



Otorohanga District Council

AGENDA

29 July 2015

10.15am

Members of the Otorohanga District Council

Mr MM Baxter (Mayor)
Mr RM Johnson
MRS RA Klos
Mr KM Phillips
Mrs DM Pilkington (Deputy Mayor)
Mr R Prescott
Mr PD Tindle
Mrs AJ Williams

Meeting Secretary: Mr CA Tutty (Governance Supervisor)

OTOROHANGA DISTRICT COUNCIL

29 July 2015

Notice is hereby given that a special meeting of the Otorohanga District Council will be held in the Council Chambers, Maniapoto St, Otorohanga on Wednesday 29 July 2015 commencing at 10.15 am.

28 July 2015

DC Clibbery
CHIEF EXECUTIVE

AGENDA

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PRESENT

IN ATTENDANCE

APOLOGIES

REPORTS

Item 228 WAIKATO PLAN AGREEMENT AND TERMS OF REFERENCE

To: **Mayor and Councillors
Otorohanga District Council**

From: **Chief Executive**

Date: **29 July 2015**

Relevant Community Outcomes

- The Otorohanga District is a safe place to live
 - Ensure services and facilities meet the needs of the Community
 - Provide for the unique history and culture of the District
 - Promote the local economy and opportunities for sustainable economic development
 - Manage the natural and physical environment in a sustainable manner
 - Foster an involved and engaged Community
 - Protect the special character of our harbours and their catchments
 - Recognise the importance of the Districts rural character
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Executive Summary

To provide each of the Waikato Plan partner councils to the Waikato Plan Joint Committee (WPJC) the draft Joint Committee agreement which is now required under the Local Government Act 2002 (LGA) along with an updated terms of reference.

Staff Recommendation

That

1. The report be received.
2. The attached Waikato Plan Joint Committee Agreement, to be dated July 2015, be adopted by Council and that this action be conveyed to the Waikato Plan Joint Committee.

Report Discussion

The Local Government Act 2002 Amendment Act 2014 became law on 8 August 2014 and inserted a new Clause 30A in relation to joint committees. For established joint committees, Clause 5 of Schedule 1AA requires councils to enter into agreements that comply with Clause 30A within 12 months of the date of commencement of the Act, this being 8 August 2015. WPJC is a Joint Committee under Clause 30 of the LGA and has been established to develop, advocate and to implement the Waikato Plan.

The new Clause 30A provides a specific statutory code for joint committees. The most significant aspect of the new clause is the requirement for participating bodies to enter an agreement, specifying key aspects of the constitution and operation of the committee. The agreement must cover:

- the membership of the joint committee
- processes for appointing the chair and deputy-chair
- terms of reference
- any delegations
- the process for amending the agreement.

The WPJC presently operates in accordance with a terms of reference. This Terms of Reference has been updated in order to comply with legislative amendments and will be attached to the WPJC proposed agreement.

It is important to note that there is no change to the way in which WPJC operates other than a requirement to comply with the recent LGA amendments.

An agreement for the WPJC has been prepared and was considered by the WPJC at its meeting on 24 July. Post confirmation on 24 July the updated terms of reference and agreement will be circulated to Council.

The agreement covers the purpose of the Committee, its membership, meeting frequency, delegations (taken from the existing terms of reference) and variations of the agreement. Each Waikato Plan partner Council that has voting members on the Committee will be going through a similar process to sign the agreement.

Dave Clibbery
CHIEF EXECUTIVE

Attachment

1. Waikato Plan Joint Committee – Agreement and Terms of Reference

Appendix 1:

Draft Joint Committee Agreement

Waikato Plan Joint Committee – Agreement – Local Government Act 2002

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, Waikato District Council, Waikato Regional Council, Waipa District Council, Waitomo District Council and tāngata whenua, to develop, advocate and implement the Waikato Plan.

The Joint Committee has additional public body representation from Thames Coromandel District Council, Rotorua District Council, the New Zealand Transport Agency, the Waikato District Health Board and the National Infrastructure Unit, as observers with speaking rights but in a non-voting capacity.

The Waikato Plan Joint Committee has been established to develop and implement the Waikato Plan in accordance with the functions as set out in the Terms of Reference attached to this Agreement as Attachment 1. These Terms of Reference replace those agreed to on 30 March 2015.

The Committee is a formal joint committee pursuant to the Local Government Act 2002 (Clause 30, Schedule 7). The Committee 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 Joint Committee is to be comprised of the Mayors of the partner territorial local authorities (except for the Matamata Piako District Council where either a Councillor or the Mayor will be a member) and the Regional Council Chairperson as appointed by the local authorities along with one alternate member for each partner Council, tāngata whenua representatives, five independent non local government members and observers.

An Independent Chairperson (non-elected member) is to be appointed by the Committee to chair the Committee. The Independent Chairperson has speaking rights and voting capacity. A Deputy Chairperson is also to be appointed by the Committee, who may be an elected member and a committee member.

The partner councils shall also appoint alternates. These alternates will only attend Joint Committee meetings if the relevant Mayor, Councillor or Regional Chair is unavailable. The alternates can only speak or vote when deputising for the respective Mayor (or in the case of the Matamata Piako District Council a councillor) or Regional Council Chair.

Initially the standing membership of the Committee shall be limited to 25 members (including the Independent Chairperson and alternates), but with the power to co-opt up to a maximum of two additional non-voting members as observers where required to ensure the effective development and implementation of any part or parts of the plan.

Thames Coromandel District Council and Rotorua District Council can nominate one member each as invited observers at the discretion of the Joint Committee and subject to any limitations that the Joint Committee consider appropriate.

The Waikato District Health Board and NZ Transport Agency are represented through the Chair (or nominee) and Regional Director (or nominee) as observers with speaking rights but in

a non-voting capacity. A representative of the National Infrastructure Unit of Treasury can attend as an observer.

In accordance with Clause 30A of Schedule 7 to the Local Government Act 2002, the quorum at a meeting of the Committee shall be half of the voting members.

Other representatives of voting and non-voting organisations are permitted to attend meetings of the Committee; 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. 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 Joint Committee.

4. Delegations

The Committee is delegated the following functions in support of its overall purpose:

- Overseeing the development and subsequently the implementation of the Waikato Plan and to recommend its adoption to the partner councils.
- Champion integration through partner strategies, programmes, plans and policy instruments (including 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 development, where necessary, is consistent, collaborative and/or coordinated to achieve optimal outcomes.
- Monitoring and reporting progress against milestones.
- Ensuring organisation systems and resources support strategy development.
- Overseeing the management of the risks identified.
- Facilitating consultation with the community at appropriate stages.
- Make submissions as required
- Formulation of a community engagement strategy, including determining key issues.
- Formulation, management and the oversight of the running of the special consultative procedure or any other consultation.
- To oversee the ongoing selection and appointment of representatives to the Waikato Plan Joint Committee.
- Selecting and appointing an Independent Chairperson and a Deputy Chairperson.
- Responsibility for approving and implementing the Agreement as adopted by the Committee, to provide and maintain partnership relationships and provide for the resolution of any conflict.

5. Variation of this Agreement

This agreement may be varied from time to time, but only with the endorsement of the Joint Committee.

Terms of Reference for the Waikato Plan Joint Committee

24 July 2015

Contents

- 1) Objectives of the Waikato Plan Joint Committee
- 2) Specific Responsibilities of the Waikato Spatial Plan Joint Committee
- 3) Membership
- 4) Operating Principles
- 5) Standing Orders
- 6) Delegations
- 7) Duration of the Committee

1) Objectives of the Waikato Plan Joint Committee

This is a Committee established to govern, lead and resource the development and recommendation to adopt the Waikato Plan to Councils within the Waikato region.

The primary objective of the Waikato Plan itself is “to contribute to the Waikato’s social, economic, environmental and cultural well-being through a comprehensive and effective long-term (30 year) strategy for Waikato’s growth and development”.

2) Specific Responsibilities of the Waikato Plan Joint Committee

Subject to the delegations set out in clause 6 below, the Committee’s responsibilities include:

- a) To oversee the development and subsequently the implementation of the Waikato Plan and any parts thereof, and to recommend its adoption to the partner councils.
- b) To oversee the ongoing selection and recommendation of five (5) non-Local Government Members for appointment to the Waikato Plan Joint Committee.
- c) To appoint tāngata whenua representatives to the Waikato Plan Joint Committee.
- d) To approve the Waikato Plan Joint Committee Agreement and the associated Terms of Reference.
- e) On behalf of all the Councils of the Waikato Region to take responsibility for overall guidance on and further development of the Waikato Plan.

3) Membership

3.1 Quantum of Members

The membership will be up to 25 persons in total, made up and appointed by the Committee (from time to time), as follows:

Ten Local Government Members

The Mayors and Regional Chair of most of the Local Authorities within the Region – namely Waikato Regional Council, Hamilton City Council, Hauraki District Council, Ototohanga District Council, South Waikato District Council, Taupo District Council, Waikato District Council, Waipa District Council, and Waitomo District Council. One Councillor from Matamata-Piako District Council.

The Local Government Members may be replaced from time to time by the respective Local Authorities providing written notice to the Committee confirming the amended nomination.

Tangata Whenua Members

To be determined.

Five Non-Local Government Members

Five non-Local Government members, recommended by the ten Local Government Members, appointed on the basis of skills, experience, standing and networks in the regional community relevant to the goals of the Waikato Plan.

Observers

The two Local Authorities without specific membership are Thames-Coromandel District Council and Rotorua District Council. These Councils can nominate one member each as invited observers at the discretion of the Joint Committee and subject to any limitations that the Joint Committee consider appropriate.

The Waikato District Health Board and NZ Transport Agency represented through the Chair (or nominee) and Regional Director (or nominee) are also observers with speaking rights but in a nonvoting capacity. A representative of the National Infrastructure Unit of Treasury can attend as an observer.

3.2 Chairperson

Appointment of the Chairperson and deputy to be determined by the Committee. The Chairperson must be one of the five non-Local Government members.

3.3 Quorum

Must include half of the voting membership.

3.4 Alternates

Each of the Councils is entitled to appoint an alternate member who may attend and vote at meetings of the Committee, but only in the event that the nominated and appointed member is unable to do so. Such alternates are technically part of the composition of the Joint Committee as there is no specific provision for alternates in the Local Government Act 2002.

3.5 Remuneration

Each Council shall be responsible for remunerating its representative on the Committee for the cost of that person's participation in the Committee.

The remuneration of the non-Local Government Members will be determined and approved by the Councils, following consideration of any recommendation by the Committee.

3.6 Term of Appointment

The initial ten Local Government Members shall be appointed for terms that expire on the date of each Local Government triennial election.

The subsequent Local Government 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.

The tāngata whenua representatives shall be appointed for terms that expire on the date of each Local Government triennial election.

The initial non-Local Government Members shall be appointed for terms that expire on the date of the Local Government triennial election in 2016. Each of the initial non-Local Government Members shall be eligible for re-appointment at the beginning of the Triennium following the 2016 elections.

4) Operating Principles

4.1 The Councils have agreed that they will not act independently of the Committee, so that any Joint Committee recommendations that the Council(s) are not prepared to accept will be referred back to the Committee for further consideration.

4.2 Local Authority Shared Services Ltd (LASS) will be the administering body for the Joint Committee.

5) Standing Orders

The Model Standing Orders are adopted.

6) Delegations

The Councils delegate to the Committee the following functions and powers to enable the Committee to achieve the specific responsibilities:

- a) To oversee the ongoing selection and appointment of five (5) non-Local Government Members to the Waikato Plan Joint Committee.
- b) To appoint tāngata whenua representatives to the Waikato Plan Joint Committee.
- c) To oversee the observers to the Joint Committee.
- d) Management and oversight of the development of a Waikato Plan, including recommending the Plan to the partner councils for adoption
- e) Overseeing the process for community engagement, including any LGA 2002 consultation processes.

7) Duration of the Committee

In accordance with clause 30(7) of Schedule 7 of the Local Government Act 2002, the Waikato Plan Joint Committee is not deemed to be discharged following each triennial election.

GENERAL