

Council

Open Minutes



Minutes of a meeting of Matamata-Piako District Council held in the Council Chambers, 35 Kenrick Street, TE AROHA on Wednesday 5 December 2018 at 9:00am.



Present

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

Apologies

Adrienne Wilcock
Peter Jager

Also Present

		Item No.
Don McLeod	Chief Executive Officer	
Vicky Oosthoek	Committee Secretary	
Sandra Harris	Acting Strategic Policy Manager	10.1, 10.2, 10.3, 10.5, 10.6, 10.7, 10.8
Danny Anglesey	Finance & Business Services Manager	10.2
Larnia Weir	Deputy Finance Manager	10.2
Rebecca Shaw	Graduate Policy Planner	10.3, 10.8
Susanne Kampshof	Asset Manager Strategy and Policy	10.4
Ellie Mackintosh	Graduate Policy Planner	10.6, 10.7
Fiona Vessey	Group Manager Service Deliver	C1

In Attendance

	Time In	Time Out
Hon. John Luxton, Audit and Risk Chair	9.02am	9.24am
Mike Gribble, Grey Power, Morrinsville	9.02am	10.20am
Brian Arndt, Grey Power, Matamata	9.05am	10.20am
Ron Moles, Grey Power, Matamata	9.05am	10.20am
Toby Adams, Hauraki District Council	10.16am	11.37am
Vaughn Payne, Waikato Regional Council	10.55am	11.37am
Bev Gatenby, Waikato Plan Committee	10.55am	11.37am
Jo Bromley, Waikato Regional Council	10.55am	11.37am

1 Meeting Opening

Mayor Jan declared the meeting open at 9.02am and welcomed Hon. John Luxton.

2 Apologies

That the apology from Cr Adrienne Wilcock and Cr Peter Jager be accepted and leave of absence from the meeting be granted.

Moved by: Cr DC Arnold

Seconded by: Cr BL Hunter

CARRIED

3 Leave of absence

No leave of absence was requested.

4 Notification of Urgent Additional Business

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

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

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

5 Declaration of interest

Members are reminded of their obligation to declare any conflicts of interest they might have in respect of the items on this Agenda.

6 Confirmation of minutes

COUNCIL RESOLUTION

That the minutes of the meeting of the Ordinary Meeting of Matamata-Piako District Council held on Wednesday, 14 November 2018, be confirmed as a true and correct record of the meeting.

Moved by: Cr AB Tanner

Seconded by: Cr D C Arnold

CARRIED

7 Matters Arising

There were no matters arising.

8 Announcements

There were no announcements.

9 Notices of Motion

There were no notices of motion.

DECISION MAKING

10 Executive

10.1 Audit and Risk report

Executive Summary

John Luxton, Audit and Risk Chair in attendance at 9.00am presenting report and recommendations from Audit and Risk meeting of 4 December 2018.

Adopted Matamata-Piako District Council Standing Orders (as adopted by Council 14 November 2018)

Self-evaluation survey advised that Committee has requested that a one page report on the various taxes Council pays be brought to next meeting and advised any tutorial session requests for Committee members be made to CEO.

Adopted meeting schedule for 2019.

Adopted work programme for 2019, inclusive of Sensitive Expenditure carried forward from 2018 to go to March meeting and added to June meeting KVS & KC regulatory risk.

Amendment recommendation to Audit and Risk Charter 'Composition' section to go to Council for approval.

LGOIMA request information received.

Procurement quarterly report information received.

External ISO Quality Audit information received.

Specific Project Risk Management Review information received.

Staff survey and vision and values information received.

HR Policy update – Gift Policy amendment to be made to policy to include Councillors.

Thank you to Ben Halford from Audit NZ.

COUNCIL RESOLUTION

That the Audit and Risk Committee report from 4 December 2018 meeting be received.

Moved by: Cr J P Sainsbury

Seconded by: Cr P Cronin

CARRIED

10.2 Annual Plan 2019/20 - Draft Budgets and Consultation

Executive Summary

Council is required to produce an Annual Plan each year with the exception of the years when a Long Term Plan (LTP) is produced. The Annual Plan is council's budget for the financial year 1 July to 30 June.

The purpose of this report is to present the draft budgets with a proposed total rates increase of 3.86% compared to the forecast rate increase in the LTP of 3.01%.

Council is asked to consider if the draft budget as presented in this report represents a significant or material difference from year 2 of the LTP, and determine if it wishes to formally consult on its Draft Annual Plan 2019/20.

COUNCIL RESOLUTION

That:

- 1. The report be received.**
- 2. Item 10.2 be deferred to Corporate and Operations Committee meeting of 12th December.**

Moved by: Cr AB Tanner

Seconded by: Cr B L Hunter

CARRIED

10.3 Draft Fees and Charges 2019/20

Executive Summary

Council's fees and charges are reviewed annually. The purpose of the report is to seek approval by Council for the draft Fees and Charges 2019/20 and the corresponding statement of proposal for public consultation alongside other relevant Council documents. The statement of proposal and draft Fees and Charges 2019/20 is attached to the agenda report.

COUNCIL RESOLUTION

That:

1. The information be received.
2. Council approves the draft Fees and Charges 2019/20 and corresponding statement of proposal for public consultation.

Moved by: Cr B L Hunter
Seconded by: Cr N C Goodger

CARRIED

10.4 Public Transport Service Amendment

Executive Summary

The Waikato Regional Council has completed a review of the current services to address some of the previous issues identified.

The following issues have been identified and/or raised and are associated with the current passenger transport services.

- Patronage and Loadings - The 6.45 service from Paeroa to Hamilton is often close to, or exceeds the seated capacity of the vehicle used (49 seats). Loadings are expected to continue to increase in the longer term.
- The current design of the assist service is too heavily focussed on facilitating school trips to Hamilton Boy's High School and does not provide amenity to other users.
- The existing services provide limited coverage of Matamata-Piako district and there is no existing bus service to the settlement of Matamata which has a population of around 8,000 people.
- It has been verbally reported by drivers that patronage on the morning inbound services to Hamilton has fallen since the withdrawal of the afternoon 1.20pm service from Hamilton via Morrinsville by Intercity. This affects leisure users travelling to Hamilton from Morrinsville for shopping and socialising, whom now have fewer return travel options.
- It has also been anecdotally reported that some patronage may have been abstracted by the University run service from Thames which stops at Morrinsville.
- The Ministry of Education has been looking at withdrawing the services on their Morrinsville to Hamilton routes. In March 2018 the MoE advised that school services being considered to be withdrawn typically have a combined loading of 55 students, although this may be as high as 63. There are 36 registered St John's students for the run and 30 eligible Sacred Heart students so in theory 66 could be the highest number. The decision to withdraw these services was deferred until 2019.

The overall objectives of this review could be summarised as following:

- To provide a bus service to Matamata;
- To increase the peak period capacity of services between Morrinsville and Hamilton;
- To examine opportunities to take advantage of cost sharing opportunities to amalgamate University and MoE services;
- To provide additional daytime services; and
- To increase amenity of the services and the range of destinations serviced within Hamilton.

Options for consideration include:

1. Rerouting the Hamilton assist trip to create a service which connects to the University of Waikato and potentially also the Hospital to create greater amenity for non – school bus users;

Council share of cost - \$7,326

2. Use of a larger vehicle (i.e. a double decker) with a higher seated capacity on Morrinsville to Hamilton trips to alleviate peak period crowding;
Council share of cost - \$0
3. Weekday off peak trips between Morrinsville and Te Aroha; and
Council share of cost - \$15,656
4. Introducing a new service from Matamata to Hamilton to improve coverage of the district;
Council share of cost - \$41,953* or \$46,085

*Council share could be split with Waipa DC if the service were to route via Cambridge so the cost could reduce.

The following table shows the options alignment to the objectives above.

	Option			
	1	2	3	4
To provide a bus service to Matamata				✓
To increase the peak period capacity of services between Morrinsville and Hamilton	✓	✓		
To examine opportunities to take advantage of cost sharing opportunities to amalgamate University and MoE services				✓
To provide additional daytime services			✓	
To increase amenity of the services, and the range of destinations served within Hamilton		✓		

Currently Council's Public Transport expenses are \$ 35,930 per annum.

It is requested council review the options and determine whether it wishes to agree to any of the enhancements proposed.

COUNCIL RESOLUTION

That:

1. Council receives the report.
2. Council provides up to \$70,000 additional funds from the 2019/20 budget to support bus services from Matamata to Morrinsville and Te Aroha to Morrinsville.

Moved by: Cr N C Goodger

Seconded by: Cr T M Cornes

CARRIED

Item 10.6 and Item 10.7 taken out of order before item 10.5.

10.5 Waikato Plan Presentation

Executive Summary

At the previous Council meeting on 14 November 2018, it was reported that following the recent review of the Waikato Plan some changes are occurring to the Waikato Plan project.

Staff provided an update on these changes with the main change being that the existing Waikato Plan Leadership Group Joint Committee be disestablished to make way for the new Waikato Plan Leadership Committee of the Waikato Regional Council.

Council did not agree to the disestablishment and requested more information and that Toby Adams and Waikato Regional Council be invited to a Council meeting. Accordingly, Vaughan Payne (Waikato Regional Council Chief Executive), Jo Bromley (Waikato Plan Transition Manager, of Waikato Regional Council) and Toby Adams (Hauraki District Deputy Mayor & Waikato Plan Representative) in attendance at 10.50am to discuss the issues.

COUNCIL RESOLUTION

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.
5. Waikato Regional Council be requested to confirm no change to the Terms of Reference can be made without consultation with the Territorial Authorities.

Moved by: Cr N C Goodger

Seconded by: Cr J A F Thomas

CARRIED

Cr AB Tanner, Cr KR Tappin, Cr BL Hunter and Cr P Cronin voted against the motion for Item 10.5.

With reference to Standing Order 9.5 - The variation from the officer recommendation in the agenda to the chairperson recommendation (resolution) above was made at this meeting as the attendance of external people (detailed above) clarified issues relating to the Waikato Plan.

Item 10.6 and Item 10.7 were taken out of order before item 10.5.

**10.6 Amendments to Wastewater Bylaw and Land Transport Bylaw
Executive Summary**

Attached to the agenda report is the proposed bylaw amendments and statements of proposal for the Wastewater Bylaw and the Land Transport Bylaw for Council to approve to be ready for consultation alongside a number of other documents on 20 March 2019.

The Wastewater Bylaw and Land Transport Bylaw were workshopped on 26 September 2018 and Council indicated it wished to proceed with the amendments outlined below.

The Wastewater Bylaw requires an amendment regarding restricted activities to bring it in line with the Stormwater Management Bylaw 2009 and Water Supply Bylaw 2008 which already have the amendment in place.

The Land Transport Bylaw requires the addition of shared pathway provisions and the bridges requiring new weight restrictions added to Schedule 15. The addition of shared pathways will allow Council to place shared pathways throughout the district for new projects and specifically at the moment it will allow for the Hauraki Rail Trail extension to be made and become operational. The bridge weight restrictions are required by the New Zealand Transport Agency (NZTA) and because the process of public notification and signage changes having already been completed and an update to the bylaw is required to match these changes.

COUNCIL RESOLUTION

That:

- 1. The information be received.**
- 2. Council approves the amendments to the Wastewater Bylaw 2008 and the Statement of Proposal for public consultation using the special consultative procedure in accordance with section 156 and 82 of the Local Government Act 2002.**
- 3. Council approves the amendments to the Land Transport Bylaw 2008 and the Statement of Proposal and for public consultation using the special consultative procedure in accordance with section 156 and 82 of the Local Government Act 2002.**
- 4. Council determines that in accordance with section 155(1) of the Local Government Act 2002, bylaws are the most appropriate way and form of addressing the perceived problems and does not give rise to any implications under the New Zealand Bills of Rights Act.**

**Moved by: Cr P Cronin
Seconded by: Cr K R Tappin**

CARRIED

Item 10.6 and Item 10.7 were taken out of order before item 10.5

10.7 Fires in the Open Air and Public Safety Bylaws

Executive Summary

The purpose of this report is to revoke the Matamata-Piako District Council (Council) Fires in the Open Air Bylaw 2014 (Fire Bylaw) and incorporate the clause surrounding the ability to extinguish fires causing a nuisance into Council's existing Public Safety Bylaw 2014 to ensure Council's enforcement abilities are maintained.

Changes in legislation including the enactment of the Fire and Emergency New Zealand Act 2017 (FENZ Act) and the Fire and Emergency (Fire Permits) Regulations 2017 means Councils no longer have the legislative mandate for fire prevention bylaws. The legislation established Fire and Emergency New Zealand (FENZ) as the organisation that will bring together urban and rural fire services. The Act also requires Council to amend its current bylaw to reflect the new legal framework.

This report illustrates that the majority of the Fire Bylaw is no longer necessary because the clauses are covered by existing central, regional and local government legislation. The clause surrounding the ability to extinguish fires causing a nuisance is the only identified clause still required and it is proposed to incorporate this clause into the existing Public Safety Bylaw.

COUNCIL RESOLUTION

That:

- 1. The information be received.**
- 2. In accordance with section 152B(1) of the Local Government Act 2002 Council decides, after consultation with Fire and Emergency New Zealand, to revoke the Fires in the Open Air Bylaw 2014 as of 10 July 2019.**
- 3. Council publicly notify the decision to revoke the Fires in the Open Air Bylaw 2014 with no community consultation occurring as of 10 July 2019. Note this date is proposed to coincide with the addition of the ability to extinguish fires causing a nuisance clause within the Public Safety Bylaw 2014, subject to community consultation.**
- 4. Council approves the Statement of Proposal and the amendments to the Public Safety Bylaw 2014 for public consultation using the special consultative procedure in accordance with section 156 and 82 of the Local Government Act 2002.**
- 5. Council determines that in accordance with section 155(1) of the Local Government Act 2002, a bylaw is the most appropriate way and form of addressing the perceived problems and that it does not give rise to any implications under the New Zealand Bills of Rights Act.**

Moved by: Cr B L Hunter

Seconded by: Cr D C Arnold

CARRIED

The meeting adjourned for morning tea at 10.30am and reconvened at 10.50am.

10.8 Annual Report 2018/19 Timeline

Executive Summary

The Annual Report is our key way of informing the community of how we performed in relation to either the Annual Plan or Long Term Plan prepared the previous year. The Annual Report is a yearly account produced by October 31 for the preceding financial year (from 1 July to 30 June). It highlights key achievements as well as information about budgets and other financial and non-financial performance targets. The Annual Report must be audited to ensure that the information all councils provide is accurate and consistently presented across the country.

We also produce a six-month report (1 July to 31 December), which provides a snapshot of our progress at the half year mark.

The agenda report sets out the purpose and requirements for an Annual Report and the key dates for the 2018/19 Annual Report project.

COUNCIL RESOLUTION

That:

1. The report be received
2. The key dates for the Annual Report project be noted.

Moved by: Cr J P Sainsbury

Seconded by: Cr D C Arnold

CARRIED

10.9 Council Issues Over The Christmas Period

Executive Summary

Council to confirm the process required regarding urgent decisions that may need to be made during the holiday period.

COUNCIL RESOLUTION

That:

1. Any urgent issues arising during the holiday period be emailed to all Councillors with delegation to the Mayor to act on receipt of support from a majority of Councillors.

Moved by: Cr J A F Thomas

Seconded by: Cr K R Tappin

CARRIED

10.10 Mayoral Diary for November 2018

The Mayoral Diary for the period 1 November to 30 November report as attached to the agenda.

COUNCIL RESOLUTION

That the report be received.

Moved by: Mayor J E Barnes

Seconded by: Cr AB Tanner

CARRIED

11 Urgent Additional Business

There were no urgent additional business.

12 Procedural motion to exclude the public

COUNCIL RESOLUTION

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

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

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

C1 Lipsey Street, Te Aroha

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

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

Moved by: Cr AB Tanner
Seconded by: Cr T M Cornes

CARRIED

11.47am The public were excluded.

Resolutions in relation to the confidential items are recorded in the confidential section of these minutes and are not public available.

12.03pm

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

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

DATE: 30 January 2019

CHAIRPERSON:.....

Janet E. Barnes, JP