



Otorohanga District Council

AGENDA

5 NOVEMBER 2019

1pm

NOTE: 1pm – Presentation to departing Councillor Ken Phillips

Members of the Otorohanga District Council

His Worship the Mayor MM Baxter
Councillor K Christison
Councillor B Ferguson
Councillor K Jeffries
Councillor R Johnson (Deputy Mayor)
Councillor RA Klos
Councillor P McConnell
Councillor A Williams

Meeting Secretary: Mr. CA Tutty (Governance Supervisor)

OTOROHANGA DISTRICT COUNCIL

5 NOVEMBER 2019

Notice is hereby given that an Ordinary meeting of the Otorohanga District Council will be held in the Council Chambers, 17 Maniapoto Street, Otorohanga on Tuesday 5 November 2019 commencing at 1pm.

31 OCTOBER 2019

Tanya Winter
CHIEF EXECUTIVE

ORDER OF BUSINESS:

PRESENT

IN ATTENDANCE

APOLOGIES

REFLECTION / PRAYER / WORDS OF WISDOM (His Workshop The Mayor)

DECLARATION OF CONFLICTS OF INTEREST

REPORTS

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ITEM 6 HIS WORSHIP THE MAYOR VERBAL REPORT

ITEM 7 CHIEF EXECUTIVE REPORT 16 SEPTEMBER – 4 NOVEMBER 2019

TO: HIS WORSHIP THE MAYOR & COUNCILLORS
OTOROHANGA DISTRICT COUNCIL

FROM: CHIEF EXECUTIVE

DATE: 5 NOVEMBER 2019

Relevant Community Outcomes

- Ensure services and facilities meet the needs of the Community
 - Foster an involved and engaged Community
-

Executive Summary

The purpose of this report is to inform Council of the key focus areas for the Chief Executive in the last two months.

Staff Recommendation

It is recommended that the report is received.

Report Discussion

The following matters are highlighted for Council's attention:

1. Health, Safety and Wellbeing

A brief update is provided for October to provide a progress update on the areas of focus:

Current Focus	Progress
Risk Registers	<ul style="list-style-type: none">▪ Generic Risk Register – 1x workshop held with reps▪ Facilities and Treatment Plant Risk Registers in draft
Risk Management education	<ul style="list-style-type: none">▪ Session completed for HSW Reps▪ 2 sessions completed for field staff▪ 1 session scheduled for 6 Nov for facilities staff
Library evacuation drill	<ul style="list-style-type: none">▪ Procedures being reviewed & drill to be scheduled
H&S processes	<ul style="list-style-type: none">▪ Processes have been drafted
Asbestos Register (led by Jared Le Fleming)	<ul style="list-style-type: none">▪ Register being compiled▪ Surveying/sampling to be arranged

There have been three events recorded in October:

- 1x near hit (aggressive member of public)
- 2x injuries (manual handling, plant/equipment task related)

Two site safety inspections have been completed, with no significant issues identified.

Training scheduled for November includes 4-wheel drive course and additional in-house risk management sessions. An educational workshop is being scheduled for February 2020 on Mental Wellbeing and the Workplace.

2. Council Induction

Council might have noticed a drop in the number of external meetings attended this last couple of months as a significant amount of my time has gone into preparing for new elected member induction and meeting the

associated legislative requirements. With the election now concluded and all elected members sworn in, my team and I are excited about the next three years and what we might achieve together. I would like to take this opportunity to thank the staff who have helped me bring the various “moving parts” together to ensure that elected members feel welcome, informed and prepared for the new triennium.

3. Staffing Matters

Paul Johnson started with Council this week as Building Control Officer. We have also appointed Claire King and Paula Graham in the roles of Business Support Regulatory.

Council will see a new role being advertised in the next couple of weeks and that is Strategic Planner. This role will lead the development of our Long Term Plans, Annual Plans, bylaws and policies. They will be responsible for our non-financial KPIs, and will also lead our strategic communications, including media releases, our brand and the way we present ourselves to our community and the world.

4. Long Term Plan 2021-31 Project Team

A Project Team has now been appointed to develop our next Long Term Plan (LTP). We are starting this process a lot earlier than previously because a significant part of it will be focused on engaging with the community early on to inform the development of the LTP, rather than consulting with them at the end once we have a draft. This change reflects the change that is taking place in our district and region in a number of ways. It also reflects Council’s desire to embrace the philosophy of “localism” which sees decisions being made as close to the people who are affected by them as possible.

The Project Team is:

NAME	ROLE
Strategic Planner (vacant)	Project Manager
Brendan O’Callaghan	Project Team Member (Finance)
Trish Ambury	Project Team Member (Community Engagement)
Andreas Senger	Project Team Member (Infrastructure)
Amy Corston	Project Team Member (Emerging Leader)
Jenelle Burnell	Project Team Member (Admin Support, Communications, Document Design)

The Project Sponsors are:

NAME	ROLE
Graham Bunn	Project Sponsor (Financial Strategies)
Roger Brady	Project Sponsor (Infrastructure Strategy)
Tanya Winter	Project Sponsor (Overall Project)

The Project Team and Sponsors are attending the Long Term Plan Roadshow in Auckland on 28 November.

5. CE Performance Agreement

A draft agreement was prepared by the CE Review Committee in the previous triennium and has been refined over the last couple of months ready to be approved by the new Council.

6. Chair of Waikato CE Forum

At the October meeting of the Waikato CE Forum I was nominated and accepted the role of Forum Chair. I see this as a great opportunity to further develop my leadership skills, as well as learning more about the Waikato region. The forum is one of the larger in the country with 12 councils represented as well as the Waikato LASS. I’m looking forward to continuing to facilitate the great collaborative work that our region is nationally recognised for amongst our local government peers.

7. Other Meetings/Activities

- Staff Survey (Mike Russell, AskYourTeam)
- Annual Report Audit discussion (Deloitte)
- Ministry for the Environment Roadshow
- Waikato LASS (Kelvin French)
- Dave Simes and Cathie Shaw (CDEM)
- SOLGM Summit (Napier)
- Roading Efficiency Group Assessment
- SWEAP Update
- Last meetings for Council, Community Boards and Audit and Risk
- World Travellers meet and greet
- Union negotiations
- Email signature working group
- Opening of Pop-Up Museum
- Waikato CE Forum Workshop
- SOLGM Webinars x 2: Intro to the 2021 Long Term Plan
- Pōwhiri for new Ōtorohanga College Principal
- Staff meeting and morning tea with new elected members
- Ōtorohanga Support House AGM
- Mayor's Graduation Ceremony
- Guest speaker at opening of the Kāwhia Spring Fling Arts Festival
- Kāwhia Quiz nights
- Various meetings with individual community members

Tanya Winter

CHIEF EXECUTIVE

ITEM 8 **ADOPTION OF STANDING ORDERS**

TO: **HIS WORSHIP THE MAYOR & COUNCILLORS**
OTOROHANGA DISTRICT COUNCIL

FROM: **CHIEF EXECUTIVE**

DATE: **5 NOVEMBER 2019**

Relevant Community Outcomes

- Foster an involved and engaged Community
-

Executive Summary

The purpose of this report is for Council to adopt Standing Orders for the 2019-22 triennium.

Staff Recommendation

That:

1. Council adopts the Otorohanga District Council Standing Orders attached as **Appendix 1** for the 2019-22 triennium.
2. Standing Orders includes clauses 13.11 – 13.16 providing members with the right to attend meetings by audio or audio visual link.
3. The Chairperson is able to use a casting vote as provided for in clause 19.3.
4. Council adopts Option C (informal) as its default option for speaking and moving motions as outlined in Clause 22.4.

Background

Schedule 7, Part 1, Section 15 of the Local Government Act 2002 provides information on the adoption of Standing Orders. The relevant clauses are here:

- (1) A local authority must adopt a set of standing orders for the conduct of its meetings and those of its committees.
- (2) The standing orders of a local authority must not contravene this Act, the [Local Government Official Information and Meetings Act 1987](#), or any other Act.
- (3) After the adoption of the first standing orders of the local authority, an amendment of the standing orders or the adoption of a new set of standing orders requires, in every case, a vote of not less than 75% of the members present.
- (4) A local authority or committee may temporarily suspend standing orders during a meeting by a vote of not less than 75% of the members present and voting, and the reason for the suspension must be stated in the resolution of suspension.

Report Discussion

The Standing Orders attached have been produced by Local Government NZ (LGNZ). These have been refined over the past triennium and reflect feedback from Councils on the changes in meeting practise, particularly around the use of electronic devices and audio-visual links to attend meetings. The updated version attached includes some options that Council must make a decision on before they adopt Standing Orders. The LGNZ document “The 2019 Guide to Standing Orders” gives useful guidance on these options.

Audio visual link

The LGA 2002 allows members of a local authority to participate in meetings if they are not physically present by audio or audio visual means. This provision was made in response to requests from councils that represent large geographic areas in which it is often difficult for some members to attend meetings at short notice. Its use, however, is not limited by statute and councils can develop policies should they wish to constrain the use of the technology to certain types of meetings or not.

To make use of this option the relevant rules must be incorporated within a council’s standing orders. Please note that members attending by audio or audio visual means are not counted as part of a meeting’s quorum.

Casting vote

The LGA 2002 allows chairpersons to use a casting vote if provision for such a vote is made in a council's standing orders. The vote can be used when there is an equality of votes and, despite some views to the contrary, a casting vote is not limited to supporting the status quo.

The LGNZ standing order template includes the casting vote option which will need to be removed should councils prefer that their chairpersons are unable to exercise such a vote.

A third option, in which a casting vote can only be used for prescribed types of decisions, is available. This option could specify, for example, that a casting vote can only be used for the adoption of statutory plans, such as the annual and long term plan.

Speaking and moving options

The LGNZ standing orders template offers councils a choice of three frameworks, Options A, B or C, for speaking to and moving motions and amendments.

- Option A is the most formal of the three and limits the number of times members can speak and move amendments, for example, members who have moved and seconded a motion cannot then move and second an amendment to the same motion and only members who have not spoken to a motion or substituted motion may move or second an amendment to it.
- Option B is less formal than Option A. While limiting the ability of movers and seconders of motions to move amendments it allows any other members, regardless of whether they have spoken to the motion or substituted motion, to move or second an amendment.
- Option C provides substantial flexibility by removing the limitations placed on movers and seconders by the other two options.

The council is asked to agree on a default option which will apply to all meetings unless a chairperson, or meeting, agree to apply one of the other two options at specific meeting. It is recommended that the default option be marked as Default in the adopted standing orders.

The 2019 LGNZ Standing Orders template was discussed with Council in a workshop on 22 October 2019 and the attached version includes the direction from elected members on the three options outlined above from that workshop.

Tanya Winter

CHIEF EXECUTIVE

ITEM 9 **ADOPTION OF CODE OF CONDUCT**

TO: **HIS WORSHIP THE MAYOR & COUNCILLORS**
OTOROHANGA DISTRICT COUNCIL

FROM: **CHIEF EXECUTIVE**

DATE: **5 NOVEMBER 2019**

Relevant Community Outcomes

- Foster an involved and engaged Community
-

Executive Summary

The purpose of this report is for Council to adopt a Code of Conduct for the 2019-22 triennium.

Staff Recommendation

It is recommended that Council adopts the Otorohanga District Council Code of Conduct attached as **Appendix 1** for the 2019-22 triennium.

Background

Schedule 7, Part 1, Section 15 of the Local Government Act 2002 provides information on the adoption of a Code of Conduct. The relevant clauses are here:

- (1) A local authority must adopt a code of conduct for members of the local authority as soon as practicable after the commencement of this Act.
- (2) The code of conduct must set out—
 - (a) understandings and expectations adopted by the local authority about the manner in which members may conduct themselves while acting in their capacity as members, including—
 - (i) behaviour toward one another, staff, and the public; and
 - (ii) disclosure of information, including (but not limited to) the provision of any document, to elected members that—
 - (A) is received by, or is in the possession of, an elected member in his or her capacity as an elected member; and
 - (B) relates to the ability of the local authority to give effect to any provision of this Act; and
 - (b) a general explanation of—
 - (i) the [Local Government Official Information and Meetings Act 1987](#); and
 - (ii) any other enactment or rule of law applicable to members.
- (3) A local authority may amend or replace its code of conduct, but may not revoke it without replacement.
- (4) A member of a local authority must comply with the code of conduct of that local authority.
- (5) A local authority must, when adopting a code of conduct, consider whether it must require a member or newly elected member to declare whether or not the member or newly elected member is an undischarged bankrupt.
- (6) After the adoption of the first code of conduct, an amendment of the code of conduct or the adoption of a new code of conduct requires, in every case, a vote in support of the amendment of not less than 75% of the members present.
- (7) To avoid doubt, a breach of the code of conduct does not constitute an offence under this Act.

Report Discussion

The Code of Conduct attached has been produced by Local Government NZ (LGNZ) and draws on feedback from Councils across the country who have been in the unfortunate position of having to use a Code of Conduct in the past and found it wanting. The updated version attached as **Appendix 1** includes the following updated features:

- Refinement of the principles including a new principle that highlights the importance of elected members “pulling their weight”;
- Simplification of the roles and responsibilities section;
- Encouragement for members to participate in activities to build and maintain collaborative and cooperative cultures within the council;
- A new process for investigating and assessing complaints, including a ‘materiality’ test;
- Additional guidance on penalties or sanctions;
- Clarification that complaints can only be made by members and chief executives; and
- A more empowering and less prescriptive approach.
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The 2019 template includes a section on social media and has a new process for dealing with trivial, minor and frivolous complaints.

The 2019 LGNZ Code of Conduct template was discussed with Council in a workshop on 22 October 2019 and the attached version is unchanged from that workshop.

Tanya Winter
CHIEF EXECUTIVE

ITEM 10 APPOINTMENTS TO STANDING COMMITTEES OF COUNCIL AND EXTERNAL ORGANISATIONS**TO: MAYOR AND COUNCILLORS OF OTOROHANGA DISTRICT COUNCIL****FROM: CHIEF EXECUTIVE****DATE: 5 NOVEMBER 2019****Relevant Community Outcomes**

- Foster an involved and engaged community.

Summary

Under section 41A(3) of the Local Government Act 2002 the Mayor has the powers to create Standing Committees of Council, as well as appointing the Chairs and members of those Committees

A number of external organisations or groups either require or have requested that Council make an appointment to them.

Recommendations

That Council notes that the following Standing Committees of Council, Chairs and Members are created by His Worship the Mayor for the 2019-2022 triennium.

1.

Name of Committee	Elected Member Representative
1. Risk and Assurance Committee	<i>Independent Chair, Cr R Klos, Cr A Williams, Cr C Jeffries</i>
2. Chief Executive's Review Committee	<i>Chair Mayor M Baxter, Deputy Mayor R Johnson, Cr A Williams</i>
3. Grants and Awards Committee	<i>Chair Cr P McConnell, Cr B Ferguson, Cr K Christison</i>
4. Waikato Region Civil Defence Emergency Management Group (CDEMG) Joint Committee	<i>Mayor M Baxter, Cr A Williams</i>

2. That Council approves the following members to organisations requiring Council representation by constitution or legislation.

Name of Organisation/Group	Elected Member Representative
1. Regional Transport Committee	<i>Mayor M Baxter, Cr P McConnell</i>
2. North King Country Development Trust	<i>Mayor M Baxter</i>
3. Nga Wai o Waipa Co-Governance Group (required under Nga Wai o Maniapoto (Waipa River) Act 2012)	<i>Mayor M Baxter, Deputy Mayor R Johnson</i>
4. Raukawa and Otorohanga District Council Joint Management Agreement (JMA) (required under Waikato River Act 2010)	<i>Mayor M Baxter, Cr R Klos</i>

3. That Council approves the following members to other groups who have requested Council representation.

Name of Organisation/Group	Elected Member Representative
1. Waipa River Catchment	<i>Cr K Christison</i>
2. West Coast Zone	<i>Cr C Jeffries</i>
3. Otorohanga District Development Board (ODDB)	<i>Cr K Christison</i>
4. Rural water supply committees (Arohena, Ranginui, Tihiroa, Waipa)	<i>Wharepuhunga Ward Cr, R Klos, Kawhia/Tihiroa Ward Cr A Williams, Waipa Ward Cr R Johnson</i>
5. Otorohanga Stopbank Pathway Reserve Management Plan Working Group (established by Council resolution), operating as Stopbank Pathway and Reserve Collective (SPARC)	<i>Cr K Christison and 2 Otorohanga Community Board members to be appointed by the Board</i>
6. Waikeria Prison Community Liaison Group (required under Resource Consent conditions)	<i>Cr B Ferguson</i>
7. Waikeria Prison Community Impact Group (required under Resource consent conditions)	<i>Cr R Klos</i>
8. Happy Valley Nutrition Community Liaison Group (required under Resource consent conditions)	<i>Unspecified representation, open for any EMs to attend</i>

Discussion

The Mayor has exercised his powers under section 41A(3) of the LGA to create Standing Committees of Council and appoint Elected Members to them. Council has also appointed members onto other various external committees and organisations. This report formalises and provides a public record of the appointments.

In a recent workshop with the new Elected Members, representation on matters relating to Hamilton Waikato Tourism were discussed and it has now been confirmed by Hamilton Waikato Tourism that they have no requirement for Elected Member representation, as such this has been removed from the list.

Tanya Winter
CHIEF EXECUTIVE

ITEM 11 COUNCILLOR APPOINTMENTS TO OTOROHANGA AND KAWHIA COMMUNITY BOARDS

TO: MAYOR AND COUNCILLORS OF OTOROHANGA DISTRICT COUNCIL

FROM: CHIEF EXECUTIVE

DATE: 5 NOVEMBER 2019

Relevant Community Outcomes

- Foster an involved and engaged community.
-

Summary

Section 19F of the Local Electoral Act 2001 authorises Council to appoint Councillors to Community Boards.

Staff Recommendation

It is recommended that pursuant to Section 19F of the Local Electoral Act 2001;

- I. Councillor Paul McConnell and Councillor Katrina Christison are appointed to the Otorohanga Community Board, and;
- II. Councillor Annette Williams is appointed to the Kawhia Community Board for a period of 18 months from 5 November 2019 to 5 May 2021.
- III. Councillor Kit Jeffries is appointed to the Kawhia Community Board for a period of 18 months from 6 May 2021 until the end of the triennium.

Discussion

It is also a requirement of the Local Electoral Act that the appointees to the Community Boards be Ward Members from the Ward in which the Community of each Board is located.

Tanya Winter
CHIEF EXECUTIVE

ITEM 12 **CONFIRMATION OF ROAD NAME**

TO: **HIS WORSHIP THE MAYOR & COUNCILLORS**
OTOROHANGA DISTRICT COUNCIL

FROM: **GROUP MANAGER ENVIRONMENT**

DATE: **5 NOVEMBER 2019**

Relevant Community Outcomes

- Manage the natural and physical environment in a sustainable manner
 - Protect the special character of our harbours and their catchments
 - Recognise the importance of the Districts rural character
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Executive Summary

A road name is required for a private right of way connecting to Te Tahi Road that services ten residential lots. It was a condition of the subdivision consent that the owners in consultation with local iwi submit a road name for Council to approve.

Staff Recommendation

It is recommended that:

Council confirm the road name Tiwarawara Lane for a private right of way that is located on the southern side of Te Tahi Road at the end of the formed roadway.

Report Discussion

Between 2006 and 2010 Geryha Ltd were granted five subdivision consents resulting in the creation of 11 residential lots at the top end of Te Tahi Road. The largest of these applications which created five lots was only approved after a public hearing and subsequent appeal to Environment Court. The consent was finally granted by Judge Harland after two mediation conferences held under the direction of the Court. Construction of this final stage of the subdivision is currently underway and it is anticipated that the titles will be issued in January 2020.

Condition 15 of the Consent Order handed down by the Court on 19 January 2012 states;

“If Right of Ways A & D are to be named, the applicant is to advise Council’s Roading Engineer the name for Right of Ways A & D as agreed between the applicant and the Kakepuku Trust.”

Further to this consent condition Council must also conform with Regional Infrastructure Standards and AS/NZS 4819, Standard for Rural and Urban Addressing which states that any road or access way serving six or more lots shall be named.

The applicant has advised that Tiwarawara was the name given to nearby trail to the mountain peak. The granting of this consent predates Councils Road Naming Policy however Council approval is still required to ensure the registration of the road name with the Geographic Board can proceed.

This proposal involves naming a private right of way following consultation with local iwi. Although the process predates our naming policy I do not believe the outcome conflicts with our current process and recommend approval.

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GROUP MANAGER ENVIRONMENT

Tiwarawara Lane
Location Plan



ITEM 13 **MATTERS REFERRED FROM 8 OCTOBER 2019**

TO: **HIS WORSHIP THE MAYOR AND COUNCILLORS
OTOROHANGA DISTRICT COUNCIL**

FROM: **CHIEF EXECUTIVE**

DATE: **5 NOVEMBER 2019**

Meeting Date:	Item:	Action Required:	Status:	Allocated To:	Due by Date:
19 Mar 2019	Introduction of 'Smoke Free' areas.	Prepare draft policy	Pending	Community and Economic Development Manager	Oct 2019
19 Mar 2019	Trading in Public Places Policy.	Prepare draft policy	Pending	Environmental Services Manager	Oct 2019
16 April 2019	Dog Control Policy and Bylaw Review.	Prepare change to policy and bylaw	Pending	Environmental Services Manager	Oct 2019
3 July 2019	Occupancy Policies.	Prepare draft policies	Pending	Community and Economic Development Manager	Oct 2019
16 July 2019	Invite scientist from WRC to discuss DNA testing re soil erosion and sediment levels.	Presentation	Cr Phillips to provide the name of the scientist	Engineering Manager	
16 July 2019	Invite Chair and CEO of Te Waka to present to Council.	Invitation	To present to the new Council	Community and Economic Development Manager	

COUNCILLOR UPDATE