuisance on private property. Incidents of private property refuse stockpiling are very few and would result in a very modest increase in work related activity for that department. In most instances cost recovery should be possible. Following discussions with David Wrigglesworth, Kaimai Valley Services (KVS), it was concluded that providing a service to remedy rubbish issues on private property (Urban), with potential for cost recovery, would not impact significant resource use or additional cost. Although he would reserve the right to review that initial assessment after twelve months of activity. It must be noted that a referral to KVS would only occur once the Executive Team had approved (delegated) that particular pathway and a signed contract had been agreed by the property owner.

In instances where violations of MPDC Rules and Regulations are determined as creating a nuisance, and cannot be remedied by negotiation, there are few regulatory options provided to Council Officers to progress a remedy. In reality, where low level offending (non RMA) occurs, MPDC Officers will likely choose to inform and educate violators, thereby encouraging and then relying on their new found goodwill, to remedy any Rule or Regulation violation. In most instances, at least anecdotally, this gets the desired result. It's often not about what we do, but rather, how we do it, and that approach may gain traction and buy in. The matters referred to above essentially relate to that type of engagement.

Where this collegial or informal approach is not possible, the engagement becomes that much more complex. In matters where property owners are less engaging and unmotivated, the Health Act is minimally helpful. Unfortunately, in such matters the resolution path, as provided for in the Health Act, is not a deterrent, and is essentially outdated given it is relative to the year the Act was enacted – 1956.

Another pathway provided by the Health Act is to have an Environmental Health Officer issue an Abatement **without** Notice - Section 34(1)(2)

(1) Where by reason of the existence of a nuisance on any premises within the district of any local authority immediate action for the abatement of the nuisance is necessary in the opinion of the engineer or environmental health officer of the local authority, the engineer or environmental health officer, with such assistants as may be necessary, and without notice to the occupier, may enter on the premises and abate the nuisance.

(2) All expenses incurred in the abatement of a nuisance under this section shall be recoverable from the owner or the occupier of the premises in respect of which they are incurred, as a debt due to the local authority.

In consultation with the Environmental Health Officer, this approach, whilst optional and valid, it is not generally favoured over a practice more aligned with that provided by the Consolidated Bylaws. When considering potential remedies in respect the motivated violator verses the adversarial or obstructive violator, there is a gaping polarity in potential responses available to Council Officer's to effect a remedy (i.e. we either support a voluntary fix or we prosecute a purely punitive option). In such matters a middle ground option is absent where one would seem eminently appropriate. We allude to the provision to issue an infringement.

Any future debate about the wider provision and use of Infringement Notices (not RMA) would impress as a debate about management of offences that fall into this middle ground context.

The future provision of an ability to impose an Infringement would seem helpful (and simple) where there is no evidential motivation to comply or remedy a complaint similar to these matters. The issue to provide Infringement as a vehicle to support or reinforce compliance is complex and therefore a consideration for a different time and context.

Given present context, and with regard the adversarial engagement we advocate **Option 2 (In the Analysis)**. This enforcement path is provided in **The Consolidated Bylaws, Introductory Bylaw 2008, Section 4 (Serving or orders and notices) and Section 13 (Removal or works)**.

In effect, The Consolidated Bylaws Sections 4 and 13 prescribes a pathway to resolution. The Bylaw provides a progression in options for complaint remedy. While our contemporary interface with the community in matters of complaint/breach of Bylaws relies heavily on our ability to engender and prolong goodwill, goodwill management is time consuming, and therefore in reality, expensive. That may not necessarily be a bad thing but there will inevitably come a time where we must draw a line in the sand and move on. Option 2 would seem process oriented and entirely appropriate in such circumstances that collegial engagement is not possible.

Legal and statutory requirements

I note for your reference:

The Health Act 1956, Section 29 and in particular parts (c)(o)(q):

Without limiting the meaning of the term **nuisance**, a nuisance shall be deemed to be created in any of the following cases, that is to say:

(c) where any premises, including any accumulation or deposit thereon, are in such a state as to harbour or to be likely to harbour rats or other vermin:

(o) where any street, road, right of way, passage, yard, premises, or land is in such a state as to be offensive or likely to be injurious to health:

(q) where there exists on any land or premises any condition giving rise or capable of giving rise to the breeding of flies or mosquitoes or suitable for the breeding of other insects, or of mites or ticks, which are capable of causing or transmitting disease.)

The Consolidated Bylaws, Public Safety Bylaw 2008, Section 3:

Purpose - The purpose of clause 3 is to protect the public **from Nuisance and to protect and promote** and maintain public health and safety in relation to activities emanating from private property not controlled by the District Plan or other Enactments.

Restrictions- No Person may:

d) being the Owner or Occupier of Premises so cause or permit offensive liquid or matter to remain in or on, or flow from those Premises so as to create or be likely to create a Nuisance; or

f) being the Owner or Occupier of Premises to cause or permit conditions on those Premises likely to contribute to the outbreak or spread of disease by the agency of flies, mosquitoes, or other insects, or of rats, mice, or other vermin.)

The Consolidated Bylaws, Introductory Bylaw 2008, Section 4 (Serving or orders and notices) and Section 13 (Removal or works). Specifically:

4.6 The Council may require any Person who breaches or fails to comply with the provisions of any Bylaw or the conditions of a Licence issued pursuant to it, to remedy the breach or comply with the same by giving such Person notice in Writing;

4.7 Any order or notice issued shall state the time within or date before which the remedial action is to be carried out and may be extended from time to time by Written authority of the Council; and

13.1 Where the notice served under clause 4 has not been complied with, the Council or Agent of the Council, may pull down, remove or alter any work, material or object erected or being in contravention of any Bylaw, section 357 of the Local Government Act 1974 or section 163 of the Local Government Act 2002;

13.2 The Council may recover from any Person responsible for the breach of any Bylaw all expenses incurred by it in connection with such pulling down, removal or alteration. This includes the costs of any storage, debt collecting and legal fees.

Impact on policy and bylaws

Nil. Policy related to the dumping of waste on Public property can be broadened to encompass and include the dumping or accumulating of waste on Private property. Bylaw already exists to support this process.

Consistency with the Long Term Plan / Annual Plan

The recommendations are assessed as consistent with the Long Term Plan.

Impact on significant policy

This does not meet the criteria specified in the Significance Policy.

Communication, consultation and decision making processes

A discussion document, highlighting the issue related to the complaint in Te Aroha and advising of an assessment that there appeared to be an increasing number of private property related rubbish complaints, was presented to the Executive Team in September 2018. It was advised that these matters should be considered by Councillors.

On 27 September 2018 a meeting with David Wrigglesworth was held. This consultation was to assess impact upon resources and financial implications should rubbish removal provisions on private properties be included additional to those services provided for public property.

Throughout this process the District Planner has considered this matter given that the monitoring services provided by Council are a function of the Planning Department. Complaints responses are a function of that Department and it is anticipated that no additional impact upon resources or budget would be incurred where there is an adoption of the recommendations.

Financial Impact

i. Cost

It is assessed that there is a minimal cost implication where processes for a private property remedy can be provided for by either a pay-back agreement for rubbish bags or included into existing processes provided by the complaints process and public property solutions. The recommended options provide for a potentially cost neutral solution with cost recovery.

To not adopt pathways to support mutually agreed solution or to enforce a remedy for staff dealing with stockpiled rubbish and nuisance on private properties may cost more. "Goodwill" is expensive and where it fails there is no cost recovery and likely no complaint remedy.

Where an adversarial approach to complaints resolution occurs the process to resolution is prescribed and formal.

ii. **Funding Source**

Is minimally additional and is already provided for through those functions and processes related to incidences of complaint of public property illegal dumping.

Attachments

[A↓.](#) Council Study - Private Property Rubbish Photos

Signatories

Author(s)	Steve Turfrey Monitoring Officer	
Approved by	Ally van Kuijk District Planner	
	Dennis Bellamy Group Manager Community Development	

ATTACHMENTS

Photo One



Photo Two



Proposed Hearing Commission panels for Private Plan Changes

Trim No.: 2078891

Executive Summary

Approval is sought for the proposed make up of Hearing Commission panels for the following three private plan changes currently lodged with Council:

- Plan Change 50 – Hobbiton Development Concept Plan,
- Plan Change 51 – Development Concept Plan for Milk Processing Factory Site, Waharoa; and
- Plan Change 52 - Development Concept Plan for Milk Processing Factory Site, Tatuani.

Recommendation

That:

1. The report be received, and
2. Council approves the establishment of hearing commission panels, delegating the power to hear and decide private plan change hearings for Plan Changes 50, 51 and 52, as detailed in the table below, should they be required:

	Plan Change 50 – Hobbiton Development Concept Plan	Plan Change 51 – Development Concept Plan for Milk Processing Factory Site, Waharoa	Plan Change 52 - Development Concept Plan for Milk Processing Factory Site, Tatuani
Independent Hearing Commissioner	Murray Kivell (Chair)	Murray Kivell (Chair)	Murray Kivell (Chair)
Hearing Commissioners	<ul style="list-style-type: none"> ▪ Councillor Wilcock ▪ Councillor Arnold 	<ul style="list-style-type: none"> ▪ Councillor Tappin ▪ Councillor Arnold 	<ul style="list-style-type: none"> ▪ Councillor Cronin ▪ Councillor Tappin
Standby Hearing Commissioners	<ul style="list-style-type: none"> ▪ Councillor Cornes (for Councillor Arnold) ▪ Councillor Tappin (for Councillor Wilcock) 	<ul style="list-style-type: none"> ▪ Councillor Cornes ▪ Councillor Wilcock ▪ Councillor Cronin 	<ul style="list-style-type: none"> ▪ Councillor Wilcock ▪ Councillor Cornes

Content

Background

Matamata-Piako District Council has accepted three private plan change requests for the introduction of, or alteration to, three Development Concept Plans within the district:

- Plan Change 50 – Hobbiton Development Concept Plan,
- Plan Change 51 – Development Concept Plan for Milk Processing Factory Site, Waharoa; and
- Plan Change 52 – Development Concept Plan for Milk Processing Factory Site, Tatuani.

Given Council's close involvement with aspects of the three plan changes, there was a preference for them to be heard by hearing commissions to avoid any conflicts of interest. Each commission would be chaired by an independent hearing commissioner, with a panel of two councillors who have undertaken the Ministry for the Environment's "Making Good Decisions" course.

After consultation with the Hearing Commission Chair, Councillor Cornes, councillors who have undertaken the "Making Good Decisions" course have been proposed to appear on a panel for each plan change hearing, should it be required. Each proposed panel takes into account any potential conflicts of interest. Should a councillor commissioner from any of the plan change panels be unable to attend the hearing then another, "standby", hearing commissioner from Council shall appear in their place, as detailed in the table in "Recommendations", above.

Each of the three plan changes were notified prior to 19 April 2017, when the Resource Legislation Amendment Act 2017 (RLAA), took effect. Consequently, Plan Changes 50, 51 and 52 are subject to the legislation existing prior to the RLAA taking effect.

It is noted that the RLAA has introduced requirements for the appointment of hearings commissioners for the hearings of council-led plan changes. The RLAA now requires local authorities, when considering appointing hearing commissioners to conduct a hearing for a council-led plan change, or a plan change hearing under a stream-lined planning process, to consult with tangata whenua whether it is appropriate to appoint a commissioner with an understanding of tikanga Māori and of the perspectives of local iwi or hapū.

However, Plan Changes 50, 51 and 52 are private plan change requests that have been accepted by Council and are not council-led nor part of a streamlined planning process so, in these instances, the RLAA would not require additional consultation regarding the appointment of a hearing commissioner.

The dates for the private plan change hearings have not yet been set. Furthermore, a hearing would not be required for any plan change where the applicant satisfies the concerns of all submitters. In this instance, any plan change that is not required to go to a hearing would instead be subject to a decision by Council to allow its adoption. However, to allow for all eventualities, it has been assumed all three plan changes will advance to a hearing using the above hearing commissioner panels.

Analysis

Options considered

Plan Changes 50, 51 and 52 can be heard by either Hearing Commissioners or by Council.

Analysis of preferred option

Council has expressed a preference for Plan Changes 50, 51 and 52 to be heard by Hearing Commissioners.

Legal and statutory requirements

Section 34A of the Resource Management Act 1991 (RMA) allows local authorities to delegate to a hearing commissioner any function, power or duty under the RMA except the approval of a proposed policy statement or plan, or the power of delegation.

Therefore, the ability to hear and decide hearings for plan changes 50, 51 and 52 can be delegated to hearing commissioners, with the final adoption of each plan by Council.

Impact on policy and bylaws

There is no impact on policy and bylaws.

Consistency with the Long Term Plan / Annual Plan

Not applicable.

Impact on Significance and Engagement Policy

There is no impact.

Communication, consultation and decision making processes

After consultation with the Hearing Commission Chair, councillors who have undertaken the "Making Good Decisions" course have been proposed to appear on a panel for each plan change hearing, should it be required.

Consent issues

There are no consent issues

Timeframes

It is likely that the hearings, if required, for Plan Changes 50, 51 and 52 would be held in early 2019.

Contribution to Community Outcomes

None

Financial Impact

i. Cost

The cost of each of Private Plan Changes 50, 51 and 52 has not yet calculated.

ii. Funding Source

Applicants for a private plan change to the District Plan are responsible for paying the full costs of the plan change.

Attachments

There are no attachments for this report.

Signatories

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

Mayoral diary for October 2018

Trim No.: 2080625

The Mayoral Diary for the period 1 October to 31 October is attached.

Recommendation

That the report be received.

Attachments

There are no attachments for this report.

Signatories

Author(s)	Jan Barnes Mayor	
Approved by	Jan Barnes Mayor	

Mayoral Diary October 2018

Monday 1 October	<p>Community Meeting I attended a community meeting at Waharoa with regard to the odour issues Open Country Dairy (OCD) are currently experiencing.</p> <p>Laurie Margrain, CE of OCD said they would be spending \$20million on a new Waste Water plant. Council and OCD want to work with community and support them.</p> <p>Plant Manger Dane Brink accompanied me the previous week to a community meeting about crime and we are working with a committee of the community that has been formed.</p>
Tuesday 2 October	<p>Meeting with Swaps I met with Dudley who is the Environmental Manger to discuss the use of some land that J Swap Contractors own.</p> <p>Industrial relations meeting MP Tim Van Der Molen held a meeting at the Matamata-Piako Civic and Memorial Centre to discuss the governments proposed industrial relations changes and hosted Coromandel MP Scott Simpson.</p> <p>Hill Road day camp Te Aroha Each year in the October school holidays the Day Camp is held in the hills of Mt Te Aroha. This year 220 children attend the camp. This is truly an outdoor experience, where the children are bused out from Paeroa and Te Aroha daily to attend.</p> <p>I visited the camp and had a great time moving from group to group, what an asset it is to have this day camp for our youth.</p> <p>The programme was initiated by the Paeroa Cooperating Parish and supported by the Te Aroha St Davids Cooperating Parish, and the Paeroa Community Support Trust and the Te Aroha Springs Trust.</p>
Wednesday 3 October	<p>Chorus information drop in Chorus held a drop in day in Matamata to inform residents of the progress of Ultra-Fast Broadband and the scheduling programme of works. I visited and met with Chorus's staff.</p>
Thursday 4 October	<p>Prime Minister visit and Provincial Growth Fund announcement Matamata-Piako could experience a tourism and industry boom thanks to a \$1.7million funding injection from the Provincial Growth Fund.</p> <p>Prime Minister Jacinda Ardern visited Matamata-Piako and announced the success of Council's two applications to the fund.</p> <p>The two approved projects include \$900,000 towards a feasibility study and business investment case for a Te Aroha tourism precinct and \$800,000 towards a feasibility study for a Waharoa industry hub.</p>

The announcement was made at a luncheon at Dalton's Plantation, organised by Te Waka, Waikato's regional economic development agency. In her speech, the Hon. Jacinda Ardern spoke fondly of her memories of Te Aroha and how, overall, she hoped funds used for research, would open doors and encourage people to 'linger a little longer in the district'.

"Describing to people what Te Aroha means to this region and what it means to me, sometimes I find rather difficult. Both my parents were born in Te Aroha I spent my childhood growing up playing around the Domain. The history of that place is not known to nearly enough people, it's a beautiful place and could become a real triangle of tourism".

The Prime Minister said Waharoa's prime location meant it had the potential to attract businesses wishing to relocate and also supply Auckland. She said Waharoa had challenges to overcome, such as the right infrastructure and housing but funds towards a business case would help examine these closer and provide solutions, which was one of the fantastic benefits of the Provincial Growth Fund.

"Overall my hope is this region can form links together and become a tourism destination as a whole. Hobbiton already attracting thousands, Te Aroha with its hot springs, Morrinsville with its Wallace Gallery and the biggest cow you ever did see, could be a tourism triangle."

Feasibility studies would provide a better understanding of how to increase the productivity potential of the Waikato region, boost the local economy, develop the use of natural resources and help the region to grow.

These kind of opportunities to enhance economic development, create sustainable jobs, partner with iwi, and build resilient communities are exactly what the Provincial Growth Fund is all about.



<p>Friday 5 October</p>	<p>National Council Meeting A number of operational reports were presented to the board along with Advocacy Reports on Water 2050, Climate Change, Housing 2030 and Localism.</p> <p>Heather Simpson, Chair of the Health & Disability System Review spoke and was followed by Hon Phil Twyford, Minister for housing and urban development and transport talk to us about the Urban Development Authority Proposal.</p> <p>Hon John Carter discussed iwi participation arrangement under the Resource Management Act.</p>
<p>Saturday 6 October</p>	<p>Wallace Gallery collection opening I was invited to the opening to view the tapestries, drawings, paintings and digital work by Marilyn Rea-Menzies held at the Wallace Gallery in Morrinsville.</p> <p>Aroha Cruise In This year the running of the annual Cruise In was taken on by an organising committee through Te Aroha Primary School.</p> <p>Once again this was a very successful event seeing the main streets chocka block full of cars and bikes from days gone by. The care and detail that goes into the restoration and maintenance of these vehicles has to be commended!</p> <p>Well done to all involved, you should be very proud of your achievement!</p>
<p>Tuesday 9 October</p>	<p>LGNZ Webinar Local Government NZ put on a webinar on the topic of Affordable Housing. This webinar gave us the opportunity to understand what affordable housing is, and what it is not? Does Council need tools and resources to create and implement affordable housing?</p> <p>Audit and Risk Committee meeting Our third meeting of the year covered off a number of standing items such as Project Risk Management Review, Review of Audit Reports and Policy Review as well as a review of the final Annual Report, Summary and Audit Opinion, Annual financial warrant of fitness and Annual legislative warrant of fitness.</p> <p>Meeting regarding Provincial Growth Fund (PGF) I met with Councillor James Thomas, CEO Don McLeod and council staff to discuss what a PGF application for Morrinsville could look like.</p>
<p>Wednesday 10 October</p>	<p>Council meeting At this meeting John Luxton, our Audit and Risk Chair presented the minutes of 9 October meeting, we discussed the Annual Report, Representation Review Appeals and Local Government Commission process, Donation of Asset/Memorial Policy, Quotable Value – General Revaluation 2018 presentation, Dog Control – Annual Report 2017/18, Council Health & Safety Charter and 2019 Health & Safety Objectives, Waikato Regional Council Plan Change 1: Healthy Rivers, and a</p>

	<p>presentation on the Hauraki Rail Trail. This was followed by a workshop on the Wairere Falls Carpark</p> <p>Meeting with Te Waka Harvey Brookes from Te Waka met with us to discuss the PGF projects and discuss what happens next.</p>
Thursday 11 October	<p>Business Night Out There were smiles all around as the winners of the 2018 Business Night Out celebrated their success.</p> <p>Over 250 people came together at the Matamata-Piako Civic and Memorial Centre for the annual event that celebrates business success from within the district.</p> <p>Guest speaker Lilia Tarawa, a former community member of Gloriavale, held the audience in the palm of her hand as she delivered a very emotional and passionate account of her time in the cult and why she choose to leave the only world she knew behind. Lilia, aged 27, is a self-made entrepreneur, author and motivated business consultant.</p> <p>Lilia's speech was only one highlight of the evening. We gave out eight awards to deserving businesses from within the Matamata-Piako district, ranging from retail to trades primary industries.</p> <p>I was thrilled with how the evening went and was honoured to present the awards to each recipient. The Business Night Out not only showcases the amazing and successful businesses in our community, but shows people's determination to see their own dreams come true.</p> <p>Being present to see these humble business owners shed tears of joy at receiving an award was very heart warming and we are proud to acknowledge their success.</p> <p>A very big thank you to the communications staff who pulled this event together, well done Rachael and the coms team.</p> <p>The winners of the 2018 Business Night Out were:</p> <p><i>Gull Customer Services</i> Matamata: O Del Emz, Morrinsville: Imagine If, Te Aroha: K9 Kennels</p> <p><i>Trades, Manufacturing and Primary Industries</i> Forsi Innovations from Matamata</p> <p><i>Consumer Services</i> Ebbett Toyota Morrinsville</p> <p><i>New and Emerging Business</i> Twenty20 Concrete Ltd from Te Aroha</p> <p><i>Professional Services</i> Sadliers Funeral Services from Morrinsville</p>

	<p>Bayleys Supreme Business Award Twenty20 Concrete Ltd from Te Aroha</p> <p>Full photos from the evening can be found on council's website: https://www.mpd.govt.nz/news/3161-smiles-all-around-from-the-2018-business-night-out</p>
<p>Friday 12 October</p>	<p>Debrief with Business Night Out guest speaker Lilia and I spent some time together in our district and I was able to showcase some of the tourist highlights we have to offer.</p> <p>Equidays event Rex and I were invited as guests to attend the showjumping spectacular held at Mystery Creek. This was an excellent networking opportunity.</p>
<p>Monday 15 October</p>	<p>Waikato Mayoral Forum This month items on the agenda included an update on the Waikato Plan Project, Youth Employment, Three Waters Review, Waters Collaboration, RATA (Road Asset Technical Accord), Te Waka, Hamilton to Auckland corridor and collaboration with new government Round table discussion to update on collective meetings and Messaging</p> <p>Meeting with WINZ and Silver Fern Farms (SFF) Allan Poy who is the National Recruitment Projects Manager for SFF asked to meet with me. Representatives from WINZ were also at the meeting and I was able to facilitate further discussion between the two parties.</p>
<p>Tuesday 16 October</p>	<p>Thai Student visit Our final visit of international students from Te Aroha College for 2018 saw 18 students and one accompanying teacher visit me in the boardroom. They were escorted by Te Aroha College teachers Dianna Jager and Val Diprose. As is usual the students had beautiful manners and were very respectful. They asked some very interesting questions about my role as mayor.</p> 

	<p>Meeting with Executive Team CEO Don McLeod and his exec team updated me on current projects and issues.</p> <p>Meeting with Iwi Council staff and I met with representatives of Ngati Hinerangi with regard to their treaty settlement.</p> <p>Meeting with Chamber of Commerce Chair It is good to touch base regularly with our business community one on one, I met with Chair Nigel McWilliams to update Nigel on where council is heading and to have good dialog and share information.</p> <p>Meeting with Wallace Gallery Chair Greg MacDonnell and I met to discuss and talk tourism opportunities.</p> <p>Meeting at Morrinsville Museum I met with David Sing regarding the tourism opportunities that may come about and how the gallery and museum wish to draw on that.</p> <p>Morrinsville Business After Five (BA5) This month's meeting was hosted at Placemakers. Good networking to be had. Councillor James Thomas was also in attendance with me.</p>
Wednesday 17 October	<p>Meeting regarding accessibility to council offices I met on site at the Matamata area office to discuss accessibility and parking in our town for our residents with restricted access.</p> <p>Meeting with Price Waterhouse Cooper We met to discuss the successful PGF applications which staff at PWC assisted with, and what are our next steps going forward.</p> <p>Site visit with Council staff I met with Bryan Turner, Coordinator Operations & Projects, to have a walk over the Coulter Bridge in Te Aroha. We will be meeting with NZTA next month to discuss the bridge further.</p> <p>Teleconference call I spoke to James Willis of the Office of Treaty Settlements (OTS) to discuss the Ngati Hinerangi settlement.</p> <p>Meeting with Anna Mayne Anna approached me to have a meeting about sustainable farming methods and education around phosphorus and nitrogen use for farmers. After meeting with Anna I have connected her with Federated Farmers and Dairy NZ.</p> <p>Matamata Business After Five (BA5) This month's meeting was hosted by Cooney Lees Solicitors. There was good attendance from the business community.</p>

<p>Wednesday 24 October</p>	<p>Corporate and Operations Meeting As we head towards the last few meetings of the year the agendas and need for workshops increase! This was a full day's meeting with items discussed including: Volunteer Youth Ambassadors 2018 wrap up, Digital strategy, Funding for the proposed Morrinsville Carpark at the end of Ron Ladd Place in Morrinsville, Naming of a reserve in Morrinsville, Amendment of Road naming policy, Road naming in Matamata and Morrinsville, Enviroschools presentation, Community Grants 2018/19 summary, Annual declarations of interest, 2017/18 State of the environment report, Health and Safety report, Waste minimisation report, Office of treaty settlement – Easement request, Future Matamata Stadium – Feasibility and site assessment, CEOs Report and then a workshop covering an update from David Sing on the Morrinsville rec grounds, Earthquake Prone Bylaw and Gambling policy cap.</p>
<p>Thursday 25 October</p>	<p>Interview with Nga Iwi FM Reno and I talked about the Provincial Growth Funding we had received from the government and highlighted events coming up.</p> <p>Meeting with Sheree Hart Sheree has shown an interest in helping to coordinate community fundraising for the new stadium in Matamata, I met with Sheree to discuss the project.</p> <p>Meeting with Craig Mowatt I met with Craig to discuss the future of Waharoa and Waharoa Park. The discussion was both positive and informative.</p> <p>NZ National Fieldays Economic Impact Report Release The facts and figures presented at this event really highlights the positive economic impact the annual Fieldays event has on the Waikato region, as well as the far reaching impact across New Zealand.</p> <p>While tourism draws in money for our economy, we mustn't forget that farming is such an important source of income also both domestically and internationally.</p>
<p>Saturday 27 October</p>	<p>Kiwanis Club Childrens Day Kiwanis One Day is held once a year and is a day that all Kiwanis Clubs throughout the world try to organise something for children.</p> <p>The Morrinsville Kiwanis Clubs held a fun day at Campbell Park where all food and activities are free for children. There were bouncy castles, train rides, kite flying, pony rides, face painting, three legged races, candy floss, popcorn, sausage sizzles and many more exciting things for the children.</p> <p>I cooked sausages, made candy floss and had a great tour around in golf buggy. I commend Kiwanis on how they have included other Kiwanis members from around the region, which strengthens out families and values them.</p>

	<p>Gold Star Award</p> <p>Tahuna Fire Brigade members Iain McDonald and Greg Balme were recognised at a function for their 25 years of service to New Zealand Fire.</p> <p>Their service and dedication to all areas of the fire service and community that they are involved in is to be commended.</p> <p>We are fortunate to have volunteers like Iain and Greg who give so much of themselves and their time to our groups and communities in the Matamata-Piako District.</p> <p>The support of our employers who release our brigade members to attend call outs is also appreciated. I am sure Iain and Greg's families have also given them much support over the years in all aspects of their firemen's life. Without the support of our friends, family, and employers our volunteer fire fighters could not do the outstanding job for us day in and day out.</p> <p>Events like this is what rural NZ is all about. It was also great to network with Aaron Wateris from Thames. Councillor James Thomas and his wife Jane were also in attendance.</p> <p>Congratulation on this achievement Iain and Greg, you should be very proud of yourselves.</p>
<p>Sunday 28 October</p>	<p>Matamata in Motion</p> <p>This inaugural event held at Firth Tower was a wonderful success! There was everything from electric cars and e-bikes to transport from days gone by like horse and cart! The event brought district groups together at Firth Tower.</p> <p>Rex and I along with fellow councillors Paul Cronin, James Sainsbury and Brian Hunter biked out to the event on e-bikes (see picture below).</p> <p>Congratulations to the organisers of the event, there were so many happy smiling faces!</p> 



Paul Cronin and Brian Hunter with Major Blunder of Waikato's 5th Dragoon Alf's Imperial Army – prior to them being mortal enemies on the 'battlefield'.



The Waikato 5th Dragoon Alfs Imperial army were defeated by the "Firth Imperial Amy" (not a typo – the army was led by Firth Tower Manager Amy Martin) who defended the tower with honour and Valor. Our esteemed MC Colin Kemplen honoured our very own Councillor Brian Hunter's bravado in battle with a knighthood. He shall be forever known as Sir Brian