

Agenda

**Notice is hereby given of
an Extraordinary Council Meeting**

Tuesday 4 June 2019

To follow the Committee Meetings

Council Chamber
Waimate District Council
125 Queen Street
Waimate

www.waimatedc.govt.nz

Notice is hereby given that a meeting of the Council will be held in the Council Chamber, Waimate District Council, 125 Queen Street, Waimate, on Tuesday 4 June 2019, to follow the Committee Meetings.

Elected Members

Craig Rowley	Chairperson
Sharyn Cain	Deputy Chairperson
David Anderson	Councillor
Peter Collins	Councillor
Miriam Morton	Councillor
Jakki Guilford	Councillor
Tom O'Connor	Councillor
David Owen	Council Rep
Sheila Paul	Councillor

Quorum – no less than five members

Significance Consideration

Evaluation: Council officers, in preparing these reports have had regard to Council's Significance and Engagement Policy. Council and Committee members will make the final assessment on whether the subject under consideration is to be regarded as being significant or not. Unless Council or Committee explicitly determines that the subject under consideration is to be deemed significant then the subject will be deemed as not being significant.

Decision Making

The Council, in considering each matter, must be:

- i. Satisfied that it has sufficient information about the practicable options and their benefits, costs and impacts, bearing in mind the significance of the decision;
- ii. Satisfied that it knows enough about and will give adequate consideration to the views and preferences of affected and interested parties bearing in mind the significance of the decisions to be made.

Stuart Duncan
Chief Executive

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OPENING

1 COUNCIL PRAYER

THERE IS NO COUNCIL PRAYER AT THIS MEETING

2 PUBLIC FORUM

There is no public forum at this meeting.

3 APOLOGIES

The Chair will call for any apologies.

4 VISITORS

Nil

5 CONFLICTS OF INTEREST

As per the Local Authorities (Members' Interests) Act 1968 (as below), the Chair will enquire if there are any Conflicts of Interest to be declared on any item on the agenda, and if so, for any member to declare this interest.

Local Authorities (Members' Interests) Act 1968

Councillors are reminded that if they have a pecuniary interest in any item on the agenda, then they must declare this interest and refrain from discussing or voting on this item and are advised to withdraw from the meeting table.

6 IDENTIFICATION OF MAJOR (URGENT) OR MINOR ITEMS NOT ON THE AGENDA

1. The Chair will call for any major (urgent business) or minor items not on the agenda to be raised according to Standing Orders, as below:

- a. **Standing Orders 3.7.5 – Major Items**

An item not on the agenda for a meeting may be dealt with at the meeting if the local authority by resolution so decides, and the presiding member explains at the meeting at a time when it is open to the public –

- i. The reason why the item was not listed on the agenda; and
 - ii. The reason why discussion of the item cannot be delayed until a subsequent meeting.

- b. **Standing Orders 3.7.6 – Minor Items**

An item not on the agenda for a meeting may be dealt with at the meeting if –

- i. That item is a minor matter relating to the general business of the local authority; and
 - ii. The presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but
 - iii. No resolution, decision, or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion.

MINUTES**7 RECEIPT OF MINUTES****7.1 MINUTES OF THE CHIEF EXECUTIVE'S PERFORMANCE REVIEW COMMITTEE MEETING HELD ON 14 MAY 2019**

Author: Karalyn Reid, Committee Secretary and PA to the Mayor

Authoriser: Tina Stevenson, Corporate Services Group Manager

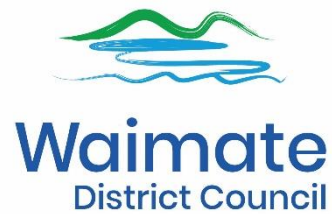
Attachments: 1. Minutes of the Chief Executive's Performance Review Committee Meeting held on 14 May 2019

PURPOSE

For the unconfirmed minutes of the Chief Executive's Performance Review Committee Meeting held on 14 May 2019 to be presented for the information of Council.

RECOMMENDATION

That the unconfirmed minutes of the Chief Executive's Performance Review Committee Meeting held on 14 May 2019 be received.



MINUTES

Chief Executive's Performance Review Committee Meeting

14 May 2019

**MINUTES OF WAIMATE DISTRICT COUNCIL
CHIEF EXECUTIVE'S PERFORMANCE REVIEW COMMITTEE MEETING
HELD AT THE COUNCIL CHAMBER, WAIMATE DISTRICT COUNCIL, 125 QUEEN STREET,
WAIMATE ON TUESDAY 14 MAY 2019, COMMENCING AT 1.35PM**

PRESENT: Chair Craig Rowley, Cr Sharyn Cain, Cr Peter Collins

APOLOGIES: Cr David Anderson

IN ATTENDANCE: Fiona Hester-Smith (Human Resources Manager), Stuart Duncan (Chief Executive); Karalyn Reid (Committee Secretary)

OPENING

1 PUBLIC FORUM

There was no public forum held at this meeting.

2 APOLOGIES

COMMITTEE RESOLUTION 2019/1

Moved: Cr Sharyn Cain

Seconded: Cr Peter Collins

That apologies from Cr David Anderson be received and accepted.

CARRIED

3 VISITORS

Nil

4 CONFLICTS OF INTEREST

There were no conflicts of interest identified.

5 IDENTIFICATION OF MAJOR (URGENT) OR MINOR ITEMS NOT ON THE AGENDA

Nil

MINUTES

6 CONFIRMATION OF MINUTES

**6.1 MINUTES OF THE CHIEF EXECUTIVE'S PERFORMANCE REVIEW COMMITTEE
MEETING HELD ON 21 FEBRUARY 2018**

COMMITTEE RESOLUTION 2019/2

Moved: Chair Craig Rowley

Seconded: Cr Sharyn Cain

That the Minutes of the Chief Executive's Performance Review Committee Meeting held on 21 February 2018 be accepted and the recommendations therein be adopted.

CARRIED

6.2 MINUTES OF THE CHIEF EXECUTIVE'S PERFORMANCE REVIEW COMMITTEE MEETING HELD ON 6 MARCH 2018

COMMITTEE RESOLUTION 2019/3

Moved: Chair Craig Rowley
Seconded: Cr Sharyn Cain

That the Minutes of the Chief Executive's Performance Review Committee Meeting held on 6 March 2018 be received and the recommendations therein be adopted.

CARRIED

PUBLIC EXCLUDED

7 EXCLUSION OF THE PUBLIC REPORT

RESOLUTION TO EXCLUDE THE PUBLIC

COMMITTEE RESOLUTION 2019/4

Moved: Cr Sharyn Cain
Seconded: Cr Peter Collins

That the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
7.1 - Public Excluded Minutes of the Chief Executive's Performance Review Committee Meeting held on 21 February 2018	s6(a) - the making available of the information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
7.2 - Public Excluded Minutes of the Chief Executive's Performance Review Committee Meeting held on 6 March 2018	s6(a) - the making available of the information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
7.3 - Chief Executive's Performance Review Report	s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons s7(2)(f)(i) - free and frank expression of opinions by or between or to members or officers or employees of any local authority	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

<p>7.4 - Chief Executive's Individual Employment Agreement Review</p>	<p>s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p> <p>s7(2)(f)(i) - free and frank expression of opinions by or between or to members or officers or employees of any local authority</p>	<p>s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>
<p>7.5 - Chief Executive's Remuneration Report</p>	<p>s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p> <p>s7(2)(f)(i) - free and frank expression of opinions by or between or to members or officers or employees of any local authority</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>

CARRIED

8 RE-ADMITTANCE OF THE PUBLIC REPORT

<p>COMMITTEE RESOLUTION 2019/5</p>
<p>Moved: Chair Craig Rowley</p>
<p>Seconded: Cr Sharyn Cain</p>
<p>That Council moves out of Closed Council into Open Council.</p>
<p>CARRIED</p>

MEETING CLOSURE

There being no further business, the Chair closed the meeting at 4.25pm.

The minutes of this meeting are to be confirmed at the next Chief Executive's Performance Review Committee Meeting, and received by Council at the Public Excluded section of the Extraordinary Council Meeting scheduled for 4 June 2019.

.....
CHAIRPERSON

REPORTS

8 GENERAL REPORTS

8.1 WASTE MANAGEMENT AND MINIMISATION PLAN 2018-28

Author: Paul Roberts, Water and Waste Manager

Authoriser: Dan Mitchell, Asset Group Manager

Attachments: 1. Draft Waste Management and Minimisation Plan 2018-28 (under separate cover) 

PURPOSE

1. To present the draft Waste Management and Minimisation Plan for consultation.

BACKGROUND

2. The Waste Minimisation Act 2008 requires Council to complete a full review of the Waste Management and Minimisation Plan (WMMP) every six years. The first WMMP was adopted in June 2012, and the review of the 2018 WMMP has occurred in 2018/19 by staff and then through a workshop with Council on 30 April 2019. The Act also requires Council to notify the latest waste assessment with the Statement of Proposal (i.e. the WMMP).
3. Changes identified through the Council workshop have been incorporated in the draft WMMP and budgets now align as much as practicable with years one to three of the 2018-28 Long Term Plan or can be implemented through the 2020/21 Annual Plan process.
4. The draft WMMP is attached to this report.

PROPOSAL

5. For Council to review and adopt the draft Waste Management and Minimisation Plan 2018-28 for consultation.
6. The WMMP 2018-2028 has been reviewed and consulted in Council workshop with the recognition that consultation on the plan will commence 6 June 2019 and in accordance with the requirements of the Waste Minimisation Act 2008. The statutory consultation period is 30 days.
7. This draft Waste Management and Minimisation Plan 2018-28 is a thorough review of the present performance of solid waste management in the Waimate District, and proposes options and directions for future management of solid waste (refuse, recycling, reduction and reuse) in the district.
8. Some significant changes to service delivery are provided within the document and will be a subject for further consultation before being implemented.

ASSESSMENT OF SIGNIFICANCE

9. This matter is deemed significant under the Council's Significance and Engagement Policy.

Consultation

10. No specific consultation was undertaken with the public, other than the question posed in the 2018-28 consultation document: Are we heading in the right direction with Waste Minimisation?
11. Of the overall submissions where people responded with "yes" or "no", 83 out of 169 (49%) said yes, 10% said "no" and there was no comment from 41%.

12. 40 respondents added comments about waste minimisation with 40% being for and 5% being against the 3-bin collection system. Out of the total 40 respondents, 18% support recycling initiatives and 37% have general support.
13. This was recognised in the Council workshop; however, the options in the draft Waste Management and Minimisation Plan will need to be consulted on with the community prior 2021-31 Long Term Plan.

FINANCIAL

14. The WMMP options (years one to three) are either already funded from current budgets or can be funded from a combination of waste levy and reserve funds prior to the 2020/21 Annual Plan and the 2021/31 Long Term Plan.


RECOMMENDATION

1. That the Waste Management and Minimisation Plan 2018-28 report is accepted; and
2. That Council adopts the draft Waste Management and Minimisation Plan 2018-2028 for consultation.

8.2 CHIEF EXECUTIVE'S PERFORMANCE REVIEW COMMITTEE - TERMS OF REFERENCE

Author: Fiona Hester-Smith, Human Resources Manager

Authoriser: Fiona Hester-Smith, Human Resources Manager

Attachments: 1. Terms of Reference - Chief Executive's Performance Review Committee [↓](#) 

PURPOSE

1. For Council to accept the Terms of Reference for the Chief Executive's Performance Review Committee.

BACKGROUND

2. The Terms of Reference were reviewed at a meeting of the Chief Executive's Performance Review Committee, and now are presented for the approval of Council.

PROPOSAL

3. That Council review and accept the Terms of Reference for the Chief Executive's Performance Review Committee

ASSESSMENT OF SIGNIFICANCE

4. This item is not considered significant under Council's Significance and Engagement Policy.

FINANCIAL

5. There are no financial implications.

RECOMMENDATION

1. That the Chief Executive's Performance Review Committee Terms of Reference report is accepted; and
2. That Council accepts the Chief Executive's Performance Review Committee's Terms of Reference, as presented.

Waimate District Council

Chief Executive Performance Committee

Terms of Reference & Delegations

Type of Committee	Committee
Subordinate to	Council
Legislative Basis	Schedule 7 clause 30 (1) (a), Local Government Act 2002
Purpose	The purpose of this committee is to review the performance of the Chief Executive annually, and also undertake the legislative requirements in relation to the Chief Executive's performance.
Membership	Mayor, Deputy Mayor and two Councillors
Quorum	Three
Meeting frequency	At least once annually (June, July), and not less than 6 months prior to the expiry date of the Chief Executive's contract of employment and as required.
Delegations	<p>The Committee's role is recommendatory only. Its role is to review the Chief Executive's performance annually and establish performance targets for each year.</p> <p>Undertake a performance review at end of first term of appointment as required by Schedule 7, clause 35 of the Local Government Act 2002, which currently provides:</p> <ol style="list-style-type: none"> (1) A local authority must, not less than 6 months before the date on which the chief executive's contract of employment for the first term expires, conduct and complete a review of the employment of the chief executive. (2) The review must assess – <ol style="list-style-type: none"> (a) The performance of the chief executive; and (b) The mix of skills and attributes possessed by the chief executive, and the degree to which they are consistent with the skills and attributes that the local authority considers necessary for the future; and (c) Any other factors that the local authority considers relevant. (3) To avoid doubt, responsibility for determining the degree to which any factors in subclause (2)(a) and (b) apply to a review, and the relevance of any additional factors under subclause (2)(c), rests solely with the local authority. (4) Subclause (1) does not apply if the incumbent chief executive declares in writing to the local authority that he or she does not wish to be considered for appointment to a second term.
Relevant Statutes	All the duties and responsibilities listed above must be carried out in accordance with the relevant legislation.
Limits to Delegations	The Committee does not have the delegated authority to make decisions for and on behalf of the Council. All matters requiring a decision of Council must be referred, by way of recommendation, to the Council for final consideration and determination.

All enquiries or suggestions regarding this document should be referred to:	Human Resources Manager
Revision	2 nd Version
Revision Date	22 May 2019
Effective Date	22 May 2019
Minimum Review by;	22 May 2022
Document Owner – Release Signature	
Chief Executive – Release Signature	
Terms of Reference can only be amended by	Resolution of Council

PUBLIC EXCLUDED

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RECOMMENDATION

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**10 RE-ADMITTANCE OF THE PUBLIC REPORT
MEETING CLOSURE**