

Council

Open Minutes



Minutes of a meeting of Matamata-Piako District Council held in the Council Chambers, 35 Kenrick Street, TE AROHA on Wednesday 13 June 2018 at 9:00am.



Present

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

Apologies

Councillors	Teena Cornes
	Ash Tanner

Also Present

		Item No.
Don McLeod	Chief Executive Officer	
Vicky Oosthoek	Committee Secretary	
Sandra Harris	Acting Strategic Policy Manager	Item 10.1
Niall Baker	Acting Senior Policy Planner	Item 10.1
Mark Hamilton	Environmental Policy Planner	Item 10.2
Ally van Kuijk	District Planner	Item 10.2
Dennis Bellamy	Group Manager Community Development	Item 10.2
Mark Naude	Parks and Facilities Planner	Item 10.3
Susanne Kampshof	Asset Manager Strategy and Policy	Item 10.3

In Attendance

	Time In	Time Out
Chris Rutherford, XYST Ltd	10.05	10.25
Lou Beer, Sport Waikato	10.40	10.55

1 Meeting Opening

Cr James Thomas, Chairperson opened the meeting at 9.15am.

2 Apologies

That the apology from Cr Teena Cornes and Cr Ash Tanner be accepted and leave of absence from the meeting be granted.

That the apology for early leave from meeting for Mayor Jan Barnes be accepted.

Moved by: Cr A Wilcock

Seconded by: Cr D Arnold

CARRIED

3 Leave of absence

Leave of absence granted through apologies to Cr Teena Cornes, Cr Ash Tanner.

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, 16 May 2018, be confirmed as a true and correct record of the meeting.

Moved by: Cr J A F Thomas

Seconded by: Cr P Cronin

CARRIED

7 Matters Arising

There were no matters arising.

8 Announcements

There were no announcements.

9 Notices of Motion

There were no notices of motion.

DECISION MAKING

10 Executive

Item 11.3 was taken out of order and considered before Item 10.1.

10.1 Representation Review - Initial Proposal

Executive Summary

Purpose

The purpose of this report is for Matamata-Piako District Council (Council) to resolve an initial proposal for its review of representation arrangements (number of Councillors, wards, etc.) that will apply for the 2019 and 2022 triennial elections.

This report provides a background to the current electoral structure of the Matamata-Piako District, details relevant legislative obligations and canvasses options for the consideration of Council with a view of publicly notifying an initial proposal.

Overview

Local authorities are required to carry out a representation review at least every six years.

Council last conducted a representation review in 2012 (for the 2013 and 2016 triennial elections) and is required to carry out a representation review in 2018.

The requirements relating to representation reviews are specified in sections 19A to 19Y of the Local Electoral Act 2001 (LEA).

In reviewing representation arrangements, Councils are required to provide for effective representation of communities of interest and fair representation of electors.

There are three key factors to consider:

- communities of interest
- effective representation of communities of interest
- fair representation of electors.

A representation arrangements initial proposal must be made no earlier than 1 March 2018 and no later than 31 August 2018. Public notification of the resolution is required to be made and the public invited to make submissions.

If no submissions are received, the initial proposal becomes final proposal. In circumstances where submissions are received, Council considers these and may amend its initial proposal accordingly.

The final proposal is then publicly notified, and if no appeals or objections are received, it becomes the basis of election.

Any appeals or objections received are forwarded to the Local Government Commission (LGC) for determination. A determination of the LGC is not able to be challenged, except on a point of law (to the High Court).

If Council's final proposal is non-compliant with the fair representation criterion (known as the +/- 10% rule), then this is treated as an appeal and referred to the LGC for determination, irrespective of whether there are any other appeals or objections.

Representation structure

Council must determine how its representation structure is to be arranged for the next triennial local authority elections in 2019 and 2022. Council is required to determine by resolution an initial proposal after consideration of:

- whether Councillors (other than the mayor) are to be elected by electors of the district as a whole ('at large') or by electors of two or more wards, or in some

- cases by a combination of the electors of the district as a whole ('at large') and by electors of wards
- the proposed number of Councillors to be elected ('at large', by ward, or a combination of both)
 - the proposed name and boundaries for each ward (if applicable).

In addition, communities and Community Boards are required to be considered as part of the review process. If applicable, Council must determine the number of elected and appointed members of a Community Board.

Representation options

Current representation arrangements are the mayor (elected at large), 11 Councillors (elected from three wards) and no Community Boards.

Under the LEA, after identifying communities of interest, Council is required to consider effective representation of these communities of interest and fair representation of electors. Under the fair representation of electors, Council is to ensure the ward populations do not vary by more than +/- 10% in terms of the population per Councillor. There is however some legislative leeway with this requirement if compliance divides a community of interest between wards or unites two or more communities of interest with few commonalities of interest.

Currently one of the three wards (Te Aroha Ward) does not comply with the +/- 10% rule.

Council has held a number of workshops over the last few months to discuss and consider the relevant issues when undertaking a review and initially considered a range of possible options for representation, some of which did not comply with the +/-10% rule. From the various options discussed, Council identified three reasonably practicable options to be explored further, these being:

- Option1: Decreasing to 8 ward Councillors, 3 in Matamata, 3 in Morrinsville, 2 in Te Aroha (no change in ward boundaries)
- Option 2: Increasing to 13 ward Councillors, 5 in Matamata, 5 in Morrinsville, 3 in Te Aroha (no change in ward boundaries)
- Option 3: 8 ward Councillors, 3 in Matamata, 3 in Morrinsville, 2 in Te Aroha plus some (number to be determined) Councillors elected 'at large' (no changes in ward boundaries)

Council now needs to give consideration to the issues and confirm its initial proposal. If the initial proposal is a change from the existing representation structure, reasons must be provided.

Next steps - timeframes

The proposed timeframe for the process is as follows:

- Council to determine its initial proposal – 13 June Council meeting
- Public notice of initial proposal – 20 June
- Submission period - 20 June – 20 July
- Hearing/deliberations - 15 August
- Council to determine its final proposal – 15 August (or 22 August)
- Public notice of final proposal – 29 August
- Appeal/objection period – 29 August – 30 September
- If no appeals or objections are received and the arrangements comply with the +/- 10% rule, then Council's proposal becomes final - October
- If appeals or objections are received and/or Council's proposal does not comply with the +/- 10% rule the LGC makes a determination - by 10 April 2019

COUNCIL RESOLUTION

That:

1. The information be received.
2. Pursuant to section 19H of the Local Electoral Act 2001, Council agrees to adopt as its initial proposal for the review of representation arrangements for the 2019 and 2022 triennial elections, the following:
 - a) Matamata-Piako District Council comprising the area delineated by SO 58040 deposited with Land Information New Zealand to comprise 11 Councillors elected under the ward system, plus the mayor elected by the electors of the District as a whole.
 - b) Matamata-Piako District Council be divided into three wards, these being:
 - (i) Matamata Ward being the existing ward comprising the area delineated by SO Plan 58041 deposited with Land Information New Zealand
 - (ii) Morrinsville Ward being the existing ward comprising the area delineated by SO Plan 58043 deposited with Land Information New Zealand
 - (iii) Te Aroha Ward being the existing ward comprising the area delineated by SO Plan 58042 deposited with Land Information New Zealand
 - c) Councillors are to be elected as follows:
 - (i) Four (4) councillors elected by the electors of Matamata Ward
 - (ii) Four (4) councillors elected by the electors of Morrinsville Ward
 - (iii) Three (3) councillors elected by the electors of Te Aroha Ward
 - d) The different communities of interest identified as part of the 2012 representation review were, in summary, our three main towns, small rural townships, rural, and Maori. Council confirms these remain the same as the current three wards reflect the district's communities of interest.
3. Pursuant to section 19J of the Local Electoral Act 2001 Council determines in light of the principle of fair and effective representation under section 4(1)(a):
 - a) No Community Boards be established

4. Reasons for maintaining the status quo:

- a) Council determines that we should maintain the wards as described above and distribute membership in a way that does not comply with the +/-10% rule because compliance would require the Te Aroha Ward to be expanded into the Morrinsville and/or Matamata Wards to increase the Te Aroha Ward population. This would limit effective representation of communities of interest by dividing a community of interest within the Morrinsville and/or Matamata Wards.**
- b) Council determines that we should maintain the wards as described above and distribute membership in a way that does not comply with the +/-10% rule because compliance would limit effective representation of communities of interest by uniting within a ward two or more communities of interest with few commonalities of interest. A section of the Morrinsville and/or Matamata Wards would be united within the Te Aroha Ward with few commonalities of interest with the Te Aroha Ward.**
- c) To comply with the +/-10% rule this would go against 84% of respondents to preliminary informal consultation undertaken who believe the ward they live in best reflects their community of interest and 80% of respondents to preliminary informal consultation undertaken who think the current representation system fairly reflects their community.**
- d) Council determines that maintaining the status quo (11 Councillors) provides for effective representation to the Matamata-Piako District residents, the alternative options and combinations that would be needed to comply with the +/- 10% rule we believe would not create fair and effective representation as our community have told us they believe what we have is currently working well.**
- e) The Te Aroha Ward falls outside of the allowable range of Councillors per person by 297 people which is considered to be a small non-compliance with the +/-10% rule. Council believes this is a small deviation.**
- f) The current approach to representation has been in place for many years and is familiar to the community.**
- g) Council does not have Community Boards, which many other Councils have. Retaining the status quo would mean we do not need another layer of elected representation from Community Boards. The Mayor and the Councillors can provide fair and effective representation under the current structure.**

5. The Communications Plan attached to the report be approved.

6. Council acknowledges that maintaining the status quo results in non-compliance with the fair representation (+/- 10% rule), and if the initial proposal is confirmed by Council as its final proposal, the proposal must be treated as an appeal under section 19V(5) of the Local Electoral Act 2001 and referred to the Local Government Commission following the appeal/objection period. The Local Government Commission will then determine the outcome for Matamata-Piako District Council for the 2019 and 2022 elections.
7. The initial proposal be notified for formal public consultation, including inviting submissions in the period 20 June to 20 July 2018.

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

CARRIED

Mayor Jan Barnes left the meeting 9.45am

10.2 Plan Change 47: Plan your Town - Kuranui Road. Request to make plan change part-operative

Executive Summary

A Council resolution is sought for a decision to make operative on 29 June 2018 the portion of Plan Change 47 that rezones part of Kuranui Road, Morrinsville.

COUNCIL RESOLUTION

That:

- 1. Pursuant to Clause 17 of Schedule 1 of the Resource Management Act 1991, Plan Change 47 is approved in part, sealed with the seal of Council, and signed by the Mayor and Chief Executive Officer; and**
- 2. Pursuant to Clause 20 of Schedule 1 of the Resource Management Act 1991, Plan Change 47 become operative in part on 29 June 2018.**

Moved by: Cr B L Hunter

Seconded by: Cr J P Sainsbury

CARRIED

Cr Neil Goodger declared a Conflict of Interest and took no part in the discussion or voting on this report.

10.3 Community Facilities and Properties Bulk Fund Update

Executive Summary

The 2017-18 Community Facilities and Properties Bulk Fund provides \$175,000 for allocation towards projects across the Community Facilities and Properties activity groups. A portion of the funds are annually committed to specific projects leaving a balance of \$128,738 to expend in 2017-18 year. In October 2017 Council reviewed a number of potential project options, identified priorities and allocated funding to projects for the current year.

This report provides an update on the progress of the projects approved in October 2017.

COUNCIL RESOLUTION

That:

1. The report be received.
2. The Wisely Park footpath and access be funded from Bulk Funds.
3. Council resolves to carry forward any unspent Bulk Funds to the next Financial Year.
4. Fund Ashes Wall from bulk funds.

Moved by: Cr P Cronin

Seconded by: Cr A J Wilcock

CARRIED

10.4 Request for Special Assessment for Development Contributions for the Matamata Catholic Church

Executive Summary

Development contributions are a charge imposed on a developer by a council to recover some of the capital costs incurred by a council when providing infrastructure services for the development. This report seeks a decision from Council whether it wishes to enter into a special assessment process with the applicant, Catholic Diocese of Hamilton (Matamata Catholic Church) to waive or reduce the amount of Development Contributions payable on the subdivision of an additional Residential Dwelling.

Under the 2015-25 policy Council can make the decision as to whether a special assessment be undertaken for specific developments or whether the DC be upheld and the applicant can proceed with a reconsideration and/or objection process.

The applicant requests that the Water and Wastewater Development Contributions be waived. They also request to waive the Roding Development Contributions.

This proposal does not align with Council's previous decisions and its policy which is based on the demand placed on its services.

COUNCIL RESOLUTION

That:

- 1. Council receive the report.**
- 2. Council determine not to enter into a special assessment with the Matamata Catholic Church to waive the Development Contributions for Water, Wastewater and Roding for the proposal to subdivide an existing parcel at its location on Hohaia Street in Matamata.**

Moved by: Cr N C Goodger

Seconded by: Cr D C Arnold

CARRIED

Cr Kevin Tappin abstained from voting on this item.

INFORMATION ONLY

11 Executive

11.1 Sport Waikato - 6 Month Report presentation

Executive Summary

Lou Beer from Sport Waikato in attendance presenting Sport Waikato Report December 2017 to May 2018 and Coaching Services 2018-2020.

COUNCIL RESOLUTION

That:

- 1. The information be received.**

Moved by: Cr D C Arnold
Seconded by: Cr A J Wilcock

CARRIED

11.2 Documents Executed Under Seal - April and May 2018

Executive Summary

The schedule of documents executed under Council Seal is attached.

COUNCIL RESOLUTION

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

Moved by: Cr J P Sainsbury

Seconded by: Cr A J Wilcock

CARRIED

11.3 Mayoral diary for May 2018

The Mayoral Diary for the period 1 May to 31 May 2018 is attached.

COUNCIL RESOLUTION

That the report be received.

Moved by: Mayor J E Barnes

Seconded by: Cr D C Arnold

CARRIED

Item 11.3 was taken out of order and considered before Item 10.1.

12 Urgent Additional Business

There was no urgent additional business.

11.04am

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: **27 June 2018**

CHAIRPERSON:.....

Cr James Thomas, JP