

HAURAKI DISTRICT COUNCIL MEETING

MINUTES OF A MEETING OF THE HAURAKI DISTRICT COUNCIL HELD IN THE COUNCIL CHAMBERS, WILLIAM STREET, PAEROA ON WEDNESDAY 29 AUGUST 2018 COMMENCING AT 9.00 AM

PRESENT

J P Tregidga (His Worship the Mayor), Cr D A Adams (Deputy Mayor), Cr P D Buckthought, Cr C Daley, Cr R Harris, Cr G R Leonard, Cr M McLean, Cr P A Milner, Cr A Rattray, Cr D Smeaton, Cr A M Spicer, Cr D H Swales and Cr J H Thorp

IN ATTENDANCE

Messrs L D Cavers (Chief Executive), A de Laborde (Group Manager - Engineering Services), D Peddie (Group Manager - Corporate Services), P Thom (Group Manager - Planning & Environmental Services), S B Fabish (Group Manager - Community Services), M Buttimore (Strategic Planning Projects Manager), Ms C Mischewski (Policy Analyst), Mrs S Holmes (Strategic Planner), Ms K Quinn (Senior Strategic Planner), L de Haast (Transportation Manager), E J Wentzel (Water Services Manager), S de Laborde (Manager, Planning and Infrastructure Systems) and Ms D Bezuidenhout (Council Secretary)

APOLOGIES

There were no apologies.

LATE ITEMS

There were no late items.

DECLARATIONS OF INTERESTS

There were no declarations.

CONFIRMATION OF COUNCIL MINUTES – 25.07.18 (2412811)

The Mayor presented the minutes.

RESOLVED

THAT the minutes of the meeting of the Hauraki District Council held on Wednesday, 25 July 2018 are confirmed and are a true and correct record.

C18/390

Spicer Buckthought

CARRIED

RECEIPT AND ADOPTION AUDIT AND RISK COMMITTEE MINUTES – 7.08.18 (2429561)

The Mayor presented the minutes.

RESOLVED

THAT the minutes of the meeting of the Audit & Risk Committee held on Tuesday 7 August 2018 are received and the recommendations contained therein be adopted.

C18/391

Smeaton/Milner

CARRIED

CONFIRMATION OF EXTRAORDINARY MEETING MINUTES – 15.08.18
2018 REPRESENTATION REVIEW (2438679)

The Mayor presented the minutes.

RESOLVED

THAT the minutes of the Extraordinary meeting of the Hauraki District Council held on Wednesday 15 August 2018 are confirmed and are a true and correct record.

C18/392

Harris/Thorp

CARRIED

2018 REPRESENTATION REVIEW FINAL PROPOSAL (2441320)

The Local Electoral Act 2001 (LEA) requires Council to complete a representation arrangements review (review of membership, wards, boundaries etc.) in 2018, effective for the 2019 and 2022 triennial elections. The Group Manager Community Services presented a final proposal on the 2018 Representation Review.

RESOLVED

THAT the report be received.

C18/393

Spicer/Harris

CARRIED

Cr Milner moved:

THAT pursuant to section 19N of the Local Electoral Act 2001, and following consideration of the submissions received to its 2018 review of representation arrangements, Council amends its initial proposal to the following final proposal for the 2019 and 2022 Hauraki District Council triennial elections:

Hauraki District Council comprises 12 councillors elected under the ward system, plus the mayor elected at large.

Hauraki District Council be divided into three wards, these being:

I. **Plains Ward** (four councillors) being the existing ward comprising the area delineated on LGC-012-2013-W-2 deposited with the Local Government Commission, the boundaries of which are shown on Attachment 1;

Paeroa Ward (four councillors) being the existing ward comprising the area delineated on SO Plan 57980 deposited with Land Information New Zealand, the boundaries of which are shown on Attachment 1;

Waihi Ward (four councillors), being the existing ward comprising the area delineated on SO Plan 57979 deposited with Land Information New Zealand, the boundaries of which are shown on Attachment 1;

II. No community boards be established;

III. The reasons the total number of councillors is proposed to remain at 12 are:

- a. 12 councillors better reflect unique ward issues and consequential workload;
- b. 12 councillors may provide greater diversity;
- c. 4 councillors per ward provides better local representation (with no community boards);
- d. the majority of submissions supported a greater number of councillors;

- IV. as the Waihi Ward is non-compliant with the fair representation requirement (+/- 10% rule), the final 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, for determination;
- V. the final proposal be publicly notified on 12 September 2018 providing the opportunity for appeals and/or objections to be lodged in the period 12 September to 12 October 2018, noting that any appeal or objection received must be forwarded to the Local Government Commission for determination;
- VI. the wording of the reasons for the Council's decision, and its acceptance or rejection of submissions received on the Council's initial proposal, be approved by the Group Manager – Community Services and Development.

Milner/Smeaton

Councillor McLean proposed an amendment to the motion:

THAT the Hauraki District Council be divided into three wards, these being:

- I. **Plains Ward** (four councillors) being the existing ward comprising the area delineated on LGC-012-2013-W-2 deposited with the Local Government Commission, the boundaries of which are shown on Attachment 1;
- II. **Paeroa Ward** (four councillors) being the existing ward comprising the area delineated on SO Plan 57980 deposited with Land Information New Zealand, the boundaries of which are shown on Attachment 1;
- III. **Waihi Ward** (five councillors), not being the existing ward comprising the area delineated on SO Plan 57979 deposited with Land Information New Zealand, the boundaries of which are shown on Attachment 1.

In putting the amendment, a vote was taken on a show of hands.
The amendment was lost.

RESOLVED

THAT pursuant to section 19N of the Local Electoral Act 2001, and following consideration of the submissions received to its 2018 review of representation arrangements, Council amends its initial proposal to the following final proposal for the 2019 and 2022 Hauraki District Council triennial elections:

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Waihi Ward (four councillors), being the existing ward comprising the area delineated on SO Plan 57979 deposited with Land Information New Zealand, the boundaries of which are shown on Attachment 1;

- II. No community boards be established;
- III. The reasons the total number of councillors is proposed to remain at 12 are:
- a. 12 councillors better reflect unique ward issues and consequential workload;
 - b. 12 councillors may provide greater diversity;
 - c. 4 councillors per ward provides better local representation (with no community boards);
 - d. the majority of submissions supported a greater number of councillors;
- IV. as the Waihi Ward is non-compliant with the fair representation requirement (+/- 10% rule), the final 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, for determination;
- V. the final proposal be publicly notified on 12 September 2018 providing the opportunity for appeals and/or objections to be lodged in the period 12 September to 12 October 2018, noting that any appeal or objection received must be forwarded to the Local Government Commission for determination;
- VI. the wording of the reasons for the Council's decision, and its acceptance or rejection of submissions received on the Council's initial proposal, be approved by the Group Manager – Community Services and Development.

C18/394

Milner/Smeaton

CARRIED

Noted: Cr McLean voted against the Waihi Ward being represented by 4 Councillors.

CEO MONTHLY REPORT FOR AUGUST 2018 (2441182)

The Chief Executive presented his monthly report for August 2018. The report summarised recent staff changes within the organisation.

RESOLVED

THAT the report be received.

C18/395

Tregidga / Adams

CARRIED

CORPORATE SERVICES UPDATE AUGUST 2018 (2441269)

The Group Manager Corporate Services updated Council on activities of interest in the Corporate Services department.

RESOLVED

THAT the report be received.

C18/396

Daley/Ratray

CARRIED

KAURI DIEBACK DISCUSSION PAPER (2441321)

APPENDIX A - KAURI DIEBACK DISCUSSION PAPER (2441386)

The Community Services Manager presented a report to update Council on the recent Ministry for Primary Industry (MPI) led changes to the National Kauri Dieback Programme including the proposed development of a National Pest Management Plan for Kauri dieback.

Kim Parker, Biosecurity - Waikato Regional Council | Te Kaunihera ā Rohe o Waikato was in attendance and presented on the discussion paper.

RESOLVED

THAT the report be received

C18/397

Spicer/Leonard

CARRIED

RESOLVED

THAT the report on the proposed National Pest Management Plan for Kauri dieback and update on regional activities be received.

C18/398

Tregidga/Leonard

CARRIED

The meeting adjourned for morning tea at 10.21am.

The meeting reconvened at 10.40am.

MATTERS TO BE TAKEN WITH THE PUBLIC EXCLUDED

RESOLVED

That the public be excluded from the following parts 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 are as follows:

Item No.	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	Rating Sale	Section 7(2)(a) – Protect the privacy of natural persons, including that of deceased natural persons.	Section 48(1)(a) 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 would exist.
2	Proposed Sale of Council Land at Pitt Street, Waihi	Section 7(2)(b)(i) - Protect information where the making available of the information: Would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.	Section 48(1)(a) 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 would exist.
3	Windfarm Application Departure from Procurement Policy	Section 7(2)(i) Prejudice to Commercial Position/Negotiations To enable the local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations.	Section 48(1)(a) 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 would exist.
4	Variation to Animal Control Contract	Section 7(2)(b)(i) - Protect information where the making available of the information: (1) Would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.	Section 48(1)(a) 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 would exist.

C18/399

Tregidga/Harris

CARRIED

RESOLVED

THAT the public be re-admitted to the meeting and that the business in committee discussed be confirmed.

C18/414

Milner/McLean

CARRIED

PLANNING AND ENVIRONMENTAL SERVICES REPORT - AUGUST 2018 (2441350)

The Group Manager Corporate Services updated Council on activities in the Corporate Services department for the month of August 2018.

RESOLVED

THAT the report be received.

C18/415

Milner/McLean

CARRIED

RESOLVED

THAT pursuant to section 34A of the Resource Management Act 1991 Council delegates the authority to the Project Martha Hearings Panel of Commissioners to consider and make decisions under section 41D relating to striking out submissions or parts of submissions and Section 37 relating to acceptance or otherwise of late submissions for Project Martha.

C18/416

Milner/McLean

CARRIED

RESOLVED

Council wish to congratulate and record their appreciation to the Strategic Planning team on the development of the LTP consultation document and for receiving an award for it. This is to be published in the HDC news page and Waihi Leader.

C18/417

Tregidga/Harris

CARRIED

DRAFT LOCAL GOVERNMENT POSITION ON CLIMATE CHANGE MITIGATION (2441374)

Local Government New Zealand (LGNZ) is currently seeking feedback on its draft position On climate change mitigation. This report asks that the Council decide whether it wishes to provide feedback, and what the feedback should be.

RESOLVED

THAT the report be received.

C18/418

Spicer/Adams

CARRIED

RESOLVED

THAT the Council determine whether it wishes to provide feedback on the draft local government position on climate change mitigation, and if so, what that feedback will be.

C18/419

Tregidga/Harris

CARRIED

RESOLVED

THAT the Council undertakes a stock take of climate change mitigation initiatives to inform future work programmes/projects as part of the climate change adaptation work programme.

C18/420 Tregidga/Harris **CARRIED**

RESOLVED

THAT Councillors Milner, Smeaton and Spicer work with staff and report back to Council.

C18/421 Tregidga/Harris **CARRIED**

REVIEW OF VARIOUS PARTS OF THE HAURAKI DISTRICT COUNCIL CONSOLIDATED BYLAW (2441265)

Bylaws are rules that affect the way we live, work and play. Local government bylaws are made by the community to regulate itself, as allowed by central government. Legislation establishes the degree of control that the bylaws may exercise. Bylaws cannot be inconsistent with legislation.

This report seeks the formation of a councillor working party to work with staff on the review of various parts of the Hauraki District Council Consolidated Bylaw

RESOLVED

THAT the report be received.

C18/422 Tregidga/Milner **CARRIED**

RESOLVED

THAT Mayor Tregidga, Deputy Mayor Adams and Councillors Milner, Leonard, Spicer and Harris are appointed to a Councillor working party to work with staff on the review of Part 1 Land Transport (excluding speed limits), Part 2: Public Safety (excluding dog control, alcohol control in public places and freedom camping), Part 6: Cemeteries, Part 9: Wharves of the Hauraki District Council Consolidated Bylaw 2007 and the Fire Prevention Bylaw Involving Vegetation 1993 as they are legally due for review.

C18/423 Milner/Buckthought **CARRIED**

RESOLVED

THAT the wastewater section of Part 4: Trade Waste and Wastewater also be reviewed and amended.

C18/424 Milner/Buckthought **CARRIED**

RESOLVED

THAT during the review process the various Parts of the Hauraki District Council Consolidated Bylaw 2007 are separated into individual bylaws.

C18/425 Milner/Buckthought **CARRIED**

RESOLVED

THAT the working party, in conjunction with Council staff, establish a stakeholder engagement approach to be undertaken to inform the review process and development of the draft bylaws prior to the draft bylaws being adopted by the Council for the special consultative procedure.

C18/426

Milner/Buckthought

CARRIED

NEW ZEALAND DEPRIVATION INDEX AND INDEX OF MULTIPLE DEPRIVATION (2438383)

The report summarised a report presented to the Mayoral Forum and Waikato Plan Leadership Group in May this year on the socio-economic deprivation levels in the Waikato Region. The report showed the Hauraki District has areas with high levels of deprivation across multiple indicators.

RESOLVED

THAT the report be received.

C18/427

Tregidga/Leonard

CARRIED

The data presented to Councillors via the Auckland University webpage link is dated to 2013 but a great starting point into understanding what the multiple indicators of deprivation are.

EXEMPTION OF THE MARTHA TRUST FROM THE STATUS OF A COUNCIL-CONTROLLED ORGANISATION (2414665)

To undertake a review of the exemption of the Martha Trust as a council-controlled organisation (CCO) in accordance with section 7(3) of the Local Government Act, 2002 (LGA).

RESOLVED

THAT the report be received.

C18/428

Tregidga/Milner

CARRIED

RESOLVED

THAT in accordance with section 7(3) of the Local Government Act 2002 the Martha Trust be exempted as a council-controlled organisation on the basis that:

- a) At the present time, the nature and scope of the activities provided by the organisation is effectively "nothing at all", and there are no issues of accountability that would require the imposition of the controls in Part 5 of the LGA.
- b) There would be a substantial cost in complying with the requirements of Part 5 of the LGA, without any corresponding benefit until such time as the mine closure or the receipt of further funds activates the Trust.

C18/429

Milner/Leonard

CARRIED

RESOLVED

THAT the exemption be reviewed earlier than the statutory three years if either:

- a) The closure of the site takes place; or
- b) The Settlor settles any further capital sums upon the Trust.

C18/430

Milner/Leonard

CARRIED

PROJECT MARTHA - ROAD RE-ALIGNMENT (2441217)

As part of the Project Martha applications, Oceana Gold New Zealand Limited (OGNZL) has lodged a resource consent application for subdivision that will allow for the proposed re-alignment of Cambridge and Bulltown Roads. This will allow for parts of these roads to be stopped and land to be exchanged between OGNZL and Council once the road realignment has been constructed. The report sought Council's approval as landowner (of the existing road reserve) and road controlling authority to the proposed subdivision and exchange of land and consideration of Council's legislative options for the road stopping and exchange of land.

RESOLVED

THAT the report be received.

C18/431

Tregidga/Adams

CARRIED

RESOLVED

THAT Council, as landowner and road controlling authority, approve the proposed re-alignment of Cambridge/Bulltown roads and exchanges of land as generally proposed with the Project Martha application subject to the granting of the notified resource consent for the subdivision by the Commissioner Hearings Panel.

C18/432

Daley/McLean

CARRIED

RESOLVED

THAT, should the Project Martha subdivision application allowing for the road re-alignment of Cambridge and Bulltown roads be approved by the Hearings Panel and subsequent Environment Court Appeals, if any, the Council agrees to the use of Public Works Act 1981 processes for the stopping of the existing portions of road and exchange of land provided that:

- a) All works associated with the road re-alignment (road construction, kerbing, footpaths, relocation of services etc.) are to the satisfaction of the Group Manager Engineering Services;
- b) All Council's costs associated with the road re-alignment, road stopping and exchange of land are met by Oceana Gold (NZ) Ltd.

C18/433

Daley/McLean

CARRIED

TRANSPORT REPORT - JULY 2018 (2441305)

The newly appointed Transportation Manager presented a report that provided the latest information on the Hauraki District Council's Roading activities for the period ending 31 July 2018.

RESOLVED

THAT the report be received.

C18/434

Adams / Thorp

CARRIED

Councillors welcomed Lukas de Haast into his newly appointed role of Transportation Manager and wished him well with the challenges that this role brings.

PROJECT BUSINESS CASE SH2 PAEROA TO WAIHI (2441464)

The Group Manager - Engineering Services presented a report prepared as a covering document for the New Zealand Transport Agency (NZTA) prepared report.

RESOLVED

THAT the report be received.

C18/435

Harris/Thorp

CARRIED

Cr Harris moved:

THAT Council support the recommendations of the Paeroa to Waihi Programme Business Case (as Appendix A).

Harris/Thorp

Councillor Swales moved an amendment to the motion:

THAT Council arrange for a workshop on the Paeroa to Waihi programme business case.

Swales/McLean

In putting the amendment, a vote was taken on a show of hands.
The amendment was lost.

RESOLVED

THAT Council support the recommendations of the Paeroa to Waihi Programme Business Case (as Appendix A).

C18/436

Harris/Thorp

CARRIED

Noted: Cr Swales voted against the motion.

The meeting adjourned for lunch at 12.33pm
The meeting reconvened at 13.00pm

MEMORANDUM OF UNDERSTANDING BETWEEN HDC AND HISTORICAL MARITIME PARK INC. (2441619) APPENDIX A (2440406)

The Economic Development Officer presented a report which provided the Memorandum of Understanding between Hauraki District Council and the Historical Maritime Park Incorporated for the Historical Maritime Provincial Growth Fund Project to the Council for adoption.

RESOLVED

THAT the report be received.

C18/437

Harris/Spicer

CARRIED

RESOLVED

THAT the Memorandum of Understanding between Hauraki District Council and Historical Maritime Park Incorporated for the Historical Maritime Park Provincial Growth Fund Project be adopted, subject to minor amendments relating to GST and accounting matters, for the period of the project plus the one year following.

C18/438

Harris/McLean

CARRIED

HAURAKI RAIL TRAIL EXTENSION 2018 GOVERNANCE COMMITTEE (2441176)

Staff and the Hauraki Rail Trail Charitable Trust have been progressing the development of the governance framework for the Hauraki Rail Trail Extension 2018/19 Governance Committee.

RESOLVED

THAT the report be received.

C18/439

Milner/McLean

CARRIED

RESOLVED

THAT Council approves the Hauraki Rail Trail Extension 2018 Governance Committee (joint committee) be established to oversee the Trail Extension from Miranda to Kaiaua and from Te Aroha to Matamata in accordance with the attached Terms of Reference.

C18/440

Milner/Spicer

CARRIED

RESOLVED

THAT Pursuant to Section 32 of Schedule 7 of the Local Government Act 2002 the Hauraki Rail Trail Extension 2018 Governance Committee (joint committee) be given delegated authority to implement its roles as defined under point 5 of the Terms of Reference recorded in this report

C18/441

Milner/Spicer

CARRIED

RESOLVED

THAT Council appoints Councillor Harris with Councillor Buckthought as alternative to the Hauraki Rail Trail Extension 2018 Governance Committee to represent Hauraki District Council.

C18/442

Milner/Spicer

CARRIED

LOCAL GOVERNMENT MEMBER 2018-19 DETERMINATION 2018 (2441636)

The Group Manager Community Services and Development presented a report that advised the elected members of the recently released determination from the Remuneration Authority for the 2018-19 year.

RESOLVED

THAT the report be received.

C18/443

McLean/Spicer

CARRIED

Amendment to Wording 2018-19 Determination

It was noted in the 2018-19 Remuneration Authority determination for the Hauraki District Council that the wording stated was:

Ward Committee Chairperson which should have stated Ward Chairperson without the word 'Committee' due to the fact Council no longer has Ward Committees as part of its committee structure.

RESOLVED

THAT the Remuneration Authority be advised that the wording in the 2018-19 determination be corrected to state Ward Chairperson and not Ward 'Committee' Chairperson.

C18/444 Tregidga/Milner **CARRIED**

2017/18 Determination

It was noted that the Mayors Salary for the 2017-18 determination was publicised as the total salary with the inclusion of the mayoral vehicle but should have stated the salary figure less the cost of the mayoral vehicle.

RESOLVED

THAT the correct Mayor's salary figure for 2017/18 be corrected to accurately reflect the payment made.

C18/445 Tregidga / Milner **CARRIED**

WATER SERVICES REPORT TO COUNCIL (COVERING JULY) - AUGUST 2018 (2441067)

The Water Services Manager presented a report that summarises performance issues in the Water Services work area. The body of the report refers to the July works.

RESOLVED

THAT the report be received.

C18/446 Harris/McLean **CARRIED**

ADOPTION OF REGIONAL INFRASTRUCTURE TECHNICAL SPECIFICATIONS (2441174)

In 2015, Councils from the Waikato Local Authority Shared Services (WLASS) came together to prepare a single set of engineering and technical specifications to provide developers certainty for when new developments are built. This resulted in the preparation of the Regional Infrastructure Technical Specifications (RITS) presented to Council by the Group Manager Engineering Services.

RESOLVED

THAT the report be received.

C18/447 Tregidga/Adams **CARRIED**

RESOLVED

THAT Council adopts the Regional Infrastructure Technical Specifications.

C18/448 Rattray/Smeaton **CARRIED**

RESOLVED

THAT the adoption of the Regional Infrastructure Technical Specifications be included in the HDC News Page in the Hauraki Herald on 14th September 2018.

C18/449

CARRIED

DRAINAGE DISTRICT REPORT TO JULY 2018 (2441471)

The report summarised the Land Drainage Activity for the period ending 31 July 2018.

RESOLVED

THAT the report be received.

C18/450

Swales/Thorp

CARRIED

PROPOSED NEW PUKOROKORO DRAINAGE DISTRICT (2441463)

The Group Manager Engineering Services presented the case to establish a new land drainage district to the south of the Taramaire Stream and to the north of the Miranda stream.

RESOLVED

THAT the report be received.

C18/451

CARRIED

RESOLVED

THAT Council approve in principle, the establishment of the Pūkorooro Drainage District.

C18/452

Leonard/Buckthought

CARRIED

RESOLVED

THAT the process of establishing the Pūkorooro Drainage District under s504 of the Local Government Act 1974 be initiated.

C18/453

Leonard/Buckthought

CARRIED

RESOLVED

THAT the establishment and ongoing maintenance of the Pūkorooro Drainage District be funded by the beneficiaries of the drainage district.

C18/454

Leonard/Buckthought

CARRIED

SOLID WASTE REPORT TO COUNCIL - JULY 2018 (2441659)

A report summarising performance and issues in the Solid Waste work area was presented by the Infrastructure Systems and Planning Manager. The body of the report referred to July works.

RESOLVED

THAT the report be received.

C18/455

Smeaton/Thorp

CARRIED

The meeting closed at 2.28pm

CONFIRMED

J P Tregidga
Mayor

26 September 2018