

# Council

## Open Minutes



Minutes of a meeting of Matamata-Piako District Council held in the Council Chambers, 35 Kenrick Street, TE AROHA on Wednesday 15 August 2018 at 9:00AM.

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### Present

#### 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

### Apologies

Peter Jager

### Also Present

Don McLeod  
Meghan Lancaster  
Sandra Harris  
Niall Baker  
Rexine Hawes

Chief Executive Officer  
Committee Secretary  
Acting Strategic Policy Manager  
Acting Senior Policy Planner  
Communication Officer

#### Item No.

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## In Attendance

	<b>Time In</b>	<b>Time Out</b>
Denise Bell	8:47am	11:55am
Eli Hill - Press	8:47am	10:25am
Angela Thompson	8:41am	9:17am
Jade Lynn	8:58am	9:29am
Te Ahueri Dixon – Morrinsville college student	8:58am	9:29am
Te Amorangi - Morrinsville college student	8:58am	9:29am
Kelly Johns – 24/7 worker at Morrinsville College	8:58am	9:29am
Indiana Hornsey - Student	8:58am	9:29am
Mike Gribble	9:28am	9:36am
Claire Ashton	9:05am	11:38am
Bruce Morgan	9:51am	10:25am
Noel Harvey Webb	9:45am	11:40am
Brian Arnott – Matamata Grey Power (via Conference call)	9:54am	9:59am
Bryan Turner	10:15am	10:25am
Mapuna Turner	10:35am	11:23am
Wolfgang Faber	10:39am	11:37am
Gisela Ludtke-Faber	10:39am	11:37am
Andrew McGiven – Federated Farmers	11:08am	11:37am

**1 Meeting Opening**

Mayor Janet E. Barnes welcomed everyone and declared the meeting open at 9:03am

**2 Apologies  
Apology**

That the apology from Councillor Peter Jager be accepted and leave of absence from the meeting be granted.

**Moved by: Cr A B Tanner**  
**Seconded by: Cr P Cronin**

**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.

Councillors took no part in discussion on submissions made by their family members.

**6 Confirmation of minutes**

**COUNCIL RESOLUTION**

That the minutes of the meeting of the Ordinary Meeting of Matamata-Piako District Council held on Wednesday, 8 August 2018, be confirmed as a true and correct record of the meeting.

**Moved by: Cr D C Arnold**  
**Seconded by: Cr T M Cornes**

**CARRIED**

**7 Matters Arising**

**8 Announcements**

There were no announcements.

**9 Notices of Motion**

There were no notices of motion.

## 10.1 Representation Review Hearing

### Executive Summary

Matamata-Piako District Council (Council) is undertaking a representation arrangements review under the Local Electoral Act 2001 (the Act).

Council determined its Initial Proposal on 13 June 2018 and publicly notified its proposal on 20 June 2018. Submissions closed at 5pm on 20 July 2018.

The proposal was to maintain the status quo for representation arrangements. A copy of the Council resolution and public notice is attached to this report.

The submissions received, and Facebook comments are circulated separately to this report.

Included within the submissions document is an overview of the submissions received with a breakdown of the location of submissions, the method they were received (hardcopy, website etc.) and the age category of respondents.

195 submissions (including one late submission) were received with 160 submissions or 82% of these in support of the Council's Initial Proposal. A large portion of the submissions received in support provided no additional comments with their submission so it is difficult to understand the basis for the support shown, other than as an indication that the existing representation arrangements reflect community views and the district's community of interest.

Of the 34 submissions or 17% that were not in support of Council's initial proposal and provided written comments 11 specifically sought that Community Boards be re-established, an additional two submissions also requested Community Boards be re-established amongst other various requests, bringing the total to 13 submissions. (Note there were also three submissions which supported to Initial Proposal but also requested Community Board/s be re-established). Other comments made in submissions that did not support the proposal included seeking changes to the number of Councillors representing each Ward, establishment of a Maori Ward or moving to an 'at large' structure (i.e. no wards) and other various reasons detailed in the submissions document.

Council now needs to consider the submissions received to its Initial Proposal and hear those submitters who have asked to present to Council. A hearing schedule has been included within the Submissions and Facebook comments document. Some submitters requested to be heard in their submissions but have since withdrawn or have not been contactable at the time of writing. Any changes to the hearing schedule will be tabled at the meeting.

Following consideration of the submissions Council needs to resolve a Final Proposal, this will then be publicly notified from 29 August to 30 September. During this:

- an appeal may be made by a submitter on the Initial Proposal about matters related to their original submission (s19O)
- an objection may be lodged by any person or organisation if the Council's Final Proposal differs from its Initial Proposal (s19P). The objection must identify the matters to which the objection relates.

If an appeal or objection is made or if the Final Proposal does not comply with the '+/-10% rule' (s19V) Council must refer their Final Proposal to the Local Government Commission (LGC). The LGC then consider the appeals, objections, and/or other information, determine the representation arrangements for the local authority (section 19R) before 11 April 2019. In making its determination, the LGC is able to make any enquiries that it considers appropriate, and may choose to hold meetings with the parties. Staff will report back to Council, in due course, with an update on any appeals and/or objections received and to discuss the next steps in the process.

#### **COUNCIL RESOLUTION**

**That:**

- 1. The information be received.**
- 2. Council resolve to accept the late submission as detailed in the attachment as well as any tabled on the day.**

**Moved by: Cr J A F Thomas**

**Seconded by: Cr A J Wilcock**

**CARRIED**

The meeting adjourned for Morning tea at 10:25am and reconvened at 10:52am

#### **COUNCIL RESOLUTION**

- 3. Council has heard all submitters who wished to be heard.**
- 4. All submissions have been considered, with decisions made and recorded in relation to each submission where necessary.**

**Moved by: Cr T M Cornes**

**Seconded by: Cr J A F Thomas**

**CARRIED**

#### **COUNCIL RESOLUTION**

- 5. Pursuant to section 19N (1)(a) of the Local Electoral Act 2001 and as a result of its consideration of submissions on its Initial Proposal as determined on 13 June 2018, Council confirms its Initial Proposal with no amendments as its Final Proposal. Council acknowledges that confirming its Initial Proposal, as its Final Proposal, with no amendments results in non-compliance with the fair representation (+/- 10% rule), which means it 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.**
- 6. Council declines to uphold the submissions in opposition and makes the decision on the Final Proposal for the following reasons:**
  - a) Council declines the request to change the existing ward structure and current boundaries for the reasons that:**
    - i. the current ward structure and boundaries effectively represents the district's communities of interest, supported by our preliminary survey and the majority of submissions received; and**

- ii. the population criteria required for representation purposes cannot be met by some of the suggested structures.
- b) Council declines the request to reduce the number of Councillors (across the district, or in one or more Wards). To reduce the number of Councillors and still comply with the fair representation rule in the Local Electoral Act 2001 (+/- 10% rule) is to elect 3 Councillors from the Matamata Ward, 3 Councillors from the Morrinsville Ward and 2 Councillors from the Te Aroha Ward, being a total of 8 elected Councillors. Council declines the request for the reasons that:
- i) There may be a risk that the community will see 8 Councillors as being too small as a governance representative body.
  - ii) There may be a reduction in the lines of communication between Council and the community as there would be less elected members than current and may decrease the ability for people to contact the Councillors.
  - iii) May provide for a smaller range of skill-sets expertise, experience, opinions and limit the likelihood of diversity of opinion and less understanding of the issues confronting the local community.
  - iv) May increase the workload for Councillors – a higher workload falls on fewer Councillors.
  - v) The meeting quorum would be 4 excluding the Mayor – which could be viewed as a relatively small number and if a Councillor is absent for any reason the ward representation could be compromised. Under the Local Government Act 2002 (clause 23, schedule 7) a quorum at a Council meeting consists of half of the members if the number of members (including vacancies) is even; or a majority of members if the number of members (including vacancies) is odd.
- c) Council declines the request to increase the number of Councillors (across the district, or in one or more Wards). To increase the number of Councillors, maintain a practicable number of Councillors, with the existing ward structure and still comply with the fair representation rule in the Local Electoral Act 2001 (+/- 10% rule) is to elect 5 Councillors from the Matamata Ward, 4 or 5 Councillors from the Morrinsville Ward and 3 Councillors from the Te Aroha Ward, being a total of 12 or 13 elected Councillors. Council declines the request for the reasons that:
- i) Some Council elections have not been contested (for example in 2016) which highlights a risk that insufficient candidates may stand to provide for an election – or trigger the need for a by-election at a cost to Council.
  - ii) There may be a risk that the community will see 12 or 13 Councillors as being too large and a larger size may not be in line with the district's population when compared to Councils of a similar population size.
  - iii) There will be increased costs of additional elected member's e.g. training, travel, printing and election costs.
  - iv) Elected member remuneration will decrease (in view of the recent decision by the Remuneration Authority to pay elected members from a governance pool that is unchanged irrespective of the number of Councillors) and this may affect candidates who wish to stand for Council who may need to take into account the impact on their current employment/lifestyles etc.
  - v) Increasing the number of Councillors, particularly in the Matamata

- and/or Morrinsville Wards could create an unequal environment of representation across the wards.
- vi) The projected population of the district and the population changes across the wards can be considered at the time of the next representation review.
- d) Council declines the request to establish a Community Board/s for the reasons that:
- i. 11 Councillors provide sufficient and effective representation of the Matamata-Piako District.
  - ii. While making decisions collectively as a District Council, Council's ward Councillors are elected by and effectively represent their ward communities by acting as advocates for ward interests in Council's decision-making.
  - iii. Council's 11 Councillors and Mayor are accessible to the community and are frequently approached directly by members of the public and interest groups in respect of local matters.
  - iv. There was previously some duplication of roles and representation given that the communities covered the same geographic area as Council's wards prior to the disestablishment of the Community Boards in 2013.
  - v. Extensive delegation of functions to Community Boards is not necessary as these functions lie more appropriately with Council and/or ward Councillors;
  - vi. Ward Councillors are currently undertaking the functions that were previously undertaken by Community Boards such as the allocation of Community Grants on a ward basis;
  - vii. The district is geographically compact and therefore there is no need for Community Boards to provide representation for isolated communities of interest that would not otherwise be adequately represented by Council's wards.
- e) Council declines the request to establish a Maori Ward/s for the reasons that:
- i. Council has previously given consideration to the establishment of a Maori Ward. At its meeting on 8 November 2017 Council decided not to establish a Maori Ward for the 2019 elections in view of:
    - the pending treaty settlements
    - the current review of Te Manawhenua Forum Heads of Agreement
    - development of Iwi participation agreements which are underway.
    - Council re-confirms its resolution of 8 November 2017 as a reason for rejecting submissions seeking elected Maori representation.
  - ii. Council is able to consider this issue next by 23 November 2020 for the 2022 triennial elections.
  - iii. 5% of electors have the opportunity to demand a poll be held on the introduction of a Maori Ward at any time.
- f) Council re-confirms the reasons for maintaining the status quo are:
- i. Council determines that we should maintain the wards as previously described 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.
- ii. Council determines that we should maintain the wards as previously described 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.
  - iii. 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. It would also go against the clear majority (82%) of formal submissions received during the formal consultation period.
  - iv. 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.
  - v. 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
  - vi. The current approach to representation has been in place for many years and is familiar to the community.
  - vii. 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.
7. Council staff inform each submitter of the decisions made.
8. The period for appeals and/or objections be notified in the period 29 August to 30 September 2018.

Moved by: Cr T M Cornes  
Seconded by: Cr J A F Thomas

**CARRIED**

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**INFORMATION ONLY**

**11 Urgent Additional Business**

12:51 pm

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 15 August  
2018

**DATE:**.....

**CHAIRPERSON:**.....  
Mayor Janet E. Barnes