

Kaunihera | Council

Kaupapataka Wātea | Open Agenda



Notice is hereby given that an ordinary meeting of Matamata-Piako District Council will be held on:

Ko te rā | Date: Wednesday 13 July 2022
Wā | Time: 9.00am
Wāhi | Venue: Council Chambers
35 Kenrick Street
TE AROHA

Ngā Mema | Membership

Koromatua | Mayor

Ash Tanner, JP (Chair)

Koromatua Tautoko | Deputy Mayor

Neil Goodger

Kaunihera ā-Rohe | District Councillors

Donna Arnold

Caitlin Casey

Teena Cornes

Bruce Dewhurst

James Sainsbury

Russell Smith

Kevin Tappin

James Thomas

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1 Whakatūwheratanga o te hui | Meeting Opening

2 Ngā whakapāha/Tono whakawātea | Apologies/Leave of Absence

An apology from Councillor Teena Cornes has been received.

3 Pānui i Ngā Take Ohore Anō | Notification of Urgent/Additional Business

Section 46A(7) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“An item that is not on the agenda for a meeting may be dealt with at that meeting if-

- (a) The local authority by resolution so decides; and
- (b) The presiding member explains at the meeting, at a time when it is open to the public,-
 - (i) The reason why the item is not on the agenda; and
 - (ii) The reason why the discussion of the item cannot be delayed until a subsequent meeting.”

Section 46A(7A) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“Where an item is not on the agenda for a meeting,-

- (a) That item may be discussed at that 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.”

4 Whākī pānga | Declaration of Interest

Members are reminded of their obligation to declare any conflicts of interest they might have in respect of the items on this Agenda.

5 Whakaaetanga mēneti | Confirmation of Minutes

Minutes, as circulated, of the Ordinary meeting of Matamata-Piako District Council, held on 29 June 2022

6 Papa ā-iwi whānui | Public Forum

At the close of the agenda, no speakers were scheduled to the Public Forum.

7 Pūrongo me whakatau | Decision Reports

LGNZ Remits 2022

CM No.: 2583270

Rāpopotonga Matua | Executive Summary

This report seeks feedback from Council on the attached Local Government New Zealand (LGNZ) remits for the Annual General Meeting (AGM) on 25 July 2022. The topics covered are:

1. Central Government funding for public transport
2. Review of Government transport funding
3. Illegal street racing
4. Bylaw infringements
5. Density and proximity of vaping retailers.
6. Polling LGNZ members

Tūtohunga | Recommendation

That:

1. **Council provides its feedback to support/not support the following remits:**
 1. **Central Government funding for public transport**
 2. **Review of Government transport funding**
 3. **Illegal street racing**
 4. **Bylaw infringements**
 5. **Density and proximity of vaping retailers**
 6. **Polling LGNZ members**
2. **Council notes these remits will be voted on by the presiding Council Delegate at the 2022 Local Government NZ AGM, who may duly take into consideration additional information received on the day to inform the final vote on behalf of the Council.**

Horopaki | Background

The remits have been put forward in advance of the 28 July AGM in order to allow Council representatives to gauge the views of the full Council prior to the meeting.

Ngā Take/Kōrerorero | Issues/Discussion

Staff have provided some comments on the remits as follows:

1. Central Government funding for public transport

Council staff agree there are valid points raised in the information supplied. In general, staff agree the principle sounds okay and will encourage greater use of public transport by making it affordable for low income groups and under-25s which will provide them more opportunities to be connected to places of work and so on.

2. Review of Government transport funding

This is supported from a staff perspective as there are number of challenges with the current funding model and it doesn't provide certainty and long term view. The key note in publication is the following: *The current funding model does not fully recognise the costs of maintenance of roads and related infrastructure and does not provide certainty to councils in setting their own budgets. This appears to be related to funding being heavily reliant on the annual budget of the government of the day and income that varies depending on many factors.*

3. Illegal street racing

Council has received complaints relating to racing of motor vehicles on public roads (or street racer) activities around the district. In May 2022, members of the public have presented to Council in public forum discussing issues with street racers in Tauhei and surrounding community. We recognise the significance of the issue and that it frustrates residents and can damage existing sealed surfaces and create unanticipated clean-up costs. Council recently had a presentation from Acting Senior Sergeant Vic Sneddon, Waikato Road Policing to discuss options to curtail the actions of the illegal street racer community.

The remit notes actions by other Council around bylaws, speed bumps etc. A broader national approach seems appropriate as local interventions may have the effect of moving the activity elsewhere. Council staff agree establishment of a working group would be useful to formulate an action plan to tackle the issue.

4. Bylaw infringements

Bylaw making powers in sections 145, 146, 147 and 149 of the Local Government Act 2002 (LGA) allow local authorities to make bylaws relating to a range of issues. Currently enforcement of bylaws is only available by prosecution, meaning Councils are limited in their enforcement regime.

There is also significant reforms occurring in the local government sector, which may have implications for the bylaw and enforcement regime. Section 259(1) of the LGA allows for the making of infringement offences for breaching bylaws by Order in Council (regulations signed off by the Governor-General). To date, no such Orders in Council have been made under sections 145, 146 or 149.

The current drafting of section 259 means that each local authority bylaw that has an infringement offence and the associated infringement fee needs to be prescribed in a regulation, for an infringement fine to be able to be issued. This process is administratively unworkable. It also means there would be an ongoing need to review every provision in every Council bylaw with a lot of duplication as provisions differ between Councils.

A solution would be for section 259 to be re-drafted to remove the requirement that regulations be used to prescribe those breaches of bylaws that constitute an infringement offence, and infringement fees. Parliament should either enable councils to exercise discretion to set infringement fines for local issues or specify the class of issues that fines can be used for.

Council staff would support an infringement notice regime for bylaws. The staffing of bylaw enforcement functions however remains a challenge and costs are likely to fall on general ratepayers (which may be appropriate as a public good), even when taking into account potential infringement revenues.

If an infringement regime is put in place, Council staff would continue to work with parties to bring about compliance and promote education rather than using a punitive approach where possible. Prosecution can cost from \$10-20K and this makes enforcing bylaws difficult.

To make this happen, Council staff would support, a fix to section 259 of the LGA to make infringement fines a more useable option for the enforcement of breaches of bylaws. This would result in more effective and efficient outcomes for councils and communities on the issues that matter to them, locally.

5. Density and proximity of vaping retailers

The Smokefree Environments and Regulated Products Amendment Act 2020 applies to vaping products. Business can sell vaping products as General Vape Retailers or apply to become a Specialist Vape Retailers. The density or proximity to facilities such as schools is not considered when assessing applications. Council currently has no role in this process.

The Ministry of Health website provides more information on the vaping regulatory regime: <https://www.health.govt.nz/our-work/regulation-health-and-disability-system/regulation-vaping-and-smokeless-tobacco-products/vaping-information-all-industry/vaping-information-distributors-and-retailers>

Staff consider there is an inequity in the way smoking is dealt with, as this remit only relates to vaping not general tobacco products. Tobacco products are sold at service stations, supermarkets, grocery stores and dairies. The remit proposes restricting the sale of vaping products to specialist R18 stores. There would be an inconsistency in the approach to smoking products.

Any additional role for Council in setting policy, rules on location/density of vaping shops will come at a cost. It is also unclear if Council would be expected to enforce/apply these rules.

Councils Smokefree policy does apply to vaping but it has no legal force and staff do not enforce it. It is intended to send a signal about Council expectations.

Council also has policies covering the retailing sites for Legal Highs and Alcohol. Council currently has a Legal Highs Policy on the location/density of legal high retailers. This falls under the Psychoactive Substances regime (of which there are currently no approved Psychoactive Substances products and thus no retail outlets across NZ). Council also has a Local Alcohol Policy covering the location of off-licences e.g. bottle stores. Both of these policies relate to social/health harms.

6. Polling LGNZ members

This remit was included as a late remit. The New Plymouth District Council are requesting that LGNZ adopt a policy to poll its members on any significant issue affecting local government in New Zealand, before making that decision.

The National Council wanted the opportunity to meet the representatives supporting the remit to discuss the practicalities of the proposed approach. It has been agreed that if this remit is passed at the AGM, LGNZ will develop a specific policy in conjunction with the membership that sets out the threshold for polling the membership, and while that policy is being developed, the decision about the threshold for polling will rest with National Council.

Due to this remit being included as a late remit we were unable to provide comments from staff. Please refer to the attachment for any additional information on this remit.

Ngā Tāpiritanga | Attachments

[A↓. LGNZ Remits 2022](#)



Ngā waitohu | Signatories

Author(s)	Michelle Orchard Graduate Policy Advisor	
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Approved by	Niall Baker	
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	Policy Team Leader	
	Don McLeod Chief Executive Officer	

Who's
putting local
issues on
the national
agenda?

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2022 Annual General Meeting

Remits

1

Central government funding for public transport

- Remit:** That LGNZ:
- Calls on central government to fully and permanently fund free public transport for students, community service card holders, under 25s, and total mobility card holders and their support people.
 - Joins the Aotearoa Collective for Public Transport Equity (ACPTÉ) in support of the Free Fares campaign.

Proposed by: Porirua City Council

Supported by: Metro Sector

Background information and research

1. Nature of the issue

At present, an inequitable, car-dominated transport system constrains mobility and limits opportunity for thousands of people. Transport is the second-largest source (21%) of domestic carbon emissions in Aotearoa – and 70% of these emissions come from cars, SUVs, utes, vans and light trucks.

The Aotearoa Collective for Public Transport Equity (ACPTÉ) are a vast collection of community organisations from across Aotearoa, joining together to advocate for more equitable public transport. The ACPTÉ are now asking for councils across the country to join their Free Fares campaign.

ACPTÉ's Free Fares campaign is asking for central government to fund free fares for public transport users, starting with low income groups and under-25s. The ACPTÉ believes that these groups are the right place to start because they represent a large portion of public transport users who rely on the service the most but are least likely to be able to afford it.

2. Background to its being raised

Transport is New Zealand's fastest growing source of greenhouse gas emissions, having doubled since 1990. Targeting transport is a key way to mitigate our fastest growing source of emissions. Porirua City Council's view is that we need to provide more sustainable transport options and enable people to transition from private vehicles to public transport.

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The proposed remit suggests we can't meet our climate change targets without reducing how much we drive – not even by replacing petrol and diesel cars with EVs. Both in Aotearoa and overseas there are examples of free public transport incentivising mode shift away from private vehicle use. Free fares enable people to switch to public transport, which produces far less emissions per kilometre than private cars.

With housing costs and other expenses rising, many Community Service Card holders, tertiary students, under 25s and total mobility card holders find that a regular \$3 bus ticket is out of reach – and that's at the very time that we need to promote connection to combat loneliness and poor mental health. The high cost of public transport also leaves too many disconnected from family, friends and activities that bring us joy, leading to isolation and loneliness. The proposed remit suggests free fares would allow disadvantaged communities to better access services and seek education and employment.

To ensure transport equity, Porirua City Council suggests it is imperative we prioritise those who struggle the most to afford and access transport. All sectors of society are affected when the cost of fares prevent people from travelling. Businesses miss out on customers, community groups lose participants and volunteers, and tourist spots miss out on visitors. Free fares will allow more people to make these trips, connecting communities so we are all better off.

The ACPTE started in 2021 calling for free public transport for students and community card holders. A coalition of climate action groups, student organisations, churches, unions and political youth wings joined together in asking central government and the Greater Wellington Regional Council to fund a trial for free public transport for these two target groups in the Greater Wellington region.

After submitting to GWRC, the ACPTE decided that leading up to the Emissions Reduction Plan (ERP) consultation, the campaign should go national. Over the months leading up to the ERP consultation, the ACPTE connected with groups across Aotearoa to advocate for free fares. The campaign also shifted to include under 25s, with the aim of normalising public transport as the main form of transport for the next generation.

During this time, the ACPTE also reached out to councils inviting them to join in the advocacy effort, and several councils passed motions supporting free fares.

This campaign is specifically requesting that free fares are funded by central government. Signing onto this campaign would have no impact on councils' finances and would add no extra burden on rates.

3. New or confirming existing policy

This is new policy.

4. How the issue relates to objectives in the current Work Programme

This remit is broadly consistent with existing LGNZ work, particularly on climate change mitigation and the Future for Local Government Review, but has a more specific focus.

LGNZ is committed to working alongside central government and iwi to address social issues in our communities, including inequity between social groups.

5. What work or action on the issue has been done on it, and the outcome

The Government began a trial of half-price public transport fares from 1 April 2022. This three-month trial was extended by two months, and made permanent for community services cardholders, as part of the Government's Budget 2022 announcements. (Note that this decision is to provide half-price fares only to community service card holders, and not free fares which this remit and the ACPTE are advocating for).

While LGNZ has made statements in press releases about the Government's half-price public transport fares trial and its decisions around continuing this trial as part of Budget 2022 and ERP announcements, no formal work has been undertaken by LGNZ on this issue.

ACPTE has undertaken work on this issue, detailed in section 2 above. In addition to the work noted above, ACPTE has compiled research from within Aotearoa and abroad about the impact free fares could have for climate and equity and submitted their findings to the ERP consultation, and started a petition which received over 13,000 signatures and was handed to the Minister of Transport in March 2022.

6. Any existing relevant legislation, policy or practice

- Central government's public transport half-price fares trial extended for two months (total 5 months), and made permanent for community services cardholders, as part of Budget 2022 announcements
- NZ Transport Agency [Total Mobility scheme: policy guide for local authorities](#) 2017
- Ministry of Transport [SuperGold Card public transport funding](#)
- Aotearoa Collective for Public Transport Equity (ACPTE) [Free Fares NZ](#)
- [Government Policy Statement on Land Transport, 2021/22](#) – 30/31 including outcomes addressing "Inclusive Access" and "Resilience and security"
- [The Zero Carbon Act](#) 2019 and [Emissions budgets and the emissions reduction plan](#)

7. Outcome of any prior discussion at a Zone or Sector meeting

This proposed remit was endorsed by the Metro Sector at its meeting on 13 May 2022.

8. Suggested course of action

That LGNZ calls on central government to fully and permanently fund free public transport for students, community service card holders, under 25s, and total mobility card holders and their support people.

That LGNZ joins the Aotearoa Collective for Public Transport Equity (ACPTE) in support of the Free Fares campaign.

2

Review of Government transport funding

Remit:	That LGNZ call for an independent review into the way in which government, through Waka Kotahi, fund transport investments in Aotearoa. This includes funding of new developments and maintenance programmes.
Proposed by:	New Plymouth District Council
Supported by:	Rangitikei District Council, Hauraki District Council, South Taranaki District Council, Western Bay of Plenty District Council, Stratford District Council and Hamilton City Council

Background information and research

1. Nature of the issue

A key part of the advocacy role of LGNZ includes being involved in discussions with central government on significant issues affecting local government. This is a critical role that is at the core of the work and purpose of LGNZ.

This remit asks that LGNZ work with government to ensure that an independent review into the funding model of Waka Kotahi is undertaken. The current funding model does not fully recognise the costs of maintenance of roads and related infrastructure and does not provide certainty to councils in setting their own budgets. This appears to be related to funding being heavily reliant on the annual budget of the government of the day and income that varies depending on many factors.

Such a review should consider how long-term projects such as roading should not be so reliant on annual fluctuations and more should be funded through long-term debt such as with local government major infrastructure.

2. Background to its being raised

The Government Policy Statement on land transport (GPS) states that “transport investments have long lead times, high costs and leave long legacies. Therefore transport planning and investments need to be guided by a long-term strategic approach, with a clear understanding of the outcomes that government is seeking to achieve”.

Over \$4 billion of New Zealanders’ money is spent through the national land transport fund each year, which is supplemented by co-investment from local government and additional funding and financing.

The GPS recognises that as the largest co-funder of National Land Transport Programme (NLTP) projects, local government has an important role in building strong, evidence-based projects and programmes for investment. This shows the appropriateness of LGNZ requesting a review is undertaken.

The Ministry of Transport and Waka Kotahi already look to other financing tools for larger intergenerational projects over \$100 million. The review should consider if this goes far enough and options for fixing the massive hole in existing budgets – such as the \$400 million one recently highlighted in Auckland for road maintenance and public transport projects.

The review should also consider the consistency of government actions across various infrastructure. The Three Waters Reform programme creates new entities to gain “a greater ability to borrow to fund long-term infrastructure” and aims “to protect consumer interests and drive efficient investment and performance”. Government recognises that Three waters requires long-term investment, but this review is needed to consider that view in relation to transport infrastructure.

3. New or confirming existing policy

Transport is one of LGNZ’s five key policy priorities. However, LGNZ is not currently actively advocating for a review of transport funding. This is therefore a new policy issue.

4. How the issue relates to objectives in the current Work Programme

Transport is, and always has been, a very critical issue for local government. There is a heavy reliance on uncertain Waka Kotahi funding and the need to advocate for investment in our regions. One of the LGNZ priorities is “Ensuring local voice is heard on the important issues – three waters, resource management, housing, transport, climate change and the future for local government”.

This remit meets the existing aims of LGNZ to represent the national interest of councils in Aotearoa, to ‘decode policy’ and to “help local government run better through development, support and advocacy”. By working with government to ensure an independent review of transport funding is undertaken, LGNZ would help fulfil their Whakamana/Advocate role.

As transport is also one of LGNZ’s five key policy priorities, and the ongoing funding of the local roading network is an issue that has emerged in ongoing conversations with the sector and in Future for Local Government workshops, advocating for an independent review of the funding system may speed up the pace of any review.

5. What work or action on the issue has been done on it, and the outcome

The Ministry of Transport regularly reviews its Government Policy Statement on Transport (typically every three years). This however would not meet the intent of the remit that there be an independent review of the broader system of funding of transport investment.

Based on recent engagement with the Ministry of Transport, LGNZ is aware that the Ministry has begun scoping work on what the future funding tools and requirements of the transport system should be. As such, this remit may provide value in demonstrating to the Government

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how important this issue is to local government, and it may also signal some of the issues that should be included in scope of that review (including the benefit of the review being independent). As noted above, the remit may need to be updated depending on whether a Ministry of Transport-led review into how the transport system is funded is announced prior to the AGM. We do not have any indication of when such a review will be announced (if indeed it does proceed).

6. Any existing relevant legislation, policy or practice

The Land Transport Management Act 2003, Government Policy Statement on land transport and the National Land Transport Programme outline Government's position.

7. Outcome of any prior discussion at a Zone or Sector meeting

The proposed remit is supported by Rangitikei District Council, Hauraki District Council, South Taranaki District Council, Western Bay of Plenty District Council, Stratford District Council and Hamilton City Council.

8. Suggested course of action envisaged

That LGNZ work with the Government to ensure a review of land transport funding in New Zealand is undertaken. This should include looking at the funding of new transport infrastructure and maintenance and how best to fund these in a realistic, efficient and equitable manner alongside local government.

An independent review may not be possible given decisions around this work programme for the Government may be made (and possibly announced) prior to the AGM in July – though we do not have any indication of when the Government will make announcements about a possible review, or if indeed it will do that. However, support for this remit would provide LGNZ with the ability to demonstrate the importance of such a review to local government, and influence the particular issues that local government thinks should be within the scope of any review – including funding of new developments and maintenance programmes.

3

Illegal street racing

- Remit:** That Local Government New Zealand (LGNZ) implement a nation-wide working group of subject matter experts with the objective of formulating an action plan to effectively enforce the Land Transport Act 1998 and work with police to tackle illegal street racing and the antisocial behaviour associated with it.
- Proposed by:** Hutt City Council
- Supported by:** Upper Hutt City Council, Masterton District Council, Carterton District Council, Tauranga City Council, Hamilton City Council and Porirua City Council

Background information and research

1. Nature of the issue

Excessive noise from vehicles and other intimidating behaviour (such as convoys blocking the road and vehicles driving at high speeds) has been a frequent complaint from residents towards their local councils. Various attempts to curb this behaviour have had some success, while some measures have simply moved the problematic behaviour to another geographical location.

Councils across the nation have implemented various measures to limit dangerous vehicle use, such as speed cushions, concrete speed bumps, and visual distractions. With the additional cost of maintenance and road signs, these can be a significant cost to councils with only a limited impact on the problem.

Due to the illegal street racers often being in a network, they can communicate to avoid detection by police and move across several councils' territories in one night. This can pose an issue if multiple councils do not have consistent bylaws in their respective areas.

2. Background to its being raised

New Zealand laws deterring illegal street racing (occasionally referred to as 'boy racing') include the Land Transport Act (1998) and the Land Transport (Unauthorised Street & Drag Racing Amendment Act) (2003). Several other councils around New Zealand have chosen to include illegal street racing in their Public Places Bylaw, noting that intimidating behaviour or excessive noise from vehicles is prohibited. New Plymouth District Council and Waipā District Council both have proposed bylaws (not yet in force) specifically about illegal street racing. Christchurch City Council has a "Cruising and Prohibited Times on Roads Bylaw 2014" which is currently under

review. It is unclear how successful these bylaws have been, as there has been no evaluation material available to view.

Based on reports from other locations, the issue of vehicle noise, speed, intimidation, and damage is widespread across the country. Despite laws from central government and supplementary bylaws from local councils, the issue continues to persist. This does not support the argument that these laws have been effective.

Discussions with police and council officers have revealed the challenges of enforcing the law. Under-resourcing has not met the demand, as there are incidents where upwards of 100 illegal street racers converge in a single area with only one patrol car available.

Complaints about illegal street racers have been received by the Hutt City Council Deputy Mayor and council officers in the transport division. Noise is a prominent theme in these complaints when the illegal street racers are in close proximity to residences, along with tyre tread marks and oil on the road. Stolen road signs and other damage to property (both public and private) create further safety issues, along with alcohol use and some assaults to police officers or members of the public when attempting to communicate with the illegal street racers.

3. New or confirming existing policy

The issue is not currently covered by existing LGNZ policy.

4. How the issue relates to objectives in the current Work Programme

The issue aligns with LGNZ's Whakahono//Connect leadership pillar given the request from Hutt City Council to bring together the different actors involved with local government (including NZ Police, Waka Kotahi and the Ministry of Social Development) to address illegal street racing.

5. What work or action on the issue has been done on it, and the outcome

There does not appear to be any collective effort or plan underway to nationally address street racing. However, it does seem that there are a few localised plans, initiatives (including bylaws, speed cushions etc) or teams being stood up to address this issue (for example, in the Waikato, New Plymouth and Hutt City).

Hutt City Council's view is that these initiatives have had a limited impact on the problem, which is often moved elsewhere rather than stopping gatherings altogether.

6. Any existing relevant legislation, policy or practice

Land Transport Act (1998), and Land Transport (Unauthorised Street and Drag Racing) Amendment Act (2003).

7. Outcome of any prior discussion at a Zone or Sector meeting

The proposed remit is supported by Upper Hutt City Council, Masterton District Council, Carterton District Council, Tauranga City Council, Hamilton City Council and Porirua City Council.

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8. Suggested course of action envisaged

The remit recommends LGNZ establishes a nation-wide working group of subject matter experts to develop a plan of action to address the issue and enforcement of the law. It suggests it will be useful to have input from police, community patrol officers, policy makers, and transport analysts in formulating the group.

4

Bylaw infringements

Remit:	That LGNZ lobby Government to implement an infringement notice regime for general bylaws.
Proposed by:	Auckland Council
Supported by:	Auckland Zone

Background information and research

1. Nature of the issue

Section 259 of the Local Government Act 2002 (LGA) provides for the making of regulations and amongst other matters, prescribing breaches of bylaws that are infringement offences under the Act. The power has been seldom used to date.

Between working with and “educating” people and taking a prosecution, there are no enforcement options available making it extremely difficult to achieve compliance especially in an environment of increasing disrespect for authority and aggression.

Working with people or educating them can be time consuming but is effective especially where the breaches are unintentional. However, in relation to intentional breaches of bylaws, in the absence of an infringement regime, after working with and educating people the next step is prosecution. Prosecution is expensive and time consuming. Also, it is often out of proportion with the breach that has occurred. Even following a successful prosecution, the penalties available to courts are low and provide minimal deterrence.

The obstacle in passing regulations allowing for infringement fee regulations has been the need to tailor those regulations to each instance of an infringement offence bylaw by bylaw. Therefore, a two-step approach is required: firstly, amending the legislation to enable regulations to be made nationwide across different bylaw types and then relevant regulations being passed.

By developing a more comprehensive infringement regime, councils in New Zealand will be better able to take proportionate and timely steps to help ensure compliance with their bylaws. In doing this, confidence of communities in the work of local government will be enhanced.

2. Background to its being raised

Discussion around the need for an infringement regime for local government bylaws is not new.

Provision for the making of regulations was included in section 259 of the LGA. Part 9, Subpart 3 “Infringement Offences” of the LGA provides a mechanism for imposing and collecting infringement fees. Apart from regulations establishing infringement fees for some navigational bylaws, the provisions have not been used.

This issue was well-canvassed in the Productivity Commission’s 2013 Report, “Towards better Local Government Regulation.” The Productivity Commission’s report includes the following comment:

Much of a local authority’s regulatory functions are authorised by its bylaws. The Act under which bylaws are made may authorise the local authority to enforce certain provisions in bylaws by the use of infringement offence notices. If not, bylaws must be enforced under the Summary Proceedings Act 1957...I submit that the enforcement of local authorities’ regulatory functions would be significantly more effective and efficient if the use of infringement offence provisions is more widely available than at present.” (Richard Fisk, sub.19, p.1).

In the Auckland Region, the challenges in enforcing bylaws were brought into stark relief over summer 2021/2022 with an increased number of complaints about people camping on beaches and in reserves (not freedom camping) and an expectation from members of the public and elected members that steps would be taken to enforce the bylaws.

With the changing attitudes and behaviours of our communities arising in part through people’s experience of the Covid-19 response, Auckland Council’s position is that now is the right time to revisit the development of a more comprehensive infringement regime for local government.

3. New or confirming existing policy

This remit would confirm and enhance existing policy work that LGNZ has underway.

4. How the issue relates to objectives in the current Work Programme

This remit connects indirectly to LGNZ’s strategy and Work Programme to the extent that the lack of being able to enforce local bylaws frustrates local citizens and undermines public perceptions of local government’s effectiveness.

5. What work or action on the issue has been done on it, and the outcome

As noted above, the Productivity Commission considered bylaws and an infringement notice regime in its 2013 Report, “Towards better Local Government Regulation.” Findings and recommendations set out in that report have not been acted on to date, but remain relevant, specifically:

- F4.8 – There are indications of a low level of prioritisation of monitoring and enforcement resources based on risks. Constraints on the use of infringement notices – combined with the low level of fines where infringement notices can be used – can also inhibit councils’ capacity to encourage compliance with regulation.

- R10.3 – Agencies responsible for regulations that local government enforces should work with Local Government New Zealand to identify regulations that could usefully be supported by infringement notices and penalty levels that need to be increased.
- R10.4 – Section 259 of the Local Government 2002 – relating to the empowerment of infringement notices – should be amended to enable regulations to be made for infringement notices for similar kinds of bylaws across local authorities, rather than on a council-specific and bylaw-specific basis.

LGNZ has highlighted this issue in a number of briefing papers and advice to various ministers and central government officials since the early 2000s. Although the issue has been of concern to LGNZ and councils for nearly 20 years, it has never been the subject of an AGM remit.

Parliament's Regulations Review Committee wrote to LGNZ in late 2021 advising that it was considering a review of the bylaw provisions of the LGA. LGNZ was invited to provide advice on the effectiveness of local authority bylaws and the enforcement of them. LGNZ recently appeared before the Committee to speak to its submission.

We are still awaiting a decision from the Committee on whether or not it will undertake a review of the bylaw provisions of the LGA, and if so, what the scope of that review will be. Although the Committee did ask for specific advice on the infringement regime, it also sought advice on other matters including the use of model bylaws and the expansion of the model bylaws used in the Freedom Camping Act 2011.

6. Any existing relevant legislation, policy or practice

- Local Government Act 2002
- Productivity Commission's 2013 Report, *"Towards better Local Government Regulation."*

7. Outcome of any prior discussion at a Zone or Sector meeting

This proposed remit was supported by the Auckland Zone.

8. Suggested course of action envisaged

Auckland Council has not provided any detail as to how it suggests LGNZ progresses the proposed remit.

While the inquiry that the Regulations Review Committee has underway (and in which LGNZ has been engaged) is a significant step forward, there is no guarantee that the Committee will agree with LGNZ's submission, or, should the Committee agree, that work to review the bylaw provisions of the LGA would be supported by either this Government or a future one.

To gain traction, and to ensure that any review of the bylaw provisions addresses the issues that local government is most concerned with, this remit (along with the national publicity that tends to accompany successful remits) might be very helpful at this time.

5

Density and proximity of vaping retailers

- Remit:** That LGNZ requests the Government to:
- Restrict the sale of vaping products to R18 specialist vape stores.
 - Develop proximity limits to prevent the clustering of vaping product retailers and protect young people.
- Proposed by:** Kaipara District Council
- Supported by:** Zone 1

Background information and research

1. Nature of the issue

Vaping products are widely available from generic retailers (e.g., dairies, service stations) and specialist vape retailers. To date, New Zealand has 713 specialist vape stores; a British American vape brand is available from 2000 retail outlets throughout Aotearoa. Vaping products are also available via several online stores (both NZ-based and international).

Dargaville's main street, Victoria Street, has 13 vape retailers: ten General Vape Retailers and three Specialist Vape Retailers, all within a 1km length. The three licensed Specialist Vape Retailers are located within 150m of each other.

Youth vaping has risen sharply over recent years; among 14 to 15 year olds, daily vaping rose from 1.8% in 2018 to 9.6% in 2021; among 14-15 year old Rangatahi Māori, daily vaping rose from 5.9% in 2019 to 19.1% in 2021. Widespread product availability normalises vaping and makes experimentation easier.

Many towns and regions around New Zealand also need to address the proliferation of vaping outlets and rising vaping among Rangatahi.

2. Background to its being raised

The widespread sale of vaping occurred in 2018, when the Ministry of Health lost a case taken against Philip Morris alleging their "HEETS" products breached the Smokefree Environments Act 1990. Until the Smokefree Environments and Regulated Products Amendment Act was passed in 2020, vaping products were largely unregulated and vaping manufacturers

advertised their brands using youth-oriented promotions. Even post-legislation, retailers with little or no knowledge of vaping remain able to sell vaping products.

Surveys of young people, such as the Youth19 survey and the Snapshot Year 10 survey conducted by ASH revealed many adolescents who had never smoked had begun vaping. A 2021 report into youth vaping found that 14.6% of those surveyed reported smoking one or more traditional cigarettes in the last 7 days and 26.6% reported that they had vaped (e-cigarettes) in the past 7 days. Almost all those (98%) who had smoked a traditional cigarette in the last week had also vaped in the last week. However, a significant portion (46.2%) of those who had vaped in the last week had not smoked a cigarette. These data provide important evidence that youth vaping is rising rapidly and reveal that many young people who vape have never smoked.

The Smokefree Environments and Regulated Products Amendment Act 2020 extended many of the existing restrictions governing smoked tobacco products to vaping products. This legislation allows any business to sell vaping products as long as they follow the regulations for General Vape Retailers or apply to become a Specialist Vape Retailers. However, the Vaping Regulatory Authority does not consider retailer density or proximity to facilities such as schools when assessing applications.

The Government's Smokefree 2025 Action Plan will introduce a provision requiring general retailers selling vaping products to advise the Director-General of Health that they are doing so. This provision aims to provide information on the number and type of retailers selling vaping products.

We recognise that people who smoke and who have not been able to quit using existing treatments will benefit if they make a complete transition to vaping products and stop smoking. However, survey data showing rising vaping prevalence among young people suggests existing policy does not provide an appropriate balance between the needs of people who smoke and the rights of young people who do not, and who deserve protection from products that are designed to target them.

Limiting the retail availability of vaping products to specialist stores will not prevent people who smoke from accessing these products and instead will increase the likelihood they receive smoking to vaping transition advice that improves the chances they will stop smoking. Furthermore, people who smoke will continue to be able to access vapes through stop smoking services.

Kaipara District Council elected members have been receiving questions and concerns from the local community about the density and proximity of vape retailers in Dargaville.

While we support the supply of vapes to people wanting to use these products to stop smoking, it is of the utmost importance that we also protect our community, particularly our Rangatahi and other whānau who would not usually vape, from using these addictive products.

3. New or confirming existing policy

This is a new policy.

4. How the issue relates to objectives in the current Work Programme

This remit aligns with LGNZ's pillar Whakauru // Include – to ensure that every New Zealander can participate, thrive and be represented by local government.

It could be argued that restricting the density and proximity of vaping retailers shows some alignment with enhancing community safety, public health and promoting social wellbeing. However, the remit does not show strong alignment with LGNZ's existing policy priorities or engagement in major ongoing local government reform programmes. Further discussion is needed to determine whether LGNZ's membership agree it is relevant to local government as a whole.

5. What work or action on the issue has been done on it, and the outcome

A petition was received by Kaipara District Council regarding the density and proximity of vape retailers. The petition was accepted and responded to. Given this issue sits outside Kaipara District Council's control and existing policy frameworks, a remit was recommended as the appropriate action to take. Councillor Karen Joyce-Paki is the sponsor of the remit and is working closely with Smokefree NZ, Cancer Society and local Māori Health Provider, Te Ha Oranga.

The Smokefree Coordinator for Northland, Bridgette Rowse, has been providing support and is working with the Far North District Council (FNDC) policy team to review the FNDC Smokefree Policy, which currently covers smokefree parks, playgrounds and sports grounds. She has also worked with Whāngarei District Council and Kaipara District Council to review and align our smokefree policies to create more smokefree outdoor public spaces as well as making all smokefree outdoor public spaces vape-free.

6. Any existing relevant legislation, policy or practice

The relevant legislation is the Smokefree Environments and Regulated Products (Vaping) Amendment Act 2020. The Act aims to balance between ensuring vaping products are available to smokers who want to switch to a less harmful alternative, while ensuring these products aren't marketed or sold to young people. New regulations are in the process of being implemented from November 2020 until January 2023. While these regulations cover factors such as how vape retailers can advertise, who they can sell their products to and where vaping is allowed, there are no regulations around proximity limits to prevent the clustering of vaping product retailers as the remit requests.

7. Outcome of any prior discussion at a Zone or Sector meeting

The remit was supported at the most recent Zone 1 meeting by all members present.

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Te Kāhui Kaunihera o Aotearoa.

8. Suggested course of action envisaged

This remit suggests that LGNZ requests the Government to:

- Restrict the sale of vaping products to R18 specialist vape stores.
- Develop proximity limits to prevent the clustering of vaping product retailers and protect young people.

We understand that an Amendment Bill is expected to be introduced in 2022 (according to the Government's Smokefree Action Plan). Kaipara District Council has suggested that one way to progress this remit would be to advocate for the Amendment Bill provision which only allows authorised retailers to sell smoked tobacco products to be extended to restrict the number who can sell vape products.

Progressing this remit is likely to require LGNZ working with officials from the Ministry of Health to advocate for changes to regulations and the upcoming Amendment Bill.

6

Polling LGNZ members

Remit:	That LGNZ adopt a policy to poll the LGNZ membership on any significant issue affecting local government in Aotearoa, prior to making that decision. LGNZ should develop a policy in conjunction with the membership that sets out the threshold for polling the membership. In the interim, the decision about the threshold for polling rests with National Council.
Proposed by:	New Plymouth District Council
Supported by:	Taupō District Council, South Taranaki District Council, Thames-Coromandel District Council, Stratford District Council, Taranaki Regional Council, Central Otago District Council.

Background information and research

1. Nature of the issue

A key part of the advocacy role of LGNZ includes being involved in discussions with central government on significant issues affecting local government. This is a critical role that is at the core of the work and purpose of LGNZ.

New Plymouth District Council's (NPDC) view is that when the issue of the day is divisive, very significant or controversial, it is difficult for one organisation to fully gauge and express the views of its members. This remit asks for LGNZ to develop a policy that sets out when LGNZ will poll its membership, on significant issues, including when entering into formal agreements with the Crown on significant or controversial issues. The policy will outline those issues on which LGNZ may poll its membership, which may include responsibilities being given or taken away from local authorities and/or significant legislative changes. They will generally be of widespread public and media interest and will have strongly varied views across the country. NPDC's view is that polls should not limit the ability of LGNZ to achieve their objectives relating to working with central government and advocating for local government. In the interim, while that policy is being developed, the decision about the level of significance sits with National Council.

NPDC's view is that the proposed remit is greatly supported by the existing LGNZ constitution and strategy and could be met by developing a policy clearly outlining the issues on which the membership will be polled, prior to decisions being made.

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The proposed remit recognises that councils will regularly have varied opinions on issues and that opportunities exist for councils to present their own opinions alongside LGNZ on any topic.

2. Background to its being raised

Local government is made up of many different councils with often very different opinions on various issues that arise. There have been many examples where not all agree relating to bills before parliament, government discussion papers and others such as the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill and the Shop Trading Hours' Amendment Bill.

In July 2021, the President and Vice-President of LGNZ signed a formal heads of agreement with central government for "Partnering commitment to support three waters service delivery reform", and have also released a joint position statement on three waters reform. NPDC's position is that this document clearly shows LGNZ's support for the reform and a commitment to work with the Government to support "a smooth transition and successful implementation of the Three Waters Reform Programme".

However, according to media, the reform has a "massive majority of the 67 mayors pushing back against this plan" and that "the vast majority of councils are fuming". NPDC's position is that entering into such agreements with central government without the support of members, appears to be contrary to the "objects of LGNZ" in its constitution (summarised here):

- to promote the national interests of local government through the promotion of LGNZ's vision;
- to advocate on matters affecting the national interests of local government and the communities that it represents;
- to promote and facilitate regular dialogue with 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;
- to provide full, accurate and timely information to members on matters affecting local government and LGNZ; and
- to research, survey, and investigate those matters in which LGNZ has an interest or a responsibility on behalf of its members

NPDC's position is that developing a policy that clearly sets out when LGNZ will poll its members on different issues would strongly contribute to LGNZ's advocacy, promotion and partnership roles and the need to "research, survey and investigate those matters". It would also greatly contribute to the LGNZ Strategy which states that LGNZ will:

- Ensure that local democracy – and local voice – is at the front and centre of our work.
- Leverage the shared interests of Aotearoa and translate local democracy's contribution to communities in a meaningful and powerful way through the different strata of New Zealand society and leadership.
- Advocate for councils and be a champion for their communities' needs.

- Empower councils across New Zealand who know their communities best to support them to thrive – culturally, economically, socially and environmentally.
- Support and advocate for councils, ensuring the needs and priorities of their communities and residents are heard loud and clear at the highest levels of central government.
- Focus on being future-fit, proactive and inclusive in all that we do – from policy development and advocacy, to supporting capability building through advice.

3. New or confirming existing policy

The remit proposes a new approach to the way in which LGNZ engages with its membership.

NPDC has stated that this remit would greatly contribute to the achievement of existing strategy and result in a new policy outlining the process LGNZ will follow when determining how to act regarding a significant or divisive issue and an amendment to the constitution.

Its view is that any such policy should consider how such a process will still enable LGNZ to fulfil its purpose and objectives while ensuring an empowered and engaged membership. The purpose of any policy is not to stop LGNZ from entering into a partnership with central government to discuss key issues. The intent is to provide LGNZ an opportunity to fully consider the views of its members before formally entering into agreements with central government (or making any other significant decisions set out in the policy that will be developed).

4. How the issue relates to objectives in the current Work Programme

The proposed remit suggests that enactment of this remit would allow the National Council to be assured of its mandate before entering into agreements with central government and will assure members as to their views being both canvassed and heard.

5. What work or action on the issue has been done on it, and the outcome

LGNZ engages in a wide range of ways with its membership, on a wide range of issues. However, polling is not an engagement approach that LGNZ is using currently.

6. Any existing relevant legislation, policy or practice

NPDC's position is that the LGNZ Constitution and strategy include excellent objectives that support the need for this remit and to develop a policy that sets out when LGNZ will poll members in the future where appropriate. It considers the LGNZ "Designing decision-making structures: A guide for councils" also support this and begins with the following:

Decision-making structures matter. The ability of a local authority to meet the needs of its community and achieve the objectives set by its governing body is strongly influenced by the nature of its governance system which has a direct effect on elected members' workload, the opportunities for citizens to engage and participate, responsiveness to local concerns and the quality of governance oversight and strategic thinking. A poorly designed system will frustrate elected members, alienate citizens and diminish oversight and scrutiny.

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Te Kāhui Kaunihera o Aotearoa.

This remit requests that LGNZ follow their own advice and consider how to best provide opportunities for its members to engage and participate and to then be responsive to their concerns. The policy may address matters such as voting rules, and set out a process for National Council to determine which issues may be polled on.

7. Outcome of any prior discussion at a Zone or Sector meeting

This proposed remit was endorsed by Taupō District Council, South Taranaki District Council, Thames-Coromandel District Council, Stratford District Council, Taranaki Regional Council, Central Otago District Council.

8. Suggested course of action

NPDC's suggested course of action is that LGNZ make a commitment to engage fully with their members on issues of significance that may be divisive or controversial and may result in a formal delegation and/or agreement with central government. It is recommended that this is through a poll process, outlined in a policy, and in-line with the current constitution and voting rules. This should not limit the ability of LGNZ to do their role and achieve their objectives.

While the policy for polling the LGNZ membership is developed, the decision about the level of significance should rest with National Council.

7 Pūrongo me whakatau | Decision Reports

Review of Policies on Remission and Postponement of Rates

CM No.: 2598905

Rāpopotonga Matua | Executive Summary

The Local Government (Rating of Whenua Māori) Amendment Act 2021 requires Council to review our existing policies on the remission and postponement of rates on Māori freehold land by 1 July 2022.

The purpose of the review is to ensure the policies support the Preamble to Te Ture Whenua Māori Act 1993. An assessment of these policies was undertaken, including a legal review, and some amendments were proposed. The public consultation on the revised Policies closed Thursday 7 July 2022. At the time of writing, no submissions had been received. A verbal update will be provided at the meeting.

The purpose of this report is for Council to consider all submissions on the Consultation on the Policies on Remission and Postponement of Rates, and seek a Council decision on the final Policies.

Tūtohunga | Recommendation

That:

1. **The Council receives the report**
 2. **Council adopts the Policies as attached**
- OR
3. **Council adopts the Policies with amendments (to be provided)**

Horopaki | Background

The Local Government (Rating of Whenua Māori) Amendment Act 2021 came into force in 2021. Among other things it;

- a) expanded the purpose of the Local Government (Rating) Act 2002 to include facilitating the administration of rates in a manner that supports the principles set out in the Preamble to Te Ture Whenua Māori Act 1993;
- b) expanded non-rateability to unused rating units of Māori freehold land;
- c) introduced a statutory remission for Māori freehold land under development;
- d) requires a council's policy on the remission and postponement of rates on Māori freehold land to support the principles set out in the Preamble to Te Ture Whenua Māori Act 1993, by 01 July 2022.

The principles in the Preamble are wide ranging. The most relevant to local government are

“And whereas it is desirable to recognise that land is a taonga tuku iho of special significance to Māori people and, for that reason, to promote the retention of that land in the hands of its owners,

their whanau, and their hapu, and to protect wahi tapu: and to facilitate the occupation, development, and utilisation of that land for the benefit of its owners, their whanau, and their hapu”.

Ngā Take/Kōrerorero | Issues/Discussion

Policy analysis to support changes to the policies

In reviewing council’s existing policies on the remission and postponement of rates on Māori freehold land, staff have read and discussed the rating changes provided for in the Local Government (Rating of Whenua Māori) Amendment Act 2021, worked through guidance material provided by the Department of Internal Affairs on this matter, and sought external legal advice from Lizzy Wiessing, Barrister, on the alignment of policies with the new legislative requirements.

In our assessment we have concluded that supporting the principles strongly indicates the policies should continue to provide for the remission and postponement of rates. We have tried to consider how to balance the objectives of the fair collection of rates from the whole community with recognising the particular characteristics relating to Māori freehold land and the principles in the Preamble. We have considered what relief should be offered, notwithstanding the increased relief given by the Rating Act and that the proposed relief is complementary to the changes made to the Act.

Submissions on the Review of the Policies on Remission and Postponement of Rates

At the time of writing, no submission had been received. Any submissions received after agenda closing will be circulated separately to elected members and tabled on the day of the meeting for consideration.

Timing for the consultation and adoption of these policies

The amendments to the legislation to introduce the new principles requirement were not explicit about whether changes to policies are required to be consulted on (clause 22, Part 4, Schedule 1AA, Local Government Act 2002). The legal advice obtained however, suggested that the requirement for consultation on amendment to rates remission policies in section 102(4) applies, so any changes to the policies need to be consulted on in accordance with the principles in section 82 of the LGA.

The Local Government (Rating of Whenua Māori) Amendment Act 2021 requires the review of these remission and postponement policies to be adopted by Council by 1 July 2022. Unfortunately the late timing of the policy review work and subsequent consultation period will mean that the 1 July 2022 timeframe could not be met without unnecessarily rushing the process of consultation, which is not desirable. We sought a legal view on what the risk of not meeting the legislated deadline would be:

“While the new requirement is that policies be amended or replaced on or before 1 July 2022, the legislation does not state any consequence if this requirement is not met. It may attract adverse audit comment, or could be the basis for an unlawfulness challenge in the Courts. However, any adverse consequence of not meeting this deadline would be reduced if by 1 July 2022 the Council is substantially through the consultation process or in the process of adopting the amendments, and I consider the adverse consequences of not meeting the deadline to be less than having a policy that does not support the principles”.

On the basis of this advice Council, at its meeting in June, approved to undertake the consultation over a 4 week period from 9 June to 7 July, with an intention to consider submissions and adopt the policy at the Council meeting of 13 July.

To ensure that the timing of the adoption of these policies for this coming rating year does not prejudice any applicants, the policies have been amended to state that the application date for the

2022/23 rating year can be made at any time after the policy is adopted, (whereas the application is usually required before the start of the rating year).

Mōrearea | Risk

We acknowledge that the legislated timeframe for the adoption of the revised policy will not be met, however our legal advice is that exceeding the timeframe in an effort to engage in meaningful consultation is a better outcome than adopting a policy that does not support the principles or the required consultation process has not been fulfilled. The legislation does not state any consequence if the timeframe is not met. This non-compliance may attract adverse audit comment, or could be the basis for an unlawfulness challenge in the Courts.

Ngā Whiringa | Options

Council is asked to consider all submissions, and either
Adopt the Policies as attached OR
Adopt the Policies subject to amendments (to be specified).

Ngā take ā-ture, ā-Kaupapahere hoki | Legal and policy considerations

The Local Government (Rating of Whenua Māori) Amendment Act 2021 requires the following policies to support the principles set out in the Preamble to Te Ture Whenua Māori Act 1993:

- Policy on remission and postponement of rates on Māori freehold land (to comply by 1 July 2022)
- Revenue and Financing policy (to comply by 1 July 2024)
- Development Contributions policy (to comply the next time it is reviewed after 1 July 2021)
- Any other general rates remission and postponement policies (to comply by the next time it is reviewed or by 1 July 2024).

Ngā Pāpāhonga me ngā Wātaka | Communications and timeframes

The timeframe for the review, consultation, consideration and adoption of these policies is:

7 June	Draft policy considered by Te Mana Whenua Forum
8 June	Draft policy considered and approved by Council for consultation
9 June	Consultation opened – direct mailout, EDM, newspaper advertisement and webpage
7 July	Consultation closes (4 week period)
13 July	Council meeting - submissions considered and policy adopted

Te Tākoha ki ngā Hua mō te Hapori me te here ki te whakakitenga o te Kaunihera | Contribution to Community Outcomes and consistency with Council Vision



Theme: Vibrant Cultural Values

Community Outcome: Tangata Whenua with Manawhenua status (those with authority over the land under Māori lore) have meaningful involvement in decision making.

Pānga ki te pūtea, me te puna pūtea | Financial Cost and Funding Source

The total cost of the Consultation was \$450, which was for the newspaper advertisement. This consultation was not budgeted for.

Ngā Tāpiritanga | Attachments

  Policies on the Remission and Postponement of Rates 2022 - for Adoptions by Council 13 July 2022

Ngā waitohu | Signatories

Author(s)	Ann-Jorun Hunter Senior Policy Advisor	
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Approved by	Niall Baker Policy Team Leader	
	Don McLeod Chief Executive Officer	



Policies on the Remission and Postponement of Rates 2022 - 2031

For adoption
13 July 2022

Version: For adoption



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Introduction

The Policies on the Remission and Postponement of Rates contains all our policies regarding the remission and postponement of rates including our:

1. Policy on the remission of rates on land protected for conservation purposes.
2. Policy on the remission of penalties on unpaid rates.
3. Policy on the remission of rates: other categories.
4. Policy on the remission of small rates balances.
5. Policy on the remission of rates on Māori freehold land.
6. Policy on the postponement of rates on Māori freehold land.
7. Policy on remissions for metered water leaks.
8. Policy on remissions of pan charge targeted rates based on water use.
9. Policy on remissions of pan charge targeted rates for Educational Establishments.

Council delegates the authority to implement these policies to the Chief Executive Officer. The Chief Executive Officer may sub-delegate this role to any other council officer.

1. Policy on the remission of rates on land protected for conservation purposes

This policy is prepared pursuant to sections 102 and 109 of the Local Government Act 2002 and section 85 of the Local Government (Rating) Act 2002.

This policy is required to provide the legislative authority to grant rates remissions to landowners who have protected land for conservation purposes in perpetuity.

Objectives

The objectives of this policy are to:

- a. help landowners who have voluntarily protected areas of significance; and
- b. ensure that these areas remain protected.

Criteria and conditions

Sites that will qualify for remissions must be identified in at least one of the following:

- a. District Plan - Schedule 3 - Outstanding or Significant Natural Features and Trees and Other Protected Items.
- b. District Plan – Planning Maps – Kaitiaki Zone.
- c. Our register of Significant Natural Features.
- d. Any area that has any other type of formal protection method in place (e.g. a covenant under the Queen Elizabeth the Second National Trust Act 1977 on the title).

We will determine the amount of any remission at our discretion and will be guided by:

- a. the remission methods specified in the Significant Natural Features Policy; and
- b. the funding available through the Long Term Plan and/or the Annual Plan.

2. Policy on the remission of penalties on unpaid rates

This policy is prepared pursuant to sections 102 and 109 of the Local Government Act 2002 and section 85 of the Local Government (Rating) Act 2002.

Objectives

The objectives of this policy are:

- a. to provide an efficient, transparent and fair framework for the remission of penalties, taking account of:
 - the specific circumstances of the individual; and
 - the interests of all ratepayers.

Criteria and conditions

Penalties on unpaid rates may be remitted where:

- a. we have not issued a rates assessment and/or invoice as required under the Local Government (Rating) Act 2002; or
- b. it can be substantiated that a ratepayer has been disadvantaged in the delivery of a rates assessment and/or invoice. Substantiation shall consist of some form of tangible evidence such as undelivered mail being returned to Council; or
- c. the ratepayer pays the rates through electronic banking and makes an error in the transaction; or
- d. a formalised and approved rate payment arrangement has been complied with. Only those penalty charges incurred since commencement of the arrangement will be considered for remission; or
- e. those who wish to pay their rates in full, and do so within one month of the issue date of the first instalment penalty charge notice or a monthly direct debit is in place and being honoured;
- f. the ratepayer:
 - provides a written explanation why payment could not be made by the due date; and
 - the explanation is considered reasonable, and
 - the ratepayer has not received a rates remission within the last three years, and
 - the ratepayer has not incurred more than three penalties within the last three years, and
 - there are no overdue rates outstanding (excluding the penalty remission application).

No further applications under this section of the policy will be considered within the next three years, except on extraordinary grounds.

All applications for remission must be made in writing.

Applicants that are declined a remission under delegated authority may submit an appeal to Council.

3. Policy on the remission of rates: other categories

This policy is prepared pursuant to sections 102 and 109 of the Local Government Act 2002 and section 85 of the Local Government (Rating) Act 2002.

Objectives

The objectives of this policy are:

- a. to provide Council with the ability to grant rates relief for land (except service charges) that qualifies for:
 - a statutory rates remission;
 - has a capital value of less than \$3,000 (inclusive of GST if applicable); or
 - has a land value of greater than \$1 and less than \$500 (inclusive of GST if applicable); or
 - is a cemetery that exceeds two hectares (cemeteries less than two hectares are non-rateable).

Criteria and conditions

Service Charges

Council may remit rates for service charges (i.e. water supply, sewage and refuse disposal, and stormwater) where the application meets the following criteria:

- a. the rates are for land that is owned or used by a society or association of persons for games or sports (excluding galloping races, harness races and greyhound races) except for rates due for any area covered by an alcohol licence
- b. the rates are for land owned or used by a society incorporated under the Agricultural and Pastoral Societies Act 1908 as a showground or place of meeting
- c. the rates are for land owned or used by a society or association of persons (whether incorporated or not) for the purpose of any branch of the arts
- d. half service charges for Council owned land which is non rateable under section 8 and schedule 1 of the Local Government (Rating) Act 2002 and where no services (as defined above) are provided or contemplated.

In the case of clauses a) to c) above, a maximum remission of 50% is available and in the case of clause d) above, a full remission is available.

Properties that are eligible for a full remission of rates

- a. Properties with a capital value of less than \$3,000 (inclusive of GST)
- b. has a land value of greater than \$1 and less than \$500 (inclusive of GST if applicable). These are generally small areas of land used for utility purposes or similar.
- c. Land used or set aside for cemetery purposes that has an area greater than two hectares.

4. Policy on remission of small rates balances

This policy is prepared pursuant to sections 102 and 109 of the Local Government Act 2002 and section 85 of the Local Government (Rating) Act 2002.

Objectives

The objective of this policy is to save Council the costs of collecting rates of uneconomic value.

Conditions and criteria

To qualify for remission under this part of the policy, the rating unit must have a balance of less than one dollar (\$1.00) (inclusive of GST) owing at the time of assessing or invoicing a rate.

Process

Council will at its discretion remit any outstanding rates balance of less than one dollar (\$1.00) (inclusive of GST) on a quarterly basis.



5. Policy on the remission of rates on Māori freehold land

This policy is prepared pursuant to sections 102 and 108 of the Local Government Act 2002 and section 114 of the Local Government (Rating) Act 2002.

We have considered the matters set out in Schedule 11 of the Local Government Act 2002 and how this policy supports the principles set out in the Preamble to Te Ture Whenua Maori Act 1993.

Māori freehold land is defined in the Local Government (Rating) Act 2002 as land whose beneficial ownership has been determined by the Māori Land Court by freehold order. Only land that is the subject of such an order may qualify for remission under this policy.

Objectives

The objectives of this policy are:

- a. to contribute to the fair and equitable collection of rates from all sectors of the community. We recognise that certain Māori lands have particular conditions or circumstances which make it appropriate to provide relief from rates
- b. to put in place a means of providing relief on rating for Māori land pursuant to section 108 of the Local Government Act 2002 by way of rate remission
- c. to recognise situations where a person or owner is only gaining an economic or financial benefit from part of the land
- d. to recognise matters related to the physical accessibility of the land
- e. to recognise and take account of the presence of wahi tapu that may affect the use of the land for other purposes
- f. To recognise and take account of the importance of the land in providing economic and infrastructure support for marae and associated papakainga housing.

(Note that application of the Mangatu decision to discount values will likely provide some relief also).

Principles

The principles used in establishing this policy are:

- a. that as defined in section 91 of the Local Government (Rating) Act 2002, Māori freehold land is liable for rates in the same manner as general land
- b. we are required to consider whether our policy on remission of rates on Māori freehold land will provide for the remission of rates.
- c. Those set out in the Preamble to Te Ture Whenua Maori Act 1993.
- d. the community benefits through the efficient collection of rates and the removal of rating debt that is non collectable
- e. that applications for relief meet the criteria in this policy
- f. that the policy does not provide for the permanent remission or postponement of rates on the property concerned.

Conditions and criteria

We will maintain a register called the 'Māori freehold land rates relief register' (the register). This will record properties that have had rates remitted under this policy. Except for the 2022/23 rating year, applications for land to be added to the register should be made in writing prior to commencement of the next rating year. Applications made after commencement of the rating year may be accepted at our discretion. In the 2022/23 rating year, applications are invited at any time after the policy is adopted.

Owners or trustees making application should include the following information in their applications:

- a. details of the property

- b. the objectives that will be achieved by providing a remission
- c. documentation proving that the subject land is Māori freehold land.

We will review the register annually (or on a more regular basis at our discretion). We may, at our discretion, add properties to the register where Council makes an application on the owners or trustees behalf and we consider that the conditions and criteria of the policy are met.

We may also determine that properties no longer comply either fully or in part with the conditions and criteria on which the application for relief was granted. In such a case, we may either remove the property from the register or reduce the extent of the relief from the start of the next rating year.

We will consider granting a remission of rates on property where any one or more of our policy objectives will be met.

Remissions (up to 100%) can apply to all rates except targeted rates for:

- a. water supply
- b. wastewater
- c. stormwater
- d. kerbside collection or
- e. rural halls.

Any relief granted and the extent of that grant is at our sole discretion. This will consider where the rating value is significantly in excess of the economic value arising from the actual use of the property.

6. Policy on the postponement of rates on Māori freehold land

This policy is prepared pursuant to sections 102 and 108 of the Local Government Act 2002(LGA) and section 115 of the Local Government (Rating) Act 2002 and how this policy supports the principles set out in the Preamble to Te Ture Whenua Maori Act 1993.

Council has considered the matters set out in Schedule 11 of the LGA.

Māori freehold land is defined in the Local Government (Rating) Act 2002 as land whose beneficial ownership has been determined by the Māori Land Court by freehold order. Only land that is the subject of such an order may qualify for postponement under this policy.

Objectives

The objectives of this policy are to:

- a. to contribute to the fair and equitable collection of rates from all sectors of the community. We recognise that certain Māori lands have particular conditions or circumstances that make it appropriate to postpone rates; and
- b. to put in place a means of providing relief on rating for Māori land pursuant to section 108 of the Local Government Act 2002 by way of postponement of rates; and
- c. encourage the economic development of the land by a new occupier, where there are rate arrears that are, in the Council's opinion, recoverable; and
- d. facilitate the development and economic use of land where it is considered that utilisation would be uneconomic if full rates are required to be paid during the period in which plans for development are being actively prepared.

Principles

The principles used in establishing this policy are:

- a. that as defined in section 91 of the Local Government (Rating) Act 2002, Māori freehold land is liable for rates in the same manner as general land
- b. we are required to consider whether our policy on the postponement of rates on Māori freehold land will provide for the postponement of rates
- c. those set out in the Preamble to Te Ture Whenua Maori Act 1993
- d. that applications for postponement meet the criteria we have set
- e. that the policy does not provide for the permanent postponement of rates on the property concerned.

Conditions and criteria

Except for the 2022/23 rating year, applications for postponement of rates should be made in writing prior to commencement of the next rating year. Applications made after commencement of the rating year may be accepted at our discretion. In the 2022/23 rating year, applications are invited at any time after the policy is adopted.

Owners or trustees should include the following information in their application:

- a. details of the property
- b. the objectives that will be achieved by providing a remission
- c. documentation proving that the subject land is Māori freehold land.

Any postponement granted and the extent of the grant is at our sole discretion.

No postponement will be granted on targeted rates for:

- a. water supply
- b. wastewater
- c. stormwater
- d. kerbside collection or
- e. rural halls.

7. Policy on remissions for metered water leaks

This policy is prepared pursuant to sections 102 and 109 of the Local Government Act 2002 and section 85 of the Local Government (Rating) Act 2002.

Objectives

The objective of this policy is to allow Council to provide some relief to metered water users from extraordinarily high charges as a result of a water leak when there is evidence that the required repairs have been carried out within thirty (30) days of written notification of the high water consumption to the owner.

Principles

The principles used in establishing this policy are:

- a. that the responsibility of water leaks between the water outlet (e.g. house, trough) and the water meter is ultimately the owners' and any water rates remitted will be a cost to other water users
- b. that property owners should take action within a reasonable period of time to avoid wasting our water resource.

Conditions and criteria

We may consider granting relief where:

- a. we have received satisfactory evidence that there has been a water leak; and
- b. the property owner has repaired the leak within the policy timeframe; and
- c. we have received written application for relief. The request must be accompanied by a registered plumber's invoice or other suitable evidence that a significant leak was discovered (minimal amounts will not be considered), where the leak was located, and that it has been fully rectified.

We will calculate the volume of water lost based on the total water consumption for the particular period less the average period water consumption over the previous two years.

The relief for water leakage (excluding normal consumption) will be 50% of the water rates attributable to the leakage.

Any relief granted under this policy is limited to one application within any three year period for any particular meter.

8. Policy on remissions of pan charge targeted rates based on water use

This policy is prepared pursuant to sections 102 and 109 of the Local Government Act 2002 and section 85 of the Local Government (Rating) Act 2002.

Objectives

The objective of this policy is:

- a. to provide a transparent, fair and more effective user pays targeted rate for wastewater, taking account of:
 - the specific circumstances of the rateable property; and
 - the interests of all ratepayers.

Principles

The principles used in establishing this policy are:

- a. we have applied a targeted rate to all rateable properties connected to the wastewater supply based on the number of pans in each rating unit
- b. pursuant to clause 12, schedule 3, of the Local Government (Rating) Act 2002 all single residential rateable properties can only be charged for one pan
- c. we recognise the number of pans may not necessarily equate to the volume of discharge to the wastewater network
- d. we recognise a correlation between the consumption of water and volume of wastewater discharged
- e. currently the average water consumption per single residential rateable property is deemed to be 328 cubic metres of water per annum. This is a Household Equivalent Unit (HEU)
- f. the most accurate way to measure water consumption is by a water meter, however not all properties currently have a meter installed
- g. despite the number of pans, some properties are considered to have a low-impact on the wastewater network. To avoid the unnecessary expense of installing a water meter to these ratepayers, we will assess the number of HEUs applicable per rating unit by comparing them to similar properties that have a water meter
- h. in assessing the number of HEUs, the number will be rounded up to the next whole unit
- i. the HEU may be periodically reviewed
- j. this remission does not apply to schools or educational establishments. See the separate policy on remissions of pan charge targeted rates for educational establishments that follows.

Conditions and criteria

Properties with an existing water meter

- a. The rateable property must have six months (or more) of historical water consumption information to enable assessment of HEUs.
- b. The remission will be the difference between the actual number of pans and the number of HEUs based on historical water consumption
The HEU will be reassessed annually based on the consumption for the year and an adjusted remission will be applied from 1 July one calendar year later.

For the avoidance of doubt, rateable properties with a meter cannot elect to be assessed for a remission on the same basis as a rateable property without a water meter.

Properties without an existing water meter

- a. We will assess the number of HEUs applicable per rateable property by comparing the current use of this property with a metered property of similar use.
- b. The remission will be the difference between the actual number of pans and the assessed HEU.

- c. Alternatively to a and b above, the ratepayer can apply to have a water meter installed. Installation must be completed before 1 October in any rating year, so as to allow six months of consumption data to reassess the remission during the final quarter. The cost of the water meter and its installation will be at the applicant's expense.
- d. Any amended remission as a result of the water meter data will be processed during the final quarter of the rating year.

For the avoidance of doubt, rateable properties once fitted with a meter cannot then elect to be assessed for a remission on the same basis as a rateable property without a water meter.

9. Policy on remissions of pan charge targeted rates for educational establishments

This policy is prepared pursuant to sections 102 and 109 of the Local Government Act 2002 and section 85 of the Local Government (Rating) Act 2002.

Objectives

The objective of this policy is to provide a transparent, fair and more effective user pays targeted rate for wastewater, taking account of the specific circumstances of educational establishments.

Principles

The principles used in establishing this policy are:

- a. This policy applies to schools and educational establishments as defined in Schedule 1, Part 1, clause 6(b) of the Local Government (Rating) Act 2002. It specifically excludes schools and early childhood centres that operate for profit.
- b. We consider the nationally used 'Donnelly Formula' (one pan per twenty students/staff) as a fair basis for providing remission to educational establishments.
- c. We have applied a targeted rate to all educational establishments connected to the wastewater supply based on the number of pans calculated using the 'Donnelly Formula'.
- d. We recognise the number of pans may not necessarily equate to the volume of discharge to the wastewater network.
- e. We recognise a correlation between the consumption of water and volume of wastewater discharged.
- f. Currently the average water consumption per single residential rateable property is deemed to be 328 cubic metres of water per annum. This is a Household Equivalent Unit (HEU).
- g. The most accurate way to measure water consumption is by a water meter, however not all educational establishments currently have a meter installed.
- h. Despite the number of pans calculated using the Donnelly Formula, some educational establishments are considered to have a low impact on the wastewater network. To avoid the unnecessary expense of installing a water meter to these, we will assess the number of HEUs applicable per rateable property by comparing them to other educational establishments with a similar roll/staff numbers.
- i. The school roll used to calculate the Donnelly Formula will be as advised annually by the Ministry of Education and will be applied from the following 1 July.
- j. In assessing the number of HEUs, the number will be rounded up to the next whole unit.
- k. The HEU may be periodically reviewed.

Conditions and criteria

Educational establishments with an existing water meter

- a. The rateable property must have six months or more historical water consumption information to enable assessment of HEUs.
- b. The remission will be the difference between the number of pans assessed using the Donnelly Formula and the HEU based on historical water consumption.
- c. The HEU will be reassessed annually based on the consumption for the year and an adjusted remission will be applied from 1 July one calendar year later.
- d. For the avoidance of doubt, rateable properties with a meter cannot elect to be assessed for a remission on the same basis as a rateable property without a water meter.

Educational establishments without an existing water meter

- a. We will assess the number of HEUs applicable per rateable property by comparing the current use of this property with a metered property of similar use.
- b. The remission will be the difference between the number of pans calculated using the Donnelly Formula and the assessed HEU.
- c. Alternatively to a and b above, the educational establishment can apply to have a water meter installed. Installation must be completed before 1 October in any rating year, so as to allow six months of consumption data to reassess the remission during the final quarter. The cost of the water meter and its installation will be at the applicant's expense. Any amended remission as a result of the water meter data will be processed during the final quarter of the rating year.
- d. For the avoidance of doubt, rateable properties once fitted with a meter cannot then elect to be assessed for a remission on the same basis as a rateable property without a water meter.

10. Policy on remission of rates on abandoned land

Objectives

The objectives of this policy are:

- a. To enable Council to avoid administration costs where it is unlikely that rates assessed on an abandoned rating unit will ever be collected.

Criteria and conditions

Where any rating unit meets the definition of abandoned land as prescribed in section 77(1) of the Local Government (Rating) Act 2002 and that land is unable to be sold using the authority provided in sections 77-83, then all rates will be remitted on an annual basis.

11. Policy on the remission and postponement of rates for natural disasters and emergencies

Objectives

In the event of a natural disaster or other type of emergency affecting the capacity of one or more rating units to be used for an extended period of time, Council may remit or postpone all or part of any rate or charge where it considers it fair to do so.

Criteria and conditions

The Council may, on written application from the ratepayer of a rating unit affected by a natural disaster or emergency, remit or postpone all or part of any rate or charge levied where:

- a. A natural disaster or emergency affects one or more rating units' capacity to be inhabited, used or otherwise occupied for an extended period of time; and
- b. The Council considers it is fair to grant a remission in the circumstances.

At its sole discretion, Council will determine by resolution whether a specific event constitutes a natural disaster or emergency for the purposes of applying this policy. Council will determine the criteria for the remission or postponement at the time of the resolution, and those criteria may change depending on the nature and severity of the event and available funding at the time.

Each application will be considered on its merits and remission or postponement of all or parts of the rates payable may be granted where it is considered just and equitable to do so. Remissions or postponements approved under this policy do not set a precedent and will be applied for each specific event and only to properties directly affected by the event.

7 Pūrongo me whakatau | Decision Reports

Aligning Population Projections with Future Proof

CM No.: 2598944

Rāpopotonga Matua | Executive Summary

Upon Matamata-Piako District Council joining Future Proof in November 2021, it has been requested that MPDC adopt the NIDEA High Projections to ensure consistency in growth planning across all of Future Proof councils.

The purpose of this report is to present to Council the NIDEA population projections for our District, review how they compare to our current InfoMetric projections and the latest projections from Stats NZ, and what this means for us.

The NIDEA reports and projections are available from creatingfutures.org.nz, the latest projections from Stats NZ are available from stats.govt.nz and the InfoMetric projections are available from Councils website.

Tūtohunga | Recommendation

That:

1. **The report is received.**
2. **Council adopts the NIDEA High population projections to 2063 for the purpose of future planning including the 2024-34 Long Term Plan.**

Horopaki | Background

We review our population projections every three years in line with the Long Term Plan. This ensures that our long term planning is based on the best available information at the time of developing our capital works program and financial forecasts.

Waikato Regional Council coordinates the regional projections. These are used by all Future Proof councils (Waikato RC, Waikato DC, Hamilton City and Waipa DC). The regional projections are done by NIDEA (Waikato University), and are based on the latest available Census data (so reviewed every five years) and informed by the latest land use projections as modelled through the WISE model.

Due to the delays in the Census data release following the 2018 Census, NIDEA delayed their review. This meant that the regional projections project could not meet the timeline for our LTP. The NIDEA projections based on the 2018 Census were released in March 2021.

Our projections used for the 2021 LTP uses 2019 Stats NZ estimated residential populations based off the 2013 Census. The projections were completed pre-Covid, and the medium projections were adopted in April 2020.

As the country moved out of Covid restrictions and the subsequent building boom experienced across the district, a revision of the projections were requested in 2021. This revision included a comparison with the NIDEA projections and 2021 Stats projections, and resulted in Council, in October 2021, adopting the High projections from the InfoMetrics 2020 report.

Upon Matamata-Piako District Council joining Future Proof in November 2021, it has been requested that MPDC adopt the NIDEA High Projections to ensure consistency in growth planning across all of Future Proof councils.

This report provides an overview of the variances between the different projections and discusses how this may have practical implications on the ground for our infrastructure planning and long term policy planning.

It is noted that with any projections, they are based off historic trends, and are inheritably wrong. They provide a range of scenarios upon which councils can base their planning.

Ngā Take/Kōrerorero | Issues/Discussion

For the purpose of this report, the following sets of population projections have been used;

- NIDEA projections commissioned by Future Proof, and available from www.creatingfutures.org.nz,
- InfoMetrics projections commissioned by Council in 2020 and 2021, based on Stats estimate as of 30 June 2019, which was based on the 2013 Census data
- Stats NZ produces new projections every year, based on the latest available Census Data. The latest projections, published in September 2021, used Stats Estimates as of 30 June 2021, which was based off the 2018 Census data (same base as NIDEA).

How we use the projections

The population projections form part of the underlying information for the Long Term Plan and associated documents, such as the Development Contributions Policy, Financial Strategy and Infrastructure Strategy. They also inform resource management planning, and are available from our website for private developers to use for private plan changes and major development proposals.

There is an inherent risk of getting our projections wrong. If growth happens faster than projected, there is a risk that we won't have the infrastructure in place in time for the new development to happen.

If growth happens slower than projected, our revenue from development contributions is likely to be less than forecast and there will be a short fall in funding until such time that the development contributions can be collected.

Staff monitor trends such as resource consents and building consents numbers, and adjust the planning accordingly. One example of this is the Lockerbie water supply which was originally budgeted for in 2024/25, and has been brought forward to 2022/23 to meet the demand currently experienced in Morrinsville. A similar scenario is currently being explored for the Matamata Wastewater Treatment Plant.

In addition, as part of the Future Proof program, detailed and up-to-date monitoring on a monthly basis will be available specifically for the three towns. This will start in the next couple of months and will keep Council informed regularly and be useful for any further assessments undertaken by Future Proof.

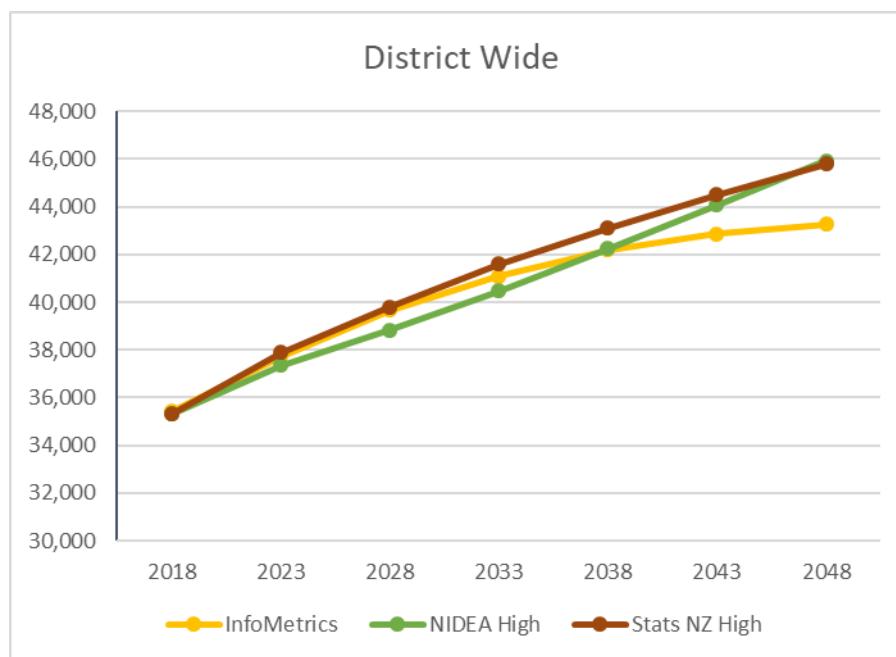
In the past, the population projections procured by Council has included projections for dwellings and rating units, as well as the population and household projections. NIDEA does not provide dwellings and rating units. However, as described in Infometric's 2020 report to Council on *Matamata-Piako population projections*, it is reasonable to assume that each household demands one private dwelling. The 'Residential' and 'Residential other' rating unit categories can be related to dwelling projections, and apportioned as either residential or residential lifestyle rating units

based on the most recent ratio for each SA2 area. In the 2020 Infometric report it was assumed that non-residential dwellings would remain at 2019 levels. These would be updated to 2022 levels to inform the next LTP.

Comparing projections for our District

When considering the projections for the District as a whole, the difference between the highest projections (NIDEA) to 2048 and the lowest projections (InfoMetric) to 2048 was 2,654 people (6%). Stats NZ and InfoMetric project a slight tapering off in growth in the later years, largely due to the aging population. NIDEA projects a linear growth throughout the period to 2063 based on the assumption that net domestic migration will exceed the decline resulting from the aging population.

Year	2018	2023	2028	2033	2038	2043	2048
InfoMetric High	35,410	37,732	39,677	41,083	42,192	42,876	43,269
NIDEA High	35,300	37,355	38,822	40,467	42,248	44,083	45,924
Stats NZ High	35,300	37,900	39,800	41,600	43,100	44,500	45,800

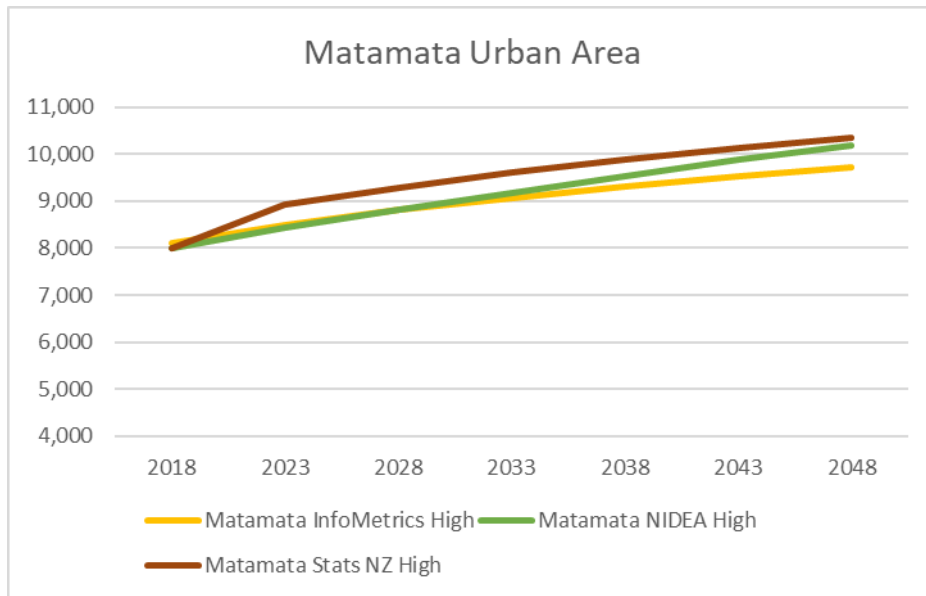


When looking at three Urban Centres, as defined by Stats NZ, we see a similar picture. *Noting that this is different to the Functional Urban Areas discussed as part of the Housing and Business Assessments.*

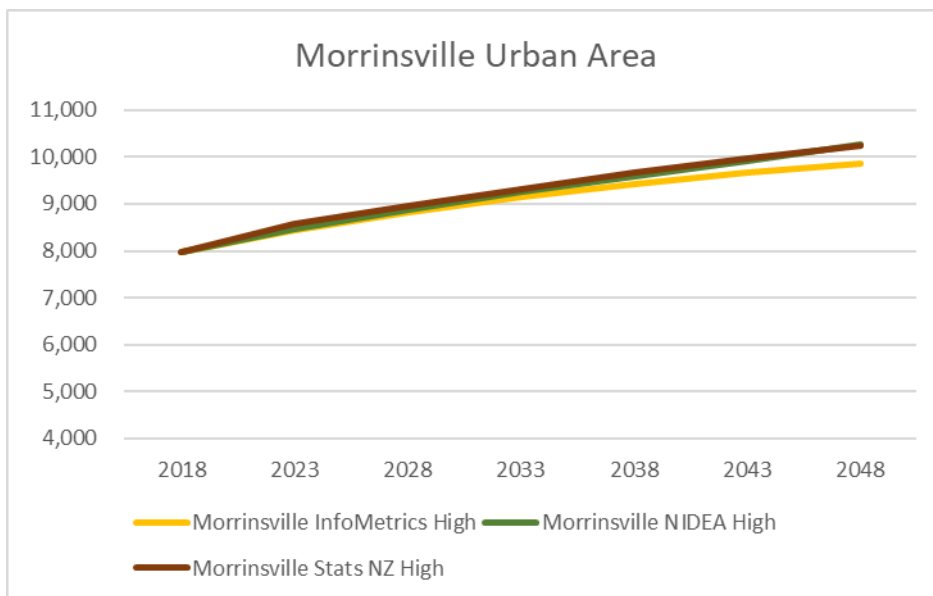
For Matamata, the difference between the highest (Stats NZ) and the lowest (InfoMetric) projections to 2048 is 633 people or 7%. For Morrinsville, the difference is 404 people or 4% and for Te Aroha the difference is 1,098 people or 20%.

Urban Area	Year	2018	2023	2028	2033	2038	2043	2048
Matamata	InfoMetric High	8,100	8,499	8,826	9,072	9,308	9,519	9,727
	NIDEA High	8,010	8,436	8,819	9,174	9,530	9,889	10,180

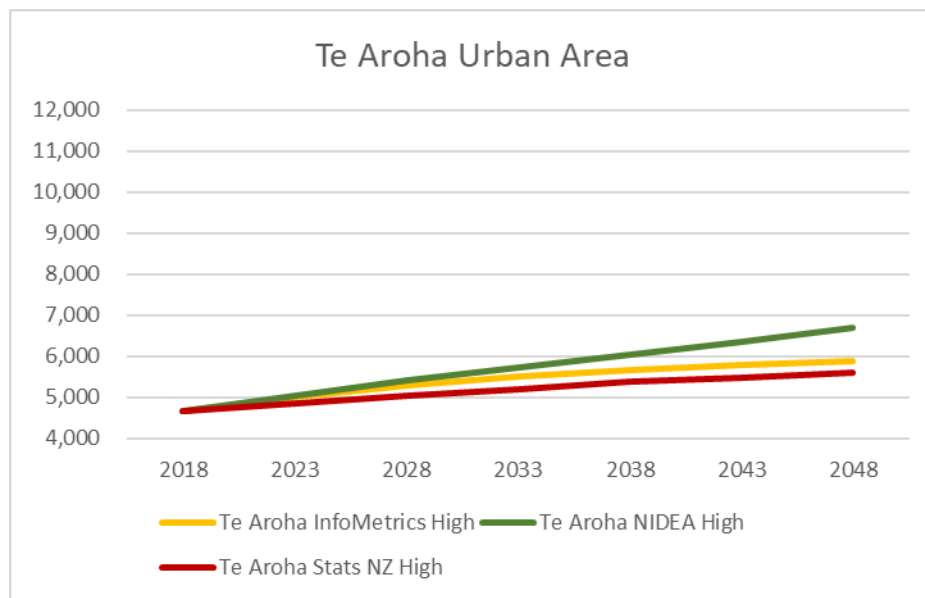
	Stats NZ High	8,010	8,930	9,290	9,610	9,890	10,130	10,360
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Urban Area	Year	2018	2023	2028	2033	2038	2043	2048
Morrinsville	InfoMetric High	7,980	8,437	8,825	9,142	9,427	9,662	9,860
	NIDEA High	7,980	8,465	8,882	9,254	9,594	9,913	10,264
	Stats NZ High	7,980	8,570	8,950	9,320	9,660	9,960	10,240



Urban Area	Year	2018	2023	2028	2033	2038	2043	2048
Te Aroha	InfoMetrics High	4,680	5,011	5,292	5,493	5,666	5,788	5,875
	NIDEA High	4,650	5,049	5,403	5,726	6,040	6,348	6,688
	Stats NZ High	4,650	4,850	5,050	5,210	5,370	5,490	5,590



What does this mean – How does it compare to what we’re seeing on the ground

In the period July 2021 to April 2022 we received 472 building consents for new buildings across the district. We also continue to process Private Plan changes. In Morrinsville, the proposed plan change for Lockerbie will see around 1,200 new dwellings created over the short term. Based on the average household size of 2.4, this would mean an increase of around 2,500 people in Morrinsville in the short term. Discussions are also underway for significant residential development in Matamata, although the details are yet to be finalised and submitted.

Stats NZ estimate resident population as of 30 June 2021 estimates that there are 36,700 people living within our district. For the three towns the ERP 2021 was: Matamata 8,460, Morrinsville 8,440 and Te Aroha 4,650. These figures are close to the projections for 2023, and clearly show that growth is currently happening faster than any of the projections show.

Further details about how the current growth trends are impacting on our long term planning is provided in the Housing and Business Assessment, which will be reported to Council separately.

As previously noted the differences between the three projections are insignificant. All three show a clear trend that the district and its three towns are growing throughout the period. The key difference is in the projections for Te Aroha, with NIDEA’s projections to 2048 being 20% higher than the InfoMetric projections for the same period. This is mainly due to the methodology used.

Next Steps

We normally review our population projections every three years in line with the Long Term Plan cycle. The next review is scheduled for early 2023 to inform the 2024-34 LTP. If Council adopts a new set of projections now, we will defer any further review of the projections until the 2027 LTP unless there is a case for a more frequent review before that time. The next Census is in 2023, with results expected to be released in 2024/25 – too late to inform the 2024-34 LTP.

Mōrearea | Risk

It is noted that with any projections, they are based off historic trends, and are inheritably wrong. They provide a range of scenarios upon which councils can base their planning.

If Council does not adopt the NIDEA High population projections, there is a risk that Council's long term planning may not align with our partners in Future Proof.

If Council does not adopt the NIDEA projections, there may be a cost required to review the current projections for the next LTP, as the current projections were based on the 2013 Census data, and it would be prudent to revise those projections now that the 2018 Census data is available.

Ngā Whiringa | Options

Council can choose whether or not to adopt the NIDEA High Projections.

Ngā take ā-ture, ā-Kaupapahere hoki | Legal and policy considerations

The Population projections are used in our Policy development, District Planning and Infrastructure Planning. Any changes to the adopted projections will be reflected in the various policy and planning documents as they are reviewed, and in particular the Population Projections form part of the underlying information for the next Long Term Plan 2024-34 and the Financial and Infrastructure Strategies.

Ngā Pāpāhonga me ngā Wātaka | Communications and timeframes

The Population Projections information on the Council website will be updated as soon as Council has made its decision.

Planning and policy documents will be updated as they come up for review.

Te Tākoha ki ngā Hua mō te Hapori me te here ki te whakakitenga o te Kaunihera | Contribution to Community Outcomes and consistency with Council Vision

As the Population Projections form part of the underlying information for the Long Term Plan, they contribute to all of Council's Community Outcomes.

Pānga ki te pūtea, me te puna pūtea | Financial Cost and Funding Source

There is no financial cost to this project.

Ngā Tāpiritanga | Attachments

There are no attachments for this report.

Ngā waitohu | Signatories

Author(s)	Ann-Jorun Hunter Senior Policy Advisor	
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	Don McLeod Chief Executive Officer	

7 Pūrongo me whakatau | Decision Reports

Housing and Business Assessment

CM No.: 2601655

Rāpopotonga Matua | Executive Summary

The purpose of this agenda item is to submit the Housing Assessment for Matamata, Morrinsville, Te Aroha and Waharoa and a Business Development Capacity and Demand Assessment for the District to Council for endorsement. These assessments will assist in meeting Councils responsibilities under the National Policy Statement of Urban Development 2020 (NPS-UD) and ensuring enough capacity is provided to meet future demands.

Tūtohunga | Recommendation

That:

1. **The information is received.**
2. **Council resolves to endorse the Housing and Business Development Capacity and Demand Assessments and make them publically available.**

Horopaki | Background

The NPS-UD came into force on the 20th of August 2020. The NPS-UD seeks to have well-functioning urban environments that provide for the social, economic, and cultural well-beings of our communities, and to ensure that there is sufficient development capacity to meet the needs of our communities.

On the 10th of November 2021, Council resolved to become a Tier 3 Local Authority under the NPS-UD, as the urban areas of Morrinsville and Matamata have an intended population and labour-force of 10,000 or greater. In 2022, Matamata-Piako District Council, also became a member of Future Proof – a Tier 1 urban environment under the NPS-UD.

A key aspect of ensuing alignment with the NPS-UD is the development of a Housing and Business Development Capacity Assessment (HBA) to ensure there is enough land zoned to meet demand (plus margins). As part of our commitment to Future-Proof, a Tier 1 authority, MPDC is to provide an HBA. The NPS-UD outlines the following key purposes of an HBA:

- Provide information on the demand and supply of housing and of business land in the relevant urban environment, and the impact of planning and infrastructure decisions of the relevant local authorities on that demand and supply.
- Inform RMA planning documents, Future Development Strategies (FDS), and long-term plans.
- Quantify the development capacity that is sufficient to meet expected demand for housing and for business land in the short term, medium term, and long term.

Council engaged Market Economics to conduct the Business Assessment for the four towns of Matamata, Morrinsville, Te Aroha, and Waharoa. Paula Rolfe has drafted the Housing Assessment for the same urban environments. Please see attached the two reports included in the attachments.

Ngā Take/Kōrerorero | Issues/Discussion

The Housing Assessment undertaken as attached, includes the Towns of Matamata, Morrinsville, Te Aroha and Waharoa. The report provides an assessment to enable sufficient capacity to meet community demand for housing with a range of dwelling types to cater for future needs and to meet the demand in the short (1-3 years), medium (3-10 years), and long term (10-30 years).

In summary, Matamata-Piako District is expected to grow over the next 30 years based on the NIDIA high projections. District population is expected to grow from 36,785 in 2021 to 47,019 in 2051 which will require an additional 4958 residential units within the urban core areas of Matamata, Morrinsville and Te Aroha.

Provision can be made for the short term for Matamata, Morrinsville and Te Aroha through greenfield and infill development which are infrastructure ready. Provision can also be made for the medium term for Matamata and Te Aroha. Provision needs to be made for Morrinsville in the medium and long term and also for Matamata and Te Aroha in the longer term.

In summary the Business Assessment includes the business zones (Town Centre and outer business zone) as well as the industrial zones around the towns and looks at the future needs to cater and to meet the demand in the short (1-3 years), medium (3-10 years), and long term (10-30 years). It does not include those specific industrial zoned uses that are primarily within the rural environments, have their own infrastructure, and are provided for through Development Concept Plans.

The report identifies there is likely to be sufficient capacity within the business zone to meet the projected long-term demand for Matamata, Morrinsville and Te Aroha if the capacity is taken up with those areas currently occupied by residential uses. The exception is at Waharoa where there is a projected shortfall of 0.2ha in the short-term increasing to 1.5 ha in the long-term.

There is 491.4 ha of industrial zoned land within the district whereby approximately 40% is within the main townships. Of this Matamata has 48.3 ha, Morrinsville 100 ha, Te Aroha 1.9 ha and Waharoa 7.7 ha. Within the report it identifies there is a projected surplus in the short term for industrial zoned land across the district, however there are shortfalls within Te Aroha and Waharoa. Shortfalls are also projected in the medium term in Te Aroha, Waharoa, Matamata and Morrinsville and in the long-term the projected shortfalls are expected to increase.

Further work is required to identify the priorities and issues that will require changes to the District Plan to ensure Council meets its responsibilities under the NPS-UD.

Mōrearea | Risk

Endorsing the Housing and Business Assessment will give the public greater insight into capacity constraints and therefore put additional pressure on Council to address the outcomes of the assessments.

Ngā Whiringa | Options

Option 1. Endorse the Housing Assessment and Business Assessment and make them available for the public.

Option 2. Do not endorse the Housing Assessment and Business Assessment

Recommendation: Option 1. Endorse the Housing and Business Assessment and make them available to the public.

Reason: The Housing Assessment and Business Assessment will be beneficial in informing our future planning. Assessments are required to meet Council's responsibilities under the NPS-UD.

Ngā take ā-ture, ā-Kaupapahere hoki | Legal and policy considerations

- The Housing and Business assessment meets our requirements under the NPS-UD and will likely result in changes to the District Plan.



Ngā Pāpāhonga me ngā Wātaka | Communications and timeframes

The Housing and Business Assessment to be made available to the public and will guide future planning.

Pānga ki te pūtea, me te puna pūtea | Financial Cost and Funding Source

These assessments have been undertaken from existing budgets however staff will report back in regards to the timing, funding and resources required to meet the outcomes of the assessments.

Ngā Tāpiritanga | Attachments

-  Housing Assessment 1 July 2022 (*Under Separate Cover*)
-  Market Economics Business Assessment (*Under Separate Cover*)

Ngā waitohu | Signatories

Author(s)	Lachlan Pratt Graduate RMA Policy Planner	
Approved by	Ally van Kuijk District Planner	
	Dennis Bellamy Group Manager Community Development	

7 Pūrongo me whakataurua | Decision Reports

Waikato Regional Council Plan Change 1 - Healthy Rivers/Wai Ora

CM No.: 2602316

Rāpopotonga Matua | Executive Summary

This report seeks delegations from the Council to attend mediation and, if necessary, court proceedings as a 274 party in relation to Waikato Regional Council Plan Change 1 – Healthy Rivers/ Wai Ora.

Tūtohunga | Recommendation

That:

1. The report be received, and
2. Council delegate full authority to the Group Manager Community Development and the District Planner (individually) to represent, participate and settle on behalf of Matamata-Piako District Council in mediation, alternative resolution and/or court proceedings on all matters in relation to the Waikato Regional Council Plan Change 1 – Healthy River/Wai Ora.

Horopaki | Background

The Waikato Regional Council (WRC) commenced Plan Change 1 Healthy Rivers / Wai Ora with the aim to improve water quality (so that we can gather food and swim along the entire water catchment) and meet the requirements of Te Ture Whaimana o Te Awa o Waikato, the Vision and Strategy for the Waikato River.

This is a proposed change to the Waikato Regional Plan, with rules to manage both point source discharges (such as sewage from towns and waste from factories) and non-point source discharges linked to agriculture. It proposes to allow for the management of nitrogen, phosphorus, sediment and bacteria in the Waikato and Waipā rivers.

On 22 April 2020, the decision version of Proposed Waikato Regional Plan Change 1 was notified. Council at this time resolved not to appeal the decisions however became a 274 party to a number of matters that were raised within our submission.

In the first instance, WRC has met with all the appellants and now mediation is proposed to move the matters forward where possible.

In conjunction with South Waikato and Taupo District Council we have engaged Gina Sweetman to provide technical planning expertise on behalf of Matamata-Piako District Council.

Ngā Take/Kōrerorero | Issues/Discussion

Delegations

It is proposed that full authority be given to the Group Manager Community Development and the District Planner to represent, participate and settle on behalf of Matamata-Piako District Council in mediation, alternative resolution and/or court proceedings on all matters in relation to the Waikato Regional Council Plan Change 1 appeal.

Delegated authority has in the past been granted by Council for the Group Manager Community Development and the District Planner to participate in mediation for District Plan Change appeals on behalf of Council (Plan Changes 48, 47, 43 and 44).

One or more councillors may also wish to volunteer to act alongside the Group Manager Community Development and the District Planner as a mediator for the Waikato Regional Council Plan Change 1 appeal. Councillor James Thomas has been the spokesperson for Council on this plan change as he presented our submission to the hearings panel.

Mōrearea | Risk

Council staff can update Council with the progress to minimise any risks.

Ngā Whiringa | Options

Council must participate in the appeal process as a 274 party.

There are four options available to Council in response to resolving the appeal through mediation:

- i. Full Council is engaged,
- ii. Councillor representatives act on behalf of Council
- iii. Delegate authority to the Group Manager Community Development and the District Planner.
- iv. Delegate authority to the Group Manager Community Development and the District Planner (individually) to act alongside a Councillor representative.

Analysis of preferred option

The preferred option is for Council to delegate authority to the Group Manager Community Development and the District Planner (individually) as it is considered the most efficient use of time and resources.

Ngā take ā-ture, ā-Kaupapahere hoki | Legal and policy considerations

Environment Court practise direction regarding mediations

The mediation process through the Environment Court is a widely used, effective means of dispute resolution. However, issues arise when Council or party representatives do not have full authority. This is particularly problematic when determining whether to settle at the conclusion of mediation. Invariably this leads to unnecessary delay and added cost and the Environment Court has indicated that it is essential that those attending on behalf of the Council are delegated to settle matters.

Impact on policy and bylaws

This plan change does not directly affect our policies or plans but will have an impact on our communities and that is why Council resolved to make a submission and become a 274 party. In addition, the outcomes (objectives, policies, methods and rules) are likely to be similar for the Waihou / Piako catchment which will have impacts on Council's water takes and discharges.

Ngā Pāpāhonga me ngā Wātaka | Communications and timeframes

This has been a long process and the actual timeframe at this stage is unknown.

Ngā take ā-lhinga | Consent issues

There are no consent issues

Pānga ki te pūtea, me te puna pūtea | Financial Cost and Funding Source

All costs will be funded by existing budgets.

Ngā Tāpiritanga | Attachments

There are no attachments for this report.

Ngā waitohu | Signatories

Author(s)	Ally van Kuijk District Planner	
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Approved by	Dennis Bellamy Group Manager Community Development	
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7 Pūrongo me whakataū | Decision Reports

Waka Kotahi Notice of Requirement for the junction upgrade at Piarere

CM No.: 2602529

Rāpopotonga Matua | Executive Summary

This report seeks delegation from the Council to allow Council Officers or the processing planner (external consultant) to represent, participate and settle on behalf of Matamata-Piako District Council in Environment Court mediation and, if necessary, Environment Court proceedings in relation to the Waka Kotahi notice of requirement for the junction upgrade between State Highway 1 and State Highway 29 at Piarere.

Tūtohunga | Recommendation

That:

1. **The report be received**
2. **Council delegate full authority to the Team Leader – Resource Consents or the processing planner, Michael Parsonson from Southern Skies, to represent, participate and settle on behalf of Matamata-Piako District Council in mediation, alternative resolution and/or court proceedings on all matters in relation to the notice of requirement submitted to the Matamata-Piako District Council for the State Highway 1 – State Highway 29 junction upgrade.**

Hōropaki | Background

In August 2021, Waka Kotahi (New Zealand Transport Agency) lodged notices of requirement and various regional resource consent applications with Matamata-Piako and South Waikato District Councils, and the Waikato Regional Council (the Councils) respectively for the work associated with the intersection upgrade between State Highway 1 and State Highway 29 at Piarere. This upgrade would involve the construction of a new roundabout in the approximate location of the existing intersection and the realignment of the exiting State Highway approaches to ensure connection to this roundabout. The roundabout would also include a connection for the future realignment of the Waikato Expressway. The Councils engaged Michael Parsonson from Southern Skies to process the notices and applications on their behalf.

Waka Kotahi requested that in accordance with section 87D(1) of the Resource Management Act 1991 (RMA) the notices of requirement and resource consent applications be determined by the Environment Court, and that the notices and applications be publicly notified. This notification occurred on 1 December 2021, with the submission period closing 9 February 2022. Eighteen submissions were received in response to this notification, with the majority in support of the proposal. However, several submitters opposed the proposal including Thistlehurst Dairy Limited. This submitter is likely to lose land as a result of this proposal and the future Cambridge to Piarere expressway extension project which forms part of the wider project.

Thistlehurst Dairy Limited filed an application for an adjournment, requesting that the matter concerning the proposed roundabout be delayed until such time as it can be heard with the expressway extension project. The relevant notices of requirement and resource consent applications for the extension project are expected to be lodged in the last quarter of 2022.

Thistlehurst Dairy Limited cited several reasons for this request including allowing for a holistic consideration of the wider project, cost savings and the avoidance of pre-determination of the future expressway alignment. The application for adjournment was declined by the Environment Court.

An Environment Court Hearing to determine the notices and applications is currently set for 5 September 2022. However, in the interim, mediation is scheduled for 11 August 2022.

Ngā Take/Kōrerorero | Issues/Discussion

Delegations

It is proposed that full authority be given to the Team Leader – Resource Consents to represent, participate and settle on behalf of Matamata-Piako District Council in mediation, alternative resolution and/or court proceedings on all matters in relation to the notice of requirement submitted to the Matamata-Piako District Council for the State Highway 1 – State Highway 29 junction upgrade.

Mōrearea | Risk

Council staff can update Council with the progress to minimise any risks.

Ngā Whiringa | Options

Council must participate in the designation process as the territorial authority who received a designation application.

There are five options available to Council in response to resolving the appeal through mediation:

- i. Full Council is engaged,
- ii. Councillor representatives act on behalf of Council
- iii. Delegate authority to the Group Manager Community Development and the District Planner.
- iv. Delegate authority to Team Leader – Resource Consents
- v. Delegate to the processing planner, Michael Parsonson from Southern Skies.

Analysis of preferred option

The preferred option is for the Council to delegate authority to the either the Team Leader – Resource Consents or the processing planner, Michael Parsonson from Southern Skies as this is considered the most efficient use of time and resources. These two parties have been actively involved in the application. The notices of requirements and resource consent applications are a joint proposal across South Waikato and Matamata-Piako District Councils, and the Waikato Regional Council. South Waikato have indicated that they are prepared to delegate authority to the processing planner, however the Regional Council had not advised their position at the time of writing this report.

Ngā take ā-ture, ā-Kaupapahere hoki | Legal and policy considerations

Environment Court practise direction regarding mediations

The mediation process through the Environment Court is a widely used, effective means of dispute resolution. However, issues can arise when a Council or party representatives do not have full authority to make decisions. This is particularly problematic when determining whether to settle at the conclusion of mediation. Invariably this leads to unnecessary delay and added cost and the Environment Court has indicated that it is essential that those attending on behalf of the Council are delegated to settle matters.

Impact on policy and bylaws

The outcome of this application process may result in a change to our District Plan to include the designation.

Ngā Pāpāhonga me ngā Wātaka | Communications and timeframes

Timeframes for this application are governed by the Resource Management Act 1991.

Ngā take ā-lhinga | Consent issues

There are no consent issues.

Pānga ki te pūtea, me te puna pūtea | Financial Cost and Funding Source

This is an application by Waka Kotahi and therefore all costs are on charged to the applicant.

Ngā Tāpiritanga | Attachments

There are no attachments for this report.

Ngā waitohu | Signatories

Author(s)	Ally van Kuijk District Planner	
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Approved by	Dennis Bellamy Group Manager Community Development	
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7 Pūrongo me whakatau | Decision Reports

Morrinsville Historical Society - Update

CM No.: 2602016

Rāpopotonga Matua | Executive Summary

Bette Blance of Morrinsville Historical Society in attendance to provide an update of activities and events at the Museum.

Tūtohunga | Recommendation

That:

1. The information be received.

Ngā Tāpiritanga | Attachments

There are no attachments for this report.

Ngā waitohu | Signatories

Author(s)	Stephanie Hutchins Governance Support Officer	
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Approved by	Sandra Harris Placemaking and Governance Team Leader	
	Erin Bates Strategic Partnerships and Governance Manager	

7 Pūrongo me whakatau | Decision Reports

Te Aroha Land Zone Change and Development

CM No.: 2602429

Rāpopotonga Matua | Executive Summary

Council has purchased land at 25 Waihou Road with the intention of undertaking a Plan change and potentially looking to develop and make available the land for light Industrial activity.

To expedite the process of undertaking Due Diligence and a Plan Change and to fund that process Council is asked to approve a budget, membership and Terms of Reference for a Working Party as outlined.

Tūtohunga | Recommendation

That:

1. **That Council approves the establishment of a Working Party to oversight the development of a Business Case to potentially undertake a Zone Change associated with 25 Waihou Road.**
2. **Members for the Working Party be identified and appointed.**
3. **The Terms of Reference for the Working Party be;**
 - a) **Engaging the preferred Consultant to advise of the Business Case and potentially on the Plan Change process.**
 - b) **Having Authority to expend a Council approved budget, for completion of a development Business Case in the first instance.**
 - c) **Assessing the various assumptions and issues in the Business Case and directing the Consultant to undertake work as appropriate to complete work to the Working Party's satisfaction.**
 - d) **Reporting to Council, on an agreed frequency, work progress, budget updates and outcomes associated with the Business Case in the first instance.**
 - e) **Making a recommendation to Council on whether to proceed with the Plan Change on completion of the Business Case.**

Horopaki | Background

A local Business had been signalling for some time a need to secure another site in Te Aroha. They needed to build a replacement for its current Te Aroha premises.

The Business had been unsuccessful in its attempt to secure a suitable Property and decided that it would need to relocate its operations to a larger facility in Morrinsville.

The potential loss of this Business caused considerable concern in the Te Aroha Community and approaches were made to Council to work to retain the outlet in the town.

Coincidentally two other matters came to Council's attention around that time.

- 1) The Planning team undertaking a recent assessment of available Business and Residential Property in each of the towns within the District. This identified a need for more Industrial / Business zone within Te Aroha Township.
- 2) A property on the immediate outskirts of town (25 Waihou Road) had recently come onto the market.

Council discussed the strategy of purchasing the Property, undertaking a Business Case to undertake a commercial assessment in preparation for it undertaking a Zone Change, from Rural to Light Industrial.

Council purchased the Property and are keen to see this project progressed as efficiently as possible.

This report seeks Council approval both for a budget and agreement on the establishment of a Working Party to progress the Business Case in the first instance and a possible Plan Change following on from that.

Ngā Take/Kōrerorero | Issues/Discussion

There is no readily vacant land in Te Aroha suitable for Light Industrial development. This has been confirmed by a recent study undertaken by Council's Planning unit.

There are limited if no options for businesses wanting to relocate their business here or expand within the town itself.

The land purchased by Council is currently zoned Rural. For it to become available for development Council agreed to purchase land itself with a view to undertaking a Business Case and a rezoning process to ensure that a light industrial enterprise, particularly those Businesses that support the rural sector, had some where to go without the need to individually undertake expensive and time consuming consent or private plan change processes.

To expedite matters staff were asked to seek proposals from suitably qualified consultants to act as both expert advisers and project managers up to and including a Zone change. A decision on physical development has at this stage not been discussed or decided.

In further discussion Council expressed the wish to progress this work as speedily as possible. To reduce the time for formal Council approvals and to understand and scrutinise the underlying assumptions for any Business Case it was suggested that a Council Working Party be set up with delegated approvals to work with the Consultant on both the Business Case and the Zone Change processes.

In discussion Council identified the Mayor, Deputy Mayor, Cr Tappin and Smith would be the members on this Working Party at this stage.

The Consultant proposals have been received and the Working Party will have informally met, prior to the meeting, with a view to recommending to Council which Consultant should be appointed. This will be noted at the meeting.

In order for this work to formally proceed Council is asked to approve a draft budget and the Terms of Reference that Working Party will be asked to operate against.

Ngā Whiringa | Options

Council could progress this work itself, however given the;

- Current plan change processes underway the Planning unit is at capacity
- Need for specific expertise, particularly around both the Business Case and the Zone change, isn't available internally
- Need for progressive approvals to proceed without being constrained by the normal Council meeting cycle
- Need for elected member oversight, given the nature of the project

The option of using external Consultants for the Business Case and Zone change is recommended for the technical requirements for this work.

Two Consultants were approached and whilst the Working Party hasn't at this stage being formally decided on they have met to discuss the submission and a recommendation will be made at the Council meeting on the 13th July.

The total budget requirement will be provided at the meeting (or signalled earlier if Possible) .

Delegations from Council should be formalised to ensure that there is an understanding and transparency about what authority the Working Party has with respect to the. The following are suggested as the authority and guidelines the Working Party, namely;

- 1) Engaging the preferred Consultant
- 2) Using a Council approved budget for completion of a development Business Case in the first instance
- 3) Assessing the various assumptions and options in the Business case and directing the Consultant accordingly to undertake more work as appropriate to assess to the Working Party's satisfaction.
- 4) Reporting to Council, on an agreed frequency, work progress and outcomes associated with the Business Case.
- 5) Make a recommendation to Council on whether to proceed with the Plan Change on completion of the Business Case.

Obviously timing with respect to the election needs to be considered. It would be intended to have the Working Party complete the Business Case work prior to the election, at a high level and that the newly elected Council be briefed on this work to consider and confirm next steps.

It would also be an option to not have a Working Party with delegation as suggested. This would slow the decision making down given the need to formally report to Council or COC on a meeting cycle. A working party could, with delegation, meet more flexibly and where authorised by Council make decisions that ensures work is expedited.

In addition some of the work could be undertaken internally however this would impact on other projects already underway and would still necessitate the engagement of external expertise.

Assuming also the Council approval of a budget the Chief Executive would be authorised to expend this in accordance with the decisions of the Working Party.

Ngā take ā-ture, ā-Kaupapahere hoki | Legal and policy considerations

There are no legal impediments to Council purchasing land and undertaking rezoning work. All of this is subject to appropriate process and advice being provided to Council.

There are certain obligations on Council under the Public Works Act, should the land development not proceed.

Any decisions around the Zone change process and conditions associated with a Plan change would be recommended to be provided by an Independent hearings Panel, should that be necessary.

A decision for Council to proceed with physical development would best left at this stage, until there is greater certainty that the eventual Plan Change is achieved.

Ngā Pāpāhonga me ngā Wātaka | Communications and timeframes

The Plan change process will require formal consultation with the affected parties. However it would be prudent to communicate throughout the development of the Business case or in respect of any decisions to proceed with a Plan change, given the high profile and public interest in the objectives that Council has with respect to the area of land.

This will be identified in as part of the project plan that will be developed with the Working Party.

Pānga ki te pūtea, me te puna pūtea | Financial Cost and Funding Source

This project is not identified in the Annual Plan and therefore is unfunded. The approximate budget will be circulated separately.

The source of funding would be either from the proceeds of future land sale, or, if this was not realised from the General Property account.

Ngā Tāpiritanga | Attachments

There are no attachments for this report.

Ngā waitohu | Signatories

Author(s)	Don McLeod Chief Executive Officer	
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Approved by	Don McLeod Chief Executive Officer	
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7 Pūrongo me whakatau | Decision Reports

Road Naming - Private Infill Development at 13 Anzac Avenue, Morrinsville

CM No.: 2603010

Rāpopotonga Matua | Executive Summary

Landform Surveys Limited of Hamilton on behalf of Stark Property also of Hamilton (the applicant), are obtaining resource consent for a seven (7) lot in-fill development off 13 Anzac Avenue, Morrinsville.

Developments with 6-lots or greater size require Roads to be named. There has been some confusion by the developer around the naming process and the requirement but a proposal has been received for council to be able to make a formal recommendation.

The development is a private project that will add to social housing in Morrinsville with Kainga Ora the purchasing party.

The applicant has proposed **Barrett Lane** as their preferred road name and also provided two road names as alternatives: Paradise Lane and Peggy Lane.

Tūtohunga | Recommendation

That:

1. The report be received.
2. Council accepts the preferred *private* road name (**Barrett Lane**) for this 7-lot sub divisional development at 13 Anzac Avenue, Morrinsville.

Horopaki | Background

Road names and property numbers are used by a wide variety of users for accurate and efficient identification of properties. These include but aren't limited to emergency services, postal and courier services, visitors and utility providers e.g. power, telephone and water. Therefore, it is appropriate and necessary that properties have a formalised and unique address by which they can be identified.

Council is responsible for the naming of roads and numbering of land and buildings under sections 319, 319A and 319B of the Local Government Act 1974. Road naming objectives include:

- Ensuring district-wide consistency of road and access way naming
- Clarifying the meaning of access ways and rules for the naming of these
- Ensuring roads are named in such a way as to reflect the identity of the local areas within the district as well as ease of property identification

The preferred private access way name is listed below, and below that are two alternative road names (as suitable back-ups).

Preferred: *Barrett Lane*

Alternative #1: Paradise Lane

Alternative #2: Peggy Lane

Ngā Take/Kōrerorero | Issues/Discussion

All road names above have been checked against Council's street register and the Land Information New Zealand (LINZ) database; ensuring that proposed road names meet the criteria – meaning that they aren't duplicated and don't sound similar to existing road names within the Matamata-Piako and neighbouring districts.

Policy provides guidance on the appropriate Mana Whenua of the area, however in relation to *private* access ways it excludes the requirement to consult as the assets are not vested in Council and don't become a cost on Council.

The applicant has assessed the preferred and alternative road names against policy sections 6 & 8 respectively (*Naming Considerations* and *Criteria*). Below is evidence that each of the names reflect these policy sections.

1. Barrett Lane

Jim Barrett is a local Morrinsville identity with over 70 years' involvement with rugby in Morrinsville and Waikato. Now a Morrinsville sports club patron, he has been involved in playing, coaching, managing teams and assist with amalgamations.

2. Paradise Lane

The name refers to the funder of this project who is a family associate.

3. Peggy Lane

The name refers to the middle name of the developer's partner.

Mōrearea | Risk

The applicant's request to name roads as part of this in-fill sub divisional development has been considered as presenting little or no reputational risk to Council. Risk mitigation has taken the form of careful road name checks against Council's street register and the LINZ database.

Ngā Whiringa | Options

Options are restricted to the single proposed access way name and two suitable alternatives.

Ngā take ā-ture, ā-Kaupapahere hoki | Legal and policy considerations

Council's *Naming of Roads, Access ways Policy (02 October 2019)* requires that each private access way be referred to as a *lane*. The proposed road naming plan is attached incorporating the preferred access way. Council's road naming policy is also attached.

As earlier mentioned, due to the private nature of this development the resulting access way name remains private and the associated maintenance of signage and the road to the development aren't to be vested in Council, so remain a cost on the applicant.

Ngā Pāpāhonga me ngā Wātaka | Communications and timeframes

Communications that follow this report relate to notifications of Council's resolution on road naming. Initially, verbal and email contact is made with the applicant to notify and explain the decision reached by Council. Subsequently, a range of contacts (LINZ, NZ Post, Core logic NZ



Ltd, internal staff and others) are sent an “Official Group Email Notification of Committee Resolution (for New Road Names – MPDC, July 2022)”.

The timing of initial contact with the applicant is mostly immediately following the decision of Council. The timing of the subsequent group email is mostly immediately following the release of the minutes of Council resolution, although the later can vary due to workloads.

Ngā take ā-lhinga | Consent issues

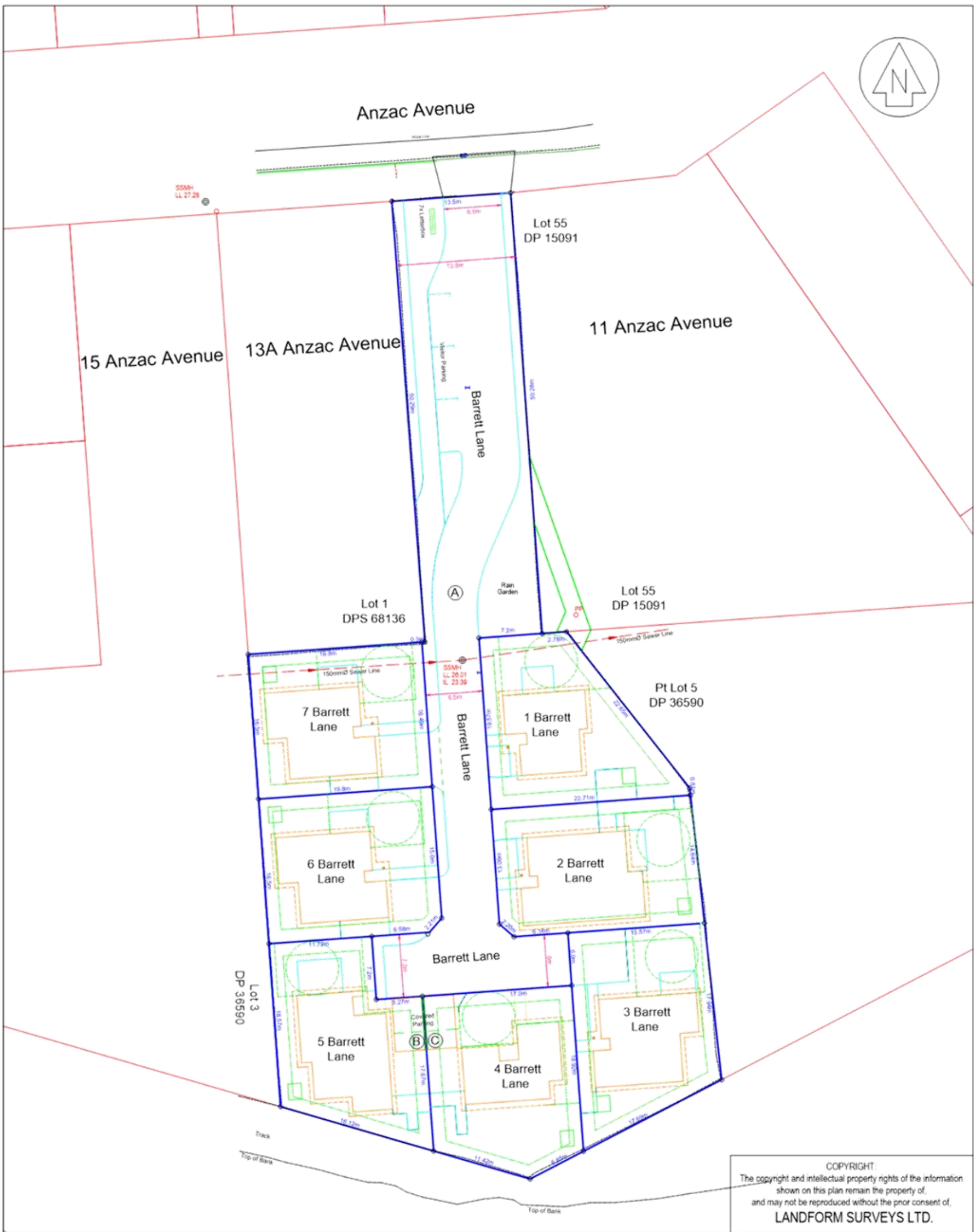
Road name approval is a council requirement prior to the issuing of 223/224 resource consent completion certificates.

Ngā Tāpiritanga | Attachments

 Landform Surveys Limited 20186 - 13 Anzac Avenue, Morrinsville Scheme Plan 210622
 A3 Portrait

Ngā waitohu | Signatories

Author(s)	Barry Reid Roading Asset Engineer	
Approved by	Susanne Kampshof Asset Manager Strategy and Policy	
	Manaia Te Wiata Group Manager Business Support	



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Council Road Naming Design Drawing



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Scale(A3) 1: Not to Scale
Date: June 2022
Survey/Des: D.McD
Approved: For Review

Job No.
20186
SHEET

8 Ngā Pūrongo Whakamārama | Information Reports

CCO Monitoring - Final Statement of Intent Waikato Regional Airport Limited (WRAL) and Subsidiary Companies

CM No.: 2601399

Rāpopotonga Matua | Executive Summary

The purpose of this report is for Council to receive the Waikato Regional Airport Limited (WRAL) final Statement of Intents.

Tūtohunga | Recommendation

That:

1. The Waikato Regional Airport Limited (WRAL) final Statement of Intents be received.

Horopaki | Background

Waikato Regional Airport Ltd (WRAL) is a Council Controlled Organisation (CCO) owned by five Waikato Councils, with Matamata-Piako's shareholding at 15.6%. WRAL's core purpose is as follows:

- Enabler of air services to the region;
- Operate a first class, safe, sustainable and compliant airport;
- Strategic positioning of the business to enhance capital value.

Their key objectives are:

1. Operate an efficient, sustainable and resilient airport.
2. Enhance the traveller experience.
3. Maintain a viable and sustainable aeronautical business.
4. Maximise revenue diversification through non-aeronautical business opportunities.

CCO's are required by the Local Government Act 2002 (LGA) (subject to certain exemptions) to prepare and publish an annual Statement of Intent, and produce a bi-annual report for shareholders on the entity's operations during the half year.

Council received WRAL draft Statement of Intents on 23 March 2022 and were invited to provide feedback. Council resolved to approve the documents.

Council has now been provided with the following final Statements of Intent 2022/2023 for information:

- Waikato Regional Airport Limited Group
- Waikato Regional Airport Hotel Limited
- Hamilton & Waikato Tourism
- Titanium Park

Ngā Take/Kōrerorero | Issues/Discussion

The following has been updated since the issuing of the draft Statement of Intent:

Financial Performance Targets

- Financial projections have been revised slightly in line with positive recovery from Omicron/COVID-19 over the past few months.

Non-Financial Performance Targets

- Formal climate change response/sustainability targets have been added around electricity and water reduction for the first time.
- To implement a plan to relaunch, and if necessary, rebrand the Airport Hotel upon completion of its Managed Isolation Facility contract.
- Removal of the facilitation Health & Safety meetings every two months with representatives from each entity in the Group.
- Removal of the monitoring of aeronautical noise and facilitation of noise management meetings every six months in accordance with the Noise Management Plan.

Ngā take ā-ture, ā-Kaupapahere hoki | Legal and policy considerations

The LGA requires CCOs to prepare and publish an annual Statement of Intent. The purpose of a Statement of Intent is to:

- a) State publicly the activities and intentions of the CCO for the year and the objectives to which those activities will contribute; and
- b) Provide an opportunity for shareholders to influence the direction of the organisation; and
- c) Provide a basis for the accountability of the directors to their shareholders for the performance of the organisation.

CCOs are required to present a draft Statement of Intent to each local authority for feedback on or before 1 March in the year preceding the financial year to which the draft Statement of Intent relates. The local authority then has two months from receiving the draft Statement of Intent, to respond to the CCO with feedback. A final Statement of Intent is to be provided to the shareholders before the commencement of the financial year to which it relates.

CCOs must also report on the organisations operations to its shareholders and a half-yearly report must be delivered within two months after the end of the first half of each financial year. These will be provided once received.

Ngā Pāpāhonga me ngā Wātaka | Communications and timeframes

The LGA requires Council to publish the final Statement of Intent on its website within one month of adoption and maintain the document for a period of no less than 7 years.

Te Tākoha ki ngā Hua mō te Hapori me te here ki te whakakitenga o te Kaunihera | Contribution to Community Outcomes and consistency with Council Vision

Theme: Connected Infrastructure

Community Outcome: Infrastructure and services are fit for purpose and affordable, now and in the future; quality infrastructure is provided to support community wellbeing; we have positive partnerships with external providers of infrastructure to our communities.

Theme: Economic Opportunities

Community Outcome: We are a business friendly Council, our future planning enables sustainable growth in our District; we provide leadership and advocacy is provided to enable our communities to grow.

Pānga ki te pūtea, me te puna pūtea | Financial Cost and Funding Source

Council does not fund the activities of WRAL, with the exception of a grant (\$150,000 per annum) to Hamilton & Waikato Tourism to promote and support regional tourism.

Ngā Tāpiritanga | Attachments

- A.  Final Statement of Intent WRAL Group 2022-23 *(Under Separate Cover)*
- B.  Final Statement of Intent Airport Hotel 2022-23 *(Under Separate Cover)*
- C.  Final Statement of Intent Hamilton & Waikato Tourism 2022-23 *(Under Separate Cover)*
- D.  Final Statement of Intent Titanium Park Limited 2022-23 *(Under Separate Cover)*

Ngā waitohu | Signatories

Author(s)	Laura Hopkins Policy Advisor	
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Approved by	Niall Baker Policy Team Leader	
	Don McLeod Chief Executive Officer	

8 Ngā Pūrongo Whakamārama | Information Reports

Te Aroha Spa Project Update

CM No.: 2601380

Rāpopotonga Matua | Executive Summary

This report provides Council with a moderately high level update on the project's progress with key tasks and what key project key tasks lie ahead.

Tūtohunga | Recommendation

That:

1. This report be received for information.

Horopaki | Background

Following the work completed under the PGF process in 2019, including the Feasibility Study, Business Case and Post Covid-19 Addendum, MPDC is pursuing a project that contemplates bringing to life a leading day spa business situated within the Te Aroha Domain, to replace the existing business' facility. The existing spa and hot pool business is successful when measured by client demand and financial metrics but the existing facility has insufficient capacity to meet annual client demand. The existing facility is also relatively old with outdated furnishings, decoration and environment, and has limited experiences compared to others in the market.

Ngā Take/Kōrerorero | Issues/Discussion

Key Tasks In Progress

- o Geothermal Water Consent

Management of this application has been outsourced to WSP. They are waiting on the completion of a technical and cultural report (imminent I believe) that will be provided to the Regional Council. The key aspect under investigation is the desire of Regional Council for the injection of waste water from TAMS to be given further consideration. I understand that the injection concept is not supported by WSP for technical reasons nor mana whenua for cultural reasons.

- o Alternative Fresh Water Supplies

This task is still in its infancy but is looking into the viability of obtaining fresh water directly from the Mill Road system or one of the disused bores within the Domain. Currently investigating the raw water quality from the Mill Road system (awaiting lab analysis) and an understanding of the number and type of bores and their theoretical capacity has now been obtained. Further investigation required on both sources to understand potential viability.

- o Visitor Solutions Options Assessment Work.

Visitor Solutions appear to be making steady progress with this work and as at the end of June signalled that the activity was on track. From early stage work that looked at potential facility site options (noting that the lower bush line is the target area) Visitor Solutions presented 3 options with a recommendation that the preferred option was at the northern end of the lower bush line, being roughly above and left and right of the Mokena Geyser.

This early stage site options summary was workshopped with the Project Governance Group at the end of June by video conference. There was general agreement with what Visitor Solutions were recommending in terms of location with the early stage thinking that the facility wouldn't all necessarily be under one roof per the concept shown in the original business case. Clearly there is still much to be done in this work package with the draft report due at the end of July.

One of the outputs from the options assessment work is a sketch of each option. So that we have something of better quality to review its felt that rather than have just a sketch, the architect prepares a render of each option. This will provide enhanced visuals of buildings and spaces which will aid evaluation. Doing this will mean increased architect cost component within the options assessment but the associated benefit suggests this is likely to be quite beneficial for decision making. At this time I do not have the estimated sum but it could be around \$20k. The Project Governance Group Co-chairs recommend this approach.

- o Risk Register

The key risk being managed is around ecology within the bush area. Tonkin Taylor have been retained to do an ecology study with their report due 1st half/mid July. The study is an 'opportunities and constraints' moderate level study not an in depth 'assessment of environmental effects' type of study. That would be carried out later, most probably heading into a resource consent process. Tonkin Taylor's ecologist was on site in the Domain at the end of June doing the field investigation.

- o Project Programme

I reported last month that were progressing procurement for the services of the initial design team (architect, QS, civil engineer, planner). This task was reviewed at the June Project Governance Group meeting. It was decided that we postpone the appointment of the architect until we're on the other side of the of the options assessment work, on the basis that until we have a clearer idea of what it is we're designing, appointing the architect could be premature. Was also seen as important that a maori architect be involved alongside the main architect.

After consulting Greenstone Group it was decided that we may as well postpone procuring all of those services as the architect is pivotal to the work of the others. This will not delay anything Visitor Solutions is doing on the options assessment work but the postponement will push the overall project programme out by 3 to 4 months. This is seen as acceptable because of the strong logic around postponing the procurement activity.

Other Updates

- o Cultural Impact/Values Assessment (kaitiaki values report).

This task is in the project programme to be started in August just after the options assessment draft report is available. As certain aspects of the options assessment work have come into sharper focus, it's felt that in fact the cultural values/impact work should be done alongside the options assessment work, the rationale being that the outputs will help guide design and other protocols, processes and thinking. When the early stage site options summary was workshopped at the end of June, the Project Governance Group endorsed this approach and recommends that this work be expedited lest without it, the options assessment work would quite likely be delayed.

- o Near Term Decision Outlook

Based on Visitor Solutions final report, the project programme currently provides that in the 2nd half of September, the Project Governance Group will make a recommendation to Council on which option to take forward for development (Visitor Solutions final report having been made available to Council). This is a stage gate that then requires a decision on whether or not to proceed with developing an investment case document. If yes, an appropriate professional services consultancy would be procured to do this work. Assuming timeframes hold, the investment case document would then be available 2nd half November.

Assuming a positive investment case emerges, this could be used to make application to MBIE for grant funding and support funding the investment (which could include private investment, subject to decisions on an ownership model and private investor appetite). Review and approval of the investment case is a further stage gate, currently programmed for 1st half December.

A more detailed timelines and short term operating budget will be available for the COC meeting on 27 July.

Ngā Tāpiritanga | Attachments

There are no attachments for this report.

Ngā waitohu | Signatories

Author(s)	Graham Shortland Project Manager - Te Aroha Spa Development	
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Approved by	Don McLeod Chief Executive Officer	
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8 Ngā Pūrongo Whakamārama | Information Reports

Mayoral Diary for June 2022

CM No.: 2602902

Rāpopotonga Matua | Executive Summary


The Mayoral Diary for the period 1 - 3 June 2022, is circulated separately to the agenda.

Tūtohunga | Recommendation

That:

1. The information be received.

Ngā Tāpiritanga | Attachments

A.  Mayoral Diary June 2022 (*Under Separate Cover*)

Ngā waitohu | Signatories

Author(s)	Debbie Burge Executive Assistant to the Mayor & CEO	
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Approved by	Ash Tanner Mayor	
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Exclusion of the Public: Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

That the public be excluded from the following part(s) of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

C1 Chief Executive Review Committee Update 2021/22

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	s7(2)(g) - The withholding of the information is necessary to maintain legal professional privilege. .	s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.