

Agenda for a meeting of the Policy & Regulatory Committee to be held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on **TUESDAY 21 MAY 2019** commencing at **9.00am**.

Information and recommendations are included in the reports to assist the Committee in the decision making process and may not constitute Council's decision or policy until considered by the Committee.

- 1. APOLOGIES AND LEAVE OF ABSENCE**

- 2. CONFIRMATION OF STATUS OF AGENDA**

- 3. DISCLOSURES OF INTEREST**

- 4. CONFIRMATION OF MINUTES**
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- 5. RECEIPT OF HEARING MINUTES AND DECISIONS**
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- 6. REPORTS**
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GJ Ion
CHIEF EXECUTIVE

Open Meeting

To	Policy & Regulatory Committee
From	Gavin Ion Chief Executive
Date	25 March 2019
Prepared by	Wanda Wright Committee Secretary
Chief Executive Approved	Y
Reference #	GOV1318
Report Title	Confirmation of Minutes

1. EXECUTIVE SUMMARY

To confirm the minutes of a meeting of the Policy & Regulatory Committee held on Tuesday 19 March 2019.

2. RECOMMENDATION

THAT the minutes of a meeting of the Policy & Regulatory Committee held on Tuesday 19 March 2019 be confirmed as a true and correct record of that meeting.

3. ATTACHMENTS

P&R Committee Minutes – 19 March 2019

MINUTES of a meeting of the Policy & Regulatory Committee of the Waikato District Council held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on **TUESDAY 19 MARCH 2019** commencing at **9.00am**.

Present:

Cr JD Sedgwick (Chairperson)
His Worship the Mayor, Mr AM Sanson [until 9.23am]
Cr AD Bech
Cr JA Church
Cr DW Fulton
Cr JM Gibb
Cr SL Henderson
Cr RC McGuire
Cr FM McNally
Cr EM Patterson
Cr NMD Smith
Cr LR Thomson [until 9.57am]

Attending:

Mr GJ Ion (Chief Executive)
Mr T Whittaker (Chief Operating Officer)
Ms S O’Gorman (General Manager Customer Support)
Mrs W Wright (Committee Secretary)
Ms AM D’Aubert (Consents Manager)
Mr W Hill (Consents Team Leader)
Ms E Makin Consents Team Leader – East)
Mr J Wright (Senior Planner)
Ms K Newell (Civil Defence Emergency Coordinator)
Mr J Snowball (Group Controller, Civil Defence Emergency Management)
Mr M Bang (GEMO Team Leader, Civil Defence Emergency Management)
Ms A Parquist (Change Manager)
Mr K Abbott (Projects and Innovation Manager)
Mr T Pipe (Regulatory Manager)
Mr S Kumar (Environmental Health Officer)
Ms C Cunningham (Senior Regulatory Administrator)
3 Members of staff

His Worship the Mayor called for a minute’s silence to mark the recent terrorist attacks in Christchurch.

APOLOGIES AND LEAVE OF ABSENCE

Resolved: (Crs Church/McInally)

THAT an apology be received from Cr Main and Cr Lynch;

AND THAT an apology for early departure be received from His Worship the Mayor and Cr Thomson.

CARRIED on the voices

P&R1903/01

CONFIRMATION OF STATUS OF AGENDA ITEMS

Resolved: (Crs Gibb/Thomson)

THAT the agenda for a meeting of the Policy & Regulatory Committee held on Tuesday 19 March 2019 be confirmed and all items therein be considered in open meeting;

AND THAT all reports be received;

AND FURTHER THAT in accordance with Standing Order 9.4 the order of business for consideration be changed as follows:

1. Agenda Item 5.5 [*District Licensing Process*]
2. Agenda Item 5.2 [*Joint Committee Minutes and Emergency Management Update*]
3. Agenda Item 5.1 [*Civil Defence Emergency Management Local Welfare Committee Plan*]
4. Agenda Item 5.3 onwards

CARRIED on the voices

P&R1903/02

DISCLOSURES OF INTEREST

There were no disclosures of interest.

CONFIRMATION OF MINUTES

Resolved: (Crs Patterson/Thomson)

THAT the minutes of a meeting of the Policy & Regulatory Committee held on Tuesday 19 February 2019 be confirmed as a true and correct record of that meeting.

CARRIED on the voices

P&R1903/03

REPORTS

District Licensing Process

Agenda Item 5.5

Cr Smith, the Chair of the District Licensing Committee (DLC), provided an overview of the DLC's process for considering and determining licence applications. He noted the importance of the statutory timeframes and that Councillors should refer any queries they receive on specific applications to the DLC Secretary.

The Regulatory Team were introduced; being responsible for receiving and processing licence applications.

His Worship the Mayor retired from the meeting at 9.23am during discussion on the above item.

Joint Committee Minutes and Emergency Management Update

Agenda Item 5.2

The report was received [*P&R1903/02 refers*].

Mr Snowball introduced himself and listed the key functions as Group Manager and Group Controller at the Waikato Emergency Management Office (GEMO).

Mr Snowball highlighted the following:

- GEMO's focus is to deliver the Emergency Management Systems reform; the national legislation and regulation;
- Systems reform required changes to the way the Council deals with Civil Defence and Emergency Management (CDEM). This includes that councils enter into shared service arrangements;
- The reforms are expected to be delivered by May 2020.

The Committee discussed the central government's budget to aid transition at a territorial level. The Committee would discuss this, and future planning, at a workshop.

Civil Defence Emergency Management Local Welfare Committee Plan
Agenda Item 5.1

The report was received [P&R1903/02 refers]. Ms Parquist took the report as read and drew the Committee's attention to the following:

- Civil Defence and Welfare at the Council had changed over the last six years.
- The appointment of Team Leaders, support staff and recently, a Resilience Community Coordinator addressed concerns on the robustness of the Welfare Committee.
- Civil Defence Emergency Management is part of the organisation's culture.

Civil Defence Emergency Management (CDEM) Local Plan
Agenda Item 5.3

The report was received [P&R1903/02 refers]. Ms Newell took the report as read and highlighted the following points:

- The Local Plan is in draft form and the Committee was invited to provide feedback;
- The Local Plan was intended to align with the Gearing for Growth and Greatness strategy that Council was currently implementing; and
- Changes to Recovery legislation and the Incident & Emergency Management Leadership Team were noted.

A workshop was suggested for this matter to discuss how Councillors could get involved in assisting/supporting this plan.

A steering group would be established to facilitate a discussion with Committee members on the use of the blueprinting process to include 'Plan B' and 'Plan C' (as referred to in the agenda).

Chief Executive's Business Plan
Agenda Item 5.4

The report was received [P&R1903/02 refers].

Cr Thomson retired from the meeting at 9.57am during discussion on the above item.

Delegated Resource Consent Approved for the month of February 2019
Agenda Item 5.6

The report was received [P&R1903/02 refers] and The Consents Manager took the report as read.

Committee members could contact the Consents Manager with questions on any specific resource consents processed by the Council.

There being no further business the meeting was declared closed at 10.02am.

Minutes approved and confirmed this day of 2019.

Cr JD Sedgwick
CHAIRPERSON

Open Meeting

To	Policy & Regulatory Committee
From	Gavin Ion Chief Executive
Date	26 March 2019
Prepared by	Lynette Wainwright Committee Secretary
Chief Executive Approved	Y
Reference #	GOV1301
Report Title	Receipt of Hearing Minutes

1. EXECUTIVE SUMMARY

To receive the minutes of an RMA hearing for Rural Tails Limited held on Thursday 21 February 2019.

2. RECOMMENDATION

THAT the minutes of an RMA hearing for Rural Tails Limited held on Thursday 21 February 2019 be received.

3. ATTACHMENTS

Hearing Minutes – 21 February 2019

MINUTES of a hearing by an Independent Commissioner of the Waikato District Council held in the Supper Room, Tuakau Memorial Town Hall, George Street, Tuakau on **THURSDAY 21 FEBRUARY 2019** commencing at **9.30am**.

These minutes should be read in conjunction with notes and evidence placed on the Consent file.

Present:

Commissioner D Hill

Attending:

Mr J Wright (Consents Team Leader – West)
 Mr M Brown (Land Development Engineer – Consultant)
 Mrs LM Wainwright (Committee Secretary)
 Ms K Thomson (BTW)
 Mrs B Parham (Legal Counsel for Waikato District Council)
 Mr N Hegley (Hegley Acoustics)
 Mr A Black (Transportation Engineer, Gray Matter)
 Mr T Naidoo (Applicant)
 Ms L Kisten (Applicant)
 Mr S Naidoo (Applicant)
 Ms K McGregor (Applicant)
 Ms N Buxeda (Legal Counsel for the Objectors)
 Mr T Gray (Law Clerk)
 Mr P Prendergast (Submitter)
 Ms S Findlay (Submitter)
 Mr D Oostdam (Submitter)
 Mr M Flynn (Submitter)
 Mr R Doyle (Submitter)
 Ms de Valk (Submitter)
 Objectors

HEARING – RURAL TAILS LIMITED

File NoLUC0529/18

Application by Rural Tails Limited to establish a Dog Daycare Centre at 11 Ridge Road, Tuakau.

INTRODUCTION

Commissioner Hill welcomed all parties and outlined the hearing process.

HEARING OF THE APPLICATION - APPLICANT

The applicant presented written and verbal evidence and answered questions of the Commissioner – Doc 1.

HEARING OF THE APPLICATION - SUBMITTERS

Ms Buxeda, Legal Counsel on behalf of the submitters, presented written and verbal evidence and answered questions of the Commissioner – Doc 2.

Mr Prendergast presented written and verbal evidence and answered questions of the Commissioner – Doc 3.

Mr Oostdam presented written and verbal evidence and answered questions of the Commissioner – Doc 4.

Mr Flynn presented written and verbal evidence and answered questions of the Commissioner – Doc 5.

Ms de Valk presented written and verbal evidence and answered questions of the Commissioner – Doc 6.

Ms de Valk presented written and verbal evidence on behalf of Ms Doyle – Doc 7.

The hearing adjourned at 11.36am and reconvened at 12.10pm.

STAFF REPORT

Mrs Parham, Legal Counsel for Waikato District Council, gave a verbal presentation and addressed legal matters raised during the hearing.

Mr Black, Transportation Engineer, gave verbal evidence and answered questions of the Commissioner.

Mr Hegley, Acoustic Engineer, gave verbal evidence and answered questions of the Commissioner.

Ms Thomson, Planner gave further written and verbal evidence and answered questions of the Commissioner – Doc 8.

RIGHT OF REPLY

The applicant gave his right of reply and answered further questions of the Commissioner.

The hearing adjourned at 1.20pm and reconvened at 1.24pm.

Ms Buxeda, Legal Counsel on behalf of the submitters, addressed the amended conditions which are not accepted by the submitters.

The hearing adjourned at 1.27pm and the decision reserved.

DELIBERATIONS

The Commissioner undertook deliberations on all evidence presented.

DECISION

THAT the Independent Hearing Commissioner confirmed the application of Rural Tails Limited be declined as outlined in the decision dated 22 March 2019.

HE1902/01

The hearing was declared closed at 12 noon on Monday 4 March 2019.

IN THE MATTER OF the Resource Management Act 1991
AND
IN THE MATTER OF an application by Rural Tails Limited to Waikato District Council under section 88 of the Resource Management Act 1991 for land use resource consent to establish a 120 Dog Daycare facility in a Rural Zone, at 11 Ridge Road, Tuakau (being Lot 5 DP 133049).

Decision following the hearing of an application by Rural Tails Limited to Waikato District Council for a non-complying activity land use (Rural Zone) resource consent under the Resource Management Act 1991.

Proposal

To establish a 120 Dog Daycare facility in a Rural Zone, at 11 Ridge Road, Tuakau (being Lot 5 DP 133049) with associated building, infrastructure, carparking, signage and landscape / screen planting - Council reference LUC0529/18.

The application was heard at Tuakau on 21 February 2019.

The resource consent sought is **REFUSED**. The reasons are set out below.

Hearing Commissioners:	Mr David Hill
Application numbers:	LUC0529/18
Applicant:	Rural Tails Limited
Site addresses:	11 Ridge Road, Tuakau
Legal descriptions:	Lot 5 DP 133049
Site area:	4.198 ha
Zoning:	Rural Zone – Waikato District Plan (Franklin Section) 2013
Lodgement:	18 June 2018
S92 and on hold:	2 July 2018
Acoustic report commissioned:	10 September 2018
Traffic assessment review commissioned:	12 September 2018
S91 on hold:	1 November 2018
S91 uplifted:	13 November 2018

Limited notification:	27 November 2018
Submissions closed:	17 January 2019
Hearing commenced:	21 February 2019
Hearing closed:	4 March 2019
Appearances:	<p><u>The Applicant – Rural Tails Limited:</u> Mr T Naidoo Ms L Kisten Mr S Naidoo Ms K McGregor</p> <p><u>Submitters:</u> Ms N Buxeda - Counsel and Mr T Gray - Law Clerk, for: Mr P Prendergast Ms S Findlay Mr D Oostdam Mr M Flynn Mr R Doyle Ms A de Valk</p> <p><u>Council:</u> Ms B Parham - Counsel Ms K Thomson – s42A author - BTW Mr N Hegley - Hegley Acoustic Consultants Mr A Black - Transportation Engineer - Gray Matter Mr J Wright - Consents Team Leader – West Mr M Brown - Land Development Engineer – Consultant Ms L Wainwright - Committee Secretary</p>

Summary Decision:

1. Pursuant to section 104 and 104B of the Resource Management Act 1991, the non-complying activity land use consent application is refused.

Introduction

2. This decision is made on behalf of the Waikato District Council (Council) by Independent Hearing Commissioner Mr David Hill, appointed and acting under delegated authority under section 34A of the Resource Management Act 1991 (the RMA).
3. This decision contains the findings from my deliberation on the application for resource consent and has been prepared in accordance with section 113 of the RMA.
4. The application was limited notified to 6 identified owners/occupiers of adjacent properties on 27 November 2018, with submissions closing on 17 January 2019. Ten submissions were received in time – all in opposition - and 6 submitters wished to be heard. A summary of those submissions is provided in section 4 of the s42A report. That summary was not disputed and is adopted for present purposes.

5. No late submissions were received.
6. A s104(3)(a)(ii) RMA written approval from the owner/occupiers of 7 Ridge Road was initially provided but withdrawn on 7 January 2019. Effects on those persons are therefore to be considered.
7. The s42A RMA hearing report was prepared for Council by Ms Karleen Thomson, consultant planner, and made available to parties on or about 30 January 2019. Ms Thomson's overall recommendation was to grant the land use consent sought with the draft conditions she provided.
8. Ms Thomson's report was informed by a commissioned acoustic report from Mr Nevil Hegley of Hegley Acoustic Consultants Ltd and commissioned technical peer review by Mr Alastair Black (transportation engineer) of Gray Matter Ltd. These reports were deemed necessary by Council, I understand, as the applicant did not provide an expert acoustic assessment, and the traffic impact assessment was prepared by the applicant, Mr Naidoo, himself in his professional capacity as a civil engineer.
9. The matter was heard in Tuakau on 21 February 2019, and closed on 4 March 2019 following receipt of a final set of proposed conditions (largely agreed between the applicant and Council – but not by submitters who remained opposed).
10. A site visit was undertaken on 21 February 2019, noting that the Commissioner was familiar with the general area of Ridge Road from a previous quarry extension application determined.

Site description

11. As noted in the s42A report¹:

The subject site is a 4.198ha generally flat rural lot that contains a dilapidated shed on site. The site is located at the Pokeno Road end of Ridge Road, approximately 3km east of the Pokeno township. It is surrounded by a mix of rural residential lots and rural lots, the nearest neighbour is located approximately 90-95 metres from the eastern boundary. The location of the dilapidated shed on site is on a slight rise, with the land falling away to the rear and the east

12. That description was not disputed.

Summary of proposal and activity status

13. The application proposes a purpose-built, self-contained facility for up to 120 dogs with no provision for outdoor activities/play. The facility will involve up to 7 full-time staff and operate from 7am to 7pm Monday-Friday.
14. At this stage of the concept design, a rectangular, concrete block building of 432m² (27m x 16m with a maximum height of 5.5m) with double-glazed aluminium windows and doors is proposed. The building will accommodate all facilities including a time-out section, two indoor garden-style dog defecation areas, and access control double entry system. The applicant proposes that final architectural design details will be provided at building consent stage.

¹ S42A report section 1.2 page 7
LUC0529/18 Ridge Road Tuakau

15. Ten external, sealed car parks are proposed with provision for overflow parking. Two 12-dog transportation vans (for collecting and returning dogs) are also proposed, reducing the amount of traffic to and from the site.
16. A new vehicle access /entrance and 240m x 6m driveway is proposed running parallel with the existing right of way.
17. Stormwater will be collected in 2 x 15,000 litre detention tanks for use on site, with rain gardens managing runoff from impervious surfaces.
18. The applicant proposes to make application to the Waikato Regional Council for wastewater consent at a later date. This was a matter of concern to Council, which issued a s91 RMA determination, subsequently uplifted. That matter is discussed further below.
19. An indicative landscape plan was lodged, with the applicant indicating that a formalised plan prepared by a qualified landscape architect would follow the granting of consent.
20. Two signage boards are proposed, being no more than 1m in height and no more than 600mm in width.

Activity Status

21. The site is zoned Rural in the Waikato District Plan: Franklin Section 2013 (the District Plan).
22. The application lodged was for a restricted discretionary activity (RDA) on the basis that, while a dog daycare facility is not specifically identified in the District Plan, an analogous activity, rule 23A.1.3(8) *Boarding kennels and breeding kennels or catteries and dog training grounds*, specifies an RDA status with the associated matters of discretion stated in 23A.4.2.7.
23. Ms Thomson disagreed with that conclusion, referencing the District Plan definition (as follows):

BOARDING KENNELS AND BREEDING KENNELS OR CATTERIES means an activity carried out undercover within one or more permanent structures or BUILDINGS for the purpose of accommodating overnight more than a total of six dogs or six cats on the site for boarding or the breeding of three or more litters on any site, but does not include the keeping of dogs that assist in the management of a farm is also an ancillary activity to FARMING and other rural activities or for domestic purposes.
24. She therefore determined that the activity is a non-complying activity under rule 23A.1.5.2, as an activity not provided for by the said rules.
25. Having considered the matter I agree that non-complying is the appropriate activity status. That, of course, is not fatal to the application as s104(5) of the RMA permits the granting of an application for a different activity status to that for which application was made.

26. However, I am surprised that having had the correct activity status determined, the applicant seems not to have been required to and did not provide an appropriately updated assessment against that higher threshold – relying on the s42A author to perform that task. Indeed much of this application has, somewhat unusually in my experience, effectively been filled-in by Council – which is a matter I return to in my conclusion.
27. I also note that Part 52 of the District Plan states the information requirements for any resource application. While issue was not taken on the matter of completeness of application for a non-complying activity in terms of Part 52, the fact that it was necessary for Council to determine that additional reporting should be commissioned raises questions in that regard – as does the very conceptual nature of much of the application.
28. The Waikato Proposed District Plan (PDP), Stage 1 of which was notified in July 2018, has no relevant, operative rules or rules that have legal effect. As such, I have not considered the rules of the PDP. Under s104 RMA the objectives and policies of the PDP are to be considered and duly weighted. Under that Plan the site is also zoned Rural.
29. As noted above, no concurrent Regional Council consent has been applied for but would be required.

Permitted Baseline

30. With respect to any s104(2) RMA “permitted baseline”, Ms Thomson concluded that as a glasshouse of 400m² or a farm building could be constructed as a permitted activity, then a partial baseline could be applied to the “scale and bulk” of the building. She concluded that other aspects of the activity, including generated vehicle movements, are not comparable to permitted activities.
31. While I agreed with Ms Thomson that those elements *could* be disregarded per s104(2) of the RMA, I am not inclined to do so. Firstly, because little actually turns on the question of the building’s effect; secondly because it is practically meaningless to attempt to identify the 32m² that offends the apparent 400m² threshold² so that an effect can be considered; thirdly because a glasshouse presents a materially different kind of building to that proposed; and lastly because atomising effects in this way for a non-complying activity runs the risk of overlooking real effects in the absence of a final or near-final design (and which has not been provided). I also note that while a building could be designed to be all but indistinguishable from a “normal” farm building, no such definitive proposition was before the hearing.
32. For those reasons I decline to adopt any permitted baseline.

Procedural and other matters

33. No procedural matters were raised for consideration.

² “apparent” in that the 400m² permitted standard was not specifically identified.
LUC0529/18 Ridge Road Tuakau

Relevant statutory provisions considered

34. In accordance with section 104 of the RMA I note that I have had regard to the relevant statutory provisions, including the relevant sections of Part 2, sections 104 and 104D.

Relevant standards, policy statements and plan provisions considered

35. In accordance with section 104(1)(b)(i)-(vi) of the RMA, I have had regard to the relevant policy statement and plan provisions of the documents noted below – the relevant provisions of which are not explicitly assessed in the application AEE, but were addressed in section 9.0 of Ms Thomson's s42A hearing report.
36. Having reviewed the provisions identified by Ms Thomson, and particularly the objectives and policies, I confirm and adopt them. No other party disputed these matters and therefore, in the interest of brevity, they are not specifically discussed further or the details repeated in this decision. Those provisions are contained in the following statutory documents:
- Waikato Regional Policy Statement 2016;
 - Waikato District Plan – Franklin Section 2013;
 - Proposed Waikato District Plan 2018.
37. While the Te Ture Whaimana o Te Awa o Waikato – the Vision and Strategy for the Waikato River and the Waikato-Tainui Environmental Plan were referred to, those documents have little material relevance to this land use consent application.
38. Council considered the relevance of the Resource Management (National Environmental Standard for Managing Contaminants in Soil to Protect Human Health) Regulations 2011 and determined that the proposed change of use was unlikely to engage soil-related human health matters. I accept that conclusion.
39. I do not consider any other matter to be relevant and reasonably necessary to determine the application in accordance with section 104(1)(c) of the RMA.

Summary of evidence / representations / submissions heard

Rural Tails Limited

40. **Mr Tyrin Naidoo**, a civil engineer, made an opening representation on behalf of the company and his wife, Ms Lana Kisten, the sole director of Rural Tails Limited. Mr Naidoo provided a brief history of the land purchase, development intention (this proposal), a paraphrase of the RMA provisions, and concluded that the application met the test of s104D RMA because its adverse effects were no more than minor.
41. No witnesses were called.
42. I note in passing that at the hearing Mr Naidoo indicated, in response to submitter concerns, that he was prepared to accept a condition specifying a requirement for a minimum percentage of dogs (indicatively 60%) to be transported by means of the proposed dog-transport vans in order to limit the number of private vehicle movements to and from the site. He also accepted Council's proposed condition precedent

preventing the operation of the facility until the regional wastewater consent is secured and implemented.

Council

43. The s42A RMA Hearing Report by Council's reporting officer, **Ms Karleen Thomson** (a consultant planner), was circulated prior to the hearing and taken as read. Ms Thomson produced an Addendum to that report by way of a statement of evidence in response to the applicant's pre-circulated evidence and matters arising during the hearing.
44. Ms Thomson confirmed that her fundamental position - i.e. to grant consent - was unchanged but changed her conclusion with respect to Objective 17C.2.1 and associated policies 17C.2.2 of the operative District Plan and Objective 5.1.1 and associated Policy 5.3.3 of the Proposed Plan.
45. That *operative* objective limits industrial / commercial activities in the rural zone to those having a clear connection with or providing services to rural activities, with the associated policies promoting the location of non-rural activities into towns or villages.
46. The relevant *proposed* Plan objective and associated policy requires the avoidance of commercial activities in the rural zone that do not have a functional connection with the rural environment.
47. Ms Thomson concluded that, on reflection, the application was contrary to those provisions – although not to the Plans overall.
48. Ms Thomson also provided further amendments to her earlier draft conditions, generally requiring more specificity and adding monitoring thresholds for the activity (as discussed further below).
49. **Ms Bridget Parham**, counsel for Council, made legal submissions in response addressing two matters raised during the hearing:
 - (a) Background to Council's s91 RMA decision and its uplifting. She noted that the applicant had opposed the requirement to seek a wastewater discharge consent from the Regional Council and that subject to a condition precedent on that requirement, Council had agreed to cancel the s91; and
 - (b) Confirmation that in determining the s104D(1)(a) RMA threshold, consideration of effects as proposed to be mitigated (rather than effects prior to mitigation) are what is required.
50. **Mr Alastair Black**, transportation consultant to Council, had provided the technical peer review of the traffic impact assessment. In that review he concluded that, despite some identified technical deficiencies, the application gave rise to a low risk of adverse transport effects provided a number of conditions that he sought to be imposed were imposed. Mr Black confirmed that overall conclusion at the hearing, adding that when the number of vehicle movements at the Pokeno/Whangarata/Ridge Road intersection reach a threshold of approximately 200 per hour, it is likely that significant realignment would be required for traffic safety reasons. However, that threshold was not reached by the present proposal and the requirement that 60% of dogs be conveyed by the proposed dog transporter.

51. **Mr Nevil Hegley**, acoustic consultant to Council, had provided the Council-commissioned acoustic assessment report. In that assessment he had taken the pragmatic step of adopted the more detailed rural zone noise rule from the Proposed District Plan (even though that has no legal effect as yet) as the operative Plan only requires that the noise at the notional boundary (20m from any dwelling outside the site) in the rural zone be avoided, remedied or mitigated (with no metrics provided).
52. Mr Hegley's assessment concluded that at the nearest notional boundary (being a potential dwelling off the southern boundary of the site at either 7A, 7B or 7C Ridge Road (inadvertently referenced as McCreedy Road by Mr Hegley) at some 35m from the proposed building), and with 120 dogs present and up to 10 barking at any one time then, depending on the ventilation system in use, the noise would be up to 43dB L_{Aeq} . With some 60 vehicles expected to arrive on site over the day, the additional noise was estimated to increase to 46dB L_{Aeq} . The only house additionally affected by vehicle noise on Ridge Road (7 Ridge Road) was assessed as increasing from 49dB $L_{Aeq(24\text{ hr})}$ to 51dB $L_{Aeq(24\text{ hr})}$. Those levels were at the upper limit of the permitted noise standard in the Proposed District Plan – and Mr Hegley recommended that those metrics be formally set as a condition on any consent granted.
53. At the hearing Mr Hegley confirmed that he had conducted noise assessments on some 20-30 dog pounds of comparable size and that, in his experience with a well managed facility, it was unusual for more than 10 - 15 dogs to be barking at the same time. Mr Hegley stressed that the key to dog noise control was management. He had not assessed the hypothetical situation reflecting a loss of management control.
54. Mr Hegley agreed that changing traffic conditions on the southern boundary indicated that additional noise screening should be considered.
55. Finally, Mr Hegley noted the importance of the ventilation system to noise abatement but was comfortable leaving that to the building design and consent stage to ensure that the overall building design would meet the standards imposed.

Submitters

56. **Ms Nicole Buxeda**, appeared as counsel for all ten submitters. In her legal submissions Ms Buxeda advised that the submitters' position was that the level of adverse effect from allowing the application was so uncertain in terms of the key adverse traffic and noise effects, which she contended were more than minor and neither avoided, remedied or mitigated, that the only option open to the Commissioner was to decline the application.
57. With respect to the operative District Plan, Ms Buxeda submitted that, properly constructed, the objectives and policies for the rural zone are not supportive of the proposed activity because the proposal does not maintain or enhance the existing rural character and amenity, is not of an appropriate size and scale, is neither connected to nor provides services to rural activities, does not support productive use and capacity of rural land, and is more appropriately located in a business zone.
58. Ms Buxeda also raised the s91 RMA matter, noting that submitters had raised concerns about the potential for wastewater disposal discharges to flow onto their land given the soil types, topography and local knowledge about rainfall events. Ms Buxeda

was critical of Council for not explaining the reasons for uplifting the s91 requirement – in view of the need to fully understand the adverse effects of an application – and was not persuaded that the integrated matters of concern to submitters would or could be addressed by the sequential processes now in train. Council's proposed imposition of a regional wastewater discharge consent condition precedent did not cure that concern.

59. Ms Buxeda submitted that, as Commissioner, I have discretion to place the application on hold under s91 RMA. I am not persuaded. On its face that provision appears only available in advance of a hearing commencing rather than at the hearing. However, even if that interpretation is found to be in error, Council has already exercised the discretion and determined the issue (regardless of whether that course of action is considered appropriate or not) and it would be inappropriate (and, arguably, an abuse of process) for me to "double dip" the same.
60. Ms Buxeda provided a draft set of additional conditions, noting that this did not imply any concession on the part of the submitters, who maintained their opposition to the application and the relief sought, being to decline the application.
61. Ms Buxeda introduced the following submitters, who made further representations on their submissions:
 - **Peter Prendergast** – 29 Lawrence Road; who expanded on his concerns about wastewater constituents / contaminants and disposal, noting the issue of surface water runoff during winter rains and tabled an aerial photograph of the site and its surrounds with hand-drawn topographical lines at 1m intervals demonstrating the way in which the land falls away from the road;
 - **Susan Finlay** – 7 Lawrence Road, who commented on the nature of the local rural character and amenity, noting that she had 4 alpacas and 2 dogs herself, and had renovated an outdoor living space on the western side of her dwelling facing the subject site;
 - **Dick Oostdam** – 7B Ridge Road; who expressed concerns for the risk of contamination affecting his relocated high tech cymbidium orchid nursery business;
 - **Roland Doyle** – 7A Ridge Road; who spoke to the amenity of the area and expressed concern about the "quasi-industrial" nature of the proposed activity, and Natalie Doyle tabled a statement read by Ms de Valk;
 - **Michael Flynn** – 15 Lawrence Road; who spoke about the lifestyle amenity the family enjoys; and
 - **Anna de Valk** – 15 Lawrence Road; who, among other things, recounted anecdotal research she had conducted with two other dog daycare facilities in Karaka and Ramarama (also on the basis of her personal experience as a vet nurse with training in animal husbandry and behaviour, and transporting dogs in vans). She advised that she understood from those inquiries that the typical dog daycare facility was of the order of 25 dogs; that she doubted the figure of only 10 dogs out of 120 barking at any one time (even with good management control); that she doubted the practicality of transporting 12 dogs in a van together noting that

she understood current practice to limit such to no more than 3 dogs; that it takes dogs a while (up to 2 hours) to settle on arrival; and that a staff:dog ratio of between 1:5 and 1:8 is usual. Ms de Valk also read a prepared statement by Mr Kyung Koo Han of 7C Ridge Road, who was absent overseas.

The Section 104D RMA tests

62. Turning first to the matter of the two non-complying activity gateway tests of section 104D RMA - one of which must be satisfied in order for the application to be considered for granting.

Section 104D(1)(a) – adverse effects will be minor

63. In terms of section 104D(1)(a) of the RMA regarding the adverse effects on the environment, the two matters of most concern related to traffic effects (essentially arrival, parking and departure issues) and noise.

Traffic and transportation effects

64. As noted above, Mr Naidoo prepared his own traffic impact assessment and concluded that any adverse effect would be no more than minor.
65. Mr Black's peer review for Council, while correcting certain figures such as the probable maximum number of daily vehicle movements, concluded that with the redesigned entrance/exit and some modifications to the overflow parking area proposed, traffic safety issues would be resolved. He did not share submitters' concerns about the increase in traffic volume on Ridge Road as the road currently carries less than its design capacity, with traffic volumes on the southern section expected to be under 1,000veh/day (although noting some edgebreak and other existing pavement maintenance issues for Council's attention). As previously noted, Mr Black recommended additional conditions to address issues he had raised – such as increased parking bay widths to accommodate short-term turnaround parking and a minimum of 10 overflow car parks. Those condition amendments were acceptable to Mr Naidoo.
66. While I accept Ms Buxeda's submission that, regardless, an additional effect is created by the increase in vehicle movements, I do not find that effect to be more than minor from a traffic management and safety perspective. I put to one side, for the moment, the matter of amenity effects potentially created by the arrival, parking and departure of multiple users – especially in the morning and evening peaks.
67. I note also that if the condition proposed to require 60% of all dogs to be transported by the operator's vans is imposed, then the maximum number of vehicle movements per day / peak periods falls well below the number adopted for assessment purposes – albeit with 120 dogs that still entails upward of a maximum of $4 \times 48 = 152$ private vehicle movements/day plus the dog transporter movements.
68. For the record I note that submitters did not adduce expert traffic / transportation evidence.
69. I find that traffic management, network efficiency, and safety effects can be appropriately mitigated such that the adverse effect will be no more than minor.

Dog noise

70. The applicant did not provide an acoustic assessment with the application. That assessment was commissioned by Council, with the approval of the applicant, and provided by Mr Hegley as noted above.
71. The applicant's argument, using Mr Hegley's assessment, is essentially that because a building can be built to a standard that excludes or reduces noise at a defined point to less than the applicable noise standard, that matter need not be interrogated further under the RMA once the appropriate noise standard and reference point is agreed and set. The detail, especially with respect to the ventilation system, can be left for the building consent to ensure design compliance.
72. Furthermore, as the dogs will not be provided with an outdoor facility the only external noise will then occur as dogs are conveyed from and to the car parks.
73. Submitters were sceptical about the ability of the proposed conceptual facility to control noise – and were concerned that detailed information about the building, its ventilation system, and general openings was not before the hearing. Furthermore they raised doubts about the suggestion that people arriving with (or fetching) their dogs, in concert with others at the same time, would not result in bouts of barking and general noise in and around the car park areas.
74. The test of section 104D(1)(a) RMA requires that the decision maker is satisfied that the adverse effects of the activity on the environment "*will be minor*", not "may be" or "could be". With the information provided at this point, that test cannot be met for noise. Furthermore, I am not satisfied that such a central matter should be left to a different (building) consent process to determine. I accept that, technically, any building can be designed to control noise if no expense is spared. Indeed, an enclosed internal vehicle reception facility could also be integrated into the design. However there is no certainty attached to such a conceptual prospect. – and the attendant risk of noise nuisance is not a matter that the immediate community should have to bear. As the management of dog noise is a key adverse effect element of the proposal, I would have expected a more detailed consideration of building design to be before the hearing.
75. As also discussed latter in this decision, the lack of evidence about dog management for a facility of this scale was concerning.

Finding

76. I find that the section 104D(1)(a) RMA gateway test is failed on the grounds of uncertainty and confidence with respect to the facility and the management of dog noise effects. The level of detail is simply insufficient to enable me to conclude that the adverse effects will be minor.

Section 104D(1)(b) – activity contrary to the plan

77. No planning evidence was produced by the applicant.
78. As noted Ms Thomson accepted that while the activity was contrary or partially contrary to two objectives and their associated policies of both relevant Plans, her overall conclusion was that this did not constitute being contrary *to the Plan*.

79. Ms Buxeda submitted in disagreement.
80. The issue to be determined, therefore, is whether the two objectives/policies are so central to the directive provisions for the Rural Zone that they constitute a material tipping point.

The Operative District Plan

81. In terms of the 9 key objectives stated for the rural zone under section 17C.2.1 of the District Plan, the only one that seems to bear directly on this application is:
9. *To provide for local social, cultural and economic non-residential activities of an appropriate size and scale that maintain and/or enhance rural character, rural productivity and the wellbeing of the people and communities of, and visitors to, the district.*
82. This is given further detailed expression under Policy 17C.2.2 and particularly policy 3 which states:
3. *Limit the range of industry and service activities that can be established in the Rural and Coastal Zones to those that have a clear connection to, or provide services to, rural activities (including FARMING, forestry, HORTICULTURE, INTENSIVE FARMING) or marine farming/fishing activities, and avoid activities which do not rely on or support the productive use and capacity of rural land or the marine environment, and/or are more appropriately located in a Business Zone.*
- 3A. *In addition to Policies 1, 2 and 3 above, enable the people and communities of the district to provide for their social, cultural, economic and environmental wellbeing in a way that is compatible with and/or enhances the rural economy and character of the area. The scale, intensity, context and character of non-residential activities should support rural activities, the rural economy (including tourism) and maintain and/or enhance rural or natural character or a cultural association with the area. This is to be achieved by:*
- *directing and managing non-residential activities that, because of their scale, intensity and characteristics, have little association with the rural and coastal areas, are contrary to the long term rural goals for maintaining rural character, and/or are more appropriately located within the metropolitan urban limits of Auckland or within the district's towns or villages;*
 - *avoiding activities that do not rely on or support the productive use and capacity of rural land, or do not have an association with the character, amenity, communities, recreation and tourism, character or attributes of the district;*
 - *enabling a diversity of rural business activities that have a clear and genuine connection with the resources, communities or the character and amenity of the rural areas of the district, with a focus on:*

- *agriculture and horticulture produce packing, processing and appropriate manufacturing of goods;*
- *history, culture, health and wellbeing;*
- *festivals and events, food and beverages;*
- *outdoor recreation and pursuits, nature, rural and wilderness experiences, and relaxation activities;*
- *artistic endeavour, creative industries (including filming) and handicrafts;*
- *home occupations;*
- *rural business support and innovation;*
- *appropriate retail activities associated with produce stalls, farmers markets, home occupations, nurseries, artistic endeavour, agriculture and horticulture, produce, goods processed from the site's resources and appropriate retail ancillary to rural activities on the site; and*
- *tourism that is appropriate to the district and its communities.*

83. On its face it is not evident how this proposed dog daycare activity fits with either the objective or the policy in that, as noted by Ms Buxeda, it has no obvious relationship to or with rural character, activities or economy, and is, more typically, located in urban areas. It certainly cannot be said to "have a clear and genuine connection" with the matters identified. But is it "contrary to"?
84. What is to be taken from the fact that the Plan enables "boarding kennels and breeding kennels or catteries and dog training grounds" as a restricted discretionary activity in the rural zone, and that "child care and learning centres" (which, arguably, have similar operating hours and potential for traffic and noise effects as the proposed activity – but sharing with the former the requirement for outdoor play areas) is also a non-complying activity?
85. While I heard no planning evidence on the matter, and therefore need to tread carefully, it would appear that there is a discernible demarcation line. Boarding facilities clearly need "grassed" outdoor areas and larger spaces, and are typically found in rural or peri-urban areas. They are also capable of supporting the rural community, albeit used also by "townies".
86. Child care centres, on the other hand, are typically found in urban areas (often in or at the edges of non-residential zones) because, needing some (but not necessarily grassed) outdoor play areas, noise and traffic issues can be significant. Indeed the Plan provides for them in the Rural-Residential zone as a discretionary activity and in the Village and Village Business zones as a permitted activity.
87. Dog daycare facilities also typically, I understand, do not need grassed outdoor areas – indeed tend to be located in commercial/industrial areas, typically in enclosed buildings.
88. However, it is important to note that neither dog daycare nor child daycare as an *activity* is prohibited in the rural zone. The matter is left to be determined against the objectives, policies and rules of the Plan. As Policy 3A notes, it is the *scale, intensity, context and character* that are important. It would be difficult on that reading, for

instance, to suggest that a dog daycare minding say 8-10 dogs in the same location would be an issue. It is precisely the scale, context and characteristics of this proposal that are in question.

89. Finally, I note that Ms Buxeda placed emphasis on the second bullet point of Policy 3A and the injunction word "*avoiding*". We are all cognisant of the import of that word post-King Salmon. However, in this context we cannot be confident that no one in the rural community would derive support from or associate with the proposed activity or similar (setting aside for the moment matters of scale etc). And I note Ms Thomson's point that the land here has already been subdivided to the point where rural productive use and values are effectively compromised.
90. I am not, therefore, inclined to accept that avoidance is required with respect to the *activity* of dog daycare in the rural zone. Whether, because of its scale etc, that imperative conjoins with the first bullet point *directing* such activities toward an urban location seems more to the point.

The Proposed District Plan

91. With respect to the Proposed District Plan, Ms Thomson concludes that the application is contrary to Objective 5.1.1 and Policy 5.3.3.
92. Objective 5.1.1 states:

5.1.1 Objective – The rural environment

Objective 5.1.1 is the strategic objective for the rural environment and has primacy over all other objectives in Chapter 5.

- (a) *Subdivision, use and development within the rural environment where:*
- (i) *high class soils are protected for productive rural activities;*
 - (ii) *productive rural activities are supported, while maintaining or enhancing the rural environment;*
 - (iii) *urban subdivision, use and development in the rural environment is avoided.*

93. Policy 5.3.3 states:

5.3.3 Policy – Industrial and commercial activities

- (a) *Rural industries and services are managed to ensure they are in keeping with the character of the Rural Zone.*
- (b) *Avoid locating industrial and commercial activities in rural areas that do not have a genuine functional connection with the rural land or soil resource.*

94. The Plan defines commercial activities as follows:

Commercial activity

Means activities involving the sale or distribution of goods and services.

95. It would, I think, be difficult to argue persuasively that dog daycare - at least at the scale proposed – has a genuine functional connection with the rural land or soil resource. Working dogs may be kennelled; they would rarely be daycared I suspect.
96. Given the explicitly stated primacy of the strategic objective (as currently proposed but not yet heard and determined) and the injunction in Policy 5.3.3(b) I agree with Ms Thomson that the proposed activity is clearly contrary. However I disagree that one can then suggest that being contrary to the overriding strategic rural objective is not thereby contrary to the Plan. It must be the case – albeit those provisions have yet to be tested through hearing. While the situation might be clarified by refinements to the proposed rules in due course – for example by establishing acceptable thresholds - at this point those rules have no legal effect and the avoidance policy seems absolute.

Finding

97. I find, on balance, that the application *activity* will not be contrary to the objectives and policies of the operative District Plan, which allows for its effects to be determined relative to clear directions and a high non-complying activity hurdle.
98. On the other hand I find that the application activity is contrary to the objectives and policies of the Proposed District Plan.
99. However, because of the nascent stage of the Proposed District Plan, I find overall that the application squeezes through the gateway test of s104D(1)(b) and can be assessed under section 104 RMA.

Principal issues in contention

100. The principal issues in contention remaining (and clearly the key determinative issues) were:
- (a) Whether allowing the activity as proposed would avoid, remedy or mitigate all relevant adverse effects; and particularly
 - (b) Whether the reasonably expected rural amenity would be maintained by the proposed activity.
101. These issues are discussed in the following section.

The activity's adverse effects

102. As noted above, at some scale the proposed activity would undoubtedly find congruence with the general planned expectations of and for the Rural Zone. The question is whether at 120 dogs that is the case.
103. Of concern is the fact that, as the applicant acknowledged at the hearing, they have neither expertise nor experience with dog daycare at this scale, notwithstanding their clear enthusiasm for dogs and the same, and that the facility would be operated by as-yet unidentified experienced staff. No evidence was provided about the feasibility of operating with 120 dogs and the ability to actively manage the effects of such a large number. The only such sizeable facility noted apparently operates from an essentially commercial area in Parnell, Auckland, but no detail was provided.

104. Latterly Council has proposed an acoustic monitoring condition break-point at 6 months and/or at 80 dogs whichever first occurs – but with little apparent justification for that number; a number that still appears considerably larger (anecdotally) than the average dog daycare facility.
105. Furthermore, no evidence was provided about the way in which dogs in numbers behave when being delivered to or collected from such facilities – particularly in terms of the positioning of the two car parking areas when potentially 20 simultaneous arrivals / departures (in addition to the transport vans) might feasibly occur at peak times.
106. With respect to on-site traffic and adjacent amenity, and based on 60% of dogs being transported in the dog transporters, 24 transporter van trips (assuming an unlikely minimum of 12 dogs per trip for 72 dogs) and 152 private vehicle trips per day would be involved, five days every week. That this level of site traffic is out of scale with normal rural activities goes without saying and is an effect that is not readily amenable to mitigation. No compromise has been reached with immediate neighbours that might predispose one to an alternate conclusion – the absence of which would, in all likelihood, continue to be a source of considerable irritation (even without the matter of potential dog noise).

Finding

107. I find that the level of detail in the application is such that no confidence can be had that the level of adverse effect on the rural amenity expected by neighbours will be sufficiently avoided, remedied or mitigated. Reliance upon good intentions and secondary approval processes is no substitute at this stage. As submitters having reasonably raised the issues, the burden lay with the applicant to answer those issues directly and persuasively.

Draft Conditions

108. In order to try to find a way through the matters of uncertainty, Council helpfully proposed some amended draft conditions that included:
 - (a) A condition precedent concerning the regional wastewater discharge / disposal consent that is required – effectively preventing the daycare activity from operating until that had been granted and implemented;
 - (b) Acoustic monitoring at 6 months or 80 dogs, whichever occurred first – and, if the former, further monitoring when a total of 80 and then 120 dogs is reached;
 - (c) Requirements for management plans, car park dog-proof fencing, a dog register, minimum percentage use of dog transporter, and provisions for dog management.
109. The need for these additional proposed conditions simply, I find, underscores the fact that the application contains material inadequacies and uncertainties – which the locally-affected community is entitled to have greater assurance about. While that consideration by Council is helpful, it does not cure that basic deficiency.

Section 104 and Part 2 RMA

110. I have considered the matters required under s104 of the RMA and have concluded that the actual and potential effects on the environment of allowing the activity cannot, with confidence, be considered able to be managed appropriately in the rural zone. I accept that the activity in itself and at some undefined lesser scale is not necessarily inappropriate.
111. No s6 RMA matters of national importance or s8 (Treaty of Waitangi principles) were identified as being directly engaged by this application.
112. Of the s7 RMA other matters to which particular regard is to be had, I consider the following relevant:
- (b) the efficient use and development of the physical (land) resource;
 - (c) the maintenance and enhancement of amenity values; and
 - (f) maintenance and enhancement of the quality of the environment.
113. Those matters were rehearsed in the respective documentation, evidence, submissions and representations and regard to them has been had in this decision.
114. When put into the wider context of the Part 2 sustainable management purpose of the RMA and the function of territorial authorities, I am not satisfied that the application will promote the sustainable management purpose of the RMA and will not adversely affect the wellbeing of residential neighbours.

Decision

115. In exercising delegated authority under section 34A of the RMA and having regard to the foregoing matters, sections 104, 104B and 104D and Part 2 of the RMA, the land use application by Rural Tails Limited to establish a 120 Dog Daycare facility in a Rural Zone, at 11 Ridge Road, Tuakau (being Lot 5 DP 133049) with associated building, infrastructure, carparking, signage and landscape / screen planting - Council reference LUC0529/18 – is refused for the reasons discussed in this Decision (and as summarised below).

Summary reasons for the decision

116. After having regard to the actual and potential effects on the environment of allowing the proposed activity and taking into account the relevant statutory and statutory plan provisions, I find that consent for the proposed activity should be refused for the reasons discussed throughout this decision and, in summary, because:
- (a) The level of detail provided means that the adverse rural amenity effects of the proposed activity on residential neighbours cannot, with sufficient certainty, be considered avoided, remedied or mitigated;
 - (b) The acoustic evidence is predicated on building and dog management assumptions that remain too uncertain, reliant upon secondary approval or engagement processes, with attendant risk of underestimating potential adverse effects;

- (c) Imposing partial adaptive management conditions is not appropriate given that the uncertainties have potentially significant adverse effects; and
- (d) Refusing consent is consistent with the sustainable management purpose and principles of Part 2 of the RMA, and the relevant provisions of the statutory plans.



David Hill

Independent Hearing Commissioner

Date: 22 March 2019

Open Meeting

To	Policy & Regulatory Committee
From	Gavin Ion Chief Executive
Date	3 April 2019
Prepared by	Lynette Wainwright Committee Secretary
Chief Executive Approved	Y
Reference #	GOV1318
Report Title	Receipt of Minutes

1. EXECUTIVE SUMMARY

To receive the minutes and decision of a Regulatory Subcommittee hearing for Raewyn Van De Pas held on Tuesday 12 March 2019.

2. RECOMMENDATION

THAT the minutes and decision of a Regulatory Subcommittee hearing for Raewyn Van De Pas held on Tuesday 12 March 2019 be received.

3. ATTACHMENTS

REGSUB Hearing Minutes and Decision - 12 March 2019

MINUTES of a hearing by Commissioners of the Regulatory Subcommittee of the Waikato District Council held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on **TUESDAY 12 MARCH 2019** commencing at **9.00am**.

Present:

Commissioner DW Fulton (Chairperson)
Commissioner JD Sedgwick

Attending:

Mrs LM Wainwright (Committee Secretary)
Ms C Pidduck (Legal Counsel for Waikato District Council)
Mr A Pipe (Regulatory Manager)
Ms A Davis (Animal Control Officer)
Ms J Newell (Animal Control Officer)
Ms R Van De Pas (Objector)
Ms H Didsbury (Previous owner of Jax)
Members of staff

HEARING – OBJECTION TO MENACING CLASSIFICATION – RAEWYN VAN DE PAS

File No. DOGSI427/19, DOG ID 144567, Person ID 161130

Objection to Menacing Classification by Raewyn Van De Pas for dog Jax.

INTRODUCTION

Commissioner Fulton introduced the members of the hearing panel, welcomed all parties and outlined the hearing process.

HEARING OF THE APPLICATION

The objector presented verbal evidence and answered questions of the committee.

STAFF REPORT

Legal Counsel advised that there were further incidents by Jax that had become known to Council. The committee and objector were now required to read this evidence before the hearing proceeded.

The hearing adjourned at 9.02am and resumed at 9.30am.

Ms Van de Pas presented verbal evidence and answered questions of the committee.

Legal Counsel gave verbal evidence and answered questions of the committee.

Ms Didsbury answered questions of the committee.

Ms Newell and Ms Davis, Animal Control Officers, presented verbal evidence and answered questions of the committee.

RIGHT OF REPLY

Ms Didsbury presented written testimonials to the committee. Legal Counsel requested that these testimonials be given to the committee, Legal Counsel and the Animal Control Officers for review and comment.

The meeting adjourned at 10.04am and resumed at 10.29am.

Following reading of the testimonials, Legal Counsel presented verbal comments to the committee.

Ms Didsbury gave her right of reply.

The hearing adjourned at 10.34am and the decision reserved.

DELIBERATIONS

The Commissioners undertook deliberations on all evidence presented.

DECISION

THAT having considered the information presented in writing, and in person at the hearing, the Hearing Subcommittee does not uphold the objection as outlined in the decision.

HE1903/01

The hearing was declared closed at 11.45am on Tuesday 12 March 2019.

IN THE MATTER of the Dog Control Act
1996

AND

IN THE MATTER of an objection to a
Notice of Classification of Menacing Dog
pursuant to s33A (2) of the Act.

Objector

AND

WAIKATO DISTRICT COUNCIL

Respondent

**BEFORE THE WAIKATO DISTRICT COUNCIL REGULATORY
SUBCOMMITTEE**

Hearing held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia
on **TUESDAY 12 MARCH 2019.**

Present:

Cr D Fulton (Chairperson)
Cr J Sedgwick

Attending:

Ms C Pidduck (Waikato District Council – Legal Counsel)
Ms A Davis (Waikato District Council – Animal Control Team)
Mr J Newell (Waikato District Council – Animal Control Team)
Mrs LM Wainwright (Committee Secretary)
Ms R Van De Pas (Appellant Dog Owner)
Ms H Didsbury (Appellant Dog Owner at the time of the incident)

RESERVED DECISION OF THE SUBCOMMITTEE

Having considered the information presented in writing, and in person at the hearing, the sub-committee rescind the Menacing dog Classification imposed under the Dog Controlled Act 1996.

The consequence of the decision is that the Notice of Classification of the dog 'Jax', a white and brown male Red Heeler collie cross dog, as a Menacing Dog is **NOT** upheld.

Introduction

- [1] This decision relates to the history of a dog Jax during October – December 2018. Jax was, at that time, registered to Ms Hope Didsbury of 14 Upper Wainui Road, Raglan, and kept at that property.
- [2] There have been three occasions where the dog Jax has come to the notice of Animal Control officers. The first was on 24 October 2018 when Waikato District Council received a request (DOGS1192/19 from Peter Donald Williams complaining that Jax was not contained and was straying.
- [3] The second was on 17 November 2018, when Waikato District Council Animal Control was contacted by the owner, Ms Didsbury, reporting Jax missing.
- [4] The third, on 18 November was when Jax' behaviour caused an injury incident. This behaviour will be described later in this decision. Based on this behaviour the Council considered this dog posed a threat to the public and issued a notice under s33A (2) of the Act classifying the dog Jax as a Menacing Dog.
- [5] The Council received a letter on 7 January 2018 from the dog's owner, Mrs Van de Pas, objecting to the Menacing dog Classification that had been imposed on the dog Jax.

Preliminary Matters

- [6] The committee noted that the victim's mother had confirmed she did not wish to appear. The dog Jax has previously been owned by Mrs Van de Pas and had, subsequent to the incident, been returned to Mrs Van de Pas' rural property and a change of ownership effected; hence both were attending. The Chair, Cr Fulton, declared that evidence from both parties was admissible.
- (7) Ms Pidduck indicated that, whilst the hearing report indicated there were no recorded complaints about Jax, this was not correct. She indicated that Jax had come to Animal Control attention twice previous to this incident and tabled documents to support this.

- [8] Cr Fulton stated the decision would be based on the written and oral evidence provided by the objector/s, that of the victim's mother, and that of the Council Animal Control officer and legal staff.

Ms Raewyn Van de Pas (Objector)

- [9] In Mrs Van de Pas' written evidence she said she believed that the classification was unfair and unjustified. She stated that Jax is a young dog, with no history of threatening or menacing behaviour. "He was brought up on a farm, with a family of five children. Jax loves to be around machinery and run alongside. We were concerned he might get run over, so I reluctantly rehomed Jax where I knew he would be loved and well cared for."
- [10] Her evidence stated that when Jax was in her care, he had regular contact with "a considerable number of people ranging from small children to elderly people from all walks of life. Myself, family and staff have never seen Jax show any menacing or aggressive behaviour to any person or animal".
- [11] Ms Didsbury described the incident that led to Jax 'classification as menacing. She said on 18 November 2018 she was getting Jax out of the car in her driveway at 14 Upper Wainui Road, Raglan when he ran out onto the road and rushed at the bicycle ridden by a nine-year-old boy, causing the boy to startle. The boy fell off the bicycle, breaking two bones in his arm. Ms Didsbury secured Jax, then drove the injured boy to his home and spoke with his mother.
- [12] In written evidence in a witness statement dated 16 January 2019. The victim's mother Ms Vicki Greetis of 56 Upper Wainui Road Raglan said "the dog came out of 14 Upper Wainui Road and grabbed hold of his (her son's) bike tyre. The dog was barking and growling and my son went over the handlebars off his bike into the road and was hurt. After the dog grabbed by son Sam, he then went after my elder son (12) and grabbed his tyre also, Ollie tried to hit the dog off with his bike."
- [13] Ms Didsbury stated that she had recently moved into the property at 14 Upper Wainui Road, and had been in the process of speaking with the landlord about fencing or other ways to contain Jax. Ms Didsbury asserted she had recently started training Jax; that he was a frequent participant in a local dog walking group – both with herself, and others taking him - and that Jax had displayed friendly behaviours within that group and positive behaviour in public places.
- [14] Ms Didsbury said she took full responsibility for the unfortunate incident and understood the consequences of owning a young and active farm dog.
- [15] Jax was impounded by Waikato District Council Animal Control on 20th November. On 4 December Jax was classified by Mark Te Anga, Animal Control Team Leader as a menacing dog under section 33A (2) of the Dog Control Act 1996.

[16] After the incident, ownership of Jax was transferred back to Mrs Raewyn van de Pas who had owned Jax previously. This occurred on the day Jax was released from being impounded, 13 December 2018.

Christine Pidduck, Waikato District Council Legal Counsel

[17] Ms Pidduck noted the menacing classification had been imposed as a result of Jax's rushing behaviour. She submitted that the incident leading to the imposition of the menacing classification was not an isolated incident, with him having been reported as having a propensity to road, and reported previous aggressive behaviour. Ms Pidduck stated that the evidence supported the menacing classification appropriately imposed and should be upheld.

Jo Newell, Animal Control officer, Waikato District Council

[17] Ms Newell explained that the Animal Control team "thought long and hard about imposing the classification". Contributing factors were that the victim had suffered injury as a result of Jax' rushing at him, and that the dog was unrestrained in a public area. Ms Newell noted there was a short distance between Ms Didsbury's car and the road. The bicycle was travelling downhill and Jax's behaviour caused the incident.

[18] In Ms Newell's oral evidence, she said she was told that Jax had moved towards the boy as he fell on the ground, and the boy's brother used his own bicycle to create a barrier. "As part of our process we visited the property and spoke to Ms Didsbury on the phone."

[19] The Committee asked Animal Control officers, and Ms Pidduck, to explain the meaning in practical terms of s33E Effect of classification as menacing dog.. It was explained by that the dog would be required to be muzzled in all public places. It applies when in any public place or in any public shared right of way, where it must be muzzled and on a lead or caged. A muzzle is not required when a dog is on any private property.

[20] Ms Pidduck referred the hearing committee to s33E of the Dog Control Act 1996:

s33E Effect of classification as menacing dog

(1) If a dog is classified as a menacing dog under section 33A or section 33C, the owner of the dog-

(a) must not allow the dog to be at large or in any public place or in any private way, except when confined completely within a vehicle or cage, without being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction

[21] The hearing committee asked Ms Didsbury if she had a muzzle for Jax, since he was now classified as menacing. She stated that she did.

[22] The hearing committee noted that s33E (b) was not applicable as Jax had been neutered and veterinary confirmation was presented.

[23] Letters of support for Jax' behaviour in public places were tabled at the hearing by Mrs Van de Pas and Ms Didsbury and became part of the evidence.

Statutory Consideration

[24] In making its determination on this objection, the Committee must have regard to the following matters, as outlined in section 33B (2) of the Dog Control Act 1996:

- a) the evidence which formed the basis for the classification; and
- b) any steps taken by the owner to prevent any threat to the safety of persons or animals; and
- c) the matters relied on in support of the objection; and
- d) any other relevant matters.

[25] The Committee has reviewed the written evidence presented by the objector Mrs Van de Pas, and Ms Didsbury in support, and that supplied at the hearing by Animal Control officers, a written witness statement by Ms Grettis of her son's experience of the incident and the advice by Ms C Pidduck. We are satisfied that there is a clear understanding of the incidents that led to the menacing classification being imposed.

[26] There were no other matters that the Committee considered relevant to this matter when making a determination on it. (21) The Committee has only two options in considering the objection to the menacing classification:

- Uphold the menacing classification
- Rescind the classification

Reasons for the Decision

[27] The hearing committee did not have to determine the two varying accounts of the accident itself. But we did determine that Jax' action had contributed to the accident, which caused injury to the boy.

[28] The objector, Mrs Van de Pas states that Jax is a young dog of approximately two years and was brought up on a large farm. He had not shown previous aggressive behaviour and had no history of being threatening towards people, but was known to chase moving farm vehicles.

[29] Ms Didsbury has taken the step of returning Jax to his previous owner, Mrs Van de Pas who is now the registered owner of the dog.

[30] Mrs Van de Pas and Ms Didsbury are adamant that they are in the process of training Jax to verbal commands to manage his impulsive behaviour around moving objects.

[31] Jax appears to now have a stable living environment and increased opportunity to socialise in a rural environment with farm workers and visitors.

[32] The Committee determines that the dog Jax is not likely to cause harm or incident to the general public, noting that compliance with Waikato District Council Dog Control bylaws is required.

SIGNED ON BEHALF OF THE REGULATORY SUBCOMMITTEE:

.....
Cr D Fulton (Chairperson)

Open Meeting

To	Policy & Regulatory Committee
From	Gavin Ion Chief Executive
Date	8 May 2019
Prepared by	Brendan Stringer Democracy Manager
Chief Executive Approved	Y
Reference #	GOV1318/2237735
Report Title	Proposed Amendments to LGNZ Rules

I. EXECUTIVE SUMMARY

Since late 2018, LGNZ has consulted with member councils at Zone and Sector meetings on options for changing the Rules of New Zealand Local Government New Zealand ('the Rules').

Attached to this report are a number of proposed substantive and technical changes to the Rules, which are based on feedback from member councils. These proposed changes have been discussed with, and endorsed by, LGNZ's Governance and Strategy Advisory Group (GSAG) and National Council.

The proposed changes are:

- Amendments to provide Te Maruata representation on National Council;
- Amendments to give effect to Auckland Council representation on National Council;
- Minor (administrative) substantive changes; and
- Minor amendments to modernise and rationalise language in the Rules.

LGNZ's rationale for each of the proposed changes is set out in the report below.

These proposed changes to the Rules will be discussed and voted on at LGNZ's Annual General Meeting (AGM) on Sunday 7 July 2019. Although LGNZ's Rules provide that LGNZ is only obliged to give members 10 working days' notice of any proposed changes to the Rules, LGNZ has provided the proposed changes to member councils early so as to allow consideration and discussion of the proposed changes, ahead of the AGM.

Mayor Sanson will be the Council's presiding delegate at the AGM. The Council can choose to support all, some or none of the proposed changes. It is recommended that the Council support all the changes.

2. RECOMMENDATION

THAT the report from the Chief Executive be received;

AND THAT the Committee recommends that the Council approves all the proposed changes to the LGNZ Rules, as attached to the staff report.

3. BACKGROUND

LGNZ have drafted changes to its Rules, and has engaged with member councils through Zone and Sector Meetings. The proposed changes have been circulated to all member councils for their consideration prior to the LGNZ AGM in July.

4. DISCUSSION AND ANALYSIS OF OPTIONS

4.1 DISCUSSION

There are four principal areas comprising the proposed changes; each is discussed below.

Proposal One – Amendments to provide Te Maruata representation on National Council (including consequential amendments)

To reflect the increasing diversity of the local government family/whanau it is proposed that the Rules be amended to provide that the Chair of Te Maruata is a member of National Council, with full voting rights.

Te Maruata Roopu Whakahaere (Te Maruata) is a subcommittee of the National Council comprised of Maaori elected members. Te Maruata was established in response to a remit passed at the 2008 LGNZ AGM. Its role is to:

- promote increased representation of Maaori as elected members of local government;
- enhance Maaori participation in local government processes;
- provide support for councils in building strong relationships with iwi, hapu and Maaori groups;
- provide Maaori input on development of future policies or legislation relating to local government; and
- foster and support a network of Maaori elected members and staff of local government for the purpose of sharing information, challenges and aspirations relevant to kaupapa Maaori.

Given Te Maruata's importance, National Council resolved in 2018 that the Chair of Te Maruata would sit on National Council as a non-voting member. Feedback from members is that the time is now right for Te Maruata's Chair to sit as a full member of National Council.

This proposed amendment to the Rules reflects a drive for greater diversity on National Council, the importance of local government engaging with Maaori communities and the obligations that local government has to reflect the obligations of the Treaty of Waitangi.

Proposal 1 (in Appendix 1) details a number of consequential, technical changes that will need to be made to the Rules if the substantive proposal to provide a seat on National Council for Te Maruata's Chair is adopted.

Proposal Two – Amendments to give effect to Auckland Council representation on National Council (including consequential amendments)

It is proposed that the Rules be amended to provide that Auckland Council has three seats on National Council, to be held by:

- The Mayor of Auckland (or an alternate member of the Auckland Council governing body appointed by the Mayor);
- A member of the Auckland Council governing body; and
- A member of an Auckland Council local board.

These proposed amendments are designed to reflect the scale of Auckland (one-third of New Zealand's population). They are also designed to bring the LGNZ Rules into line with Auckland Council's current unique governance structure (ie a governing body and local boards). The current LGNZ Rules pre-date the establishment of Auckland Council and its current governance structures, which were introduced by legislation in 2010. LGNZ's view is that its Rules should be consistent with those changes.

Local boards are a unique governance structure, providing governance at a local level within Auckland Council and enabling democratic decision-making by and on behalf of communities within the local board area. There are 21 local boards, comprising 149 elected members in total. Local board responsibilities include adopting local board plans, agreeing annual local board agreements that set annual budgets, and agreeing and overseeing annual work programmes. Currently there is no provision for the representation of local board members on National Council. LGNZ's view is that it is important that provision is made for the representation of this group of elected members on National Council.

As a result of these proposed changes to Auckland's representation, Auckland Council would no longer be part of Zone 1; Zone 1 would be comprised of Far North region councils only. Zone 1 would be entitled to one seat on National Council.

To ensure that the representation of metropolitan New Zealand on National Council is not by Auckland Council alone, specific amendments are proposed to make it clear that three seats on National Council will be held by metropolitan councils other than Auckland Council.

Based on feedback from Zone meetings, it is also proposed that the Rules be amended to specifically provide that at least one of the three Metropolitan Sector representatives on National Council be from the South Island. This is designed to ensure that there is appropriate representation of metropolitan South Island on National Council.

Proposal 2 (refer to Appendix 1) details a number of consequential, technical changes that will need to be made to the Rules if the substantive proposal to change the representation of Auckland Council on National Council is adopted.

Note that Proposals 1 and 2 will result in the membership of National Council increasing from 15 members to 18. Feedback from current National Council members is that a Council of this size for a membership based body is workable, particularly given that the Rules give National Council the power to create an executive committee, or subcommittee structures, where that is considered appropriate.

Proposal Three – Minor (administrative) substantive changes

A number of minor administrative changes to the Rules are proposed, including:

- Inclusion of community board members in the definition of Elected Member;
- The ability for National Council to appoint individuals (with full speaking rights, but no voting rights) to the National Council to provide assistance to National Council because of their training, qualifications or experience; and to ensure diversity of representation;
- Changes to the definition of a quorum for the purpose of National Council meetings; and
- The ability for National Council to pass a resolution without a meeting with the agreement of 75 per cent of all National Council members (as opposed to all National Council members, as currently required).

These proposed amendments (refer to Appendix 1) are designed to ensure that the Rules provide for all types of elected member, are consistent with the proposed substantive changes to the Rules, and to simplify National Council's processes.

Proposal Four – Minor amendments to modernise and rationalise language

LGNZ is proposing that a number of changes be made to modernise the Rules (eg to make provision for electronic notices and voting), and rationalise the language of the Rules.

These changes are technical in nature, and do not result in any substantive changes to the Rules. These changes are detailed in Appendix 2 to this report.

4.2 OPTIONS

As noted above, these proposed changes to the Rules will be discussed and voted on at LGNZ's AGM on Sunday 7 July 2019. Member councils will receive copies of the proposed changes to the Rules as part of the formal AGM papers.

LGNZ is providing copies of the proposed changes in advance so that councils have plenty of time to consider the proposed changes.

The Council can choose to:

- Approve all of the proposed changes;
- Approve only some of the proposed changes; or
- Not approve any of the proposed changes.

It is recommended that the Council approve all of the proposed changes; most being minor in nature.

As required under Rule K4(b), each of the four proposed sets of changes to the Rules will require the support of a two-thirds majority of LGNZ's members in order to pass.

Mayor Sanson, as the Council's presiding delegate at the LGNZ AGM, will vote on the proposed changes in accordance with the Council's resolution.

5. CONSIDERATION

5.1 FINANCIAL

There are no financial considerations.

5.2 LEGAL

The proposed changes to the Rules will need to proceed in accordance with the current LGNZ Rules, as outlined earlier in the report.

5.3 ASSESSMENT OF SIGNIFICANCE AND ENGAGEMENT POLICY AND OF EXTERNAL STAKEHOLDERS

Having assessed the Significance & Engagement Policy, staff consider the matters in this report have low significance.

Highest levels of engagement	Inform	Consult	Involve	Collaborate	Empower
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Tick the appropriate box/boxes and specify what it involves by providing a brief explanation of the tools which will be used to engage (refer to the project engagement plan if applicable).</i>	Type here if applicable				

Planned	In Progress	Complete	
	✓		Internal
			Community Boards/Community Committees
			Waikato-Tainui/Local iwi (provide evidence / description of engagement and response)
			Households
			Business
			Other Please Specify

6. CONCLUSION

LGNZ have circulated proposed changes to its Rules for member councils to consider before these changes are voted on at the LGNZ AGM in July 2019. Staff recommend that the Council approves all the proposed changes.

7. ATTACHMENTS

Appendix 1 – 2019 Proposed Amendments to the LGNZ Rules

Appendix 2 – Tracked-change version of the LGNZ Rules reflecting Proposal 4 (Minor Amendments to modernise and rationalise language)

PROPOSED AMENDMENTS TO THE RULES 2019

Proposal 1 - Minor (Administrative) Substantive Changes:

1. Rule A2: - Delete paragraph (b) of the definition of "Elected Member" and substitute:
 - "(b) A person holding office as a member of a local board within the district of a Member Authority; and**
 - (c) A person holding office as a member of a community board within the district of a Member Authority."**

2. Rule E11A to E11C: Add the following after Rule E11:

"E11A From time to time, the National Council may appoint to the National Council any person whom the National Council believes will assist the National Council in its deliberations because of that person's training, qualifications or experience. Any such person is not required to be qualified to be a National Council member or an Elected Member. The National Council may discharge any such person from the National Council in like manner.

E11B From time to time, the National Council may appoint to the National Council any person whom the National Council believes will ensure diversity of representation on National Council. Any such person must be an Elected Member. The National Council may discharge any such person from the National Council in like manner.

E11C Any person appointed under Rules E11A or E11B shall have full speaking rights but no voting rights at National Council meetings."

3. Rule E17: Delete the word "six" in both places it appears and substitute **"a quorum"**.

4. Rule E26: Delete the current wording and substitute:

"At any meeting of the National Council, a quorum consists of:

 - (a) half of the membership (President and members provided for in Rule E1) if the number of such members (including vacancies) is even; or**
 - (b) a majority of members (President and members provided for in Rule E1) if the number of such members (including vacancies) is odd.**

5. Rule E29A: Delete the current wording and substitute:

"The National Council may pass a resolution without a meeting held in accordance with Rules E20-E29, but only if the resolution is assented to by not less than 75% of the members of the National Council then in office and entitled to vote."

Proposal 2 - Amendments to provide Te Maruata representation on the National Council (including consequential amendments):

Rule A2:

Amend the definition of "NATIONAL COUNCIL MEMBER" by deleting the words "elected or appointed" and substituting "**elected, appointed or assuming office**".

Insert after the definition of "SECTOR GROUP" the following:

"TE MARUATA" means the committee named Te Maruata Roopu Whakahaere established in response to the remit passed at the 2008 Annual Conference and any committee in substitution for that committee."

Rule E1: Delete the opening words and paragraph (a) and substitute the following:

"E1 The National Council of LGNZ consists of the President and:

(a) The person for the time being holding office as the Chair of Te Maruata (or an alternate appointed in writing by that person);"

Rule E10: Delete the current wording and substitute:

"E10 Persons appointed to the National Council or who assume office as a member of National Council under Rules E1 to E9 assume office on the day that is eight weeks after the triennial local government elections are held, except that the person who assumes office as a member of National Council pursuant to Rule E1(a) assumes that office at such time that the Chair of Te Maruata is appointed at a hui organised by LGNZ for the purpose of Te Maruata appointment, and subject to Rules E12 to E16 all such persons serve in office until their successors have assumed office."

Rule E15: After the reference to "the President" add the words "**or the position occupied by the Chair of Te Maruata.**"

Rule E15A: Add the following after Rule E15:

"E15A In the event of the position on National Council occupied by the Chair of Te Maruata becoming vacant, that position will be filled by the Deputy Chair of Te Maruata until such time that a replacement Te Maruata Chair is elected."

Rule E16: Add after the reference to "Rule E15" "**, or who assumes office under Rule E15A,**"

Proposal 3 - Amendments to give effect to Auckland Council representation on the National Council (including consequential amendments):

Rule D1: Delete the second sentence and substitute the words **“Each Member Authority (except Auckland Council) shall belong to one Zone, and no Member Authority shall belong to more than one Zone.”**

Rule D2: Delete from the definition of “Zone One” in paragraph (a) the words **“and the Auckland Council”**.

Rule E1: Delete paragraphs (b) to (e) and substitute the following:

- “(b) One person elected by each of Zones One, Two, Three, Four, Five and Six;**
- (c) Three persons elected by the Metropolitan Group –**
 - (i) at least one of whom is an elected member of a South Island Member Authority; and**
 - (ii) none of whom is an elected member of Auckland Council or any of its local boards;**
- (d) Two persons elected by the Regional Group;**
- (e) One person elected by each of the Provincial and Rural Groups;**
- (f) The Mayor of Auckland (or an alternate member of the Auckland Council governing body appointed in writing by the Mayor); and**
- (g) Two persons to represent Auckland as set out in Rule E1A.”**

Add after Rule E1 the following:

“E1A AUCKLAND REPRESENTATION

The appointments referred to in Rule E1(g) must be:

- (a) one person appointed by the Auckland Council, from members of the governing body (not being the Mayor, or the Mayor’s alternate under Rule E1(f)); and**
- (b) one person appointed by Auckland Council local boards, from elected members of the local boards.”**

Proposal 4 – Minor Amendments to Modernise (e.g. electronic notices and voting) and rationalise language.

Please refer to the attached version of the Rules (Appendix X) with all proposed amendments shown in red.

RULES

of

NEW ZEALAND LOCAL GOVERNMENT ASSOCIATION INC

(TRADING AS *Local
Government New Zealand or
LGNZ*)

(adopted at the Annual General Meeting on
18 July 2001

and amended at the Special General Meeting
on 11 March 2005, and at the Annual
General Meeting on 27 July 2005,
28 July 2010, 15 July 2012), and Special
General Meeting 13 March 2014

~~TRACKED CHANGES ARE THOSE ADOPTED
BY RESOLUTIONS AT THE SGM OF
13 MARCH 2014~~

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A NAME AND INTERPRETATION

A1. The name of the Society is the NEW ZEALAND LOCAL GOVERNMENT ASSOCIATION INC (trading as "*Local Government New Zealand*" and referred to as *LGNZ* in these Rules).

A2. In these Rules unless the context requires a different interpretation:

'ANNUAL GENERAL MEETING' means the Annual General Meeting of ~~m~~Member ~~a~~Authorities held in accordance with Part G.

'APPOINTED' means appointed to office whether by election or otherwise and "appointment" has a corresponding meaning.

'CHIEF EXECUTIVE' means the Chief Executive of *LGNZ* appointed under rule I1, and includes an Acting Chief Executive appointed under Rules I4 and I5 when acting during the absence of the Chief Executive or a vacancy in that office.

'ELECTED MEMBER' means an elected member of a ~~m~~Member ~~a~~Authority and includes –

- (a) A person holding office as Chairperson, Mayor, or Councillor of a ~~m~~Member ~~a~~Authority;
- (b) A person holding office as a member of a local board or governing body established under section 10 of the Local Government (Auckland Council) Act 2009.

'LOCAL AUTHORITY' means a Regional Council, Unitary Authority, or Territorial Authority, or any statutory body being the successor of such local authority, but does not include the Minister of Local Government.

'MEMBER AUTHORITY' means a Local Authority for the time being admitted to membership of LGNZ in accordance with Part C.

'NATIONAL COUNCIL' means the governing body of LGNZ constituted in accordance with Part E.

'NATIONAL COUNCIL MEMBER' means a member of the National Council elected or appointed from time to time in accordance with Rule E1, and includes the President.

'REGIONAL COUNCIL', 'UNITARY AUTHORITY' and 'TERRITORIAL AUTHORITY' have the same meaning as in the Local Government Act 2002 except that they do not include the Minister of Local Government.

'SECTOR GROUP' means a sector based grouping of Member Authorities as provided for in Part D.

'ZONE' means a geographical grouping of Member Authorities as provided for in Part D.

- A3.** The definitions contained in Section 2 of the Local Government Act 2002, unless the context otherwise requires, apply to any term not expressly defined in these Rules.

- A4.** Subject to Rule A5, for all purposes under these Rules, the population of a **mM**ember **aA**uthority is its census night population as determined in the most recent census.
- A5.** On application by a **mM**ember **aA**uthority, the Annual General Meeting may by resolution determine that the population of the **mM**ember **aA**uthority for the purpose of one or more of these Rules is as determined by any more recent estimate issued by the Department of Statistics.
- A6.** Where any Rule provides that a person assumes office on a specified day, that person shall assume office at the commencement of that day, that is, immediately after midnight of the preceding day, unless otherwise specified.
- A7.** Subject to Rule A6, where any matter or thing is required or authorised by these Rules to be done on or not later than a specified date or day, that matter or thing may be done at any time up to midnight on that day, unless otherwise specified.

B OBJECTS AND POWERS

B1. The objects of *LGNZ* are:

- (a) To promote the national interests of local government through the promotion of *LGNZ's* vision as approved by the National Council from time to time;
- (b) To advocate on matters affecting the national interests of local government and the communities that it represents;
- (c) To constructively promote and facilitate regular dialogue with Government, Parliamentarians, and the agencies of Government on matters of national interest to local government with a view to enhancing and ensuring a long-term commitment to partnership between central and local government in New Zealand;
- (d) To provide full, accurate and timely information to ~~m~~Member ~~a~~Authorities and associate members on matters affecting local government and *LGNZ*;
- (e) To research, survey, and investigate those matters in which *LGNZ* has an interest or a responsibility on behalf of its ~~m~~Member ~~A~~authorities;
- (f) To provide advice and to deliver education and training opportunities for ~~M~~member

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~~A~~authorities and others on the role and practices of local government, sound governance and management practices, best practice operational matters, ~~and~~ the laws affecting local government, and other matters relevant to local government;

- (g) To hold such conferences and forums as required for the advancement of its objects;
- (h) Generally to do all such other things as may be incidental or conducive to attaining the attainment of any of the above objects ~~or any of them~~.

B2. For the purpose of carrying out all or any of its objects LGNZ has the following powers:

- (a) To purchase, take on lease or exchange, hire or otherwise acquire any real or personal property and any rights or privileges which LGNZ thinks necessary or expedient;
- (b) To fund its activities by subscriptions, fees, income, or payments from ~~M~~member ~~A~~authorities and associate members, sponsorships and other activities and to grant any rights and privileges to ~~M~~member ~~A~~authorities and associate members;

- (bb) To engage in any activities that advance the objects of *LGNZ* including activities that raise money for that purpose;
- (c) To borrow, raise or secure the payment of money (with or without security) in such manner as *LGNZ*, in its discretion, thinks fit;
- (d) To invest, lend, advance and deal with the moneys of *LGNZ* in such a manner as *LGNZ*, in its discretion, thinks fit;
- (e) To appoint, remunerate, remove or suspend any employee of *LGNZ*;
- (f) To make, adopt, vary and publish rules dealing with any of the matters in the objects set out in Part B and take all steps that are necessary or advisable for applying the *Rules*;
- (g) To receive and take any gifts or donations of money or property for any of the objects of *LGNZ* whether subject to any special trusts or not, and whether as sole trustee or not, but the National Council may decline to accept any gift or donations or take over or hold any property which has annexed to it any condition or obligation not approved by the National Council;

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- (h) To make, draw, accept, discount and execute any promissory notes, bills of exchange, debentures or other negotiable instruments;
- (i) To subscribe to, become a member of, or co-operate with, any other society whether incorporated or not whose objects are altogether or in part similar to those of *LGNZ*. To procure from and communicate to that society any information that is likely to advance the objects of *LGNZ*;
- (j) To provide services for and assistance to any other society whether incorporated or not whose objects are in full or in part similar to those of *LGNZ*;
- (jj) To provide services for and assistance to any member of *LGNZ*;
- (k) To acquire or subscribe for shares or other equity securities in any company or other incorporated body;
- (l) To enter into any contract, make any arrangements or undertake any activity for the financial or other benefit of *LGNZ*;
- (m) To prepare and implement a business plan;

- (n) To do all other acts and things for the purpose of attaining any of the objects of *LGNZ*.

C MEMBERSHIP

MEMBERS

C1. Subject to Rules C4 and C5 a ~~L~~ocal ~~A~~uthority becomes a ~~M~~ember ~~A~~uthority upon payment of the annual subscription.

ASSOCIATE MEMBERS

C2. Subject to Rules C4 and C5 any other person or organisation that is approved as an associate member of *LGNZ* by the National Council, becomes an associate member of *LGNZ* on payment of the appropriate annual subscription.

C3. The National Council may from time to time by resolution -

(a) Create amend or delete any category or categories of associate members; and

(b) Determine the extent of the rights and privileges of associate members as members of *LGNZ* (which must not include voting rights as members of *LGNZ*).

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C3A. Without limiting the categories of persons or organisations that may become ~~a~~Associate ~~m~~Members, the National Council may make provision for an associate membership category or categories for council organisations, council-controlled organisations, council-controlled trading organisations and exempted organisations (as those terms are defined in the Local Government Act

2002, but without the exclusions provided in section 6(4) of that Act).

TERMINATION OF MEMBERSHIP

- C4. Any ~~M~~member ~~A~~authority or associate member may resign from membership by giving to LGNZ notice in writing, and every notice, unless otherwise expressed, takes effect one month after the giving of that notice but does not in any case release the ~~M~~member ~~A~~authority or associate member from payment of any subscription, fees or other payments owing to LGNZ at the time of resignation.
- C5. The National Council has the power, by resolution, to terminate, or suspend for any specified period, the membership of any ~~M~~member ~~A~~authority or associate member for whatever reasons, in its discretion, it thinks fit.
- C6. Any ~~M~~member ~~A~~authority or associate member whose membership has been terminated or suspended is entitled to table a motion before an Annual General Meeting seeking the revocation of the termination or suspension, and notwithstanding any provisions of these Rules to the contrary (including any procedural requirement for a seconder to a motion), the motion shall be put to that Annual General Meeting.
- C7. If any motion referred to in Rule C6 is passed, the termination or suspension shall be deemed to have no effect.

LIFE MEMBERSHIP

- C8.** Notwithstanding anything to the contrary in these Rules, the Annual General Meeting or a Special General Meeting may by resolution, upon the recommendation of the National Council, elect to life membership any person who has given outstanding service to *LGNZ* or to local government generally.
- C9.** A life member may attend any Annual General Meeting or Special General Meeting of *LGNZ* without paying a fee, and has such speaking rights as the Chair of the meeting allows but a life member is not entitled to exercise any other rights conferred by or under these Rules upon ~~M~~member ~~A~~authorities or associate members.

TRANSITIONAL MEMBERSHIP

- C10.** Notwithstanding anything to the contrary in these Rules but subject to Rule C11, any ~~L~~ocal ~~A~~uthority, which pursuant to a final reorganisation scheme or other final scheme whether implemented under the Local Government Act 2002 or otherwise, succeeds to the functions of a regional council, unitary authority or territorial authority, any one or more of which were separately ~~M~~ember ~~A~~uthorities of LGNZ, becomes a ~~M~~ember ~~A~~uthority of LGNZ entitled to all the rights and privileges of that status.
- C11.** The National Council may require payment by a ~~L~~ocal ~~A~~uthority whose predecessors were not all ~~M~~ember ~~A~~uthorities ~~or were not all financial member authorities~~, of such additional sum as it considers necessary to fairly equate, in respect of the balance of the current financial year, with the subscription which would otherwise have been payable had the ~~L~~ocal ~~A~~uthority been a ~~M~~ember ~~A~~uthority at the commencement of that financial year.

D ZONES AND SECTOR GROUPS

ZONES

- D1.** There shall be six geographical groupings of ~~M~~member ~~A~~authorities to be known as ~~Z~~zones. Each ~~M~~member ~~A~~authority shall belong to a zone and no member authority shall belong to more than one zone.
- D2.** Subject to paragraph D5, the membership of the six ~~Z~~zones is as follows:
- (a) Zone One – All ~~M~~member ~~A~~authorities within the area bounded by the Northland Regional Council and the Auckland Council.
 - (b) Zone Two - All ~~M~~member ~~A~~authorities within the area bounded by the Waikato and Bay of Plenty Regional Councils and the Gisborne District Council and those parts of the Waitomo and Taupo District Councils situated in any other Regions.
 - (c) Zone Three - All ~~M~~member ~~A~~authorities within the area bounded by the Taranaki, Hawke's Bay, and Manawatu-Wanganui Regional Councils and that part of the Tararua District situated in the Wellington Region but excluding any parts of the Taupo and Waitomo District Councils.

- (d) Zone Four - All ~~M~~member ~~A~~authorities within the area bounded by the Wellington Regional Council including that Council but excluding any part of the Tararua District.
- (e) Zone Five - All ~~M~~member ~~A~~authorities within the area bounded by the Canterbury and West Coast Regional Councils, the Tasman and Marlborough District Councils, the Nelson City Council, and the Chatham Islands ~~C~~ounty Council but excluding any part of the Waitaki District.
- (f) Zone Six - All ~~M~~member ~~A~~authorities within the area bounded by the Otago and Southland Regional Councils and that part of the Waitaki District Council included in the Canterbury Region.

D3. For the purposes of Rule D2, membership of the six ~~Z~~zones is to be determined by the boundaries specified in Rule D2 even though all or any of the ~~L~~local ~~A~~authorities may be abolished or their boundaries altered by any final reorganisation scheme or other final scheme whether implemented under the Local Government Act 2002 or otherwise.

D4. In the event that the district of a ~~m~~Member ~~a~~Authority is or becomes located in more than one ~~Z~~zone, or if for any other reason it is unclear to which ~~Z~~zone a ~~M~~member ~~A~~authority belongs, the

matter must be ~~conclusively~~ determined by resolution of the National Council.

- D5.** The National Council may redefine the membership of any ~~Z~~zone after consultation with all affected members. Upon making any change the National Council will notify all members of its decision and of the date on which it becomes effective.

ZONE FUNCTIONS

- D6.** In addition to making appointments to the National Council, ~~Z~~zones may:
- (a) Provide information and advice on issues and concerns affecting members to the National Council and the Chief Executive, and receive and disseminate information to their members;~~;~~ and
 - (b) Assist the National Council and the Chief Executive in dealing with national issues and in otherwise furthering the objects of *LG NZ*.

SECTOR GROUPS

- D7.** There shall be four sector based groupings of ~~M~~member ~~A~~authorities known as ~~S~~sector ~~G~~groups made up as follows:
- (a) Metropolitan Group - All territorial authorities and unitary authorities having populations of 90,000 or over;
 - (b) Provincial Group - All territorial authorities and unitary authorities having populations of 20,000 or over and less than 90,000;
 - (c) Rural Group - All territorial authorities and unitary authorities having populations of less than 20,000; and

(d) Regional Group - All regional councils and unitary authorities.

D8. Subject to Rule D9, each ~~M~~Member ~~A~~Authority, by virtue of its membership of LGNZ belongs to a ~~S~~sector ~~G~~Group specified in Rule D7.

D9. Any ~~M~~Member ~~A~~Authority, may apply to the Chair of the ~~S~~sector ~~G~~Group to which it would prefer to belong and may belong to a ~~S~~sector ~~G~~Group different from that specified in Rule D7 if:

(a) The Chair of the ~~S~~sector ~~G~~Group to which it applies agrees in writing;~~;~~ and

(b) The decision of the Chair is confirmed by National Council.

D10. For the purpose of making any appointment under paragraphs (c) or (d) or (e) of Rule E1:

(a) No ~~M~~member ~~A~~authority may vote in respect of more than one ~~S~~sector ~~G~~group; and

(b) A ~~M~~member ~~A~~authority which is a unitary authority may vote either as a territorial authority or as a member of the Regional Group but not both.

D11. For any purpose other than ~~for the purpose of~~ making an appointment under paragraphs (c) or (d) or (e) of Rule E1:

(a) No member is bound to any ~~S~~sector ~~G~~group; and

- (b) Any ~~M~~member ~~A~~authority may attend meetings of any ~~S~~sector ~~G~~group and be treated, subject to the following paragraph (c), as a member of that ~~S~~sector ~~G~~group; and
- (c) Member ~~A~~authorities who are described as belonging to a particular ~~S~~sector ~~G~~group in Rule D7 may determine from time to time whether other ~~m~~Member ~~A~~authorities who attend meetings of their ~~S~~sector ~~G~~group have voting rights, either generally or in regard to any particular case.

SECTOR GROUP FUNCTIONS

- D14.** In addition to making appointments to the National Council, ~~S~~sector ~~G~~groups may:
- (a) Provide information and advice on issues and concerns affecting members to the National Council and the Chief Executive, and receive and disseminate information to their members; and
 - (b) Assist the National Council and the Chief Executive in dealing with national issues and in otherwise furthering the objects of LGNZ.

ZONE AND SECTOR GROUP MEETINGS

- D15.** Each ~~Z~~zone and each ~~S~~sector ~~G~~group must comply with any directions of the National Council as to:

- (a) The making of appointments;
- (b) The conduct of meetings; or
- (c) The conduct of its affairs generally.

- D16.** Each Zzone and each Ssector Ggroup must meet or conduct ballots at such time or times to enable appointments to the National Council to be made in accordance with these Rules.
- D17.** Subject to the preceding provisions of these Rules, each Zzone and each Ssector Ggroup may conduct meetings at such times and places, and in such manner as it ~~may itself~~ determines.
- D18.** No Zzone or Ssector Ggroup meeting may be held unless *LGNZ* and all Mmember Aauthorities within the Zzone or Ssector Ggroup concerned have been given not less than 5 working days' notice of the meeting, venue and the business to be considered.
- D19.** The President and Chief Executive (or their nominees) are entitled to be notified of, attend, and have speaking rights at all Zzone and Ssector Ggroup meetings.
- D20.** A record must be kept of all Zzone and Ssector Ggroup meetings and a copy of the record forwarded to *LGNZ*.
- D21.** Subject to any directions by the National Council, each Zzone or Ssector Ggroup is responsible for determining the manner of administering and funding its activities but

the cost of any services to be provided by *LGNZ* must first be agreed with the National Council.

- D22.** At all times each Zzone and Ssector Ggroup must have a person designated as its Chair.

E NATIONAL COUNCIL

COMPOSITION OF NATIONAL COUNCIL

- E1.** The National Council of *LGNZ* consists of the President and 14 members appointed as follows:
- (a) Two persons appointed by Zone One;
 - (b) One person appointed by each of Zones Two, Three, Four, Five and Six;
 - (c) Three persons appointed by the Metropolitan Group;
 - (d) Two persons appointed by the Regional Group;
 - (e) One person appointed by each of the Provincial and Rural Groups.

QUALIFICATION AND VOTING

- E2.** Every person who holds office as an ~~e~~elected ~~m~~Member is qualified to be appointed to or assume office as a member of~~appointed to~~ the National Council as the case may be.
- E3.** No ~~L~~Local ~~A~~Authority or any representative of a ~~L~~Local ~~A~~Authority is entitled to make an appointment or to vote in the making of appointments pursuant to Rule E1 unless the ~~L~~Local ~~A~~Authority is a ~~m~~Member ~~a~~Authority.
- E4.** Subject to the determination referred to in Rule E6, no ~~M~~Member ~~A~~Authority is entitled to exercise more than one vote for

any candidate for appointment under Rules E1(c) or (d) or (e).

- E5. Subject to these Rules, each Zzone and each Ssector Ggroup is entitled to determine the manner in which its appointments will be made.

SECTOR GROUP APPOINTMENTS

- E6. Appointments of National Council members by sSector gGroups must be made in the following manner:

- (a) Elections in each Ssector Ggroup must be held within eight weeks after the triennial local government elections are held;
- (b) Elections are to be conducted under the supervision of the Chief Executive by way of secret ballot and may be carried out by postal vote or electronic voting;
- (c) Each Mmember Aauthority in a Ssector Ggroup has a single vote for the purpose of the elections;
- (d) If any matter arises in the conduct of the elections which is not expressly provided for in these Rules, the Chief Executive must determine the matter in his or her absolute discretion but may be guided by the provisions of the Local Electoral Act 2001;
- (e) As soon as practicable after the closing of voting the Chief

Executive must declare the result of the election;

- (f) If, on any count, two or more candidates have an equal number of votes and one or more of them has to be excluded, the candidate or candidates to be excluded must be decided by the drawing of lots under a procedure supervised by the Chief Executive.

E7. Appointments of National Council members by ~~s~~Sector ~~G~~groups are for a period of three years except where Rule E16 applies.

ZONE APPOINTMENTS

E8. Appointments of National Council members by ~~Z~~zones must be made in the following manner:

- (a) Elections in each ~~Z~~zone must be held within eight weeks after the triennial local government elections are held;
- (b) Elections are to be conducted under the supervision of the Chief Executive by way of secret ballot and may be carried out by postal vote or electronic voting;
- (c) Each ~~M~~member ~~A~~uthority in a ~~Z~~zone has the votes allocated to it as determined under Rule H1;
- (d) If any matter arises in the conduct of the elections which is not expressly provided for in these Rules, the Chief Executive must determine the matter in his or her absolute discretion but may be guided by the provisions of the Local Electoral Act 2001;
- (e) As soon as practicable after the closing of voting the Chief Executive must declare the result of the election;
- (f) If, on any count, two or more candidates have an equal number of votes and one or more of them has to be excluded, the candidate or candidates to be excluded

must be decided by the drawing of lots under a procedure supervised by the Chief Executive.

- E9.** Appointments of National Council members by ~~Z~~zones are for a period of three years, except where Rule E16 applies. Once notified, the persons appointed are not able, while holding office on the National Council, to also hold appointment under Rules E1(c) to (e).

APPOINTMENTS GENERALLY

- E109.** Persons appointed to the National Council under Rules E1 to E98 assume office on the day that is eight weeks after the triennial local government elections are held, and subject to Rules E12 to E16 serves in office until their successors have assumed office.

- E110.** In the event that any appointment required to be made in terms of these Rules is not made, a vacancy shall be deemed to result ~~forthwith~~. The vacancy must be filled by appointment by the National Council as soon as practicable.

VACANCIES

- E12.** If any National Council member (other than the President):

- (a) Resigns from the National Council by giving written notice to that effect to the Chief Executive; or

(b) Subject to Rule E13, ceases to hold office as an ~~E~~lected ~~M~~member; or

(c) Is elected to the office of President;

then that person's position as a National Council member immediately becomes vacant.

E13. If a National Council member ceases to hold office as an ~~E~~lected ~~M~~member by not standing for election, or failing to win election, at a triennial local government election, the person continues to hold office as a National Council member until his or her successor assumes office under Rule E~~10~~9.

E14. If any National Council member is absent for two consecutive meetings of the National Council, without leave of absence granted by, or an apology satisfactory to, the National Council, then that person's position may be declared vacant by the National Council.

E15. Subject to Rules E1 to E~~14~~1, in the event of any position on the National Council (other than the office of the President) becoming vacant, the Chief Executive must immediately give written notice to all ~~M~~member ~~A~~authorities entitled to have appointed that member, and the relevant ~~Z~~zone or ~~S~~sector ~~G~~group may appoint a replacement person to the vacant position. If within two months after the giving of such notice, the vacancy has not been filled, the National Council has the power to fill the vacancy by appointment.

- E16.** Any person appointed under Rule E15 holds office only for the unexpired portion of the term of office of that person's predecessor.
- E17.** The National Council may continue to act with a vacancy in its numbers, but if, and so long as, its numbers are reduced below six—, the continuing members of the National Council may only act for the purposes of increasing the number of members of the National Council to six or more or for exercising any powers under Part G vested in the National Council.

POWERS OF NATIONAL COUNCIL

- E18.** The National Council has and may exercise the sole control, discretion and governance of LGNZ subject only to any limitations imposed by these Rules or directions given by the Annual General Meeting or any Special General Meeting.

NATIONAL COUNCIL MEETINGS AND PROCEDURES

- E19.** Meetings of the National Council must be held in accordance with Rules E20 to E29.
- E20.** Meetings of the National Council must be held at the times and places as are fixed by the National Council, or as requisitioned by written notice to the Chief Executive signed by the President or any three National Council members.
- E21.** Subject to Rule E23, the Chief Executive must give each National Council member at least 5 working days' notice of a meeting of the National Council and must,

before each meeting, forward to each National Council member details of the venue and business to be transacted at the meeting.

- E22.** Despite Rule E21, the National Council may deal with other business at the meeting only if a majority~~every member~~ of the National Council agrees.
- E23.** In circumstances in which the President or Chief Executive determine that business has arisen requiring urgent attention by the National Council, a meeting must be held on not less than 48 hours' notice being given by the Chief Executive, (or shorter notice if every member of the National Council agrees) and only the business notified may be transacted at that meeting.
- E24.** The President shall preside at all National Council meetings but if the President is absent, the meeting must appoint a Chair.
- E25.** Each National Council member present at any meeting of the National Council is entitled to one vote, and in the event of an equality of votes, the Chair of the meeting is entitled to exercise a second or casting vote. Proxy voting is not permitted.
- E26.** At any meeting of the National Council, a quorum exists when not less than eight of the total number of National Council members then in office are present.
- E27.** If a quorum is not present within one hour of the time fixed for a National Council meeting, the meeting shall lapse. If the meeting ceases to have a quorum for any

period, no business may be conducted during that time.

E28. For the purposes of Rules E26 and E27, a quorum exists at a meeting when sufficient persons to make up the quorum are:

- (a) Assembled together at the place fixed for the meeting; or
- (b) Are linked by means of audio or audio and visual communication and can simultaneously hear each other; or
- (c) Any combination of paragraphs (a) and (b).

E29. Subject to Rules E19 to E298A, the National Council may regulate its own procedures.

E29A. The National Council may pass a resolution without a meeting, but only if the resolution is assented to by every member of the National Council.

NATIONAL COUNCIL COMMITTEES

E30. The National Council may appoint committees for general or special purposes and may delegate any of its powers to such committees except the powers in Rules C5, E110, E14, and E15.

E31. The National Council must appoint the Chair of each committee who shall preside at all meetings of the committee, but if that person is absent, the meeting must

appoint a member of the committee to preside at that meeting.

- E32.** From time to time, the National Council may appoint to any committee appointed under Rule E30, any person whom the National Council believes will assist the committee in its deliberations because of that person's training, qualifications or experience. Any such person is not required to be qualified to be a National Council member or an elected member. The National Council may discharge any such person from a committee in like manner.
- E33.** Every committee appointed under Rule E30 must report to the National Council, and its report must be adopted by the National Council before any action is taken in respect of the matter, unless the committee has been appointed with specific authority to act, as set out in that committee's terms of reference.
- E34.** The Chair of any committee may arrange for the attendance of any person at a committee meeting and that person has full speaking rights at that meeting. The President and the Chief Executive have the right to be notified of, attend, and have speaking rights at any committee meeting.
- E35.** Where there is urgent business to be transacted by any committee, the Chair of that committee or the Chief Executive may convene a meeting on such notice as can conveniently be given; otherwise committee meetings must be convened at such times and on such notice as the committee so determines.

- E36.** Each committee member present at any meeting of a committee is entitled to one vote, and in the event of an equality of votes, the Chair of the meeting is entitled to exercise a second or casting vote.
- E37.** At any meeting of a committee, a quorum exists when not less than one third of the total number of members of the committee are present.
- E38.** If a quorum is not present within one hour of the time fixed for a committee meeting, it shall lapse. If the meeting ceases to have a quorum for any period, no business may be conducted during that time.
- E39.** For the purposes of Rules E37 and E38 a quorum exists at a meeting when sufficient persons to make up the quorum are:
- (a) Assembled together at the place fixed for the meeting; or
 - (b) Are linked by means of audio or audio and visual communication and can simultaneously hear each other; or
 - (c) Any combination of paragraphs (a) and (b).
- E40.** Subject to these Rules, and any directions from the National Council each committee may regulate its own procedures, including the ability to create working groups reporting to it on such issues as are necessary to advance the purposes of the committee.

F PRESIDENT AND VICE PRESIDENT

ELECTION OF PRESIDENT

F1. The President must be elected by ballot of ~~M~~member ~~A~~authorities in accordance with these Rules at the Annual General Meeting in the year following the year in which triennial local government elections are held.

F2. Any person who is an ~~E~~elected ~~M~~member at the close of nominations for the role of President, is qualified to be elected to the office of President and holds the office in accordance with these Rules.

F3. The election for President must be conducted in accordance with the ~~following~~ Preferential Voting System set out in these Rules.

F4. For the purpose of the Preferential Voting System set out in these Rules,

ABSOLUTE MAJORITY OF VOTES, in relation to a candidate, is the number of votes which is greater than one-half of the total number of votes other than non-transferable and informal votes.

NON-TRANSFERABLE VOTE means a voting ~~form~~paper on which no second or consecutive preference is recorded for an unexcluded candidate, and non-transferable has a corresponding meaning.

F5. Each ~~M~~member ~~A~~authority has the number of votes as set out in Rule H1. Each vote is transferable.

- F6.** Each ~~M~~member ~~A~~authority exercises its vote:
- (a) By marking on the voting ~~form~~paper the number "1" in the box next to the name of the candidate who is the ~~M~~member ~~A~~authority's first preference; and
 - (b) By marking on the voting ~~form~~paper further consecutive numbers in descending order of preference in any or all of the remaining boxes next to the names of the remaining candidates (for example, "2" for the ~~M~~member ~~A~~authority's second preference, and "3" for the ~~M~~member ~~A~~authority's third preference and so on).
- F7.** The number of first preferences recorded for each candidate must be counted and all informal voting ~~form~~papers must be rejected.
- F8.** The candidate who obtains an absolute majority of votes is elected.
- F9.** If no candidate has an absolute majority of votes, the candidate who has the fewest votes is to be excluded and each voting ~~form~~paper counted to that candidate, unless non-transferable, must be counted to the unexcluded candidates next in the order of the ~~M~~member ~~A~~authority's preference.

- F10.** The process in Rule F9 must be repeated until one candidate has an absolute majority of votes.
- F11.** In this Preferential Voting System, a vote must be set aside as informal if:
- (a) The figure "1" standing alone is not placed so as to indicate a first preference for a candidate; or
 - (b) At the point at which (and not before) the same preference is set opposite the name of more than one candidate; or
 - (c) Rule H20 applies; or
 - (d) The voting ~~form~~paper is unmarked or void for uncertainty.
- F12.** For the purpose of these Rules,
- (a) Every voting ~~form~~paper not rejected as informal must be counted in every count until it becomes non-transferable when it must be rejected in all further counts; and
 - ~~(b)~~ — If a candidate is excluded, any voting ~~form~~paper counted to the candidate is non-transferable if there is not indicated on it a consecutive preference for 1 or more unexcluded candidates.

F12A. For the avoidance of doubt, for the purposes of Rules F4 – F12, a voting form includes any electronic means of casting a vote.

- F13.** If, on any count, two or more candidates have an equal number of votes and one or more of them has to be excluded, the candidate or candidates to be excluded must be decided by the drawing of lots under a procedure supervised by the Chief Executive.
- F14.** A person elected to the office of President in accordance with Rules F1 to F16 assumes office immediately upon the declaration of the closure of the Annual General Meeting at which that person is elected, and subject to Rules F20, and F27 to F32 holds office until a successor assumes office.
- F15.** No person may hold office as President for more than three consecutive terms, provided that any person who holds office as President by virtue of an appointment in accordance with Rules F27 to F32 is eligible for re-election at the end of the unexpired term of office of that person's predecessor. For the avoidance of doubt, a term under this Rule does not include any period of office held by a President by virtue of an appointment in accordance with Rules F27 to F32.
- F16.** The President is a National Council member solely by right of holding the office of President. Where the person elected is already a National Council member, the vacancy that is created must be filled in accordance with Rules E12 to E17.

CONFIDENCE IN PRESIDENT

- F17.** A motion that the President must vacate office may be moved only at:
- (a) A Special General Meeting called in accordance with Rule G7, for the purpose of moving that motion; or
 - (b) An Annual General Meeting where the requirements of Rules F18 and F19 have been met.
- F18.** Member ~~A~~ authorities may petition the Chief Executive to include in the business of the Annual General Meeting a motion that the President must vacate office. Rules G9 to G11 apply to the petition. The Chief Executive must receive the petition at least 21 days before the date of the Annual General Meeting.
- F19.** If the requirements of Rule F18 have been met, the Chief Executive must ensure that the motion is included on the ~~A~~ agenda of the Annual General Meeting. Notice of the motion must be included in the notice of business that must be given to each member authority under Rule G5.
- F20.** At the Special General Meeting or the Annual General Meeting, the motion that the President must vacate office will be carried if there is simple majority of votes cast in favour of the motion. On the declaration that the motion is carried:
- (a) The President is deemed to have resigned immediately on that declaration; and

- (b) Rules F28 and F29 apply as if there were a vacancy in the office of President.

ELECTION OF VICE-PRESIDENT

- F21.** The Vice-President must be elected by ballot of ~~M~~member ~~A~~authorities in accordance with these Rules at the Annual General Meeting in the year following the year in which triennial local government elections are held.
- F22.** Any person (other than the President) holding office as a National Council member at the time at which the election for Vice-President is held, is qualified to be elected to the office of Vice-President.
- F23.** The election for Vice-President must be conducted in accordance with the Preferential Voting System used for the election of the President as set out in Rules F4 to F13.
- F24.** A person elected as Vice-President in accordance with Rules F21 to F23 assumes office immediately upon the declaration of the closure of the Annual General Meeting at which that person is elected, and, subject to Rules F37 to F41, holds office until a successor assumes office.
- F25.** Subject to Rules E12 to E17 and F37 to F41, any person elected to the office of Vice-President continues to hold office as a National Council member representing the ~~Z~~zone or ~~S~~sector ~~G~~group by which that person was appointed.

- F26.** Any person may hold office as Vice-President for as many consecutive terms as that person may be elected to the National Council.

VACANCY IN THE OFFICE OF PRESIDENT

- F27.** If any person holding office as President:
- (a) Resigns from that office by giving written notice to that effect to the Chief Executive; or
 - (b) Ceases to hold office as an elected member for any reason;

the office immediately becomes vacant except that a President who ceases to be an Elected Mmember by not standing for election, or failing to win election, at a triennial local government election continues to hold office as President as provided in Rule F14 until the new President assumes office under Rule F14.-

- F28.** In the event of a vacancy occurring in the office of President within 24 months after the person assumed that office in terms of Rule F14,
- (a) Rule F34 applies; and
 - (b) A ~~postal~~ ballot must be held, subject to Rule F30, as soon as practicableossible to elect an Elected Mmember to the vacant office of President.

- F29.** In the event of a vacancy occurring in the office of President in any other case, Rule F35 applies.

F30. All the provisions of Rules F1 to F16 apply, with any necessary modifications, to any ~~postal~~ ballot held under Rule F28, subject to the following:

- (a) The close of nominations is at a date and time nominated by the Chief Executive being not less than four weeks nor more than six weeks after the vacancy arises; and
- (b) Any person who is an ~~E~~lected ~~M~~ember at the close of nominations is qualified to be elected to the office of President; and
- (c) No voting ~~form~~paper is valid unless signed by the Mayor or Chairperson of the Member Authority, or in that person's absence by the Deputy Mayor ~~or~~ Deputy Chairperson, or in that person's absence by the chief executive ~~of the member authority provided that no person (other than the Mayor or Chairperson) may sign the voting paper unless authorised to do so by the Mayor or Chairperson or by a resolution of the Member Authority;~~
- (d) Completed voting ~~form~~papers must be returned to the Chief Executive not later than a date and time determined by the Chief Executive being not less than four weeks and not more than six

weeks after the close of nominations; and

- (e) The person elected assumes office immediately on the declaration of the result of the election.

F30A For the avoidance of doubt, for the purposes of Rule F30, a voting form includes any electronic means of casting a vote.

F31. Where the filling of any vacancy in the office of President creates a vacancy on the National Council, that vacancy must be filled in accordance with Rules E12 to E17.

F32. Any person elected under Rule F28 holds office only for the unexpired portion of the term of office of that person's predecessor.

ACTING PRESIDENT

F33. The Vice-President is the Acting President for any period during which the President:

- (a) Is overseas; or
- (b) Is unable to undertake the duties of office; or
- (c) Is on leave approved by the National Council.

F34. In the event of a vacancy occurring in the office of President within 24 months after the person assumed that office in terms of Rule F14, the Vice-President is the Acting President until a ~~postal~~ ballot is held as set out in Rule F28 and a new President has

assumed office in accordance with Rule F30(e).

- F35.** In the event of a vacancy occurring in the office of President in any other case, the Vice-President is the Acting President until a new President is elected in accordance with Rules F1 to F16.
- F36.** If there is, at the same time, a vacancy in the office of President and a vacancy in the office of Vice-President within 24 months of the President and Vice-President assuming office in terms of Rule F14 and Rule F24, the National Council must appoint a National Council member to be Acting President until a ~~postal~~ ballot is held as set out in Rule F28 and a new President has assumed office in accordance with Rule F30(e).
- F37.** No vacancy occurs on the National Council by reason of the Vice-President being the Acting President, or by reason of a National Council member being the Acting President in accordance with Rule F36.-

VACANCY IN THE OFFICE OF VICE-PRESIDENT

F37. If any person holding office as Vice-President -

- (a) Resigns from the National Council or from the office of Vice-President by giving written notice to that effect to the Chief Executive; or
- (b) Ceases to hold office as an elected member;

the office immediately becomes vacant.

F38. In the event of a vacancy occurring in the office of Vice-President within 24 months after the person assumed that office in terms of Rule F24, a ~~postal~~ ballot must be held, subject to Rule F40, as soon as practicable to elect a National Council member to the vacant office of Vice-President.

F39. In the event of a vacancy occurring in the office of Vice-President in any other case, the National Council must appoint a National Council member to the vacant office of Vice-President.

F40. Rule F23 applies, to any ~~postal~~ ballot held under Rule F38, subject to the following:

- (a) The close of nominations is at a date and time nominated by the Chief Executive being not less than four weeks nor more than six weeks after the vacancy arises;

- (b) Completed voting ~~forms~~~~papers~~ must be returned to the Chief Executive not later than a date and time determined by the Chief Executive being not less than four weeks and not more than six weeks after the close of nominations; and
- (c) No voting ~~form~~~~paper~~ is valid unless signed by the Mayor or Chairperson of the ~~M~~member ~~A~~authority, or in that person's absence by the Deputy Mayor or Deputy Chairperson, or in that person's absence by the ~~chief executive~~~~principal administrative officer~~ provided that no person (other than the Mayor or Chairperson) may sign the voting paper unless authorised to do so by the Mayor or Chairperson or by a resolution of the ~~M~~member ~~A~~authority; and
- (d) The person elected assumes office immediately on the declaration of the result of the election.

~~F40A.~~ For the avoidance of doubt, for the purpose of Rule F40, a voting form includes any electronic means of casting a vote.

F41. Any person elected under Rule F38 or appointed under Rule F39 holds office only for the unexpired portion of the term of office of that person's predecessor.

G ANNUAL AND SPECIAL GENERAL MEETINGS

ANNUAL GENERAL MEETING

- G1.** An Annual General Meeting of Mmember Authorities must be held on or before the 31st day of July in each year at such time and place that is fixed by *LGNZ*.
- G2.** The following business is to be conducted at the Annual General Meeting, but in such order as is determined by the National Council or the President:
- (a) President's Report and Annual Report;
 - (b) Financial Statements and Annual Statement of Accounts;
 - (c) Subject to Rule G3, remits or reports from Zones or Sector Groups or Mmember Authorities;
 - (ca) Fixing honoraria, if any, for the President, Vice-President, and National Council members;
 - (d) Date and venue of next Annual General Meeting and any future Special General Meetings that may have been determined by the National Council;
 - (e) Any notice or notices of motion to alter, add to, rescind or otherwise amend the Rules of *LGNZ*;
 - (f) Any other business that the National Council or the Annual

General Meeting resolves to be considered.

- G3.** Where any ~~Z~~one or ~~S~~sector ~~G~~group or ~~M~~member ~~A~~authority wishes to bring any remit or report before the Annual General Meeting for discussion, the remit or report must be forwarded to the Chief Executive not less than two months before the date of the meeting; ~~however provided that~~ the National Council has a discretion to accept late remits or reports if received less than two months before the date of the meeting.
- G4.** Remits, reports and other matters approved by the National Council for consideration at the Annual General Meeting must be placed on the meeting ~~agenda order paper~~.
- G5.** Not later than 10 working days before the date of the Annual General Meeting, notice of the business to be considered together with all reports and statements referred to in Rule G2 must be ~~provided given~~ to each ~~M~~member ~~A~~authority.
- G6.** A report of the proceedings of the Annual General Meeting must be ~~provided printed and a copy forwarded~~ to each ~~M~~member ~~A~~authority.

SPECIAL GENERAL MEETING

- G7.** A Special General Meeting of LGNZ to discuss any issue of relevance to members may be called:

(a) By the National Council under Rule G8; or

(b) By the Chief Executive under Rule G12.

G8. The National Council may call a Special General Meeting of *LGNZ* at any time. However, any such Special General Meeting may only be held when notice of the meeting, the venue and the business to be considered has been given to each member authority at least five working days before the date of the meeting.

G9. Member ~~M~~authorities may petition the Chief Executive to call a Special General Meeting of *LGNZ*. The petition must:

(a) Subject to Rules G10 and H4, be signed by ~~M~~member ~~A~~authorities representing one third or more of the voting entitlement of all ~~M~~member ~~A~~authorities as set out in Rule H1; and

(b) State the issue or issues to be addressed at the Special General Meeting.

G10. No ~~M~~member ~~A~~authority may sign the petition unless it has passed a resolution to that effect. A copy of the resolution must be sent to the Chief Executive with the petition. The ~~M~~member ~~A~~authorities petitioning the Special General Meeting must be from more than one ~~S~~sector ~~G~~group and from more than one ~~Z~~zone.

G11. On receiving the petition, the Chief Executive must give ~~written~~ notice to all

~~M~~member ~~A~~authorities that he or she has received the petition together with a copy of the petition.

- G12.** If the Chief Executive is satisfied that the requirements of Rules G9 and G10 have been met, the Chief Executive must:
- (a) Call a Special General Meeting to be held within 4 weeks after the date on which the Chief Executive received the petition; and
 - (b) Determine the time and venue of the meeting; and
 - (c) Give notice of the meeting, the venue, and the business to be considered to each ~~M~~member ~~A~~authority at least five working days before the date of the meeting.

DELEGATES

- G13.** At the Annual General Meeting and Special General Meetings, ~~M~~member ~~A~~authorities admitted to membership under Rule C1 are entitled to representation as follows:
- (a) Member ~~A~~authorities (other than Regional Councils) having populations of 50,000 or over - not more than 4 delegates;
 - (b) Member ~~A~~authorities (other than Regional Councils) having populations of 10,000 or over and less than 50,000 - not more than 3 delegates;

- (c) Member ~~A~~authorities (other than Regional Councils) having populations of less than 10,000 - not more than 2 delegates;
- (d) Regional Councils having populations of 250,000 or over - not more than 4 delegates;
- (e) Regional Councils having populations of 100,000 or over and less than 250,000 - not more than 3 delegates;
- (f) Regional Councils having populations of less than 100,000 - not more than 2 delegates.

G14. At the Annual General Meeting and Special General Meetings, associate members ~~member~~ ~~authorities~~ admitted to membership under Rule C2 are entitled to be represented by not more than 2 delegates, unless otherwise determined by the National Council under Rule C3**(b)**.

G15. Every ~~M~~member ~~A~~authority must appoint one of its delegates as its presiding delegate and may appoint one or more alternate delegates; provided that the number of alternate delegates does not exceed the number of delegates appointed.

G16. The chief executive, Mayor or Chairperson of each ~~M~~member ~~A~~authority, shall forward to the Chief Executive the name and official position of the presiding delegate, other delegates and all persons appointed by that ~~M~~member ~~A~~authority as

an alternate for any delegate who may be absent from the floor of the meeting.

G17. In Rules G13 to G16 the term "delegate" includes both an ~~E~~lected ~~M~~member and an officer of a ~~M~~member ~~A~~authority and may include members of the National Council.

G17A. For the avoidance of doubt, for the purpose of Rules G13 to G17, the names of delegates may be provided to the Chief Executive in electronic form.

PROXIES

G18. At any Annual General Meeting or Special General Meeting, the votes provided for in Part H may be exercised by a ~~M~~member ~~A~~authority by proxy in accordance with this Rule.

G19. The provisions of Part H apply, with any necessary modifications, to any person who is a proxy of a ~~M~~member ~~A~~authority as though that person was a delegate of the ~~M~~member ~~A~~authority.

G20. Proxies must be appointed in writing in this form or a similar form (which for the purposes of this Rule includes any electronic form):

**NEW ZEALAND LOCAL GOVERNMENT
ASSOCIATION INCORPORATED**

The _____ Council, a member
authority of *Local Government New
Zealand*, appoints _____ of

or failing him/her
of _____
as its proxy to vote on its behalf at the
Annual General Meeting or Special General
Meeting of *Local Government New
Zealand*, to be held on the _____ day
of _____ 2019 and at any
adjournment thereof.

SIGNED this _____ day of

2019

by

Signature

Name

Designation

who, by signing this proxy confirms that he
or she is entitled to do so.

G21. Any instrument appointing a proxy
appearing to be executed in accordance
with these Rules, including any electronic
instrument, must, in the absence of
evidence to the contrary, be treated as
valid.

G22. No instrument creating a proxy is valid
unless:

(a) It is provided to deposited at
LGNZ's registered office at least

48 hours before the time at which the Annual General Meeting or Special General Meeting is to commence, or

- (b) A motion is passed at the meeting to accept it.

CHAIR

G23. The President shall preside at the Annual General Meeting and any Special General Meeting. If the President is absent then the meeting must, by resolution, appoint a Chair, and the Chief Executive or the Chief Executive's nominee must preside at the meeting for the purposes of making such appointment.

G24. The President, ~~or the President's nominee~~ or the Chair of the meeting has the power to propose or second any motion even though the President ~~, the President's nominee~~ or the Chair, may not be a delegate of a ~~M~~member ~~A~~authority.

QUORUM

G25. Subject to Rule G23, at the Annual General Meeting, a Special General Meeting or at a Zone or Sector Group meeting, a quorum consists of one half the total number of ~~M~~member ~~A~~authorities entitled to be represented and vote when that number is even, and a majority of such ~~M~~member ~~A~~authorities when the number is odd.

G26. If a quorum is not present within one hour of the time fixed for the meeting, the meeting will lapse. If the meeting ceases

to have a quorum for any period, no business may be conducted during that time.

G27. For the purpose of calculating whether or not a quorum is present at any Annual General Meeting or Special General Meeting, member authorities whose voting at the meeting will be by proxy are to be treated as being present.

~~**G28.** No business may be conducted at a meeting unless a quorum is present.~~

CONDUCT OF MEETINGS

G29. Subject to the requirements of these Rules, the Annual General Meeting or any Special General Meeting or Zone or Sector Group meeting may by resolution fix rules of debate and rules for the conduct of the meeting. Subject to any such resolution, a ruling of the President or Chair (as the case may be) on any point of order is final and conclusive.

H VOTING AND ELECTIONS

VOTING

H1. Subject to Rules H3 to H5, at the Annual General Meeting, and any Special General Meeting, or ~~Z~~zone or ~~S~~sector ~~G~~group meeting, or for the purposes of any petition under Rule G9, ~~M~~member ~~A~~authorities admitted to membership under Rule C1 are entitled to vote as follows:

- (a) Member ~~A~~authorities having an annual subscription of \$100,000 or over – 6 votes plus 1 vote for every \$20,000 increment (in whole) in excess of \$100,000:
- (b) Member ~~A~~authorities having an annual subscription of \$80,000 to \$99,999– 6 votes:
- (c) Member ~~A~~authorities having an annual subscription of \$50,000 to \$79,999 – 5 votes:
- (d) Member ~~A~~authorities having an annual subscription of \$30,000 to \$49,999 – 3 votes:
- (e) Member ~~A~~authorities having an annual subscription of \$20,000 to \$29,999 – 2 votes:
- (f) Member ~~A~~authorities having an annual subscription of less than \$20,000– 1 vote."

H2. At the Annual General Meeting, any Special General Meeting, or any ~~Z~~zone or

~~S~~ector ~~G~~roup meeting, persons or organisations admitted to associate membership under Rule C2 are not entitled to vote.

H3. No ~~M~~ember ~~A~~uthority whose annual subscription is in arrears is entitled to vote at any Annual General Meeting or Special General Meeting or at any Zone or Sector Group meeting or by ~~postal~~ ballot involving elections to the National Council, ~~or any zone or sector group meeting~~, until the arrears are paid.

H4. With respect to a petition under Rule G9:

(a) No associate member admitted to membership under Rule C2 is entitled to sign the petition unless the National Council has determined, in accordance with Rule C3 that associate members of that kind may sign the petition; ~~and:~~

(b) No ~~M~~ember ~~A~~uthority, or associate member whose annual subscription is in arrears is entitled to sign the petition.

H5. Subject to Part K, at any Annual General Meeting, Special General Meeting or ~~Z~~zone or ~~S~~ector ~~G~~roup meeting resolutions are carried by a simple majority of votes.

H6. At any Annual General Meeting, Special General Meeting, or ~~Z~~zone or ~~S~~ector ~~G~~roup meeting, in the event of an equality of voting (whether on a poll or otherwise), the President, or Chair as the case may be, has the casting vote.

H7. At any Annual General Meeting, Special General Meeting, or ~~Z~~zone or ~~S~~sector ~~G~~group meeting, the manner of voting on any issue is determined by the Chair, provided that the Chair, any delegate or ~~M~~member ~~A~~authority may demand a poll and on the taking of a poll, each ~~M~~member ~~A~~authority present is entitled to vote in accordance with Rule H1.

H8. If a poll is taken at any Annual General Meeting, Special General Meeting, or ~~Z~~zone or ~~S~~sector ~~G~~group meeting each ~~M~~member ~~A~~authority must be provided with one voting ~~form~~paper which must indicate the number of votes the ~~M~~member ~~A~~authority receiving it is entitled to exercise, and no ~~M~~member ~~A~~authority is entitled to divide its votes for and against the motion. No voting ~~form~~paper is valid unless signed by the presiding delegate or notified alternate.

H9. A demand for a poll does not prevent the continuance of any Annual General Meeting or meeting for the transaction of any business, other than in respect of the question upon which the poll is demanded.

CONDUCT OF ELECTIONS – PRESIDENT AND VICE-PRESIDENT

H10. The ballots referred to in Part F must be conducted in accordance with Rules H11 to H24.

H11. The Chief Executive must act as Returning Officer and is responsible for the conduct

of the elections in accordance with these Rules.

- H12.** Should any matter arise in the conduct of the elections which is not expressly provided for in these Rules, the Chief Executive must determine the matter in his or her absolute discretion, but may be guided by the provisions of the Local Electoral Act 2001.
- H13.** All nominations must be in writing signed by the Mayor, Chairperson, Deputy Mayor, Deputy Chairperson, or Chief Executive of a ~~M~~member ~~A~~authority and must be seconded in writing on the same or another document by one of those office holders of another ~~M~~member ~~A~~authority.
- H14.** Nomination and seconding ~~form~~papers must be received by the Chief Executive not later than 31 May in the year in which the election is to be held.
- H15.** Any nomination signed in accordance with, and otherwise appearing to comply with these Rules is deemed to be valid for all purposes and LGNZ is not required to inquire into its validity for any purpose whatsoever.
- H15A.** Subject to the requirements of Rules H13 to H15, for the avoidance of doubt, nomination and seconding forms may be provided in electronic form.
- H16.** If only one nomination is received for the office of President by the time nominations close, the person nominated is immediately deemed to be elected and must be declared President-elect by the

Chief Executive. If no nominations are received by the date nominations close, then the National Council must meet as soon as practicable to determine how the office may be filled and has full power to decide on the procedures to apply to ensure that the office of President is filled.

- H17.** If only one nomination is received for the office of Vice-President by the time nominations close, the person nominated is immediately deemed to be elected and must be declared Vice-President elect by the Chief Executive. If no nominations are received by the date nominations close, then the National Council has the power to fill the vacancy on the next occasion it meets after the vacancy has occurred.
- H18.** On the close of nominations the Chief Executive must prepare, for each member authority, voting ~~formpapers~~ listing the validly nominated candidates to be distributed at the Annual General Meeting. A list of the validly nominated candidates for each office and any biographical material (which may include a photograph and not more than 150 words) provided by the candidates for distribution must be distributed with the Annual General Meeting papers.
- H19.** At any Annual General Meeting at which the election of the President is to occur, voting ~~formpapers~~ for the election of the Vice-President may not be issued and that election may not take place until the result of the election of the President has been declared.

- H20.** No voting ~~form~~paper is valid unless signed by the presiding delegate or notified alternate.
- H21.** ~~The Chief Executive must determine the date and time of the close of voting.~~
- H22.** Duly completed voting ~~form~~papers must be returned to the Chief Executive, or to any scrutineers appointed by the Chief Executive at the Annual General Meeting, not later than the close of voting.
- H23.** As soon as practicable after the close of voting the Chief Executive must declare the result of the election to the Annual General Meeting.
- H24.** As soon as practicable after any election, the Chief Executive must on the motion of the Annual General Meeting or the National Council destroy the voting ~~form~~papers.
- H25.** For the avoidance of doubt, for the purposes of Rules H18 to H24 any reference to voting form includes any electronic means of voting.

I MANAGEMENT

11. The National Council shall appoint a Chief Executive for such remuneration and on such terms and conditions as it thinks fit, and may terminate or suspend the ~~appoint~~employment of any Chief Executive so appointed by it, subject to the law and any conditions agreed to in the Chief Executive's employment ~~agreement~~contract.
12. The Chief Executive is responsible to the National Council for employing, on its behalf, the staff of *LGNZ* and negotiating the terms of their appointment and may, subject to the law and any conditions in an employment ~~agreement~~ contract applying to an employee, remove or suspend any employee from his or her employment.
13. The Chief Executive is responsible to the National Council for the administration of the affairs of *LGNZ* in accordance with policies or directions resolved from time to time by *LGNZ* or the National Council.
- ~~14.~~ The Chief Executive has such additional specific powers and authorities as are delegated by the National Council from time to time, including the power to subdelegate. The Chief Executive may also delegate to any officer or employee of *LGNZ* any of the powers, functions and duties conferred upon the Chief Executive under these Rules, including from time to time appointing an Acting Chief Executive for such period and on such terms as it thinks fit, to carry out the powers, functions and duties of the Chief Executive during any absence of the Chief Executive.

15. The National Council may, from time to time, appoint an Acting Chief Executive for such period and on such terms as it thinks fit, to carry out the powers, functions and duties of the Chief Executive during any ~~absence of the Chief Executive or a~~ vacancy in that office.

J FINANCIAL MANAGEMENT

FINANCIAL YEAR

- J1.** The financial year of *LGNZ* commences on the first day of April in each year and closes on the following 31st day of March.

SUBSCRIPTIONS

- J2.** From time to time, the National Council may by resolution, prescribe the subscriptions, fees or other payments, annual or otherwise, to be paid by ~~M~~member ~~A~~authorities and associate members, and, subject to Rule J4, the time and manner of payment of any such subscriptions, fees, or payments.
- J3.** Any resolution may prescribe different subscriptions, fees or other payments for different ~~M~~member ~~A~~authorities or associate members, or classes of ~~M~~member ~~A~~authorities, or associate members and provide for exemptions of any subscription, fee or other payment.
- J4.** The annual subscription is payable in the month of April in the financial year to which it relates.

CONTROL AND USE OF FUNDS

- J5.** All moneys received by or on behalf of *LGNZ* must be banked immediately in suitable bank accounts in the name of *LGNZ* (or in the case of a trust account, in such name as clearly identifies the trust) and all cheques or other payment on such accounts must be signed by not less than two signatories from a list of signatories

approved by the National Council (or by the trustees) and must be passed for payment or confirmed by the National Council (or as the case may be by the trustees).

INCOME AND PROPERTY

- J6.** Subject to Rules L9 to L11, the income and property of *LGNZ* must be applied towards the promotion of its objects, and no portion may be paid or transferred directly or indirectly to any ~~M~~member ~~A~~authority or associate member; provided that *LGNZ* may in good faith, pay to a National Council member, other member or officer of a ~~M~~member ~~A~~authority or associate member, or any other body, corporation or person, any or all of the following as may be decided, by the National Council or, acting under delegation, by the Chief Executive:
- (a) Remuneration for services rendered or payment for goods supplied;
 - (b) Honoraria, except for the President, Vice-President and National Council members, and annual, daily, and incidental allowances and out of pocket expenses (including travel and accommodation allowances) incurred in any manner in the reasonable and proper conduct of the affairs of *LGNZ*.

AUDITOR

- J7.** In accordance with the Public Audit Act 2001, the auditor of *LGNZ* is the Auditor-General and the provisions of the Public Audit Act 2001 apply to the audit of the financial statements of *LGNZ*.

K ALTERATION OF THE RULES

- K1.** A change to these Rules may be initiated by-
- (a) A resolution of the National Council; or
 - (b) A ~~M~~member ~~A~~authority giving more than one month's notice to LGNZ before the Annual General Meeting or any Special General Meeting called for the purpose of discussing changes to the Rules.
- K2.** In all cases, written notice of the proposal to change the Rules must be given to every ~~M~~member ~~A~~authority at least 10 working days before the Annual General Meeting or the Special General Meeting.
- K3.** Every proposal to change the Rules must clearly identify the words to be deleted from the Rules and any words to be added to the Rules.
- K4.** At a meeting at which the motion to change the Rules is considered-
- (a) Any motion to amend a motion to change the Rules may be passed by a simple majority; but
 - (b) Any motion to change the Rules must be passed by resolution of a two-thirds majority of the valid votes cast.

L MISCELLANEOUS

COMMON SEAL

- L1 *LGNZ* must adopt a Common Seal which must be kept under the control and in the custody of the Chief Executive.
- L2. Any two of the President, Vice President or Chief Executive, must attest the execution under seal of documents to be executed by *LGNZ*.
- L3. The Common Seal must only be affixed pursuant to a resolution of the National Council or an Annual General Meeting or Special General Meeting of *LGNZ*.

NOTICE

- L4. Any notice to be given to, or any document to be deposited with *LGNZ* or *the Chief Executive*, is to be regarded as given or deposited when received at the registered office of *LGNZ*; or if posted then three days after being posted to the usual postal address of *LGNZ*, or if sent electronically at the time that the notice arrives in the inbox of the Chief Executive's email address.
- L5. Any notice to a Mmember Authority or associate member is to be regarded as given when received at the principal office of the Memember Authority or associate member or three days after being posted to the usual postal address of the member authority or associate member or if sent electronically at the time that the notice arrives in the inbox of an appropriate

email address for the Member Authority or associate member.

- L6.** In Rules L4 and L5 "received" includes received by facsimile or electronic means during ordinary business hours or if received outside those hours then at 9:00am on the next business day.
- L7.** No notice is to be regarded as having been given or received if in accordance with the usual protocols of that kind of notice, the sender has been notified of a failure of delivery.
- L8.** An inadvertent, unintentional, failure to give any notice required by these Rules to be given to a ~~M~~member ~~A~~authority, associate member, the Chief Executive, or any other person does not invalidate the doing of any thing or the election of any person in respect of which the notice was required.

DISSOLUTION

- L9.** *LGNZ* may be voluntarily wound up in accordance with section 24 of the Incorporated Societies Act 1908.

DISPOSITION OF SURPLUS ASSETS ON DISSOLUTION

- L10.** In the event of *LGNZ* being wound up at an Annual General Meeting or a Special General Meeting without having passed a resolution directing the disposing of the assets then the assets, after the payment of *LGNZ's* liabilities and expenses of winding up, must be divided between the ~~M~~member ~~A~~authorities in proportion to the subscriptions paid by the ~~M~~member

~~A~~authorities immediately prior to the winding up.

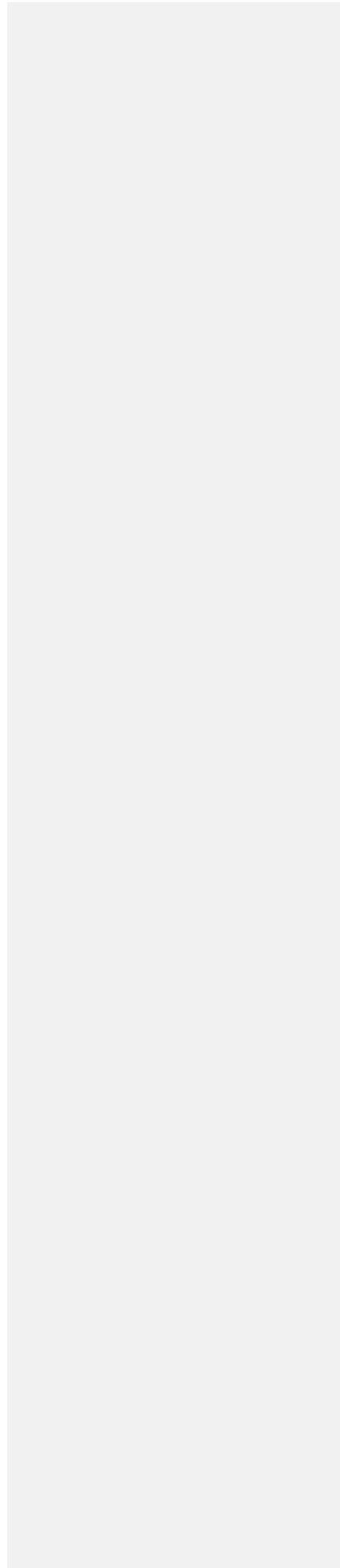
L11. Any meeting called for the purpose of considering a winding up resolution pursuant to section 24 of the Incorporated Societies Act 1908 (or any statutory provision passed in amendment or substitution for that provision) must have placed before it any proposal or recommendation of the National Council relating to the disposition of the surplus assets of LGNZ.

L12. A meeting called for the purpose of considering a winding up resolution may, despite anything contained in these Rules (including any requirement for notice of the business to be conducted at such meeting) after considering any proposal or recommendation of the National Council, by resolution direct the disposal of the assets of LGNZ in such manner as the meeting thinks fit.

~~We, the local authorities named below, being members of the New Zealand Local Government Association Incorporated ("LGNZ"), confirm that the rules of LGNZ were amended in the manner set out in this document and that the amendments were made in accordance with Part K of the Rules of LGNZ at a Special General Meeting held on 13 March 2014.~~

~~The COMMON SEAL of _____
HASTINGS DISTRICT _____
COUNCIL _____
was affixed in the presence of _____~~

~~.....~~



The COMMON SEAL of _____)
HOROWHENUA DISTRICT _____)
COUNCIL _____)
was affixed in the presence of _____)

.....

.....

The COMMON SEAL of _____)
OPOTIKI DISTRICT _____)
COUNCIL _____)
was affixed in the presence of _____)

.....

.....

Formatted: Subscript

Open Meeting

To	Waikato District Council
From	Sue O’Gorman General Manager Customer Support
Date	15 April 2019
Prepared by	Christine Cunningham Senior Regulatory Administrator
Chief Executive Approved	Y
Reference#	GOV1301
Report Title	Summary of Applications Determined by the District Licensing Committee January – March 2019

1. EXECUTIVE SUMMARY

This report provides a summary of applications determined by the District Licensing Committee between January and March 2019.

2. RECOMMENDATION

THAT the report from the **General Manager Customer Support** be received.

3. ATTACHMENTS

Report: The Schedule of Applications Determined by District Licensing Committee between January and March 2019.

LICENCES

Applicants Name	Application Type	Premises	Decision	Date Issued	Licence No.
The Thomson Food Co Limited	Renewal On	Wallis Bistro Raglan	Granted	15/1/19	14/ON/01/2019
Ngaruawahia Golf Club Incorporated	Renewal Club	Ngaruawahia Golf Club	Granted	22/1/19	14/CL/01/2019
Newstead Sports and Social Club Incorporated	Renewal Club	Newstead Sports and Social Club	Granted	19/2/19	14/CL/04/2019
Shivamaniket Holdings Limited	New Off	Super Liquor Pokeno	Granted	19/2/19	14/OFF/01/2019
D A & A L Jones Limited	Variation Off	New World Ngaruawahia	Granted	26/2/19	14/OFF/03/2018
Taniwharau Rugby League Football Club Incorporated	Renewal Club	Taniwharau Rugby League Football, Huntly	Granted	26/2/19	14/CL/05/2019
Marty's Limited	Renewal On	McGinty's, Huntly	Granted	26/2/19	14/ON/03/2019
Te Akau Waingaro Community Complex Incorporated	Renewal Club	Te Akau Waingaro Community Complex	Granted	5/3/19	14/CL/06/2019
Zenders Café and Venue Limited	New On	Zenders Café and Venue, Ruakura	Granted	12/3/19	14/ON/04/2019
Hahei Beach Limited	Temporary Authority	Raglan Sunset Motel	Granted	12/3/19	14/TA/08/18.01

Te Kauwhata Rugby Sports Club Incorporated	Special	Te Kauwhata Sports Rugby Club	Granted	15/1/19	14/SP/071/2018
Villia Italia Limited	Special	Tamahere Markets	Granted	15/1/19	14/SP/067/2018
Ngaruawahia Golf Club Incorporated	Special	Ngaruawahia Golf Club	Granted	29/1/19	14/SP/001/2019
Pilot Brewery Limited	Special	172 Limmer Road Te Kowhai	Granted	1/2/19	14/SP/072/2018
Daniel Roarke Hodgson	Special	5254 Highway 22 Te Akau	Granted	12/2/19	14/SP/002/2019
Aloha Victoria Bailey	Special	Ex-Waipā Tavern, Great South Road Ngaruawahia	Granted	19/2/19	14/SP/003/2019
Riverside Golf Club Incorporated	Special	Riverside Golf Club	Granted	19/2/19	14/SP/009/2019
Jodie Anne Campbell	Special	Mangatawhiri Hall	Granted	1/3/19	14/SP/006/2019
Raglan Club Incorporated	Special	Raglan Club	Granted	27/2/19	14/SP/005/2019
Onewhero Society of Performing Arts	Special	Onewhero Society of Performing Arts	Granted	5/3/19	14/SP/008/2019
Philip John Shea	Special	140 Pond Rd, Te Mata	Granted	5/3/19	14/SP/007/2019
Raglan Club Incorporated	Special	Raglan Bowling Club	Granted	5/3/19	14/SP/004/2019
Ngaruawahia Golf Club Incorporated	Special	Ngaruawahia Golf Club	Granted	19/3/19	14/SP/012/2019
Ngaruawahia Golf Club Incorporated	Special	Ngaruawahia Golf Club	Granted	19/3/19	14/SP/014/2019

MANAGER'S CERTIFICATES

Applicant's Name	Application Type	Premises	Decision	Date Issued	Certificate No.
David Anthony Jones	Renewal	New World Ngaruawahia	Granted	15/1/19	16/Cert/121/15
Allan Walter Wilson	New	Prof's @ Woodlands, Gordonton	Granted	22/1/19	14/Cert/001/2019
Samantha Lee Gussey	Renewal	Tuakau Cosmopolitan Club	Granted	22/1/19	14/Cert/055/2017
Maddison Anne Weight	New	Prof's @ Woodlands, Gordonton	Granted	22/1/19	14/Cert/002/2019
Barry Antony Hilliard	Renewal	The Essex Arms Hotel, Huntly	Granted	22/1/19	14/Cert/004/2016
Jobandeep Singh	Renewal	Thirsty Liquor Huntly	Granted	29/1/19	14/Cert/003/2019
Donna Lee Cleghorn	Renewal	Rangiriri Hotel	Granted	29/1/19	14/Cert/010/2018
Arun Kumar	Renewal	Fred's Store, Huntly	Granted	29/1/19	14/Cert/012/2017
Gurpinder Singh Gill	New	Delta Hotel, Ngaruawahia	Granted	1/2/19	14/Cert/004/2019
Eileen Mary Harmsworth	New	Te Kauwhata Trust Tavern	Granted	1/2/19	14/Cert/005/2019
Yvonne Mabel Greatehead	Renewal	Tuakau Wholesale Liquor	Granted	1/2/19	14/Cert/120/2015
Christine Helen Morgan	Renewal	Waikato Clay Target Club, Eureka	Granted	1/2/19	15/Cert/3867/2016
Daniela Olphert	New	Hampton Downs Motorsport Park	Granted	19/2/19	14/Cert/006/2019

Kristen Marie Price	Renewal	The Backyard Bar and Eatery, Whatawhata	Granted	19/2/19	14/Cert/006/2018
Nelly Conway	Renewal	Isobar, Raglan	Granted	19/2/19	14/Cert/008/2018
Thangavadivel Gnanasundaram	Renewal	Thirsty Liquor, Raglan	Granted	19/2/19	14/Cert/009/2018
Praveen Gopaldas Punjabi	Renewal	Cheep Liquor, Ngaruawahia	Granted	19/2/19	14/Cert/035/2016
Michael John Garrick	Renewal	Huntly Golf Club/Huntly Squash Club	Granted	19/2/19	14/Cert/013/2018
Raymond Grant Enright	Renewal	Te Kowhai Golf Club	Granted	22/2/19	14/Cert/001/2016
Vicki-Lee Lowe	New	Ngaruawahia Panthers League Club	Granted	5/3/19	14/Cert/008/2019
Robert John Bailey	Renewal	Yot Club, Raglan	Granted	5/3/19	14/Cert/016/2015
Dilpreet Singh	New	Elsie's Restaurant & Bar Tuakau	Granted	5/3/19	14/Cert/007/2019
Craig Herewini Simek	Renewal	Te Kowhai Golf Club	Granted	12/3/19	14/Cert/017/2016
Eleanor Skeet	New	Isobar Raglan	Granted	12/3/19	14/Cert/009/2019
Irshad Nabi	Renewal	Matangi Four Square	Granted	12/3/19	14/Cert/021/2016
Keryn Jayne Chitty	New	Hampton Downs Motorsports Park	Granted	12/3/19	14/Cert/010/2019
Kristy Ellen Hagan	Renewal	Onewhero Rugby Club	Granted	12/3/19	14/Cert/050/2016
Karen Rosalie Andrew	Renewal	Te Kowhai Golf Club	Granted	12/3/19	14/Cert/015/2016
Manojkumar	New	KBeez, Huntly	Granted	19/3/19	14/Cert/013/2019

Arvindbhai Patel					
Safia Pitel	New	Harbourview Hotel, Raglan	Granted	19/3/19	14/Cert/011/2019
Auke Bote Norbruis	Renewal	Zenders Café & Venue, Ruakura	Granted	19/3/19	14/Cert/012/2019
Bhupinder Singh	Renewal	Raglan Four Square	Granted	26/3/19	14/Cert/007/2018
Eunbi Ro	New	Chez Bean Café, Tuakau	Granted	26/3/19	14/Cert/015/2019
Donna Leanne Marshall	Renewal	New World Ngaruawahia	Granted	26/3/19	14/Cert/016/2018
Priya Priya	New	Raglan Four Square	Granted	26/3/19	14/Cert/016/2019
Anju Yohannan	New	The Red Indian, Raglan	Granted	26/3/19	14/Cert/014/2019
Lynette Mary MacRury	Renewal	Ngaruawahia Golf Club	Granted	2/4/19	14/Cert/141/2016
Suresh Kumar Goel	Renewal	Bottle O Tuakau	Granted	2/4/19	14/Cert/028/2016
Paramjit Kaur	Renewal	Meremere Superette	Granted	2/4/19	14/Cert/031/2016
Rebecca Kaye Mary Wilson	Renewal	Prof's @ Woodlands Café, Gordonton	Granted	2/4/19	14/Cert/017/2018
Vijay Kumari Goel	Renewal	Bottle O Tuakau	Granted	2/4/19	14/Cert/040/2016

Applications Determined at a District Licensing Committee HEARING

LICENCES

Applicant's Name	Application Type	Premises	Decision	Date Of Hearing	Licence No.
Camarosa Café Limited	New On	Camarosa Café, Ruakura	Granted	30/1/19	14/ON/02/2019
Onewhero Society of Performing Arts	Special	Onewhero Society of Performing Arts Theatre	Granted	29/3/19	14/SP/015/2019

Open Meeting

To	Policy & Regulatory Committee
From	Gavin Ion Chief Executive
Date	10 May 2019
Chief Executive Approved	Y
Reference #	GOV1318
Report Title	Chief Executive's Business Plan

1. EXECUTIVE SUMMARY

The Chief Executive's Business Plan is a summary of progress on the Chief Executive's Performance Agreement. This report covers 2018/2019 items.

2. RECOMMENDATION

THAT the report from the Chief Executive be received.

3. BACKGROUND

The Chief Executive's Business Plan is a summary of progress on a number of issues targeted by Councillors.

4. DISCUSSION AND ANALYSIS OF OPTIONS

4.1 DISCUSSION

The Plan is a summary of progress on specific issues. It enables staff and Councillors to focus on the big issues and ensures that attention is given to those things that really matter. The Plan is in line with the Chief Executive's Performance Agreement for 2018/2019 as amended at the March review meeting.

4.2 OPTIONS

The list of projects has been agreed by Council.

The Plan is consistent with the Chief Executive's Performance Agreement approved by Council but incorporates amendments to several KPIs agreed by the Chief Executive Performance Review Sub-committee in March.

5. CONSIDERATION

5.1 FINANCIAL

Nil at this stage.

5.2 LEGAL

As part of undertaking the work detailed in this plan, Council needs to ensure that the approach taken is consistent with the Purpose of Local Government.

In other words, to meet the current and future needs of communities for good quality local infrastructure, local public services and performance of regulatory functions in a way that is most cost-effective for households and businesses.

5.3 STRATEGY, PLANS, POLICY AND PARTNERSHIP ALIGNMENT

This report contains the strategic issues that Council is focused on. The Chief Executive's Business Plan has been updated to align to the Chief Executive's Performance Agreement.

Iwi and Tangata Whenua have been, or will be consulted on at least some of the key projects or initiatives referred to in the report. Iwi are involved as a strategic partner of Council.

Iwi have been engaging in the waters management project and with Council and government on the Hamilton to Auckland Corridor.

The projects in the list link to at least one community outcome or wellbeing. They also link to at least one LTP key goal.

The list has been updated in line with the Chief Executive's Performance Agreement for 2018/2019.

5.4 ASSESSMENT OF SIGNIFICANCE AND ENGAGEMENT POLICY AND OF EXTERNAL STAKEHOLDERS

The report does not trigger any concerns about significance of the projects being discussed.

Highest levels of engagement	Inform	Consult	Involve	Collaborate	Empower
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	The report provides a summary of what progress is being made on the various issues. It is for information at this stage of the year.				

State below which external stakeholders have been or will be engaged with:

Planned	In Progress	Complete	
		✓	Internal
	✓		Community Boards/Community Committees
	✓		Waikato-Tainui/Local iwi

	✓		Households
	✓		Business
			Other Please Specify

The assessment depends on the issues involved.

6. CONCLUSION

The schedule summarises progress on the key issues agreed with Council.

7. ATTACHMENTS

Chief Executive's KPI worksheet.

Chief Executive's KPIs – 2018/2019

Key project/priority	Key deliverables/KPIs		Progress	Final Achievement Met/Not Met
1. Delivery and achievement of LTP year 1 (covers normal business activities and the delivery of the annual work programme)	1.1	LTP financial year 2018/2019 work programmes are completed on time, cancelled, agreed for deferral or carried forward as agreed with Council.	The work programmes are progressing. The vast majority is in the Service Delivery area and this is reported at each Infrastructure Committee meeting.	
	1.2	The LTP year 1 is completed within agreed budget and variations approved by Council.	Regular financial reviews are undertaken to review progress. Concerns are reported to the appropriate Committees.	
	1.3	80% of the 2018/2019 year LTP controllable non-financial KPIs are achieved.	A quarterly report on this is provided to the Strategy & Finance Committee meeting. At the end of April 2019, 71% of the controllable KPIs were achieved.	
	1.4	a) A comprehensive review of the Economic Development Implementation Plan is to be completed by the end of May 2019. b) The agreed 2018/2019 projects in the Implementation Plan are delivered by 30 June 2019.	a) This work is on track. b) Once the review of the Implementation Plan is completed, this goal will be triggered.	
	1.5	Provide evidence that services are being delivered in an efficient, innovative (where possible, taking into account available Council resources) and cost effective manner e.g. Regional Library Service.	Work is underway on the feasibility of a Regional Library Service. The Alliance with Downer delivered a gain share for 2017/18 which is an indication of cost effectiveness. The Waikato Building Cluster is seeking efficiencies through reducing auditing from eight audits (one per council) to one audit (for all eight councils). Approval has been sought from government on	

Key project/priority	Key deliverables/KPIs		Progress	Final Achievement Met/Not Met
			<p>this idea.</p> <p>The resourcing structure of the Building Cluster is being looked at in order to address strategic challenges facing the cluster.</p> <p>Work continues on the review of the i-Site contracts.</p>	
	1.6	Demonstrate progress with delivering or completing action points on the Audit & Risk Committee's work programme at each meeting.	<p>Progress has been made in reducing outstanding items on the work programme.</p> <p>A detailed deep dive into a specific topic has been undertaken. In September, this related to the zero harm strategic risk. In December the focus was on our waters management. The focus in March was on strategic planning which has been a significant area of focus for Council in the past year.</p>	
2. Continued improvements in customer service	2.1	Completion of more than 87% of service requests within set timeframes for the year.	At the end of April 87.06% of service requests have been completed within the set timeframes.	
	2.2	Overdue service requests are less than 118 on average for the year.	Overdue service requests at the end of April averaged 131. This is behind the target but considerable progress was made in April with the overdue service requests reducing to 66.	
	2.3	The agreed programme items in the Council agreed customer strategy are implemented by 30 June 2019.	The Customer Experience Strategy work plan is being developed in conjunction with Gearing for Growth and Greatness. A number of projects will be required.	
3. Partnerships, relationships, regional initiatives and engagement with external stakeholders	3.1	a) Engage with key stakeholders, including developers, community organisations, Community Boards/Committees, Iwi, key regional contacts and other council contacts about how relationships	<p>(a) The Chief Executive has met with Iwi, central government, neighbouring councils and developers on strategic issues. Feedback to date has been constructive. Council has a growing relationship with Waikato-Tainui.</p> <p>There have also been several community meetings attended by the Chief Executive to</p>	

Key project/priority	Key deliverables/KPIs	Progress	Final Achievement Met/Not Met
	<p>with the Chief Executive and Council can be strengthened and made more productive.</p> <p>b) Provide evidence of progress against the current action plan and update the action plan to incorporate new feedback at each sub-committee meeting.</p>	<p>build stronger relationships.</p> <p>(b) <u>Leadership</u> The Chief Executive has been working with developers and Waikato Regional Council about water allocation. This led to a successful agreement that will benefit our community and economic development activities.</p> <p>Changes to WLASS to transform the company have been approved by the majority of shareholders. Approval from the one remaining council is being sought.</p> <p><u>Interpersonal Ability</u> A key focus has been engagement with Iwi. Three hui have been held to advance engagement. In one case, historical issues dating back to 1947 are being worked through.</p> <p><u>Visibility</u> More time is being allocated for key regional meetings. This is evident in the Hamilton to Auckland Corridor work and the Waikato Economic Development Forum held at the end of August.</p> <p>The Chief Executive, Mayor and Councillor Thomson attended the National Maaori Housing Conference in November and this presented some important networking opportunities particularly with government Ministers and Chief Executives. The Chief Executive has been active in progressing</p>	

Key project/priority	Key deliverables/KPIs		Progress	Final Achievement Met/Not Met
			Future Proof initiatives.	
	3.2	Provide evidence of collaboration with NZTA to deliver key outcomes.	<p>Discussions were held at the Local Government Conference and through several meetings. This engagement is the basis for further collaboration.</p> <p>The Mayor, Deputy Mayor, Chief Executive and staff recently met with the Acting Director Regional Relationships to renew and develop the relationship.</p>	
	3.3	Provide evidence of collaboration and engagement with Iwi including the key outcomes achieved.	<p>The Chief Executive has attended several Waikato-Tainui events. The Mayor and Chief Executive have now established regular meetings with the Waikato-Tainui Te Arataura Chair and Chief Executive.</p> <p>There is a new level of understanding and partnership developing with Iwi.</p> <p>As noted above, The Chief Executive, Mayor and Councillor Thomson also attended the National Maaori Housing Conference which was well received by local and national Iwi.</p>	
	3.4	Agreed milestones are met in implementing the Strategic Plan for the Waikato Building Cluster Group.	<p>Work is progressing on the Strategic Plan:</p> <ul style="list-style-type: none"> ▪ Additional customer research has been undertaken. The results are being summarised for use in a work plan. ▪ Contact has been made with Government in relation to audit fees for the Cluster. ▪ A plan is being implemented for staff development and the establishment of a training and development centre. ▪ A review of resourcing for the cluster is being finalised. 	

Key project/priority	Key deliverables/KPIs	Progress	Final Achievement Met/Not Met
	3.5 <ul style="list-style-type: none"> ▪ An implementation plan for the Waters Governance Board is agreed by 31 October 2018. ▪ The agreed action items for 2018/2019 are completed on time and to budget. 	<ul style="list-style-type: none"> ▪ The implementation plan is in place and being worked through. ▪ We are approaching a critical deadline to complete the contract. ▪ The Waters Governance Board has met a number of times and is starting to provide valuable input into our Waters Management. 	
	3.6 Provide evidence of community engagement on key initiatives.	Work continues on engagement in relation to the notified District Plan. The Blueprints project has also been progressing master planning in the District.	
4. Staff and Culture (including leadership, engagement, retention, zero harm)	4.1 Leadership – The Staff Survey indicates a positive movement of 2% or more in relation to the leadership provided by senior management.	The survey will be undertaken during June.	
	4.2 The Engagement Index shows a positive movement of 2% or more in the Annual Staff Survey.	The survey will be undertaken during June.	

Key project/priority	Key deliverables/KPIs	Progress	Final Achievement Met/Not Met
	<p>4.3 Performance on key HR measures is as follows:</p> <ul style="list-style-type: none"> a) Staff movement due to general turnover is less than 16%. b) Outstanding leave balances reduce by 5% or more by 30 June. c) Sick leave taken reduces by 5% or more by 30 June (noting this is an indication only of staff welfare and wellbeing). d) The score on the survey question “This organisation cares about the well-being of its people” increases by 2% or more. e) Provide a quarterly update summary and associated actions based on feedback from exit interviews. 	<ul style="list-style-type: none"> a) Annual staff turnover is 16.21% at 30 April (previous year 15.51%). b) This goal was achieved for 2018. This measure relates to 2019. c) For the year 1 July 2017 to 30 June 2018 – Total sick leave taken 21,564.5 hours From 1 July 2018 to 30 April 2019 - Sick leave taken 16,320 hours <ul style="list-style-type: none"> - For comparison: For 1 July 2017 to 30 April 2018 – sick leave taken 16,604 hours This means the sick leave used for 2018/2019 year so far is tracking 1.7% less than the same period in the year 2017/2018 d) The survey will be undertaken during June. e) A summary of exit interview material was provided to the Chief Executive Performance Review Sub-committee for the 2017/2018 year. 	
	<p>4.4 Provide quarterly updates to Council on progress with implementing the 100 day plan.</p>	<p>Implementation is well underway with Gearing for Growth & Greatness. This included a Team Up event on 15 January which involved all available staff.</p> <p>The new Executive Leadership Team is functioning well.</p> <p>The recruitment activity undertaken has been</p>	

Key project/priority	Key deliverables/KPIs		Progress	Final Achievement Met/Not Met
			highly successful. We have secured some key people in difficult to find roles. We are not fully resourced and are currently carrying 40 vacancies.	
	4.5	The Zero Harm Strategic Plan actions for 2018/19 are completed by 30 June.	<p>Regular updates are provided on progress to Council and the Audit & Risk Committee.</p> <p>A summary dashboard presents the key information.</p> <p>The team is making good progress in a complex and challenging area.</p>	

Open Meeting

To	Policy & Regulatory Committee
From	Sue O’Gorman General Manager Customer Support
Date	1 May 2019
Prepared by	Jessica Thomas Senior Consents Administrator
Chief Executive Approved	Y
Reference #	GOV1301
Report Title	Delegated Resource Consent Approved for the months of March and April 2019

1. EXECUTIVE SUMMARY

This report gives information relating to all delegated Resource Consents processed for the months of March and April 2019 excluding hearings.

2. RECOMMENDATION

THAT the report of the General Manager Customer Support be received.

3. APPOINTMENT OF COMMISSIONERS

There were no Commissioners appointed for the months of March and April 2019.

4. ATTACHMENTS

Delegated Authority Reports - attached

- March 2019
- April 2019

Delegated Authority Report

Period from 1 March 2019 to 31 March 2019

Awaroa ki Tuakau		Ward Total: 14		
Applicant	ID No	Address	Details	Decision
L M Mcleod, N J Mcleod	LUC0175/19	46 Westside Road TUAKAU	Position a relocatable dwelling and wastewater disposal field within 30m of an Outstanding Natural Feature in the Franklin Village Zone.	Granted
J M Offringa, W R Preston	LUC0181/14.01	81 Settlement Road PUKEKOHE	Extension of time for a further 1 year for 10,625 m3 of earthworks with a fill height of 2 m, including the importation of 9,000 m3 of cleanfill material on the site.	Granted
S R Blok, M F Blok	LUC0280/19	30A Regina Street POKENO	To undertake earthworks that exceeds the permitted earthworks volume and fails setback to a water body in Residential 2 Zone	Granted
Horizon Resources Limited	LUC0296/19	6 Munro Road POKENO	Bulk earthworks which exceed the maximum volume, height, area, cleanfill deposition volume and for sections of a retaining wall within the front yard setback in the Residential 2 Zone.	Granted
DC Home Construction Limited	LUC0306/19	18 Bellenden Crescent POKENO	Earthworks to exceed the permitted volume by 71m3 in the Franklin Residential 2 Zone.	Granted
N A Ross, M A A Ross	LUC0314/19	7 Ulcoats Lane POKENO	Construct a dwelling with an attached subsidiary dwelling that exceeds the density for dwelling houses and fails the earthworks provisions in the Residential 2 Zone	Granted
P A Rawle	LUC0325/19	4 Morgans Road TUAKAU	Retrospective consent for a conservatory that increases the total building coverage beyond the maximum permitted coverage of 40%.	Granted
The Pokeno Whisky Company Limited	LUC0438/18.01	22 Gateway Park Drive POKENO	Variation to consent condition 1 to account for removal of a roof area.	Granted
Midland Stud Limited	SUB0103/19	205 Golding Road PUKEKOHE	To undertake a boundary relocation between two properties in the Rural Zone	Granted
R Cooper	SUB0111/19	13 Booth Crescent TUAKAU	Subdivide a site in the Residential Zone to create one additional allotment	Granted

Delegated Authority Report

Period from 1 March 2019 to 31 March 2019

P A Rawle	SUB0117/19	4 Morgans Road TUAKAU	Subdivision: General subdivision to create one additional allotment in the Residential Zone. Land Use Consent: Retrospective consent for a conservatory that increases the total building coverage beyond the maximum permitted coverage of 40% of the net site area by 4% or 16.67 m2.	Granted
Pokeno Village Holdings Limited	SUB0276/18.01	152 Hitchen Road POKENO	Variation to consent conditions I, 10E3 and 10F9 to account for updates to the scheme plan prior to s223/s224 and changes to the consent notice condition to reflect the intended wording.	Granted
Bothwell Farms Limited	SUB0286/17.02	Whiriwhiri Road WAIUKU	S127 to change stage 2 conditions - condition I (Land Transfer Plan), Condition 8 (resurvey) and condition 10 and new conditions 10A & 10B of consent in relation to telecommunications and provision for wireless connection.	Granted
Pokeno Village Holdings Limited	SUB0305/18.01	152 Hitchen Road POKENO	Replace the existing subdivision scheme plan with a new one which updates to the new subdivision layout. Extension of the south eastern boundary, creation of Lot 106 (road to vest) within Stage 6E and correction of JOAL and fencing conditions.	Granted

Eureka

Ward Total: 2

Applicant	ID No	Address	Details	Decision
Pukeko Preschool Trust Board	LUC0074/19.01	20 Scotsman Valley Road TAUWHARE	S127 to change conditions I and 8 of Resource Consent LUC0074/19, Pukeko Preschool Facility for up to 30 Children in the Country Living Zone	Granted
R C Roberts, A C Roberts	LUC0298/19	1395 State Highway 26 EUREKA	Construct a shed in the Hauraki Gulf Catchment Area that is within the 25m boundary setback and fails Daylight Admission requirements in the Rural Zone	Granted

Delegated Authority Report

Period from 1 March 2019 to 31 March 2019

Hukanui - Waerenga		Ward Total: 7		
Applicant	ID No	Address	Details	Decision
Waikato Quarries Ltd	LUC0035/12.03	1500 Tauhei Road TAUHEI	Change of Conditions to increase the maximum extraction quantity	Granted
C Gore	LUC0157/19	878 Gordonton Road GORDONTON	To establish and operate a veterinary practice on a Rural zoned site which does not comply with Operative Waikato District Plan rules relating to parking spaces and manoeuvring areas, vehicle crossings, vehicle crossing separation distance, vehicle crossing sight distance, signs, building coverage, building setback and non-residential building size.	Granted
S T Juby	LUC0259/19	1574 Orini Road ORINI	Erect a 4,212.6m ² barn for housing dairy goats which exceeds the maximum permitted gross floor area for productive rural activities and total permitted building coverage within the Rural Zone.	Granted
Redline Holdings Limited	LUC0368/18.01	2219 Gordonton Road TAUPIRI	Amend conditions 1, 13 and 24 to allow for a variation to the hours of operation for construction.	Granted
A R and D M Allen Limited	SUB0066/19	66 Waipuna Road WAERENGA	Create two additional lots and undertake a boundary relocation in the Rural Zone.	Granted
T D Waters, M A Waters	SUB0075/19	206 Martin Road WAERENGA	Undertake a general subdivision in the Rural Zone to create one additional allotment where existing buildings on site will not meet boundary setbacks and the proposed vehicle entrance for Lot 2 fails separation distance.	Granted
W L Sullivan, L J Sullivan	SUB0108/19	53B Walker Road TAUPIRI	Create one additional lot which exceeds maximum lot size in the Rural Zone.	Granted
Huntly		Ward Total: 2		
Applicant	ID No	Address	Details	Decision
SS Tourism & Hospitality Limited	LUC0223/19	10 Glasgow Street HUNTLY	Planning Certificate for the Sale and supply of alcohol – On Licence	Approved
NZ Transport Agency (Waikato)	LUC0251/19	Ohinewai North Road OHINEWAI	To construct a new public road and private access in the Rural Zone	Granted

Delegated Authority Report

Period from 1 March 2019 to 31 March 2019

Newcastle		Ward Total: 3		
Applicant	ID No	Address	Details	Decision
Hamilton City Council	DES0009/19	183 Brymer Road ROTOKAURI	Outline Plan waiver pursuant to Section 176A (2) (c) of the RMA in relation to works associated with the replacement and upgrade of the existing internal water supply infrastructure at Hamilton Zoo.	Granted
Gavin's Limited	LUC0267/12.02	319A Ballard Road GORDONTON	Change of conditions to Landuse Consent LUC0267/12, PCI and EC11 to allow the construction of rearing shed to support the existing goat farming activity	Granted
I J Gavin, H R Gavin	SUB0025/12.01	319A Ballard Road GORDONTON	Change of conditions to amend condition PC4 in relation to telecommunications, amend condition LC1 and delete condition LC2 and LC3 in relation to consent notice conditions.	Granted
Ngaruawahia		Ward Total: 4		
Applicant	ID No	Address	Details	Decision
River North Properties Limited	LUC0112/19	21 North Street NGARUAWAHIA	To provide for new dwellings on proposed Lots 5, 6, 7 and 8 of SUB0049/19 where those dwellings will be located within the 50m setback from the Waikato River relating to the River Bank Stability Area.	Granted
E G Chatfield, C J Chatfield	LUC0301/19	126 Old Taupiri Road NGARUAWAHIA	To construct a second dwelling to be used as a Dependent Person's Dwelling within the Country Living Zone.	Granted
River North Properties Limited	SUB0049/19	21 North Street NGARUAWAHIA	To undertake an eight lot residential subdivision in the Living Zone, which does not comply with Operative District Plan rules relating to access requirements relating to number of users of the right-of-way, and the required minimum separation distance between vehicle accesses, as well as the building platform rule.	Granted
Black Tiki Limited	SUB0099/19	4 Railway Road TAUPIRI	To create two additional lots within the Living Zone	Granted
Onewhero-Te Akau		Ward Total: 4		
Applicant	ID No	Address	Details	Decision
J J Turnwald, C A Moulden	LUC0316/19	214A Kaipo Flats Road TUAKAU	To construct a pole implement shed on a property located wholly on the Onewhero Tuff Ring	Granted

Delegated Authority Report

Period from 1 March 2019 to 31 March 2019

Whitford Farms Limited	SUB0106/19	108 Kokonga East Road TUAKAU	Undertake a boundary adjustment in the Franklin Rural Zone.	Granted
S J Laurie, A R Both	SUB0113/19	1354 Highway 22 TUAKAU	Subdivision outside of the EEOA to transfer one title to create a new allotment on the property that exceeds the maximum allowed area of 1.0 ha by 800 m2. Construction of a vehicle entrance on a Collector Road that does not comply with separation distance to vehicle crossings. Removal of a building line restriction.	Granted
M A Wootton	SUB0119/19	211 Logan Road TUAKAU	To undertake a boundary adjustment involving two RTs in the Rural Zone.	Granted

Raglan Ward Total: 7

Applicant	ID No	Address	Details	Decision
D S Wood, S M Wood	LUC0194/19	10 Pokohui Avenue RAGLAN	Demolish the existing buildings and construct a new dwelling that is unable to comply with an internal setback, height in relation to boundary and within the 23m building setback from Wainui Stream and mean high water springs, in the Living Zone.	Granted
Raglan Land Company Limited	LUC0284/19	343 Te Hutewai Road RAGLAN	Construct a shed that is not located within an approved building envelope within 1000m from the mean high water springs, in the Coastal Zone.	Granted
C L Olsen	LUC0305/19	1122 Old Mountain Road WAITETUNA	To construct and use a new dwelling, garage and water tank where the proposal fails to comply with Operative Waikato District Plan rules relating to type of activity, vehicle access and entrances, sight distance, separation distance, minimum site area for a dwelling, building setback to road boundary, building setback to side boundary and building setback to waterbodies in the Rural Zone.	Granted
Hahei Beach Limited	LUC0310/19	7 Bankart Street RAGLAN	Temporary authority to carry on business under licence	Approved
Waikato District Council	LUC0341/19	339B Wainui Road RAGLAN	To erect a 4m high Pou within the Road and Building Setbacks of the Rural Zone.	Granted
M V Sansom	SUB0134/19	4 John Street RAGLAN	To undertake a boundary adjustment between two Records of Title in the Living Zone	Granted

Delegated Authority Report

Period from 1 March 2019 to 31 March 2019

Tasman Lands Limited	SUB0260/18.01	21 Nau Mai Road OKETE	S127 application to amend condition 27 of SUB0260/18 in relation to the part cancellation of a consent notice	Granted
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Tamahere Ward Total: 2

Applicant	ID No	Address	Details	Decision
The Newell Road Partnership	SUB0094/19	58 Redwood Grove TAMAHERE	Subdivision to create seven additional allotments, access allotment and walkway.	Granted
Stevenson Designer Building Limited	SUB0102/19	190 Pickering Road TAMAHERE	Carry out a boundary relocation in the Rural Zone between two adjoining titles less than 20ha held in common ownership.	Granted

Whangamarino Ward Total: 5

Applicant	ID No	Address	Details	Decision
F M McDougall	LUC0230/15.01	2288 State Highway 2 MARAMARUA	Change of conditions to LUC0230/15 to amend and delete conditions relating to hours of operation and days, location of a fish smoking area and update an approved sign plan.	Granted
K Amrolia	LUC0239/19	19 Ribbonwood Close TE KAUWHATA	To construct a dwelling that does not comply with impervious surfaces, parking and manoeuvring.	Granted
Withers & Co Trustee Co Ltd, W B Earwaker, J A Earwaker	LUC0324/19	37 Waikiwi Road WAERENGA	Construction of a covered herd shelter which exceeds the maximum 1,000m ² gross floor area for buildings used for productive rural activities, and retrospective resource consent for earthworks exceeding the maximum permitted area.	Granted
M D Baker	SUB0087/19	97 Summertime Lane TE KAUWHATA	To undertake the relocation of a Rural Residential lot at a site situated within the Rural Zone.	Granted
J Kruger	SUB0168/18.01	388A Lyons Road MANGATAWHIRI	S127 to amend the conditions of consent to reflect the change in the size of Lot 3 and Lot 1.	Granted

Delegated Authority Report

Period from 1 April 2019 to 30 April 2019

Awaroa ki Tuakau		Ward Total: 21		
Applicant	ID No	Address	Details	Decision
J Majanja, A M Maina	LUC0001/18.01	57 Yashili Drive POKENO	Change to consent conditions 10 and 14 to accurately reflect the nature of the proposal and information supporting the application	Granted
K J Hughes, S J Hughes	LUC0308/19	249 Koheroa Road MERCER	Earthworks to construct a dwelling in the Rural Zone that exceeds the maximum permitted volume of 250 m ³ by 700 m ³ and the maximum cut height of 1.5 m by 0.5 m.	Granted
Synlait Milk Limited	LUC0312/19	William McRobbie Road & 45 McDonald Road POKENO	To undertake earthworks in the Business Zone and Light Industrial Zone in association with the construction of a wastewater pipeline including some earthworks within the riparian yard of a stream and within the drip line and 6m of a trunk of a protected tree within legal road.'	Granted
TaTa Valley Limited	LUC0327/19	242 Bluff Road POKENO	Preloading earthworks which exceed the maximum cleanfill deposition volume, earthworks volume, area, height and area/volume within 30m of a 'wetland' in the Rural Zone.	Granted
Counties Power Limited	LUC0329/19	55 Munro Road POKENO	Soil disturbance in excess of 25m ³ per 500m ² under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011	Granted
Dreamline Homes	LUC0338/19	62 Te Ara Aukati Terrace POKENO	Undertake earthworks which exceed the permitted volume in the Franklin Village Zone.	Granted
Loveridge Builders Ltd	LUC0348/19	11 Hillpark Drive POKENO	To construct a dwelling that encroaches the yard setbacks in the Residential 2 Zone	Granted
Sublime Buildings Limited	LUC0358/19	45 Westside Road TUAKAU	To exceed the maximum permitted earthworks volume and maximum permitted cut depth in the Village Zone.	Granted
Z & W Investments Limited	LUC0373/19	8 Ascension Lane PVT POKENO	To construct a residential dwelling where the garage is located within the 10m boundary setback to Ascension Lane (a ROW) within the Village Zone.	Granted

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Horizon Resources Limited	LUC0390/19	6 Munro Road POKENO	Blanket Consent for garage encroachment on the front yard for future lots 1-32 of SUB0323/18	Granted
Horizon Resources Limited	LUC0391/19	6 Munro Road POKENO	Construction of an intersection for SUB0323/18 which fails the separation distance to another intersection on a collector road.	Granted
Pokeno Village Holdings Limited	LUC0435/17.01	Gateway Park Drive POKENO	Section 127 application sought to change the conditions of LUC0435/17; where Condition 1, Schedules 2, 3 and 4 and the Advisory Notes are to be changed.	Granted
Newland Limited	LUC0537/18	61 Market Street POKENO	<p>Bulk cut to fill earthworks, which exceed the allowable volume, area and depth in the Residential 2 Zone;</p> <p>Blanket land use consent for future development on Lots 1, 2, 5, 8-12 (inclusive), and 14 to infringe into the 20 metre State Highway 1;</p> <p>Blanket land use consent for Lots 1 and 14 which will both have noise in excess of the outdoor noise limits as a result of their proximity to the State Highway;</p> <p>Blanket land use consent for future development on Lots 21, 22 and 28 to build within the 10m wetland setback;</p> <p>A 1-1.5m high retaining wall that supports fill within the 5m front yard setback (of the paper road) near the southern access leg boundary of Lot 22.</p> <p>NES - land that is being used, or has been used or is more likely than not to have been used for a hazardous activity of landuse (HAIL) where a DSI has been provided.</p>	Granted
Pokeno Nutritional Park Limited	LUC0548/18	Gateway Park Drive POKENO	To construct and operate a nutritional facility within the Light Industrial Zone, Pokeno with various non-compliances including building height, height in relation to boundary, parking spaces, access width and amenity planting	Granted
Pokeno Village Holdings Limited	SUB0092/19	44 Gateway Park Drive POKENO	Two lot subdivision of a property in the Light Industrial Zone creating a rear allotment with an access that is less than the minimum allowed width of 9 m by 3 m. Removal of Consent Notice 10990614.2 for both allotments.	Granted

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J B Campbell, B A Campbell	SUB0112/19	202 Masters Road WAIUKU	Undertake a transferable subdivision of a consented lot where both the receiver and donors sites are outside the Environmental Enhancement Overlay Area (EEOA) within the Franklin Rural Zone.	Granted
M J Stormont	SUB0125/19	335 Parker Lane PUKEKOHE	Subdivision consent is sought to undertake a boundary adjustment between two titles in the Rural Zone.	Granted
Pokeno Village Holdings Limited	SUB0146/19	Harry Richards Way POKENO	Create 52 vacant residential lots in two stages, including two road lots (to vest) and one local purpose (drainage) reserve (to vest) and three balance lots on land zoned Residential 2	Granted
R J Thomas	SUB0216/18	79 Koheroa Road MERCER	Boundary adjustment by way of a two lot subdivision and amalgamation and right of way over adjoining land in the Rural and Village Zone	Granted
Horizon Resources Limited	SUB0323/18	6 Munro Road POKENO	Subdivision consent sought for the creation of 33 residential lots and an access lot, on 6 Munro Road and 94 Pokeno Road.	Granted
Newland Limited	SUB0324/18	61 Market Street POKENO	Subdivision consent sought for the creation of 29 residential lots.	Granted

Eureka Ward Total: 2

Applicant	ID No	Address	Details	Decision
Lemuel Dairy Goats Limited	LUC0354/19	289 Pukemoremore Road TAUWHARE	To undertake earthworks within the Hauraki Gulf Catchment Area in the Rural Zone.	Granted
Taylor Family Trust	SUB0029/12.01	533 State Highway 26 NEWSTEAD	Amend Condition PC5 and add Condition LC5 to allow for the provision of wireless telecommunications to all Lots.	Granted

Hukanui - Waerenga Ward Total: 6

Applicant	ID No	Address	Details	Decision
O F Stokes	LUC0130/19	165A Stokes Road TAUPIRI	To undertake earthworks to create a wetland	Granted
P A L Walker	LUC0133/19	53A Walker Road TAUPIRI	To undertake earthworks to create a wetland.	Granted
J A Stone, L L Stone	LUC0237/19	11 Oaktree Lane ROTOTUNA	Construct a dwelling and DPD where building coverage and the volume and area of earthworks are exceeded and where the DPD does not share an outdoor living	Granted

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			court with the main dwelling in the Rural Zone.	
Murvale Farm Limited	LUC0293/19	579B & 644 Matahuru Road MATAHURU	S348 ROW Easement and Land Use Consent required farm track as per existing use	Granted
Urban Homes NZ Limited	LUC0356/19	297 Dawson Road HORSHAM DOWNS	Construct a new residential dwelling in the Rural Zone that is located within the 20m setback from the centre of a transmission line.	Granted
Arrick Limited	SUB0100/19	246A Tenfoot Road ORINI	Create one additional lot from each title and undertake a simultaneous boundary relocation in the Rural Zone	Granted

Huntly Ward Total: 4

Applicant	ID No	Address	Details	Decision
Georgie Girl Holdings Limited	LUC0330/19	86 Glen Murray Road RANGIRIRI	To construct a canopy adjoining an existing warehouse building for a consented industrial activity that exceeds the permitted building coverage within the Rural Zone.	Granted
Hillside Property Holding Limited	LUC0347/19	179B Tregoweth Lane HUNTLY	On Licence for Sale of Liquor from a site in the Rural Zone	Approved
Builtsmart Limited	SUB0081/19	101 Ohinewai South Road OHINEWAI	To undertake a three lot boundary relocation subdivision in the Country Living Zone. To cancel existing Consent Notice 8399079.2 in full in accordance with Section 221	Granted
G P MacKie	SUB0130/19	23 Kimihia Road HUNTLY	To undertake a two-lot subdivision in the Living Zone with a right of way which is shared with an adjoining property and that is of a reduced width for serving more than 4 allotments.	Granted

Newcastle Ward Total: 5

Applicant	ID No	Address	Details	Decision
Hamilton Zoo	DES0011/19	183 Brymer Road ROKOKAURI	Outline Plan of Works pursuant to Section 176A of the Resource Management Act 1991 to remove entrance buildings and to construct two new buildings with similar functions and to upgrade the car park and entranceways.	AcceptPlan

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Hamilton City Council	DES0015/19	183 Brymer Road ROTOKAURI	Application was combined with DES0011/19 - all information for P&R information for DES0015/19 is under DES0011/19	AcceptPlan
L A MacKintosh, A MacKintosh	LUC0221/19	758A Horotiu Road TE KOWHAI	Conversion of an existing garage into a Dependent Person's Dwelling that does not share an outdoor living court with the main dwelling, and construction of one shed encroaching the 12m setback to the southern (side) boundary by 10 m and a the relocation of a second shed encroaching on the same boundary by 9.5 m.	Granted
D and L Gamble Limited	SUB0070/12.02	Bell Road WHATAWHATA	S127 to change/cancel conditions of Subdivision Consent (SUB0070/12) to amend condition PC5 and add condition LC5 to allow the provision of wireless telecommunications to the proposed Lot 3.	Granted
Henderson Farms Trust Limited	SUB0955/11.02	717 Karakariki Road KARAKARIKI	S127 Change of conditions to SUB0955 11, changes to PC5, PC6, RC2 and UC3 and the addition of condition LC1A. These changes relate to the existing sheds on the proposed Lot 6, deletion of a condition for separate vehicle accesses for Lots 2 & 3 and the provision of wireless telecommunications for the proposed lots.	Granted

Ngaruawahia Ward Total: 4

Applicant	ID No	Address	Details	Decision
Classic Builders Tauranga Limited	LUC0337/19	3 Rangawhenua Street NGARUAWAHIA	Construct a new entrance way the fails separation distance and a new dwelling that encroaches on the road setback and fails to comply with access, parking and manoeuvring provisions in the New Residential zone	Granted
L Y Lovell	LUC0345/19	124A Great South Road TAUPIRI	Construct a new residential dwelling in the Living Zone that infringes on the 15m arterial road setback and fails on-site manoeuvring requirements.	Granted
C T Blakey, M R Blakey	LUC0352/19	53 Matariki Terrace NGARUAWAHIA	Construction of a dwelling in the New Residential Zone that encroaches on the 15 m boundary setback onto the southern road boundary to a Regional Arterial Road by 11.4 m.	Granted

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Ohawini Trustees Limited	LUC0357/19	8A King Street NGARUAWAHIA	To construct a dwelling where the living court is in a non-compliant position in the Living Zone.	Granted
Onewhero-Te Akau		Ward Total: 6		
Applicant	ID No	Address	Details	Decision
K A Purnell, D J Purnell	LUC0248/19	246A Kaipo Flats Road TUAKAU	New Approved building location within the Onewhero Tuff Ring. Linked to SUB0082/19	Granted
B J Scott, B F Willis	LUC0313/19	725 Highway 22 TUAKAU	blanket land use consent over Lots 1, 3 and 4 of SUB0096/19 for future construction of dwellings, accessory buildings, associated works to be constructed within the 30m buffer setback of the Pukekawa Volcanic Cone (a Schedule 5B feature)	Granted
N J Bates	LUC0342/19	1376 Churchill Road TUAKAU	Construction of a subsidiary dwelling in the Rural Zone for farm worker's accommodation to accompany equestrian activities.	Granted
K A Purnell, D J Purnell	LUC0381/19	246A Kaipo Flats Road TUAKAU	Land Use required with SUB0082/19	Granted
K A Purnell, D J Purnell	SUB0082/19	246A Kaipo Flats Road TUAKAU	Subdivision: Boundary relocation in the Rural Zone between two titles held in common ownership. Cancellation of Consent Notices 8116199.4 and 8116199.5 relating to specified building areas on the sites. Landuse: Blanket consent for the construction/erection or placement of a dwelling, accessory buildings, and associated works (driveway, stormwater/wastewater disposal and water supply) in accordance with the permitted bulk and location standards and earthworks up to 250 m3 on Lots 1 and 2 in a Schedule 5B area.	Granted
J D Hull	SUB0096/19	725 Highway 22 TUAKAU	Subdivision: to undertake a four lot subdivision within the Village Zone.	Granted

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Raglan		Ward Total: 8		
Applicant	ID No	Address	Details	Decision
Parangon Building Limited	FST0009/19	2 Maungatawhiri Road TE MATA	To construct a new dwelling within the Coastal Zone.	Granted
S K Massey	LUC0266/19	3 Point Street RAGLAN	For an existing second dwelling and to construct a new third dwelling that protrudes through the daylight admission angle and does not comply with the living court requirements within the Living Zone. The proposal also results in non-compliances with Appendix A. (In association with SUB0088/19).	Granted
C J McIndoe, A C McIndoe	LUC0307/19	69 Wainui Road RAGLAN	To construct a dwelling within two road boundary setbacks and an internal boundary setback within the Living Zone.	Granted
P J Abel, L M Smith	LUC0331/19	41A Wallis Street RAGLAN	Relocate a dwelling within the Living Zone failing the setback to the adjoining wetland and bring on 40m ³ of clean fill on a cross leased property.	Granted
A P Sawyer, D J Sawyer	LUC0336/19	486A Okete Road OKETE	To construct a dwelling within the Coastal Zone which is to be located outside of an approved building envelope and within 1000m of mean high water springs.	Granted
Broadspectrum (New Zealand) Limited - Hamilton	LUC0540/18.01	3803 State Highway 23 TE UKU	Variation to Conditions 1 (General Accordance) 3 (volume) and 4 (area) for earthworks consent for the placement of Cleanfill in the Rural Zone.	Granted
S K Massey	SUB0088/19	3 Point Street RAGLAN	To create one additional lot within the Living Zone, where the subdivision results in non-compliances with Appendix A.	Granted
A D McGrath	SUB0122/19	65 & 67 Wallis Street RAGLAN	A boundary adjustment of 28m ² between two titles in the Living Zone	Granted
Tamahere		Ward Total: 9		
Applicant	ID No	Address	Details	Decision
NZ Transport Agency (Waikato)	DES0014/19	TAMAHERE	Outline Plan waiver pursuant to Section 176A (2) (c) of the RMA in relation to works associated with the construction of the Waikato Link of the Te Awa Great New Zealand River Ride.	Granted
D A Steele, K T Hodel	LUC0252/19	173 Rosebanks Drive TAMAHERE	Construction of additions to an existing residential dwelling, with the addition of a swimming pool and associated outdoor	Granted

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			paved areas that exceeds the allowable impervious surface of 700m ² and for earthworks for a driveway exceeding the maximum volume and area thresholds within the Country Living Zone.	
Cooney Trustees Limited, L M Levesque, Bruce Freedom Trust Limited	LUC0321/19	372 Lee Martin Road TAMAHERE	To construct a garage that results in the development on-site exceeding the permitted building coverage within the Rural Zone.	Granted
S Pasupati, K Pasupati	LUC0322/19	10 Armistead Lane Pvt TAMAHERE	To apply a blanket reduction on the side yard setback from 25m to 12m.	Granted
V A Pennington, J D Pennington	LUC0328/19	183 Rosebanks Drive TAMAHERE	To construct a shed that will exceed total impervious surfaces area in the Country Living Zone.	Granted
NZ Transport Agency (Waikato)	LUC0333/19	TAMAHERE	To undertake earthworks for the construction of a shared cycle path and where works will be undertaken within the drip line of a notable tree.	Granted
S Newdick	LUC0335/19	4 Harri Jay Rise PVT TAMAHERE	Construct an accessory building that exceeds building coverage and encroaches the side 12 metre setback in the Country Living Zone	Granted
D A Pinkerton, A M Parsons	LUC0343/19	410C Pencarrow Road TAMAHERE	To use an existing vehicle crossing and driveway that will not comply with Operative Waikato District Plan rules relating to separation distance between vehicle crossings and the location of part of the driveway parallel to the road boundary.	Granted
Urban Homes NZ Limited	LUC0344/19	288 Hautapu Road HAUTAPU	To construct a dwelling in the Rural Zone that exceeds building coverage and encroaches the setback from an intensive farming operation	Granted
Whangamarino		Ward Total: 6		
Applicant	ID No	Address	Details	Decision
Ministry Of Education - Wellington	DES0012/19	2 Mahi Road TE KAUWHATA	Relocation of two prefabricated class rooms to site	Granted

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M T Floyd, R K Floyd	LUC0265/19	5A Swan Road TE KAUWHATA	Created in conjunction with ROW0011/18 as per instructions from Deborah Scott - Land Use Consent to construct legalise an existing site access at 5 A and 5 B Swan Road to a Right of Way which is non-compliant with Appendix A.	Granted
Whakapona Farms Limited	LUC0320/19	130 Wattle Road TE KAUWHATA	Retrospective resource consent to legitimise completed earthworks and seeking resource consent to undertake additional earthworks at two sites within the Rural Zone.	Granted
R W Jefferis, L E Jefferis	LUC0323/19	58 Travers Road TE KAUWHATA	NES: The change of use and proposed remediation of the site under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 LUC: 'Remediation of contaminated land' under the Waikato District Plan that does not meet the permitted activity requirements set out in Regulation 8 (of the NES).	Granted
HEB Land Holding Limited	LUC0346/19	420 Bell Road MANGATAWHIRI	To construct a workshop and relocate existing workshop activity ancillary to a Rural Industry Activity in the Rural Zone	Granted
R L Barakat, D P Barakat	SUB0098/19	82 Hawke Road TE KAUWHATA	Create two additional lots from two viable records of title in the Rural Zone	Granted